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CONGRESSIONAL RECORD:

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CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-EIGHTH CONGRESS, FIRST SESSION.

VOLUME XV.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1884.

AUTHENTICATED
U.S. GOVERNMENT
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VOLUME XV, PART II.

CONGRESSIONAL RECORD,

FORTY-EIGHTH CONGRESS, FIRST SESSION.

remonstrating against the passage of the bill (H. R. 3617) changing the time or limit of United States patents from seventeen to five years; which was referred to the Committee on Patents.

Mr. PLUMB. I have some petitions addressed to me, but their subject-matter is of such a character that I can not conceive that they were intended for my consideration alone, and I ask that I may be permitted to present them to the Senate. They are in regard to the subject of education in Alaska. I ask unanimous consent that I may be permitted to present them, and that they be referred to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to present certain papers on the subject of education in Alaska. Is there objection? The Chair hears none, and they will be received and referred to the Committee on Education and Labor.

Mr. PLUMB. I present a petition signed by a number of ex-officers of the Union Army, setting forth certain unfair differences which they claim now exist between the pay which they as pensioners of the United States receive and the pay received by officers of similar rank on the retired-list of the Army. I have been asked in the letter which accompanies the petition that I should read it to the Senate. I prefer, if there be no objection, that the Secretary should read the petition at the desk. It is from a class of people who are entitled to consideration, and the subject they mention is one of interest.

Mr. HARRIS. What is the subject of the petition?

Mr. PLUMB. The difference between the pensions of late officers of the Army and the pay of officers on the retired-list.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the petition which he has presented, the nature of which he has stated, be read. Is there objection? The Chair hears none, and it will be read.

The petition was read by the Chief Clerk, as follows:

To the Senate and House of Representatives:

The petition of the undersigned, late commissioned officers of volunteers, and now on the pension-rolls for wounds and disabilities received in the military service of the United States, respectfully represents that there are now pending in Congress two bills (S. 1306 and H. R. 3485) which propose to fix the rate of pension hereafter to be granted to all commissioned officers at one-half of the pay of the rank held by such officers at the time the disability was received on account of which he was pensioned. We ask your careful consideration and favorable action on said bills, and present what we believe are just and valid reasons why such legislation should be had.

The great and unfair difference now existing between the pay of officers of the Army on the retired-list and the pensions granted to commissioned officers of volunteers is shown by the following table:

Pay of commissioned officers on the retired-list of the Army.

	Per month.
A major-general	$468 75
A brigadier-general	343 75
A colonel	281 25
A lieutenant-colonel	250 00
A major	218 75
A captain	175 00
A first lieutenant	140 00
A second lieutenant	131 25

N. B.—In addition to the above pay, officers on the retired-list are allowed to purchase from the commissary and quartermaster's departments all supplies and fuel, &c., required for the use of themselves and their families at rates from 10 to 33 per cent. less than the same can be purchased in open market by private citizens.

Rate of pensions to commissioned officers of volunteers.

	Per month.
For a lieutenant-colonel and all of higher rank	$30 00
For a major	25 00
For a captain	20 00
For a first lieutenant	17 00
For a second lieutenant	15 00

N. B.—These rates are for total disability.

On January 1, 1883, there were 415 officers on the retired-list of the Army. Of this number 117 were graduates of the Military Academy; the other 298 came from the Army and from the volunteer service, and were in no respect, as your petitioners believe, more worthy of consideration than themselves. We had been wounded in the same battles, disabled in the same campaigns; only our comrades now on the retired-list had the good fortune, or the "influence," at the close of the civil war to be appointed in the regular Army and subsequently retired, while we, your petitioners, after frequent examinations by boards of surgeons and our disabilities graded, are now on the pension-rolls, receiving a rate of pension out of all proportion to the pay enjoyed by retired officers, and which as a means of livelihood is entirely inadequate.

The rate of pension granted to an enlisted man is, for total disability (not specific), $8 per month, being one-half of his full pay while in active service.

The rate of pay for officers on the retired-list is three-quarters of the full pay of their rank, and the disabilities of officers on the retired-list are not graded, as on the pension-rolls, but all receive alike the full three-quarters pay of their rank, without regard to the degree of disability.

Your petitioners are unable to see any reason for the continuance of this most unjust discrimination, and we pray that it may be corrected by the passage of the bills above referred to. And your petitioners will ever pray.

Mr. PLUMB. I desire to say in regard to the subject of the petition that while I think the comparison which the petitioners draw between the amounts which they receive and the amounts received by officers of similar rank on the retired-list is entitled to great consideration, at the same time they unfortunately make a comparison between themselves and those who receive pensions as private soldiers which I think is to their great disadvantage. If it were only a question between the officers of the regular Army on the retired-list and the officers of the late Union Army on the pension-list, I would very cheerfully vote to equalize it by putting up the pensions of officers on the pension-list; but it is far more than that. It is a question as to whether the two or three hundred thousand soldiers who are now on the pension-list are getting justice, and their complaint, in my judgment, against the officers by whom they were lately commanded on account of the disparity of their pension as against that received by the officers is fully as well founded as the complaint which these officers make against the officers on the retired-list. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MAHONE presented a petition of citizens of Spottsylvania County, Virginia, praying for the distribution of the CONGRESSIONAL RECORD; which was referred to the Committee on Printing.

He also presented a petition of citizens of Norfolk, Va., praying for relief in the matter of rebate in taxes as provided in the act of March 3, 1883, to reduce internal revenue, and for other purposes; which was referred to the Committee on Finance.

He also presented a petition of citizens of Salem, N. C., praying for the passage of a bill providing for the payment of the French spoliation claims; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. JONES, of Florida, from the Committee on Naval Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 660) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Commander James H. Sands, United States Navy; and

A bill (S. 662) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Commander Henry Glass, United States Navy.

He also, from the same committee, to whom was referred the bill (S. 661) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Lieut. Commander Charles D. Sigsbee, United States Navy, reported it with an amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 1063) to amend the Revised Statutes of the United States relating to the District of Columbia, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. MCPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. 1121) for the relief of Emily J. Fardy, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 674) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1473) to enlarge the United States custom-house at Richmond, Va., reported it without amendment, and submitted a report thereon.

Mr. MILLER, of California, from the Committee on Naval Affairs, to whom was referred the bill (S. 1039) for the relief of the survivors of the exploring steamer Jeannette and the widows and children of those who perished in the retreat from the wreck of that vessel in the Arctic seas, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 458) for the relief of William H. Crook, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 953) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 873) for the relief of William G. Ford, of Memphis, Tenn., reported it without amendment, and submitted a report thereon.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1429) to provide for the erection of a public building at Montpelier, Vt., reported it without amendment.

Mr. CAMERON, of Wisconsin. I am directed by the Committee on Claims, pursuant to the general order adopted by the Senate a few days ago, to report the claims referred by the Committee on Claims to the Court of Claims under the so-called Bowman act. It is not necessary to read the list, I suppose; it can be entered on the Journal.

Mr. COCKRELL. I think it had better be read, so as to go into the RECORD.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary will read the report.

The Chief Clerk read as follows:

The Committee on Claims, in compliance with the resolution of the Senate of February 7, 1884, report that during the present session of Congress they have referred to the Court of Claims (under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 2, 1883,) the following bills and petitions which had been referred to them by order of the Senate:

On January 9, 1884; S. 765, for the relief of G. E. W. Sharretts; S. 11, for the

relief of Rosa V. Jeffreys; memorial of Richard T. Bryan; S. 166, for the relief of Oliver H. Perry.

On January 16, 1884: S. 335, for the relief of John Williams; memorial of Levi S. Stevens.

On January 23, 1884: S. 35, to refer to the Court of Claims the claim of the owners of the schooner Twilight; S. 443, for the relief of John E. Payne.

On February 6, 1884: S. 1221, for the relief of Martha A. Russell; S. 866, for the relief of John F. Kranz.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (S. 244) for the relief of Daniel Connor, reported adversely thereon; and the bill was postponed indefinitely.

Mr. GEORGE, from the Committee on Claims, to whom was referred the bill (S. 567) for the relief of Alexander Swift & Co., partners, and Alexander Swift & Co. and the Niles Works, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 1037) for the relief of John P. Walworth, reported it without amendment, and submitted a report thereon.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. 835) to amend section 1000 of the Revised Statutes, in relation to giving security in cases on appeal or writ of error, reported it without amendment.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (S. 260) submitted an adverse report thereon; and the bill was postponed indefinitely.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 554) to promote the efficiency of the General Land Office, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 502) to increase the salary of the Commissioner of the General Land Office, and to create the offices of assistant commissioner of the General Land Office and inspectors of surveyors-general and district land offices, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 323) to authorize the Secretary of the Interior to make allowance for rent of United States land offices, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 867) for the relief of the officers and crew of the United States steamer Monitor who participated in the action with the rebel ironclad Merrimac on the 9th day of March, 1862, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1146) to provide for the erection of a public building in the city of Annapolis, Md., reported it without amendment.

Mr. RIDDLEBERGER, from the Committee on the District of Columbia, to whom the subject was referred, submitted a report, accompanied by a bill (S. 1477) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, D. C. The bill was read twice by its title, and, with the report, on motion of Mr. RIDDLEBERGER, recommitted to the Committee on the District of Columbia.

Mr. INGALLS, from the Committee on the Judiciary, to whom was referred the bill (S. 327) for the relief of A. S. Rosenbaum & Co., of New York city, reported adversely thereon; and the bill was indefinitely postponed.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the bill (S. 207) to amend section 1190 of the Revised Statutes of the United States relating to paymasters' clerks of the United States Army, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 642) for the relief of William P. Hogarty, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

SALARIES OF DISTRICT JUDGES.

Mr. HOAR. I am directed by the Committee on the Judiciary, to which was referred the bill (S. 1409) to fix the salary of the judge of the district court of the United States for the district of Nevada, to report it adversely.

The PRESIDING OFFICER. Does the Senator wish to have the bill indefinitely postponed?

Mr. HOAR. Yes, sir.

Mr. MILLER, of California. I ask that it be put on the Calendar.

Mr. HOAR. I think the Senator will not desire to have it put on the Calendar when he hears the reports I am authorized to make.

Mr. MILLER, of California. Very well.

Mr. HOAR. I have a number of bills for this purpose, all of which I propose to recommend the indefinite postponement of, and then to report a general bill which covers the most of the cases. I think it does not cover Nevada, but that may come in as an amendment to the bill if the Senator wishes.

The PRESIDING OFFICER. If there be no objection the bill will be indefinitely postponed. It is so ordered.

Mr. HOAR. I am directed by the Committee on the Judiciary, to which was referred the bill (S. 246) to fix the salary of the judge of the district court of the United States for the district of Oregon, to report it adversely.

The PRESIDING OFFICER. The bill will be postponed indefinitely, if there be no objection.

Mr. DOLPH. Mr. President——

Mr. HOAR. That case is included in the general bill.

Mr. DOLPH. I was going to ask that the bill be placed on the Calendar, but as the Senator who reported it now states that Oregon is provided for in a general bill I do not wish to make that motion.

The PRESIDENT *pro tempore*. If there be no objection the bill will be indefinitely postponed. It is so ordered.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 1253) to fix the salaries and prescribe certain duties of the district judges of the United States, reported it adversely, and moved its indefinite postponement; which was agreed to.

Mr. HOAR. I am directed by the Committee on the Judiciary, to which was referred the petition of E. W. Kimball, John McClure, A. M. Rose, and other gentlemen, composing the entire bar of Little Rock, in the State of Arkansas, asking for an increase of the salary of the judge of the United States court in the eastern district of Arkansas, and who had before them sundry other papers relating to the general subject, to report an original bill.

The bill (S. 1476) fixing the salaries of district judges of the United States was read twice by its title.

Mr. HOAR. I suggest that the bill, which is very brief, be printed in the RECORD for the information of the Senate.

The PRESIDING OFFICER. If there be no objection that order will be made.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the salaries of the following district judges, to wit, the judge of the northern and southern districts of Mississippi, the judges of the eastern district of Arkansas, the northern and southern districts of Illinois, the district of Kentucky, the eastern district of Louisiana, the district of Maryland, the district of Massachusetts, the eastern district of Michigan, the eastern and western districts of Missouri, the district of New Jersey, the northern, southern, and eastern districts of New York, the southern district of Ohio, the district of Oregon, the eastern and western districts of Pennsylvania, the western district of Tenpessee, and the western district of Texas, shall be, from and after the 1st day of July, 1884, at the rate of $5,000 per year.

SEC. 2. That the salaries of the following district judges, to wit, the judges of the district of Minnesota, the district of Kansas, and the western district of Arkansas, shall be, from and after the 1st day of July, 1884, at the rate of $4,000 per year.

Mr. HOAR. I desire to make a statement in regard to the bill at this time.

The Judiciary Committee at the last session of Congress directed to the several district judges throughout the United States certain very searching inquiries calculated to elicit the amount of business done by those judges, the number of days they were employed in doing it, and the amount of business done by them in other districts than their own. No district judge of the United States has a salary of over $4,000 with the exception of the district judge in the State of California, whose salary is $5,500. In several of the districts the judges are having an amount of work more than enough to demand the entire time throughout the whole year of the incumbent of the office, and, as the Senate is very well aware, the duties of these courts are of public importance. For instance, the judges of the district courts in Boston, New York, Philadelphia, and pehaps San Francisco, if there were a great naval war, would represent the jurisprudence of the United States in the exposition of the law of nations as applied to prize and other maritime questions, holding the same relation to our jurisprudence that Lord Stowell did to that of England, having to expound a system which is much broader in its extent than the common law, extending over the entire civilized world, and to expound the law to which nations in their sovereign capacity are compelled to bow in submission. That judges of that kind, having also important patent jurisdiction, bankruptcy jurisdiction, ordinary admiralty and maritime jurisdiction, should be compensated by these petty salaries (I had almost said less than the average fees charged by the counsel who practice before them in single cases; it would be an exaggeration, but not a very great exaggeration, to say that) seems to me utterly wrong.

This bill has been framed on the principle of raising the salaries of the judges whose whole time is employed, so that it is substantially a hard year's work for the judge, to $5,000 instead of $4,000. Then there are a few judges who now have but $3,500 a year who are employed nearly the whole year (I think there are three or four of them), and their salary is fixed at $4,000. Others, in Florida or Delaware, who are occupied only five or six weeks in the course of the year, are left untouched, with however the judgment that if any one of the pending measures for the relief of the Supreme Court of the United States is adopted there is every probability that whatever measure will be adopted will impose new and large duties upon all the district judges, that they will be obliged to go out of their own district, and the salaries of those judges can then be revised.

I will say to the honorable Senator from Oregon that the salary of the district judge of Oregon is proposed to be raised by the bill to the highest standard, $5,000. In the case of Nevada there was no information before

the committee. I can not at this moment say whether the judge answered the inquiries, or whether, if he did, his answer indicated that he was employed a small portion of the year. The committee recommend the increase of the salary of the judge in Oregon on the principle I have stated, and it is quite likely that there may be one or two judges, including perhaps Nevada, concerning whom some members of the Senate will be able to satisfy the committee that they will come within this principle. If so we shall cheerfully consent to such an amendment.

Mr. HAWLEY. Will the Senator permit me to make an inquiry?

Mr. HOAR. Certainly.

Mr. HAWLEY. I wish the Senator would add to his statement some information concerning the provisions of existing law for the expenses of these judges. Some of them travel long distances, and my impression is that their salary is materially reduced by such expenses.

Mr. HOAR. There is a provision of existing law that the expenses of district judges when called into other districts shall be paid by the United States, and some of the judges get a substantial addition to their salaries in that way; for instance, the judge in Vermont, I believe, is summoned to New York.

Mr. HAWLEY. My impression is that while they are called into adjoining districts for duty sometimes, the compensation allowed does not more than merely cover the additional expense, and in that case the labor is greatest.

Mr. HOAR. I presume not; but it covers the hotel bills, and to that extent includes the support of the judge during the time; but there is no provision of existing law for the traveling expenses of judges within their districts where they have to travel over large distances.

Mr. HARRISON. If the Senator from Massachusetts will allow me, I should like to inquire what the result of the bill is in reference to the district judge in Indiana.

Mr. HOAR. The district judge in Indiana would be included in an amendment if not named in the bill.

Mr. HARRISON. At what rate is he provided for?

Mr. HOAR. At $5,000, the highest rate, I think.

Mr. HARRISON. In our State the district judge has to hold court at four places in the State twice annually, and he is put to a very large outlay in the way of traveling expenses, and there is no present provision of law by which he can be reimbursed.

The PRESIDING OFFICER. The bill, having been read the second time, will be placed on the Calendar.

DISTRICT HEALTH OFFICE REPORT.

Mr. GORMAN. By direction of the Committee on Printing, to whom was referred the joint resolution (H. Res. 24) authorizing the printing of 2,500 copies of the report of the health officer of the District of Columbia, I report it without amendment. I ask for the present consideration of the joint resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides for printing 2,500 extra copies of the annual report of the health officer of the District of Columbia; 100 for the use of the Senate, 350 for the use of the House of Representatives, and 2,050 for the use of the health officer.

Mr. COCKRELL. I should like to know why it is that the Senate is to receive so few copies. It will only give one copy apiece.

Mr. GORMAN. This is the usual number provided for the report of the health officer of the District of Columbia, for which there is a great demand on that officer throughout the country.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATISTICAL ABSTRACT.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred a resolution for printing additional copies of Executive Document No. 32, to report it back without amendment and recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That 5,000 copies of the Statistical Abstract of the United States, being Executive Document No. 32, first session Forty-eighth Congress, of the House of Representatives, be printed for the use of the Senate.

REPORT OF LIBRARIAN OF CONGRESS.

Mr. ANTHONY. The Committee on Printing, to which was referred a resolution to print additional copies of the report of the Librarian of Congress, instruct me to report it without amendment and recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Ordered, That the annual report of the Librarian of Congress for the calendar year 1883 be printed, and that 500 additional copies be printed, with covers, for distribution by the Librarian.

BILLS INTRODUCED.

Mr. HARRISON. I introduce a bill on the subject of the jurisdiction of the Mississippi River Commission over the margins of the river, and containing provisions enabling them to subject to Government use private lands and materials. This bill was introduced at the last Congress and referred to the Committee on the Judiciary, but no action was taken upon it. I am informed that in not a few instances on the river the commission have met with obstructions in the shape of some obstinate land-owners who refused to concede what was necessary for the progress of the work. I therefore introduce this bill again, and ask the attention of the Committee on the Judiciary to it.

The bill (S. 1478) defining the powers and jurisdiction of the Mississippi River Commission, authorizing the appropriation of land and material for the improvement of the Mississippi River and its navigable tributaries, prescribing the manner of assessing damages for property so appropriated, and providing penalties for acts in hinderance or injury of such improvements, was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HOAR introduced a bill (S. 1479) to authorize a preliminary examination and survey of the passes between the affluents of the Upper Missouri and Columbia Rivers for the purpose of ascertaining the distances between the navigable waters of said rivers and the practicability of uniting said rivers by canal or otherwise; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1480) for the relief of Charles Watson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MAXEY introduced a bill (S. 1481) for the relief of O. L. Cochran, late postmaster at Houston, Tex.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. JACKSON introduced a bill (S. 1482) for the relief of William H. Randle, of Nashville, Tenn.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 1483) for the relief of R. R. Robinson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BLAIR introduced a bill (S. 1484) to provide for the study of physiology and the effect of intoxicating, narcotic, and poisonous substances upon life, health, and welfare by the pupils in the public schools of the Territories and the District of Columbia; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. GORMAN introduced a bill (S. 1485) to amend the laws relating to land titles in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 1486) for the relief John R. Bond; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. CALL introduced a bill (S. 1487) for the relief of the heirs and distributees of the estate of Silvia Wilford, of Duval County, Florida; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. BUTLER introduced a bill (S. 1488) authorizing the Secretary of War to supply the South Carolina military academy with camp equipage; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. VOORHEES introduced a bill (S. 1489) making appropriations for the repair, preservation, and completion of certain public works on reservoirs, mains, and laterals for irrigation, and other purposes, in the arid-land region of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BAYARD introduced a bill (S. 1490) to complete a statue of the late Rear-Admiral Samuel Francis Du Pont, United States Navy; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McMILLAN introduced a bill (S. 1491) to authorize foot and carriage or railroad bridges across the Mississippi River at Saint Paul, in the State of Minnesota; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McMILLAN. I beg leave to state in this connection that this bill is transmitted to me by the mayor of the city of Saint Paul, and has the approbation of the councils of that city.

Mr. INGALLS introduced a bill (S. 1492) to provide relief for policemen and firemen who may be disabled in service in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLUMB (by request) introduced a bill (S. 1493) to secure additional land to the Pottawatomie Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MAHONE introduced a bill (S. 1494) for the relief of Frederick Foote, of Fairfax County, Virginia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MILLER, of California, asked and, by unanimous consent, obtained leave to introduce a bill (S. 1495) to provide for the proper rewarding of Chief Engineer George W. Melville, United States Navy, for meritorious services, &c.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MORRILL introduced a joint resolution (S. R. 60) donating condemned cannon to the town of Cavendish, Vt.; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO A BILL.

Mr. MILLER, of California, submitted an amendment intended to be proposed by him to the bill (S. 697) to promote the efficiency of the Navy; which was referred to the Committee on Naval Affairs, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MAHONE, it was

Ordered, That the papers in the claim of the Albemarle and Chesapeake Canal Company be taken from the files and, with Senate bill No. 1478, Forty-seventh Congress, first session, referred to the Committee on Naval Affairs.

Mr. MAHONE. I submit the following order:

Ordered, That the papers in the claim of Frederick Foote on file in the Senate or in the Committee on Claims be referred to the Court of Claims for report to the Committee on Claims, as provided in the act of March 3, 1883.

Mr. COCKRELL. Ought not that to go to the Court of Claims? I move that the order be referred to the Committee on Claims.

Mr. MAHONE. I have no objection.

The PRESIDING OFFICER. It is moved by the Senator from Missouri that the order just presented be referred to the Committee on Claims.

The motion was agreed to.

On motion of Mr. CAMDEN, it was

Ordered, That the papers in the case of the trustees of the Protestant Episcopal Seminary and High School in Virginia be taken from the files and referred to the Committee on Claims, to accompany Senate bill No. 706.

Ordered, That the papers in the case of the legal representatives of Daniel Bedinger, deceased, be taken from the files and referred to the Committee on Revolutionary Claims, to accompany Senate bill No. 497.

On motion of Mr. PALMER, it was

Ordered, That the papers relating to the case of Richard Hawley & Sons be taken from the files and referred to the Committee on Claims.

GOVERNMENT TEA-FARM.

Mr. BUTLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Agriculture and Forestry be, and they are hereby, instructed to inquire into and report to the Senate, by bill or otherwise, the condition of the Government tea-farm near Summerville, S. C.; to inquire if said tea-farm has been abandoned by the Department of Agriculture; and, if so, why and by what authority, and whether the experiment of tea culture has been fairly and fully made.

Mr. BUTLER. In this connection I present a letter from John C. Minott and Henry A. Middleton, with accompanying papers, which I ask shall be referred to the Committee on Agriculture and Forestry, to accompany the resolution.

The PRESIDING OFFICER. The letter will be referred to the committee with the resolution.

EXTRADITION OF TRIMBLE.

Mr. MILLER, of California. I desire to offer a resolution.

The PRESIDING OFFICER. The Chair will call attention to the fact that the Chair omitted to notice that the morning hour expired some fifteen minutes since. Is it the pleasure of the Senate to continue the morning business? The Chair hearing no objection, the morning business will proceed.

Mr. MILLER, of California, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested, if not incompatible with the public interest, to inform the Senate what action, if any, has been taken by the executive department of the Government in relation to the demand of Mexico for the extradition for crimes committed in that country of one Trimble, said to be a citizen of the United States.

FRENCH SPOLIATION CLAIMS.

Mr. FRYE. I offer the following:

Ordered, That the Secretary of State be directed to communicate to the Senate in brief any information in his possession touching the French spoliation claims; the names of claimants of vessels destroyed; whether or not there is evidence touching said claims filed in his Department, and in what cases there is evidence so filed, together with such other matter relating to this subject as he may think proper.

The Secretary of State, I am informed, is overwhelmed by letters of inquiry addressed to him by members of Congress touching this matter, and a great many members of Congress are overwhelmed by letters from their constituents. I understand that the information which I desire is ready to be communicated to the Senate.

The order was considered by unanimous consent, and agreed to.

BALTIMORE AND OHIO TELEGRAPH COMPANY.

Mr. VAN WYCK submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Committee on Post-Offices and Post-Roads be directed to ascertain whether any of the owners or officers of the Baltimore and Ohio Telegraph Company made or received proposals or entered into an agreement to consolidate with the Western Union Telegraph Company within the past twelve months, with power to send for persons and papers.

SUFFERERS BY THE OHIO FRESHET.

Mr. SHERMAN. Mr. President, I ask the consent of the Senate to have read a telegram which I desire to have referred to the Committee on Appropriations—a telegram in the nature of a petition.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent to have a telegram read. Is there objection? The Chair hears none.

The Chief Clerk read as follows:

CINCINNATI, OHIO, *February* 11, 1884.

Hon. JOHN SHERMAN:

Congress should authorize President to spend half million dollars to relieve sufferers in towns between Pittsburgh and Cairo, and action should be prompt. Cincinnati needs nothing, but other places are almost helpless. At 9 this morning Ohio at Gallipolis 8 feet higher than last year, and rising half inch an hour. At Cincinnati it is within 2 inches of highest water last year, and rose three-quarters of an inch last hour. It is raining throughout the valley and everything looks badly for people of towns who are already flooded.

RICHARD SMITH.

Mr. SHERMAN. I ask that the telegram be referred to the Committee on Appropriations, not with a view to immediate action because I think it will be more proper to await the action of the House of Representatives in respect of the calamnity that has befallen the Ohio Valley, but that the Committee on Appropriations may have the matter under consideration and be prepared to act promptly whenever the House shall send them a resolution. I move that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. VOORHEES. I was going to present some dispatches myself, corroborating that which has been sent to the Senator from Ohio. I do not know, however, that it is necessary to do so. The dispatch sent up by the Senator from Ohio does not exaggerate the condition of the river towns from Cincinnati to Cairo. I have several dispatches and so has my colleague, but we shall not trouble the Senate with them, as action is sought to be taken on this one and we shall seek to be heard elsewhere in regard to such wants as our people may have.

Mr. CAMDEN. I desire to say that I have also dispatches from the governor of West Virginia and the mayors of several towns on the river which I may desire to present at the proper time. They are now before the Committee of Appropriations of the House, where we expect action to be had to-day.

REMOVALS OF CONGRESSIONAL EMPLOYÉS.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution submitted by the Senator from Virginia [Mr. RIDDLEBERGER] on the 8th instant and laid over.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee of three on the part of the Senate and five on the part of the House of Representatives be appointed to inquire into and report the cause of all removals of subordinate officers made by the Secretary and Sergeant-at-Arms of the Senate, the Clerk, Sergeant-at-Arms, Doorkeeper, and Postmaster of the House of Representatives.

The committee is directed to reduce to writing the evidence which it takes in regard to all removals, and lay the evidence, together with its report, before the Congress.

The committee is further directed to report how many disabled and other soldiers were removed, what States and Congressional districts they were from, how many disabled and other soldiers have been appointed, and the States and Congressional districts from which they come.

The committee is further instructed to report whether in their opinion the act known as the civil-service act applies to appointments made by elective officers of the Senate and House of Representatives, and, if so, to report what legislation, if any, is necessary to the full and proper execution of that law.

Mr. BECK. I objected to that resolution the other day simply for the reason that I do not think the Senate has anything to do with action of the House of Representatives in any form. I do not object to inquiry into our own management, but I shall vote against any suggestion to the House of what action they should take in their own affairs. Whether they do right or wrong I care not, so far as this point is concerned.

Mr. VEST. Mr. President, I had not the pleasure the other day of listening to the remarks of the Senator from Virginia [Mr. RIDDLEBERGER], but I see by reading them in the RECORD that he challenges certain assertions in regard to the use of Federal patronage in the elections recently held in the State of Virginia. Now, sir, without entering into a discussion in regard to the propriety of the Senate investigating the disposition of the patronage of the House of Representatives, as the Senator has stated that the State of Virginia has not received its proportion of Federal patronage—that I believe was the language or substance of the remarks of that Senator—I propose to offer an amendment to his resolution.

The PRESIDING OFFICER. The Senator from Missouri submits an amendment, which will be read.

The CHIEF CLERK. It is proposed to add to the resolution:

And that said committee also be instructed to inquire and report what directions or instructions have been issued or given by the President or heads of Departments within the past three years in regard to appointments or removals of persons from the State of Virginia to or from places in the Federal service, and what appointments and removals have been so made and upon whose application or recommendation, together with the political opinions of the persons so appointed or removed.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. VEST].

Mr. RIDDLEBERGER. Mr. President, I do not know that I have any objection to the amendment if the Senator from Missouri wants to investigate matters of that sort in Virginia. I can give him no assurance in addition to the one he has read in the RECORD, that I do not

know a single appointment that has been made on the western side of the State of Virginia by the Executive of this Government even with my knowledge before it was made, much less upon my application, before or during any political campaign. If the Senator had read the remarks I made understandingly, he would have seen that he makes a very grave mistake. I said that Virginia did not have her proportion under the civil-service rules of the offices in the Departments at Washington, and I repeat it, and I challenge investigation of that. I know very well that that State is charged with a full proportion, but as I said on Friday I say again to-day, that I can show that more than half of the Department officials charged to the State of Virginia come from other States and are recommended, as the books show, by Senators and Representatives from other States.

Now, sir, the civil-service rules do say in terms, and the civil-service law enacts in plain and unmistakable language, that the appointments to positions in the Departments shall be apportioned among the several States according to population. I did not come here to struggle for this patronage, but I mean at all times to answer back the allegation that Virginia has misused patronage and has got more than her proportion of the patronage of this Government. I offered the resolution, not because I wanted an investigation specially, though I have had sufficient provocation for two or three weeks to have done what the Senator from Kentucky did when he offered his resolution concerning the removal of Mr. Dudley. At one end of this Capitol there was a little crippled boy who had been trained and educated in one particular line of business there, who is so crippled as that he can not make a living at any other employment except that which can be given in such a department as he was laboring in. He comes from near my home. He was put upon the rolls by special resolution of the House, and he has been there for years; the resolution providing for him by name and fixing his *per diem* and saying that it should be paid out of the contingent fund of the House. And yet, sir, he was turned out, and an old gentleman who is unable absolutely to step up a ladder to reach the papers for members of Congress is put in his stead. I did not propose to investigate that; but the Senator from Kentucky did propose to investigate the removal of a colored man here. I thought if we were going into investigations of this sort, we might go into them on both sides of the Capitol.

I have the evidence that the civil-service act has been violated if it applies to the appointments under the elective officers of Congress, for I can show removals by the score; I believe I stated in the remarks I made on Friday that ten wounded soldiers had been discharged from one end of this Capitol. I can show, moreover, by this investigation, if it shall go on, that the emphatic reason given to men when their discharges were handed to them was that they had voted contrary to the views of the man who turned them out of office. If the civil-service act applies to appointments under the Postmaster, Doorkeeper, Sergeant-at-Arms, and Clerk of the House, then the civil-service act has been violated, and I hold that the authority which makes laws should be the last to violate them.

I claim that my resolution was a fit and proper one. I can not understand why gentlemen who claim to be sincerely in favor of civil-service reform should hesitate to vote for that resolution. It provides and suggests as the first consideration for the committee to consider whether these rules do apply, whether this act does apply to the two Houses of Congress in their appointments to office. If it does, then Congress ought not to set the example of violating its own statute about which so much has been recently said. It is a fit and proper resolution.

Now, I should like to ask the Senator from Missouri if any service can be done anybody, if any good can come out of an investigation of the matter he proposes in Virginia? I ask whether he has offered that amendment in that temper which ought to characterize a Senator here? I ask him whether when he offered it he felt that he was going to accomplish any great good for the people of Missouri? What good does he expect to accomplish by it for anybody, or does he want to cast by innuendo some reflection upon those who have been charged with misusing official patronage in Virginia? Sir, it would better become him to get up here and state the facts which he seems to think have occurred in that State and meet the issue on this floor, and I will promise him a Roland for his Oliver every time. I do deny that there has been a misuse or any abuse of the Federal patronage in Virginia, and I do deny that the State of Virginia has even received her proportion of the patronage that is due her under this Government in the various Departments in this city.

Federal patronage! We have one hundred and sixty-seven internal-revenue officers in that State, and pay nearly as much internal revenue as the largest States in the Union, as much as any of those which supply the alcoholic drinks of this country. They have in the State of Kentucky six hundred and sixty-seven internal-revenue officers, where they collect very little more revenue than the one hundred and sixty-seven collect in the tobacco-growing regions of Virginia. Federal patronage! Why, sir, we only want what belongs to us. We want nothing more, nothing less. I think the resolution offered by me will commend itself to every Senator who is sincerely in favor of civil-service reform. If the Senator wants to investigate the bestowal of Federal patronage in the State of Virginia, I have no objection to it; I will agree to gratify the Senator from Missouri to that extent, for I suppose from what appears to be the extreme irrelevancy of his amendment that he does want some gratification that can only be gotten in that way.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri.

Mr. VEST. Without attempting to go into any further discussion of the matters stated in the resolution and that stated in the amendment, I suggest to the Senator from Virginia that I do not need any advice he may tender or volunteer to me. I shall endeavor to discharge my duties on this floor in my own fashion and according to my own judgment. I beg to remind the Senator from Virginia that he himself has brought the matter in regard to patronage in his State before the Senate. It originated with him. I find in the RECORD that he used these words:

> I am prepared to answer back all this *ad captandum* stuff that I have heard throughout the country about the patronage of the Federal Government being given out to certain gentlemen in the State of Virginia.

When a gentleman from that State, making that statement, offers a resolution for investigation as relevant to the resolution of the Senator from Kentucky, and when he further states that his resolution is a substitute for that offered by the Senator from Kentucky, I offer my amendment, and I will explain the relevancy of the amendment I have had the honor to offer when he shows that his proposition is relevant to the resolution of the Senator from Kentucky.

In what the Senator from Virginia has said about civil service I cordially and honestly concur. The workings of the system enacted by the civil-service law have corroborated all that I have expected and all that I said on this floor in regard to it at the time the law was passed. The principle of civil-service reform is right; the principle as inaugurated and incorporated in that measure is correct; but I said then what proves to be true, by practical experience, that in the hands of the Republican party that law is a fraud, a delusion, and a snare.

The Democratic Sergeant-at-Arms of the Senate retained on the rolls of the Senate when he had absolute control of the offices here nearly one-half of the employés put in by the Republican party. What do we see to-day? We see the guillotine working morning, noon, and night. Even the poor Africans, the especial pets and protégés and wards of the Republican party, who are assumed to be Republicans on account of their color, who have been told by the great Republican leaders of the direful consequences which would ensue to them if they dared vote the Democratic ticket—even they are removed, as the Senator from Kentucky said, their superior officers remonstrating against it. Why was the colored man referred to by the Senator from Kentucky put out? The Senator from Virginia indignantly supplements his statement by the assertion that in Virginia the Federal patronage has not been misused. We know the allegation on that subject. Whether it is true or not, personally I know nothing about; I simply want to know, like the Senator from Virginia, whether civil-service reform is a fraud and a humbug or not. If patronage has been used in any State of this Union for political purposes, it is a monstrous outrage, not only upon civil-service reform, but upon our form of government itself. If what the Senator from Virginia says be correct—and I have no personal knowledge one way or the other—my amendment can do no harm except to bring a glorious vindication to him and the party to which he belongs. I want to know what the facts are; bring them before the public and let the public judge. For myself and the party with which I act, I have no disposition to avoid any investigation or to shrink from any responsibility. I voted the other day against the resolution in regard to the riot at Danville because I honestly thought no investigation would give to us any facts except such as were then before the Senate. I believe so yet. I think I can state now what the report of that committee will be. But if the Senator wants a fair and full investigation into this matter, let it be had.

Mr. INGALLS. Mr. President, this is rather an unprofitable discussion about a subject concerning which we are not in possession of sufficient information to vote intelligently. I therefore move to refer the resolution of the Senator from Virginia, with the amendment submitted by the Senator from Missouri, to the Committee to Examine the Several Branches of the Civil Service.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas to refer as stated by him.

Mr. CONGER. Mr. President, I should like to correct what I consider to be a misunderstanding or misconception of the Senator from Missouri in regard to the removals for political causes of employés of the Senate in 1879, when the Democratic party came into power in the Senate and did make changes. I understood the Senator to state that there were but three or four Republicans removed at that time.

Mr. VEST. I did not make any such statement.

Mr. CONGER. Perhaps the Senator will repeat the statement he did make.

Mr. VEST. I never heard that statement till now. I never made any such statement as that there were but three or four Republicans removed. I did not undertake to state the number. I said a large amount, I think nearly one-half the patronage of the Senate, remained in the possession of Republicans.

Mr. CONGER. That will answer the purpose of my comments just as well as if the Senator had said three or four. It is perhaps a little better to have it fixed at one-half.

In this connection I desire to recall to the recollection of gentlemen before this resolution goes to the committee the action of the Senate when the majority became Democratic in 1879 and the resolution adopted by the Senate changing the rules of the Senate from having the appointments concurred in by the President of the Senate of one political party and having them made by the Secretary and Sergeant-at-Arms just elected of another political faith. That resolution should be brought up once in a while that we may see how the advocates on the Democratic side of this Chamber for enforcing the spirit and the letter of the civil-service rules understood then the principle of it. Their action then should receive their attention now and should be known by the country.

The resolution offered by Mr. Wallace, of Pennsylvania, April 17, 1879, changing the rules of the Senate, reads as follows:

Resolved, That the several officers and others in the departments of the Secretary of the Senate and of the Sergeant-at-Arms shall be appointed and removed from office by those officers respectively.

Taking away the approval of the presiding officer of the Senate who at that time was a Republican, and giving the sole power to these officers of the Senate who were at that time Democrats. The Senator from Vermont [Mr. EDMUNDS] offered an amendment to strike out all after the word "resolved" and insert:

That in the opinion of the Senate, the correct and safe transaction of the business of the Senate is materially dependent on retaining in its service a corps of experienced, well-trained, and diligent officers, and this can only be done by security in their respective positions so long as they continue faithful in the discharge of their duties.

This amendment was modified, on motion of the Senator from Ohio [Mr. PENDLETON], by adding:

And acceptable to a majority of the Senators.

I find by following through the RECORD for the result of that vote that all the Democrats, including the Senator from Kentucky, whose name I remember, though I have not the list before me, voted against the Edmunds amendment and voted for the Wallace resolution.

In pursuance of that resolution—I have not the list of changes in the Sergeant-at-Arms' department, but I will obtain it for another occasion—the Secretary of the Senate removed twenty Republican clerks and left four Republican clerks, instead of one-half. The spirit which prompted those removals by the Secretary of the Senate is best explained in a letter signed by him bearing date May 13, 1879. The part of it referring to this matter I feel that it would be gratifying to my Democratic friends and certainly refreshing to me to put upon the record. The Secretary of the Senate says, addressing a person who was discharged from duty:

You were a short time ago verbally notified that your services in this office would soon be dispensed with. This is to notify you that from and after the 15th instant your connection with the Senate will terminate. You will then please turn over to your successor the books, papers, &c., which pertain to your desk. As I am responsible to the Senate for the faithful and efficient discharge of the duties of my subordinates, I feel that I should select them.

I may add that I believe the subordinate officers of the Senate, like the elective, should, except in exceptional cases, be in political accord with the majority of the body.

Respectfully,

JOHN C. BURCH,
Secretary United States Senate.

A similar letter was addressed to twenty old, faithful, tried employés of the Senate in pursuance of the spirit of the Wallace resolution, introduced by a Democrat, supported and carried through the Senate by the unanimous vote of the Democrats, including, as I believe and understand, the leading civil-service reformers on that side of the Chamber; and the political definition of the duty of an official elected by the Democracy to be Secretary of the Senate I suppose may be assumed to be the Simon-pure Democratic idea of civil-service reform, which is:

I believe the subordinate officers of the Senate, like the elective, should, except in exceptional cases, be in political accord with the majority of the body.

I wish to have the pleasure at some future time, if this resolution should be reported back, as I hope it may be and be open to some remarks, of recalling to the memory of Senators their votes upon the Wallace resolution, and perhaps some striking remarks made at that time defining their views as to the true spirit and intent of civil-service reform at that time as compared with the very earnest advocacy and support of civil-service reform now.

I can not avoid taking this occasion to say that so far as I have known either in the Senate or in the House, I have never heard advocated or proposed by any Democrat in either body a proposition which should control in any manner the appointments made either by the President or by the officers of these Houses which would not have the direct tendency to turn out Republicans and put in Democrats, or at least in the new appointments that were to be made to make it so that Democrats should have an opportunity of coming in by law under these appointments. I find it so all through, and they resist all amendments looking to enforcing a rule which should work against the Democracy instead of against the Republicans as a party. Knowing this, I have a right to have some little question about the general sincerity—I do not mean personally, for I am not going to put myself in any personal hostility or question with any other Senator—I have some reason to question the general desire, the virtuous indignation to favor civil-service reform where it would hurt one's own party and to be zealous for it where it would injure the opponents. For that reason I have some question about some of the remarks that I hear here on these subjects.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the first bill or resolution upon the Calendar of General Orders.

Mr. CONGER. When this subject comes up again in the morning hour I desire to retain the floor.

Mr. EDMUNDS. I hope the Senator from Michigan will be, as is usual, allowed to finish his remarks.

The PRESIDING OFFICER. Is there objection to the Senator from Michigan proceeding? The Chair hears none.

Mr. CONGER. I would sooner take up this subject to-morrow after some chance for reflection in a quiet way.

Mr. EDMUNDS. All right.

The PRESIDING OFFICER. The first bill or resolution on the Calendar of General Orders will be read.

CHARTS OF HYDROGRAPHIC OFFICE.

Mr. ANTHONY. I move that the Senate proceed to the consideration of the bill reported by the Committee on Printing in regard to the charts of the Hydrographic Office.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1293) providing for distribution to members of Congress of ten charts and other publications of the Hydrographic Office for each session of Congress.

Mr. INGALLS. I should be very glad if this bill could be so amended as to authorize the distribution of these charts to those who want them. I am very sure that to nine-tenths at least of the members of the House and Senate this addition to the amount of trash, the avalanche of printed matter that comes to us, will be a great burden. The majority of those Senators and Representatives who live in the interior States never would have a demand for one of these charts from one year's end to the other. If some arrangement can be made by which they can be sent to mariners, to navigators, and to those who are interested in commerce, I wish the committee would have an amendment made to that end; I would cordially vote for it; but I say frankly that so far as I am concerned I do not want to be burdened with them, and I am very sure I speak the sentiments of a majority of those who live away from the coast.

Mr. HOAR. I was about to suggest to the chairman of the Committee on Printing a change in the phraseology of this bill. It is a very trifling matter, but I suppose it is a phraseology which will be pursued in other matters as it is in this. The provision is that each Senator and Representative shall be entitled to so many, as if it were a matter of property in the Senator. It seems to me that the law should provide that these charts may be distributed on the direction of each Senator and Representative.

Mr. ANTHONY. I have no objection to that amendment. The amendment the Senator from Kansas proposes is not necessary. The Senators, Representatives, and Delegates are not to have ten copies of each chart sent to them, but they are to be entitled to call for ten copies of the charts at large for each session. That is the rule in the Coast Survey.

Mr. INGALLS. Under the provisions of this bill, if it pass, we shall be notified that ten copies of these charts and publications are at our disposal and asked what disposition we wish to have made of them, as we are of a vast number of the publications of other Departments of the Government that are of no use except to those who reside in certain localities. I have already received during the last two or three weeks a number of charts advising me of the position of wrecks in the North Atlantic Ocean, a large map of that watery territory, with buoys and figures and designations showing the condition of wrecks since the last map was issued. Of course it is gratifying to me to be advised on those points; but as only very few of my immediate constituents are concerned in navigation, I am at a loss to know what to do with the publications, and I should be glad to be relieved from the receipt of further publications of that office. I would turn them over with great pleasure to any Senator who desires to receive them.

Mr. ANTHONY. These charts are of no use to the Senator from Kansas, but they are of enormous use to navigators.

Mr. INGALLS. Why should they not have them? Why should they be turned over to Senators?

Mr. ANTHONY. They are not, unless you send for them.

Mr. INGALLS. I have not sent for them; they have been sent to my room.

Mr. ANTHONY. I suppose the Department desired the Senator to know what they were doing; it was a sort of report of their proceedings to show how they were spending the money appropriated.

Mr. INGALLS. One copy is a burden, and ten would be a calamity.

Mr. ANTHONY. A single one may have been sent, but no number will be sent unless they are applied for. The Hydrographic Office is doing an immense work for the safety of navigation, for the security of property, and for the salvation of human life.

Mr. INGALLS. I am not indifferent to that, but I think these publications ought to go where they are needed.

Mr. ANTHONY. This is to send them where they are needed. If the Senator from Kansas does not want his, I shall want them, and will be glad to get them.

Mr. INGALLS. I am not anxious to make a donation to anybody. I shall be glad to have the law so changed that persons who want these publications can receive them, but not to say that each Senator and Representative shall be entitled to them.

Mr. CONGER. To obviate the objection to this measure which I have introduced I will move, with the permission of the chairman of the Committee on Printing, to amend it by saying, "entitled upon application."

Mr. HOAR. I would suggest an amendment which I was about to submit to the consideration of the Senate. The fourth line reads, "shall each be entitled to ten charts." I move to insert, after the word "to," the words "direct the distribution of;" so as to read, "shall each be entitled to direct the distribution of ten charts or other publications of the Hydrographic Office."

Mr. ANTHONY. I have no objection to that amendment.

Mr. CONGER. I will make no objection; but I think when application is made by literary societies and by persons interested in navigation, as in the case I cited, that led to the introduction of this bill, it might be well to allow them to have charts at the request of members of Congress. They would not be troubled very much of course.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR], which will be reported.

Mr. CONGER. I prefer my own proposition.

Mr. HOAR. Before the amendment is reported, allow me to say to the Senate that under the rule which now exists in regard to the census reports and the records of the war of the rebellion and the universal practice, if you send to the Hydrographic Office for these publications the office will send them with a letter stating that they are sent at your request. That is much more convenient it seems to me than it is to send to the office and have the things sent to the Senators and then compel them to send them off.

Mr. CONGER. That may be a better way.

The PRESIDING OFFICER. The Chair did not understand the Senator from Michigan as proposing an amendment.

Mr. CONGER. I did, and I will still ask the Senate to adopt it. I move to insert the words "on application" after the word "entitled," so as to read "shall each be entitled on application to ten charts." Then the amendment of the Senator from Massachusetts can be offered. I think it makes the bill better.

The PRESIDING OFFICER. The Senator from Michigan was entitled to the floor, and if he offered an amendment which the Chair did not understand, the Chair will treat the amendment as in order prior to the amendment of the Senator from Massachusetts.

Mr. CONGER. I am satisfied with either.

Mr. ANTHONY. Take them both.

The PRESIDING OFFICER. The amendment of the Senator from Michigan will be reported.

Mr. HOAR. I understood the Senator would withdraw his amendment, and I think if he will hear mine he will find that it includes and covers his.

The PRESIDING OFFICER. The Chief Clerk will report both amendments for the information of the Senate.

Mr. CONGER. Let the bill be read as it would stand if amended by both.

The CHIEF CLERK. In line 4, after the word "entitled," it is moved to insert "upon application;" so as to read:

That Senators, Representatives, and Delegates to the House of Representatives shall each be entitled upon application to ten charts or other publications of the Hydrographic Office for each regular session of Congress.

The other amendment is after the word "to," in line 4, to insert "direct the distribution of," and after the word "office," in line 5, to insert "by the office;" so as to read:

That Senators, Representatives, and Delegates to the House of Representatives shall each be entitled to direct the distribution of ten charts or other publications of the Hydrographic Office, by the office, for each regular session of Congress.

Mr. CONGER. I think it would be better to leave out the words "application of."

The PRESIDING OFFICER. Does the Senator from Michigan withdraw his amendment?

Mr. CONGER. I withdraw my amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. HOAR, the title was amended so as to read:

A bill providing for distribution by members of Congress of ten charts and other publications of the Hydrographic Office, for each session of Congress.

SPECIAL ASSISTANT ATTORNEYS.

The PRESIDING OFFICER. The Secretary will report the first bill or resolution in order on the Calendar of General Orders, being the resolution submitted by the Senator from Nebraska [Mr. VAN WYCK] January 8, 1884, directing the Committee on the Judiciary to examine and report what legislation, if any, is necessary to restrict the appointment of special assistant attorneys, &c.

Mr. CAMERON, of Wisconsin. Do we not proceed now under Rule VIII, it being after 2 o'clock, and not under Rule IX?

The PRESIDING OFFICER. Rule IX applies after 2 o'clock.

Mr. SHERMAN. I suggest to the Senator from Delaware [Mr. BAYARD] that the bill (S. 1115) to provide for the issue of circulating notes to national banking associations might properly be brought up now as well as at any time. The Senate seems to be without any special business this afternoon, and I suggest to the Senator to call up the bill reported by him in regard to the circulating notes of national banks.

Mr. BAYARD. That was made the special order for Wednesday next.

Mr. CAMERON, of Wisconsin. I object to that coming up now. I think we ought to keep to the Calendar. We have hardly touched the Calendar for a week.

Mr. SHERMAN. I have no objection to going on with the Calendar, but there seemed to be a lull here.

Mr. CAMERON, of Wisconsin. There is no lull. The first order on the Calendar was called.

The PRESIDING OFFICER. The first business in order on the Calendar of General Orders under Rule IX will be reported.

The Chief Clerk read the following resolution, submitted by Mr. VAN WYCK January 8, 1884:

Resolved, That the Committee on the Judiciary be directed to examine and report what legislation, if any, is necessary to restrict the appointment of special assistant attorneys and special agents or detectives in the Department of Justice, and report by bill or otherwise.

Mr. INGALLS. The mover of the resolution is not in his seat.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. INGALLS. I have no objection to its being adopted.

The resolution was agreed to.

BILLS PASSED OVER.

Mr. COCKRELL. The next two cases on the Calendar need not be called. They were reported adversely from the Committee on Claims, and as soon as they can be examined will probably be stricken from the docket.

The PRESIDING OFFICER. They are in order on the Calendar.

Mr. COCKRELL. I object to them.

The PRESIDING OFFICER. Objection does not avail.

Mr. COCKRELL. I move that they be passed over.

Mr. HARRISON. To what numbers does the Senator from Missouri refer?

Mr. COCKRELL. Numbers 36 and 37 in the order of business.

Mr. HOAR. Order of Business No. 36 is the report of a case which depends upon a principle which the Senate has again and again adopted. While of course the Senator from Missouri may desire further inquiry and nobody will object, still it seems to me these ought to be off the Calendar.

Mr. COCKRELL. I simply desire to say that one of the reports I have not looked at. The gentleman is living here in the city, as the Senator knows, and I want to learn his pleasure about the matter. I do not propose to have the bill called up.

Mr. HOAR. I was speaking of No. 36.

Mr. COCKRELL. I propose to have them stricken from the Calendar—that is, indefinitely postponed—as soon as I have time to examine the report.

The PRESIDING OFFICER. Is there objection to formally passing over the two bills mentioned by the Senator from Missouri? The Chair hears none.

DURATION OF PATENTS.

The next bill in order on the Calendar was the bill (S. 672) to amend section 4887 of the Revised Statutes, in relation to patents, the consideration of which was resumed as in Committee of the Whole.

Mr. COCKRELL. I confess very frankly that I can not see any necessity for this bill. It does seem to me an extension of rights and privileges which should not be granted. I believe there is no written report. The Senator from Connecticut [Mr. PLATT] made some explanation of it which I have not had time yet to read. I should like to have the second section of the bill read again.

The PRESIDING OFFICER. The second section will be read.

Mr. PLATT. There is no second section.

The PRESIDING OFFICER. There is but one section in the bill. Does the Senator from Missouri desire to have the bill reported?

Mr. COCKRELL. I desire to have the latter part of the bill reported.

Mr. PLATT. Commencing in line 23——

Mr. COCKRELL. Commencing in line 23.

The Secretary read as follows:

No patent granted for an invention which had, prior to the grant of such patent, been first patented in a foreign country, and which has not expired at the date of the passage of this act, shall be declared to be invalid by reason of its not being so limited on its face or in its grant as to expire at the same time with the foreign patent, or, if there be more than one, at the same time with the one having the shortest term: but this section shall in no wise renew, revive, prolong, or extend any patent heretofore granted.

Mr. GARLAND. I want to call the attention of the committee that reported this bill to the language used in it and also in the statute of which this is amendatory. "Public use" is a question which has troubled the courts a good deal. I remember now, without calling to mind particularly the name of the case, a decision by Judge Blatchford, just before he went off the circuit bench, giving a definite meaning and expression to that term "public use." I should like to know if the committee had its attention called to this expression in the bill and in the law of which it is amendatory. There should be some rule prescribed or some definition given so as not to leave the language to the wide range it is now. I think the case I have reference to is probably in 13 Blatchford's Reports.

Mr. PLATT. I do not remember the case to which the Senator from Arkansas refers, and I do not know that the attention of the committee was specially called to what legal construction may have been given to the clause "two years' use" or "in use for two years;" but I will say to the Senator from Arkansas that this bill is intended only for a certain and specific object, and the language in this bill with regard to a patent's having been introduced into public use in the United States for more than two years would of course mean just what it means in the present statute. We do not propose by this bill to legislate upon that subject. It is only to correct what we think is wrong in the present statute resulting from the decisions of the courts and to make the statute just what it is conceded on all hands the parties drafting the statute intended.

Mr. GARLAND. I understand the theory on which the bill is based and I agree to it. I think myself it corrects an evil that should be corrected, but I wanted to know if the chairman representing the committee had had his attention called to this other point, as I think it should be looked after by the committee. If its attention had not been called to it I desired that now it should be, because it gives rise to a great deal of trouble in patent cases at times.

Mr. PLATT. The committee will be very glad to give its attention to the matter suggested by the Senator from Arkansas, but the Senator will see that we can not very well correct in this bill any difficulty which exists in law respecting that.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. COCKRELL. I desire simply to say that I shall vote against the bill, and I record myself accordingly.

The bill was passed.

LOUISA BODDY.

The bill (S. 271) for the relief of Louisa Boddy was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Louisa Boddy, of Lake County, Oregon, $5,400, in full settlement of her claim against the Government for depredations committed and property taken and destroyed by the Modoc Indians on or about November 29, 1872.

Mr. COCKRELL. Is there a report in that case?

The PRESIDING OFFICER. There is a report.

Mr. COCKRELL. Let the report be read. I should like to know something about the ground on which the bill is based.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. SLATER January 15, 1884.

The Committee on Indian Affairs, to whom was referred the bill (S. 271) for the relief of Mrs. Louisa Boddy, of Oregon, have had the same under consideration, and submit the following report:

It appears by the petition of Mrs. Louisa Boddy, that her husband together with a son-in-law and one grown son became settlers upon the public lands of the United States in the valley of Lost River, in Lake County, Oregon, some four months prior to the commencement of the late Modoc Indian war, which said war began November 29, 1872, and terminated in June, 1873. Long prior to said settlement the Indian title to said lands had been extinguished by a treaty with the Klamath, Modoc, and other Indians, which said treaty was signed October 14, 1864, and ratified by the United States Senate July 2, 1866. Said lands were afterward surveyed by the United States and opened to settlement in 1869.

On the 6th of August, 1872, the Boddy family, consisting of the husband of the petitioner, her son-in-law, Nicholas Schira, and wife, who was the daughter of the petitioner, and her two sons, one a minor, made settlement on said lands.

On the 29th of November, 1872, the Government undertook, with an inadequate military force, consisting of James Jackson, First United States Cavalry, and thirty-five men, to remove by force the Modoc Indians from said public lands, where they had been roaming contrary to the injunctions of the Indian agent having charge of them, to the Klamath reservation. Such an insignificant force could not and did not have any effect to intimidate the Indians. The result was that Indian hostilities were at once precipitated, and a most cruel slaughter immediately commenced by those Indians upon the unoffending and unsuspecting settlers of Lost River Valley, which slaughter began immediately after the attack upon Captain Jack's camp by Lieutenant Jackson on the morning of November 29, 1872, at early light. Among those who were massacred were the husband of the petitioner, her two sons, and her son-in-law, who were peaceably pursuing their usual vocations.

The petitioner further states in a graphic manner her discovery of the lifeless forms of her husband and sons, stripped and mutilated, and how, struck with fear, she and her daughter fled at once to the neighboring mountains, where, without food or shelter and thinly clad, with snow on the ground, they remained for two days before daring to make their way to any friendly shelter.

After the massacre the Indians destroyed and carried off all the personal property of the families, embracing horses, sheep, hogs, cattle, poultry, clothing, provisions, &c., and also including $829 in gold and silver coin, and burned the houses. The mutilated bodies of those who were killed were afterward recovered and buried at Linkville by the Oregon volunteers.

By this disaster the petitioner was reduced at once from a condition of comparative affluence to one of poverty and wretchedness.

The petitioner duly presented her claim for property thus stolen and destroyed, amounting to $6,180, in due form to the Indian Bureau, and placed a duplicate copy thereof in the hands of the local Indian agent. No relief, however, of any kind has ever been received by her. She therefore appeals to Congress.

This petition is sustained by the names of one hundred substantial citizens of Oregon, and residents of Lake County and vicinity, including Jesse Applegate, one of the Modoc peace commissioners; L. S. Dyar, Indian agent at the time of the massacre; J. H. Rook, Indian agent at the time of signing the petition; S. B. Cranston, register of the United States land office; and Quincy A. Brooks, assistant quartermaster-general of Oregon volunteers, who certify "that the facts set forth in said petition are correct and true."

In forwarding to the Indian Department the claim of Mrs. Boddy for depredations committed by the Modoc Indians, as before stated, the local Indian agent, Mr. Dyar, wrote as follows to the Commissioner of Indian Affairs:

KLAMATH AGENCY, OREGON, *April* 24, 1876.

SIR: I inclose herewith papers relating to claims of Mrs. Louisa Boddy and Mrs. Kate Nurse for depredations committed by the Modoc Indians.

I have examined them, and find that the prices charged for hay, flour, groceries, and sheep are not above the ruling rates at the time and place of the depredations. I am knowing to the fact that these claimants were great sufferers from the Modocs; that their husbands and other members of their families were murdered and much of their property destroyed by these Indians.

I am unable to present the case to the Indians, as required in article 4 of rules and regulations of the Department relative to such claims, as the perpetrators are now located upon the Quapaw reservation, in the Indian Territory.

Very respectfully, your obedient servant,

L. S. DYAR,
United States Indian Agent.

Hon. J. Q. SMITH,
Commissioner of Indian Affairs.

In addition to the foregoing are affidavits of four disinterested citizens, M. Hartery, John Fritz, Dan Calwell, and W. S. Bybee, who were the nearest neighbors to the Boddy settlement, who testify to the amount and character of the property destroyed as near as the circumstances of the case would admit. Mrs. Boddy's own affidavit, made in this city during the present session of Congress, also gives further particulars and satisfactory account of all the circumstances of her losses.

In view of the premises, and in consideration of the whole case, the Commissioner of Indian Affairs, on request of the Secretary of the Interior, communicated under date of March 10, 1882, the following letter, which has been submitted to the Committee on Indian Affairs, to wit:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, March 10, 1882.

SIR: I have the honor to be in receipt, by Department's reference for report, of a petition (herewith inclosed) to Congress by Mrs. Louisa Boddy, of Lake County, Oregon, praying for compensation for losses and injuries inflicted by Modoc Indians in November, 1872. A duplicate of this petition, together with other papers in the case (some of which had before been in this office, and were submitted to the Department June 12, 1876, for transmittal to Congress), were also filed in this office yesterday by J. F. Kinney, attorney for Mrs. Boddy. These papers are also herewith inclosed. Among them is a copy of the report of this office, above referred to, of June 12, 1876, upon the claim of Mrs. Boddy, which had been filed in this office for preliminary examination under the laws and departmental regulations governing the settlement of Indian-depredation claims, and, as will be seen, upon the papers then before one of my predecessors he arrived at the following conclusion:

"There is, therefore, no doubt as to the fact of the depredation, but there is no reliable evidence in the case to show the extent of it or the amount and value of the property lost. I can not, therefore, do otherwise than recommend a disallowance of the claim. The depredation was committed in November, 1872, and the claim was not presented for adjustment until April last (1876), and is therefore barred."

By reference to the declaration and proofs of the claimant upon which my predecessors acted (see papers marked A, herewith), it will be seen that four witnesses to the depredation were M. Hartery, John Fritz, Dan Calwell, and W. S. Bybee, who could not swear that they knew of their own personal knowledge that the identical property enumerated in the schedule sworn to by Mrs. Boddy was the property destroyed by the Modocs, but they swear they were neighbors of William Boddy, deceased, and know that "valuable property belonging to said affiant (Louisa Boddy) was destroyed, injured, or taken away" by the hostile Modocs, and that "they believe the foregoing statement of articles destroyed, injured, or taken away by said Indians, together with the value thereof, and of each and every item of said account, as set forth in the foregoing affidavit (the affidavit of Mrs. Boddy), to be correct and true."

Their inability to swear with more particularity, and the impracticability of obtaining more specific evidence, are explained by the petition of Mrs. Boddy to Congress and by her affidavit dated 5th instant in this city, which, of course, were not before my predecessor when he acted on the case. Particular attention is invited to these. They show that the husband of Mrs. Boddy, her two sons, aged respectively eighteen and twenty-two years, and her son-in-law, who constituted all the men in their immediate settlement, and who perhaps alone could have sworn to the exact amount of stock owned by Mr. Boddy, and the exact number destroyed, stolen, or lost, were killed on the 29th of November, when the loss occurred; that her daughter (her only remaining child) and herself, upon seeing the Indians stripping the dead bodies of her son and son-in-law, fled to the mountains to keep from being murdered, and remained there two days without food or shelter and thinly clad, with snow on the ground; that the witnesses W. S. Bybee and Dan Calwell who were her nearest neighbors, lived three miles south of the Boddy settlement, and that Mr. Hartery and John Fritz, who were her nearest neighbors on the north, lived five and ten miles distant, respectively, and that these witnesses, as soon as practicable after the massacre, assisted in collecting the scattered stock belonging to the Boddy family; that they were frequent visitors at the home of Mrs. Boddy before the massacre and depredation, and that "each of the said men had a good idea of the amount and value of the property and stock" owned by the family, and also were the only persons, except Mrs. Boddy and her daughter, who had knowledge of the amount of stock recovered.

These papers also show that William Boddy and family removed from Roseburg, Oreg., where he had been engaged in merchandising, to the farm occupied by them when he was killed, only about four months before the massacre, taking with him the remnants of a stock of goods pertaining to a general country store, about three thousand sheep, about seventy-five head of cattle, and about thirty-five head of horses. The claim made by Mrs. Boddy includes only five horses, one cow, and five hundred sheep, the inference being that the balance of the stock was recovered.

The remainder of the claim, as presented to this office for settlement, embraces such articles as would naturally be found in the house of a man engaged as Mr. Boddy had previously been and was at the time of his massacre.

The respectability of Mrs. Boddy, and the truthfulness of her statement as to the loss of property, is abundantly attested by the signatures of about one hun-

dred persons attached to her petition, and among them that of L. S. Dyar, who was the agent for these Indians in 1872, when the depredation was committed, and who under date of April 24, 1876, in reporting to this office upon this claim, said that the "prices charged for hay, flour, groceries, and sheep are not above the ruling rates at the time and place of the depredations." In that letter he also states, from personal knowledge, that Mrs. Boddy was a great sufferer from the Modocs, and that much of her property was destroyed by these Indians.

From the evidence now before me I am satisfied that the property mentioned in the schedule found in the paper marked A belonged to William Boddy (husband of Mrs. Louisa Boddy) in his lifetime, and was lost or destroyed as stated in the papers in the case; but the vagueness as to the amounts of quite a number of the articles mentioned leads me to think that in all probability the actual value of some of these articles at least has been overestimated, and that the sum of $5,400 would cover the loss; and I therefore respectfully recommend that the papers herewith be returned to the Senate Committee on Indian Affairs, with the request that an appropriation of that amount be made in favor of Mrs. Louisa Boddy, widow of William Boddy, deceased.

It is proper to state that in view of the fact that ever since the Modocs who perpetrated the depredation under consideration were removed to the Indian Territory they have been regarded by this office and by Congress as having forfeited all right to any of the benefits inuring to other Modocs under the treaty of October 14, 1864, with the Klamath, Modoc, and other Indians (16 Statutes, page 707) and have been assisted in self-support by a small gratuity annually appropriated by Congress; so that it would seem that the amount which may be appropriated for the relief of Mrs. Boddy should be taken from the public funds. It may be proper to state also that the limitation of time (three years) fixed by the seventeenth section of the act of June 30, 1834 (4 Statutes, page 732), within which Indian depredation claims may be presented no longer obtains, as this limitation is omitted in the Revised Statutes.

Since the foregoing was written the attorney for Mrs. Boddy has presented a brief in support of the claim, which is also herewith transmitted.

Very respectfully, your obedient servant,

H. PRICE, *Commissioner.*

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

From all the facts in this case it is quite apparent that the massacre of the settlers on Lost River by the Modocs on the 29th of November, 1872, was not the result of an ordinary outbreak of those Indians, but the direct result of the attack of the United States troops upon their camp on the morning of that day, with inadequate force, for the purpose of their removal to the Klamath reservation, whither they refused to go, which attempt upon the part of the military authority was made without notice to the settlers scattered along Lost River. Your committee think that this fact makes this an exceptional case, and gives this claimant an equitable right to relief, and therefore fully concur with the Commissioner in his recommendation that the sum of $5,400 be appropriated for the relief of Mrs. Louisa Boddy, widow of William Boddy, deceased, in full compensation of her losses as hereinbefore stated, and therefore report for that purpose the accompanying bill, and recommend its passage.

Mr. COCKRELL. It is absolutely necessary that in this body we shall have some regularity of proceeding and some system and order. This bill does not belong to the Committee on Indian Affairs; it belongs to the Committee on Claims. This is not a proposition to take funds out of the annuities or appropriations for the support of the Indians to pay this claim. If it were, the Committee on Indian Affairs would have jurisdiction; but this is a direct proposition to take the people's money and pay for this Indian depredation. I say that it has been the universal rule in the Senate that all claims of that class (and they are not one, but they amount to ten millions of dollars) go to the Committee on Claims. This claim belongs to that committee, and it should be referred to that committee, so that we may have uniformity of action upon this class of claims. I appeal to the chairman of the Committee on Claims, who is present, if all this class of claims have not been before that committee?

Mr. CAMERON, of Wisconsin. I must answer that they have not. There has really been no uniformity in the matter. When a claim for Indian depredations has been referred to the Committee on Claims and it appears that the claim is to be paid out of a fund belonging to the Indian tribe, that committee has, I think, uniformly reported the bill back to the Senate and asked to be excused from its further consideration, and that it be referred to the Committee on Indian Affairs, whenever the attention of the committee was called to that feature of the claim. But I must say that there really has been no uniformity about it. I think the point had better not be made now, because all the facts connected with this case are before the Senate, and the Senate is just as well prepared to pass upon the bill as it would be if the report had come from another committee.

Mr. COCKRELL. I want to know distinctly whether the Committee on Claims, that has jurisdiction of all these matters, intends to tell the people of this country that they shall be taxed $10,000,000 to pay for Indian depredations. That is what this bill means, nothing less and nothing more. This is an assumption on the part of the Senate of liability for all Indian depredations.

Mr. CAMERON, of Wisconsin. Not at all.

Mr. COCKRELL. You can not make it anything else. Here is a naked, simple depredation claim, and no annuity and no appropriation for the benefit of the Indians out of which the payment is to come. The hardship is apparent, and so it is with all Indian depredations. There are pending eight or ten million dollars of these claims, as Senators well posted in these matters are aware, and I want to know if we are to say that Indian depredations are to be paid for. If they are, I want a general bill brought in to pay for all, and not to make fish of one and flesh of another.

Mr. SLATER. The point that the Senator from Missouri makes was expressly and fully considered by the committee. It was held by the committee that this formed an exception to the rule that he states, and the exception arose from the fact that the breaking out of the Indians was rather induced by the action of the United States authorities in not giving notice to the settlers in the vicinity when they began the attack upon the Indians themselves, and by that means the United States placed itself in a position to be responsible for all the immediate damages at that point. They began with an inadequate force and undertook to remove the Indians when they ought to have known they could not do it with the force at their command. They did it without notice to the settlers, and they did it with the certainty, if they had looked at things properly, that the result which followed must necessarily have followed. The report makes that point in the concluding paragraph:

From all the facts in this case it is quite apparent that the massacre of the settlers on Lost River by the Modocs, on the 29th of November, 1872, was not the result of an ordinary outbreak of those Indians, but the direct result of the attack of the United States troops upon their camp on the morning of that day, with inadequate force, for the purpose of their removal to the Klamath reservation, whither they refused to go, which attempt upon the part of the military authority was made without notice to the settlers scattered along Lost River.

The history that followed afterward showed that the force which made the attack were scarcely able to take care of themselves, let alone taking care of the settlers in the immediate vicinity, and that it was one of those unfortunate mistakes which occasionally occur in the history of nations. The committee regarded this as a plain case. The facts show one of very great merit, and one of very great hardship if relief is not to be given. I hope the bill will be passed.

Mr. COCKRELL. I should like to ask the Senator from Oregon who is on the Committee on Indian Affairs if there has been any Indian war in the memory of man that was not supposed to be brought on, directly or indirectly, by the United States authorities, the Indian agent, some contractor, or somebody who wanted the war?

Mr. SLATER. That is hardly a fair question in a case like this, but I can say to the Senator that I know of some cases, among which this is one, in which undoubtedly the war began by the action of the Government itself and by the unfortunate and indiscreet action of the Government and its agents.

Mr. DAWES. There is a great deal of truth in what the Senator from Missouri says in reference to Indian wars, but the rule to which he has called the attention of the Senate and all that matter was in consideration by the committee when they decided to report this bill. They did not overlook the rule and did not overlook the extent of the claims that under the rule might be made upon the Treasury. Yet they thought that this was clearly outside of the rule and was founded in so strong an equity that the Senate of this year, like the Senate of last year, would not hesitate to say that when the troops of the United States from a very indiscreet and unwise use of their force had put, as it were, this woman's whole estate to exposure and destruction in order to carry out their command—and whether the war was brought on, as I will not stop to inquire, by the whites or by the Indians themselves—when the proceeds of all that property went into the Treasury of the United States, the loss that was brought upon this poor family by the exposure that our troops put them to, it was not a great stretch of equity, it would be a denial of justice if a portion of that property might not be taken out of the Treasury to remunerate this family.

Mr. JACKSON. I should like to inquire of the chairman of the Committee on Indian Affairs what amount of annuity was forfeited by that tribe?

Mr. DAWES. I am unable to state exactly, but a large sum, covering a great deal more than any destruction of private property growing out of the war.

Mr. JACKSON. Is there any annuity now being paid to them?

Mr. DAWES. No; they have been sent off into exile down in the Indian Territory, and are not a charge, as I understand it, upon the Government.

Mr. COCKRELL. They are supported by the Government now, are they not? Appropriations are made every year for their support instead of their annuities.

Mr. SLATER. Annually, for all.

Mr. COCKRELL. I doubt not they are getting more from the Government now than they did before they fought it.

Mr. DOLPH. Mr. President, it seems impossible that a claim can be made upon the Government for compensation for losses from Indian depredations without being met at once with the suggestion from some quarter that the depredations were suffered on account of wrongs committed by the white man toward the Indian. I am not satisfied to allow this bill to be submitted to the Senate without a fuller statement in regard to this particular transaction. I must speak in the main from memory, having been somewhat familiar with the history of this matter at the time.

In October, 1864, a treaty was negotiated between the Klamath and Modoc tribes of Indians by which both of those tribes agreed to go upon the reservation known as the Klamath Indian reservation, in Southeastern Oregon, and ceded to the United States their title or right to possession, whichever you please to call it, to the lands outside of the reservation previously occupied by them. In 1866 that treaty was ratified by the Senate with certain amendments. In 1869 the treaty as amended by the Senate was ratified and signed by the chiefs and headmen of both tribes, and the Modocs and Klamaths went upon the reservation and placed themselves under the control of the Indian agent,

and agreed to remain there subject to his control. The Government caused the lands ceded by those Indian tribes to the United States to be surveyed, and invited settlers to go upon them. Among the settlers who went upon these lands was the husband of this Mrs. Boddy and one of her grown sons and her son-in-law. Shortly after those Indians had gone upon the reservation where, as I contend, the United States undertook to keep them; where it had in substance agreed with every man, woman, and child who went on the land so thrown open to settlement that it would keep them, Captain Jack, one of the chiefs of the Modoc tribe, with about sixty desperate followers, left the reservation and went back upon those lands in the vicinity of Lost River, and there for a period of two years and over they terrorized over the inhabitants. The inhabitants petitioned the Government for protection, they petitioned the Indian agent, they petitioned the commander of the Department of the Columbia. Their petitions and communications were sent to the Indian Department, and negotiations were had from time to time with this band to get them back upon the reservation, and to induce them to submit themselves to the control of the Indian agent in accordance with the treaty, but they were obstinate and sullen, and refused to comply with the provisions of the treaty, and declined to go back upon the reservation. They committed various depredations in the neighborhood, drew arms upon the settlers, and threatened to take their lives. For nearly three years the Government allowed these Indians to remain outside of the reservation, until this little band of marauders had come to think that they could defy the Government of the United States. I undertake to say that it was the duty of the United States to have placed those Indians back upon the reservation and to have protected those settlers, and if it failed to do that it ought to pay the settlers, its own citizens, for all damages suffered from the depredations caused by its failure to do so.

I desire to read briefly from the petition of the settlers about this time sent to the Hon. A. B. Meacham, superintendent of Indian affairs in Oregon, and General Canby, commanding the Department of the Columbia:

We, the undersigned, citizens of Lost and Link River, Klamath and Tule Lake country, after suffering years of annoyance from the presence of the Modoc Indians, who, through the delay of the Indian and Military Department, have not been removed to the reservation, as required by the treaty stipulations of 1864, entered into by the authorized agents of the Government and the chiefs of the Modoc Indians, by which all their lands were ceded to the United States, except those embraced in the reservation, as stipulated in said treaty. But notwithstanding all the conditions of said treaty have been faithfully performed on the part of the Government, it is a well-known fact that a factious band of the Modocs, of about three hundred, who were parties to that treaty, have, through the influence of citizens of an adjoining State who have been engaged in an illict traffic with them, been instigated to set the authority of the Government at defiance, and to utterly refuse compliance with their treaty stipulations by going on the reservation; and since there is no longer any conflict between the Indian and Military Departments, such as prevent Subagent Applegate from bringing those Indians on the reservation, we therefore make this earnest appeal to you for relief. Knowing that you have the cavalry force we petitioned to be sent to Fort Klamath two years ago for this specific purpose at your command, we ask you to use it for the purpose it was procured for; that the departments, both civil and military, have not been kept ignorant of the fact that we have been repeatedly on the verge of a desolating Indian war with this band of outlaws, who, by your delay to enforce the treaty, have been led to despise, rather than respect, the authority of the Government.

Their long-continued success in defying its authorities has emboldened them in their defiant and hostile bearing, until further forbearance on our part would cease to be a virtue; that, in many instances, our families have become alarmed at their threats to kill and burn, until we were compelled to remove them for safety across the Cascade Mountains, thereby suffering great loss of time and property. That the agents at Klamath and commissary at Yainax, during this long delay growing out of this unfortunate conflict of Departments, have done all they could to prevent a war and bring about an amicable adjustment of our troubles we have no reason to doubt; but we ask now, since no such conflict exists, shall a petty Indian chief, with twenty desperadoes, and a squalid band of three hundred miserable savages, any longer set at defiance the strong arm of the Government, driving our citizens from their homes, threatening their lives, and destroying our property?

Their removal to the reservation in the winter season may be easily accomplished by any one acquainted with them and their country, and will not require more force than could be furnished from Fort Klamath to do it. We recommended Commissary I. D. Applegate, of Yainax, to the consideration of the department as a suitable man to take charge of any force or expedition looking to their removal. His long connection with the Indian Department, and thorough knowledge of them and their country and all the facts connected with this whole Modoc question, and as a stock-raiser equally interested with us in their removal, point him out to us as the right man in the right place in charge of this much-needed expedition for the removal of this band of Modocs to their reservation, for which your petitioners will ever pray.

The petition is signed by something like sixty settlers. This communication was referred to General Canby by Superintendent Meacham, and the correspondence was continued after Mr. Meacham left the service by his successor, Hon. T. B. Odeneal. The result was that after a very long delay the Government undertook to remove these Indians with an inadequate force from Lost River to the Klamath reservation. There was prior to that time no Indian war existing, but the Indians had been for years terrorizing over the settlers. The Government had neglected its duty to protect the settlers and to remove the Indians. Under our system of taking care of Indians upon reservations the Indians bind themselves to remain upon the reservation subject to the orders of the Indian agent, and, I repeat, the Government undertakes to keep them there. If property had been destroyed by a mob in any municipal corporation in this country, in a city, or a county, under circumstances not half so atrocious as the circumstances of this case, and with half the culpability of the municipal government which is shown upon the part of the United States in this matter, that municipal corporation would have been required to pay the damage.

Nothing that I could say would add weight to the story of this woman's wrongs as it is told in the report; her husband, her two sons, and her son-in-law murdered, her property destroyed, and she fleeing to the mountains amid the snows of winter to escape from the bloodthirsty savages. Independent of the question of her legal right to demand this relief, a stronger case never appealed to the Senate than the one that now appeals for relief if you put it upon the ground of a mere gratuity.

We are met in the committees and in the Senate with the proposition that the Congress of the United States reserves to itself the right to grant relief as a mere gratuity in meritorious cases independent of any legal obligation. But as I have said, I am not willing to allow this claim to be placed upon the ground of a mere gratuity. I insist that this woman has a right to compensation. I have introduced a bill into the Senate looking to the consideration of other cases of Indian depredations in Oregon and in Washington and Idaho Territories, and when the time comes for me to speak upon the question I will show not only that the right to compensation in said case has been substantially recognized by the Government in the treaty of Guadalupe Hidalgo with Mexico, in which the United States undertakes to make the same satisfaction to Mexican citizens it does to their own citizens in like cases for depredations committed within the Mexican borders by Indians going from the territory ceded by Mexico to the United States, but that there are precedents not a few in which the Congress of the United States has granted relief in similar cases. A bill was passed providing for an examination into claims of citizens on account of Indian depredations in the State of Minnesota some years since and claims of the character of this claim to the amount of about $1,000,000 were paid by the Government.

I hope that the bill will pass, because I believe this woman has a legal right to the relief which she claims. If not, it is a case where the benevolence of the Government can be well bestowed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House further insisted upon its disagreement to the amendment of the Senate to the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 355) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces; and

A joint resolution (H. Res. 153) authorizing the Secretary of War to furnish tents for the fifth annual reunion of the soldiers and sailors of the Northwest, to be held in Chicago in the month of August, 1884.

MINNESOTA INDIAN CLAIMS.

Mr. HALE. I call up the conference report on the bill for the relief of Lieutenant Greely, which has just come in from the House.

Mr. CAMERON, of Wisconsin. I shall be compelled to leave the city to-morrow morning, under the order of the Senate. The next bill on the Calendar is one that I reported from the Committee on Indian Affairs. I think it will pass without any objection if the Senator will delay his request for a few moments.

Mr. HALE. I withdraw my motion.

The PRESIDING OFFICER. The next bill on the Calendar will be reported.

The bill (S. 84) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, was considered as in Committee of the Whole. It directs the Secretary of the Interior to investigate and determine the amounts due licensed traders, citizens of the United States, for supplies furnished in the course of trade and business to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the outbreak and massacre in August, 1862, and for which damages were not awarded by the commissioners appointed under the act approved February 16, 1863, for the reason that the act limited the action of the commissioners to claims arising from depredations, and did not authorize them to act upon claims arising upon contract or upon accounts for supplies furnished; and to carry out the foregoing provisions $120,000 is appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LADY FRANKLIN BAY EXPEDITION.

The PRESIDING OFFICER. The Chair lays before the Senate the following message from the House of Representatives:

Resolved, That the House still further insists upon its disagreement to the amendment of the Senate to the joint resolution (H. Res. 119) making an appro-

priation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions.

Mr. HALE. I now move, making the motion that I purposed making at the last sitting of the Senate when it was decided that the bill was not formally before the Senate, that the Senate recede from its amendment. I hope I do not need go over the ground that I endeavored to go over the other day. All parliamentary technicalities have been disposed of, and the bill as originally passed by the House of Representatives is before this body. A long time has elapsed since it first came up, and as I explained the other day, practically the difficulties resting in Senators minds have been removed by time. I can see no other good that has been accomplished by the delay. It may be that is enough to compensate for the loss of time in fitting out the expedition.

The men who will compose this expedition, if we send it out, will be taken not from the navy-rolls as they now stand and ordered to these seas, but will be re-enlisted. Any good man who is willing to go and is willing to re-enlist in the Navy will be put on these ships and sent to the relief of Lieutenant Greely, and no trouble it is ascertained will be found in the best officers in the establishment taking the places of responsibility provided for in the bill. There is no danger of any unwilling officer or unwilling man being ordered on the expedition, and those practical troubles being removed, it rests now with the Senate to say whether for the sake of formally adhering to its amendment providing for a volunteer force it will further imperil the fitting out of the expedition.

I know that many Senators feel that originally there should have been a limitation to the appropriation. That was all gone over and discussed and on repeated votes the Senate decided not to limit it, but to leave the responsibility, as the House of Representatives had left it, with the President, who certainly after all this discussion and all this delay will be moved by a feeling of closely scrutinizing and inspecting everything with regard to this important expedition.

I hope now in this emergency, at this exigency, that the Senate will be found ready to recede from its amendment and let the bill go through. I, for one, want no more delay. I do not know how I should feel if the expedition should go up there and it should be found that those unfortunate men had perished within a fortnight of the time when the relief reached, and that that delay had been caused by our delay here. I hope that that will not occur; I do not prophesy anything of the kind; but certainly it seems to me now that the Senate will see the importance of not further delaying this matter by insisting on its amendment. So, Mr. President, I move that the Senate recede.

Mr. COCKRELL. I do most heartily hope that the distinguished Senator from Maine will show and manifest to the country that placid, yielding spirit toward the close of this session when important controverted questions come up between the Senate and House of Representatives that he now shows in yielding to the wishes of the House. This is the second time that he has reported to this body that the House must have its own sweet will in this matter. I commend his example now to his future prayerful consideration and practice. I shall be delighted when important questions of difference come up between the Senate and House toward the close of the session to see that distinguished Senator yielding with that complacency and childlike blandness and sympathy which he exhibits in this case. The Senate has positively refused, and yet it seems that a committee of the Senate is determined to force the Senate to yield its position upon this question.

Mr. HALE. Let me interrupt the Senator there. I think the Senator could not have been here the other day when I presented the report of the conferees, simply reporting that we could not agree with the House. I stated that in making this motion I did not do it representing the committee, for I joined in the report, considering that the Senate had taken its attitude, and we declined in the conference to yield to the House. I only do this now as a member of the Senate, making the motion upon my own responsibility as a member, and not as representing the conference committee, for that is recorded as maintaining the attitude of the Senate; so that it is no attempt on the part of the conferees in any way to give away any right of the Senate. We stood for the Senate's attitude in the conference and it is so recorded.

Mr. MORRILL. Will the Senator from Missouri allow me to make an inquiry of him?

Mr. COCKRELL. Certainly; with pleasure.

Mr. MORRILL. What measures are they to which he refers that he is requesting the Senator from Maine to give such a cordial, yielding, humble attitude, toward the last of the session, that are to be presented from the House?

Mr. COCKRELL. I hope one of them will be a revenue-reform tariff bill.

Mr. MORRILL. If the Senator has any information in advance of all the rest of us, I think he ought to communicate it to us.

Mr. COCKRELL. I hope that one of them will be a revenue-reform tariff bill and the others will be appropriation bills reducing the expenditures of the Government and bringing them to an economical and just basis.

Mr. HALE. I hope that we may have a vote.

Mr. COCKRELL. I move that the committee be discharged. I believe that motion will take precedence of the motion that is pending, and that will settle the matter.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question before the Senate is the motion of the Senator from Maine, that the Senate recede from its amendment to the bill under consideration.

Mr. HALE. I suppose that motion has precedence.

The PRESIDING OFFICER. The Senator from Missouri moves that the committee be discharged.

Mr. COCKRELL. What is the status now? Has there been a new matter brought before the Senate? Is this the same conference committee's report of disagreement that was made last week?

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary will report the message from the House of Representatives, which will answer the Senator's question.

The Chief Clerk read as follows:

Resolved, That the House still further insists upon its disagreement to the amendment of the Senate to the joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions.

Mr. HALE. This action is taken upon the report of the second conference. That report has been submitted to the Senate, and simply announced that the conference committee of the two Houses was unable to agree. Upon this the House has insisted upon its disagreement, and the bill comes over of course for the action of the Senate. I have made the motion that I presume takes the precedence in order to see if the two Houses may come together; that is, that the Senate recede from its amendment.

The PRESIDING OFFICER. The Chair would state to the Senator from Missouri that this is not the report of a committee of conference; it is a message from the House of Representatives declaring its action upon the subject-matter, and the motion of the Senator from Maine the Chair holds to be in order.

Mr. COCKRELL. There is no question about it, if it is only the message that came from the House. I supposed the Senator from Maine had called up the bill we had up before. I hope the Senate will not recede, but that it will adhere to the position which it deliberately took after mature consideration and discussion.

Mr. HALE. The Senate must settle that. This matter can not be in any way advanced by any more words from me. If the Senate does not vote to recede, and holds its attitude, thinking it is worth the while to further delay this bill upon which the hearts of so many citizens all over the United States are bent, and wants to delay it further, the Senate, of course, can take that responsibility. I do not believe it is going to do it, and I am going to take up no further time, but ask for a vote upon my motion.

Mr. COCKRELL. Let us have the yeas and nays.

Mr. HALE. Yes; let us have the yeas and nays.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine that the Senate recede from its amendment, upon which the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. COCKRELL. The motion is to recede from all the amendments that were agreed to by the Senate.

Mr. HALE. There is but one amendment. It is simply the question of the volunteer force. That is all the amendment there is.

Mr. COCKRELL. Did the House concur in the other amendments?

Mr. HALE. There was no amendment put on the bill by the Senate except in regard to a volunteer force, and the necessity for that has been removed. As I have already said, nobody will be ordered on the expedition who does not want to go. There are no other amendments. That is the single point.

Mr. SAULSBURY. I hope the Senate will not recede from the amendment. I do not believe that there has been any more vicious legislation than this whole bill, and while the only fight we can now make is upon the amendment in reference to the volunteer service, I am satisfied that members of the Senate voted to pass the bill without any restriction upon the President or Secretary of the Navy in reference to the Treasury of the United States who would not do it again. I am in favor of relieving the Greely party if it can be done. I have none of the fears of the Senator from Maine that it will not be done if this bill falls to the ground. I know that the two Houses of Congress would prepare and bring in a proper bill for the relief of that party if it can be effected; but a bill has come to us without a single limitation upon the power of the Secretary of the Navy to enter the vaults of the Treasury of the United States and take *ad libitum* any amount of money that he may see proper while we are here in session charged with the duty of appropriating money.

Mr. BUTLER. My friend is mistaken about that, if he will pardon me. The Secretary of the Navy has nothing to do with going into the Treasury; the President has entire control.

Mr. SAULSBURY. Oh, let the Senator from South Carolina talk if he will about the President of the United States. Does he not act through the heads of Departments? Does he not act through the Secretary of the Navy? The Senator certainly tried to perpetrate a joke upon the Senate when he made that suggestion.

Mr. BUTLER. No; I assure my friend I did not seek to perpetrate a joke; I am in dead earnest.

Mr. SAULSBURY. The Congress of the United States is here in session charged with the duty of making appropriations, and the Secretary of the Treasury and the President of the United States are prohibited from taking money from the Treasury without appropriations by law; but yet we propose now to change the whole policy in this bill, and to say to the President or to the Secretary of the Navy, as I insist, "Enter the vaults of the Treasury and help yourself to any amount that you see proper."

I hope that the bill will fail and that no such bill, vicious in its character, dangerous as a precedent, will pass. The bill proposes not only to grant the Secretary of the Navy the absolute right to dispose of the treasure of the United States as he pleases, but to give him the absolute control of every officer in the naval service, so that if he has an enemy whom he wishes to punish he is given the opportunity to do it. I said some time ago that I did not know that the Secretary would do so; I do not know that he would; but I am not in favor of giving him the power to do it. If there are officers of the Navy who do not want to undertake this dangerous expedition, who do not want to separate themselves from their families and go up there and expose their lives and their health and if there are gentlemen who are willing to volunteer for the service, I prefer that those gentlemen who are willing to go shall be chosen and that no man shall be forced upon such a perilous expedition contrary to his wishes.

I hope, therefore, that the motion of the Senator from Maine will not prevail.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine [Mr. HALE] that the Senate recede from its amendment, on which the yeas and nays have been ordered.

The Secretary called the roll.

Mr. GARLAND. I wish to announce that my colleague [Mr. WALKER] and also the Senator from Mississippi [Mr. LAMAR] are detained at their rooms by sickness.

The result was announced—yeas 29, nays 22; as follows:

YEAS—29.

Allison,	Dolph,	Hoar,	Pike,
Anthony,	Fair,	Logan,	Platt,
Blair,	Frye,	McMillan,	Riddleberger,
Bowen,	Hale,	Mahone,	Sawyer,
Butler,	Hampton,	Manderson,	Wilson.
Conger,	Harrison,	Miller of Cal.,	
Cullom,	Hawley,	Morrill,	
Dawes,	Hill,	Pendleton,	

NAYS—22.

Call,	Garland,	Jackson,	Slater,
Camden,	George,	Jonas,	Vance,
Cockrell,	Gorman,	McPherson,	Vest,
Coke,	Groome,	Maxey,	Voorhees.
Colquitt,	Harris,	Saulsbury,	
Farley,	Ingalls,	Sherman,	

ABSENT—25.

Aldrich,	Gibson,	Mitchell,	Sewell,
Bayard,	Jones of Florida,	Morgan,	Van Wyck,
Beck,	Jones of Nevada,	Palmer,	Walker,
Brown,	Kenna,	Plumb,	Williams.
Cameron of Pa.,	Lamar,	Pugh,	
Cameron of Wis.,	Lapham,	Ransom,	
Edmunds,	Miller of N. Y.,	Sabin,	

So the motion to recede was agreed to.

S. W. MARSTON.

The PRESIDING OFFICER. The Secretary will report the next bill on the Calendar.

The bill (S. 1035) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses, was considered as in Committee of the Whole. It directs the Secretary of the Interior to cause to be examined and audited the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services rendered and expenses incurred by him in the months of July, August, September, and October, 1878, which claims were transmitted to the Office of Indian Affairs in November of that year, and to pay to him whatever sum of money may be found to be justly due for such services and expenses, not exceeding in amount $448.10.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR EASTMOND AND JAMES W. ATWILL.

The bill (S. 368) for the relief of Oscar Eastmond and James W. Atwill was considered as in Committee of the Whole. It directs the Secretary of War to cause to be issued and delivered to Oscar Eastmond a commission as colonel and to James W. Atwill a commission as lieutenant-colonel of the First Regiment North Carolina Volunteers, to date as of June 20, 1865, and to cause them to be duly mustered out as of date June 27, 1865; but this act and the commissions and musters-out issued thereunder shall not entitle them, or either of them, or any person claiming by, through, under, or from them, or either of them, to any pay, compensation, or allowance of any kind whatever, and shall only entitle them respectively to the rank of colonel and lieutenant-colonel of the regiment named.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE A. JAEGER.

The bill (S. 439) for the relief of George A. Jaeger was considered as in Committee of the Whole. It directs the Secretary of War to ascertain and determine the actual value of the personal effects lost by George A. Jaeger, late a lieutenant in the Twelfth United States Infantry, by the burning of his quarters at Camp Halleck, Nevada, on October 7, 1874, without fault or neglect on his part, and to pay the amount so ascertained; but no allowance shall be made for any property except what was useful, necessary, and proper for such an officer while in quarters engaged in the service in the line of duty or exceeding in amount the sum of $500.

Mr. COCKRELL. The "J" there ought to be "I." Let it be amended accordingly. I reported the bill.

The PRESIDING OFFICER. If there be no objection that amendment will be made.

Mr. COCKRELL. That change should be made both in the body of the bill and in the title.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended by changing "Jaeger" to "Iaeger."

HENRY M'GOWAN.

The bill (S. 376) for the relief of Henry McGowan was announced as next in order.

Mr. COCKRELL. I had the honor of introducing that bill, and I prefer, although it is reported favorably, that it remain and retain its place on the Calendar, subject to be called up hereafter.

The PRESIDING OFFICER. Is there objection to passing over the bill? The Chair hears none, and it is so ordered.

LEWIS D. ALLEN.

The bill (S. 307) for the relief of Lewis D. Allen was announced as next in order.

Mr. HOAR. The person named in that bill, which was reported adversely, wants an opportunity to present some further evidence. I move that the bill be passed over.

The PRESIDING OFFICER. Is there objection to passing over informally the bill the title of which has just been read? The Chair hears none.

DAVID BALLENTINE.

The bill (S. 392) for the relief of Joseph Kinney, administrator of David Ballentine, of Missouri, was announced as next in order.

Mr. COCKRELL. That is pretty much the same kind of a case as the first one that was called, for the relief of the city of Glasgow, involving the destruction of property to prevent it falling into the hands of the rebels during the late war and being used by them. The reports have only been recently made and there seems to be a considerable uniformity on the part of the committee in reporting these cases; but I do not desire to have this bill taken from the docket until all the cases are reported and we can determine whether we will test the principle. I ask that this be passed over.

The PRESIDING OFFICER. Is there objection to passing the bill over without prejudice? The Chair hears none. It will be so passed over.

JOHN ARMFIELD.

The bill (S. 491) for the relief of John W. Franklin, executor of the last will of John Armfield, deceased, was considered as in Committee of the Whole. It provides for the payment to John W. Franklin, executor of the estate of John Armfield, late of the county of Grundy, Tennessee, of $18,000.21, being the proceeds of $30,000.36 in legal money taken from the Bank of Louisiana, at New Orleans, La., by Capt. J. W. McClure, assistant quartermaster, under military order numbered 202, and by him turned over to Col. S. B. Holabird, chief quartermaster of that department, and by him disbursed.

Mr. CONGER. If there is a report in that case let it be read.

The Chief Clerk read the following report, submitted by Mr. JACKSON January 16:

The Committee on Claims, to whom was referred the bill (S. 491) for the relief of John W. Franklin, executor of the last will of John Armfield, deceased, have considered the same, and respectfully submit the following report:

This claim, under a bill similar in all respects to the present, was before the committee for consideration at the second session of the Forty-seventh Congress, was then fully investigated, and a favorable report made thereon.

Upon a re-examination of the claim your committee have reached the same favorable conclusion, and as the facts and conclusions of law are fully set forth in their former report, it is again adopted as the report of your committee in the premises, as follows:

Mr. Jackson, from the Committee on Claims, submitted the following report to accompany bill S. 2213.

The Committee on Claims, to whom was referred the bill (S. 2213) for the relief of John W. Franklin, executor of the last will of John Armfield, deceased, make the following report:

That at the commencement and during the continuance of the late war John Armfield, a citizen and resident of Grundy County, Tennessee, was an inform

old man, who remained quietly at home during the war; that he gave no aid, comfort, or encouragement to the rebellion or to persons engaged therein, but throughout the war remained loyal to the Government of the United States. He was a depositor in the Bank of Louisiana, at New Orleans, and in August, 1863, there was to his credit in said bank the sum of $30,000 in the notes or issues of the bank, and $1,239.65 in confederate treasury notes, arising from collections made for his account before the occupation of the city of New Orleans by the Federal military forces.

On the 17th of August, 1863, Major-General Banks, then in command of the Department of the Gulf, issued order No. 202, requiring the several banks and banking associations of New Orleans to pay over without delay to the chief quartermaster of the Army, or to such officers of his department as he might designate, all money in their possession belonging to or standing upon their books to the credit of any person registered as an enemy of the United States or engaged in any manner in the military, naval, or civil service of the "so-called confederate states, or who should have been or might thereafter be convicted of rendering any aid or comfort to the enemies of the United States." The order declared that all such funds would "be held and accounted for by the Quartermaster's Department, subject to the future adjudication of the Government of the United States." Under and in obedience to this order the Bank of Louisiana, in September, 1863, paid over to Capt. J. W. McClure, assistant quartermaster (the officer designated by the Quartermaster's Department to receive the same), the money or funds standing upon its books to the credit of John Armfield. The funds thus turned over by the bank consisted of $30,000 of its own notes or issues and $1,239.65 in confederate currency. Shortly after the receipt of the money, the chief quartermaster, Colonel Holabird, sold the notes of the bank at 60 per cent., receiving the sum of $18,000. It does not appear what disposition was made of the confederate currency. In 1866 said Armfield made application to the Secretary of War for the restoration of this $18,000, the proceeds of his funds. By order of the Secretary of War, dated the 20th of November, 1866, the claim and papers relating thereto were referred to the Quartermaster-General for action required for reimbursement of claimant. The Quartermaster-General, on the 28th November, 1866, referred the matter for examination and settlement to the Third Auditor of the Treasury Department, who, on the 14th December, 1867, made his report to the Second Comptroller of the Treasury, setting forth the facts of the case and his reasons for rejecting the claim, as follows:

TREASURY DEPARTMENT,
Third Auditor's Office, December 14, 1867.

SIR: I herewith submit for your consideration a claim of John Armfield to be reimbursed certain moneys seized at New Orleans, La., by the military officers of the United States. It appears that there was to the credit of this claimant in the Bank of Louisiana, at New Orleans, La., $30,000.36 in the notes of said bank and $1,239.65 in confederate notes, the proceeds of collection by said bank for claimant; that orders were issued by the military authorities of the United States in that department for the seizure of property in the possession of disloyal persons, &c.; that in pursuance of these orders this bank, on the 8th and 11th of September, 1863, paid over this money (in kind, as above stated) to Capt. J. W. McClure, assistant quartermaster; that he soon afterward turned over this money to Col. S. B. Holabird, chief quartermaster of that department; that Colonel Holabird sold the notes of the Bank of Louisiana at 60 per cent., realizing the sum of $18,000.21. The disposition made of the confederate notes is not shown, but as they had no legal value the question is immaterial.

In view of the recommendations made in this report, a detailed statement of the testimony is deemed unnecessary, but a general examination of it is believed to disclose the following facts, viz: That claimant had been a resident of Tennessee for some years next preceding the rebellion, and continued so to be during the war; that he remained in Tennessee during the entire war; that he was an aged and infirm man, and was for that reason unable to participate actively in the war either for or against the United States; that he never gave any assistance to the rebel enemies further than he was obliged to do by the actual presence of armed rebels, and that he took the amnesty oath prescribed by the proclamation of the President, dated December 8, 1863, as soon as the state of his health would permit him to go to the headquarters of the Federal forces after their arrival in his neighborhood. As this seizure appears to have been substantially an appropriation of personal property at New Orleans, La., in September, 1863, the claim therefore appears to have originated during the war of the rebellion, and in a State which had enacted an ordinance of secession, and which had been declared by the proclamation of the President of July 1, 1862, to be in insurrection. It would therefore appear that any settlement of this claim is inhibited by the act of February 9 (or 19), 1867, which construed the act of July 4, 1864. But if it be decided that the settlement of this claim is not inhibited by that act, then there appear to be other reasons why no settlement can be made by this Department: 1st, no general appropriation or provision of any kind for refunding of moneys seized in the manner in which this money was taken has ever been made by Congress; and, 2d, it can not be ascertained what appropriation had the benefit of the expenditure of any part of claimant's money, and therefore no particular appropriations can be designated as properly charged with the duty of refunding. (After discussing these points the report concludes:) It is therefore submitted, first, that settlement of this claim is inhibited by the act of Congress of February 9 (or 19), 1867, which construed the act of Congress of July 4, 1864; and, second, that the jurisdiction of this office does not extend to the settlement of this claim, because no fund has ever been appropriated and no provision of any kind ever made by Congress for the settlement of claims of this character. It is therefore recommended that the claim be disallowed.

Respectfully submitted.

JOHN WILSON, *Auditor.*

Hon. JOHN M. BRODHEAD,
Second Comptroller.

The Second Comptroller, under date of March 8, 1868, gave a written opinion in the case, concurring with the Auditor in the conclusions stated by him, and suggesting that "the remedy of claimant lies elsewhere than at the Treasury. His application should be made to Congress or the Court of Claims."

John Armfield some time after this died, and John W. Franklin, the duly appointed and qualified executor of his will, seeks by the present bill to have Congress return or repay to him, for the benefit of said Armfield's estate, without interest, said sum of $18,000, which the United States Government received and appropriated as aforesaid. The single question presented in the case is, whether there is now any legal obligation or equitable duty on the part of the Government to make such restitution. No judicial proceedings were ever instituted by or on behalf of the United States to confiscate or condemn either the funds of Armfield received from the Bank of Louisiana or the proceeds thereof. The object and purpose of said military order No. 202, under which Armfield's deposit was taken possession of by the military authorities, was not to supply military wants and necessities, but simply to impound and confiscate the moneys of public enemies. By reason of his residence in Tennessee, John Armfield occupied (till December, 1863) constructively the relation of enemy, but was in fact loyal to the Government. He did not, therefore, fall within either the letter or the spirit and intent of the order; neither were his funds subject to lawful seizure and confiscation under the confiscation acts of Congress. But assuming that his technical enemy relation by residence in a rebellious State would have authorized the confiscation of his funds on deposit in New Orleans, the question is presented whether the commanding general of the department could, by military order, enforce such confiscation.

This is not an open question. The Supreme Court of the United States, in the case of Planters' Bank *vs.* Union Bank (16 Wallace, pages 494 to 497), had occasion to pass upon the validity of order No. 202; and it was there decided that General Banks had no authority to make said order, and that it was wholly invalid and worked no divestiture of the owner's right and title to the funds seized thereunder. The following extract from the opinion of the court will show the reasoning and principle on which its decision was rested:

"The validity of the order (No. 202) is, therefore, the first thing to be considered. It was made on the 17th August, 1863. Then the city of New Orleans was in quiet possession of the United States forces. It had been captured more than fifteen months before that time, and undisturbed possession was maintained ever after its capture. Hence, the order was no attempt to seize property '*flagrante bello*,' nor was it a seizure for immediate use of the Army. It was simply an attempt to confiscate private property, which, though it may be subjected to confiscation by legislative authority, is, according to the modern law of nations, exempt from capture as booty of war. Still, as the war had not ceased, though it was not flagrant in the district, and as General Banks was in command of the district, it must be conceded that he had power to do all that the laws of war permitted, except so far as he was restrained by the pledged faith of the Government or by the effect of Congressional legislation. A pledge, however, had been given that rights of property should be respected. When the city was surrendered to the army under General Butler, a proclamation was issued, dated May 1, 1862, one clause of which was as follows: 'All the rights of property of whatever kind will be held inviolate, subject only to the laws of the United States.' This, as was remarked in the case of the Venice, only reiterated the rules established by the legislative and executive action of the National Government in respect to the portions of the States in insurrection occupied and controlled by the troops of the Union. That action, it was said, indicated the policy of the Government to be not to regard districts occupied and controlled by national troops as in actual insurrection, or their inhabitants as subject, in most respects, to treatment as enemies.

"Substantial, complete, and permanent military occupation and control was held to draw after it the full measure of protection to persons and property consistent with a necessary subjection to military government. We do not assert that anything in General Butler's proclamation exempted property within the occupied district from liability to confiscation as enemies' property, if in truth it was such. All that is now said is, that after that proclamation private property in the district was not subject to military seizure as booty of war. But admitting as we do that private property remained subject to confiscation, it is undeniable that confiscation was possible only to the extent and in the manner provided by the acts of Congress. Those acts were passed on the 6th August, 1861, and on the 17th July, 1862. No others authorized the confiscation of private property, and they provided the manner in which alone confiscation could be made. They designated Government agents for seizing enemies' property, and they directed the mode of procedure for its condemnation in the courts. The system devised was necessarily exclusive. No authority was given to a military commander, as such, to effect any confiscation. * * * It is therefore of little importance to inquire what, under the general laws of war, are the rights of a conqueror, for during the recent civil war the Government of the United States asserted no general rights in virtue of conquest to compel the payment of private debts to itself. On the contrary, it was impliedly disclaimed except so so far as the acts of 1861 and 1862 asserted it. These enactments declaring that private property belonging to certain classes of persons might be confiscated, in the manner particularly described, are themselves expressive of an intent that the rights of conquest should not be exercised against private property except in the cases mentioned and in the manner pointed out. * * * It follows, then, that the order of General Banks was one which he had no authority to make, and that his direction to the bank to pay to the quartermaster of the Army the debt (or deposit) due to the Planters' Bank was wholly invalid."

The Supreme Court having thus declared that the attempt of the commanding general to enforce by military order the confiscation acts of Congress against the property and effects of even actual enemies of the United States was without authority and invalid, and it further appearing that there has never been any judicial procedure for the condemnation of the funds seized, as directed and required by the confiscation acts of 1861 and 1862, so as to divest and defeat the private rights of the owner, it follows that the United States never acquired any valid interest or title to the money of Armfield turned over to the Government under said order 202. Under an invalid and unauthorized order of its commanding general the Government simply got possession of the fund, and placed itself in position to enforce against it the confiscation acts of 1861 and 1862, provided the owner had subjected himself to the penalties of said acts by aiding and abetting the rebellion. But Armfield was actually loyal, and his money could not lawfully have been condemned and confiscated under said acts.

At the close of the war Mr. Armfield was an old man, completely broken up by the casualties and disasters of war. He was in feeble and infirm health; moved about with difficulty and with pain to himself. He lived in a remote section of the State, and for years after the close of the war he diligently prosecuted his claim before the Departments of the Government, which at that time were supposed to have the proper authority, if not the sole jurisdiction, to adjust and settle the matter. After the disallowance of his claim by the Treasury Department, on the grounds already stated, which did not go to the merits of the claim, he departed this life before he had time or opportunity to apply elsewhere for relief.

It is suggested, in the opinion of the Third Auditor of the Treasury (above quoted), that the claimant's remedy was either in the Court of Claims or to Congress. If the military authorities had seized the funds under the act of Congress of March 12, 1863, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," the claimant could have resorted to the Court of Claims within the time prescribed by law for relief. The claim does not, however, fall within the provisions of, or originate under, that act. But, as stated by the Supreme Court in the case cited, the order under which the funds were taken possession of was an unauthorized attempt by the military commander to enforce summarily the confiscation acts of 1861 and 1862.

In the opinion of your committee no jurisdiction was conferred upon the Court of Claims to grant relief in such cases, and the claimant has been guilty of no laches in failing to seek redress in that direction. The claim being a just and meritorious one, the Government should not refuse relief.

Your committee, therefore, consider that the money belonging to said Armfield to the amount of $18,000, received in par funds and appropriated as aforesaid by the Government, should be restored to his estate, but without interest; and they accordingly report back the bill with a recommendation that it be passed by the Senate.

Mr. CONGER. I am well aware of the carefulness with which the Committee on Claims examines all these cases and the fairness with which those who make reports from it consider all the circumstances arising in them, and so I hesitate a good deal about opposing the passage of this bill. I am free to say, having been a member of the Committee on Claims at the last Congress, that the careful manner in which claims are examined and the legal questions are considered, and especially by the gentleman who made this report, impresses me very

much; and if this case was not an old acquaintance of mine I should not interpose. I had occasion in the other House to examine this claim. It has an old, familiar look, and I notice now in the report it requires a very long, careful argument to find grounds upon which its payment can be recommended. The claim has been made in the Senate heretofore, and still I think it never succeeded until last year in having a favorable report.

There are two or three things in regard to this claim that I think Senators should look at before it is passed, thereby establishing a precedent, part of which appears in this record and part of which may be my own recollection.

There is no assumption in the report, to begin with, that this claimant was a loyal citizen of the United States; it is not pretended that he comes within that category at all. On the contrary, it is admitted that he was to all intents and purposes within the meaning of the law an enemy, at least that he did hostile acts and was in a hostile attitude to the Government. It is excused in the report by saying that he did no more in opposition to his Government than he was compelled to do. The kind of compulsion or the amount of hostility which he manifested to the Government is not set forth at all, but it is smoothed over by that general proposition that he did no more against his Government in a hostile way than he was compelled to do. To a certain extent that rule would apply to a great many men who were in actual hostility to this Government. It has now become a matter of history and a matter of knowledge that there was more or less compulsion upon individuals, making them take a hostile attitude against the Government. In reply to that I submit that during the time this claimant was depositing his good money in a bank in New Orleans, far removed from his residence, and while he was depositing confederate money there, while he was giving all the benefit of his business transactions to banks and to a region of the country in possession of the enemy, it would have been nearer and easier—for Tennessee was a large portion of the time during the war in the possession of the Army of the United States—for him to have deposited his money and conducted his transactions in loyal States and for the benefit of his Government.

I do not hear anything and I do not remember anything in this particular case which takes it out of the class of other cases except the age and infirmity of this old man; and his age and infirmity is made the excuse for his having been dragged into opposition to his Government, and the pretense is, and the only pretense is, that from his age and from his condition of health he was unfit to be an active enemy and engage in active hostilities against the Government.

This is a case that appeals somewhat to our kindly feeling because of the age and infirmity of the original claimant and because of the loss and injury which the losing of this money brought upon him and upon his family; and if that were all there was in the case I would not rise in my place to make any objection to the passage of the bill; but in view of the vast amount of money involved in the thousands and thousands of claims and the millions of dollars still unsettled and undecided coming under the head of "war claims" I think the Senate should be very careful not to establish a precedent which will be a guide to this committee in the future or to any other committee for stepping over the well-recognized boundaries of the present law and the present decisions of Congress. If we may pass over these boundaries from sympathy, if we may vote to pass a bill for one claimant on the ground of sympathy, we may pass another for another reason, and not be governed by any certain or definite rule.

In my examination of this case I found many things which tend to remove the main, leading objection to the passage of this bill in itself, and yet I never could see, as the committee seem to have seen now, on what principle I could recommend the passage of this bill, how according to the rules which the committees of both Houses have adopted in regard to the recommendation of bills for old war claims they could bring this within the principle, for to my mind unless there is something new shown since I did examine the claim it must be controlled alone by our sympathy for the condition of the man and a desire to do a kind-hearted, generous thing to this old Tennesseean, to do a clever thing to him. Unless it be on that ground, I see no reason why this bill ought to pass.

I do not know, I can not say but that later there has been some new testimony or some new light, but I think the report is taken from a report made over two years ago, and that report of the facts as they were then has been adopted by this committee, and there is no pretense that any new testimony or any new evidence has been discovered to take this case out of the condition it was in at that time.

Mr. COCKRELL. To what report does the Senator refer?

Mr. CONGER. The report which was read here, the committee adopting a report which was made by the Committee on Claims two years ago.

Mr. COCKRELL. Has there been any adverse report in either branch?

Mr. CONGER. That is not the point I was on. My point was that, unless there was some new evidence, some new testimony since I myself had examined the claim or since the committee had formerly examined it, I was unwilling without further examination to vote in favor of the passage of this bill.

It is with more than ordinary reluctance that I antagonize a report of this committee. To show my great confidence in the ability and integrity of the gentleman from Tennessee who made this report, I say that it is with reluctance I oppose the passage of a bill which he has recommended; but with my views that this does not come within the rule, that it has to be brought within the rule by argumentation rather than by facts, that it will violate the principles upon which Congress has acted in the passage of war claims, I can not support the bill, and I should like very much—for I can not on the mere reading of the report follow its arguments and statements clear through—to have the bill go over until I can myself re-examine it, and if I find I am in error, I shall certainly withdraw any objection and permit the bill to pass at any time, as far as my vote is concerned.

Mr. JACKSON. Mr. President——

Mr. GARLAND. Will the Senator from Tennessee holding the floor give way for a motion for an executive session?

Mr. HOAR. I should like to speak about two minutes or not more than five on this bill at some time, and as I am going away for a fortnight perhaps I had better do it now; but I do not wish to interfere with the Senator from Tennessee.

Mr. JACKSON, I will yield to the Senator from Massachusetts.

Mr. HOAR. As I understand it, Mr. President, this bill is based upon a principle which has been applied both by Congress and by the Supreme Court whenever any case has arisen which called for its application, and it is this: The laws of war authorize a belligerent nation to carry its hostility to the extent of the entire destruction or confiscation of all enemies' property whatever. Strictly construed they also authorize the enslaving or slaying of every enemy whatever, with his wife and children, if need be, if the belligerent government see fit. But in modern times there have been great alleviations of the strictness of the ancient and barbarous rule, so that it is not customary for civilized nations while at war to destroy the private property of an enemy either by sea or land unless the property itself constitute a public danger so as to be part of the resources of the other belligerent. It is not customary on land to seize for confiscation of the government any of the belligerent's property except so much as comes within the class I have just referred to on the one side or may itself be made useful for the support of the army in the field coming under the class of quartermaster or military stores on the other.

The Supreme Court of the United States have held that the degree of severity with which the ancient belligerent right shall be enforced is a question for the political department of the Government, for Congress where it has legislated, or for the head of the Army in the absence of any such legislation; and therefore when enemy's property has been seized, not for the use of the Army as quartermaster or commissary stores, but has been taken possession of and kept by the Government, or sold and its proceeds kept, the amount has been uniformly restored to the party, either under quasi-judicial processes where Congress has established tribunals authorized to make the restoration or by act of Congress where that is necessary.

What is this case? It does not make any difference that the sufferer was an infirm old man and was not an actual belligerent, because the belligerent character was imputed to him conclusively by his being in the enemy's territory where some funds which he had in a bank were seized by an order which the Supreme Court of the United States passing on that general order of General Banks have held to be illegal, because, Congress having determined the policy not to make a general confiscation of enemies' property, the general in the field had no right to go beyond that policy. Therefore General Banks's order requiring the New Orleans banks to pay into the Treasury the private deposits of persons, whether enemies or friends, has been held by the Supreme Court of the United States to be illegal in the case from which the opinion is extracted in this report. That being so, this money is now in the Treasury. It has not been applied to the use of the United States except as all money that is covered into the Treasury may be supposed to have been; it was not quartermaster or commissary stores; and it is the duty of Congress to provide for its restoration. I am not aware since I have been here of a single case which depends on those principles where Congress has not adopted the view which this report adopts.

Mr. CONGER. May I inquire if this bank was not the depository of the confederate funds, and if this was not taken as a part of the funds generally, and the only means of knowing that it was a separate fund was that on the books of the bank it appeared there was so much to this man's credit?

Mr. HOAR. I am glad the Senator puts that question, because that illustrates precisely the care which the committee have taken in regard to this class of questions. We have had two or three cases, in one of which I made the report and in one of which the Senator from Tennessee [Mr. JACKSON] made the report, where a depositor in that bank, the bank having been ordered to pay over his funds to the credit of the confederacy before we got possession of New Orleans, came in and asked us to reimburse him and restore the funds which had been captured. The reply was, "No, your deposit in bank had been turned over to the confederates in the beginning and we captured it as confederate funds; we can not go behind the present position of the confederate government as depositor in the bank and see whether they got that money by an illegal confiscation of some of their citizens' funds." And in those cases we have invariably declined relief. But the confederate govern-

ment had several banks in which it made deposits, of which this was one. This bank had a large number of deposits, of which the deposit of the confederate treasurer was only one, and not a very large one in proportion to its whole line of deposits. This deposit was money deposited by this man in his private capacity.

Mr. CONGER. The reason I asked the question was that my recollection was that this very money, belonging to a citizen of Tennessee, had been so far seized by the confederate government, or at least that it was ordered to be——

Mr. HOAR. No, sir; it never had been.

Mr. JACKSON. The Senator will allow me to state that that is not the fact.

Mr. CONGER. I did not mean to say it had been seized in fact, but that by an order of the confederate government all money in bank had been ordered to be kept there for the use of the confederacy, whether it was private funds or public funds.

Mr. JACKSON. Oh, no.

Mr. HOAR. In all that class of cases we have denied relief.

Mr. GARLAND. Now, with the understanding that the Senator from Tennessee [Mr. JACKSON] has the floor when this bill comes up again, I move that the Senate proceed to the consideration of executive business.

Mr. PLATT. Will the Senator withdraw that for a moment in order that I may ask a question, that the answer may go in the RECORD at this point?

Mr. GARLAND. Yes, sir.

Mr. PLATT. I see it stated in this report that in the opinion of the committee no jurisdiction was conferred upon the Court of Claims to grant relief in such cases. Now, if the Government has money which has been covered into the Treasury which it can not legally hold, why is there not an implied contract on the part of the Government receiving that money to pay it back, and, therefore, why was there not jurisdiction in the Court of Claims?

Mr. HOAR. The Court of Claims, as I understand it, has never adopted that view of an implied contract, and the principle of law which authorizes the waiving a tort and bringing assumpsit on an implied contract to pay over money tortiously obtained does not obtain universally in our American States. It is denied in my own State of Massachusetts. But at any rate it never has been extended so far, and least of all it has never been adopted by the Court of Claims, that where a sum of money has been seized by an unlawful order of a military officer in time of war operating upon persons within his actual control and military jurisdiction and where the United States has received into its Treasury a sum of money exacted from a person under that condition of things, there was an implied contract to pay it which would authorize the party to sue in the Court of Claims. There is no such case to be found in that court that I ever heard of.

Mr. GARLAND. Now I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened.

CARDS TO SENATORS.

Mr. PLATT submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the time during which cards shall not be sent to Senators be extended for two hours from the commencement of the session.

VOTES RECONSIDERED.

On motion of Mr. HARRIS, it was

Ordered, That the votes by which the bill (S. 971) for the relief of Mrs. Priscilla W. Burwell, widow of Armistead Burwell, deceased, and the bill (S. 972) for the relief of Priscilla W. Burwell, widow and personal representative of Hon. Armistead Burwell, deceased, late of Vicksburg, Miss., were indefinitely postponed be reconsidered, and that the bills be placed on the Calendar.

ADMISSIONS TO THE FLOOR.

On motion of Mr. PLATT, it was

Ordered, That the subject of the construction of clause 3, Rule XXXIII, which provides for the admission of heads of Department to the floor of the Senate, be referred to the Committee on Rules for its consideration.

SUFFERERS BY THE OHIO OVERFLOW.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 154) authorizing the Secretary of War to use rations for the relief of destitute persons in the district overflowed by the Ohio River and its tributaries, and making an appropriation to relieve the sufferers by said overflow; in which it requested the concurrence of the Senate.

The PRESIDENT *pro tempore*. With the unanimous consent of the Senate, the Chair now lays before it for immediate consideration the joint resolution just received from the House of Representatives.

The joint resolution (H. Res. 154) authorizing the Secretary of War to use rations for the relief of destitute persons in the district overflowed by the Ohio River and its tributaries, and making an appropriation to relieve the sufferers by said overflow, was read the first time by its title, and the second time at length, as follows:

Resolved, &c., That the sum of $300,000 is hereby appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to be expended by and under the direction of the Secretary of War in the purchase and distribution of subsistence stores, clothing, and other necessary articles to such destitute persons as may require assistance in the district overflowed by the Ohio River and its tributaries by the recent floods; and he is authorized to co-operate with the authorities of the several States and cities of which such district is a part in making distribution of the same. And the Secretary of War is also authorized, in his discretion, to use the hospital and other tents now possessed by the War Department so far as may be necessary to furnish temporary shelter to the destitute people who have been driven from their homes by said overflow; and he is authorized to use the steamers and other boats and vessels belonging to or now employed by the Government upon the Ohio and Mississippi Rivers and their tributaries in the transportation and distribution of the supplies furnished by the United States or individuals to and among said destitute and suffering people; and he may employ such other means of transportation as he may deem necessary to carry the purpose of this joint resolution into effect.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MAXEY. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 11, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Friday last was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FERRELL, for to-day.

To Mr. CULBERSON, of Texas, for ten days, on account of important business.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the Chair will proceed with the call of States and Territories for the introduction of bills and joint resolutions for printing and reference to their appropriate committees. Under this call memorials and resolutions of State and Territorial Legislatures are in order; also resolutions calling for executive information for reference to their appropriate committees.

AMENDMENT OF REVISED STATUTES.

Mr. OATES introduced a bill (H. R. 4720) to repeal section 4716 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CADETS AT NAVAL ACADEMY.

Mr. OATES also introduced a bill (H. R. 4721) to limit the number of cadets to the Naval Academy and to regulate the appointment thereof; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MARCUS C. HAWLEY & CO.

Mr. ROSECRANS introduced a bill (H. R. 4722) for the relief of Marcus C. Hawley & Co., of San Francisco, Cal.; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ROBERT W. DUNBAR.

Mr. ROSECRANS also introduced a bill (H. R. 4723) for the relief of Robert W. Dunbar; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DISTRICT COURT IN ARIZONA.

Mr. BUDD (by request) introduced a bill (H. R. 4724) to invest the district court of the United States in and for the second judicial district of Arizona with certain powers; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOB BROOKFIELD.

Mr. BUDD (by request) also introduced a bill (H. R. 4725) for the relief of Job Brookfield; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CADETS IN NAVAL ACADEMY.

Mr. BUDD (by request) also introduced a bill (H. R. 4726) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes," and to regulate and provide for the appointment of cadets to the Naval Academy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SETTLEMENT OF PRIVATE LAND CLAIMS.

Mr. BELFORD introduced a bill (H. R. 4727) to facilitate the settlement of private land claims; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

LEASING ARID AND DESERT LANDS.

Mr. BELFORD also introduced a bill (H. R. 4728) to provide for the leasing of the arid and desert lands in the State of Colorado; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MORRIS APPEL.

Mr. BELFORD also introduced a bill (H. R. 4729) for the relief of Morris Appel; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DENVER, COLO.

Mr. BELFORD also introduced a bill (H. R. 4730) to increase the appropriation for the erection of the public building at Denver, Colo.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ISAIAH MITCHELL.

Mr. BELFORD also introduced a bill (H. R. 4731) granting a pension to Isaiah Mitchell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTIES ON COCOANUTS, ETC.

Mr. BISBEE introduced a bill (H. R. 4732) to impose duties upon cocoanuts, bananas, and pine-apples; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. ANN LEDDY.

Mr. BISBEE also introduced a bill (H. R. 4733) for extension of pension of Mrs. Ann Leddy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIA A. MAYBEE.

Mr. BISBEE also introduced a bill (H. R. 4734) for the relief of Julia A. Maybee, administratrix of John E. Hickey, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

D. K. LOVE.

Mr. BUCHANAN introduced a bill (H. R. 4735) for the relief of D. K. Love; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DRAINAGE OF TYBEE.

Mr. NICHOLLS introduced a bill (H. R. 4736) to provide for the drainage of the public domain on Tybee Island, State of Georgia; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM H. SOUTH.

Mr. TOWNSHEND introduced a bill (H. R. 4737) granting a pension to William H. South, Company B, Twenty-ninth Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK GALT.

Mr. TOWNSHEND also introduced a joint resolution (H. Res. 155) for the relief of Frank Galt, a notary public for the District of Columbia; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. TOWNSHEND also introduced a joint resolution (H. Res. 156) proposing an amendment to the Constitution of the United States in relation to the election of President and Vice-President, providing for their election by a majority of the voters of the people and the abolition of the electoral college, and regulating the method of counting the votes by the two Houses of Congress; which was read a first and second time, referred to the Select Committee on Law respecting Election of President and Vice-President, and ordered to be printed.

COMMERCIAL NATIONAL BANK, CHICAGO.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 4738) to authorize the increase of the capital stock of the Commercial National Bank of Chicago; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JAMES MORGAN.

Mr. WORTHINGTON introduced a bill (H. R. 4739) for the relief of James Morgan; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JUDICIAL DISTRICTS, ILLINOIS.

Mr. WORTHINGTON also introduced a bill (H. R. 4740) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RELIEF RELATING TO LAND GRANTS.

Mr. PAYSON introduced a bill (H. R. 4741) for the relief of persons to whom land had been confirmed by the governors of the Northwestern Territory, &c., and whose lands were subsequently sold by the United States; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

INDIAN EDUCATION, DAKOTA.

Mr. CALKINS introduced a bill (H. R. 4742) to encourage Indian education in the Territory of Dakota; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

GEORGE DISSINGER.

Mr. CALKINS also introduced a bill (H. R. 4743) granting a pension to George Dissinger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRUE NAMES OF SOLDIERS.

Mr. CALKINS also introduced a bill (H. R. 4744) to authorize the Secretary of War to correct the rolls and restore the true names of soldiers thereto who served under fictitious names; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY FRANCE.

Mr. CALKINS also introduced a bill (H. R. 4745) for the relief of Mary France; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MATT AND SAMUEL FRANCE.

Mr. CALKINS also introduced a bill (H. R. 4746) for the relief of Matt and Samuel France; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INTERNAL REVENUE.

Mr. KLEINER introduced a bill (H. R. 4747) to amend section 3243 of the Revised Statutes of the United States relating to the collection of internal revenue, &c.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MILES KEMP.

Mr. KLEINER also introduced a bill (H. R. 4748) for the relief of Miles Kemp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AZARIAH T. WHITTLESEY.

Mr. KLEINER also introduced a bill (H. R. 4749) for the relief of Azariah T. Whittlesey, late postmaster of the city of Evansville, Ind.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS H. BOSWELL.

Mr. MATSON introduced a bill (H. R. 4750) to rerate the pension of Thomas H. Boswell, late major Sixth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PLEASANT MINET.

Mr. MATSON also introduced a bill (H. R. 4751) granting a pension to Pleasant Minet; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HERRING.

Mr. MATSON also introduced a bill (H. R. 4752) granting a pension to William Herring; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM R. PHILIPS.

Mr. MATSON also introduced a bill (H. R. 4753) to correct the military record of William R. Philips, late private Company G, Twenty-ninth Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. STOCKSLAGER introduced a bill (H. R. 4754) for the benefit of certain soldiers and sailors, and to pay them $100 per month in lieu of all pensions now received by them; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREELAND HASTON.

Mr. STOCKSLAGER also introduced a bill (H. R. 4755) authorizing and directing the Secretary of the Interior to place the name of Freeland Haston on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLOMON DAVIS.

Mr. STOCKSLAGER also introduced a bill (H. R. 4756) for the relief of Solomon Davis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANKLIN R. M. GILBERT.

Mr. STOCKSLAGER also introduced a bill (H. R. 4757) for the relief of Franklin R. M. Gilbert; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SUPERVISING ARCHITECT OF THE TREASURY.

Mr. STOCKSLAGER submitted the following resolution of inquiry; which was read, and on his motion referred to the Committee on Public Buildings and Grounds:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to this House the report of the committee appointed by the Treasury Department to investigate charges made against the management of the office of the Supervising Architect of the Treasury under James G. Hill, together with the charges and evidence and all correspondence leading to said investigation, with all paper writings relating thereto.

CIRCULATING NOTES OF NATIONAL BANKS.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 4758) to provide for the issue of circulating notes to national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MARY A. GUTHRIE.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 4759) granting a pension to Mary A. Guthrie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASSISTANT SURGEON-GENERAL UNITED STATES ARMY.

Mr. MURPHY introduced a bill (H. R. 4760) to abolish the office of Assistant Surgeon-General United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS M'GILL.

Mr. RYAN introduced a bill (H. R. 4761) granting a pension to Thomas McGill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALARY OF THE LATE REPRESENTATIVE HASKELL.

Mr. RYAN also introduced a joint resolution (H. Res. 157) to pay the salary for the unexpired term of the late Hon. Dudley C. Haskell, deceased, to his widow; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

FEES OF REGISTERS AND RECEIVERS.

Mr. ANDERSON introduced a bill (H. R. 4762) to amend section 2290 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ISRAEL DODGE, DECEASED.

Mr. ANDERSON also introduced a bill (H. R. 4763) declaring the intention of Congress in passing an act approved June 15, 1880, entitled "An act for the relief of the heirs or legal representatives of Israel Dodge, deceased;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

KANSAS JUDICIAL DISTRICTS.

Mr. PERKINS introduced a bill (H. R. 4764) to divide the district of Kansas into two districts and to prescribe the times and places for holding courts therein, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SOLOMON J. GRISSOM.

Mr. PERKINS also introduced a bill (H. R. 4765) granting a pension to Solomon J. Grissom; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID COMPROPST.

Mr. PERKINS also introduced a bill (H. R. 4766) granting a pension to David Compropst; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. HENRY.

Mr. PERKINS also introduced a bill (H. R. 4767) granting a pension to Mary A. Henry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. H. KIDDER.

Mr. PETERS introduced a bill (H. R. 4768) for the relief of H. H. Kidder, assignee; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM H. WHITING.

Mr. PETERS also introduced a bill (H. R. 4769) for the relief of William H. Whiting; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEAVENWORTH STREET RAILWAY COMPANY.

Mr. MORRILL introduced a bill (H. R. 4770) authorizing the Leavenworth and Suburban Street Railway Company to extend its railway across the military reservation to Fort Leavenworth; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. MORRILL also introduced a bill (H. R. 4771) authorizing the Secretary of War to turn over to the governor of the State of Kansas four pieces of condemned cannon for the use of the Leavenworth Light Infantry Battalion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NEWTON WHIMS.

Mr. MORRILL also introduced a bill (H. R. 4772) for the relief of Newton Whims; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANCIS O'LEARY.

Mr. MORRILL also introduced a bill (H. R. 4773) granting a pension to Francis O'Leary; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA HOLBORN.

Mr. MORRILL also introduced a bill (H. R. 4774) for the relief of Anna Holborn; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

RUFUS K. BOYD.

Mr. CLAY introduced a bill (H. R. 4775) granting a pension to Rufus K. Boyd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORA A. SLOCOMB AND OTHERS.

Mr. HUNT introduced a bill (H. R. 4776) for the relief of Cora A. Slocomb, Ida A. Richardson, and Caroline Augusta Urquhart; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CALVIN CARTER.

Mr. BOUTELLE introduced a bill (H. R. 4777) granting a pension to Calvin Carter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LINCOLN W. TIBBETTS.

Mr. REED introduced a bill (H. R. 4778) for the relief of Lincoln W. Tibbetts, of Portland, Me.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MESSALONSKEE BANK.

Mr. MILLIKEN introduced a bill (H. R. 4779) to change the name of the West Waterville Bank of Oakland, in the State of Maine, to that of Messalonskee National Bank; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CAMBRIDGE, MD., A PORT OF ENTRY.

Mr. COVINGTON introduced a bill (H. R. 4780) to make Cambridge, in the State of Maryland, a port of entry; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

POST-OFFICE BUILDING AT LYNN, MASS.

Mr. LOVERING introduced a bill (H. R. 4781) to provide for a post-office building at Lynn, Mass.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ASSISTANT ASTRONOMERS.

Mr. MORSE introduced a bill (H. R. 4782) to fix the positions of the assistant astronomers at the Naval Observatory; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM H. WINANS.

Mr. RICE (by request) introduced a bill (H. R. 4783) granting a pension to William H. Winans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BREAKWATERS FOR MACKINAC HARBOR, MICHIGAN.

Mr. BREITUNG introduced a bill (H. R. 4784) to provide for the building of breakwaters for the protection of the harbor of Mackinac, Michigan; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

CANNON FOR BAGLEY CEMETERY, MICHIGAN.

Mr. HATCH, of Michigan, introduced a bill (H. R. 4785) granting four cannon to the township of Bagley, in the county of Otsego, in the State of Michigan, to be used in ornamenting a cemetery, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DISTRICT POLICE AND FIREMEN.

Mr. ELDREDGE introduced a bill (H. R. 4786) to provide relief for policemen and firemen who may be disabled in service in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WILLIAM P. GLOVER.

Mr. CUTCHEON introduced a bill (H. R. 4787) granting a pension to William P. Glover; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POVERTY ISLAND LIGHT-HOUSE, MICHIGAN.

Mr. MAYBURY introduced a bill (H. R. 4788) for the relief of workmen employed in the construction of Poverty Island light-house, Lake Michigan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT DETROIT, MICH.

Mr. MAYBURY also introduced a bill (H. R. 4789) to provide for the purchase of a site and erection of a public building thereon at Detroit, Mich.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ALEXANDER ST. BERNARD.

Mr. CARLETON introduced a bill (H. R. 4790) granting a pension to Alexander St. Bernard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MUSTER AND PAY OF VOLUNTEER OFFICERS.

Mr. CARLETON also introduced a bill (H. R. 4791) to provide for the muster and pay of certain officers of the volunteer forces; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MOSES F. CARLETON.

Mr. CARLETON also introduced a bill (H. R. 4792) for the relief of Moses F. Carleton, late lieutenant Company I, Fourth Michigan Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. A. M. HOUGH.

Mr. WINANS, of Michigan, introduced a bill (H. R. 4793) granting a pension to Mrs. A. M. Hough, widow of Joseph A. Hough; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THEODORE C. PUTNAM.

Mr. HOUSEMAN introduced a bill (H. R. 4794) for the relief of Theodore C. Putnam, late of Company A, Thirty-second Regiment Massachusetts Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. EGGLESTON.

Mr. YAPLE introduced a bill (H. R. 4795) to increase the pension of William J. Eggleston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MELVIN HAYSE.

Mr. YAPLE also introduced a bill (H. R. 4796) granting a pension to Melvin Hayse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAJ. T. P. M'ELRATH.

Mr. STRAIT introduced a bill (H. R. 4797) for the relief of Maj. T. P. McElrath; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

DEPENDENT WIDOWS, FATHERS, AND MOTHERS OF SOLDIERS.

Mr. STRAIT also introduced a bill (H. R. 4798) for the relief of soldiers' mothers and widows who may remarry and by the death of their husbands become dependent, and for fathers and mothers of soldiers who may become dependent after the death of the soldier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGES ACROSS THE MISSISSIPPI AT SAINT PAUL.

Mr. WASHBURN introduced a bill (H. R. 4799) to authorize the construction of foot and carriage or railroad bridges across the Mississippi River at Saint Paul, Minn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

THOMAS LOCKE.

Mr. WASHBURN also introduced a bill (H. R. 4800) granting a pension to Thomas Locke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. WETHERELL.

Mr. WASHBURN also introduced a bill (H. R. 4801) granting an increase of pension to George W. Wetherell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ESTATE OF JOHN COOK.

Mr. WASHBURN also introduced a bill (H. R. 4802) for the relief of the estate of John Cook; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DUTIES ON BOOKS.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 4803) to repeal the import duties on books printed in other than the English language; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PACIFIC RAILROADS.

Mr. WHITE, of Minnesota (by request), also introduced a bill (H. R. 4804) to amend section 17 of an act approved July 2, 1864, entitled "An act to amend an act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July 1, 1862;" which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

ROBERT STRACHAN AND OTHERS.

Mr. MULDROW (by request) introduced a bill (H. R. 4805) for the relief of Robert Strachan and others, citizens of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

H. T. JOHNSY.

Mr. MULDROW also introduced a bill (H. R. 4806) for the relief of H. T. Johnsy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STAR-ROUTE INVESTIGATION.

Mr. MONEY submitted the following resolution; which was referred to the Committee on the Post-Office and Post-Roads:

Resolved, That it is the sense of this House that the Postmaster-General be, and he is hereby, required to transmit to this House the papers called for in the resolution of the 30th instant, as follows, to wit:

"*Resolved*, That the Postmaster-General be, and he is hereby, directed to transmit to this House all reports made by special agents of the Post-Office Department to the Postmaster-General during the year 1881 having reference to the star-route investigation, and which have not heretofore been published and made public."

THOMAS N. LOYD.

Mr. MORGAN introduced a bill (H. R. 4807) granting a pension to Thomas N. Loyd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM JONES.

Mr. MORGAN also introduced a bill (H. R. 4808) granting an honorable discharge to Abraham Jones, late bugler Company C, Sixth Kansas Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ISAAC N. DE LONG.

Mr. MORGAN also introduced a bill (H. R. 4809) granting a pension to Isaac N. De Long; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. BROADHEAD introduced a bill (H. R. 4810) to modify the provisions of section 3480 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PRESERVATION OF FORESTS.

Mr. HATCH, of Missouri (by request), introduced a bill (H. R. 4811) for the preservation of the woods and forests of the national domain adjacent to the sources of the navigable rivers and their affluents in the United States; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

ELLEN CONYERS.

Mr. DOCKERY (by request) introduced a bill (H. R. 4812) granting a pension to Ellen Conyers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN F. ELLIS.

Mr. DOCKERY also introduced a bill (H. R. 4813) increasing the pension of John F. Ellis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES COURTS IN MISSOURI.

Mr. BURNES introduced a bill (H. R. 4814) to amend the act dividing the State of Missouri into two judicial districts and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein and to provide for the times and places of holding such courts, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONSTRUCTION OF AN ACT OF CONGRESS.

Mr. BURNES also introduced a bill (H. R. 4815) to declare the true intent and meaning of the act of June 17, 1870, chapter 30; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JUDICIAL SALARY IN NEVADA.

Mr. CASSIDY introduced a bill (H. R. 4816) to fix the salary of the judge of the district court of the United States for the district of Nevada; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN AINLEY.

Mr. CASSIDY also introduced a bill (H. R. 4817) for the relief of

John Ainley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROSE ANN GALBRAITH.

Mr. FIEDLER introduced a bill (H. R. 4818) for the relief of Rose Ann Galbraith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIA L. WILLIAMS.

Mr. FIEDLER also introduced a bill (H. R. 4819) for the relief of Julia L. Williams, widow of William P. Williams, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL W. LEE & CO.

Mr. ADAMS, of New York, introduced a bill (H. R. 4820) for the relief of Daniel W. Lee & Co., of New York city, N. Y.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANKLIN S. WHITNEY.

Mr. SLOCUM (by request) introduced a bill (H. R. 4821) for the relief of Franklin S. Whitney; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCES M'NEIL POTTER.

Mr. SLOCUM also introduced a bill (H. R. 4822) for the relief of Frances McNeil Potter; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

RE-ENLISTMENT OF SOLDIERS.

Mr. BEACH introduced a bill (H. R. 4823) to extend the period for the re-enlistment of soldiers in the United States Army in special cases; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PHILLIP MICHAEL.

Mr. ROGERS, of New York, introduced a bill (H. R. 4824) granting a pension to Phillip Michael; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROSINA HEINENAM.

Mr. ROGERS, of New York, also introduced a bill (H. R. 4825) granting a pension to Rosina Heinenam; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE SMITH.

Mr. ROGERS, of New York, also introduced a bill (H. R. 4826) for the relief of Catherine Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER SCHULTZ.

Mr. ROGERS, of New York, also introduced a bill (H. R. 4827) for the relief of Peter Schultz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCES HASENZAHL.

Mr. ROGERS, of New York, also introduced a bill (H. R. 4828) for the relief of Frances Hasenzahl; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH BRAIN.

Mr. ROGERS, of New York, also introduced a bill (H. R. 4829) for the relief of Elizabeth Brain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGES ACROSS STATEN ISLAND SOUND.

Mr. BELMONT (by Mr. ROGERS, of New York) introduced a bill (H. R. 4830) to authorize the construction of certain bridges across the Staten Island Sound; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FAMILY OF JOSIAH M. WHITNEY, JR., DECEASED.

Mr. BELMONT (by Mr. ROGERS, of New York) also introduced a bill (H. R. 4831) for the relief of the family of Josiah M. Whitney, jr., deceased; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

OYSTER PLANTERS, RICHMOND COUNTY, NEW YORK.

Mr. BELMONT (by Mr. ROGERS, of New York) also introduced a bill (H. R. 4832) for the relief of oyster planters in the county of Richmond and State of New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LOUISA EARLE.

Mr. BELMONT (by Mr. ROGERS, of New York) also introduced a bill (H. R. 4833) for the relief of Louisa Earle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALVAGE, ETC., TO CAPTAIN NELSON.

Mr. HEWITT of New York (by request), introduced a bill (H. R. 4834) for compensation, salvage, and medal of honor to Capt. Horatio Nelson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARINE HOSPITAL, NEW YORK.

Mr. JAMES introduced a bill (H. R. 4835) providing for the purchase of property on Staten Island for the marine hospital at the port of New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EDWARD M'DONALD REYNOLDS.

Mr. JAMES also introduced a bill (H. R. 4836) restoring Edward McDonald Reynolds to rank of captain in the United States Marine Corps and retiring him; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CHARLES H. PHILLIPS.

Mr. JAMES also introduced a bill (H. R. 4837) granting a pension to Charles H. Phillips, teamster First Division Fifteenth Army Corps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DEPENDENT RELATIVES OF DECEASED SOLDIERS AND SAILORS.

Mr. MILLARD introduced a bill (H. R. 4838) for the relief of widows, orphans, and dependent relatives of deceased soldiers and sailors; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

W. H. HUSON.

Mr. MILLARD also introduced a bill (H. R. 4839) for the relief of W. H. Huson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADDITIONAL LIFE-SAVING STATIONS.

Mr. COX, of New York, introduced a bill (H. R. 4840) establishing additional life-saving stations on the sea and lake coasts of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INSPECTION OF FOREIGN STEAM VESSELS.

Mr. COX, of New York, also introduced a bill (H. R. 4841) to amend section 4400 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

M. ESBERG.

Mr. COX, of New York, also introduced a bill (H. R. 4842) for the relief of M. Esberg and others; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

THE CENSUS.

Mr. COX, of New York, also introduced a bill (H. R. 4843) to further carry out an act entitled "An act to provide for taking the tenth and subsequent censuses," approved March 3, 1879; which was read a first and second time, ordered to be printed, and referred to the Committee on the Census when appointed.

LIFE-SAVING STATION.

Mr. STEVENS introduced a bill (H. R. 4844) establishing an additional life-saving station at the mouth of the Niagara River, on Lake Ontario; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE ACROSS HUDSON RIVER.

Mr. STEVENS (by request) also introduced a bill (H. R. 4845) to make the bridge over the Hudson River between Verplank's and Buttermilk Falls, in the State of New York, a post-road; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MARY E. SEYMOUR.

Mr. RAY, of New York, introduced a bill (H. R. 4846) granting a pension to Mary E. Seymour, widow of Charles J. Seymour, a deceased soldier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM ARNOLD.

Mr. RAY, of New York, also introduced a bill (H. R. 4847) granting a pension to William Arnold, a soldier of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EDWIN P. QUINN.

Mr. BURLEIGH introduced a bill (H. R. 4848) granting a pension to Edwin P. Quinn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ATTENDANCE OF WITNESSES.

Mr. BURLEIGH also introduced a bill (H. R. 4849) to compel the residents of one State to attend as witnesses in the courts of another State; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES B. MEYER.

Mr. MULLER (by his colleague, Mr. HARDY) introduced a bill (H. R. 4850) for the relief of Charles B. Meyer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRYAN MAGINNIS.

Mr. ARNOT introduced a bill (H. R. 4851) for the relief of Bryan Maginnis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WALTER H. WOOD.

Mr. ARNOT also introduced a bill (H. R. 4852) granting a pension to Walter H. Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LA RHETT L. LIVINGSTON.

Mr. ARNOT also introduced a bill (H. R. 4853) for the relief of Maj. La Rhett L. Livingston, Fourth United States Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RANK OF LINE OFFICERS UNITED STATES ARMY.

Mr. ARNOT also introduced a bill (H. R. 4854) to declare the legal rank of officers of the line of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS SHANNON.

Mr. CAMPBELL, of New York, introduced a bill (H. R. 4855) granting a pension to Thomas Shannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COL. C. A. CILLEY.

Mr. VANCE introduced a bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. VANCE also introduced a bill (H. R. 4857) to amend section 4702 of the Revised Statutes, so as to entitle the widow or children of deceased soldiers to a pension, commencing at the date of the discharge or the date of military disability instead of from the date of death, as now provided by law; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVI JONES.

Mr. VANCE also introduced a bill (H. R. 4858) for the relief of Levi Jones; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES BIRCHFIELD.

Mr. VANCE also introduced a bill (H. R. 4859) for the relief of Charles Birchfield, Company B, Thirteenth Regiment Tennessee Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IVANS HUSE.

Mr. VANCE also introduced a bill (H. R. 4860) for the relief of Ivans Huse, Company B, Thirteenth Regiment Tennessee Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN BUTLER.

Mr. VANCE also introduced a bill (H. R. 4861) for the relief of John Butler, Company B, Thirteenth Regiment Tennessee Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES HEUSE.

Mr. VANCE also introduced a bill (H. R. 4862) for the relief of Charles Heuse; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. R. BELL.

Mr. VANCE also introduced a bill (H. R. 4863) for the relief of R. R. Bell, of North Carolina; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ARMS DISTRIBUTED TO STATES.

Mr. SCALES introduced a bill (H. R. 4864) enacting that so much of the act approved March 3, 1875, as provides that so much of the appropriation between 1st January, 1861, and 9th April, 1865, under the act of 1808, as would have been used for arms to be distributed to the several States be covered into the Treasury, be, and is hereby, repealed; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STAR-ROUTES.

Mr. COX, of North Carolina, introduced a bill (H. R. 4865) to secure a more faithful delivery of mails by star-route contractors; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RUSSELL BARRACKS, RALEIGH, N. C.

Mr. COX, of North Carolina, introduced a bill (H. R. 4866) to empower the Secretary of War to audit the claim of the State of North Carolina for rent due for the use of the Russell barracks at Raleigh; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING AT NEW BERNE, N. C.

Mr. O'HARA introduced a bill (H. R. 4867) to provide for the erection of a public building at New Berne, in the State of North Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GARRETT C. MOYE.

Mr. O'HARA also introduced a bill (H. R. 4868) granting a pension to Garrett C. Moye, of New Berne, N. C.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MORRIS GELD.

Mr. O'HARA (by request) also introduced a bill (H. R. 4869) for the relief of Morris Geld; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID T. GARRETT.

Mr. O'HARA (by request) also introduced a bill (H. R. 4870) granting an invalid pension to David T. Garrett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY DIXON.

Mr. O'HARA (by request) also introduced a bill (H. R. 4871) for the relief of Nancy Dixon; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PATRICK HAYNEY.

Mr. O'HARA (by request) also introduced a bill (H. R. 4872) granting a pension to Patrick Hayney; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ABRAHAM C. BRYAN.

Mr. YORK introduced a bill (H. R. 4873) to pay Abraham C. Bryan, of Wilkes County, North Carolina, for his services to the United States Government in the late war from 1861 to 1865; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIEUT. H. C. T. NYE.

Mr. WARNER, of Ohio, introduced a bill (H. R. 4874) to restore Lieut. H. C. T. Nye to his rightful relative position and rank in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN SINDLEDECKER.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 4875) granting a pension to John Sindledecker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONRAD KRIGBAUM.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 4876) for the relief of Conrad Krigbaum; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

H. H. JOHNSON.

Mr. EZRA B. TAYLOR introduced a bill (H. R. 4877) granting a pension to Hadassah H. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMMA O. ZEIGLER.

Mr. ROBINSON, of Ohio, introduced a bill (H. R. 4878) granting a pension to Emma O. Zeigler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN F. HOWELL.

Mr. ROBINSON, of Ohio, also introduced a bill (H. R. 4879) granting a pension to John F. Howell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET M'MILLEN.

Mr. ROBINSON, of Ohio, also introduced a bill (H. R. 4880) for the relief of Harriet McMillen; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILBUR F. HINMAN.

Mr. FORAN introduced a bill (H. R. 4881) for the relief of Wilbur F. Hinman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CALEB PARIS.

Mr. MOREY introduced a bill (H. R. 4882) granting a pension to

Caleb Paris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM LOGAN.

Mr. MOREY also introduced a bill (H. R. 4883) granting a pension to William Logan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN E. WAREHAM.

Mr. GEDDES introduced a bill (H. R. 4884) granting a pension to John E. Wareham, late of Company H, Twenty-third Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL J. BLACK.

Mr. GEDDES also introduced a bill (H. R. 4885) granting a pension to Samuel J. Black, late of Company B, Forty-eighth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. BROWN.

Mr. GEDDES also introduced a bill (H. R. 4886) granting a pension to George W. Brown, late of Company A, One hundred and eighty-fifth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIAS LANTZ.

Mr. LE FEVRE introduced a bill (H. R. 4887) granting a pension to Elias Lantz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. AYRES.

Mr. LE FEVRE also introduced a bill (H. R. 4888) granting a pension to George W. Ayres; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SETTLERS ON THE PUBLIC LANDS.

Mr. LE FEVRE also introduced a bill (H. R. 4889) for the relief of settlers on the public lands of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JAMES A. EKIN.

Mr. BAYNE introduced a bill (H. R. 4890) authorizing the President to appoint and retire James A. Ekin a brigadier-general; which was read a first and second time, referrrd to the Committee on Military Affairs, and ordered to be printed.

ANNA HESSON.

Mr. LAWRENCE introduced a bill (H. R. 4891) for the relief of Anna Hesson, formerly widow of James McNamara, deceased, of the District of Columbia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS J. WALKER.

Mr. LAWRENCE also introduced a bill (H. R. 4892) granting a pension to Thomas J. Walker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAIMED SOLDIERS AND SAILORS.

Mr. CURTIN introduced a bill (H. R. 4893) for the further relief of maimed soldiers and sailors; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TOBIAS BARRETT.

Mr. CURTIN also introduced a bill (H. R. 4894) granting a pension to Tobias Barrett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT HEDIAN.

Mr. STORM introduced a bill (H. R. 4895) for the relief of Robert Hedian; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM MORAN.

Mr. BRAINERD introduced a bill (H. R. 4896) for the relief of William Moran, of Erie, Pa.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALE OF PHILADELPHIA POST-OFFICE.

Mr. RANDALL introduced a bill (H. R. 4897) to authorize the sale at public auction of the land and premises occupied as the site of the post-office in the city of Philadelphia; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NAVAL ENGINEER CORPS.

Mr. RANDALL also introduced a bill (H. R. 4898) to increase the efficiency of the United States naval engineer corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HENRY STARR.

Mr. RANDALL also introduced a bill (H. R. 4899) for the relief of Henry Starr; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM FLICK.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 4900) granting a pension to William Flick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM R. WEIMER.

Mr. CAMPBELL of Pennsylvania, also introduced a bill (H. R. 4901) granting a pension to William R. Weimer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN F. TUCKER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4902) granting a pension to Benjamin F. Tucker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM SHAULIS.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4903) granting a pension to Hiram Shaulis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET LITTLE.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4904) granting a pension to Harriet Little; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRY MARLETT.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4905) granting a pension to Harry Marlett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOPHIA GUMP.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4906) granting a pension to Sophia Gump; which was read a first and second time, referred to the Committee on Invalid Pensions and ordered to be printed.

FORGERY OF POSTAL MONEY-ORDERS.

Mr. BINGHAM introduced a bill (H. R. 4907) to amend section 5463 of the Revised Statutes relating to the forgery of postal money-orders, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ALFRED M. OWEN AND OTHERS.

Mr. EVERHART introduced a bill (H. R. 4908) granting an increase of pension to Alfred M. Owen, Christine Q. Owen, Kathleen D. Owen, and Albert T. Owen, minor children of Alfred M. Owen, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BONDS OF ARMY PAY OFFICERS.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 4909) relating to the bonds of officers of the Pay Department of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS CULLEN.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 4910) granting a pension to Thomas Cullen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. HARMER introduced a bill (H. R. 4911) to pension soldiers and sailors for disabilities in addition to loss of leg or arm; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRENCH SPOLIATIONS.

Mr. DIBBLE presented a concurrent resolution of the senate and house of representatives of the State of South Carolina, asking the Senators and Representatives in Congress from that State to support the French spoliation bill; which was read, at the request of Mr. DIBBLE, and referred to the Committee on Foreign Affairs.

MURDER OF AMERICAN CITIZENS IN MEXICO.

Mr. YOUNG introduced a joint resolution (H. Res. 158) directing the Secretary of State to inquire into the murder of American citizens in the Republic of Mexico; which was read a first and second time (the second reading being in full at the request of Mr. YOUNG), referred to the Committee on Foreign Affairs, and ordered to be printed.

MARINE HOSPITAL AT MEMPHIS, TENN.

Mr. YOUNG also introduced a bill (H. R. 4912) to provide for the completion of the marine hospital at Memphis, Tenn.; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

GEORGE W. MATLOCK.

Mr. DIBRELL introduced a bill (H. R. 4913) for the relief of George W. Matlock, of McMinn County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. H. FAULKNER AND MARY WOODLER.

Mr. DIBRELL also introduced a bill (H. R. 4914) for the relief of H. H. Faulkner and Mary Woodler; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. D. MASON.

Mr. PIERCE (by request) introduced a bill (H. R. 4915) for the relief of J. D. Mason; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

M. V. B. VALLENTINE.

Mr. PIERCE also introduced a bill (H. R. 4916) for the relief of M. V. B. Vallentine; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. T. E. B. HENDRIX.

Mr. HOUK introduced a bill (H. R. 4917) granting a pension to Mrs. T. E. B. Hendrix; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. M'KAMEY.

Mr. HOUK also introduced a bill (H. R. 4918) granting a pension to James M. McKamey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT MINSEY.

Mr. HOUK also introduced a bill (H. R. 4919) for the relief of Robert Minsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAINT LEGER KING.

Mr. HOUK also introduced a bill (H. R. 4920) granting a pension to Saint Leger King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH STOOPS.

Mr. HOUK also introduced a bill (H. R. 4921) for the relief of Elizabeth Stoops; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. M. CORBETT.

Mr. HOUK also introduced a bill (H. R. 4922) for the relief of M. M. Corbett; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. R. ROBINSON.

Mr. HOUK also introduced a bill (H. R. 4923) for the relief of R. R. Robinson; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM A. AND ADELICIA CHEATHAM.

Mr. CALDWELL introduced a bill (H. R. 4924) for the relief of William A. and Adelicia Cheatham for money illegally assessed and paid the Government under protest; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INTERNAL REVENUE.

Mr. WARNER, of Tennessee, introduced a bill (H. R. 4925) to amend the act of May 28, 1880, section 17, relating to internal revenue; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

UNITED STATES 3 PER CENT. BONDS.

Mr. MILLS introduced a bill (H. R. 4926) to require the Secretary of the Treasury to pay $100,000,000 on the 3 per cent. bonds of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NATIONAL BANK ACT.

Mr. HANCOCK introduced a bill (H. R. 4927) to amend the twenty-ninth section of the national bank act; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

HENRY VOLCKER, DECEASED.

Mr. HANCOCK also introduced a bill (H. R. 4928) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

CALVIN T. HAZLEWOOD.

Mr. LANHAM introduced a bill (H. R. 4929) for the relief of Calvin T. Hazlewood; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BENJAMIN H. HOY.

Mr. LANHAM also introduced a bill (H. R. 4930) granting a pension to Benjamin H. Hoy; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

VOTERS IN UTAH AND IDAHO.

Mr. POLAND introduced a bill (H. R. 4931) relating to the qualifications of voters in the Territories of Utah and Idaho, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN UNDERWOOD.

Mr. MAYO introduced a bill (H. R. 4932) for the relief of John Underwood; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALABAMA CLAIMS.

Mr. GEORGE D. WISE (by request) introduced a bill (H. R. 4933) to define and supplement an act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award, approved June 5, 1882; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE W. JAMISON.

Mr. GEORGE D. WISE (by request) also introduced a bill (H. R. 4934) for the relief of George W. Jamison for property taken during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS J. PATRICK.

Mr. CABELL introduced a bill (H. R. 4935) for the relief of Thomas J. Patrick, of Danville, Va., refunding taxes improperly collected from him on manufactured tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN M. HARMAN.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 4936) for the relief of John M. Harman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DUTIABLE GOODS, WHEELING, W. VA.

Mr. GOFF introduced a bill (H. R. 4937) extending the provisions of the act of June 10, 1883, in relation to the transportation of dutiable goods to the port of Wheeling, W. Va.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GEORGE A. HILL.

Mr. GOFF also introduced a bill (H. R. 4938) for the relief of George A. Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASSISTANT ASTRONOMER NAVAL OBSERVATORY.

Mr. GOFF also introduced a bill (H. R. 4939) to fix the position of the assistant astronomer at the Naval Observatory; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CHARLES M. COEN.

Mr. GOFF also introduced a bill (H. R. 4940) for the relief of Charles M. Coen, of West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. B. STODDARD.

Mr. GUENTHER introduced a bill (H. R. 4941) granting a pension to S. B. Stoddard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN CLARK.

Mr. WOODWARD (by request) introduced a bill (H. R. 4942) granting a pension to Ann Clark; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARGARET JANE NORTON.

Mr. JONES, of Wisconsin (by request), introduced a bill (H. R. 4943) granting a pension to Margaret Jane Norton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PLEADINGS IN UNITED STATES COURTS.

Mr. JONES, of Wisconsin, also introduced a bill (H. R. 4944) to amend section 914 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN H. SNYDER.

Mr. PRICE introduced a bill (H. R. 4945) granting a pension to John H. Snyder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORFEITURE OF CERTAIN LANDS.

Mr. PRICE also introduced a bill (H. R. 4946) to forfeit certain lands, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FEDERAL OFFICERS IN THE TERRITORIES.

Mr. OURY introduced a bill (H. R. 4947) providing for the appointment of Federal officers in the Territories; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

SALE OF CERTAIN PUBLIC LANDS, ARIZONA.

Mr. OURY also introduced a bill (H. R. 4948) to authorize the sale of certain public lands to the Arizona Mineral Belt Railroad Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUYALLUP INDIANS, WASHINGTON TERRITORY.

Mr. BRENTS introduced a bill (H. R. 4949) to enable the President to remove the Indians from the Puyallup reservation in Washington Territory in accordance with article 6 of the treaty made on the 26th day of December, 1854, and ratified by the United States Senate on March 3, 1855; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for the introduction of bills has now been concluded.

If there be no objection the Chair will recognize gentlemen for the introduction of such measures who were absent at the time their States were called.

There was no objection.

SPECIAL DEPUTY MARSHALS.

Mr. SPRINGER introduced a bill (H. R. 4950) to amend section 2021 and section 2022 of the Revised Statutes, relating to special deputy marshals; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COL. SAMUEL M. THOMPSON,

Mr. SPRINGER also introduced a bill (H. R. 4951) for the increase of pension of Col. Samuel M. Thompson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GENERAL CROOK'S EXPEDITION.

Mr. SPRINGER also submitted the following resolution of inquiry; which was read, and referred to the Committee on Military Affairs:

Resolved, That the President be requested, if not incompatible with the public interests, to transmit to the House of Representatives all correspondence between this Government and the Republic of Mexico relative to the recent military expedition commanded by General Crook, in which expedition United States troops crossed the border and entered the Mexican territory in pursuit of hostile Indians, and also all reports made to the President or to the War Department in reference to such expedition.

STAR-ROUTE FRAUDS.

Mr. SPRINGER also submitted the following resolution of inquiry; which was read, and referred to the Committee on Expenditures in the Department of Justice:

Resolved, That the Postmaster-General, in complying with the request of the House of Representatives contained in the resolutions of inquiry adopted on the 17th of January, and also of the resolution adopted on the 30th day January in reference to the correspondence between the Department of Justice and the Post-Office Department touching the prosecution of persons charged with frauds in connection with the star-route mail service, and the reports of special agents of the Post-Office Department relating thereto, is requested to withhold such parts of the papers called for the publication of which in advance of the commencement of suits may be and probably would be detrimental to public interests.

AMENDMENT OF THE RULES.

Mr. SPRINGER also submitted the following resolution; which was read, and referred to the Committee on the Rules:

Resolved, That the following additional rule be adopted as one of the standing rules of the House, namely:

"RULE —. At the close of each Congress the Clerk of the House of Representatives shall transmit to the Court of Claims, in accordance with the provisions of an act 'to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government,' approved March 3, 1883, all private bills which come within the provisions of said act, and which are pending and undisposed of at the time of the final adjournment, together with all papers in reference to the claims and demands for which relief is provided by such bills, and all such claims and demands shall thereafter oe considered by the Court of Claims under the provisions of said act, and no bill in reference to such claims and demands shall thereafter be introduced into or considered by the House until after the report thereon by said court as provided in said act."

WILLIAM H. SMITH.

Mr. WHITE, of Kentucky. I rise, Mr. Speaker, to a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I sent it to the Clerk's desk to be read.

The Clerk read as follows:

Resolved, That the Committee on Reform in the Civil Service be, and it is hereby, instructed to inquire into the cause of the removal of William H. Smith, colored, librarian of the House of Representatives. The committee is directed to reduce to writing the evidence which it takes in regard to this removal or supplanting of a faithful officer of this House, and lay the evidence, together with its report, before the House. The committee is further directed to report what change, if any, in the rules of the House is necessary to protect its employés against dismissal from their positions.

The SPEAKER. Upon what ground does the gentleman from Kentucky claim this to be a privileged question?

Mr. THOMPSON. I do not think it is a privileged question.

Mr. WHITE, of Kentucky. I claim that the resolution is privileged on the ground that it relates "to the convenience of members and the comfort of employés of the House." On page 360 of the Digest the Chair will find that such a resolution is a privileged question.

Mr. TOWNSHEND. Is debate in order?

The SPEAKER. The Chair has asked the gentleman from Kentucky to state the grounds on which he claims this is a privileged resolution.

Mr. WHITE, of Kentucky. I call the attention of the Chair to the following paragraph of page 360 of the Digest:

A resolution relating to the convenience of members and the comfort of employés of the House is a "privileged question."—*Journal* 1, 47, p. 1469.

I call the attention of the Chair also to Rule IX, which provides:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.

This gentleman has been an officer of this House for a number of years, and has performed his duties with marked and rare ability. I think it is important that we should know whether this has been done to improve the civil service or whether it has been done to give his place to somebody else.

The SPEAKER. The Chair does not think this resolution comes within any definition of a privileged matter given in the rules or in the general parliamentary law of the country. The Chair decides it is not a privileged matter.

Mr. THOMPSON. I would like to ask the gentleman from Kentucky if Mr. Smith instigated this movement or not.

The SPEAKER. The matter is not before the House.

Mr. THOMPSON. I desire to say that Mr. Smith was never an employé of the House except in the capacity in which he is now employed. He has not been removed from that position.

Mr. BROWNE, of Indiana. I rise to a question of order. If the question is to be discussed let us discuss it on both sides.

The SPEAKER. The resolution is not before the House.

SELINDA E. SMITH.

Mr. HOLMAN introduced a bill (H. R. 4952) granting a pension to Selinda E. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRIVATE CLAIMS.

Mr. ROGERS, of Arkansas (by request), introduced a bill (H. R. 4953) for the judicial ascertainment of the facts in private claims, and for other purposes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ORIEN L. DODD.

Mr. PEEL, of Arkansas, introduced a bill (H. R. 4954) for the relief of Orien L. Dodd, for quartermaster and commissary stores furnished the Army of the United States in the war of the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RELIEF OF CERTAIN OFFICERS, ETC.

Mr. PEEL, of Arkansas, also introduced a joint resolution (H. Res. 159) for the relief of certain officers and enlisted men in the State of Arkansas who served in the war of the rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. ELLEN M. MITCHELL.

Mr. CURTIN introduced a bill (H. R. 4955) to increase the pension of Mrs. Ellen M. Mitchell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRESPASSERS ON INDIAN LANDS.

Mr. WELLBORN introduced a bill (H. R. 4956) to amend section 2148 of the Revised Statutes of the United States, in relation to trespassers on Indian lands; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TIMBER DEPREDATIONS.

Mr. WELLBORN also introduced a bill (H. R. 4957) to amend section 5388 of the Revised Statutes of the United States, in relation to timber depredations; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LAND TITLES IN THE DISTRICT OF COLUMBIA.

Mr. BLACKBURN (by Mr. OATES) introduced a bill (H. R. 4958) to amend the laws relating to land titles in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

HEIRS OF HENRY E. SIZEN.

Mr. BARKSDALE introduced a bill (H. R. 4959) for the relief of Mary V. Rawlins and Elizabeth H. Yerger, heirs of the late Henry E. Sizen, of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF G. T. SWANN.

Mr. BARKSDALE also introduced a bill (H. R. 4960) to pay the heirs of George T. Swann for proceeds of cotton seized by the military forces of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MILITARY TELEGRAPH CORPS.

Mr. WELLER introduced a bill (H. R. 4961) to accord to the military telegraph corps of the Army of the United States in the late war for the suppression of the rebellion the same military status as certain military officers and soldiers for pension and homestead rights, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHEROKEE CENSUS-ROLLS.

Mr. YORK submitted the following resolution; which was read, and referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be, and is hereby, requested to furnish for the information of the House of Representatives a correct copy of the Cherokee census-roll of 1835; also the census-roll of 1850 or 1851, and all intervening census-rolls made between 1835 and 1851; also a copy of the census-roll authorized to be made under the act of 1882.

DAVID W. STOCKSTILL.

Mr. LE FEVRE introduced a bill (H. R. 4962) for the relief of David W. Stockstill, of Sidney, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. SPOONER presented resolutions of the General Assembly of the State of Rhode Island, relative to pensioning the veterans of the Mexican war; which was referred to the Committee on Pensions.

KLAMATH INDIAN RESERVATION.

Mr. SINGISER (by request) introduced a bill (H. R. 4963) to adjust the claims of owners of lands within the Klamath Indian reservation, in the State of Oregon; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

W. N. BERKLEY.

Mr. SHAW introduced a bill (H. R. 4964) for the relief of W. N. Berkley for services rendered to the Union Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. WHITAKER.

Mr. LAIRD introduced a bill (H. R. 4965) for the relief of John H. Whitaker, guardian; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY MARTIN.

Mr. LAIRD also introduced a bill (H. R. 4966) for the relief of Henry Martin; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

ROBERT DORE.

Mr. CULBERTSON, of Kentucky, introduced a bill (H. R. 4967) for the relief of Robert Dore, late of the Second United States Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONATHAN DAVIS.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 4968) for the relief of Jonathan Davis, a mail contractor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

C. M. BENSON.

Mr. BREWER, of New York, introduced a bill (H. R. 4969) for the relief of C. M. Benson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY BISER.

Mr. BREWER, of New York, also introduced a bill (H. R. 4970) for the relief of Nancy Biser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. EZRA B. TAYLOR. I call for the regular order.

The SPEAKER. The regular order is the morning hour for the call of committees for reports.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. KEIFER. I rise to submit a privileged report from the Committee on Appropriations.

The SPEAKER. The gentleman will submit it.

Mr. KEIFER, from the Committee on Appropriations, reported a bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RANDALL and Mr. TOWNSHEND reserved all points of order on the bill.

LICENSE LAWS, DISTRICT OF COLUMBIA.

Mr. KETCHAM introduced a bill (H. R. 4972) for the repeal of the license tax laws in the District of Columbia so far as they relate to the real estate agents in said District; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ADDISON M. COPEN.

Mr. TUCKER introduced a bill (H. R. 4973) for the relief of Addison M. Copen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH MANZ.

Mr. ROGERS, of New York, introduced a bill (H. R. 4974) for the relies of Sarah Manz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GREELY RELIEF EXPEDITION.

Mr. RANDALL. I ask permission to again take up the conference report on the disagreeing votes of the two Houses on the amendment of the Senate to the House joint resolution No. 119, making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions. There seems to have been some informality in regard to the matter, for which perhaps I myself am in fault. Although the bill was actually in the Senate, sent there as I supposed correctly, there seems to have been some informality in the matter. I therefore move that the House further insist upon its disagreement to the amendment of the Senate, and that information of the action of the House be transmitted to the Senate.

The SPEAKER. It appears that when the matter was up before there was no order made by the House to further insist upon its disagreement to the amendment of the Senate, and at the other end of the Capitol that was construed to mean that the bill still remained with the House.

Mr. RANDALL. I waive all that point, assuming that I am responsible for the mistake that occurred.

The SPEAKER. It may have been an oversight of the Chair or of the House that the usual order was not made.

There being no objection, the House proceeded to consider the conference report, and further insisted upon its disagreement to the amendment of the Senate.

RELIEF OF SUFFERERS BY THE OHIO OVERFLOW.

Mr. FOLLETT. I ask unanimous consent to report at this time from the Committee on Appropriations a joint resolution for the relief of the sufferers by the flood in the Ohio.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objection.

The report of the Committee on Appropriations was read, as follows:

The Committee on Appropriations, to whom was referred the joint resolution of the House 154, making an appropriation to relieve the sufferers by the overflow of the Ohio River and its tributaries, report the accompanying joint resolution as a substitute therefor, and recommend its immediate passage by the House.

The substitute joint resolution was read, as follows:

A joint resolution authorizing the Secretary of War to issue rations for the relief of destitute persons in the district overflowed by the Ohio River and its tributaries, and making an appropriation to relieve the sufferers by said overflow.

Resolved, &c., That the sum of $300,000 is hereby appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to be expended by and under the direction of the Secretary of War in the purchase and distribution of subsistence stores, clothing, and other necessary articles to such destitute persons as may require assistance in the district overflowed by the Ohio River and its tributaries by the recent flood; and he is authorized to co-operate with the several States and cities of which said district is a part in making distribution of the same. And the Secretary of War is also authorized in his discretion to use the hospital and other tents now possessed by the War Department so far as may be necessary to furnish temporary shelter to the destitute people who have been driven from their homes by said overflow, and he is authorized to use the steamboats and other boats and vessels belonging to and now employed by the Government upon the Ohio and Mississippi Rivers and their tributaries in the transportation and distribution of the supplies furnished by the United States or individuals to and among said destitute and suffering people; and he may employ such other means of transportation as he may deem necessary to carry the purposes of this resolution into effect.

Mr. HISCOCK. I would like to hear the gentleman from Ohio [Mr. FOLLETT] state to the House the neighborhoods in which this money is to be expended, and what information he may possess upon the subject. And more than that, since the question is constantly obtruded before the House, I would like him to state what warrant in the Constitution the other side of the House finds for this appropriation.

The SPEAKER. The first question to be disposed of is the request of the gentleman from Ohio [Mr. FOLLETT] for unanimous consent that this joint resolution be now considered. Is there objection?

Mr. CHACE. Can not the gentleman from Ohio [Mr. FOLLETT] express his views, the right to object being reserved?

The SPEAKER. That may be done by unanimous consent.

Mr. HISCOCK. The right to object, as I understand, is reserved.

Mr. BAYNE. There ought not to be any objection.

Mr. KEIFER. I think we ought not to take up time in debating this proposition if we are not to consider it for final action.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

There being no objection, the House proceeded to the consideration of the joint resolution, the question being on the substitute reported by the Committee on Appropriations.

Mr. FOLLETT. I ask that this matter be considered in the House as in the Committee of the Whole.

Mr. KEIFER. Consent for that is already granted.

The SPEAKER. That is the effect of the granting of unanimous consent for the present consideration of the resolution.

Mr. FOLLETT. I will state very briefly, Mr. Speaker, the reasons for this appropriation. The gentleman from New York [Mr. HISCOCK] desires to know whether there is any warrant in the Constitution for such an appropriation. Necessity knows neither law nor constitution, and never did in this country. [Laughter and applause on the Republican side.] There are precedents of this House and of Congress for exactly such appropriations. The precedent was set in the last Congress by an appropriation for the relief of the sufferers along the Mississippi River. There has never been in the history of this country such a flood as that which is now raging upon the Ohio River. Families by thousands are driven from their homes, and are to-day camping out in open fields with nothing to protect them except simply such clothing as they could save from the wrecks of their houses. The cities and towns along the line of the Ohio River and most of its tributaries are now under water. I have just received a dispatch from the city of Cincinnati, which I desire to read, coming, as it does, from the president of one of our banks and one of the leading business men of the city:

Do all you can to get appropriation for flood sufferers. Water still rising fast, and there will be great loss and distress.

Thousands of families along the Ohio River are now houseless and homeless. Thousands of families are dependent entirely upon charity—charity of neighbors situated in great measure exactly as they are, driven from their homes, and having no means to furnish subsistence and support to these sufferers.

Mr. HISCOCK. I would like to ask the gentleman from Ohio whether any application has been made by the Legislature of Ohio for this relief from Congress, and whether the State, through its Legislature, has made any appropriation for the purpose?

Mr. FOLLETT. The State of Ohio, as I am informed, has made an appropriation. The Chamber of Commerce of Cincinnati has made an appropriation; and I can say to the gentleman that so far as Cincinnati is concerned, I think she will take care of her people. But Cincinnati is not the only place that is overwhelmed by this misfortune. A town but fifteen miles above that city is entirely under water; there is not a house from which subsistence can be furnished to the sufferers. There is no means by which it can be afforded, except by outside aid. A town just below Cincinnati—the town of Lawrenceburg—is also entirely under water, and there is nobody there so situated as to render relief.

I can say to the gentleman and to this House that the State which I have the honor in part to represent here never turned a deaf ear to the voice of suffering. When the cry came one year ago from across the waters—from Germany—that her people were suffering in consequence of floods, our people sent them assistance, not by thousands simply but by the fifty thousands of dollars.

Congress is now asked to furnish temporary relief to these people who have become involved in a calamity unprecedented since this country was first settled. It is true that one year ago we had in this country a calamity of a similar character, but not of like extent with this. At that time the State of Ohio made its contributions for the aid of the sufferers. The Chamber of Commerce of Cincinnati and every moneyed institution of the place not only contributed, but organized their charity in such a way that it was distributed so as most effectually to relieve the suffering. And to-day the only subsistence these sufferers have is such as is furnished by these charitable and good-hearted people.

Mr. Speaker, under such circumstances this is not a question of what the letter of the Constitution or the letter of the law may be. The cry of distress comes up for relief which can be furnished, and it is the duty of Congress when such relief is in its power to furnish it.

Mr. Speaker, the people involved in this calamity number hundreds of thousands. It is spreading along the Ohio River and will reach its mouth. Every tributary of that river has had a flood of water unknown in history. At Wheeling, where it is now falling, it was nine feet higher than ever before known since the country was settled.

These people, as I said before, are now houseless and homeless. You ask they shall be relieved by their immediate neighbors. Those neighbors are granting relief to the greatest extent in their power. But shall the great Government of the United States, with its Treasury overflowing with a surplus there that can be appropriated, sit idly by when our citizens are suffering, our people are starving, and to-day without shelter from the storms still pitilessly beating upon their heads? [Applause.]

I wish to call attention now to the fact we are to-day in controversy with the Senate simply on a matter of detail to grant relief to an expedition which was sent out and stationed near the North Pole, the Greely relief expedition. We do it because our people are there suffering and need relief. We make this appropriation in thousands and not hundreds of thousands because a few of our people are now where they can not get relief except it be as we furnish it to them.

Mr. HISCOCK. Mr. Speaker, I do not suppose I shall have the hardihood——

Mr. TOWNSHEND. Does the gentleman from Ohio yield the floor to the gentleman from New York?

Mr. FOLLETT. Yes; I yield the floor to the gentleman from New York.

Mr. TOWNSHEND. After he has concluded I desire to be heard for a few minutes.

Mr. HISCOCK. Mr. Speaker, I do not suppose I shall have the hardihood to vote against this resolution, but I have been in the hope of seeing the gentleman from Connecticut [Mr. EATON] in his seat, and I do not see my colleague from New York [Mr. COX] in his seat. I was in hope, I say, of seeing those gentlemen here, as they are always asking us for constitutional grounds upon which to base our appropriations; I had expected, sir, that those gentlemen would be here to call the attention of the House to the fact there may be a violent assault upon the Constitution of the United States by the passage of this joint resolution, rather than to have that duty left to be discharged by me. And, having given this hint, having called the attention of those gentlemen to that fact, I have no doubt they will have a word or two to say on that precise question. [Laughter and applause.]

It has been said, however, there is precedent for this action to be found in what was done at the last Congress. It is true, sir, that in the last Congress they came here from States bordering on the Mississippi River, and told us of the freedmen, the wards of the nations, and appealed to us to make the appropriation which was then asked for. And without a moment's hesitation we did make that appropriation. And I have the right to say here that on that occasion, when we were making those appropriations—and I do not make this remark as questioning the motive of the gentleman from Ohio—it did seem as if there were to result on the part of members on the other side of the House from the banks of the Mississippi who appeared before the Committee on Appropriations of this House asking for those appropriations—I say it looked much more as if there were politics in it than provision for the support of those people who were being overflowed by the rising waters of the Mississippi River. But I say here now, on information which did come to the Committee on Appropriations, absolute injury was being done to those people by the excessive appropriations which were then made.

Now, Mr. Speaker, while it may be against the sentiment of both sides of this House, because it may be construed I am opposing the passage of this resolution, nevertheless I am compelled to say in this connection I had hoped no great State like Ohio, an empire, would come here when her Legislature is in session and ask to have her citizens supported and succored from the Federal Treasury.

Mr. JOSEPH D. TAYLOR rose.

Mr. HISCOCK. Whether it is in sympathy with this side of the House or not——

Mr. EZRA B. TAYLOR. I desire to say——

Mr. FOLLETT rose.

Mr. HISCOCK. I say if my State of New York were here, I would stand on this floor and ask this House not to give it to her.

Mr. JOSEPH D. TAYLOR. Will the gentleman allow me to make a suggestion?

Mr. HISCOCK. I remember the State of Illinois came knocking at the door of the Treasury for assistance, and if there ever was an occasion when I admired my friend from Illinois [Mr. CANNON], who was with me on the Committee on Appropriations, it was when he shrugged his shoulders at his State for making that application. Where States are poor, where there is a large indigent population, we will say, like the negroes, who are the wards of the nation, you may come here and ask to have them succored and supported; but for Ohio, New York, Illinois, Michigan even, to pass around the hat of beggary, sir, I do not admire the spirit in either of those States which would permit it. And so far as my State is concerned, they would rally in their cities, rally in their churches—I believe they would prefer to do it for Ohio even than to have a Representative of that State stand here on this floor and advocate it to be taken out of the Federal Treasury.

Mr. BAYNE. Will the gentleman from New York yield to me?

Mr. HISCOCK. Yes; I will yield five minutes of my time to the gentleman from Pennsylvania.

The SPEAKER. Before the gentleman proceeds, the Chair desires to inquire whether the gentleman from Ohio yielded the floor to the gentleman from New York.

Mr. FOLLETT. I yielded part of my time to the gentleman from New York, but I do not object to the gentleman from Pennsylvania having the floor for a brief time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. JOHNSON, its Chief Clerk, announced that the Senate had passed a bill (S. 19) providing for ascertaining and settling private land claims in certain States and Territories; in which the concurrence of the House of Representatives was requested.

FLOODS IN OHIO RIVER.

Mr. HISCOCK. My only desire to reserve any time, Mr. Speaker, in this discussion is because of the fact that several gentlemen around me have asked a part of such time as I may have at my disposal. I yield now five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. TOWNSHEND. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. As I understand it, the gentleman from Ohio [Mr. FOLLETT] simply yielded to the gentleman from New York a portion of his own time. If that is the fact, then I wish to ask if the gentleman from Ohio does retain the floor, and whether the gentleman from New York can yield to any one else?

The SPEAKER. The Chair so understood at first; but the Chair subsequently understood the gentleman from Ohio to acquiesce in what the gentleman from New York had done as to disposing of the time.

Mr. TOWNSHEND. I did not so understand the gentleman from Ohio.

Mr. REED. The fact of the matter is that the gentleman from Ohio did yield the floor. Subsequently, after the gentleman from New York had begun to speak, the gentleman from Illinois asked the gentleman from Ohio the question whether he intended to yield the floor or not, and the result of the conversation was that the gentleman from Ohio did yield the floor.

Mr. TOWNSHEND. The gentleman from Maine does not know anything of the result of the conversation between the gentleman from Ohio and myself.

Mr. REED. Only in so far as it was heard by the House.

Mr. TOWNSHEND. The gentleman entirely misunderstood what took place.

Now, what I desire to know, and all I wish to know, is whether the gentleman from Ohio loses the floor and all of the time to which he is entitled?

The SPEAKER. When the gentleman from New York addressed the House the Chair was uncertain as to whether the gentleman from Ohio had yielded the floor absolutely or whether he had merely yielded a part of his time to the gentleman from New York. The Chair understood the response of the gentleman from Ohio, in answer to a question, to be an acquiescence in what had been done by the gentleman from New York.

Mr. TOWNSHEND. But as I understand now the gentleman from Ohio states that he had not yielded the floor.

The SPEAKER. But the gentleman from Ohio acquiesced in the arrangement of the gentleman from New York in regard to the time yielded by the gentleman from New York to the gentleman from Pennsylvania and the gentleman from Illlinois, as the Chair understands.

Mr. HISCOCK. There will be no difficulty in reference to the division of time between the gentleman from Ohio and myself. There are two or three gentlemen who wish to be heard on this side.

Mr. FOLLETT. I wish to say in reference to this matter that all I desire to do is if there are arguments to be made against this resolution to reserve some part of the time to which I am entitled upon our side for a reply.

Mr. TOWNSHEND. Then I understand the gentleman from Ohio does not yield all his time?

Mr. HISCOCK. Now I yield five minutes to the gentleman from Illinois.

The SPEAKER. The Chair understands the gentleman from Ohio to acquiesce in that arrangement.

Mr. TOWNSHEND. But he says he wishes to reserve a part of his time. Does the time yielded now to the gentleman from Illinois come out of his time?

The SPEAKER. The Chair understands the time yielded by the gentleman from New York to come out of the time of the gentleman from Ohio under the present arrangement.

Mr. TOWNSHEND. Then he will not have any time left.

Mr. BLOUNT. I would like to know how much the gentleman from Ohio was entitled to.

The SPEAKER. To one hour.

Mr. BLOUNT. If that is to be consumed by gentlemen upon the other side, then there will be no time left to him, as I understand it.

The SPEAKER. The gentleman can control the time as he pleases.

Mr. HISCOCK. I suppose if the gentleman should desire an hour, and an hour is desired on this side, there will be no difficulty about arranging the time.

Mr. FOLLETT. I am content that that side of the House should have one hour—those who are opposed to this measure—and give us an hour on this side, or rather an hour to those who are in favor of it.

Mr. HISCOCK. I have no idea that we will occupy as much as an hour.

Mr. TOWNSHEND. All I desire is that the gentleman from Ohio shall not lose all of his time.

The SPEAKER. The gentleman from Ohio has the right to control that himself, and the Chair is simply carrying out what the Chair believes to be the agreement made with the approbation of the gentleman from Ohio.

Mr. HISCOCK. I desire to say to the gentleman from Ohio that I suppose most of the time that I shall yield to gentlemen on this side will be consumed in favor of the resolution.

I yield now to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I am a member of the Committee on Appropriations that reported this bill or joint resolution to the House with the recommendation that it do pass, and so far as I know that committee, without regard to party, was unanimous in this recommendation.

I would have been content to have let the matter pass without a word on my part were it not for a remark of the gentleman from New York [Mr. HISCOCK], which might perhaps have placed me unwittingly, so far as my friend from New York is concerned I know, in a false light on this question.

We have been familiar with similar questions during the last Congress, and I think also during some Congresses prior to that. Appropriations similar to this have been made. The gentleman from New York, at that time the chairman of the Committee on Appropriations and my colleague on that committee, does state correctly that when the proposition was made to expend a portion of the money of the United States for the relief of the State of Illinois I was anxious that that expenditure should be guarded. I did not want citizens of Illinois, nor do I want them now, to be relieved except as they may have needed immediate relief because of the necessities that were pressing upon them on account of a great emergency. The Legislature of the State was at that time in session, and the great State of Illinois was equal to the task of relieving her citizens, as she appropriated $250,000 from her treasury, if I am correct in my recollection, for the relief of people injured by that overflow. But at that time some citizens along the Ohio and the Mississippi Rivers did receive temporary relief under the action of Congress by the issuing of rations, and perhaps in some instances clothing, before the relief could be given by the State.

Now, I apprehend, without being troubled by the constitutional question so far as I am concerned, that when the waters of this country descend almost for forty days and forty nights, and men and women and children are driven by multiplied thousands from their homes and are without shelter and starving, I am ready to give them relief by appropriations from the Federal Treasury temporarily or until their States can act. And then I am frank to say that I want to see the great States, especially of the North, with their wealth and intelligence and liberality, come to the rescue and protect their citizens that are in want out of their own treasures and by their own means; and subject to this emergency I believe these States are ready and willing, including my own, to do that thing.

Mr. HISCOCK. I yield five minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. It seems to me there is no constitutional difficulty in the way of this appropriation. I think that the clause of the Constitution which authorizes the Congress of the United States "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States" includes the right to make this appropriation. If any great calamity shall befall any section of this country such as has befallen the people along the Ohio River and its tributaries, I have not a doubt in my mind about the constitutional power of Congress to make an appropriation from those taxes to meet that emergency and to provide for the welfare of those people.

On the same principle I am willing to justify the bill which was reported from the Committee on Agriculture to prevent the spread of pleuro-pneumonia and other contagious diseases among cattle. It is to provide for the general welfare. And that the power is in the Congress of the United States to make this appropriation, under a proper interpretation of the Constitution, I have not a particle of doubt.

Mr. Speaker, the district which I represent has been very largely a sufferer by this terrible calamity. There have been thousands and thousands of people driven from their homes by this great flood. A great many of them are now suffering and in want. Our people have raised voluntary contributions and our cities have made appropriations for the relief of these people. I am not prepared to say whether our citizens would take advantage of this appropriation; I am inclined to think our people would not; I believe they will adequately provide for the suffering that is being there endured by them.

But while I think that, I believe it is the bounden duty of every gentleman here to support this measure and to help these communities and localities which are unable to help themselves. There are certain places along the Ohio River which I know where the people are driven from their homes, and where it would be a burden that could not be endured by their neighbors and friends to raise the requisite amount of money or the requisite provisions for their comfort and safety during this time of suffering. Therefore I say we should make this appropriation. I say it should receive the hearty and unanimous concurrence of Congress, and that relief should be sent as soon as possible to these suffering people. And as to the constitutional difficulties, even if there were such, they should not stand in my way in making an appropriation. But, as I have said before, I believe there is no constitutional impediment in the way of this appropriation at all, and that we are perfectly justified in making it under the letter and in the spirit of the Constitution.

Mr. HISCOCK. How much more time have I?

The SPEAKER. The Chair did not understand how much time the gentleman from Ohio [Mr. FOLLETT] yielded to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. I supposed I had an hour.

Mr. FOLLETT. I understood the gentleman from New York was to control an hour and that I was to control an hour.

The SPEAKER. Then the gentleman from New York has forty-five minutes.

Mr. HISCOCK. I yield ten minutes to the gentleman from Michigan [Mr. HORR].

Mr. HORR. I am in favor of this resolution, and the only question I have in my own mind is whether the amount is sufficient to meet the wants of the people that are now suffering. I am a little surprised at my friend from New York being troubled on this constitutional question.

Mr. HISCOCK. Do not misunderstand me. I am not troubled on it.

Mr. HORR. Not at all?

Mr. HISCOCK. Oh, no; I want this remark inserted as a parenthesis in the speech of the gentleman from Michigan, that I am not troubled on this question.

Mr. HORR. Then I want to say——

Mr. EATON. The gentleman from New York was troubled on my account, not on his own.

Mr. HORR. Oh! he was troubled on your account?

Mr. EATON. And I wish to say I will take care of my own views without the gentleman's assistance.

Mr. HORR. I want to say that the gentleman's colleague from New York who is now facing me [Mr. COX], who has the most critical mind on constitutional questions in this House, will certainly agree with me that this bill comes within the pale of the Constitution, because he can not have forgotten that during, I think, the last session of Congress he carried around in his pocket a resolution to give to the starving Irish $300,000 under somewhat similar circumstances.

Mr. COX, of New York. I guess you are mistaken.

Mr. HORR. I believe I am not mistaken. And I leave it to the gentleman to say whether there is any reason in the Constitution why we should not do as much for a hungry American as for a hungry Irishman. [Laughter.] I recollect very well that that resolution was about being offered here week in and week out by the gentleman, without regard to constitutional difficulties.

Now, I had some question at that time about the constitutional power to give money to people living over the ocean. But I will say to my friend from Pennsylvania [Mr. BAYNE], that after thinking of this matter a great deal I am firmly of the opinion that when there is any great calamity, like the one that is now visiting a portion of our common country, it is within its constitutional power for the Government of the United States to step in and give temporary help.

Let me beg of you to understand (and my friend from Connecticut [Mr. EATON] knows how that is) I have sometimes thought that in his argument as well as in the arguments of other men in the other end of the Capitol, where I heard him often, there seemed to be a notion in their minds that when this question of State rights comes up it is some foreign nation that is going to come in and take possession of their States. That is not so; it is our own flag; it is our own Government, not a foreign government. We are not going to send a foreign power to take charge of these folks down there and feed them and supply them. It is the American flag that is going there; they are going to be under the protection of the American Government. We are all of us a part of one great nation, and I do not feel as sensitive when I see my own Government officials around looking after the interest of this nation as I would be if a foreign nation was to be employed on this matter. You can see that distinction, my friend from New York [Mr. HISCOCK].

There is a big difference between the American Government taking hold and trying to help out any portion of the American people and a foreign nation attempting to interfere with the rights of our States and citizens. This is a mistake that I have often fancied was made on the part of you gentlemen, and I want now to call attention to it.

These people are in immediate want; they need help. Starvation and want stare them in the face. We are right here and can act in a day if we see fit. We can send the means of relief right to the place where it will do some good. It is the whole American people helping some of their fellows in trouble. It is the same question which we had some time ago on the Mississippi; the same question we had with the yellow-fever trouble. This is the very question that must constantly arise.

My doctrine has always been that in construing the Constitution, where there is great good to be done, where there is a great calamity to be averted, to construe it liberally; but where the rights of citizens are at stake I would construe it strictly. I believe that in that view of the matter hardly any man here can vote against our sending relief to that entire valley which to-day is under water and its citizens fleeing in every direction for shelter and food. I do not believe there will be many "no" votes on this question.

We had just this question in my own State. The fires swept fifteen hundred families out of their homes. The people of the United States generously sent us several hundred thousand dollars. We raised, as my friend from New York [Mr. HISCOCK] said, in our churches and cities several hundred thousand more. We still lacked $265,000 of the necessary amount. Now, though there was no warrant for it in our constitution, yet every single member of our State Legislature voted to give the sufferers $265,000 to help them out of their trouble. There was not a man in the whole State of Michigan that I ever heard of who raised the constitutional question. A man could hardly have raised it and lived any longer in our State. [Laughter.] We believed that it was for a great and good object, and our legislators voted the amount.

Now, I believe this Congress will take the same view of the matter. We are all American citizens, and we are going to help some of the American people who are in sore trouble. That is all there is of it.

Do not forget that this is a government of the people, for the people, and this bill is simply the people as a whole saying that they will contribute of their money to relieve the wants of a few of their own citizens who are in great distress.

Let it always be understood that no State lines can stand in the way of such a charity.

I am for the bill.

Mr. HISCOCK. I now yield five minutes of my time to the gentleman from West Virginia [Mr. GOFF].

Mr. GOFF. I take it for granted that there is not a member upon the floor of this House who is not entirely familiar with the fact that for the past week an unparalleled flood has devastated the great valley of the Ohio. Not even in the memorable flood of 1832 was such unparalleled disaster visited upon that people, nor has such disaster ever been visited upon the people in any other section of this country.

My friend from New York [Mr. HISCOCK] speaks as if the great State of Ohio should take care of this matter for herself. Sir, there are to-day a million of people suffering on the banks of that great stream. They are partly residents of the State of Pennsylvania, partly of the State of Ohio, partly of the State of West Virginia; and your own State of Kentucky, Mr. Speaker, has its shivering and starving thousands upon the banks of that stream.

In the face of this great calamity it is no time to split hairs on constitutional questions. If we have not the constitutional right to grant this relief, which I do not concede, then it may be based upon charity, as appealing to the finer instincts of humanity, in which the people of this country have never yet been found wanting. Basing it upon that, I say there should not be a dissenting vote in this House to-day on this question. It has grown to be a practice, it has become almost a custom, in the face of these great national calamities, for such appropriations as this to be made.

Let me say right here that on account of this fact private subscriptions and private donations have not poured in and will not pour in as they have in the past.

A word only, for my time is limited, as to the extent of this calamity. Commencing at the city of Pittsburgh and extending down the valley for over seven hundred miles we have to-day this unparalleled distress. At the city of Wheeling alone, a city of 38,000 population, there are at this very moment 10,000 of her citizens camped upon the hilltops above the city, without food and without shelter from this inclement weather. They are laboring men, men who work in furnaces, men who toil in glass-works, men who delve in the earth for ore, or who work at the forge. These men, who are dependent upon their daily labor, are not only without employment, but what makes it sadder beyond all computation is that the places at which they have labored will know them no more, because the flood has stolen in and put out their fires, destroyed their retorts, ruined their furnaces. It will be weeks or months before these men can resume labor and be able to earn their sustenance.

This condition of things is not confined to the city of Wheeling. I saw this morning a dispatch from the city of Bellaire, Ohio, where the same state of things exists. There is one village on the Ohio shore that has been entirely swept away. The city of New Mortonsville, in West Virginia, has lost forty-eight of its houses, which have floated off before the eyes of the people. They have been driven from their homes to the hilltops and from those hilltops they saw those homes swept away.

[Here the hammer fell.]

Mr. HISCOCK. I now yield five minutes to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I had supposed that this resolution would be passed at once, unanimously, without any discussion on the part of anybody; but as it is to be discussed on the one side and the other, I will, in order to save time, appropriate the remarks of my friend from West Virginia [Mr. GOFF], whose district is immediately opposite mine on the Ohio River, as a part of my speech, for the sake of brevity and also for the reason that he has made a most excellent address.

I do not think there is any necessity for discussing the constitutionality of this measure. I do not believe there is a single gentleman on this floor—I know there is none on this side, and I do not believe there is any one on the other side—who will hesitate a single moment because of any constitutional difficulty to cast his vote for this resolution.

I understand the remarks of the gentleman from New York; we all understand them. They are jocose, and jocose only; hence I will not waste a single moment of time in that discussion. I wish merely to say, in addition to what my friend from West Virginia has said, that at this time there is in my district, for fifty or sixty miles along the Ohio River, a great distress. Thousands and thousands of people—I have heard the number variously estimated; some gentlemen who profess to be very well advised say that there are to-day 200,000 people—men, women, and children—who have been completely driven from their homes and are gathered in groups on the hillsides and in remote parts of the country where the water has not yet reached.

Gentlemen have asked whether the great empire State of Ohio has made a request for relief of this kind. I wish to say, Mr. Speaker, that this calamity falls very heavily upon the upper and eastern part of our State, where we have no great charities organized such as there are in the city of Cincinnati and other localities. This district to which I have referred is for fifty miles occupied very largely with blasting furnaces, glass-works, coal-bakes, iron-mills, and nail-mills. Thousands of these people delve beneath the earth, and rarely see the sunlight except when leaving their homes in the morning or returning at the close of their day's labor. At the city of Bellaire and in that neighborhood thousands of buildings are now collected in great wrecks, and are being drifted down the Ohio River. School-houses and church buildings occupying ground high enough to be safe from the waters have been thrown open to shelter these people, who would otherwise be houseless. The distress is great, and if we have any generosity we should not waste time here upon this resolution, but pass it, and pass it at once, that it may go to the other end of the Capitol and be acted on there, so that the Secretary of War may promptly send relief to those people who at this very hour are cold and naked and hungry. It is a matter of imperative duty; and I trust that we shall not waste time in this discussion, but act at once. I wish only to add that $300,000 will be but a beginning. A million of dollars will not more than meet the immediate wants of those people along the Ohio River.

Mr. HISCOCK. I now yield five minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. Mr. Speaker——

Mr. STRUBLE. I would like to make the inquiry whether or not, in view of the statements which have been made on this floor with reference to this great emergency, we can not vote now upon this measure and listen to speeches afterward.

The SPEAKER. That is not a question for the Chair. [Cries of "Vote!" "Vote!"]

Mr. BELFORD. I have got the floor. [Laughter and applause.] Much as I deplore this great calamity, Mr. Speaker, which has made homeless hundreds of thousands of people, much as I regret human suffering in any shape or form, I can but felicitate the House on the fact we have now an opportunity to open the vaults of the national Treasury [laughter and applause] and relieve ourselves of a portion of the surplus revenue so diligently hoarded and so scrupulously kept by a Secretary of the Treasury from the State of New York. [Laughter and applause.]

Talk about Constitution! Talk about laws! Humanity is greater than any constitution which was ever formulated by any people. It is humanity for which constitutions are enacted and laws are made. And Paul put it right when he said the greatest of all the virtues is charity, either in the individual or the nation.

Talk about State rights in a matter in the cloudy presence of a constantly accumulating calamity! Suppose my friend from Connecticut [Mr. EATON] had lived in the days of Noah [laughter] and had found himself perched on the top of Mount Ararat looking down upon the submerged plains [renewed laughter], the people fleeing from Nineveh, some swimming, others drowning, and children lifting up their hands to him to render assistance; I suppose he would have referred that drowning crowd to the city council of Nineveh and told them to make an appropriation to stop the rain. [Laughter and applause.] That would have been State-rights doctrine then, and it is State-rights doctrine to-day.

I hold this is a nation, and a nation which is deeply interested in the welfare, happiness, and prosperity of every citizen who lives within its limits. Last year we had a flood along the borders of the Mississippi River. Congress generously appropriated money for that purpose, a Republican President signed the bill, a Republican Congress made the appropriation, and a Republican Secretary of War sent thousands of rations and thousands of tents to feed and shelter the people of the South who were suffering from that great flood. Here is a flood that has devastated, as has been remarked on the floor of this House, a region of country seven hundred miles in length. Indiana is interested; Ohio is concerned; Pennsylvania is affected; West Virginia is injured, so too is Kentucky. Now, in the name of Heaven—not in the name of the Constitution, but in the name of that sweet broad rainbow-robed charity which would make us better and brighter and more generous men—let us make this appropriation. [Applause.]

Mr. HISCOCK. Mr. Speaker, having in the last Congress reported to this House the joint resolutions which were passed by Congress appropriating money to be expended in that way, I do not believe any one will think I am troubled with constitutional scruples in that respect, for I certainly am not. But nevertheless, while I shall not oppose the resolution, I would be in favor of appropriations of this sort being confined to States which hardly seem to have the wealth or which seem not to be in condition to be able to expend money for the support of their citizens.

But, sir, I have gained by this discussion all I expected. I desired to call attention to the Constitution and to hear from the other side on that question; and I am in the hope they will find constitutional ground upon which to base this appropriation.

We have had up before the House a bill for the purpose of giving such control as would secure the eradication of the cattle-plague. It is a bill—and what I say here now on that subject I may not have the opportunity to say hereafter—it is a measure in which the people of the great Northwest, certainly the people of my State, feel a deep interest.

But the moment it is introduced here the venerable men on the other side jump to their feet and shout, "The Constitution is in danger!" I remember, Mr. Speaker, a few years ago, when the people of the South came here and asked to have a quarantine law passed for the protection of their section against the yellow fever. Gentlemen on the other side then contented themselves with making speeches against the bill on constitutional grounds. They announced that there was no provision in the Constitution which would allow anything of that kind. But I noticed that when it came to the question of the vote upon it there was not a single gentleman upon the other side of the House who voted "no." There was not a division even upon the bill. It was passed by unanimous consent. Now, I am in favor of the passage of resolutions of this kind in the interest of humanity. But I am in favor also of finding a liberal interpretation of the Constitution for measures of this kind and for all measures which affect and promote good government and prosperity among the people of this country.

I yield two minutes to the gentleman from Kentucky [Mr. WHITE].

Mr. WHITE, of Kentucky. Mr. Speaker, I suppose that there will be no division on this question when we come to vote. But it is well enough for us to understand the scope of this resolution, especially that gentlemen upon the other side of the House should consider and understand it. We will be called upon before this session closes to vote an appropriation of a precisely similar character. I do not mean for sufferers on other tributaries of the Mississippi, but we will be called upon to vote, for instance, on a bill to give millions of money to educate the illiterate people of this country; and will be asked by gentlemen on the other side for appropriations for just such matters as this, though perhaps in a different shape. I can almost hear the gentleman from Pennsylvania and the gentleman from Indiana now raising the constitutional question when such requests come up. We will be called upon by the River and Harbor Committee to vote money to improve the navigation of streams which it must be candidly admitted—I am satisfied when the question is asked of gentlemen upon the other side, "Where is any evidence that these streams are navigable?"—have not water enough in them to float a canal-boat. We will be called upon to appropriate perhaps a half million of money or more to the sufferers along the Mississippi River, who, notwithstanding the fact that they live in a region which has had the benefit of governmental supervision for years, and on a river whose banks have been raised, where the *débris* has been removed, and where the channel has been swept by Government appropriations, will come asking us for relief, telling us that the river is in some places twenty or fifty or seventy-five miles in width and the people are gathered together on the banks.

If we are to vote on this question as we conscientiously believe, we will have to stretch the Constitution a little. Is there a man here who can put his finger on a single clause of the Constitution which will warrant this appropriation?

[Here the hammer fell.]

Mr. HISCOCK. I surrender five minutes of the time to my colleague from New York [Mr COX].

Mr. COX, of New York. Mr. Speaker, this side of the House is challenged in an ironical manner by my colleague as to the constitutionality of this measure. I do not now propose to argue its constitutionality, whether on the preamble, on the "general welfare" clause, or on the clause as to commerce, or on any nebulous, indefinite, humane provision in the Constitution.

Simply let me say that I oppose, now as before, anything that looks like an infraction of the Constitution. I have opposed it on your agricultural bill, sometimes on certain features of census legislation, and often on your Educational Bureau. I have found these extraconstitutional matters vulnerable.

Since the war was over very little impression has been made by such individual protests as mine against such measures of dangerous and outrageous breaches of organic law.

Mr. BAYNE. Let me interrupt you a moment.

Mr. COX, of New York. I can not yield to the gentleman. This is a matter of more serious pith and moment than gentlemen upon the other side seem by their genial way disposed to imagine. Mr. Speaker, we stand in the presence of a great calamity. It is a great national misfortune. These rivers of ours, like human beings at times, have passed their bounds. We are remediless, except by some general Federal be-

nevolence. These freshets, made by improvident legislation on forests and tariffs, overwhelm the heart of our land. Such calamities seem, like a winter's night, so dark that we can neither see our own paths nor the paths of others; so dense with the gloom of the night, that we neither see ourselves as partisans, nor do others see us. God help, in such emergencies.

In the presence of a great calamity I will not scrutinize too urgently or critically for the warrant of the Constitution.

The gentleman from Michigan said that a session or so ago I carried around in my pocket a resolution about feeding Ireland and proposed $300,000 relief. Making allowance for that sort of unveracity which is always humorous, I will say that he will find a decorous and dignified report on that subject from the Committee on Foreign Affairs, written partly by myself. It is a well-considered report, with precedents. These precedents come down from some of the best men of the old Whig and Democratic parties. They are unanswerably cogent. Another illustration: When, sir, it came to adding one more life-saving station at Louisville, during the freshet a year or more ago, did we pause to inquire whether it was based on inland or outland commerce? Did we ask for constitutional authority? No. We gave Louisville her life-saving station during that calamity. Many lives were saved.

I would not always be willing to allow matters of this doubtful constitutionality to pass without challenge. May I recall now a verse which has much sense and more melody? It says:

> The little rift within the lute
> That by-and-bye will make the music mute,
> And, ever widening, slowly silence all.

I would not, like gentlemen on the other side, make the least rift in the accordant music of the State. They must ask themselves the question who it is that has made these rifts in the Constitution; who it is that has been regardless of its provisions; who it is that has sundered the Constitution in twain; who it is that has recklessly squandered money on all sorts of extravagant projects, never having even the sweet mantle of charity to cover them from their multitudinous sins.

The first proposition made for charity since the war came from the other side. Republican members asked us to give certain pork to feed the starving negroes in Alabama. They were about drowned out on the Tombigbee. We know now how that pork was distributed. The American hog played a partisan and not a diplomatic part on that occasion. [Laughter.]

[Here the hammer fell.]

Mr. FOLLETT. I give the gentleman from New York five minutes of my time.

Mr. COX, of New York. I thank the gentleman kindly. I know how painful it is to discuss matters of this kind. Feeling has no words. Emotion is still. Our babble is the tossing buoy, indicating where the anchor is. Why not have voted this measure in graceful silence; and if by our inconsiderate vote there may be any breach of the Constitution, God Almighty in his infinite goodness will pardon and condone it.

But, sir, there are some afflictions which no medicine, no foresight, no wisdom can anticipate or cure.

One of these is the terrific calamity now upon the valley of the Ohio and its confluents. If, sir, I can not give my hand and my head, I will give my heart to this vote. [Applause.]

Mr. FOLLETT. I yield five minutes to the gentleman from Texas [Mr. REAGAN].

Mr. BAYNE. I would like to have the Clerk read just three or four lines——

The SPEAKER. The gentleman from Texas [Mr. REAGAN] is entitled to the floor.

Mr. REAGAN. It is refreshing, Mr. Speaker, even in the consideration of so grave a matter as this, to see that some of our Republican friends are asserting there is a Constitution and that there is danger of violating its provisions.

Mr. HISCOCK. Oh! the gentleman misunderstands us entirely.

Mr. REAGAN. I suppose I do.

Mr. HISCOCK. You certainly do.

Mr. REAGAN. Then I will go on. Mr. Speaker, there have been a good many things done in the history of this Government for which it might be difficult to point to a precise warrant in the Constitution. But the things which have been so done are not of the class in which the rights of the States or the liberties of the people are involved. They are that class of things, uncontemplated and unforeseen by the framers of the Constitution, that come up to be acted upon by the people in their representative capacity, and all they can do in such cases is to avoid such a violation of the Constitution as trenches upon the powers and rights of the States and upon the liberties and securities of the people.

When the Congress in former years have voted to relieve Italy, when they have voted to relieve Ireland, when they have voted to relieve the people in Alabama, when they have voted to relieve the people on the Mississippi, no right of a State was involved or violated. The liberty of no citizen was involved or was violated. But here to-day we stand in the presence of another great calamity which has fallen upon the people without fault of theirs. Such a calamity has caused every heart to beat by its contemplation—no right of a State involved, the liberty of no citizen involved—and on such an occasion our attention is called to the dangers of violating the Constitution and we are challenged for a warrant for the appropriation of money to relieve the people so situated. Why, sir, in the history of the action of Congress for the last twenty years, when the liberties of the people have been stricken down by the acts of Congress, when the rights of the States have been trampled upon and denied them, we have heard no protest from the Republican side of this House.

Mr. HISCOCK. Oh! the gentleman hears none now. Do not misunderstand me.

Mr. REAGAN. The readers of this debate in the RECORD will understand whether I am warranted in saying what I have said.

Mr. Speaker, I have said about all I desire to say. I only wish to add there is nothing in the theory of the Government to forbid what we are doing now; and while there may not be an express declaration of the Constitution that we may appropriate to relieve the calamities of people involved in distress, we have a long line of precedents which have met the approbation of the most illustrious minds of the past, and we know that if we shall do what we are now asked to do we do not violate the Constitution or inflict wrong upon States or wrong upon the people; but, simply representing the great Government of the Union, we say that out of its Treasury we propose to contribute something to the relief of sufferers who may be dying now for the want of it.

Mr. FOLLETT. I yield ten minutes to the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. The eagerness of my friend from New York [Mr. HISCOCK] to carp at and criticise the views of Democrats on this floor has led him into several misstatements of facts. In the first place, this subject is brought into Congress not by a Democrat, but by a Republican. That proposition was brought in here by the gentleman from West Virginia, and on his motion was referred to the Committee on Appropriations. The first question raised as to the constitutional power of this Congress to grant this relief is raised by the gentleman from New York [Mr. HISCOCK]. No Democrat has raised the constitutional question; no Democrat has alluded to it, except simply to answer remarks that have fallen from the lips of gentlemen on the other side. No constitutional question is raised by gentlemen on this side.

Another error in the statement of the gentleman from New York was his statement that Illinois was here in the last Congress hat in hand begging relief from the Federal Government for her sufferers from the floods. The gentleman has no warrant whatever for the assertion. Illinois never appeared in the last or in any other Congress begging charity for her people. Illinois is able to take care of her own destitute and suffering people. Illinois has with alacrity responded to every appeal to her for relief from suffering of her own as well as other people.

The proposition in the last Congress to which the gentleman alludes was not for relief for Ohio River sufferers, but came from the Lower Mississippi. One of the principal reasons urged for its passage was that it was intended to relieve the poor blacks who lived along the Lower Mississippi River. And now, when a proposition is brought forward to relieve the poor and suffering whites on the Ohio, as well as the blacks along that river, that gentleman thinks it is proper for him to carp at and criticise the views and actions of the Democratic members of this House on constitutional questions. Sir, New York has fattened more on the Federal Treasury than any dozen States of this Union. Illinois has in the last twenty years contributed more through the internal-revenue collections to the Federal Treasury than New York or any other State of this Union. This year Illinois paid into the Federal Treasury under the internal-revenue laws over $8,000,000 more than the Empire State of New York.

Mr. COX, of New York. On whisky, which we drank. [Laughter.]

Mr. TOWNSHEND. One or two words more, and then I will be through. The floods of the Ohio River have not yet reached their maximum. The highest stage of the flood is still confined to the upper portion of the Ohio. That flood is rolling on and gathering in force as it flows. Those living on the lower Ohio are expecting and anticipating a higher flood than has ever yet afflicted those people.

While I am not standing here asking charity for the people living in the State of Illinois on the border of that river, yet if there is to be an appropriation from the Federal Treasury, I hope as the relief boats go down the Ohio River they will not say, as the gentleman from New York seems to desire them to say, to those struggling in the waters or standing on the shore homeless and without food, "Wait until your State Legislature can assemble and make an appropriation for your relief."

If the Illinois Legislature was in session to-day, I am of the opinion that a resolution of relief would pass the two branches of that Legislature without a word of objection. But the Legislature of Illinois is not in session, and therefore there is need for prompt action to relieve Illinoisans as well as those of six other States, or it will be too late.

I have a dispatch which indicates to me very clearly that the flood will reach a higher stage at points on the Ohio River than ever before. In my own town of Shawneetown, which is located on the Ohio River just below the mouth of the Wabash, and which last year suffered more

severely than any other, there are to-day upon the levees three hundred men, with two locomotives, bringing earth from the hills, heroically fighting the floods and doing their utmost to guard against the danger threatened. I have also a dispatch from General Hazen, expressing the belief that it will be impossible for those people to escape inundation. And while our people have expended large sums on their levee and had made it high and strong enough to protect themselves from ordinary overflows, yet I have despaired of hope that they can save themselves in this extraordinary and calamitous emergency.

Notwithstanding I am not here begging charity for Illinois, yet when the gentleman from West Virginia brings in a proposition for the relief of the suffering people in the Ohio Valley I am willing to extend to him a hearty co-operation in this humane work. I am willing to do my utmost to aid in securing relief for those who can not help themselves. This is an emergency against which the people of the locality are utterly unable to guard themselves. It is a calamity which the localities are unable to guard against. They are unable to wait for the slow action of State or private charity. We have the power to quickly relieve them from destitution and from death. As the localities are powerless to furnish immediate and adequate relief, I for one am willing to stretch forth the strong arm of the Federal Government and save them from starvation and destitution.

Mr. FOLLETT. I now yield five minutes to the gentleman from Georgia.

Mr. HISCOCK. Yield to me a minute.

Mr. FOLLETT. I have yielded to the gentleman from Georgia [Mr. BLOUNT].

Mr. HISCOCK. Will the gentleman yield to me a minute right here, for I want to answer the gentleman from Illinois [Mr. TOWNSHEND] now?

Mr. BLOUNT. A little later, please; not now.

I do not take the floor on this occasion with a view of presenting any new thought to the House. I understand the sentiment which animates every one here.

The constitutional question raised by the gentleman from New York [Mr. HISCOCK] I well understand to be facetious. The gracefulness of this charity I trust will not be marred and has not been marred by a single sentence that has fallen from the lips of any gentleman.

I have not forgotten that sympathy which was shown to my own section years ago. I have not forgotten the suffering of the people of my native State and how generously and unanimously the Congress of the United States responded to their necessity and suffering. Ay, more, I have not forgotten when the yellow-fever attacked various cities along the Gulf of Mexico and the Mississippi River, and an appeal was made here for aid. I have not forgotten that when a proposition was before this House to appropriate—not by estimates, not by detailed statements as to the necessities of the situation—a half million of dollars to be used in the discretion of the Government, and to be used not merely during the immediate emergency, but if need be during a period of three years, for the the relief of those people of my section, there stood forth on the other side of the House, about where the gentleman from Maine [Mr. REED] now sits, a citizen of the State of Ohio—one of the grandest intellects, if not the grandest, I have witnessed on this floor (I speak not in disparagement of others)—gathering the humanities of this House around that proposition. Without one word of criticism in reference to the Constitution, without any expression save that of a great humanity, that sum was voted. Ay, more, sir, both sides of this House, apprehensive that when Congress might not be in session this same disease might find its way within our borders, have from that time kept the sum of $100,000 at the disposal of the President of the United States to be used, if need be, for purposes of relief. Under these circumstances, sir, I have felt a desire to express myself in behalf of this appropriation, which I doubt not will be granted unstintedly.

Mr. FOLLETT. I now yield to my colleague from the State of Ohio [Mr. JORDAN]. [Cries of "Vote!" "Vote!"]

Mr. JORDAN. Mr. Speaker, my colleague [Mr. JOSEPH D. TAYLOR] desires to send to the desk and have read a telegram. I yield a moment for that purpose.

Mr. JOSEPH D. TAYLOR. It is a telegram just received this morning.

The Clerk read as follows:

BELLAIRE, OHIO, *February* 11, 1884.

Hon. J. D. TAYLOR:

No description can equal the terrible destruction and loss caused by the flood. Urge prompt measure of relief through Congress. Bellaire's loss half a million.

C. L. POOREMAN,
D. W. COOPER,
D. H. FARRAH,
For Citizens.

Mr. HENDERSON, of Iowa. Mr. Speaker, I protest against members of the American Congress making speeches on this resolution when our fellow-beings are drowning. This House is ready to vote. Let us vote instead of making political speeches.

Mr. COBB. The gentleman from Iowa [Mr. HENDERSON] ought to have thought of that before his side did so much talking.

Mr. JORDAN. Mr. Speaker, I do not desire to occupy the time of the House for any length of time. I am hourly in receipt of telegraphic dispatches from Cincinnati and other places in Ohio. These dispatches represent a condition of affairs which appeals for immediate action on the part of this House. From these and other sources we know that the high water in the Ohio River and its tributaries has brought on the people of six States bordering on the Ohio River great distress. Representing in part the city of Cincinnati, and one of the members of this House from the State of Ohio which is bordered upon one side by the Ohio River for six hundred miles, I feel it my duty to vote for the bill now before the House appropriating $300,000 for the purpose of granting relief to the sufferings of the unhappy victims of this disastrous flood. If I am correctly informed, in my own and many other cities and towns along the Ohio River the water is higher than it ever has been before. Thousands of people are driven from their homes and wander through the streets seeking shelter wherever it may be found, in station-houses, in hospitals, in public places, at the hands of charity. Thousands and tens of thousands of people, homeless and without shelter, clamor for bread and seek for food wherever it can be obtained. Thousands, tens of thousands, hundreds of thousands of people, thrown out of homes and employment, who can not be supplied by local charities, must immediately have food and shelter and protection.

I for one stand here to give my vote and my voice in favor of this bill and to do all that I can to relieve the suffering and distress of our fellow-men. The gentleman from New York [Mr. HISCOCK] asks us if this bill is constitutional. I am glad that no other gentleman on the other side of the House considers the Constitution as any impediment in the way of voting for this bill; and as the gentleman from New York says he has "no constitutional scruples" upon any questions, we will hope that he too will vote for this bill.

I do not know whether this bill is constitutional or not. We have not time to enter into a discussion of this question. While we would stand here debating it the floods would not abate and the people would perish.

This bill does not merely affect Ohio; it affects the States of Pennsylvania, West Virginia, Kentucky, Indiana, and Illinois, and perhaps other States. This bill will afford some relief. It is in the right direction. I sympathize with its objects, I approve its purposes, and I give it my cordial support with my voice and my vote.

I send to the desk to be read a dispatch bearing upon this measure and asking for the relief sought by the bill.

The Clerk read as follows:

CINCINNATI, *February* 11, 1884.

Hon. ISAAC M. JORDAN, *M. C.*:

Please see dispatch to Senator SHERMAN by Richard Smith and consult. Suffering in Ohio River towns terribly, and river rising and rain-storm prevailing throughout entire valley. River will be several feet higher at this point than flood of last year. Railroads nearly all abandoned. Private charities in river towns can not cope with this disaster. Cincinnati will take care of her own people.

HENRY C. URNO,
Chairman Relief Committee.

Mr. FOLLETT. I now yield five minutes to my colleague [Mr. WARNER]. [Cries of "Vote!" "Vote!"]

Mr. WARNER, of Ohio. Mr. Speaker, I know the House is ready to vote upon this question and will vote the appropriation, but I hope I may be indulged for a moment, as I do not trespass often upon the time of the House, and this measure is one my people are deeply interested in. It has been said on this floor——

Mr. TOWNSHEND. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. I desire to know whether it is in order for gentlemen on that side, after they have consumed all of the time they wanted in this debate, to interrupt or endeavor to prevent this side of the House from being heard?

The SPEAKER. The Chair has endeavored to preserve order, and will again request gentlemen to be seated and cease conversation.

The gentleman from Ohio will proceed.

Mr. WARNER, of Ohio. It has been asked on this floor, Mr. Speaker, if the great State of Ohio is not able to afford relief to its sufferers from this flood without coming to Congress for help. I will say to gentlemen that Ohio is not here as a State asking help. She is undoubtedly able and her people are ready and willing and anxious to afford to the sufferers by these floods all the relief they require.

But that is not the question. This is a question of means, a question of agencies, of ready appliances to afford the needed relief at once. The floods are upon the people now; they are resistless. Hunger is relentless and will not wait. It is immediate help that is needed. The State has no adequate means at hand for affording the relief immediately, and it concerns half a dozen States—the valley of the whole Ohio River. The Government has steamboats; it has prepared rations; it has tents; it has blankets, all at hand. The State of Ohio has none of these appliances, and it can not organize forces nor institute agencies in time to afford that relief which is so absolutely necessary and which the Government can at once afford. This is the only ground on which I should be willing to ask for this appropriation. I have grave doubts myself as to the constitutional authority for such an act, but as the gentleman

from Texas has so well said, this is a measure which invades no rights, curtails no liberties, and in no way infringes upon the rights of States. Mingled with the appeals that come to us for help are the cries of children and the petitions of women homeless, shelterless, hungry; and in this presence I can not stop to argue literal construction of the Constitution. I will take the side of mercy and risk it on that.

Hundreds and thousands of dollars have been raised already by our people, but local charity is inadequate to the relief required. I am in favor of self-help always, in favor of communities providing for the relief of the needy among themselves. The people of my own city, the city of Marietta, would not go outside for relief if those who could afford the relief were not under the water themselves, but nearly the whole city is under water. And it is so with many other parts of the valley. Whole communities, entire towns and cities are in distress, and help from outside becomes necessary. There is no time to appeal to the charitable at a distance. Some organized power must step in. That should be the State if States can act quickly enough. But can they? If not, what help adequate to the work is at hand? Many States are concerned. Manifestly the Secretary of War, through the organization under his control and with the means at his disposal, is the only power that can furnish the aid at once and reach all points of the river. This is the nearest and quickest source of relief, and therefore I favor it. The Secretary of War can set agencies at work within an hour from the time this appropriation passes the two Houses of Congress, and that is what is wanted.

[Here the hammer fell.]

Mr. McKINLEY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McKINLEY. I wish to know if it will be in order to offer an amendment to this resolution.

The SPEAKER. Unless the previous question is ordered by the House it will be open to amendment.

Mr. FOLLETT. I now yield to the gentleman from West Virginia.

Mr. McKINLEY. I desire to offer the amendment which I send to the desk to strike out $300,000 and insert $500,000. It has been demonstrated by the arguments of gentlemen upon this question that $300,000 is wholly inadequate, and therefore I offer this amendment.

The SPEAKER. The gentleman from Ohio [Mr. FOLLETT] is entitled to the floor. Does the gentleman yield for this amendment?

Mr. FOLLETT. I yield to the gentleman from West Virginia [Mr. WILSON].

The SPEAKER. Does the gentleman from Ohio yield to his colleague to offer an amendment?

Mr. FOLLETT. I do not.

Mr. McKINLEY. I trust my colleague will yield to me. The amendment has been already announced; let it be read from the Clerk's desk.

The SPEAKER. The gentleman from West Virginia is recognized.

Mr. WILSON, of West Virginia. I obtained the floor, Mr. Speaker, for that very purpose, and the gentleman from Ohio in control of the floor had yielded to me. I had prepared the amendment which has been lying on my desk ready to be offered at this time.

Mr. McKINLEY. I was recognized by the Speaker; my amendment was announced. My only desire is to have that amendment acted upon. I care not where it comes from.

Mr. WILSON, of West Virginia. I ask that the amendment which I sent to the desk be read.

The Clerk read as follows:

Strike out of the joint resolution the sum proposed, $300,000, and insert in lieu thereof $500,000.

Mr. McKINLEY. I accept that amendment in lieu of my own. I care not where the amendment comes from so the amount appropriated is adequate.

Mr. WILSON, of West Virginia. Mr. Speaker, I shall ask to have read a telegram which I have just received from the governor of West Virginia, and while it is being sent to the desk I desire to say simply that the information I have received from that section of the State of West Virginia which lies along the Ohio River induces me to believe that everything that private charity or the local authorities can do to meet the exigency arising from this great calamity has been done, and the people along the Ohio River come up now not as has been suggested by the gentleman from New York, holding out the hand of beggary and asking this Government to extend its charity to the State of Ohio, but appealing to you as the only source from which immediate relief can come, asking you to extend your aid to them in the presence of this great misfortune and afford them the relief which is absolutely necessary for their preservation.

I now ask that the telegram which I have sent to the desk may be read.

The Clerk read as follows:

WHEELING, W. VA.

I call your attention to the annexed statement of editors of leading West Virginia papers, as also of leading citizens of our State, to the condition of the residents of the Ohio Valley who are rendered homeless and destitute by the recent unprecedented flood. We want help. It is urgent. The amount proposed by the joint resolution of General Goff is inadequate to our relief. We request you to amend the resolution so that at least one million be appropriated. Your prompt action will meet the approval of your constituents, and if relief is granted thousands of destitute will be saved from further suffering.

JACOB B. JACKSON, *Governor.*

Mr. FOLLETT. I yield five minutes to the gentleman from Connecticut [Mr. EATON]. [Cries of "Vote!" "Vote!"]

Mr. EATON. Where there are so many members of the House calling for a vote——

Mr. WILKINS. If the gentleman from Ohio [Mr. FOLLETT] will yield to me for that purpose, I will move the previous question.

Mr. FOLLETT. I have yielded five minutes to the gentleman from Connecticut [Mr. EATON].

Mr. EATON. I will be through in a moment. It appears that my good friend from New York [Mr. HISCOCK] is sorely troubled for fear that this great constitutional question, which does not trouble him at all, will not be brought forward by the member from Connecticut. Sir, I want to say to my friend that whenever in my judgment measures are brought forward here that strike at the very palladium of our liberties I shall oppose them without asking my friend from New York to assist me.

I said nothing upon this subject till my friend from New York volunteered to say that Connecticut ought to be heard and that his colleague from New York ought to be heard. And following him, the gentleman from Michigan [Mr. HORR] made a most luminous dissertation on State rights. Did that gentleman ever read a word about State rights? [Laughter.] Has he any knowledge of the Constitution or of the rights of the States? [Laughter.] If he has, I hope on this or some other occasion he will exhibit it.

And then comes up my genial friend from Colorado [Mr. BELFORD]. We shall lose him from this House speedily. I think I heard the telephone say that Howard University had already elected him professor of biblical literature. [Great laughter.] We shall be exceedingly sorry to lose him. But I beg leave to say to him that when he enters upon his duties at that university I will come up and listen to some of the Assyrian deluge stories he can tell.

And now, Mr. Speaker, one word more. I have grave doubts, I desire to say—I am not like the gentleman from New York, who is not troubled, he says, with any constitutional scruples—I have grave doubts about the power of this House to pay out the money of the people even in a great calamity like this. But, sir, somebody has remarked in this debate—I think my friend from New York [Mr. COX]—that when the head doubted the heart acted.

I shall not vote against this measure, and yet I take occasion to say, and I say it frankly, that I have very great doubts about the power in this House to appropriate the money of the people even in this great calamity.

Mr. FOLLETT. I desire to say just a word.

Mr. BAYNE. Will the gentleman from Ohio yield me one-half minute? [Cries of "Vote!" "Vote!"]

Mr. FOLLETT. There is an urgent demand for a vote.

Mr. BROWNE, of Indiana. I wish to offer another amendment.

Mr. FOLLETT. I desire to say with reference to the amount appropriated by this resolution that the Committee on Appropriations, with all the information that they could get—they were visited by Representatives from nearly all the flooded districts this morning—concluded that, for the present appropriation, $300,000 was the correct sum, and that this appropriation would not tend to cut off, in any measure whatever, private charities or State charities, and where they were possible the local charities of the districts affected. And Congress being in session, if larger appropriations should be necessary the Committee on Appropriations will certainly never stand in the way of making all proper appropriations.

I desire to say one word with reference to the State of Ohio; for it seems that that State is the one that is to be assailed upon this measure. Ohio stands at the front for her charitable institutions and the charity of her people and has always stood in the front, not excepting the great State of New York. And Ohio always will stand there so long as she is populated by the class of people that now control her affairs. Mr. Speaker, I move the previous question on the amendment offered by the gentleman from West Virginia and upon the bill.

The SPEAKER. The question is on ordering the previous question on the bill and amendment.

The previous question was ordered.

The SPEAKER. The first question is on the adoption of the amendment proposed by the gentleman from West Virginia [Mr. WILSON] to the substitute joint resolution reported by the Committee on Appropriations. The amendment will be reported.

The Clerk read as follows:

Amend the joint resolution by striking out "$300,000" and inserting "$500,000."

Mr. OATES. Mr. Speaker——

The SPEAKER. Debate is not in order. The question is on the amendment of the gentleman from West Virginia.

Mr. ROBINSON, of Ohio, and others called for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 44, noes 127.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 108, nays 150, not voting 62; as follows:

YEAS—108.

Adams, G. E.	Foran,	Le Fevre,	Pusey,
Barr,	Geddes,	Lewis,	Ray, G. W.
Bayne,	Gibson,	McCoid,	Robertson,
Belford,	Goff,	McCormick,	Robinson, J. S.
Bisbee,	Graves,	McKinley,	Robinson, W. E.
Blackburn,	Guenther,	Matson,	Rosecrans,
Blanchard,	Hanback,	Mayo,	Rowell,
Boutelle,	Harmer,	Millard,	Seymour,
Breckinridge,	Hart,	Miller, J. F.	Skinner, C. R.
Browne, T. M.	Hatch, W. H.	Milliken,	Stephenson,
Brown, W. W.	Hemphill,	Mitchell,	Stockslager,
Buckner,	Henderson, D. B.	Money,	Stone,
Calkins,	Henderson, T. J.	Morey,	Sumner, C. A.
Cassidy,	Hitt,	Moulton,	Taylor, E. B.
Chace,	Holman,	Murray,	Taylor, J. D.
Clay,	Holton,	Neece,	Thomas,
Cobb,	Hopkins,	Nelson,	Thompson,
Culbertson, W. W.	Horr,	Nicholls,	Townshend,
Cullin,	Houk,	Nutting,	Wait,
Cutcheon,	Houseman,	Paige,	Ward,
Dargan,	Hurd,	Parker,	Warner, A. J.
Davis, R. T.	Jeffords,	Payne,	White, J. D.
Dibble,	Jordan,	Peelle, S. J.	Wilkins,
Dunham,	Keifer,	Perkins,	Willis,
Elliott,	Kleiner,	Peters,	Wilson, W. L.
Evans, I. N.	Lacey,	Pettibone,	Wolford,
Fiedler,	Lamb,	Poland,	Yaple.

NAYS—150.

Adams, J. J.	Davis, L. H.	Lawrence,	Slocum,
Aiken,	Deuster,	Long,	Smith,
Alexander,	Dibrell,	Lovering,	Spooner,
Arnot,	Dockery,	Lowry,	Springer,
Atkinson,	Dowd,	Lyman,	Steele,
Bagley,	Dunn,	McAdoo,	Stevens,
Ballentine,	Eldredge,	McMillin,	Stewart, J. W.
Barksdale,	Ellis,	Maybury,	Storm,
Beach,	Ermentrout,	Mills,	Strait,
Bennett,	Everhart,	Morrison,	Struble,
Bland,	Evins, J. H.	Morse,	Sumner, D. H.
Blount,	Finerty,	Muldrow,	Talbott,
Boyle,	Follett,	Mutchler,	Taylor, J. M.
Brainerd,	Forney,	Oates,	Throckmorton,
Breitung,	Fyan,	O'Hara,	Tillman,
Brewer, F. B.	Glascock,	Patton,	Tucker,
Brewer, J. H.	Green,	Payson,	Turner, H. G.
Broadhead,	Greenleaf,	Pierce,	Turner, Oscar
Buchanan,	Halsell,	Peel, S. W.	Van Alstyne,
Budd,	Hardeman,	Phelps,	Vance,
Burleigh,	Hardy,	Post,	Van Eaton,
Burnes,	Hatch, H. H.	Pryor,	Wadsworth,
Cabell,	Haynes,	Randall,	Wakefield,
Caldwell,	Henley,	Rankin,	Warner, Richard
Campbell, J. M.	Hepburn,	Ranney,	Washburn,
Candler,	Herbert,	Ray, Ossian	Weaver,
Cannon,	Hewitt, G. W.	Reagan,	Wellborn,
Carleton,	Hiscock,	Reese,	Wemple,
Clardy,	Hoblitzell,	Rice,	White, Milo
Clements,	Howey,	Riggs,	Williams,
Collins,	Hutchins,	Rockwell,	Winans, E. B.
Connolly,	Johnson,	Rogers, J. H.	Winans, John
Cosgrove,	Jones, B. W.	Rogers, W. F.	Woodward,
Covington,	Jones, J. K.	Ryan,	Worthington,
Cox, S. S.	Kean,	Scales,	York.
Cox, W. R.	Ketcham,	Shaw,	Young.
Crisp,	Laird,	Singleton,	
Davidson,	Lanham,	Skinner, T. G.	

NOT VOTING—62.

Anderson,	Ellwood,	Kellogg,	Russell,
Barbour,	Ferrell,	King,	Seney,
Belmont,	Findlay,	Libbey,	Shelley,
Bingham,	George,	Lore,	Snyder,
Bowen,	Hammond,	McComas,	Spriggs,
Brumm,	Hancock,	Miller, S. H.	Stewart, Charles
Campbell, Felix	Hewitt, A. S.	Morgan,	Tully,
Converse,	Hill,	Morrill,	Valentine,
Cook,	Holmes,	Muller,	Weller,
Culberson, D. B.	Hooper,	Murphy,	Whiting,
Curtin,	Hunt,	Ochiltree,	Wilson, James
Davis, G. R.	James,	O'Neill, Charles	Wise, G. D.
Dingley,	Jones, J. H.	O'Neill, J. J.	Wise, J. S.
Dorsheimer,	Jones, J. T.	Potter,	Wood.
Duncan,	Kasson,	Price,	
Eaton,	Kelley,	Reed,	

So the amendment was not agreed to.

The following pairs were announced:

Mr. BUDD with Mr. GEORGE.

Mr. MILLER, of Pennsylvania, with Mr. ROBERTSON.

Mr. EZRA B. TAYLOR with Mr. SENEY.

Mr. RUSSELL with Mr. BELMONT.

Mr. OCHILTREE with Mr. HEWITT, of New York.

Mr. GEORGE D. WISE with Mr. JOHN S. WISE.

Mr. SHELLEY with Mr. WILSON, of Iowa.

Mr. KASSON with Mr. HILL.

Mr. ANDERSON with Mr. HANCOCK.

Mr. HOLMES with Mr. BLANCHARD.

Mr. DAVIS, of Illinois, with Mr. KING.

Mr. YOUNG with Mr. VALENTINE.

Mr. GEORGE D. WISE. I am paired on this question with my colleague Mr. JOHN S. WISE, but I desire to state that if I was at liberty to vote, I should vote "no" on the amendment.

Mr. EZRA B. TAYLOR. I am paired on political questions with my colleague, Mr. SENEY, but not regarding this as a political question, I have voted.

The result of the vote was then announced as above stated.

The question was upon agreeing to the substitute reported from the Committee on Appropriations; and being taken, the substitute was agreed to.

The joint resolution as amended was then ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was upon the passage of the joint resolution.

Mr. BURLEIGH. On that question I call for the yeas and nays. I am in favor of appropriating $300,000 for this purpose, but not of appropriating $500,000. I voted against the amendment to appropriate $500,000, as did many others; but many of us desire to record our votes in favor of appropriating $300,000.

The question was taken upon ordering the yeas and nays, and there were 48 in the affirmative—not one-fifth of the last vote.

Mr. WHITE, of Kentucky. I demand a count on the other side.

The negative votes were counted, of which there were 96.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

The question was taken; and there were yeas 234, nays 12, not voting 74, as follows:

YEAS—234.

Adams, G. E.	Dunham,	Long,	Rogers, W. F.
Adams, J. J.	Dunn,	Lovering,	Rosecrans,
Aiken,	Eldredge,	Lowry,	Rowell,
Alexander,	Elliott,	Lyman,	Ryan,
Atkinson,	Ermentrout,	McAdoo,	Scales,
Bagley,	Evans, I. N.	McCoid,	Singleton,
Ballentine,	Everhart,	McCormick,	Skinner, C. R.
Barksdale,	Evins, J. H.	McKinley,	Skinner, T. G.
Barr,	Fiedler,	Matson,	Smith,
Bayne,	Finerty,	Maybury,	Spooner,
Belford,	Follett,	Mayo,	Springer,
Bisbee,	Foran,	Millard,	Steele,
Blackburn,	Forney,	Miller, J. F.	Stephenson,
Blanchard,	Fyan,	Milliken,	Stevens,
Blount,	Geddes,	Mills,	Stewart, J. W.
Boutelle,	Gibson,	Mitchell,	Stockslager,
Brainerd,	Glascock,	Money,	Stone,
Breckinridge,	Goff,	Morey,	Storm,
Breitung,	Graves,	Morse,	Strait,
Brewer, F. B.	Green,	Moulton,	Struble,
Brewer, J. H.	Greenleaf,	Muldrow,	Sumner, C. A.
Broadhead,	Guenther,	Murray,	Sumner, D. H.
Browne, T. M.	Halsell,	Mutchler,	Talbott,
Brown, W. W.	Hanback,	Neece,	Taylor, E. B.
Buchanan,	Hardeman,	Nelson,	Taylor, J. D.
Buckner,	Hardy,	Nicholls,	Taylor, J. M.
Burleigh,	Hart,	Nutting,	Thomas,
Burnes,	Hatch, H. H.	O'Hara,	Throckmorton,
Cabell,	Hatch, W. H.	O'Neill, Charles	Tillman,
Caldwell,	Haynes,	Paige,	Townshend,
Calkins,	Hemphill,	Parker,	Tully,
Campbell, J. M.	Henderson, D. B.	Patton,	Turner, H. G.
Candler,	Henderson, T. J.	Payne,	Turner, Oscar
Cannon,	Henley,	Payson,	Vance,
Carleton,	Hiscock,	Pierce,	Van Eaton,
Cassidy,	Hitt,	Peel, S. W.	Wadsworth,
Chace,	Hoblitzell,	Peelle, S. J.	Wait,
Clardy,	Holman,	Perkins,	Wakefield,
Clay,	Hopkins,	Peters,	Ward,
Clements,	Horr,	Pettibone,	Warner, A. J.
Cobb,	Houk,	Phelps,	Warner, Richard
Collins,	Houseman,	Poland,	Washburn,
Connolly,	Howey,	Post,	Weaver,
Cosgrove,	Hurd,	Potter,	Wellborn,
Covington,	Hutchins,	Pryor,	Wemple,
Cox, S. S.	Jeffords,	Pusey,	White, J. D.
Crisp,	Johnson,	Randall,	White, Milo
Culbertson, W. W.	Jones, B. W.	Rankin,	Wilkins,
Cullen,	Jones, J. H.	Ray, G. W.	Williams,
Curtin,	Jones, J. K.	Ray, Ossian	Willis,
Cutcheon,	Jordan,	Reagan,	Wilson, W. L.
Davidson,	Keifer,	Reed,	Winans, E. B.
Davis, L. H.	Ketcham,	Reese,	Winans, John
Davis, R. T.	Kleiner,	Riggs,	Wolford,
Deuster,	Lacey,	Robertson,	Worthington,
Dibble,	Lamb,	Robinson, J. S.	Yaple,
Dibrell,	Lawrence,	Robinson, W. E.	Young.
Dockery,	Le Fevre,	Rockwell,	
Dowd,	Lewis,	Rogers, J. H.	

NAYS—12.

Beach,	Hewitt, G. W.	Oates,	Wise, G. D.
Bennett,	Lanham,	Ranney,	Woodward,
Cox, W. R.	McMillin,	Tucker,	York.

NOT VOTING—74.

Anderson,	Eaton,	Kasson,	Russell,
Arnot,	Ellis,	Kean,	Seney,
Barbour,	Ellwood,	Kelley,	Seymour,
Belmont,	Ferrell,	Kellogg,	Shaw,
Bingham,	Findlay,	King,	Shelley,
Bland,	George,	Laird,	Slocum,
Bowen,	Hammond,	Libbey,	Snyder,
Boyle,	Hancock,	Lore,	Spriggs,
Brumm,	Harmer,	McComas,	Stewart, Charles
Budd,	Hepburn,	Miller, S. H.	Thompson,
Campbell, Felix	Herbert,	Morgan,	Valentine,
Converse,	Hewitt, A. S.	Morrill,	Van Alstyne,
Cook,	Hill,	Morrison,	Weller,
Culberson, D. B.	Holmes,	Muller,	Whiting,
Dargan,	Holton,	Murphy,	Wilson, James
Davis, G. R.	Hooper,	Ochiltree,	Wise, J. S.
Dingley,	Hunt,	O'Neill, J. J.	Wood.
Dorsheimer,	James,	Price,	
Duncan,	Jones, J. T.	Rice,	

So the joint resolution was passed.

The following additional pairs were announced.

Mr. HUNT with Mr. LORE.

Mr. LE FEVRE with Mr. ROBINSON, of Ohio.

Mr. HUNT. I am paired with Mr. LORE, of Delaware; if I was at liberty to vote, I should vote "ay."

Mr. LE FEVRE. I am paired with my colleague Mr. ROBINSON; but being informed that he would vote in the affirmative on this joint resolution, I have voted.

Mr. ROBERTSON. My colleague Mr. THOMPSON was called out of the Hall some time ago, and desired me to state that if present he would vote "ay" on the passage of this joint resolution.

Mr. FOLLETT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL moved that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. E. ADAMS: Petition of manufacturers of weiss-beer—to the Committee on Ways and Means.

By Mr. ARNOT: Petition of L. L. Livingston, asking Congress to regulate the rank of the line officers of the Army—to the Committee on Military Affairs.

Also, the petition of L. L. Livingston, for the correction of his record—to the same committee.

By Mr. BLAND: Petition for a mail-route in Missouri—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELLE: Petition of citizens of Maine, for a pension for Calvin Carter—to the Committee on Invalid Pensions.

By Mr. BRAINERD: Petition for a mail-route from Cherry Hill to Tracy—to the Committee on the Post-Office and Post-Roads.

By Mr. T. M. BROWNE: Petition of Nelson Trusler Post, Grand Army of the Republic, No. 60, Department of Indiana, for a copy of CONGRESSIONAL RECORD to be sent to all posts of the Grand Army of the Republic free—to the Committee on Printing.

By Mr. BUCHANAN: Paper relative to a post-route in Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. BUDD: Petition of Lincoln Post, No. 1, Grand Army of the Republic, requesting amendments to the civil-service law—to the Committee on Reform in the Civil Service.

Also, a petition and resolution relating to the Indian policy—to the Committee on Indian Affairs.

By Mr. CALDWELL: Papers relating to the claim of W. A. and Adelicia Cheatham—to the Committee on Claims.

By Mr. CALKINS: Petition of Joseph A. Stephan, asking for an enactment to purchase certain lands in the Territory of Dakota—to the Committee on Education.

By Mr. CARLETON: Paper relative to the improvement of Pigeon River, at Caseville, Huron County, Michigan; for the improvement of Clinton River, Macomb County, Michigan; for the improvement of Bell River, at Marine City, Mich.; relating to the improvement of the channel of Pine River, Saint Clair County, Michigan; for the improvement of the channel of Sebewaing River, Huron County, Michigan—severally to the Committee on Rivers and Harbors.

By Mr. S. S. COX: Petition of 1,653 citizens of Brooklyn, N. Y., for the enforcement of the eight-hour law—to the Committee on Labor.

By Mr. W. W. CULBERTSON: Petition of John H. Johnson, for a pension—to the Committee on Invalid Pensions.

By Mr. CULLEN: Petition of mass-meeting of pensioners held at Chicago, Ill., remonstrating against the discontinuance of the present pension agencies as now established—to the Committee on Appropriations.

By Mr. CURTIN: Letter of the Commissioner of Agriculture accompanying memorial in behalf of Abraham Fultz—to the Commiteee on Agriculture.

By Mr. CUTCHEON: Memorial in regard to soldiers discharged on account of sickness, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. DAVIDSON: Resolution of the city council of Saint Augustine, in reference to the improvement of the harbor of Saint Augustine, Fla.—to the Committee on Rivers and Harbors.

By Mr. DIBRELL: Paper relating to the Muscle Shoals improvement—to the same committee.

By Mr. FERRELL: Petition of citizens of Lee Isle City, for an appropriation to build jetties at Corson and Townsend's Inlets—to the same committee.

By Mr. GEDDES: Petition of J. M. Briggs and 10 others, members of J. C. Rouk Post, No. 398, Grand Army of the Republic, Department of Ohio, for a copy of the CONGRESSIONAL RECORD for said post—to the Committee on Printing.

By Mr. GEORGE: Petition of the Portland (Oreg.) Board of Trade, asking for increased appropriations for naval and coast defenses on the Pacific coast—to the Committee on Appropriations.

By Mr. GUENTHER: Petition of S. B. Stoddart, for a pension—to the Committee on Invalid Pensions.

By Mr. HARMER: Communication signed by the officers on duty at Fort Custer, Mont., urging the passage of House bill 2613—to the Committee on Military Affairs.

Also, a petition for the enforcement of the eight-hour law—to the Committee on Labor.

By Mr. HITT: Memorial of pensioners of Chicago and vicinity, against abolition of pension agencies, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. HOLMAN: Petition of Alexander Kirkpatrick and 169 others, citizens of Decatur County, Indiana, that the laws be so modified that the producers of leaf-tobacco may sell the same in an unmanufactured state to whomsoever they please—to the Committee on Ways and Means.

Also, petition of Joseph Perry, for a pension—to the Committee on Invalid Pensions.

Also, petition to restore John L. Elliott to the pension-rolls—to the same committee.

By Mr. HOPKINS: Petition of citizens of Pennsylvania and of 1,000 citizens of Allegheny County, Pennsylvania, against foreign labor contracts made abroad—to the Committee on Labor.

By Mr. HOUK: Paper relating to the improvements of certain rivers in the State of Tennessee—to the Committee on Rivers and Harbors.

By Mr. JAMES: Petition for the enforcement of the eight-hour law—to the Committee on Labor.

By Mr. JORDAN: Papers relating to the claim of Alexander Swift & Co. and Alexander Swift & Co. and the Niles Works—to the Committee on Claims.

By Mr. KLEINER: Petition of A. T. Whittlesey, for relief—to the Committee on Claims.

Also, affidavits to accompany the bill for the relief of Miles Kemp—to the Committee on Invalid Pensions.

By Mr. LAMB: Petition asking for an appropriation of $50,000 for the improvement of the Wabash River—to the Committee on Rivers and Harbors.

By Mr. LANHAM: Petition of Benjamin F. Foy, for a pension—to the Committee on Pensions.

Also, papers relating to the claim of C. F. Hazelwood—to the Committee on Indian Affairs.

By Mr. LORE: Petition of Capelle Hardware Company and 1,989 others, for a new public building at Wilmington, Del.—to the Committee on Public Buildings and Grounds.

By Mr. MATSON: Petition of Andrew J. Kramer and 140 others, asking that arrears be granted to all pensioners—to the Committee on Invalid Pensions.

By Mr. MORGAN: Petition of Abraham Jones, for the reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of R. T. Cartmel, for the reference of his claim to the Court of Claims—to the same committee.

By Mr. MORRILL: Petition of Hon. Thomas P. Fenlon, for increasing the pay of United States circuit and district judges—to the Committee on the Judiciary.

By Mr. NICHOLLS: Petition of leading citizens of the city of Savannah, praying that the public domain on Tybee Island may be drained—to the Committee on Appropriations.

By Mr. PERKINS: Petition of T. J. Hudson and others, of Kansas, asking for an increase in the compensation of United States district and circuit judges—to the Committee on the Judiciary.

By Mr. PETTIBONE: Petition of Mrs. Susannah ———, for a pension—to the Committee on Invalid Pensions.

Also, petition of letter-carriers of Nashville, Tenn.—to the Committee on the Post-Office and Post-Roads.

By Mr. PIERCE: Petition of Jane Woodruff, for a pension—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Elizabeth Rogers—to the Committee on War Claims.

Also, petition of M. D. L. Jordan, administrator, asking compensation for property taken by the United States Army during the rebellion—to the same committee.

Also, petition of Nancy Tuck, for compensation for property used by the United States Army during the rebellion—to the same committee.

Also, petition of Cyrus J. Wilson, for pay as scout in employ of Maj. Gen. John M. Palmer, United States volunteers—to the same committee.

Also, petition of citizens of West Tennessee and West Kentucky, for the building of levees for the protection of lands and the improvement of navigation of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. REAGAN: Papers for the relief of W. H. Powell—to the Committee on Ways and Means.

By Mr. RICE: Papers relating to the claim of the British whaling bark Chance—to the Committee on Foreign Affairs.

By Mr. RIGGS: Resolution of the Headquarters of Illinois, Grand

Army of the Republic, relative to the abolition of pension agencies—to the Committee on Invalid Pensions.

By Mr. ROSECRANS: Paper in the case of Capt. W. P. Martin—to the Committee on Military Affairs.

By Mr. STEELE: Petition of Coulter Post, Grand Army of the Republic, Russiaville, Ind., asking the Government to redeem certain pledges—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. STEVENS: Petition of citizens of Niagara County, New York, for the establishment of a life-saving station at the mouth of Niagara River—to the Committee on Commerce.

By Mr. STORM: Resolution of the town council of Easton, Pa., relative to the Indian policy—to the Committee on Indian Affairs.

By Mr. TOWNSHEND: Petition of M. K. Lawler Post, Grand Army of the Republic, asking for a copy of the CONGRESSIONAL RECORD to be sent free to all posts of the Grand Army of the Republic—to the Committee on Printing.

By Mr. VANCE: Papers relating to the claim of R. R. Bell—to the Committee on Ways and Means.

By Mr. WAIT: Petition of George O'Donnell, for arrearage of bounty, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. WASHBURN: Resolutions of the Board of Trade of Minneapolis, Minn., relative to land grants to railroads, and asking Congress not to legislate against the Northern Pacific Railroad—to the Committee on the Public Lands.

By Mr. W. L. WILSON: Petition of Charles H. Briggs and George W. Graham, in support of House bill 3485—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. J. S. WISE: Petition of E. H. Stainback, engineer in charge, relative to the Appomattox River—to the Committee on Rivers and Harbors.

By Mr. WOODWARD: Petition of Ann Clark, for a pension—to the Committee on Invalid Pensions.

By Mr. YAPEL: Petition of T. G. Edwards and others, members of H. C. Gilbert Post, Grand Army of the Republic; of W. H. Lesner and others, members of Thomas Manning Post, No. 57, Grand Army of the Republic, Department of Michigan; and of C. D. Bassett and others, citizens of Marcellus, Mich., asking for one hundred and sixty acres of land for each honorably discharged soldier, sailor, and marine—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

SENATE.

TUESDAY, *February* 12, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

NAMING OF A PRESIDING OFFICER.

The Secretary read the following communication from the President *pro tempore* of the Senate:

UNITED STATES SENATE CHAMBER,
Washington, February 12, 1884.

To the Senate:

Pursuant to the power conferred on me by the rules, I hereby name and designate the Senator from Iowa Mr. WILLIAM B. ALLISON to perform the duties of the Chair in my absence from the Senate this day.

GEORGE F. EDMUNDS,
President pro tempore.

Mr. ALLISON thereupon took the chair as presiding officer, and called the Senate to order.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. ANTHONY. I notice from the reading of the Journal that it states 1,000 copies of the Statistical Abstract of the United States were ordered to be printed. It strikes me that the number was 5,000.

The PRESIDING OFFICER. The matter will be examined, and the Journal will be corrected in accordance with the fact if there is an error.

The Journal was approved.

ASTRONOMICAL OBSERVATIONS.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate:

I transmit a communication, under date of the 8th instant, addressed to me by the Secretary of the Navy, covering a report of Professor Simon Newcomb, United States Navy, on the subject of recent improvements in astronomical observatories, instruments, and methods of observations, as noted during his visit to the principal observatories of Europe in the year 1883, made in pursuance of orders of the Navy Department.

The request of the Secretary is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 11, 1884.

PETITIONS AND MEMORIALS.

Mr. JACKSON presented a petition of the Good Templars of Tennessee, officially signed, representing 3,549 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. CALL presented a petition of the city council of Saint Augustine, Fla., praying for an appropriation for the improvement of the harbor at that place; which was referred to the Committee on Commerce.

Mr. DAWES presented the petition of W. S. Burnham and others, citizens of Boston, Mass., and the petition of J. E. Farnham and others, citizens of Boston, Mass., praying for an appropriation for educational purposes in Alaska; which were referred to the Committee on Appropriations.

Mr. MORRILL presented the petition of Theophilus Browner, chairman of the board of managers, on behalf of the National Temperance Society, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. BLAIR. I present the petition of the Good Templars of New Hampshire, signed by George A. Bailey, grand worthy chief templar, and other officers of the order, representing 3,000 members, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating beverages; also the petition of the National Division of the Sons of Temperance, officially signed, representing 70,000 members, praying for a constitutional amendment for the same purpose. I move that the petitions be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. DOLPH. I present the petition of Good Templars of Oregon, officially signed by Elias Jessup, grand worthy chief templar, and J. E. Houston, grand secretary of the order in that State, representing 5,000 members, praying for a commission of inquiry concerning the alcoholic liquor traffic. I shall not repeat or attempt to add to what has been so well said in regard to this matter, but will content myself with the assertion that of all the questions which are now attracting the attention of the American people and being pressed upon Congress for its consideration, no question is more vitally connected with the health, prosperity, and happiness of the people, with public and private virtue, with the present condition or future growth of the country and the perpetuity of our republican institutions than the question of the alcoholic liquor traffic. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. COKE. I present a petition of the Houston Cotton Exchange and Board of Trade of the city of Houston, Tex., reflecting the population, wealth, and commercial importance of that city, praying that a bill now pending in the two Houses of Congress making the city of Houston a port of entry be passed. The petition that I present, adopted on February 7, 1884, refers to another petition presented to Congress in 1882, and I beg leave to present both of them, and move their reference to the Committee on Commerce.

The motion was agreed to.

Mr. CONGER. I present resolutions adopted by the common council of the city of Negaunee, Mich., remonstrating against the passage of the bill to forfeit the lands granted to the Marquette, Houghton and Ontonagon Railroad. I ask that the resolutions, which are under the seal of the city, may be read.

The PRESIDING OFFICER. The Senator from Michigan presents certain resolutions and asks that they may be read. They will be read, if there is no objection. The Chair hears none.

The resolutions were read, and referred to the Committee on Public Lands, as follows:

Whereas it appears that the lands granted by the Congress of the United States to the State of Michigan to aid in the construction of the Marquette, Houghton and Ontonagon Railroad are in danger of forfeiture and reversion to the United States; and

Whereas the construction of said railroad is vital to this entire section of country, and is dependent upon the donation of said lands; and

Whereas the State of Michigan, by the action of its Legislature, has extended the time for the completion of the said railroad, which time is not yet expired: Now, therefore,

Be it resolved, That it is the sense of the people of this section of country that the State of Michigan should be allowed to carry out its contract with the Marquette, Houghton and Ontonagon Railroad Company, and that the lands set apart by the General Government for the construction of the said railroad should be saved and excluded from forfeiture by the Congress of the United States, and confirmed to the use of the State of Michigan, as at first intended by the act of Congress of June 3, 1856, and acts supplementary thereto, and the Congress is therefore prayed and petitioned in this behalf.

Resolved, That our Senators and Representatives in Congress be asked to use their best efforts to avoid a forfeiture of the said lands and further the object of these resolutions as herein expressed.

Resolved, That the recorder be and hereby is instructed to forward certified copies of these resolutions to our Senators and Representatives in Congress respectively.

I hereby certify that at the regular meeting of the common council of the city of Negaunee, Marquette County, Michigan, held this 7th day of February, 1884, the resolutions hereto attached were unanimously adopted.

BYRON D. JANES,
Recorder City of Negaunee.

Mr. SAWYER presented a petition of the Sons of Temperance of Wisconsin, officially signed, representing 845 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

He also presented the petition of William H. Clark, jr., and 60 others,

citizens of Florence County, Wisconsin, praying for the passage of the bill (S. 691) to confirm and declare legal the acts of certain officers of the United States; which was referred to the Committee on Public Lands.

Mr. SLATER. I present certain affidavits and papers relating to the claim set forth in the bill (S. 819) for the relief of Avery D. Babcock and wife. I move that they be referred to the Committee on Military Affairs, to be considered in connection with the bill now before that committee.

The motion was agreed to.

Mr. SLATER. I present a petition numerously signed by citizens of Lane County, Oregon, addressed to myself and my colleague but evidently intended as a memorial to Congress, praying for an appropriation for the improvement of the channel of the Sinslaw River, in that State. I ask that it may be received and referred to the Committee on Commerce as a memorial to Congress.

The PRESIDING OFFICER. It will be received by unanimous consent, and so referred.

Mr. SHERMAN presented a petition of the Grand Temple of Honor of Ohio, officially signed, representing 900 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. GROOME presented a petition of the Maryland State Temperance Alliance, officially signed, praying for the passage of a bill prohibiting the alcoholic liquor traffic in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. MILLER, of California, presented the petition of citizens of Sacramento, Cal., praying that the grant of lands to the California and Oregon Railroad Company be not forfeited; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. MAXEY. I am instructed by the Committee on Military Affairs to report adversely the bill (S. 809) to indemnify the State of California for balances paid and remaining due on account of indebtedness incurred in Indian wars, for the payment of which said State issued bonds in 1851 and 1852, a part of which remain unpaid owing to delays occasioned by War Department rulings under the act of Congress of August 5, 1854. By direction of the committee I move that the bill be indefinitely postponed.

Mr. MILLER, of California. I ask that the bill be placed on the Calendar.

The PRESIDING OFFICER. Is there objection to placing the bill on the Calendar?

Mr. MAXEY. I have no objection to its going on the Calendar, except that I think we should not encumber the Calendar with adverse reports in such a way as to prevent the disposition of meritorious cases reported favorably.

The PRESIDING OFFICER. The Chair hears no objection, and the bill will be placed on the Calendar with the adverse report of the committee.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the bill (S. 997) for the relief of David A. Williams, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the President's message on the subject, reported a bill (S. 1496) to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Dakota Central Railway Company through the Sioux reservation in Dakota; which was read twice by its title, and, on motion of Mr. DAWES, recommitted to the Committee on Indian Affairs.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 1459) relating to the improvement of the coinage, reported it with amendments.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1140) for the relief of Lieut. George W. Kingsbury, reported it with an amendment, and submitted a report thereon.

Mr. HALE. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (S. 698) to authorize the construction of additional steel vessels for the Navy, to report it with an amendment. I wish to give notice that at an early day, as I deem this a most important bill, I shall ask the Senate to consider it, and hope that it may have an early passage. There is a report accompanying the bill which I suppose under the rules will be printed.

The PRESIDING OFFICER. All reports are printed.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 875) for the relief of Charles C. Hill, of Urbana, Ohio, reported it adversely.

Mr. SHERMAN. I should like to have the bill placed on the Calendar until I can see the nature of the report.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SEWELL. I am also instructed by the Committee on Military Affairs, to whom was referred the bill (S. 906) for the relief of Napoleon B. Drummond, to ask to be discharged from the further consideration of the bill, as there is a general law in force giving the Secretary of War authority to do what the bill calls for.

The report was agreed to.

Mr. COLQUITT, from the Committee on Pensions, to whom was referred the petition of William Allen, a soldier in the Mexican war, praying that a pension be granted to him on account of disabilities incurred in that war, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. 745) granting a pension to Lewis Hinn, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 478) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation, in the Territory of Utah, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. VANCE introduced a bill (S. 1497) to repeal certain provisions of the act approved March 3, 1875, relating to the purchase of arms for the use of the States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCPHERSON introduced a bill (S. 1498) to suspend the coinage of the standard silver dollar, and for other purposes; which was read the first time by its title.

Mr. MCPHERSON. As this is a very important bill and a very short one, and as it can be read by the Secretary in less time than I can state its purport, I ask the Secretary to read it in full.

The bill was read the second time at length, and referred to the Committee on Finance, as follows:

Be it enacted, &c., That on and after the passage of this act the coinage of the silver dollar is hereby suspended until January 1, 1886, and the Secretary of the Treasury is hereby authorized and required to purchase from time to time, at his discretion, at the most favorable market rates, enough silver bullion to carry into effect the provisions of section 6 of this act.

SEC. 2. That gold bars manufactured at any United States mint of the fineness of .900 or above, and having the bar's weight, fineness, and gold-coin value legibly stamped thereon, which value shall be calculated at the rate of 25.8 standard grains to the dollar, are hereby declared to be a legal tender to the amount and value so stamped on each bar in payment of all debts, public and private.

SEC. 3. That silver bars manufactured at any United States mint of the fineness of .900 or above, and having the bar's weight and fineness legibly stamped thereon, are hereby declared to be a legal tender in payment of all debts, public and private, at their value (compared with similar gold bars) calculated in United States gold dollars at the rate of 25.8 standard grains to the dollar.

SEC. 4. That the officers of the United States Treasury and the officers of such subtreasuries as the Secretary of the Treasury shall designate are hereby empowered and required to receive gold and silver bars of the fineness designated and manufactured at the United States mints, and to retain them on deposit for such length of time as the depositor may desire; and the Secretary of the Treasury is hereby empowered and required to provide such necessary vaults, conveniences, and guards, at the offices designated, as shall in the estimation of the Secretary of the Treasury be appropriate and necessary to secure the safe-keeping and proper performance of the trust.

SEC. 5. That the Secretary, and the official head of each subtreasury at which any of the bars of bullion designated in this act may be deposited, is hereby authorized and required to issue to the depositor, in exchange for said gold bars and silver bars, certificates for the amount so deposited.

SEC. 6. That the whole amount of said silver certificates (based upon the purchase of silver bullion as authorized by section 1 of this act) authorized to be issued shall not exceed $5,000,000 per month for each and every month; and said certificates shall be stamped and designated, respectively, as gold-bullion-deposit certificates and silver-bullion-deposit certificates, and the value thereof in United States gold dollars shall be expressed upon their face, and the denominations thereof shall correspond with the ordinary denominations of United States money.

SEC. 7. That the Secretary of the Treasury is hereby authorized and required, on the presentation of any gold-bullion-deposit certificates, issued under the provisions of this act, at any of the depositories named herein by the legal holder thereof, to redeem the same by delivering to the said holder the value expressed upon the face of said certificate either in gold coins of the United States or in gold bars of the fineness and description mentioned herein, as the holders of the gold certificates may elect.

SEC. 8. That the Secretary of the Treasury is hereby authorized and required, on the presentation of any silver-bullion-deposit certificates, issued under the provisions of this act, at any of the depositories named herein, by the legal holders thereof, to redeem the same by delivering to said holder the value expressed upon the face of said certificate either the present standard silver coin of the United States at its par value or in silver bars of the fineness and description herein mentioned, as holders of the silver certificates may elect.

SEC. 9. That the silver coin manufactured at the mints of the United States and known as the trade-dollar shall hereafter be received at the postal and revenue offices of the United States (other than the customs department) in exchange for postal and revenue stamps in sums of $5 and less at a value equal to the standard silver dollar of the United States, and shall be sent immediately to the Treasury, and when received into the Treasury the Secretary of the Treasury is hereby authorized and directed to cause the same to be melted into silver bullion, and the amount so received shall form part of that authorized to be purchased under section 6 of this act.

SEC. 10. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. HARRISON introduced a bill (S. 1499) granting a pension to James C. Wheat; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON introduced a bill (S. 1500) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., and Davenport, Iowa, and to establish it as a post-route; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRIS (by request) introduced a bill (S. 1501) for the relief of Robert Strachan, John H. Johnson, Samuel M. Bryan, George Combs,

Annie Botts, and George A. Hawkins; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COKE introduced a bill (S. 1502) to grant a right of way to the Fort Worth and Denver City Railway Company through the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Railroads.

Mr. BECK introduced a bill (S. 1503) to change the limit of appropriation for the public building at Louisville, Ky.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BOWEN introduced a bill (S. 1504) for the erection of a public building at Pueblo, Colo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1505) for the erection of a public building at Del Norte, Colo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1506) relating to suits by the United States to set aside land patents; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. INGALLS introduced a bill (S. 1507) to increase the pension of John F. Stukey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 1508) to authorize the Postmaster-General to lease premises for the use of post-offices of the first, second, and third classes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. DAWES (by request) introduced a bill (S. 1509) authorizing the Secretary of the Interior to create a commission to try and to dispose of claims for citizenship in the Cherokee, Choctaw, Creek, Chickasaw, and Seminole Indian Nations; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. VOORHEES introduced a bill (S. 1510) to protect certain settlers in Washington Territory from being deprived of their homes by the Northern Pacific Railroad Company; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DAWES introduced a bill (S. 1512) granting a pension to Patrick Droney; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1513) granting an increase of pension to Samuel Wright; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VANCE introduced a joint resolution (S. R. 61) to authorize Lieut. Henry R. Lemly, United States Army, to accept a position under the Government of the United States of Colombia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

HOUSE BILLS REFERRED.

The bill (H. R. 355) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. Res. 153) authorizing the Secretary of War to furnish tents for the fifth annual reunion of the soldiers and sailors of the Northwest, to be held in Chicago in the month of August, 1884, was read twice by its title, and referred to the Committee on Military Affairs.

ADMISSIONS TO THE FLOOR.

Mr. CALL submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the President of the Senate shall have authority to admit to the floor of the Senate on the request of Senators eminent citizens from the several States and Territories when it can be done without inconvenience to the Senate in the transaction of business.

PANAMA CANAL.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested to communicate to the Senate, if not incompatible with the public interest, such correspondence on file in the Department of State in reference to the Panama Canal as may have been furnished by any diplomatic representatives of this Government near the Government of the United States of Colombia subsequent to 1st of March, 1881.

PAY OF POSTMASTERS.

The PRESIDING OFFICER. Under the order of "concurrent or other resolutions" the Chair lays before the Senate a resolution offered by the Senator from Indiana [Mr. VOORHEES].

The resolution submitted by Mr. VOORHEES, on the 8th instant, was read, as follows:

Resolved, That the Attorney-General of the United States be directed to report to the Senate the cause or causes of delay, if any, on the part of the Department of Justice in advising the Postmaster-General as to the proper construction of the act of March 3, 1883, in relation to the salaries and pay of postmasters, the question of the proper construction of said act having been referred by the Postmaster-General to the Attorney-General on the 25th of August, 1883, and no answer having yet been made thereto.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. VOORHEES. I was struck with the suggestion made by the Senator from Ohio [Mr. SHERMAN] in regard to the resolution, but after thinking the matter over I do not know that I care to change it, or, if I did, I should not know how to change it to call upon the Attorney-General for the information there sought in any different manner. As the Senator from Ohio says, it is unusual to ask one head of a Department why he is delaying the business of the Government by not responding to a proper request on the part of another head of a Department; but it is likewise unusual that such a request made by the head of a Department upon the Attorney-General should rest unanswered for the space of six months.

The matter, and I state it so that every Senator may have it clearly in his mind, is simply this: On the 3d of March last we passed an act, simple as we thought in its character, requiring the Postmaster-General to adjust the pay and salaries of certain postmasters. After a very considerable delay, during which nothing was done to execute the law, it was referred to the Attorney-General by the Postmaster-General, as he informs me himself, with a request to be advised in regard to certain legal propositions growing out of it. That reference was made on the 25th of last August, and to this hour no answer has been made to it.

I have not acted hastily upon this matter, nor with any desire to embarrass the Attorney-General or to bring him into disrepute, or anything of the kind; nor have I acted upon it until after consulting with the Postmaster-General himself. He having failed to get the information which he desired and to which he was entitled, I have undertaken simply to help him. If the Senator from Ohio or anybody else has any other or better plan than that which I have adopted, I will gladly accept his and abandon mine; but in the absence of anything offered I ask for the adoption of the resolution.

Mr. MORGAN. The act to which the resolution relates was approved March 3, 1883. It appears to be a tolerably plain law. There does not appear to be much difficulty in the construction of it to a simple, plain-minded man. But it appears that the Postmaster-General has found some difficulty in its execution, and thereupon, as the Senator from Indiana says, six months ago or more he referred that question to the Attorney-General, under a privilege which he has under the statutes; and it seems that the Attorney-General has not as yet been able to make up his mind as to what is the proper construction of the law. In the mean time the will of Congress goes unexecuted. We are estopped and forbidden in fact, either by courtesy or in some other way, from executing our own will, passed through both Houses and approved by the President, for the compensation of these postmasters.

The debt is a just one; nobody disputes that. Congress has provided for it; and it seems that the Postmaster-General has met with some doubt or difficulty in respect merely of the construction of the law. I do not know that we have any power to require the Attorney-General to respond to this request of the Postmaster-General as to the construction of the law, but we certainly have the power to ask the Postmaster-General where his difficulty is, and if the Attorney-General does not see proper to answer it on his part, if we are advised of what the difficulty is perhaps we can answer it.

I think that the Senator from Indiana would perhaps better his resolution by directing it to the Postmaster-General and asking him to state to the Senate what are his difficulties in the execution of the law, so that if they appear to be serious when his statement or explanation comes here we can modify the act or pass a joint resolution construing it. I dislike very much to make any complaint about a matter of this kind, and I do not know that I have any rightful ground to do it, for I take it for granted that the Attorney-General has been diligent as he thinks he ought to be in the investigation and decision of this question so far as the decision of it rests with him; but we ought not to stop in the discharge of a duty that we owe to these postmasters merely because these two functionaries of the Government can not agree between themselves as to the proper line of action.

I hope, therefore, that the Senator from Indiana will modify his resolution so as to require the Postmaster-General to state to the Senate what are his difficulties in the execution of the law, and then see if we can remedy them.

Mr. VOORHEES. We should be no nearer accomplishing a practical purpose than we are now if the course indicated by the Senator from Alabama was adopted. In response to a resolution the Postmaster-General has already stated that he encountered doubts as to the proper construction of the law, and then under the statute he resorted to the law officer of the Government, as he had a right to do, to be instructed. Suppose we should ask him now, "What were your doubts?" and he should write and send to us a statement of his legal difficulties in detail, should we be any nearer accomplishing the execution of the law than we are now? Certainly not. Should we then determine here how the law should be construed and send him word? Let us look practically at the matter and see what we should accomplish by the course pointed out by the Senator from Alabama. I say we should not have made an inch of progress, whereas the Postmaster-General, seeking a legal opinion to be guided by from the Attorney-General, if that can be obtained for him, the Postmaster-General will go on and act upon that opinion, or if the opinion is such that the law can not be executed we shall be advised of that fact.

I do not wish to reflect upon the head of any Department, but it does seem to me after waiting here almost one year with not a single step taken

toward the execution of the law, we should act promptly and see where the trouble is. I have accomplished, if no more, at least one revelation, which is that the Postmaster-General is not in fault. The Postmaster-General has done what the law required him to do; where doubts arose in his mind about the proper construction of a law he has asked the opinion of the law officer of the Government. There is no reason given why that opinion has not been forthcoming. That is what I want to know now. Six months' delay is enough. What I want to know is why the opinion is not forthcoming from the law officer of the Government, or have it sent to us at once.

As I said, if there was any other way pointed out to accomplish this object more accurately or more speedily than that which I have indicated I would be glad to adopt it, for the method indicated by the Senator from Alabama does not seem to me to make any progress whatever.

Mr. MAXEY. Mr. President, the bill which became a law on the 3d of March last was reported by the Committee on Post-Offices and Post-Roads of this body. In that committee I was appointed a subcommittee and I think the Senator from Wisconsin [Mr. SAWYER] was with me to consider the subject. I investigated the matter very thoroughly and reported to the committee, stating the law of the case and the difficulties which had occurred and all the circumstances attending the immense increase in population in the Western States and Territories rendering a readjustment of the salaries under the acts of 1854, 1856, 1864, and 1866 a necessity. The bill was reported after a very careful investigation by the Post-Office Committee, came to the Senate, and passed the Senate not without debate, but after debate in the Senate. It was thoroughly investigated here and met the approbation of the Senate and the House of Representatives and became a law. If the law was not readily comprehensible, no one in the Senate was able to find the defects, for it passed after discussion here without any difficulty and everybody seemed to understand it. It was a simple, plain proposition to pay postmasters who had actually and honestly done work according to the law and proper payment for which had been refused by a construction placed on the law by the Postmaster-General. That was the whole of it, and it amounted to a great deal to these poor men scattered throughout the country.

I speak now from the fact of my connection with the bill reported. If there be any difficulty about it, I should like to have the difficulty explained. The object of the law is just, and it ought to be executed and the men ought to get their money. The Postmaster-General having called upon the Attorney-General six months ago for his opinion, and thousands of people throughout the country being interested, it seems to me that the time has come when we ought to have the advice which the Attorney-General may think proper to give to the Postmaster-General, or if he does not feel called upon to give any at all, we ought to know that. So I think the resolution of the Senator from Indiana is respectful and proper.

Mr. INGALLS. Mr. President, this is another striking illustration of the law's delay. The act we passed on the 3d of March, 1883, was to require the adjustment of the salaries of postmasters under a law that was passed in 1866. The money that these postmasters had earned was due in 1866, and they have been waiting eighteen years under the terms of a statute which the Postmaster-General refused to execute, for the money that was theirs under the simplest and plainest provisions of law. That is now a period of nearly twenty years.

Mr. MAXEY. Will the Senator pardon me a moment?

Mr. INGALLS. Yes, sir.

Mr. MAXEY. I am going to make a statement and the Senator can probably recollect the name of the case; it may have been in his own State. I know the fact that I took the decision of the Supreme Court of the United States in that case and used the phraseology pointed out by the court as to what should be the character of the bill that would settle the claims.

Mr. INGALLS. I recall the circumstance well and thank the Senator for mentioning the fact; but I wish to recur again to the fact that this statute of 1883 was passed because the Postmaster-General refused to execute the law of 1866; and when we had passed that law for the purpose of making an emphatic declaration that these men were entitled to the earnings which under this readjustment they would receive, instead of executing the statute or endeavoring to make it effective the Postmaster-General sends it to the Attorney-General for the purpose of receiving his construction upon a doubtful point of interpretation. My understanding of the duties of executive officers is that when a statute is passed they are to carry out its provisions in accordance with the manifest intent and purpose and design of the law-making power if it can be ascertained from the terms of the statute itself. No man can read this law or peruse the debates that preceded its passage without knowing exactly what was intended, and I am exceedingly surprised that the Postmaster-General should have felt called upon not to execute the law but to ascertain if possible reasons why he should not execute it.

I do not understand that the Postmaster-General has any authority of law to call upon the Attorney-General for his opinion as to the interpretation of a statute. The Attorney-General is the legal adviser of the President; and when the Postmaster-General is directed to perform an act by a statute it appears to me that if its purpose can be ascertained he should carry it out and not wait for the law officer of the Government to suggest to him certain doubts or reasons why the law of Congress should be nullified.

The resolution offered by the Senator from Indiana in my judgment will not meet the difficulty of which we here complain. The law was referred in August last to the Attorney-General for his opinion. Whether it was because he did not think he was obliged to respond or for some other reason we do not know, but he has not responded, and we are not in a position, so far as I understand it, of compelling him to respond. He is not responsible to us for any dereliction of duty in connection with a demand made upon him by the Postmaster-General; but I should like an authoritative interrogatory put to the Postmaster-General to know why it is that after we have twice, at an interval of seventeen years, enacted statutes clear and specific in their terms for the performance of a simple clerical duty in the computation of the amounts that were due to certain postmasters under the plain terms of a statute, we are still met with a declaration that it is impossible for the Postmaster-General to understand what was meant, and therefore the law can not be executed.

I hope the Senator from Indiana will put this query, this demand for information, upon some more solid and substantial ground, for it seems to me that we have been trifled with, that there is not a disposition to carry out the provisions of this law, but to find some reason for not carrying them out. The Postmaster-General is responsible to us, and the Attorney-General is responsible to us, but I do not think that we are in a position to call upon the Attorney-General for the reasons why he does not respond to a question submitted to him by the Postmaster-General.

Mr. GARLAND. Mr. President, the frame of the resolution is somewhat singular because of the fact that the proceeding itself we are trying to get at is somewhat singular. On investigating it and comparing it with the proceedings we have already had on this subject, I think the Senator from Indiana is simply within the line of the law. The Postmaster-General sent to the Senate on the 31st day of January a response to a resolution which was introduced by the Senator from Indiana calling for information on this subject, which I ask the Secretary to read from page 1079 of the RECORD.

The Chief Clerk read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 31, 1884.

SIR: In response to Senate resolution, as follows:

"*Resolved*, That the Postmaster-General be directed to report to the Senate the cause or causes of delay, if any, in the adjustment of the salaries and pay of postmasters under the act of Congress of March 3, 1883, and whether, in his opinion, any further legislation is necessary on this subject"—

I have to say—

First. That upon consideration of the act of March 3, 1883, in connection with the acts of July 1, 1864, and the proviso to the act of June 12, 1866, a doubt arose in my mind as to the proper construction of the act referred to in the resolution. In order that I might be properly advised, the matter was, on the 25th day of August, 1883, referred to the Attorney-General, where it is still pending. This is the cause of delay in the adjustment referred to.

Second. In response to that portion of the resolution asking if, in my opinion, any further legislation is necessary, I have to say that until I am advised by the Attorney-General as to the proper construction to be placed on the act under consideration I shall be unable to report to your honorable body what, if any, additional legislation is necessary.

Very respectfully,

W. Q. GRESHAM,
Postmaster-General.

Hon. GEO. F. EDMUNDS,
President of the Senate.

Mr. GARLAND. We are brought to the fact that the Postmaster-General has come to the point of doubt to such an extent that he can not execute this law without advice from the Attorney-General, the law officer of the Government. He transmitted the matter to the law officer for his opinion, and there it rests. We are placed now judicially, so to speak, in possession of that fact.

Now, what is the Senate to do? The Senate can not say, supposing it had the authority to say it to the Postmaster-General, "Go on and execute this law notwithstanding the doubt." The Postmaster-General has shown that he has done all he can under the law, and he has appealed to the fountain of light for light on this subject. The statute of 1789 limited these inquiries upon the Attorney-General to the President himself, and we never had a statute until 1870 allowing the different heads of Department to call upon the Attorney-General for his opinion. In 1870 this statute was passed on that subject:

The head of any Executive Department may require the opinion of the Attorney-General on any questions of law arising in the administration of his Department.

Now, he is called on for his opinion according to the statute of 1870. The head of an Executive Department, the Post-Office Department, calls on the Attorney-General under the statute for information. Section 361 of the Revised Statutes goes further still, and says:

The officers of the Department of Justice, under the direction of the Attorney-General, shall give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the President and heads of Departments, and the heads of bureaus and other officers in the Departments, to discharge their respective duties.

That is a part of the statute of 1870, neither of which provisions existed until 1870, and up to that time there had been no law on the subject, except the statute of 1789, which simply authorized the President himself to receive opinions from the Attorney-General.

The Postmaster-General has brought himself within the statute. He has waited for an opinion upon this subject. He can not proceed until he gets that opinion for his information. Of this fact the Senate is placed, so to speak, in judicial possession. Now, what is the Senate to do? That is the question. It is useless to inquire of the Postmaster-General, because the matter is not before him; it has been sent to another Department, where it is pending. We have simply to call on that Department to know why it does not execute the law, the statute of 1870, and respond to the Postmaster-General by giving the information desired. I do not see any objection to that; I think it is perfectly proper.

Mr. MORGAN. Mr. President, we can address a resolution of this kind to the Attorney-General. He can answer it by saying, "I have not got my mind made up; I have not come to a conclusion about this vexed, difficult question of construction;" and then shall we mandamus him and tell him to make up his mind and tell him to send an opinion in here, good or bad? We can not reach any conclusion in that way. But it appears to me that there is a disposition on the part of all of them to keep back this knotty question from the Senate and to cut us off from an opportunity of making a further explanation of it by a joint resolution or a law if we see proper to do so. I want to get that doubt before the Senate. The Postmaster-General could very well, under the resolution that was addressed to him, have stated to the Senate the nature of the doubt which arose in his mind.

I do not understand that the act referred to by the Senator from Arkansas transferred the jurisdiction to decide this question to the Attorney-General, as would be the case in a litigation, for instance, in the Supreme Court between private parties. I do not understand that the Senate is to be shut off from all opportunity of considering this question for itself and resolving this doubt by the mere fact that two executive officers of the Government, both of them lawyers, have been unable to resolve it for themselves. It is not in the nature of an appeal from the Postmaster-General to the Attorney-General; there is no appeal pending, and there is no question stated so far that we have any knowledge of; or, at all events, if there is an appeal pending, I want to know the question on which that appeal rests, so as to see if we can not give these able lawyers some assistance in its solution.

The Postmaster-General was promoted to his present position from the judicial bench of the United States, and we all know that he is an able lawyer. I should be very glad indeed to know what difficulty that able lawyer has found in the execution of this law, and I believe that we shall get it much quicker if the Senator from Indiana will modify his resolution so as to direct the Postmaster-General to certify to the Senate the question of doubt upon which he has hung fire so long. We can not get it in any other way.

If this resolution passes, and the Attorney-General chooses to say, as he has a right to say, "I have not as yet, after due diligence and faithful inquiry, made up my mind upon this proposition," we then have not got anything to go upon, but must wait his pleasure and let this Congress adjourn and these creditors of the Government go unsatisfied of their well-recognized debts, as the Senator from Kansas said, now about eighteen years old. I hope that the Senator from Indiana will modify his resolution, because I believe in that way we shall get the real question before the Senate.

Mr. BUTLER. Mr. President, I think perhaps I may be able to throw a little light upon this question by stating what has occurred in my experience.

Soon after I came here, before the holidays, I received a letter from one of those persons who come within the purview of the law, a postmaster, who would be entitled to a certain amount of money, which letter was accompanied by a circular from a claim agent in Washington, whose name it is not necessary for me to mention. The writer of the letter asked me if it was necessary that he should employ the lawyer, who proposed to collect this money for 25 per cent. of the claim. I referred that letter, with the circular, to the Postmaster-General, with the inquiry whether or not it would be necessary for this postmaster to employ counsel to collect his claim. He replied by saying that the question, about which he had doubt, had been referred to the Attorney-General, and that the Attorney-General had not replied to him, and that it was not necessary to employ a lawyer and to pay him a part of the money to which the postmaster was unquestionably entitled.

I do not know whether this delay has been occasioned with a view of aiding claim agents or not. I make no such intimation or reflection; but it is a very remarkable circumstance, to say the least of it, that this inquiry was referred to the Attorney-General more than six months ago and that he has not deigned even to reply to it.

I therefore hope the resolution which the Senator from Indiana has offered will be passed by the Senate, and that that officer will at least reply to the Senate why it is that he fails to make a response in one way or another to the Postmaster-General.

Mr. MORGAN. Will the Senator from South Carolina allow me to call his attention to the concluding clause of the proviso of the act of 1883?

And that each payment made shall be by warrant or check on the Treasurer or some assistant treasurer of the United States, made payable to the order of said applicant, and forwarded by mail to him at the post-office within whose delivery he resides, and which address shall be set forth in the application above provided for.

There is very little room there for claim agents, I should say, under the provisions of that law.

Mr. BUTLER. I do not know how much room there would be under that provision. It seems to me it might be very easily evaded by a power of attorney from the claimant to a claim agent. I do not know that that is the cause of the delay; I do not charge it; but I state the fact that these men have been kept out of the payment of their money now for nearly twenty years. It is a very simple proposition. The Postmaster-General may be, and I think is, perfectly right in desiring the opinion of the law officer of the Government as to any doubt he may have in the execution of the law. I for one am frank to say that I can not understand why that officer should hesitate at least to make a response to that inquiry, which I take to have been respectful.

Mr. DAWES. Mr. President, I want to say, in addition to what the Senator from South Carolina has just stated, that the country is full of these circulars addressed to old postmasters and their heirs. They represent that this law was framed and passed through the influence of one claim agent and that it goes by his name, and that it is necessary for anybody who has anything due him under that act to employ this man. It is accompanied with a power of attorney and directions to send back the claim to him immediately or the time will expire.

Massachusetts is flooded with these circulars, and the recipients of them have sent them to me in such number that I have been obliged to get printed a reply to them, in which I stated that there was nothing due under any such law as that to any of them which any of their Representatives or their Senators could not obtain for them just as well as by their employing any claim agent in the city of Washington, and that I knew of no law which had been passed, there called the Spalding act, which was the creature of the gentleman who sent out this circular. When I came here to Washington I addressed a letter to the Postmaster-General very much in the terms stated by the Senator from South Carolina, and I stated to him that I had informed all these men that there was no occasion for them to employ anybody, and that there was no such relation of any claim agent to this act as to render it necessary, and that I should be glad if he would state to me just what was necessary for each one of these claimants to do to entitle him to what was due under the act. In reply he stated to me that all that was necessary was for the claimant to state when he was appointed postmaster and when he ceased to be postmaster; that all the rest was matter of record in the Post-Office Department, and would be settled immediately, as soon as he could get the opinion from the Attorney-General.

I think that the executive department should protect these claimants from any claim agent who sends his printed circular around the country in this way. I do not know this claim agent; I do not wish to say anything disparaging of him, for he is a stranger to me; but no claim agent can fairly and honestly send around printed circulars to claimants telling them that it is necessary for them to employ, upon a large percentage, him or any other claim agent to see that honest and fair claims upon this Government are liquidated.

Mr. BUTLER. Twenty-five per cent.

Mr. DAWES. Twenty-five per cent.; I believe the Senator is correct. This matter ought to be disposed of and disposed of at once. Whether it should be under the resolution offered by the Senator from Indiana, I do not know; and whether the fault is in the Attorney-General's office, I can not say; but the fault is somewhere, the fault is in the Executive Departments. The law originally was sufficient. The law of last winter was only an attempt to enforce existing law; and now there is no occasion for delay, much less for anybody in the city of Washington to exact of these people who have waited these many years twenty-five or any other per cent. of what ought to have been paid them without any effort of this kind by the Government itself.

Mr. VOORHEES. Mr. President, after the discussion which has taken place, and with every disposition on my part to be instructed by it, I do not see how I can modify this resolution to accomplish the purpose I have in view, nor do I see what the subject of claim agents has to do with this stage of the affair. I have never seen a claim agent connected with this subject; I have never received a letter or a circular about it. My attention was called to the subject by some old grizzly-looking postmaster, who said he had some interest in the matter, that he could not get his rights, and, being always for the oppressed, I concluded that I would see what was the occasion of delay.

Mr. MAXEY. Will the Senator from Indiana permit me a word?

Mr. VOORHEES. Certainly.

Mr. MAXEY. The law specially requires that the money shall be paid to the claimants personally.

Mr. VOORHEES. That is an answer. I hope that is heard by everybody.

Mr. BUTLER. What is it?

Mr. VOORHEES. The Senator from Texas, late chairman of the Committee on Post-Offices and Post-Roads, tells me that the law especially requires the money to be paid directly to the claimant, and not to claim agents. I think they can protect themselves. I hope that answer will be carefully remembered. I did not know that that was the case. I have that much more information than I had when I rose on this subject.

A word or two in regard to this proceeding to obtain information.

The Senator from Arkansas [Mr. GARLAND] placed this in an unanswerable light. The law gives the Postmaster-General the authority to call on the Attorney-General to construe the law for him. It gives the head of one Department the right to call on the law officer of the Government to solve doubts which he has. If he is not there for that purpose, what is he there for? If he is not there to answer as to the proper interpretation of the laws of the country, I do not know what purpose he would serve in the economy of this Government.

As stated by the Senator from Arkansas, we have given authority to the heads of Departments to interrogate him where a question of doubt arises in their minds. In other words, he is made to aid the other heads of Department in the execution of the law. We have made him subordinate to their request for an opinion in writing. We having done this by law, has he the right to say he will not do it? There is the point. Has he the right to say, in the face of an express statute which gives the Postmaster-General the right to call on him for an interpretation of the law, that he will not give it? Has he the right to say he will not give it for six months, or for six years, or never, if he chooses? If so, legislation is sadly needed on this subject.

The Senator from Alabama [Mr. MORGAN] in his remarks seemed to suggest that the Attorney-General might tell us that he would not answer.

Mr. MORGAN. That he had not made up his mind.

Mr. VOORHEES. Well, that amounts to the same thing. We could then ask him if he had any mind to make up. There should be some remedy for that; and if we have the right to call upon him and he has the right to say he has not made up his mind to-day, to-morrow, next day, or forever, he can nullify any law of this kind. That will not do. After waiting the proper time for a reasonable man to discuss a reasonable question, he has got to answer. It would be the merest evasion to say that he had not made up his mind. If that is allowed, all I have to say is that the law-making power having devolved upon the Attorney-General the duty of answering another head of a Department he is within the scope of our action, and we have a right to ask him why he does not obey that law of our making. We made the law by which the Attorney-General is asked this question; the Congress of the United States made the law that placed him at the service of the other Departments. Suppose he turns around on us and says, "Although your law makes me the adviser of these Departments, I will not make up my mind, I will not obey that law," may we not ask him why? That is all this resolution does. We ask him why he does not obey the law which has been cited by the Senator from Arkansas that is binding on him, that makes him the legal adviser of the Departments. This question has gone to him properly. The Postmaster-General has done his duty in referring it there, as he has done. I shall not stop to interrogate the Postmaster-General to say what are your doubts, what are your legal difficulties. Why not? Because it would be a futile waste of time. Suppose he should explain all his doubts, then what? Could we solve them for him? We are not in an attitude to do it. We are in no relation to him to advise him how to solve his doubts, even though he detailed them to us. But the law gives him a legal adviser at his elbow, to whom he submitted the question six months ago, and who has sat silently, without responding, in disobedience of law.

The more I think of this question, the more I am satisfied that the Senator from Arkansas has placed it upon bed-rock which can not be assailed. The Attorney-General is made a creature of Congress to obey some such call as the Postmaster-General has made upon him, and that call having been made and not answered, we have the right to ask him why he has not obeyed, not the call of the Postmaster-General, but the law which we have made and which makes him the adviser of each head of Department.

I am satisfied that the resolution is right, that instead of its being harmful it will be useful. I know nothing about the details of this law, even of March 3, 1883. I know nothing about any difficulties that have surrounded the question heretofore. I have not known how long these people have been kept out of their rights until it was stated by the Senator from Kansas. But I do know that when Congress has passed a law it is the duty of the proper head of Department to execute it, and I know that if doubts arise in his mind he has the right under the statutes of the United States to ask the Attorney-General for his legal advice; and I do know that it is the duty of that officer to give that advice or vacate the premises and let somebody occupy them who will.

Mr. MAXEY. Mr. President, I stated from memory that the law provided that the warrant for the pay of these postmasters should go directly to the claimant in each instance and not to an agent, and that thereby they were saved from any exactions on the part of agents. I stated it from memory, but since then I have got the law, and I will read that proviso placed there by the Committee on Post-Offices and Post-Roads intelligently and adopted by the Senate and by the House of Representatives:

Provided, That every readjustment of salary under this act shall be upon a written application signed by the postmaster or late postmaster or legal representative entitled to said readjustment; and that each payment made shall be by warrant or check on the Treasurer or some assistant treasurer of the United States, made payable to the order of said applicant, and forwarded by mail to him at the post-office within whose delivery he resides, and which address shall be set forth in the application above provided for.

The act was approved March 3, 1883, and guards the rights of the claimants as carefully in my judgment as any act ever has done.

Mr. BUTLER. Mr. President, I have no sort of doubt about the power and the right of the Postmaster-General to make this inquiry of the Attorney-General. I have no sort of doubt as to what the duty of the Attorney-General is when he receives a communication of that sort. All that I said in reference to claim agents was to emphasize the necessity of some such resolution as that introduced by the Senator from Indiana. I was not aware of the provisions of law as read by the Senator from Texas.

Mr. VOORHEES. And I was not, either.

Mr. BUTLER. Therefore it is not at all surprising that these claimants residing in remote parts of the country were not apprised of its provisions. Certainly if United States Senators are not, it is not surprising that these gentlemen should not be aware of the provisions of the law. I know the fact that claim agents have sent circulars, for I have seen them, and in stating what I did about one which a gentleman sent to me, I did not desire to be understood as making any reflection whatever on the claim agent. I do not know this one. He may be a very reputable man.

Mr. MAXEY. If the Senator will pardon me, I will say that the committee had in view the very point. We regarded 25 per cent. as too much, and for that reason we made the pay go direct to the claimant and not to an agent. The purpose was to protect the claimants.

Mr. BUTLER. I think that is a very wise and proper provision, but the fact is nevertheless that these circulars have been sent to these claimants, and I have no doubt that claim agents have a great number of these very claims in their possession to be collected at 25 per cent. through the ignorance of the law by the claimants. I only stated that fact to emphasize and to insist upon the Senate taking some action by which this law can be enforced. If that is the necessary way to do it I hope the resolution will be passed promptly and sent to the Attorney-General, and let him say to the Senate whether or not he proposes to treat with contempt the action of this body.

Mr. VOORHEES. I have not the slightest fault to find. I only wished to explain my own attitude in this matter, and that was the only reason I referred to claim agents at all.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

The resolution was agreed to.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 154) authorizing the Secretary of War to use rations for the relief of destitute persons in the district overflowed by the Ohio River and its tributaries, and making an appropriation to relieve the sufferers by said overflow; and it was thereupon signed by the President *pro tempore*.

POLITICAL CONTRIBUTIONS.

Mr. VOORHEES introduced a bill (S. 1511) to prohibit officers and employés of the United States from contributing money for political purposes; which was read twice by its title.

Mr. VOORHEES. In connection with the bill I have introduced, if the Senate will indulge me a moment I should like to say a few words.

It is perfectly notorious and known, I think, to all, that at this time, in spite of existing laws and in violation of them, political assessments are going on pretty much the same as ever. Men are not required to contribute, perhaps; and it may be said in one sense they voluntarily contribute; but it is simply that voluntary action which is produced by fear of losing his place, performed for the purpose of making himself solid and square with political managers.

I am prepared to show under proper circumstances the fact that money for political purposes is being raised now throughout the various Departments of this Government. The bill which I have introduced is the only bill and the only legislation which will cure this evil; that is, to make it a penal offense on the part of the contributor to make such contributions; not merely to punish the offender, but to punish the man who pays. That may seem like harsh legislation; so it does; yet ninety-nine out of every hundred of the officials desire such legislation, desire to be armed with such an answer to those political managers and machine bosses who come here and walk through these corridors and look at clerks with a significance which is well understood. I have seen some of these gentlemen around here within the last few weeks flitting about like birds of prey, of evil omen. I wish to arm the poor clerk—who needs every cent he gets and more, too, to support his wife and children—with an answer to these men that he can not contribute money for such purposes without laying himself liable to the penalties of the law.

I ask that the bill be referred to the Committee on the Judiciary, and I invoke the attention of that committee to its provision as the only one that will cure the evil we all profess to abhor so much. I am not saying this as a reproach to any particular political party. I expect that any party in power would to a greater or less degree do the same thing; but if we are going to cure the evil of raising money for political purposes, the punishment must be applied to the action of the contributors as well

as the offenders. I say now in the presence of the Senate of the United States, and in the hearing of the country, that all the influences combined which threaten the purity and stability of our institutions sink into utter insignificance in comparison with the corrupt use of money. It is growing more and more prevalent every year, and it will sap and mine the very foundations of this Government, as every Senator knows who is listening to me, and it becomes us in every way possible to set our face against it.

We have heard much about civil-service reform. I wish once more to see the olden time when a man who proposed to use money to influence elections would have lost his rank and standing in society as much as a horse-thief. I wish those times to come again; perhaps they never will.

I have said what I have said to-day for the purpose of arresting the attention of the Senate and the Judiciary Committee to the provisions of the bill which I have introduced.

Mr. HAWLEY. That subject has been before now given to the consideration of the Committee on Civil Service and Retrenchment. I think the bill naturally belongs there. I have no pride of opinion about it, and am quite willing it should be referred to the Committee on the Judiciary, for if anybody in the world can discover that it is right to say to any man that he shall give nothing to any political purpose, I think that committee can discover it. My objection to the law going to the extent proposed by the Senator from Indiana is that the effort would be utterly useless and it would be against the common and natural rights of mankind, and would be one of the most justly unpopular and most swiftly condemned measures we could pass. We already forbid any Government officer of any description from making solicitations for contributions for political purposes. We forbid any one, whether a Government officer or not, from going into any Government building or on any Government property where men are employed and soliciting contributions. We also declare emphatically that no man shall be put up or down or in any way honored or dishonored whether he shall give or shall not give to any political purpose.

Mr. DAWES. Does not the law go further and say that no person shall solicit contributions in any public place, whether he be an officer or not?

Mr. HAWLEY. I thought I said that. I intended to say it. No person, whether an officer of the Government or not, shall go into any public building of any description, or upon Government lands where people are employed, and solicit contributions.

Mr. VOORHEES. But they do so.

Mr. HAWLEY. If they do, they are liable to be punished and ought to be punished. We have done everything that can be done, I think, to make the Government employé feel absolutely free in his position and to protect him there, and to discourage and punish any officer of the Government who shall solicit him because he is an employé of the Government.

Mr. DAWES. Or any individual.

Mr. HAWLEY. Or anybody else in a Government building; but to say that no man who happens to be in the service of this Government shall give anything for the support of any political measure or purpose if he wishes to give, is put under no fear in case of refusal, is in no danger for not giving, is an extraordinary and unjustifiable measure, and we ought to be ashamed to put such a law on the book against American citizens. I am an officer of the Government in a certain sense—precisely what I do not know under the law, for we have had dispute about that. I claim the right to give to any honest political purpose. I will join the Senator from Indiana in all possible measures, I do not care how vigorous, you may even say savage, in punishing anything in the nature of political corruption; but gentlemen make an extraordinary mistake in such speeches as that of our distinguished friend. They seem to suppose that everything political is dishonorable, whereas true politics, next to the service of God, is the most honorable work in which a man can be engaged. If the distinguished Senator should come to my town I should consider myself perfectly justifiable in contributing toward the expense of a public hall for the sake of hearing him. I will not say that I should do that in order that the Republican party might be strengthened, but I should do it because I would be glad to hear an eloquent and able argument on that side of the question; and yet I could be punished under the proposition he suggests for doing that; or if I should subscribe $5 to circulate one of his speeches here, I should be punished; or a clerk in a Government Department who might wish to circulate a speech of the Senator, and was willing to buy a few copies to mail to his friends, could be punished for doing it. See to what a ridiculous extreme it is proposed to carry this!

I am in favor of sensible, energetic, and correct civil-service reform, but I trust I shall have courage enough to say that such trash as we sometimes hear out of this Chamber is not for us to put into legislation.

Mr. BECK. Mr. President, I think the bill offered by the Senator from Indiana is the same bill that was presented by a committee of this body within the last two or three years, word for word.

Mr. VOORHEES. It is.

Mr. BECK. The same bill that was voted for, I believe, by all on this side of the House on the yeas and nays within the last eighteen months. The same argument was made then that is made now by the Senator from Connecticut, that the employés were protected. The Senator from Indiana avows that he has the facts in his possession that they are not, and it is painfully apparent that the thing is being done, but not by members of Congress and Senators now as it used to be. They get clear of the decision of the Supreme Court in the Curtis case by sending their clerks to do what they used to do themselves, and they do not go into the public offices perhaps as publicly as they used to do, but they follow the poor employés to their rooms and let them understand that they are not authorized to dismiss them, but Senator So-and-so desires to know how much they will voluntarily contribute, and the man knows that if he does not voluntarily contribute that much off goes his head.

The law we passed on that subject is known to be no improvement on the act of 1876, which the President of the United States told us was being avoided, and he said that we ought to pass a law to prevent its violation. It has never been done. Besides, the law you have only reaches the little Department clerks here at Washington, and many of them are poor; they can hardly live now; but in the internal-revenue offices and in the post-offices all over the country the thing is going on to-day.

I do not know that I have a right to tell matters that come before the Committee on Finance, but there have been men before this body seeking for confirmation where it was avowed and proved that they had retained a great part of the salaries of their employés, 10, 12, or 15 per cent., to be used for sending delegates to political conventions. While it would be very hard to pass a law to prevent the Senator from Connecticut from subscribing for the hire of a hall——

Mr. DAWES. Will the Senator be a little more specific? Who has retained any percentage of any employé's salary?

Mr. BECK. Well, I do not care about giving the names; but when the investigation is had, officers of the Government——

Mr. DAWES. Does the Senator state here—I do not ask him the name—that he knows that any official of this Government has retained a percentage of the salary of an employé for political purposes?

Mr. BECK. Yes, I do, and the Finance Committee all know it, and plenty of others know it.

Mr. DAWES. Then the Senator, I suggest, should have called for the information and laid it before the public in some way.

Mr. BECK. Well, it will be laid before this committee, I hope, when this bill comes up.

Mr. DAWES. I will join the Senator in that. I only want to know the fact. I am not disputing the fact by this inquiry. I only want to know if the Senator has specific information which he will lay before a committee of this body, that any official of this Government is detaining a percentage of the salary of an employé for political uses? If he has, I hope he will see to it that that individual is arraigned before the proper tribunal and impeached for high crimes and misdemeanors.

Mr. HAWLEY. Under existing law?

Mr. DAWES. Yes, under existing law.

Mr. VANCE. Will the Senator yield to me?

Mr. BECK. Certainly; I desire the Senator from North Carolina to get his hand in.

Mr. VANCE. That fact has already been officially proven by a number of witnesses before a committee of the Senate and is now to be found in the printed documents.

Mr. DAWES. Under existing law?

Mr. VANCE. No, sir; not since the passage of the civil-service bill; but one month's salary of all the Revenue Department officers in a certain district was retained in the office of the collector and blank checks sent around by the deputy for the officers to sign and the money was kept in the office of the collector.

Mr. HAWLEY. I have no doubt that there have been such infamous abuses. By reason of them the public sentiment of the country demanded the law we passed last winter. In deprecating any action here of the kind proposed I am only speaking on the broad proposition that no man in the service of the Government in any grade shall give anything toward political purposes.

Mr. BECK. Mr. President, I believe I have developed substantially what I desired, that there are such cases; and if we intend to stop the abuse we must reach, not the mere clerks in these Departments, but the internal-revenue officers. There are hundreds of them in North Carolina, and in 1881 58 per cent. of all the revenue collected in that great State was used in this way.

Mr. VANCE. Fifty-eight per cent. in one district.

Mr. BECK. And of that money a large portion went for political purposes; and it is known to every man and will be proved as the Senator from Indiana says before the country that men in office do give from 5 to 10 per cent.—postmasters, their deputies and their assistants, and clerks, weighers, gaugers, deputy collectors, storekeepers, everybody in office. If they are doing that voluntarily out of the money they draw for their services I want to know it, and I hope the Committee on Appropriations of both bodies will cut down their wages 10 per cent. if they admit they are getting 10 per cent. or 12½ per cent. more than they need for their services and that they can voluntarily take that money and give it away to aid one political party over another. We can at least reduce them to the extent of keeping the 10 per cent. they are voluntarily contributing in the Treasury of the United States, instead of having it go the way it does now. That we can remedy; but when we do go to cut

them down 10 per cent. ninety-nine out of every hundred of those who have had to pay the 10 per cent. will show that they did it as the only means they had of holding their places not only here but everywhere else. An investigation of that will do no harm.

Mr. VOORHEES. Mr. President, I have practiced law many years, and whenever I had a case on trial and the justice announced before he went to trial that he intended to decide against my client I took occasion then to take the case from him; and whenever I encounter a jury and a juror swears that he has made up his mind I always challenge him peremptorily, especially if I think his mind is made up against my client. For these reasons I am unwilling to let the Senator from Connecticut take this bill. He is chairman of the committee to which he asks that the bill be referred.

Mr. HAWLEY. I did not ask it; I beg pardon. I said it naturally went there, but I have no objection to its going anywhere else.

Mr. VOORHEES. Then the Senator does not ask that it go to his committee?

Mr. HAWLEY. I do not care.

Mr. VOORHEES. Well, I do. I want it to go to a fair, unprejudiced committee. A gentleman who is so lavish in his criticism in advance of a measure I do not think a qualified juror or judge to sit in the case. Consequently I want this bill to go where it did last Congress. It went to the Judiciary Committee then, and I am willing for it to go there now.

As to the questions involved, I do not care to take up the time of the Senate any further in regard to them. I repeat, however, what I said before, that a law arming these poor clerks with an answer to the sinister presence of chairmen of State committees who come here to Washington to fill their pockets and go home with the money squeezed and coerced out of men and women would be a wise act and a beneficial act to the public service and a humane act to hard-worked employés.

As to the giving of money for political purposes, we hear too much of it. There is too much money raised for political purposes. The Senator from Connecticut puts up a plea in behalf of the sweet and precious privilege of giving money for political purposes. If gentlemen will think for a few moments, it is not much money that is needed to elicit an old-fashioned honest expression of public opinion at the polls. I have lived in a day, and so have you, Mr. President, in the Western States when elections were almost like the Gospel, which is preached without money and without price, and if we could return to those days it would be far better. There is no evil so menacing, there is no cloud so sinister and dark impending over the future of this country as this habit we have fallen into of raising enormous sums of money to surround the polls, corrupt the ballot-box, and debauch public virtue. The sooner every rivulet and stream possible can be dried up which pours money into the hands of political managers the better it will be for the future welfare and safety of this Government.

Mr. HARRISON. Mr. President, I see by the clock that we have about five minutes now until the regular order will come up. I suppose this entire debate has been out of order.

The PRESIDING OFFICER. Entirely so. It has been proceeding by unanimous consent.

Mr. HARRISON. And that unanimous consent not asked for as I understand! I suggest then, Mr. President, if we are to discuss this matter in advance of a consideration of this bill by a committee, that the Senator, my colleague, let this motion for a reference lie upon the table until some of the rest of us may have an opportunity to be heard in response to the suggestions which have been made this morning.

I am not one of those who usually attempt to cross a bridge before I reach it. If this question is to have the consideration of a committee and if the suggestions which have been made as to improper influences brought to bear to collect money are to be heard by a committee upon the testimony of witnesses, the Senator, my colleague, would follow out his references to legal proceedings if he would delay the discussion until the evidence is heard. But if we are to listen to this sort of discussion in advance, then I ask that this bill may lie upon the table, and that we have the debate out in advance of a reference.

Mr. President, I should like to call attention to some transactions that did not stir my colleague's indignation, occurring at a time when the Departments here were filled with Democrats. I should like to read to him from the reports the sworn testimony of witnesses before committees of Congress showing that the very heads of bureaus and Departments in this Government, Democrats who have since become more prominent in national politics, became themselves the instrument for collecting these assessments. And, Mr. President, if I have not read the history of those times in vain, my colleague, who was then somewhat prominent in politics, never lifted his voice on the stump or in the Halls of Congress in deprecation of these practices. I agree that men grow in virtue as they grow in years, but I have greater faith in virtue when it is used to expose and denounce the evil practices of one's own party than in that virtue which lies dormant while one's own party coffers are reaping the advantage of contributions from public officers, and is only stirred into activity when the money pours into the coffers of the adverse party.

I have once before declared myself upon this question, Mr. President. I say for one I will never consent to vote for any law which deprives the members of Congress, which deprives any public officer, however humble, of the privilege of converting any part that he may choose of his salary to legitimate campaign expenses. I say any high-minded American citizen who believes in the principles of his party, not simply for the personal aggrandizement which he may get out of them, but believes in them as the true fundamental principles of government, promotive of the best interests of the whole people—I say no high-minded man would hold a public office that deprived him, as one condition of the holding, of the right to give for the legitimate purpose and impressing upon the people those principles in which he believed. I should regard myself as little better than a slave if as an American citizen I believed, let me say for illustration, in the doctrine of protection, in which my colleague also takes an interest, and was the head of a bureau here, receiving a salary of $3,000 a year, and was not allowed to contribute to the purchase of documents or the distribution of speeches that were calculated to impress upon the public mind the views I held. I should regard myself as enslaved, and I think the Senator himself would. Does he mean to put manacles upon himself? Does he mean to say that in a campaign in which the question of his return to this body shall be involved as well as the general principles of his party he shall be restrained from contributing one dollar to his campaign?

Mr. President, if the Senator is not to put himself under this restraint, why should he wish to put another man? For one I will go as far as any man to emancipate every employé of this Government from any sort of undue influence or official influence over him with reference to his contribution, but I will not undertake by a law that professes to be a charter of emancipation to put shackles upon his wrist.

Sir, I had not intended to discuss this question at all. I am willing to meet the Senator and all his suggestions about chairmen of State central committees assuming improper relations when we shall have the facts before the Senate and any bill which the committee may choose to report.

The PRESIDING OFFICER (Mr. ALLISON in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business of yesterday. This bill goes over.

Mr. VOORHEES. I want my bill referred, Mr. President. I ask that it be referred. Will a single objection keep it from being referred?

Mr. HARRISON. I do not make any objection. I only made the suggestion that if the debate were to precede the investigation the bill should lie on the table.

Mr. VOORHEES. I ask that the bill be referred, and the debate may take care of itself.

Mr. HARRISON. It has this morning, I think.

The PRESIDING OFFICER. The hour of 2 o'clock arrived pending the debate on the question of reference, and of course the matter goes over until to-morrow.

Mr. VOORHEES. If there is no objection, though, the bill may be referred.

The PRESIDING OFFICER. Undoubtedly. The Senator from Indiana asks unanimous consent that the bill introduced by him shall be referred to the Committee on the Judiciary. Is there objection? The Chair hears none, and the bill is so referred. The unfinished business of yesterday is Senate bill No. 491.

JOHN ARMFIELD.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 491) for the relief of John W. Franklin, executor of the last will of John Armfield, deceased.

Mr. MORRILL. The unfinished business, I understand, will not take any time, as the Senator from Michigan does not propose further to debate it, and if it can be at once disposed of I do not propose to interfere with it by calling for the special order.

Mr. HARRIS. It is the unfinished business and has the right of way anyway. I hope it will take but a moment to dispose of the unfinished business.

The PRESIDING OFFICER. The unfinished business is Senate bill No. 491, for the relief of John W. Franklin, executor of the last will of John Armfield.

Mr. CONGER. Since my remarks yesterday on the bill now pending before the Senate I have procured the report of the committee, and have read it very carefully. I find that in one or two important particulars I labored under a misapprehension in regard to some of the facts connected with the case. From that examination I desire to say that while I think this borders closely perhaps upon bills to which I have some objection, yet I am satisfied that it comes within the rule which former committees have adopted, and which the Senate and the House have adopted as a rule in regard to this class of war claims. I feel it my duty, therefore, after the examination and after the remarks I made yesterday, to say that my views to some extent have changed, and I make no further opposition to the passage of the bill. I desire, however, with the leave of the committee and the gentleman reporting the bill, to propose an amendment which I think should be added to the bill, and to which I presume there will be no objection. I take this opportunity to propose the amendment for information. It is to add at the close of the bill the following words:

And such payment shall be in full of all claims from any source upon the Government for repayment of said moneys.

Mr. JACKSON. There is no objection to that amendment.

Mr. HARRIS. None whatever.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan, which will be read at the desk.

The CHIEF CLERK. It is proposed to add to the bill—

And such payment shall be in full of all claims from any source upon the Government for repayment of said moneys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled joint resolutions:

Joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions; and

Joint resolution (H. Res. 24) authorizing the printing of 2,500 copies of the report of the health officer of the District of Columbia.

CONGRESSIONAL LIBRARY BUILDING.

The PRESIDING OFFICER. The Chair now lays before the Senate the special order for to-day, being the bill (S. 1139) authorizing the construction of a building for the accommodation of the Congressional Library.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. BAYARD. Mr. President, I should be well content that the bill should pass as rapidly as possible, and without debate, but I am also aware that although it is not within the parliamentary rule that the debate or proceedings of one House of Congress can be in any degree cited in the other House to influence its action, yet at the same time I am aware that practically for a bill of this kind to be passed *sub silentio*, with no reasons whatever stated for it, would be a possible cause of suspicion in the minds of those who are to pass upon it elsewhere.

It has only been very lately that I have been assigned to duty upon the special committee charged with this library question, but although that is the fact, none the less is it true that my great interest in this subject has led me very carefully to follow the debates, sometimes to participate in them, and to read with great interest the report and the elaboration with which chiefly my friend from Indiana [Mr. VOORHEES] has favored the Senate, and which has resulted in this bill, which passed the Senate, I think, in 1880 almost in its exact words, and which introduced again by him at the present session as the chairman of the committee is now reported back by my honorable friend from Vermont [Mr. MORRILL] receiving the sanction of his experience, of his approval, and I may add the unanimous approval of the committee who have been charged with the consideration of this subject.

There is one point in regard to which I think there is no difference of opinion, upon which all voices are in accord, and that is the absolute and immediate necessity for an enlargement of the library accommodation. A library building fit and proper for the national Library of the American people is to-day an absolute necessity. In regard to that there is no difference on any side or in any direction that I have yet been able to discover.

The condition of the literary property of the American people, the books and manuscripts many of which if lost could never be replaced, is to-day most lamentable. It is a crying evil, it is absolutely scandalous, that such literary treasures as are the property of the American people should be in the condition that they now are, for which condition the Congress of the United States is answerable to the people of this country as the custodians of the legislative power that enables them and which demands from them the exercise of powers to place these books in safety and to give to the historical literature of the country, to the books of the country, to the recorded science, wisdom, wit, and learning of the country, a safe and proper place of bestowal.

There are other questions in regard to which there are wide differences. It is as to the locality which shall be chosen for this extensive and necessary building. There is a scheme which has been suggested from highly respectable and eminent quarters to enlarge the present Capitol building and to continue its uses for the purposes of legislation and ingraft upon it more extensive library accommodations. That has been the subject of very careful investigation. Committees of this body have more than once examined it, architectural experts have examined it, bibliophilists have been heard upon it, librarians have been consulted, and I may state as a result that the great preponderance of opinion, and so far as architects are concerned the unanimous voice of all we have been able to reach, has been in favor of a separate building for the Library and to abandon the idea of alteration. [Here Mr. BAYARD was interrupted by a message from the House of Representatives.] I say the question of the alteration of the Capitol building in order to procure more extensive accommodation for the Library has been the subject of frequent and careful consideration by committees both of architectural experts and the members of this body and the weight of authority upon that subject is very strongly against the suggestion. The proposition of enlarging and altering the Capitol is well answered I think by the architect Mr. Smithmeyer at page 15 of his report. He says:

Experience has conclusively shown that any important structure erected for a specific purpose can rarely ever be so altered or extended as to subserve any other but its original purpose; and further, that a limited space can seldom be capacious enough for one institution of rapid growth and never for two establishments of this tendency, as sooner or later they will and must conflict with each other, to the injury of one, if not of both. These rules apply with particular force to the pending question of a combined extension of the present Capitol for the better accommodation of Congress as well as the Library, and there being no doubt which, if either one, should give way for the benefit of the other, the undersigned respectfully expresses his conviction that nothing but a speedy separation of the Library from the Capitol premises and the early erection of a special edifice for it can radically overcome the existing disadvantages for Congress, and the difficulties of the Librarian, as well as the Architect, in providing against any recurrence of similar evils.

Enlargements of the Library within the present precincts of the Capitol are simply impossible without encroaching upon the capacity of the Congressional accommodations, which even now are scarcely sufficient for present and much less for future demands, and Congress has an undoubted right of priority in possession and an indisputable claim of superiority in importance over all possible aspirations of the Library.

I believe it would be the common sense and experience of most men that the alteration of any building from its original design and its arrangement for a different purpose was never wholly successful, was always more expensive, and generally was found in the end to be a mistake. I believe such would be the case if we attempted to continue our present use of the Capitol building, and at the same time to tear out the east and west fronts and throw the main walls of the Capitol forward in those directions, continuing at the same time the pretense of using the Library as a library or conducting our labors as legislators in either wing of the Capitol. I think it would prove a very costly, ridiculous, and highly inconvenient mistake. I think it would interfere seriously with the prosecution of public business in every direction, hurtful to the Library, and still more injurious to the progress of legislative business.

I am loath I will not say to take the time of the Senate, for there are so few Senators present. While I am anxious that the bill should come to a vote I am somewhat in doubt as to whether if it is passed without any discussion here it will be met favorably in the other House. At the same time I am very desirous that it should pass, and I am not disposed to fatigue myself or the few Senators who are in the Chamber by any further discussion upon it.

Mr. MORRILL. I hope the Senator will go on. ["Go on!"]

Mr. BAYARD. Four years ago the present bill was before the Senate. It was then sharply antagonized. It was discussed by those strongly in opposition first as to the location selected by the committee, and which was ratified by a very decided vote of the Senate at that time, choosing the square indicated by the bill lying to the east of the Capitol as the appropriate spot. The machinery for condemning private property was criticised, scrutinized, examined more carefully than any bill of a similar kind that has come before Congress since I have been a member, and that counts back a good many years. The bill provides ample protection to private rights, and allows no opportunity whatever of danger of public wrong. The cost of this land, belonging now to private parties, is approximately ascertained to be a very little more than $500,000. It is known in advance what nearly every holder of land is willing to take, and it is provided in the bill that there shall be a limitation upon the gross amount to be paid. Looking at it therefore in every view, the right of private citizens to full compensation for their property is provided, and at the same time the public Treasury is protected against anything like jobbery or undue or excessive demand.

The question of location was long debated, as it always will be debated. There never will come a time when the seventy-six members of this body, much less the three hundred and nineteen members of the other branch, will agree unanimously upon any one site. But I regarded that question as practically and definitely settled by the vote of the Senate, and I think it was wisely settled, and obviously for this reason among others: the propinquity of the proposed building to the Capitol is entirely in the line of convenient application for all persons, members of Congress and others, who may desire access to the reading-rooms and for consultation with the books of the Library. In the next place, a library should be quiet and secluded. The noise and rattle of trade and commerce, or rather of pleasure and business, for there is very little of commerce in this city, certainly should not be allowed to break in upon the quiet and seclusion which a library should possess. That is already secured without cost, without expense, by taking the embellished, ample, and appropriate grounds that lie now between the Capitol building and the proposed site for the location of the Library.

Were we to erect such a building as I trust this is to be, one worthy of the great object for which it is designed, ground would be required not only as a site for the edifice, but ground to seclude that edifice from tumult and noise and for the exterior surroundings which all architecture needs in order to give it full expression. The grounds that lie between the Capitol of the United States and the proposed site of this Library will serve equally for the Capitol grounds and for the new Library, not adding the cost of one farthing to the outlay for the latter. There they are all ready at hand, there they are perfectly fitted as much for

the Capitol as for the Library, as much for the Library as for the Capitol; and yet the cost of the land whether for the purpose of a proper curtilage to this new building or as a site for the building itself is just the same. Land costs as much for these grand public buildings no matter how you shall occupy it. Whether it shall be with trees and shrubbery, or grassy lawns, or whether you shall occupy it with stately edifices, the cost of the land for either purpose is the same. The land that we need for embellishment and for what may be called the landscape gardening appurtenant to the building is here already provided, finished, ready for enjoyment and use instantly. The Government, as is seen by these plats attached to the bill, already owns the beds of streets which it is perfectly competent for them to vacate, the area of which costs them nothing, as it is already public property.

So far as the association of this Library with the Halls of Congress, their juxtaposition, is concerned, I hold it to be most rational and proper. The architectural association of these buildings is harmonious and natural. I wish that Congress now, not waiting for the advance in prices that must soon necessarily take place in real estate here, would possess themselves of a quadrangular space entirely surrounding the present Capitol grounds, looking forward to the time when in the rapid growth of our population necessarily it will be the site of public buildings for the use of the Government, architecturally harmonious, and each adding to the advantages, the convenience, and the adornment of the other. A quadrangle so formed, with the Capitol representing one side of the square, with this grand Library now proposed representing another side, and public buildings for many other purposes that might well be mentioned and all of which are necessary, filling up the other two sides, is a plan that strikes me as entirely reasonable and feasible, and which I am very sure, although I may not live to see it accomplished, will be seen by the generation that is to follow us. It would form a group of public buildings second to none in the world.

I could wish that that condemnation of land were to take place to-day. I think it were wise should it take place to-day. I remember very well when the gentleman who preceded me in service in this body, who was my father, and who held the position of chairman of the Committee on Public Buildings and Grounds, told me of his desire in 1854 to secure possession of the land running entirely around the Capitol to a depth of some six or eight hundred feet beyond the present public buildings, entirely circumventing the Capitol building and grounds, when the whole could have been had for $500,000. But then as now the penny was held so close to the eye that the dollar could not be discerned; and then as now there was that conflict of opinions, that confusion of counsels, that delay, that waiting for a unanimity that never will come, which prevented action; and the result is that Congress must pay not the $500,000 but they must pay more than ten times $500,000 for that land if they seek to condemn it for public uses.

I hope from this history something may be learned, and that now when this land shall be acquired enough will be taken not only to occupy one-half of this land fronting the Capitol but that enough shall be taken for the obvious requirements of the near future and that the amplest accommodation for the next century will be secured.

The Library has doubled in ten years. There are now more than half a million volumes and one hundred and fifty thousand manuscripts, and the other uses to which this Library building under our laws is put makes it necessary for far more accommodation than a library pure and simple. The British Museum contains no such system as the registration of copyrights; it is for scientific objects and literary purposes alone. Here the library system, if I may so call it, of Congress has many additional and it seems to me oftentimes incongruous and foreign uses. The report made by the Senator from Indiana [Mr. VOORHEES] two years ago truly states:

> The fact that this Library, alone of all government libraries, is the repository of all the records of copyright, as well as of two copies of every publication thus protected, makes the necessity for a separate building for its accommodation imperative. It is by no means in the number of printed volumes alone that the accessions derived through the copyright law add to the requirement of space. There are annually received thousands of maps, charts, engravings, photographs, chromos, and other objects of art, many of which are of great size, requiring far more space than volumes of books for their proper preservation.

I may say that the British Museum, which contains I suppose the largest library, has no such registry of copyrights, but it has the benefit in its revenues, as the Librarian informs me, of the copy tax.

It is difficult to imagine what objections there can be to this prudent, wise, well-considered measure. I do not say that if the question were entirely new, if a new or another committee were to take up this subject, the diversity of taste which is never to be disputed, the consultation and employment of other architects, possibly by new thought or new suggestion, we might not select another plan of building. I scarcely can conceive the selection of any other site; but one thing is certain, we must agree upon something; and having had this matter under consideration for so many years, and having had such frequent debate upon it, and having resisted so many assaults, I trust the present measure is now about to take the form of law, in order that we shall at least see the beginning of that which we all recognize as a duty, and that is the construction of a safe, suitable, and worthy building for the preservation of the books of the American people.

Mr. President, we have a higher than mere human authority for saying "there is a time for every purpose and for every work." I hold that this is the time precisely and instantly for the commencement of this great and important national work. I can not anticipate what objections may be urged to it; I can only say that I believe no new objections will be urged other than those which have been urged before, no new suggestions other than those we have heard before; and earnestly hoping that deliberation shall now be merged in action, I express the hope that this bill may pass the Senate to-day and may soon receive the assent of the other branch of Congress and speedily become a law.

Mr. PENDLETON. Mr. President, I move to strike out the first, fourth, fifth, and sixth sections of the bill. They are the sections of the bill which provide for the condemnation of private property for the purposes of a library. I do not propose now to discuss the fitness of the site. I have voted for a bill heretofore to build a library upon the site east of the Capitol. I do not propose at this time to discuss the provisions of this bill, which make no limitation upon the amount necessary to be expended for the construction of the building. The amendment which I propose at this time simply goes to the question of the condemnation of this private property. The provision of the bill is that a commission shall be organized and that they shall buy for the purpose of the location of the Library certain property which is delineated in a plat accompanying the bill. If I understand it, it is that the commission shall first seek to purchase the property which lies between B street north and East Capitol street upon certain terms, that is to say, they shall not pay more than a proportion of $550,000 for that portion of the property. If they can not buy that portion of the property, they shall then attempt to buy upon the same limitation the property which lies between East Capitol street and B street south, and if they are not able to purchase that property upon the terms prescribed in the bill, they shall then invoke the authority of the proper court in the District for the purpose of condemning that property. The fourth section does not very definitely define whether they shall condemn the whole of that square or a portion which lies to the north of East Capitol street or on the south side. That of course can be easily amended if it shall be found necessary to do so, and I make no criticism upon that.

I find that we are confronted now with the simple question whether the Government of the United States shall exercise its right of eminent domain in such a manner as to take from these holders of private property the lots which lie to the east of the public property east of the Capitol; whether for the purposes of a public library the Congress of the United States will say that the location at that particular point is so necessary to the Government of the United States that it will proclaim that the appropriation of it is for public use and will deprive the owners of the property, in spite of their will, of that property upon such terms, not as they and the United States shall fix, but as a jury shall fix.

I recognize the right of eminent domain. I recognize the power of the Government over private property. I think I know pretty well in what cases that power can be undoubtedly exercised. I think I know when it has been exercised in aid of private corporations of a semi-public character, when it has been exercised in favor of making railroads and securing the right of way, when it has been taken for the purpose of public streets in a city, when it has been taken for various uses that are called public; but I deny that there is a fair, legitimate, constitutional authority when you take private property merely that you may locate a library upon a site that is more convenient or more agreeable or more in accordance with an æsthetic taste in laying out our public grounds and buildings.

Here is a bill which I think is an illustration of the distinction that I desire to make. Private property must yield to public uses. Those public uses must be uses of necessity; there must be a necessity for taking the property before it can be fairly said that it is a public use to which it is to be applied.

Is it necessary to take this property? You have property here by this very plat which lies all around the Capitol upon which the Library can be built. You have public property lying to the north and to the south of the Capitol, you have areas and squares all over the city, a portion of one of which has been appropriated recently to the building of a Pension Office, where it was at one time contended that the public Library should be located. I remember very well a debate in the Senate when there were most strenuous advocates of the propriety of locating the public Library in that large and beautiful square. I did not think so.

Mr. MORRILL. It obtained but seven votes.

Mr. PENDLETON. It may have obtained only seven votes, and I was not one of those who voted for it. I am prepared to say now as I said then, that I think the Capitol building is the proper location for the Library. I would prefer to have it here. I would prefer to have it in proximity to the Capitol. It being a Congressional Library, for the uses of the members of Congress primarily, I should like to have it in a convenient locality for the use of the members of Congress.

That is not the point I make. I have no controversy with my honorable friend from Delaware, who says that he would like to have all this property, or a great deal of it, to the east, to the south, and to the north of the Capitol, within public control. I heartily join with him

there. I wish the suggestion of his father had been carried out in the early days and the property had been bought. I am willing to-day to make an appropriation to buy the property which shall be thought to be necessary either for the Library or for any other public use; but in order to gratify an æsthetic taste, to gratify a suggestion that it will be more beautiful hereafter, I am not willing to take away from these people against their will their private property upon the terms that we or a jury may prescribe.

Mr. MORRILL. Will the Senator allow me to interrupt him?

Mr. PENDLETON. Certainly.

Mr. MORRILL. I will say that it will be much in accordance with the will of seven-eighths of the property-owners, and I do not know but I might include the whole of them, for I think almost all of the holders of property on the east side of the Capitol have already signified their desire and anxiety that Congress should take this ground. If the Senator will allow me another word——

Mr. PENDLETON. Certainly.

Mr. MORRILL. He talks about it not being proper for us to take this ground for a public use. I will say to the Senator that we took two squares, one on the south and one on the north side, at a much larger expense than will be required for ground for the Library, simply for the enlargement of the public grounds in front of the Capitol. If that was justifiable, it seems to me it is far more justifiable and a much greater necessity that we shall have a site for the Library than for the enlargement of the public grounds in front of the Capitol.

Mr. PENDLETON. In relation to the first suggestion of my honorable friend from Vermont, that seven-eighths of those people are willing to sell their property to the Government for the purposes of the Library, that only shows that you will have the less difficulty in dealing with them and purchasing at fair prices the property that you want; but it has never entered into my conception of the duty or the powers of the Government that if there is a single man, woman, or child in that locality within the limits of the property that you desire to take who resists your application upon terms that they are willing to accept, therefore you shall take the property against their will. To me the argument is as strong if one-eighth remain who decline to sell as if none of all the property-owners was willing to enter into a contract with us.

Mr. BUTLER. Will my friend pardon me for interrupting him a moment?

Mr. PENDLETON. Certainly.

Mr. BUTLER. The bill distinctly provides for the purchase of the property. It is only in the alternative that condemnation is to take place.

Mr. PENDLETON. It does provide for the purchase of the property, and it provides that you may deal with anybody you can in relation to the property; but suppose a gentleman owns property there who does not wish to sell it. If every man resists, you have no more right to take the property than you have to take it if only one man resists.

Mr. BUTLER. If my honorable friend will pardon me, he does not surely doubt the power of the Government to take this property for public uses. Shall I understand the Senator to say that he doubts that?

Mr. PENDLETON. I do not doubt the power of the Government to take any private property for public use upon making proper compensation, and that compensation is, according to the provisions of this bill, to be determined by the court and a jury. But I may differ with the honorable Senator as to what is a public use. I say a public use is that which necessity requires you to take, not which whim, not which caprice, not which desire to make a beautiful ground will justify you in taking. I say that the public use which justifies the taking of private property must be that public use which is a necessity for the Government. I do not mean to say that it must be a necessity for its life exactly; I do not know that I should be willing to press it that far; but I say that when you have a beautiful site for a library upon one square of ground you can not take the adjoining square because a majority of Congress thinks it would be the better location. I say that you have no right to gratify your taste at the expense of private property. I say in answer further to the honorable Senator from Vermont that if there is a single person resisting, the obstacle to the Government is just as formidable, is just as great, as if every man who owns property there were resisting.

Mr. MORRILL. Will the Senator pardon me again?

Mr. PENDLETON. Certainly.

Mr. MORRILL. There is hardly a bill reported from the Committee on Public Buildings and Grounds that does not provide for the taking of land for a site, and I certainly should be the last to ever charge the Senator from Ohio with, I will not say the bad taste, but with the idea of placing a library building in front of the Capitol on the ground that we now have.

Mr. PENDLETON. I have been too long under the instruction of my worthy friend in relation to the Library and various other embellishments and adornments of the Capitol and the city to be willing to submit to a criticism that my taste is impaired in this matter. I am willing to follow him perfectly as to the proper location of the Library, I mean in the sense of its being beautiful and convenient; but I can not, according to my judgment, follow him in the idea that because he or the honorable gentleman who sits beside him [Mr. BUTLER] or the members of the Library Committee think that is the proper place for the Library building, therefore you can sacrifice private property to put it there.

Mr. BUTLER. Then I would ask my honorable friend how we are ever to get a location upon which to place the Library?

Mr. PENDLETON. We have locations all over the city. We have squares everywhere.

Mr. BUTLER. Mr. President——

Mr. PENDLETON. The Treasury of the United States is abundant. Go to these people, if that be the proper place for the Library, and deal with them as you would be obliged to deal with them if you wanted to buy a house or establish a public institution there. Put the Government of the United States upon a par with the citizens in relation to a question of this sort, and let them deal as man to man as to the price of their property. I did not mean not to yield to the Senator from South Carolina, for he knows I will do that with great pleasure.

Mr. BUTLER. I have no further remark to make on that point.

Mr. PENDLETON. The question with me is simply, is this a public use for which we are justified in taking private property? It might be very proper to establish institutions by Congress all over this city and to appropriate them in one sense to public use, as the Library is in one sense a public use; but I maintain (and I am sorry to differ from so many of my friends on the subject) that when you come to take private property for the uses for the Government there must be a stronger necessity than that merely it is the location which commends itself to the taste and to the convenience of this age or this day or these members of Congress.

There are many decisions on this subject. I do not choose to go very closely into the legal bearing of this question. The Senators who are around me and have had some experience in that way will know that it has been contended, and contended successfully, in many courts that you can not condemn private property for the uses of a depot for a railroad, because, say the courts, the depot may be located in one square or another square without injury to the public service for which the railroad is built; but that you may take a right of way through a man's farm, because you can not consistently with the purposes and uses of a railroad go all around it and around the farm of every man who does not wish the railroad to pass through his land.

We need the Library building. I am willing to vote liberal appropriations for the Library. My judgment is that a portion of the grounds in the eastern part of the city beyond the Capitol is the best place for it; I admit all that; but I desire to submit to Senators the question, whether agreeing to that idea, whether believing that that is the best place as to convenience and taste for the location of the Library, we are at liberty to take the private property of citizens to gratify our notions as to the beauty or the tastefulness of the location? If it be true that seven-eighths of those people want to sell, then confine the powers given to the commission to purchase from them, but if there is a single man there who is unwilling to dispose of his property upon the terms which the commission will offer to him, I say protect his right as absolutely and as perfectly as if no single man in all the range of that property was willing to come to terms with the commission.

Mr. McPHERSON. Suppose the other eighth refuse to sell at all?

Mr. PENDLETON. Then, according to the provisions of the bill, you must condemn.

Mr. McPHERSON. The Senator cites the case, suppose seven-eighths are willing to sell at a price that the commission would think a reasonable price and agree to give up the property and the other eighth refuse to sell at all, you would certainly be prevented by that cause from locating the Library there at all.

Mr. PENDLETON. Certainly, and I believe in the power and the right of any citizen who occupies and owns property there to prevent the location of the Library unless he receives the amount which he thinks he ought to sell his property for.

Mr. President, I do not care to go further in the discussion of this single question connected with the bill. I have felt it to be incumbent upon me to make this statement to the Senate in order to call attention to the fundamental idea, is this a public use which justifies the confiscation of private property? Is the fact that this is the best place for the Library, according to the judgment, the convenience, and the taste of members, a sufficient reason for depriving the owner of the property of his common-law rights which are guaranteed by the Constitution of the United States? For one I do not think so. Therefore I shall vote for my amendment, and I shall not vote for the bill unless the amendment prevails.

Mr. JONES, of Florida. For my own satisfaction I should like to know how this limit of $500,000 comes to be put into the bill, because it is upon that limit that the right of condemnation seems to turn. There is a great deal of force in what was said by the Senator from Ohio, that the right of condemnation is one that ought to be exercised always with great tenderness, because if there is anything to which the American mind is more sensibly attached than another it is the sacred right of property.

While we all admit that occasion may arise, and frequently arises, when the power of Government should be exercised and property appro-

priated against the will of the owner, it ought not to be done in a loose way. I confess that I have no means of knowing whether the limitation of $500,000 upon this property is right or wrong. I do not know how the committee got at that outside of a commission who had authority to inquire into the fact. Surely the Committee on the Library did not go outside of the mere matter of originating a bill, and I should like to know what data, if any, have been furnished to the committee upon which they fix this limit of $500,000, the refusal of which shall give to the Government the right to go into its own court and take the property of the citizen and get him out of the way. This may be a reasonable sum or it may not be. It occurs to me that before that limit was reached some reasonable means at least ought to have been employed to see whether it was right or wrong.

Mr. MORRILL. I presume the Senator from Florida did not listen to what I said a few days ago.

Mr. JONES, of Florida. I did not have that pleasure.

Mr. MORRILL. I said that nearly all the parties interested in all these squares east of the Capitol have signed a written contract in which they offer to sell to the Government at certain prices the property which they hold, and it was based therefore on that estimate that the whole would not exceed $550,000.

Mr. JONES, of Florida. Upon the valuation put by the owners upon their own property?

Mr. MORRILL. Upon the valuation of the owners, which is, I am informed, above the appraised value of what they own as it stands on the tax-books of the city.

Mr. JONES, of Florida. That may be.

Mr. DOLPH. Mr. President, I do not rise to submit any suggestions in regard to the merits of this bill. I suppose it is admitted upon all sides that the time has come when there should be additional accommodations for the Library. I rose to address myself particularly to the motion of the Senator from Ohio [Mr. PENDLETON] to strike out certain portions of the bill and the suggestions which he has made in regard to the law of the case. I think he is entirely mistaken in regard to the law. His objection to the bill is that while provision is made for the purchase of this ground if it can be done, provision is also made for condemning portions of it provided the owners and occupants will not sell at reasonable prices to the Government and that such provision is unconstitutional. I submit that if he is correct the United States would have to go forever without a site for a library building, unless we should build it upon ground already owned by the Government, because if the objection holds to the taking of the property which is now intended as a site for the Library building on the ground that it is not constitutional to condemn it, the same objection might be raised wherever the site of the building might be selected; the owners of that property might say with equal propriety that some other property might be had. The same objection could be raised to a proposition to take any ground in the city now owned by private parties that could be raised by the owners and occupants of the proposed site.

I understand it to be admitted by the Senator that in taking this ground for a site for the Library we are taking it for a public use, and in order to show that he is incorrect in regard to the law I propose to read briefly from a standard work upon the subject of eminent domain. Mills on Eminent Domain in section 11 collates the decisions upon this question. He says:

> The propriety or policy of the condemnation not a judicial question. If the use is certainly a public one—

And such I understand it is admitted is the use to which this ground is to be put—

> then the legislative authority over the subject can not be restrained or supervised by the courts. Only when it is plainly perceived that there is an attempt to evade the law and procure the condemnation of property for a private use, or to accomplish an end not public in its character, will the courts declare the act void; or if it was doubtful or questionable whether the use was public or not, testimony might be admissible to determine the fact. The Legislature is the proper body to determine the necessity of the exercise of the power and the extent to which the exercise shall be carried, and there is no restraint upon the power save that requiring that compensation shall be made. As soon as the court has arrived at the conclusion that the use is public, then the judicial function is gone, and there is no restraint on the legislative discretion. The degree of public usefulness need not be determined by the court, or whether the proposed plan will accomplish the end desired. Statutes palpably improvident and hasty must still be sustained by the courts.

I understand that to be the law on this subject, and why there should be any more hardship in the present case in requiring parties who will not agree with the commission to be appointed under the bill to go to the courts and have the value of their property which is to be taken for this public use determined than there would be in case it was attempted by the municipal authorities to run a street through the property or to take a portion of it for a public square I can not imagine. Those things are of every-day occurrence. Under the general laws of the several States for laying out highways they are run wherever the commissions or viewers locate them, with only the restriction in certain States that they shall not be run through a garden or through a dwelling-house. The laws of Congress and the laws of the several States give railroad corporations, upon the theory that they are quasi public corporations, that the use to which the property is to be put is a public one, the right to locate their railroad lines where they choose within the limits of their charters, and they run their lines through dwelling-houses and other improvements. The courts have never undertaken to restrain their right to locate their lines at discretion where they suppose it will be for the best interest of the company.

As I understand it, under the authority of the charters for railroad companies granted by Congress and by the several States, depot grounds may be condemned and are condemned, and this is a matter of daily occurrence, and the question can not be raised as a defense to the action for condemnation of such property that some other property might have been taken the taking of which would do less injury to individual owners. It is not an uncommon occurrence where people have gone into the suburbs of a city and bought a tract of land, laid it out in beautiful grounds, improved it and erected magnificent buildings upon it, that afterward as the city improves and grows it becomes necessary to lay out streets and highways through those grounds, and the owner is compelled to submit to the appropriation, and if he can not agree with the public authorities as to the price for the land taken he is required to go to the courts and submit the matter to a jury and let them assess the damages.

It seems to me it can not be that the United States in selecting a site for a library is required to consult the private owners of lands in the city of Washington, in the national capital, to find a place where it can purchase the grounds and deal amicably with all the different owners of the tract desired. I say that such a rule would prevent the construction of a library building unless you could find a site already owned by the United States. I think the Senator from Ohio is entirely wrong in regard to the law in the case.

Mr. PENDLETON. I recognize the truth of most that the gentleman has said in relation to the law on this subject; but I deny entirely that the judgment of the Legislature is absolutely and beyond all controversy the test as to whether the use to which the property is to be put is a public use that justifies its condemnation. I did not hear the authority from which the gentleman read, although I heard the citation itself.

Mr. DOLPH. I will send the Senator the book. I read the eleventh section of Mills on Eminent Domain.

Mr. PENDLETON. Now, I will read to him pretty good authority, as it has been generally recognized among the lawyers and courts of the United States, and that is nothing less than Chancellor Kent, for in the second volume of his Commentaries he says:

> It undoubtedly must rest, as a general rule, in the wisdom of the Legislature to determine when public uses require the assumption of private property; but if they should take it for a purpose not of a public nature, as if the Legislature should take the property of A and give it to B, or if they should vacate a grant of property or of a franchise, under the pretext of some public use or service, such cases would be gross abuses of their discretion and fraudulent attacks on private right, and the law would be clearly unconstitutional and void. Real property, and the rights and privileges of private corporate bodies, are all held by grant or charter from Government, and it would be a violation of contract and repugnant to the Constitution of the United States to interfere with private property, except under the limitations which have been mentioned.

I think the Senator from Oregon will not contest the authority of the learned commentator whose words I have read; and he does not reduce the question to a comparison of ideas among the legislators themselves as to what is a fair exercise of this right of eminent domain; and I say that it is not a fair exercise of the right; it is not a case which justifies the exertion of the power of confiscating private property. We own all around this city squares and lots of land sufficient in every respect for the Library, and many of them so entirely appropriate for that purpose that it took the Senate days and weeks of discussion, as men who were here at that time know, to determine whether they were the proper site or not. In this condition of things, I say it is not a fair exercise of the right of eminent domain and confiscation of private property to declare that the Library shall be located upon a particular hundred feet of property and not upon the adjoining hundred feet. I say if this is the proper place for locating your Library, buy the land. If seven-eighths of the owners are anxious to sell the land, they will sell it at a fair price; if seven-eighths of them combine to sell it, the one-eighth will undoubtedly sell for something like a fair price; but if that one-eighth will not sell, and the only justification for taking this property is that you think it a more beautiful or appropriate place for a library than any other of the acres and acres you own in the vicinage of this Capitol, then I say that you have no right to take it any more than you have to confiscate the simplest right of the humblest individual in the country.

I am not contesting whether this is the proper site for the Library; I am not saying whether these people seek to extort money or not. I know nothing about that. I am willing to concede that this is the appropriate place; I am willing to sit at the feet of the Senator from Vermont, who has given to this subject so much attention, and who has doubtless exercised a wise and discriminating judgment in selecting this place for the Library; I am willing for the purpose of what I am now saying to agree to everything that has been claimed in behalf of this Library and the necessity of erecting a commodious building for the books that we have; but I maintain now—I have mentioned it before and if I remain of the same opinion I shall contend hereafter—that merely to gratify your taste for the beautiful and the appropriate you shall not take the private property of the citizen of this country. I do not think it right. I can not bring my judgment to the conclusion that that is a fair exer-

cise of the powers which you hold over individuals in the enjoyment of the property that they have bought or earned, hold, and now enjoy. Go into the market and buy their property if they are willing to sell, and if they are not willing to sell, take some of the other numerous lots that you have around here, even if they be not so entirely appropriate, rather than confiscate private property to gratify your taste for the beautiful.

Mr. DOLPH. Mr. President, far be it from me to criticise the opinion of the eminent chancellor which has been read to the Senate. I do not do it; it is sound law. It is, as I understand it, that the legislative power could not, under the plea that it was necessary to take private property for public use, take private property for private use. But as I understand the Senator, when he first addressed himself to the Senate upon this question he admitted that this Congressional Library was a public library, and that the taking of ground for a site for it was a taking of ground for public uses. That being so, I still maintain that the quotation which I read shows that the courts have uniformly decided that if the ground is to be taken for public use the degree of the necessity for that public use can not be questioned by the courts; that the Legislature is the sole judge, and though the act may be improvidently drawn, still the courts will enforce the act, the necessity of the taking not being a judicial question but a legislative question. At the time the author read by the Senator wrote the law of corporations and of eminent domain was in its infancy, and there have been great advances made in regard to that law since that time. As I said before, it is not necessary to question the doctrine laid down by Chancellor Kent; it does not apply to this case. It being admitted that the use for which this property is sought to be taken is a public use, the degree of necessity is for Congress and not for the courts, and I can not conceive why it is any more a hardship for the owner of this ground to go to the courts for compensation for lands, if they can not agree with this commission, than it would be for the poorest colored man in this city who owns a tract of ground to go to the courts to have the compensation determined which must be paid to him by this municipality when it undertakes to lay out a street through his lot.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Ohio.

Mr. PENDLETON called for the yeas and nays, and they were ordered.

Mr. COCKRELL. Let the amendment be reported.

Mr. PENDLETON. It is to strike out the sections which relate to condemnation.

The PRESIDING OFFICER. The reading of the amendment is called for.

Mr. HARRIS. It is a very long one and need not be read. It has been stated.

Mr. MORRILL. I will merely say that striking out those sections of course destroys the bill.

Mr. INGALLS. Mr. President, as the yeas and nays are to be taken, I desire to say that while I think the selection that is made of a site in this bill is probably the worst that could have been made, yet I am unable to see the force of the objection urged by the Senator from Ohio.

It is evident to me that this is a public use, and that to adopt any other principle would be practically to deny to the Government of the United States the opportunity for acquiring sites and locations for public structures, not only here but in every State in the Union; and entertaining that view of the legal question involved, although I do not concur at all in the views that are incorporated in their bill, I shall be compelled to vote against the amendment.

The Secretary proceeded to call the roll.

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. SLATER]. If he were present, I should vote "yea."

Mr. HARRIS (when his name was called). Upon this bill I am paired with the Senator from Maine [Mr. FRYE]. The Senator from Maine is paired upon political questions with the Senator from Georgia [Mr. BROWN]; but as it is understood that the Senator from Georgia and the Senator from Maine agree in respect to this bill, I consented to pair with the Senator from Maine upon questions pertaining to this bill. If I were not paired I should vote "yea," because I am opposed to the bill.

Mr. MORRILL. I will say that the Senator from Georgia [Mr. BROWN] is paired with my colleague [Mr. EDMUNDS] on this bill. The Senator from Georgia, if present, would vote in favor of it, and my colleague would vote against it.

Mr. BECK (when Mr. HOAR'S name was called). I am paired with the Senator from Massachusetts [Mr. HOAR] on all questions pertaining to this bill. I do not know how he would vote on this amendment.

Mr. MORRILL (when the name of Mr. JONAS was called). The Senator from Louisiana [Mr. JONAS] is paired with the Senator from Missouri [Mr. COCKRELL].

Mr. VAN WYCK (when his name was called). On all questions relating to this bill and its amendments I am paired with the Senator from Wisconsin [Mr. CAMERON]. He is in favor of the bill, and I am opposed to it.

The roll-call was concluded.

Mr. CAMDEN. I desire to announce the pair of my colleague [Mr. KENNA] with the Senator from Minnesota [Mr. SABIN].

The result was announced—yeas 3, nays 37; as follows:

YEAS—3.

Gorman,	Maxey,	Pendleton.

NAYS—37.

Allison,	Cullom,	Jackson,	Sawyer,
Bayard,	Dawes,	Lamar,	Sewell,
Blair,	Dolph,	Mahone,	Sherman,
Butler,	Garland,	Manderson,	Vest,
Call,	Gibson,	Miller of Cal.,	Voorhees,
Camden,	Hampton,	Morgan,	Walker,
Cockrell,	Harrison,	Morrill,	Wilson.
Coke,	Hawley,	Pike,	
Colquitt,	Hill,	Platt,	
Conger,	Ingalls,	Pugh,	

ABSENT—36.

Aldrich,	Farley,	Jones of Nevada,	Plumb,
Anthony,	Frye,	Kenna,	Ransom,
Beck,	George,	Lapham,	Riddleberger,
Bowen,	Groome,	Logan,	Sabin,
Brown,	Hale,	McMillan,	Saulsbury,
Cameron of Pa.,	Harris,	McPherson,	Slater,
Cameron of Wis.,	Hoar,	Miller of N. Y.,	Vance,
Edmunds,	Jonas,	Mitchell,	Van Wyck,
Fair,	Jones of Florida,	Palmer,	Williams.

So the amendment was rejected.

The bill was reported to the Senate without amendment.

The bill was ordered to be engrossed for a third reading, and read the third time.

Mr. COCKRELL. Let us have the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. If he were present, I should vote "nay" and he would vote "yea."

Mr. COLQUITT (when Mr. BROWN'S name was called). My colleague [Mr. BROWN] is paired with the Senator from Vermont [Mr. EDMUNDS]. If my colleague were here, he would vote "yea."

Mr. MORRILL (when the name of Mr. CAMERON, of Wisconsin, was called). The Senator from Wisconsin [Mr. CAMERON] is paired with the Senator from Nebraska [Mr. VAN WYCK].

Mr. COCKRELL (when his name was called). Some Senator spoke to me yesterday, I believe, about pairing with him, as well as I recollect, on this bill, but I can not recall it unless it was the Senator from Maine [Mr. FRYE]. Has the Senator from Vermont a memorandum of that?

Mr. MORRILL. The Senator from Maine [Mr. FRYE] is paired with the Senator from Tennessee [Mr. HARRIS].

Mr. COCKRELL. I am paired with the Senator from Louisiana [Mr. JONAS] on this question, I am told. I should vote "nay," and he would vote "yea" if he were here.

Mr. GEORGE (when his name was called). I am paired on the passage of this bill with the Senator from Oregon [Mr. SLATER]. If he were present, I should vote "nay."

Mr. HARRIS (when his name was called). On the passage of this bill I am paired with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "nay" and he would vote for the bill.

Mr. VAN WYCK (when his name was called). In addition to the announcement made by the Senator from Vermont of the pair of the Senator from Wisconsin [Mr. CAMERON] and myself, I desire to add that Mr. CAMERON is in favor of this bill and I am opposed to it.

Mr. VEST (when his name was called). I have a general pair with the Senator from Kansas [Mr. PLUMB], and therefore shall not vote. I do not know how he would vote on this bill.

The roll-call having been concluded, the result was announced—yeas 39, nays 6; as follows:

YEAS—39.

Aldrich,	Cullom,	Hill,	Pike,
Allison,	Dawes,	Jackson,	Platt,
Bayard,	Dolph,	Jones of Florida,	Sabin,
Blair,	Garland,	Lamar,	Sawyer,
Bowen,	Gibson,	Mahone,	Sewell,
Butler,	Gorman,	Manderson,	Sherman,
Call,	Groome,	Miller of Cal.,	Voorhees,
Camden,	Hampton,	Mitchell,	Walker,
Colquitt,	Harrison,	Morgan,	Wilson.
Conger,	Hawley,	Morrill,	

NAYS—6.

Coke,	Maxey,	Pugh,	Vance.
McPherson,	Pendleton,		

ABSENT—31.

Anthony,	Farley,	Jones of Nevada,	Ransom,
Beck,	Frye,	Kenna,	Riddleberger,
Brown,	George,	Lapham,	Saulsbury,
Cameron of Pa.,	Hale,	Logan,	Slater,
Cameron of Wis.,	Harris,	McMillan,	Van Wyck,
Cockrell,	Hoar,	Miller of N. Y.,	Vest,
Edmunds,	Ingalls,	Palmer,	Williams.
Fair,	Jonas,	Plumb,	

So the bill was passed.

COLUMBUS F. PERRY AND ELIZABETH H. GILMER.

The PRESIDING OFFICER. The first bill on the Calendar of General Orders is now in order.

The bill (S. 767) for the relief of Columbus F. Perry and Elizabeth H. Gilmer was considered as in Committee of the Whole.

The preamble recites that Mrs. Elizabeth H. Gilmer, of La Fayette County, Alabama, on the 18th of June, 1866, conveyed to Columbus F. Perry, her adopted son, a certain plantation in Montgomery County by a deed of gift, which plantation was by Perry reconveyed October 2, 1866, to Mrs. Gilmer, without his having in any way exercised any acts of ownership thereon or received any of the profits thereof; that the collector of internal revenue of the second district of Alabama collected $4,440 from Gilmer and Perry as internal-revenue tax on succession, claiming that a succession tax of $2,220 was due the United States for and on account of each of these deeds of conveyance; and that the collection of the tax as to $3,000 thereof is clearly unjust, and the amount thus paid should be refunded. The bill directs the Secretary of the Treasury to pay to Columbus F. Perry and Elizabeth H. Gilmer $3,000.

Mr. COCKRELL. Let the report be read in that case. I believe it is a short one.

The Chief Clerk read the following report, submitted by Mr. JACKSON January 16:

The Committee on Claims, to whom was referred the bill (S. 767) for the relief of Columbus F. Perry and Elizabeth H. Gilmer, have considered the same, and respectfully report as follows:

This claim under a bill similar to the present was before the committee for investigation at the first session of the Forty-seventh Congress, was then fully considered, and a favorable report made thereon. Said report (No. 573) correctly sets forth the facts, and your committee, after re-examination of the case, adopt said report as follows:

Mr. PUGH, from the Committee on Claims, submitted the following report, to accompany bill S. 956:

The Committee on Claims, to whom was referred the bill (S. 956) for the relief of Columbus F. Perry and Elizabeth H. Gilmer, of La Fayette, Chambers County, Alabama, having considered the same, beg leave to make the following report:

Mrs. Elizabeth H. Gilmer, on the 18th day of June, 1866, made a deed of gift for a tract of land in Montgomery County, Alabama, containing 3,000 acres, more or less, to her adopted son, Columbus F. Perry. Mrs. Gilmer was sixty-eight years old, and had no children, but did have nieces and nephews, and after the making of the deed became known to them, and before Perry went into possession of the land, or received any benefit from it, or exercised any acts of ownership over it, the nieces and nephews were so offended at the execution of the deed that they threatened resistance and litigation as heirs at law of Mrs. Gilmer should she die without a will, and the making of the deed created such a state of feeling in the family that Perry determined not to accept the gift; and the committee find that in fact the gift never was accepted, and the intention of the parties as expressed in the deed never was in fact carried into execution; and that the reconveyance by Perry to Mrs. Gilmer was made within three months of the date of the first deed, and was executed on the advice of their attorney that it would be best to reconvey to avoid any trouble about the paper title.

On this state of facts the internal-revenue officers of the second district of Alabama, where the land was located, assessed a succession tax of $2,220 on each conveyance, which the claimants were required to pay and did pay to the revenue collector under protest. Fourteen hundred and forty dollars of the $4,440 was returned to the claimants as an excess in the assessment, and the claim is for the balance, $3,000.

Your committee are satisfied from the evidence and the law that it was an unauthorized assessment, and therefore recommend the passage of the bill without the preamble.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The question now is on the preamble. The committee report an amendment to strike out the preamble. The question is on the amendment.

The amendment was agreed to.

STATE NATIONAL BANK OF LOUISIANA.

The bill (S. 339) for the relief of the State National Bank of Louisiana was considered as in the Committee of the Whole. The claim of the State National Bank of Louisiana for the payment of cotton belonging to the bank taken by the agents of the Treasury Department of the United States in the States of Louisiana and Arkansas after the 30th of June, 1865, is by the bill referred to the Court of Claims for adjudication. The bank may institute suit in that court, which shall be tried and adjudicated as if the action had been filed within the time authorized by law; the testimony and original papers filed by the bank before the Treasury Department in connection with the claim are to be received by the court as evidence as if taken or filed under the rules of the court; and the bank and the United States may take further evidence, as may be deemed proper, subject to the rules for taking testimony in the court.

Mr. INGALLS. I should like to hear the report read.

The Chief Clerk read the following report, submitted by Mr. JACKSON January 16:

The Committee on Claims, to whom was referred the bill (S. 339) for the relief of the State National Bank, Louisiana, have considered the same, and respectfully report as follows:

This claim was favorably reported upon by the committee at the first session of the Forty-seventh Congress. That report (No. 393) correctly states the facts of the case and the legal questions involved, and your committee again adopt said report and the recommendations thereof, as follows:

Mr. JACKSON, from the Committee on Claims, submitted the following report, to accompany bill S. 1647:

The Committee on Claims, to whom was referred "A bill for the relief of the State National Bank of Louisiana," having examined the same, make the following report:

That the State Bank of Louisiana, a banking corporation chartered by the laws of Louisiana, and located at the city of New Orleans, in 1863, while said city was in the permanent occupation and control of military forces of the United States, through its agents contracted with various parties residing in upper Louisiana and Arkansas, who had raised and were the private owners thereof, for the purchase of several hundred bales of cotton. At the dates of these contracts of purchase the venders resided within the lines of the confederate forces, and commercial relations between the bank and themselves were prohibited both by the general and statute laws of the Government and by the proclamation of the President of the United States made under and in pursuance of said laws. The cotton thus purchased or contracted for remained in the possession of the several venders until after the 30th June, 1865, when, hostilities having ceased, it was delivered over to the agent of the bank, and by said agent collected together at different points preparatory to shipment to New Orleans.

After the cotton had thus reached the possession of the bank, and while awaiting shipment to New Orleans, special Treasury agents of the United States, on the 27th and 29th July, 1865, and the 18th November, 1865, seized the same and caused it to be shipped to Simeon Draper, the agent of the Treasury Department at New York, by whom it was sold, and the proceeds paid into the United States Treasury. The State Bank of Louisiana, after the close of the war, having been merged into the State National Bank of Louisiana, the latter, as the successor to all the rights and interests of the former bank, made claim to the proceeds of this cotton, but its claim was rejected by the Treasury Department. The bank thereafter, on the 21st September, 1877, instituted an action in the Court of Claims for the recovery of said proceeds, and was defeated in said court by the plea of the statute of limitation. The object of the present bill is to allow the bank to have its claim referred to the Court of Claims for trial and adjudication just as though the action had been filed in said court within the time authorized by law. Its claim before the Department was not finally determined until after the law of the statute had attached. The rejection of the claim by the Department was based upon the ground that its purchases having been made in 1863 from parties occupying an enemy relation, the bank failed to acquire title to the cotton, and had therefore no valid claim to its proceeds. If the case stood alone upon the contract for the purchase of the cotton in 1863 the correctness of this ruling could not be well questioned. The decisions of the Supreme Court of the United States in Montgomery *vs.* United States (15 Wallace, 395) and Mitchell *vs.* United States (21 Wallace) declare that such contracts of purchase would fail to confer a valid title to the property, and your committee at the present session of Congress have reported against a bill granting relief as to the proceeds of property in a case where the party, by his purchase from inhabitants of insurrectionary districts, in violation of the non-intercourse laws of the United States, failed to acquire a valid title. So that if nothing appeared in the present case except the bank's purchase of the cotton in 1863 from venders residing within the confederate lines, it could not be distinguished from the Mitchell claim, and would be controlled by the principles applied in that case.

But there are important particulars in which the present differs from the Mitchell case. The bank's contract for the purchase of the cotton was not completed in 1863 or during the period of actual war. It had paid and the venders had received the purchase money, but the cotton remained in the possession of the venders under an agreement for its future delivery. If the venders had subsequently refused to make delivery and complete the contract, and the bank had tried then, either during or after the war, to recover the cotton, it would have been nonsuited in any court of the United States if the illegality of the contract had been pleaded or if the same had appeared to the court in the course of the trial. The planters did not, however, avail themselves of the illegality of the contract, but on the contrary, recognizing the moral obligation which rested upon them after receiving the purchase money, they voluntarily completed the contract, and delivered the cotton over to the possession of the bank after the war had actually closed. Was this delivery, which appears to have been made subsequent to June 30, 1865, in contravention of law or of the non-intercourse acts and regulations of the Government? If the parties could at that time have lawfully made an original contract with each other for the sale and purchase of the cotton in question, it is difficult to see any valid reason why they could not then, without violation of law or public policy, recognize as binding and complete a contract previously entered into, no intervening rights having attached. Sunday contracts are generally prohibited or forbidden by law, but when completed on Monday by delivery their validity can not be impeached. The controlling question, therefore, in the present case is, could these parties lawfully hold commercial intercourse with each other when the cotton was delivered. or rather, was such delivery, either as an original transaction or as the consummation of a previous agreement, in violation of law?

On the 24th June, 1865, the President of the United States, by proclamation issued under authority of law, expressly ordered that "all restrictions upon internal, domestic, and coastwise intercourse and trade, and upon the purchase and removal of products" lying west of the Mississippi River (excepting those relating to property heretofore purchased by the agents or captured by or surrendered to the forces of the United States) are annulled. Under this express authority given by law the bank could legally have purchased this cotton. The venders could lawfully have sold or given it to the bank. When the venders after this proclamation delivered the cotton to the bank, it was in effect either a new sale based upon the valuable consideration previously received or a voluntary relinquishment and donation of all their rights and title to the property. But suppose it is treated as the affirmation or confirmation of the contract of purchase made in 1863, what rule of law or principle of public policy forbids the ratification of that contract after June 24, 1865, before the Government had seized or captured the cotton? As a general proposition, void, as distinguished from voidable, contracts can not be confirmed, for the reason that the same legal objections arising from positive law or public policy continue to operate when the confirmation is attempted which existed at the formation of the original contract. But when that is not the case, when the law or public policy that originally vitiates the contract has been changed, when the legal objections to such contracts have ceased to operate, there is no reason why the parties thereto may not lawfully ratify or reaffirm their agreement. If this position is correct, the act of the venders in ratifying and completing their contracts by delivery of the cotton after the restrictions upon commercial intercourse had been removed, conferred upon the bank a title to the property just as valid as though the contract had been first entered into at the date and place of delivery; so that the case is narrowed down to this, that after all hostilities had terminated and the President had, by his proclamation, removed all restrictions upon trade in the districts formally declared to be in insurrection, the bank applied to the planters, who agreed to sell it their cotton in 1863, and requested them to recognize and complete their agreement and confer upon the bank the possession and ownership of the cotton. This they might have refused to do, but feeling the moral obligation arising out of the receipt of the money the bank had paid them, they freely delivered the cotton to the agent of the bank, when it was lawful for them to hold intercourse, and before any intervening rights of the Government had attached.

Under those circumstances the transaction may well be termed either a valid confirmation of a former contract or a new sale as of the date of such delivery, or a gift. When the cotton was so received in 1865 it must be admitted that the possession which the bank thereby acquired was a legal one. The cotton had never been captured *flagrante bello*, it had never been abandoned nor seized as such, consequently the United States never acquired the right of seizure coupled with possession before the bank perfected both its title and possession. Whether the agents of the Treasury Department had any authority in law for seizing this cotton in the possession of the bank at the several dates already given is, in the opinion of your committee, a matter of such grave doubt, to say the least of it, as to make this a proper case for the decision of some competent judicial tribunal. What the bank now asks is that it may be permitted to sue in the Court of Claims, and that said court shall hear and adjudicate the case as though

it had been instituted within six years after the seizure of the cotton by the officers of the Government. The proceeds of the cotton are in the United States Treasury, placed there by the alleged wrongful acts of special agents of that Department. The bank prosecuted its claim to these proceeds before the Department, hoping for a favorable decision, until its remedy in the Court of Claims was barred by the statute of limitations. Again, claimants in this class of cases were not supposed by the legal profession to have any remedy in the Court of Claims until the Klein case was decided in December, 1871. Under those circumstances the bank, having been guilty of no laches, should not be deprived of the opportunity to have its claim passed upon by the Court of Claims. It would certainly be against conscience for the Government in a case like the present to keep this money and deny to the bank the privilege of establishing its superior right thereto. Your committee accordingly recommend the passage by the Senate of the accompanying bill.

Mr. CONGER. This bill provides that all the testimony and original papers filed by the bank in the Treasury Department in connection with this claim "shall be received by said court as evidence as if taken and filed under the rules of said court." It makes no provision that any testimony or papers in the case taken by the United States may be used as evidence. It is faulty in that respect. It does permit the United States to take further evidence, but not to use any evidence that may have been taken in this case.

This is one of a succession of cotton claims coming to Congress year after year, and I do not know what the merits of this claim may be, but I suspect all cotton claims of that kind where the cotton in 1862, and 1863, and 1864, wherever it could be held safely, belonged to the confederate government. By its law and by its rules it was property of the government; it was the currency between the confederate government and the world, by which purchases were made and munitions of war obtained. This bank seems to have had some contract in relation to it as early as the spring of 1863. It is a matter of general history that the cotton belonging to the confederate government, claimed by it, held by it for its own use, was kept hidden away from being taken by our troops or by the officers of this Government from month to month and from year to year, and was removed from one place to another to avoid capture or to avoid confiscation.

Here is a case where some two or three years after cotton had entered into the ownership of a bank, which, if I understand aright, was the very bank in the South which held the deposits of the confederate government and managed its financial concerns, it came to light after having been hid till 1865 and until proclamations and laws had been proclaimed and made, and then the bank claimed it as its own property. I would like to have had the report state whether this State Bank of Louisiana, being the fiscal agent of the confederate government, held this property or contracted for this property as a means for paying off an indebtedness for carrying on the war on behalf of the confederacy, or in what way they undertook to become in 1863 the owners of cotton then contraband, then held by the confederate states and shipped and used as the most effective agent for carrying on the war.

The report does not say anything about that. Sir, I consider the introduction of these cotton claims, the pressing of them here, the failure to have such a claim passed upon by Congress after open discussion, and the sending them to the Court of Claims after the statute of limitation has run against them for years, opening them up anew and removing the statute of limitations, to be entirely wrong. Here in sending this case to the Court of Claims the bill declares more positively than in any other case that all papers and all evidence *ex parte* which has been before the Treasury Department on behalf of the claimant shall be evidence in the Court of Claims. I think it goes beyond all the ordinary rules we have adopted in the Senate. I am suspicious of this claim, and the report as I read it fails to account for the purchase of this property in any legitimate commercial way as the business of the bank. It fails to account for its secretion during all those times when our forces were commencing to occupy the territory in which the cotton was found. It remained hidden, to be developed and brought forth after peace was restored and to be claimed by those in whose hands it could not have been claimed at the time the purchase is said to have been made.

I am suspicious of such claims. During my long service in Congress there has been an array of them passing from the South to Congress, an array of cotton claims pressed upon Congress continually, and there is no question but what when they are brought in here there should be some rule adopted even in sending them to the Court of Claims; there should be some rule adopted by Congress making the inquiry positive in regard to the character of the property during the war, whether it was confederate property in fact, and let not the case turn upon the simple fact that after it had been hidden until peace came and then was found by the officers of the United States and under the law taken and seized, and therefore it should be paid for because it was seized after the proclamation of peace. This property had a character; it had a use. It was the use of cotton in the South and its transportation in blockade runners and around by Texas that gave life and vitality and force and continuance to that terrible struggle in which we were engaged.

Now, sir, I would not have those who were dealing in this property and buying it, as I believe, for the use of the confederate government come in as individuals now to reap the benefits of their purchase. I distrust all that class of claims. This cotton lay secreted in 1863 and 1864, and it comes up here now; and I am free to say that now, more forcibly even than before the war, in the Congress of the United States cotton is king. This is one out of a multitude of a great, vast army of such claims, and the report does not satisfy me as to the character and ownership of the property during the two or three years when the cotton lay concealed, moved about from one place to another to avoid capture by our forces, hidden away, under the law requiring officials of the United States to seize that kind of property, abandoned, captured, contraband property, and make it subservient to the uses of the United States.

If I ever feel called upon to vote for the passage of any law making an appropriation in money to pay for these claims, or for any law with these curious restrictions in it sending such a claim to the Court of Claims for examination, it will be when the history of that particular kind of property has been made by the committee plain and clear.

I said I was afraid of these claims. They come in all kinds of insidious shapes. Nearly two-thirds of the time of the Committee on War Claims in the other House was spent in examining and meeting and investigating and defeating the cotton claims, until, I think, throughout the United States there was a prejudice against that class of claims arising from the very nature of the claims and the presumption of fraud and wrong in pressing them that impresses every person who hears of such a claim here.

I make these remarks because this report of the committee does not give the character and history of this property, and why it lay as, if I understand the case rightly, it did from the spring of 1863 until the fall of 1865, before it was dragged to light and then claimed by the fiscal depository of the confederate funds in Louisiana.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The question is on the motion of the Senator from California.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 27 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 12, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal.

Mr. TOWNSHEND. I move to dispense with reading so much of the Journal as relates to the formal introduction and reference of bills.

The motion of Mr. TOWNSHEND was agreed to.

The Journal as read was approved.

STAR-ROUTE INVESTIGATION.

Mr. MONEY. I rise to present a privileged report from the Committee on the Post-Office and Post-Roads.

The SPEAKER. The report will be read.

The Clerk read as follows:

Resolved, That it is the sense of this House that the Postmaster-General be, and he is hereby, required to transmit to this House the papers called for in the resolution of the 30th instant, as follows, to wit:

"*Resolved*, That the Postmaster-General be, and he is hereby, directed to transmit to this House all reports made by special agents of the Post-Office Department to the Postmaster-General during the year 1881 having reference to the star-route investigation and which have not heretofore been published and made public."

The SPEAKER. The question is upon the adoption of the resolution.

Mr. CALKINS. Has that been referred?

The SPEAKER. It is a report from the Committee on the Post-Office and Post-Roads on a resolution referred to that committee.

Mr. CALKINS. Is there a written report accompanying it?

The SPEAKER. The Chair will ascertain.

Mr. MONEY. There is no written report.

Mr. HOLMAN. Is it necessary that a written report should accompany a resolution of inquiry referred in this manner and reported back by a committee?

The SPEAKER. As there seems to be some misapprehension in reference to the rule the Chair will cause it to be read for the information of the House.

The Clerk will read clause 2 of Rule XVIII.

The Clerk read as follows:

2. No bill, petition, memorial, or resolution referred to a committee, or reported therefrom for printing and recommitment, shall be brought back into the House on a motion to reconsider; and all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.

Mr. MONEY. I ask leave to withdraw the report for the present.

The SPEAKER. The report is withdrawn.

CONTESTED-ELECTION CASE—CHALMERS VS. MANNING.

Mr. TURNER, of Georgia. I desire to give notice that on to-morrow morning, immediately after the reading of the Journal, I will ask the

House to proceed to the consideration of the contested-election case of Chalmers *vs.* Manning.

WILLIE S. HOWARD.

Mr. HOLMAN. I ask unanimous consent for immediate consideration of the resolution which I send to the desk.

The SPEAKER. The resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved, That the Committee on Accounts be directed to inquire into the propriety of Willie S. Howard being employed as a page or folder under the Doorkeeper during the residue of the present session of Congress, and to report by resolution or otherwise.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. EZRA B. TAYLOR. I object.

Mr. HOLMAN. I trust the gentleman from Ohio will not object, at least until he is fully informed as to the facts in this case.

Mr. EZRA B. TAYLOR. I will withhold the objection and hear the statement of the gentleman from Indiana.

Mr. HOLMAN. This is a little waif—the boy to whom reference is made in that resolution—who has probably been seen by most of the members of the House around the Capitol. It is thought possible that he may be employed in some connection in the Capitol, either as a page or folder, where he will be able to earn his own subsistence; and he seems to be worthy——

Mr. EZRA B. TAYLOR. I withdraw my objection on the ground that I apprehend this to be a matter of charity, and I am always willing to extend charity.

Mr. HOLMAN. No; it is not.

Mr. RANDALL. This lad is willing to work for his living.

Mr. EZRA B. TAYLOR. I withdraw the objection.

The resolution was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

Joint resolution (H. Res. 24) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia; and

Joint resolution (H. Res. 154) authorizing the Secretary of War to use rations for the relief of destitute persons in the district overflowed by the Ohio River and its tributaries, and making appropriation to relieve the sufferers by said overflow.

The message also announced that the Senate had receded from its amendment to the joint resolution (H. Res. 119) making appropriations for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested;

A bill (S. 84) authorizing the Secretary of the Interior to ascertain the amount due citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof;

A bill (S. 271) for the relief of Louisa Boddy;

A bill (S. 368) for the relief of Oscar Eastmond and James W. Atwill;

A bill (S. 439) for the relief of George A. Iaegar;

A bill (S. 672) to amend section 4887 of the Revised Statutes in relation to patents;

A bill (S. 1035) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses; and

A bill (S. 1293) providing for the distribution by members of Congress of ten charts and other publications of the Hydrographic Office for each session of Congress.

REFUND OF NATIONAL DEBT.

Mr. POTTER, by unanimous consent, introduced a bill (H. R. 4975) to refund the bonded debt of the United States at 2½ per cent. interest, to reduce taxation upon the circulating bank-note currency when secured by deposit of 2½ per cent. bonds, and to secure such currency against unnecessary disturbance and fluctuation by applying the national revenues economically to payment of the national debt; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

STAR-ROUTE PROSECUTIONS, ETC.

Mr. STEWART, of Vermont, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Expenditures in the Department of Justice, in making investigation into expenditures on account of prosecutions of persons charged with frauds upon the Government, and especially in the star-route mail service, be instructed to inquire into the manner in which such prosecutions have been and are being conducted, and into the conduct, efficiency, and good faith of all officials and persons in the employ or pay of the United States in connection with such prosecutions, and whether guilty parties have been duly prosecuted.

Mr. STEWART, of Vermont, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN POLICY.

Mr. BREWER, of New York I ask unanimous consent to introduce for reference to the Committee on Indian Affairs the resolution which I send to the desk, which I present by request.

The Clerk proceeded to read the following:

Resolution of request to Congress in relation to the proposed Indian policy.

Whereas believing that civilization offers to the Indians the single alternative of gradual absorption or extermination, and that before they can be absorbed in the general population they must be carefully prepared for assimilation and citizenship, and profoundly impressed with the conviction that this result can only be accomplished by the Federal Government adopting such a policy as will do justice to the Indian and honor to the country, to be followed by appropriate current legislation to enforce the same: Therefore,

Resolved, That Congress be, and it is hereby, requested to pass resolutions solemnly pledging the faith of the nation to the Indian policy embodied in the following platform of principles:

Good faith.—Never break faith with the Indians.

Indian Territory.—Keep all intruders out of the Territory; continue the self-government of the civilized tribes; let them regulate their own land-tenure.

Law.—Enact suitable laws to protect life and property on reservations; make them flexible in detail; administer them through department orders approved by the President; promptly and rigidly enforce them; individualize the punishment of crime; never hold the tribe liable for the crimes of its members; organize an efficient Indian police force on every reservation.

Indian department.—Create a separate Indian department, under a civilian secretary; grant plenary emergency powers to the President; have all agencies frequently inspected by appointees of the President, well paid and unconnected with the Indian department; carefully regulate the powers and duties of Indian agents; give them permanent positions and liberal salaries; keep them free from political influence; let their subordinates be appointed by the department; all questions of general policy and treatment to be settled by the department; no individual experiments by theoretical agents to be permitted; abolish all privileged traderships; absolutely destroy all traffic in liquors; control the sale of arms and ammunition; in all else let there be free trade; let all military posts be maintained separate and apart from the Indian villages, and preserve absolute non-intercourse between the soldiers and the Indians.

No removals.—Remove no more tribes except where the soil and climate require it and the change is voluntary; civilize the Indians where they are.

Education.—Educate the entire Indian reservation population; teach the children in boarding manual-labor schools on the reservations; make them farmers and graziers; give all the bands an abundance of cattle; teach them trades; instruct them in the laws of health; show them how to live; neutralize the influence of the medicine-man; make work compulsory.

Lands in severalty.—On reservations divide land in severalty as soon as Indians can farm them; make them inalienable and non-taxable for a time; sell the surplus lands for the benefit of the tribe: elsewhere grant Government lands in severalty (on same terms) to all Indians who can cultivate them.

Citizenship.—Give citizenship to all self-supporting Indians who ask it.

[SEAL.]

A. M. LOWRY,
President, of Jamestown, N. Y.

Attest:

F. R. PETERSON,
As Clerk of the Village of Jamestown, N. Y.

Before the reading was completed,

Mr. HOLMAN said: Mr. Speaker, it is impossible to hear what is being read.

The SPEAKER. The Chair is aware of that fact, and has made repeated appeals to members to preserve order so that the public business can be transacted.

Mr. TOWNSHEND. Will it be in order to call for the regular order? I called for it a while ago, but I do not think the Chair heard me.

The SPEAKER. The Chair did not.

Mr. REED. Let us have the regular order.

The SPEAKER. The regular order is demanded.

RETIREMENT OF TRADE-DOLLARS.

Mr. BLAND. I rise to a question of privilege. I move that the Committee on Banking and Currency be discharged from the further consideration of the bill (H. R. 3356) to provide for the retirement of the trade-dollar, and that the bill be referred to the Committee on Coinage, Weights, and Measures.

The SPEAKER. Does the gentleman state that there was an improper reference under the rules?

Mr. BLAND. Yes, sir.

The SPEAKER. Will the gentleman send up the bill that the Chair may examine the matter.

Mr. REED and Mr. BUCKNER. Is this a question of privilege?

The SPEAKER. According to the recollection of the Chair it was decided in the Forty-sixth Congress, upon a question which arose on the reference of a bill introduced by the gentleman from Illinois [Mr. TOWNSHEND], that a question as to the improper reference of a bill was a privileged question. As the Chair now remembers, there was a great deal of discussion upon that question, and it was decided by a vote of the House. The Chair will send for the Journal containing the proceedings at that time, and in the mean while the gentleman from Missouri [Mr. BLAND] can proceed with his statement.

Mr. BLAND. I have the Journal of the Forty-sixth Congress, and have marked the proceedings referred to.

The SPEAKER. The Clerk will read from the Journal.

The Clerk read as follows from the House Journal of March 24, 1880:

The SPEAKER stated the regular order of business to be the proposition submitted by Mr. McLane on yesterday as a question of privilege, and pending when the House adjourned; the pending question being the question submitted to the House by the Speaker, as follows, viz: "Does the proposition submitted by Mr. McLane present a question of privilege under Rule IX?"

* * * * * * *

The question recurring on the resolution as stated by the Chair and being put, it was decided in the affirmative—yeas 135, nays 98, not voting 59; the yeas and nays being desired by one-fifth of the members present.

* * * * * * *

So the House decided that the proposition submitted by Mr. McLane presented a question of privilege under Rule IX.

Whereupon,

Mr. McLane modified the resolution heretofore submitted by him as follows, namely:

"Whereas the House, being of opinion that the reference of House bill No. 5265 to the Committee on the Revision of the Laws was incorreet under its rules, doth resolve that the said committee be discharged from its further consideration and the same be referred to the Committee on Ways and Means."

The SPEAKER. It appears to have been decided by the House in that case that the improper reference of a bill is a question of privilege.

Mr. BLAND. I have in my hand House bill 3356, which I submit was erroneously referred. The bill provides for nothing except the exchange of trade-dollars for standard dollars and their recoinage. It is a coinage bill.

The SPEAKER. The Clerk will read the bill, so that the House may be able to determine this question.

The Clerk read as follows:

A bill (H. R. 3356) to provide for the retirement of the trade-dollar.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That trade-dollars shall be exchangeable at the office of the Treasurer and any assistant treasurer of the United States, and at any coinage mint, at par, for other silver coins of the United States, if presented within one year from the passage of this act; but no mutilated or fraudulently abraded trade-dollars and no trade-dollars that have been chopped or restamped for circulation in any foreign country shall be so exchangeable. Trade-dollars received in exchange for other silver coins as herein provided shall be recoined into standard dollars or other silver coins of the United States, as the Secretary of the Treasury may direct. And the further coinage of the trade-dollar is hereby prohibited.

SEC. 2. That all laws in conflict with this act are hereby repealed.

Mr. BLAND. Mr. Speaker, the House certainly believed that the Committee on Coinage, Weights, and Measures had jurisdiction of this matter, for some fifty different bills, if I remember aright, with reference to this subject were referred to that committee early in the session. I know of no such bill which has been referred to the Committee on Banking and Currency except the one just read, which I believe was introduced and referred by a member of that committee. I may be mistaken on the latter point, but I know that no other bill of this kind has gone to the Committee on Banking and Currency.

The Committee on Coinage, Weights, and Measures have had that subject under consideration for the past two weeks. They have given it most careful consideration. The Director of the Mint has been before that committee. In fine, I may say, Mr. Speaker, we have given it such consideration as the magnitude of the subject demands, and the committee is now ready to report a bill this morning on the subject of the retirement of the trade-dollar. Now, when the Committee on Coinage, Weights, and Measures is ready to report on the subject, I think it would be unwise on the part of those who desire the retirement of the trade-dollar to get up a contest between two committees of this House and between their several bills on the same subject. As I have already stated, the Committee on Coinage, Weights, and Measures is ready to report when that committee is called in its order.

I do not wish, Mr. Speaker, that any other committee of this House shall usurp the jurisdiction properly belonging to the Committee on Coinage, Weights, and Measures. If that committee has any jurisdiction under the rules of this House, it certainly must cover the coinage, weights, and measures of the country. I do not, therefore, consider it necessary at this time to enter into any discussion of the subject, as it must be apparent to every gentleman that the reference of this bill 3356 was inadvertently made, and that it ought to be referred to the Committee on Coinage, Weights, and Measures.

Mr. STORM. May I ask the gentleman from Missouri one question?

Mr. BLAND. Certainly.

Mr. STORM. Does the action of the committee of which you are chairman recommend the retirement of the trade-dollar?

Mr. BLAND. It does.

Mr. CHACE. Does the gentleman from Missouri [Mr. BLAND] wish to speak further on the subject?

The SPEAKER. Gentlemen had better have some understanding about the occupation of the floor. The gentleman from Missouri, chairman of the Committee on Coinage, Weights, and Measures, is entitled, under the rules of the House, to one hour. He can reserve a part of his time now and let the other gentleman from Missouri proceed.

Mr. BLAND. I desire to reserve a portion of my time, but I am willing to yield five minutes to my colleague on the committee.

Mr. KEIFER. I have no disposition to cut off debate, but it occurs to me that this is not debatable.

The SPEAKER. The gentleman from Ohio makes the point of order that the proposition is not debatable.

Mr. KEIFER. It is not debatable, it occurs to me, under paragraph 2, Rule XIII, where it provides:

The question of reference of any proposition other than that reported from a committee shall be decided without debate.

The SPEAKER. That question had occurred to the Chair, but the Chair is in some doubt, because it involves the question of discharging a committee from the further consideration of a bill as well as the reference of a bill to another committee.

Mr. KEIFER. The rule provides very clearly that the question of reference of any proposition other than that reported from a committee shall be decided without debate.

The SPEAKER. The Chair is inclined to think the proposition is not debatable under the rule, as it has not been reported from a committee.

Mr. REED. Is not the question whether this is a question of privilege or not?

The SPEAKER. The Chair has decided that.

Mr. REED. That it is?

The SPEAKER. The Chair has decided that.

Mr. REED. I supposed that was the question.

The SPEAKER. Of course that question was debatable in the discretion of the Chair for the purpose of informing the Chair.

Mr. REED. If the Chair is informed and has decided, it is not worth while to debate it further.

The SPEAKER. The Chair supposed he was informed and decided it, but of course he will hear any suggestion the gentleman has to make on it.

Mr. REED. I had a desire to quote the debate which I recollect partially at the time when the decision was had by the House which the Speaker caused to be read. If I recollect aright, and I make the statement subject to correction, for I have had no opportunity to refresh my memory—if I recollect aright, the reference was made to the Committee on the Revision of the Laws by referring simply to the number of the section of the statute. On examination it was discovered that reference had referred a question relating to the tariff to the Committee on the Revision of the Laws. I think at the time the House felt that perfect openness was not displayed on the part of those who had referred the matter to the Committee on the Revision of the Laws, and that was the motive which caused the House to decide.

The SPEAKER. Still the Chair thinks——

Mr. TOWNSHEND. I desire on that same point to say, Mr. Speaker, that the distinguished gentleman from Maine is entirely mistaken, and that he entirely misconceives what was the motive of the House in changing the reference. The House had no such motive as that which he has ascribed to it, as there was no lack of openness on the part of those who brought the matter to the Committee on the Revision of the Laws. And a majority of this House sustained the reference of that bill to the Committee on the Revision of the Laws.

The SPEAKER. Whatever may have been the motive of the House, the Chair thinks the distinct question submitted to the House was whether a motion to correct an erroneous reference of a bill to a committee was a privileged question; and the House decided by vote that it was.

Mr. WARNER, of Ohio. I desire to be allowed a word of explanation right there, as I introduced the bill now in question. I remember calling the attention of the Speaker and the House to the bill at the time, saying I was in doubt as to its proper reference; that the subject-matter of the bill was of such a character that it might perhaps be properly referred either to the Committee on Coinage, Weights, and Measures, or to the Committee on Banking and Currency. The Speaker thereupon made the reference to the Banking and Currency Committee; but the attention of the Speaker and the House was called to it at the time, so that the reference of the bill was the reference of the House.

Mr. CHACE. For all that it is evident that the reference of the bill to the wrong committee was a matter of inadvertence, and I think in that assertion the Speaker will bear me out.

Mr. BUCKNER. I should like to be heard on the motion of the gentleman from Missouri [Mr. BLAND].

The SPEAKER. The gentleman from Missouri [Mr. BUCKNER] the chairman of the Committee on Banking and Currency asks permission, as the other gentleman from Missouri has addressed the House, to make a statement.

Mr. BLAND. Before the gentleman proceeds I will say I have been asked by several members as to the effect or contents of the bill we are ready to report; and while I have no objection to debate on the part of the gentleman from Missouri the chairman of the Committee on Banking and Currency, I also ask the privilege of making that statement.

The SPEAKER. The gentleman from Missouri the chairman of the Committee on Banking and Currency asks leave, the Chair understands, to make a statement, occupying as much time as has heretofore been occupied by the gentleman from Missouri the chairman of the Committee on Coinage, Weights, and Measures. Is there objection?

Mr. HATCH, of Missouri. How long time does the gentleman ask?

Mr. BUCKNER. Only a short time.

The SPEAKER. The Chair thinks the gentleman from Missouri [Mr. BLAND] occupied about five minutes. Is there objection to the other gentleman from Missouri [Mr. BUCKNER] being allowed an equal time? The Chair hears no objection.

Mr. CHACE. Does that cut off other debate?

The SPEAKER. The Chair thinks the proposition is not debatable. This is by unanimous consent. The gentleman from Missouri [Mr. BUCKNER] will proceed.

Mr. BUCKNER. I only want to say, Mr. Speaker, that a bill of precisely similar import to this in the last Congress, after some controversy on the subject as well as I recollect, was referred to the Committee on Banking and Currency; that that committee reported back to this House a bill that received almost its unanimous vote and became law so far as the action of this House was concerned. And, further, while in this Congress this is the only bill of this character—perhaps there is one other—I undertake to say that according to a fair construction of the rule which governs questions of reference this bill is fairly referable to the Committee on Banking and Currency. I have no doubt about that.

I will say further, Mr. Speaker, that there was some controversy here as to the jurisdiction of these two committees while the Hon. Mr. Stephens was chairman of the Committee on Coinage, Weights, and Measures, and out of deference to him the question was not tested. But I do say that when this trade-dollar gets into circulation as it has done it is currency; that the word currency is broad enough to cover every sort of circulation, whether gold or silver; and that a bill to retire that currency, whether it be gold or silver or paper, properly belongs to the Committee on Banking and Currency. That is the view I have of it.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. BLAND].

Mr. CHACE. I ask unanimous consent to say a few words in reply to the gentleman from Missouri [Mr. BUCKNER].

The SPEAKER. The gentleman from Rhode Island [Mr. CHACE] asks unanimous consent to be allowed to reply to the gentleman from Missouri [Mr. BUCKNER]. How long time does the gentleman ask?

Mr. CHACE. Three minutes.

Mr. ERMENTROUT. If that privilege is granted to the gentleman from Rhode Island I shall ask the same privilege for myself, the Committee on Banking and Currency having placed this bill in my charge.

The SPEAKER. The gentleman from Rhode Island and the gentleman from Pennsylvania ask to have each the privilege of addressing the House for three minutes.

Mr. CHACE. Let it be five minutes, but I do not think I shall speak over three minutes.

Mr. BLAND. I wanted my colleague on the committee the gentleman from Rhode Island [Mr. CHACE] to have a few minutes, because I presume we have the right to close debate.

The SPEAKER. The Chair will state the ground on which he thinks the question is not debatable. The Chair regards it in the same aspect as if the bill were originally introduced and the question was as to its reference, which is not debatable under the rules of the House.

Mr. BLAND. Then I ask for ten minutes, of which five minutes shall be allowed to the gentleman from Rhode Island [Mr. CHACE.]

The SPEAKER. The gentleman from Missouri [Mr. BLAND] asks unanimous consent that the gentleman from Rhode Island [Mr. CHACE], the gentleman from Pennsylvania [Mr. ERMENTROUT], and himself be allowed five minutes each.

Mr. WELLER. I object, unless I can have five minutes, too.

The SPEAKER. Objection being made to further debate, the question is on the motion of the gentleman from Missouri [Mr. BLAND] to discharge the Committee on Banking and Currency from the further consideration of the bill indicated and refer it to the Committee on Coinage, Weights, and Measures.

Mr. CHACE. I understood the House had given unanimous consent that I should have five minutes.

The SPEAKER. The gentleman from Pennsylvania [Mr. ERMENTROUT] objected, unless he had the same privilege for five minutes. The question is on agreeing to the motion of the gentleman from Missouri.

The question being taken, there were—ayes 84, noes 34.

So (further count not being called for) the motion was agreed to.

Mr. BLAND. I move to reconsider the vote just taken, and that the motion to reconsider be laid on the table.

The SPEAKER. That is unnecessary, as the bill can not be brought back by a motion to reconsider.

HOT SPRINGS, ARK.

Mr. COSGROVE. I rise to a question of privilege. I entered a motion to reconsider the vote by which the House refused to agree to the resolution relative to sending a committee to visit the Hot Springs, Ark. I now call up that motion.

The SPEAKER. The gentleman from Missouri [Mr. COSGROVE] calls up the motion to reconsider. The question is whether the vote shall be reconsidered.

Mr. COSGROVE. I do not know whether the question is debatable or not. The gentleman from Arkansas [Mr. ROGERS] desires to make a statement. If the question is not debatable, I shall ask unanimous consent that the gentleman be heard.

The SPEAKER. The Chair thinks, the resolution having been voted upon under the operation of the previous question, that the motion to reconsider is not debatable. If the vote shall be reconsidered, then the resolution will be divested of the effect of the previous question.

Mr. ROGERS, of Arkansas. I ask unanimous consent of the House to make a very brief statement of the facts concerning the Hot Springs reservation.

The SPEAKER. The gentleman from Arkansas, pending the motion to reconsider, asks unanimous consent to make a brief statement to the House.

Several members objected.

The SPEAKER. Objection is made.

Mr. ROGERS, of Arkansas. I hope that objection will be withheld.

The SPEAKER. That must be addressed to the gentlemen making the objection.

Mr. ROGERS, of Arkansas. I think it is important to make a statement at this time.

The SPEAKER. The objection is not withdrawn. The question is, Shall the vote by which the House refused to adopt the resolution in relation to the investigation at Hot Springs be now reconsidered?

The question was taken by a *viva voce* vote; and the Speaker announced that the "noes" appeared to have it.

Mr. COSGROVE. I call for a division.

The House divided; and there were—ayes 63, noes 39.

Before the result of the vote was announced,

Mr. PAYSON called for the yeas and nays.

The yeas and nays were not ordered, there being 13 in the affirmative—not one-fifth of the last vote.

Mr. WHITE, of Kentucky. I make the point of order that no quorum voted on the motion to reconsider.

The SPEAKER. The point being made that no quorum voted, the Chair will appoint the gentleman from Indiana, Mr. BROWNE, and the gentleman from Arkansas, Mr. ROGERS, to act as tellers.

Mr. BELFORD. Will the Chair again state the question? We do not understand it fully here.

The SPEAKER. The Chair will state it. The gentleman from Missouri [Mr. COSGROVE] calls up at this time the motion entered by him some days since to reconsider the vote by which the House refused to pass a resolution in relation to an investigation of the Government property at Hot Springs, Ark. No quorum having voted on the *viva voce* vote the Chair has appointed tellers, who will take their places.

The House again divided; and the tellers reported that there were—ayes 115, noes 66.

So the motion to reconsider was agreed to.

The SPEAKER. The question now is, Shall the resolution pass? By the reconsideration the resolution is divested of the operation of the previous question, and the Chair will recognize the gentleman from Arkansas [Mr. ROGERS] as entitled to the floor.

Mr. ROGERS, of Arkansas. I ask the Clerk to read the original resolution.

Mr. COSGROVE. There is a substitute pending.

The SPEAKER. The substitute is not yet pending.

Mr. COSGROVE. I desire to state that I wish to offer a substitute for the original resolution as soon as it is reported by the Clerk.

The SPEAKER. The Clerk will read the original resolution.

The Clerk read as follows:

Be it resolved by the House of Representatives, That a subcommittee of five members from the Committee on Expenditures in the Interior Department be directed to proceed to the town of Hot Springs, in the State of Arkansas, and make such investigation in respect to the work now being done upon Hot Springs Creek, on the Government reservation at that place, and in respect to such other matters as they have been heretofore directed by resolution of the House to investigate, and to report the result thereof as early as practical; that for the purpose of paying the expenses thereof the sum of $1,500 be, and the same is hereby, appropriated out of the contingent fund of the House, the same to be expended by the Sergeant-at-Arms, under the direction of the committee.

Mr. ROGERS, of Arkansas. When this resolution was under consideration a few days ago I felt at the time that it was my duty to make the statement which I shall endeavor now to make. During the present session of Congress I have consumed perhaps not ten minutes of the time of the House, and I therefore ask its attention now while I endeavor to make a statement of the law and facts touching the Hot Springs reservation.

Especially do I invoke the attention of the members of the Committee on Expenditures in the Interior Department, for I understand that some of them regard the substitute which my friend from Missouri [Mr. COSGROVE] proposes to offer in lieu of the resolution which has just been read as perhaps a reflection upon that committee. It is due the gentleman from Missouri, and myself as well, to say that I requested the gentleman from Missouri to offer that substitute, the rules of the House depriving me of that right. When I shall have learned the rules of the House I am sure that no one will be more courteous to committees and gentlemen upon this floor than myself. I wish now to disclaim, in sug-

gesting the substitute, any intention whatever of reflecting upon the Committee on Expenditures in the Interior Department.

In order that the House may understand the scope of the substitute which the gentleman from Missouri [Mr. COSGROVE] proposes to offer, I will ask that it be read by the Clerk.

The Clerk read as follows:

Be it resolved by the House of Representatives, That a special committee of three members, to be appointed by the Speaker, be directed to proceed to the town of Hot Springs, in the State of Arkansas, and make such investigation in respect to the work now being done upon the Hot Springs Creek, on the Government reservation at that place, and into the management of the hotel, the bath-house property, and hot-water privileges situated upon said reservation, under the act of Congress approved June 16, 1880, and report the result thereof as early as practicable, together with their recommendation as to what legislation is necessary and proper for the protection of the public interest and future management of said reservation and the property and hot water situated thereon.

That for the purpose of paying the expenses thereof the sum of $1,000 be, and the same is hereby, appropriated out of the contingent fund of the House, the same to be expended by the Sergeant-at-Arms, under the direction of the committee.

Mr. ROGERS, of Arkansas. It will be observed from the reading of the proposed substitute that the scope of the duties of the committee that shall go to Hot Springs will be extended. There was an object in that, and that object is the point to which I desire now to call the attention of the House.

For thirty years prior to 1870 the Hot Springs reservation, containing four sections of land and embracing the entire natural supply of hot water at that place, was the subject of private litigation. In 1870 Congress passed an act authorizing the litigants to go into the Court of Claims to have their rights adjudicated, and if necessary to bring suits against the Government of the United States for the settlement of the question. Under that act various suits were brought in the Court of Claims and appeals were taken to the Supreme Court of the United States. In 1875 the Supreme Court rendered a decision that none of these claimants were entitled to any part of the Hot Springs reservation, but that the whole belonged to the Government of the United States.

In this connection, Mr. Speaker, let me impress upon the House the fact that while these hot springs happened to be located in the district that I am endeavoring to represent upon this floor, yet it is no more a part of my duty to look after the interests of the Government in that regard than it is the duty of any other Representative who occupies a seat in this House. It is true, Mr. Speaker, that by reason of the location of this property in my district the people of Hot Springs expect me to give it that consideration and attention which it should have; yet as a matter of principle, a matter of right, a matter of duty, it is no more incumbent upon me than upon any other Representative to look after the interests of the Government in this particular.

Permit me to mention a point which I believe the House did not fully understand when this resolution was up for consideration. This is not a request, not a clamor by the people of Hot Springs for a donation to improve private property. It is, on the contrary, a simple question whether the Government will go on and complete the work which it has itself inaugurated upon its own property.

When the Supreme Court of the United States determined that this property belonged to the Government the question at once arose, what is to be done with it? A city of six or eight thousand people had grown up on this reservation, the parties supposing that they owned a good title to the property that they had bought. By a liberal and humane act Congress undertook to adjust the equities between the citizens and the Government, and five years ago all questions of that kind were determined by the commission appointed under the act of Congress or in cases litigated in the highest tribunal of this country.

Then the question arose what Congress should do with that part of the reservation upon which these celebrated waters were found. Congress in the very first act upon the subject settled one point—that this Hot Springs reservation should be forever dedicated to the United States and made inalienable for all future time. The proviso in the conclusion of that act reads as follows:

That all title given or to be given by the United States shall explicitly exclude the right to the purchaser of the land, his heirs or assigns, from ever boring thereon for hot water; and the hot springs, with the reservation mentioned, are hereby dedicated to the United States, and shall forever remain free from sale or alienation.

That was the first act of Congress settling the policy of the Government with reference to this reservation. By the terms of a second act upon the same subject, an act amendatory of the one from which I have just read, Congress determined another question of policy—that everything in the way of receipts, either from the sales of those parts of the reservation that the Government had determined to sell or from the leasing of perhaps $200,000 worth of improvements upon the Hot Springs reservation in the shape of bath-houses and hotel property as well as hot-water privileges, should be covered into the Treasury, and kept separate and apart for the improvement of this reservation which had been dedicated perpetually to the use of the United States.

In this connection let me invite attention to another proposition. The Government has never devoted one dollar to the improvement of the Hot Springs reservation that did not proceed from the source I have just indicated—that was not a part of the receipts from the sale of lands or the renting of houses and water privileges upon the reservation.

What was the next step? After setting apart this fund for the improvement of that reservation Congress some two or three years ago made an appropriation for the purpose of improving the creek which lies in the gorge of the mountain where the principal part of the city of Hot Springs stands, and constituting the front part of that portion of the reservation where the hot waters are found. The appropriation made at that time for the construction of this work—the walling and arching of this creek, a work absolutely indispensable in order to render the property of the Government accessible and valuable—has been exhausted, and the work of improving this creek stands to-day in an unfinished state and subject to be absolutely destroyed by the high water. About one hundred yards, perhaps, of the creek has been arched; perhaps more than half the creek has been walled and the débris, the rock, the rubbish, is thrown in the street, so that one side is absolutely impassable and the other not wide enough for two wagons to pass each other for perhaps more than half of the distance of half a mile over which the Government has undertaken to carry this work.

The first question is, Will the Government complete this work? Will Congress make an appropriation to go on with the work, or will it suffer it to be destroyed by the rains of the winter and spring? If a single freshet like that which came there two years ago should now occur, perhaps three-fourths of all the work already done would be completely swept away; for I myself saw, along the railroad near Hot Springs, places where the waters of the river had left the sediment upon the brush alongside the railroad as high as the car windows. This whole street was at that time swept by the flood, rendering this great highway in front of the Government property absolutely impassable at some points.

Mr. BELFORD. Will the gentleman allow me to ask him a question?

Mr. ROGERS, of Arkansas. I prefer not to be interrupted just now, but will take great pleasure in yielding to the gentleman at the conclusion of my remarks.

Mr. BELFORD. I will defer my question until the gentleman gets through.

Mr. ROGERS, of Arkansas. There is another consideration upon this subject of the improvement of this creek. Much has been said through the public press or through other sources of there being some rascality, some dishonesty, in connection with this matter. Let me say in that respect so far as I am personally cognizant I know of nothing that would justify an investigation simply on that score alone. I do not pretend to say to the House that things have not gone crooked there, but I say I do not desire to assume the responsibility of sending an investigating committee there on the evidence in my knowledge that something has gone wrong or crooked in reference to these springs. Other gentlemen may be in possession of information that would justify the investigation solely on that ground. I am not.

But there is another feature in connection with this reservation to which I wish especially to invite the attention of the House. As I said a moment ago, the Government owns perhaps $200,000 worth of buildings on that reservation. Five years ago Congress passed an act authorizing the leasing of this property and the leasing of hot-water privileges on the reservation for a term of five years. That term has expired, the law has expired, and the Secretary of the Interior informed the President during the present session of Congress that there was no authority of law under which he was able to control and manage this reservation. Perhaps that is not the language he used, but that is the idea he expressed, and the President has invited the attention of Congress to the fact that he was without authority of law to proceed with the control and management of these hot-water privileges as well as these valuable improvements owned by the Government which are located upon this Hot Springs reservation. That matter is now before the Committee on Public Buildings and Grounds for investigation, and touching that question there have been complaints on both sides that the Secretary of the Interior, operating under the old law which has now expired, allowed the rights of the Government to pass into the hands of a monopoly, so that the great purposes and objects which the Government had in view when it enacted the law have been defeated by the action of a Secretary of the Interior himself operating under that law. On the other hand, it is asserted that parties who are indigent, unable or unwilling to do anything in the shape of improving the bath-houses, have leased property or water privileges with a view to compel others who were able to buy them out; in other words, a system of quasi blackmail. Now, the truth or falsity of these matters is something about which I know nothing, and about which I admit nothing to be true or untrue. One thing I do know, one thing I do assert, and that is, if the Government intends to hold on to this property according to any settled policy it ought to adopt that system of legislation, it ought to mature that system of legislation during the present session of Congress, which would take this whole subject out of the hands of Congress for the next twenty years. And it ought to do that with this idea in view, that these waters should be made accessible by legislation to the largest number of persons and at the lowest possible rate consistent with the interests of the Government and with the rights of those operating the bath-houses now located on the public grounds at these Hot Springs.

I say it is utterly impossible, Mr. Speaker, for that committee, knowing nothing of these transactions, not in possession of the facts, to ma-

ture such legislation as is necessary without some sort of investigation of what the Government ought to do. Whatever legislation is to be had at this session of Congress in reference to this reservation, or in reference to the valuable property located upon it, ought to be legislation carefully matured and permanently established, so the great purpose of the Government could be successfully carried into effect.

I believe I have nothing more to say at this time, but I will answer any question I can answer put by any gentleman of the House who desires information on this subject.

Mr. BELFORD. I have one or two inquiries to put to the gentlemen from Arkansas, if he will yield the floor for that purpose.

Mr. ROGERS, of Arkansas. I will yield to the gentleman from Colorado for that purpose and answer his questions if I can do so.

Mr. BELFORD. In order that I may understand the subject under discussion I will put to the gentleman one or two inquiries, and the first one is, how much of this reservation is actually improved?

Mr. ROGERS, of Arkansas. Relatively speaking, but a small amount of that which is perpetually dedicated to public uses.

Mr. BELFORD. I understood the Government had authorized certain hotel privileges at the springs, and I would like to inquire of the gentleman whether it is not the fact that the men who run this hotel have got a monopoly of these springs.

Mr. ROGERS, of Arkansas. My friend here says no; but I know myself they have not got a monopoly of the springs. I am not perfectly cognizant of the status there, as I have already stated in my remarks, but this is a question which requires investigation, with a view of maturing such legislation as will prevent any such monopoly. At this time there is no law governing it at all.

Mr. BELFORD. Let me ask another question, then. Do you not think it would be a good scheme to allow other parties, disconnected with this hotel, to obtain leases from the General Government, with a view to advancing and multiplying the facilities of that spring for the benefit of the public? I desire to vote for this, but certain suggestions have been made to me in reference to this matter.

Mr. ROGERS, of Arkansas. I can not answer that question either yea or nay. It assumes, in the first place, the men who hold the hotel property have a monopoly. I do not know that to be so. I am informed otherwise; but if they have, they ought not to have it.

Mr. BELFORD. I say I understood they had, and to find out that fact I put the inquiry to the gentleman. I have not had those infirmities which would require me to go to the Hot Springs. [Laughter.]

Mr. OATES. I wish to ask the gentleman from Arkansas a question.

Mr. ROGERS, of Arkansas. I yield to the gentleman from Alabama for that purpose.

Mr. OATES. I wish to ask the gentleman if it has not been alleged that the waters set apart at the Hot Springs for free baths for the benefit of the indigent have been greatly misused and the privileges abused so that their benefits do not go to those for whom they were set apart?

Mr. ROGERS, of Arkansas. I have heard so. Indeed, I may say in response to the gentleman from Alabama that upon that point my information is authentic; and that these free baths, set apart for the indigent, for the poor people who are unable to pay their way, have been to a large extent monopolized for other purposes, and the parties for whose benefits this provision was made are largely excluded. Now, if that be true, it is a matter that should be corrected, and the truth or falsity of the statement ought to be determined by investigation. I called the attention of the Secretary of the Interior to that complaint, and he promised me to look into it and remedy the abuses if they exist.

Mr. MCADOO. Let me ask the gentleman from Arkansas why we can not investigate this matter just as well here as by sending a commission to the springs?

Mr. ROGERS, of Arkansas. There are several reasons, one of which is that it would largely increase the cost to undertake to bring these witnesses here. Another is that the information can be much better obtained on the ground. I say it is utterly impossible for a committee to make that character of careful investigation here which this subject demands, for the reason that the committee must be on hand to see the working of the system, to look over the ground itself, to see the people who are there, and hear all sides of the question; and, I repeat, this can be done at less expense by sending a committee than by bringing witnesses here.

Mr. MCADOO. Would the difference be material?

Mr. ROGERS, of Arkansas. It will cost $200 for each witness who is brought here. There are many witnesses who must be examined, while it is provided in this resolution that the whole cost of the investigation shall not exceed $1,000.

I now yield to the chairman of the Committee on Expenditures in the Interior Department.

Mr. CLARDY. I wish to ask a question.

Mr. COSGROVE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COSGROVE. I did not suppose that I had yielded all the time to the gentleman from Arkansas, but believed that I still controlled the floor. There are gentlemen here who desire to offer some amendments, and I wanted to control the floor in order that they might be introduced.

The SPEAKER. The Chair was not advised by the gentleman from Missouri how much time he proposed to yield to the gentleman from Arkansas, and supposed he yielded the floor. The gentlemen, however, can arrange that between themselves.

Mr. ROGERS, of Arkansas. I only desire to yield the floor for a while to the chairman of the Committee on Expenditures in the Interior Department, and will hold it temporarily myself to answer a question which I understand the gentleman from Missouri [Mr. CLARDY] desires to propound. After that I shall be perfectly willing to relinquish it to the gentleman from Missouri.

Mr. COSGROVE. That is all; I desire to have the floor so that an opportunity might be given for these amendments.

Mr. CLARDY. I wish now to ask the gentleman from Arkansas a question. I understood him in the outset of his remarks to say that he particularly desired the appointment of this committee from the Committee on Expenditures in the Interior Department, and I expected to hear from him his reasons why he proposed to raise a special committee of this House rather than take it from the members of the committee that have had this subject under investigation.

Mr. ROGERS, of Arkansas. I had intended to state the reasons, and I am much obliged to my friend for inviting my attention to the omission. My original idea was to ask for the appointment of a committee of five members. It was my wish that one of these should be taken from the Committee on Appropriations, which committee would have to deal with the question of the continuation of the work at Hot Springs, in order that that committee might have personal knowledge of the affairs at the Hot Springs. I desired that one of the committee should be taken from the Committee on Public Lands, because there is a certain part of the reservation which comes under the operation of the General Land Office, the Government having at Little Rock an agency for the sale of Government lands. In the third place, it was my wish that one of the members of the committee should come from the Committee on Public Buildings and Grounds, because the jurisdiction of a part of the reservation comes under the control of that committee. And then I desired that one member should come from the Committee on Expenditures in the Interior Department, and that the other would come from the House generally, as he might be selected by the Speaker. I was in hopes, however, that the composition of the committee would have been as I have suggested, my whole idea being to get one member from each one of these committees that had to deal with the subject-matter; and that was the whole reason that I asked for the formation of the committee in that manner.

On reflection, however, in order that this examination might be made as economically as possible, I concluded to drop two of the members which were to be appointed by the House, and have limited the number to three.

I now yield to the gentleman from Tennessee chairman of the Committee on Expenditures in the Interior Department.

The SPEAKER. How much time does the gentleman yield?

Mr. YOUNG. I only want about fifteen minutes.

Mr. ROGERS, of Arkansas. How much time have I remaining?

The SPEAKER. Thirty-nine minutes.

Mr. ROGERS. I yield fifteen minutes.

Mr. YOUNG. I shall scarcely need so much time, Mr. Speaker. In view of the judgment of this House, as expressed by their votes two or three days ago on the recommendation of the committee of which I am chairman, in all probability it would be more proper and becoming if I were to permit this matter to pass without any argument on my part. I might waive any question of personal self-respect, but I do not feel at liberty to waive a question of respect for the committee over which I have the honor to preside.

As I stated, both in my verbal argument before the House and in the written report which I have submitted, it was not the wish of the committee to have the order of the House to visit Hot Springs. I stated then, as I do now, that the wanton and unfounded charge of the gentleman from Kentucky [Mr. WHITE] that this committee was seeking, under the guise of a report to this House, to organize a junketing expedition at the public expense was a libel upon the committee and every gentleman who composed it. I yet entertain the same opinion.

As respects the wishes of the committee in visiting Hot Springs, we would prefer that this investigation should be made here. Individually we would prefer that some other committee of this House should be charged with the performance of that duty. We have no personal interest in this matter. It was not by our procurement that it was ordered by the House that we should make this investigation, and in all we have done in this matter, in the resolutions which we have offered and the reports which we have submitted to the House, we only desired to perform in a becoming and efficient manner the duties which the House by its resolution, unsought by us, confided to this committee.

I confess I was astonished at the action of the House when this matter was presented before. Perhaps it is accounted for by reasons not necessary now to recount. But I owe it to myself and to the committee to state again that our report was presented after conference with nearly every member of the Arkansas delegation; and therefore it was that I was surprised when one of them rose in his place on the floor and declared it did not meet his approval and another one of them voted against it.

Mr. DUNN. That is too strong a statement. I did not say the report did not meet my approval. I said I had not been consulted, and the report was not in any way based on any advice given by me at any time.

Mr. YOUNG. I am not quarreling with my friend from Arkansas [Mr. DUNN]. I am making this statement in justice to myself and to the committee to show to the House it was by none of our seeking that we were placed in this attitude.

Now, in respect to the substitute offered by the gentleman from Missouri [Mr. COSGROVE], providing for the appointment of a special committee, if I were to consult my public engagements here as well as my personal wishes, I should prefer that the substitute should be adopted; and if the House chooses to adopt it, I shall certainly urge no objection after I have made one or two other statements, which, in my judgment, should be considered before that substitute is adopted.

The resolution itself is defective in form. Nothing can be accomplished under the powers which it confers upon the proposed select committee. It is not proposed in that resolution that the select committee to be raised shall be clothed with the power to send for persons or papers or to administer oaths, to employ a stenographer or to have a clerk. Without these functions and powers such a committee had as well remain in the city of Washington as to go to Hot Springs. Without the power to summon witnesses, to send for papers, to administer oaths, to procure the services of a clerk or stenographer to take down the testimony, they would be utterly powerless to accomplish the object contemplated in the resolution.

Now, a word in reference to the necessity of sending a committee there at all. I never would have given my consent to the making of such a recommendation, nor do I believe that a single member of the Committee on Expenditures in the Interior Department would have done so, if we had not been entirely satisfied by the investigation we had made up to that time and by the facts which were laid before us that any investigation made here in Washington could result in nothing. It would be one-sided at the best.

There are probably fifty witnesses in Hot Springs that know or profess to know important facts bearing upon the object of this investigation. They would have had to be brought here at an expense of at least $5,000; and then their examination might not have resulted in anything satisfactory to this House, nor in the development of any facts upon which any committee of it would have felt warranted in making a report. A careful estimate of the expenses that would have been incurred in the visit of the subcommittee to Hot Springs satisfied me at the time that $1,500, the amount asked for in our original resolution, would be sufficient to cover all the expenses that would be necessary. Upon further consideration, however, and more mature investigation of the subject, together with inquiry from sources which could give me reliable information on that subject, I am satisfied now that $1,000 will cover the entire expense if prudently handled.

There can be no question that the investigation ought to be made. It is urgently demanded by considerations of public interest, many of which have been strongly and forcibly stated by my friend the Representative from that district. There is a difference of opinion, honestly entertained I have no doubt, among the people of Hot Springs as to whether or not the plan of this work is the proper one; whether or not its prosecution in accordance with the present plans and specifications will not be destructive to the public health of the town. They also differ as to whether or not the material used in its construction is of the proper character. They differ as to whether or not the material admitted to be good is being put up in a skillful and proper manner. Then I gather from the newspapers published in that town, from the proceedings of a public meeting held only two or three days ago and a memorial sent here by their city government, that a strong suspicion prevails that the money appropriated by the Government for the construction of the work has been misapplied. But I join in what the gentleman from Arkansas has so well said, that from the testimony before us I am not prepared to say that any part of that money has been improperly expended, though it has been charged in the public newspaper press of that town and at public meetings for more than a month past that such is the fact.

We have had before us the Assistant Secretary of the Interior; and I do him the credit to say that so far as I was able to judge he made a fair, full, frank, and honest statement of his action in the matter, and insisted that as a matter of right and justice to him this investigation should be had, so that if he was falsely accused, if he was wrongfully charged with improper official conduct, he might be vindicated by the action of this House, and if guilty, that the fact should be known; and in this I agree with him.

Mr. BLOUNT. Allow me to ask the gentleman if the question of the leases is to be inquired into?

Mr. YOUNG. That is one of the things the Secretary desires to have examined.

Mr. BLOUNT. The gentleman misunderstands me. He is insisting upon the passage of this resolution on the ground that the Secretary of the Interior thinks that he has a right to be investigated, as charges have been made against him. I ask the gentleman if those charges relate simply to the leasing of the property?

Mr. YOUNG. The gentleman misunderstands me. I did not state that the Secretary of the Interior demanded an investigation as a right, but I did state, which is the fact, that when the Secretary of the Interior was before us he requested that the investigation might be prosecuted and all the facts brought out.

In reference to the lease of the property, we had an informal conversation on that subject, and our attention was directed to the law under which this property is at present leased. It will be at once apparent to any lawyer from the most casual examination of the law that there are glaring defects in it which ought to be corrected at once.

More than $200,000 has been expended at Hot Springs by the lessees of the Government in the erection of bath-houses, and there has been perhaps an annual expenditure of $20,000 more to keep the improvements in a proper state of repair. Under existing law their tenure is by lease for five years, without any power on the part of any officer of the Government, as the law is construed by the Interior Department, to extend such lease beyond that period.

The Secretary of the Interior is of the opinion that Congress, by appropriate legislation, should make some definite term of leasehold under which this property may be held, and I am myself of the same opinion. Congress ought either to take the property and hold it as the property of the Government, to be managed by a Government superintendent, or else it ought to lease, under proper restrictions, for such a term of years as would warrant the lessees in making the necessary improvements and keeping the property in a proper state of repair.

All that my friend from Arkansas [Mr. ROGERS] has said in reference to the importance of an early prosecution of this work I most heartily indorse. This is a place of national health resort, perhaps the most famous in the world. It is every day growing in reputation, and every year the number of visitors that flock there is increasing. For the year preceding the 1st day of September last 36,000 invalids had visited Hot Springs, and the number will most likely increase every succeeding year, and the time is not far distant in the future when it will be the Baden-Baden of this country. We therefore need to be careful in any legislation that is ventured upon in respect to a subject of such public importance.

As properly stated by the gentleman from Arkansas, he has no more interest in this matter than a Representative from South Carolina or from any other State. Every citizen of this country is equally interested in the Hot Springs, in the proper application of its curative properties, and in its maintenance as a health resort.

[Here the hammer fell.]

Mr. REAGAN. I desire to ask the gentleman a question. Is he aware of the price at which the Arlington Hotel was turned over to the Government?

Mr. YOUNG. I am. I was here when the law was passed authorizing it. The lessees of that property pay $1,000 per annum.

Mr. REAGAN. How much did they get for the property?

Mr. YOUNG. The price fixed by the commissioners was $22,500, but it has never been paid by the Government.

Mr. DUNN. The Government never paid a dollar for the property. It was condemned by the commission in the interest of the present proprietors at $22,500; but Congress refused to allow them to be paid for it. It allowed them either to take the property and use it on a lease which they had of the ground on which it stood or to surrender the property and take their pay for it. They kept the property. That is the attitude it now is in.

Mr. YOUNG. That is true. They were allowed that amount upon a valuation fixed by the Hot Springs commissioner, and a certificate as directed by law for the sum of $22,500, which certificate they have in their possession yet; no part of it has been paid by the Government. They hold the Arlington Hotel by a leasehold, under an act of Congress, for ten years, at $1,000 a year.

Mr. BLOUNT. I desire to ask the gentleman who has charge of the construction of the works there?

Mr. YOUNG. The Interior Department.

Mr. BLOUNT. Then I would like to ask my friend further whether the Interior Department has not the necessary facilities in men and means to investigate that work as to the material employed and every other matter connected with the construction, quite sufficient to protect the Government and quite as effective as would be a committee of members of this House?

Mr. YOUNG. The Interior Department, or an officer of that Department, is the very one we are called upon to investigate. He is charged with wrongdoing in the prosecution of the work. But as I said before, the committee have no evidence before them so far that the charge is true or upon which we can base any judgment at all. The Department has furnished us with all the means at its command to make the investigation, but we have found them inadequate; otherwise we would have proceeded without bringing the matter before the House.

Mr. COSGROVE. The gentleman from Indiana [Mr. HOLMAN] desires to offer an amendment to the substitute, and I will yield to him to have it read.

Mr. HOLMAN. I move to amend by inserting, after the words "under the act of Congress approved June 16, 1880," that which I send to the Clerk's desk.

The Clerk read as follows:

The said committee shall also inquire into the leases which have been made by the Government at said springs, the fairness thereof, and whether the conditions thereof have been fulfilled, and into all matters connected with the Government property and the management thereof at said springs; and whether the interests in said springs have been monopolized to the injury of the public; and shall have power to send for persons and papers and examine witnesses.

Mr. COSGROVE. How much time have I left?

The SPEAKER. The gentleman has eighteen minutes of his time remaining.

Mr. COSGROVE. I am inclined at this time to accept the amendment of the gentleman from Indiana [Mr. HOLMAN]. But I also wish to yield to the gentleman from North Carolina [Mr. COX] and then to the gentleman from Louisiana [Mr. ELLIS] to offer amendments.

The SPEAKER. The gentleman from North Carolina [Mr. COX] will send up his amendment. Is it to the original resolution or to the substitute?

Mr. COX, of North Carolina. It is to the substitute.

The SPEAKER. No further amendment to the substitute is in order, there being an amendment already pending offered by the gentleman from Indiana [Mr. HOLMAN], being an amendment in the second degree.

Mr. COSGROVE. I will accept it.

The SPEAKER. The gentleman can modify his substitute as he chooses.

The Clerk read the proposed amendment of Mr. COX, of North Carolina, as follows:

And the said committee shall further inquire whether the interests of the Government would be promoted by selling its interest in said property, and report their conclusions.

The SPEAKER. Does the gentleman from Missouri accept the amendments proposed by the gentleman from Indiana [Mr. HOLMAN] and the gentleman from North Carolina [Mr. COX]?

Mr. COSGROVE. I do.

The SPEAKER. Then the proposition of the gentleman from Missouri will be considered as so modified.

Mr. ELLIS. I desire to offer, if it be in order, a substitute for all the propositions.

Mr. COSGROVE. I yield to the gentleman from Louisiana [Mr. ELLIS] for five minutes.

The SPEAKER. The gentleman from Louisiana proposes as a substitute for the proposition of the gentleman from Missouri what the Clerk will read.

The Clerk read as follows:

Whereas the Committee on Expenditures in the Interior Department having been heretofore directed by resolution of the House to make certain investigations in respect to the public work being done at Hot Springs, in the State of Arkansas, and as to the management of the public property on the Government reservation at that place; and the said committee having reported to the House that the said investigation can not be properly made by summoning witnesses from Hot Springs and other places except at a cost to the Government of several thousand dollars, and that a subcommittee of five could proceed to Hot Springs and there make the investigation provided for in a more satisfactory manner and at very much less cost: Therefore,

Be it resolved by the House of Representatives, That the Committee on Expenditures in the Interior Department is hereby authorized and directed to send a subcommittee, consisting of five of its members, to town of Hot Springs, in the State of Arkansas, for the purpose of making the investigation heretofore ordered by the House; and that the said subcommittee be, and the same is hereby, authorized and empowered to send for persons and papers, and administer oaths; and that for the purpose of paying the cost thereof the sum of $1,000 is hereby appropriated out of the contingent fund of the House, the same to be expended by the Sergeant-at-Arms under direction of said committee.

Mr. COSGROVE. I wish to raise a point of order. It seems to me that this substitute is simply a reoffering of the original resolution, with the exception that the sum of $1,000 is inserted instead of $1,500.

Mr. ELLIS. A further difference is that the Committee on Expenditures in the Interior Department is charged with this duty by the substitute.

Mr. COSGROVE. That was the original proposition. The substitute, as I understand, is exactly like the original resolution, except that it proposes an appropriation of $1,000 instead of $1,500.

Mr. YOUNG. The original resolution did not provide, as this substitute does, that the committee shall have power to send for persons and papers, administer oaths, &c., a power very necessary if the investigation is to be properly made.

The SPEAKER. The Chair thinks that the two propositions differ in several material respects.

Mr. COSGROVE. I yield to the gentleman from Louisiana, that he may explain his proposition.

Mr. ELLIS. I do not believe it would be treating properly the Committee on Expenditures in the Interior Department if, after having charged that committee with this investigation, we should now take the matter out of its hands. As I understand, this House by a resolution adopted some time ago devolved upon that committee the duty of making this investigation. As I am informed the committee has already performed some of the preliminary work relating to the investigation. Some of the parties interested have already been before the committee. The committee has also obtained plans and drawings of the entire work. It has been devoting time and attention to the matter.

Now, while I listened with great pleasure to the lucid statement of my friend from Arkansas, which strengthened me in the opinion that this investigation ought to be made, yet I failed to appreciate the full force of the reason which he gave for desiring to take this investigation from the committee already charged with it and give it to a special committee. The Committee on Appropriations has already been crippled by the sickness and absence of some of its members, and has thus been unable to call subcommittees together. The Committee on the Public Lands is in conflict with the "giant monopolies" of this country in connection with railroad land grants and all that sort of thing. [Laughter.] It is not wise to cripple any of the busy committees of this House by taking away its members when we have a committee specifically charged by a resolution of the House with this duty. Such a course appears to me to offer—though I know my friend from Arkansas would be the last man to do that—an absolute indignity to the committee in taking this matter from its hands after it has been charged with it.

I will say further that it is necessary that a subcommittee shall go to Hot Springs. Although some of the witnesses are able to come and have come, many of the people interested in this investigation are not able to come. The expense of the investigation will be diminished by sending a subcommittee.

Mr. MCADOO. I would like to ask the gentleman a question. He has spoken of "crippling" the leading committees of the House. Is it not a fact that many of the members of the Committee on Expenditures in the Interior Department are also members of other committees, important committees of the House; and when they go away will not these committees be just as much "crippled" as if the Speaker appointed a subcommittee?

Mr. ELLIS. I am not aware that such is the fact.

[Here the hammer fell.]

Mr. COSGROVE. Mr. Speaker, how much time have I?

The SPEAKER. Nine minutes.

Mr. COSGROVE. I yield five minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, I think it very important the committee which has had charge of this matter for some time, which has been making various investigations, which has been in communication with the Interior Department and numbers of witnesses, and brought forward a resolution for investigation to this House, should not be cut short in that work by this House, and the investigation turned over to a new committee, which may not be so well qualified by information to make it. It seems to me, as has been suggested by others, the unreasonableness of the proposition is a reflection on that committee which this House ought not to make. And unless there is such reflection intended by it there is an absolute impropriety in doing it at all.

I appreciate the suggestion of economy in reducing the committee from five to three and would have preferred it, but the gentleman from Tennessee [Mr. YOUNG] chairman of the Committee on Expenditures in the Interior Department has assured us that three members will not be sufficient to make the investigation. I do not know the number of witnesses to be examined, I do not know the variety of issues to be raised, but I conceive with the most perfect propriety and with due regard to the public interests the gentleman may have concealed, as he ought to conceal, the whole scope of the proposed investigation. I am willing if the investigation is to be had, if there are allegations of the misappropriation of funds, if there are frauds at the Hot Springs to be investigated, if it is proper that the investigation shall be had, that the chairman of the committee which has had this subject under consideration shall come into this House with a committee of not three but five members and provided with ample powers to make thorough inquiry. There are reasons which the committee of this House have reported are sufficient, and there are reasons which a Cabinet officer of the Government has said are ample, and I am willing if it is to be done to trust a Cabinet officer and a committee of this House, especially when they have been investigating the subject for weeks, not only as to the number of the committee but the scope of the inquiry. I am not in favor of "swelling" committees, but when an investigation is to be had I am not for tying the hands of the committee. Therefore I trust if anything is to be done the original proposition as reported from the committee having charge of the subject will be adopted.

Mr. COSGROVE. Mr. Speaker, I wish simply to state that so far as I am concerned I have no personal motive in this matter whatever. When I offered the substitute it was distinctly understood between the gentleman and myself that I should not be on the committee. I thought five were too many, and that $1,500 would be more than would be required.

Mr. CLARDY. I ask my colleague to yield to me for one minute.

Mr. COSGROVE. Certainly.

Mr. CLARDY. I do not know I can say anything in addition to what has been said by the gentleman from Tennessee [Mr. YOUNG]. I trust I shall not offend good taste in what I shall say. The House remembers when the original resolution was presented by the chairman of the Committee on Expenditures in the Interior Department that resolution was beaten, and I must confess my astonishment when a motion was made to reconsider that vote to-day. But the House voted to reconsider

it, and a substitute was at once offered which indicated very clearly that the opponents of it had no faith either in the honesty or the competency of the members of the Committee on Expenditures in the Interior Department. I can say, so far as I am concerned myself, that I announced to the committee that under no circumstances could I go to the Hot Springs. It can not, therefore, be suspected I want to visit that resort for the purpose of pleasure, for it would be utterly impossible for me to go at all. But I say in behalf of that committee what the gentleman from Tennessee has said, that I do not think the substitute offered by the gentleman from Arkansas should be adopted unless the House believes the members of the Committee on Expenditures in the Interior Department are either incompetent or dishonest. That is all I have to say.

Mr. COSGROVE. I certainly do not take any of the remarks of my colleague as applicable to myself, for I have neither said nor acted in the matter in a way to justify anything that would make his remarks applicable to me, and I suppose they are not so intended.

I yield a minute to the gentleman from Arkansas, who wishes to be heard.

Mr. ROGERS, of Arkansas. Mr. Speaker, I took occasion before this resolution came up to-day to consult with my friend from Missouri, and also with the chairman of the Committee on Expenditures in the Interior Department, with reference to this subject. I say to you, Mr. Speaker, and to the House that I do not recall at this time what other gentlemen constitute that committee except the two to whom I have referred. The reason that I had this conference with them was that I might express to them my views upon the subject so that they might confer with each other and explain the idea I had in view. I thought I had made it clear to them that nothing was intended which would justify the remarks of the gentleman from Missouri who has just taken his seat. I thought I had made a full and perfect disclaimer of anything of that sort, and also that on his inquiry I had given the reasons why it would be wiser and more prudent in my judgment to select this special committee in the manner I have indicated. I now repeat the reasons, and with that repetition I disclaim any other motive or object than what I have already stated to the House. I suggested that I hoped the Speaker of this House would in his wisdom, if this resolution passed and this special committee should be authorized, select a member of that committee from the Committee on Public Lands, for the reason that that committee might have further legislation touching that part of the reservation over which they had jurisdiction if they deemed it essential. I said I hoped one member would come from the Committee on Appropriations, so that the committee which had control of the appropriation for continuing the work there would have personal knowledge of the needs of the service. I said also that I hoped one would come from the Committee on Expenditures in the Interior Department, of which the gentleman is a member, because that committee had jurisdiction over part of the subject-matter, namely, the expenditures on Hot Springs Creek, and also that another member would be taken from any committee having jurisdiction over some part of the subject. These reasons may not be ample to satisfy the minds of gentlemen as to the necessity of organizing the committee in that way, but to my mind they are strong, and they are the only ones I had in view.

Mr. COSGROVE. I now demand the previous question on the division of the resolution and amendments.

Mr. WHITE, of Kentucky. I hope the gentleman will not do that. I wish to call attention to the fact that the debate has been altogether on the side of the friends of this measure, and no opportunity has been given to those who are opposed to it.

Mr. COSGROVE. I must insist upon the demand for the previous question.

The previous question was ordered.

The SPEAKER. The first question is upon agreeing to the amendment proposed by the gentleman from Louisiana [Mr. ELLIS] to the amendment of the gentleman from Missouri, which the Clerk will report.

The Clerk read as follows:

Whereas the Committee on Expenditures in the Interior Department having been heretofore directed by resolution of the House to make certain investigations in respect to the public work being done at Hot Springs, in the State of Arkansas, and as to the management of the public property on the Government reservation at that place; and the said committee having reported to the House that said investigation can not be properly made by summoning witnesses from Hot Springs or other places except at a cost to the Government of several thousand dollars; and that a subcommittee of five could proceed to Hot Springs and there make the investigation provided for in a more satisfactory manner and at very much less cost: Therefore,

Be it resolved by the House of Representatives, That the Committee on Expenditures in the Interior Department is hereby authorized and directed to send a subcommittee, consisting of five of its members, to the town of Hot Springs, in the State of Arkansas, for the purpose of making the investigation heretofore ordered by the House; and that the said subcommittee be, and the same is hereby, authorized and empowered to send for persons and papers, to administer oaths; and that for the purpose of paying the cost thereof the sum $1,000 is hereby appropriated out of the contingent fund of the House, the same to be expended by the Sergeant-at-Arms under the direction of the said committee.

The SPEAKER. The question is on agreeing to the amendment which has been read.

Mr. ELLIS. Can I amend by substituting three instead of five members?

Mr. RANDALL. That will make the amount of money, $1,000, cover the expenses.

The SPEAKER. That can be done by unanimous consent.

If there be no objection that modification will be made.

There being no objection, the amendment was modified by striking out "five" and inserting "three."

The SPEAKER. The question is on agreeing to the resolution as modified.

The House divided; and there were—ayes 56, noes 36.

So the amendment was agreed to.

Mr. ELLIS. Mr. Speaker, I would like to ask unanimous consent that the amendment offered by the gentleman from Indiana [Mr. HOLMAN] be incorporated as a portion of that amendment.

The SPEAKER. Is there objection?

Mr. BLOUNT. Let it be reported.

The SPEAKER. It will be read in its proper connection with the amendment already adopted.

The Clerk read as follows:

Add to the resolution the following:

"The said committee shall also inquire into the leases which have been made by the Government at said springs, the fairness thereof, and whether the conditions thereof have been fulfilled, and into all matters connected with the Government property and the management thereof at said springs, and whether the interests in said springs have been monopolized to the injury of the public; and shall have power to send for persons and papers."

Mr. HOLMAN. The last part of that, "shall have power to send for persons and papers," should be stricken out.

The SPEAKER. That will be done. Is there objection to the suggestion of the gentleman from Louisiana to incorporate this as a part of the amendment just agreed to?

There was no objection.

Mr. McADOO. I ask unanimous consent for incorporation into the substitute of the amendment of the gentleman from North Carolina enlarging the scope of this investigation.

Mr. ELLIS. I accept the suggestion and hope unanimous consent will be given.

The SPEAKER. Is there objection?

Mr. WHITE, of Kentucky. Before that is done do I understand that the amendment of the gentleman from Indiana is to be incorporated as it was read? If so, I must object. I do not see why they should not send for persons and papers from here as well as from Hot Springs or elsewhere.

The SPEAKER. The Chair asked for objection and none was made. The amendment is not incorporated as read. A part of it was stricken out.

Mr. ELLIS. I make the point of order that the objection of the gentleman comes too late.

The SPEAKER. The objection is well taken. The Chair asked for objection and none was made.

Is there objection to the incorporation of the amendment of the gentleman from North Carolina?

Mr. BRECKINRIDGE. I object.

The SPEAKER. The question now is upon adopting the substitute offered by the gentleman from Missouri [Mr. COSGROVE] as amended.

The question being taken, it was decided in the affirmative.

The SPEAKER. The question is on agreeing to the resolution as amended.

The question being taken, there were—ayes 76, noes 40.

Mr. WHITE, of Kentucky. I ask for the yeas and nays.

Mr. LONG. Let the resolution as amended be read.

The resolution as amended was read.

On the question of ordering the yeas and nays there were ayes 22—not a sufficent number.

So the yeas and nays were not ordered.

Mr. WHITE, of Kentucky. I should like to have had the yeas and nays, and then to have seen the list of gentlemen voting placed side by side with the list of the other day.

So (further count not being called for) the resolution as amended was adopted.

Mr. ELLIS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED JOINT RESOLUTION.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 154) authorizing the Secretary of War to use rations for the relief of destitute persons in the district overflowed by the Ohio River and its tributaries, and making an appropriation to relieve the sufferers of said overflow.

CALL OF COMMITTEES.

The SPEAKER. The regular order having been demanded, the Chair will call the committees for reports.

NATIONAL BANK OF WABASH, IND.

Mr. ADAMS, of Illinois, from the Committee on Banking and Currency, reported back with a favorable recommendation the bill (H. R. 4015) to authorize the increase of the capital stock of the First National Bank of Wabash, Ind.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TRADE-DOLLARS.

Mr. DOWD, from the Committee on Coinage, Weights, and Measures, reported, as a substitute for sundry bills relating to the trade-dollar, referred to that committee, a bill (H. R. 4976) for the retirement and recoinage of the trade-dollar; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BILLS OF LADING, ETC.

Mr. REAGAN, from the Committee on Commerce, reported back the bill (H. R. 1019) to facilitate the negotiation of bills of lading and other commercial instruments and to punish frauds therein, with the recommendation that the committee be discharged from the further consideration of the same and that it be referred to the Committee on the Judiciary.

There being no objection, it was so ordered.

Mr. REAGAN, from the Committee on Commerce, also reported back the bill (H. R. 2271) relating to fraudulent bills of lading, with the recommendation that the committee be discharged from the further consideration of the same and that it be referred to the Committee on the Judiciary.

There being no objection, it was so ordered.

RATES OF FARE ON PACIFIC RAILROADS.

Mr. GLASCOCK, from the Committee on Commerce, reported back the bill (H. R. 99) to fix and establish the maximum rates of fare on the Union Pacific and the Central Pacific Railroads, with the recommendation that the committee be discharged from the further consideration of the same and that it be referred to the Committee on Pacific Railroads.

There being no objection, it was so ordered.

PUBLICATIONS OF HYDROGRAPHIC OFFICE.

Mr. LONG, from the Committee on Commerce, reported back with a favorable recommendation the joint resolution (H. Res. 134) for the distribution of the charts and other publications of the Hydrographic Office; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DAM ACROSS MISSISSIPPI RIVER.

Mr. SEYMOUR, from the Committee on Commerce, reported back the bill (H. R. 3678) authorizing the Saint Cloud Water-Power and Mill Company to construct a dam across the Mississippi River at Saint Cloud, Minn., with the recommendation that the committee be discharged from the further consideration of the bill and that it be referred to the Committee on Rivers and Harbors.

Mr. WILLIS. I doubt the propriety of that reference.

The SPEAKER. Does the gentleman from Kentucky object?

Mr. WILLIS. I do.

The SPEAKER. Then the report will go on the House Calendar, and will be printed.

BRIDGES ACROSS WILLAMETTE RIVER.

Mr. SEYMOUR, from the Committee on Commerce, also reported back with a favorable recommendation the bill (H. R. 2591) to authorize the Oregon and Pacific Railroad Company to construct one or more railroad bridges across the Willamette River, in the State of Oregon, and establish them as post-roads; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PONTON BRIDGE ACROSS THE MISSISSIPPI.

Mr. SEYMOUR, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 450) to amend an act entitled "An act to authorize the construction of a ponton wagon bridge across the Mississippi River, at or near the city of Dubuque, in the State of Iowa;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

VICTOR BEAUBOUCHER.

Mr. PHELPS, from the Committee on Foreign Affairs, reported back with a favorable recommendation the bill (H. R. 687) for the relief of Victor Beauboucher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GIOVANNI PACE.

Mr. CLEMENTS, from the Committee on Foreign Affairs, reported back with an adverse recommendation the petition of Giovanni Pace; and the same was laid on the table, and the accompanying report ordered to be printed.

HEBREW PERSECUTION, RUSSIA.

Mr. CLEMENTS, from the Committee on Foreign Affairs, also reported back with an amendment the following resolution; which was referred to the House Calendar, and ordered to be printed:

Resolved, That the President of the United States, if not incompatible with the public service, communicate to this House all communications between the Government of Russia and that of the United States, not heretofore communicated, with respect to the condition and treatment of Hebrews by the Government of Russia, and especially with reference to Hebrew citizens of the United States.

Some time subsequently,

Mr. COX, of New York, said: I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX, of New York. Was not the resolution of inquiry reported by my friend from Georgia [Mr. CLEMENTS] from the Committee on Foreign Affairs a privileged matter? And if so, why should it go to the House Calendar?

The SPEAKER. It went to the House Calendar because it was reported during the morning hour for the call of committees for reports. If the gentleman from Georgia [Mr. CLEMENTS] will withdraw the report, it being privileged, he can make it at any other time and call for its immediate consideration. Does the gentleman withdraw the report?

Mr. CLEMENTS. At the request of the gentleman from New York [Mr. COX] who introduced the original resolution, I will withdraw the report.

The SPEAKER. The report will be withdrawn to be submitted at some other time.

INSPECTOR-GENERAL'S DEPARTMENT OF THE ARMY.

Mr. LYMAN, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 1017) relative to the Inspector-General's Department of the Army; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHESAPEAKE AND OHIO RAILWAY.

Mr. DIBRELL, from the Committee on Military Affairs, reported, as a substitute for H. R. 3818, a bill (H. R. 4977) to authorize the extension of the Chesapeake and Ohio Railway Company to a point on the military lands at Fortress Monroe, Va.; which was read a first and second time, placed on the House Calendar, and, with the accompanying report, ordered to be printed.

ROAD TO RICHMOND NATIONAL CEMETERY.

Mr. DIBRELL, from the Committee on Military Affairs, also reported back with an amendment the bill (H. R. 1610) to construct a road from the city of Richmond to the national cemetery in the county of Henrico, in the State of Virginia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ISAAC R. TRIMBLE.

Mr. DIBRELL, from the Committee on Military Affairs, also reported back with an amendment the bill (H. R. 718) for the relief of the trustees of Isaac R. Trimble, of the city of Baltimore, Md.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LYMAN SPAULDING.

Mr. MCADOO, from the Committee on Naval Affairs, reported adversely the petition of Lyman Spaulding, for relief on account of the death of his son, Lyman G. Spaulding, a lieutenant in the Navy; which was laid upon the table, and the accompanying report ordered to be printed.

MONITOR AND MERRIMAC.

Mr. BALLENTINE, from the Committee on Naval Affairs, reported adversely the bill (H. R. 244) for the relief of the officers and crew of the United States steamer Monitor who participated in the action with the rebel ironclad Merrimac on the 9th of March, 1862; which was recommitted to the Committee on Naval Affairs, and the accompanying report ordered to be printed.

PROMPT LETTER DELIVERY.

Mr. SKINNER, of New York, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for H. R. 1071, a bill (H. R. 4978) to provide for the more speedy delivery of letters; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EDWARD A. GRANT.

Mr. RIGGS, from the Committee on the Post-Office and Post-Roads, reported adversely the bill (H. R. 1690) for the relief of Edward A. Grant, late postmaster at Fargo, Dak.; which was laid upon the table, and the accompanying report ordered to be printed.

SCHOOL LANDS GRANTED TO STATES.

Mr. COBB, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (H. R. 1483) to amend an act passed February 15, 1843, chapter 33, to authorize the Legislatures of cer-

tain States to sell certain lands appropriated for school purposes; which was placed on the House Calendar, and the accompanying report ordered to be printed.

MICHIGAN AND MISSISSIPPI CANAL.

Mr. MURPHY, from the Committee on Railways and Canals, reported back with a favorable recommendation the bill (H. R. 1975) to provide for the construction of the Michigan and Mississippi River Canal and to cheapen transportation; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT READING, PA.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 1321) for the erection of a public building at Reading, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT RICHMOND, VA.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 1609, a bill (H. R. 4979) for the improvement and enlargement of the public building at Richmond, Va.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COMMON SCHOOLS.

Mr. WILLIS, from the Committee on Education, reported, as a substitute for H. R. 4719 and sundry other bills of like character, a bill (H. R. 4980) to aid temporarily in the support of common schools; which was read a first and second time, recommitted to the Committee on Education, and ordered to be printed.

Mr. WILLIS. I ask until Monday next to complete the report accompanying the bill just recommitted, as required by the rules.

There was no objection, and leave was granted accordingly.

DEPARTMENT OF LABOR STATISTICS.

Mr. HOPKINS, from the Committee on Labor, reported back with an amendment the bill (H. R. 1340) to establish and maintain a department of labor statistics; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MUSTER AND PAY OF VOLUNTEER OFFICERS.

Mr. MATSON, from the Committee on Invalid Pensions, reported back the bill (H. R. 4720) to provide for the muster and pay of certain officers of the volunteer forces; when the committee was discharged from the further consideration of the same, and it was referred to the Committee on Military Affairs.

JANE CASSADY.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 3182) for the relief of Jane Cassady; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM W. DAY.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4188) granting a pension to William W. Day; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SAMUEL C. WRIGHT.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 2267) granting a pension to Samuel C. Wright; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PATRICK DRONEY.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 759) granting a pension to Patrick Droney; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN T. MARSHALL.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3663) granting a pension to John T. Marshall; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NEWTON I. MELTON.

Mr. WOLFORD, from the Committee on Pensions, reported back adversely the bill (H. R. 1486) to restore the name of Newton I. Melton, a soldier in the war with Mexico, to the pension-roll; which was laid on the table, and the accompanying report ordered to be printed.

ISABELLA J. RAMSDELL.

Mr. WOLFORD, from the Committee on Pensions, also reported back, as a substitute for H. R. 1088, a bill (H. R. 4981) granting a pension to Isabella J. Ramsdell; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. GRAY.

Mr. RAY, of New York, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 595) for the relief of William H. Gray; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

REUBEN B. CLARK AND SAYLES J. BOWEN.

Mr. RAY, of New York, from the Committee on Claims, also reported back with amendments the bill (H. R. 983) for the relief of Reuben B. Clark and Sayles J. Bowen; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS S. BROOKS & CO.

Mr. RAY, of New York, from the Committee on Claims, also reported back adversely the bill (H. R. 3031) for the relief of Thomas S. Brooks & Co.; which was laid on the table, and the accompanying report ordered to be printed.

EVANS, NICHOLS & CO.

Mr. RAY, of New York, from the Committee on Claims, also reported back adversely the bill (H. R. 3032) for the relief of Evans, Nichols & Co.; which was laid on the table, and the accompanying report ordered to be printed.

BERNARD SMYTH.

Mr. TILLMAN, from the Committee on Claims, reported back with amendments the bill (H. R. 1102) for the relief of Bernard Smyth; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LIEUT. COL. T. G. BAYLOR.

Mr. TILLMAN, from the Committee on Claims, also reported back adversely the bill (H. R. 1571) for the relief of Lieut. Col. T. G. Baylor; which was laid on the table, and the accompanying report ordered to be printed.

YARVIN C. GROOMS.

Mr. GEDDES, from the Committee on War Claims, reported, as a substitute for H. R. 437, a bill (H. R. 4982) for the relief of Yarvin C. Grooms; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY MULLEN.

Mr. GEDDES, from the Committee on War Claims, also reported, as a substitute for H. R. 1443, a bill (H. R. 4983) for the relief of Henry Mullen; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

E. D. CORNICK.

Mr. GEDDES, from the Committee on War Claims, also reported back adversely the petition of E. D. Cornick; which was laid on the table, and the accompanying report ordered to be printed.

MAX BEEBER.

Mr. ROWELL, from the Committee on War Claims, reported back adversely the bill (H. R. 1014) for the relief of Max Beeber; which was laid on the table, and the accompanying report ordered to be printed.

MRS. SARAH SPAULDING.

Mr. HALSELL, from the Committee on Private Land Claims, reported back the bill (H. R. 3248) granting relief to Mrs. Sarah Spaulding; and the same was referred to the Committee on Claims.

RANCHO DE NAPA.

Mr. LOWRY, from the Committee on Private Land Claims, reported, as a substitute for H. R. 1882, a bill (H. R. 4984) authorizing the claimants to the Rancho de Napa, in Napa, Cal., to prove up their title; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MUTUAL FIRE INSURANCE COMPANY.

Mr. MULDROW, from the Committee on the District of Columbia, reported, as a substitute for H. R. 2242, a bill (H. R. 4985) supplemental to and amendatory of an act to incorporate the Mutual Fire Insurance Company of the District of Columbia; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SHIPPING COMMISSIONERS.

Mr. LONG, from the Select Committee on American Ship-building

and Ship-owning Interests, reported, as a substitute for H. R. 2247, a bill (H. R. 4986) concerning shipping commissioners; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

AMERICAN MERCHANT MARINE.

Mr. HUNT, from the Select Committee on American Ship-building and Ship-owning Interests, reported, as a substitute for H. R. 3963, a bill (H. R. 4987) for the encouragement of American merchant marine and to promote postal and commercial relations with foreign countries; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

IMPROVEMENTS IN STEAMSHIPS.

Mr. HUNT, from the Select Committee on American Ship-building and Ship-owning Interests, also reported back memorial relating to inventions and improvements in steamships by Capt. Charles G. Lundberg, formerly of the Swedish royal navy; which was ordered to be printed and recommitted.

PUBLIC BUILDING, SARATOGA SPRINGS.

Mr. WEMPLE, from the Committee on Public Buildings and Grounds, reported back with amendment the bill (H. R. 3716) for the erection of a public building at Saratoga Springs, N. Y.; which were referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE, PEARL RIVER.

Mr. RANDALL, from the Committee on Appropriations, reported back the bill (H. R. 3270) making an appropriation to erect a light-house near the mouth of Pearl River, the same having been improperly referred to that committee; and it was referred to the Committee on Commerce.

WILLIAM H. PARKER.

Mr. TUCKER, from the Committee on the Judiciary, reported a bill (H. R. 4988) to remove the disabilities of William H. Parker, of Virginia, incurred under the fourteenth amendment of the Constitution; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, CARSON CITY.

Mr. STOCKSLAGER, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 947, a bill (H. R. 4989) for the erection of a public building for United States court, post-office, and other Government offices at Carson City, Nev.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REMOVAL OF CAUSES.

Mr. HAMMOND, from the Committee on the Judiciary, reported back favorably the bill (H. R. 4409) to amend section 643 of the Revised Statutes of the United States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

MINORITY REPORT, TRADE-DOLLAR.

Mr. BLAND. I ask by unanimous consent to be permitted to file the views of the minority of the Committee on Coinage, Weights, and Measures on the subject of the trade-dollar, and to have the same printed.

There was no objection, and it was so ordered.

MERLIN C. HARRIS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 2136) granting a pension to Merlin C. Harris; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with adverse recommendation bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed, namely:

A bill (H. R. 2099) granting a pension to Joseph Bowers; and

A bill (H. R. 546) granting a pension to John G. Banks.

NAVAL APPROPRIATION BILL.

Mr. HUTCHINS. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the naval appropriation bill.

Mr. MONEY. I wish to present at this time the privileged report from the Committee on the Post-Office and Post-Roads which was withdrawn this morning.

The SPEAKER. The Chair thinks the report to which the gentleman from Mississippi refers cannot be entertained while this question is pending.

Mr. COBB. I ask the gentleman from New York to yield to me for a moment to submit a resolution from my committee in regard to the business of the House. I think it will take but a moment, and is very important.

Mr. HUTCHINS. I would like very much to yield, but no appropriation bill has yet been considered. I must, therefore, insist upon my motion.

The SPEAKER. The question is upon agreeing to the motion of the gentleman from New York.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CONVERSE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union, the order of the House being to consider the naval appropriation bill.

The Clerk will report the title of the bill.

The Clerk read as follows:

House bill No. 4716, making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

Mr. HUTCHINS. I move that the first formal reading of the bill be dispensed with.

The motion was agreed to.

Mr. CALKINS. I desire to ask my colleague on the committee the chairman of the subcommittee whether it is his intention now to indicate what length of time he proposes shall be consumed in the general debate on this bill.

Mr. HUTCHINS. I suppose it will be improper to take any action upon that until we go back into the House, as we can not limit the debate in committee.

Mr. CALKINS. I am aware of that, but I thought perhaps the gentleman would indicate what his intention was.

Mr. HUTCHINS. If we can go on to-day and see what progress we make I will be better able to answer that question at some future time. I propose that there shall be full discussion as far as members may desire.

I ask for the reading of the report accompanying the bill.

I may state to the members of the committee that if they will give their attention to the reading of this report it will do away with the necessity of any explanation or remarks on my part upon this question. The report is not long, and it covers all points of new legislation proposed in this bill. The usual appropriations for the running of the naval establishment are made, but there are three new provisions embraced in the bill, which may or may not give rise to some discussion in the committee. It is unnecessary for me to detain the members by any remarks if they will attend to the reading of the report. I now call for its reading.

The Clerk read as follows:

In presenting for the consideration of the House the bill making appropriations for the support of the naval service for the fiscal year ending June 30, 1885, the Committee on Appropriations submit the following in explanation thereof:

The estimates upon which the bill is based are to be found in the Book of Estimates for 1885, pages 95 to 106, inclusive, and excluding the sum of $92,251, recommended for the Naval Asylum, which is payable from the naval pension fund, aggregate $22,655,500.38, of which amount the committee recommend the appropriation of $14,263,195.95, being a reduction of $8,392,304.43 under the estimates. The amount appropriated for the naval service for the current fiscal year is $15,894,434.23, being $1,631,238.28 more than is recommended for the year 1885 in the accompanying bill.

The bill makes provision for completing and equipping (except ordnance) the four steel cruisers in accordance with the estimates submitted by the Secretary. It appropriates nothing for continuing the work on the iron-clad monitors, but provides $5,000 for their care and preservation when they shall have been turned over to the Government by the contractors, and reappropriates the unexpended balance of the appropriation for their engines and machinery, and applies the same to the use of the Bureau of Steam Engineering for the next fiscal year.

New legislation is recommended in the bill as follows:

"Hereafter none of the vacancies in the various grades in the line and in the staff corps of the Navy shall be filled by promotion until such grades shall be reduced to the numbers fixed for the several grades of the line and the staff corps of the Navy by the act of August 5, 1882, making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

* * * * * * *

"*Provided*, That all enlisted men and boys in the Navy, attached to any United States vessel or station, and doing duty thereon, and naval cadets, shall be allowed a ration or commutation thereof in money, under such limitations and regulations as the Secretary of the Navy may prescribe.

"And from and after the passage of this act there shall be no appointments, except by promotion, to fill vacancies occurring in the list of commissioned officers of the Marine Corps until the number of such officers shall have been reduced by casualties or otherwise below seventy-five; and after the number of officers shall be reduced as above provided the whole number of commissioned officers on the active-list in the Marine Corps shall not exceed seventy-five.

* * * * * * *

"That the Secretary of the Navy is hereby directed to report to Congress at its next and each regular session thereafter the amount expended during the prior fiscal year from the appropriations for the pay of the Navy, Bureaus of Navigation, Ordnance, Equipment and Recruiting, Yards and Docks, Medicine and Surgery, Provisions and Clothing, Construction and Repair, and Steam Engineering, for civilians employed on clerical duty or in any other capacity other than ordinary mechanics and workingmen, and to submit under the estimates for pay of the Navy and for the respective bureaus enumerated above specific estimates for such civilian employés for the fiscal year 1886 and each fiscal year thereafter.

* * * * * * *

"That no officer whose name is borne on the retired-list of the Army, Navy, or Marine Corps shall hold position in the civil service or other employment of the Government, and draw the salary or compensation thereof together with his pay as a retired officer of the Army, Navy, or Marine Corps: *Provided*, That any

such retired officer accepting a position in the civil service or other employment of the Government may at the time of acceptance elect to take the salary of such position or in lieu to retain his pay as a retired officer."

* * * * * * *

The bill also provides that no portion of the sums appropriated for the Bureaus of Construction and Repair and Steam Engineering shall be applied to the repairs of any wooden ship, or the engines and machinery thereof, when the estimated cost of such repairs shall exceed 30 instead of 20 per cent., as heretofore provided, of the estimated cost of a new ship of the same size and like material or new engines and machinery of the same character and power.

The following table exhibits in detail the estimates for 1885, appropriations for 1884, and amounts recommended for 1885, for the naval service:

	Estimates, 1885.	Appropriations, 1884.	Recommended for 1885.
Pay of the Navy and contingent	$7,382,605 00	$7,533,980 00	$7,307,605 00
Navigation and supplies, Bureau of Navigation	130,000 00	100,000 00	75,000 00
Contingent, Bureau of Navigation	4,000 00	4,000 00	3,000 00
Outfit of steel cruisers and monitors, Bureau of Navigation	60,000 00	.....	30,000 00
Ocean surveys, Bureau of Navigation	20,000 00	10,000 00	.....
Compass-testing house, Bureau of Navigation	7,000 00	.....	7,000 00
Publication of professional papers, Bureau of Navigation	12,000 00	.....	.....
Civil establishment, Bureau of Navigation	6,000 00	5,000 00	.....
Ordnance and ordnance stores, Bureau of Ordnance	453,210 00	150,000 00	100,000 00
Contingent, Bureau of Ordnance	3,000 00	3,000 00	3,000 00
Repairs, Bureau of Ordnance	15,800 00	15,000 00	15,000 00
Torpedo corps, Bureau of Ordnance	105,000 00	50,000 00	50,000 00
Civil establishment, Bureau of Ordnance	12,234 50	5,000 00	.....
Equipment of vessels, Bureau of Equipment and Recruiting	896,000 00	800,000 00	700,000 00
Contingent, Bureau of Equipment and Recruiting	10,000 00	10,000 00	10,000 00
Transportation and recruiting, Bureau of Equipment and Recruiting	25,000 00	25,000 00	25,000 00
Civil establishment, Bureau of Equipment and Recruiting	18,251 75	9,000 00	.....
Maintenance of yards and docks, Bureau of Yards and Docks	420,000 00	264,000 00	200,000 00
Contingent, Bureau of Yards and Docks	20,000 00	20,000 00	10,000 00
Civil establishment, Bureau of Yards and Docks	45,929 75	24,000 00	.....
Medical department, Bureau of Medicine and Surgery	40,000 00	40,000 00	40,000 00
Contingent, Bureau of Medicine and Surgery	25,000 00	25,000 00	25,000 00
Repairs, Bureau of Medicine and Surgery	30,000 00	15,000 00	10,000 00
Naval hospital fund, Bureau of Medicine and Surgery	30,000 00	30,000 00	30,000 00
Civil establishment, Bureau of Medicine and Surgery	40,000 00	20,000 00	20,000 00
Provisions for the Navy, Bureau of Provisions and Clothing	1,200,000 00	1,100,000 00	1,100,000 00
Contingent, Bureau of Provisions and Clothing	60,000 00	40,000 00	30,000 00
Civil establishment, Bureau of Provisions and Clothing	12,411 50	6,000 00	.....
Construction and repair, Bureau of Construction and Repair	1,750,000 00	1,100,000 00	1,000,000 00
Civil establishment, Bureau of Construction and Repair	36,927 75	20,000 00	.....
Steam machinery, Bureau of Steam Engineering	1,200,000 00	1,000,000 00	750,000 00
Contingent, Bureau of Steam Engineering	1,000 00	1,000 00	1,000 00
Civil establishment, Bureau of Steam Engineering	22,234 50	10,000 00	.....
Increase of the Navy	7,449,581 62	1,300,000 00	1,675,100 00
Pay of Naval Academy	101,125 45	98,882 73	98,829 45
Repairs and improvements, Naval Academy	21,000 00	21,000 00	21,000 00
Heating and lighting, Naval Academy	17,000 00	17,000 00	17,000 00
Contingent, Naval Academy	45,500 00	44,400 00	44,400 00
Pay of Marine Corps	667,275 00	642,985 00	656,075 00
Provisions, clothing, miscellaneous, and contingent, Marine Corps	260,413 56	215,186 50	209,186 50
Appropriations for 1884 and not asked for in 1885	.....	1,120,000 00	.....
Total naval establishment	22,655,500 38	15,894,434 23	14,263,195 95
Naval Asylum, Philadelphia, Pa	92,251 00	59,813 00	59,813 00

I now yield the floor to the gentleman from Indiana my colleague on the committee.

Mr. CALKINS. One hour?

The CHAIRMAN. Does the Chair understand the gentleman from New York to yield the floor?

Mr. HUTCHINS. I yield the floor. How much time does the gentleman from Indiana desire?

Mr. CALKINS. I desire to consume my entire hour or else reserve it for the benefit of other members on this side.

Mr. HUTCHINS. You want an hour, then, in your own right?

Mr. CALKINS. Yes, sir.

The CHAIRMAN. The Chair understands the gentleman from New York yields the floor.

Mr. CALKINS. Mr. Chairman, in discussing in general debate the provisions of the appropriation bill reported from the Committee on Appropriations to the House, and which is now before us, I shall only glance at some of its features with which I do not concur, calling the attention of the Committee of the Whole to those provisions, to indicate what my judgment is and what I think Congress ought to do. It will be seen by an examination of the bill that there is a large reduction in expenditures over the estimates, and quite a reduction over the appropriation of last year. It is not improper for me to say at the outset of my remarks that the appropriation bill of last year was prepared and presented by a member of the then House thoroughly familiar with the Navy Department. It is an open secret that there were a good many items in that appropriation bill which were arbitrarily cut down. As to the wisdom of the process which was adopted last year I have nothing to say, for it is a matter of history and need not now be discussed. I may say further that all reasonable reductions, all measures of economy in the expenditure of the public moneys, whether made in the naval service or any other of the departments of the Government without crippling the public service, meet my hearty approval. There are, however, in this bill some provisions which I regard as unwise, and which in my judgment will in some degree cripple the service if adhered to.

I may as well say here that I do not have very much hope of changing this bill materially, because I know very well the gentlemen in charge of it on the subcommittee and on the Committee on Appropriations will stand very close by the recommendations in the bill. All I can do is to point out to the committee and the country what I think ought to be done and leave it there.

The first item in the bill to which I call attention and which is a matter of legislation will be found on page 2. This provision in the bill is not of itself an economical provision, although incidentally it may save some money to the Government. It provides that hereafter no vacancies shall be filled in any of the grades in the Navy until the minimum is reached which has heretofore been fixed by law.

Mr. Chairman, there was an act passed in 1878, if I remember aright, reducing the number of officers in the line in the Navy to six hundred and twenty; I may not be strictly accurate as to the year in which this law was passed. There are now seven hundred and eight officers in the line, and the number when reduced to the minimum will be six hundred and twenty. In 1880 a law was passed by which it was provided that there should be one promotion for every two vacancies in the line and that there should be no promotions whatever in the staff until the minimum was reached. In 1882 on the last appropriation bill the line and the staff were placed upon the same plane and the provision of law was made to apply to both, that there should be one promotion for every two vacancies.

The purpose of this provision was to give some flexibility to the law and not allow the younger officers of the Navy to run up, as it were, against a wall and stand there for ten or twelve years without promotion, but to give promotion to younger officers, both in the line and staff, one for each two vacancies, so that promotions might not entirely cease.

The bill that is reported this year provides that that law shall be repealed, and that there shall be no promotions made until the minimum is reached. The effect of that will be that the officers of the Navy in their present rank will stand perfectly still for a period of five or seven years, and there will be no promotions made in the Navy during that period. If, however, the law is allowed to remain as it now is, in from ten to twelve years the reduction will have been effected, and meanwhile promotions will be gradually made in the line and staff. I think that a wise provision. The last Congress, by a considerable majority, adopted that provision. It was then the opinion of Congress that the younger men in the Navy ought in justice to themselves and in justice to the contract which we made with them when they went into the Navy not have the door of promotion absolutely shut in their face for six or eight years. At the proper time I shall move to strike out this provision in the present bill so as to allow the law to stand as it was last year and in 1880.

On that point, Mr. Chairman, I ask leave to print, as part of my re-

marks, a letter written by Richard T. Merrick, esq., of this city. The letter is as follows:

WASHINGTON, D. C., *February* 12, 1884.

DEAR SIR: I beg leave to call your attention to that provision in the naval appropriation bill embraced in the lines from No. 31 to 38, inclusive, forbidding promotions in the service until the respective grades into which such promotions might otherwise be made have been reduced to the numbers fixed by the act of August 5, 1882.

This subject was very fully considered when the act of 1882 was before Congress, and it was finally determined that promotions should be made to fill alternate vacancies only until the respective grades should be reduced as indicated.

This interruption of the regular order of promotion was deemed a very severe grievance by the officers in the service, but the measure now proposed is an oppressive and an unjustifiable hardship.

Is the organization of the Navy never to be at rest? Does the public good require that the officers in the service should be in perpetual apprehension that each succeeding Congress is to impair their rights, dampen their hopes, and diminish their prospects of usefulness and advancement? Is there to be no end to personal legislation in regard to this branch of the public service?

If the proposition referred to should become a law, the young men now in the service, and who entered it under the assurance of then existing statutes that they could expect a reasonable advance in rank as life progressed, must abandon that hope, and content themselves with the dreary prospect of growing gray before they reach even the grade of lieutenant, and certainly before ever getting beyond it.

It seems to me that the proposed legislation is revolting to a natural feeling of justice.

I submit as a substitute the proposition inclosed, in order that if the present condition requires some remedy, that remedy may be the outcome of deliberate thought and careful examination, and that when applied the officers of the Navy may feel some assurance of the stability of the law.

With great respect, yours, truly,

R. T. MERRICK.

Hon. WILLIAM H. CALKINS.

The next point to which I desire to direct attention is what I believe to be a serious mistake made by the committee in reporting this bill in one item, under the head of Bureau of Navigation. The appropriation last year for this bureau was $100,000. This year the committee have reported to the House an appropriation of $75,000. The estimates submitted by the Navy Department were $130,000. It may be said that there was no deficiency reported by this bureau and that it was found that $100,000 was sufficient to run the bureau, and that a saving was made of some $37,000 in this bureau, which was expended by its chief, and which may now be cut off, put in the general fund, and saved. Upon that point I desire to say that there was $37,000 saved by the chief of this bureau on account of pilotage. That money, instead of being paid to pilots, was used by the chief of the bureau in buying charts and compasses and other useful articles for use on the various ships in the Navy under his charge. He says, and I have no doubt of it, that when this amount was saved by him it was applied to this useful purpose for the benefit of the Navy and that it did benefit the Navy, and that one great object of the saving was to compass that result. I think it unwise to cut it off. I believe it wise to allow this officer to save from pilotage and any other sources that he can, that he may better prepare the naval vessels for their duties in the fleets.

I may speak a moment, Mr. Chairman, with reference to the consolidation of some of these bureaus. I took occasion last year, when the Navy appropriation bill was before the House, to submit some remarks upon the question of the consolidation of bureaus. I said then and I believe now that the Bureau of Construction and Repair ought to be consolidated with the Bureau of Steam Engineering. I know that there are some men in the Navy, not only of the United States but also in the other navies of the world, who are inclined to the idea of wooden vessels. But experience has taught us and is fast teaching the world that the day of wooden vessels has gone, and that hereafter the navies of the world will be constructed from other material.

I know that constant clashing is occurring all the time in these two bureaus; but I believe the Bureau of Construction and Repair must finally yield to the Bureau of Steam Engineering, and for this purpose these two bureaus should now be consolidated, and put under some competent person, to be appointed by the President, and thereafter be managed as one bureau.

I pointed out last year how these two bureaus had been operating as separate bureaus, both of them charged with the construction and repair of vessels; one, the Bureau of Construction and Repair, having charge of the hull, and the other, the Bureau of Steam Engineering, having charge of the engines and machinery. They were so far apart that in several instances, to which I referred, it was found that the hull and the engines had been constructed without reference to each other, so that when the hull of the vessel was completed it was found that the engines and machinery did not fit at all, they having been under the charge of the other bureau, and the consequence was that in order to get the engines in the vessel it had to be torn apart, sometimes laid vertically, and sometimes entirely reversed from the original intention.

Mr. O'NEILL, of Pennsylvania. Will the gentleman permit me to interrupt him for a moment?

Mr. CALKINS. Certainly.

Mr. O'NEILL, of Pennsylvania. I would like to have the gentleman state to the House in a few words, which I know he can do, what are the specific duties of each of these bureaus; also to state to the House whether or not the Bureau of Construction and Repair is not the most important bureau of the Navy Department, to which we are now looking for an increase of our Navy. In other words, I would like to have him state whether the Bureau of Construction and Repair is not the most important bureau, and whether the Bureau of Steam Engineering is not quite secondary.

Mr. CALKINS. The gentleman from Pennsylvania [Mr. O'NEILL] and myself will have no difficulty upon that head at all. The Bureau of Construction and Repair, as I have already remarked, does model the ship, make the hull, and attend to all that sort of work, while the Bureau of Steam Engineering plans and constructs the engines and machinery and fits them to the vessel. But when you have two bureaus that do not work together, each one of them working "on its own hook," if I may be allowed the expression, it will be found, as has already been shown, that when you bring the several parts of the vessel together they will not fit each other. It is therefore high time that the two bureaus should be brought under one head, so that the several parts of a vessel when finally constructed shall fit each other.

Mr. O'NEILL, of Pennsylvania. How can the Navy Department be carried on without having these two bureaus? Who would you put at the head of the joint bureau if you consolidate them? Would it be an officer brought up to the planning of ships or would it be an engineer in the Navy acquainted with engines and boilers?

Mr. CALKINS. My own idea about that is that a good, competent engineer should be placed in charge of this bureau. When an amendment is offered, it may be thought best that the question as to who should be at the head of this consolidated bureau ought to be left to the Secretary of the Navy or the President.

Mr. O'NEILL, of Pennsylvania. I hope before this bill shall pass I may have an opportunity of showing this committee that the Bureau of Construction and Repair is the most important bureau of the Navy Department, and is the bureau which plans and constructs the ships of the Navy. I also wish to show that unless we know distinctly who is to be appointed at the head of the consolidated bureau we had better proceed very carefully in the matter of consolidation.

Mr. CALKINS. I can not yield further to the gentleman from Pennsylvania [Mr. O'NEILL], however much I would like to do so. I will simply submit for the benefit of gentlemen what the Secretary of the Navy says on this subject. On page 27 of the report of the Secretary of the Navy will be found the following:

It is, however, beyond dispute that methods of naval construction must change from the transition from wooden to steel vessels. It will be found impossible for two independent and equal bureau chiefs to design and supervise the construction of a modern vessel—the one that of the hull, and the other that of the machinery—and bring all parts together in one perfect ship, without differences of opinion which can not longer be safely decided by a common superior who does not possess technical skill. The true solution is to unite these two bureaus as a single bureau of naval construction, having for its chief the most competent naval architect that can be found, whether among the present officers of the Navy or in civil life.

Mr. BELFORD. Will the gentleman allow me a question?

Mr. CALKINS. Certainly.

Mr. BELFORD. I understand that the proposition of the gentleman from Indiana [Mr. CALKINS] is to consolidate the Bureau of Construction and Repair with the Bureau of Steam Engineering. That is, that the man who builds your house shall also build the stove and the chimney; that is about the philosophy of the proposition. In my judgment it is designed to make one man a jack of all trades. I took up a New York paper the other day——

Mr. CALKINS. I can not yield to my friend to make a speech; I thought he wanted to ask a question.

Mr. BELFORD. Just let me read this advertisement.

Mr. CALKINS. I can not yield for that. I know the fertility and resources of my friend from Colorado [Mr. BELFORD], who last year took occasion to say that my friend from Kansas and myself had appeared in the rôle of commodores and admirals, when there was not water enough in our respective districts to freshen a mackerel. Recognizing the resources of the gentleman from Colorado, who represents a State of so high an altitude that no one thinks of holding him to a very strict account for what he says, I beg of him to save his shafts for a more propitious time.

Mr. LONG. I would like to ask the gentleman how the fact is in the great private ship-yards—whether these departments are there united under a single head or are kept separate, as the Navy Department undertakes to keep them?

Mr. CALKINS. That inquiry connects itself with a field so wide that I do not care to enter into it. Every ship-yard has its own peculiar manner of carrying on its private business.

I pass now from this question, to which I desired merely to call the attention of the committee, expressing my own belief that the true policy for our Navy is to consolidate these two bureaus. Not knowing the temper of the committee upon this subject, and believing firmly that this step should be taken, I have made these observations so that the committee may look into the question and be prepared to vote upon it.

Mr. TOWNSHEND. Has not this very proposition to consolidate these bureaus been recently considered by the Committee on Naval Affairs and voted down?

Mr. CALKINS. I believe it was considered by that committee

when there was not a full attendance of members, and was voted down by one majority.

I pass now to the next item, which is under the head of "Bureau of Equipment and Recruiting." I shall be very brief in my remarks upon this item. The sum of $700,000 has been reported by the committee as the amount to be appropriated under this head for equipment of vessels. Of this amount it is estimated that $350,000 will be required to buy coal for vessels and $270,000 to purchase the other articles enumerated in the paragraph, such as hemp, wire, hides, and other materials for the manufacture of rope, cordage, &c., leaving but $80,000 for the other expenses under this head. If, in accordance with the policy recommended by the Secretary of the Navy, a great many of our navy-yards are to remain closed, some of them practically abolished, this sum will probably be sufficient. If, however, another policy is to be directed by Congress, the amount will be entirely inadequate to the needs of the service.

Upon the subject of consolidating the Bureau of Equipment and Recruiting with the Bureau of Provisions and Clothing I have this to say: The Bureau of Equipment and Recruiting may properly be divided into two heads. Equipment necessarily involves the purchase of various articles for the Navy. I see no reason myself why the purchase of these supplies should not be made by the Bureau of Provisions and Clothing (a bureau which is also engaged largely in buying supplies of different kinds for the Navy). The other head, that of Recruiting, can be consolidated with the Bureau of Navigation, which relates properly to this subject. This would merge that bureau into the two named, and we would thus get rid of a useless bureau, for if the work can be consolidated with that of other bureaus that particular bureau becomes unnecessary. This consolidation would be a matter of economy, would bring the different branches of our naval administration closer together, would involve less machinery, and I believe would be a lasting benefit to the Navy. I shall therefore heartily support such an amendment if it be offered to the bill.

There is on page 12 of the bill a provision with which I am not at all in sympathy. It is a provision which changes existing law and against which I shall at the proper time make a point of order, failing in which I shall move to strike it out. It provides:

> That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 30 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

The present law, Mr. Chairman, provides that when the repairs of a wooden ship would cost more than 20 per cent. of the value of a new vessel of similar character, the work shall not be done. I make this point against the provision in the bill: that if the sum which the bill proposes to appropriate in this item is to remain without increase, it will be insufficient for the repair of these wooden vessels when those repairs may amount to 30 per cent. of the value of a new vessel. Under the provision of the law of last year that these repairs should not exceed 20 per cent. the Navy Department has reported a deficiency; and it is very evident that the appropriation proposed in this bill for this item will not be sufficient when we allow such repairs to the extent of 30 per cent.

Mr. RANDALL. Did I understand the gentleman to say that this provision that repairs should not exceed 20 per cent. was for the years 1883 and 1884?

Mr. CALKINS. No, sir; it applies only to 1884.

Mr. RANDALL. As to 1883 the provision was 30 per cent.

Mr. CALKINS. Yes, sir.

Mr. RANDALL. Therefore we practically recommend the provision which was adopted for 1883.

Mr. CALKINS. Yes, sir. And I say that when you increase the expenditure under this head from 20 per cent. to 30 per cent., and appropriate only the same amount that was appropriated last year, under which there has been a deficiency, and if this provision is to stand there ought to be appropriated at least $333,000 more for the current year, saying nothing of the deficiency for this year.

Mr. O'NEILL, of Pennsylvania. I wish to inquire of the gentleman whether there has been any report made to this Congress as to the number of wooden ships now in Navy which have good sailing qualities or which are fit to be sent upon cruises.

Mr. CALKINS. I will come to that later on.

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, I think we should recognize the fact that we are slow in building an iron navy. It is going to take years to do it. I think the Committee on Appropriations and the Navy Department had better look to it that wooden vessels are not discarded to-day, when by a little money expended on them they might be made useful as naval vessels for years to come, and certainly until we have an iron navy.

Mr. CALKINS. The next provision of the bill to which I shall call attention is that under the heading of the Bureau of Steam Engineering. There is an appropriation carried in this bill apparently of $750,000, and also a reappropriation of $172,000, which was a part of the appropriation made last year of $1,000,000 for the construction of what is known as the four monitors. I say an apparent appropriation. The fact is, Mr. Chairman, that this fiscal year began on the 1st of July, and it is a part of an appropriation of $1,000,000 made last year, and can be expended any time between the 1st of last July and the 1st of next July, unless Congress intervenes to prevent it. I will not evade the question which this presents. Last year there was $1,000,000 appropriated for this year for the purpose of construction, machinery, and ordnance for the four monitors known as the Puritan, the Terror, the Amphitrite, and the Monadnock. The contracts have already been made, to complete them so far as this money will complete them, for the Puritan, the Terror, and the Amphitrite. The contract has not been made for the Monadnock; it required about $30,000 more than this $172,000 to complete or carry into effect the provision of law in reference to these vessels. The Monadnock is a vessel on the Pacific coast at Mare Island navy-yard. This money is sought to be diverted by this bill from the purpose for which it was appropriated and to be put into the general fund for this bureau. If that is done, it will put a stop to the work on the Monadnock. And that is the purpose of it. There is no concealment made about it.

Now, Mr. Chairman, I wish to say to the committee, whatever my personal views may be in reference to finishing these four monitors (and their completion will require about three and a half millions more), I am decidedly of the opinion that for the benefit of the Pacific coast the Monadnock ought to be put in as forward a state of completion as the three monitors for the Atlantic coast. I would not divert this $172,000 into the general fund and thereby stop the work on the Monadnock. And when the proper time comes I shall move to strike that provision out of this bill, leaving the Secretary of the Navy $172,000 to proceed with the work on that vessel.

There is also an item in the proviso which changes the existing law and puts the repairs at 30 instead of 20 per cent. This I will test the sense of the committee by moving to strike it out.

I also call attention to the fact that on page 14 of the bill will be found an appropriation of $5,000 for taking care of these monitors when delivered to the Government by the contractors. That means that the monitors shall be laid up and nothing further shall be done to them. At present I express no views on that subject except to say this provision tenders that issue to Congress.

Mr. RANDALL. That same issue was made last Congress, and this House did not vote anything primarily to these monitors.

Mr. CALKINS. In the conference report a million of dollars was agreed upon which did go to the monitors in that appropriation bill.

Mr. RANDALL. But that originated in the Senate. This House was not disposed to make such an appropriation.

Mr. CALKINS. Ah! But I call attention to the fact that it was agreed to, whether made in conference or elsewhere, and the gentleman from Pennsylvania knows that as well as I.

Mr. RANDALL. Yes, it is true; but it was given under the compulsion, as the gentleman knows, of a conference report.

Mr. CALKINS. The gentleman and myself need not get into a dispute about what the compulsion was; I am only stating the fact.

But, Mr. Chairman, I wish to call attention now to what strikes me as being a remarkable omission—I say omission, because I can not help but think that it is an omission—in the preparation of this bill. The bill that is reported to the House and upon which we are now acting provides for the finishing of the four steel cruisers authorized to be built by the last Congress. These cruisers will be finished some time during the present year, commencing in August; that is to say, one will be finished in August and the others some time during the year, not later than October or November; and yet this bill, although the Secretary of the Navy recommended that we should make an appropriation of $449,000 to provide for the armament of these vessels this bill contains no appropriation therefor. In other words, it amounts to this, that we will soon have four steel cruisers upon the ocean in the service of this country as war ships carrying no guns. That is the condition so far as this bill is concerned. Of course we have some wooden—well, I said wooden, and I scarcely need change that remark—we have some old guns that we could put on these ships, but they are comparatively worthless to the country and to the Navy, and certainly unfit to be classed as armament for these cruisers. I think, in fact, we might just as well put "Quaker guns" upon them.

Mr. CHACE (from his seat). Oh, no! [Laughter.]

Mr. CALKINS. I did not refer to my friend from Rhode Island in that description. I know he does shoot. [Laughter.]

Upon the subject of the armament of these ships, Mr. Chairman, I desire to submit a letter from the Secretary of the Navy, which I will print with my remarks, and will not take time to read now, as my hour is drawing to a close. I will simply have it printed and ask gentlemen to read it carefully. The Secretary of the Navy in discussing this matter, in response to a letter which I addressed to him asking his views on this subject, put it tersely and very strongly; and says to undertake, after we have started upon the policy of building these steel cruisers and building up a navy, to finish these four vessels and stop right there, and not provide for the building of any more, but cut off the armament of those we have built, is a policy which I believe he characterizes as ludicrous, and I think so too. At the request of several gentlemen around me I will ask the Clerk to read the communication from the Secretary of the Navy which I have sent to the desk.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, February 11, 1884.

SIR: In response to your request I submit a statement in reference to the necessity for full appropriations for naval ordnance.

The estimates were: To complete the ordnance outfit of the new steel cruisers, $449,027; for steel rifled breech-loading guns for the rearmament of the Navy, $599,400; for the general working appropriation, $180,000; for machine guns, Gatling guns, and magazine rifles for rearmament, and for necessary machine tools for building the new steel guns, $483,210; repairs under the Bureau of Ordnance, $15,800; miscellaneous ordnance items, $3,000; for the torpedo corps, $105,000; making a total of $1,805,437, without including the ordnance outfits of the five monitors, which are estimated at $1,073,000.

The naval appropriation bill, as reported to the House February 8, includes: general ordnance appropriation, $100,000; repairs under the Bureau of Ordnance, $15,000; miscellaneous ordnance items, $3,000; for the torpedo corps, $50,000; or in all, $168,000 to be appropriated instead of $1,805,437 asked for by the Department.

The proposed appropriations are ludicrously feeble and inadequate. In the report of this Department of November 29, 1882, I had the honor to state that "the principal purpose of a large naval establishment being to use cannon, small-arms, and torpedo explosives against public enemies, the question of ordnance is of the first importance;" also, "that with not one modern high-powered cannon in the Navy, and with only eighty-seven guns worth retaining, the importance of action for the procurement of naval ordnance seems apparent if the Navy is to longer survive."

Notwithstanding the obvious truth and force of these propositions, we find in a naval appropriation bill providing for an expenditure during the next fiscal year of $15,000,000 the allowance of only $168,000 for cannon, small-arms, and torpedo explosives, and an entire omission to continue work upon the armament for the new cruisers.

The Department was empowered by the act of March 3, 1883, authorizing the three new steel cruisers and dispatch-boat, "to construct said vessels and procure their armament at a total cost for each not exceeding the amounts estimated by the naval advisory board." The progress that has been made toward procuring this armament of modern high-power guns is stated in a letter dated February 11, 1884, from Commodore Montgomery Sicard, Chief of the Bureau of Ordnance, herewith transmitted. The attempt is being made to build in this country all the guns required, and as far as practicable to construct them from forgings also made here, although it has been found necessary to procure some from abroad. If the utmost possible diligence is used the guns will not be ready until two or three months after the new cruisers are to be finished. If, as is now proposed, no appropriation whatever is made for continuing work on the guns during the next fiscal year the ships will be without guns for one or two years after their completion.

The chief of the bureau also states the necessity for the money asked for the modern rearmament of the Navy and the expediency of procuring torpedo-boats.

Very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. W. H. CALKINS,
House of Representatives.

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
Washington City, February 11, 1884.

SIR: In the House bill No. 4716, making appropriations for the naval service for the fiscal year ending June 30, 1885, several items of the utmost importance to the Navy are wholly omitted, and I beg leave to call attention to those omissions in the order in which they press for attention.

First. No appropriation whatsoever is made for procuring the armament of the new steel cruisers.

Out of last year's appropriation for these vessels the Department allotted to this bureau $234,000 toward the procurement of the armament, and all this money will be obligated within the present fiscal year (see appended exhibit marked "A"), leaving $449,026.32 needed to complete this armament (as shown by the appended exhibit B).

It is hardly probable that the utmost exertions of this bureau could result in the completion of the armament of the steel cruisers in time for the ships, even if every facility were afforded and all orders could be placed without the least delay.

It has been foreseen from the first that the design and manufacture of the guns and their material would entail more difficulty than that of the ships themselves, and therefore it seems doubly unfortunate that the appropriation for the batteries should be omitted at a time when it is so very much needed.

Of course all the rest of the money for the armament will be imperatively needed during the fiscal year ending June 30, 1885.

The bureau also observes that another most important item has been omitted from the bill, viz, $852,610, asked for commencing the general rearmament of the Navy.

It is not enough to arm simply these steel ships with modern ordnance, but the obsolete cannon and material on the ships that carry our flag on the various cruising stations should be changed as soon as possible. At present these ships are at an immense disadvantage as compared with those of foreign nations they meet abroad, and we are bound not to let such a state of things exist a moment longer than is absolutely necessary.

In order that this change of armament may be made quickly, the work must commence as soon as money can be made available for the purchase and manufacture of the guns and material. These orders should be placed within the next fiscal year.

It was estimated that the ordnance mentioned on the appended exhibit C could be procured with this money, and it is only a partial provision for rearmament. It is further observed that the bill omits the item of $55,000 for the purchase of a torpedo-boat. Such boats are absolutely necessary to the national defense. None have as yet been built in this country, and the one asked for was to be purchased abroad and used as a model from which to have others constructed in this country.

I am, sir, very respectfully, your obedient servant,

MONTGOMERY SICARD,
Chief of Bureau.

Hon. WILLIAM E. CHANDLER,
Secretary of the Navy.

EXHIBIT A.

Two hundred and thirty-four thousand dollars allotted to the Bureau of Ordnance from the appropriation for the fiscal year ending June 30, 1884, for commencing the armament of the steel cruisers, divided as follows:

Machine cannon, ammunition, &c	$149,000 00
Steel for eleven 6-inch B. L. rifles	56,100 00
Steel for four 8-inch B. L. rifles	27,934 00
Total	233,034 00
Not allotted	966 00

EXHIBIT B.

Showing the amounts required during the fiscal year ending June 30, 1885, for completing the armament of the steel cruisers:

Contracts for construction of eleven 6-inch guns		$39,600 00
Contracts for the construction of four 8-inch guns		34,000 00
Steel for four 8-inch guns		27,934 00
Labor on nine 6-inch guns in the navy-yards		14,000 00
Labor on four 8-inch guns in the navy-yards		13,000 00
Labor on two 5-inch guns in the navy-yards		11,000 00
Carriages for twenty 6-inch and eight 8-inch guns and two 5-inch		143,000 00
Ammunition and magazine equipments		85,220 00
Gatling guns, small-arms, ammunition, &c		60,678 00
Torpedo search-lights and plant		21,560 00
		449,992 00

EXHIBIT C.

Forty machine cannon (47 M Hotchkiss, with ammunition, at $2,974 each)		$118,960
Twenty Gatling guns (short gun with Accles's feed and ammunition, $1,650 each)		33,000
Three thousand magazine rifles, at $20	$60,000	
Five hundred and fifty rounds per gun, 1,650 M, at $25	41,250	
		101,250
Steel rifled breech-loading guns		253,210
Ten 8-inch guns, w. w'd, at $14,810		148,100
Ten 8-inch carriages, at $5,500		55,000
Ammunition for carriages, namely, eighty rounds per gun:		
Seventy cast-iron, at $25	$1,750	
Ten steel, at $72.50	725	
Extra labor on 8-inch	175	
Per eighty rounds	2,650×10	=26,500
Eight hundred charges of 125 pounds (bag included, $5), at $36.25		29,000
Thirty 6-inch guns, at $6,250		187,500
Thirty 6-inch carriages, at $3,500		105,000
Ammunition for carriages, sixty rounds per gun:		
Fifty-six cast iron, at $9	$504	
Four steel, at $29	116	
Per sixty rounds	620×30	=18,600
One thousand eight hundred charges of fifty pounds (including bag, $4), at $16.50		29,700
		599,400

SUMMARY.

Machine cannon, &c	253,210
Steel rifled breech-loading guns	599,400
	852,610

Mr. RANDALL. Will the gentleman allow me a moment?

Mr. CALKINS. Certainly.

Mr. RANDALL. Of the $1,300,000 which was given last year for the cruisers I find that there was an allotment made by the Secretary of the Navy, and in that allotment I find as follows: for construction, $585,000; for engineering, $377,000; and for ordnance he has allotted the sum of $234,000. I only want this fact to enter into this debate just at that point.

Mr. CALKINS. The gentleman is entirely welcome to the statement and is entitled to have it incorporated there.

Mr. RANDALL. I do it for the reason that the gentleman stated that there was no provision in this bill for ordnance, and that these vessels when completed would be helpless in that regard; and therefore I incorporate in the debate this statement of the Secretary of the Navy to show that there had been an allotment for that very purpose.

Mr. CALKINS. But I do not understand, as the gentleman from Pennsylvania seems to understand, that that appropriation or allotment of $200,000 set aside, as he states, is sufficient for the purchase of the armament for these vessels.

Mr. RANDALL. Well, there is one gun that will be shortly ready, as I understand it, ready to be tested. But be that as it may, there is an allotment covering the ground.

Mr. CALKINS. That allotment was made, no doubt, and the money expended or is in process of being expended for the purpose indicated——

Mr. RANDALL. Then these cruisers will not be entirely without armament, even if there was no general provision in the bill covering that item.

Mr. CALKINS. But the point I make is this, that taking this allotment of $200,000 set aside for ordnance, it would be entirely insufficient to arm these four vessels; it is not enough to complete the armament; and if we do not make an appropriation to continue it the work must cease and will cease. That is my suggestion.

Mr. RANDALL. Let me ask also what becomes of the guns that are already on the vessels; on our present vessels?

Mr. CALKINS. Oh, I know we have got some old smooth-bore cannon that we can take over the world and pop away with where there is no enemy in sight.

Mr. RANDALL. This country has no enemy in sight.

Mr. CALKINS. But I want to know if my colleague on the committee the gentleman from Pennsylvania contemplates the use of that sort of ordnance on these four steel cruisers.

Mr. RANDALL. I say to-day there is no enemy in sight of this country, and I am not willing to give, as I think unnecessarily, if I can help it, to the present State and Navy Departments any excessive amounts of money.

Mr. CALKINS. Mr. Chairman, while there is no enemy in sight, I have always been taught that the time to prepare for war is in time of peace. If we had been prepared recently there would not have been the four years' war that swept this country and devastated parts of it in a way from which it has not recovered yet.

Now, as the President has said in his message, the country is enjoying the blessings of unprecedented prosperity, and there never was a time when this country could build a navy with such ease as it can now. There never was a time when the country ought to enter upon the construction of a navy like the present. And I hold it to be a crime against the people of this Government to stop now and refuse to build it.

Mr. O'NEILL, of Pennsylvania. Will the gentleman allow me——

Mr. CALKINS. I can not yield now. On this head I have collected some statistics which I wish to submit to the House and the country. I have collected statistics of the population and the value of the property in the following cities upon our seacoast, namely: Boston, New York, Brooklyn, Portland (Me.), Charleston (S. C.), Mobile, New Orleans, and Galveston, on the Atlantic; San Francisco, Oakland, Portland (Oreg.), on the Pacific. These statistics are as follows:

	Population in 1880.	Taxable valuation in 1880.
Boston	362,839	$658,220,784
New York	1,206,299	1,094,069,335
Brooklyn	566,663	244,556,977
Portland, Me	33,810	51,530,510
Charleston	49,984	27,994,055
Mobile	32,034	16,538,487
New Orleans	216,090	91,794,350
Galveston	22,248	15,530,784
San Francisco	233,959	244,626,760
Oakland	34,555	42,822,877
Portland, Oreg	25,203	11,511,058
Total	2,783,684	2,499,195,977

The number of people in those cities amounts to nearly 3,000,000. The value of the property for taxation, as reported in 1880, amounts in round numbers to $2,500,000,000. And yet the little country of Chili in three weeks' time could take every one of those cities and destroy this immense property. Why do I say that? If you look into the navy register of that country you will find they have got five armored vessels. We have not a vessel in our Navy that could stand before one of those armored vessels ten minutes, and every one knows it. No, sir; put them all together, put the entire thirty vessels that we have afloat in front of one of these vessels of the little country of Chili, and she would sink every one of them within less space than we occupy in debate here on this bill, And yet, while I grant you we are not in the presence of an enemy, the fact remains that this country has pocketed insults not only from that little country of Chili, but from almost every other country on the face of the globe in the last four or five years, because we have no Navy with which to assert our rights or maintain our national dignity.

Mr. RANDALL. I would like to ask the gentleman from Indiana whether the construction of these steel cruisers is with any purpose to make them fighting vessels; whether they are not intended as cruisers to prey upon the enemy's commerce?

Mr. CALKINS. That is true.

Mr. RANDALL. To fight and to have the requisite speed if necessary to get away.

Mr. CALKINS. I admit these steel cruisers can not stand against the heavy armored vessels that are owned by Italy, Germany, France, England, or any of the first-class naval powers. But it is a start in the right direction. That is what I say. And it is just as necessary that we should have a navy that will prey upon the commerce of other nations if we should be at war with them as to have vessels that are fighters.

Mr. RANDALL. I want quietly there to make a remark, that this side of the House is not responsible for not having built up a navy in this country while the other side have been in power during the last twenty years.

Mr. CALKINS. You have been in power in this House since 1874 except during one Congress, and I have not seen you start in that direction since you have been in power. We tried it, and when these monitors were undertaken to be built by an administration friendly to this side of the House there was an outcry against them. It is true, also, Mr. Chairman, that since those monitors were begun the time for that class of vessels has almost passed. Now, while we have been spending a few millions of dollars in experiments, England spent five hundred millions of dollars in building her vessels and in experimenting. Many of the vessels she built, after spending millions of dollars upon them, were worthless.

Mr. RANDALL. Will the gentleman give us his authority for that statement as to the five hundred millions of dollars?

Mr. CALKINS. Yes, sir. But I do not have it at hand at this moment.

Mr. RANDALL. Very well; any other time.

Mr. CALKINS. The statement is that England spent £100,000,000 sterling, and if that is not quite $500,000,000 it is very near it. That is the amount which England since the close of the war has been spending and experimenting with on her navy. That is the statement I make, and I stand upon it.

But, Mr. Chairman, as I was saying, I have no doubt that this Congress will shut its eyes to the necessity of building a navy, as other Congresses in which I have served have done, and will absolutely refuse to give effect to any suggestions of the Navy Department to build further steel cruisers.

I have, however, an amendment which I have prepared, and which at the proper time I shall offer to this bill. It proposes to continue the construction of these steel cruisers and to provide for the building of more of them. That is about all that I want to say on that head.

I now come to the proposed reduction by this bill of the number of officers in the Marine Corps to seventy-five from the present number, eighty-three. On that subject I call attention to a memorandum furnished from the Navy Department:

Memorandum on the proposed reduction in the naval appropriation bill of the United States Marine Corps to seventy-five officers on the active-list.

There are at present seventy-eight line and five staff officers, making a total of eighty-three.

In the last naval appropriation bill Congress provided for eighty-five, including the staff. Excluding the five staff officers, whose duties are special and continuous, there are but seventy-eight officers to perform all duties from commandant down to second lieutenant.

Of these there are forty at the several garrisons and stations on shore and thirty-three on board ships in commission. One captain is on duty as Judge-Advocate-General of the Navy, one officer is on leave of absence, and three off duty sick, making the whole number of seventy-eight line officers.

The accompanying paper, marked "B," shows the proper number of officers required for the shore stations and vessels in commission, as approved by the Navy Department. As this requires eighty-eight line officers, it is evident that no reduction should be made, but that the number should be increased to that provided in the act of July 25, 1861, in section 1596, Revised Statutes, namely, ninety-three line and staff, this being the least number with which the duties required can be properly performed.

The act of June 30, 1875, was carried out, and experience has shown that the number provided by it, namely, seventy-five, will not suffice.

Why renew such legislation? It is false economy to cut down below what is actually needed. Troops must have officers, and for years past there have not been enough at some of the stations to enforce discipline, and many ships have been without officers to command the guards.

No argument as to a surplus of officers in the Navy can be applied to the Marine Corps, which has labored under the opposite disadvantage of not having enough.

The proposed reduction would leave but twelve second lieutenants for 2,000 men. Reference to the paper marked "B" will show how many are required in the Army for the same number.

There are always some officers unfit for duty by reason of sickness. No allowance is made for this in the proposed reduction. At present three are sick for long periods, two of whom are past recovery.

The duties of the five staff officers are always the same, but those of the line vary greatly. The men are divided into many detachments, both large and small, and are scattered over the globe, requiring in consequence more officers than if permanently stationed as regular companies or regiments on shore.

A reference to the accompanying paper marked "A" will show the duties of the Marine Corps and the opinion entertained by the Navy Department and many distinguished officers of its value and efficiency.

Its history from its beginning has been one of honorable and faithful service in all our wars "by land and sea," and it well merits its appellation of "ever faithful."

I now come to the proposed reduction of the officers of the Navy. For years there has been a constant tinkering with the officers of the Navy, both of the line and of the staff. There is a feeling of unrest, of discontent and uncertainty, among those officers all the time. One Congress convenes and declares one policy, and the next Congress comes along and overturns it, and so we have been going on for years. In order to get before the committee an important fact I call attention to a tabulated statement which I hold in my hand, which has been furnished from a trustworthy source, as I understand it. It is as follows:

List of the number of line and staff officers of the United States Navy during the past forty-two years, compiled from the United States Navy Register.

1842.

LINE.

Captains	68
Commanders	96
Lieutenants	328
Passed midshipmen	103
Midshipmen	459
Masters	30
Total	1,084

STAFF.

Surgeons	69
Passed assistant surgeons	11
Assistant surgeons	55
Pursers	64
Chaplains	24
Professors, &c	25
Total	248

1852.

LINE.

Captains	68
Commanders	97
Lieutenants	325
Masters	32
Passed midshipmen	205
Midshipmen	202
Total	929

1852.

STAFF.

Surgeons	69
Passed assistant surgeons	34
Assistant surgeons	45
Pursers	64
Chaplains	24
Professors	12
Engineers	86
Total	334

1861.

LINE.

Senior flag-officer	1
Captains	78
Commodores	114
Lieutenants	321
Masters	36
Midshipmen	55
Total	605

STAFF.

Surgeons	69
Passed assistant surgeons	43
Assistant surgeons	36
Pursers	64
Chaplains	24
Professors	12
Engineers	174
Total	422

1871.

LINE.

Admiral	1
Vice-Admiral	1
Rear-admirals	12
Commodores	25
Captains	50
Commanders	89
Lieutenant-commanders	178
Lieutenants	141
Masters	151
Ensigns	69
Midshipmen	69
Total	786

STAFF.

Surgeons	80
Passed assistant surgeons	32
Assistant surgeons	38
Paymasters	80
Passed assistant paymasters	39
Assistant paymasters	29
Chief engineers	56
First assistant engineers	98
Second assistant engineers	93
Chaplains	23
Professors	9
Total	577

1879.

LINE.

Admiral	1
Vice-Admiral	1
Rear-admirals	11
Commodores	25
Captains	50
Commanders	91
Lieutenant-commanders	80
Lieutenants	280
Masters	100
Ensigns	78
Midshipmen	41
Total	758

STAFF.

Surgeon-General	1
Medical directors	14
Medical inspectors	15
Surgeons	50
Passed assistant surgeons	67
Assistant surgeons	27
Paymaster-General	1
Pay directors	12
Pay inspectors	13
Paymasters	50
Passed assistant paymasters	30
Assistant paymasters	16
Engineer-in-Chief	1
Chief engineers	69
Passed assistant engineers	96
Assistant engineers	40
Cadet engineers	23
Chaplains	24
Professors	12
Naval constructors	11
Assistant naval constructors	5
Civil engineers	9
Total	586

1884.

LINE.

Admiral	1
Vice-Admiral	1
Rear-admirals	7
Commodores	21
Captains	45
Commanders	86
Lieutenant-commanders	77
Lieutenants	270
Lieutenants, junior grade	94
Ensigns	97
Ensigns, junior grade	100
Total	799

STAFF.

Medical directors	15
Medical inspectors	15
Surgeons	50
Passed assistant surgeons	72
Assistant surgeons	10
Pay directors	13
Pay inspectors	13
Paymasters	49
Passed assistant paymasters	30
Assistant paymasters	20
Chief engineers	70
Passed assistant engineers	94
Assistant engineers	78
Chaplains	24
Professors	11
Naval constructors	11
Assistant naval constructors	9
Civil engineers	10
Total	594

It will be seen from the inspection of the foregoing tables that the number of officers of the line in 1842 was 1,084, and that the Navy Register last published shows an exhibit of only 799, a reduction of 285.

It will be seen by an inspection of this statement that there were more officers of the line in the Navy in 1842 than there are to-day. The total number of officers of the line in 1842 was 1,084, and in 1884 the total number is 799, a reduction of 285 officers of the line. The staff has increased by two or three hundred officers.

Mr. WHITE, of Kentucky. May I ask the gentleman the source of that information?

Mr. CALKINS. This statement was prepared by a friend of mine, a naval officer, whose name I do not care to give.

Mr. WHITE, of Kentucky. Allow me to ask the gentleman if there is not a contest going on between the line and the staff, and whether it would not be well enough to have a statement from other sources than the line of the Navy?

Mr. CALKINS. If there be a conflict between the line and the staff I do not care to take part in it. All I have to say is that the officers of the line of the Navy are the men who do our fighting, the men who bear our flag wherever the white sails of commerce go. They are the men in the Navy of all others who ought, in my judgment, to receive favorable action at our hands.

Mr. WHITE, of Kentucky. Are not the staff officers exposed to the same dangers under all circumstances?

Mr. CALKINS. Oh, no; some of them are on vessels, but the most of them are on shore. I have said all that I care to say upon this appropriation bill at this time. I have spoken warmly about some portions of it, because I believe that if the Government of the United States ever wants to restore its merchant marine, to compete with other nations of the world, it must first build a navy.

It was stated not long ago, and I think very probably the statement was correct, although I have not had an opportunity to verify it, that the great profits which had been made by England in her commerce have been made from the semi-civilized countries with which she trades. Admiral Shufeldt stated the other day in his testimony before a committee of the Senate that it was a fact that before you can establish commerce with such nations you must first take there your men-of-war and your guns, and let them know that there is power behind the Government which those vessels represent ready to enforce the rights of American citizens abroad; a statement which I think no one will deny. If we are ever to re-establish the merchant marine of this country the first thing to do is to construct a navy. Having constructed a navy, I think it will not be long before our flag will again float at the mast-heads of one of the first marine countries of the world.

Mr. HEPBURN. Before the gentleman takes his seat I would like to ask him a question.

Mr. CALKINS. Certainly.

Mr. HEPBURN. It is in reference to the Pay Department of the Navy. I can not ascertain from the Book of Estimates the amount paid to the pay officers of the Navy. Can the gentleman state the cost of that department exclusive of the pay proper of the officers? I mean such items as clerk-hire, rent, and incidentals of that kind.

Mr. CALKINS. By law every paymaster in the Navy is entitled to a clerk. On page 4 of this bill will be found an appropriation for the pay of those clerks. It is not segregated, but is made in one grand total. Without looking up the law fixing the compensation of those clerks I could not now answer the question of the gentleman. Their compensation, however, is fixed by law.

I want to say further to my friend that my judgment is that this is the proper time to commence cutting down the number of officers of that department. For instance, there are thirteen pay directors and twelve pay inspectors. Those officers have too much rank to permit their going to sea in a vessel, because they would rank the command-

ing officer of the vessel; and there are not enough vessels in the Navy to enable us to send them out in fleets where the commander of the fleet would rank them. They are consequently kept on shore. My judgment is that each grade should be reduced to five in number and there kept.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. CALKINS] has expired. The Chair recognizes the gentleman from Illinois [Mr. THOMAS] as entitled to the floor.

Mr. HUTCHINS. Will the gentleman from Illinois yield for a motion that the committee rise?

Mr. THOMAS. I gladly do so.

Mr. HUTCHINS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the SPEAKER having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, had come to no resolution thereon.

IMPROVEMENTS IN ASTRONOMICAL OBSERVATORIES.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Naval Affairs:

To the House of Representatives:

I transmit a communication, under date of the 8th instant, addressed to me by the Secretary of the Navy, covering a report of Professor Simon Newcomb, United States Navy, on the subject of recent improvements in astronomical observatories, instruments, and methods of observations, as noted during his visit to the principal observatories of Europe in the year 1883, made in pursuance of orders of the Navy Department.

The request of the Secretary is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 11, 1884.

ENROLLED JOINT RESOLUTIONS.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 24) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions.

SAINT PAUL AND SIOUX CITY RAILROAD COMPANY.

Mr. WAKEFIELD, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Public Lands:

Whereas the Congress of the United States by act of March 3, 1857, granted certain lands to the Territory and future State of Minnesota to aid in the construction of certain lines of railroad therein named; and

Whereas by the provisions of said act there were granted to aid in the construction of a railroad from Saint Paul and Saint Anthony via Minneapolis to the southern boundary of said Territory, in the direction of the mouth of the Big Sioux River, every alternate section of land designated by odd numbers for six sections in width on each side of said road; and

Whereas it was stipulated in said act that should it appear when the line of said road was definitely fixed that the United States had sold any part of said granted land, or that the right of pre-emption had attached to the same or any part thereof, then it should be lawful for the Territory or future State, acting through the designated authority, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tier of sections heretofore specified, so much land in alternate sections or parts of sections as should be equal to such lands as the United States had sold or otherwise appropriated or to which the right of pre-emption had attached, which lands thus selected, together with those granted by said act, were to be held by the Territory and future State of Minnesota for the uses and purposes hereinbefore stated: *Provided, however,* That the land so located should in no instance be more than fifteen miles from the line of said road; and

Whereas the State of Minnesota, by legislative act approved March 4, 1864, granted to the Minnesota Valley Railroad Company, now known as the Saint Paul and Sioux City Railroad Company, all the lands, interests, rights, powers, and privileges granted to and conferred upon said State by said act of Congress of March 3, 1857, and the said railroad company constructed a railway from Saint Paul to the southern boundary of the State, in the direction of the mouth of the Big Sioux River, as by said act provided; and

Whereas by an act of Congress approved May 12, 1864, four additional sections per mile were granted to said State of Minnesota to aid in the construction of said road, subject to the same conditions and restrictions as obtained in the original grant; and

Whereas the right of said State to select lands in lieu of those sold or otherwise appropriated by the United States, or to which pre-emption rights had attached, was limited by the terms of the grant to lands conterminous with the constructed line; and

Whereas it is alleged that under an erroneous and unwarranted construction by a former Secretary of the Interior of the acts referred to there were certified by the Interior Department to the said State of Minnesota in trust for the said The Saint Paul and Sioux City Railroad Company large tracts of valuable land, aggregating many thousands of acres, which were selected by the agents of said company in the counties of Jackson, Nobles, and Rock, in said State, at a distance of from fifty to one hundred and fifty miles from that portion of their constructed line within whose prescribed limits the deficiencies mentioned were found to exist at the date of location: Therefore,

Resolved, That the Secretary of the Interior be, and he is hereby, requested to inform the House of Representatives at an early day by what authority and under what law the said The Saint Paul and Sioux City Railroad Company were allowed to acquire title to lands in said counties of Jackson, Nobles, and Rock to make good deficiencies found to exist within the limits of their grant between Saint Paul and the city of Mankato, in Blue Earth County, of said State.

COMMITTEE CLERK.

Mr. HEWITT, of Alabama, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved by the House of Representatives, That a clerk be allowed the Committee on Expenditures in the Treasury Department during the sessions of this Congress, with compensation at the rate of $6 per day.

BETSEY A. SMITH.

Mr. WAIT, by unanimous consent, introduced a bill (H. R. 4990) granting a pension to Betsy A. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

Mr. CURTIN. I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Foreign Affairs be authorized to cause 4,000 copies of House Report 109 relative to the French spoliation claims, together with the exhibits, to be printed. Exhibit A, message of President Polk; Exhibit B, message of President Pierce; Exhibit C, report of Charles Sumner; Exhibit D, number of committee reports.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. RANDALL. I object, unless it is referred to the Committee on Printing.

The resolution was referred to the Committee on Printing.

WATER ROUTE BETWEEN LAKE MICHIGAN AND DETROIT RIVER.

Mr. LACEY, by unanimous consent, introduced a bill (H. R. 4991) to provide for the survey of a water route to connect the waters of Lake Michigan with the Detroit River; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. NEECE, by unanimous consent, introduced a bill (H. R. 4992) to authorize the construction of a bridge across the Mississippi River at Rock Island, Ill., and Davenport, Iowa, and to establish it as a post-route; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. BLANCHARD. I move that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 17 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELMONT: Resolutions of the common council and of the Board of Trade of Long Island City, relative to the completion of the work on Hell Gate, East River—severally to the Committee on Rivers and Harbors.

By Mr. BLAND: Petition of citizens of Missouri, for post-routes in said State—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELLE: Petition of the Good Templars of Montana, of the Woman's Christian Temperance Union of Dakota, of the Grand Lodge of Good Templars of Maine, relative to the alcoholic liquor traffic—severally to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. CALKINS: Petition of Patton Post and of Houghton Post, Grand Army of the Republic, relative to correcting the rolls as to fictitious names entered during the late war—to the Committee on Military Affairs.

By Mr. J. M. CAMPBELL: Petition of the Good Templars of the District of Columbia relative to the manufacture and sale of alcoholic liquors—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition of Isaiah W. Bunker, for increase of pension—to the Committee on Invalid Pensions.

By Mr. COVINGTON: Petition of the Board of Trade of Baltimore, Md., for the placing of a light-ship off Smith's Island, Cape Charles Shoals—to the Committee on Commerce.

By Mr. DEUSTER: Resolutions of the Milwaukee Chamber of Commerce, opposing extension of steam grain-shovel patents—to the Committee on Patents.

By Mr. A. S. HEWITT: Petition of the Woman's Christian Temperance Union of New York, for a constitutional amendment prohibiting the manufacture and sale of intoxicating liquor—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HOBLITZELL: Memorial of the Board of Trade of Baltimore city, asking for a light off Smith's Island, Cape Charles Shoals—to the Committee on Commerce.

By Mr. B. W. JONES: Petition of the State officers, judges of the supreme court, and other citizens of Wisconsin, asking for increased pension to soldiers of the late war who lost a limb—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Bridget Leary—to the Committee on Claims.

By Mr. LONG: Petition of the Temple of Honor of Massachusetts, relative to the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. McCOMAS: Petition of A. J. McAllister, relative to his claim—to the Committee on War Claims.

By Mr. MAYBURY: Petition of L. Black & Co., August Rasch & Co., George Kirby, Detroit Paper Company, G. S. Wormer & Sons, Ducharme, Fletcher & Co., Webster Manufacturing Company, the Detroit Novelty Works, and 12,000 others, and of D. C. Whitwood, D. J. Evans, Ervin Palmer, D. Bethune Duffield, and 4,000 others, asking for the selection of a new site for the new public building at Detroit and also for an increased appropriation therefor—severally to the Committee on Public Buildings and Grounds.

By Mr. MILLS: Petition of the Templars of Honor and Temperance, of Texas, asking for a constitutional amendment prohibiting the manufacture and sale of intoxicating liquors—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. MORGAN: Memorial of Yeager Sharp Post, No. 28, Grand Army of the Republic, Wellsville, Mo., relative to bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MORRILL: Petition of Julius Kuhn and 21 others; of J. M. Pickartz and 20 others; and of C. A. Murdock and others, relative to the manufacture of vinegar—severally to the Committee on Ways and Means.

By Mr. MULLER: Petition of Charles B. Meyer, for relief—to the Committee on Claims.

By Mr. MURPHY: Petition of citizens of Davenport, Iowa, relative to the manufacture of vinegar—to the Committee on Ways and Means.

By Mr. NELSON: Petition of Thomas Carr and others, relative to Red Lake Indian reservation—to the Committee on Indian Affairs.

Also, petition of citizens of Minnesota, relative to the Red Lake and White Earth Indian reservations—to the same committee.

Also, petition of James Smith, jr., relative to steam grain-shovel patent—to the Committee on Patents.

By Mr. PATTON: Petition of William Scott, postmaster of Cokeville, relative to claim for carrying the mail—to the Committee on the Post-Office and Post-Roads.

By Mr. PETERS: Petition of members of the bar at Wichita, Kans., asking for an increase of salary for United States circuit and district judges—to the Committee on the Judiciary.

By Mr. POLAND: Petition of James F. Smith, asking for compensation for injuries received in the public service—to the Committee on Claims.

Also, petition of William Bridges, jr., and others, for a pension for said Bridges—to the Committee on Invalid Pensions.

Also, petition of the Woman's Christian Temperance Union of Saint Albans, Vt., asking for a commission of inquiry concerning the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. PRICE: Petition of Sons of Temperance of Wisconsin, for a constitutional amendment prohibiting the manufacture and sale of intoxicating liquor—to the same committee.

By Mr. G. W. RAY: Petition of citizens of Chenango County, New York, that the CONGRESSIONAL RECORD be sent free to institutions of learning—to the Committee on Printing.

By Mr. REED: Petition of the Grand Lodge of Good Templars of Maine, relative to the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. RIGGS: Proceedings of a mass-meeting of pensioners at Chicago, protesting against the abolition of pension agencies—to the Committee on Invalid Pensions.

Also, paper relative to the improvement of the navigation of the Mississippi River, and to strengthen the Sny Island levee—to the Committee on Rivers and Harbors.

Also, petition relative to the pension claim of John S. Roy—to the Committee on Invalid Pensions.

By Mr. SMITH: Petition of citizens of Lancaster, Pa., for the enactment of a law to redeem trade-dollars and to suspend the coinage of silver dollars—to the Committee on Coinage, Weights, and Measures.

By Mr. SPOONER: Papers relating to the claim of S. A. Peugh—to the Committee on Claims.

By Mr. WAIT: Petition of the Sons of Temperance of Connecticut, relative to the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. W. L. WILSON: Papers relating to the claim of John M. Harman—to the Committee on War Claims.

By Mr. WOOD: Memorial of McHolland Post, No. 102, Grand Army of the Republic, Indiana, relative to the equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of James H. Williams and others, relative to pensions for soldiers and heirs of deceased soldiers of the war of 1812—to the Committee on Pensions.

SENATE.

WEDNESDAY *February* 13, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled joint resolutions, which had heretofore been signed by the Speaker of the House of Representatives:

A joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions; and

A joint resolution (H. Res. 24) authorizing the printing of 2,500 copies of the report of the health officer of the District of Columbia.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with the requirements of the act of March 3, 1883, his opinion as to what amounts ought to be paid to the contractors, severally, for the use and occupation of their yards with the double-turreted ironclads and for the care thereof; which, with the accompanying report, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting certain correspondence inadvertently omitted in his reply of the 22d ultimo to a resolution of December 6, 1883, relating to the late Sioux agreements; which, with the accompanying papers, was referred to the special committee to examine into the condition of the Sioux Indians, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Good Templars of the District of Columbia, officially signed by A. Kalstrom, grand worthy chief templar, and M. P. Caldwell, grand worthy secretary, representing 1,200 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. HILL presented a petition of the Good Templars of Colorado, officially signed, representing 2,200 members, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating beverages; which was referred to the Committee on Education and Labor.

Mr. WALKER. I present a petition of the grand jury of the district court of the United States for the western district of Arkansas for the February term, addressed to the Senate and House of Representatives, praying Congress to provide for a public building at Fort Smith, Ark., for the purposes of that court. I move that the petition be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. COKE. I present a petition of many citizens of El Paso, Tex., addressed to the Senate and House of Representatives of the United States in Congress assembled, praying for the establishment at El Paso of a United States district court with circuit court jurisdiction and powers. The petition is accompanied by a mass of pertinent statistical information showing the importance of the establishment of such a court. A bill is now before the Committee on the Judiciary, having passed the House, providing for such a court at El Paso, Tex., and I move that this petition be referred to the Committee on the Judiciary, to be considered with that bill.

The motion was agreed to.

Mr. JACKSON presented the petition of Pearson C. Montgomery, of Memphis, Tenn., praying compensation for hire of a steamboat appropriated by the Government of the United States; which was referred to the Committee on Claims.

He also presented the petition of N. G. Terry, of Tennessee, praying that certain internal-revenue taxes illegally collected be refunded; which was referred to the Committee on Finance.

Mr. ALLISON presented a petition of a committee of the Grand Army of the Republic, praying for the establishment of a home for disabled soldiers; which was referred to the Committee on Military Affairs.

Mr. DAWES. I present petitions, numerously signed, from citizens of Boston, Mass., Brooklyn, N. Y., Providence, R. I., Derby, Vt., and Concord, N. H., all praying for an appropriation for the purposes of education in Alaska. I move that the petitions be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. PALMER presented a petition of the Good Templars of Michigan, officially signed, representing 938 members, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating liquors for drinking purposes; which was referred to the Committee on Education and Labor.

He also presented a petition of the Good Templars of Michigan, officially signed, representing 938 members, praying for a commission of

inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. PLATT presented a petition of the Temperance Union of Connecticut, officially signed, asking for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. FARLEY presented a petition of the Grand Lodge of Good Templars of California, officially signed, representing 300,000 members, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. SAWYER presented resolutions adopted by the Milwaukee (Wisconsin) Chamber of Commerce, opposing the extension of the steam grain-shovel patents; which were referred to the Committee on Patents.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1481) for the relief O. L. Cochran, late postmaster at Houston, Tex., reported it without amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Claims, to whom was referred the petition of Mahlon C. Frambes and others, owners of the schooner T. P. Lerned, praying compensation for the loss of that vessel in Hatteras Inlet, North Carolina, January, 1862, while in the service of the Government, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. BOWEN. I am directed by the Committee on Indian Affairs to report that all papers which accompanied the bill (S. 563) for the relief of John Little and Hobart Williams have been referred to the Court of Claims. The bill is returned to the Senate.

The PRESIDENT *pro tempore*. The report will be placed on file.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (S. 70) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts, reported it with amendments, and submitted a report thereon.

Mr. CAMDEN, from the Committee on Military Affairs, to whom was referred the bill (S. 483) for the relief of the State of Nebraska, submitted an adverse report thereon.

Mr. VAN WYCK. The bill can be placed upon the Calendar.

The PRESIDENT *pro tempore*. Is there objection to the indefinite postponement of the bill?

Mr. VAN WYCK. I object to its indefinite postponement at this time.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. CAMDEN, from the Committee on Military Affairs, to whom was referred the bill (S. 1053) for the relief of William Pfaender, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. PALMER. I am instructed by the Committee on the District of Columbia to make the following report:

The Committee on the District of Columbia, to whom was referred the petition of Belva A. Lockwood and others, praying that a woman deputy warden be appointed to the jail of the District of Columbia, report:

That the committee find the power to make such appointment is vested by law in the chief-justice of the District and the warden of the jail.

That while the committee would not at present recommend any legislation in the premises, they are unanimously of the opinion that an ordinary regard for the proprieties of life demand that such appointment be made.

The PRESIDENT *pro tempore*. It is moved that the committee be discharged from the further consideration of the petition.

The motion was agreed to.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 86) for the relief of L. Madison Day, reported it without amendment, and submitted a report thereon.

E. H. GEORGE AND H. W. WALKER.

Mr. PIKE. I am directed by the Committee on Claims, to whom was referred the joint resolution (H. Res. 152) for the relief of E. H. George and H. W. Walker, to report it favorably, without amendment; and I ask unanimous consent that it be put on its passage.

The joint resolution was read; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to pay to E. H. George $125 and to H. W. Walker $250 in full compensation for services rendered by them in closing and opening new books in the office of the Sergeant-at-Arms of the House of Representatives and preparing mileage reports for payment.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LADY FRANKLIN BAY EXPEDITION.

Mr. HALE. I am instructed by the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 50) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions, to report it adversely.

The PRESIDENT *pro tempore*. Shall the joint resolution be indefinitely postponed?

Mr. MCPHERSON. I do not know but that this would be as good a time as any to obtain the sentiment of the Senate on this measure. It is well known that by the joint resolution recently passed the President or his Cabinet officers are given full privilege to expend as much money as he pleases, and if any action is to be taken at all on this measure it should be immediately following that act. I suppose under the rules the question now comes up on the indefinite postponement of the bill.

The PRESIDENT *pro tempore*. Under the rule debate or action upon a bill just reported can only be had by unanimous consent. It is usual with adverse reports, where there is no difference of opinion among Senators, to keep them off the Calendar by indefinitely postponing the bills to which they relate.

Mr. MCPHERSON. I wish to say but a few words upon the question. I discovered that there was a sentiment in the Senate very largely in favor, as I thought, of limiting the appropriation to a certain sum, and although it was not incorporated in the original joint resolution for some reason or other which I can not fully understand, I immediately followed that measure by the one now before the Senate providing for a fixed limit to the appropriation.

I am willing that a vote shall be taken upon the joint resolution now reported. The Senate fully understands the question. If it is indefinitely postponed, of course the appropriation will not be limited. If the Senate should not indefinitely postpone this resolution, I shall then ask unanimous consent that it may be immediately considered, in order that the Secretary of the Navy may be advised, and fully advised, to make no greater expenditure than the pending joint resolution provides shall be made.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent that the joint resolution be now considered. Is there objection?

Mr. HALE. I do not think it had better be considered now. I supposed, from what I heard of the remarks made by the Senator from New Jersey, that he proposed simply to take the sense of the Senate on indefinitely postponing it.

The PRESIDENT *pro tempore*. The question on indefinite postponement, except by unanimous consent, can only be taken as if the resolution were before the Senate as in Committee of the Whole, and if the Senate refuse to indefinitely postpone it it will then be before the Senate for action.

Mr. HALE. I have no objection to the sense of the Senate being taken without further debate upon postponing it indefinitely, simply saying that that was decisively settled the other day by the Senate, and I do not think the body will want to take it up again. We clearly shall gain nothing from the House by sending this bill over there. The matter is out of the way, and perhaps pretty well out of the way, and I hope the Senate will not reopen it now.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution? The Chair hears none; and it is now before the Senate as in Committee of the Whole. It will be reported at length.

The Chief Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives, &c., That the sum of $500,000 be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated, and immediately available, to carry into effect the provisions of House of Representatives joint resolution numbered 119; and that the expenditure therein authorized to be made shall be limited to said $500,000.

Mr. MCPHERSON. I will only say one word——

The PRESIDENT *pro tempore*. The Chair will state the question. Does the Senator from Maine move that the joint resolution be indefinitely postponed?

Mr. HALE. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the joint resolution be indefinitely postponed. The question is, Will the Senate agree to that motion? The Senator from New Jersey.

Mr. MCPHERSON. I will only make the statement that I have information from responsible sources that the amount to which this resolution limits the appropriation, namely $500,000, will be even more than will be needed to carry into effect the joint resolution passed the other day. I hope this measure will not be indefinitely postponed. Upon that question I call for the yeas and nays.

Mr. HALE. Let us have a vote and get it out of the way.

Mr. GARLAND. Let the joint resolution which was passed be read. This appears to be in the nature of a supplement to that.

The PRESIDENT *pro tempore*. The joint resolution which was passed will be read for the information of the Senate, if there be no objection.

The Chief Clerk read as follows:

Resolved by the Senate and House of Representatives, &c., That the President be, and is hereby, authorized to prepare and dispatch an expedition to the coast of Greenland, Smith's Sound, or Lady Franklin Bay for the purpose of relieving and bringing home Lieut. A. W. Greely and party; and that for this purpose the purchase of not exceeding three vessels is authorized, and all expenditures necessary for manning, equipping, and supplying them, and for any land journeys which may be required; and such sums as may be necessary to effect the object of this resolution are hereby appropriated out of any moneys in the Treasury not otherwise appropriated; the vessels purchased to be sold after their return,

and the money arising from such sale covered into the Treasury. And the President shall submit to Congress, on the first Monday of December, 1884, a full and detailed account of all expenditures and outlays made on account of this appropriation.

Mr. GARLAND. Now let the pending measure be read.

The PRESIDENT *pro tempore*. The pending joint resolution will be reported for information.

The Chief Clerk again read the joint resolution.

The PRESIDENT *pro tempore*. The question is, Shall the joint resolution be indefinitely postponed?

Mr. MCPHERSON. I call attention to the phraseology of the joint resolution. In line 5, after the word "appropriated," the word "and" should be stricken out and "to be" inserted; so as to read, "out of any money in the Treasury not otherwise appropriated, to be immediately available."

The PRESIDENT *pro tempore*. The Chair can not receive the amendment on a motion to indefinitely postpone. If the motion to postpone indefinitely be not agreed to the amendment will then be in order. The question is on agreeing to the motion to indefinitely postpone the joint resolution.

Mr. MCPHERSON. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary called the roll.

Mr. HALE. My colleague [Mr. FRYE] is paired with the Senator from Georgia [Mr. BROWN].

The result was announced—yeas 27, nays 26; as follows:

YEAS—27.

Allison,	Dolph,	Manderson,	Platt,
Anthony,	Hale,	Miller of Cal.,	Riddleberger,
Bowen,	Harrison,	Mitchell,	Sawyer,
Butler,	Hawley,	Morrill,	Sherman,
Conger,	Jones of Florida,	Palmer,	Vance,
Cullom,	Logan,	Pendleton,	Wilson.
Dawes,	McMillan,	Pike,	

NAYS—26.

Bayard,	Fair,	Jackson,	Sewell,
Beck,	Farley,	Lamar,	Van Wyck,
Call,	Garland,	McPherson,	Vest,
Camden,	George,	Maxey,	Voorhees,
Cockrell,	Hampton,	Morgan,	Walker.
Coke,	Harris,	Plumb,	
Colquitt,	Ingalls,	Pugh,	

ABSENT—23.

Aldrich,	Frye,	Jonas,	Ransom,
Blair,	Gibson,	Jones of Nevada,	Sabin,
Brown,	Gorman,	Kenna,	Saulsbury,
Cameron of Pa.,	Groome,	Lapham,	Slater,
Cameron of Wis.,	Hill,	Mahone,	Williams.
Edmunds,	Hoar,	Miller of N. Y.,	

So the joint resolution was postponed indefinitely.

CONGRESSIONAL LIBRARY BUILDING.

Mr. MORRILL. I wish to ask unanimous consent to correct a single word that was misprinted in the bill that passed yesterday in relation to the Library. In line 7 of section 1, after the word "street," I wish to have the word "south" inserted.

Mr. ALLISON. I think the bill has gone to the House.

Mr. MORRILL. No, it has not.

The PRESIDENT *pro tempore*. The bill is still in the Senate.

Mr. BAYARD. It is merely desired to correct a misprint in the bill.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that an error in a name in Senate bill No. 1139, which passed the Senate yesterday, may be corrected, by inserting the word "south" in line 7 of section 1 after the word "street," so as to read: "or between B street south and East Capitol street." Is there objection to the correction of the bill in the particular stated? The Chair hears none, and it is so ordered, and it will be so engrossed.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 1514) for the relief of Bessie S. Gilmore; which was read twice by its title, and referred to the Committee on Finance.

Mr. INGALLS introduced a bill (S. 1515) granting a pension to Beverly Post; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FARLEY introduced a bill (S. 1516) for the relief of Jesse D. Carr; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. PENDLETON introduced a bill (S. 1517) granting eight condemned cannon to be used in the erection of a statue to the memory of General William H. Lytle, of Ohio; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 1518) to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guards; which was read twice by its title, and referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BECK, it was

Ordered, That Jabez Burchard have leave to withdraw from the files of the Senate his petition and papers, subject to the rules.

On motion of Mr. CAMDEN, it was

Ordered, That the papers relating to Senate bill No. 797 donating certain public building for free-school purposes in the town of Harper's Ferry, W. Va., on file in the office of the Secretary of Senate, be withdrawn.

Mr. COCKRELL. I ask for the following order:

Ordered, That the papers relating to the claims of Richard H. Porter and C. A. Perry & Co. be taken from the files of the Secretary and referred to the Committee on Claims as exhibits touching Senate bill 1391, referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition.

I am advised by a reputable attorney of this city who is representing the claimants that these exhibits are competent evidence and are necessary in the consideration of the bill, although they have been filed in other cases.

The PRESIDENT *pro tempore*. The order will be entered subject to the rule, if there be no objection.

TELEGRAPHIC-SERVICE INVESTIGATION.

Mr. HILL. I submit the following resolution and ask for its immediate consideration:

Resolved, That the necessary expenses incurred under resolutions of the Senate of January 31 and February 11, 1884, be paid out of the appropriation "for expenses of special and select committees," &c., on vouchers to be approved by the chairman of the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. The rule requires that if objection be made such a resolution shall be referred to the Committee on Contingent Expenses.

Mr. INGALLS. I should like to hear some explanation of it.

Mr. GARLAND. Let it go over for the present.

Mr. HILL. I did not understand the Chair clearly.

The PRESIDENT *pro tempore*. The Chair is calling for objection, and stating that under the rules if objection be made to the consideration of a resolution appropriating money out of the contingent fund of the Senate it shall be referred to the Committee on Contingent Expenses. The Chair understands that objection is made. The resolution will lie over until to-morrow, unless the Senator from Colorado desires it to be referred.

Mr. HILL. Let it lie over until to-morrow.

Mr. INGALLS. I did not make any objection; I said that I should like to hear an explanation before voting on it.

The PRESIDENT *pro tempore*. The Senator from Arkansas [Mr. GARLAND] objected, the Chair understood.

Mr. GARLAND. Yes; let the resolution go to the committee.

Mr. HILL. I have no objection.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Colorado to be willing that the resolution shall be referred.

Mr. HILL. I have no objection to its being referred. I suppose it will be acted on very promptly.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. MAXEY. In order that the Committee on Contingent Expenses may understand the resolution offered by the chairman of the Committee on Post-Offices and Post-Roads, I wish merely to say that the entire postal-telegraph system is now before that committee, and the committee believe it wise to get the best testimony they can. Hence the resolution was introduced for the purpose of obtaining the evidence on that subject.

PRIVATE RELIEF BILLS.

Mr. DOLPH. I submit the following resolution:

Resolved, That the Committee on Rules be, and it is hereby, directed to consider and report to the Senate upon the power and expediency of restricting, by the rules of the Senate, the introduction of bills for private relief to bills reported by a committee of the Senate, and to cases where a petition for relief shall have been first presented to the Senate, referred to a committee, and the introduction of a bill for the relief prayed for recommended by the committee.

With the indulgence of the Senate I will briefly explain the resolution, and I may safely say that the suggestions made by me will voice the sentiment of every Senator who has ever served upon the committee on Claims, the Committee on Pensions, or any other committee of the Senate to which any considerable number of bills for private relief have been referred.

I am told upon good authority that at the close of the first session of the Thirty-seventh Congress there had been but four hundred bills introduced in the Senate, and that probably the number introduced during both sessions of that Congress did not exceed six hundred. The number of the last bill introduced in the Senate yesterday was 1513, and yet but a little over two months of the session have expired. Of these bills I think it is safe to estimate that at least 1,300 are for private relief. Such bills are mainly referred to the Committee on Claims, the Committee on Pensions, the Committee on Private Land Claims, the Committee on Military Affairs, &c. The number of bills which was referred to the Committee on Claims in the Forty-seventh Congress was six hundred and twenty-five. Of these there were reported one hundred and fifty-six, and no action was had upon four hundred and sixty-nine. They were probably considered in the order in which they were referred to the committee, and however meritorious any one of the four hundred and sixty-

nine bills for relief not acted upon by reason of that committee being overwhelmed with these bills, its merits could not be considered.

At the present session there have been 425 bills referred to the Committee on Claims; reported at this session 87; not acted upon at this time 338. When it is considered that of these 87 reports many of them are voluminous, consisting of 15 or 20 pages of closely printed matter; that in many of the claims so referred to the committee the testimony is voluminous, in some cases amounting to 5,000 pages, and in many other cases so voluminous that it would occupy the time of a subcommittee for an entire day to examine it, being almost entirely *ex parte*, material and immaterial, relevant and irrelevant, it will be seen at once how great a burden is imposed upon the committees of Congress by the now indiscriminate right of introducing bills for private relief.

I imagine that the people of this country suppose that Congress is engaged in considering legislation of national importance—matters the power to legislate upon which is conferred upon Congress under the provisions of the Constitution; but the contrary is true. Congress has been converted into a great judicial tribunal, to which every man who conceives that he has a claim against the Government is allowed to come, have his bill introduced, and have it sent to a committee of Congress, and the time of the committee is consumed in examining the claim and the proofs submitted and in preparing a report upon the facts and the law of the case.

Some relief has been given by the act of March 3, 1883, which provided—

That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt.

But this is only partial relief. Every claim must be critically examined before the committee can determine whether it is a proper one to be transmitted to the Court of Claims for the purpose of having the facts found, and after it is returned to Congress it must still be acted upon.

There is another evil of this system. Notwithstanding the rule of the Senate which provides that claims shall not, after an adverse report has been made, be reconsidered unless further testimony is produced, in almost every case further testimony is produced, and it is impossible to finally kill one of these claims. Some of the claims now before the Committee on Claims are found to have been before Congress for a quarter of a century, and I do not know but some of them have been here for half a century; they are presented to every Congress, adverse reports are made upon them, and at every session they occupy a portion of the time of Congress.

If they are so fortunate as to be made the subjects of bills and to be among the first introduced into Congress and referred to a committee, they ordinarily take their places on the Calendar in the order of their introduction, and are the first to be considered by the committees and by Congress.

It is high time, I think, that there was some remedy for this evil. If the number of bills which are introduced into Congress for private relief goes on increasing, it will be impossible for Congress to give its attention to anything of public importance.

This measure proposed by me is a step in this direction. If it be competent to limit the introduction of private bills by a rule of the Senate, I think it should be done; and if not, further legislation should be had by which some tribunal shall be created to hear and determine these questions of private right, in order that Congress may be relieved from the great burden which is now placed upon it by the indiscriminate presentation of claims.

The PRESIDENT *pro tempore*. The resolution offered by the Senator from Oregon will be reported at the desk.

The Chief Clerk read the resolution.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

ROOMS FOR COMMITTEES.

Mr. DAWES. I understand there are now six committees of this body who have no room in which they can meet inside of the Capitol. In order to bring the matter to the attention of the proper authorities I offer the following resolution:

Resolved, That the Sergeant-at-Arms and the Architect of the Capitol be, and they are hereby, authorized and directed to rent and prepare suitable rooms outside of the Capitol for the use of such Senate committees as have no rooms, and that all expenses hereunder be paid out of the fund for the contingent expenses of the Senate, subject to the approval of the Committee to Audit and Control the Contingent Expenses of the Senate.

Perhaps it had better be referred to the Committee on Contingent Expenses.

The PRESIDENT *pro tempore*. It must be referred under the rule, unless by unanimous consent.

Mr. DAWES. It will bring the matter before the Senate just as well to have it referred.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

NORTHERN PACIFIC RAILROAD LANDS.

Mr. VOORHEES. I offer a resolution, and ask not for its present consideration but that it lie over.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Whereas it is alleged that the Northern Pacific Railroad Company has selected in lieu of lands claimed to have been lost to said company within the "granted limits" established by the act of July 2, 1864 (13 Statutes, 365), lands within the ten-mile indemnity limits circumscribed by said act, which said lands so selected were occupied by homestead and pre-emption settlers at the time the line of said road was definitely fixed, namely, October 4, 1880, and also at the date of such selections; and

Whereas it is alleged that the withdrawal from sale and settlement of the odd-numbered sections within said indemnity limits on the 4th day of October, 1880, by the Secretary of the Interior was unwarranted by the act of July 2, 1864, or by any of the acts or resolutions amendatory thereof, and that said odd-numbered sections were subject to entry under the public-land laws of the United States until the date of actual selection by said corporation: Therefore,

Resolved, That the Secretary of the Interior be directed to withhold his approval of the selections made within the indemnity limits as aforesaid, and to suspend all action thereon until Congress shall determine the questions involved in the claims of settlers upon the lands so selected by said corporation.

The PRESIDENT *pro tempore*. The resolution will be printed and lie over until to-morrow at the suggestion of the Senator introducing it.

Mr. VOORHEES. That is what I desire.

JOHN THORNS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate under the eighth rule Order of Business No. 58, which will be reported.

The CHIEF CLERK. A bill (S. 167) for the relief of John Thorns.

The PRESIDENT *pro tempore*. This bill was reported adversely from the Committee on Claims. It is now before the Senate as in Committee of the Whole and open to amendment.

Mr. HARRIS. I object to its consideration.

Mr. INGALLS. What became of the bill under debate when the morning business was closed yesterday afternoon?

The PRESIDENT *pro tempore*. That was under debate when the Senate went into executive session, the Chair understands, and is the unfinished business, and will therefore come up at 2 o'clock. Order of Business No. 58, being objected to, goes over. Order of Business No. 59 is next in order.

ALBERT H. EMERY.

The bill (S. 399) for the relief of Albert H. Emery was read. It provides for the payment to Albert H. Emery, of New York, of $200,000, in full settlement of all claims, legal or equitable, which he has in any way against the United States on account of the cost of, and the time spent by him and use of, all patents and inventions in designing and constructing the testing-machine built and erected by him for the United States, or otherwise, in any way, on account of that machine. The machine, together with the full right to the use therein of all patents and inventions used in its design and construction, shall belong to the United States.

Mr. COCKRELL. There is a report in that case. I am not sure as to the length of it. I will look and see.

Mr. INGALLS. There is a report?

The PRESIDENT *pro tempore*. There is a report.

Mr. INGALLS. I should like to hear it read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the report submitted by Mr. MANDERSON on the 16th of January from the Committee on Claims.

Mr. PLUMB. I object to the consideration of the bill under the rule.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Kansas objects to the consideration of the bill. The next bill will be stated.

SONE AND FLEMING MANUFACTURING COMPANY.

The bill (S. 410) for the relief of the Sone and Fleming Manufacturing Company, limited, of the city of New York, was considered as in Committee of the Whole. It provides for the payment to the Sone and Fleming Manufacturing Company, limited, of the city of New York, of $5,265.73, being the amount of drawback of duties due to them on certain tin cans exported by them, but which were not entered for drawback within the time fixed by law, owing to the embezzlement of the drawback fees by their dishonest clerk.

Mr. INGALLS. Let us hear the report read.

The Secretary read the following report, submitted by Mr. MANDERSON January 16, 1884:

The Committee on Claims, to whom was referred the bill (S. 410) for the relief of the Sone and Fleming Manufacturing Company, limited, of the city of New York, having duly considered the same, make the following report:

The claim upon which this bill is based was considered by the Committee on Claims of the Senate at the Forty-seventh Congress, first session, and said committee, on February 18, 1882, made a full and clear report in favor of the allowance of the claim in the following words:

"[Senate Report No. 177, Forty-seventh Congress, first session.]

"FEBRUARY 15, 1882.—Ordered to be printed.

"Mr. Teller, from the Committee on Claims, submitted the following report, to accompany bill S. 31:

"The Committee on Claims, to whom was referred the bill (S. 31) for the relief

of the 'Sone and Fleming Manufacturing Company, limited,' of the city of New York, having duly considered the same, make the following report:

"That the Sone and Fleming Manufacturing Company were refiners and exporters of petroleum during the years 1876-'77, carrying on their business at the city of New York, and it appears from the evidence that it was their habit to pack the oil for exportation in cans manufactured from imported tin. At the time of the exportation, under the provisions of section 3019 United States Revised Statutes, they were entitled to the drawback duties on said imported tin; but in order to obtain this drawback it was necessary to enter the tin for drawback.

"The Sone and Fleming Company had at that time in their employ a clerk whose duty it was to file these drawback notices in the New York custom-house and to pay the small fee required for its entry. It appears from the evidence that the clerk so employed had long attended to his duties faithfully, ingratiating himself into the confidence of the company. During a term of about three months the clerk drew the notices, had them verified by the treasurer of the company, and obtained the several amounts from the cashier of the company necessary to pay these small fees, then left the office for the express purpose of filing the notices of drawback and to pay the fees of the same, but he never filed the notices and he embezzled the fees.

"The collector, in a letter to the Secretary of the Treasury, says 'the exporters called at this office, as customary, to sign the bonds,' but inasmuch as their clerk had never filed the entry papers and never paid the fees, no bond had been given. Immediately upon the discovery of these facts the company applied to the collector for relief, and the matter was referred to the Secretary of the Treasury. The Secretary held that his power in the premises was limited by section 3037 of the United States Revised Statutes to such cases as have been 'entered' for drawback and some subsequent formality has been omitted, while in this case the clerk did not file the notices of entry, and that there was no law which empowered the Secretary of the Treasury to authorize the payment of the drawback money. The original landing certificates, signed by the United States consul or vice-consul at the several ports of landing, are in evidence, covering the fourteen lots of tin cans, also the original entry certificates drawn by the company. The amount of the drawback duties which under the Revised Statutes the company was entitled to is $5,265.73.

"Congress has considered it appropriate to give relief in similar cases in several instances. (See page 467, chapter 231, first session Forty-fourth Congress, appendix July 25, 1876; page 437, chapter 124, first session Forty-fourth Congress, appendix June 12, 1876; page 529, chapter 112, second session Forty-fifth Congress, appendix May 25, 1878.)

"The bill provides for the payment of money by the Government to the claimants which fairly belongs to them. The evidence is clear that the Government is to-day in possession of the money by a mere technicality of the law. The high standing of this company is mentioned in the letter of the collector of the port at that time—Mr. Arthur—to the Secretary of the Treasury, on file with the papers, and it seems hard that they should lose so large an amount on account of the embezzlement of a few dollars of their own money by a long-trusted clerk.

"Your committee are of the opinion that the money of the company at present withheld from them on account of their failure to file drawback notices justly belongs to them, and therefore recommend the passage of the bill with the following amendment: Strike out, in line 7, the words 'in gold coin of the United States,' and, in lines 7 and 8, strike out the words 'in currency.'"

Your committee fully concur in the statements and conclusions of the above-quoted report, and do therefore recommend that the claim be allowed, and the passage of the bill (S. 410) without amendment.

Mr. INGALLS. I suggest to the Senator who reported this bill the propriety of striking out that clause relating to the embezzlement of drawback fees by a dishonest clerk. That is a matter of history rather than of legislation, and it ought not to be incorporated in the statutes.

The PRESIDING OFFICER. Does the Senator propose an amendment?

Mr. INGALLS. I will offer as an amendment to strike out that clause.

The Chief Clerk read the words proposed to be stricken out, as follows:

Owing to the embezzlement of the drawback fees by their dishonest clerk.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas to strike out the words which have been read.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN LEATHERS.

The bill (S. 253) for the relief of John Leathers was considered as in Committee of the Whole.

Mr. INGALLS. Is there a report?

The PRESIDING OFFICER. There is a report.

Mr. INGALLS. Let us hear the report read.

The Secretary read the following report, submitted by Mr. DOLPH January 16, 1884:

The Committee on Claims, to whom was referred the bill (S. 253) for the relief of John Leathers, having considered the same and accompanying papers, submit the following report:

A bill identical with the present bill was referred to, considered, and reported by this committee to the first session of the Forty-seventh Congress. (Report No. 676.) The facts are correctly stated in that report, which is as follows:

"The record shows that on the 6th day of February, A. D. 1879, John Leathers was duly indicted by the grand jury of the United States for the district of Nevada, under the Revised Statutes of the United States, 'of fishing within an Indian reservation, to wit, in Pyramid Lake, in the State of Nevada;' that on the 1st day of July, same year, he was regularly convicted by a trial jury in the district court of the United States for the district aforesaid of said offense, and was sentenced to pay a fine and costs, amounting to $744.90, which amount was covered into the Treasury of the United States by miscellaneous warrant No. 1397, first quarter 1881; that immediately thereafter the pardon of said John Leathers was recommended by the district attorney and the judge for the district of Nevada; for which transgression the President of the United States granted to him, on the 28th day of February, 1881, a full and unconditional pardon.

"The effect of a pardon upon the condition and rights of its recipient is established by the following decision, from which extracts are given:

"Case of Osborn *v.* The United. United States Reports Supreme Court, Otto (volume 1, pages 474, 475, 476, 477, and 478).

* * * * * * * *

"A pardon by the President restores to its recipient all rights of property lost by the offense pardoned. * * * The pardon of that offense necessarily carried with it the release of the penalty attached to its commission. * * * It is of the very essence of a pardon that it releases the offender from the consequences of his offense. * * * The penalty of forfeiture annexed to the commission of the offense must fall with the pardon of the offense itself, provided the full operation of the pardon be not restrained by the condition upon which it is granted. * * * The pardon, in releasing the offense, obliterating it in legal contemplation (Carlisle *v.* United States, 16 Wallace, 151), removes the ground of the forfeiture upon which the decree rests. * * * But, were this otherwise, the constitutional grant to the President of the power to pardon offenses must be held to carry with it, as an incident, the power to release penalties and forfeitures which accrue from the offenses.

* * * * * * * *

"Without authorization by Congress the President has no power to render to the claimant the moneys derived on account of 'fine and costs in case of United States *v.* John Leathers.' There was no penalty attached other than the fine, which was paid. There was no imprisonment attached and no penalty not executed; therefore the pardon could only act upon the original conviction, vacating it, and this necessarily carried with it a remission of the penalty.

"Your committee are of opinion that owing to the slightness of the offense, and the offender being released by a full and unconditional pardon, relief should be granted to the extent of remitting the fine but not the costs, and your committee hereby report back said bill with the recommendation that it do pass as amended."

The petition for pardon appears to have been forwarded to the Attorney-General by the United States attorney for the district of Nevada, with favorable recommendation, July 25, 1879, less than a month after the conviction.

The pardon was granted February 28, 1881. The granting of the pardon appears to have been a proper exercise of executive clemency, but it came too late to avail the claimant, as before it was granted he had been compelled to pay into court the amount of the fine and costs, $744.90. Although the effect of a pardon by the President may be to remit a pecuniary penalty accruing to the United States, yet if the penalty has been paid and the money actually came into the Treasury of the United States it can not be drawn therefrom without appropriation by act of Congress. (8 Opinions Attorneys-General, 281.)

The United States attorney recommended the granting of the pardon upon condition that the claimant should pay the costs of the prosecution.

Your committee therefore recommend that the bill be amended by striking out the words "seven hundred and forty-four dollars and ninety cents" and inserting in lieu thereof the words "five hundred and one dollars," being the amount of the fine, and that the bill do pass when so amended.

The bill was reported from the Committee on Claims with an amendment, in line 5, to strike out "seven," before "hundred," and insert "five;" in the same line, before the word "dollars," to strike out "forty-four" and insert "one;" after "dollars" to strike out "and ninety cents;" and in line 8, after the word "five," to strike out "and costs;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to John Leathers the sum of $501, out of any money in the Treasury of the United States not otherwise appropriated, on account of said amount having been paid by said John Leathers as a fine for trespassing upon an Indian reservation, for which transgression the President of the United States granted said John Leathers a full and unconditional pardon.

Mr. INGALLS. I should like to inquire of the Senator from Oregon who reported the bill whether the pardon of which the report speaks was granted on account of error in the proceedings or merely as an act of clemency and grace on the part of the Executive?

Mr. DOLPH. I will answer the Senator from Kansas by saying that it was a mere matter of grace on the part of the Executive, although it was a case that appealed very strongly for executive clemency.

As I recollect the circumstances, the case was about this: There had been an Indian reservation surveyed, and the Indian agent had gone upon the ground and placed stakes to indicate where the line of the reservation ran. There was a lake upon that reservation which, if the true line was as it was staked out by the agent, would be partly within and partly without the reservation, but the actual line of the reservation was found to include the lake entirely within its boundaries.

There is a statute that makes it an offense punishable by fine and imprisonment to fish upon an Indian reservation. A controversy had arisen between the settlers in the neighborhood of this lake and the Indian agent in charge of the reservation in regard to the right to fish in this lake, and this man Leathers, with several others, went openly and fished in the lake, acting under the advice of a prominent lawyer of the locality, in order to test the right. Upon the trial the state of facts which I have detailed appeared. It appeared that the fishing had been done within the limits of the reservation. Consequently this man, with several others, was fined for the violation of the statute; but upon the facts being represented to the court the judge who tried the case and the district attorney united in a recommendation that the parties be pardoned. As to all the other parties engaged in the fishing the pardon came in time to relieve them from the payment of the penalty; but as to this man the action of the President was delayed so long that the money had been collected and had been covered into the Treasury of the United States. The application for a pardon was made almost immediately after the judgment was rendered, but the action of the Executive upon the application was so long delayed that, in order that this man should not be imprisoned for the fine, his neighbors, as I understand, clubbed together and paid the fine, he being a poor man, and the money, as I said before, went into the Treasury of the United States.

The present Committee on Claims did not adopt the report of the committee of the last Congress, but they report that the pardon of the claimant was a proper exercise of the executive clemency, though it came too late to avail him, and believing that this is a meritorious case for relief, they recommend the reimbursement of the claimant to the amount of the fine so paid by him.

Mr. INGALLS. Were the persons of whom the Senator speaks simultaneously indicted?

Mr. DOLPH. They were.

Mr. INGALLS. And convicted at the same time?

Mr. DOLPH. I think probably there were separate trials.

Mr. INGALLS. But probably at the same term of court?

Mr. DOLPH. Yes, sir.

Mr. INGALLS. It would appear a little singular then that while the others engaged in this unlawful enterprise were promptly pardoned the interposition of the Executive in behalf of the beneficiary of this bill was delayed so long that the fine was obliged to be paid. I should conclude, unless further enlightened, that there must have been some circumstance that excluded him at the time from executive consideration; and inasmuch as the mere fact of a mistake of boundary would hardly be apt to be regarded by a jury residing in the neighborhood as constituting a very grave offense, I should feel inclined to think that perhaps the committee were not fully in possession of all the facts.

If the beneficiary of this bill—Mr. Leathers I believe his name is—had been in the same condition as the others who were pardoned and their fine released, that should somewhere appear; but inasmuch as they were simultaneously indicted and convicted at the same term of court, and the others were released and their fines remitted, it would appear that there must have been some reason for the punishment of this defendant, and it looks also as if the committee must have leaned somewhat that way, because they amend the bill to provide that the costs shall be paid and that only the fine shall be remitted. Unless there is more evidence on this point than appears in the report of the committee, my judgment would be that the bill in the light of the evidence ought not to pass.

Mr. DOLPH. Mr. President——

The PRESIDING OFFICER. It is the duty of the Chair to call the attention of the Senate to the fact that the Senator from Oregon has already spoken once, but he may proceed by unanimous consent. Is there objection? The Chair hears none.

Mr. DOLPH. In answer to what was said by the Senator from Kansas in regard to this matter, I will say that the recommendation of the committee that the bill be amended so as to provide for the payment to Mr. Leathers of the amount of fine, excluding the costs, as stated in the report, is on the recommendation of the United States attorney. I have some letters——

Mr. INGALLS. Will the Senator be good enough to have them read?

Mr. DOLPH. There are among the papers some letters from the United States attorney of the district which would throw some light on the subject which I pass up to the Secretary to be read for the information of the Senate.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 339) for the relief of the State National Bank of Louisiana.

Mr. JACKSON. Mr. President, I desire to make a brief statement in relation to this bill and by way of reply to the suggestions made by the Senator from Michigan [Mr. CONGER] yesterday.

The PRESIDING OFFICER. The Chair will state that there is a special order for this hour, but by Rule X the unfinished business takes precedence of the special order.

Mr. SHERMAN. Not the unfinished business arising in the course of the Calendar, because that would defeat the whole object of the rule as to special orders. The business that is transacted under Rules VIII and IX is confined to special hours, and if the unfinished business of the morning hour should be taken up as against special orders, the appropriation bills and everything of the kind, we should have a very unseemly struggle. That is not I think the rule.

The PRESIDING OFFICER. The Chair is informed that the President *pro tempore* has so ruled. There has been a ruling that a matter which by reason of adjournment becomes the unfinished business takes precedence of special orders.

Mr. HARRIS. I was going to suggest to the Senator from Ohio that if he will look at Rule IX he will not feel inclined to adhere to the statement he has just made.

Mr. SHERMAN. I have not looked at that.

Mr. HARRIS. Under Rule VIII we consider bills as under the former Anthony rule, but after 2 o'clock we proceed under Rule IX, with all the privileges of debate that pertain to all other questions, and the unfinished business takes precedence of any special order under that rule. I suppose there is no reason why the unfinished business may not be informally laid aside in order that the special order may be considered. I certainly have no objection.

Mr. SHERMAN. Let the rule be read.

The PRESIDING OFFICER. The Secretary will read the first paragraph of Rule X.

Mr. SHERMAN. Let Rule IX be read.

The Secretary read as follows:

RULE X.

SPECIAL ORDERS.

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives, the presiding officer shall lay it before the Senate unless there be unfinished business of the preceding day; and if it is not finally disposed of on that day, it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

Mr. INGALLS. The unfinished business obviously takes precedence of the special order, but I presume there will be no objection to letting the unfinished business lie over until to-morrow and resuming its place so that the special order may be now considered.

Mr. BAYARD. None at all. I think that is proper.

Mr. HARRIS. Let the unfinished business remain as the unfinished business but informally laid aside in order that the special order may be considered.

The PRESIDING OFFICER. Is there objection to the proposition that the unfinished business shall be informally laid aside and that the Senate take up the special order?

Mr. MORRILL and others. "No objection."

The PRESIDING OFFICER. The Chair hears no objection. The Chair lays before the Senate the special order for 2 o'clock to-day, being the bill (S. 1155) to provide for the issue of circulating notes to national banking associations.

NATIONAL-BANK CIRCULATION.

The Senate, as in Committee of the Whole, proceeded to consider the the bill (S. 1155) to provide for the issue of circulating notes to national banking associations.

It provides, upon a deposit of any United States bonds bearing interest, in the manner required by law, any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations in blank, registered and countersigned as provided by law, not exceeding in amount the par value of the bonds deposited; but at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock.

Mr. SHERMAN. I desire to offer as an amendment, to come in after the word "deposited," on line 9, what I send to the Chair.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After the word "deposited," in line 9, it is proposed to insert:

Provided, That if any bonds so deposited bear a higher rate of annual interest than 3 per cent. additional circulating notes shall be issued equal in amount to one-half of the interest accruing on such bonds before their maturity in excess of 3 per cent. per annum, such amount to be ascertained and stated by the Comptroller of the Currency on the first day of July of each year hereafter.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio [Mr. SHERMAN].

Mr. BAYARD. Mr. President, there are other propositions by way of amendment that have been suggested and are in print upon our tables, and perhaps it is as well that the Senate should have all of the various views of the members of the committee and of others than members of the committee before they proceed to elect between the proposition reported by me under the direction of the Committee on Finance or some of the amendments which are in the nature of substitutes.

Mr. President, when Congress assembled in December last and the reports from the various Departments came in to us under communication by the President, we were informed by the report of the Comptroller of the Currency referred to by the Secretary of the Treasury (I read from page 9):

The Secretary of the Treasury has been compelled, on account of the large receipts of revenue in exeess of expenditures, to call in rapidly for payment that portion of the bonded debt which is payable at the pleasure of the United States. During the year ending November 1 more than one hundred and five millions ($105,322,450) of the public debt has been paid, and all of the remaining 3½ per cent. bonds, amounting to $91,596,250, have been called for payment, and ceased to bear interest on November 1. Notwithstanding the fact that two hundred and sixty-two new banks were organized during the past year, with a capital of $28,654,350, depositing $9,375,550 of bonds as a security for circulating notes, the aggregate amount on deposit for that purpose has diminished from $362,490,650 to $352,907,300, a reduction of $9,583,350. More than forty millions of 3½ percents held by the banks on November 1, 1882, have been withdrawn or called for payment; the threes have increased less than twenty-two millions, and the fours and four-and-a-halfs less than nine millions.

He says, continuing:

Unless there shall be legislation by the present Congress which shall reduce the receipts of the Government it is probable that the United States bonds will continue to be paid at the same rate as during the past year, in which event all the threes will be called for redemption within the next three years. This will reduce the bonds held by the banks from three hundred and fifty-three millions to one hundred and fifty-one millions, and cause a contraction in the national-bank circulation of about sixty millions per annum.

My friend from Kentucky [Mr. BECK] suggests that in this connection it would be well to state the figures found on page 12 of the same report as to the kind and amount of bonds held by the banks on November 1, 1882, and November 1, 1883:

	1882.		1883.
Four-and-a-halfs	$33,754,650	Four-and-a-halfs	$41,319,700
Fours	104,927,500	Fours	106,164,850
Three-and-a-halfs	40,606,950	Three-and-a-halfs	632,000
Threes	179,675,550	Threes	201,327,750
Pacific sixes	3,526,000	Pacific sixes	3,463,000
Total	362,490,650	Total	352,937,300

The interesting point disclosed by this table is that of the 3 percents payable at the option of the Government which will necessarily be re-

tired within the next three years if our present rate of revenue continues is $201,327,750.

With these facts reported to the Secretary of the Treasury he made a recommendation, to be found on the twenty-fifth page of his report, to this effect:

I further recommend that this Department be authorized to allow to the banks circulation to the amount of 90 per cent. upon the average market value for the twelve months prior to the deposit of the United States bonds deposited on security. Thus a bank would be enabled to obtain circulation upon the premium it paid for bonds, as well as upon the par value of them. Had United States bonds never risen above par, no one would have doubted but that a note circulation, based upon them at a ratio of 90 per cent., would have been amply secured. Why should any one doubt that the same ratio on their market value will be safe, the ratio of the circulation furnished to shift in amount to the side of safety as the market value swings to and fro?

And he proceeds to reason upon that subject. A bill containing the suggestion of the Secretary of the Treasury to the effect I have just read was introduced and sent to the Committee on Finance. It comes back in the amended shape in the relief proposed to be given in anticipation and by way of compensation for this contraction of the volume of currency which is so shown by these two Treasury officers to be imminent, should be had by enlarging the percentage of currency to be issued upon the deposit of Government bonds which now is allowed at the rate of 90 per cent., and we propose to increase it to 100 per cent., or to use the language of the act "the par value of the bonds deposited," so that for every bond of the United States deposited with the Comptroller by a bank under the system called national banking, the depositor shall be allowed to receive from the Government 100 per cent. in currency notes.

Mr. President, my objection to the proposition of the Secretary of the Treasury was that it would be creating a fluctuating basis for the currency. The market value of the bond depends entirely upon the mutations of public credit, upon the hopes and fears of men, upon the issues of war and peace; not upon the accepted idea of intrinsic value and prompt payment at maturity, but for what may be called the speculative value of the obligations of the United States over and above their par and lawful value. Not only would the adoption of the market value of a security place the currency upon a fluctuating basis, but it is obvious that the deferred payments of the United States are more valuable as investments because they are more permanent and as you approach maturity you have a diminution in the market value of the bonds.

Permanence, stability, certainty, are three of the main essentials of commerce and of finance. A bond that can be paid off at short date or at will certainly will not command the price in the market, as we all know, as that which has a long time to run and which can be calculated upon as a basis of investment, and so of all securities that attend transactions in money.

So then we should find even if we adopted the Secretary's views of basing our volume of currency upon the market value of bonds, that as we approached maturity contraction necessarily would follow, and not only contraction would fellow in the volume of the currency, but even that contraction would not be regulated by the diminishing value of the bond, but it would be subject itself to additional fluctuations in the market value, of which some official must be the judge.

Now there is one form of government which I think we have had a little too much of in this country, and that is bureauocracy. I do not understand that Department-made law is constitutional law in the United States, and yet in fact, perhaps unavoidably, dealing with the vast sums in the periods of excitement through which we have passed, I do not think it is going too far to say that in years gone by to be a Treasury favorite has been a very fortunate thing for a very limited class of people. But for one, in regard to the currency of the country, a matter so profoundly important to every transaction great and small in this land, I do not wish to see it in any degree under the finger and thumb of any official, however respectable or however high in place. We should govern those things so far as we may by public, general laws, declared so that every man can read and understand them, and which shall be incapable of inflection or perversion by any official or any part of the executive government.

So I thought that but one question fairly arose before the Committee on Finance in dealing with this great subject, because the scale of interests affected by the national currency are so great, of such magnitude, that whenever you touch or alter them by law you produce serious results and greatly affect private fortunes.

I do not hold that this body or any of its committees have any right to consider the speculative effects or the effects upon speculation of our legislation. Our duties lie, and our eyes should be turned, only to the great public interests of all classes of the community to be affected by the laws which we enact.

The control of the currency of this country is, in my judgment, committed to the Congress of the United States. They have, as I consider, legislated measurably wisely in that regard of late years, and have given to the people of this country a currency which has been a quiet but a most important and most valuable factor in assisting the development and prosperity we have witnessed in the last ten years.

The currency issued by the Government through the national banks has been met everywhere by the unquestioning confidence of every note-holder in the United States. It has passed current for its full value in every transaction and in every part of the Union. It has carried with it confidence into every transaction, great and small; and who shall attempt to measure the value of that sense of absolute confidence in all the contracts and dealings, numberless as they are, enormous as they are, important as they are, among 50,000,000 of active, trading, commercial people?

It seems to me that when we deal with such a subject as that and propose an alteration in so satisfactory a condition of things, the first question should be, Have you diminished the security? Have you done anything to lessen that confidence? Is the step you propose to take a reasonable and fair one to maintain that confidence? If it is so, then it is justified; and if not, it certainly should not be adopted.

In the present case I do not think a voice could be heard in the country, certainly not from any man of thought and experience, doubting that the increase of this currency from 90 to 100 per cent., secured by the bond upon its par value, is thoroughly ample to maintain just as unquestionably the sense of absolute value of every note-holder of the national banking currency.

Under the present law but 95 per cent. would be delivered to the banks. A redemption fund of 5 per cent. of this 100 would remain as now in the Treasury to await such bank notes as should be presented.

The report of the Secretary of the Treasury shows that in the last twenty years a profit of $4,000,000 has accrued to the Treasury from the non-redemption of national notes once issued—a profit of $200,000 a year from the non-presentation and non-redemption of the national currency, which has been a clear gain to the Treasury. I cite that merely to show that the greater the volume of national-bank currency, proportionately greater is the profit to the people of the percentage upon it from the loss and destruction and as a consequence the non-redemption and non-return of the currency.

I say this because I know of no higher duty, and, I may add, no higher pleasure, than for an American legislator justly to increase the confidence of his countrymen in the institutions of their Government. The national banking system under which we now live, the amendment to that system which is now proposed, is (and I would wish so to proclaim it to all with whom my words would have any effect) entirely in the line of absolute security to the holders of these bank notes; it assists, perfects, and continues an absolutely safe currency in the hands of the innocent and oftentimes the ignorant and helpless note-holder—the laboring and trading masses.

Therefore I am content to vote for the simple, plain, easily comprehended proposition of issuing 100 per cent. of notes upon the par value of any bond receivable in deposit as security for the issue of notes from the Treasury.

It may be said that as matters now stand it will assist one class of bonds, probably increase their value, more than another, because we know that the great body of the public debt of the United States, seven hundred and fifty millions, can not be paid except at the option of the creditor and at a high premium until 1907. That stability, security from interference, permanence and regularity which are the great essentials in banking and in all great fiscal operations, will probably compel the banks to purchase those deferred obligations, and hold them as security for the currency that they may desire to use or that their customers may find use for.

I do not think it will be safe for the Senate to be legislating with any view or with any regard to the preference of one bond over another or the incidental effect upon the market value of different classes of United States bonds. I can understand plans that would make these bonds issued to the Pacific Railroads of much greater value than they are to-day, or other plans that might make the 4 percents more valuable, or the four-and-a-halfs. I can only say with such results or as to such results I give the last and the least thought in considering this question.

It is our business as legislators, and it begins there and in my judgment it ends there, to maintain such punctilious and scrupulous regard for the public credit that the fact that a bond of the United States is to be paid according to its face and terms will never be doubted by any man. When we have accomplished that let private enterprise, and speculation, and hopes and fears, and individual plans take up the game of profit and loss and play it at their own risk. We should have nothing to do with such schemes and give them no consideration in our action here. Legislation here should not be enacted with such views. If incidentally bankers or brokers or private investors shall find it wiser and more profitable to buy one class of bonds in preference to another, let them buy or let them sell; all that we can say is that every American bond is good dollar and cent for the promise on its face, and all the interest that may accrue upon it and to the American people who use the currency issued upon the credit of these bonds, we fulfill our duty by passing such laws as shall assure to them absolute security for the notes they hold, be they many or few, large or small. That is stating in a plain way my idea of legislative duty in dealing with the question of currency.

Therefore it is that I have been unwilling to adopt the suggestion of the Secretary of the Treasury as it was contained in the bill originally introduced, and why I have given my approval, backed by a majority

of the committee, to this proposed measure, that at this time in view of the facts of which every one is cognizant and which have been intelligently stated by the Comptroller of the Currency and the Secretary of the Treasury, why I have felt warranted and why I have felt it my duty to vote for the increase of the volume of the national-bank currency from 90 to 100 per cent. in order to meet, to compensate, to refill the vacuum that will be created by the withdrawal of $60,000,000 annually by the payment of the public debt as is now optional with the Treasury. So far I will go. Further I am not disposed to go; nor am I disposed to take up more complicated suggestions, such as the suggestion proposed by the Senator from Ohio [Mr. SHERMAN] wherein the interest payable upon the bond shall be considered as part of the security for the circulation, for I have shown that contraction must logically and necessarily follow the adoption of his proposition. As the bond matures its value as a permanent investment will diminish; as the interest is paid the security for the currency is diminished; and if you add to that the placing upon it a "market" value you have another element of uncertainty and fluctuation which it seems to me is one thing inadmissible in a question of public credit. Security, stability, simplicity, are the three great essentials for the paper money of a people.

Mr. SHERMAN. Mr. President, I desire perhaps to take more of the time of the Senate than I would do ordinarily, because I expect to-morrow by direction of the Senate to be elsewhere employed, so that if this bill is not disposed of to-day I may not be able hereafter to participate in the debate upon it, and I desire to present what I have to say now. I shall therefore take up the various propositions that are pending as amendments, as well as the bill itself, and state my views of them briefly.

There are two disturbing influences affecting the national currency at this time, one of which is the rapid accumulation of silver coin in the Treasury and the resulting fear that in process of time the currency of the United States will be reduced to the single standard of a silver dollar; the other is the increased difficulty in maintaining the circulation of the national banks caused by the rapid payment of United States bonds and their consequent increased market value. At present I see no hope for any solution of the silver question. The state of public opinion, fully represented in Congress, will not allow the suspension of the coinage of the silver dollar, nor the adoption by the United States of a new ratio for the coinage of silver and gold according to the market value of these two precious metals. All we can do is to drift along until the inevitable exportation of gold and disappearance from circulation and its conversion into an article of merchandise shall reduce all value to the silver standard, when, no doubt, the practical good sense of our people will lead them to coin both metals according to their value *now*, and not according to their respective value fifty years ago. I would not allude to this silver question except that it is intimately connected with banks and banking. It already casts its shadow upon the future; it is rapidly converting our railroad securities into bonds expressly payable in gold coin; it is creating distrust in investments made upon a gold basis, which sagacious men know will, by the failure of a crop or of a banking house, or some unforeseen event, suddenly bring us to the silver standard. The doubt will then arise, it has already arisen, whether in the adjustment of a new ratio between gold and silver the quantity of silver in the dollar will be increased or the quantity of gold will be reduced. One or the other must be done.

As this question is decided so will the nominal price and value of all lands, commodities, investments, securities, and currency rise or fall. A question so controlling as this does and will affect banks and banking in all their phases and forms, but, as I believe that it is utterly impossible at this session to change the existing law as to the coinage of silver, we must go on coining and piling up in the Treasury vaults silver that we now buy at a discount, which we cannot circulate, and must some time sell at a discount or reduce all other money to the same standard. Until this standard is finally settled coin certificates are dangerous forms of currency. While all certificates are, as now, treated as gold certificates they will be freely taken as equivalent to each other, but with the first appearance of a difference in market value between gold and silver coin the same difference will appear between gold and silver certificates, and the gold certificate will disappear from circulation and be hoarded.

As to our paper currency, I believe I can say, with the concurrence of all parties, that in convenience, security, in ready circulation in this country and in all commercial countries, the paper currency of the United States is the best it ever has had, and perhaps I may add the best ever devised by man. The amount of United States notes limited by law can easily be maintained at par in coin by the maintenance of a reserve in coin of forty per cent. They are a standard for redemption of the circulating notes of national banks. To the extent that interest is saved on the portion of national debt in United States notes it is an advantage to our people, while the coin reserve behind these notes is the steady fulcrum which gives assurance that they will not depreciate or vary with the sudden changes that affect the market value of stocks or bonds. The only doubt that affects these notes is the question whether the legal-tender quality given to them by law is within the constitutional power of Congress. Even if this power is denied by the Supreme Court—and a case is now pending involving that question—the notes would no doubt be generally taken as coin; but such a decision would give to an exacting creditor the means of harassing his debtor, and, what is far more, it would precipitate the demonetization of gold and promote its hoarding and exportation. It is the redemption of United States notes in coin and not their legal-tender quality that makes them current money in every commercial city of the world, and it is the redemption of the national-bank notes in United States notes or coin and their absolute security by the deposit of United States bonds in the Treasury of the United States that give to these bank notes their currency in every part of the United States, even though not a legal tender.

The national-bank note is the best form of paper money, because its payment is absolutely secure. No misfortune can break it. The bank may fail and yet the note is good and passes current, because the bonds of the United States deposited are immediately available to redeem every dollar in circulation. This security of the noteholder is the foundation of the whole system. No other security can possibly take the place of Government bonds. This has been tried in the United States over and over with disastrous results. Coin reserves in the vaults of banks disappear at the first sign of a panic. Even reserves placed under a board of control of a system of State banks have proved insufficient. Compulsory redemption in deposit banks in commercial cities is equally insecure. Mortgages on real estate, State bonds, and commercial paper have over and over again been found an inadequate security. No security for the noteholder in the custody of banks or bankers is safe against failures and panics. No law or threat of punishment can prevent other creditors of a bank from obtaining a preference over the noteholder, who, in all former systems of banking, is the last to be protected and the first to suffer loss. The highest form of security, that of the Government itself, safely deposited in the custody of the Government, is the only one that has proved effective in favor of the noteholder. This fundamental principle of safe banking is now practically recognized by the chief commercial nations, who alone have the established credit to support and maintain paper money at par with coin, and all other paper money is a forced loan by a government, only justified by extreme necessity.

The problem we are dealing with grows out of the fact that our Government bonds bear so high a price or yield so low a rate of interest that banking institutions are in doubt whether it is best for them to purchase the bonds necessary to be deposited as security for their circulating notes or to abandon the issue of such notes. In point of fact it is shown by the Comptroller of the Currency in his last report that the amount of bonds deposited for circulation within one year has diminished $9,583,350, and that this threatens contraction of the national-bank circulation of $60,000,000 per annum (page 10). It appears from the report (page 12) that of the $354,000,000 of bonds deposited by the national banks, $202,000,000 are liable to be paid by the Government on call. The uncertainty and danger of a disturbance and contraction of our currency from this cause is apparent. When any of these bonds are called and paid by the Government they must be replaced by others or the currency based upon them must be paid and canceled. It is true there are other bonds of the United States outstanding to the amount of over a thousand millions, which are redeemable in from seven to twenty-three years, as follows:

Four percents, payable July 1, 1907		$737,946,550
Four and a half percents, payable September 1, 1891		250,000,000
Pacific Railway sixes, payable September 1, 1895	$3,002,000	
Pacific Railway sixes, payable September 1, 1896	8,000,000	
Pacific Railway sixes, payable September 1, 1897	9,712,000	
Pacific Railway sixes, payable September 1, 1898	29,383,000	
Pacific Railway sixes, payable September 1. 1899	*14,526,512	
		64,623,512
		1,052,570,062

These bonds are to-day in market value as follows:

United States four-and-a-halfs, 1891, registered, 113¼; United States four-and-a-halfs, 1891, coupons, 114⅛; United States fours, 1907, registered, 123⅛; United States fours, 1907, coupons, 123⅜; United States currency sixes, 1895, 129½; United States currency sixes, 1896, 131½; United States currency sixes, 1897, 133½; United States currency sixes, 1898, 135½; United States currency sixes, 1899, 137½.

Under existing law, upon the deposit of any of these bonds with the Treasury by a banking association, it may receive circulating notes to the amount of 90 per cent. of the par value of the bonds, and no more.

Upon this state of facts it is a matter of doubt depending upon close computation whether a bank, which must be governed by the interest of its stockholders, would be justified in investing $125 in bonds yielding an interest of $4 in order to procure $90 in circulating notes burdened with taxes, redemption in coin, and the certain loss in a few years of $25 of the sum paid for the bonds. It can without circulating notes exercise and enjoy all the business of banking except the issue of notes. Still, the advantages of credit which attach to national banks from the close supervision to which they are subjected will always induce prudent men to prefer this system of banking even if the circulation gives them no profit, but it is not good policy to make the restraints upon banking or any other business more than enough to secure the certain and prompt payment in coin of its notes on demand.

The question we have to deal with is whether the present law does not demand of the bank an excess of security in view of the changed

*$483,512 of this amount is payable in 1900, and $4,680 in 1902.

value of the bonds and the reduced interest they bear. When the law limited the issue of circulating notes to 90 per cent. of the par value of bonds deposited, they bore interest at the rate of 5 and 6 per cent. and were sometimes below par in market value. It was at that time the interest of the Government to induce the banks to take and hold as large an amount of bonds as possible. All this is greatly changed. The current interest on bonds is now 3 per cent. or less, and they are sold in the market at rates yielding the investor 2.66 per cent. It is now a matter of indifference to the Government who buys or holds its bonds. The only interest it has in the matter is to hold in its vaults ample security for the redemption of the notes issued. To require security of $125 to pay $90 is unnecessary and is a questioning by the Government of its own credit and solvency. Upon this I believe we are all agreed. To continue the old limitation would not only be unjust, but would tend to break down the system of national banks and punish our people by unnecessary contraction of their currency.

There are some, no doubt, who desire to destroy the national banks and have the Government assume directly the issue of United States notes in place of bank notes, but even they must agree that it is now hopeless to press so radical a measure. I do not consider this a pending question. It may arise when the national debt is paid off. Our successors will learn many lessons in statesmanship before that time comes, and they will, with more than one hundred millions of people behind them, be better able than we to say what security shall be provided, what measures shall be adopted, what limits shall be applied to the currency of the future. Sufficient to say we have still thirteen hundred millions of bonded debt to pay, and most, if not all of us, will have disappeared from the stage of life before the currency of the future will have no basis of Government securities to rest upon. It has, therefore, seemed to me that the only difference that should exist as to this measure is what ratio of circulating notes can be safely issued to national banks upon the deposit of United States bonds, so as to furnish absolute security to the noteholder.

Upon this apparently simple question we have before us as many as six different propositions, which I wish briefly to state and discuss.

The first proposition to which I wish to call the attention of the Senate is one that I think was originally submitted at the last session of Congress by the Senator from Nevada [Mr. JONES]. It provides for an exchange of bonds bearing 3 per cent. interest, running twenty-three years, to be exchanged for the 4 percents, par for par, and proposing to pay in addition in money 15 per cent. of the surrendered 4 per cent. bonds. The objection to this proposition, it seems to me, is that there is no certainty that if such an offer were made it would be accepted. Is it probable that owners of bonds worth in the market 124 would sell them for a 3 per cent. bond running the same time and a further sum of $15 for each $100 bond? I doubt very much whether, in view of the advancing market value of the bonds of the United States, such a proposition would, if it passed, meet the difficulty; and certainly it will not meet it so far as the banks are concerned. It amounts to an offer of $15 for an annuity of $1 for twenty-three years. If successful, the Government would pay one hundred and five millions to reduce the interest on seven hundred millions 1 per cent. per annum without reducing the principal of the debt. I do not consider this as a practical measure to meet the difficulty that encounters us, though as a funding measure it may be worthy of consideration.

The next is a bill which I find lying upon our table, and which has been the subject of discussion in both Houses of Congress. It provides for the issue of a 2 per cent. bond and authorizes the Secretary of the Treasury to receive any bonds bearing interest at the rate of 4 or 4½ per cent. per annum and to issue in exchange therefor an equal amount of registered bonds of the United States of various denominations, and offering to pay the difference between the two characters of bonds at certain rates fixed by this bill. I believe this is subject to the same objection, with one additional objection, as the bill already proposed.

In the first place, I believe that any attempt to sell a 2 per cent. bond or a 2½ per cent. bond at par would, even in the present state of the money market, be unavailing, because, with all the advantages that accrue to the existing bonds, still their purchase can be made to yield an interest of 2.66 per cent., and they have never yielded a less rate.

That is not all. It is proposed to make these 2 or 2½ per cent. bonds the basis or security for the notes of national banks. The fatal objection to this proposition is that these bonds would not be sufficient security for a noteholder. In time of calamity, in time of panic, when banks are likely to fail and when the necessity of enforcing the security is likely to occur, they would not sell in the market at par, and therefore the primary object of requiring the security would fail. It would not be sufficient to make good the notes of a failing bank.

The Government of the United States puts itself in the position of negotiating for a low rate of interest for itself at the expense of the noteholder. If these bonds were sold as proposed the Government would get a low rate of interest by inducements held out to the banks to take the 2 percents in order to get circulating notes, yet all that saving of interest would be at the expense of the noteholder, who when the security was called for to make good his note would find it insufficient to pay the whole amount of the notes issued by that bank. This, it seems to me, is absolutely fatal.

I will not vote for any proposition which will not in every conceivable state of the money market be always sufficient in amount to pay the whole sum outstanding for which the bonds are held as security.

The next proposition is that now under consideration, offered by the Senator from New Jersey [Mr. MCPHERSON], and as this is the central proposition which I am now seeking to contend against, I beg the attention of the Senators to it.

In the first place, I must admit this does give some relief. It enables the banks to issue currency to the amount of 100 per cent. of their bonds deposited. If this bill passes it undoubtedly will enable the banks to issue some $30,000,000 more currency than they are authorized to do under existing law, and to that extent it is a wise and prudent measure; it will tend to relieve somewhat the danger of contraction. There is no occasion for requiring securities greater in amount than the notes to be issued. But the defect of this proposition is that it makes no distinction between the character of the bonds that are deposited as security. The 4 per cent. bonds, of which the amount outstanding is over $700,000,000, are counted as no more value than the 3 per cent. bonds, which are now redeemable. The Pacific railroad bonds, which are worth in the market now 130 to 137, are counted as of no higher value as a security than the bonds which are now redeemable, and are worth only par. So with the 4½ per cent. bonds, quoted at 114. There is not a business man in this country, there is not a banker or a broker or a citizen in the United States who would deal in this way with securities of totally unequal value. This bill is leveled at them all, and says that a bond which may be paid to-morrow shall be held as a security for 100 cents, but the bond that is in the market, and has been in the market a long time continuously, at a large premium, some of which to-day are worth 137, shall be taken as security for no more than a bond bearing 3 per cent. and redeemable at pleasure.

The effect of this bill, if it passes, while it will give temporary increase of currency, will induce the banks to continue to hold the bonds which are now due and redeemable, while, as I understand it, the principal object in view, that is, to secure stability and permanency in our banking institutions, will not be promoted. They will take those bonds that are cheapest in the market, and they will not give stability to the system by purchasing bonds which have twenty-three years to run.

It seems to me that this is an objection to the bill of the Senator from New Jersey. If that objection can be removed, so as to make a discrimination between the amount of circulating notes to be issued upon United States bonds according to their intrinsic value, then the difficulty is entirely removed. But this bill does not meet it.

The Senator from Delaware [Mr. BAYARD] stated very properly all the merits of this proposition. It is undoubtedly simple; it gives some relief; but it induces the very thing that we wish to avoid, that is, the depositing bonds now redeemable in the Treasury as security for an obligation that will not mature or may not be presented for years afterward, while it gives no encouragement whatever to the purchase of bonds more valuable, more enduring, which run for twenty-three years, and which would give some kind of stability to the national banking system. That is the only objection I have to the bill.

Mr. BAYARD. It seems to me, if the Senator will pardon me for saying so, that it has precisely the opposite effect. I think it would be very presumptuous in me to put my judgment and my practical knowledge in opposition to the Senator from Ohio; but really it seems to me exactly the other way. If I were a banker, it seems to me that I would ask for permanence, stability in the basis of my business. If a bond can be paid off to-morrow or next week or at any day, it seems to me it would be incredible that a man would deliberately choose such a security as the basis of his business; but the bond that is postponed in payment, that gives me years for the purpose of arranging my affairs in reference to it, is the bond, it appears to me, whose value would be incidentally increased by the proposition now before the Senate. That is the way I look at it.

Mr. SHERMAN. If this bill only gave to that bond of permanent value circulating notes in proportion to its value, its income-producing quality, then that argument would be correct. But here is the question that every banker must solve: Am I willing to invest $125 of money placed in my possession in a $100 bond running for twenty-three years when I can get the same privilege, the same amount of circulating notes, upon a bond worth only par? Am I doing right and acting for the interests of my stockholders to use their money and put it away in 4 per per cent. bonds at 125 when I can get the same amount of circulating notes by buying other bonds at par? That is the question, and there is the rub.

Mr. BAYARD. I do not think that the power or the duty of legislation in this country goes beyond the payment of the public debt, principal and interest, in full. I do not think we have anything to do with the incidental results, what I may call the speculative results that shall follow upon the advantages of the purchase of one class of our public securities or the other. I would wish it known before the world that all classes are equally valuable and that every one is certain to be paid. Then I think that being done the task of legislation is at end.

Mr. SHERMAN. No one doubts that every dollar of the money promised by the Government will be paid and that all its bonds are good, but the trouble and the advantage is that one bond will bear interest

for twenty-three years at 4 per cent. and the other bond may be paid any day and only bears interest at 3 per cent.

Mr. MCPHERSON. Will the Senator from Ohio yield to me for a moment?

Mr. SHERMAN. I can not refuse.

Mr. MCPHERSON. I see the Senator from Ohio is disposed to treat the 3 per cent. bonds as practically out of the way for the purpose of banking. That is a question for the surplus revenue to decide. The Senator claims that under this bill which he is now discussing, the bill I had the honor to introduce, we propose to issue circulation up to the face value of the bonds. Say the market value to-day is 122. The Senator from Ohio proposes to issue notes in excess of the face value of the bonds. The original proposition he presented here was to issue $118 in currency upon what the Government only agreed to pay $100. I want to ask that Senator, giving that privilege to the national banks, what then would be the price of the 4 per cent. bonds? Would it be 122 or 140? In other words, is it not another way for bulling Government bonds to a price far in excess of what they are at present, and when any surplus accrues over the payment of the 3 percents it will compel the Government to pay a high premium to get them in?

Mr. SHERMAN. I propose to do what every business man in this country does every day, make a distinction between the intrinsic value of public securities. When I am acting for the noteholders, who are the people of the United States, I say I will demand the best possible security for their notes, so that if a bank fails in no possible condition of circumstances can there be any danger of the payment of its notes. That is the foundation of the banking system. But when I come to say how much of circulating notes I will issue upon any bond, I would inquire, "What is the income-producing quality of that bond?" What would the wisest and most sagacious banker in New York or anywhere in the world do in dealing with these securities? So far as bulling them is concerned I do not care whether they go up or down; I am equally indifferent in regard to it, and so far as the Senator from Delaware is concerned I have no doubt he feels the same way. All I want is absolute security, and to make that security no more than a reasonable and absolute security for the payment of the note.

Mr. MCPHERSON. I ask the Senator to yield to me one moment more.

Mr. SHERMAN. Yes, sir.

Mr. MCPHERSON. Who is responsible; who is to redeem the excess of currency over the face value of the bond? The Government has only agreed to pay its face value; the Government is not required to do more. The bank that has deposited the bond and received the circulation is held for nothing above its par value. Now the Senator says he wants to make the notes absolutely secure. Who is responsible for that circulation, to redeem it over and above the par value of the bond?

Mr. SHERMAN. If there is no more than the face value of the bond due, it would be only worth par. This is the case with the 3 percents, but there is attached to each bond bearing a higher rate than 3 per cent. a series of coupon notes, which to-day in the money markets of the world command a high premium. To these 4 per cent. bonds are attached coupons yielding an interest one-fourth greater than the amount of interest which would maintain them at par, and this interest continues for twenty-three years. The various propositions, the one offered by the Senator from Vermont [Mr. MORRILL] and myself and all the others, go upon the fact that the bonds running for a long period of time and bearing a higher rate of interest have also a higher, not market value but a higher intrinsic value which will always make them a better security for a larger sum; therefore we know that they are ample security for a greater sum. As they approach maturity the amount of these bonds must be increased, and when they mature the bonds are only held as a security for an equal amount of notes par for par. In this way at all times the security is always maintained ample and complete for the full amount of the notes issued upon them.

But I do not wish further to press the only objection I have to this bill, and I have desired that the Senator from New Jersey would himself correct it; that he should make a distinction between the character of the bonds so as to give for the bonds of higher value a higher amount of circulating notes. It is no object to the Government to hold more security than is necessary for the safety of the noteholders, but we ought to hold sufficient for that purpose, and in either of the propositions which have been offered by the Senator from Vermont or myself that security is ample.

The next proposition to which I wish to refer is a bill introduced at an early period of the session by me. It was prepared by the Comptroller of the Currency and is in the exact language used by the Secretary of the Treasury and the Comptroller in their reports, and was intended to carry out their recommendation. It was not in any sense my measure, although it met my approbation. That bill made the issue of circulating notes depend upon the average current market value of United States bonds for a period of one year before, requiring each and every year the market value according to that rule to be ascertained and proclaimed by the Comptroller of the Currency.

That bill proposed an issue of only 90 per cent. of this market value. That, it is plain, would have been an inducement to national banks to purchase the highest-priced bond, the bond that had the longest time to run. On a bond that is now due under this proposition the amount of issue would have been only 90 per cent. of the principal of the bond, while of the 4 per cent. bonds, which are worth in the market 124, the issue would have been about 112. The result would have been that the market value being fixed year by year the issue of notes would always have been 10 per cent. less than the market value of the bond. When it is known that the market value of a Government bond does not vary like other securities, that made the condition of safety absolute. It is a good thing to say of the Government of the United States that although panics come and troubles come and stocks are obliterated, yet the Government bonds of the United States have never varied even in the darkest hours of 1873 more than 6 or 7 per cent. So this difference of 10 per cent. is an absolute security and makes the proper distinction between the different classes of bonds.

Under that proposition the amount of circulating notes that would be issued upon what are called the Pacific Railroad bonds would have been about 118 or 120 in round numbers; on the 4 percents about 112; on the 4½ percents about 107; and on the bonds that are now due and payable 90 per cent. But it was objected in committee with such force that the majority of the committee yielded to it that the market value was to some degree an unstable value, and therefore it was not a proper basis for banking circulation. I thought it was a sufficient answer to say that the market value of Government bonds is not an unstable value. Commodities and stocks may go up and down, but these bonds have a certain relation to gold, so that they never fall below par. The history of Government bonds since the close of the war has been a steady and gradual rise. Six per cent. bonds at the close of the war were worth considerably less than par in gold. They rose up until they were finally redeemed, and now the 3 percents are at par. The market value of a United States bond is a stable value. It does not decline like the value of other securities. Still there is some fluctuation in Government bonds, and market value depends often upon speculation and not solely upon intrinsic value.

In order to avoid that criticism an absolute rule of value was proposed in the amendment that I now hold in my hand, which was sent to the Committee on Finance. Instead of taking the market value it was proposed that we should take the face value of those bonds and add to that the amount of interest that accrues on each kind of bonds over and above 3 per cent., prior to the maturity of the bond. As the 4 per cent. bond runs for twenty-three years the market value of the bond would be estimated at 123, and it turns out that when you come to test this rule of value by the market value of Government securities it will not vary 2 per cent. from the present value of all these securities. I read a while ago the market value of these bonds. The 4½ per cent. bonds run until 1891, seven years, bearing an extra interest of 10½ per cent.—1½ per cent. above 3, and their market value is 114. The 4 per cent. bonds have an income-producing quality above that of the 3 percents of 1 per cent., or an annuity of one dollar for twenty-three years. That, added to the principal, corresponds to the market value to-day of these bonds. So you may take the currency 6 per cent. bonds, varying in the time of their maturity, every year the 3 per cent. extra interest makes the market value of the bond correspond very nearly to the income-producing value of the bonds.

This bill is, in my opinion, the best basis of a wise adjustment of this matter, and would have made secure the circulating notes and have induced all the banks to secure their notes by the bonds having long periods to run

It is as follows:

That upon a deposit of bonds as required by law any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, equal in amount to 90 per cent. of the par value of bonds of the United States bearing interest at the rate of not less than 3 per cent., and redeemable at the pleasure of the United States, at the date of such deposit; and if the bonds deposited are not so redeemable, and bear a rate of interest higher than 3 per cent. per annum, then the issue of circulating notes may be to an amount equal to 90 per cent. of the par value of such bonds and of the interest that shall accrue on such bonds before they become redeemable, in excess of the interest thereon computed at the rate of 3 per cent. per annum; and at no time shall the total amount of such notes issued to any association exceed the amount at such time actually paid in of its capital stock, nor shall they exceed at any time 95 per cent. of the par value of such bonds and interest computed as above stated. And that all laws and parts of laws of the United States inconsistent with the provisions of this act be, and the same are hereby, repealed.

In order to see whether or not this bill would operate well I caused a table to be prepared—and I have it here—showing the exact amount that would be issued upon these bonds from year to year at the rate of 90 per cent., and also at the rate of 95 per cent; it is a simple problem from time to time.

Mr. BUTLER. Will not the Senator have it put in the RECORD?

Mr. SHERMAN. I will insert it at the end of my remarks.

Still this bill did not meet the judgment of a majority of the committee, which was equally divided, and the bill was not reported. Various propositions were tried and were not reported, until finally I deemed it best to vote to report this bill, hoping to correct it in the Senate; because we could all see that it would give some relief, and in the absence of an agreement or some better proposition it ought to pass. I still think, with due deference to the opinion of others, that a proposition like the

one I have stated or the one that I will hereafter allude to would be the best.

Now I come to refer to the amendment proposed by my friend from Vermont [Mr. MORRILL]. I should certainly yield to his opinion with great pleasure and always treat it with deference; but here is the criticism I make on that proposition: It provides that upon a deposit of 4 per cent. bonds "prior to January 1, 1890, an amount equal to 110 per cent. of the par value of such bonds" shall be issued, and upon all other bonds an issue to the amount of par.

This singles out one class of our bonds, the 4 percents, makes a special rate for them for several years, and then a graduated rate downward, and excludes entirely from the benefits of this gradation the 4½ per cent. bonds and the 6 percents. This, therefore, is an insufficient proposition; it does not meet the difficulty. It makes a discrimination in favor of one class of bonds against another class. It is not a rule that can be applied to all. For instance, the 4½ per cent. bonds run for seven years, bearing an interest of 4½ per cent., and yet they are treated by this proposition as no more valuable than the 3 per cent. bonds, which are now redeemable at the pleasure of the United States. There are $250,000,000 of these bonds which are excluded from the operation and benefit of this gradation. Then, also, there are over $60,000,000 of 6 per cent. bonds, the highest in value and in income-producing quality in the market. They are excluded; they are worth in the market some 36 per cent. more than par because they bear a higher rate of interest; and yet those 6 per cent. bonds when deposited can only receive circulating notes to the amount of the face of the bonds. There are now deposited in the Treasury some three or four millions of these bonds, and they would be held at a rate only equivalent to a 3 per cent. bond now redeemable.

Mr. President, while this would give undoubtedly some relief, while the adoption of the amendment of the Senator from Vermont would be of some service, it is not a rule applicable to all bonds. It seems to me it is rather a discriminating rule in favor of one class of bonds as against the other classes of bonds, and whatever rule is adopted ought to extend to and apply to all.

There is one other, and only one other, proposition that is before us, and that is the amendment I offered to-day; and I beg the serious attention of Senators to the operation of that amendment. I may not be present here to speak on it hereafter if this debate should be continued beyond to-day.

I saw or thought I could see the difficulties that come from all these different propositions, and I believe the fatal objection made to the proposition of the Senator from New Jersey is that this would continually induce the banks to take the bonds now due, subject to call by the Secretary of the Treasury, and thus continue to disturb our money market, create agitation, compel the bank officers to run around and buy more bonds in order to make good the foundation of their circulating notes. That difficulty would meet us in the very face, and this bill as it is now proposed, if it pass, while it would be some relief in allowing the banks to issue a larger sum than they are now authorized to issue, yet would be the very beginning of insecurity, of uncertainty, of change. They might well refuse to buy bonds bearing a much higher rate in the money market, because they could not get any more circulating notes upon them than upon a bond costing only par. These bonds are only filed as security, and a bank president might have to account to his stockholders if he should sink out of sight 24 per cent. of the capital of his bank without deriving any advantage therefrom. These officers in fiduciary trusts will be governed by the interests of the people they represent; this you must expect of them. If they are good officers they will be governed by the interests of their people, and a bank president might well doubt whether he was justified in sinking $125 of money for a high-priced security unless he got some benefit from it; but if he can get some additional amount of circulation by the purchase of these bonds, and obtain not only more circulating notes, but a greater permanence, then he would be justified in making the investment in the higher-priced bonds. Therefore, to make the security absolute, to increase to some extent the issue of circulating notes, I have proposed an amendment which I believe meets the difficulty; and that is, that there shall be issued, in the language of the bill as it now stands, the face value of all Government bonds because they are all above par, and in addition thereto an amount equal to one-half of the excess of interest accruing on the face of the bond over and above 3 per cent.

That is a very simple proposition, one that can be computed by any one. For instance, to give you the practical application of it on the 4 per cent. bonds which run for twenty-three years from this time, this year the Treasury can issue to the amount of the par value and one-half the excess of interest, which would be $11,150 on $10,000 of bonds. That would be the amount. The interest in excess of 3 per cent. is 1 per cent for twenty-three years or $2,300, one-half of which added to the principal sum makes $11,150.

This is a simple, plain rule. I have a table here which shows the effect of it. On the 4 per cent. bonds the issue at the commencement would be 111½; on the 4½ per cent. bonds it would be 105½; on the 6 per cent. bonds it would be 116½.

There is no man who is so doubting but what knows that this bond has constantly accruing an excess of interest above that which would maintain it at par, and there is no possible doubt but what the security is ample, and then there is the inducement to the banks to buy the longer bonds in order to gain stability, which is so much desired by the Senator from Delaware, while the proposition he supports will invite the banks, almost compel them, to buy the bonds that are now due, liable to be called for any day, and there is no inducement held out to them to buy these bonds which it is the public interest they should invest in.

Sir, in my judgment some such proposition as this is needed; the particular form of it I do not care for. I shall vote for any that meets my convictions. If we can agree on no other I shall vote for the proposition of the Senator from New Jersey, but with grave doubts of its working. It does not furnish the remedy for the disease; it does not induce the banks to hold the longer bonds; it does not make it an inducement to hold the securities that bear a higher rate of interest, and in that respect it is faulty.

Table showing circulating notes allowed on each $10,000 *United States bonds each year before maturity according to amendment, allowing notes to be issued for par and one-half of accruing interest above* 3 *per cent.*

FOUR PERCENTS.

July 1, 1884	$11,150	July 1, 1896	$10,550
July 1, 1885	11,100	July 1, 1897	10,500
July 1, 1886	11,050	July 1, 1898	10,450
July 1, 1887	11,000	July 1, 1899	10,400
July 1, 1888	10,950	July 1, 1900	10,350
July 1, 1889	10,900	July 1, 1901	10,300
July 1, 1890	10,850	July 1, 1902	10,250
July 1, 1891	10,800	July 1, 1903	10,200
July 1, 1892	10,750	July 1, 1904	10,150
July 1, 1893	10,700	July 1, 1905	10,100
July 1, 1894	10,650	July 1, 1906	10,050
July 1, 1895	10,600	July 1, 1907	10,000

FOUR-AND-A-HALF PERCENTS.

July 1, 1884	$10,525	July 1, 1888	$10,225
July 1, 1885	10,450	July 1, 1889	10,150
July 1, 1886	10,375	July 1, 1890	10,075
July 1, 1887	10,300	July 1, 1891	10,000

CURRENCY SIXES OF 1895.

July 1, 1884	$11,650	July 1, 1890	$10,750
July 1, 1885	11,500	July 1, 1891	10,600
July 1, 1886	11,350	July 1, 1892	10,450
July 1, 1887	11,200	July 1, 1893	10,300
July 1, 1888	11,050	July 1, 1894	10,150
July 1, 1889	10,900	July 1, 1895	10,000

Mr. BUTLER. I should like that to go into the RECORD, if the Senator has no objection, in connection with his amendment.

Mr. SHERMAN. The amendment has already been read. I now submit for insertion in the RECORD the table to which I referred, showing the amount of notes to be issued at 90 and 95 per cent., respectively, of the principal and interest of the bonds.

The table is as follows:

Table showing amount of notes to be issued at 90 *and* 95 *per cent. of principal and interest.*

$10,000 4 PER CENT. BONDS, DUE JULY 1, 1907.

Date of deposit prior to—	Amount of bonds and excess of interest.	95 per cent.
July 1, 1884	$12,400	$11,780
July 1, 1885	12,300	11,685
July 1, 1886	12,200	11,590
July 1, 1887	12,100	11,495
July 1, 1888	12,000	11,400
July 1, 1889	11,900	11,305
July 1, 1890	11,800	11,210
July 1, 1891	11,700	11,115
July 1, 1892	11,600	11,020
July 1, 1893	11,500	10,925
July 1, 1894	11,400	10,830
July 1, 1895	11,300	10,735
July 1, 1896	11,200	10,640
July 1, 1897	11,100	10,545
July 1, 1898	11,000	10,450
July 1, 1899	10,900	10,355
July 1, 1900	10,800	10,260
July 1, 1901	10,700	10,165
July 1, 1902	10,600	10,070
July 1, 1903	10,500	9,975
July 1, 1904	10,400	9,880
July 1, 1905	10,300	9,785
July 1, 1906	10,200	9,690
July 1, 1907	10,100	9,595

$10,000 4½ PER CENT. BONDS, DUE SEPTEMBER, 1891.

September 1, 1884	$11,200	$10,640
September 1, 1885	11,050	10,498
September 1, 1886	10,900	10,355
September 1, 1887	10,750	10,213
September 1, 1888	10,600	10,070
September 1, 1889	10,450	9,928
September 1, 1890	10,300	9,785
September 1, 1891	10,150	9,643

Table showing amount of notes to be issued, &c.—Continued.

$10,000 UNION PACIFIC RAILROAD CURRENCY 6 PER CENT. BONDS, DUE JANUARY 16, 1895.

Date of deposit prior to—	Amount of bonds and excess of interest.	95 per cent.
July 16, 1885	$13,300	$12,635
July 16, 1886	13,000	12,350
July 16, 1887	12,700	12,065
July 16, 1888	12,400	11,780
July 16, 1889	12,100	11,495
July 16, 1890	11,800	11,210
July 16, 1891	11,500	10,925
July 16, 1892	11,200	10,640
July 16, 1893	10,900	10,355
July 16, 1894	10,600	10,070
July 16, 1895	10,300	9,785

$10,000 UNION PACIFIC RAILROAD CURRENCY 6 PER CENT. BONDS, DUE JANUARY 1, 1896.

January 1, 1885	$13,600	$12,920
January 1, 1886	13,300	12,635
January 1, 1887	13,000	12,350
January 1, 1888	12,700	12,065
January 1, 1889	12,400	11,780
January 1, 1890	12,100	11,495
January 1, 1891	11,800	11,210
January 1, 1892	11,500	10,925
January 1, 1893	11,200	10,640
January 1, 1894	10,900	10,355
January 1, 1895	10,600	10,070
January 1, 1896	10,300	9,785

$10,000 UNION PACIFIC RAILROAD CURRENCY 6 PER CENT. BONDS, DUE JANUARY 1, 1898.

January 1, 1885	$14,200	$13,490
January 1, 1886	13,900	13,205
January 1, 1887	13,600	12,920
January 1, 1888	13,300	12,635
January 1, 1889	13,000	12,350
January 1, 1890	12,700	12,065
January 1, 1891	12,400	11,780
January 1, 1892	12,100	11,495
January 1, 1893	11,800	11,210
January 1, 1894	11,500	10,925
January 1, 1895	11,200	10,640
January 1, 1896	10,900	10,355
January 1, 1897	10,600	10,070
January 1, 1898	10,300	9,785

$10,000 UNION PACIFIC RAILROAD CURRENCY 6 PER CENT. BONDS, DUE JANUARY 1, 1899.

January 1, 1885	$14,500	$13,775
January 1, 1886	14,200	13,490
January 1, 1887	13,900	13,205
January 1, 1888	13,600	12,920
January 1, 1889	13,300	12,635
January 1, 1890	13,000	12,350
January 1, 1891	12,700	12,065
January 1, 1892	12,400	11,780
January 1, 1893	12,100	11,495
January 1, 1894	11,800	11,210
January 1, 1895	11,500	10,925
January 1, 1896	11,200	10,640
January 1, 1897	10,900	10,355
January 1, 1898	10,600	10,070
January 1, 1899	10,300	9,785

Mr. MCPHERSON. I wish to call the attention of the Finance Committee to what seems to be an omission in the bill, and I shall ask to have it supplied. As the bill now reads it seems to me as though it would be impossible for the banks already having deposited bonds to secure their circulation to apply properly to those who issue circulation for the increased amount. I would ask to have the bill amended so as to read:

That upon any deposit already or hereafter made.

And then, in line 8, after the word "in," to insert "the whole;" so as to read:

Not exceeding in the whole amount, &c.

This amendment seems to be necessary to make the phraseology sufficient to justify an issue to banks already having circulation.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from Ohio [Mr. SHERMAN].

Mr. MCPHERSON. I ask unanimous consent to have my amendment made.

The PRESIDENT *pro tempore*. The suggested amendment of the Senator from New Jersey will be read for information.

The SECRETARY. In line 3, after the word "upon," it is proposed to strike out "a" and insert "any;" after "deposit," to insert "already or hereafter made;" and in line 8, after the word "in," to insert "the whole;" so as to read:

That upon any deposit already or hereafter made of any United States bonds bearing interest, in the manner required by law, any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in the whole amount the par value of the bonds deposited.

Mr. MCPHERSON. Mr. President, as the amendment of the Senator from Ohio is before the Senate, the few words I have to say on this measure I will say now.

There are five different propositions now before the Senate, as I understand the state of the case, the one I had the honor to introduce, the one proposed by the honorable Senator from Kansas [Mr. PLUMB], which I do not know whether he intends seriously to press or not; the proposition made by the honorable Senator from Ohio [Mr. SHERMAN] originally, which proposed to issue currency upon what is practically the market value of the bonds; but he now seems to be frightened at the magnitude of the shadow which that singular financial steeple casts and has offered one to-day which goes in the wrong direction to just half the distance traveled by the original one. If he will only take one more such jump he will land in our camp. There is also one proposed by the honorable Senator from Vermont [Mr. MORRILL]. My objections to all of the propositions offered by the Senator from Ohio and the Senator from Vermont are that they are based upon unsafe ground. They are wrong in principle. They all propose to issue circulation on the speculative value of the bond, and to this I am opposed.

I am too conservative in my financial views to refuse my support to any suitable measure of relief which will afford the people of the country all the currency needed to safely and successfully transact their business enterprises, without which the financial equilibrium will be liable to disturbance and distress to every industry the inevitable consequence. I favor the continuance of the present national banking system until some suitable substitute equal to all the mutations of business, confidence, and credit shall be first found to take its place, because it is the best possible currency attainable at this time—in fact, the most absolutely secure form of paper currency that has ever existed in any time or country; for since the organization of the national banks not a dollar of their circulation has ever been discredited and lost. Behind the circulation and resting upon them stand the Government bonds, and no security can be better than this, for the property of all the people is pledged to the strict payment of the bonds. This currency passes current at its face value in all the States and Territories of the Union and in many of the South American states. Having no legal-tender quality for the payment of debts, yet its debt-paying power is recognized and respected by our people in almost every business transaction.

The history of many of the early banking systems of the country has deepened the prejudice against bank notes, which ask a credit of the holder.

Compare the existing national banking system, if you please, with the condition of things which existed prior to its adoption, and the contrast will furnish an abundant reason for its continuance. It is within the recollection of every Senator here that for every day's travel from the Mississippi River eastward the noteholder of the Western State bank was forced to submit to a loss of from 1 to 3 per cent. on its face value, and when he reached New York, the great financial and commercial center, 10 per cent. was not an unusual discount. Under the old State-bank régime it was often impossible to judge safely of the adequacy of the security behind the bank bill, and under the laws of some of the States no security whatever was required as a safeguard to the noteholder. It is not surprising, therefore, that the value of a bank note was measured largely by the distance it had wandered from the place of promised redemption. In the light which such an experience gives, it is needless to say that the financial affairs of this country can never again be based upon such a system or upon any system which affords less protection than absolute security to the noteholder.

The public mind has been so long accustomed to associate the idea of a safe representative currency with the deposit of a pledge for its redemption that a proposition to base such an issue upon any other form of security is regarded as an innovation fraught with the utmost danger. The national banking act was passed at a time when the Government was in great need of money, and had for its object not so much the supplying of a circulating medium as the creation of a market for the Government bonds among the people. The Government is no longer a borrower, and our action now may be taken without regard to the Government credit. Therefore, owing to the success attendant upon the national bank system, and the satisfactory results, after a long trial, it has achieved, the question of its continuance to a period at least coequal with the existence of the bonds seems to be a well-settled conviction both with Congress and the people. Conceding this, we are called upon to legislate only in respect of the details, to make such legislation as will tend to hold the volume of currency stable and at the same time equal to all emergencies; to prevent undue expansion or contraction of the currency, either of which tends to disturb the financial equilibrium, and both alike in effect, if not in degree, hurtful to our business prosperity.

It may inquiringly be asked, with thirteen hundred millions of bonds of various issues available to protect circulation, an authorized issue of circulation of only five hundred millions, and only three hundred and forty-six millions of the authorized issue of circulation actually in use, why is any relief needed?

The answer is found in the fact that the 3 per cent. bonds are subject to call and cancellation by the Government as fast as the surplus revenue applicable alone to such purpose accrues. Considering that fifty million 3 per cent. bonds have been called and canceled by the Government within a few months, the conclusion is irresistible that contraction is steadily going on, and it becomes imperative to seek some remedy that will arrest its progress.

To effect this end several bills embodying the views of their respective authors and differing widely in the general plan have been presented in the Senate, and each has received due consideration from the Finance Committee. The bill I had the honor to introduce received the assent of the committee, has been favorably reported here, and upon that report we ask the concurrence of the Senate.

The bill reads as follows:

Be it enacted, &c., That upon a deposit of any United States bonds bearing interest, in the manner required by law, any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock. And that all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

It will readily be seen that this bill provides for the increase of circulation from 90 per cent. of the par value of all the classes of bonds, as under existing law, to the full par value of the bond, and to the par value only. It limits the circulation based upon the bond to exactly what the Government have promised to pay for it, no more, no less. Under this bill the basis upon which the circulation rests is neither fictitious, speculative, nor fluctuating, but one depending solely upon the ability of the Government to pay the bonds.

But it is urged by those who favor issuing circulation upon the market value of the bond that the 3 percents will soon be all paid and canceled, and an adequate inducement should be offered to impel the banks to secure circulation by a deposit of 4 or 4½ percents which have a fixed date of payment, and which by reason of this and of the higher rate of interest they bear command a premium in the market.

Our answer is that the existence of the 3 per cent. bonds, now largely held as a security for bank circulation, depends upon the surplus above current needs in the Treasury, and the amount of surplus will depend upon the action of Congress touching the reserve. The demand of the people, without regard to party lines, has been in favor of reduction of the burdens of taxation, and I have no doubt Congress will heed the demand, and possibly leave us with little or no surplus. Therefore, while the Government retains the option to pay the 3 per cent. bonds at will, the ability to do so rests entirely upon the action of Congress, and in the manner I have indicated.

We answer further, that in the event of the possible payment of the 3 per cent. bonds within the next three years, and which can only be done by continuing taxation at the present excessive rate, the increased circulation of 10 per cent. for which this bill provides will offer all the advantage required, and all that can safely be given, to induce the banks to deposit 4 and 4½ per cent. bonds as a security for circulation in lieu of the called and canceled 3 percents. That banking can be profitably done under this bill at the present market value of the bonds bearing 4 and 4½ per cent. interest, or even at a much higher premium, is capable of mathematical demonstration. To illustrate: The interest-bearing debt of the United States now outstanding, and upon which circulation is now authorized to be issued upon the deposit of the bonds, is as follows.

Four-and-a-half percents, due September 1, 1891	$250, 000, 000
Four percents, due July 1, 1907	737, 641, 050
Three percents, subject to call and payment by the Government	274, 708, 850
Six percents, currency, due from 1895 to 1899	64, 000, 000

Of these bonds the banks now hold as follows:

Four-and-a-half percents	$41, 000, 000
Four percents	106, 000, 000
Three percents	201, 000, 000
Six percents, currency	3, 000, 000

It will be seen from this statement that only two hundred millions of the circulation now outstanding is secured by pledges of the 3 per cent. bonds—the balance, or one hundred and fifty millions, being secured by the higher-rate or premium bonds—and were mainly deposited at a time when the banks enjoyed the option and could instead have deposited the cheaper bond and received in return for it an equal amount of circulation. Therefore with this experience it will not do to say that the premium above the par value exacted in the market for the fixed-date bonds will prevent, to any appreciable extent, their use as a basis for securing circulation. All experience teaches that the market-value of a bond or other security depends only upon what it will yield to the investor, keeping in view always the degree of certainty which attaches to its ultimate payment.

When we reflect that one thousand millions of the 4 and 4½ percents are now in existence and must remain so for many years to come, to which we may add the hundreds of millions of State, railroad, municipal, and other securities now on the market, and to which class of securities additions are being daily made, and many of them as safe an investment as the bonds of the Government and yield more to the investor—considering all this, I may at least be pardoned for not sympathizing with the fear so often expressed that the market price of a 4 per cent. Government bond carrying with it, as under this bill, the right to call for circulation equal to its par value, would prelude their deposit by the banks. For if the tax on circulation be removed—and who can doubt that it will be—the banks will have the advantage of any outside competitor equal to what the circulation they receive will yield. Before closing I will present a table showing as near as possible the value of this advantage.

It will further be seen from the statement I have already given that while the authorized national-bank circulation under existing law is much in excess of that actually taken by the banks, the three hundred and fifty millions now employed is quite enough for present needs, and to which this bill proposes to add 10 per cent., or thirty-five millions more, without requiring the deposit of a single additional bond. We have yet made no mention of the two hundred million coin certificates, and they are constantly increasing in a ratio which seems to forbid contraction of the currency from the cause mentioned to any degree becoming dangerous. I am not called upon in this discussion to express an opinion as to what I may think of the financial policy of a great Government which makes its circulation stand upon a short-legged silver dollar worth eighty-five cents, but I mention it, that my friend from Ohio [Mr. SHERMAN] may find food for reflection, for his proposed scheme goes to the same extreme in issuing circulation to the extent of $117 on a bond for which the pledge of the Government is only good for $100.

The statement I have made seems to show that there is no present necessity for the issue of any new form of Government bond to meet the requirements of the national currency. Such a necessity can not arise while there are outstanding bonds which can not be called in for redemption in less than from eight to twenty-four years to an amount three times that required for banking purposes. As long as these bonds remain outstanding there can be no contraction by reason of the sale of the bonds by the banks, for the purchasing bank will reissue at once the amount which the selling bank retires. There are $631,000,000 of the 4 percents yet for the banks to purchase, and in doing so the present market price would have to be raised to 138 before the result of the purchase would be as low an income as 2 per cent. per annum, which is the kind of bond proposed at the other end of the Capitol by Mr. POTTER.

There are also $250,000,000 of the 4½ percents, redeemable in eight years, and measuring their market value by the 3 percents maintained at par, or even their present selling prices in the market, with circulation equal to the par value, which are even more desirable for this purpose than the 4 percents. This gap of unavailed-of privileges between the whole bonds and those actually pledged will not fail to keep reasonable the premium upon the bonds.

I offer now a table showing the annual profit on circulation over and above the same investments without circulation, based on 4 per cent. bonds, costing 122, under this bill:

Interest on $1,000,000 bonds at 4 per cent		$40, 000
Interest on $1,000,000 circulation at 6 per cent		60, 000
Gross income		100, 000
Yearly sinking fund, which will retire the premium of 22 per cent. in twenty-four years	$4, 725	
Tax on circulation	10, 000	
		14, 725
Net income with circulation		85, 275
Compare the cost of bonds loaned at 6 per cent., costing 122:		
$1,220,000 loaned at 6 per cent		$73, 200
Profits on circulation		12, 075

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. MCPHERSON. Certainly.

Mr. ALDRICH. I should like to ask him whether the figures from which he now reads are the figures issued by a firm of bankers in New York several months ago?

Mr. MCPHERSON. So far as the sinking fund is concerned I think it is the calculation made by Fisk & Hatch, of New York, although it has been subjected by me to an expert, and he agrees in their conclusions. Therefore I accepted it as being correct without question.

Mr. ALDRICH. I should like to ask the Senator if he is aware that the banks throughout the country do not accept the computation as being correct either in principle or in its mathematical calculation. I state that to be a fact, and I state also that the Government actuary and other Treasury experts, so far as I know, agree with the banks in their conclusions as to the accuracy of this computation.

Mr. MCPHERSON. In any event there can not be any very material difference. There is no material difference, as I am informed, even

among the experts. So, practically, for all the purposes of the argument we will consider it to be correct.

Annual profit on 4½ percents costing 116:		
Interest on $1,000,000 bonds at 4½ per cent		$45,000
Interest on $1,000,000 circulation at 6 per cent		60,000
Gross income		105,000
Yearly sinking fund that will retire the premium of 16 per cent. in eight years	$16,108	
Tax on circulation	10,000	
		26,108
Net income with circulation		78,892
$1,160,000 (the cost of $1,000,000 4½ per cent. bonds costing 116) loaned at 6 per cent. would yield		69,600
Increased profit from circulation		9,292

From the foregoing calculations it will be seen that with the increase of 10 per cent. in circulation, as this bill provides, even with the 4 and 4½ per cent. bonds, the national banks will have considerable advantage over ordinary investors.

If, however, it be found some additional inducement is needed, it would be much safer and better to reduce the tax on circulation than to adopt the plan proposed by the Senator from Ohio:

The only consideration that has been urged with any show of reason against the repeal of this tax is that some provision should exist by which the circulation of the banks shall be charged with the cost of maintaining the National Currency Bureau at Washington. The absurdity of this argument is apparent when it is found that the expenses of the bureau for the last fiscal year were but $220,000, or less than one-fifteenth of 1 per cent. on the average circulation of the national banks outstanding.

In addition to the increased annual reserve which accrues to circulation over and above that obtainable by the ordinary investor who prefers a perfectly safe to a speculative investment, and who will be the only competitor the banks will have in the market for the Government bonds, and whose whole interest lies in the direction of low prices for investment purposes, there remains yet other important pecuniary considerations, to wit: The national banks are made the depositories of Government money for a considerable period of time without the Government exacting interest, and the United States Treasury is made the clearing-house for the redemption of their notes when presented for payment, which is not often, owing to the quality of the security which stands behind them; and it is not unreasonable to suppose that, compared with banking on any other principle or with less apparent security than the Government bonds, the banks thus organized will have a decided advantage in securing the patronage of deposits, which forms a very important item in the banker's profits.

Congress has bestowed on the owners of United States bonds this great exclusive grant over all other people—*it has made their notes money*. Who but a national banking association can *pay* his debt to another by giving *his own note?* If I owe a debt which must be paid in money, *my* note, however well secured, will not *pay* it. Again, I *pay* interest on my note and *they draw* interest on theirs.

In short, no successful banking, purely as such, can be maintained with profit except under the national system, while the system remains, as it has always been, the pet child of Congress.

The currency of money depends upon the security which it represents. Hence all current money must be secured by something. The money of a national-bank note is secured by United States bonds. United States bonds are secured by the honor and ability to pay the bonds. Honor alone can never be good security for the payment of money. It must be coupled with ability to pay. These together form the security upon which its promises rest and depend for their value; and if not so secured it will not be used as a medium of exchange.

Our 3 per cent. bonds have now reached a higher market value than any like security ever before issued in this or any other country, and consequently are no longer sought by private investors. This applies with equal force proportionately to all other classes of our bonds. Therefore I think it safe to say not much higher rate of premium will be reached unless the bill of the Senator from Ohio becomes a law. It will be remembered also these words are spoken at a time when the interest value of money was never less than now.

My friend from Ohio [Mr. SHERMAN] also from Vermont [Mr. MORRILL] are armed with substitutes for this bill and have served notice of their intention to offer them in the Senate, both of which provide for the issue to the banks of circulation in excess of the par value of the bonds pledged to secure it. To all such measures of finance I am unalterably opposed as unsound in principle and dangerous in practice. The bill offered by the Senator from Vermont [Mr. MORRILL] is less vicious than that proposed by the Senator from Ohio [Mr. SHERMAN] only because it travels a less distance in a wrong direction, the principle being the same in both bills, and both should be rejected.

The bill of the Senator from Ohio proposes—

1. To issue circulation on the 3 percents to their par value. Of this we do not complain, it being our own proposition.

2. To issue circulation on the 4½ percents to the extent of 95 per cent. of 112, or circulation $106.40.

3. To issue circulation on the 4 percents to the extent of 95 per cent. of 124, or circulation $117.80.

4. To issue circulation on the sixes to the extent of 95 per cent. on 145, or circulation $137.75.

The present market value of the last-named bonds being $1.35, it will be seen the Senator's bill would enable the banks to pay for the bonds with the circulation issued upon them and have quite a margin of profit left. Upon what is this excess of circulation over and above the par value of the bond based. Certainly not upon any promise of the Government, nor yet upon its credit. It is based solely upon the speculative value or market price of the bonds, and which may exist to-day and be gone to-morrow.

Suppose that for some cause the bonds should suddenly drop to par or below it, who is to redeem the excess of circulation above par? The Government is not pledged to do it, neither is the bank to whom it is issued responsible, for, having pledged the bonds as security for its circulation, no more can be exacted. In short, it is an unwarrantable favor extended to the banks, which they neither need, ask for, nor expect, and if withheld will result in no disastrous contraction of the currency. Who, then, wants this extraordinary measure? I have sought in vain, even among bank officers and owners, to find one single person careful of his reputation for financial sagacity who would give it the sanction of his support as being proper legislation by Congress. One old and experienced bank officer declared it to be monstrous, and a most dangerous precedent to place upon the statute-books of the country; and, besides, he saw no immediate necessity for greater relief than would be given by authorizing circulation equal to the par value of the bonds. The bill now under consideration seems to meet every expectation and requirement, and I hope it will be passed.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question is on the amendment of the Senator from Ohio [Mr. SHERMAN]. Is the Senate ready for the question?

Mr. ALDRICH. Unless some other Senator wishes to speak at this time, I should like to have the amendment printed for the use of the Senate, and have the matter go over until to-morrow morning.

Mr. BECK. I rose for the purpose of saying that before this debate is closed I shall submit a few remarks. I consulted the Senator from Rhode Island [Mr. ALDRICH], and desiring of course to look at the amendment of the Senator from Ohio, I was about to move that the Senate proceed to the consideration of executive business, so that the Senator from Rhode Island may have until to-morrow to look over the amendment, which I desire to see myself.

The PRESIDING OFFICER. Before the Chair submits the motion he will lay before the Senate several communications from the President of the United States.

TEXAS BOUNDARY LINE.

The following message from the President of the United States was read, referred to the Committee on the Judiciary, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 8th ultimo, from the Secretary of the Interior, and the accompanying papers, relating to the establishment of the boundary line between the United States and the State of Texas.

The matter is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 13, 1884.

EXTRADITION OF TRIMBLE.

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, communicating, in reply to a resolution of the Senate of the 11th instant, a letter from the Secretary of State concerning the case of Alexander Trimble, an American citizen, whose extradition has recently been demanded by the Government of Mexico for crimes alleged to have been committed by him in that republic; which was referred to the Committee on Foreign Relations, and ordered to be printed.

LOSS OF STEAMER PROTEUS.

The PRESIDING OFFICER also laid before the Senate the following message from the President of the United States; which was referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate of the United States:

In compliance with the resolution of the Senate of February 6, 1884, directing "that the President be requested, if in his judgment not incompatible with the public interests, to communicate to the Senate the record of the proceedings, testimony, and findings of the court of inquiry in relation to the events connected with the loss of the steamer Proteus in the Arctic Ocean," I have the honor to transmit herewith a copy of the record, &c., called for in said resolution, together with the letter of the Secretary of War, dated the 12th instant, submitting the same to me.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 13, 1884.

STATE NATIONAL BANK OF LOUISIANA.

The PRESIDING OFFICER. The Chair will lay before the Senate the unfinished business before the motion of the Senator from Kentucky [Mr. BECK] is put.

The CHIEF CLERK. A bill (S. 339) for the relief of the State National Bank of Louisiana.

The PRESIDING OFFICER. The Senator from Kentucky moves that the Senate proceed to the consideration of executive business.

Mr. WILSON. I ask the Senator from Kentucky to allow me to move the reconsideration of a bill which was postponed indefinitely.

The PRESIDING OFFICER. Does the Senator from Kentucky withdraw his motion for formal business?

Mr. BECK. Yes; and as soon as such business is transacted I will renew it.

WILLIAM H. MANNING.

Mr. WILSON. The Committee on Claims on the 6th of February made an adverse report on the bill (S. 1126) for the relief of William H. Manning. I was informed by the claimant that certain papers and proof touching his claim had been lost and had not been considered by the committee on that account. He desires to have a reconsideration. I ask unanimous consent that the vote by which the bill was indefinitely postponed be reconsidered and the bill rereferred to the Committee on Claims. I have spoken to the Senator from Oregon [Mr. DOLPH] who made the report, and he has no objection to that course.

The PRESIDING OFFICER. The Senator from Iowa asks that the vote by which the bill for the relief of William H. Manning was postponed indefinitely be reconsidered. Is there objection? The Chair hears none, and the vote is reconsidered. The motion now is to recommit the bill to the Committee on Claims.

The motion was agreed to.

CHINESE IMMIGRATION.

Mr. MILLER, of California. I ask unanimous consent to take up the bill (S. 791) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882, after the currency bill under consideration is disposed of, so that it may be the next order of business.

The PRESIDING OFFICER. Does the Senator from California submit a motion to make the bill a special order after the disposal of the currency bill?

Mr. MILLER, of California. Yes; after the currency bill is disposed of.

Mr. HARRISON. There is a bill on the Calendar, which is nearly reached in the regular order, in which our people are a good deal interested, and I do not like these special orders to be set so as to interfere with some progress with the Calendar. I hope the Senator will withhold that for a while and let us make a little progress with the Calendar.

Mr. MILLER, of California. To what bill does the Senator refer?

Mr. HARRISON. A bill regulating patent rights, and so on.

Mr. MILLER, of California. That is on the Calendar?

Mr. HARRISON. Yes.

Mr. MILLER, of California. I do not wish to interfere with the Calendar.

Mr. ALLISON. Is the patent-right bill, to which the Senator refers, the bill that passed the House of Representatives on that subject?

Mr. HARRISON. The bill which passed the House of Representatives has not yet been reported from the Committee on Patents, but it probably will be to-morrow; and will then be presented as a substitute for the bill already on the Calendar.

The PRESIDING OFFICER. Does the Senator from California insist on his motion?

Mr. MILLER, of California. I move that the Senate bill No. 791 be made the special order for next Monday at 2 o'clock.

Mr. CONGER. Let the title of the bill be read.

Mr, MILLER, of California. It is the bill (S. 791) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May 6, 1882. It will not take long.

Mr. PLUMB. I probably shall vote for that bill, and I have no objection to its passage at this moment that I know of; but I have observed that when we make a bill a special order it not only displaces everything else, but we get a leisurely way of doing it, for we are adjourning now earlier than usual, because this is one bill and the people interested in this one bill are in no hurry, and the Calendar and all the people interested in the Calendar are postponed in that way. Unless there is something extraordinary that shall present itself hereafter, I shall vote against making any bill a special order. I am aware that in the ordinary course of legislative proceedings, at the last of the session when we have got to choose among a large class of legislation where we cannot possibly get through all of it, we must pick out something that we hope to get through so as to have some result to our labors, and we do that by making special orders. But to commence at the beginning of the session to make special orders is simply to postpone the Calendar and practically to make all the business of the Senate drop.

The PRESIDING OFFICER. The question is on the motion of the Senator from California.

The motion was not agreed to.

EXECUTIVE SESSION.

Mr. BECK. I renew my motion for an executive session.

The PRESIDING OFFICER. The Senator from Kentucky moves that the Senate proceed to the consideration of executive business.

Mr. JACKSON. Before the question is put on that motion I ask that the unfinished business which was temporarily laid aside be laid before the Senate.

The PRESIDING OFFICER. The Chair will lay before the Senate the unfinished business, which is the bill (S. 339) for the relief of the State National Bank of Louisiana, pending which the Senator from Kentucky moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nineteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 34 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 13, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. HAMMOND, after to-day, for ten days, on account of important business.

To Mr. FOLLETT, for one week, on account of important business.

To Mr. ROGERS, of New York, for one week, on account of important business.

EDMUND WOLF.

On motion of Mr. FINDLAY, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Edmund Wolf, no adverse report having been made thereon.

LEONIDAS RUSSELL.

On motion of Mr. WARNER, of Tennessee, by unanimous consent, leave was granted for the withdrawal from the files of the House of the petition and papers of Leonidas Russell and Martha L., his wife, no adverse report having been made thereon.

GEORGE COWLES.

On motion of Mr. HERBERT, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the claim of George Cowles, no adverse report having been made thereon.

LIGHTS FOR HUDSON RIVER.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Light-House Board asking for an increased estimate for lights for the Hudson River; which was referred to the Committee on Appropriations, and ordered to be printed.

ADULTERATED AND SPURIOUS TEAS.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting, in reference to a draught of a bill to amend an act entitled "An act to prevent the importation of adulterated and spurious teas," a letter from the United States appraiser at New York; which was referred to the Committee on Ways and Means, and ordered to be printed.

ATCHISON, TOPEKA AND SANTA FÉ RAILROAD.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Interior, transmitting a copy of the report of the Commissioner of the General Land Office in answer to resolution of the House of Representatives of January 31, 1884, requesting information in regard to the certification of lands for the Atchison, Topeka and Santa Fé Railroad; which was referred to the Committee on the Public Lands, and ordered to be printed.

REMOVAL OF DOCUMENTS FROM CAPITOL.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of War, in answer to a resolution of the House of Representatives of the 22d ultimo, requesting the removal of certain public documents from the basement of the Capitol, and reporting compliance with the same; which was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of the following bills; in which concurrence was requested:

A bill (S. 491) for the relief of John W. Franklin, executor of the last will of John Armfield;

A bill (S. 767) for the relief of Columbus F. Perry and Elizabeth H. Gilmer; and

A bill (S. 1139) authorizing the construction of a building for the accommodation of the Congressional Library.

QUESTION OF PRIVILEGE.

Mr. WARNER, of Ohio. I rise to a privileged question under the rules in reference to the conduct of the business of the House. On Monday the House passed a joint resolution appropriating $300,000 for the relief of the sufferers from the Ohio River flood. The Senate remained

in session and passed the resolution the same evening. I find by the RECORD the resolution came back to the House—of course it could not go to the President until the House was in session again—immediately after the opening of the session of the House yesterday. I find further it was late in the afternoon, and, I think others know, quite late in the afternoon, before this resolution went back to the Senate. I understand the President and Secretary of War were at their offices waiting to receive this joint resolution, sending inquiries by telegraph and telephone respecting it, but it was half past 4 o'clock before the joint resolution reached the President and received his approval, when it was communicated to the Secretary of War immediately, who had arrangements made for prompt action. I therefore offer this resolution.

It is a case of neglect of duty on the part of the officers of the House which should be inquired into.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That the Committee on Enrolled Bills be instructed to inquire into and report the cause of the delay in forwarding to the President for his approval the joint resolution passed on the 11th instant, appropriating $300,000 for the relief of the sufferers from the floods of the Ohio River.

The SPEAKER. The Chair is not aware of the existence of any rule which makes it the duty of any officer of the House to deliver enrolled bills to the President. There was at one time a joint rule adopted by the Senate and House which regulated this matter; but since 1877, the Chair believes, the Senate has declined to regard those joint rules as being in force, and the practice has been for the Committee on Enrolled Bills, or some member of it under the direction of the committee, to deliver these bills to the President for his approval.

Mr. WARNER, of Ohio. But, Mr. Speaker, was it not the duty of the officers of this House to see that that resolution was returned to the Senate without delay? This resolution was forwarded from the Senate to the President, and the object of the inquiry which I have made is to find out the cause of the delay in this House on the part of the officers of the House.

The SPEAKER. If there be any allegation that an officer of the House has failed to perform his duty, the Chair thinks the resolution perhaps might be considered as a privileged matter. But this appears to be a mere resolution directing the Committee on Enrolled Bills to inquire into the cause of the delay alleged to have taken place.

Mr. WARNER, of Ohio. The resolution alleges and is itself *prima facie* evidence that there was delay, and I hold inexcusable delay. Now, the object of the resolution is simply to institute inquiries to find out whether there was such delay; and, if so, why.

Mr. YOUNG. I would like to inquire of the gentleman from Ohio what evidence he has that there was delay in sending this resolution back.

Mr. WARNER, of Ohio. It is furnished by the fact which is shown by the record of the proceedings of this House and the Senate that the joint resolution did not go from the House to the Senate until late in the day.

Mr. YOUNG. Does the RECORD furnish that information?

Mr. WARNER, of Ohio. Yes, sir; and the Chair, I take it, must take notice of the record of the proceedings of this House.

The SPEAKER. The Chair did not hear the remark of the gentleman from Ohio.

Mr. WARNER, of Ohio. My statement was that the Chair must take notice of the records of the House; and the records show that that joint resolution did not go promptly to the Senate.

Mr. YOUNG. What fact is shown in the records that points the gentleman to that conclusion?

Mr. WARNER, of Ohio. I have stated the records show it.

Mr. HATCH, of Missouri. I demand the regular order.

Mr. TOWNSHEND. Let me suggest that the resolution be referred to the Committee on Enrolled Bills.

Mr. WARNER, of Ohio. The object of the resolution is simply to instruct the proper committee to make the inquiry. I think we are entitled to it, and I ask the consideration of the resolution.

Mr. COSGROVE. I object.

Mr. WARNER, of Ohio. Then I ask the Chair to rule on the question, whether it is a question of privilege or not.

The SPEAKER. The Chair does not think it is a privileged resolution. There is no charge made against any officer of the House.

Mr. WARNER, of Ohio. Except such as appears on the record.

The SPEAKER. There is no charge of dereliction of duty. The Chair has before him the official record of the proceedings of this House as printed by the Public Printer, and that shows that this joint resolution, having been signed by the Speaker of the House, was communicated to the Senate. The Clerk will read from the proceedings of the Senate the record of the receipt of the bill by the Senate.

The Clerk read as follows:

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 154) authorizing the Secretary of War to use rations for the relief of destitute persons in the district overflowed by the Ohio River and its tributaries, and making an appropriation for the relief of the sufferers by said overflow; and it was thereupon signed by the President *pro tempore*.

Mr. WARNER, of Ohio. But that appears late in the proceedings of the Senate, and I am advised by a gentleman whom I do not see now in his seat that it was some time past 3 o'clock before the Senate was in receipt of the joint resolution from the House.

Mr. TOWNSHEND. The chairman of the Committee on Enrolled Bills, my colleague, is present, and I would like to have him make an explanation, which I am satisfied he can do, which will explain the whole matter.

Mr. NEECE. Mr. Speaker, I desire to explain as to the particular time this joint resolution was prepared and forwarded to the Senate. As to the exact hour when it was received by the committee I can not specify, but it was somewhere about 2 o'clock. It was presented to me to be enrolled, I think, somewhat after 2 o'clock. After it was enrolled I brought it here at once and returned it to the Clerk and it was sent to the Senate. In the course of an hour and a half after it left my hands the resolution was again returned to me.

Mr. COSGROVE. That is to say, then, you received it within an hour and a half after the time it left your hands.

Mr. NEECE. Yes, sir.

Mr. COSGROVE. When?

Mr. NEECE. On yesterday. I say it was returned within an hour and a half after the time it left the House. By half past 4 o'clock the joint resolution was placed before the President for his signature.

There was no delay whatever in the House either in the preparation of the resolution or in the presentation of it to the President for his signature.

Mr. TOWNSHEND. What was the delay in the Senate?

Mr. NEECE. I can not tell.

Mr. TOWNSHEND. Was there any delay?

Mr. NEECE. I do not know. I know there was no delay as far as the House is concerned.

Mr. TOWNSHEND. It was not in the House for two hours, then?

Mr. WARNER, of Ohio. Then I desire to know what the Clerk was doing with that resolution during those two hours. I hope this inquiry will bring that out.

Mr. NEECE. The resolution was sent to the Senate and not more than an hour and a half or two hours had elapsed when it was returned to me.

Mr. HATCH, of Missouri. I am informed the resolution in question was enrolled before it was passed by the House, and within three minutes by that clock from the time of its passage the clerk had delivered it to the Senate, who were waiting for it.

Mr. WARNER, of Ohio. That was on Monday. My inquiry relates to what was done with the resolution yesterday.

Mr. HATCH, of Missouri. The gentleman from Illinois [Mr. NEECE] has already informed the gentleman as to that.

Mr. WARNER, of Ohio. The resolution was passed by the House and by the Senate on Monday. On yesterday it was held between the two Houses all day while the President and the Secretary were waiting to act upon it and while the sufferers were under the water. Let us have an inquiry.

Mr. TOWNSHEND. If the alleged delay occurred in the Senate, I do not know that we have any right to inquire as to that.

The SPEAKER. The statement of the gentleman from Illinois [Mr. NEECE] shows that as much diligence as usual, if not more, was exercised in this case. There is no charge of improper conduct against any officer of the House so far as the Chair is able to understand the resolution of the gentleman from Ohio. But the Chair will submit the question to the House.

Mr. WARNER, of Ohio. On the part of somebody there was neglect.

Mr. COSGROVE. If the question is to be submitted to the House, I wish to amend the resolution so as to instruct the committee also to inquire why members stood here and consumed a whole day debating the question when the resolution might have passed in ten minutes.

The SPEAKER. The Chair, if there be no objection, will submit the question to the House.

Mr. HATCH, of Missouri. I object, and demand the regular order.

Mr. WARNER, of Ohio. I wish to ask the Chair whether the resolution presents a privileged question.

The SPEAKER. The Chair decides that it does not present a privileged question.

Mr. WARNER, of Ohio. Then let the resolution be referred to the Committee on Enrolled Bills.

Mr. COSGROVE. With my amendment.

The SPEAKER. The Chair declines to entertain the amendment.

Mr. COSGROVE. I object to the reference of the resolution unless my amendment goes along with it.

The SPEAKER. The Chair does not think an amendment is in order the object of which is to inquire into the mere exercise of the privilege of debate on the part of the House.

The resolution was referred to the Committee on Enrolled Bills.

ORDER OF BUSINESS.

Mr. TURNER, of Georgia. I rise to a privileged question, to call up the report of the Committee on Elections in the contested-election case of Chalmers *vs.* Manning.

Mr. COBB. Will the gentleman yield to me for one moment to submit a resolution?

Mr. TURNER, of Georgia. I will yield for that if it gives rise to no debate.

COMMITTEE ON PUBLIC LANDS.

Mr. COBB. The Committee on Public Lands have instructed me to report the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on the Public Lands be, and is hereby, authorized and empowered to sit during the sessions of the House for the transaction of such business as it may have before it.

The resolution was adopted.

Mr. COBB moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TURNER, of Georgia. I yield for a moment to the gentleman from Tennessee [Mr. YOUNG].

The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports, unless the gentleman from Georgia calls up a matter of higher privilege.

Mr. TURNER, of Georgia. I believe the contested-election case is privileged above the morning hour. I desire to call up that case.

CONTESTED ELECTION—CHALMERS VS. MANNING.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] calls up the report of the Committee on Elections on the contested-election case of J. R. Chalmers *vs.* Van H. Manning, from the second Congressional district of Mississippi. Does the gentleman desire to have the report read?

Mr. TURNER, of Georgia. I do not desire to have the report read unless it be desired by the House. I suggest that time might be saved by dispensing with the reading of the report.

There was no objection.

Mr. TURNER, of Georgia. Before I proceed to the discussion of the case now before the House, I feel it my duty to advert to a statement made by the honorable gentleman from Iowa [Mr. COOK] the other day, when I had the honor to submit the report in this case. Rising to a point of order (for the gentleman is always astute) after the House on my motion had granted leave to what I termed the minority of the committee to print its views, not in any spirit of criticism or censure, as I well understand, but rather for the purpose of advertising the division in the committee, the gentleman said that on the vote in the committee there was a tie upon the proposition to seat Mr. Manning.

I shall not reveal the deliberations of the committee, nor have I any disposition to evade the responsibility which a tie vote in the committee imposes on the chairman. But I feel that it is due to the committee that the fact should be stated that upon the report in its final form the division of the committee stood as two to one. That committee consists of the same number as that tribunal which once determined the Presidential contest; but instead of being divided in twain, as my good friend and colleague would have the House believe, it was not even divided in the proportion of eight to seven; but upon the adoption of this report there are ten of the fifteen who sustain the report and five who oppose it. And in the report which he soon afterward sent to the Printer he candidly characterizes the report which I had submitted as the report of the majority. It was a very early period in the fight for those who agreed with him to straggle from his ranks.

Mr. COOK. Will the gentleman allow me a word?

Mr. TURNER, of Georgia. Certainly.

Mr. COOK. I do not believe the gentleman desires to misrepresent me. We know of the action of a committee only by its vote, and I expressly stated that it was equally divided upon the vote in the committee. Beyond that I know nothing of the views of the members of the committee.

Mr. TURNER, of Georgia. I desire to have no difference on this question with my friend from Iowa [Mr. COOK]. All that I was anxious the House should understand was that on the question as submitted by the House to the Committee on Elections its members stand as two to one. That statement having been made my purpose is accomplished, and I now propose, with the indulgence of the House, very briefly to state the issues in this case.

It will be borne in mind that when the Congress of which we are now members assembled early in December last an impression existed throughout the country and was uppermost in the minds of members of this House that there had been some irregularity in certifying the result of the election in the second Congressional district of the State of Mississippi. I advert to this fact not for the purpose of laying any stress upon it with a view to prejudice the mind of any gentleman against either of the parties to this contest, but simply to state the fact that public attention had been arrested on the subject, and it immediately became a matter of inquiry and contention in the House.

When the Clerk of the last House had called the roll of members-elect, that roll showed that from every one of the three hundred and twenty-five Congressional districts into which the States of this Union are divided certificates of election had been sent, except from the district now in question. From his place as Clerk, and in pursuance of the responsibility and authority which usage and the law had conferred upon him, he announced that no person had presented the usual credentials from the second Congressional district of Mississippi, but that Mr. Chalmers had presented a protest, and certain returns and papers, on which he based a claim to the seat.

The Clerk further stated in his announcement to the House that the papers presented by Mr. Chalmers were not in the form required by law, and he had therefore declined to enroll the name of Mr. Chalmers, and the seat was left vacant.

Now I submit that this statement reveals a most extraordinary state of affairs. The gentleman from Iowa [Mr. COOK] in the report of the minority undertakes to say that such a course was not unusual. Now, if he can cite similar cases since the act of Congress providing that salaries of members should begin on the 4th of March, I would be obliged to him to state them to the House when he comes to argue this case.

When the papers filed by Mr. Chalmers had been described by the clerk in a statement somewhat expanded, it was apparent on the face of these papers, if they were to be credited, that although a certificate had been issued by the governor of the State to Mr. Manning, that certificate was based upon a clerical error.

In that state of the case, I submit that it was not improper that the House should institute an inquiry with a view to ascertain whether the title to a seat in this Hall ought to be allowed to stand even temporarily upon the misprision of a clerk. The issues were not made up on that day, as the gentleman from Iowa [Mr. COOK] states in his report. The broad question which was brought to the attention of the country and of the House was whether the credentials of a member, although in due form, entitled him to a seat on this floor when it was asserted and not denied that those credentials are based upon a plain miscount. That was the question which was presented on the first day of this session, when my friend from Ohio [Mr. CONVERSE] stated that he held in his hand the credentials in question, and by the resolution which he offered asked the House, on the mere face of such a paper thus overwhelmingly attacked and nowhere defended, to permit or direct Mr. Manning to be sworn in. It was in that state of the case that a brief discussion took place which the gentleman from Iowa [Mr. COOK] incorporates in his report.

The House adjourned until the next day without determining the question. The intervention of a night gave to every member of this House an opportunity to deliberate and to examine the statements which had been made during that preliminary discussion. The statement of the Clerk of the last House was published in the RECORD and all the papers could be scrutinized. Every gentleman when he returned to his seat here the next day understood distinctly the question which had been raised on the one hand by the statement of the Clerk on the previous day, and on the other hand by the resolution submitted by the gentleman from Ohio [Mr. CONVERSE] my colleague on the committee. When the House met the next morning the gentleman from Ohio stated that at the request of Mr. Manning he asked that the question of Mr. Manning's *prima facie* right to a seat be referred to the Committee on Elections when appointed.

Now my honorable friend from Iowa [Mr. COOK] criticises the statement in the report that Mr. Manning requested the gentleman from Ohio [Mr. CONVERSE] to offer the resolution which finally passed. Perhaps the criticism of my friend is just. But it should be remembered that the announcement of Mr. Manning's request was followed by a running debate in which gentlemen on both sides participated, one gentleman proposing that the case of Mr. Manning alone should go to the committee, other gentlemen proposing that the case of Mr. Chalmers should also be included. It was first proposed to refer only the certificate of the governor; other gentlemen on both sides suggested that all the papers should go. Finally, and as the outgrowth of the proposition of the gentleman from Ohio, who had set out with the statement that he was actuated by a request from Mr. Manning, the resolution which sent this case to the Committee on Elections was adopted without a dissenting vote.

I now ask the attention of the House to the terms of the resolution thus carefully and deliberately molded and adopted:

Resolved, That the certificate and all other papers in the contested-election case of J. R. Chalmers *vs.* Van H. Manning, from the second Congressional district of the State of Mississippi, be referred to the Committee on Elections when appointed, with instructions to report immediately whether, upon the *prima facie* case as presented by said papers, said Manning or Chalmers is entitled to be sworn in as a member pending the contest on the merits, and not to affect the final right to said seat.

Mr. Speaker, the House distinctly refused to refer to that committee only the question of Mr. Manning's right to the seat. The House refused to exclude from the consideration of the Committee on Elections the evidence offered here by Mr. Chalmers to impeach the certificate. The House not only refused to take that course, but instructed the committee to determine the *prima facie* right to the seat from all the papers.

Now the gentleman from Iowa argues that the phrase "*prima facie* case" is a technical one, which means absolutely and always one par-

ticular thing. I deny it. The gentleman can not find two disputed cases in which the phrase means exactly the same thing. Let me briefly advert to the history of the *prima facie* case in Congress.

In the early days of Congress members-elect assembled at the Capitol with their credentials in their pockets. The Clerk of the previous House—pursuing, perhaps, the idea that by being useful he might forward his re-election—prepared from these credentials the roll of the new House. This soon grew into the settled practice, and out of it arose the statute which now regulates the presentation of credentials to the Clerk of the previous House.

And as late as the Twenty-third Congress I find it was the usage, when any gentleman's name was called and before he was sworn, to have his credentials read at the Clerk's desk. So that before the House organized members-elect were accustomed to have their credentials read before they were allowed to qualify as members. Whenever a member's commission was assailed, the question came up before organization and was determined by an inspection of the commission alone. The necessity of organization fixed this limit to the inquiry; all other matters affecting the ultimate title were in these early days required to be stated in memorials and went in the first instance to a committee.

The phrase "*prima facie* case" was employed to define the effect of the usual commission prior to organization, and to distinguish that case from a trial on the merits. But when a case is taken out of the House and sent to a committee for determination without an investigation of the entire case on all the merits, I affirm that it is the usual and ordinary practice to define the limits of the inquiry by the committee in the resolution of reference. The phrase in question, then, means the whole scope of the inquiry, and is ascertained by the terms of the resolution.

I propose in the progress of this discussion to state, if gentlemen will indulge me, a few cases which support my view, and establish a standard at variance with that which the gentleman from Iowa lays down. I have already undertaken to show how the phrase arose. I have already stated why the House in this very case in sending it to the Committee on Elections enlarged the meaning of the phrase and gave us broader limits and prescribed to us the rules for our decision in this case. I ask the Clerk to read from "Contested Elections from 1869 to 1870," a report signed by the honorable gentleman from Pennsylvania [Mr. RANDALL] in the case of Hunt *vs.* Sheldon.

The Clerk read as follows:

WHO, THEN, HAS THE BEST PRIMA FACIE TITLE?

It is claimed by the majority that, upon the certificates, and the laws upon which they are based, Mr. Sheldon has the highest and clearest *prima facie* right to the seat. A brief examination will show the fallacy of this conclusion or assumption.

A *prima facie* right must be founded upon and established by *prima facie* evidence, and *prima facie* evidence is that evidence which is sufficient to establish the fact, unless rebutted. Now apply this definition to the case under consideration. Unless rebutted, the certificate which Mr. Sheldon holds is *prima facie* evidence, first, that an election was held at the time, place, and for the purpose therein expressed; and, second, that he received the highest number of votes cast at the election, which necessarily constitutes his election, and thereby establishes *prima facie* his right, or, in other phrase, his *prima facie* right to be admitted to the seat. But his certificate or *prima facie* evidence is rebutted by a like official and authenticated statement of equal force, and showing, also, first, that the election was held at the time, place, and for the purpose therein expressed; and, second, that Mr. Hunt received the highest number of votes cast at the election, and which necessarily constitutes his election, and thereby establishes *prima facie* his right to be admitted to the seat. Now, what becomes of Mr. Sheldon's *prima facie* right? It falls, of course, unsustained by *prima facie* evidence; and thus his claim is of no higher validity than Mr. Hunt's in a *prima facie* sense, and upon the form of the papers, and in substantial merits, as made manifest on the face of the certificates, it becomes utterly worthless and proves nothing to the advantage of Mr. Sheldon.

Mr. COOK. Will the gentleman allow me to interrupt him?

Mr. TURNER, of Georgia. I will.

Mr. COOK. Is not that extract taken from the minority report? And, further, let me inquire whether the House did not, in passing on the case, repudiate that doctrine and establish the contrary doctrine, which was that the certificate was the sole *prima facie* evidence?

Mr. TURNER, of Georgia. I will endeavor, Mr. Speaker, to answer the inquiry of my honorable colleague, because it is entirely pertinent.

The House did not in that case establish the doctrine that the certificate was the sole *prima facie* case. On the contrary, the report of the majority, submitted by Mr. Stevenson, after reciting the certificate, stated that "if the case rested upon the *certificate alone* the right of the holder to a seat might be questioned."

I will now add that the statement just read by the Clerk was taken from the report of the minority of the committee, which was signed by the gentleman from Pennsylvania [Mr. RANDALL] and Mr. Burr. But it must not be forgotten that the dispute between the gentleman and myself is as to what is a *prima facie* case.

I call attention now to a case which was decided by the House on a report submitted on the 9th of February, 1874, the case of Thomas M. Gunter *vs.* W. W. Wilshire, from the State of Arkansas. The resolution in the case which I am about to read is similar to the resolution under which the House sent this case to the Committee on Elections:

Resolved, That the credentials and papers in the possession of the Clerk of the House in the cases of contested election from the first and third districts of Arkansas be referred to the Committee on Elections with instructions to report at the earliest date practicable who of the contesting parties are entitled to be sworn in as the sitting members of the House.

The resolution, therefore, is very near in form to the resolution which sent this case to the Committee on Elections, with only this difference: that in the case now under consideration the instruction of the House was that we should determine the case from the papers referred to us.

The Committee on Elections at that day consisted largely of Republicans, but there were some gentlemen on the committee of conspicuous fame throughout this country. The minority report was made and signed by a gentleman whose name ought to commend his views not only to the House, not only to Mississippi, but to the entire Union. I quote from the minority report by Mr. L. Q. C. LAMAR:

Now, if the construction which a majority of the committee have put upon this resolution of the House is the true one, and it necessarily confines the investigation of the committee to the instrument by which the *prima facie* right is established, it follows that they should not have extended their inquiries beyond the face of this certificate, nor thrown before this House any information derived from evidence and proofs of a secondary character. Upon their construction of the resolution the proper course, in the opinion of the undersigned, would have been to have reported a resolution to the House that no *prima facie* right to a seat on this floor existed in this case.

But having specified in this way the construction which the majority of the committee in his opinion had put upon the resolution, but which construction, I must add, is not very apparent in the report of the majority, Mr. LAMAR proceeds:

The secretary signs both of these papers, which so completely falsify each other, each of which explicitly state him to be its author.

It seems to the undersigned that the documents, so absolutely false and so fatal to each other, constitute the only foundation on which rests the *prima facie* title of Mr. Wilshire imperiously demand that the case should be recommitted for examination upon its merits.

In the case I have cited Mr. LAMAR, now an honored Senator from the State of Mississippi, presented the views which I have read.

Now allow me to present briefly some of the evidence referred to the committee. The honorable gentleman from Pennsylvania has notified us that he proposes to recommit this case to the Committee on Elections, in order to confine our inquiry to the narrow line which the report of the minority of the committee contemplates. The gentleman from Iowa, although he construes the resolution differently, says in his report that it would be better to rescind these instructions than that the House should be guided by them. I can not agree, Mr. Speaker, in that view, but the gentleman from Pensylvania proposed to recommit this matter and confine it to that exclusive and narrow inquiry.

There is no propriety, sir, in recommitting the case to the Committee on Elections in order to defer that purpose. Both reports assert that the certificate of Mr. Manning is unexceptional in form upon its face. There is no dispute about it, and there is no reason in the world why the case should be recommitted. Indeed there would have been no reason to send this case to the committee in the first instance if it was to be determined upon an inquiry so narrow. No man could have denied that the credentials here are entirely correct in form, and therefore it is unnecessary now, as it was in the outset, to send the case to the committee on that issue alone. But if the House desires to retreat from the position which it took upon this subject, let the House rescind the resolution and adopt that of the gentleman from Iowa, and swear the gentleman in on this narrow title. There is no propriety in recommitting the case to the Committee on Elections.

We in this House are the judges of the qualifications, elections, and returns of the members, and the House in my judgment is absolutely omnipotent in determining these matters. Neither the gentleman from Iowa nor Mr. McCrary nor Mr. Cushing nor any other authority under the sun can lay down any limitations on the authority of this House to determine the returns of the members who claim seats upon this floor. But as I understand that great deposit of authority, which is exclusive and from which there is no appeal, no tribunal on earth has authority to reverse its decisions. In the exercise of this authority the House can send to any committee it pleases any aspect of the case, any section of the case, and may divide it into a dozen chapters, and try each one *seriatim* if it so desires. Who denies it? Who says that is not our prerogative? No act of Congress can repeal it, although the President and Senate concur in that repealing act. The House in the exercise of this authority may instruct the Committee on Elections to pursue the inquiry which they laid down in the resolution, and we have endeavored to discharge that duty.

In looking to evidence in this case how does the case stand? The secretary of state of Mississippi is the person authorized to cast up the canvass and certify the result of the election to the governor. A certain period of time is specified within which this is to be done. Among the papers which came to the secretary was a return from the commissioners of election from the county of Tate, a part of the second Congressional district. That return on one side of it had the certificate which is embodied in the report of the committee and to which gentlemen can refer. It stated how many votes Mr. Manning received, how many votes J. R. Chalmers received, and how many votes certain other persons received. Now, on the reverse side of that paper was what is called a "tally-sheet," and which was referred to in the certificate on the opposite side. The gentleman from Iowa [Mr. COOK] in his report, with a little spice of acrimony mingled in it, states that we printed that paper wrong; we ought to have presented, he says, the tabular statement first and then printed the certificate on the back

It seems that my very astute friend considers this paper a sort of double-ender.

Now, Mr. Speaker, I do not care which side of it you take first. As a matter of fact I understand that that side of it which gives the certificate, and which is signed by the commissioners, is the usual form in which the returns from a county of Mississippi are sent up to the secretary of state, and I further understand that the returns from nearly all the other counties in that district were sent to the secretary of state in the form of that side of the paper which I have had printed in front. It is true that that certificate refers to a "tally-sheet" on the opposite side. Whether that is in front or in the rear I do not care. But it will be noted that that part of the paper which certifies the result of the election, and is dated and signed by the commissioners, gives the vote for Mr. Chalmers, while on the back of it in this unsigned tabular statement the name of Chalmers does not occur, but J. R. Chambless is stated as having received 1,472 votes.

Now, by which side of this paper should the secretary of state have been governed? He should have been governed by that side which passed under the eyes of the commissioners and which they signed with their names. Would a fair man have taken leave of that statement in the certificate and hunted on the other side of the paper for mere figures and tabulated lists without heading and without signatures, to determine what was the vote of the district? I say every fair rule of construction would have required the secretary of state to have been guided by the face of the paper on which the signatures of the commissioners were placed. But take the other view of it. Suppose the other, the back of the paper, was a part of it; and then go further and suppose that the two were irreconcilable. Then you have a paper which states an impossibility, which states an absurdity, which states a thing on one side which is contradicted on the other side; and the fair way at last would be in this view of the case to have rejected the return altogether. If that return had been rejected altogether there would be still a majority against Mr. Manning.

In any view, therefore, Mr. Speaker, according to these returns Mr. Manning was not elected, and the certificate which he received from the governor of Mississippi was based upon a state of facts which, after a most careful scrutiny, shows he was a minority candidate.

Now, let us go a step further to show that the construction which I have put upon this paper is a fair one. After the election contest had begun in this case, after Mr. Chalmers had served Mr. Manning with notice of contest, in which he challenged Mr. Manning's presumptive title to a seat, and in which he alleged this error of the secretary of state and set out the mistake made by the commissioners of election for the county of Tate; after that issue was stated in the notice of contest, the gentleman whose friends claim the seat for him in this case replied to the notice, and in that reply, which was before the committee, he admits broadly and unequivocally that 1,472 votes were cast in Tate County for Mr. Chalmers. And he went further, and said in that admission that the inspectors and clerks of the several election precincts did certify to the county commissioners of election that Mr. Chalmers received a majority of the votes. And not only that, sir, but he went further, and added in a spirit of manly indignation that he would not take advantage of this miscount, would not take the seat until the House should vindicate his right to it. That was the admission in the answer. Are we not to take that as evidence here?

Hence, Mr. Speaker, I assume that the construction which I give to these papers is right. If the gentleman who claims this seat, Mr. Manning, was right when he after having looked into it and as the party most interested to know the truth of it—when he himself in the formal pleadings which make up the issues in this entire litigation says to his adversary, "I do admit that the papers show that you got a majority of the votes; that an error was made to your prejudice of which I would scorn to take the advantage, and I will not take the seat until my right to it is vindicated by the House"—I ask if my construction of the return is not vindicated by this manly statement from Mr. Manning, and does it not conclude all inquiry on this *prima facie* case?

And the gentleman from Iowa in his report says that a man who claims to represent the 150,000 people of this district can not give away the rights of those people, and his admissions must pass for naught. That is another of those nice and high-toned distinctions which Judge Black would have denounced, but which I shall not take the liberty of denouncing, as the "snapperadoes" of a nisi prius trial. [Laughter.]

A member-elect has certain rights, and he can make admissions which will bind his constituents. I affirm that proposition, and the gentleman from Iowa who controverts it must deny it, and thus the issue will be made up between him and me. In the first place, the act of Congress prescribes the pleadings in an election contest, and among other things prescribes that in the notice and answer the controverted points shall be stated, and that the things which are admitted may be taken as proved.

I put it to any gentleman on this floor, if he were a litigant in such an unfortunate controversy as this, and if there were a fact patent and plain and palpable, would he not save his adversary the expense and trouble and delay of proving it if he himself could not deny it and he knew it was capable of easy proof on the other side?

Now to go a step further—for I am addressing lawyers, and I assume that they are familiar with the conduct of cases in courts—can not a member-elect represent his constituents or refuse to do so, as he pleases? Can he not decline to take his certificate, and in that way create a vacancy in his district? Can he not resign his seat? Can he not give away the rights of his constituents in every vote which takes place in this Hall? And for the purposes of this trial in an election contest is he not the accredited agent of those who voted for him in the election; is he not the party immediately interested; and when he is litigating with his adversary for a high place in this Hall, which I think the most honorable in the world, can he not against his own interest make a statement which may be at least taken for the truth?

You have the case of a certificate resting on the plain, palpable, and unmistakable misprision of a clerk. I say it is just as fatal to the right of representation in this Hall as if it were a corrupt or a forged certificate or as if the governor of Mississippi had accredited as a representative here of that honorable constituency a man who had never been a candidate for the office.

Once lay down the precedent that after you have the evidence in a case, after you have learned the truth of the case, sitting here with even larger powers than the secretary of state of Mississippi had, ay, with larger powers than everybody in Mississippi had—if in the exercise of that high omnipotence, after you have had all the truth of the case, you shall decide that a man may stand on a certificate which rests on such a basis as this, I would not give a fig for the title of any member on this floor.

In the consideration which I have tried to give to this case I have endeavored as best I could, not in any very consecutive or formal manner, to state the substantial rights and rules involved. I may desire again to be heard somewhat upon it. But just now allow me to say that there is no question in my judgment which can come before this House which ought to arrest more of the serious attention of Representatives than the question which is now under consideration.

It is a matter of the gravest public concern. It is not a question which concerns alone the supremacy of a particular political party in the State of Mississippi. It is not a question so narrow even as the limits of a great State. It is a question which involves in its scope the character and the judicial precedents of a great party.

I have endeavored in this case to divest my mind of every consideration of partiality on the one hand or prejudice on the other, for I admit that I felt both. I had the difficult duty of keeping along that narrow line which, as I think, forms the boundary between right and wrong. Casting aside temptation on the one hand and on the other, I have endeavored in such consideration as I have been able to give this case to hold aloft the banner of the majority in popular elections.

In the consideration of an election contest, in which we approach the only majesty in this country and bow before the footstool of the highest sovereignty, we ought to uncover our heads and leave behind us the fouling dust of the campaign. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. ELLIOTT. As a member of the Committee on Elections I desire to state the reasons why I can not concur in the report of the majority of that committee. The conclusion seems to have been reached by a majority of the committee that neither Manning nor Chalmers have *prima facie* right to a seat in this House.

The House by resolution directed the committee to report whether upon the *prima facie* case as presented by the certificate of the governor and the papers on file in the contested-election case of Chalmers *vs.* Manning the said Manning or Chalmers is entitled to be sworn in as a member pending the contest on the merits.

The question submitted, as I understand it, was whether Manning or Chalmers had the *prima facie* right to a seat on this floor as a member from the second district of Mississippi, and that question was to be determined on evidence competent to establish a *prima facie* case. The committee was directed to determine the question from the certificate of the governor and all the papers on file in the contested-election case.

Under the resolution it became the duty of the committee to examine all the papers on file, but I submit that it was not the intention of the House by the resolution to declare a new rule of evidence contrary to that established by an almost unbroken line of precedents of this House in contested-election cases, and contrary to a rule which has been steadily adhered to by the courts of last resort in nearly every State in the Union for the past half century. The House did not intend that the committee, after an examination of the papers filed, should give weight to or act upon such as was manifestly incompetent evidence upon the issue directed to be determined.

If they were competent they were to be considered, and if they were not they were to be rejected. A judge must inspect a paper before he can determine whether it should be admitted as evidence or rejected as incompetent. Submitting a case to a court upon the papers filed in it does not authorize him to consider and act upon improper testimony because it has been filed by the party seeking the benefit of it.

Manning presented the certificate of the governor of Mississippi in due form. It was not shown or claimed that he obtained it by fraud or that it was unintentionally issued by the governor. The governor certifies under the seal of the State that Manning was duly elected to

represent the second district of Mississippi in the Forty-eighth Congress.

Under the law of Mississippi it is made the duty of the governor to certify the result of the election of members of Congress; no other officer of that State is authorized to make any statement or issue any certificate in reference thereto.

No other person is authorized to give evidence to this House upon the subject. He has done so, and confessedly in due form, and as his certificate is the only proper evidence, it must be conclusive.

Mr. Manning came before the committee, then, with as perfect a *prima facie* title as any member on this floor could show if called upon so to do.

What answer is made to this perfect *prima facie* case? Chalmers has very little upon which to rely in his effort to attack the *prima facie* case of Manning and to establish a *prima facie* case for himself. What was found on the files which the majority of the committee say the House compelled the committee to act upon by the resolution of reference?

First. The certificate of the election commissioners of Tate County.

Second. A canvass of votes by counties by the secretary of state.

Third. A second or supplemental return by the commissioners of Tate County.

Fourth. A copy of the record in a proceeding in one of the circuit courts of Mississippi against H. C. Myers, secretary of state, which on appeal was reversed and dismissed by the appellate court.

This is all, except the answer of Manning, of which I will speak in a moment.

Mr. ADAMS, of New York. Upon what ground did the supreme court reverse the action of the circuit court?

Mr. ELLIOTT. Want of jurisdiction.

Mr. ADAMS, of New York. Not at all. Let the gentleman read the opinion of the court.

Mr. ELLIOTT. Then the gentleman can argue that matter after a while.

Mr. ADAMS, of New York. The supreme court based its action on the ground that it had no right to coerce the governor of Mississippi to issue a double certificate.

Mr. ELLIOTT. If the gentleman is accurate in reference to that he is accurate beyond the record, for the record introduced before the committee shows no such thing. It is out of the way at least; the whole case was dismissed.

Now, Mr. Speaker, what one of the papers I have named is competent evidence to be even considered in ascertaining which of these two persons has a *prima facie* right to a seat on this floor? Are the commissioners of Tate County able to give testimony to this House upon this subject? Is the canvass of votes by the secretary of state competent evidence?

The supplemental return of the commissioners of Tate County the majority of the committee reject as incompetent. Why is not that return just as competent as any of the other papers to which I have called attention?

According to the argument of the chairman of the committee [Mr. TURNER] none of the papers on file in the contested-election case would have been competent evidence upon the question to be determined had they not been made so by the resolution of reference. And it follows that if all were made competent by the resolution of the House, then the supplemental return of the commissioners of Tate County and the *ex parte* affidavit of the clerk of said commissioners were also competent.

Do these fugitive papers overturn the only competent evidence of a *prima facie* title to an office?

It is said, however, that if these papers are of no value, Manning by his answer contradicts the certificate of the governor and disproves what might otherwise be a perfect *prima facie* case.

No one will contradict the correctness of the proposition that the answer is to be construed as a whole and not by a single sentence.

Manning admits that a mistake was made in the count of the vote of Tate County, but from first to last he maintains that he was duly elected, and that he can show, when the contest on the merits is entered upon, not only that he was apparently elected, as shown by the governor's certificate, but that he is entitled to hold the seat to the end of the term. He says to Chalmers, "When the contest on the merits is entered upon I will show that your candidacy had its birth in a conspiracy and ended in bribery and corruption at the polls."

In my judgment, the answer should not be considered on the question of which of the parties has a *prima facie* title, but if it is considered, taken as a whole, it makes for instead of against Manning. I go further, however, and take the position that the answer is not to be considered at all upon this question, for the reason that this is not a controversy over a private right. The people of Mississippi are interested, and they can not be deprived of their chosen Representative by any admission that Representative may have made. A person who had received a majority of ten thousand votes might admit himself out of a seat and put his opponent in his place by admitting in his answer to a notice of contest that his opponent and not himself received a majority of the votes cast at the election.

Mr. TURNER, of Georgia. If the gentleman will permit me, I would like to ask him a question at that point, although I do not wish to interrupt him, having no desire to break the line of his argument.

Mr. ELLIOTT. I will yield to the gentleman from Georgia.

Mr. TURNER, of Georgia. If I am not mistaken there is a case in the text-books which originated in the State of Pennsylvania, an election in which it appeared from the returns that there was a tie vote. Both of the gentlemen admitted it was a tie, and on their admission the governor of Pennsylvania ordered a new election. At the new election Mr. John Sargeant, a name rather well known in Pennsylvania, was returned as elected. After he had been returned at the new election certain citizens of the district sent a memorial here, which was the usage then, challenging his right to a seat and claiming an election had been made before, that the other was not a tie. The Committee on Elections reported, and the House sustained the report, that the admissions the other party as well as Mr. Sargeant had made were a complete waiver of their rights and neither the House nor the committee could go behind that.

Mr. ELLIOTT. I have not examined the case, and I did not know of the existence of it.

Mr. COOK. I have it before me. It will be found as the note on page 162 of McCrary, the standard authority on election cases:

> But it is very doubtful whether relinquishment of claims to the seat here referred to should have been regarded as either legal or binding.
> The constituency were chiefly interested, and they were not consulted.

Mr. ELLIOTT. I desire to call the attention to an authority on this subject, McCrary on Elections, sections 359 and 360:

> In the case just cited it was further held that the rule that a failure to answer is a confession of the allegations contained in the complaint will not be applied to a contested election in the House of Representatives. The reason is that the inquiry is of a public nature and not a case involving private rights alone.

Upon this point the committee, among other things, say:

> The contestant and the sitting member are by no means the only parties interested in this representation. The electors of the district, each and every one of them, have a vital interest in that question, and no one of them can be precluded by any laches not his own from insisting that the choice of the majority shall be regarded. No confession of the sitting member, however it might bind him personally, can place the contestant in the seat unless he is the choice of the majority, nor deprive that majority of its rightful representation.

I submit that upon reason and authority it is clear that Manning had not the power to admit away the trust confided to him by the people of the second district of Mississippi.

We have this queer state of things according to the majority report: The evidence which was sufficient to overturn Manning's *prima facie* case made by the governor's certificate did not make a *prima facie* case for Chalmers.

The majority are here forced back to the position taken by the minority, to wit, that nothing but the certificate of the governor is evidence upon the question of a *prima facie* case.

It is said that the House is asked to do what Manning himself would not do. Not at all. The House is asked to determine the legal question or recommit the question to the committee, and if it shall be determined that Manning has the *prima facie* title, he can ask to be sworn in as a member pending the contest on the merits.

I trust I may be pardoned for saying that it has not been shown so far why this case should be made an exception to all which have gone before it. I can not understand why Manning should not receive the consideration heretofore accorded to persons holding the certificate of the officer by the law of the State where the election occurred authorized to ascertain and certify the result. Is there any good reason why he should be made the first victim of a new rule of evidence, which can breed nothing but uncertainty and confusion?

No matter how great may be the regard of the members of this House for the statesmanlike qualities and political integrity of Chalmers, Mr. Manning should not be prejudiced thereby. He has the right to ask that a well-settled rule be applied to his case and that the House declare that he has the *prima facie* right to a seat on this floor and is entitled to be sworn in as a member pending the contest on the merits.

Mr. VAN ALSTYNE. Let me ask the gentleman a question. Is it not a fact that all of the evidence in this case as we read it here has been before the committee in print?

Mr. ELLIOTT. It has not been before the committee. The evidence has been printed.

Mr. VAN ALSTYNE. How long has it been printed?

Mr. ELLIOTT. I do not know; perhaps two or three weeks.

Mr. VAN ALSTYNE. Has it not been printed for at least five weeks?

Mr. ELLIOTT. The whole has not been, so far as I know.

Mr. VAN ALSTYNE. Has it not been printed and lying upon the shelves of the document-room for at least five or six weeks?

Mr. ELLIOTT. What does the gentleman intend by his inquiry?

Mr. VAN ALSTYNE. Simply this: I have read this evidence, and it is of that character that any man—any legal man—can determine its merits within three hours and write a correct opinion upon it. And there is not a particle of evidence by which Mr. Manning can claim a right to his seat here upon the merits as here presented.

Mr. ELLIOTT. If that be so, does it affect the *prima facie* right? I know of another case which has been before the committee to which it would not now be proper to call attention, but where I apprehend not a member of the committee has a shadow of doubt as upon this case upon its merits, and they rest upon the ground that the man who

has the certificate of the governor is entitled to hold that position until he is turned out upon a contest on the merits.

Mr. VAN ALSTYNE. Will the gentleman allow me to ask him another question?

Mr. ELLIOTT. I yield to the gentleman from Pennsylvania [Mr. CURTIN].

Mr. DAVIS, of Missouri. Does the gentleman have any right to yield to the gentleman from Pennsylvania?

Mr. COOK. I wish to inquire of the Chair if the gentleman from Pennsylvania [Mr. ELLIOTT] has exhausted his hour.

Mr. COBB. I understand the gentleman from Pennsylvania has not occupied his whole time, and he yields a portion of his time to his colleague [Mr. CURTIN]. That he has the right to do.

Mr. ELLIOTT. I yield the balance of my time to the gentleman from Pennsylvania, if he requires so much.

The SPEAKER. The gentleman from Pennsylvania [Mr. ELLIOTT] has thirty-five minutes of his time remaining.

Mr. CURTIN. I only desire five or ten minutes.

Mr. ELLIOTT. I yield to my colleague the time he desires.

Mr. CURTIN. I offer a resolution, which I desire to be considered now, in reference to this case.

The SPEAKER. The gentleman can offer the resolution at this time, and it can be considered as pending, but it can not be voted on until the debate is closed.

Mr. CURTIN. I ask the Clerk to read the resolution.

The SPEAKER. The resolution will be read.

Mr. TURNER, of Georgia. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. TURNER, of Georgia. For what purpose is the resolution offered?

The SPEAKER. The Chair understands the gentleman from Pennsylvania [Mr. CURTIN] to state he desires to offer a resolution. The Chair in response to that has said the resolution can be offered and read, but can not be voted on until the debate has been concluded. The Chair is informed there is no resolution at the Clerk's desk except the resolutions reported by the majority and minority of the committee.

Mr. CURTIN. It was read from the Clerk's desk a few days since.

The SPEAKER. The paper then read has gone to the Public Printer.

Mr. CURTIN. I offered the resolution on the day the report was made. It was read from the Clerk's desk and was objected to.

The SPEAKER. The Clerk will report the resolution as it is printed in the RECORD of that day's proceedings.

The Clerk read as follows:

Resolved, That the question of a *prima facie* right to a seat on this floor involved in the contested-election case of James R. Chalmers *vs.* Van H. Manning, from the second Congressional district of the State of Mississippi, be recommitted to the Committee on Elections, with instructions to ascertain and report immediately to this House whether a certificate of election to the office of Representative from said district to the Forty-eighth Congress was issued by the proper authority, as required by the laws of the State of Mississippi and of the United States, to any one; and, if so, to whom.

Mr. CURTIN. I offered that resolution with the expectation that this House would refer the question as to the *prima facie* right to the seat on this floor without reference to the merits or the evidence which may be taken on the one side or the other. On the first day of the session an effort was made to seat Mr. Manning on *prima facie* evidence that he had a right to a seat here; on precisely the evidence on which every other gentleman on this floor occupies a seat.

The case was referred to the Committee on Elections, as it should not have been, by a modified resolution; and the Committee on Elections have made a mistake or this House made a mistake in adopting that course; for that committee seemed to have found it necessary to go behind the return of the governor of the State and to make an investigation of the facts on which they reported.

The second district of Mississippi is entitled to representation on this floor. It is one of the grand fundamental principles of this Government that all the people shall be represented in these Halls. The certificate of a governor of a State should seat a man on the *prima facie* case. It is an act of sovereignty. It has been recognized from the beginning of this Government down to this day; and there is no precedent upon record in the Congress of the United States to change the regular current of right and justice and to defeat the demand of the people for representation.

It is of little consequence what General Manning said. He showed his sensitive honor when he presented his certificate and said he would let the House declare whether he had a right to the seat or not on the *prima facie* case at their pleasure, but that he reserved to himself the right in any contest made for the seat to show that he was entitled to it in fact as well as in law.

If the certificate of a governor of a State, under the great seal of the State, the emblem of the sovereignty of a State, will not give a citizen a seat upon this floor, I pray what will make *prima facie* evidence of the right to a seat here? You all occupy your seats upon such certificates. To say that this House would have the right, and, having the right, would exercise it, to judge of the validity of a certificate of the governor of a sovereign State and deprive any portion of the people in this great country of the representation here to which they have an inalienable right, is in violation of the principles which lie at the very foundation of this great Government. Then one by one each member as he comes to this House with the same evidence could be rejected and turned away from this Hall. If General Manning is not entitled to his seat then the evidence to determine that is before the committee. If he is entitled to remain in his seat the evidence will satisfy this House of that right. But in the mean time the people of the second district of Mississippi have a right to a representative on this floor.

The committee unanimously say General Chalmers has no such right on the *prima facie* case; and as to the right of General Manning the committee are divided, and it is now for this House to say whether the certificate of the governor of Mississippi that the people of the second Congressional district have elected General Manning as a Representative to this House shall enable him to take his seat or whether on the report of the committee charged with the duty of ascertaining who has the *prima facie* case he shall be turned back in the face of the people of the second district of Mississippi and of the certificate of the governor of a sovereign State.

We only ask that General Manning shall be seated on the credentials he presents from the governor of his State. After that the committee which is charged with this high and important duty can examine the question whether on the facts and in a fair contest he has a right to continue in the seat, and this House has the power to turn him out and seat Mr. Chalmers in his place if it pleases.

Mr. BELFORD. Will the gentleman permit me to ask him a question?

Mr. CURTIN. Yes, sir.

Mr. BELFORD. Now, suppose that the governor of a State issues a certificate to a party, and that party comes to this House and publicly declares that that certificate is fraudulent and that declaration is known to every member of this House, would that not be an exceptional *prima facie* case?

Mr. CURTIN. I would be very glad to answer the question.

Mr. BELFORD. And I would be glad to hear your answer, too.

Mr. CURTIN. The gentleman may put a case of that kind, and it may be possible that the governor of a State may choose to go back upon his certificate. That does not affect the right of General Manning to his seat under his certificate.

Mr. BELFORD. He has admitted that such was the case.

Mr. CURTIN. He has admitted no such thing. He has done no more than an honorable man would do, refer the certificate of the governor of his State to this House; that is all he has done. He never has admitted that he was elected by fraud, forgery, or falsehood. That part of the gentleman's question he drew from his imagination, which we have learned in this House is fertile, progressive, and spreading at all times. [Laughter.]

Mr. BELFORD. Just a moment.

Mr. CURTIN. If my friend and ancient neighbor, born near where I was born and whom I have known all his life, will permit me I will say that I understand well his wit, his sharp parliamentary knowledge and experience, and more than all his diffusive eloquence. And I can not be annoyed by him, for I am too young a man for an old fellow like him to tease. [Laughter.]

Mr. BELFORD. That will do. [Renewed laughter.]

Mr. CURTIN. General Manning has never admitted what my friend from Colorado says. Since my friend from Colorado ascended the Rocky Mountains to the high altitude of his State, where he breathes an air so light and pure, he seems to have forgotten the solid sense of the Juniata Valley, where he was born and raised. If he will go back there I will give him lessons in law at least, if I can not in parliamentary right and usage. [Renewed laughter.]

I now yield the remainder of my time to the gentleman from Alabama [Mr. OATES].

Mr. OATES. How much time does that give me?

The SPEAKER *pro tempore* [Mr. BLACKBURN]. The gentleman has twenty-five minutes.

Mr. OATES. The report of the majority of the Committee of Elections would seem to declare that the action of the House was either a refusal to seat Mr. Manning on the usual evidence of the governor's certificate or it was a renunciation by him of his right to admission to such seat on the governor's certificate alone. The erroneousness of that conclusion, I think, can be very easily shown, and from that erroneousness results all the other reasons and conclusions which culminated in the report of the majority of the committee.

By reference to the CONGRESSIONAL RECORD containing the debates of the first day of the session, when the gentleman from Ohio (Mr. CONVERSE) offered a resolution that Mr. Manning be sworn in as the member-elect from the second Congressional district of the State of Mississippi, will be found this:

Mr. KASSON. Now I desire to ask the further question, has the House the right to order a man who does not claim his right to a seat on this floor to be sworn in?

Mr. CONVERSE. He does claim his right to a seat upon the floor, and has never admitted to anybody, either publicly or privately, but that he was honestly elected.

A little further on is this:

Mr. KASSON. But the gentleman from Ohio appears here and is claiming his

seat. It is publicly alleged that the gentleman from Mississippi referred to in the resolution does not claim his right to a seat.

Mr. CONVERSE. That is entirely a mistake. The gentleman has never admitted, as I have stated, that there was any doubt of his right.

On the next day this took place:

Mr. CONVERSE. I am requested by Mr. Manning to ask unanimous consent of the House that the question of his *prima facie* right to a seat on this floor be referred to the standing Committee on Elections when appointed, with instructions to report thereon at the earliest day possible.

He asked only for the reference of the *prima facie* case to the Committee on Elections. Then followed a discussion of the question, showing that in every instance those who represented Mr. Manning on this floor insisted upon his right to the seat, and conclusively showing that the intention in referring the case to the Committee on Elections was to refer simply the *prima facie* case. I read from the debate which then took place:

Mr. KEIFER. The objection we make is that it is proposed to refer the *prima facie* right of one gentleman only, not both. By the papers here—by the certificates from the secretary of state of Mississippi—the result of the vote is shown absolutely. Let both cases go to the committee. They can be trusted to report upon the question whether Mr. Chalmers or Mr. Manning is entitled to the seat——

Mr. BLACKBURN. *Prima facie.*

Mr. KEIFER. *Prima facie.*

Mr. BLACKBURN. That is all fair.

Mr. KEIFER. That is all we ask. If the gentleman will include the two we make no further objection.

That shows conclusively that merely the *prima facie* case was referred to the Committee on Elections. The majority of the committee in my judgment have placed an erroneous construction upon the action of the House, and seem to regard it as their duty to consider all the papers which were referred to them, and to put the case outside of the rules heretofore applicable to *prima facie* cases.

Inasmuch as it is conclusively shown that the reference was of the *prima facie* case only, we are brought at once to the inquiry, What is a *prima facie* case? It is that which entitles a member to be sworn in and to take his seat here until the case can be heard upon its merits. McCrary on Elections says:

It is enough for the *prima facie* case if the certificate comes from the proper officer of the State, and clearly shows that the person claiming under it has been adjudged to be duly elected by the officer or board on whom the law of the State has imposed the duty of ascertaining and declaring the result.

The person duly commissioned has the right to exercise the functions of the office until upon investigation of the merits it is judicially determined otherwise. The certificate of the governor is the evidence and the only competent evidence in the case to which this House can look. If the certificate is in the usual form there can be no misapprehension, and unless the certificate itself refers to something outside, in deciding the *prima facie* case the House has no right to go beyond it. If it refers to any extraneous matter, then it is competent for the House to pursue it and determine upon whatever it refers to, whether the person holding the certificate has a *prima facie* right to the seat or not. And the case referred to by the gentleman from Pennsylvania as being the only exception I do not deem an exception, but confirmatory of the right of General Manning to the seat. Let me invite the attention of the House for a moment to that case. I read from McCrary:

The case of Hunt *vs.* Chilcott (2 Bartlett, 164) is one of the very few cases in which a certificate of election signed by the proper authority has been held insufficient to entitle the holder to be sworn in as a member of the House of Representatives and to occupy a seat pending a contest.

But in that case Mr. Hunt did not rest his case upon the paper only. He introduced the evidence of Governor Cummings in its support; and inasmuch as Governor Cummings testified in a manner that contradicted the certificate the committee had the right to accept that evidence. The governor was a witness produced by Mr. Hunt, and to whom he gave full credit. Therefore the contradiction was invoked by himself, and the committee was authorized to act upon it. It was tantamount to the reference to extraneous matter by the certificate itself, because the evidence was produced by the person claiming under that certificate. But in this case General Manning produced no such evidence.

It is said by some that he made an admission in his answer to the notice of contest that 1,472 votes which were returned for Chambless were in fact cast for General Chalmers, which would determine the election on the face of the returns in favor of that gentleman. But I submit to this House there is nothing upon the face of the certificate nor is there any admission upon the part of General Manning that brings this case within the principle of the case of Hunt *vs.* Chilcott. The admission, if there be such, in General Manning's answer to the notice of contest is a part of the case upon its merits. As was stated by the gentleman from Pennsylvania, the proper construction to be placed upon that answer is by taking the whole, not a mere part of it. The committee in considering the *prima facie* case, which is all that this House intended to refer to them, had no right to take anything as evidence beyond the face of the paper. They could no more look at the answer to that notice than they could go into the testimony in the case for the purpose of arriving at a solution of the question which was referred to them.

What is a *prima facie* case? That which at first view entitles a party as a matter of right to the thing he claims. Why, sir, when an action is brought in any court upon a promissory note or a bond, and the note or bond is read in evidence to the jury, that, without more, entitles the plaintiff to recover. In this case, where a man presents to the House a certificate of the governor and upon it claims a right to be sworn in, with no extraneous evidence referred to by it, nothing in connection with it to impeach that certificate, how can this House deny him the right to be sworn in? It is not only the right of the people of the second district of Mississippi, but it is also a right personal to him. When a gentleman comes here bearing the certificate of the governor of his State, regular in form, and demands of this House that he be sworn in, it is his right to be thus sworn in.

But, says some one on the other side, "General Manning admitted that he had no case." Suppose he had proclaimed from the housetops that General Chalmers and not himself was elected, I ask the House when was the time exhausted for his retraction; when was there an end of the *locus pœnitentiæ*? Even though he had thus declared time and again, when this Congress assembled and was organized he presents this paper; and where is the law that makes any prior declaration on his part operate as an estoppel? There is no such authority to be found in the books.

Mr. COX, of New York. Will my friend from Alabama allow me to interrupt him a moment?

Mr. OATES. Yes, sir.

Mr. COX, of New York. Mr. Manning certainly thought there were some bad features in his certificate; he declined to present it to the House; he was anxious that the House should assume the responsibility of accepting the certificate and seating him. The House refused to take that responsibility, and referred the question to the Committee on Elections. That committee now declines such responsibility; and the question, like Banquo's ghost, comes back to us again. I know it was understood that the whole question—*prima facie* and merits—was referred to that committee. I wish the House to determine the question on that basis.

Mr. OATES. I did not yield to the gentleman for a speech; but I will answer the points he has made, and I am glad he has made them.

Mr. COX, of New York. That is the only point I have to make, and this statement saves me the necessity of making a speech.

Mr. OATES. In the first place, this House did not determine that General Manning was not entitled to the seat. There is no evidence whatever that it ever questioned his certificate or thought it at all invalid. The gentleman can find nothing whatever upon which to question that certificate, unless he goes behind it into the merits of the controversy. The only basis for questioning this certificate comes from the admission of General Manning in his answer; but to use that for this purpose is going behind the certificate and is not admissible in a case like this.

The House did not decline to seat General Manning. There was a debate and contest about it, as the RECORD shows; but the House came to no conclusion. On the second day there seemed to be a division of opinion in the House; and, as the RECORD shows, Mr. Manning then requested that the *prima facie* case be referred to the Committee on Elections when appointed. Gentlemen here who believed that both sides of the question ought to go to the committee caused the resolution to be amended so as to refer the question of the *prima facie* right not only of Mr. Manning but of Mr. Chalmers also. That was the question referred to the committee; and there was no action of this House that operated as an estoppel upon any one; there never was any action to conclude any one or to bind this House. There was simply a reference to the committee, which performs in this case an office similar to that of a register of a chancery court. It was the reference to them to ascertain that fact and report it for the final action of this body. They have ascertained and reported it to the House.

Is there anything in the action of the House or the committee to conclude anybody? The question now is whether this House will confirm the report made by the majority or the minority of the Committee on Elections, to which the matter was referred. Why should there be any difference made in this case? Why should it be treated differently from any other? The universal custom and precedent here has been that where the case comes regular in form and from the officer authorized by law to issue it the party shall be sworn in on it. And when thus sworn in, whatever there may be in the papers or in the answer by way of confession or in the testimony on file, goes to the merits of the case, and has nothing to do with the House in its action on the *prima facie* case. That is the difficulty the committee has got into, that it has gone into evidence which should not have been considered touching the issue referred to it. Had the majority confined itself to the issue presented to it, which was the *prima facie* case and nothing more, there would have been no difficulty. But they have gone beyond it. They are disposed to go beyond the case, as some members were when it was proposed to swear in General Manning on his certificate. This disposition to go beyond the testimony which makes the *prima facie* case is what has made all the difficulty. Exclude all that from the case which belongs to the merits, and you have no difficulty whatever. It is only matter that pertains to the merits which has produced this confusion.

It seems to me, Mr. Speaker, there is nothing more in the case than the naked one referred to the committee. The majority of the committee refers to one paper as not legal evidence, and therefore it did not

give it much weight. If it were not legal evidence no weight whatever should have been attached to it. No importance should be given to it. Looking to the issue on the evidence found in the papers, only that pertinent to that issue ought to have been tried by the committee. Had that been done we would not have had this confusion. Then the case was a clear one for General Manning.

How much time have I left?

The SPEAKER. Five minutes.

Mr. OATES. I yield it to the gentleman from Indiana.

Mr. COBB. Mr. Speaker, there should be no difficulty on this question in view of the strong and well-settled precedents of the House. And those precedents are in the line which always carries this House through correctly.

I have discussed this question, I believe, twice before while I have been a member of this House, and before I did so discuss it I had studied the question I thought pretty carefully. And I undertake to say now to this House that there is not a precedent from the foundation of this Government down to the present time where a member presents his certificate in due form of law, signed and sealed by the proper authority of law fixed by that law, that that member has not been held to be entitled to his seat. You can not find any well-digested authority to the contrary even when fraud enters into it. Here is what McCrary says in his book on elections:

> There can be no doubt but that a certificate of election regular in form, and signed by the proper authority, constitutes *prima facie* evidence of title to the office, which can only be set aside by such proceedings for contesting the election as the law provides. The certificate, whether rightfully or wrongfully given, confers upon the person holding it the *prima facie* right to the office.

Mr. BLAND. I would like to ask the gentleman a question.

Mr. COBB. I have but five minutes, otherwise I should be glad to answer any questions.

Mr. BLAND. This is a question, or a suggestion rather, that I would like to hear answered by somebody, as I regard it as the important point in connection with this case.

Mr. COBB. What is the question?

Mr. BLAND. I was going to suggest that where a party presents the certificate himself he may be sworn in. But here is a case where the party has never himself presented the certificate. Now he wants to be sworn in. Let him present his certificate at the desk and ask to be sworn in, and I will vote for it myself. Otherwise I will never do so.

Mr. COBB. I am very glad the gentleman has called my attention to this matter, but I will say that that does not alter the case presented here.

I understand that the resolution which was referred to the Committee on Elections required them to investigate and report upon the *prima facie* case. That they have done. All they had the right to consider was whether or not the certificate was regular upon its face and whether it purported to be signed by the proper authority constituted by the State for that purpose. When the committee made that investigation and determined that the certificate was properly signed, that it was regular upon its face, that committee under instructions of this House had no legal right to go further in reference to the matter. Any other doctrine would lead this House upon the unbounded ocean of uncertainty. It is a doctrine which the House laid down at the very beginning of Congress; it is the doctrine of every parliamentary body of this kind where its members are elected, and a doctrine which must prevail, or otherwise we are constantly interrupted with questions which will interfere with our legislation.

[Here the hammer fell.]

The SPEAKER *pro tempore* (Mr. BLACKBURN in the chair). The time of the gentleman has expired.

Mr. COBB. I would like to have a few minutes longer.

Mr. HEWITT, of Alabama. I ask unanimous consent that the time of the gentleman from Indiana be extended for five minutes.

There was no objection.

Mr. COBB. The record of this case, Mr. Speaker, shows that the certificate was presented to the House by a member of the House directed to do so, as I understand, by Mr. Manning himself. The question was then squarely brought before the House as to whether Mr. Manning under that certificate was entitled to a seat, and I insist, as I have said, that he was. I insist that unless this committee could find that the certificate was void, that it was irregular, that it was not in conformity with the law—it does not matter how much fraud entered into it—the House must act upon the *prima facie* case, and the committee could only act as the House could act. It has only the authority which the House had. It is the agent of the House. The case was one which the House should have acted upon when it was presented, and without reference to a committee to determine the *prima facie* right to a seat on the floor; but after having done so, after the House had declined to act upon it and had referred it to the committee, then the committee acquired the same power to determine it that the House had in the first instance, and no more.

It was referred on the application, it is true, of Mr. Manning himself, which was a mistake, and he ought not to have made such an application. He should have presented his certifiate to the House and let us become responsible for the determination of the question as to his *prima facie* right. In that case there would have been no trouble.

Our friends on the other side are as much interested in this question as we are. It is not and should not be a political question. It does not matter whether Mr. Manning is a Republican or Democrat, but the question is whether we shall lay down or rather carry out a rule which must necessarily prevent this body, when it comes to organize, from independent action upon the subject or otherwise get us into trouble in the future. Whatever may be my belief in Mr. Manning's right ultimately to the seat when we come to the consideration of the question upon its merits, I would vote to seat him now upon the certificate, because I would vote to seat any man who comes here and presents us with a certificate which is proper upon its face, which is legally binding upon its face, a certificate which is signed by the proper authority constituted by the Legislature of the State to sign it. It is the certificate that we all come here upon, and this House never could organize, it never could become an organized body, without permitting members who are elected to present their certificaces such as this and ask their seats. After that then comes, of course, the question as to the merits. The committee takes the question and solves it, and whether or not Mr. Manning is entitled to a seat will be determined then. But it can not be done now; and the committee, if it went outside of the certificate, and I say it with all due respect to the members of the committee, for they are honorable men and I have no doubt acted conscientiously—but when they went beyond the certificate they disregarded the resolution of the House, and went behind it and took and considered evidence that they should not have considered. If we had referred the case to them upon the merits, then they could well have gone behind the certificate; but we did not refer the question of the merits. We referred only the *prima facie* case. That case they have determined by going behind the certificate and determining questions of facts that they have no right to deal with under the resolution.

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States, was communicated to the House by Mr. PRUDEN, one of his secretaries.

The message announced the approval of the joint resolution (H. Res. 154) authorizing the Secretary of War to use rations for the relief of destitute persons in the districts overflowed by the Ohio River and its tributaries and making appropriations to relieve the sufferers from said overflow.

CONTESTED-ELECTION CASE—CHALMERS VS. MANNING.

Mr. DAVIS, of Missouri. Mr. Speaker, I would not have opened my mouth in this case had I not been a member of the Committee on Elections; and even under these circumstances I would have said nothing had it not been for the fact that so much interest has been manifested in this particular case.

As I voted with the majority of the committee on this case, and contrary to the opinion of many of my associates on this side of the House, I thought it necessary to explain or give the reasons why I voted as I did. I may say that in the Forty-seventh Congress I was a member of the Committee on Elections, and I started into the examination of cases in that Congress without any partisan feeling; but I was in a few weeks so completely swamped that I did not know where to land. But in this matter the Democratic party, having a majority in this House, and I believing myself to be as honest as a man ought to be, or ordinarily is, rather, I thought I would look at this matter free from all bias. Therefore I have no sympathy with appeals that may be made to members on this side of the House because one man thinks one way and another man thinks another.

It must be admitted that some rule must be adopted as to which of the claimants shall qualify and take the seat during the investigation of a contested-election case on its merits. The general rule is that the man holding the certificate or the ordinary credentials shall qualify and take the seat. There should be no difference of opinion among us about that proposition where the certificate remains unimpeached. Why? Because it is absolutely necessary to prevent anarchy and to insure the organization of this House.

We have on this subject a well-settled doctrine staring us in the face. No man will pretend to dispute the fact that when the certificate was issued by the governor of the State of Mississippi and delivered to Mr. Manning he thereby acquired the *prima facie* evidence of title to a seat in this House. That certificate conferred upon him a right which is an individual right, a right that neither the governor of the State of Mississippi nor the State of Mississippi itself could take from him. Who could deprive him of it? Manning, and nobody but Manning, or this House. He could say, "I waive it." He could say, "I will not avail myself of the right given me by this certificate." He could say, "It never ought to have been issued to me." And no power on earth could have prevented him from occupying that position.

The question in this case is, what did Mr. Manning say? He says, "I admit that the inspectors and clerks of the several election precincts did certify to the county commissioners of election in their respective counties that you, Chalmers, received the majority of the votes cast. I further admit that the 1,472 votes which were cast for J. R. Chambless were in fact cast for you, J. R. Chalmers, and that the name of Chambless appeared in the return by their clerical error instead of

your name." I have given the exact language of this man who holds the certificate and claims a seat in this House. What does he say? He says, in a word, "I admit that the returns show that I was not elected; I admit virtually that the secretary of state made a return to the governor of the State of Mississippi that was not true. I admit that the governor of the State of Mississippi issued a certificate to me on a return that was not true; in a word, I admit that you, Chalmers, to-day should hold the certificate and not I. I admit that you to-day have the *prima facie* title, and not I."

Mr. COSGROVE. Will the gentleman allow me to ask him a question?

Mr. DAVIS, of Missouri. Yes, sir.

Mr. COSGROVE. Does Mr. Manning not say in connection with that, notwithstanding that admission, he is entitled to the seat and entitled to the certificate?

Mr. DAVIS, of Missouri. The gentleman will please let me pursue my own line of argument, and I will answer that before I conclude.

After Mr. Manning has made these admissions, what further does he say? I will give his exact language. In connection with these admissions he says: "I also state that I will not take my seat in said contest or ask the Clerk of the House of Representatives to enroll my name as a member thereof until I have vindicated or until the House shall have affirmed my right thereto." In other words, he says: "Under these circumstances I will not take my seat."

What are the circumstances? The circumstances are, as he says himself, that the returns do not show that he was elected. He virtually says: "I will not avail myself of this certificate, which was issued to me through a clerical error; but I will vindicate myself by showing that the returns were false, and that one-third of the votes which you (Chalmers) received were obtained by fraud and by other unfair means." "On account of this clerical error," he says, "I will not take my seat. What was this clerical error? Fourteen hundred and seventy-two votes were not counted for Chalmers which should have been counted for him. Suppose they had been counted for him, what would have been the result? Mr. Chalmers would have had the certificate, and not I. Therefore, on account of this clerical error, which deprived Chalmers of the certificate, I will not take my seat, or even ask the Clerk of the House of Representatives to enroll my name as a member thereof, until I have vindicated myself by showing that I was in fact elected."

Now, is there any other rational or sensible conclusion to be drawn from these facts and these circumstances than the conclusion that this is the position which Mr. Manning assumed in this case? And this is the position which the record holds him to to-day. But it is said that this is a public matter as well as a private one; that the people of the second Congressional district of the State of Mississippi have such an interest in this matter that we can not permit a man to say he was not elected. Now, I say that while the party holding the certificate can not seat another man by his admissions, he certainly can by his confessions so impeach the integrity of his own title that this House will not seat him on the *prima facie* case. Suppose that Mr. Manning was the duly-elected Representative from the second Congressional district of Mississippi, has he not the right to refuse the seat? Has he not the right to say, "I will not avail myself of the certificate which was issued to me by mistake." Why, he certainly has that right, and no power on earth could prevent him from exercising it. He is entitled to say, "I will not avail myself of the right given me by the certificate, but I will vindicate myself by showing that the returns were false;" and that is just exactly what the good people of Mississippi and the good people of this country expected. So far as I am individually concerned I am opposed to forcing a man into a seat in this House on a certificate which he himself says was issued to him by a clerical error.

I come now to the point which has been mainly discussed by the gentlemen who have preceded me. It is said that we can not go behind the certificate. I need not refer to the scope of the resolution which referred this case to the Committee on Elections, because it will be remembered that that resolution directed us to examine all the papers in the contested-election case of Chalmers against Manning and determine from them who had the *prima facie* right to the seat.

The position that I assume in this case is that we did not need these broad instructions which the House gave to the Committee of Elections. I hold that the refusal by this House to seat Mr. Manning and the reference of the *prima facie* case alone to the Committee of Elections authorized us to examine all the papers relating to the *prima facie* case. Let me repeat, outside of any instructions by this House the reference of the *prima facie* case alone to the committee authorized that committee to examine all the papers relating to the *prima facie* case.

It will be remembered in this connection that Mr. Chalmers filed with the Clerk of the House of Representatives a protest against Mr. Manning being allowed to take his seat on his certificate. What did he say? He charged that that certificate was fraudulent; that it was not issued by the proper officer of the State of Mississippi. That certainly related to the *prima facie* case. That certainly called in question the validity of the certificate itself, and the Committee on Elections had the right to examine that matter.

It will also be remembered that Mr. Chalmers gave Mr. Manning notice of contest, and in that notice stated that he would contest not only his ultimate but his *prima facie* right to a seat in this House. Why? Because he charged that the certificate was not issued by the proper officer, and that it was fraudulent, thus calling attention to the validity of the certificate. That certainly related to the *prima facie* case.

In answering that notice of contest Mr. Manning admitted that the returns showed that Mr. Chalmers, and not himself, was elected. He denies that the certificate was issued by fraud, but admits that it was issued to him in consequence of a clerical error. That certainly related to the *prima facie* case, and the committee had the right to examine that issue. In other words, I can not conceive of any committee on earth examining into a *prima facie* case without understanding what the issue is.

But it is said that the law provides that we shall not go behind the certificate. I know that we must have laws and rules to guide us in our search for truth; but there is no law on earth that could prevent a man from pleading guilty, and there is no law on earth that will keep this House from knowing what it does know. And it certainly is acquainted with the facts in this case.

The difficulty with those who believe that the certificate alone should be investigated, and that it is sufficient to seat Mr. Manning, is that they confound *prima facie* with conclusive evidence. We all know that a certificate is simply *prima facie* evidence of title. Yet the minority of the committee claim that in this case we shall consider *prima facie* as the conclusive evidence.

What is *prima facie* evidence? It is evidence which uncontradicted and unexplained is sufficient to determine the question at issue. The minority of the committee would have us say that we can not contradict the *prima facie* evidence of this certificate by a comparison of it with all the papers relating to the *prima facie* case.

It is true that this House has adopted, for the purposes of organization, the fiction that a certificate clean on its face shall be considered as conclusive evidence of the right of a person to a seat here. In other words, for the purposes of organization we have adopted the rule, as I believe all legislative bodies have, that *prima facie* evidence shall be considered as conclusive. But this House once organized, the reason and the necessity for that fiction ceases.

The House once organized, the reason and necessity for considering *prima facie* evidence as conclusive evidence no longer exist; and under the powers given by the Constitution to judge of the election, returns, and qualifications of the members of this House we have not only the power but it is our duty to explain, and if need be contradict, the *prima facie* evidence offered, and to examine all the papers relating to the *prima facie* case. Certainly what I have mentioned relates to the *prima facie* case.

But it is said that we can not go behind the certificate. We all admit this one thing, that if the certificate of the governor of the State of Mississippi had stated that Manning was duly elected, and in that connection had also stated facts that were inconsistent with his election, we would be bound to take those facts into consideration; we could not ignore those facts, because they were on the face of the certificate.

Suppose that in addition to issuing the certificate in due form and signing his name to it declaring that Mr. Manning was duly elected, the governor of the State of Mississippi had attached to it another paper giving the steps he took in arriving at that conclusion, and we found that the facts therein recited were inconsistent with the statement that Mr. Manning had been elected, would we not be compelled to take notice of those facts? Certainly we would.

What is this case? Mr. Manning comes into this House holding in his right hand a certificate of election issued by the governor of the State of Mississippi, while in his left hand he holds his answer to the notice of contest by Mr. Chalmers. The certificate says that Mr. Manning was duly elected; his own answer says that the returns show that he was not elected. Are we not bound to take notice of this fact? Can we sit here and say that we do not know that he was not entitled to that certificate? Can we shelter ourselves behind a certificate which the party holding it himself says ought never to have been issued to him? I do not know what other people may think, but I will never vote to do so. The question is, Can we afford to do it under the circumstances? I do not think we can. It would not look well, and it would not sound well. I may be mistaken about this matter; but I am sincere, and that satisfies me.

Mr. COOK. Will the gentleman yield to me for a question?

Mr. DAVIS, of Missouri. No; because I have an idea now. [Laughter.]

It is said that we cannot go behind the certificate. As I have already intimated, a man can impeach his own title to a seat in this House. I believe there is a case reported in McCrary—the case of Hunt *vs.* Chilcott—where the certificate was plain on its face, but the party introduced the governor as a witness in support of the certificate, and the governor stated facts which were not consistent with the certificate. So it is in this case. Mr. Manning has by his own admissions impeached his own title. It is with us not simply a question of law, as we have supreme power to deal with such questions under the Constitution, but it is a matter of honor to say whether we will seat a man on a certificate that he himself says should not have been issued.

I come now to the next question: Is Mr. Chalmers entitled to the

seat? I say no. Why? Because, as the report says, he has not the credentials. But in the next place the certificate from Tate County on which he relies is capable of different constructions. I mean that one man looking at it may come to one conclusion and another man to another. In other words, there is no definite, undisputed statement as to the fact that Mr. Chalmers received so many votes in that county.

But some one may say Mr. Manning admits that Mr. Chalmers was elected. That does not make any difference. The admissions of Manning cannot inure to the benefit of Chalmers. He may by his own admissions impeach his own title; but he cannot by his admissions seat another man. The power to do that belongs elsewhere.

Believing then that neither of these parties should be sworn in, what should we do? I say, for one, let this case rest where Mr. Manning by his words and his actions placed it. Let us decide it on its merits, and rid ourselves of this complication. Gentlemen on the other side insist on following a rule which I believe would be contrary to right and contrary to our consciences. Let the case be determined on its merits; and then, if we find Mr. Manning was elected, he and all his friends will be vindicated.

The SPEAKER. To whom does the gentleman from Missouri [Mr. DAVIS] yield the remainder of his time or does he surrender the floor entirely?

Mr. DAVIS, of Missouri. I reserve the residue of my time.

The SPEAKER. The gentleman has one-half hour remaining.

Mr. ROBERTSON. Mr. Speaker, I rise to address this House under very peculiar circumstances, because it is the first time in my life that I have ever had the opportunity of presenting my views upon any great question before the American people. Being a young man, it is natural that I should feel some degree of diffidence in approaching so great a question as that now before us, especially when I know that I confront the views of the distinguished gentleman from Massachusetts [Mr. RANNEY], who now sits before me. But, Mr. Speaker, I believe that when a man accepts the trust of being a member of this the most august body in the world, it becomes his province and his duty to assert before the people what he believes to be right.

I think the gentleman from Missouri [Mr. DAVIS] has totally misunderstood and misconceived the question involved in this controversy. It is not a controversy of fact; it is a question of law. It is a controversy involving the right *prima facie* of a man to hold a seat in the American Congress as the Representative of a sovereign State. That is the question, and the only one.

It is not a question now as to who was elected; it is not a question now as to who received the most votes, or who has been duly elected. The question is, who has been returned; who has received the certificate of the proper legal authorities of the sovereign State of Mississippi? This is not a question, as I have heard suggested outside of this House, whether the claimant on the one side or the other is an apostate Democrat or an ex-confederate renegade, or whether Chalmers is a "prototype of saintly virtues" or Manning a "pattern of the basest turpitude," or whether the hard earnings of the clerks and other employés of the Government should be used to bring into disrepute the elective franchise and thereby disgrace the free electors of a sovereign State. If members will keep in mind the question thus fairly and squarely stated they will have no difficulty in arriving at a just conclusion and a righteous judgment. And I repeat, the question is whether Mr. Manning or Mr. Chalmers has the certificate in due form of the governor of the State of Mississippi, the governor being the constituted authority to issue such certificate.

Now, Mr. Speaker, the proof may show Mr. Manning was elected, the proof may show that Mr. Chalmers was elected, or the proof may show that neither was elected. But that is not the question here. The simple, isolated, and only question to be considered is the *prima facie* case. That was what this House referred to the committee. It referred that, and that alone. If you step beyond that question and go into the merits of the case, you will thereby raise an issue which was not raised in the resolution referring this question to the committee on Elections.

I maintain, in the language of our report, the constitutional right of the second Congressional district of Mississippi to representation on this floor:

> It is admitted that her citizens voted at the proper time and places, that her officers did all the law required them to do, from the beginning to the issuance of the proper certificate of election; indeed, that all was done there that was done in any district in the United States.
>
> It is further admitted that Mr. Manning is here, her duly accredited Representative. His credentials are from the proper authority, perfect in form, and verified under the great seal of the sovereign State of Mississippi.

Now, Mr. Speaker, in this connection I desire to read from Mr. McCrary on Elections a part of section 208, page 190, he being the recognized authority in this country upon such questions. He says:

> It is enough for a *prima facie* case if the certificate comes from the proper officer of the State and clearly shows that the person claiming under it has been duly elected, by the officer or board on whom the law of the State has imposed the duty of ascertaining and declaring the result.
>
> No form for a certificate is required by the laws of Mississippi. Hence the criticisms and reflections made by gentlemen in regard to the certificate, or to the form thereof, are wholly without foundation.

The secretary of state certified, as it was his duty under the law, to the governor the result of his canvass of the returns. The governor then had no other alternative but to issue the certificate of election. This he properly did and gave the certificate to the contestee. The certificate is in exactly the same words and figures as the certificate of every other member from Mississippi who now holds his seat upon this floor.

There is no one now occupying a seat from the second district of Mississippi. In view of that fact it is highly important that some one should have the seat pending the contest upon the merits.

The very genius and theory of a republic like ours is to have all its inhabitants and every inch of its territory represented, for otherwise the people's interest might be jeopardized.

I will quote again, Mr. Speaker, from Mr. McCrary, section 221:

> There can be no doubt but that a certificate, whether rightfully or wrongfully given, confers upon the person holding it the *prima facie* right to the office.

The resolution of the House instructed us to inquire into and report upon the *prima facie* case pending the contest upon the merits. If we consider any part of the evidence, we go into the merits and do that which the House did not authorize us to do.

Our duty was to report immediately upon the *prima facie* case so that the district might have representation pending the contest upon the merits. We all know how long and difficult it is to have cases determined upon their merits. There are many cases of contest, each one pressing the committee for immediate action; hence the necessity for deciding upon the *prima facie* case in order that the district may have representation.

I know that certain gentlemen upon the committee argue that the resolution referring this matter to the Committee on Elections enlarged the powers of the committee in its order of reference. But that is altogether a mistake, because pending the debate upon the resolution my distinguished friend and colleague [Mr. BLACKBURN] stated that the reference was upon the *prima facie* case alone; and the distinguished gentleman from Ohio [Mr. KEIFER] repeated the words "*prima facie*" after him and agreed to that as the meaning of the resolution.

Now, Mr. Speaker, that being settled as the question referred to us, the authorities are unbroken and abundant to sustain the position assumed by the minority in their report.

I now call the attention of the House to the work of Mr. McCrary, sections 204, 208, 210, 212, and 216. These sections establish the following propositions:

> Where two or more persons claim the same office, and where a judicial investigation is required to settle the contest upon its merits, it is often necessary to determine which of the claimants shall be permitted to qualify, and to exercise the functions of the office pending such investigation. If the office were to remain vacant pending the contest, it might frequently happen that the greater part of the term would expire before it could be filled, and thus the interests of the people might suffer for want of the services of a public officer, &c. * * *
>
> These considerations have made it necessary to adopt and adhere to the rule that the person holding the ordinary credentials shall be qualified and allowed to act pending a contest, and until a decision can be had upon the merits. It is enough for a *prima facie* case if the certificate comes from the proper officer of the State, and clearly shows that the person acting under it has been adjudged to be duly elected by the officer or board on whom the law of the State has imposed the duty of ascertaining and disclosing the result. Where the statute gives the governor of the State the power and makes it his duty to commission the person elected to an office, the issuing of a commission by him confers a vested right upon the person commissioned which nothing but a judicial decision can take away. But, of course, a commission given by the governor does not oust the jurisdiction of the proper tribunal in a contested-election case. It is simply evidence of the right to hold the office; gives color to the acts of the incumbent, and constitutes him an officer *de facto*. * * * The person duly commissioned must exercise the functions of the office until, upon an investigation upon the merits, it is judicially determined otherwise. This decision of the House appears to have been based upon the following grounds: First, that the certificate of election signed by the governor was in due form and declared the election of Simpson, and that the House should not look beyond it in deciding the *prima facie* case.

Now, Mr. Speaker, the law being so overwhelmingly in favor of the contestee, I do not see how it is possible for any gentleman to hesitate for a moment in saying who is entitled to the seat *prima facie* pending the contest upon the merits. We must have some standard by which the Clerk who makes up the roll of the House must be guided, and that standard is the certificate issued by the proper authorities. It may in some cases be abused and may work hardships, but it is better to fix a universal and unvarying rule that may be at times abused than to have none at all, or a standard that can and may be changed every two years, as the political complexion of the House may change, and cases come up affecting this or that political party.

I believe in uniformity—in fixed and inexorable principles, like the laws of the Medes and Persians. The people want stability—something that when once learned will not be changed by every mere pretext, but only after mature reflection and calm deliberation.

What can be better than to follow the easy line of precedents—precedents that run back through all deliberative bodies from the dawn of civilization to the present time. Let the contestee have the seat; if wrong has been done, this Congress will be swift to right it when the merits are considered.

I am an old-time Democrat; in my early youth I studied the rock-ribbed principles of the fathers of the Republic, and learned to love and admire them. I believe with the "Mill-boy of the Slashes" that this is the grandest, fairest fabric of human government that ever arose to animate the hopes of civilized man. I believe in the Jeffersonian

doctrine that the General Government should move in the orbit allotted to it by the Constitution and the States in the orbit allotted to them by the same instrument, so that the Government may come down the stream of time in the same pristine purity in which it came from the hands of our fathers. [Applause.]

I believe in the doctrine of State rights. I believe that they have the right to say who shall commission their officers, and when the State speaks through the statutes of its Legislature this Congress is bound by it, so far as a member's certificate is concerned. It is certainly preferable to trust to the executive of a State than to trust to a partisan clerk of this House as to who should be put upon the roll of membership. The duties of the clerk in making up the roll are prescribed by law, and he is bound to follow the law, and is allowed no discretion whatever as to whether or not he will place on the rolls the name of a man who comes with a proper certificate, such as Mr. Manning now holds, from the governor of his State. I think there should be as there is (but in this case it is attempted to change it) a fixed law by which a man when he comes to the Capitol would know whether he was armed with the proper credentials to entitle him to a seat upon this floor.

The majority of the committee by their report say that Chalmers, the contestant, has no *prima facie* right to the seat because he has no certificate. The certificate, therefore, as it would seem from their reasoning, must of itself constitute a *prima facie* case; for Chalmers, they say, with the exception of not holding a certificate of election, has a perfect *prima facie* right to the seat. If the certificate makes a *prima facie* case, as they admit, then Manning's *prima facie* right to the seat must have accrued at the time he received the certificate, and so the majority admit that his *prima facie* right was perfect at the time he received notice of the contest.

They claim, however, that his answer to the notice of contest contained certain admissions that overthrew his *prima facie* right. This can not be true for many reasons, a few of which are as follows:

First. Because in passing upon the *prima facie* case we have no right to consider the evidence in the case relating to the merits of the contest, and admissions, whether made outside or solemnly made in a pleading filed in court, are merely evidence to be considered upon the merits of the contest.

Second. But even upon the merits of the case it has been universally held that no admissions, however solemnly made by a party holding a certificate, can transfer the right to the seat from himself to another party, because the people have rights that he can not barter or admit away.

A man who is voted for by the people at an election for Congressman and receives the certificate of the governor of the State declaring him elected has no right to say: "Although I was voted for by the people of this district and the governor has certified that I was elected; although my opponent has no certificate of election, without which he can not take a seat in Congress; although this district will have no representation if I do not take my seat; notwithstanding all this I admit that the governor made a mistake as to my being elected, and I will decline to take my seat, and will thus leave this district without representation."

A man who asks his fellow-citizens for their votes to elect him to Congress and receives the governor's certificate that he is elected to that office has no right to judge whether or not he is elected. The law places that power in other hands, and all of his admissions amount to nothing so far as his right to his seat is concerned. The people have a right to be represented by some one, and he is the only man who can, according to law, represent them.

The only question submitted to us was for us to report on the *prima facie* case between the two gentlemen who now seek to hold a seat here. The House required us to report immediately on that question, not that we should defer it, not that we should go into the merits of it, but that we should report, on that paper presented to the House, which one of these gentlemen was entitled *prima facie* to a seat in this House.

We have done so; but, unfortunately for the committee, some of them have been led into the trap of considering, on a question of law, facts which ought not to be considered on it. For I contend when a man steps out of the case into the facts under the resolution he trenches upon the domain of the demagogue, and his remarks ought not to be considered as worth anything on the legal proposition.

Law is one thing, politics is another; and I, for one, so long as I am a member of the Committee on Elections, expect to stand up to what I conceive to be the law of the case, regardless of whom it hurts; because I believe, Mr. Speaker, that law ought to be justice, and politics statesmanship.

But it does seem to me that some men in considering this case have tried to warp it into a political question. They have tried to make it appear that the Republicans on the one side and the Democrats on the other were so many antagonistic opponents. That is not the legal status of the case, because the committee were equally divided. Now, the committee is constituted of lawyers, and therefore ought to be, at least, all men of good character, but on a given case they are all liable to differ in reference to the facts.

But I do not intend to delay this House by any extended remarks, because I know it would be useless. I believe the members of this House have already made up their minds one way or the other, and I could not convince them.

I appeal to gentlemen on the other side of the House not to vote to establish a precedent that, once established, will render the commission of a member to a seat upon this floor a nullity—that will make the organization of this House depend upon the whim or caprice of the party in the majority. Rising above the sordid plane of partisanship, say to Manning by your votes: "The certificate may have been wrongfully granted to you, but it has been granted, and under it you are entitled to your seat."

In the language, Mr. Speaker, of the report of the minority, I do protest against the conclusions of the majority, believing, as I do, that they are at war with reason, with all precedents, and with the fundamental right of representation.

I go further, and say that to deny to Mr. Manning his seat under the circumstances is enough to make modest sympathy weep at the thought; stern judgment startles at the idea and reason turns abashed at the absurdity. I will go even further than that, and in the classic language of my distinguished friend, the recently elected Senator from Kentucky, Mr. BLACKBURN [applause], I will say that Mr. Manning's credentials are as pure, as unsoiled, as regular as though they were borne by an angel hand from heaven itself and bearing the sign-manual of Jehovah. [Laughter and applause.]

Now, Mr. Speaker, I know this is a matter of grave and great importance, and therefore I will yield the balance of my time to the gentleman from New York [Mr. DORSHEIMER].

Mr. DORSHEIMER. Mr. Speaker, I rise to support the resolution offered by the gentleman from Pennsylvania for the reason that it seems to me quite clear that the report of the Committee on Elections was not responsive to the resolution of this House.

The committee reports, after citing the resolution under which the case was referred to them:

> This action of the House was either a refusal of the seat to Mr. Manning by the House on the usual evidence of the governor's certificate or it was a renunciation by him of his right to demand such seat upon the governor's certificate alone; perhaps it was both.

Now it seems to me very clear that this sentence in the report was written under a grave misapprehension of the intention of the House and under an equal misapprehension of the action of Mr. Manning. Did the House by this resolution decide that Mr. Manning was not entitled to the seat? Is there anybody in the House who supposed when the resolution was passed that we were passing a final judgment upon the question as to whether Mr. Manning was or was not entitled to his seat? Beyond any doubt no person can maintain that when that resolution passed the House intended to decide the case. Therefore I say that the first clause of this sentence was drawn by the committee under a grave misapprehension of the intention of the House.

The intention of the House, Mr. Speaker, was to refer one phase of this controversy to the Committee on Elections and not to decide upon the question at all. The report says:

> Or it was a renunciation by him of his right to demand such seat upon the governor's certificate alone.

What pretension can there be that this statement of the committee is correct? On the other hand, the whole transaction was—what? Why it was a submission of a right to a court competent to decide it; and how can it be maintained that the submission of a right to a court for judgment is a renunciation of the right itself?

But there is another section of this report which shows into what confusion the committee fell:

> Guided by the instructions of the House.

That language refers to the view taken by the committee that they were to examine into the merits of the case, because the second paragraph of the report, on the second page, uses this language:

> Pursuing the instructions of the House, we find from the papers.

And then they proceed to make a recital of facts which relate to the merits.

Under the same misapprehension they say:

> Guided by the instructions of the House.

That is, that they were to examine into, not the *prima facie* case, but into the merits.

They tell us that—

> having considered carefully the documentary evidence referred to us, we are unable to agree that Mr. Manning should be seated upon his *prima facie* title.

We find here that there was a *prima facie* title, but say that they are unable to find that the member should be seated upon the *prima facie* title. Was it the intention of the House by its resolution to submit any question of that sort to the committee? Is it not perfectly clear from the language of the resolution that the House only asked the committee to tell the House who had the *prima facie* right? Beyond any question. The committee fell into gross confusion when they rendered the inconsistent judgment which they do render by telling us that Mr. Manning has the *prima facie* right to the seat, but should not take it.

Now let us examine a little into this question of *prima facie* title. What is a *prima facie* title to a seat in this House? A *prima facie* title must rest simply upon the certificate of election which the claimant to a seat brings with him when he attends a session of Congress. The *prima facie* title can relate to nothing but the certificate. The questions with regard to a certificate, however, may be very numerous. It may

be that the certificate is not issued by the proper authority. It may be that the certificate is not correct in form. It may be that the certificate is a forgery.

I now believe I have substantially stated all the grounds which the House of Representatives ought to permit to be considered in impeachment of the certificates held by a person claiming a seat upon this floor. Is the certificate granted by the competent authority? Is it correct in form? Is it genuine? Otherwise we fall into confusion here of the most disastrous character. If there is to be any other rule I can not see why the Clerk in making up the roll of members may not go into the questions into which the committee have gone when he considers the question of the *prima facie* title. The Clerk is bound to make up the roll upon the *prima facie* titles; he is not to consider anything else whatever; and all that we referred to the committee and all that there was upon which we asked judgment of that committee was the question of the *prima facie* title.

It may be said, "But these papers contain something else beside the *prima facie* title." And so they do. But the committee should not have considered any matter that happened to be in the documents before them which did not relate to the *prima facie* title. And here I will call attention to a very curious confusion into which this case has fallen. How does all this matter considered by the committee appear here? Does it appear on the face of the certificate? Does it appear in documents that accompany the certificate? Not at all. Even Mr. Manning's admission, of which so much has been made, appears here through documents presented by Mr. Chalmers to the Clerk and by him transmitted to the committee. In other words, we are here permitting the governor's certificate to be impeached by extrinsic matters introduced by a person in no way connected with the governor's certificate nor in any way, according to the committee's report, connected with the *prima facie* title; for they find that Mr. Chalmers has no *prima facie* title. And so they are permitting a person not connected with the *prima facie* title, not a pretender even to the *prima facie* title, to introduce entirely extrinsic matter. And they are considering this extrinsic matter in impeachment of the *prima facie* title.

Now, what has been the action of this House in similar cases? This House in a case which came here from the State of Texas and was considered January 10, 1872, known as the Clark case, had before it a certificate with the impeaching matter in the body of the certificate. The governor himself, in the body of the certificate, wrote down the facts which were relied upon to impeach the title of the claimant to his seat; and this House, then under the control of the gentlemen who are now in the political minority here, struck out of the consideration of the case, struck out even from the governor's certificate, all the matter which was introduced there which they held to be extrinsic to the *prima facie* title. And yet we are asked here to permit a *prima facie* title to be impeached by matter not in the governor's certificate, but which has been introduced here by a gentleman as to whom the committee report that he is an absolute stranger to the *prima facie* title.

If my position in this matter is correct, and I do not believe that this view of the law can be successfully controverted, there is only one other thing to consider; and I admit that in entering upon it at all I am somewhat following the example of those who sustain the report of the committee and go beyond the record. But there seems to me to be such a misapprehension as to the force of the particular testimony to which I now refer that I ought to express my views about it.

Our friends upon the other side of this controversy seem to regard the whole matter as concluded by what they call the admission of Mr. Manning. Now, an admission is high evidence beyond any doubt, but an admission even as to a point material to a controversy is frequently not conclusive and may always be explained.

There are some States whose courts refuse to receive certain admissions. I believe that ever since the organization of the State in which I live the courts have uniformly refused to receive a plea of guilty from a person charged with a capital offense. I have myself seen standing at the bar, apparently in the possession of full faculties, a man of considerable intelligence asking to have entered his plea of guilty to an indictment for murder, and a stern judge refused it, saying: "You do not know whether you are guilty or not. You know that you have committed the homicide; but whether that is murder under our laws you do not know. I refuse to accept your plea."

[Here the hammer fell.]

Mr. ROBERTSON. I yield ten minutes more to the gentleman from New York.

Mr. DORSHEIMER. I mention this as an illustration of how even in the constant and uniform administration of the law the courts under certain circumstances refuse to accept a man's admission as conclusive against him. But it is clear that the admission made by Mr. Manning can have no relation whatever to this controversy in its present stage. Can it be pretended here that a man can by his own admission determine whether he was elected a member of this House? Can it be held that a man by his own admission can conclude the question as to whether he was elected or some one else was elected? It must be perfectly clear, after a moment's consideration, that if it is possible for a man by his own admission to conclude the question as to whether he was elected or not, we might fall into great confusion, and we might, under certain circumstances, be the victims of collusion and evil practices.

The result of an election is a matter of the highest public concern, and it is not competent for the person who happens to be the individual most personally interested to determine a question in which the public have so great a concern. Not only has every elector of a Congressional district an interest, not only has the district as a collective body of citizens an interest, but the State has an interest, and all the States have an interest, that questions of this sort should not be determined by personal admission, but should be determined by a tribunal competent to judge, and upon this question there is but one tribunal competent to judge, and that is the House of Representatives, which by the Constitution is made the sole authority to pass upon questions of this kind.

A friend sitting near me makes a suggestion, which I will not put precisely in the form in which he states it: Suppose in a case of the most important public controversy relating to the holding of an official place which ever happened in this country—suppose that President Hayes had made his appearance here and said, "I have not been elected to this office." Would that have made any difference? Would the answer to him not have been: "If you think you were not elected to the office of President, and do not mean to assume it, there is but one thing for you to do, and that is to resign the office?" It could not have been tolerated that even the man most concerned should have been permitted to reverse the formal action of the two Houses of Congress in declaring who had been chosen.

Mr. TURNER, of Georgia. Will my friend pardon an inquiry just here?

Mr. DORSHEIMER. Certainly.

Mr. TURNER, of Georgia. The gentleman has alluded to the action of the electoral commission. Let me ask him if the electoral commission, instead of having merely the power possessed by the two Houses of Congress, had had the authority, in the language of this resolution, to determine "whether upon the *prima facie* case as presented by said papers" Mr. Hayes or Mr. Tilden was elected to the office of President, does not the gentleman think that the history of that commission would have been reversed?

Mr. DORSHEIMER. I do not think it would have been; no. [Laughter.] Irrelevant as the question of the gentleman seems to be in this discussion, I will say that the question as to who would be decided to have been elected President was settled when that commission was constituted. In saying this I do not wish to make any unnecessarily severe reflection upon the men who composed the majority of that commission, for I believe that the question submitted to them was one of those questions which, according to our poor human nature, must be decided under the influences which governed that tribunal.

I was proceeding to say that it is not competent for a member of this House to foreclose such a question as this by any admission that he may make. I find very apt language sustaining my position used by a very distinguished member of the Senate, Mr. GARLAND. In the controversy as to a seat in the Senate, to which Kellogg and Spofford were parties, he said:

> Suppose Kellogg and Spofford had agreed and filed a written stipulation, as in courts of justice, that a judgment should be rendered in favor of Spofford against Kellogg; the Senate could not have rendered the judgment. You can not default an American constituency in that way. You can not stipulate the rights of an American constituency away in any tribunal.

I think that to be the law. The right to represent a Congressional district can not be impaired nor in any way affected by the admissions of the claimant, except that when the merits of the question come to be considered, and we come to determine who is finally entitled to the seat, we would be justified in taking into consideration admissions as to facts which either of the claimants may have made against himself.

Mr. HENLEY. Will the gentleman permit me to ask him a question?

Mr. DORSHEIMER. I will.

Mr. HENLEY. I am in considerable incertitude in regard to one proposition, and I believe many on this floor participate with me in that. The question I desire to ask is this: Suppose a man presents himself to this House with the certificate of the governor of his State in due form and makes this declaration: "I notify the House that if they desire it, after the statement I have made, I am willing to be sworn in; but I declare, however, to the House that I procured my election by perjury and by improper and unlawful practices." The question is whether by sending that gentleman to this House the State has not delegated to him authority to confess himself out of court?

Mr. DORSHEIMER. I think clearly not. I would say in further answer to the gentleman from California [Mr. HENLEY] that if a newly elected member should rise and make such a statement, the first comment to be made upon it would be that it was a very impertinent statement, and had no real relation to the business of the House. He might refuse to take the oath; that rests with himself. But if the House were compelled to pass upon the question, and the certificate was correct in form, beyond any doubt the House would be compelled to give him his seat, and to let him go before the Committee on Elections on the question of merits or to resign his seat.

Mr. HENLEY. The gentleman understands that I do not intend by that to impute any such admission on the part of General Manning.

[Here the hammer fell.]

The SPEAKER *pro tempore* (Mr. HAMMOND). The time of the gentleman has expired.

Mr. ROBERTSON. How much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has twenty-five minutes of his hour remaining.

Mr. ROBERTSON. I yield the remainder of my time to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. I shall endeavor to confine myself to the record and to bring the House back to the record. *In limine*, the question between those who believe that Mr. Manning ought to be seated on his certificate and those who believe that the majority report of the Committee on Elections ought to be adopted lies right here. Were all the papers which the committee considered, outside of the certificate, properly before it? Were any of those papers, independently of any House resolution, legal evidence and properly to be considered in deciding upon the question of *prima facie* right to the seat?

If we find that those papers were not legal evidence of themselves, then the only other question is, did the resolution of the House have the effect to make them evidence? I believe, and shall attempt to maintain before this House, that Mr. McPherson, the Republican Clerk of the House of the Forty-seventh Congress, had before him and considered every single paper which this committee was authorized to consider either by the law or by the resolution of the House referring the question to them.

Mr. MILLER, of Pennsylvania. The Clerk did not have the certificate in this case before him.

Mr. HERBERT. He had every paper except this particular certificate; and he did have certificates exactly like this one, and he did decide upon those certificates. I am correct in that. It is a rule of law that the decision of any question is the decision of every subsequent question falling *in consimili casu*—in the same predicament. Therefore we may assume that the Clerk had before him the certificate of Mr. Manning, because he decided that the certificates of all the other members from Mississippi which were *in totidem verbis* were legal and proper evidence of a *prima facie* case.

Now I say—and I propose to prove it by this record, by the debates which took place in this House before that resolution was adopted—that the Committee on Elections has misunderstood the scope and intent of the question committed to it by that resolution. If I establish this position, that is the end of the case.

Every gentleman who has spoken in favor of the majority report has admitted that the certificate issued in this case to Mr. Manning and now presented here on his behalf or with his consent is regular in form. Some gentlemen say that he should have presented himself with that certificate to be sworn in. Everybody knows that this certificate was presented with his consent, for it was so stated upon the floor of the House. Clerk McPherson had before him four different papers filed by Mr. Chalmers with him. My first proposition is that these four papers, and these alone, went by resolution of the House to the Committee on Elections. I propose to prove that by the debates which preceded the adoption of the resolution.

In the report of the majority we find them starting out with the proposition that the committee in order to find what the resolution meant ought to look to the debates which preceded its adoption; and after quoting from the debates, after stating that Mr. Manning had requested the gentleman from Ohio [Mr. CONVERSE] to introduce the resolution, they draw from this fact—to be found not at all in the resolution but in the debates which preceded its adoption—the conclusion that the action of the House in adopting the resolution "was either a refusal by the House to seat Mr. Manning on the usual evidence or it was a renunciation by Mr. Manning of the right to demand such seat on the governor's certificate alone;" and they say "perhaps it was both." Now, they draw these extraordinary conclusions, I say, from the debates which took place prior to the adoption of the resolution.

One single remark to gentlemen of the committee on these extraordinary conclusions. You say, gentlemen, that when an applicant for a seat upon this floor refers to you the question whether or not he has a right to the seat, that is a renunciation, and you are bound to decide against him merely because he selected you as a committee to consider the question. Why, sir, suppose a plaintiff when called upon to look on the jury says he is content, he is satisfied with the panel, what would you think of that jury if they should say "because the plaintiff in the case chose us to decide his case, therefore we will decide it against him?"

Then, again, allow me a word on the other conclusion which the committee announce, that this resolution was a decision by the House not to seat Mr. Manning on the *prima facie* case alone.

Do you think it a fair conclusion that because the House, having under discussion the claim of Mr. Manning to a seat on this floor on what he alleged is a *prima facie* case, finally referred it to you just as a chancellor would direct an issue out of chancery to be tried by a jury, therefore you must decide against Mr. Manning? Excepting courts-martial, which generally seem to act on the idea that they are organized to convict, this Elections Committee is the only body I ever heard of the members of which came to the conclusion that because a question was referred to them they were bound to decide it in a particular way. In fact, they go rather beyond courts-martial in this regard; for I never heard of a military court stating in its finding that it convicted a prisoner because the general sent him before them; but here is a committee stating that a resolution of the House referring to them the question of Manning's right to a seat was a refusal by the House of Manning's right to be seated.

Mr. ADAMS of New York, and Mr. BELFORD rose.

Mr. HERBERT. I hope gentlemen will not interrupt me. I have already wandered a little from my line of argument, and shall perhaps be crowded for time within which to finish it.

Now, what was it the House did refer? What was it that was debated in this House? What were the questions at issue? The gentleman from Ohio [Mr. CONVERSE] proposed a resolution that Mr. Manning should be sworn in. When that proposition was made—I read from the appendix to the report, where I find an abstract from the CONGRESSIONAL RECORD of the proceedings—when that proposition was made the gentleman from Ohio [Mr. KEIFER] said:

> Mr. Speaker, I desire to have read in this connection, and with the same purpose, the other papers which have been filed with the Clerk—papers in the nature of certificates showing the result of the election—all the papers pertaining to this matter.

The gentleman from Indiana [Mr. CALKINS], speaking on the same question, said:

> The question of order I make is this: The Clerk has stated to the House that there are other papers, certificates filed by General Chalmers claiming this seat; and that statement having been made, the House, before it swears in either of these gentlemen on the *prima facie* case, has the right to have those certificates read.

And again:

> Mr. CALKINS. We have the statement of the Clerk that certificates have been filed in his office and a request made that General Chalmers be sworn in upon those certificates; but the Clerk refused to put his name on the roll and submitted the question—very properly—to the House. This is the first stage at which the question which I now present could be raised; and I wish to save that question, because if the reading of those certificates be in the nature of debate the motion for the previous question would cut off the right to have them read.

And again we find on the second day:

> Mr. KEIFER. Does not the gentleman include in it the *prima facie* right of Mr. Chalmers?
> Mr. CONVERSE. I will embrace in my proposition the suggestion that the papers which have been filed with the Clerk be directed to be placed in the hands of the committee when appointed.
> Mr. KEIFER. But let the other case go there too, as suggested by the gentleman from New York.
> Mr. MORRISON. There is not any other case.
> Mr. KEIFER. There is another case. The papers on file with the Clerk show the fact.

And still further down we find what the friends of the two claimants agreed on:

> Mr. KEIFER. The objection we make is that it is proposed to refer the *prima facie* right of one gentleman only, not both. By the papers here—by the certificates from the secretary of state of Mississippi—the result of the vote is shown absolutely. Let both cases go to the committee. They can be trusted to report upon the question whether Mr. Chalmers or Mr. Manning is entitled to the seat——
> Mr. BLACKBURN. *Prima facie.*
> Mr. KEIFER. *Prima facie.*
> Mr. BLACKBURN. That is all fair.
> Mr. KEIFER. That is all we ask. If the gentleman will include the two we make no further objection.
> Mr. TOWNSHEND. That is agreed.
> The SPEAKER. Of course if there is objection this debate is out of order. The Chair is indulging it upon the supposition that some agreement may be arrived at.
> Mr. TOWNSHEND. We are all agreed.
> Mr. KEIFER. It is stated on the other side that the two cases are not here. I am informed that the certificate from the secretary of state of Mississippi—probably the only officer in the State authorized to make a certificate; we do not concede that the governor is authorized to make a certificate, and he does not himself claim that he is—the certificate of the secretary of state, regularly and properly filed here——

These extracts show conclusively what papers were being discussed, and they show an absolute agreement by all parties in the House that the papers to be referred by the resolution to the committee were the papers and only the papers filed with the Clerk; and you may read this debate from beginning to end, and you will find that nowhere was any offer ever made to have read to this House for its information, or to enable it to come to a decision, either the answer of Mr. Manning, about which so much has been said here, or the judgment of the court which appears in this report. There was not a single suggestion by any member that Mr. Manning's answer to the notice of contest should be sent to the committee. The debates show it was not thought of in that committee, and yet the committee builds its conclusion principally on that foundation.

General Chalmers himself, astute lawyer as he is, and presenting with all his ingenuity his right to a seat in this House, never for a moment thought it would be right or proper, either for the purpose of impeaching Manning's certificate or for any other purpose, to refer to the answer that Manning had made in reference to the merits of the case.

Read what the Clerk says about the case on the first page when he decided this question, and nowhere do you find any such thing was presented to him for consideration. I say, as the gentleman from New York [Mr. DORSHEIMER] has said, that the Clerk, when he began to

consider this question, considered it upon precisely the same rules and was bound by precisely the same laws by which the House is bound. But from the remarks of the distinguished chairman of the committee when he was discoursing so eloquently about the absolute power of the House, it would seem that in his opinion the House is not bound by any law at all.

Of course the House has power, brute power, to do anything the majority may elect to do; but, Mr. Speaker, if we desire to perpetuate our Government we will not sanction the idea for a moment that because the House has power to do a thing therefore we ought to do it. We ought to be careful, now at the end of nearly one hundred years since this Constitution was formed, now that a system of rules has been established under which for years the House has been organized with so much ease, with so much satisfaction to all parties—rules so plain, so easily understood—we ought to be careful to do nothing that will tend to sap these foundation principles of our Government. If, when the question submitted to the committee was but the simple question of the *prima facie* right to a seat, and nothing more, that committee claims the power, and this House approves their claim, to go hunting through an answer that relates to the merits of the case in order to cull out some single paragraph that may militate against a *prima facie* case, do you not expect that future Clerks of the House, when they come to making up rolls of the House and deciding on *prima facie* cases, will do the same thing? Will they not follow the precedent now set? Will they not, when they wish to keep a member off the roll who has a certificate, garble from the answer of a contestee something to negative his *prima facie* right? If you have the right to do it, any Clerk of the House has a right to do it. Are you willing to set such a precedent as that? It is not now a question of whether or not Manning is elected or Chalmers is elected. If, when the evidence comes in here, when we come to consider this question on its merits, it shall appear Chalmers was elected, I shall willingly vote to seat him. But never will I consent to set such a precedent as this.

Another word. When you look at the debates which preceded the resolution of reference you will find the questions at issue between Mr. CONVERSE on one side as the friend of Mr. Manning, and Mr. CALKINS on the other as the friend of Mr. Chalmers, were in the first place, what shall be read before the House; and in the second, what is the evidence? Some of the friends of Mr. Chalmers, notably the gentleman from Ohio [Mr. KEIFER], really desired, it seems, to overrule the Republican Clerk, Mr. McPherson, and seat Mr. Chalmers immediately on the very papers the Clerk had held were insufficient, for the gentleman from Ohio insisted that the whole question of the *prima facie* right of Mr. Chalmers, together with that of Mr. Manning, should go to the committee.

I have undertaken to show, and I think I have shown, that the only papers referred by the House to the committee were the papers which had been filed with the Clerk and on which the Clerk had rendered his decision.

My next proposition is, that the House by the resolution of reference did not intend to decide, and did not decide, whether these papers were evidence or not. That was one of the points of contention in the House and one of the points referred for decision to the committee. I read from the debate:

Mr. CONVERSE says, on page 24, speaking of the papers on file with the Clerk:

> There is but one certificate from the governor—from the executive; the other papers relate to the merits of the case.

Others had been claiming that these papers should be read. Here was Mr. CONVERSE contending that if they were read they were not evidence. Does any one suppose that Mr. CONVERSE by his resolution referring these papers to the committee intended to yield his position that they were not evidence? No, Mr. Speaker, no man can so conclude. The papers were referred to the committee that it might decide on the legality of evidence as well as the sufficiency of proof. And if this be true it does not matter what papers were referred. Clearly none of them were evidence bearing on the question of *prima facie* case except the certificate. I have not alluded to the wording of the resolution. It does on its face in words refer to all papers of Manning and Chalmers. But these words are to be construed with reference to the subject-matter to which they refer, to the agreement and understanding which I have shown from the debates, the papers on file with the Clerk.

That is a fair, legitimate, logical construction of that resolution in the light of that preliminary debate; and I say that the House never referred to that committee one single other paper. If it did not, then the committee did not have before it any other paper, and of course the committee had not before it this answer of Mr. Manning. But, Mr. Speaker, even if it had had that answer before it, even if the resolution were construed as broader than the House intended, even if it were construed to send to the committee all the papers that related to the merits as well as the *prima facie* case, I ask you this single question, do you not fear to set a precedent to future Houses and to future Clerks when they come to make up the roll of those entitled to seats upon this floor that will authorize them to hunt through every answer that may be filed, and to garble from every plea of confession and avoidance every such confession as may help them on to the conclusions they desire to reach? And I ask you if you do not fear to set such a precedent as this?

Manning admitted there had been a mistake in his favor, and then alleged that the effect of this was overcome by the frauds committed by Chalmers's friends. You take part of what he says and construe it against him. You will not wait for him to prove the truth of the other part. What is this but garbling the record?

Gentlemen, it is not an important matter to either political party on this floor just now what you do with this *prima facie* question. The case will soon be reported on its merits.

We heard here a sort of outside remark to-day that that case could be decided in three hours and a half on its merits. This very diligent committee will soon decide it on its merits. Neither the majority nor minority resolution proposes to seat Mr. Chalmers. One only proposes to seat Mr. Manning temporarily, leaving the question as to his right to the seat to be decided hereafter; and in a short while the question will come in from the committee and you will be called upon to decide it. Let us meet that question when it comes up. Let us not undertake to decide it now, but let us decide the question that is before us. Mr. Speaker, we Democrats on this side have an opportunity to make now, if we want to do it, a reputation for being very fair. We can make it and pay very little for it. Do we want to make a trade of that kind? Is there a gentleman on this floor influenced by such a motive, one who would sacrifice Mr. Manning because forsooth we have a large majority on this floor and do not need his vote. Certainly gentlemen are not to be influenced by considerations of that kind.

It all comes at last back to this: What was referred to the committee? Look through the debates, all the debates, all speaking only of the papers which were filed with the Clerk, and look at the resolution and see to what it refers—the resolution which was passed afterward. That, Mr. Speaker, related to the papers to which reference was made in that debate, and nothing more. Then the resolution was passed, and that referred only to the *prima facie* case. If it referred only to the *prima facie* case, was not the committee limited to the examination of that? Nothing was to be examined in the committee-room but that, and only that. Their duty, and their only duty, was to consult the precedents and follow the law.

Do any of you think, when Mr. CONVERSE said he presented that resolution and when you voted for it, that you were making evidence of what was not evidence? Is there a man here who will say that when he voted for that resolution he was aware of the fact that it was the intention of the resolution to make evidence of that which was not evidence? If there was not, then this question is to be considered precisely as it was considered by Clerk McPherson, and the question is, are you to overrule him?

[Here the hammer fell.]

Mr. DAVIS, of Missouri. I now yield fifteen minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker, before expressing to the House the opinions that I entertain of the question now before us, it may be necessary, and in my judgment it certainly is proper, to determine accurately what that question is. I presume that gentlemen on both sides of this House will profess at least an intention to pass upon this case without any regard to the political status of the parties, without any regard to whether they like them or dislike them, and without any regard to any other consideration than an earnest desire to discharge with impartiality the duty imposed upon them by the Constitution of their country and the obligation of their oaths to judge of the election, qualification, and return of members. That, I take it, is the purpose, as it certainly is the duty, of every member of this House.

At the beginning of this Congress every member within the sound of my voice will recollect the gentleman from Ohio [Mr. CONVERSE] introduced a resolution which seemed designed to lead the gentleman from Mississippi, Mr. Manning, up to the Clerk's desk to be sworn in. It did not seem to be the purpose of that resolution to leave it a question for his judgment; but it seemed to be in the nature of instructions to him to come up and be sworn in as a member. You all recollect the discussion that took place on that resolution. You all recollect that the friends of Mr. Chalmers objected to the resolution in its then form. You recollect the debate that took place and the adjournment that was had. As was well said by the distinguished gentleman my colleague who presides over the Committee on Elections, during that adjournment the presumption is that the voice of reason was heard; that every man looked into the case and thought of it and reflected upon it. And what was the result? Notwithstanding the previous question had been called upon the case and that call sustained by a vote of the House, the next morning, by unanimous consent, the call for the previous question was withdrawn, and the resolution, at the suggestion of some of our Republican friends, was amended. And how amended? Amended by striking out the provision for swearing in Manning and referring the contest to the Committee on Elections and instructing and authorizing that committee to determine for this House the *prima facie* case. Upon what? Upon the certificate of the governor of Mississippi alone? Not so. But upon that certificate and all the other papers in the possession of the House.

Why, sir, the gentleman from Alabama [Mr. HERBERT] talked as if the Committee on Elections had surreptitiously got possession of the

answer of Mr. Manning. That is not true. If you will look to the resolution of this House you will see it instructs the committee to pass upon the *prima facie* case as presented by all the papers, and not simply by those which had been filed with the Clerk. What should that committee have done? What was their duty?

And just here, Mr. Speaker, permit me to suggest a fact that in my judgment will account for much of the error as I believe it to be, of the fallacy as I understand it to be, of the arguments of some of the gentlemen who have spoken on this case. They talk about a *prima facie* title. It seems to be claimed by them that a certificate of the governor is *prima facie* title. I do not so understand it. I will agree with them that it is *prima facie* evidence of title, but I will not agree that it is the *prima facie* title itself. And just there, Mr. Speaker, in my judgment the error arises in the case. If it was *prima facie* title, then why did this House refer it to a committee?

Mr. OATES. Will the gentleman read this section of McCrary's work bearing on that proposition?

Mr. CRISP. You can do that yourself.

Mr. OATES. If you permit me I would like to do so.

Mr. CRISP. I have only fifteen minutes.

Mr. OATES. The following is the statement in McCrary on Elections:

> The regular certificate of election, properly signed, is, as we have seen, to be taken as sufficient to authorize the person holding it to be sworn in. It is *prima facie* evidence of his election, and the only evidence thereof which can be considered in the first instance and in the course of the organization of a legislative body.

Mr. CRISP. I admit and subscribe to that fully. But my proposition was that the certificate was not *prima facie* title; and no gentleman knows better than the gentleman from Alabama the distinction between *prima facie* title and *prima facie* evidence of title.

Mr. HUTCHINS. It is evidence of election, not title.

Mr. CRISP. If, Mr. Speaker, that certificate was conclusive evidence of the *prima facie* case, as gentlemen contend, why was it submitted to the committee? What duty were the committee charged with? That certificate was read in the presence of this House. No suggestion was made by any member that it was not in due form; that it was not of like character with the certificates borne by every gentleman from Mississippi here. Why then refer it, if it was conclusive evidence on the question? I respectfully submit that the purpose of the House in that reference was to charge this committee with the duty of deciding from that certificate and all the other papers who had the *prima facie* case. That is what they say. What does *prima facie* mean? Gentlemen say it has a technical meaning. Perhaps it has. But the technical meaning is not inconsistent with and not different from its meaning as generally understood. It means, upon the first view of the case; upon the first appearance of the papers.

What should this committee do when charged with the subject? What papers should they look at? First, at the certificate of the governor. And what did that certificate say? Did it say Mr. Manning was elected? Not so. That certificate said that it appeared to the governor from the return certified to him by the secretary of state that Mr. Manning was elected.

Mr. ROBERTSON. Will the gentleman allow me a question?

Mr. CRISP. With pleasure.

Mr. ROBERTSON. Does not the law of Mississippi require the secretary of state to certify that fact to the governor?

Mr. CRISP. I presume it does, else the certificate would not have been made. But the gentleman does not appreciate, because I have not yet fully explained, the point I desire to make. That certificate says, "upon the return made to me by the secretary of state it appears that Van H. Manning has a majority of the votes cast." Gentlemen say that the committee had no right to look to any other evidence; that they should not go behind the certificate. I put it to you, gentlemen, as fair men, when a certificate itself refers to a document as being the predicate upon which it is issued, if the committee ought not to have looked at it. The governor's certificate says that the returns certified to him show that Mr. Manning is elected. The committee have got in their possession those very returns. Is that outside of the case? Would it not be considered on a motion in arrest of judgment, even? It is a part of the record.

Now, when we come first to the governor's certificate it alleges that the secretary of state of Mississippi certified to the governor that Mr. Manning received a majority of the votes cast. Then we come to the returns. What do we find there? I do not ask the House to go behind the returns, but I do ask members to come up to them, and when they come up to them to look at them, and not to close their eyes, and not to be classed among those who, though not blind, will not see.

Now, look upon the returns. What do they show? They show one of two things: either that the majority of the votes cast in the county of Tate was cast for Mr. Chalmers, or they show such contradiction upon their face that it was the duty of the secretary of state, and it was also the duty of the governor, to have rejected them. If the former rule should be adopted, then upon the face of these papers this certificate of the governor ought not to have been issued to Mr. Manning. If the latter rule prevails, then upon the face of the papers the certificate ought not to have been issued to Mr. Manning. That is the case as I understand it.

Now, I wish to call attention for a few moments to the case as stated by the gentlemen who represent the views of the minority of the committee. Much criticism has been made upon the report of the majority. Let me call your attention to the statement of the case as made by the minority themselves. That report says:

> If he ever had the right to take his seat upon the certificate he has that right now. The idea of the report seems to be that a plain right is annihilated because it has been submitted for affirmance. In view of all the facts we have no hesitation in commending the course pursued by Mr. Manning. His right to the certificate was in litigation in the courts of Mississippi when his answer was drawn. He denied the jurisdiction of the courts to determine it, and declared his purpose to submit it to this body, in which he maintained that exclusive jurisdiction was vested.

Now, just here: "His right"—his right to what? His right to a seat here? No. His right to the certificate was in litigation in the courts of Mississippi when his answer was drawn. Not his right to the seat, but his right to the paper which was before the Committee on Elections—the certificate of the governor. He denied the jurisdiction of the courts to determine it. To determine what? His right to that certificate. That is the question as stated by these gentlemen themselves. He denied the jurisdiction of the courts to determine it, and declared his purpose to submit it to this body. To submit what? The question of his right to that certificate. That is his declaration as set up by the gentlemen who on this floor represent the views which he is supposed to entertain.

Now, in view of that statement is not the resolution adopted by this House easily understood? Did not the House intend to meet him on the issue he himself had invoked? Did not the House intend to say to him, "Sir, inasmuch as you do not in this case claim that you should be seated upon the certificate alone, inasmuch as your right to that certificate has been questioned, we will submit that certificate and all the other papers in the case to the Committee on Elections, with instructions to report from an examination thereof who has the *prima facie* right to the seat."

Now, it seems to me that in that view of the case the admissions made by Mr. Manning are also proper matters for consideration by the committee. Gentlemen speak lightly of those admissions. What was the purpose of them? Why did he make them? What was the real, honest purpose of Mr. Manning when he made them? I put it to the House if it was not to declare his intention not to take his seat or claim it under the certificate until the House decided, upon the merits of the case, that he was entitled to it. He did not use the word "merits" in his admission; that I agree. But I put it to you, as honorable men, if that is not the proper construction of that admission? Let me read from the admission:

> I deny that any frauds were attempted or practiced by my friends, or that they were guilty of fraudulent or illegal practices, or that you received a majority of 1,332 votes as member of the Forty-eighth Congress from said Congressional district, though I admit that the inspectors and clerks of the several election precincts did certify to the county commissioners of election in their respective counties that you received a majority of the votes cast; and I further admit that the 1,472 votes which the commissioners of Tate County returned as cast for J. R. Chambless were in fact cast for you, and that the name Chambless was inserted in the return by clerical error instead of your name. And in this connection I state that because of said error to your prejudice I will not take a seat in said Congress or ask the Clerk to enroll my name as a member thereof until I have vindicated and the House shall have affirmed my right thereto.

Mr. Manning's right to the possession of that certificate was questioned. He will not claim under it till he vindicates his right to it. Has he vindicated it? Shall the House affirm his right to it when he admits that the returns from the several counties show that Chalmers received a majority of the votes cast? These facts and admissions were before the Committee on Elections, with instructions to report to this House upon a view thereof who was entitled to the seat. That committee reported that neither Manning nor Chalmers was entitled to be sworn in as a member. I do not see how they could have reported otherwise nor how this House can fail to sustain that report.

We are told the precedents are in favor of seating Manning. I have as much respect for the precedents of this House or the precedents of any other legislative or judicial body as any man ought to have who has been cognizant of the great injustice that has constantly been done in their name. I have that much, and I have no more. I respect precedents in election cases when they appear to me to be founded in justice and right, when they appear to me to be in the interest of the great right of the people to select their own representatives, and when they tend to secure the admission of such representatives upon the floor of this House. I can not go further than that; and if there be precedents (none such have been shown) under which a man may be seated on a certificate which he himself admits was founded upon a clerical error, upon a certificate which he himself admits was given to him when upon the face of the returns he was not entitled to it, then, Mr. Speaker, I shall vote against such precedent, and feel that in so doing I am vindicating the right of self-government and the cause of truth and justice.

I undertake to say that to sustain the views of the majority of this committee will not, as seems to be apprehended by some gentlemen, endanger the right of any duly elected member to be placed upon the roll of members preliminary to the organization of a new Congress. This

is an anomalous case, and that it was so regarded by the House is evidenced by the peculiar character of the resolution referring it to the Committee on Elections. Did you ever hear of one like it before? Has there ever been one like it in the past? I think not, Mr. Speaker; and permit me here to express the hope that in the time to come we may not look upon its like again.

Mr. Speaker, before I can obtain my consent to override the report of the majority of the Committee on Elections and vote to seat Mr. Manning on the facts of the case I must have a direct precedent the reasoning of which meets the approbation of my judgment. I say to you frankly that it is somewhat shocking to my sense of right and justice to be told that I must vote to seat a man upon a certificate referring to a return by the secretary of state, when it appears at the first glance at that return, the foundation of the certificate, that the certificate never ought to have been issued.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman has expired. The Chair will inquire of the gentleman from Missouri [Mr. DAVIS] if he desires to take the remainder of his hour at this time?

Mr. DAVIS, of Missouri. Not now; I will reserve it.

The SPEAKER. Then the Chair will recognize the gentleman from Tennessee [Mr. PETTIBONE] as entitled to the floor.

Mr. PETTIBONE. I understand that the gentleman from Indiana [Mr. LOWRY] my colleague on the Committee on Elections desires to speak this evening. Therefore, if he requests it, I will now yield him thirty minutes of my time.

Mr. LOWRY. I thank the gentleman from Tennessee [Mr. PETTIBONE] for his courtesy, but I will suggest to him that I prefer to speak in my own time when I can obtain the floor for that purpose.

I may be permitted to say, however, that when I shall speak in this case I hope to be able to show that the criticisms of some of our friends upon the action of the Committee on Elections are founded upon a want of information in reference to the basis upon which that committee predicated its action. While they have been sitting upon the horse-blocks outside, occupied with other matters, the court has been hearing arguments upon this question. [Laughter.] And the committee, having proceeded as a judicial tribunal, has arrived at a conclusion which I hope to be able to show is supported not only by the principles of parliamentary law, but by every principle of justice and of right. But I reserve any further expression upon this subject until the time which is allotted to me in the order which has been adopted.

Mr. PETTIBONE. Mr. Speaker, I shall occupy the floor on this question but a short time; and I ask the attention of the House.

This contest comes from the second Congressional district of Mississippi. At the election held on the 7th day of November, 1882, Van H. Manning and James R. Chalmers were the opposing candidates. It is conceded on all hands that one or the other is elected. But it appears that a certificate of election bearing the great seal of the State, and as to mere form unexceptionable, was issued by the governor of Mississippi to Mr. Manning. This certificate he never filed with the Clerk of the House. Had Mr. Manning simply lodged that certificate of election with the then Clerk of the House there is no question that his name would have been promptly placed on the roll of members-elect, and on the assembling of this Congress he would have been sworn in, as the great mass of us were, on the *prima facie* right. But he did not thus file his certificate, and he was not thus sworn in as *prima facie* the elected Representative of that second district of Mississippi. To understand this case aright the question must be answered, why was not this done? The answer is plain, patent, palpable. From the papers submitted to the committee by the solemn resolution of this House it appears that within the time allowed by law the contestant, Mr. Chalmers, served upon the contestee, Mr. Manning, notice of contest as required by law; and to this notice of contest, of which no man can question Mr. Chalmers had the right to avail himself, the contestee, as in duty bound, answered. In the Congress of the United States certain proceedings were had which have been referred to, and doubtless will be again in this debate. When, upon the assembling of this Congress, the second district of Mississippi was called, the Clerk informed the House that—

The Clerk has not enrolled the name of any one as a Representative for the second district of Mississippi, for the reason that no paper which can be considered a certificate of election in the sense of the law has been presented to him.

Thereupon, after a discussion which I need not notice at length, the House adopted the resolution under which the Committee on Elections has made the report now pending. How did that resolution come to be adopted? The gentleman from Ohio [Mr. CONVERSE] my colleague on the committee stated to the House that he introduced the resolution at the request of Mr. Manning. What does the resolution provide?

Resolved, That the certificate—

Why, sir, I have heard this question argued as if we had to consider nothing under heaven except the certificate. But, gentlemen of the House of Representatives, what did you by this resolution provide?

Resolved, That the certificate and all other papers in the contested-election case of J. R. Chalmers and Van H. Manning from the second Congressional district of the State of Mississippi be referred to the Committee on Elections when appointed—

For what purpose?

with instructions to report immediately whether upon the *prima facie* case as presented by said papers—

What papers? Not merely the certificate, but all the papers in the case—

whether upon the *prima facie* case as presented by said papers said Manning or Chalmers is entitled to be sworn in as a member pending the contest on the merits and not to affect the final right to said seat.

That is the resolution under which the committee was instructed; that is the resolution under which we have made our report. The majority and minority report is now before you. And, Mr. Speaker, it seems to me that the only question really involved here and now is, whether upon all the papers submitted to the committee, and not upon the certificate alone, Mr. Manning is entitled to be sworn in as having a *prima facie* right to the seat.

And this case is in this respect novel and *sui generis*. It absolutely stands alone in the history of contested-election cases. We all know that if this were a naked question here whether Mr. Manning should be sworn in on his certificate of election, which I repeat is unexceptionable in form, there could not be two opinions. Every lawyer in this House would answer yes. But the trouble is there is something more. "All the papers" submitted, as they were, to the committee embrace and contain more than that naked certificate. They embrace the notice of contest of Chalmers and the answer of Manning; that much certainly is clear. They also embrace the tabular statement of the votes cast, not really and truly, for either side may dispute their correctness, at the election as shown by the returns received at and lodged in the office of the secretary of state of the State of Mississippi, all of which were sent to the committee. They show that in the county of Tate an election was held. That returns were made to the secretary of state from that county. They show further that *prima facie* Mr. Manning received 8,579 votes in the counties of Benton, De Soto, La Fayette, Marshall, Panola, Tallahatchee, Tate, and Union. They further show that in the same counties Mr. Chalmers received 8,257 votes, 322 votes less than Mr. Manning. And, going no further, that would be Mr. Manning's majority. But in the same tabular statement it appears that in the good county of Tate Mr. J. R. Chalmers did not get a single vote, while Mr. J. R. Chambless, a man in buckram, as we all know, got 1,472 votes. Now, Mr. Chalmers claims that he got those 1,472 votes; claims this in the papers submitted by this House to the committee by its solemn resolution which I have quoted. And the commissioners of election of Tate, namely, E. L. Weems, V. P. Still, and R. O. Mosby, certify as follows:

We, the undersigned, commissioners of election for Tate County, do certify that at an election held in Tate County November 7, 1882, for the office of Representative in the lower House of the Congress of the United States, Van H. Manning received in said county eleven hundred and sixty-six (1,166) votes; James R. Chalmers, fourteen hundred and seventy-two (1,472) votes; Hannibal C. Carter, three (3) votes. For the office of county surveyor of said county John E. Matthews received four hundred and fifty-five (455) votes, and Sam. F. Massey seven hundred and fifteen (715) votes; all of which fully appears by the tally-sheet on the opposite side of this page, which we certify to be a true and correct tally-sheet of the votes cast in Tate County.

Witness our signatures, November 11, A. D. 1882.

E. L. WEEMS,
V. P. STILL,
R. O. MOSBY,
Commissioners of Election of Tate County.

This, Mr. Speaker, was upon one side of a sheet of paper. On the other side of the same sheet was a tally-sheet or detailed statement, which I here append:

	For Congress, second district.			For surveyor.		
	Van H. Manning.	J. R. Chambless.	H. Carter.	S. F. Massey.	J. E. Matthews.	——— Gooch.
Sherrod	69	175	.....	36	72	.....
Strayhorn	166	54	.....	154	54	.....
Evansville	19	4	.....	1	18	.....
Arkabutler	82	60	1	31	48	.....
Taylor's	52	126	.....	34	11	.....
Coldwater	118	187	.....	15	53	.....
Palestine	59	43	.....	60	13	.....
Independence	115	140	.....	63	34	.....
Poagville	92	130	.....	52	19	.....
Thyatira	101	55	1	68	26	.....
Tyro	88	76	.....	40	34	.....
Looxahoma	65	157	1	81	14	.....
Senatobia	140	265	.....	80	59	1
Total	1,166	1,472	3	715	455	1
Majority	.....	306	.....	260	.....	.....

Mr. OATES. Will the gentleman allow me a moment?

Mr. PETTIBONE. Certainly.

Mr. OATES. I read from McCrary:

There can be no doubt——

Mr. PETTIBONE. Oh, I know all about that.

Mr. OATES. Let me read the paragraph.

Mr. PETTIBONE. It has been read over and over again. I am willing to yield to the gentleman for a question, but if he wishes to read law he must read it in his own time, and I think he needs to read a good deal, considering the position he takes in this case. [Laughter.]

Now, let us not forget that upon this same document, the document from Tate County, there appears the indorsement of the secretary of state that "the foregoing two pages contain a true and correct transcript"—of what? Of the certificate, together with the tally-sheet or detailed statement, of the vote of Tate County. Now, *prima facie*, what appears? This is one of the papers which the House directed the committee to examine. Unless you intended us to consider the other papers in the case why did you not send to us merely the certificate? *Prima facie* it appears from this document, which was one of the papers transmitted to the committee by the resolution of this House, that the commissioners of Tate County over their own signatures say in words, not in Arabic figures merely, that in that county J. R. Chalmers—whom we all know—got 1,472 votes. The detailed statement on the other side says briefly: "For Congress, second district, J. R. Chambless, 1,472."

What does *prima facie* mean? At first view—"that evidence which is sufficient to establish the fact, unless rebutted." Considered in this light alone, who will undertake to say that "the tally-sheet or detailed statement" shall override for an instant the certificate to which the commissioners of election solemnly affixed their signs-manual in obedience to their sworn duty?

But, Mr. Speaker, in addition to this paper, which, *prima facie*, it would seem, is sufficient to determine the matter if it is to be considered at all, or if any paper but the certificate of the governor is to be considered, we have the notice of contest and the answer thereto. These papers were before the committee, sent to them by a resolution of this House. In his notice I find the following specific charge by Mr. Chalmers:

That when the secretary of state canvassed the returns in contempt of a writ of prohibition from the judge of the ninth judicial district of Mississippi, he illegally and fraudulently counted 1,472 votes from Tate County for J. R. Chambless that were certified to have been cast for James R. Chalmers, under pretense that the tally-sheet was the essential part of the return, although the returns from Union, Tippah, and De Soto Counties, where you have majorities certified, have no tally-sheet accompanying the certificate.

Now, we all know how Mr. Manning replied to this in his answer. But let us read it in this connection. Here it is:

I further admit that the 1,472 votes which the commissioners of Tate County returned as cast for J. R. Chambless were in fact cast for you, and that the name "Chambless" was inserted in the return by clerical error instead of your name.

And in this connection I state that because of said error to your prejudice I will not take a seat in said Congress or ask the Clerk to enroll my name as a member thereof until I have vindicated and the House shall have affirmed my right thereto.

He admits, it will be seen, fully, clearly, distinctly, that Chalmers was entitled to 1,472 votes which were not counted for him by the secretary of state. He further gives him notice that "I will not take a seat in said Congress or ask the Clerk to enroll my name as a member thereof until I have vindicated and the House shall have affirmed my right thereto." What did he mean by this language? He meant that the 1,472 votes which the secretary of state wrongfully failed to count for Chalmers would *prima facie* have turned the scale. He meant that he would not ask the Clerk to put his name on the roll; and we know he did not. He meant he would not take a seat in this body until he had vindicated his right to a seat here *bona fide;* not that he would seek to be sworn in on a certificate which he felt, as he declares, in honor bound not to present. But *bona fide*, rather than *prima facie*, he would vindicate his right. I say, sir, let him do it!

Now, Mr. Speaker, I plant myself on the case of Hunt *vs.* Chilcott. What was decided in that case? Whoever comes here with a certificate of election unimpeached has undoubtedly a *prima facie* right to a seat. But on the question whether a man can impeach his own *prima facie* case—and on this I challenge the attention of the lawyers of this House—it has been decided in the case of Hunt *vs.* Chilcott that a man can do this. This House has solemnly decided that it can be done. Now, in this case a man comes here and says, "I admit that there are 1,472 votes which ought to have been counted for my opponent, and if they had been counted for him I would not have received the certificate; and I will never take my seat in the House, I will never ask the House to give me a seat until, without reference to the certificate, I shall have vindicated my right." Why, sir, do gentlemen seek to "vindicate" this man's right by now swearing him in? Is he to be taken to that desk squirming and squealing like a babe unwilling to take a dose of medicine and sworn in willy-nilly—whether he wants to be or not? He has told you he does not want to be sworn in upon the certificate, and has asked to have the papers referred to the Committee on Elections.

Now, I say that a man can impeach his own *prima facie* title; I say that Mr. Manning emphatically has done this. He has done it not by talk in the lobby, but by his solemn answer to the notice of contest, which is a part of the pleadings in this case. Mr. Chalmers had a right to serve notice of contest; nobody questions that; and Mr. Manning, knowing the effect of what he does, solemnly makes this admission which I contend impeaches his *prima facie* case.

Now, I hope nobody will plead the baby act. I did hear it intimated by my friend from New York that in a celebrated case, where a man wanted to plead guilty upon a charge of murder, the judge declined to receive the plea; but my friend from New York was obliged to defend the conduct of the judge on the ground that he regarded the party arraigned as insane and not competent to understand the character of the accusation against him. Does anybody charge anything of that kind on the part of Mr. Manning? Nothing criminal is charged upon him. As my associate on the committee, the gentleman from Massachusetts, says, it is a simple, clean admission of fact. When a man confesses that certain facts are so, why should we not believe him?

A few words in conclusion. What this House may determine upon in this case I do not know. Personally I do not care a baubee (my friend from Kentucky knows what a baubee is) how it may be decided. As a mere partisan I might be glad, of course, to have gentlemen on the other side make mistakes, as you like to have us make mistakes. From a partisan standpoint we would be glad, of course, to have you pile up mistakes "Pelion upon Ossa." But while we may not care, the people, your masters and mine, do care. They are getting tired of this class of frauds in election cases. It will not be two weeks—not a week, as a gentleman near me suggests—before the Committee on Elections will have this case under consideration upon its merits. In Heaven's name, then, why not let it go there and be tried upon its merits? As a patriot, not as a partisan, I appeal to gentlemen not to make the blunder of declaring that upon the question as now presented to this House Mr. Manning has a *prima facie* case. I have done.

I yield fifteen minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. Mr. Speaker——

Mr. WELLBORN. Will the gentleman from Colorado give way for a motion to adjourn?

Mr. BELFORD. If it be agreeable to the House to adjourn now, I have no objection, upon the understanding that I shall occupy the floor when this question next comes up.

The SPEAKER. The gentleman is recognized as entitled to the floor.

Mr. WELLBORN. I have no authority to speak for anybody else; but if the gentleman yields for the motion, I move that the House adjourn.

The SPEAKER. The Chair understands that the gentleman from Georgia [Mr. TURNER] desires to reach some understanding as to the termination of the debate on the report of the Committee on Elections.

Mr. TURNER, of Georgia. Gentlemen in charge of the naval appropriation bill have kindly yielded the floor that this case may be taken up; and in consideration of this, I would be glad if some agreement could be reached as to a fair and reasonable time within which to terminate this discussion. [A pause.] Mr. Speaker, I find that at this time no arrangement can be reached with reference to limitation of debate on this subject.

BOUNDARY BETWEEN INDIAN TERRITORY AND TEXAS.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States; which was read, referred to the Committee on the Judiciary, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 8th ultimo from the Secretary of the Interior, and the accompanying papers, relating to the establishment of the boundary line between the Indian Territory and the State of Texas.

The matter is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 13, 1884.

CARE OF THE IRONCLADS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Navy, stating the amounts which ought to be paid to the contractors, severally, for the use and occupation of their yards with the double-turreted ironclads, and for the care thereof, in obedience to the act making appropriations for the naval service, approved March 3, 1883; which was referred to the Committee on Appropriations, and ordered to be printed.

RECEIPTS AND EXPENDITURES OF THE UNITED STATES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting detailed accounts of receipts and expenditures of the United States for the fiscal year ending June 30, 1878; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

RED CLOUD INDIAN AGENCY, ETC.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a further communication from the Commissioner of Indian Affairs, recommending an appropriation for the benefit of the Sioux Indians of Red Cloud and Red Lake agency, to reimburse for 705 ponies; which was referred to the Committee on Appropriations, and ordered to be printed.

The motion of Mr. WELLBORN was then agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ANDERSON: Papers relating to the claim of Capt. William J. Lyster—to the Committee on Military Affairs.

By Mr. BARKSDALE: Papers relating to the claim of the heirs of Henry E. Sizer, deceased—to the Committee on Claims.

By Mr. J. H. BREWER: Petition of veterans of the Grand Army of the Republic, Phil. Kearny Post, No. 1, Newark, N. J., for equalization of bounty, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. J. M. CAMPBELL: Petition of soldiers of the late war, asking Congress to grant a land-warrant to all honorably discharged soldiers—to the same committee.

By Mr. ERMENTROUT: Memorial of the Pennsylvania State Association of ex-Prisoners of War—to the Committee on Invalid Pensions.

By Mr. GOFF: Petition of the Woman's Christian Temperance Union of the District of Columbia, relative to the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. GREENLEAF: Petition of Peter Henderson, R. K. Bliss & Son, and James Vick, relative to postage on seeds, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYNES: Petition of the Good Templars of New Hampshire relative to the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. KASSON: Petition of citizens of Adair County, Iowa, relative to an act for the removal of charges of desertion—to the Committee on Military Affairs.

By Mr. KELLOGG: Papers relating to the claim of John Burnside—to the Committee on Private Land Claims.

By Mr. KLEINER: Papers relating to the pension claim of Henry Tepe—to the Committee on Invalid Pensions.

By Mr. LONG: Remonstrance against the consolidation of the Fall River district with the New Bedford district—to the Committee on Ways and Means.

By Mr. LORE: Petition of the Woman's Christian Temperance Union of Delaware, relative to the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. LYMAN: Petition of the Temple of Honor of Massachusetts, relative to the alcoholic liquor traffic—to the same committee.

By Mr. MORGAN: Memorial of John Brown Post, No. 123, Grand Army of the Republic, Saint Joseph, Mo.; of C. G. Harper Post, No. 88, Grand Army of the Republic, Meadville, Mo.; of J. A. Mulligan Post, No. 11, Grand Army of the Republic, Lexington, Mo.; of Col. Hassendeubel Post, No. 13, Grand Army of the Republic, Saint Louis, Mo., and of Phil. Kearny Post, No. 19, Grand Army of the Republic, Laclede, Mo., relating to back pay, bounty, and pensions—severally to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. PERKINS: Papers relating to the claims of Nancy Cowley, of Turner A. Cannon, of Samuel Collins, of Frederick Cries, of D. H. Cupp, of William H. Baker, of Frederick Bussian, of J. O. Busher and John Adams, of Warren W. Bassett, of W. T. Asbell, of Charles C. Arnold, of Birney Dunn, of William Duncan, of A. T. Dickerman and Samuel Collins, of H. W. Donnell, of N. P. Ellsbree, of Levi Ferguson, of John Fulk, of Dr. Lewellan, of John A. Lushbaugh, of William Lassau, of Michael Kitterman, of Augustine Holland, of Abner Hopkins, of Mary E. Howell, of William H. Gilmore, of James Gilleon, of William Renfro, of James Renfro, of John Ross, of Ed. Mercer, of Robert Minns, of Daniel Pentzer, of Jane Pratt, of Ellison Neet, of John Smith, of John T. Stewart, of M. J. Skafsted, of Samuel J. Short, of S. R. Sayre, of John R. Skinner, of Will Sherburn, of W. R. Terwilliger, of John A. Twiss, of Thomas F. Weaver, of Charles W. Whittaker, of C. M. Wood, and of Jabez Zink—severally to the Committee on Claims.

By Mr. PRICE: Memorial of the Milwaukee Chamber of Commerce, opposing the extension of patent on steam grain-shovel—to the Committee on Patents.

Also, the petition of Ira C. Edward, relative to the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. RIGGS: Papers in support of the bill to restore William Herbst to the pension-roll—to the Committee on Invalid Pensions.

By Mr. ROSECRANS: Petition of Good Templars of California, relative to the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. J. D. TAYLOR: Petitions for a mail-route from Caldwell to Sharon and from Caldwell to Beverly—severally to the Committee on the Post-Office and Post-Roads.

By Mr. WASHBURN: Petition of M. J. Adams, for establishment of a permanent channel in the Mississippi River, &c.—to the Committee on Rivers and Harbors.

By Mr. MILO WHITE: Petition of Good Templars of Minnesota, relative to the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

SENATE.

THURSDAY, *February* 14, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, communicating certain information called for in a resolution of the 5th instant concerning the appointment, scope of power, sureties, and disbursements of the Supervising Architect, and transmitting the testimony taken by, and the report of, a committee of the Treasury Department directed to investigate the administration of the Supervising Architect.

The PRESIDENT *pro tempore*. The letter will be printed. The accompanying papers are very voluminous, and the Chair will take the suggestion of Senators on the subject of printing the papers.

Mr. BUTLER. At the proper time I shall move to refer the letter of the Secretary of the Treasury, with the accompanying papers, to the Committee on Public Buildings and Grounds or some appropriate committee, with a resolution which I shall in the mean time prepare.

The PRESIDENT *pro tempore*. Would the Senator like to have the communication laid on the table?

Mr. BUTLER. I understand the order already made is that the letter shall be printed. I do not like to ask for the printing of the voluminous testimony for fear it might be too expensive.

The PRESIDENT *pro tempore*. The letter can be ordered to be printed and referred to the committee with the testimony, and if they think it desirable to print the testimony they can report an order to that effect.

Mr. BUTLER. I think that is the proper course to take.

The PRESIDENT *pro tempore*. The letter will be printed, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. BUTLER. Very well.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, submitting a report from Capt. Thomas H. Handbury of the result of an examination and survey of White River, Arkansas, near Duvall's Bluff, with the view of removing obstructions from the channel, made to comply with the requirements of the river and harbor act of August 2, 1882; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs, asking that his recommendation of an appropriation of $14,100 for cattle, &c., for certain Sioux Indians, as compensation for ponies taken from them, transmitted to Congress February 17, 1883, be increased to $28,200; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from the Secretary of War, transmitting the petition of Maj. L. L. Livingston, praying for legislation to provide for the correction of his military record so as to entitle him to promotion to the grade of lieutenant-colonel first before Maj. R. N. Scott; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HAWLEY. I have the honor to present a petition, representing a very large number of citizens of Connecticut, setting forth "that only that Indian policy is just, and therefore wise, which has for its ultimate aim citizenship for Indians, through the abolition of the reservation system, by granting to all Indians not now under the Indian government of the Indian Territory lands in severalty, with the same titles, law protection, property rights, common-school education, and religious liberty enjoyed by other races among us."

This paper deserves something more than the honorable burial of an ordinary presentation. It is signed by his excellency the governor of Connecticut, by the lieutenant-governor and other State officers, and more than a hundred other prominent citizens. Among them are the faculty of the Theological Seminary at Hartford, the president and faculty of Wesleyan University at Middletown, the presidents and cashiers or treasurers of eleven large banking and other financial institutions, and a number of eminent clergymen and gentlemen of other learned professions. Seventeen clergymen of various denominations signed it, certifying that the petition has been read to their several congregations and by them approved.

I have no doubt that the statement represents the general sentiment and desire of the thoughtful and intelligent people of Connecticut. I heartily concur with them, and shall endeavor to vote accordingly. I move that the paper be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. PLATT presented the memorial of more than one hundred ex-Union soldiers, citizens of Meriden, Conn., remonstrating against the passage of the pending bill for the relief of Fitz-John Porter; which was referred to the Committee on Military Affairs.

Mr. SEWELL. I present three petitions, numerously signed by citizens of New Jersey, praying for an appropriation for the improve-

ment of certain parts of the coast of that State. I move that the petitions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. SEWELL presented a petition of the Sons of Temperance of New Jersey, officially signed, representing 1,504 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. HARRISON. I present resolutions of Covington Post, No. 4, Grand Army of the Republic, asking that certain relief measures be passed. The resolutions are not formally addressed to the Senate and House of Representatives, but at the conclusion there is an evident intention that they should be so presented. I therefore ask unanimous consent that they may be received.

The PRESIDENT *pro tempore*. If there be no objection the resolutions will be received and referred.

Mr. HARRISON. I should think they might be referred to the Committee on Pensions, although they relate to matters that might go to several committees.

The PRESIDENT *pro tempore*. They will be referred to the Committee on Pensions.

Mr. ANTHONY presented the petition of the Temple of Honor of Rhode Island, officially signed, representing 600 members, asking for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. CONGER. I present a memorial of the managers of the Industrial Home School of the District of Columbia, in regard to the care and control of infant wards of the school and legal guardianship of the same, which I ask may be printed and referred to the Committee on the District of Columbia. I present also the report of the board of managers of the industrial school, which I move may be referred to the Committee on the District of Columbia, to accompany a bill which I shall present at the proper time.

The PRESIDENT *pro tempore*. The Senator from Michigan asks that the memorial presented by him be printed. If there be no objection the order will be entered, and, with the accompanying paper, the memorial will be referred to the Committee on the District of Columbia.

Mr. BLAIR. I present a petition of the Good Templars of Montana Territory, officially signed, a petition of the Woman's Christian Temperance Union of Dakota, officially signed, and a petition of the Good Templars of the District of Columbia, officially signed, representing 1,200 members, praying for a constitutional amendment to prohibit the manufacture of intoxicating liquors for drinking purposes throughout the country. I move that the petitions be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. BLAIR presented a petition of the Woman's Christian Temperance Union of Madison, Wisconsin, officially signed, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. MITCHELL presented a petition of the Grand Division Sons of Temperance of Pennsylvania, officially signed, representing 7,563 members, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating liquors for drinking purposes; which was referred to the Committee on Education and Labor.

He also presented the petition of Henry McKinney and others, citizens of Susquehanna County, Pennsylvania, praying that $20,000,000 be appropriated for common schools, to be divided among the States and Territories according to illiteracy therein, and that this and all other appropriations made by this Congress be paid by an issue of United States notes; which was referred to the Committee on Education and Labor.

He also presented a petition of Alfred Toles Post, Grand Army of the Republic, of Pennsylvania, praying that copies of the CONGRESSIONAL RECORD be supplied to all Grand Army Posts; which was referred to the Committee on Printing.

He also presented a memorial of the Pennsylvania State Association of ex-Union prisoners of the late war, in favor of pensions for Union soldiers who were prisoners of war; which was referred to the Committee on Pensions.

Mr. MCMILLAN. I present three petitions: one from citizens of Livingston, Territory of Montana, and two from citizens of Clark's Fork mining district, in the Territory of Montana, praying that the right of way be granted to the Cinnabar and Clark's Fork Railroad Company through the National Yellowstone Park. I move the reference of the petitions to the Committee on Railroads, to which a bill relating to the same subject has been referred.

Mr. HARRISON. I desire to suggest that the whole matter of the police control and regulation of the Yellowstone Park has been under consideration in the Committee on Territories. A bill has been referred to that committee whose provisions would relate precisely to this sort of thing; and if the Senator is willing I suggest that the petitions ought to go to the Committee on Territories. The Senator from Missouri [Mr. VEST] has been giving very careful attention, as a subcommittee, to all matters connected with the use of the park, and it would simply lead to divided counsels if that matter is to be considered in two committees.

The PRESIDENT *pro tempore*. The Chair has no power under the rules of the Senate to decide to what committee the petitions ought to go, and he must therefore put the question first on the motion of the Senator from Minnesota to refer the petitions to the Committee on Railroads.

Mr. MCMILLAN. I have moved to refer the petitions to the Committee on Railroads because the bill was referred there some days ago. I suppose the subject being in their custody, until that committee act or ask some change of reference on the subject, I should not be at liberty to agree to another reference.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota to refer the petitions to the Committee on Railroads.

Mr. HARRISON. I will not interpose. If the bill is already there, it would not be of any avail to send these petitions elsewhere.

Mr. SEWELL. I will state for the information of the Senator from Indiana that the bill is already in the Committee on Railroads and under consideration, and I think it is proper that the bill granting a charter to a railroad company should remain in the hands of that committee.

Mr. CONGER. The bill which was referred to the Committee on Railroads I understand is a bill for constructing whatever railroad might be authorized, if any, in the National Park. The bill has reference to the construction of an accommodation railroad in the National Park, I understand.

Mr. MCMILLAN. As I understand the matter (and I am not very familiar with it) this application is to grant a right of way to this railroad company through a portion of the park. It is in the interest of certain mining regions.

Mr. CULLOM. Upon my hearing of the reading of the title of the bill presented by the Senator from Minnesota I think it is identically the same bill that is now before the Committee on Railroads, and has been under consideration, and is not yet disposed of. I make this remark in view of the fact that the Senator from Michigan was making a statement as to his understanding of the bill.

Mr. CONGER. The reason is still stronger; I supposed it was a bill for a local railroad. If it is for a right of way through the National Park for a general railroad, that by all the precedents should go to the committee having charge of that subject. The Committee on Territories have had charge of all matters relating to the park, just as we refer to the Committee on Indian Affairs any bill proposing a right of way through Indian Territory. The proper committee having charge and control of all matters relating to the park should have control, I think, of any question of granting the right of way to a general railroad company through it. I supposed this was a railroad within the park, but if it is a provision for a right of way for a general railroad through it, it certainly should go to the Committee on Territories, and the reference of the bill itself was contrary to the general custom. All bills, the Chair will remember, granting rights of way through Indian territory have been referred to the Committee on Indian Affairs, and all bills granting rights of way through military reservations have been referred to the Committee on Military Affairs; and the analogy would hold good in this case.

Mr. SEWELL. I simply wish to make a correction. The Senator from Michigan makes the statement that all such bills are referred to certain committees. That is not borne out by the fact. All the bills that we had under consideration last year to grant charters to railroad companies through the Indian Territory went to the Railroad Committee, and such has been the case generally.

Mr. MCMILLAN. I think the Senator from Illinois [Mr. CULLOM], as well as the Senator from Michigan [Mr. CONGER], misunderstands the action which has taken place this morning. I presented three petitions in favor of a right of way through the National Park for the railroad which I have mentioned. The bill granting the right of way through the park was presented in the Senate several days ago and was referred to the Committee on Railroads, and is in their possession for their action. They have not yet made any report upon it. These petitions being upon the same subject, I supposed they would of course go to the committee having charge of the bill, and therefore the motion I made was to refer them to that committee.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Minnesota that the petitions be referred to the Committee on Railroads.

Mr. BECK. Would it be in order to have the petition read again? There was a good deal of confusion while it was being read and I did not hear it.

The PRESIDENT *pro tempore*. The petitions were not read. The contents were stated to be in favor of the construction of a railway in the Yellowstone Park.

Mr. VEST. May I inquire of the Chair to what committee the bill on that subject was referred?

The PRESIDENT *pro tempore*. The Chair understands that the bill was referred to the Committee on Railroads.

Mr. MCMILLAN. The petitions ask Congress to grant a right of way through the park to the railroad company which is named in the bill.

Mr. VEST. I do not know that it does any good to mention it now,

but the bill ought to have gone to the Committee on Territories. The question of the Yellowstone Park has been under consideration by that committee since the commencement of the session. It really ought to have gone to the Committee on Territories originally.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota to refer the petitions to the Committee on Railroads.

The motion was agreed to.

Mr. SHERMAN presented the memorial of William Baker, of Toledo, Ohio, remonstrating against the passage of the bill (S. 559) to quiet the title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes; which was referred to the Committee on Public Lands.

Mr. CALL. Mr. President, I present a petition and the proceedings of a public meeting of citizens of Crystal River, Hernando County, Florida, praying for the improvement of the harbor at Crystal River, Florida, of which Mr. James L. Miller was chairman and Mr. N. Barco secretary, and a committee composed of T. S. Winn, esq., chairman, G. T. Willis, John M. Coleman, John King, Dr. W. A. Shands, J. W. Atkinson, Rev. J. B. Harolson, O. P. Keller, S. J. Pardoe, G. W. Carter, and James Williams.

The petition states that Crystal River is eligibly located on the Gulf coast of Florida as a port of refuge for vessels in distress, that it has a depth of fifteen or twenty feet of water, and with some improvement by the Government may be made a place of commercial importance. In this connection I ask the consideration of the Committee on Commerce to the importance of adequate appropriations for the harbors on the coast of Florida, both on the Gulf and Atlantic coast.

The coast line of Florida on the Gulf and Atlantic extends for more than 1,400 miles, and along its entire extent a vast commerce is constantly passing. The harbors of both the Atlantic and Gulf are of importance to the whole country.

In addition to this, a considerable commerce in sponge, fish, and corals, besides the fruits and products of the country, is rapidly growing up.

I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. GARLAND presented a petition of the grand jury of the February term of the United States district court for the western district of Arkansas, praying that Congress provide for the building of a courthouse at Fort Smith, Ark.; which was referred to the Committee on Public Buildings and Grounds.

Mr. MILLER, of New York, presented a petition of the Chamber of Commerce of the State of New York, praying for the refunding of the money contributed by that body and others toward the purchase, in 1860, of the old post-office site on Nassau street, New York, afterward abandoned and sold by the Government; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Woman's Christian Temperance Union of New York, officially signed, representing 7,000 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

He also presented a memorial of citizens of Northville, N. Y., remonstrating against the passage of the bill (H. R. 3617) changing the time or limit of United States patents from seventeen to five years; which was referred to the Committee on Patents.

Mr. PLUMB. I present the petition of John S. Kirkpatrick, late a private of Company K, First Colorado Volunteers, who states at length and in a somewhat pathetic way the difficulty that he has had in making his proofs at the Pension Office and his final failure to make such proofs, and asking that such legislation be had as will enable him and persons similarly situated, who by reason of lapse of time are not able to make the statements required by law, to obtain pensions to which they believe they are entitled. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PLUMB presented a petition of the State Temperance Union of Kansas, officially signed, representing 6,000 members, and a petition of the National Temperance Society of New York, officially signed, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating liquors for drinking purposes; which were referred to the Committee on Education and Labor.

He also presented a petition of citizens of Albuquerque, N. Mex., praying for an appropriation for education in the Territories; which was referred to the Committee on Appropriations.

He also presented a petition of certain soldiers living in the Indian Territory, praying for the passage of an act removing the charge of desertion from the class of soldiers named therein; which was referred to the Committee on Military Affairs.

Mr. BECK presented the petition of Jefferson Fields, of Sanford, Ky., late private Company C, Third Regiment Illinois Volunteers, praying to be granted a pension; which was referred to the Committee on Pensions.

Mr. MANDERSON presented a petition of late officers of the volunteer army, praying for the passage of the bills now pending to fix the rate of pension of commissioned officers at one-half the pay of the rank held by such officers at the time the disability was received; which was referred to the Committee on Pensions.

Mr. WILSON. I present a memorial and resolutions adopted by Typographical Union No. 68, of the city of Keokuk, State of Iowa, in favor of such legislation as will prevent the importation of pauper laborers under contract to work for less than fair remuneration to American workingmen. The memorial is addressed to the Senators and Representatives from the State, but is evidently intended for consideration by the Senate. I therefore present it, and ask that it may be referred to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The paper will be received, if there there be no objection, and referred to the Committee on Education and Labor.

Mr. BOWEN presented a petition of the Grand Lodge of Good Templars of Colorado, officially signed, representing 2,200 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

He also presented a petition of members of the Wool-Growers' Association of Las Animas County, Colorado, praying for the restoration of the duty on wool; which was referred to the Committee on Finance.

Mr. LOGAN presented a petition of the Phil. Kearny Post, Grand Army of the Republic, of Laclede, Mo., and a petition of ex-Union soldiers of Xenia, Ohio, praying for general legislation favorable to the ex-Union soldiers; which were referred to the Committee on Military Affairs.

He also presented a petition of soldiers of the late war, citizens of Illinois, praying that land-warrants for one hundred and sixty acres and pensions of $8 a month be granted to ex-Union soldiers; which was referred to the Committee on Public Lands.

He also presented a petition of John A. Platter Post, Grand Army of the Republic, of Lawrenceburg, Ind., praying for the passage of a bill granting one hundred and sixty acres of land, without requirement of settlement, to every officer, soldier, and sailor who served in the Union Army during the late war and were honorably discharged and to the widows and minors of those who died without receiving it; which was referred to the Committee on Public Lands.

He also presented a memorial of members of the Grand Army of the Republic, Department of Illinois, remonstrating against the passage of the bill abolishing pension agencies; which was referred to the Committee on Pensions.

He also presented resolutions adopted at a meeting of the pensioners of the pension district of Chicago, Ill., remonstrating against the abolition of pension agencies; which were referred to the Committee on Pensions.

He also presented a petition of Grand Army Post, No. 156, of Ottawa, Ill., praying for the opening up to settlement of the Sioux reservation; which was referred to the Committee on Indian Affairs.

Mr. LOGAN. I also present, at the request of the parties, a petition of citizens of Chicago, Ill., praying for a general law on the subject of divorce. I do not know what we have to do with the subject. Still I present the petition, and move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MORRILL. I report from the Committee on Finance favorably the bill (H. R. 2555) to change the name of "The National La Fayette and Bank of Commerce" to that of "The National La Fayette Bank;" and also favorably the bill (S. 1314) to change the name of the James Sweet National Bank, of Nebraska City, Nebr. I will ask for the present consideration of these bills, because it will take less time now than at any other, and because the parties in interest desire early action in order that they may proceed with the organization of the two banks. The bills are unanimously reported by the committee and approved by the Comptroller of the Currency.

The PRESIDENT *pro tempore*. The first bill reported will be read for information.

The Chief Clerk read the title of the bill (H. R. 2555) to change the name of "The National La Fayette and Bank of Commerce" to that of "The National La Fayette Bank."

The PRESIDENT *pro tempore*. Is there any objection that the bill be now considered?

Mr. MORGAN. I object.

The PRESIDENT *pro tempore*. Objection is made, and the bill will be placed on the Calendar. The other bill reported by the Senator from Vermont will be placed on the Calendar also.

Mr. MILLER, of California, from the Committee on Naval Affairs, to whom was referred the bill (S. 76) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy, reported it with amendments, and submitted a report thereon.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1508) to authorize the Postmaster-General to lease premises for use of post-offices of the first, second, and third classes, reported it without amendment.

Mr. SAWYER. I am instructed by the Committee on Post-Offices

and Post-Roads to ask the unanimous consent of the Senate this morning to take up the bill (H. R. 1482) making all public roads and highways post-routes. It is a short bill, of only four lines.

Mr. MORGAN. I object, Mr. President.

Mr. SAWYER. If we do not get the bill passed now we shall have to pass a general post-route bill, as heretofore; and it is very short, only four lines.

The PRESIDENT *pro tempore*. Objection is made, but after 1 o'clock it will be in order for the Senator from Wisconsin to move to proceed to the consideration of the bill.

Mr. MORGAN. That will be right. I shall have no objection to it then, but I have now.

Mr. PLATT. I am instructed by the Committee on Patents, to whom was referred the bill (H. R. 3925) to regulate practice in patent suits, to report it without amendment. It relates to the remedy to be pursued against persons who have purchased patented articles in good faith for their own use.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MITCHELL, from the Committee on Patents, to whom was referred the bill (S. 1122) for the relief of M. H. Collins, reported it without amendment, and submitted a report thereon.

Mr. COKE, from the Committee on Commerce, to whom was referred the bill (S. 51) to authorize the construction of a bridge for the transportation of street-cars, wagons, and other vehicles, horses and other animals, and pedestrians over the Rio Grande River between the cities of Eagle Pass, Tex., and Piedras Negras, Mexico, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 664) to authorize the construction of a bridge for the transportation of street-cars and other vehicles, &c., over the Rio Grande River between the cities of Laredo, Tex., and Nueva Laredo, Mexico, reported it without amendment.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the petition of John F. Ballier, praying for an increase of his pension, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

Mr. HARRISON. I am instructed by the Committee on Military Affairs, to whom were referred two petitions, one of them very numerously signed, at least bearing at the foot of it very numerous printed signatures, and the other a manuscript petition from paymasters of the United States Army, asking the passage of a law to give them additional compensation for services rendered by them during the war, to submit a report. The committee have considered these petitions, and I submit a written report, which is the unanimous expression of the committee, adverse to the prayer of the petitioners. We could see no reason why the compensation, which may have been inadequate judged by a commercial standard, but which was the fixed compensation of offices which were sought by these persons, should be increased, especially in view of the fact that much more dangerous and severe and exhaustive services were rendered at much smaller compensation.

The PRESIDENT *pro tempore*. The petitions will be announced.

The CHIEF CLERK. "A petition of paymasters, praying for additional compensation for their services as such paymasters during the war of the rebellion;" and "the petition of H. A. Tenney and Morgan L. Martin, of Wisconsin, late paymasters of the United States volunteer army of the rebellion, praying for additional compensation."

The PRESIDENT *pro tempore*. The Committee on Military Affairs will be discharged from the further consideration of the petitions.

Mr. CONGER. Will the report be printed?

The PRESIDENT *pro tempore*. All reports are printed under the rule, if they be in writing, without any special order.

Mr. PIKE, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 665) for the relief of Patrick Cook; and

A bill (S. 349) for payment to Daniel Donovan for additional labor and services rendered the District of Columbia.

Mr. MCPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. 427) for the relief of Thomas G. Corbin, reported it with an amendment, and submitted a report thereon.

REGENTS OF SMITHSONIAN INSTITUTION.

Mr. SHERMAN. I am directed by the Committee on the Library, to whom was referred the joint resolution (S. R. 58) filling an existing vacancy in the Board of Regents of the Smithsonian Institution, to report it without amendment. As that board is about to meet, and it is proper the matter should be disposed of, I will ask for the present consideration of the joint resolution. It will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that the existing vacancy in the Board of Regents of the Smithsonian Institution, of the class "other than members of Congress," shall be filled by the reappointment of Noah Porter, of Connecticut, whose term of service has expired.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CONGER introduced a bill (S. 1519) to regulate the powers and duties of the board of trustees of the Industrial Home School of the District of Columbia in respect to infant wards and scholars, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CONGER. The memorial and papers which I presented this morning in their order will be sent to the committee with the bill?

The PRESIDENT *pro tempore*. They were referred this morning.

Mr. MILLER, of New York, introduced a bill (S. 1520) amending section 4414 of the Revised Statutes of the United States, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LOGAN (by request) introduced a bill (S. 1521) to amend section 1754 of the Revised Statutes of the United States, relating to appointments to civil offices; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

He also introduced a bill (S. 1522) granting cannon to R. H. Graham Post, G. A. R., of Moline, Ill.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1523) granting a pension to James W. Kane; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 1524) to give pensions to soldiers and sailors for wounds and disability in addition to loss of leg or arm; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 1525) to pay the awards for damages for flowage caused by the building of dams by the United States in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Appropriations.

He also introduced a bill (S. 1526) for the relief of Mary A. Freeman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 1527) authorizing the Secretary of War to turn over to the governor of the State of Kansas four pieces of condemned cannon for the use of the Leavenworth Light Infantry Battalion; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORRILL. At the request of my colleague, now in the chair [Mr. EDMUNDS], I introduce a bill.

The bill (S. 1528) donating four condemned mortars, four cannon and carriages, and one hundred shell and shot to the town of Rutland, Vt., was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCMILLAN introduced a bill (S. 1529) authorizing the Saint Cloud Water-Power and Mill Company to construct a dam across the Mississippi River at Saint Cloud, Minn.; which was read twice by its title, and referred to the Committee on Commerce.

He also (by request) introduced a bill (S. 1530) for the relief of the estate of John Cook; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL (by request) introduced a bill (S. 1531) to incorporate the Sixth Street and Bladensburg Railroad Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MITCHELL introduced a bill (S. 1532) granting a pension to Bridget Curtin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VOORHEES (by request) introduced a bill (S. 1533) to define and supplement an act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award, approved June 5, 1882; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BECK introduced a bill (S. 1534) in relation to courts and judicial proceedings in the Territories; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

He also introduced a bill (S. 1535) for the relief of Weissinger & Bate, Edward Holbrook, and others; which was read twice by its title, and referred to the Committee on Finance.

Mr. HARRIS introduced a bill (S. 1536) for the relief of the personal representatives of Frank Williams, late postmaster at Paris, Tenn.; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. MAXEY introduced a bill (S. 1537) for the relief of William W. Burns; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

Mr. GORMAN introduced a bill (S. 1538) for the relief of the legal representatives of the estate of James Beatty, deceased, late of Baltimore, Md.; which was read twice by its title, and referred to the Committee on Finance.

Mr. MANDERSON introduced a bill (S. 1539) to authorize the con-

struction of a bridge across the Missouri River at a point to be selected between the north and the south line of the county of Douglas, State of Nebraska, and make the same a post-route; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PENDLETON introduced a bill (S. 1540) for the relief of Thomas Worthington; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

SALARIES OF DISTRICT JUDGES.

Mr. SAWYER. Is it in order now to ask unanimous consent to consider the bill making all public roads and highways post-routes?

The PRESIDENT *pro tempore*. The bill was not reported to-day?

Mr. SAWYER. No; it was reported a week or two ago.

The PRESIDENT *pro tempore*. The Chair thinks that under Rule VII, it being now 1 o'clock, the Senator from Wisconsin is entitled to move that the Senate proceed to the consideration of the bill he has named.

Mr. HARRISON. Will the Senator, before proceeding to that, yield to me for a matter connected with morning business?

Mr. SAWYER. I will give way to allow further formal business to be presented.

The PRESIDENT *pro tempore*. The Senator from Wisconsin withdraws the motion for the time being.

Mr. HARRISON. It will be, I think, in the recollection of most Senators that a few days ago, when the Senator from Massachusetts [Mr. HOAR] reported from the Judiciary Committee the bill (S. 1476) fixing the salaries of the district judges of the United States, I interrogated him as to whether the bill included in its provisions the United States district judge for Indiana. The response was that it did, and at the rate of $5,000. Upon an examination of the bill I find that the district judge for our State is not mentioned, either in the class of $5,000 or $4,000; the salary is left as at present. There was evidently some mistake in reporting the bill. I have talked with the Senator from Arkansas [Mr. GARLAND], of the Judiciary Committee, and have his consent to make the motion which I shall now make in his absence, which is that the bill be recommitted to the Judiciary Committee with a view of correcting this error and any other that may be in the bill.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the bill (S. 1476) fixing the salaries of the district judges of the United States, reported on the 11th instant from the Committee on the Judiciary, be recommitted to that committee. If there be no objection that order will be entered. It is entered.

PAPERS WITHDRAWN AND REFERRED.

Mr. LOGAN. I ask for the following order:

Ordered, That all papers now on file with the Secretary of the Senate pertaining to a claim of Abraham P. Drost be withdrawn and returned to him.

The PRESIDENT *pro tempore*. The order will be entered subject to the rule, if there be no objection.

Mr. LOGAN. I think an adverse report was made, but I wish to state that the papers the claimant desires are papers showing that he was in the service, his discharge, &c., which were filed as part of the evidence. I ask to have the rule extended so as to allow him to withdraw those papers, which are very necessary to him, and have no connection whatever with the claim he made except as evidence to show that he had been a soldier.

The PRESIDENT *pro tempore*. The rule allows papers to be withdrawn on leaving copies in cases of adverse reports.

Mr. LOGAN. Very well; I will ask that the order be so entered.

The PRESIDENT *pro tempore*. The order will be entered subject to the rule.

On motion of Mr. MAXEY it was

Ordered, That the petition and papers of William W. Burns be taken from the files of the Senate and referred to the Committee on Claims.

NORTHERN PACIFIC RAILROAD LANDS.

The PRESIDENT *pro tempore*. The Chair finds that a resolution went over from yesterday. The resolution of the Senator from Indiana [Mr. VOORHEES] which was objected to yesterday will be laid before the Senate. It will be reported.

The resolution submitted yesterday by Mr. VOORHEES was read, as follows:

Whereas it is alleged that the Northern Pacific Railroad Company has selected, in lieu of lands claimed to have been lost to said company within the "granted limits" established by the act of July 2, 1864 (13 Statutes, 365), lands within the ten-mile indemnity limits, circumscribed by said act, which said lands so selected were occupied by homestead and pre-emption settlers at the time the line of said road was definitely fixed, namely, October 4, 1880, and also at the date of such selections; and

Whereas it is alleged that the withdrawal from sale and settlement of the odd-numbered sections within said indemnity limits, on the 4th day of October, 1880, by the Secretary of the Interior, was unwarranted by the act of July 2, 1864, or by any of the acts or resolutions amendatory thereof, and that said odd-numbered sections were subject to entry under the public-land laws of the United States until the date of actual selection by said corporation: Therefore,

Resolved, That the Secretary of the Interior be directed to withhold his approval of the selections made within the indemnity limits as aforesaid, and to suspend all action thereon until Congress shall determine the questions involved in the claims of settlers upon the lands so selected by said corporation.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. INGALLS. Is that a joint or a Senate resolution?

The PRESIDENT *pro tempore*. It is a Senate resolution.

Mr. VOORHEES. I can explain it in a moment.

Mr. INGALLS. Before the Senator proceeds to speak on the merits of the resolution I suggest whether it is competent for the Senate alone to direct the performance of any duty or the omission to perform any duty in specific terms. I suppose that may be done by Congress; but I should doubt the power of the Senate alone unaided to take such action.

Mr. VOORHEES. I am under the impression that the precedents support this resolution, though upon that question I am not at this time fully advised, because I did not suppose the point would be raised.

Mr. INGALLS. I have no doubt the Secretary of the Interior would comply with such a request, if that were made.

Mr. VOORHEES. If the Senator's point is as between the word "directed" and "requested," I would as soon use the word "requested."

Mr. INGALLS. I think it would be better.

Mr. VOORHEES. I will modify the resolution in that way.

The PRESIDENT *pro tempore*. The Senator from Indiana modifies the resolution by changing the word "directed" to the word "requested."

Mr. VOORHEES. So that it shall read:

That the Secretary of the Interior be requested to withhold his approval, &c.

Mr. HAWLEY. The Senator from Indiana will pardon me if I make another suggestion. The preamble declares that it is alleged that certain unlawful action has been taken by the Northern Pacific Railroad Company, and the resolution proceeds to take it for granted that it has been done. The words "if such were made" in the resolution would put it on proper ground.

Mr. VOORHEES. Where would that amendment come in?

Mr. HAWLEY. In the third line of the resolution, after the word "aforesaid," insert "if any such were made."

Mr. VOORHEES. I have no objection to that.

The PRESIDENT *pro tempore*. The Senator from Indiana further modifies his resolution by inserting after the word "aforesaid" the words "if any such were made."

Mr. MORGAN. It will be a long time before Congress acts, and the resolution may suspend action for a great while.

Mr. VOORHEES. Allow me to explain.

Mr. MORGAN. Certainly.

Mr. VOORHEES. I thought if the resolution would pass without explanation, well and good; but if not, I can make an explanation in a moment.

A few days ago I introduced a bill on this subject, carefully prepared, and sent it to the Committee on Public Lands. This does not postpone the question at all. The matter is before the Senate, before one or two committees now, and can be investigated at once. This is only to suspend action during the investigation of the bill, providing that the Secretary shall withhold further action. That is all. If it is necessary to enter into an explanation of the merits of this matter, I will do so. There is a bill, as I said, raising the whole question before the Committee on Public Lands. This is simply a request that the Secretary of the Interior shall withhold action until that matter is investigated and the rights of the parties determined.

Mr. MORGAN. A number of bills are pending before the Committee on Public Lands, to which they have devoted most diligent attention, sometimes sitting up to as late as 2 o'clock in the morning to hear arguments from counsel on both sides, and that committee are working with a great deal of earnestness to come to conclusions which they expect to report to the Senate very soon. In the mean time the Government is going on with its regular functions, discharging its proper duties under the laws requiring it to determine upon the rights of settlers on the public lands, whether upon the even or the odd sections, whatever their rights may be; and I do not feel disposed to interrupt the Government in that particular, because I believe, I hope at least, that whenever we shall come to a conclusion upon any measure affecting the grants of public lands to railroads heretofore made, we are not going to reach back with a rude, violent hand and tear up or cut up those rights of property that have lawfully supervened upon our own action and by our own invitation in favor of anybody, railroad company, settler, or what not. I for one would not be willing to undertake to correct whatever of evil there may be in the legislation of Congress heretofore by a visitation of more severe and unjust wrong upon persons who may have dealt in good faith and upon the invitation of the Government with these railroad companies. So I do not think it is wise or proper for us at this time to anticipate any line of action that Congress may be disposed to take in the future, and prevent persons who may have the right to acquire interests in these railroad lands from going on under the laws of the country to acquire them just as if no legislation was pending.

Ever since I have been in this body measures have been coming forward from session to session threatening the disruption of the rights which railroad companies and others have acquired under the Congressional land grants, and we might just as well have stopped the consideration of this question six years ago as to stop it now. If we invite the Secretary of the Interior to take no further action under the laws

existing because we are contemplating some change in the laws, I do not know when we should be able to relieve him from that injunction that we put on him by this resolution and allow the Government to go on in the discharge of its regular and lawful duties in respect to the public lands.

There is, I think, no case for a resolution of this kind, for the officers of that Department having control of the public lands have been very conservative and very careful in administering the rights that fall within their jurisdiction, and I have heard at least of no serious cases of evil that have arisen, and I really do not apprehend any danger in the future which makes it necessary that we should apply an extraordinary remedy as is proposed in this resolution.

I am opposed to the resolution, because I think that it interrupts the orderly conduct of the Government and does not put a period to the time when the resolution shall cease to have its effect, and if we were to adopt it in the terms in which it is offered we should merely chain the Government to a line of policy of inaction while we should go on to speculate about what we might be able to do in the way of legislation for the relief of the persons that we suppose deserve relief. I think the resolution ought not to pass.

Mr. VOORHEES. Mr. President, the Senator from Alabama misapprehends the question before the Senate. It is simply this: By the act of 1864 authorizing the construction of the Northern Pacific Railroad, as every Senator knows, the alternate sections forty miles on each side were granted to the road to enable the company to construct it. In that same act it was provided that where persons had made settlement by pre-emption or otherwise within the granted limits there should be an indemnity given of ten miles additional width on each side in which the company was allowed to make selections in lieu of lands taken up in this way. These are called in the parlance of the railroad the "lieu lands," lands in lieu of others. Within this indemnity limit of ten miles in Eastern Washington Territory a large number of actual settlers had made their homes and built houses and made permanent improvements before the line of the road was definitely fixed, so that they could not tell whether they were within the indemnity limits or not; and when the road was definitely located this limit affected these settlers.

The bill which I have introduced is to secure the actual settlers who made their homes there, built their houses, made their improvements, against having those places selected by the railroad company as "lieu lands," to protect them from the railroad reaching out and going into a farming community, taking a man's farm which has been made worth $10 an acre, we will say, by his labor, and which he had located before the line of the road itself was located. The bill that has been introduced and is before the Committee on Public Lands is to protect them in the right to purchase that land from the Government at Government price. It does not seem to me to be a very difficult question, and with the great skill and legal ability of the Senator from Alabama, he being a member of the committee himself, I think that question might be looked into with reasonable celerity.

Again, this is a question between these settlers and the rights of the railroad company to select their homes as railroad lands. I have already introduced the bill, and I want the Department simply to suspend all action until that bill can be considered.

I have here a petition which I expected to present this morning, but it passed through my hands and I will present it to-morrow morning, signed by ten or eleven hundred actual settlers, petitioning Congress to pass this bill to give them a right to get title to land of which they are actually holders, as against the alleged right of the railroad company to select their homes as railroad lands inside of the ten-mile indemnity limit.

Now, I say to the Senator from Alabama, and I say to all Senators, that at this long distance looking out yonder the question may look little to him, but it looks awfully big to a man who has his family there and built his house there; and there is no question that could come before the Senate which has higher merits than the one that is now being considered.

I did not expect to talk about it this morning and did not desire to do so, but if the Senate refuse to request the proper Department of the Government to suspend action until proper and legitimate inquiry can be made as to the rights of actual settlers out there on that frontier, it will be a very strange proceeding indeed.

I enter upon this in no spirit of hostility against the railroad company, none whatever. I enter upon it with no desire to clog their rights or give them more trouble than they ought to have; but I do enter upon it to say that they have no right to select as "lieu lands" homes that were made before the indemnity limit was fixed, before they located their road, before they had any right there at all. The settlers' right is higher than theirs; and that is the legislation which I propose, and during the time it is going on I want the Department to hold still.

Mr. BAYARD. The case stated by the Senator from Indiana is undoubtedly a very strong one and appeals very strongly to every man's sense of justice to do what may be done for the purpose of preventing a wrong so wholesale as the one described by him; but there is something certainly unusual in adopting the machinery of a resolution, not reported by a committee upon ascertained facts, but which is to operate summarily as an injunction to prevent the approval of selections and all action by the Secretary of the Interior until what?

Until Congress shall determine the questions involved in the claims of settlers upon the lands so selected by said corporation.

It seems to me that if the Senator would modify his resolution and direct the Secretary of the Interior immediately to inform the Senate whether these allegations are true, it would be well enough; but it would be an unheard-of thing for an officer of the Government to go on and execute such a law as this in the face of these facts. If the resolution be passed in the form I suggest, then Congress being possessed of the information which the Secretary would return to them can pass promptly a measure of relief, in which I will heartily join the Senator when it shall be brought in. But it seems to me that we may be dealing with rights created by law in a very summary way by thus enjoining the action of the Secretary of the Interior when we are acting simply upon allegations which may or may not be well founded. I think the Senator will attain the object he desires by an amendment to his resolution making it read:

Resolved, That the Secretary of the Interior be requested forthwith to inform the Senate whether the above recited allegations are true.

If such a resolution as that is passed, I have not the slightest idea that any step will be taken by the Secretary pending the investigation by Congress. It might be that the parties, whoever they may be, who are asking his action are acting under color of law, and I do not think we ought to do what at best would be the issuance of an injunction upon an officer of the Government to arrest his action under law.

I suggest that to my friend because I consider that all these questions ought to be carefully guarded, and I know of no precedent which would justify us in in this way instructing him to suspend action upon the mere allegation of facts which may or may not be correctly stated. I think if my friend will consider it he will see that the object will be reached in the mode I suggest, and it will be quite sufficient to arrest really any action.

Mr. VOORHEES. Mr. President, I have no idea or information that the Secretary of the Interior desires to act hastily or improperly in connection with this matter. On the suggestion of the Senator from Delaware I will ask that this resolution go over until to-morrow morning if it will not lose its right to be called up then. How will that be, Mr. President?

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair would state to the Senator from Indiana that by unanimous consent the resolution may lie upon the table subject to be laid before the Senate to-morrow, but unless there is unanimous consent the President *pro tempore* of the Senate holds that it goes to the Calendar and takes its place there.

Mr. VOORHEES. Then I ask that unanimous consent, and I think in the mean time I will modify the resolution so as to suit all.

The PRESIDING OFFICER. Is there objection to the resolution lying on the table until to-morrow morning subject to be laid before the Senate at that time?

Mr. GARLAND. Before that order is taken I wish to make a suggestion. I would suggest to the Senator from Indiana that the resolution as it stands be referred to the Committee on Public Lands. That is the proper disposition of it, in my judgment. The subject-matter is before the Committee on Public Lands, as was intimated by the Senator from Alabama. I know in the history of the legislation of the Senate that when matters are pending before a committee, if the committee address to the particular Department a request to "hold up," as the saying is, the Department will do so. I recollect in the investigation of a celebrated land case when I was on the Land Committee the committee requested the Secretary of the Interior to suspend further action, as the matter was pending before them, and he did so. I suggest to the Senator from Indiana to let his resolution be referred to the Committee on Public Lands; and with the whole matter before them they can correspond with the Department and the Department will take the proper action, and not have us directing him what to do. If it is not objectionable to the Senator from Indiana, I move the reference of the resolution to the Committee on Public Lands.

Mr. VOORHEES. I shall make no objection.

The PRESIDING OFFICER. The Senator from Arkansas moves that the resolution be referred to the Committee on Public Lands.

The motion was agreed to.

FENCING OF PUBLIC LANDS.

Mr. INGALLS. I offer a resolution that I ask may be now considered.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be directed to report to the Senate any information now filed in his Department relative to unauthorized fencing of the public lands of the United States for grazing purposes.

Mr. PLUMB. I suggest to my colleague while the question is up why not extend it to other purposes? Why not let us have all the information?

Mr. INGALLS. Strike out "for grazing purposes."

Mr. PLUMB. There is a bill now before the Committee on Public Lands dealing with that question.

The PRESIDING OFFICER. The resolution will be modified. Will the Senator from Kansas state the modification?

Mr. INGALLS. Strike out the last three words, "for grazing purposes."

The PRESIDING OFFICER. The resolution will be so modified.

The resolution was considered by unanimous consent, and agreed to.

PUBLIC ROADS POST-ROUTES.

Mr. SAWYER. I move to take up House bill 1482, and put it upon its passage.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1482) making all public roads and highways post-routes. It declares all public roads and highways, kept up and maintained as such, to be post-routes; and provides that the Postmaster-General may establish postal service upon the same whenever in his judgment the public welfare requires it.

Mr. CONGER. I move to amend by inserting in the proper place "while thus maintained."

Mr. SAWYER. It reads so now, as I think the gentleman will see if he will hear the bill read again.

Mr. CONGER. I should like to hear it.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill.

Mr. CONGER. I think there should be something requiring that, while thus kept up, the roads shall be post-roads. Declaring them post-roads would make them post-roads forever.

Mr. SAWYER. I think the Senator is mistaken in his construction. We looked that over in committee very carefully.

Mr. CONGER. If the committee are satisfied that this will only apply while the roads are kept up as such, I shall not press the amendment.

Mr. SAWYER. That was the idea of the committee.

Mr. HILL. The introduction of one word "while" would answer the objection; so as to read "while kept up and maintained."

The PRESIDING OFFICER. Is there objection to the amendment suggested by the Senator from Colorado [Mr. HILL]? The Chair hears none; and the amendment is agreed to.

Mr. PLUMB. What would be the effect on the postal service upon a road after it had been vacated by State authority? Are we not likely to get our postal service into something of confusion by making it dependent on the action of the local authorities?

Another suggestion, Mr. President. This simply takes out of the hands of Congress all control of the postal service of the United States except so far as relates to the carriage on railroads. The Postmaster-General having before him that ganglion of tracts called township roads, county roads, State roads, national roads, may at his own sweet will put on daily service, weekly service, tri-weekly service, semi-monthly or monthly or any other service he pleases, obligating the Government to pay for it, and Congress will know nothing about it until after the contracts have been made and they shall be reported to Congress with a polite request to have the necessary money appropriated to pay obligations already incurred.

While I can think of a great many cases where this power would be justifiable, it seems to me it is wise to consider that heretofore Congress has never given to the Postmaster-General power to put on temporary service, that is, service over a route not established by law, for a longer period than twelve months, and I think now the limit is six months by law. For a long time there was no provision whatever for service of that kind. I only speak of that to show how cautiously and conservatively Congress has heretofore guarded the power of the establishment of postal service.

Mr. SAWYER. I should like to ask the Senator from Kansas if he has ever known a case where a member or a Senator asked to have a road put in as a post-road where it was not done? This is to save us from passing a large post-route bill every year.

Mr. PLUMB. There is no doubt our methods of legislation are cumbrous, but that is one of the inevitable accompaniments of republican government anyhow; and even if we do legislate as a matter of course, that is to say, if we do put on post-routes simply at the request of anybody who chooses to offer an amendment to that effect, that is a better guard than it is to throw open the entire road system of the United States to the Postmaster-General with a continual discretion to him that he shall wherever he sees fit put on service not limited to daily or weekly or tri-weekly, but to make it just as much and as often as he pleases.

Mr. BUTLER. If the Senator will pardon me, I think the Postmaster-General practically does that now. We pass a post-route bill every session embracing a number of post-routes, and the Postmaster-General puts postal service on or not as he sees fit. He puts weekly service or tri-weekly service or daily service on what are known as the star routes, or no service at all, just as he sees proper. It seems to me he has just as much power now for all practical purposes as he would have under the operation of this bill.

Mr. PLUMB. He can not put service on a route that is not established by law.

Mr. BUTLER. Of course he can not, but he does put it or not on all that are established by law, as he chooses.

Mr. PLUMB. It is true he does; but if we open to him not only the number of routes named in the statute, but all the other traveled roads in the United States, and say to him he has that power, how do we know he will not exercise it improvidently? It is simply abdicating the whole control of the postal service in favor of the Postmaster-General. That is all it is.

Mr. HILL. I should like to ask the Senator from Kansas if he is not aware that there are thousands of post-routes now established in the United States on which no service has been ever put, so that the mere fact of establishing more routes will not in the slightest degree increase the amount of service which shall be put on the routes?

Mr. PLUMB. If that is true it is a confession that this bill is not necessary; and inasmuch as we have got along reasonably well under the old system, why not maintain it?

Mr. HILL. It has been the custom in Congress for many years at every session to pass a post-route bill. It involves a great deal of labor and a great deal of expense, and it has appeared to the committee to be an entirely unnecessary labor. We put upon those bills in every case every route that is offered, no matter from what source it comes; we see that the route is put on the bill, and never of my knowledge has there been an objection made to any route being put upon one of those bills. I can see no harm that can possibly result from the passage of this bill and a great deal of good.

Mr. HALE. I suppose that what the Senator from Colorado has alluded to is precisely the object of this bill. Every year there is an annual post-route bill and every Senator who wants a route put on in his State and every Representative in the other branch who wants a route put on in his district puts it on; nobody ever objects; it goes into the post-route bill; it goes through without an objection; and the Postmaster-General puts as much service as he chooses, after investigation, on those routes.

Mr. BUTLER. And as little as he chooses.

Mr. HALE. And as little as he chooses. The operation practically is that if there is a new route to be established it frequently has to wait a year or a session of Congress before it can be got into the post-route bill, but it always goes in in time, nobody objecting. I take it the principle of this bill is to take away the necessity for that delay, and instead of doing it piecemeal as we always do nobody objecting, to give general authority to the Postmaster-General to put on service wherever he deems it essential without waiting for this annual post-route bill. It seems to me that it is a good measure and that it will save something by avoiding the passage of the annual bill which is practically useless.

Mr. INGALLS. I move to strike out the last clause of the bill. Let the Secretary read it.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out:

And the Postmaster-General may establish postal service upon the same whenever in his judgment the public welfare requires it.

Mr. INGALLS. Now let the bill be read as it will stand if amended.

The Chief Clerk read as follows:

That all public roads and highways, while kept up and maintained as such, are hereby declared to be post-routes.

Mr. INGALLS. That leaves the bill in accordance with the established system in the Revised Statutes. Section 3964 provides:

The following are established post-roads:
All the waters of the United States, during the time the mail is carried thereon.
All railroads or parts of railroads which are now or hereafter may be in operation.
All canals, during the time the mail is carried thereon.
All plank-roads during the time the mail is carried thereon.
The road on which the mail is carried to supply any court-house which may be without a mail, and the road on which the mail is carried under contract made by the Postmaster-General for extending the line of posts to supply mails to post-offices not on any established route, during the time such mail is carried thereon.
All letter-carrier routes established in any city or town for the collection and delivery of mail matters.

Section 3965 provides:

The Postmaster-General shall provide for carrying the mail on all post-roads established by law, as often as he, having due regard to productiveness and other circumstances, may think proper.

Mr. SAWYER. I can see no objection to the amendment of the Senator from Kansas.

Mr. INGALLS. That makes the bill symmetrical with the other portions of the postal service.

Mr. MAXEY. Mr. President, for several years after I came into the Senate I held the same opinion just expressed by the Senator from Kansas [Mr. PLUMB], that this was conferring too much power on the Postmaster-General; but after about nine years' service upon the Post-Office Committee, and knowing the fact that by law every navigable stream in the United States, every canal, every plank-road, every railroad, was a postal-road, and the great highways across the ocean post-roads, I could see no reason so far as power was concerned for refusing to extend this

power already granted to other established roads, public roads and highways kept up and maintained as such.

By section 3964 of the United States Revised Statutes the following are established post-roads:

1. All the waters of the United States, during the time the mail is carried thereon.
2. All railroads or parts of railroads which are now or hereafter may be in operation.
3. All canals, during the time the mail is carried thereon.
4. All plank-roads during the time the mail is carried thereon.
5. The road on which the mail is carried to supply any court-house which may be without a mail.
6. The road on which the mail is carried under contract made by the Postmaster-General for extending the line of posts to supply mails to post-offices not on any established routes, during the time such mail is carried thereon.
7. All letter-carrier routes established in any city or town for the collection and delivery of mail matter.

Provision is also made by law for carrying the mails in vessels to and from foreign ports.

It is thus seen that this bill is a mere extension to "all public roads and highways kept up and maintained as such" of the power already exercised by Congress on other roads, and it is not a grant of new power. It is simply an extension of the power already exercised so as to embrace a class of roads in every county and neighborhood in the country, "public highways kept up and maintained as such."

These public highways kept up and maintained as such can be ascertained by the Postmaster-General without difficulty. If Congress has the power to establish as post-roads railroads which are now or hereafter may be in operation, the power as well as policy of this bill is well established by the law as to other highways which I have cited, the wisdom of which is acquiesced in on all hands.

In respect to the amendment offered by the Senator from Kansas [Mr. INGALLS], it seems to me that it simply leaves the power where it is already lodged. The Postmaster-General already has power to establish service on any established post-route, and if this bill is passed then his powers as to the service on these highways will be precisely the same as he now has on other highways, railroads, &c., established as post-routes. Congress first establishes the route before service can be put on it, and when Congress establishes the post-route there the Postmaster-General by law now has the power to put the service on or to withdraw service if he believes the demand is not sufficient to justify it. I do not think that striking out this clause, as proposed by the Senator from Kansas [Mr. INGALLS], adds to or diminishes the power the Postmaster-General now has under the law as it now is and from an early period in the history of the country has been; and after a long experience with these huge post-route bills, which take up so much time of the Post-Office Committee, and which include any route that any Senator or Representative asks for the people he represents, I am of the opinion that it will be economy of the time of the Senate and of the business of Congress to pass this bill. Whatever may be thought of the propriety of the legislation in respect to the establishment of railroads, canals, rivers, &c., as mail-routes without designating by name and description, as is required in ordinary public highways, it has been too long acquiesced in to disturb, and the reason for designating by general description the class of roads as described in the bill is just the same.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. INGALLS].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHANGE OF NAME OF BANKS.

Mr. PENDLETON. Mr. President——

Mr. MORRILL. I ask that two bills reported this morning from the Committee on Finance——

The PRESIDING OFFICER. The Senator from Ohio [Mr. PENDLETON] was recognized as entitled to the floor.

Mr. PENDLETON. I rose for the purpose of asking the same thing which I presume the Senator from Vermont desires to ask; that is, to take up House bill 2555, reported from the Committee on Finance this morning, changing the name of a bank, to which I think there is no objection.

Mr. MORRILL. And which has already been read.

Mr. PENDLETON. The Senator from Alabama [Mr. MORGAN] interposed an objection this morning, which he is now prepared to withdraw.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. INGALLS. I have no objection to the consideration of the bill, but I wish to submit to the Senator from Vermont whether it is not feasible to prepare some general bill confiding to the Secretary of the Treasury the power, under proper restrictions and with the necessary guarantees, to permit these changes to be made. It appears to me that there can be no objection to this, and I would suggest whether it might not be advisable to recommit these bills with instructions to report a general bill that shall allow such action by the Secretary of the Treasury.

Mr. MORRILL. I think it is entirely practicable to report such a bill, and I will also say that it seems to me it is practicable to report a bill that should enable the Secretary of the Treasury and the Comptroller of the Currency to allow of the removal of a bank from one place to another under the restrictions that we have heretofore always reserved in guarding those bills, and I hope at an early day to be able to present a bill for the support of the Senator from Kansas and other members on that subject; but I trust these bills will be allowed to pass this morning.

The PRESIDING OFFICER. Is there objection to the present consideration of the two bills mentioned by the Senator from Vermont? The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2555) to change the name of "The National La Fayette and Bank of Commerce" to that of "The National La Fayette Bank."

Mr. BECK. I hope this bill will pass and the other bill reported this morning; but as we have just done a very wise thing to-day in getting clear of the post-route bills by a general law, I hope the suggestion of the Senator from Kansas will receive consideration, and that he will offer a resolution to-day or to-morrow instructing the Committee on Finance to inquire into the expediency of passing a general law on this subject, so as to avoid the repetition of these bills, which is becoming almost as annoying as the post-route bill with the number of banks we now have.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (S. 1314) to change the name of the James Sweet National Bank of Nebraska City, Nebr., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. INGALLS. I ask unanimous consent to offer the resolution which I send to the desk for present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Finance be directed to consider the expediency of providing by general legislation for the change of name of national banks, and that they report by bill or otherwise at the present session.

The resolution was considered by unanimous consent and agreed to.

JOHN LEATHERS.

The PRESIDING OFFICER. The first case on the Calendar will now be called.

The bill (S. 253) for the relief of John Leathers was announced as first in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. DOLPH. I think there are some amendments pending which have not been acted upon.

The PRESIDING OFFICER. The Chair is informed by the Secretary that there are amendments reported by the committee, and they are first in order before any other amendments can be received.

Mr. DOLPH. I had the floor at the time the order of business fixed for 2 o'clock was called yesterday and was about to make some suggestions in answer to the Senator from Kansas [Mr. INGALLS]. I had suddenly come into the Senate Chamber, when I was called upon for some explanation in regard to the bill by the Senator from Kansas yesterday, and I spoke from recollection in regard to the facts of the case. I find upon an examination of the papers that while my remarks of yesterday are generally applicable to this case and explain the merits of the claim, I was mistaken in regard to some of the facts.

There were at the same time the application of Mr. Leathers was made applications made to the President for pardon by nine other persons: S. Flinn, J. C. Watson, J. S. Sturgeon, Isaac Evans, W. Halbert, C. Hegard, J. W. Bartlett, Peter Hall, and W. M. Ward, who were indicted by a grand jury and tried and convicted for a violation of sections 2147 and 2148 of the Revised Statutes. The act for which they were indicted consisted in their returning to the reservation after having been expelled. They returned to fish in Pyramid Lake.

Mr. INGALLS. What are the terms of the sections to which the Senator alludes?

Mr. DOLPH. Section 2147 is as follows:

The Superintendent of Indian Affairs, and the Indian agents and subagents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President is authorized to direct the military force to be employed in such removal.

Section 2148 is—

If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be liable to a penalty of $1,000.

Mr. Leathers and another party were indicted at the same term of court and convicted for a violation of another section of the same title, but the offense was different from the one mentioned of which these nine persons were convicted.

Mr. INGALLS. Had they previously been expelled from the reservation?

Mr. DOLPH. These persons had been previously expelled, but no question is now involved in regard to them. I merely refer to that matter to explain my remarks of yesterday.

Mr. INGALLS. Had Mr. Leathers been expelled?

Mr. DOLPH. No, sir; he was indicted under another section, which I will read now:

SEC. 2133. Any person other than an Indian who shall attempt to reside in the Indian country as a trader, or to introduce goods, or to trade therein without such license, shall forfeit all merchandise offered for sale to the Indians, or found in his possession, and shall moreover be liable to a penalty of $500.

This was Mr. Leathers's case. The papers relating to all these cases being before the committee, I was in error in stating yesterday that Mr. Leathers was indicted for fishing in Pyramid Lake. As I desire that the facts in regard to Mr. Leathers's case may be fully explained I will read from his petition presented to the President for pardon. He states:

On the 6th day of February, A. D. 1879, he was duly indicted by the Grand Jury of the United States for the district of Nevada under sections 2133 and 2139 of the Revised Statutes of the said United States, the indictment of said grand jury containing two counts, charging your petitioner with attempting to reside as a trader and to introduce goods and to trade in the Indian country in the district of Nevada without a license, as required by law.

And he further represents:

And your petitioner respectfully represents that he honestly and really at all times believed that his place of business was located outside of the limits of the said reservation.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which the Secretary will report.

Mr. DOLPH. I hope, as my remarks will be very brief, the Senate will by unanimous consent permit me to conclude.

The PRESIDING OFFICER. Is there objection to the Senator proceeding to finish his remarks in respect to this bill? The Chair hears none.

Mr. DOLPH. I will continue reading from the petition of Mr. Leathers:

That the posts and monuments set up by the Indian agents in charge of said reservation to mark and designate the boundaries thereof were not truly placed, and were calculated to, and did, mislead your petitioner, as fully appears by the special findings of the jury in the case.

Now I will read from the special finding. These questions were submitted to the jury, and they were answered as follows:

First. Is the defendant's place of business within the Pyramid Lake Indian reservation as the red lines are shown on the map of Mr. Monroe?
Yes.
Second. Is the defendant's place of business within the lines of said reservation as marked by the wooden posts set up at the instance of Batemen, the Indian agent?
No.
Third. Is the defendant's place of business within the lines of the reservation as those lines are or were marked by the stone monuments set up by Mr. Monroe at the time of surveying the reservation?
No.

Which findings of the jury show that the place of business of the defendant in the case was not within the limits of the reservation as the boundaries had been staked out by the surveyor and the Indian agent. Attached to the petition is the following recommendation and statement signed by Judge Hillyer, the district judge who tried the case, the district attorney who prosecuted the case, the United States marshal for the district, and the Indian agent at the Pyramid Lake reservation:

I am of the opinion that the facts which appear in the case show that the statements in the forgoing petition are true and that they authorize the granting of the pardon prayed for. The conduct of the Government through its local offices for many years in relation to the reservation mentioned has been such as to induce the larger portion of the entire population of Western Nevada to believe there was no legal reservation. The survey was by triangulation; no monuments were set up by the surveyors except at the angles and corners, and then only at long distances and on top of mountain peaks; and the only designation of boundaries was made subsequent to survey by the agent, and his designation was erroneous and misled the petitioner Leathers. I heartily join my petition with his for a free pardon.

In addition, section 2124 of the same title provides:

All penalties which shall accrue under this title shall be sued for and recovered in an action in the nature of an action of debt, in the name of the United States, before any court having jurisdiction of the same, in any State or Territory in which the defendant shall be arrested or found, the one-half to the use of the informer and the other half to the use of the United States, except when the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

Here the proceeding was by indictment; and when these cases were presented to the Department of Justice the Attorney-General appears to have called the attention of the United States district attorney to the fact that the court had proceeded without jurisdiction, by indictment by a grand jury and a trial by a petit jury, when the court only had jurisdiction of an action in the nature of a civil action to recover the penalty; and in this connection I desire to have the Secretary read the letters referred to yesterday to show that I am right in what I state.

The PRESIDING OFFICER. The letters will be read by the Secretary as part of the remarks of the Senator from Oregon.

The Chief Clerk read as follows:

DEPARTMENT OF JUSTICE,
OFFICE UNITED STATES ATTORNEY,
Reno, February 26, 1880.

SIR: I am in receipt of your letter, of date the 17th ultimo, relative to the construction of section 2148, Revised Statutes. As you are already advised, there are some eight or nine cases in which judgment has been deferred to await the result of applications for pardon. The question as to the jurisdiction has been evidently overlooked by counsel for defendants and both circuit and district judges. My position is somewhat embarrassing in these cases. It hardly seems proper for me, or in the line of my duty as a prosecuting officer, to press these cases to a final judgment of fine, which will probably result in imprisonment, with the knowledge that the court has no jurisdiction. On the other hand, should I confess the error now the moral effect of these convictions will be lost, and the officers at the Indian agency will be caused much annoyance and trouble. It seems an anomaly to issue pardons for non-existing offenses, yet if they could be granted consistently with the position the Government ought to occupy the whole matter would be relieved from embarrassment.

Very respectfully,

C. J. VARIAN, *United States Attorney.*

Hon. CHARLES DEVENS,
Attorney-General, Washington.

Mr. DOLPH. As that is the latest letter, I shall not ask for the reading of others. That letter shows that the court proceeded in these cases without jurisdiction; that this man was tried, convicted, and fined by a court not having jurisdiction, inasmuch as it now appears that this was not only a case that appealed strongly for executive clemency but a case in which the court had no jurisdiction; that the money collected upon the judgment has been paid into the Treasury of the United States and remains there; that the committee has not reported in favor of the entire claim, but only in favor of reimbursing the claimant the amount of the fine paid by him. I hope that the Senator from Kansas is now satisfied not only that this is a meritorious case but that the committee has not in its report gone beyond the line of the law and the precedents.

STATE NATIONAL BANK OF LOUISIANA.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is the bill (S. 339) for the relief of the State National Bank of Louisiana.

Mr. JACKSON. That bill has been twice carefully examined by the Committee on Claims. The report states the facts clearly and fully, and unless some statement is to be answered I shall not occupy the time of the Senate.

Mr. BAYARD. I will ask the Senator from Tennessee, as a break in the day has already been made, if he will not allow the same order to be made to-day as was made yesterday, to lay aside this unfinished business informally in order to consider the bank bill.

Mr. JACKSON. I will do so if there is to be further discussion, but I presume there will be no objection to this bill. It has been carefully examined by the committee.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. JACKSON. I suggest that one amendment should be made in line 12, after the word "bank," to insert "or the United States;" so that the United States shall have the benefit of evidence already taken.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee.

Mr. INGALLS. Is this the bill that has been under discussion on a previous day?

Mr. JACKSON. Yes, sir.

Mr. INGALLS. In regard to payment for certain cotton that was purchased by the State Bank of Louisiana?

Mr. JACKSON. Not for the payment of the claim, but for a reference of the case to the Court of Claims.

Mr. INGALLS. I remember indistinctly hearing the report read, and recall now that I was unable to ascertain from the language of the report what the amount involved in the controversy was.

Mr. JACKSON. The proceeds of three hundred and sixty-seven bales of cotton.

Mr. INGALLS. And how much was that in money?

Mr. JACKSON. The memorial claims, I believe, some $90,000.

Mr. INGALLS. And the purpose of this bill is to refer the claim to the Court of Claims for adjudication, waiving the bar of the statute?

Mr. JACKSON. That is all.

Mr. INGALLS. As the statute of limitation does not run against the Government, I have been usually opposed to the idea of its being insisted upon by the Government, and under ordinary circumstances I should be in favor of allowing claimants to come into court to prove their claims without regard to the period of time; but my recollection of this case is that this cotton was purchased during the continuance of the war, in 1863. Am I correct?

Mr. JACKSON. There was an executory contract entered into for the purchase of the cotton. It remained in the possession of the venders until after the restriction on commercial intercourse had been removed, and was delivered in the summer of 1865.

Mr. INGALLS. That is to say, this bank being situated in the city of New Orleans in 1863, which was then in the custody and control of the national forces, was contracting for the purchase of cotton with per-

sons residing in the insurrectionary districts that were beyond the control of the United States forces.

Mr. JACKSON. That is the fact.

Mr. INGALLS. Was the cotton paid for?

Mr. JACKSON. Yes, sir.

Mr. INGALLS. By the bank?

Mr. JACKSON. Yes, sir.

Mr. INGALLS. And the Senator calls that an executory contract?

Mr. JACKSON. But it was left in the possession of the vender for future delivery.

Mr. INGALLS. But so far as ownership was concerned, it was the property of the bank.

Mr. JACKSON. I suppose so, certainly.

Mr. INGALLS. And the bank had paid out the entire value of the cotton to these persons residing in the insurrectionary districts and presumably in rebellion against the United States Government; and the proposition now is to allow the bank that had paid this money to these men who were in a condition of open and flagrant rebellion against the Government of the United States, the bank knowing that to be so, and after the claim has been twice or thrice adjudicated adversely to the bank by the Treasury Department, to go before the Court of Claims and again insist upon its trial without regard to the limitation of time. Is that the proposition?

Mr. JACKSON. That is the proposition.

Mr. INGALLS. I think the bill ought not to pass. I shall ask for the yeas and nays on it.

Mr. JACKSON. Mr. President, I will state briefly to the Senate the facts in this case. There have been two favorable reports. It is true the cotton was purchased in 1863, the bank residing in New Orleans, then in possession of the Federal forces, and the venders of the cotton residing in the insurrectionary districts. The cotton remained in possession of the venders, no delivery being made, and in 1865 after the restrictions upon commercial intercourse were removed the cotton was voluntarily delivered by the venders when it was lawful for them to deliver it, to ratify the old contract or make a new contract in reference to the subject. This was the private property of the owners; no intervening right had attached on the part of the General Government; and they voluntarily, after they could do so lawfully, came forward and surrendered the cotton, reaffirmed the contract. This they did at a date when they could do so lawfully.

Under the act in relation to captured and abandoned property the Government holds the proceeds of this cotton in trust for somebody. The owners voluntarily surrendered their claim and did so at a time when they could do so lawfully. The Government holds the proceeds of this cotton in trust for some one, and of course they must be in trust for the bank. We simply propose to allow the bank to go and assert its legal right and claim in the Court of Claims. We do not adjudicate anything; we do not settle any right. The committee are not inclined to refer any case to the Court of Claims unless there be a *prima facie* showing in behalf of the claim. The questions involved in this case are such that we conceived it to be right that the Court of Claims should pass upon them. The claimant presented the claim to the Treasury Department in 1874 and before any action was taken it was barred by the statute of limitations; and now the object of the bill is simply to allow the claimant to go before the Court of Claims and establish, if he can do so, his right to the proceeds of this cotton, the Government holding those proceeds in trust for somebody.

Mr. INGALLS. The statement made by the Senator from Tennessee does not change the fact that this was originally an unlawful contract.

Mr. JACKSON. To be sure it was.

Mr. INGALLS. It was a contract that the bank had no right to make. In violation of law they purchased cotton in the possession of men residing in the surrectionary districts, who were in rebellion against the laws and Government of the United States. The reason of that restriction was obvious, because the money going into their possession was undoubtedly used for the purpose, as far as it could be so employed, of overthrowing the jurisdiction and power and authority of the Government and defeating its armies; and because in 1865 after the war closed these men came in and reaffirmed a contract that was void *ab initio* it does not give these persons any standing in court or in Congress. It seems strange to me that the Senator from Tennessee, with his knowledge of the law, should present that as an argument why the Senate should adopt this bill, because no one can know better than he, admitting that the contract was *ab initio* void, in violation of the laws of the United States, that no subsequent act between these wrongdoers could bind the Government to pay the proceeds of this property to either of these parties. I do not, so far as I am concerned, desire by my vote to say that this contract has any standing whatever in court, to say that they have any legal right which can be enforced anywhere; and when the Senator states that this is merely a bill to give these persons an opportunity to present their claim before a tribunal for adjudication, he asks us to say that they have rights that can be adjudicated. For one, sir, I deny it.

Mr. JACKSON. The Senator from Kansas and myself differ upon one proposition and one only. If this case stood upon the contract made in 1863, and upon that alone, the committee would not have reported in favor of this bill, because that committee adhere to the law and the policy of the Government then in force of prohibiting that sort of commercial intercourse. But the case does not rest there. After intercourse was lawful and after it was permitted by the proclamation of the President, the venders, who would have had a right to resist the execution of the contract, came forward voluntarily and performed it. They performed it and delivered the cotton. Before any right of the Government had attached, they delivered the cotton and executed the contract when it was lawful for them to do so, when commercial restrictions by the proclamation of the President had been withdrawn and annulled. I differ with the Senator from Kansas when he says that a contract originally void could not be affirmed under such circumstances. When the reason and the policy which made the contract void had ceased, then the parties could affirm it and make it valid.

Mr. INGALLS. Does the Senator affirm that when this cotton was purchased in 1863 and the money paid for it it was not made, so far as the parties could make it, complete? The fact that the cotton remained in the possession of the venders in the insurrectionary districts did not change the right of the bank; it paid its money; so far as it could be it was the owner of the cotton; it was merely in the custody of other parties; and because they came forward in 1865 or 1866 and delivered the cotton over to the bank that had unlawfully purchased it in 1863, that fact did not make it a new contract or the reaffirmation of an old one.

Mr. JACKSON. If the venders had resisted the delivery of the cotton, I say, the transaction being illegal, they could have successfully refused to deliver the cotton. If the Government of the United States had found and seized the cotton in the hands of the venders during actual hostilities it could have captured it and seized it as against the bank. I admit that; but I say, having recognized, as these venders did, the moral obligation to deliver the cotton afterward and made the delivery when they could do so lawfully, no rights of the Government attached as against the venders. It never seized it for any act of the venders; it was seized in the possession of the bank, after the venders performed a contract that they could have refused to perform. It may have been illegal at the time it was made, but when performed and executed it was legal.

That is the principle involved, and that is the question we present, instead of deciding it finally by Congress, to be sent to the court for adjudication. Suppose we wipe out of view entirely the contract of 1863 because of its illegality, and they come forward in 1865, after commercial restrictions had been removed, and delivered the cotton voluntarily for an old debt or an illegal debt or anything you please, the Government has no right to complain; or, at any rate, the committee think that is a question which should be passed upon by the court.

Mr. INGALLS. To whom did the cotton belong after the bank had paid the money in 1863?

Mr. JACKSON. It belonged to the venders.

Mr. INGALLS. To the venders after they had sold it and got their money for it?

Mr. JACKSON. Yes, sir; because their contract was illegal.

Mr. INGALLS. A novel proposition.

Mr. JACKSON. They could have refused to deliver it; but having chosen to deliver the cotton afterward when they could lawfully do so, the Government ought not to interpose, and as it has the proceeds and holds them as a trustee, common honesty demands that the purchaser shall have his rights.

Mr. INGALLS. I think that the bank and the venders both violated the law, and the Government had the right to the cotton and the money.

Mr. JACKSON. To be sure, both violated the law in respect to the contract; but if the cotton was delivered in the summer of 1865, when it could be lawfully delivered, the Government was not hurt.

Mr. INGALLS. How could it be lawfully delivered in pursuance of an unlawful contract?

Mr. JACKSON. It was delivered when it was lawful to deliver it. Any void contract can be affirmed by the parties when the law or the policy which forbade it at the time has been changed when the ratification is attempted. That is the proposition, and no lawyer who will examine the question can doubt that.

Mr. INGALLS. Was not this whole matter adjudicated before the Treasury Department?

Mr. JACKSON. No, sir; they simply refused to entertain it because the transaction occurred in 1863.

Mr. INGALLS. Perhaps I did not understand the matter fully——

Mr. JACKSON. They could not adjudicate it.

Mr. INGALLS. I understand the proof was offered before the Treasury Department and the claim was rejected on the ground that the original contract was unlawful.

Mr. JACKSON. Yes, sir.

Mr. INGALLS. And that therefore the Government was rightfully in possession of the cotton and its proceeds.

Mr. JACKSON. No, not that. The Department refused relief because of the original contract; but I do not consider that the whole question in the case. The committee have thought proper, after twice considering it, to send the claimant to the Court of Claims and have his

rights judicated; and the case can go from there to the Supreme Court of the United States, where all these questions will be considered and passed upon fully.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Tennessee [Mr. JACKSON].

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. INGALLS. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered and taken.

Mr. HAMPTON. I beg to call the attention of the senior Senator from Illinois [Mr. LOGAN] to the fact that the Senator from North Carolina [Mr. RANSOM] requested me to say that he was paired with him.

Mr. LOGAN. On political questions, that is true. I do not consider this a political question.

Mr. BLAIR. I should like the attention of the Senator from Kentucky [Mr. BECK]. If this is in any sense a political question, I am paired with his colleague [Mr. WILLIAMS].

Mr. BECK. I do not think it is.

Mr. BLAIR. I voted, not supposing that a question of law was a political question.

Mr. HALE. My colleague [Mr. FRYE] is absent by order of the Senate. He is paired with the Senator from Georgia [Mr. BROWN].

Mr. BECK. The Senator from North Carolina [Mr. VANCE] requested me to say that he and the Senator from Ohio [Mr. SHERMAN] are absent by order of the Senate on public business and that they are paired with each other.

The result was announced—yeas 32, nays 15; as follows:

YEAS—32.

Bayard,	Dolph,	Hampton,	Morgan,
Beck,	Fair,	Harris,	Pendleton,
Bowen,	Farley,	Jackson,	Pike,
Butler,	Garland,	Jones of Nevada,	Pugh,
Call,	George,	Lamar,	Slater,
Camden,	Gibson,	McPherson,	Vest,
Coke,	Gorman,	Manderson,	Voorhees,
Colquitt,	Groome,	Maxey,	Walker.

NAYS—15.

Aldrich,	Edmunds,	Logan,	Palmer,
Blair,	Hale,	McMillan,	Platt,
Cullom,	Hawley,	Mitchell,	Van Wyck.
Dawes,	Ingalls,	Morrill,	

ABSENT—29.

Allison,	Harrison,	Miller of Cal.,	Sewell,
Anthony,	Hill,	Miller of N. Y.,	Sherman,
Brown,	Hoar,	Plumb,	Vance,
Cameron of Pa.,	Jonas,	Ransom,	Williams,
Cameron of Wis.,	Jones of Florida,	Riddleberger,	Wilson.
Cockrell,	Kenna,	Sabin,	
Conger,	Lapham,	Saulsbury,	
Frye,	Mahone,	Sawyer,	

So the bill was passed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 152) for the relief of E. H. George and H. W. Walker; and it was thereupon signed by the President *pro tempore*.

NATIONAL BANK CIRCULATION.

Mr. BECK. I suppose the bank bill now comes up as next in order.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Not unless upon motion or request.

Mr. BECK. I move that it be taken up. It was understood yesterday that it would be.

The PRESIDING OFFICER. Is there objection to proceeding to the consideration of the bill referred to by the Senator from Kentucky [Mr. BECK] which was under consideration yesterday?

Mr. INGALLS. Does it not come up as the unfinished business?

The PRESIDING OFFICER. It does not. The Chair hears no objection.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1155) to provide for the issue of circulating notes to national banking associations, the pending question being on the amendment proposed by Mr. SHERMAN in line 9, after the word "deposited," to insert:

Provided, That if any bonds so deposited bear a higher rate of annual interest than 3 per cent., additional circulating notes shall be issued equal in amount to one-half of the interest accruing on such bonds before their maturity in excess of 3 per cent. per annum, such amount to be ascertained and stated by the Comptroller of the Currency on the 1st day of July of each year hereafter.

The PRESIDING OFFICER. The Chair is informed that the Senator from Rhode Island [Mr. ALDRICH] is entitled to the floor on this bill.

Mr. ALDRICH. I understood the Senator from Kentucky desired to speak first, but it is immaterial to me.

Mr. BECK. It is perfectly immaterial to me. I think perhaps as the Senator from Rhode Island has an amendment to the bill and I have none——

Mr. ALDRICH. No, I have no amendment to offer. I propose to discuss the pending bill and amendments. I do not intend to offer any amendment.

Mr. BECK. Does the Senator prefer that I should go on now?

Mr. ALDRICH. If it be equally agreeable to the Senator from Kentucky.

Mr. BECK. I will state as briefly as I can why I favor the measure reported by the Finance Committee. It received a great deal of consideration in all its phases, as the numerous amendments indicate. The original bill on the subject was introduced on the 4th day of December, the day after the Senate met, by the Senator from Ohio [Mr. SHERMAN], in accordance with the somewhat urgent suggestion made in the annual report of the Secretary of the Treasury. It read thus:

That upon a deposit of bonds as required by law any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, equal in amount to 90 per cent. of the average current market value of the United States bonds so transferred and delivered for the previous fiscal year; and at no time shall the total amount of such notes issued to any association exceed the amount at such time actually paid in of its capital stock, nor shall they exceed 95 per cent. of the market value of such bonds. And that all laws and parts of laws of the United States inconsistent with the provisions of this act be, and the same are hereby, repealed.

When it came before the committee a discussion at once sprang up. The Senator from Delaware [Mr. BAYARD] moved to strike out all the provisions relative to 90 per cent. of the current market value of the bonds transferred and delivered and the words "not to exceed 95 per cent." and to insert in lieu thereof "equal in amount to the par value of the United States bonds so deposited."

Upon those two propositions debate in the committee lasted for a long time; on account of the absence of the Senator from Iowa [Mr. ALLISON], who was engaged elsewhere in very important business which resulted so gratifyingly to him and to all of us, the committee were tied; but after long discussions, and after the Senator from Delaware and myself, and the Senator from New Jersey [Mr. MCPHERSON], the Senator from Indiana [Mr. VOORHEES], and the Senator from Tennessee [Mr. HARRIS], and others had maintained the proposition reported as against others proposed, it was finally adopted. It so happened that the original bill as amended was not reported back to the Senate, but a bill which was introduced by the Senator from New Jersey [Mr. MCPHERSON] on the 17th of January, almost word for word the amendment of the Senator from Delaware, was reported by the Senator from Delaware instead of the original bill as amended.

It makes no difference, of course, except that the responsibility for this proposition is on the Senator from Delaware. The original bill as amended ought to have been reported, but it was not. That, however, as I said, is immaterial.

As to the merits, we all agreed that in the condition of our bonded debt and surplus revenue it was imperative that something should be done to give stability to the national-bank circulation. At the present rate of taxation, with only $274,000,000 of 3 per cent. bonds outstanding, the Secretary advised us, as the Senator from Delaware read yesterday, that in three years they would all be paid off. He showed us the banks held $201,000,000 of these 3 percents, and if they were all to be paid off in three years a dangerous contraction of the currency was likely to follow. Something, he assured us, had to be done, and the committee devoted itself carefully to see what was best; those of us who agreed to the bill as reported thought it was evidently fair and just, as the Government of the United States had only received par for its bonds, and was only expected to pay par for them, and as it had treated the now 3 percents pretty harshly in years gone by by reducing them from 5 and 6 per cent. to 4½ and 4 and 3½ and 3 per cent. by a sort of gentle coercion, and as the people who hold them now had to bring them down to their present low rate of interest, and as they were as good as gold to-day, that there was no hardship in saying that if we increased circulation on any bonds we should increase it on these as well, although they bore little or no premium in the market.

The increase from 90 to 100 per cent. on all the bonds of course increases the circulation of the banks some thirty-odd millions of dollars at once. We all felt not disinclined to do that, especially as there had been a shrinkage of values in stocks and other property going on for the last year, perhaps running up to a thousand millions. A contraction took place to the amount of nine and a half millions last year in the national-bank circulation on account of the calling in of bonds, and we were assured by the Secretary that it is almost certain to go on much further. We felt that if we did authorize thirty millions more circulation to be issued the people would get the benefit of it in their business, even if the banks did make something out of it, and I did not care to discriminate against the 3 percents if they were not quite as valuable in the market as the fours and the four-and-a-halfs for the reason I have given.

I could not see if we gave the banks who are holding four-and-a-halfs and fours 10 per cent. more of circulation than they have now why they should complain if we give the banks who are holding the 3 percents the same. If we had left the 3 percents with circulation at 90 per cent., allowing the fours and four-and-a-halfs to have 100 per cent., they would be no better off, and I hardly think they will claim that the want of uniformity does them any harm. By giving that advantage to those banks now holding $201,000,000 of 3 percents which will

be called in in a short time no injury is done, while the security for the circulation is ample after we allow them to have notes at par. It will recompense them in part for the trouble and expense they must soon incur by the necessary change they will be compelled to make by the retirement of the bonds now payable at the option of the Government.

I was not considering the relief of the banks as the main purpose of this bill. The amendments offered to it all seem to be based upon the idea, how much is it safe to give the banks; how much more than par can we afford to let them have?—as though it was a trade to see how much each bank can squeeze out of us because of the value of the securities they hold in the market at the present time. That was not the idea I was guided by. I was willing to increase the circulation, because the country required the increased circulation, because it was shrinking, and would continue to shrink largely if we did not offer inducements to national banks to continue taking out circulation, and because the 10 per cent. additional would make banking reasonably profitable on all classes of bonds, and if it made it a little more profitable to the banks holding the 3 percents than to those holding the fours and four-and-a-halfs the country would be no worse off and there would be no just cause for complaint.

The banks as such certainly need no further aid from the Government except what our necessities require us to give. A few years ago we renewed their charters. We gave them three years to pay up the lost notes when by the terms of their contract they were only entitled to six months, a privilege worth nearly a million of dollars to them. We relieved them last year from all the taxes upon their deposits and their capital, a privilege worth about $5,000,000 a year. In short, they were not the parties I was specially seeking to aid in allowing this increase in the circulation. If the bonds they now hold could be allowed to remain undisturbed they do not need this aid. Nor, as far as I know, are they asking for any special consideration. Our action looks to the good of the whole country by giving stability to its circulation. Senators may remember that as soon as it was officially developed that we had only $274,000,000 of 3 per cent. bonds remaining that we could pay before 1891, and that at the present rate of taxation they would all be paid off in three years, and it was nevertheless insisted upon by the Secretary that we had to pay forty or fifty million dollars a year to keep up the so-called sinking fund, I called the attention of the Senate to it, and asked the Secretary, by resolution of this body, to tell us what the condition of that sinking fund was, and how he proposed to use and apply the $50,000,000 a year he was demanding, when we had so few bonds that we could pay before 1891 and so few after that before 1907. The Secretary in his reply, in Executive Document No. 41, tells us that we have reduced the public debt since 1867 $1,205,340,363.95, or $455,115,333 more than would have been required by the sinking fund under the provisions of sections 3694 and 3696 of the Revised Statutes, had the requirements of the sinking-fund act been strictly complied with.

That report made it apparent that we were under no obligation to reduce our debt for the purpose of creating any further sinking fund, with $455,000,000 overpaid on that account; and he showed in that report also that there never was any account of that sort kept until 1870, and that it was never kept since 1870 otherwise than as a matter of book-keeping, the Department simply applying whatever surplus we had at the end of each year, no matter whether it was great or small. It must be manifest to all that it is absurd to say that if we have to pay $50,000,000 a year to the sinking fund and have $100,000,000 of surplus, the Secretary, by paying it all in the fiscal year 1883, on the 30th day of June, will leave us in debt to the sinking fund $50,000,000 for the year 1884; whereas if he paid $50,000,000 on the 30th day of June, and $50,000,000 on the 1st day of July, he would have canceled all the obligations to that fund for the years 1883 and 1884, as the payments were made in two fiscal years in the last case and in one in the first.

If the position of the Secretary is correct he could compel us to levy $50,000,000 of taxes, more or less, according to his discretion, in paying $50,000,000 one day or paying it the next day when he had the money, as our trustee, in his hands. I think that report makes this so plain a matter that the Senate will not require the levying of excessive taxes to maintain sinking funds under these conditions, when we are compelled to pass bills like the one now under consideration only because of the rapid and useless payment of bonds required to be kept out as the basis of our currency.

The Secretary tells us further in his annual report that he has no authority to purchase bonds at a premium before maturity or take up any bonds except those payable at the pleasure of the United States, unless by virtue of the act of March 3, 1881, which I read in the hearing of the Senate the other day for the purpose of showing that we ought not to allow that power to exist. The act of 1881 was passed, as I think I showed, to meet an emergency, as was stated by the Senator from Delaware who had charge of it. At the time we passed the bill it was agreed to unanimously, because we supposed it only proposed to allow him to use the money he had on hand to buy such bonds at par as were payable at the pleasure of the United States, and thus prevent a violent contraction of the currency before Congress could again meet by locking up a large amount of surplus revenue in the Treasury.

The great object I have in view is to reduce taxation to the wants of the Government, and not pay off outstanding bonds which national banks and others want and need. The object of other gentlemen—and that is the fault I find with all the proposed amendments—seems to me to be to prepare for the maintenance of a system of taxation beyond the necessities of the Government, and to enhance the value of the bonds far beyond what is needed for a fixed, stable, and simple basis for our currency—in short, to give the banks all that they can possibly squeeze out of the Government by keeping up a speculative price on the bonds. This is illustrated by the extent to which the Senator from Ohio yesterday proposed to go as to the $67,000,000 of currency sixes (as you observed by the tables which he furnished us), that on the currency sixes due in 1899 the banks should be allowed in currency $13.75 for every $10 of bonds deposited, giving them, as the Senator from New Jersey showed, 3 or 4 per cent. more of currency than the bonds would sell for in the market.

So with the four-and-a-halfs and so with the fours; the whole effect of these various schemes being to force up the price of the bonds of the United States, by giving them additional use, to the highest possible point to which they can be forced in a speculative market, and then continue to impose taxes so that we shall have a large annual surplus, as we had the year before last, of over $145,000,000, and last year of $132,879,000, and up to the 1st day of February of the current fiscal year of $65,000,000. It will be over $100,000,000 for the whole year, though the Secretary estimated it at only $85,000,000. The effect will be to force the collection, by the keeping up of taxation, of an enormous surplus of revenue, and then to go into the market and buy these bonds, which you have forced up to the highest possible rate, at any price that the holders see fit to ask for them, and make the people of the United States pay much more than they would be worth but for the artificial value Congress has given them. That seems to be the policy of those who are advocating all these various amendments in the interests of the banks.

Why should these bonds be forced up to an unnatural price? What interest has the United States in doing it? Whenever there is any surplus revenue in the Treasury it must be paid out for some purpose. The worst possible contraction of currency that could befall the people of this country and the most certain destruction of their prosperity would be to allow $100,000,000 surplus revenue collected by taxation, direct or indirect, to remain locked up in the Treasury. That means $100,000,000 of contraction of the currency at once. When that condition of things is brought about outstanding bonds will have to be bought at any premium at which they can be obtained. Of course the more valuable these bonds can be made now the higher premium we will have to pay when we are compelled to buy them, as we soon will be under our existing tariff and tax laws.

I introduced a bill, which I hope to pass, now pending before the Finance Committee—I presume it will be reported adversely—prohibiting the Secretary of the Treasury from buying bonds at a premium without the further order of Congress, as the act of March 3, 1881, never intended to give him that power. I admit that he has it under the letter of the law, and if the bonds of the United States can be made to rise from 21 or 24 per cent. up to 40 per cent., then the holders of the bonds will realize that much more when the interests of the Government require it to buy the bonds or allow the money collected to be locked up in the Treasury.

The object of each move I have made—and I think that is the feeling of the Senator from Delaware and others on the committee who agree with me in regard to this bill—has been simply to protect the currency and maintain the circulation of the bank notes by making it reasonably profitable to the banks to take out circulation, giving them par in notes for all the bonds they hold, not looking specially at the question of the interest of the banks outside of or beyond the general welfare, not looking at the speculative value of the bonds, not seeking unnecessarily to increase their value, when we may soon become the largest purchaser of them, as we shall surely soon become unless we reduce taxation.

One object I have in speaking now is to call attention to the fact that we need no sinking fund, that we need no surplus revenue beyond the wants of the Government, that there is no beneficial object in paying off the bonds rapidly now, because $274,000,000 are all that are outstanding within reach before 1891, of which $201,000,000 are held by the banks, many of them new banks, that desire to hold them, and to urge that we ought to reduce taxation down to the point that will fairly supply the wants of the Government and allow the outstanding bonds to remain and give the people relief from burdens and not keep up taxes to raise over $100,000,000 surplus annually, as we are doing now, for the purpose of buying bonds at an enormous premium. The fours have already gone from 21 to 24 per cent. since the 1st day of December, as I understand, perhaps by reason of this agitation. Allow the banks to have them as proposed by the amendments to this bill and they will go up to 130. Let the Government keep up its revenue and collect $100,000,000 surplus, as we shall do if the laws remain as they are, and in order to avoid the contraction of currency caused by that $100,000,000

being locked up in the Treasury, we shall have to buy the bonds and they will go to 140.

Gentlemen, if there are any such who look specially at the interests of the banks in this bill, may very well endeavor to strain them up to the highest possible price; but those who are endeavoring only to maintain the currency of the country, and yet are endeavoring to protect the banks properly, but not to become their advocates for the purpose of enabling them to make all the money they can, in my judgment can not go any further than the bill reported by the Senator from Delaware goes.

Why, sir, the Senator from Ohio, and, I believe, a majority of the Finance Committee, all who claim to be the leading financial minds of the country, never fail to denounce the silver dollar, as the Senator from Ohio did yesterday, and tell of the embarrassments coming on the country by reason of it, how gold is going to be banished, and how untold ills are threatening us every day. When we restored the silver dollar years ago those same arguments were made. I have the speeches of eight or ten of the leading financial gentlemen before me, and I am almost tempted to read them now to show what evils they predicted years ago would come upon us long before now. Those evils have not come; they are, I believe, as remote now as they were then. They told us gold would fly from the country. We have had the balance of trade in our favor to the amount of $105,000,000 this year, and yet we have exported, I believe, more gold and silver than we imported. We had a large balance of trade in our favor last year, and the difference between gold and silver exports and imports was only about a million and a half.

Let us look and see what the Treasury report shows about this much-despised silver dollar. I heard a distinguished Senator, whose name I will not call, but he is before me now, a leader on the other side of the Chamber, say, and say truly, that the reason silver is so much below gold is because it had been denounced and abused by those who ought to have protected it; that it never had been treated by its own Government or by the men who were administering its affairs as though they desired to make it either respectable, valuable, or desirable. I think until an administration is in power that will say to the people who are seeking to maintain silver coinage all over the world that we will stand by them in good faith, and not in every way, indirectly and directly, abuse our own money and threaten to stop its coinage and repeal everything connected with its use, never until it is supported by those in power will silver have fair play in this country. Yet in spite of all that, the Secretary has to tell us in his last monthly report that there are now gold and silver certificates to the amount of $211,387,671 outstanding, largely over half of it in silver. The contraction of the national-bank currency was only about $9,000,000 during the last year; the increase of silver certificates, the Secretary tells us, was over $14,000,000. These $211,387,671 in the form of gold and silver certificates are more than supplying whatever contraction or diminution may go on in the volume of the bank currency, and it is in a shape that it can not be withdrawn at once, as bank circulation can be, because, looking at the banks from any standpoint you please, they are not agents; their managers are the agents of their stockholders. The moment you appreciate the price of their bonds so high, whether they are currency sixes or any other description, that they can make more money by selling the bonds and giving up their circulation than they can by holding on to the bonds and keeping their circulation they will return the circulation and sell the bonds, and tell Congress, if it complains, that they are not the agents of this Government, they are the agents of their own stockholders; and they will contract or expand their currency whenever they find it profitable to do so.

This Government has no assurance from them that they are going to maintain a stable currency. They will not maintain it a day longer than it is their interest to do so; and whenever you adopt any of the amendments proposed to this bill, that proposed by the Senator from Ohio yesterday or any other looking to see how high we can appreciate the bonds, how many privileges can be given the banks, the very moment they get bonds to the point where large sums of money go into the pockets of their stockholders by a sale of bonds your currency is contracted and the bonds are sold. They have a right to do it, and they would not be faithful agents if they did not do it. Therefore it is that the gold and silver certificates which are now outstanding in the hands of the unorganized masses of the people for gold and silver deposited in the Treasury are the safeguard against that contraction which the banks at any moment may bring upon the people of this country by selling their bonds whenever you put them to a price where it is their interest to do so or keep up surplus revenue which must be applied to the purchase of them.

I have the statement here of the Comptroller of the Currency, Mr. Knox, in answer to questions put to him by the Senator from Delaware, which shows that he was entirely content with this bill. It might be improved in the interest of the banks. Let me read a few words from his interview with the Committee on Finance:

Senator BAYARD. I was not here when you first came, and possibly you may have already discussed the matter. It was my suggestion, and that of others, too, that we should content ourselves by a simple increase of the percentage of currency from ninety to one hundred, the face value of the bonds, without reference to the amount of interest paid, or anything else, treating all the bonds alike; and I understood you to say just now that the right to increase the currency from 90 to 100 per cent. would, in your opinion, increase the value of the obligation.

Comptroller KNOX. Yes.

Senator BAYARD. And of course if you withhold it from some and give it to others there will be a discrimination in that way. Do you see any objection to an increase from 90 to 100 per cent. made broadcast upon all the obligations of the United States which are not deposited as security for currency?

Comptroller KNOX. I am decidedly in favor of having that done. Of course I would like to have something more than that done; but I think that would have a decidedly good effect.

Senator BAYARD. Is there any ulterior or incidental result that is not obvious upon the face of the proposition, if we simply strike out 90 and 100? I am not speaking, of course, of the effects to be produced in the case of the individual holders, because that is an incident of the time. It is suggested that in this way it may possibly at the moment make it advisable for the holders of bonds, whether banks or others, to sell them instead of keeping them. But that is their option.

The CHAIRMAN. If we were to make all bonds depositable with an issue up to par, would not the relief come to the country almost instantly and then cease instead of continuing in the future?

Comptroller KNOX. The effect would be to raise the value of the bond slightly in the market, but the value of the circulation would increase in greater proportion.

Another objection that was very strong against basing circulation on the market value of these securities, is this: The fours are, say, 121 or 124; the four-and-a-halfs are, say, 115. If our circulation is largely in excess of the par value it has to be changed, according to the provisions of the amendments, so as to maintain that ratio whenever the bonds fall from any cause. We are prosperous now; I hope we shall always continue to be; but we may not. We may have foreign wars; we may have other complications; we may have panics, real or fictitious, and the bonds of the United States may go down 10 per cent. in a week. What happens then? Under the amendments now proposed the currency has to be contracted by the Comptroller to the extent that the bonds fall. The United States at the very time it is called upon most loudly and earnestly to support its own credit is compelled by these amendments to accept the truth of the clamor and admit the truth of the depreciation of its bonds, and that too at the very time when we ought to be bolstering up our credit and maintaining it by every means in our power. Think of the folly of contracting the currency in the face of a panic, contracting it in the face of a demand from our enemies. That ought not to be. That will not be under the bill that is now presented. The bonds may be worth more if this bill passes than they are now. I do not know whether the banks that now hold the high-premium bonds paid more than par for them or not. The Government got no more than par; the Government will pay no more than par. We say, "They are as good as gold, and you can have, for the use of the people and your own benefit, circulation upon them up to par, and you can use any kind you like or can get," but we will not put ourselves in a position to be confessing, when by any combination of men, whether foreign or domestic, it is sought to break down the value of the bonds, that we must contract our currency when they combine against us.

It was very well said yesterday by the Senator from Delaware that the proposition we make is a plain and simple one. We were, I repeat, not looking to the banks. The banks, as I have said, have been relieved of taxation to the extent of five million a year; they are relieved from paying their lost notes for three years instead of six months; they have had a renewal of their charters, and they can afford to wait for any further relief in regard to the tax on their circulation until we have given other interests of the country the relief they need. What we have to do now, if we are wise men, is to reduce taxation and stop accumulating great annual surpluses which only disturb business and entail in the end great loss. I am not now going to say how we should reduce taxation. I have very clear ideas as to how it should be done, but that would open a subject about which my friend from Pennsylvania [Mr. MITCHELL] and myself would differ very widely. This, I will repeat: we ought to reduce taxation; the interest of the country demands it; we ought to allow the bonds which are outstanding to remain, drawing in only such surplus as would make it safe according to the taxation we must impose for ordinary expenditures.

By the way, I may say just here if we do upon any occasion fail to lay enough taxes to pay all the expenditures we may make no great harm will be done in the present condition of the credit of the United States. The Secretary tells us he has cash available and in the Treasury on the 1st day of February, 1884, to the amount of $150,775,412.78 in gold lying idle, professedly to protect the greenbacks. If at any time we fail to lay quite as much taxation as the necessities of the Government require in any particular year, fifty millions, yes, seventy-five millions of that one hundred and fifty million, could well be used without the Government of the United States or its credit being injured for a moment by the use of it. There never was any use for half that much money lying there. It may have been well in times gone by, when people doubted our credit, to have something, but to allow one hundred and fifty millions of gold to be lying there now is absurd. There is no man in America or Europe who can say it is needed to secure any obligation of the United States.

I mention that to show that we can reduce our taxes now, in my judgment, safely $75,000,000 a year and still have an ample margin; and that is what we ought to address ourselves to instead of endeavoring to

pay in three years $274,000,000 of bonds, which is all we can pay before December, 1891, and then go into market to buy others at a premium, buy them at any premium anybody sees fit to ask, because, I repeat, the moment we have a large surplus of money in the Treasury we are compelled to buy at any premium because having $100,000,000 surplus locked up in the Treasury would bring panic and disaster to the country in a worse form even than the payment of the premium would. It is a question whether we have not gone too far instead of not far enough.

I think the majority of the committee who voted for this bill were liberal to the banks. However, the banks are out of politics now. I believe there is nobody making war on them nor are they as such interfering in political affairs. We need their circulation for a growing country, and therefore it will be a benefit to us all to maintain it. We propose to say to them, however, that we are only doing this because the currency of the country requires it. It is all they ought to ask. I am opposed to any effort to-day to see if something more can not be squeezed out of us, to see if the bonds can not be appreciated still higher, so that we shall have to buy them at a still higher premium. If the protected and favored classes can raise a clamor about American industry and labor or something else, to prevent a reduction of taxes, they will of course get an enormous premium on the 4 per cent. bonds; they may force us to buy them at premiums perhaps double the rate existing to-day. It is our duty to guard against that. For these and many other reasons which I might give I support the bill as reported, and shall oppose all the amendments that seek to give the banks anything more than this bill proposes to do.

Mr. MORRILL. Mr. President, I do not think I can be tempted to go into the subject of general taxation that the Senator from Kentucky [Mr. BECK] has been so long discussing; I merely propose to occupy a few moments in talking about the bill that is before the Senate; and I wish to say in advance that so far as the bill is concerned it is really inadequate to give any permanent relief. I do not understand that any of us are here advocating a measure for the benefit particularly of the national banks. No one of them has petitioned for any relief. The sole object of the bill and of the amendments before us is to give some relief to the people and some security for the future.

The business of the country has shown in the last week that our measure is insufficient, or that while the proposition has been pending here of allowing 10 per cent. addition to the amount of circulation upon the bonds deposited by the national banks, at the end of one week over $2,000,000 of circulation was surrendered to the Treasury by the national banks, and the bill as proposed by the Senator from Delaware or the Senator from New Jersey now covers over $200,000,000 of the 3 per cents. Everybody knows that to that extent it must prove a mere temporary expedient, and that those 3 per cent. bonds will soon be paid off and cease as any security for bank circulation. Therefore an increase of circulation on that amount will not afford the slightest permanent benefit.

If there is to be anything done, something more than this bill is absolutely necessary. The fact is that men of capital do not find banking business profitable. You will see by the return of the Comptroller in his last report the exact amount that is made when bonds of the 4 per cent. character were only 21 per cent. premium. Now they are 23⅝ per cent. premium; but when they were only 21 per cent. premium all the profits that could be made by their use in national banks, if the rate of interest was at 6 per cent., was fifty-nine hundredths of 1 per cent.; if the rate was 7 per cent. the yearly profit on the circulation would be only thirty-seven hundredths of 1 per cent.; and now when they are 2⅝ per cent. beyond the price at the date of the Comptroller's report, it is quite obvious that the business is not a business that will attract new capital and new men to go into it. Men do not embark in any business where certain loss can be foreseen.

The question for us to consider is whether we will perpetuate a system, and give stability to it, that is for the benefit of the country, for the general welfare of the people. No one asks it for the benefit of the banks; but the question is whether we shall have a withdrawal of bank circulation at the rate of $2,000,000 a week, or even of $50,000,000 or $60,000,000 in the next coming year, and provide some sort of remedy for it.

The substitute proposed by me, in which I hope to have the concurrence of both sides of the Chamber, is to grant a circulation at par on the 3 percents, on the 4½ percents, and on the 6 percents—to that extent it is the same as the bill reported—and when you reach the long bonds having a long term to run, twenty-three years, it is proposed by the substitute that those bonds shall have at the present time 110 per cent. on the dollar deposited, and to be reduced after 1891 at the rate of 1 per cent a year. This may possibly induce parties who wish to engage or continue in banking to purchase these bonds and start or continue business, but even this will hardly effect the object, I fear, so long as the full tax of 1 per cent. on circulation is continued. Many of the banks believe they would lose money by it. They cannot afford to continue the business unless that tax shall be reduced or modified.

When my proposed substitute is read I think it will be easily understood and interpreted everywhere alike. It is at par for all the bonds that have been issued and registered except the 4 percents, and it is 10 per cent. more upon those until 1891, and then year by year 1 per cent. less. The obligation of the United States is just as great to pay the interest at the rate of 4 per cent. as it is the principal. The difference between a bond bearing 4 per cent. and 3 per cent. for twenty-three years is 23 per cent. We only propose to begin with the liberty of issuing circulation to the amount of 110 cents on the dollar.

In all of the failures of our banks hitherto none of them have used more than 70 per cent. of the deposit of bonds. Some of them have not in their failures used any part of the bonds, but have recovered by allowing the bonds to remain in the Treasury until the accumulation of interest has thus been sufficient to cover the whole amount of the deficiency.

Mr. MCPHERSON. Will the Senator yield for a question there?

Mr. MORRILL. As I propose to occupy but a few moments I prefer not to be interrupted.

I wish to say, with the Senator from Delaware [Mr. BAYARD], that there is an absolute security so far as the people are represented who hold the circulation of these notes. There is no country in the world that to-day gives the security that we give for these national-bank notes. In the first place, we have a bond that sells at a premium and will sell at a premium hereafter. In addition to that every stockholder is held to the amount of stock he has in the bank in his private capacity for the redemption of the circulating notes.

I do not like to say I shall not support any one of these measures, because they will do something. I shall vote for any one of them that may receive the favor of a majority of the Senate; but the measure as presented in the amendment which I shall offer as a substitute, in my judgment, is something better than any of the other propositions which have been presented. No one can contend that there is the same security in a 3 per cent. bond payable at the option of the Government and a 4 per cent. bond payable twenty-three years hence. There is a positive difference in value. There is more than the difference that it is proposed to make, and it is not an equality to present a measure of this kind and give the same advantage to a 3 per cent. bond due at the option of the Government, likely soon to be paid, that we do for a bond payable twenty-three years hence.

The amendment proposed by my friend from Ohio [Mr. SHERMAN] I see varies very materially from that proposed by him subsequently; but it will be seen by the calculation that is given in the RECORD of this morning that it proposes to give a circulation on Union Pacific currency bonds that will be more than upon any others, and more perhaps than their par when they arrive at maturity. I should be opposed to that, because they are payable in currency, and I would not at any time have the security that we are to offer below par. If the table is applicable, it would seem that the amount proposed January 1, 1899, would be in excess of par, but I may not be correct, for I confess I do not quite understand the table. The first measure proposes that there shall be 95 per cent. upon the principal and excess of interest over 3 per cent. I think that in the last measure it is proposed that the circulation shall be upon bonds at par and half of the rate of interest above 3 per cent. This, it will be seen, involves arithmetical computation, and will not be as readily understood as will the terms of the substitute offered by me.

If we are to do anything in relation to this matter it does seem to me that we ought to provide something which will have a stable and permanent character enough to induce those who may wish or be forced to change their 3 per cent. bonds or those who wish to embark in the business of national banking to purchase the long bonds, and not have a continual fluctuation in the market or in the amount of circulation that may be issued from day to day. If this could be accomplished I think it would be a very worthy object and one deserving our consideration.

It should be remembered that at the present time our bonds perhaps bear an extravagant rate of premium. Money in the New York market yesterday was 1½ and 2 per cent., and at the same time it was rising in the London market, the rate of interest having been increased by the Bank of England. How long it will be before gold will begin to flow out from this country to England we do not know, but at all events the proposition which I now send to the Chair and offer as a substitute I think is an improvement upon anything else that has been presented. I will ask the Chair if a substitute for the original bill is now in order?

The PRESIDENT *pro tempore*. For the whole bill?

Mr. MORRILL. Yes, sir.

The PRESIDENT *pro tempore*. It is in order, but can not be acted upon until the text of the original is perfected by amendments that may be offered.

Mr. MORRILL. Very well; I will offer it as a substitute and ask to have it read. I will say in addition to what I have already said that I have added to the printed amendment, as it appears on the desks of Senators, a section that will include the gold banks throughout the country, so that they can have the same privilege as to circulation that other banks have. That is to say, they have now only 80 per cent., and hereafter they should have at least as much as others; they certainly ought not to fare any worse. I ask to have the substitute read.

The PRESIDENT *pro tempore*. The Senator from Vermont proposes an amendment to strike out all after the enacting clause of the bill and to insert a substitute. It will be reported for information, and the ques-

tion will be put upon it after the proposed amendments to the text of the bill are disposed of.

The Secretary read as follows:

That upon any deposit already or hereafter made of United States bonds as required by law, any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations in blank, registered and countersigned as provided by law, as follows: On United States 4 per cent. bonds deposited prior to January 1, 1890, an amount in the whole equal to 110 per cent. of the par value of such bonds: *Provided*, That the issue of circulating notes upon the 4 per cent. bonds deposited or held in the first year succeeding January 1, 1890, shall not exceed 109 per cent. of the par value of such bonds, and that the issue on such 4 per cent. bonds deposited or held in each succeeding year shall be 1 per cent. less than in the year preceding, until the limit of issue of such circulating notes is reduced to par: *And provided further*, That on the deposit of any bonds of the United States now authorized by law, except as herein otherwise provided, circulating notes may be issued to an amount not exceeding the par value of such bonds; and at no time shall the total amoun. of such notes issued to any association exceed the amount at such time actually paid in of its capital stock.

SEC. 2. That associations organized for the purpose of issuing notes payable in gold, under the provisions of section 5185 of the Revised Statutes of the United States, upon the deposit of any United States bonds bearing interest payable in gold with the Treasurer of the United States shall be entitled to receive circulating notes to the amount and in the manner prescribed in that act for other national banking associations.

SEC. 3. That all laws and parts of laws of the United States inconsistent with the provisions of this act be, and the same are hereby, repealed.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. SHERMAN].

Mr. ALDRICH. Mr. President, this discussion has disclosed an unexpected degree of unanimity in favor of the national banking system. It is a subject of congratulation that the doubts which have heretofore found lodgment in the minds of Senators have been dispelled, and we find the representatives of both parties cordially co-operating to preserve the bank-note circulation from possible peril. A measure which seeks to maintain the sufficiency and stability of our currency is entitled to be considered in the spirit which has characterized this debate.

The Senator from Delaware, [Mr. BAYARD], in charge of the bill, has stated very clearly the character of the dangers which threaten our currency. He quoted from the last report of the Comptroller as follows:

The Secretary of the Treasury has been compelled, on account of the large receipts of revenue in excess of expenditures, to call in rapidly for payment that portion of the bonded debt which is payable at the pleasure of the United States. During the year ending November 1 more than one hundred and five millions ($105,322,450) of the public debt has been paid, and all of the remaining 3½ per cent. bonds, amounting to $91,596,250, have been called for payment, and ceased to bear interest on November 1. Notwithstanding the fact that two hundred and sixty-two new banks were organized during the past year, with a capital of $28,654,350, depositing $9,375,550 of bonds as a security for circulating notes, the aggregate amount on deposit for that purpose has diminished from $362,490,650 to $352,907,300, a reduction of $9,583,350. More than forty millions of 3½ per cents held by the banks on November 1, 1882, have been withdrawn or called for payment: the threes have increased less than twenty-two millions, and the fours and four-and-a-halfs less than nine millions.

* * * Unless there shall be legislation by the present Congress which shall reduce the receipts of the Government, it is probable that the United States bonds will continue to be paid at the same rate as during the past year, in which event all the threes will be called for redemption within the next three years. This will reduce the bonds held by the banks from $353,000,000 to $151,000,000, and cause a contraction in the national-bank circulation of about $60,000,000 per annum.

The change in the character of securities deposited to secure circulation will be seen by the following:

NOVEMBER 1, 1882.	
Four-and-a-halfs	$33,754,650
Fours	104,927,500
Three-and-a-halfs	40,606,350
Threes	179,675,550
Pacific sixes	3,526,000
Total	362,490,650
NOVEMBER 1, 1883.	
Four-and-a-halfs	$41,319,700
Fours	106,164,850
Three-and-a-halfs	632,000
Threes	201,327,750
Pacific sixes	3,463,000
Total	352,937,300

This statement was based upon the condition of affairs on the 1st of November last.

I now desire to submit a statement of the bonds outstanding at the present time, the amount of each class deposited with the Treasurer as security for circulation, and the percentage of each class so deposited:

Description.	Payable.	Amount outstanding.	Deposited to secure circulation February 12, 1884.	Percentage of issue deposited by national banks.
Four percents	July 1, 1907	$737,946,550	$107,342,700	14.5
Four-and-a-half percents	Sept. 1, 1891	250,000,000	41,928,900	16.8
Pacific Railway sixes	Jan. 16, 1895	2,362,000	.....	.....
Pacific Railway sixes	Nov. 1, 1895	640,000	.....	.....
Pacific Railway sixes	Jan. 1, 1896	3,680,000	.....	.....
Pacific Railway sixes	Feb. 1, 1896	4,320,000	.....	.....
Pacific Railway sixes	Jan. 1, 1897	9,712,000	.....	.....
Pacific Railway sixes	Jan. 1, 1898	29,904,952	.....	.....
Pacific Railway sixes	Jan. 1, 1899	14,004,560	3,488,000	5.4
Three percents	(*)	254,866,550	189,477,950	74.3
Total	.....	1,307,436,612	342,237,550	26.2

* At pleasure of Government.

The whole amount of bonds now outstanding is $1,307,436,612, and of these $342,237,550 are deposited by national banks to secure circulation. Of the 4 per cent. bonds, 14.5 per cent. are so deposited; of the 4½ per cent. bonds, 16.8 per cent.; of the currency sixes, 5.4, and of the 3 per cent. bonds, 74.3 per cent.

The proportion of the 3 percents deposited by banks has been constantly increasing. At the date of the Comptroller's report but two-thirds of the whole amount were held for circulation. At the present time nearly three-fourths are so held. The remaining portion will soon be absorbed by the banks, as they can be held more profitably for this purpose than for any other. On the 1st of November there were $352,937,300 in bonds deposited, against $342,237,550 on the 12th of February, showing a decrease since the 1st of November of $10,699,750. Of the bonds held on the 1st of November, 1883, there were $201,959,750 of threes and three-and-a-halfs, and on the 12th of February $189,477,950 of threes, a decrease of $12,481,800. Within that period, however, there have been called $20,356,700 of threes, showing that the banks must have bought about eight millions of threes to replace those which had been called and paid.

The bank-note circulation is in part based, as shown, upon $189,000,000 of 3 per cent. bonds, payable at the pleasure of the Government, and being paid at the rate of about $100,000,000 per annum. The rapidity of future payments will, of course, depend upon the amount of surplus revenue, which may be increased or decreased by legislation. It is safe to assume that these payments will not be less than fifty millions per annum, and they will probably considerably exceed that sum. But sixty-five million of the 3 percents are now held outside of the banks, and when these are absorbed subsequent calls will be likely to reduce the currency to the full extent of such calls.

But there is also danger of contraction from another source. The 4 and 4½ percents now held by the banks to the extent of $149,271,600 command such a premium that there is a constant temptation for the banks to sell their bonds and retire their notes, the profits on circulation at the present time, based on these bonds, not being sufficient to induce banks to hold them. It will thus be seen that all the bonds now held by the national banks to secure their circulation are either in danger of being called or of being sold by the banks to realize the profit resulting from the high rate of premium.

While it is true that from these causes there is danger of a serious contraction of the bank-note currency, it is not true that the business of the country is suffering from any contraction which has hitherto taken place.

There has, indeed, been a reduction since July 1, 1883, of $10,699,000 of bonds deposited to secure circulation, but the amount of our paper currency has not decreased.

I submit a table showing in detail the amount of legal-tender notes, of national-bank notes, and of silver certificates outstanding on the 1st of July of each year from 1878 to 1883, inclusive, and on the 1st day of February, 1884:

Amount of legal-tender notes, national-bank notes, and silver certificates, and also gold certificates, at the close of each fiscal year from 1878 *to* 1883, *inclusive, and on February* 1, 1884.

Class.	1878.	1879.	1880.	1881.	1882.	1883.	February 1, 1884.
Legal-tender notes	$346,681,016	$346,681,016	$346,681,016	$346,681,016	$346,681,016	$346,681,016	$346,681,016
National-bank notes	324,514,284	329,691,697	344,505,427	355,042,675	358,742,034	356,073,281	‡348,925,009
Silver certificates	1,462,600	2,466,950	12,374,270	51,166,530	66,096,710	†88,616,831	110,137,051
Total	672,657,900	678,839,663	703,560,713	752,890,221	771,519,760	791,371,128	805,743,076
Gold certificates (old issue)	44,367,000	15,413,700	8,004,600	5,782,920	5,037,120	3,503,540	3,156,020
Gold certificates (new issue)*	.....	.....	.....	.....	.....	78,875,100	98,094,600
Total amount of paper currency	717,024,900	694,253,363	711,565,313	758,673,141	776,556,880	873,749,768	906,993,696

*See Treasurer's Report, page 13, for denominations. †See Treasurer's Report, page 12, for denominations. ‡January 24, 1884.

By this table we find that on the 1st of July, 1878, the total issue of paper currency of the kinds mentioned, not including gold certificates, was $672,657,900; and on the 1st of February, 1884, this had increased to $805,743,076. On the 1st of July last, at the close of the last fiscal year, the total amount of paper issue of the classes mentioned was $791,371,128, and on the 1st of February, 1884, was, as stated, $805,743,076. While the national-bank notes had been reduced during this period to the extent of between eight and nine million dollars, the issue of silver certificates had increased from $88,000,000 to $110,000,000, or an increase of twenty-two millions, resulting in a net increase of paper currency, aside from gold certificates, of $14,000,000.

If we include gold certificates in this statement the result will be still more striking. On the 1st of July, 1878, our total paper currency, including gold certificates, was $717,024,900; on the 1st of February, 1884, it was $906,993,696, showing an increase within that period of nearly two hundred millions of dollars. It may be said that the issue of gold certificates does not affect the question under discussion, and it does not, except to the extent that it gives greater mobility and activity to the gold circulation of the country.

It should be said that the amount of gold certificates outstanding has taken the place of an equal amount of gold coin, and that these certificates are almost entirely held by national banks as a part of their reserves, and, except so far as they crowd out the legal-tender notes and silver certificates heretofore held for these purposes, they do not affect the currency of the country.

It is evident that we are not suffering from any contraction or insufficiency of volume of currency. It is true that silver certificates are gradually taking the place of national-bank notes, and that the increase in amount of the former has up to this time more than kept pace with the decrease of the latter.

We are, however, in danger of serious contraction in the future from two causes. I have already alluded to that arising from the possible withdrawal of bonds. We are also liable to suffer from a withdrawal of gold from the country by an adverse balance of trade. The markets for our staple articles of produce in England and upon the continent are in such a state that we are liable to have this adverse balance at any time. The rates for money in New York are lower than in any market in the world. With the Bank of England rate at 3½ per cent. money is being loaned to-day in New York at 1 to 1½ per cent. Of course this wide difference in rates if continued would tend to increase the demand for gold shipments from this country. A withdrawal of $100,000,000 of gold within the next year with sixty to seventy-five million dollars of contraction of bank notes would create an alarming condition of affairs.

From these statements it is evident that our remedial legislation should be such measures as will give to our currency stability and certainty, and which will, if possible, guard against the danger of bank-note contraction to which I have alluded.

In considering the character of this legislation, we are met at the outset with certain limitations upon the action of Congress, fixed by public opinion or perhaps by our own ideas of a wise public policy. I believe no considerable number of Senators or Representatives would be found willing to consent to the substitution for the bonds now held as security for circulation of any other bond or security, either State, municipal, or foreign. I believe that they would not consent to any increase of the national debt, or to any continuance of it beyond the time now fixed by law for its payment, nor agree to surrender the option which the Government now holds to pay the 3 per cent. bonds at pleasure.

Within these limitations what remedies are possible? We can increase the percentage of circulation to be issued upon existing bonds, or we can provide for an exchange of the long bonds now bearing a high rate of interest into bonds bearing a lower rate of equal tenure. I believe that the latter remedy is the only one which will effectively meet the difficulties in this case. Senate bill No. 1050, which embodies this plan of relief, is not now before the Senate, but it was discussed somewhat yesterday by the honorable Senator from Ohio, and I want to put upon record, in answer to the objections which he then made, that it would not be operative and that the banks would not take advantage of it, an opinion of the Comptroller of the Currency given recently, which I will ask the Secretary to read.

The Chief Clerk read as follows:

In my opinion the best bill offered is that now pending in the Senate, which converts the fours into threes, giving 15 per cent. in cash to the holders as an inducement to make the exchange. The new threes which are to be issued under it are to run until 1907, the same date of payment as the fours for which they would be substituted. The new threes would be worth 108 to 109 in the market. I am satisfied that nearly all of the holders of the fours would be glad to make such an exchange, for the reason that the cash which they would receive in the transaction could be loaned at 6 per cent., while at present, invested as it is in the premium, it does not yield an income very much in excess of 2½ per cent. The beautiful feature of this proposed bill is that on each $100,000,000 of new long threes issued $15,000,000 of revenue would be disbursed, thus preventing the necessity of calling that amount of the threes which are now payable at the pleasure of the Government. Thus if $300,000,000 were exchanged during the present year, it would save the necessity of calling $45,000,000 of old threes during that period. All the trouble in reference to contraction of the circulation would be thus avoided through a process which is both advantageous to the Government and to the banks. There would be no further anxiety anywhere upon the subject, for the threes now held by the banks would continue to be held by them so long as the process of exchange of the fours to long threes was continued. I feel certain that long prior to the maturity of the four-and a-halfs all of the fours will have been converted into long threes, the Government at that date (which will be 1891) having no bond of any kind outstanding bearing interest at a higher rate than 3 per cent.

Mr. ALDRICH. I will also place in the RECORD, but will not stop to read them, computations made by the Government actuary, Mr. E. B. Elliott, showing the results to the Government and to the banks if this plan should be carried into effect:

UNITED STATES TREASURY DEPARTMENT.
Washington, D. C., January 21, 1884.

DEAR SIR: Your first two questions were as follows:

"1. With a realized rate of interest of 3 per cent., what sum could the Government now afford to pay on each $100 of bonds to have the rate of interest reduced from 4 to 3 per cent. on the bonds due July 1, 1907?"

"2. Same question, with a realized rate of interest of 2½ per cent."

In answer to the first question I would say that the Government could afford to pay on each $100 so exchanged $16.82.

In answer to the second question I would say that the Government could afford to pay on each $100 of bonds so exchanged $17.77.

Respectfully,

E. B. ELLIOTT,
Government Actuary.

Hon. NELSON W. ALDRICH,
United States Senate.

OFFICE OF GOVERNMENT ACTUARY,
UNITED STATES TREASURY DEPARTMENT,
Washington, D. C., January 23, 1884.

Hon. NELSON W. ALDRICH,
United States Senate:

DEAR SIR: I inclose herewith answers to the third inquiry of your note of the 15th instant.

The question was as follows:

"3. What would be the relative rates of entire and annual profit to a national bank on circulation based on 4 per cent. bonds due in 1907, bought at 123, and on a 3 per cent. bond due at same time bought at 108; 90 per cent. of par value to be issued in the first instance and 100 per cent. in the latter; the profits to be given at realized rates of interest of 5, 6, 7, and 8 per cent.?

Answer to question 3, *as to relative rates of profit, bonds to run* 23½ *years.*

Rate realized to investors.	Entire profit rate.		Annual profit rate.		Advantage to holders of 3 per cent. bonds at 108.
	4 per cent. bonds bought at 123.	3 per cent. bonds bought at 108.	4 per cent. bonds bought at 123.	3 per cent. bonds bought at 108.	
					Per ct.
Five per cent	.10426	.18108	.00757	.01314	.56
Six per cent	.06819	.15842	.00543	.01262	.72
Seven per cent	.03781	.13868	.00324	.01207	.88
Eight per cent	.01041	.12424	.00099	.01151	1.05

I shall content myself with placing this opinion and these statements in contrast with the opinion given yesterday by the honorable Senator from Ohio, and shall not detain the Senate to discuss the bill at this time, but will consider the various plans for increasing circulation based on existing bonds.

The feature of the national banking system which has given that system its greatest hold upon popular favor has been the uniform value of its notes and the undoubted security which the note-holder has had at all times and under all circumstances. To destroy this security, to impair it in any way, or to adopt a plan which will require an intricate computation to determine either the measure or the adequacy of the security deposited, would be fatal to the system. The security must not only be undoubted, but the method of issue must be simple and easily understood.

The bill reported from the Finance Committee is both simple and safe; but will it guard against the dangers I have pointed out? I think it will not, and that the ultimate effect of it will be to accelerate and intensify the evil results which it is intended to obviate. In order to continue the existing amount of national-bank circulation it is necessary that the banks should exchange the 3 per cent. bonds which they now hold for those bearing a higher rate of interest and due at a later period. If payments of 3 per cent. bonds should be made with the rapidity which is anticipated by some Senators, it is evident that the only effective relief from rapid and arbitrary contraction must be found in making it profitable to banks to buy and hold long bonds as a basis for circulation.

Does the bill of the committee offer any inducement for banks to make this exchange? I think this question must be answered in the negative. It preserves the same relative relations between the various classes of bonds that now exist. It proposes to issue, instead of 90 per cent., 100 per cent., or par, upon all bonds. Let us examine for a moment what the effect would be upon the banks should the bill become a law. For this purpose I submit and place in the RECORD a state-

ment showing the profits upon circulation based on these various classes of bonds both at 90 and at 100 per cent.

Table showing profits on circulation based on different classes of United States bonds, issued at the rates of 90 and 100 per cent. on the par value of the bonds; together with the difference in the profits based upon the two rates.

Bonds.	Premium.	Time to run.	Rate of interest.	90 per cent.	100 per cent.	Difference of profit.
Four per cent	124	23½ years	5	.66	.98	.32
Do	124	do	6	.44	.84	.40
Do	124	do	7	.22	.69	.47
Do	124	do	8	.00	.55	.55
Four and a half per cent	114	7¾ years	5	.76	1.11	.35
Do	114	do	6	.60	1.04	.44
Do	114	do	7	.44	.97	.53
Do	114	do	8	.28	.90	.62
Three per cent	104	5 years	5	.62	1.01	.39
Do	104	do	6	.51	.98	.47
Do	104	do	7	.39	.95	.56
Do	104	do	8	.27	.92	.65
Three per cent	100	1 year	5	1.56	1.95	.39
Do	100	do	6	1.46	1.95	.49
Do	100	do	7	1.36	1.95	.59
Do	110	do	8	1.26	1.95	.69

The table shows a greater increase in profits upon the threes than upon fours, and the change in relative position of the bonds, so far as it is changed at all, results in a benefit to the holders of 3 per cent. bonds.

On examination we find that a large portion of 4 per cent. bonds now held by banks to secure circulation were originally purchased in 1879 at par, and have been held continuously from that time to the present. The only important exception was in 1881, when there was a sudden rise in price and the amount was reduced by sales $20,000,000. With that exception the amount of 4 per cent. bonds held by banks has remained substantially unchanged, proving that banks have never bought these bonds at a high rate of premium as a basis of circulation. It is true that recently, under the hope that some legislation for their benefit might be secured, banks have increased their holdings in fours to the extent of two or three million dollars, but not more.

Banks that purchased the fours at par or less have retained them because they afford a large profit on the original investment.

I will place in the RECORD a statement showing the amount of 4 and 4½ per cent. bonds which have been held by the banks in each year from 1879 down to the present time:

United States bonds held as security for circulation by national banks.

Date.	4½ per cent. bonds.	4 per cent. bonds.	Aggregate of all bonds.
July 1, 1879	$35,056,550	$118,538,950	$354,254,600
July 1, 1880	37,760,950	126,076,300	361,652,050
July 1, 1881	32,600,500	93,637,700	360,488,400
July 1, 1882	32,752,650	97,429,800	357,812,700
July 1, 1883	39,408,500	104,954,650	353,029,500
February 12, 1884	41,944,900	107,382,700	342,210,050

This shows one increase of four-and-a-halfs of about $7,000,000 since 1879 and a decrease of fours of about $11,000,000 in the same time.

It is safe to assert that a bank can not afford to buy bonds at 124 or 125 and hold them as a basis for circulation at the present rate of profit, and this will be true whether you pass the bill reported by the committee or not. Suppose a bank of $100,000 capital entitled if the pending bill becomes a law to $100,000 in circulation. This involves the purchase of $100,000 in bonds at 24 per cent. premium, or $124,000 for bonds. One-quarter of the entire capital of the bank is thus placed in a premium account, which must be depreciated from year to year until it is entirely lost at the maturity of the bonds, and which may be destroyed or greatly reduced at any time by a financial panic or a period of great business depression. Will prudent business men buy bonds under these circumstances? I think not. They never have done it to any extent, and I do not think they will hereafter. They certainly will not unless the tax on circulation should be abolished.

Mr. MCPHERSON. May I ask the Senator a question?

Mr. ALDRICH. Certainly.

Mr. MCPHERSON. I ask the Senator in what manner his bill is a remedy? If, as he avers, no bank to-day can afford to buy the 4 per cent. bonds at 124 and receive in circulation the par value of the bonds, after the passage of his bill, if such a thing were possible, the bonds would increase in value 10 or 15 per cent. more. In what way would he disturb the proportion? Since this bill was agitated, the 1st day of December, the 4 per cent. bonds have risen 4 and 5 per cent. in their market value, and with the additional facility the Senator proposes to give the natural consequence will be that the bonds will rise in their market value.

Mr. ALDRICH. I do not know to which measure the Senator alludes as my bill.

Mr. MCPHERSON. I speak of the one that the Senator from Vermont [Mr. MORRILL] has offered.

Mr. ALDRICH. I have already stated, and I will repeat, that I think the only remedy which would be effective in this case is to provide a long bond at a low rate of interest which can be held by banks at about par. If I am obliged to choose between expedients, between temporary remedies, I greatly prefer the amendment offered by the Senator from Vermont, because it does offer an inducement to banks to purchase and hold 4 per cent. bonds.

Mr. MCPHERSON. The Senator then will see very clearly that he is debating a proposition not before the Senate.

Mr. ALDRICH. I am not debating it; I am stating the defects in the bill reported by the Finance Committee as they appear to me; and I propose later to show that the amendment offered by the Senator from Vermont is a better proposition. I have stated that banks have not bought 4 per cent. bonds to any extent and I have stated my belief that they will not, and have shown that for a series of years the amount held has not changed.

Now, it would have been more profitable in every year from 1879 to last year for banks to buy and to hold 4 per cent. bonds than it would be under the bill of the Senator from New Jersey. I propose to show that fact by a table which I will present, showing approximately the average annual price of these bonds in each year from 1878 down to the present time, with the realized rate of interest to purchasers of these bonds, and showing, I believe conclusively, that if banks have not bought these long bonds at a comparatively low rates of premium when they could have realized greater profits and better results, they will not buy them now with the greatly increased premium upon them.

Table showing the average annual price of bonds, with the realized rate of interest to investors.

Years.	4 percents.		4½ percents.		5 percents.	
	Average prices.	Realized rate of interest.	Average prices.	Realized rate of interest.	Average prices.	Realized rate of interest.
1878	101	3.94	103	4.20	105	3.24
1879	102	3.88	106	3.87	104	2.93
1880	109	3.48	110	3.40	103	1.96
1881	116	3.10	113	2.99		
1882	120	2.87	114	2.73		
1883	120	2.84	114	2.55		
1884	124	2.65	114	2.32		

[From Report of Comptroller of Currency for 1883.]

RATES OF INTEREST IN NEW YORK CITY.

The average rate of interest in New York city for each of the fiscal years from 1878 to 1883, inclusive, as ascertained from data derived from the Journal of Commerce and The Commercial and Financial Chronicle, was as follows:

For 1878, commercial paper, 5.1 per cent.
For 1879, commercial paper, 4.4 per cent.
For 1880, commercial paper, 5.3 per cent.
For 1881, commercial paper, 5.0 per cent.
For 1882, commercial paper, 5.4 per cent.
For 1883, commercial paper, 5.7 per cent.

The bill proposed by the Senator from New Jersey and adopted by the Finance Committee will immediately increase the amount of our paper currency to the extent of $30,000,000 or $35,000,000 at a time when the increase is not needed, but when the emergency comes, when the 3 per cent. bonds are to be rapidly decreased and when the temptation is even still stronger to sell 4 per cent. bonds, it will furnish no barrier to disastrous contraction. The 3 per cent. bonds pay 2 per cent. profit upon circulation; the 4 per cent. bonds only a trifle over three-quarters of 1 per cent. What sane man would buy 4 per cent. bonds at 124 premium when he can buy a bond at par that will realize him 2 per cent. profit?

Mr. MCPHERSON. The Senator is generous; perhaps he will yield again right in that connection.

Mr. ALDRICH. Certainly.

Mr. MCPHERSON. I want to call his attention to the natural consequence of the statement he has made. He says we are doing what we do not want to do at the present time.

Mr. ALDRICH. Perhaps I should have qualified it by saying what I do not want to do.

Mr. MCPHERSON. He also says he prefers the bill of the Senator from Vermont. The bill of the Senator from Vermont inflates the currency immediately $10,000,000 more than could possibly be done under the bill of the Finance Committee.

Mr. ALDRICH. I agree to that, and I will give my reasons for preferring that measure, even with this defect in it, as I proceed. It is true that the amendment offered by the Senator from Vermont does increase the amount of currency obtainable more than the bill offered by the Senator from New Jersey, but it does another very important thing

which the committee bill does not do. It offers an inducement to the banks to hold fours, which must be offered and accepted in order to retain anything like the present amount of national-bank note currency for a continued period.

Mr. MCPHERSON. Will the Senator admit this fact? If the bonds rise 10 or 15 per cent. in value does it affect the situation? If the bonds should rise in market value in proportion to the amount of circulation you give, would it have that effect?

Mr. ALDRICH. I do not think I understand the Senator's question.

Mr. MCPHERSON. Would it be any inducement whatever to banks to invest in 4 percents if the natural consequence of passing the measure of the Senator from Vermont should be to increase the market value of the 4 per cent. bonds?

Mr. ALDRICH. I do not think it would. I will answer that question very frankly. If the bonds go up to 135 or 140, a result not likely to occur, I do not think the banks would buy them, even under the provisions of the amendment suggested by the Senator from Vermont.

I assume that the volume of our currency should not depend upon the fluctuating price of the securities upon which it is based. It should not depend upon the market value of securities, nor upon the prospective profits or losses of banks. It should be based upon a bond which would remain about par, and the volume of bank notes should be contracted or expanded to meet the changing requirements of business.

Mr. PLUMB. Will the Senator from Rhode Island permit me to ask him a question?

Mr. ALDRICH. Certainly.

Mr. PLUMB. I will ask him if there has been any relation, direct or indirect, between the recent diminution in the volume of the national-bank currency and the necessity of the country for the issue of that currency?

Mr. ALDRICH. I do not think there has been, for the reasons which I have suggested. We have two classes of bonds, as I have already stated: one worth a large premium, furnishing a great temptation for banks to sell; one constantly diminished by redemptions. This peculiar condition has prevented the natural increase of bank-note currency and is liable to precipitate violent contraction without regard to the wants of business.

Mr. PLUMB. Then, if I understand the logic of the Senator's statement, it is that if the volume of currency is based upon bonds that are at a considerable premium there will be the consequent inducement to the holders of the bonds to sell and realize the premium, irrespective of the demand of the country for currency.

Mr. ALDRICH. Undoubtedly.

Mr. PLUMB. And thus the currency will be based upon a shifting foundation so far as the volume is concerned. I am not speaking of the value at any particular time; but the volume of the currency is based upon a foundation which is constantly shifting.

Mr. ALDRICH. I do not quite understand what the Senator means by "shifting."

Mr. PLUMB. That is to say, the question of the volume of the currency does not cut any figure with the bank, or does not amount to anything in regard to diminishing or increasing it, but it is subject to the profit which the bank seeks to realize on the currency.

Mr. ALDRICH. Undoubtedly, and it is this state of affairs that I want to find a remedy for.

I will say just a few words in regard to the proposition offered by the Senator from Vermont. It has some defects, I agree, but it seems to me to be the best and the simplest method which has been suggested which offers any inducement to banks to increase their holdings of 4 per cent. bonds. It proposes for the next six years to issue on the 4 per cent. bonds 110 per cent. of currency, with a regularly decreasing amount in the next ten years of 1 per cent. each year, and after 1900 to issue circulation to par. For thirteen years there will be no fluctuation, no forced contraction of currency, and for ten years there is a diminishing rate of 1 per cent. per annum. It is simple, it is easily understood, and I am in hopes that to some extent it would remedy the defects which I have pointed out in the bill offered by the Senator from New Jersey.

I desire to add just a few words in regard to the amendment last offered by the Senator from Ohio. I have already stated that I did not think it wise to propose or adopt any plan which would require an intricate and complex computation to determine the extent and adequacy of the security for national-bank circulation. This plan fixes an arbitrary sum, which represents neither the market value of the bonds nor the correct mathematical relation between the various classes, and proposes to issue currency based upon this. The effect of this amendment upon the various classes of bonds is to give an advantage to the currency sixes.

Mr. ALLISON. You are speaking of the amendment now.

Mr. ALDRICH. I am speaking of the amendment now pending. The measure as originally submitted would have given on one class of currency sixes, as the Senator from New Jersey pointed out yesterday, 137.75 on each $100 of currency, an amount in excess of the market value of the bonds; but the amendment as it is now presented would reduce the amount of currency to be issued on this class to 122½. There are only $63,400,000 of these bonds, issued at seven different times, varying in amounts from $640,000 to $29,000,000. They are in the hands of a very few holders.

If based on 4 per cent. bonds under the terms of the amendment offered by the chairman of the Finance Committee the profit on circulation, with interest at 6 per cent., as shown by a computation made in the Treasury Department, would be 1.04 per cent., on an average issue of 105 per cent.; on the 4½ per cent. bonds under the bill reported by the committee or the amendment offered by the chairman the profits would be precisely the same, 1.04 per cent.; on the 6 percents due in 1899, either by the original bill reported by the committee or by the amendment proposed by the Senator from Vermont, the profit would be 1.19 per cent., showing a greater rate of profit than upon any other class except the threes, on which the profit would be by the pending bill 1.95.

The market price to-day of currency sixes due in 1899 is about 137. This realizes a rate of interest to investors of about 2.93 per cent., while the 4 percents realize to investors but 2.66 per cent., showing that the classes of bonds having a longer time to run are more sought for in the market and have a higher relative value than the currency sixes, and showing also that under the pending bill the currency sixes have an advantage over the other bonds. By the amendment first offered by the Senator from Ohio the profit of circulation on currency sixes would be 2.48 per cent. Under the amendment last offered by him the profit would be 1.65 per cent.; showing that the only practical difference between these plans is a difference which applies to the currency sixes, or at least applies to them to a greater extent than to any other class of bonds.

The amendment of the Senator from Ohio would authorize eight different amounts of circulation to be issued upon the deposit of the same amount of bonds, and each of these amounts would change every year. I do not believe that we should be justified by any existing emergency in adopting such a complicated system as this. The amendment suggested by the Senator from Vermont, it is true, applies to only one class of bonds, but it is that class which will remain outstanding for the longest period, and which represents $737,000,000 of the indebtedness.

I have detained the Senate longer than I intended, and I beg to thank Senators for their attention.

Mr. PLUMB. Mr. President——

Mr. COCKRELL. Does the Senator from Kansas desire to speak this evening?

Mr. PLUMB. I have no special desire to do so, but I think it is best. I think the debate had better go on, so as to get rid of the matter as soon as we can.

Mr. VEST. Will the Senator from Kansas allow me to offer an amendment as a substitute for the bill? I want to have it printed.

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. PLUMB. I yield to have the amendment read.

The PRESIDENT *pro tempore*. Does the Senator from Missouri desire to have his proposed amendment reported?

Mr. VEST. Yes, sir; let it be read.

The PRESIDENT *pro tempore*. It will be reported for information, if there be no objection.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That whenever any of the bonds of the United States become subject to redemption, and such bonds are deposited with the Treasurer of the United States as security for the circulating notes of any national banking association, the Secretary of the Treasury is hereby authorized to exchange the notes hereinafter authorized to be issued for such bonds at their par value and accrued interest, or he may exchange the notes to be issued as aforesaid, at their par value, for standard gold or silver coin, and redeem said bonds therewith; and the deposit of lawful money to redeem the outstanding circulation of said banking association may be made in legal-tender notes or the notes hereinafter authorized; and thereafter the circulating notes of said bank shall be redeemed at the Treasury of the United States, and when so redeemed they shall be canceled and destroyed.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to cause to be printed and engraved Treasury notes of the United States, with such devices and descriptions as he may direct and approve, in denominations of ten, twenty, fifty, one hundred, and one thousand dollars, which shall be made payable on demand at the office of the assistant treasurer in the city of New York in standard gold or silver coin, when presented in sums of not less than $100; and said notes shall be signed by the Treasurer and countersigned by the Register of the Treasury, or their signatures thereto engraved. Said notes shall be receivable by the United States for all taxes, customs, dues, demands, and claims of the United States, and shall be received at par in all parts of the United States in payment for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except when some other mode of payment is provided by law; and when received into the Treasury the same may be reissued. And in order to provide for the prompt redemption of the Treasury notes thus authorized to be issued the Secretary of the Treasury shall maintain a redemption fund, in standard gold and silver coin, by setting aside from accruing surplus revenues, from time to time, or from the exchange of legal-tender notes, or the Treasury notes in this section authorized, for standard gold or silver coin, such sums as with the fund now held in the Treasury for the redemption of the legal-tender notes will constitute not less than 20 per cent. of the aggregate of the outstanding legal-tender notes and of the Treasury notes hereby authorized: *Provided*, That the Treasury notes thus authorized to be issued in exchange and redemption of the bonds described in the first section of this act shall not exceed the amount of the note circulation of the national banking associations outstanding and secured by such bonds.

SEC. 3. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

The PRESIDENT *pro tempore*. The proposed amendment will be printed.

Mr. PLUMB. Mr. President——

Mr. HARRIS. I inquire of the Senator from Kansas if he will yield to a motion that the Senate proceed to the consideration of executive business.

Mr. MORGAN. Before that motion is made I ask indulgence——

Mr. PLUMB. I will yield to that motion, though I am willing to go on.

Mr. MORGAN. I wish to present an amendment, that it may be read and printed.

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield for another amendment to be read?

Mr. PLUMB. I will yield to have the amendment of the Senator from Alabama read. I do not care to occupy the attention of the Senate over fifteen minutes, I think, and certainly it is my disposition to have this bill go forward. I do not care to have that feeling of mine operate to prevent any other Senator having his way about the Senate adjourning.

Mr. HARRIS. Of course, if the Senator prefers to proceed now I withdraw the suggestion.

The PRESIDENT *pro tempore*. The Senator from Alabama [Mr. MORGAN] proposes an amendment, which will be read.

The Secretary read the following amendment proposed to be added to the bill:

SEC. —. When any bonds of the United States deposited in the Treasury by a banking association to secure its circulation are called and paid by the Government, such banking association shall have the right to substitute in the place thereof bonds issued by any of the States, and the bonds so deposited, as to their assignment, management, control, sale, or disposal, shall in all respects be subject to the laws which govern the said banking associations and the officers and agents of the United States with respect to the bonds for which said State bonds are substituted so far as the same are applicable. But said bonds of the States shall not be received as a substitute for bonds of the United States so called and paid at a rate exceeding — per cent. of their value on the face thereof. Nor shall the bonds of any State be received on deposit unless the interest theretofore accrued on the same for the period of five years previous to such deposit shall have been duly paid. Nor shall any such bonds be so received on deposit when the same are worth less than par in the city of New York.

SEC. —. The interest accruing on such State bonds, after the same are assigned and deposited in accordance with this act, shall be received by the Treasurer of the United States and placed to the credit of the banking association that has deposited the bonds, and shall be paid over to such banking association unless the Secretary of the Treasury shall direct that the same shall be retained in the Treasury to make good any depreciation in the value of the State bonds deposited by such banking association, or because of the failure of any banking association to provide funds as required by law to redeem its circulation, or because of its failure to pay any sum of money that may be charged to such banking association on the books of the Treasury Department.

SEC. —. At any time that the Secretary of the Treasury shall conclude that a sale of such State bonds so deposited is necessary for the security or protection of the Government of the United States in respect of the redemption of the circulation which such bonds are deposited to secure, he shall proceed to cause said bonds to be sold in the open market in New York to the highest bidder for cash, and such sale shall convey a complete title to said bonds to the purchaser. But no such sale shall be made until after thirty days from the date of a notice that the Secretary of the Treasury shall give to the banking association that has deposited such State bonds, requiring such banking association to redeem said bonds by the deposit in the Treasury of the sum of ——, lawful money of the United States, equal to so much of the circulation of such banking association as such State bonds were deposited to secure.

And if, after the sale of such bonds, any deficit remains in the sum required to redeem the circulation of any such banking association to the extent that the same is based upon and secured by such bonds, such banking association shall pay the same into the Treasury of the United States within thirty days after it has been notified of the amount of the deficit by the Secretary of the Treasury, and failing so to pay such deficit, such banking association shall forfeit its charter, and shall be put into liquidation in accordance with the laws governing the winding up of such associations.

SEC. —. The Secretary of the Treasury shall have power to make all needful rules and regulations for carrying into effect the provisions of this act.

The PRESIDENT *pro tempore*. The amendment will be printed.

Mr. PLUMB. Mr. President, I yield the floor for the purpose of enabling the Senator from Tennessee to make his motion, as I understand he desires to do so.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

CAST-IRON CANNON.

Mr. LOGAN. Before that is done I wish to submit the following resolution:

Resolved, That the Secretary of War be directed to report to the Senate as soon as possible the number, caliber, weight, and value of all cast-iron cannon on hand condemned or unfit for use and not heretofore disposed of or appropriated.

The resolution was considered by unanimous consent, and agreed to.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee [Mr. HARRIS], that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-one minutes spent in executive session the doors were reopened, and (at 5 o'clock and 44 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 14, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

CHANGE OF REFERENCE.

Mr. LANHAM. Mr. Speaker, I rise to a question of privilege. I desire to move a change of reference of a communication from the President of the United States. On yesterday the House received a communication from the President, transmitting a letter from the Secretary of the Interior with reference to the boundary line between the Indian Territory and the State of Texas. That communication was referred to the Committee on the Judiciary. I think it should have been referred to the Committee on the Territories, because the Committee on the Territories have had the matter under consideration, and reported a bill which is now pending before the House.

The SPEAKER. Under the rules of the House this communication would not go to the Committee on the Territories, though it may be proper to make that reference for the reasons assigned by the gentleman from Texas. The Chair directed its reference to the Judiciary Committee on the supposition that it related to a construction of the statutes with reference to the boundary line in question.

Mr. LANHAM. It involves only a question of fact, and provides for the establishment of a commission to be appointed by the State of Texas and the President of the United States to consider the subject.

I move, therefore, that the Committee on the Judiciary be discharged from the further consideration of this communication, and that the same be referred to the Committee on the Territories.

The motion was agreed to.

FLOODS IN THE OHIO.

Mr. MCKINLEY. Mr. Speaker, I ask unanimous consent to have read the telegram from a leading citizen of the city of Cleveland, in my State, detailing the great distress occasioned by the prevailing floods throughout the State. I send the telegram to the Clerk's desk and ask that it may be read and referred to the Committee on Appropriations. I trust that the committee will promptly consider the distress now prevailing in the State and give immediate relief by reporting a resolution making additional appropriations for that purpose. It should be done at once in answer to the call of suffering.

The SPEAKER. Without objection the telegram referred to by the gentleman from Ohio will be read and referred to the Committee on Appropriations.

There was no objection, and it was ordered accordingly.

The telegram is as follows:

CLEVELAND, OHIO, *February* 14, 1884.

Hon. WILLIAM MCKINLEY,
House of Representatives, Washington, D. C.:

Mathematical calculations of the area of the watershed of the Ohio, fall of snow and rains, indicate that the flood will not subside to within the river banks under fifteen days. Should the rains continue it will be longer. The flood is close on to seventy-one feet and rising faster than ever—perhaps seventy-five feet will be reached, nine feet higher than ever before. Ten thousand homes ruined; no insurance, of course; probably 100,000 homeless and foodless, of the best class of our people. The Signal Service reports a cold blizzard from Dakota coming eastward. When it reaches here the loss of lives will be awful. Congress should increase appropriations to one million, and employ all the steamers possible to go up and down and rescue. Time is precious. People would contribute enough, but it takes too long, and thousands would die in the mean while.

EDWIN COWLES.

DAM AT SAINT CLOUD, MINN.

Mr. NELSON. I rise to a privileged question. Two days ago the Committee on Commerce reported back the bill (H. R. 3678) authorizing the Saint Cloud Water-Power Company to construct a dam across the Mississippi River at Saint Cloud, Minn., with the recommendation that it be referred to the Committee on Rivers and Harbors. Upon the objection of the chairman of that committee the bill was placed upon the House Calendar. I now move that it be referred back to the Committee on Commerce.

The SPEAKER. That is not a privileged question; but the Chair will present it, if there be no objection.

There being no objection, the bill was taken from the House Calendar and referred back to the Committee on Commerce.

ORDER OF BUSINESS.

Mr. BEACH. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. BEACH. I wish to make a change of reference of a petition and papers which were referred to the Committee on the Post-Office and Post-Roads.

The SPEAKER. That must be done through the petition-box, under the rule.

Mr. BEACH. It was a reference to the Committee on the Post-Office and Post-Roads.

The SPEAKER. The rules provide expressly where a petition has

been referred erroneously the committee itself can make the right reference through the petition-box.

Mr. BEACH. I was not aware of that.

BUILDING FOR CONGRESSIONAL LIBRARY.

Mr. SINGLETON. I ask unanimous consent to take from the Speaker's table the bill (S. 1139) for the construction of a building for the Congressional Library, and to have it referred to the House Committee on the Library.

Mr. HOLMAN. I think that should not be done out of the regular order.

The SPEAKER. Objection is made.

Mr. HOLMAN. I withdraw the objection.

There being no further objection, the bill (S. 1139) authorizing the construction of a building for the accommodation of the Congressional Library was taken from the Speaker's table, read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ORDER OF BUSINESS.

Mr. TURNER, of Georgia. I call up the contested-election case of Chalmers *vs.* Manning.

Mr. WELLER addressed the Chair.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] has the floor.

Mr. WELLER. I desire the gentleman to yield to me for a moment, that I may present these soldiers' petitions which I hold in my hand.

Mr. TURNER, of Georgia. The gentleman from Maryland [Mr. COVINGTON] desires to submit a matter which he says is important. I yield to him for the report which he desires to submit if it will give rise to no debate.

FURNITURE FOR COMMITTEE-ROOMS.

Mr. COVINGTON. I am directed by the Committee on Accounts to report back the resolution which I send to the desk with the recommendation that it be adopted.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, directed to purchase the necessary furniture and carpeting for the rooms of the Committee on Rivers and Harbors and the Committee on Reform in the Civil Service, subject to the approval of the Committee on Accounts, and pay for the same out of the contingent fund of the House.

Mr. COVINGTON. Let the report be read.

The report was read, as follows:

The Committee on Accounts, having considered H. R. resolution No. —, directing the Clerk of the House to purchase the necessary furniture and carpeting for the rooms of the Committee on Rivers and Harbors and the Committee on Reform in the Civil Service, and pay for the same out of the contingent fund of the House, submit the following report:

The reason for asking the passage of this resolution is to give the Clerk of the House authority to pay for the furniture required to furnish the rooms assigned to these committees out of the contingent fund of the House, which is now required to be paid out of the furniture fund.

The specific appropriation for furniture is so nearly exhausted that, in the opinion of the committee, there may not be sufficient left to furnish these rooms and meet other necessary contingent expenses, but there is a sufficient amount in the contingent fund for this purpose.

When the appropriation for furniture was made the furnishing of additional committee-rooms was not considered, and consequently no estimates for that purpose were made. The furnishing of these rooms is a matter of necessity, and therefore the committee recommend that the resolution do pass.

Mr. HOLMAN. When this subject was before the House on a former occasion and these changes were proposed to be made it was stated the expense would probably reach $200. I infer from this resolution and report that considerable expense is to be involved, and I trust the gentleman from Maryland the chairman of the Committee on Accounts will state to the House what portion of the contingent fund is made available by this resolution.

Mr. TURNER, of Georgia. I can not yield now for debate.

Mr. HOLMAN. I trust there will be an answer to this question. This is a privileged report.

The SPEAKER. The report is now before the House for consideration.

Mr. COVINGTON. I do not want to take advantage of the kindness of the gentleman from Georgia.

The SPEAKER. The gentleman can withdraw the report if he chooses.

Mr. COVINGTON. I can give the explanation in a moment. The furniture fund, as it is technically called, is, I am informed, nearly exhausted. This resolution simply turns over a part of the contingent fund of the House to supplying furniture for the two committee-rooms named. When the furniture fund was created these committees were not separated from the standing committees of the House.

The sum of $10,000 was appropriated as a distinct furniture fund. That fund, I am told, upon a reliable authority, is nearly exhausted. I think it is down to some $1,400. The object now is to allow these two rooms to be furnished out of the contingent fund of the House.

Mr. HOLMAN. I trust the gentleman will state the amount that will probably be involved.

Mr. COVINGTON. The purchases have not been made; I am not able to state the amount, because I have not been informed by the Clerk of the House.

The SPEAKER. The question is on the adoption of the resolution reported by the committee.

The resolution was adopted.

Mr. COVINGTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EARNINGS OF UNITED STATES MARSHALS, ETC.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House of Representatives adopted January 16, 1884, a statement showing the gross earnings per annum of United States marshals, attorneys, and clerks, and the expenses of their offices, and the net earnings which have been paid to them each year from the beginning of the fiscal year 1873 to the close of the fiscal year 1883; which was referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

CONTESTED ELECTION—CHALMERS VS. MANNING.

Mr. TURNER, of Georgia. I demand the regular order.

The SPEAKER. The gentleman from Georgia calls up as the regular order the unfinished business, which is the consideration of the report of the Committee on Elections on the contested-election case of J. R. Chalmers *vs.* Van H. Manning from the second Congressional district of Mississippi. The gentleman from Colorado [Mr. BELFORD] is entitled to the floor for fifteen minutes.

Mr. BELFORD. During the years I have spent in this House I have noticed that political contests for seats in this Chamber are generally settled on purely partisan considerations. The Republican party has committed a number of unblushing outrages [laughter on the Democratic side], equaled only by the outrages committed by the Democratic party. [Laughter on the Republican side.]

I stand here to-day to speak in the interest of political morality and political decency. It is time that the honest and honorable men on both sides of this Chamber viewed these election cases on the basis that an upright and honest judge would determine a controversy pending before him in court.

I assert it to be a fact, and I challenge contradiction, that on two occasions the Democratic party by brute force and political power seated General Chalmers in this House when he was not elected to a seat here; and now they practically refuse to seat him when he has been elected to this House. Is not that a fact?

Let us look at the state of affairs that we have before us. I hold in my hand a document the truth and authenticity of which no gentleman will question. It is over the signature of General Manning himself. In it I find these words.

I admit that the inspectors and clerks of the several election precincts did certify to the county commissioners of elections in their respective counties that you received a majority of the votes cast; and I further admit that the 1,472 votes which the commissioners of Tate County returned as cast for J. R. Chambless were in fact cast for you, and that the name Chambless was inserted in the return by clerical error instead of your name.

There is the declaration made by General Manning himself, that he did not receive a majority of the votes cast in that district, and that whatever confusion attached to the papers in the office of the secretary of state of Mississippi grew out of some clerical misprision or some blunder of some incompetent man. Yet in view of this open declaration made by General Manning himself that he was defeated in that election, it is claimed that he shall now be allowed to associate upon the floor of this House with men who have been legitimately and honestly elected.

But this is not all. Let me call attention to a telegram that General Manning sent to Mr. Fuller, 282 New Jersey avenue, Washington, D. C.:

Defeated. Leave 15th. Am well. Wrote Martin to-day.

In every instance this man confesses himself that he never received a majority of the votes cast in that district and that he is not entitled to a seat upon this floor. Then there is a telegraphic dispatch from Mr. Watson, who was chairman of the Congressional committee, to this effect:

Manning defeated. Returns from Tippah and Union 500 less.

Now I appeal to the honesty and to the justice of members on both sides of the House, and ask them if they can seat a man upon this floor, either on a *prima facie* or a final case, when he himself admits that he was overwhelmingly defeated and that he has not been selected to represent the constituents in his district? Is that the part of political morality or the part of political decency?

Yesterday I had the honor to ask my friend from Pennsylvania [Mr. CURTIN] a question. I said to him, "Suppose that a man has a certificate of election signed by the governor of his State, and that man comes into this House and in the presence of this American council declares that that certificate is fraudulent, that he was not elected and was not entitled to hold the seat, are we to swear in a man of that kind even on a *prima facie* case?"

I can best illustrate the position occupied by the gentleman from Pennsylvania [Mr. CURTIN] and the gentleman from New York [Mr. DORSHEIMER] by relating an anecdote which I heard told the other day about a sick Irishman. The Irishman was exceedingly sick, and

of course very much disgruntled in his temper. He went home, and his wife desired to administer some medicine to him. The Irishman immediately began to pound her head, and break up the furniture, and to have a regular jamboree in the parlor. [Laughter.]

The wife concluded that she would send for the doctor. The doctor came and diagnosed the case. "Now," said the doctor, "Betty, the best thing to do for Pat is to make up a nice whisky toddy three times a day and give it to him." "Oh!" said she, "I can not give Pat that medicine, doctor; if I do, he will beat me and break up the furniture."

Pat was lying in the next room pretending to be asleep. As the doctor was hurrying out of the house Pat whispered, in a feeble voice, "Doctor, doctor, come back and tell Betty that if I refuse to take the toddy she must make me take it." [Great laughter.] And that is the exact position occupied by Betty Curtin of Pennsylvania and Betty Dorsheimer of New York. [Great laughter.]

Mr. Manning has not had the courage to appear before this House and assert his right to this seat. If he regarded this certificate as a valid certificate, as a certificate that should be recognized by honorable men, why did he not submit it to the Clerk as you, Mr. Speaker, submitted your certificate and as I submitted mine, and have his name go upon the roll? He was too much of a man absolutely to commit himself to a certificate of that character obtained through the blunders of a county clerk and possibly the fraud of the secretary of state of his State.

The gentleman from New York [Mr. DORSHEIMER] yesterday said: "What are you going to do with the law?" I say that the law is determined by the fact; the law hinges on and covers the fact. When the fact exists, according to the confession of this party, that he was not elected to this House, I say that the law says he shall not hold a seat here either on a *prima facie* or a conclusive case.

The gentleman from New York [Mr. DORSHEIMER] said yesterday that he had been in court when the judge refused to allow a party to enter the plea of guilty. So have I been in court when the judge refused to allow a murderer to enter a plea of guilty; but I can tell the gentleman why he refused to do so. It was because of a statute on the statute-book which, in order to allow the judge to pass the death sentence, required a jury to find that the person had committed the murder with premeditation and deliberation, and to accept the plea of guilty would be to slip his neck out of the noose. That is the whole theory of the argument offered by the gentleman from New York, and I will wager my reputation that no such case ever occurred as he states unless under the exceptional circumstances to which I have referred.

Now, Mr. Speaker, I send to the Clerk's desk and desire to have read an editorial from a leading Democratic paper in the State of Mississippi.

Mr. PETTIBONE. Give us the name of the paper.

Mr. BELFORD. It is an orthodox Democratic paper.

Mr. SINGLETON. Give us the name.

Mr. BELFORD. The New Mississippian.

Mr. SINGLETON. As big as a thumb-paper.

Mr. BELFORD. As big as your party's conscience.

Mr. SINGLETON. Nobody ever accused yours of having a conscience.

The Clerk read as follows:

No paper in this State has fought that political recalcitrant J. R. Chalmers harder than has the New Mississippian. But the devil should have his dues. Manning is no more entitled to a seat in Congress on that false and fraudulent certificate manufactured in the secretary of state's office than the Khédive of Egypt.

If the Democracy of the second district were really bulldozed by the few little pitiful United States marshals and inspectors to such an extent that they were afraid to vote for Manning, or if it can be proven that Chalmers's election was procured by the Hubbell corruption fund, then if this be proved and admitted, Chalmers should not be allowed the seat.

But to seat Manning on that "fly-blowed" certificate, based upon the throwing out of Chalmers's Tate County vote, thereby disfranchising some fifteen hundred electors, would be an outrage which we don't believe the Democratic majority in Congress capable of perpetrating. Nine-tenths of the Democratic press of the State denounced the infamy at the time, and the people, the honest, toiling masses, are a unit in their condemnation of it now.

If Major BARKSDALE, our immediate Representative in Congress, and his colleagues will respect the wishes of their constituents, they will, as soon as the case comes into the House, defend the fair name of Mississippi by repudiating on behalf of the people of this Commonwealth that "fly-blowed" certificate and the manner of its issuance.

They should lose no time in repelling the charge that the Democracy of Mississippi, the great masses of the people, uphold the shameful act of the "certificate-makers."

Mr. BELFORD. Now, Mr. Speaker, that is the language of a Democratic paper. My friend from Mississippi [Mr. SINGLETON] says it is a small paper; but does not the Vicksburg Herald, a paper of national reputation, occupy the same ground on this subject? Have the people of Mississippi become so debased that they desire to force upon this House a man who publicly confesses that he never received a majority of the votes in the district he claims to represent?

Mr. SINGLETON. At a proper time I hope to respond to the gentleman.

Mr. BELFORD. All right.

Gentlemen who favor the immediate admission of Mr. Manning upon the certificate say practically that he was out of his head when he made this confession. Oh, no; it is not Mr. Manning who was out of his head; it is you Democratic gentlemen who are willing to add to your list of political outrages another one that ought to shock the conscience of every man within the limits of this Republic. I say the time has come when the honest men of both parties should arrest these political outrages; when honest men of both parties should declare that a man who has not been legally elected to a seat on this floor shall not occupy it.

But we were told yesterday by the gentleman from Pennsylvania [Mr. CURTIN] that notwithstanding these facts, this man should be sworn in because he has the certificate. But let me call that gentleman's attention to one thing that occurred in the Forty-fourth Congress and one that occurred in the Forty-fifth Congress. In the Forty-fourth Congress I came to this House bringing in my hands a certificate under the broad seal of the State of Colorado, which, although not as populous as Pennsylvania, wears a diamond as bright as any in the coronet of the nation.

[Here the hammer fell.]

Mr. BELFORD. I ask for just a minute more.

Mr. PETTIBONE. Very well.

Mr. BELFORD. I say that in the Forty-fourth Congress I came here with an uncontested certificate; and yet, on motion of the gentleman from Illinois [Mr. SPRINGER], that certificate was referred to a committee, and for two months of that short session I was compelled to cool my shins in the corridors of the Capitol. [Laughter.] That certificate was just as good as the certificate held by any member of that House. There was nobody contesting my seat, nobody objecting, but the political wet-nurse of Illinois, distinguished by his partisan zealotry for objects that I will not state, kept me battening on the moor while he was feeding on the Congressional cabbage himself. [Laughter.]

Mr. PETTIBONE. I now yield ten minutes to the gentleman from New Hampshire [Mr. RAY].

Mr. RAY, of New Hampshire. Mr. Speaker, three propositions are now before the House in relation to this contested-election case from the second Mississippi district. The first is found in the report of the majority of the Committee on Elections, which concludes with a resolution declaring that neither of the two claimants, Messrs. Chalmers and Manning, should be seated as a member of this body until the case is determined upon its merits. The second proposition comes from the minority of the committee, which holds substantially that inasmuch as Mr. Manning has obtained possession of the credentials, he is, for this reason alone, entitled to admission forthwith as a member of the House. The third proposition is the resolution offered by the gentleman from Pennsylvania [Mr. CURTIN], which provides that the whole matter be recommitted to the Committee on Elections with instructions to find out and report to the House whether or not a certificate of election has been issued to anybody, and if so, to whom.

I will discuss these propositions briefly, reversing the order in which they have been mentioned.

1. Taking up first, then, the resolution introduced by the gentleman from Pennsylvania, and which seems to be favored by some of those who oppose the majority report, allow me to say, Mr. Speaker, that I can not comprehend the utility or sense of this resolution. Ever since the day this House organized the credentials of Mr. Manning have been before us. This House referred them, "and all other papers in the contested-election case of J. R. Chalmers *vs.* Van H. Manning," to the appropriate committee; and every member who has paid the slightest attention to our proceedings knows at this moment just as well as he can ever know to whom the credentials were issued. Both the majority and the minority reports state the fact explicitly that the certificate of election was given to Mr. Manning by the State authorities of Mississippi. It may be just at this time in the hands of the Committee on Elections, but it was delivered to Mr. Manning, and he has really held the document ever since it was issued by the governor of Mississippi. This is conceded by everybody.

Then, why do we want to pass such a resolution, when the House is already in possession of every fact the resolution calls for?

2. The minority of the committee maintain that Mr. Manning ought to be admitted to a seat here because he has got possession of these credentials merely, and that we should shut our eyes to every other fact appearing in the case, and determine the contest by looking at his credentials alone. We are told that they are signed by the governor and are under the great seal of the sovereign State of Mississippi.

Very good; what of it? If covered all over with State seals and signed by a dozen State officials, such credentials are never more than *prima facie* evidence, liable to be rebutted and contradicted, and statements of fact contained therein ought always to be disregarded when shown or admitted to be false. Official seals and signatures are of no force or value to sustain an apparent or conceded falsehood. The honorable gentlemen who oppose the adoption of the majority report strangely ignore all the evidence referred to the committee except the single item of credentials, which never make anything stronger than a *prima facie* case.

I deny, Mr. Speaker, that Manning's credentials have been before the House or before the Committee on Elections in any such sense as to entitle that gentleman to be sworn in as upon a *prima facie* case or otherwise. How did they come before the House and before the committee?

Let the RECORD answer. The gentleman from Ohio [Mr. CONVERSE] declared on the first day of the session that—

> For reasons which were satisfactory to Mr. Manning he chose not to present that certificate until some action had been taken on the part of the House. This morning I called upon the attorney of Mr. Manning and asked permission to present his credentials to the House for such action as the House might see proper to take in relation to that vacancy.

So it appears that these credentials were borrowed and presented, with the idea that this House would take some favorable action in the case in the absence of Mr. Manning, and without any request on his part that such action should be had.

Again, Mr. Speaker, on the second day of the session the same gentleman from Ohio [Mr. CONVERSE] declared that he was requested by Mr. Manning to ask the "consent of the House that the question of his *prima facie* right to a seat on this floor be referred to the standing Committee on Elections when appointed, with instructions to report thereon at the earliest day possible." And on the suggestion of his colleague [Mr. KEIFER], and by common consent, the case of Mr. Chalmers was also referred to the same committee, and finally a resolution was adopted, no one objecting, "that the certificate and all other papers in the contested-election case of J. R. Chalmers *vs.* Van H. Manning, from the second Congressional district of the State of Mississippi, be referred to the Committee on Elections when appointed, with instructions to report immediately whether upon the *prima facie* case as presented by said papers said Manning or Chalmers is entitled to be sworn in as a member pending a contest on the merits, and not to affect the final right to said seat."

Now, Mr. Speaker, in view of the adoption of this resolution, how can it be fairly argued that the duty of the committee was limited to the consideration of one of the papers submitted, namely, Mr. Manning's credentials· and that all the other papers referred to them should be entirely ignored? One might contend with equal reason and propriety that Mr. Manning's credentials should be excluded from their consideration, and only the Chalmers documents examined. The truth is, as stated by the majority, that the case is without precedent; that Manning's admissions and his refusal to present his commission and take his seat in the usnal way are unparalleled in the annals of Congress. Referring to that part of the record containing Mr. Manning's answer to the contest filed by Chalmers, he says:

> I admit that the inspectors and clerks of the several election precincts did certify to the county commissioners of election in their respective counties that you received a majority of the votes cast, and I further admit that the 1,472 votes which the commissioners of Tate County returned as cast for J. R. Chambless were in fact cast for you, and that the name Chambless was inserted in the return by a clerical error instead of your name; and in this connection I state that because of said error to your prejudice I will not take a seat in said Congress or ask the Clerk to enroll my name as a member thereof until I have vindicated and the House shall have affirmed my right thereto.

Why should we close our eyes to all the other evidence introduced before the House, and which is in the possession of the House, in regard to the status of this contest, and look only to what is offered on one side and to a single item contained in that offer?

I deny the propriety of such action by the House, and especially under the peculiar circumstances of the case before us. The majority of the committee, and I believe the majority of those who have addressed the House on both sides of this question, have conceded the rule to be that the holder of a certificate of election, in due form, coming here before the House is organized and filing that certificate with the Clerk pursuant to the law, or if after the House is organized he presents his certificate to the House and claims his seat in open session, either course is ordinarily held to be sufficient *prima facie* to give the party a right to a seat.

Or, in other words, to use the expression of my friend from New York [Mr. HUTCHINS], such certificate is *prima facie* evidence merely of his election. This rule governs the credentials of all the members of this body. There may have been exceptions to it occasionally, but as a general thing I believe the rule as stated has commonly obtained.

Why, then, should not the resolution reported by the minority inviting Mr. Manning to be sworn and seated as a member of the House pending the contest be adopted? The answer is plain and clear, namely, because he has declined to do so. He has refused to come here and present his certificate of election and claim his seat in the ordinary way. Should the House engage in this kind of tomfoolery, I was about to say, of sending out a letter of invitation to somebody who is supposed to have a certificate of election in his possession written on gilt-edged and tinted paper, humbly begging him to come in and join this body?

Ought this House to engage a band of music and send it out at the head of a select or standing committee, with instructions to escort some gentleman into this Hall, supposed and believed to have credentials for a seat, but who declines to present them himself in order that some Congressional district may not go unrepresented for a few weeks on this floor? [Laughter.] No, sir; such a course would be absurd and unprecedented. Men having confidence in their own claims to seats and membership here will not fail to present their certificates in the usual way as other members are required to do according to law and precedent. Every member should be required to present his certificate if practicable as a guarantee of good faith in the claim he makes.

Everybody knows, Mr. Speaker, the reason why Mr. Manning has neglected to file his certificate, or rather why he has refused to file it. In his answer to Chalmers's contest, which is a part of the record of the case, he admits in substance that he did not receive a majority of the votes actually cast, counted, and returned in the second district of Mississippi. The effect of that admission is to force the conclusion upon our minds that the governor and secretary of the State of Mississippi gave the certificate to the wrong person, and that instead of Manning being entitled to it Chalmers ought to have received it. The credentials ought never to have been given to or received by Mr. Manning, because he was not elected. And for this reason it is apparent that he has refrained from presenting his certificate, which is impeached by the other evidence and ought to be disregarded until upon a contest he shall vindicate his right. No one, after making such an admission, could reasonably claim *prima facie* membership in this body. Manning should be remitted to his contest upon the merits, and when he has established his right to a seat upon the merits of his case, then, and not till then, should the House admit him.

I think, therefore, Mr. Speaker, that the error of the minority of the committee is that they only take a narrow, partial, and technical view of what has been submitted to the House and by the House referred to the Committee on Elections. All the papers presented and filed with the Clerk in relation to this contested-election case were referred to that committee, and they were required to investigate the matter and report whether Chalmers or Manning had the *prima facie* right to occupy the seat during the pendency of the contest on the merits.

3. This brings me to the report of the majority of the committee, which is that neither of these parties is entitled *prima facie* to the seat. It is quite probable, Mr. Speaker, this is the more correct and strictly legal view of the situation. But it seems to me when the House is in possession of all the facts, and when by the admission of Mr. Manning substantially that he holds the certificate on account of an error in the computation or footing up of the returns filed in the office of the secretary of the State of Mississippi, when we have before us the means of correcting that error and uncontradicted evidence showing that Mr. Chalmers was elected by several hundred majority, I say it does seem to me quite clear this House should at once proceed to seat Mr. Chalmers, and that, beyond question, on the proofs he has the right, *prima facie*, to hold the seat as a Representative from the second district of Mississippi instead of Mr. Manning, whose right to hold the certificate depends entirely upon the admitted error in footing up the votes cast in Tate County.

[Here the hammer fell.]

Mr. PETTIBONE. I yield five minutes to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. Mr. Speaker, five minutes is perhaps as much time as I can profitably use. As I understand this case, if Mr. Manning, having the regular certificate of the governor of his State, had presented it to the Clerk of this House before its organization, then, under the law and the well-established precedents, he would have been entitled to have had his name placed by the Clerk upon the roll-call. That is provided for in the act of Congress. But for the establishment and faithful observance of that principle we should indeed be involved in the inextricable confusion to which the gentleman from New York [Mr. DORSHEIMER] alluded yesterday, and reduced to that chaos of which the gentleman from Indiana [Mr. COBB] expressed so much fear. But it must not be forgotton, for it is the key to this situation, that Mr. Manning, either from conscience or delicacy or because he preferred the House to do what he declined to do himself, did not present his certificate until after the House had organized.

Therefore we are in no danger at this time of establishing a precedent which will endanger hereafter the organization of this House. When Mr. Manning presented his certificate through the gentleman from Ohio [Mr. CONVERSE] we were at a different stage of the proceedings, and the question was a different one from what would have been the case had he presented it before the organization. Other facts had come in. Of these the first is that he did not present his certificate until after the organization of the House. The second is that by this very delay in presenting his certificate he raised a suspicion with regard to his title to a seat. And the third fact, which appeared at the time, is that he had in writing admitted his title to be questionable—so questionable, indeed, that he would not occupy a seat upon this floor until his right to it was vindicated; not his *prima facie* right, but his right pure and absolute.

With regard to that admission it has been very gravely argued here that such an admission can not so far estop him as to deprive his constituents, his district, this House, this country, of his occupation of a seat as a Representative. But why argue that, when everybody admits it? That is not the significance of Mr. Manning's admission. The significance of his admission is that it is simply a piece of testimony going to show that he is not entitled to a seat. It is a part of the evidence, and it is the best evidence, because it comes from the man who is personally most interested and best informed upon the question involved.

What, then, did we refer to the committee? We referred to the committee, under the resolution introduced at the time, the "certificate and all other papers in the contested-election case." It has been suggested that the committee have gone beyond their authority in their report

because they did not confine themselves to the certificate of the governor. If that were the only thing that had been referred to them, then in making this report they would have gone beyond the basis of their authority; then the minority might claim, as they do, that under the ordinary rule and by an unbroken chain of precedents we have generally no right to go in preliminary organization behind the certificate of the governor. But we referred to the committee not the certificate of the governor only; we expressly added "all other papers," and our instruction to that committee was to determine, not upon *prima facie* evidence, as somebody has said, but upon the *prima facie* case embracing the governor's certificate and "all other papers" referred, whether Mr. Chalmers or Mr. Manning was entitled to be sworn in pending the contest on the merits. There is nothing in the report which upon a careful examination shows that they have gone one whit beyond the authority and papers referred to them.

What is the *prima facie* case? I do not believe in construing this term with technical narrowness. We are a great body, organized under the Constitution and empowered by the Constitution to determine the question of the rights of claimants to seats upon this floor. We are not to give a technical construction to such terms when to do so is to work manifest and patent injustice. But what is the *prima facie* case? I understand by it a case which shows in whose favor the presumption of title is. In other and plainer speech, who appears, so far as we have gone and so far as we are informed, to have the best title? When I am asked to determine who has the *prima facie* title, I am asked to determine who, upon the facts so far as they appear and so far as we have gone, is entitled to the seat. That was the function which the House devolved upon the committee. Fulfilling that function, the committee have made their report. They have reported back that they had considered not merely the governor's certificate. If that had been the only thing referred, its reference would have been ridiculous, because the House could have decided for itself that question. If that had been the only question, it was already settled by every precedent. No, they very properly reported back also "the other facts;" and in their report they are careful to indicate that every exhibit relied on and considered by them is a paper referred to them by the House, so careful are they not to go beyond the authority conferred on them in this preliminary case. And by their report it appears that Manning, so far as we have gone, *prima facie* is not entitled to be sworn in.

And yet we are gravely asked by gentlemen to shut our eyes and our ears to half a dozen most essential and important facts which are actually in this case, and to open our eyes and our ears to only one fact, the governor's certificate. Such a proposition, though not of course intended as an insult to our intelligence and to our honesty, yet comes very near it. A further investigation "on the merits" may show a title in Mr. Manning. At this moment, however, the papers which made up the record when it was referred on the first day of this session to the committee, and which they have now reported back, show as clear as daylight that Mr. Manning so far has not the shadow of a title. I do not propose, Mr. Speaker, to stultify myself by voting in direct violation of half a dozen most essential and controlling facts which thus far have been found in this case, simply on the poor technical ground that if I had known but one of those facts, to wit, the governor's certificate, I should have voted otherwise. That stage of the governor's certificate is a stage which we left months ago. To go back to that alone, willfully ignoring the other elements which we have ourselves recognized as in the case and as referred to the committee and which are now before us, would be to resign our common sense and to shirk our duty.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendments joint resolution (H. Res. 152) for the relief of E. H. George and H. W. Walker.

Also, that the Senate had passed a bill (S. 410) for the relief of the Sone & Fleming Manufacturing Company, limited in the city of New York; in which the concurrence of the House of Representatives was requested.

CONTESTED-ELECTION CASE—CHALMERS VS. MANNING.

The SPEAKER. The gentleman from Tennessee has four minutes of his time remaining.

Mr. PETTIBONE. Mr. Speaker, I only intend to occupy the brief time that remains to me. On yesterday it was stated by the gentleman from Pennsylvania, the great war governor in the times that tried men's souls, Governor CURTIN, that he offered a resolution which he desired to be considered now in reference to this case. What was that resolution? It is as follows:

Resolved, That the question of a *prima facie* right to a seat on this floor involved in the contested-election case of James R. Chalmers *vs.* Van H. Manning, from the second Congressional district of the State of Mississippi, be recommitted to the Committee on Elections with instructions to ascertain and report immediately to this House whether a certificate of election to the office of Representative from said district to the Forty-eighth Congress was issued by the proper authority, as required by the laws of the State of Mississippi and of the United States, to any one; and if so, to whom.

Now, Mr. Speaker, I find further on in the debate on yesterday that Mr. CURTIN himself stated, and I challenge his attention to what I will now read:

On the first day of the session an effort was made to seat Mr. Manning on *prima facie* evidence that he had a right to a seat here; on precisely the evidence on which every other gentleman on this floor occupies a seat.

Now, Mr. Speaker, the world knows, the whole United States knows, every man upon this floor knows, that Manning had a certificate from the governor of Mississippi. Why send back that question to the Committee on Elections when every one of you knows that he has got that certificate? And not only that, Governor CURTIN has notified this House that he knows and that we all know that Manning has that certificate.

Mr. Speaker, if that is the only question, why not honestly and manfully come right up here and say the American Congress knows that Manning has the certificate, and therefore we will vote him in? I expect you will do it. So far as I am concerned, as I said on yesterday, I do not care a baubee if you do do it.

[Here the hammer fell.]

Mr. COOK rose.

The SPEAKER. Does the gentleman from Iowa rise to oppose or favor the report?

Mr. COOK. I rise to oppose the report.

I feel very much embarrassed by the fact that in rising to occupy my hour in this debate I find I have promised to yield to various members on the floor who are anxious to speak during my time. I confess I have promised more than I have, and I must ask some of them to pardon me if I am unable to yield to them what I have promised; but I shall attempt to yield the time in the order in which I have promised it. I yield now twenty minutes to the gentleman from Missouri [Mr. CLARDY].

Mr. CLARDY. I do not agree with gentlemen who have addressed the House in behalf of the report of the majority of the Committee on Elections, that Mr. Manning's answer contains any statement inconsistent with the claim he has preferred to a seat in this body pending the contest and until a decision can be had on the merits. In his notice of contest Mr. Chalmers not only denies the election of Mr. Manning, but he challenges the validity and regularity of the certificate held by him and alleges that he, Chalmers, has filed with the Clerk of the House certificates showing his election and his *prima facie* right to a seat in this Congress. I quote his language:

I charge—

First. That the pretended credentials you hold are illegal and void because not such credentials as are authorized by the laws of Mississippi.

Second. That the certificates which I have filed with the Clerk of the House from the secretary of state of Mississippi show that I have the *prima facie* right to said seat.

Mr. Manning in his answer specifically denies these allegations. He affirms the validity of the certificate which was issued to him. He admits that 1,472 votes returned by the commissioners of Tate County as cast for J. R. Chambless were in truth and in fact cast for the contestant, and then he proceeds to state facts showing his own election notwithstanding this addition to Chalmers's vote.

And then, with his election denied and the regularity of his certificate denied, he concludes his answer by saying that he will not take his seat in this Congress until he has vindicated and the House has affirmed his title thereto.

I fail to understand, Mr. Speaker, why a submission of the question in issue to that tribunal which under the Constitution is the judge of the election, the qualifications, and the returns of its own members should injuriously affect Mr. Manning. This he has done and no more. Suppose there is a statement in his answer or that there is some act of Mr. Manning which is susceptible of the construction placed upon it by gentlemen, will that justify this House in disregarding the law and in denying to the people of the second Congressional district of Mississippi the right of representation on this floor?

But, Mr. Speaker, I deny that Mr. Manning has the power by admissions or statements in his answer or by any conduct of his to preclude this House from the expression of its own judgment as to the force and regularity of the certificate held by him. And I deny that any act of his subsequent to his election not amounting to a disqualification and short of a voluntary resignation of the office can estop him from the assertion of title to it.

One gentleman, the gentleman from Missouri [Mr. DAVIS], yesterday spoke about an office as though it were private property; he said the certificate conferred upon Manning an individual right, a right that neither the governor of Mississippi nor the State of Mississippi itself could take from him; and that there was only one person who could destroy its effect, and that was Van H. Manning. Now, Mr. Speaker, this is not private property, this office of Representative in Congress. It is an office in which the public, the people, have an interest; and the idea of invoking the doctrine of estoppel in this case seems to me to bear absurdity upon its face.

Allow me to read upon that point one section from McCrary's work on the American Law of Elections, and it will at once destroy all the argument that has been made by gentlemen on the other side to the effect

that Manning has admitted away his own case since the institution of the election contest. I read from section 359:

In the case just cited it was further held that the rule that a failure to answer is a confession of the allegations contained in the complaint will not be applied to a contested election in the House of Representatives. The reason is that the inquiry is of a public nature, and not a case involving private rights alone. If the contestant and the sitting member were the only parties interested in the representation of this district it might not be unfair to hold that the sitting member upon service of notice upon him according to law must answer as the law requires, or, by neglect or refusal, be taken as confessing the truth of the allegations made in conformity with law against his right to his seat and abide the judgment of the House upon said confession. But the contestant and the sitting member are by no means the only parties interested in this representation. The electors of the district, each and every one of them, have a vital interest in that question, and no one of them can be precluded by any laches not his own from insisting that the choice of the majority shall be regarded. No confession of the sitting member, however it may bind him personally, can place the contestant in the seat unless he is the choice of the majority, nor deprive that majority of its rightful representation.

In view of this authority it strikes me as being most absurd to say that because Mr. Manning did not appear in front of the Speaker's desk and take the oath on the first day of the present session of Congress or has not done so since, but has caused his certificate to be referred to a committee of this House, he is estopped from the assertion of title to the office, and the people of his district are deprived of a voice in the law-making department of the Government.

I was surprised at the position taken by my friend the distinguished gentleman from Massachusetts [Mr. LONG]. I recognize his ability as a lawyer; but I can not understand why, if that certificate was valid at the time it was issued, it becomes invalid because of the failure to present it to the Clerk of this House. A man can not hold an office and refuse to discharge the duties of that office. That is the law as laid down in the books. And he can not be deprived of his office unless he becomes disqualified to hold it.

There are only two methods pointed out by McCrary and the other law-writers upon the subject by which there can be a divestiture of title to office. One of these is by the voluntary resignation of the office, and the other is by disqualification occurring subsequent to the election, such as, for instance, a removal from the State, county, or district to which the officer is restricted by the law of his office, or by accepting an incompatible office, or by the relinquishment of any express qualification, &c.

Having shown, as I think, that no statement or act of Mr. Manning's can invalidate his certificate or affect his title to the office of Representative (and here I desire to again say that in my judgment Mr. Manning has made no admission nor performed any act which indicates a resolution on his part not to avail himself of the rights which the certificate confers), what is left of this case? Nothing but the papers presented by Mr. Chalmers and the certificate of election issued to Mr. Manning.

The gentleman from my own State [Mr. DAVIS] said yesterday that he was not prepared to vote to give Mr. Chalmers a seat on this floor, because the papers which had been filed by him were not sufficient evidence that he had received the 1,472 votes claimed for him in Tate County. What other evidence is there that looks to the discrediting of Manning's title? Taking away what some gentlemen call the admissions of Mr. Manning, on which so much stress has been placed and which I have shown can not be considered, what other evidence is there than the papers filed by Mr. Chalmers, which a member of the committee says do not evidence his title, because, as he says, he has not the credentials and the certificate of Tate County is susceptible of different constructions. That is, it does not show that 1,472 votes were cast in Tate County for Mr. Chalmers.

The gentleman from Massachusetts [Mr. LONG], as other gentlemen have done before him, argued that because there was a reference by the House of certain papers to the Committee of Elections, therefore it was the duty of the committee to consider all such papers, not rejecting any; in other words, that the House declared that the certificate of election and the papers submitted by Mr. Chalmers were competent testimony, and should all be considered by the committee in determining the *prima facie* right to the office. Now, I submit that if the House passed upon the competency of all the papers referred and declared them evidence, there was no occasion for the interposition of the Committee on Elections, but the House then and there could have passed upon the weight of the evidence and awarded the seat in controversy either to Mr. Manning or to Mr. Chalmers.

But if the gentleman will look at the case referred to yesterday by the distinguished gentleman from New York [Mr. DORSHEIMER], the case of Clark against Giddings, he will see that in that case the certificate was also accompanied by papers showing the election of Giddings by a majority of seven hundred and thirty votes. Yet that Committee of Elections, presided over by Mr. McCrary, the author of the American Law of Elections, and now holding an important judicial position in the country, and numbering among its members Mr. HOAR, now a Senator from Massachusetts, Mr. HALE, now a Senator from Maine, and MI. POLAND, of Vermont, then as now a distinguished member of this House, held that nothing was competent or proper to be considered by them at that time but the certificate of election itself, and the House affirmed the judgment of the committee.

The only question about which there was any contention, either in the committee or in the House, was as to the force and effect of the certificate, which, it was insisted upon the part of those who believed that Mr. Giddings was entitled to the seat, showed upon its face the infirmity of Mr. Clark's title.

I do not know whether my friend from New York read it yesterday or not, but I believe he did. After certifying to the election of Clark the governor further certifies that he rejected certain returns, and that in his opinion, owing to fraud and irregularities in the conduct of the election, no certificate of election should be issued.

Now, what authorities can gentlemen favoring the majority report cite in support of the position they take, that a certificate bearing the great seal of a sovereign State and commissioning one of her citizens to represent her people in the National Legislature is no greater or higher proof of the right to enter upon and discharge the duties of the office of Representative in Congress than *ex parte* affidavits and loose papers which have been referred to them? The two cases to which reference has been made and upon which the committee seem to rely—Chilcott *vs.* Hunt and the New Jersey case—have both been overruled and their doctrines repudiated by this House. Unless we ignore the law we must pass the resolution offered by Mr. CURTIN. We can not adopt the committee's report without doing violence to the rights of the people of Mississippi and the rights of the honorable gentleman [Mr. Manning] who comes here as their Representative. His certificate is regular upon its face; it has been issued by the officer authorized by the law of Mississippi to issue it, we are informed by the committee; and I say, therefore, that it imparts absolute verity and is conclusive of the right of Mr. Manning to occupy a seat in this House until the determination of the election contest.

Mr. COOK. I have observed during this debate one universal error, which seems to enter into the argument of every gentleman who has arisen to speak in support of the report of the majority of the committee. They do not distinguish between judging of the return of a member and judging of his election.

The Constitution provides that this House shall be the judge of the election, qualifications, and returns of its members. I insist that there is a broad distinction between judging of the returns of members and judging of their election. It is as important that we observe the true rule, observe a uniform rule, in judging of the one as in judging of the other, under the resolution referring to us the question of the *prima facie* right.

I have not examined this case upon its merits. I have purposely abstained from looking into the evidence in the case, at least to any great degree, although as a member of the Committee on Elections I have had it before me for some days. When I come to cast my vote in committee and upon this floor upon the question of who ought to have been returned, I shall look into the testimony. I consider that I am now called upon, in the House as in the committee, simply to determine the question of who was returned from that district. This House is originally made up of members returned to it, regardless of whether they were elected or not.

I have no feeling in this case as between the parties to it, no preference one way or the other. I have no ambition to have my views or the views of those of the committee with whom I agree accepted by the House. All I want is simply to call the attention of the House to what I consider is now the duty of every member in voting upon the question before us, and the only question which was submitted and ought to have been submitted to the Committee on Elections; that is, who has been returned from this district?

It is a fundamental rule of parliamentary law that the member who has been returned is a member of the House until the House shall have decided that he was not elected.

Mr. JOSEPH D. TAYLOR. Will the gentleman permit me to ask him a question?

Mr. COOK. I have but little time.

Mr. JOSEPH D. TAYLOR. Just a question.

Mr. COOK. Very well.

Mr. JOSEPH D. TAYLOR. Does not that word "return" lose its force after the organization of the House and when the matter is referred to a committee? Does not the matter of return relate to the existence of the *prima facie* case and the *prima facie* case only?

Mr. COOK. I understand the point, and I answer that it does not. A member returned here to the House is as much a returned member after the House has been organized as he was before. You have in this very Congress an instance arising after the organization of the House. I refer to the case of a gentleman returned from North Carolina. In that case upon this side of the House you established and voted for the precedent that he should be sworn in, regardless of the question whether he had been elected in the proper district or not. You determined that he should be sworn in upon his return. Vacancies occur during the session, and members are elected to fill such vacancies. They do not come in here under any different rule from members who were elected before the organization of the House.

Sir, a man returned as a member of this House is as much a member from the 4th day of March and before the organization of the House as he is afterward. He is as much a member of this body, *de facto*, before as after the organization.

One further remark upon this point. There is a universal rule established and adhered to since this House has been known, that every man who holds credentials and is duly returned as a member is entitled to occupy his seat regardless of whether he should have been returned or not. Mr. Cushing, in his work on the Law and Practice in Legislative Assemblies, section 235–240, says:

The principles of parliamentary law applicable to the question are perfectly simple and plain, founded on the very nature of things, established by the uniform practice and authority of Parliament, and confirmed by reason and analogy. These principles are as follows:

1. That every person duly returned is a member, whether legally elected or not, until his election is set aside.

2. That no person who is not duly returned is a member, even though legally elected, until his election is duly established.

McCrary, in his American Law of Elections, says:

These considerations have made it necessary to adopt and adhere to the rule that a person holding the ordinary credentials shall be qualified and allowed to act pending a contest and until a decision can be had upon the merits. * * * The person duly commissioned must exercise the functions of the office until upon an investigation upon the merits it is judicially determined otherwise.

And again in section 216 he says:

It is to be observed in this connection that while in determining a *prima facie* right to a seat the House of Representatives will not look behind the certificate, if it should be signed by the proper officers, and if it contains a statement in unequivocal terms of the result of the election.

No instance can be found since the adoption of the Constitution except in the Chilcott *vs.* Hunt case; which did not relate to a Representative but merely to a Delegate from a Territory. In that case, from the statements of gentlemen now on the floor who were then members, I learn that the House then, as is now threatened, disregarded all rules and precedents, because members departed from the question properly before them, left the question of the *prima facie* right for the right upon the merits. I can best answer that case by quoting from the Congressional debates on the case of Clark *vs.* Giddings, from Texas. I read what Judge McCrary, then chairman of the Committee on Elections—and on all hands conceded to be the highest authority on the law of elections—said in that case:

There is one rule which has governed the House in all cases of this kind, which has never been departed from except in one single instance, and I believe no gentleman on this floor will undertake to justify the departure from the rule in that instance. That rule is this, that whoever presents to this House such credentials as are provided for by the law of the State is entitled *prima facie* to a seat in the House and should be sworn in pending any contest which there may be with regard to the merits of the case. The rule was overborne in one instance; but, as I have said, nobody will undertake to justify the action of the House in that case. In every other case the rule has been adhered to, and I trust it will be adhered to in this case. We can not safely depart from a rule so essential to the organization of this House; on which depends, in fact, the organization of the House.

Mr. Speaker, I have on this question simply been governed by the law as I find it, believing that a departure from it would lead to confusion and chaos, and I urge this House to decide this case upon this well-settled principle, not because of the effect it may have in this instance, not because it may satisfy newspaper comment here and there, not because it may be political policy, but because of the effect that the departure from the rule will have in the future. For in this body, which is the supreme judge of these questions and from whose decision there is no appeal—a body which changes from year to year, being first in the control of one political party and then of another—it is essential that we should have fixed rules to be applied in all cases, no matter what party may be in power and whom it may affect.

Right here permit me to ask gentlemen on the other side this question: If you depart from this rule to-day what rule do you set up to guide us in the future? What new rule do you give us? Here you have a report which concedes that in the State of Mississippi there was an election held; that in that district every officer performed his duty in the form required by law; not a single formality neglected, from the opening of the polls until the credentials were finally issued by the governor. Yet you announce the singular conclusion that nobody in that district is entitled *prima facie* to a seat on this floor. If you mean to say that the House is to go behind the credentials of the member and ascertain by looking to the certified returns whether he ought to have been returned or not, then why not say so in your report? Why not say that in the future when a man comes here with credentials and copies of the canvass are filed showing that a majority of the votes in the boxes are against him he shall not be seated, but the canvass-sheets shall be regarded as *prima facie* and superior evidence? That horn of the dilemma you must take or you can not sustain this report. If that be true, why is not somebody elected *prima facie?* Why is not Chalmers entitled to the seat? I do not object so much to what the rule may be, only that it be considered fixed and certain; and if you wish to depart from the old rule and set a new precedent, it should be declared in such a manner that it can be distinctly understood.

I turn now to the positions taken by my friend from Georgia [Mr. CRISP] and the gentleman from Massachusetts [Mr. LONG], whose arguments I wish especially to answer because they addressed themselves to the argument of the case without any reference to political matters, and for this reason I turn with pleasure from some of the other speeches to answer these gentlemen. The gentleman from Georgia said that the certificate was only *prima facie* evidence of the title. I concede that as true if there is any title in this matter. The certificate of election, I concede, is only *prima facie* evidence of election; but I say it is all the *prima facie* evidence; and I only need to turn to the report of my friend the chairman of the committee, who thought I was a little caustic in the minority report; and I want to say to him that I did not intend to be so. I turn to his report to show the truth of what I say. And, gentlemen of the majority, you yourselves concede that the *prima facie* evidence of election is exclusively in the governor's certificate. You say that Mr. Chalmers, not having credentials, is not entitled *prima facie* to a seat in this House; that there is no *prima facie* evidence to show the election of Mr. Chalmers. Why? Because he has not the governor's certificate of election. If no man can be seated here unless he has the certificate of election, then it must be because the *prima facie* evidence of the whole case is locked up in that certificate. Your argument is right: the certificate is the final conclusion; it is the *prima facie* evidence that overlies all the rest.

McCrary, in Law of Elections, says:

The regular certificate of election, properly signed, is, as we have seen, to be taken as sufficient to authorize the person holding it to be sworn in. It is *prima facie* evidence of his election, and the only evidence thereof which can be considered in the first instance and in the course of the organization of a legislative body.

Mr. BROWN, of Pennsylvania. Why was this matter referred to the committee?

Mr. COOK. I will come to that right now. From the debate here you will find that the gentleman from Indiana [Mr. CALKINS] and the gentleman from Ohio [Mr. KEIFER] expressly asserted that the secretary of state was the proper officer to issue credentials. They denied from their seats that the governor was the proper authority to issue the credentials, and they claimed that Mr. Chalmers's credentials were the proper ones in the case.

Mr. ROGERS, of Arkansas. Permit me to read that part of the case. It is a part of my argument, but it may as well be stated here:

Mr. TUCKER. I would ask the gentleman from Indiana whether there is any certificate, according to the law of Mississippi, signed by the executive of the State, in favor of General Chalmers?

Mr. CALKINS. I will answer the gentleman by saying, if he refers to what I know about it personally, that it is my wish to present to the House a question of law arising upon the statutes of Mississippi on that point. Whether the governor has signed any certificate or not I do not know, but that the secretary of state under the law has made a certificate I do know as matter of fact, which I think under a fair construction of the statutes of Mississippi entitles General Chalmers to a *prima facie* seat upon the floor.

Mr. COOK. And not only that, but Mr. KEIFER, as I remember his remarks, insisted and claimed that the secretary of state was the proper authority from which the credentials should emanate. My friend from Indiana [Mr. CALKINS] had before him on his desk—and I do not suppose I am revealing any secret in making this statement—he had before him the statute of Mississippi, and was prepared to make an argument to the House, or at least I thought he was, because he looked that way, to show that the secretary of state was the proper authority to issue the certificate. I say the only question referred to the committee by this House was the question of who had been duly returned from that district, not who held the governor's certificate, because we as a body did not know the governor was the proper authority to issue it.

Mr. BROWN, of Pennsylvania. Is not the statute perfectly explicit on that point?

Mr. COOK. The gentleman from Indiana [Mr. CALKINS] and the gentleman from Ohio [Mr. KEIFER] in their speeches took the other view, that the proper authority to issue the certificate was the secretary of state.

Mr. RANNEY. Does not the gentleman know that the following morning Mr. CONVERSE withdrew his resolution and presented this one pending?

Mr. COOK. Oh, yes; but is there to be drawn a distinction between one day and another in the proceedings of this House in reference to this case? Is a question to be cut in two by an adjournment?

Mr. MILLER, of Pennsylvania. I think it would be proper, for fear the statement you make in reference to the gentleman from Indiana should go into the RECORD as an admission, that it should be known that gentleman is not now in his seat.

Mr. COOK. Oh, yes, he is; if the gentleman will look, he is right back there.

Mr. ROGERS, of Arkansas. There is so much confusion in the House that we can not understand really what is being said by the gentleman interrupting.

The SPEAKER called the House to order.

Mr. COOK. If there is any question about the matter I will read from the RECORD:

Mr. KEIFER. It is stated on the other side that the two cases are not here. I am informed that the certificate from the secretary of state of Mississippi—probably the only officer in the State authorized to make a certificate; we do not concede that the governor is authorized to make a certificate, and he does not himself claim that he is—the certificate of the secretary of state, regularly and properly filed here—

And my friend from Indiana [Mr. CALKINS] stated that was the point he wished to present—that Mr. Chalmers's credentials emanated from the proper authority, and he ought to be sworn in.

Mr. CALKINS. Will my friend yield to me for a moment?

Mr. COOK. Certainly.

Mr. CALKINS. It was one of the questions I desired the Committee on Elections to determine on the *prima facie* right.

Mr. COOK. Yes, sir; but that was read by the gentleman from Arkansas on my left, and I therefore will not take up the time of the House by repeating it.

I want to come to the argument of my friend from Massachusetts [Mr. LONG]. He says, why did the House refer to the committee this question? Why did you refer in the North Carolina case the question of whether the old or the new district was the proper one to elect? Were you not as lawyers as competent to decide that in the House without the aid of the Committee on Elections as you are in this? And you referred that question to the committee, a question of law pure and simple.

What was referred here? The gentleman from Massachusetts says that it was everything that the majority of the committee has seen fit to report back. I beg to call the gentleman's attention to the fact that he is in error. The resolution refers all the papers in the contested-election case, and if you are going to insist that that resolution made all the testimony competent, and the committee was bound to go into the testimony in the case regardless of what was *prima facie* and what was not, then I insist this committee was bound to investigate the testimony, and not simply the questions of who had a majority of the votes in the boxes; because, sir, it is not the majority of votes cast but the majority of legal votes cast that elects a member of this House, and if your construction is correct, why did not the committee go into the merits of the case fully? We have the case on the merit referred to us still. Certainly, when the resolution restricts the committee to the *prima facie* case, we were by that limited to such *prima facie* evidence as we found among the papers referred.

When a court refers a case to a referee and refers all of the papers and all of the evidence in the case, that does not compel the referee to take into account all of that testimony when the court by its order limits the decision of the referee to a certain question, for that implies that the referee will only consider testimony competent and relevant to that issue. So I insist that the words "*prima facie* case," when the House directed us to report as to who had the *prima facie* right to a seat on this floor, limited us to the *prima facie* evidence exclusively. Now, that is true.

But I want to call attention to the further fact that Mr. McCrary and all other authors on the subject lay it down as a rule that only the final credentials are *prima facie* evidence. Will it be contended here that this Committee on Elections in its consideration of a given case is to be governed by a different rule from what the House is? The House had before it the question of the *prima facie* case in this instance, and no gentleman upon the committee, with I believe a single exception, has yet to my knowledge said anything other than that if the vote had been taken here to seat Mr. Manning upon the original resolution he would have voted to seat him. Why is it different now from what it was then? Did the House intend to refer to the committee a question different from the one which the House itself had before it? The House had before it the question of the *prima facie* right to be sworn in. It had before it the question of who was returned from the second Congressional district in the State of Mississippi.

Now, would you have us to understand that somewhere between the House and the committee and back to the House there has been a change? In this House you could not, as you admit, have refused Mr. Manning his seat under his credentials, but you referred them to the Committee on Elections to do for you what you could not do yourselves. You talk about Mr. Manning wanting this House to do what he would not do himself. You admit that you would have been obliged to seat him upon his credentials as duly returned. Why do you want us now to do something entirely different?

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has twenty-one minutes of his time.

Mr. COOK. Now, Mr. Speaker, I do not believe it is a matter of any great importance whether one or the other of these men is seated or whether neither of them is seated; but I do appeal to this House, standing here in the presence of the future, to look to the fact that in deciding this case you establish a precedent for the future as well as determine a case for to-day. It may be an outrage to seat Manning. You have committed outrages before in seating Chalmers upon this floor. You have seated him when everybody knew he had not a majority of the votes cast. I am not criticising any of the past decisions of this House nor its acts. I only say to you as members of this House that you ought not adopt one rule for to-day and another for to-morrow.

Go with me back to the last Congress, when Lowe and Wheeler were here to be sworn in. It will be remembered that there was a contest in that case. When Mr. Wheeler, of Alabama, presented his credentials Governor Jones, of Texas, rose and objected, and presented here certified copies of the returns from that district, showing that Wheeler had not been elected, but that Lowe had a majority of the votes cast, who on that side of the House did not contend that the only question was who had been returned? And on this side of the House nine-tenths of you voted to seat Wheeler because he was duly returned and because he had the *prima facie* right to be sworn in.

Mr. BRUMM. Let me interrupt the gentleman here for a question.

Mr. PETTIBONE. But he never came in here and denied his own title.

Mr. COOK. One at a time, please.

Mr. BRUMM. Let me ask the gentleman, was not the question raised there upon the organization of the House in the first place?

Mr. COOK. Yes, sir.

Mr. BRUMM. Then, again, did not you yourself at that time contend that Mr. Lowe should have been sworn in, or at least that the returns should have been submitted to the House?

Mr. COOK. Mr. Speaker, in the first place, that is an unfair question, because I was then a contestant for a seat on this floor myself and not a sitting member. I was looking over from the outside and was naturally in favor of contestants.

But coming to the question of the gentleman. He is in error, for I insisted then that there was no other way except to swear in the man who was duly returned, which was Mr. Wheeler.

Mr. BRUMM. Who was duly returned; but not the man who had the certificate, because it happened that the man who was duly returned had not the certificate.

Mr. COOK. I beg the gentleman's pardon. That is entirely a misapprehension of my position.

Mr. BRUMM. Did not you contend that Lowe was not duly returned?

Mr. COOK. Certainly. Lowe was not returned as elected, though elected in fact, as the House afterward decided.

Mr. BRUMM. Then is not that the position that I have stated you occupied?

Mr. COOK. My position was this: that Wheeler was duly returned to the House——

Mr. BRUMM. He had the certificate.

Mr. COOK. That he was duly returned, though he was not in fact elected. That was my position. There may be a difference between a member returned and a member elected. A member is duly returned when he is returned in due form.

Mr. BRUMM. Do I understand the gentleman to mean that to have the certificate means being duly returned? That the man having the certificate is the man duly returned? Is that your idea?

Mr. COOK. Most certainly. It is the man who holds the credentials.

Mr. BRUMM. Will the gentleman pardon me for one moment more? The question I put to him was whether he did not contend that Mr. Lowe was duly returned by the returning board, but that the governor paid no attention to the return, but gave his certificate to Mr. Wheeler?

Mr. COOK. I know of nothing in the shape of a return of a member to this House except the paper he is obliged to present here when he is sworn in. That constitutes his credentials and constitutes the return of a member. While the one in that case was duly elected, the other had been duly returned. And I ask who on this side of the House did not vote to seat him?

Now, Mr. Speaker, I come to the great bugbear in this case, and that is Mr. Manning's admissions. When passing upon a question of law no court has reference to or is governed in its decision of the law of the case by the question as to whether one or the other of the parties litigant has made a fool of himself. That does not affect the law of the case. You say Mr. Manning has admitted—what? I have heard it stated here over and over again that he had admitted that he was not elected. I say that is not correct. He has not admitted that he was not elected. He admitted that a certain mistake had occurred in the canvass, and if you want the most that can possibly be claimed for that admission I will concede he admitted the majority of votes cast were against him. But I say in the first place that admission is not upon the *prima facie* case. It is in the contest upon the merits; it is upon the election of Mr. Manning.

Mr. HART. Will the gentleman allow me a question?

Mr. COOK. I will yield just once, seeing it is the gentleman from Ohio.

Mr. HART. I ask the gentleman whether by the pleadings in the case, the notice of Chalmers and the answer of Manning, the question of *prima facie* title is not expressly put in issue?

Mr. COOK. I respond to that by saying that no notice of contest can put in issue the *prima facie* right. The statute does not authorize it. The statute provides that he who wants to contest the seat of a member who has been returned shall serve notice. You never saw, nor any one else in this House, the question raised on the *prima facie* right to a seat by notice and answer. That is, a notice of contest upon the merits and answer upon the merits.

But it is remarkable that these gentlemen will insist on going so far and no further. Mr. Manning, while he may have admitted that a majority of the votes in the boxes were against him, asserted as broadly that a majority of the legal votes cast were in his favor. He insisted that he had been duly elected by a majority of the legal votes cast.

Now you, my friends, who want to go back of the certificate, why do you not go back two steps? You have the evidence all referred to you in this resolution of reference. Look at it, and you will find it refers all the papers in the election case. Why do you simply go this one step? Is it because Chalmers invites you to one step? Chalmers says to you, "If you will go with me one step behind the credentials I will

show you I was elected." Manning retorts, "While that may be true, if you will go with me another step I will show you I was elected and not Chalmers." Now, why do you go back one step and not the two? If all these papers must be considered, regardless of whether they bear on the *prima facie* case or not, why do you not go back and investigate whether a majority of the votes legally cast were for the one or for the other?

And right here I want to say a word by way of a digression from the *prima facie* case in answer to the gentleman from New York [Mr. VAN ALSTYNE], who yesterday criticised the committee because we had not got to the merits of the case and he had reached them long ago. Mr. Speaker, I have always found that the judicial mind reaches the best conclusion when it confines itself to the questions before it and decides them in the order in which they properly come. When we come to the merits of this case I shall give it patient attention, and try to give it an impartial decision. But I may be permitted to say this much to the gentleman from New York, I being here not upon one side or the other in this House, that if the facts alleged in the answer are true; if it is proven by testimony in connection with contemporaneous historical facts, of which, under the rules heretofore adopted, the committee and the House take cognizance; if it be true that the candidacy of Mr. Chalmers was conceived in sin and carried through by the corrupt use of Federal patronage and money from the Treasury by the appointment of men under the guise of being revenue officers but really to conduct his canvass; if it be true that the conveyances carrying Chalmers and his friends out over that district in his canvass were paid for by money out of the Treasury of the United States; if it be true that by the corrupt use of money and the abuse of the Federal election laws in the appointment of special deputy marshals to interfere with the election improperly—if that be true, as Manning charges in his answer, I want to say here I shall hesitate long before I shall consent by my vote to seat him upon such an election.

I want now to go back to the question of admission. And right here I will say that I am not going to take so broad a position upon that as most of the gentlemen on my left have taken. A man can concede away his case in an election contest upon the merits; he can not concede away the *prima facie* case, however. A man who is duly commissioned as an officer holds that office, and can surrender it only by resignation or by a vacancy occurring in the manner provided by law.

I need not again read the extract from McCrary which I read yesterday. But I hold that it must be conceded by every lawyer on this floor, upon a moment's reflection, that if a man is invested with an office he can not by a naked admission concede that office to another, or even create a vacancy in it except by resignation or in some other manner provided by law. When you come to the merits of the case, when you come to the election contest upon the merits, then the admissions made by Mr. Manning will stand against him and will do away with the necessity of proving the facts which he has admitted.

Now, right here you gentlemen concede that you ought not to go behind the certificate, behind the credentials. How do you know that Mr. Manning has made any admissions? Are they in his credentials? Do you find them by investigating and judging of his returns? No; you find that fact by going into the merits of the case, by going back of the certificates into the evidence in the case upon the final contest.

If the rule is true, and you concede it, that the credentials are conclusive *prima facie* evidence, are the only *prima facie* evidence, then how do you know that there are any admissions in this case? I repeat that you can find them only by going back of the credentials, by going into the merits of the case.

But I claim that Mr. Manning has not admitted that he was not elected, for he claims he *was* elected. We come next to the statement by him in his answer that he will not file his certificate nor attempt to take a seat in this House until he is vindicated and the House shall have confirmed his right thereto. Very well; to what does that refer? You say that Mr. Chalmers denies the right of Mr. Manning *prima facie* to the seat. Mr. Manning then had two charges to meet: first, as to his *prima facie* right; and, second, as to the right upon the merits of the case. He said, "I will not submit my credentials or ask to be sworn in until the House has decided that I am *prima facie* entitled to the seat." Now, that is just what he has done.

Now, one remark in answer to my friend from Georgia [Mr. TURNER]. He criticised me for the minority report, as he calls it, because I say that Mr. Manning's failure to present his credentials earlier is not without precedent. Why, sir, the gentleman himself in his argument showed that for more than half a century the custom was for members of Congress to come here with their credentials in their pockets and submit them as they were asked to be sworn in, and the credentials were then read at the Clerk's desk and passed upon.

Mr. TURNER, of Georgia. Will the gentleman pardon me?

Mr. COOK. Certainly.

Mr. TURNER, of Georgia. My statement was that it was unusual, since the act of Congress was passed fixing the period at which a member's salary began.

Mr. COOK. Well, but in my report I had reference to the entire time that Congress had existed, and you criticised that. I have not inquired whether some member has not filed his credentials after the 1st day of December or not. Certainly I do not believe that every one filed his credentials before the 1st of December last. I know that *one* did not. I was elected to fill a vacancy, and I did not file my credentials here until the day preceding the organization of this House, nearly three months after I was elected. Is my right to my seat here to be brought into question because of the delay in filing my credentials?

Does the gentleman from Georgia want to put this question upon the ground that Mr. Manning failed to file his credentials in due time? Where is the law that requires a man to file his credentials here at any particular time? I submit to the judgment of every lawyer in this House, and of every member who is not a lawyer, that any man may come here with credentials after the organization of the House and present them, and his right is not impaired by the delay.

The next argument is that Mr. Manning is not claiming his seat. I have heard the remark made by some gentlemen that if Mr. Manning will come forward, present his credentials, and claim his seat under them, they will vote for him to be sworn in, and if he will not do that they will not vote for him

Why, it looks to me as though one of the things that has bothered the Committee on Elections has been the fact that Mr. Manning has been insisting upon his right to the seat from first to last. He appeared before the committee and urged it. And I believe I will not be going outside of the record or saying anything not complimentary to any one when I ask members here to look around and say if both Mr. Manning and Mr. Chalmers have not been here claiming the seat from the very beginning and with a great deal of energy.

But is Mr. Manning to be refused his seat because he asked that the Committee on Elections shall decide judicially and fairly whether or not he should be sworn in under his credentials? In asking that did he surrender any of his rights?

Why, sir, if I held a note on my friend here from New York [Mr. POTTER] and he refused to pay it, and I went into court and asked for judgment upon it, asked the court to decide whether I was entitled to recover upon that note or not, would the court answer me and say that by bringing that note into court I had surrendered it?

On the subject of admissions I beg to refer to the report made by a gentleman [Mr. RANNEY] who, I understand, is to follow me, or who at least concurs in the views of the majority of the committee; and I believe he bases his opinion largely, if not wholly, upon the fact that Mr. Manning has made certain admissions in his answer. I have here a report with which I am very familiar, because I have read it frequently.

Mr. RANNEY. I do not base my position alone upon that.

Mr. COOK. Well, you base it a little upon that now, don't you?

Mr. RANNEY. A good deal.

Mr. COOK. All right. I hold here the report made by the gentleman from Massachusetts [Mr. RANNEY] in the case of Cook *vs.* Cutts in the last Congress. From this report I read the following language:

It is not in the power of a contestee to give away the rights of the public and allow another man to take the seat even by consent.

Is that good law?

Mr. RANNEY. Yes; I agree to that now.

Mr. COOK. The gentleman agrees to that now. I did not agree to it then, and I do not agree to it now as broadly as it is stated. He has a right to concede away his case upon the merits, because when a contest is inaugurated and we approach the question whether a man has been elected or not the case stands *inter partes*. The law makes him there the representative of the people of his district who have voted for him. It requires him to shape the issues by his answer. He may admit or deny. He can admit facts, and if they are reasonable, and there is reasonable ground for it in the evidence, that is conclusive upon him in the final contest upon the merits.

[Here the hammer fell.]

Mr. ADAMS, of New York. Mr. Speaker, there seems to be considerable doubt on our side of the House as to the power of the Committee on Elections, under the resolution referring this case to that committee. I desire, therefore, at the outset to call attention to the peculiar phraseology of the resolution introduced by the gentleman from Ohio [Mr. CONVERSE] on the second day of this session. It was suggested by the Chair that the gentleman put the resolution in writing; and I now read it as originally offered, in order to call attention to the difference between that form of the resolution and the one finally adopted. As originally offered the resolution is as follows:

Resolved, That the certificate and all other papers in the contested-election case of J. R. Chalmers *vs.* Van H. Manning, from the second Congressional district of the State of Mississippi, be referred to the Committee on Elections when appointed, with instructions to report immediately whether, upon the *prima facie* case as presented by said papers said Manning is entitled to be sworn in as a member pending the contest on the merits, and not to affect the final right to said seat.

To that resolution the gentleman from Indiana [Mr. CALKINS] objected, saying:

I object to that resolution, unless it be so modified as to read "said Manning or said Chalmers."

Mr. BLACKBURN (to Mr. CONVERSE). Put that in.

Mr. CONVERSE. I have no objection to that.

And the resolution as finally adopted submitted the question to our

committee with instructions to report immediately whether upon the *prima facie* case as presented by said papers said Manning or Chalmers is entitled to be sworn in as a member pending the contest on the merits, and not to affect the final right to said seat.

Now, it seems to me that every member of this House, in voting on that resolution and referring the question to the Committee on Elections, understood precisely the scope and authority conferred upon the committee—understood that the resolution itself did not in any respect limit the committee to the mere question as to who had or had not a certificate of election from the governor of the State of Mississippi.

At the outset of this discussion I ask permission to call attention to sections 140 and 141 of the Mississippi code of 1880, under which this election was had:

SEC. 140. The commissioners of election shall within ten days after the day of election transmit to the secretary of state, to be filed in his office, a statement of the whole number of votes given in their county for each candidate voted for in such county.

SEC. 141. The secretary of state, immediately after receiving the returns of any election, not longer than thirty days after such election, shall proceed to sum up the whole number of votes given for each candidate and to ascertain the person or persons having the greatest number of votes for each office, and shall declare such person or persons to be elected; and thereupon all persons chosen to any office at such election shall be commissioned by the governor.

I call attention to the word "statement" in section 140, and in this connection I ask gentlemen to look at the certificate of election filed by the commissioners of Tate County, as it appears upon page 1 of the printed case:

We, the undersigned, commissioners of election for Tate County, do certify that at an election held in Tate County, November 7, 1882, for the office of Representative in the lower House of the Congress of the United States, Van H. Manning received in said county eleven hundred and sixty-six (1,166) votes; James R. Chalmers, fourteen hundred and seventy-two (1,472) votes; Hannibal C. Carter, three (3) votes.

* * * * * * *

Witness our signatures, November 11, A. D. 1882.

E. L. WEEMS,
V. P. STILL,
R. O. MOSBY,
Commissioners of Election of Tate County.

Now, Mr. Speaker, the question for the Committee on Elections to determine in accordance with the resolution under which we acted was whether or not the secretary of state of the State of Mississippi when he certified that Mr. Manning was elected complied with the letter of the law of that State.

Let me call attention here to one of the most remarkable facts in this contested-election case, which has not been alluded to by any preceding speaker on this floor.

The gentleman who wrote the minority report uses, on page 19, this language:

And just here it may be proper to call attention to the fact that the return from Tate County over the construction of which we differ is not correctly printed. The tabular statement should come first, the certificate of the commissioners of Tate County to its correctness next, and then the certificate of the secretary of State that the copy before us is a transcript from the original.

By that language he wished to have this House understand that the law of Mississippi required a tabular statement to be sent by the county commissioners to the secretary of state from every county comprising each Congressional district in that State. At page 155, in the return from Tallahatchee County, this is the return:

THE STATE OF MISSISSIPPI,
Tallahatchee County:

At an election held in the county of Tallahatchee, State of Mississippi, on the 7th day of November, 1882, for member of Congress in the second Congressional district of the State for the Forty-eighth Congress United States, the following is the number votes polled for the following-named persons, to wit:

For Van H. Manning, 455 votes.
For Jas. R. Chalmers, 429 votes.
For Ham Carter, 6 votes.

We, the undersigned, commissioners of election, duly commissiond and appointed to make out and canvass the returns of the different voting-precincts of the county, after having duly examined and compared the votes, find that the above as stated is the true number votes cast for the individuals as stated above.

Witness this 8th day November, A. D. 1882.

A. B. BETTS.
B. T. WINN.
M. BLACK.

(Indorsed:) Tallahatchee. Rec'd by mail Nov. 12, '82. H. C. Myers, sec'y state.

That is the certificate sent by the county commissioners to the secretary of state under the law of Mississippi.

I will also call your attention to the return from Union County, to be found on page 156:

THE STATE OF MISSISSIPPI,
Union County:

We, the commissioners of election for Union County, State of Mississippi, duly appointed and sworn, certify that the following is a true, correct, and impartial return of all the votes polled at the different voting precincts in said county for the officers therein named, on Tuesday, the 7th day of November, A. D. 1882:

For Congress: Van H. Manning	1,241
For Congress: James R. Chalmers	133
For Congress: H. C. Carter	8
For Co. surveyor: A. F. Yerby	223
For Co. surveyor: William Liddell	13

Given under our hands this the 8th day of November, A. D. 1882.

Y. B. SLOAN,
T. J. SMITH.

(Indorsed:) Union. Rec'd by mail Nov. 10, '82. H. C. Myers, sec'y state.

I call the attention of the House to the remarkable fact that in the return certifying Manning was elected to a seat in this Congress, in computing or adding the whole number of votes in that Congressional district of Mississippi, the secretary of state took in every instance from the face of the certificates except this one from Tate County, and he deliberately ignored the writing under which the three commissioners certified, not that Chambless had received the vote, but that Chalmers had received it; that when he took the returns from all the other counties he took them from the face of the certificate and not from any tabular statement behind it.

Now, I claim that the certificate given to Mr. Manning by the governor of Mississippi does not confer upon him a *prima facie* right to a seat in this House. And right here, in connection with this point of tabular returns, let me call attention of the House to a precisely similar case in the ninth district of Wisconsin. Without going into the details, I will simply state that had the tabular statement in that instance been counted Mr. A. would have been elected, and if it had not Mr. B. would have been elected. If any gentleman wishes to see the law of Wisconsin he will find it reported in the fourth volume of the Wisconsin Reports. The language of that statute is identical with section 140 of the code of the State of Mississippi. When the matter was taken up for decision in the courts of that State it was held by the supreme court of Wisconsin as follows:

On the back of the return there is a tabular statement of the votes cast in each of the several towns and wards in said county for Representative in Congress, indicated by figures placed opposite the name of each town or ward, except the first ward in the city of Grand Rapids and the town of Lincoln, opposite each of which is written the following words: "Illegal and defective returns thrown out." It is alleged by the relator, and not denied by the respondents, that in such ward and town the relator received ninety (90) and George W. Cate fifty-six (56) votes: *Held*, That, rejecting the tabular statement as no part thereof, the return is valid and sufficient on its face, and the votes returned therein should be counted by the State canvassers.

Had the secretary of state of Mississippi on the 18th of November looked up the law he would have found that in the State of Wisconsin, under a statute similar in all respects, it was decided that a tabular statement on the back of a return formed no part of the return of a member from any Congressional district.

Now, there are three reasons why the certificate should not entitle Mr. Manning to a seat on this floor: First, the certificate is fraudulent; second, it was issued in direct violation of an injunction of a competent court in the State of Mississippi; third, he has himself refused to accept it, and declines to present himself here to be sworn in under it.

The certificate was issued on the 18th day of November, mark you, eleven days only after the election had occurred; and the secretary of state, as I am informed, had thirty days within which to certify to the governor the returns from each Congressional district in that election. On the 22d of November, four days after the circuit court of Mississippi had issued that injunction, and while it was still in force against an officer which the court decided it would run against, to wit, the secretary of state, he received a new or amended certificate from the election commissioners in Tate County, and here is what he says about it:

OFFICE SECRETARY OF STATE,
Jackson, Miss.

I, Henry C. Myers, secretary of state of the State of Mississippi, do certify that the foregoing page is a true and correct transcript of a paper or document received in this office by registered letter November 21, 1882, which paper or document I do not regard or recognize as constituting any part of the official papers or documents of my office.

Given under my hand and the great seal of the State of Mississippi this 22d day of November, A. D. 1882.

[SEAL.] HENRY C. MYERS,
Secretary of State.

Now, I call the attention of the House to the judgment of the circuit court, which is as follows. You will understand that the injunction was in force then against the secretary of state on that day:

And to the end that speedy justice be done and the judgment of the court effectuated, it is further considered and adjudged that the peremptory writ of mandamus herein issue, directed to and reciting what is adjudged in this case, and commanding the respondent, and commanding him forthwith, to sum up the 1,472 votes from Tate County so wrongfully counted by him for J. R. Chambless with the other votes counted by him for the plaintiff, James R. Chalmers, so as to allow to the said Chalmers 9,729 votes, and to certify that Van H. Manning received at said election 8,749 votes; H. C. Carter, 129 votes; that the said Chalmers has received 9,729 votes, and, the same being a majority of all the votes cast, to declare him duly elected, as above adjudged, to the Forty-eighth Congress of the United States from the second Congressional district of Mississippi; and that he make return to the said court on or before the —— day of ——, A. D. 1883, so that this court, or the judge thereof in vacation, may determine what other and further steps may be necessary to the speedy and final determination of this controversy.

That is the judgment of the Mississippi court when he had in his possession the amended certificate, if you may call it such; but I claim that it was unnecessary for him to receive it at all, as the rightful certificate, certified to by the commissioners in that election, declared, not that Chambless had received those cast, but that James R. Chalmers had received in Tate County 1,472 votes on that day. Now, I do not care whether or not Mr. Manning conceded away his *prima facie* case or conceded away his case on the merits, I claim that he never had any case at all, either *prima facie* or upon the merits, to concede away; and I think I will conclusively show, before I get through with this argument, to my Democratic friends on this side of the House what is and what is not a *prima facie* case in law. I have given considerable at-

tention, with the limited time I have had, to get a definition of what a *prima facie* case is, and I have found two, either of which the gentleman who has written this minority report and those who agree with him may adopt, as they please. One of them is given by an old Vermont farmer, who said a *prima facie* case is a case that is good on its face and is bad in its rear. [Laughter.] The other, Mr. Speaker, I get from so high authority as Mr. DAWES, formerly a member of this House. In order that some of the gentlemen may be relieved as to any doubt on this point, that the mere presentation of a certificate of an election to this House does not uniformly entitle the holder to a seat on this floor, I will read what Mr. DAWES says upon the subject. His language is:

When objection is made to a man's being sworn in on the presentation of his certificate, the House will look at the character of that objection, and if in the opinion of the House it is frivolous, it will admit him to his seat and proceed to the examination of the case. If in the opinion of the House it is a serious charge, made in good faith, then it has always been the precedent to refer the *prima facie* case to the committee.

Now, without taking up the time of the House with further definitions on the *prima facie* case, I say that the definition of Mr. DAWES is as true, as correct, and as just a one as can be found. My friend and colleague from New York on yesterday unfortunately in the course of his remarks referred to the electoral commission, and I am now going to ask the Clerk to read from the remarks of one of the most eminent lawyers that has ever lived in this country what his opinion was on the subject of the *prima facie* right on a certificate signed by the governor of the State of Florida. I refer to the distinguished Democratic lawyer the late Mr. Black; and I ask the Clerk to read what I have marked.

The Clerk read as follows:

Why, this doctrine that a thing which is false, willfully false, is utterly void and good for nothing has been by this court (I mean by the Supreme Court) asserted a thousand times. Nay, I undertake to say that the contrary doctrine has never yet been set up by any judge or any lawyer whose authority is worth one straw. Suppose you have a case of a patent issued by the Secretary of the Interior or the Commissioner of the General Land Office, the validity of which depends upon a confirmation by the court, and he falsely recites that the court delivered a judgment which the record shows it never did pronounce, and upon that basis puts the patent. Is the patent worth anything? Why is it worthless? Because it is based upon a fact which is untrue. "False" is "fraudulent" in all cases of this kind. When a man undertakes to say, "I certify to this fact," and at the time he does it there glares upon him from the record that lies before him the evidence that the fact is the other way, is not that a fraudulent certificate? And if it be fraudulent, is it not as void in law and as corrupt in morals as if it were a simple counterfeit?

Now, Mr. Speaker, that is the language of Mr. Black in the Florida case before the electoral commission, and that is good enough Democratic doctrine for me, and sound law for this House to follow now in administering it in this Manning-Chalmers controversy.

And he says:

And if it be fraudulent, is it not as void in law and as corrupt in morals as if it were a simple counterfeit?

Now did not the secretary of state, under sections 140 and 141 of the code of Mississippi, when he certified to the governor of the State that Manning was elected, did he not certify to a fact that was not true? There can be no question of doubt in the mind of any reasonable man that he certified to what was not true when he deliberately put the great seal of the State of Mississippi to that certificate. I believe my friend from Iowa [Mr. COOK] calls her a sovereign State. I claim that she is not sovereign, because there can be no such thing as a divided sovereignty. When you come here and present her certificate an objection is made. If her certificate alone was to guide and govern us we could not question it even although it was issued fraudulently, issued to a man who never ran at all, or who was disqualified and could not sit in this House. Now I read from page 55 the remarks of Mr. Merrick before the electoral commission.

He says, in speaking of the certificates:

These certificates each of them are only evidence that something has been done; are evidence that the individual to whom they are given has been invested with a power not granted by the governor, not granted by the executive power of the State, but that he has been invested with a power granted by the people, and of which grant this shall be the muniment of title.

And Mr. Hunton, one of the commissioners, says:

It has been declared that to go behind these certificates and to find contrary to them would be a violation of State rights. I am no advocate for State rights of the straitest sect. I did not, I do not expect to learn a lesson in that direction from those who have proclaimed it in this case. But in this case these new-made converts to the doctrine need have no apprehension, because the State of Florida, through the executive, legislative, and judicial departments of her State government, has labored to convince us and the country that the Hayes electors are not the duly appointed electors of that State. She has done what she could to correct this great wrong, and she relies on us to do the balance.

Did not the State court of Mississippi do what it could to correct this monstrous wrong committed by certain of her officers? And although the supreme court reversed that decision, still it did not reverse it on any such ground as is claimed for it here. And the State of Mississippi now, through her people, pleads here that we shall give effect to the finding of the only competent court in that State that has passed upon the question of that certificate and the right to the seat here.

I now read from the remarks of Mr. Justice Field, and I wish my friend from New York [Mr. DORSHEIMER] were here in order that he might listen to what that great lawyer said in that tribunal as to what constitutes a *prima facie* case:

The fact here to be ascertained is, who have been duly appointed electors of the State of Florida, not who have the certificates of appointment. It is the election—

I wish my friend from Iowa [Mr. COOK] was here to listen to this—

it is the election and not the certificate which gives the right to the office. The certificate, being only evidence, can be overcome by any evidence which is in its nature superior. And this is equally true of the certificate issued under the law of the State as of the certificate issued under the act of Congress. And yet in the opinion of the distinguished commissioner from Indiana (Senator Morton), and some other commissioners from the Senate and House appear to concur with him, the determination of those canvassers, as expressed by their certificate, is more sacred and binding than the judgment of the highest court of the land, incapable of successful attack on any ground whatever. If this be sound doctrine, it is the only instance in the world where fraud becomes enshrined and sanctified behind a certificate of its authors.

That is the language of Mr. Justice Field of the Supreme Court of the United States.

I have now quoted the language of Mr. Justice Field, that of Mr. Black, that of Mr. Hunton, that of Mr. Merrick, arguing a case directly in point with the question which is raised here; for you will all remember that the question before that commission was not as to going behind the returns, but as to going behind the certificates to the returns to ascertain whether or not the votes that came out of the ballot-box were given for Mr. A or Mr. B.

The distinguished gentleman who preceded me said that he had not read any of the evidence in this case. And yet before he got through he went into a complete history of the question of taking money out of the United States Treasury for the purpose of electing Mr. Chalmers; and I submit that he has read every word of the testimony contained within these pages of this printed case, otherwise he would not have known whether or not there was any testimony contained therein as to who paid the money or when it was paid or by what officers of the Government.

The gentleman says in his report that it would be a great wrong to the people of that district of Mississippi if her 150,000 people should be deprived of a Representative on this floor. So say I. But it is a greater wrong and a double wrong when one of her sworn officers, sworn to uphold the law, deliberately falsifies the wishes of the whole constituency of the second district of Mississippi. I submit that when an officer like Mr. Myers certifies to what is not a fact, this House at least, in vindication of its honor and its rights, will spit upon the return which he makes, and send it back to the State of Mississippi, to teach him that when the people elect a man in any district in this country not his will but theirs shall govern.

Now, as we on this side have been protesting and will still protest against the unjust decisions of 1876, so now I appeal to every man on this side of the House, when the Democratic party is restored to power here, no matter what the decisions may have been on technical points of law, when a man is elected to the American House of Representatives the will of the people shall not be nullified by the act of any intermediate officer. That is good Democratic doctrine. And I state that I would have gone further than the report of the committee. I was willing to seat Mr. Chalmers, because I claim that the minute this House organizes, and its members are sworn into office, a certificate of election after its organization is not a condition precedent or a prerequisite to a seat on this floor. Otherwise no contestant could ever be seated here, as many have been since the foundation of the Government, without a certificate at all.

I ask members on this side of the House, in all fairness to gentlemen on the other side of the House, to state whether when they referred this matter to our committee they did not do so as the gentleman from New York [Mr. COX] understood it when he said "Let it all go," every document connected with it, so as to ascertain whether Mr. Manning or Mr. Chalmers was elected to the seat.

And right here now, taking up the story which the gentleman from Colorado [Mr. BELFORD] told us this morning, let me say that Mr. Manning is in the exact position that the Irishman was who refused to take the medicine. Mr. Manning says to the Democratic party of this nation: "If you will only fill up that glass with hot toddy and force me to take it—if you will only force me into this House and divide the responsibility with me, I am willing to come forward and take my seat; otherwise I am not." Well, if he is not willing to take the medicine without being forced to do so, he can not come to me or to any other Democrat on this floor and ask us to divide the responsibility with him and with the secretary of state of Mississippi.

The evidence which was submitted to us shows that the secretary of state of Mississippi telegraphed for Mr. Manning's attorney. Now what did he want Mr. Manning's attorney at the capital for? The attorney swears in his testimony that he arrived in Jackson on the morning of the 18th of November, the day upon which this certificate was granted, and immediately conferred with the secretary of state. He also swears that he objected to two counties, the county of Tate and one other, which I have forgotten, but that he did not at the time know of the defect in the certificate from Tate County. Now I have no hesitation in saying that if Mr. Manning used this remarkable language in his answer I for

one am going to hold him to it while I am a member of this House. This is the language:

I admit that the inspectors and clerks of the several election precincts did certify to the county commissioners of election in their respective counties that you received a majority of the votes cast; and I further admit that the 1,472 votes which the commissioners of Tate County returned as cast for J. R. Chambless were in fact cast for you, and that the name Chambless was inserted in the return by clerical error instead of your name.

And in this connection I state that because of said error, to your prejudice, I will not take a seat in said Congress or ask the Clerk to enroll my name as a member thereof until I have vindicated and the House shall have affirmed my right thereto.

That certainly is most remarkable language. Gentlemen talk about precedents. In the limited time which has been allowed me on the Committee of Elections I have not been able to find in the cases which I have read a single case where a man came into this House and said to the people of his State in her courts that he was not elected, and who further said that he would not take his seat here until the House had confirmed his right thereto.

Right in this connection let me refer to another matter. On the second day of this session the gentleman from Ohio [Mr. CONVERSE] said that he was instructed—I had better read his language so as to give it correctly.

I am requested by Mr. Manning to ask unanimous consent of the House that the question of his *prima facie* right to a seat on this floor be referred to the standing Committee on Elections when appointed, with instructions to report thereon at the earliest day possible.

You, Mr. Speaker, asked the gentleman from Ohio to state his motion again, and said, "Perhaps it had better be put in writing, so that there may be no mistake about it." Now I would like to know who authorized the gentleman from Ohio [Mr. CONVERSE] to submit to this House through the Committee of Elections the question of the right of a member to his seat; to give away what, as my friend from Iowa [Mr. COOK] says, can not be given away? Who gave the gentleman from Ohio the right to say that, speaking as the representative of Mr. Manning, he was willing to submit, not the case upon its merits, but the *prima facie* right to a seat on this floor?

Let me say in conclusion that if gentlemen here do not agree with the report of the majority of the Committee on Elections they should have the manhood and the courage to vote to accept the report of the minority of the committee. Do not send the case back to us. We can not enlighten you if you limit us to the certificate alone. Every member on this floor knows that Mr. Manning holds the certificate. If we are not to look to any accompanying papers how can we make a report other than that which every member of the House knows to-day?

I submit that in place of referring the case back to the Committee on Elections those who propose to refer it back to our committee for the purpose of having a cloak thrown around them by means of a report from the committee that Mr. Manning has the certificate, and upon that report they intend to seat him, should be more manly, and, in the language of the proposition of the gentleman from Pennsylvania, they should vote that Van H. Manning has "a certificate of election to the office of Representative * * * issued by the proper authority as required by the laws of the State of Mississippi," and, that being the only return, he is entitled to be sworn in and occupy a seat on this floor pending the contest on the merits.

In that way they will reach the same result, but will reach it in a more manly way than by referring that simple question to our committee. They will reach it in such a way that every Democrat who has a seat on this floor will have to answer to his constituents when he goes home why for the first time in the history of the American Government a man who in the courts of his own State openly admits that he was not elected to this House, admits that he is not entitled to the seat, admits that his opponent was elected, was seated by them in the face of those admissions.

Now I say to Mr. Manning, although I have no feeling in the case, that if his conscience was elastic enough to enable him to take that certificate from the secretary of state of Mississippi in direct violation of law, then let him stretch his conscience a little further, and come here like a man, present to the bar of this House the certificate which he has spit upon and which he has repudiated from the 18th day of November, 1882, down to the present hour.

I will inquire, Mr. Speaker, how much time I have left.

The SPEAKER. The gentleman has fifteen minutes of his time remaining.

Mr. ADAMS, of New York. I will yield to the gentleman from Iowa [Mr. HEPBURN] the remainder of my time.

Mr. HEPBURN. Mr. Speaker, I would not have desired to say anything on this question if it had not been for the very serious animadversions against the majority of the committee and their report that have been indulged in by various gentlemen. It has been charged that the committee failed entirely to understand the scope and extent of the commission intrusted to them; that they have gone beyond the duty required of them, and have assumed to do things not authorized by this House. It is to repel something of this charge, if I can, that I desire the attention of the House for a moment.

You will remember, Mr. Speaker, that the circumstances surrounding and immediately preceding this reference were somewhat peculiar. The other members of the House, having presented their credentials at a proper time and in a proper manner, had received the oath and been invested with the power to perform their functions here. But this gentleman, Mr. Manning, for reasons best known to himself, omitted to do that; and a member, after the organization of the House, attempted by a resolution to force upon him the duties of a member. After much debate, and after the intervention of an adjournment, a new resolution was introduced. That was fully discussed; it was amended; its phraseology was scanned and perfected; and as a result this language was used in the resolution:

That the certificate and all other papers in the contested-election case of J. R. Chalmers *vs.* Van H. Manning, from the second Congressional district of the State of Mississippi, be referred to the Committee on Elections when appointed, with instructions to report immediately whether upon the *prima facie* case as presented by said papers said Manning or Chalmers is entitled to be sworn in as a member pending the contest.

That is the language of the resolution. The certificate and all of the papers were referred; and the committee were instructed to report as to the rights of these gentlemen from all of those papers.

Now, I take it, Mr. Speaker, that the House had the absolute right to determine what evidence should be considered by this committee. There are no limitations that can be placed upon the rights of this House under the Constitution of the United States in dealing with a question of this kind. The language of the Constitution is as follows:

Each House shall be the judge of the elections, returns, and qualifications of its own members.

No act of Congress that can be passed can limit the right of each succeeding House to determine what the evidences shall be upon which that particular House will seat a member. And although it may be wise, for the purpose of expediting the early organization of Congress, that there should be a rule established, as there is, for the Clerk to make out a roll entitling members, when we are all without the power to act, to receive the oath, yet as soon as the House is organized, as soon as it passes beyond that chaotic state to which this law is directed, then we have the right to determine what shall be considered in determining the *prima facie* case of a member. Exercising that right, this House did instruct its committee to look to the papers filed in the election case, and from all of those papers to determine the verities of the case.

Now, this resolution having been drafted by a lawyer, having been addressed to lawyers in the main, I suppose we have a right to assume that the gentleman who drew it used the words therein contained as they are ordinarily used by members of the legal profession. What are the papers in a contest? The mutual altercations of the parties; in other words, the pleadings, and possibly the documentary proof. Those were the papers that were referred; and we were instructed to look to all of these and determine from the face of all of them who, if any one, was entitled to this seat, and in pursuance of that duty we did proceed to the examination.

We found a certificate. Why, sir, every member of this House knew that there was a certificate of that character. The gentleman who introduced the resolution so stated to the House. The first resolution that was introduced recited in its preamble the fact. Yet, notwithstanding that, and notwithstanding the further fact that this committee has reported among other things that Van H. Manning does hold a certificate regular in form, conforming to all the requirements of the law, now, forsooth, certain gentlemen who want to call a halt in the march of proceedings desire that the matter should be recommitted to the committee with instructions to report whether or not Van H. Manning holds such a certificate, and nothing more.

What is the reason for that, Mr. Speaker? I confess, sir, that I am unable to determine it, unless it is that there is upon the part of certain gentlemen on that side of the House the settled and fixed determination to seat the gentleman named in this first resolution without reference to right or without reference to the facts as their own committee has determined them to be.

I confess, Mr. Speaker, that if we had simply been instructed by a resolution, such as has been offered by the gentleman from Pennsylvania, to inquire into this case, there would have been no doubt in my mind that Mr. Manning should have had his seat upon the *prima facie* case. I was of that opinion up to the time when I found among the papers in the case referred to us that statement of his in which he himself impeaches the verity and the veracity of the certificate that he holds. Up to that time I had no doubts upon the question. But when I remembered that we were to inquire as to these papers who had a *prima facie* right, and when I found Mr. Manning's solemn admission in effect that his certificate was a fraud, that at least it was issued under a mistake, that it was issued because 1,472 votes had been omitted from the count which, if counted for Mr. Chalmers, would have entitled him to a certificate, then I had no hesitation in supposing that the report of this committee was correct, and should be sustained.

But, Mr. Speaker, gentlemen do not seem to remember the results of this report. The committee simply report in effect this resolution: Resolved, that the Committee on Elections be discharged from the further consideration of the *prima facie* right to the seat in the contested-election case of J. R. Chalmers against Van H. Manning. We simply ask that the matter rest until the committee, in further prosecution of

the duties with which it is charged, shall be permitted to report on the merits of the case now pending.

And right here, Mr. Speaker, let me suggest to you that no man can have a right, *prima facie* or otherwise, to a seat in this House simply upon the fact that he holds a certificate. His right is based on the fact of an election, and it is begging the question to talk about the rights of a man to a seat on this floor who does not base that right on a preceding election. If he is admitted to the seat here at all pending a contest and in the absence of an election, it is simply at the most a courtesy. It is a case of leniency extended to him, and not because he can clamor for a right; for the right to a seat is the result of an election properly had by persons who were competent voters, and no other man can have any right to a seat here.

Yet gentlemen inquire why was it that certain members of the House voted to seat General Wheeler during the last Congress? General Wheeler presented his certificate. It was in due and proper form. It was while the House was in its formative state. It was at that period that he came to Congress. The House was not so organized it could assert the power invested in it by the Constitution. General Wheeler came here on the footing of every other member. There was no one who had the right to object, and if for a moment at the request of a member he stood aside, it was because it was of his own volition. He had the right then and there, as admitted on the floor at the time by all who discussed the matter, to insist if he saw fit to have the oath administered to him when his name was called. And the fact that he did stand aside was simply because he elected to do so, as was explicitly stated at the time. But, sir, if later on than that, if the House was organized and the question had then come up, he not having taken the oath and his rights not having been passed upon, I submit to you that then and there a different question would have been presented. There would have been an organized House, with power under the Constitution to determine the qualifications and elections of its members and fix for itself the limits to which it will go in hunting for its proofs to pass on the competency of evidence, as was done in this case.

The House has already passed on the competency of these proofs. They have instructed us where we were to look for evidence, and from the evidence to which our attention was directed to find our results and report them to the House.

Mr. LOWRY obtained the floor.

Mr. TURNER, of Georgia. I hope we will be able at this time to make some arrangement as to the further progress of this debate. We have now nearly occupied two days in this discussion, and while I have no desire in the world to impose improper limits, I believe there ought to be at least some limit placed on the debate, so gentlemen may know when this matter shall close. I suggest to gentlemen on either side of this report whether we would not do well to fix the limit of discussion and agree the previous question shall be demanded at half past 4 o'clock this afternoon.

Mr. BAYNE. Say 4.

Mr. TURNER, of Georgia. It is suggested all round me the previous question shall be called at 4 o'clock.

Mr. ROBERTSON. I do not think that would be right, as the gentleman from Indiana who has the floor is entitled to proceed for an hour, and that would cut off the right to be heard on the other side.

The SPEAKER. The gentleman from Indiana, having been recognized in his own right, is entitled to occupy the floor for an hour.

Mr. BAYNE. Perhaps he will agree to some arrangement for division of the time.

Mr. BENNETT. I am a member of the committee, and am entitled to an hour in my own right.

Mr. ROBERTSON. We might be able to agree we should have the next speech and then they could have the conclusion.

Mr. TURNER, of Georgia. I have no desire to put limits to the debate in any way which would inconvenience any gentleman on the floor, much less any member of the committee, or to cut off any gentleman who may desire to support either report. I should like to inquire whether the hour of 5 could be fixed for ordering the previous question?

The SPEAKER. And take the vote in the morning or this evening?

Mr. SINGLETON. Mr. Speaker, it has been my desire at some time during the course of the debate upon this question to occupy some ten or fifteen minutes in presenting the views of myself and my colleagues on this controversy. As we are unanimous on this side of the House in favor of seating Mr. Manning upon the *prima facie* case, it will not be necessary, of course, to make an elaborate argument upon his right. But if any arrangement could be arrived at by which I may be able to occupy a few moments of the time for the purpose stated, it would be more satisfactory to me.

Mr. TURNER, of Georgia. I would inquire of the gentleman from Mississippi whether it might not meet his views if we should order the previous question, say, at half past 5 this afternoon?

Mr. SINGLETON. I have no desire to protract the debate. I have said my only object is to give to my people and to this House the reasons which will influence the vote I expect to cast. But of course I am not to be understood by my remarks to commit myself or my colleagues to any line of policy when the case comes to be decided upon its merits.

Mr. LOWRY. So far from desiring to occupy the entire time allotted to me, I wish to state, in the first place, that by virtue of a prior arrangement I have agreed to yield a portion of my time to the gentleman from Pennsylvania [Mr. RANDALL], understanding the fact that his position on this question is different from my own. I do not now see him in his seat. It was understood that he would be here when the gentleman who last occupied the floor had closed his remarks.

The SPEAKER. Does the gentleman from Georgia submit any proposition?

Mr. TURNER, of Georgia. I have been anxious to arrive at some arrangement on this question, but it seems to be almost impracticable to do so without disappointing some gentlemen who wish to be heard. I would suggest, therefore, that the debate shall continue during this afternoon under the present arrangement, and that by unanimous consent the previous question may be considered as ordered when this matter is resumed in the morning.

The SPEAKER. Is there objection to the suggestion of the gentleman from Georgia?

Mr. ROGERS, of Arkansas. I object.

ENROLLED JOINT RESOLUTION.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled joint resolution (H. Res. 152) for the relief of E. H. George and H. W. Walker; when the Speaker signed the same.

CONTESTED-ELECTION CASE—CHALMERS VS. MANNING.

Mr. LOWRY. I perceive the gentleman from Pennsylvania [Mr. RANDALL] is now in his seat. I yield five minutes of my time to him.

Mr. RANDALL. Mr. Speaker, it is admitted here that Mr. Manning is duly returned to this House. It is admitted that this certificate would entitle him to a seat here pending the consideration of the merits. The next question which seems to be involved is whether Mr. Manning has waived any right which he has; whether, in addition, he could waive any representative right of a sovereign constituency. As to the first point of waiver, I do not clearly see that he has waived any right whatever. The time for him to waive such a right would be when he is asked to come to the bar of this House and to be qualified.

I do not think that he possesses the power to waive a legal right of representation. There is a great disagreement among the committee themselves as to the initial purpose of the House in referring this matter to the Committee on Elections. It is clear that somebody ought to sit here to represent the second district of Mississippi. Therefore, while I concede that the committee, or rather a majority of that committee, has acted fearlessly, honestly, and to their best judgment, yet I think it far wiser and more satisfactory that this question should be recommitted under the motion of the gentleman from Pennsylvania, my colleague [Mr. CURTIN], to the committee.

I am not moved in any degree by the question as to what may be politic in the settlement and adjustment of this question. We have a plain duty to perform, and that is to determine whether the case is to be decided upon the merits or upon the *prima facie* title. In this condition of confusion among the committee it is quite natural that a corresponding degree of confusion should exist in this body; and I therefore believe that no injustice can be done to either of these parties by a recommittal of the case, but on the contrary that injustice by delay is being done to the second district of Mississippi in not immediately deciding the question of the *prima facie* simply, rather than risk further delay of that representation by entering on the merits.

Mr. RANNEY. May I ask the gentleman a question?

Mr. RANDALL. Certainly.

Mr. RANNEY. I wish to ask if the learned gentleman from Pennsylvania has not noticed in the report of the majority of the committee as it now stands that every single fact covered by this resolution pertaining to the submission of the question to the committee has been already considered just as he wants it done. Therefore I ask him why it is he wishes to recommit it.

Mr. RANDALL. I say it ought to be recommitted, so far as this committee is concerned, because of the fact of their having entered rather upon the merits of the contest than a decision of the *prima facie*.

Mr. RANNEY. But every fact is already covered by the report of your committee.

Mr. RANDALL. The gentleman may assert that opinion, but yet the majority of the committee do not, as I am led to believe from the fact that one gentleman now present, a member of the committee, gives me an affirmative response in that particular.

[Here the hammer fell.]

Mr. LOWRY addressed the House. [See Appendix.]

Mr. HART obtained the floor.

Mr. COOK. Before the gentleman from Ohio proceeds I would be glad if we could reach some understanding as to the time and order of the debate that is yet to be had. Two hours have been occupied in succession upon one side. It seems to me the speeches should alternate.

The SPEAKER. The Chair would have recognized the gentleman from North Carolina [Mr. BENNETT] to speak in opposition to the report of the majority of the committee, but that gentleman preferred not to be recognized this afternoon.

Mr. COOK. Then I wish to inquire of the House whether we can arrive at some understanding with reference to the time when this debate is to close.

The SPEAKER. Has the gentleman any suggestion to make?

Mr. COOK. I suggest that one hour be consumed upon the side opposed to the report, and that to-morrow morning the previous question be considered as ordered. The gentleman from Georgia [Mr. TURNER] has kindly consented to yield to me, for distribution among members on this side, one-half of his closing hour.

The SPEAKER. The Chair will state that he has endeavored to recognize gentlemen first on one side and then on the other, and has done so until the last two hours; but there were more gentlemen on the committee desiring to speak in support of the report than those who desired to speak against it; hence it became necessary to allow two speeches in succession on the same side. The Chair would then have recognized the gentleman from North Carolina to speak against the report if that gentleman had not expressed to the Chair a preference that he should not be recognized this afternoon.

Mr. COOK. Then, as there are numerous gentlemen who wish to speak on that side, I suggest the propriety of so occupying an hour now, so that when we come to limit debate there will have been something like an equal distribution of the time.

The SPEAKER. The gentleman from Ohio [Mr. HART] is recognized, and will proceed if he desires to do so.

Mr. KEIFER. With the permission of my colleague, I desire to make the announcement that on Tuesday next I will ask the House to consider the Military Academy appropriation bill.

Mr. HART. Mr. Speaker, I am aware, sir, the hour is late and the House may be weary of this debate. No doubt there are many members here who would like to determine the question by a vote to-night, and under these circumstances I feel I would be unduly trespassing on the time of this body if I were to enter into a lengthy argument. But as a member of the committee it is proper for me to state what I understand were the reasons for the action of the majority of that committee as well as give the reasons which shall govern my vote.

Let me, if I can, restate the question as I understand it to have been presented to this House. On the first day of this session, after the House had organized by the election of its Speaker, my friend from Ohio [Mr. CONVERSE] rose in his place and presented the credentials of Mr. Manning, and asked that he might be sworn in. Objection was made and debate followed. By and by the gentleman from Indiana [Mr. CALKINS] offered a substitute for the resolution, declaring it was the sense of the House that the certificate and the other papers filed by Mr. Chalmers should go to the Committee on Elections and there the case of the *prima facie* title should be determined. That ended the first day's work. On the morning of the next day the gentleman from Ohio [Mr. CONVERSE] arose and stated to the House that at the request of Mr. Manning and by his authority he proposed this matter should be referred to the Committee on Elections. Afterward, at the suggestion of the Speaker, he reduced his resolution to writing. That resolution has been frequently read here in argument. It is as follows:

Resolved, That the certificate and all other papers in the contested-election case of J. R. Chalmers *vs.* Van H. Manning, from the second Congressional district of the State of Mississippi, be referred to the Committee on Elections when appointed, with instructions to report immediately whether, upon the *prima facie* case as presented by said papers, said Manning is entitled to be sworn in as a member pending the contest on the merits, and not to affect the final right to said seat.

The only modification afterward made by the House was the insertion of the name of Chalmers, so that the *prima facie* title of both gentlemen was to be examined. By the terms of that resolution and by the common consent and authority of this body the certificate of election, together with the other papers in the case of Chalmers *vs.* Manning, was sent to the committee for examination and report.

There is no possible misunderstanding the meaning of that resolution. There is no misunderstanding the purpose and scope of the instructions given to the committee. The House in effect declared that in the consideration and determination of this *prima facie* case not the certificate alone but that all the other papers in the case should be examined by the committee and they should make their report upon them. The action of the House was mandatory, and if the Committee on Elections had refused to examine the papers presented to them they would have acted in disobedience of the instructions of this body and in contempt of its authority.

What were the papers presented to the consideration of that committee? First, there was the certificate of Mr. Manning signed by the governor of Mississippi. There was another paper giving the returns from the different election precincts and counties of the second Congressional district of the State of Mississippi. Another paper was from the commissioners of election of Tate County, and in that certificate they declare that 1,472 votes were cast in Tate County for James R. Chalmers.

There was on the reverse side of that paper what purported to be a tabulated statement on which the returns from the several precincts were reported, and there the word "Chalmers" was written "Chambless." There was also the affidavit of the clerk of the commissioners of election, and in that affidavit he swears that the word "Chambless" was a clerical error; that the vote was cast for Chalmers, counted for Chalmers, returned for Chalmers, and that the certificate of the commissioners of election of Tate County was true and correct. There was another paper also submitted for the consideration of the committee, and I want to call the special attention of the House to it.

The election was held on the 7th day of November. The secretary of state had thirty days within which to open the returns and announce the result. On the 18th day of November, eleven days after the election, he proceeded in his office to open the returns and examine them; and while he was in the discharge of this duty, before he had counted the returns, before he had announced the result, there was served upon him a restraining order, issued by the judge of the circuit court of the ninth judicial district of the State of Mississippi, commanding him not to proceed with the count until the question of clerical error was determined. That paper, I say, was also before the committee.

The secretary of state on the 18th day of November, 1882, had all this knowledge and information that the House is now in possession of, and he knew that the word "Chambless" was a clerical error. He knew that 1,472 votes in Tate County were cast for Chalmers. He knew that according to the returns from that Congressional district a majority of the votes had been cast for Chalmers, and that he was legally elected to Congress from the second Congressional district of Mississippi. And yet, sir, in utter disregard of all the facts and all of the information in his possession, in disregard of the special protest of those who claimed them for Mr. Chalmers and that by these votes he was legally elected, in disobedience to the order of the court, and in defiance of the judicial authority of the State, he proceeded to count and did count the vote of Tate County for "Chambless," refusing to give it to Chalmers, and decided that Manning was legally elected in that district. It is not necessary for me, Mr. Speaker, in the examination that I make of this case now, to utter any comment upon the action of the secretary of state of that Commonwealth.

But I proceed further. These were the circumstances under which the certificate was given to Manning and issued by the governor of the State of Mississippi, and it constitutes the first chapter in this miserable business. What next? There was but one thing left for Chalmers to do; and after the certificate had been issued by the governor of Mississippi giving the right to a seat to Mr. Manning—I say after that had been done Mr. Chalmers filed his notice of contest, and in that notice of contest he expressly puts in issue not alone the question of who was in fact elected in the second district of Mississippi but also the *prima facie* title of Mr. Manning to a seat. That calls my attention to another paper before the committee. Mr. Chalmers in his notice sets forth that the certificate was illegally issued; that it was the result of fraud and criminal conspiracy. Now, sir, to that issue tendered by Mr. Chalmers Mr. Manning comes in and files his answer, as he is required to by the statutes of the United States in such cases.

I will not occupy the time of the House, when I know that the members are weary, by examining in detail the different provisions of the answer that was filed by Mr. Manning. But it does not avail our friends upon the other side to say that the answer in some parts of it declares in general terms that Chalmers was not elected. Mr. Manning nowhere asserts that he himself was elected, and in a paragraph of his answer which has been read in the hearing of the House he uses the following language:

I deny that any frauds were attempted or practiced by my friends, or that they were guilty of fraudulent or illegal practices, or that you received a majority of 1,332 votes as a member of the Forty-eighth Congress from said Congressional district, though I admit that the inspectors and clerks of the several election precincts did certify to the county commissioners of election in their respective counties that you received a majority of the votes cast; and I further admit that the 1,472 votes which the commissioners of Tate County returned as cast for J. R. Chambless were in fact cast for you, and that the name Chambless was inserted in the return by clerical error instead of your name.

And in this connection I state that, because of said error, to your prejudice, I will not take a seat in said Congress or ask the Clerk to enroll my name as a member thereof until I have vindicated and the House shall have affirmed my right thereto.

Here is the admission of a particular and specific fact, which, being a fact, shows that he is not entitled to the certificate, but that it should have been given to his opponent. He admits that a majority of the votes as shown by the returns from the second district of the State at that election were cast for Mr. Chalmers. He admits that the 1,472 votes cast in Tate County were cast for Mr. Chalmers, and admits that Chalmers on the face of the returns is elected. And so emphatic and so earnest is he in his declaration, that he declares he will not take the certificate, will not file it, and will not claim his seat under it.

Now, Mr. Speaker, what was the effect of that answer? I say if ever a man could be estopped by a pleading filed in a case, Mr. Manning is estopped in this instance. By that answer he enters a confession of judgment against himself. It is a solemn declaration of record that the certificate he holds was issued without warrant or authority of law; that it is founded in mistake, or in fraud, or in corrupt and criminal conspiracy. That is the admission of the answer, and there can be no other honest construction given to it. Now, sir, after Mr. Manning has published to the world his declaration in regard to the character and result of the elections in that second district, what is proposed to be done by this House?

It is now proposed by Mr. Manning and his friends that this House of Representatives shall take that certificate, that paper which Manning himself has invalidated and repudiated, which he has himself stamped with corruption, infamy, and invalidity—it is proposed, I say, that this House shall take that invalidated paper and clothe it with legal authority and force and upon it place him in his seat. Mr. Manning assures his opponent and he assures the country that he can not voluntarily take that certificate, that he will not voluntarily take this seat, but he is willing to be forced into it; he is willing to take that at the hands of this House which he admits as an honorable man he can never receive. Now, is there any dodging that conclusion? Here he stands before the House and before the country. By his own hand, his own declaration solemnly of record, he has admitted that his title is insufficient in law and insufficient in fact; and yet he asks this House to do that for him which he can not honorably do for himself.

I hope the American Congress will not for a moment put itself in an attitude so ridiculous as that before the country.

And now, Mr. Speaker, I want to refer for a moment to some of the arguments that have been made on the other side. For my part, I have as yet been unable to hear any satisfactory answer to the position taken by the majority of this committee. What are the arguments? It was said yesterday afternoon in the debate by the distinguished gentleman from New York [Mr. DORSHEIMER] that the admission of Manning in his answer ought not to have any weight and should not be considered by the members of this House; and he gives as an illustration of his argument that courts of justice will not allow a man when charged with a grave offense to be condemned or sentenced upon a plea of guilty. I think, with all due respect, that that was a very unfortunate illustration. By it he likens Mr. Manning to a criminal who is asking and pleading for the protection of the law and the mercy of a court.

But the illustration was unfortunate in another respect. Everybody knows who has had any familiarity with courts at all that, except for the crime of murder in the first degree, courts are constantly taking the confessions and pleas of guilty and men are sentenced to the penitentiary every day upon their own confessions and their pleas of guilty. And, more than that, it is well known that in civil courts and in civil actions the pleadings of the parties are binding upon them; and when a defendant in a case files his answer we understand he is concluded by the admissions he makes in it. My friends on the other side must be driven to terrible extremity when they are compelled to place Mr. Manning in the position of a criminal at the bar of court and ask for him exemption from the force and effect of his answers in this case.

But, Mr. Speaker, another ground is also taken, and that is one which is especially relied upon by several gentlemen here, and particularly by my friend from the State of Iowa [Mr. COOK], and what is that? Why, they say that a man who is a member of Congress can not confess away the rights of his constituency; that he stands there in a representative capacity, and that no admission in the world that he could make can be of binding force and validity. One gentleman has gone so far in his argument in this case, and I think, if I remember rightly, it appears in the report of the minority of the committee, as to say that 150,000 or 160,000 people in the second Congressional district of Mississippi have a right to be consulted in this case, and are not concluded by the answer of Mr. Manning. I apprehend the people of the second district of Mississippi have been consulted. They were consulted on the 7th day of November, 1882, and according to the returns they expressly declined to be represented by Mr. Manning on this floor. They do not want his services, and have said so in unmistakable terms.

I admit as a question of principle that the second district of Mississippi and every other district in the United States ought to be represented on the floor of Congress. But because a district ought to be represented is that any reason why this district or any other should be misrepresented upon this floor? If the one hundred and fifty or one hundred and sixty thousand people of the second district of Mississippi have retired Mr. Manning, have chosen another person to act for them as their Representative in the American Congress, is that any reason why the man whom they have repudiated should be permitted to come in here and take a seat?

But there is another ground. I was struck very forcibly by the remarks that were made in another part of the speech of the gentleman from New York [Mr. DORSHEIMER]. You will remember when the question was put to him by some gentleman on the other side whether if a man should come into this House and present his certificate and in the presence of this body and before he was sworn in should say that that certificate was obtained by fraud and was the result of corruption would he feel under obligation to seat that man upon that certificate, the distinguished gentleman from New York declared that he would. I am amazed that such a doctrine should be advocated here or anywhere else under the shining sun. Now what is the proposition in fact and in law upon which the opponents of the majority report have planted themselves and upon which they are compelled to plant themselves in the investigation and argument in this case? I will state it as I understand it. The sum and result of the argument of the defenders of the claim of Manning is crystallized in this single proposition, that a certificate of election regular in form, signed by the proper authority, is absolutely unassailable even though the holder, in the presence of the House and before he is sworn in, admits that it was issued in violation of law and is fraudulent and is the result and product of corrupt and criminal conspiracy, and that the House in such a case, with full knowledge of the facts, is compelled to swear in the holder upon this admittedly invalid and fraudulent paper.

That is the doctrine advocated by those who represent the minority upon the Committee of Elections. A man may come into this House, he may present before the members of this body a certificate and say, "Here is my certificate; it was born in sin and conceived and nurtured in iniquity; it is dripping all over with fraud; it is rotten with corruption; and I say this to you before I am sworn in." Yet the distinguished gentleman from New York [Mr. DORSHEIMER] and others say that they would swear him in all the same.

I protest that such a doctrine as that is absolutely monstrous. Fraud vitiates every transaction; it invalidates every instrument of writing, every contract, and vacates and sets them aside. A fraud, when it is admitted and confessed, should receive prompt repudiation and condemnation at the hands of any tribunal the moment that fraud is discovered by the body to which it is presented.

I protest in the name of the honor and decency of the American Congress. The proposition advocated by the other side is shocking and offensive to the moral sense and intelligence of the American people, and yet they are driven to that position by the grounds they have taken in this matter.

I do not desire to further occupy the attention of this House, except to refer to one single other matter. A resolution has been offered by the distinguished gentleman from Pennsylvania [Mr. CURTIN], by which he proposes to recommit this subject to the Committee of Elections with instructions to that committee to consider and determine the question whether a certificate has been issued to anybody, and, if so, to whom. This is a very extraordinary proceeding.

This House, after deliberation, after full consideration, almost unanimously agreed that the certificate of Mr. Manning and all the other papers in the case should go to the Committee on Elections. My friends on the other side say that although they were all referred, still the committee had no right to look at anything but the certificate. I ask what they were sent to the committee for? Was it for fun? Was it a farce? Was it to compel us to go through the examination of these papers from the beginning to end, deliberate upon them, and make our report thereon to this body, and then be kindly told that we had meddled with that which was none of our business?

My friend from Kentucky [Mr. ROBERTSON] said yesterday that any man who dared to consider these outside papers was a demagogue. That is a very grave charge to make against the three hundred and twenty-odd members of this House of the American Congress when it is remembered that they—not a part of them, but *all* of them—by the authority and consent of Manning himself, sent these papers to the committee, and demanded and commanded the committee to examine them and to report upon them.

Mr. ROBERTSON. Upon the *prima facie* case, and the *prima facie* case alone.

Mr. HART. "Upon the *prima facie* case," says my friend. Yes, sir; but we were to determine that not from one but from all the papers. Now, I can imagine that the gentleman must have very strange notions about the sacredness of some things, for if I remember rightly he said in substance yesterday—I notice that he has reserved his remarks for revision, but I hope he will not leave out that beautiful part of his speech—that this certificate was as good as though it had been drawn up by the angels and issued by Almighty God from the court of heaven.

Mr. ROBERTSON. I did not catch exactly what the gentleman said.

Mr. HART. Oh, well, read your speech, and you will see that what I have said is true.

I believe in giving to every instrument its full legal force and effect. But when a man comes into this body and informs us that the paper under which he claims title to a seat here was issued in fraud, by trampling upon law, by violating and disregarding the authority of the court, by trampling upon every sense of decency, equity, and justice, I do not care how well it is drawn, how accurate and solemn it is in form, I will never vote to seat a man on a paper like that, with such an admission in advance, so long as I have any regard for the purity and honor of the American Congress.

The people of this country are lovers of truth and fair play, and they will not countenance a doctrine which violates both and enthrones dishonesty and corruption in places of power and trust. To admit Mr. Manning now is to affirm and sanction the illegality and iniquity which lie at the bottom of this transaction. It gives encouragement to wrong and puts a stain upon the integrity of our proceedings.

But I have been drawn from the line which I was intending to pursue by the remark of my friend on the left. I said there was one other matter to which I wished to direct the attention of the House. That is the resolution for recommitment proposed by the distinguished gentleman from Pennsylvania [Mr. CURTIN].

I said that the House had already ordered us to consider all the papers in this case. Now, when we have done our work; when we have reported to the House the result of our investigation and deliberation, it is solemnly proposed that we shall be sent back to our committee-

room, that the House shall stultify itself, that the House shall take a backward step, undo what has been done, and impose upon the committee the performance of the mere duty of ascertaining whether a paper is right and correct on its face or not.

What is the object of this proposed recommittal? There can be but one object. The gentleman who introduced the resolution and every other member here must understand that by the terms of the resolution we are called upon simply to inquire whether or not that paper was issued by the governor of Mississippi and whether it is in the ordinary form. We are to be asked to go through that farce. And what for? It is, if possible, to suppress the facts that have been developed by the report of your committee and brought to the attention of this House. I can see no other purpose. It will not do; the facts will not be suppressed. The facts are before the House and before the country, and no recommittal of this question, no subterfuge which can be resorted to, no parliamentary tactics can hide from the American people the true condition of affairs; and upon that condition of affairs, as developed by this investigation, the people of this country will base their judgment.

Mr. Speaker, I now yield to the gentleman from Pennsylvania [Mr. MILLER].

The SPEAKER. The gentleman from Ohio [Mr. HART] has twenty-five minutes remaining.

Mr. SPRINGER. I ask the gentleman from Pennsylvania to give way for a motion to adjourn. It is now almost 5 o'clock, and we can not decide this case to-day.

Mr. MILLER, of Pennsylvania. I yield for that motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of the bill (H. R. 1482) making all public roads and highways post-routes, with amendments; in which concurrence was requested.

It further announced the passage of the bill (H. R. 2555) to change the name of "The National La Fayette and Bank of Commerce" to that of "The National La Fayette Bank."

It further announced the passage of the following bills and joint resolution; in which concurrence was requested:

A bill (S. 339) for the relief of the State National Bank of Louisiana;

A bill (S. 1314) to change the name of the James Sweet National Bank of Nebraska City, Nebr.; and

Joint resolution (S. R. 58) filling an existing vacancy in the Board of Regents of the Smithsonian Institution.

Mr. SPRINGER. I move that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Petition of Henry Clay and 55 others, workingmen of Pottstown, Pa.; of Jeremiah O'Brien and 57 others, workingmen of the twenty-third Congressional district of Pennsylvania; of Mathew Smith and 57 others, workingmen of said twenty-third district, relative to the importation of foreign labor under contracts made abroad—severally to the Committee on Labor.

Also, the resolution of the Pennsylvania State Association of Ex-Union Prisoners of War, in favor of granting pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. J. M. CAMPBELL: Petition relative to the claim of William Swift, for a pension—to the same committee.

By Mr. HARMER: Resolution of the Pennsylvania State Association of Ex-Union Prisoners of War, relative to granting pensions to ex-prisoners of war—to the same committee.

By Mr. W. H. HATCH: Memorial of Corporal Dix Post, No. 22, Grand Army of the Republic, Kirksville, Mo., relative to equalization of bounties, &c.—to the same committee.

By Mr. HOPKINS: Petition of 1,200 citizens of Pennsylvania, relative to foreign labor contracts made abroad—to the Committee on Labor.

By Mr. J. H. JONES: Petition of citizens of Tyler, Smith County, Texas, relative to the improvement of the harbor at Sabine Pass—to the Committee on Rivers and Harbors.

Also, memorial of citizens of Texas, asking for public buildings at Tyler, Smith County, Texas—to the Committee on Public Buildings and Grounds.

By Mr. KELLEY: Memorial of 735 pensioners of Philadelphia, Pa., remonstrating against the change of the present system of paying pensions—to the Committee on Appropriations.

Also, petition of the Woman's Christian Temperance Union of Pennsylvania, relative to the manufacture and sale of intoxicating beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. LAWRENCE: Petition of citizens of Washington County, Pennsylvania, for the restoration of the tariff on wool—to the Committee on Ways and Means.

By Mr. LYMAN: Petition and memorials of citizens of Massachusetts, relative to the civil service—to the Committee on Reform in the Civil Service.

By Mr. McCOMAS: Papers relating to the claim of Daniel L. Loy—to the Committee on War Claims.

By Mr. MILLARD: Petition of citizens of Nichols, N. Y., relative to public schools in Alaska—to the Committee on Education.

By Mr. MILLER: Petition of A. B. Richmond, David Derrickson, Elijah Flint, and 180 others, citizens of Crawford County, Pennsylvania, in favor of the abolition of the liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. S. J. PEELLE: Petition relating to the claim of Harland Richardson—to the Committee on Military Affairs.

By Mr. PRICE: Memorial of the State Grange of Wisconsin, relative to the tariff on wool and manufacturing sugar from sorghum—to the Committee on Ways and Means.

Also, papers relating to the claim of Mary E. Walker, M. D.—to the Committee on War Claims.

By Mr. PUSEY: Resolution of the Workingmen's Progressive Association of Council Bluffs, Iowa, relative to labor—to the Committee on Labor.

By Mr. CHARLES STEWART: Memorial of the Cotton Exchange and Board of Trade of Houston, Tex., asking for an appropriation for Galveston Bay ship channel; the petition of citizens of Newton County, Texas; and of citizens of Johnson's Bayou, La., relative to the improvement of Sabine Pass, Texas—severally to the Committee on Rivers and Harbors.

By Mr. STONE: Papers relating to the claim of William Romig—to the Committee on Claims.

By Mr. THOMPSON: Petition for a pension of James J. McKenney—to the Committee on Invalid Pensions.

By Mr. WASHBURN: Petition of citizens of Ortonville, Minn., for the establishment of schools in Alaska—to the Committee on Education.

Also, petition of the Good Templars of Minnesota, relative to the manufacture and sale of intoxicating beverages—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. J. D. WHITE: Petition for the relief of Robert F. Reynolds—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, *February* 15, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, transmitting, in compliance with a resolution of the 5th instant, copies of all papers on file in his Department relating to the case of Johnson Foster, a Creek Indian; which, with the accompanying papers, was referred to the Committee on the Judiciary, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, communicating, in response to a resolution of the 12th instant, the cause of his delay in advising the Postmaster-General as to the proper construction of the act of March 3, 1883, in relation to the salaries and pay of postmasters; which was ordered to lie on the table and be printed.

SUFFERERS BY THE OHIO OVERFLOW.

Mr. PENDLETON. I ask leave of the Senate to present to it a telegraphic communication which I have received from Cincinnati in relation to the sufferings by the people there and the appropriation made by Congress a few days ago. I learn that further application will be made to Congress for the relief of the sufferers, and I desire to present this telegram in the nature of a petition and have it referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Ohio asks leave to present a telegraphic dispatch from Cincinnati on the subject of the floods of the Ohio River and the suffering occasioned thereby and an appropriation by Congress for relief. If there be no objection, the paper will be received and referred to the Committee on Appropriations.

Mr. PENDLETON. I should like to have it read, as it is not long, if that is the pleasure of the Senate.

The PRESIDENT *pro tempore*. The Chair hears no objection, and it will be read.

The Chief Clerk read as follows:

[Telegram.]

CINCINNATI, OHIO, *February* 14, 1884.

Hon. ISAAC M. JORDAN, *Washington, D. C.:*

Secretary War has taken hold in right way and is doing grandly. Red tape, which I most feared, has been cut and thrown away. River now seventy-one feet, with rise half-inch last hour. Weather turned cold. While this is better than rain, it increases suffering. Ohio Legislature has appropriated two hundred thousand. Congress should make an additional appropriation of one million. This must come, and the more promptly the better. The disheartening wrecks will most appear when water subsides. Neither pen nor imagination

can sufficiently depict the distress that prevails, and the helping hand of Government must be stretched out to the unfortunate thousands in river towns. This is the almost universal sentiment of our people in the face of this terrible calamity. There are no politics, no sectionalism—nothing but a broad humanity. Within few days hundreds of thousands have been reduced from comparative comfort to destitution and despair, and these people need to feel that the Government cares for them. This would encourage them to begin new battle for existence. Go before Appropriation Committee and beg for prompt action, and these people and all friends of humanity will invoke the blessings of Heaven upon Congress. Far away as you are from these terrible scenes, and surrounded as you are by every comfort, you can have no idea of the prevailing distress.

RICHARD SMITH.

The PRESIDENT *pro tempore*. The paper will be referred to the Committee on Appropriations if there be no objection.

Mr. VOORHEES. When one year ago portions of Indiana were visited by a disastrous flood the Legislature of that State was in session; our people asked for nothing of the Federal Government, and would not now if the Legislature was in session or could be speedily convened. At that time not only large appropriations were made by the Legislature of Indiana, but likewise large, generous voluntary contributions to such an extent that thousands upon thousands of people destitute and suffering outside of the State were assisted by the liberality of our citizens. Voluntary aid societies were organized, and the work went on in a way that attracted the attention of the whole country to the generosity and ability of our people in that direction. At this time they are not idle in their voluntary contributions. At the same time, as the system has been entered upon of rendering aid by the Federal Government they ask for consideration in that respect. I therefore request that a dispatch received from the city of Richmond by my colleague and myself be read at the desk and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Indiana asks that a communication on the same subject, the nature of which he has described, be read. Is there objection? The Chair hears none, and it will be read.

The Chief Clerk read as follows:

[Telegram.]

RICHMOND, IND., *February* 14, 1884.

DANIEL W. VOORHEES, BENJAMIN HARRISON, THOMAS M. BROWNE, *Washington, D. C.:*

Richmond appropriated $5,000, and a citizens' meeting adopted this:

Resolved, That our representatives in Congress be requested and urged to do all in their power to secure an appropriation as large as possible by Congress to aid the sufferers from the present flood in the Ohio River and its tributaries.

JOHN L. RUPE, *Chairman.*
C. C. BINKLEY, *Secretary.*

Mr. BECK. Will the Senator from Indiana, before he takes his seat, allow me to make a suggestion? I have received similar dispatches several mornings from different places in my State. The Secretary of War is now in the room of the Committee on Appropriations in consultation with the chairman and others. His assurances from the other end of the Capitol are that all he asks for will be granted to-day. He has now enough to last him until to-morrow night and perhaps Sunday, and we shall be able, if a resolution is sent us to-day, to do all he desires, and he will attend to it very promptly.

Mr. VOORHEES. I am very glad to have that assurance. I came to the Capitol this morning with the Secretary of War and was aware of the fact that he was before the Committee on Appropriations of the House and asked for an additional appropriation. I am very glad of the assurance of the Senator from Kentucky that it will be promptly attended to, and that a resolution will come from the House to-day.

Mr. BECK. The Secretary of War has just come in.

Mr. VOORHEES. The Senator from West Virginia behind me [Mr. KENNA] assures me that the committee of the House has already agreed upon a further appropriation of $200,000.

Mr. HARRISON. Upon consultation with my colleague we concluded that the telegram which he has presented should be laid before the Senate, not simply for the reason that it contained a request, but for the information which it also contains that our people in those cities of the State which are not suffering in the overflow are themselves by their municipal bodies and by private contributions responding to the demands of their fellow-citizens who are in distress. I think there is a very general and a very liberal movement now on foot throughout our whole State, and that private benevolence is doing its utmost there to relieve extreme cases of distress in some of our Ohio River cities. I was glad to be informed this morning by the Secretary of War that one of our largest border cities but not one that has been suffering most, the city of Evansville, to which place he had telegraphed a thousand dollars for immediate relief, had declined his offer and had expressed themselves as able to take care of their own people.

The PRESIDENT *pro tempore*. If there be no objection the paper will be received and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of W. H. Deaver and 17 others, Union soldiers of the last war, praying Congress to extend the time for filing claims for additional bounty under the act of July 28, 1866; which was referred to the Committee on Pensions.

Mr. MORRILL presented a petition of the National Association for the Relief of Destitute Colored Women and Children, praying for an appropriation to carry out the objects of that association; which was referred to the Committee on Appropriations.

Mr. SLATER. I present a statement in relation to Senate bills No. 511, No. 655, and No. 810, all upon the same subject-matter, relating to relief for the States of Oregon, Nevada, and California, which I move be referred to the Committee on Claims.

The motion was agreed to.

Mr. SLATER presented a petition of the State Temperance Alliance of Oregon, officially signed, representing 10,000 members, praying for a constitutional amendment to prohibit the manufacture and sale of intoxicating liquors for drinking purposes; which was referred to the Committee on Education and Labor.

Mr. PALMER presented two resolutions adopted by the common council of Negaunee, Mich., remonstrating against the proposed forfeiture of the land grant in aid of the construction of the Marquette, Houghton and Ontonagon Railroad; which were referred to the Committe on Public Lands.

Mr. PLUMB. I have received from a lady in Kansas a petition, numerously signed by women of that State, requesting the passage of what is known as the sixteenth amendment to the Constitution, giving to women the right of suffrage. I present the petition, and move that it be referred to the Committee on Woman Suffrage.

The motion was agreed to.

Mr. ALLISON. I present a memorial of 104 settlers and owners of Des Moines River lands, in the State of Iowa, protesting against the passage of the bill (S. 559) to quiet the title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes. The bill is before the Committee on Public Lands, and I move the reference of the memorial to that committee.

The motion was agreed to.

Mr. VOORHEES. I present the petition of Silas Prather and 1,100 others, settlers on certain lands in the Territory of Washington, praying that they be protected in their title and occupancy of said lands in the controversy which has arisen between them and the Northern Pacific Railroad Company. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1049) for the relief of Henry H. Woodward, of Oregon;

A bill (S. 644) for the relief of the administrator of the estate of John W. Dear, deceased;

A bill (S. 921) for the relief of Elijah Crudgington; and

A bill (S. 1107) for the relief of John A. Knowles.

He also, from the same committee, to whom was referred the bill (S. 899) to provide promotion in the corps of judge-advocates, asked to be discharged from its further consideration, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, submitted a report accompanied by a bill (S. 1541) to provide promotion in the corps of judge-advocates; which was read twice by its title.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1103) to remove the charge of desertion from the military record of William H. Fenton, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. COCKRELL. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 922) for the relief of John Gibson, to report it adversely. This claimant has his remedy under the act of August 7, 1882, to remove the charge of desertion from certain soldiers of the Army; the evidence that was filed before the Secretary of War was not in the opinion of your committee sufficient, and he still has his remedy before that tribunal. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. COCKRELL. I am instructed by the same committee, to whom was referred the bill (S. 859) to remove the charge of desertion from the military record of John Shanks, to report it adversely. It comes under the act of of August 7, 1882. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. COCKRELL. I am instructed by the same committee to whom was referred the bill (S. 858) to remove the charge of absence without proper authority from the military record of Richard H. White and to revoke the order of dismissal from the service therefor, to report it adversely, and to move that the bill be indefinitely postponed. The whole record is given, and the reasons for the action of the committee, in the report.

The motion was agreed to.

Mr. DAWES. The Committee on Appropriations, to whom was referred the joint resolution (S. R. 51) authorizing an expenditure of money for Indian educational purposes, have instructed me to report it with amendments. I desire to ask, after the conclusion of morning business, the indulgence of the Senate a few moments for the passage

of the joint resolution, which has become necessary from some difficulty in the Departments in the construction of existing law.

Mr. BAYARD, from the Committee on Private Land Claims, to whom was referred the bill (S. 1232) authorizing claimants to the Rancho de Napa, in Napa County, California, to prove up their title, reported it without amendment.

Mr. VEST, from the Committee on Indian Affairs, to whom was referred the bill (S. 209) to establish a United States court in the Indian Territory, and for other purposes, reported it with amendments.

Mr. HARRISON. I desire to say in connection with the bill which has just been reported that a minority of the committee dissent from the views of the majority as to some of the provisions of the bill. It is believed by some of us that the jurisdiction which is conferred by the bill on the United States court to be established in that Territory is wider than our treaties with the tribes in the Indian Territory will justify. Perhaps while there may be reasons urged why the jurisdiction should be as wide as is given by the bill, yet it has seemed to some of us that it was in conflict with the treaties in some of their provisions, and we have therefore reserved our right to be heard against those provisions on the floor.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 949) to amend and correct an act approved January 29, 1879, authorizing the appointment of Dr. Junius L. Powell an assistant surgeon in the United States Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1412) authorizing the Secretary of War to adjust and settle the accounts for arms between the State of South Carolina and the Government of the United States; and

A bill (S. 1413) to empower the Secretary of War to audit the claim of the State of South Carolina for rent alleged to be due for the use and occupation of the Citadel Academy, at Charleston.

Mr. HAMPTON. A report was made by the Committee on Military Affairs a short time ago, and I find that there was some informality in the proceedings of the committee. I therefore ask unanimous consent that that bill be recommitted to the committee. It is the bill (S. 445) for the relief of the heirs or legal representatives of Robert J. Baugness, deceased.

The PRESIDENT *pro tempore*. If there be no objection the bill will be recommitted to the Committee on Military Affairs. The Chair hears none, and it is so ordered.

Mr. SEWELL, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally adversely; and they were indefinitely postponed:

A bill (S. 1166) for the relief of certain officers who have served a specified number of years as captains or as company and regimental staff officers; and

A bill (S. 1217) for the relief of certain officers who have served a specified number of years as captains or as company and regimental staff officers.

He also, from the same committee, to whom was referred the petition of William Logan, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the bill (S. 1404) to authorize the location of a branch home for volunteer disabled soldiers in either the States of Arkansas, Colorado, Kansas, Iowa, Minnesota, Missouri, or Nebraska, and for other purposes, reported it without amendment.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. 807) for the relief of John H. Shugart and Robert F. Shugart, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bill and joint resolution, reported them severally without amendment:

A bill (S. 1394) for the relief of the trustees of the Southern Illinois Normal University, at Carbondale, Jackson County, Illinois; and

Joint resolution (S. R. 38) authorizing the issue of clothing to Sergt. Herman Theune, Company I, Twenty-third New York Infantry.

TELEGRAPHIC-SERVICE INVESTIGATION.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back the resolution submitted by the Senator from Colorado [Mr. HILL] on the 13th instant providing for the payment of certain expenses out of the appropriation "for expenses of special and select committees," &c.

Mr. HILL. I ask that the resolution may be acted upon now.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the necessary expenses incurred under resolutions of the Senate of January 31 and February 11, 1884, be paid out of the appropriation "for expenses of special and select committees," &c., on vouchers to be approved by the chairman of the Committee on Post-Offices and Post-Roads.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. HAWLEY. I am instructed by the Committee on Printing to report the resolution, with amendments, providing for printing additional copies of the report of the Select Committee of the United States Senate on the Mississippi River Improvements, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The PRESIDENT *pro tempore*. The first amendment reported by the committee will be read.

Mr. HAWLEY. If there be unanimous consent it is not worth while to act severally upon all these little verbal amendments. I will state in short that the Senator from Louisiana [Mr. JONAS] presented the resolution as a concurrent resolution to have 2,000 copies printed, but we thought that it would go then to the other House and go upon the Calendar there and we might not get it. The object is speed. So the committee strikes out "two" and puts in "one," which comes within the limitation of the rules and can be ordered directly by the Senate. We can get the reports in that way; otherwise the matter may be delayed indefinitely. The same number is provided for the Senate as was intended by the resolution originally.

The PRESIDENT *pro tempore*. If there be no objection the amendments will be reported together.

The CHIEF CLERK. In the first line it is proposed to strike out "two" and insert "one" before "thousand;" in line 3, after the word "printed," to strike out "one-half;" and in the last line to strike out "and one-half for the use of the House of Representatives;" so as to make the resolution, when amended, read:

Resolved, That 1,000 additional copies of the report of the Select Committee of the United States Senate on the Mississippi River Improvements be printed for the use of the Senate.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendments.

The amendments were agreed to.

The resolution as amended was agreed to.

TARIFF COMPILATION OF 1884.

Mr. ANTHONY. I am directed by the Committee on Printing, to which was referred the joint resolution (S. R. 53) authorizing the printing and binding of additional copies of the tariff compilation of 1884, to report it with an amendment, making it a concurrent resolution instead of a joint resolution, recommending its passage in that form, and asking for its present consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution? If there be no objection, the joint resolution is before the Senate as in Committee of the Whole, and will be read at length.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Printer be, and he is hereby, authorized to print and bind 12,000 additional copies of the Tariff Compilation for 1884 (Senate Report, No. 12, Forty-eighth Congress, first session); 4,000 for the use of the Senate and 8,000 for the use of the House of Representatives.

The PRESIDENT *pro tempore*. The amendment recommended by the Committee on Printing will be reported.

The CHIEF CLERK. It is proposed to strike out the title, and in the enacting clause to strike out the word "and," after "Senate," and insert "the;" and after the word "Representatives" to strike out the words "of the United States of America in Congress assembled" and to insert "concurring;" so as to read:

Resolved by the Senate (the House of Representatives concurring).

Mr. ANTHONY. This amendment is reported in conformity with the uniform custom of the Senate, a custom which I found when I came to the Committee on Printing of ordering printing by a concurrent resolution, but it has always seemed to me that it was unconstitutional, because the Constitution says:

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States.

I have spoken to some of the lawyers of the Senate on this subject, among others to the Senator who now adorns the chair and whose law I may say I have generally found to meet my approbation except on naval matters, but they are all against me, and I yield to authority but not to conviction. It seems to me that it is not constitutional to order printing except by joint resolution, but the custom has been universal, going back I believe to the origin of the Government, and we have proposed to amend the joint resolution in conformity therewith.

Mr. COCKRELL. I should like to ask the Senator who reported the joint resolution what will be the probable cost of this printing? I do not think the 12,000 copies will be enough; they will not meet the demand of the people who desire information on the subject.

Mr. ANTHONY. The printing proposed will cost between three and four thousand dollars.

Mr. COCKRELL. I think we ought to have twice the number reported in the resolution.

Mr. ANTHONY. The cost will be $3,470, according to the estimate of the Public Printer.

Mr. COCKRELL. It is an extensive public document and a very valuable one, and I move to strike out "12,000" and insert "24,000," and in the division to give to the Senate 8,000 and the House 16,000 copies.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee amending the enacting clause which has been reported, after which the Chair will receive the motion of the Senator from Missouri.

Mr. INGALLS. I rise to a parliamentary inquiry, and that is whether the force of a concurrent and a joint resolution is the same on their passage through Congress; that is to say, whether a concurrent resolution must be read three times before it passes?

The PRESIDENT *pro tempore*. The Chair thinks according to the practice of the Senate a concurrent resolution need not be read three times.

Mr. INGALLS. But a joint resolution must be read three times. It is in exactly the same parliamentary position as a bill. I would suggest, therefore, that serious inconvenience will result in the journalization of this transaction if the committee report that a joint resolution shall take the form of a concurrent resolution. I do not see how that can be done by amendment. It changes the entire nature of the bill or paper that is introduced. It seems to me that the resolution ought to be originally either joint or concurrent, and that by report of a committee or by subsequent action of the Senate at any stage a joint resolution can not be changed by amendment into a concurrent resolution. I submit that to the Senator from Rhode Island for his consideration.

The PRESIDENT *pro tempore*. The Chair thinks that the joint resolution as introduced must until amended be considered as in Committee of the Whole, and he so directed, where it now is; but the Chair thinks that it is in the power of the Senate to amend the enacting clause which fixes the nature of the resolution, and having amended the enacting clause it has changed the character and nature of the proposition before the Senate.

Mr. INGALLS. Then what becomes of the joint resolution, which must be read three times before it can pass, and which is now in Committee of the Whole?

The PRESIDENT *pro tempore*. It will have been amended out of existence in Committee of the Whole.

Mr. INGALLS. But then a concurrent resolution does not require to be considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. No; but this is not yet a concurrent resolution. The question is on agreeing to the amendment recommended by the committee, amending the enacting clause so as to make it a concurrent instead of a joint resolution.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. COCKRELL] now moves to amend the resolution. The amendment proposed by him will be reported.

The CHIEF CLERK. In line 4 it is proposed to strike out the word "twelve" and insert "twenty-four;" and in line 7 to strike out "four" and insert "eight;" and in the same line to strike out "eight" and insert "sixteen;" so as to read:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized to print and bind 24,000 additional copies of the tariff compilation for 1884 (Senate Report No. 12, Forty-eighth Congress, first session); 8,000 for the use of the Senate and 16,000 for the use of the House of Representatives.

Mr. BECK. I desire to ask the chairman of the Committee on Printing and the chairman of the Committee on Finance if this is the report which was prepared by order of the Finance Committee under the charge of Mr. Durfee, the clerk of that committee?

Mr. MORRILL. I so understand it.

Mr. BECK. Then it is an extremely valuable book, and we can hardly get too many copies of it. I think the chairman of the Finance Committee will agree with me in that statement from the examination he has made of it.

Mr. MORRILL. I have already stated as much to the Senate when I introduced originally the resolution. This volume contains all the tariff and a great many other valuable tables and documents in relation to the tariff. In addition to that it will have an index, so that the wayfaring man can find any subject that he is looking for.

Mr. INGALLS. Is the resolution now in Committee of the Whole or before the Senate?

The PRESIDENT *pro tempore*. It is in Committee of the Whole.

Mr. INGALLS. But a concurrent resolution can not be in Committee of the Whole.

The PRESIDENT *pro tempore*. It is not yet a concurrent resolution, as the action of the Committee of the Whole is not final. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The resolution is still before the Senate as in Committee of the Whole and open to amendment. If no further amendment be proposed it will be reported to the Senate.

The CHIEF CLERK. "A joint resolution authorizing the printing and binding of additional copies of the Tariff Compilation of 1884."

The PRESIDENT *pro tempore*. The Senate having made two amendments thereto, the question is on concurring in the amendments made as in Committee of the Whole. If there be no objection, the Chair will put the question together on concurring in the amendments.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution, which is now a concurrent resolution.

The resolution was agreed to.

WILLIAM PFAENDER.

Mr. MCMILLAN. I observe in the proceedings of the 13th instant an adverse report from the Committee on Military Affairs upon the bill (S. 1053) for the relief of William Pfaender. I have consulted with the Senator from West Virginia [Mr. CAMDEN] who made the report to the Senate, and with his consent I submit a motion, and ask unanimous consent that the report be reconsidered and the bill recommitted to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. Is the bill on the Calendar?

Mr. MCMILLAN. No, sir; it was postponed indefinitely.

The PRESIDENT *pro tempore*. It is in order for the Senator to move, as two actual sessions have not yet gone by, to reconsider the vote by which the bill was indefinitely postponed.

Mr. MCMILLAN. Then I submit that motion.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks that the bill be recommitted to the Committee on Military Affairs. That order will be entered if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 3934) relating to recoveries for infringements of patents; and

Joint resolution (H. Res. 160) making further appropriations for the relief of destitute persons in the districts overflowed by the Ohio River and its tributaries.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 2555) to change the name of "The National La Fayette and Bank of Commerce" to that of "The National La Fayette Bank;" and it was thereupon signed by the President *pro tempore*.

SUFFERERS BY THE OHIO OVERFLOW.

Mr. VOORHEES. I ask the Senator from Iowa the chairman of the Committee on Appropriations, in view of the circumstances surrounding us, which will not admit of a moment's delay, whether it would not be better to call up the measure which has just come from the House of Representatives making an additional appropriation for the relief of the sufferers in the Ohio and Mississippi valleys?

Mr. ALLISON. In response to the suggestion of the Senator from Indiana I will say that I think the joint resolution had better go to the Committee on Appropriations. We shall hold a meeting during the morning hour and consider it and report it back during the day in some form.

Mr. VOORHEES. That is satisfactory.

The PRESIDENT *pro tempore*. According to the view of the Chair under the present rules bills from the House of Representatives can not be laid before the Senate except at the beginning of the session each day, unless by unanimous consent.

Mr. HARRIS. I rise for the purpose of suggesting to the Senator from Indiana that he ask the unanimous consent of the Senate that the Chair may now lay before the Senate the joint resolution that has just come from the House of Representatives, in order that it may be referred to the Committee on Appropriations at this time.

Mr. VOORHEES. I will make that request unless the chairman of the Committee on Appropriations or some member of that committee should recommend a different course. I agree with the Senator from Tennessee, and I will make the request that unanimous consent be given to the Chair to lay before the Senate the joint resolution indicated for reference.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent that there be now laid before the Senate the joint resolution (H. Res. 160) making further appropriations for the relief of destitute persons in the districts overflowed by the Ohio River and its tributaries. Is there objection? The Chair hears none.

The joint resolution (H. Res. 160) making further appropriations for the relief of destitute persons in the districts overflowed by the Ohio River and its tributaries was read the first time by its title.

Mr. INGALLS. I should like to hear it read at length.

The PRESIDENT *pro tempore*. It will be read at length.

The joint resolution was read the second time at length, and referred to the Committee on Appropriations.

BILLS INTRODUCED.

Mr. INGALLS introduced a bill (S. 1542) to amend section 4878 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CONGER (by request) introduced a bill (S. 1543) for the relief of Wilbur F. Steele, of Dakota Territory, to confirm his title to certain lands; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. DAWES introduced a bill (S. 1544) to amend section 5388 of the Revised Statutes of the United States, in relation to timber depredations; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1545) to amend section 2148 of the Revised Statutes of the United States in relation to trespassers on Indian lands; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. VOORHEES introduced a bill (S. 1546) granting a pension to Orin R. McDaniel; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1547) to regulate proof in pension claims; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KENNA (by request) introduced a bill (S. 1548) for the relief of the Mason City Salt Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 1549) to authorize the juries of the United States circuit and district courts to be used interchangeably, and to provide for drawing talesmen; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VAN WYCK introduced a bill (S. 1550) for the construction of bridges on the Sioux reservation in Nebraska and Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HILL introduced a bill (S. 1551) to change the limit of appropriation for the public building at Denver, Colo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HAWLEY introduced a bill (S. 1552) to remove the limitation of four years imposed upon certain offices, and require bonds in connection therewith; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. PLUMB introduced a bill (S. 1553) to remove the charge of desertion against David Wood; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1554) for the relief of S. N. Wood; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1555) in relation to the public building at Leavenworth, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MITCHELL introduced a bill (S. 1556) relating to bonds of officers of the Pay Department of the United States Army and for the settlement of their accounts; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MITCHELL. I desire to present and have referred, to accompany that bill, a statement made by the Paymaster-General or under his direction in regard to this subject, and I wish to call the particular attention of the Committee on Military Affairs to it. This bill carries out the recommendation of the Secretary of War, and the Paymaster-General concurs in the view of the Secretary that it ought to pass.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The paper will be received and referred with the bill to the Committee on Military Affairs.

Mr. GORMAN introduced a bill (S. 1557) for the relief of Abraham Brafman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. VOORHEES. I introduce a bill and ask that it lie on the table, and give notice that I will move it as a substitute for the bill (S. 1115) to amend section 4919 of the Revised Statutes relating to the recovery of damages for the infringement of patents when it is reached on the Calendar.

The bill (S. 1558) to protect innocent purchasers of patented articles was read the first time by its title, and ordered to lie on the table.

Mr. PLATT. I should like to have that bill read at length, inasmuch as I understood the Senator from Indiana to say he proposed to offer it as a substitute for a bill which will soon be reached.

The PRESIDENT *pro tempore*. The bill will be read *in extenso*.

The Chief Clerk read the bill, as follows:

Be it enacted, &c. That it shall be a valid defense to any action for an infringement of any patent, or any suit or proceeding to enjoin any person from the use of a patented article, that the defendant therein, or his assignor, purchased the patented article for use or consumption, and not for sale or exchange, in good faith and in the usual course of trade, without notice that the same was covered by a patent, or without notice that the seller had no right to sell such article; and in all such cases notice received after such purchase shall not have the effect to impair in any way the right of such purchaser as absolute owner.

Mr. LOGAN introduced a bill (S. 1559) to define the title and duties of certain officers of the Medical Department of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MANDERSON introduced a bill (S. 1560) to provide that judges of the United States circuit and district courts shall reduce their instructions to juries to writing in all States wherein by the laws thereof State judges are required so to do; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HARRIS introduced a bill (S. 1561) for the relief of Samuel P. Evans; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BUTLER introduced a bill (S. 1562) to amend section 1072 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GARLAND introduced a bill (S. 1563) providing for the punishment of persons falsely personating officers and employés of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

WITHDRAWAL OF PAPERS.

On motion of Mr. PIKE, it was

Ordered, That L. Madison Day be permitted to take from the files of the Senate his written brief in the matter of his claim against the United States.

INDIAN EDUCATIONAL APPROPRIATION.

Mr. DAWES. I ask unanimous consent to call up for consideration now the joint resolution reported from the Committee on Appropriations this morning. I think it will take but a moment.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Senator from Massachusetts asks for the consideration at this time of a joint resolution reported to-day from the Committee on Appropriations, which will be read for information.

The Chief Clerk read the joint resolution (S. R. 51) authorizing an expenditure of money for Indian educational purposes.

It proposes to authorize the Secretary of the Interior to expend so much of the sum of $150,000 appropriated for the purpose of further instructing and civilizing Indian children dwelling west of the Mississippi River, &c., in an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1883, and for other purposes," approved May 17, 1882, as he may deem necessary, for the purpose of erecting and repairing such school buildings as are now in course of construction or for which contracts have been made, and for such other educational purposes as he may consider proper.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. VEST. I should like to ask the chairman of the Committee on Indian Affairs whether this money is to go to the day schools or boarding schools.

Mr. DAWES. I will state, if there is no objection to the present consideration of the joint resolution, the difficulty in reference to the matter.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution? The Chair hears none, and it is before the Senate as in Committee of the Whole. The question is on the amendments reported by the committee.

Mr. DAWES. I will answer directly the question of the Senator from Missouri and then send to the Secretary's desk a letter which will explain the necessity of this resolution. No part of this resolution will have the effect of maintaining a day school on the reservations or anything of that kind. The difficulty arises out of the construction put upon the appropriation of 1882. It authorized the Department of the Interior, as they supposed, to erect a school building, among the other expenditures. They went on with the plan of that building, and a portion of the expenditure had been allowed, two quarters of it, at the Treasury Department, when the First Comptroller of the Treasury came to the conclusion that the terms of the appropriation were not broad enough for the purpose of erecting a school building in Lawrence, Kans., and although they went on to expend money upon the faith of the construction first put upon the act and upon the allowance of the expenditures for two quarters, the accounts for the continuing expenditure have been suspended because the Comptroller came to the conclusion that the law was not broad enough to cover such an expenditure. Thus they are in this embarrassment, which will be more fully explained in the letter which I send to the desk and ask may be read.

The PRESIDING OFFICER. If there be no objection the communication sent to the desk by the Senator from Massachusetts will be read by the Chief Clerk.

Mr. DAWES. Then I shall have the original statute read and we shall see the difficulty.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 9, 1884.

SIR: I have the honor to acknowledge receipt of a communication of the 8th instant from your committee, inclosing a copy of S. R. 51, being a "joint resolution authorizing an expenditure of money for Indian educational purposes," and requesting certain information on the subject; also my views regarding the advisability and necessity of the passage of the resolution.

The money the expenditure of which is authorized by the resolution is a portion of the $150,000 appropriated by the act of May 17, 1882 (22 Statutes, 86), for the purpose of further instructing and civilizing Indian children dwelling west of the Mississippi River, &c.

This appropriation was decided by the First Comptroller of the Treasury on May 26, 1883, to be a permanent specific appropriation.

Under and in pursuance of what this Department deemed to be within the scope and the meaning and intent of the provisions of that law, plans were prepared, proposals invited, and contract made and approved June 30, 1883, for the erection of buildings near Lawrence, Kans., at a cost of $45,419, for the establishment of a school for the educational and industrial training of Indian children, payment specified to be made from the appropriation under consideration.

The accounts for the first and second installments for work done under said contract, amounting in all to $14,139.90, were approved here, and passed for payment by the accounting officers of the Treasury, but payment of the third installment due under said contract, amounting to $12,011.29, is withheld by the accounting officers, who, I am verbally informed, now hold that the appropriation specified can not be used for the erection of buildings for Indian school purposes where an industrial school has not already been established and supported wholly from treaty or other funds appropriated by Congress. No such school having heretofore existed at Lawrence, Kans., they hold that the account can not be passed for payment.

Under that appropriation a contract has also been made for the erection of buildings for industrial-school purposes at Albuquerque, N. Mex., at a cost of $29,700.

An industrial school has heretofore been and is now in operation at that point, but increased school facilities are greatly needed for the Indians located in that section of the country. Thus far there has been no question with the accounting officers as to the applicability of the appropriation to the erection of the buiInings at Albuquerque; but I will add that no claim for any part of the money under the last-mentioned contract has yet been presented for payment, and therefore it is not certainly known what view the accounting officers will take regarding it.

The citizens of Lawrence donated to the Government two hundred and eighty acres of valuable land, adjoining that city, as a site for the buildings and farming land for the school purposes. The citizens of Albuquerque donated sixty-five acres near that city for the purposes of the school at that point.

It is the amount, $75,119, involved in the contract for the erection of Indian industrial-school buildings at those two points that is specially covered by the joint resolution.

The state of the appropriation at the present time is about as follows:

Whole amount appropriated		$150,000
Amount expended for the general purposes specified in the law about	$51,650	
Amount of contract for buildings at Lawrence, Kans	45,419	
Amount of contract for buildings at Albuquerque, N. Mex	29,700	
Total amount of expenditures and obligations under contracts		126,679
Leaving a balance of about		23,321

The buildings at Lawrence are now about completed, and, as the Department has been unable to make the payments for the work as provided in the contract owing to the decision finally reached on the matter by the accounting officers, there is urgent necessity for the passage of the resolution, and early action thereon by the Congress is respectfully recommended.

The copy of the resolution is herewith returned.

Very respectfully,

H. M. TELLER, *Secretary.*

To the CHAIRMAN COMMITTEE ON APPROPRIATIONS,
United States Senate.

Mr. DAWES. The Senator from Missouri will observe that this is for schools outside of the Indian reservations, and therefore does not affect the question of the wisdom of day schools, which I think, perhaps, the Senator and I would not differ about. The original appropriation is somewhat involved in its language. It came in this shape in the statute through a committee of conference, and by putting together several items the phraseology became so involved that there is a fair question upon which the accounting officers of the Treasury at one time entertained one opinion and allowed the accounts, and afterward came to a different conclusion and left the accounts for the money already expended at Albuquerque, N. Mex., and at Lawrence, Kans., in the construction and repair of those buildings unpaid, which makes this resolution necessary. I ask the Secretary now to read the language of the appropriation, which I send to the desk.

The Chief Clerk read as follows:

And for the purpose of further instructing and civilizing Indian children dwelling west of the Mississippi River, and in the States of Minnesota, Wisconsin, and Michigan, and not belonging to the five civilized tribes in the Indian Territory, or so many thereof as may be practicable in industrial schools other than those at Carlisle, Hampton, and Forest Grove, supported in whole or in part from treaty and other funds appropriated by Congress, or such as may be established and supported wholly from treaty or other funds so appropriated and for purchasing stock for herding purposes for such industrial schools, and also for the placing of such children, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such children moral, industrial, and educational training, for a term of not less than three years, under arrangements in which their proper care, support, and education shall be in exchange for their labor, the sum of $150,000 is hereby appropriated, to be expended under such rules and regulations as the Secretary of the Interior may prescribe.

The PRESIDING OFFICER. The amendments of the Committee on Appropriations will be now read.

The CHIEF CLERK. The first amendment proposed by the Committee on Appropriations is, in line 14, after word "erecting," to insert "furnishing;" so as to read:

As he may deem necessary for the purpose of erecting, furnishing, and repairing such school buildings, &c.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in lines 16 and 17, to strike out the words:

And for such other educational purposes as he may consider proper.

The amendment was agreed to.

Mr. BECK. I suppose this resolution will have to pass, but as one member of the Committee on Appropriations I am obliged to say that it does not meet my approbation. I do not believe there was anything in the original law that authorized the diversion, as I think it was, of this $150,000 to the erection of school buildings anywhere. It was originally a Senate amendment to the bill that was approved May 17, 1882, and as it passed the Senate the amendment read thus:

And the Secretary of the Interior is further authorized and directed to provide for the care, support, and education of all Indian children dwelling west of the Mississippi and not belonging to the five civilized tribes in the Indian Territory, or so many thereof as may be practicable, under such regulations as may be approved by the President, in any of the States or Territories, at a cost not exceeding $200 per annum for each child; and for this purpose there is appropriated $250,000, or so much thereof as may be necessary.

In the conference committee it was changed to the language read by the Senator from Massachusetts, or by the Secretary at his request. In that I am still unable to see that authority was given to the Secretary of the Interior to erect a new building costing $45,000 at Lawrence, Kans., or to erect a new building—if he has done so; I did not hear distinctly about that—at Albuquerque, N. Mex. He has done it, however; and the bills for the expense involved are now before him unpaid. The Comptroller of the Treasury first seemed to allow him to do this, but now refuses. The reason I withhold my assent from the joint resolution is that I regard it as a diversion of money, that was not intended for that purpose, by the Secretary of the Interior to the erection of school buildings that we did not give him any authority to contract for. The very next line of the bill following those read by the Secretary on the suggestion of the Senator from Massachusetts is:

For the erection of a school building on the Northern Cheyenne and Arapaho reservation, in the Indian Territory, to replace the one destroyed by fire, $5,000.

Wherever we have authorized the erection of a building we have appropriated the money specifically for that purpose. We did so after long debate in regard to a building to be erected in Nebraska over which a long wrangle was had. Now, if the Secretary of the Interior can divert the money given for the purpose of educating the Indians under provisions as broad as the conference saw fit to place in lieu of that passed by the Senate, he can devote any other fund appropriated to Indians to any purpose. I have no doubt he has erected a good building at Lawrence, Kans. I see by the papers the people there gave a large amount of valuable land as a gift to have it done; but $45,000 for an Indian school seems to me to be an immense sum of money for the purpose, and $29,000 at Albuquerque also seems like a large sum.

But that is not the question. My point is that unless clear provisions of law authorize the Secretary of the Interior or the Commissioner of Indian Affairs to use the money in the erection of buildings, however desirable he may regard them, he has not any right to do it. Congress did not intend by any of these provisions to give him that authority; and whenever we consent that our executive officers shall take authority we do not give and divert the use of the money we appropriate from the purpose for which we intended it to another purpose, however laudable and however desirable it may seem to them, then Congress loses all its control over the appropriations, and the executive officers become our masters and not our servants. That is the case here as I understand it. I doubt whether any member of the committee will say that it was intended at that time that any part of the money thus given, even under the broad language of the conference committee's report, was intended to be given so as to authorize the Secretary of the Interior to pay $45,000 for an Indian school-house to be built anywhere. I believe in the condition of things as it exists we shall have to pay the money, but I enter my protest against that way of carrying out our laws by our executive officers.

Mr. PLUMB. Mr. President, it is perhaps not improper that I should make some statement about this provision of the law and how it came to be in the law in the form in which it is found there.

The Senator from Kentucky will remember, as all the other members of the Senate will, the controversy that existed about appropriations for educating the Indians. He will remember the somewhat lengthy and very instructive debate on the amendment offered by the Senator from Massachusetts [Mr. HOAR] calling for the appropriation I think of $3,000,000 for that purpose. The sentiment of the Senate seemed to be largely in favor of giving some very considerable sum in addition to what had been already given for that purpose, and generally I think the feeling was that that sum should be $500,000. My impression is that originally the Senate voted to make it $500,000; at all events a very much larger sum than the House would agree to; and as the result of an extended conference, I think of repeated conferences, the sum was finally fixed at $150,000, added to what had theretofore been appropriated. It was designed to use this sum of money in doing something entirely different, in a different place, and in a different way from what had ever been done in regard to Indian education; and the design of the amendment was that no portion of this money should be appropriated to the maintenance of any school then existing, but that it should take up the Indian education from a new standpoint and in new places and in new ways and for the accomplishment of the enlarged purposes which had been in the mind of Congress in appropriating the money and giving the direction about its expenditure.

As the Senator from Massachusetts [Mr. DAWES] has said, the language of the clause was changed from time to time by the conference committee to meet differing views and accommodate different ideas until it finally reached the shape in which it went into the statute, but it was punctuated wrong; and while the intention was plain, and I think now the plain reading of the language employed is that this money

should only be appropriated for new schools, the Comptroller when it was submitted to him held that it meant exactly the opposite; that it could not be used for any school except an old school; that is to say, one already existing and one already under the patronage of the Government. Under that construction he permitted the application of a portion of this money for a school at Albuquerque, which was an old school; that is to say, he permitted the appropriation of a portion of it to the enlargement of that school. By some mistake, as he claims, he also passed the first vouchers for the building at Lawrence.

While I am on that point I will say that I have been advised by the Interior Department that the question of construction came up after the law was passed, and for the purpose of knowing what should be done the advice of the Comptroller was taken on the question as to whether this money could be used for erecting school buildings. I remember the Secretary of the Interior having stated to me the doubt that arose in his own mind as to what should be done.

I am happy to agree entirely with the Senator from Kentucky [Mr. BECK] in his criticism upon the Departments generally for their enlargement of the powers we give them in the appropriation of money. I shall be very glad to do all I can to put a check upon them. But this has grown up from time to time, one thing added to another, until departmental constructions have almost the force of law, and all the Departments of the Government being required to deal with the Treasury Department about these matters, take the direction of the Treasury Department as practically conclusive upon them. In this same law there is found this item:

For support of industrial schools and for other educational purposes for the Indian tribes, $150,000.

That is an appropriation which has been in the Indian bills for several years in almost that exact language, the difference being only in the amount appropriated, and under that the entire system of Indian schools upon reservations has been carried on, including the erection of buildings, the furnishing of buildings, the repair of buildings, as well as the pay of teachers, and all the incidental expenses of the schools. All that has been done under language of that kind; and consequently this is no new thing. The Treasury Department first applied to the portion of the statute now under consideration precisely the same construction in effect that they had applied before to similar language employed in the appropriation of money for the education of the Indians.

I am glad that the Senator from Kentucky has called attention to this matter.

Mr. BECK. I think the Senator from Kansas will find that whatever may have been done in that line before under such general appropriations was under treaty obligations, because we bound ourselves by treaty to maintain and support and keep up the schools.

Mr. PLUMB. But the treaty obligation to build a school-house does not enlarge the functions of the language used in the appropriation of money. If we are bound to build a school-house on an Indian reservation and we appropriate money for the employment of teachers, the fact of the existence of the treaty obligation does not give more powers to the language used in appropriating the money; and it is under a similar provision to this that the whole system of Indian education has gone on and the entire system of the construction and maintenance of school buildings and their repair from time to time has gone on; and so the Senator will find in another item of this same bill:

For support of Indian industrial school at Forest Grove, Oreg., $30,000.

There is a sum of money appropriated for the support of that school, $30,000, and that is used for the purpose of repairing the building, although nothing is said about repairs. I think that covers this. Inasmuch as this matter has now been called to the attention of the Senate, the committee hereafter will find it convenient, as it certainly will be proper and in the interest of good legislation and good government, that there shall be some restriction put for the future upon this matter. But as it is now this practice has gone on from time to time, and this is only an incident which would not have attracted notice but for the fact that some question arose about the construction of this provision after the contract had been made and after a portion of the work had been paid for, which caused it to be referred to the Attorney-General for his opinion, and he decided, as I should say myself correctly, that this money could not be used for the purpose of erecting a building, and so a stop was put to any further action in that direction. This resolution becomes necessary in order to protect the Government property from loss and in order to carry out the honest obligation of the Government to the contractor.

Mr. BECK. Before the Senator sits down let me say one additional word. This appropriation is found in a law with this title: "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1883, and for other purposes," which was approved May 17, 1882; and the provision under which all these proceedings are had is a part of that bill, not distinguished in any regard from the ordinary provisions of it, and yet the Secretary tells us in the letter laid before us that—

This appropriation was decided by the First Comptroller of the Treasury on May 26, 1883, to be a permanent specific appropriation.

Mr. DAWES. What he means by that I suppose to be that it does not lapse into the Treasury at the close of the year.

Mr. BECK. Perhaps he does, but it is a very broad way of stating it.

Mr. DAWES. It is not a good term to use, but that must be what it means.

Mr. BECK. Continuing, he says:

Under and in pursuance of what this Department deemed to be within the scope and the meaning and intent of the provisions of that law, plans were prepared, proposals invited, and contract made and approved June 30, 1883, for the erection of buildings near Lawrence, Kans., at a cost of $45,419, for the establishment of a school for the educational and industrial training of Indian children, payment specified to be made from the appropriation under consideration.

The whole proceeding was postponed until the last day of the fiscal year for which the appropriation was made, and the contract was made on the 30th of June to bring it inside of the year. That does not look quite well, and therefore it was that I called attention to it as being in a form that I did not like. I do not mean to oppose the passage of the resolution; I think the thing has gone too far for that; but if it will induce the chairman of the Committee on Indian Affairs to say to the Department to be very careful hereafter, I shall have accomplished something.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

SUFFERERS BY THE OHIO OVERFLOW.

Mr. ALLISON. I ask unanimous consent to report from the Committee on Appropriations the joint resolution (H. Res. 160) making further appropriations for the relief of destitute sufferers in the districts overflowed by the Ohio River and its tributaries. I ask that it may be put upon its passage at once.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment.

Mr. PENDLETON. In rising I have, of course, no intention of opposing this resolution. I merely rise for the purpose of stating that the Legislature of Ohio, now in session, has appropriated $200,000 for this purpose and is considering the propriety of making a larger appropriation. I desire also to say that no portion of the funds contributed by the Federal Government is expected to go to relieve the suffering people in the city of Cincinnati or its immediate vicinity. The people of that city, with great liberality, have taken care of all who are suffering there, and are prepared to do the work freely. This appropriation is to be applied to other cities and localities along the Ohio River which are not so able to take care of themselves.

The joint resolution was ordered to a third reading, read the third time, and passed.

PORTRAITS IN SENATE CHAMBER.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That no paintings or portraits be placed upon the walls of the Senate Chamber.

JOHN LEATHERS.

The PRESIDENT *pro tempore*. The first bill on the Calendar will now be stated.

The bill (S. 253) for the relief of John Leathers was announced as first in order.

Mr. INGALLS. The Senator from Oregon [Mr. DOLPH] who reported the bill is not in. I suggest that it lie over informally until he returns.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be laid aside informally to be resumed again. Suppose the Senator from Oregon does not return by 2 o'clock; does the Senator from Kansas ask that it retain its place on the Calendar?

Mr. INGALLS. Yes, sir.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be laid aside to retain its place at the head of the list for to-morrow unless sooner reached to-day. Is there objection? The Chair hears none.

CRIMINAL JURISDICTION IN FOREIGN COUNTRIES.

The next bill on the Calendar was the bill (S. 243) to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion, and to repeal the Revised Statutes from section 4083 to section 4130, inclusive.

Mr. PENDLETON. That bill, I think, can not fairly be considered under the five-minute limitation of debate under Rule VIII. I am extremely anxious, however, that it shall not lose its place in the consideration of the Senate, and I ask to be advised by the Chair whether if it goes over—I do not say now whether I object to it myself—it will take the head of the Calendar, to be called at 2 o'clock, subject to the Senate bills 167 and 399.

The PRESIDENT *pro tempore*. It will stand the third bill on the Calendar of General Orders under the ninth rule.

Mr. PENDLETON. I then ask that it may go over under that rule.

The PRESIDENT *pro tempore*. The bill goes over.

JOHN LEATHERS.

The next bill on the Calendar was announced by its title.

Mr. CONGER. I see the Senator from Oregon [Mr. DOLPH] is now in the Chamber; why not take up his bill?

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Oregon that the bill (S. 253) for the relief of John Leathers was laid aside informally until the return of the Senator.

Mr. DOLPH. I ask that the bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 253) for the relief of John Leathers.

Mr. DOLPH. I have made all the suggestions I desire to make in regard to the matter.

Mr. INGALLS. I suggest to the Senator from Oregon that inasmuch as the report he made contains a statement of facts that is not consistent with the true state of affairs, the bill had better be recommitted in order to keep the record in a satisfactory condition. It appears from the report made by the Senator from Oregon that this man was indicted for fishing upon an Indian reservation; the language of the Senator in in his report relative to a former report is:

The facts are correctly stated in that report, which is as follows:

It appears from his statement yesterday that the statement in that report is not correct; that as a matter of fact the defendant was indicted for trading upon an Indian reservation; and it still further appears that he was wrongfully indicted for that; that he did not trade upon an Indian reservation; that he was indicted for an offense that never was committed before a court that never had jurisdiction, and that therefore the fine and the costs were unjustly imposed upon him. If the court had no jurisdiction, then the proceedings, as the Senator knows, were void *ab initio*, and the imposition of the costs upon Mr. Leathers was unjust, and they should be remitted to him with the fine that was unjustly imposed. Inasmuch as those facts nowhere appear, I would suggest that the better plan would be to recommit the bill, and have the facts appear in a report to come from the committee that shall set forth the situation exactly as it was.

Mr. DOLPH. Mr. President, I do not think the bill ought to be recommitted. No matter how the facts are stated in the report, they are now fully and completely set forth in the CONGRESSIONAL RECORD. The report of the Committee on Claims now before the Senate does not adopt the report made by the committee at the last Congress. The mistake of fact was made by the former committee.

Mr. INGALLS. Do I understand the Senator to say that the committee at this session do not adopt the report made at the last session?

Mr. DOLPH. No, sir; they set it forth, and may say that the facts are correctly stated; as to the facts they may adopt it, but not as to the law in the case. They merely set forth that report as a matter of information, and place the merits of the case, the right of this claimant to relief, entirely upon the ground that the pardon was a proper exercise of executive clemency, that it came too late to avail the party because the money had been collected and covered into the Treasury; and they report that *because* the man was properly pardoned and the money *is* in the Treasury Congress ought to grant the relief.

As I stated yesterday, I was drawn inadvertently into my statement when this matter first came up for discussion that this man was indicted for fishing on the Indian reservation by the fact that some nine persons were indicted for fishing in Pyramid Lake on the reservation, and the papers in all the cases were mingled together, petitions for the pardon of this man and the nine others and all the correspondence were found together among the papers before the Committee on Claims. The cases were all presented to the President together.

That also accounts for the inadvertence of the former committee in stating that this man was one of those indicted for fishing on this reservation; but now the facts all being before the Senate and printed in the RECORD, and it appearing that this man was indicted for being found within the limits of an Indian reservation and trading there, when in fact his place of residence was not within the limits of the reservation as the boundary had been staked out on the ground and he had good reason to suppose he was without the limits of the reservation, his case having been presented to the President for pardon and a pardon granted and the material facts not being disputed, I do not think it necessary to refer the bill back.

The incorrectness of the former report, which is embodied in the report of the present committee, does not affect the merits of the case. Unless the reading of a report is called for it does not go into the RECORD. But, as I have said, this case is now correctly stated in the RECORD, and I see no reason why we should longer discuss the proposition to refund to this claimant these $500 which have been so unjustly taken from him. I am aware that if the court proceeded without jurisdiction the United States has no legal claim to the money; but there is no way to get it out of the Treasury unless Congress takes action in regard to the matter.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the committee.

Mr. INGALLS. I would ask the Senator from Oregon if he thinks, if the court had no jurisdiction and the proceedings were absolutely void *ab initio*, the amendment of the committee should be agreed to, retaining the costs that were imposed upon the defendant? It seems to me obvious that he would be entitled to have the entire amount refunded if he was wrongfully indicted before a court that had no jurisdiction.

Mr. DOLPH. I think so, too, and I suppose the amendment was only proposed by the committee out of regard for the report of the former committee. The committee believed that it would be at least equitable to refund to this man the money collected from him which was in the Treasury, although he was required to lose the costs paid by him which had been expended by the United States in the case. If the Senate desires not to concur in the amendment and to pass the bill as it was introduced, I have no objection. I think it would be right.

The PRESIDENT *pro tempore*. The question is on the first amendment of the Committee on Claims reducing the sum to be appropriated from $744.90 to $501.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the second amendment of the committee, in line 8, after the word "fine," to strike out "and costs."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PATENT INFRINGEMENT SUITS.

The next bill on the Calendar was the bill (S. 1115) to amend section 4919 of the Revised Statutes, relating to the recovery of damages for the infringement of patents.

Mr. PLATT. It is manifest that we can do nothing in the consideration of this bill this morning, and I think it too important a bill to be considered under the five-minute rule. As I understand it, an objection will place the bill very near the head of the Calendar, to be proceeded with after 2 o'clock. I will object to the consideration of the bill under the eighth rule.

The PRESIDENT *pro tempore*. The bill will go over.

PRESENTS TO NAVAL OFFICERS.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 42) authorizing certain officers of the Navy to accept presents from foreign powers. It proposes to authorize Rear-Admiral J. W. A. Nicholson, of the Navy, to accept the medal which has been conferred upon him by the King of Sweden and Norway; Rear-Admiral R. W. Shufeldt, of the Navy, to accept a sword, Persian carpet, and other articles presented to him by the Sultan of Zanzibar; and Rear-Admiral C. H. Baldwin, of the Navy, to accept a gold box with a portrait of the Emperor of Russia set in diamonds, presented by the emperor on the occasion of his coronation at Moscow.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIJAH W. PENNY.

The next bill on the Calendar was the bill (S. 544) granting an increase of pension to Elijah W. Penny.

Mr. HARRISON. As that bill is reported adversely and there are but two or three minutes left, I will make the objection formally that it may remain on the Calendar and come up in order.

The PRESIDENT *pro tempore*. The bill goes over.

UNION METALLIC CARTRIDGE COMPANY.

The bill (S. 420) for the relief of the Union Metallic Cartridge Company was considered as in Committee of the Whole.

The bill was reported from the Committee on Patents with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $30,702.60 to the Union Metallic Cartridge Company, of Bridgeport, Conn., for the use by the Government of their patented machines for heading cartridge-cases.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. LAPHAM January 18, 1884:

The Committee on Patents, to whom were referred the bill (S. 420) and accompanying papers for the relief of the Union Metallic Cartridge Company, having considered the same, report thereon as follows:

The relief sought is compensation by the United States for the use by the Government of a patented invention owned by said company for a new and improved method of forming the heads of metallic cartridge-shells.

There is no controversy in the case except upon the question of the amount of compensation to which said company is entitled. By the use of this invention a great saving has been made to the Government. Prior to its use only about five hundred shells could be manufactured or headed in a day, requiring the labor of one man and two assistants, by the use of the best means known in the art. With the invention owned by said company and so used by the Government from thirty thousand to forty thousand shells could be headed in a day, and the process required the labor of only a girl to attend the machine.

Briefly, the invention consists of a mandrel, a die with an aperture through it of the same size as the exterior of the shell to be headed, and a bunter, with proper mechanism for their automatical operation. Shells can be headed by the processes described in this invention with a great saving of expense and with much greater rapidity than by any previously known method, and at the same time a better and more uniform and perfect heading was formed.

The War Department has admitted the use of the invention and the liability

of the United States to said company. The only question which has arisen is as to the amount which ought to be paid by the Government for such use.

Application was made by the said company to the Secretary of War in the year 1875, and at his request the Attorney-General of the United States caused an investigation to be made, the result of which was reported by him to the Secretary of War, to the effect that the patent owned by said company was valid and the claim for compensation was just; but as the claimants and the officers of the Government differed as to the amount of such compensation, the question was one which Congress would have to determine. The validity of the patent has also been established by a decision of the court in an action brought by said company against the United States Cartridge Company for an infringement, and the rule of damages for the use of said invention has been fixed by the judgment of the court in said action.

The compensation asked by the bill under consideration is at the same rate thus allowed by the court for an infringement of the company's rights by a private citizen. It appears that the Government has manufactured these shells in very large quantities made beyond its own needs, and that large quantities have been sold at auction from time to time at prices greatly less than the market value, thus putting them upon the market in competition with the owners of the patent. In some cases the shells have been so sold by the Government at less than cost, and said company has been compelled to purchase them from those who obtained them at Government sales in order to save itself from loss. In the judgment of your committee, this fact should be considered in fixing the *quantum* of compensation, and that an allowance at the rate of damages fixed in the action to which reference has been made is, under the circumstances, but a reasonable rate. The Supreme Court of the United States has decided that the Government has no right to appropriate to its use an invention for which a patent has been issued, without compensation. To do so would be to take private property for public use without just compensation. (Campbell *vs.* James, 104 United States Reports, 358.) The Court of Claims has also decided that the Government should pay at the same rate as an individual. (Hubbell *vs.* United States, 5 Nott & H., Court of Claims Reports, 1.)

Especially, as your committee think, should this be so where the Government, as in this instance, has opened competition with the owners of the patent by sales in the market.

It also appears that during the extension of this patent from the year 1874 the Government had the use of this invention without cost, and the claim is limited to what was manufactured prior to such extension. The quantity thus manufactured is admitted to have been 41,490,174 cartridges or shells at the arsenal at Frankford, Pa. The saving to the Government in the manufacture of this number of shells by the rule settled in the case referred to is $30,702.60.

The committee therefore recommend that the bill be amended by striking out "seventy-five thousand dollars," in lines 5 and 6 of the same, and by inserting in lieu thereof the sum last aforesaid; and as thus amended do recommend the passage of the same.

Mr. COCKRELL. This report says:

The validity of the patent has also been established by a decision of the court in an action brought by said company against the United States Cartridge Company for an infringement, and the rule of damages for the use of said invention has been fixed by the judgment of the court in said action.

We are not referred to that decision, and it does seem to me that it would have been as little as could have been expected that the committee, in acting upon this case and referring to a decision of a court fixing and establishing the rate of compensation, should have named where we could find that decision. I shall have to object until an explanation of that fact is made.

Mr. PLATT. I trust the Senator will not object; the hour of 2 o'clock has arrived, and I will say to the the Senator that this case was reported by the Senator from New York [Mr. LAPHAM], who, I think, has in his possession the papers which are referred to.

Mr. COCKRELL. I shall not object if it is not pressed this morning.

Mr. PLATT. Let it go over.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 160) making further appropriations for the relief of destitute persons in the districts overflowed by the Ohio River and its tributaries; and it was thereupon signed by the President *pro tempore*.

ADJOURNMENT TO MONDAY.

On motion of Mr. INGALLS, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

NATIONAL-BANK CIRCULATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1155) to provide for the issue of circulating notes to national banking associations, the pending question being on the amendment proposed by Mr. SHERMAN, in line 9, after the word "deposited," to insert:

Provided, That if any bonds so deposited bear a higher rate of annual interest than 3 per cent., additional circulating notes shall be issued equal in amount to one-half of the interest accruing on such bonds before their maturity in excess of 3 per cent. per annum, such amount to be ascertained and stated by the Comptroller of the Currency on the 1st day of July of each year hereafter.

Mr. PLUMB. Mr. President, I have an amendment pending to this bill which I shall offer at the proper time, but I presume that what I should have to say about that amendment and about the general proposition of the bill might as well be said now as at any time, in view of the wide range the debate has taken. I am reminded by something that was said yesterday of what was said here about three years ago, when, at the demand as I think of the national banks of the United States, or a good many of them at all events, the then President of the United States vetoed a bill substantially for the reason that it fixed the rate of interest on the proposed issue of bonds a little lower than the banks then thought they were willing to carry. Now we are assured by the Senator from Rhode Island [Mr. ALDRICH], and by many other persons of equal authority, that a bond which will draw 2 per cent. interest will be entirely acceptable to the banks; and instead of their demanding favors by legislation at our hands, I think, on the whole, their relation has somewhat changed. They are willing to take almost anything they can now get. When I say that I do not mean to be understood as saying that all national banks are so desirous of remaining in the business, with the privileges which the law organizing them confers, that they would be willing to accept any conditions we might impose, but a large number of them are, and I think conspicuously those banks which were the most urgent and the loudest in getting up the clamor which induced the President to veto the bill to which I have referred.

I am willing to say now that I am glad that bill was vetoed. Like a good many other people, both President and banks builded better than they knew. That veto made it tolerably certain that we shall never have any new issue of bonds of the United States, that is to say, no new United States bonds; certainly none unless some emergency not now foreseen shall occur. If that bill had been passed, as radical as it was then deemed, it would have been unwise as a matter of legislation, an unwisdom not then to be observed, but one which now would have been very apparent indeed. It was passed from proper motives and vetoed on insufficient grounds. Those who advocated the bill and those who procured its veto have now changed places. I regard the sentiment of the people of the United States against the continuance of the public debt for any longer period than is made absolutely necessary by the terms of the bonds as fixed and irrevocable. So far as I am concerned I have no desire and no intention certainly to appeal from that decision or endeavor in any way to modify it. I believe it is not only the fixed sentiment of the people but I believe it is based in the highest wisdom, that every material interest of fifty millions of people practically conspires for an early extinction of the national debt.

The money that is locked up in the bonds of the United States is needed to be put back into the industries of the country, setting in motion the wheels of commerce and giving employment to labor. The bonds are most largely held among the capitalists and banks of the Northern seaboard States, the former seat of our shipping interests. When this money is released from its holding as dead capital in the shape of bonds I have great faith that some portion of it at least will, directly or indirectly, find its way into ship-yards, and become the means of a partial revival at least of American shipping now languishing for this among other reasons, that American capital is too dear on account of the superabundant avenues calling for its investment. The country needs more active capital in many directions.

When I speak of the abundance of money I speak of that as a relative question; that is to say, money compared with the opportunities for its productive investment. I want to see the national debt disappear because its disappearance would be practically a solvent of many important questions. We can not consider as we ought to-day the tariff question without at once being confronted with the necessity for providing a large sum of money annually in some way for the payment of the interest and principal of the public debt. Therefore we can not consider that either as an abstract question or as a practical question in itself but its consideration is always embarrassed by this one of which I have spoken.

In the next place, it will enable us to settle this question of national currency unembarrassed by the existence of a national debt. If we had no national debt now, we should not be discussing these bills, we should not be concerned about the amount of bonds, and the effect of the desire of the banks to realize a premium, on the currency of the country. It is the one thing to-day which stands in the way of some definite, rational, and permanent settlement of the question of the currency.

The Senator from Rhode Island [Mr. ALDRICH] said yesterday that the debate had exhibited a great unanimity of sentiment in favor of the national banks, the inquiry on all hands being, as he put it, how we can best maintain that system. I think the debate has developed some other things which the Senator from Rhode Island can not be oblivious of, and one of them is that there is the utmost contrariety of opinion as to what scheme if any can be devised to accomplish the object in view. There is absolutely no concurrence on that point. I am myself willing to go as far as any one in commending the national banking system for all that is good in it. It was a wise system in its inception. It performed at a time of great peril to the country the most useful function, not only in supplying a market for a large amount of Government bonds, then slow of sale, but also in supplying currency which took the place of the State bank currency which had then disappeared or was disappearing, and took the place of it at a time when the country perhaps was not ready for more radical measures, and when possibly more radical measures, such as for instance the extension of the greenback currency in any considerable amount, would not have met with favor and perhaps would have invited disaster. It has done more; it has given the country a useful system of banks for discount and deposit purposes.

Mr. President, the relative advantages to this country of the currency which the national banks have issued and of their functions as furnishing a safe deposit for the money of the people and a solid foun-

dation for the business of the country to rest upon are wide apart in comparison. The mere issuing of the currency has not been attended with any great profit to the banks, and it has not been the most useful of the functions which the banks have performed. Banks of discount and deposit are vitally necessary to the business of the country. The more safe they are the better for the entire country. The greatest benefit which could be conferred upon the country in a financial way would be the discovery of a system of banking in which deposits were always secure. This can not of course be done, but we can approximate it nearer and nearer by wise legislation. The national banking system has come the nearest to this of any system yet devised, and its safe-keeping of over a thousand million dollars of deposits and the performance of the functions of discount and exchange have been of far more value to the country than any function it has performed with reference to the currency, and it is worthy to be continued and made more safe and permanent for the performance of these most useful and proper functions of modern banking. But the banks can not long continue to furnish currency owing to the rapid disappearance of the national debt, and the volume of that currency must necessarily be shifting and unstable, and liable at any time to seriously fail to answer the purpose for which it was created.

In fact, the steady reduction of the national debt has already brought us to the consideration, and very gravely too, as to what we shall do to prevent that contraction of the currency which a few years ago was not deemed possible but which is now impending. The various propositions before the Senate, the subject of this discussion, are designed merely, if I may use a homely phrase, to "toggle up" the system.

The measure of my friend from New Jersey [Mr. MCPHERSON], which is reported from the Committee on Finance, and which is, therefore, the best the committee can do, is not pretended to be anything more than a measure of temporary relief. Here is my friend from Vermont [Mr. MORRILL], equally eminent and equally a friend of the national banks, who has devised another plan essentially different, and yet he does not anticipate that that will provide a remedy very long; and in fact his own bill provides a sliding scale for the reduction of the currency which we are now seeking to prevent by legislation. In other words, he anticipates and provides for a reduction, while the professed purport of the endeavor we are making is to prevent reduction. So of the amendment of the Senator from Ohio [Mr. SHERMAN], and so of all these propositions. Every member proposing a measure is absolutely certain that his is the best, that all others are wrong and not calculated to meet the case, and yet for none of them is it claimed that anything more than a breathing-spell will be the result of its adoption.

Mr. President, when doctors of such eminence disagree what are laymen like myself to do? I found on my table this morning, and I presume there is on the table of every other Senator, an emphatic protest from the president of the Mercantile National Bank of the city of New York against all these plans. He says that all of them are insufficient, that all of them are bad, that no single one of them will offer any remedy whatever for the evil that is now sought to be guarded against.

In the beginning I felt like supporting and thought I probably should support the bill of the Senator from New Jersey. Then, moved by the considerations so eloquently addressed to the body by the Senator from Vermont and the Senator from Rhode Island, I felt like fleeing to the remedy they present. I am now confronted with the statement of the president of one of the most conservative and one of the strongest national banks in the city of New York that none of them will be of any avail whatever, and I must confess that on careful consideration I quite agree with him.

This bank president states the case, from the bank standpoint, against the pending propositions, as follows:

> The morning papers quote the discussion in the Senate yesterday (13th) of the McPherson bill, together with the suggestion of an amendment offered by Hon. Senator SHERMAN. From the standpoint of a national-bank officer I beg most respectfully to protest against the adoption of the measure, with or without the amendment proposed.
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> As I understand it, the aim of the bill is to prevent a contraction of the currency. With that for its object, I beg most respectfully to predict for the bill, if enacted, the most lamentable failure. In evidence of this belief I beg to say that notwithstanding the fact that the 4 per cent. bonds, with their twenty-three and one-half years of life remaining, if purchased at the average price ruling in the past twelve months as against a purchase of the seven-and-one-half-year 4½ percents at the average price of the same period, would have yielded a return to a national bank on circulation of about 2 per cent. per annum more, yet the general aversion among the banks to a high-premium account is so great that the increase in bank pledge of these bonds in this period of a year has been but about $1,000,000 of these better-paying but high-priced 4 percents, as against an increase of more than seven and a half million dollars of the lower-priced 4½ percent. bonds) the greater length of the high-priced bonds adding another feature to weigh in their favor if this aversion were to be overcome. This bill, with all others so far offered in the Senate, have aimed to attract the national banks now pledging 3 per cent. bonds to replace them as called by purchase of these 4 percents or 4½ percents. It is the 3 per cent. holding national bank, therefore, that must be served at this crisis if the *public welfare* is to be considered in this fear of currency contraction.
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> Further to sustain this point the following from the New York Times of to-day (February 14) is in point: "Unless this (tax on circulation) be removed it is quite idle to talk of inducing the banks to replace their 3 per cent. bonds by 4 per cent. bonds with the privilege of circulation up to par."
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> But if any of these measures were adopted, and should prove successful, the public will in another way be asked to suffer. At the present rate of Government income and expenditure two and one-half years will serve to exhaust the Government option to call 3 per cent. bonds. Thereafter all unappropriated moneys, unless allowed to accumulate in the Treasury, must be applied to the purchase of outstanding bonds. If meanwhile the banks should be induced to replace their 3 percents as the result of such enactment, it must appear that you will have legislated out of the market nearly $200,000,000 of bonds and correspondingly enhanced the prices of bonds remaining, when the Government must of necessity become a purchaser, and with no option left to bear upon possible clique movement against the Government in the market. How much in the public interest this proceeding would be, when not at all a necessity to prevent the threatened currency contraction, the wise will discover.

The situation then is this: We are proposing measures to prevent the contraction of the currency. No one expresses much confidence in his own proposition, but the utmost lack of it in all the others, and the banks who are sought to be "attracted" so as to induce them to take the 4 per cent. bonds as a basis for currency, and thus add something to its stability, come in and emphatically say none of the plans will accomplish the purpose and that the banks will not buy the long bonds. The adoption of either plan, then, means the destruction of the entire system.

But if what the Senator from Rhode Island said in debate yesterday is correct the system is not answering the purpose of its creation, and so it would hardly seem worth while to maintain it anyhow. He said in effect that the increase or diminution of the currency by the banks had no relation whatever to the business wants of the country. This alone is sufficient to condemn it.

Mr. ALDRICH. Will the Senator allow me to interrupt him?

Mr. PLUMB. Certainly.

Mr. ALDRICH. I said that owing to the present artificial condition of the bonds of the country upon which the circulation is based at the present time the state of affairs to which he alludes exists.

Mr. PLUMB. I agree to that. That is no amendment to what I stated, because this condition of the bonds is inherent in the system; it cannot be changed. The premium is there, and nothing but the lapse of time, the approach of the maturity of the bonds, will ever interfere with that premium. It will disappear from time to time, but it is still a premium, and consequently this unsafe and uncertain condition of things with reference to the volume of currency to be emitted by the national banks will continue all the time. The knowledge of the fact, too, that the system is wholly dependent upon the national debt and that that debt will soon disappear adds to the instability.

A system of currency which should fluctuate, rise and fall with the demands of the people for money to carry on their business, which would give abundance of money in the fall months when the crops are being moved and which should contract it in some convenient way during the summer months when it is not needed so much, and which should from year to year and from time to time increase with the increasing needs of the country in some automatic way, would be worth accomplishing; but it is something which the national banking system can never accomplish, for the reasons which were stated by the Senator from Rhode Island and which are inherent in the system and which will inhere in that system so long as it is based upon United States bonds. The answer of the Senator from Rhode Island to that is, "Issue new bonds for this particular purpose." But, as I said before, that question has been settled beyond our power to unsettle it. There are to be no new bonds, and it would not be possible to elect any Congress in favor of issuing a new bond for the purpose of maintaining the life of any banking system whatever.

So, Mr. President, we must consider this thing with reference to its present condition, and not upon the impossible one of the issue of new bonds, upon which a new lease of life may be given to the national banking system.

The Senator from Rhode Island's statement that the increase or diminution of the currency is not now conceived or carried out upon any basis or idea of the wants of business is not only true now, but has been equally true for many years—ever since the bonds came to bear any considerable premium. The "flexibility" of the system so-called is therefore completely gone.

In the city of New York are the principal banks of the country. That place is the great reservoir of the money of the country, of its available means. If there is any place where the need of the country money is felt it is New York, not necessarily for use in New York, but borrowers of money from all the country go to New York to borrow, whether they be individual borrowers or banks, and consequently New York can be regarded as a reflex I think of the general condition of the country with reference to the volume of currency needed and the ability and willingness of the banks to furnish it.

There are in the city of New York forty-eight national banks, having a gross capital of $50,350,000, and those fifty banks having this $50,000,000 of capital have only outstanding $15,784,105 of currency. In other words, in the city of New York the ratio of currency to capital is less than one in three. If the banks in New York do not take out more currency, if they do not keep up some ratio of currency to capital, it is because there is no ratio of currency to capital which cuts any figure in the action of the banks in taking it out, so far at least as that ratio affects the general question of currency supply for the country.

The rule in New York city is to take as little currency as is permitted by law; and yet these same banks are now bewailing the shrink in the value of the currency and suggesting means to prevent further contraction, asking inducements which will give them more profit on currency and thus result in their taking it out. In the State of New

York outside the city are national banks having a capital of about $40,000,000, and who have more than twice the currency outstanding that the banks of the city have. This currency was not taken out because of a supposed necessity for such an addition to the circulating medium, but purely as an incident to the establishment of banks of discount and deposit under the national system. The national banking charter or franchise was the main motive. The additions to the volume of the currency from this source have been really accidental. The banker who now should deposit $50,000 in Government bonds for the purpose of securing thereon the issue of currency would be obliged to invest $62,000. On this he would get only $45,000 circulating notes, and 5 per cent. of the amount would have to be redeposited in the Treasury in the shape of legal-tender notes as a redemption fund. So, for $62,000 cash invested the banker would get but $42,250 loanable funds. No matter how great the apparent profit, in a majority of cases this process would be attended with a loss, for the banker would have diminished his loanable funds $20,000, and the loss of the use of this, irrespective of the interest, would be a great disadvantage. This disadvantage is largely if not wholly compensated by the value of the national charter, which gives assurance of solvency and in many ways contributes to the esteem in which the bank is held. Most of the newly organized banks, however, as it will be observed, take out the smallest amount of bonds permitted by law, and thus save a large part of the first loss mentioned; and thus it happens that many millions less than the amount of the currency which the banks could take on their capital is issued, and this practice has not changed during the last few months while the currency has been shrinking in amount, showing conclusively that the volume of the currency under the national banking system is purely arbitrary, is liable to fluctuate from considerations of individual profit, and little reliance can be placed on it for the future.

In considering this question of the instability of the currency and the necessity of some plan which shall permanently take the place of the national system so soon to disappear, we are confronted with two alternatives: the one a return to the State-bank system, better known to memory as the red-dog and wild-cat currency. The other is that the Government shall issue the currency direct, under such limitations as to amount and such provisions for redemption as shall not only make the currency safe but stable in amount, and free from the apprehension that it will be from time to time inflated and contracted by the direct action of Congress.

I do not want to see any return to the State banking system; that is to say, so far as it has to do with the issuance of currency. I do not believe that the people want it, nor do I believe they will ever permit it to be resorted to. The country lost too much by it when it collapsed in 1857. Neither is such a return necessary. I believe Congress can prevent any such necessity from arising, and that this can be done by the issue of Treasury notes, receivable for all dues to the Government and redeemable in coin on presentation at the Treasury. The trouble that confronts us with reference to this proposition is the fear that Congress will yield to the temptation to overissue the notes in times of distress, or when there happened a present or prospective deficit in the Treasury. I confess that it would not be very wholesome, perhaps, to be in the daily fear that Congress might increase or diminish the volume of currency in a manner which should have no more relation to the business wants of the country than the action of the banks does now; but I am consoled when I consider that the Finance Committee of this body are unanimous in agreeing that whatever they may do about details, they will absolutely by legislation put from thirty-five to forty million dollars of new currency afloat at one stroke. All the pending propositions provide for an absolute increase of the currency in bulk. Differing as they do in other features, all are alike in this essential particular, and, as I view it, just as vicious as though we should provide by law for the outstanding volume of the legal-tender notes. The least modest of these propositions, that of the Senator from New Jersey, is to add $35,000,000 to the volume of the currency at once, and the other extreme is reached by the Senator from Vermont, who proposes to add $10,000,000 to that, making the inflation $45,000,000.

Mr. MCPHERSON. Will the Senator yield for a question?

Mr. PLUMB. Certainly.

Mr. MCPHERSON. The Senator has just stated that the banks in New York, some fifty in number, have only circulation to the amount of $15,000,000. I think it will clearly be seen that when circulation is worth even less than the tax they have to pay upon circulation. the banks in New York will not be anxious for more circulation, particularly at a time when they can not loan their deposits. Therefore I think it is equally reasonable to suppose that if there was an active demand for circulation upon the banks of New York, they would increase their circulation up to that demand. As to the inflation of the currency, if the Senator is right in his conclusion, the banks of New York will only call for it as fast as they can make it profitable so far as the business of New York itself is concerned; but does he not think that the country banks, desiring circulation and that can use it with profit at all times, will have the advantage of calling for their circulation in order that they may loan it among their customers?

I do not think under the present circumstances it is proper to take the banking business of New York city as a basis for determining this question. It is known that for a long time money has only commanded 1 per cent. in New York city even upon call, and now the tax upon circulation is 1 per cent. Therefore there is no reason, with the immense deposits they have to loan and can not loan to advantage, why they should call for increased circulation; nor do I think they will do so under the bill reported by the Finance Committee, but it gives them this privilege: they can call for it when the demands of the country ask for it, and the country banks may demand it now.

Mr. PLUMB. Well, Mr. President, if the theory which the Senator from New Jersey seems to have in mind now about this matter is correct, why legislate at all? If the banks are not going to take this currency, why give them the opportunity of doing it? I have, however, more confidence in them than the Senator, and I say they will take every dollar of it.

Mr. MCPHERSON. The fact is that while a bank has an authorized capital of a certain number of dollars, a certain number of hundreds of thousands of dollars, it only takes out a certain proportion of circulation. The evidence is altogether against the argument of the Senator from Kansas. While I think that the bill reported by the Finance Committee is perhaps not a full remedy, it is a remedy.

Mr. PLUMB. I should be glad to hear the Senator, but I do not care to have him now put a speech right into mine. I will answer all his questions, but I will listen to his arguments later.

Mr. MCPHERSON. Very well.

The PRESIDING OFFICER (Mr. DAWES in the chair). The Senator from Kansas is entitled to the floor.

Mr. PLUMB. The banks of New York have, as I said, a little over $15,000,000 of currency, and by this bill of the Senator from New Jersey they will be permitted to take out on the same bonds they already have on deposit a million and a half more. I have that confidence in those banks to believe that if any one were to offer them a million and a half of dollars without asking anything in return they would take it, but the Senator from New Jersey thinks otherwise. Every bank will take it, and take it as quick as it can get it. If it was not expected they would this bill would not have been reported.

So, as I said, I find the Finance Committee, Democrats and Republicans alike, embracing men who more than any other men perhaps in the country have the confidence of the people as to their judgment upon financial questions, proposing by one single act of legislation, and practically without any inquiry or upon any suggestion that the country needs the currency, to add from $35,000,000 to $45,000,000 of notes to the volume outstanding; and so I am constrained to believe that there is not as much danger after all in leaving this question to succeeding Congresses who may want to legislate concerning it as I first thought there was. Why, Mr. President, the Senator from Ohio [Mr. SHERMAN] and the Senator from Delaware [Mr. BAYARD] have never appeared to as much advantage in my judgment as they have when they have descanted upon the unwisdom and the folly of leaving to Congress any such question as the control of the volume of the currency by direct legislation, and yet I am prepared now to see them go back upon all they have said, because they are asking us now to do this very thing.

I do not object to this increase of the volume of currency, although I do not believe it is needed. The evil which should be guarded against is the contraction of the currency by reason of its surrender by the national banks, a process now under way and threatening largely to increase and to bring great trouble upon the country. The proposition is to meet the difficulty not by providing against contraction but by arbitrary inflation, leaving in full force and vigor all the elements of contraction by which we are seriously threatened.

Mr. BAYARD. I think the Senator is in error; he misapprehends and unintentionally misstates the principle of the proposed extension of the per cent. of currency notes that may be issued to the banks upon a deposit of Government bonds. It is in no way akin to the idea of the issue of currency notes by the Government itself upon demand. It is as far from it as the present national banking system or any other system of bank notes is from what is commonly known as the greenback theory of the issue of Treasury notes. The same principle that interposes the system of national banks and allows the commercial necessities of the country to control the volume of the currency for the commercial operations of the country is just as much preserved by this amendment of the committee as it was by the former law that allowed the issue of 90 per cent. instead of 100. The Senator should not misunderstand the principle which lies underneath this proposition which I presented as the organ of the committee and which I favor in the Senate. It has in it nothing whatever like the issue of money direct from the Treasury under the direction of the political power.

Mr. PLUMB. Well, Mr. President, there may be a difference in the process, but the result is precisely the same. It is absolutely known that the banks will take out the 10 per cent. addition to their circluation if this bill passes; the amount can be determined to a fraction. It is just as effective an addition by Congressional legislation to the volume of the currency as though Congress had said to the Secretary of the Treasury "Issue $35,000,000 to-morrow and add that much to the volume of Treasury notes outstanding."

Mr. BAYARD. Will it further interrupt the Senator if I say a word?

Mr. PLUMB. Oh, no; I yield.

Mr. BAYARD. As a matter of fact the report of the Comptroller of the Currency will show that the banks to-day are entitled to take four million more of currency under the ratio of 90 per cent. than they have taken. Under the dictation of self-interest there has not been in their opinion a profitable use for the full amount of the ratio of 90 per cent. which the present law allows. The banks to-day in the aggregate could increase the circulation under the 90 per cent. law four million more than now exists.

The Senator will pardon me forinterrupting him. I only wished to correct his statement in the misapprehensions he seemed to be making. The volume of the currency, whether it be in the ratio of 90 per cent. upon the 100 cents deposited in bonds or 100 per cent. upon the par value of the bonds is a commercial question that the banks will settle themselves. If there shall be a demand for currency in this country the deposit of bonds by the banks under the national system can always produce it. If it is wanted in any part of this country, under the absolutely free principle of free banking which exists, any five men having a capital of $50,000 and upward can form their bank, deposit their bonds, and get just such amount of currency to-day up to the ratio of 90 per cent., and should this bill presented by the committee pass, up to the ratio of 100 per cent. upon the amount of bonds that they choose to deposit, and draw such currency as commercial exigencies shall tell them it is profitable to use.

Mr. PLUMB. Mr. President, all that argument applies to the establishment of new banks and to the deposit of new bonds as a basis for the issue of new currency, but it is wholly and entirely apart from the first and immediate and certain effect of this bill, which will be to add to the circulation now outstanding $35,000,000. That is the bill of the Senator from New Jersey, which will add 10 per cent. to the entire amount outstanding. That is the first thing it will do.

Mr. BAYARD. It will create the capability of the issue.

Mr. PLUMB. Now we will come to the question of banks that do not want the circulation. There are some banks in New York that do not want to be bothered with circulation and do not think there is any profit in it on the present basis. I have before me a list of the banks in New York. Here is one bank of $3,000,000 capital that takes out no circulation whatever.

Mr. BAYARD. That is the Chemical Bank.

Mr. PLUMB. That is the Chemical Bank. It did not take any currency and probably will not under this bill. Having none, its taking none does not disturb the ratio of increase. But any bank which can now afford to carry 90 per cent. of currency on its deposit of bonds can better afford to carry 100 per cent. on the same deposit of bonds. You are simply giving the banks the use of thirty-five million more currency than they have now without requiring them to add one dollar to the capital or bonds now held. It will not do to say that they will not take it out on account of philosophic considerations as to the volume of currency. The acquisitive faculty is too strong for that. They will take every dollar of it; it will go into circulation, followed by all the consequences of great and arbitrary inflation, and I much fear to be shortly followed by a contraction all the more severe on account of the inflation by which it was preceded.

Mr. President, all these plans will in my judgment be ineffective. The one thing that is important in this situation is the premium on the bonds. It can not be got rid of. On the contrary, the passage of any of these measures will add to it. If it were not for the banking system the bonds would not be selling at the high figures they are. If they could not be made the basis of circulating notes and an adjunct of the banking system, they would decline. The more uses you give them, the more people want them, the higher they will be; and by this bill it is proposed to increase their use, to make additional inducements for men not only to use what they have got but to take more, and the holders of the bonds will require banks that come to buy them, if they are to buy them at all, to divide the profit with them, and the 4 per cent. bonds may then be calculated to go up to at least 128, and I believe if this bill passes, and especially if the amendment of the Senator from Vermont should be adopted, they will go to 130, and the higher the premium rises the more insecure is the basis of your currency, for the higher the premium the greater the reluctance of the banks to lose it, and the more certain they will be to sell to save it; and especially is this true of the banks holding 4 percents which they bought at par or near that point. The temptation to sell the bonds and realize a premium which would add one-third to capital in the way of profit will be very great. And as the bonds are sold the currency is contracted. Thus the volume of the currency, of such vital importance to the welfare of the country, is dependent upon the merest chance.

I know the Senator from New Jersey differs with me on this point, and what is more he differs with the Senator from Vermont and the Senators from Ohio and Rhode Island. These Senators think his bill if not wholly bad still but a temporary makeshift, and one of doubtful utility at the best. And we are proposing in so vital a matter to legislate upon mere guesswork. Would it not be better to make certain that the currency should not be contracted—to do at least that much in order that the country may be safe while we are perfecting something permanent for the future? With what confidence will men do business with the volume of the currency subject to these contingencies, not knowing to-day whether the currency is going to be $35,000,000 more or $50,000,000 less and with an apprehension, guided by what has occurred heretofore, telling them all the time the chances are that the currency will shrink and diminish rather than enlarge?

I again call attention to the circular from the president of the Mercantile National Bank of New York from which I have heretofore read, which clearly indicates the source of the trouble and that it will be aggravated by the passage of the bill under consideration:

> As I understand it, the aim of the [McPherson] bill is to prevent a contraction of the currency. With that for its object I beg most respectfully to predict for the bill, if enacted, the most lamentable failure. In evidence of this belief I beg to say that notwithstanding the fact that the 4 per cent. bonds, with their twenty-three and a half years of life remaining, if purchased at the average price ruling in the past twelve months as against a purchase of the seven-and-a-half year 4½ percents at the average price of the same period, would have yielded a return to a national bank on circulation of about 2 per cent. per annum more, yet the general aversion among the banks to a high premium account is so great that the increase in bank pledge of these bonds in this period of a year has been but about $1,000,000 of these better-paying but high-priced 4 percents, as against an increase of more than seven and a half million dollars of the lower-priced 4½ per cent. bonds.

If there is a repugnance on the part of the banks to carrying bonds that have a premium of 23½, how much will that repugnance be increased if the premium goes to 30 per cent., or to any appreciable point beyond where it now is? And in connection with that I wish to speak of the statement that the Senator from Rhode Island made yesterday, and which I have also had from the Treasury Department, to the effect that the banks who now hold 4 per cent. bonds are the banks which bought them when they were at par or only a little above par, and since that time practically no banks have taken 4 percents on account of the premium. There are about $100,000,000 of the 4 percents held as basis for circulation by the banks who originally took them, and who, if they sell now, can get this 23½ per cent. premium as profit derived from the holding. Now, run those bonds up to 25, to 27, to 30, and what is going to be the effect? If the banks representing the other $235,000,000 of currency have not heretofore been willing to buy bonds at 23 premium, are we certain they are going to buy them at 30? Yes, says the Senator from New Jersey, because we give them the right to take out more currency; but as an offset to that is the great probability, I think almost a certainty, that the banks that have held these bonds so long will hasten to sell them and to realize the high premium and put it into their profit account.

So while we may have more currency taken out by the banks that have $200,000,000 of 3 percents soon to mature and certain to be paid, we may lose and probably shall lose a large amount of the currency based upon the 4 percents now held by the other banks. In other words, we are providing a measure which will appeal strongly to the acquisitiveness of all these banks to realize the premium on the bonds before they commence to decline. I believe that none of these measures will be effective to perform anything of what we hope or expect of them for a longer period than twelve months perhaps, and even not so soon as that.

Mr. McPHERSON. I do not want to take up the Senator's time, but I wish he would yield to me for one moment now.

Mr. PLUMB. I will do so.

Mr. McPHERSON. Is it not evident as to the banks banking on a 4 or a 4½ per cent. bonds that the fact that they are now holding such bonds, notwithstanding the high premium, shows that they can afford to bank upon them?

Mr. PLUMB. There are various considerations that have induced them to hold them, the most potent one of which I think is that they have been under the conviction that the premium was to go higher, and they have, therefore, held to get a larger profit. I would be sorry to see them put under temptation furnished by a higher premium and a larger profit, inasmuch as that temptation might result to the great damage of the country.

Practically no bonds are bought and sold in New York to-day; that is to say, the purchases are very small. Men bet on them as they do on stocks, bet that they will go up or go down; but I have it from very good authority that the purchase of $10,000,000 4 per cent. bonds or any other bonds in New York for actual cash delivery would put the price up at least 3 per cent.; and yet if this bill is to have any effect such as is anticipated, it is to make a scramble among the banks that now have the 3 percents to buy the 4 percents, and the result of that scramble would be to run the premium up greatly higher than it is now. Then, as I said, while some banks will be getting 4 percents other banks will be selling them in order to realize the profit, and either go out of the business totally, or at all events to the extent that they can without losing their charters.

I regard the situation, then, as it now stands, with the shrinkage of the currency during the past two months of ten or twelve million dollars, with the certainty that as these 3 per cent. bonds are redeemed that shrinkage will continue and that it is going to be enormously accelerated—as I said, I regard the situation from that standpoint as critical. I do not want to see Congress adjourn without doing something to make certain that that condition of things will not continue. But on the other hand I do not see that either one of these measures offers any certainty of a postponement even of that dangerous condition of things. I think

we ought to provide for something to take the place of such national-bank circulation as may be surrendered from time to time. Having done that, and thus averted the threatened danger, we can proceed leisurely to make provision for the future.

We are not without precedent to guide our action. The people came to view with great apprehension the contraction of the greenback circulation being carried out by the Treasury Department, and notwithstanding the strong effort that was made against it Congress by an overwhelming vote put a stop to the contraction, and said that hereafter the greenback circulation should remain permanent and fixed in amount, and there it has stood ever since. The people mean to maintain that currency in its present volume at least, and do not mean that by their act its value shall in any way be impaired. They mean that it shall be a legal tender between individuals, that it shall have the highest possible money function, and they will maintain it against Congress, and against courts, if necessary.

Now, Congress did that. It was a wise, prudent, far-seeing, judicious action; it has been indorsed everywhere, and there is no voice heard now anywhere, at least from any potential quarter, seeking to reverse that action. What I would propose is that we should do the same thing with the volume of the national-bank circulation; but we can not do that in the same way we could with the greenback circulation, because the Government does not control it as we do the greenback circulation. The banks may retire from the business; they may close up with their bonds and their circulation, and we have no control over their action; we can not prevent them from doing that. What we can do is this: We can provide that for every dollar of their circulation that shall be surrendered an equal amount of Treasury notes shall be issued, and thus maintain the present volume of the currency. That is just as wise, just as conservative, just as wholesome, just as much within the purview of proper legislation as it was for Congress to enact that the greenback circulation should not be diminished in amount.

It would not be necessary that the new notes should be legal-tender. That question might be waived. If the Government takes them for all dues coming to it, including duties upon imports; if they should be made receivable between national banks (which it is perfectly competent for Congress to do) and be receivable by the national banks from individuals dealing with them, there would not be any trouble about their being kept at par and answering just as useful a purpose as the legal-tender notes answer and just as useful as the notes of the national banks.

I know that there has been a widespread feeling that Congress ought not to get into this business further, but what doubts I had on that subject have been modified by the action of the Finance Committee of the Senate. They are fixing now, or assuming to fix, or asking Congress to fix, the volume of currency, to increase it, to inflate it, if you please, and I think Congress might just as well go the other step, and say that instead of keeping up the instrumentalities for the exercise of that which is a part of its sovereignty it will issue the notes direct, at least to the extent of filling the voids that may be created by the surrender of national-bank circulation.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. PLUMB. Certainly.

Mr. JONES, of Florida. How would the Senator put into circulation the new notes which he proposes to have issued in place of those returned?

Mr. PLUMB. The smallest of my concern in this world has been how to spend the money that I was lucky enough to get; and from what I have observed here I have not observed that the Government has any more trouble in spending its money than I have in spending mine. If these Treasury notes are put into the vaults of the Treasury as other current funds they would be paid out in the discharge of the obligations of the Government created by law.

Mr. JONES, of Florida. Then I understand that is the only way which occurs to the Senator by which the circulation of the Government proposed to be substituted for the notes returned by the banks can get into circulation?

Mr. PLUMB. I have not deemed it necessary to go into that subject more exhaustively. It will get out fast enough in the ways I have mentioned. And why should there be any more difficulty in regard to these notes than in regard to other funds?

Mr. VOORHEES. I should like to ask the Senator from Kansas a question suggested by the question of the Senator from Florida. It is whether he or anybody else in the history of the world ever knew of there being any difficulty in getting par money into circulation and into the uses of life?

Mr. PLUMB. I never heard of any.

Mr. VOORHEES. I do not suppose the Senator from Florida ever did either.

Mr. PLUMB. By the adoption of such a measure as the one I propose the contraction of the currency will be arrested; we will promote the business of the country resting upon that volume of currency in its present condition. What we shall do for the future the future itself can disclose. There are a great many ways whereby this currency could be increased from time to time to meet such increasing want as might be developed without entering upon any dangerous legislative ground. But it is enough now to do just what we did with the greenback currency, stop the contraction, say that whatever volume of currency is now outstanding shall be maintained, and when we have done that, having got our feet upon solid ground, we can look about us and see what next we shall do, just as we have done heretofore, going by successive steps forward as we learn and as we feel that we are moving in a safe way. Who would have said thirty years ago that the Government of the United States would have issued legal-tender notes, and that they would have gone into the volume of the currency and remained there permanently fixed? And who does not know now that the volume of that currency is going to remain as now? It will remain there because it is the embodiment of the honest judgment, the highest wisdom, of the American people as applied to financial matters. What I propose in no way trenches upon the national banking system nor upon its currency. If the national banks continue to provide the currency, all right. But all the legislation proposed is based upon the idea that the present system is insufficient as now existing to maintain the requisite volume of currency.

Mr. McPHERSON. Will the Senator before he commences on any new branch of the subject, as he has been so very liberal in yielding to other questions, allow me to ask him one more?

Mr. PLUMB. Yes, sir.

Mr. McPHERSON. The Senator states in his argument that the bill reported by the committee is entirely insufficient. Would it not be wiser if that is found to be insufficient to simply remove the tax on circulation, which would afford a still greater remedy? The Government does not need the revenue, and that seems to be a very easy way out of the difficulty.

Mr. PLUMB. I can think of a great many things that would perhaps induce people to enter into banking and issue currency; anything that is made profitable enough people will engage in; but that is not my idea of how the currency should be provided. I do not want to guess whether a certain measure is going to be profitable enough to induce somebody to operate under it.

Mr. McPHERSON. This is not a guess; it is an absolute calculation to a certainty.

Mr. PLUMB. I know what the calculation is; that is to say, I know it would give them more profit than now; but the currency is bound to be, under any proper system, the smallest part of the profits of any bank. No bank engages in banking for the purpose of getting the currency. That is always a subsidiary thing. The main thing is the lending of money. Can we ever tell that that main purpose will not absorb the minor one, and that a bank will not at any time by reason of the greater profit of doing its business some other way go out of the business? It is only a guess at the best. Whatever system of that kind may be established is liable to be overturned anyhow, for the reason that the payment of the bonds is not thereby arrested, and so the currency based on them is obliged to shift, and if it takes one profit to-day to induce the banks to go on, to-morrow it may take another, and we may yield, consciously or unconsciously, to immeasurable demands finally in order to maintain what we regard as the proper volume of currency.

This is only anticipating what we have got to meet sooner or later. These bonds are being paid off. There is no certainty that under any possible inducements the banks will buy the fours to replace the threes. Can they buy them? The report of the Comptroller shows that one-third of the bonds and more are held by the savings-banks. There are a good many uses to which Government bonds can be put which no other security will meet and which will induce some people to buy them at almost any price. The amount of bonds is very limited when we consider the uses to which they can be put. To answer the purpose for currency the banks must buy to keep and not to sell. Their bonds are deposited in Washington beyond their immediate reach—they are a permanent investment. There are capitalists who can better afford to buy the bonds than the banks can—the class of men who at some seasons have idle funds they want to so use as while realizing interest are always convertible at a moment's notice. A 2 per cent. bond would be taken by such people at par perhaps. But the banks might not find their profit in carrying them. The buying and selling of bonds by private persons does not affect the currency; but when the banks buy and sell the effect is direct upon the currency. Consequently we want some plan which will certainly induce the banks to take and keep the requisite amount of bonds. I doubt if this can be done with our limited debt, and especially while it bears an interest which keeps it at a high premium. Any more competition between the banks and private holders would greatly increase that premium and add to the difficulty we are now experiencing.

Why not now, when the subject is up, while we are confronted with it in a serious way, make such provision as that hereafter there shall be at least no diminution of the circulating medium of the country until such time as we can devise something which is to permanently take the place of that which is inevitably to disappear? We ought to do that as I think now. We would have then the production of the precious metals, so far as they might be coined, to furnish additional volume to the currency from time to time, and I think that might perhaps an-

swer for a great many years. Possibly we would not need to add anything to the volume of the currency beyond what it is now, except such addition as would naturally come from the product of our mines.

While I am on that point I will say that I was sorry to observe the Senator from Ohio could not discuss the national banking question without making the usual fling at silver. The silver that we have, the silver dollars, the silver certificates, have answered a good purpose. The remonetization of silver, in my judgment, was the beginning of prosperity. Whatever else may become of it, I shall, at least, be grateful to it for what it has done.

Who knows that the product of silver is going to keep up? Nobody can tell. The Leadville mining camp, an area of country not four miles square, produces one-third, yes, it produces nearly one-half of all the silver that is produced in the United States. Nature does not often repeat itself in that way. There has been talk about mining camps that would rival Leadville, but none have yet been discovered, and none may be discovered for a generation. If the output of that mining camp should fall off or disappear entirely, as it may in the next four or five years, silver would appreciate at once to gold, unless something not now to be foreseen should occur to prevent it.

I notice that the antagonism of some persons to silver is totally disconnected from any question as to its value. It was just as fixed and just as unalterable and just as vicious, I may say, when silver was above gold in price as now when it is below. There may be all sorts of new reasons for stopping the coinage of silver, but not any reason that I regard as of value for ceasing to use it as the basis for the silver certificate, which goes into circulation and which is welcomed everywhere so far as I know.

Something has been learned, too, as the result of the legislation of last winter, and that is that gold will not circulate where a paper substitute is provided. It took years to get legislation authorizing the issue of gold certificates, and during all that time it was being shouted all over the world that silver would not circulate, and every effort was made to put it down, but when the act was passed authorizing the issue of gold certificates gold ceased to circulate. Who is it who sees any more gold than he sees of silver? It is not found in circulation. It simply means that the people do not want any metallic money for actual use. What they want of that is as a basis for paper, which is better accommodated to their needs.

I may say further, as being germane to what has been said on this subject, that I firmly believe that the United States Government has never since silver was remonetized made an honest, square, and manly effort to maintain its value. It has never made an effort which was regarded as sincere either at home or abroad. The Latin nations do not believe it and England does not believe it. In other words, the power of this country never has been put behind this, one of the most valuable of all its products. There have been pretended attempts, there have been genteel conferences, there have been sheets of paper written over, great publications made, and all that sort of thing, but it has only been the shelter and the veneer behind which has been the usual inevitable sneer at silver as money; and Europe does not believe to-day that America is in earnest about it or honest in seeking to maintain the silver dollar.

As I before said, the remonetization of silver has done immense good. Without it I believe resumption would not have been possible, at least at the time when it was accomplished. It has filled the arteries of our commerce with a safe and acceptable currency and made a broad and stable base for business, besides preventing the sacrifice of the debtor class to their creditors.

I will ask the Secretary to read the amendment which I have proposed and which embodies the idea which I have sought to elucidate. I do not claim that it is perfect. I admit that it will accomplish only one thing, that of keeping the volume of currency exactly where it is. If any man wants to know what I would do in the future, I would simply say, as I said before, that the future must take care of itself. At least as much can be said of this as can be said of the national banking system; in fact more, because that is bound to disappear, and with the disappearance of it goes the currency. This plan will at least maintain the present volume of the currency until such time as Congress in its wisdom shall devise some way of adapting that volume from time to time to the needs of the country. I am willing to wait for that, but in the mean time I want to feel that the immediate future is secure. I do not want the people of this country to go into this year's business or next year's business confronted with the possibility, nay, the certainty almost, that the volume of the currency is to shrink, and consequently bring disaster to all business.

There has already been a very considerable shrinkage. We are now legislating to prevent it, and we are clinging close to the one idea. We are assuming that there is only one way to do it; yet while we are doing that, we are confessing that the plan devised is uncertain in its effect. It must necessarily be so, for it depends upon the shifting and uncertain basis which is the cause of the present alarm.

The PRESIDING OFFICER (Mr. DAWES in the chair). Does the Senator from Kansas wish to have his amendment read?

Mr. PLUMB. I ask the Secretary to read it.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add to the bill:

That whenever the circulation of any national bank, or any portion thereof, shall be surrendered, the Secretary of the Treasury shall thereupon issue an equivalent amount of Treasury notes of the denominations now provided by law for national-bank notes. Said Treasury notes shall be deposited in the Treasury and paid out as other moneys kept for the discharge of the obligations of the Government. They shall be receivable for salaries and for all dues to the Government, including duties on imports; shall be a legal tender between national banks and for all debts due to any national bank; shall be redeemable in coin as the legal-tender notes of the United States now are; and when received into the Treasury they shall be reissued, and when mutilated or worn they shall be replaced in the same manner as now provided by law for said legal-tender notes. The coin held in the Treasury at the date of the passage of this act for the redemption of the legal-tender notes of the Government shall also be applicable to the redemption of the Treasury notes herein provided for; and such coin reserve may from time to time be increased by adding thereto other sums from payments made into the Treasury, in the discretion of the Secretary of the Treasury: *Provided*, That the total amount of said coin reserve shall never be less than 25 per cent. nor more than 30 per cent. of the total amount of legal-tender and Treasury notes outstanding.

Mr. JONES, of Florida. Mr. President, I certainly did not intend to say anything in regard to this financial proposition, but it does seem to me, with even my limited knowledge of this very——

Mr. HALE. Will the Senator yield to me for a request about another bill, as I have to leave the Chamber in a few moments?

Mr. JONES, of Florida. Certainly.

Mr. HALE. I should like unanimous consent to make the bill (S. 698) to authorize the construction of additional steel vessels for the Navy a special order for Wednesday next at 2 o'clock.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent to make the bill indicated by him a special order for Wednesday next at 2 o'clock. Is there objection?

Mr. HARRISON. I shall object to special orders. We have some work on the Calendar that I am anxious to reach.

The PRESIDING OFFICER. Objection is made, and the Senator from Florida will proceed.

Mr. JONES, of Florida. I wish to say that the proposition of the Senator from Kansas [Mr. PLUMB] really involves a revolution of our entire financial system.

Mr. HALE. Will the Senator from Florida yield to me again for a moment?

Mr. JONES, of Florida. Certainly.

Mr. HALE. I hope the Senator from Indiana [Mr. HARRISON] will not insist on his objection. It is a very important bill; I do not think it will take a very long time; and it is I think very essential that the action of the Senate should be taken upon it so that it may be sent over to the House. I hope in consideration of the importance of the bill the Senator from Indiana will not object.

Mr. HARRISON. That appeal we have listened to repeatedly, and it amounts to just this: that if we from day to day make bills special orders, other bills which are on the Calendar and which are nearly reached, in which some of us are interested, will be indefinitely postponed. Therefore I will not withdraw the objection now; it may be that I shall in a day or two.

Mr. HALE. I will take occasion to make the motion at the proper time. I shall not further interfere with the Senator from Florida at present.

Mr. JONES, of Florida. I was about to say that I think the proposition of the Senator from Kansas goes much further than he himself imagines, and if carried out at this time it will involve a complete revolution in our present system of furnishing currency to the American people. If we are prepared for that on this proposition, let us understand the gravity of the question.

As I understand it now, there are two sources from which paper currency emanates, the one the banks and the other the Government. The issue of the Government money proper is limited by law, beyond which it can not go. If it is intended to destroy that limit and to change the power of the Government to furnish paper money to the American people without regard to limit, let us understand it, for that is the proposition of the Senator from Kansas.

Mr. PLUMB. No, I do not say anything of the kind, if the Senator will permit me to interrupt him. All I say is that the limit now existing of paper currency shall be kept up by the device of issuing in lieu of national-bank notes an amount equal to the amount of those notes retired. If one limit has been fixed by law, I think another one can equally be fixed.

Mr. JONES, of Florida. The amount of greenback currency as now existing is fixed by law, and the Senator proposes, in case of the return to the Treasury on the part of the banks of the currency for which they can not find use in business circles, that you shall give power to the Government to substitute its notes in lieu of those returned to the Treasury. That is the proposition.

I have been instructed, as far as I have had any instruction on this subject, that there is but one safe way in which paper money can find circulation among business people. The idea that the currency is to be founded upon the mere expenditure of Government is a false one. I have been taught to believe that there is but one sound view on the subject, and that is, that the paper circulation of every country is regulated by the wants of trade and commerce, and that whenever you interpose the arbitrary hand of Government to furnish a medium of cir-

culation beyond the measure of business demands you find yourself trenching upon those sacred rights of property which will bring confusion and ruin to the very people whom you seek to benefit.

I asked the Senator from Kansas a while ago how he proposed to put these notes into circulation. I did not question the credit of the Government for one moment. I did not suppose that any man in this country would refuse to take a note of the United States made payable for taxes and other public dues. But if a national bank in New York sends to the Treasury $100,000 to-day, which it has a right to do if it can find no use for that currency, the proposition of the Senator is that the Government of the United States shall at once substitute its notes in lieu of those returned by the bank. I asked the Senator how it was proposed to get these notes into circulation. "Oh," he says, "we can spend money just as fast as we desire it." I know that, and as a public man I say to him very candidly that that spirit is too dominant in this country to-day, and that I never understood it to be the wisdom of statesmanship to enlarge the field of public expenditure and to advocate the lavishing of money for objects not necessary for the public good. If you enter upon this policy you will find yourself in a field where you can not control your own action, and which may prove destructive to the best business interests of the land.

Mr. PLUMB. I supposed the Senator was purely jocular when he asked me about how we would get rid of that money.

Mr. JONES, of Florida. No; I was not.

Mr. PLUMB. If he understood my reply to indicate that I meant to indulge in lavish expenditure in order to get rid of it he is entirely mistaken.

I propose, as my amendment shows, that this money shall be redeemable in gold and silver coin, and I am instructed somewhat by reading the statute of July 14, 1870, on a similar subject. That act was intended chiefly for the purpose of providing for funding the debt, but it also provided for issuing gold certificates; not certificates based upon a dollar of gold for every dollar of certificates issued; but it was provided that a dollar of certificates might be issued for every twenty-five cents of gold deposited. I do not know where the Senator from Florida was then, but certainly his voice was not loud in regard to the revolutionary character of that proceeding. That was regarded in those days as pretty wise legislation.

The greenback note is nothing but a gold certificate or silver certificate. It is a certificate payable in either gold or silver at the option of the holder, and behind it sometimes there is 25 per cent. of gold and silver, sometimes 33⅓ per cent., and sometimes 40 per cent. That is all there is of that.

This is not a new question. It is an old question. I admit that whenever you open up a new field for legislation it is wise to consider it carefully and thoroughly and fully before going into it, and that there is danger whichever way we turn; but this is a question of degree and not of kind. If $356,000,000 of greenback notes redeemable in coin at the option of the holder are not dangerous, where would be the danger in $700,000,000, similarly made redeemable, with the amount kept within limit, by the fact that they are to be redeemable on presentation in coin? Congress is not going to lose its wits, I take it, and the promises of the Government are not going to be violated. This country is not noted for that at all events. By section 5 of the act of July 14, 1870, it is provided—

That the Secretary of the Treasury is hereby authorized, at any time within two years from the passage of this act, to receive gold coin of the United States on deposit for not less than thirty days, in sums not exceeding $100.

Then it provides for the issuance of the certificates, &c.; it provides that the interest on the deposit shall cease at the option of the Secretary of the Treasury, and then goes on to say:

And not less than 25 per cent. of the coin deposited for or represented by said certificates of deposits shall be retained in the Treasury for the payment of said certificates.

There was a provision for the issuance of a coin certificate, a dollar of which should be based only on 25 cents of coin at the option of the Secretary of the Treasury. This enormous power was given to the Secretary of the Treasury. He certainly was under no more obligation to exercise that wisely than Congress would be.

Mr. JONES, of Florida. When was that?

Mr. PLUMB. That was in 1870. I can go back further. There is a section of the Revised Statutes enacted during the war which provided for issuing 120 for 100, that is 20 per cent. surplus over and above the amount of gold deposited.

The question of a relation other than that of dollar for dollar between paper and coin has been recognized in every conceivable shape by this Government, and it is only a question whether the amount you issue can be redeemed in coin which in any way concerns us in determining that relation.

There are a great many ways whereby this can be fortified. It has been suggested as a conservative method of doing it that there shall be placed back of all this money bonds of the United States to be kept in the Treasury and to be sold whenever necessary by the Secretary of the Treasury to obtain funds to redeem the outstanding notes. That could easily be done, and it does not lie in the mouth of any one to say that that would not be just as safe as the plan we have got now. We have the bonds there now belonging to individuals; they are there for this very purpose and no other purpose. We can do that.

The Senator from Florida is simply quibbling about a matter of detail. There is nothing inherent in the proposed system which has not been heretofore adopted by the Government. It was the doctrine of Calhoun that the Government could properly issue exchequer bills and float them as currency, bearing a certain ratio to the Government expenditure.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. PLUMB. Yes, sir.

Mr. JONES, of Florida. Do I understand the Senator to affirm in his place in the Senate that it has been the practice in this Government at all times to issue paper money as the currency of the American people?

Mr. PLUMB. I was speaking about the doctrine announced by Calhoun as the proper governmental policy.

Mr. JONES, of Florida. Was that policy carried out?

Mr. PLUMB. I do not know that it was. I spoke of it as showing that the policy proposed is not new. The Senator has been in the Senate longer than I have, and, in common with many other persons from the section of the country which he represents and adorns, has followed the teachings of Calhoun. This plan is one that has been partially used by this Government for many years, and there is nothing unsafe about it, and nothing that invites or could in any way bring about the dangers which the Senator from Florida seeks to appall us with.

When the Senator talks about the volume of the currency adjusting itself to the business of the country he will find that that result is better obtained in the way I propose, because if a man does not want his Treasury notes he can present them to the Government and get gold or silver and take it away with him.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. SHERMAN].

Mr. BAYARD. The amendment of the Senator from Kansas [Mr. PLUMB] I think is pending.

The PRESIDING OFFICER. The Chair is informed that the pending question is the amendment of the Senator from Ohio.

Mr. HARRIS. I believe all the amendments are in the nature of substitutes, and the amendment of the Senator from Ohio was the first offered and is therefore first in order.

The PRESIDING OFFICER. It is first in order.

Mr. HALE. Let us have the amendment read.

Mr. JONES, of Florida. I wish to say one word only in reply to my friend from Kansas. I would say to him that the history of modern times will not show us a country in the world that has been noted for having first-class credit that ever made a practice, a permanent practice, of issuing purely government paper money.

Mr. PLUMB. Except the United States.

Mr. JONES, of Florida. Except the United States, but——

Mr. PLUMB. That is a very important exception.

Mr. JONES, of Florida. She has never made it a permanent system. Some of the continental countries have. Russia, Austria, all the weaker powers of the continent have done it, and their paper has been hawked about for one-third of its value, issued by the million beyond the wants of the people. Take that country to-day whose credit has been the source of her strength in all the great contests that she has been called upon to meet; in war, in peace, in diplomacy, in everything, the secret of her power and of her power to-day is her credit; and she has never issued Government paper money to be used as a legal tender.

Mr. HARRIS. Let us have the yeas and nays on the amendment of the Senator from Ohio.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from Ohio.

The SECRETARY. In line 9 of the bill, after the word "deposited," it is proposed to insert the following proviso:

Provided, That if any bonds so deposited bear a higher rate of annual interest than 3 per cent., additional circulating notes shall be issued equal in amount to one-half of the interest accruing on such bonds before their maturity in excess of 3 per cent. per annum, such amount to be ascertained and stated by the Comptroller of the Currency on 1st day of July of each year hereafter: *And provided further.*

The PRESIDING OFFICER. Upon this question the Senator from Tennessee [Mr. HARRIS] calls for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECK (when Mr. VANCE's name was called). The Senator from North Carolina [Mr. VANCE] requested me to say that he was paired with the Senator from Ohio [Mr. SHERMAN].

Mr. SHERMAN (after having voted in the affirmative). I was not aware of the fact, but, if so, I ask leave to withdraw my vote. No doubt the Senator from Kentucky is correct, but I had forgotten for the moment that I was paired. I withdraw my vote.

The roll-call was concluded.

Mr. DOLPH. I desire to state that I am paired with my colleague [Mr. SLATER] upon this amendment. I do not see him in the Senate, and I presume he will not be here to vote. If he were present, he would vote against the amendment and I should vote for it.

The result was announced—yeas 7, nays 42; as follows:

YEAS—7.

Allison,	Miller of N. Y.,	Platt,	Van Wyck.
Hale,	Morrill,	Sawyer,	

NAYS—42.

Aldrich,	Cullom,	Hill,	Morgan,
Bayard,	Dawes,	Ingalls,	Palmer,
Beck,	Farley,	Jackson,	Pendleton,
Blair,	Garland,	Jones of Florida,	Plumb,
Brown,	George,	Kenna,	Pugh,
Call,	Gorman,	Lamar,	Vest,
Camden,	Groome,	Logan,	Voorhees,
Cockrell,	Hampton,	McPherson,	Walker,
Coke,	Harris,	Manderson,	Wilson.
Colquitt,	Harrison,	Maxey,	
Conger,	Hawley,	Mitchell,	

ABSENT—27.

Anthony,	Fair,	McMillan,	Saulsbury,
Bowen,	Frye,	Mahone,	Sewell,
Butler,	Gibson,	Miller of Cal.,	Sherman,
Cameron of Pa.,	Hoar,	Pike,	Slater,
Cameron of Wis.,	Jonas,	Ransom,	Vance,
Dolph,	Jones of Nevada,	Ridleberger,	Williams.
Edmunds,	Lapham,	Sabin,	

So the amendment was rejected.

The PRESIDING OFFICER. The next amendment is the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. MORRILL. I thought the next amendment was the one proposed by me as a substitute.

The PRESIDING OFFICER. The amendment now offered is the one proposed on the 29th of January. It is an amendment to the text of the bill, and it would be in order before the amendment of the Senator from Vermont at any time.

Mr. MORRILL. Very well.

The PRESIDING OFFICER. Does the Senator from Kansas intend this as an additional section?

Mr. BAYARD. It was originally drafted I think as a substitute.

Mr. PLUMB. I intend it as an additional section to the bill of the Senator from New Jersey.

Mr. McPHERSON. I will call attention to the fact of the amendments I offered yesterday to the text of the bill, improving the phraseology of the bill so that no one could mistake its meaning. I think the committee are all agreed upon those amendments. They were in possession of the Secretary yesterday.

The PRESIDING OFFICER. The pending amendment is the amendment proposed by the Senator from Kansas [Mr. PLUMB] as an additional section. It will be read.

The Secretary read as follows:

SEC. 2. That whenever the circulation of any national bank, or any portion thereof, shall be surrendered, the Secretary of the Treasury shall thereupon issue an equivalent amount of Treasury notes of the denominations now provided by law for national-bank notes. Said Treasury notes shall be deposited in the Treasury and paid out as other moneys kept for the discharge of the obligations of the Government. They shall be receivable for salaries and for all dues to the Government, including duties on imports; shall be a legal tender between national banks and for all debts due to any national bank; shall be redeemable in coin, as the legal-tender notes of the United States now are; and when received into the Treasury they shall be reissued, and when mutilated or worn they shall be replaced in the same manner as now provided by law for said legal-tender notes. The coin held in the Treasury at the date of the passage of this act for the redemption of the legal-tender notes of the Government shall also be applicable to the redemption of the Treasury notes herein provided for; and such coin reserve may from time to time be increased by adding thereto other sums from payments made into the Treasury, in the discretion of the Secretary of the Treasury: *Provided*, That the total amount of said coin reserve shall never be less than 25 per cent. nor more than 30 per cent. of the total amount of legal-tender and Treasury notes outstanding.

Mr. VEST. It is very evident that we can not conclude the consideration of the question this afternoon, and several of us desire to speak upon this amendment. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 15, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read.

CORRECTION.

Mr. LANHAM. I rise for the purpose of correcting the Journal. The first portion of it as read states that the communication from the President of the United States with reference to the boundary line between the Indian Territory and the State of Texas was referred to the Committee on Indian Affairs. The statement should be that the reference was to the Committee on Territories. That was the order made yesterday.

The SPEAKER. The correction will be made. If there be no objection, the Journal as corrected will be approved.

There being no objection, the Journal was then approved.

RELIEF OF SUFFERERS BY OVERFLOW OF OHIO RIVER.

Mr. HOLMAN. I rise to make a report from the Committee on Appropriations.

Mr. BROWNE, of Indiana. I ask unanimous consent to have read at the Clerk's desk a brief telegram in regard to the flood on the Ohio River and its tributaries.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] rises to make a report from the Committee on Appropriations.

Mr. BROWNE, of Indiana. I hope my colleague will allow this brief telegram to be read.

Mr. HOLMAN. Is it in regard to the floods on the Ohio River?

Mr. BROWNE, of Indiana. Yes, sir.

Mr. HOLMAN. That is just the subject upon which I wish to make a report. I am instructed by the unanimous action of the Committee on Appropriations to ask the passage of the joint resolution which I send to the desk.

Mr. BROWNE, of Indiana. Will my colleague, pending the consideration of that joint resolution, allow this telegram to be read?

Mr. HOLMAN. I have no objection.

The SPEAKER. As soon as the resolution is reported the Chair, if there be no objection, will have the telegram read. The resolution which the gentleman from Indiana asks unanimous consent to report for immediate consideration will be read subject to objection.

The Clerk read as follows:

Joint resolution making further appropriations for the relief of destitute persons in the districts overflowed by the Ohio River and its tributaries.

Resolved by the Senate and House of Representatives, &c., That the further sum of $200,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, for the relief of such destitute persons as may require assistance in the districts overflowed by the Ohio River and its tributaries, in the manner provided for in the joint resolution entitled "A joint resolution authorizing the Secretary of War to issue rations for the relief of destitute persons in the district overflowed by the Ohio River and its tributaries, and making an appropriation to relieve the sufferers by said overflow," approved February 12, 1884, and in further aid of the purposes contemplated by said joint resolution.

There being no objection, the House proceeded to the consideration of the joint resolution H. Res. 160; which was read a first and second time.

The SPEAKER. If there be no objection the telegram sent to the desk by the gentleman from Indiana [Mr. BROWNE] will be read.

The Clerk read as follows:

RICHMOND, IND., *February* 14, 1884.

To DANIEL W. VOORHEES, BENJ. HARRISON, THOMAS M. BROWNE, *Washington, D. C.:*

Richmond appropriates $5,000, and a citizens' meeting adopted this:

Resolved, That our representatives in Congress be requested and urged to do all in their power to secure an appropriation as large as possible by Congress to aid the sufferers from the present flood in the Ohio River and its tributaries.

JOHN L. RUPE, *Mayor.*
C. C. BINKLEY, *Secretary.*

Mr. MOREY submitted the following telegram:

MILFORD, OHIO, *February* 14, 1884.

To Hon. H. L. MOREY, *Washington, D. C.:*

See Secretary Lincoln and ask for relief for our county. Five thousand people are homeless. Relief committee is established, as Batavia supplies will not reach the destitute from the river as well as from here. Town authorities in river towns are busy looking after our families. Large number of sufferers back on hills, and boats can't reach them. Telegraph communication cut off from river towns.

HOMER NORRIS,
Mayor Batavia, Ohio.
M. W. HOLTEN.
P. J. NICHOLS.
A. T. COWAN.
P. F. SWING.
C. W. PEGG.
S. A. WEST.
J. S. PARROTT.

Mr. McCORMICK submitted the following telegram:

PORTSMOUTH, OHIO, *February* 15, 1883.

Hon. JNO. W. McCORMICK:

City entirely under water, except part of two squares. No tongue can describe the misery and want of our people. Please look after us in the distribution of funds appropriated by Congress.

J. S. PALLITT, *Relief Committee.*

Mr. HOLMAN. Multitudes of telegrams have been received from the Ohio Valley. I desire only to state that this appropriation is made upon the basis suggested by the Secretary of War. I feel confident that no gentleman wishes to discuss the merits of this measure. The fearful calamity, involving the suffering and ruin of a great multitude of our people, which demands and justifies this legislation, and the imperative demand for prompt and immediate relief are matters within the knowledge of every member of the House. I therefore call the previous question.

The previous question was ordered; and under the operation thereof the joint resolution was ordered to be engrossed for a third reading, and was accordingly read the third time.

Mr. HOLMAN. I call for the previous question on the passage of this joint resolution.

The previous question was ordered.

Mr. COX, of North Carolina. I call for the yeas and nays on the passage of the joint resolution.

The yeas and nays were not ordered, there being only 13 votes in the affirmative.

Mr. BEACH. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BEACH. This is an appropriation bill, or rather as I think a misappropriation of the public funds——

The SPEAKER. Discussion is not in order.

Mr. BEACH. What I desire to know is whether upon a bill of this character we are not entitled to the yeas and nays as a matter of right.

Mr. HOLMAN. That rule only applies to general appropriation bills.

Mr. BROWNE, of Indiana. This it not a general appropriation bill.

The SPEAKER. The rule does not require the yeas and nays to be taken upon the passage of any appropriation bill except the general appropriation bills.

The question being taken on the passage of the joint resolution, there were—ayes 106, noes 22.

Mr. YORK. No quorum.

The SPEAKER appointed Mr. HOLMAN and Mr. BEACH as tellers.

The House divided; and the tellers reported—ayes 136, noes 28.

So the joint resolution was passed.

Mr. HOLMAN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The House resumes the consideration of the report from the Committee on Elections in the case of Chalmers *vs.* Manning.

Mr. McMILLIN. Is it not in order at this time to raise the question of consideration against the election case in behalf of the Private Calendar?

The SPEAKER. It is, as this is private bill day, but it will require a vote of two-thirds.

Mr. McMILLIN. Let me inquire how long it is the intention of the gentleman from Georgia having charge of the election case to continue the discussion? And I wish to say that I have no desire to antagonize measures of this kind when it can be prevented, but it is eminently proper there should be some consideration given to private claimants. I hope if the House does go on with the election case it will be disposed of as speedily as possible, so we may go to the Private Calendar to-day. How long does the gentleman from Georgia propose to let the discussion continue before he calls for the previous question?

Mr. TURNER, of Georgia. I will say in reply to the gentleman from Tennessee that it is my purpose and I now give notice I shall call for the previous question at the end of the second hour after the gentleman from Pennsylvania [Mr. MILLER] has addressed the House. That is to say, in two hours and twenty-five minutes I shall call for the previous question.

Mr. McMILLIN. That virtually consumes the whole day, and I feel constrained at least to give the House the opportunity to proceed to the consideration of the Private Calendar if it shall feel disposed to do so. I therefore raise the question of consideration against the election case.

Mr. CALKINS. We could not hear when it was intended to call the previous question.

Mr. TURNER, of Georgia. In two hours and twenty-five minutes.

Mr. CALKINS. That will be at 3 o'clock.

Mr. BROWNE, of Indiana. That will take up the whole day.

Mr. McMILLIN. It will consume the whole day, as there is to be an hour closing the debate after that.

Mr. BROWNE, of Indiana. And then we shall have disposed of only the *prima facie* case.

The SPEAKER. The question is, Will the House proceed to the consideration of the election case?

The House divided; and there were—ayes 103, noes 36.

So the motion was agreed to.

ENROLLED BILL.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 2555) to change the name of "The National La Fayette and Bank of Commerce" to that of "The National La Fayette Bank;" when the Speaker signed the same.

CUSTOMS EMPLOYÉS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting statements showing the number of customs districts in each State and Territory of the United States and in the District of Columbia, the number of officers and employés in each district, &c., in compliance with the resolution of the House of January 24, 1884; which was referred to the Committee on Ways and Means, and ordered to be printed.

ANDREW HILLYER.

On motion of Mr. WAIT, by unanimous consent, leave was granted for the withdrawal from the files of the House, without leaving copies, of the papers in the case of Andrew Hillyer, presented to Congress in the year 1820 and now withdrawn for historical purposes.

ASSUMING TO BE UNITED STATES OFFICERS.

Mr. BROWNE, of Indiana, by unanimous consent, introduced a bill (H. R. 4993) making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employé acting under the authority of the United States or any Department thereof, and prescribing the penalty therefor; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONTESTED ELECTION—CHALMERS VS. MANNING.

Mr. TURNER, of Georgia. I demand the regular order.

The SPEAKER. The gentleman from Georgia calls up as the regular order the unfinished business, which is the consideration of the report of the Committee on Elections on the contested-election case of J. R. Chalmers *vs.* Van H. Manning, from the second Congressional district of Mississippi. The gentleman from Pennsylvania [Mr. MILLER] is entitled to the floor for fifteen minutes.

Mr. MILLER, of Pennsylvania. Mr. Speaker, I concur with the majority report of the Committee on Elections in the conclusion that under the resolution of reference, giving due consideration to all the papers referred, Mr. Manning should not be sworn in as a member pending the contest on the merits of the case.

Under existing law the Clerk of the preceding Congress makes up the roll of the Representatives-elect, and in doing this he is in the first instance the sole judge of the authenticity and regularity of the credentials of the members. From his decision the aggrieved party must appeal to the House.

In making up the roll for the Forty-eighth Congress the Clerk did not enroll any one as a Representative for the second district of Mississippi, for the reason that no paper which in his opinion could be considered a certificate of election in the sense of the law had been presented to him. In support of this position the Clerk, in an extended statement, set forth the papers that had been filed with him, and concluded:

If the governor of Mississippi issued a certificate of election to any one, based upon the canvass made by the secretary of state on the 18th of November, 1882, for the second district, it has not been presented to the Clerk, who submits to the House the papers in his possession, with his reasons for having failed to enroll any one.

After the organization of the House the gentleman from Ohio [Mr. CONVERSE], after having read at the Clerk's desk the certificate of the election of Mr. Manning, offered a resolution that he immediately qualify as a member of the House as a Representative of said district. Had this resolution been pressed to a decision I have no doubt that under the precedents, the law, and the power inherent in the House, and controlled by the only evidence that could properly come before it at that stage of the case, it would very properly have been adopted.

The House, in its individual as well as its aggregated capacity, fully understood this. Why, then, did not the House pass this resolution? Already the certificate, having the great seal of Mississippi, had been read at the Clerk's desk. It was regular in form and complete in substance, and unqualifiedly declared the election of Mr. Manning. Already the other members-elect from Mississippi had been qualified on precisely similar commissions. The great majority of the members of this House are lawyers by profession, and the question presented was purely a legal one. If the House in no instance can look beyond the certificate in deciding the *prima facie* case, why did it hesitate? Do I err in saying that it hesitated because a great majority of the members believed that the certificate, although in due form, had been illegally issued upon a fraudulent and false return; and that the secretary of state of Mississippi, in canvassing the returns, was in contempt of a writ of prohibition from the judge of a State court, and that these illegal, false, and fraudulent acts of the secretary of state were well known to the governor of Mississippi at the time he issued said certificate? In this belief the House declined to adopt the resolution referred to, but subsequently adopted the following:

Resolved, That the certificate and all other papers in the contested-election case of J. R. Chalmers *vs.* Van H. Manning, from the second Congressional district of the State of Mississippi, be referred to the Committee on Elections when appointed, with instructions to report immediately whether, upon the *prima facie* case as presented by said papers, said Manning or Chalmers is entitled to be sworn in as a member pending the contest on the merits, and not to affect the final right to said seat.

This resolution, unanimously and considerately adopted, referred to the committee not only the certificate but "all other papers in the contested election" which in any way could shed any light "upon the *prima facie* case as presented by said papers." If it was the intention of the House that nothing but the certificate should be referred, as contended here by the minority, why refer "all other papers" in the case? Already it had been read at the Clerk's desk; it was signed by the proper officer; it clearly showed that Manning had been adjudged to have been duly elected by the officer on whom the law of Mississippi imposed the

duty of ascertaining and declaring the result; it bore on its face the great seal of the State; it lacked nothing in form. Why refer it? Was this House so obtuse that it could not read the law of Mississippi, and then having read this certificate decide without the aid of the advice of the Committee on Elections whether or not it was in due form? Can it be possible that it is as ignorant of the laws regulating the election of its own members as the gentleman from New York [Mr. SLOCUM] asserted it was of the laws of evidence? Why refer the certificate alone? Was the passage of the resolution finally adopted a farce, a mere by-play, a deception, a blind? Why, sir, it has been currently reported that the resolution finally adopted was devised and formulated in a caucus after mature deliberation. Sir, I deny that when this resolution was first adopted it was intended as a cheat and a snare. It was currently reported and generally believed that the certificate of the governor of Mississippi was fraudulent; that it was based upon a false certificate; that at the time the secretary of state certified a return to the governor showing that Van H. Manning had received a majority of the votes in the second Congressional district of Mississippi he knew it was untrue in fact; and believing this the House refused to accept the certificate of the governor as verity, and referred not only it but all the papers that would shed any light on this certificate to the committee. This the House did in the broadest, fullest sense.

In pursuance of the action of the House the committee took up the papers, and only those, which bore upon the issuing of the certificate. On examining the statement of the canvass made out by the secretary of state of the vote polled November 7, 1882, for Representative in the Forty-eighth Congress from the second Congressional district of Mississippi, it was patent that the secretary of state had committed a gross error in computing the vote for Tate County, one of the counties in the district; and a further inspection of the papers show that he committed the error premeditatedly, knowingly, and fraudulently. I do not make these statements at random. This whole matter of the issuing of this certificate was examined by one of the State courts of Mississippi, and the court says that the declaration of election was given by the secretary of state to the governor in favor of Van H. Manning after the service of a prohibitory order of the court upon him, and contrary to the facts as disclosed in the official statement transmitted to him by the commissioners of election of the several counties comprising the said Congressional district. The court further said in this case, wherein Chalmers was plaintiff and the secretary of state respondent:

That the plaintiff, James R. Chalmers, as shown upon the face of the statement transmitted to the secretary of state by the commissioners of election of the several counties composing the second Congressional district of the State of Mississippi, was duly elected on the 7th day of November, 1882, at an election then held in said Congressional district, as the Representative from and for said district to the Forty-eighth Congress of the United States. And it was the duty of the secretary of state, on the 18th day of November last, upon the face of said return, to have further so ascertained on the summing up of the whole number given for the candidates, and to have declared the plaintiff, James R. Chalmers, duly elected, and to have presented to the governor at that time his certificate and declaration accordingly.

This decree was made in January, 1883. Bear in mind that the secretary of state did not issue his certificate and declaration to the governor until November 22, 1882, and the committee held that the face of the returns on the 18th of November, 1882, clearly showed Chalmers's election.

Sir, no man can inspect these papers without coming to the conclusion that the secretary of state acted fraudulently in this transaction. His declaration to the governor of Mississippi that J. R. Chambless received 1,472 votes in Tate County and that J. R. Chalmers received none, was so flagrant that the deception ought to be patented, so that no other officer or board in any other State on whom the law imposes the duty of ascertaining and declaring the result of an election can use it without infringement. Stupidity never suggested such a fiction. It was the invention of a fertile imagination and an apathetic conscience. Did he knowingly commit error? Did he willfully certify incorrectly? Did he fraudulently certify this result to the governor of Mississippi? Who denies that he did all these things? Was he not warned by a judicial tribunal to halt? It is no answer to this to say that the committee had no jurisdiction in this matter. I care not whether it had or not. The gist of the matter is his conduct, his knowledge, and the fraud perpetrated.

But we are not left to the judgment of the committee alone. Mr. Manning, the intended beneficiary of this falsification of the returns, declares that these 1,472 votes were in fact cast for Chalmers; that the inspectors and clerks of the several election precincts did certify to the county commissioners of election in their respective counties that he (Chalmers) received a majority of the votes cast, and further said:

And in this connection I state that because of said error to your prejudice I will not take a seat in said Congress or ask the Clerk to enroll my name as a member thereof until I have vindicated and the House shall have affirmed my right thereto.

This was a manly declaration, and I honor the head and heart of the man, I honor the man, who thus sorely tempted refused and cast aside a certificate based upon fraud.

But, sir, what does the minority of this committee ask this House to do? To shut our eyes to all these papers which cast dishonor on this certificate; to turn aside from devious paths trod by this secretary of state, and linger only in the governor's mansion where the final certificate was made up, although satisfied that the certificate to Mr. Manning, presented by the minority, is based upon fraud; agree with them that his credentials are in due form, issued by lawful authority, and that he be sworn in to occupy a seat pending the contest on its merits. Has this House no power to frustrate such a fraud as this is admitted to be? Are we without remedy? Is not this House the sole judge of the election, qualification, and returns of its members? Does the majority report violate any law or precedent? Is not this an exceptional case? Where is its parallel? Will some member of the committee cite one if it can be found in the books?

McCrary on Elections, section 217, says:

Whenever it appears upon the face of a certificate of election that one or more of the counties composing the district have been omitted from the canvass, it is the duty of the House, before determining the *prima facie* case, to inquire into the effect of such omission upon the result of the canvass, and to treat the certificate as *prima facie*, good only in case it appears that the omitted vote would not change the result or contradict the certificate if admitted.

If it is true, as claimed by a majority of the committee, that the resolution of reference properly referred the certificate of the secretary of state, and the original certificate of the commissioners of election of Tate County, and from which the governor of Mississippi made up the certificate of Mr. Manning, why may we not scan them under the above authority, giving to it a fair construction? The very certificate upon which the governor acted disclosed the fact that the vote of Tate County had been so manipulated by the secretary of state as to do greater violence to the electors than if it had been entirely omitted, for the vote for Manning was counted, while the vote of Chalmers was omitted, thus accomplishing a double wrong. Looking at the paper before the secretary of state from the commissioners of Tate County, we are forced to the conclusion that he knowingly, willfully, and fraudulently misstated the vote of said county. In letters and figures the commissioners certified that J. R. Chalmers received in said county 1,472 votes; the secretary certified that he received none. It was a palpable error. What the governor knew of this false certification is obvious from the guarded language of his certificate. He says:

Whereas it appears by the returns received at the office of the secretary of state, as certified to me by that officer, that Van H. Manning is duly and constitutionally elected to the office of Representative in and to the Forty-eighth Congress from the second Congressional district of the State of Mississippi.

Sir, the very certificate before him was sufficient to put him upon his guard if he had been in entire ignorance of the exciting election in said district. "Chalmers no votes in Tate County? Why, Mr. Secretary, how is this?" asks the governor. And then the secretary, in a voice both "child-like and bland," informs him that if he will look further he will observe that the votes not cast for Manning in Tate County were cast for J. R. Chambless! Simple governor! Innocent secretary! What a "pair to draw to" in the old "shoe-string" district of Mississippi!

Whenever it appears upon the face of a certificate of election that the vote of a county has been omitted from the canvass, investigate, says McCrary, before determining the *prima facie* case.

Whenever the certificate of the governor and the certificate of the secretary of state upon which the governor acted show that the vote of a county instead of being omitted has been willfully, grossly, and outrageously perverted, do not investigate, say the minority of the committee.

What will the House say? Will it follow the report of the majority, the minority, or the course marked out by the resolution of the distinguished gentleman from Pennsylvania [Mr. CURTIN]? He asks—

That the question of a *prima facie* right to a seat on this floor involved in the contested-election case of James R. Chalmers *vs.* Van H. Manning, from the second Congressional district of the State of Mississippi, be recommitted to the Committee on Elections, with instructions to ascertain and report immediately to this House whether a certificate of election to the office of Representative from said district to the Forty-eighth Congress was issued by the proper authority, as required by the laws of the State of Mississippi and of the United States, to any one; and, if so, to whom.

Why recommit? What information does the House require that it does not have already? The certificate is already before the House. Gentlemen know that it is in due form. Why, then, shirk our duty? Let the House meet the responsibility. It owes it to the country; it owes it to the purity of the ballot; it owes it to fair dealing; it owes it to the integrity of its own organization to manfully face the issue and put the seal of condemnation upon trickery, conspiracy, and fraud in these united efforts to debauch and defile elections and cheat and defeat the expressed will of the electors.

The country is sick of this unequal contest in the Southern portions of our country. The idea is prevalent in many sections of the nation that elections in many of the Southern States are a farce.

It is time to call a halt. Let us draw the line on the second district of Mississippi, and I am glad that the chairman of the Elections Committee, although hailing from the accused section, has cast aside partisanship. I am glad that over against the remarks of the gentlemen from Pennsylvania [Messrs. CURTIN and ELLIOTT] I can quote the patriotic language of the gentleman from Georgia [Mr. TURNER] when closing his remarks in this case two days ago, and I commend them to all the Representatives, without distinction of party, without distinction of section. He said:

Allow me to say that there is no question in my judgment which can come before this House which ought to arrest more of the serious attention of Representatives than the question which is now under consideration.

It is a matter of the gravest public concern. It is not a question which concerns alone the supremacy of a particular political party in the State of Mississippi. It is not a question so narrow even as the limits of a great State. It is a question which involves in its scope the character and the judicial precedents of a great party.

I have endeavored in this case to divest my mind of every consideration of partiality on the one hand or prejudice on the other, for I admit that I felt both. I had the difficult duty of keeping along that narrow line which, as I think, forms the boundary between right and wrong. Casting aside temptation on the one hand and on the other, I have endeavored in such consideration as I have been able to give this case to hold aloft the banner of the majority in popular elections.

In the consideration of an election contest, in which we approach the only majesty in this country and bow before the footstool of the highest sovereignty, we ought to uncover our heads and leave behind us the fouling dust of the campaign. [Applause.]

Brave words fitly spoken! Let this House heed them and be just.

I honor them the more that they come from a political opponent and from a man living in a different section from what I live in. I commend them not alone to the Democratic members on the opposite side of this Chamber, but I commend them as well to my Republican associates. This is no time to stand still when we face here a great wrong that has been committed. Let us meet it not as the gentleman from Pennsylvania would meet it by shirking the responsibility and running. If you can not adopt the majority report, which says, "discharge us from the consideration of this *prima facie* case;" which says, "we believe that Mr. Manning ought not to be seated on his *prima facie* right," vote that down and take the manly course recommended by the minority of this committee, and declare that you will seat Mr. Manning pending this contest. Meet the issue squarely. Be men and not shirkers in this case.

Mr. BENNETT. I am in full accord with the views reported to the House by the minority of the Committee on Elections. I yield at this point fifteen minutes of my time to the gentleman from Missouri [Mr. BROADHEAD].

Mr. BROADHEAD. I am obliged to the gentleman from North Carolina for giving me an opportunity to state the reasons for the vote I shall give on the question before this House. The resolution by which this case was referred to the Committee on Elections is very broad in its scope. It refers not only the certificate but all other papers in the contested-election case of Chalmers against Van H. Manning to that committee, with instructions to report from the certificate and all other papers who is entitled to a seat *prima facie* on the floor of this House. I am not disposed to blame the committee, Mr. Speaker, for having gone into an investigation of all the papers, because that committee was instructed to examine all the papers which were submitted to them for consideration. But we are not bound by their action.

The gentleman from Iowa [Mr. HEPBURN] who addressed the House yesterday declared that this House has the absolute right of referring to the Committee on Elections any papers which in its judgment it may think proper so to refer. Mr. Speaker, I deny that proposition. It is true that according to the provisions of the Constitution this House is to judge of the election, qualifications, and returns of its own members. But how is it to judge? Not arbitrarily. Not according to its own will and pleasure. But it must judge and can judge in this country only by the modes known to the law. I maintain there are only two modes, two constitutional and legal modes, by which the question of the right of a member to a seat on this floor can be determined. The first is upon the credentials presented by the member from the State which has elected him. The second is upon a contest, which is to be tried and determined by the mode and under the authority of the act of Congress prescribing the manner of trying contested-election cases.

The same Constitution to which the gentleman has referred declares that—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations.

This is the foundation of the authority of the State officers to act and to furnish the evidence as to who has been elected under the State laws.

In the absence of any act upon the part of Congress the Legislatures of the different States have prescribed the mode and manner in which an election shall be held for members of Congress. They have provided how the election shall be held, and they have provided what officer under the State government shall give the final certificate as to the result of the election; and those are the credentials which *prima facie* in each case entitle a member to a seat on this floor.

This Government, the Senate and House of Representatives of the United States, in the passage of the law providing for the organization of this House, has declared in the thirty-first section of the revised code the manner in which the Clerk of the House shall act. It provides that the Clerk of the House of Representatives shall make a list of members whose credentials show that they have been elected according to the laws of the State they propose to represent. There is the declaration of the law. It is true it is made to bind the Clerk and to direct his action. This is done as a matter of convenience, but it is declaratory of the principle upon which this Government is founded and of the rules which should guide this House in determining such cases as the one now brought before it. The States have prescribed the manner in which the election can be held because the Congress of the United States has failed to make any regulations in regard to it. And so long as it is left to the States we must be governed by the action of the States and controlled by the evidence which the State laws have provided as showing who has been elected; and this in the very nature of things precludes any further inquiry as to who is primarily entitled to a seat on this floor; otherwise we are driven to the necessity of looking into the whole case and determining whether all that has been done has been rightly done.

Now, the highest evidence which is furnished by the State laws is the certificate of the governor or of the proper officer, be it the secretary of state or the governor, whose duty is prescribed by law to give the certificate in regard to that election. That is to all intents and purposes a judicial act. It is true he is a ministerial officer. But it will not do to tell me the ministerial officer may not at some time and is not required to perform judicial functions. There is hardly an officer, ministerial or otherwise, who must not at some time exercise quasi-judicial functions. A sheriff to whom a writ is directed has to determine for himself whether the officer who issues that writ has the authority to do so and has affixed to it the seal of the court. He must determine as a judicial question on his own peril whether he will execute that writ or not—whether it has or has not been rightly issued.

But it is not only a judicial act, it is also one of the very highest character; an act to which is affixed the great seal of the State, importing upon its face its absolute verity.

Now the doctrine of the courts and of the books on this subject, the doctrine of McCrary, to whom so many references have been made during this discussion, is, and all hold the opinion almost without an exception—and the exceptions if any relate to cases having peculiar facts connected with them—that the House has no authority to go behind the certificate, because it is the highest evidence of the *prima facie* case that can be presented. That certificate, Mr. Speaker, I say is the highest evidence; and it must be adhered to for two important reasons.

In the first place, an adherence to it will prevent confusion and disorganization, because it will be readily seen that if one man may contest that certificate when presented by a party claiming a seat in this House then it may be contested by any other person, and the result of it might be to defeat an organization of the House entirely, if we must in every such case go behind the certificate. We must act, then, upon the certificate for the time being, until the question is decided in a final contest upon the merits of the whole case that the member is or is not entitled to a seat. It must hold good for another reason, because if we undertake to deviate from that certificate we are cast adrift, without any rule to guide us. We are repudiating the authority of the State law, which furnishes the *prima facie* evidence of election, and we are not acting under the authority of the contested-election law of Congress. Where are we to land if we admit the right to question it? Is there any point after we leave the certificate to which we can properly go without investigating the whole case upon its merits? Would it not be doing a wrong to those claiming the seat as well as to the people who are entitled to representation to stop short of such an investigation? In doing less than this you are only half trying the case, and what is tried is done without the sanctions and safeguards which are necessary to the ascertainment of the truth, and without which justice can never be obtained in the investigation and determination of the rights of parties before any tribunal.

In this particular case, for example, which we are now considering all the papers are referred to this committee. What papers? Here is a pamphlet published as coming from the committee, consisting of telegraphic dispatches, tally-sheets, judgments of courts, returns of officers, returns of canvassing boards, letters, and depositions. How many of these papers were to be considered by the Committee on Elections, and what sanction is there to give them validity and entitle them to be used as evidence? Where was the committee to stop? Are they to take into consideration everything connected with the case? If so, then they try the case on its merits by trying the *prima facie* case, and without being governed by the rules prescribed by law in contested-election cases. It will thus be seen, Mr. Speaker, that so soon as you pass from the certificate you are thrown into absolute confusion, and there is no stopping-place between the point of the submission of the certificate and the final decision of the House upon the question of who is upon the merits of the case entitled to the seat. That is the reason that a strict adherence to this principle to which I have adverted should govern the House, for this House is as much bound by the law as any citizen is bound by the law. But the papers were referred to the committee in an informal and unauthorized way, and the whole question has been considered, and this report is presented to the House under the authority of the resolution directing the committee to take this action. As I said before, the committee is not to blame.

What then follows? Simply this, and I feel a great deal of diffidence in making the declaration, that the House committed a mistake in passing the resolution. They undertook to do what I think they had no right to do. Now, the matter is not what may have been the conduct of General Manning here. We have a question that rises above any consideration that applies to him. That question is the right of the people to be represented on this floor. The second district of Mississippi is entitled to a Representative on the floor of this House. A mem-

ber who is selected to fill that position can only deprive the people of that district of such representation by resigning his seat. Mr. Manning has not resigned. And admit if you please that he committed a mistake in saying he would not present the certificate at a particular time; he comes now and presents the certificate as a Representative, and as such is entitled to have it properly considered by this House. He comes with a certificate, which is the highest act of the highest officer of the State of Mississippi, which shows according to the laws of that State that he is entitled to a seat here.

It is true that we have a right to determine, as perhaps the Clerk would have the right to determine in making up the roll, whether it is executed in accordance with the laws of Mississippi, because, as I say, the thirty-first section of the revised code expresses what is the law on this subject as applicable to this House as well as to the Clerk of the House. The credentials which he presents show *prima facie* that he was elected according to the laws of Mississippi. But, as I have said, we have the right to inquire whether that certificate is in accordance with the laws of the State. Beyond that we have no authority to go. If the certificate when presented is impeached, then that presents another consideration, and it becomes the duty of the House to investigate the question by the reference of the credentials to the proper committee. It is their duty to determine whether it is in proper form, whether it is in accordance with the laws of Mississippi, whether it is a forgery or not, or whether it is executed by the person who purports to execute it; and that is all we can do, in my humble judgment, under the powers which the Constitution has vested in us. And I say then that whatever may have been the conduct of Mr. Manning, it matters not; and I am not here to apologize for him. I am here to vindicate the laws of my country and to maintain the rights not only of the people of the second Congressional district of Mississippi, but of every other district of every State of this Union to representation upon this floor.

And I maintain no man can without resigning his position shield himself from the responsibilities that rest upon him as a Representative of the sovereign people. He may have come to the conclusion that he committed an error, and wishes to correct it. But, however that may be, he presents the certificate to this House, and we must accept this as conclusive. And the question was truly and properly presented by the gentleman from Ohio [Mr. CONVERSE], who when this House was first organized offered a resolution to the effect that Mr. Manning having the certificate from the governor of the State of Mississippi which entitled him to a seat upon this floor should be seated. It should have been acted on then and there, unless it was objected to. It was objected to, and it was proper then, under the circumstances, for the House to refer it to a committee to inquire whether the certificate was according to the laws of Mississippi.

The certificate and all the papers having been referred to the Committee on Elections, I say that I am not here to blame the committee. It acted under instructions from this House, and under those instructions it was required to investigate the matter. But we of the House are not bound by this action.

Neither am I here to discuss the merits of the respective reports made by the majority and the minority of the Committee on Elections. I say that adopting the resolution now before the House, which proposes to strip this case of all extrinsic evidence, to refer it back to the committee on the certificate alone, and let the committee inquire whether the certificate is in due form and has been issued by the proper authority, is all that we can do and all that we ought to do in this case in accordance with the laws of the country and the provisions of the Constitution applicable to the case.

I have nothing more to say on this subject, and thank the gentleman from North Carolina [Mr. BENNETT] for the opportunity he has given me to explain my position on this question.

Mr. BENNETT. I now yield to the gentleman from Virginia [Mr. TUCKER] for ten minutes.

Mr. TUCKER. Mr. Speaker, there can be no question in the mind of any gentleman on this floor that the second Congressional district of the State of Mississippi is entitled to the Representative whom it has elected. The question of who is entitled to represent that district on this floor is a twofold question. The first is, who has what is very often called here the *prima facie* right? And that question of *prima facie* right is, really, who is entitled by the return to hold a seat on this floor as the Representative from this district? The other branch of the question is this: Who, notwithstanding the return, was really elected? And the Constitution recognizes this twofold aspect of the question when it declares that each House shall be the judge of the election, returns, and qualifications of its own members.

The question, then, who has the *prima facie* right to be here resolves itself into this: Who has the return? Then, notwithstanding the resolution of the question who has the return, the question is referred to the Committee on Elections of who was really elected; and the evidence bearing upon this twofold aspect of the question is referred to the Committee on Elections.

Much evidence which is relevant to the question of election is irrelevant and impertinent to the question of return; and evidence which is relevant to the question of return may become very immaterial on the question of election.

I hold that when the Committee on Elections was charged by this House with the duty of determining who is *prima facie* entitled to a seat on this floor from the second Congressional district of Mississippi as well as who was elected, it was bound to keep those two questions absolutely distinct and separate, and to apply the evidence which was referred to them bearing upon the question of return without bringing in any evidence which was pertinent or relevant to the question of election.

There is no doubt, and my distinguished friend from Massachusetts [Mr. LONG] admitted it yesterday in his very able argument, that Mr. Manning has the return under the great seal of the State of Mississippi. He has, then, the *prima facie* right which you, Mr. Speaker, and I have to a seat on this floor. And this House cannot deny him that right without denying the State the right of representation which the Constitution gives it.

Now how does my distinguished friend from Massachusetts say that he gets over that? Why, sir, on considering the question of the return, he says that he will pick up a little fragment of evidence which has been referred to the committee, but which is really not relevant to the question of return, but bears on the question of election—he will pick up this little fragment of evidence and hitch it onto the evidence which belongs exclusively to the question of return and in that way overturn the return.

I hold that this House can do no such thing. We are to decide the question of return upon the evidence which is pertinent and relevant to that question, and only upon such evidence as is pertinent and relevant to it.

Now, what is the evidence which is relevant to that question? The tally-sheets? They had nothing to do with it. The tally-sheets are proper evidence in determining the question of who was really elected; but the tally-sheets had nothing to do with and are utterly irrelevant to the question of who has the return.

The question of who has the *prima facie* right to hold a seat on this floor from the second Congressional district of Mississippi is the question of who has the right to the return and who has the return. There is no doubt about that, and there is only one piece of evidence upon that subject. That evidence is the certificate of the governor, which says that Van H. Manning was elected.

Now, is there any one here who denies—I do not understand my friend from Massachusetts [Mr. LONG] to deny—that if Mr. Van H. Manning had brought that certificate into this House, or were now to bring it into this House, and claim to be sworn in as a Representative of the State of Mississippi upon the broad seal of the Commonwealth, that right would have to be given to him? Could you deny him the right by saying, "There is a little piece of evidence down there which shows that you ought not to have this certificate." Not at all. You determine the question of return upon the only evidence which is pertinent to that issue. Having determined that question, you put him in his seat, and then you refer to the Committee on Elections the question, was he really elected, despite the return?

I have no interest in this matter except that this House shall not make a decision which will be a bad precedent for the future. I say that if we will confine ourselves to the single question of who has the *prima facie* right, or, in other words, who has the right to be returned as a member from that district, the matter is at an end, and Mr. Manning has to be sworn in, and this House can not deny it. The question of who was elected is a question of future consideration; and in considering that question we can properly go into the tally-sheets and all these other matters of evidence and the declaration of Mr. Manning upon the subject.

This question whether Van H. Manning has a right to waive his right to a seat on this floor is not the proper mode of stating the proposition. The true mode is this: Has Mr. Van H. Manning the right to waive the title of the people of the second district of Mississippi to their right of representation upon this floor?

He is not the only party here. The distinguished gentleman from Indiana [Mr. LOWRY] said yesterday that if a man in a court of equity puts into his answer a statement it may be used in evidence against him. That is true. But my friend knows very well that the answer of one defendant in chancery can not be read against his co-defendant. The parties to this issue are not only Van H. Manning as Representative but the constituency whom he proposes to represent; and his answer can not be read as evidence against the right of that constituency to say: "Van H. Manning is our Representative, and we ask that he be sworn in upon the return." Look at the effect——

Mr. LOWRY. Will the gentleman pardon an interruption?

Mr. TUCKER. Yes, sir.

Mr. LOWRY. The point I endeavored to make was this: Among the papers on file in this contested-election case is an answer filed by Mr. Manning, in which he admits that in the county of Tate the contestant received 1,472 votes, which, by a mistake of the scrivener who made out what was called the tally-paper connected with the certificate of the commissioners of election, were returned as cast for Chambless, instead of Chalmers; and he declared that he does not intend to take advantage of this mistake to the prejudice of Mr. Chalmers. This answer on file among the papers is distinguished from the evidence which has been

referred to. There is, as I hold, a clear distinction in law and equity well known to the profession that the papers in a case do not include the evidence.

The SPEAKER. The time of the gentleman from Virginia [Mr. TUCKER] has expired.

Mr. TUCKER. Then the time of my friend from Indiana has expired, too. [Laughter.]

Mr. LOWRY. I desire only to say——

Mr. SPEAKER. The time of the gentleman from Virginia has expired.

Mr. TUCKER. I ask consent to occupy so much additional time as my friend from Indiana has taken from me. [Cries of "Go on!"]

The SPEAKER. How much time does the gentleman from Virginia desire?

Mr. LOWRY. I hope my interruption will not be permitted to operate to the prejudice of the gentleman from Virginia.

The SPEAKER. A gentleman occupying the floor can not be interrupted without his consent; and when he consents the interruption must be taken from his time.

Mr. BROWNE, of Indiana. I ask that the gentleman from Virginia be allowed, by unanimous consent, three additional minutes.

Several MEMBERS. Five minutes.

Mr. BROWNE, of Indiana. Very well; five minutes.

The SPEAKER. The Chair hears no objection to the gentleman from Virginia being allowed five minutes more.

Mr. LOWRY. Now, if the gentleman will pardon me, I will conclude the inquiry——

The SPEAKER. Does the gentleman from Virginia yield?

Mr. TUCKER. I can not yield further. I will gladly receive any suggestion from my friend in private.

Mr. BENNETT. I trust that this additional time accorded to the gentleman from Virginia will not be deducted from that to which I am entitled.

The SPEAKER. The additional time has been allowed to the gentleman by unanimous consent of the House.

Mr. VAN ALSTYNE. If it requires unanimous consent that the gentleman from Virginia may proceed with his remarks, I ask that the consent may be coupled with the condition that I may have the privilege of putting to him one question.

Several MEMBERS. "Oh, no!"

Mr. BROWNE, of Indiana. Unanimous consent has already been given.

The SPEAKER. The Chair understood that unanimous consent was given for the gentleman from Virginia to extend his remarks for five minutes.

Mr. VAN ALSTYNE. What I was desirous of doing was to call the gentleman's attention to the legal rule that an admission in the record is evidence against the party making it?

The SPEAKER. The gentleman from Virginia is entitled to the floor.

Mr. TUCKER. I beg my friend's pardon; I can not yield.

Now, Mr. Speaker, just see where the action of the committee would place the House in respect to this district. Gentlemen admit that Mr. Chalmers has not the shadow of a claim to a seat on this floor at present. They admit that by the certificate of returns Van H. Manning has an indisputable right to a seat on this floor. And yet by taking a piece of evidence which relates to the question of election, and not of return, they propose to deny him the right on his return to a seat on this floor. Then what becomes of the right of the people of Mississippi? You can not give Chalmers the seat, because he has no *prima facie* right on a return; and you deny the right to Van H. Manning, though he has a complete return, because there is some evidence that may impinge upon his election.

Now, does not the House see that the effect of such a ruling in this case is absolutely fatal to the right of representation on the part of the people of Mississippi? In God's name, let us permit these people to be represented on this floor by a man entitled upon his return to that seat; and then let us determine hereafter the question whether he is legally entitled by the election to hold that seat.

In a legal point of view, and looking to the equities of the case, which require us not to deny to any people the right of representation on this floor, I have no doubt that Van H. Manning ought to be permitted to take his seat now and hold it until a determination of the question of election. That is his *prima facie* right; and it is that question we are now undertaking to decide.

Mr. BENNETT. I now yield fifteen minutes to the gentleman from Mississippi [Mr. SINGLETON].

Mr. SINGLETON. This question has been so fully discussed that were I a Representative from any other State than that of Mississippi I should not add one single word to what has already been said. But it may be expected, and I think it is right and proper, that some one from the State most directly interested in the result of this vote should express as far as understood the views of the people of that State in relation to this matter.

I take it for granted, sir, that this body, like all other bodies organized for the transaction of public business, should have rules of a fixed and permanent character as far as is practicable. And when those rules have been found to operate well in practice we should be slow to amend or to abandon them. If this be true, the rules of the House heretofore applicable to cases of this kind apply with peculiar emphasis to the case now under consideration.

It was early discovered by our fathers that some rule must be adopted by which they could avoid vacancies in seats upon this floor. In every representative government every portion of the people is entitled to have a voice in their legislative proceedings. It was found it would not do to wait until contested-election cases were settled on their merits, because the law requires notice shall be served by the contestant on the contestee; that time shall be given for taking depositions on the one side and the other, and that the testimony taken must go before the Committee on Elections and be considered by that committee, which would necessarily involve months and perhaps a whole session in the consideration of the case. In order to avoid this and prevent the fact of vacant seats upon this floor a rule was early established and a difference was at once drawn between what is termed a case *prima facie* and a case on its merits—a case *de facto* and a case *de jure*. Hence it was that in the early history of the Government it was deemed proper that the party who comes here with a certificate properly authenticated from his own State should at once be entitled to take his seat, and should be sworn in and hold that seat until the case could be determined upon its merits.

In the settlement of this case there are but three points to be considered, namely: First, what constitutes a *prima facie* case? Second, does the certificate of Colonel Manning bring him within that definition? And third, and lastly, if such be the case, how far can he by any act or omission of his waive his right to a seat on the floor of this House—or rather, I should say, how far can he waive the right of his constituents, 150,000, to be represented in this House?

To simplify this matter as much as possible, and even at the expense of being considered tedious, I must ask the attention of the House to what I shall read from the very highest authority known to this body on the subject of contested-election cases, to wit, McCrary's American Law of Elections. He says, in section 204:

> Where two or more persons claim the same office, and where a judicial investigation is required to settle the contest upon the merits, it is often necessary to determine which of the claimants shall be permitted to qualify and exercise the functions of the office pending such investigation.

That is exactly the case we have before us.

A little further along he says:

> SEC. 205. No particular form of credentials is required. It is sufficient if the claimant to an office presents a certificate signed by the officer or officers authorized by law to issue credentials, and stating generally the fact that the election was duly held and that the claimant is duly elected to the office in question.

In another section I read as follows:

> SEC. 208. It is enough for a *prima facie* case if the certificate comes from the proper officer of the State and clearly shows that the person claiming under it has been adjudged to be duly elected by the officer or board on whom the law of the State has imposed the duty of ascertaining and declaring the result. And in the case of Kerr *vs.* Trego (47 Pennsylvania State Reports, 292) it is held that the certificate of election sanctioned by law or usage is *prima facie* evidence of title to the office, and can only be set aside by a contest in the form prescribed by law.

That is, a contest on its merits.

Now, sir, it is clear to my mind there can be no difficulty so far as the certificate is concerned. It comes from the proper officer. It is *in totidem verbis* my own certificate, with the exception that the one contains my name and the other contains General Manning's. If my certificate could not be contested under a *prima facie* view of the case, how does it happen that Mr. Manning's can be contested? The case therefore is clearly within the purview of the law in making out a *prima facie* case.

To hurry on, how far can Manning by any act or admission of his waive his right to a seat on this floor? Does that seat belong to Mr. Manning or Mr. Chalmers to dispose of as either may deem proper? Can Mr. Manning give away that seat to some one else, or can he by any act of his sell it in the market for gold if he chooses to do so?

Why, sir, he comes here merely as the mouthpiece of 150,000 citizens of my State. He comes here as the medium through which their wishes are conveyed to this House, and he has no power to waive the right or the responsibility which they have vested in him. I find it laid down still further in this same work of McCrary that this House in considering a *prima facie* right has no power to look beyond the certificate which is presented, and, unless something should appear on the face of the certificate itself which impeaches its integrity, it must be taken as importing a verity, and the House has no power to look *aliunde* for facts to uphold or discredit it. McCrary says:

> It is to be observed in this connection that while in determining the *prima facie* right to a seat the House of Representatives will not look behind the certificate if it be signed by the proper officers and if it contains a statement in unequivocal terms of the result of the election, yet something may appear upon the face of the certificate itself to destroy or impair its value as *prima facie* evidence.

Clearly indicating that nothing outside the certificate itself can be considered by this House; and that, unless there shall appear on the face of that certificate something which impairs its value or invalidates it, it must be taken as implying an absolute verity.

Now, Mr. Speaker, in the little time which I have I shall refer to a case much stronger in its features than the one now under consideration, where the party holding the certificate, although there was connected with it a statement from the governor of Texas that he believed the election ought to be declared invalid, or that it should have been determined that no election took place at all; yet, notwithstanding the governor's statement accompanying the certificate, the member holding it was seated, although afterward, when it came to the decision of the case on its merits, he was unseated by the votes of all of the members except his own. Though voted in upon his certificate, the records show there was but one vote in favor of retaining him when the case came to be considered upon its merits. I refer to the case of W. T. Clark, of Texas. Here is the resolution proposing to seat him, which I will read to the House in order to bring it to a proper understanding of the question involved:

Resolved, That W. T. Clark has the *prima facie* right to a seat as Representative from the third Congressional district of the State of Texas, and is entitled to take the oath of office as a member of this House without prejudicing the right of any person claiming to have been elected thereto to contest his right to said seat upon its merits.

Now I will ask the Clerk to read the certificate from the governor of the State of Texas by which Mr. Clark claimed his seat. I wish to call the special attention of the House to this case, because it is a strong one, and involves a very important question connected with the present controversy. I will also ask the Clerk to read afterward a sentence from the remarks of Mr. HOAR, of Massachusetts, upon the adoption of the resolution.

The Clerk read as follows:

GOVERNOR'S OFFICE,
Austin, November 15, 1871.

This is to certify that on comparison of the returns of votes cast at an election in the third Congressional district of the State of Texas on the 3d, 4th, 5th, and 6th of October, A. D. 1871, provided for by joint resolution of the Legislature of said State of Texas, as approved May 2, 1871, I find that Hon. William T. Clark was duly elected to represent the said Congressional district of the State of Texas in the Congress of the United States for the term commencing on the 16th day of March, A. D. 1871, and ending March 3, 1873.

In giving this certificate, I wish to call attention to the attached certified statement of the vote cast in the third district, as returned, with grounds for rejecting certain returns. This is explanatory of my reasons for giving the foregoing certificate of election. According to my opinion the numerous irregularities and instances of fraud and violence during the election in the third district, reported and proved to my satisfaction, would rather warrant a new election than the giving of a new certificate to either party. I have felt constrained by my interpretation of the provisions of the State law on the subject of elections to reject many returns, and would have thought it more just to regard the election as a nullity. Yet the act of Congress of May 31, 1870, section 22, seems to require that I should give a certificate to one of the candidates.

In testimony whereof I have caused the great seal of the State to be affixed, at the city of Austin, the date herein first above written.

EDWARD J. DAVIS, *Governor*.

By the governor:

J. E. OLDRIGHT,
Acting Secretary of State.

Mr. SINGLETON. I now ask the Clerk to read from the remarks of Mr. HOAR the extract which I have marked.

The Clerk read as follows:

Now, Mr. Speaker, I undertake to say that the law is this: that a certificate of election given by an officer authorized by law to give it, where it contains nothing more than the declaration that the party to whom it is given was duly elected to an office, is *prima facie* evidence that a party holding it was duly elected, and has a right to such office.

Mr. SINGLETON. I wish to state to the House briefly, as I see that my time is about exhausted, that in the case to which I have just referred the governor of the State of Texas accompanied the certificate with the statement which has just been read. Mr. HOAR was then a member of the Committee on Elections, and made a speech advocating the seating of the party by the House, although, as I have said, he was thrown out afterwards by the unanimous vote of the House, with one exception. Mr. Manning presents a certificate with no impeachment upon its face, and yet this House refuses to administer the oath to him.

But, Mr. Speaker, I wish to read a little further from this work on elections which I have already quoted. I wish to call attention to this point that has been made, as to the right of a member-elect to relinquish an office once he is elected. McCrary says—

An office may be abandoned by removal from the State, county, or district to which the officer is restricted by the law of his office, or by accepting an incompatible office, or by relinquishment on any express qualification, or by the assumption of any disqualification, or by resignation.

There is no other mode known to the law by which a man can abandon an office which has once been bestowed upon him by the people except as enumerated above. His admissions amount to nothing at all so far as this case is concerned.

Now, Mr. Speaker, I want to say a word in response to a remark made by the gentleman from Colorado [Mr. BELFORD], in which he, with a grand flourish, produced a newspaper article which he caused to be read from the Clerk's desk, declaring that it was an extract from one of the "leading papers" of the State of Mississippi. I hold a specimen of the paper up before you, leaving yourselves to judge how far that sheet, from its appearance, should influence public sentiment, especially the sentiment of this House, in this contest. This paper is, I believe, about two years old, and it must be apparent to the House that it has not grown very rapidly in size at least.

The article read was thrown in, I suppose, as a mere make-weight, and you can determine what influence it should exercise upon your judgment in casting your votes.

[Here the hammer fell.]

Mr. BENNETT. I yield ten minutes to the gentleman from Virginia [Mr. GEORGE D. WISE].

Mr. GEORGE D. WISE. I believe, Mr. Speaker, I have the right to claim fifteen minutes. The gentleman from Missouri [Mr. DAVIS] gives me five in addition. I do not know, however, that I shall occupy even the ten minutes which are kindly yielded to me by my friend from North Carolina.

I do not propose at this late hour to enter into any discussion of the legal questions involved in the issue now before the House. My simple purpose in rising is to state the reasons which shall govern my vote, and also to call the attention of this House to what has been done in reference to the contested-election case from the first district of Virginia. I shall vote upon the *prima facie* case to seat Mr. Manning. The Committee on Elections has reported that Mr. Chalmers is not entitled to a seat upon this floor, because he holds a commission from nobody. Somebody has a right to represent here the second district of Mississippi. Who is it? There was an election, and the result of it was declared. Either Mr. Manning or Mr. Chalmers has a right to a seat upon this floor, and the people of the second Congressional district of Mississippi have a right to representation here, of which they can not be properly and legally deprived.

All the gentlemen who oppose the resolution offered by my friend from Pennsylvania [Mr. CURTIN] admit that if Mr. Manning had presented himself at the bar of this House he should have been sworn in without objection, and the committee reports that he holds a commission issued by the governor of Mississippi, bearing the great seal of the State, and otherwise unexceptionable in form. It is admitted that his credentials are as valid as those of any member occupying a seat upon the floor of this House. But as an excuse for a departure from the rule as laid down by Mr. McCrary in his work on elections "that the person holding the ordinary credentials shall be qualified and allowed to act pending a contest and until a decision can be had upon the merits," it is alleged that the resolution referring this case to the Committee on Elections contains an instruction from the House that the *prima facie* case should be considered in connection with all the papers, the evidence relevant to the question of election as well as that bearing upon the question of return. What is that resolution? It is that the certificate and all other papers in the case of Chalmers *vs.* Manning be referred to the Committee on Elections, with instructions to report immediately upon the *prima facie* case, as presented by said papers. To report upon what? Upon the *prima facie*, as presented by the papers, not upon the merits.

This resolution, fairly construed, contains no instruction to the committee to consider any evidence in the determination of the question whether Mr. Manning or Mr. Chalmers is entitled to be sworn in as a member pending the contest on the merits other than that which bears upon the question of return. And yet every argument delivered upon this floor in opposition to Mr. Manning's *prima facie* title to a seat is based upon certain admissions made by him in his answer to the notice of contest by Mr. Chalmers. I hold that under the rules of law governing these cases of election this House has no right to go behind the certificate to consider that answer. But if you do, what do you find? Mr. Manning therein denies that Mr. Chalmers has the *prima facie* or any right to a seat upon this floor as the Representative from the second Congressional district of Mississippi, and declares his own credentials to be legal and valid. If this paper is to be taken into consideration at all, then you must look to the whole of it.

I have authority for the position that in the consideration of the *prima facie* case you have no right to go behind the certificate. If that is regular, and it comes from the proper officer of the State, and shows that the person claiming under it has been legally adjudged to have been duly elected, it is enough for the *prima facie* case. (McCrary on Elections, sections 207, 208; and see also Kerr *vs.* Trego, 47 Pennsylvania State Reports, 292.)

In one case the governor of Pennsylvania, after commissioning Ewing as sheriff of the city and county of Philadelphia, undertook to commission Thompson as duly elected at the same election, and it was held that he had no right to revoke the commission which he had issued, and that the person holding it had thereby acquired a vested right, of which he could only be deprived by judicial decision. (43 Pennsylvania State Reports, 372.) Mr. Manning holds a commission from the governor of Mississippi, whose duty it was to issue it, and upon its face there is nothing to impeach it. In fact the committee in its report says that the commission bears the great seal of the State and is otherwise unexceptionable in form, and that if the inquiry as to the *prima facie* right to the disputed seat had been confined to that paper alone, they would unhesitatingly have affirmed Mr. Manning's right to occupy it pending the contest.

But, Mr. Speaker, I did not rise for the purpose of going into a legal argument upon this case. Gentlemen on the other side, and notably the gay and festive Representative from Colorado, have put on a pretense of virtuous indignation at the bare thought of seating Mr. Man-

ning when there is a fraud behind his certificate. I will presently call your attention to the case of a member sitting among you exactly similar to this. But before doing so I want to remind you that during the last Congress a gentleman from Massachusetts, now in my eye, a member of the Committee on Elections then and a member of it now, reported to this House a resolution which unseated a member from South Carolina with 9,000 majority, and the frivolous pretext offered for the outrage was that certain colored citizens of the district had been prevented from voting by intimidation.

Mr. RANNEY. Will the gentleman from Virginia allow me——

Mr. GEORGE D. WISE. Certainly. I am glad the gentleman knew to whom I alluded.

Mr. RANNEY. What case was that?

Mr. GEORGE D. WISE. I have not got it here.

Mr. RANNEY. There was no occasion on which I made any such report.

Mr. GEORGE D. WISE. I have not got the report here, but if the gentleman desires it I will publish it with my remarks, to show that I have quoted him correctly. And that is the only excuse that you gentlemen, who wear the front of virtuous indignation upon all occasions when a Democrat is to be unseated, gave for putting a man in here who was defeated by 9,000 majority. I thank God I see now in this Hall the Representative from South Carolina whom you turned out. He sat yesterday under the waving of the arm of the eloquent gentleman from Colorado.

But, Mr. Speaker, I rose to call attention to another report from the Committee on Elections. The case from the first district of Virginia was also referred to them, and in that they reached the conclusion that the sitting member is entitled to retain the seat pending the contest on the merits. I will not pause to notice their mistakes. They say that the governor of Virginia issued the certificate to MAYO, when the truth is that he did not, but on the contrary refused to participate in the fraud by which Mr. MAYO was enabled to obtain it from the secretary of the Commonwealth. The governor of Virginia issued no certificate to the gentleman who occupies a seat here as the Representative from the first district of that State, but as a member of the board of State canvassers declined to sign the certification of the fact of his election. I was present, and the governor differs in political sentiments from me, but to his honor be it spoken that the pen dropped from his hand, and he declared that he would not approve the outrage by which all the qualified voters of the county of Gloucester, in the first district of Virginia, were disfranchised. So far from giving Mr. MAYO the certificate, he held that Mr. Garrison ought to have it.

The cases are parallel. Behind the certificate of Mr. Manning there is an error, or a fraud, if it please you to call it so—and behind that of Mr. MAYO there is also a fraud. Gentlemen on the Republican side of this House, who have grown so hot with indignation at the thought of admitting Mr. Manning to sit in our midst, have taken and hugged Mr. MAYO to their bosoms. The gentleman from Colorado [Mr. BELFORD] and the gentleman from Ohio [Mr. HART] have waxed warm and eloquent in their denunciation of fraud, and yet they sit there cheek by jowl with him. He is among and one of you Republicans. He votes with you. He is bone of your bone and flesh of your flesh.

The SPEAKER. The time of the gentleman has expired.

Mr. GEORGE D. WISE. I should like to have a little more time.

Mr. COBB. I ask unanimous consent that the gentleman be allowed five minutes more.

Mr. DAVIS, of Missouri. I will yield five minutes of my time to the gentleman.

The SPEAKER. The gentleman from Missouri [Mr. DAVIS], as the Chair understands, has already yielded five minutes of his time to the gentleman from Virginia [Mr. GEORGE D. WISE], and has ten minutes remaining.

Mr. DAVIS, of Missouri. I will yield five minutes of that time.

Mr. GEORGE D. WISE. I was present when the board of State canvassers was in session and when the abstracts of votes cast in the various counties and corporations forming the first Congressional district of Virginia were examined, and I know that the returns showed that George T. Garrison was elected to this Congress from that district. The county of Gloucester was excluded from the count, and the evidence of that fact is in the record of the case. There was evidence before the Committee on Elections that MAYO holds his seat here by a fraud. Yet the virtuous gentlemen on the other side take him to their bosoms as if he were odorous with the attar of roses. [Laughter.] As I have already said, the proof is before the committee and the House that the governor, as a member of the board of State canvassers, refused to sign the certificate given by that board because he believed the exclusion of the vote of the county of Gloucester to be an outrage. Yet from the beginning of this Congress that gentleman has occupied a seat on the Republican side of this House, and they have given him full fellowship as a political brother. Think of it! You who perpetrate such acts as these to read moral lectures to the Representatives of the American people! God save us from your practices and your teachings! Virginia may be detained for a time in the embraces of a foul and loathsome coalition, held together by the illegal use of Federal patronage and the cohesive power of public plunder, but in the name of justice I demand that the insult shall not be put upon her and her people of a reversal in this case of the judgment rendered in that from my own State.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment a joint resolution of the House of the following title:

A joint resolution (H. Res. 160) making further appropriations for the relief of destitute persons in the district overflowed by the Ohio River and its tributaries.

ELECTION CONTEST—CHALMERS VS. MANNING.

The House resumed the consideration of the contested-election case of J. R. Chalmers against Van H. Manning, from the second Congressional district of the State of Mississippi.

The SPEAKER. The gentleman from North Carolina [Mr. BENNETT] has ten minutes of his time remaining.

Mr. BENNETT. I yield five minutes of that time to the gentleman from Mississippi [Mr. VAN EATON].

Mr. VAN EATON. In the five minutes allowed me I propose to present only one or two views; and in fact I could not present more if I wished. I have this to say: Very strangely, it seems to me, this discussion has wandered from the point at issue. To a very great extent those who have discussed the opposite side of this question have depended for their arguments upon that which goes to the merits of the case alone. I stand here to speak simply and alone for the certificate of election held by Mr. Manning. I take the ground that upon the *prima facie* case this House can not consistently go behind that certificate.

I wish to make this point: In the first place I understand it to be conceded by all that have spoken on both sides of this question that had Mr. Manning come forward to the Clerk's desk when this House was being organized and presented his certificate he must have been sworn in.

A MEMBER. Why did he not do it?

Mr. VAN EATON. I am coming to that. I understand that is admitted on all sides by those who have argued for and those who have argued against his right to take the seat. The point I wish to make right here is this: Gentlemen say that although at that time Mr. Manning had discredited that very certificate he would have been sworn in on it had he presented it. That was a time after Mr. Manning, as gentlemen say, had discredited his certificate. Yet it is admitted he would have been sworn in on it had he presented it.

That very certificate is now before the House. What has occurred from that day to this that he should not now be sworn in on it just as much as he ought, as gentlemen admit, to have been sworn in on it had he presented it the first day of the session? Has anything occurred in the interval to make the certificate of any less validity than it was then? Has there been any change in it in any shape or form? Does it make any difference how that certificate gets before the House; whether Mr. Manning presents it himself or it is presented by a friend?

That certificate is here; it is before the House. We must meet it; we can not help it. Whether we approve of submitting the *prima facie* case to the committee or do not approve it, no matter how we feel about that, the certificate is here and we must meet the question. I would say to the gentleman from New York [Mr. COX], whom I do not see in his seat, that certificate is the "Banquo's ghost" which rises perpetually before us. It is the very highest evidence that any one can produce before this House.

I take this position—I am forced to do it from all the study I have been able to give the case—that the only consistent course it is possible for this House to pursue is to swear in Mr. Manning on his certificate, now that it is here. I would vote to do it if I knew ten times over that he was never elected; if I knew that the very next day I would vote to unseat him on the merits. When only the *prima facie* case is here, I would give honor and credit to the act of his State and seat him on the *prima facie* case, so as to be consistent with the long line of precedents. That is the only course that can strictly be followed to save us from trouble.

I say further, if the Tate County returns were the whole of this case, and if I were voting on the merits, I would not vote to give Mr. Manning the seat on those returns. But, Mr. Speaker, the Tate County returns have no more to do with this *prima facie* case than any other foreign matter that can possibly be imagined.

Now, gentlemen object to Mr. Manning's being sworn in simply because he did not himself present the certificate. I take the ground, and I ask gentlemen to think of it, that this is a mere sentiment, and not law.

[Here the hammer fell.]

Mr. VAN EATON. I hope that the gentleman from North Carolina will allow me half a minute more.

Mr. BENNETT. Half a minute? Yes, sir.

Mr. VAN EATON. Mr. Speaker, I shall, just because I think it is consistent and right, so long as the *prima facie* case is before this House, vote to recognize the supreme act in this case of the chief executive of

my State and seat Mr. Manning upon his certificate. If he should be so seated, I shall hope that the case may speedily come up on its merits. When I come to vote upon that question, without regard to partisan or political feeling, without regard to popularity or unpopularity, help or hurt whom it may, I shall vote for the very right of the case as God gives me to see the right.

Mr. BENNETT. Mr. Speaker, I do not mean to argue this case. I have risen to make an appeal to this House, which I trust will not fall on stony ground. The Committee on Elections is charged with grave and delicate duties. It ought to be above suspicion of partisan bias. It is an open secret that five of the Democrats on the committee concur in the report filed by the minority. Now let facts be given to a candid world. These five gentlemen thought that the resolution did not warrant them in going into the pleadings and evidence involving the merits of the case as distinguished from the *prima facie* case. For myself, I have not read twenty words of the pleadings and evidence. I have made scrutiny only into Exhibits A, B, C, and D, read by the Clerk on the first day of this session.

Some one is in error—the House in passing this anomalous resolution, or the majority or the minority of the committee in their construction of the resolution. It is wrong to breed discord in this committee by your action of doubtful interpretation. You ought to make your meaning in that resolution clear, so that gentlemen of the committee on either side of this House, especially those of the majority, responsible for legislation, may come together and decide it upon the law of the case. What did you mean by the resolution? Shall we invade the entire case, both upon the merits and *prima facie?* Shall we traverse the tradition and precedents of this House in the absence of express terms warranting it?

For one, I will say there has been no such unmistakable utterance in that resolution as warranted me in making such invasion. I have, Mr. Speaker, throughout the scrutiny I have made into this case confined myself to the certificate and the exhibits read from the Clerk's desk on the first day of this session; and it is upon these, according to my construction of this resolution, that this case should stand or fall.

Mr. RANNEY. Mr. Speaker, I take the floor as one of the ten members of the Committee on Elections who reported this case on the part of the majority, but I do not propose to occupy my whole hour. At the outset I yield five minutes to the gentleman from Mississippi [Mr. BARKSDALE].

Mr. BARKSDALE. Mr. Speaker, I have been a dispassionate and impartial listener to the able discussion of the question before the House. I had not intended to enter the arena of debate. I do not intend to do so now, further than to give the reasons for the vote that I shall cast and to avail myself of the opportunity of offering an amendment to the resolution accompanying the report of the committee.

Reserving my judgment upon the paramount question of the right of the people of the second Congressional district of Mississippi to be represented by the person of their choice when that question comes to be considered upon its merits for final adjudication by the House, I shall upon the question as it now stands cast my vote to declare that the claimant holding the certificate has, in virtue of it, the *prima facie* right to the seat pending the contest on its merits.

In the course of this discussion *prima facie* evidence has been defined to be such evidence as of itself is sufficient to establish the fact, if uncontradicted; but is controvertible. Unquestionably that definition is correct; but the *prima facie* evidence is controvertible when the issue comes to be tried upon its merits to determine whether the person holding the certificate is the duly elected member.

The rule has been established, and confirmed by invariable custom, that the person to whom the certificate has been awarded is entitled to hold and to discharge the functions of the office of Representative until the House, in the exercise of its prerogative as the judge of the election, returns, and qualifications of its members, decides the case on its merits.

Hence the ingenious and labored arguments of gentlemen to show that the certificate of Mr. Manning is founded on a mistake, or error, or fraud, as they may choose to have it, are not applicable to the question as it is now presented to the House. They will be relevant when the question is considered on its merits.

Doubtless, Mr. Speaker, abuses are committed by officials to whom the grave responsibility is intrusted of issuing certificates. Possibly such abuses may have been committed in the present instance. But I submit that to depart from the custom and to set aside the rule before the certificate is judicially decided to be void, is to deprive the House of the very means of ascertaining its membership and of accomplishing or perfecting its organization. McCrary, in his standard work, American Law of Elections, says:

> If the party holding the ordinary credentials to an office could be kept out of the office by the mere institution of a contest, the organization of a legislative body, such for example as the House of Representatives of the United States, might be altogether prevented by instituting contests against a majority of the members, or what is more to be apprehended, the relative strength of political parties in such a body might be changed by instituting contests against members of one or the other of such parties. *These considerations have made it necessary to adopt and to adhere to the rule that the person holding the ordinary credentials shall be qualified, and allowed to act pending a contest and until a decision can be had on the merit.*

As to Mr. Chalmers, neither the committee, nor any member of the committee, has asserted that he has even the color of a title to a seat pending the contest; and therefore he is not a party to the present proceeding.

I will add that, in view of the extraordinary disclosures contained in the papers relating to the case, the House owes it to its own integrity, to the claimants themselves, and especially to the people of the district, to institute searching and vigorous inquiry into the merits of the case without delay. The right of the people to be represented by the person of their choice overtops all other rights. It is inprescriptible and inalienable, and it is usurpation to deny or to delay its exercise. Let the House make haste to address itself to that question.

I wish to offer an amendment to the resolution reported by the majority of the committee, and to obtain a vote upon it if possible under the rules, which I will ask the Clerk to read. Let the resolution be first read.

The Clerk read as follows:

> *Resolved*, That the Committee on Elections be discharged from the further consideration of the *prima facie* right to the seat in the contested-election case of J. R. Chalmers *vs.* Van H. Manning.

Mr. BARKSDALE. Now read the words which I desire to add.

The Clerk read:

> And the case on its merits proceed before the committee, with instructions to report as early as possible.

So that the resolution as amended will read:

> That the Committee on Elections be discharged from the further consideration of the *prima facie* right to the seat in the contested-election case of J. R. Chalmers *vs.* Van H. Manning, and that the case on its merits proceed before the committee, with instructions to report as early as possible.

Mr. RANNEY. I now yield for five minutes to the gentleman from New York [Mr. POTTER].

Mr. POTTER. Mr. Speaker, I have listened with the greatest attention possible to this discussion, but the difficulty which I find in this case is not answered by gentlemen upon this side of the House. As I understand it, the *prima facie* case is preliminary to the ascertainment of the real fact which is at issue, and when we are told by the party who presents the certificate, and when it is impossible to ignore or deny as a part of the indestructible record in this case that he was not elected, that the fact upon which his claim rests does not exist, that the governor in counting Tate County as he did counted it wrongfully and by mistake, then he tells us it is impossible for him legally to occupy a seat on this floor and represent that district in the State of Mississippi.

I agree, Mr. Speaker, with all which has been said as to the right of every district in the country to be represented on this floor, but it is a right to be represented by the men of their choice and not by a man whom they did not elect. To say that that right of representation is answered by seating one whom the facts show, and whom the contestant admits, was not elected, instead of the one who was, is to lose sight of the great constitutional right of representation in the subtleties of a *prima facie* case. Now, sir, there are some things more important than the rights of a *prima facie* case. Constitutional liberty is much more important. The very object for which all these rules have been quoted, and all the precedents which have been established are aimed at, is to ascertain who was the party elected by the will of the district, by the votes of the district, to be the Representative here.

The main fact is admitted, and now to ask this House to seat contrary to that fact, to seat falsely, to misrepresent that district, is to ask it to do what for the sake of humanity I am glad to see Mr. Van H. Manning himself, the proposed Representative, upon his conscience, dare not attempt to do. And for one, sir, I shall never vote to seat in this House as the Representative of any district any party when the facts which he lays before the House show the main fact of an election was wanting.

But it has been said here that we are bound by precedents. Have precedents come to acquire such force that constitutional liberty is to go down before them? It will be a sad day indeed for the great purposes of the Constitution if the great bulwarks of constitutional liberty and freedom are to give way before the subtleties of argument in a *prima facie* case.

[Here the hammer fell.]

Mr. RANNEY. Mr. Speaker, this discussion has been very much prolonged already, and the argument has taken a wide range and been pretty well exhausted. I shall not in the time allotted to me attempt to go over again the whole field of contention, but shall touch generally upon some of the views advanced adversely to the conclusion of the majority of the committee. The real argument of this case lies in a very small compass. Indeed, I had erroneously supposed that a simple statement of the facts as found would, or ought to, suffice. But the adverse contention, and the criticisms made upon the majority report with so much earnestness, seem to require some extended notice in reply.

Much has been said about the general rule which has for a long time obtained in this House, as though it were an inflexible one, grounded upon legal provisions. Permit me to say to the gentlemen who have pressed this contention—and it seems to be the whole substance of the argument—that in my judgment it would have been more appropriately urged when the first resolution was offered by the gentleman from Ohio [Mr. CONVERSE], aimed as it was to seat Mr. Manning on the strength

alone of the credentials presented, and to preclude all further inquiry. It seems to be quite out of place now, after the scope of the inquiry has been widened by the withdrawal of that resolution and the substitution of the one under which the committee acted. The House itself departed from that rule at the outset under a conclusion reached that there was proper occasion for such a treatment of this case. It is unbecoming in them now to go back and seek to invoke this rule, and exclude from present consideration the facts which are disclosed by the report made.

It seems to me that the vigorous attempt now in this discussion to make it appear that the last resolution means no more than the first is idle and futile.

But, Mr. Speaker, I propose to answer some of the arguments as applied to this alleged rule. Some appear to think that the practice by which persons presenting the ordinary credentials are admitted to their seats without further proof is in danger of being overthrown. Not so. The roll of membership is made up in the first instance by the Clerk of the next preceding House upon the force of such credentials alone. That practice is secure under an act of Congress; is wise and proper for the purpose of facilitating a speedy organization of the House in the first place. Any person who presents the proper credentials afterwards, in cases where no contest has been instituted, is sure of a ready admission to his seat. An act of Congress has regulated the proceedings in cases of contest; and the House is furnished in advance with all needed information as to whether there is a contest in good faith and of the probable merits of the controversy. So there is no danger of delay from frivolous and unfounded objections. Cases of real contests are alone likely to be laid aside for examination and determination. Hence, there is no real danger of mischief being wrought, as some of our friends on the other side seem to believe, in view of the course which the present case is taking or by any precedent likely to be set by adopting the resolutions proposed by a large majority of the committee.

As to the so-called rule itself, its wisdom is not impugned, although the reasons which gave rise to its adoption exist with much less force now, if they exist at all, since the recent legislation already referred to. Indeed in real contests these reasons have ceased to operate very largely, and it is a serious question whether the evils resulting from its being adhered to now are not more and greater than the good results. For under its operation it oftentimes happens that two salaries, instead of one, have to be paid for one district representation. The rights of the contestant are prejudiced in the contest. The rule is likely to be, yea is, availed of by corrupt officials and partisan canvassing boards, and certificates awarded and obtained in view of the same, they knowing that a *prima facie* seat so called is often the equivalent in its benefits of a full title. If the rule were not followed, it would serve to hasten the decision in the contest made.

Of the right of the House to do what it did in this case there is no doubt.

This House is made by the Constitution a judicial tribunal, to judge of the election, qualifications, and returns of an alleged member, and when his right to a seat is in dispute and made the subject-matter of a contest the House may determine and pursue its own course of procedure. It has ample authority, and an undoubted right, to hear both sides, as in other judicial proceedings, before allowing the person holding the credentials to occupy the seat claimed. Giving him a seat pending the contest on the faith that attaches as a presumption in the first instance to the certificate is not a matter of legal right at all, but is at best only the practice or usage of the House, founded on reasons of policy and convenience, and not guaranteed by the Constitution, statutes, or the standing rules of the House even. The certificate produced is held in practice to be *prima facie* evidence of the person having been elected, and that is taken for the time being and for present purposes sufficient proof. Gentlemen seem to lose sight of the fact that the certificate is at best only evidence, and persist in treating it as an instrument which confers a right to a seat, an instrument which of itself *constitutes* a title, the same as if the governor who gave it under the great seal of the State appointed or elected a Representative. I need not again assure members that this is not so. It is altogether otherwise. To speak of "a *prima facie title* or *right*" in that sense is a misnomer. It is a looseness of expression, when all that is meant or implied is that the certificate is *prima facie* evidence. The House is under no legal obligation to adopt or follow such a practice or usage unless it sees fit to do so. It will, of course, always do it when there is not some existing good reason to the contrary. But what I wish to emphasize is that the seat thus given conditionally under that usage is not as an absolute right.

It has been usual in anomalous and in extraordinary cases, calling for such a course, to vary or depart from the general rule of practice. It rests entirely in the judgment and discretion of the House whether they will adopt one course or another. In the present case, as I shall hereafter show more fully, the contestee precluded himself from the benefits of the rule, the House at his own request took the case out of its operation. Instead of retracing its steps, as some of my friends on the other side would desire to have the House do, in view apparently of the unpalatable facts disclosed, I for one insist that it is a good time and a suitable occasion not only to rebuke an unfaithful State official, but to emphasize the doctrine that the people alone are to choose Representatives in Congress, and not the secretary of state or any other State official, and that it is not within the authority or province of this House to choose one for temporary occupancy of a seat to the end that no district shall be unrepresented while the contest is going on.

There is no right on the part of a minority because they have tried and failed to elect their candidate to have him seated temporarily merely because otherwise the district will not be represented, especially under the disclosed facts of this case.

Now, what did the House mean when it referred this case to the committee? You did not refer the case to the committee asking them to find out whether Mr. Manning had a *prima facie* case. You referred it to the committee instructing them to report whether *upon* the *prima facie* case, as *presented* by the papers, all of the papers, he was *entitled* to be sworn in. If it appears from examination that he was not elected, if it so appears conclusively, how can you say that he is "*entitled*" to be sworn in? How can he be so entitled by right or by law?

Mr. ROGERS, of Arkansas. Will you permit me to read an authority on this subject?

Mr. RANNEY. I have no time to yield, and I beg the gentleman not to interrupt me. Now, the effect of that reference was to ask the committee whether, under the circumstances and facts of this case as proven by the papers referred, we should permit a man to take a seat as a matter of grace or courtesy under the ordinary rule or otherwise.

For instance, suppose Mr. Manning came forward here with a certificate and said: "Here is a certificate signed by the governor; it has got the great seal attached to it; it is in due form; but I am not elected; I want to sit here a while and draw my pay, but I do not pretend that on the trial of the merits of this case I can be shown to have been elected or to be entitled to have the seat permanently." Would you permit him to take a seat and occupy it?

I shall send to the Clerk's desk an amendment to the resolution offered by the gentleman from Pennsylvania [Mr. CURTIN]. If the committee will examine under it, I think they will find that in this case it appears on the record that Mr. Manning does not himself pretend that he was elected; can not reasonably contend that on the proofs adduced he establishes that fact. My amendment is intended to embrace that issue if the case is recommitted.

If that is so, and I take it now as an illustration, will gentlemen say there is such a legal right existing here as would entitle a man to a seat by courtesy or on what we call a *prima facie* right—a seat temporarily in this House—when he does not pretend that he has been elected and does not propose to maintain a final right to the seat?

If Mr. Manning, when this certificate was presented in this House, had produced it, and nothing else had appeared but what that disclosed, I for one should have voted to admit him. But the case took properly a different course. It was referred to a committee for an investigation of the facts. The House has done a similar thing often in other cases. If there is no exact precedent in point for it, it is high time that one was made. If it is true that officials high in authority, who are mere ministerial officers, will disregard official returns and give a certificate not based on the facts, in view of this rule of practice, the rule becomes mischievous and dangerous in its operation and ought to be departed from.

Now, in this case, under that resolution which required us to find whether Mr. Manning was entitled to a seat—I confine it now to him—I say he was not. The proof shows that the official returns elected Mr. Chalmers by over a thousand majority, and not Mr. Manning. The returns from the precincts and those of the county election commissioners to the secretary of state show that a majority of votes was cast for Mr. Chalmers. It is proved not only by the admission of Mr. Manning himself on record, but it is proved by the copies of the returns themselves and other papers referred to the committee. I have not heard a man on this floor argue that that mere clerical error on the so-called "tally-sheet," indorsed on the back of the certificate from Tate County, either nullified it or changed the fact certified to on the face of it, to wit, that James R. Chalmers had the 1,472 votes in question. There is not a fair-minded man on this floor who will risk his reputation as a lawyer or as an intelligent man by saying that certificate in its proper construction and taken as a whole was not strong and clear that Mr. Chalmers received those 1,472 votes. Nobody on this floor denies it. Nobody in this debate has got up or will get up and say it is not so. All virtually concede it, certainly for the purposes of the argument. Then you have a certificate which the governor gave, and which rested not on his own judgment, not on his own knowledge, but simply on the statement of the secretary of state, and that says what is not true.

Now, right there let me repeat that the certificate is but evidence. A certificate, though it have the seal of the State, does not itself constitute the title. It does not create a title, as it would do if the governor had the power of appointment. It is simply evidence. The "great seal" only authenticates it as genuine. The law requires the governor, without knowing anything about it, to issue the commission to the man whom the secretary of state found to be chosen in summing up the returns as made to him. And he did it. Therefore it is only proof of what he states, to wit, the secretary of state certifies that by the returns Mr. Manning is elected.

What do the official returns show? I will not dwell upon that question in detail, so much time having already been taken up with detail. But this fact is proved as clearly as anything can be proved under heaven. It is shown that the secretary of state falsified the returns. It has been truly said that in such cases false is fraudulent. If a man certifies to a fact when the papers lying open before his eyes show it was not so, his act is fraudulent. In this case the man certified to a fact when he knew it was not true, and no fair-minded man will claim it was true upon the inspection of the returns themselves. The returns of the county election commissioners left no possible doubt except as to Tate County, and no fair-minded man would have seen in the returns from that county anything more than a mere clerical error in a tally-sheet, which is no part of the return, and which is controlled by the certificate on which it is indorsed unnecessarily. Nobody can say that the secretary of state did his duty, but in all fairness must confess that he violated the same in making a false summing up of the returned votes.

With the fact then patent on the record, as already stated, that the secretary of state in his count falsified the return when his duty was simply to sum up the returns and ascertain who had the greater number of votes and declare him elected and certify that fact to the governor, who was thereupon required by law to issue the commission accordingly; with the further fact before us that the secretary of state falsified the return upon a mere pretext, without even the air of plausibility to excuse him, that there was no such man as Chambless who had run in that election, no such man in the district, and the secretary of state probably knew it—with these facts patent before us, what are we to conclude?

But what is more than that, and has more control still over my mind, is this fact: When the question came up, and before the secretary of state had acted, Mr. Chalmers petitioned one of the circuit court judges of Mississippi, a State court, and that court issued a mandatory injunction, which was duly served upon the secretary of state, forbidding him to count those 1,472 votes until it was decided by the court for whom they should be counted. That court was a court of competent jurisdiction and had the right to issue that restraining order. I say so in contradiction of what has been said on this floor in this discussion, because I have before me the decision of the supreme court of the State of Mississippi, in which it is distinctly and expressly so decided. As the gentleman from Indiana [Mr. LOWRY] has dealt with that decision in his speech, quoting from the same at some length, I will not put it into mine.

But he violated the injunction of the court, put the court at defiance, utterly disregarded its restraining order, and in the face and eyes of the returns and in contempt of the court proceeded to make the count. He did it on the same day that the restraining order was served upon him, rushed his conclusion into the office of the governor, and the governor immediately issued the commission. What next? A supplementary petition was put in by Mr. Chalmers stating these facts. The parties appeared, the hearing was had, the case was tried, and the same judge decided on the trial that inasmuch as this official had proceeded in violation of the mandatory injunction of the court and counted the 1,472 votes for one Chambless instead of Mr. Chalmers and in falsification of the return before him, it was not only wrong but his action was null and void, and the secretary of state was ordered to recount and give the result as it should have been given.

He declined to do it, and appealed the case to the supreme court of the State. It went to the supreme court, and what did that court say? It said in legal effect that it was within the power and jurisdiction of the circuit court to issue that mandatory injunction and the secretary of state was bound to heed it. But he did not do so; he violated the order, certified the result, the governor issued the commission, and the end in view was thus accomplished, and the case thus placed beyond the effective action of the court by way of remedy.

The court said that the governor having issued the commission, it could not order him to withdraw or to cancel it and issue another, for if the court did so decree it would do no good. The court, however, in effect say that if the matter had been heard by it before the secretary of state had certified the result of the count to the governor, so it could have acted before the governor had issued the commission, it would have compelled the counting of the votes returned from Tate County for Chalmers, and that would have given the certificate to Mr. Chalmers.

The courts say, as their conclusion, that they can not decree as asked because the governor had issued the commission and the question had passed beyond their proper authority; that their decree would then be in vain; that the remedy must be sought and had here where the governor's certificate would carry the matter for further adjudication. The court, however, made the secretary of state pay the costs of suit up to the time when the governor issued the commission, thereby recognizing the jurisdiction of the court in each instance.

Upon the facts as I have told them the supreme court was unable to annul the certificate, but we in the House of Representatives can do it in legal effect.

I say take that certificate and treat the same as if it were in fact destroyed or withdrawn by competent authority, for it is void and of no more effect than if it had been effectually canceled before it was presented here.

The decision of the court and jury in the hearing below was not questioned or reversed by the court of appeals save as to the efficiency of the proposed remedy, and as it accords with reason and justice may be regarded and have weight here.

Mr. Manning, an honorable man, as some of us know—for he served with us in this House in a prior Congress and was one term upon the Committee on Elections—knew the facts and what was the law; and what course did he take? He assumed and took that high position of honor and virtue which any just man would be likely to take. He said in effect, "I will not take the certificate, based, as it is, upon a clerical mistake in a tally-sheet. I admit that the ballots as cast and the official returns elected Mr. Chalmers, and he should have been declared elected. That little clerical mistake was of no consequence. He was entitled to the certificate and I will not claim a seat upon it." This is or was Mr. Manning's position. He put a full admission and a solemn declaration upon the record as a part of the pleadings in this contest, made so by law. The admission of Mr. Manning has been read very often in this debate. I will not read it again. Contestee did not accept the certificate and get his name enrolled as a member.

Now, will any gentleman of this House put himself in the position of one having a lower sense of justice and honor [A voice: "And decency!"] than Mr. Manning had, and do for him what he would not do for himself? A friend before me says "decency;" I will not use that word, because I am discussing this case solely in its legal aspects. I am not discussing a question of morals. This is a question of legal right; it is a question of fact. Mr. Manning continued to occupy that position up to a very recent date certainly, because when the first resolution was introduced by the gentleman from Ohio [Mr. CONVERSE] it went over, and the other one was substituted with deliberation, that gentleman stating expressly on the floor of the House that this action was taken by the request of Mr. Manning. In accordance with this request of Mr. Manning himself, concurred in by gentlemen on the other side, the case was sent to the committee with an enlarged scope of inquiry and in a departure from the practice in ordinary cases.

The time for enforcing this usage as to *prima facie* evidence, as furnished by the certificate alone, was then passed and gone. The House submitted to the committee the wider, broader, and more comprehensive question: What is right and proper to be done under these circumstances and the state of facts disclosed? I have never heard from the lips of Mr. Manning that he is here of his own accord even now asking this House to do for him what he seemed (at least once) to scorn to do for himself. If he was going to wait and see if his right *prima facie* or his final right could be vindicated upon the proofs, it is apparent that nothing yet appears save what vindicates the propriety of his course in declining to ask for or take a seat on the strength of the certificate alone.

Now, I do not hesitate to say that on the facts before this House the certificate of the governor of Mississippi is perfectly void. It crumbles into dust. If I wanted any other authority from the other side on this point I would cite the remarks of my distinguished friend from Virginia [Mr. TUCKER], made when the case of Mr. MAYO was being dealt with. They will be referred to by another gentleman, and I refrain now from reading them. The certificate is void. Will you seat a man pending a contest upon evidence consisting of a certificate which is vitiated and the whole foundation of which is gone—a certificate given in violation of an injunction of a court of competent jurisdiction? The officer violating such an injunction defies the law; and no man should be allowed to take the fruits of such conduct in part or in whole. This House should never help out such a fraudulent proceeding by its own action.

It is said here that Mr. Manning can not admit away his right or the rights of his district or the public. This position, though in one sense true, is not so in another. He is the legally constituted agent of the public in this contest, made so by law. The public are not here by any memorial. If anybody is asking that he be seated, it is the minority of the district, who failed to elect him. Now, I undertake to say, as a matter of law, that the admissions made by Mr. Manning in his answer are conclusive. Where the law requires an admission or denial, and a man makes admissions in matters of fact alleged in the pleadings, the law expressly provides that of the thing thus alleged on the one side and admitted on the other no proof need be taken.

Mr. Chalmers has in proper form, in his notice of contest, alleged certain controlling facts. Mr. Manning in his answer thereto admits them in explicit, unambiguous, and absolute terms, except that he denies the allegation of fraud on the part of the secretary of state. The fact of the alleged clerical error in the tally-sheet indorsed on the return from Tate County and that by the official returns of the whole district Mr. Chalmers was elected are both distinctly admitted as alleged. The fact is admitted that the action of the secretary of state was in violation and in disregard of an injunction from the court, the issuing and service of which is admitted also.

Now, the gentleman from Iowa [Mr. COOK] in his impassioned speech undertook to quote a sentence from some report of mine—attempted in this way to make a personal point upon myself or to get some support for his contention. But the great difficulty with my friend is that he only quoted part of a paragraph and not all of a single sentence. The complete citation gives his contention no support and illustrates my

point. In the case of Cook *vs.* Cutts, Mr. Cutts occupied the seat; there was a notice of contest and answer. The case was heard before the committee. A brief was put in on the part of Mr. Cutts. In that brief Mr. Cutts was claimed to have made a concession as to what the evidence proved in regard to eight votes in controversy. I did not find that the evidence before me established the alleged facts.

The gentleman from Iowa [Mr. COOK]—and I pay my respects to him now—quoted this language:

It is not in the power of contestee to give away the rights of the public and allow another man to take the seat even by consent.

But he omitted to say that the concession was in the brief, and not in the pleadings; that it was a qualified concession in argument based on evidence before me, of which I could and was bound to judge as well as he. I quote the paragraph in full:

The majority report errs when it says contestee concedes seven illegal votes cast for him. He does not concede them only as proved by evidence more or less direct and satisfactory. He does not admit they should be deducted, but says, "If they should be," &c.

And then I add what Mr. COOK above quotes:

It is not in the power of contestee to give away the rights of the public and allow another man to take the seat, even by consent, to the detriment of the public and Treasury.

Mr. Cutts was the sitting member, and if unseated both parties would be entitled to the full salary, as it was near the end of the term. This makes the meaning of the sentence clear. The alleged concession was by way of argument, not of a fact; but as the expression of opinion as to the weight of evidence adduced. It does not require any great power of discrimination to see the distinctions between the two cases or classes of admissions.

An act of Congress provides:

In contested election cases the party contesting shall give notice in writing of his intention, and in such notice he shall specify the grounds upon which he relies in the contest.

Any member upon whom the notice mentioned in the preceding section may be served shall, within thirty days after the service thereof, answer such notice, admitting or denying the facts alleged therein, and stating specifically any other grounds upon which he rests the validity of his election; and shall serve a copy of his answer upon the contestant.—(Revised Statutes, section 106.)

A subsequent section of the act provides:

121. The testimony to be taken by either party to the contest shall be confined to the proof or disproof of the facts alleged or denied in the notice and answer mentioned in sections 105, 106.

The statute requires that the parties shall confine the evidence to the things in dispute, and take for granted the thing alleged and admitted. And yet gentlemen argue here that a man can not admit facts which shall conclude him, although done in pleadings. How are we going to the trial of the other cases before us and do justice upon any such doctrine as that? The contestants are made the parties to conduct the contest in their own behalf and in behalf of the public and as their agents. They can therefore conclude themselves and the public in the way contended for, and the law so contemplates. If we follow the theory of my friend from Iowa [Mr. COOK], when he says he would take the admissions in the pleadings if they looked reasonable and the evidence seemed to support them, it would lead to a strange result. The law requires no evidence, and there should be none to prove conceded facts as shown by the pleadings. Now, here in the pleadings is the admission of Mr. Manning, the contestee, clear and explicit, of facts which show that the returns elected Mr. Chalmers by over a thousand majority. He does not in his answer allege that he himself was elected or state any facts on which a claim can be based. He alleges general fraud in the use of money in the district, the use of Federal patronage, illegal action of deputy marshals, &c., which, if true, would at best only tend to vitiate the election of contestant and leave a vacancy. It would not elect him, because he does not attack any particular precinct or county or invalidate any particular returns which are specified, but he makes charges of fraud, &c., applicable only to the district generally.

I do not see the justice of the strictures which have been made upon the conduct of the committee because they looked at and examined all the papers referred to them. If in error, they erred in supposing that the resolution meant what it said, and that the House would not ask the committee to pass on a fact only which was patent and plain to every one without a reference. There was in truth and in fact no real question that the governor was the only official authorized to issue the commission to the person elected, or as to whether it was genuine, regular, and sufficient in form. Gentlemen talk about competency of evidence and fugitive papers. Why, sir, the inquiry into a *prima facie* case is *ex parte* anyway. And the inquiry needed only to go so far as to ascertain whether there were enough facts to discredit the certificate and render it unjust to allow contestee to be sworn in under the general rule referred to.

To go back now and divest the case of the facts disclosed, as is attempted under the resolution of the gentleman from Pennsylvania [Mr. CURTIN], would be a singular course of proceeding. These facts can not be winked out of sight or obliterated from the minds of members in that way. The report finds every fact covered by that resolution, and a recommitment is wholly unnecessary. If the House wishes to confine its consideration to the credentials alone it can do so now without a recommitment. As for myself, I should have been willing to seat Mr. Chalmers, because he ought to be treated as having the credentials, having been deprived of them by fraud on the part of the secretary of state, and only prevented from having them by that official defeating the court in its attempt to secure them to him. The returns to the secretary of state elected him, and the rest followed as a matter of law. But the committee did not care to go so far as this. English precedents might perhaps have justified a different recommendation.

I read from the Law and Practice of Legislative Assemblies, by Mr. Cushing, section 144:

This distinction between elections and returns has led in England to their being in some instances separately considered in the same case; so that where it appears, without going into the merits of an election, that the petitioner against a sitting member was apparently elected and ought to have been returned, the House of Commons will reverse the position of the parties by excluding the sitting member and putting the petitioner in his place as duly returned, leaving the election open to be controverted and throwing the burden of doing so upon the party to whom it properly belongs.

The only question which the House has to decide now is whether contestee shall be seated pending the contest on its merits. The rights of Mr. Chalmers may well be left till a decision is had on the merits.

I have said perhaps all that need be said. It will be seen that the proofs stated, when taken in their mildest import, show that the certificate of the governor relied upon is the result of a clerical mistake on the part of a scrivener in writing Mr. Chalmers's name Chambless in an unimportant and non-essential tally-sheet, so called, indorsed on the back of an otherwise regular and sufficient certificate of the election commissioners of Tate County. Beyond this is the fact that the secretary of state committed a gross error in counting the 1,472 votes so returned as if cast for J. R. Chambless instead of James R. Chalmers. It was a plain violation of duty and the manifest act of a strong partisan, who resorted to a poor pretext as an excuse. Added to this is the fact that in so doing he utterly disregarded and openly defied the arm of the law which was extended to arrest his threatened action and compel him to await a legal decision in the premises. That his conduct was fraudulent, governed by partisan motives rather than by convictions of duty, is placed beyond the realm of controversy on the proofs before us. It was a deliberate and a persistent attempt to defeat the sovereign will of the people as expressed at the ballot-box by the falsification of the result of returns which it was his official duty to give full effect to and certify the same correctly to the governor. He committed a great political crime nearly akin to treason. It was probably done in view of the existing rule of practice in this House, which is now being invoked on the other side.

He who by fraud, or by willful disregard of his sworn duty, defeats the will of the people as expressed by their votes, commits a political crime next to treason and nearly akin to it. (Lyons, J., 36 Wisconsin, 506.)

The question is whether the House will give Mr. Manning the benefits of such action and help on the fraud to its fruition in the present change of purpose on his part to claim a seat on the strength of the certificate, which said claim he renounced at the outset. It may be that the governor was not cognizant of the facts when he awarded the commission. But whether he was or not, its foundation has given way, and that which was the direct product of the fraud, and which rests solely on it by its very terms, must fall with it.

In finding the action of the secretary of state to be null and void we only follow an adjudication by a court of contestee's own State, based on the same facts and founded in good sense and sound reason.

If there is any usage in this House which requires it to help out and give effect to such a fraud as has been perpetrated, it is high time that the same was abolished. But, as already shown, that is not necessary.

I send now to the desk an amendment which I shall offer when the resolution proposed by the gentleman from Pennsylvania comes up for action, after which I will yield the remainder of my time to the gentleman from Iowa.

The Clerk read as follows:

Add to the resolution for recommitment proposed by Mr. CURTIN, of Pennsylvania, as follows, namely:

"The committee is also instructed to find and report whether Mr. Manning alleges and sets up in his answer any claim that he was himself chosen, and whether there is any proof independent of the certificate of the governor whereby he seeks and proposes to maintain such a claim in the pending contest on the merits."

ENROLLED JOINT RESOLUTION SIGNED.

During the remarks of Mr. RANNEY,

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. Res. 160) making further appropriations for the relief of destitute persons in the districts overflowed by the Ohio River and its tributaries.

CONTESTED-ELECTION CASE—CHALMERS VS. MANNING.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The gentleman from Iowa will be recognized for seven minutes.

Mr. KASSON. Mr. Speaker, it is hardly necessary for me to speak on this question after the closing remarks that have been made by my friend from Massachusetts. It is a matter of entire indifference to this side of the House as to which of the two gentlemen claiming the seat

shall be sworn in, for the present or in the future, and occupy the position. Politically both are opposed to this side of the House. The only question that can concern us, therefore, is what is the precedent that ought to be established in this case; and to my mind the simple statement of the case must settle it in all minds that are prepared and seek justice and not to conclude upon technicalities.

An election was held on the 7th of November, at which all the signed certificates by the legal officers presiding in the counties over the election certified that Mr. Chalmers had about one thousand majority, and was therefore elected. On the 11th of November those returns, so far as now under dispute, were received at the office of the secretary of state. On the 18th of November, looking on the back of one of the papers, he found the name of a man who is not known to have been a candidate; who is not known to have lived in Mississippi; who is not known to be in the United States of America. He recognizes that unsigned memorandum, and himself declares the other candidate, Mr. Manning, to have the majority of votes.

These facts are now before the House. They are not disputed. Mr. Chalmers has received at least a thousand more votes than Mr. Manning. The papers are here that show it. We directed the committee to find, not who should be seated on the governor's certificate, but who should be seated on the papers in possession of the committee which were referred to them. They report these facts.

Now, shall we who stand impartial between the two candidates go against all the record in the case and say that the man who received a thousand fewer votes than the other should be placed here upon our floor? Had it been submitted to the Clerk we should have answered yes, upon the governor's certificate and nothing else. But having, by order of the House itself, finally referred to a committee to ascertain upon that and other papers who had the *prima facie* right, we find that determined by the very papers upon which alone the governor's certificate can issue and to be determined in favor of Mr. Chalmers. I may like him or I may dislike him. The one fact patent to us is that he had a thousand more votes, and if any man is entitled to a seat it is he.

The only question is, whether this committee shall say that they wish further time to go into all the merits of the case. They ask that. We must give it to them if they demand it, I suppose. But upon the returns signed by the returning officers and sent to the office of the secretary of state Mr. Chalmers ought to march up before that desk, lift his hand, and take the oath as *prima facie* entitled to the seat, that *prima facie* case being determined by the very figures submitted to us in a report of a committee of this House. It is an injustice to the people of his district to keep him out. It is no injustice to keep Mr. Manning out, because Mr. Manning was not chosen, and we know he was not chosen at that election.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had adopted a resolution, in which the concurrence of the House was requested, authorizing the Public Printer to print and bind 24,000 additional copies of the Tariff Compilation for 1884 (Senate Report No. 12, Forty-eighth Congress, first session); 8,000 for the use of the Senate and 16,000 for the use of the House of Representatives.

The message further announced that the Senate had passed a bill and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 253) for the relief of John Leathers;

Joint resolution (S. R. 42) authorizing certain officers of the Navy to accept presents from foreign powers; and

Joint resolution (S. R. 51) authorizing an expenditure of money for Indian educational purposes.

CONTESTED ELECTION—CHALMERS VS. MANNING.

Mr. TURNER, of Georgia. I take the floor for the purpose of concluding the debate according to the understanding announced this morning. Before appropriating to myself any part of the time, according to agreement with the gentleman who represents the minority of the committee [Mr. COOK], I yield to him for his control one-half of the hour.

Mr. KASSON. Has the previous question been seconded?

The SPEAKER. The previous question has not yet been demanded.

Mr. TURNER, of Georgia. I will at the end of the hour demand the previous question.

Mr. KASSON. You must demand it now.

The SPEAKER. There is some question as to whether or not under the rules of the House the hour can be taken for closing the debate after the previous question has been ordered.

Mr. TURNER, of Georgia. In order to avoid any embarrassment that might arise on the question whether the hour for debate would remain after the previous question is ordered, I desire, with the leave of the House, to take the floor now and occupy the hour now, and at its expiration demand the previous question, which would of course shut off debate.

Mr. KASSON. I would like, as a parliamentary question, to inquire whether it is not the settled practice that the member reporting from a committee is entitled to an hour after the previous question is ordered?

The SPEAKER. Under the former rules of the House it was well settled that the hour for closing debate could be occupied as well after as before the previous question was ordered; and indeed it was the practice to occupy it after the ordering of the previous question. But under the new rules the question is presented, which so far the present incumbent of the chair has not decided, whether the hour can be taken after the previous question is ordered, unless it is so understood at the time when it is ordered.

Mr. KASSON. While I do not wish to press the present occupant of the chair to a premature decision, I wish to say it is very desirable that we should understand what actually are our rights under these rules.

The SPEAKER. The present occupant of the chair is inclined to think the hour can be occupied after as before the previous question is ordered. But the Chair has not yet been called to render a decision upon that question.

Mr. CALKINS. Under the indication given by the Chair I think it very desirable we should know just what is the effect of ordering the previous question as regards the time allowed for debate. But meanwhile I hope unanimous consent will be given to have the previous question ordered now, and then let the hour be taken for debate.

Mr. TURNER, of Georgia. In reply to the suggestion of the gentleman from Indiana, I feel it due to other gentlemen who have spoken to me on the subject to state that some gentlemen desire to offer an amendment proposing the resolution of the minority of the committee as a substitute for that of the majority. And I would not like to have that cut off.

Mr. CALKINS. Let that be done now.

Mr. TURNER, of Georgia. If that can be considered as pending by unanimous consent, I have no objection to the previous question being ordered now.

The SPEAKER. If there be no objection the resolutions reported by the minority will be considered as pending as a substitute for the resolution reported by the majority of the committee. If there be no objection, also, the previous question will be now ordered, with the understanding that the debate shall be permitted to go on for one hour.

Mr. CURTIN. I desire, if this is the proper stage in the consideration of this grave question by the House, to ask to withdraw the resolution which I offered at the inception of the debate on this question. I am the author of the resolution; I offered it to the House; and I now ask to withdraw it. In asking that I desire to give my reasons for it.

The SPEAKER. The gentleman from Pennsylvania [Mr. CURTIN] asks leave to withdraw his resolution and to state his reasons therefor. Is there objection?

Mr. COOK. Is the resolution to be withdrawn now?

Mr. CURTIN. Whenever it is parliamentary to do so.

The SPEAKER. The Chair thinks now is the proper time to withdraw it, for otherwise it would be before the House and included under the operation of the previous question.

Mr. TALBOTT. If the gentleman from Pennsylvania [Mr. CURTIN] withdraws his resolution, would it be in order to renew it?

The SPEAKER. Not after the previous question is ordered. The Chair asked unanimous consent that the previous question be now considered as ordered, and the gentleman from Pennsylvania [Mr. CURTIN] asked leave to withdraw his resolution.

Mr. COOK. It seems to me that it would be as well to consume the hour now and consider the previous question as ordered at the end of that time.

The SPEAKER. The Chair asked for unanimous consent that the previous question be considered as now ordered, and no objection was made. But before the Chair announced that fact to the House the gentleman from Pennsylvania [Mr. CURTIN] rose to withdraw his resolution.

Mr. CURTIN. I offered that resolution in good faith, desiring that the minds of this House should be settled as to the rights of the parties contesting a seat on this floor, and more especially the right of the gentleman who presented legal, regular, and proper credentials, under which he had a right to the seat if he had approached that desk and asked that the oath required should be administered to him.

Mr. TURNER, of Georgia. I submit to the honorable gentleman from Pennsylvania——

Mr. CURTIN. I have the floor, and, as is usual with me, I intend to maintain it until the Speaker takes me from it.

The SPEAKER. The gentleman from Georgia [Mr. TURNER], as the Chair understands, makes the point of order that debate is not now in order.

Mr. TURNER, of Georgia. Yes, sir.

Mr. CURTIN. I am only giving my reasons for offering the resolution.

Mr. TURNER, of Georgia. I am as willing to show all the courtesy to the gentleman from Pennsylvania that any gentleman would desire to have shown him. But I raised the question whether within the last hour of this debate that gentleman can take me off the floor to debate a proposition of his own. I submit to him whether it is fair to the House or to me.

Mr. CURTIN. It comes out of the time of the gentleman who represents the minority.

Mr. TURNER, of Georgia. Then I will state to the gentleman from Pennsylvania that of the last hour accorded for the conclusion of this debate I have agreed to yield to the gentleman to whom my friend refers one-half of it, and I presume he will in his time yield to the gentleman from Pennsylvania as much time as he desires.

Mr. CURTIN. Then I will take five minutes of the time now.

Mr. KASSON. What is the position of the question?

The SPEAKER. Is there objection to ordering the previous question at this time? It has been suggested that by unanimous consent the previous question shall be considered as now ordered, with the understanding that there shall be an hour for the conclusion of the debate. The Chair had submitted that request to the House and asked for objection, and none had been heard. But the Chair had not announced that fact to the House, and thereupon the gentleman from Pennsylvania [Mr. CURTIN] rose, stating that he did so for the purpose of withdrawing his resolution, and the Chair recognized him for that purpose.

Mr. KASSON. Is the previous question now ordered?

The SPEAKER. The Chair will again ask, not having announced before, if there is objection to the request that the previous question be considered as now ordered, with the understanding that there shall be an hour allowed for the closing of the debate, to be divided equally between the advocates and the opponents of the report of the Committee on Elections? That the Chair understands to be the proposition of the gentleman from Georgia. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. TURNER, of Georgia. I now yield to the gentleman from Iowa [Mr. COOK], representing the minority of the committee, thirty minutes of the time allowed by the order of the House.

Mr. CURTIN. The debate on this question has settled one thing, if that can not be determined from the report of the committee, and that is that General Manning has a legal certificate, under which he could have been sworn in as a sitting member from the second Congressional district of Mississippi had he presented it. That is crystallized in the debate, and the legal minds of this House seem settled on that question.

The debate has run into a discussion of the facts which it was the pleasure of the Committee on Elections to receive and to some extent consider. All the learned gentlemen who have spoken on this question in opposition to seating Mr. Manning have predicated their conclusions and their logic, so far as applicable, upon the facts in this case.

Now, when the facts come before this House I shall be prepared to deal with them, as I trust the gentleman from Massachusetts who last addressed the House [Mr. RANNEY] and the gentleman from Iowa [Mr. COOK] would, if the case is properly presented to them. I do not propose, however, that the certificate of the governor of a sovereign State under its great seal shall be disregarded upon uncertain testimony before a committee of this House.

I yield to no such sentiment. The right of representation is guaranteed by the Constitution, the paramount law of this land. The sovereignty of a State, the declaration of the executive of the State, with its broad seal, must be regarded until proved fraudulent or void. If General Manning, at the beginning of this session, had presented himself at the bar of this House with the certificate from the governor of his State he would have been sworn, and General Chalmers could have contested his seat and proved, if able to do so, that he received more votes than General Manning; for the man to seat on the facts is the one who received the most legal votes.

But gentlemen defend their exclusion of General Manning on the ground that he has waived his right. My friends, do not be deluded by questions which are irrevelant to the issue contained in the papers now before the House—an issue which goes down to the very fundamental principles of this Government—the right of representation of a sovereign State, which is challenged to the front in vindication of this man. Gentlemen say that General Manning declared he would leave his case to the House, that the House should decide it; and on the declaration of General Manning it is said we should exclude him from the seat and deprive the people of the second district of Mississippi of the right of representation to which they are entitled under the Constitution.

Now, Mr. Speaker, representing General Manning, with his full consent and approbation, speaking for him, I bring him to the Clerk's desk and ask that the oath be administered to him on the certificate of the Governor of Mississippi.

Mr. CALKINS. I rise to a point of order.

Mr. CURTIN (advancing to the Clerk's desk in company with Mr. Manning). I present Van H. Manning to be sworn in as a member of this House upon the certificate of the governor of Mississippi, attested by the broad seal of that great and loyal State.

The SPEAKER. The gentleman from Indiana [Mr. CALKINS] rises to make a point of order. He will state it.

Mr. CALKINS. I make the point that this House has already taken jurisdiction of this question and has referred it to the Committee on Elections, which has made a report upon it, and the question is now under consideration by the House.

The SPEAKER. The Chair thinks it unnecessary to decide any question of order in this matter, because the question whether or not Mr. Manning is entitled to take the oath of office is the very question which the House is now considering and upon which it is about to vote. Of course the Chair would not undertake to administer the oath of office to any person claiming to be a member-elect while the House is considering his right to the seat. [Applause.]

Mr. BELFORD. Now ring down the curtain; the play is over. [Laughter.]

Mr. CURTIN. Mr. Speaker, what is the question before the House?

The SPEAKER. The resolution offered by the gentleman from Pennsylvania [Mr. CURTIN] having been withdrawn, the first vote will be upon agreeing to the resolution reported by the minority of the committee, which declares in substance that Mr. Manning is entitled to the seat and should be sworn in.

Mr. CURTIN. That is my motion.

The SPEAKER. The gentleman from Georgia is entitled to the floor.

Mr. TURNER, of Georgia. In accordance with my announcement a while ago I yield one-half of my hour to the gentleman from Iowa [Mr. COOK].

The SPEAKER. The gentleman from Iowa [Mr. COOK] will control the first thirty minutes of the hour.

Mr. COOK. It is not my purpose, Mr. Speaker, to occupy the thirty minutes that the gentleman from Georgia has kindly yielded to me. I desire to yield twenty minutes at the close to my friend from Arkansas [Mr. ROGERS].

The SPEAKER. There are twenty-five minutes of the gentleman's half hour remaining.

Mr. COOK. I did not know I had occupied five.

The SPEAKER. The Chair understood the gentleman to yield five minutes to the gentleman from Pennsylvania.

Mr. COOK. Mr. Speaker, this debate has lasted for three days. When the case was first presented, and especially when the duty was assigned to me of submitting the views of those who agreed with me, I hoped that we might discuss fairly the question of law involved, and then decide it accordingly.

I have nothing more to say except in answer to the gentleman from Massachusetts [Mr. RANNEY], who in his remarks has referred to me. He made, as he always does, a good argument, but he based it upon a false assumption of fact. He says that Mr. Manning admits he was not elected. I wish to call the attention of the House to the fact that that is not true.

Mr. RANNEY. The gentleman does not mean to misrepresent me. I say on the returns he does not admit he was elected.

Mr. COOK. I do not so understand him.

Mr. PETTIBONE. You do now.

Mr. COOK. Mr. Manning expressly asserts that he was elected.

Mr. PETTIBONE. But produces no proof.

Mr. COOK. But he insists that over 2,000 of the votes cast for Mr. Chalmers were obtained by fraudulent means. With that I am done. Hence it is not true that Mr. Manning has never claimed his seat.

Mr. RANNEY. The gentleman does not mean to misrepresent me. I did not say Mr. Manning did not claim there were fraudulent votes cast.

Mr. COOK. I believe I am entitled to the floor.

Mr. RANNEY. I say that the returns showed that Mr. Chalmers was elected, while he denied the charge of fraud.

Mr. COOK. Who denied the charge of fraud?

Mr. RANNEY. In the answer to Mr. Manning.

Mr. COOK. I believe this is my time, and there is so very little of it left that I must be excused for declining to yield any further portion of it.

Now, Mr. Manning in his answer admits, if you choose to so claim it, that the majority of the votes in the boxes were against him, but he expressly asserts that 2,000 or more of those votes were procured by fraudulent means, which he specifies in his answer. I insist then, if that be true, that Manning and not Chalmers was elected.

Mr. RANNEY. The gentleman will not misrepresent me, I am sure. He said there was fraud in the district generally, without specifying any at any particular place.

Mr. COOK. I am not charging anything on the gentleman from Massachusetts, but only call attention to what Mr. Manning says in his answer.

I yield now the remaining portion of my time to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS, of Arkansas. Mr. Speaker, I beg the indulgence of the House and apologize for desiring to occupy any part of its time at this late hour of the day. I am a Mississippian. Fifteen years ago I emigrated to Arkansas, and became a resident of the district which I now have the honor to represent upon this floor. It is a district composed largely of Mississippians coming from the district in Mississippi out of which this contest grows. I am persuaded that a large majority of the most intelligent of that class of people in my district believe the action of the secretary of state of Mississippi to have been a shameless trick and a bald fraud. But I am bound under my convictions of the law governing this case to cast my vote, upon the issue now presented, apparently against that theory of it. Hence I feel that it is due myself

that I spread upon the record now as a perpetual memorial of my reasons for casting that vote the authorities by which I am controlled.

I am induced to spread these reasons upon the record by the additional fact that prominent Democrats, honorable, conscientious, upright men, differ on this question. Mr. Speaker, if to youth must be charged errors and follies, age ought to bring discretion and accountability, if not wisdom; and when gentlemen who have grown gray in the law, like the gentleman from Massachusetts [Mr. RANNEY] and my distinguished friend from Indiana [Mr. LOWRY] on this side of the House, before a body in the main composed of lawyers, indulge in perversions of that law which are absolutely monstrous, somebody ought to be found with the courage to expose them.

Now, sir, the gentleman from Iowa [Mr. HEPBURN] on yesterday used this language:

And right here, Mr. Speaker, let me suggest to you that no man can have a right *prima facie* or otherwise to a seat in this House simply upon the fact that he holds a certificate.

And the gentleman from Massachusetts [Mr. RANNEY] reasserted the principle to-day, and added "the books are full of this doctrine."

Sir, that is the language of a class of lawyers before justices of the peace. It is always easy to make citations of authorities in that way. But those gentlemen who assert this proposition produce no authority, not a case, not a citation from a text-book, nothing, absolutely nothing, for our consideration.

Now, sir, in the face of the authorities I cite, they must pardon me if I modestly dissent from their view of the law. In citing these authorities I want to remind the House that they both held and gravely argued that a certificate in due form, executed by the proper authority, at most, only entitled the holder to a seat by courtesy. *Courtesy?* Let us see.

McCrary, in his American Law of Elections, says:

SEC. 208. It is enough for a *prima facie case* if the certificate comes from the proper officer of the State, and clearly shows that the person claiming under it has been adjudged to be duly elected by the officer or board on whom the law of the State has imposed the duty of ascertaining and declaring the result. And see Kerr *vs.* Trego (47 Pennsylvania State Reports, 292), where it is held that the certificate of election sanctioned by law or usage is *prima facie evidence of title* to the office, and can only be set aside by a contest in the form prescribed by law.

Now, sir, what does this authority assert? Is it that the certificate gives a seat by "courtesy" to its holder? The language of the law is that it constitutes "*prima facie* evidence of title." If I hold *prima facie* evidence of title to my homestead does it guarantee me no *right?* Is it a bare, naked courtesy that I enjoy? And yet that is the argument of these gentlemen, who come here gray in the law and talk to us with a zeal worthy of its majesty.

But let me read a little further from McCrary on Elections:

SEC. 209. When the statute gives the governor of a State the power, and makes it his duty, to commission the person elected to an office, the issuing of a commission by him confers a *vested right* upon the person commissioned, which nothing but a judicial decision can take away or authorize the governor to recall.

Is a "vested right" a mere "courtesy?"

Let me read a little further. I do not wonder the gentleman from Massachusetts [Mr. RANNEY] would not suffer this authority to be read. It takes a bold man to assert on this floor the monstrous propositions he undertook to maintain to-day.

SEC. 216. It is to be observed in this connection that, while in determining the *prima facie* right to a seat, the House of Representatives will not look *behind the certificate*, if it be signed by the proper officers, and if it contains a statement in unequivocal terms of the result of the election; yet something may appear upon the face of the certificate itself to destroy or impair its value as *prima facie* evidence.

And again, as if to preclude all doubt, he says:

SEC. 221. There can be no doubt but that a certificate of election regular in form and signed by the proper authority constitutes *prima facie evidence of title* to the office, which can only be set aside by such proceedings for contesting the election as the law provides.—(Commonwealth *vs.* Baxter, 35 Pennsylvania State Reports.

The certificate, *whether rightfully or wrongfully given*, confers upon the person holding it the *prima facie* right—not courtesy—to the office.—(People *vs.* Miller, 16 Michigan, 56; Crowell *vs.* Lambert, 10 Minnesota, 369; State *vs.* Sherwood, 15 Minnesota, 221; State *vs.* Churchill, *ibid.*, 455.)

Can language be plainer than this? Well, perhaps, Mr. Speaker, it can. Let us read on the following page of this treatise:

SEC. 223. The certificate, therefore, must be regarded as evidence of *the election* of the person named therein so far conclusive that it can not be attacked except in the ordinary mode provided for contesting, but it is not evidence of the qualifications of the person named.

That is, it is not evidence that he is of the required age or possesses the other prerequisite qualifications to hold the office; but it is evidence of the *election* nevertheless.

Now, Mr. Speaker, my friend from Indiana [Mr. LOWRY], who has been a judge in that State I understand for many years, gave us an extraordinary speech yesterday. His friends thought it unanswerable. From the standpoint of the merits, and as touching the action of the secretary of state of the State of Mississippi relating to the returns of Tate County, it was not without its force and high moral sentiment.

We all admired his strong physique; his clear, rich voice; his classical language, and handsome delivery. He has withheld that speech for revision. It ought to be revised; not in the particulars I have mentioned, but it should be purged of the misapplications of the law with which it was so pregnant. It was remarkable in another respect. Beginning with the modesty of the shrinking, blushing school-girl, he grew in five minutes to the full-grown school-master, lecturing many members on this floor his equal in age and experience.

I can not recall his language now; but I recollect of his referring to opinions of gentlemen—formed without investigation—and said, while the court had been investigating the law in the House (alluding to the majority of the committee to which he belonged), these gentlemen had been discussing it on the horse-blocks, or some such expression as that. These gentlemen, he said, had challenged precedents for the majority report of the Committee on Elections. Mr. Speaker, I undertake to assert this proposition—not that there is no precedent to be found for that report; far from it. The supreme court of Arkansas decided (and I stop to say in justice to that court and the State that it was a reconstruction court) that a flat-boat chained to a tree in the Mississippi River was real estate; and if the supreme court of a great sovereign State has made such a decision as that, even gentlemen of my brief experience at the bar ought to be careful how they assert that no precedent can be found for any case, however monstrous or absurd it may be.

But what I do assert is that no well-considered or approved case upholding the majority report has been cited during this three days' debate; and I assert further, that in my opinion only two cases have been cited, and no text-writer whatever, who squints in that direction.

Mr. ADAMS, of New York. Let me call the gentleman's attention to section 225 of the same book, when the certificate may in effect destroy itself.

Mr. ROGERS, of Arkansas. My friend will excuse me; I heard him on yesterday—heard his whole argument, and did not interrupt him.

Mr. ADAMS, of New York. I want to show the gentleman while he is making quotations one that bears upon this case.

Mr. ROGERS, of Arkansas. I can not yield to the gentleman; my time will not admit of interruptions. But, sir, in response I tell the gentleman the case he refers to is where the certificate on its face impeaches itself; nobody denies that; nobody on either side has said General Manning's certificate was not regular on its face or that it impeached itself. The whole Committee on Elections, including the gentleman himself, agrees that the certificate is regular on its face.

I again reassert that but two cases have been cited as precedents to support the action of the majority of the Committee on Elections. The first is the New Jersey case, which is in point. But Judge McCrary says of that case:

This precedent has never since been followed in a single instance. It is so clearly wrong, and as a precedent so exceedingly dangerous, that the House has not hesitated to disregard it entirely on every occasion when the question has arisen.

No man has seriously invoked that case as authority in this debate, though it has been mentioned. The other case is the Colorado case, Hunt *vs.* Chilcott. My friend from Indiana [Mr. LOWRY] alluded to that case, cited it as an exception to the general rule for which I am contending. He went further, and admitted that the current of authority was strong against him. I sympathized with his manly frankness in this, so characteristic of the long-suffering race from which he springs; but I could not admire his discretion when he found it necessary, in order to maintain his position, to attack the only standard text-books in this country and an almost unbroken line of well-considered precedents in this body for years.

But I return to the case of Hunt *vs.* Chilcott, known as the Colorado case, and reported in 2 Bartlett, page 164, which is before me now. That is an extraordinary case. It has its history. I will not give it now. I have another object in view. My friend from Indiana [Mr. LOWRY] did not deal fairly with the House in that case. No man in citing an authority to a court from a text-book ought to omit the author's construction or criticism of it. That is what he did. It is what lawyers call garbling the law. That is a harsh term, and I will not use it. It was, I know, an omission not intended, but the result is the same.

Let us examine that case. It was decided by this body in 1866, not a time when the country could expect a fair judicial consideration by this body of any political question. Even then this case did not receive the unanimous indorsement of the Committee on Elections. It is a significant fact that the minority report was signed by M. C. Kerr, of Indiana, one of your distinguished and honorable predecessors, Mr. Speaker, and John A. Nicholson, of Delaware, and the venerable LUKE P. POLAND, who now occupies a seat upon the other side of this Chamber. Sir, the majority report in that case does not controvert the law for which we contend, namely, "that the holder of a certificate regular on its face is *prima facie* entitled to the seat." The majority of that committee reported that Hunt, who held the certificate, did not rest his case on the certificate alone, as Mr. Manning does in this case. They said, not content with the certificate, Hunt had introduced the governor of Colorado, and proven facts that showed the certificate was issued in violation of law. I quote the language. Say the committee:

The certificate of the governor thus appears to have been issued in violation of the laws of the Territory, in order to reverse the facts of the canvass.

There the committee, on a *prima facie* case, did go behind the certificate. Why? Because Hunt, who held it, as they say, proved it was

issued in violation of law. Mr. Manning has done no such foolish thing as that. He rested before the committee solely on his certificate. But there is another significant fact about this case. The members who signed the minority report assert that the statement to the effect that Hunt did not rely upon the certificate alone was untrue.

I use their language:

Now, the undersigned have read the above statement with great surprise, because in the facts that transpired before the committee they know of no foundation for it whatever. On the contrary, Governor Cummings expressly declined to make any statements in the nature of evidence, and only appeared before the committee in the proper capacity of attorney for Mr. Hunt, and addressed his argument to the case made by the credentials and record evidence alone. He refused when requested to detail the facts in connection with the dispute about the right to the seat.

Indeed, the committee could not with propriety, under the resolution of reference, receive or consider any parol evidence whatever, and did not attempt to do so. We therefore ask the House to adopt the following resolution as a substitute for that of the majority:

"*Resolved*, That A. C. Hunt, esq., is *prima facie* entitled to the seat in this House as a Delegate from the Territory of Colorado pending the contest of his right to the same by George M. Chilcott, esq."

These were exciting times. They were uncertain times. The brute force of a great revolution had scarcely yielded to the supremacy of law and order. No great respect can be given to a case like this, even if directly in point and the facts undisputed. But it is not in point, because Van Manning, before the committee, rested solely on his certificate. The majority report in the Hunt case says that Hunt did not, but proved himself out of court by the governor who issued him the certificate.

Therein lies the difference. No man can fail to see that it is no precedent for this case, nor is it authority for the House to go behind the certificate on the *prima facie* case, unless Mr. Manning had offered evidence in addition to the certificate, which he did not do. It will not do for Mr. Chalmers to offer the evidence or for the committee to procure it of their own accord, for that is going into the merits. It must come from the holder of the certificate. He must discredit it under that case. Judge McCrary, in construing that case, says:

While, therefore, it was conceded that the House should not insist upon looking beyond the certificate in determining a *prima facie* case, it was held that if the party holding the certificate saw fit to offer evidence in addition to the certificate the House might take notice of it.

Mr. Speaker, when the question now before the House comes to a vote I do not pretend to know what the venerable and distinguished gentleman from Vermont [Mr. POLAND] will do; but I venture the belief that the man who, amid the clamor and passions of his own party in 1874, had the courage to rise up in this great body and do justice to brave and honorable men, struggling for the constitutional right of controlling their own domestic affairs, even though political opponents, will not in 1884 repudiate the report I have read from in Hunt *vs.* Chilcott, signed by him nearly twenty years ago, and which has been recognized as sound law ever since that report was erroneously and unceremoniously disregarded by this body. I wish he would rise now and give the House the unwritten history of that case.

I mention in passing that the Texas case, already cited by several members during this debate, decided when the minority now was in the majority on this floor, directly overruled Hunt *vs.* Chilcott, and has been the recognized rule ever since.

I know that my time will not permit me to go into this question as fully as I should like to go. But I want to invite the attention of my friend from Indiana [Mr. LOWRY] to the mistake into which he fell upon yesterday—and an egregious blunder it was. He read, Mr. Speaker, from sections 169, 170, 171, and 172 of Cushing's Parlimentary Law and Practice. But if he had turned back to the beginning of the chapter from which he read he would have found that the sections he read were upon the merits of the case, and not upon the *prima facie* right to a seat pending a trial on the merits. I will read the two first sections of the chapter:

SEC. 142. Though, as we have just seen, persons returned are presumed to be duly elected, at least so far as to entitle them to assume the functions of members; yet the decisions of the returning officers are not conclusive. Their proceedings may be revised and their judgments corrected, and the members returned by them may be excluded and others admitted upon due investigation by the competent authority.

SEC. 143. It will be perceived from what has been stated with regard to the determination and authenticating of elections, that one person may be *in fact elected* while another is *apparently elected*, in which case the *latter* is entitled to be returned, though the former is entitled to the seat: as for example, where two candidates only are voted for, and by the decision of the returning officers, admitting illegal or rejecting legal votes, one of the candidates has an apparent majority. The latter is entitled to the return, but the other "is clearly entitled to the seat."

But, Mr. Speaker, both what he read and what I have now read from this author is an exposition of English law, now greatly modified in this country. If he had desired to see what that author had to say about American parliamentary law, he should have turned over to section 240, where the whole doctrine for which we contend is summed up in a few sentences. It reads as follows:

The principles of parliamentary law applicable to the questions are perfectly simple and plain, founded in the very nature of things, established by the uniform practice and authority of Parliament, and confirmed by reason and analogy. These principles are as follows: First, that every person duly returned is a member, whether legally elected or not, until his election is set aside; second, that no person who is not duly returned is a member, even though legally elected, until his election is established; third, that conflicting claimants, both in form legally returned, are neither of them entitled to be considered as members until the question between them has been settled; and fourth, that those members who are duly returned, and they alone (the members whose rights are to be determined being excluded), constitute a judicial tribunal for the decision of all questions of this nature.

Those are the four fundamental, elementary principles recognized by the standard authors, so far as I know, on this subject as governing the organization of a parliamentary body; and yet gentlemen, learned gentlemen, come and tell us that the books are full of precedents in the face of these authorities, and yet offer none whatever for our consideration.

Mr. Speaker, I have no sort of idea of changing a single vote by what I have said. My time is rapidly expiring. I desire to yield a moment to my friend from Kentucky before me [Mr. BLACKBURN].

Mr. BLACKBURN. I do not wish to occupy the gentleman's time.

Mr. ROGERS, of Arkansas. So long as gentlemen on this floor will make such speeches as we heard yesterday from the gentleman from Iowa [Mr. HEPBURN], and the gentleman from Tennessee [Mr. PETTIBONE], and the gentleman from New York [Mr. ADAMS], we can never expect to get anything like a judicial hearing upon a case of this sort from them. Gentlemen forget the elementary principles, and suffer their judgments to be warped by party prejudice, and in the very face of the law run blindly over the established rules that ought to govern us in our action upon this floor. Mr. Speaker, how much time have I remaining?

The SPEAKER. Four minutes.

Mr. ROGERS, of Arkansas. There is one other proposition which has been discussed so fully that I do not know that I can add anything to it. It is the question of the power of Mr. Manning to discredit the certificate which he presents here. I deny in all the length and breadth and height and depth the proposition that he can do any such thing. Sir, reason tells us that the law confides no such power to him. This is a question in which there are three parties to the controversy: the two contestants for the seat and 150,000 people in the second district of Mississippi; and upon this point I repeat the language of the distinguished Senator from Arkansas, spoken at the other end of the Capitol, the senior Senator from that State, in the Kellogg and Spofford case, which was referred to incidentally by Governor DORSHEIMER in his terse, forcible argument the other day. Senator Garland said:

Suppose the sitting Senator, Mr. KELLOGG, had failed to make any response or to take any notice of the application on the part of Mr. Spofford. If it is strictly and in every sense a legal proceeding the Senate could have defaulted KELLOGG, rendered a judgment by default, and seated Spofford. That no man will contend could be done, because whether he appears to defend or not the Senate's duty is, under the Constitution, to ascertain who was elected. Further, suppose KELLOGG and Spofford had agreed and filed a written stipulation, as in courts of justice, that a judgment should be rendered in favor of Spofford against KELLOGG, the Senate could not have rendered the judgment. You can not default an American constituency in that way. You can not stipulate the rights of an American constituency away in any tribunal. Suppose the Senate, progressing in this inquiry, finds that neither was elected, which it might do very well, and should award the seat to some man in Louisiana who got only one vote, if there was such a one. Those statements illustrate the futility of attempting to assimilate this throughout to a proceeding in court.

To appropriate his idea, if you undertake to liken this case to a case in court the analogy limps at every step. Yet that is what is contended for. But if that position was correct, still the case now stands like a case on demurrer. It stands just this way: Manning says to the court, "I hold the certificate, and on this I demand judgment for the seat *prima facie*." Chalmers responds, "True, you have the certificate, and it is regular; but you should not have judgment." The court says, "Why not?" "Because," says Chalmers, "he admitted in another case that the certificate stated a falsehood." "But," says the court on demurrer, "I am confined to the face of the certificate. I can not look to the merits now." That is precisely the case before us, if it is to be likened to a case in court.

But, Mr. Speaker, the difficulty here is to get gentlemen to separate the law from unofficial facts not before the House. I have known lawyers who never could discuss a case on demurrer without giving a history of all the facts they expected to prove, the biography of their clients, and the character of the witnesses they expect to introduce. That is precisely what we have witnessed throughout this debate. It is an imperfection of human nature, hard to be overcome. It is, however, not an imperfection strongly to be condemned, because I believe it is most largely developed in the untrained but honest mind. It is only to be condemned because it ignores a rule indispensable in the administration of the law. But this House is largely composed of lawyers. They ought not to ignore the law. They can not do so ignorantly. If it is to be done, it is because prejudice clouds reason, and party feeling is stronger than law.

It is admitted by some that Manning can not default Chalmers into a seat in this House, but they assert that he can discredit his certificate in such way as to deprive himself of a right to the seat in Congress which the certificate otherwise gave him. How is that? Is the rule of law that a certificate is *prima facie* evidence of a right to a seat made exclusively for the holder of the certificate? That will not do. McCrary gives three reasons for this rule:

SEC. 204. First, the interests of the people might suffer for want of the services of a public officer without it.

Second. Serious injustice might result to the holder of the credentials if any other rule was adopted.

Third. The organization of a legislative body might be prevented without it.

These reasons can not be separated. All will admit that the right of a State to representation in Congress is fundamental in law and overshadows in importance all other reasons that can be assigned for the basis of this rule. If you say, then, that Mr. Manning can discredit by an admission the certificate which entitled him to a seat, you admit that he has it in his power in that way to defeat for months at least the right of representation of the second district of Mississippi on this floor.

You affirm that he can destroy a rule of law made a hundred-fold more for the benefit of 150,000 people in the second district of Mississippi than for himself, without any misconduct, fault, or neglect of theirs. I deny it. It is absurd and monstrous. No well-considered authority has been cited or can be for that proposition.

But the fact is there were no issues before the Committee on Elections in this case except as to which of the two, Manning or Chalmers, upon the face of their respective papers, was entitled to a seat *prima facie* pending the trial on the merits. To avoid this conclusion the committee took damaging admissions of Manning made a year ago, made in an answer in a case in court in the State of Mississippi and used them to discredit a certificate upon which he alone relied before the committee, and which they were compelled to admit was regular and issued by the proper authority. I submit they could not know of these statements until they had violated the law and disregarded the resolution under which they were acting.

They went behind the certificate, which alone constitutes the *prima facie* case, when they found these statements. Having violated the law to find them, they violated it again in using them, and then refused to do the only thing the resolution under which they were acting directed, namely, to find whether Manning or Chalmers is entitled to be sworn in pending the contest on the merits. Verily may they say, "We have left undone those things which we ought to have done, and we have done those things which we ought not to have done."

One thing more, and I am done. When these papers were referred to the committee there were not twenty members on this floor who knew what papers were to go, and I do not believe there are fifty members now who know what papers did go. It is all-important that we observe the law. There are ugly features about this case that can be disposed of rightly on the merits when reached. It is hard cases that make bad precedents, and I give you the admonition now, it is bad precedents that open the way for the invasion of the sacred domain where life, liberty, the property and the rights of good men ought to be secure.

Mr. TURNER, of Georgia. I recognize the difficult and delicate duty which I have to perform in concluding a debate which has already occupied so much of the attention of the House. If it were left to my own desire and taste that debate would be followed at this time by a vote on the question. Had there not been harsh strictures made upon the action of the committee I should now take the judgment of the House. Before the curtain drops on what the gentleman from Maine [Mr. REED] the other day called a "a non-partisan judicial performance," I feel it to be due to my honorable and able colleagues to make some reply to these attacks.

In the first place, some gentlemen have stated we misapprehended our instructions from the House. The gentleman from New York [Mr. DORSHEIMER] led off in that criticism. If I may keep up the similitude of a judicial performance, I beg leave to exercise the right of recrimination. I charge him with a misapprehension of the judgment which the committee has reported to the House.

His argument was based upon the premise that the majority of the Committee on Elections had come back here with a report on the final merits of the case against Mr. Manning. I need not take the time of the House to go over that report or refer to the resolution of the committee in order to show that the gentleman from New York was plainly and palpably mistaken. A gentleman who has thus himself misjudged the committee has no right to make a valid accusation against me of a misconception of my duty.

Let it never be forgotten that this Committee on Elections have not yet decided this case on its merits. That question is yet pending before the committee, and when it is reached in its order I promise the House that so far as I am concerned, notwithstanding the strictures which have been unfairly made on my conduct, I will give to the gentleman who holds this certificate from the governor of Mississippi the fairest, the most candid, and the most earnest consideration, and, I will add, with an anxiety on my part to find that the truth of the case lies on his side of the contest.

That is a question which this House still has to determine, and it is a question not now under consideration. The question now before the House is whether, two months and more after the organization of the House, pending this contest on the great issues of the case, the House will determine upon the evidence submitted whether the one party or the other is entitled to enjoy the stake involved in the litigation during the further contention between them.

Gentlemen have spoken here about our having tried Mr. Manning. One gentleman, high in my estimation, took occasion the other day to say that we had absolutely court-martialed him; that we had not been even so fair as a court-martial would have been, because we had garbled the evidence that had been submitted to us.

Sir, that was a most serious imputation upon the integrity of a committee charged with the most solemn responsibility. I propose briefly to reply to it. That honorable gentleman stated that when we came to consider the question of Mr. Manning's answer in this case we had taken that part which suited our purpose and had ignored and suppressed the rest.

Now, if that gentleman had done us justice he would have looked through the report of the committee, and he would have seen that the statement is made there broadly and conspicuously that Mr. Manning in his answer also charged upon his adversary fraud, intimidation, corrupt use of official patronage, and bribery. We stated they were grave accusations; and if I may go further I will state that that was the reason, in order to give effect to the entire answer as evidence in the case, that I for one declined to sign a report in favor of Mr. Chalmers. I want these grave issues tried.

When we came to look at the answer there were two questions raised. One was whether Mr. Manning was entitled to a certificate; the other question was whether on the merits of the case Mr. Manning or Mr. Chalmers should be declared elected on the final result. We looked at the answer and we saw the admission on the first question, and we have reserved the other part of the answer and expect to try that other question with the best ability we can use.

Mr. HERBERT. Does the gentleman refer to me?

Mr. TURNER, of Georgia. The honorable gentleman who did not mince his words was himself. I will not use in reference to him the word he used in reference to us, but I will say that he has been guilty of a more serious infringement of propriety than we have been.

That gentleman admitted that we had the right, under the resolution of the House, to consider the certificate and all the papers which had been filed with the Clerk. Then he denied that we had the right to consider the answer of Mr. Manning at all, and undertook to read from the running debate which took place on the first and second days of this session to show that no such thing as the answer of Mr. Manning was referred to. If the gentleman will refer to his remarks he will see that that is his argument, and it is on that foundation that he rests his theory that we have gone to the answer of Mr. Manning without authority. He says the answer was not referred to. Let us try that by the record.

Mr. HERBERT. Is the gentleman from Georgia [Mr. TURNER] referring to me?

Mr. TURNER, of Georgia. I am referring to the gentleman himself.

Mr. HERBERT. I think if the gentleman will read my remarks he will see that I said there was no authority whatever to have read in evidence anything except the certificate filed with the Clerk. He will find that that was what I said. I did not say that the answer was not referred to, because the gentleman from Ohio [Mr. KEIFER], when the matter was first brought up in the House, did say, as a reason why he objected to Mr. Manning being sworn in, that there was a statement on file to the effect that Mr. Manning said he would not be sworn in until the question was decided by the House.

Mr. TURNER, of Georgia. Mr. Speaker, I resume the floor and decline to submit to further interruption. Gentlemen who heard his remarks will bear witness that I have not misconstrued their tenor. I have not time to read his remarks, although I have them before me.

Now, on the issue between the gentleman from Alabama and myself, I refer to the opening paragraph of the debate which occurred upon this question on the first day of this session. I read from the remarks of the gentleman from Ohio [Mr. KEIFER] on the twenty-second page of the report:

> I desire to state to the House that Mr. Manning himself never accepted the certificate; and I will state further, if it is to be treated as accepted, that he has put upon the files of the House a statement which shows that he was beaten in that election by 980 votes. This is in his answer as formally filed.

If gentlemen can go through the running remarks of members on this floor for two days to ascertain what the House meant by its final action, ought they not to take the entire debate? And if the debate is to be the source from which to derive the construction of the resolution where it refers to all the papers in the case, I submit whether the answer here referred to during the debate is not included in the reference.

Mr. HERBERT. The gentleman will allow me simply to state——

Mr. TURNER, of Georgia. I have but a moment; and the gentleman himself declined to yield.

Mr. HERBERT. I submit, Mr. Speaker——

The SPEAKER. The gentleman from Georgia declines to yield.

Mr. TURNER, of Georgia. Now, Mr. Speaker, I desire to say that if the debate on which gentlemen rely here is to be any guide in determining the effect of the resolution which finally embodied the sentiment of the House, the whole debate must be taken. The debate must not be—I was going to use a harsh word—it must not be mutilated.

I affirm that where the language of a statute or resolution is plain and unambiguous there is no rule of construction which will allow you to go outside of it to determine its meaning.

Now, Mr. Speaker, what was the question referred to the committee? Why, sir, the gentleman who was the draughtsman of the minority report concedes in effect in that report that the language of the

resolution was not only broad enough to cover all these papers but broad enough to take in the pleadings in the case. The gentleman from Missouri [Mr. BROADHEAD], who has also occupied the floor in opposition to our report, had the frankness and candor to state that the committee had not misconstrued their powers or their duties but had acted in strict conformity to the letter of the resolution.

But, Mr. Speaker, I will not attempt by anything further on my part to support the construction which the majority of the committee have put upon the resolution. It is plain and unmistakable. It came to a committee of this House from the House itself, which is our master in this matter. If gentlemen gave unanimous consent to a resolution which they did not understand, that is their fault, not the fault of the committee.

Mr. Speaker, there has been much dispute and contention on this floor as to what is meant by a *prima facie* case. Allow me briefly to advert to this matter again. I stated the other day, and I repeat, that this phrase, according to its early use, applied to the apparent right of a member-elect to a seat during the process of organization. I stated further that, according to the history of all the cases which I have seen, where the *prima facie* question was referred to a committee after the House had organized the phrase always went beyond that definition. Why, Mr. Speaker, take the case of the claimants to a seat from a district as to which the governor issued a certificate to nobody. Have there not been numerous cases in which the House, by resolution similar in language to that under which the House instructed us, has instructed the Committee on Elections to determine the *prima facie* right to the seat? Will gentlemen who apply this phrase to the governor's certificate alone tell us what it means in the reports of those cases in which no certificate was issued to anybody?

I thank the gentleman from Massachusetts [Mr. RANNEY] for having spared me one other topic of discussion, for he has exhausted the legal argument.

My honorable friend from Virginia [Mr. TUCKER] took the floor today and advised the House about this *prima facie* right, and as to what course the House should pursue on this question. My learned friend from Alabama, the other day, who delights in classical phrases (and I beg to state whenever a man wants to be very accurate he takes refuge in a Latin phrase)—my friend from Alabama referred to this question and some other as *in consimili casu*. I want to put my friend from Virginia in that sort of a predicament. [Laughter.] On the second day of the session that gentleman submitted a resolution which was in this language:

Resolved, That the certificates and all other papers relating to the election of a Representative of the first Congressional district of Virginia in the Forty-eighth Congress be referred to the Committee on Elections when appointed, with instructions to report at as early a day as practicable which of the rival claimants to the seat from that district has the *prima facie* right thereto, reserving to the other party the privilege of contesting the case upon the merits.

I ask whether that is not *in consimili casu?* [Laughter.]

Now, Mr. Speaker, I want to call attention to the remarks which the honorable gentleman from Virginia made on that occasion:

The other question is, what is a return?—

That is to say, who has been properly returned to a seat in this House—

Here is a return made by the secretary of the Commonwealth based upon the action of the canvassing board—

I will remark, in passing, that in that State it is the secretary of the Commonwealth who signs the commissions of members—

and the question is, whether that return is tainted with fraud, irregularity, illegality, or based upon a miscount.

I am glad to see the gentleman in front of me. [Laughter.]

It is not a question of the election, because that comes back to the voting at the polls. The question is as to the counting of the votes; and the counting of the votes by this canvassing board was a miscount, because it left out a part of the constituency that was to be represented.

Now, sir, on the very next page the gentleman repeats that proposition in even stronger language; and if I had time and if it were necessary to cumulate the gentleman's authority on that proposition I could cite from a very able and learned argument made by him on a conspicuous occasion (the trial before the electoral commission) when he again laid down the doctrine in precise and scientific language which has become familiar to all lawyers.

Gentlemen on the other side of the Hall who concur with me in this case will, I confidently believe, follow me in the Garrison and if *in consimili casu*, I will then claim the congratulations of my Democratic friends on the ability and learning and number of the recruits I shall bring over from the other side of the Hall. [Laughter and applause.]

My honorable friend from Pennsylvania, who was himself once the governor of a great and glorious State, a State which in my judgment has produced more heroic precedents on the subject of popular rights than almost any other State in this Union, even Virginia herself scarcely excepted, has presented a resolution here for the consideration of the House in reference to this case. Why, sir, when that great issue was pending in the room of the Supreme Court, the result of which makes many of us on this side of the House hang our heads in shame, when that case was pending a distinguished gentleman from Pennsylvania, now dead—I refer to Jeremiah S. Black, *venerabile nomen*—a man who loved liberty in this country with a devotion equal to that with which he cherished the mother of his children, in his great argument before that tribunal said that it had always been held that the returns of votes which had not been cast, or the exclusion of votes which had been cast, or a miscount, was a fraud and a falsehood, which was void on its face and which no court would sustain. [Applause.] It seems that my friend from Virginia agreed with him on that great proposition.

Mr. Black also on that occasion referred to the New Jersey or "the great seal" case, and commended in the warmest terms the action of the House in excluding even during the process of organization the five members from that State who held the governor's certificate in perfect form. Mr. Black said: "In New Jersey the governor of that State stamped the broad seal upon a commission as members of Congress for five gentlemen whom he knew not to be elected. Congress said that certificate was void."

When these credentials came here having the great seal, which gentlemen so ardently reverence, but which it was known covered a great falsehood, the House, shocked at the enormity of the crime, even before organization broke over precedents in order to right the wrong.

I say, here and now, that I commend the action of the House of Representatives in the exercise of its omnipotent authority to prevent the consummation of that crime against liberty.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. TURNER, of Georgia. I should like to have five minutes more.

The SPEAKER. Is there objection to the time of the gentleman being extended for five minutes?

Mr. BENNETT. I object, unless five minutes are also given to gentlemen who take the other view.

Mr. KEIFER. The gentleman from Georgia [Mr. TURNER] gave away thirty minutes of the time to which he was entitled. He was entitled to the whole hour himself.

Mr. TUCKER. I hope my friend from North Carolina [Mr. BENNETT] will not insist on his objection. A courtesy of that kind was accorded to me this morning, and although the speech of my friend from Georgia has arraigned my consistency, I am perfectly willing he shall have five minutes more.

Mr. BENNETT. I based my objection on the ground that the gentleman from Virginia could not be heard in reply.

The SPEAKER. Is the objection withdrawn?

Mr. BENNETT. It is.

The SPEAKER. No further objection being made, the time of the gentleman from Georgia is extended for five minutes.

Mr. TURNER, of Georgia. I am greatly indebted to the House and to the gentleman from Virginia. I desire again to say, Mr. Speaker, that if I should ever be charged as a public functionary with the duty of guarding popular rights, I for one would break over all narrow technical difficulties in order to consummate the popular will. I might split hairs on a precedent to effectuate the true result of an election, but I would trample on any small difficulties to prevent a foul wrong. [Applause]

[Here the hammer fell.]

The SPEAKER. The question is upon the adoption of the amendment proposed by the minority of the committee as a substitute for the resolution reported by the majority. The Clerk will read both the original resolution and the resolutions proposed by the minority. He will first report the resolution proposed by the majority of the committee.

The Clerk read as follows:

Resolved, That the Committee on Elections be discharged from the further consideration of the *prima facie* right to the seat in the contested-election case of J. R. Chalmers *vs.* Van H. Manning.

The SPEAKER. For the resolution just read the minority of the committee propose to substitute what the Clerk will now report.

The Clerk read as follows:

Resolved, First. That Hon. Van H. Manning holds perfect credentials, issued in due form and by lawful authority, as member-elect to the Forty-eighth Congress from the second Congressional district of the State of Mississippi.

Second. That being the duly returned member, he is entitled to be sworn in and occupy the seat on this floor pending a contest on the merits over it.

Mr. COOK. I call for separate votes on the two resolutions proposed by the minority.

The SPEAKER. The gentleman from Iowa [Mr. COOK] calls for a division of the question. The first question is upon agreeing to the first of the resolutions proposed by the minority of the committee as a substitute.

Mr. TUCKER. Let that be reported again.

The first of the minority resolutions was again reported.

Mr. CALKINS. That is proposed as a substitute for the resolution offered by the majority?

The SPEAKER. It is.

Mr. CALKINS. I submit the resolutions of the minority are not divisible yet until they have been adopted as a substitute.

The SPEAKER. The Chair thinks the question is divisible at this stage, because the House may determine to substitute one of these resolutions and not both of them. The House may agree to one and disagree to the other.

Mr. BROWNE, of Indiana. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. As I understand, if the House should adopt the first of these resolutions it is merely as a substitute for the resolution proposed by the majority.

The SPEAKER. It is not adopted until it is agreed to by the House.

Mr. BROWNE, of Indiana. That is to say, it requires another vote to agree to it?

The SPEAKER. It does.

Mr. McMILLIN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BELFORD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. The minority of the committee submit to the House, as I understand, two resolutions. The first declares, I believe, that Mr. Manning's credentials are regular in form. Now, if we are to vote upon agreeing to the minority report as a whole, does that allow the House a fair opportunity to express its views upon this question? May not these credentials be absolutely regular in form, and yet not constitute a *prima facie* case?

The SPEAKER. The next vote will be upon the second resolution, which declares Mr. Manning is entitled to be sworn in as a member of this House.

Mr. TURNER, of Georgia. I rise to a question of order. Is not the question before the House whether the resolution just read shall be substituted for the resolution submitted by the majority of the committee? The question now, as I understand, is not upon agreeing finally to the resolution of the minority, but simply whether it shall be substituted.

The SPEAKER. If the House upon this vote should agree to the resolution just read, the next vote will be upon the second resolution; and if that should be agreed to, then the vote would be upon adopting the report as thus amended by substituting these two resolutions. [Cries of "Vote!" "Vote!"]

The question was taken; and there were—yeas 106, nays 139, not voting 75; as follows:

YEAS—106.

Arnot,	Cox, W. R.	Hurd,	Robertson,
Bagley,	Curtin,	Jones, J. H.	Rogers, J. H.
Barbour,	Davidson,	Jones, J. K.	Scales,
Barksdale,	Dibble,	Jones, J. T.	Seymour,
Belmont,	Dibrell,	King,	Singleton,
Bennett,	Dockery,	Kleiner,	Skinner, T. G.
Blackburn,	Dorsheimer,	Lanham,	Stewart, Charles
Bland,	Dowd,	Le Fevre,	Stockslager,
Breckinridge,	Dunn,	McMillin,	Talbott,
Broadhead,	Elliott,	Matson,	Taylor, J. M.
Buchanan,	Ellis,	Maybury,	Thompson,
Buckner,	Evins, J. H.	Miller, J. F.	Throckmorton,
Burnes,	Ferrell,	Mitchell,	Tucker,
Caldwell,	Forney,	Money,	Tully,
Campbell, Felix	Gibson,	Morgan,	Vance,
Candler,	Glascock,	Morrison,	Van Eaton,
Carleton,	Graves,	Muldrow,	Ward,
Cassidy,	Green,	Mutchler,	Warner, Richard
Clardy,	Halsell,	Nicholls,	Wellborn,
Clay,	Hardeman,	Oates,	Wilkins,
Clements,	Hatch, W. H.	Patton,	Williams,
Cobb,	Hemphill,	Pierce,	Willis,
Connolly,	Herbert,	Peel, S. W.	Wilson, W. L.
Converse,	Hewitt, G. W.	Pryor,	Wise, G. D.
Cook,	Hoblitzell,	Reagan,	Yaple.
Cosgrove,	Hopkins,	Reese,	
Covington,	Houseman,	Riggs,	

NAYS—139.

Adams, G. E.	Evans, I. N.	Long,	Shaw,
Adams, J. J.	Everhart,	Lovering,	Skinner, C. R.
Aiken,	Fiedler,	Lowry,	Smith,
Alexander,	Findlay,	Lyman,	Springer,
Atkinson,	Finerty,	McCoid,	Steele,
Barr,	Foran,	McComas,	Stephenson,
Bayne,	Fyan,	McKinley,	Stevens,
Beach,	Geddes,	Millard,	Stewart, J. W.
Belford,	Goff,	Miller, S. H.	Stone,
Bingham,	Greenleaf,	Morrill,	Storm,
Bisbee,	Guenther,	Morse,	Strait,
Blanchard,	Hanback,	Neece,	Struble,
Boutelle,	Hart,	Nelson,	Sumner, D. H.
Brainerd,	Hatch, H. H.	Nutting,	Taylor, J. D.
Breitung,	Haynes,	O'Hara,	Thomas,
Brewer, J. H.	Henderson, D. B.	Parker,	Tillman,
Browne, T. M.	Hepburn,	Payne,	Turner, H. G.
Brown, W. W.	Hewitt, A. S.	Peelle, S. J.	Turner, Oscar
Calkins,	Hiscock,	Perkins,	Van Alstyne,
Campbell, J. M.	Hitt,	Peters,	Wadsworth,
Cannon,	Holman,	Pettibone,	Warner, A. J.
Chace,	Holton,	Phelps,	Washburn,
Collins,	Hooper,	Poland,	Weaver,
Crisp,	Horr,	Post,	Weller,
Culbertson, W. W.	Houk,	Potter,	Wemple,
Cullen,	Howey,	Price,	White, J. D.
Cutcheon,	Hunt,	Pusey,	White, Milo
Dargan,	Jeffords,	Rankin,	Whiting,
Davis, L. H.	Johnson,	Ranney,	Winans, E. B.
Davis, R. T.	Jones, B. W.	Ray, Ossian	Winans, John
Deuster,	Kasson,	Rice,	Wood,
Dingley,	Keifer,	Robinson, J. S.	Woodward,
Dunham,	Kellogg,	Rockwell,	Worthington,
Eldredge,	Lacey,	Rowell,	York.
Ermentrout,	Lawrence,	Ryan,	

NOT VOTING—75.

Anderson,	Hancock,	McCormick,	Rosecrans,
Ballentine,	Hardy,	Mayo,	Russell,
Blount,	Harmer,	Milliken,	Seney,
Bowen,	Henderson, T. J.	Mills,	Shelley,
Boyle,	Henley,	Morey,	Slocum,
Brewer, F. B.	Hill,	Moulton,	Snyder,
Brumm,	Holmes,	Muller,	Spooner,
Budd,	Hutchins,	Murphy,	Spriggs,
Burleigh,	James,	Murray,	Sumner, C. A.
Cabell,	Jordan,	Ochiltree,	Taylor, E. B.
Cox, S. S.	Kean,	O'Neill, Charles	Townshend,
Culberson, D. B.	Kelley,	O'Neill, J. J.	Valentine,
Davis, G. R.	Ketcham,	Paige,	Wait,
Duncan,	Laird,	Payson,	Wakefield,
Eaton,	Lamb,	Randall,	Wilson, James
Ellwood,	Lewis,	Ray, G. W.	Wise, J. S.
Follett,	Libbey,	Reed,	Wolford.
George,	Lore,	Robinson, W. E.	Young.
Hammond,	McAdoo,	Rogers, W. F.	

So the first resolution submitted by the minority of the committee was not agreed to.

Mr. WAIT. Mr. Speaker, I am paired with my colleague [Mr. EATON], who is detained from the House by illness. If he were here and I had the privilege of voting on this political question, I would vote "no."

The following pairs were announced from the Clerk's desk:

Mr. MULLER and Mr. OCHILTREE, for to-day.

Mr. SPOONER and Mr. ROSECRANS, for to-day.

Mr. LEWIS and Mr. PAYSON, for to-day.

Mr. GEORGE and Mr. BUDD, for to-day.

Mr. BLOUNT and Mr. MCCORMICK, for to-day.

Mr. HENDERSON, of Illinois, and Mr. TOWNSHEND, for this day.

Mr. LAMB and Mr. KEAN, until further notice.

Mr. MILLS and Mr. WAKEFIELD, until further notice.

Mr. MURPHY and Mr. RUSSELL, until further notice.

Mr. O'NEILL, of Missouri, and Mr. ANDERSON, until further notice.

Mr. RANDALL and Mr. O'NEILL, of Pennsylvania, from and including to-day until Wednesday next.

Mr. YOUNG and Mr. HOLMES, until further notice.

Mr. ROGERS, of New York, and Mr. DAVIS, of Illinois, until further notice.

Mr. VALENTINE and Mr. HILL, until further notice.

Mr. BRUMM and Mr. HARDY, until further notice.

Mr. CABELL and Mr. HARMER, until further notice.

Mr. SLOCUM and Mr. BREWER, of New Jersey, until further notice.

Mr. PAIGE and Mr. MOREY, until further notice.

Mr. HAMMOND and Mr. KETCHAM, for ten days from the 14th instant.

Mr. WAIT and Mr. EATON, until further notice.

Mr. MILLIKEN and Mr. JORDAN, until the 18th instant, inclusive.

Mr. SENEY and Mr. EZRA B. TAYLOR, until further notice.

Mr. JOHN S. WISE and Mr. SNYDER, on this question. Mr. WISE would vote in favor of the report of the majority of the committee and Mr. SNYDER in favor of the report of the minority.

The result of the vote was announced as above stated.

Mr. WILSON, of Iowa. I desire to state that in managing the pairs for this side of the House I have learned that the gentleman paired with Mr. SLOCUM, of New York, did not understand it as the friends of Mr. SLOCUM did. In order that fair play may be done those gentlemen I ask leave to withdraw my vote and to announce myself as paired with Mr. SLOCUM.

There was no objection.

The SPEAKER. The question now recurs on the second resolution proposed by the minority of the Committee on Elections.

Mr. COOK. It is evidently useless to waste the time of the House in a further vote on the second proposition.

Mr. WARNER, of Ohio. This is one vote in two parts, and we will have now the second part.

Mr. COOK. I desire to withdraw the second proposition.

Mr. WARNER, of Ohio. I object.

The SPEAKER. Objection is made.

ADJOURNMENT OVER.

Mr. TALBOTT. Pending that I move that when the House adjourns to-day it be to meet on Monday next.

Mr. HOLMAN. I trust there will be a session to-morrow for debate only on the naval appropriation bill.

The SPEAKER. The question is upon the motion of the gentleman from Maryland [Mr. TALBOTT], that when the House adjourns to-day it be to meet on Monday next.

Mr. CALKINS. I ask the gentleman from Maryland to withdraw his motion and allow the naval appropriation bill to be discussed to-morrow.

Many MEMBERS. Regular order!

Mr. TALBOTT. I am perfectly willing so far as I am concerned.

Mr. WARNER, of Ohio. If the gentleman withdraws his motion I shall demand the regular order.

Mr. TALBOTT. Then I will insist upon my motion.

Mr. HOLMAN. I again ask unanimous consent that there be a session to-morrow for debate only.

The SPEAKER. Objection is made to that. The gentleman from

Ohio [Mr. WARNER] states that if the motion to adjourn over is withdrawn he will immediately demand the regular order, which would cut off the proposition of the gentleman from Indiana [Mr. HOLMAN].

The question was taken upon the motion to adjourn over; and upon a division there were—ayes 146, noes 31.

Before the result of the vote was announced,

Mr. DINGLEY called for the yeas and nays.

The question was taken on ordering the yeas and nays, and there were 17 in the affirmative.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered.

There being no further count, the motion to adjourn over was agreed to.

Mr. TALBOTT. I move now that the House adjourn.

The motion was not agreed to.

ELECTION CONTEST—CHALMERS VS. MANNING.

The SPEAKER. The question recurs upon the adoption of the second resolution proposed by the minority of the Committee on Elections as a substitute for the resolution reported by the majority of that committee in the contested-election case of Chalmers *vs.* Manning.

Mr. TALBOTT. Let the resolution be again read.

The Clerk read as follows:

Second. That being the duly returned member he is entitled to be sworn in and occupy the seat on this floor pending a contest on the merits over it.

Mr. FINDLAY and others called for the yeas and nays.

The yeas and nays were ordered; there being 67 in the affirmative—more than one-fifth of the last vote.

The question was taken; and there were—yeas 91, nays 157, not voting 72; as follows:

YEAS—91.

Arnot,	Curtin,	Jones, J. K.	Robertson,
Bagley,	Davidson,	Jones, J. T.	Rogers, J. H.
Barbour,	Dibble,	King,	Scales,
Barksdale,	Dibrell,	Kleiner,	Seymour,
Belmont,	Dowd,	McMillin,	Singleton,
Bennett,	Dunn,	Matson,	Skinner, T. G.
Blackburn,	Elliott,	Maybury,	Stewart, Charles
Bland,	Ellis,	Miller, J. F.	Stockslager,
Breckinridge,	Evins, J. H.	Mitchell,	Talbott,
Buchanan,	Forney,	Money,	Taylor, J. M.
Buckner,	Gibson,	Morgan,	Thompson,
Caldwell,	Glascock,	Morrison,	Tucker,
Candler,	Green,	Muldrow,	Tully,
Clardy,	Halsell,	Mutchler,	Vance,
Clay,	Hardeman,	Nicholls,	Van Eaton,
Clements,	Hatch, W. H.	Oates,	Warner, Richard
Cobb,	Hemphill,	Patton,	Wellborn,
Connolly,	Herbert,	Pierce,	Wilkins,
Converse,	Hewitt, G. W.	Peel, S. W.	Williams,
Cook,	Hoblitzell,	Pryor,	Willis,
Cosgrove,	Houseman,	Reagan,	Wise, G. D.
Covington,	Hurd,	Reese,	Yaple.
Cox, W. R.	Jones, J. H.	Riggs,	

NAYS—157.

Adams, G. E.	Eldredge,	Lanham,	Shaw,
Adams, J. J.	Ermentrout,	Lawrence,	Skinner, C. R.
Aiken,	Evans, I. N.	Le Fevre,	Smith,
Alexander,	Everhart,	Long,	Springer,
Atkinson,	Ferrell,	Lovering,	Steele,
Barr,	Fiedler,	Lowry,	Stephenson,
Bayne,	Findlay,	Lyman,	Stevens,
Beach,	Finerty,	McCoid,	Stewart, J. W.
Belford,	Foran,	McComas,	Stone,
Bingham,	Fyan,	McKinley,	Storm,
Bisbee,	Geddes,	Millard,	Strait,
Blanchard,	George,	Miller, S. H.	Struble,
Boutelle,	Goff,	Morrill,	Sumner, D. H.
Boyle,	Greenleaf,	Morse,	Taylor, J. D.
Brainerd,	Hanback,	Moulton,	Thomas,
Breitung,	Hancock,	Murray,	Throckmorton,
Brewer, J. H.	Hart,	Neece,	Tillman,
Browne, T. M.	Hatch, H. H.	Nelson,	Turner, H. G.
Brown, W. W.	Haynes,	Nutting,	Turner, Oscar
Budd,	Henderson, D. B.	O'Hara,	Van Alstyne,
Burnes,	Hepburn,	Parker,	Wadsworth,
Calkins,	Hewitt, A. S.	Payne,	Ward,
Campbell, Felix	Hiscock,	Peelle, S. J.	Warner, A. J.
Campbell, J. M.	Hitt,	Perkins,	Washburn,
Cannon,	Holman,	Peters,	Weaver,
Cassidy,	Holton,	Pettibone,	Weller,
Chace,	Hooper,	Phelps,	Wemple,
Collins,	Horr,	Poland,	White, J. D.
Crisp,	Houk,	Post,	White, Milo
Culbertson, W. W.	Howey,	Potter,	Whiting,
Cullen,	Hunt,	Price,	Wilson, W. L.
Cutcheon,	Hutchins,	Pusey,	Winans, E. B.
Dargan,	Jeffords,	Rankin,	Winans, John
Davis, L. H.	Johnson,	Ranney,	Wood,
Davis, R. T.	Jones, B. W.	Ray, Ossian	Woodward,
Deuster,	Kasson,	Rice,	Worthington,
Dingley,	Keifer,	Robinson, J. S.	York.
Dockery,	Kellogg,	Rockwell,	
Duncan,	Lacey,	Rowell,	
Dunham,	Laird,	Ryan,	

NOT VOTING—72.

Anderson,	Burleigh,	Eaton,	Harmer,
Ballentine,	Cabell,	Ellwood,	Henderson, T. J.
Blount,	Carleton,	Follett,	Henley,
Bowen,	Cox, S. S.	Graves,	Hill,
Brewer, F. B.	Culberson, D. B.	Guenther,	Holmes,
Broadhead,	Davis, G. R.	Hammond,	Hopkins,
Brumm,	Dorsheimer,	Hardy,	James,
Jordan,	Milliken,	Ray, G. W.	Spriggs,
Kean,	Mills,	Reed,	Sumner, C. A.
Kelley,	Morey,	Robinson, W. E.	Taylor, E. B.
Ketcham,	Muller,	Rogers, W. F.	Townshend,
Lamb,	Murphy,	Rosecrans,	Valentine,
Lewis,	Ochiltree,	Russell,	Wait,
Libbey.	O'Neill, Charles	Seney,	Wakefield,
Lore,	O'Neill, J. J.	Shelley,	Wilson, James
McAdoo,	Paige,	Slocum,	Wise, J. S.
McCormick,	Payson,	Snyder,	Wolford,
Mayo,	Randall,	Spooner,	Young.

So the second resolution of the minority was not adopted.

Mr. RANNEY. I ask unanimous consent that the recapitulation of the names of those voting be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. RANNEY moved to reconsider the last two votes; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now recurs on the resolution reported by the majority of the committee.

The House divided; and there were—ayes 113, noes 55.

So the resolution was agreed to.

Mr. RANNEY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BARKSDALE. What has become of my amendment?

The SPEAKER. The gentleman in the course of his remarks and before the voting commenced had an amendment read.

Mr. BARKSDALE. I offered it, and supposed it would be pending.

The SPEAKER. It was not offered in order and was not pending.

FEDERAL AID TO EDUCATION.

Mr. WILLIS, by unanimous consent, presented a report to accompany the bill (H. R. 4980) for Federal aid to education; which was ordered to be printed, and recommited.

TARIFF COMPILATION.

The SPEAKER, by unanimous consent, laid before the House Senate concurrent resolution for printing and binding additional copies of the tariff compilation for 1884; which was referred to the Committee on Printing.

And then, on motion of Mr. NICHOLLS (at 5 o'clock and 50 minutes p. m.), the House adjourned till Monday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition of Ira B. Martin, for relief—to the Committee on War Claims.

Also, papers relating to the claims of Thomas S. Fogg, of James D. Terry, and of Robert Wilkinson—severally to the same committee.

By Mr. BOUTELLE: Memorial of the governor and executive council of the State of Maine, in behalf of the construction of bridges across the Saint John River—to the Committee on Foreign Affairs.

By Mr. BRENTS: Petition of Albert T. Stream, relative to permission to accept a medal for saving life—to the same committee.

By Mr. CHACE: Petition of Hezekiah Conant and others, citizens of Pawtucket, for an appropriation for Pawtucket River, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. DUNHAM: Petition of citizens of Chicago and of the Grand Army of the Republic of Illinois, against the change in the manner of paying pensions—severally to the Committee on Appropriations.

By Mr. FERRELL: Memorial of citizens of New Jersey and of Malaga, N. J., relative to the Chinese restriction act—severally to the Committee on Foreign Affairs.

By Mr. GEDDES: Petition of George W. Ryal and 203 others, for the restoration of the tariff on wool—to the Committee on Ways and Means.

By Mr. GOFF: Petition of G. W. Caldwell and 15 others, citizens of Wellsburg, W. Va., for relief for the sufferers from the flood in the Ohio Valley—to the Committee on Appropriations.

Also, the petition of G. W. Golden and 21 others, and of John W. Dean and others, relative to the Chinese restriction act—severally to the Committee on Foreign Affairs.

By Mr. H. H. HATCH: Petition of E. C. Caine, postmaster at Vassar, Mich., relative to post-offices, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLMAN: Petition of John L. Smith, John S. Randolph, and 50 others, citizens of the Territory of Washington, relative to homestead entries, &c.—to the Committee on the Public Lands.

Also, papers relating to the claim of John Colter—to the Committee on War Claims.

By Mr. HOWEY: Petition of citizens of Washington, N. J., for a post-office building—to the Committee on Public Buildings and Grounds.

By Mr. KLEINER: Papers relating to the claim of A. T. Whittlesey—to the Committee on Claims.

By Mr. LEWIS: Papers relating to the claims of Mrs. Fanny Randolph and Mrs. Dora Stark and of A. W. Weems—severally to the Committee on War Claims.

By Mr. MATSON: Memorial of Gus. Abbott Post, No. 113, Grand Army of the Republic, Waymansville, Ind., relative to bounty, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MORGAN: Petition of Wagner Post, No. 31, Grand Army of the Republic, Independence, Mo., and of Paddy Shields Post, No. 36, Grand Army of the Republic, Clarence, Mo., relative to bounty, pensions, and back pay—severally to the same committee.

By Mr. MURPHY: Petition of citizens of Rock Island, Ill., relative to the manufacture of vinegar—to the Committee on Ways and Means.

By Mr. NICHOLLS: Paper relative to the improvement of the harbor at Darien, in the State of Georgia—to the Committee on Rivers and Harbors.

By Mr. NUTTING: Petition of John K. Post & Co. and others, in regard to amendments in regard to shipping—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. PERKINS: Petition of O. B. Bartlett, James N. Taylor, O. S. McDowell, and 1,805 others, ex-soldiers and citizens of Kansas, asking for the purchase of ten acres of ground near Baxter Springs, Kans., for the purposes of a national cemetery, &c.—to the Committee on Military Affairs.

By Mr. PIERCE: Petition of citizens of West Tennessee, for levees on the east bank of the Mississippi River, &c.—to the Committee on Levees and Improvements of the Mississippi River.

By Mr. ROBERTSON: Petition of ex-soldiers of Kentucky, relative to the equalization of bounties—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. ROSECRANS: Petition for the relief of August Bohr—to the Committee on War Claims.

By Mr. ROWELL: Petition of Knights of Labor of Bloomington, Ill., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, the petition of citizens of Bloomington, Ill., relative to the manufacture of vinegar—to the Committee on Ways and Means.

By Mr. STEWART: Memorial of the National Association for the Relief of Destitute Colored Women and Children—to the Committee on Appropriations.

By Mr. STOCKSLAGER: Papers relating to the claim of Albert V. Conway—to the Committee on Ways and Means.

By Mr. TALBOTT: Petition of the Board of Trade of Baltimore, Md., for a light-house off Smith's Island, Cape Charles shoals—to the Committee on Commerce.

By Mr. WAIT: Petition of the Norwich and Worcester Railroad, for right to locate over land of the United States at New London, Conn.—to the Committee on Naval Affairs.

By Mr. WASHBURN: Papers relating to the claim of Patrick Nash—to the Committee on Claims.

By Mr. WEMPLE: Petition of citizens of New York city; of S. Rosbach & Co., of New York city, and of the citizens of Fulton County, New York, against the passage of bill H. R. 3617—to the Committee on Patents.

By Mr. W. L. WILSON: Papers relating to the claim of Lewis W. Washington, deceased—to the Committee on War Claims.

SENATE.

MONDAY, *February* 18, 1884.

Prayer by Rev. C. A. EVANS, of Atlanta, Ga.

The Journal of the proceedings of Friday last was read and approved.

CREDENTIALS OF SENATOR FROM IOWA.

Mr. WILSON. I present the credentials of Hon. WILLIAM B. ALLISON, Senator-elect from the State of Iowa, for the term commencing March 4, 1885. In this connection I will state that owing to a doubt as to the proper construction of the statute of the United States regulating the election of Senators, it has been the custom of the General Assembly of Iowa to hold two elections, one on the second Tuesday after the meeting and temporary organization of the General Assembly and the other on the second Tuesday after the permanent organization. Both of those elections have taken place and are certified in the credentials which I present.

The PRESIDENT *pro tempore*. The Senator from Iowa presents the credentials of WILLIAM B. ALLISON, Senator-elect from the State of Iowa, and explains the circumstance why two sets of credentials are presented. Each set of credentials will be read.

The Chief Clerk read the credentials, as follows:

THE STATE OF IOWA, EXECUTIVE DEPARTMENT,
Des Moines, February 5, 1884.

To the PRESIDENT *pro tempore of the Senate of the United States:*

This will certify that, at a convention in joint assembly of the two houses of the General Assembly of the State of Iowa, a majority of all the members of each house being present, the same being the Legislature of said State chosen next preceding the expiration of the term of Senator in Congress which began on the 4th day of March, A. D. 1879, and for which WILLIAM B. ALLISON was originally chosen, held at 12 o'clock m. of Wednesday, the 23d day of January, 1884, it was found, upon reading the journals of the senate and house of representatives, respectively, of said General Assembly, that each of said houses had on the day before, to wit, Tuesday, the 22d day of January, A. D. 1884, the same being the second Tuesday after the meeting and temporary organization of said General Assembly, openly, by a *viva voce* vote of each member present, named, by a majority of all the votes therein, WILLIAM B. ALLISON, of Dubuque County, for Senator in Congress from said State: whereupon the said WILLIAM B. ALLISON was declared duly elected Senator in Congress from the State of Iowa for the term of six years beginning on the 4th day of March, A. D. 1885.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the State. Done at Des Moines this 5th day of February, 1884.

BUREN R. SHERMAN,
Governor of Iowa.

By the governor:
J. A. T. HULL,
Secretary of State.

STATE OF IOWA, EXECUTIVE DEPARTMENT,
Des Moines, February 5, 1884.

To the PRESIDENT *pro tempore of the Senate of the United States:*

This will certify that at a convention in joint assembly of the two houses of the General Assembly of the State of Iowa, a majority of all the members of each house being present, the same being the Legislature of said State chosen next preceding the expiration of the term of Senator in Congress which began on the 4th day of March, A. D. 1879, and for which WILLIAM B. ALLISON was originally chosen, held at 12 o'clock m. of Wednesday, the 30th day of January, 1884, it was found, upon reading the journals of the senate and house of representatives, respectively, of said General Assembly, that each of said houses had on the day before, to wit, Tuesday, the 29th day of January, A. D. 1884, the same being the second Tuesday after the meeting and permanent organization of said General Assembly, openly, by a *viva voce* vote of each member present, named, by a majority of all the votes therein, WILLIAM B. ALLISON, of Dubuque County, for Senator in Congress from said State: whereupon the said WILLIAM B. ALLISON was declared duly elected Senator in Congress from the State of Iowa for the term of six years beginning on the 4th day of March, A. D. 1885.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the State. Done at Des Moines this 5th day of February, 1884.

BUREN R. SHERMAN,
Governor of Iowa.

By the governor:
J. A. T. HULL,
Secretary of State.

The PRESIDENT *pro tempore*. The credentials will be placed on file.

Mr. GARLAND. There is no doubt that our distinguished friend has been well elected, and is well and thoroughly certified by the authorities of Iowa; but the double sets of credentials suggest a difficulty in my mind that I want to have obviated, if it can be done. The statement made by the Senator from Iowa who presented the credentials shows that there is some difficulty there in the organization of the Legislature in complying literally or substantially with the act of Congress of 1866.

I move to refer the credentials—not of course raising any question as to the election of my friend—to the Committee on Privileges and Elections, with instructions to inquire as to what is the necessity of two sets of credentials, and if there is any difficulty in the law to suggest a remedy, and to report by bill or otherwise. I see there is some question by the presentation of the credentials of the Senator from Iowa, and necessarily there must be some trouble there in having two sets of credentials.

The PRESIDENT *pro tempore*. It is moved by the Senator from Arkansas that the credentials be referred to the Committee on Privileges and Elections with instructions to inquire into the circumstances and the state of the law bearing upon the subject of two sets of credentials.

Mr. WILSON. This is not an exceptional case in the history of the election of United States Senators in Iowa. Ever since the passage of the act of 1866 regulating the election of United States Senators by the States a double election has been held in Iowa, growing out of the fact, as I before stated, that a doubt exists as to whether a temporary organization comes within the meaning of the act of Congress. Supposing that such a construction might be given to that act, the Legislature has proceeded to elect on the second Tuesday after the meeting and temporary organization of the General Assembly; and in order to meet a possible construction to the effect that the temporary organization would not be within the meaning of the law, they have proceeded on the second Tuesday after the permanent organization to elect again. The doubt is as to the construction of the law concerning the proper day on which the election should be held. Of course, under this mode of procedure in our General Assembly, if it should be held that the second Tuesday after the meeting and temporary organization is the right day, the first election is good. If, on the other hand, it should be held that the second Tuesday after the meeting and permanent organization of the General Assembly is the day, then the second election is good, and in either event the statute of the United States is complied with.

Mr. GARLAND. It is not for any captious purpose or to raise any objection, I want the Senator to understand, that I make the motion. I make it in absolute good faith. There is a difficulty arising from the statement made by the Senator from Iowa which might present itself to the Senate at some time. Our distinguished friend is fortunate enough to have been elected twice. It might be, however, that some time after the meeting and permanent organization the Legislature might change its mind and might not be so fortunate or unfortunate as to elect the man who was first elected, and we should have two gentlemen here presenting credentials for the seat. It is true it is well determined that when a Legislature has once elected it cannot recall the election; the act is done; but then if they go on after the permanent organization and say: "We

will take another turn at this thing; our minds have changed," they might elect some person else, and we should be presented with a difficulty here at once.

So it is best, I think, to have this matter looked into, and if the law can be so shaped as to explain this difficulty away we shall only have one set of credentials hereafter. For that reason I made the motion, not for the purpose of obstruction or for the purpose of throwing any difficulty in the way.

Mr. WILSON. I quite agree with the Senator from Arkansas that this doubt should be resolved by such an amendment of the law, if an amendment be necessary, as will meet the case. Therefore I have no objection to the reference of the credentials to the Committee on Privileges and Elections by way of giving them jurisdiction of the question, that they may examine and report such remedy as may be deemed necessary and proper.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Arkansas to refer the credentials to the Commitee on Privileges and Elections.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in answer to a resolution of the 6th instant, copies of the opinions of the Second Comptroller in certain claims for longevity pay of naval officers under the act of August 5, 1882, and statements of the number and amounts of claims allowed by the Fourth Auditor and Second Comptroller under that act; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 6th instant, a report of the Commissioner of the General Land Office relative to the disposition of Silver Lake, in Caddo Parish, Louisiana, under the acts donating swamp lands to that State; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, communicating, in response to a resolution of the 22d ultimo, information concerning the status and extent of certain lands in the Indian Territory, the necessity for keeping them in their present condition of occupancy, &c.; which was read.

The PRESIDENT *pro tempore*. If there be no objection the letter, with the accompanying papers, except the map, which the Chair will not of his own motion direct to be printed or engraved, as it is expensive, will be printed and referred to the Committee on Indian Affairs. If the committee are of opinion that the map ought to be engraved, they can report upon the subject.

HOUSE BILLS REFERRED.

The bill (H. R. 3934) relating to recoveries for infringements of patents was read twice by its title.

Mr. PLATT. That bill passed the other House, as I remember, on the 23d of January. I should like to know why it has been so long in transmission to the Senate.

The PRESIDENT *pro tempore*. The Chair is not advised. It was received at the desk of the presiding officer at the time of the last sitting, but after the hour for its being laid before the Senate had gone by.

Mr. PLATT. I move that the bill be referred to the Committee on Patents.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a resolution of the Legislature of Ohio, concerning the subject of Government inspection of pork, transmitted to the Chair by the governor of that State. The joint resolution will be read.

The joint resolution was read, and referred to the Committee on Commerce, as follows:

Senate joint resolution relative to recommending to Congress a Government inspection of pork in certain cases.

Whereas American pork has been excluded from the markets of France and Germany for nearly four years, thereby causing great loss to the hog-raisers of Ohio and other States; and

Whereas the alleged reason for such exclusion (the diseased condition of American pork) we believe to be without foundation in fact: Therefore,

Resolved by the General Assembly of the State of Ohio, That we would recommend to our members of Congress a system of Government inspection of meats exported to foreign countries that will prohibit the exportation of all meats not in a healthy condition, or such other legislation, either retaliatory or otherwise, as may be necessary to remove the restrictions now placed by France and Germany upon American pork.

Resolved further, That the governor be requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions.

L. A. BRUNNER,
Speaker pro tempore of the House of Representatives.
JOHN G. WARWICK,
President of the Senate.

Adopted February 5, 1884.

The PRESIDENT *pro tempore*. The Chair presents another joint resolution of the Legislature of the State of Ohio, on the subject of pensions for prisoners in the late rebellion, transmitted to the Chair by the governor of that State. The joint resolution will be read.

The joint resolution was read, and referred to the Committee on Pensions, as follows:

Joint resolution requesting Senators and Representatives in Congress to secure pensions for survivors of prisons of the South during the late rebellion.

Whereas many Union soldiers, prisoners of war, were confined in Libby, Andersonville, and other Southern prisons during the late war of the rebellion, and by reason of said imprisonment and the consequent sufferings entailed thereby the general health and constitutional vitality of those who survived said imprisonment was so impaired as to bring on a premature breaking down of general health and of the vital powers; and

Whereas it is but simple justice to those deserving and patriotic men that their strong claims to the sympathy of the country should receive such recognition as their merit, suffering, and patriotic services demand: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress from the State of Ohio are hereby requested to use their influence in the Congress of the United States to procure the passage of an act granting pensions to those surviving soldiers, prisoners of war, confined in Southern prisons, as above recited.

Resolved further, That the governor be, and he is hereby, requested to transmit to each of our Senators and Members in Congress a copy of these resolutions.

A. D. MARSH,
Speaker of the House of Representatives.
JOHN G. WARWICK,
President of the Senate.

Approved February 14, 1884.

Mr. HARRISON. I present the petition of Bartlett Tripp and other citizens of the Territory of Dakota, a committee representing a convention assembled at Sioux Falls on the 4th day of September last for the purpose of framing a constitution for that portion of the Territory lying south of the forty-sixth parallel. This committee present a memorial, accompanied by a copy of the constitution and other papers, asking Congress for admission as a State under the constitution framed. I move that the petition and papers be referred to the Committee on Territories.

The motion was agreed to.

Mr. HARRISON. I have here resolutions adopted by Sion S. Bass Post, No. 40, Grand Army of the Republic, of Fort Wayne, Ind., and resolutions adopted by Gus. Abbott Post, No. 113, Grand Army of the Republic, of Waymansville, Ind., in favor of certain relief measures. These resolutions are not framed precisely according to the rule, but as they distinctly ask for Congressional action I ask leave to present them, and move that they be referred to the Committee on Pensions.

The motion was agreed to.

Mr. ALLISON presented a petition of members of Root Post, No. 58, Grand Army of the Republic, located at Denison, Iowa, praying Congress to pass an act granting one hundred and sixty acres of land to each honorably discharged United States soldier of the war for the Union; which was referred to the Committee on Public Lands.

He also presented resolutions adopted by the Keokuk Typographical Union of Keokuk, Iowa, in favor of the enactment of such measures as will protect American artisans from foreign pauper contract labor; which were referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Lee Assembly, No. 2595, of the Order of Knights of Labor of North America, at a meeting in Keokuk, Iowa, in favor of the passage of such laws as will prevent the laboring masses from being brought into competition with imported pauper labor; which were referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Iowa State Medical Society, favoring the erection of a substantial fire-proof building for the medical library and museum of the War Department; which were referred to the Committee on Public Buildings and Grounds.

Mr. MCMILLAN. I present a preamble and resolutions of the Chamber of Commerce of the city of Saint Paul, Minn., in the nature of a memorial, remonstrating against the forfeiture by Congress of the grant of lands to the Northern Pacific Railroad. This is not formally addressed to either House of Congress, but from the body of the resolutions evidently the action was intended by that body as a petition to Congress. Such petitions have usually been referred to what committee?

The PRESIDING OFFICER (Mr. INGALLS in the chair). The Chair is informed by the Secretary that similar resolutions have been referred to the Committee on Public Lands.

Mr. MCMILLAN. I move the reference of the resolutions to that committee.

The motion was agreed to.

Mr. MCMILLAN. I also present resolutions of the Board of Trade of Minneapolis, Minn., remonstrating against the forfeiture of the grant of lands to the Northern Pacific Railroad, both of these communications having been received by me from the officers of the two respective organizations. I move that these resolutions be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. MCMILLAN presented a petition of the Chamber of Commerce of Seattle, Wash., praying that that place be made a port of delivery for the collection district of Puget Sound; which was referred to the Committee on Commerce.

He also presented a petition of officers and members of the Board of Trade and business men of the city of Winona, Minn., praying for the establishment of Government telegraphic communication under the di-

rection and control of the Post-Office Department; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GIBSON presented a petition of citizens of New Orleans, La., praying for the establishment of a line of mail steamships between some port in the United States and some port in Liberia, on the coast of Western Africa; which was referred to the Committee on Commerce.

Mr. WILSON. I present the petition of James McCallen, late private Company B, Seventh California Infantry Volunteers, praying for the passage of a bill placing him on the roll of invalid pensioners. I shall at the proper time introduce a bill in accordance with the prayer of the petition. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MITCHELL. I present a memorial of the Erie (Pennsylvania) Board of Trade, remonstrating against the extension of the grain-shovel patents. As the bill on that subject has been reported favorably, I move that the memorial lie on the table.

The motion was agreed to.

Mr. PLUMB. I present a petition of citizens of Kansas, concerning certain legislation abridging the rights of inventors. I move that the petition be referred to the Committee on Patents.

The motion was agreed to.

Mr. PLUMB. I present a resolution of the Board of Trade of the city of Topeka, Kans., in regard to the embargo now placed upon American pork in Germany and elsewhere. I ask that the resolution be read.

The PRESIDING OFFICER. The resolution will be read if there be no objection. The Chair hears none.

The resolution was read, and referred to the Committee on Commerce, as follows:

TOPEKA, KANS., *February* 7, 1884.

Senator P. B. PLUMB, *Washington, D. C.:*

SIR: At a meeting of the Topeka Board of Trade, held 6th instant, I was instructed to forward to our members of Congress the following resolution:

Whereas the Governments of Germany, France, and Switzerland, in the interests and for the protection of their home-grown pork, have maligned the American hog and prohibited the importation of American pork into their respective countries:

Resolved, That the Board of Trade of the city of Topeka ask our Senators and Representatives in Congress to pass proper laws for the restriction of the importation of all spirituous, malt, and alcoholic liquors into the United States, as they are well known to be vile compounds, detrimental to health, morals, and to our pockets; also of the importation of all woolens and all articles of luxury, from the above-named countries.

Respectfully, yours,

GEORGE D. HALE,
Secretary Board of Trade.

Mr. PLUMB presented a memorial adopted at the third annual encampment of the Grand Army of the Republic, Department of Kansas, remonstrating against the abolition of pension agencies; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Kansas, praying that an appropriation be made for education in Alaska; which was referred to the Committee on Appropriations.

Mr. PLATT. I present some papers relating to the claim of Evelyn P. Low for a pension, and move that they be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MCMILLAN presented a memorial of the Saint Paul (Minnesota) Chamber of Commerce, in favor of the ratification of a treaty with the Sioux Indians for the opening up for settlement of the large tract of country in Dakota Territory, west of the Missouri River, known as the Sioux reservation; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. JONES, of Florida, from the Committee on Naval Affairs, to whom was referred the bill (S. 1385) to carry into effect the conclusion and recommendation of a board of rear-admirals convened under a joint resolution approved February 5, 1879, in the case of Capt. Henry Erben, United States Navy, reported it without amendment, and submitted a report thereon.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred a message of the President of the United States, commmunicating a letter from the Secretary of the Interior upon the subject, reported a bill (S. 1564) providing for the allotment of lands in severalty to certain Chippewa Indians of Lake Superior, residing in the State of Wisconsin, and granting patents therefor; which was read twice by its title, and, on motion of Mr. DAWES, recommitted to the Committee on Indians Affairs.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 493) for the relief of C. S. Moss, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

Mr. PLUMB. The Committee on Public Lands have instructed me to report back the bill (S. 1355) to confirm the homestead entry of Hugh Foster adversely, for the reason that a bill in precisely the same language has already been reported upon by the committee favorably, and is upon the Calendar. I move that this bill be postponed indefinitely.

The motion was agreed to.

Mr. PLUMB, from the Committee on Public Lands, to whom were referred the following bills, reported them severally adversely, and they were postponed indefinitely:

A bill (S. 794) for the reclamation of arid and waste lands in certain Western States and Territories; and

A bill (S. 1489) making appropriations for the repair, preservation, and completion of certain public works on reservoirs, mains, and laterals for irrigation and other purposes in the arid-land region of the United States.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 574) appropriating money for the purchase of a site and the erection of a suitable building for the United States courts, post-office, and other Government offices in the city of Winona, State of Minnesota, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1117) for the erection of a public building at Macon, Ga., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 854) to provide for the erection of a public building in the city of Manchester, in the State of New Hampshire, reported it with amendments.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. 1563) providing for the punishment of persons falsely personating officers and employés of the United States, reported it with amendments.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 210) donating to the city of Saint Louis, Mo., a certain strip of land for street purposes, reported it without amendment.

DU PONT STATUE.

Mr. VEST. I am instructed by the Committee on Public Buildings and Grounds to report favorably without amendment the bill (S. 1490) to complete a statue of the late Rear-Admiral Samuel Francis Du Pont, United States Navy.

Mr. BAYARD. I ask for the present consideration of that bill. It is one in which I take strong personal interest, and I desire that the bill shall pass the Senate now in order that it may receive the early attention of the other House.

Mr. HARRIS. Let the bill be reported for information.

The bill was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It appropriates $3,200, being the unexpended balance of the sum appropriated under an act entitled "An act making an appropriation for the base and pedestal of a monument to the late Rear-Admiral Samuel Francis Du Pont, United States Navy," approved February 25, 1882, together with the further sum of $10,500 for the erection and completion of a statue of the late Rear-Admiral Samuel Francis Du Pont, United States Navy, to be placed in Du Pont Circle, in the city of Washington.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HARRISON introduced a bill (S. 1565) for the admission of the State of Dakota into the Union on an equal footing with the original States; which was read twice by its title.

Mr. HARRISON. This is the bill framed and submitted by the committee whose memorial I presented. I move that the bill be referred to the Committee on Territories.

The motion was agreed to.

Mr. HARRISON also introduced a bill (S. 1566) granting a pension to Martha Bastin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 1567) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORGAN (by request) introduced a bill (S. 1568) for the relief of the Florence Masonic Lodge, No. 14, at Florence, Ala.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. VEST introduced a bill (S. 1569) to provide for carrying on the improvements and repairs of rivers and harbors by contracts; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MCMILLAN (by request) introduced a bill (S. 1570) for the relief of H. K. Belding; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. WILSON introduced a bill (S. 1571) granting a pension to James McCallen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 1572) to encourage Indian education in the Territory of Dakota; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Education and Labor.

He also introduced a bill (S. 1573) to reimburse George S. Fisher for losses sustained by fire in Japan November 26, 1866; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. WALKER introduced a bill (S. 1574) to provide for the sale of the Cherokee reservation in the State of Arkansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CALL introduced a bill (S. 1575) to provide for the payment to the legal representatives of Arvah Hopkins, deceased, of the rent of certain property in Tallahassee, Fla., for the use of the Army; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 1576) for the relief of Adelicia Cheatham; which was read twice by its title, and, with the accompanying papers and the papers on file relating to the case, referred to the Committee on Claims.

Mr. GARLAND introduced a bill (S. 1577) to provide for the bringing of suits by citizens of the United States against the Government thereof in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HAWLEY introduced a bill (S. 1578) to amend the charter of the National Soldiers and Sailors' Orphans' Home, and in relation to the assets thereof; which was read twice by its title.

The PRESIDING OFFICER. The bill will be referred to the Committee on Military Affairs.

Mr. HAWLEY. I think it had better go to the Judiciary Committee. It contemplates the transfer of trust funds and the winding up of a corporation.

The PRESIDING OFFICER. The bill will be referred to the Committee on the Judiciary.

Mr. VAN WYCK introduced a bill (S. 1579) to authorize the construction of a bridge across the Missouri river at or near Decatur, Burt County, Nebraska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. JONES, of Nevada, introduced a bill (S. 1580) for the relief of John H. Kinkead, of Nevada, and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. RIDDLEBERGER introduced a joint resolution (S. R. 62) for the relief of Edwin B. Hay; which was read twice by its title.

Mr. RIDDLEBERGER. I ask the Chair to designate the committee to which the joint resolution should be referred. It has reference to a claim for pay as a witness in a contested-election case.

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Privileges and Elections.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRIS, it was

Ordered, That the papers on the files of the Senate in the case of John M. McClintock (S. 1581, forty-fifth Congress and S. 672, forty-seventh Congress) be referred to the Senate Committee on Finance.

SPECIAL MESSENGER FOR COMMITTEE ON CLAIMS.

Mr. PIKE. I offer the following resolution, and ask for its immediate consideration:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized and directed to employ and to pay from the contingent fund of the Senate at the usual rate of compensation a special messenger for the Committee on Claims during the absence upon official business of the regular messenger of that committee.

The PRESIDING OFFICER. The Chair thinks the resolution should, under the rule, be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. PIKE. Very well.

The PRESIDING OFFICER. That order will be made.

COMMITTEE SERVICE.

Mr. JACKSON was excused from further service on the Committee on the Improvement of the Mississippi River on his own motion.

REMOVAL OF CONGRESSIONAL EMPLOYÉS.

The PRESIDING OFFICER. If there be no further "concurrent or other resolutions" the order of morning business is closed. The pending bill on the Calendar under the eighth rule of the Senate will be announced.

Mr. RIDDLEBERGER. May I ask what has become of the resolution offered by me eight or ten days ago, and which is still pending on the Calendar of morning business? The Senator from Michigan [Mr. CONGER] had the floor at the time the resolution was last under consideration.

The PRESIDING OFFICER. The Chair is informed that under the ruling of the President *pro tempore* the resolution took its place upon the Calendar of General Orders, subject to action when it is reached, or it may be called up by a majority of the Senate at any time.

Mr. RIDDLEBERGER. I have no intention of calling it up this morning. I only made the inquiry so as to know its status.

Mr. CONGER. Has there been any decision from the Chair upon that particular resolution as to its status?

The PRESIDING OFFICER. The resolution having been under discussion on a former day and undetermined, it was held, under the direction of the President *pro tempore*, that it took its place on the Calendar of General Orders at the foot of the Calendar of that day. It will be found as Order of Business No. 192.

Mr. CONGER. I had heard no statement of that at the time its consideration was terminated by the expiration of the morning hour, and I stated to the Chair that I held the floor until the next morning. Other business intervening, the resolution has been passed over from day to day. I suppose under the rule of business in the morning hour the discussion of a resolution which belongs in the morning hour comes up as the business of the next morning, as other resolutions have done from day to day, subject to be called up at any time when resolutions are considered. I do not care particularly about calling up that resolution this morning, but I insist that it has its place, and that under the rules it has no other place except to come up when such resolutions are being considered.

I call the attention of the present occupant of the chair to this matter to ascertain its condition, not for the purpose of affecting that case this morning, but it is important, I think, that we should know that a resolution under discussion, cut off by reason of the termination of the morning hour, should be taken up the next day when the order of resolutions is reached, and continued until it is concluded or the business of that hour has been finished. It would be the first business under the order of resolutions the next morning.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Michigan that there is no unfinished business of the morning hour.

Mr. HARRIS. If the Senator from Michigan will allow me, as this resolution took its place on the Calendar on the day after it was being considered in the morning hour under the construction of the new rules by the President *pro tempore* of the Senate, I suggest to him, if he desires to raise the question of order, that he do so at some time when the President *pro tempore*, who made the order placing the resolution upon the Calendar in its present position, is himself in the chair.

Mr. CONGER. That is what I proposed to do this morning, and I called the attention of the present occupant of the chair to the matter so that there should be no decision finally upon that question, but that the resolution might come up at some time. It has not been brought up in any public order of business, for I have been present continuously during the morning hour until this morning. It was not brought up the next morning, and has not been to this time. There has been no decision of that disposition of the resolution publicly announced, nor has the question been raised since the resolution was last under discussion. I have told gentlemen who applied to me in regard to it that the resolution had its place, in my judgment, being cut off by the arrival of 2 o'clock, whenever the order of resolutions was reached the next day, or the next, or at any time, and I still think that should be the proper construction of the rule.

I do not press it this morning, but make these remarks that attention may be called to it and a decision made by the Chair which shall apply to other cases as well as this hereafter.

The PRESIDING OFFICER. The Chair would state that the resolution is subject to the order of a majority of the Senate at any time between now and 2 o'clock.

Mr. CONGER. But as I understand there has been no time when the resolution has come up in any order; and that not by either the public direction of the President of the Senate or by the action of the Senate has it been placed on the Calendar.

The PRESIDING OFFICER. No decision has been made by the President *pro tempore* and no action has been taken by the Senate. The officer whose duty it is to make up the Calendar placed the resolution in its present position under the direction of the President *pro tempore*.

Mr. CONGER. Both the action of the officer and that of the President *pro tempore* was, in my judgment, a departure from the proper rule of the Senate.

The PRESIDING OFFICER. The Chair has no share in that controversy.

Mr. CONGER. As the present occupant of the chair did not make the direction, I will reserve my criticism upon it until the President of the Senate is present himself.

UNION METALLIC CARTRIDGE COMPANY.

The PRESIDING OFFICER. The Secretary will report the pending bill on the Calendar under Rule VIII, being Senate bill No. 420.

Mr. PLUMB. At a previous sitting of the Senate I objected to the consideration of the bill (S. 399) for the relief of Albert H. Emery for the purpose of having an opportunity to examine the report, not at all for the purpose of defeating its passage by the objection. While I am not prepared to vote for the bill, at the same time I desire to withdraw the objection, in order that it may take its former place, if that be proper, for consideration under Rule VIII.

The PRESIDING OFFICER. The pending question is on the amendment of the Committee on Patents to the bill (S. 420) for the relief of the Union Metallic Cartridge Company.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 420) for the relief of the Union Metallic Cartridge Company, the pending question being on the amendment of the Committee on Patents to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $30,702.60 to the Union Metallic Cartridge Company, of Bridgeport, Conn., for the use by the Government of their patented machines for heading cartridge-cases.

The PRESIDING OFFICER. The bill has been read at length, and the question is on the amendment proposed by the committee.

Mr. PLATT. When this bill was under consideration on Friday the Senator from Missouri [Mr. COCKRELL] asked to be referred to the case which had been adjudicated between this claimant and private parties, in which the rate of compensation had been established. The bill was reported by the Senator from New York [Mr. LAPHAM], who had the papers, and who I supposed would explain the case to the Senate, if explanation was necessary. The Senator from New York is absent now by direction of the Senate, but I believe that I am familiar enough with the circumstances of the case to make an explanation. The bill was reported at the last session in the same shape that it is reported this year, but was not reached on the Calendar.

There is no question in this case but that the claimant has a valid patent. The Government has never questioned it. The Government has been using this patent at the Frankford arsenal. The only question which has ever arisen between the Government and this claimant is as to the amount of compensation which he should receive for the use of his patent. That compensation has been, as the committee think, conclusively settled in a case brought by this claimant, the Union Metallic Cartridge Company, against the United States Cartridge Company in the circuit court for the district of Massachusetts. The case was defended by Mr. Benjamin F. Butler, who, I believe, is also the principal party in interest in the United States Cartridge Company, and was very thoroughly tried and the whole question of damages very thoroughly gone into. I hold in my hand the report of the master, setting out the details of the damages in that case. The report of the master was objected to by the defendant, Benjamin F. Butler. It was argued at great length before Judge Lowell and Mr. Justice Clifford—Judge Lowell of the circuit court of Massachusetts and Mr. Justice Clifford of the United States Supreme Court sitting with him. That report was sustained in the case which is reported in the seventh volume of Federal Reporter. The concluding clause in the opinion is this:

I have considered all the other points presented, but do not find it necessary to refer to them in detail. I do not find that either the original decree or the master's report has been successfully assailed, and I affirm the finding of profits as assessed at $40,367.26.

In making up the damages in this case the same rule has been adopted that was adopted by the master in that case; the same rule is applied to the Government in ascertaining what damages it should pay to the patentee as was adopted in that case, and I am very sure that the calculation is correct and accurate. There is no doubt, the law is well settled, that the United States if it uses an invention is liable to the same measure of damages that an individual is liable to for the use of an invention. That is certainly decided in the fifth volume of Nott & Huntington's Court of Claims Reports in the case of William Wheeler Hubbell against the United States.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Patents.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPRESSION OF OPIUM TRAFFIC.

The bill (S. 1158) to provide for the execution of the provisions of article 2 of the supplemental commercial treaty of November 17, 1880, between the United States and China, for the repression of the opium traffic, was announced as next in order.

Mr. MILLER, of California. Since that bill was reported I have received through the State Department, from the representative of the United States at Pekin, certain information which renders it necessary that this bill be amended in two or three particulars. The amendments are important, and, although I have them drawn up, I do not desire to offer them without their first being passed upon by the Committee on Foreign Relations. I therefore ask that this bill be passed over without prejudice until these amendments can be submitted to the committee.

The PRESIDING OFFICER. The Senator from California asks that the bill be passed over informally, retaining its place on the Calendar. Is there objection? The Chair hears none, and that order is made.

KINSEY B. CECIL.

The bill (S. 355) to confirm the title to certain lands in Platte County, Missouri, and authorize patents to be issued to Kinsey B. Cecil was considered as in Committee of the Whole.

The preamble recites that George Smith, on the 9th of April, 1862, made entry at the United States land office at Boonville, Mo., of certain land situated in the county of Platte, which is described; that Joseph Meyer, on the 9th of April, 1862, made entry at the land office at Boonville, Mo., of certain other described land; and that the purchase-money for these fractions of land is still retained by the Government of the United States, and the lands have long since passed into the hands of innocent purchasers, who have occupied the same, paid taxes, and made valuable improvements thereon, having had no notice that the entries had been canceled until recently; therefore the bill confirms the entries, and directs patents to be issued to Kinsey B. Cecil, the assignee of George Smith and Joseph Meyer.

Mr. GARLAND. Is there a report in the case?

The PRESIDING OFFICER. There is no printed report.

Mr. COCKRELL. There is no printed report. The recitals in the bill are established by the records of the Land Office. These two parties entered these fractions of land, about twenty acres altogether, a long time ago, and they were sold and conveyed to Mr. Cecil and are now in his hands. Some defects in the original entries were discovered in the Land Office and the entries were suspended. This is simply to confirm them.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The question is on the preamble.

The preamble was agreed to.

HUGH FOSTER.

The bill (S. 289) to confirm the homestead entry of Hugh Foster was considered as in Committe of the Whole. It proposes to confirm Hugh Foster's homestead entry numbered 1790, made at the United States land office at Marquette, Mich., March 22, 1879, under authority of the instructions of the Commissioner of the General Land Office to the local officers dated July 2, 1878, and recommended for confirmation by special act of Congress by the Secretary of the Interior in the decision on the case rendered November 18, 1881.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN WAISHKEY, JR.

The bill (S. 290) to confirm the homestead entry of John Waishkey, jr., was considered as in Committee of the Whole. It proposes to confirm the homestead entry numbered 1828, made at the United States land office at Marquette, Mich., May 8, 1879, by John Waishkey, jr., under authority of the instructions of the Commissioner of the General Land Office dated July 2, 1878.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE K. OTIS.

The bill (S. 639) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land-warrants lost while in the possession of the officers of the Government was considered as in Committee of the Whole. It provides for issuing to George K. Otis duplicates of three Porterfield land-warrants, issued in pursuance of the act of Congress approved April 11, 1860, numbered 16, 17, and 120, respectively, upon satisfactory proof of ownership and loss of the same.

The bill was reported from the Committee on Public Lands with an amendment, in line 9, after the word "same," to insert:

And the execution of a bond, with good and sufficient sureties in double the market value of the warrants so to be issued, to be approved by the Secretary of the Interior, conditioned to indemnify the United States against the presentation by an innocent holder of the alleged lost warrants.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH F. WILSON.

The bill (S. 442) for the relief of Joseph F. Wilson was considered as in Committee of the Whole. It provides for the issue to Joseph F. Wilson, of Peoria, Ill., or his legal representatives or assigns, of a number of warrants equal to eighty acres in tracts not less than the subdivisions provided for in the United States land laws, to be located by Wilson or his legal representatives or assigns on any of the unoccupied and unappropriated public lands of the United States subject to preemption or homestead entry, in lieu of the west half of the northeast quarter of section 19, in township 35 north, of range 5 west, situate in Porter County, Indiana, which tract of land was entered by and patented to Josiah Smith, of Macon County, Missouri, under and by virtue of the provisions of the acts of Congress approved June 8, 1872, and March 3, 1873, relating to additional homesteads, and by Josiah Smith, after his entry, sold and conveyed to Wilson.

The bill was reported from the Committee on Public Lands with an amendment, in line 12, after the word "homestead," to strike out "entry" and insert "settlement."

Mr. COCKRELL. I should like to ask the Senator reporting the bill if the warrant to be issued is of the same character and force and value as the one which was located.

Mr. PLUMB. It is to the same effect exactly.

Mr. COCKRELL. Some warrants are much more valuable than others, being locatable on different kinds of land. If this is of the same character as the one first located by Josiah Smith, all right.

Mr. PLUMB. This is a case where a man made an entry upon a valuable piece of land in the State of Indiana, where it was held by the court that a prior entry, although it had been suspended, was a valid entry, and the man who had entered last, although he had a patent, held in trust for the man who had made the former entry. This man

was therefore displaced from a very valuable holding. He is now to get simply eighty acres of land of the public domain, from such as is subject to homestead settlement, to replace it.

Mr. COCKRELL. I will suggest an amendment, in line 34, after name "Josiah Smith," to insert "or any one claiming under him;" so as to read:

And the lands taken, selected, and located as authorized and provided for by this act shall be in full satisfaction of any claim, right, or benefit which the said Josiah Smith, or any one claiming under him, may have, or may have had, under and by virtue of the provisions of said acts of Congress.

Mr. PLUMB. There can be no objection to the amendment.

The PRESIDING OFFICER. The question is first on the amendment proposed by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

QUORUM OF SUPREME COURT.

The bill (S. 309) to amend section 673 of the Revised Statutes of the United States relating to the quorum of the Supreme Court of the United States was announced as next in order.

Mr. GARLAND. This bill was reported by myself from the Committee on the Judiciary. There is no objection that I am aware of to the first clause of the bill, making a majority of the Supreme Court constitute a quorum, instead of six, as now required, there being nine in all. It has been found sometimes very difficult to have a quorum here at the time fixed by law for the meeting of the Supreme Court, and we have adopted in this bill the usual meaning of the word "quorum," that a majority shall constitute a quorum.

To the second provision of the bill when it was reported before there was some objection; that is, that no judge of the Supreme Court shall sit on an appeal in a case that he had passed upon in the court below. That elicited some little debate before and the question was not then disposed of. The Senator from Massachusetts [Mr. HOAR] who is now absent from the Senate under direction of the body is opposed to that provision of the bill, and I do not feel myself at liberty to ask the Senate to consider it in his absence, knowing his opposition to it; but in agreeing that the bill be passed over on the Calendar I notify the Senate that on his return I shall ask that the bill be taken up and acted upon, because it is an important bill in both of the aspects it presents. I now ask that it be passed over, in view of the absence of the Senator from Massachusetts, without prejudice.

Mr. VEST. I do not want to be guilty of any discourtesy to any brother Senator, but the question to which the Senator from Arkansas alludes was discussed elaborately in the Senate when we had the Davis bill before us, for I had the honor of offering an amendment then which met the opposition of the Senator from Massachusetts [Mr. HOAR], and the Senator from New York [Mr. LAPHAM] made an elaborate argument upon it. The amendment to the bill was adopted I think by a majority of eighteen, and it is hardly to be supposed that the Senate of the United States has changed its opinion on as important a question as this or that its opinion could be changed by any argument which could be made by any absent Senator. In view of the importance of the question and its having been discussed heretofore, I think the bill ought to be passed.

Mr. GARLAND. I perfectly agree with everything the Senator from Missouri says. The committee were unanimous except the Senator from Massachusetts. A separate bill was reported before and is reported now, and we only carry out the provision already in the statutes as to district judges; but, knowing the opposition of the Senator from Massachusetts, I thought as there were some new Senators in since the question was up before that it would be well and courteous to him that the Senate pass the bill over informally. It is true as the Senator from Missouri says that by a very significant majority this provision was incorporated in the court of appeals bill, as it was called, presented by the late Senator from Illinois, Judge Davis.

Under all the circumstances I prefer that in the absence of the Senator from Massachusetts the bill should go over, and I will call it up when he returns.

The PRESIDING OFFICER. Is there objection to the bill being passed over, retaining its place on the Calendar? The Chair hears none. The next bill will be reported.

COURT TERMS IN TEXAS.

The bill (S. 802) to fix and render certain the terms of the United States circuit and district courts in the eastern and northern districts of Texas was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment to insert as an additional section the following:

SEC. 3. That this act shall take effect from and after the 1st day of July next.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RIGHTS OF CITIZENS.

The next bill in order was the bill (S. 15) to provide for the further protection of citizens of the United States and others against the violation of certain rights secured to them by the Constitution of the United States.

Mr. GARLAND. Without waiting for the reading of that bill, I will state that it will excite considerable debate when it comes before the Senate. I am as ready to consider it now as at any time; but the Senator from Massachusetts [Mr. HOAR] who reported it is absent, and I ask that it go over.

The PRESIDING OFFICER. The bill is objected to, and goes over under the rule.

MARITIME LIENS.

The bill (S. 415) regulating maritime liens and remedies and to secure uniformity in the enforcement of the rights of material-men in courts of admiralty, was announced as next in order.

Mr. COCKRELL. That bill has been reported adversely, and I object to its consideration.

Mr. GARLAND. The Senator from New York [Mr. LAPHAM] who introduced that bill is absent. Let it go over.

The PRESIDING OFFICER. The bill will be passed over under the rule.

ALONZO GESNER.

The bill (S. 265) for the relief of Alonzo Gesner was considered as in Committee of the Whole. It proposes to authorize the Secretary of the Interior to approve for payment, if on examination he finds the surveys were made in accordance with the report and approval of the surveyor-general of the State of Oregon of date December 1, 1877, certain surveys of the public lands made by Deputy Surveyor Alonzo Gesner, amounting to fifty-four miles and three and nine hundredths chains of township-lines, and three hundred miles and sixty-one and ninety-two hundredths chains of section-lines, at the rate of $7 per mile for township and $6 per mile for section-lines, amounting in all to $2,182.91.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNIVERSITY OF ALABAMA.

The bill (S. 503) to increase the endowment of the University of Alabama from the public lands in said State was announced as next in order.

Mr. PUGH. I ask that that bill be passed over without losing its place on the Calendar.

The PRESIDING OFFICER. Is there objection to the bill being passed over without prejudice? The Chair hears none.

Mr. MORGAN subsequently said: A bill was passed over in my absence from the Senate Chamber. Will that bill retain its place on the Calendar for to-morrow?

The PRESIDING OFFICER. The Senator can call it up now if he desires.

Mr. MORGAN. I prefer to call it up to-morrow.

The PRESIDING OFFICER. The Senator can have that arrangement made by unanimous consent.

Mr. MORGAN. I ask unanimous consent that the bill (S. 503) to increase the endowment of the University of Alabama from the public lands in said State, which was passed over without prejudice, may be called up to-morrow.

The PRESIDING OFFICER. If there be no objection that order will be made. The Chair hears none.

TIMBER ON MENOMONEE LANDS.

The bill (S. 460) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians, in the State of Wisconsin, was considered as in Committee of the Whole.

Mr. GARLAND. That seems to be a long bill, and the Senator who reported it [Mr. CAMERON, of Wisconsin] is absent.

Mr. DAWES. I hardly think there can be the slightest objection to the bill. It seems to be very necessary.

Mr. GARLAND. I have no objection myself, but I saw that the Senator reporting it was absent.

Mr. DAWES. If it involves any debate, of course it can go over, but the committee examined the matter fully.

Mr. GARLAND. Very well.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. CAMERON, of Wisconsin, January 22, 1884:

The Committee on Indian Affairs, to whom was referred the bill (S. 460) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians in the State of Wisconsin, have considered the same, and report thereon as follows:

The remnant of the Menomonee tribe of Indians are located on a reservation situate in Shawano County, in the State of Wisconsin. The reservation is surrounded by timber lands, which are rapidly being settled upon. A portion of the reservation is covered with valuable pine timber. The reservation has been surveyed into allotments, and many of these allotments have been settled upon

by Indians. They have been partly cleared, and are cultivated to some extent by the Indians. Fires from outside the reservation and fires that originated on the reservation are injuring the pine timber year by year. It is estimated that at least one-quarter of all the pine on the reservation has been destroyed by fires during the last five years, and it is only a question of time when the whole of it will be destroyed unless it can be cut and utilized soon.

This bill proposes to authorize the Secretary of the Interior to have the timber on the reservation appraised by two or more disinterested appraisers in eighty-acre lots. It also provides that this appraisal shall be filed in the land office at Menasha, Wis., that being the land district in which the reservation is situate, and that such appraisal shall be open for public inspection for at least sixty days before the time appointed for the sale of the timber; also, that one copy of such appraisal shall be filed with the Secretary of the Interior.

The bill further provides that the sale of the timber shall be advertised for not less than two months in three newspapers having general circulation in the State. The bill also authorizes the Secretary of the Interior, if he deems it for the best interests of the Indians, to employ the Indians to cut the timber and haul the same to the bank of the rivers; that after the timber is so cut by the Indians it shall be advertised, and, after due notice, sold to the highest bidder, at such time and place as the Secretary of the Interior may designate.

If the logs can not be sold for a price which the Secretary of the Interior deems adequate, he is then authorized to cause them to be run down the rivers to market and sold in the manner he deems best for the interest of the Indians.

It is estimated that the amount of pine now on the reservation is about 150,000,000 feet, and that it would sell, standing in the tree, at $5 a thousand. This would amount to $750,000. The bill provides for an appropriation of $5,000, or so much thereof as may be necessary, to pay the expense of survey and appraisal, which sum shall be reimbursed to the Treasury from the proceeds of the first sale of timber, and the residue of said proceeds shall be paid to or funded for the benefit of said tribe, in such manner as the President, with the assent of the chiefs and headmen of said tribe, may determine. The number of Indians now on the reservation, as appears by the last report of the Commissioner of Indian Affairs, is 1,500.

The committee are of the opinion that it would be for the interest of the Indians that the timber be sold and the proceeds invested for their benefit as provided in the bill, and therefore report back the bill with amendments, and recommend that it do pass as amended.

Amend as follows:

In line 14, section 1, and following, strike out the words "and shall be made with the express understanding that the tops and refuse of the timber to be cut shall be reserved for the sole use and benefit of the said Menomonee Indians."

In line 6, section 2, strike out the words "within the Green Bay agency."

In lines 11 and 12, section 2, strike out the words "and the tops and refuse of the timber."

In line 18, section 2, strike out the words "within the Green Bay agency."

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, line 14, after the word "butt," to strike out the words "and shall be made with the express understanding that the tops and refuse of the timber to be cut shall be reserved for the sole use and benefit of the said Menomonee Indians."

Mr. COCKRELL. I should like to ask the Senator from Massachusetts, who understands this matter, why it is that this reservation is stricken out? Why ought not the Indians to have that refuse?

Mr. DAWES. This bill passed the Senate last year in precisely the shape it is now reported, with the exception of this amendment. It was thought in committee that this provision of the bill was not only useless to the Indian, would be of no practical benefit to him, but that it would be a temptation to go in and by means of this material kindle fires and destroy timber. It was the belief of the committee that it would not be of any practical benefit to the Indian, and all the lumbermen who propose to purchase timber under the restrictions of this bill advised us that it was not only useless to the Indian but rather deleterious and dangerous. That was the reason the clause was stricken out. The committee had not a particle of choice about it. They put it in last year, but through the advice of the Senators from Wisconsin and those who are acquainted with the lumber business it is now stricken out.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the word "newspapers," to strike out "of the said district" and insert "published in the State of Wisconsin and;" and in line 5, after the word "circulation," to insert "in said State;" in line 7, after "Interior," to strike out "within the Green Bay agency;" in line 12, after the word "butt," to strike out "and the tops and refuse of the timber are" and insert "is;" and in line 19, after "Interior," to strike out "within the Green Bay agency;" so as to make the section read:

SEC. 2. That the timber appraised as aforesaid shall be advertised for sale by notice of not less than two months, to be published in at least three newspapers published in the State of Wisconsin and having general circulation in said State, and shall be offered at public auction, at such suitable place as may be designated by the Secretary of the Interior, to the highest bidder, in lots of not exceeding eighty acres, but shall not be sold for less than the appraised value thereof. Said notice shall state, and the timber be offered for sale with the express understanding that growing timber of less than twelve inches in diameter at the butt is not to be included in the sale. All of said timber remaining unsold at the expiration of one year after it shall have been offered as aforesaid may, if the Secretary of the Interior shall deem it for the best interests of the Indians, be again advertised and offered at public auction, at such suitable place as may be designated by the Secretary of the Interior, at not less than the appraised value thereof, and shall in all cases be sold for cash only. The Secretary of the Interior may give such time for the removal of said timber as in his judgment seems proper, not exceeding ten years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOUTHERN UTE INDIANS.

The bill (S. 242) to provide agricultural lands for the Southern Band of Ute Indians in lieu of lands heretofore provided for allotment to them was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALLY MALLORY.

The bill (S. 1056) granting an increase of pension to Sally Mallory was considered as in Committee of the Whole. It proposes to direct the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sally Mallory, widow of B. Mallory, late a soldier in the Revolutionary war and the war of 1812, and to pay her a pension hereafter at the rate of $30 per month, in lieu of the pension she is now receiving.

Mr. HAWLEY. Let the report be read.

Mr. COCKRELL. I should like to know some reason for that; let the report be read.

The Secretary read the following report, submitted by Mr. VAN WYCK January 22, 1884:

The Committee on Pensions, to whom was referred Senate bill granting a pension to Sally Mallory, have examined the same, and report:

That Sally Mallory has been for many years, and is now, on the pension-list, receiving $8 per month, as widow of Benajah Mallory, a soldier in the Revolutionary war, in which he served three years; that he also served during the war of 1812, and was under Harrison at Lundy's Lane. She is now over ninety years of age, and has been for a long time supported by an adopted son, who is over seventy years of age, and has in fact not the means to furnish her such support as her age requires. Your committee therefore recommend the passage of Senate bill No. 1056.

Mr. PLATT. I dislike very much to oppose the passage of any bill which has been reported by the Committee on Pensions; but if I understand this bill, it is inaugurating a new practice in Congress, and I think it ought not to pass—certainly not until it is fully explained, and until we are informed whether we are to increase the pensions of all widows who are needy.

For one, I think if there is to be any general increase in any of the pensions which are granted, it ought to apply to the widows of soldiers who were killed in the recent war or who died from wounds received or disease contracted in the recent war. I know of no pension so inadequate to the support of the person receiving it as the $8 per month which is given to the widows of private soldiers. Here is a bill which proposes to pension the widow of one soldier at $30 per month. Unless some very good grounds can be shown why this widow should be thus favored when all the other widows of private soldiers are only receiving $8 per month, I should hardly be prepared to favor the bill.

Mr. COCKRELL. I should like to know from the Senator reporting this bill what reasons there are for the passage of this bill giving this lady $30 a month that would not apply to any old lady. This lady it seems is ninety-odd years old; and it is proposed to give her $30 a month. It is a question of pure sympathy, and there is neither justice nor right in it. It is a gross injustice and wrong to thousands and thousands of widows and orphans in this country. It is a discrimination against thousands and thousands of persons more destitute and needy than this person. It is simply a case gotten up of sympathy. We have been appealed to here to grant this pension perchance because this lady is ninety years old. There are to-day 10,000 widows in the United States more destitute and more needy than this one, and many of them are only receiving $8 a month, while this one is to get $30 a month; quite as much as an able-bodied man working in the Senator's State gets for his wages, and upon that he has to support his wife and children.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (S. 1155) to provide for the issue of circulating notes to national banking associations.

MESSENGER FOR COMMITTEE ON MILITARY AFFAIRS.

Mr. LOGAN. Before that bill is taken up I ask unanimous consent that we act upon the resolution which I now offer:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, directed to appoint a messenger for the Committee on Military Affairs, whose services shall be devoted exclusively to the business of said committee, and that the messenger so appointed shall be selected by said committee.

The PRESIDING OFFICER. The Chair would suggest that similar resolutions offered hitherto have gone to the Committee on Contingent Expenses under the rule. That order will be made in this case if there is no objection.

Mr. PLATT. I think there are several committees that ought to have special messengers; but it is a matter to be considered.

Mr. LOGAN. I have no objection to the reference. I only state that the reason I offer the resolution is that the Committee on Military Affairs in the number of bills has many more than other committees. We have no messenger, and one has to be detailed from the labor-list, which makes it very inconvenient. We should like to have one whom we can rely upon at all times. That is the reason I offer the resolution. I have no objection to its going to the Contingent Expenses Committee.

The PRESIDING OFFICER. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

NATIONAL-BANK CIRCULATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1155) to provide for the issue of circulating notes to national banking associations, the pending question being on the amendment proposed by Mr. PLUMB to insert, as an additional section, the following:

SEC. 2. That whenever the circulation of any national bank, or any portion thereof, shall be surrendered, the Secretary of the Treasury shall thereupon issue an equivalent amount of Treasury notes of the denominations now provided by law for national-bank notes. Said Treasury notes shall be deposited in the Treasury and paid out as other moneys kept for the discharge of the obligations of the Government. They shall be receivable for salaries and for all dues to the Government, including duties on imports; shall be a legal tender between national banks and for all debts due to any national bank; shall be redeemable in coin, as the legal-tender notes of the United States now are; and when received into the Treasury they shall be reissued, and when mutilated or worn they shall be replaced in the same manner as now provided by law for said legal-tender notes. The coin held in the Treasury at the date of the passage of this act for the redemption of the legal-tender notes of the Government shall also be applicable to the redemption of the Treasury notes herein provided for; and such coin reserve may from time to time be increased by adding thereto other sums from payments made into the Treasury, in the discretion of the Secretary of the Treasury: *Provided*, That the total amount of said coin reserve shall never be less than 25 per cent. nor more than 30 per cent. of the total amount of legal-tender and Treasury notes outstanding.

Mr. PUGH. Mr. President, I desire to make a brief statement of the reasons that influence my vote for the amendment of the Senator from Kansas [Mr. PLUMB]. If that amendment fails I shall vote for the bill of the committee as an experiment, which is not likely to amount to more than a temporary expedient. No country in the world can boast a better currency than the United States. The present volume of circulation is made up of $346,681,016 in legal-tender greenbacks and $348,925,009 in national-bank notes, and silver certificates $110,137,051, and gold certificates $101,250,620, amounting in the aggregate to a fraction under $1,000,000,000. This volume of paper currency is supplemented and supported, in round numbers, by about $400,000,000 in gold and silver. It possesses all the valuable qualities of a well-adjusted and mixed currency. It is made up of elements approaching equality in amount, in uniformity, and public confidence, and constitutes an admirable system of checks and balances.

We are in full view of the dangers of contraction, and it is conceded to be the imperative duty of Congress to make immediate provision against this impending evil. Two hundred and one million of the national-bank circulation is founded on 3 per cent. bonds now payable at the option of the Government. If the surplus revenue derived from taxation is not to be reduced to the wants of the Government it is manifest the national-bank circulation must be reduced over two hundred millions in about two years. The experienced financier the Senator from Vermont [Mr. MORRILL] estimates that the contraction may amount to $2,000,000 per week, and with reasonable certainty to $50,000,000 or $60,000,000 per annum. Such a sudden contraction of our paper circulation would necessarily produce serious and widespread derangements in our business relations and industrial pursuits.

How shall these dangers of contraction be averted? There are four remedies before the Senate. The bill of the Finance Committee; the amendment of the Senator from Kansas [Mr. PLUMB]; the amendment of the Senator from Missouri [Mr. VEST], known as the Buckner amendment, not unlike the Plumb amendment in substance; the amendment of the Senator from Vermont [Mr. MORRILL], and the substitute of my colleague [Mr. MORGAN]. I shall only deal with the bill of the committee and the amendment thereto of the Senator from Kansas.

The merits of the committee bill have been clearly and forcibly presented by Senators BECK, BAYARD, and MCPHERSON. The substance of the committee bill is an increase of 10 per cent. in the amount of circulation to which the national banks are now entitled upon their bonds deposited in the Treasury as a security for their notes. This increase of 10 per cent. it is expected will be a sufficient inducement to the national banks to purchase the 4 and 4½ percents at the present high premium and substitute them for the 3 percents as fast as they may be called by the Government.

It is admitted that there are two dangers of contraction. One from the payment of the 3 percents, and the other from the withdrawal of the 4 and 4½ percents by the banks to enable them to realize the high premium at which they are now selling in the market. The success of the committee bill depends entirely upon the sufficiency of the inducement in the way of greater profits to the banks offered to them by the additional 10 per cent. of circulation. Can there be any well-founded expectation that the effect claimed by its supporters will follow the passage of the committee bill? I understand it to be a fact that the banks are now four millions short of the circulation to which they are entitled on the deposited bonds. With the greater profits of circulation in the past, and an issue short of what the banks had a right to make it, is it likely that 10 per cent. increase in the amount of circulation is to operate as a greater inducement to increase or even to preserve the present volume in the future, when the profits of the circulation are less than in the past? I feel constrained to answer this question in the negative. Then again, if the passage of the committee bill has the effect predicted, of appreciating the market value of the bonds, all the inducement founded on the additional 10 per cent. will be neutralized by such appreciation; so that I am unable to believe that the committee bill can amount to much more than a harmless but disappointing experiment.

In the Plumb amendment there is substance and permanent vital force and effect. It is not founded in hostility to the national banks. It aims at nothing more than what every Senator desires to accomplish, and it will do that much with absolute certainty; and that is to prevent any contraction at any time in the future by the withdrawal of the present volume of currency of national-bank circulation. This great public benefit is permanently secured by making Treasury notes take the place of national-bank notes as fast as the 3 percents are called and paid or the 4 and 4½ percents are withdrawn for sale in the market to get the benefit of the high premium. One great merit of the Plumb amendment I have not heard mentioned, and that is the effect it is likely to have as a restraint upon the national banks in desiring a contraction of their circulation, knowing as they must that under the operation of the Plumb amendment whenever they give up their circulation it is gone forever, with no compensating benefits accruing to them from contraction of the currency. And another very favorable view to take of it is that it does not take the place of the committee bill, but only supplements it with a guarantee that if the national banks refuse to preserve their present volume of circulation under the inducements offered them in the committee bill, then, and not till then, does the Plumb amendment operate to save the people and the country from the ruinous evils of contraction. The committee bill with the Plumb amendment leaves the country with a uniform, stable, and universally accredited currency, and the certainty of a gradual and healthful increase in the volume of circulation from gold and silver certificates.

Mr. COKE. Mr. President, I will occupy the time of the Senate but a few minutes, my purpose being simply to make a brief statement of the reasons for the votes I have given and shall give on the pending bill and the various amendments proposed. I have on more than one occasion elaborated on the floor of the Senate my views on the national banking system, and my opinions on this subject, which have undergone no change, are well known to all who feel any interest in them. All the amendments offered to the bill reported by the committee, except those offered respectively by the Senator from Kansas [Mr. PLUMB] and the Senator from Missouri [Mr. VEST], both of which I cordially approve, being, like the bill itself, in the interest of the national banks, I have neither vote nor favor to bestow upon them or either of them.

Believing as I do that the national banking system, whatever may have been its merits when first inaugurated as a war measure, when the Government was compelled to create a market for its bonds, like many other war measures, has outlived its usefulness and is under the changed conditions now surrounding the country essentially vicious, I can not and will not give my assent to any scheme intended, as this bill and the amendments referred to evidently are, to prop and bolster it up. The rapid extinction of the national debt, with which the national banks came into existence, and upon which they are based and built, and without which as banks of issue they must cease to exist, unless we intend to perpetuate the public debt for the benefit of the banks, makes it necessary that we shall legislate with the view of substituting some other for the national-bank currency.

The amendments proposed by the Senators from Kansas and Missouri have that object in view and provide for the issuance of Treasury notes to take the place of the national-bank notes as they are retired. I believe it wise for many reasons to make this provision, not the least among them being to indicate unmistakably that the traditional sentiment of opposition among the American people to the existence of a great public debt is not to be violated, in the success of a plan openly and boldly avowed of perpetuating that debt in order that the national banking system may be preserved. That such plan has been matured and will be pressed with the hope of consummation there is no question. I opposed the recharter of the national banks when that subject was before the Senate, and gave my reasons at length. I believed then, as I do now, that a struggle for the perpetuation of the national debt would be an inevitable consequence of the passage of that act, that the lease of life and power then extended to that system would so intrench it as to make its dislodgement at any time in the future if not impracticable at least extremely difficult.

It was easy to see then that the argument so much relied on in defense of that system, that the business interests of the country would be disturbed, unsettled, and depressed by any interference with it, although refuted in the clearest and most conclusive manner, would at any future time when these banks had increased in number and influence and business connections again be urged with increased force and earnestness and plausibility, and that every year of their continued existence would add to its apparent strength. I was not able to see then, as I am not now, that the substitution of Treasury notes and gold and silver certificates for national-bank notes as they are retired would unsettle or disturb business in the face of the admitted fact that the uniformity, certainty, and stability of the national-bank note is derived solely from the guarantee and indorsement of the same Government which would issue and be responsible for the substituted currency. Nor have I been able to appreciate the encomiums lavished upon national banks when the perpetuation of an interest-bearing national debt is an absolute condition precedent to their continued existence, while

a currency equally sound, stable, and uniform with the national-bank currency can be furnished by the Government in payment of that debt, thus removing the burden of interest from the shoulders of the people at the same time that it resumes its own sovereign function, which should never be delegated, of furnishing a circulating medium for the country.

Why private bankers, upon a capital of gold and silver coin and gold and silver certificates and Treasury notes convertible at will into coin, could not do the business of the country in discount and exchange and supply the people with money facilities as well as it is done on national-bank notes by the national banks, it would puzzle any of the advocates of the banks to explain. National banks add nothing to the circulation unless their bonds are bought in the locality where they are established, which is rarely the case in the South and many portions of the West, where Government bonds are not to be found. The actual money must be taken out of circulation in such localities and sent off to New York usually to buy bonds. Ninety per cent. of these bonds only is issued to the bank in currency, and the redemption fund of 5 per cent. and the reserve fund of 15 per cent. must come out of that, so that the money restored to circulation in that locality by the issuance of the bank notes does not equal the amount sent off to purchase bonds by 30 per cent. Under a system of private banking the entire amount invested in bonds under this system would remain in the locality in circulation. The popular idea that these banks cause money to be more abundant is fallacious, as these facts show, except in the money centers, where the redemption and reserve funds are kept, which are the places where the bonds are usually bought. The national banking system thus depletes the localities where circulation is already scarce, and concentrates the capital of the country in a few great centers.

National banks are in no sense the agents or trustees of the Government. There is no trust relation between them and the people. No obligation rests upon them to care for the public interests. The capital in them is the money of the individual stockholders, who have associated together for the sole purpose of making for themselves all the profit possible in the banking business. They contract or expand the volume of their circulation at will and according to the dictates of their own interests. The policy of placing in the hands of these institutions the regulation and control of the circulating medium of the country, when confessedly managed for the private gain of the comparatively few persons interested in them, is to my mind a most pernicious one. We have been warned by too many instances where these banks because their bonds had reached a high premium in the market have sold them and retired their circulation, utterly regardless of the effect of the contraction on the public interests, to plead ignorance of the fact that these are private money-making institutions and that the interests of the general public are unhesitatingly sacrificed whenever they conflict with those of the individual stockholders.

It has been asserted in this debate that in certain contingencies the premium on some classes of Government bonds are likely to rise higher, offering inducements to the banks to withdraw their circulation and sell their bonds. The amendments of the Senator from Kansas and of the Senator from Missouri, or either of them, would render this action of the banks harmless, and cut off their power to affect the volume of circulation by providing the absolutely certain remedy of requiring Treasury notes issued to take the place of all retired national-bank notes. The great danger now is, and the one sought to be provided against by this bill, that contraction of the currency will ensue from the continued application of the surplus in the Treasury to the payment of bonds in the hands of the banks and pledged by them as security for circulation, thereby necessitating a withdrawal of their notes. We have been warned by the Comptroller of the Currency and the Secretary of the Treasury that we may expect a contraction of sixty millions annually from this cause unless counteracted by prompt remedial legislation. Will this bill as reported from the committee meet the emergency and avert the danger? This is a great question, upon which much depends.

Between eighty and one hundred millions of surplus revenue is being annually wrung from the people by high protective-tariff taxation, which, taken from the arteries of trade and commerce, if permitted to lie idle in the vaults of the Treasury, is ruinous contraction. If used for the payment of the public debt, as it should be and as it is required to be by law, the national banks are deprived of the bonds on which their circulation is based, and their currency must be withdrawn and retired. We seem to be between the upper and the nether millstone, and the question is, will this bill extricate us from the peril? A majority of the Finance Committee believe it will. The minority, embracing such distinguished financiers as the Senator from Vermont [Mr. MORRILL] and the Senator from Ohio [Mr. SHERMAN], evidently believe it will not, if we may judge their opinions by the amendments they have proposed to the bill. Who shall determine when these great doctors of finance differ so radically among themselves as to the probable effects of this bill? The danger threatening the country is certain, direct, and inevitable. Doubtful, speculative, or experimental remedies do not come up to the requirements of the occasion.

I have before me the printed circular letter referred to in this debate by the Senator from Kansas, written by the president of the Mercantile National Bank of the city of New York, one of the great moneyed institutions of that great city, protesting against the passage of the pending bill. He says: "As I understand it, the aim of the bill is to prevent a contraction of the currency. With that for its object, I beg most respectfully to predict for the bill if enacted the most lamentable failure." He then proceeds to give at length the reasons for his opinion. The writer is evidently an expert banker and a man of great intelligence and information. Certainly there is room for grave doubt when so many gentlemen learned in finance deny the efficacy of this bill as a remedy for the evils of an insufficient volume of currency impending over the country. We are legislating for fifty-odd millions of people and their vast interests. The volume of circulating medium is the life-blood of the trade, commerce, and business of these people. A serious diminution of its quantity, like a deterioration of its quality, would produce widespread and most disastrous results. We can not afford to take risks of such disaster in the adoption of doubtful remedies when absolute certainty of safety against it is attainable.

The adoption of the amendment of the Senator from Kansas or that of the Senator from Missouri would exclude all risk of further contraction. For every national-bank note retired we would have issued a Treasury note, redeemable at the will of the holder in coin. This would be a practical, certain, and easy solution of the whole trouble and one of assured safety. It would not be a temporary but a permanent settlement of the currency question. The payment of Government bonds could then go on without any other than a feeling of gratification that the debt was being extinguished, instead of the alarm that fact now excites among business men. The process of substituting a new currency would proceed noiselessly, gradually, and without shock or friction, and when the last bank note would be retired its place would be promptly taken by a Treasury note, and we would have a safe, uniform, sound paper currency, issued and guaranteed by the Government, and every dollar of it redeemable at the will of the holder in gold and silver coin. The coin reserve held by the Government to make good its guarantee of national-bank notes would perform the same office for the substituted Treasury notes.

But those who, ignoring the fact that the public debt on which the national banks are bottomed is rapidly disappearing, still cling to that system, and insist on legislating with reference to it as if it was a fixed and permanent institution, object to this mode of settling the difficulty because it is not done through the agency of their pet banking system and would be an acknowledgment that the country can get along well without it. I prefer and believe it wise to look all the facts of the situation squarely in the face, to admit that our present banking system is temporary, and legislate with the view of substituting another gradually in its place so that the country may feel at rest as to the subject.

Mr. VEST. Mr. President, recognizing the fact that I am in a hopeless minority here in regard to the national banking system, I shall endeavor only to state my individual opinion in regard to the bill reported by the Committee on Finance and the amendment of the Senator from Kansas.

I recognize the fact that the protected manufacturers of the country, the railroad corporations, and the national banks virtually own the property of fifty millions of people.

The original intention of the men who made the national banking system was that it should be perpetual. It has been attributed to Salmon P. Chase, the great Secretary of the Treasury. Recent developments have shown that he was simply an imitator and a copyist, and that the idea on which this system was based came from the fertile brain of Hon. O. B. Potter, who, in a circular which I suppose is on the desk of each member of the Senate, says he submitted this plan for a national currency in 1861 to the then Secretary of the Treasury, and thus he is the father of the system as it has existed ever since. Assuming this to be the fact, from his letter which I hold in my hand I take the liberty of quoting the last sentence:

> A permanent national debt of sufficient amount for these purposes, which is a bond of union, a guarantee for peace, and a daily convenience and blessing to all, will have no terrors for a people whose interests have been the sport of fluctuations in exchange as ours have for the last ten years.

The originator of this system then started out for a perpetual national debt, and the only reason to-day why the friends of the national banks have abandoned that idea is that the overwhelming public opinion of the country has appalled and terrorized them and caused them to quit it. I recollect that in 1881, when we offered the national banks a 3 per cent. thirty-year bond, they took the Government by the throat, retired eighteen millions of currency in one day in the city of New York, crushed down the industries and interests of the country, and my distinguished friend from New Jersey in front of me [Mr. MCPHERSON] stood here and eulogized the national banks as the great benefactors of the country, as the agencies that had preserved the national life, as the instrumentality under God to which the American people should sing pæans of praise for all time to come.

The national banks to-day, instead of asking for a perpetual debt, are tiding over the obstructions which are placed in their way by the bonds of the country becoming due, until twenty-three years from now, as indicated by the Senator from Ohio [Mr. SHERMAN], our children will take charge of them and see that they exist henceforth and forever.

For the present the Senator from Ohio and the Senator from New Jersey are simply meeting the little obstacles that are in the way of the national banks and tiding matters over till hereafter, when the last dollar of the national debt shall be paid, and the ingenuity of some financier will find means to fasten this national-bank system upon the people for all time to come.

Mr. President, with my views of the theory of this Government and the powers of Congress, I can not vote for the bill reported by the Committee on Finance. I said in 1881, and I repeat here to-day, that I will never vote for any measure which gives to any corporation the right to control the currency of this country, and experience shows that giving any such power is most dangerous and disastrous.

What are these national banks, that any one who opens his mouth against them is called a communist? I adhere to the judgment of the greatest statesman of this continent, Thomas Jefferson. I am not afraid of the senseless clamor that I am opposed to the capital and the industries of the United States. Chief-Justice Marshall, in the great case of McCulloch *vs.* The State of Maryland, declared that a national bank could only exist as a financial agent of the Government; that Congress had no right under the Constitution to make a bank for purposes of private speculation or private profit. These banks exist as the financial agents of the Government. In theory their interests are identical with ours. In theory the national banks are simply the hands which the brain of Congress uses for financial purposes. But what is the truth? To-day the national banks are greater than the Government; to-day the only question on this floor is how to seduce and induce the national banks to continue in existence in order to take the money of the people. The report of the Secretary of the Treasury shows that they have increased in number to 2,522 banks; yet I very well remember in the debate of 1881 the Senator from Ohio told us that they were then upon the very verge of dissolution. He told us then that they were barely able to exist. The Secretary of the Treasury tells us that in the last year they have increased more rapidly than in any year since 1865. They have a surplus of over $100,000,000; they have a deposit of over $1,000,000,000. They are able to-day to strike down the industries and energies of this country absolutely and completely.

In 1881 when we offered them 3 per cent. bonds they took the Government by the throat, and in 1870 when their special champion and defender, the Senator from Ohio, offered them a 4 per cent. bond and a 4½ per cent. bond, and begged them in the most dulcet and seductive tones to assist in funding the public debt of the country, what did they do? They refused the bill, they spurned the offer. They said we will prostrate the credit of this country and put it out of existence if you dare put such bonds upon us. Then the Senator from Ohio did not talk as he does now. Oh, no! The change that came over Saul of Tarsus was not more remarkable than that which has come over the distinguished Senator. When his bill had passed the Senate and was defeated in the House of Representatives, here is what the Senator said:

I wish now to record my deliberate judgment that in this conclusion—

The defeat of the bill—

to which we have been compelled to arrive by the action of the House we are doing the national banks a great injury, which will impair their influence and power among the people, and that the opposition of the national banks to this provision, which would have required them to aid in the funding of the public debt, will tend more to weaken and destroy them than anything that has transpired since their organization. I do not see how we can go before the people of the United States and ask them to lend us gold at par for our bonds when we refuse to require agencies of our own creation to take them; when we even refuse to require new banks not yet organized to take these new bonds, and when we refuse to require old banks, which have made on an average from 15 to 20 per cent. annually upon the franchise derived from the United States, to aid us to this extent in funding the national debt.

But, sir, the vote of this House shows the power of the national banks. It is so great, at least in the House, that in order to secure a funding bill we have been compelled to abandon all provisions in regard to the national banks; but I give notice that in the future I for one shall be prepared at all times to require the national banks to take that class of bonds which we propose in this bill, and I have no doubt this will be the result. But for the present, in deference to the wishes of the House, we have withdrawn the section in regard to national banks.

That was as far back as 1870. They then came into the Halls of Congress and defeated the bill before the representatives of the people. They were able then to strike down the offer of 4 and 4½ per cent. bonds, and in 1881, when they had doubled in number and in power and in capital, when we passed the Carlisle amendment proposing to them a 3 per cent. bond running thirty years, it is not necessary for me to repeat the disgraceful history of that legislation. The national banks clamored around the White House until the President was compelled in deference to their wishes to veto that bill, and in less than eight months the same bonds were funded at 3½ per cent., and every financier in the country knows that a 3 per cent. bond would then have been cheerfully accepted by the banks. And now in 1884, when the 3 percents become due, we are again entreating them for mercy. I said they were then the masters of Congress, and they are. Like the daughters of the horse-leech, it is "Give! give! give!" They are never satisfied; they never will be satisfied. They propose to absorb the capital of the country and to dominate all its interests.

Why, Mr. President, what have we done for these agencies of ours? We have enabled them to pile up a surplus of more than $100,000,000 besides the dividends declared to their stockholders; we have rechartered them; we have taken off $5,000,000 of taxes from them; we have extended the time in which they can pay their lost notes from six months to three years; and when the 3 percents are to be paid, they come before Congress and ask that the tax on their circulation of $3,000,000 be removed. That is the meaning of it. In the circular alluded to by the Senator from Texas and the Senator from Kansas I want to call attention to this language of the president of the Mercantile National Bank of the city of New York, with a copy of Mr. POTTER'S bill annexed to it. Here is the gist of it, and I know what the friends of the national banks will do; I know what they have done in the past.

Mr. PLUMB. Will the Senator permit me to interrupt him for a question?

Mr. VEST. Certainly.

Mr. PLUMB. Is he advised of the present politics of the gentleman who signs that circular?

Mr. VEST. No, sir; and I do not know or care. There is no politics in this question. Here is my friend in front of me [Mr. MCPHERSON] who is standing with the Senator from Ohio [Mr. SHERMAN]; here is the Senator from Delaware [Mr. BAYARD] reporting this bill. Worse than all, my distinguished friend from Kentucky [Mr. BECK] delivered his speech here the other day which I heard with absolute delight. In his argument upon the national banks he said that theoretically they were financial agents of the Government, but in truth they were the agents of their stockholders, and he struck them down in every direction until with "most lame and impotent conclusion" he declared in dulcet tones that he intended to support the bill reported by the Finance Committee.

I know what the combined influence of the national banks will do. You will take the tax off circulation, and whatever they ask will be done. Why, Mr. President, this modest gentleman—I do not know what his politics are and I do not care—says:

This bill, with all others so far offered in the Senate—

Speaking of the McPherson bill—

have aimed to attract the national banks—

Mark you, these are our agents, our servants, living by our permission, presumed to be identified in interest with us; and we are to ask them, we are to seduce them, we are to give them bounties in order to keep them from putting their hands to our throats and crushing out the interests of the people. To ask the national banks—

now pledging 3 per cent. bonds to replace them, as called, by purchase of these 4 percents or 4½ percents. It is the 3 per cent. holding national bank, therefore, that must be served at this crisis if the public welfare is to be considered in this fear of currency contraction.

If you want to consult the welfare of the people you have got to satisfy us!

He also says:

Further to sustain this point the following from the New York Times of to-day (February 14) is in point: "Unless this (tax on circulation) be removed it is quite idle to talk of inducing the banks to replace their 3 per cent. bonds by 4 per cent. bonds, with the privilege of circulation up to par."

Now, I undertake to say that the tax on circulation will be removed. You have taken off the tax on deposits, you have given them three years instead of six months to pay their lost notes; and still they are not satisfied. They want the tax off the circulation, and you will take it off. You will do it as obediently as ever a slave obeyed the command of his master. You do not dare to refuse them. They will carry any bill that they choose to offer in the Halls of Congress.

Mr. President, let us see their situation to day, as shown by the report of the Secretary of the Treasury:

The number of national banks in operation November 1, 1883, was 2,522, an increase over all former years. The number of banks organized during the year is 261, the greatest number organized during any year since 1865. They exist in every State and organized Territory of the Union. The capital of the newly organized banks is $28,654,350, and the circulation $7,909,150, which is about one-fourth of the capital, showing that the banks have taken advantage of section 8 of the act of July 12, 1882, which authorizes banks of $150,000 capital and under to be organized upon the deposit of bonds to the amount of one-fourth of the capital.

Returns made on October 2 of this year show an aggregate national-bank capital of $509,699,787, an increase of $26,595,574 during the year; a circulation of $314,931,575; a surplus of $102,000,482, and individual deposits of $1,049,437,709, both of which are in decrease; loans of $1,303,450,790, and specie of $107,817,983, both of which are in increase. The corporate existence of 307 has expired during the year, of which 273 have renewed it under the act passed by the last Congress.

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The national banks hold, as security for circulation, $352,877,300 of United States bonds, a reduction of $9,613,350 during the year.

In other words, these banks have increased more in the last fiscal year than in any year since 1865; still there has been a decrease in circulation of nearly $10,000,000. If we have heard in this debate from the Senators on both sides of the Chamber anything in "damnable iteration," it has been that the financial system of the country should be simple and stable. I want stability in this business; but I want some Senator to point out to me how a system can be stable wherein the circulation fluctuates every year and in accordance with the interests of these national banks.

In 1881 we attempted to repeal that clause in their charters, or the act organizing them, which gives them power to contract or expand the currency at their will. We were defeated in it. The President vetoed the bill; and now, with an increase of the number of national banks,

we find the fact to be that the circulation of the country has decreased $10,000,000. In other words, we leave the volume of the currency to the avarice, to the interest, to the expediency of these national banks themselves. I would not give that power to any man or set of men on earth; and, more than all, I would not give it to those whose profession and business it is to accumulate money as the agents of their stockholders.

Mr. President, I have upon my desk, and other Senators have, a pamphlet from Mr. L. E. Chittenden, and he says and proves to my mind conclusively that these bonds as they approach maturity will be enhanced in value. He says in regard to the value of the bonds:

> Those who three years ago said that the fours could never rise above 116, will now claim and prove that they never can rise above 125. They will insist that at that price British consols are a better purchase. I answer by pointing to the facts. The fours will continue to steadily appreciate in price, relatively to the time they have to run, up to the point at which they will not yield over 2 per cent. per annum for their unexpired term if held to maturity, which would be equal to 137.50, with the unexpired term which is now before them; or relatively in proportion as the time of their maturity will then be nearer. There the appreciation may cease, if there is a prospect that a 2 per cent. bond may be issued at par. When they will reach this point I do not know, but it will be long before you need to make any radical changes in the bank system.

I believe that statement is true. I believe as these bonds approach maturity they will be enhanced in value. They will be needed for the different financial necessities of the country, not only as a basis of banking capital, but for trustees, executors, administrators, and the varied uses of the commercial and financial world. Now I ask any Senator to point out to me how that system can give stability when it is the interest of the holders of the bonds continually to retire the bonds and take out their money. If to-day with 4 per cent. bonds at 124 you are engaged here in inducing these banks not to bring in their bonds and take out the currency, what are you to do when they go to 137.50? As you increase the premium on the bonds you increase the temptation of the national banks to put in their bonds, take out the money, and loan it to the people at 10 per cent. Here is the argument which never can be answered. It has not been answered in this debate, and I undertake to say it never will be. Instead of stability you have a system which fluctuates with the market, which fluctuates with the cupidity, the interest, and the avarice of these national banks.

This same gentleman attacks the amendment of the Senator from Kansas and that which I have had the honor to offer, for the principle is the same, the principle being that as the notes are retired by national banks an equivalent amount in Treasury notes without the legal-tender quality of greenbacks, shall be issued by the Government to take the place of the vacuum in the circulation created by the retirement of the national-bank notes. Mr. Chittenden, for whom I have very great respect, makes this argument against these amendments:

> The proposition of your chairman [Mr. BUCKNER] is to replace the bank notes redeemed by Treasury notes. We need not stop to consider the legal, constitutional, or but one practical objection to this plan, for that one objection is insurmountable. These Treasury notes are to be issued in exchange for something, I suppose. For what? We have the 3 percents to give in exchange for them, and for the next seven years we have nothing else. Mr. BUCKNER'S plan would retire the 3 percents with his new Treasury notes, and leave the surplus to accumulate in the Treasury. This would be contraction inevitable, and of the most fatal description.

If that be true, then the Senator from Ohio is justified when he commenced his argument on this bill and against the amendment of the Senator from Kansas and that of myself, with the sweeping assertion that these propositions were entirely too radical and in his opinion did not enter into this argument at all. How is the currency of the country contracted? If contracted, we know how disastrous and fatal will be the effects on the commerce and interests of the whole country. Contraction comes in two ways. In the first place by holding the surplus of revenue in the Treasury, which has been for the past two years more than $100,000,000 annually. If that $100,000,000 per year were hoarded in the Treasury and not put in circulation, it would be a fatal contraction. In the second place, contraction takes place by the national banks retiring their circulation and taking out their bonds. In these two ways contraction is effected and we ought to seek every way to avoid it.

Now, Mr. President, let us look at the operation of this amendment if it should go into effect. Suppose for the sake of the argument that the amendment of the Senator from Kansas or that of myself should prevail, contraction would take place most inevitably if the Treasury notes were kept in the Treasury just as to-day that contraction would take place if the surplus of $100,000,000 a year which comes into the Treasury were kept there.

What relieves the country from this contraction by reason of the surplus? It is the fact that whenever there is $10,000,000 more in the Treasury than the necessities of the Government require the Secretary of the Treasury immediately proceeds to buy the bonds of the Government that are then upon the market, and the men in Wall street understand when these purchases are to be made as well as Mr. Folger, the Secretary of the Treasury. They know the rules of the Treasury Department, and the newspapers in New York infallibly predict when the Secretary of the Treasury proposes to go into the market and buy $10,000,000 in bonds. By the purchase of these bonds the surplus is again put into circulation.

What is there to prevent the Secretary of the Treasury from taking these Treasury notes, which are just as good as the greenbacks—for I agree with the Senator from Ohio that the legal-tender quality of the greenbacks adds nothing to their value—what is to prevent the Secretary of the Treasury from taking those Treasury notes manufactured by him under the amendment of the Senator from Kansas and purchasing the bonds of the Government that are then for sale in open market? Is there anything to prevent it?

Why should the enemies of the amendment of the Senator from Kansas continue to complain as the Senator from Florida [Mr. JONES] did that these notes can not be paid out of the Treasury? How do you account for it to-day that putting the surplus every year into circulation you thereby prevent the fatal contraction which would otherwise occur? Can it not be done under this amendment as well as it is done now? Do you suppose the Secretary of the Treasury will take the Treasury notes authorized by the amendment and hermetically seal them and put them away? I assume no such thing, and I believe no such thing.

But, Mr. President, we are told that this amendment is a radical measure, and that we must have simplicity and stability. This we have been told here again and again. Sir, it may be my ignorance and absolute idiocy; but if any mortal man will show me that it is more simple for me to indorse another man's note and put it into circulation than to put my own note into circulation I will then believe that the national banking system is absolutely necessary to the financial existence of the people of the United States.

Mr. JONES, of Florida. Will the Senator allow me a question?

Mr. VEST. Certainly.

Mr. JONES, of Florida. Does he say that the bank note has not anything added to its value derived from the security it has from the capital that is deposited to sustain and redeem the circulation?

Mr. VEST. Why, Mr. President, what is this capital? The capital upon which the bank notes are based is the credit of the Government. That is all.

The Senator from Ohio the other day said that the legal-tender quality did not add a particle to the value of greenback notes, and I agree with him. Who does not know that national bonds when the country was hanging in the balance went down, but when the country was triumphant in war these securities went up? Who does not know that it is the credit of the Government which is the true basis of this whole system? Talk about individual responsibility giving these notes currency all over the country in every State and Territory! What gives it to the greenbacks? Are they not as good as national-bank notes? Will some Senator who is fascinated with the national-bank-note system, and who has eaten the insane root of this question, tell me that a greenback is not as good as a national-bank note? Amid all this phalanx of national-bank warriors is there one who will say there is any individual responsibility behind the greenbacks? Where is it? It is the credit of the Government of the United States; it is the broad seal of the Government imprinted on its face which gives these notes value. Take it away, and what is this money? It is the red-dog and wild-cat currency that the Senator from Kansas spoke of that rests on the individual liability of bankers. As the late Senator from Ohio would say, "that won't do."

You say you want a stable currency. You establish a Bureau of Engraving at a cost of millions of dollars, and to do what? To manufacture these notes to be put in the hands of these favored corporations to be loaned to the people of the United States at 10 per cent. interest. Instead of issuing your own money you put it in the hands of these financial agents, who turn around the very minute you undertake to place the common burden of the country on them and seize the Government by the throat, and you bow down and truckle and kneel to them as subserviently as any slave ever bowed to a master.

But, Mr. President, it is hardly necessary for me to pursue the subject further. We know the inevitable result; we know that the decree has already been made, if not recorded. We know that the national banks will get what they want, and get it upon their own terms. The only scramble in the Senate to-day seems to be who shall do the most for them. The only question is who shall burn the most incense, who shall excel his compeer in praise of these marvelous financial agencies. Weak as we were told they were in 1881, they have increased, by some sort of necromantic process, to 2,522. Their surplus has increased, their capital has increased, their deposits have increased, and to-day they come and deliberately read to you their mandate that you must take off $3,000,000 additional tax upon their circulation, and you will do it.

I said in the beginning of my few remarks that I am willing to be put with communists like Thomas Jefferson, the greatest statesman who ever existed upon this continent. I was struck the other evening with an extract from a letter written to Dr. Josephus B. Stewart from Monticello, May 10, 1817. Then there was but one bank, or but one bank in prospect. The financial system of the United States was in its infancy, and did not have as much capital as a single bank to-day in the city of New York. Yet Jefferson saw what was the tendency of this system, and he wrote these prophetic and marvelous words in the light of subsequent history and subsequent events:

> It is raising up a moneyed aristocracy in our country which has already set the Government at defiance, and although forced at length to yield a little on this

first essay of their strength, their principles are unyielded and unyielding. These have taken deep root in the hearts of that class from which our legislators are drawn, and the sop to Cerberus from the fable has become history. Their principles lay hold of the good, their pelf of the bad, and thus those whom the Constitution had placed as guards to its portals are sophisticated or suborned from their duties.

Mr. President, when we look at the marvelous power of these institutions to-day, these words of Jefferson have passed into prophecy. I know how useless it is to repeat them. I know that they do not amount to a nursery tale or a song which lulls to sleep an infant. What do they amount to in the presence of the vast aggregated capital that is present now in these Halls and asking for this legislation? For myself, if it be the last vote that I give in the Senate, I will vote against any bill which takes the highest attribute of sovereignty from the Government itself and puts it in the hands of a lot of bankers to speculate upon the necessities of the people.

This Government, as I understand it, is based upon the principle of equal rights before the law to all and exclusive privileges to none. No privileged class has the right to use any of the attributes of the Government for self-aggrandizement or private gain.

Mr. JONES, of Florida. Mr. President, the Senator from Missouri [Mr. VEST] did me the honor to allude to me a while ago in what he said in regard to this great and important question. I have not made any preparation for the discussion of it, and I do not intend to discuss it at any length; but I think that the observations of that Senator call for some reply. I think when he says that the national banks are here swaying the councils of the country he is saying that which in his calmer moments he would readily retract. I will say for myself at least, if there is a man in this Chamber who knows less about the national banks than another I am that man. I do not think I ever owned a dollar of their stock, and I do not think I ever had a dollar in one of them in my life; and I am able to take, I think, a calmer view of this subject than the Senator who has addressed the Senate with so much animation.

Who control the national banks? Who are the men who direct this system of diversified, not concentrated, power that pervades this great land? They are the fellow-citizens of every Senator on this floor. The banks are diversified over this continent. They differ from the concentrated monster that Mr. Jefferson spoke of, located at a particular place, enjoying bounties and advantages under the Government such as these banks have never enjoyed. In the former the United States was the chief stockholder. In the latter the Government has not a dollar invested.

Every man knows that we must have some system of banking under this Government, unless you intend to constitute a power in the Government that the framers of our Constitution never intended it should have. God knows it has exercised too much power of late. One of the difficulties in our system is that power has been concentrated instead of diversifying itself; and everything that the Senator has said here to-day has been in favor of the concentration of power in this great Government that is overshadowing everything throughout the land by its great central authority.

There is no State or community in this Union to-day that has not a national bank under the control of the citizens of the country, and who have put into it their individual capital, and who employ it to facilitate business wherever it exists. It discounts paper, it affords facilities for deposit, it gives conveniences to the public that no government ever can give unless you intend to convert this Government into a great banking establishment, which its designers never intended it should be. You must have a banking system.

The power of issuing circulation that belongs to the national banks is the great topic of debate. I presume they could exist without it.

I ask the Senator from Missouri if he would be willing to take off the tax of 10 per cent. on the circulation which gives to these banks the monopoly that they enjoy and remit the power of furnishing a currency to the country to the governments of the States, as they had it before these banks came into existence? Who ever heard of anybody calling the State banks before the war monsters? Still there was not a State in this Union that did not have in it a number of banks which issued their notes not as a legal tender, but to furnish the people with currency under the State laws. I am not sure, notwithstanding all that has been said on that subject, but that it would be just as well if that system existed to-day.

There must be some authority in this Government to authorize the issue of paper currency. From the time of the dissolution of the national Bank of the United States up to the creation of the present banks the State banks furnished the paper circulation and the Government was confined to the duty of coining gold and silver coin in accordance with the requisitions of the Constitution. It never was intended, I say with all deference to the Senator from Missouri, that this Government should issue paper money in time of peace or in time of war as a circulation for this people. There cannot be found, in my judgment, any authority in our fundamental law on that subject for issuing purely Government paper.

It was against the opinion of Mr. Jefferson when in Washington's Cabinet that the Government created a great corporation to do this thing, and he resisted it; but it came to be accepted by the country that Congress had that power, and the first Bank of the United States was created and it issued notes until 1811, when its charter expired. That created a diversity of opinion among different parties in the country, but at last the Supreme Court passed upon the question and concluded that it was constitutional to create a national bank. Finally it was made a great political question between parties, and that bank was destroyed, as we know, by the Democratic party, that to which my friend from Missouri and myself belong, in 1836. But that bank was a great monopoly. Its powers and its privileges belonged to a few men, and no others could enjoy them. Its capital was made up largely of the Government's funds. It had charge of the public revenues and disbursed them. There is no resemblance between the existing banks and that of the old Bank of the United States. They are strictly private institutions and have no monopoly whatever. The right to establish a bank now belongs to any one who wishes to put his capital into the business. There is not a dollar of Government money invested in the present banks.

After the fall of the Bank of the United States where did the advocates of paper money say that the power to issue it should reside? Did any considerable number of public men in this country claim for the Government at that time the authority to issue paper money, whether to be a legal-tender or not, after the dissolution of the Bank of the United States? There was not a statesman in the Senate or in the other House under the Constitution which we now have who contended that there was power in this Government to issue notes to take the place of the Bank of the United States which was destroyed by the veto power of Andrew Jackson. The doctrine was that Congress had no power to coin money of paper. It had no power to make anything but gold or silver legal-tender. It is true that interest-bearing notes were issued from time to time, but this was the better to enable the Government to raise money on them, but they were not intended as currency.

After the destruction of the Bank of the United States the power of issuing paper currency was remitted to the States, where it remained until the necessities of war brought into existence the present banking system.

I want to know of the Senator from Missouri if there is any additional power in the Constitution of the United States over this subject that was not there at the time of the dissolution of the Bank of the United States? I am well satisfied after having read the debates on that subject that if the great men who were in favor of dissolving that corporation had conceived any power in this Government to issue paper money in the place of that which had formerly been issued by the great monster that Jackson had destroyed, they would not have hesitated for a moment to have authorized the issuance of paper money in the place of that of the Bank of the United States. But they could not find it. No man can find it to-day, I do not care who he is. There is power there to coin money and regulate its value, but there is no authority in the Constitution for Congress to issue paper money as a medium of circulation for this people. It has been done, and it may be said that that is a sufficient answer.

We know very well the ground upon which a Republican Supreme Court placed it, and the Senator knows the great struggles for reasons that that court had when it came to deal with that question, to try to discover an authority in our fundamental law for the issuance of paper money even in time of war as a legal tender. He knows very well that with all the ingenuity possible that could be brought to bear on this subject (and no case that ever went to that court called forth more learning than that), they had to go to the war power for authority to issue those notes which are now advocated as a permanent circulation in time of peace. To coin money does not mean to print paper.

As a Democrat, standing by the limitation of this great organic law, I do not intend to depart from it, and if authority is to be obtained for this purpose, I say go to the people and to the States with an amendment to the Constitution and ask them to give you power to do this thing.

Mr. VEST. I should like to ask the Senator from Florida if he proposes to vote for the McPherson bill.

Mr. JONES, of Florida. That is another thing.

Mr. VEST. I wish to say to the Senator, without interrupting him further, that if he votes for any of the measures coming from the Committee on Finance, he then believes that these banking corporations can have power which the Government has not got; that the Government can give them something which it has not itself.

Mr. JONES, of Florida. That is not the question. These bank laws came into existence in time of war, just as the notes that we now find in circulation. I regard the notes of the national banks as the paper of private corporations. I regard them very much in the same light as the paper of the banks of the several States in their day.

Mr. COKE. Will the Senator from Florida permit me to ask him a question?

Mr. JONES, of Florida. Certainly.

Mr. COKE. Does not the right exist in the Government to place its public debt in the shape of Treasury notes by exchanging Treasury notes for its outstanding interest-bearing bonds?

Mr. JONES, of Florida. That is rather a refined question. I am one of those thinkers who believe it is never proper to do by indirection

what you can not do directly. I say to the Senator from Texas that if that was intended as a means to furnish a paper money by indirection it could not be done. There is the Constitution, which says what your power shall be, to coin money and regulate the value thereof, and that was the view that was entertained by all the thoughtful men of this Government from the time the Bank of the United States was dissolved to the institution of the existing banks.

Mr. COKE. If the Senator will allow me, did not Mr. Calhoun think that Treasury notes could be issued by the Government?

Mr. JONES, of Florida. I remember what Mr. Calhoun said on that subject, but it met with very little favor in this body, even from his political associates. He did at one time make a speech here in which he stated that it would be wise to have a circulation based upon exchequer bills, or something of that kind, but it passed away. Mr. Calhoun at one time advocated a system of revenue for protection very different from that now advocated by my friend from Texas and he afterward changed his opinion. Great men of course at times entertain such eccentric opinions, but it can not be said to have been their settled views.

I say that from the time of the dissolution of the Bank of the United States under Jackson's administration to the institution of the present banking system no considerable number of men in Congress of either party ever claimed for this Government the right to create paper money, whether as a legal tender or currency, and whatever prerogatives might have been claimed by the banks that they created that was a different thing, for such notes are only circulating credit and not paper money.

Let me tell Senators there is a great distinction between paper which circulates merely as credit and Government money proper, that bearing the stamp of the Government, as spoken of by my friend from Missouri a while ago. In his overanxiety to be explicit he confounded distinctions on this question. Those who have given any thought to this subject must know that there is a very great difference between the ordinary bank bill of a corporation which is permitted to circulate as a mere credit and a Government note which goes out to the world without regard to credit, and having nothing behind it but the stamp of the Government itself, having no resources behind it of a definite character to secure its redemption. The bills of the banks now are circulating credits. They are not paper money in any sense. It is like a promissory note of an individual permitted for commercial and business purposes to go from hand to hand. But when you get to the subject of governmental money, that which has deluged Europe at times with a paper circulation, and which in the beginning of our own Revolutionary war brought so much trouble upon this people and against which the wise framers of the organic law attempted to erect a barrier, you are speaking of a different thing. When you speak of the notes of a corporation or of an individual which circulate as money you are speaking of that which has behind it a definite specific security for its redemption, and it is nothing but a mere note of credit of a private party. In the other case you go indiscriminately with the mere stamp of the Government upon a piece of paper and issue it by the millions, beyond the wants of trade, the necessities of commerce, until you deluge the country with an inflated mass of paper which will depreciate our values and destroy our individual rights. That is the system which brought ruin to Austria, to Russia, Turkey, and other weak, unthinking continental powers that have been deluged with it, but against which England had the wisdom and the statesmanship to guard. It is impossible for government to fix a healthy limit to the volume of paper money or to stop its depreciation once it gets on the decrease of value.

I made no preparation for a speech, and I will only say in closing that so far as I am concerned I am not the advocate of any corporation, banking or otherwise, but I do repeat that in my poor opinion it will be an unfortunate day for the best interests of this country when it shall be held that to "coin money" means to print Government paper, and when the wants of commerce and trade with respect to paper circulation shall be determined by the votes of Congress and the volume of our circulation determined by public expenditures.

Mr. MORRILL. Mr. President, if the Senator from Missouri [Mr. VEST] represents the principles of the Democratic party, Thomas Hart Benton, who for thirty years was a leader in this body, could not obtain admission to the party at the present time, but would be blackballed if his name were presented.

The Senator from Missouri proposes that the Government shall become a great national banking institution for the purposes of the issue of paper money without any preparation for its redemption. I wish to say that so far as that policy has been adopted by any nation no one has ever redeemed its paper in gold or gold and silver.

I merely rose to correct one or two impressions of the Senator from Missouri in relation to the national banks, about their being the invention of one man, and intended to be a permanent institution of this country. Anybody who will examine the statutes of New York will see that it was merely an adoption of the system of New York. No one, not even Mr. Chase or any one else, can claim a patent-right upon the system of national banks. So far as their permanence is to be considered, they will last as long and no longer than there are bonds that can be deposited for the security of their circulating notes.

Let me say another thing in relation to the position of the banks when there were $18,000,000 withdrawn in a short time. That was because the banks could not make money in the business, and it will be so now and forever. You can not induce men to embark in enterprises where they are sure to make a loss. At that time money was worth more than 3 or 4 per cent., and therefore it was no object to the banks to have that kind of security. Money is more abundant and worth less now, and that changes the condition of things.

Let me say another thing in relation to the statement as to banks generally obtaining 10 per cent. interest upon their loans. I deny it. I do not know of any spot or place in the country where national banks are obtaining 10 per cent. interest when based upon a circulation derived from bonds bearing interest above 3 per cent. It would be obviously against their interest to go into national banking if they could obtain that amount of interest, for the difference between the amount that they would have to pay for their bonds costing a high premium and the amount of interest that they would regain by loaning their money would be more than counterbalanced.

The idea that these banks are oppressive I think is a very gross mistake. There is no portion of our country where they are located that they do not reduce the rate of interest to the people. It follows as a matter of necessity.

I merely rose to refer to these points, and do not desire to retain the floor any longer.

Mr. CALL. Mr. President, it becomes my duty to give a vote upon the pending measure, and in doing so I wish to state the reasons which shall govern my own action upon the bill.

We are not discussing a proposition to abolish our present system of banking, or the connection between the banks of the country, the credit institutions of the country, and the national debt. We are confronted with a certain fact, the fact that there is a debt of $1,273,475,450 bearing interest, and an amount in the Treasury of $398,287,581 annually, and $310,517,827 of national-bank notes outstanding.

The amendments before the Senate, the bill reported by the Senator from Delaware [Mr. BAYARD], and the bill introduced by the Senator from New Jersey [Mr. MCPHERSON] are substantially the same. They propose a remedy for a contraction of the currency existing under these circumstances, a national debt of over $1,300,000,000 convertible into currency upon certain conditions and an amount of revenue in the Treasury of nearly $398,287,581 annually. The question for consideration before us is the merits of this plan of relief, this remedy for contraction, and to that I shall endeavor to confine my attention. The question for our consideration is, what is the remedy proposed for the contraction which is admitted upon all sides to exist, and which it is apprehended with very great certainty will exist more largely in the future? The remedy proposed by the several propositions before the Senate is an inducement to deposit bonds and take out circulation.

This inducement is an increased amount of circulation to each bond. It is then a proposition to add a new quality of value to the bond. It is admitted that this contraction results from a high-premium value of the bonds.

The difference between the profit of selling the bond to the Government at a certain high rate of premium and retiring the circulation, and the uncertain profit of keeping the bond and the circulation until the high-premium value of the bond changes, induces the sale of the bond and the surrender of the currency to the Government.

The high-premium value of the bond, therefore, is the cause of contraction. The remedy proposed is to add a new quality of value to the bond.

The remedy for the present high-premium value of the bond under the bill and the amendment, except the amendments of the Senator from Missouri [Mr. VEST] and the Senator from Kansas [Mr. PLUMB], is to increase its present high-premium value by adding a new quality of value to it.

Can you make the bond less valuable by making it more valuable by creating a new or more extended use for it, if the contraction proceeds from the difference between the certain profit of realizing a high-premium value and the uncertain profit or the certain less profit of keeping the bond and the currency until the premium disappears?

Can you remedy the evil of contraction proceeding from this cause by letting the cause remain, that is, by increasing the value of the bond and rendering present profit greater and increasing the uncertainty of future profit? Can you remove this cause of contraction in any other way than by making the future profit of retaining the bond and the circulation more certain than the present profit of realizing a high-premium value? Can you accomplish this result in any other way than by reducing the present high-premium value of the bonds which are the basis of circulation? It is admitted in the argument that the high-premium value of the bond is the factor that induces the surrender of the currency.

If you increase that high-premium value you can never remove the certainty of present profit in surrendering the currency, and the uncertainty of future greater profit, or rather the certainty of less future profit, in retaining the bond and retaining the circulation. A certainty of present profit will always prevail as an efficient factor over an uncertainty of the same degree of profit in the future. Much more will a certainty of present profit prevail over a certainty of a future less profit. The present

high-premium value of bonds is a certainty. The future disappearance and loss of this premium is an equal certainty. With these two factors remaining you can not by increasing the present value of the bond or adding a new quality of value to it, as these bills and amendments propose to do, or, in other words, by increasing the certainty of present profit, lessen the uncertainty of future profit in retaining the bond and the circulation. Let us examine, then, this admitted and powerful factor in withdrawing the currency, that is, the present high-premium value of the bonds, and endeavor to ascertain whence it comes and on what it depends.

That a bond should be worth from eight to thirty dollars more than it will pay when the period of its payment occurs is not a normal but an abnormal fact.

It is quite certain that no one will give twenty-five or thirty dollars more for it the day before it is to be paid than they will receive for it the next day when it will be paid. It is therefore short-lived, and must diminish and disappear with the approach of the time of payment. What quality of value, then, is it in a bond which induces any one to give a premium for it, say $125, for that which will pay only $100? What advantage can a man with $125 promise himself to induce him to take a Government bond for $100 for his $125?

What is the quality of a bond of the United States that gives it value, and why should it be worth more than it will pay? Its first quality of value is its certainty of payment; its second, its safety from robbery or destruction; its third, its long time, saving trouble in change of investments, and giving certainty to the amount of income to be derived from it; its fourth quality of value is its convertibility at all times into other values. Certainty of payment, safety from destruction, and convertibility.

Now, it will be readily seen that none of these qualities pertain to a premium on the bond. The premium value is no part of the obligation of the Government, not even of the intrinsic value of the bond. The premium, therefore, must depend on some other circumstances.

What are these circumstances that create the premium? Do they give any assurance of stability or permanence? The premium value of the bond must depend upon and be created by the demand for the bond. The natural demand for the bond must arise from its own intrinsic qualities of value affected, or increased or limited by the abundance or scarcity of money, and increased or diminished by the speculative wants of those who deal in bonds, and may be largely influenced by cliques or the efforts of interested parties in putting the premium value up or down.

It must be admitted that it is an unnatural and abnormal condition when the money which is only intended to effect exchanges of property and which in so doing finds ample remuneration is withdrawn from its proper function and invested at low and unprofitable rates in Government securities. One reason for this it will be seen is the fact that a person owning a United States bond not only has the amount of the bond within his control, but he also has the amount of the bond in money within his control, and at all times he can keep his bond and at the same time obtain upon it the use of its face value in money.

This quality of convertibility into money or of obtaining money upon the security at all times makes the bond practically usable as so much money in the hands of the holder, but all of these qualities of value are not sufficient to account for the high-premium value of the bonds when the current rates of interest charged for the use of money is so much greater than that which the bond pays. Obviously there is no hypothesis based on these facts in which it can be to the interest of any one having $100 in money to give it for a bond of $75 when he can use the $100 at a higher rate of interest and for far greater profit than the bond will yield him.

We must search, therefore, for some other cause than the intrinsic qualities or value of the bond for the present high-premium value.

Among the facts which are connected with this subject we find one which attracts attention worthy of thoughtful consideration. It is the fact that the Government is constantly withdrawing from the uses of business and for the purposes of Government an enormous sum of money, amounting annually to about $398,287,581, leaving after all the present objects of appropriation are provided for a surplus of over $100,000,000, or about that sum; and that this vast surplus has by law and by the habit of the Government but one means of getting out of the Treasury and back into the hands of the people for its legitimate purposes, and that is by the purchase of bonds at whatever premium-value shall be demanded for them; that is, that the Government advises the holders of bonds that it will impose an onerous and excessive system of taxation on the people far in advance of the uses of the Government, and expend it in the purchase of the class of bonds bearing the highest rate of interest at whatever premium they may bear. The Government, therefore, is a standing purchaser in the market for bonds at their highest premium rates, and a bidder with one hundred millions a year at its command for their purchase.

Is it possible for this fact to exist without having a material influence in increasing the premium value of the bond? And so long as it exists can you remedy the evil? Can you affect it by adding a new quality of value to the bond other than to increase the evil?

We have, then, excessive taxation yielding a large surplus revenue, and the use of this surplus for the purchase of bonds at high-premium rates, concurring to produce a constant contraction of the currency, a constant withdrawal of the money necessary for the legitimate uses of exchange and commerce.

The simple collection of the vast revenues of the Government and the time it is held before being paid out again continually withdraws a large sum from the business of exchange, and when you add to this the amount of currency retired by surrendering the bonds, and we have the causes of contraction, which it is necessary to remove before you can prevent the inevitable and necessary consequence of contraction. The advantage or disadvantage of the use of the Government credit in the form of Treasury notes as a circulating medium, instead of bonds as the basis of a circulation issued to associations of individuals under the name of banks, is an entirely different subject, resting on different conditions. When issued in whatever form, associations of individuals would accumulate them and make them a basis for other credits, which would perform the functions of money. The advantages of such a system or its disadvantage will have to be considered carefully and well before it can be adopted as a substitute even in part for the existing system.

It has been my purpose only to present the reasons which address themselves to my own mind in regard to the inadequacy of the pending measures of relief to remedy the existing and the future contraction of the currency. I find this train of reasoning which has presented itself to me and these conclusions sustained by the letter of Mr. William P. St. John, president of the Mercantile National Bank of New York, which has been referred to before, and from which I read the following extract:

> As I understand it, the aim of the bill is to prevent a contraction of the currency. With that for its object I beg most respectfully to predict for the bill, if enacted, the most lamentable failure. In evidence of this belief I beg to say that notwithstanding the fact that the 4 per cent. bonds with their twenty-three and a half years of life remaining, if purchased at the average price ruling in the past twelve months as against a purchase of the seven-and-a-half-year 4½ percents at the average price of the same period, would have yielded a return to a national bank on circulation of about 2 per cent. per annum more; yet the general aversion among the banks to a high-premium account is so great that the increase in bank pledge of these bonds, in this period of a year, has been but about one million dollars of these better-paying but high-priced 4 percents, as against an increase of more than seven and a half million dollars of the lower-priced 4½ per cent. bonds; the greater length of the high-priced bonds adding another feature to weigh in their favor if this aversion were to be overcome. This bill, with all others so far offered in the Senate, have aimed to attract the national banks now pledging 3 per cent. bonds to replace them, as called, by purchase of these 4 percents or 4½ percents. It is the 3 per cent. holding national bank, therefore, that must be served at this crisis if the public welfare is to be considered in this fear of currency contraction.
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> Further to sustain this point the following from the New York Times of to-day (February 14) is in point:
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> "Unless this (tax on circulation) be removed it is quite idle to talk of inducing the banks to replace their 3 per cent. bonds by 4 per cent. bonds with the privilege of circulation up to par."
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> But if any of these measures were adopted, and should prove successful, the public will in another way be asked to suffer. At the present rate of Government income and expenditure two and one-half years will serve to exhaust the Government option to call 3 per cent. bonds. Thereafter all unappropriated moneys, unless allowed to accumulate in the Treasury, must be applied to the purchase of outstanding bonds. If meanwhile the banks should be induced to replace their 3 percents. as the result of such enactment, it must appear that you will have legislated out of the market nearly $200,000,000 of bonds and correspondingly enhanced the prices of bonds remaining when the Government must of necessity become a purchaser, and with no option left to bear upon possible clique movement against the Government in the market. How much in the public interest this proceeding would be, when not at all a necessity to prevent the threatened currency contraction, the wise will discover.

Without committing myself to an approval of the specific means suggested, the conclusion addresses itself to my mind with some force, as in the line of the only possible remedy connected with the present form of Government credits and its connection with the circulating medium or with the present system of banking. The true remedy in my judgment is a reduction of taxation to the necessary wants of the Government and a cessation of the purchase of bonds at premium rates; if you can add to this refunding of the national debt at lower rates of interest, or a substitution of a new form of the public credit for currency, this will be a step further. In whatever form the public credit is used for this purpose it will have to be intrusted to associations of credit in some form, and the contraction or expansion of the currency, opening and closing with the tides of production and exchange, will have to be controlled and directed by those interests and those who direct and control them. But this is a subject too great to be considered here and upon this bill. There is no probability of the adoption of any measure which shall disturb the existing system of currency and its connection with banks without its being fully investigated and without its having come before the country for mature consideration.

The amendment of the Senator from Kansas does not propose to destroy the existing system of banks or the connection between the currency, the public debt, and the banks. The amendment of the Senator from Missouri does not propose to accomplish this object. It is regarded by all as utterly impracticable to convert the entire body of the national debt, or even any very large proportion of it, at the present time into a floating circulation of Treasury notes issued by the Government, and whatever may be the merits of that proposition and however free from financial objections which have been urged against it, it is not a practical question now; for although I myself would be willing to vote for the amendment of the Senator from Kansas or the amendment of

the Senator from Missouri to the extent of such amount as can be issued, I can not see that that would prevent the difficulty which now lies before the country.

It seems reasonable to conclude that if the public credit was issued in the form of Treasury notes, redeemable in gold and silver at proper relative values, it would be in the power of the Government of the United States to maintain them at par. Certainly all the means of accomplishing this result which the present circulation has would belong in quite as great a degree to the Treasury note of the United States. I can not see why the aggregate resources of this Government are not greater than those of any collection of individuals to maintain its Treasury notes at par and redeemable in gold and silver; but the difficulty would be in another direction.

If you pay them out for the existing bonds, this would only be a change in the form of the public credit, and the effect of this on the values of property and commodities would have to be the subject of the most careful consideration. Its primary effect would be to make the Government the depositary of the entire amount of the issue of Treasury notes in gold and silver coin; that is, they would be redeemable in gold and silver on demand of the holder. Those holding such notes would endeavor to convert them into some form of income-producing use; and the same causes which now concentrate money into particular channels and places of deposit known as banks for its greater security and under the influence of convenience would affect this money as it does now with other money.

But the subject is one in which speculative opinion is of but little value, and any opinion short of exact reasoning and demonstration amounts to nothing.

In former days the amount of the currency or money was regulated by the chance production of the precious metals; and this was supplemented by associations of credit of individuals and by bills of credit of merchants.

But now, as then, the precious metals are the universal standard and measure of value among the nations of the world in their transactions with each other and in their commercial relations. Now, as then, their amount depends altogether on their chance production, of which there is no fixed amount, but they are supplemented with a great many additional forms of credit which are used in place of money to effect exchanges and represent values.

While the Government has certainly greater power than any aggregation of individuals to give certainty and value to these forms of credit and make them convertible into the universal standard, yet the Government can do nothing without the people, its forms of credit can have no value without their confidence, and their confidence is dependent on the ability of Government to make these forms of credit, whether bonds or money, convertible into the universal standards and representatives of value which are usable in commerce and travel throughout the world.

The amount of credit notes which the Government could maintain, convertible on demand into the universal standard or representative of value, would seem to be the limit of its capacity in issuing credit notes.

I can not see any evil in the abundance of money so long as there is no danger of its ceasing to be money and becoming depreciated or of no value in the hands of those who have exchanged valuable commodities or labor for it relying on its representative value, while on the other hand there are many manifest evils which proceed from its scarcity or its possession by the few.

I can see no reason why, if the holders of United States bonds would take them, the Government should not give them Treasury notes for them, and at the same time expend its taxes in the shape of other money in the retirement of other bonds. If the present rate of taxation should be continued, such a measure would rapidly retire the bonded debt and at the same time not contract the currency, but it would be subject to the objection of continuing the high-premium value of the bonds and the purchase of them at such price as the holders might demand, except as to that portion of them which are payable at the pleasure of the Government.

If Treasury notes are issued to replace bonds bought and currency retired, they can only be issued either to pay the ordinary expenses of the Government or to buy or exchange for bonds. If the revenue from taxes continues, we shall only have that much more surplus in the Treasury, which we shall be compelled to expend in the purchase of bonds at high-premium rates, increased by the fact of the necessity of the Government to expend its increased surplus revenue in the purchase of the bonds. It is true that the $305,529,000 3 percents might be retired at the pleasure of the Government, but this would leave the bonds bearing the higher rate of interest outstanding, and that which would be gained by converting them into Treasury notes without interest would be lost by the high-premium rates which you would be compelled to pay in appropriating the increased surplus revenue of the Treasury to the purchase of the bonds not redeemable at the pleasure of the Government.

It is not my purpose to express an opinion that it is not practicable and that it may not be necessary to issue the Government credit in the form of Treasury notes in the future financial exigencies of the people.

But the question for our consideration is how far it will best meet the present necessity of preventing a ruinous contraction of the currency without compelling the Government to pay an enormous premium for the bonds.

I venture to say that neither the Senator from Missouri nor the Senator from Kansas would undertake by this bill now and with the imperfect knowledge we have on the subject to fix the amount of circulating medium of Treasury notes which this Government could maintain convertible into the universal standard of commercial value. I apprehend there is no such question now before the Senate on this bill, and that it is not practicable for us to make it. I can myself see no difficulty in the way of issuing an amount of currency or Treasury notes such as the Senator from Kansas suggests except the difficulty that continuing the present rate of taxation you have to increase the purchase of bonds at their present or a higher premium value and at the same time continue the public debt in a different form, buying it up at an enormous premium on the one hand and issuing on the other a debt without interest. Between these two evils certainly a wise financial system must pursue a moderate course, neither buying the bonds at an exorbitant rate of premium simply for the sake of putting the Treasury notes into circulation nor continuing the enormous taxation upon the country in order that the bonds may be bought at this enormous and arbitrary premium value.

I am, therefore, Mr. President, of the opinion that the present remedial measures before the Senate against contraction are entirely wrong. I think the letter of Mr. St. John, president of the Mercantile National Bank of New York, is correct in that respect; and it is my opinion, and although I may be compelled to vote for one or the other of these measures, I desire to say that I can not perceive that without abandoning the present system of purchasing bonds at their high-premium rate, which it is impossible to do while the present surplus of revenue remains, there is any remedy whatever unless there be a power vested in the Secretary of the Treasury in some form, and, when necessary, with discretion and judgment to issue the public credit of the United States in a different form. Unquestionably this contraction is a demonstrable fact that must result from the present condition of things, from the high-premium value of the bonds, from the excessive surplus in the Treasury, from the necessity of using that surplus for the purpose of retiring the debt, thus making the Government a constant and standing purchaser and advertising for the purchase of bonds at whatever premium rate may be demanded for them.

Mr. VEST. Mr. President, I have a few words to say in regard to what was said by the Senator from Vermont [Mr. MORRILL]. I did not say the national banking system originated with one man. I had no interest in the question, and while I oppose that feature of the banking system which gives it control of the currency and circulation of the country, I have no sort of animosity to the national banks as banks of deposit or mediums of exchange and ordinary banking. I referred in my remarks to Mr. Potter's statement, who claims the paternity of the principle on which national banking institutions are based. For myself, I have been opposed throughout to the feature about which we are contending to-day, that is, the power to issue money. I do not care who originated the national banking system. The purpose, I have always understood, was to induce the people of the United States to invest in the public securities, so as to maintain the war. Now, the war having ended, the system is left, to be imposed on the people of the United States for an indefinite period.

As to what the Senator says about Mr. Benton's opinion on the power of the Government to issue paper money, I know that of all the statesmen in this country Mr. Benton would have been the first to have denounced this claim on the part of these corporations to usurp the functions of sovereignty.

Now, a word to my Democratic friend from Florida. If I could be astonished at anything in public life or public debate, I should express some astonishment at the statement of the Senator from Florida, a gentleman trained in the law, and, above all, in constitutional law, when he expresses the most profound astonishment at the idea that any Democrat should admit the power of the National Government to issue Treasury notes.

Mr. President, if I know anything about the history of the Democratic party and of the country, it has never been a question with Democrats or among intelligent lawyers as to the powers of the Government to issue Treasury notes. It is not necessary to go to the legal-tender opinion in 12 Wallace, where the Supreme Court unanimously declared that the Government has the power to emit bills of credit or Treasury notes. The struggle in that case was over the legal-tender quality of those notes. I have always believed that the court made the decision as to the legal-tender question as a military necessity, and nothing else, but as to Treasury notes without the legal-tender quality intelligent lawyers have always agreed.

Now let us look at history on this point. The Senator from Florida will see what the Government has done in regard to Treasury notes.

Treasury notes have been issued under the acts of 25th February, 1813; 26th December, 1814; 12th October, 1837; 31st January, 1842; 31st August, 1842; 22d July, 1846; 28th July, 1847; 23d December, 1857; the 25th February, 1862, and the several subsequent acts. They are binding on the Government.

Outside of the decision of the Supreme Court of the United States in

12 Wallace, which, so far as lawyers are concerned, is a finality on this question, the State courts have decided that—

Congress has constitutional power to issue Treasury notes of the United States, and make them lawful money. (Shallenberger *vs.* Brinton, 52 Pennsylvania State Reports; Brown *vs.* Welch, 26 Indiana, 116.)

I did not suppose there was anybody who would stand here and put his reputation upon the statement that there was no power in the Congress of the United States to issue Treasury notes. The whole history of the Government has been in that direction. It is no original question, it is no new question. It has been finally adjusted and settled.

But, sir, the Senator from Florida says the power to issue Treasury notes does not exist in the Government; and yet if he voted for the bill for which he has made his argument here to-day, or any bill reported from the Finance Committee, he gives to the national banks a power that does not exist in the Government itself. How water can come from a spring that has no water is a problem that I do not propose to solve. How the Government can give power to corporations that does not exist in the absolute sovereignty of the country itself, I leave the Senator from Florida to solve.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on the amendment offered by the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. I ask leave to amend my amendment by inserting, after the word "surrendered," in line 2:

And the same is not taken up by other national banks within thirty days thereafter.

Simply covering the chance of some national bank surrendering its currency at the same time that some other national bank wants to take it out.

Mr. HARRIS. The Senator may modify his amendment, the yeas and nays not having been ordered.

Mr. PLUMB. And at the close I move to add:

The true intent and meaning of this section being that the volume of paper money outstanding, exclusive of gold and silver certificates, shall remain as now existing.

The PRESIDING OFFICER. The Senator from Kansas has the right to modify his amendment.

Mr. PLATT. Let the amendment be read.

The SECRETARY. After the words "surrendered," in line 2, it is proposed to insert the words:

And the same is not taken up by other national banks within thirty days thereafter.

And at the end of the amendment to add:

The true intent and meaning of this section being that the volume of paper money outstanding, exclusive of gold and silver certificates, shall remain as now existing.

So as to read:

That whenever the circulation of any national bank, or any portion thereof, shall be surrendered, and the same is not taken up by other national banks within thirty days thereafter, the Secretary of the Treasury shall thereupon issue an equivalent amount of Treasury notes of the denominations now provided by law for national-bank notes. Said Treasury notes shall be deposited in the Treasury and paid out as other moneys kept for the discharge of the obligations of the Government. They shall be receivable for salaries and for all dues to the Government, including duties on imports; shall be a legal tender between national banks and for all debts due to any national bank; shall be redeemable in coin, as the legal-tender notes of the United States now are; and when received into the Treasury they shall be reissued, and when mutilated or worn they shall be replaced, in the same manner as now provided by law for said legal-tender notes. The coin held in the Treasury at the date of the passage of this act for the redemption of the legal-tender notes of the Government shall also be applicable to the redemption of the Treasury notes herein provided for; and such coin reserve may, from time to time, be increased by adding thereto other sums from payments made into the Treasury, in the discretion of the Secretary of the Treasury: *Provided*, That the total amount of said coin reserve shall never be less than 25 per cent. nor more than 30 per cent. of the total amount of legal-tender and Treasury notes outstanding; the true intent and meaning of this section being that the volume of paper money outstanding, exclusive of gold and silver certificates, shall remain as now existing.

Mr. ALLISON. I wish to ask the Senator from Kansas what he means by the phraseology "when a national bank shall surrender its circulation?" National banks do not surrender their circulation as a matter of fact. Under existing law when a national bank goes out of existence or takes up its bonds it simply deposits greenback notes. Is it the meaning of the amendment that when greenbacks are deposited in the Treasury immediately other greenbacks or other Treasury notes shall be issued to the amount of the greenbacks deposited? Is that the idea of the Senator?

Mr. PLUMB. That is the idea. The word "surrendered" is used as contradistinguished from the word "redeemed." If the word "redeemed" had been used there the issue of Treasury notes would have to await the slow and uncertain process of the redemption of notes outstanding and would not have met the case, because the moment a bank surrenders its circulation the full amount of that circulation is withdrawn from the volume of currency outstanding, not the precise notes of the national bank, but the greenback notes which are placed in the Treasury in order to enable them to take up their bonds and which from time to time are so used by the Treasury in the redemption of the national-bank notes. The surrender of the currency of a national bank is a process which is understood at the Treasury and which I think is sufficiently described by the word which I have used.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The question is on the amendment of the Senator from Kansas [Mr. PLUMB] as modified by himself.

Mr. VEST called for the yeas and nays; and they were ordered.

Mr. MORRILL. I desire to ask the Senator from Kansas what we are to understand as the force and effect of the last amendment? It is in the words expressed that the true intent and meaning of the paper-money act is neither to increase nor diminish the paper circulation.

Mr. PLUMB. The design of the amendment is to maintain the volume of paper currency exactly where it is at the time of the passage of the law, answering precisely the same purpose in legislation which was answered by the law which prescribed that legal-tender notes of the United States then outstanding should not be diminished.

Mr. MORRILL. Suppose, however, the amount should be decreased or diminished, what effect would the amendment have?

Mr. PLUMB. It could neither increase it nor diminish if the amendment was carried out.

Mr. MORRILL. I do not see that the amendment would carry out the bill or the bill carry out the amendment.

Mr. PLUMB. The amendment gives to the Secretary of the Treasury power to issue Treasury notes only in the event that the national-bank notes are surrendered and to the amount to which they are surrendered, and that too within a period of thirty days during which time if other national banks take up circulation equivalent in amount the Secretary has nothing to do, no power or function to perform.

Mr. BUTLER. This is an important question and I should like very much to see the amendment as modified by the Senator from Kansas in the RECORD; and unless there is a very urgent desire to have a vote this evening, I will move that the Senate proceed to the consideration of executive business. It is now after 4 o'clock.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 22 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 18, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of Friday's proceedings was read and approved.

AMERICAN MERCHANT MARINE.

Mr. HUNT. I ask unanimous consent to introduce the following resolution for present consideration.

The Clerk read as follows:

Resolved, That the bill of the House (H. R. 4987) for the encouragement of the American merchant marine and to promote postal and commercial relations with foreign countries, be made the special order in the Committee of the Whole House on the state of the Union for Wednesday, the 27th instant, and from day to day thereafter until disposed of, not to interfere with general appropriation or revenue bills or existing special orders.

Mr. HEWITT, of Alabama. I object.

Mr. POLAND. I ask unanimous consent to introduce a resolution.

Mr. DORSHEIMER. I demand the regular order of business.

RIVERS AND HARBORS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, in response to resolution of the House of January 24, 1884, transmitting report of the Chief of Engineers on the necessity of making immediate appropriations for continuing work on important river and harbor improvements until the appropriation for the next fiscal year becomes available; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

INDIAN SERVICE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the acting Secretary of the Interior, transmitting a statement of open-market expenditures for the Indian service authorized by the Interior Department up to and including January 31, 1884, together with a communication from the Commissioner of Indian Affairs; which was referred to the Committee on Expenditures in the Interior Department, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GEORGE D. WISE, for three days, on account of important business.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the Chair will proceed with the call of States and Territories for the introduction of bills and joint resolutions for printing and reference to their appropriate committees. Under this call memorials and resolutions of State and Territorial Legislatures are in order; also resolutions calling for executive information for reference to their appropriate committees.

VACATING ALLEY, WASHINGTON, D. C.

Mr. SHELLEY introduced a bill (H. R. 4994) to vacate an alley in square 234 in the city of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

EXCHANGE OF TENTS, ETC.

Mr. HERBERT introduced a joint resolution (H. Res. 161) authorizing the Secretary of War, in his discretion, to make exchange of tents for Gatling guns with the National Guard of Alabama, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BENJAMIN PIERCE.

Mr. PEEL, of Arkansas, introduced a bill (H. R. 4995) to remove the charge of desertion against Benjamin Pierce, Company H, Eighth Missouri Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN W. CLAIBORN.

Mr. PEEL, of Arkansas, also introduced a bill (H. R. 4996) to remove the charge of desertion against John W. Claiborn, private Company C, First Arkansas Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SURVIVORS MOUNTAIN MEADOW MASSACRE.

Mr. PEEL, of Arkansas, also introduced a bill (H. R. 4997) donating three hundred and twenty acres of public land to each of the survivors of the Mountain Meadow massacre and to each of the legal heirs of any one killed in such massacre; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GEORGE D. SHUMARD.

Mr. ROGERS, of Arkansas, introduced a bill (H. R. 4998) for the relief of the children of George D. Shumard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM D. SPRAGUE.

Mr. TULLY introduced a bill (H. R. 4999) for the relief of William D. Sprague, and to relieve him from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUITS TO SET ASIDE LAND-PATENTS.

Mr. BELFORD introduced a bill (H. R. 5000) relating to suits by the United States to set aside land-patents; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RESOLUTIONS ON THE DEATH OF HERR LASKER.

Mr. BELFORD also submitted the following resolution of inquiry; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State be requested to inform this House whether Prince Bismarck has sent to his Department any letters touching the resolutions recently passed by this House concerning the death of Herr Lasker, and, if so, to transmit a copy of the same and inform the House of any advices he may have on this subject, either by telegraph or letter.

JULIA C. RAMSDELL.

Mr. MITCHELL introduced a bill (H. R. 5001) for the relief of Julia C. Ramsdell, widow of Asa T. Ramsdell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRAVERS SWAN.

Mr. SEYMOUR introduced a bill (H. R. 5002) for the relief of Travers Swan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RELIEF OF CERTAIN MEDICAL OFFICERS.

Mr. DAVIDSON (by request) introduced a bill (H. R. 5003) for the relief of certain officers in the Medical Department of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM B. SMITH.

Mr. BISBEE introduced a bill (H. R. 5004) for the relief of William B. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REGULATING RAILROAD RATES.

Mr. NICHOLLS introduced a bill (H. R. 5005) to regulate traffic on railroads secured by United States bonds; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

QUALIFICATION OF JURORS IN UNITED STATES COURTS.

Mr. REESE introduced a bill (H. R. 5006) to repeal sections 820 and 821 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNMAILABLE MATTER.

Mr. REESE also introduced a bill (H. R. 5007) to prohibit the mailing of letters, circulars, registered letters, and money-orders relating to future contracts, and prescribing a penalty therefor; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MRS. E. L. BOYDEN.

Mr. HITT introduced a bill (H. R. 5008) granting a pension of $50 per month to Mrs. Boyden, widow of Col. Holden Putnam, Ninety-third Illinois Volunteers, and mother of Ensign Charles Putnam, United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT HILL.

Mr. TOWNSHEND introduced a bill (H. R. 5009) granting relief to Albert Hill, late Company B, Twelfth Missouri Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANNA M. SMITH.

Mr. WARD introduced a bill (H. R. 5010) granting a pension to Anna M. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK FEHLHABER.

Mr. WARD also introduced a bill (H. R. 5011) granting a pension to Frederick Fehlhaber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS BROWN.

Mr. WARD also introduced a bill (H. R. 5012) removing the charge of desertion from the record of Thomas Brown; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY J. FELTUS.

Mr. MATSON introduced a bill (H. R. 5013) for the relief of Henry J. Feltus; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JESSE M. JONES.

Mr. MATSON also introduced a bill (H. R. 5014) for the relief of Jesse M. Jones; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARLAND RICHARDSON.

Mr. PEELLE, of Indiana, introduced a bill (H. R. 5015) for the relief of Harland Richardson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM IRVIN.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 5016) for the relief of William Irvin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JULIA A. F. BASSETT.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 5017) for the relief of Julia A. F. Bassett; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH I. MONCRIEF.

Mr. PEELLE, of Indiana, also introduced a bill (H. R. 5018) for the relief of Elizabeth I. Moncrief; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NORTHERN PACIFIC RAILROAD GRANTS.

Mr. COBB introduced a bill (H. R. 5019) to provide for paying the cost of surveying lands granted in aid of the construction of the Northern Pacific Railroad and to subject the same to taxation; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SETTLERS ON RAILROAD LAND GRANTS.

Mr. COBB also introduced a bill (H. R. 5020) for the relief of settlers on lands granted in aid of railroads; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JACKSON SHADDAY.

Mr. HOLMAN introduced a bill (H. R. 5021) granting a pension to Jackson Shadday; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NORTHERN PACIFIC RAILROAD.

Mr. HOLMAN submitted the following resolution; which was read, and referred to the Committee on Pacific Railroads:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the House when the line of the Northern Pacific Railroad, and of each part thereof, was definitely and finally located, and the plat or plats of such definite and final location filed in the office of the Commissioner of the General Land Office, so far as said railroad has been definitely located, giving the date of the filing of each plat in said office, if more than one plat has been filed, and the length of line designated in each plat. And that he also inform the House whether the Northern Pacific Railroad Company has claimed or is claiming any lands on which homestead or pre-emption entries had been made within the

limits of the grant to said company opposite to any part of the line of said railroad prior to the line of final definite location of such part of said line; and, if so, whether such claims of said company are being considered by his Department.

ATLANTIC ALCOHOL COMPANY.

Mr. PUSEY introduced a bill (H. R. 5022) for the relief of the Atlantic Alcohol Company, of Atlantic, State of Iowa; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FREDERICK DAUT & CO.

Mr. MURPHY introduced a bill (H. R. 5023) for the relief of Frederick Daut & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SEA-SERVICE.

Mr. MURPHY also introduced a bill (H. R. 5024) defining sea-service; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN T. RYMAN.

Mr. RYAN introduced a bill (H. R. 5025) for the relief of John T. Ryman; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

RAILROAD LAND GRANTS.

Mr. ANDERSON introduced a bill (H. R. 5026) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INSPECTORS OF STEAM VESSELS, PADUCAH, KY.

Mr. JAMES introduced a bill (H. R. 5027) to establish a board of local inspectors of steam vessels for the customs district of Paducah, in the State of Kentucky; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN W. M'KNIGHT.

Mr. TURNER, of Kentucky, introduced a bill (H. R. 5028) for the relief of John W. McKnight; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BEVERLEY POST.

Mr. MORRILL introduced a bill (H. R. 5029) granting a pension to Beverley Post; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE M. UNDERWOOD.

Mr. MORRILL also introduced a bill (H. R. 5030) granting a pension to Jesse M. Underwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS OF CITIZENS OF KANSAS.

Mr. MORRILL also introduced a bill (H. R. 5031) authorizing the settlement of the claims of certain citizens of Kansas named therein; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEWIS C. DILS.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 5032) for the lief of Lewis C. Dils, late private Company B, Thirty-ninth Kentucky Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MOSES SOARD.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 5033) to remove the charge of desertion from Moses Soard; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HIRAM B. ARMITAGE.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 5034) to remove the charge of desertion from Hiram B. Armitage; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY C. DE AHNA.

Mr. ROSECRANS (by Mr. HALSELL) introduced a bill (H. R. 5035) for the relief of Henry C. De Ahna; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARGARET T. DUGAN.

Mr. ROSECRANS (by Mr. HALSELL) also introduced a bill (H. R. 5036) for the relief of Margaret T. Dugan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN W. BLAKE.

Mr. ROSECRANS (by Mr. HALSELL) also introduced a bill (H. R. 5037) for the relief of John W. Blake; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

SUFFERERS BY MISSISSIPPI FLOODS.

Mr. KING introduced a joint resolution (H. Res. 162) making an appropriation for the relief of sufferers in the Lower Mississippi Valley; which was read a first and second time.

The question was upon the reference of the joint resolution.

Mr. KING. I ask that the resolution be read at length and referred to the Committee on Appropriations.

The joint resolution was read, as follows:

Whereas the waters that have spread desolation through the Ohio Valley and entailed so much suffering upon the people thereof are now pouring with steadily increasing volume into the Mississippi River, threatening to carry desolation into the valley of the Lower Mississippi; and

Whereas it is wise and prudent that judicious provision shall be made with the view of preventing such suffering as human agency can avert among the large and for the most part helpless population dwelling in that section of our country: Therefore,

Be it resolved, &c., That the sum of $500,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in the purchase and distribution of rations and providing such other means as he may deem necessary in preventing such suffering among the people of the Lower Mississippi Valley and the rivers tributary thereto.

The joint resolution was referred to the Committee on Appropriations, and ordered to be printed.

SEEDS FOR SUFFERERS BY OVERFLOW.

Mr. KING also introduced a joint resolution (H. Res. 163) making appropriation for the purchase of seeds for distribution among the sufferers by the overflow of the Ohio and Mississippi Rivers and their tributaries; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

THOMAS BREEN.

Mr. KING also introduced a bill (H. R. 5038) granting a pension to Thomas Breen, late a corporal of Company A, Seventh United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN M. YZNAGA DEL VALLE.

Mr. KING also introduced a bill (H. R. 5039) for the relief of Don Antonio Yznaga del Valle and his wife Ellen M. Yznaga del Valle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANK M'LENDON.

Mr. KING (by request) also introduced a bill (H. R. 5040) for the relief of Frank McLendon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GERVIN & BIETRY.

Mr. ELLIS introduced a bill (H. R. 5041) for the relief of Gervin & Bietry, of Louisiana; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DISEASES OF AMERICAN SWINE.

Mr. ELLIS also introduced a joint resolution (H. Res. 164) in regard to the diseases of American swine; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

WILLIAM AVERILL.

Mr. BOUTELLE introduced a bill (H. R. 5042) for the relief of William Averill; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NATIONAL-BANK REDEMPTION FUND.

Mr. DINGLEY introduced a bill (H. R. 5043) authorizing the Secretary of the Treasury to invest the lawful money deposited in the Treasury in trust by financial banking associations for the retirement of their circulating notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

STEEL GUNBOAT.

Mr. TALBOTT introduced a bill (H. R. 5044) to authorize the construction of one steel gunboat; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOSEPH H. HICKEY.

Mr. RICE (by request) introduced a bill (H. R. 5045) granting a pension to Joseph H. Hickey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVI W. EMERSON.

Mr. RICE (by request) also introduced a bill (H. R. 5046) granting a pension to Levi W. Emerson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK CROSTON.

Mr. STONE introduced a bill (H. R. 5047) granting a pension to Frank Croston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. FERNALD.

Mr. STONE also introduced a bill (H. R. 5048) for the relief of Charles

H. Fernald from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN WILSON.

Mr. MAYBURY introduced a bill (H. R. 5049) to provide for increased compensation to be paid to John Wilson, late of the One hundred and second Regiment United States Colored Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HOME FOR DISABLED VOLUNTEERS IN MICHIGAN.

Mr. CUTCHEON introduced a bill (H. R. 5050) to authorize the location of a home for disabled volunteer soldiers in the State of Michigan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JACOB PASSAGE.

Mr. WINANS, of Michigan, introduced a bill (H. R. 5051) for the relief of Jacob Passage; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HANNAH A. MARSHALL.

Mr. WINANS, of Michigan, also introduced a bill (H. R. 5052) granting a pension to Hannah A. Marshall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT B. BONNER.

Mr. HOUSEMAN introduced a bill (H. R. 5053) granting a pension to Robert B. Bonner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIOUX INDIAN WAR OF 1862.

Mr. WASHBURN introduced a bill (H. R. 5054) for the relief of citizens who were engaged in the suppression of the Sioux Indian war in Minnesota of 1862; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HIRAM M. RANNEY.

Mr. WASHBURN also introduced a bill (H. R. 5055) granting a pension to Hiram M. Ranney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TIMBER CULTURE.

Mr. STRAIT introduced a bill (H. R. 5056) to amend an act entitled "An act to encourage the growth of timber on the Western prairies," approved June 14, 1878; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ARMS FOR MILITIA.

Mr. STRAIT also introduced a bill (H. R. 5057) to amend section 1661 of the Revised Statutes making an annual appropriation to provide arms for the militia; which was read a first and second time, referred to the Committee on the Militia, and ordered to be printed.

MARY M. TAYLOR.

Mr. STRAIT also introduced a bill (H. R. 5058) for the relief of Mary M. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. P. FLUKE.

Mr. STRAIT also introduced a bill (H. R. 5059) for the relief of L. P. Fluke; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE W. TOWLE.

Mr. STRAIT also introduced a bill (H. R. 5060) for the relief of George W. Towle; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES E. MOLEN.

Mr. NELSON introduced a bill (H. R. 5061) for the relief of Charles E. Molen; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANNA W. OSBORNE.

Mr. NELSON also introduced a bill (H. R. 5062) for the relief of Anna W. Osborne; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MILTON S. SHIRK.

Mr. VAN EATON introduced a bill (H. R. 5063) for the relief of Milton S. Shirk; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS B. WALLACE.

Mr. JEFFORDS (by request) introduced a bill (H. R. 5064) for the relief of Thomas B. Wallace; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN L. PETERS.

Mr. BROADHEAD introduced a bill (H. R. 5065) for the relief of John L. Peters, surviving partner of J. L. Peters & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES BALMER.

Mr. BROADHEAD also introduced a bill (H. R. 5066) for the relief of Charles Balmer, surviving partner of Balmer & Webber; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES HYSLOP.

Mr. BROADHEAD (by request) also introduced a bill (H. R. 5067) granting a pension to Charles Hyslop; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RECLAMATION OF ARID AND WASTE LANDS.

Mr. HATCH, of Missouri, (by request) introduced a bill (H. R. 5068) for the reclamation of arid and waste lands in certain Western States and Territories, and for the promotion of agriculture; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

MRS. MARY J. STOTTS.

Mr. FYAN introduced a bill (H. R. 5069) granting a pension to Mrs. Mary J. Stotts, widow of Green C. Stotts, late captain Company D, Seventy-sixth Missouri Militia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TEMPLE GOLDEN.

Mr. FYAN also introduced a bill (H. R. 5070) granting a pension to Temple Golden, Company K, Seventy-sixth Missouri State Militia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. M'CABE.

Mr. FYAN also introduced a bill (H. R. 5071) granting a pension to Mrs. McCabe, formerly Mrs. Lane; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM A. CARR.

Mr. FYAN also introduced a bill (H. R. 5072) for the relief of William A. Carr; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANDREW J. WILLIAMS.

Mr. CLARDY introduced a bill (H. R. 5073) granting a pension to Andrew J. Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. GRIMES.

Mr. BUCKNER introduced a bill (H. R. 5074) authorizing John M. Grimes, of Pike County, Missouri, to prosecute a suit in the Court of Claims against the United States for damages growing out of the improvement of the navigation of the Mississippi River; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

G. W. VARNUM.

Mr. BUCKNER also introduced a bill (H. R. 5075) for the relief of G. W. Varnum; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DOUBLE-EAGLES, ETC.

Mr. BLAND introduced a bill (H. R. 5076) limiting the coinage of double-eagles and discontinuing the coinage of certain United States coins; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

RIVER OBSERVATION, SIGNAL SERVICE.

Mr. DOCKERY introduced a bill (H. R. 5077) to increase the efficiency of the river observation of the Signal Service; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JOHN TAGGART.

Mr. DOCKERY also introduced a bill (H. R. 5078) for the relief of John Taggart; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NIRA M. GWINN.

Mr. GRAVES (by Mr. DOCKERY) introduced a bill (H. R. 5079) to place the name of Nira M. Gwinn on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDINGS IN SAINT JOSEPH, MO.

Mr. BURNES (by Mr. DOCKERY) introduced a bill (H. R. 5080) to amend an act entitled "An act to provide for the erection of a public building in the city of Saint Joseph, in the State of Missouri," approved August 5, 1882; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TOWNS UPON UNITED STATES LANDS.

Mr. VALENTINE introduced a bill (H. R. 5081) to interpret an act

for the relief of the citizens of towns upon lands of the United States under certain circumstances, approved May 23, 1844; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JANE HILTON.

Mr. VALENTINE also introduced a bill (H. R. 5082) granting a pension to Jane Hilton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES E. BROWN.

Mr. VALENTINE also introduced a bill (H. R. 5083) for the relief of Charles E. Brown; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY MARTIN.

Mr. LAIRD introduced a bill (H. R. 5084) for the relief of Henry Martin; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

SOLDIERS' REUNION, FREMONT, NEBR.

Mr. LAIRD also introduced a joint resolution (H. Res. 165) granting the use of artillery, tents, &c., at the soldiers' reunion to be held at Fremont, Nebr., in the month of September, 1884; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RUFUS KING.

Mr. KEAN introduced a bill (H. R. 5085) for the relief of Rufus King, late a captain in the Fourth Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZABETH W. CREIGHTON.

Mr. PHELPS introduced a bill (H. R. 5086) for the relief of Elizabeth W. Creighton, widow of J. Blakeley Creighton, late a rear-admiral; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM MUMIAN.

Mr. FERRELL introduced a bill (H. R. 5087) for the relief of William Mumian; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAGDALENA COOK.

Mr. FIEDLER introduced a bill (H. R. 5088) for the relief of Magdalena Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALE OF POST-OFFICE SITE, NEW YORK CITY.

Mr. HEWITT, of New York, introduced a joint resolution (H. Res. 166) conferring jurisdiction on the Court of Claims to consider and determine the equitable interest of the Chamber of Commerce of the State of New York in the money realized by the sale of the post-office site in the city of New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BARTHOLDI STATUE OF LIBERTY.

Mr. HEWITT, of New York, also introduced a joint resolution (H. Res. 167) authorizing the temporary exhibition in the Capitol of a model of the pedestal of the Bartholdi statue of Liberty enlightening the world; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JURISDICTION OF UNITED STATES CIRCUIT COURTS.

Mr. DORSHEIMER introduced a bill (H. R. 5089) to amend the act of Congress of March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts United States;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COURT OF APPEALS, ETC.

Mr. DORSHEIMER also introduced a bill (H. R. 5090) to establish a court of appeals and for additional circuit court judges; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LEASE OF POST-OFFICES.

Mr. SKINNER, of New York, introduced a bill (H. R. 5091) to authorize the Postmaster-General to lease premises for use of post-offices of the first, second, and third class; which was read a first and second time, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ISAAC P. TICE, DECEASED.

Mr. SLOCUM introduced a bill (H. R. 5092) for the relief of the administrators of the estate of Isaac P. Tice, deceased; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE W. REVERE.

Mr. JAMES introduced a bill (H. R. 5093) for the relief of George W. Revere from the charge of desertion and providing for pay, bounty, and allowances; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THEILMAN MORITZ.

Mr. ROBINSON, of New York, introduced a bill (H. R. 5094) granting a pension to Theilman Moritz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY J. VAUGHAN.

Mr. JOHNSON introduced a bill (H. R. 5095) for the relief of Mary J. Vaughan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WARREN S. SMITH.

Mr. JOHNSON also introduced a bill (H. R. 5096) for the relief of Warren S. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LANDLORDS AND TENANTS, DISTRICT OF COLUMBIA.

Mr. BEACH (by request) introduced a bill (H. R. 5097) to amend chapter 19 of the Revised Statutes relating to landlords and tenants in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BRIDGE AT TONAWANDA, N. Y.

Mr. STEVENS introduced a bill (H. R. 5098) respecting a bridge at Tonawanda, in the State of New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INTERNAL-REVENUE OFFICERS.

Mr. DOWD introduced a bill (H. R. 5099) to reduce the number of internal-revenue officers; which was read a first and second time; referred to the Committee on Ways and Means, and ordered to be printed.

LIGHTS, LOWER CAPE FEAR RIVER.

Mr. GREEN introduced a bill (H. R. 5100) to establish lights on the Lower Cape Fear River, North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE N. PATTON.

Mr. VANCE introduced a bill (H. R. 5101) granting a pension to George N. Patton; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES SHELTON.

Mr. VANCE also introduced a bill (H. R. 5102) for the relief of James Shelton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. F. JUSTICE.

Mr. VANCE also introduced a bill (H. R. 5103) granting a pension to J. F. Justice; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. H. CAMP.

Mr. VANCE also introduced a bill (H. R. 5104) for the relief of L. H. Camp; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

J. C. CAMP.

Mr. VANCE also introduced a bill (H. R. 5105) for the relief of J. C. Camp; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES H. ROBERTSON.

Mr. VANCE also introduced a bill (H. R. 5106) to amend the date of letters patent to James H. Robertson; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

EASTERN CHEROKEES, NORTH CAROLINA.

Mr. VANCE also introduced a bill (H. R. 5107) to provide for the sale of certain lands of the Eastern Band of Cherokees in North Carolina; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DRAWINGS IN PATENT OFFICE.

Mr. VANCE also introduced a bill (H. R. 5108) providing that drawings in the Patent Office be made without cost to the inventor; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

EASTERN BAND OF NORTH CAROLINA INDIANS.

Mr. VANCE also submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of the Interior be, and is hereby, requested to inform the House of Representatives, as soon as it may be conveniently done, the amount of money due the Eastern Band of North Carolina Indians, and set apart under the act of Congress approved July 29, 1848; the amount which should be due, principal and interest, under said act; the amount now to their credit; what disposition has been made of the difference between what should be due and what is now to their credit, for what purpose, under what law,

and for what reasons; what part of the money, $48,540.96, paid to special agent Silas H. Swetland, April 12, 1869, for these Indians was by them received; what services on the part of attorneys were necessary to secure the allowance and payment of said money; why the Indian Bureau caused Congress to change the rate of interest from 6 to 5 per cent. without consulting the Indians; whether the individual lands of any of said Indians have been taken in satisfaction of the judgments purchased of William Johnston; by whom selected and for what purpose; under what law and for what reasons the said lands were consolidated with the property of the band; why the deeds to these lands recovered from Thomas and Johnston are withheld by the Indian Commissioner from these Indians; what other matters affecting the rights of said band under the treaty of 1835 and 1836 remain unsettled; why the Indian Bureau does not proceed to adjust all matters comprehended in said treaties; and whether any further legislation is necessary to enable the President of the United States to execute the said treaties of 1835 and 1836.

WILLIAM E. BOND.

Mr. SKINNER, of North Carolina, introduced a bill (H. R. 5109) for the relief of William E. Bond, late internal-revenue collector first district of North Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EASTERN JUDICIAL DISTRICT OF NORTH CAROLINA.

Mr. BENNETT introduced a bill (H. R. 5110) to confer circuit court jurisdiction upon the district court for the district of Cape Fear, in the eastern district of North Carolina; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

A. M. ANDERSON AND OTHERS.

Mr. YORK introduced a bill (H. R. 5111) for the relief of A. M. Anderson, Hall Caldwell, A. C. Bryan, and C. C. Crumpler; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MOSES J. ROBERTSON.

Mr. McCORMICK introduced a bill (H. R. 5112) for the relief of Moses J. Robertson; which was read a first and second time, referred to the Commiteee on War Claims, and ordered to be printed.

PETER HUDNUT.

Mr. GEDDES introduced a bill (H. R. 5113) to remove the charge of desertion from the military record of Peter Hudnut; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INSPECTION OF PORK.

Mr. GEDDES also presented a joint resolution of the Legislature of Ohio, recommending to Congress the Government inspection of pork in certain cases.

Mr. CONVERSE. I ask for the reading of that resolution.

The resolution was read, as follows:

Senate joint resolution relative to recommending to Congress a Government inspection of pork in certain cases.

Whereas American pork has been excluded from the markets of France and Germany for nearly four years, thereby causing great loss to the hog-raisers of Ohio and other States; and

Whereas the alleged reason for such exclusion (the diseased condition of American pork) we believe to be without foundation in fact: Therefore,

Resolved by the General Assembly of the State of Ohio, That we would recommend to our members of Congress a system of Government inspection of meats exported to foreign countries that will prohibit the exportation of all meats not in a healthy condition, or such other legislation, either retaliatory or otherwise, as may be necessary to remove the restrictions now placed by France and Germany upon American pork.

Resolved further, That the governor be requested to forward to each of our Senators and Representatives in Congress a copy of these resolutions.

L. A. BRUNNER,
Speaker pro tempore of the House of Representatives.
JOHN G. WARWICK,
President of the Senate.

Adopted February 5, 1884.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State.

I, James W. Newman, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of a joint resolution adopted by the General Assembly of the State of Ohio on the 5th day of February, A. D. 1884, taken from the original rolls filed in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal, at Columbus, the 8th day of February, A. D. 1884.

[SEAL.] JAS. W. NEWMAN,
Secretary of State.

Mr. WHITE, of Kentucky. I wish to inquire to what committee it is proposed to refer that resolution.

The SPEAKER. To the Committee on Commerce.

Mr. WHITE, of Kentucky. I move that it be referred to the Committee on Alcoholic Liquor Traffic. I wish to say that the distillers are responsible for the diseased condition of American pork.

The SPEAKER. A proposition which has not been reported by a committee is not debatable. The gentleman from Kentucky [Mr. WHITE] moves to refer the joint resolution to the Select Committee on Alcoholic Liquor Traffic.

The motion was not agreed to.

The joint resolution was referred to the Committee on Commerce.

SURVIVORS OF SOUTHERN PRISONS.

Mr. GEDDES also presented a joint resolution of the Legislature of the State of Ohio, requesting their Senators and Representatives in Congress to secure pensions for survivors of prisons of the South during the late rebellion.

Mr. GEDDES. I ask that the joint resolution be read.

The resolution was read, as follows:

Joint resolution requesting Senators and Representatives in Congress to secure pensions for survivors of prisons of the South during the late rebellion.

Whereas many Union soldiers, prisoners of war, were confined in Libby, Andersonville, and other Southern prisons during the late war of the rebellion, and by reason of said imprisonment and the consequent sufferings entailed thereby the general health and constitutional vitality of those who survived said imprisonment was so impaired as to bring on a premature breaking down of general health and of the vital powers; and

Whereas it is but simple justice to those deserving and patriotic men that their strong claims to the sympathy of the country should receive such recognition as their merit, suffering, and patriotic services demand: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress from the State of Ohio are hereby requested to use their influence in the Congress of the United States to procure the passage of an act granting pensions to those surviving soldiers, prisoners of war, confined in Southern prisons as above recited.

Resolved further, That the governor be, and he is hereby, requested to transmit to each of our Senators and members in Congress a copy of these resolutions.

A. D. MARSH,
Speaker of the House of Representatives.
JOHN G. WARWICK,
President of the Senate.

Adopted February 14, 1884.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State.

I, James W. Newman, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of a joint resolution adopted by the General Assembly of the State of Ohio on the 14th day of February, A. D. 1884, taken from the original rolls filed in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal, at Columbus, the 15th day of February, A. D. 1884.

[SEAL.] JAS. W. NEWMAN,
Secretary of State.

The joi nt resolution was referred to the Committee on Invalid Pensions.

DR. F. O. ST. CLAIR.

Mr. McKINLEY introduced a bill (H. R. 5114) to refund to Dr. F. O. St. Clair $97.80 duties on a monument to the memory of Francis J. Townshend, late of the United States Navy; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ISAAC MILLER.

Mr. HART introduced a bill (H. R. 5115) granting a pension to Isaac Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID D. RAINS.

Mr. HART also introduced a bill (H. R. 5116) granting a pension to David D. Rains; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY EDGINGTON.

Mr. HART also introduced a bill (H. R. 5117) granting a pension to Mary Edgington; which was read a first and second time, referred to Committee on Invalid Pensions, and ordered to be printed.

CAROLINE YOUNG.

Mr HART (by request) also introduced a bill (H. R. 5118) granting a pension to Caroline Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENTERPRISE FIRE AND MARINE INSURANCE COMPANY.

Mr. FOLLETT introduced a bill (H. R. 5119) for the relief of the Enterprise Fire and Marine Insurance Company of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EDWARD W. SWISHER.

Mr. WILKINS introduced a bill (H. R. 5120) for the relief of Edward W. Swisher; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM T. MOREHEAD.

Mr. WILKINS also introduced a bill (H. R. 5121) for the relief of William T. Morehead; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MICHAEL PARCELL.

Mr. MURRAY introduced a bill (H. R. 5122) granting an increase of pension to Michael Parcell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK BRAUNWALD.

Mr. MURRAY also introduced a bill (H. R. 5123) granting a pension to Frederick Braunwald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL Z. COOPER.

Mr. MURRAY also introduced a bill (H. R. 5124) granting a pension to Samuel Z. Cooper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID B. CLINE.

Mr. MOREY introduced a bill (H. R. 5125) granting a pension to

David B. Cline; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE HENNESY.

Mr. MOREY also introduced a bill (H. R. 5126) granting a pension to Catherine Hennesy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANKLIN FOSTER.

Mr. PAIGE introduced a bill (H. R. 5127) for the relief of Franklin Foster, mail contractor of route 21475, State of Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LAKE AND MARINE SHIPPING.

Mr. FORAN introduced a bill (H. R. 5128) to regulate lake and marine shipping; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ZOATH HAMMOND.

Mr. CONVERSE introduced a bill (H. R. 5129) for the relief of Zoath Hammond; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MICHAEL MILLER.

Mr. CONVERSE also introduced a bill (H. R. 5130) for the relief of Michael Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RALPH SPENCER.

Mr. CONVERSE also introduced a bill (H. R. 5131) for the relief of Ralph Spencer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILANDER F. BEVERLY.

Mr. CONVERSE also introduced a bill (H. R. 5132) to rerate the pension of Philander F. Beverly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HAGENS.

Mr. GEORGE introduced a bill (H. R. 5133) granting a pension to John Hagens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to printed.

DAVID A. GRIFFITH.

Mr. ERMENTROUT introduced a bill (H. R. 5134) for the relief of David A. Griffith; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POLLY ANN FITCH.

Mr. CONNOLLY introduced a bill (H. R. 5135) for the relief of Polly Ann Fitch; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. YOUNG.

Mr. CONNOLLY also introduced a bill (H. R. 5136) for the relief of William H. Young; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN W. GREGORY.

Mr. CONNOLLY also introduced a bill (H. R. 5137) for the relief of John W. Gregory; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT WILKES BARRE, PA.

Mr. CONNOLLY introduced a bill (H. R. 5138) for the purchase of a site and erection of a public building at the city of Wilkes Barre, Pa.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING AT SCRANTON, PA.

Mr. CONNOLLY also introduced a bill (H. R. 5139) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," and making an additional appropriation therefor; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BENJAMAN P. ALLEN.

Mr. POST, of Pennsylvania, introduced a bill (H. R. 5140) granting a pension to Benjaman P. Allen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BARBARA JOHNSON.

Mr. POST, of Pennsylvania, also introduced a bill (H. R. 5141) granting a pension to Barbara Johnson, late Knoll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SEYMOUR F. ARNOLD.

Mr. POST, of Pennsylvania, also introduced a bill (H. R. 5142) to remove the charge of desertion from Seymour F. Arnold; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

R. W. ROSS.

Mr. DUNCAN introduced a bill (H. R. 5143) for the relief of R. W. Ross; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES ZEIGLER.

Mr. DUNCAN also introduced a bill (H. R. 5144) for the relief of Charles Zeigler; which was read a first and second time, referrred to the Committee on War Claims, and ordered to be printed.

SINKING FUND.

Mr. STORM introduced a bill (H. R. 5145) amendatory of the law relating to the sinking fund; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JESSE C. BUCK.

Mr. STORM also introduced a bill (H. R. 5146) granting a pension to Jesse C. Buck, late private in Third Pennsylvania Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY C. SCHNEY.

Mr. PATTON introduced a bill (H. R. 5147) for the relief of Henry C. Schney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB LAFFERTY.

Mr. PATTON also introduced a bill (H. R. 5148) granting a pension to Jacob Lafferty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY M. STIFFLER.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 5149) granting a pension to Henry M. Stiffler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTENIA SNYDER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 5150) for the relief of Christenia Snyder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT L. BURKET.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 5151) granting a pension to Albert L. Burket; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELI LOWER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 5152) granting a pension to Eli Lower; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE KNOPSNYDER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 5153) granting a pension to George Knopsnyder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED B. MULLETT.

Mr. CAMPBELL, of Pennsylvania (by request), also introduced a bill (H. R. 5154) for the relief of Alfred B. Mullett; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PREMISES FOR POST-OFFICES.

Mr. BINGHAM introduced a bill (H. R. 5155) to authorize the Postmaster-General to lease premises for use of post-offices of first, second, and third classes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SARAH D. PRENTISS.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 5156) granting arrears of pension to Sarah D. Prentiss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT A. M'MURRAY.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 5157) for the relief of Robert A. McMurray; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LAWRENCE GROSS.

Mr. ATKINSON introduced a bill (H. R. 5158) granting a pension to Lawrence Gross, unassigned recruit of the United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOUTH CAROLINA ACCOUNT FOR ARMS, ETC.

Mr. EVINS, of South Carolina, introduced a bill (H. R. 5159) author-

izing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RENT FOR CITADEL ACADEMY.

Mr. EVINS, of South Carolina, also introduced a bill (H. R. 5160) to empower the Secretary of War to audit the claim of South Carolina for rent alleged to be due for use and occupation of the Citadel Academy, at Charleston; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BURGESS WITT.

Mr. DIBRELL introduced a bill (H. R. 5161) to pay Burgess Witt the pension due his mother, a Revolutionary pensioner, at her death; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HEIRS OF C. G. CORDELL.

Mr. DIBRELL also introduced a bill (H. R. 5162) for the relief of the heirs of C. G. Cordell, of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN G. BROWN.

Mr. PETTIBONE introduced a bill (H. R. 5163) to remove the charge of desertion and grant an honorable discharge to John G. Brown, late of Company C, Eighth Tennessee Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN M'NEW.

Mr. HOUK introduced a bill (H. R. 5164) granting a pension to John McNew; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KNOXVILLE CUSTOM-HOUSE.

Mr. HOUK also introduced a bill (H. R. 5165) authorizing the Secretary of the Treasury to purchase certain ground adjoining the custom-house, Knoxville, Tenn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MESECK EMBREE.

Mr. HOUK also introduced a bill (H. R. 5166) for the relief of Meseck Embree; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLOTTE MORROW.

Mr. HOUK also introduced a bill (H. R. 5167) granting a pension to Charlotte Morrow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHANIEL F. ACUFF.

Mr. HOUK also introduced a bill (H. R. 5168) granting a pension to Nathaniel F. Acuff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. LINEBERRY.

Mr. HOUK also introduced a bill (H. R. 5169) for the relief of Mary A. Lineberry; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN HENRY.

Mr. HOUK also introduced a bill (H. R. 5170) to place the name of John Henry on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WRIGHT FRENCH.

Mr. HOUK also introduced a bill (H. R. 5171) for the relief of Wright French; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY L. WELLS.

Mr. HOUK also introduced a bill (H. R. 5172) granting a pension to Mary L. Wells; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MALINDA HENRY.

Mr. HOUK also introduced a bill (H. R. 5173) granting a pension to Malinda Henry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AVEY M. BALES.

Mr. HOUK also introduced a bill (H. R. 5174) granting a pension to Avey M. Bales; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOEL ACUFF.

Mr. HOUK also introduced a bill (H. R. 5175) granting a pension to Joel Acuff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES I. DAIL.

Mr. HOUK also introduced a bill (H. R. 5176) for the relief of James I. Dail; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. K. MEEK.

Mr. HOUK also introduced a bill (H. R. 5177) for the relief of A. K. Meek; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER KENNEDY, SR.

Mr. HOUK also introduced a bill (H. R. 5178) for the relief of Alexander Kennedy, sr.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN HENRY.

Mr. HOUK also introduced a bill (H. R. 5179) for the relief of John Henry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH C. HODGES.

Mr. HOUK also introduced a bill (H. R. 5180) for the relief of Joseph C. Hodges; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER P. RAMBO.

Mr. HOUK also introduced a bill (H. R. 5181) for the relief of Alexander P. Rambo; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWARD STERN.

Mr. HOUK also introduced a bill (H. R. 5182) for the relief of Edward Stern, a citizen of Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NANCY SMITH.

Mr. HOUK also introduced a bill (H. R. 5183) granting a pension to Nancy Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN PITTMAN.

Mr. YOUNG introduced a bill (H. R. 5184) for the relief of John Pittman, of Memphis, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL A. BIRCHETT.

Mr. CALDWELL introduced a bill (H. R. 5185) granting a pension to Daniel A. Birchett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HERMAN BADER.

Mr. CALDWELL also introduced a bill (H. R. 5186) granting a pension to Herman Bader; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY ELIZABETH YOUNG.

Mr. CALDWELL also introduced a bill (H. R. 5187) for the relief of Mary Elizabeth Young; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WARRANTS BY UNITED STATES COMMISSIONERS.

Mr. TAYLOR, of Tennessee, introduced a bill (H. R. 5188) restricting the authority of United States commissioners in issuing warrants for arrest; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

J. C. MARTIN AND OTHERS.

Mr. TAYLOR, of Tennessee, also introduced a bill (H. R. 5189) for the relief of J. C. Martin, Mary E. Brice, Lelia A. Martin, and Florence A. Martin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PENSION AGENCIES.

Mr. TAYLOR, of Tennessee, also introduced a bill (H. R. 5190) to abolish pension agencies; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUSTUS JONES.

Mr. MILLER, of Texas, introduced a bill (H. R. 5191) granting an increase of pension to Augustus Jones, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

TONKAWA INDIANS, TEXAS.

Mr. WELLBORN introduced a bill (H. R. 5192) to provide for the removal of the Tonkawa Indians from the State of Texas to the Quapaw reservation, in the Indian Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM A. JACKSON, DECEASED.

Mr. PIERCE introduced a bill (H. R. 5193) to relieve William A Jackson, deceased, of Company C, First West Tennessee United States

Volunteers, from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE W. KINGSBURY.

Mr. POLAND introduced a bill (H. R. 5194) for the relief of First Lieutenant George W. Kingsbury, Twelfth United States Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ZERIAH BURKE.

Mr. POLAND also introduced a bill (H. R. 5195) granting a pension to Zeriah Burke, widow of Asahel Burke, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BOARD OF COMMISSIONERS, INTERSTATE COMMERCE.

Mr. STEWART, of Vermont, introduced a bill (H. R. 5196) to establish a board of commissioners of interstate commerce and to regulate such commerce; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MRS. MARY E. NEALE.

Mr. MAYO introduced a bill (H. R. 5197) for the relief of Mrs. Mary E. Neale; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIGHT-SHIP, CAPE CHARLES SHOALS, VIRGINIA.

Mr. LIBBEY introduced a bill (H. R. 5198) for the establishment and maintenance of a light-ship off Smith's Island, on the Cape Charles Shoals, State of Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE AT FORTRESS MONROE.

Mr. LIBBEY also introduced a bill (H. R. 5199) for the construction of an iron bridge from the military reservation at Fortress Monroe to Elizabeth City County, Virginia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING AT STAUNTON, VA.

Mr. LIBBEY also introduced a bill (H. R. 5200) for the erection of a public building at Staunton, Va.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REMAINS OF LIEUT. CHARLES SMITH, JR.

Mr. LIBBEY also introduced a bill (H. R. 5201) authorizing the Secretary of War and directing him to pay the necessary expenses of the transportation and interment of the remains of the late Second Lieut. Charles Smith, jr., out of the appropriation for contingencies of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY C. STEPTOE.

Mr. JOHN S. WISE (by Mr. LIBBEY) introduced a bill (H. R. 5202) granting a pension to Mary C. Steptoe; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GREAT KANAWHA RIVER.

Mr. SNYDER introduced a bill (H. R. 5203) to extend the jurisdiction of the Light-House Board to the Great Kanawha River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RELIEF OF CERTAIN SAILORS, ETC.

Mr. GOFF introduced a bill (H. R. 5204) for the relief of certain sailors and marines of the late war; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

TIMBER DEPREDATIONS.

Mr. DEUSTER introduced a bill (H. R. 5205) to amend section 5388 of the Revised Statutes of the United States in relation to timber depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WOODS OF NATIONAL DOMAIN.

Mr. DEUSTER also introduced a bill (H. R. 5206) for the preservation of the woods and forests of the national domain adjacent to the sources of the navigable rivers and their affluents in the United States; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

ADALBERT STICKNEY.

Mr. DEUSTER also introduced a bill (H. R. 5207) granting a pension to Adalbert Stickney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GOTTLIEB HERMANN.

Mr. DEUSTER also introduced a bill (H. R. 5208) granting an increase of pension to Gottlieb Hermann; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES FLYNN.

Mr. DEUSTER also introduced a bill (H. R. 5209) granting a pension to James Flynn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRISCILLA WOOD.

Mr. GUENTHER introduced a bill (H. R. 5210) granting a pension to Priscilla Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IRA J. J. TURNEY.

Mr. GUENTHER also introduced a bill (H. R. 5211) granting a pension to Ira J. J. Turney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SEMANTHA R. LAPHAM.

Mr. WOODWARD introduced a bill (H. R. 5212) granting an increase of pension to Semantha R. Lapham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIDNEY B. FULLAR.

Mr. SUMNER, of Wisconsin, introduced a bill (H. R. 5213) to restore Sidney B. Fullar to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PARDON B. LAMOREAUX.

Mr. SUMNER, of Wisconsin, also introduced a bill (H. R. 5214) to increase the pension of Pardon B. Lamoreaux; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORLANDO CULVER.

Mr. SUMNER, of Wisconsin, also introduced a bill (H. R. 5215) granting a pension to Orlando Culver; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAND DISTRICT IN DAKOTA.

Mr. RAYMOND introduced a bill (H. R. 5216) to create an additional land district in the Territory of Dakota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

STANLEY J. MORROW.

Mr. RAYMOND also introduced a bill (H. R. 5217) for the relief of Stanley J. Morrow; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DARIUS M. SEAMAN.

Mr. RAYMOND also introduced a bill (H. R. 5218) granting a pension to Darius M. Seaman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories is now completed.

Several members rose.

The SPEAKER. If there be no objection, the Chair will recognize gentlemen who were not in their seats when their States were called to introduce bills for reference as under this call.

Mr. STEELE. I call for the regular order.

The SPEAKER. The regular order is called for.

PERSONAL PRIVILEGE.

Mr. MAYO. I rise to a question of personal privilege.

Mr. SPEAKER. The gentleman will state it.

Mr. MAYO. In the discussion upon this floor of the Manning and Chalmers case on Friday last Mr. GEORGE D. WISE, the Representative from the first Congressional district of Virginia, traveled out of his way from that case to make an unwarranted and unnecessary attack on my case, and one not supported by one scintilla of proof. He makes use of this most remarkable language:

> Now, let us see if these cases are parallel. I state here that I was present and know, and the papers in the record also show, that according to the returns George D. Garrison was elected from the first district of Virginia.

Mr. GIBSON. Will the gentleman allow me to make a suggestion?

Mr. MAYO. Certainly.

Mr. GIBSON. It is this: As this is a personal matter, and GEORGE D. WISE, of Virginia, is not present, allow me to suggest to the gentleman that he defer any remarks until Mr. WISE is present.

Mr. MAYO. I will do so, reserving my privilege.

The SPEAKER. The Chair has not decided that it is a question of privilege, not yet having heard stated the precise question to which the gentleman proposes to direct his remarks. But the Chair will recognize the gentleman hereafter.

Mr. MAYO. I will say that I was not here when the attack was made on me.

ELECTION CONTEST FROM MICHIGAN.

Mr. ELDREDGE. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. ELDREDGE. It is a question of privilege relative to the right of a member of this House to occupy his seat. I received last Friday by mail a petition, which I hold in my hand, from a distinguished citizen and the foremost lawyer of the State of Michigan, claiming that one of the sitting members from that State is not entitled to his seat by reason of having been illegally elected, and claiming the seat for himself. I find in the Revised Statutes a mode of procedure provided for contestants, as follows:

Whenever any person intends to contest an election of any member of the House of Representatives of the United States he shall, within thirty days after the result of such election shall have been determined by the officer or the board of canvassers authorized by law to determine the same, give notice, in writing, to the member whose seat he designs to contest of his intention to contest the same, and, in such notice, shall specify particularly the grounds upon which he relies in the contest.

The statute also goes on to provide the mode of the future procedure in the case, the manner of taking testimony, the time granted to each party for the purpose, &c.

This gentleman makes in his petition statements which he says he will prove to be true, and which, if true, in my humble judgment will unseat the sitting member.

He did not comply with the requirements of this section of the Revised Statutes which I have read; but in his petition he gives the reason why he did not. He states that about the middle of October, previous to the election of 1882, he was taken sick.

Mr. STEELE. We can not hear the gentleman.

Mr. ELDREDGE. Come down here if you want to hear me.

The SPEAKER. Gentlemen will resume their seats and preserve order. [After a pause.] The gentleman will proceed.

Mr. ELDREDGE. I was stating that the petitioner did not file notice of contest within the time prescribed by law. Whether he has given such notice since the time I am not advised. In his petition he states the reason why he did not give the notice within the time prescribed; that upon the 11th day of October, previous to the election, he was taken sick and was confined to his bed until long after the time had elapsed in which he should have given the notice. He also states that he did not know all the facts, which he sets up in his petition to be true, until a long time after his recovery and he was able to attend to business.

Mr. CALKINS. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. CALKINS. If the paper to which the gentleman refers is a simple petition or memorial, it should go through the petition-box, as other petitions do.

The SPEAKER. There is no difficulty about the matter. The Chair was waiting to ascertain the question of privilege. The right of petition is secured to every citizen by the Constitution itself. The gentleman can present the petition in the manner prescribed by the rules, and it will go to the Committee on Elections. That is a right which does not depend upon any explanation which the gentleman may make.

Mr. ELDREDGE. I would like to have the petition read and referred to the Committee on Elections; that is all I ask.

The SPEAKER. Is there objection to the reading of the petition? Several members objected.

The SPEAKER. Objection is made to the reading of the petition, and it will be placed in the petition-box, and be referred to the Committee on Elections, taking the usual course.

ORDER OF BUSINESS.

Mr. STEELE. I now demand the regular order.

The SPEAKER. The regular order is called for. This being the third Monday of the month, the regular order is the call of committees for motions to suspend the rules.

Mr. CALKINS. I appeal to my colleague [Mr. STEELE] to withhold his demand for the regular order, to allow those of us who were not present when their States were called to introduce bills for reference.

Mr. STEELE. I will withdraw the demand for the regular order for that purpose.

The SPEAKER. If the regular order is not insisted on, the Chair will, with the consent of the House, recognize for the introduction of bills and joint resolutions members who were not in the Hall when their States were called.

There was no objection.

JAMES ROGERS.

Mr. SPRINGER introduced a bill (H. R. 5219) granting a pension to James Rogers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. WEEKS.

Mr. CLAY introduced a bill (H. R. 5220) for the relief of John H. Weeks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BOYLE & ROACH.

Mr. JORDAN (by Mr. HOLMAN) introduced a bill (H. R. 5221) for the relief of Messrs. Boyle & Roach, contractors for work on the Saint Mary's Falls Canal, Michigan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIQUIDATION OF PUBLIC DEBT.

Mr. HOLMAN submitted the following resolution; which was referred to the Committee on Ways and Means:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the House how much of the money now in the Treasury of the United States, in view of the current receipts and expenditures of the Treasury, on the basis of existing laws, can be applied at this time in liquidation of that part of the public debt now payable without embarrassing his Department.

ORDER OF BUSINESS.

Mr. HENLEY. Mr. Speaker, I ask unanimous consent to introduce, for reference, a House resolution.

The SPEAKER. That can not be done at this time. The Chair is by consent continuing the call for the introduction of bills and joint resolutions.

JAMES BURKE & CO.

Mr. STOCKSLAGER introduced a bill (H. R. 5222) for the relief of James Burke & Co., of Jeffersonville, Ind.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES J. LAHUE.

Mr. STOCKSLAGER also introduced a bill (H. R. 5223) for the relief of Charles J. Lahue, of Harrison County, Indiana; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TIPPECANOE CAMPAIGN OF 1811.

Mr. STOCKSLAGER also introduced a bill (H. R. 5224) granting pensions to the officers and soldiers of the Tippecanoe campaign of 1811, and to their surviving widows; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SOLOMON DAVIS.

Mr. STOCKSLAGER also introduced a bill (H. R. 5225) for the relief of Solomon Davis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOUISVILLE AND PORTLAND CANAL.

Mr. WILLIS introduced a bill (H. R. 5226) for the government and control of the Louisville and Portland Canal; which was read a first and second time.

Mr. WILLIS. I ask the opinion of the Chair as to the propriety of referring this bill to the Committee on Rivers and Harbors. The question is between that committee and the Committee on Commerce. The latter committee are of the opinion that they have no jurisdiction of the matter. The Louisville and Portland Canal is the connecting link in the navigation of the Ohio River; and I suppose the reference would naturally be to the Committee on Rivers and Harbors.

The SPEAKER. If there be no objection the bill will be so referred.

There being no objection, the bill was referred to the Committee on Rivers and Harbors, and ordered to be printed.

TITLE TO LANDS IN INDIANA.

Mr. LOWRY introduced a bill (H. R. 5227) releasing to the State of Indiana the title of the United States to certain lands in said State; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

COURT OF APPEALS.

Mr. HERBERT (by request) introduced a bill (H. R. 5228) to establish a court of appeals, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RETIRED-LIST FOR NON-COMMISSIONED OFFICERS.

Mr. BEACH introduced a bill (H. R. 5229) to authorize a retired-list for non-commissioned officers of the United States Army who have served therein continuously, honorably, and faithfully for a period of thirty years or upward; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC DOMAIN IN NEBRASKA.

Mr. BLANCHARD submitted the following resolution; which was referred to the Committee on Public Lands:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to inform this House whether or not any portion of the public domain in the State of Nebraska has been fenced in for any purpose whatever by any individual, corporation, or company, and especially by the Brighton Ranch Company, of Custer County; and whether or not by such fencing in any post-route of the United States has been obstructed or interfered with.

Resolved further, That if it be true portions of the public domain have been so fenced in, to inform the House upon what authority, if any, the same was done; and what steps have been taken on the part of the Government to cause the removal of such obstructions and the criminal prosecution of the offenders.

NORTH CAROLINA CHEROKEE INDIANS.

Mr. YORK (by request) introduced a bill (H. R. 5230) to authorize the President to make sale of certain lands belonging to the Eastern Band of North Carolina Cherokee Indians; which was read a first and

second time, referred to the Committee on Indian Affairs, and ordered to be printed.

REPEAL INTERNAL-REVENUE TAXES ON TOBACCO.

Mr. BAYNE introduced a bill (H. R. 5231) to repeal all internal taxes on domestic tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM GOODMAN.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 5232) granting a pension to William Goodman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN OLIVER JENKINS.

Mr. KEIFER introduced a bill (H. R. 5233) for the relief of John Oliver Jenkins, of Millerstown, Ohio; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

STEPHEN BAXTER POST, GRAND ARMY OF THE REPUBLIC.

Mr. KEIFER also introduced a bill (H. R. 5234) granting condemned cannon and cannon-balls to Stephen Baxter Post, Grand Army of the Republic, No. 88, of Mechanicsburg, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES MYERS.

Mr. CALKINS introduced a bill (H. R. 5235) to place the name of James Myers on the invalid pension rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB HARDMAN.

Mr. CALKINS also introduced a bill (H. R. 5236) to place the name of Jacob Hardman on the pension rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLOMON S. MAYS.

Mr. MILLER, of Pennsylvania (by request), introduced a bill (H. R. 5237) granting a pension to Solomon S. Mays; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MORGAN, ORR & CO.

Mr. MILLER, of Pennsylvania (by request), also introduced a bill (H. R. 5238) to empower Morgan, Orr & Co. to bring a suit in the Court of Claims for taxes erroneously paid; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COL. P. V. HAGNER.

Mr. HENDERSON, of Illinois (by request), introduced a bill (H. R. 5239) to place Col. Peter V. Hagner, retired, on the retired-list of the Army, with the rank and pay of brigadier-general; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FREEMAN HOAK.

Mr. LE FEVRE introduced a bill (H. R. 5240) granting a pension to Freeman Hoak, Company D, Eighty-first Regiment Ohio Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN KALBFLEISH.

Mr. WARNER, of Ohio, introduced a bill (H. R. 5241) granting a pension to John Kalbfleish; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUSTIN B. LYNCH.

Mr. PETERS introduced a bill (H. R. 5242) granting a pension to Austin B. Lynch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. R. SOPER.

Mr. PERKINS introduced a bill (H. R. 5243) granting a pension to J. R. Soper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH PITTMAN.

Mr. PERKINS also introduced a bill (H. R. 5244) granting a pension to Joseph Pittman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WARREN CHUBBUCK.

Mr. DAVIS, of Massachusetts, introduced a bill (H. R. 5245) granting a pension to Warren Chubbuck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'CALLEN.

Mr. STRUBLE introduced a bill (H. R. 5246) granting a pension to James McCallen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BAMFORD & BURKE.

Mr. McCOMAS (by request) introduced a bill (H. R. 5247) for the relief of Bamford & Burke, to authorize the Secretary of the Treasury to investigate their claim, and pay, if due; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STATUTE LAWS DISTRICT OF COLUMBIA.

Mr. McCOMAS also introduced a bill (H. R. 5248) to provide for compiling and arranging the statute laws in force in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CRIMINAL CODE DISTRICT OF COLUMBIA.

Mr. McCOMAS also introduced a bill (H. R. 5249) to provide a criminal code for the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BOARD OF LIQUIDATION, DISTRICT OF COLUMBIA.

Mr. McCOID (by request) introduced a bill (H. R. 5250) to create a board of liquidation for the purpose of adjusting certain assessments for special improvement and redeeming certain outstanding certificates issued by the District of Columbia and the late corporation of Washington, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CUTHBERT WHITE.

Mr. HENLEY introduced a bill (H. R. 5251) for the relief of Cuthbert White; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNEARNED RAILROAD GRANTS.

Mr. LAIRD introduced the following resolution of inquiry; which was read, and referred to the Committee on the Public Lands:

Resolved, That the Secretary of the Interior be requested to furnish for the use of the House of Representatives as soon as practicable the following information: What lands granted to and earned by any land-grant railroad in the State of Nebraska or in any other State or Territory of the United States now remain unpatented to such railroad or railroads and the aggregate amount of such land, and to show particularly when such lands were earned by the railroad or railroads claiming them, and why patent thereto is now withheld, if it be so withheld. Also whether patent has been issued to any railroad claiming it without due payment by such railroad of the land-office fees and survey charges, and the amount of the land so patented and the reason for the same.

ORDER OF BUSINESS.

The SPEAKER. The regular order having been withdrawn temporarily to permit the continuation of the introduction of bills and joint resolutions by members who were not present when their States were called, and such call having now been concluded, the Chair, in pursuance of the regular order, will call the committees for motions to suspend the rules, this being the third Monday.

INTERNATIONAL COPYRIGHT.

Mr. DORSHEIMER (when the Committee on the Judiciary was called). Mr. Speaker, under instructions from the Committee on the Judiciary I move to suspend the rules and pass the resolution which I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That House bill 2418, entitled "An act granting copyrights to citizens of foreign countries," be made a special order for February 27, immediately after the morning hour, and continued from day to day thereafter until finally disposed of, not, however, to take precedence of appropriation or revenue bills.

Mr. DEUSTER and Mr. GUENTHER demanded a second.

Mr. TOWNSHEND. Would it be in order to call for the reading of the bill?

The SPEAKER. The bill is not before the House. It can be read, of course, by unanimous consent.

A second having been demanded, the Chair will order tellers.

Mr. DEUSTER and Mr. DORSHEIMER were appointed tellers.

Mr. HEWITT, of Alabama. Can a second not be considered as ordered?

The SPEAKER. That can only be done by unanimous consent.

Mr. HEWITT, of Alabama. I ask unanimous consent that a second be considered as ordered.

Mr. GUENTHER. I object.

The SPEAKER. Objection being made, the tellers will take their places.

The House divided; and the tellers reported—ayes 134, noes 38.

So the motion was seconded.

The SPEAKER. Under the rules of the House there are thirty minutes allowed for debate, fifteen of which will be controlled by the gentleman from New York and fifteen by the gentleman from Wisconsin [Mr. DEUSTER].

Mr. CALKINS. May I ask to have the bill read before the debate begins?

The SPEAKER. That can only be done by unanimous consent.

Mr. DORSHEIMER. Let me say to the gentleman from Indiana

that this is simply a motion to make this bill a special order for one week from next Wednesday.

Mr. CALKINS. I understand that the object of the resolution is to fix a day for the consideration of the bill, but as there has been some considerable difference of opinion already manifested as to the propriety of taking it up, I should like to know what it is.

The SPEAKER. Is there objection to the reading of the bill.

Several members objected.

Mr. DEUSTER. Mr. Speaker, this is a very important bill, and this morning I inquired at the document-room for the report accompanying it and could not find a single copy, but was informed that the gentleman from New York in charge of the bill had withdrawn the report from the Printing Office and there is no report to be had. Under these circumstances I think a bill of this importance should not be brought before the House for consideration, certainly not until members have had an opportunity of examining the report on which it is based.

Mr. DORSHEIMER. I will say to the gentleman that the report has been placed in the hands of the Printer, and will be on the tables of members to-morrow. It is now in the hands of the Public Printer.

Mr. DEUSTER. I do not deem it necessary now, Mr. Speaker, to enter into a full discussion of the merits of the bill, but will do so when it shall be called up for action before the House. For the present I wish to have read as a part of my remarks what I send to the desk.

Mr. CANNON. Permit me to ask, Mr. Speaker, whether this bill can not be read for the information of the House?

The SPEAKER. The bill is not before the House for consideration, and, as the Chair understands, objection has been made to reading it.

Mr. DEUSTER. I ask the Clerk to read the extract which I have marked.

The Clerk read as follows:

A SCHEME TO MAKE BOOKS DEAR.

The bill for an international copyright, introduced by Representative DORSHEIMER, of New York, for which the American Copyright Association is lobbying in Congress, is a bill to make books dear. Leaving aside all pretense and disguise, that is the intention of it.

It is advocated under the attractive caption of "Reciprocity." But there can be no reciprocity between the United States and other nations in the protection of authors. There are scores of foreign authors read in this country to one of ours read abroad. The advantages of the international copyright must be sought elsewhere than in one-sided reciprocity.

The rights of authors are pushed forward to gain support for the bill. The rights of authors are like those of other laborers—to sell their products in the best market they can find. That they have any right to have markets manufactured for them by copyright or by any other process we can not see. Copyright is an artificial thing, not a matter of abstract justice. Its extension, like its institution, depends on considerations of public policy, or perhaps of public generosity, merely.

The passage of this law would at once be followed by the partition of the American book market among a limited number of publishers. Books would be published in three-volume editions and at high prices, as in England. Domestic copyright has this disadvantage, as was seen in the case of Prescott's works, which were published in expensive editions and at high prices. The book-buyer who now puts $1 in his pocket would after the enactment of such a law need to go to his book-seller with $5. Literary knowledge and art have been made cheap in this country by free trade in intellectual importations. Stop this free trade, and books will advance in price to the English standard.

Those American authors who advocate this international copyright on the low ground that they want protection from the competition of foreign authors are deceiving themselves as to the help any such law would give them. The foreign writer would still sell for a comparatively small sum the right to publish his works in a remote and in most cases unappreciative market. He would make better terms with the publisher than the native author, and this underbidding would always be brought up against the native by his natural enemy, the publisher. Our writers think themselves hurt now by the sale of the pirated reprints; they would find themselves hurt under a reciprocal copyright by the low prices at which foreign authors would sell their books to the American publisher.

The only ground that remains on which to support an international copyright is that of abstract right. It is argued that it is stealing to appropriate the cerebral labor of another as much as to appropriate the fruits of his manual labor. This view of the case at first seems lofty and generous and captures many adherents for international copyright. But there is no abstract right involved. If there were, copyright would be perpetual. A man's rights in the books he had made would descend like those in the house he had built to his posterity forever, inalienable except by gift or sale. Shakespeare's family, unless they had parted with it, would still have the right to a payment from every occupant of Shakespeare's literary constructions.

Considerations of expediency and public policy have induced the state to give certain property rights in literary productions for a limited area and for a limited time. Public policy forbids, in our view, the extension of copyright at this time, so as to give foreign authors advantages that could not possibly be reciprocated to American authors abroad. It forbids the introduction of a system that would give the American author a delusive protection, while it would subject the great reading public to the possibility of a combination that would almost certainly make books dear. No property rights are involved, for no international rights in literary property have yet been created.—*Chicago Tribune*, February 9, 1884.

Mr. GUENTHER. I wish the Clerk to state the name of the paper from which he has been reading.

The CLERK. The Chicago Tribune of February 9, 1884.

Mr. DEUSTER. Mr. Speaker, the United States is not, like Europe, the land of monopolies, but the land of liberty. Political and social liberty, however, is not complete without the fullest freedom of exchange of thought, and this freedom is not alone based on the liberty of the press, but finds its most perfect expression and safeguard in the free and untrammeled exchange of the literature of all nations. Whatever impedes this free exchange interferes with the great fundamental ideas of mankind—universal freedom and fraternization of all nations. International copyright is a European institution, but even in Europe we would seek its advocates in vain among the men of science.

I repeat, the United States is not the land of monopolies, but the powerful protector of free competition. America, acting in accordance with this principle, offers to all countries from which it draws intellectual succor a full equivalent; it says to the whole civilized world, reprint any of our works you will, and cull what pleases you. The interests of popular education and fraternization of nations suffer no intellectual monopoly, but demand the fullest spread of knowledge all over the world and the untrammeled exchange of the literature of all countries without let or hinderance.

American authors enjoy a greater remuneration for their labors than those of any other nation, and do not need protection against foreign reprint. But to tax the people of the United States for the benefit of European authors would be as manifestly unjust as to tax us for the benefit of European statesmen, generals, &c. Upon every nation devolves the duty of seeing its authors sufficiently well paid. This duty is discharged in the United States directly, because they are enabled by the people themselves, who read more than the people of Europe, by the increased prosperity arising from free institutions, to secure not only bodily but intellectual food in abundance. Consequently, very much larger editions are demanded, and this enables publishers to pay authors more liberally than is done in Europe.

If European authors are desirous of obtaining greater remuneration let them labor for free institutions, and the success of their efforts will increase reading and the sale of books. At present in Europe the larger number of readers are dependent upon the circulating libraries for their instruction or amusement, and these furnish but poor substitutes for purchased books, and are really an obstacle to intellectual development, for such books only can be procured from them as their managers see proper to furnish, and that only for a limited time; and further, the existence of these circulating libraries prevents the publication of large editions of popular works, such as are issued in America.

A free people is always a thinking and a reading people; and in the same proportion as the freedom of a nation is developed, so its desire to read develops itself, and also the pecuniary ability to gratify that desire by purchasing books.

No people read more than the American people, thanks to their free institutions, and thanks, also, to their magnificent free-school system. The American people educate readers—educate them with funds provided by the people. And after a reading public is thus formed, which has no equal upon earth, should the same people who have brought about this result by taxing themselves willingly for so noble a purpose—who have rendered possible so grand and vast a system of popular education—who have created this thirst for knowledge, and consequent market for literature by their peerless liberality—should this very people be taxed again in the interest of a few authors and publishers, who, as long as the literary market in the United States was still in its infancy, did nothing toward its development?

I am opposed to the passage of this bill, because all the publishers of reprints in the United States, the printers, paper manufacturers, type and stereotype founders, bookbinders, and many thousands of workmen employed in the production of reprinted works, would lose their occupations and their daily bread. Again, the price of works of European origin reprinted here would, in the absence of all competition, rise so enormously as to deprive nine-tenths of those who now purchase them of the ability to do so. The people of the United States would be most unjustly taxed in favor of a few authors and publishers, and, by reason of the people having less ready access to European literature, the progress in intellectual culture would be impeded; and last, but not least, the United States, upon which the world now looks as the protector of universal free institutions, would, by the passage of an international copyright law, set an example which could not but operate unfavorably upon other countries now in process of development.

The custom which now obtains with American publishers of publishing new European works from advance sheets, for which they pay the author a remuneration, has heretofore proved sufficient for the purposes for which the passage of an international copyright law is claimed, and has, at the same time, established no monopoly; has not unduly taxed the people of the United States, and, while it has erected no barrier to intellectual progress, it has been remunerative to both publishers and authors. Why should not, then, this solution of the question of international copyright for the future as in the past answer all ends, and satisfy all reasonable claims which authors and publishers have on the public?

I believe the American people have a right to hope that the representative wisdom of the nation in Congress assembled will refuse to pass an international copyright law.

The SPEAKER. The time allowed in opposition to the resolution has been exhausted. The gentleman from New York [Mr. DORSHEIMER] is entitled to fifteen minutes in support of the resolution.

Mr. DORSHEIMER. I will state to the House I have no intention at the present time to enter into a discussion of the merits of this bill. The question before the House now is simply whether the bill shall be assigned to a particular day in the future and be made a special order until it is disposed of. I do not desire to occupy any time myself, but

yield the floor for such time as he may desire to my friend from Rhode Island [Mr. CHACE].

Mr. CHACE. Mr. Speaker, I am opposed to this bill in its present shape. But this is a matter which in my apprehension presses, or ought to press, upon the conscience of the Legislature of this country. This thing interests not only authors, but printers, publishers, and a variety of people whose livelihood depends on the industries which authors provide by the creation of their brains.

I do not propose to enter into the question of whether the creation of a man's brain is property corporeal or incorporeal, or whether it is a matter of abstract right or other right. But this is a question under which we as a nation are suffering; and the most intelligent and the most conscientious people in the world, not only in our own country but elsewhere, are pointing the finger of scorn at us for refusing to recognize a right which is everywhere else recognized. I want this may be considered, and I want when it is considered that this bill may be largely amended. And if when it is considered gentlemen on the other side of this House, who will undoubtedly control it, are willing to take the responsibility of cutting off the bread and butter, so to speak, of a large class of the labor of this country, very well, so be it; there shall the responsibility rest. But it is a duty which we owe to ourselves and to our people that we should give to this question a day and a hearing.

Mr. CANNON. Will the gentleman yield to me for a question?

Mr. CHACE. Yes, sir.

Mr. CANNON. Will the gentleman be kind enough to tell me wherein this bill is so important and so urgent that the rules should be suspended and it should have a special day to the exclusion of all other important business?

Mr. CHACE. In reply to my friend from Illinois I simply say that that is another way of attacking the rules of this House which has been adopted by the majority on the other side of the House; and the representatives of that majority are now coming and asking us to suspend those rules. We tried diligently and earnestly to get a change made in those rules; and this is a very apt illustration of the necessity of the change we urged. Now they admit, by asking that this question be fixed for a certain day, that their rules are faulty. I agree with my friend from Illinois as to that.

Mr. CANNON. Will the gentleman permit me to say that it is not a question as to whether the rules are faulty, but whether under the rules this is a matter of such transcendent importance that the rules should be set aside?

Mr. CHACE. I do not claim this is a matter of transcendent importance. But I do claim that a question of morality is something of a question even to this country. I think we owe it to ourselves to provide safeguards not only for our own authors but for others. We want foreign literature, and we want to protect our own authors at the same time.

Mr. RICE. Does my friend from Rhode Island think morality would be promoted by increasing the price of books and preventing our own publishers from giving cheap editions of foreign authors?

Mr. CHACE. Not in the least. I have no such object in view. I have said distinctly if this bill shall be considered I shall be most earnest in seeking to get it amended.

Mr. RICE. This bill stands early on the Calendar. Why displace other important matters to give it premature consideration?

Mr. CHACE. The gentleman from Massachusetts knows very well this is probably the only way we shall get a consideration of this question.

Mr. REED. Our rules were intended to kill bills, and why should they not be left to operate as intended?

The SPEAKER. The gentleman from New York, the Chair understood, yielded five minutes to the gentleman from Rhode Island [Mr. CHACE]. That time has been occupied.

Mr. DORSHEIMER. I yield two or three minutes to the gentleman from Iowa [Mr. KASSON].

Mr. KASSON. This bill presents a question which it is important to us to discuss, that we may understand distinctly what is the American position on this question. It will come before us every Congress until it has been intelligently discussed and defeated or adopted. I want that discussion to come now, early in the session, when we are not pressed with other business. I shall therefore vote to have that discussion at this early day on the 27th of February.

Unless the bill is modified in some particulars—for example, in respect, as I understand it, to books printed in foreign countries, and secondly with a limitation upon the right of the foreigner to withhold the book from publication in this country—I cannot support it. But for the purpose of considering the question, and of adjusting, if possible, the rights of authors and the rights of business men on this question, I desire this question may be discussed. It has been reported early from the Committee on the Judiciary. It is entitled to be considered. I condemn the rules which the majority still force upon us, that prevent us from getting proper legislation except under such a motion as this to suspend the rules. It is the only power left to us to get at it. And I hope the majority will occasionally recognize the request of the minority, who may be specially interested in getting a bill up for consideration, as we now, some of us at least, intend to recognize the request of the gentleman who represents the Judiciary Committee.

Mr. DORSHEIMER. I will state on behalf of the Committee on the Judiciary the reason why it asks the House to make this the order for an early day was that the committee was informed that neither the Committee on Appropriations nor the Committee on Ways and Means would be likely to have any business with which the consideration of this bill at the time proposed would interfere. It was thought desirable by the committee that the bill should be brought up for consideration and for final disposition before the House was so involved in the business coming from the Committee on Ways and Means and the Committee on Appropriations as to make the consideration of the bill at this session improbable.

This bill has passed through the Judiciary Committee, for although one gentleman of that committee was not willing to vote in favor of the bill at the time when his vote was asked, yet he did not vote against it nor express dissent.

Mr. REED. If the gentleman from New York [Mr. DORSHEIMER] will permit me, as the member of the committee to whom he doubtless refers——

Mr. DORSHEIMER. Certainly.

Mr. REED. What I did say to the committee was that I had not had an opportunity to examine the bill, and while I would not vote against it, I must not be understood by my silence as assenting to it.

Mr. DORSHEIMER. So I understood, and do not wish any other implication to be made here. At its meeting last Friday the Committee on the Judiciary unanimously instructed me to submit this motion, and I have submitted it in pursuance of the unanimous instructions of the Committee on the Judiciary.

I hope that this House, not at present greatly occupied with pressing matters, before the tariff bill shall have been matured in the Committee on Ways and Means and before a greater volume of appropriation bills shall be presented for our attention, will take up and give respectful consideration to the reasons upon which this bill is founded. The object of the bill is not to protect American authors, nor to protect any other interests, but to recognize a right of property which our laws have in part long recognized. At the present time there is no civilized country, except the United States, which does not recognize in some form the right of property which a foreign author has in his works. The United States now stands the only country in the world refusing to foreign authors a right which the laws of this country accord to native authors.

What the considerations are why this bill should pass, what injustice, if any, it works, and what a high justice it would work out if it shall become a law, are considerations which will be amply presented when the bill comes up for discussion; but I do not think the present the proper time to enter into such discussion. I hope the gentleman will at least give to the Committee on the Judiciary the right to a hearing, and at an early day. If the day named by the committee is not a convenient one, I would be willing to receive suggestions upon that point. But if the day is thought to be convenient by the House, I trust gentlemen will give us an opportunity to discuss this bill and to lay before the House for proper consideration the reasons which have influenced the Committee on the Judiciary in recommending its adoption.

Mr. KELLEY. I desire to say that I believe in the doctrine of international copyright, and have long wished to see it put into execution. But I do not believe in giving to foreign publishers, as a rider to the granting of copyright, the privilege of making our books and determining what books we shall have.

I rise, therefore, for the purpose of asking the gentleman from New York [Mr. DORSHEIMER] whether a week later than the day named by him would not answer his purpose and that of the committee reporting this bill. That will give our own authors, publishers, and bookmakers an opportunity to make themselves heard.

The interests which would be affected by this bill, if my judgment of its scope be correct, are very large. They involve those of our papermakers, of our printers in all the various branches, of the great number of the best workmen and best designers in the world, admittedly so by all the world, who make the illustrations of our books, and also the interests of every department of book-binding, &c.

I think that a full fortnight should be given to the parties connected with these material interests to make themselves heard before we may be called upon hurriedly by the majority to vote upon this bill. When the Committee on Ways and Means shall have reported——

Mr. DORSHEIMER. I would say to the gentleman from Pennsylvania [Mr. KELLEY] that the resolution having been reported by instructions of the Committee on the Judiciary, the date named therein can not be changed except by unanimous consent. But I will say to the gentleman that so far as I am myself concerned, if by postponing the consideration of the bill for one week all opposition on that side of the House will be withdrawn to its consideration, I am perfectly willing to make the change.

Mr. KELLEY. I can not speak for others, but I am quite ready to have the time fixed for Wednesday fortnight instead of Wednesday week.

Mr. CHACE. There are some other questions which are likely to arise that we may want that day for.

The SPEAKER. The time allowed under the rule for debate has expired. Is there objection to the suggestion made by the gentleman from Pennsylvania [Mr. KELLEY] that the time designated for the consideration of the bill which has been read shall be changed from February 27 to March 5?

Mr. ANDERSON. I object.

Mr. MILLER. Oh, no; do not object. Let us have a vote on the question.

Mr. DORSHEIMER. Then I call for the question.

The SPEAKER. Objection being made to the change suggested, the question now is, Shall the rules be suspended and the resolution adopted?

Mr. ANDERSON. At the suggestion of friends I will withdraw my objection.

The SPEAKER. The Chair will again submit the proposition. Is there further objection to the change suggested by the gentleman from Pennsylvania [Mr. KELLEY], that the day fixed in the resolution, the 27th of February, for the consideration of the bill be changed to the 5th day of March?

Mr. GUENTHER. I object.

The SPEAKER. Objection is made. The question is on the motion to suspend the rules and adopt the resolution which has been read, which requires a two-thirds vote.

The question was taken by a *viva voce* vote, but before the result was announced,

Mr. DEUSTER and Mr. GUENTHER called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were—ayes 29, noes 90.

So (more than one-fifth voting in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 156, nays 99, not voting 65; as follows:

YEAS—156.

Aiken,	Ellis,	Ketcham,	Ray, G. W.
Arnot,	Ermentrout,	King,	Reed,
Bagley,	Everhart,	Lamb,	Reese,
Ballentine,	Evins, J. H.	Lanham,	Robinson, W. E.
Bayne,	Ferrell,	Lewis,	Rogers, J. H.
Beach,	Findlay,	Long,	Rosecrans,
Belford,	Follett,	Lore,	Scales,
Belmont,	Forney,	Lovering,	Seymour,
Bennett,	Gibson,	Lyman,	Shelley,
Bingham,	Glascock,	McAdoo,	Skinner, C. R.
Bisbee,	Goff,	McCoid,	Slocum,
Blackburn,	Green,	McComas,	Snyder,
Broadhead,	Greenleaf,	McCormick,	Spooner,
Browne, T. M.	Hancock,	Maybury,	Spriggs,
Brown, W. W.	Hardeman,	Mayo,	Stevens,
Buchanan,	Hart,	Millard,	Stewart, Charles
Buckner,	Hatch, H. H.	Miller, J. F.	Stewart, J. W.
Budd,	Hemphill,	Milliken,	Stockslager,
Burnes,	Henley,	Mills,	Stone,
Caldwell,	Herbert,	Mitchell,	Storm,
Campbell, Felix	Hewitt, A. S.	Morrison,	Sumner, C. A.
Campbell, J. M.	Hiscock,	Muldrow,	Throckmorton,
Candler,	Hitt,	Murphy,	Tillman,
Cassidy,	Hoblitzell,	Mutchler,	Tucker,
Chase,	Holton,	Neece,	Turner, H. G.
Clardy,	Hooper,	Nelson,	Turner, Oscar
Clements,	Hopkins,	Nicholls,	Vance,
Collins,	Howey,	Oates,	Van Eaton,
Covington,	Hunt,	Ochiltree,	Wadsworth,
Crisp,	Hutchins,	Parker,	Ward,
Curtin,	James,	Payne,	Warner, A. J.
Cutcheon,	Jeffords,	Peel, S. W.	Wellborn,
Dargan,	Johnson,	Phelps,	Wemple,
Davidson,	Jones, J. H.	Poland,	White, Milo
Davis, L. H.	Jones, J. K.	Potter,	Whiting,
Dibble,	Jones, J. T.	Price,	Williams,
Dorsheimer,	Kasson,	Pryor,	Willis,
Dowd,	Kean,	Pusey,	Wolford,
Elliott,	Keifer,	Ranney,	Woodward.

NAYS—99.

Adams, G. E.	Dibrell,	Libbey,	Steele,
Alexander,	Dockery,	Lowry,	Strait,
Anderson,	Dunham,	McKinley,	Struble,
Barksdale,	Dunn,	McMillin,	Sumner, D. H.
Barr,	Eaton,	Matson,	Taylor, J. D.
Blanchard,	Eldredge,	Morey,	Taylor, J. M.
Bland,	Ellwood,	Morrill,	Thomas,
Boutelle,	Fiedler,	Nutting,	Thompson,
Breckinridge,	Foran,	Paige,	Townshend,
Breitung,	Fyan,	Patton,	Tully,
Brewer, J. H.	Geddes,	Payson,	Valentine,
Brumm,	Guenther,	Pierce,	Wait,
Calkins,	Haisell,	Peelle, S. J.	Warner, Richard
Cannon,	Hanback,	Perkins,	Washburn,
Carleton,	Hatch, W. H.	Peters,	Weaver,
Clay,	Henderson, T. J.	Rankin,	Weller,
Cobb,	Hepburn,	Reagan,	White, J. D.
Converse,	Hewitt, G. W.	Rice,	Wilkins,
Cook,	Holman,	Riggs,	Wilson, James
Cosgrove,	Horr,	Robertson,	Winans, E. B.
Cox, W. R.	Jones, B. W.	Rockwell,	Winans, John
Culbertson, W. W.	Kelley,	Rowell,	Worthington,
Cullen,	Kleiner,	Ryan,	Yaple,
Davis, G. R.	Lacey,	Skinner, T. G.	York.
Deuster,	Le Fevre,	Springer,	

NOT VOTING—65.

Adams, J. J.,	Finerty,	Miller, S. H.	Seney,
Atkinson,	George,	Money,	Shaw,
Barbour,	Graves,	Morgan,	Singleton,
Blount,	Hammond,	Morse,	Smith,
Bowen,	Hardy,	Moulton,	Stephenson,
Boyle,	Harmer,	Muller,	Talbott,
Brainerd,	Haynes,	Murray,	Taylor, E. B.
Brewer, F. B.	Henderson, D. B.	O'Hara,	Van Alstyne,
Burleigh,	Hill,	O'Neill, Charles	Wakefield,
Cabell,	Holmes,	O'Neill, J. J.	Wilson, W. L.
Connolly,	Houk,	Pettibone,	Wise, G. D.
Cox, S. S.	Houseman,	Post,	Wise, J. S.
Culberson, D. B.	Hurd,	Randall,	Wood,
Davis, R. T.	Jordan,	Ray, Ossian	Young.
Dingley,	Kellogg,	Robinson, J. S.	
Duncan,	Laird,	Rogers, W. F.	
Evans, I. N.	Lawrence,	Russell,	

So (two-thirds not voting in favor thereof) the motion to suspend the rules and adopt the resolution was not agreed to.

The following pairs were announced from the Clerk's desk:

Mr. MILLIKEN with Mr. JORDAN, on all political questions, from the 13th till the 18th instant, inclusive.

Mr. SENEY with Mr. EZRA B. TAYLOR, on all questions, until further notice.

Mr. HAMMOND with Mr. KETCHAM, on all political questions, for ten days from the 14th instant.

Mr. RANDALL with Mr. O'NEILL, of Pennsylvania, on all questions, until Wednesday next.

Mr. DUNCAN with Mr. SMITH, on all political questions, until Wednesday, the 20th instant.

Mr. HOUK with Mr. BARBOUR, for to-day and to-morrow.

Mr. YOUNG with Mr. HOLMES, until further notice.

Mr. HILL with Mr. WAKEFIELD, until further notice.

Mr. O'NEILL, of Missouri, with Mr. RUSSELL, on all questions, until further notice.

Mr. EVANS, of Pennsylvania, with Mr. ERMENTROUT, on all political questions, until further notice.

Mr. TALBOTT with Mr. HARMER, on all political questions, until next Wednesday.

Mr. LAWRENCE with Mr. BOYLE, on all questions, until further notice.

Mr. MILLIKEN. Mr. Speaker, I am paired with the gentleman from Ohio [Mr. JORDAN] on all political questions. Not understanding this to be such a question, I have voted.

The result of the vote was announced as above stated.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries; who also announced that the President had approved and signed joint resolutions and bill of the following titles:

Joint resolution (H. Res. 119) making an appropriation for the relief of Lieut. A. W. Greely and his party, composing what is known as the Lady Franklin Bay expedition to the Arctic regions;

Joint resolution (H. Res. 24) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia;

Joint resolution (H. Res. 152) for the relief of E. H. George and H. W. Walker;

Joint resolution (H. Res. 160) making further appropriations for the relief of destitute persons in the districts overflowed by the Ohio River and its tributaries; and

An act (H. R. 3948) making appropriations to supply deficiencies on account of the appropriations for the fiscal year ending June 30, 1884, in regard to rebate of tax on tobacco, and to provide for the expenses of the meeting of the Legislature of the Territory of New Mexico, and for other purposes.

RETIREMENT OF TRADE-DOLLAR.

Mr. DOWD. By direction of the Committee on Coinage, Weights, and Measures, I move that the rules be suspended for the purpose of adopting the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That House bill 4976, for the retirement and recoinage of the trade-dollar, be made a special order in the House for Tuesday, March 11, 1884, immediately after the morning hour, and so continue from day to day until disposed of, not to interfere with regular appropriation or revenue bills.

Mr. ERMENTROUT. I demand a second.

Mr. DOWD. If I have the power, I will yield to a second.

Mr. BUCKNER. There being no objection, a second can be considered as ordered.

The SPEAKER. The Chair hears no objection, and the second must be considered as ordered. Under the rules fifteen minutes are allowed for debate to the gentleman from North Carolina [Mr. DOWD] and fifteen minutes to those opposed to the resolution. The gentleman from Pennsylvania [Mr. ERMENTROUT] called for a second and is now entitled to the floor.

Mr. ERMENTROUT. The resolution, Mr. Speaker, proposes to fix the 11th of March next for the consideration of the bill reported by the Committee on Coinage, Weights, and Measures for the redemption and retirement of what is commonly known as the trade-dollar. I do

not rise to oppose the passage of any bill looking to the redemption and retirement of the trade-dollar and I am in favor of the provisions of this bill, but I do oppose and protest against the fixing of so late a day as the 11th of March for the consideration and disposal of this important matter. Speaking in the name of the constituency I represent upon this floor I ask for the earliest possible action. Among them the 1st of April is a great day for exchanges of all kinds. Then mortgages are canceled, judgments paid, money put out at interest, and all other matters of a like character settled and adjusted for the year. This is the case to a very large extent in Pennsylvania and I doubt not in many other States. There are millions of trade-dollars in the pockets of the people awaiting the passage of this measure.

A VOICE. Regular order.

Mr. ERMENTROUT. If the gentleman has anything to say let him come to the front so I may see who he is, otherwise I hope he will not interrupt me.

In my judgment, Mr. Speaker, there is no necessity for any so long delay in our action upon this bill as the 11th day of next March. I do not believe, indeed, there are ten men in this House who would oppose the passage of a bill for the redemption and retirement of the trade-dollar. Public sentiment demands it, the national authorities have recommended it, and in this House no less than a dozen bills for that purpose have been referred to various committees. The Committee on Coinage, Weights, and Measures has reported back one bill and the Committee on Banking and Currency another. To those gentlemen who propose fixing the 11th of March as the day for taking the measure up for consideration I will suggest to them to take a lesson from the experience of the past. You already have on your list of special orders the bill from the Committee on Agriculture relating to pleuro-pneumonia. That order was asked for on the 31st of January, 1884, and the 5th day of February was set down for its consideration and disposal. It was taken up at that time, but it is still hanging by the eyelids undisposed of. Here we have a delay of thirteen days. That special order and all other special orders set down in advance of the day now proposed would take precedence, so that when we reach the 11th of March we would have no assurance that this measure will be taken up for consideration and action. We would not only be in danger of preceding special orders, but also in danger of appropriation bills being called up and reports from the Committee on Ways and Means, which would necessarily engross and exhaust the time of the House to a very late period of the session. It certainly would delay the passage of any bill for the redemption of the trade-dollar long after the 1st of April. This would be a serious inconvenience and a positive loss to those I have the honor to represent and to thousands in Pennsylvania, and perhaps other States.

There can be no necessity for consuming a whole day of this House in discussing a measure like this. Everybody understands it, and I undertake to say now that if the Committee on Coinage, Weights, and Measures had not interfered with the bill on that subject referred to the Committee on Banking and Currency on the 22d of January and directed to be reported within ten days thereafter, it would now be before the House and on its final passage. I was authorized by the Committee on Banking and Currency to move to suspend the rules on this very day and put that bill on its passage, and no longer time would have been taken up in doing that than will be consumed over this resolution fixing a day for the consideration of the subject.

I ask the gentleman from North Carolina to consent that an earlier day shall be fixed. It does not require much discussion. In 1882, on the 19th of June, a Republican House passed this measure under a suspension of the rules with no one dissenting. No time should be lost, and an earlier day should be fixed. Let it be to-morrow. Let the gentleman from North Carolina modify his motion, if he will, so as to put the bill upon its passage now. [Cries of "Pass the bill now!"] I appeal to the gentleman to ask consent to put the bill on its passage at this time. I make that request.

Mr. TOWNSHEND. I object.

Mr. ERMENTROUT. Then let us have an earlier day fixed for its consideration. Say to-morrow.

Mr. TOWNSHEND. I understand the gentleman from Pennsylvania will yield to me a portion of his time.

Mr. ERMENTROUT. I desire to reserve a portion of my time. I will yield to the gentleman presently. I wish to say further, Mr. Speaker, that there should have been no collision or contest between the Committee on Coinage, Weights, and Measures and the Committee on Banking and Currency in reference to this important measure. The Committee on Banking and Currency were ready to report when they were informed that the Committee on Coinage, Weights, and Measures would, in all probability, submit a report on the subject. I took the precaution to inform the members of that committee that we were authorized to confer with them and to agree to such amendments as would meet with the joint approval before moving for suspension of the rules. It is a most important measure, in our judgment, and ought to pass the House immediately. Of course, under the circumstances, I shall be compelled, in the absence of any earlier time, to vote for the pending resolution. How much time have I left?

The SPEAKER. The gentleman has seven minutes.

Mr. ERMENTROUT. I yield for five minutes to the gentleman from Missouri [Mr. BUCKNER], chairman of the Committee on Banking and Currency, and shall reserve the remaining portion.

Mr. BUCKNER. Mr. Chairman, I do not know what the bill is which it is proposed to take up for consideration, but I have no doubt if it were permitted to come before the House at this time it would pass with very little discussion; and I say this although I have not seen it, but because I have such confidence in the members of the Committee on Coinage, Weights, and Measures. If that bill provides for retiring from circulation the trade-dollar, and putting it into the melting-pot of the mint, however we may differ about details, I do think the House would pass the bill by a large majority. It did that. A bill of that sort—I do not know whether it was as good a bill or a worse bill than the one which is now proposed—but it did, as my friend said, pass a bill of that character without any dissent. I doubt now whether there would be any dissent to the passage of this bill. I think the primary object is to get rid of this abnormal circulation, and so far as the details are concerned, so that this coin gets into the mint and is melted up it does not matter whether it is converted into subsidiary coin or into the standard silver dollar. There is one thing certain, that whatever may be the details of it we ought to get rid of this circulation. I am in favor of that, and I hope it will be done.

Now look at it. Let me call attention to the condition of the business before this House. I regret to say it, Mr. Speaker, but it is a fact, and the observation of every one here will bear me out, that this House is further behind with its business at the present time than at any time for ten years past as far as I can recollect. We are now near the 1st of March, when the short session of Congress is ready to adjourn, having disposed of all of the appropriation bills as a rule. But at present we have not got through with the first appropriation bill; and we must, if we propose to do anything to expedite the business of this session, cut off this lengthy debate on all questions of no very great moment. Hence I should vote, and I believe two-thirds of the House would vote for it now. I would vote for it blindfolded, because the mere effect of it is to get rid of this circulation, and that is the object we all have in view.

I yield the remainder of my time to the gentleman from Illinois [Mr. TOWNSHEND].

The SPEAKER. The gentleman from Illinois is recognized for two minutes.

Mr. TOWNSHEND. Mr. Speaker, I apprehend that the two minutes allotted to me will be the only portion of the entire time occupied in the discussion of this resolution in opposition to the bill which it proposes to consider, because I see——

Mr. BLAND. I am opposed to it.

Mr. TOWNSHEND. I beg pardon. I had forgotten that my friend from Missouri who will have the floor occupies a similar position on this bill to that of myself.

I am opposed to the bill in its present form, and shall feel it my duty to vote against it unless it be amended in a manner which I shall presently suggest. Until within the last twelve months, Mr. Speaker, the trade-dollar has been in circulation among the people, as gentlemen here are aware, at about par and side by side with the standard silver dollar. It was a coin then in quite general circulation among the masses of the people. It passed current from hand to hand without discount. During the last summer the banks repudiated the trade-dollar and refused to accept it across their counters. Many of the merchants of the country, following the behest of the banks, also declined to receive it in settlement of accounts. What was the result? As a consequence the trade-dollar depreciated to its bullion value; and the masses of the people, in whose possession it happened to be when this depreciation took place, were forced to bear the loss, parting with the coin at a rate of from 80 to 85 cents on the dollar. Then the sharp brokers, jobbers, and speculators, believing there would be some such legislation as this, bought up these trade-dollars at their depreciated value and hold nearly the whole amount to-day.

Now, as soon as this coin has gotten into the hands of these people there is a strong pressure brought to bear upon Congress for its redemption on a par with the standard silver dollar. As long as this coin passed from hand to hand and was current among the people of this country there was no considerable effort made in Congress to redeem it at par or at its face value. But as soon as it gets into the hands of the money-lenders, brokers, and speculators then the cry comes up from every part of the land where these people can originate a petition urging their redemption at par.

Unless, therefore, that part of the bill is stricken out which provides for their redemption at par I shall oppose the bill. What is fair and just to the tax-payers of this country is to provide that the trade-dollar shall be exchanged at its bullion value. Then the speculators who hold it will get as much in return as it cost them. The loss by reason of its depreciation has already been borne by the people who were forced by the banks to part with them at their depreciated value.

[Here the hammer fell.]

Mr. ERMENTROUT. I reserve the remainder of my time.

The SPEAKER. The gentleman has two minutes remaining.

Mr. DOWD. Mr. Speaker, I have no difficulty as to this question

of jurisdiction which has been referred to by my friend from Pennsylvania [Mr. ERMENTROUT]. So far as I am individually concerned I am ready to vote now upon the bill to which the resolution relates. Individually I ask for no time whatever to consider it. But, sir, this committee, for whom I am now speaking, were unanimous in the belief in one thing, and that is that this bill should not be attempted to be galloped through the House under a suspension of the rules, but should have fair discussion and full opportunities for debate.

Now, there is a marked difference of opinion with regard to the merits of the bill. I believe that there is a minority report which has been already printed; at all events leave was granted to file a minority report. I tell my friend from Pennsylvania so far from letting this bill go through as he proposes under a suspension of the rules, I apprehend that if that was proposed at this time the bill would be voted down. The committee wanted the bill considered in the House and debated, and at some convenient time sufficiently far off to give ample opportunity for preparation on the part of members who wish to be heard and at the same time not so near as to prejudice the rights of the present holders of the coin.

I yield now five minutes to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Speaker, this proposition shows, and I wish to call the attention of the House to it, what I may be permitted to call the viciousness of legislation that may sometimes be had under a suspension of the rules. It is true that the last Congress passed a bill on this subject. What was that bill? It was a bill providing that this trade-dollar should be taken in and exchanged for standard silver dollars and counted as among the monthly purchases of bullion by the Treasurer. What is the effect of that? The law requires a certain amount of bullion to be purchased per month, not that $2,000,000 should be coined per month, but that $2,000,000 per month should be purchased at bullion rates. That amount will coin 2,300,000 standard dollars. But under the bill that passed the last Congress these trade-dollars were counted par as purchases, and we would have lost $300,000 on every 2,000,000 of trade-dollars. It was a bill that ought not to have passed this Congress.

How many trade-dollars are out? The Secretary of the Treasury and the Director of the Mint suppose about 8,000,000. Financial gentlemen in New York estimate the quantity at 10,000,000. We know there have been somewhere near 36,000,000 of trade-dollars coined.

Suppose these trade-dollars all come in and are counted against the bullion fund, what is the effect of it? Why, for one year that you are coining trade-dollars you stop the purchase of bullion, and bullion depreciates in the market and goes down so low that the enemies of silver will declare it a base metal, and insist on stopping the coinage of silver.

Talk about rushing a bill through this House under suspension of the rules that will affect probably $36,000,000! I am astonished that gentlemen should moot such a proposition, and especially so when the effect might be to stop the monthly purchases of bullion for twelve months in this country, and depreciate silver so much that the argument would be very grave for its total demonetization.

No, sir, the House will do no such thing. It is due to the House and to the importance of the subject that a day be set for the consideration of the bill. I care not what day it is. But certainly a matter of this vast importance should receive the consideration of this House and not be rushed through under whip and spur. There are gentlemen here who believe speculators hold these dollars and that they ought not to be redeemed at par at all. I for one am opposed to redeeming them in that way if they are to be counted against the bullion fund in the monthly purchases of bullion.

There are various phases in which the question will come up for our consideration, and if gentlemen think they can pass a bill of this character of such vast importance under a suspension of the rules they are very much mistaken. It can not be done.

Mr. CHACE. Is not the gentleman in favor of a day being fixed for the consideration of the bill?

Mr. BLAND. I am in favor of fixing a day, and I care not how soon, when the House should consider the subject. But I do not want a bill trotted through as in the last Congress, the effect of which would have been in my opinion to demonetize silver.

Mr. DOWD. I yield five minutes to the gentleman from Rhode Island [Mr. CHACE].

Mr. CHACE. I do not know that I can add much to what has been said in regard to this matter. I regret exceedingly my friend from Pennsylvania of the Committee on Banking and Currency [Mr. ERMENTROUT] should feel it his duty to oppose this matter. I am sure, if I understand the character of the bill which the gentleman expects to report, it is in effect very similar to this.

Mr. ERMENTROUT. Exactly; there is no question about that.

Mr. CHACE. It seems to me, therefore, the point of the gentleman's objection is lost.

Now, in so far as the question of the general merits of this bill are concerned, while I do not wish to do any injustice to the gentleman from Missouri, the chairman of the Committee on Coinage, Weights, and Measures [Mr. BLAND], yet I must say that, according to my apprehension of the effect of his language, it is certainly calculated on a fair construction to mislead the House in one regard. I see how this measure might possibly have some slight effect upon the purchase of bullion; but how it could stop the purchase of bullion for twelve months in this country when there are only out—the most the gentleman puts it at—$10,000,000 is surely beyond my comprehension.

Mr. BLAND. Will the gentleman pardon me? I said there was a fair possibility of the amount being much more. When we remember $36,000,000 have been coined it is impossible to know how many will come in for redemption.

Mr. CHACE. There is no fair possibility of any such thing.

Mr. BLAND. I do not say it is a probability, but it is a possibility which the House should consider.

Mr. CHACE. The House can consider anything. It might consider the danger of meteoric stones if it pleases; but that is not among the possibilities.

Whatever the amount may be, it is evident from the tone of the remarks on both sides of this question that it is a subject which demands the consideration of the House. It is evident further from the objections which have been made that we can not have it considered at this present time. Certainly until the 11th of next month is ample time for gentlemen to examine this question carefully and make up their minds; and for my part I can see no objection to fixing that day. I do not propose to enter into the merits of the bill. It will be time enough to do that when we get it before the House for consideration.

The SPEAKER. The gentleman from North Carolina has seven minutes remaining.

Mr. DOWD. I yield three minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. The question before the House is not what ought to be passed to-day or what can be passed to-day. The question is, will the House fix a day for the consideration of the bill referred to in the resolution? The members of the committee, the members of this House, under the rules can not change that resolution if they would. It is not under this call subject to amendment. Hence members are to determine whether or not they are to give a day for the consideration of this question.

Whether for or against the bill that has been reported, whether favoring the majority or favoring the minority report, there is one point upon which all will agree: that this is a matter of sufficient importance to justify us in giving it consideration. There never yet has been and there never will be a time when the question involved in this bill can be of more importance to the American people. From day to day the currency is being contracted. Month after month the work of its contraction goes on.

But it behooves us to cast about and devise every judicious means for the purpose of supplying the place of the currency which is being exhausted. Will we do it? The Government made this a dollar, and I do not sympathize with the proposition to treat it otherwise than as a dollar. But by some power, by some influence, actuated by some motive, it has lost caste with the American people, and the question is whether we who find it discredited to-day will make it what it was and what it was intended to be. For one I am ready to do it.

I do not believe that we can get at it any earlier than the 11th day of next month. I think it is a question which we ought to consider calmly and dispassionately. It is a question which can not receive that careful consideration it is entitled to receive in the fifteen minutes upon each side given by the rules upon a motion to suspend the rules.

While I may not agree with a majority of the committee in their report, and do not think I do, still I think we ought to set a day for the consideration of the question, and I hope the House will do it. There have been efforts made to put down the silver dollar. But those efforts have failed, ought to fail, and always will fail while the people are behind that currency. They are efforts which come from the East, which come from the other end of this avenue; but they come from a quarter which is not potent to destroy silver as a currency.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman has expired.

Mr. DOWD. I yield the remainder of my time to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. I think there is no question but that the whole country demands that the trade-dollar piece be taken out of circulation. It is a coin by means of which speculators have been able to play fast and loose with the people; at one time paying it out at its par value, claiming that as it contains seven and a half more grains of silver than the standard dollar it ought to be worth at least as much, then again crying it down and buying it in at 80 or 85 cents on the dollar. If this Congress shall adjourn without taking this coin out of circulation that operation will be continued.

While that is true, I think there is no way to take the trade dollar out of circulation except by making it changeable for standard dollars at par, or receivable for public dues, as this bill proposes. I can see no way by which this coin can be called in at less than par, even if the Government could afford to repudiate any part of it, which I think it can not afford to do.

As we all know, the trade-dollar was a legal-tender coin when issued,

and it remains a lawful coin of the United States. It was undoubtedly a blunder to issue it in the first place. It was issued under the mistaken idea that if silver was coined in large pieces we would get more per ounce for it abroad. There never was anything in that idea.

I think that this is a good bill, and I would be willing to vote for its passage now, although I would like to vote to strike out the fourth section of the bill; but being satisfied that the majority of this House will vote to retain that section, and retention of it I should not deem a sufficient reason for voting against the bill, and believing that the sooner the bill is passed the better, I am ready to vote for it at once.

And, with the permission of the gentleman from North Carolina [Mr. DOWD] who has charge of the bill, I ask unanimous consent of the House to change the date fixed for the consideration of the bill from March 11 to February 27.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] asks unanimous consent to strike out of the resolution "March 11" and insert in lieu thereof "February 27." Is there objection?

Mr. BRUMM. I object.

The SPEAKER. Objection is made. The gentleman from Pennsylvania [Mr. EMENTROUT] has two minutes of his time remaining.

Mr. ERMENTROUT. I regret very much that the rules of this House are so framed as not to allow the amendment proposed, and that the temper of two or three members upon the floor is such as not to allow the immediate disposition of this matter.

I rise, however, only to say that the gentleman from Missouri [Mr. BLAND], the author of the "Bland dollar" so called, ought to be in favor of the passage of this bill, for the result would be to put into circulation more of his dollars instead of the trade-dollars, which are in the pockets not of repudiating banks and jobbers, as the gentleman from Illinois [Mr. TOWNSHEND] has said, but of the people. For the banks in my neighborhood and the people took them at par. Not over 5 per cent., I am credibly informed, of the millions have been taken under par. But suppose some have, shall it be said that because some long-headed jobbers will profit the innocent shall suffer loss? The longer you delay action the more rope you give to the jobbers.

The people accepted them from the Government as whole dollars in good faith, and the Government is bound to keep that faith.

The gentleman from Missouri [Mr. BLAND] says it will cost the Government $300,000 out of every two millions that are coined if this bill shall pass. I do not care if the Government does lose $300,000 out of every two million, provided the trade-dollars which are now in the pockets of the people are made whole. But that is a mistake, because so high an authority as the Secretary of the Treasury and others of equal authority declare that the cost of the manipulation of these trade-dollars into standard dollars would be made up by the difference in the value of the coins.

As to the declaration of the gentleman from Missouri [Mr. BLAND] that such a bill as this can never pass the House, I wish he would allow it to have a trial of strength to-day.

[Here the hammer fell.]

The SPEAKER. The time for debate under the rule has expired. The question is now upon the motion to suspend the rules and adopt the resolution which has been read. That requires a two-thirds vote.

The question was taken by a *viva voce* vote; and the Speaker announced that there appeared to be two-thirds voting in the affirmative

Mr. WELLER. I call for the yeas and nays.

Many MEMBERS. Oh, no!

Mr. WELLER. I will withdraw the call for the yeas and nays and demand a division.

The House divided; and there were—yeas 144, nays 6.

Mr. WELLER. I would like to remark that I am opposed to the Republican trade-dollar swindle from the day of its inception for all time.

The SPEAKER. The gentlemen from Iowa [Mr. WELLER] is not in order; the time for debate upon this resolution has been exhausted.

So (no further count being called for) the rules were suspended and the resolution adopted (two-thirds voting in favor thereof).

DISTRICT OF GLOUCESTER.

Mr. LONG. I am authorized by the Committee on Commerce to move a suspension of the rules to take from the House Calendar and put upon its passage the bill (H. R. 3956) to amend section 2527 of the Revised Statutes, relating to the district of Gloucester. This bill has been unanimously reported by the committee.

The bill was read, as follows:

Be it enacted, &c., That the second clause of section 2527 of the Revised Statutes, describing the district of Gloucester, is hereby amended by making the town of Rockport a port of delivery therein.

The question being taken, the motion of Mr. LONG to suspend the rules and pass the bill was agreed to (two-thirds voting in favor thereof).

COMMITTEE SITTINGS DURING SESSIONS OF THE HOUSE.

Mr. REAGAN. I do not know whether it is in order now, but I am instructed by the Committee on Commerce to ask that the committee be authorized to sit during the sessions of the House.

The SPEAKER. If there be no objection, that request will be granted.

There was no objection, and it was ordered accordingly.

Mr. SPRINGER. I make a similar request on behalf of the Committee on Expenditures in the Department of Justice.

The SPEAKER. If there be no objection, this request will be granted. The Chair hears no objection.

Mr. HOPKINS. The select committee appointed to investigate charges against H. V. Boynton have directed me to make a similar request for that committee

Mr. KEIFER. That ought to be granted.

The SPEAKER. If there is no objection, this request will be granted. The Chair hears no objection.

RELIEF OF SOLDIERS FROM CHARGE OF DESERTION.

Mr. STEELE. I am directed by the Committee on Military Affairs to move a suspension of the rules so as to take from the Private Calendar and put upon its passage the bill (H. R. 4383) to relieve certain soldiers from the charge of desertion.

The bill was read, as follows:

Be it enacted, &c., That the charge of desertion now standing on the rolls and records in the office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that any such soldier served faithfully until the expiration of his term of enlistment, or until the 1st day of May, A. D. 1865, or was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, but who, by reason of absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge.

SEC. 2. That the charge of desertion standing on the rolls and records in the office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall also be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such soldier charged with desertion or with absence without leave, and after such charge of desertion or absence without leave, voluntarily returned to his command, and served in the line of his duty until he was mustered out of the service, and received a certificate of honorable discharge.

SEC. 3. That in all cases where the charge of desertion shall be removed under the provisions of this act from the record of any soldier who has not received a certificate of discharge, it shall be the duty of the Adjutant-General of the United States to issue to such soldier, or, in case of his death, to his heirs or legal representatives, a certificate of discharge.

SEC. 4. That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or, in case of his death, the heirs or legal representatives of such soldier, shall receive all pay and bounty which may have been withheld on account of such charge of desertion or absence without leave: *Provided, however*, That this act shall not be so construed as to give to any such soldier as may be entitled to relief under the provisions of this act, or, in case of his death, to the heirs or legal representatives of any such soldier, the right to receive pay and bounty for any period of time during which such soldier was absent from his command without leave of absence: *And provided further*, That no soldier, nor the heirs or legal representatives of any soldier, who served in the Army a period of less than six months shall be entitled to the benefit of the provisions of this act.

SEC. 5. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. Is a second demanded on the motion to suspend the rules? [Cries of "No!" "No!" "Question!"]

Mr. TALBOTT. I ask unanimous consent to offer an amendment, to be inserted at the end of section 4. If the amendment be read I think there will be no objection to it.

Several MEMBERS. Let it be read.

The SPEAKER. It will be read, if there be no objection.

The Clerk read as follows:

That the provisions of this bill shall apply also to the soldiers of the war of 1812, Black Hawk war, and the war with Mexico.

The SPEAKER. The gentleman from Maryland [Mr. TALBOTT] asks unanimous consent that this amendment be incorporated in the bill.

Mr. WARNER, of Ohio. Would there not be an inconsistency in the provisions of the bill with this amendment inserted? The bill fixes certain dates——

Mr. TALBOT. There will be no difficulty.

The SPEAKER. Is there objection to the proposed amendment? The Chair hears none.

The question being taken on the motion of Mr. STEELE to suspend the rules and pass the bill, it was agreed to (two-thirds voting in favor thereof).

POSTAGE ON SECOND-CLASS MATTER.

Mr. BINGHAM. I am directed by the Committee on the Post-Office and Post-Roads to move a suspension of the rules in order to take from the House Calendar and pass the bill (H. R. 1323) fixing the rate of postage to be paid upon mail matter of the second class when sent by persons other than the publisher or news agent.

The bill was read, as follows:

Be it enacted, &c., That the rate of postage on newspaper and periodical publications of the second class, when sent by others than the publisher or news agent, shall be 1 cent for each three ounces or fractional part thereof, and shall be fully prepaid by postage-stamps affixed to said matter.

The SPEAKER. Is a second demanded on this motion?

Mr. BINGHAM. Before the Chair puts that proposition I wish to state that I have been directed by the committee to amend the bill by inserting "four" in lieu of "three" in the fifth line, making the rate "1 cent for each four ounces or fractional part thereof."

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the bill with the amendment which he has stated. Is a second demanded?

Mr. WARNER, of Ohio. I think there should be a second upon this motion. There ought to be some explanation.

The SPEAKER. If there be no objection a second will be considered as ordered. The Chair hears no objection. There will be thirty minutes for debate, fifteen to be controlled by the gentleman from Pennsylvania [Mr. BINGHAM] and fifteen by the gentleman from Ohio [Mr. WARNER] who demanded the second.

Mr. WARNER, of Ohio. I do not know that I desire to control any time. I ask the gentleman in charge of the bill to explain its effect. I would like to know whether it reduces postage on periodicals or on what class of mail matter it does reduce postage.

Mr. BINGHAM. Mr. Speaker, this bill comes from the Committee on the Post-Office and Post-Roads unanimously reported. There are two classes of what may be called newspaper and periodical mail matters. One, the second class, coming from the publisher or the news agent, goes at the rate of 2 cents a pound. Under the law second-class mail matter embraces all newspapers and other periodical publications which are issued at such intervals and as frequently as four times a year and are within the conditions named in the next succeeding section. That class of matter goes through the mails at 2 cents a pound.

Now, the class of matter to which this bill alludes consists of transient newspapers and periodicals, not from the office of publication or the news agent to the subscriber but from individual to individual. The recent publications of the great journals of our cities when placed on the scales turn them at two and three ounces. The postage for transient mail matter, newspaper and periodical, is to go at the rate of 1 cent for two ounces. There is a popular belief that 1 cent will carry transient newspapers, but the great papers of the country weigh over two ounces, and many of them as much as three ounces and over. Therefore, when going from citizen to citizen, as the law requires full payment, and not, as with letters, one rate carrying, when one stamp only is put on, and the paper weighs over two ounces, I say instead of going to the party, as in the case of letters, it goes into what is called dead matter and is sold for waste paper.

There is no criticism on the part of the Committee on the Post-Office and Post-Roads, except to indorse the recommendation of the Postmaster-General. I would ask to have the report read, but it is so comprehensive it cannot be read in the time allotted to this debate.

Several MEMBERS. Print it with your remarks.

Mr. BINGHAM. I will do that with the consent of the House.

The report is as follows:

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, submitted the following report, to accompany bill H. R. 1323:

The Committee on the Post-Office and Post-Roads, to whom was referred the bill fixing the rate to be paid upon mail matter of the second class thereof when sent by persons other than the publisher or news agent, beg leave to submit the following report:

The committee would respectfully state that Hon. Walter Q. Gresham, Postmaster-General, in his annual report, dated Washington, D. C., November 19, 1883, submits, on page 29, the following:

"The postage on third-class matter, embracing newspapers and periodicals sent by others than the publishers, is 1 cent per two ounces. Some of the larger newspapers weigh more than two ounces. There seems to be a popular impression that 1 cent per copy is the uniform rate for all newspapers.

"Many persons, under this impression, deposit in post-offices newspapers which weigh more than two ounces and not exceeding three ounces bearing a 1-cent stamp. Such papers are not entitled to be sent, and perhaps as a rule are not sent. This creates dissatisfaction and complaint. In order to obviate this I recommend that the rate of postage on newspapers and periodical publications sent by others than the publishers or news agents be made 1 cent per three ounces."

In order to fully understand the proposed reduction the early legislation upon newspaper rates is herewith submitted:

Act of February 20, 1792, section 21:

"All newspapers conveyed by mail for any distance not more than 100 miles, 1 cent; and over 100 miles, 1½ cents."

Act of March 2, 1799, section 20, fixes—

"Postage on newspapers at 1 cent each for not more than 100 miles and 1½ cents for any greater distance. Single newspapers from one place to another in same State shall not exceed 1 cent."

Act of April 30, 1810, section 32, re-enacts the act of March 2, 1799.

Act of March 3, 1825, section 30, re-enacts the act of March 2, 1799.

Act of March 3, 1845, section 3:

"*Postage on newspapers.*—Newspapers of not more than 1,900 square inches in size may be transmitted through the mails by the editors or publishers thereof to subscribers or other persons, within 30 miles of the city, town, or place in which the paper is printed, free of postage. Newspapers of less size, conveyed by mail beyond 30 miles from the place at which they are printed, shall be subject to the rates of postage chargeable under the thirtieth section, act March 3, 1825. Newspapers of greater size than 1,900 square inches subject to same rates of postage as are prescribed by this act on magazines and pamphlets."

Act of March 3, 1845, defines a newspaper:

"Any printed publication issued in numbers, consisting of not more than two sheets and published at short stated intervals of not more than one month, conveying intelligence of passing events, and *bona fide* extras and supplements of such publications."

Act of March 3, 1847, section 13:

"Newspapers by mail (except exchanges between publishers), except those franked by those enjoying the franking privilege, and newspapers not sent from the office of publication, and handbills or circulars printed or lithographed, not exceeding one sheet, shall be subject to 3 cents prepaid postage each."

Act of March 3, 1851, section 2:

"Newspapers not exceeding 3 ounces in weight, sent from the office of publication to *bona fide* subscribers, shall be charged with postage as follows:

"Weekly newspapers, free within the county where published, and for not exceeding 50 miles out of the county where published, 5 cents per quarter; exceeding 50 miles and not exceeding 300 miles, 10 cents per quarter; exceeding 300 miles and not exceeding 1,000 miles, 15 cents per quarter; exceeding 1,000 miles and not exceeding 2,000 miles, 20 cents per quarter; exceeding 2,000 miles and not exceeding 4,000 miles, 25 cents per quarter; exceeding 4,000 miles, 30 cents per quarter.

"Newspapers published monthly, sent to *bona fide* subscribers, one-quarter of the foregoing rates; published semi-monthly, one-half of the foregoing rates; published semi-weekly, double the foregoing rates; published tri-weekly, treble the foregoing rates; and oftener than tri-weekly, five times the foregoing rates; on other papers, unsealed circulars, handbills, engravings, pamphlets, periodicals, magazines, books, and all other printed matter unconnected with written matter, of not more than one ounce in weight and not exceeding 500 miles, 1 cent; and for each additional ounce or fraction thereof, 1 cent; exceeding 500 miles and not exceeding 1,500 miles, double these rates; exceeding 1,500 miles and not exceeding 2,500 miles, treble these rates; exceeding 2,500 miles and not exceeding 3,500 miles, four times these rates; exceeding 3,500 miles, five times these rates."

The act of March 3, 1851, seems to have been the most complicated of all legislation covering this subject.

The act of August 30, 1852, section 1, enacts a law clear and simple:

"From and after September 30, 1852, postage on all printed matter passing by mail, instead of the rates now charged, shall be as follows: Each newspaper, periodical, unsealed circular, or other article of printed matter, not exceeding *three ounces in weight, to any part of the United States, 1 cent*, and for every additional ounce or fraction thereof, 1 cent additional.

"Postage on any newspaper or periodical paid quarterly or yearly in advance at the office of delivery or at the office of mailing, one-half of said rates only shall be charged.

"Newspapers and periodicals not weighing over one and one-half ounces, when circulated in the State where published, one-half the rates before mentioned.

"Small newspapers and periodicals published monthly or oftener, and pamphlets of not more than sixteen octavo pages, sent in single packages weighing at least eight ounces to one address, and prepaid by postage-stamps affixed, only, one-half cent for each ounce or fraction of an ounce.

"Postage on all transient matter shall be prepaid, or charged double the rates first mentioned."

The legislation proposed by the bill under consideration fixes the same rate as the act of August 30, 1852, so far as the first three ounces in weight of newspaper or periodical publications are concerned.

Act of June 8, 1872, section 163:

"Postage on mailable matter of the third class shall be at the rate of 1 cent for each two ounces or fraction thereof, except that double these rates shall be charged for books, samples of metals, ores, minerals, and merchandise."

Act of June 3, 1874, section 5:

"On and after January 1, 1875, all newspapers and periodical publications mailed from a known office of publication or news agency, and addressed to regular subscribers or news agents, postage shall be charged at the following rates: On newspapers and periodical publications issued weekly or more frequently, 2 cents a pound or fraction thereof, and on those issued less frequently than once a week, 3 cents a pound or fraction thereof: *Provided*, That nothing in this act shall be held to change section 99 of the act of June 8, 1872."

Act of March 3, 1879:

"Mail matter of the third class shall embrace books, transient newspapers, and periodicals, * * * and postage shall be paid at the rate of 1 cent for each two ounces or fractional part thereof, and shall be fully prepaid by postage-stamps affixed to said matter."

The act of 1879 is the law under which newspapers and periodicals, when sent by other than the publisher or news agent, are charged 1 cent for each two ounces or fractional part thereof.

The rates of postage of other nations on newspapers and periodicals would seem to encourage rather than repel the transmission of this class of matter, in view of the very fair and reasonable rates of postage charged. We submit the conditions of payment, the rates charged, and weight, together with penalty for non-payment of rates, in some eighteen countries:

Countries.	Condition of payment.	Prepaid rates.		When partially prepaid.
		Cents.	Ounce.	
Austria-Hungary	Compulsory	⅖	1⅘	Double the deficiency.
Argentine Republic	....do	2	8½	Unmailable.
Belgium	Optional	⅖	1⅘	Double the deficiency.
Brazil	Compulsory	⅖	1⅘	Unmailable.
Canada	....do	1	4	Do.
Denmark	Optional	1/10	Per No.	
Egypt	....do	⅕	1⅘	Double the deficiency.
France	Compulsory	⅖	Per copy, size specified.	3 times the deficiency.
Germany	....do	⅖	1⅘	Double the deficiency.
Great Britain	Optional	1	Per copy.	Do.
Greece	Compulsory	⅖	1	Unmailable.
Italy		⅖	1⅘	
Netherlands	Compulsory	⅕	Per copy weighing less than ⅝ oz.	3 times the deficiency.
Norway	....do	2	3½	Unmailable.
Russia	....do	1	1⅘	Do.
Spain	....do	⅕	Per No.	Do.
Sweden	....do	⅖	1⅘	Double the deficiency.
Switzerland	....do	⅖	1⅘	Unmailable.
United States	....do	1	2	Do.

Our rates upon this class of matter are higher with one exception than in any of the eighteen nations whose postage your committee has been able to ascertain.

A newspaper can be sent from the United States to any foreign country in the Universal Postal Union, weighing over two ounces or less than four ounces, for the same rate of postage that is charged for its transmission to any part of the United States.

The rate of postage on newspapers from office of publication to subscribers is but 2 cents per pound.

The daily papers now published in all the great centers and cities of the country turn the scale on two ounces and require double postage, or 2 cents, when mailed transient. In brief, the publisher, mailing his publication to the subscriber, pays 2 cents a pound; the same paper, if mailed transient, is charged 2 cents for a single copy. Every seven-column double paper weighs fresh from the press a trifle more than 2 ounces.

It should be remembered that full payment is compulsory on newspapers and periodicals. If the paper weighs over two ounces and but 1 cent postage has been paid, the postmaster is forbidden to forward the same through the mails. Not so with a letter; one rate secures its transmission, and the deficiency is collected from the party to whom the letter is addressed. There is a popular impression that a 1-cent stamp will carry one newspaper; and in every large office hundreds of transient papers become dead because the law requires full postage. So large is this amount of matter that the Post-Office Department has adopted

the course of writing to the party addressed that upon sending to the postmaster a 1-cent stamp the paper held for postage will be duly mailed. This requires great clerical labor and some expense to the Department. The Postmaster-General, in his last report, thus refers to the treatment of "held-for-postage matter:"

"The new mode of treating held-for-postage matter, by which the addressees are invited by postmasters to remit the postage and receive the matter directed from the mailing office, and thus prevent it from going to the dead-letter office, was found to work so satisfactorily at the free-delivery offices that an order was issued on May 19, 1883, extending it to all the Presidential offices, to take effect on July 1, 1883. The plan is operating with equally good results at the additional offices to which it was extended by the order."

Your committee are of the opinion that the change in the rate of postage on newspapers and periodicals, when sent by others than the publisher or news agent, to 1 cent for each three ounces or fractional part thereof, in lieu of 1 cent for two ounces, will to no appreciable extent reduce the revenues of the Department, and would certainly be a great convenience and benefit to the people, and would carry through the mails almost every daily or weekly newspaper now published in the country.

The bill is reported with a favorable recommendation.

Mr. BINGHAM. In this connection permit me to say, Mr. Speaker, that so vast is the amount of matter which fell dead at post-offices because of being insufficiently stamped that postmasters have communicated by official letter with parties, informing them that by sending a penny or two, or the requisite sum, the matter would be transmitted through the mails.

This measure has been asked for by all the press associations of the country. It simply does this: If you subscribe for a newspaper or periodical the publisher or news agent pays 2 cents a pound for postage. If I send you a paper, Mr. Speaker, the postage is 1 cent for two ounces, and if it exceeds two ounces and has only one stamp on it it is dead matter and does not go through the mails. This is to provide for sending to parties to whom papers and periodicals are addressed, although the postage may not be fully paid. It is just and right, and should pass.

Further, I would state that this will make no appreciable difference in the income of the Department. It will simply send to the party addressed the paper that the individual desires him to receive.

I reserve the remainder of my time.

Mr. WARNER, of Ohio. I do not care to occupy the time of the House after listening to the explanation of the gentleman from Pennsylvania. I am satisfied from his statement that the bill ought to pass.

I will take occasion simply to say that if we could know beforehand what bills are to be presented to the House on such days as this, then we might be prepared to vote without the explanation that otherwise seems to be necessary. I yield the floor.

Mr. BINGHAM. I yield one minute to the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. Mr. Speaker, I take the floor simply for the purpose of saying that I concur fully with the statement and opinion expressed by the gentleman from Pennsylvania, the chairman of the Committee on the Post-Office and Post-Roads, on this bill. This proposition to fix a limit to transient newspaper postage of 1 cent for four ounces was introduced by myself early in the session. I shall therefore sustain the bill.

The SPEAKER. The question is, Shall the rules be suspended and the bill passed, including the amendment which has been read?

The bill was passed as amended (two-thirds voting in favor thereof).

STEEL GUNBOAT.

Mr. TALBOTT. Mr. Speaker, I am instructed by the Committee on Naval Affairs to offer the following resolution.

The SPEAKER. The Chair will state that the gentleman from Maryland advises the Chair that he was not prepared when his committee was called to present this resolution.

Mr. TALBOTT. No, sir; I was looking for the resolution in my desk when another committee was called.

The SPEAKER. Under the circumstances the Chair will again call the Committee on Naval Affairs.

Mr. TALBOTT. The resolution which I send to the desk is offered by instructions from that committee.

Mr. HEWITT, of Alabama. I object to going back, Mr. Speaker. The Committee on Naval Affairs has been already passed.

The SPEAKER. The gentleman from Maryland advises the Chair that he was preparing to present the resolution, was getting it out of his desk, when the Chair passed to another committee. Under the circumstances the Chair thinks no advantage should be taken of the omission.

Mr. HEWITT, of Alabama. Under the circumstances, I withdraw the objection.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That House bill 5044, entitled a bill to authorize the construction of a steel gunboat, be made the special order for Thursday, the 28th instant, and so on from day to day until the same shall be disposed of.

Mr. HOLMAN. I demand a second.

Mr. TALBOTT. Let a second be considered as ordered.

Mr. COX, of New York. This needs an explanation, and we should have a second.

The SPEAKER. Unanimous consent has been asked that a second be ordered. Is there objection?

There was no objection, and a second was declared ordered.

Mr. TALBOTT. Mr. Speaker, has the bill been reported?

The SPEAKER. The bill is not before the House.

Mr. TALBOTT. Then I will simply state that this is a bill authorized by the Committee on Naval Affairs to be reported to the House on last Friday, with instructions from the committee to use my best endeavors in any manner to secure the prompt consideration of the bill. It is a bill providing for the construction of a steel gunboat, somewhat upon the model of the one which is already built and now in the service, the Alarm. This is a vessel the plans for which have been matured by the Admiral of the Navy, Admiral Porter, assisted by some of the best engineering skill and talent and by the advice of the best naval architects in the service.

It is not necessary for me to state to this House the importance of constructing a navy. I desire to say in my brief time that that is an admitted fact upon all hands. The Secretary of the Navy says that as a means of defensive warfare this vessel would undoubtedly be a success. The provisions of this bill are so guarded as to make it acceptable to the most critical mind in the House. I only say that for the satisfaction of the House, as I do not now desire to enter upon its merits. It provides simply that this vessel shall be constructed in the navy-yards under the supervision and advice of the Admiral of the Navy himself. It is wise that this Congress should so proceed, because I have no doubt from all the information I can gather that the best character of work, so far as the construction of vessels of this kind is concerned—engines, machinery, and boilers—can be had at the Government navy-yards.

All I ask now, however, is that this bill be set for consideration, for debate, in this House at the time fixed in the resolution.

Mr. WARNER, of Ohio. Has the bill been printed?

Mr. TALBOTT. I will state in addition that the Admiral of the Navy, Admiral Porter, appeared before the committee and advocated himself the construction of this vessel.

Mr. WARNER, of Ohio. I ask, has the bill been printed?

Mr. TALBOTT. It was introduced and recommitted to the Committee on Naval Affairs on last Friday.

I yield now five minutes to the gentleman from New Jersey and five minutes to the gentleman from Illinois [Mr. THOMAS].

Mr. MCADOO. Mr. Speaker, I was not present in the Naval Committee when the discussion took place with reference to this bill. I was necessarily absent during both of the meetings of the committee and absent at the time that Admiral Porter appeared before it. I do not know what arguments were used by him in advocating its passage. I am informed that the Naval Committee of this House were unanimous in asking the passage of this resolution.

I consider this measure a very important one. I think it takes a middle ground between the opinions of the professional alarmists on one hand, who are asking a very large Navy, and those on the other hand who are opposed to any. It asks that our coast defenses shall be put in order in the manner which has been suggested by the gentleman from Maryland, by the construction of such vessels as the Alarm and that which is proposed in this bill. Such vessels and proper coast fortifications may be a solution of many naval questions.

I find from what I heard him say that the chairman of the Committee on Naval Affairs is very much opposed to the consideration of the bill because the committee acted in his absence. So far as that is concerned I may say that the committee also acted in my absence, although it is true that I am not chairman, but merely a member of the same. I think, however, notwithstanding the opposition of the chairman of the Naval Committee to the bill, the House should fix a day for considering it. I think the passage of this and similar bills looking to the proper defense of our coast would satisfy the people of this country. We are not asking for an enormous and expensive navy. We do not think it good policy that we should enter into active and immediate competition and hurry off a navy to vie with that of the great naval powers of the world. The people of this land may be in favor of a fair navy to keep together its admirable corps of officers and men, but it is unfortunately true that the Navy Department has not had the confidence of the people of this country. There is possibly a demand for a reasonable and competent navy here, but unfortunately the people have not been willing from sad experiences to trust implicitly the men who have had the expenditure of the money in building up such a fleet. I think this bill is a very fair, wise, and good measure, and I hope the House will give it the consideration it merits.

Mr. WARNER, of Ohio. Does the gentleman from New Jersey wonder from what has taken place in the past few years that the country has not confidence in the expenditures for a navy?

Mr. MCADOO. The gentleman from Ohio intimates that I am inconsistent in asking that money shall be given to a Department in which the country has not confidence.

Mr. WARNER, of Ohio. Oh, no; that was not what I said.

Mr. MCADOO. If the gentleman will examine this bill he will find this boat is not to be built under the Navy Department, but under the personal supervision of the Admiral of the Navy. It is to be built under his personal supervision at one of the regular navy-yards of the Government. I am willing to have it so built for one.

Mr. WARNER, of Ohio. The gentleman misunderstood my interpellation.

Mr. TALBOTT. I yield five minutes to the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS. The passage of this bill, Mr. Speaker, was recommended by the unanimous voice of the Committee on Naval Affairs, so far as the members were present. It was recommended on two considerations: first, that this country is very much in need of such a gunboat as this bill contemplates; and, secondly, because the Admiral of the Navy came before our committee and explained fully the size and efficiency of the boat, if built according to the plans submitted by him to the committee.

I do not agree with the gentleman from New Jersey [Mr. McADOO], a member of the committee, who has stated that the country had not confidence in the Navy Department. If there was such an expression as that made either before or by the committee I did not hear it and I do not indorse the statement. On the contrary, sir, I believe that the people of this country not only indorse the Navy Department, but desire and demand of Congress that we shall build a navy which will be able to protect the honor and the interests of this country on every sea. We are in a shameful, criminal, and helpless condition to-day, so far as a navy is concerned. Any of the great ports of this country might be laid under contribution by any one of the vessels belonging to the navies of England, of France, of Germany, of Spain, or even of Chili. With the modern ordnance now employed on shipboard by foreign nations, a vessel might anchor two miles off Coney Island and shell Brooklyn with perfect impunity. And no vessel or gun owned by either the Army or Navy of the United States could have the slightest effect upon the ironclads that are now floating in the other navies of the world.

I say it is simply criminal for us to stand here as we do to-day under the claim of economy, the miserable demagogical cry which the people do not indorse, and allow this country of ours to remain in its present helpless condition. We have the finest corps of naval officers the world has ever seen, educated, accomplished, gallant, ready to do service wherever they may be called, and capable of discharging the highest and most brilliant duties as naval officers. And yet they are bound hand and foot, and Congress goes on day after day, year after year, quibbling about rank and pay and such trifling, miserable questions as those, while the country stands pleading and demanding that we do something to protect it in case of emergency. A letter from the Admiral of the Navy which I hold in my hand shows not only the plan but the absolute necessity of building this vessel. We have but one gunboat, the Alarm, and it is one of the best gunboats of her class in the world. The one proposed by this bill is substantially the same as the Alarm. It will have a speed of seventeen knots an hour, will be armed with two heavy, high-power, breech-loading guns, and will be capable of meeting the strongest antagonist that can be sent us across the water. It is to cost but $250,000; and I hope gentlemen will not hesitate one moment to authorize the building of this vessel. All along the Atlantic and Pacific coasts are points of danger which might be invaded any day. I am tired of seeing this country pocket insult after insult simply because economy, so called, says we shall not vote money to build a navy.

[Here the hammer fell.]

The SPEAKER. The gentleman from Maryland has two minutes of his time remaining.

Mr. TALBOTT. I reserve my time.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] is entitled to fifteen minutes in opposition.

Mr. HOLMAN. I hope the House will not consider this subject of increasing the Navy by piecemeal. The subject necessarily belongs to the Committee on Appropriations. The House has now before it the bill reported from that committee making appropriations for the naval service for the coming fiscal year, and necessarily the sum of money recommended to be expended for the enlargement of the Navy is embodied in that bill.

The naval appropriation bill proposes to appropriate for the completion of the three new steel cruisers, the Chicago, the Boston, and the Atlanta, and the dispatch-boat Dolphin, the sum in all of $921,500. It proposes to appropriate for the completion of the steam machinery of the three cruisers named and the dispatch-boat the sum of $620,000. It proposes to appropriate for completing the equipment and outfit of the cruisers and dispatch-boat $78,600, and for completing the Mohican, one of the monitors on the Pacific coast, $50,000.

Now, these four items of appropriation for the enlargement of the Navy, embracing the three steel cruisers, the Dolphin, and the monitor Mohican on the Pacific coast, are what is recommended by the Committee on Appropriations for that purpose. The naval appropriation bill was made a special order for to-morrow, I believe, or at least the gentleman having charge of it notified the House that he would call it up for consideration on that day.

The bill was reported by the chairman of the Committee on Appropriations. The gentleman from New York [Mr. HUTCHINS], a member on the subcommittee of that committee having charge of the bill, will necessarily be absent to-morrow, and at his instance, by the action of the Committee on Appropriations, the bill was postponed until a later day.

The House, therefore, will understand that the subject of the enlargement of the Navy has already been fully considered by one of the committees of the House; that the plan, the extent of the enlargement, has already been reported to the House by that committee. All I ask of the House is simply that they will not consider so important a subject by piecemeal. When the naval appropriation bill is reached, as it will be in the course of a few days, if it shall be deemed proper to increase the appropriation by putting on this additional vessel, well and good; but do not let us divide the subject and consider it by piecemeal, but consider it as it should be considered, in one bill.

I will yield the remainder of my time to the gentleman from New York [Mr. COX], if he desires it.

Mr. COX, of New York. I am under some embarrassment in speaking upon this subject, as coming into this House from my home I find this bill pending.

In one sense I am astounded, because there was appointed a subcommittee of the Committee on Naval Affairs to consider this whole matter of building ships, and we were to advise with the Committee on Appropriations, which had already considered the subject to some extent.

As some gentlemen say, I did invite Admiral Porter to come to our committee on Thursday. He came and spoke and advised about this steamer. By the New York papers I found that already on Thursday the committee had passed this matter. I telegraphed them asking them as a personal favor that on Friday the motion to reconsider should be entered, because I wanted a fair consideration of this whole business; I did not want any "snapperadoes" of practice.

The chairman of the Committee on Naval Affairs is not of much consequence personally; he may not believe as the rest of the committee do. But at least there is some responsibility resting on that committee when a large sum of money is proposed to be expended. I lay down this proposition for members who consider their duty properly in this House, that where a system is so thoroughly mangled and tangled and wrangled as this naval business is in our country to-day, there ought to be some consideration given when it is proposed to organize a new and perhaps a better system.

I am ready to do all I can physically and otherwise to renew our Navy and to put it into good condition, if it be possible. I would like first to build up our commerce, so that our Navy might have something to look after. That may not be first done. We may be compelled to build ships for some possibility that may arise; we do not know what the danger may be.

I do trust the House will remit this matter to the Committee on Naval Affairs, so that they may consider the whole subject, not merely one ideal cruiser or steamer in the brain of our admirable Admiral, but to consider the whole matter in the light of the testimony which is now being taken in the Senate, in the light to be drawn from recent inventions and improvements connected with naval architecture. Believing that, although almost alone on the committee in that opinion, I ask that this matter may go by for the present.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] has seven minutes of his time remaining.

Mr. HOLMAN. I do not know that I care to consume that time.

The SPEAKER. The gentleman from Maryland [Mr. TALBOTT] has two minutes of his time remaining.

Mr. TALBOTT. As I have already stated to the House, this measure was adopted by the Committee on Naval Affairs, with nine members present, by a unanimous vote. It was adopted on the suggestion of the Admiral of the Navy. If he is not fit to make a suggestion of that character to the House he ought not to be Admiral of the Navy. But I think he certainly has shown at some time or other in his life his fitness to make suggestions which are entitled to consideration.

The gentleman from New York [Mr. COX] says he telegraphed to the Committee on Naval Affairs to reconsider the matter. So he did, but he did not ask it on personal grounds. I will state to the gentleman that the Committee on Naval Affairs did reconsider the matter in accordance with his request, and then again ordered me to report this resolution to the House and ask—what? That we shall pass the bill? Not that. That we shall have a day in court for the interest of the American Navy; and I ask this House to give it to us.

Mr. COX, of New York. I ask the House to send it back to the committee.

Mr. HOLMAN. A single word. The whole subject has been considered very thoroughly by a subcommittee of the Committee on Appropriations and finally by the whole committee. All I ask of the House is that it will not embarrass its own action by considering this matter by piecemeal.

Mr. TALBOTT. I ask the House to give us a day in court. We have no guarantee that the Committee on Appropriations are going to consider this matter.

Mr. HOLMAN. It is in the House now in the naval appropriation bill.

Mr. COX, of New York. I would inquire of the Chair if the Thursday named in the resolution has not already been fixed for the obsequies of Mr. HASKELL, of Kansas?

The SPEAKER. The Chair can state that such is the fact.

Mr. TALBOTT. This is a continuing order, and the subject will go over until the next day.

The SPEAKER. The question is upon the motion to suspend the rules and adopt the resolution reported from the Committee on Naval Affairs.

The question was taken; and upon a division there were—ayes 72, noes 83.

So (two-thirds not voting in the affirmative) the rules were not suspended.

The SPEAKER resumed the call of committees for motions to suspend the rules.

BUSINESS OF COMMITTEE ON PACIFIC RAILROADS.

Mr. CASSIDY. I am directed by the Committee on Pacific Railroads to move a suspension of the rules for the adoption of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Pacific Railroads have leave on the 12th day of March, 1884, to report or take from the Calendar any bill or bills they have perfected at said time, relating to any of the subjects referred to said committee; and said bill or bills when so reported or taken from the Calendar shall be for present consideration from day to day until completed, not, however, to interfere with revenue or appropriation bills; and if on said day, from any cause, said committee be unable to report or take from the Calendar any of said bills, then upon any day thereafter, not to interfere with revenue and appropriation bills and prior orders of the House.

The SPEAKER. Is a second demanded?

Mr. HOLMAN. I demand a second.

The SPEAKER. If there be no objection a second will be considered as ordered. The Chair hears no objection.

Mr. HOLMAN. My only object in demanding a second was to inquire of the gentleman from Nevada [Mr. CASSIDY] what particular bill his resolution has reference to; and if it has not reference to any particular bill, to what class of bills does it refer?

Mr. CASSIDY. I will state, Mr. Speaker, for the information of the House, that the object of the resolution is to assign a day for the consideration of such business as may be before the Committee on the Pacific Railroads. There are some important questions pending in that committee. In fact, upon two of these subjects measures have been matured by the committee. One of these questions—which is of the greatest importance in the judgment of the committee—relates to the increase of what is known as the Thurman sinking fund. We have also ready to be reported to the House a bill which relates to the enforcement of the claim of the United States against the land-grant railroads for the cost of surveying and listing the lands to the railroad companies. Briefly, these are the important questions pending before the committee. Gentlemen of the House well understand that if these measures are merely reported to the House and allowed to take their places upon the general Calendar it simply means that they will not be reached at all during the session. In view of this fact, I have been directed by the committee to ask the adoption of this resolution, so that the House may assign a day to the committee for the consideration of these bills to which I have alluded.

Mr. HOLMAN. Not having heard distinctly the statement of the gentleman from Nevada [Mr. CASSIDY], I wish to inquire whether the bills proposed to be reported, and intended to be covered by this resolution, include the amendment to the funding act touching the Pacific railroad in its various organizations?

Mr. CASSIDY. Precisely; that is one of the bills sought to be covered by the resolution.

Mr. HOLMAN. Can not the gentleman assure us that that will be one of the earliest bills brought forward in the event of the adoption of this resolution?

Mr. CASSIDY. It will be one of the very first, probably the second bill.

Mr. McMILLIN. What will be the first?

Mr. HOLMAN. Does the gentleman say that this bill will be the first reported?

Mr. CASSIDY. I would have no objection to so framing the resolution, although I have no authority to change its phraseology. But the only measures to be reported from that committee are those I have referred to. I yield a moment to the gentleman from Kentucky [Mr. THOMPSON].

Mr. THOMPSON. Mr. Speaker, on behalf of this committee I wish to say to the House that our experience in the last two or three Congresses has shown that measures pending before our committee are of such a character that legislation can not be perfected without great care and consideration. But when a bill has been brought into the House heretofore it has gone upon the Calendar and has never received consideration at the hands of the House. Now, we ought to have a day to be heard.

I will say to the gentleman from Indiana [Mr. HOLMAN] that the amendment to the Thurman act is now under consideration by our committee, and will be reported, I have no doubt, in time to be considered under this resolution. We have also another bill perfected which is of equal importance; and we want to consider that also. The resolution is broad enough to cover both bills.

Mr. HOLMAN. If one of the bills to be considered is a measure enlarging the scope of the Thurman act, that, it seems to me, would justify the adoption of this resolution.

Mr. THOMPSON. It is broader than that.

Mr. REED. The gentleman from Nevada [Mr. CASSIDY] will allow me to suggest that this resolution is very broad. I do not see but that it will give the committee an opportunity to consider every question before it, and to go on from day to day until they are all considered. Now, I have no objection to any bill the gentleman has mentioned, but I think the House had better consider carefully the terms of the resolution before adopting it.

Mr. CASSIDY. I will say to the gentleman from Maine that the committee has no desire to abuse the privilege which the House may grant. I have stated the subjects which will be covered by the bills reported.

Mr. REED. Let the resolution be again read.

Mr. THOMPSON. I think the gentleman from Maine will find that this resolution gives us but one day to report as many bills as we can consider on that day, and if any bill be pending at the close of the day, to continue the consideration of that bill.

Mr. REED. I think by the resolution the privileges provided for are given to the committee from day to day.

Mr. THOMPSON. If the gentleman will examine the resolution, I think he will find it provides merely that the consideration of any bill taken up on that day and not finished shall be continued.

The SPEAKER. The resolution will be again read.

The Clerk again read the resolution.

Mr. THROCKMORTON. I would suggest to the gentleman from Nevada that the resolution be so amended.

Mr. COBB. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COBB. I desire to inquire whether this resolution, not having mentioned any of the committees but the Committees on Appropriations and Ways and Means, would cut off the Committee on the Public Lands, which committee is by resolution placed next to those two committees. My idea is it would not, but I wish to have the ruling of the Chair.

Mr. CASSIDY. There is a limitation on the resolution. It does not antagonize existing orders of the House.

Mr. COBB. That is, an existing order.

Mr. CASSIDY. Some gentlemen seem to have a misapprehension.

The SPEAKER. The matter referred to by the gentleman from Indiana is a special order of the House.

Mr. CASSIDY. Inasmuch as several gentlemen seem to be laboring under a misapprehension as to the intention of the committee, I ask to amend the resolution by limiting the time assigned to the committee to two days.

Mr. REED. Limit it to a particular bill, so we may know what we are to consider.

Mr. CASSIDY. The difficulty about that is this: There have been half a dozen bills covering the same general subject referred to the committee, and the committee will bring in substitutes.

Mr. REED. The committee does not know what it wishes to do.

Mr. CASSIDY. Yes, we do. We wish to consider the bill about the cost of surveying and the bill about the Thurman sinking fund.

Mr. REED. Why not confine your action to those two bills?

Mr. CASSIDY. We have other matters besides.

Mr. REED. You do not know what you wish to bring in.

Mr. THOMPSON. That is all we want.

The SPEAKER. To whom does the gentleman yield?

Mr. THOMPSON. Yield to me a minute.

Mr. CASSIDY. Certainly.

Mr. THOMPSON. By the consent of the gentleman from Nevada I ask that the resolution be modified.

The SPEAKER. Objection is made.

Mr. HEWITT, of Alabama. I withdraw it.

Mr. THOMPSON. By consent of the gentleman from Nevada [Mr. CASSIDY], I move the resolution be modified so that it shall be limited to the Thurman sinking fund and to taxing the costs of surveys of lands that railroads are charged with. Let it be limited to those two acts.

Mr. WARNER, of Ohio. That is right.

Mr. CONVERSE. I move that the House do now adjourn.

Mr. THOMPSON. Oh, no! Vote it down.

Mr. CONVERSE. By request I withdraw it.

The SPEAKER. The question recurs on suspending the rules.

Mr. THOMPSON. I ask the resolution be read to the House as modified.

Mr. HORR. I object to the modification.

Mr. RYAN. I hope the gentleman will not object to that modification. These bills are of the highest importance and ought to be considered.

Mr. ANDERSON. Would it be in order for the gentleman from Kentucky to move to amend the resolution?

The SPEAKER. The motion to suspend the rules can not be amended.

Mr. THOMPSON. I demand the yeas and nays.

Mr. KASSON. There is a misapprehension here, Mr. Speaker, touching the form of the last proposition. I understand, and if I am incorrect the Chair will correct me, as proposed to be modified it is limited to two bills which the committee have already prepared, and which they name in the resolution. Am I right?

Mr. THOMPSON. Yes, sir.

Mr. KASSON. And therefore the resolution is limited to the con-

sideration of these two bills. The gentleman from Michigan withdraws his objection.

Mr. HORR. I shall not object if it is limited to the two bills.

Mr. THOMPSON. Then I suggest that modification, that the words "any of the subjects heretofore referred to said committee" be stricken out and insert "the act known as the Thurman sinking fund and any amendment or bill relating to section 21 of the act of 1864 relating to fees due from Pacific railroads for surveying and patenting lands granted to them."

The SPEAKER. The gentleman from Kentucky asks unanimous consent to be permitted to modify the resolution in the manner he has suggested, so as to make it applicable to the two measures exclusively, one being what is commonly known as the Thurman sinking fund act and the other with reference to the law in relation to the payment by land-grant railroads for the cost of surveys, &c.

Mr. THOMPSON. Yes, section 21 of the act of 1864.

The SPEAKER. Is there objection?

There was no objection, and the resolution was modified accordingly.

Mr. CONVERSE. I now renew my motion that the House adjourn.

The motion was not agreed to.

The SPEAKER. The question is on the motion to suspend the rules and adopt the resolution which has been read.

Mr. KEIFER. As modified.

The SPEAKER. That takes the place of the original resolution.

The resolution was agreed to (two-thirds voting in favor thereof).

Mr. BUCKNER. I move that the House do now adjourn.

The House divided; and there were—ayes 95, noes 53.

Mr. HOLMAN and Mr. HEWITT, of Alabama, demanded tellers.

Tellers were ordered.

Mr. HEWITT, of Alabama, and Mr. BUCKNER were appointed tellers.

The House divided; and the tellers reported—ayes 81, noes 92.

Mr. REED. I call for the yeas and nays.

The yeas and nays were ordered; 47 members voting in favor thereof.

The question was taken, and there were—yeas 71, nays 144, not voting 106; as follows:

YEAS—71.

Adams, G. E.	Everhart,	Long,	Rice,
Atkinson,	Foran,	Lovering,	Rockwell,
Barr,	Hart,	Lyman,	Rowell,
Bayne,	Hatch, H. H.	McCoid,	Russell,
Brewer, J. H.	Haynes,	McComas,	Skinner, C. R.
Browne, T. M.	Henderson, D. B.	McCormick,	Spooner,
Brown, W. W.	Henderson, T. J.	Millard,	Stephenson,
Brumm,	Hepburn,	Nelson,	Strait,
Buckner,	Hiscock,	Parker,	Struble,
Calkins,	Hitt,	Patton,	Taylor, J. D.
Campbell, J. M.	Holton,	Payne,	Thomas,
Connlloy,	Howey,	Payson,	Valentine,
Cullen,	James,	Peelle, S. J.	Wait,
Cutcheon,	Jeffords,	Perkins,	Warner, A. J.
Davis, G. R.	Johnson,	Pettibone,	Washburn,
Dingley,	Kasson,	Ranney,	White, Milo
Dunham,	Lawrence,	Ray, G. W.	Whiting.
Ellwood,	Libbey,	Reed,	

NAYS—144.

Aiken,	Elliott,	Miller, J. F.	Springer,
Alexander,	Ellis,	Miller, S. H.	Steele,
Anderson,	Ermentrout,	Milliken,	Stewart, Charles
Arnot,	Evins, J. H.	Mitchell,	Stockslager,
Bagley,	Ferrell,	Morey,	Stone,
Ballentine,	Fiedler,	Morgan,	Storm,
Beach,	Forney,	Morrison,	Sumner, D. H.
Bennett,	Fyan,	Muldrow,	Taylor, J. M.
Bisbee,	Geddes,	Murphy,	Thompson,
Bland,	Gibson,	Murray,	Throckmorton,
Boutelle,	Graves,	Mutchler,	Tillman,
Breckinridge,	Green,	Nicholls,	Townshend,
Buchanan,	Greenleaf,	Nutting,	Tucker,
Burnes,	Guenther,	Oates,	Turner, H. G.
Caldwell,	Halsell,	O'Hara,	Turner, Oscar
Cannon,	Hardeman,	Paige,	Van Alstyne,
Carleton,	Hatch, W. H.	Pierce,	Vance,
Cassidy,	Hemphill,	Peel, S. W.	Van Eaton,
Clay,	Herbert,	Peters,	Ward,
Clements,	Hewitt, A. S.	Post,	Warner, Richard
Cobb,	Hewitt, G. W.	Potter,	Weaver,
Converse,	Holman,	Price,	Wellborn,
Cosgrove,	Hopkins,	Pusey,	Weller,
Cox, W. R.	Houseman,	Reagan,	White, J. D.
Crisp,	Hunt,	Reese,	Wilkins,
Curtin,	Jones, B. W.	Riggs,	Williams,
Dargan,	Jones, J. K.	Robertson,	Willis,
Davidson,	King,	Rogers, J. H.	Wilson, James
Davis, L. H.	Laird,	Rogers, W. F.	Wilson, W. L.
Deuster,	Lanham,	Rosecrans,	Winans, E. B.
Dibble,	Lewis,	Ryan,	Wolford,
Dibrell,	Lore,	Scales,	Wood,
Dockery,	Lowry,	Seymour,	Woodward,
Dowd,	McAdoo,	Shaw,	Worthington,
Duncan,	McMillin,	Skinner, T. G.	Yaple,
Dunn,	Matson,	Slocum,	York.

NOT VOTING—106.

Adams, J. J.	Blount,	Burleigh,	Covington,
Barbour,	Bowen,	Cabell,	Cox, S. S.
Barksdale,	Boyle,	Campbell, Felix	Culberson, D. B.
Belford,	Brainerd,	Candler,	Culbertson, W. W.
Belmont,	Breitung,	Chace,	Davis, R. T.
Bingham,	Brewer, F. B.	Clardy,	Dorsheimer,
Blackburn,	Broadhead,	Collins,	Eaton,
Blanchard,	Budd,	Cook,	Eldridge,
Evans, I. N.	Hurd,	Morrill,	Smith,
Findlay,	Hutchins,	Morse,	Snyder,
Finerty,	Jones, J. H.	Moulton,	Spriggs,
Follett,	Jones, J. T.	Muller,	Stevens,
George,	Jordan,	Neece,	Stewart, J. W.
Glascock,	Kean,	Ochiltree,	Sumner, C. A.
Goff,	Keifer,	O'Neill, Charles	Talbott,
Hammond,	Kelley,	O'Neill, J. J.	Taylor, E. B.
Hanback,	Kellogg,	Phelps,	Tully,
Hancock,	Ketcham,	Poland,	Wadsworth,
Hardy,	Kleiner,	Pryor,	Wakefield,
Harmer,	Lacey,	Randall,	Wemple,
Henley,	Lamb,	Rankin,	Winans, John
Hill,	Le Fevre,	Ray, Ossian	Wise, G. D.
Hoblitzell,	McKinley,	Robinson, J. S.	Wise, J. S.
Holmes,	Maybury,	Robinson, W. E.	Young.
Hooper,	Mayo,	Seney,	
Horr,	Mills,	Shelley,	
Houk,	Money,	Singleton,	

So the House refused to adjourn.

Mr. HEWITT, of Alabama. I move to dispense with the reading of the names.

Mr. BROWNE, of Indiana. I object.

Mr. POLAND. I wish to state that Mr. MILLS, of Texas, was obliged to leave the House in consequence of being unwell. I should vote "ay" if I had not been paired with him and presume he would vote "no."

The result of the vote was then announced as above recorded.

AMENDMENT OF PATENT LAWS.

Mr. VANCE (when the Committee on Patents was called). Mr. Speaker, I am instructed by the Committee on Patents to ask the passage of House bill 4377 with an amendment.

Mr. PETTIBONE. I move that this House do now adjourn.

Mr. SPRINGER. That motion is not now in order.

The SPEAKER. The motion is not in order at this time, no business having been transacted since the last vote.

The gentleman from North Carolina moves to suspend the rules, under instructions from the Committee on Patents, and pass a bill the title of which the Clerk will report.

The Clerk read as follows:

House bill 4377. A bill to amend section 4887 of the Revised Statutes of the United States.

Mr. WARNER, of Ohio. I demand a second.

The Clerk proceeded to read the bill.

Mr. VANCE. At the suggestion of my committee I withdraw this bill for the present.

Mr. WARNER, of Ohio. Then I move that the House do now adjourn.

Mr. HEWITT, of Alabama. I am in hopes the House will vote that down.

Mr. BROWNE, of Indiana. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. The gentleman from North Carolina, on the call of the Committee on Patents—the chairman of that committee presents a bill under instructions of the committee and moves to suspend the rules and put the bill upon its passage. After the bill had been partially read he asks leave to withdraw it. Now, I ask if that can be done if there be any objection?

The SPEAKER. The Chair thinks it can, as no second had been ordered. The Chair thinks after a second is ordered the motion to suspend the rules can not be withdrawn or modified except by unanimous consent.

Mr. DAVIS, of Illinois. Is it not the fact that the chairman of the Committee on Patents has been instructed by his committee to present the bill?

The SPEAKER. That is a matter between the gentleman himself and his committee. The Chair has no control over that. The gentleman from Ohio on the right [Mr. WARNER] moves that the House do now adjourn.

The question being taken on the motion of Mr. WARNER, of Ohio, there were—ayes 58, noes 85.

Mr. HISCOCK. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 48.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 56, nays 135, not voting 129; as follows:

YEAS—56.

Adams, G. E.	Davis, D. R.	Johnson,	Rockwell,
Atkinson,	Davis, L. H.	Long,	Rowell,
Barr,	Dunham,	Lovering,	Skinner, C. R.
Bayne,	Everhart,	McCormick,	Spooner,
Boutelle,	Hart,	Millard,	Stephenson,
Brewer, J. H.	Hatch, H. H.	Parker,	Strait,
Browne, T. M.	Haynes,	Payne,	Struble,
Brown, W. W.	Henderson, D. B.	Perkins,	Taylor, J. D.
Brumm,	Henderson, T. J.	Pettibone,	Thomas,
Calkins,	Hepburn,	Price,	Valentine,
Campbell, J. M.	Hiscock,	Ranney,	Warner, A. J.
Chace,	Hitt,	Ray, G. W.	White, Milo
Cullen,	Howey,	Reed,	Whiting,
Cutcheon,	James,	Rice,	Wilson, James.

NAYS—135.

Aiken,	Ermentrout,	Miller, J. F.	Stewart, Charles
Alexander,	Ferrell,	Miller, S. H.	Stockslager,
Anderson,	Fiedler,	Milliken,	Stone,
Arnot,	Forney,	Morey,	Storm,
Bagley,	Fyan,	Morgan,	Sumner, D. H.
Ballentine,	Geddes,	Morrison,	Taylor, J. M.
Beach,	George,	Muldrow,	Thompson,
Bennett,	Gibson,	Murphy,	Throckmorton,
Bisbee,	Graves,	Murray,	Tillman,
Bland,	Green,	Mutchler,	Townshend,
Breckinredge,	Greenleaf,	Nicholls,	Tucker,
Buchanan,	Halsell,	Oates,	Turner, H. G.
Burnes,	Hardeman,	O'Hara,	Turner, Oscar
Caldwell,	Hatch, W. H.	Paige,	Van Alstyne,
Cannon,	Hemphill,	Patton,	Vance,
Carleton,	Herbert,	Pierce,	Van Eaton,
Cassidy,	Hewitt, A. S.	Peel, S. W.	Ward,
Clay,	Hewitt, G. W.	Peelle, S. J.	Warner, Richard
Clements,	Holman,	Post,	Washburn,
Cobb,	Holton,	Potter,	Weaver,
Converse,	Hopkins,	Pusey,	Wellborn,
Cosgrove,	Houk,	Reagan,	Weller,
Cox, W. R.	Jeffords,	Reese,	White, J. D.
Crisp,	Jones, J. K.	Riggs,	Wilkins,
Curtin,	King,	Robertson,	Williams,
Dargan,	Laird,	Rogers, J. H.	Willis,
Davidson,	Lamb,	Rosecrans,	Wilson, W. L.
Dibble,	Lanham,	Ryan,	Winans, E. B.
Dibrell,	Lewis,	Scales,	Wolford,
Dockery,	Lowry,	Shaw,	Wood,
Dowd,	McAdoo,	Skinner, T. G.	Woodward,
Dunn,	McComas,	Slocum,	Worthington,
Elliott,	McMillin,	Springer,	York.
Ellis,	Matson,	Steele,	

NOT VOTING—129.

Adams, J. J.	Duncan,	Kean,	Pryor,
Barbour,	Eaton,	Keifer,	Randall,
Barksdale,	Eldredge,	Kelly,	Rankin,
Belford,	Ellwood,	Kellogg,	Ray, Ossian
Belmont,	Evans, I. N.	Ketcham,	Robinson, J. S.
Bingham,	Evins, J. H.	Kleiner,	Robinson, W. E.
Blackburn,	Findlay,	Lacey,	Rogers, W. F.
Blanchard,	Finerty,	Lawrence,	Russell,
Blount,	Follett,	Le Fevre,	Seney,
Bowen,	Foran,	Libbey,	Seymour,
Boyle,	Glascock,	Lore,	Shelley,
Brainerd,	Goff,	Lyman,	Singleton,
Breitung,	Guenther,	McCoid,	Smith,
Brewer, F. B.	Hammond,	McKinley,	Snyder,
Broadhead,	Hanback,	Maybury,	Spriggs,
Buckner,	Hancock,	Mayo,	Stevens,
Budd,	Hardy,	Mills,	Stewart, J. W.
Burleigh,	Harmer,	Mitchell,	Sumner, C. A.
Cabell,	Henley,	Money,	Talbott,
Campbell, Felix	Hill,	Morrill,	Taylor, E. B.
Candler,	Hoblitzell,	Morse,	Tully,
Clardy,	Holmes,	Moulton,	Wadsworth,
Collins,	Hooper,	Muller,	Wait,
Connolly,	Horr,	Neece,	Wakefield,
Cook,	Houseman,	Nelson,	Wemple,
Covington,	Hunt,	Nutting,	Winans, John
Cox, S. S.	Hurd,	Ochiltree,	Wise, G. D.
Culberson, D. B.	Hutchins,	O'Neill, Charles	Wise, J. S.
Culbertson, W. W.	Jones, B. W.	O'Neill, J. J.	Yaple,
Davis, R. T.	Jones, J. H.	Payson,	Young.
Deuster,	Jones, J. T.	Peters,	
Dingley,	Jordan,	Phelps,	
Dorsheimer,	Kasson,	Poland,	

So the motion to adjourn was not agreed to.

After the second roll-call,

Mr. WHITE, of Kentucky, said: I ask unanimous consent to dispense with the reading of the names.

Mr. PARKER (in his seat). I object.

Mr. HATCH, of Missouri. I make the point of order that no gentleman rose in his seat to object.

Mr. PARKER (having risen). I object.

The Clerk proceeded to read the names of members voting.

The following additional pairs were announced:

Mr. WAIT with Mr. EVINS, of South Carolina.

Mr. GUENTHER with Mr. DEUSTER.

Mr. COX, of North Carolina, with Mr. RUSSELL.

Mr. JONES, of Wisconsin, with Mr. MCCOID.

Mr. WELLER with Mr. KASSON.

Mr. LYMAN with Mr. HUNT.

Mr. HOUK. I am paired with Mr. BARBOUR, of Virginia, but if I understand the significance of this vote I was entitled to vote, and I voted "no." My understanding is that the object in voting against adjournment is to fix a day to consider the Mexican pension bill.

Mr. HEWITT, of Alabama. That is the object.

The result of the vote was then announced as above stated.

EVENING SESSIONS FOR PENSION CASES.

The Committee on Invalid Pensions was called.

Mr. MATSON. I am directed by the Committee on Invalid Pensions to move to suspend the rules and adopt the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That, until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 7.30 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

The SPEAKER. If a second is not demanded the question is on suspending the rules and adopting the resolution.

Mr. BEACH. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BEACH. Would an amendment to that resolution be in order?

The SPEAKER. It would not.

Mr. BEACH. I think we should provide also for the consideration of bills in relation to condemned cannon.

The SPEAKER. Debate is not in order.

Mr. REED. I should like to have the resolution reported again.

Several members objected.

Mr. WARNER, of Ohio. Then let us have a second.

Mr. ELLIS. I make the point that the demand for a second is too late.

The SPEAKER. The Chair thinks the demand for a second is in time if made before the question is taken on adopting the resolution.

Mr. STOCKSLAGER. Who demanded a second?

The SPEAKER. The gentleman from Ohio [Mr. WARNER].

Mr. STOCKSLAGER. I am sorry for it.

Mr. WARNER, of Ohio. The gentleman from Ohio will be responsible for his own acts.

Mr. TOWNSHEND. I ask unanimous consent that the second be considered as ordered.

Mr. PARKER. I object.

The SPEAKER. A second having been demanded, the Chair appoints as tellers the gentleman from Indiana [Mr. MATSON] and the gentleman from Ohio [Mr. WARNER].

The House divided; and the tellers reported ayes 133.

So (further count not being called for) the motion to suspend the rules was seconded.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] will control one half the time allowed for debate and the gentleman from Indiana [Mr. MATSON] the other.

Mr. WARNER, of Ohio. I demand a second because I was unable to hear what the resolution was and did not understand its purport.

Mr. COBB. I am surprised the gentleman is so deaf.

Mr. WARNER, of Ohio. The gentleman from Indiana [Mr. COBB] can take his own time and make his own speeches in it instead of interjecting them into mine. While I think it is early to begin night sessions regularly, and that it would be better to have left the question of night sessions to be decided at a somewhat later period, I do not oppose this resolution. [Cries of "Regular order!"]

The SPEAKER. The regular order is now being proceeded with.

The rules of the House allow thirty minutes for debate after a second of a proposition to suspend the rules, and the gentleman from Ohio [Mr. WARNER] is entitled to the floor for fifteen minutes of that time.

Mr. WARNER, of Ohio. While I think night sessions as early as this are not good policy, if it is the wish of the House to have them I shall not vote against them. I stated that I demanded a second in order that we might understand what we are to vote upon. Propositions are precipitated upon the House without any opportunity to know what they are, and then we are asked to vote upon them. I think in all cases, unless members understand beforehand what they are called upon to vote on, there should be thirty minutes allowed for debate.

I do not wish to occupy the time of the House in discussing this question. But it is now ten minutes past 6 o'clock, and the House has been in session continuously from 12 o'clock. It is time to adjourn; and I therefore move that the House do now adjourn.

The motion to adjourn was not agreed to upon a division—ayes 29, noes 93.

The SPEAKER. The gentleman from Indiana [Mr. MATSON] is entitled to fifteen minutes in favor of his resolution.

Mr. MATSON. I call for a vote.

The SPEAKER. The question is, Shall the rules be suspended and the resolution adopted which has been read?

The motion was agreed to (two-thirds voting in favor thereof); and the rules were suspended and the resolution adopted.

PENSIONS FOR MEXICAN WAR, ETC.

Mr. HEWITT, of Alabama. I am instructed unanimously by the Committee on Pensions to move to suspend the rules and adopt the resolution which I send to the Clerk's desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the bill (H. R. 3962) granting pensions to certain soldiers and sailors of the Mexican war and other wars therein named, and for other purposes, be made the special order in the House, as in Committee of the Whole, on Thursday, the 21st day of February, 1884, after the morning hour, and from day to day until disposed of, not to interfere with general appropriation or revenue bills or reports from the Committee on Public Lands.

Mr. BROWNE, of Indiana. Let the bill be reported.

The SPEAKER. The bill is not before the House, and can not be read except by unanimous consent.

Mr. BROWNE, of Indiana. I then call for a second.

The SPEAKER. A second being called for, the Chair will appoint the gentleman from Indiana, Mr. BROWNE, and the gentleman from Alabama, Mr. HEWITT, to act as tellers.

Mr. HEWITT, of Alabama. I ask unanimous consent that a second be considered as ordered.

Mr. BROWNE, of Indiana. Oh, no!

The House divided; and the tellers reported that there were—ayes 123, noes 3.

Several MEMBERS. No quorum has voted.

The SPEAKER *pro tempore* (Mr. SPRINGER). The point is made that no quorum has voted.

Mr. ELLIS. I move a call of the House.

The motion was agreed to.

The SPEAKER *pro tempore*. A call of the House having been ordered, the Clerk will proceed to call the roll.

Mr. WELLBORN. Before the call begins, if in order, I would like to ask to be excused from further attendance on account of sickness in my family.

There was no objection, and leave was granted accordingly.

The Clerk proceeded to call the roll, and the following members failed to answer to their names:

Adams, J. J.	Davis, R. T.	Jordan,	Pryor,
Anderson,	Deuster,	Kasson,	Randall,
Barbour,	Dingley,	Kean,	Rankin,
Barksdale,	Dorsheimer,	Keifer,	Ray, Ossian
Belford,	Duncan,	Kelley,	Robinson, J. S.
Belmont,	Eaton,	Kellogg,	Robinson, W. E.
Bingham,	Ellwood,	Ketcham,	Rogers, W. F.
Blackburn,	Evans, I. N.	Kleiner,	Seney,
Blanchard,	Evins, J. H.	Lacey,	Seymour,
Blount,	Findlay,	Lawrence,	Shelley,
Bowen,	Finerty,	Le Fevre,	Singleton,
Boyle,	Follett,	Lore,	Smith,
Brainerd,	Foran,	Lyman,	Snyder,
Brietung,	Glascock,	McCoid,	Spriggs,
Brewer, F. B.	Goff,	McCormick,	Stevens,
Broadhead,	Hammond,	McKinley,	Stewart, J. W.
Brumm,	Hancock,	Mayo,	Sumner, C. A.
Buckner,	Hardy,	Milliken,	Talbott,
Budd,	Harmer,	Mills,	Taylor, E. B.
Burleigh,	Hatch, H. H.	Mitchell,	Thompson,
Cabell,	Haynes,	Money,	Tully,
Calkins,	Henderson, T. J.	Morrill,	Wadsworth,
Campbell, Felix	Henley,	Morse,	Wait,
Candler,	Hill,	Moulton,	Wakefield,
Cassidy,	Hoblitzell,	Muller,	Wellborn,
Clardy,	Holmes,	Neece,	Weller,
Collins,	Hooper,	Ochiltree,	Wemple,
Connolly,	Horr,	O'Neill, Charles	Winans, John
Covington,	Howey,	O'Neill, J. J.	Wise, G. D.
Cox, S. S.	Hunt,	Payson,	Wise, J. S.
Cox, W. R.	Hurd,	Perkins,	Young.
Culberson, D. B.	Hutchins,	Peters,	
Culbertson, W. W.	Jones, J. H.	Phelps,	
Curtin,	Jones, J. T.	Poland,	

The SPEAKER. The Clerk will now read the names of those not answering to their names, that excuses, if any, may be offered.

The Clerk proceeded to call the names of those not voting, as follows:

Mr. ADAMS, of New York: No excuse offered.

Mr. ANDERSON: No excuse offered.

Mr. BARBOUR: No excuse offered.

Mr. BARKSDALE: No excuse offered.

Mr. BELFORD: No excuse offered.

Mr. BELMONT: No excuse offered.

Mr. BINGHAM: No excuse offered.

Mr. BLACKBURN: No excuse offered.

Mr. BLANCHARD: No excuse offered.

Mr. BLOUNT: No excuse offered.

Mr. BOWEN: No excuse offered.

Mr. BOYLE: No excuse offered.

Mr. BRAINERD: No excuse offered.

Mr. BREITUNG: No excuse offered.

Mr. BREWER, of New York: No excuse offered.

Mr. BROADHEAD: No excuse offered.

Mr. BRUMM: No excuse offered.

Mr. BUCKNER: No excuse offered.

Mr. BUDD: No excuse offered.

Mr. BURLEIGH: No excuse offered.

Mr. CABELL: No excuse offered.

Mr. CALKINS: No excuse offered.

Mr. CAMPBELL, of New York: No excuse offered.

Mr. CANDLER: No excuse offered.

Mr. CASSIDY: No excuse offered.

Mr. CLARDY: No excuse offered.

Mr. COLLINS: No excuse offered.

Mr. CONNOLLY: No excuse offered.

Mr. COOK: No excuse offered.

Mr. COVINGTON: No excuse offered.

Mr. COX, of New York: No excuse offered.

Mr. COX, of North Carolina: No excuse offered.

Mr. CULBERSON, of Texas.

Mr. THROCKMORTON. My colleague, Mr. CULBERSON, is absent by leave of the House. I will also state that he is paired with Mr. CALKINS, of Indiana.

The SPEAKER. No proceedings can be taken against any member absent by leave of the House.

Mr. CULBERTSON, of Kentucky: No excuse offered.

Mr. CURTIN: No excuse offered.

Mr. DAVIS, of Massachusetts: No excuse offered.

Mr. HARDEMAN. I wish to say that my colleague Mr. BLOUNT, whose name I did not hear called, is absent from the House. He has a very sick family and has not been in the Hall to-day. I ask that he be excused.

There being no objection, Mr. BLOUNT was excused.

Mr. PEELLE, of Indiana. Mr. Speaker, I understand that a quorum answered to their names [cries of "Regular order!"], and I move to dispense with all further proceedings under the call.

The SPEAKER. That motion can not be entertained at present.

Mr. DEUSTER.

Mr. GUENTHER. I ask that my colleague [Mr. DEUSTER] be excused.

The SPEAKER. Will the gentleman state upon what ground he makes the request?

Mr. GUENTHER. My colleague has been sick abed for four or five days until to-day, when he attended the session of the House; but an hour or two ago, feeling unwell, he was obliged to go home.

The SPEAKER. If there be no objection, the gentleman from Wisconsin [Mr. DEUSTER] will be excused.

There was no objection.

Mr. DINGLEY: No excuse offered.

Mr. DORSHEIMER: No excuse offered.

Mr. DUNCAN: No excuse offered.

Mr. EATON: No excuse offered.

Mr. ELDREDGE: No excuse offered

Mr. ELLWOOD: No excuse offered.

Mr. EVANS, of Pennsylvania: No excuse offered.

Mr. EVINS, of South Carolina.

Mr. DIBBLE. I ask that my colleague from South Carolina [Mr. EVINS] be excused from attendance to-night on account of sickness.

There being no objection, Mr. EVINS of South Carolina was excused.

Mr. SPRINGER. I ask that the gentleman from Tennessee [Mr. DIBRELL] be excused on account of sickness.

There being no objection, the following were excused: Messrs. DIBRELL, FINDLAY, FINERTY, FOLLETT, FORAN, GLASCOCK, GOFF, HAMMOND, and HANBACK.

Mr. THROCKMORTON. I ask that my colleague [Mr. HANCOCK] be excused on account of sickness.

There being no objection, Mr. HANCOCK was excused.

Mr. JOHNSON. I ask that my colleague from New York [Mr. BREWER] be excused on account of sickness.

There being no objection, Mr. BREWER, of New York, was excused.

Mr. HARDY: No excuse offered.

Mr. HARMER: No excuse offered.

Mr. HATCH, of Michigan: No excuse offered.

Mr. HAYNES: No excuse offered.

Mr. HENDERSON, of Illinois: No excuse offered.

Mr. HENLEY: No excuse offered.

Mr. HILL: No excuse offered.

Mr. HOBLITZELL: No excuse offered.

Mr. HOLMES: No excuse offered.

Mr. HOOPER: No excuse offered.

Mr. HORR: No excuse offered.

Mr. HUNT: No excuse offered.

Mr. HURD: No excuse offered.

Mr. HUTCHINS: No excuse offered.

Mr. JONES, of Texas.

Mr. MILLER, of Texas. My colleague from Texas Mr. JONES was obliged to leave the House an hour or two ago on account of sickness. I ask that he be excused.

There being no objection, Mr. JONES, of Texas, was excused.

Mr. HENDERSON, of Iowa. My colleague Mr. HOLMES has leave of absence.

The SPEAKER. No proceedings can be taken against a gentleman who is absent by leave of the House.

Mr. JONES, of Alabama.

Mr. FORNEY. I ask that my colleague from Alabama be excused on account of sickness.

There being no objection, Mr. JONES, of Alabama, was excused.

Mr. JORDAN: No excuse offered.

Mr. KASSON: No excuse offered.

Mr. KEAN: No excuse offered.

Mr. KEIFER: No excuse offered.

Mr. KELLEY: No excuse offered.

Mr. KELLOGG: No excuse offered.

Mr. KETCHAM: No excuse offered.

Mr. KLEINER: No excuse offered.

Mr. LACEY: No excuse offered.

Mr. LAWRENCE: No excuse offered.

Mr. LE FEVRE: No excuse offered.

Mr. LIBBEY: No excuse offered.

Mr. LORE: No excuse offered.

Mr. LYMAN: No excuse offered.

Mr. MCCOID: No excuse offered.

Mr. MCCORMICK: No excuse offered.
Mr. MCKINLEY: No excuse offered.
Mr. MAYO: No excuse offered.
Mr. MILLIKEN: No excuse offered.
Mr. MILLS: No excuse offered.
Mr. MITCHELL: No excuse offered.
Mr. MONEY: No excuse offered.
Mr. MORRILL: No excuse offered.
Mr. MORSE: No excuse offered.
Mr. MOULTON: No excuse offered.
Mr. MULLER: No excuse offered.
Mr. NEECE: No excuse offered.
Mr. OCHILTREE: No excuse offered.
Mr. O'NEILL, of Pennsylvania: No excuse offered.
Mr. O'NEILL, of Missouri: No excuse offered.
Mr. PAYSON: No excuse offered.
Mr. PERKINS: No excuse offered.
Mr. PETERS: No excuse offered.
Mr. PHELPS: No excuse offered.
Mr. POLAND: No excuse offered.
Mr. PRYOR: No excuse offered.
Mr. RANDALL: No excuse offered.
Mr. RANKIN: No excuse offered.
Mr. RAY, of New Hampshire: No excuse offered.
Mr. ROBINSON, of Ohio: No excuse offered.
Mr. ROBINSON, of New York: No excuse offered.
Mr. ROGERS, of New York: No excuse offered.
Mr. RYAN: No excuse offered.
Mr. SENEY: No excuse offered.
Mr. SEYMOUR: No excuse offered.
Mr. SHELLEY: No excuse offered.
Mr. SINGLETON: No excuse offered.
Mr. SMITH: No excuse offered.
Mr. SNYDER: No excuse offered.
Mr. SPRIGGS: No excuse offered.

Mr. SLOCUM. I ask that my colleagues Mr. SPRIGGS and Mr. STEVENS be excused on account of sickness in their families.

The SPEAKER. If there be no objection, the gentlemen named will be excused.

There was no objection.

Mr. RUSSELL. I ask that the gentleman from Pennsylvania Mr. KELLEY be excused on account of sickness.

There was no objection, and Mr. KELLEY was excused.

Mr. NUTTING. I was absent when my name was called. I went home with a sick child and returned in time.

The SPEAKER. The gentleman is marked present, as he was present before the doors were closed.

Mr. STRAIT. I ask that my colleague Mr. WAKEFIELD be excused. He has been absent for three or four days, and I have been informed he is sick. I move he be excused.

The motion was agreed to.

Mr. J. W. STEWART: No excuse offered.
Mr. C. A. SUMNER: No excuse offered.
Mr. TALBOTT: No excuse offered.
Mr. EZRA B. TAYLOR: No excuse offered.
Mr. THOMPSON: No excuse offered.
Mr. TULLY: No excuse offered.
Mr. WADSWORTH: No excuse offered.
Mr. WAIT: No excuse offered.
Mr. WELLBORN.

The SPEAKER. The gentleman from Texas was excused by the House this afternoon.

Mr. WELLER: No excuse offered.
Mr. WEMPLE: No excuse offered.
Mr JOHN WINANS: No excuse offered.
Mr. GEORGE D. WISE.

Mr. TUCKER. Mr. WISE is absent by leave of the House.

The SPEAKER. No proceedings can be taken against a member who is absent by leave of the House.

Mr. JOHN S. WISE: No excuse offered.
Mr. YOUNG: No excuse offered.

The SPEAKER. The names of the absentees will be entered upon the Journal and the doors will now be closed.

Mr. COOK. I came in before the doors were closed.

Mr. RYAN. So did I.

Mr. HANBACK. I came in after my name was called.

The SPEAKER. The gentlemen will be marked as present.

Mr. ELLIS. I move the adoption of the following resolution:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

The resolution was adopted.

Mr. ELLIS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The Sergeant-at-Arms appeared at the bar of the House, having in custody, under its order, Mr. CABELL and Mr. TULLY.

The SPEAKER. Mr. CABELL, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. CABELL. I have been in attendance to-day on a committee of the Senate. Except during that time I have been in my seat. When I left the Senate I went to my dinner. When I learned the House still remained in session I came back and was stopped at the door.

Mr. WILLIS. I move that the gentleman from Virginia be excused.

The motion was agreed to.

The SPEAKER. Mr. TULLY, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. TULLY. I was here all day up to a little after 5 o'clock. [Cries of "Louder!"]

The SPEAKER. This is a matter of business and not of jest.

Mr. BROWNE, of Indiana. Members should be seated.

The SPEAKER. Members will resume their seats.

Mr. BROWNE, of Indiana. I object to turning these proceedings into a farce.

The SPEAKER. The Chair will not permit it, if he can avoid it. The gentleman will proceed with his statement.

Mr. TULLY. I was here, Mr. Speaker, all day in my seat until nearly 5 o'clock, and supposing that the House was about to adjourn I went out for a few minutes to get dinner. Not being familiar with the rules of the House I was not aware that such was not the custom. I came as soon as I was aware that the House was in session and demanded the presence of its absent members.

Mr. DIBBLE. I move that the gentleman from California be excused.

The motion was agreed to.

Mr. GIBSON. The excuse keeps him here, does it?

The SPEAKER. Of course the gentleman can not absent himself without the leave of the House.

The Sergeant-at-Arms appeared at the bar of the House, having in custody, in obedience to its order, Mr. SNYDER.

The SPEAKER. Mr. SNYDER, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. SNYDER. My excuse is very similar to that which has just been made by the gentleman from California. I was here until about 6 o'clock, and did not anticipate a call of the House. I thought it would adjourn with the last call of the yeas and nays, which was progressing at the time I left. I went to my dinner, and came here as soon as I was notified by the officer that the House was still in session.

Mr. GIBSON. I can certify that he is usually very attentive, and I move that he be excused.

The motion was agreed to.

The Sergeant-at-Arms appeared at the bar of the House, having in custody, in obedience to its order, Mr. CANDLER.

The SPEAKER. Mr. CANDLER, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. CANDLER. I left here at ten minutes to 5 o'clock, being very unwell, went to my home, and supposed that the House would adjourn at the usual time.

Mr. BUCHANAN. I move that my colleague be excused.

Mr. HARDEMAN. I know that he has not been well.

The motion was agreed to.

Mr. HANBACK. I desire, Mr. Speaker, if it be in order at this time, to enter an excuse for two of my colleagues, Mr. PETERS and Mr. MORRILL. Mr. PETERS went home sick, and has been sick all day. I know he is too unwell to be here. I also ask that Mr. MORRILL be excused because of the fact that his wife is absent and his little children are at home in charge of an invalid daughter. I think it would be difficult for him to leave them at night. For that reason I move that both gentlemen be excused from attendance to-night.

The SPEAKER. It is somewhat irregular to ask that members be excused at this stage of the proceedings. It can be done, however, by unanimous consent.

The gentleman from Kansas asks that his colleague Mr. PETERS be excused on account of sickness.

Mr. COBB. What is the reason for asking this?

Mr. HANBACK. As I have stated, Mr. PETERS is not at all well.

The SPEAKER. Without objection, Mr. PETERS will be excused.

There was no objection.

Mr. HANBACK. I now make the same request in behalf of Mr. MORRILL. As I have said, his family are here, but his wife is absent. He has several children that he could not very well leave at night, especially in view of the fact that his daughter is an invalid.

The SPEAKER. Is there objection to excusing Mr. MORRILL on the statement of his colleague?

There was no objection.

Mr. STEWART, of Texas. Mr. Speaker, I ask that my colleague Mr. MILLS be excused on account of sickness. He left here this morning stating that he was going home to take medicine, and I forgot to make the announcement at the time the roll was called.

Mr. TOWNSHEND. I shall not object in this case; but we ought to

have some medical certificates or else we shall never succeed in getting a quorum.

The SPEAKER. Is there objection to excusing Mr. MILLS?

There was no objection.

The Sergeant-at-Arms appeared at the bar of the House, having in custody, in obedience to its order, Mr. POLAND.

The SPEAKER. Mr. POLAND, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. POLAND. Mr. Speaker, at about 5 o'clock this afternoon Mr. MILLS, of Texas, informed me that he was ill and desired to leave the House, and asked if I would pair with him for to-day, which I consented to do. I intended then to leave myself, but I remembered that Mr. MILLS said he did not like to have it appear that there was a roll-call and that he was absent. People in my country are not so particular on that subject. But to accommodate Mr. MILLS I remained until there was one roll-call and announced the pair with him; and inasmuch as there seemed to be no use in my remaining, as I had precluded myself from voting, and more than that, Mr. Speaker, supposing the good appetites and good sense of this House would soon produce an adjournment, I left to get my dinner.

Mr. COOK. I move that the gentleman be excused.

The House divided; and there were—ayes 67, noes none.

So the motion was agreed to.

The Sergeant-at-Arms appeared at the bar of the House, having in custody, in obedience to its order Mr. TALBOTT.

The SPEAKER. Mr. TALBOTT, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. TALBOTT. I was paired with the gentleman from Pennsylvania [Mr. HARMER] and remained here until 5 o'clock, and went down to my house, believing that there would soon be an adjournment. After getting dinner I came out, and found that the House was still in session, and came up and delivered myself at the door. I therefore ask to be excused.

Mr. McCOMAS. I move that my colleague be excused.

The motion was agreed to.

The Sergeant-at-Arms appeared at the bar, having in his custody Mr. BLANCHARD, of Louisiana.

The SPEAKER. Mr. BLANCHARD, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. BLANCHARD. Mr. Speaker, I left the House this evening at 5 o'clock, which is the hour at which the House has adjourned almost every day during the present session. When I left I had no intimation from any quarter whatever that it was likely the House would remain in session after that hour. I did not know until a few minutes ago that it was still in session. As soon as I heard it I at once took a cab and came here. Further than this I have nothing to offer in extenuation of my absence, and I await the pleasure of the House.

Mr. TOWNSHEND. Did the gentleman know the Mexican veteran bill was up?

Mr. BLANCHARD. I did not know that bill was up nor did I know it was likely to come up. Had I known it, and had there been a necessity for it, I should have been willing to remain here a week to pass that bill.

Mr. TOWNSHEND. The gentleman ought to be excused on that ground.

Mr. SPRINGER. I move that the gentleman be excused.

The motion was agreed to—ayes 56, noes none.

Mr. HARDEMAN. My colleague Mr. CANDLER went home on account of sickness and came back to the House. He is too unwell to remain here. I ask that he be excused.

The SPEAKER. The gentleman from Georgia [Mr. HARDEMAN] states that his colleague Mr. CANDLER is too unwell to remain in the House, and asks that he be excused. Is there objection? The Chair hears none. The gentleman is excused from attendance this evening.

The Sergeant-at-Arms appeared at the bar, having in his custody Mr. MCKINLEY, of Ohio.

The SPEAKER. Mr. MCKINLEY, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. MCKINLEY. I left the House at 5 o'clock, feeling quite sick. I learned about a half-hour ago that the House was in session. As soon as I learned that there was a call of the House I came up. I ask that I may be excused for this evening on account of indisposition.

The SPEAKER. The gentleman from Ohio states he is indisposed and left the Hall on that account.

Mr. PETTIBONE. I move that the gentleman be excused for this evening.

The SPEAKER. The House has heard the excuse of the gentleman from Ohio for non-attendance. The gentleman from Tennessee [Mr. PETTIBONE] moves that he be also excused from further attendance this evening. Unless a division is requested the Chair will put both motions together.

Mr. STOCKSLAGER. I call for a division of the question, unless there is a reason given why the gentleman should be excused from further attendance.

The SPEAKER. The gentleman from Ohio has stated that he is suffering from indisposition. The first question is upon excusing him for absence from the House.

The question being taken, it was decided in the affirmative—ayes 77, noes 2.

The SPEAKER. The gentleman from Tennessee [Mr. PETTIBONE] asks unanimous consent that the gentleman from Ohio be excused from further attendance this evening.

Mr. REAGAN. Has the gentleman made that request for himself?

The SPEAKER. He has. Is there objection? The Chair hears none.

The Sergeant-at-Arms appeared at the bar, having in custody Mr. MCCOID, of Iowa, and Mr. COX, of North Carolina.

The SPEAKER. Mr. MCCOID, you have been absent from the sessions of the House without its leave. What excuse have you to offer?

Mr. MCCOID. Mr. Speaker, I paired and went to dinner, not understanding that there was to be a night session. I did not intend to be absent without leave of the House.

Mr. HENDERSON, of Iowa. I move that my colleague be excused.

The motion was agreed to—ayes 58, noes 10.

The SPEAKER. Mr. COX, of North Carolina, you have been absent from the sessions of the House without its leave. What excuse have you to offer?

Mr. COX, of North Carolina. I am very much in favor of this bill. I think it ought to pass. In going away I paired, and thereby gave an additional vote in favor of the bill. I did not intend any disrespect to the House, and I considered that I assisted the bill by pairing.

Mr. KING. I move that the gentleman be excused.

The motion was agreed to—ayes 60, noes none.

Mr. GIBSON. Mr. Speaker, I desire to suggest to the chairman of the Committee on Pensions that there is a probability that the other side will consent to unanimously fix a day on which this bill may be considered. I wish to know if that will be satisfactory to him.

Mr. HEWITT, of Alabama. What day do they propose?

Mr. GIBSON. The day, I understand, that is fixed in the resolution.

Mr. HEWITT, of Alabama. I would be perfectly willing, of course, to agree to that, but I will not accept the proposition if it is intended to confine the assignment to one day.

Mr. GIBSON. The suggestion was made to me that those who have been opposing the resolution would probably now give their consent.

Mr. ELLIS. I desire to inquire of the Chair whether this is in order during the proceedings under the call of the House.

The SPEAKER. It is not strictly in order.

Mr. ELLIS. Then I object to it.

Mr. GIBSON. I simply desired to make a suggestion.

Mr. ELLIS. The gentleman has simply obstructed the proceedings of the House under the call. If any of the gentlemen who are filibustering desire to make a proposition in the direction of a compromise we will listen to it.

The SPEAKER. There is no proposition before the House.

Mr. NELSON. I move that all further proceedings under the call be dispensed with.

The question being taken on Mr. NELSON'S motion, the SPEAKER stated that in the opinion of the Chair the "noes" had it.

Mr. PETTIBONE. I call for a division.

The house divided; and there were—ayes 18, noes 81.

So the motion was not agreed to.

Mr. COSGROVE. I ask unanimous consent that Mr. SKINNER, of New York, be excused from further attendance to-night on account of the sickness of his child.

There was no objection.

The Sergeant-at-Arms appeared at the bar of the House, having in custody Mr. KLEINER, of Indiana, and Mr. BREITUNG, of Michigan.

The SPEAKER. Mr. KLEINER, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. KLEINER. I represent a district that has within its borders or alongside of it two hundred and fifty miles of overflowed country on the Ohio River. At half past 3 o'clock this afternoon I received a telegram from Hon. Heber J. May, one of my constituents, stating that in Perry County there were 4,000 people without shelter and without food. In response to this appeal for help I proceeded at once to the War Department to consult with Mr. Lincoln as to the quickest way of rendering immediate aid. When I had got through it was half past 5 o'clock and I supposed the House had adjourned for the day, and therefore went to my home direct from the War Department.

Mr. LAMB. I move that my colleague be excused.

The motion to excuse Mr. KLEINER was agreed to.

The SPEAKER. Mr. BREITUNG, you also have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. BREITUNG. Mr. Speaker, before I left this afternoon I heard the gentleman from Ohio [Mr. WARNER] make a motion to adjourn. I was in my seat when he made the motion. It was carried, as I thought,

almost unanimously, and I left my seat, got my overcoat and hat, and left, thinking the House had adjourned. When I was at the hotel I was told there was a call for the House, and I came up here.

Mr. BAYNE. I move that the gentleman be excused.

The motion was agreed to, upon a division—ayes 56, noes 11.

After some further time had elapsed the Sergeant-at-Arms appeared at the bar of the House, having in custody Mr. COX, of New York.

The SPEAKER. Mr. COX, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. COX, of New York. With all respect to the Chair, I beg leave to say that I did not come here under arrest. I came here from a sense of duty. [Cries of "Oh!" "Oh!" and laughter.] I came here in a great fog. I had not the remotest idea that the American Congress was conducting itself so—handsomely. I like to be present on all such occasions. When I left the House, Mr. Speaker, there was a vote being taken on a motion to adjourn by yeas and nays.

A MEMBER. That is too old.

Another MEMBER. That is worn out.

Mr. COX, of New York. I had not the remotest idea when I left but what the yeas had carried the motion to adjourn.

Mr. VAN EATON. I move the gentleman be excused on presenting each member of this House with a copy of "Why we Laugh." [Laughter.]

Mr. COX, of New York. As soon as I get out a cheap edition. [Renewed laughter.]

Mr. VAN ALSTYNE. I move that my colleague be excused.

The question was taken; and upon a division there were—ayes 63, noes 4.

Several MEMBERS. No quorum has voted.

The SPEAKER. It does not require a quorum to excuse a member for non-attendance.

So (no further count being called for) the motion to excuse was agreed to.

After some further time the Sergeant-at-Arms appeared at the bar of the House, having in custody Mr. BROADHEAD, Mr. BUCKNER, and Mr. MONEY.

The SPEAKER. Mr. BROADHEAD, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. BROADHEAD. Well, Mr. Speaker, to tell the truth I understood that a motion was going to be made to adjourn.

Several MEMBERS. We have had that too often.

Mr. BROADHEAD. And since I have been a member of this House I have never known that motion to fail.

Mr. KING. I move that the gentleman be excused.

The motion was agreed to, upon a division—ayes 64, noes 7.

The SPEAKER. Mr. BUCKNER, you also have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. BUCKNER. It was about adjourning time when I left; at least I was hungry. I thought the House was going to adjourn. I left after my name had been called, about a quarter after five o'clock.

A MEMBER. How did you vote?

Mr. BUCKNER. I am asked how I voted. I voted in favor of the adjournment.

Mr. VANCE. I move that the gentleman be excused.

The motion was agreed to, upon a division—ayes 40, noes 8.

The SPEAKER. Mr. MONEY, you also have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. MONEY. I left the House about 3 o'clock because I was very sick and I am sick yet. I declined to come up here on the first summons because I was sick. I came on the second because I heard what was up. I came up here to vote for the Mexican veterans. That is all the excuse I have to offer.

Mr. WHITE, of Kentucky. I move that the gentleman be excused.

The motion was agreed to.

Mr. MONEY. Believing that my presence here is not necessary now, I would like to be excused from attendance for the remainder of to-night's session.

Mr. HOPKINS. I ask unanimous consent that the gentleman be excused from further attendance to-night.

There was no objection, and leave was granted accordingly.

The Sergeant at-Arms appeared at the bar, having in his custody Mr. SEYMOUR.

The SPEAKER. Mr. SEYMOUR, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. SEYMOUR. I do not know that I have any sufficient excuse. I have been suffering from a severe cold for the last week, and about half past 5 o'clock, supposing that the House was about to adjourn, I went home.

Mr. MILLARD. I move that the gentleman be excused.

Mr. HOLMAN. I call for tellers on that motion.

Tellers were ordered; and Mr. HOLMAN and Mr. BEACH were appointed.

The House divided; and the tellers reported—ayes 125, noes not counted.

So the motion to excuse Mr. SEYMOUR was agreed to.

Mr. HISCOCK. I desire to ask the gentleman who is in charge of this bill whether he will not be content to let the bill be voted upon, striking out all after the word "Mexico," in line 11, so that the bill will apply only to soldiers of the Mexican war.

Mr. HEWITT, of Alabama. No, sir.

Mr. HISCOCK. I will say to the gentleman that if he is willing to amend the bill in that respect—— [Cries of "Regular order!"]

The SPEAKER. There is nothing before the House except the proceedings to compel the attendance of absent members.

Mr. HISCOCK. I will say to the gentleman that we are willing to allow a vote on the bill if it be amended in that way. [Cries of "Order!"]

Mr. STORM. The bill is not before the House.

A MEMBER. And never will be.

The SPEAKER. The bill is not before the House at this time for consideration, and debate is not in order.

The Sergeant-at-Arms appeared at the bar, having in his custody Mr. HUNT, Mr. BARKSDALE, Mr. LYMAN, and Mr. WEMPLE.

The SPEAKER. Mr. HUNT, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. HUNT. At about 5 o'clock I paired with the gentleman from Massachusetts [Mr. LYMAN], leaving my pair at the Clerk's desk.

The SPEAKER. The House has heard the gentleman's statement; what action will it take?

Mr. ELLIS. Mr. Speaker, I do not think the excuse rendered by the gentleman ought to avail, and in speaking of his case I may extend my remarks to that of the gentleman from Massachusetts [Mr. LYMAN] who stands on his right. After this filibustering movement had begun, after it was evident that there would have to be a call of the House in order that the majority might assert itself, those gentlemen in my presence, and against my admonition or warning, deliberately paired and left the Hall. Now, sir, the rule of the House is that no member shall absent himself without the leave of the House. I want to know whether we are here acting a farce or are we here for the purpose of enforcing the rules and compelling the attendance of members. Neither of these gentlemen is old; neither is so venerable that he has any excuse on account of age. Both are young, active men, and they should have been here at their places. I think that unless we expect to perpetuate these farces the entire session, and every other session of which we shall be members, it is time to commence dealing with these recalcitrant members, these members who neglect their duty. I submit that the two gentlemen to whom I have referred, the one from Louisiana [Mr. HUNT] and the other from Massachusetts [Mr. LYMAN], ought to be fined, and certainly ought to pay the costs of the attachment.

The SPEAKER. What action will the House take upon the case of the gentleman from Louisiana [Mr. HUNT], whose case is alone before the House?

Mr. SPRINGER. I move that the gentleman be excused.

The question being taken on the motion of Mr. SPRINGER, there were—ayes 47, noes 42.

Mr. HOPKINS. I call for tellers.

Tellers were not ordered.

So the motion was agreed to.

The SPEAKER. Mr. BARKSDALE, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. BARKSDALE. Mr. Speaker, I admit that I have been absent without leave, and I throw myself on the indulgence of the House, with the explanation that I left the Hall at 5 o'clock, the usual hour of adjournment, when I supposed the House was on the eve of adjourning. If I had supposed that a measure of such importance as relief for the Mexican war veterans would have been before the House I would have been on hand.

Mr. GIBSON. I move that he be excused.

The motion was agreed to, there being—ayes 48, noes 3.

The SPEAKER. Mr. LYMAN, you have been absent from the sitting of the House. What excuse have you to offer?

Mr. LYMAN. May it please you, Mr. Speaker, I was paired. [Cries of "Louder!"]

The SPEAKER. The gentleman will suspend until order is restored in the House.

Mr. LYMAN. I supposed the House was about to adjourn.

Mr. WHITE, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. It is impossible to hear what is going on.

The SPEAKER. The Chair has appealed to the House to preserve order while these proceedings are going on.

Mr. LYMAN. Supposing the House was about to adjourn, Mr. Speaker, I paired with my friend from Louisiana [Mr. HUNT], and retired to partake of some refreshment. For, begging the pardon of the other gentleman from Louisiana [Mr. ELLIS], he called me a young man, and I am old and well stricken enough in years to require periodical refreshment. [Laughter.] I hope the House will excuse me.

Mr. TUCKER. Why did you pair?

Mr. SPRINGER. I move that the gentleman be excused. He did me a favor once; he loaned me an umbrella, and I want to repay him.

Mr. BLAND. I move that he be excused by assessing a small fine.

Mr. BOUTELLE. Let his case be referred to the Civil-Service Commission.

Mr. STRUBLE. I move that he be excused if he will sing a song.

The SPEAKER. The question is on the motion that the gentleman be excused.

The House divided; and there were—ayes 54, noes 8.

So the motion to excuse was agreed to.

The SPEAKER. Mr. WEMPLE, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. WEMPLE. I left here at 5 o'clock. I went out like the gentleman from Massachusetts, to get some refreshments. I returned on my own motion as soon as I could.

Mr. HISCOCK. I move that the gentleman be excused.

The motion was agreed to.

Mr. WHITE, of Kentucky. I move that all further proceeding under the call be dispensed with; and on that motion I demand the yeas and nays to see if a quorum is present.

Tellers were ordered; and Mr. WHITE, of Kentucky, and Mr. GIBSON were appointed.

The House divided; and the tellers reported—ayes 19, noes 101.

So the motion was disagreed to.

Mr. ELLIS. I move to dispense with all further proceedings under the call.

The SPEAKER. It can only be done by unanimous consent, the House having just voted down that motion and no business has intervened.

Mr. ELLIS. I ask unanimous consent.

The SPEAKER. The Chair hears no objection.

The motion was agreed to; and all further proceedings under the call were dispensed with.

The SPEAKER. The question is, Will the House second the motion made by the gentleman from Alabama [Mr. HEWITT] to suspend the rules and pass the resolution which has been read?

Mr. HEWITT, of Alabama, and Mr. BROWNE, of Indiana, resumed their places.

The House divided; and the tellers reported—ayes 140, noes 11.

Mr. HISCOCK. No quorum.

Mr. ELLIS. I move that the House take a recess until—say, until 11 o'clock to-morrow.

Mr. REED. There is no quorum.

The SPEAKER. Still the Chair might put the question on the recess.

Mr. REED. It has already appeared by the vote by tellers that no quorum has voted, and our proceedings are suspended because there is no quorum. Furthermore, we are in the act of taking a vote.

The SPEAKER. It will not preclude the taking of the vote on the recess, but a quorum will be required.

Mr. REED. A recess can not be taken in the midst of a vote.

Mr. BAYNE. A motion to adjourn would be in order.

The SPEAKER. It has not been made.

Mr. BAYNE. But it would be in order.

The SPEAKER. It would.

Mr. BAYNE. I say it would.

The SPEAKER. And would take precedence of a motion to take a recess.

Mr. REED. A motion can not intervene while a vote is being taken, except to adjourn or that there be a call of the House. That results from the fact of there being no quorum.

Mr. HISCOCK. When the Speaker announced the vote the question of quorum was raised.

Mr. HARDEMAN. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HARDEMAN. I understand the Chair has announced that no quorum is present. I move, therefore, for a call of the House. We have started into this business, now let us complete it. [Applause on the Democratic side].

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. Would it be in order, with the consent of the gentleman who makes the motion [Mr. HEWITT, of Alabama], to take a yea-and-nay vote on the order for a second?

The SPEAKER. It would not, the Chair thinks. It is not provided for by the rules, but merely a vote by tellers.

Mr. WHITE, of Kentucky. I ask this question then: Would it not be in order to demand a yea-and-nay vote, and have the vote in that way if the House shall so determine?

The SPEAKER. The Chair thinks it would not. This is not a question of the passage of a resolution, but merely a method provided by the rules for ascertaining whether or not a certain question shall come before the House for its action.

Mr. WHITE, of Kentucky. I have no objection to having a call of the House; but I am satisfied that a quorum is present, and there is no necessity for filibustering on this question. [Cries of "Regular order!"]

The SPEAKER. The question is on agreeing to the motion of the gentleman from Georgia that there be a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll.

The following members failed to answer:

Anderson,	Duncan,	Kean,	Randall,
Barbour,	Eaton,	Keifer,	Rankin,
Belford,	Ellwood,	Kelley,	Ray, Ossian
Belmont,	Evans, I. N.	Kellogg,	Rice,
Bingham,	Evins, J. H.	Ketcham,	Robinson, J. S.
Blackburn,	Findlay,	Lacey,	Robinson, W. E.
Blount,	Finerty,	Le Fevre,	Rogers, W. F.
Bowen,	George,	Libbey,	Seney,
Boyle,	Glascock,	Lore,	Shelley,
Brainerd,	Hamnfond,	McCormick,	Singleton,
Brewer, F. B.	Hancock,	McKinley,	Skinner, C. R.
Brewer, J. H.	Hardy,	Maybury,	Smith,
Brumm,	Harmer,	Mayo,	Spooner,
Budd,	Hart,	Miller, S. H.	Spriggs,
Burleigh,	Haynes,	Milliken,	Springer,
Calkins,	Henderson, T. J.	Mills,	Stewart, J. W.
Candler,	Henley,	Mitchell,	Stone,
Carleton,	Hewitt, A. S.	Morrill,	Sumner, C. A.
Cassidy,	Hill,	Morse,	Taylor, E. B.
Clardy,	Hoblitzell,	Moulton,	Thompson,
Connolly,	Holmes,	Muller,	Wadsworth,
Covington,	Hooper,	Neece,	Wait,
Culberson, D. B.	Horr,	Ochiltree,	Wakefield,
Culbertson, W. W.	Howey,	O'Neill, Charles	Washburn,
Cullen,	Hurd,	O'Neill, J. J.	Wellborn,
Curtin,	Hutchins,	Payson,	Weller,
Davis, R. T.	Jones, J. H.	Perkins,	Winans, John
Dibrell,	Jones, J. T.	Peters,	Wise, G. D.
Dingley,	Jordan,	Phelps,	Wise, J. S.
Dorsheimer,	Kasson,	Pryor,	Young.

The names of those not voting were then called for excuses.

Mr. FOLLETT. I would like to ask if my colleague Mr. JORDAN has not been excused by the House. I understood that he had been. I know that he is absent sick.

The SPEAKER. The Chair thinks the gentleman's colleague has leave of absence.

Mr. TUCKER. Mr. GEORGE D. WISE has leave of absence also.

The SPEAKER. Of course no action will be taken with reference to members who are absent by leave of the House.

Mr. BAGLEY. I ask unanimous consent that Mr. SPRINGER, of Illinois, be excused from further attendance on this day's session on account of sickness in his family. To my own knowledge his wife is quite ill.

Mr. SPRINGER was excused.

Mr. HARDEMAN. I now offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring before the bar of the House such of its members as are now absent without leave of the House.

The resolution was agreed to.

The SPEAKER. The doors will now be closed, and the Sergeant-at-Arms directed to compel the attendance of absent members.

Mr. FOLLETT. Mr. Speaker, I understand my colleague Mr. JORDAN has not yet been excused. I was under the impression that he had been. I now ask that he be excused on account of sickness.

There was no objection, and Mr. JORDAN was excused.

The Sergeant-at-Arms appeared before the bar of the House, having in custody, in obedience to its order, Mr. NEECE and Mr. PRYOR.

The SPEAKER. Mr. NEECE, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. NEECE. Mr. Speaker, I was under the impression that the House was going to adjourn, and, as I had some important business to attend to, at 5 o'clock, supposing the House would then adjourn, I went to attend to it.

Mr. FORNEY. I move that the gentleman be excused.

Mr. WILLIS. Would it be in order to ask a question of the gentleman, as I think many would be guided in our votes by the answer?

The SPEAKER. Of course by consent of the gentleman himself the question may be asked.

Mr. WILLIS. I wish to ask the gentleman from Illinois, with his consent, if he came at once to the House as soon as he heard that it was in session?

Mr. NEECE. I did, sir.

Mr. WILLIS. Then I move that the gentleman be excused.

The House divided; and there were—ayes 57, noes 1.

So Mr. NEECE was excused.

The SPEAKER. Mr. PRYOR, you have been absent from the sitting of the House without its consent. What excuse have you to offer?

Mr. PRYOR. Mr. Speaker, I accompanied my wife home at five minutes before 5 o'clock. In fact, it was suggested that the House would adjourn probably within the five minutes. Under that impression I remained at home, and knew nothing further of the action of the House until the Sergeant-at-Arms informed me that my presence was required.

Mr. FORNEY. I move that my colleague be excused.

The motion was agreed to.

The Sergeant-at-Arms appeared at the bar of the House, having in custody, in obedience to its order, Mr. HENLEY.

The SPEAKER. Mr. HENLEY, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. HENLEY. Mr. Speaker, I have to say in entire sincerity that when I left my house this morning a member of my family was taken ill with an attack of the measles. [Laughter.] That is the first time in my experience that I ever knew that statement to elicit amusement; but I suppose it is all right in Washington. [Renewed laughter.] And this afternoon at about 5 o'clock, having some solicitude in respect to the matter, I repaired home. That was before this proceeding for a call of the House had commenced. I knew nothing about these proceedings until I was advised by the myrmidons, if I may so term them, of the Sergeant-at-Arms [laughter] that my presence was required. I came at once——

A MEMBER. How about that dress suit?

Mr. HENLEY. Some gentleman desires to know something in respect to the matter of my habiliments. I have nothing to say about that at all. [Laughter.] I simply, Mr. Speaker, desire to state in perfect good faith that when I left the House of Representatives this afternoon it was in consequence of a feeling of solicitude in respect to the illness of a member of my household.

A MEMBER. You said that once before. [Laughter and applause.]

Mr. HENLEY. I did not anticipate that my presence would be required here to-night, and as soon as I found it was necessary I came at once.

Mr. GIBSON. If the gentleman will only divide his bouquet with us I will move he be excused.

Mr. TULLY. I think it is evident from the garb my colleague is in that he has been hunting the doctor. [Laughter.]

Mr. COBB. I desire to ask the gentleman a question.

The SPEAKER. The gentleman from Indiana may ask the question if the gentleman from California gives his consent.

Mr. COBB. My question is whether it is necessary for the gentleman to wear such a suit of clothes when any of his family is sick.

Mr. STOCKSLAGER. I would like to ask the gentleman from California a question.

Mr. KING. I object.

Mr. GOFF. I move that the gentleman from California be excused.

The motion was agreed to—ayes 71, noes 10.

Mr. STEELE. I desire to make an inquiry of the Chair. Would it be in order to ask unanimous consent that the pages be allowed to go home—I mean those who can go?

The SPEAKER. The House has nothing to do with any such arrangement in regard to the pages. They are under the control of the Doorkeeper, who will let them go whenever he thinks he can dispense with their services.

Mr. WHITE, of Kentucky. I move that all further proceedings under the call be dispensed with. There is evidently a quorum present, and I hope we will now fix the day when we will consider this matter.

Mr. FIEDLER. I hope the motion of the gentleman from Kentucky will not prevail. I understand a certain member of this House, who has been sent for, has refused absolutely to come, and that there are now three deputies of the Sergeant-at-Arms after him. It is stated that the gentleman referred to is a Representative from Texas. If the fact be as is represented, I think it due to the dignity of the House that he should be brought here.

Mr. WHITE, of Kentucky. It may be all very well to insist on bringing that gentleman here so that we may exercise our power over one member; but when a man is brought here we excuse him. We are simply punishing ourselves by staying here.

The SPEAKER. The question is on the motion of the gentleman from Kentucky, that all further proceedings under the call be dispensed with.

Mr. GIBSON. May I ask the gentleman from Kentucky a question?

The SPEAKER. The gentleman from Kentucky is not upon the floor.

The motion of Mr. WHITE, of Kentucky, was not agreed to.

Mr. HEWITT, of Alabama. I move that the House take a recess until half past 11 o'clock to-morrow.

Mr. HISCOCK. I make the point of order that that motion is not in order while this call of the House is proceeding.

The SPEAKER. The Chair does not think the motion is in order during the pendency of a call of the House.

Mr. HOLMAN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. I wish to inquire whether the motion now made to take a recess can be entertained until proceedings under the present call are dispensed with.

The SPEAKER. The Chair thinks not.

Mr. HOLMAN. Then I move that further proceedings under the call be dispensed with.

Mr. HARDEMAN. Having made the motion that the Sergeant-at-Arms be directed to bring absent members to the bar, I would simply state, if I am in order, that if the motion of the gentleman from Indiana [Mr. HOLMAN] is agreed to I shall move to adjourn. If we are going to give up this fight, let us give it up at once.

Mr. HEWITT, of Alabama. The gentleman from Georgia [Mr. HARDEMAN] is very much mistaken if he thinks I propose to give up the fight. [Cries of "Regular order!"]

Mr. HOLMAN. I only make this motion to enable the gentleman from Alabama [Mr. HEWITT] to submit the motion which he desires to make. With that purpose, and that purpose only, I submit the motion to dispense with further proceedings under the call.

The question being taken on Mr. HOLMAN'S motion, the SPEAKER stated that the "noes" seemed to have it.

Mr. HOLMAN. I ask for a division.

The House divided; and there were—ayes 51, noes 69.

Mr. HOLMAN. I suppose it would be proper to call for tellers on the ground that no quorum has voted.

The SPEAKER. A quorum is not necessary upon that motion; but the gentleman has the right to call for tellers.

Mr. HOLMAN. Then I call for tellers.

On the question of ordering tellers, there were ayes 47—more than one-fifth of a quorum.

So tellers were ordered; and Mr. HOLMAN and Mr. HARDEMAN were appointed.

The House again divided; and the tellers reported—ayes 60, noes 97.

So the House refused to dispense with further proceedings under the call.

Mr. RAY, of New York. The gentleman from Vermont, Judge POLAND, is suffering from indisposition. He is an aged man. He is willing on all proper occasions to give his attendance here during the sittings of the House. But he has requested me to ask unanimous consent that his further attendance on this legislative day be dispensed with. I ask therefore unanimous consent that the gentleman be excused from further attendance during this legislative day.

The SPEAKER. The gentleman from New York asks unanimous consent that the gentleman from Vermont [Mr. POLAND], who he states is indisposed, be excused from further attendance during this legislative day. Is there objection?

There was no objection.

Mr. WHITE, of Kentucky. I make the same request for myself. I am not aged, but I am not well enough to sit here. I have been suffering from a severe cold for weeks, and I do not think it is safe to remain longer.

The SPEAKER. The gentleman from Kentucky [Mr. WHITE] asks to be excused from further attendance during this legislative day. Is there objection?

Mr. COX, of North Carolina. I object.

Mr. HISCOCK. I move that the gentleman from Kentucky [Mr. WHITE] be excused from further attendance during this legislative day.

Mr. GIBSON. For what reason?

Mr. HISCOCK. For the reason which he has stated, that he is suffering from a severe cold.

The question being taken on Mr. HISCOCK'S motion, it was agreed to—ayes 58, noes 29.

Mr. HOLMAN (at 11.20 p. m.). I ask unanimous consent to be excused from further attendance during this day's session. For some weeks past I have been suffering from a very severe cold and my health is such that I ought not to have been here this evening up to this hour.

Mr. BROWNE, of Indiana. I move that my colleague [Mr. HOLMAN] be excused from further attendance during this legislative day.

The motion was agreed to, upon a division—ayes 68, noes 47.

Mr. WARNER, of Ohio. It must be perfectly apparent from the number who have been excused and the number of members who are known to be out of the city that a quorum of this side of the House alone can not be secured to-night or to-morrow. I therefore move that all further proceedings under this call be dispensed with.

Mr. HEWITT, of Alabama. We will excuse you, general.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The question is on the motion of the gentleman from Ohio [Mr. WARNER], that all further proceedings under the call be dispensed with.

The motion was not agreed to, upon a division—ayes 46, noes 93.

Mr. WARNER, of Ohio. I ask unanimous consent to be excused from further attendance during this day's session.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Ohio [Mr. WARNER]?

Many members objected.

Mr. BROWNE, of Indiana. I move that the gentleman be excused from further attendance during this legislative day.

The motion was not agreed to, upon a division—ayes 44, noes 91.

Mr. VANCE. I ask leave of absence for two hours. One of the pages of this House, five hundred miles from his home, is reported as being very sick with scarlet fever, and I feel that I ought to go and attend upon him. I have received a message from his attending physician that he needs a nurse, and I ask leave of absence for two hours. I will come back at the end of that time.

Mr. VALENTINE. Let the gentleman stay the remainder of the legislative day, if the boy has the scarlet fever.

Mr. VANCE. I am willing to come back at the end of two hours.

Mr. BROWNE, of Indiana. I move to amend by making it six hours

Mr. VANCE. I ask but two hours.

The question was taken; and upon a *viva voce* vote the Speaker *pro tempore* announced that the "noes" appeared to have it.

Mr. VANCE. If gentlemen are really serious in their desire that

this boy here under my care, five hundred miles from home, shall not receive my attention, I will withdraw the request.

The SPEAKER *pro tempore*. The request of the gentleman is withdrawn.

The Sergeant-at-Arms appeared at the bar of the House, having in custody Mr. MAYBURY, Mr. MORSE, and Mr. HURD.

The SPEAKER. Mr. MAYBURY, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. MAYBURY. I remained here in the House, Mr. Speaker, and in my seat until the usual hour for adjournment. I have had serious illness in my family at my home, and was expecting information which was not delivered here at the House. I knew the state of mind that I was in would unfit me for partaking with dispassionate judgment in the deliberations of this body. I repaired to the hotel for the purpose of ascertaining if any dispatch awaited me there, but discovered that there was no message. I started to return to the House and was informed on the street that the House had adjourned. I went back to the hotel and was not informed until a few minutes ago that the House was in session. So soon as I ascertained that fact I came here to confess my transgression and ask pardon for my sin.

Mr. WINANS, of Michigan. I move that my colleague be excused for non-attendance.

The motion was agreed to, upon a division—ayes 67, noes 17.

The SPEAKER. Mr. MORSE, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. MORSE. I was not aware, Mr. Speaker, that the House was still in session; otherwise I certainly would have been here.

Mr. LONG. I move that the gentleman be excused.

Mr. GIBSON. I am opposed to that motion. I do not think the gentleman gives any pretense or offers any excuse for being absent. There is no reason why he should not know that this House was in session. As a member of this House it was his business to know when it met and when it adjourned.

It is not right or proper that a portion of the members of this House should be kept here all day and all night by other members leaving the Hall simply when they choose, without any excuse for it. [Applause on the Democratic side.] If we are to conduct business here under the rules, we ought to proceed with some order and some regularity. Gentlemen come here and go away while the House is still in session, when they knew that this question was to come up; and the result of it is that because of this very absenteeism——

Several MEMBERS. Louder.

Mr. GIBSON. I can give gentlemen voice, but I can not give them understanding.

A MEMBER. That is old.

Mr. GIBSON. I say no excuse has been given why gentlemen should willfuly absent themselves from the House and leave the balance of us here all night to fight out the battle.

Mr. BARR. I move to amend the motion of the gentleman from Massachusetts [Mr. LONG] by imposing a fine of $500,000.

Mr. STOCKSLAGER. I move to amend so as to make it $10.

Mr. BARR. I accept the amendment. [Laughter.]

The SPEAKER. Does the gentleman from Indiana [Mr. STOCKSLAGER] desire to have that amendment submitted to a vote?

Mr. STOCKSLAGER. I do.

The amendment was not agreed to.

The SPEAKER. The question recurs upon the motion of the gentleman from Massachusetts [Mr. LONG] that his colleague [Mr. MORSE] be excused for non-attendance.

The motion was agreed to, upon a division—ayes 69, noes 9.

The SPEAKER. Mr. HURD, you also have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. HURD. I left the House at 5 o'clock, being unwell; but I came back as soon as I knew my presence was required.

Mr. COSGROVE. I move that the gentleman be excused for non-attendance.

The motion was agreed to.

The Sergeant-at-Arms appeared at the bar of the House, having in custody Mr. HORR, of Michigan.

The SPEAKER. Mr. HORR, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. HORR. I have no excuse to offer, with the exception that I left under the order of the House and did not know that the House was in session during this evening.

Mr. BARR (to Mr. HORR). What order of the House?

Mr. HORR. I am addressing the Speaker.

Mr. MCADOO (to Mr. HORR). You were not sick?

Mr. HORR. I was not. I do not think it necessary for me to go further into particulars.

The SPEAKER. The gentleman has a right to make his own excuse in his own way.

Mr. BEACH. I have not heard any excuse yet.

Mr. COSGROVE. I hope the gentleman will be excused on condition that he will vote when his name is called. I think it the veriest nonsense to have members brought in here and excused for non-attendance if they are to be allowed to refuse to vote when their names are called.

The SPEAKER. The Chair knows of no process by which a member of the House can be compelled to vote.

Mr. PEELLE, of Indiana. I move that the gentleman from Michigan [Mr. HORR] be excused for non-attendance.

Mr. GIBSON. This is the first gentleman brought here that has not by his dress given evidence of having been out on a frolic. I think this gentleman ought to be excused.

The question being taken on the motion to excuse Mr. HORR, it was agreed to; there being—ayes 54, noes 21.

Mr. COBB. I desire to make inquiry whether members of this House when brought into the House under circumstances of this kind can absent themselves without leave, and if they do so——

Mr. WARNER, of Ohio. Let us have the regular order.

The SPEAKER. The regular order is the proceeding to compel the attendance of absent members. The gentleman from Indiana [Mr. COBB] has indicated that he desires to make a parliamentary inquiry in reference to that matter.

Mr. COBB. And I am in order, notwithstanding the member from Ohio.

The SPEAKER. The Chair, in response to the gentleman from Indiana, will state that no member has a right to absent himself from the House without leave at any time, whether there be a call of the House or not. If a gentleman should leave the House without its consent during a call of the House the Chair thinks the House has the power to send for him and compel his attendance.

Mr. COBB. Then I move, if it be in order, that the roll be called for the purpose of ascertaining the names of those who——

Mr. TOWNSHEND. There is a prisoner at the bar. The gentleman had better suspend for a few moments.

Mr. COBB. I will reserve my inquiry for the present.

The Sergeant-at-Arms appeared at the bar, having in his custody Mr. OCHILTREE.

The SPEAKER. Mr. OCHILTREE, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. OCHILTREE. Mr. Speaker, I was under the impression that I was paired with the gentleman from New York [Mr. MULLER] on Saturday last and that the pair would extend until Tuesday.

A MEMBER. That is no excuse.

Mr. OCHILTREE. I did not know what the question was.

Mr. GIBSON. May I ask the gentleman a question?

Mr. OCHILTREE. Certainly.

Mr. GIBSON. I wish to ask the gentleman whether, when notified, on a former call of the House to-night, that his presence was required here, he did not positively refuse to come?

Mr. OCHILTREE. No, sir.

Mr. STEWART, of Texas. I move that the gentleman be excused.

Mr. THROCKMORTON. I would like to ask the gentleman a few questions before we take a vote.

The SPEAKER. That may be done with the consent of the gentleman from Texas; not otherwise.

Mr. THROCKMORTON. I will ask the gentleman at what time he left the House?

Mr. OCHILTREE. About 4 o'clock.

Mr. THROCKMORTON. Was there any motion to adjourn pending at that time?

Mr. OCHILTREE. No, sir; I had an engagement.

The SPEAKER. It is moved that the gentleman from Texas be excused.

Mr. THROCKMORTON. I do not think we ought to excuse the gentleman.

Mr. VAN EATON. If the gentleman be excused, I move that it be on the condition that he get us out of that scrape with Bismarck that he has got us into.

Mr. FIEDLER. I move to amend the motion for excusing the gentleman by providing that he be fined $500.

The SPEAKER. Does the gentleman wish to have that motion put to the House?

Mr. FIEDLER. In this case I had positive assurance that this gentleman refused to come; and I believe that any one who will take that position ought to be punished.

The SPEAKER. The gentleman from New Jersey [Mr. FIEDLER] moves to amend, so that the gentleman from Texas shall be excused upon the payment of $500.

Mr. HENDERSON, of Iowa. I move to amend the amendment by making the fine 5 cents.

Several MEMBERS (to Mr. FIEDLER). Accept that amendment.

Mr. FIEDLER. No, sir.

The SPEAKER. Does the gentleman from Iowa [Mr. HENDERSON] desire to have his motion put?

Mr. HENDERSON, of Iowa. I do. I am in dead earnest on that.

Mr. THROCKMORTON. It is not in order.

The SPEAKER. It is in order.

The question being put on the amendment to the amendment, it was not agreed to.

The question then recurring on the amendment of Mr. FIEDLER, it was not agreed to.

The motion of Mr. STEWART, of Texas, that Mr. OCHILTREE be excused, was agreed to; there being—ayes 49, noes 9.

Mr. TALBOTT. I rise to a parliamentary inquiry. Suppose a motion should now be adopted by the House to adjourn on the third Monday of next month, what would be the status of this committee in reference to the motion to suspend the rules for the purpose of fixing a day to consider this bill? Could the committee make a motion *de novo*, or would the present motion go over as unfinished business?

The SPEAKER. If a motion to adjourn should now be adopted the order for a call of the House and directing the Sergeant-at-Arms to bring in absentees would be vacated——

Mr. TALBOTT. Certainly.

The SPEAKER. And on the third Monday of next month this matter would come up as unfinished business.

Mr. TALBOTT. But will it be in order for the committee to make a motion to name any day other than that named now in the resolution?

The SPEAKER. The Chair will decide that question when it is presented.

Mr. TALBOTT. Then, Mr. Speaker, I move that the House do now adjourn, with the distinct understanding on the part of the House that on the third Monday of next month the Committee on Pensions, from which this resolution emanated, shall have the right to offer a resolution to name some future day for this business.

The SPEAKER. That is not in order as a motion. It may be agreed to by unanimous consent.

Mr. TALBOTT. Then I ask this House to agree to it.

Mr. PEELLE, of Indiana. This will be the regular order under the rule on the third Monday of next month.

The SPEAKER. But it is not in order for the gentleman from Maryland [Mr. TALBOTT] to make a motion to adjourn coupled with a condition.

Mr. COBB. Mr. Speaker, I regret very much to impose the necessity upon any member to be brought here under the rules of the House. But at the same time——

Mr. WARNER, of Ohio. Is debate in order?

The SPEAKER. The gentleman rises to a parliamentary inquiry.

Mr WARNER, of Ohio. What is his parliamentary inquiry?

The SPEAKER. The Chair can not tell what it is.

Mr. WARNER, of Ohio. I do not object to a parliamentary inquiry, but I do object to debate.

The SPEAKER. Debate is not in order.

Mr. COBB. I desire to say, sir, that it is the duty of every member to remain in his place.

Mr. WARNER, of Ohio. That is debate. Regular order!

The SPEAKER. The gentleman must state his parliamentary inquiry.

Mr. COBB. When members are brought here, Mr. Speaker, have they a right to go away again without the leave of the House? Can they not be sent for and compelled to remain?

The SPEAKER. Members can not leave without the consent of the House.

Mr. COBB. I ask that members who have been brought here and gone away again shall be sent for in the proper way. I ask that an order be issued for their arrest.

The SPEAKER. The Chair has no information on which to issue a warrant against any particular member unless it is first shown to the House that some member has absented himself without leave.

Mr. COBB. I move a call of the roll for that purpose.

The SPEAKER. It has been decided heretofore, when one or more members have absented themselves without leave after the call of the House had been ordered, the roll might be called for the purpose of ascertaining that fact, and if proved to be the fact, then the Speaker might issue his warrant on the order of the House to bring them in.

Mr. COBB. I say there are two who have so absented themselves.

Several MEMBERS. Name them.

Mr. COBB. And perhaps more. I am not required to state their names.

The SPEAKER. The gentleman from Indiana moves a call of the roll be had for the purpose of ascertaining whether or not members who responded to the call in the first instance have since absented themselves without leave of the House.

The motion was agreed to.

The roll was then called; and the following members failed to answer to their names:

Anderson,	Brumm,	Culbertson, W. W.	Findlay,
Barbour,	Buckner,	Cullen,	Finerty,
Belford,	Budd,	Curtin,	George,
Belmont,	Burleigh,	Davis, R. T.	Glascock,
Bingham,	Calkins,	Deuster,	Hammond,
Bisbee,	Candler,	Dibrell,	Hancock,
Blackburn,	Carleton,	Dingley,	Hardy,
Blount,	Cassidy,	Dorsheimer,	Harmer,
Bowen,	Clardy,	Duncan,	Haynes,
Boyle,	Connolly,	Eaton,	Henderson, T. J.
Brainerd,	Covington,	Ellwood,	Hewitt, A. S.
Brewer, F. B.	Cox, S. S.	Evans, I. N.	Hill,
Brewer, J. H.	Culberson, D. B.	Evins, J. H.	Hoblitzell,
Holman,	McCormick,	Poland,	Sumner, C. A.
Holmes,	McKinley,	Randall,	Taylor, E. B.
Hooper,	Mayo,	Rankin,	Thompson,
Howey,	Miller, S. H.	Ray, Ossian	Tucker,
Hutchins,	Milliken,	Rice,	Wadsworth,
Jones, J. H.	Mills,	Robinson, J. S.	Wait,
Jones, J. T.	Mitchell,	Robinson W. E.	Wakefield,
Jordan,	Money,	Rogers, W. F.	Washburn,
Kasson,	Morrill,	Russell,	Wellborn,
Kean,	Moulton,	Seney,	Weller,
Keifer,	Muller,	Shelley,	White, J. D.
Kelley,	O'Neill, Charles	Singleton,	Winans, John
Kellogg,	O'Neill, J. J.	Skinner, C. R.	Wise, G. D.
Ketcham,	Payson,	Smith,	Wise, J. S.
Lacey,	Perkins,	Spooner,	Young.
Le Fevre,	Peters,	Springer,	
Libbey,	Pettibone,	Stewart, J. W.	
Lore,	Phelps,	Stone,	

The SPEAKER. The roll-call disclosed the presence of two hundred members.

Mr. BAYNE. Mr. Speaker, I move that my colleague Mr. BINGHAM be excused from further attendance during this legislative day. I will state for the information of the House that his wife is seriously ill, and he is compelled most of his time to be in attendance.

Mr. COX, of North Carolina. How long has he been absent?

Mr. BAYNE. He was here this afternoon, but in consequence of his wife's sickness he has not been regular in his attendance upon the sittings of the House.

Mr. TOWNSHEND. I know myself that she is very ill.

Mr. BEACH. I am aware of the fact stated by the gentleman from Pennsylvania, and I hope the gentleman from North Carolina will not object.

Mr. COX, of North Carolina. My only object was to ascertain the facts. I think it is time for us to know what we are doing in reference to granting these requests.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania, that his colleague [Mr. BINGHAM] be excused?

There was no objection.

Mr. SEYMOUR. I move that my colleague Mr. EATON be excused. He has been quite unwell for several days to my knowledge. During the early part of the day he came to my seat and told me he was feeling too unwell to remain. He went away quite early in the day.

Mr. HATCH, of Missouri. Do I understand that the gentleman from Connecticut asks that his colleague be excused from further attendance?

The SPEAKER. That is the gentleman's request.

Mr. HATCH, of Missouri. Has he answered a roll-call to-day?

Mr. SEYMOUR. I know he has been here to-day, but, as I have said, he left very early. I do not think he has been here since 12 o'clock. He has been confined to his room for several days.

Mr. HATCH, of Missouri. Has he been here since 5 o'clock?

Mr. SEYMOUR. No, sir; not to my knowledge.

Mr. HATCH, of Missouri. If the gentleman is ill, I have nothing to say about it; but I do not desire to excuse Democrats who are able to be here. As far as the other side is concerned they can all go if they want to.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Connecticut, that his colleague be excused for the reason stated.

The motion was agreed to.

Mr. BUCHANAN. Mr. Speaker, Mr. COX, of New York, left the House a short time ago and requested me to say in his behalf that he had been up for a night or two and was actually sick and unable to remain. I move that he be excused.

The House divided; and there were—ayes 37, noes 60.

So the motion was not agreed to.

The SPEAKER. The Chair will ascertain from the roll-call what members, if any, who answered to their names when the call was first made are now absent from the House without leave. [After a pause.] The Chair is advised that of the members who answered to their names on the first call the following members are now absent: The gentleman from Missouri, Mr. BUCKNER; the gentleman from New York, Mr. COX, and the gentleman from Tennessee, Mr. PETTIBONE.

Mr. PEELLE, of Indiana. In behalf of Mr. PETTIBONE I wish to say that he has not been absent from the House. He is now resting upon one of the lounges in the Hall.

Mr. PETTIBONE. I did not hear my name called.

The SPEAKER. The gentleman from Tennessee will be recorded as present.

Mr. COBB. I now offer this resolution.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House the following-named members, who have absented themselves without leave of the House since the roll was called, namely, SAMUEL S. COX and AYLETT H. BUCKNER.

The House divided; and there were—ayes 62, noes 31.

So the resolution was agreed to.

Mr. WARNER, of Ohio. I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. Was not the Sergeant-at-Arms instructed to bring in the absentees?

The SPEAKER. The Sergeant-at-Arms is now engaged in executing the orders of the House, by serving the warrants signed by the Speaker, to bring to the bar of the House those members who have absented themselves without leave since the call of the House was ordered.

Mr. WARNER, of Ohio. Under that prior order would he not bring in the gentlemen named in that resolution?

The SPEAKER. They are not included in the first order. They were present and answered to their names.

The resolution of Mr. COBB was agreed to.

Mr. HENLEY. I move to reconsider the vote just taken.

Mr. COBB. I move to lay that motion upon the table.

The House divided; and there were—ayes 68, noes 28.

So the motion to reconsider was laid on the table.

Mr. PARKER. Mr. Speaker, on account of his well-known lameness, I ask that Mr. WADSWORTH be excused from attendance on this session of the House.

Mr. GIBSON. Is it a lameness from which he now suffers?

Mr. PARKER. Yes, sir. His lameness results from having been thrown from his carriage.

The motion was agreed to; and Mr. WADSWORTH was excused.

Mr. HART. I desire to ask leave of absence for one hour, to escort members of my family home, who are absent without attendants.

The SPEAKER *pro tempore* (Mr. MCMILLIN in the chair). Is there objection to the request of the gentleman from Ohio.

Mr. BAYNE. I move that he be excused for one hour.

The House divided; and there were—ayes 52, noes 26. So the motion was agreed to.

The Sergeant-at-Arms appeared at the bar, having in his custody Mr. BELFORD, Mr. ELLWOOD, and Mr. BRUMM.

The SPEAKER. Mr. BELFORD, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. BELFORD. Mr. Speaker, while I was bending down on my knees [cries of "Oh!" "Oh!"] between the dividing of the day and night, praying the Lord to relieve the Treasury of its surplus, I was assailed by the Sergeant-at-Arms, who compelled me to come here. I was at the Capitol this morning at 9 o'clock. I devoted three hours to the Committee on Public Lands, staid at the House until 5 o'clock, had a dinner party at my house at half past 5, and I left in the happy expectation that the fraternal feeling prevailing here would enable the Democrats and the Republicans to adjourn in a decent season. I have offered no disrespect to the House, and had I conceived that the session would last beyond half past 5, I certainly would have remained. But I offer this as my apology, and the only apology I can present—let us unlock the vaults of the Treasury [much laughter] and turn the one hundred and fifty millions of surplus revenue into the channels of trade and business in order that the honest, industrious, and energetic people of this country may be benefited. [Applause.]

Mr. GIBSON. As the gentleman is so desirous of opening the doors of the Treasury I move to open the doors of his own pocket by fining him $10 for his absence.

Mr. BELFORD. I am ready to pay it.

Mr. DAVIS, of Illinois. I move that the gentleman from Colorado be excused.

The SPEAKER. The gentleman from West Virginia [Mr. GIBSON] moves——

Mr. GIBSON. I withdraw the motion.

The SPEAKER. The gentleman from Illinois [Mr. DAVIS] moves that the gentleman from Colorado be excused.

The motion was agreed to; there being—ayes 53, noes 8.

The SPEAKER. Mr. ELLWOOD, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. ELLWOOD. I remained here until, I think, half past 5 o'clock. I voted to adjourn. I supposed the House would adjourn. I had some company awaiting me at the door, and I went out in good faith believing the House would adjourn and went to my room. That is the only excuse I have got. If I had supposed for one moment the House would not adjourn I should not have gone.

Mr. DAVIS, of Illinois. I move that my colleague be excused.

Mr. GIBSON. I desire to ask the gentleman if before he left this fight had not commenced.

Mr. ELLWOOD. No, sir; I did not dream of any fight. I supposed the House would adjourn.

The motion of Mr. DAVIS, of Illinois, was agreed to.

The SPEAKER. Mr. BRUMM, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. BRUMM. Mr. Speaker, "the very head and front of my offending hath this extent no more:" It was very near 6 o'clock, and I was very hungry, and had company for dinner. I had made an engagement, and left supposing, of course, there would be nothing of importance going on here, but that the House would adjourn. That is all I have to say.

Mr. BAYNE. I move that my colleague be excused.

Mr. REESE. Will the gentleman from Pennsylvania allow me to ask him a question?

Mr. BRUMM. Certainly.

Mr. REESE. Was the gentleman not present and did he not take part in this filibustering when it began, and left the House without leave?

Mr. HORR. Who have been filibustering?

Mr. REESE. That side of the House.

The SPEAKER. It is moved that the gentleman from Pennsylvania be excused.

Mr. MORRISON. We must draw the line somewhere.

The question being taken on Mr. BAYNE'S motion, there were—ayes 42, noes 52.

Mr. DAVIS, of Illinois. I call for tellers.

Tellers were ordered, 38 members voting therefor; and Mr. BAYNE and Mr. GIBSON were appointed.

The House again divided; and the tellers reported—ayes 59, noes 76.

The SPEAKER. The "noes" have it, and the House refuses to excuse the gentleman from Pennsylvania. What action will the House take?

Mr. LAMB. In view of the fact that the gentleman from Pennsylvania was here when the filibustering movement began on the other side of the House, I move that he be fined $5.

Mr. DAVIS, of Illinois. I object to the term "filibustering." The gentleman from Pennsylvania [Mr. BRUMM] voted to adjourn.

The SPEAKER. The question is on the motion of the gentleman from Indiana.

Mr. BROWN, of Pennsylvania. That, I presume, is debatable.

The SPEAKER. It is.

Mr. BROWNE, of Indiana. I have been a humble member of the House for now nearly seven years. I have witnessed proceeding of this kind at every session of the Congress of the United States. I have in common perhaps with many others regretted the character of these proceedings. Under the rules it is the duty of every member of Congress to be present during the sessions of the House. [Cries of "Cut it short!"]

The SPEAKER. The gentleman from Indiana [Mr. BROWNE] is entitled to the floor.

Mr. BROWNE, of Indiana. I do not know, sir, that I am to be protected from insults direct and indirect from gentlemen who may assume to occupy a different position from myself——

The SPEAKER. The Chair will endeavor to preserve order on the floor while the gentleman from Indiana is addressing the House.

Mr. BROWNE, of Indiana. I was saying that I believe it to be the duty of every gentleman who represents a constituency to be here during sessions of the House. I have never known an instance in the seven years in which the presence of a gentleman has been censured or that on account of it he has been reprimanded or subjected to any punishment whatever. It is so universally known that the proceedings under the call of the House are a mere farce, that no member has believed himself under any obligations to be here. I state that because it is a fact, and I think every gentleman recognizes it to be a fact. The rules require members of the House to be here. That is not controverted; but what is the truth? It is known that when gentlemen are arraigned for violation of this rule, any excuse, the more farcical the better, is received by this House. No man is punished; nobody is reprimanded; until it is understood that any gentleman may absent himself with impunity. And what happens when he is brought here? He is arraigned at our bar, and the Speaker very solemnly informs him that he has been absent from the House without its consent and asks him to render an excuse. Any excuse is accepted. To be sure, upon the first vote at least there is a negative; he is not excused. But when there is a division of the House he is excused.

Now let us end this farce. I wish that the constituencies of the members of the House could be assembled here in the galleries and see these fool-boy performances that we exhibit here upon every question of this kind. What I insist upon is this: if there be a rule and it has been violated, that we consider it with that degree of solemnity that ought to characterize proceedings of this kind. We are the Representatives of thirty-eight States, of over fifty millions of a constituency.

They expect their Representatives to be here whenever there is business of the people to be transacted. If members absent themselves without leave, they are subject to the rules. Yet when they are brought here, I say it with regret, we turn the whole proceedings into a farce. It is time this thing were ended. I say it to the Representatives of the people here, it is time it were ended.

Mr. GIBSON. We propose to end it.

Mr. BROWNE, of Indiana. Ah!——.

Mr. HEWITT, of Alabama. Will the gentleman allow me to interrupt him?

Mr. BROWNE, of Indiana. Yes, sir.

Mr. HEWITT, of Alabama. It can be ended very soon if members will only vote.

Mr. BROWNE, of Indiana. Gentlemen on the other side need not speak in that way in regard to the subject of such proceedings as these. If there has been a violation of the rules, and if these proceedings have been turned into a comedy, gentlemen on the other side are as much responsible as are we on this.

Rules have been prescribed for the government of the deliberations of

this body. If gentlemen say that we have failed to respond to our names when called for the purpose of breaking a quorum, let me call their attention to what they have uniformly done when they have been in the minority from the Forty-third Congress until the present time.

I do not vindicate what they have done, and I am not justifying what has been done on this side. I am not speaking upon that question. But I say men are brought into the presence of the Speaker for having violated the rules of this House, and I insist that when that is done they ought to be treated with some degree of decorum; that is all.

I insist that if this thing is to be made a farce, then let us resolve in advance that it shall be so. Let us not go through the form of arraigning gentlemen for having violated the rules of the House by absenting themselves from its sessions without leave, and having arraigned them here, after an excuse has been rendered, then everybody on both sides of the House on the first vote respond in the negative against excusing such members from punishment or censure, and then when a division is called we universally vote to excuse.

Now I ask in the name of the people, I demand in the name of the rules of this House, that we shall be decorous. If members of this House have violated the rules, and when arraigned for it have no good excuse to give therefor, then let us affix some degree, some character of punishment. If their excuse is sufficient in the opinion of the House, then let them go quit; that is what I ask; let them go quit.

But it is understood, everybody understands it, that the rules of the House may be set at defiance by any member, and that when arraigned any excuse he may offer will be regarded as a sufficient one. I wish it were possible that the fifty millions of people that we represent might be assembled here in the galleries and look down upon the grand farce that is enacted on every occasion when there is a call of the House. I wish the American people could see us as we see ourselves.

If the House wlll pardon me for saying so, these proceedings are disreputable. They tend to bring the American Congress into contempt, and we deserve the contempt of our constituencies for the manner in which this thing is done.

Mr. GIBSON. We will allow you to characterize your actions, but not ours.

Mr. BROWNE, of Indiana. I characterize my own so far as they may be subject to the censure of the people and so far as they may be against the rules of proceedings in this House. It is time that this thing were at an end. It is due to our own reputation, it is due to our own character, it is due to the intelligent constituencies that we represent, if the rules made by the House are not to be respected, that they should be repealed, abrogated, set at defiance, and the people be admonished in advance that this thing is intended to be but a farce. That is what I am speaking about.

I undertake to say that in the seven years that I have had the honor to represent an intelligent constituency upon this floor I have not pursued, I have not encouraged, directly or indirectly, the character of proceedings that has brought or should have brought the American Congress into contempt.

Mr. WARNER, of Ohio. I rise to a question of order.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] states that he rises to a question of order.

Mr. WARNER, of Ohio. I do not wish to take the gentleman from Indiana [Mr. BROWNE] from the floor.

The SPEAKER. The gentleman from Indiana will proceed.

Mr. BROWNE, of Indiana. What I ask now is nothing more than this, that we shall proceed under the rules of the House; that is all. I think our constituencies expect it. I think they have a right to demand it.

I have opposed, so far as I knew how under the rules, the consideration of the measure which it has been proposed to bring forward. But I am willing that the whole question shall be considered under the recognized rules of this House. But I have felt—I say it regretfully—I have felt humiliated that the Speaker of this House should be called upon to preside over this body at a time when everybody, on both sides, seems disposed to bring the proceedings which are recognized by our rules, and ought to be solemn proceedings, into contempt and disrepute by the manner in which this thing is done here.

Why can not we proceed in order, arraign at the bar of the House gentlemen here who are charged with a violation of our rules, and determine the question calmly, dispassionately, determine it as we ought, as a judicial body considering the question of whether or not its rules have been violated?

I want it understood that now and hereafter and forever I protest against this character of proceedings, which, if you will permit me to say it, have certainly not reflected any very considerable honor and credit upon us for the manner in which this body of Representatives of the people have acted in this matter.

I know gentlemen will believe that what I have said has been said in the best of faith and with a desire that we may come down to something like the proceedings that ought to characterize a deliberative assembly representing large and intelligent constituencies all over the country. I protest against the manner in which these things have been done; I protest seriously and candidly, and I desire that this protest shall be known at least to the constituency which I have the honor to represent.

Mr. LAMB. Mr. Speaker, I have listened to my colleague from Indiana [Mr. BROWNE] with somewhat of surprise. He arose to oppose the motion which I have made. Yet every word that he uttered was a word which showed that the motion ought to be adopted. He stated that the proceedings connected with the call of the House, whenever such a call has been had, have become a farce in the eyes of every member. It was for this reason, Mr. Speaker, and for this alone—for I had no unkind feeling toward the gentleman from Pennsylvania [Mr. BRUMM]—that I made my motion.

What is the case this evening—or rather this morning, for it is now nearly 2 o'clock? For more than seven hours the majority of this House has been attempting not to obtain recognition of the rights of the soldiers of the Mexican war, but to have a day fixed when those men who have in years gone by battled for the best part of the country which we now own can have a hearing; and the gentleman who has just taken his seat [Mr. BROWNE] was the man of all others who led the movement on this floor to defraud those men of the rights that they ought to have.

Mr. STEELE. I rise to a question of order. My question is whether the bill is now before the House for debate?

The SPEAKER. It is not.

Mr. LAMB. I do not propose to discuss the bill.

The SPEAKER. The gentleman will confine himself to the question before the House, which is whether or not the gentleman from Pennsylvania shall be fined in the sum of $5.

Mr. LAMB. Yes, sir; I propose to give my reasons upon that proposition. I stated how this question came here. I stated that the gentleman from Indiana was the first of all others who caused the "farcical proceedings," as he calls them, which have taken place on this floor, and the responsibility for which he now tries to shoulder upon somebody else. Other gentlemen have come here and have tendered their excuses for absenting themselves, but when the gentleman from Pennsylvania took his place at the bar of the House he admitted when he was questioned that he was here when this subject first came up, that he took part in the filibustering movement of his side of the House, that he did what was in his power to prevent a vote being taken, and when the House was in such a situation that he did not believe a vote could be taken he put on his coat and hat and left the House. And then he comes back here without a word of apology for having kept this House in session until 2 o'clock in the morning. Therefore it was I asked this House to set an example and put a stop to the farcical proceedings that my colleague from Indiana [Mr. BROWNE] says have for so long a time disgraced this House and brought it into contempt before the people of the country.

I am glad the people of the country are not here to witness the proceedings that have gone on to-night. I for one am willing to give my vote now to make a record here which will in the future deter every member upon any side of the House from conduct which may bring this Congress into contempt in the eyes of any man within the length and breadth of this land. [Applause.] And I trust that the Democratic side of this House will set an example which has never been set before, to teach members of the House that their place is here, unless under the rules they are excused.

Mr. HISCOCK. I desire, Mr. Speaker, to call the attention of the House to the bill alluded to by the gentleman who has just taken his seat. He said—— [Cries of "Order!"] I propose to discuss the question which has been discussed by the gentleman from Indiana [Mr. LAMB].

Mr. TUCKER. I rise to a point of order. As I understand, the gentleman from Indiana [Mr. LAMB] was called to order a few moments ago because he seemed to refer to the provisions of that bill.

Mr. HISCOCK. And he was allowed to proceed.

Mr. TUCKER. Now, the gentleman from New York [Mr. HISCOCK] proposes to refer to that bill and discuss it; and I say he is out of order.

Mr. HISCOCK. I propose, Mr. Speaker, to confine myself to the case which is before the House; and, as bearing upon that question, I propose to call attention to the bill to which the gentleman from Indiana has alluded. I shall endeavor to keep myself——

Mr. TUCKER. I rise to a point of order.

Mr. COBB. The gentleman from New York is out of order.

The SPEAKER. The Chair will state as distinctly as he can what is the question before the House. It is whether the gentleman from Pennsylvania [Mr. BRUMM] shall be fined in the sum of $5 for non-attendance upon the session of the House. When the point of order was made against the gentleman from Indiana who has just taken his seat the Chair admonished that gentleman that he must confine himself to that question.

Mr. HISCOCK. And did he? I ask the Speaker whether he did; whether there was any further objection to his continuing?

Mr. ROGERS, of Arkansas. I make the point of order that the House in the absence of a quorum can not impose any fine.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] has the floor.

Mr. HISCOCK. I propose to confine myself as literally to the question before the House as did the gentleman who has just taken his seat. We have been told, Mr. Speaker, that we are in contempt; that we are

presenting an unbecoming spectacle to the country because we have dared to resist the passage of this bill. I say to you on the other side that you have a majority over a quorum of this House; a majority of over sixty to seventy members. You have the control of the legislation of this country.

Several MEMBERS. And we mean to do it.

Mr. MORRISON. And you try to prevent it.

Mr. HISCOCK. And you propose to fine the gentleman from Pennsylvania because he was derelict in his attendance on this House, while you have seventy members here more than a quorum.

Mr. MORRISON. We have not been skulking away like your men and refusing to vote.

Mr. HISCOCK. The gentleman from Illinois—— [Cries of "Order!"]

The SPEAKER. The gentleman from New York will suspend until gentlemen take their seats. This is a matter deserving serious attention.

Mr. HISCOCK. The gentleman from Illinois, the leader of the House, the Chairman of the Committee on Ways and Means, answers my interrogatories by saying that [cries of "Order!"]—that the members on the other side have skulked rather than vote for the bill which is presented here. [Cries of "Order!"]

Mr. WILLIS. Each member must be in his seat. The gentleman addressing the Chair must do so from his seat.

Mr. HISCOCK. I am addressing the Chair.

The SPEAKER. The Chair asks gentlemen to take their seats. They must suspend their remarks until the order of the Chair is obeyed. There is no necessity for confusion and excitement. This discussion can be conducted in order, and the Chair will see that it is.

Mr. HISCOCK. The remark I made was that the Democracy upon this floor had from sixty to seventy members over a majority, and I was interrupted by the leader of the House on the other side, the chairman of the Committee on Ways and Means, who told me his Democratic associates had skulked from this House to-night. [Cries of "Order!"]

Mr. MORRISON. I said no such thing.

Mr. HISCOCK. I understood the gentleman to say that they had skulked away. Every man within the sound of my voice and the reach of my arm so understood him. [Cries of "Order!"] One of the leading candidates for the position which you now occupy was here and voted when the roll-call was first made, but has left this House, has gone from it. Why? Why has this majority on the other side gone away? Look at the bill you talk about and which you undertake to palm off as a bill for the relief of the Mexican soldiers. [Cries of "Order!"] You don't care to have it read. ["Order!"] Do you shrink from hearing it read? ["Order!"] Do you shrink from hearing the bill you propose to vote for in this House? ["Order!"]

Mr. TUCKER. I call the member from New York to order.

Mr. HISCOCK. The gentleman from Virginia calls me to order.

Mr. TUCKER. Yes, I call the gentleman to order.

Mr. HISCOCK. Because you are unwilling to have it advertised to the country. [Cries of "Order!"]

The SPEAKER. The Sergeant-at-Arms will restore order. Gentlemen will resume their seats.

Mr. TUCKER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. TUCKER. I understood the Speaker to rule that it was out of order for the member from New York to refer to the bill. I ask now whether it is in order for him to discuss the bill?

The SPEAKER. The Chair has decided that it was out of order on this motion for a gentleman to discuss the merits of the bill, and that was all. The Chair did not undertake to decide that it was out of order for the gentleman to refer to the bill.

Mr. TUCKER. Is it in order for the member from New York to read the bill?

The SPEAKER. The Chair does not know for what purpose the gentleman proposes to read the bill.

Mr. BROWNE, of Indiana. I want to know if it was in order for the gentleman who addressed the House just before the gentleman from New York took the floor to refer to the bill?

The SPEAKER. The Chair will repeat that no decision was made to the effect that it was out of order to refer to the bill; but simply that it was not in order to discuss on this question the merits of the bill. The only question before the House at the present time, as the Chair stated, is whether or not the gentleman from Pennsylvania shall be fined for non-attendance at this sitting of the House.

Mr. TUCKER. I understood the member from New York to say——

Mr. HISCOCK. Say "the gentleman from New York."

Mr. HARDEMAN. I rise to a parliamentary inquiry.

Mr. TUCKER. I understood "the gentleman from New York" to say that he was going to read the bill for the purpose of showing why the members of this side of the House and what members on this side of the House were absent from it.

The SPEAKER. With the reason which the gentleman from New York may have for reading the bill the Chair has nothing to do. With the reason that the gentleman from New York may give for opposing the proposition with reference to the gentleman from Pennsylvania now at the bar of the House the Chair has nothing to do. The Chair simply decides that the gentleman from New York cannot, in order, on this question, discuss the merits of the bill.

Mr. HISCOCK. Oh, no, Mr. Speaker, it was not my intention——

Mr. HARDEMAN. I have risen to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDEMAN. I wish to ask if the reading of a bill is not in the nature of a discussion?

The SPEAKER. The Chair thinks the gentleman as a part of his remarks might read extracts from the History of the United States or from any other work if he so desired. Whether it would present a sufficient reason why the pending motion should not prevail is not for the Chair to determine. The gentleman from New York will proceed.

Mr. HISCOCK. And now, Mr. Speaker, if I may be allowed to continue my remarks without further interruption, I will attempt to do so in order, so that no gentleman on the other side of the House will have occasion to find fault with me.

I have addressed myself, sir, to the reason why the gentleman from Pennsylvania should be excused. The reason I was about to urge was that from eighty to ninety, I do not know but that there may be one hundred, stalwart, unterrified Democrats on the other side of the House, in the language of the gentleman from Illinois, have "skulked" from the House because they are afraid of making a record upon this bill.

Mr. MORRISON. That statement is not true. I said nothing of the kind.

Mr. HISCOCK. We have been told by the gentleman from Indiana that this bill that we sought to secure passage of in this House was a bill for the relief of, or for the granting of pensions to, the Mexican soldiers, the survivors of them, or their legal representatives.

I can appeal to gentlemen here, Mr. Speaker, and to the RECORD that early in this discussion I said from my place on this floor that if the other side should bring in a bill for the relief of the Mexican soldiers, a bill providing pensions for them, that we would vote on that bill at once, and not delay it, as proposed in this resolution, to a distant day fixed for its discussion.

Mr. HATCH, of Missouri. You never did vote for it. That proposition never was made.

Mr. HISCOCK. I did not say that I would vote for the bill, but that this side of the House would vote upon the bill [derisive shouts on the Democratic side] and that no question of a quorum would be raised. I did not undertake to bind the individual conscience of any man upon this side of the House. But I did give you, with the knowledge and assent of every man on this side of the House, the information and assurance that no question of a quorum should be raised upon the bill if you even pressed it to a passage at once. You had full and positive information that we would not object to the consideration of the bill giving a pension to Mexican soldiers, simply reserving the individual rights of members to act as in their individual judgment they might see proper.

Mr. COBB. I insist, Mr. Speaker, that the gentleman from New York is going beyond the limit to which he is permitted to go by the rules.

Mr. HISCOCK. And why is it, Mr. Speaker, that the other side of the House is so intensely excited over the question of what is in this bill? They show manifestly that they are afraid to have it read, and now it is my intention—— [Loud cries of "Order!" from the Democratic side.]

Mr. COBB. I rise to a question of order.

Mr. BROWNE, of Indiana. I insist that if the gentleman from New York is to be interrupted it should be by one gentleman at a time.

The SPEAKER. If the gentleman from Indiana desires to make a point of order against the gentleman from New York he has the floor for that purpose. The Chair will hear it now.

Mr. COBB. My point of order is this, that the gentleman from New York is not discussing the question before the House and is traveling outside of it and discussing the merits of this bill. I insist that under the ruling of the Chair he must confine himself to the subject legitimately before the House.

The SPEAKER. The gentleman from New York will confine himself to the question under debate. The Chair does not understand that the gentleman from New York is discussing the merits of the bill, but that he has stated a simple proposition which he made on behalf of his side of the House.

Mr. WARNER, of Ohio. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. I make the point of order that under Rule XV all these proceedings are out of order. That rule provides that a majority of the members present may send for, order in arrest, and secure the attendance of absent members. But when that is done the House alone can determine under what conditions they may be excused. I hold that the words "the House" in the last clause of Rule XV mean a quorum.

The SPEAKER. Has it yet appeared that a quorum does not vote on this proposition? Until the vote is taken the point of order which

the gentleman from Ohio makes can not arise. Until the vote is taken the Chair does not know whether a quorum has voted or not on the motion to fine the gentleman from Pennsylvania.

Mr. TALBOTT. I make the point of order that no gentleman can discuss upon this motion anything except whether the excuse offered by the gentleman from Pennsylvania is sufficient.

The SPEAKER. The House has refused to excuse the gentleman from Pennsylvania, and has thereby decided inferentially at least that the excuse is not sufficient. The present motion is to fine the member.

Mr. TALBOTT. My point of order is that you can not in the debate on the pending question go beyond the discussion of the excuse offered by the member.

The SPEAKER. The House has voted on the excuse offered by the member.

Mr. HATCH, of Missouri. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HATCH, of Missouri. Under what rule of the House does this discussion continue?

The SPEAKER. The gentleman from Indiana [Mr. LAMB] moves to fine the gentleman from Pennsylvania $5 for non-attendance. That is a debatable question unless the previous question is demanded and ordered by the House. And the gentleman from New York [Mr. HISCOCK] is debating that question.

Mr. HISCOCK. Now, I was endeavoring to point out a reason why the gentleman from Pennsylvania [Mr. BRUMM] should not be fined. I was endeavoring to convince the other side of the House that when this bill was offered here ninety of their own members absented themselves from voting on the bill.

Mr. TALBOTT. I ask the gentleman has any member of a legislative body a right to leave because he does not want to vote on a proposition pending?

Mr. PAYNE. I rise to a question of order. It is that gentlemen on the other side should retain their seats and keep order.

The SPEAKER. The Chair will say that the gentleman from New York [Mr. HISCOCK] can not be interrupted under the rule of the House except by his own consent, and the Chair is endeavoring to enforce that rule.

Mr. HISCOCK. Now I will go back again. I was endeavoring to excuse the gentleman from Pennsylvania [Mr. BRUMM] for the reason that ninety members on the other side of the House had seen fit to leave the House pending its deliberations that they might not—I will not say skulk—but that they might avoid making a record upon this bill.

And this, Mr. Speaker, is not a bill to pension the Mexican soldier. Now I hope the other side of the House are entirely willing that this bill should be read. The country will know that you are compelled to meet that question. The elements of this bill will be discussed. They have gone forth upon the wings of lightning to every corner of this country, and you will be compelled to meet the question upon this bill. The question we are to meet as partisans here is whether we are justified in refusing to vote consideration to the bill which has been presented, as I understand, by the unanimous vote of the majority of the committee that have it in charge.

Is it, Mr. Speaker, a bill to pension the soldiers of the Mexican war? Let us read a little further. After it has finished with the Mexican soldier, then it proceeds to say:

Or who served thirty days in the Creek war or disturbances—

Disturbances—

of 1835 and 1836.

What disturbances, Mr. Speaker? What does this language cover? What is the feast that you have invited us here to partake of?

Or in the Florida war with the Seminoles from 1835 to 1842, or in the Black Hawk war of 1832, and were honorably discharged, and such other officers and soldiers and sailors as have been personally named in the resolutions of Congress for any specific service.

Why we are invited here to vote for men that participated in "disturbances"—not in war, but in "disturbances." What does that expression cover? What does it contemplate? And yet we find the Democratic party to be standing here with a solid front and insisting that this bill shall be pushed through the American Congress.

Mr. TOWNSHEND. That is not true.

Mr. HISCOCK. I am told by the gentleman from Illinois [Mr. TOWNSHEND] that that is not true. That gentleman is in the line upon every vote taken in this House to force the consideration of this bill. It has been a party question from the time it came before us until this present time. And we on this side of the House have felt we were justified by every means known to the Constitution in resisting the passage of this bill. And I say to you that with the overwhelming majority that you have here, not a quorum merely, you can take the control of the legislation of this country.

Mr. ELLIS. That is what we mean to do.

Mr. HISCOCK. The gentleman from Louisiana says that is what they mean to do.

Mr. ELLIS. It is.

Mr. HISCOCK. The gentleman repeats that that is what they mean to do. It is because of the determination of the gentleman from Louisiana and of other gentlemen that they mean to do this sort of thing that we have felt justified in standing here upon our constitutional rights and resisting the passage of that bill in the face and in the eyes of the fact that the Democracy have such an overwhelming force and such an overwhelming power in this House.

Mr. ELLIS. We intend to assert the rights of the majority.

The SPEAKER. Gentlemen will not interrupt the gentleman from New York without his consent.

Mr. HISCOCK. The gentleman from Louisiana tells us that he intends to assert the rights of the majority. You have the majority. You have it overwhelmingly. The people of the United States gave it to you. But so far as we, a feeble minority, have the power to prevent bad legislation, understanding what your threat is, what your purpose is, understanding the solid phalanx that is presented on the other side—we on this side of the House felt that we were justified in resisting this bill, as I have said, by all the power and by all the means known to the Constitution.

Mr. LAMB. I call the previous question on my motion.

Mr. BRUMM. I hope not until I have been heard.

Mr. HISCOCK. I have the floor.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] is entitled to the floor.

Mr. HISCOCK. I say again to you gentlemen that if you will present a bill here to this House which is for the Mexican soldier and none but the Mexican soldier, no obstruction will be offered to the bill except that we may vote against it, but each member will vote as he chooses.

Mr. ERMENTROUT. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ERMENTROUT. If we intend to act with dignity upon this matter, order should be preserved in the House.

The SPEAKER. The Chair will state that he has endeavored to maintain and preserve order in the House. If order is not preserved, the Chair begs leave to say that it is the fault of gentlemen themselves.

Mr. HISCOCK. I have said that so far as this side of the House was concerned, the Republican side of the House, it will offer no unusual obstruction to a bill of the character I have indicated, but each member will reserve to himself the right to vote as he pleases upon any bill you will bring in here to pension the Mexican soldier alone. But when by party whip, by party discipline, you attempt to force through this House a bill which provides for pensioning people who were engaged in "disturbances" we shall resort to every means we have the right to under the Constitution to defeat such legislation.

Mr. Speaker, I will inquire how much time I have left?

The SPEAKER. The gentleman has twenty-five minutes.

Mr. HISCOCK. I yield the remainder of my time to the gentleman from Maine [Mr. REED].

Mr. REED. I desire to confine what I have to say to the point actually in issue, which is: Shall the member from Pennsylvania [Mr. BRUMM] be fined by the House? We all know that that would be a violation of what has grown to be one of the customs of this House; I mean the custom to excuse a member brought in here on occasions like this, who makes an excuse similar to that which the gentleman from Pennsylvania has made.

The action proposed by the gentleman from Indiana [Mr. LAMB] can be justified here and now only upon the ground of punishing the gentleman from Pennsylvania for some misbehavior in which we on this side of the House have participated. Are you willing to go to the country presenting this spectacle—a Democratic House two hundred strong, unable to get within sixty of your membership here, and yet punishing a gentleman on this side of the House because he was doing just what sixty of your own members have done? [Applause on the Republican side.]

You had an opportunity to take this matter into your own hands. We offered you complete control of this House, and you did not dare to take it; and the country knows why. It is because you did not dare to trust yourselves; you knew yourselves better than we did. [Laughter and applause on the Republican side.]

Here you have been struggling all night long, two hundred strong, to pass a bill which your gentle hearts are set upon, to pay men for Creek wars and disturbances of 1835 or some other unknown period, and it has come down to this, that you solidify at last upon a fine of $5 against the member from Pennsylvania. And the majestic heart of the Democratic party is just now stirred in pursuit of the Hon. S. S. COX and another of your leaders who seem somehow or other to have escaped. [Renewed laughter.]

Now, do you think this is a spectacle that you can afford to submit to this country? This is right to the point; this is on the question of whether you purpose to fine the gentleman from Pennsylvania. Why, you are only going to emphasize yourselves; that is all. You certainly do not want to do that.

The best thing on earth you can do is to go quietly away and—try to make the country think that this thing has never occurred. Now, is not what I have said directly to the point?

I submit it to the candid judgments of the men I see before me, calmed and soothed by what I have said. [Laughter.] I see that con-

viction has entered your minds. I see that the situation in which the ardor of my friend from Indiana [Mr. LAMB] has brought you is beginning to dawn upon you. Now, gentlemen, it seems to me that you ought to do simply your duty, and not undertake to make a scapegoat of somebody here.

I now yield to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. I regret, Mr. Speaker, that any feeling has arisen about this bill or that any feeling has arisen because of the proceedings that have taken place here to-night.

I was one of those who voted with the Democratic party in favor of the rules which are now in force. I voted against the rules proposed by the gentleman from Maine [Mr. REED], which would have given a bare majority the power and the right to have taken up this bill or any other whenever they chose to do so. I cast that vote in favor of the rules which the Democratic party sustain in this House because I believe that the less we legislate the better it is for the country. I am opposed to legislation except the passage of the necessary appropriation bills. It was for that reason I voted with you, and it was for that reason I voted against the proposition of the gentleman from Maine.

And now, because the rules which you have adopted prevent anything less than a quorum of your own party from taking up a measure, because we are enabled under your own rules to defeat you this night in your efforts to fix a day for the consideration of this bill, will you visit your anger upon a gentleman who takes advantage of the very rules you have laid down, an advantage which you yourselves have given him?

Mr. STOCKSLAGER. No; it was because he left the House in violation of the rules.

Mr. BAYNE. Others have left the House. Do you propose to deal harshly with them?

Mr. BROWNE, of Indiana. Where are your own fellows that you have not got here?

Mr. BAYNE. As the gentleman from Maine has said, there are fifty or sixty of your own members who are absent from your own side of the House. Do you propose to deal harshly with them? And there are others on this side of the House who are absent.

Mr. STOCKSLAGER. The gentleman from Pennsylvania [Mr. BRUMM] left the House after this contest began.

Mr. BAYNE. When gentlemen characterize the conduct of my colleague [Mr. BRUMM] as a violation of the rules, I simply want to say that it is what they themselves invited him to do and what I invited him to do when I voted for those rules. It is the privilege of any member on this floor to vote or not to vote, as he may see fit. My colleague exercised simply that privilege. His presence here would have availed nothing, for he would not have voted on any substantial proposition which would have given you a quorum on this measure. He would not have voted upon any question which would have helped to secure the passage of your resolution.

Now, are you going to single him out and impose a penalty upon him? I say to gentlemen that this is not the thing to do. It is a sort of thing which will recoil. This is not the way to treat a member who has acted just as forty, fifty, sixty, seventy, or eighty other members of the House have acted.

Mr. HOPKINS. Do not the rules require every member present to vote upon every question submitted?

Mr. BROWNE, of Indiana. And has not your side repeatedly violated that rule ever since the Forty-third Congress?

The SPEAKER. The gentleman from Pennsylvania [Mr. BAYNE] is entitled to the floor.

Mr. BAYNE. The gentleman knows as well as I do, for he has been here before, that although the rules require a member to vote, those rules are a dead letter and can not be enforced. It has been decided over and over again that a member of Congress can not be compelled to vote. Speaker Blaine, in one of his decisions, very aptly illustrated the matter when he said you might lead a horse to the trough, but you could not compel him to drink. No gentleman here can be compelled to vote. I claim it to be my right as a Representative on this floor to vote or not to vote on my responsibility not to this House but to my constituents. That is all the prerogative my colleague exercised—the privilege of not voting. I beg gentlemen of the House not to decide this question in any spirit of excitement, for we ought to approach the matter calmly; we ought to treat it in a judicial spirit. I beg of you to treat my colleague as others have been treated here—no better, no worse, but in the same way.

Mr. HENLEY. May I ask the gentleman a question?

Mr. BAYNE. How much time have I remaining?

The SPEAKER. Ten minutes.

Mr. HENLEY. The gentleman from Pennsylvania [Mr. BAYNE], who now addresses the House has earned a very well-deserved reputation all over the House for candor and fairness. I wish to ask him whether he does not think that the case of his colleague, who was here when this filibustering commenced, and who was in contempt of the order of the House, is properly to be distinguished from the cases of gentlemen who left here this afternoon in ignorance that there was going to be a night session. This was the case with the seventy Democrats that the gentleman from New York has spoken about.

Mr. BAYNE. In reply to that I will simply say you may call it filibustering or whatever else you please. I call it the privilege and right of a member to vote or not to vote as he sees fit. The presence of my colleague here would not have amounted to anything; he would have refused to vote so as to give you a quorum to pass the resolution for the consideration of this bill. If he had been here he would have refused to vote; so that it was the same thing whether he was absent or present.

I trust that what I have said will have influence and effect so far as my voice can reach, in order that my colleague may be dealt with fairly, that he shall not be singled out from the members of this House who have had to make excuses this night, and others who may hereafter make excuses.

I yield the residue of my time to my colleague [Mr. BRUMM], who desires to make an explanation.

The SPEAKER. If there be no objection, the gentleman from Pennsylvania [Mr. BRUMM] who has not yet been discharged by the House will occupy the time granted him by his colleague.

Mr. BELFORD. I rise to a parliamentary inquiry. I wish to ask whether a member of the House in the discussion of any question can "farm out" his time to any other member.

The SPEAKER. Every gentleman who occupies the floor in his own right is under the rules entitled to an hour. If he does not wish to occupy that time himself he may, according to a practice which has prevailed in this House almost from time immemorial, yield a portion of his hour to other gentlemen.

Mr. BELFORD. That may be the practice, but it is a practice "more honored in the breach than in the observance."

Mr. BRUMM. Mr. Speaker, I confess that this matter seems to have given me, or to be giving me, more notoriety than I really court, or than is, under any circumstances, pleasant to me. Were it simply that I were to speak to members of this House I would at this time not say one word, but leave this House to use their judgment and do just as they please under the explanation and apology I have made. But inasmuch as these discussions and this fact will be published to the country, and especially to my constituents, and that I am afraid that they might misconstrue my action and your action, I think it is due to myself and to them that I should state just exactly the facts as they occurred and my views on them.

The gentleman who made the motion to fine me $5 is laboring under a very great mistake when he says, or any other gentleman says, that I was here when the filibustering, as they call it, started and then skulked. Gentlemen, I never skulked. I am not made of that kind of material to skulk. If I had started in to filibuster, and had so understood it, I would have stood my ground and filibustered until the crack of doom. I did not understand this was a filibuster movement. I did not leave because I thought there was any filibustering to be done. Neither did I acknowledge that I was here until the filibustering, so-called, had started and then went out.

The gentleman—I do not know where he is from—who asked me the question whether I was not here and then left after the filibustering started was not answered by me. I wanted to answer then, but other gentlemen interrupted. You all seemed so anxious to have a victim you pitched in before I had a chance to answer. I never acknowledged to him I was here until the so-called filibustering had started, and then went out. I did not so acknowledge in my apology to the House. I stated in my apology rather jocularly that the "front of my offending hath this extent:" That I was here until nearly 6 o'clock; that I then felt very hungry, and I went home and got my dinner; that I had company to dinner; that I did not think there was anything of any importance going on, and therefore did not come back.

Now, I will submit to the reporters whether that is not the substance of my entire apology.

I remember very well, Mr. Speaker, in the last Congress when in the election cases a call of the House had been made, time and again my Democratic colleague [Mr. Klotz, from Pennsylvania] got up before this House, and instead of making a respectful apology began to talk in Pennsylvania Dutch. Yet the Republican House excused him. And there was a gentleman from Louisiana, I forget his name——

A MEMBER. Mr. Robertson.

Mr. BRUMM. Yes, Mr. Robertson, who made his apology in French from beginning to end. Yet you thought it rare sport that the Pennsylvania Dutch and French should be brought in here to account for their contempt of this House.

What is it I have done you are so anxious to punish me for and make me a catspaw in this case? Let me ask you, and especially those who were here before this session, which of you is guiltless so far as my offense is concerned? If there be any, let him cast the first stone.

Mr. ROGERS, of Arkansas. I think with the explanation made that my friend from Indiana should withdraw his motion.

Mr. BRUMM. I would like to make a further remark.

Mr. GIBSON. Mr. Speaker, I want to say that while I have no objection to the withdrawal of any motion——

The SPEAKER. The gentleman from Indiana has not proposed to withdraw his motion. The gentleman from Pennsylvania is still entitled to the floor.

Mr. ROGERS, of Arkansas. The gentleman from Pennsylvania yielded

to me to ask him a question. He has permitted me to interrupt him. After the statement which he has made, and which I must confess that I did not understand before, I hope my friend from Indiana will withdraw the motion. My impression had been before that the gentleman from Pennsylvania left during these proceedings.

Mr. GIBSON. I only desire to say the gentleman from New York made a speech here that gentlemen on our side desire to respond to.

The SPEAKER. That matter is not now before the House. The gentleman from Pennsylvania has three minutes remaining.

Mr. BRUMM. I yield a part of my time to the gentleman from Louisiana.

Mr. STORM. Before my colleague yields let me ask him at what stage of the proceedings was it that he left the Hall?

Mr. BRUMM. It was when a motion was pending to adjourn. I voted in favor of the adjournment. The vote I think was declared 92 to 91.

Mr. STORM. That was the first motion to adjourn.

Mr. BRUMM. Yes, sir; I do not know what motion, if any, was pending at the exact time I left.* But right here permit me to say that I had a wrong impression of this bill. I was under the impression at first that this bill included Jeff. Davis in its provisions, but the gentleman from Illinois [Mr. TOWNSHEND] told me no, it would not, and showed me the clause which would exclude him. That was sufficient to satisfy me. I said then that I had no special interest in the bill, and my vote was only in favor of adjournment, and could do no harm under the circumstances. I say this because gentlemen were present who know of this opinion which I entertained. Mr. PETTIBONE was near me.

Mr. PETTIBONE. Yes.

Mr. TOWNSHEND. I know that to be the fact.

Mr. BRUMM. As I understood the bill—I had not read it, but that was the opinion I first entertained—I do not know whether I should vote for it or against it.

I now yield the remainder of my time to the gentleman from Louisiana [Mr. HUNT].

The SPEAKER. The gentleman has one minute.

Mr. HUNT. Mr. Speaker, can I address the House without being confined to one minute?

The SPEAKER. If the gentleman addresses the House now it is in the time of the gentleman from Pennsylvania. The Chair will next recognize the gentleman from Texas, in accordance with the practice that prevails in this House of recognizing gentlemen in the order in which they apply for recognition.

Mr. HUNT. I desire to say two or three things here to-night, and I hope that I will be allowed a few minutes longer than the time accorded me by the gentleman from Pennsylvania in which I may be heard.

In the first place, permit me to say that I am opposed to fining the gentleman who has just addressed the House. Whether or not the House has a right to fine him is a question that I will not now undertake to argue. That question has been alluded to, and the gentleman from Ohio has addressed the Chair with reference to it. But, Mr. Speaker, to leave that question. The gentleman now at the bar has excused himself before the House.

The SPEAKER. The time of the gentleman from Louisiana has expired. The gentleman from Texas is recognized.

Mr. HUNT. I hope the gentleman from Texas will yield to me for a few moments.

Mr. REAGAN. I will yield five minutes to the gentleman from Louisiana.

Mr. HUNT. Mr. Speaker, I say that the gentleman from Pennsylvania excused himself to the House. He has stated that he apologized to the House, and I think, in view of the indulgence which has been shown to other gentlemen, it is only reasonable, kind, and proper in the House to excuse the gentleman.

But now, sir, I wish to say a word or two more upon another subject. This being the matter under consideration (to which I have just alluded), the gentleman from New York [Mr. HISCOCK] has taken occasion to address to this House one of the most violent and partisan harangues that I have ever listened to. During the course of that harangue he saw proper to impute to the leader on the floor, the chairman of the Committee on Ways and Means, expressions in regard to certain members of the House who are absent in language so offensive that he has drawn from the gentleman from Illinois repeated denials. But notwithstanding these repeated denials, and the positive assertions that the gentleman misstated the expression of the gentleman from Illinois, the gentleman from New York has returned again and again to this offensive language and repeated it. Is this the ground upon which you intend to put a great party? Is this the ground upon which you mean to stand, to attribute to a distinguished gentleman in an eminent position language that he never used in the face of his positive disclaimers repeated again and again upon the floor? I repeat, Mr. Speaker, that the gentleman from New York, notwithstanding the disclaimer, has reiterated his assertions and built upon them an argument unjust, unwise, and untrue.

Mr. HISCOCK. Let me say to the gentleman——

Mr. HUNT. I do not yield. I decline to yield, and I will not be interrupted. I decline the interruption of the gentleman from New York.

Mr. Speaker, what have we seen here to-night? A gentleman taking a position equally untrue, the gentleman from Maine [Mr. REED], who has exhibited here talents which I have frequently admired. I say we find this gentleman coming before the House and saying that they, that his party of Republicans, offered the House rules by which the majority of the House could govern it. They did no such thing. Assertion does not constitute truth. I myself voted for the proposed change in the rules referred to by the gentleman from Maine, and many more gentlemen on this side of the House—I speak according to the facts—voted for the change. Now, having made this assertion, unwarranted by the record, untrue as a matter of history, and unjust and arrogant in the extreme, the gentleman turned upon this side of the House and roared, "You did not dare to trust yourselves;" saying, I insist, that which is unjust and unfair, because it is contradicted by the RECORD. I repeat, the gentleman from Maine turned upon the House with a degree of arrogance I have seldom seen equaled, shook his finger over the House, and asked them how they liked the exhibition!

> There are a sort of men, whose visages
> Do cream and mantle, like a standing pond;
> And do a willful stillness entertain,
> With purpose to be dress'd in an opinion
> Of wisdom, gravity, profound conceit;
> As who should say, I am Sir Oracle,
> And when I ope my lips, let no dog bark!

[Applause.]

Mr. Speaker, I do not believe that assertions which are unwarranted, partisan zeal and inflamed talk not resting upon facts, give any superiority whatever to those who use them. They, on the contrary, only expose them to the just condemnation of right-thinking men.

The SPEAKER. The time of the gentleman has expired.

Mr. HUNT. One word more.

Mr. REAGAN. I must now resume the floor.

Mr. WARNER, of Ohio. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman from Ohio can not take a gentleman off the floor for the purpose of making a parliamentary inquiry.

Mr. WARNER, of Ohio. The gentleman has surrendered the floor.

The SPEAKER. The gentleman from Louisiana has surrendered the floor to the gentleman from Texas, who yielded it to him. A gentleman can interrupt another gentleman on the floor for the purpose of making a point of order, but not for the purpose of making a parliamentary inquiry.

Mr. WARNER, of Ohio. Then as a point of order I insist that the discussion be confined to the question before the House.

The SPEAKER. The Chair has decided again and again that the question must be confined to the question under debate. Of course the Chair can not undertake to prescribe what gentlemen shall say in their arguments. He can only determine when gentlemen are transgressing the rules of the House.

Mr. BRECKINRIDGE. Before the gentleman from Texas [Mr. REAGAN] proceeds I move that the gentleman from Pennsylvania [Mr. BRUMM] be allowed to take his seat while this debate is proceeding.

Mr. REAGAN. The gentleman has the right to take a seat.

Mr. BRECKINRIDGE. He is at the bar of the House.

The SPEAKER. The gentleman from Pennsylvania [Mr. BRUMM] can resume his seat if he desires.

Mr. REAGAN. I think it is much to be regretted that there should have been so much manifestation of feeling on this occasion. It seemed to be understood when the gentleman from Pennsylvania was first brought to the bar of the House that he was here in his seat and participated in the early disturbance of the proceedings of the House to-night by filibustering; and if that had been his case it would have been different from that of any gentleman who has been brought before the bar of the House this evening, and might very justly have been differently treated. But inasmuch as he has declared he was not present, I do not see there is a material difference between his position and the position of other gentlemen who have been brought to the bar of the House this evening.

I must confess, Mr. Speaker, to some degree of astonishment at the arraignment of the House by the gentleman from Indiana [Mr. BROWNE] who first addressed the Chair on this subject. Solemn and repeated asseverations were made of the disorderly and disreputable action of the House of Representatives, and that was made the basis for charging that disorder upon the Democratic side of the House. The Democratic side of the House was simply attempting to get a resolution passed, if it could, authorizing the consideration of a bill to which much importance was attached by members of the House and in which many of the people of this country are deeply interested; old, decrepit, worn-out men, men who bore the banners of this country in a foreign land and won territory equal to the original thirteen States in size, now peopled by more of the American people than were in the Colonies during the Revolutionary war.

Sir, it was while we were seeking to get this bill before the House that the gentleman and his friends chose, rather than let these time-worn and scarred veterans have a hearing before the House—chose, in the face of the rule of the House which requires each member to vote

on all propositions submitted if he is not excused—chose to avail themselves of an irregular, revolutionary method of defeating the action of the House by refusing to vote. The excuse offered to the House for this was that the Democrats had acted in a like manner on former occasions.

It would be perhaps almost idle to speak to those who have witnessed the proceedings of the House during the last eight years on the subject of this filibustering. But it is fair to say, it is just to say, it is true to say, that whenever the Republicans have been in the minority they have resorted to this, continually almost, to a degree in which it was not resorted to by any other party, either Democratic or any other, in the history of this Government for the purpose of defeating the will of the people and of defeating legislation. And if the Democratic party had been doing wrong, it was hardly to have been expected that a learned and distinguished gentleman should say that his party had a right to do wrong because some other party had done wrong, and that, sir, in the face of the facts that have occurred to-night, where all this confusion, delay, and excitement have been produced by that gentleman and his associates in attempting to resist the lawful action of this House in setting a day to consider an important public bill; not to pass it, to set a time for examination, for amendment, for discussion, that it might be matured; if it had bad features, that they might be stricken out; if it lacked important features, that they might be placed in it, for the purpose of giving a fair discussion and consideration and having fair action on this measure.

And then the gentleman from Indiana was re-enforced by the distinguished gentleman from New York [Mr. HISCOCK], who, with a violence of manner altogether uncalled-for by the occasion and an exhibition of mock heroics, moved up and down the area in front of the Speaker in a way that I take it when he gets cool he will not consider to have been a seemly and proper parliamentary exhibition.

Mr. HISCOCK. Will the gentleman allow me a question there?

Mr. REAGAN. Yes, sir.

Mr. HISCOCK. I desire to ask the gentleman if he did not unite with the Democratic minority of the last Congress to resist the amendment of the rules which governed this House so as to prevent filibustering and raising the question of no quorum?

Mr. REAGAN. I think the gentleman is mistaken, for I have been in favor of the rules proposed by the gentleman from Maine [Mr. REED], and have voted for them whenever I had the opportunity.

Mr. HORR. The gentleman from New York alluded to the rule in reference to bringing election cases to a decision.

Mr. REAGAN. In that case the rules of the House had been arbitrarily violated by the gentleman who occupied the place which you, Mr. Speaker, now occupy, to seat one not elected to a position in this House upon forged and fraudulent papers and to deprive one justly elected of his seat. In view of this violence, contemplating wrong, I would have filibustered until the crack of doom rather than submit to this violation of the rules, this outrage, this wrong. [Applause.]

Sir, I would have thought that the gentleman would not have wished to call that case back to memory—a case in which it appeared upon this floor that forged and fraudulent papers were being used, the character of which was not discovered until the trial had begun, and when the contestee was denied the privilege of answering them or of producing the evidence to prove the forgery and fraud.

Mr. REED. Will the gentleman from Texas [Mr. REAGAN] permit me a moment?

Mr. REAGAN. Not to submit an argument.

Mr. REED. A question of fact which I wish to call to the memory of the gentleman from Texas. The gentleman from Texas says that he does not remember whether he declined to vote.

Mr. REAGAN. I say I did not decline to vote; that I voted.

Mr. REED. I will say to the gentleman from Texas that if he will examine the matter he will find that he is now mistaken, that he sat silent as we have sat to-night.

Mr. REAGAN. The gentleman is exceedingly smart and sharp.

Mr. REED. It is not a question of sharpness.

Mr. REAGAN. For a man of his size and weight he is considerably sharp. [Laughter.]

Mr. REED. It is not a question of smartness; it is a question of fact.

Mr. REAGAN. I know that I resisted that wrong by all the means that I could use. Such a parliamentary fraud has never been exhibited for the last two hundred years in any country having parliamentary law to govern it—in any country that I know of. But that is aside from what I expected to say.

The gentleman from New York [Mr. HISCOCK] arose and arraigned this side of the House for being unable to control the action of the House, for being unable to pass bills. He arraigned members of this side of the House who happened to be absent to-night because they doubtless did not know that such an affair as this was to have come up. It will be remembered that this disturbance arose after the usual hour of adjournment, when I have no doubt many members had gone to their homes for their dinners. Some of them have been brought back here; others have not been found. But at any rate the line of argument used by the gentleman from New York is not fair, to assume that they were absent willfully and purposely to avoid participation in the proceedings of this night. I take it for granted that if they had anticipated such a condition of things there would have been enough of them here to have made a quorum and to have prevented the disgraceful scenes which have been enacted here to-night.

In reply to the first gentleman who spoke upon this matter, and to the gentleman from Tennessee [Mr. PETTIBONE] who three times repeated that we did not know how to manage our business, and to the last gentleman who spoke, all of them taunting us about our inability with a large majority to control the action of this House, I will say that I trust that those taunts and those challenges will be sufficient to arouse a patriotic devotion to duty and principle that will enable the Democratic members of this House hereafter to be present in their places and to control the proceedings of this House. [Applause on the Democratic side.]

But for the fact that these Republican tactics have been resorted to, tactics always exhibited when they are in a minority here, and that they count as an element of their strength on the vacillation and the want of endurance of those on this side of the House, I would have been willing to have abandoned this struggle before now. But while I am less able than many to remain here to-night by reason of afflictions that unfit me for it, I say to you that rather than permit them to dictate our policy in a manner so unjust in reference to a measure so important as this, I would stay here, sleeping or waking, without adjournment until final action is had, if it shall take until the fourth of next July. [Applause on the Democratic side.] And unless we mean to do that, unless we have the courage to use the strength and power given to us, we are unworthy of the position that we fill here, and might as well surrender the control of legislation in this body.

I say to our friends here that if these taunts, if these insults, if this audacity hurled into their faces will not bring our Democratic friends to a sense of duty and a respect for themselves and their rights and the rights of the people they represent, I do not know what will do it. I hope they will stand by the right, and teach our Republican friends on the other side that they will have a lively time from this time on in endeavoring to prevent legislation by filibustering. [Renewed applause.]

If we were proposing to overthrow the Constitution, to violate the rules of this House, as was the case to which the gentleman from New York called your attention, when his party was trying for partisan purposes to overthrow, and did overthrow, the rules of the House—if such a thing as that was being done by the Democratic party, I should not blame the Republicans for resisting by all the means they could avail themselves of. But when we are simply proceeding quietly and orderly with legitimate legislation, to which there is no constitutional objection, merely trying to obtain a hearing upon a bill that for now the third or fourth time has been reported favorably from the Committee on Pensions, reported by consent of members of both parties, once before unanimously and now again——

Mr. HEWITT, of Alabama. Will the gentleman allow me a moment?

Mr. REAGAN. Certainly.

Mr. HEWITT, of Alabama. The section of this bill criticised by the gentleman from New York [Mr. HISCOCK] passed the House of the Forty-fourth Congress without a dissenting voice.

Mr. HORR. Will the gentleman permit me to ask him a question?

Mr. REAGAN. Certainly.

Mr. HORR. You admit that there are cases where a man has a right to filibuster.

Mr. REAGAN. I do not believe that there is any such right. I have always believed that when a member refused to vote under the rules of the House which required him to vote on a question coming before the House for action, unless he is excused, he puts himself in contempt of the House. But you can not enforce the rule, simply because the minority may withhold their votes and defeat the effort of the majority to enforce the rules. Such a course is a violation of rule, a violation of right; but thus far no parliamentary means has been found to prevent or punish it.

Mr. HORR. The gentleman did not fully answer my question. He admits that his party did as we are doing. Now the question is, whether we have the right to decide in our own minds when it is our right and duty to pursue this course or whether we shall permit gentlemen on the other side to decide that for us.

Mr. GIBSON. The gentleman from Michigan said the other day that some of us had not the right to decide these questions for ourselves.

Mr. HORR. The gentleman from Texas understands my question.

Mr. REAGAN. Of course no member of the House and no party will assume the right to judge for another member or for another party. Members and parties judge upon their own responsibility as to the propriety of their own action. What I said before was that if an attempt was being made to violate the Constitution or to overthrow the rules of the House, that proceeding, being itself revolutionary, might be met by the revolutionary proceeding of refusing to vote. But never have I given my consent that it was a legitimate or proper method of meeting legitimate legislation to which there was no constitutional objection and where there was no element of wrong entering into it.

Mr. STEELE. I know the gentleman from Texas does not wish to

misrepresent the position of the committee on this question. Therefore he will allow me to state that in the committee I and one other member voted against reporting this bill favorably.

Mr. REAGAN. I accept the correction of the gentleman. I was induced to make my statement because a member of the committee had so stated, no doubt through inadvertence. Of course the gentleman from Indiana knows what occurred in the committee.

Mr. BELFORD. I would like to ask my friend from Texas a question.

Mr. REAGAN. I beg pardon; the gentleman from Colorado has put his oar in several times to-night and he ought to be satisfied.

The SPEAKER. The gentleman from Texas declines to yield.

Mr. REAGAN. All the gentlemen on the other side have based their failure to vote, their engaging in revolutionary proceedings, upon the distinct ground—gentlemen on the other side smile because I call it "revolutionary," but if they will study the case they will find I am not mistaken in giving it that name—they base their revolutionary action upon the fact that others have done the like, that Democrats have done the same thing. No one of them has attempted otherwise to justify his course, except in what was said by the gentleman from New York, who read and arraigned the provisions of the bill, as if we were acting upon its provisions at this time, ignoring the fact that what we are now simply seeking an opportunity to bring the bill before the House, where it may be debated, where it may be amended, where it may be perfected, where it may be enacted into a law if the House should so judge or if the majority should so choose, where it may be defeated.

Mr. Speaker, it is not my custom to criticise on this floor the political action of parties. I have made it a rule, as a general thing, to address myself to an entirely different class of questions. However others may enjoy the arraignment or assailment of their adversaries, right or wrong, reasonably or unreasonably, I have not much taste for such discussion, and I would not have made these remarks now but for the fact that it seemed to me gentlemen have assumed oracular airs and arraigned the action of the House as if they were not the guilty parties in what was going on—have assumed that they represent the patriotism, the integrity, the honor, and the honesty of this country; as if they were not responsible for outrages that have been perpetrated upon this country through years past in legislation only to be thought of in order to be shunned.

Mr. McCOID. I would like to ask the gentleman a question. Is it not true that when this matter began this evening, or rather last evening, the usual hour of adjournment had passed; that a motion to adjourn had been voted for by almost a majority, I believe, on the other side of the House; and it was only when members generally understood that it was the Mexican pension bill which was at issue that the other side of the House rallied with determination to put the resolution through that night? Was it not an arbitrary determination at that hour? And did not this arouse the opposition that occurred? I think it did.

Mr. REAGAN. I will reply to the gentleman that about the usual hour for adjournment the chairman of the Committee on Pensions made a motion which looked to securing the action recommended by his committee on this bill.

Mr. HEWITT, of Alabama. On that proposition the committee was unanimous.

Mr. REAGAN. In accordance with a unanimous recommendation of the committee, the gentleman from Alabama sought to have passed a resolution which would secure action upon a bill agreed to by the committee. If the resolution should fail to be acted upon during this legislative day the bill must either go to the Calendar, there to sleep the eternal sleep, or the matter must pass over until the third Monday of next month before the motion can be again made.

The gentleman from Iowa and all others understand why anxiety should have been manifested to put that resolution through at this time—not a resolution to pass the bill, but simply to fix a day for its consideration. And, Mr. Speaker, if the gentleman and his partisans had consented to let the proceedings of the House go on and votes to be taken without resorting to the process of filibustering, we would have acted on that resolution and would have adjourned the House by half past 6 o'clock. But as soon as gentlemen on the other side saw that the purpose was to bring the bill before the House for consideration, the process of delay, of the calling of yeas and nays, the calls for divisions, and refusing to vote, commenced and have gone on up to the present time, 3 o'clock in the morning.

I beg pardon for having occupied the floor so long. I yield to the gentleman from Indiana [Mr. LAMB].

Mr. LAMB. I yield for five minutes to the gentleman from Illinois.

Mr. WELLER. I am sick and have been brought here, and I want to be excused and permitted to go home.

The SPEAKER. The Chair can not unless by unanimous consent interrupt this proceeding.

Mr. MORRISON. I am obliged to the gentleman from Indiana for his courtesy.

Mr. BAYNE. Let us have order.

The SPEAKER. The Chair is endeavoring to secure order. Gentlemen will resume their seats and cease conversation.

Mr. MORRISON. Mr. Speaker, I said I was obliged to the gentleman from Indiana [Mr. LAMB] for his courtesy while I correct the statements of the gentleman from New York [Mr. HISCOCK] in reference to me, and which he seemed unwilling to correct. I neither desire to complain nor to answer his violent tirade when he was speaking in front of the Speaker's or Clerk's desk. He said in a somewhat violent manner, Why do you not punish your own absent members? Why do you seek out this gentleman from Pennsylvania and make him the victim? My reply was that the Democratic members who were absent had not been here during these proceedings since the call of the House began and had not skulked away in contempt of the House and its proceedings. By that reply I of course meant by implication to say that the gentleman from Pensylvania had skulked away in contempt of the proceedings of the House. I said so because I then believed, from what the gentleman had said himself, he had, after the call of the House and in violation of its order, gone away from the proceedings and in contempt of what was going on here. Afterward, on further explanation, I came to learn from the gentleman's statement that I had misapprehended the facts, and that he had not gone away in contempt of the proceedings of the House. Therefore it is, Mr. Speaker, I want to say I wronged him in making that statement. [Applause.]

Mr. HISCOCK. I hope the gentleman from Indiana will yield to me a moment.

Mr. LAMB. Certainly.

Mr. HISCOCK. The gentleman from Illinois [Mr. MORRISON] knows full well that there is no gentleman on this floor I respect more than I do him. I believe since I have been a member of this House his relations and mine have been friendly; more than that, they have been cordial.

I can only say in answer to what he said it is barely possible in the heat and excitement of the moment—and I think you will bear me witness, Mr. Speaker, that at the time I was subjected to a great many interruptions—it is barely possible I misunderstood the statement he made. I certainly accept the statement he has now made as the one he made on that occasion.

Mr. LAMB. Oil seems to have been poured on the troubled waters, and the gentleman from New York [Mr. HISCOCK] is now as peaceful as a while ago he was boisterous. If the gentleman from Pennsylvania [Mr. BRUMM] had made the statement at the time he was brought in that he has now made there would have been no motion made to fine him. As the House has waked to a sense of its duty to the business of the House I ask permission to withdraw my motion. [Applause.] I move he be discharged.

Mr. PEELLE, of Indiana. I move to reconsider the vote by which the House refused to excuse Mr. BRUMM.

The motion was agreed to; and then Mr. BRUMM was excused.

Mr. BURNES. I beg to call the attention of the Chair to the fact that the wife of a member is being detained unnecessarily because of this debate. I therefore ask the unanimous consent that the gentleman from North Carolina, Mr. O'HARA, have leave of absence for one hour to escort his wife home.

The SPEAKER. Without objection the gentleman from North Carolina will be permitted to have leave of absence for one hour.

There was no objection.

Mr. GUENTHER. I move that the gentleman from Iowa [Mr. WELLER] be excused for to-night on account of sickness.

Mr. WELLER. Mr. Speaker, I desire to state further that I made a pair with Hon. Mr. KASSON, of Iowa, before I left; and supposed and understood, in fact, that it excused me. I was at home and sick with pneumonia when I received notice to attend the House. I am unable to remain any longer.

The motion was agreed to; and Mr. WELLER was excused.

The Sergeant-at-Arms appeared at the bar of the House, having in custody, in obedience to its order, Mr. CURTIN, Mr. FINERTY, Mr. BUDD, Mr. MITCHELL, and Mr. GLASCOCK.

The SPEAKER. Mr. CURTIN, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. CURTIN. Mr. Speaker, after the vote was taken to adjourn, and desiring to get home because I had engagements there, I paired with Mr. RICE, of Massachusetts, and left the Hall and went to my residence. At that time I was not aware that any great necessity required my presence in this House. I must confess, therefore, to my amazement when I came in the door in custody of the Sergeant-at-Arms and found the gentleman from New York there occupying the floor, waltzing up and down in the area here, and the gentleman from the Rocky Mountains, full of fire and vim, standing in his rear, and the House in a state of seeming confusion and violence which I must confess I did not expect. Mr. Speaker, if I had supposed there was to be an exhibition of so much violence and so much temper I think I should have remained away or attempted to escape from the custody of the Sergeant-at-Arms.

That is all, Mr. Speaker. I meant no disrespect to the House.

Mr. OCHILTREE. Did you leave the House before the filibustering began?

Mr. CURTIN. I left before any exhibition of the kind which has just enlightened the House took place. I left before I saw anything like this exhibition or heard any of the abuse of a great political party.

I have stated that I did not know there was anything of the kind going on. I am opposed to all violence, and I confess that I do not like abuse at any time; but when I came into this House, when I entered that door, I found that the majority of this House was being subjected by the gentleman from New York who had the floor to a vast amount of personal vituperation and abuse. I am not disposed to accept that kind of abuse myself, and if a gentleman wants to abuse me at any time I will take it from him with great kindness, but I will return it blow for blow. [Laughter and applause.] Now, if it is the wish of the House to fine me I will pay it.

Mr. COOK. I move that the gentleman be excused.

The motion was agreed to.

Mr. CURTIN. It cost me nothing. [Laughter and applause.]

The SPEAKER. Mr. FINERTY, you also have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. FINERTY. I left the House, Mr. Speaker, under the belief that it had settled down to the regular habit of adjourning at 5 o'clock. I left before there was any notice or indication of the proceedings that have enlivened the House to-night. I left, of course, without the intention of violating the rules of the House or in any way running contrary to the wishes of its members. I have no other excuse, sir, to make. I came when I was called on, at a very unseemly hour, out of my bed to this House, having braved the midnight air, or rather, I should say, the early morning air, for the purpose of obeying the summons; and I think, to speak truthfully, that it is sufficient punishment to be driven through this damp atmosphere for a couple of miles. And having come in obedience to the call, I submit myself to the action of the House.

Mr. TOWNSHEND. I move that he be excused.

The motion was agreed to.

The SPEAKER. Mr. BUDD, you have also been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. BUDD. I have been ill for about a month, and left the House on account of illness. I wish to state, though, that had I known that a bill to pension the Mexican war veterans would come up at the evening session or at any other time I would have staid here, although they carried my body to California at a large expense of cocktails, as they did in Garfield's case.

Mr. POST, of Pennsylvania. I move that he be excused.

The motion was agreed to.

The SPEAKER. Mr. MITCHELL, you have also been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. MITCHELL. I left the House at 5 o'clock after the yea-and-nay vote, supposing the House was about to adjourn. Had I known that there was any probability of such a session I should have remained here.

Mr. SEYMOUR. I move that he be excused.

The motion was agreed to.

The SPEAKER. Mr. GLASCOCK, you have also been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. GLASCOCK. I have no other excuse to offer than that which has been offered by the three gentlemen who preceeded me. I left the House about a quarter to 5 o'clock, under the impression that the House would adjourn at the regular time. I knew of no proceedings then pending which would consume the time of the House, and had no idea that we would go into a night session until I was aroused by the Sergeant-at-Arms. I have no excuse to render. No man under the circumstances has any, and I await the action of the House.

Mr. HENLEY. I move that he be excused.

The motion was agreed to.

Mr. BELFORD. I move that the House do now adjourn.

The question being taken, the Speaker stated that the "noes" appeared to have it.

Mr. WILLIS. I ask for the yeas and nays on that motion to test the condition of the House, whether there is a quorum.

The yeas and nays were ordered.

The question was taken; and there were—yeas 57, nays 143, not voting 120; as follows:

YEAS—57.

Adams, G. E.	Ellwood,	Lyman,	Rowell,
Atkinson,	Everhart,	McCoid,	Stephenson,
Bayne,	Guenther,	McComas,	Strait,
Belford,	Hanback,	Millard,	Struble,
Boutelle,	Hart,	Nelson,	Taylor, J. D.
Breitung,	Hatch, H. H.	Nutting,	Thomas,
Brown, W. W.	Henderson, D. B.	Parker,	Valentine,
Brumm,	Hepburn,	Payne,	Warner, A. J.
Campbell, J. M.	Hitt,	Peelle, S. J.	Weaver,
Cannon,	Horr,	Pettibone,	White, Milo
Chace,	James,	Price,	Whiting,
Cook,	Johnson,	Ranney,	Wilson, James.
Cutcheon,	Lacey,	Ray, G. W.	
Davis, G. R.	Lawrence,	Reed,	
Dunham,	Long,	Rockwell,	

NAYS—143.

Adams, J. J.	Ermentrout,	Lovering,	Slocum,
Aiken,	Ferrell,	Lowry,	Snyder,
Alexander,	Fiedler,	McAdoo,	Spriggs,
Arnot,	Finerty,	McMillin,	Steele,
Bagley,	Follett,	Matson,	Stevens,
Ballentine,	Foran,	Maybury,	Stewart, Charles
Barksdale,	Forney,	Miller, J. F.	Stockslager,
Beach,	Fyan,	Mitchell,	Storm,
Bennett,	Geddes,	Morgan,	Sumner, D. H.
Blanchard,	Gibson,	Morrison,	Talbott,
Breckinridge,	Glascock,	Morse,	Taylor, J. M.
Broadhead,	Goff,	Muldrow,	Throckmorton,
Buchanan,	Graves,	Murphy,	Tillman,
Budd,	Green,	Murray,	Townshend,
Burnes,	Greenleaf,	Mutchler,	Tucker,
Cabell,	Halsell,	Neece,	Tully,
Caldwell,	Hardeman,	Oates,	Turner, H. G.
Campbell, Felix	Hatch, W. H.	Ochiltree,	Turner, Oscar
Clay,	Hemphill,	Paige,	Van Alstyne,
Clements,	Henley,	Patton,	Vance,
Cobb,	Herbert,	Pierce,	Van Eaton,
Collins,	Hewitt, G. W.	Peel, S. W.	Ward,
Converse,	Holton,	Post,	Warner, Richard
Cosgrove,	Hopkins,	Potter,	Wemple,
Cox, W. R.	Houseman,	Pryor,	Wilkins,
Crisp,	Hunt,	Pusey,	Williams,
Dargan,	Hurd,	Reagan,	Willis,
Davidson,	Jeffords,	Reese,	Wilson, W. L.
Davis, L. H.	Jones, B. W.	Riggs,	Winans, E. B.
Dibble,	Jones, J. K.	Robertson,	Wolford,
Dockery,	King,	Rogers, J. H.	Wood,
Dowd,	Kleiner,	Rosecrans,	Woodward,
Dunn,	Laird,	Scales,	Worthington,
Eldredge,	Lamb,	Seymour,	Yaple,
Elliott,	Lanham,	Shaw,	York.
Ellis,	Lewis,	Skinner, T. G.	

NOT VOTING—120.

Anderson,	Deuster,	Kean,	Ray, Ossian
Barbour,	Dibrell,	Keifer,	Rice,
Barr,	Dingley,	Kelley,	Robinson, J. S.
Belmont,	Dorsheimer,	Kellogg,	Robinson, W. E.
Bingham,	Duncan,	Ketcham,	Rogers, W. F.
Bisbee,	Eaton,	Le Fevre,	Russell,
Blackburn,	Evans, I. N.	Libbey,	Ryan,
Bland,	Evins, J. H.	Lore,	Seney,
Blount,	Findlay,	McCormick,	Shelley,
Bowen,	George,	McKinley,	Singleton,
Boyle,	Hammond,	Mayo,	Skinner, C. R.
Brainerd,	Hancock,	Miller, S. H.	Smith,
Brewer, F. B.	Hardy,	Milliken,	Spooner,
Brewer, J. H.	Harmer,	Mills,	Springer,
Browne, T. M.	Haynes,	Money,	Stewart, J. W.
Buckner,	Henderson, T. J.	Morey,	Stone,
Burleigh,	Hewitt, A. S.	Morrill,	Sumner, C. A.
Calkins,	Hill,	Moulton,	Taylor, E. B.
Candler,	Hiscock,	Muller,	Thompson,
Carleton,	Hoblitzell,	Nicholls,	Wadsworth,
Cassidy,	Holman,	O'Hara,	Wait,
Clardy,	Holmes,	O'Neill, Charles	Wakefield,
Connolly,	Hooper,	O'Neill, J. J.	Washburn,
Covington,	Houk,	Payson,	Wellborn,
Cox, S. S.	Howey,	Perkins,	Weller,
Culberson, D. B.	Hutchins,	Peters,	White, J. D.
Culbertson, W. W.	Jones, J. H.	Phelps,	Winans, John
Cullen,	Jones, J. T.	Poland,	Wise, G. D.
Curtin,	Jordan,	Randall,	Wise, J. S.
Davis, R. T.	Kasson,	Rankin,	Young,

So the motion to adjourn was not agreed to.

After the second roll-call the following proceedings occurred:

Mr. NICHOLLS. I am paired with the gentleman from Ohio [Mr. MCCORMICK]. As this seems to be regarded as a political question, I withdraw my vote.

Mr. CALKINS. I am paired with the gentleman from Texas [Mr. CULBERSON] and withdraw my vote.

Mr. CRISP. I make the point of order that the gentleman from Indiana [Mr. CALKINS], being under arrest, is, strictly speaking, not here.

The SPEAKER. The Chair is not aware that the gentleman from Indiana is under the custody of the Sergeant-at-Arms.

Mr. CRISP. But that is the fact.

The SPEAKER. At any rate, the gentleman from Indiana withdraws his vote.

Mr. TALBOTT. I am paired with the gentleman from Pennsylvania [Mr. HARMER]. The understanding was that either of us might vote to make a quorum. I have therefore voted.

Mr. CURTIN. I should like the Clerk to read the pairs to show how long my pair lasts.

The SPEAKER. The Clerk will report all the pairs not already reported during the day.

Mr. ARNOT. I desire to vote.

The SPEAKER. The rules of the House are very imperative that a gentleman can not vote after the second roll-call. It has been the custom, however, to allow a gentleman to vote when he states he was in his seat giving attention but failed to hear his name called. Does the gentleman from New York [Mr. ARNOT] make that statement?

Mr. ARNOT. I do, sir.

The SPEAKER. If there be no objection the gentleman from New York will be permitted to vote.

There was no objection.

Mr. ARNOT. I vote "no."

Mr. HOUK. I am paired with Mr. BARBOUR, of Virginia, and desire to withdraw my vote.

The following additional pairs were announced:

Mr. HISCOCK with Mr. WASHBURN.

Mr. HISCOCK. I voted, not supposing that my vote was involved in that pair. But I now withdraw it.

Mr. DAVIS, of Illinois, with Mr. THOMPSON.

Mr. WELLBORN with Mr. BREWER, of New Jersey.

Mr. NICHOLLS with Mr. MCCORMICK.

Mr. RICE with Mr. CURTIN, for this evening.

Mr. CURTIN. Do the words "this evening" imply that the pair is to be regarded as still continuing?

The SPEAKER. That is scarcely a question for the Chair to decide. The Chair supposes, however, that the words mean the pair extends during the legislative day.

Mr. CURTIN. Then I withdraw my vote.

Mr. MOREY. There has been some mistake about arranging pairs. The gentleman from Ohio [Mr. MCCORMICK] is paired with two gentlemen. I withdraw my vote, and pair myself with Mr. BLOUNT, of Georgia.

The result of the vote was then announced as above stated.

The Sergeant-at-Arms appeared at the bar, having in his custody Mr. CALKINS, of Indiana, and Mr. LACEY, of Michigan.

The SPEAKER. Mr. CALKINS, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. CALKINS. Before this affray began I had at the suggestion of my good friend Governor THROCKMORTON paired with one of his colleagues from Texas [Mr. CULBERSON] and had gone home. The reason I yielded so readily was that some time ago we were engaged in some little unpleasantness together and I did not want the gentleman to harbor any feelings of discord or disharmony with any of us who were against him, and on his suggestion I paired with him and went home. If I had known my comrades desired my presence I should have been here long ago. The moment the messenger was sent and I received word it was desirable that I should be here, with all due haste as fast as horses could bring me I came and I am here to stay the balance of the time.

Mr. ROBERTSON. I move that Mr. CALKINS be excused.

The motion was agreed to.

The SPEAKER. Mr. LACEY, you also have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. LACEY. The usual hour of adjournment having arrived and there being a motion to adjourn pending, I left the House supposing that it would then adjourn. As soon as I received an invitation to return here I immediately came and am here, and ask to be excused for non-attendance.

Mr. BAYNE. I move that the gentleman be excused.

The motion was agreed to.

Mr. HENDERSON, of Iowa (at 4 o'clock and 55 minutes a. m). As most of the members here seem to be asleep, I think perhaps we can carry a motion that I wish to make. I move that the House do now adjourn.

The motion was not agreed to, upon a division—ayes 34, noes 66.

The Sergeant-at-Arms (at 5 o'clock and 15 minutes a. m.) appeared at the bar of the House, having in custody Mr. CASSIDY, Mr. CLARDY, and Mr. CARLETON.

The SPEAKER. Mr. CASSIDY, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. CASSIDY. I left last evening at the usual hour of adjournment, a motion to adjourn pending, and supposed everybody was going to vote for it. I should have been very happy to have joined you here if I had known that gentlemen intended to remain.

Mr. WILLIS. I desire to ask the gentleman a question.

Mr. CASSIDY. Certainly.

Mr. WILLIS. It is whether he has now come here at the earliest moment that he knew the House was in session? Two hundred members have been kept here all night, many of them absent from sick families.

Mr. CASSIDY. This is the first notice I have had that the House was in session.

Mr. POST, of Pennsylvania. I move that the gentleman be excused.

The motion was agreed to, upon a division—ayes 42, noes 4.

The SPEAKER. Mr. CLARDY, you also have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. CLARDY. I left about 5 o'clock last evening, thinking the House was about to adjourn. About 9 o'clock, perhaps earlier, I learned that the House was in session. I came up here and found I could not effect an entrance unless supported by the Sergeant-at-Arms. I remained here perhaps an hour and then went to my hotel and have been there ever since.

Mr. MORGAN. I move that my colleague be excused.

The motion was agreed to.

The SPEAKER. Mr. CARLETON, you also have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. CARLETON. My excuse is the same as that given by the gentleman before me; I did not know that the House was in session.

Mr. ARNOT. I move that the gentleman be excused.

The motion was agreed to.

Mr. WILLIS (at 5.30 a. m.). I submit the resolution which I send to the Clerk's desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the leaves of absence heretofore granted members of this House for the present legislative day be, and they are hereby, revoked, and the Sergeant-at-Arms is hereby instructed to notify them of this action of this House and to request their immediate attendance.

The SPEAKER. The question is on the adoption of the resolution which has been read by the Clerk.

Mr. REED. That is a proposition to revoke leaves of absence given on account of sickness. Does the House intend to do that?

Mr. MORRISON. That is just what we are going to do.

Mr. REED. You are getting pretty desperate.

Mr. GIBSON. All those sick men have got well by this time.

Mr. WILLIS. I ask a vote on my resolution.

The SPEAKER. The gentleman from Maine [Mr. REED] is on the floor.

Mr. REED. I think I have made about all the observations on this matter that occur to me now.

The question was taken on adopting the resolution offered by Mr. WILLIS; and upon a division, there were—ayes 59, noes 22.

Before the result of the vote was announced,

Mr. REED said: I make the point of order that no quorum has voted on this question.

The SPEAKER. Has the gentleman any suggestion to make on the point of order?

Mr. REED. The suggestion I make is that this proposition is in the nature of business and not in pursuance of a call of the House. It is a proposition to revoke and annul certain business which has been transacted by the House.

The SPEAKER. The Chair thinks this is a proceeding to secure the attendance of absent members in order to make a quorum for the transaction of business by the House.

Mr. MORRISON. The same House that excuses the gentlemen can bring them back.

The SPEAKER. Less than a quorum may decide all questions of that character.

Mr. DAVIS, of Illinois. Allow me to make a suggestion.

The SPEAKER. The gentleman will state it.

Mr. DAVIS, of Illinois. It is that this resolution simply requests those members to be present here; it does not order their arrest.

The SPEAKER. That is correct.

Mr. HISCOCK. Is there any evidence before the Speaker that less than a quorum granted these leaves of absence?

The SPEAKER. The Chair, of course, could decide that question by an inspection of the Journal.

Mr. REED. There is no doubt that some of them were excused by a quorum.

Mr. HISCOCK. The question of a quorum upon the excuse was never raised.

The SPEAKER. But the Chair thinks that the House must possess the inherent power to preserve its capacity for legislation. When it finds itself without a quorum it can require the attendance of absent members.

Mr. REED. As this is a novel question, allow me to make a suggestion to the Speaker. Suppose that there being no question of a quorum the House granted leave of absence to a member for five or six days. We know the object of obtaining leave of absence is that the member shall not be sent for by the Sergeant-at-Arms. Now, can the House with less than a quorum revoke and reverse the action of a full House and send for that member? I have no doubt that on inspection it will be found that some of those who are absent by leave of the House were excused by the House before this contest began.

Mr. GIBSON. Every vote taken to-night has shown the absence of a quorum. The whole delay has arisen on account of that fact.

The SPEAKER. The Clerk will read from clause 2 of Rule XV:

The Clerk read as follows:

In the absence of a quorum fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members; and in all calls of the House the names of the members shall be called by the Clerk and the absentees noted.

The SPEAKER. The Clerk will also read a provision of the Constitution.

The Clerk read as follows:

Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Mr. REED. Those penalties and those methods must be previously prescribed by the House—the full House.

The SPEAKER. The gentleman will observe that the constitutional provision is simply that less than a quorum may be authorized to compel the attendance of members, and the rule which has just been read does authorize less than a quorum to compel such attendance.

Mr. CALKINS. But, Mr. Speaker, that presupposes the House has taken no action in the way of excusing members. The true application of the rule and the constitutional provision, as construed together, is that the power of the House is a power to compel the attendance of absent members, where there has been no prior action on the part of the House authorizing the members to be absent. For example, a resolution might be introduced granting leave of absence for a definite number of days to some member. That resolution might be adopted by a yea-and-nay vote, and afterward, I submit, nothing less than the House could revoke such action.

The SPEAKER. But the gentleman will see at once that the House by such a proceeding might disable itself entirely for the transaction of business, and when the House finds itself in that condition it must of course resort to its constitutional authority to compel the presence of absentees.

Mr. CALKINS. Then the House is remitted to its constitutional right to adjourn from day to day; and when the leave which it has granted is exhausted it can compel the attendance of members. That is its only remedy.

Mr. BRECKINRIDGE. Inasmuch as these leaves of absence were granted by less than a quorum, can they not be revoked by less than a quorum?

The SPEAKER. The Chair has just intimated that in its opinion less than a quorum can revoke these leaves of absence and request the attendance of the absentees. The Chair does not think it would be in the power of the House to issue a warrant to arrest members who had departed with its leave.

Mr. REED. Why not, if the leave could be revoked?

The SPEAKER. Because members who have departed with the leave of the House are not in default. But if, after a notification by the Sergeant-at-Arms, under the authority of the House, they should refuse to appear, then the question would be presented as to what the House might do in such case. The Chair thinks the resolution is in order. The ayes have it, and the resolution is adopted.

Mr. CALKINS (at 6 o'clock and 45 minutes a. m.). I move to dispense with all further proceedings under the call.

The SPEAKER (after putting the question). The noes seem to have it.

Mr. CALKINS. Let us have the yeas and nays on that.

The question being taken on ordering the yeas and nays, there were—ayes 23, noes 51.

Mr. WILLIS. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

The SPEAKER. More than one-fifth having voted in the affirmative, the yeas and nays are ordered.

Mr. HISCOCK. I hope that no unnecessary burden will be imposed on the clerks. On our side we do not ask the yeas and nays in deference to the clerks.

Mr. HOPKINS. Your side did ask for them.

Mr. WILLIS. I hope the demand for the yeas and nays will not be pressed. [Cries of "Regular order!"] I move to reconsider the vote by which the yeas and nays were ordered. The clerks have been here all night calling the roll, and I appeal to gentlemen to relieve them of any unnecessary labor.

Mr. HISCOCK. We are entirely willing to relieve them.

The motion of Mr. WILLIS to reconsider the vote by which the yeas and nays were ordered was agreed to, there being—ayes 65, noes 12.

The question recurring on ordering the yeas and nays, they were not ordered; there being—ayes 6, noes 46.

So the motion of Mr. CALKINS to dispense with further proceedings under the call was not agreed to.

The Sergeant-at-Arms appeared at the bar, having in his custody Mr. MILLS, Mr. CULBERTSON of Kentucky, Mr. WINANS of Wisconsin, and Mr. JOHN S. WISE.

The SPEAKER. The gentleman from Texas [Mr. MILLS], according to the recollection of the Chair, is not in default, having been excused by the House.

Mr. MILLS. I wish to say, at any rate, that I left the committee-room yesterday evening suffering with rheumatism. There was a very important hearing by the committee, but I was unable to stay till the conclusion, though I much desired to do so. This bill granting pensions to the soldiers of the Mexican war is an important measure, one in which my constituents feel a deep interest, and nothing but sickness would have kept me away from the House during its consideration. If I had not been suffering with rheumatism I would gladly have come to the House last night when I was sent for.

The SPEAKER. The gentleman is not in default.

Mr. MILLS. Still I desired to make this statement.

The SPEAKER. Mr. CULBERTSON, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. CULBERTSON, of Kentucky. None, sir, whatever.

Mr. MORRISON, I move that the gentleman be excused.

The motion was agreed to.

The SPEAKER. Mr. WINANS of Wisconsin you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. WINANS, of Wisconsin. I left the House about 5 or 5.30 o'clock, and was suffering with headache. I supposed the House was about to adjourn, and was merely anticipating it.

Mr. ELLIS. I move that the gentleman be excused.

The motion was agreed to.

The SPEAKER. Mr. JOHN S. WISE, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. JOHN S. WISE. When I went last evening I went with Mr. SNYDER on a pair, and we were both under the impression the House was about to adjourn in a few minutes, the House having voted 91 for and 92 against.

Mr. CALKINS. I move that the gentleman be excused

The motion was agreed to; there being, on a division—ayes 67, noes 5.

Mr. TURNER, of Kentucky. Mr. Speaker, eight or ten members have come in on their own volition since we had the last roll-call, and I therefore move that we have a vote to see if a quorum is present.

The SPEAKER. The House is proceeding under a call of the House, and a motion to dispense with all further proceedings under it is the only motion in order.

Mr. COOK. I move that all further proceedings under the call be dispensed with.

Mr. COSGROVE and Mr. TURNER of Kentucky demanded the yeas and nays.

Mr. WILLIS. Let us have tellers on the yeas and nays.

Tellers were ordered; and Mr. TURNER, of Kentucky, and Mr. WILLIS were appointed.

The House divided; and the tellers reported—ayes 3, noes not counted.

Mr. TURNER, of Kentucky. I withdraw the call for the yeas and nays, if gentlemen think there is a quorum present.

The proceedings under the call were then dispensed with.

The SPEAKER. The question recurs on seconding the motion to suspend the rules and pass the original resolution.

Mr. HEWITT, of Alabama, and Mr. CALKINS were appointed as tellers.

The House divided; and the tellers reported—ayes 165, noes 1.

So there was a second.

The SPEAKER. Under the rules thirty minutes are allowed for debate; fifteen minutes for, and fifteen minutes against. The debate for the bill will be controlled by the gentleman from Alabama [Mr. HEWITT], and against by the gentleman from Indiana [Mr. CALKINS]. [Cries of "Vote!"]

Mr. CALKINS. I do not claim the fifteen minutes under the rules. I am in favor of the Mexican pension bill when stripped of everything but that. [Cries of "Vote!"]

The SPEAKER. The Chair will recognize the gentleman from Maine [Mr. REED] to control the time.

Mr. REED. I respectfully decline.

Mr. CALKINS. I will yield to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. I do not desire to take fifteen minutes. I have attended this all-night session, using my efforts as best I could to make a quorum at all times, although I am opposed to the bill, and for reasons which I shall not take the time of the House now to give, further than to say that I am opposed to changing the ground of pensions from disability to service. I am opposed to the bill, not because I would not vote pensions to Mexican veterans, if that were the only issue and if behind it there were not grave questions that rise above it. Mr. Speaker, I think it a serious matter for this House to propose now to change the basis of pensions from disability to that of service, as is proposed in this bill. For that reason I oppose the bill; and at some other time, when the House is in better mood to hear argument, I hope to have the opportunity to give my reasons at length. [Cries of "Vote!" "Vote!"]

Mr. HEWITT, of Alabama. I demand a vote upon the resolution. I waive the debate.

Mr. WILSON, of Iowa. If that bill is the bill that passed the House in the Forty-fourth Congress, I will vote for it; otherwise, otherwise.

Mr. STEELE. I ask that the resolution be reported.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). Without objection, the resolution will be again read.

The Clerk read as follows:

Resolved, That House bill No. 3962, granting pensions to certain soldiers and sailors of the Mexican war and other wars therein named, and for other purposes, be made the special order in the House as in Committee of the Whole on Thursday, the 21st of February, 1884, after the morning hour, and from day to day thereafter until disposed of, not to interfere with general appropriation or revenue bills or reports from the Committee on the Public Lands.

Mr. STEELE. I move to amend by striking out——

The SPEAKER *pro tempore*. It is not amendable. It could only be amended now by unanimous consent.

Mr. STEELE. Then I ask unanimous consent to offer an amendment. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. There is objection. The question is on the motion to suspend the rules and adopt the resolution.

Mr. REAGAN. I demand the yeas and nays.

Mr. DUNN. Yes, let us have the yeas and nays. There seems to be some opposition to this bill. I want to see whom it comes from.

The yeas and nays were ordered.

The question was taken; and there were—yeas 176, nays 35, not voting 109; as follows:

YEAS—176.

Adams, J. J.	Dockery,	Lore,	Shaw,
Aiken,	Dowd,	Lovering,	Skinner, T. G.
Alexander,	Dunn,	Lowry,	Slocum,
Arnot,	Eldredge,	McAdoo,	Snyder,
Bagley,	Elliott,	McComas,	Spriggs,
Ballentine,	Ellis,	McMillin,	Springer,
Barksdale,	Ermentrout,	Matson,	Steele,
Beach,	Ferrell,	Maybury,	Stevens,
Belford,	Fiedler,	Miller, J. F.	Stewart, Charles
Bennett,	Finerty,	Mills,	Stockslager,
Blackburn,	Follett,	Mitchell,	Storm,
Blanchard,	Foran,	Money,	Sumner, D. H.
Bland,	Forney,	Morey,	Taylor, J. M.
Breckinridge,	Fyan,	Morgan,	Thomas,
Broadhead,	Geddes,	Morrison,	Throckmorton,
Brumm,	Gibson,	Muldrow,	Tillman,
Buchanan,	Glascock,	Murphy,	Townshend,
Budd,	Goff,	Murray,	Tucker,
Burnes,	Graves,	Mutchler,	Tully,
Cabell,	Green,	Neece,	Turner, H. G.
Caldwell,	Greenleaf,	Nicholls,	Turner, Oscar
Campbell, Felix	Halsell,	Oates,	Van Alstyne,
Campbell, J. M.	Hancock,	Ochiltree,	Vance,
Candler,	Hardeman,	O'Hara,	Van Eaton,
Cannon,	Hatch, W. H.	Paige,	Ward,
Carleton,	Hemphill,	Patton,	Warner, Richard
Cassidy,	Henley,	Pierce,	Weaver,
Clardy,	Herbert,	Peel, S. W.	Wellborn,
Clay,	Hewitt, G. W.	Peelle, S. J.	Wemple,
Clements,	Hoblitzell,	Pettibone,	White, J. D.
Cobb,	Hopkins,	Post,	Wilkins,
Collins,	Houk,	Potter,	Williams,
Converse,	Houseman,	Price,	Willis,
Cook,	Hunt,	Pryor,	Wilson, James
Cosgrove,	Jeffords,	Pusey,	Wilson, W. L.
Cox, W. R.	Jones, B. W.	Rankin,	Winans, E. B.
Crisp,	Jones, J. H.	Reagan,	Winans, John
Culbertson, W. W.	Jones, J. K.	Reese,	Wise, J. S.
Dargan,	King,	Riggs,	Wolford,
Davidson,	Kleiner,	Robertson,	Wood,
Davis, L. H.	Laird,	Rogers, J. H.	Woodward,
Deuster,	Lamb,	Rosecrans,	Worthington,
Dibble,	Lanham,	Scales,	Yaple,
Dibrell,	Lewis,	Seymour,	York.

NAYS—35.

Adams, G. E.	Guenther,	Long,	Rockwell,
Bayne,	Hanback,	Lyman,	Rowell,
Boutelle,	Henderson, D. B.	Millard,	Stephenson,
Breitung,	Hepburn,	Morse,	Taylor, J. D.
Brewer, J. H.	Hitt,	Parker,	Valentine,
Brown, W. W.	Horr,	Payne,	Warner, A. J.
Cutcheon,	James,	Ranney,	White, Milo
Dunham,	Johnson,	Ray, G. W.	Whiting.
Everhart,	Lacey,	Reed,	

NOT VOTING—109.

Anderson,	Eaton,	Kelley,	Robinson, W. E.
Atkinson,	Ellwood,	Kellogg,	Rogers, W. F.
Barbour,	Evans, I. N.	Ketcham,	Russell,
Barr,	Evins, J. H.	Lawrence,	Ryan,
Belmont,	Findlay,	Le Fevre,	Seney,
Bingham,	George,	Libbey,	Shelley,
Bisbee,	Hammond,	McCoid,	Singleton,
Blount,	Hardy,	McCormick,	Skinner, C. R.
Bowen,	Harmer,	McKinley,	Smith,
Boyle,	Hart,	Mayo,	Spooner,
Brainerd,	Hatch, H. H.	Miller, S. H.	Stewart, J. W.
Brewer, F. B.	Haynes,	Milliken,	Stone,
Browne, T. M.	Henderson, T. J.	Morrill,	Strait,
Buckner,	Hewitt, A. S.	Moulton,	Struble,
Burleigh,	Hill,	Muller,	Sumner, C. A.
Calkins,	Hiscock,	Nelson,	Talbott,
Chace,	Holman,	Nutting,	Taylor, E. B.
Connolly,	Holmes,	O'Neill, Charles	Thompson,
Covington,	Holton,	O'Neill, J. J.	Wadsworth,
Cox, S. S.	Hooper,	Payson,	Wait,
Culberson, D. B.	Howey,	Perkins,	Wakefield,
Cullen,	Hurd,	Peters,	Washburn,
Curtin,	Hutchins,	Phelps,	Weller,
Davis, G. R.	Jones, J. T.	Poland,	Wise, G. D.
Davis, R. T.	Jordon,	Randall,	Young.
Dingley,	Kasson,	Ray, Ossian	
Dorsheimer,	Kean,	Rice,	
Duncan,	Keifer,	Robinson, J. S.	

So (two-thirds voting in favor thereof) the rules were suspended and the resolution agreed to.

The following additional pairs were announced:

Mr. STRAIT with Mr. STRUBLE.

Mr. BLOUNT with Mr. MCCORMICK.

Mr. TALBOTT. I am paired with the gentleman from Pennsylvania, Mr. HARMER.

The result of the vote was then announced as above recorded.

ADJOURNMENT OVER.

Mr. MORRISON. Mr. Speaker, I move that when the House adjourns to-day it be to meet on Wednesday next.

The motion was agreed to.

Mr. BLACKBURN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 8 o'clock and 55 minutes a. m. on Tuesday) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. E. ADAMS: Memorial of P. T. Turnley—to the Committee on Military Affairs.

By Mr. BALLENTINE: Paper relative to the improvement of Duck River, Tennessee—to the Committee on Rivers and Harbors.

By Mr. BARKSDALE: Papers relative to the improvement of Bayou Pierre—to the same committee.

By Mr. BELMONT: Petition of D. S. Babcock and 194 others, citizens interested in the navigation of Long Island Sound, and of G. H. Cooper and 48 others, citizens of New York, for a harbor of safety at Horton's Point, New York—severally to the same committee.

By Mr. BISBEE: Petition for the improvement of the harbor at Saint Augustine, Fla.—to the same committee.

By Mr. BOUTELLE: Papers relating to the claim of William Averill—to the Committee on Claims.

By Mr. BRAINERD: Petition of citizens of Iowa, asking for the forfeiture of land grant to Sioux City and Saint Paul Railroad—to the Committee on the Public Lands.

Also, resolutions of the seleet council of Erie, Pa., relative to Indian affairs—to the Committee on Indian Affairs.

Also, resolution of the Board of Trade of Erie, Pa., protesting against the extension of the steam grain-shovel patent—to the Committee on Patents.

By Mr. BREITUNG: Papers relating to the improvement of the harbor at Marquette, Mich.—to the Committee on Rivers and Harbors.

By Mr. BRENTS: Memorial of the Chamber of Commerce of Seattle, Wash., to make said Seattle a port of delivery—to the Committee on Commerce.

Also, communication from the United States engineer at Portland, Oreg., relative to an appropriation for the Cascade Canal—to the Committee on Rivers and Harbors.

By Mr. BROADHEAD: Papers relating to a bill for carrying on the improvements of rivers and harbors by contracts—to the same committee.

By Mr. BUCKNER: Papers relating to the claim of Thompson, Horn & Co.—to the Committee on Indian Affairs.

By Mr. CALDWELL: Petition of Herman Bader, for a pension—to the Committee on Invalid Pensions.

By Mr. CALKINS; Petition of citizens of Michigan City, Ind., relative to education in Alaska—to the Committee on Education.

Also, resolution of Cathcart Post, No. 117, Grand Army of the Republic, Indiana, relative to correcting fictitious names on the army rolls—to the Committee on Military Affairs.

Also, the resolution of Coulter Post, Grand Army of the Republic, relative to equalizing bounties—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. CLARDY: Petitions of citizens of Vicksburg, Miss.; of citizens of Dubuque, Iowa; of citizens of New Orleans, La.; of citizens of Keokuk, Iowa; of citizens of Saint Louis, Mo.; of citizens of New Orleans, La.; and of citizens and prominent business men of the Mississippi River Valley, asking for the extension of the system of beacon-lights within the fifteenth light-house district—severally to the Committee on Commerce.

By Mr. CONNOLLY: Petition of G. Murray Reynolds, colonel Ninth Regiment National Guard, Pennsylvania, relative to State militia—to the Committee on the Militia.

Also, petition of Lewis Harris and 76 others, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. CONVERSE: Petition of John J. Higgins and 1,000 others, employés in the Government Printing Office, asking for a restoration of the rate of wages given prior to March, 1877—to the Committee on Printing.

Also, memorial of John S. Kearney and 321 others, citizens of Columbus, Ohio, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petition of James F. McMahon and others, for a pension for Ralph Spencer—to the Committee on Invalid Pensions.

Also, memorial of Michael Miller, for a pension—to the same committee.

By Mr. CURTIN: Petition of Valeria Case, for a pension—to the same committee.

By Mr. CUTCHEON: Memorial of John J. Bagley Post, No. 97, Grand Army of the Republic, Department of Michigan, relative to a grant of one hundred and sixty acres of land to honorably discharged soldiers of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, memorial of Post No. 92, Grand Army of the Republic, Department of Michigan, for a reform in the pension laws—to the Committee on Invalid Pensions.

Also, resolution of the State encampment of the Grand Army of the Republic of Michigan, for a national soldiers' home in Michigan—to the Committee on Military Affairs.

By Mr. DAVIDSON: Memorial of the Pensacola Board of Trade, relative to the improvement of Pensacola Harbor—to the Committee on Rivers and Harbors.

Also, proceedings of a meeting of citizens of Hernando County, Florida, in reference to the improvement of Crystal River—to the same committee.

By Mr. G. R. DAVIS: Resolutions of the Department of Illinois, Grand Army of the Republic, relative to giving soldiers the preference in appointments under the civil-service law—to the Select Committee on Reform in the Civil Service.

Also, resolutions protesting against any change in the present method of paying pensions—to the Committee on Appropriations.

Also, resolution to make no distinction on account of rank for pensions—to the Committee on Invalid Pensions.

Also, resolution to place all veterans at the age of sixty years on the pension-rolls—to the same committee.

Also, resolution asking for a law declaring all soldiers at date of enlistment to have been in sound physical condition—to the same committee.

Also, petition and resolution of pensioners of Chicago and vicinity, protesting against any change in the method of paying pensions—to the Committee on Appropriations.

By Mr. R. T. DAVIS: Memorial in favor of legislation to prevent the importation of foreign laborers under contracts made abroad—to the Committee on Labor.

Also, the petition of the Woman's Christian Temperance Union of Massachusetts, relative to the alcoholic liquor tariff—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DEUSTER: Petition of Adalbert Stickney, for a pension—to the Committee on Invalid Pensions.

By Mr. DIBRELL: Papers relating to the claim of John Plank—to the same committee.

By Mr. DUNHAM: Petition for the improvement of the harbor at Marquette, Mich.—to the Committee on Rivers and Harbors.

By Mr. ELDREDGE: Protest of Scott Post, No. 43, Grand Army of the Republic, of Michigan, against the appointment of a commission to review the pension laws—to the Committee on Invalid Pensions.

Also, petition of A. C. Marwell, relative to the election in tenth district of Michigan for Congressman—to the Committee on Elections.

By Mr. ELLIS: Papers relating to the claim of Mrs. Zena Boutle—to the Committee on the Public Lands.

By Mr. FERRELL: Papers relating to the claim of George Messeck—to the Committee on Invalid Pensions.

Also, petition of citizens and Board of Trade of Salem, N. J., asking for appropriation to build jetties at the mouth of Salem River—to the Committee on Rivers and Harbors.

By Mr. FINDLAY: Papers relating to the claim of Eliza A. Hennick—to the Committee on Invalid Pensions.

By Mr. GEORGE: Petition of the State Temperance Alliance of Oregon, relative to the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. GLASCOCK: Memorial to amend the civil-service rules—to the Select Committee on Reform in the Civil Service.

By Mr. GRAVES: Petition of Bricklayers' Union of Kansas City, Mo., relative to labor contracts made abroad—to the Committee on Labor.

By Mr. HALSELL: Papers relating to the claim of Thomas York—to the Committee on Invalid Pensions.

Also, papers relating to the claim of the heirs of Richard Y. Maynor—to the Committee on Pensions.

By Mr. H. H. HATCH: Petition of 53 citizens of Shelby County, Missouri, in behalf of the improvement of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. T. J. HENDERSON: Application of John Condon for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. HOLMAN: Papers relating to the pension claim of Jackson Shadday—to the Committee on Invalid Pensions.

Also, petition of J. T. Colt, D. W. Chamberlin, and 190 others, citizens of Woodbury County, Iowa, relative to the forfeiture of the Sioux City and Saint Paul Railroad grant—to the Committee on the Public Lands.

By Mr. HOUK: Petition of Edward Stern—to the Committee on War Claims.

Also, papers for the relief of D. C. Trewhitt—to the Committee on Military Affairs.

By Mr. HOUSEMAN: The petition of Henry Walling and 150 others, of William McCoy and others, and of A. White and 50 others, for an appropriation for the improvement of Grand River, in the State of Michigan—severally to the Committee on Rivers and Harbors.

Also, petition of Henry Rise Post, No. 151, Grand Army of the Republic, Department of Michigan; of Sterling Post, No. 74, Grand Army of the Republic; and of Harlow Briggs Post, No. 80, Grand Army of the Republic, asking Congress to grant one hundred and sixty acres of land to all honorably discharged soldiers, &c., of late war—to the Committee on the Public Lands.

By Mr. HURD: Petition relating to the claim of Walter H. Smith—to the Committee on Accounts.

By Mr. J. H. JONES: Memorial of citizens of Camp County, Texas, relative to a public building at the city of Tyler, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. KEIFER: Memorial of 13 citizens of Northfield, Ohio, asking for an appropriation for education in Alaska—to the Committee on Education.

By Mr. KING: Petition of the African Trade Society for steam mail service between New Orleans and Liberia—to the Committee on the Post-Office and Post-Roads.

Also, petition of merchants of New Orleans, La., relative to the Geneva award fund—to the Committee on the Judiciary.

Also, paper relating to the improvement of the Ouachita River—to the Committee on Rivers and Harbors.

By Mr. LAIRD: Petition of J. Ford and others, relative to opening for settlement the great Sioux Indian reservation in Dakota—to the Committee on Indian Affairs.

Also, petition of Margaret Randall, for increase of pension—to the Committee on Invalid Pensions.

Also, petition of L. J. Gandy and others, members of the Grand Army of the Republic, &c., relative to arrearage of pensions—to the same committee.

By Mr. LAMB: Petition of citizens of Clay County, Indiana, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. LAWRENCE: Papers in the case of John R. Bond—to the Committee on Naval Affairs.

Also, petition relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petition of soldiers resident at Soldiers' Home, Dayton, Ohio, asking Congress to grant one hundred and sixty acres of land to honorably discharged soldiers—to the Committee on the Public Lands.

By Mr. LONG: Petition of James D. Russell, relative to pensions to officers of the late volunteer army—to the Committee on Invalid Pensions.

By Mr. LORE: Petition of Charles H. Atkins and 88 others, for an appropriation of $20,000 to complete the improvement of Broad Kill River, Delaware—to the Committee on Rivers and Harbors.

By Mr. McCORMICK: Petition of members of Lois Camp, No. 16, Ohio Division Sons of Veterans, asking to make the soldiers' pay equal to gold—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. S. H. MILLER: Resolution of Robert McDermott Post, Grand Army of the Republic, demanding that the Government redeem its pledges to soldiers when they enlisted—to the Committee on Military Affairs.

By Mr. MORRILL: Petition of the Topeka Board of Trade, for retaliatory measures against France, Germany, and Switzerland on account of their prohibition of American pork—to the Committee on Foreign Affairs.

Also, papers for the relief of W. S. Thatcher—to the Committee on War Claims.

By Mr. MOULTON: Petition of 200 citizens of Shelby County, Illinois, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. MURPHY: Papers relating to the claim of C. M. Wittig—to the Committee on Invalid Pensions.

By Mr. MURRAY: Petition of 100 ex soldiers and sailors resident at Soldiers' Home in Montgomery County, Ohio, for one hundred and sixty acres of land to ex soldiers and sailors—to the Committee on the Public Lands.

Also, petition of Frederick Braunwald, of Samuel Cooper, and of Loren Records, for a pension—severally to the Committee on Invalid Pensions.

By Mr. NELSON: Petition for land-warrants to soldiers—to the Committee on the Public Lands.

Also, resolution of Saint Paul Chamber of Commerce, relative to the Sioux Indian reservation and against the forfeiture of the Northern Pacific land grant—to the same committee.

Also, resolution of the Moorhead Chamber of Commerce, relative to the improvement of the Red River—to the Committee on Rivers and Harbors.

Also, resolution of the Chamber of Commerce of Saint Cloud, Minn., relative to the construction of a dam across the Mississippi River at that point—to the same committee.

By Mr. NICHOLLS: Memorial of the Board of Trade of the city of Savannah, for a light-ship off Smith's Island, Cape Charles shoals—to the Committee on Commerce.

By Mr. PAIGE: Petition of H. K. Austin and others, to amend the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petition of A. G. Wilson and others, relative to labor contracts made abroad—to the Committee on Labor.

By Mr. PARKER: Petition of citizens of Ogdensburg, N. Y., for legislation for the relief of shipping—to the Committee on Commerce.

By Mr. PATTON: Petition of ex-soldiers, residents of Soldiers' Home, Ohio, for a land grant to soldiers and sailors of the late war—to the Committee on the Public Lands.

By Mr. S. J. PEELLE: Papers relating to the claim of Miss Julia A. F. Bassett, of Indiana—to the Committee on Claims.

Also, memorial of survivors of the Mexican war, for a pension—to the Committee on Pensions.

By Mr. PETERS: Resolution of the Topeka (Kans.) Board of Trade, for retaliatory measures to protect American pork—to the Committee on Commerce.

Also, resolutions of Grand Encampment Grand Army of the Republic, of Kansas, relative to the removal of pension agencies—to the Committee on Invalid Pensions.

Also, petition of wool-growers of Southwestern Kansas, for restoration of tariff on wool—to the Committee on Ways and Means.

By Mr. PETTIBONE: Petition for the relief of Andrew and Sarah Stapleton—to the Committee on Invalid Pensions.

Also, petition of Jackson Wilhoit—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of Mary Ann Nolte and of Mrs. Lydia M. Lamons, for a pension—to the Committee on Invalid Pensions.

Also, petition for a pension for Elizabeth Johnson—to the same committee.

By Mr. RANNEY: Memorial of F. Brooks and C. H. Swan, relating to metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. G. W. RAY: Papers relating to the claim of Erastus C. Weaver for a pension—to the Committee on Invalid Pensions.

By Mr. OSSIAN RAY: Petition of the Good Templars of New Hampshire, relative to the manufacture and sale of alcoholic liquor—to the Committee on Alcoholic Liquor Traffic.

By Mr. REAGAN: Petition of citizens of Alto, Cherokee County, Texas, and of citizens of Jacksonville, Tex., for the improvement of the Harbor at Sabine Pass, Texas—severally to the Committee on Rivers and Harbors.

By Mr. W. E. ROBINSON: Paper relating to the claim of Theilman Morritz—to the Committee on Invalid Pensions.

By Mr. ROSECRANS: Memorial of the Chamber of Commerce of the city of Seattle, Wash., praying that that city be made a port of entry—to the Committee on Commerce.

By Mr. SLOCUM: Petition of non-commissioned officers, privates, &c., of the Army at Western forts, for the repeal of law requiring 10 per cent. above cost for subsistence stores—to the Committee on Military Affairs.

By Mr. SNYDER: Petition of Hon. Jacob B. Jackson and others, to extend the jurisdiction of the Light-House Board to the Great Kanawha River—to the Committee on Commerce.

By Mr. STEELE: Petition of B. F. Albert and 50 others, comrades Hackleman Post, No. 238, Grand Army of the Republic, asking for the repeal of the arrears-of-pension act—to the Committee on Invalid Pensions.

By Mr. STRAIT: Concurrent resolution providing for the distribution of surplus copies of the Official Register of the United States—to the Committee on Printing.

Also, for the distribution of surplus copies of the Journals of the Senate and House of Representatives—to the same committee.

By Mr. STRUBLE: Petition for a pension to James McCallen—to the Committee on Invalid Pensions.

By Mr. D. H. SUMNER: Petition for the relief of John Daily—to the Committee on the Public Lands.

By Mr. TULLY: Petition of the board of health of San Diego, Cal.—to the Select Committee on the Public Health.

By Mr. OSCAR TURNER: Petition of citizens of Trigg County, Kentucky, for the improvement of Little River—to the Committee on Rivers and Harbors.

By Mr. VANCE: Petition for a mail-route in North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. WARD: Petition of Alexander McCreary and 114 others, for the removal of the charge of desertion against Thomas Brown—to the Committee on Military Affairs.

By Mr. WASHBURN: Resolutions of the Bricklayers and Masons' International Union, relative to labor contracts made abroad—to the Committee on Labor.

Also, petition of citizens of the first Congressional district of Minnesota, relative to the improvement of the Mississippi River—to the Committee on Rivers and Harbors.

Also, resolutions of the Chamber of Commerce of Saint Paul, Minn., relative to a treaty with Sioux Indians; also, relative to the grant of land to Northern Pacific Railroad—to the Committee on the Public Lands.

By Mr. MILO WHITE: Petition of Rev. J. Frank Wagner and 100 others, citizens of Minnesota, and of Martha G. Ripley and 100 others, for a sixteenth amendment—to the Committee on the Judiciary.

By Mr. J. D. WHITE: Petition for the relief of Moore Johnson—to the Committee on Pensions.

Also, petition for the relief of Rachel Nickel—to the Committee on Invalid Pensions.

Also, petition for the relief of Joel Ryan—to the Committee on Military Affairs.

Also, papers relating to the claim of Patience Beatty—to the Committee on War Claims.

Also, papers relating to the claim of L. C. Dills, of Hiram B. Armitage, and of Moses Soard—severally to the Committee on Military Affairs.

Also, papers relating to the claim of J. H. Tinsley—to the Committee on the Post-Office and Post-Roads.

Also, petition for the relief of W. B. Moseley—to the Committee on War Claims.

By Mr. E. B. WINANS: Petition of M. O'Connor & Co., H. C. Tock and others; of Theo. F. King, William McPherson and others; of D. Adams, C. A. Adams and others, and of O'Neill Brothers and others, relative to the vaporizing vinegar law—to the Committee on Ways and Means.

By Mr. WORTHINGTON: Petition to amend and enforce the act restricting Chinese immigration—to the Committee on Foreign Affairs.

By Mr. YAPLE—Petition of Herrick Hodge, George W. Smith, and others, members of Zach Chandler Post, No. 35, and of the members of Charles Woodruff Post, No. 85, Grand Army of the Republic, Department of Michigan, asking Congress to grant one hundred and sixty acres of land to each honorably discharged soldier, &c., of the late war—severally to the Committee on the Public Lands.

SENATE.

TUESDAY *February* 19, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

HEAVY-ORDNANCE MANUFACTURE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith the report of a board of Army and Navy officers appointed by me in accordance with the act of Congress approved March 3, 1883, "for the purpose of examining and reporting to Congress which of the navy-yards or arsenals owned by the Government has the best location and is best adapted for the establishment of a Government foundery, or what other method, if any, should be adopted for the manufacture of heavy ordnance adapted to modern warfare for the use of the Army and Navy of the United States, the cost of all buildings, tools, and implements necessary to be used in the manufacture thereof, including the cost of a steam-hammer or apparatus of sufficient size for the manufacture of the heaviest guns."

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 18, 1884.

[NOTE.—The report of the board accompanies a copy of this message to the House of Representatives.]

The PRESIDENT *pro tempore*. The message will be printed and referred to the Committee on Naval Affairs, the document referred to in the message having been transmitted to the House of Representatives.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Postmaster-General, transmitting, in response to a Senate resolution, a copy of the opinion of the Attorney-General interpreting the act of March 3, 1883, relating to the adjustment of the salaries of certain postmasters; which was read.

Mr. ALLISON. If the opinion is not too long I should like to have it read.

The PRESIDENT *pro tempore*. It is quite lengthy.

Mr. ALLISON. Very well; let it be printed.

Mr. GARLAND. The communication will be referred to the Committee on Post-Offices and Post-Roads?

The PRESIDENT *pro tempore*. The communication, with the accompanying paper, will be printed, and referred to the Committee on Post-Offices and Post-Roads.

PETITIONS AND MEMORIALS.

Mr. CONGER presented a memorial of citizens of Ontonagon County, Michigan, and resolutions adopted by the board of supervisors of Ontonagon County, Michigan, remonstrating against the bill forfeiting the lands granted in aid of the construction of the Marquette, Houghton and Ontonagon Railroad; which were referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Finance, to whom was referred the bill (S. 351) for the relief of Alexander Smiley, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL. On the 19th of December, 1883, there was submitted to the Senate Executive Document No. 25, Forty-eighth Congress, first session, being a message of the President of the United States, transmitting a communication from the Secretary of War of December 14, 1883, "respecting abandoned military reservations, and renewing recommendation for such legislation as will provide for the disposal of military sites that are no longer needed," which was referred to the Committee on Military Affairs. The Committee on Military Affairs have duly considered the same, and have instructed me to submit a report to the Senate, accompanied by a bill to provide for the disposal of abandoned and useless military reservations, and recommend its passage.

The bill (S. 1581) to provide for the disposal of abandoned military reservations was read twice by its title.

Mr. DAWES, from the Committee on Indian Affairs, to whom was

referred the bill (S. 1544) to amend section 5388 of the Revised Statutes of the United States in relation to timber depredations, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1545) to amend section 5388 of the Revised Statutes of the United States, in relation to timber depredations, reported it with amendments.

Mr. DAWES, from the Committee on Indian Affairs, to whom the subject was referred, reported the following bills:

A bill (S. 1582) to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes; and

A bill (S. 1583) to accept and ratify an agreement made by the Pah-Ute Indians, and granting a right of way to the Carson and Colorado Railroad Company through the Walker River reservation in Nevada.

The bills were severally read twice by their titles, and, on motion of Mr. DAWES, recommitted to the Committee on Indian Affairs.

Mr. LOGAN, from the Committee on Military Affairs, to whom were referred the following bills, reported them adversely; and they were postponed indefinitely:

A bill (S. 782) for the relief of Eunice Tripler, widow of Charles S. Tripler, late a surgeon in the United States Army;

A bill (S. 139) for the relief of C. M. Wilcox; and

A bill (S. 1222) to place John Jones, late captain of the First Minnesota Battery, on the retired-list of the Army.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. 1559) to define the title and duties of certain officers of the Medical Department of the Army, reported it without amendment.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 654) to provide for a commission on the subject of the alcoholic liquor traffic, to report it back and to ask that the Committee on Finance be discharged from its further consideration and that it be referred to the Committee on Education and Labor. I will state that this bill, in the early part of the session, and several petitions on the same subject, were referred to the Committee on Finance, but since that time all bills and petitions relating to the subject have been referred to the Committee on Education and Labor.

The report was agreed to.

Mr. MORRILL. I also report back certain petitions to the same effect and ask that the Committee on Finance be discharged from their further consideration, and that they be referred to the Committee on Education and Labor.

The report was agreed to.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 961) to provide for paying certain advances made to the United States by the States of Maryland and Virginia, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 7) to authorize the payment of customs duties in legal-tender notes, to report it adversely. I ask that it be placed on the Calendar, as the Senator originating it [Mr. BECK] desires that it may go on the Calendar,

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. MORRILL, from the Committee on Finance, to whom were referred the following bills, reported them adversely; and they were postponed indefinitely:

A bill (S. 73) for the retirement of small legal-tender notes;

A bill (S. 619) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage duties; and

A bill (S. 795) to adjust certain accounts between the United States and the several States and Territories and the District of Columbia.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 750) granting a pension to Catharine Schools; and

A bill (S. 668) placing the name of Mary Von Horn upon the pension-roll.

Mr. GROOME subsequently said: A few minutes since an adverse report was made upon the bill (S. 750) granting a pension to Catharine Schools, and the bill was indefinitely postponed. I move that that postponement be reconsidered, with a view to the bill being placed on the Calendar with the adverse report.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. MAXEY, from the Committee on Millitary Affairs, to whom was referred the bill (S. 557) for the relief of John A. Hart, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HAMPTON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 1311) vacating all that portion of the Fort Randall military reservation in the Territory of Dakota lying east of the Missouri River, to report it adversely, the committee having reported a general bill upon the subject of military reservations.

The bill was postponed indefinitely.

Mr. BECK. I am directed by the Committee on Finance, to whom was referred the bill (S. 806) for the relief of John McNellis, to report it adversely. There is an accompanying report. I ask that it be placed on the Calendar at the request of the Senator from Illinois [Mr. CULLOM], who desires to look at it.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SLATER, from the Committee on Public Lands, to whom was referred the bill (S. 510) for the relief of B. Jennings, reported it without amendment, and submitted a report thereon.

Mr. HARRISON. I am instructed by the Committee on Military Affairs, to whom was referred the memorial of the Chamber of Commerce of San Francisco, asking for an extension of signal-service facilities on the Pacific coast, to report it back and to say that the committee have addressed the Secretary of War upon the subject, and from his response believe that there is a lack of facilities as complained of by the Chamber of Commerce of San Francisco, but the lack of facilities grows out of the lack of money, and as it has become a question of appropriation, the committee have instructed me to report back the memorial with the letter of the Secretary of War and move that they be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. HARRISON, from the Committee on Military Affairs, to whom the following bills were referred, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 920) for the relief of John Ogden; and

A bill (S. 935) for the relief of August Thieman.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. 926) to increase the pension of Francis Scott and to rate him in the second grade of pensioners, reported it with amendments, and submitted a report thereon.

Mr. WILSON, from the Committee on Foreign Relations, to whom was referred the application of Augustus J. Cassard to be permitted to accept a gold medal conferred on him by the Government of France, submitted a report thereon, accompanied by a joint resolution (S. R. 63) authorizing Augustus J. Cassard to accept a gold medal conferred upon him by the Government of France; which was read twice by its title.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 939) for the relief of Ezra Hayes, of Oregon, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MCMILLAN, from the Committee on the Judiciary, to whom was referred the bill (H. R. 448) to fix the times for holding the terms of the circuit and district courts of the United States in the northern district of Iowa, reported it without amendment.

PRINTING OF EDUCATIONAL STATEMENTS.

Mr. BLAIR. I report by direction of the Committee on Education and Labor the following resolution and ask for its present consideration:

Resolved, That the usual number of copies of the statements and testimony of the committee of State superintendents of public instruction at the joint hearing had on the 16th instant before the Committee of the Senate on Education and Labor and the House Committee on Education upon the subject of national aid to common schools be printed for the use of the Senate.

The PRESIDENT *pro tempore*. Are these copies of documents sent to Congress from any Executive Department?

Mr. BLAIR. No, they are addresses and statements of fact made by the committee of superintendents before the Committee on Education and Labor of the Senate and the Committee on Education of the House, and as the matter is valuable, both committees desire that it shall be printed for use.

The PRESIDENT *pro tempore*. The Chair is under the impression that under the rule such a resolution will have to go to the Committee on Printing.

Mr. BLAIR. I have no objection to its going there, if that is thought to be necessary. I consulted with the chairman of the Committee on Printing, and it was his impression that there was no occasion for its reference, it being for the printing of the usual number of copies and a resolution reported by direction of a committee.

Mr. GARLAND. Let the resolution be read again.

The PRESIDENT *pro tempore*. The resolution will be again reported.

The Chief Clerk read the resolution.

The PRESIDENT *pro tempore*. The Chair thinks that under the first section of Rule XXIX it is competent for the Senate to make the order now. The Chair at first thought it would fall under the head of additional numbers, as these are not executive documents, but the first section of the rule provides for the printing of other papers, &c. Is there objection to the present consideration of the resolution? The Chair hears no objection. The question is on agreeing to the resolution.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 1584) for the relief of John Breitling; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. INGALLS introduced a bill (S. 1585) to amend the homestead

laws and classify the public lands; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 1586) for the relief of the surviving members of Company G, First United States Artillery; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1587) authorizing the settlement of the claims of certain citizens of Kansas named therein; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS. I also introduce a bill prepared by the Commissioners of the District of Columbia, which I ask may be twice read and referred to the Committee on the District of Columbia.

The bill (S. 1588) to provide for the recovery of damages in the District of Columbia for deaths occasioned by negligence, and for other purposes, was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLATT. I introduce a bill by request. I know nothing about the merits of it.

The bill (S. 1589) for the relief of the legal representatives of Egbert Thompson was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BLAIR introduced a bill (S. 1590) for the relief of Francis McNeil Potter; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1591) to amend the pension laws by increasing the pensions of soldiers and sailors for certain specific disabilities and for disabilities equivalent thereto, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER, of New York, introduced a bill (S. 1592) for the relief of Franklin S. Whitney; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 1593) granting a pension to Joseph Groves; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 1594) granting a pension to Mrs. Elizabeth F. Asper; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN (by request) introduced a bill (S. 1595) creating inspectors of beef, pork, dressed meats, &c.; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HAMPTON, it was

Ordered, That the papers in relation to Senate bill No. 1413 be withdrawn from the files and referred to the Committee on Military Affairs.

Ordered, That the papers in the case of Tenedor Ten Eyck be withdrawn from the files and referred to the Committee on Military Affairs.

On motion of Mr. CAMDEN, it was

Ordered, That the papers in the case of Thomas F. Riley be taken from the files and referred to the Committee on Military Affairs.

A. H. VON LUETTWITZ.

Mr. INGALLS. Some days since the Committee on Military Affairs reported adversely upon the bill (S. 556) for the relief of A. H. Von Luettwitz, and it was indefinitely postponed. The period of parliamentary reconsideration has passed, but I ask unanimous consent that the action of the Senate may be reconsidered and the bill placed upon the Calendar with the adverse report.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the vote of the Senate postponing indefinitely the bill named by him be reconsidered. Is there objection? The Chair hears no objection. It is reconsidered; and the bill, with the adverse report of the committee, will be placed on the Calendar.

UNIVERSITY OF ALABAMA.

The PRESIDENT *pro tempore*. There being no further "concurrent or other resolutions," the Calendar of cases under the eighth rule of the Senate will be taken up, commencing with Order of Business No. 79, being the bill (S. 503) to increase the endowment of the University of Alabama from the public lands in said State.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALLY MALLORY.

The consideration of the bill (S. 1056) granting an increase of pension to Sally Mallory was resumed as in Committee of the Whole.

Mr. COCKRELL. Upon the passage of that bill I shall ask for the yeas and nays.

Mr. VAN WYCK. Mr. President, I desire to say only a few words in regard to this matter. I was a little surprised at the objection made yesterday by my friend the Senator from Connecticut [Mr. PLATT], as well as by the Senator from Missouri [Mr. COCKRELL]. I could see nothing in this case, neither could the Committee on Pensions, who have reported the bill, to make a precedent which would be alarming in its nature or injurious in its draft upon the Treasury. This is a case such as has not been presented within my term of service, and probably not in that of many members of this body, no matter how far back the date of their service may go.

The committee have reported the bill giving to Sally Mallory, the widow of Benajah Mallory, $30 per month, and my friend desires to know why it is that it is proposed to increase her pension. He desires to know the foundation of the claim, and that is a very proper inquiry. The report briefly states the facts; and superadded thereto it is not improper for me to state that this is an extraordinary case, one calling for the bounty and the generosity of this Government.

The Senator from Connecticut says that if we increase the pension of this widow there are hundreds of other widows whose pensions will have to be increased. Precisely the same argument would have applied with greater force when we proposed to pension and did pension the widows of Presidents of the United States. It would apply with greater force when the proposition is made to pension at $50 per month the widows of officers of high rank in the Army and the Navy. I will say to my friend from Missouri that upon one day last session, when we voted a pension of $5,000 a year each to three widows of Presidents of the United States, there was not a murmur of disapproval anywhere within this Chamber; I think there was no call of the yeas and nays, and my impression is that not a single vote was recorded or word uttered against the passage of that measure. I would say to my friend further that giving such a pension to only one widow of a dead President, if she lives to the ordinary time allotted she will have received more than would be taken from the Treasury if to-day we should pension every widow of a soldier of the Revolutionary war at the rate here proposed. Yet that measure excited no comment, no displeasure, no disapprobation.

There are a few remaining of these persons, and every year the number is fewer still. To-day this poor woman is asking for this bounty because she has outlived all her natural relatives. During the last few years she has been mainly supported by an adopted son, who toiled day by day to gain subsistence for himself and this widowed mother, until past seventy years, nearly eighty, he himself has become disabled to furnish support for her by the labor of his hands.

The Senator from Missouri asks, "Why do this thing? What is there unusual in it?" I will say to my friend what there is unusual in it. This aged woman to-day has three patents of American nobility, if the gentleman will excuse that expression; one by reason of the services of her husband in the Revolutionary war, where he served three years and six months; another by reason of his service in the war of 1812——

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Nebraska will suspend. The rule under which the Senate is now proceeding limits the debate upon a question on the part of each Senator to five minutes. Is there objection to the Senator proceeding? ["Go on!"] The Chair hears none. The Senator from Nebraska will proceed.

Mr. VAN WYCK. I say she has a second patent by reason of the services of her husband in the war of 1812——

Mr. COCKRELL. Will the Senator permit me to ask him one question?

Mr. VAN WYCK. Certainly.

Mr. COCKRELL. When was she married to this soldier?

Mr. VAN WYCK. I do not remember the date of her marriage. I do not know that I have it anywhere. I did not suppose it important to investigate that fact, because I did not dream for a moment that an aged woman, nearly a hundred years old, the widow of a Revolutionary soldier, would ever be catechised as to the date of her wedding and where her marriage certificate was filed. I can not give the information on that particular point. But I was saying that she had a second patent of nobility in the fact that she was wedded to a man who was a hero in two wars—first, in the war of the Revolution, and then during the whole of the war of 1812, a brave and gallant soldier under Scott at Lundy's Lane, where his horse was shot from under him. Then she has a third patent of nobility in the fact that she lives to-day the widow of a hero of two wars.

So there is something unusual in this case. If gentlemen could find in the fact that a woman is the widow of a dead President reason sufficient to pension her, we can find in this case, with this history of facts, stronger reasons why pittance enough should be given to this aged woman who has to-day not a relative on earth to aid and sustain her.

She has been unfortunate undoubtedly, because it is unfortunate to be poor; and she has been thrown by circumstances in the frontier State of Nebraska, and, still further, into one of the frontier counties of that State, and at her extreme age she is upon the very outer verge, where the Indian and the buffalo roam on one side and a rude civilization exists on the other.

It would seem that there should be no murmur of disapprobation at granting her a pension of the amount proposed, for we are liberal in many things. We should, if possible, curtail where we are too extravagant and not undertake to restrict where we should be bounteous and liberal. This precedent can certainly have no dangerous result. If there be another like her I trust when she comes to the American Congress she will be received and granted at least a pittance sufficient to give her a support throughout life.

Mr. ALLISON. How old is she?

Mr. VAN WYCK. Nearly 100 years old. A year or two ago Con-

gress was liberal in the bestowal of thousands of dollars for a centennial celebration at Newburgh, in New York, where the great army of the Revolution was disbanded and where probably the most eloquent document that ever went into American literature was circulated, we remember, among the officers of the American Army, wherein it was charged that their Government had been unjust to them, that they were to go back to their homes, devastated and blackened by war, their mere pittance of pay to be in currency which was depreciated; and we recognized the great services of those men, we cherished their memory by bestowing thousands to celebrate their memory. Yet about or near that time was the birth of this now aged woman, born almost in the shock of the Revolution; and she, I trust, may not be allowed now to repeat what her soldier husband could have said during the war of the Revolution, that the Government had been unjust to them. If he said it then, and there was some truth in it, let it not be said one hundred years later than that time that when the widow of one of those soldiers comes to the American Congress and, looking at us with her bowed form and her lusterless eyes and stretching out her famished and skinny hands, asks a pittance for her support, she will be obliged to repeat what her husband declared one hundred years ago.

Mr. President, these are all the facts and all the circumstances attending this case. I trust that this body and the other will not only be liberal in the allowance, but will not show even a murmur of disapprobation to extending aid to the few and fast disappearing class of this kind who are entitled to our benefaction.

Mr. COCKRELL. I move to strike out "thirty," in line 9, and insert "twenty;" making the pension $20 per month.

Mr. President, this seems to be a very important case which has drawn forth all the sympathies and the energies and the abilities and the learning of my distinguished friend from Nebraska. I hold in my hand here the report in this case which was made to the Senate by him, in which he says—

That Sally Mallory has been for many years, and is now, on the pension-list, receiving $8 per month, as widow of Benajah Mallory, a soldier in the Revolutionary war, in which he served three years; that he also served during the war of 1812, and was under Harrison at Lundy's Lane.

I believe there is on the floor of the Senate a distinguished descendant of the illustrious hero Harrison; but I had never heard before of his being at Lundy's Lane. I think this matter is of sufficient importance——

Mr. VAN WYCK. I beg the gentleman's pardon. I intended to say "Scott" not "Harrison."

Mr. COCKRELL. Then the report ought to be recommitted to the committee to be made accurate in its historical allusions.

Mr. VAN WYCK. I ask unanimous consent that some time or other it may be submitted to the Civil-Service Commission. [Laughter.] I should like to have my history correct.

Mr. COCKRELL. Now, Mr. President, this is simply a question of increasing this pension because of the age of this applicant and from pure sympathy. She claims that she is the widow of a soldier of two wars. There are ten thousand more helpless, destitute, disabled widows to-day of the soldiers of two wars. It is nothing uncommon to find the widows of soldiers of two wars now.

I say that there is no justice, there is no right, there is no equity in this bill. It is a dangerous precedent. While it gives to this lady this amount, it brings pangs of improper feeling, it inspires improper feelings in the hearts of thousands of widows who are more helpless, more needy, and more dependent, and who are without one solitary dollar over $8 per month. They think, and they think justly, that this is unjust, that it is not justice on the part of this Government in making fish of one and flesh of another. If we propose to increase pensions because of age, let us pass a general bill and give them all alike, and not have Congress here from day to day and from month to month taking up its time in considering these special bills. That is the reason I am opposed to the bill *in toto*. If she is entitled to anything, she can not be entitled to over $20.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

The amendment was rejected.

The bill was reported to the Senate without amendment.

Mr. MAXEY. I only want to say one word about this matter. The Senator from Missouri avails himself of a mistake made historically in the report in regard to the service of Mr. Mallory at Lundy's Lane under General Harrison. Of course that was a mistake; but the important fact still remains that Mrs. Mallory is the widow of a soldier of the Revolutionary war drawing a pension as such. If there be in all the length and breadth of this land a man, woman, or child who would be unwilling to pay this poor old woman at the rate of $30 a month, I have not yet become acquainted with that person and never want to.

This Government is bearing a retired-list where men are drawing $2,000 or $3,000 and up to $13,000 a year, and the people are making no complaint about that; but here in the case of a widow of a Revolutionary soldier who served three years in the Revolutionary war, now between 90 and 100 years old, complaint is made that we propose to increase her pension from $8 to $30 a month. I only regret that the bill does not propose to pay her $50 a month, and I believe I will move that amendment if I be permitted at this stage of the case.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. MAXEY. I move to strike out "thirty" and insert "fifty."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Texas [Mr. MAXEY].

Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 13, nays 34; as follows:

YEAS—13.

Anthony,	Ingalls,	Mitchell,	Walker.
Bowen,	Manderson,	Palmer,	
Call,	Maxey,	Riddleberger,	
Conger,	Miller of N. Y.,	Van Wyck.	

NAYS—34.

Allison,	Fair,	Jackson,	Pugh,
Beck,	Garland,	Kenna,	Sabin,
Butler,	George,	Lamar,	Sawyer,
Camden,	Gorman,	McPherson,	Sewell,
Cockrell,	Groome,	Miller of Cal.,	Slater,
Coke,	Hampton,	Morrill,	Vest,
Colquitt,	Harris,	Pike,	Wilson.
Cullom,	Harrison,	Platt,	
Dawes,	Hawley,	Plumb,	

ABSENT—29.

Aldrich,	Farley,	Jones of Nevada,	Saulsbury,
Bayard,	Frye,	Lapham,	Sherman,
Blair,	Gibson,	Logan,	Vance,
Brown,	Hale,	McMillan,	Voorhees,
Cameron of Pa.,	Hill,	Mahone,	Williams.
Cameron of Wis.,	Hoar,	Morgan,	
Dolph,	Jonas,	Pendleton,	
Edmunds,	Jones of Florida,	Ransom,	

So the amendment was rejected.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Upon the passage of the bill the Senator from Missouri [Mr. COCKRELL] has demanded the yeas and nays.

The yeas and nays were ordered.

Mr. PLATT. Mr. President, I think this matter is of sufficient importance to justify a single word in explanation of the vote against this bill which I shall give.

The Revolutionary war ceased one hundred years ago. This lady was not born then. She is only 90 years of age now. She was not born until ten years after the Revolutionary war ceased. If she was married at 20 she was not married until thirty years after the Revolutionary war was over. Now, why this lady who married a Revolutionary soldier at least thirty years after the war had ceased should have $30 a month, when the widows of soldiers who gave their husbands to the war of the rebellion get $8 a month pension, is a thing which I can not understand. All over this land are widows in penury, struggling as best they may to keep the wolf away from their door, who gave, and willingly gave, in their young life their husbands to go forth and battle for their country. They never came back to them, and those widows were left with children to support, and have supported them, and never have found any fault with the pension which this Government has given them. I say that if the pension of widows is to be increased, it should be of those widows who have given their husbands to their country, and not of those who have married soldiers thirty years after the war ceased.

The PRESIDING OFFICER. The question is on the passage of the bill.

The yeas and nays were taken.

Mr. RANSOM. I am paired on all political questions with the Senator from Illinois [Mr. LOGAN], but this manifestly is not a political question, and I vote "yea."

The result was announced—yeas 29, nays 14; as follows:

YEAS—29.

Allison,	Dolph,	Manderson,	Sawyer,
Bowen,	Fair,	Maxey,	Sewell,
Butler,	Garland,	Miller of Cal.,	Van Wyck,
Call,	Harrison,	Miller of N. Y.,	Walker,
Colquitt,	Ingalls,	Mitchell,	Wilson.
Conger,	Jones of Nevada,	Palmer,	
Cullom,	Kenna,	Ransom,	
Dawes,	McMillan,	Riddleberger,	

NAYS—14.

Beck,	Groome,	Morrill,	Slater,
Cockrell,	Harris,	Pike,	Vest.
Coke,	Jackson,	Platt,	
George,	McPherson,	Pugh,	

ABSENT—33.

Aldrich,	Farley,	Jonas,	Sabin,
Anthony,	Frye,	Jones of Florida,	Saulsbury,
Bayard,	Gibson,	Lamar,	Sherman,
Blair,	Gorman,	Lapham,	Vance,
Brown,	Hale,	Logan,	Voorhees,
Camden,	Hampton,	Mahone,	Williams.
Cameron of Pa.,	Hawley,	Morgan,	
Cameron of Wis.,	Hill,	Pendleton,	
Edmunds,	Hoar,	Plumb,	

So the bill was passed.

ARMS FOR THE MILITIA.

The bill (S. 156) to amend section 1661 of the Revised Statutes, mak-

ing an annual appropriation to provide arms for the militia, was announced as next in order.

Mr. SEWELL. I ask that that bill go over until to-morrow without prejudice.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Jersey that this bill go over without prejudice? The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1323) fixing the rate of postage to be paid upon mail matter of the second-class when sent by persons other than the publisher or news agent;

A bill (H. R. 3956) to amend section 2527 of the Revised Statutes, relating to the district of Gloucester; and

A bill (H. R. 4383) to relieve certain soldiers from the charge of desertion.

EDWARD P. VOLLUM.

The bill (S. 363) for the relief of Edward P. Vollum was considered as in Committee of the Whole. It proposes to require the Secretary of War to ascertain the value of the property lost by Asst. Surg. Edward P. Vollum, of the Army, who, while under orders of the War Department, was on board the brig Fawn, bound for Fort Umpqua, Oregon Territory, when she was wrecked on the 21st of November, 1856, and the amount so ascertained is to be paid out of any money in the Treasury not otherwise appropriated; but no allowance is to be made for any property except what was useful, necessary, and proper for such an officer while on the voyage and engaged in the public service, and the aggregate amount allowed shall not exceed $700.

Mr. ALLISON. I wish to hear the report in that case.

Mr. HARRISON. The report which the Senator from Iowa has asked to have read will not give the facts. Reference is made in it to a previous report from the Committee on Military Affairs on the same subject, which I send to the desk; and, if the Senator desires, it can be read.

Mr. ALLISON. That will do.

The PRESIDING OFFICER. If there be no objection, the report referred to by the Senator from Indiana will be read.

The Secretary read the following report, submitted by Mr. COCKRELL January 17, 1882:

The Committee on Military Affairs, to whom was referred the bill (S. 293) for the relief of Edward P. Vollum, have duly considered the same, and submit the following report:

In the Forty-sixth Congress a similar bill was before your committee, and the following report was made, to wit:

"In the Forty-fifth Congress a similar bill was introduced and referred to the Committee on Military Affairs, and the following report was then made by said committee to the Senate:

"This bill requires the Secretary of War to ascertain the value of the property lost by Asst. Surg. Edward P. Vollum, who, while under orders of the War Department, was on board the brig Fawn, bound for Fort Umpqua, Washington Territory, when she was wrecked on the 21st day of November, 1856, and provides for the payment of such sum; provided, that no allowance be made for any property except what was useful, necessary, and proper for such an officer while on the voyage and engaged in the public service.

"Your committee referred the bill to the Secretary of War, and received full information touching the premises, and through him the following report of the Adjutant-General, to wit:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 4, 1878.

SIR: I have the honor to return herewith communication of March 26, 1878, from Hon. George E. Spencer, chairman Senate Committee on Military Affairs, and accompanying petition of Asst. Surg. (now Surg.) E. P. Vollum, for reimbursement of value of personal property lost by the wreck of the brigantine Fawn, in November, 1856, and to report as follows:

Major-General Wool's report of the loss of the Fawn (laden with military stores, and on which Surgeon Vollum was a passenger), with the papers therein referred to, is published in Executive Document No. 76, House of Representatives, Thirty-fourth Congress, third session, pages 250-252.

The reports in question, together with the copies of letters transmitted herewith, furnish all the information bearing on Surgeon Vollum's petition afforded by the records of this office.

I have the honor to be, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

The Hon. SECRETARY OF WAR.

FORT UMPQUA, O. T., *December* 16, 1856.

SIR: I have the honor very respectfully to lay before you the following statement and request:

On the 21st day of November last, while traveling to this post, pursuant to Special Orders No. 117, dated Headquarters Department of the Pacific, Benicia, Cal., October 16, 1856, I was shipwrecked off the mouth of the Sinsclau River, O. T., and sustained a loss in personal property to the amount of $700.

I respectfully request that you will call the attention of the Secretary of War to my loss, and the circumstances under which it occurred, with a request that he present a claim to Congress in my behalf for the above amount.

I have the honor, very respectfully, to be your obedient servant,

EDW. P. VOLLUM,
Assistant Surgeon, U. S. A.

Col. S. COOPER,
Adjutant-General, U. S. A., Washington, D. C.

[Indorsements.]

Respectfully transmitted, with the earnest recommendation that it may meet with the support of the proper authorities. Between this place and San Francisco there is no means of communication upon which an officer can rely for getting from one to the other point except sail vessels.

Very respectfully,

J. STEWART,
Captain, Third Artillery, Commanding.

Approved and respectfully forwarded.

JOHN E. WOOL, *Major-General.*

For letter April 21, 1857—reply to foregoing—see page 3.

ADJUTANT-GENERAL'S OFFICE, *Washington, January* 7, 1858.

SIR: At the request of Asst. Surg. E. P. Vollum, Medical Department, U. S. A., I have the honor herewith to transmit to you, as chairman of the Committee on Military Affairs on the part of the Senate, the memorial of that officer, for reimbursement of losses sustained by him by the wreck of a transport upon which he was proceeding from San Francisco, Cal., to Umpqua city, Oreg., in the month of November, 1856.

I am, sir, very respectfully, your obedient servant,

S. COOPER, *Adjutant-General.*

Hon. JEFFERSON DAVIS,
Chairman Military Committee, United States Senate, Washington, D. C.

ADJUTANT-GENERAL'S OFFICE, *Washington, January* 7, 1858.

SIR: The memorial and accompanying papers forwarded with your letter of November 1, 1857, have been transmitted to Hon. Jefferson Davis, chairman of the Committee on Military Affairs on the part of the Senate, this being the disposition of them deemed to be the best for the attainment of the purpose you have in view.

I am, sir, very respectfully, your obedient servant,

S. COOPER, *Adjutant-General.*

Asst. Surg. E. P. VOLLUM, *U. S. A.*,
Fort Umpqua, O. T.

ADJUTANT-GENERAL'S OFFICE, *Washington, April* 29, 1858.

SIR: I transmit herewith a letter which has been received from Asst. Surg. E. P. Vollum, U. S. A., inclosing an account in detail of his losses at sea in November, 1856, to be placed with the memorial of that officer for reimbursement of said losses, which was sent to the Military Committee of the Senate with my letter of January 7, 1858.

I am, sir, very respectfully, your obedient servant,

S. COOPER, *Adjutant-General.*

J. F. CALLAN, Esq.,
Clerk Military Committee Senate, Washington, D. C.

ADJUTANT-GENERAL'S OFFICE, *Washington, April* 21, 1857.

SIR: Your letter of the 16th of December last, relative to the losses you sustained by shipwreck in the month of November, 1856, was not received until the 2d ultimo, too late to permit any action in the matter at the late session of Congress.

I am now instructed to inform you that your petition for relief should be made direct to Congress, and may be addressed to any member with whom you may be acquainted or to the chairman of the Military Committee of either branch.

I am sir, very respectfully, your obedient servant,

S. COOPER, *Adjutant-General.*

Asst. Surg. E. P. VOLLUM, U. S. A.,
Fort Umpqua, O. T.

The order under which Assistant Surgeon Vollum acted is as follows, to wit:

[Special Order No. 117.]

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Benicia, Cal., October 16, 1856.

[Extract.]

* * * * * * *

2. Asst. Surg. Edward P. Vollum will proceed to the post on the Umpqua, O. T., and relieve Assistant Surgeon Milhaw, who will then comply with the instructions given in Special Orders No. 44 of May 1, 1856, from the War Department.

By command of Major-General Wool.

W. W. MACKALL,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 4, 1878.

Official extract.

L. H. PELOUZE,
Assistant Adjutant-General.

"Dr. Vollum duly presented his petition for relief in 1857, 1858, 1861, 1864, and then in 1878, and at one time a favorable report was made in the Senate, but no final action had. No action seems to have been had at other times. Dr. Vollum has therefore not been negligent in presenting his claim.

"Dr. Vollum was on board this vessel under orders to go from California to Umpqua, Oreg., the only mode of conveyance at that time, and was in the discharge of official duty; and without fault or neglect on his part, and unavoidably, the vessel was wrecked and his necessary property—personal effects—was wholly lost.

"There is a long line of precedents giving relief in similar cases.

"Your committee believe Dr. Vollum is fairly entitled to relief, and report back the bill without amendment, and recommend its passage.

"Your committeee have again given due consideration to this claim, and find the foregoing report correct.

"Surgeon Vollum, in his letter of December 16, 1856, to the Adjutant-General, states the amount of his loss at $700, and asks the presentation of a claim for that amount. Your committee recommend the passage of the bill herewith reported back to the Senate with an amendment added to the bill in the following words, 'And that the aggregate amount allowed shall not exceed the sum of $700.'"

The bill so reported passed the Senate and was favorably reported in the House. (See Report No. 1723, H. R., made June 9, 1880.)

Your committee adopt said report, and recommend the passage of said bill.

Mr. INGALLS. I should like to hear from the Senator who reported this bill upon what theory it is that the Government is to be regarded as the insurer of the personal effects of those who enter into the military service. I can not understand why when a surgeon is employed to go to a distant post and taking a vessel is shipwrecked, losing his wearing apparel and instruments, he should be recompensed any more than the officer who loses his effects in battle. It appears to me the question is the same in both cases; and if the Government is to undertake to guarantee to all those who enter its service immunity against

the loss of their personal effects there will soon be no difficulty whatever in disbursing the balance of our surplus revenue. I do not know that it has been customary to pass this class of bills, but if it has, I should think it was time to inquire the reason and if possible to put a stop to it.

Mr. HARRISON. Mr. President, as the inquiry of the Senator from Kansas is addressed to me, I must respond. Though I have not sufficient age in the Senate to give the origin of this form of relief bill, I can say that since I have been a member of the Military Committee it has not only been the practice of the committee to report favorably but it has been the practice of the Senate to pass such bills as that now under consideration. These bills are always limited to those things that are necessary in the outfit of an officer, uniform and those arms required by the regulations and articles of property of that description. We invariably exclude all of those things that relate simply to his convenience and comfort as a householder at any place or any of those things that he may add for ornament, and have limited it simply and strictly to those things that appertain necessarily to the discharge of his duties as an officer of the Army.

If I am asked on what theory this rests, I do not know except it be this: that in the assignment of quarters, in the methods of conveyance to which these officers are assigned and which they must take in executing their duty, they have not the choice which we have, nor the opportunity to protect themselves against risks. It has seemed, therefore, to the committee, and the precedent of many years has been established on this subject, that losses of this kind should be recompensed. I think it would take a vast number of years to exhaust even a small part of the surplus, for these allowances are always very small and the cases are not numerous.

That, Mr. President, is all I can say with reference to the bill. It is only my bill in the sense of my having reported it.

Mr. INGALLS. Are we to understand that——

The PRESIDING OFFICER. If there be no objection the Senator from Kansas will proceed.

Mr. INGALLS. Are we to understand that this bill was reported not because it was right but because it has been customary to report similar bills? The Senator from Indiana wisely refrains from any attempt to justify the report that has been made. He admits that it does not stand upon any defensible ground. It would be just as wise to say that the officer whose effects were in a baggage train upon the march that was assailed by the enemy's cavalry, and captured and burnt, should have the value of his equipments paid to him, as to admit that this surgeon, who was ordered to Oregon and taking vessel was shipwrecked *en route*, should be held to be guaranteed against loss by the Government.

Of course I have no expectation of opposing the passage of this bill successfully; but merely desire that the Senate should understand that the principle upon which it is reported is false, that it does not stand upon any basis of reason or justice, but is reported simply because other bills of a similar character have been reported and as I suppose they will continue to be reported until the end of time.

Mr. HARRISON. I may ask the same indulgence which has been accorded to the Senator from Kansas; and I may be permitted to say that he is the most successful debater I know of in the Senate when he is allowed to take both his own position and that of his opponent. I never knew him fail to succeed in demolishing an opponent when he had first constructed the position and defense of the person that he was to assail. He misunderstood me if he understood me to say that this bill was not in my opinion defensible.

Mr. President, there is no legal obligation to pay this officer this loss. If there were such an obligation, if we already had a law justifying it, this bill would not have been reported; but it is believed, it has been the opinion of the committee and of the Senate and is my opinion, that in such a case as this the Government may very well and ought as a matter of grace to reimburse such small losses.

Mr. COCKRELL. Mr. President, I had some years ago the honor of reporting this bill in the same way it is reported now. If there were a legal obligation on the Government the claimant would go into the Court of Claims and enforce it. There being no legal obligation, what the committee think and what the committees of the Senate and of the United States Congress for the last sixty years have thought is that there is an equitable obligation resting upon Congress to pay these claims, and they have accordingly reported this bill, and this bill is only one of the many that have been reported favorably and passed for the last sixty years without exception.

Mr. ALLISON. I should like to have the Senator from Missouri tell us how many of these bills have been passed in the last sixty years. I do not recollect very many of them since I have been in the Senate.

Mr. COCKRELL. There has not been a session of the Senate since I have been here, nine years, but what bills of this kind have been passed. Bills of this kind have passed already at this session. Two more bills we have reported favorably. They have been reported favorably from the Committee on Claims; they have been reported favorably from the Committee on Military Affairs. Both committees have reported them just alike.

Mr. PLUMB. I think I had something to say about this bill when it was before the Senate last year. I do not think any such bill has been passed, the Senate understanding what was before it, without opposition. While it may be that the Senate has committed itself beyond recall to an allowance of this kind, I want to say that I regard it as vicious in the last degree, and if it shall come to be understood that payments of this kind are to be made, of course they will mutiply with alarming frequency. We pay already the officers of our Army a higher salary than is paid to the officers of any army in the world. The United States Army, the regular establishment, without taking any account of contingencies or allowance of this kind or of any extraordinary kind, costs within a few hundred dollars of as much as the entire German Army.

While we boast of the lack of necessity for a standing army and the cheap character of our military establishment, it is well for us to know that what we lack in numbers we make up in pay. In other words, 25,000 men, officered as they are, in the American Army cost within about half a million dollars of as much as 400,000 men in the German army; and yet in various ways we add to the salaries and compensation of the officers of the Army by giving gratuities of this kind and of every other kind which their invention and our abject concession permit them to ask for and us to pass.

If this is done, it ought to be extended to the private soldiers; we ought to give them a chance; and every article of apparel and every other thing which a man may legitimately have in the Army, wherever he goes, if by any misadventure or carelessness of his own or anybody else he loses, he ought to be permitted to put his hand into the Treasury and make himself whole.

Mr. MAXEY. If the Senator desires, as he says he does, to extend this relief to private soldiers, I say to him that precisely a like case was presented to the committee where by fire a soldier's quarters where he was in the discharge of his duty were burned up and his clothing and equipments destroyed; and we thought he ought to be paid, and we reported a bill for that purpose.

Mr. PLUMB. That is but one case. Can the Senator name another?

Mr. MAXEY. I can name another; the destruction of the steamer Don Cameron, where the clothes of private soldiers were allowed for as well as those of officers.

Mr. PLUMB. There are two cases which the Senator has been able to suggest. He knows very well that if this rule be adopted it will not apply to private soldiers as well as it does to officers, because officers can more easily get here; in fact many of them are detailed here to-day and are doing duty in Washington, where such great military necessities exist, for the purpose of defending Congress, I suppose, or something of that kind, and consequently have opportunity to be in wait, present these bills, and make their influence felt on committees and to obstruct legislation designed to correct abuses in the Army which we are constantly confronted with.

I, for one, am opposed to the whole scheme. There is no other branch of the public service in which we apply anything like as liberal rules as we do in the Army. Why should not officers of the revenue service and officers of the postal service have relief in similar cases? Take the cases of railway postal clerks whose property is destroyed by fire, lost by misadventure of different kinds in their arduous and hazardous service, and a service which, on an average, is more hazardous than that performed by the Army to-day; ought not they to be paid? So taking the whole range of the public service, if this rule is to be established for the Army it ought to apply to the revenue service just as well as to the military service, and the military service is no more entitled to be exempted from the consequences of accidents or casualties than the civil service.

Mr. INGALLS. May I ask my colleague a question?

Mr. PLUMB. Certainly.

Mr. INGALLS. Is it customary to pay officers for equipments and clothing and personal effects lost by a raid of enemy's cavalry?

Mr. PLUMB. No, it is not, and never has been; but if my colleague has the curiosity to look at the pay-table he will find that we pay officers of the Army a large percentage more now than we paid them during the time when they rendered actual service in the field; that we have established longevity pay; that we have established for them and for a class of people who, as a rule, have never seen service under fire a pension-list which gives them three-fourths of full pay when on that list that they are entitled to when in active service. In other words, by just as much as we recede from the war and get into a condition where actual military service is impracticable and impossible we give men higher pay and greater privileges.

The PRESIDING OFFICER. The Chair calls the attention of the Senate to the fact that Rule VIII limits debate to five minutes for each Senator and says that no Senator shall be heard more than once. The Chair gives this notice, because the present occupant will enforce the rule unless unanimous consent is asked to violate it. This bill is before the Senate as in Committee of the Whole and open to amendment.

The bill was reported to the Senate without amendment.

The PRESIDING OFFICER. Shall the bill be engrossed for a third reading?

The question being put, it was declared that the noes appeared to prevail.

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. RANSOM (when Mr. VANCE'S name was called). My colleague [Mr. VANCE] is paired on all questions with the Senator from Ohio [Mr. SHERMAN]. I do not know how either would vote on this question.

The roll-call was concluded.

Mr. HALE. I am paired with the Senator from Kentucky [Mr. BECK].

Mr. RANSOM. I should have stated that my colleague [Mr. VANCE] is absent on business before the Committee on Privileges and Elections.

The result was announced—yeas 26, nays 14; as follows:

YEAS—26.

Bayard,	Dolph,	Lapham,	Platt,
Butler,	Garland,	McMillan,	Ransom,
Call,	Hampton,	Manderson,	Sawyer,
Cockrell,	Harrison,	Maxey,	Sewell,
Conger,	Hawley,	Miller of Cal.,	Walker.
Cullom,	Jones of Nevada,	Mitchell,	
Dawes,	Kenna,	Palmer,	

NAYS—14.

Allison,	Groome,	Lamar,	Vest,
Coke,	Harris,	McPherson,	Wilson.
Colquitt,	Ingalls,	Plumb,	
George,	Jackson,	Pugh,	

ABSENT—36.

Aldrich,	Edmunds,	Jonas,	Riddleberger,
Anthony,	Fair,	Jones of Florida,	Sabin,
Beck,	Farley,	Logan,	Saulsbury,
Blair,	Frye,	Mahone,	Sherman,
Bowen,	Gibson,	Miller of N. Y.,	Slater,
Brown,	Gorman,	Morgan,	Vance,
Camden,	Hale,	Morrill,	Van Wyck,
Cameron of Pa.,	Hill,	Pendleton,	Voorhees,
Cameron of Wis.,	Hoar,	Pike,	Williams.

So the bill was ordered to be engrossed for a third reading. It was read the third time, and passed.

MARTIN L. BUNDY.

The bill (S. 543) for the relief of Martin L. Bundy, was considered as in Committee of the Whole. It is a direction to the accounting officers in the settlement of the accounts of Martin L. Bundy, late a paymaster in the United States Army, to allow $719.47 for the forage of two horses to which he was entitled, and which was not drawn by him from the 17th of July, 1862, to the 15th of April, 1866.

Mr. INGALLS. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HARRISON January 22:

The Committee on Military Affairs, to whom was referred the bill (S. 543) for the relief of Martin L. Bundy, respectfully report:

That a bill similar in all respects to this was before the committtee at the first session of the Forty-seventh Congress and was reported favorably.

Your committee adopt the report then submitted, which is as follows:

Major Bundy was appointed additional paymaster, United States Army, on the 31st day of August, 1861, and served as such until the 15th day of April, 1866, when he was honorably discharged and mustered out of the service. During the term of Major Bundy's service he disbursed millions of money, and after his discharge he settled his accounts with the Treasury Department, and on the 22d day of May, 1872, received from the office of the Second Auditor a certificate of non-indebtedness, in these words:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
May 22, 1872.

This is to certify the accounts of Maj. M. L. Bundy, late additional paymaster, United States Army, having been finally adjusted in this office and confirmed by the Second Comptroller, show no indebtedness on his part to the United States.

E. B. FRENCH, *Auditor.*

About seven years after this, say some time in 1879, upon a readjustment of his accounts by the Second Auditor, it was found that he had received a duplicate credit for the sum of $528.72, and that sum was due from him to the United States.

By the act of July 17, 1862, officers of Major Bundy's rank were entitled to forage for two horses. From that date to the time of his muster out of the service, a period of forty-four months and twenty-nine days, the value of this forage according to the regulations, is $719.47. This forage was never drawn nor was it ever commuted or paid.

Under the circumstances of this case your committee think it is but just that in adjusting Major Bundy's account he should be credited with the value of the forage which was due him under the laws and which he did not receive.

Your committee recommend the following amendment:

After the word "horses" insert the words "to which he was entitled, and which was". And when so amended your committee recommend the passage of the bill.

Your committee, therefore, recommend the passage of the bill.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

NANCY MILLER.

The bill (S. 494) for the relief of Nancy Miller was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Nancy Miller, widow of Thomas Miller, late a private in Company M, Eighth Regiment Tennessee Cavalry Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. CULLOM January 22:

The Committee on Pensions, to whom was referred the bill (S. 494) for the relief of Nancy Miller, having considered the same, make the following report:

That the application for pension made by Nancy Miller, widow of Thomas Miller, said to have been a member of Company M, Eighth Tennessee Cavalry, was rejected by the Commissioner of Pensions on the ground that no proof that said Miller was in the military service, as alleged, was found in the records of the Adjutant-General of the United States Army, the adjutant-general of Tennessee, the Paymaster-General of the United States Army, or the Hon. Second Auditor of the Treasury Department. On all other points the Commissioner reports the case as complete.

That in proof of said Miller's service claimant submitted the affidavit of Nelson McLaughlin, who was captain of Company M, Eighth Tennessee Cavalry, and who testified that he recruited Thomas Miller August 27, 1863, in Washington County, Tennessee, into said company and regiment; that Miller drew rations and served and did duty as a private in said company and regiment from the date of his enlistment until October 19, 1863, when "he was granted leave of absence on furlough to go to Yancey County, North Carolina, and on his return back to his command he was attacked by the rebels, or enemy, and by them killed on the 6th of November, 1863."

That Frederick Ledford and James R. Anderson, citizens of Yancey County, North Carolina, certified, under date of December 2, 1867, that they knew the said Miller, "late a private in Company M, Thirteenth (Eighth) Regiment Tennessee Cavalry;" that they saw him a corpse a few minutes after he had been shot: that the rebel soldiers present said they had killed him; and that said Ledford and Anderson assisted in making Miller's coffin and in burying him the next day.

That since the rejection of this claim by the Commissioner a statement has been submitted, which was sworn to August 18, 1882, by Samuel Miller, Peter Peterson, John Miller, and J. G. Cooper, residents of Hollow Poplar, N. C., which furnishes an explanation for the failure to find Miller's name on the muster-rolls, and for the fact that Captain McLaughlin should have sworn that he enlisted Miller before the company was organized, according to the records, and should have failed to give in Miller's name.

From this statement it appears that in November, 1863, while the Eighth Tennessee Cavalry was being formed, it was assigned to guard duty at Mossy Creek, Tenn.; that Colonel Patton gave the recruits ten days' furlough, by general order, for the purpose of visiting their homes and procuring necessary clothing, with orders to report at Jonesborough for duty; that about this time General Burnside's command fell back to Knoxville, to which place Longstreet laid siege; that the Eighth Tennessee, not having been organized, and being engaged in recruiting, did not go to Knoxville, but during the siege marched, under orders, to Camp Nelson, Kentucky, where the regiment was organized, and then marched to Nashville; that said Miller, with many others who enlisted about the same time, was cut off from his company, and was not able to reach Jonesborough, where the recruits had been ordered to report, because of the occupation of the country by the enemy; that during the said siege the Union men of that locality were exposed to great danger from the enemy, and on this account no regular muster-rolls of enlisted recruits were kept by the enlisting officers, but affiants affirm of their own knowledge that Miller performed the services claimed in his widow's application, and that prior thereto he was enlisted as all other men were enlisted throughout that section at that time; that Miller was enlisted August 27, 1863, and went into camp at once; that in a few days the company went to Mossy Creek, Tenn., and remained on guard duty until November 19, 1863, when the recruits were furloughed by general order by Colonel Patton, and that Miller was killed while on the way to rejoin his command, about November 25, 1863.

Therefore, believing that the fact of said Miller's service has been sufficiently well established, and that this claim is one that calls for the favorable action of Congress, the committee recommend that the bill do pass.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

J. C. JORGENSEN.

The bill (S. 667) for the relief of First Sergt. J. C. Jorgensen was considered as in Committee of the Whole.

Mr. CONGER. Is there a report?

The PRESIDING OFFICER. There is no printed report. The bill is reported by the Senator from Illinois [Mr. LOGAN], chairman of the Committee on Military Affairs.

Mr. SEWELL. First Sergeant Jorgensen passed the usual examination provided for enlisted men of the Army to become an officer, and would have been appointed but for the fact that by the time the examination reached the War Department he was a month older than the arbitrary rule of the Department fixed for such an appointment. He was recommended by every officer of the regiment and is personally known to the chairman of the Military Committee as one of the best non-commissioned officers in the service. He performed this act of gallantry during a thunder-storm, as alleged in the preamble of the bill. The bill is simply to give authority to make the appointment.

The bill was reported from the Committee on Military Affairs with an amendment in line 5, after the word "to," to strike out "confer upon" and insert "appoint;" and in line 6, after the word "a," to strike out "commission as;" so as to make the bill read:

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint First Sergt. J. C. Jorgensen, Troop K, Fourth United States Cavalry, a second lieutenant in the cavalry arm of the service, for distinguished conduct and cool, determined courage under the following circumstances: On the 23d of August, 1883, during a violent thunder-storm, lightning struck the end of the troop corral at Fort Wingate, N. Mex., and passing into the troop store-room exploded several boxes of ammunition. Having discovered the location of the fire, First Sergt. J. C. Jorgensen broke into the store-room and carried out of the building the burning boxes of cartridges and some powder which stood beside them. Sergeant Jorgensen has passed the necessary examination required by law for applicants for appointment to the grade of second lieutenant, and has been strongly recommended for promotion by the board of officers which examined him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CONGER. Is there a preamble?

The PRESIDING OFFICER. There is no preamble.

Mr. CONGER. Is the statement that was read a part of the bill?

The PRESIDING OFFICER. The Secretary reports that there is no preamble. The statement the Senator refers to is in the body of the bill.

Mr. CONGER. I understood there was a preamble. I think there should be a report giving the argument. That should not be in the body of the bill.

Mr. SEWELL. There is nothing objectionable in it. It merely gives the reason for the passage of the bill.

The PRESIDING OFFICER. The Senator from Michigan will have to move to reconsider the vote by which the bill was passed and the vote by which it was ordered to a third reading in order to reach what he desires.

Mr. CONGER. If it is desired to put a statement giving the reason for their passage in the laws, I make no objection.

Mr. SEWELL. It is a very proper statement.

GEORGE P. WEBSTER.

The bill (S. 472) for the relief of George P. Webster was considered as in Committee of the Whole. It is a direction to the accounting officers of the Treasury to place to the credit of George P. Webster, late a captain and assistant quartermaster of volunteers, the amount suspended in his accounts as such quartermaster, which was disbursed in payments of rents for certain property in the city of Covington, Ky., used for military purposes during the period from October 1, 1862, to August 31, 1865.

Mr. INGALLS. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. LOGAN, from the Committee on Military Affairs, January 22:

This is a bill authorizing and directing the accounting officers of the Treasury Department to place to the credit of George P. Webster, late captain and assistant quartermaster United States volunteers, the amount suspended in his accounts as such quartermaster which was disbursed in payment of rents for certain property in the city of Covington, State of Kentucky, used for military purposes during the period from October 1, 1862, to August 31, 1865, and releasing the said George P. Webster and his official sureties or bondsmen from any liability to the United States on account of the amount suspended.

The report of the Treasury Department upon this bill shows that Captain Webster paid the rents in question under verbal and written instructions from Col. G. V. Rutherford, assistant quartermaster and inspecting officer of the Quartermaster-General's Office on duty in the West; that he, Captain Webster, had refused to make such payments as long as he felt that he had any discretion in the matter, and that he only paid them after he had received positive verbal orders and written instructions to do so from an officer who came to him from the Quartermaster-General's Office, and assumed to have full authority to control the action of Captain Webster in the premises, which Captain Webster believed that he had.

The payments were at once reported by Captain Webster to General Donaldson, chief quartermaster of the military department in which he was on duty, who, after sending an officer to examine the property for which the rents were paid and to investigate the subject generally, approved the payments.

The accounting officers of the Treasury do not question that the property was used as alleged, and that the payments for rents were made by Captain Webster as stated in his accounts; neither do they doubt that Captain Webster declined to do so until ordered by a superior officer, having due authority, as he (Webster) and other officers believed.

But the accounting officers object to the *form* of the *written* order given Captain Webster by Colonel Rutherford, and also do not acknowledge that Colonel Rutherford had authority to direct the payments to be made, and therefore have declined to give Captain Webster credit for the amount of these rents.

The Third Auditor says: "It has never been charged, so far as known to the accounting officers, that there was any collusion between Captain Webster or any other person or persons regarding these payments, or that he acted in any other manner than in perfect good faith in respect thereto," and concludes as follows:

"I see no objection to the applicant being afforded such equitable relief as Congress may in its judgment deem proper."

There being no question as to the facts, and no doubt of Captain Webster's entire good faith in the matter, but the accounting officers being of opinion that an act of Congress is required to obviate difficulties of settlement of Captain Webster's accounts, the committee recommend the passage of the bill.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL STEEL VESSELS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business of yesterday.

Mr. HALE. I desire the consent of the Senate to make the bill (S. 698) to authorize the construction of additional steel vessels for the Navy the special order for Monday next at 2 o'clock, which will take it out of any interference with the Calendar. I know that Senators are desirous that special orders shall not be made to conflict with the bills upon the Calendar. I will say here that I shall be obliged to be absent for some time after next week, and am anxious that the sense of the Senate should be taken upon the bill.

I would fix an earlier day but for the fact that the Senator from New Jersey [Mr. MCPHERSON], a member of the Naval Committee, will be absent the last of this week, and I have fixed next Monday because I believe that that will suit him.

I will say further that I do not believe the bill will give rise to much debate or that much time will be taken with it; but I think it very important that it should be taken up soon and the sense of the Senate expressed upon it. I ask that the assignment be made.

The PRESIDING OFFICER. Is there objection to making the bill referred to by the Senator from Maine the special order for Monday next at 2 o'clock? [A pause.] The Chair hears none, and the order will be entered.

NATIONAL-BANK CIRCULATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1155) to provide for the issue of circulating notes to national banking associations, the pending question being on the following amendment, proposed by Mr. PLUMB as an additional section:

SEC. 2. That whenever the circulation of any national bank, or any portion thereof, shall be surrendered, and the same is not taken up by other national banks within thirty days thereafter, the Secretary of the Treasury shall thereupon issue an equivalent amount of Treasury notes of the denominations now provided by law for national-bank notes. Said Treasury notes shall be deposited in the Treasury and paid out as other moneys kept for the discharge of the obligations of the Government. They shall be receivable for salaries and for all dues to the Government, including duties on imports; shall be a legal tender between national banks and for all debts due to any national bank; shall be redeemable in coin, as the legal-tender notes of the United States now are; and when received into the Treasury they shall be reissued, and when mutilated or worn they shall be replaced, in the same manner as now provided by law for said legal-tender notes. The coin held in the Treasury at the date of the passage of this act for the redemption of the legal-tender notes of the Government shall also be applicable to the redemption of the Treasury notes herein provided for; and such coin reserve may, from time to time, be increased by adding thereto other sums from payments made into the Treasury, in the discretion of the Secretary of the Treasury: *Provided*, That the total amount of said coin reserve shall never be less than 25 per cent. nor more than 30 per cent. of the total amount of legal-tender and Treasury notes outstanding; the true intent and meaning of this section being that the volume of paper money outstanding, exclusive of gold and silver certificates, shall remain as now existing.

Mr. BAYARD. Mr. President, this amendment of course will be a test question, as to whether the Senate propose now that the Government of the United States shall go into the banking business. Although I am suffering from so severe a cold that I am unable to continue the debate, I desire to speak briefly on this question. The proposition of the Senator from Kansas is that the notes issued by the Government to the banks in accordance with commercial interests shall now be replaced under the process indicated by notes issued directly from the Treasury.

We have heard a great deal of the power of the national banks, and there has been a good deal of fiery and lurid rhetoric from the Senator from Missouri [Mr. VEST] and his friend from Texas [Mr. COKE] as to the supposed power of these moneyed institutions, which it was even alleged had cast its shadow over this Chamber and destroyed the personal independence of members of the body, so that they are bound hand and foot to obey the dictates, whatever they may be, of these supposed corporate giants.

The answer to that would be in my judgment that if this power does exist, it is open to any five men in the country who can command the sum of $50,000, to become copartners in it. It is absolutely free to any five men who can command so much capital; for under the present law they can organize a national bank, and thus become powerful and great and controlling, according to the pictures drawn in this Chamber of such institutions.

But it seems to me that while gentlemen are expressing dread of the influence and power of aggregated capital, they are strangely blind to another and greater power which they seek to create in their attempt to escape from the first.

Of all the depths that have ever been imagined, of all the propositions that have ever been made in favor of the centralization of the powers of this Government, there is not one in my opinion comparable to the suggestion of turning the Treasury of the United States into a bank of issue, and controlling the volume of the currency, not by the commercial necessities of the people, but by the accidental will of an accidental majority in the two Houses of Congress. I can not understand what gentlemen mean when they profess a dread of the aggregated power of capital, and at the same time are ready to commit this question, so purely commercial, to the political departments of the Government, and provide that the exigency of party shall take the place of commercial necessity, and that a power in its nature wholly commercial is to be controlled in its operation by political laws!

Mr. President, this amendment is in reality measuring the wants of the future by the supply of the past.

That whenever the circulation of any national bank, or any portion thereof, shall be surrendered, and the same is not taken up by other national banks within thirty days thereafter, the Secretary of the Treasury shall thereupon issue an equivalent amount of Treasury notes of the denominations now provided by law for national-bank notes.

It is a proposition, then, that the volume of currency which has been found useful by these banks shall remain the same, and an equivalent amount of Treasury notes is to be issued upon what is termed a surrender of their currency. As a matter of fact, however, their currency is not surrendered. For when the notes of a bank have once been issued, their universal receivability undoubtedly carries them all over the country, and it would become an absolute impossibility for the bank to gather up its circulation and to retire it even in a large percentage.

Looking at that fact, it became necessary long ago to pass the law now existing, which enables the bank desiring to give up the business to obtain its bonds and retire its currency, to take the Treasury notes of the United States in lieu of their own and place them in the Treasury.

I have not the means at hand to know what percentage of a bank's own currency, that is to say the currency that originally was issued to that bank, has ever been returned by it to the Treasury at the time it withdrew from the business of banking or when its business was wound up. I have seen and heard, however, of quite a large premium being offered by the bank to get its own notes back for the purpose of going into liquidation or giving up the business of the issue of notes. It was,

I suppose, that difficulty which caused the enactment of the law permitting the deposit of greenbacks in lieu of the currency originally issued to the identical bank.

What the practical and immediate effect of such a proposition as this is to be I do not know. I think it would not work practically in accord with the wishes or design of the Senator who offers this amendment; but that is not my objection to it. It is an amendment wholly at variance with and entirely destructive of the proposition reported by me from the committee.

It seems to me that the measure as it came from the committee has been misunderstood. It apparently has not been appreciated either by those who have discussed it in this Chamber or outside. It was not intended to create a new banking system, but it was to continue the principle of the present currency and banking system, and it only meant to give a more liberal ratio of the currency notes issued by the Government upon the deposit of bonds.

In round numbers there are over $700,000,000 of 4 per cent. bonds which can not be paid until 1907. These bonds in common with the 3 percents and 4½ percents will be the legitimate basis of deposit upon which 100 per cent. of currency will be issued.

I know that, with the present amount of bonds held by the banks, which is about $350,000,000, if you are to take but 10 per cent. upon that, it may be called an inadequate provision against the contraction that is to follow if $200,000,000 of the 3 per cent. bonds are paid off in the next three years; but the very principle of the present banking law provides for an expansion of the currency in response to the commercial demand for it. It is doing that which the Government itself never can do. It is using these commercial associations, whose business is transacted entirely upon commercial principles, to perform the work of commerce and to adopt their action, their investments, their issues, entirely in accord with the laws of self-preservation. The function of the Government is completed when the currency that is so issued and is so received all over the country is made secure in the hands of the noteholder.

I do not know whether the 4 per cent. bonds now selling at so high a premium will be used by the banks to replace the 3 per cent. bonds that are now being so rapidly called in and paid off, as long as they are subjected to a tax of 1 per cent. in addition to the tax they pay in common with all other property under the State laws. I do not know practically what inducement there will be. Having no knowledge or interest (I mean by interest, a personal interest in any banking institution) I will not say whether the profit will induce the substitution of the 4 per cent. bonds at their present premium for the 3 per cent. bonds as they are called in and paid off under the present law; but I believe that they will be so used, and that the law that will control their use will be the commercial necessity for an increased volume of currency; and if it shall be assisted by taking the tax off their circulation, and it becomes discreet and wise to enact such a law, I am afraid that notwithstanding my fear of the displeasure of the Senator from Missouri [Mr. VEST] I will be found voting in favor of it.

I do not believe that there will be the vacuum created of $60,000,000 per annum of currency, for I believe that as the 3 per cent. bonds are paid, the banking will continue under the pressure of the necessity for banks, and under the approval of the American people of the system and of the currency under the system; and that the 4 per cent. bonds will be bought, which will be made the basis for the circulation, and the contraction apprehended will not occur. Certain it is that if it does occur the present laws offer a remedy for it. Twice the number of bonds can be taken under the national banking system than are now held under it, and twice the volume of the currency issued to them can be obtained if it is profitable to obtain it and if commercial necessity calls for it. That is the law that should govern currency—a commercial law and commercial power, which can not be fitly executed by a political power whose exigencies, under the spirit of party that so controls in a republic, would be attempted to measure one force and one necessity by a power and a tendency wholly different in principle from the subject-matter to which it relates.

Believing that this is the suggestion of the commencement or the recommencement of a system and of a step which is one of centralization of the most extreme nature, the creation of a power that I never willingly shall see created, I hope the Senate will emphatically refuse its assent to the proposition of the Senator from Kansas [Mr. PLUMB].

What may be done or needed when the debt of the United States shall have been paid we can better tell when that period arrives. Twenty-three years lie between us and that consummation. Undoubtedly the question of a redundant revenue, the accumulation of this excess of $100,000,000 in the Treasury, is embarrassing and is an evil in every way it can be looked at. It impoverishes the people and it compels the use of the money in some way, and at present the very natural and obvious way of buying in and paying off the interest-bearing debt of the United States.

I have nothing to say at this time in regard to another portion of the debt of the United States, and that is the $350,000,000 of Treasury notes, the demand notes, that are not paid and that are nothing but a form of debt conveniently used at this time by the people of this country as their currency. That is part of the legacy of a war. It stands there. There is no proposition that I know of now before the committee or the Senate to interfere with that, but the proposition is now made by the Senator from Kansas to extend the principle and to enter this Government upon a system of governmental banking. I for one am not prepared for it, but should be false to my sense of duty, false to every conviction I have upon the wisdom and justice of Government interference with this question, if I did not upon every occasion record my vote and raise my voice against it, and particularly now do I wish to emphasize my protest against the issue of demand notes by the Government as a currency for the people—an expedient that has always proved too strong for the virtue of legislators.

Mr. PLUMB. Mr. President, we are confronted with a condition of things which seems to call for some remedy. The system which the Senator from Delaware [Mr. BAYARD] so lauds as being one designed to and capable of furnishing a currency which shall adjust itself to the wants of business from time to time has confessedly failed in performing that function. It was not left for me to say that here for the first time, but it was left for the Finance Committee of this body, under its great authority, to present that as the reason why a measure which they reported should be passed. Bear in mind that that is not only so because of the retirement of the national debt, but it is so because the banks themselves have not taken out all the currency which they are now authorized by law to take out. That exhibits an inherent defect in the system, superadded to which is this other cause, the retirement of the national debt.

If the system will itself furnish all the currency that is necessary, why are the Senator from Delaware and those who agree with him in supporting the bill of the Senator from New Jersey advocating upon this floor the absolute addition by the fiat of legislation of $35,000,000 bodily to the volume of the currency?

Mr. VEST. Forty-five million dollars by the amendment of the Senator from Vermont [Mr. MORRILL].

Mr. PLUMB. As the Senator from Missouri suggests, the amendment of the Senator from Vermont would add $45,000,000 to the volume of the currency. It seems to me that we ought to have done with any further talking about this self-adjusting system answering the wants of the country with reference to currency. By the mouth of everybody and by the legislation proposed it is confessed that the system has failed, fundamentally failed, and is in danger not only of going down itself but of carrying down with it the entire structure of the business interests of this country; and the question is now addressed to us as practical men and as men having responsibilities, what shall we do to prevent this calamity? because it can be characterized by no lighter term than that.

The Senator from Delaware said (he need not have said it though, but he did say it) that he himself could not tell what inducement would be necessary upon the part of Congress to induce the banks to take 4 per cent. bonds and thereby give permanency to the volume of currency. We are to-day wrestling with that problem; and after all that can be said, and after all that has been said, it is only a guess at the very best. We have the authority of the gentlemen who have reported this bill, and who have proposed various amendments to it increasing the ratio of the currency to bonds, but against them we have the testimony of the president of a bank in the city of New York, speaking from the standpoint of the banks, in which he says that every one and all of these remedies will be absolutely futile.

It therefore behooves us to do something which shall as nearly as possible make it certain that the volume of the currency will not be reduced during the period of time that Congress shall be in vacation. In order to do that I have proposed the amendment which has been the subject of the remarks of the Senator from Delaware, confessing when I offered it that it was only for a temporary purpose. But it is justified by the action of Congress in arresting the retirement of the greenback notes. The Senator from Delaware says that is fashioning the currency of the future upon the experience of the past. What is his proposition? It is to add to the currency of to-day $35,000,000 or $40,000,000 without adequate provision for any further increase whatever, and with nothing that any one can say with any authority will prevent the reduction of that currency at any moment of time.

Mr. BAYARD. Would it interrupt the Senator for me to say a few words?

Mr. PLUMB. No, sir.

Mr. BAYARD. I did say that the amendment of the Senator from Kansas was a proposition to measure the volume of the currency of the future by the volume of the past, because he provides for an issue of a different class of notes of an equivalent amount to those which shall be surrendered; so that of course if no more are to be issued than are surrendered the amount will be the same; there is to be no progress at all in that way, no increase in the volume. That was one of my comments.

I wish to say further that there is no necessity for the Senate by additional legislation to provide for an increase in the volume of the currency, because the banking system itself provides for that. The Senator himself, an active and vigorous banker, can obtain 100 per cent., if this amendatory bill becomes a law, or under the present law 90 per cent. of currency upon just such amount of bonds as he chooses to in-

vest his money in for the purpose of obtaining currency. If the demand shall be created from any cause for an increase in the volume of the currency, the present banking system permits it to be done. The proof of that has been the growth of the number of banks all over the United States until at this time I believe there is no Territory and no State that does not contain one or more new banks.

Mr. PLUMB. I am obliged to the Senator from Delaware for calling my attention to the new banks. He will find by an examination of their statistics that with very few exceptions each bank has taken out the smallest possible amount of currency allowable. He will find that in all that region of country west of the Mississippi River where there have been the largest additions to the number of banks, the persons organizing them have desired simply to have the charter for the reason that it has given them added credit; that they have had no concern about the amount of currency to be added to the general volume existing in the country, but have taken out the smallest possible amount which the law enabled them to do.

Mr. BAYARD. But they can take out the full amount of 90 per cent.

Mr. PLUMB. They have not done it, and because they have not done it, and because independent of the increase in the number of banks there has been a retirement of the actual amount of circulation, we are proposing legislation to do that which the banks themselves will not do, having refused to do it with the full opportunity.

Mr. BAYARD. If I am not interrupting the Senator, let me ask, would it be any more compulsory than it is now? There is no compulsion on a bank to take out currency.

Mr. PLUMB. I understand that perfectly well, and for that very reason, as it is remitted to their self-interest, they are not likely to take it out to any extent except simply as we give it to them as a gratuity, as is provided by the bill of the Senator from New Jersey. They will take it out because the bank that has $50,000 in bonds, having 90 per cent. of circulation, will be glad of course to have the additional 10 per cent. As I said, we are providing by legislation to absolutely increase the currency by the amount of 10 per cent. at least, but it has not been demonstrated, and can not be demonstrated (on the contrary there is a divided opinion existing here), that the bill of the Senator from New Jersey will induce the banks to take out more currency beyond the amount of the 10 per cent. which we give to them absolutely for nothing.

If the past is to be any guide for the future, the banks will take out $35,000,000 or $45,000,000 of currency, according to whichever of these measures we adopt, and then as the bonds are paid off, as they are bound to be, at the rate of $60,000,000 or $70,000,000, or perhaps $100,000,000, per annum until the 3 percents are exhausted, we shall lose from the currency every time a bank goes out of business not 90 per cent. of its currency, as now, but 100 per cent., as then; that is to say, the retirement of the currency will be 10 per cent. greater than it will be under the system now existing by law.

The Senator from New Jersey hopes of course that this 10 per cent. addition will induce the banks to buy 4 per cent. bonds. Why did they not buy them when they were at 115? The reason why they did not was well stated by the president of the New York Mercantile National Bank. He said there is an instinctive and overwhelming repugnance in the minds of all bankers to a premium account. If they would not take the bonds at 115 or at 120 in order to get the privilege of continuing with this currency, are they likely to take them when we give them 100 per cent. of circulation, and by that act put the premium on the bonds up beyond 35? I can not escape a very strong conviction that this legislation will put the premium on the bonds to 30, and that when the premium is at 30, instead of the banks buying the bonds in order to base currency upon them, we run great risks that the banks already holding them will sell at least as many as they can and save their charters in order to get the added premium to go into their profit-and-loss account.

So far as I am concerned I have no objection to the national banking system continuing until by the extinguishment of the debt and the expiration of their charters the banks shall disappear in a natural, easy, noiseless way; but we are confronted with the fact that the national banking system has failed to answer the purposes of its creation; that the business of the country dependent upon the volume of currency which it gives is rendered liable to destruction by the withdrawal of that currency; and I for one propose to exercise my judgment as clearly as I can for the determination of what measure will prevent what I can only conceive as a calamity which is impending over the country.

No matter what else may be said about this proposition of mine, it will at least prevent the contraction of the currency. There is that much that is sure; and it is not a currency that is not to be good, but it is a currency that is to depend for its value upon precisely the same source and basis as the greenback note itself does, of which we have had heretofore ample experience and an experience which has been so acceptable to the people of this country that they are at least not going to do without it. When the next Congress meets, or the next after that, or whenever it shall be demonstrated that a still further enlargement is necessary, that can be taken up as a subject apart from all other questions and considered then in the light of the safety which we shall have provided in the adoption of a measure which simply puts into the same channel with the retiring national-bank note a Treasury note which follows it up, taking its place just as fast as the national banks go out of existence. Anything that will not do this utterly fails to meet the case.

When I think of the great authority of the Senator from Delaware [Mr. BAYARD] and of the Senator from New Jersey [Mr. MCPHERSON], opposed to the equally great authority of the Senator from Vermont [Mr. MORRILL], the Senator from Ohio [Mr. SHERMAN], and the Senator from Rhode Island [Mr. ALDRICH], and how widely apart they are, and when I then consider that the banking interest itself, by the representative of one of the greatest banks of New York city, comes in and says they are all wrong, it seems to me it is time to consider whether we are not actually engaged in doing an idle thing.

Mr. MITCHELL. Before the Senator takes his seat, if he will allow me, he states that his amendment will certainly prevent any contraction of the currency. As I understand his amendment it will also prevent any expansion of the currency.

Mr. PLUMB. Yes; it will.

Mr. MITCHELL. It will absolutely prevent any expansion of the currency under the national banking law.

Mr. PLUMB. It will prevent the expansion of the currency except as it is expanded by the operation of law providing for the issuing of gold and silver certificates. It leaves the only lee-way, so to speak, in the amount of currency with reference to its enlargement to come from the production of the precious metals and their coinage.

Mr. MITCHELL. It is therefore a measure which would result in the destruction of the principle and the quality of freedom in the national banking system?

Mr. PLUMB. Not at all. It will not prevent any national bank from increasing its circulation; it will not prevent any new national bank from taking out circulation.

Mr. MITCHELL. It will not?

Mr. PLUMB. Not at all.

Mr. MITCHELL. Then the Senator and I misunderstand each other, as I construe his amendment. When may a national bank take out new circulation under the amendment proposed by the Senator from Kansas?

Mr. PLUMB. At any time. It does not interfere with the operations of the national banking system at all. If it shall become a law, whenever any national bank shall retire its circulation and it shall not be taken up during the next succeeding thirty days, then the Secretary of the Treasury is to issue new Treasury notes; but the operation of the issuance of new national-bank notes is not interfered with at all.

Mr. MITCHELL. Then I understand the Senator's amendment to mean, according to his interpretation, that if a national bank having $100,000 of bonds deposited in the Treasury and having taken $90,000 of circulation out should surrender this $90,000, any other national bank may come in after that and take that currency.

Mr. PLUMB. They may do that, but they may do better. They may take it without any reference to that.

Mr. MITCHELL. Then what becomes of the clause in the amendment proposed by the Senator which reads as follows:

> The true intent and meaning of this section being that the volume of paper money outstanding, exclusive of gold and silver certificates, shall remain as now existing.

Mr. PLUMB. I moved that at the suggestion of a Senator who said that he thought it would add to the value of the amendment. It did not strike me that way, but I offered it last evening, and I propose to withdraw that part of my amendment, because I do not think it necessary to the operation of the section.

Mr. MITCHELL. I understand that the Senator from Kansas now proposes to modify his amendment by striking off that part of it.

The PRESIDING OFFICER. Does the Senator from Kansas propose to modify his amendment at this time?

Mr. PLUMB. I had not proposed to do it at this time, but I had proposed some time before the amendment was voted on to withdraw the clause I added last evening at the close of my amendment, and which while not in any way impairing the effect of it, as I think, at the same time is not necessary; and I will now withdraw the last sentence of the amendment.

Mr. INGALLS. Let the clause to be withdrawn be reported.

The PRESIDING OFFICER. The Secretary will report that part of the amendment which the Senator from Kansas proposes to withdraw.

The Secretary read as follows:

> The true intent and meaning of this section being that the volume of paper money outstanding, exclusive of gold and silver certificates, shall remain as now existing.

The PRESIDING OFFICER. The amendment will be modified as suggested by the Senator from Kansas who moved it. The question is upon agreeing to the same as modified.

Mr. MCPHERSON. Mr. President, I did not intend to say a single word upon the amendment offered by the honorable Senator from Kansas [Mr. PLUMB] nor in fact to say a single word with respect to any amendment now pending to the bill. The bill speaks for itself. It is a plain, simple proposition which any man and every man can understand. We

propose to issue currency up to the face value of the bonds, and to the face value only. The other propositions mean something more, and I do not agree with them. I would not rise now were it not to call attention to certain statements made yesterday by the honorable Senator from Missouri [Mr. VEST] when addressing the Senate, which if I pass them unheeded will tend to falsify the record I had made in the past. I will call attention to the remarks he made. He said:

I recollect that in 1881, when we offered the national banks a 3 per cent. thirty-year bond, they took the Government by the throat, retired eighteen millions of currency in one day in the city of New York, crushed down the industries and interests of the country, and my distinguished friend from New Jersey in front of me [Mr. MCPHERSON] stood here and eulogized the national banks as the great benefactors of the country, as the agencies that had preserved the national life, as the instrumentality under God to which the American people should sing pæans of praise for all time to come.

I have no recollection at any time since I have been honored with a seat upon the floor of the Senate that I have ever eulogized the national banks beyond their deserts. The national banking system as originally formed was not alone for the purpose of giving the people circulation; it was for the purpose of circulating and disposing of the bonds of the Government among the people; and as to the currency of the national banks, I say it is the best currency attainable at this time or at any time since it was adopted. I did say this, and only this, that I was in favor of the continuance of the national banking system until some substitute—mark the language—until some substitute equal to all the mutations of confidence, business, and credit should be first found to take its place. That is the position I hold to-day. I would not disturb the financial affairs of this country to any extent which could injure its commercial interests and the prosperity of its people. The honorable Senator from Missouri went on further to say:

The national banks to-day, instead of asking for a perpetual debt, are tiding over the obstructions which are placed in their way by the bonds of the country becoming due, until twenty-three years from now, as indicated by the Senator from Ohio [Mr. SHERMAN], our children will take charge of them and see that they exist henceforth and forever. For the present the Senator from Ohio and the Senator from New Jersey are simply meeting the little obstacles that are in the way of the national banks and tiding matters over till hereafter, when the last dollar of the national debt shall be paid, and the ingenuity of some financier will find means to fasten this national-bank system upon the people for all time to come.

During a former discussion in this Chamber with respect to the basis upon which the national banks should stand I did not agree with the honorable Senator from Ohio [Mr. SHERMAN]. I have never agreed with him. I was not wise enough (if that be the word) to agree with the honorable Senator from Ohio upon the question as to whether the bonds should bear 3 per cent., as I wanted, or 4 per cent. interest, as he wanted. I had the honor to introduce into this Chamber a bill providing for a 3 per cent. bond having thirty years to run. I accepted a modification of that bill reducing the time of maturity of the bond to twenty years. I believed then and I believe now that my proposition was the true and proper solution of the whole question. I did not agree with gentlemen on this side of the Chamber that it was the duty of this Government to pay the public debt at such break-neck speed. The people of this country had lost in lives, in property, and in productive industry more than any people had ever before suffered upon the face of the earth, and I believe the true policy was to let posterity pay a part of the debt. We have a pension debt amounting to almost a hundred million of dollars per year, but the pensioner will not always live, he will not be here always to receive it. I claimed that it was our duty to pay the pensioner, but to extend the public debt to a time when posterity should bear a part of its burdens.

The only difference between the honorable Senator from Ohio and myself in the past has been that when I preferred a 3 per cent. bond he thought it could not be maintained at par (and advocated a 4 per cent. instead), although at a later period his views had changed, and I think he introduced and defended a 3 per cent. bond bill. The difference between us to-day is as radical as ever; he demands a greater favor to the banks than I am willing to allow. Therefore it will hardly do to say that I am assailing the Senator from Ohio to meet the little obstacles in the way of the national banks.

Mr. President, it is not my custom to take much of the time of the Senate in defending my own record or in assailing the record of other Senators, but having been always upon the side other than that where the Senator from Missouri [Mr. VEST] places me, I feel impelled to put the Senator right.

Now, we are confronted with another condition. The 3 per cent. bonds are being paid very rapidly; they are disturbing the circulation which rests upon them; and Congress has been asked to devise a remedy. The remedy we propose is all the remedy that can safely be given. We propose to issue circulation upon the bond to its face value and no more. The Senator from Kansas says that is insufficient; that it is an inadequate remedy. That may be so. I do not know that the banks will invest in a 4 per cent. bond at a high rate of premium sufficient to keep the circulation equal to what it is to-day; but I do know that it is a measure in the right direction, and it is a measure of assistance. It proposes to issue, if the banks call for it, $35,000,000 more of currency.

I do not share in the alarm expressed by the honorable Senator, that if the bonds should reach 130 the banks will not buy them and continue their banking business. I claim that successful banking can be done upon a 4 per cent. bond at a premium of 25 per cent., and it will yield to the banks all that I think they are entitled to when we consider the other advantages which this system of banking offers. As for believing that the currency will be contracted to any dangerous extent, I do not share in that alarm.

Mr. President, I will say no more. I only wished to rise to answer and to set my friend from Missouri right. I wish the honorable Senator to understand that from the first, since I became a member of this body, I have been invariably found upon the side of a bond bearing the lowest rate of interest. I believe that a 3 per cent. bond expresses that. There is no country upon the earth that has been able to maintain a bond yielding only 3 per cent. interest to the investor at a point much above par. A 3 per cent. bond expresses perhaps the happy medium, or the extent to which we can go in reducing the rate of interest to a point that will maintain the bond at par.

Mr. VEST. Mr. President, it matters very little, I presume, to-day what any Senator said in 1881 or how he voted then, and I certainly wish to disclaim any intention to pervert or misrepresent the record of the Senator from New Jersey. I supposed that his position on the national-bank question had been deliberately taken and was well understood by himself and by the country.

I repeat that in 1881—the RECORD will bear me out—the Senator from New Jersey, as I stated yesterday, stood here and declared that the national banks had preserved the national life and that they were the instrument to which the American people owed the existence of their Government. If that was not praise of the banks, I do not know what it was.

Now the Senator says that he and the Senator from Ohio did not agree in 1881. The fight in 1881 was over the Carlisle amendment which took away the power of the national banks to expand or contract the currency at their will, as I said yesterday. In 1881 the Senator from New Jersey and the Senator from Ohio fought shoulder to shoulder against that amendment, and the Senator from New Jersey did not utter a word that was not in the direction of giving to the national banks this terrible and extraordinary power of controlling the entire monetary interests of the country. The record shows the fact to be that the national banks, when they found the Carlisle amendment was put into the act of Congress, clamored, as I said yesterday, around the White House, they inundated the Executive Mansion with telegrams, they sent committees here until these corridors were almost blocked with them, and they said "if you do not take out that amendment, if you do not veto this bill, we will strike down the credit of the country," and they did produce a panic which appalled the business interests of the whole country. Gentlemen should think of these facts. The Senator from New Jersey says I misrepresent him. I deny it.

Now the Senator says with regard to the question before the Senate at this time that he is in favor of continuing the public debt. I understand that to be the position of my friend, that he thinks posterity should pay a portion of it. The distinguished Senator voted for the tariff bill that passed here at the last session, which creates more than $100,000,000 of surplus revenue each year; and yet the Senator says he is opposed to paying the national debt, he is in favor of retaining this surplus revenue. Now what does he propose to do with it? I should like to know from him. He is a financier and I am not. I want him to tell me what he proposes to do with the $100,000,000 of surplus that every year is put into the Treasury. He does not want to pay the debt. I suppose my friend wants to keep it as a sort of financial bric-a-brac for the inspection of the country at large. I am not. I want to use that money. I say that the Senator who stands on this floor and says that he is for the perpetuation of the public debt of this country is in defiance of a public sentiment that is overwhelming and universal. No Senator that I know of dare take that position except the Senator from New Jersey, that he is for the perpetuation of the debt for any purpose whatever. I am astonished and astounded to hear that the Senator deliberately announces that platform; but, sir, he announces it for himself alone.

Mr. MCPHERSON. Mr. President, my honorable friend has wandered over such a wide range of subjects for material that I may be pardoned if I fail to notice them all. I may neglect some, but to follow him I must come back to the point. In his speech of yesterday he said, if the RECORD be true:

I recollect that in 1881, when we offered the national banks a 3 per cent. thirty-year bond, they took the Government by the throat, retired eighteen millions of currency in one day in the city of New York, crushed down the industries and interests of the country, and my distinguished friend from New Jersey in front of me [Mr. MCPHERSON] stood here and eulogized the national banks as the great benefactors of the country, as the agencies that had preserved the national life, as the instrumentality under God to which the American people should sing pæans of praise for all time to come.

My criticism of the honorable Senator's speech of yesterday was a reply to that. I do not understand that we have ever had any contest over a 3 per cent. bond but once. I was simply relating my votes and giving the honorable Senator information as to what my position was upon the 3 per cent. bond, which position he had misstated (unintentionally of course). I then stated that I believed it was for the best interest of this country to make that bond a twenty or thirty year bond,

bearing 3 per cent. interest, the lowest rate of interest at which this Government or any other upon this earth can hope to float a public debt. Therefore I favored it.

Now, Mr. President, I do not understand that because I favored a 3 per cent. thirty-year bond I was in accord with the honorable Senator from Ohio [Mr. SHERMAN] at that time, who favored a different bond.

Mr. VEST. You were with the Senator from Ohio on the Carlisle amendment?

Mr. McPHERSON. I do not mean to discuss with the honorable Senator all the amendments that were brought in by way of a betterment in the opinion of some Senators here to the 3 per cent. bond bill. I will not discuss with him the Carlisle amendment or any other amendment. There were more than a dozen amendments presented here, most of which, I think, were rejected.

Mr. VEST. The Carlisle amendment was adopted.

Mr. McPHERSON. Now the honorable Senator goes further and he must bring in the tariff issue as one of the questions, and cites my position on that. He wishes to know if I desire to perpetuate the public debt, and if I wish to heap up a large surplus of money in the public Treasury. It is unnecessary that I should answer that question "yes" or "no," but I will answer the Senator's question. I would not perpetuate the public debt to serve the national-banks, but for quite a different reason.

For two long years there had been an agitation of the tariff question in Congress. It had been determined, and wisely I think, that a commission outside of this body should be appointed by the President, who should have charge of and who should investigate every matter of interest, every matter of detail in relation to all the industries of the country, as to the effect about the public revenue, and also as to their workings with each other. The commission was appointed; for six long months it sat at various points all over this country, and took the testimony of those engaged in manufacturing, agricultural, and all other pursuits, giving to us a vast fund of information. They reported their bill to Congress, and the Congress of the United States accepted that report as a basis for settling the tariff question. What was it expected to accomplish? It was maintained by myself, I know, and I think also by other Senators on this floor, that it would save something like $75,000,000 per year to the people. It was intended to be a reduction of revenue, and it was voted for with that understanding and with that belief. The bill was better in its proportions, it was better in its classification, it was better in every respect than the old tariff law which we were seeking to amend. It is true I voted for it, and why? The bill did not suit me; I would have made a tariff bill far different to be in consonance with my own views; but I was met and confronted with this condition of things: The bill was before the Senate, the vote was being called; thirty-one Senators voted in opposition to the bill, thirty-one in favor of it. I rose in my place and cast my vote for the bill, as I would do again under the same circumstances.

For two long years we held the industries of this country in continued agitation. They did not know from one day to the other how much each industry would be affected by reason of legislation here. It takes a long period of time between the purchase of the raw material and the time required to manufacture for market certain kinds of goods. The manufacturer refused to purchase supplies for more than daily wants. The laborer had no assurance he would not be turned out and the next day become a tramp seeking bread from door to door. What I wanted to prevent, what my vote did prevent, was such a shock to the industries of this land that they would not have recovered from it in years. That is what it prevented, and that is what my vote will always seek to prevent, whether it be in the direction of giving needed facilities to national banks or to any industry which depends for its success upon the legislation of Congress.

Mr. ALLISON. Mr. President, I had no purpose to discuss this question as long as the debate seemed to be confined to the measure proposed by the Finance Committee; but the debate has taken so wide a range and the amendments to this bill are so numerous and so voluminous that I think it proper for me to occupy a few moments by way of explanation of the votes I intend to give.

I am not troubled about the bill presented by the Finance Committee, nor am I disturbed with regard to any of the amendments proposed in the nature of enlarging the authority given to national banks in the way of the deposit of bonds. I do not fear the great calamity which some appear to think is impending upon the country if this bill be passed. I do not believe there is any panic impending with reference to our currency. I see no reason for it because of the deposit of 3 per cent. bonds by the banks and the probability that the notes issued on those bonds may be withdrawn from circulation by reason of the payment of the bonds. There may be a temporary disturbance in our currency on this account; but certainly I see no tendency to a general disturbance of our finances because of it. Our circulation does not depend wholly upon the national banks. It is true their issues constitute an important element in the circulation, and it is one of the elastic elements in our circulation. The only fixed element in our circulation to-day is the greenback. That can neither be increased nor diminished; but with reference to every other species of paper money there is no reason why the volume may not be increased or diminished at the will or caprice of commerce or of individuals who may desire to increase or diminish it. Take our silver certificates; are they not an important element in the paper circulation of our country? They amount now to $100,000,000, in round numbers. They may be diminished by their deposit in the Treasury. Our gold certificates, amounting to $100,000,000 or more, are in the same position. These gold certificates are diminished by their return to the Treasury and the taking of gold from the Treasury which may be hoarded or may go into circulation. So of the national-bank notes. A bank in Iowa or in Missouri with $100,000 capital may, if it chooses, return its $90,000 of circulation or may deposit greenbacks for it in the Treasury, and to that extent there is a withdrawal of $100,000 of circulation; but while that is being done in Missouri or in Iowa, a bank in Indiana may be taking out $100,000 of circulation either upon the capital already in existence or upon new capital that it proposes to use in banking. So that our currency is to-day flexible with reference to everything excepting the greenback; there is no flexibility in that regard.

The United States Government has taken into its hands the entire paper circulation of the country. There is to-day no power in our States to issue paper money, for the reason that we have imposed a tax of 10 per cent. upon State bank circulation. In other words, we have taken absolute control of the currency of the country. Now what is our duty, that being an existing fact? It is our duty to so manage this currency as to give the people of the country a sufficiency of the circulating medium to transact the business of our country from time to time.

When the national-banking system was established it was established in connection with our greenbacks, then having a larger volume than now, but the national-bank circulation was then limited to $300,000,000, beyond which the banks could not go. So valuable was that privilege then that in many instances a premium was paid for the notes of national banks that surrendered their charters, their notes being still in circulation; but when we made national banking free there was no longer any premium upon national-bank notes surrendered or to be surrendered to the Treasury; but another difficulty intervened, and what is that? It is that we have made here an iron-clad rule with reference to national-bank note circulation and the security upon which it shall be based, namely, that nothing but United States bonds shall be deposited with the Treasury and national circulation issued upon them alone. What is the result of that? We have been paying our national debt in the last few years at the rate of $100,000,000 per annum. It has now been paid to such an extent that it is exceedingly difficult for national banks to purchase bonds in order to place them as security for circulation.

Our 4 per cent. bonds have gone to 23 per cent. premium; our 4½ percents are to be paid in 1891; our 3 percents are payable at the pleasure of the Government; and every man with a nose upon his face knows and sees that the 3 percents will be paid in the course of three or four years from this time. Thus, while we have nominally made national banking free we have restricted the security by our own legislation whereby banks can secure these notes; and it is for the reason that this restriction has operated, by the fact that these securities, the bonds of the United States, are being paid, that I have been willing to vote for the bill of the Senator from Delaware, and to vote for the amendments proposed by the Senator from Ohio and the Senator from Vermont. I am willing to open up to the largest possible degree the bonds of the United States for the benefit, not of these banks, but for the benefit of the circulation of the country which we have required by our laws that these national banks shall issue. So I can vote for any of these amendments without difficulty.

Nor am I disturbed about fluctuation in the value of the national-bank notes. Why, Mr. President, the value of a national-bank note does not depend absolutely upon the bond deposited; it depends upon many other things. The United States Government stands behind every one of these national-bank notes, aside from the security which the Government holds. There is not a national-bank note in circulation today that this Government is not just as much bound to redeem as its own greenback notes. The faith of the Government is pledged to the redemption of every dollar of national-bank notes that is issued. Therefore, if by any operation, if by any sudden depression in the value of our securities, the bonds should fall below by 1 or 2 or 10 per cent. the amount of notes in circulation, the noteholder would not be disturbed by it; he would receive the value of his circulation by simply applying to the Treasury of the United States in case of default of the bank, because under our law the United States Government has bound itself when a bank fails to pay its notes to the holders dollar for dollar, and the Government itself, and not the noteholder, looks to the bank for its security. Therefore there is no danger in any one of these propositions of a fluctuation in the value of the circulating notes; they are absolutely secure in the hands of the holders. So I can vote for the amendment suggested by the Senator from Vermont without any difficulty. There is no danger of fluctuation in the value of these circulating notes; they are just as secure as the silver certificate, as the gold certificate, or as the greenback itself.

Now, Mr. President, I agree with the Senator from Kansas and with

other Senators, that this bill is a makeshift; it is a temporary expedient. We all know that it is only a question of time when these national banks will go out of existence, so far as their power to issue circulating notes is concerned, because they can not last beyond the period when our national debt shall be paid off. They will not last so long, because before then it will be impossible for national banks to secure United States bonds for the purposes of circulation. Why do I say so? The savings-banks and trust companies of our country already hold, as stated by the Comptroller of the Currency, about $250,000,000 of our bonds, largely the 4 per cent. bonds. Is it supposable that these trust companies and savings-banks will relinquish these bonds to national banks? Individuals in this country probably hold $100,000,000 more of the bonds, and one hundred or two hundred millions are possibly held abroad. So, then, of the $700,000,000 of 4 percents that run to 1907, in my judgment it is not probable or possible that more than $300,000,000 could be at any time secured for the purpose of national-bank circulation. The 3 percents that are now outstanding will be paid off, in the very nature of things, in three or four years, unless we largely reduce taxation. If we maintain the sinking fund only, the 3 per cent. bonds will be paid off in six years, before the maturity of the 4½ per cent. bonds.

So then it is only a question, in my judgment, of six or seven years when practically the national banks will cease to furnish circulation to the country, even if the measure proposed by the Senator from Vermont or that reported by the Senator from Delaware shall pass. Therefore I agree with those who say that it is our duty to address ourselves to the question of furnishing some other method whereby the circulation of our country can be maintained, rather than to rely wholly and only upon the bonds of the United States for that purpose. I am willing, for one, to address myself to that question with reference to the preservation of the national banks. I believe they are the most valuable moneyed institutions for the purpose of making exchanges among our people and transacting the banking business of our country that we have had in this nation. Therefore I am for maintaining the system, and I am for addressing myself to some measure or method whereby the system can be maintained.

Now, of the two propositions not yet noticed by me, the one presented by the Senator from Kansas [Mr. PLUMB] and the one presented by the Senator from Alabama [Mr. MORGAN], I should greatly prefer the measure suggested by the Senator from Alabama. His proposition looks to the preservation and expansion and extension of the national banking system, keeping in mind constantly the absolute security of the noteholder; but the proposition of the Senator from Kansas and the correlative proposition of the Senator from Missouri [Mr. VEST] look to the absolute destruction of the national banking system, and if the principle of the amendment proposed by the Senator from Kansas shall prevail, the national banking system is doomed, and I think, for one, that it is too valuable to be disturbed either now or in the future.

The Senator from Kansas proposes that the Government of the United States shall itself issue all the paper money of the country (for that is the ultimate effect of his proposition), and that it shall do so upon the sole security of the faith of the United States for the redemption of that money, and of 25 per cent. or 30 per cent. of coin, as the Senator from Vermont [Mr. EDMUNDS] suggests, by way of a reserve. I do not care to go into that question in detail, but I find in the details of this proposition some things which I can not assent to.

Some Senator the other day in the debate asked how these Treasury notes, so called, were to be put into circulation. I was glad that the Senator from Missouri undertook to answer that question. He told us in the first place that these bonds of ours were likely to rapidly increase in value, and he indorsed the suggestion, made I believe by Mr. L. E. Chittenden, that it would be only a few months or a few years at most when the 4 per cent. bonds would be worth 138½ in the markets of our country. And the Senator from Missouri proposes, as a means of getting these Treasury notes into circulation, that we shall go into the markets of the country and buy up the bonds from the holders at the market price. In other words, if the bonds shall go up to 138½ he proposes to obligate this Government to pay $138.50 for each $100 it owes to-day—no, not pay, but substitute another obligation of the Government of the United States of $138.50 for each Government obligation of $100 that the Government now owes to the people. In other words, he proposes, so far as the 4 per cent. bonds are concerned, to swell the public debt of the United States from two to three hundred million dollars. Is the Senate ready, are the people of the United States ready, to increase their obligations in that way, first by artificial legislation to enhance the value of the bonds in the markets of the world, and then go into the markets and buy up the bonds with other obligations of the United States? And yet there is no other way whereby these Treasury notes can be put into circulation.

I have here a statement of the condition of the Treasury on the 1st of this month. It shows that we have in the Treasury of the United States $486,000,000 of money. Think of it! Four hundred and eighty-six million dollars of money now in the Treasury, and yet the Senator from Missouri and I am sorry to say my friend from Kansas propose that we shall put into this Treasury an additional sum equivalent to whatever amount of bank circulation may be retired.

Mr. COCKRELL. May I ask a question about the $486,000,000 in the Treasury? Is there anything out representing any of it or is that absolutely surplus cash?

Mr. EDMUNDS. That is the gross sum of the assets.

Mr. ALLISON. I do not need to instruct my illustrious friend from Missouri [Mr. COCKRELL] upon that question. He knows perfectly well that there are obligations of the Government against this sum amounting to a good many millions of dollars. I believe the available assets are only $150,000,000, after taking from the gross amount of money in the Treasury the actual demands outstanding against it.

Mr. COCKRELL. I wanted that to appear.

Mr. ALLISON. The Senator from Missouri [Mr. VEST] in the same breath arguing in favor of putting these vast sums in the Treasury for the purpose of buying up bonds at 38½ per cent. premium, to which he says they will mount, tells us now that we have $100,000,000 of surplus per annum in the Treasury. So we have had, and perhaps during the past year even more than that; so we may have during the next year; I do not know. I know that from the computations of the Secretary of the Treasury we shall only have about $38,000,000 of surplus if we carry out our obligation to redeem a sufficient amount of bonds to protect the sinking fund as the law now requires.

The Senator from Missouri [Mr. VEST] proposes this method of getting rid of these national-bank notes; but there is another system of expansion which goes on under his amendment and goes on under the amendment of my friend from Kansas illimitably; that is to say, there is no limit in either amendment to the amount of national-bank notes that may be issued. While one bank is withdrawing its circulation and Treasury notes are being issued in lieu of it, another and a new bank may get circulation or an old bank may still enlarge its circulation, so that the national-bank circulation may not be diminished one dollar, and yet we may have a large issue of Treasury notes.

Mr. President, I do not care to argue these questions at length——

Mr. BECK. Before the Senator from Iowa takes his seat I desire to obtain information from him, if he will be kind enough to give it to me, and I ask it in good faith, because I am troubled about it.

The Senator from Kansas provides that the Treasury notes which he proposes to issue shall be deposited in the Treasury and paid out like other moneys kept for the discharge of the obligations of the Government. That, of course, means to buy bonds, as, having a surplus of over $100,000,000 a year, we do now. I desire to ask the Senator from Iowa if he understands the amendment as I do in this way: If the national banks see fit to draw in all their circulation, say $300,000,000, and $300,000,000 of Treasury notes are issued, and of course $300,000,000 of bonds purchased, or the amount of bonds that $300,000,000 Treasury notes will purchase, and the national banks should afterward at any time reissue their $300,000,000 of circulation, does he understand that the $300,000,000 Treasury notes proposed by the Senator from Kansas would remain outstanding? I do.

Mr. ALLISON. I understand it to be so. I understand the Senator from Kansas now proposes no limitation on national-bank circulation as to volume. He had an amendment looking to that, I believe, last evening, but that amendment has been withdrawn. That amendment was a sort of Procrustean bed. It required that the total volume of circulation should neither be diminished nor increased at any time, assuming of course that we should want as much currency in the country in the winter months as we should in the summer and fall months, when business all over the country requires a larger circulation than perhaps at this season of the year.

But, Mr. President, as I said before, I do not think it worth while now to go into a detailed argument with reference to the public policy involved in the measure suggested by the Senator from Kansas. It is enough for us to say that all history, all experience is against the proposition suggested by his amendment. I know of no government that has ever undertaken in the form proposed by him to issue the currency of the country. The Senator from Missouri undertook to justify it yesterday by the suggestion that we have repeatedly issued Treasury notes. So we have issued them; but if the Senator will recur to the history of those issues he will see that such notes have always been issued in limited amounts, and I believe almost universally issued as exchequer bills are issued by Great Britain, bearing interest. So far as I know there never has been an exception to this rule, except possibly in 1814 or 1815, when a few small notes were authorized to be issued by our Government not bearing interest, but those notes were convertible into 7 per cent. bonds of the United States. I defy my friend from Missouri to furnish to me a single instance where the Government of the United States has ever issued Treasury notes except to be redeemed in short periods of time, and except also bearing interest at some fixed rate in the law which authorized their issue, and to meet current and pressing obligations of the Government. They were first issued in 1812 or 1813, when specie payments were suspended and when the business of this country was paralyzed because of a war with Great Britain; and some subsequent issues were made during that same period. They were again issued in the panic of 1837, but only for a short period of time, when our Treasury, as we know, was depleted by the distribution of the surplus money among the States of the Union, and again in 1842 and 1857 and 1860 and 1861 under the pressure of the Treasury for the

purpose of paying the current pressing obligations of the Government. So when demand notes to the extent of $50,000,000 were issued in the beginning of the war in 1861 they were made convertible by their terms into 6 per cent. bonds, and they were taken up within a short period of time when we entered upon the experiment of issuing greenback legal-tender notes.

Our own experience shows us that the statesmen who have managed the finances of our Government from its organization, from the establishment of the Constitution to the present time, although we have at various periods been under great stress and stringency, have never proposed the suggestions of the Senator from Kansas and the Senator from Missouri. In 1791, when this Government was pressed down with a load of debt, not only the debt of the States in the aggregate but the separate State debts arising out of the Revolutionary war, and when such men as Mr. Hamilton and Mr. Jefferson and General Washington busied their minds with considering what were the best and wisest methods of disposing of those debts, it never entered their fertile brain to adopt the suggestions of the Senator from Kansas and the Senator from Missouri. They were, it is true, familiar with the experience of the experiment that our forefathers went through during the Revolutionary war with this character of irredeemable currency; they had seen the currency jump from par to a rate requiring $500 of it to buy one dollar of good money. So it has been during all the periods of pressure through which we have passed, no resort has been had to the experiment now sought to be revived.

How was it in 1862? I see Senators before me who participated in the discussions of what was then known as the issue of greenback currency, who declared then that that currency would not be redeemed. What was their argument? That it would be expanded under the pressure of the war to an irredeemable extent, and then would not be redeemed; and but for the fact that the men who controlled public affairs during the period from 1861 to 1865 determined that our legal-tender notes should never pass beyond a certain fixed sum (which was specified in the act of 1864), we should have launched out into a system of irredeemable paper money. We did not do it, and the result has been that the greenback currency of ours is to-day within the limits and means of our Government for redemption and payment, and is now at par in gold. Every form of obligation which was issued during the war, save and except the greenback currency, then in volume $400,000,000, was an interest-bearing obligation and redeemable at a short time fixed in the law which created it.

Now I submit to Senators whether when we are at specie payments when we have to-day in this country at least $800,000,000 of coin, gold and silver, when we have a currency every dollar of which is at par with the gold coin of the United States, when we have in the Treasury not only enough money to bear our ordinary expenses and pay our interest and provide for the sinking fund, but have over and beyond all this a surplus of $50,000,000 per annum to apply upon the public debt, which has not matured but is payable at the option of the Government, is it worth while for us to create still more paper obligations simply for the purpose of bridging over what may be called a temporary difficulty which I do not see, and thus change entirely the policy of our Government from its organization up to the present moment?

It may be that that will be considered a wise thing for us to do. I do not believe it ever will be, but it certainly is not a wise thing for us to enter upon at this moment when our Treasury is full to repletion, and when we have no earthly reason for the issue of these obligations except (as the Senator from Missouri himself confessed) to buy the interest-bearing obligations of our Government at a premium of 38½ per cent. Of course I am arguing upon the assumption that the 3 per cent. bonds which are payable at the pleasure of the Government must be exhausted before this machine is placed in full play.

Mr. President, I think we are bound to address ourselves in the near future to the question of substituting some other security than that of the United States bonds for the notes of the national banks. I have no doubt that a measure can be devised which will be perfectly safe to the bill-holder, perfectly secure to the Government of the United States, and yet furnish a flexible and elastic currency for the circulation of the country beyond that which would naturally come from the greenback notes and the gold and silver certificates.

I do not wish to take my seat without entering my protest against one suggestion that was made by the Senator from Missouri yesterday, quoting as I believe he did from the Senator from Ohio, and that is that there is no value in the provision giving the legal-tender quality to the greenback currency of the United States. I believe there is value in that provision, not now when we are in a high tide of prosperity, not now when no panic is pending, but let the time come when there is a stringency in the money market in this country, and when it does come it will be of immense value to the people of the United States who live remote from the great centers of gold and business to have a paper money of the Government in limited quantity that is itself a legal tender.

This legal-tender quality now fixed by our laws is fixed in analogy to the laws of Great Britain. They have allowed the Bank of England to issue without other security than the faith of the Government of Great Britain a certain limited quantity of Bank of England notes which are a legal tender throughout the kingdom, and experience has shown that in every panic since the establishment of the Bank of England upon this principle in 1844 not a single Bank of England note has been returned to the bank, but that these Bank of England notes have been used by people all over England and Scotland and Ireland for the purpose of protecting themselves against demands for actual coin payment of debts. So I think the time may come, I do not know when, when it will be of use to the United States to have a limited amount of legal-tender money; but I think that amount should be carefully limited. It is carefully limited now to $346,000,000, and I would not go one dollar beyond that under any circumstances whatever.

I know there is a question pending in the Supreme Court of the United States as to the power of the Government under existing law to reissue the greenbacks from time to time when they have been redeemed or paid into the Treasury. If the suggestion of the Senator from Ohio and the Senator from Missouri and other Senators be correct, then it matters not to the people of the United States how that case is decided.

Mr. MAXEY. I beg to call the attention of the Senator from Iowa, if he will permit me, to one point he has made. He states that the Bank of England is authorized by the government to issue a certain amount of Bank of England notes, which are a legal tender throughout the kingdom. That is true; but is it not also true that when that same Bank of England note is presented at the bank the bank must pay it in coin?

Mr. ALLISON. Undoubtedly.

Mr. MAXEY. Very well; that is the point.

Mr. ALLISON. I have been accurate in my statement.

Mr. MAXEY. The Senator says there is an additional value given to United States notes by virtue of their being a legal tender. So long as our Treasury is bound like the Bank of England to redeem its greenbacks in gold as it is now, what additional value is given by the legal-tender quality?

Mr. ALLISON. I do not know that I fully understand the Senator's question.

Mr. MAXEY. It is this: The Bank of England note, while a legal tender throughout the kingdom, must be paid in coin, in gold, according to their law, when presented at the bank's counter. The Senator says the greenback has additional value given to it here by virtue of its being a legal tender. We have a law requiring the Treasury to redeem that greenback in coin when presented. So long as that law lasts, I ask what additional value is given to the greenback by virtue of its having a legal-tender quality?

Mr. ALLISON. I understand the Senator.

Mr. MAXEY. In other words, it is its convertibility that makes it valuable, and not its legal-tender quality, for if that was true would it not have been good in 1865, 1866, and 1867, when not convertible, as well as to-day when it is convertible?

Mr. ALLISON. Mr. President, I was not for the moment aware that my critical friend from Texas was listening to my remarks——

Mr. MAXEY. Very attentively.

Mr. ALLISON. If I had been aware of that fact I would have been more accurate in my statement. I should have said that the Bank of England note was a legal-tender everywhere except at the bank. But the Senator will remember that during the panics of 1847 and 1857 and 1866 in Great Britain not a single Bank of England note was returned to the bank for payment. In other words, the gold that was in the issue department of the Bank of England remained there, and so the gold would remain, in my judgment, in time of a panic, in the Treasury of the United States which is held there for the redemption of the greenbacks.

I will put a case, which is suggested to me by the Senator from Vermont [Mr. EDMUNDS]. I live in Dubuque, Iowa, and my friend lives in Texas; there is a panic, and we hold greenbacks; if we are a bank or a commercial house, our creditors pushes us. It is no answer to say to him, "As soon as I can send my greenbacks to Washington and express the gold back, at an immense cost to me, I will pay you your debt." He says, "I want my debt now; your money, your coin." The greenback is a tender then and there, and thus it becomes of immense value in times of panic.

Mr. MAXEY. The Senator will permit me to reply to that. In 1865 and so on up to 1879 the greenbacks were at a discount as compared with gold. The national-bank notes were correspondingly at a discount as compared with gold. The Senator contends that the greenback is given additional value by the legal-tender quality. I ask him during all that time was the greenback worth on the market one solitary farthing more than the national-bank bill, which was not a legal tender?

Mr. ALLISON. Yes, it was worth more. It was worth more as a matter of course because the greenback was the gold of our country, it was a legal tender, but a national-bank bill was not a tender except for debts due the bank issuing it.

Mr. MAXEY. Did anybody ever make a particle of difference in the reception of money for a debt or for any purpose whatever between a national-bank bill and a greenback bill?

Mr. ALLISON. I do not suppose any one did. I am not discussing ordinary periods of time. I agree with the Senator from Missouri and the Senator from Ohio that in ordinary times it matters not with refer-

ence to the question of legal-tender; but I am speaking of times of stringency; I am speaking of a time when the creditor class naturally, if it has the power, will grind the debtor class; and therefore it was that I was astonished to find Senators on that side of the Chamber and on this saying that there was no additional quality given to the greenbacks by virtue of the legal-tender provision.

Mr. President, while upon that subject I will say a word more, and that is that if we are to do anything with a view of relieving a contemplated or a possible stringency we should do it in some other way than that proposed by the Senator from Kansas. I would say that the Secretary of the Treasury at such a time might reduce the balance in the Treasury below what it is ordinarily kept at, one hundred and forty to one hundred and fifty millions, which I believe is the ordinary amount of reserve in the Treasury. I am one of those who believe that $100,000,000 is an ample reserve for the redemption and for the maintenance of the redemption of all the greenback currency in existence. I do not believe it is necessary to hold a reserve of 40 per cent. for that purpose. All the experience of other countries discloses the fact that it is not this kind of currency, legal-tender currency, that is called in in time of stringency. It is the money that is not a legal tender that is called in at such times. Therefore if there was flexibility anywhere in time of panic or time of trouble, it should be in the Secretary of the Treasury, who could at such times relieve the money market by letting the money go out of the Treasury. *Sotto voce* my friend from California [Mr. MILLER] says to me truly that there is no law requiring the Secretary of the Treasury to hold any specific sum. It is now perfectly within the power of the Secretary of the Treasury to relieve a stringent money market in time of panic by unloosing some of the money which has been held there for years as a reserve for the benefit of the greenback currency.

So, Mr. President, I am not alarmed with reference to what will take place even if none of these bills shall pass. I believe, not in the interest of the banks but in the interest of an easy and flexible circulating medium, that it is a perfectly safe proposition to allow these banks instead of receiving 90 per cent. on the par value of their bonds to receive full par value on their bonds; and I believe it is perfectly safe to allow them to receive within 10 per cent. of the market value of their bonds at this time or always; and therefore it is that, not for the benefit of the banks, but for the purpose of keeping our circulation good and strong by offering an inducement to the banks to deposit bonds, I am perfectly willing to vote for the measure reported by the Senator from Delaware [Mr. BAYARD] and also the amendment suggested by the Senator from Vermont [Mr. MORRILL].

Mr. BECK. Mr. President, I am not going to make a long speech. I asked the Senator from Iowa a question relative to this amendment which I propose to say a word about. Preliminary to that I desire to observe that there has been a good deal of sharp criticism in regard to those of us who reported this bill from the Finance Committee. I am not particularly solicitous about answering suggestions that I belong to the banks, or that I am a serf of the banks, or a follower of any set of men, however powerful. I do not think anybody who knows me really suspects me of belonging to a bank or anybody else. Therefore I do not care anything about such suggestions.

I assumed that this question was submitted to the Finance Committee because the Secretary of the Treasury had told Congress that the bonds of the United States were being purchased by him so rapidly by reason of the great surplus of revenue that something had to be done. He suggested the passage of a bill much more favorable to the banks than that reported by us. None of the amendments now proposed looking to the issue of Treasury notes or to the devising of a new system of banking as a substitute for national banks was then suggested by any one as far as I knew. No such bill was referred to us, no amendment was before the committee looking in that direction, and I supposed that all we had to do relative to the bill submitted was to see how we could best avoid the serious difficulty relative to the contraction of currency by the too rapid withdrawal of the bonds on which it was based, until we could have an opportunity to reduce taxation so as to avoid the collection of the immense surplus which we are collecting under existing laws.

Looking to that end and that only, I agreed to the bill as reported. I endeavored when I spoke the other day to show the Senate that we had already reduced the public debt far beyond all the requirements of the sinking fund, that we were not acting wisely if we authorized the Secretary to buy at any premium he saw fit to give bonds not yet due, but that our true course was to address ourselves to giving the people relief from the burdens of taxation. That course the Secretary of the Treasury had told us in his report was a necessity; and if he had not, our own common sense ought to dictate it. In the mean time, as there was a likelihood of trouble in regard to the circulation of the banks, we had to determine, under the bill referred to us, how we could in the easiest way, doing the least possible damage, or if you please the most possible good, continue the banking system until some better system might be carefully devised to take its place, if that should at any time be deemed advisable. A majority of the committee agreed that the wisest thing to do was, as the outstanding bonds were all good for their face value at least, as we had received par for them all and expected to pay them all at par, and as the 3 percents were now payable, and, as I said the other day, had been reduced from 6 and 5 per cent. by a sort of coercion to the present rate, to say we would allow bank circulation to the full amount of their face value, instead of 90 per cent. as now provided by law.

That seemed to me to be a measure that until we could act carefully in regard to a permanent system would do nobody any particular harm and might bridge over the present crisis. I still think it will accomplish our purpose. That is about "the head and front of my offending," and as far as I know of those with whom I agreed in reporting this bill. I do not belong to any bank—I never suspected that anybody would think I did—because I propose that measure in lieu of the original bill. I repeat that I am not looking to the interest of any bank or banking system particularly in supporting that measure.

I was not called upon to devise a new banking system or decide between the merits of this system and any other system. I was called upon to say how we could provide for an emergency until Congress in its wisdom should decide how best to reduce taxation, and how to avoid the rapid withdrawal of the bonds of the United States beyond the point necessary for the safe transaction of the business of the country. That is all I care to say in regard to the criticisms on those of us who support the bill of the committee. I am entirely content to stand on the speech I made the other day. Now we are met by the proposition of the Senator from Kansas, which seems to me to provide for a permanent and it may be rapid inflation of the currency, whether the wants of business require it or not.

Not content with purchasing the bonds of the United States to the amount of $145,000,000 as we did the year before last, as we did with the surplus revenue we had beyond the wants of the Government, or with the reduction of the principal of the debt, $132,000,000 last year, or with the reduction of $65,000,000 in the seven past months of this year, we are now told, notwithstanding $212,000,000 of gold and silver certificates have been added to our circulation in the last few years, if any banking corporation sees fit to curtail its circulation from any cause, Treasury notes must be issued for an equal amount, whether needed by the country or not. To illustrate the principle by an extreme case, suppose all the banking corporations see fit to withdraw their currency, we must issue Treasury notes to the extent that they withdraw it; it might amount to $300,000,000; of course $300,000,000 more of United States Treasury notes must issue; we can only give them circulation by buying bonds with them. The trouble now is that we are buying bonds too rapidly out of the taxes collected by our present tariff and internal-revenue laws. Why should we change the character of our debt merely, as this amendment proposes, when we are paying it off absolutely from our redundant revenues too rapidly?

Mr. COKE. Will the Senator permit me to ask a question?

Mr. BECK. Yes, sir.

Mr. COKE. Suppose the banks do withdraw the $300,000,000, what is now to take the place of that currency? What can you do about it?

Mr. BECK. I thought I showed conclusively the other day that we had been greatly relieved in that regard by the issue of gold and silver certificates, which have run up to $212,000,000 already. Let me ask, suppose the banks do withdraw their notes and we issue $300,000,000 of Treasury notes, have we not to buy outstanding bonds at any premium any holder may see fit to ask for them, $300,000,000 of bonds or as many bonds as $300,000,000 of Treasury notes will obtain, in order to put out the notes at all? And then suppose the same or other national banks in thirty days may demand again the $300,000,000 of bank circulation to be reissued to them, as they have a right to do, by the deposit of bonds, have you not got then an inflation of the currency of $300,000,000 and no reduction of the debt—simply a substitution of one form of debt for another; and are you not providing for a possible condition of things more intolerable than any which any of the other amendments, bad as they are, can bring about? You do not stop the national banks from taking out as much circulation as they please or think they can make money out of at any time after you have taken advantage of the temporary withdrawal to issue Treasury notes and buy in with them our own bonds at 40 per cent. premium, it may be, or even more.

Mr. COKE. Can the banks take out currency without buying bonds? Suppose the Government is paying a very heavy premium for bonds, the banks as a matter of course must also pay a very heavy premium for bonds in order to get more currency.

Mr. BECK. The bonds of the United States that are outstanding amount, the fours to $736,000,000; the four-and-a-halfs to $250,000,000; the currency sixes to $67,000,000, saying nothing of those now due. Circulation can be demanded to-day upon every one of these bonds by banking organizations. I do not care whether the banks buy them now or whether they originally bought them at par. It is immaterial how they got them, whenever they find that they can make money out of circulation they will use the bonds to obtain currency. Individuals holding bonds can associate themselves to the number of five, organize national banks, and take out circulation to the amount of 90 per cent. of every bond outstanding to-day. And after you have, under the delusion that you are preventing contraction, issued $300,000,000 Treasury notes and bought at any premium the outstanding bonds and thereby

increased the currency to that amount without canceling the debt, you do not deprive by any scheme presented any five men in the United States who hold bonds, no matter what they paid for them or how they got them, from demanding currency on them whenever they form a banking organization. That is what this amendment proposes to allow, and it is about all it proposes, as I understand it.

Whether the country needs it or not, you would force by this amendment, if the supposed condition of things existed, $300,000,000 of United States Treasury notes to be issued and bonds purchased; the same principle would govern no matter what proportion of bank circulation is withdrawn. The currency of the national banks may be decreased temporarily because the country does not want that currency at the time; it would doubtless be increased again as soon as it was profitable; and in the face of that temporary surrender, because the country would not borrow it, you assume by law that there is a demand for more currency, and force the United States, when the country may not need them, to issue as many million dollars of Treasury notes as the national banks see fit to withdraw bank circulation, and force the Secretary to buy bonds at any premium, when we all admit that our bonds are being purchased too rapidly now. You do not reduce the debt at all, simply convert it. You reduce the interest, but you have paid a heavy premium beyond the interest to get it within your control.

Mr. PUGH. Will the Senator allow me a word?

Mr. BECK. Yes, sir.

Mr. PUGH. I understand that under the amendment of the Senator from Kansas there can be no issue of Treasury notes except when the bank notes are withdrawn on the payment of the bonds by the Government; and if the bonds are paid by the Government, where are there any to be purchased with these Treasury notes? That is a complete answer to the Senator's apprehension in reference to the operation of the amendment.

Mr. BECK. The national banks can withdraw their bonds without their being purchased by the Government and surrender their currency without the title to their bonds being changed. So the fact upon which the Senator from Alabama starts is not correctly stated.

Mr. PUGH. They can only withdraw $3,000,000 per month under the operation of the banking law; and under the amendment of my friend from Kansas there can be no issue of Treasury notes except upon the satisfaction of the bonds by the Government.

Mr. BECK. I beg pardon; that is not so. Here is the amendment:

That whenever the circulation of any national bank, or any portion thereof, shall be surrendered.

That does not mean a payment of the bonds at all.

Mr. MORGAN. Allow me——

Mr. BECK. One at a time. The Senator's colleague is now making an issue of fact with me, and he is proceeding upon a false basis. Whenever the bank circulation is surrendered "the Secretary of the Treasury shall thereupon issue an equivalent amount of Treasury notes of the denominations now provided by law for national-bank notes. Said Treasury notes shall be deposited in the Treasury and paid out as other moneys kept for the discharge of the obligations of the Government."

I was illustrating merely by an assumption of the withdrawal of the whole amount at once. As I observed before, the principle is the same as to any lesser amount. I repeat, there is no necessity for a single bond of the United States to be paid when the circulation is withdrawn by the national banks.

Mr. PUGH. The Treasury can not buy bonds unless with money in the Treasury. The Treasury notes are to be issued on the return of the bonds on the call of the Government, and when they are called they are paid.

Mr. BECK. The Senator has it all wrong.

Mr. PUGH. If there be no Treasury notes to buy bonds, what bonds can be bought after the payment of the 3 percents? The national banking law only allows a return of $3,000,000 of currency per month.

Mr. BECK. There were $135,000,000 of money placed in the Treasury last year, put there by tariff and internal-revenue taxation. That is the way the money gets into the Treasury, and it was with that surplus money thus obtained from taxation that bonds were bought. The surrender of national-bank circulation only restores the bonds to the banks depositing them. They go back to the owner and the circulation obtained upon them is canceled, and I would say to the Senator from Texas that that will only be done when business makes it necessary; but the United States under this amendment, when business did not make it necessary—when the banks may have retired it because the people did not want it, must issue a corresponding amount of Treasury notes to add to the already overflowing surplus and buy that many more bonds and put out Treasury notes whether the country wants them or not. That is the vice in the proposed amendment. The issue must be made, it may be, after gold and silver certificates have furnished all the currency the people need, and the Treasury notes must go out, not for the purpose of reducing the debt, and when business does demand them. Business interests regulate these things better than Congressional dictation. No matter what you do, the banks can take out as much currency as they please. Any five men holding the bonds can become bankers and take out circulation. You will simply have inflated the currency when the people did not want it, and you call everybody the slaves of the banks who do not agree with you and assume that you are wiser than everybody else. I differ with you; I think your policy wrong; but I do not call you hard names because you think differently from me, and I do not like to be called hard names myself because I do not see as other gentlemen think they see.

We have each to act according to the best lights before us. When I was asked as a member of the Finance Committee to see if we could not have taxation reduced by stopping this enormous purchase of bonds, and at the same time keep the currency in a reasonably certain condition, I thought the best thing to do was to present the bill we did, so that every bond and every circulating note based on it shall be equal and all good. That is all there is of it, Mr. President. I thought it was proper to say that much to make my position clear.

Mr. MORGAN. As I read the amendment of the Senator from Kansas——

Mr. HARRIS. Will the Senator from Alabama yield to a motion that the Senate proceed to the consideration of executive business?

Mr. MORGAN. In one moment. I merely wanted to state one fact about the pending proposition. As I read and understood the amendment of the Senator from Kansas it provided for the issue of Treasury notes whenever the national-banks should surrender their circulation in consequence of the payment of the bonds of the United States deposited to secure circulation.

Mr. BECK. Is that in the amendment?

Mr. MORGAN. No; I say that is the way I understood it.

Mr. BECK. It is not there.

Mr. MORGAN. Now, I propose to offer an amendment to the amendment of the Senator from Kansas so as to put that in. My object in drawing the attention of the Senator from Kentucky to it was simply that I want to hear him argue it upon that hypothesis.

Mr. COKE. What is the amendment that the Senator from Alabama proposes?

Mr. MORGAN. I propose to provide that whenever any portion of the circulation of the national banks is surrendered in consequence of the call and payment of bonds by the United States Government, an equal amount of Treasury notes shall be issued by the Government in lieu thereof, so as to prevent the shrinkage of the circulation. Understanding that that was the real purport of the amendment, I desire to hear the Senator from Kentucky discuss it upon that hypothesis, because my mind is not made up about it, and I know that he, as well as any other member of the Finance Committee, ought to be enabled to enlighten the Senate and the country upon what would be the effect—the evil effect—of the issue of a limited amount of Treasury notes to correspond precisely with the amount of surrendered circulation of the national banks called in by the Government of the United States in consequence of the payment of bonds. I say that my mind is not made up on the amendment of the Senator from Kansas even with that put in; but that is the way I understand the amendment, and if that is not the way the Senator from Kansas understands it, I intend to test the question before the Senate by offering that as an amendment to the amendment, and let us have this question fairly and squarely out; for I should like to be informed, I should like to have my judgment convinced, as to whether this would be the initiation of a system for the breaking up entirely of the national banking system, or whether it would be in the nature of a relief to the circulating medium of the country against the evil effects of the shrinkage in that circulation caused by the payment of our national debt.

In common with a great many people of the United States, I might say millions of them, I have my heart steadily fixed upon the proposition of paying off the national debt. We have been working to that end assiduously for a long time, at great expense, and under very serious embarrassments, which I have very frequently detected in my brief experience of public affairs, and I do not want us now to turn back and to say we shall fix upon this country an interest-bearing debt for all time to come, a constant source of taxation and worry to the people, for the purpose of maintaining a circulation of paper money in this country. The Government of the United States ought not to be put in the category of being compelled to issue interest-bearing bonds and keep them in circulation and keep up taxation upon the people for the payment of the interest upon those bonds in order that it may be able to supply currency to the people. We certainly can find a better and a cheaper plan than that of doing it. We lived for many years, almost a century, without having to resort to such an expedient as this. The first time that we found the necessity for doing so was during a time of war, when our bonds were sinking and it was necessary to devise the national banking system and the funding of the national debt in order to float the bonds. Now the tables have turned, and we find it necessary to maintain a national debt amounting to perhaps a thousand millions for the purpose of floating the currency. That is not a thing that American statesmanship ought to pause at. We certainly have got wit and will enough, if we will look at these questions deliberately, to devise some system that is better than that; and I for one am in favor of approaching some better system in the gradual method than I think is indicated by the amendment of the Senator from Kansas.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 22 minutes p. m.) the Senate adjourned.

SENATE.

WEDNESDAY, *February* 20, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting two letters from the Chief Signal Officer of the Army, submitting statements of the losses of personal effects sustained by officers and men of the steamer Proteus by the sinking of that steamer while on its way to Lady Franklin Bay for the relief of Lieutenant Greely, with a recommendation that they be reimbursed therefor; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 1323) fixing the rate of postage to be paid upon mail-matter of the second class when sent by persons other than the publisher or news agent was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 3956) to amend section 2527 of the Revised Statutes, relating to the district of Gloucester, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 4383) to relieve certain soldiers from the charge of desertion was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. LOGAN. I present a petition of citizens of New Richmond, Cal.; a petition of citizens of Angel's, Cal.; a petition of citizens of San José, Cal., and a petition of citizens of Madison, Wis., praying that liberal appropriations be made for educational purposes in Alaska. I move that the petitions be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. LOGAN. I also present petitions from quite a number of posts of the Grand Army of the Republic of the State of Missouri, praying for general legislation favoring Union soldiers. I move that the petitions be referred to the Committee on Pensions.

The motion was agreed to.

Mr. LOGAN presented a petition of Abraham Lincoln Post, No. 4, Grand Army of the Republic, of Nashville, Tenn., praying for the opening of the Sioux reservation to settlement; which was referred to the Committee on Indian Affairs.

He also presented a petition of Wilson Post, No. 22, Grand Army of the Republic, Department of Nebraska, and a petition of Henry Dillon Post, No. 150, Grand Army of the Republic, Department of Iowa, praying for a ratification of the treaty with the Sioux Indians; which were referred to the Committee on Indian Affairs.

Mr. HALE presented a petition of citizens of Smyrna, Me., praying for an appropriation for education in Alaska; which was referred to the Committee on Appropriations.

Mr. DOLPH. I present a preamble and resolutions of the Board of Trade of Portland, Oreg., officially signed by the president and secretary, in the nature of a memorial, remonstrating against the forfeiture of the land grant to the Northern Pacific Railroad. I move that the memorial be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. FARLEY presented a petition of the Board of Health of San Diego, Cal., praying for the establishment of a system of quarantine between California and Lower California in case of yellow fever; which was referred to the Committee on Epidemic Diseases.

Mr. MANDERSON presented a petition of 53 members of Colman Post, No. 115, Grand Army of the Republic, Department of Nebraska, praying for the passage of a bill pensioning the survivors of the war of the rebellion; which was referred to the Committee on Pensions.

Mr. DAWES. I present a petition numerously signed by citizens of Oxford, Mass., and a petition of citizens of Newton, Mass., such as I have presented heretofore, praying for an appropriation for education in Alaska, which I move be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. DAWES. I present also a petition signed by nearly all the members of the Legislature of the State of Massachusetts, by the president of its senate and the speaker of its house, which I desire may take the course that is usual for official memorials from the States. This is not official, but it is so nearly so that I ask that it may be read at the desk or printed in the RECORD.

The PRESIDENT *pro tempore*. The Senator from Massachusetts presents a petition of sundry members of the Legislature of that State and asks that the petition may be read. Is there objection? The Chair hears no objection, and the petition will be read.

The Chief Clerk proceeded to read the petition.

Mr. HARRIS. The Senator from Massachusetts asked that the petition either be read or printed in the RECORD. If printing in the RECORD will be satisfactory to the Senator, I suggest that it be so printed without reading.

Mr. DAWES. I do not care about its being read if it can be printed in the RECORD so that it may be treated somewhat as an official paper.

The PRESIDENT *pro tempore*. The Chair was unable to hear the request of the Senator from Massachusetts precisely as it appears from his statement now.

The Senator from Massachusetts asks that without reading the petition it may be printed in the RECORD. Is there objection? The Chair hears no objection, and it will be printed in the RECORD and referred to the Committee on Indian Affairs.

The petition is as follows:

To the Congress of the United States:

In order to accomplish a speedy, just, and economical solution of the Indian problem, the undersigned members of the Legislature of the Commonwealth of Massachusetts would respectfully but earnestly request your honorable body to execute such laws and make such appropriations as may secure to the Indian people of the United States—

First. General education.

Second. Permanent homes upon land suited to stock-raising and agricultural purposes.

Third. The protection of law, and, wherever the individual is fitted to receive them, the full rights of citizenship.

Mr. ALDRICH presented the petition of Edmund Tweedy and 150 other citizens of Newport, R. I., praying for the repeal of certain sections of the Revised Statutes fixing the tenure of certain offices; which was referred to the Committee on Civil Service and Retrenchment.

Mr. MILLER, of New York, presented a petition of 1,000 citizens of New York and Brooklyn, praying for the repeal of an act and acts supplementary thereto by which the term of many administrative offices were changed and fixed at four years; which was referred to the Committee on Civil Service and Retrenchment.

Mr. BECK presented a petition of citizens of Adair County, Kentucky, praying for an appropriation for educational purposes in Alaska; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Claims, to whom was referred the bill (S. 651) to provide for hearing and determining the claims of the State of Georgia for captured and abandoned property of said State seized by the United States, reported it adversely.

Mr. BROWN. I should be glad to have that bill go to the Calendar until I have time to look into the report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 1130) for the relief of the Madison Female Institute, located at Richmond, Ky., reported it adversely.

Mr. BECK. I should like to have that bill placed upon the Calendar, so that I can look at it before it is indefinitely postponed.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 1240) for the relief of Sarah E. E. Perine, administratrix of the estate of William Perine, deceased, reported it without amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Foreign Relations, to whom was referred the petition of the heirs or legal representatives of Martin Kenofsky, a Russian subject, praying to be remunerated for gold seized and taken from him by the United States military authorities during the war, submitted a report thereon, accompanied by a bill (S. 1596) for the relief of the heirs of Martin Kenofsky; which was read twice by its title.

Mr. PLUMB, from the Committee on Agriculture and Forestry, to whom the subject was referred, reported a bill (S. 1597) to enlarge the powers and duties of the Department of Agriculture; which was read twice by its title.

Mr. SLATER, from the Committee on Indian Affairs, to whom was referred the bill (S. 938) confirming to W. S. Byers & Co. the right to take and use water from the Umatilla River, on the Umatilla reservation, in the State of Oregon, for manufacturing and other purposes, reported it with amendments, and submitted a report thereon.

BILLS RECOMMITTED.

Mr. MORRILL. The bill (S. 619) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage duties, was reported adversely yesterday from the Committee on Finance and indefinitely postponed. I move that the vote by which the bill was indefinitely postponed be reconsidered for the purpose of having the bill referred again to the Committee on Finance, for the reason that the parties in interest desire to submit to the committee papers and documents in relation to the same.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The bill, with the accompanying papers, will be recommitted to the Committee on Finance, if there be no objection.

Mr. MILLER, of California. I move that the bill (S. 1158) to provide for the execution of the provisions of article 2 of the supplemental commercial treaty of November 17, 1880, between the United States and China for the repression of the opium traffic be recommitted to the Committee on Foreign Relations.

The motion was agreed to.

REIMBURSEMENT OF DIRECT TAXES.

Mr. MILLER, of California. I move to reconsider the vote by which the Senate yesterday indefinitely postponed the bill (S. 795) to adjust certain accounts between the United States and the several States and Territories and the District of Columbia.

The motion to reconsider was agreed to.

Mr. MILLER, of California. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

BILLS INTRODUCED.

Mr. LOGAN introduced a bill (S. 1598) granting a pension to Mrs. Susan B. Edson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER, of California, introduced a bill (S. 1599) for the erection of a public building at Oakland, Cal.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. BROWN introduced a bill (S. 1600) for the erection of a public building at Augusta, in the State of Georgia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1601) to erect a public building for post-office and revenue offices in the city of Athens, Ga.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BECK introduced a bill (S. 1602) to guard against deficits in the Treasury, and for other purposes; which was read the first time by its title.

Mr. BECK. If there is no objection, as the bill relates to a subject we are now discussing in connection with the national banks and other matters and it is very short, I ask that it be read at length and printed in the RECORD.

The PRESIDENT *pro tempore*. The Senator has a right to have the bill read the second time at length.

Mr. BECK. I should be glad to have that done. The bill is very short.

The PRESIDENT *pro tempore*. The bill will be read the second time *in extenso*.

The bill was read the second time at length, and referred to the Committee on Finance, as follows:

Be it enacted, &c., That if at any time the revenues of the Government shall be insufficient to meet the appropriations made by Congress, the Secretary of the Treasury is directed to use so much of the cash balance remaining in the Treasury as may be necessary to make up the deficit as though it was money not otherwise appropriated, and he is further directed not to issue or sell bonds of the United States in order to obtain money to make up such deficit until the cash balance in the Treasury is reduced below $100,000,000.

Mr. HALE introduced a bill (S. 1603) to increase the pension of James J. Chase; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VAN WYCK introduced a bill (S. 1604) to provide for the sale of a part of the reservation of the Winnebago tribe of Indians in the State of Nebraska, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CALL introduced a bill (S. 1605) granting land-warrants to soldiers and sailors in the United States serving in the Seminole Indian war of 1856, their widows and orphans; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 1606) granting a pension to Mrs. Ellen M. Flagg; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER, of New York, introduced a bill (S. 1607) for the relief of the administrators of the estate of Isaac P. Tice, deceased; which was read twice by its title, and referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BECK, it was

Ordered, That the papers in connection with the bill for the relief of W. S. Kimball and others be withdrawn from the files and referred to the Committee on Finance, there being no adverse report.

Ordered, That the papers relating to the claim of E. A. Sawyers be withdrawn from the files of the Senate subject to the rules.

On motion of Mr. GEORGE, it was

Ordered, That the papers filed in support of Senate bill 124, first session Forty-seventh Congress, be delivered to Hon. M. C. GEORGE, a member of the House of Representatives, for use in that body, subject to the rule of the Senate.

On motion of Mr. LOGAN, it was

Ordered, That the papers in the claim of David Burton, now on file with the Secretary of the Senate, be withdrawn and referred to the Committee on Pensions.

Ordered, That all papers now on file with the Secretary of the Senate in the case of Franklin Sherwood be withdrawn and returned to him.

IOWA RAILROAD LAND GRANTS.

Mr. VAN WYCK submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior inform the Senate when and how many acres of indemnity lands were certified or patented to railroad corporations in the State of Iowa to whom grants of public lands were donated; also whether any of said roads are now claiming more indemnity lands and what quantities.

TERMS OF IOWA COURTS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" that order is closed, and the Chair lays before the Senate the Calendar under the eighth rule.

Mr. ALLISON. Before proceeding with the Calendar, I ask unanimous consent to take up the bill (H. R. 448) to fix the times for holding the terms of the circuit and district courts of the United States in the northern district of Iowa. It will take but a moment to dispose of the bill.

The PRESIDENT *pro tempore*. The Senator from Iowa is entitled to move at this time, the morning business being through, to take the bill up.

Mr. ALLISON. I think there will be no objection to it.

Mr. HARRIS. Is it a matter of importance as a question of time?

Mr. ALLISON. It is a matter of importance as it respects the time of holding the courts. I move that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 448) to fix the times for holding the terms of the circuit and district courts of the United States in the northern district of Iowa.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMS FOR MILITIA.

The PRESIDENT *pro tempore*. The Calendar will be proceeded with.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 156) to amend section 1661 of the Revised Statutes making an annual appropriation to provide arms for the militia.

Mr. SEWELL. There is a report accompanying the bill which I should like to have read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SEWELL January 22, 1884:

The Committee on Military Affairs, to whom was referred the bill (S. 156) "to amend section 1661 of the Revised Statutes making an annual appropriation to provide arms for the militia," respectfully report:

That an appropriation, fixed in 1808, to provide arms for seventeen States with a population of eight millions is inadequate to provide arms for thirty-eight States with a population of fifty millions needs no argument.

The Chief of Ordnance has for many years urged Congress to increase the appropriation, and bills for this purpose were favorably reported to the Senate by this committee in the Forty-fifth and Forty-seventh Congresses.

In the reports transmitted to this session of Congress the Chief of Ordnance again urges the matter, the Secretary of War concurs in his recommendations, and the President in his annual message commends it to Congress.

In connection with a favorable consideration of the proposition to increase the appropriation there are other points connected with it to which the committee deem it proper to call attention.

The existing law is very crude; it simply provides as follows:

"SEC. 1661. The annual sum of $200,000 is appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms and equipments for the whole body of the militia, either by purchase or manufacture, by and on account of the United States."

It will be perceived that no provision is made as to the mode of apportioning the appropriation between the States, no requirements for accountability for the property furnished, or limitation on the disposition that the States may make of it. The greatest defect of the law, however, is that it does not allow the furnishing of tents and other articles necessary to provide for camps of instruction. To this omission of the law is largely due the disparity between the different States in the strength and efficiency of the militia.

The bill under consideration provides for these defects in the existing law.

It is also proper to observe that while this bill increases the annual appropriation, it provides that such State shall be entitled to draw only such proportion of the amount apportioned to it as the actual number of its active militia bears to a specified maximum.

The Chief of Ordnance makes the following reference in his last report to the organization of the militia in the several States:

"It is difficult to realize the fact that more than half a generation has passed since the close of the war, and yet that simple fact has a vital bearing for weal or woe on the status of the militia and the arms-bearing force of the country. Recruits for the Army must be between 16 and 35 years of age at the time of their enlistment. In the militia every able-bodied male citizen who is of the age of 18 and under 45 years shall be enrolled. The war having lasted four years, the million of men in the service at its close must have been between the ages of 16 and 39—those at 16 being raw recruits, those at 39 being hardened veterans of many campaigns—the mean age being 28 in 1865; if to this be added the eighteen years since the war, the mean age of the soldiers mustered out at the end of the war would be 46 at the present time, an age about the maximum required for the militia. But even those who were 16 at the end of the war would now be 34, within one year of the maximum limit required for the Army. It thus appears that in another decade the last remnant of that grand army will have passed beyond the limit of active military service. All the field experiences of the greatest war of modern times will then be lost to the future, and the country's dependence will rest solely on a people whose success in war may have to be gained through reverses and disappointments.

"The remedy for this state of affairs is simple and plain. Substantial encouragement should be given to the formation of volunteer organizations in every State, district, and city, by liberal appropriations made by Congress to supply the arms, equipments, tents, ammunition, and other ordnance stores. A well-digested system of organization, and a proper recognition of successful efforts in enforcing strict discipline and perfect drill, would go far to keep such organizations in heart and in the confidence of the country.

"The act of 23d of April, 1808, makes an annual appropriation of $200,000 'for the purpose of providing arms and equipments for the whole body of the militia.' The bill (S. 1596) reported from the Senate Committee on Military Affairs during the last Congress is so liberal and important in its provisions that I venture to insert it here in full, in the hope that it may receive the attention it deserves. I strongly recommend the passage of such a law."

In recommending the passage of this bill the committee are of the opinion that no money could be appropriated by Congress more advantageously, in view of the fact that the regular Army, containing only 25,000 men, is scattered over the entire country, and especially in the Territories, so that, in cases of necessity for the rapid assemblage of a large force, reliance would have to be placed in the militia.

A number of the States now have thoroughly equipped, organized, and disciplined bodies of men, but this is done through annual appropriations made by the respective States, with the exception of the division of the present appropriation of $200,000 annually, which appropriation was a large one when originally made, but is now wholly insufficient to provide even arms for the militia of the several States.

This appropriation, as shown by the report of the Chief of Ordnance, is divided as follows:

Balance due to (or from) the States and Territories on ——— —, 188–, under the law for arming and equipping the militia.

Annual quota (credit July 1.)

STATES.	
Alabama	$4,439 13
Arkansas	3,107 39
California	3,551 31
Colorado	1,331 74
Connecticut	2,663 48
Delaware	1,331 74
Florida	1,775 65
Georgia	5,326 96
Illinois	9,766 09
Indiana	6,658 70
Iowa	5,770 87
Kansas	3,995 22
Kentucky	5,770 87
Louisiana	3,551 31
Maine	2,663 48
Maryland	3,551 31
Massachusetts	6,214 79
Michigan	5,770 87
Minnesota	3,107 39
Mississippi	3,995 22
Missouri	7,102 61
Nebraska	2,219 57
Nevada	1,331 74
New Hampshire	1,775 65
New Jersey	3,995 22
New York	15,980 88
North Carolina	4,883 05
Ohio	10,210 01
Oregon	1,331 74
Pennsylvania	13,317 40
Rhode Island	1,775 65
South Carolina	3,995 22
Tennessee	5,326 96
Texas	5,770 87
Vermont	1,775 65
Virginia	5,326 96
West Virginia	2,663 48
Wisconsin	4,883 05
TERRITORIES.	
Arizona	1,331 74
Dakota	1,331 74
Idaho	1,331 74
New Mexico	1,331 74
Montana	1,331 74
Utah	1,331 74
Washington	1,331 74
Wyoming	1,331 74
District of Columbia	1,331 74

The committee are of the further opinion that the increase of this appropriation to $600,000 will encourage the States not now taking an active part in the necessary work of thorough organization in their militia to do so, and that the benefits to be derived by the General Government will warrant the expenditure of the money.

Mr. MORRILL. I call the attention of the Senator having charge of the bill to the change that is proposed in the present bill from what has heretofore existed. I think that heretofore Federal numbers have always been considered in the distribution of arms. I notice by the bill that Senators are left out in the computation of the basis, and I ask him if he has any objection to inserting on line 15, page 2, the words "Senators and."

Mr. SEWELL. I have no objection to that amendment.

Mr. MORRILL. Then I move to amend the bill by inserting in line 15, after the words "number of," the words "Senators and;" so as to read:

That said appropriation shall be apportioned among the several States and Territories on the books of the Ordnance Department by the Chief of Ordnance of the Army, under the direction of the Secretary of War, according to the number of Senators and Representatives or Delegates to which each State and Territory respectively is entitled in the Congress of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GARLAND. The title should be amended to correspond with the text of the bill by inserting the words "and equipments."

The title was amended so as to read: "A bill to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia."

ALEXANDER FRANCESCO.

The bill (S. 1033) giving a military record to Alexander Francesco, deceased, was considered as in Committee of the Whole. It directs the Secretary of War to enter upon the rolls of Company D, Forty-fifth Regiment of Kentucky Volunteer Infantry, the name of Alexander Francesco, as a private, duly mustered into the service of the United States as of date October 24, 1863, and to complete his military record.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY L. WALKER AND ELLA WALKER.

The bill (S. 465) for the relief of Mary L. Walker and Ella Walker was considered as in Committee of the Whole. It proposes to pay to Mary L. Walker and Ella Walker, sole surviving daughters of Lieut. Col. Calvin Walker, late of the Thirty-third Regiment of New York State Volunteers, the pension granted by certificate No. 209900 to Calvin Walker, computing the amount due to the day of his death only.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. MITCHELL January 22, 1884:

The Committee on Pensions, to whom was referred the bill (S. 465) for the relief of Mary L. Walker and Ella Walker and petition therefor, having considered the same, report as follows:

That this case was considered by this committee at the second session of the Forty-seventh Congress, and report thereon (No. 963) made, as follows:

"The claimants, Mary L. Walker and Ella Walker, are the sole surviving daughters and children of Lieut. Col. Calvin Walker, late of the Thirty-third Regiment of New York Volunteers. Colonel Walker applied for a pension on account of disabilities received in the service and in the line of duty, and completed his proofs during his lifetime.

"The case in the Pension Office was submitted for admission on the 8th of May, 1882, and was subsequently allowed at the rate of $7.50 per month from the 4th day of October, 1861; but the certificate therefor was not issued until the 27th day of May, 1882. Colonel Walker died on the same day, and about four hours after the certificate in his case was issued as aforesaid. The Commissioner of Pensions construes the law governing the payment of pensions to be that the representatives of a pensioner, in case of death, are not entitled to receive the pension granted the decedent, unless the check for the amount allowed is received and indorsed by the pensioner.

"The committee are of the opinion, however, that in cases where the pension certificate has been actually issued before the death of the person found to be entitled to a pension, there is equity and justice in paying the amount so allowed to the needy children of the pensioner, as in the present case.

"The committee, upon a careful examination of all the facts bearing upon the case, deem it a deserving and meritorious one for special legislation."

The present bill is in the exact language of the one then reported.

Your committee, believing that the above report correctly sets forth the material facts in the case, adopt it, and recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN FRASER.

The bill (S. 830) for the relief of John Fraser was announced as next in order on the Calendar.

The bill was reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the sum of $742.33 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment in full to John Fraser for services as Supervising Architect of the Treasury from December 6, 1878, to May 22, 1879.

Mr. COCKRELL. I should like to hear the report read in that case.

Mr. VAN WYCK. I ask that the bill go over without prejudice on the Calendar, as it is in charge of the Senator from Massachusetts [Mr. HOAR] and I propose to consult him about still another amendment. I ask that it remain on the Calendar without prejudice until his return.

Mr. COCKRELL. I have no objection to that as far as I am concerned.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska ask that the bill stand to-morrow where it does to-day, the third from the top, or only that it be passed over?

Mr. VAN WYCK. That it be passed over without prejudice until the Senator from Massachusetts returns.

Mr. COCKRELL. I suggest that as the other call of the Calendar is so close, it will make no difference, it will soon be reached on that call.

Mr. CONGER. I hope this may retain its place on the Calendar. I do not see any reason why the bill should not be passed now.

The PRESIDENT *pro tempore*. The Senator from Michigan asks that the bill be passed over, retaining its order in the daily call under the eighth rule.

Mr. CONGER. Yes.

The PRESIDENT *pro tempore*. Is there objection?

Mr. HARRIS. The effect of that would be to allow the Senator to call it up on any day between the conclusion of the morning business and 2 o'clock.

The PRESIDENT *pro tempore*. Under the request of the Senator from Michigan the effect would be that to-morrow morning it would stand at the head of the Calendar.

Mr. CONGER. I ask that it be passed over to stand at the head of the Calendar to-morrow.

The PRESIDENT *pro tempore*. Is there objection to this bill being passed over to stand at the head of the Calendar to-morrow morning? The Chair hears no objection, and it is so ordered.

GEORGE H. CARLYLE.

The bill (S. 375) for the relief of George H. Carlyle was announced as next in order.

Mr. HARRIS. There is an adverse report on that bill; let it go over.

The PRESIDENT *pro tempore*. The bill will be passed over.

MAURICE GRIVOT.

The bill (S. 87) for the relief of the heirs of Maurice Grivot was announced as next in order.

Mr. INGALLS. Let the report be read.

The Secretary proceeded to read the report submitted by Mr. JACKSON January 23, 1880, from the Committee on Claims, but before concluding was interrupted by

Mr. CONGER. That is a case which I think will require more discussion than is allowed under the five-minute rule. I ask that it go over.

The PRESIDENT *pro tempore*. The bill is objected to and goes over.

MARY A. LEWIS.

The bill (S. 690) for the relief of Mary A. Lewis, widow of Joseph N. Lewis, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments.

The first amendment was, after the word "cents," in line 7, to strike out:

With interest thereon at 6 per cent. per annum from the 4th day of March, 1877, to date of payment.

So as to read:

That the Secretary of the Treasury be, and he is hereby, authorized, out of any money in the Treasury of the United States not otherwise appropriated, to pay to Mrs. Mary A. Lewis, widow of Joseph N. Lewis, the sum of $111.22; to be in full remuneration of the payment made by said Joseph N. Lewis out of his own private funds for account of the Government of the United States while he was acting as its commercial agent at Port au Prince, Hayti, in the year 1855.

The amendment was agreed to.

The next amendment was to add to the bill the following:

Provided, That the said Mary A. Lewis procure the release of the personal representative of the said Joseph N. Lewis and file the same in the Treasury of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FITZ-JOHN PORTER.

The bill (S. 158) for the relief of Fitz-John Porter was announced as next in order.

Mr. SEWELL. Pending the consideration of the House bill in the Committee on Military Affairs, I ask that this bill go over without prejudice.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks that this bill go over without prejudice, by which the Chair understands is meant that it maintains its place at the head of the Calendar under the eighth rule. Is there objection?

Mr. CONGER. I would suggest to the Senator that this bill may as well go to its place under the other rule, for of course it can not come up without objection for discussion.

Mr. SEWELL. I will say that I expect not to call the bill up until the House bill is reported from the Committee on Military Affairs.

Mr. CONGER. Let it go on the other docket and stay there.

Mr. SEWELL. The matter will in all probability be taken up by agreement any way.

Mr. CONGER. Let it go on the list under the ninth rule until some disposition be made of it.

Mr. HARRIS. I would suggest to the Senator from New Jersey that if his present request is agreed to his bill would stand second in the call of the Calendar under the eighth rule to-morrow morning and so on until finally disposed of. He had better transfer it to the Calendar under the ninth rule, where it would not be called for disposition every morning until finally acted upon.

Mr. SEWELL. That will be satisfactory to me.

The PRESIDENT *pro tempore*. Objection being made, the bill is passed over.

ELLEN CALL LONG AND MARY K. BREVARD.

The bill (S. 1233) for the relief of Ellen Call Long and Mary K. Brevard was considered as in Committee of the Whole. It proposes to appropriate $8,563.37 in satisfaction of the claim of Ellen Call Long and Mary K. Brevard, next of kin of R. K. Call, deceased, being the amount found in favor of R. K. Call in a suit by the United States against him.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. GEORGE January 23, 1884:

The Committee on Claims, to whom was referred the bill (S. 1233) for the relief of Mrs. Ellen Call Long and Mrs. Mary K. Brevard, respectfully report:

In the last Congress this committee made the following report, which they now adopt:

[Senate Report No. 532, Forty-seventh Congress, first session.]

This claim was adversely reported on by this committee in the Forty-second Congress and also in the Forty-third Congress. It was favorably reported in the Forty-sixth Congress. The last report, made by Mr. Hereford, is as follows, and contains a true statement of the facts:

[Senate Report No. 648, Forty-sixth Congress, second session.]

R. K. Call was for many years, more than ten, receiver of public moneys at Tallahassee, Fla. He died in 1862.

Your committee received the following letter from the office of the Secretary of the Treasury. The letter is from F. B. Streeter, a former Solicitor of the Treasury, to the then Secretary of the Treasury, James Guthrie, which fully sets forth all the facts in the case:

OFFICE OF THE SOLICITOR OF THE TREASURY,
February 19, 1856.

SIR: The letter of R. K. Call, dated the 10th ultimo, referred to this office for a report on the matter to which it relates, has been duly received; and in compliance with your directions I have the honor to state that it appears from the dockets and files of this office that suit was commenced in February, 1840, against Richard K. Call for the recovery of $5,907.53 alleged to be due from him as late receiver of public moneys at Tallahassee. This balance was subsequently reduced to $5,060.13. A separate suit was also commenced against his sureties. In defense General Call put in the pleas of *nil debit*, set-off, and payment. The suit against General Call was tried at February term, 1842, of the district court at Tallahassee, and a verdict rendered in his favor for $7,923.72. In his report of this trial the district attorney states, in a letter dated 8th March, 1842, "that the court allowed evidence to go to the jury upon a claim for extra service in revising the decisions of the register and receiver of the land office at Tallahassee upon pre-emption claims, which the defendant insisted he was directed to perform by a letter of G. Graham, Commissioner of the General Land Office, directed to the register and receiver at Tallahassee, dated July 27, 1827. It was shown by the testimony that this revision occupied from two to three months, and for this service the jury allowed the sum of $12,500. I excepted to the opinion of the court in the admission of this testimony, contending that the revision of these decisions was included in the ordinary and special duties of his office prescribed by law, and was not extra-official; also to the introduction of other letters specified in the copies of the bill of exceptions herewith inclosed. Upon the return of the verdict I entered a motion for a new trial, upon the ground that the verdict was against evidence, and was given under an obvious misconception of the charge of the court, and that the judge misdirected the jury; which motion was presented to the court and overruled."

By direction of Mr. Penrose, then Solicitor, the case was appealed, and in February, 1843, the judgment in the court below was reversed and a *venire facias de novo* awarded. After this there was much correspondence with the district attorney, and diligent efforts appear to have been made to prepare the case, and at November term, 1843, it again came on for trial, but in consequence of the inadmissibility of some of the papers offered in evidence the district attorney submitted to a nonsuit and commenced a new suit. The suit was finally tried at January term, 1847, under the same pleas and set-off as in the first case. The set-off plea was for services as counsel in arguing mandamus cases under instructions from the Land Office and extra compensation for adjudicating pre-emption claims. The jury found a verdict in favor of the defendant, and certified a balance due to him by the United States of $8,563.37. While the suit against General Call was in progress the suit against his sureties was continued to abide its result. Upon receiving the report of the last trial, Mr. Gillet, then Solicitor, directed the district attorney to forward to him "a transcript of the pleadings in the case and a copy of the instructions of the court to the jury," which was done, and on the 6th October, 1847, he instructed the district attorney (C. C. Yonge, esq.) as follows: "I have examined the papers relating to the trial of the suit brought by the United States against Richard K. Call, and find no possible question therein which can be carried to the Supreme Court; nor can I learn that there is any newly discovered material evidence which the United States can adduce if a new trial should be sought on that ground; hence I see no possible steps which can be taken in the cause by which a new trial can be obtained. It seems to be useless to continue the suit under these circumstances on the docket; hence you are authorized to cause it to be stricken from the docket at your earliest convenience." This was accordingly done, and thus the suit terminated.

Very respectfully, your obedient servant,

F. B. STREETER, *Solicitor*.

Hon. JAMES GUTHRIE,
Secretary of the Treasury.

P. S.—I return the letter of General Call.

From the foregoing it appears that after a full and fair trial there was a verdict rendered against the United States in favor of said Call for $8,563.37.

A "transcript of the pleadings in the case and a copy of the instructions of the court to the jury" were sent to the Solicitor of the Treasury for his revision and further direction.

Upon examination he says "he finds no possible question therein which can be carried to the Supreme Court."

Here we have the verdict of a jury finding in favor of said Call for $8,563.37. As between individuals this would be conclusive. Why not as between the United States and one of its citizens?

Your committee are aware that no valid judgment can be rendered against the United States upon a set-off as in this case, and that no execution can issue as against a private citizen. But can the Government afford to assume such a position as that?

It is true there is no evidence before the committee to sustain the items of the set-off. But is not the verdict of a jury upon these items, rendered upon testimony taken in open court, where the witnesses were subject to a strict cross-examination, of more avail and more satisfactory and convincing than *ex parte* affidavits?

Your committee think the verdict is persuasive, if not morally and equitably binding, and recommend the passage of the bill herewith reported.

The conclusion reached in this report commends itself to our judgment.

There can be nothing either in the fact that the evidence on which the verdict was based is not before us or that the claim is an old one.

For, first, the suit was instituted by the United States before a competent court, having full jurisdiction over the matter. After full investigation, on competent evidence, the verdict was rendered by a sworn jury and approved by a learned court. True, no judgment could be rendered on the verdict, but this does not impeach the finding as to the facts. It is only because no such judgment could be rendered that the petitioner is compelled to come to Congress for relief. The verdict is fully competent to establish the facts on which Congress shall act.

Second. That the claim is old does not detract from its validity, as it is certain that it never was paid. No interest is claimed. We recommend the passage of the bill herewith reported.

Mr. CONGER. I do not recollect the time when this claim first arose, but I think about fifty years, or something more than forty years at any rate. I venture to say that through the length of service of the oldest member of this body or of Congress it has been presented annually for consideration. For a long number of years it had adverse reports both in the Senate and in the House; but the years flew by, new men came in every decade to receive the testimony and consider this case, old things were forgotten, and at last, after about thirty-five or forty years, there came a committee reporting in favor of this bill or a similar one.

Since the first favorable report of a Senate committee it has not been contended in any report that there has been a new investigation, but that one first favorable report (and the only one I have ever known either in the other House or here) has been referred to last year and the year before, and from the time it was made until now it is the basis of a new report by the committee. The report of the first and only committee that reported favorably upon this claim has been adopted by subsequent committees and represented to the Senate. My recollection is now that the claim never did have a favorable report from any committee of the House. This claim has been rejected by committees for the last fifteen years almost continually. It seems to me very strange that for over forty years the case has been in Congress and there never has been found a Congress under any administration, in peace or in war, that has passed this bill and settled this half-century-old claim.

I am a little alarmed at the frequency with which old claims that come now from the heirs of the heirs of claimants are presented and urged before this body and in the other House of Congress. The age of a claim, the committee say, is nothing against it, but it does seem to me that a decent respect for the opinions of those men who have gone before us should make this body or any other body consider that the continuous and continued examination and rejection of it by committees here and by the Senate and by the committees of the House deserve a little consideration at our hands.

I have never in my examination of this claim seen even an equitable right in the claimants to recover against the United States, and I am making the remarks I do from my own examination of it on former occasions when it was before the committees of which I was a member. I do not believe this bill ought to pass. I do not think the mere verdict of a jury or the failure of either party to take the case to a higher court for consideration is sufficient to justify us in paying the claim. Nor ought the fact that it has slept so long, from 1843 till now, to have much weight in favor of its passage.

Mr. GEORGE. Mr. President, I do not know what has transpired in reference to this claim at the other end of the Capitol. I know that there have been two adverse reports against it at this end and three favorable reports. At the last Congress the Committee on Claims reported the bill unanimously as far as I know. I heard no objection to it, or at least if I did I have forgotten it, and I think the Senator from Michigan was a member of the committee at that time. But however that may be, the question is whether we owe the money or not, and that is to be decided upon the facts of the case, and not according to how many adverse reports or how many favorable reports have been made on the claim heretofore.

The facts of the case are few and simple. The United States brought a suit in a court having full jurisdiction over the matter against General Call. General Call made his defense to the suit by setting up a set-off, over which that court also had full and complete jurisdiction. There were two trials in this court, both of which resulted favorably to General Call, the jury on each trial finding a verdict in his favor. On the last trial the transcript of the case was submitted to the Attorney-General of the United States, with the evidence and with the charge given by the court, and he found that there was no error in the proceedings. If that is not sufficient to establish a just and valid claim against the United States, I should like to know what is.

Here is a trial before a competent court; here is the United States represented by a competent attorney; here is jurisdiction by the court over both parties and over the subject-matter; here is the finding of the jury, and here is the review of the facts of that case by the law officer of the United States, who decides that there is no error in it. If that is not sufficient to establish a claim, I confess that I do not know what is.

On the next point that it is an old claim, I do not know that there is any reason for refusing to pay my claim on the ground that it is old. If a claim be presented depending on oral testimony we might very well decline to entertain jurisdiction of it upon the ground that by lapse of time the evidence which might defeat the claim had been lost; but here there is no objection of that sort. It is a record and a record of a United States court, and a record, too, against which oral testimony can not be introduced. It is unimpeachable. That being so, it makes no difference that the claim is an old one unless we establish the precedent that the neglect of the Government for a long period of time to pay an honest and a just debt, though adjudicated by its own tribunals, is a sufficient reason for it to refuse again to pay it. There can be no answer to it. That is the exact position of this case.

The PRESIDENT *pro tempore*. The time of the Senator from Mississippi has expired.

Mr. JONES, of Florida. Mr. President, I have some knowledge of the general merits of this claim, and I think I can indorse everything which has been stated by the Senator from Mississippi. It is peculiar in some of its features. One of the most distinguished men that was ever identified with Florida, General Call, held a position under the Government; a friend of Jackson, his companion in all the great contests of that day, his confidential friend, and was afterwards appointed to an office under him, which he discharged in a way creditable to himself. After he retired from office he was sued by the Government—a great blunder, in my opinion, as the event proved. It was claimed that he was behind in the settlement of his accounts while disbursing public money in Florida. He had contended all along that instead of owing the Government, the Government owed him. I know very well the principle of law which precludes the possibility of suit being brought against the Government directly. General Call challenged the Government to a suit against him. It was instituted in its own court. That court, I may say, was presided over by one of the most impartial and, indeed, one of the ablest men that ever sat in any tribunal of any country. There was a great deal more involved in the matter than the mere money. The honor, the integrity of a man who had stood high in the confidence of one of the greatest men the country ever produced—all this was involved. He met the suit; he went before that court and a jury of the country impartially impaneled; the whole subject was investigated, not in the loose way, let me say to the Senate, that matters of that kind are usually investigated before committees of this body (and I speak with I think pardonable freedom on the subject), because they have not the time to give to these matters the care which should be given in a complete investigation—this matter was judicially ascertained. The court drew the attention of the jury to the precise issue. The Government charged this officer with defalcation. He set up his claim on his accounts. The matter was referred to the court by the Department for adjudication. If that jury had found a verdict against General Call, his estate according to law would have had to pay the penalty. Now it seems to me there ought to be some mutuality in trials of that description, so that where the Government charges a public officer with a defalcation and challenges him to a suit in one of its own courts, and when he goes before that court and satisfies its judge and the jury impaneled in accordance with law that instead of his being indebted to the Government the Government is indebted to him and a judgment is rendered for the amount—while I admit as a lawyer that you can not enforce that judgment by any ordinary process of execution, at the same time I do say that in morals there is an honorable obligation resting on the Government to pay it.

Mr. CONGER. Will the Senator allow me to ask him a question in this connection?

Mr. JONES, of Florida. Certainly.

Mr. CONGER. I ask the Senator if after this proceeding in court the Government did not for several years prosecute the sureties upon the bond even after this finding?

The PRESIDENT *pro tempore*. The time of the Senator from Florida has expired.

Mr. CONGER. I hope he may be permitted by unanimous consent to answer my question.

Mr. GEORGE. Mr. President——

The PRESIDENT *pro tempore*. The time of the Senator from Mississippi has expired.

Mr. GEORGE. I want to answer the question propounded by the Senator from Michigan.

The PRESIDENT *pro tempore*. The Senator's time has expired; he can not proceed unless by unanimous consent.

Mr. HARRIS. I move that the bill be indefinitely postponed in order to give the Senator from Mississippi an opportunity to speak on that question.

Mr. GEORGE. I just wanted to answer the question propounded by the Senator from Michigan.

Mr. JONES, of Florida. I shall be glad to have the Senator from Mississippi answer the question. He examined the case in committee.

Mr. GEORGE. The Senator from Michigan says that, notwithstanding the verdict, the United States prosecuted the bond of General Call by proceeding against his sureties.

The PRESIDENT *pro tempore*. The Senator from Mississippi will please suspend. The eighth rule provides that while bills are under consideration under this rule five minutes' debate only shall be permitted, and no Senator shall speak more than once. A motion to indefinitely postpone does not in the opinion of the Chair take it out of the rule.

Mr. HARRIS. But "once on the same question;" such was certainly my impression.

Mr. BUTLER. I ask unanimous consent that the Senator from Mississippi may be allowed to answer the question of the Senator from Michigan.

Mr. GEORGE. That is all I want to do.

The PRESIDENT *pro tempore*. The Chair thinks the Senator from Tennessee is technically right. The language of the rule is "on any question." The question being on the engrossment and third reading of the bill, the motion to indefinitely postpone is technically a different question. The Chair will recognize the Senator from Mississippi on that question. The Chair was in error before.

Mr. GEORGE. The letter of Mr. Streeter, the Solicitor of the Treasury, shows that on the rendering of this verdict the separate suit against the sureties was dismissed by the United States.

Mr. CONGER. I did not understand the report so.

Mr. DOLPH. Mr. President——

Mr. HARRIS. I withdraw the motion to indefinitely postpone.

The PRESIDENT *pro tempore*. The Senator from Oregon has the floor.

Mr. DOLPH. Mr. President, although upon the Committee on Claims, I desire to state that this report was presented by the subcommittee and concurred in by the committee during my absence. I am not satisfied, from what I can learn of the case from the report, to vote for the bill. It appears by this report that suit was instituted in February, 1840, against Richard K. Call to recover $5,907.53 alleged to be due from him as late receiver of public moneys at Tallahassee. The amount was afterward reduced to $5,060.13. General Call put in the pleas of *nil debit*, set-off, and payment. The suit went to trial, and General Call not only established the set-off to the amount of the claim of the United States, which was as I have said $5,060.13, but the jury found that the United States owed him for services the further sum of $7,923.72.

This has been called a judgment. This claim of $7,923.72 was not a judgment and could not have been made the basis of a judgment against the United States. The law authorized General Call to plead his set-off to the amount of the claim of the United States against him, but the jury in passing upon his claim found that the value of his services was $12,500.

Mr. JONES, of Florida. Will the Senator allow me to ask him a question?

Mr. DOLPH. Certainly.

Mr. JONES, of Florida. I would ask him if his attention was ever called to the celebrated Reeside case from Pennsylvania, where this body held that a judgment of offset in this way did commit the Government to pay the amount the same as an ordinary judgment?

Mr. DOLPH. I can not hear the Senator.

Mr. JONES, of Florida. I ask the Senator if his attention was ever called to the celebrated Reeside case that came up in the Senate—I have it not now at hand—many years ago, in which this body held that a judgment of this kind, on an offset against the Government like this, bound the Government to payment, and the Senate provided for the payment of the claim?

Mr. DOLPH. I have never had my attention called to that case; but no decision of any court could require Congress to make an appropriation for a claim. Congress should be satisfied that the claim is just. I say in this case that the basis of this claim is not a judgment against the United States, but the finding of a jury as to the value of services performed by this officer. The jury in the first trial found that these services were of the value of $12,500, which canceled the claim of the United States against this officer of $5,060.13, and left a balance of $7,923.72.

The PRESIDENT *pro tempore*. The time of the Senator from Oregon has expired.

Mr. DOLPH. I have been interrupted, but I will conclude in a moment.

Mr. COCKRELL. I ask that unanimous consent be given that the Senator may conclude his remarks.

The PRESIDENT *pro tempore*. The Chair can not allow the Senator to proceed except by unanimous consent.

Mr. COCKRELL. I hope unanimous consent will be given.

The PRESIDENT *pro tempore*. Unanimous consent is asked that the Senator from Oregon may proceed. Is there objection?

Mr. JONES, of Florida. Following the example on the other side, I object.

The PRESIDENT *pro tempore*. Objection is made, and the Senator can not proceed.

Mr. JONES, of Florida. I withdraw the objection.

The PRESIDENT *pro tempore*. The objection is withdrawn. Is there again objection? The Chair hears none, and the Senator from Oregon will proceed.

Mr. DOLPH. Upon the second trial this finding of the jury was increased so as to show a balance due from the United States to General Call of $8,563.37. What that is based upon appears in this report, and I desire to read it. In the communication embodied in the report from Mr. Streeter to the honorable Secretary of the Treasury it is stated:

It was shown by the testimony that this revision occupied from two to three months, and for this service the jury allowed the sum of $12,500.

I think it sufficient that the large claim of the Government against General Call was canceled by services which occupied his attention only two or three months, without now making an appropriation for his benefit of the further sum of $8,563.37. I am not satisfied by the report of the merits of the claim.

Mr. PIKE. Mr. President, as a member of the Committee on Claims it was my duty to consider this claim. Those of the committee who were present when it was considered, which number did not include my friend who has just taken his seat, though that this claim was a just one and ought to be allowed, and there was no division of opinion. It was the opinion of the competent tribunal trying the case that this balance was due as stated in the report. Whether or not it was in the nature of a judgment was of less consideration, because the simple question was whether this amount was due. It was found to be due by a jury upon evidence properly introduced before a competent tribunal. For one I wish in the cases before us here we had anything like as good testimony as appears in this case to justify our action in reporting claims. There was no division of sentiment in committee, as I have said. It was stated that this case was considered at the last Congress by the Committee on Claims of the Senate, and that there was no division of sentiment then. I certainly hope the bill will pass.

The bill was reported to the Senate, ordered to be engrossed for a third reading, and read the third time.

The question being on the passage of the bill, there were on a division—ayes 18, noes 7; no quorum voting.

Mr. ALLISON. The call of the yeas and nays will disclose a quorum.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SEWELL (when his name was called). I am paired on this question with the Senator from Arkansas [Mr. GARLAND].

Mr. SHERMAN (when his name was called). I desire to say that I am paired generally with the Senator from North Carolina [Mr. VANCE]. I do not know how he would vote on this question, and therefore I do not vote.

The roll-call having been concluded, the result was announced—yeas 33, nays 10; as follows:

YEAS—33.

Beck,	Farley,	Lamar,	Ransom,
Blair,	George,	McPherson,	Riddleberger,
Bowen,	Gorman,	Manderson,	Slater,
Brown,	Groome,	Maxey,	Van Wyck,
Butler,	Hampton,	Miller of Cal.,	Vest,
Call,	Harris,	Palmer,	Walker.
Coke,	Jackson,	Pike,	
Cullom,	Jones of Florida,	Plumb,	
Fair,	Kenna,	Pugh,	

NAYS—10.

Allison,	Hawley,	Morrill,	Sawyer.
Conger,	Ingalls,	Platt,	
Dolph,	McMillan,	Sabin,	

ABSENT—33.

Aldrich,	Edmunds,	Jones of Nevada,	Sewell,
Anthony,	Frye,	Lapham,	Sherman,
Bayard,	Garland,	Logan,	Vance,
Camden,	Gibson,	Mahone,	Voorhees,
Cameron of Pa.,	Hale,	Miller of N. Y.,	Williams,
Cameron of Wis.,	Harrison,	Mitchell,	Wilson.
Cockrell,	Hill,	Morgan,	
Colquitt,	Hoar,	Pendleton,	
Dawes,	Jonas,	Saulsbury,	

So the bill was passed.

JOSEPH R. SHANNON.

The bill (S. 88) to provide for the payment of the claim of Joseph R. Shannon was announced as next in order.

Mr. COCKRELL. Is there a report in that case?

The PRESIDING OFFICER. There is a report.

Mr. COCKRELL. We can not consider this bill properly within the morning hour under the five-minute rule. There is quite a lengthy report in this case, and there has been an adverse report made upon the same bill at this session of Congress in the opposite end of the Capitol, and that report is also a voluminous report, and as a matter of course it will have to be read to the Senate. Under the circumstances I think it is better for the bill to go over.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Being objected to, the bill goes over.

FRANCIS B. VAN HOESEN.

The bill (S. 539) for the relief of Francis B. Van Hoesen was considered as in Committee of the Whole. It empowers the Commissioner of the General Land Office, on behalf of the United States, to accept a relinquishment by the governor of Minnesota, executed under the authority of an act of the Legislature of that State approved February 24, 1881, of the title derived by that State through an internal-improvement selection certified by the Commissioner of the General Land Office on May 8, 1869, for the southeast quarter of section 3, township 128, range 40 west, in the district of lands, subject to sale at Alexandria, Minn. The location of the tract by Francis B. Van Hoesen, with military bounty-land warrant No. 106976, for one hundred and sixty acres, issued under act of March 3, 1855, and which was patented by the United States to Francis B. Van Hoesen on the 15th of October, 1870, is confirmed, and the State of Minnesota is to be allowed to select other lands in lieu of the southeast quarter relinquished by this act.

The bill was reported from the Committee on Public Lands with an amendment, to add to the bill "within said State, from the lands subject to private entry."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

A. A. THOMAS.

The bill (S. 643) for the relief of A. A. Thomas was considered as in Committee of the Whole. It proposes to pay to A. A. Thomas, or his assigns, $540, as a reimbursement for money paid by Thomas for the use of the United States while register of the United States land office at Cawker City, Kans.; and the further sum of $67.14, balance due to Thomas as compensation as register for the quarters ending September 30, 1872, and March 31, 1875, respectively.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN C. HARGRAVE.

The bill (S. 361) granting a pension to John C. Hargrave was announced as next in order upon the Calendar.

Mr. COCKRELL. I object to that.

The PRESIDING OFFICER. The bill is objected to, and goes over.

CONVENTION WITH HAWAII.

The next business on the Calendar was the joint resolution (S. R. 27) as to giving notice to terminate the convention of June 3, 1875, with His Majesty the King of the Hawaiian Islands.

The PRESIDING OFFICER. There is an adverse report in this case.

Mr. MILLER, of California. I desire to submit a motion to indefinitely postpone the joint resolution.

The PRESIDING OFFICER. The Senator's motion is in order. Does the Senator make that motion?

Mr. MILLER, of California. I do.

The PRESIDING OFFICER. The question is on the motion of the Senator from California that the joint resolution be indefinitely postponed.

Mr. CONGER. Let the joint resolution be read for information.

The CHIEF CLERK. "A joint resolution as to giving notice to terminate the convention of June 3, 1875, with His Majesty the King of the Hawaiian Islands"——

Mr. SEWELL. I think the Senate should suspend action on this matter until the presence of the Senator from Louisiana [Mr. JONAS] who introduced the joint resolution.

Mr. MILLER, of California. I am perfectly willing that it shall go over.

Mr. CONGER. I asked for the reading of the joint resolution. It has not yet been read.

The PRESIDING OFFICER. The joint resolution will be read.

The Chief Clerk read the joint resolution, as follows:

Whereas the said convention, in its fifth article, provides that the convention shall remain in force for seven years from the date at which it may come into operation, and further until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years, or at any time thereafter: Therefore,

Resolved by the Senate and House of Representatives, &c., That the President of the United States be requested to give the notice to terminate said convention in the manner and at the time set forth and provided for in said fifth article.

Mr. SHERMAN. This measure ought not to be brought up in the morning hour. It involves questions of grave importance, and I desire when it does come up (as I was not able to concur with the majority of the Committee on Foreign Relations) to address the Senate upon it. I hope it will not be brought up except when I am present.

Mr. MILLER, of California. I will ask that it be passed over.

The PRESIDING OFFICER. An objection carries it over, if objection is made.

Mr. SHERMAN. I am in favor of the passage of the bill, but as a matter of course it could not be passed under the five-minute rule as to debate.

The PRESIDING OFFICER. Objection would transfer it to the Calendar under Rule IX instead of Rule VIII. Does the Senator from Ohio object?

Mr. SHERMAN. I have no objection to that, so that a majority of the Senate can take it up.

The PRESIDING OFFICER. The question is on the motion of the Senator from California to indefinitely postpone the joint resolution.

Mr. SHERMAN. I object to its being indefinitely postponed.

The PRESIDING OFFICER. Does the Senator from Ohio object to the present consideration of the joint resolution?

Mr. SHERMAN. I do.

The PRESIDING OFFICER. Objection is made, and the joint resolution goes over.

Mr. MILLER, of California. I withdraw the motion to postpone indefinitely and will let the resolution go over under Rule IX.

The PRESIDING OFFICER. It goes over under objection with or without the motion of the Senator from California.

Mr. SHERMAN. I would rather that it should go over.

CORPS OF JUDGE-ADVOCATES.

Mr. MAXEY. As we can not dispose of the next bill on the Calendar before 2 o'clock, I ask for unanimous consent to do a little morning business.

The bill (S. 1541) to provide promotion in the corps of judge-advocates was reported favorably from the Committee on Military Affairs. There are some slight verbal changes which we desire to make in the bill. They are not material, but would make it, as we think, a better bill. I move that it be recommitted to that committee.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent to consider at this time a motion to recommit the bill indicated by him. Is there objection? The Chair hear none. Is there objection to recommitting the bill? The Chair hears none, and the order will be made to recommit it.

C. M. WILCOX.

Mr. MAXEY. Yesterday the chairman of the Committee on Military Affairs [Mr. LOGAN] reported adversely the bill (S. 139) for the relief of C. M. Wilcox, and it was indefinitely postponed. I ask that the bill be placed on the Calendar, with a view of asking leave to submit a minority report.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent of the Senate to move at this time to reconsider the vote by which the bill indicated by him was indefinitely postponed. Is there objection? The Chair hears none. Is there objection to the reconsideration? The Chair hears none, and the order will be made, and the bill placed on the Calendar.

Mr. MAXEY. I ask that the minority may be permitted to file their views and have them presented to be considered with the bill.

The PRESIDING OFFICER. The Chair thinks that no order of the Senate is necessary for that purpose, as the minority can file their views.

Mr. MAXEY. Then I give notice that the minority will file their views, to be considered with that bill.

The PRESIDING OFFICER. The Chair is informed by the Secretary that it is the custom of the Senate for the minority to ask permission of the Senate to submit their views.

Mr. MAXEY. So I understood.

The PRESIDING OFFICER. Therefore the Chair will inquire, is there objection to the minority of the committee submitting their views in the form of a report in respect to the bill referred to by the Senator from Texas? The Chair hears no objection, and the order will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (S. R. 51) authorizing an expenditure of money for Indian educational purposes.

SPECIAL MESSENGER FOR COMMITTEE ON CLAIMS.

Mr. JONES, of Nevada. The Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution for the employment of a special messenger for the Committee on Claims, have instructed me to report it without amendment and recommend its passage. The chairman of the Committee on Claims informs me that there is immediate necessity for the passage of the resolution because the regular messenger of that committee is absent on official duties. I therefore ask for the immediate consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized and directed to employ and to pay from the contingent fund of the Senate at the usual rate of compensation a special messenger for the Committee on Claims during the absence upon official business of the regular messenger of that committee.

NATIONAL-BANK CIRCULATION.

The Senate, as in Committeee of the Whole, resumed the consideration of the bill (S. 1155) to provide for the issue of circulating notes to national banking associations.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB] as modified by himself.

Mr. PUGH. Before the debate on the Plumb amendment is renewed, I desire to offer an amendment to it, if it be now in order to do so.

The PRESIDING OFFICER. What is the form of the Senator's amendment? Is it an amendment to the text of the bill or an amendment simply to the amendment of the Senator from Kansas?

Mr. PUGH. It is an amendment to the Plumb amendment which is proposed as a second section to the bill.

The PRESIDING OFFICER. Such an amendment is now in order.

Mr. COKE. Did not the Senator from Alabama [Mr. MORGAN] offer an amendment to that yesterday.

Mr. MORGAN. No, sir.

Mr. PUGH. I move to insert after the word "bank," in the second line, the words "or the legal-tender greenbacks held by any national bank;" so as to read:

That whenever the circulation of any national bank, or the legal-tender greenbacks held by any national bank, or any portion thereof, shall be surrendered, and the same is not taken up by other national banks within thirty days thereafter, the Secretary of the Treasury shall thereupon issue an equivalent amount of Treasury notes, &c.

That meets the criticism of the Senator from Delaware [Mr. BAYARD] as to the limitation to issue these Treasury notes upon the surrender of the circulation of the national banks. It will include greenbacks as well as the circulation of the national banks. It may be that under

the existing law, if greenbacks are surrrendered when the bonds are called, they may be reissued, which would make my amendment unnecessary; but if that be not the effect of the existing law my amendment can do no harm. It makes it certain that upon the return of the national-bank circulation or greenbacks, when bonds are called, there shall be an issue of these Treasury notes.

Then, in the second place, I propose to amend the amendment by inserting after the word "Government," in the second sentence——

The PRESIDING OFFICER. The Chair will state to the Senator from Alabama that one amendment to the amendment of the Senator from Kansas is all that will be in order at this time. Of course the Senator can give notice of any further amendment that he may propose to offer.

Mr. PUGH. My modifications are all germane; they are intended to have the same general effect. They are to be inserted in three different places, but the general effect will be the same. I have to divide them in order to give notice of the place in the amendment where I propose to insert the words that I desire to go in. I will read the whole amendment I propose, so that the Senate may understand that if a vote has to be taken upon the amendments separately the vote will be taken with reference to the right that I claim to offer the others in their order.

I propose also to amend by inserting after the word "Government," in the second sentence, the words "except its interest-bearing bonds;" so as to read:

Said Treasury notes shall be deposited in the Treasury and paid out as other moneys kept for the discharge of the obligations of the Government, except its interest-bearing bonds.

Mr. PLUMB. To simplify the matter I will accept that amendment.

Mr. PUGH. Then, third, I propose to amend by adding at the end of the section the following:

The true intent and meaning of this section being that the volume of paper money outstanding, exclusive of gold and silver certificates, shall not be diminished by the payment of the interest-bearing bonds of the United States.

These three amendments I understand to be in perfect harmony with the intention of the Senator from Kansas in offering his amendment.

The PRESIDING OFFICER. Does the Senator from Kansas modify his amendment according to the suggestion of the Senator from Alabama?

Mr. PLUMB. I did not hear the first amendment proposed by him.

Mr. PUGH. I will read it again.

Mr. PLUMB. Just one moment, if you please. The second amendment, I will state to the Senator, is in precisely the language of an amendment I drew. Submitting it to a gentleman on the floor for his criticism, he suggested that it should take another form, which form on his suggestion I gave it, and in that shape amended my own amendment, which I afterward withdrew. I am perfectly willing to accept the second amendment.

Mr. PUGH. That is the third amendment. The second amendment that I propose relates to the exception of interest-bearing bonds.

Mr. PLUMB. I mean the last one.

Mr. PUGH. The third is to add at the end of the section:

The true intent and meaning of this section being that the volume of paper money outstanding, exclusive of gold and silver certificates, shall not be diminished by the payment of the interest-bearing bonds of the United States.

Mr. PLUMB. That is the one I was just referring to. I am willing to accept that amendment, but the first amendment I did not hear read.

Mr. PUGH. Now I will read the first. I propose to amend by inserting after the word "bank," in the second line, the words "or the legal-tender greenbacks held by any national bank." The Senator from Delaware yesterday construed the amendment of the Senator from Kansas as limiting the right to issue Treasury notes upon a surrender of the notes of the national banks, and he called attention to the amendment of the law made at the last session authorizing the national banks, instead of returning their own circulation, to pay in greenbacks and take up their bonds. My amendment is intended to meet that criticism of the meaning of the amendment of the Senator from Kansas. I suppose that under the existing law if the greenbacks are paid in or surrendered for any purpose they have to be reissued; but in order to exclude any construction that might not operate to compel the Treasury to reissue the greenbacks I propose to insert in addition to the national banking circulation the greenbacks that may be surrendered by the national banks when the bonds are called.

Mr. PLUMB. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kansas?

Mr. PLUMB. I did not wish to take the time of the Senator from Alabama. I thought he was through.

Mr. PUGH. I think the effect of the amendments I wish to offer is fully understood by the Senate, and I do not propose to take up any further time in the discussion of them.

The PRESIDING OFFICER. The Secretary will report the first amendment of the Senator from Alabama.

Mr. PUGH. Do I understand the Senator from Kansas as accepting that amendment?

Mr. PLUMB. No; I want to make a proposition connected with the first amendment which I think will be satisfactory to the Senator from Alabama.

The PRESIDING OFFICER. The Secretary will report the amendment of the Senator from Alabama and the Senator from Kansas can see how far he accepts it.

The SECRETARY. In line 2, after the word "bank," it is proposed to insert "or the legal-tender greenbacks held by any national bank;" so as to read:

That whenever the circulation of any national bank, or the legal-tender greenbacks held by any national bank, or any portion thereof, shall be surrendered, and the same is not taken up by other national banks within thirty days thereafter, the Secretary of the Treasury shall thereupon reissue an equivalent amount of Treasury notes of the denominations now provided by law for national-bank notes.

Mr. PLUMB. I accept the other two amendments. The Secretary may report them, however.

The PRESIDING OFFICER. The Senator from Kansas accepts the two amendments already read.

Mr. PLUMB. No; I accept the second and third.

Mr. PUGH. The second and third are accepted by the Senator from Kansas.

The PRESIDING OFFICER. The two amendments accepted by the Senator from Kansas will be reported.

The SECRETARY. After the word "Government," in line 9, it is proposed to insert "except its interest-bearing bonds;" so as to read:

Said Treasury notes shall be deposited in the Treasury and paid out as other moneys kept for the discharge of the obligations of the Government, except its interest-bearing bonds.

At the end of the section it is proposed to add:

The true intent and meaning of this section being that the volume of paper money outstanding, exclusive of gold and silver certificates, shall not be diminished by the payment of the interest-bearing bonds of the United States.

The PRESIDING OFFICER. The Senator from Kansas accepts the latter two amendments and modifies his former amendment accordingly.

Mr. PLUMB. I will accept the last amendment, but I suggest to the Senator from Alabama that the second amendment be so amended as that it shall be for interest on the public debt or the redemption of the bonds of the Government, so that we shall not assume to interfere, as I have no intention of doing, with any specific contract which the Government may have outstanding with reference to the manner in which it shall pay the public debt. I suggest the phrase "including the interest on the public debt and the payment of the same," because if the interest is payable in coin the debt is also payable in coin, and the limitation ought to be upon both payments.

Mr. PUGH. What change does the Senator propose?

Mr. PLUMB. I propose simply the discharge of the obligations of the Government "except interest on the public debt and the payment of the same."

Mr. PUGH. The payment of the interest?

Mr. PLUMB. And the payment of the debt.

Mr. PUGH. I have no objection to that amendment. That simply includes the payment of the interest.

Mr. PLUMB. The payment of the interest and the principal of the public debt.

The PRESIDING OFFICER. The Secretary will report the modification of the amendment of the Senator from Kansas.

The SECRETARY. After the word "Government," in line 9, it is proposed to insert "except the interest or principal of the public debt."

The PRESIDING OFFICER. The amendment will be so modified. The question is upon the first amendment offered by the Senator from Alabama [Mr. PUGH] to the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. I think myself the language of my amendment as it now stands is sufficient, but still I have no objection to amplifying it in order to perfectly meet the case.

Mr. PUGH. I stated that I thought under the existing law the Treasury would be compelled to reissue the greenbacks that are returned, but in order to make it certain I did not think there would be any harm in this amendment.

Mr. PLUMB. The word "surrendered" as used in the second line of my amendment refers to the control of the banks over their own circulation. Whenever they give up that control it is surrendered to the Government of the United States. Thereafter all questions connected with the redemption of that currency are under the control of the Secretary of the Treasury or the Comptroller of the Currency. I think the word "surrendered" meets the case, but if it is designed to add anything to that, I think what is added should be after the word "surrendered," and should be in a little different phraseology from that employed by the Senator from Alabama. It should refer, I think, to the circulation itself and not to the legal-tender notes to be deposited, because there would be danger perhaps of qualifying existing law in regard to what should be done with legal-tender notes when they had once been paid into the Treasury of the United States.

Mr. PUGH. My purpose was to avoid any contraction in the volume of the circulation by the return of the greenbacks instead of the notes of the national banks.

Mr. PLUMB. If the Senator will permit me, I suggest that he sim-

ply so modify his amendment as to add after the word "surrendered," in line 2, the words "or legal-tender notes of the United States shall have been deposited for the redemption thereof."

Mr. PUGH. That would be the same. That would have the same effect.

Mr. PLUMB. I think it would express the idea a little more perfectly than the amendment of the Senator from Alabama.

Mr. PUGH. That is all right.

The PRESIDING OFFICER. Does the Senator from Kansas accept the amendment of the Senator from Alabama as a further modification of his own amendment?

Mr. PLUMB. I accept it with the amendment. I propose to add after the word "surrendered" the words "or legal-tender notes of the United States shall have been deposited for the redemption thereof."

The PRESIDING OFFICER. The Senator from Alabama assents to the suggestion of the Senator from Kansas?

Mr. PUGH. That is the same in legal effect, as I understand it.

Mr. MORGAN. Now let us have it reported. I should be glad to hear it.

The PRESIDING OFFICER. The Secretary will report that part of the amendment of the Senator from Kansas as modified.

The SECRETARY. After the word "surrendered," in line 2, it is proposed to insert the words "or legal-tender notes of the United States shall have been deposited for the redemption thereof;" so as to read:

That whenever the circulation of any national bank, or the legal-tender greenbacks held by any national bank, or any portion thereof, shall be surrendered, or legal-tender notes of the United States shall have been deposited for the redemption thereof, and the same is not taken up by other national banks within thirty days thereafter, the Secretary of the Treasury shall thereupon issue an equivalent amount of Treasury notes of the denominations now provided by law for national-bank notes.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas as modified by him.

Mr. MITCHELL. I suggest to the Senator from Kansas that, as I understand the law, the amendment which he suggests to the amendment proposed by the Senator from Alabama would not accomplish his purpose. The banks may also deposit any other lawful money for the redemption of their circulation. It is not necessary that a bank should deposit its greenbacks in order to redeem its outstanding circulation.

Mr. PLUMB. I do not think that any case has ever occurred where they have deposited coin, because they would then be required to pay the express charges on the coin. Still, in order to meet the criticism, it will be easy to add "or coin;" so as to read: "legal-tender notes or coin."

Mr. MCPHERSON. Do I understand the Senator from Kansas to mean——

The PRESIDING OFFICER. The Senator from New Jersey will suspend a moment. The Chair is informed by the Secretary that several days since the yeas and nays were ordered upon the amendment of the Senator from Kansas. If that be true, as it must be—the record so shows—then the Senator from Kansas had no power under the rule, except by unanimous consent, to modify his own amendment. However, the Chair will put the question now. Is there objection to the modifications that the Senator from Kansas has from time to time made since the yeas and nays were ordered? Is there objection to those modifications? The Chair hears none, and the amendment will stand as modified.

Mr. MORGAN. Mr. President——

The PRESIDING OFFICER. The Senator from New Jersey was entitled to the floor when the Chair interrupted him.

Mr. MCPHERSON. Do I understand from the amendment last offered by the Senator from Kansas that it is his purpose and intention to limit the circulation to exactly the amount it now is? The amendment covers both the surrender of the national-bank notes and the Treasury notes deposited with the Treasury for the redemption of the bank notes. That I understand is the meaning of his amendment. Do I further understand that after the bonds are surrendered to the banks or to the corporations or individuals owning them, on an application for a new issue of notes that application must necessarily be denied by reason of this provision?

Mr. PLUMB. This is not intended to interfere in the slightest degree with the operation of taking out currency under the national banking system. It is designed simply to prevent the contraction which would follow from the surrender of that circulation.

Mr. MCPHERSON. So if not taken out within thirty days, as provided in the amendment, then it would become the duty of the Government to issue Treasury notes in lieu of the circulation thus surrendered?

Mr. PLUMB. If during the period of thirty days a national bank surrenders circulation, which is not taken up by any other national bank, then the Secretary of the Treasury fills the void thus created by the issue of Treasury notes.

Mr. MCPHERSON. We will suppose after the expiration of thirty days new banks will need to be organized for the purpose of giving a sufficient amount of circulation to meet the increasing demands of the country, say in the West; then it would be perfectly proper to apply for circulation under a deposit of bonds as before, and as long as that was kept in excess of the amount of currency now in circulation there would be no further necessity for the issue of Treasury notes.

Mr. PLUMB. None whatever.

Mr. MCPHERSON. That is as I understand it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. There is only one branch of this subject to which I desire to refer, and I do not know that I really ought to detain the Senate for that purpose; but the declaration made by the Senator from Iowa [Mr. ALLISON] was of such an extraordinary character, coming from such a source, that I feel that it is entitled to some attention.

The Senator from Alabama [Mr. MORGAN] offered an amendment on the 14th of the present month to this effect:

That when any bonds of the United States deposited in the Treasury by a banking association to secure its circulation are called and paid by the Government, such banking association shall have the right to substitute in the place thereof bonds issued by any of the States; and the bonds so deposited, as to their assignment, management, control, sale, or disposal, shall in all respects be subject to the laws which govern the said banking associations and the officers and agents of the United States with respect to the bonds for which said State bonds are substituted, so far as the same are applicable. But said bonds of the States shall not be received as a substitute for bonds of the United States so called and paid at a rate exceeding — per cent. of their value on the face thereof; nor shall the bonds of any State be received on deposit unless the interest theretofore accrued on the same for the period of five years previous to such deposit shall have been duly paid; nor shall any such bonds be so received on deposit when the same are worth less than par in the city of New York.

The Senator from Iowa in the remarks which he made against the amendment pending used these words:

Now, of the two propositions not yet noticed by me, the one presented by the Senator from Kansas [Mr. PLUMB] and the one presented by the Senator from Alabama [Mr. MORGAN], I should greatly prefer the measure suggested by the Senator from Alabama. His proposition looks to the preservation and expansion and extension of the national banking system, keeping in mind constantly the absolute security of the noteholder; but the proposition of the Senator from Kansas and the correlative proposition of the Senator from Missouri [Mr. VEST] look to the absolute destruction of the national banking system, and if the principle of the amendment proposed by the Senator from Kansas shall prevail, the national banking system is doomed, and I think, for one, that it is too valuable to be disturbed either now or in the future.

Mr. President, the adoption of my amendment does not affect the national banking system one way or the other. It proceeds upon the theory advanced by the friends of the system that it is in danger of large diminution as now constituted and is doomed unless legislation is had to prevent it. It has been conceded in all this debate that the system is doomed unless we adopt some measures now affirmatively for its preservation. The Senator from Iowa is so concerned about the national banking system and is so afraid of the issue of Treasury notes possessing the function of national-bank notes that he prefers to have what he terms a "national banking system" based not upon national bonds but upon State bonds.

It seems to me that it is rather a misuse of terms to call a system of that kind a national banking system, because back of it is not any longer national responsibility for redemption, not national sovereignty, but State responsibility and State sovereignty, and that alone. If the Senator had been speaking for himself alone I might have been moved to speak of the proposition with some lack of respect, but he speaks with authority for a million and a half of people who for the last twenty years have honored him and whom he has in turn conspicuously honored.

I am bound to presume that what he expresses is the sentiment of the people of Iowa. It is entitled to respect as their sentiment, as it would not be if it were the sentiment of an individual. I have great respect for that Commonwealth, one of the most prosperous and one of the most intelligent of all the States of the Union. I am confronting now a statement in their behalf, which I believe to be authoritative, that they prefer a currency based upon State bonds issued upon State responsibility, dependent upon State solvency and State willingness to pay, rather than a currency based upon the responsibility, the solvency, and the willingness to pay of the National Government, and redeemable always in coin of the Government at its Treasury. I wish to join issue with that opinion with all due respect.

We have been warned in this debate of the danger of partisan legislation upon the currency question; but the very legislation that should require the deposit of State bonds as a security for currency can fix county bonds, township bonds, school bonds, city bonds, water-works bonds, or whatever else may be in the imagination of anybody as security for currency notes, and it comes back to the one single thing after all, the exercise of the legislative power upon this question. It is assumed that by putting a State bond between us and the emission of the bank bill, or a county bond, or a township bond, thereby to some extent we are relieved from the possibility of improvident and extravagant legislation. The Senator from Iowa did not say whether he would prefer Mississippi or Minnesota bonds. I suppose any of them would answer his purpose, because when in his representative capacity he had got to the point of regarding a Treasury note receivable for Government dues and redeemable in coin at the Treasury as so absolutely vicious he would not stop to consider any particular degrees of value as pertaining to his new national-bank note, any form of insolvency being preferable to solvency which depends upon national credit.

The Senator from Iowa had the honor also to say:

> And when such men as Mr. Hamilton and Mr. Jefferson and General Washington busied their minds with considering what were the best and wisest methods of disposing of those debts—

That is, the debts of the several States after the Revolutionary war—

> it never entered their fertile brain to adopt the suggestions of the Senator from Kansas and the Senator from Missouri.

But I could not help being amused at the hop, skip, and jump with which the Senator passed over a very critical period in the history of the United States, when the statesmen, of whom he was one, did not stop to consider what the fertile mind of Mr. Hamilton or Mr. Jefferson or General Washington thought about the emergency in which the country was then placed. He spoke with his rare felicity of the doubt that was expressed in regard to the wisdom of the exercise of the power of issuing Treasury notes, and especially making them a legal tender, and then he closed by saying in substance that those later statesmen met all these questions of the improper exercise of the legislative power in this direction by resolving that they would go only so far, a sort of *ad captandum* idea that as Congress once exercised the power of only going so far they could never exercise it again. As much as to say we can not to-day resolve not to issue more than $700,000,000 or any other sum deemed proper, and stick to it with consistency and due regard for the interests of the country, as we did during the period of the war.

Mr. President, this is not a question of kind; it is a question of degree. Whatever Jefferson did do or might have done, whatever were his views about the powers of legislation under the Constitution, the answer has been given by the legislation of 1862 and following years, and by the decision of the Supreme Court upon it as to its validity and effect, and the ample and emphatic recognition of that at a much later period by which Congress sought to maintain, as it is now maintaining as a permanent part of the currency of this country, $356,000,000 of the legal-tender notes issued during the war.

I do not believe that all the wisdom of this country died with the return of peace in 1865. I believe that it may still be wise to issue Treasury notes based upon the credit and resources of the Government and backed by the deposit of specie or other governmental assurance of their payment when necessary to replace the national-bank notes which are retired and which we can not induce the banks to reissue, and especially rather to do this than to plunge into the slough of State-bank currency, from which we were relieved by the greenback and national-bank note in 1862 and in 1864.

I do not want any currency based upon State bonds, nor upon county bonds, nor township bonds, nor city bonds, nor anything of that kind. I would as soon go back to the old State banking system and be done with it.

I think also the Senator from Iowa might have illustrated the candor which usually characterizes him better than he did when he resorted to the pretext in opposition to this amendment that the Senator from Missouri and I were seeking to accumulate still more money in the Treasury than now existed there, unmindful of the fact that I am the only person, as I believe, in this body who during the past six years has proposed to cut down, to reduce the amount of money held there for the redemption of the legal-tender notes. And yet for the want of a better argument the Senator from Iowa put upon the Senator from Missouri and myself the intention to still further accumulate what he said were the surplus funds of the Treasury by reason of the proposed adoption of the amendment before the Senate.

I agree with him that there is too much money there; that is to say, there is more money there than is necessary to meet any possible demand for the redemption of the legal-tender notes. I have sought on two separate occasions to limit that amount and been voted down by the Senate.

But he was misleading again when he called attention to the fact that there were four hundred and eighty-odd millions of money in the Treasury, because more than $200,000,000 of that is not the money of the United States, but is the money of individuals who have deposited it there, and it is held there not as the money of the Government, but as a trust for the redemption of the gold and silver certificates which the Government itself issued upon the basis of that deposit, so that the amount of money which belongs to the Government which is in the Treasury for all purposes, the payment of interest on the public debt, the payment of current obligations, the redemption as fast as presented of the legal-tender notes, is only about $150,000,000. It is too much, I agree, but it is not the sum stated by the Senator from Iowa.

The Senator from Kentucky [Mr. BECK] got his metaphors mixed a little, I think. He and the Senator from Iowa agree that one of the great and injurious effects of this amendment if adopted will be that if the banks should surrender $300,000,000 of currency and under the operation of my amendment $300,000,000 of Treasury notes should take their place, and then the banks should turn round, deposit their bonds over again, and call for the issue of $300,000,000 of national-bank circulation, thereby we should have swollen the currency $300,000,000 beyond what it now is and far beyond need. It does not take much of a tale to put that down. If $300,000,000 of national-bank notes are to be retired, is it not the dictate of ordinary prudence to provide something to take their place? The mere suggestion of the Senator from Kentucky that the banks may reduce the currency by $300,000,000 calls for something to limit the bad effect of that.

Then there is held up on the other side, *in terrorem* over us, the pretense that these banks having withdrawn $300,000,000 and it having been followed by the issue of $300,000,000 of Treasury notes, whereby the volume of the currency has been kept intact, will turn around and take out $300,000,000 over again. Why? Could there be anything to more fully illustrate the fallacy of the Senator from Kentucky in his new-found zeal for this system which for so long he has consistently and vindictively attacked? Is it to be supposed that these banks will turn around and take $300,000,000 of currency just for the fun of the thing? Is that a business he thinks worthy to be kept up—a system based on mere caprice? But, Mr. President, the answer to all that is that the banks can to-day take out not only $1,000,000, or $10,000,000, but $100,000,000, $500,000,000, or $1,000,000,000. Does anybody believe they will? If we do believe they will, if the Finance Committee so believe, and if the Senator from Kentucky so believes, why this proposition to enact into a law the bill of the Senator from New Jersey or the amendment of the Senator from Vermont? If the banks are ready and willing, as they now intimate, to take out large sums of currency to add to those already outstanding, what the need of legislation? It is because there is no such assurance, it is because the system is failing and has failed to produce the former results of a currency whose volume should always be adequate to the wants of the people, and that instead of such a volume the volume is being unduly contracted, that this bill is before us.

What is the remedy? The remedy is to add absolutely, against the judgment of the banks as expressed by their non-action and affirmatively by one of their number, $35,000,000 at one turn of the wheel to the currency outstanding. And then what? That is because we are afraid the country can not stand the diminution in amount now impending, and yet we add just that much to the power of contraction which the banks now have. If it will hurt a man to fall down a bank twenty-five feet high, will it not hurt him worse to fall down one thirty-five feet high? You add 10 per cent. to the volume of the currency outstanding. It stimulates business artificially and viciously, and having stimulated it artificially and viciously, you are leaving the seeds of disease and of destruction in the system which will just as inevitably as now lead to contraction, only that it will be worse, because it will be contraction from a higher standpoint than it will be if the law remains as it now is.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas.

Mr. MORGAN. Mr. President, I have an amendment to that amendment that I send up to the desk.

The PRESIDING OFFICER. The Senator from Alabama proposes an amendment to the amendment, which will be read.

The CHIEF CLERK. In line 2, after the word "surrendered," it is proposed to insert:

> In consequence of the call and payment of any bonds of the United States pledged to secure such circulation.

So that the clause will read:

> That whenever the circulation of any national bank, or the legal-tender greenbacks held by any national bank, or any portion thereof, shall be surrendered in consequence of the call and payment of any bonds of the United States pledged to secure such circulation or legal-tender notes of the United States which have been deposited for the redemption thereof, and the same is not taken up by other national banks within thirty days thereafter, &c.

Mr. MORGAN. Mr. President, the object of my amendment to the amendment of the Senator from Kansas is to require Treasury notes to be issued whenever bonds which have been deposited for the redemption of the circulation of the national banks have been called in by the Government and paid. The amendment as modified by the new Committee on Finance, my colleague and the Senator from Kansas, this morning, seems to fix a rigid law in respect of the amount of the currency that shall remain out. Under existing laws that amount of currency is to some extent elastic. It accommodates itself to the fluctuating demands of trade and commerce. Under what is called the banking act, at the last session of Congress, we limited this fluctuation so that it should not exceed $3,000,000 per month, so that the banks should not have the power of contracting the currency at will for speculative purposes, or, on the other hand, of expanding it at will for like purposes. It was supposed then that that was as great a restriction as Congress could wisely put upon the volume of currency. Now the Senator from Kansas comes forward with a rigid restriction, as I understand it, that the volume of currency in this country shall remain not less than the amount of national-bank notes that are now out, the amount of greenbacks that are now out, the amount of gold and silver certificates that we have issued, and the amount of gold and silver in circulation at large in the country. I would not like to prescribe to any commercial country, to any growing country, either a maximum or a minimum of lawful currency. I would rather leave that to be regulated by the demands of trade, and to allow those men who are engaged in all the wide industries which now so beautify and enrich this country to have an opportunity to have as much money as they needed, and not an unnecessary quantity, for an excess or a redundancy of money in a country is sometimes quite as dangerous in inducing speculation as too small an

amount is calamitous in causing the depression of prices and values of property.

I think that the regulations, as they are now provided by law, in restraint of the national banking system are quite sufficient to prevent those banks, with all their powers, from enlarging the currency unduly or from restricting it whenever they may see proper to do so.

This feature of our financial system has grown up, like many others, through experience and observation and through a wise purpose on the part of the Congress of the United States to give to our people the very best financial system that we possibly can. I think, sir, that this country is to be greatly congratulated that our present financial system has not been the outgrowth of the thoughts of any one man; it has not been the pet of any one party; but it has grown up under the experience of the country, like the constitution of England grew up, in adaptation to the idiosyncrasies of our people, to our trade and commerce, to our necessities as they have been developed from time to time. This last feature of giving an elastic limit to currency was found to be necessary, and was incorporated into our system after due debate and mature consideration, and so far I have heard no objection to it either in respect of its placing too great a cramp upon the currency of the country or of its inducing too large an expansion of it. I am therefore content to abide by the system as modified in the last bank act, rather than to adopt the amendment of the Senator from Kansas and my colleague as they have agreed upon it and as I understand it.

I do not think we should undertake to prescribe to the people of the United States that they shall only have so much money in circulation, and no more and no less. When we do that we put the Chinese iron boot upon the growth of our country, and we are likely to produce disfiguration and lameness perhaps for years to come. I prefer to leave that matter as it is.

I confess, sir, that I do not comprehend the amendment of the Senator from Kansas as modified by the agreement between my colleague and himself, and either I am badly in the woods about it or he is. I take it for granted that it is the Senator from Kansas and not myself that is in the bushes, for the reason that he has changed his position suddenly, without notice, and in front of the enemy since yesterday morning. After one night of rumination on this subject, and after the delivery of speeches by my colleague and the Senator from Kansas, they have concluded that the Senator from Kansas had not projected a scheme of perfect wisdom when he laid his first amendment before the Senate, and now we find them ingrafting into this amendment of some most radical and material changes in the financial system of this country.

I think that in our very artificial system of financiering, into which we were forced by the exigencies of a great and terrible war, we are continually deceiving ourselves with appearances, and forgetting the cold and solid facts which lie at it base. When we come to analyze and to understand it really and truly, no part of the paper currency of the United States depends for its support upon anything else than the good faith of the American Government, and that depends upon the good faith of the people in paying their contribution of taxes into the Treasury.

Now to illustrate this point I take the greenback first. There are $346,000,000 I believe of greenback legal-tenders. They are limited so that they shall be neither more nor shall they be less. They are curbed with restrictions so that they shall not be redeemed. All we can do with a legal-tender greenback now is, when it is worn out, to put a fresh piece of paper of the same similitude into circulation with the same obligations in all respects.

Now, sir, upon what is that promise to pay based? It is based only upon the good faith of the people of the United States as expressed in our Congressional action and their corresponding good faith in the maintenance of the credit of the Government by the payment of their taxation. That is all of it. We have, it is true, an amount of money in the Treasury of the United States held in reserve for the purpose of being resorted to to redeem these greenbacks. That money is not pledged in trust for their redemption; it is not a fund set apart like a coin fund upon which an ordinary bank would predicate its circulation, set apart and held in trust for its redemption. No holder of a greenback note has any legal or equitable trust fastened upon the money in the Treasury of the United States for its payment. It is a mere reserve, which we say shall be, I believe, $100,000,000, although at present I believe it is $150,000,000, and that it shall not be below a certain sum of money which I remember is $100,000,000.

Where is the obligation of redemption and where is the power of redemption and the duty of redemption, and to what must the holder of the greenback look for the redemption of that promise to pay? Simply and only to the good faith of the United States Government. We need not deceive ourselves about that proposition; it is too plain for denial.

Now I take the gold and silver certificates. These are Treasury notes sold to the people in consideration of the deposit of gold or silver coin or silver bullion to an amount equal to the paper which is issued in lieu thereof, and it is to be paid in kind, as expressed on the face of the paper, by the Treasury of the United States whenever it may be presented in sums of $10 as to silver or $20 as to gold. What is that? Is that banking paper? In one sense you may say that it is, but in the true and literal sense of it it is a Treasury note, sold out of the Treasury of the United States for a consideration paid into that Treasury in gold or silver, as the case may be.

I take occasion here to remark in behalf of that class of currency, for which I have great respect, that the honorable ex-Secretary of the Treasury, now a member of this body [Mr. SHERMAN], in debate here has frequently stated that while the law permitted him to do it he purchased $96,000,000 of gold coin into the Treasury of the United States with silver certificates. That is one little point in history that I can never pass by without paying to it my obeisance and without signifying my delight that such demonstration has been made in disproof of all the theories which that able financier has suggested to the contrary as to the value of our silver coinage laws.

That is the second class of paper money that we have out, gold and silver certificates redeemable in gold and silver. We are not bound to hold that money for which these certificates sold in the Treasury in trust for the specific purpose of redeeming these issues. We may spend it as we choose to spend it, without impeaching any of our obligations, moral, legal, or equitable. We have merely sold the certificates, and have got the proceeds in gold and silver in the Treasury, and it is ours to dispose of as we choose.

Now we come to another class, the national-bank notes, and these have changed their appearance and shape and legal qualities from time to time according as Congress has touched them with the wand of its power. When the national banking system was founded there was a great necessity that there should be something done for the purpose of relieving the credit of the Government or rather of bringing to the support of the credit of the Government that of private capital and individual responsibility. That support was needed for our bonds. It was needed also for the greenback circulation, then largely in excess of the power of the Government to redeem it. In order to invite this credit in at that emergent time a scheme was arranged which in itself was very wise. Its constitutionality I have always doubted, but I should be simply insane were I to make an argument against it to-day after it has received the sanction of so many Congresses, of the Supreme Court on so many various occasions, and of every State tribunal in the United States which has ever touched the question for decision, for I have as yet to learn that there has been a single decision made denying the constitutionality of the national banking system. Therefore I am bound to yield whatever of predilection I may have had against the constitutionality of the measure to the aggregated wisdom of the people of the United States. I therefore proceed upon the basis, in what I have to say in reference to national banks, that they are thoroughly legitimate and thoroughly constitutional institutions of this country, a system that no man will ever be able to break down otherwise than by an argument against its tyrannical power or by presenting evidence of its uselessness to the people of the United States as a fiscal agency of this Government. They will stand, as the honorable Senator from Iowa said, sanctioned in judicial decision, so long as they are maintained by the experience of this country as being valuable adjutants for the carrying on of the commerce and the financial affairs of this great people. They are favorites of the people, not merely because they all have the same circulation and the same guarantee at the back of them of the Government of the United States, but because they are under the surveillance of Congress and of the agents of the Government, so that in looking after the affairs of the United States Government in connection with these banks we can reach still further and put in an oar in behalf of the depositors and other creditors of these banks. It may be a misfortune politically to the country that we have incorporated so much power into the hands of the national banks, but there it is, and I am here to deal with things, not as I would have had them but with things as I find them to be, as I know they must be in the future.

The national-bank notes that are issued to these banks by the Government of the United States were first made redeemable over the counters of the banks upon the penalty of bankruptcy and winding up in the event that they were not paid. Further experience taught us that that was perhaps an unnecessary provision except as an instrumentality for the purpose of destroying banks occasionally by a snap judgment.

It was found necessary then to modify to some extent this banking system, and what was that modification? The banks were also required to have certain reserves, and it was required that they should have other banks in which the reserve should be deposited as places or centers of redemption. That was seen to be a somewhat dangerous arrangement, because it transferred the real controlling power of the financial system of the national banks into a few of the large cities of this country, and Congress went on and made further modifications; and what was the last? It was that the national-bank note should be redeemed by the Treasury of the United States, a reserve of 5 per cent. of their circulation being held there for that purpose, and a very highly penal obligation resting upon the banks that in the event that they did not supply the deficiency and the Government should pay it they should be wound up. The Government became the sponsor for the redemption of these notes, and any man who holds a national-bank note now need not go elsewhere for its redemption except to the Treasury of the United States.

Mr. PLUMB. Or the counter of the bank.

Mr. MORGAN. If I remember, a noteholder is not permitted to require payment at the counter of the bank.

Mr. PLUMB. Yes; he can go to the counter of the bank.

Mr. MORGAN. The main feature of the case, however, the valuable feature of the law, is the fact that the Government of the United States is responsible directly for the redemption of every dollar that may be issued by a national bank, although it has in pledge in its Treasury at the time of the redemption only 5 per cent. of the circulation. That is the truth about it. What, then, is that but a change of the nature of the obligation expressed on the face of the national-bank note from a conditional or collateral undertaking on the part of the United States to redeem to a direct obligation to pay the note? There is not a man in the United States to-day who holds the note of a national bank who does not hold the direct pledge of the Government of the United States for its payment; and if Senators will look at these statutes and give to them the construction that I think they are obliged to give to them they will find that the 10 per cent. difference between the amount of the bonds that are held and the amount of circulation that is held, even though that 10 per cent. might be lost, even though 20 per cent. of it might be lost, the obligation of the United States to redeem the notes remains for the full amount of every dollar that is issued to the national banks. I think, sir, there is no denial of this proposition, and I think we merely blindfold and deceive ourselves when we undertake to put the responsibility of the Government in a different light.

Here we are, then, after one change and another has been wrought by the hand of Congress in this system, with the national-bank notes resting upon us as direct obligations to be discharged out of the Treasury of the United States. That is the condition of our paper system at present—the greenbacks, the certificates of gold and silver, and the national-bank notes. We have in the Treasury one-third of the amount of money held in reserve necessary for the redemption of the greenbacks; we have dollar for dollar in the Treasury for the repayment of the gold and silver certificates; and we have our own bonds in hand to an amount exceeding 10 per cent. of the national-bank circulation that we have got out to indemnify us in the event of the failure of a bank to redeem its own circulation.

But none of these national-bank notes are redeemable in the first instance in coin. You must go to the Treasury of the United States and take lawful money for their redemption. They can give you gold or silver or legal-tender greenbacks, and then you must go either to the Treasury or to some subtreasury, and there you can demand the coin that you wish, if you desire to convert it into coin. It is a twofold process, somewhat involved in its movement. That has been a considerable fence to us, quite a protection.

I have no doubt that the coinage of silver has saved the people of the United States from having their credit destroyed in their own Treasury. I think it is the great fortress now behind which we are standing for the guard and protection of what we call the credit of the United States; that is to say, its ability to redeem this paper out of hand whenever it is presented. We have not got the money in hand to redeem our promises. We never shall see the day while any one of us occupies a seat on the floor of this honorable Senate when the Government of the United States will have in its coffers gold or silver enough to redeem at once the paper issues that are outstanding. We have got to provide some other expedient for getting along beside that of the ability to make actual redemption in coin of the whole mass of our debts at a given time. We have got to keep this money afloat in some way or other. If we do not keep it afloat it will sink us; for when the day comes that all this money is to be redeemed in coin out of the Treasury of the United States it will witness the bankruptcy of the Treasury. We are obliged to keep it afloat; we have no alternative. We are obliged to adopt the best system we can to keep it afloat. We have assumed the obligation, and we must keep it. How are you going to do this? That is the question to which our attention is invited by the remarks of the Comptroller of the Currency sent to us by the Secretary of the Treasury, where he says:

> It is evident that unless there is additional legislation the bonds held as security for circulation will rapidly diminish. New legislation may, however, postpone the payment of the public debt, or cause the profit on circulation to increase sufficiently to induce the national banks to invest in the long 4 percents, which are not to mature for a period of twenty-four years. The contraction of the bank circulation may be avoided by reduction of the redundant revenue, and there is no doubt that this is the true policy.

I concur with him most heartily in that. At the same time we have to keep up permanently the amount of money we now have in circulation, which is rated at a thousand million, making the national-bank currency about a third, the legal-tender currency about a third, and the balance in coin—there may be more; I do not know how to inform myself as to the exact amount of money in circulation in the United States. We have to assume the sum, and I assume a thousand million dollars as being about the actual amount. We have got 55,000,000 people, probably 60,000,000. We are increasing nearly at the rate of a million a year in population, and creating thereby a necessity for a continual increase of currency unless these people are to be impoverished. As we grow in numbers we must have a larger sum of money to maintain the per capita distribution of currency; otherwise our people will sag in their finances, become dull in their enterprises, heartless and poor.

Not only have we this increase, but was there ever such a picture presented to the fancy even of mortal man as the wonderful development of the industries of this country? Look at your Patent Office, sending out inventions by hundreds of thousands, the work of the genius of the inventors of this land. Look at the amount of money that is necessary to put these things into operation as they come to the front. We are actually astonishing ourselves, to say nothing of the other nations of the earth, with our progress. See how without the use of money this genius would perish for want of encouragement; see how this spirit of improvement would sink down into a spirit of despair We must have an increasing circulation in this country commensurate not merely with the increase of our population, but also commensurate to some extent at least with the rapid and wonderful development of our industry. Every new farm that is opened, yes, every ditch that is dug, every railroad that is built, every steamboat that is constructed and put to work, every machine that is invented and built, every mine that is opened, and every tree that is cut down for lumber requires some additional outlay of labor, which must have its representative in the circulation of the country. It is the very breath of life to the industries of this country, and to the extent that you deny it to the people in proper supply to that extent you produce impoverishment.

The contraction of the currency is something to which the Comptroller and Secretary of the Treasury look with great apprehension; and, although Senators may speak lightly of it here, it is felt to-day in every industry and every enterprise in this whole country. More than one-half of the stagnation that has taken place in this country in the last eight months has been due to the fact that the currency has been reduced or else due to the fear resting in the minds of financial men that the currency would be reduced. Men are afraid to venture, they are afraid to step out into new enterprises, they are afraid to put money anywhere, because money might become very dear and property very low, and they might find themselves in a pitfall.

So, sir, the call upon us for legislation is imperative, and I do not believe that any question has been presented to me since I have had the honor of a seat in this body that has made a more imperative and immediate demand upon my attention than this.

We must take care of this currency. Now how are we going to do it? The people of the United States, as I had the honor to remark yesterday evening, many of them, millions of them, are wedded to the idea that the national debt must be paid. They have borne the burden of this debt, its annual tax for interest, for so long a time that they have got an apprehension in respect of it which perhaps is not altogether justified by the facts, but still they feel that this debt must be paid, and this country is going forward to pay the debt. You will not be able to cut down your excess of $100,000,000 of revenue a year to that degree that the people shall become careless or negligent about paying the debt. They mean to pay it and get rid of the burden. Our national-bank system is based entirely, solely, rigidly, exclusively upon our national debt, and when that debt is gone the national banking system must necessarily go unless we supply it with some other support. We have got to cast about in some way to provide a new foundation for our paper money.

I have thought over the subject with as much care as I could, and I have reached the conclusion in my own mind that the best arrangement that could possibly be made with the banks would be this: That we would capitalize the interest to fall due on our maturing bonds, and issue to them in redemption of the bonds they now hold bonds running from fifty to one hundred years—it makes no difference about the length of time—without interest, so that those bonds would not be a burden on the tax-paying power of the people, and then, on the other hand, that we would do that which every sensible nation ought to do, to make its currency as free and as unembarrassed as possible, we would remove all taxation from the bonds, from the circulation, from the deposits, and from the capital stock of the banks. When you come to consider the municipal taxes and the State taxes the account would almost balance against the interest that we pay on the bonds. It is now almost a balance between these two propositions. That I would prefer to any plan that could be stated, and the people of the United States would be thoroughly satisfied with it. The banks would have the privileges that they now enjoy, and more than that, they would have the confidence and respect of the people; they would become valuable fiscal agents, more so even than they are to-day. I only suggest this as a plan that wiser men may mature into a system.

What is the next proposition? It is to extend the bonds and reduce the interest. I do not care if you reduce the interest to 1 per cent. per annum, the objection would remain, and it would be a cause of heart-burning and discontent between the people and the banks for years and years to come. It would be very much better if they could agree on the first proposition I have suggested, and yet I am not flattering myself that the time is yet, or perhaps that will be here in many years to come, when the banks will give their consent to an arrangement so just and equitable as this would be. The advantages they hold will not be readily yielded to any plan better suited to the welfare of the country.

But it appears now that under the pressure of the demand from the people for the payment of the public debt we must go on and pay it. We must pay it just as fast as we have the money in the Treasury to do it, and we have at least $100,000,000 more than is required by the sinking fund which we can contribute very largely, if not entirely, to the extin-

guishment of this debt annually. And so it appears that this apprehension of the Comptroller and of the Secretary of the Treasury as to the contraction of the currency is really justified by the fact that we are paying off this national debt with such wonderful rapidity and that we have no stopping place in view.

Then, we must do something else to prevent the contraction of the currency. The committee have brought in a proposition that we shall extend the amount of issues upon the bonds which are deposited to secure circulation to 100 cents to the dollar, yielding to the banks the margin of 10 per cent. reserved as security. That is a wise and a just and a proper thing to do, and the truth is it should have been done long ago, because the Government of the United States cannot afford to discredit one class of its securities for the benefit of another. The Government puts out its national-bank notes and becomes responsible for their payment, and then turns around and says they are only worth 90 cents on the dollar of the bonds pledged to secure them. There never was any logic in that, there never was any sound basis of reasoning in that, and laws when they rest upon false logic and false reasoning are false laws; they lead to mischief oftener than otherwise. I have therefore no hesitancy in declaring by my vote that $100,000 of national-bank notes guaranteed by the faith and credit of the United States are worth any $100,000 of bonds that the United States has out. They are sums precisely equivalent to each other, because they are both based on the national credit and they each call for $100,000. There can be therefore no real difficulty in the adoption of the bill proposed by the committee.

I will not discuss the question of expanding this allowance of currency to the banks beyond the face value of the bonds held in pledge for its redemption, for that has now become a question that is no longer of importance, I think, in this debate.

I have had the misfortune to encounter criticism over the shoulders of my friend from Iowa [Mr. ALLISON] of the Senator from Kansas [Mr. PLUMB] upon the proposition I had the temerity to bring forward in regard to State bonds. I will try to answer it.

What do we hold in the United States Treasury to-day as security for the bank bills we have out? We hold United States bonds as collateral security. That is all. The title is not in us. They are deposited in trust with us. We do not draw interest upon them; we pay it. When the bank is guilty of a defalcation of any kind we proceed to sell its bonds and we apply the proceeds of the sale to the redemption of the outstanding national-bank notes and the balance we pay over to the owner. So that our only relation to the bonds that are held on deposit in the Treasury of the United States is that of a creditor holding a collateral security. Is not that so? Shall we mystify ourselves with vain imaginations about a state of facts that does not exist or shall we realize the fact that we only hold these bonds as collateral security? They are very good security because we owe the debt, excellent security; but after a while this line of security must give out, and then we have got to adopt some other security.

Now I wish to compare the two securities that are presented in the amendments offered to this bill by the Senator from Kansas and myself the one with the other. The Senator from Kansas proposes a security of about 30 cents in the dollar in gold and silver coin, to be kept in reserve in the Treasury for the redemption of his Treasury notes. That is all. When the Senator from Kansas causes Treasury notes to be issued to fill up the deficit that may exist in the national-bank circulation by the withdrawal of that circulation, he puts in the place of it Treasury notes dollar for dollar, and what does he put there to secure the Treasury notes? He says we must keep in the Treasury a sufficient amount of money so as that these additional Treasury notes in connection with the greenback issues shall—I do not quote the language—not exceed the amount of that money more than three to one. When you hold one of these new Treasury notes that the Senator proposes to issue, or when you hold a greenback note for $100, what is your reliance for the payment of it? Is it the 33 cents to the dollar that is reserved in the Treasury to pay it or is it the credit of the United States? It is the credit of the United States that your reliance is based upon. We could at any time appropriate all the 33 cents to the dollar of the $100,000,000 kept in reserve to other purposes without affecting the value of the greenback or of the Treasury note the fraction of a cent, and there is not a Senator in the sound of my voice who does not know that fact; and yet we mystify ourselves with the vain imagination that that reserve held in the Treasury is the actual backbone of the credit for the redemption of these greenback and Treasury notes.

When the Senator from Kansas gets his new Treasury notes out we shall have a corresponding amount of coin, it may be gold, it may be silver, in the Treasury of the United States to the extent of one-third of the amount issued, and that is the fund to which he looks for redemption; that is the collateral security to the noteholder, and it is taxed out of the people.

Under the old pet-bank system of the States an issue of three to one was considered about a fair equivalent; but strong guards were put around the redemption fund that that should not be infringed. It was not allowed to be used in business at all; it was held in sacred trust for the redemption of the notes, and it was supposed that with one dollar you could pay three as fast as they would come in for redemption in the course of business. That is exactly the same calculation that we go upon in respect of the redemption of greenbacks and in respect of the redemption of the notes that the Senator from Kansas proposes to put out under his amendment. We conduct, merely in a new form, the old pet-bank system of the States. That is to say, we put in reserve one dollar to redeem three; precisely the category we are in now in relation to our paper money, and precisely the category in which the Senator from Kansas is willing to involve us still further. He is willing to issue any quantity that may be required to fill up all the deficiencies of currency occasioned by the withdrawal of national-bank notes, based on a fund in the Treasury equivalent to one-third of the amount thereof in coin.

Now when we come to weigh the security aside from the question of the faith of the Government, do we not perceive that after all the Senator's abhorrence of the pet-bank system of the States he falls right into it, for the pet-bank system of the States was "to put up a dollar of coin and issue three of paper." That is what we do now and what the Senator invites us to do; and yet he supposes, and actually boasts, that he is offering to the noteholder and the Government a better security than I propose in the amendment I had the honor to offer.

Sir, I have no ambition to invent a new scheme, and it is with great trepidation that I come forward to advance an idea upon the subject of putting in State bonds as collateral security, for the reason that I understand perfectly well that gentlemen who have gotten into a habit of thinking in a certain groove, especially when they pass a certain age, are always reluctant to get out of that groove. They feel unsafe and uncertain unless they are sailing in seas every part of which is mapped on the chart. I do not blame them for that, for caution in legislation is one of its very best elements, especially in financial legislation; and that is one reason why I am not prepared to swallow the amendment of the Senator from Kansas. If he had time to sit down and spend a month in studying the whole financial system, comparing every word of his amendment with the existing law, and considering what he proposes to accomplish by his amendment, I should have great faith in following his leadership; but sprung upon the spur of the occasion as it is, I am afraid to follow the Senator, because this is too delicate and dangerous a question.

But the Senator from Kansas has offered us no collateral security at all for the redemption of these new Treasury notes. He offers the Government no security but its taxing power and the noteholder no security except the Treasury. He can not point out anything else. I offer him the security of States that have got good bonds. I will call the list of the States with their bonded debts:

Maine	$5,848,900
New Hampshire	3,501,100
Vermont	400,000
Massachusetts	33,020,464
Rhode Island	2,534,500
Connecticut	4,976,600
New York	8,988,360
New Jersey	1,806,300
Pennsylvania	21,561,490
Delaware	880,750
Maryland	11,277,111
Virginia	29,345,226
West Virginia	
North Carolina	5,006,616
South Carolina	6,639,171
Georgia	9,951,500
Florida	1,280,500
Alabama	9,008,000
Mississippi	379,485
Louisiana	22,430,800
Texas	5,566,928
Arkansas	2,813,500
Kentucky	1,858,908
Ohio	6,476,805
Indiana	4,998,178
Illinois	
Michigan	9,802,293
Wisconsin	11,000
Iowa	7,862,302
Minnesota	8,295,196
Missouri	16,259,000
Kansas	1,181,975
Nebraska	499,267
Colorado	
Nevada	56,400
California	3,403,000

Mr. CULLOM. What is the amount for Illinois?

Mr. MORGAN. No amount is set down here to that State.

Mr. CULLOM. Illinois has no bonds outstanding.

Mr. MORGAN. Happy Illinois! Illinois is out of debt, Kentucky is almost out of debt, California is nearly out of debt, and some other States are out of debt entirely. The United States is not out of debt. The United States owes now thirteen hundred and odd millions of bonded debt besides the other debt.

I take it for granted that the States which are out of debt are rich, they are solvent and punctual. If I was the proud possessor of a million dollars and did not know what to do with it—and I should be very apt to be in that category if I had a million dollars—I do not know any better use I could make of it than to ask the State of Illinois to borrow it from me at about 5 per cent. I should think that was the very best investment I could make possibly, and when I got those

bonds and took them into the market I would instantly realize in the city of New York one hundred and twenty-five for each one hundred dollars. Everybody knows that.

Mr. CULLOM. Illinois is not borrowing.

Mr. MORGAN. No, she is not borrowing. Her credit is good, and the credit of those States that have for the last five years punctually paid their interest on their bonded debt is as good to-day on the market as the credit of the United States, and their bonds are just as good collateral in the hands of any man who has money to loan or money to issue as the bonds of the Government of the United States.

I put grave restrictions about this matter in my amendment because it is only a starting point. This is a tentative and experimental effort, but, Senators, it looks in a direction that opens up to my mind at least a vista of future prosperity that is very inviting. I can see in it very much of good and nothing of harm. I can see no danger in respect of it whatever, unless it may be the profligacy of legislation. If we wish to be profligate in legislation, if that is our bent and our drift, if that idea characterizes the history of the Senate of the United States for the past twenty years in respect of our financial legislation, have we not in the amendment of the Senator from Kansas ample opportunity for profligacy? Sir, we can expand and have expanded the capability of the banks to issue their notes *ad infinitum*, bounded by nothing upward except the amount of our public debt. We have admitted the deposit of any amount of gold and silver bullion and coin and the issue of certificates thereupon. But, sir, there was never more conservatism and caution even by the wisest parent, who upon his death-bed was disposing of his affairs for the benefit of his posterity, than Congress has exercised in respect to the financial system of the country. Not one single hint at profligacy has ever come into either House with any success; no raid has ever been voted by either House of Congress, and I am glad to bear that testimony, upon the financial system of the country.

Then why do Senators fall into a state of apprehension amounting almost to despair when they dream of the profligacy that may lead men to legislate to receive State bonds that are bad, or county bonds or municipal bonds, as the Senator from Kansas will have it, in the course of our dealing with this question? No, sir; there is no danger of profligacy. You take a State bond like the bond of Connecticut or Massachusetts or Pennsylvania; I will take that State, if you please, the State of Pennsylvania, the old Keystone State, where the people have as much respect for their credit as we have in this Senate Chamber for the credit of the United States Government. Take their bonds. They draw interest from the State of Pennsylvania and not from the United States. If you go to the Treasury of the United States and say to the Treasurer, "I have got a million and a quarter of dollars of Pennsylvania bonds, and I propose, inasmuch as Pennsylvania pays me interest regularly upon these bonds, that I will deposit them with you as collateral security in the Treasury for $1,000,000 of your national-bank notes under the same laws and conditions that now exist." If that United States Treasurer were a wise man and had the power to act he would never hesitate to say, "I will take that as good and ample security, particularly as the capital stock you have invested in your bank is also pledged to the noteholders for the redemption of the notes."

Mr. ALLISON. And all the assets.

Mr. MORGAN. All the assets of the banks are pledged just as they are now. I say that Treasurer, if he were a wise man and had the option to act, would say to the holder of that million and a quarter of Pennsylvania bonds, "That is good security, and you shall have a million of dollars of currency issued upon them." I am not afraid of that. Pennsylvania has paid her interest for five years regularly on her bonds. You can not crowd a new issue in. It is good security.

It is true you can not compel Pennsylvania to pay those bonds; neither can you compel the United States to pay its bonds; and from the standpoint of the noteholder—the man who holds the circulation of the national banks—when he comes to compare the legal capability of forcing a redemption of what he holds he finds himself as powerless in one case as in the other. He turns to the State of Pennsylvania and says: "I can not force you to pay these bonds; neither can the Government of the United States force you to it; but, on the other hand, I can not force the Government of the United States to pay its bonds." These things do not rest on the legal remedy that the noteholder has got. Let us not deceive ourselves about that; they rest only upon the faith and credit of the Government.

Suppose we had a law to permit the lodgment of this million and a quarter of Pennsylvania bonds in the Treasury of the United States and the issue thereupon of a million dollars of national-bank issue that the Government of the United States guarantees the payment of just as it does now, then we will take the noteholder's position again; what does he say to himself? "I hold $100,000 of this money; is it good?" "Yes." "Why?" "Because the Government of the United States guarantees it." "What other security have you here?" "The faith and credit of another great Commonwealth."

I hope that I shall live to see the day when all of this grand body of independent, sovereign, and confederated States will be able to boast in the presence of the world that the credit and faith of each one of them is equal to that of the Central Government. They will be out of debt before long, and that is the chief difficulty in this proposition that I make. They will be soon entirely out of debt. The aggregate amount as I believe of the bonded debts of the States proper is not in excess of $300,000,000. More than that, no State, according to the provisions of the amendment which I present here, whose bonds are below par in the market has a right to have its bonds pledged for the security of circulation; that is to say no holder of such bonds can do it. What is the effect of that? We have got some States that have been lacerated with the question of State indebtedness. The reconstructed States of the South are some of them in that condition. My own State was in that condition, Arkansas still is to some extent in that condition, and Virginia is and Louisiana is, and even Georgia if she could be vexed about such a matter would be in a little vexation about the outstanding account of some contentious people who claim that they have a just demand, which I do not believe, against that State.

What would be the effect now of marshaling all the States upon a record in the Treasury of the United States as to whose bonds are entitled to that sort of faith and credit which would cause them to be accepted or rejected by the Government of the United States as collateral security for the issue of the national-bank money? Why, sir, every State in this Union, instead of hedging about to try to find means to evade and avoid the payment of its debts, would, from a common sense of honor, each emulating the pride of its sisters, step forward and do all that might be necessary for the purpose of building up its credit. That would be the effect.

Moreover, it would accomplish that other result which I so much desire, and that is a recognition by the Government of the United States of the honor and the dignity and the power of these State governments. Perhaps I am more zealous about them than they are about it themselves, for I believe the worst abuse of State rights that exists in the United States to-day is by the neglect of the States themselves. There is less disposition to raid the rights of the States in the Congress of the United States to-day than there is on the part of the States to surrender them for a compensation or for an easement of their burdens.

But, sir, this sort of recognition which we should give to the States in their public faith and credit, which is the best interpreter of the true character of a people, would have a tendency to raise them up in strength and in power, and it would increase the harmony of the associations of these different States. I therefore claim only for my proposition that it presents ample security for the issue of national-bank notes, and that it relieves the Government of the United States to that extent of the payment of interest, the States themselves being responsible for the interest, and the United States accepting their bonds as safe collateral security.

I have another provision in this amendment by which we can go into the market and sell the bonds if they depreciate below par. I have left a blank in my amendment by which we can say at what percentage of the face value of the bonds they shall be received. My own conviction is that we had better start at 75 cents on the dollar. That is entirely safe. A Pennsylvania bond deposited at 75 cents on the dollar of its face would be good security; and in that way we can supply that support for the banks which we are bound to take from under them in consequence of the demand of the people for the payment of the national debt. We can thereby accommodate all views and phases of opinion, and we can put beneath these national banks foundations stronger than they have to-day, and yet not at the cost to the people of the United States of one stiver in the way of taxation.

I will not enlarge further upon this question, Mr. President. I do not know that I should have spoken a third of the time I have occupied but for the castigation which the honorable Senator from Kansas gave to my amendment over the shoulders of the Senator from Iowa. I expected to hear him rise, of course, to defend himself, but it is well known that the Senator from Iowa is patient and forbearing, and, loving his friend from Kansas, he thought that he would not retort upon him in the manner in which the Senator from Kansas seemed disposed to remark upon him and his views of our financial policy.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN] to the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. BROWN. Let it be reported.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The CHIEF CLERK. In line 2, after the word "surrendered," it is proposed to insert—

In consequence of the call and payment of any bonds of the United States pledged to secure such circulation—

So as to read:

That whenever the circulation of any national bank, or the legal-tender greenbacks held by any national bank, or any portion thereof, shall be surrendered in consequence of the call and payment, &c.

Mr. MORGAN. I omitted to say that the object of that amendment is to make the amendment of the Senator from Kansas applicable only to cases where bonds are called and paid and not to those cases where the banks change their condition by voluntary surrender of their charters or otherwise.

Mr. INGALLS. Mr. President, I should like some explanation of the language employed in the amendment that was introduced while I

was absent temporarily from the Chamber this morning as to the meaning of the term "legal-tender greenbacks." I have not been aware in the course of somewhat extensive reading on this subject that "greenbacks" is a statutory term. There has been a popular definition or description of a certain character of United States Treasury notes that has been employed, and which might perhaps be suitably employed in anything except a statute, but I doubt whether any Senator would want to vote to incorporate into a statutory enactment the words "legal-tender greenback." I do not know how the amendment came to be incorporated.

Mr. PLUMB. I think the Senator is entirely mistaken. There is no such amendment. The word "greenback" does not occur in it unless it is embraced in part of the amendment of the Senator from Alabama.

Mr. INGALLS. Will the Secretary read it again?

The PRESIDING OFFICER. Does the Senator desire to have the whole amendment reported?

Mr. PLUMB. The reference must be to an amendment proposed to be incorporated, but not yet incorporated.

Mr. HARRIS. The amendment to which the Senator from Kansas [Mr. INGALLS] refers was suggested by the junior Senator from Alabama [Mr. PUGH] this morning and accepted by the junior Senator from Kansas [Mr. PLUMB] as a modification of that Senator's amendment.

Mr. INGALLS. So I understood.

Mr. EDMUNDS. Let us hear it reported.

Mr. PLUMB. Does it include the word "greenback?"

Mr. HARRIS. I understand it does include it.

Mr. PLUMB. Then it was a slip of the Clerk. It was not either in the amendment of the Senator from Alabama or in the modification that I made. The word "greenback" was not used at all.

Mr. EDMUNDS. Let us hear it.

The PRESIDING OFFICER. The amendment will be reported as offered.

Mr. PLUMB. "Legal-tender notes" was the language and not "legal-tender greenbacks."

The Chief Clerk read as follows:

That whenever the circulation of any national bank or the legal-tender greenbacks held by any national bank or any portion thereof.

Mr. PLUMB. That is a mistake of the Clerk. The word "notes" was used, not "greenbacks."

The PRESIDING OFFICER. The amendment will be reported as modified.

The Chief Clerk read as follows:

That whenever the circulation of any national bank, or the legal-tender greenbacks held by any national bank, or any portion thereof, shall be surrendered, or legal-tender notes of the United States shall have been deposited for the redemption thereof, and the same is not taken up by other national banks within thirty days thereafter, &c.

The PRESIDING OFFICER. The question is on the proposed amendment of the Senator from Alabama [Mr. MORGAN].

Mr. PLUMB. The word "greenback" occurs there by the fault of the Clerk, and not by the fault of any one who made the proposition. I suggest that it be corrected.

The PRESIDING OFFICER. How does the Senator suggest that it be corrected?

Mr. PLUMB. As it did not get there by any suggestion of mine, I have no suggestion now to make about it.

The PRESIDING OFFICER. The present occupant of the chair has been recently called to it and has no knowledge of the matter.

Mr. INGALLS. I understand the amendment was suggested by the junior Senator from Alabama [Mr. PUGH], to whom his colleague recently referred in terms of facetious playfulness as a member of the new Committee on Finance. If the Senator from Kansas, my colleague, does not desire to modify this language, I am sure nobody will want to vote for it, because it would be a burlesque to ask us to incorporate into a statute the term "greenback," which is merely a popular definition or description of a species of our national currency otherwise defined.

Mr. PLUMB. I am sure the word "greenback" was not used either by the Senator from Alabama [Mr. PUGH] or myself. It has got in simply by some mistake in transcribing.

Mr. HARRIS. In justification of the clerk I desire to say that the Senator from Alabama [Mr. PUGH] while occupying the floor suggested three distinct amendments that he proposed to the amendment of the Senator from Kansas [Mr. PLUMB]. A colloquy occurred between the two Senators. The clerk took down as best he could the amendments proposed or suggested by the Senator from Alabama, and after some conversation between the two Senators the modification was agreed upon, the clerk having incorporated the language he thought was used by the junior Senator from Alabama, and after the modification was made the Chair ordered the Clerk to report, and the Clerk reported the amendment as it had been modified. I make that statement in justification of the Clerk.

The PRESIDING OFFICER. The Clerk has handed to the Chair the original amendment submitted by the Senator from Alabama.

Mr. INGALLS. Let that be read.

The PRESIDING OFFICER. The Clerk will report the first amendment proposed by the Senator from Alabama.

The CHIEF CLERK. It was proposed to amend by inserting after the word "bank," in the first line, the following:

Or the legal-tender greenbacks held by any national bank.

Mr. ALLISON. That is the exact language used in the amendment.

Mr. MCPHERSON. I will state the fact of this matter. It is clearly owing to an omission on the part of the Senator from Alabama. I called his attention to the statutory term, and he replied that he would ask to have it modified in order to be correct.

Mr. EDMUNDS. The Senator from Kansas can modify it now.

Mr. MCPHERSON. The Senator from Alabama has left the Chamber, and I suppose there is no objection to the modification.

The PRESIDING OFFICER. There is no motion before the Senate in relation to this particular subject. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN] to the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. The trouble has arisen from the fact that the clerk has mistakenly copied both the amendment of the Senator from Alabama and my own, while it was agreed that the amendment which I proposed in furtherance of the idea the Senator from Alabama had should take the place of his entirely.

Mr. PUGH. Certainly.

Mr. ALLISON. I do not understand that the clerk is in any fault in this matter, if there is any fault in it. I understood the Senator from Alabama to offer the amendment in the exact language reported. I happened to be paying some attention at that moment to the Senator from Alabama. Just now the Chair had read from the desk in the handwriting of the Senator from Alabama the exact language used by the clerk. Am I mistaken in that? If that be true, then I do not think the clerk ought to be charged with any dereliction of his duty in reference to this amendment.

Mr. PLUMB. The Senator from Alabama withdrew his amendment and an amendment of my own, designed to accomplish the same object which the Senator from Alabama had in view, was to take its place. The clerk, oblivious of that, has simply reported both amendments; that is all; and the first amendment which was offered by the Senator from Alabama has been erroneously incorporated in the proposition.

Mr. PUGH. The question was whether I would accept the change proposed by the Senator from Kansas in the amendment I offered. I saw no difference in the legal effect, but merely in the use of descriptive words. So I accepted his amendment in place of my own.

Mr. MCPHERSON. There should be no confusion about this. If I understand aright, the Senator from Alabama proposed an amendment to come in after the word "banks," in the second line. It was modified by the Senator from Kansas to come in at a different place and in different language although to accomplish the same purpose, and this was accepted by the Senator from Alabama as a substitute for his own amendment. That is the way I understand it.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If the senior Senator from Alabama [Mr. MORGAN] will withdraw temporarily his amendment, it will be in order for any Senator to move the amendment that is desired to put the phraseology in any form that may be determined upon.

Mr. MORGAN. I withdraw it then for that purpose.

The PRESIDING OFFICER. The senior Senator from Alabama withdraws his amendment for the present. Now it is in order, if any Senator chooses, to move an amendment.

Mr. PLUMB. I move then to strike out what is reported there as the amendment offered by the Senator from Alabama [Mr. PUGH].

The PRESIDING OFFICER. Will the Senator come to the desk or dictate from his stand the amendment he desires?

Mr. PLUMB. The Clerk has it in pencil.

The PRESIDING OFFICER. The Clerk will report the proposed amendment of the Senator from Alabama [Mr. PUGH].

The SECRETARY. After the word "bank," in the second line of the amendment of Mr. PLUMB, the words "or the legal-tender greenbacks held by any national bank" were inserted.

Mr. PLUMB. I move to strike out all those words.

The amendment to the amendment was agreed to.

Mr. MORGAN. I now offer my amendment.

Mr. PLUMB. Let us see how it would read.

The PRESIDING OFFICER. The amendment to the amendment will be reported.

The CHIEF CLERK. In line 2, after the word "surrendered," it is proposed to insert "in consequence of the call and payment of any bonds of the United States pledged to secure such circulation;" so as to read:

That whenever the circulation of any national bank, or any portion thereof, shall be surrendered in consequence of the call and payment of any bonds of the United States pledged to secure such circulation, or legal-tender notes of the United States shall have been deposited for the redemption thereof, and the same is not taken up by other national banks within thirty days thereafter, &c.

The PRESIDING OFFICER. The senior Senator from Alabama [Mr. MORGAN] renews the amendment heretofore reported as offered by him, and the question is upon agreeing to that amendment.

Mr. MORGAN. The object of my amendment, I beg to state again, is to limit the effect of the amendment of the Senator from Kansas to notes issued on those bonds that have been called and paid.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. MORGAN] to the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB] as modified.

Mr. COCKRELL. Let it be reported as modified.

The Chief Clerk read as follows:

SEC. 2. That whenever the circulation of any national bank, or any portion thereof, shall be surrendered, or legal-tender notes of the United States shall have been deposited for the redemption thereof, and the same is not taken up by other national banks within thirty days thereafter, the Secretary of the Treasury shall thereupon issue an equivalent amount of Treasury notes of the denominations now provided by law for national-bank notes. Said Treasury notes shall be deposited in the Treasury and paid out as other moneys kept for the discharge of the obligations of the Government, except the interest or principal of the public debt. They shall be receivable for salaries and for all dues to the Government, including duties on imports; shall be a legal tender between national banks, and for all debts due to any national bank; shall be redeemable in coin, as the legal-tender notes of the United States now are; and when received into the Treasury they shall be reissued, and when mutilated or worn they shall be replaced, in the same manner as now provided by law for said legal-tender notes. The coin held in the Treasury at the date of the passage of this act for the redemption of the legal-tender notes of the Government shall also be applicable to the redemption of the Treasury notes herein provided for; and such coin reserve may, from time to time, be increased by adding thereto other sums from payments made into the Treasury, in the discretion of the Secretary of the Treasury: *Provided*, That the total amount of said coin reserve shall never be less than 25 per cent. nor more than 30 per cent. of the total amount of legal-tender and Treasury notes outstanding. The true intent and meaning of this section being that the volume of paper money outstanding (exclusive of gold and silver certificates) shall not be diminished by the payment of the interest-bearing bonds of the United States.

Mr. MORRILL. Mr. President, a single word. The addition of this amendment to the bill proposed by the Committee on Finance would clearly mean nothing less than a new issue of legal-tender notes, instead of an amendment to the law proposing to continue with less difficulty the national banking system.

I call attention to the fact that it appears upon the face of this amendment in lines 10 and 11 that the notes issued under this provision "shall be receivable for salaries and for all dues to the Government, including duties on imports," while we have a present law which provides that nothing but gold and silver shall be so received. It also provides that they "shall be a legal tender between national banks, and for all debts due to any national bank."

Is it worth while at this late day, after the necessities of the Government are over, for us to undertake to provide a new legal tender for the support of the Government or for the support of the national banks?

This is an entirely different question from that proposed by the committee, and I trust that it will be voted down, and that very emphatically.

The PRESIDING OFFICER. The Secretary will call the roll on the question of agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

The Secretary proceeded to call the roll.

Mr. BECK (when Mr. BAYARD'S name was called). The Senator from Delaware [Mr. BAYARD] is necessarily absent to-day. He is paired upon all these questions with the Senator from Missouri [Mr. VEST]. The Senator from Delaware instructed me to say that he would vote "nay" on this proposition if he were present.

Mr. BROWN (when his name was called). On this question I am paired with the Senator from Maine [Mr. FRYE]. If he were present, I should vote "yea."

Mr. HARRISON (when his name was called). I have been requested to pair with my colleague [Mr. VOORHEES], who is absent on account of sickness in his family. If he were present, I should vote "nay." I do not know how he would vote.

Mr. GIBSON (when Mr. JONAS'S name was called). The Senator from Louisiana [Mr. JONAS] is paired with the Senator from Wisconsin [Mr. CAMERON].

Mr. VEST (when his name was called). I am paired with the Senator from Delaware [Mr. BAYARD]. I should vote "yea" and he would vote "nay."

The roll-call was concluded.

Mr. COCKRELL. Tho junior Senator from Connecticut [Mr. HAWLEY] was necessarily called away, and asked me to pair with him on this question. I understand that if he were present he would on this amendment vote "nay," and I should vote "yea."

The result was announced—yeas 15, nays 35; as follows:

YEAS—15.

Bowen,	Garland,	Maxey,	Riddleberger,
Call,	George,	Pendleton,	Van Wyck,
Coke,	Jones of Nevada,	Plumb,	Walker.
Colquitt,	Kenna,	Pugh,	

NAYS—35.

Aldrich,	Edmunds,	Lamar,	Morrill,
Allison,	Farley,	Logan,	Palmer,
Beck,	Gibson,	McMillan,	Pike,
Blair,	Groome,	McPherson,	Platt,
Butler,	Hampton,	Mahone,	Sabin,
Camden,	Harris,	Manderson,	Sawyer,
Conger,	Ingalls,	Miller of N. Y.,	Sewell,
Cullom,	Jackson,	Mitchell,	Wilson.
Dawes,	Jones of Florida,	Morgan,	

ABSENT—26.

Anthony,	Fair,	Hoar,	Slater,
Bayard,	Frye,	Jonas,	Vance,
Brown,	Gorman,	Lapham,	Vest,
Cameron of Pa.,	Hale,	Miller of Cal.,	Voorhees,
Cameron of Wis.,	Harrison,	Ransom,	Williams.
Cockrell,	Hawley,	Saulsbury,	
Dolph,	Hill,	Sherman,	

So the amendment was rejected.

Mr. MORRILL. There is a substitute offered by me, which I ask may be now acted upon.

The PRESIDING OFFICER. The Secretary will report the substitute offered by the Senator from Vermont.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and to insert:

SEC. —. That any deposit, already or hereafter made, of United States bonds as required by law, any banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, as follows: On United States 4 per cent. bonds deposited prior to January 1, 1890, an amount in the whole equal to 110 per cent. of the par value of such bonds: *Provided*, That the issue of circulating notes upon the 4 per cent. bonds deposited or held in the first year succeeding January 1, 1890, shall not exceed 109 per cent. of the par value of such bonds, and that the issue on such 4 per cent. bonds deposited or held in each succeeding year shall be 1 per cent. less than in the year preceding, until the limit of issue of such circulating notes is reduced to par: *And provided further*, That on the deposit of any bonds of the United States now authorized by law, except as herein otherwise provided, circulating notes may be issued to an amount not exceeding the par value of such bonds; and at no time shall the total amount of such notes issued to any association exceed the amount at such time actually paid in of its capital stock.

SEC. 2. That associations organized for the purpose of issuing notes payable in gold under the provisions of section 5185 of the Revised Statutes of the United States, upon the deposit of any United States bonds bearing interest payable in gold with the Treasurer of the United States, shall be entitled to receive circulating notes to the amount and in the manner prescribed in this act for other national banking associations.

SEC. 3. That all laws and parts of laws of the United States inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. MORRILL. It will be observed that this measure agrees with the measure of the committee as reported by the Senator from Delaware in relation to all the bonds except the 4 per cent. bonds; that on those the Government is bound to pay $23 in a hundred more than upon 3 per cent. bonds. It proposes a higher rate of circulation for the banks, and it also proposes to allow the banks which have been organized upon a gold basis to have the same privileges as other national banks.

Mr. MCPHERSON. It will be remembered and understood by the Senate that this amendment stands on all-fours with the amendment offered by the honorable Senator from Ohio [Mr. SHERMAN], in that it proposes to issue circulation in excess of the face value of the bonds. That is all I wish to say.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont [Mr. MORRILL].

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. VEST (when his name was called). I am paired with the Senator from Delaware [Mr. BAYARD], but as he votes "nay" and I vote "nay" on this proposition, the pair is transferred to the Senator from Rhode Island [Mr. ANTHONY]. I vote "nay."

The roll-call was concluded.

Mr. HARRISON (after having voted in the affirmative). I voted inadvertently when the roll was called. I desire to withdraw my vote and to announce again my pair with my colleague [Mr. VOORHEES].

Mr. BROWN. On this question I am paired with the Senator from Maine [Mr. FRYE].

Mr. COCKRELL. As announced on the previous vote, I am paired with the junior Senator from Connecticut [Mr. HAWLEY]. If he were present, I understand that he would vote for this amendment; I should vote against it.

The result was announced—yeas 20, nays 36; as follows:

YEAS—20.

Aldrich,	Dawes,	Manderson,	Pike,
Allison,	Edmunds,	Miller of Cal.,	Platt,
Blair,	Hale,	Miller of N. Y.,	Sawyer,
Bowen,	Logan,	Mitchell,	Sewell,
Cullom,	Mahone,	Morrill,	Van Wyck.

NAYS—36.

Beck,	Garland,	Jackson,	Pendleton,
Butler,	George,	Jones of Florida,	Plumb,
Call,	Gibson,	Kenna,	Pugh,
Camden,	Gorman,	Lamar,	Ransom,
Coke,	Groome,	McMillan,	Riddleberger,
Colquitt,	Hampton,	McPherson,	Sabin,
Conger,	Harris,	Maxey,	Vest,
Dolph,	Hill,	Morgan,	Walker,
Farley,	Ingalls,	Palmer,	Wilson.

ABSENT—20.

Anthony,	Cockrell,	Hoar,	Sherman,
Bayard,	Fair,	Jonas,	Slater,
Brown,	Frye,	Jones of Nevada,	Vance,
Cameron of Pa.,	Harrison,	Lapham,	Voorhees,
Cameron of Wis.,	Hawley,	Saulsbury,	Williams.

So the amendment was rejected.

Mr. MORRILL. I now move as an amendment the section providing for the circulation of the gold banks, making it the same as others,

to which I think there will be no objection from any part of the Chamber. I offer that as an additional section.

The PRESIDING OFFICER. The amendment proposed by the Senator from Vermont will be reported.

Mr. BUTLER. We can not hear on this side of the Chamber.

Mr. MORRILL. I will state again, if Senators on the other side did not hear my motion, that the gold banks which have been established under national law do not now receive, and can not receive, unless some provision shall be made for them, over 80 per cent. upon any bonds that may be deposited by them. I offer an amendment placing them upon the same footing as other national banks.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. It is proposed to add, as an additional section to the bill, the following:

SEC. —. That associations organized for the purpose of issuing notes payable in gold under the provisions of section 5185 of the Revised Statutes of the United States, upon the deposit of any United States bonds bearing interest payable in gold with the Treasurer of the United States, shall be entitled to receive circulating notes to the amount and in the manner prescribed in this act for other national banking associations.

Mr. MORGAN. I should like to inquire of the Senator from Vermont what bonds we have that are payable in gold?

Mr. MORRILL. All our bonds, I suppose, are payable in gold, but these banks are organized upon the principle that they shall issue no circulation except that payable in gold, and they are therefore restricted to 80 per cent. of circulation instead of 90 per cent. allowed to other banks. This merely provides that they shall be placed upon the same footing as other banks. There can be no objection to it.

Mr. MORGAN. But the Senator's amendment in line 4 reads:

Upon the deposit of any United States bonds bearing interest payable in gold.

I am not aware that we have any such bonds.

Mr. BECK. We have none.

Mr. MORRILL. I think that is a mistake in the draught. The words "payable in gold" should be stricken out.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. COCKRELL. Let it be reported as modified.

The PRESIDING OFFICER. The Secretary will report the amendment as modified.

The CHIEF CLERK. In line 5, it is proposed to strike out the words "payable in gold;" so as to read:

Upon the deposit of any United States bonds bearing interest with the Treasurer of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. MCPHERSON. I wish to call attention to a correction of the phraseology of the bill. Seemingly there was an omission, so that it did not correctly state the object and purpose of the bill. It appeared in the bill as though it would not apply to banks already in existence, and enable them to take out their circulation to the extent of the extra 10 per cent. That phraseology has been corrected by several verbal amendments that I submitted some days ago.

The PRESIDING OFFICER. The Chair is informed that the Senator from New Jersey suggested certain verbal amendments, but they have never been acted on nor have they been understood as formally offered.

Mr. MCPHERSON. They were sent to the desk of the Secretary as having been offered by me.

The PRESIDING OFFICER. The Secretary will report the first amendment referred to by the Senator from New Jersey.

The CHIEF CLERK. In line 3 of the original bill, after the word "upon," it is proposed to strike out "a" and insert in lieu thereof "any," and after the word "deposit" to insert "already or hereafter made;" so as to read:

That upon any deposit already or hereafter made of any United States bonds bearing interest, &c.

The PRESIDING OFFICER. If there be no objection these amendments will be agreed to. They are agreed to. The next amendment offered by the Senator from New Jersey will be reported.

The CHIEF CLERK. In line 8, after the word "in," it is proposed to insert the words "the whole;" so as to read, "not exceeding in the whole the par value of the bonds deposited."

The PRESIDING OFFICER. If there be no objection the amendment will be agreed to. It is agreed to.

Mr. MORGAN. I now offer the amendment that I referred to as additional sections to the bill.

The PRESIDING OFFICER. The amendment heretofore offered by the Senator from Alabama will be reported.

The CHIEF CLERK. It is proposed to add as additional sections the following:

SEC. —. That when any bonds of the United States deposited in the Treasury by a banking association to secure its circulation are called and paid by the Government, such banking association shall have the right to substitute in the place thereof bonds issued by any of the States; and the bonds so deposited, as to their assignment, management, control, sale, or disposal, shall in all respects be subject to the laws which govern the said banking associations and the officers and agents of the United States with respect to the bonds for which said State bonds are substituted, so far as the same are applicable. But said bonds of the States shall not be received as a substitute for bonds of the United States, so called, and paid at a rate exceeding—per centum of their value on the face thereof; nor shall the bonds of any State be received on deposit unless the interest theretofore accrued on the same for the period of five years previous to such deposit shall have been duly paid; nor shall any such bonds be so received on deposit when the same are worth less than par in the city of New York.

SEC. —. That the interest accruing on such State bonds after the same are assigned and deposited in accordance with this act shall be received by the Treasurer of the United States and placed to the credit of the banking association that has deposited the bonds, and shall be paid over to such banking association, unless the Secretary of the Treasury shall direct that the same shall be retained in the Treasury to make good any depreciation in the value of the State bonds deposited by such banking association, or because of the failure of any banking association to provide funds as required by law to redeem its circulation, or because of its failure to pay any sum of money that may be charged to such banking association on the books of the Treasury Department.

SEC. —. That at any time that the Secretary of the Treasury shall conclude that a sale of such State bonds so deposited is necessary for the security or protection of the Government of the United States in respect of the redemption of the circulation which such bonds are deposited to secure, he shall proceed to cause said bonds to be sold, in the open market in New York, to the highest bidder for cash; and such sale shall convey a complete title to said bonds to the purchaser; but no such sale shall be made until after thirty days from the date of a notice that the Secretary of the Treasury shall give to the banking association that has deposited such State bonds, requiring such banking association to redeem said bonds by the deposit in the Treasury of the sum of lawful money of the United States equal to so much of the circulation of such banking association as such State bonds were deposited to secure. And if, after the sale of such bonds, any deficit remains in the sum required to redeem the circulation of any such banking association to the extent that the same is based upon and secured by such bonds, such banking association shall pay the same into the Treasury of the United States within thirty days after it has been notified of the amount of the deficit by the Secretary of the Treasury; and failing so to pay such deficit, such banking association shall forfeit its charter and shall be put into liquidation, in accordance with the laws governing the winding up of such associations.

SEC. —. That the Secretary of the Treasury shall have power to make all needful rules and regulations for carrying into effect the provisions of this act.

Mr. MORGAN. Mr. President——

Mr. INGALLS. If the Senator from Alabama will yield to me, I will move that the Senate proceed to the consideration of executive business.

Mr. MORGAN. I will yield for that motion.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nine minutes spent in executive session the doors were reopened, and (at 4 o'clock and 42 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 20, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal of the proceedings of Monday.

Mr. REED. Mr. Speaker, I suggest that the Clerk omit the reading of the titles of bills introduced.

The SPEAKER. Without objection, that will be done.

There was no objection.

The remainder of the Journal was read and approved.

PUBLIC LANDS.

Mr. DUNN. I ask unanimous consent for the present consideration of the preamble and resolution which I send to the desk.

The Clerk read as follows:

Whereas the public lands are the property of the people of the United States, who are chiefly interested in a proper, just, and equitable distribution of them in such manner as will enable all desiring to engage in agriculture to do so as land-owners and not as tenants; and

Whereas the public domain has been and still is being absorbed with alarming rapidity by fraudulent settlements, purchases, and entries, made possible by the existing settlement and disposition laws and by enormous grants of public lands heretofore made by Congress to States and corporations to aid in the construction of railroads; and

Whereas it is alleged and publicly charged that in the administration of the laws making these grants by the officers of the United States entries of lands made by actual settlers have been unlawfully canceled for the benefit of the land-grant railroad corporations, that patents issued to such settlers have been in like manner unlawfully recalled and annulled for their benefit, that favoritism and partiality have been shown in deciding questions between actual settlers and such corporations to the great advantage of the corporations and to the injury of the settlers, that such corporations have been unlawfully permitted to change the location of their roads, that patents for lands have been issued to such corporations without authority of law and lists of lands unlawfully certified to States for the benefit of such corporations, and that fraudulent and corrupt means were employed to secure grants of public lands by Congress to certain corporations to aid in the construction of railroads: Therefore,

Resolved, That a select committee of seven be appointed, to inquire into what changes should be made in the laws touching the administration of the public lands, and into the administration of the laws touching such land grants as aforesaid, and into all the matters above set forth. Said committee is authorized to send for persons and papers, to examine witnesses and take testimony, and to employ a stenographer and messenger at the usual rate of compensation, while actually employed, whose compensation, together with the fees of the witnesses summoned, shall be paid out of the contingent fund of the House, upon the certificate of the chairman and one member of the minority of said committee, in conformity with law. Said committee shall make full report to the House on the subjects submitted, and the testimony taken shall accompany such report and may, if deemed necessary, report bills touching the administration of the public lands, and shall have leave to sit during the sessions of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BROWNE, of Indiana. I am willing that the Committee on Public Lands shall inquire into all these matters and am willing to give them all the power that is conferred by the resolution, provided the investigation be made by that committee.

The SPEAKER. There is objection.

Mr. MCMILLIN. Then I demand the regular order. I do not object to this resolution, but if objection be made to it I demand the regular order, that the House may reach the consideration of the pending appropriation bill. Nearly three months of the session have gone and not a single appropriation bill has passed the House.

Mr. DUNN. Do I understand that the gentleman from Indiana [Mr. BROWNE] objects to the present consideration of the resolution which I offered?

Mr. BROWNE, of Indiana. I said I was willing, and I believe everybody else is willing, that the Committee on Public Lands shall make that inquiry.

The SPEAKER. That is an objection.

Mr. DUNN. That committee has more to do now than it can accomplish.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded.

Mr. MCMILLIN. I am informed that the gentleman from Kentucky [Mr. WILLIS] desires to submit a resolution that the Committee on Rivers and Harbors be permitted to sit during the session of the House. I am willing to withhold the demand for the regular order that the gentleman may submit that motion.

The SPEAKER. The gentleman from Tennessee can not withdraw the demand for the regular order merely to admit a motion by the gentleman from Kentucky. If he withdraws the demand he must withdraw it absolutely.

Several members called for the regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. 42) for the relief of Joseph F. Wilson;

A bill (S. 242) to provide agricultural lands for the Southern Band of Ute Indians in lieu of lands heretofore provided for allotment to them;

A bill (S. 265) for the relief of Alonzo Gesner;

A bill (S. 289) to confirm the homestead entry of Hugh Foster;

A bill (S. 290) to confirm the homestead entry of John Waishkey, jr.;

A bill (S. 355) to confirm the title to certain lands in Platte County, Missouri, and authorize patents to be issued therefor to Kinsey B. Cecil;

A bill (S. 363) for the relief of Edward P. Vollum;

A bill (S. 420) for the relief of the Union Metallic Cartridge Company;

A bill (S. 460) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians in the State of Wisconsin;

A bill (S. 472) for the relief of George P. Webster;

A bill (S. 494) for the relief of Nancy Miller;

A bill (S. 503) to increase the endowment of the University of Alabama from the public lands in said State;

A bill (S. 543) for the relief of Martin L. Bundy;

A bill (S. 639) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land-warrants lost while in the possession of the officers of the Government;

A bill (S. 667) for the relief of First Sergt. J. C. Jorgensen;

A bill (S. 802) to fix and render certain the terms of the United States circuit and district courts in the eastern and northern districts of Texas;

A bill (S. 1056) granting an increase of pension to Sally Mallory; and

A bill (S. 1490) to complete a statue of the late Rear-Admiral Samuel Francis Du Pont, United States Navy.

STAR-ROUTE INVESTIGATION.

Mr. MONEY. I desire to make a privileged report. I am instructed by the Committee on the Post-Office and Post-Roads to report back the resolution which I send to the desk with the recommendation that it be adopted.

The Clerk read as follows:

Resolved, That it is the sense of this House that the Postmaster-General be, and he is hereby, required to transmit to this House the papers called for in the resolution of the 30th instant, as follows, to wit:

"*Resolved*, That the Postmaster-General be, and he is hereby, directed to transmit to this House all reports made by special agents of the Post-Office Department to the Postmaster-General during the year 1881 having reference to the star-route investigation and which have not heretofore been published and made public."

Mr. PEELLE, of Indiana. I desire to state before this resolution is acted upon that some weeks ago a resolution was introduced by the gentleman from Illinois [Mr. SPRINGER] calling for substantially this information, together with other information. The Postmaster-General addressed a letter to the Speaker of the House to the effect that he believed it would be detrimental to the public service to make known the information sought for by that resolution. Some days afterward the Committee on the Post-Office and Post-Roads, they having reported a resolution introduced by the gentleman from New York [Mr. BEACH] for the same information substantially, received a letter also from the Postmaster-General, in which he said in substance that inasmuch as the resolution introduced by the gentleman from New York called for substantially the same information as was sought by the resolution introduced by the gentleman from Illinois, he would not transmit the information until the further direction of the House. The Committee on the Post-Office and Post-Roads had that information before them when this resolution was considered by the committee. Notwithstanding the resolution had been previously reported to the House and the letter of the Postmaster-General with reference thereto, the Post-Office Committee again brings back the resolution and directs the Postmaster-General without discretion to send that information to the House. Now what I desire to say is this: That the Postmaster-General has said that the giving of this information might, and probably would, be detrimental to the public service. If this House insists upon this information being given with no discretion whatever in the Postmaster-General as to what shall not be made public, then the House alone takes the responsibility for the information that may be disclosed and the consequences that may follow.

Mr. MONEY. I ask that the report of the committee accompanying the resolution be read for the information of the House.

The Clerk read as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the resolution of February 11, 1884, requiring the Postmaster-General to send certain papers to the House of Representatives, report the same with favorable recommendation, and submit the following reasons therefor:

The Postmaster-General, in his communication of the 1st instant to the resolution of the House dated the 30th ultimo, referring to his communication of the 25th ultimo replying to the House resolution of the 17th ultimo, says:

POST-OFFICE DEPARTMENT, OFFICE OF POSTMASTER-GENERAL,
Washington, D. C., February 1, 1884.

SIR: The resolution of the 30th ultimo, directing that the reports made by special agents during the year 1881 having reference to the star-route investigation be transmitted to the House of Representatives, has been received.

Having no information as to the views of the House on the suggestions submitted in my communication of the 25th ultimo in response to the resolution therein referred to, and as the resolution to which I am now required to respond substantially covers the same subjects and calls for the same information as the former resolution, I deem it a proper courtesy to the House and in just consideration for the public interest to await the further action of your honorable body before transmitting the papers called for.

I beg leave to state that I have directed that the papers should be in readiness in order that there may be no delay in forwarding them should the House, upon further consideration of the subject and in view of my letter of the 25th ultimo, deem it expedient and proper that they should be submitted to public inspection.

Very respectfully,

W. Q. GRESHAM, *Postmaster-General.*

Hon. J. G. CARLISLE,
Speaker of the House of Representatives.

The Postmaster-General says, in his letter of the 25th replying to the House resolution of 17th January:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 25, 1884.

SIR: I have the honor to acknowledge the receipt of the resolution of the House of Representatives of the 17th instant, requesting copies of all correspondence between this Department and the Department of Justice touching the prosecution of persons charged with frauds in connection with the star-route mail service; a statement of the names of individuals found to be indebted to the United States, and the amount of the indebtedness of each in consequence of such frauds, and also an itemized statement of expenditures in the Post-Office Department from March 4, 1881, to January 1, 1884, in the investigation and prosecution of such frauds.

The itemized statement of expenditures is now being prepared and will be transmitted as early as possible.

I addressed a communication to the Attorney-General showing the names of individuals found to be indebted to the United States, with the names and residences of witnesses who will be able to testify in behalf of the Government, and I deem it proper Congress shall know that the publication of this letter in advance of the commencement of suits might and probably would be detrimental to the public interests. If, however, Congress shall think otherwise, the desired information will be furnished without delay.

Very respectfully,

W. Q. GRESHAM,
Postmaster-General.

Hon. J. G. CARLISLE,
Speaker of the House of Representatives.

The reason for withholding the papers called for is that publication of this matter "in advance of the commencement of suits might and probably would be detrimental to the public interests." We have no information that it is intended to bring any suits, nor are we warranted by the history of suits already brought that the Government would make any recovery of the money fraudulently obtained by any contractor on these star-routes. The Department of Justice has selected presumably the best cases for prosecution, and has availed itself of the ablest special counsel, has employed special agents and detectives, and spent great sums of money, amounting to hundreds of thousands of dollars, as shown by official reports. Not a man in these three years has been convicted or a dollar recovered. Criminal prosecutions are now barred, and it can hardly be believed in the face of these facts that a dollar will ever be recovered. The committee is considering a bill to regulate the letting of contracts to carry the mail on star-routes, and it is important that the special information put by the special agents of the Post-Office Department in the reports upon this class of service, which are the reports called for, should be before the committee for its consideration. Believing that the Government will not lose any money by reason of any failure caused by the production of these papers, and that the public interest will be highly subserved by the use of these reports by the committee, we recommend that the Postmaster-General be again required to furnish said reports to this House.

Mr. MONEY rose.

Mr. SKINNER, of New York. Will the gentleman from Mississippi allow me just a word?

Mr. MONEY. Yes, sir.

Mr. SKINNER, of New York. I do not rise at this moment to oppose the resolution or report, but simply to say that my colleague on the committee Mr. BINGHAM of Pennsylvania has some documents and papers prepared which he desired to present when this report should be brought up. He is not in his seat. I understand he is detained by sickness in his family. On the part of the minority of the committee I ask the chairman to withhold the consideration of the report until the gentleman from Pennsylvania [Mr. BINGHAM] can be present.

Mr. MONEY. I would be very glad to accede to the request of my colleague on the committee; but this is a privileged report, and the rule of the House requires that it be made within one week from the reference of the resolution.

The SPEAKER. The Chair would suggest to the gentleman from Mississippi that if he chooses the report may be allowed to lie over, and can be called up at another time.

Mr. MONEY. I would prefer, in view of the remarks of my colleague on the committee, the gentleman from Indiana [Mr. PEELLE], to submit at this time some few remarks on the resolution.

The SPEAKER. The gentleman from Mississippi will proceed.

Mr. MONEY. I think I perfectly appreciate the reasons given by the Postmaster-General for withholding the papers called for until a further demand is made by this House. It is perfectly proper that he should have replied to the resolution in the first instance as he has done. He simply desires to protect himself from the responsibility for any failure that may occur by the publication of these papers. It is simply for the House to say whether it will take the responsibility, if any, that may come from such a course.

There is only one way in which the public interest can suffer from the production and publication of these papers, and that is stated in the Postmaster-General's report, in which he refers to the itemized statement of the indebtedness of those persons who it is said obtained fraudulently from the Government money upon contracts for the star routes, the names of witnesses, and the statement of what they are expected to prove, and the reports of agents employed in these cases.

For three years the Department of Justice has been prosecuting suits against the star-route contractors. They have expended, as I am told and as will be shown by their own reports, several hundred thousand dollars. They have selected the cases most favorable for prosecution. The time for criminal prosecution is past. No man can now be brought to account criminally for any share he may have had in the fraudulent transactions exposed by the Department in these prosecutions.

In all these suits, in which hundreds of thousands of dollars have been expended, special counsel retained, special detectives and agents employed, not a single conviction has yet been had. No man has yet been made to disgorge one single dollar fraudulently obtained of the Government by the administration of the Contract Office during the last seven or eight years.

That is the issue of suits most favorable to the Government and prosecuted with all the talent that can be commanded by the resources of the Government. What can we now expect in the less favorable cases yet unprepared in the Department of Justice? I say there is nothing whatever in the reason alleged that can work to the detriment of the public interest.

The committee over which I have the honor to preside has under consideration a bill to revise the legislation upon the subject of letting and subletting contracts on the various star routes. In order to correct the laws that now govern the matter, to do away with the abuses of the contract system which have grown up under those laws, it is the intention of the committee honestly to inquire into these things so far as that can be effected by us in order to ascertain the best method of correcting the evils of this system.

Mr. CALKINS. The gentleman from Mississippi will allow me to interrupt him for a question. Will he state to the House what has been the custom in cases where the executive officer, when called upon for information, replies that the information can not be furnished in his judgment without prejudice to the Government? Has it been the custom of the House to insist under such circumstances that the information should be furnished.

Mr. MONEY. In reply to the gentleman I will say I am not familiar with the precedents, for I have not investigated that matter; but I am giving reasons why the House in this particular case should insist upon the information being furnished.

Mr. REED. Has there ever been an instance where the House has done this?

Mr. MONEY. I can not answer that question, because I have not examined the precedents.

Mr. REED. I remember none.

Mr. MONEY. That may be, and still there may be such cases. The gentleman can not remember what he never knew.

Mr. CALKINS. One more question, and I put it only for the purpose of getting this matter squarely before the House. Suppose that the Postmaster-General should be of opinion that to publish the information which has been collected in reference to these star-route matters would put the defendants in possession in advance of the evidence which has been accumulated by the Government, and for that reason would be prejudicial to many cases which might be prosecuted, does the gentleman say that under circumstances like those it would be wise for the House to insist upon the Postmaster-General furnishing the information?

Mr. MONEY. That is exactly the matter to which I was addressing myself. I say there is no reason expressed in the reply of the Postmaster-General, nor is there any implied, except that the communication of this information might be—observe that he puts it in the subjunctive mood—might be detrimental to the success of suits which may be brought, not suits that are intended to be brought or are being brought.

Mr. CALKINS. Let me assure the gentleman that personally I have no opposition to the communication of this information.

Mr. MONEY. I was submitting to the House that as there has been no conviction upon the cases most favorable to the Government after an immense expenditure of money and time, with all the legal talent and other resources which the Department of Justice can command at pleasure, this House is not warranted in the conclusion that the public interest can suffer in any manner or degree by the production of these papers. If there is any latent reason, which is not brought to me and which I have no right to infer, why these papers should not be produced, that is a matter I can not inquire into.

Mr. CALKINS. Still I think the gentleman will agree with me that where the head of one of the Executive Departments of the Government, having been called upon for information, states in his communication to the House that in his judgment the information can not be communicated without prejudice to the public interest, such a statement ought to receive at our hands some consideration.

Mr. MONEY. I would not permit the gentleman from Indiana or any other man to go before me in proper deference to the Postmaster-General or any other officer at the head of any Department of the Government. I expect to treat all these officers with perfect courtesy in a matter of this kind. As the gentleman from Indiana and the House will observe, I am endeavoring to show that the only reason assigned by the Postmaster-General should have no weight or consideration, and I show it by the precedents upon the very matter in hand.

Mr. BEACH. If the gentleman from Mississippi [Mr. MONEY] will give way for one moment I would like to make a statement for the information of the gentleman from Indiana [Mr. CALKINS]. There were two resolutions offered having in view a similar object. The resolution which I submitted called for the production of reports of special agents which were made in 1881. There was another resolution which called for the reports of all the agents made subsequently to that time, and also for an itemized account of the moneys which had been expended by the Government in prosecuting the perpetrators of these frauds. Now, in answer to the resolution which I introduced the Postmaster-General referred to the answer he gave to the other resolution, that it would be incompatible with the public interest for him to furnish the papers called for by that other resolution. But I submit, Mr. Speaker, that this answer to the resolution I introduced is not ingenuous, because the reasons which might apply in the case of the other resolution, in favor of withholding the information, do not apply in the case of my resolution. I do not see how the production of the papers called for by my resolution could affect the public interest. They are the preliminary reports made away back in 1881, during the administration of Mr. James as Postmaster-General. Now, I think the gentleman from Mississippi, in urging the adoption of the present resolution, is on the right tack, and that we ought to have those papers.

Mr. CALKINS. The gentleman from New York [Mr. BEACH] will allow me to say——

Mr. MONEY. I do not want my whole time consumed by these interruptions.

The SPEAKER. The gentleman from Mississippi is entitled to the floor.

Mr. CALKINS. I would like to put one more question to the gentleman from Mississippi.

Mr. MONEY. I want the House to proceed understandingly in this matter. It is not my intention that there shall be any snap judgment or anything of that sort. I desire that the House, in assuming this responsibility, shall fully understand the extent and effect of its action.

Mr. ROGERS, of Arkansas. I rise to a point of order. This discussion can not proceed intelligently while there is so much confusion in the House.

The SPEAKER. The House will come to order and gentlemen will take their seats. The House is proceeding in the consideration of a matter of some importance, and the Chair hopes that order will be preserved.

Mr. MONEY rose.

Mr. CANNON. Will the gentleman allow me to ask him a question?

The SPEAKER. The gentleman from Illinois will suspend until order is restored.

Mr. MONEY. Mr. Speaker, I desire to state that I perfectly acquit the Postmaster-General of anything like disingenuousness in his reply to the resolution of inquiry adopted by the House. The gentleman must see clearly that the Postmaster-General makes his formal objection to responding to the first resolution of inquiry, so as to make some action on our part necessary; and in his second letter the Postmaster-General again shows his willingness to throw the responsibility for furnishing these papers upon the House. Now, I say the papers are not the same,

though it seems in his reply the papers called for are the same as provided for in the first resolution of inquiry. The Committee on the Post-Office and Post-Roads do not care anything for those other papers, as they are not interested in that discussion, but the committee does want the special reports of the special agents of the Post-Office Department, showing the working of the contract system on star routes. The Postmaster-General tells us he has all those matters in readiness for transmission to the House whenever the demand is made on him, and that he simply awaits the action of the House on the resolution of inquiry before he sends the papers here.

Mr. HORR. The Postmaster-General knows the contents of these papers now, does he not?

Mr. MONEY. What papers?

Mr. HORR. The papers we want him to send to the House.

Mr. MONEY. Of course.

Mr. HORR. Is he not better able, then, to tell us whether they should be divulged or not?

Mr. MONEY. I have already discussed the reasons he has advanced, but that does not throw a particle of light on the subject.

Mr. HORR. I beg the gentleman's pardon. The Postmaster-General does not give any reason.

Mr. MONEY. On the contrary, he does give a reason, and that is that it may hurt the Government in the prosecution under these star-route contracts.

Mr. HORR. Why not take his judgment of that, as he has better opportunities for knowing than we have?

Mr. MONEY. I have given the reasons why his judgment should not be taken more than once, and those reasons address themselves to the common sense of the House. I have no desire in the world to extract from the files of the Post-Office Department any information which in the least degree might be detrimental to the public service. This information, I undertake to say, will not in any degree be detrimental to the public interest. There is not a man to-day in this House or out of it, in the Post-Office Department or out of it, who believes one single dollar will ever be collected from those suits. I get that from gentlemen who are competent to judge.

Mr. REED. Will the gentleman yield to me?

Mr. MONEY. Certainly.

Mr. REED. The gentleman from Mississippi says the time for criminal cases has expired. I do not understand him to say the time for civil suits has expired.

Mr. MONEY. I said it had not.

Mr. REED. That it had not?

Mr. MONEY. Yes, sir.

Mr. REED. Does the gentleman not know as a matter of experience it is more difficult to procure conviction in criminal cases than in civil cases? And may it not be possible the situation of affairs is such that injury may be done to civil suits where there is reasonable ground for success? Now, the gentleman from Mississippi says we can judge of these reasons as well as the Postmaster-General, but unfortunately one element of knowledge the Postmaster-General has we do not have, namely, the contents of the reports which it is claimed should be communicated to us. That is the most important element for a correct judgment that the Postmaster-General has and the House has not. The Postmaster-General says that in all probability it will be injurious to the Government to furnish those reports. The gentleman from Mississippi says it will not. The Postmaster-General knows and the gentleman from Mississippi does not.

Mr. MONEY. If the gentleman from Maine will ask his question, I will be happy to oblige him with an answer.

Mr. REED. I am not asking a question; I am making a suggestion. I did not rise to ask a question.

Mr. MONEY. I understood the gentleman to rise to ask me a question.

Mr. REED. No.

Mr. MONEY. Mr. Speaker, I resume the floor. I know that the Postmaster-General has information that we can not get of course except through him. Now, I am examining simply the reason which is given by him for withholding that information. That reason is that the Government of the United States may suffer in the prosecution of these suits against parties implicated in these star-route frauds. It is my own experience and that of every other man, and certainly is a matter of public information, that there has been nothing done whatever in the line of recovery so far in reference to these star-route cases. No recoveries at all have been made, and the most favorable suits have already been urged by the Government. The reasons, therefore, which the Postmaster-General has given are not, I think, a sufficient warrant for a refusal on the part of the House to insist upon that information, and the judgment of the House will, I am satisfied, approve that position. There is no solid ground in my opinion for the assertion that the resolution should not pass and the House be placed in possession of this information which is regarded as essential.

This side of the House, Mr. Speaker, is just as much interested as the other side in the execution of the laws and in the prosecution of all persons connected with these star-route affairs. We feel just as lively an interest in the welfare of the Government and in its protection. We are just as much concerned in whatever is of interest to the Government and in the recovery under the law of all that can be recovered of these excessive payments; but we do not see any reason why the resolution should fail because of the facts alleged by the Postmaster-General.

Mr. WAIT. May I ask the gentleman from Mississippi a question?

Mr. MONEY. Certainly.

Mr. WAIT. The gentleman from Mississippi has the reputation of being an able lawyer.

Mr. MONEY. No, sir; that is a mistake. I am no lawyer at all.

Mr. WAIT. I am happy to accord to the gentleman that reputation, as I believe he studied for the profession. Now let me ask the gentleman from Mississippi as a lawyer——

Mr. MONEY. I am not a lawyer; I am a farmer.

Mr. WAIT. Then, if not as a lawyer, as an intelligent gentleman, having his course of conduct governed by considerations of practical good sense and business judgment, if in the control of a specific case, whether as attorney or a party, he would deem it wise prior to the trial of such case to let the opposite party know his evidence, become acquainted with all the important facts that might control the decision of his case, and the names of his witnesses by whose testimony he expected to prove the same? Does he not think it would be in every respect wiser not to place himself in such a position, putting himself entirely in the power of his opponent?

Mr. MONEY. What is the gentleman's question?

Mr. WAIT. I ask the gentleman if he would regard it wise or prudent in a case where he was interested as an attorney or as a party to let his opponent understand what his witnesses are going to say and thus permit him to prepare himself in that line of defense which will protect him from an adverse decision?

Mr. MONEY. In this case I do not think it will be a matter of practical difference. There will be no recovery whatever; the Government will not secure a dollar from these parties.

Mr. WAIT. But is it not an imperative duty which the members of this House owe to the country that they should give to the legal advisers of the Government all the legitimate chances for success in civil suits now pending or to be brought, which they may possess by fair trials, conducted by ordinary methods? I can not but believe that the result of the gentleman's resolution, if carried into effect, will be to protect a body of men who are charged with defrauding the public. It would surely defeat every chance that the Government would otherwise possess of a recovery against these men, charged with these acts, by putting them in possession of all the evidence which the Government holds and upon which its counsel rely for a successful and I think I may add just result.

Mr. MONEY. The Government has already had an opportunity to bring suits for the recovery of these claims and not a dollar has been recovered. I have no doubt that the strongest suits have been brought.

Mr. SPRINGER. Will the gentleman from Mississippi yield to me for a moment?

Mr. CANNON. I ask my friend from Mississippi to yield to me for ten minutes.

Mr. MONEY. I have been asked by other gentlemen to yield a portion of the time. I will yield to the gentleman from Illinois five minutes, however.

Mr. SPRINGER. I hope the gentleman from Mississippi will allow me a few moments.

The SPEAKER. The gentleman from Mississippi is entitled to the floor.

Mr. SPRINGER. I know that, and want to secure it with his consent.

The SPEAKER. The Chair understands that the gentleman from Mississippi has yielded to the gentleman from Illinois on the left [Mr. CANNON] for five minutes.

Mr. SPRINGER. I think the committees having charge of this subject might have a right to the floor to throw some light on the matter.

The SPEAKER. The gentleman from Illinois will proceed.

Mr. PEELLE, of Indiana. Mr. Speaker, am I not entitled to control the time on this side of the House?

The SPEAKER. The Chair understands that the gentleman from Mississippi has one hour. He has occupied but twenty minutes so far, and has now yielded five minutes to the gentleman from Illinois.

Mr. BELFORD. I rise to a point of order. It is utterly impossible for members in this House to know what is being done in consequence of the confusion.

The SPEAKER. The Chair is aware of the fact and regrets it. The Chair has frequently called upon the House and requested gentlemen to resume their seats and cease conversation on the floor. That is all the Chair can do. The Chair will again appeal to gentlemen to preserve order and hopes it will be preserved while this matter is under consideration.

The gentleman from Illinois is entitled to the floor for five minutes.

Mr. CANNON. I will say, Mr. Speaker, if this discussion is to run so that my friend from Indiana [Mr. PEELLE] will be recognized I would like to have more than five minutes and will not consume the five minutes now yielded to me by the gentleman from Mississippi.

Mr. MONEY. Then I yield five minutes to the gentleman from Georgia on the committee.

Mr. REESE. Mr. Speaker, the gentlemen who have made inquiries on the other side of the House with reference to this matter have a misconception of the purpose of this resolution as compared to the object of the resolution introduced by the gentleman from Illinois [Mr. SPRINGER]. The resolution introduced by the gentleman from Illinois was in search of entirely different information from that sought by the resolution now under consideration. That resolution was for the purpose of eliciting from the Post-Office Department all correspondence touching the star-route cases that had occurred between the Attorney-General and the Postmaster-General, and also covering an itemized statement of expenditures connected therewith. The present resolution does not seek that class of information, and so far as the response of the Postmaster-General is concerned it will appear from these letters that accompany this report that the Postmaster-General expressly specified that this correspondence is all that would be incompatible with the public interests. In reply, as gentlemen will discover by reading that first letter in reply to the resolution of the gentleman from Illinois, who was seeking, as I have said, all of the correspondence between the Postmaster-General and the Department of Justice, coupling with it an itemized statement of expenditures, the Postmaster-General says that it would be incompatible with the public interests to furnish that information; and that is all that he specified directly in his response to that resolution, that that information is all that would be incompatible.

The resolution now under consideration, which is the same resolution that was introduced by the gentleman from New York [Mr. BEACH] on the 30th January, simply calls, not for the correspondence that the Postmaster-General says it would be incompatible with the public interest to submit——

Mr. BEACH. That is it.

Mr. REESE. But it simply asks for the report of special agents during the investigation of the star-route cases during the year 1881. Now, I say that in the response by the Postmaster-General to the resolution of the gentleman from New York [Mr. BEACH] he says in his letter of reply that this information is substantially the same information that was sought in the original resolution introduced by the gentleman from Illinois [Mr. SPRINGER]. Now that can not be so. It is not so. It is entirely different information. And therefore I say, as to the statement in his last letter, that this resolution is substantially the original resolution; it is not in fact at all like it; it does not seek the same information at all; it seeks information in relation to which he has never said and does not now say it would be incompatible with the public interest..

[Here the hammer fell.]

Mr. SPRINGER. Will the gentleman from Mississippi yield to me?

Mr. MONEY. On what side does the gentleman desire to speak?

Mr. SPRINGER. I desire to represent the views on the subject of the committee of which I am chairman.

Mr. MONEY. How long time does the gentleman want?

Mr. SPRINGER. About five minutes.

Mr. MONEY. I think the gentleman had better get his time on the other side.

Mr. SPRINGER. Does the gentleman propose to occupy his whole hour?

Mr. MONEY. Yes, sir.

Mr. REED. On which side does the gentleman from Illinois desire to speak?

Mr. SPRINGER. I desire to speak for the committee which I represent, and which is opposed to the furnishing of this information.

Mr. MONEY. How much time does the gentleman want?

Mr. SPRINGER. Five or ten minutes.

Mr. MONEY. I yield the gentleman ten minutes.

Mr. SPRINGER. I think, Mr. Speaker, that this matter can be made so plain that we may all distinctly understand what the facts are, and differ, if we differ at all, upon the conclusions. On the 17th of January I reported from the Committee on Expenditures in the Department of Justice the following resolution, which was adopted:

Resolved, That the Postmaster-General be requested to furnish the House of Representatives with copies of all correspondence between the Department of Justice and the Post-Office Department touching the prosecution of persons charged with frauds in connection with the star-route mail service, and a statement of the names of individuals found to be indebted to the United States and the amount of the indebtedness of each in consequence of such frauds, and also an itemized statement of the expenditures in the Post-Office Department from the 4th day of March, 1881, to the 1st day of January, 1884, in the investigation and prosecution of such frauds.

That resolution was sent to the Postmaster-General. He did not furnish the information, but sent to the House of Representatives, through the Speaker, a letter which by the House was sent to the committee of which I am chairman. This letter I will read.

Mr. BEACH. It has been already read.

Mr. SPRINGER. I believe it is substantially the letter embraced in the report submitted by the gentleman from Mississippi [Mr. MONEY].

Mr. PEELLE, of Indiana. The one letter is an identical copy of the other.

Mr. SPRINGER. Now, the question which has arisen is whether the information which the Postmaster-General is of opinion should be withheld is the same so far as each of these resolutions is concerned. There can be no doubt, Mr. Speaker, upon this subject. The Committee on Expenditures in the Department of Justice have instructed me to report back to this House a resolution which was introduced by me on Monday of last week in the following words:

Resolved, That the Postmaster-General, in complying with the request of the House of Representatives contained in the resolutions of inquiry adopted on the 17th of January, and also of the resolution adopted on the 30th day of January, in reference to the correspondence between the Department of Justice and the Post-Office Department touching the prosecution of persons charged with frauds in connection with the star-route mail service, and the reports of special agents of the Post-Office Department relating thereto, is requested to withhold such parts of the papers called for the publication of which in advance of the commencement of suits may be and probably would be detrimental to public interests.

Mr. REESE. Will the gentleman from Illinois allow me to ask him a question?

Mr. SPRINGER. In one moment. The committee of which I am chairman has recommended unanimously the adoption of this resolution and has authorized me to report it. When I came into the House this morning from my committee-room the other report from the Committee on the Post-Office and Post-Roads was pending. And I have asked this time from the courtesy of the chairman of the Committee on the Post-Office and Post-Roads for the purpose of explaining the whole question.

As regards the question raised by the gentleman from Georgia [Mr. REESE], as to whether the information called for by these two resolutions is the same, I think I can convince the House in a moment it is precisely the same. The resolution which I introduced on the 17th of January called for—

all correspondence between the Department of Justice and the Post-Office Department touching the prosecution of persons charged with frauds in connection with the star-route mail service, and a statement of the names of individuals found to be indebted to the United States and the amount of the indebtedness of each in consequence of such frauds.

Now, this was precisely the information that the special agents of the Department obtained and have reported in detail to the Postmaster-General, and which by the Postmaster-General, as was his duty, has been transmitted to the Attorney-General as the basis of the suits brought against individuals.

Mr. BEACH. Will the gentleman permit me a question?

Mr. SPRINGER. Certainly.

Mr. BEACH. How does the gentleman know that?

Mr. SPRINGER. I know it from the fact that gentlemen connected with the Post-Office Department who have charge of these prosecutions have so informed me. I took occasion to learn those facts.

Now, the information which these reports contained and which is called for by the Committee on the Post-Office and Post-Roads is contained in the reports of those agents who went over all the Western territory and took the evidence of witnesses living along the lines of these star routes; and that information is the basis of the calculation and the reports in the Post-Office Department which have been transmitted to the Attorney-General for his guidance in bringing suits against these individuals. I may state that the amount of these claims, as I have been informed, exceeds $2,000,000; that the Government believes it has good cases against persons who have heretofore been and who, some of them, now are contractors in the mail service for the purpose of recovering these large sums of money, and it is the opinion of the Postmaster-General, as stated in a communication to the House, that if he is required to furnish this information to the public the beneficiaries of those frauds will see to it that those witnesses are spirited away, and that the publication of those facts will embarrass, to say the least, if not defeat the Government in its efforts to secure the amounts which these persons are believed to be indebted to the United States.

Mr. REESE. Will the gentleman permit me to interrupt him to ask a question?

Mr. SPRINGER. Certainly.

Mr. REESE. Did the committee of which you are chairman ever have a letter in reply from the Postmaster-General to the resolution introduced by the gentleman from New York [Mr. BEACH]?

Mr. SPRINGER. No, sir.

Mr. REESE. Then how could you ever act upon the subject and determine that to make public this information would be detrimental to the interests of the Government?

Mr. SPRINGER. Of course we are obliged to take cognizance of all the facts and proceedings of the House; and in view of the fact that we were charged with an investigation looking to a prosecution of persons indebted to the Government we felt it to be our duty to inform ourselves of the opinion of the Department in reference to this subject.

Having stated these facts, I am perfectly willing that the House shall take the responsibility of calling for this information. It is my opinion, however, that the Government will be embarrassed if required to furnish it, and we might lose all that might otherwise be gained in the prosecution of persons indebted to the Government. The responsibility must be taken by the House as to whether we here shall assume the right to say that this information shall be made public, and whether the officers charged with making this investigation and these prosecutions are to be instructed by the House as to how they will conduct their

cases, and what information in advance of the commencement of the suits shall be given to the public.

It is well known to gentlemen who have had experience as lawyers that in civil suits the plaintiff is not obliged to furnish the opposite party with the names of his witnesses and what his witnesses are expected to testify to in the case. So the Government in these civil suits is not obliged to furnish the defendant with the names of the witnesses of the Government, the places of their residence, and what those witnesses are expected to testify to in the trial. It might be different in some instances in criminal prosecutions, but in civil prosecutions the Government should have the advantage of all the information it has obtained, so as to enable it to succeed in the efforts being made to obtain the large sums of money of which the Government has been defrauded.

As to the question whether the Government will obtain judgment against these parties, I will say that I do not know whether it will or not. That is not the business of the House of Representatives. All we should do is to insist that the officers of the Government charged with such prosecutions shall do their duty. If we say to them that the people's Representatives expect them to do their duty, I hope they will not be able to retort upon us by saying that we have interfered with them in the discharge of their duty.

The SPEAKER. The time of the gentleman has expired.

Mr. MONEY. I yield three minutes to the gentleman from New York [Mr. ROBINSON].

Mr. SPRINGER. Allow me to say that at the proper time I propose to offer as a substitute for the pending proposition a resolution which the committee of which I have the honor to be chairman have instructed me to report.

Mr. ROBINSON, of New York. I hope this resolution will pass calling for this information, no matter whether the heads of Departments suppose that its publication tends to the public good or not. Whence comes this monarchical assumption that two or three servants more or less at the heads of the different bureaus or Departments may refuse to the people's Representatives sitting here whatever information they may call for? I do not know where the idea comes from or how it got into the minds of officers of a republican government.

Why should this information be refused? The Constitution of the United States provides that the House may have secret sessions whenever it pleases. That provision was made so that if there was any matter which made public would not be compatible with the public good, the House of Representatives, the Representatives of the people, might be left to judge of that.

I hold that we have a right to ask for any information without that phrase which is foolishly put into every resolution of this kind, "if not incompatible with the public interest." I shall object to all resolutions so worded and shall vote against anything of that kind. We have a right to send for persons and papers. If these our servants who have information refuse to give it to us, then let the committee send for the Postmaster-General or the Secretary of State, for persons and papers and bring them here. If necessary we can go into secret session in order to ascertain what are the rights of the people in these matters.

We have the right to call for any information which we desire. It is a monarchical idea for a servant of the people to assume that he will withhold information from the Representatives of the people that may be important to them. We are to judge of that, and not the head of any Department.

Mr. KASSON. The President has the right under the Constitution to refuse any information when in his opinion it will be "incompatible with the public interest" to furnish it.

Mr. MONEY. The resolution which the gentleman from Illinois [Mr. SPRINGER] says he will offer at the proper time as a substitute for that now pending is something I can not understand. He says he is instructed by his committee to report such a resolution.

Now, it must occur to members of the House that such a resolution is entirely superfluous, because the Postmaster-General is already doing what the gentleman proposes to instruct him to do. Furthermore, the defeat of the resolution which I have presented will accomplish the very purpose which the adoption of his resolution will accomplish. It is entirely superfluous for him to present such a resolution as that. But I will say furthermore that I do not see how the gentleman came into possession of the letter of the Postmaster-General, which was referred by the House to the Committee on the Post-Office and Post-Roads.

Mr. SPRINGER. The same letter was referred to the Committee on Expenditures in the Department of Justice. I have it here and will show it to the gentleman.

Mr. MONEY. I will state again why I ask the adoption of this resolution. It is because the Committee on the Post-Office and Post-Roads are considering a bill which regulates the letting and subletting of contracts upon star routes. Because of the great abuses in the administration of the Contract Bureau it has become necessary to amend the legislation upon this subject. The agents who have been sent where these routes are operated are in possession of information which they have transmitted by special reports to the Postmaster-General; and it is necessary for us in order to present to this House the legislation I have indicated to be in possession of that information.

I say further that neither the gentleman from Illinois nor any other man in this House believes that a dollar will ever be recovered in any of these suits. The prosecution of these suits for the last three years gives no warrant for expecting that there should be any recovery. There is no expectation of a recovery. There is no information that any suits are begun or intended to be begun. Not a particle of information has yet been transmitted to this House or given to the country through public report or rumor that such is the intention of the Department of Justice or the Post-Office Department.

This resolution asks for information which it is proper this House should have. If this information exposes any rascality, let it do so. We want the information in order to perfect the bill which we propose to present to the House, to be placed on the statute-books of the country.

Mr. KASSON. Will the gentleman from Mississippi allow me two minutes?

Mr. MONEY. Mr. Speaker, as the gentlemen opposed to this resolution will have an hour in which to present their views, I beg leave to reserve the residue of my time.

The SPEAKER. The gentleman has twelve minutes remaining.

Mr. KASSON. I hope the gentleman from Mississippi will give me two minutes. I am not going to speak in opposition to his resolution. I wish to answer the gentleman from New York [Mr. ROBINSON].

Mr. MONEY. I yield two minutes to the gentleman from Iowa [Mr. KASSON].

Mr. KASSON. I do not rise to debate the resolution, but to answer the remarks of the gentleman from New York [Mr. ROBINSON], in which he denies the right of the executive branch of the Government to exercise its discretion in responding to the inquiry of this House. It is so easy to mislead the House on such a question, that I wish to say in this immediate connection that the phrase "if not incompatible with the public interest" has been settled upon principle and upon due consideration of the respective rights of the two departments of the Government and from time almost immemorial. The executive department is as independent within its province under the Constitution as is the legislative branch of the Government; and certainly one-half of the legislative body can do nothing that can have the force of law over the executive department. This condition has been recognized from the time of Washington. Consequently this House, in addressing demands to the executive department through the President, has always and with great propriety used the phrase "if not incompatible with the public interest."

Mr. ROBINSON, of New York. I hope it will never be used again.

Mr. KASSON. The only way in which we can control the executive department in this respect is the mode provided in the Constitution—by the passage of a constitutional law which binds all branches of the Government. But this House, as gentlemen upon a moment's reflection will see, ought never to assume that it alone has the right to control in any respect the action of the executive branch of the Government.

I have only interposed this remark that gentlemen may pause before accepting the statement that this House of Representatives, singly and alone, has the right to shape and direct the action of the executive in any degree whatever.

Mr. ROBINSON, of New York. I would like to reply to the gentleman; but I will not ask for the time.

Mr. PEELLE, of Indiana. Mr. Speaker, I desire to put a question or two (to be answered in my time) to the gentleman from Mississippi my colleague on the committee and its chairman. Did the gentleman desire this House to understand or infer from anything he said that the Committee on the Post-Office and Post-Roads seeks or desires the information asked by this resolution in order to aid that committee in considering the bill with reference to the letting or subletting of the star-route service?

Mr. MONEY. Exactly; that is what I stated.

Mr. PEELLE, of Indiana. Mr. Speaker, this is the first time since this resolution was introduced that I have heard any reason given for the information sought for. I can not conceive of any possible good which will be derived from the information if it be obtained, and it may result disastrous to the Government in its prosecutions of contractors, &c.

It is true, as the gentleman from Iowa has stated, that this resolution (being a House resolution) is directed to the executive department of this Government, which may or may not give the information asked for. But, sir, I apprehend that the Postmaster-General, acting for the executive department, in view of the language of the resolution, would not feel at liberty to withhold the information sought for, and certainly would not withhold it.

Now, Mr. Speaker, I yield fifteen minutes to the gentleman from Pennsylvania [Mr. BINGHAM] my colleague on the committee.

Mr. BINGHAM. Mr. Speaker, this whole proposition has resulted simply from an inquiry made by two committees of this House, one the Committee on Expenditures in the Department of Justice, the other the Committee on the Post-Office and Post-Roads. The first resolution covering this question was adopted in response to the recommendation of the Committee on Expenditures in the Department of Justice.

I read from the CONGRESSIONAL RECORD of January 18:

STAR-ROUTE CORRESPONDENCE.

Mr. SPRINGER, from the Committee on Expenditures in the Department of Justice, reported back the following resolution, with the recommendation that it do pass:

"*Resolved*, That the Postmaster-General be requested to furnish the House of Representatives with copies of all correspondence between the Department of Justice and the Post-Office Department touching the prosecution of persons charged with frauds in connection with the star-route mail service, and a statement of the names of individuals found to be indebted to the United States and the amount of the indebtedness of each in consequence of such frauds, and also an itemized statement of the expenditures in the Post-Office Department from the 4th day of March, 1881, to the 1st day of January, 1884, in the investigation and prosecution of such frauds."

Mr. CALKINS. Of course I have no objection to the resolution except that there is a committee for the investigation of expenditures in the Post-Office Department, and it would seem that the Committee on Expenditures in the Department of Justice are calling for expenditures in the Post-Office Department in connection, as I understand the resolution, with that committee. I suggest whether it does not trench on the ground of another committee.

Mr. SPRINGER. I will state to the gentleman from Indiana——

Mr. CALKINS. I have no objection to it myself, but only call the attention of the House to it.

Mr. SPRINGER. I will state in explanation that it is the duty of the Committee on Expenditures in the Department of Justice to examine into the accounts and expenditures of that Department, and also as to the enforcement of the payment of moneys due to the United States, and this resolution relates to that branch of the public service which is required to be looked into, that is, the enforcement of payment of amounts due to the United States. It therefore is a subject properly coming under the jurisdiction of the Committee on Expenditures in the Department of Justice.

The resolution was adopted.

Mr. SPRINGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Seven days after the resolution just read the Postmaster-General sent to this House this information in official letter:

WASHINGTON, D. C., *January* 25, 1884.

SIR: I have the honor to acknowledge the receipt of the resolution of the House of Representatives of the 17th instant, requesting copies of all the correspondence between this Department and the Department of Justice touching the prosecution of persons charged with frauds in connection with the star-route mail service; a statement of individuals found to be so indebted to the United States and the amount of the indebtedness of each in consequence of such frauds, and also an itemized statement of expenditures in the Post-Office Department from March 4, 1881, to January 1, 1884, in the investigation and prosecution of such frauds. The itemized statement of expenditures is now being prepared and will be transmitted as early as possible. I addressed a communication to the Attorney-General showing the names of individuals found to be indebted to the United States, with the names and residences of witnesses who will be able to testify in behalf of the Government, and I deem it proper Congress shall know that the publication of this latter in advance of the commencement of suits might and probably would be detrimental to the public interests. If, however, Congress shall think otherwise, the desired information will be furnished without delay.

Very respectfully,

W. Q. GRESHAM,
Postmaster-General.

Hon. JOHN G. CARLISLE,
Speaker House of Representatives, Washington, D. C.

This letter of January 25 came to the House, and was properly referred to the Committee on Expenditures in the Department of Justice.

On January 31 the RECORD shows that a resolution of inquiry, offered January 17 by the gentleman from New York [Mr. BEACH], calling for information, and especially the reports of the special agents of the Post-Office Department for the year 1881, was reported back by Mr. ROGERS. I read from the RECORD of that date:

STAR-ROUTE INVESTIGATION.

Mr. ROGERS, of Arkansas. I am directed by the Committee on the Post-Office and Post-Roads to report back a substitute for the resolution of Mr. BEACH, of New York, referred to that committee on the 17th instant, and recommend its passage.

The SPEAKER. The original resolution will be read, after which the proposed substitute of the committee will be reported to the House.

The Clerk read as follows:

"*Resolved*, That the Postmaster-General be, and he hereby is, requested to transmit to this House all reports, papers of every kind and nature whatever referring to the star-route investigation, made by special agents of the Post-Office Department to the Postmaster-General during the year 1881."

The committee recommend the adoption of the following substitute:

"*Resolved*, That the Postmaster-General be, and is hereby, directed to transmit to this House all reports made by special agents of the Post-Office Department to the Postmaster-General during the year 1881 having reference to the star-route investigation and which have not heretofore been published and made public."

Mr. ROGERS, of Arkansas. I ask that the resolution be put upon its passage.

The amendment of the committee was agreed to.

The resolution as amended was agreed to.

Mr. ROGERS, of Arkansas, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The letter of the Postmaster-General to the House in reply to the resolution of inquiry ordered by the House, on the request of the Committee on Expenditures in the Department of Justice, January 18, it must be remembered, had not at this time been read to the House, but was in the possession of the Springer committee. The Postmaster-General, on receipt of the resolution from the Committee on Post-Offices and Post-Roads, makes this response:

WASHINGTON, D. C., *February* 1, 1884.

SIR: The resolution of the 30th ultimo, directing that the reports made by special agents during the year 1881, having reference to the star-route investigation, be transmitted to the House of Representatives, has been received.

Having no information of the views of the House on the suggestion submitted in my communication of the 25th ultimo in reference to the resolution therein referred to, and as the resolution to which I am now required to respond substantially covers the same subjects and calls for the same information as the former resolution, I deem it a proper courtesy to the House and in just consideration for the public interest to await the further action of your honorable body before transmitting the papers called for. I beg leave to state that I have directed that the papers should be in readiness, in order that there may be no delay in forwarding them should the House, upon further consideration of the subject and in view of my letter of the 25th ultimo, deem it expedient and proper that they should be submitted to the public inspection.

Very respectfully,

W. Q. GRESHAM,
Postmaster-General.

Hon. J. G. CARLISLE, *Speaker.*

This letter was properly referred to the Committee on Post-Office and Post-Roads. On February 7 the chairman of the Committee on Expenditures in the Department of Justice offered a resolution modifying the resolution of his committee under date of January 17, because of the statement contained in the letter of the Postmaster-General addressed to the House, in these words:

I addressed a communication to the Attorney-General showing the names of individuals found to be indebted to the United States, with the names and residences of witnesses who will be able to testify in behalf of the Government, and I deem it proper Congress shall know that the publication of this letter in advance of the commencement of suits might and probably would be detrimental to the public interests.

The members of the committee wisely determined that so serious a responsibility should not rest upon them.

I read from the RECORD of February 8 the action of the Committee on Expenditures in the Department of Justice, after duly considering the letter of the Postmaster-General of January 25:

STAR-ROUTE FRAUDS.

Mr. EZRA B. TAYLOR. I call for the regular order.

Mr. SPRINGER. I ask the gentleman from Ohio to withdraw for a moment the call for the regular order that I may ask unanimous consent to submit for present consideration the resolution which I hold in my hand. When the gentleman hears the resolution read I am sure he will withdraw the demand for the regular order.

Mr. EZRA B. TAYLOR. Let the resolution be read.

Mr. SPRINGER. It modifies a resolution of inquiry heretofore addressed to the Postmaster-General.

The resolution was read, as follows:

"*Resolved*, That the Postmaster-General, in complying with the request of the House of Representatives contained in the resolution of inquiry adopted on the 17th of January, and also the resolution adopted on the 30th of January, in reference to the correspondence between the Department of Justice and the Post-Office Department touching the prosecution of persons charged with frauds in connection with the star-route mail service, and the reports of special agents of the Post-Office Department relating thereto, is requested to withhold such parts of the papers called for the publication of which in advance of the commencement of suits may be and probably would be detrimental to the public interests."

The SPEAKER. Is the demand for the regular order withdrawn?

Mr. EZRA B. TAYLOR. It is.

The SPEAKER. If there be no objection to the present consideration of the resolution, the question is on its adoption.

Mr. ROGERS, of Arkansas. I object.

Mr. SPRINGER. Will the gentleman withhold his objection to allow me to give an explanation?

Mr. ROGERS, of Arkansas. I withhold the objection for that purpose.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] will be recognized to make a statement, the right to object to the consideration of the resolution being reserved.

Mr. SPRINGER. This resolution is accompanied by a report from the Committee on Expenditures in the Department of Justice. That report is on the Speaker's table, and is made in reference to a letter sent to this House and referred by the House to that committee, in which the Postmaster-General advises the House that it would be against the public interest to publish certain parts of this correspondence and information. With a view to respond to the suggestion of the Postmaster-General, the Committee on Expenditures in the Department of Justice have instructed me to report this resolution.

The resolution simply asks the Postmaster-General to withhold such parts of that information as would, if published, be detrimental to the interests of the Government. There are numerous cases in the Post-Office Department in reference to the amounts that may be recovered of individuals for overcharges in the postal service. Those cases contain briefs of the names of witnesses, what they will testify, and where they reside. It was thought by the Postmaster-General that if this information was given to the public it would greatly embarrass the officers of the Government in their endeavors to recover the amounts which the Government expects to recover in those cases.

Mr. BROWNE, of Indiana. As I understand the gentleman, if these facts are published it will simply advise parties and witnesses what is to be apprehended, and will give them an opportunity of getting out of the way of the process of the court.

Mr. SPRINGER. That is the statement of the Postmaster-General, and in view of that fact the Committee on Expenditures in the Department of Justice have recommended the adoption of the resolution which has been read. I hope the gentleman from Arkansas [Mr. ROGERS] will withdraw his objection.

Mr. ROGERS, of Arkansas. I regret that I can not withdraw my objection. I have had sufficient conference this morning with the chairman of the Committee on the Post-Office and Post-Roads [Mr. MONEY], which committee reported this resolution to the House through me, to know that if he were present he would antagonize this resolution for reasons entirely satisfactory to himself. For that reason I can not, in his absence, consent to the introduction of this resolution.

Mr. SPRINGER. Will the gentleman consent to have the resolution introduced and referred to the Committee on Expenditures in the Department of Justice?

Mr. ROGERS, of Arkansas. I can not consent to that, in the absence of the chairman of the Committee on the Post-Office and Post-Roads.

The SPEAKER. Objection being made, the resolution is not before the House.

The gentleman from Arkansas simply by his right to object, without specifying a reason, prevented the consideration of the gentleman's resolution.

The objection of the gentleman from Arkansas carried the resolution of the gentleman from Illinois [Mr. SPRINGER] over until February 11, when he offered it. I read from the RECORD of the 12th of February:

STAR-ROUTE FRAUDS.

Mr. SPRINGER also submitted the following resolution of inquiry; which was read, and referred to the Committee on Expenditures in the Department of Justice:

"*Resolved*, That the Postmaster-General, in complying with the request of the

House of Representatives contained in the resolutions of inquiry adopted on the 17th of January, and also of the resolution adopted on the 30th day of January, in reference to the correspondence between the Department of Justice and the Post-Office Department touching the prosecution of persons charged with frauds in connection with the star-route mail service and the reports of special agents of the Post-Office Department relating thereto, is requested to withhold certain such parts of the papers called for the publication of which in advance of the commencement of suits may be and probably would be detrimental to public interests."

I have given to the House the complete history of these two resolutions asking for the same information, and which have justified the Postmaster-General in writing two letters informing the House that the records and reports asked for "might and probably would be detrimental to the public interests if published."

Mark, Mr. Speaker, to what extent the official declaration made by the Postmaster-General upon a knowledge of the contents of the records has impressed itself upon the two committees. The Committee on Expenditures in the Department of Justice has unanimously resolved in reporting the resolution back to the House that the Postmaster-General be requested to withhold certain and such parts of the papers called for the publication of which in advance of the commencement of suits may be and probably would be detrimental to the public interest.

What effect has the statement of the Postmaster-General had upon the action of the Committee on Post-Offices and Post-Roads? One should naturally suppose the same as upon the Committee on Expenditures in the Department of Justice. Not so, however. I believe I make no unparliamentary utterance when I submit that the resolution reported to-day by the chairman of the Committee on the Post-Office and Post-Roads comes into the House by simply one majority. It was considered upon two distinct occasions and two votes were taken, and each resulted in but one majority. Let me ask, Is the Committee on the Post-Office and Post-Roads at this time, either by its own action or by reference of this House, considering any question relating to the recent star-route trials, investigations, or the expenditure of public money in connection therewith? I know something of the business of the committee, and I am sure it is not. The House is not looking to the Post-Office Committee for information upon this subject, but, on the other hand, the Committee on Expenditures in the Department of Justice has this star-route-trial investigation and expenditures of public money directly under it, and the House and the country know they are entering into a thorough, complete, and searching investigation, with permission to sit during the session of the House.

That committee says to the House, "We will not take the responsibility of asking for the information and records that the Postmaster-General says 'if published might and would be detrimental to the public service.'" The Committee on the Post-Office and Post-Roads comes back to the House and through its chairman to-day asks for the important records, without to my mind giving one good reason for their use when the committee may receive them.

The resolution under which this information has been asked did not originate with the Committee on the Post-Office and Post-Roads. It came from the gentleman from New York [Mr. BEACH] January 17 and was referred to the committee. I am like the gentleman from Indiana [Mr. PEELLE]. I have never known the reason for or the results to be accomplished by the use of this information until a few moments since, when the chairman of the Committee on the Post-Office and Post-Roads announced it to the House in these words:

The Committee on the Post-Office and Post-Roads is now considering a bill to regulate the carrying of mails on star routes. It is important that the information secured by special agents be before it, that the Government may be benefited by the proposed legislation.

I challenge this statement of the honorable chairman that the information is needed or required in the consideration of the bill now before the committee, covering the question as specified in the gentleman's bill "to regulate the letting of mail contracts."

The gentleman from New York [Mr. BEACH] for purposes of his own, which I have no right and do not mean to impugn or inquire into, submitted the resolution to this House on January 17. After it had been before the committee twice it is reported back, but in no discussion before the committee was the question "to regulate the letting of mail contracts" ever submitted to the consideration or examination of the committee. Remember, the gentleman from New York [Mr. BEACH] introduced his resolution on the 17th of January last. The Committee on the Post-Office and Post-Roads had reported it back to this House with a favorable recommendation, notwithstanding the statement of the Postmaster-General, before the bill the gentleman refers to ever was before the Committee on the Post-Office and Post-Roads. The gentleman never introduced his bill, a copy of which I hold in my hand, until February 4, 1884; and in this report to-day we find that for the first time this information asked for last January by the gentleman from New York [Mr. BEACH] is necessary for the consideration of this bill introduced on February 4 by the gentleman from Mississippi [Mr. MONEY].

I am familiar with the gentleman's bill of February 4, and he well knows that all the information necessary to a complete and full discussion of its several propositions can be obtained at the Department without asking for records, which, if "published, might be detrimental to the public interest."

Why does the resolution call only for reports of special agents for 1881? Why does not the gentleman chairman of the Committee on the Post-Office and Post-Roads want those for 1880, or 1882, or 1883, or 1879? Why does he ask only for those of 1881, and when the Postmaster-General tells you "it would be detrimental to the public service" to give that information?

Why is that particular information necessary for the consideration of the bill introduced by the gentleman on February 4, 1884?

Would not the special agents' reports for some other year give the gentleman from Mississippi the required information for an intelligent examination of the proposed legislation? Must he have these important records for 1881—these and none other? I can understand that Mr. BEACH, the gentleman from New York, wants the reports for 1881, because he specially in his resolution asks for them; but as the committee simply desires to gain information for the consideration of a bill before it, I can not understand why information can not be asked from the Department that will not be detrimental if published to the public interests. I am of opinion that if the gentleman from New York had asked for the report of special agents for any other year than 1881 the committee would have thought that was the information it wanted.

Mr. REESE. May I ask the gentleman a question?

Mr. BINGHAM. Certainly.

Mr. REESE. Do not you know it to be true that that reason was given when this resolution was last considered by the committee?

Mr. BINGHAM. What reason?

Mr. REESE. That it might be important to get this report and that it would disclose something to aid the committee in its labors.

Mr. BINGHAM. That might be said of any other subject whatever. The gentleman may say that anything he chooses would be important, but that is not the question here.

Mr. REESE. Was not that the reason given?

Mr. BINGHAM. The bill never had been read to the committee at that time. We never knew the bill——

Mr. REESE. My question is whether in the committee-room at the time this resolution was agreed upon by the committee, if that reason was not given among others?

Mr. BINGHAM. Undoubtedly, that it might be necessary in the consideration of some bill covering that question. But that reason might be given with reference to any bill, and my question is, why, if that was the operative or governing reason with the committee, do you want the special agents' report for 1881 and for no other year?

Mr. MONEY. Does the gentleman want an answer to that question?

Mr. BINGHAM. I do.

Mr. MONEY. Then I will answer it with the consent of the gentleman from Georgia. It is because they were sent to investigate the very abuses so long demanding the public attention, and because they contained all the information concerning the question.

Mr. BINGHAM. The gentleman from Mississippi did not know what they contained. The only information the committee had upon the subject is the information of the Postmaster-General himself that they contained information if published that might and probably would be detrimental to the public service.

Mr. MONEY. I suppose when a special agent is sent to investigate a matter that his report covers the whole ground.

Mr. BINGHAM. But, Mr. Speaker, the important fact in connection with this matter is that two committees of this House have asked the Postmaster-General for the same information. One of these committees has withdrawn its request, and the other committee, a committee not investigating into the star-route frauds, demands that this House shall insist upon obtaining from the Department this valuable information, and the only reason which is suggested by the chairman of the committee is that that information may be useful in the consideration of a bill which was never introduced until long after the special agents' reports for 1881 were called for by the gentleman from New York.

I trust this House will not ask an Executive Department of this Government for information which, we are informed by the officer in charge of it and acting with a wise discretion, in fact the only party knowing the contents of these original and valuable special reports, if published might and probably would be detrimental to the public service.

Mr. PEELLE, of Indiana. I now yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, in the conflict between the gentleman from Illinois [Mr. SPRINGER] and the gentleman from Mississippi [Mr. MONEY], chairman of the Committee on the Post-Office and Post-Roads, after having heard their statements, of course I must use my own judgment. If I understand the gentleman from Mississippi, he claims that this information is necessary to enable his committee to properly consider certain legislation touching the star-route service. If I understand my colleague from Illinois, he claims that this information should not be given because it would give notice to certain parties whom he apprehends have defrauded the Government of the facts and the names of the witnesses that might enable them to thwart the Government in its efforts to recover moneys from them fraudulently obtained.

Now, as to the position of the gentleman from Mississippi, I wish to say to him, after some considerable investigation in former years touching the star-route service and the law covering it, that long since I came to the conclusion that an economical star-route service lay more in the administration and the sound, economical discretion on the part of the

Postmaster-General and his subordinates than it does in the provisions of the law. For instance, for the year ending June 30, 1880—I read from the Postmaster-General's report—the star-route service cost $7,321,000, while in 1883, closing the 30th of last June, the star-route service cost $4,739,000, and there was more service by 1,927,000 miles in 1883 than there was in 1880, and yet the service cost $2,582,000 less than it did in 1880.

Now, I submit that this star-route service, under the wise and economical administration of the present Postmaster-General and his Second Assistant, is getting along satisfactorily. I apprehend, then, if the gentleman from Mississippi is not able to formulate and pass any legislation whatever at this session of Congress, that we will continue to have a praiseworthy, effective, and economical star-route service for the next year to come. I apprehend further, in view of the statements of my colleague from Illinois and his committee, that great harm may result to the Government if this information which the Department now holds was made public at this time. Therefore I say that I shall vote, if I get the opportunity, for the substitute of my colleague from Illinois rather than for the resolution proposed by the gentleman from Mississippi.

[Here the hammer fell.]

Mr. PEELLE, of Indiana. I think now about all has been said on this resolution that need be said.

Mr. SPRINGER. Will the gentleman from Indiana yield to me to move a substitute?

Mr. PEELLE, of Indiana. I yield to the gentleman from Illinois [Mr. SPRINGER], who desires to offer a substitute.

The SPEAKER. For how long?

Mr. PEELLE, of Indiana. For five minutes.

Mr. SPRINGER. I offer what I send to the desk as a substitute for the resolution reported by the Committee on the Post-Office and Post-Roads.

Mr. MONEY. I make the point of order that the gentleman can not offer a resolution now pending before the House as a substitute for the resolution reported by the Committee on the Post-Office and Post-Roads.

The SPEAKER. The Clerk will report the proposed substitute of the gentleman from Illinois.

The Clerk read as follows:

Resolved, That the Postmaster-General, in complying with the request of the House of Representatives contained in the resolutions of inquiry adopted on the 17th of January, and also of the resolution adopted on the 30th day of January, in reference to the correspondence between the Department of Justice and the Post-Office Department touching the prosecution of persons charged with frauds in connection with the star-route mail service, and the reports of special agents of the Post-Office Department relating thereto, is requested to withhold such parts of the papers called for the publication of which in advance of the commencement of suits may be and probably would be detrimental to public interests.

Mr. SPRINGER. Does the gentleman from Mississippi desire to make a point of order upon the proposed substitute?

The SPEAKER. The Chair understands the gentleman from Mississippi to make the point of order that this is in substance the same if not identical with the resolution now pending, heretofore offered in the House and referred to the Committee on Expenditures in the Department of Justice. That is a question of fact which the Chair can only ascertain by inspection of the paper. But the gentleman from Illinois [Mr. SPRINGER] can state what is the fact.

Mr. SPRINGER. I will state this is precisely the text of the resolution which I introduced in the call of States on Monday a week ago and which was referred to the Committee on Expenditures in the Department of Justice. I will state further that that committee has authorized me to report this resolution back with a recommendation that it do pass. That is the state of the facts. I have not had the opportunity of making such report up to this time and have not so reported. The resolution which I have offered as a substitute is the text of a resolution which has been referred and has not yet been reported to the House. I offer it now as an independent proposition.

The SPEAKER. Is it in substance the same?

Mr. SPRINGER. It is. But the Chair will observe the rule provides it is not in order to move as an amendment a bill that is pending; but if my recollection be correct there is nothing in the rule as to a resolution.

The SPEAKER. The Chair will cause the rule to be read.

Mr. REESE. Does the gentleman from Illinois offer this as a substitute on his own individual motion or as chairman of the Committee on Expenditures in the Department of Justice?

Mr. SPRINGER. I offer it on my own responsibility now because I have not the floor to report it from the committee. As the matter is also in charge of another committee, I think the House had better settle the whole matter at this time.

The SPEAKER. The Clerk will read clause 4 of Rule XXI.

The Clerk read as follows:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

The SPEAKER. The gentleman from Illinois will see——

Mr. SPRINGER. I see the point of order is well taken, and will withdraw what I proposed to offer as a substitute; but I will state to the House after there has been a vote on this proposition, if it be voted down, I will immediately ask the floor to make a report from the committee of which I am chairman and will report that resolution back.

Mr. PEELLE, of Indiana. I yield the floor to the gentleman from Mississippi [Mr. MONEY], understanding that he desires now to close the debate.

Mr. BEACH. I rise to a question of privilege. I was absent from the House a few moments during the speech of the gentleman from Pennsylvania [Mr. BINGHAM] and on my return I was told by a member on this side of the House that he had in his remarks impugned my motives in the introduction of this resolution.

Mr. BINGHAM. Will the gentleman from New York permit me to say that the gentleman from Pennsylvania said just the reverse? I said I did not impugn the motives or the purposes of the gentleman. I only mentioned the gentleman's name with reference to the introduction of the resolution—nothing else.

Mr. MONEY. I yield five minutes to the gentleman from Arkansas [Mr. ROGERS].

Mr. ROGERS, of Arkansas. I have very little to say on this subject. I can assure you, Mr. Speaker, and the distinguished gentleman from Iowa [Mr. KASSON] that it is with very great diffidence that I would call in question any view that the gentleman from Iowa [Mr. KASSON] on this floor might express with reference to the Constitution. I am not quite sure that I caught the language of the distinguished gentleman from Iowa, and wish I had it before me now. But what I understood him to say was that the right of the President of the United States to refuse information to the House of Representatives when called for by them springs out of some provision of the Constitution.

Mr. KASSON. Not exactly that.

Mr. ROGERS, of Arkansas. Will the gentleman be good enough to state it again?

Mr. KASSON. What I said was that under the Constitution of the United States the three branches of the Government had each an independent jurisdiction of its own; that one branch of the legislative body alone had no authority by its action to control the action of the executive branch of the Government or of the judicial branch of the Government; and that therefore it had been the uniform practice to recognize the right of the executive to exercise its own discretion when asked by the House for information, and to decline it, if necessary, on the ground of the public interest. Hence the introduction into our resolutions of the phrase "if not incompatible with the public interest."

Mr. ROGERS, of Arkansas. I think I understand the gentleman from Iowa now, and I shall not antagonize that principle—that is, so far as he has gone. What I was about to say is this, that my understanding of the history of the origin of this matter of introducing into resolutions the words "if not incompatible with the public interest" is that it grew out of the foreign relations of the Government. Now, Mr. Speaker, it does not follow, it is not a *sequitur*, because the President of the United States or because the executive branch of the Government is an independent branch of the Government, that when Congress makes a polite request, when it repeats a request it has already made, or when it asks the President for information it believes to be of interest to the Government—it does not follow because he has the right to refuse giving the information that he will undertake to exercise that right.

Mr. KASSON. Not "Congress," but the House of Representatives, a part of Congress.

Mr. ROGERS, of Arkansas. The House of Representatives. I say it does not follow that when the House of Representatives calls for information which it believes should be given the Executive will undertake to exercise that right.

Having said that much, perhaps it was the duty of the executive branch of the Government, if it believed that the publication of this information would be incompatible with the good of the public service, to so inform the House. On the other hand, it is the duty of the House, if we believe that this information should be given us, to still insist upon his complying with the resolution which we have adopted. And let him refuse, if he thinks proper.

In this connection I have only to state in a different form one or two other propositions which have already been put by the gentleman from Mississippi [Mr. MONEY]. In the first place, all can see that nothing has resulted from the star-route prosecutions except the exposure of some of the men engaged in the illegal transactions. Every other result has been but a detriment to the Government, costing it nearly a half a million of dollars and a national scandal. Nobody has been punished, and nothing accomplished except exposure.

I say that gentlemen upon the other side of the House representing the party having control of the executive branch of the Government, as well as the Postmaster-General, and certainly the Attorney-General, ought to thank us if we take from them this shirt of Nessus—if we relieve them from any further responsibility on this subject.

The country will congratulate us, I am sure, for it is sick already of the star-route business and has no faith in the prosecutions.

I believe, Mr. Speaker, that it is better, wiser, safer for the country that Congress avail itself of all possible information on that subject and mature such legislation as will tend to prevent a repetition of the star-route frauds, such legislation as will stop any further jobbery, even if it results in stopping civil prosecutions, which the history of the star-route business does not encourage us in believing will ever result in the

recovery of one dollar; exposure will be the only satisfaction ever realized. I for one say now that I am willing to assume my share of the responsibility attaching to the passage of this resolution.

Mr. MONEY. I now yield one minute to the gentleman from New York [Mr. ROBINSON].

Mr. ROBINSON. One minute will be too much. I shall not trespass upon the courtesy of my friend from Mississippi [Mr. MONEY] further than to say that this idea which we have got into is not a republican but a monarchical idea; and no matter how hoary and antiquated it may be, it should be stamped out of our proceedings. I should be happy at any time, if an opportunity should be given me, to discuss the matter with my distinguished friend from Iowa [Mr. KASSON].

Mr. KASSON. And I should be happy to refer the gentleman to some patriots of great distinction in connection with the question of Jay's treaty, in the time of President Washington, referred to by the gentleman from Pennsylvania [Mr. BINGHAM] this morning.

Mr. MONEY. It is not my desire in any manner to coerce the executive branch of this Government, and I do not think we have the power. But I simply desire to insist upon the production of these papers, because the Postmaster-General intimates that he will produce them upon the second call. He says that he has them in readiness, so that there may be no delay in their transmission to the House should a second demand be made.

It is not a question of antagonism between the executive and legislative branches of the Government, as stated by the gentleman from Iowa [Mr. KASSON]. It is simply that the House in its discretion insists upon the production of these papers, not believing the reason given for withholding them to be sufficient.

No gentleman need think that because we ask for these papers we intend to publish them in the newspapers of the land. This information is asked for the use of the committee. I insist that the committee having charge of this subject is perfectly competent to take care of any papers that may be furnished them and to withhold from the public any information the publication of which might be detrimental to the interest of the Government. We are as much concerned for the public interest as any member of this House or as any officer of the executive department.

Mr. HARDEMAN. May I interrupt the gentleman for a question?

Mr. MONEY. Certainly.

Mr. HARDEMAN. I understand that the information called for is from the Postmaster-General.

Mr. MONEY. That is so.

Mr. HARDEMAN. And relates to the star routes.

Mr. MONEY. Yes; reports of the special agents on the star routes.

Mr. HARDEMAN. Then I would like to know what authority any other committee has to interfere with the matter.

Mr. MONEY. That is more a question of propriety than anything else; they are their own judges of what they think to be proper. It is unnecessary for me to say anything more on this subject, and I therefore demand the previous question on the adoption of the resolution reported from the committee.

The previous question was ordered.

Mr. PEELLE, of Indiana. To avoid the consumption of time, I will call for the yeas and nays in the first instance.

The yeas and nays were ordered, there being 66 in the affirmative—more than one-fifth.

The question was taken; and there were—yeas 148, nays 106, not voting 66; as follows:

YEAS—148.

Aiken,	Dibrell,	Kleiner,	Rogers, J. H.
Alexander,	Dockery,	Lamb,	Rogers, W. F.
Arnot,	Dorsheimer,	Lanham,	Seymour,
Bagley,	Dowd,	Le Fevre,	Shaw,
Ballentine,	Duncan,	Lewis,	Shelley,
Barbour,	Dunn,	Lore,	Skinner, T. G.
Barksdale,	Eaton,	Lovering,	Slocum,
Beach,	Eldredge,	Lowry,	Snyder,
Belmont,	Elliott,	McAdoo,	Spriggs,
Bennett,	Ermentrout,	McMillin,	Stevens,
Blackburn,	Evins, J. H.	Matson,	Stewart, Charles
Bland,	Fiedler,	Maybury,	Stockslager,
Breckinridge,	Follett,	Miller, J. F.	Storm,
Broadhead,	Foran,	Mills,	Sumner, D. H.
Buchanan,	Forney,	Mitchell,	Taylor, J. M.
Buckner,	Fyan,	Money,	Thompson,
Budd,	Geddes,	Morgan,	Throckmorton,
Cabell,	Gibson,	Moulton,	Tucker,
Caldwell,	Glascock,	Muldrow,	Tully,
Campbell, Felix	Graves,	Muller,	Turner, H. G.
Carleton,	Green,	Murphy,	Turner, Oscar
Cassidy,	Halsell,	Mutchler,	Vance,
Clardy,	Hancock,	Neece,	Van Eaton,
Clay,	Hardeman,	Nicholls,	Ward,
Clements,	Hatch, W. H.	Oates,	Warner, Richard
Cobb,	Henley,	Paige,	Wellborn,
Collins,	Herbert,	Patton,	Wemple,
Converse,	Hewitt, G. W.	Pierce,	Wilkins,
Cosgrove,	Hoblitzell,	Peel, S. W.	Williams,
Covington,	Holman,	Post,	Willis,
Cox, S. S.	Hopkins,	Pryor,	Wilson, W. L.
Cox, W. R.	Houseman,	Randall,	Winans, E. B.
Crisp,	Hurd,	Reagan,	Wise, G. D.
Curtin,	Jones, J. H.	Reese,	Wolford,
Davidson,	Jones, J. T.	Riggs,	Wood,
Deuster,	Jordan,	Robertson,	Yaple,
Dibble,	King,	Robinson, W. E.	Young.

NAYS—106.

Adams, G. E.	Guenther,	Morey,	Spooner,
Barr,	Hart,	Morrill,	Springer,
Bayne,	Hatch, H. H.	Nelson,	Steele,
Bingham,	Haynes,	Nutting,	Stephenson,
Bisbee,	Hemphill,	Ochiltree,	Stewart, J. W.
Boutelle,	Henderson, D. B.	O'Neill, Charles	Strait.
Breitung,	Henderson, T. J.	Parker,	Struble,
Brewer, F. B.	Hepburn,	Payne,	Taylor, J. D.
Brewer, J. H.	Hitt,	Payson,	Thomas,
Browne, T. M.	Holmes,	Peelle, S. J.	Tillman,
Brown, W. W.	Horr,	Perkins,	Townshend,
Brumm,	Howey,	Peters,	Valentine,
Calkins,	James,	Phelps,	Van Alstyne,
Cannon,	Jeffords,	Poland,	Wadsworth,
Chace,	Johnson,	Potter,	Wait,
Culbertson, W. W.	Kean,	Price,	Wakefield,
Cullen,	Keifer,	Rankin,	Warner, A. J.
Cutcheon,	Kelley,	Ranney,	Weaver,
Dargan,	Lacey,	Ray, G. W.	Weller,
Davis, G. R.	Libbey,	Reed,	White, Milo
Dingley,	Long,	Rice,	Whiting,
Ellwood,	Lyman,	Robinson, J. S.	Wilson, James
Evans, I. N.	McCoid,	Rockwell,	Winans, John
Everhart,	McComas,	Rowell,	Worthington,
Finerty,	McCormick,	Ryan,	York.
Goff,	Millard,	Skinner, C. R.	
Greenleaf,	Milliken,	Smith,	

NOT VOTING—66.

Adams, J. J.	Davis, R. T.	Hutchins,	Pusey,
Anderson,	Dunham,	Jones, B. W.	Ray, Ossian
Atkinson,	Ellis,	Jones, J. K.	Rosecrans,
Belford,	Ferrell,	Kasson,	Russell,
Blanchard,	Findlay,	Kellogg,	Scales,
Blount,	George,	Ketcham,	Seney,
Bowen,	Hammond,	Laird,	Singleton,
Boyle,	Hanback,	Lawrence,	Stone,
Brainerd,	Hardy,	McKinley,	Sumner, C. A.
Burleigh,	Harmer,	Mayo,	Talbott,
Burnes,	Hewitt, A. S.	Miller, S. H.	Taylor, E. B.
Campbell, J. M.	Hill,	Morrison,	Washburn,
Candler,	Hiscock,	Morse,	White, J. D.
Connolly,	Holton,	Murray,	Wise, J. S.
Cook,	Hooper,	O'Hara,	Woodward.
Culberson, D. B.	Houk,	O'Neill, J. J.	
Davis, L. H.	Hunt,	Pettibone,	

So the resolution was adopted.

The following pairs were announced from the Clerk's desk:

Mr. RAY, of New Hampshire, with Mr. MORSE, until further notice.

Mr. CONNOLLY with Mr. WASHBURN, for the remainder of the present week.

Mr. FINDLAY with Mr. DUNHAM, for the remainder of the present week.

Mr. LAWRENCE with Mr. BOYLE, until further notice.

Mr. O'NEILL, of Missouri, with Mr. RUSSELL, until further notice.

Mr. HILL with Mr. WAKEFIELD, until further notice.

Mr. HAMMOND with Mr. KETCHAM, for ten days from the 14th instant.

Mr. SENEY with Mr. EZRA B. TAYLOR, until further notice.

Mr. TALBOTT with Mr. HARMER, until next Wednesday.

Mr. MURRAY with Mr. ANDERSON, for this day.

Mr. MORRISON with Mr. RUSSELL, for this day.

Mr. BLOUNT with Mr. MCKINLEY, for to-day.

Mr. JONES, of Wisconsin, with Mr. ATKINSON, on this question.

The result of the vote was announced as above stated.

Mr. MONEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPRINGER. I rise to make a privileged report. It is a report authorized by the Committee on Expenditures in the Department of Justice upon the same subject as the resolution just adopted. As the House has acted on the question, I ask merely that the report be printed and lie upon the table.

The Clerk read the following resolution, reported by the committee with a favorable recommendation:

Resolved, That the Postmaster-General, in complying with the request of the House of Representatives contained in the resolutions of inquiry adopted on the 17th of January, and also of the resolution adopted on the 30th day of January, in reference to the correspondence between the Department of Justice and the Post-Office Department touching the prosecution of persons charged with frauds in connection with the star-route mail service, and the reports of special agents of the Post-Office Department relating thereto, is requested to withhold such parts of the papers called for the publication of which in advance of the commencement of suits may be and probably would be detrimental to public interests.

The SPEAKER. If there be no objection, this report will be printed and lie upon the table.

There being no objection, it was ordered accordingly.

Several MEMBERS. Regular order.

ORDER OF BUSINESS.

Mr. SPRINGER. I ask unanimous consent——

The SPEAKER. The regular order has been demanded.

Mr. SPRINGER. I desire to present a resolution for the printing of evidence taken by the Committee on Expenditures in the Department of Justice. A number of persons who are affected by the evidence in some way desire to examine it, and the investigation is delayed very much by reason of the evidence not being in print.

The SPEAKER. Is the demand for the regular order insisted upon?

Mr. HATCH, of Missouri. I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports. But before proceeding with that business, the Chair, if there be no objection, will present several executive communications.

There was no objection.

MANUFACTURE OF HEAVY ORDNANCE.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the report of a board of Army and Navy officers appointed by me in accordance with the act of Congress approved March 3, 1883, "for the purpose of examining and reporting to Congress which of the navy-yards or arsenals owned by the Government has the best location and is best adapted for the establishment of a Government foundery, or what other method, if any, should be adopted for the manufacture of heavy ordnance adapted to modern warfare for the use of the Army and Navy of the United States, the cost of all buildings, tools, and implements necessary to be used in the manufacture thereof, including the cost of a steam-hammer or apparatus of sufficient size for the manufacture of the heaviest guns.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 18, 1884.

WAGES IN MANUFACTURING INDUSTRIES.

The SPEAKER also laid before the House a letter from the Acting Superintendent of the Census, transmitting, in response to a resolution of the House, a report of J. D. Weeks, special agent on wages in manufacturing industries, &c.; which was referred to the Committee on Labor, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CANDLER, indefinitely, on account of sickness.

To Mr. DIBRELL, for to-day, on account of illness.

To Mr. ATKINSON, for three days, on account of important business.

To Mr. BURLEIGH, for four days, on account of inportant business.

To Mr. SUMNER, of California, until Monday next, on account of important business.

To Mr. CONNOLLY, until Monday next, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. BELFORD, by unanimous consent, obtained leave to withdraw from the files, for reference to the Committee on Claims, all papers in relation to the claim of Albert G. Boone, there having been no adverse report.

CALL OF COMMITTEES.

The SPEAKER. The regular order is called for, and the committees will now be called for reports.

Mr. HATCH, of Missouri. I move to dispense with the morning hour for the call of committees for reports.

Mr. TUCKER and Mr. BAYNE. I hope not.

The SPEAKER. The noes have it.

Mr. HATCH, of Missouri. Division.

The House divided; and there were—ayes 48, noes 56.

So the motion was disagreed to, and the morning hour was not dispensed with.

CRIMINAL PROCEDURE.

Mr. TUCKER, from the Committee on the Judiciary, reported, as a substitute for H. R. 1577, a bill (H. R. 5252) to regulate criminal procedure in cases of crimes punishable by loss of life or liberty; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SOUTHERN JUDICIAL DISTRICT, CALIFORNIA.

Mr. BROADHEAD, from the Committee on the Judiciary, reported back favorably the bill (H. R. 1808) to detach certain counties from the United States judicial district of California and create the United States judicial district of Southern California; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MERCHANTS' NATIONAL BANK, NEBRASKA CITY.

Mr. BUCKNER, from the Committee on Banking and Currency, reported back favorably the bill (H. R. 4150) to change the name of the James Sweet National Bank of Nebraska City, Nebr., to that of the Merchants' National Bank of Nebraska City; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHICAGO COMMERCIAL NATIONAL BANK.

Mr. ADAMS, of Illinois, from the Committee on Banking and Currency, reported back favorably the bill (H. R. 4738) to authorize the increase of the capital stock of the Commercial National Bank of Chicago; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MESSALONSKEE NATIONAL BANK.

Mr. DINGLEY, from the Committee on Banking and Currency, reported back favorably the bill (H. R. 4779) to change the name of the West Waterville National Bank of Oakland, in the State of Maine, to that of the Messalonskee National Bank; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER WISHART.

Mr. SLOCUM, from the Committee on Military Affairs, reported back adversely the bill (H. R. 1421) for the relief of Alexander Wishart; which was laid upon the table, and the accompanying report ordered to be printed.

ERIE HOME FOR INDIGENT SOLDIERS.

Mr. BAYNE, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 1416) to authorize the Government of the United States to receive certain lands and property in the city of Erie, Pa., and to establish a home for indigent soldiers and sailors; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. SLOCUM, by unanimous consent, was granted leave to submit the views of the minority; which were ordered to be printed with the majority report.

SOCORRO GRANT.

Mr. COSGROVE, from the Committee on Private Land Claims, reported, as a substitute for H. R. 1708, the bill (H. R. 5253) to confirm private land claim No. 107, known as Socorro grant, in Socorro County, New Mexico; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PAYMENT OF OFFICE-RENT, ETC.

Mr. SKINNER, of New York, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for H. R. 2410, the bill (H. R. 5254) to amend section 3860 of the Revised Statutes allowing compensation to post-offices of the third class for office-rent, clerk-hire, &c.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIEUT. WILLIAM P. RANDALL.

Mr. THOMAS, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 773) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FORFEITURE OF CERTAIN LAND GRANTS.

Mr. PAYSON, from the Committee on the Public Lands, reported back with an amendment the bill (H. R. 181) to declare forfeited certain land grants to aid in the construction of a railroad in Oregon; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BOARD OF FISH COMMISSIONERS, MICHIGAN.

Mr. COBB, from the Committee on the Public Lands, reported back with a favorable recommendation the joint resolution (H. Res. 135) authorizing the Secretary of War to lease certain lands to the board of fish commissioners of the State of Michigan; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN S. FILLMORE.

Mr. COBB, from the Committee on the Public Lands, also reported, as a substitute for H. R. 1402, a bill for the relief of John S. Fillmore.

The SPEAKER. The original bill does not appear to be among the papers.

Mr. COBB. I will send the original bill to the desk. This bill is a substitute for the one referred to the committee.

The SPEAKER. But the substitute is an amendment, and this bill will take the place of the original bill.

The substitute (H. R. 5255) was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RELIEF OF CITIZENS OF OREGON, WASHINGTON, AND IDAHO.

Mr. STEVENS, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 1304) for the relief of citizens of Oregon, Washington, and Idaho who served in connection with the United States troops in the war with the Nez Percé and Bannock Indians and for the relief of the heirs of such as were killed in such service, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LANDS IN SEVERALTY TO CERTAIN INDIANS.

Mr. STEVENS, from the Committee on Indian Affairs, also reported back with amendments the bill (H. R. 1290) providing for the allotment of lands in severalty to the Indians residing upon the Umatilla reservation in the State of Oregon, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BUBLIC BUILDING, KEOKUK, IOWA.

Mr. PUSEY, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 483) for the erection of a public building at Keokuk, Iowa; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT PATERSON, N. J.

Mr. KEAN, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 3315) for the erection of a public building at Paterson, N. J.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, LA CROSSE, WIS.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 2912) for the erection of a public building at La Crosse, Wis.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT CHICAGO, ILL.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, also reported back with a favorable recommendation the bill (H. R. 3593) for the erection of a public building at Chicago, Ill.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN A. CROZIER.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1965) granting a pension to John A. Crozier; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEROY C. RANKIN.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4431) granting a pension to Leroy C. Rankin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGET SHERLOCK.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 439) granting a pension to Bridget Sherlock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported, as a substitute for House bills 2023, 2276, and 4281, a bill (H. R. 5256) for the relief of applicants, who were soldiers in the Union Army, for invalid pensions, to regulate proof in pension claims, and amend the invalid pension laws.

The SPEAKER. The Chair understands this bill to be reported in lieu of the three bills referred to?

Mr. MATSON. Yes, sir.

The SPEAKER. Does it provide an appropriation?

Mr. MATSON. It does not.

Mr. SPRINGER. Does it involve any expenditure of the public money?

Mr. MATSON. No, sir; it prescribes rules of evidence in pension cases.

The bill was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE OF BILLS.

On motion of Mr. BAGLEY, the Committee on Invalid Pensions was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Pensions, namely:

A bill (H. R. 2451) granting a pension to Phœbe H. Meech; and

A bill (H. R. 3959) amending and increasing the pension of Betsy Crandall.

On motion of Mr. BAGLEY, the Committee on Invalid Pensions was discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Claims, namely:

A bill (H. R. 1030) for the relief of Annie McCarthy, widow of George B. McCarthy; and

A bill (H. R. 2482) for the relief of the widow of George B. McCarthy.

WILLIAM M'KEAN.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported a bill (H. R. 5257) repealing an act entitled "An act for the relief of William McKean;" which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM P. VAN GORDEN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 2408) for the relief of William P. Van Gorden; which was laid on the table, and the accompanying report ordered to be printed.

ELLEN HORGAN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4164) for the relief of Ellen Horgan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN M'LAUGHLIN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3737) granting a pension to Ann McLaughlin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM J. BARKER.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 825) granting a pension to William J. Barker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS CHESHIRE.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, also reported a bill (H. R. 5258) granting a pension to Thomas Cheshire; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE H. LOSEY.

Mr. WINANS, of Michigan, also reported back the bill (H. R. 2283) for the relief of George H. Losey, and moved that the committee be discharged from the further consideration of the same and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

ADVERSE REPORTS.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 2302) for the relief of Louis Merrill; which was laid on the table, and the accompanying report ordered to be printed.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, reported back with adverse recommendations bills of the following titles; and the same were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4118) granting a pension to William L. Sloan;

A bill (H. R. 3812) to place Gilbert Hayford on the pension-roll; and

A bill (H. R. 2320) granting a pension to Thomas L. Kasson.

WILLIAM L. SLOAN.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3681) granting a pension to William L. Sloan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HELEN M. HARRISON.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2325) granting a pension to Helen M. Harrison; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LAURA C. P. HASKINS.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 2319) granting a pension to Laura C. P. Haskins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL J. BROWN.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back the bill (H. R. 2321) for the relief of Samuel J. Brown; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Pensions.

The motion was agreed to.

ALBERT O. LAUFMAN.

Mr. PATTON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1397) granting a pension to Albert O. Laufman, late second lieutenant Company A, Sixty-third Regiment Pennsylvania Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS E. WILSON.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2714) to increase

the pension of Thomas E. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEWIS LEWIS.

Mr. PATTON, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 4279) granting an increase of pension to Lewis Lewis; which was laid on the table, and the accompanying report ordered to be printed.

MRS. R. J. PIERCE.

Mr. FYAN, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 4141) for the relief of Mrs. Rebecca J. Pierce; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA R. WELLER.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back the bill (H. R. 3111) for the relief of Eliza R. Weller, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

The motion was agreed to.

CORNELIUS FITZGERALD.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 282) to reinstate Cornelius Fitzgerald on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES KING.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 267) granting a pension to James King; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. JAMES B. STEEDMAN.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1246) granting a pension to the widow of Maj. Gen. James B. Steedman; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES MUNROE.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2551) granting a pension to Charles Munroe; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH L. HARVEY.

Mr. HOUK (by Mr. MORRILL), from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 1491) granting a pension to Sarah L. Harvey, mother of G. B. Harvey; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MILLIA STAPLES.

Mr. HOUK (by Mr. MORRILL), from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1504) for the relief of Millia Staples; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN C. HUGHES.

Mr. MORRILL, from the Committee on Invalid Pensions, reported adversely the bill (H. R. 589) granting a pension to John C. Hughes; which was laid on the table, and the accompanying report ordered to be printed.

GEORGE W. CRANDAL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 2094) to rerate the pension of George W. Crandal; which was laid on the table, and the accompanying report ordered to be printed.

ALEXANDER M. CRUM.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported adversely the bill (H. R. 2034) for the relief of Alexander M. Crum; which was laid on the table, and the accompanying report ordered to be printed.

VIOLET CALLOWAY.

Mr. STOCKSLAGER, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 297) granting a pension to Violet Calloway; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JULIA SPENARD.

Mr. STOCKSLAGER, from the Committee on Pensions, also reported back the bill (H. R. 1583) granting a pension to Julia Spenard, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Invalid Pensions.

The motion was agreed to; and it was ordered accordingly.

JULIA A. ROSS.

Mr. YORK, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 5259) granting a pension to Julia A. Ross; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARTHA SEWELL.

Mr. YORK, from the Committee on Pensions, also reported adversely the bill (H. R. 821) granting a pension to Martha Sewell; which was laid on the table, and the accompanying report ordered to be printed.

ALBERT C. MURPHY.

Mr. TILLMAN, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 12) for the relief of Albert C. Murphy, late United States consul at the port of Shanghai, China; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

A. BURGESS, J. HALL, AND W. T. ROUNDTREE.

Mr. WARNER, of Ohio, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 3451) for the relief of Andrew Burgess, John Hall, and William T. Roundtree, of the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES R. HOWARD.

Mr. WARNER, of Ohio, from the Committee on Claims, also reported adversely the bill (H. R. 3423) for the relief of James R. Howard; which was laid on the table, and the accompanying report ordered to be printed.

F. G. SCHWATKA AND WIFE.

Mr. DOCKERY, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 264) for the relief of F. G. Schwatka and wife; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM L. WHITE.

Mr. DOCKERY, from the Committee on Claims, also reported with amendments the bill (H. R. 1297) for the relief of William L. White; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET FUHR.

Mr. VAN ALSTYNE, from the Committee on Claims, reported back adversely the bill (H. R. 2199) for the relief of Mrs. Margaret Fuhr, widow and tutrix of the minor heirs of Frederick Fuhr, deceased; which was laid on the table, and the accompanying report ordered to be printed.

PASSAGE OF OVERFLOW RELIEF BILL.

Mr. NEECE. I am directed by the Committee on Enrolled Bills to present the report which I send to the desk.

The SPEAKER (after examining the report). This resolution can be reported and go upon the Calendar. It can not be acted upon at this time.

Mr. NEECE. I would like to have it read.

The SPEAKER. It may be read.

Mr. NEECE. I would like to have the whole report read.

The SPEAKER. The report can not be read now. The resolution may be read in order to determine to what Calendar it should properly go.

Mr. NEECE. Then I ask for the reading of the resolution.

The SPEAKER. It will be read.

The Clerk read as follows:

Resolved, That the Committee on Enrolled Bills be instructed to inquire into and report the cause of the delay in forwarding to the President for his approval the joint resolution passed on the 11th instant appropriating $300,000 for the relief of sufferers from the floods of the Ohio River.

The SPEAKER. The resolution will be printed and referred to the House Calendar.

Mr. NEECE. I will withdraw the report for the present and offer it at a future time.

JAMES HOOPER.

Mr. MOULTON, by unanimous consent, reported back from the Committee on the Judiciary with a favorable recommendation the bill (H. R. 736) for the relief of James Hooper; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. HUNT.

Mr. CURTIN, by unanimous consent, reported back from the Committee on Foreign Affairs with a favorable recommendation the joint resolution (H. Res. 109) granting permission to William H. Hunt to accept a medal presented to him by the Emperor of Russia; which was

referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ARREST OF SEÑOR CARLOS AGÜERO.

Mr. CURTIN, by unanimous consent, also reported back from the Committee on Foreign Affairs with a favorable recommendation the following resolution; which was referred to the House Calendar, and the accompanying report ordered to be printed:

Resolved, That the President of the United States be requested to prevent the delivery of Señor Carlos Agüero, now in prison at Key West, Fla., and held for extradition on the demand of the Government of Spain under the treaty of extradition, until it shall be ascertained that the charges against him are true, and that he is not held for political offenses; and that the President be requested to direct the Attorney-General of the United States to have an investigation of the case made, and if it shall be found that the said Señor Carlos Agüero has been arrested for political offenses alleged to have been committed in the island of Cuba, that he cause such proceedings to be had in conformity with law as will prevent the extradition of the said Señor Carlos Agüero.

ORDER OF BUSINESS.

Mr. KEIFER. I rise to make a motion that the House resolve itself into Committee of the Whole House on the state of the Union, to take up the Military Academy appropriation bill. But before submitting that motion I yield to the gentleman from Kansas [Mr. RYAN], who wishes to make a request for unanimous consent.

INDIAN EDUCATION.

Mr. RYAN. I am instructed by the Committee on Appropriations to ask unanimous consent to take from the Speaker's table and put on its passage the joint resolution (S. R. 51) authorizing an expenditure of money for Indian educational purposes.

Mr. HATCH, of Missouri. I desire to ask whether, after this matter is disposed of, the Committee on Appropriations will then give way, that the bill now pending from the Committee on Agriculture may be taken up and completed.

Mr. RYAN. I understand that it is the purpose of the gentleman from Ohio [Mr. KEIFER] to bring forward an appropriation bill for consideration as soon as this matter is disposed of.

Mr. KEIFER. I hope to be able to bring up the Military Academy appropriation bill and dispose of it to-day.

Mr. HATCH, of Missouri. I hope the gentleman will not press that bill to-day, but let us proceed with and finish the bill which has been already under consideration by special order of the House. The Committee on Appropriations already has one bill pending in Committee of the Whole. It has been hung up after debate of an hour or so.

The SPEAKER. Does the gentleman from Missouri object to the request of the gentleman from Kansas?

Mr. HATCH, of Missouri. No; I do not desire to object.

There being no objection, the House proceeded to the consideration of the joint resolution (S. R. 51) authorizing an expenditure of money for Indian educational purposes; which was read a first and second time.

The joint resolution is as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of the Interior be, and hereby is, authorized to expend so much of the sum of $150,000 appropriated for the purpose of further instructing and civilizing Indian children dwelling west of the Mississippi River, &c., in an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1883, and for other purposes," approved May 17, 1882 (22 Statutes, page 86), as he may deem necessary, for the purpose of erecting, furnishing, and repairing such school buildings as are now in course of construction or for which contracts have been made.

The joint resolution was ordered to a third reading, read the third time, and passed.

Mr. RYAN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BENJAMIN F. POPE.

Mr. LAIRD, by unanimous consent, reported from the Committee on Military Affairs a bill (H. R. 5260) to confirm the title of Benjamin F. Pope to his office of assistant surgeon in the Army of the United States; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN ROBBINS.

Mr. LAIRD, by unanimous consent, also reported back from the Committee on Pensions with a favorable recommendation the bill (H. R. 254) granting a pension to John Robbins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT TROY, N. Y.

Mr. WEMPLE, by unanimous consent, reported back from the Committee on Public Buildings and Grounds with a favorable recommendation the bill (H. R. 1013) for the erection of a public building at Troy, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of the bill (H. R. 448) to fix the time for holding the terms of the circuit and district courts of the United States in the northern district of Iowa.

It further announced the passage of the following bills; in which concurrence was requested:

A bill (S. 643) for the relief of A. A. Thomas;

A bill (S. 539) for the relief of Francis B. Van Hoesen;

A bill (S. 465) for the relief of Mary L. Walker and Ella Walker;

A bill (S. 156) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia;

A bill (S. 1233) for the relief of Ellen Call Long and Mary K. Brevard;

A bill (S. 1033) giving a military record to Alexander Francesco, deceased; and

A bill (S. 690) for the relief of Mary A. Lewis, widow of Joseph N. Lewis.

IMPORTATION OF HOG PRODUCTS INTO GERMANY AND FRANCE.

Mr. REAGAN. Mr. Speaker, before the gentleman from Ohio moves to proceed to the consideration of the Military Academy appropriation bill I ask by unanimous consent that the message of the President transmitting a communication from the Secretary of State relative to the restriction upon the importation of American hog products into Germany and France be referred; that is, that so much of it as relates to our diplomatic relations be referred to the Committee on Foreign Affairs, and so much as relates to commerce to the Committee on Commerce. The gentleman from Pennsylvania [Mr. CURTIN], chairman of the Committee on Foreign Affairs, consents to that disposition of the message.

Mr. CURTIN. It has been ordered to be printed already.

The SPEAKER. The Chair hears no objection, and it is so ordered.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. KEIFER. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of proceeding to the consideration of the Military Academy appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. BLAND in the chair.

The CHAIRMAN. The House resumes the consideration of the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

Mr. KEIFER. I move by unanimous consent that bill be informally laid aside for the present, as the gentleman having charge of it does not wish to go on with it to-day.

The CHAIRMAN. The bill will be informally laid aside for the present.

Mr. KEIFER. I now move that the committee take up for consideration at this time the bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes.

The motion was agreed to.

Mr. KEIFER. I move by unanimous consent that the first reading of the bill for information be dispensed with.

There was no objection, and it was so ordered.

Mr. KEIFER. Mr. Chairman, I do not desire to discuss this bill in general debate. If there be any of the provisions of the bill which need explanation, that can be done under the five-minute rule. Of course if there are any gentlemen on the Committee on Appropriations who desire to debate it, I am not here to attempt to cut off that debate.

There is no new legislation, I may say to the committee, provided for in this bill.

The bill makes appropriation adequate to the general conduct and management of the Military Academy. The appropriations provided for are not as large as those of last year by $11,659. They do not reach the estimate submitted by $5,371.

The Committee on Appropriations have added $10,000 more for pay of cadets at the academy for the fiscal year ending June 30, 1885, than for the present fiscal year. In the opinion of the committee there will be more cadets at the academy during the coming fiscal year than during the present one in consequence of the increased number growing out of the fact that the present House has been increased. Some of the new members did not get cadets to the Military Academy for the present fiscal year.

Although under the statute one cadet is allowed to each Congressional district, the academy is not full. The total number provided by law at the Military Academy is three hundred and forty-four—one for each Congressional district, one for each Territory, one for the District of Columbia, and ten appointed by the President at large, making, as I have said, the total number three hundred and forty-four. There are now at the academy two hundred and seventy-nine. The bill provides for three hundred and fourteen—thirty less than the possible number,

nearly one-tenth less than there may possibly be at the institution. This difference is because it is certain there will be vacancies in appointments by members of Congress and in the appointments made by the President by death or resignation.

Now I yield for a question to the gentleman on my right [Mr. BELFORD].

Mr. BELFORD. I wish to inquire of my friend from Ohio whether it is not a fact that the number of cadets has been increased by virtue of the increased number of members of this House under the last apportionment, and if the appropriations are not being diminished?

Mr. KEIFER. That is not a fact, taking the whole scope of the question. The number of cadets at West Point is increased, of course, by the increased membership of this House.

Mr. BELFORD. But is it not also a fact that you are diminishing the appropriations?

Mr. KEIFER. I am trying to answer the question of the gentleman, if he will permit me. I have stated that there is an increase of the appropriation for the pay of the cadets for the fiscal year that this bill provides for over the present fiscal year, and that the amount of the increase is $10,000. There is no proposition to reduce the number of the cadets, and it is the purpose of the committee to appropriate just as much as is necessary for the cadets that may be there.

Mr. COBB. How many cadets are now in the institution?

Mr. KEIFER. Two hundred and seventy-nine are reported by the Adjutant-General of the Army.

Mr. COBB. We are entitled, then, to about three hundred and forty?

Mr. KEIFER. Three hundred and forty-four is the number, and the bill provides for the pay of three hundred and fourteen. If we do not reach that number, of course the money will not be used.

Mr. COBB. Will the gentleman allow me another question? Can he give any reason why it is that the number of cadets is so much smaller than the number fixed by the law?

Mr. KEIFER. I can give this general reason: that quite a number who are sent there from the different Congressional districts fail in the primary examination, and there is no time to appoint others within the period fixed by the law; others fail and are dismissed from the institution during the year; and in various ways the number is reduced.

Mr. COBB. Let me ask the gentleman if he has examined into the standard fixed by the board of examination, and whether or not it is not so high that no young man can enter the institution who has not had opportunities of a very high grade of education?

Mr. KEIFER. I can only say——

Mr. BELFORD. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BELFORD. I intend to hear what is going on in this House or prove myself an obstructionist to the business here. If I can not hear what gentlemen are saying on the other side of the House I propose to stop business until I can hear. I have not been fortunate enough to get a front seat. I have not heard a word the gentleman from Indiana has said, and I propose to hear what is being done so that I can act understandingly or else I will stop all business.

Mr. COBB. I am like the gentleman from Colorado; I can scarcely hear myself.

The CHAIRMAN. The Chair is endeavoring to preserve order on the floor.

Mr. KEIFER. I will try to make gentlemen hear my answer. The gentleman from Indiana desires to know whether I have examined into the standard of examination fixed for the admission of cadets. I can say that I have not carefully done so. I have not fully examined it in detail, but I believe it to be a high standard. I have an impression that it is a very severe examination and one that is perhaps hardly necessary. The standard of education required for the admission of cadets to that institution may be too high. But still, Mr. Chairman, that is not a matter with which the Committee on Appropriations has had to deal. We have not felt called upon to deal with it, and hence I can not say whether it is too high or not. But I wish to say, however, in answer to the inquiries of gentlemen, that a great many of these cadets fail, after they have been admitted and passed the ordeal of the preliminary examination, for various reasons, physical sometimes as well as mental.

Mr. ROSECRANS. I would like to ask the gentleman from Ohio a question.

Mr. KEIFER. Certainly.

Mr. ROSECRANS. Would a high standard of admission, in the opinion of the gentleman from Ohio, be likely to increase or diminish the number of persons who were afterward found deficient?

Mr. KEIFER. I will yield to the gentleman from California himself time enough to answer his own question if he will. He is competent to answer it himself, having been once a professor at that institution.

Mr. ROSECRANS. My impression is that the standard of admission is not the cause of the deficiency of numbers to which the gentleman has been alluding. I believe from what I know of the Military Academy in this respect that no matter what standard you may fix, under any standard there will of necessity always be men found to be deficient and leave the academy during the year; so that the number of persons at West Point will never be equal to the number fixed by the law for any great length of time.

Mr. TOWNSHEND. Will the gentleman from California allow me to ask him a question?

Mr. KEIFER. I did not yield the floor except to the gentleman from California for a question.

Mr. TOWNSHEND. I only wish to ask a question of the gentleman from California in this connection.

Mr. KEIFER. Very well.

Mr. TOWNSHEND. I know that the gentleman has had great experience in that institution as well as in other matters. Now, I wish to ask if the failures at the January examination, for instance, the January biennial examination, do not result from the fact that the period of time between these examinations is not long enough; that they crowd together in that institution studies in four years which, under ordinary circumstances and with the most of students, would require a period of at least six years to master them? I ask him whether that is not the reason why even those who are admitted on a primary examination sometimes fail?

Mr. ROSECRANS. If you give young men more time to acquire that kind of knowledge which is required between their admission and the January examination succeeding their admission, no doubt some would succeed in passing it who otherwise fail. But I doubt if these examinations really increase materially the number of failures. On the contrary, they tend rather to stimulate young men to renewed exertions; while it is also true that any additional number of examinations would not perhaps tend to increase the efficiency of the cadet so as to permit him to remain in the institution. I think there would probably be some under any system who, during the course of the year, would be found deficient.

Mr. COBB. If the gentleman from Ohio will pardon me a moment, I should like to say I understand that the principal study which is now carried on by the academy is mathematics; and however highly educated a student of that institution may be in every other branch, if he fails to have a very high mathematical standard, he fails in the institution and is turned out. What I say I know to be true.

The institution is not accomplishing what its founders intended. It is selecting men with peculiar minds, young men who have mathematical minds and nothing else, and they care for nothing else.

I have seen three of the most brilliant young men in my district, who had been examined by the best educators in it and pronounced competent in every branch, who have gone to West Point and been rejected. To-day my district is not represented there. And it is so in many other districts to my knowledge.

I say, therefore, this institution to-day under the present management is not meeting the wants and demands of the country, is not carrying out the object of its creation. And it ought to be hampered and brought down to the very lowest cent that will keep it going till those who are in charge turn their attention to the practical workings of the institution.

Mr. HORR. May I ask the gentleman a question?

Mr. COBB. Yes, sir.

Mr. HORR. What method do you take to select your candidates; do you select them by examination or do you select the men yourself?

Mr. COBB. They were selected by means of examinations. I stated that a moment ago.

Mr. HORR. And so selected, did they fail?

Mr. COBB. Yes, sir; and a Republican, too, at that.

Mr. KEIFER. That is extraordinary. [Laughter.]

Mr. COBB. A candidate selected by examination was perhaps the brightest young man in my district. He was a young man of high education, had taught in one of the high schools of his county, and three superintendents of public instruction, who to-day stand among the highest educators in my State, pronounced him entirely competent in every branch of education. He stood according to their standard ninety-nine, and yet he went to West Point and was rejected. I sent there two others perhaps equally competent as regards education, and they have been rejected. While I believe the young men in my district are as worthy, as competent, as bright in education as you will find them on the average throughout the West, I doubt if there is a young man in my district who can meet the standard set up there.

Mr. HORR. I do not doubt for a moment the statement of the gentleman from Indiana that when he submitted the candidates to the test of examination a Republican was selected; but I do doubt the gentleman's statement that he has not in his district any who can pass the examination of the Military Academy. While I concede the standard is high, I do not think it is higher than the good of the institution and the development of the service require.

Mr. COBB. I do. I differ with the gentleman as to that. I will further say I have tendered the nomination to nine young men in my district and they have all refused it. And why? Because they did not want to incur the expense of going there and then be subjected to the disgrace, as they feel it, of being rejected. I state this publicly, and I will take occasion at some future time of saying more upon this subject.

Mr. BEACH. Will the gentleman from Indiana yield to me for a moment?

Mr. COBB. I have no objection, if the gentleman from Ohio [Mr. KEIFER] is willing to yield. I have been occupying his time.

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. KEIFER. I only yielded to the gentleman from Indiana [Mr. COBB] for an inquiry and not for a continuous colloquy.

Mr. BEACH. I wish to ask only one question.

Mr. KEIFER. I yield to the gentleman from New York for a question.

Mr. BEACH. The question I propose to ask of the gentleman from Indiana [Mr. COBB]. That gentleman has made very general charges in regard to the rejection of candidates he had nominated for West Point. Now, it is well known when these candidates are rejected there is a cause for it, and that cause is assigned. Can the gentleman tell the House why the particular candidates he nominated were rejected? If he can, I should like to have him do so.

Mr. COBB. Yes, sir; the cause assigned was that they failed on mathematics. They did not happen to have the finest mathematical minds given to men. They had other qualifications; and some are naturally constituted mathematicians and some are not; and because a young man fails to have a mathematical mind he fails at that institution.

Mr. BEACH. I undertake to say if candidates have not mathematical minds they are unfit for that institution.

Mr. COBB. I did not mean to say what the gentleman implies. They did have a mathematical mind, perhaps superior to many others. But they were not superior to all other men in that respect. That is the point I make. I thank the gentleman from Ohio [Mr. KEIFER] kindly for his indulgence.

Mr. KEIFER. I do not think in the management of this appropriation bill, which is purely an appropriation bill, we are called upon to go into the question as to the standard of examination, or the standard of attainment rather, of these cadets. It may be a very proper thing to criticise if that standard is too high. There might be a very wide difference of opinion as to whether or not a young man who had no sort of taste or who had no sort of attainment in the matter of mathematics could ever become a good soldier, a good engineer officer, or an officer who would understand the general duties of a soldier in time of war or in time of peace.

I want to say for the superintendent of that institution now there, General Wesley Merritt, that he is a very accomplished man in every respect, doing to-day his duty toward this institution and doing his duty toward all the cadets in it. And I want to say there is a unanimous report, without regard to party, made by the board appointed by the President of the United States, by the President of the Senate, and by the Speaker of the last House of Representatives, recommending this institution, and especially the instruction given in it. Everything is highly commended in that report.

But we are dealing with the question of appropriation, and it is our duty to appropriate for those who are likely to be in this institution, to make provision for their comfort, for the purpose of promoting the course of instruction provided there.

Mr. BELFORD. Will the gentleman yield to me?

Mr. KEIFER. For how long?

Mr. BELFORD. A few minutes.

Mr. KEIFER. I will yield to the gentleman for five minutes.

Mr. BELFORD. I hope I may have the attention of the House for a moment or two. I regard this Military Academy at West Point as the incorporated tyranny of this country, governed by snobs, and supported by men in this House who are practically afraid to place restrictions on that institution.

Talk about educating men for the Army! Cæsar, the great Julius Cæsar—[laughter]. Hold on a moment. I say that the great Julius Cæsar, of whom Shakespeare declared that he was the noblest man in the annals of all time, never commanded a company until he was 46 years old. And have we had a general in this or any other country equal to him? Did the Senate of Rome make an appropriation for some West Point located on the Aventine Mount or at the end of the Appian Way, in which to educate Cæsar or Marius or Sylla or Pompey, or any other of the great generals of that day and generation?

Was General LOGAN of the State of Illinois, one of the best generals we had in the Union Army during the late war, educated at West Point? Was my friend General KEIFER, who fought gallantly through that war, educated at West Point?

The facts about the matter are just as have been stated by the gentleman from Indiana [Mr. COBB]. I represent the State of Colorado, and under the law I have a right to send a boy to this institution and one to Annapolis. I did send one to West Point three years ago, and to-day he stands at par and at a premium [laughter] in every class in that institution. I sent one to the Naval Academy last fall who had been critically examined in my State by a board of scholars and professors. He went down there, and because he could not tell just how many inches a belt should be in length to measure the circumference of this earth, he was refused admission.

Now if we are to support this beggarly and eleemosynary institution I propose we support it under such conditions as we may prescribe, and which the martinets of the Army can neither disregard nor overcome.

Mr. KEIFER. We have had some discussion of this bill and some characteristic remarks upon it. While I do not approve of all that has been said by any means, I may say generally that we are not now dealing with the question of perpetuating this institution.

I do not desire to continue the general debate any further, and of course I do not desire to cut it off if any gentleman thinks it will be profitable to prolong it.

Mr. ELLIS. I would like to ask the gentleman a question.

Mr. KEIFER. Very well.

Mr. ELLIS. Will my colleague on the committee inform us about what is the percentage of rejections on the preliminary or first examinations?

Mr. KEIFER. I am not able to tell that, because I have not gone into that matter. If the gentleman has information on that subject he can state it to the House.

Mr. COBB. I can tell the gentleman. The percentage of rejections is 200 per cent.

Mr. KEIFER. That can not be so.

Mr. COBB. That is my recollection.

Mr. ELLIS. The gentleman is sadly wrong in his figures, as wrong in his figures as he is in the line of his argument. The percentage of failures on the primary or preliminary examination is about 5 per cent., and the failures after one year are about 10 per cent.

Mr. COBB. The gentleman is egregiously mistaken, if he will allow me.

Mr. ELLIS. I have my own memory.

Mr. COBB. I will say to the gentleman——

Mr. ELLIS. And I have the floor.

Mr. COBB. I beg the gentleman's pardon.

Mr. ELLIS. I have the authority of the distinguished gentleman from California [Mr. ROSECRANS], who was long a professor in that institution.

Mr. ROSECRANS. The average number of the graduates at the end of four years is about 40 per cent.

Mr. ELLIS. I venture to say that this percentage of failures will not compare unfavorably with any great institution of the country; more especially with the three leading institutions of the country. Many of these rejections are on account of physical causes, not mental. When we know that there are two hundred and seventy-nine cadets there out of a possible three hundred and forty-four, we can see that the institution is pretty well filled. I hold that we ought to demand the very highest grade of scholarship there. These men are not intended for merchants, lawyers, book-keepers, or doctors. Mathematics! Why, sir, mathematics is the very life and essence of modern military education. The day when Andrew Jackson could get behind breastworks and with untutored soldiers repulse a charge; the day when Taylor and Scott with untaught volunteers could overthrow the armies of a nation—those days are gone. War is more and more a science. As weapons become more deadly, as inventions of war become more destructive, as long-range weapons are created, more and more is the science of war dependent upon calculations dealing with the most abstruse mathematical propositions.

Therefore a thorough and complete mathematical education is absolutely necessary for these men, to enable them to calculate distances, to construct military roads, in civil life to conduct the hydrographic, hydrostatic, and geodetic surveys of the country. These young men in those pursuits must deal with the most abstruse principles of mathematics. They should have an education above that of any other young men in this country.

Why, sir, our Army is but a handful of men. In case of war we would have to depend upon the magnificent volunteer spirit of the Americans. We would have to draw our officers from West Point; and the efficiency of our volunteer corps would depend upon the efficiency of the officers.

A nice condition of affairs it would be for Congress to attempt to prescribe the curriculum of West Point! It would be a beautiful curriculum after Congress had dealt with it a while! Let me tell my enthusiastic friend from Colorado [Mr. BELFORD] that the days of Julius Cæsar were at least forty or fifty years ago, and that Shakespeare is not a very authentic or reliable historian; that the Cæsarian mode of fighting has gone and gone forever.

Mr. BELFORD. Will the gentleman allow me a question?

Mr. ELLIS. Certainly.

Mr. BELFORD. The gentleman says that these men need a mathematical education?

Mr. ELLIS. Unquestionably.

Mr. BELFORD. Was Newton educated at West Point?

Mr. ELLIS. No.

Mr. BELFORD. Was La Place educated at West Point?

Mr. ELLIS. No.

Mr. BELFORD. Was Frederick the Great educated at West Point?

Mr. ELLIS. No.

Mr. BELFORD. Was Charles X of Sweden, who had achieved im-

mortality of fame before he was twenty-five years of age, educated at West Point?

Mr. ELLIS. No.

Mr. BELFORD. Well, is not the whole thing a humbug? [Laughter.]

Mr. ELLIS. I will state to the gentleman that so far as the two monarchs he has named are concerned they were educated at the best military schools of their time. I will tell the gentleman also that in our recent civil war the leading commanders who lived and succeeded in their military operations were Sherman and Grant, who, although in civil life at the time the war broke out, were both educated at West Point. These were the men upon whose banners at last perched the victory for the Union.

Mr. BELFORD. And you Democrats declared that Sherman was crazy.

Mr. ELLIS. And of the men on the other side who lived and succeeded, Johnston and Lee, although one was in civil life when the war broke out, were graduates of West Point.

Mr. Chairman, I may say here that the efficiency of our Engineer Corps in the last war saved to the United States, I believe, 100,000 lives. In the capture of those almost impregnable fortresses, Cerro Gordo, Molino del Rey, and Churubusco, and in that magnificent and victory-strewn march of Scott from Vera Cruz to the capital of Mexico, the brilliant triumph of the Army of the United States with the comparatively small expenditure of life was due to the efficiency of the Engineer Corps of the Army. If those officers had not been mathematicians carefully trained—engineers by their very education—they never would have wrought out those problems.

Mr. COBB. The gentleman will allow me to ask, does that detract from what I have said? I do not deny that the officers referred to were educated engineers, but the objection I have to this West Point examination and the manner in which it is conducted is that under this system the young men are not allowed to be educated, but are required to be educated before they go there. I admit that our officers should have a mathematical education before going into the service; certain branches of the service require it; but must a young man have this mathematical education before he is allowed to enter West Point? That is where he goes to be educated; he should not be required to be educated before he goes there.

Mr. ELLIS. Why, Mr. Speaker, has the gentleman informed himself as to the branches in which these young men are examined? They are reading, writing, and arithmetic not higher, I believe, than vulgar fractions. That is the extent of the education required for admission. They are not required to go into algebra or Euclid. The professors simply demand that a candidate shall be well versed and grounded in the elements of an ordinary English education.

Mr. COBB. But an examination is required in mathematics.

Mr. ELLIS. My information is that it does not go further than arithmetic.

Mr. COBB. Well, I will not make the assertion positively.

Mr. ELLIS. No doubt the gentleman can find in Indiana some young man well worthy to represent his district at that institution.

Mr. RANDALL addressed the Chair.

Mr. KEIFER. Does the gentleman from Pennsylvania desire some time?

Mr. RANDALL. Only a few moments.

Mr. KEIFER. I yield to the gentleman.

Mr. RANDALL. I desire to call the committee back to the consideration of the bill that is before us. These complaints, whether just or not, are inappropriate as leveled at this bill; they apply only to the administration of the institution, and that, whether proper or not, is not within the purview of the Committee on Appropriations, but belongs to the Committee on Military Affairs, who should bring in a bill correcting whatever is wrong. For myself, I believe that West Point should have the highest possible standard. The best intellects of the country should be sought out and placed there, so as to be useful to the country in the future. It happens we do not want a full academy just now. We would prefer to have only one-half the number graduated, but we want that half shall be the finest intellects which can be developed in the United States.

Mr. KEIFER. Mr. Chairman, I concur with the gentleman who has just taken his seat [Mr. RANDALL], chairman of the Committee on Appropriations, we should devote ourselves to the subject before the committee. I wish to say that not all of the officers of the United States Army are graduates of West Point; that while a great number of the officers graduated at West Point, still a large percentage of the officers of the United States Army were appointed from civil life. There is a considerable number of the officers of the United States Army, from general officers down, who have been selected from civil life. And during the war, when they say there were persons who came from civil life who did much toward the successful conduct of the war, I wish to say, having the right to speak from that standpoint, those who accomplished anything owed a great deal for it to the education they obtained during the war, directly or indirectly, from accomplished graduates of the Military Academy. We are a growing country, with a large population, and we are liable to have war again; so that the more we can diffuse this sort of education among our people by such an institution the better it will be for us. If we are prepared for war we are less likely to have it.

This country, Mr. Chairman, in the first century of its existence was engaged on an average one year out of six in war, excluding Indian wars from that calculation. It is a singular fact that one-sixth of the time in the first century of the existence of our country was years of war, and I do not speak of Indian wars.

But I do not propose to prolong this discussion myself, but will yield to other gentlemen.

Mr. COX, of New York. Will the gentleman yield to me for five minutes.

Mr. KEIFER. Certainly.

Mr. COX, of New York. Mr. Chairman, I would not prolong this discussion, especially when it antagonizes my friends on my left, who are having an animated conversation. [Laughter.] I would like to place on record this fact: that the money we give to West Point and Annapolis does not produce the proper percentage of education produced by other institutions. Of that I am satisfied; and I wish we could have some committee made up of intelligent men—I do not mean professors, but men with old-fashioned, homely gumption like you, sir [laughter]—to go to Annapolis or West Point to see to it our money is not wasted. Why, not one-third of the students who go to West Point are admitted. They scare them to death by some sort of examination. I wish I could tell all I knew in five minutes. I will not do it. [Laughter.]

Mr. HORR. Take fifteen.

Mr. COX, of New York. My friend from Colorado must have had some sort of inspiration to this business. [Laughter.] For, notwithstanding what may be said as to other matters, I do know that snobbery rules at West Point; not republicanism, not democracy, not old-fashioned ways at West Point now as when it graduated Grant and Slocum. We require a new deal, as something strange to the American people now controls at West Point.

I would desire, not on this bill, but some time hereafter, to have a committee named to investigate this whole business. The gentleman from Pennsylvania [Mr. RANDALL], the head of this committee, says truly that we have now to vote in committee for these appropriations. The Committee on Military Affairs have not proposed any changes in the law. All we can do now is to give our sanction to carry out the law as it exists. But I would propose hereafter, when the committee goes to West Point, that they will not go there to be wise and blind, and make a report utterly useless and senseless so far as it regards the real educational system we propose to practice at that institution.

[Here the hammer fell.]

Mr. KEIFER. I now yield five minutes to the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. Mr. Chairman, I agree with the gentleman from Louisiana in all that he says of the achievements of those who have gone out from West Point into our military service. I have before me now a declaration of General Scott which is a more fitting tribute to the utility of West Point in preparing the commanders and officers for the wars in which this country has been engaged than anything I can say.

General Scott said on one occasion that—

> I give it as my fixed opinion that but for our graduated cadets the war between the United States and Mexico might, and probably would, have lasted some four or five years, within its first half more defeats than victories falling to our share; whereas within less that two years we conquered a great country and a peace without the loss of a single battle or skirmish.

Now, Mr. Chairman, while I concur in what has been uttered in favor of sustaining this institution at West Point, I at the same time feel a strong sympathy with my friend from Indiana [Mr. COBB] in his suggestion that the high standard established there for the admission of cadets has worked disadvantageously to the sons of the poorer classes.

I have had difficulty in finding those who could pass the ordeal of examinations at West Point. During my six years in Congress I have made repeated efforts to secure the admission of candidates there. I failed in several attempts, notwithstanding I selected bright and well-educated young men in every instance. Some, after admission, preferred to leave the academy by resigning than to remain and endure the extraordinarily severe mental and physical training. I have a young man there now who I feel confident will remain and graduate with honors, but previous to his appointment those I had selected either failed in the preliminary examinations or resigned after a year or more experience because of the physical hardships or severe mental discipline required.

I am satisfied that there are two faults in regard to this matter: first, that the preliminary examination required for the admission of candidates is too high; and second, that the length of the term is too short. I believe that a very large percentage of the failures at West Point resulting in the examinations subsequent to the preliminary test is due to the fact that there is an attempt to crowd into four years' studies what in the natural course of things should be left to a period of at least six.

In looking over the branches in which a candidate is examined at the

preliminary examination you will find that they are considerably more than have been mentioned by the gentleman from Louisiana. They not only consist of an examination in reading, writing, orthography, and arithmetic, but grammar, composition, history, and other subjects, and the examination in these different branches is very thorough. In arithmetic the standard is high enough to require such a thorough knowledge as to render it unnecessary for further study in order that the candidate may take up at once the higher branches of mathematics. In history the examination is very thorough. The history of the United States especially must be most thoroughly understood, as the examination is very rigid.

I have been informed that a young man failed of admission because he could not give the name of the vessel upon which Columbus sailed when he made his famous voyage resulting in the discovery of America. They are required to know many other things like that which might even escape the recollection of a person well read in history. I am advised of another instance where a bright young fellow was kept out of the academy because he failed to spell some word correctly. Perhaps in both these instances other unimportant failures in examinations were found as well as those mentioned, due to a lack of opportunity for early instruction. Is a familiarity of such details necessary in a boy to qualify him for duty in the military service?

I want to see some reasonable standard of examination established. There is undoubtedly room for reform in this respect. I do not say that I am capable of accomplishing it; but I believe that if the examination was not so rigid, and if the term was lengthened somewhat, there would be more admissions from our Western States. It is a well-known fact, Mr. Chairman, that many of our poor but bright and able young men in the West do not enjoy the opportunity for training and educational acquirements that are within the reach of those who live East or those of more wealthy parents.

Mr. HENDERSON, of Illinois. Will the gentleman yield to me for a question?

Mr. TOWNSHEND. I have but five minutes, otherwise I should be glad to do so. I was informed by President Hayes and the then Adjutant-General of the Army that in their opinion the standard at the preliminary examination was too high and the term at West Point was too short. It precluded many of the young men who were appointed from the Western States and who had not had opportunities of such education as enabled candidates from the Eastern States to secure their admissions. Many of the wealthier class send their sons to Europe for preparation in the schools there to enable them to pass the ordeal of an examination for admission at West Point. Of course boys having such training will surpass those whose poverty or lack of opportunity prevent them from more thorough preparation. I sympathize, therefore, with the gentlemen from Colorado and from Indiana in their remarks that the standard ought to be lowered so that our young men in the West might be placed upon a par with the sons of those who live in more favored localities and who are able to secure the advantages of a thorough education, and that the sons of the poor as well as those of the rich may obtain admission and graduation at the national Military Academy. If this is not to be an aristocratic institution, a reform in this respect should be inaugurated.

[Here the hammer fell.]

Mr. HENDERSON, of Illinois. Will the gentleman from Ohio yield to me for a moment?

Mr. KEIFER. How much time?

Mr. HENDERSON, of Illinois. For a single remark.

Mr. KEIFER. I will yield to the gentleman one minute.

Mr. HENDERSON, of Illinois. I only want, Mr. Chairman, to say to my friends from Illinois [Mr. TOWNSHEND] and from Indiana [Mr. COBB] that if they have any trouble about getting their appointees into West Point from their districts I can furnish them with any number of young men from my district who will pass the examination required at that institution.

Mr. TOWNSHEND. One word in reply to my colleague from Illinois. I would infer from what the gentleman has stated that the board at West Point has perhaps extended favors and leniency to young men from that gentleman's district that it has not extended to young men from my district.

Mr. BEACH. They do not extend any favors at all.

Mr. LYMAN. Will the gentleman from Ohio [Mr. KEIFER] yield to me?

Mr. KEIFER. How much time?

Mr. LYMAN. Half a minute. I would like to ask my friend from Illinois [Mr. TOWNSHEND], simply for my own information, on what system he makes appointments?

Mr. TOWNSHEND. I have adopted the competitive-examination system.

Mr. SPRINGER. In accordance with the principles of civil-service reform.

Mr. TOWNSHEND. And I find it works well.

Mr. LYMAN. If the candidates are selected according to the principles of civil-service reform they will go in every time.

Mr. TOWNSHEND. Many of the cadets who pass the preliminary examination fail subsequently, because of the very severe tax upon them in consequence of crowding upon them studies which should occupy a much longer period than that allowed by law.

Mr. KEIFER. It may have been very well for this discussion about the standard of attainment required to have gone on for a while. But I think we have had enough of it. I ask that the bill be now read by paragraphs for amendment under the five-minute rule.

The Clerk proceeded to read the bill by paragraphs for amendment, and read the following:

For pay of eight assistant professors, in addition to pay as first lieutenants, $4,000.

Mr. BELFORD. I move to strike out the last word.

I have listened with great interest to what has been said on the other side of this House by distinguished gentlemen with reference to the Military Academy at West Point, and I am glad it has been suggested by the gentleman from New York that when the wining and dining, serenading and dancing parties go out from this House—

Mr. SPRINGER. I rise to a question of order. I can not hear what the gentleman from Colorado says.

Mr. BELFORD. I can not hear it either. [Laughter.]

The CHAIRMAN. The committee will come to order.

Mr. BELFORD. I was saying it was of absolute importance to this nation that when the Congressional committee visits this academy supported by national aid, instead of wining and dining and serenading and dancing, they give this institution some special attention. I aver it to be a fact, and I challenge contradiction on that subject, that if I have a son at West Point and go there to visit him and put up at a first-class hotel, the military autocrats of that institution will not allow my son to call on me or his mother. That is the spirit of the institution.

Mr. STEELE. Will the gentleman allow me——

Mr. BELFORD. I have not time.

Mr. STEELE. The gentleman gives a challenge and will not allow an answer.

Mr. BELFORD. I make the statement and I challenge contradiction.

Mr. STEELE. I contradict it.

Mr. BELFORD. I accept your contradiction as an honorable man; but still the fact remains eternal as the foundations of the earth. [Laughter.]

Mr. STEELE. If the gentleman will give me time——

The CHAIRMAN. Does the gentleman from Colorado yield?

Mr. BELFORD. I can not give up my time to the gentleman.

I say it is time for the Congress of the United States, which votes hundreds of thousands of dollars every year to keep that institution going, to institute some inquiry in reference to the manner in which it is being conducted. We know that in the Forty-sixth Congress when a colored boy was sent to that school, representing as he did at least five millions of people, they hazed him because God had made his face black instead of white. I therefore say that the professors are snobs and the scholars are aristocrats, and for such people we ought to make no appropriation at all.

Mr. STEELE. Mr. Chairman——

Mr. BELFORD. Hold on. I am not through yet.

What I desire to call the attention of the House to, if I have got the time, is this: We ought to have a preliminary school at West Point where we can educate candidates that are sent from our various States. Educate them there for two years, fit them for the academy, and at the end of two years they are on the highway to military enlightenment. That is the wise and judicious thing for this Congress to do. But we will never accomplish a result so wise and beneficent as that until we send some gentlemen to West Point to examine the details and operations of that institution who have not got swallow-tailed coats and canary neck-ties. [Great laughter.]

Mr. KEIFER. I propose in a moment or two to ask the committee to rise. Meanwhile I yield two minutes to the gentleman from Indiana [Mr. STEELE].

Mr. STEELE. The gentleman from Colorado [Mr. BELFORD] is always edifying, and what he says is always to the point. But he would only have us believe there is as much truth in what he has just stated as there was in his statement when he said a few days since that he paid the postage on a hundred letters with 50 cents, or when he claims that he gets up in the morning at 5 o'clock and sets about answering one hundred letters a day.

Mr. BELFORD. If the gentleman doubts it let him come round and see me.

Mr. STEELE. I say it is one of the grand institutions of the country; and the only fault the people who are familiar with its workings find with it is that there are not more graduates sent abroad every year in the country to different avocations in civil life, but ready for war should their services be required, than there are. There are too many professors and officers for the number of graduates.

Mr. LAIRD. Will the gentleman yield to me——

Mr. STEELE. I have but two minutes and can not yield.

That is the one fault of the institution. The people of this country owe it much. Notwithstanding there are many volunteers on this floor who think they did about all in putting down the late war, I venture to assert that if we had had ten times as many men graduated from this

academy as we had when war came to have distributed among the volunteer regiments of the North we would not to-day have so many graves filled with men because the officers who commanded them did not know how to take care of them. There never was better material for officers or soldiers than we had in the volunteer army, but they did not know how to take care of themselves or to drill, manage their camps or cooking until they had bought the knowledge by dear experience, and there were more deaths at the commencement of the war from the want of this knowledge on the part of volunteer officers than there were from any other cause. The officers and soldiers of that war are now physically incapacitated for war as a rule; let us, therefore, be prepared better when our sons or their boys are called upon.

Mr. WARNER, of Ohio. If we had had as many officers in the Army from West Point as the gentleman suggests the war would have been going on yet.

Mr. STEELE. Oh, no; we had for our Northern army of over two millions of soldiers but few over two hundred officers of experience. I was a volunteer officer myself from May 2, 1861, to the close of the war, and our officers and soldiers during the last year were as efficient in every way as ever did battle; at the same time I know that there were a great many regiments, and in fact brigades, in 1861 and 1862 that were without any military training or teachers, and I do not think there is an ex-officer of volunteers here who will controvert the statement that we lost very much by it.

I will insert that part of the regulations of the academy which especially provides for allowing cadets to visit relatives and others, which will be found on page 72:

291. Written permits to visit their relatives and others at the hotel will be granted to cadets by the commandant of cadets; they must specify the time of the visit and the name and exact degree of relationship of the person on whom the cadet may wish to call; and no cadet shall go to the hotel at any time without such permission.

Mr. LAIRD. Will the gentleman from Ohio yield to me?

Mr. KEIFER. I can not give way further. I move that the committee rise.

The motion was agreed to; and accordingly, Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. BLAND reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House do now adjourn.

The motion was agreed to; there being on a division—ayes 155, noes 10.

And accordingly (at 4 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Papers relating to the claim of Susan D. Anderson, administratrix, &c.—to the Committee on Claims.

By Mr. BOYLE: Petition of citizens of Westmoreland County, Pennsylvania, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. BUDD: Memorial of the Chamber of Commerce of Seattle, Wash., for making said place a port of entry—to the Committee on Commerce.

Also, communication concerning a public building at the capital of California—to the Committee on Public Buildings and Grounds.

Also, resolution of the city council of Oakland, Cal., asking for a post-office building at Oakland—to the same committee.

Also, petition of the California Steam Navigation Company, relative to the improvement of the San Joaquin River—to the Committee on Rivers and Harbors.

By Mr. CONVERSE: Memorial of the Wool-Growers' Association of Iowa, relative to the tariff on wool, and asking for a restoration of the tariff of 1867; of Joseph Terry and others of Van Wert County, Ohio; and of D. M. McCullough and 20 others, citizens of Missouri, on the same subject—severally to the Committee on Ways and Means.

By Mr. COVINGTON: Petition of citizens of Dorchester, and of 200 citizens of Caroline and Dorchester Counties, Maryland for an appropriation for the improvement of Hunting Creek—to the Committee on Rivers and Harbors.

By Mr. CUTCHEON: Memorial of General Wool Post, No. 164, Grand Army of the Republic, Department of Michigan, relative to adjusting the pay of volunteers of the late war upon a gold basis—to the Committee on Military Affairs.

By Mr. DEUSTER: Petition of 320 bottlers and merchants, doing business in the United States, relative to the duties on green and colored bottles—to the Committee on Ways and Means.

Also, petition for the relief of Nicholas Lochboehler—to the Committee on War Claims.

By Mr. FERRELL: Petition of citizens of Philadelphia, asking for appropriations for the building of jetties at Corson and Townsend's Inlets, on the New Jersey coast—to the Committee on Rivers and Harbors.

Also, papers relating to the claim of O. S. Belden—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. GEORGE: Petition from the Portland (Oreg.) Board of Trade, opposing the forfeiture of the Northern Pacific Railroad land grant—to the Committee on the Public Lands.

By Mr. GREENLEAF: Petition of James Butler and James G. Lambert, for protection of American labor—to the Committee on Labor.

By Mr. HANBACK: Memorial of the Department of Kansas, Grand Army of the Republic, protesting against the consolidation of pension agencies at Washington—to the Committee on Invalid Pensions.

By Mr. HARMER: Communication from James Gillinder, president of the Eastern Glass-Blowers' Association, relative to duty on glass—to the Committee on Ways and Means.

By Mr. D. B. HENDERSON: Papers relating to the claim of Mary A. Guthrie—to the Committee on Invalid Pensions.

By Mr. A. S. HEWITT: Petition of citizens of New York, relative to the vaporizing process of manufacturing vinegar—to the Committee on Ways and Means.

By Mr. HOLTON: Papers relating to the claim of the heirs of John Walton, late of Annapolis, Md.—to the Committee on War Claims.

By Mr. HUTCHINS: Memorial relating to education in Alaska—to the Committee on Education.

By Mr. J. H. JONES: Memorial of J. R. Riddle and others, citizens of Titus County, Texas, asking for a public building at Tyler, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. LAMB: Petition of citizens of Clay County, Indiana, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. LANHAM: Petition of citizens of Abilene, Tex., for the removal of the United States district court at Graham, Tex., to some point on the Texas Pacific Railroad at some point within the district—to the Committee on the Judiciary.

By Mr. MATSON: Petition of R. Stanfield and 44 others, asking for a pension for H. S. Hephart—to the Committee on Invalid Pensions.

By Mr. MAYO: Papers relating to the claim of William W. Suthard—to the Committee on War Claims.

By Mr. J. F. MILLER: Two petitions for post-routes in Texas—to the Committee on the Post-Office and Post-Roads.

By Mr. MORGAN: Petition of Winfield Scott Post, No. 63, Grand Army of the Republic, Holden, Mo.; of Gilpatrick Post, No. 66, Grand Army of the Republic, Emporia, Mo., in relation to pension, bounty, and back pay—severally to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MORRILL: Petition of the Grand Army Post, Grand Army of the Republic, Kansas, relative to the change in the present system of paying pensions—to the Committee on Invalid Pensions.

By Mr. NELSON: Petition for a mail-route in Polk County, Minnesota—to the Committee on the Post-Office and Post-Roads.

By Mr. NICHOLLS: Memorial for the relief of the legal representatives of Maj. William Kendall—to the Committee on Claims.

By Mr. NUTTING: Petition of Thomas Mott and others, and of Albert Quonce and others, for amendments to existing laws in regard to shipping—severally to the Committee on Commerce.

By Mr. PIERCE: Petition relating to the claim of J. M. S. Walsh—to the Committee on War Claims.

By Mr. RANDALL: Petition of citizens of Philadelphia, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. REED: Petition of Henry R. Billings and 168 others, citizens of Kittery, Me., for a life-saving station at Gerrish's Island—to the Committee on Commerce.

By Mr. W. F. ROGERS: Petition of workingmen of the city of Buffalo, relative to foreign pauper labor—to the Committee on Labor.

Also, petition of owners and masters of vessels engaged in the Lake Superior trade, for a breakwater at Marquette—to the Committee on Rivers and Harbors.

Also, petition of the Charity Organization of Buffalo, relative to a postal savings depository—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Petition of citizens of the State of Kansas, relative to the tax on vinegar—to the Committee on Ways and Means.

Also, petition of citizens of Kansas, for education in Alaska—to the Committee on Education.

Also, petition of citizens of Carbondale, Kans., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. T. G. SKINNER: Papers relating to the claim of William E. Bond—to the Committee on Claims.

By Mr. STORM: Petition of soldiers of Capt. D. J. Taylor Post, No. 113, Grand Army of the Republic, Department of Pennsylvania, relative to the employment of soldiers and sailors in the civil service—to the Select Committee on Reform in the Civil Service.

By Mr. VANCE: Petition of James Taylor and 209 others, relative to the North Carolina Cherokee Indian claim—to the Committee on Indian Affairs.

By Mr. WAKEFIELD: Petition of A. K. Skaro Post, No. 37, Grand Army of the Republic, Department of Minnesota, relative to back pay, pensions, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of soldiers and sailors of the late war, relative to giving each honorably discharged soldier and sailor one hundred and sixty acres of land—to the Committee on the Public Lands.

Also, resolutions of M. L. Deveraux Post, No. 43, Department of Minnesota, relative to the change in the present pension law—to the Committee on Invalid Pensions.

Also, memorial of the Board of Trade of Winona, Minn., for government telegraphy—to the Committee on the Post-Office and Post-Roads.

By Mr. WARD: Petition of the Knights of Labor of Lebanon, Ind., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. A. J. WARNER: Petition of 1,076 citizens of Washington Territory, settlers on public lands, asking to be protected in their homes—to the Committee on Public Lands.

By Mr. WASHBURN: Memorial of citizens of Cambridge, Minn., relative to education in Alaska—to the Committee on Education.

By Mr. J. D. WHITE: Petition for the relief of William Goodman—to the Committee on Invalid Pensions.

By Mr. YAPLE: Petition of Ellis Smelley, J. H. Bradford, and others, citizens of Morris County, Kansas, for the passage of an act restricting the sale of public lands to actual settlers—to the Committee on the Public Lands.

By Mr. YOUNG: Petition of the Good Templars of Tennessee, relative to the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

SENATE.

THURSDAY, *February* 21, 1884.

Prayer by Rev. JAMES M. KING, D. D., of New York city.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

Mr. ANTHONY. Mr. President, to-morrow is a legal holiday, made such in commemoration of the Father of his Country. I suppose it will not be the pleasure of the Senate to sit on that day. I therefore move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. MORRILL. I present the petition of Jason C. Jones and 38 others, citizens of Vermont, praying that the limitation of July 1, 1880, in relation to the presentation of claims for pensions be removed according to the provisions of the bill (S. 1) to amend section 2 of an act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes, approved March 3, 1879. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. HAWLEY presented a petition of the Woman's Christian Temperance Union of Connecticut, officially signed, representing 1,250 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. MILLER, of California, presented resolutions adopted by the California State Grange, in favor of an appropriation to pay the expenses of agricultural experiment stations; which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Board of Trade of San Francisco, in favor of the improvement of the Sacramento River, California; which was referred to the Committee on Commerce.

He also presented resolutions adopted by the Board of Trade of San Francisco, in favor of the improvement of the Sacramento River, California, and recommending the survey of San Francisco and San Pablo Bays in California; which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Board of Trade of San Francisco, in favor of the construction of additional ships for the Navy; which were referred to the Committee on Naval Affairs.

Mr. COCKRELL. I present a petition of McPherson Post, No. 4, Department of Missouri, Grand Army of the Republic, Kansas City, Mo., petitioning Congress for favorable consideration of the bill now before the Senate, introduced by the Senator from Kansas [Mr. INGALLS], extending the time for filing claims so that all disabled soldiers, their dependent widows and orphans, may have the full benefit of the act of Congress known as the arrears-of-pension act. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL presented a petition of Columbus C. Kerr, late private Company F, Seventy-third Regiment Missouri Enrolled Militia, praying for a pension; which was referred to the Committee on Pensions.

Mr. KENNA presented a petition of coal operators of West Virginia, praying for the passage of a law regulating the dimensions of railroad and other bridges across the Great Kanawha River; which was referred to the Committee on Commerce.

Mr. VEST presented a memorial of McPherson Post, No. 4, Grand Army of the Republic, of Kansas City, Mo., asking Congress to enact a law extending the time for filing the claims of disabled soldiers, their widows and orphans, for arrears of pensions; which was referred to the Committee on Pensions.

He also presented resolutions of Admiral Farragut Post, No. 3, Kansas City, Mo., praying Congress to continue to Mrs. Nina D. Gwynn (widow of the late Nat. McLean Gwynn) and to her orphan boy the pension allowed her husband, and that the same be increased to $40 per month; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. MCMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. 3956) to amend section 2527 of the Revised Statutes, relating to the district of Gloucester, reported it without amendment.

Mr. WILSON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 566) for the relief of Z. M. Pettigrew, reported it with an amendment, and submitted a report thereon.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1482) for the relief of William H. Randle, of Nashville, Tenn., reported it without amendment, and submitted a report thereon.

Mr. CAMDEN. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 1388) to increase the pension of General Ward B. Burnett, to report it adversely. I ask the Senator from New Hampshire [Mr. BLAIR] whether he desires the bill to go on the Calendar?

Mr. BLAIR. I do.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

BILLS INTRODUCED.

Mr. KENNA (by request) introduced a bill (S. 1608) for the relief of B. F. Reynolds; which was read twice by its title, and referred to the Committee on Claims.

Mr. PALMER introduced a bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM introduced a bill (S. 1610) to improve the navigation of the Mississippi River by adding to and strengthening the Sny Island levee; which was read twice by its title, and referred to the Committee on the Improvement of the Mississippi River and Tributaries.

Mr. MORGAN introduced a bill (S. 1611) to provide for receiving into the Treasury of the United States State bonds as collateral security for issues of circulating notes to the national banking associations; which was read twice by its title, and referred to the Committee on Finance.

Mr. PLUMB introduced a bill (S. 1612) granting a pension to Bryson R. McCartney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 1613) granting a pension to Columbus C. Kerr; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 1614) vacating the Fort Hartsuff and Fort McPherson military reservations in the State of Nebraska, and restoring the same to entry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALDRICH introduced a bill (S. 1615) providing for a lien on vessels for repairs and supplies; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT TO A BILL.

Mr. GORMAN submitted an amendment intended to be proposed by him to the bill (S. 581) to define the routes of steam-railroads in the city of Washington, and for other purposes; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MORRILL, it was

Ordered, That the papers on the files of the Senate with Senate bill 1377, Forty-seventh Congress, be referred to the Committee on Finance, in connection with Senate bill 1525, Forty-eighth Congress.

FALSE PERSONATION OF GOVERNMENT OFFICERS.

Mr. GARLAND. If there is no further morning business, I move that the Senate proceed to the consideration of the bill (S. 1563) providing for the punishment of persons falsely personating officers and employés of the United States.

Mr. COCKRELL. That is a bill of general importance, and a bill that ought to have been passed and become a law at the last session of Congress. It is important that early action should be taken upon it, and in view of that fact I shall interpose no objection to its present consideration.

Mr. GARLAND. The bill passed the Senate at the last session without any debate, but was not reached in the other House. I hold in my hand now a letter from the Commissioner of Pensions urging its passage.

The PRESIDENT *pro tempore*. Will the Senate agree to the motion of the Senator from Arkansas?

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary with amendments, in line 6, after the word "Department," to insert "or any officer;" and in line 10, after the word "Department," to insert "or any officer;" so as to make the bill read:

Be it enacted, &c, That every person who, with intent to defraud either the United States or any person, falsely assumes or pretends to be an officer or employé acting under the authority of the United States, or any Department or any officer of the Government thereof, and who shall take upon himself to act as such, or who shall in such pretended character demand or obtain from any person or from the United States, or any Department or any officer of the Government thereof, any money, paper, document, or other valuable thing, shall be deemed guilty of felony, and shall, on conviction thereof, be punished by a fine of not more than $1,000, or imprisonment not longer than three years, or both said punishments, in the discretion of the court.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN FRASER.

Mr. COCKRELL. The Calendar.

The PRESIDENT *pro tempore*. The Chair will now lay before the Senate the Calendar, under the eighth rule, commencing with Order of Business No. 92, being the bill (S. 830) for the relief of John Fraser.

The Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment reported from the Committee on Claims to strike out all after the enacting clause and to insert:

That the sum of $742.33 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment in full to John Fraser for services as Supervising Architect of the Treasury from December 6, 1878, to May 22, 1879.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The Chair thinks the report was read yesterday, but as it is short it may be read again.

Mr. COCKRELL. Let it be again read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. HOAR January 23, 1884:

The Committee on Claims, to whom was referred the bill (S. 830) for the relief of John Fraser, have considered the same, and report:

Mr. Fraser, an eminent architect, was employed by the United States to superintend the construction of the building for the Bureau of Engraving and Printing in his professional capacity. While he was so employed Mr. Hill, Supervising Architect of the Treasury, was suspended from office from December 5, 1878, to May 22, 1879, by an order from the Secretary of the Treasury. At the latter date he was restored. Mr. Fraser was directed by the Secretary of the Treasury to take charge of the office and perform the duties of Supervising Architect during the suspension of Mr. Hill from duty. He obeyed the order and performed the duties of the office during the period above named. He has received pay at the rate of $8 per day for his services in superintending said building. We think he is fairly entitled to be paid in addition the difference between his compensation as superintendent and the salary provided by law for the Supervising Architect for the time during which he performed the duties of both positions. This difference amounts to $742.33. We therefore report the following as a substitute for the bill, and recommend its passage.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported from the Committee on Claims.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. VAN WYCK subsequently said: I ask leave to enter a motion to reconsider the vote by which the bill (S. 830) for the relief of John Fraser was passed. I will state my purpose in entering the motion. As I said yesterday, this matter is more fully understood by the Senator from Massachusetts [Mr. HOAR], of the committee, and there was a miscalculation as to the figures. The committee intended to report some two or three hundred dollars more. Then there was still another matter which had been called to the attention of the Senator from Massachusetts and which he examined. Therefore I desire the bill to remain open until his return, and I enter a motion to reconsider the vote, so that the bill may be called up at some future time.

The PRESIDENT *pro tempore*. The Senator from Nebraska enters, as he has a right to do under the rule, a motion to reconsider the vote by which the bill (S. 830) for the relief of John Fraser was passed. The motion to reconsider will be entered.

BRIDGE OBSTRUCTIONS TO NAVIGATION.

The bill (S. 462) to provide for the removal of obstructions to the free navigation of the navigable waters of the United States was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. The bill was reported from the Committee on Commerce with amendments. The first amendment of the committee will be reported.

The CHIEF CLERK. In section 1, line 9, after the word "draw-opening," it is proposed to insert the words "or the raft-span;" so as to read:

That whenever the Secretary of War shall have good reason to believe that any railroad or other bridge now or hereafter to be constructed over any of the navigable waters of the United States, under authority of the United States or of any State or Territory, is an obstruction to the free navigation of such waters, by reason of difficulty in passing the draw-opening or the raft-span of said bridge, by rafts, steamboats, or other water craft, it shall be the duty of the said Secretary, &c.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment will be reported.

Mr. SEWELL. I should like to have the amendments printed.

Mr. MCMILLAN. They have been printed.

The PRESIDENT *pro tempore*. The amendments are printed.

Mr. SEWELL. As a part of the bill.

Mr. MCMILLAN. Oh, yes.

Mr. SEWELL. Has the bill been printed as amended?

Mr. MCMILLAN. Yes, sir.

The PRESIDENT *pro tempore*. The amendments reported by committees are always printed. On such a report of a committee there is a reprint of the bill with the amendments. The second amendment of the committee will be stated.

The CHIEF CLERK. In section 1, line 12, after the word "owning," it is proposed to insert "controlling or operating;" so as to read:

On satisfactory proof thereof, to require the company or persons owning, controlling, or operating said bridge to cause such aids to the passage of said draw-opening.

The amendment was agreed to.

The next amendment was, in section 1, line 13, after the word "draw-opening," to insert "or of said raft-span, or of both said draw-opening and raft-span;" so as to read:

To cause such aids to the passage of said draw-opening or of said raft-span, or of both said draw-opening and raft-span, to be constructed, placed, and maintained, at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper structures.

The amendment was agreed to.

The next amendment was, in section 1, line 18, after the word "opening," to insert "or span, or both said opening or span;" so as to read:

Structures for the guiding of said rafts, steamboats, and other water craft safely through said opening or span, or both said opening and span, as shall be specified in his order in that behalf.

The amendment was agreed to.

Mr. PLATT. There is no written report I believe with this bill. I wish that we may have some explanation of it. It seems to be an important bill, very sweeping in its character, and I wish the member of the committee having it in charge would make some explanation of it.

Mr. MCMILLAN. This is a bill which has been framed in pursuance of suggestions from the engineer of the Army in charge of the improvements upon the Upper Mississippi River, particularly Capt. A. Mackenzie. In his report he gives details of very extensive losses occasioned by the destruction of rafts and steamboats upon the Mississippi River striking against the piers of bridges erected in the stream. The losses are stated by him in his report to the War Department. In one of his reports, in his conclusion, he says:

If we make a comparison of the three estimates of loss and damage to lumber interests above given, adding a reasonable amount for loss by accident and delay to freight and passenger boats and barges, we may fairly estimate the total loss to the interests of navigation at least $175,000 per annum, solely due to the existence of bridges across the Mississippi River.

Every bridge that may in the future be built will add its quota to that amount. Assuming that 70 per cent. of this loss might be avoided by proper structures at the various bridges, it becomes evident that $122,000 per annum can be saved by such improvements.

Very respectfully, your obedient servant,

A. MACKENZIE,
Captain of Engineers.

The CHIEF OF ENGINEERS, *United States Army.*

I have read a summary of the detailed statement in his report. The bill merely authorizes the Secretary of War, upon satisfactory proof to him of the necessity for protections at the draw-openings or the raft spans of the bridges crossing the river, to require the bridge companies to erect such booms or protections as will enable rafts and steamboats to safely pass through the draw-openings or under the raft-spans of the bridges. The loss has come to be so great and the damage and injury to persons engaged in the business of rafting and steamboating are such, that this is regarded as an essential protection to those interests upon the river.

The bill was fully considered at the last session of Congress in the Senate. It passed the Senate, and only failed in the House of Representatives for want of sufficient time. There is nothing in the bill that is oppressive in any way, and it is absolutely necessary to the protection of the public interests. If we are to have these navigable streams interrupted by bridges they must have connected with them all the safeguards and protections that can be thrown about them. The navigation of these streams is too important to be unnecessarily impaired. The Mississippi River is one of the great channels of commerce in the country, and while it is necessary that bridges shall be erected across that stream, yet the public interests will require that every safeguard should attend them.

The PRESIDENT *pro tempore*. The time of the Senator from Minnesota has expired.

Mr. SEWELL. I should like to ask the honorable Senator a question. Does not each act which authorizes the construction of a bridge

under the supervision of the Secretary of War provide all these safeguards?

Mr. McMILLAN. Oh, no; none of these.

Mr. SEWELL. Then I withdraw any objection to the bill.

Mr. McMILLAN. There may be a single act or two that does provide sufficient safeguards, but unless there is a special provision to that effect it does not.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. McPHERSON. I rise to ask unanimous consent of the Senate to suspend the Calendar of business so that we may now consider the special order, which is the bank bill, so called. We have now been ten or twelve days considering it, and as the Senate has agreed to adjourn over until Monday, and another special order is fixed for Monday, the bill of the honorable Senator from Maine [Mr. HALE], it seems to me as though the bank bill should be proceeded with at once, and finished to-day. It will be as easy to return to the Calendar if we have any time after we reach a vote on the bill as to continue the Calendar now. I move that the Calendar of business be suspended, and that we proceed to the consideration of the special order.

Mr. COCKRELL. I hope the Senator will not make that motion until 1 o'clock. I am willing to give the hour between 1 and 2.

Mr. McPHERSON. Then I give notice that at 1 o'clock I will renew the motion.

The PRESIDENT *pro tempore*. The consideration of the bills on the Calendar will be proceeded with.

MILLIE E. HAYS.

The bill (S. 1252) for the relief of Millie E. Hays, widow of John Hays, deceased, was considered as in Committee of the Whole. It is a direction to the proper officers of the Interior Department to prepare and cause to be issued and delivered to Millie E. Hays, widow of John Hays, deceased, a bounty land-warrant for eighty acres of land, upon the surrender of bounty land-warrant numbered 26454, issued under the act of Congress of September 28, 1850, in such form that the same can be located by Millie E. Hays, or assigned and transferred by her and located by her assignee, as other land-warrants are located upon the public lands.

Mr. PLATT. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. PLUMB January 24, 1884:

The Committee on Public Lands, to whom was referred the bill (S. 356) for the relief of Millie E. Hays, widow of John Hays, deceased, make the following report:

Having duly considered the same and accompanying papers, the committee recommend that it pass as amended.

The facts upon which this recommendation is based are as follows:

John Hays did, on October 9, 1852, at the United States land office at Shawneetown, in the State of Illinois, attempt to locate bounty land-warrant No. 26454, for eighty acres of land, issued under the act of Congress of September 28, 1850, to John Sullivan, upon the south half of the northwest quarter of section numbered 2, in township numbered 8 south and range numbered 3 east, and the said John Hays had purchased the said land-warrant in good faith, and paid the full value therefor, from Robert M. Hundley, now of the city of Marion, in Williamson County, Illinois, and procured the said Hundley to make the said location of said bounty land-warrant upon said land in the name of said John Hays, and the said Robert M. Hundley finding the entire back part of said warrant covered by the written assignment of the said John Sullivan and the requisite certificates thereto, did, in good faith and honesty, erase the name of the party from whom he had purchased the said warrant and to whom the said John Sullivan had so assigned the same on the back thereof, and insert the name of the said John Hays, to whom he had sold the said warrant, and Robert M. Hundley did thereupon complete the location of said warrant upon the said land in the name of the said John Hays, so far as the same could be done at the said local land office, and deliver the said land-warrant to the register and the receiver of the said land office, and did receive from the said local land officers a duplicate receipt of said location, and the local land officers did forward the said land-warrant, with the said John Hays's name written over the said erasure in the said assignment, with one of the duplicate receipts of the said location in the name of said Hays, to the General Land Office at Washington, D. C., and the Commissioner of the General Land Office suspended the said location because of the said erasure in the said assignment thereof, and returned the said land-warrant to the said local land office for correction, and the said John Hays was unable to perfect the assignment as required, not being able to find the said John Sullivan or the party whose name had been erased, and in 1856 returned the said land-warrant to the General Land Office, and in 1860 the Commissioner of the General Land Office addressed a letter to said Hays, advising him of said suspension, and in 1878 the duplicate receipt of the said location thereof was sent to the General Land Office, and the Commissioner of the General Land Office returned the said land-warrant, with a copy of said letter, to said Hays, advising him of the suspension, and the said land-warrant was again returned to the General Land Office, with the affidavits of the said Hays and the said Hundley explaining the said erasure and assignment, and the Commissioner of the General Land Office refused to issue a patent until the assignment was perfected as required, and returned the said land-warrant with the affidavits thereto attached, and advising that cash could be substituted for the warrant and a patent issue in the name of John Hays, and a cash payment for the said land was thereupon made to the General Land Office in lieu of the attempted location of said bounty land-warrant, and a patent issued to the said John Hays, and a duplicate warrant was refused to be issued without special legislation, and the said John Hays was the actual and real owner of said land-warrant, without the pretension or assertion of any claim thereto by any person whomsoever, and departed this life in the year 1879, leaving his widow, the said Millie E. Hays, entitled to said land-warrant.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GRAIN-SHOVEL PATENT.

The bill (S. 638) for the relief of George Milsom, Henry Spendelow, and George V. Watson was announced as next in order.

Mr. PLATT. This is a report in favor of the extension of a patent known as the grain-shovel. Since the report was made there has been a good deal of opposition manifested to the bill, and parties in opposition have desired to be heard, and as time has been fixed for the hearing, on the 13th of March, I think the bill ought not to lose its place on the Calendar. If the committee should reconsider their action, of course that would probably be the end of the bill; but if not, the parties in whose favor the report has been made I think are entitled to an early consideration of their case. I should like to have the unanimous consent of the Senate that the bill may stand at the head of the Calendar, to be passed over until after the hearing and report of the committee; or if that can not be done I shall object *pro forma* so as to transfer the bill to the Calendar of General Orders and let it stand there.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent that the bill now under consideration may be passed over, to keep its place at the head of the Calendar of procedure under Rule VIII. Is there objection?

Mr. COCKRELL. This is a very important bill and I am very glad to learn that the Committee on Patents propose to hear the opposition to the bill. If they do not hear it, it will certainly be heard in the Senate. This is a bill that affects every man in the United States who raises wheat, corn, or oats to be placed in the market. It is a virtual tax, as those of us who oppose the bill believe, upon all agricultural products, and we shall be very much gratified if the Committee on Patents give this case and those opposed to it a full hearing.

These patents have expired; parties are using these patented articles free, and now it is proposed to give new life to the exclusive monopoly and rob these parties of their property. I have no objection to this case going on the Calendar under Rule IX. I make that suggestion to the Senator from Connecticut. It is so near the head of the Calendar that there will be no trouble about it, provided we have notice of the action of the committee after the 13th of March and then reasonable notice when the bill will be called up.

Mr. PLATT. Representing the committee, I will say that I am much obliged to the Senator from Missouri for the information which he has submitted to the committee. I am always glad to hear him, whether in the Senate or before the committee. Perhaps the best way is to object *pro forma* and let the bill be transferred to the Calendar of General Orders.

The PRESIDENT *pro tempore*. Objection is made and the bill goes over.

Mr. LOGAN. I ask the Senator whether by its being transferred to the other Calendar it will come up earlier?

Mr. PLATT. It will come up after 2 o'clock, when it is reached in the business that is to come up after 2 o'clock. Of course we do not desire to have any hearing on this matter in the Senate until after the parties appear before the committee.

Mr. LOGAN. Whatever action will delay the bill so that a hearing can be had is the action that I should prefer, for the reason that I have received quite a number of letters and petitions in opposition to the passage of this bill from constituents of mine that I desire to lay before the committee if they are going to rehear this case. I want to secure a fair hearing before the committee for those who petition us. I have no disposition to obstruct the bill in any way so far as action is concerned, and merely say now that it is such a bill as I shall have to oppose myself on account of the knowledge I have in reference to the interests of my constituents. I desire delay given so that a hearing may be had. Whichever motion will give that delay is the one I prefer.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

CALIFORNIA SCHOOL LANDS.

The bill (S. 1024) to authorize the State of California to select other lands in place of sixteenth and thirty-sixth sections returned as mineral was announced as next in order.

The bill was reported from the Committee on Public Lands with an amendment, in line 3, section 1, after the word "select," to insert "from the unoccupied surveyed public lands within the State;" so as to make the section read:

That the State of California shall have the right to select from the unoccupied surveyed public lands within the State an equal quantity of other lands in lieu of such sixteenth and thirty-sixth sections in said State as are returned as mineral land by the United States deputy surveyors, or are reserved as mineral land by the United States; and such sixteenth and thirty-sixth sections shall thereupon be subject to disposal by the United States as other land of like character.

Mr. PLUMB. I reported this bill myself from the Committee on Public Lands. I have no doubt in the world that it is right in principle; that in some way this indemnity which is sought ought to be granted; but I have had certain representations made to me from various sources in regard to the possible effect of the bill in its present condition, that, with a carelessness which I ought to ask to be excused on account of, I did not bring to the notice of the Senator from California who introduced this bill. I ask that the bill go over, retaining its place on the Calendar until in some reasonable time I may be able to

investigate the matter and make sure of my own belief in regard to what should be done.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

Mr. PLUMB. I intend it to remain on the Calendar subject to consideration under Rule VIII.

The PRESIDENT *pro tempore*. That can not be done without unanimous consent.

Mr. PLUMB. I ask unanimous consent to let it remain in that way.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the bill now under consideration be passed over, to retain its place under the procedure under Rule VIII. Is there objection?

Mr. MILLER, of California. I think we can obviate the difficulty the Senator finds in this bill by striking out the second section. There is no trouble about the bill and no complaint except in regard to the second section.

Mr. PLUMB. On account of the confusion in the Chamber I can not hear the remarks of the Senator.

The PRESIDENT *pro tempore*. Debate is really out of order, objection being made to the bill; but by unanimous consent the Senator from California may proceed.

Mr. PLUMB. I will withdraw the objection in order to hear the statement of the Senator from California.

Mr. MILLER, of California. I was about to state that the only objection which has been made to this bill is to the second section, which provides that the State may take the lieu lands in any land district in the State, the law now being that they shall be taken in the land district in which the reserved lands are situated. So if we strike out the second section we do away with all the objection made to this bill from any quarter whatever.

There is no doubt about it being right and proper that California should have her lieu lands in place of mineral lands reserved by the sixteenth and thirty-sixth sections. I am willing to strike out the second section and let the bill pass.

Mr. PLUMB. The principal objection has been on account of the second section. I did not think when the matter was under consideration that that section ought to be stricken out, but the representations that were made to me afterward led me to think that perhaps it ought to be.

But there is still another objection which I am not going to say has had any particular effect upon my mind, and that is in regard to mineral lands, for which indemnity is to be had, being only such as have been reported as mineral. I think if the Senator will let the matter go over we can arrive at something that will answer the purpose. There is no doubt in the world that California has a substantial claim against the United States for indemnity in some shape.

Mr. MILLER, of California. Very well; let the bill go over.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that this bill be passed over, retaining its place under the procedure provided for by Rule VIII. Is there objection? The Chair hears no objection, and it is so ordered.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 448) to fix the times for holding the terms of the circuit and district courts of the United States in the northern district of Iowa; and it was thereupon signed by the President *pro tempore*.

SENATE CONTINGENT FUND.

Mr. SHERMAN. I desire to report from the Committee on Privileges and Elections a joint resolution, the passage of which is necessary to-day in order to enable a subcommittee authorized for that purpose to continue their operations. I therefore ask for the immediate consideration of the joint resolution, in order that it may be sent to the other House.

The joint resolution (S. R. 64) providing for the addition of $10,000 to the contingent fund of the Senate was read the first time at length, as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be added to the contingent fund of the Senate, "for expenses of special and select committees," for the fiscal year ending June 30, 1884.

By unanimous consent, the joint resolution was read the second time and considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

Mr. GEORGE. I ask that the joint resolution be read at length.

The joint resolution was read the third time at length, and passed.

NATIONAL-BANK CIRCULATION.

Mr. McPHERSON. I ask unanimous consent that the Calendar be suspended and the unfinished business be taken up.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves that the Senate now proceed to the consideration of Senate bill 1155. The Senator is entitled to make the motion, the Chair thinks. Will the Senate agree to the motion?

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1155) to provide for the issue of circulating notes to national banking associations, the pending question being on the amendment proposed by Mr. MORGAN, to insert as additional sections the following:

SEC. —. That when any bonds of the United States deposited in the Treasury by a banking association to secure its circulation are called and paid by the Government, such banking association shall have the right to substitute in the place thereof bonds issued by any of the States; and the bonds so deposited, as to their assignment, management, control, sale, or disposal, shall in all respects be subject to the laws which govern the said banking associations and the officers and agents of the United States with respect to the bonds for which said State bonds are substituted, so far as the same are applicable. But said bonds of the States shall not be received as a substitute for bonds of the United States, so called, and paid at a rate exceeding — per cent. of their value on the face thereof; nor shall the bonds of any State be received on deposit unless the interest theretofore accrued on the same for the period of five years previous to such deposit shall have been duly paid; nor shall any such bonds be so received on deposit when the same are worth less than par in the city of New York.

SEC. —. That the interest accruing on such State bonds after the same are assigned and deposited in accordance with this act shall be received by the Treasurer of the United States and placed to the credit of the banking association that has deposited the bonds, and shall be paid over to such banking association, unless the Secretary of the Treasury shall direct that the same shall be retained in the Treasury to make good any depreciation in the value of the State bonds deposited by such banking association, or because of the failure of any banking association to provide funds as required by law to redeem its circulation, or because of its failure to pay any sum of money that may be charged to such banking association on the books of the Treasury Department.

SEC. —. That at any time that the Secretary of the Treasury shall conclude that a sale of such State bonds so deposited is necessary for the security or protection of the Government of the United States in respect of the redemption of the circulation which such bonds are deposited to secure, he shall proceed to cause said bonds to be sold, in the open market in New York, to the highest bidder for cash, and such sale shall convey a complete title to said bonds to the purchaser; but no such sale shall be made until after thirty days from the date of a notice that the Secretary of the Treasury shall give to the banking association that has deposited such State bonds, requiring such banking association to redeem said bonds by the deposit in the Treasury of the sum of lawful money of the United States equal to so much of the circulation of such banking association as such State bonds were deposited to secure. And if, after the sale of such bonds, any deficit remains in the sum required to redeem the circulation of any such banking association to the extent that the same is based upon and secured by such bonds, such banking association shall pay the same into the Treasury of the United States within thirty days after it has been notified of the amount of the deficit by the Secretary of the Treasury; and failing so to pay such deficit, such banking association shall forfeit its charter, and shall be put into liquidation in accordance with the laws governing the winding up of such associations.

SEC. —. That the Secretary of the Treasury shall have power to make all needful rules and regulations for carrying into effect the provisions of this act.

Mr. MORGAN. Mr. President, in discussing yesterday another amendment offered by the Senator from Kansas [Mr. PLUMB] I went over the ground I desired to present to the Senate in respect of this amendment. The project which I advance in this amendment is a new one and I regret that it has not had opportunity to be considered by the Committee on Finance. I am very well aware that no measure relating to the finances of the country ought to be passed through the Senate as a general proposition without its having been first considered by the Committee on Finance, and I would certainly in the interest of the proposition I have brought forward have had it referred to that committee and considered by it if I had known that this discussion was to arise so soon in the session. My engagements, however, have interrupted my thoughts on this question and I had to present it as best I might.

I have this morning introduced into the Senate a bill precisely in the terms of the amendment which I offered yesterday, intending to have that bill sent to the committee, as it has been already sent, and to ask the committee to give it consideration. I think the proposition involved in the bill and in this amendment merits attention. I think it is entirely a safe proposition, and I have attempted to put all the guards I could into the bill so that no evil might arise from it. Perhaps in this I have not been successful.

I am not disposed to trust my own judgment or my own skill in matters of this kind to the extent of being willing to thrust before the Senate or the country a bill touching so delicate a question as the finances of the country, without having the concurrent opinion of men who are selected because of their ability in such matters and placed upon a committee which has charge of subjects akin to this.

I will vote for the bill as reported by the committee, and my amendment was intended to operate as additional sections to that bill. In doing so, however, I must say that I consider that the measure of relief that is afforded to the country by the bill of the committee is inadequate except for a temporary purpose. We shall very soon overtake the provision of this bill and find ourselves in as constrained a position and in about as dangerous an attitude as we occupy to-day, an attitude which has excited the apprehension of the Secretary of the Treasury and the Comptroller of the Currency and of all the financial men of the United States.

As I took occasion to observe yesterday, there could scarcely be a more unsatisfactory condition of the public mind upon any question than the apprehension which exists to-day of some coming evil. We ought to have a system of currency and finance in this country which has in it such elements of stability as will enable all the different industrial, commercial, and business men of the country to predicate their business opera-

tions safely upon it. That we have not. We have a system now which is destroying itself from the necessity that our own laws put us under to pay the bonded debt of the United States, and any measure of relief that is safe ought to be resorted to if it coincides in its operations with the experience of this country.

The national banks have furnished to us ever since they were first adopted a uniform currency through the United States, and of later years that currency, by one expedient of legislation and another, has been brought to par for gold and silver. We are therefore not permitted, in the light of our own experience, to withdraw our confidence at this time from a system which has produced results like this. If I were well convinced that there were errors and troubles in that system which should cause it to be repealed in the coming years, I would for the present, and in the light of our own experience, hesitate to withdraw my confidence from a system that has produced so much good in this country.

Then it becomes necessary that we shall help that system out, and we have a very limited opportunity for doing it, for all our governments, State and national, are rapidly getting out of debt, and our paper-money system is based entirely and exclusively upon public indebtedness. So as this debt is vanishing the system itself commences to topple, and it must be a very short time until it will go into ruin unless we provide some other means for the supply of the circulating medium which we put to the country through this system. Are we to abandon the national banking system entirely? Are we to become bankers directly as a government? Or shall we still hold on to the national banks as a proper, legitimate, constitutional, and tried fiscal agency, standing between the Government and the people and adjusting the issue and the contraction of the currency from time to time according to the demands and necessities of the people as expressed in their dealings with the banks?

I hope, sir, that we shall never see the day when notes and bills of exchange can be offered at the Treasury of the United States for discount, and when the Government of the United States shall be conducting out of hand, I may say, a banking system; and yet if we rely entirely upon the Treasury-note system and undertake to supply the commercial demands of this county simply through Treasury notes, when we have passed the boundaries of our expenditures and we can not find a sufficient means of distributing these Treasury notes through the current annual expenditures of the Government of the United States, then in order to get this money into the hands of people who need its use we shall be compelled to resort to the direct system of banking, and bills of exchange or something like them will be discounted at the Treasury of the United States. Then, sir, the apprehension of Senators in respect of the profligacy of legislation will be realized, to the destruction of the best interests of this country.

An example of that, sir, arises in my mind from the recollection of a period in the history of my own State. The people of Alabama, though strongly Democratic, at one time took a fancy that the best thing they could do for themselves was to go into the pet banking system. They went abroad and they borrowed $20,000,000 of money, for which they gave their bonds payable in London and the interest payable in London in sterling exchange or in gold at 6 per cent. per annum interest. Upon the basis of the money obtained by the sale of those bonds they organized a system of banks called the State Bank and its branches. They went on for some years, they were so happy in their prosperity, making money for the people, that the citizens of Alabama did not have one cent of taxes to pay. But, as might have been expected, a revulsion came, and with the revulsion very nearly the destruction of the credit of the State. We did manage to hold it up and to work it out even through the war, for we shipped gold abroad to pay our interest during the war, running the blockade to get it out. But there was one of the greatest trials I have ever known a government to undergo.

How was the matter conducted? They passed a law there that the representatives in both houses of the Legislature might give a certificate on the back of a promissory note, made payable at the bank, limited to a certain amount of money, several thousand dollars, and that that certificate should be sufficient to make the note a proper note for discount in the bank. The result was that members of the Legislature indorsed notes in this way and gave their certificates in favor of almost any one who might call on them. The bank was flooded with notes of this kind; the State was flooded with bank money; and when they came to the proposition of redeeming any of it, the State found that the banks were all insolvent and an immense raft of bad paper had been collected in the vaults while the money went out.

There was the evil of a State government undertaking to become a director in banks and by force of legislation managing institutions of that kind, which ought to be always left to the control and management of private interests. Whenever you take a banking institution of any kind out from the control of private interest you expose it to wreck and ruin, and you make it a terrible calamity to the country. So it will be when the Government of the United States comes down to the proposition of issuing its Treasury notes from its Treasury into the hands of the people in excess of the amount required for the annual expenditures of the Government.

We can only circulate under our present heavy revenue income about $300,000,000 a year through the Treasury of the United States, and that is not quite one-third of the amount of currency actually needed for the use of the people even in their present commercial and industrial condition. So that if we resort to the project of issuing Treasury notes from the hands of Government directly into the hands of the people as they may be needed for the people of this country, we shall vainly attempt to put any restraint upon the issue of these notes that will be safe for the people of this country. I therefore believe—yes, sir, I am firm in the belief—that as a fiscal agency to stand between the Government and the people and to regulate the issue and the return, the expansion and the contraction, of the paper circulation in this country, the national banks are the best institutions which have yet been devised; and I believe that the country will suffer a great detriment the day we are compelled to give these institutions up. I am entirely satisfied, notwithstanding their enormous power of concentration, notwithstanding the limited extent of their responsibility as corporations, that we can and we will control them for the benefit of the people of this country, and so I am not alarmed about them; I am not afraid of them.

Mr. President, the point is very nearly reached, indeed I think it has now arrived, when the Senate of the United States ought to decide whether we shall sustain the national banking institutions of this country in a legitimate line of action and under proper restraints or whether we shall abandon them for some new scheme. It is postponed by this bill, but I think it is not postponed longer than until December. I believe that when we come together at the second session of this Congress we shall find a necessity immediately, urgently pressing upon us to devise some additional means of supplying the people of the United States with currency. This is a mere temporary expedient. I shall vote for it, as I said, but I shall do it understanding that it is not a cure for the evils that we now face and are about to experience.

In casting about for some other means besides the national debt as a collateral guarantee of the credit of the banks, a collateral security added to their stock, their assets, their reserves, and the responsibility of their stockholders, for the notes that the Government of the United States will issue to them, it occurred to me that the State bond would be good additional security. No Senator has yet, so far as I remember, made any statement to the contrary. They may be so entirely convinced of the contrary that they think argument is not necessary; but my poor powers of comprehension have failed to disclose to me any single substantial objection to the receipt of these bonds as a collateral security for any engagement whatever.

I can take the bonds of Pennsylvania, or Connecticut, or Massachusetts, or New York, and I can go into any of the cities of this Union—yes, into any of the banks of the country—and I can say to them, "I wish to deposit with you $100,000 of these bonds; I wish to borrow upon the faith of them $75,000 in money." Surely I can get it; there is not a bank in the country that would not like to lend a man money upon such collateral as that. If the banks can afford to do it the Government of the United States can afford to do it, for after all, repeating a remark that I made yesterday, whatever money we send into a national bank in consequence of its having deposited bonds to secure the redemption of its notes is a mere loan by the Government to the bank, secured by collateral. If the gentlemen in the Senate who are best acquainted with finance will be unable to deny that I can take $100,000 of the bonds of Pennsylvania, Connecticut, or Massachusetts, and go to any bank in New York and get $75,000 lent to me upon that as ample and sufficient collateral, then it seems to me impossible that they can deny that that is a sufficient security for the circulation of national-bank notes.

Now, let us see what such security is that you will get in hand for the redemption of the national-bank notes. It is stated by some, and I suppose upon proper authority, that there is $150,000,000 in the Treasury of the United States set apart for the redemption of what we call the greenback currency.

Mr. INGALLS. Not one dollar.

Mr. MORGAN. I said it was stated by some; I did not assume to state it as a fact, for I think that I concur in the opinion intimated by the honorable Senator from Kansas that there is not a dollar actually set apart and pledged. It is a mere fund held in the Treasury which may be reduced at pleasure, and the honorable Senator from Kentucky [Mr. BECK] no later than yesterday introduced a bill here to provide that whatever money there might be in the Treasury of the United States in excess of $100,000,000 in coin should be paid out on the ordinary appropriations and kept paid on the ordinary appropriations whenever they were required, and prohibiting the Secretary from borrowing any money to make up a sum beyond $100,000,000; thereby putting to death, you may say, this fund for the redemption of the national-bank notes, and the greenback notes, if that is a fund for their redemption. The Senator's bill is a direct assault upon it.

Mr. MCPHERSON. Will the Senator from Alabama yield to me for a question?

Mr. MORGAN. Yes, sir.

Mr. MCPHERSON. He considers this bill to be entirely inadequate. I do not understand how under his amendment any relief will be afforded. The Senator knows that the bonds of the perfectly solvent States—I speak of those whose bonds are to-day greatly above par, who

have continued to pay their interest, by whom there has been no default on the interest—to-day are in the market worth as much as the higher class of Government bonds. Now, he proposes to issue 75 per cent. circulation upon the face value of such State bonds, which he proposes to deposit in lieu of the Government bonds. How can a banking institution which refuses to take the Government bonds, four-and-a-halfs and fours, of which there are now a thousand millions out in excess of the present use by the banks, purchase State bonds at 125, deposit those bonds as the basis of banking, and receive 75 per cent. of circulation, when we propose to give them 100 per cent. of circulation on United States bonds? Then how absolutely futile the Senator's bill will be as to really solvent State bonds. Now, if his purpose be to create a market for bonds of States not absolutely solvent, who have defaulted upon their interest, that to-day are selling in the market all the way from 10 cents on the dollar up to 40 cents on the dollar, that becomes another question. I confess that under the provisions of the bill the Senator offers the market value of that class of bonds will be materially increased.

I can imagine, further, a condition of things when a party of capitalists would undertake to buy up the entire issue of bonds of the State of Virginia, if you please, use them as a basis of banking, deposit them behind circulation, secure 75 per cent. of their face in notes, that the Government itself under the bill of the Senator from Alabama is bound to redeem when those bonds are worth only about 40 per cent. That condition of things could be reached, because the capitalists of this country uniting for a given purpose can accomplish almost any result they desire.

Now, Mr. President, I will detain the Senator further only to say that under his amendment no material benefit can be reached except by a great risk.

Mr. MORGAN. Mr. President, the speech by which I have been interrupted is, I suppose, about all that can be said on that side of the subject, and I am very glad the Senator has interjected it into mine, because I shall have an opportunity to answer it now; but before doing so I will proceed a little further with the branch of the argument that I was upon, which has no relation directly to the point that the Senator makes upon my amendment. I was remarking that the Senator from Kentucky, himself a member of the Finance Committee and a man of great reputation for financial ability, had found it necessary yesterday morning to propose a bill to reduce the amount of surplus money in the Treasury of the United States, and to require that it should not be held for the redemption of greenbacks or any other obligations of the Government of the United States beyond the sum of $100,000,000, but that it might be expended for the payment of any ordinary appropriations. Here is a member of the Committee on Finance who is attacking the money basis of credit of the greenback circulation of this country, and whoever attacks the basis of the greenback circulation of this country attacks also the basis of the national-bank circulation, for when you have national-bank notes redeemed you always get them redeemed in greenbacks in the first instance. Then you take your greenbacks to the Treasury or to a subtreasury of the United States and you have them redeemed in coin. Now we have $346,000,000 of greenbacks and three hundred and fifty-odd millions of national-bank notes in circulation, for the redemption of which we are bound as a Government. The Senator from Kentucky would reduce the redemption fund to $100,000,000, that is to say, to one in seven. We have not one dollar in the Treasury of that absolutely in reserve for the purpose, but that is a general reserve fund and liable to attack, as we see, by the Senator from Kentucky and others who offer bills of that character. But we have got one dollar of coin in the Treasury of the United States to redeem seven dollars of our outstanding circulation. That is the fact. When the bill of the Senator from New Jersey passes to-day, as it will, and I mean to vote for it, we will increase the amount outstanding just 10 per cent., which will be equivalent to about forty or fifty million dollars.

Mr. PLUMB. Thirty-five million dollars.

Mr. MORGAN. Thirty-five million dollars. I stand corrected. We give to the national banks upon the collateral which they have pledged with us, our bonds, $35,000,000 without the expenditure of one additional shilling by them, without their incurring of any new obligations, without the increase of their capital stock, without any other consideration than the mere fact that they hold our bonds, which call for 100 cents in the dollar, and we issue to them 100 cents in the dollar of national-bank circulation in lieu of 90 cents on the dollar heretofore issued to them under the law.

So that the hundred million dollars in coin in the Treasury as a fund for the redemption of our paper money has got the enormous task to perform of redeeming all the greenback circulation, of redeeming all the national-bank circulation, increased by $35,000,000 by the Senator's own bill; and yet he objects that any of these banks shall be permitted to use State bonds, no matter how good they are, to secure their liability to the Government.

It occurs to me that we can strengthen the credit of the national banks, and we certainly can relieve some of the burdens of the National Government, by holding anything as collateral in addition to what we have got. I do not propose in the amendment that I offer to the bill to take away any security that stands pledged on the part of the banks for the redemption of this money. I propose to substitute a good security for that which we compel the banks to give up when we call and pay the bonds they hold.

I take the committee's bill and the existing legislation of the country precisely as it stands, and I add to it simply another feature. What is that? That in addition to the security furnished by the capital stock of the banks, and in addition to the other security to which I have referred, the banks may take good solid State bonds and pledge them as security for 75 cents on the dollar in the Treasury, and in that way and upon that basis they may get back the amount of money that we have taken from them and compel them to yield up by the compulsory redemption of their bonds.

I think the proposition that I advance must be so entirely simple that the mind of the Senator from New Jersey will not condescend to look at it. Some men love myth and elaboration, glory and grandeur, strut and pride, and they can not afford to look a common-sense proposition in the face. They must censure a thing that looks so mean as common sense does when they come in contact with it.

Mr. McPHERSON. Perhaps the Senator will condescend to answer a question for me?

Mr. MORGAN. I will after I have answered the Senator's speech, but do not propound a question to me while I am answering the speech. After I have got through with that I will answer the Senator a question.

The Senator asks, in the first place, what inducement could there be for a bank to put in bonds of a State that are worth 20 per cent. premium in the market? What inducement should there be for putting such bonds into the Treasury of the United States? My amendment, he says, is futile, because nobody will ever put in bonds of that character. It is very clear if they do not put in bonds of that sort they will not put in 4 percents, or 4½ percents, or any other percents. It will be because the business will not justify the outlay. But the States pay from 5 to 8 per cent. upon their bonds, and 4½ is the highest rate that the Government of the United States pays. The difference in the rate of interest upon the bonds is quite an inducement to their being held by banks or by bankers. It is a very much better thing to have a 5 per cent. bond than it is a 4½ per cent. bond, particularly if the 5 per cent. bond has got a long time to run. There can be no difficulty in the banks finding plenty of bonds to pledge if they really desire to increase their circulation. For, mark you, they get their interest from the States, and to that extent the people of the United States under our national laws are relieved from taxation, and it would be a favorite method, in my opinion, for the banks and bankers to support with collateral the obligations that they borrow from the Government of the United States.

But the Senator from New Jersey is afraid also that there is some proposition couched in my amendment for the purpose of putting the bonds of non-interest-paying States or States whose bonds are below par in the market into the Treasury of the United States by some finesse or fraud. He is quite mistaken about that; but if the amendment is not sufficiently guarded in that particular, no one is more capable of putting in the proper guards than the Senator from New Jersey. I disclaim any intention of that kind; but so far as I have been able to use words to express an intention in the amendment, they are quite in the other direction. I will read the third section in order (they are not numbered) of the amendment:

> That at any time that the Secretary of the Treasury shall conclude that a sale of such State bonds so deposited is necessary for the security or protection of the Government of the United States in respect of the redemption of the circulation which such bonds are deposited to secure, he shall proceed to cause said bonds to be sold, in the open market in New York, to the highest bidder for cash, and such sale shall convey a complete title to said bonds to the purchaser; but no such sale shall be made until after thirty days from the date of a notice that the Secretary of the Treasury shall give to the banking association that has deposited such State bonds, requiring such banking association to redeem said bonds by the deposit in the Treasury of the sum of lawful money of the United States equal to so much of the circulation of such banking association as such State bonds were deposited to secure.

That gives the Secretary a very broad power, a discretionary power. I remarked yesterday, and I will repeat the observation, that inasmuch as this is a tentative measure, inasmuch as I confess that this is an experiment—it has not the warrant of experience, or even of approval, so far as I know, of the people of financial reputation in this body—inasmuch as these are the characteristics of the measure which I have the honor to advocate, I propose to give the Secretary broad, large, extensive power. It may turn out that this is a good proposition; it may turn out that it will not be successful; but it is bound to turn out that it is a harmless one; there can not be any harm in it; and I have expressly provided that there shall be no harm in it, and what I have referred to is one of the provisions looking in that direction. Here is another:

> And if, after the sale of such bonds, any deficit remains in the sum required to redeem the circulation of any such banking association to the extent that the same is based upon and secured by such bonds, such banking asssociation shall pay the same into the Treasury of the United States within thirty days after it has been notified of the amount of the deficit by the Secretary of the Treasury; and failing so to pay such deficit, such banking association shall forfeit its charter, and shall be put into liquidation in accordance with the laws governing the winding up of such associations.

There is a very strong guard against fraud, or against failure, or against delinquency, or against depreciation, leaving it in the power of the Sec-

retary of the Treasury, under rules and regulations which he may adopt, as is provided in the next section, to control the subject, so that no possible harm can come to the United States Government.

Now, what is the class of bonds that the Senator is afraid will creep into the Treasury? Let us see:

Nor shall the bonds of any State be received on deposit unless the interest theretofore accrued on the same for the period of five years previous to such deposit shall have been duly paid.

Therefore the bonds must have been in existence for five years, and it would be impossible to rush out a new issue of bonds of any State, if we have got States that would be so immoral as to do that sort of thing, for the purpose of furnishing means to the banks, and only to the banks, for doing a banking business. The interest must be paid regularly and duly for the period of five years next before the time that the bonds are deposited:

Nor shall any such bonds be so received on deposit when the same are worth less than par in the city of New York.

The interest accruing in the mean time is to be paid over to the owners of the bonds. The States pay the interest, and the Treasury of the United States becomes the vehicle, the conduit, through which this interest is transmitted to the owner of the bonds.

What next? Unless there will be a balance of some kind or other due from the bank to the Treasury, in which event this fund shall be put to the credit of that balance, we collect the money as we go along, and if we have no use for it in the liquidation of some debt that the bank owes to the Government of the United States, it is then paid into the hands of the proper owner.

It does seem to me that these guards put into the amendment are quite sufficient to answer the imaginary objections of the Senator from New Jersey. He has not even suggested anything, not to say stated anything, which throws suspicion upon this measure or which leaves it in the slightest degree doubtful that the Government of the United States can be and will be entirely protected if we shall adopt this system. Why should we not try it?

Mr. MAXEY. Will the Senator from Alabama permit me to ask him a question? I only want to understand this matter.

Mr. MORGAN. Certainly.

Mr. MAXEY. Suppose a State should default in its interest, as some States have done, or should repudiate its bonds, as some few others have done, what remedy does the Senator suggest?

Mr. MORGAN. My amendment provides:

That at any time that the Secretary of the Treasury shall conclude that a sale of such State bonds so deposited is necessary for the security or protection of the Government of the United States in respect of the redemption of the circulation which such bonds are deposited to secure, he shall proceed to cause said bonds to be sold, in the open market.

Mr. MAXEY. I will state the trouble in my mind with the Senator's plan, and I should like to have it explained. We have no control whatever over State legislation. We can not prevent a State from repudiating its debts, as some States have recently unfortunately done, nor can we prevent a State from defaulting in the payment of interest upon its bonds. If the debt is repudiated or if there is a default of the interest, would not the coercive power of the Government have to be brought into the State as the only remedy left? That to me is a matter of some importance.

Mr. MORGAN. We can not coerce any man, or any State either, by Congressional action to pay a debt. We can go into the judicial tribunals of the country and recover it, provided it is a private citizen we are suing. There is no such thing known to the law, however, as the coercive payment of a debt by legislative enactment. I grant you that we have no power whatever over the States to compel them to pay these bonds and none to compel them to pay interest on the bonds.

Mr. MAXEY. That is the exact trouble, if the Senator will pardon me, that I have in the matter, and I do not see where your remedy is in the case of a default.

Mr. MORGAN. As I observed yesterday, from the standpoint of the noteholder and from the standpoint of the national banks I can with equal certainty assert that they have got no power to make us pay the debt or the interest that we owe.

Mr. PLUMB. The argument of the Senator from Alabama yesterday, and a very strong one it was, too, went to show that the National Government is now responsible absolutely to the noteholder for the full payment of the notes outstanding, no matter whether the bonds realize anything or not. Would he propose to make the Government equally responsible for a note based upon State bonds?

Mr. MORGAN. Yes.

Mr. PLUMB. The Government becoming absolutely the guarantor.

Mr. MORGAN. That is the tenor and character of our bank notes. We have got no other kind of notes.

Mr. PLUMB. Do you propose that the General Government shall still occupy that same relation to the bonds issued by the States?

Mr. MORGAN. Of course I do.

Mr. BUTLER. I should like to ask whether the Senator proposes that the United States Government shall guarantee the interest on the State bonds so deposited and see that it is collected?

Mr. MORGAN. The Government of the United States has nothing in the world to do with the interest except as it has to pay it over to the rightful owners of the bonds, just exactly as we collect interest through taxation and pay it to the holders of our national bonds now. But if it should turn out that while this money is passing through the Treasury which has been collected for interest the bank owes the Treasury a debt, that fund must stop there and go to the credit of that debt. That is the provision of my amendment.

Certainly the Senator from Kansas is right when he says that I assume and argue that the Government of the United States is a direct and immediate obligor upon any promissory note, whether a greenback or a national-bank note. That is so now, and it will never be otherwise. Then as to the question as to what security the noteholder has got, if I can get the Senator to consider the noteholder as a separate individual having rights, and in the case of the amendment offered by the Senator from Kansas, that would be only the amount of money that we keep in reserve in the Treasury of the United States and the plighted faith and credit of this great Government; whereas if you issue circulation upon State bonds, the security that the noteholder has got is the reserve fund in the Treasury, the faith and credit of the Government of the United States, the faith and credit of the government of Pennsylvania, or whatever State whose bonds you put in, the faith and credit given by commercial men to the bonds of States by the fact that they are maintained at par in the open market in New York, and the additional pledge of 25 per cent of the face value of those bonds as a margin, for I do not propose that they shall be asked to pledge more than 75 per cent.

Mr. PLUMB. There would be one difference which seems to me a very important one between the case as it now stands and as it would stand if the Senator's amendment should prevail. The Government now does not guarantee anybody's credit except its own. Admitting that it is ultimately liable, no matter what the market value of its bonds may be at the particular time, to pay the par of its own bonds with their interest, consequently the promise which it has superadded to the noteholder makes no difference really in regard to its liability. But in the case at bar, the Senator from Alabama would make the Government the guarantor of the liability of the States of so much and so many of their bonds as might be deposited with the National Government for the security of national currency. It seems to me, if he will permit a suggestion in the way of argument, that that is a weak device. That is to say, if the Government is going to guarantee anything it had better guarantee its own credit rather than guarantee that of some State with whom it is in such a relation that it can not, according to the statement of the Senator from Alabama, operate upon it with any compulsory power whatever.

Mr. MORGAN. The suggestions made by the Senator from Kansas only reveal the necessity of having matters of this kind very well understood and very well discussed before they are passed upon. If the Senator had paid careful attention to this subject, he would have seen that the Government of the United States in no event is made a guarantor of the State bonds. I have been surprised that the Senator should have taken that view of the subject. My amendment provides that the United States Government through its Treasury Department may receive in trust, we may say, the bonds of a State at 75 cents on the dollar of their face, bonds of a certain description and secured perfectly. It holds them as collateral security for the issue which the Government makes to the banks, and in lieu of our own bonds which are paid off and upon which we authorize an issue of 100 cents in the dollar. How can it ever come, as a matter of law or matter of fact, that the Government of the United States makes any guarantee of the State bonds? It does not touch the State bonds.

Mr. COKE. Does it not guarantee the currency that is issued on the deposit of those State bonds?

Mr. MORGAN. It guarantees the currency anyhow.

Mr. COKE. Would not that be a guarantee of State bonds to the extent of the issue of currency?

Mr. MORGAN. Not by any means. If I accept a pledge from the Senator from Texas of a Texas bond for the loan of a thousand dollars, I advance him a thousand dollars upon it, but I by no means guarantee his Texas bond because I have loaned him the money upon it.

Mr. BUTLER. May I ask the Senator a question? If the Government does not guarantee the State bonds, suppose the State should default in the payment of its interest on the bonds or should repudiate the bonds, would not the Government be responsible to the noteholder for every dollar of issue that had been made by the Treasury Department?

Mr. MORGAN. Unquestionably so; and the Government is responsible now to the noteholder.

Mr. BUTLER. Precisely, but it is responsible on its bonds and on its own security.

Mr. MORGAN. It is responsible on its own bonds, and you are paying off the bonds and taking in the notes, and I am trying to devise some system to prevent the country from being crushed by that fact.

Mr. BUTLER. I am not making any issue with the Senator about that; I simply wanted to ascertain from him exactly what would be the practical operation of the scheme which he is suggesting.

Mr. MORGAN. I thank the Senator for his questions; they do not disturb me in the least.

Mr. MAXEY. Will the Senator from Alabama yield to me for a question?

Mr. MORGAN. I have no objection. This is a good way to debate any question.

Mr. MAXEY. The national-bank paper rests upon the faith which the people have in the Government promise. The Senator says the Government of the United States would not guarantee the State bonds. What becomes then of that faith in the security of the paper issued by the Government when the Government does not indorse it?

Mr. MORGAN. The faith which is reposed is in the Government of the United States and its promise, and that is contained on the face of the ten-dollar, or twenty-dollar, or one-hundred-dollar national-bank note.

Mr. MAXEY. But the Senator says the Government does not indorse the security for the State bonds.

Mr. MORGAN. Of course I say so.

Mr. MAXEY. Then I can not see how the Government stands as security.

Mr. HARRIS. Will the Senator from Alabama allow me to interrupt him?

Mr. MORGAN. I certainly will.

Mr. HARRIS. If I understand the theory of the Senator's amendment, he proposes that bonds of a State ranking in the markets at par shall be held by the Treasury as security for the circulating notes that are to be issued to national banks?

Mr. MORGAN. Yes, sir.

Mr. HARRIS. In the event of a State making a default the Senator proposes that the bonds shall be sold upon the market for the redemption of the outstanding circulating notes?

Mr. MORGAN. Certainly.

Mr. HARRIS. Suppose they are so sold after the State has made default and they sell for less than 75 cents on the dollar, then there is a part of the circulating notes that would not be redeemed by the proceeds of that sale?

Mr. MORGAN. Yes, sir, unquestionably.

Mr. HARRIS. Does the Senator's amendment provide that the Government of the United States shall then redeem that balance of the unredeemed circulating notes?

Mr. MORGAN. Yes.

Mr. HARRIS. Then shall the Government of the United States lose the amount that it pays in the redemption of those notes or what is the remedy that the United States would have?

Mr. MORGAN. It does not provide that the Government shall lose the amount of money which it pays in excess of the amount that comes from the sale of the bonds. The Government pays of course the difference between the proceeds of the sales of the bonds and the amount of the outstanding circulation after the bonds are sold, and loses it, unless the capital stock of the bank, its assets and the individual liability of the stockholders are sufficient to make it up; but it holds to all the securities against these men under such provision of law as we have now got against men who are incorporated in national banking associations.

I will repeat my answer to the question of the Senator from Texas [Mr. MAXEY], because the question is very relevant, as well as is that put by the Senator from Tennessee [Mr. HARRIS] very pertinent and very important.

Mr. MAXEY. I beg to say to the Senator that I had no motive on earth but to ask him in order to throw light on the subject.

Mr. MORGAN. Of course I know that; and I appreciate the question and the motive with which the Senator put it. I am glad he did it.

I will repeat what I said, if I can repeat it, about this matter. The holder of notes issued upon the faith, as we call it, of the State bonds has for his security—first, the guarantee of the Government of the United States; secondly, the amount of the reserve fund in the national bank required under the law to be kept, including the redemption fund, which is part of the reserve; thirdly, the assets of the bank, including its stock; and fourthly, the individual liability of the stockholders. The Government of the United States has got precisely the same guarantees for its reimbursement when it loses anything by this act of redemption, with the exception of course of its own guarantee of the circulating notes. That is to say, the Government of the United States has first got the bonds which are deposited as collateral security. When the bonds are sold and there is a deficit and an outstanding sum of money for which it has become liable because of its guarantee of national-bank notes issued upon the faith of it, the Government of the United States then has got the stock of the individual stockholders; it has got the individual responsibility of the stockholders, whatever that may be; it has got all the assets of the bank; it has got the reserve fund which has been held under the law just precisely as is the case now, for there is no alteration in the law in that particular; it has the power to wind up the bank, and I confide by my amendment the power in the hands of the Secretary of the Treasury at any time that he may think the interest of the Government requires the sale of these bonds to sell them; so that if there is even a premonition, I will say, of insolvency on the part of the State, or any reluctance in the payment of its debt, or if they are debating the question of their liability, instantly the Secretary of the Treasury can put the bonds upon the market and sell them, so as to realize (as I think he would be apt to do upon Pennsylvania bonds or Connecticut bonds or Massachusetts bonds or Georgia bonds or Alabama bonds that were at par, the 6 percents) the 75 cents in the dollar for which we permit them to be pledged.

There is no danger in this amendment. I will remind Senators that it contains every guarantee in favor of the Government and of the noteholder which now exists, and it secures in the place of the bonds which are paid bonds of the State governments at 75 cents on the dollar, provided they are at par, and provided that the State governments for five years past paid the interest upon their bonds, thereby giving a guarantee of their good faith.

I must be allowed to say that I deprecate the suspicion which prevails against the States of the American Union throughout all the legislative circles in the land. I can not deny that there has been some cause for it in particular cases; but there is a general distrust of State securities throughout the country, and the very best of State securities are put under the ban because some of the States have not kept up with their obligations.

Mr. PLUMB. The Senator from Alabama ought to discriminate a little. The bonds of the State of Kansas to-day are selling at about 140 in New York, when they can be bought at all.

Mr. MORGAN. I am glad to hear that Kansas has that kind of credit. It has better credit in that respect than in some other I have heard of.

Mr. BROWN. Georgia has sold many of her 4 per cent. bonds at par.

Mr. MORGAN. The Senator from Georgia [Mr. BROWN] informs me that his State sold a large batch of 4 per cent. bonds at par. The credit of States is coming up. I am glad of it. Alabama 3 percents are worth 86 and 88; our sixes are worth 104; and it has not been a long time since Alabama was involved in a great deal of trouble about her bonded debt and had a pretty severe castigation in this Chamber in respect to her bonds. The truth is, the State bonds are coming now to the front.

I will conclude what I have to say by simply remarking that in comparison between the system I propose and the system of issuing Treasury notes based upon nothing but reserves of coin in the Treasury, my plan is largely to the advantage of the people, for what I propose avails of the reserve in the Treasury for the security of the noteholder; it uses every form and fashion of security given by law to the Government for its protection, and adds to it the security of a valid and a good State bond at 75 cents on the dollar. If that is not strengthening up the security of the Government and of the bill-holder both, then I do not understand the subject at all. To my mind it is perfectly plain. I do not wonder that it has been discussed, but I wonder that Senators have not been more ready to settle the question in their minds.

I am aware of the difficulties that surround the introduction of a new proposition like this into a bill, and I think I may say that I have ventured upon this proposition with a great deal of reluctance, a great deal of concern, for it is not a pleasant matter for any man to advance a proposition merely for the sake of having it beaten down in the Senate. I prepared myself in that particular and expected defeat, for I see the Senate is not disposed to go very far in this direction, but I think most Senators are convinced that there is something in it. I have prepared myself for this result by introducing a bill this morning, and having it referred, as I observed in my opening remarks, to the Committee on Finance, and I here express the earnest desire to the gentlemen of that committee that they will look through this subject, if my amendment is not now passed by the Senate of the United States, for I believe there is a door open to us there which will furnish us relief to the extent of about $300,000,000 as a basis of banking perfectly sound and good, and one that we ought not to reject because it may be in some form or other open to conjectural suspicion.

Mr. ALLISON. Mr. President, I would not discuss the amendment of the Senator from Alabama [Mr. MORGAN] to-day were it not for the fact that I was severely castigated yesterday by the Senator from Kansas [Mr. PLUMB] because I ventured to express the opinion that the amendment introduced by the Senator from Alabama was to be preferred to the measure proposed by the Senator from Kansas; and, notwithstanding his criticisms, I still maintain that opinion. Maintaining it, however, I am not obliged at this special moment to support either the measure proposed by the Senator from Alabama or the measure which was voted down yesterday.

It seems to me that our discussion is rather wide of the mark in many respects. In the first place, we do not seem to bear in mind constantly the character of this national banking system of ours. The Senator from Texas [Mr. COKE] a few moments ago very gravely asked the Senator from Alabama what would become of the Government of the United States in case it should turn out that these State securities should be sold at 10 or 15 per cent. less than the amount of the bank circulation for which they were pledged. Aside from the question of security in the Treasury of the United States, no banking system has ever been established that is so thoroughly guarded and carefully protected with reference to its circulation as is the national banking system. This system was organized not for the purpose of kite-flying, not for the purpose of issuing the character of notes that were issued before 1861, when we had perhaps 10,000 different characters of circulation issued by thirty-four States, but it was intended to be a system whereby the

capital of the country should engage in banking and engage in it in such a way as to protect the men who held the circulating notes of the banks.

I have before me the last report of the Comptroller of the Currency. That report gives a list of every bank that had been forced into liquidation since the establishment of the system in 1863. I find the aggregate capital of banks forced into liquidation during this period of twenty years to have been only $19,000,000, and of all the banks thus forced into liquidation nearly one-half or over one-third of the whole number not only redeemed their circulation through their assets, but paid to the creditors of the banks 100 per cent. So this system is well guarded in every respect without reference to the question whether the bonds held on deposit by the Government of the United States are sufficient to redeem the circulation.

Now, what is the character of some of these safeguards? In the first place every bank is prohibited from loaning money upon its own stock and upon its own circulation. It is prohibited from loaning to any one person, partnership, or corporation more than one-tenth of its capital. It is prohibited from borrowing money except on account of its circulation and its capital. These safeguards are thrown around the system and they have been added to from time to time.

Why has the Government done this? It has done it for the very reason so well stated by the Senator from Alabama, that the Government of the United States stands behind every dollar of this circulation, and justly and properly stands behind it; and whenever the Government ceases to guarantee to the holder of these circulating notes absolute payment, I for one want to see the system destroyed utterly and absolutely; first because if there is any one thing we are bound to do, having taken hold of this question, it is to see to it that the holders of circulating notes are certainly safe and secure, come what may. Therefore the only question for the Government of the United States to consider in settling this matter is what is a sufficient collateral security to be held by the Government which will enable it to recoup itself if in any event it is bound to pay these circulating notes.

Now, I repeat what I said the other day in debate, that I infinitely prefer the proposition of the Senator from Alabama to the proposition introduced by the Senator from Kansas. What is the latter proposition? I will not argue it. It is a proposition that the Government of the United States shall issue its own Treasury notes. What do they represent? They represent debt, they represent wasted energies, they represent armies destroyed, navies destroyed, expenditure wasted in every way that you please, say on rivers and harbors. If it is a wise thing to issue Treasury notes for the purpose of taking up the interest-bearing debt of the United States, why is it not an equally wise thing to issue Treasury notes for the purpose of paying the ordinary expenses of our Government and thus save *pro tanto* public taxation? I can see no difference in principle between the issuing of Treasury notes in payment of an existing debt, which is but substituting one promise for another promise, and issuing Treasury notes for the purpose of simply paying the ordinary expenses of our Government and repealing our tax laws.

That is the difference between these two propositions, as I understand it. But I do not favor the amendment of the Senator from Alabama. I do not favor it because I do not believe we should make so great a departure without a careful consideration of the question, not in open debate in the Senate, not by comparing views here and there as we are bound to do in discussing these questions, but the substitution of securities should be carefully considered by a committee of this body, that should look into the whole subject with care to see whether or not the proposition of the Senator from Alabama is a wise one. I do not doubt that under the safeguards thrown around his amendment there would be ample security, as suggested by him, but his measure as proposed is itself only an expedient; it, in the nature of things, is only a temporary measure. Why, sir, compared with the vast capital of the national banks, compared with the growing necessities of our country for circulation, the proposition of the Senator from Alabama is little short of a makeshift. If he will turn to the statistics with reference to our State debts, he will find that to-day they only amount to a little over $200,000,000, all told, and yet we have $201,000,000 of bonds now lying in the Treasury, to be paid presently, as security for the circulation of these national banks. Therefore, if the national banks could gather up and draw into the Treasury of the United States every dollar of State bonds that could come under the provisions of the amendment of the Senator from Alabama, it would only cover a year of the contemplated withdrawal of the 3 per cent. bonds. The New England States have but $49,000,000 of bonds outstanding, all told; the Middle States have but $44,000,000, all told; the Western States, including the State of Missouri, have but $37,000,000, all told, leaving, I believe, about $115,000,000 of State bonds in what are denominated as the Southern States; and of these $115,000,000 I submit to the Senator from Alabama that on very few of them is the interest paid. There are at least $75,000,000, if not $80,000,000, of the $115,000,000 of the bonds of the Southern States on which those States do not pretend to pay the interest, and hence they do not come within the category of his amendment. Then, if we could draw into the Treasury every dollar of the State bonds of the various Southern States of this Union that are available under the amendment, we should not get to-day, all told, bonds to the amount of $100,000,000. Virginia, Tennessee, and Louisiana, having an aggregate debt of more than $75,000,000, do not pretend to pay the interest on their bonds; and so of some of the other Southern States. I believe that Georgia and Alabama and Kentucky and Texas and some of the other States do pay their interest. I see my friend from Kentucky [Mr. BECK] right before me; his State has only a small debt.

Mr. BECK. We have a surplus beyond the debt; so that we have no debt really. The trouble is we can not get it in.

Mr. ALLISON. She is put down in the statistical tables as having a small debt. What is true of Kentucky is measurably true of many other States. Here is the great State of New York having only $7,000,000 of public debt. Does anybody suppose that any considerable portion of the debt of the State of New York is obtainable for any purpose whatever? So of the States of New England and so of all the Middle States. Therefore the objection that I have to the amendment suggested by the Senator from Alabama is that, while it is a great departure from the settled policy of our Government and one that ought not to be considered here at all without careful examination in committee in the first place, it is no remedy for the disease which he says exists.

For myself I am glad that the Senator from Alabama has moved this amendment. It is the first proposition looking to a substitution of other securities for the securities now held by the Government on account of the national banks. It is the first opportunity we have had to discuss this question with reference to practical measures; but I submit to him that in view of the situation the remedy proposed by him is entirely inadequate. I believe—and yet I would not be bound by the opinion I express now—that we shall be compelled sooner or later to rely upon the individual liability of the stockholders of these banks for the security of the circulation by some well regulated and well guarded system. I do not believe, if we are to rely on them for circulation, that we can rest it upon any State securities or national securities that are available for the purposes of circulation. So I think the bill now before the Senate reported by the Finance Committee should be passed as it stands, leaving us an opportunity of examining in the near future (because this exigency will not come for two or three years or possibly for seven years) more carefully and considerately the question of what security we shall substitute for the benefit of the Government of the United States for the security now held by the Government.

Mr. BUTLER. May I ask the Senator before he sits down why he does not rely on specie as a guarantee for the issues?

Mr. ALLISON. Undoubtedly I do, partially.

Mr. BUTLER. That seems to be practicable.

Mr. ALLISON. We have that now as a basis for our circulation.

Mr. BUTLER. When the bonds are taken up and called in, why can not gold and silver coin or gold and silver bullion be substituted as the basis of issue?

Mr. ALLISON. That would be a very good substitute if you could secure enough of it and have people who would take stock in the banks and deposit dollar for dollar.

Mr. BUTLER. The complaint now is that there is too much silver here.

Mr. ALLISON. That is a complaint of some people and some people who do not understand thoroughly what they are talking about.

Mr. BUTLER. I am glad to hear the Senator say so.

Mr. ALLISON. I will not go into the discussion of the silver question. I know very well that at this moment we have a large amount of gold coin. The Director of the Mint tells us we have $600,000,000 of gold coin in the United States. I venture to say that that is more gold coin than is held by any other nation on earth this day. In other words, we are stronger in the basis of our circulation than any other nation is.

Mr. JONES, of Florida. Will the Senator permit me to put a question to him?

Mr. ALLISON. Yes, sir.

Mr. JONES, of Florida. Does the Senator think it would be possible under the wise and conservative legislation of a great Government like this to apply the well-established principle of banking to the banks created by national authority in former days and secure the circulation? Or does he think that the notes of the national banks of the Union have any better credit than those of the Bank of England, for instance, that rest on an essentially different principle?

Mr. ALLISON. I do not think so, but I do not agree with the Senator from Florida that they rest on an essentially different principle.

Mr. JONES, of Florida. It will be remembered that those States of the Union that had banking systems previous to the present ones, New York and Massachusetts and those States, had wise and salutary regulations for the banks.

Mr. ALLISON. That is very true, and it is possible that a State system might be so managed now; but our national system is regarded as essential by our people for the reason that the notes are everywhere of the same value. That never was true of the State bank systems. Now our present system is substantially on the basis of the circulation of England. The circulation of England to-day is based upon the credit

of the government in part, to the extent of £15,000,000. It is then based, in addition to that, upon every dollar of gold coin or bullion that is deposited in the issue department of the Bank of England. There they have a double security, partially resting upon the faith of Great Britain and partially resting upon absolute coin in the vaults of the Bank of England. That is exactly our national-bank system to-day; it is exactly the system upon which this Government has issued its circulating notes. We have $346,000,000 based upon the credit and faith of the Government. We have in addition to that whatever amount of gold and silver notes the Government chooses to issue upon deposits of gold and silver coin. Thus we have a perfectly safe system, taking the national-bank system and the Government system together, but the trouble with the national banking system is that our debt is being so rapidly paid off that this security is being swept from under our feet.

Now the problem for us to solve is what shall we substitute for this Government security? The Senator from South Carolina says gold and silver coin. In the various operations of a government or a people so widely diffused and disseminated as our people are, it would be practically impossible for us to do business on gold and silver alone.

Mr. BUTLER. The Senator misunderstood me. I suggested that we make them the basis of our notes, our bank issues. I simply meant to substitute them for United States bonds.

Mr. ALLISON. The trouble with that, as the Senator will see, is that there is no inducement for capitalists to enter into a national banking system that requires them to put up a dollar in gold for every dollar of their bills.

Mr. JONES, of Florida. The Senator said the security of the Bank of England note was to some extent the credit and faith of the Government of Great Britain. I do not so understand. I understand that the inducement to that great institution is afforded by the fact that absolute security of dollar for dollar lying behind the circulation is required.

Mr. ALLISON. They require security, dollar for dollar, except the amount that is held on the faith of the government, namely, £15,000,000. The Bank of England cannot issue a dollar of circulation beyond £15,000,000 unless there is a dollar of gold deposited in the vaults of the bank behind it.

Mr. BUTLER. Does not the Senator think it would be perfectly safe under the present national banking system, modified of course so as to be adapted to the obligation, to issue two for one?

Mr. ALLISON. It might be; but my own opinion is that when we authorize the national banks to issue circulation, and we ourselves as a Government hold ourselves responsible for that circulation, we ought to require the fullest and strongest security. Therefore I would require that the individual stockholders of the bank, together with the assets of the bank, should be held absolutely for the circulation to the extent of every dollar of the property of the individual stockholders. Then I would provide, in addition, that any bank might, say to the extent of one-half the capital, issue circulation upon that basis, and that upon the other half of their capital they should issue it upon the deposit of gold coin or silver coin. But this is only a speculative method of changing the whole system of our national banks. I do not know that I shall be for that after full discussion.

Mr. PLUMB. Will it interrupt the Senator if I should ask him a question?

Mr. ALLISON. No.

Mr. PLUMB. I ask the Senator if he believes that a currency based upon individual liability would ever be accepted by the people of the United States as a currency equally good everywhere, and giving security against failures, and so on, which the currency we now have possesses.

Mr. ALLISON. Of course I can not state all the conditions of a currency in a single sentence. This currency must have, in addition to what I have stated, all the conditions which we now have, namely, absolute redeemability at the pleasure of the holder of the currency at the Treasury of the United States.

Mr. BUTLER. And Government inspection.

Mr. ALLISON. All the safeguards now thrown around the national-bank notes. It should have also the absolute faith of the Government behind every dollar of the circulation. With these conditions I believe a holder of a national-bank note would never inquire by what bank it was issued or make any inquiry in reference to it, and such a system would be as strong for the noteholder as our present system, and I believe it could be wisely provided that sufficient safeguards could be made for the protection of the Government against loss by means of its guarantee of the notes issued by the banks.

Mr. INGALLS. Mr. President, the amendment offered by the Senator from Alabama presents one of the practical alternatives that Congress will be compelled to consider in connection with our banking system in the course of a very few years. At this moment, however, it is premature. It has not received due consideration, and I regret exceedingly that the Committee on Finance, instead of reporting the fragmentary and inconsequential bill that is now before us, has not risen to the dignity of the occasion and prepared some measure that will be an equivalent for the emergency with which we are shortly to be confronted, a practical solution of the problem as to what shall be the paper currency of the future.

The Senator from Iowa is always an optimist. He assures us that there is no emergency, that the days are halcyon, that the seas are undisturbed, and that years will probably elapse before there will be difficulty or disturbance with our existing banking system. When we reflect, Mr. President, that out of the $300,000,000 of 3 per cent. bonds subject to call more than $200,000,000 are held by national banks as security for their circulation, and that we have a surplus revenue ranging from fifty to one hundred million dollars per annum that can only be used for the payment of these 3 per cent. bonds, it appears to me that the Senator from Iowa is a trifle too sanguine; that we are liable at a very early period to be confronted with the difficulty resulting from the sudden, spasmodic, and dangerous contraction of the currency for which the measure reported by the committee affords no substantial remedy. When that call of bonds occurs and the circulation is contracted by 90 per cent. of the amount of 3 per cent. bonds that may be cancelled, unless I am mistaken there will be a very serious question confronting the American people.

It may, I think, be taken for granted that there is a determination that the public debt shall be paid; that there will be no consent to any abridgment of the revenue which interferes with this result; that there will be no consent to any increase of the debt, whether apparent or real, for the purpose of affording a basis for national circulation. Therefore when the Senator from Iowa says that there is no trouble, that there is no necessity for the preparation of any measure by the Committee on Finance which shall deal with this great question as to what shall be the paper currency of the future, I fear he is mistaken. And now when we are at peace, when the revenues of the country are in a satisfactory condition, when there is a surplus in the Treasury, when all of our different currencies are as good as gold, when the voice of the Greenbacker is no more heard in the land, when *fiat* money is no longer demanded by any considerable portion of the American people, I regret that at this most auspicious time the Committee on Finance did not conclude to report some comprehensive measure, instead of leaving the question to be considered in time of stress, of danger, and of peril, when, confronted by the dangers of a contraction of the currency, public opinion may not be as tranquil as it is at present.

Within four or five years at the outside a large proportion of the present basis of national banking will have been destroyed by the payment of the 3 per cent. bonds; I take that to be indisputable; and when that period arrives we shall be confronted with the practical question as to what shall be done to supply a currency for this country.

I said the proposition of the Senator from Alabama was one of the practical alternatives. It is. We are to consider whether this system of national banks that has proved so beneficent in its operations, that is to-day approved by all parties, is to be continued upon the basis of some other security than that afforded by the national debt. We shall then be called upon to consider whether State securities can be taken as a basis; whether mortgages upon real estate can be taken, or whether there can be any exchange of the bonds of the United States having a longer period to run, into those at a lower rate of interest which can be held by the national banks as a basis for their circulation.

I believe that Treasury notes would be the best conceivable currency provided the amount could be fixed so as not to be subject to the caprice of Congress; and I say this without concurring in the opinion that has been often expressed, that it is necessary to hold a large reserve in gold or silver coin for their redemption. I have heard the Senator from Iowa, the Senator from Alabama, and other Senators repeat during this debate the statement that there was a reserve in the Treasury at this time, in coin, held for the purpose of the redemption of the outstanding legal-tender notes of the United States. There is not one dollar in the Treasury of the United States either in gold or in silver held for that purpose, and I should be very glad if those Senators who have so often reiterated that statement would refer me either to a provision of the statutes requiring it or to a report of an officer of the Treasury affirming that a dollar is so held. There is not one single penny in the Treasury of the United States to-day held as a reserve for the redemption of the outstanding legal-tender Treasury notes of the United States.

Mr. BAYARD. May I ask the Senator is it not a fact that under the resumption act of 1875, by which the power was given to authorize resumption, the bonds of the United States were sold?

Mr. INGALLS. Yes, sir.

Mr. BAYARD. And this body of gold was bought and bought for the purposes of resumption. I do not say that there is a specific creation of a fund called a reserve fund to pay the demand notes of the Treasury, but I do say that the gold was bought for the purpose of resuming and of maintaining resumption, and therefore there is the strongest implication, if not the direct pledge of the money bought with the 4 per cent. bonds of the United States. That law, I may say, still remaining unrepealed, the power still exists to sell the bonds of the United States to any extent that may be necessary for the purpose of maintaining resumption.

Mr. INGALLS. That is true.

Mr. BAYARD. And at any rate. It is a *carte blanche* of power, and it is, in my judgment, that potentiality in reserve, the power in the Treasury that stands there like the Rock of Gibraltar back of the demand notes of the United States.

Mr. INGALLS. The Senator from Delaware and I do not disagree. There was undoubtedly, under the act of January 14, 1875, power given

to the Secretary of the Treasury to "sell and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled 'An act to authorize the refunding of the national debt,' with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect."

That is absolutely unlimited, and in pursuance of that authority the Secretary of the Treasury issued and disposed of $95,500,000 of bonds, procured gold coin, placed it in the Treasury, and it is there in the general balance to-day, subject to check for daily payments, and not a dollar held for the redemption of the notes.

Mr. BAYARD. Not held as a reserve fund? It was bought for reserve.

Mr. INGALLS. There is not a dollar in the Treasury that can not be drawn out at the will of the Secretary in the payment of any of the obligations of the United States or used to-day for the purchase of the 3 per cent. bonds of the United States; and I invite any contradiction of that statement, based upon the record.

Mr. ALLISON. As the Senator from Kansas alludes to my statement in reference to the character of this reserve, he will permit me to remark that I have never stated that there was a positive and actual setting apart of so much coin in the Treasury for this particular purpose. I do not know that there is any such thing.

Mr. INGALLS. It is subject to daily check.

Mr. ALLISON. Subject to daily check; but it is not drawn upon; and no Secretary of the Treasury having regard for the implied obligations of the Government would check that balance below $100,000,000.

This is not a new discussion; we had it over and over again; and in 1882, when we passed the act rechartering the national banks, there was a provision put in the law which was intended in some degree to limit the power of the Secretary of the Treasury to draw the balance down below $100,000,000, and if the Senator will allow me I wish to read it. Section 12 of that act is the section authorizing the issuance of gold certificates. It was stated and maintained on this floor that the issuance of gold certificates would result in the withdrawal of all the greenback notes, that there would be a run upon the Treasury first, a drawing out of the gold coin for the greenbacks, and then a redepositing of the gold coin, and thus substituting gold certificates for the greenback currency. In order to avoid that objection there was put in section 12 of the law a provision:

Provided, That the Secretary of the Treasury shall suspend the issue of such gold certificates whenever the amount of gold coin and gold bullion in the Treasury reserved for the redemption of United States notes falls below $100,000,000.

When the reserve held in the United States Treasury for the redemption of United States notes falls below $100,000,000! This is a clear implication that at least $100,000,000 of this sum is held for that purpose. That is all I meant to say. I never meant to say that there was a specific designation, a setting apart of so many gold dollars for the redemption of greenback notes.

Mr. BECK. As the Senator from Kansas is allowing interruptions to let gentlemen set themselves right, will he allow me two minutes to do the same thing?

Mr. INGALLS. With pleasure.

Mr. BECK. The Senator from Alabama [Mr. MORGAN] in his argument a little while ago suggested that I was making propositions to withdraw the basis of security of the legal-tender notes of the United States by a bill that I introduced yesterday. It is pertinent to the question now up to say that I had no idea of doing any such thing. The bill is in the RECORD this morning. The bill I introduced was based upon the main idea the Senator from Kansas has, and that I agree with him in and that we have maintained together heretofore, that $100,000,000 was the maximum that the Secretary of the Treasury ought to keep in the Treasury for any purpose. He is holding now $150,000,000, and he insists upon retaining $150,000,000; and if by any casualty we should succeed in reducing our taxation down to a point where we should not be absorbing the means of the people as we are now, and make liberal appropriations in any contingency that shall happen whereby the revenues of the Government should not come up to the present standard, he would insist on selling bonds again, as Secretary SHERMAN did, to the amount of $95,000,000 to keep up his reserve.

The bill I had the honor to introduce yesterday was to the effect that if by accident, foreign complications or otherwise, the revenues of the Government fail to come up to the amount of the expenses of the Government, he should not sell any more bonds until the reserve was reduced down to $100,000,000, but that he could use that $50,000,000 of surplus above the $100,000,000. I want this to be an answer to anybody who opposes the reduction of taxation, that there is $50,000,000 of surplus to be used before he can sell more bonds.

The Senator from Kansas very well recollects the discussion that occurred here a year or two ago relative to the immense amount of money to be paid for pensions, where the Secretary wanted the power to sell more bonds; but the Senator and I and others of us said, "No; you are holding $10,000,000 now in reserve for your fractional currency; take that out;" and we succeeded in requiring him to take that out, and there never was a dollar of it used.

There is always an effort to sell bonds to keep up large balances. One hundred million dollars is the maximum, and I agree with the Senator from Iowa that it was an implication that it should not be below $100,000,000, and we never ought to have had it beyond that. Therefore I desired the Senator from Kansas to draw that down and make it imperative on the Secretary not to sell any more of our bonds where he has any sum in excess of $100,000,000 lying in the Treasury, but to use it as money in the Treasury appropriated instead of selling bonds to meet any deficit that may occur in the revenues if they do not come up to the expenditures.

I thank the Senator from Kansas for allowing me to say this much.

Mr. INGALLS. Mr. President, I do not learn that any of the observations which have been made impair in any degree the force of the remark which I submitted that there is not at this time a dollar in gold or silver coin in the Treasury of the United States held as a reserve for the purpose of redeeming the legal-tender Treasury notes; and if any Senator can point me to any clause in the statutes or to a report of any of the officers of the Treasury which either commands that or shows that it exists, I shall be instructed. I make this observation, not for the purpose of intimating that any obligation of law has been disregarded, not to show that there ought to be or ought not to be a coin reserve in the Treasury, but to show that the value of these legal-tenders does not depend upon a redemption fund; that they would be exactly as good as they are now if there was not a dollar of this idle coin in the Treasury; because, as the Senator from Delaware has already pointed out, in the act of January 14, 1875, the absolute power was given the Secretary of the Treasury at any time to sell a sufficient amount of the interest-bearing bonds of the United States to make redemption secure. That is all the power required to made the legal-tender notes good; and it is not necessary, in my judgment, that one farthing of this vast coin reserve, now amounting to about $150,000,000, should be held longer so far as the value of the legal-tender Treasury notes is concerned.

Mr. MAXEY. Will the Senator from Kansas permit me to ask him a question?

Mr. INGALLS. Certainly.

Mr. MAXEY. The Senator a moment ago was discussing the proposition that very soon as the national bonds are paid off we must make provision for currency, and he expressed the opinion, in which I concur, that Treasury notes are as good a currency as can possibly be made; but he suggested danger from improvident legislation. I ask if the convertibility of the Treasury notes into coin on demand does not prevent an overretention in circulation of Treasury notes, on the ground that when there is too much of them the holder of the note will go to the Treasury and get his coin for it. That is, the very fact of convertibility prevents the keeping out of more of that circulation than the demands of commerce require.

Mr. INGALLS. The Senator is right. All those difficulties, under the condition that he suggests, would adjust themselves.

It may be instructive, Mr. President, to consider for a few moments the annual report of the Treasurer of the United States for the fiscal year ending June 30, 1883. Upon page 9, where the subject of the reserve is considered, he says:

The following statement shows the excess of the cash assets of the Government over its net demand liabilities on the 1st day of November, 1883, compared with that on the same date in 1882:

	1882.	1883.
ASSETS.		
Gold coin	$108,888,963 44	$147,037,092 56
Gold bullion	50,916,780 10	62,392,847 34
Standard silver dollars	92,414,977 00	116,036,450 00
Fractional silver coin	26,749,432 45	26,712,424 15
Silver bullion	4,012,503 27	4,936,364 86
Deposits with national-bank depositories	8,738,523 16	7,987,663 27
United States notes	29,689,196 17	37,113,037 33
National-bank notes	6,370,051 58	6,428,179 99
Total assets	327,780,427 17	408,644,089 50
LIABILITIES.		
Old debt	792,012 27	775,096 84
Called bonds matured and interest	9,661,510 16	3,531,342 84
Matured bonds and interest	786,524 00	331,009 90
Interest due and not paid	5,255,170 24	2,371,276 57
Gold certificates outstanding	11,370,270 00	52,076,180 00
Silver certificates outstanding	65,620,450 00	85,334,381 00
Certificates of deposit (act of June 8, 1872) outstanding	9,835,000 00	12,545,000 00
Disbursing officers' balances and various small accounts	24,208,117 05	24,331,528 02
Outstanding drafts and checks	5,635,232 31	8,379,155 26
Five per cent. fund for redemption of national-bank notes	14,471,298 01	14,220,766 81
Fund for redemption of notes of national banks failed, in liquidation, and reducing circulation	38,169,253 10	35,672,219 60
Post-Office Department account	6,823,901 04	8,253,587 24
Total liabilities	192,628,738 18	247,821,544 08
Reserve—excess of assets	135,151,688 99	160,822,545 42

It will be seen that the reserve—

Mark his language—

the reserve is ascertained by deducting from the cash in the Treasury the aggregate of the current liabilities other than United States notes, the amounts of

certificates and other obligations nominally outstanding having been first reduced by the amounts of those held by the Treasury.

The reserve increased from $135,151,688.99 in 1882 to $160,822,545.42, due to the increase in the cash owned by the Government of $8,918,286.36 in gold coin and bullion, $4,831,403.59 in silver dollars and bullion, and $4,771,969.57 in currency; and to the decrease in the liabilities for bonds and interest of $9,486,490.52, and in the funds for redemption of national-bank notes of $2,747,564.70. This aggregate increase of $30,755,714.74 is, however, reduced to $25,670,856.43 by the increase in the liabilities on account of Post-Office Department, outstanding drafts and checks and disbursing officers' balances of $4,297,020.12, and by an actual decrease in the fractional silver coin in the Treasury and the funds on deposit with national-bank depositories of $787,838.19.

The amount of the reserve a year ago would, however, have appeared greater by $12,063,714.72 had not payment been anticipated of that amount of called bonds not then matured, which should be considered in making any comparison.

The following table shows for the first day of each of the past thirteen months the amount of the current liabilities exclusive of United States notes; the amount including such notes; and the cash in the Treasury, certificates for gold, silver, and currency deposits and the moneys held for the redemption of the same, having been deducted; also the percentage of the reserve ascertained, as stated above, to the United States notes outstanding, and of the cash to current liabilities, including those notes.

Month.	Current liabilities, excluding United States notes and coin and currency certificates.	Current liabilities, excluding certificates and including United States notes, namely, $346,681,016.	Cash, less amount of coin and currency certificates.	Percentage of reserve to United States notes outstanding.	Percentage of cash to demand liabilities, including United States notes, certificates having been eliminated.
1882.					
November	$105,803,018 18	$452,484,034 18	$240,954,707 17	39.0	53.3
December	112,156,311 13	458,837,327 13	236,742,304 00	35.9	51.6
1883.					
January	111,908,927 79	458,589,943 79	223,700,425 05	32.2	48.8
February	105,295,921 02	451,976,937 02	226,707,110 73	35.0	50.2
March	110,604,935 34	457,285,951 34	238,201,333 89	36.8	52.1
April	108,292,907 34	454,973,923 34	240,420,177 64	38.1	52.8
May	122,080,864 40	468,761,880 40	243,783,639 91	35.1	52.0
June	116,546,697 48	463,227,713 48	244,580,843 16	36.9	52.8
July	112,105,099 61	458,786,115 61	253,111,870 34	40.7	55.2
August	105,931,897 37	452,612,913 37	258,874,204 94	44.0	57.1
September	109,370,166 29	456,051,182 29	261,665,988 79	43.9	57.4
October	107,070,088 12	453,751,104 12	259,236,856 51	43.9	57.1
November	97,865,983 08	444,546,999 08	258,688,528 50	46.4	58.2
Average for fifty-nine months	98,059,296 47	444,740,312 47	233,424,407 81	39.0	52.5

The range of the percentage of the reserve to the amount of United States notes outstanding ($346,681,016) during the period was from 32.2 per cent. in January to 46.4 per cent. in November, 1883; and the average for the four years and eleven months since the resumption of specie payments was 39 per cent.

Upon the assumption that the percentage should be computed between the cash in the Treasury and the liabilities, including United States notes, all certificates and the moneys for their redemption being excluded, the range was from 48.8 per cent. to 58.2 per cent. during the thirteen months, and averaged 52.5 per cent. for the fifty-nine months since resumption.

And yet Senators gravely assert that this is a reserve held for the purposes of redemption; that the shifting sands of a daily balance, struck by the officers of the Treasury, ranging from 32 per cent. of the outstanding United States notes in one month to 58 per cent. in another in the same year, subject at every moment to be drawn upon for the current obligations of the Government, subject to the discretion of the Secretary of the Treasury, is a reserve held for the purposes of redemption!

Mr. President, if after reading this statement of the Treasurer any Senator feels disposed to say that even the $95,500,000 secured by the sale of bonds is held as a reserve, I shall certainly be very much gratified. There is not one dollar that can not be paid out to-morrow for the purchase of 3 per cent. bonds; that power has been given to the Secretary of the Treasury, and the Senator from Iowa in his speech spoke of that as being one of the safeguards against the dangers of contraction.

Mr. ALDRICH. Will the the Senator allow me a word?

Mr. INGALLS. Yes, sir.

Mr. ALDRICH. I understood the Senator to say that no Secretary of the Treasury had ever reported that there was any sum in the Treasury held for the redemption of United States notes. Was I correct in that understanding?

Mr. INGALLS. That is my belief.

Mr. ALDRICH. I will read only one instance of several which I am sure exist from the report of the Secretary of the Treasury in 1880. The then Secretary of the Treasury now holding a seat on this floor, the honorable Senator from Ohio, said in his report:

The general available balance is now treated as such a fund, but, as this balance may, at the discretion of the Secretary of the Treasury—

Precisely as the Senator from Kansas has said—

be unduly drawn upon for the purchase or payment of bonds, it would appear advisable that Congress prescribe the maximum and minimum of the fund.

Thus stating in terms that the available balance is used and is held by the Secretary of the Treasury for the purpose of redemption and suggesting the fixing of a limit. I do not contend, nor has any Secretary of the Treasury nor any one on this floor ever contended within my knowledge, that this fund is specifically set apart either in the Treasury or under the provisions of any statute for this purpose; but it has been held, within the knowledge of Congress and within the knowledge of the people of this country, by the Secretary of the Treasury to be an available balance ranging, as has been shown, from 32 per cent. to 40 per cent. from time to time for this purpose. The amount never has been below $95,500,000. At no time since these bonds alluded to were sold has the amount of gold coin in the Treasury ever been as low as the sum which he has named, and two Secretaries of the Treasury at least have called the attention of Congress to the reserve so held, not by express command of law perhaps, but in the discretion of the Secretary, for the purposes of redemption of the United States notes outstanding.

I differ entirely with the Senator from Kansas in his idea that the value of these notes is not sustained to a very great extent by the amount of this fund.

Mr. INGALLS. Will the Senator, as I yielded to him, oblige me by submitting to an interrogation?

Mr. ALDRICH. Certainly.

Mr. INGALLS. Will he inform me if in his opinion there is a dollar of the coin balance in the Treasury that the Secretary of the Treasury cannot, if he sees fit, to-day or Monday employ in the purchase of 3 per cent. bonds?

Mr. ALDRICH. I think there is not.

Mr. INGALLS. Exactly what I said.

Mr. ALDRICH. Not by express limitation of law.

Mr. INGALLS. Then upon what does it stand?

Mr. ALDRICH. Upon the wise discretion of the Secretary of the Treasury and upon the unwritten law which should govern him in matters of this kind.

Mr. INGALLS. What would be said about the coin reserve in a State bank that rested on the wise discretion of the board of directors? That is what the Senator from Rhode Island replies to me in regard to the coin reserve in the Treasury; it depends upon the wise discretion of the Secretary, says the Senator, and yet if any bank in Rhode Island required to hold a coin reserve for the redemption of its circulating notes should announce that its sole dependence was upon its daily balance of deposits, subject to the will of its president or board of directors, I am inclined to think public confidence in its solvency would be materially impaired.

Mr. ALDRICH. The fact that such a condition of affairs exists is the fault of Congress. I have read from the report of the Secretary of the Treasury of 1880 suggesting that a maximum and minimum be fixed for this fund. No such maximum or minimum has been fixed except by a limitation in the national banking act of 1882, which has been read, put there on my motion, and made mandatory upon the suggestion of the Senator from Kansas himself, providing, at least by implication, the amount of coin reserve should never go below $100,000,000. I will admit that is only by implication, but the plain inference is that the Secretary is bound to maintain an amount not less than $100,000,000 of coin for redemption purposes.

Mr. BAYARD. The Senator will pardon me a word, as the subject is very interesting, I think, to the public. I would say the matter is much stronger than a mere implication.

Mr. INGALLS. Will not the Senator point out why?

Mr. BAYARD. I will tell you why.

Mr. INGALLS. I should be glad also if he would point out where the implication is.

Mr. BAYARD. I think it is something stronger than an implication. The Government of the United States had a large body of its demand notes outstanding and unpaid. They resolved under the forms of law to resume specie payments, and in order to resume specie payments they authorized the sale of the interest-bearing obligations of the United States for the purpose of creating that which would enable them to resume.

Mr. INGALLS. Will the Senator allow me to say that they authorized more than that?

Mr. BAYARD. They certainly authorized that. Then they authorized the sale of the interest-bearing obligations of the United States for the purpose of providing a fund in gold that should meet the demand notes of the United States and assist in resumption. But not only that, it went further—I do not think I can be mistaken about this—they went further, and gave the power to sell bonds without limit in order that not only should specie payments be resumed, but that they should be permanently maintained.

I objected to a construction of that resumption act, because when I asked the Senator from Ohio [Mr. SHERMAN] whether he held that they could reissue notes of the United States which once had been paid he refused to give any interpretation to it, and so I never did regard that redemption act as an honest one upon its face or a finality, because

it provided for the reissue of those notes which had once been paid, which was resumption, and then again going in debt further.

I had but one idea, that the Government meant to pay its notes, and be done with them. That was my theory and my wish, and in order to do that they sold their bonds and bought $100,000,000 of gold. What was it bought for? Certainly to pay such notes as should be offered at the Treasury for redemption. The consequence was that the public, knowing that nothing is so convenient or valuable as a note convertible at will into gold, did not present the notes, and the reserve never was called for. The reason they did not is obvious. It was certain to be accomplished whenever the notes went there, because not only was there the $100,000,000 to begin the resumption, but the unlimited power of the Government to sell its bonds to continue it and maintain it.

Although I agree that there is not a direct stipulation and contract that this money should be used for one purpose and one purpose only and kept there for that one purpose and that one purpose only, yet there is no other fair and reasonable construction; so much so, that if it were a case between private individuals I believe any court of chancery would restrain the use of one dollar of that money for any other purpose than the protection and redemption of these demand notes. It is stronger than an implication. It is not, as my friend from Rhode Island said, an unwritten law, it is a written law, and there lies in that law such an obligation that I believe that if it were a case between private parties and the matter was brought into a court of chancery the chancellor would restrain the payment or the use of that gold fund for any other purpose than that for which it was expressly designed.

I do not believe that the Secretary of the Treasury has in law the right to buy 3 per cent. bonds with that gold fund. I think there is no reasonable construction of the law that looks to that. You may say there is no letter of the law to restrain him. I say there is the spirit and there is the fair construction of the law; that it would be a perversion of his powers, and not only a perversion of his powers, it would be a perversion of the law and an assumption of unjust power if he took one dollar of that gold coin to pay it off for the ordinary expenses of the United States. That is what I mean to say, sir.

Mr. INGALLS. Mr. President, we are at last enlightened. One Senator tells us that this reserve rests upon an implication; another Senator assures us that it is based upon a fair and reasonable construction of an unwritten law; and a third that if the Secretary of the Treasury should venture to use one dollar of this fund for any other purpose than the redemption of the legal-tender notes he could be restrained by proceedings in chancery.

Mr. BAYARD. I said if it was a case between private individuals.

Mr. INGALLS. I understood that. But it is obvious from what has been admitted that the wildest claimant for strict construction can not find in the statutes or in the reports of the Secretary any foundation on which to base the assumption that any coin in the Treasury is held as a fund for the redemption of notes; and for the purpose of pointing the moral and adorning the tale, if the Senator from Iowa will restrain his impetuosity for a moment, I will call his attention to the language of the statute providing for resumption.

Mr. ALLISON. That is just what I desire the Senator to do.

Mr. INGALLS. Will the Senator from Delaware give me his attention while I read the language of the statute?

Mr. BAYARD. The law of 1875?

Mr. INGALLS. January 14, 1875.

And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, *in coin*, the United States legal-tender notes then outstanding, on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York in sums of not less than $50. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues from time to time in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid.

Now that there is, by implication even, in the language of that statute any direction to the Secretary to provide a specific fund for the redemption of the aggregate amount of legal-tender notes outstanding——

Mr. BAYARD. Was it not to enable him to do this thing that the law was given?

Mr. INGALLS. Whenever they might be presented in sums of $50; but the claim that he was by the language of the statute directed to provide a fund that should be a specific reserve for that purpose is absolutely untenable. How much was he to provide? What per cent. of the outstanding amount of legal-tender notes was he to place in the Treasury.

Mr. BAYARD. Will not the Senator admit that whatever he did procure was dedicated to that purpose?

Mr. INGALLS. But every cent that he did provide has been confused and mixed and confounded with the other assets in the Treasury, until there is not a dollar that can be distinguished. It is absolutely inseparable, and has been so from the hour that $95,500,000 of bonds was sold down "to the latest syllable of recorded time;" and of the aggregate balance that remains after deducting liabilities from assets, shifting all the way, by implication or by fair and reasonable construction or by a wise discretion, from ninety-five millions to one hundred and sixty millions, there is not a dollar that can not be expended to-day in the purchase of 3 per cent. bonds.

Mr. ALDRICH. Will the Senator yield to me again?

Mr. INGALLS. Yes, sir.

Mr. ALDRICH. I will read for the edification of the Senator from Kansas from the report of the Secretary of the Treasury for the year 1882:

The policy of the Department has been to keep for the redemption of the United States notes a reserve of about 40 per cent. of the amount of them outstanding—

Mr. INGALLS. "About 40 per cent."

Mr. ALDRICH—

and, besides that, to hold money enough to meet all other obligations payable on demand.

The fact is that the Secretaries of the Treasury have held continually a sum, treated as a reserve, equal to about 40 per cent., as this Secretary states, of the amount of outstanding United States notes, in addition to the amount necessary to meet the current demands of the Treasurer; and that fact has been repeatedly announced to Congress, and Congress by their non-action in the premises have given their acquiescence, their assent, I think I may fairly say their approval, to the policy thus adopted. The amount, as shown by the statement of the Treasurer read by the Senator himself, has never fallen below 32 per cent. on the amount of outstanding notes in addition to the amount necessary to meet all the other obligations of the Treasury.

Mr. INGALLS. I suppose then the Senator calls 32 per cent. "about 40!" He declares that the intention of the Secretaries of the Treasury has been, as announced in their reports, to hold "about 40 per cent." That is much like the promissory note of our African fellow-citizen who said, "For value received I promise to pay two or three dollars in two or three days." This policy of holding about 40 per cent. depends not upon the will of Congress, but upon the sound judgment and discretion of the Secretary; and yet I show by the report of the Treasurer for the last fiscal year that during the period of thirteen months last preceding it has descended as low as 32 per cent. and has ascended as high as 58.2 per cent.; and still we are gravely told that the value of the Treasury notes depends upon the coin reserve held in the Treasury.

Mr. ALLISON. May I interrupt the Senator?

Mr. INGALLS. I never listen to the Senator from Iowa without instruction and pleasure.

Mr. ALLISON. Thank you. Now I desire the Senator's construction of this statute. It seems that the Secretary of the Treasury is authorized to sell United States bonds "to the extent necessary to carry this act into full effect." That is what he can do. He can sell United States bonds to the extent necessary to carry the act into full effect.

Mr. INGALLS. If he were to hold it necessary to have a dollar in gold behind every dollar in legal-tender notes, he has the authority to sell sufficient bonds to make that amount.

Mr. ALLISON. Very well.

Mr. INGALLS. Unquestionably he has.

Mr. ALLISON. Now further:

And to use the proceeds thereof for the purposes aforesaid.

Now, what I want to ask the Senator from Kansas is this: Where, by statute or by agreement or by deed or by any instrument, we authorize an officer or person to do a particular thing with a sum of money or property that we intrust to him, is he authorized to do what he pleases with it or is he confined necessarily to the terms of the trust?

Mr. INGALLS. He has done as he pleased with it.

Mr. ALLISON. I do not so understand.

Mr. INGALLS. I wish the Senator from Iowa would point out to me somewhere on the statement of the Treasurer of the United States a dollar that is declared to be held in reserve for the redemption of United States notes. Here is his report.

Mr. ALLISON. I thank the Senator for handing me this book. This book describes with distinctness and clearness that there is a reserve.

Mr. INGALLS. Where?

Mr. ALLISON. In the Treasury; a reserve. He calls it a reserve—for what? That reserve is there for two purposes: first, to pay whatever current obligations may come in from time to time——

Mr. INGALLS. Suppose the current obligations exceed the entire amount of cash in the Treasury?

Mr. ALLISON. If they do, as a matter of course the Treasury would practically go to protest.

Mr. INGALLS. Then the reserve vanishes?

Mr. ALLISON. To that extent. Now the remainder is held as a matter of course.

Mr. INGALLS. If it is all paid out on current obligations, what part is reserved?

Mr. ALLISON. The Senator from Kansas of course can catechise me very well upon this point. If it should so happen that the amount of current obligations should exceed the amount of money in the Treasury, the Government would go to protest.

Mr. INGALLS. No; the Secretary would sell bonds.

Mr. ALLISON. He can not sell bonds for any other purpose except to

redeem the Treasury notes. That power is only for that purpose. We imposed upon the Secretary of the Treasury the duty of selling bonds to the extent necessary to carry this law into effect. He sold bonds to the extent of $95,500,000; and what I claim is—if the Senator from Kansas differs with me I hope he will say so—that here is a legitimate, specific command to use that $95,500,000 for one purpose. Now, I say if the Secretary of the Treasury uses it for another purpose he violates the provisions of the statute.

Mr. INGALLS. He has used it for another purpose. When the bonds were sold the money received was paid into the general Treasury and has there remained, subject to draft for current obligations ever since; and if the Senator from Iowa can point to me, on this statement of the assets and liabilities of the Treasury, any item which shows that there is a dollar of that $95,500,000 not subject to draft, then I will admit that I am mistaken; but until then I will not.

Mr. MILLER, of California. They have "mixed" the funds.

Mr. INGALLS. Of course they have been mixed. The proceeds of the bonds were put into the general fund the moment the money was received, and they have been subject to daily draft ever since.

If as the Senator from Iowa says these bonds were sold to create a fund for redemption purposes, what should have been done? What would a bank do, organized under State law, authorized to hold a coin reserve of 25 or 30 per cent. of its circulating notes? Would the Senator from Iowa say it was a compliance with the law to put the reserve in their vaults, to be drawn upon daily for the payment of checks or outstanding obligations? Is that a coin reserve held for the redemption of notes? It is idle to talk about it. No one who has examined this matter can fail to perceive that if the proceeds of the sale of the $95,500,000 of bonds was to constitute a redemption fund, it should have been placed in the vaults of the Treasury and accounted for as such and held as sacredly as a special deposit made by an individual subject to be returned in kind.

The fact that it has been put into the general fund, its identity absolutely destroyed, included in the balance that may be struck in the daily transactions of the Treasurer, shows that coin redemption plays small part in the value of the Treasury notes of the United States. It is in the ability of the Government to redeem that their value consists. The power is in the section of the statute which says that whenever it is necessary the Secretary may sell bonds for the purpose of producing a redemption fund. Therefore it is that I contend, and shall always contend, that if the Treasury notes of the United States could be issued in sufficient volume for the requirements of the business of the country, freed from the discretion of the Secretary of the Treasury, freed from the liability to increase or diminution at the will of Congress, so as to form a stable and permanent amount of currency convertible at pleasure of the holder, they would be the best circulating medium that could be devised.

Mr. President, this debate has taken a wide range, and I return to my first expression of regret, that in this time of peace and prosperity the Committee on Finance had not thought best to report some general measure that would give us some relief in the emergency that is shortly to arise, and that is the destruction of the present national-bank system by the payment of the bonds.

Mr. MORRILL. Will the Senator permit me for a moment?

Mr. INGALLS. Yes, sir.

Mr. MORRILL. The Senator has for a second time referred to the Committee on Finance as being derelict in their duty for not reporting a bill that would be more far-reaching in the present emergency to supply the place of the withdrawal of the national-bank notes. I wish to say that this measure was reported in consequence of the payment by the Government of about ten or twelve million dollars per month of the 3 per cent. bonds, more than half of which were found to be deposited for the circulation of the national banks; and it was thought that this for the time would be something of a relief. But I will add that there is a measure before the Committee on Finance that may have consideration at an early day of a more far-reaching character than the present bill, and I hope it will receive the favor of the committee, so that it can be reported; but I doubt whether when reported it will quite satisfy the Senator from Kansas, who opened his speech with the remark that the voice of the Greenbacker and fiat-money man was no longer heard in the land, and yet proceeded at once to avow his idea that a Treasury note, without any reserve fund behind it, was the very best possible solution of the question before us. I think that none of the rest can now say that the voice of the Greenbacker and fiat-money, maker is no longer heard in the land.

Mr. INGALLS. Why, Mr. President, the Senator from Vermont misstates my position. His remark is like one of the counterfeits of his own national-bank notes, "well calculated to deceive." I said expressly that in my judgment Treasury notes of the United States, protected from the discretion of the Secretary and guarded against the danger of undue and hasty expansion or contraction by Congress, so that the amount could be stable, convertible, and permanent, would be the best currency that could be devised; and if the Senator from Vermont thinks that is fiat money, then I welcome him to his conceit.

Mr. MORRILL. I have always understood that money issued by the Government without any coin behind it was distinctly *fiat* money and nothing else.

Mr. INGALLS. There is not a dollar behind the notes now issued by the Government, as I have shown, and the Senator from Vermont will oblige me if he will show me the contrary.

Mr. MORRILL. I think there is $150,000,000.

Mr. INGALLS. Not $150,000,000, and not one dollar, and it has been conclusively shown that there was no fund required in the first place, and that no fund has been maintained; and in the next place, that the money that was obtained by the sale of bonds under the act of January 14, 1875, was immediately mingled with the funds in the Treasury, and never has been heard of since as a reserve fund.

Mr. MORRILL. But if the Senator from Kansas was the trustee of any fund and should deposit that in a bank with his other bank money, could it be said that, so long as he had twice or thrice the amount in bank to cover any demand that might be made upon him as trustee, there was nothing behind to support any draft upon the trustee account?

Mr. INGALLS. Would the Senator say that in the case of a State bank required by State law to keep from 25 to 33⅓ per cent. of its circulation in gold coin, the action of the directors saying they would keep as much as they pleased was a compliance with that law?

Mr. MORRILL. That does not answer the question I proposed.

Mr. INGALLS. It is a parallel statement in regard to the present condition of the Treasury so far as the redemption of the legal-tender notes of the United States is concerned.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. INGALLS. Certainly.

Mr. ALDRICH. If a bank was required by law to keep one-fourth of its outstanding circulation in gold coin as a reserve fund, would it make any difference if they kept the coin, whatever the account might be called under which it was held where it was held as a specific account, as a redemption fund, so long as they held the coin required by law and the amount never was below the amount provided by law? Would it make any difference to the solvency of the bank or to its compliance with the law what its system of book-keeping was, under what heading in the accounts of the bank the fund was held?

Mr. INGALLS. What is the amount required by law to be kept in the Treasury of the United States for the redemption of legal-tender notes?

Mr. ALDRICH. Ninety-five million five hundred thousand dollars at least, according to my understanding of the law.

Mr. INGALLS. Where do you find it stated at that?

Mr. ALDRICH. It is stated in the law read by the Senator from Iowa [Mr. ALLISON].

Mr. INGALLS. I hope the Senator will read it.

Mr. ALDRICH. It has been read.

Mr. INGALLS. The Senator will oblige me by reading it again.

Mr. ALDRICH. Does the Senator want the whole of it read?

Mr. INGALLS. No, sir; I want the clause read on which the Senator relies for his statement that $95,500,000 are held in the Treasury as a fund for the redemption of United States notes.

Mr. ALDRICH. The law is as follows:

> And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues from time to time in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled," &c.

He is authorized for certain specific purposes named in this act to sell such bonds. In accordance with this authority he did sell bonds to the amount of $95,500,000, for what? For the purposes named in this act specifically, and that amount of coin has been held in the Treasury ever since—not the specific dollars which the Secretary then bought, but the reserve in the Treasury has never fallen one single dollar, from that time to this, below the sum of $95,500,000; and I challenge the Senator to find to-day from any report of a Secretary of the Treasury a statement that the reserve was below that.

Mr. INGALLS. There is no day when it may not be reduced below that sum.

Mr. ALDRICH. Not if the Secretary carries out the pledged faith of the Government and obeys the plain instructions of the law.

Mr. INGALLS. That satisfies the Senator from Rhode Island, and I ought not to complain. If he thinks that is a requirement that the Secretary of the Treasury shall keep just $95,500,000 in the Treasury as a reserve fund, then he is very easily satisfied.

To return once more and finally to the amendment submitted by the Senator from Alabama, which is now before the Senate for its action. I said that it was one of the practical alternatives that would soon be presented for consideration in determining what should be done to provide a national currency. I regret that he has brought it before the Senate thus prematurely, because, though very important, it has not received such consideration as will enable us to vote upon it intelligently.

Aside from the issue of Treasury notes and the substitution of other than national securities as a basis for circulation there are but two alternatives remaining for consideration. One is the return to the old system of State banks, with its attendant inconvenience and insecurity. After the experience of the past twenty years with a currency national, convertible, safe, it is not likely that this plan will ever be received with favor.

The last alternative is a great central fiscal institution, corresponding somewhat to the Bank of England in its functions; like that established under the scheme of Hamilton in 1791, continued for twenty years, renewed in 1816 for another term of twenty years, and finally overthrown by the apostacy of John Tyler after the political revolution of 1840.

The Senator from Vermont [Mr. MORRILL] has just assured us that by the process of the extinction of the national debt some $10,000,000 or $12,000,000 per month of 3 per cent. bonds are being paid, of which a large amount is held by the national banks as security for their circulation. That is not less than $50,000,000 or $60,000,000 per year. He states as the result of the deliberations and the lucubrations of the Finance Committee that they regard this measure which they have reported as a remedial measure for the difficulty from that contraction. By the admission of those who support this bill as a remedial measure all that it can possibly do is to add 10 per cent., which is between $34,000,000 and $35,000,000, to the amount of national-bank note currency authorized to be outstanding as against the contraction of $50,000,000 or $60,000,000 which may occur within a single year, and that the Senator regards as a measure that is equal to the emergency that is at hand.

Mr. MORRILL. I did not say that.

Mr. INGALLS. The Senator says he did not say it. I should like to hear what he did say.

Mr. MORRILL. I said for the time being.

Mr. INGALLS. That is, until $35,000,000 are retired this bill will be an equivalent, but as soon as $35,000,000 or $36,000,000 have been retired then the process of contraction goes on with constant acceleration, until in some crisis of distrust, of danger, some unexpected moment when extravagant credits given by banks have shaken confidence, or floods or droughts have destroyed the harvests and an unusual demand for money occurs, this sudden contraction will precipitate another convulsion like that which occurred in 1873, and we shall then again be met by the same perils that then nearly destroyed the whole fabric of our national prosperity.

Mr. President, I shall very cordially support the measure that has been reported by the committee, because there can be no objection to it; but I still adhere to the expression of regret that in view of the imminent needs of the country the committee have not thought fit to present some broad, general measure that shall deal with the great question as to what is to be the paper currency of the future.

Mr. BECK. Mr. President, no debate has occurred for a long time that has gratified me so much as the debate this afternoon, for the reason that the attention of the Senate has been called more sharply than I have ever been able to call it to the wrongs that have been going on for years growing out of the discretion allowed to heads of Departments, instead of requiring them to obey positive law.

I have, time and again, in season and out of season, until perhaps I have somewhat wearied the Senate by doing so, shown that the Secretary of the Treasury is the autocrat of this Government, and that in his dealings with the immense sums placed in his hands he is the master of Congress instead of being its servant. He usurps or assumes the legislative authority of the country, instead of being, as he is by law, a subordinate officer of the executive.

Twice since this Congress met I have proved in regard to his treatment of the surplus revenue which he calls the sinking fund, which we know and which he admits has been provided for by about five hundred and odd million dollars in excess of what the law required, that he can to-day, with $100,000,000 of annual surplus in his hands, when the sinking fund requires the payment according to his construction of $50,000,000 annually, buy bonds with the whole $100,000,000 on the last day of the fiscal year, the 30th day of June, and tell Congress, "You must levy taxes, $50,000,000 in excess of what Congress thinks necessary for the support of the Government, in order to pay to that sinking fund $50,000,000 the next year," whereas if he had paid $50,000,000 on the 30th day of June and $50,000,000 on the 1st day of July, that being the first day of the next fiscal year, we would have paid the sum due to the sinking fund for both years. That discretion he is claiming now and that discretion he is now exercising, and Congress stands apparently powerless, being compelled, according to his construction and the construction other distinguished gentlemen are endeavoring to maintain, to pay the sinking fund every year, to make our taxes $50,000,000, more or less, as the Secretary sees fit to pay out the people's money on one day or another. He is to-day receiving greenbacks at the custom-house, and has been for years, in payment of customs dues, although the statutes of the United States provide—and this is the very statute that our leading financiers claim is the solemn pledge of the nation, that we will all be ruined in the estimation of our creditors and the world if we violate for a moment in any regard—that the customs dues shall be paid in coin and nothing but coin.

SEC. 3694. The coin paid for duties on imported goods shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking fund.

It is asserted that we will violate our pledged faith if we vary the least iota from paying this sinking fund annually, though it has never been so paid, and no account of it was even kept till 1870; yet the Secretary of the Treasury, in plain violation of that statute, is receiving the legal-tender notes at the custom-house in payment of customs dues, and has done so since 1879, and he has always refused, as he has said in reports that were laid before the Senate in response to resolutions offered by me, to pay the coin received at the custom-house when that coin was silver coin to the bondholders of the United States, though the law requires him to do so. They do not want silver, he says, and therefore h will not ask them to take it, although the law requires him to pay that coin, when received for customs, upon the interest of the public debt.

Secretary Sherman, I repeat, in answer to a resolution of mine as to why he did not pay the interest in silver received at the custom-house, said that the bondholders did not want it. They stickle for a strict observance of law and pledges when it suits them and pay no attention to either when it does not. I have always believed that legal-tender notes should be received at our custom-houses by law; therefore I introduced a bill, and had it referred to the Finance Committee, providing that legal-tender notes of the United States should be received at the custom-house; the Finance Committee have reported it back adversely, and it, with the adverse report, is now on the Calendar. I insisted that it should not be indefinitely postponed; I insist that the Secretary of the Treasury shall not violate the law; that Congress ought either make it legal to receive greenbacks at the custom-houses or should by law prohibit the Secretary from receiving them; that no such discretion ought to exist in any Secretary. I shall test the sense of the Senate on that proposition notwithstanding the adverse report of the Finance Committee. As I said, he is regarded as being above the law in regard to our customs and our sinking funds. He now claims that he may receive our legal-tenders if he pleases and not receive them if he chooses not to. He is of course sustained by the Finance Committee in their adverse report, which recognizes it as legal for him to do what he is doing, though each member well knows that what he is doing is in plain violation of law. If that is not transferring the law-making power to the executive officials, and abandoning the power of Congress as the legislative power, I do not know what it is.

It has been further asserted in this debate that the Secretary of the Treasury, having authority to sell any bonds of the United States that he thought necessary in order to maintain resumption, having seen fit to sell $95,500,000 of them and obtained gold which he deposited in the Treasury, therefore it is strictly a reserve fund because he has the money there. He had the authority to sell a thousand millions. If he had done it, that amount, I presume, would be called a reserve fund under the law, since the discretion of a Secretary seems to be above law. I introduced a bill a day or two ago, and had it referred to the Committee on Finance, which reads thus:

That if at any time the revenues of the Government shall be insufficient to meet the appropriations made by Congress, the Secretary of the Treasury is directed to use so much of the cash balance remaining in the Treasury as may be necessary to make up the deficit, as though it was money not otherwise appropriated; and he is further directed not to issue or sell bonds of the United States in order to obtain money to make up such deficit until the cash balance in the Treasury is reduced below $100,000,000.

I expect an adverse report from that same wise committee against that measure, because it will be interfering with the discretion of the Secretary of the Treasury. If we are willing to allow him to retain $100,000,000 as the minimum, he should not be allowed to sell bonds of the United States at any price that he sees fit so long as he has that $100,000,000 in the Treasury. If we fix the minimum, the use to which all above that shall be put ought to be with Congress and not with the Secretary. When the resumption act was passed every man in both Houses of Congress and every man in the country knew the very moment we said the silver coin of the country shall be equal in its uses to gold, that it shall be received at the custom-house, that it shall be a legal tender for all debts, and when we again coined the silver dollar, from that moment the demand for gold, so as to cause a run on the Treasury or a panic, became impossible, and the very moment the Secretary said that he would receive the greenbacks at the custom-house, that moment they not only became as good as gold, but were at one-fourth of 1 per cent. premium in ten days afterward. Yet we are to be prohibited by law from allowing the greenback to occupy that position; it is to be equal to gold or not only in the discretion of the Secretary of the Treasury; if he changes his mind in regard to these notes the solemn pledge of the act of 1862 will be again brought to the front after being so long disregarded. If legal-tenders had been received for customs five years before they were they would have been equal to gold then, and all pretense for buying $100,000,000 of gold would have been removed.

Resumption was made possible, first, by the recoining of the silver dollar and making it a legal tender for all purposes. Under the law the Secretary of the Treasury was required to pay all silver coin received at the custom-house which he was obliged to take from those who imported goods to the bondholders of the United States in payment of their interest. He never paid a dollar of it to them, and defiantly told us that he would not do it, because they did not want it. When he saw that he could no longer keep the greenbacks at a discount, and that the day of resumption was at hand, he said, "Take them at

the custom-house," and they went to the custom-house. After that it never was necessary to hold a dollar of gold to make them good. The use of them for customs made them good. If he had treated the silver coin as our trustee and paid it to the bondholders that would have kept it in circulation. If he had said two or five years before what he said on the 1st day of January, 1879, "Take the legal-tenders at the custom-house," he never would have had an excuse for the purchase of one dollar of the $95,500,000 of gold that he bought and has kept lying idle in the Treasury ever since, with $50,000,000 now added.

I said I was glad that this discussion had sprung up, because this Congress must take control of its own affairs, and the direction must be placed with it and not left in the hands of the Secretary of the Treasury, where the Finance Committee and Congress have so long consented that it should remain.

I referred a little while ago to the debate we had a year or two since, when we supposed we would need more money than we had in order to pay the arrears of pension. Eighteen million dollars was demanded by the Secretary of the Treasury, and the Finance Committee reported that $18,000,000 of bonds should be sold. A few of us, knowing that there were $10,000,000 lying in the Treasury under the pretense of guarding the fractional currency which had been ordered to be withdrawn, said, as a counter-proposition, take that $10,000,000 to pay pensions; there is no use for it lying there. The Senate and House agreed with us. We refused to allow bonds to the amount of $18,000,000 or any other amount to be sold as demanded by the Finance Committee and by the Secretary of the Treasury. What was the result? To-day it is developed that out of the total issue of $45,000,000 of fractional currency, for which they were holding $10,000,000 in reserve to guard, $15,000,000, or nearly that amount, will never be presented; one-third of the whole has been lost by the people and gained by the Government. The $10,000,000 was at that time being held to guard the $15,000,000, which did not exist, as the balance had been redeemed before that time.

But more bonds, more debt, more discretion is demanded all the time. The reason I had for introducing the bill I have just read is that I hope we will be wise enough to reduce our taxation before this Congress adjourns to a point where the $250,000,000 of unpaid 3 per cent. bonds will cover the surplus until about 1891, when the four-and-a-halfs mature; that we will not buy bonds at the rate of $100,000,000 or $150,000,000 a year and by so doing disturb all the business interests of the country, but that we will reduce taxation to the wants of the country, to a point where we will surely pay the $250,000,000 of 3 percents now outstanding before the four-and-a-halfs mature in 1891, and not in three years, as we will under our present tax system.

However, for fear that if we provide for liberal expenditures and make reasonable reductions of taxation somebody would raise the cry, as some are always too ready to do, that we are going to starve the Government and leave it without the means of payment in our efforts to reduce taxes, I propose by this bill that out of the $150,000,000 or $160,000,000 that are lying in the Treasury doing nobody any good, especially when $100,000,000 is all that anybody contends ever can be needed or ever was pledged as a reserve, the Secretary shall use all the money in excess of $100,000,000 to meet any possible falling off of the revenue that may exist to meet the expenditures that Congress may see fit to make.

I desire thus to answer in advance the argument that the Government is likely to be starved by any attempt to reduce taxation; and the measure to readjust the bank circulation now presented by the Finance Committee to the Senate is in my judgment only valuable as an adjunct to an honest effort to reduce taxation. We allow the banks circulation up to par upon the bonds; in the mean time we will endeavor to so legislate as not to strike the bonds down by paying them off with an excess in surplus of revenue; but we will give the people relief from taxes. This will enable the bonds to run from six to seven years, giving time to exchange their securities, if we can relieve the country from burdens and accumulate only a small surplus of revenue annually instead of a large one. Two hundred and fifty million dollars of other bonds will mature in 1891, and of course the premium on them will diminish by the time we exhaust these now payable. In the mean time, out of this large surplus, over $150,000,000, which has so long remained idle in the Treasury, reaching sometimes to $160,000,000, if by any accident of war or by any complication or panic our revenue should not come in so as to meet our expenses, there is a fund which the Secretary of the Treasury should be directed to draw upon without increasing the public debt of the United States.

It was said a little while ago that the act of 1875, the resumption act, was what made the legal-tenders good. It was not. We restored the silver dollar about that time, that did the work, and in 1878 we had a hostile Secretary of the Treasury who was seeking to disparage in every way our legal-tender notes, which I insist is the best currency in the world. By the way, while they are now counted at $346,000,000, I doubt whether there are $310,000,000 of them in existence to-day. They have gone through war; they have gone through fire and flood. I remember it was estimated that a good many millions were lost in the great Chicago fire. We are now counting every dollar that was ever issued, just as the Secretary insisted that there were $45,000,000 fractional currency to be redeemed when in fact $15,000,000, as is now developed by all the returns, was destroyed in the hands of the people; about 33 per cent. Of course nothing like as large a percentage of greenbacks has been destroyed as there was of fractional currency, but you will find in all probability from 8 to 10 per cent. of it gone, much more than of the national-bank circulation, and the loss in that the Secretary thinks is much larger than the Comptroller of the Currency suggests. The greenbacks went through war, and have been scattered broadcast for twenty-odd years; $310,000,000 in my judgment is the maximum now outstanding of those notes. One hundred million dollars, therefore, instead of the $150,000,000 now held, is agreed by all even in the hands of the ordinary banker to be a sufficient fund for redemption. There can be no difficulty about the bill that I am advocating now. But it will come before us before long to be discussed more fully. I wish its merits to be understood in advance of the adverse report which I expect from the committee.

What I rose to say more than all else was that these statutes relative to coin payments and sinking funds are held to be so sacred when they apply to things that gentlemen want to have them regarded as sacred about, but they are not regarded at all when the statutes require anything to be done that a majority of the Senate or the Secretary of the Treasury does not want. There can be no plainer provision than that legal-tender notes should not be accepted at the custom-house; there can be no plainer fact than that the Secretary of the Treasury does receive them at the custom-house, and I agree made them as good as gold the moment he did, and could have done so long before if he had wanted to; yet the Finance Committee made an adverse report on my bill substituting law for discretion, and perhaps there will be an adverse vote of the Senate on authorizing them to be taken in accordance with law. I propose to test that and see if we must allow them to be taken at the custom-house illegally because a Secretary of the Treasury is unwilling to be required to obey the law, and insists on his right to violate it even if it is part of the sacred pledge on which his sinking fund rests.

I shall make an earnest effort, however, in the Senate before that bill is finally defeated to substitute law for discretion. When the Secretary of the Treasury was told that he must pay the interest on the public debt in the coin received at the custom-house, and we said the silver coin must be received, and he showed that over $12,000,000 of it had been so received when he answered our resolution, and numerous certificates far beyond that, and still said he had not paid a dollar of it on the interest of the public debt, as required by law, but turned it into the Treasury and locked it up, and then said nobody wanted it, and all the men who had determined to make gold and gold alone the currency of the country when they alone could obtain gold, I hoped Congress would require the law to be obeyed; but it paid no attention to it. Surely no Secretary ought ever to be allowed to have discretion over such immense interests. See how vast a discretion gentlemen admit is vested in the Secretary in regard to this so-called reserve fund now in the Treasury. It seems to be conceded that if the Secretary of the Treasury could lawfully buy $95,000,000 of gold and lay it away he could lawfully buy one thousand million dollars in so-called aid of resumption. If he can hold $150,000,000 he may hold $350,000,000 in the Treasury, and claim that in his opinion it is necessary to hold gold dollar for dollar with the outstanding greenbacks, and we are to bow to his opinion as though he was above the law-making power of the country.

It is because this question of discretion has been so freely discussed and so fully developed in the arguments to-day that I said I was gratified at the range the debate had taken, because it bears upon other bills yet to be considered and bears upon the great question that we ought to keep the control of our finances in our hands. One word more. The legal-tender notes never were protected until May, 1878. Three years after the resumption act was passed Congress had to interfere just as it had for the silver coin when a hostile Secretary of the Treasury was endeavoring to strike it down. On the 31st of May, 1878, Congress passed the following act:

> That from and after the passage of this act it shall not be lawful for the Secretary of the Treasury or other officer under him to cancel or retire any more of the United States legal-tender notes. And when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever, and shall belong to the United States, they shall not be retired, cancelled, or destroyed, but they shall be reissued and paid out again, and kept in circulation.

Gentlemen then contended, as I have heard it contended this afternoon, that when these notes were once paid into the Treasury they could not be reissued. To prevent that construction we passed the law of 1878, that says they can be, and that they shall be, and the Secretary shall no longer have any discretion over them, and he never has had any discretion over them from that day until this, and never ought to have, and so it ought to be with all other things, their receipt at the custom-house especially. Fix the amount of reserve, if you please, at $100,000,000; that is 30 per cent. at least of all the legal-tenders that are outstanding in fact. It may not be quite 30 per cent. of the $346,000,000, but it is 30 per cent. of all that actually exist; that is quite as much as private bankers keep as a reserve. Say to the Secretary that he is not to maintain the pledges of 1862 when they suit him and refuse to obey the law when it does not. If we are going to pay as a sinking

fund annually $50,000,000 and reduce our bonds that much, when we have already paid nearly $500,000,000 more than the law requires, let Congress and not the Secretary regulate the payments. If the coin which we receive at the custom-house is by law ordered to be paid to the creditors of the United States, let the Secretary be ordered to pay it. If we are going to take the greenbacks of the United States at the custom-house, let us say so and require the Secretary to obey the law.

I have said more than I intended. I am glad that this discussion has sprung up at last in regard to executive discretion. It will, I hope, result in Congress requiring obedience to law from every official, high and low.

GIFT OF STEAMSHIP ALERT.

The PRESIDING OFFICER (Mr. GARLAND in the chair) laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I transmit herewith a report of the Secretary of State, of the 21st instant, whereby your honorable body, and through you the people of the United Sates, may become apprised of the generous contribution made by her Britannic Majesty's Government toward the efforts for the relief of Lieutenant Greely's Arctic exploring party by presenting to the United States the Arctic steamship Alert.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 21, 1884.

The PRESIDING OFFICER. The message, with the accompanying documents, will be printed and laid on the table.

FORT MYER OBSERVATORY.

The following message from the President of the United States was read, referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a letter from the Secretary of War, dated the 19th instant, submitting a letter from the Chief Signal Officer of the Army, dated the 2d instant, and its accompanying plan of a proposed meteorological observatory at Fort Myer, Virginia, together with an estimate of the cost of the same in the sum of $4,000, and a statement giving various reasons why said observatory should be established.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 21, 1884.

NATIONAL-BANK CIRCULATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1155) to provide for the issue of circulating notes to national banking associations, the pending question being on the amendment of Mr. MORGAN.

Mr. MORRILL. I desire to appeal to the Senator from Delaware to ask the Senate to come to a vote. While I admit that the debate to-day has been intensely interesting, especially to all those of us who have been speaking, yet it seems to me that it would be just as applicable to any other financial bill on the Calendar as to the one before the Senate.

Mr. BAYARD. I merely wish to say that we might have had a vote so far as I am concerned, notwithstanding the appeal of the Senator from Vermont. I desire it as much as he can, and I have done as little to delay it as he has.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. MORGAN].

Mr. MORGAN. The amendment which I have had the honor to bring to the attention of the Senate has been to some extent discussed in rather a discursive and unsatisfactory way, but a sufficient development of opinion has been obtained.

The PRESIDING OFFICER. Senators will please be in order. The Senator from Alabama has the floor.

Mr. MORGAN. The opinion of the Senate has been sufficiently developed to satisfy me that——

Mr. HALE. Will the Senator yield to me?

Mr. MORGAN. I will not.

Mr. HALE. I have a request to make about some papers which are about leaving the Senate.

Mr. MORGAN. I have been interrupted when on the floor almost every minute during the whole day.

The PRESIDING OFFICER. The Senator from Alabama declines to yield.

Mr. HALE. I wanted the papers just sent in from the President referred. I think it is proper that something should be done with them.

Mr. MORGAN. I object to their reference. They ought to lie on the table.

The PRESIDING OFFICER. The Senator from Alabama will proceed.

Mr. MORGAN. I will resume my remarks, or try to do so, where I left off. I said that the discussion of this question to-day had been rather discursive upon my amendment. Senators, in discussing the amendment, seemed to devote their attention mainly to other propositions. Some complaint has been made on the floor of the Senate, and I think with a good deal of reason, that the proposition I bring forward is in itself a new one, and has not had the proper consideration of a committee. To meet that view of the case, this morning I introduced a bill embodying the pending amendment and had it sent to the Committee on Finance. Feeling that I myself am not willing to take the responsibility of a measure of this kind without the assistance of the Committee on Finance, inasmuch as Senators seem not to have made up their minds about it and seem to wish a longer time for its consideration, and feeling also that the emergency which is upon the country will be to some extent relieved against by the bill reported by the committee, and that this question can be considered later in the session or perhaps at the next session, better than it can now, I ask permission of the Senate to withdraw my amendment.

The PRESIDING OFFICER. If there is no objection, the amendment offered by the Senator from Alabama will be withdrawn. The question now is on the amendment offered by the Senator from Missouri [Mr. VEST].

Mr. GEORGE. Mr. President——

Mr. HARRIS. I understand the Senator from Mississippi desires to discuss the general subject of the currency, and especially with respect to the pending bill, at some length. It is now 4 o'clock. If the Senator from Mississippi will yield to me for that purpose, I will move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Does the Senator from Mississippi yield?

Mr. GEORGE. I shall be very glad to yield at this hour.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

Mr. MORRILL. I hope not, and——

The PRESIDING OFFICER. The motion is not debatable.

Mr. MORRILL. I hope we shall reconsider the motion to adjourn over until Monday unless we can get through with this bill to-day.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee, that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. GEORGE] has the floor.

Mr. BUTLER. I understand that the Senator from Mississippi does not desire to proceed with his remarks this evening. I think it is generally the custom to gratify a Senator when he expresses such a wish. It seems to me that we ought to adjourn or go into executive session.

Mr. INGALLS. If in order, I move to reconsider the vote by which the Senate agreed to adjourn from to-day until Monday next. It is evident if this debate is to go on that we shall need to-morrow to complete it, as there is a special assignment for Monday. The bill to construct naval vessels is set for Monday next at 2 o'clock.

The PRESIDING OFFICER. The Senator from Kansas moves that the vote by which the Senate agreed to adjourn from to-day until Monday be reconsidered.

The motion to reconsider was not agreed to; there being on a division—ayes 16, noes 30.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. GEORGE] is entitled to the floor on the amendment offered by the Senator from Missouri [Mr. VEST].

Mr. JONES, of Nevada. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; there being on a division—ayes 28, noes 12.

GIFT OF STEAMSHIP ALERT.

Mr. MILLER, of California. While the doors are being closed I move that the message of the President of the United States in relation to the steamer Alert, donated by the British Government, be referred, with the accompanying papers, to the Committee on Naval Affairs.

The motion was agreed to.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After one hour and thirty-six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 21, 1884.

The House met at 12 o'clock m. Prayer by Bishop B. WISTAR MORRIS, of Oregon.

The Journal of the proceedings of yesterday was read and approved.

INDIAN DEPREDATION CLAIMS.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting additional papers in the depredation claims of E. Montoya & Sons; which was referred to the Committee on Indian Affairs.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an abstract showing the nature, character, and amount of all Indian depredation claims reported to the Secretary of the Interior since December 1, 1883, to February 20, 1884; which was referred to the Committee on Indian Affairs, and ordered to be printed.

GOVERNMENT RECEIPTS AND EXPENDITURES FOR 1879.

The SPEAKER also laid before the House a letter from the Secretary

of the Treasury, transmitting report of the receipts and expenditures of the Government for the fiscal year 1879; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JAMES, until Tuesday next.

To Mr. STEWART, of Vermont, until the 29th instant, on account of important business.

To Mr. RIGGS, indefinitely, on account of sickness in his family.

REPRINT.

Mr. HEWITT, of Alabama. I ask unanimous consent for an order of the House to reprint for the use of the House Report No. 115, from the Committee on Pensions, to accompany the bill (H. R. 3962) granting pensions to certain soldiers and sailors of the Mexican war and others therein named, and for other purposes, the first print having been exhausted.

There was no objection, and it was ordered accordingly.

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:

A bill (H. R. 448) to fix the time for holding the terms of the circuit and district courts of the United States in the northern district of Iowa.

ORDER OF BUSINESS.

Mr. KEIFER. I call for the regular order.

Mr. BLAND. I ask the gentleman to withhold that call until I can have referred to a committee a Senate bill now on the Speaker's table.

Mr. DIBRELL. I rise to a privileged report.

The SPEAKER. The gentleman will submit it.

AGRICULTURAL APPROPRIATION BILL.

Mr. DIBRELL, from the Committee on Agriculture, reported a bill (H. R. 5261) making appropriations for the Agricultural Department for the fiscal year ending June 30, 1885, and for other purposes; which was read a first and second time, recommitted to the Committee on Agriculture, and ordered to be printed.

NORTHERN PACIFIC RAILROAD.

Mr. CASSIDY. I rise to submit a privileged report from the Committee on the Pacific Railroads.

The SPEAKER. The gentleman will submit it.

Mr. CASSIDY. I report back from that committee with a recommendation that it be adopted the resolution of inquiry which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the House when the line of the Northern Pacific Railroad, and of each part thereof, was definitely and finally located, and the plat or plats of such definite and final location filed in the office of the Commissioner of the General Land Office, so far as said railroad has been definitely located, giving the date of the filing of each plat in said office, if more than one plat has been filed, and the length of line designated in each plat. And that he also inform the House whether the Northern Pacific Railroad Company has claimed or is claiming any lands on which homestead or pre-emption entries have been made within the limits of the grant to said company opposite to any part of the line of said railroad prior to the line of final definite location of such part of said line; and, if so, whether such claims of said company are being considered by his Department.

Mr. BELFORD. From what committee does that resolution come?

Mr. CASSIDY. From the Committee on Pacific Railroads.

Mr. CALKINS. Let the report be read.

The SPEAKER. The Chair is advised that there is no written report accompanying the resolution.

Mr. CASSIDY. There is one on the back of the resolution.

The SPEAKER. That is a mere indorsement, and the Chair thinks is not a report in writing within the meaning of the rule.

Mr. CASSIDY. I will withdraw the resolution for the present.

PRINTING TESTIMONY.

Mr. HOPKINS. I ask unanimous consent to submit for present consideration the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the select committee appointed to investigate the charges against H. V. Boynton be authorized from time to time to print the testimony taken for the use of the committee.

There was no objection; and the resolution was adopted.

Mr. HOPKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. KEIFER. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. KEIFER. I am directed by the Committee on Appropriations to urge the consideration of the general appropriation bill which was taken up yesterday. As committees were fully called yesterday for reports, I move to dispense with the morning hour to-day for the call of committees for reports.

The SPEAKER. That requires a two-third vote.

The question was taken upon the motion of Mr. KEIFER; and upon a division there were—ayes 103, noes 22.

So (no further count being called for) the motion to dispense with the morning hour was agreed to.

Mr. KEIFER. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Military Academy appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BLAND in the chair.

MILITARY ACADEMY APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes. The bill is now being considered by paragraphs under the five-minute rule. The Clerk will resume the reading of the bill.

The Clerk read as follows:

For pay of three instructors of cavalry, artillery, and infantry tactics, in addition to pay as second lieutenants, $1,500.

Mr. BELFORD. I move to amend by adding to the paragraph just read what I send to the desk.

The Clerk read as follows:

That the sum of $200,000 be appropriated for the purpose of conducting a school at West Point, N. Y., wherein cadets nominated by the President, Senators, and Members of Congress may be fitted for entrance to the Military Academy located at that point, and each cadet nominated by those authorized to make the nominations shall be entitled to receive two years' schooling before his claims to admission in the Military Academy are passed upon.

Mr. KEIFER. I make a point of order upon that amendment.

Mr. BELFORD. I hope the gentleman will allow me to be heard before insisting on the point of order.

Mr. KEIFER. That is a matter for the Chair. The point I make is that the amendment proposes new legislation and does not reduce expenditures.

Mr. BELFORD. I move to strike out the entire paragraph.

Mr. KEIFER. Does the gentleman withdraw the amendment read by the Clerk?

Mr. BELFORD. I do, if the gentleman makes a point of order.

Mr. KEIFER. I must make the point of order. The amendment proposes to provide for a preparatory school and authorizes for that purpose an appropriation of $200,000. This is wholly new legislation and increases expenditures. It is therefore out of order under the rule.

The CHAIRMAN. The Chair thinks the point of order well taken.

Mr. BELFORD. Then I move to amend by striking out the last word. The amendment which I sought to offer a moment ago was designed to allow those who are intrusted by the law of the land with the nomination of cadets to this snob institution at West Point to exercise some authority with regard thereto. That was my object. I represent a State, and therefore have a right as a member of this House to designate a student who in the interest of the nation shall be educated at its expense. That is a right conferred upon each member by the law of this Republic. But I declare that as matters stand to-day it is an empty and barren right, subject to constant supervision by a board of professors at that institution. I may select from my State the brightest boy in it and have him examined by the president of our State university, by college professors, by gentlemen thoroughly cultivated in all the graces of literature; I may send him to that institution; and while his mind may be as bright as a burnished diamond, these gentlemen at West Point declare to me that unless he answers properly some question in grammar he will be rejected. What in the name of God has grammar to do with fighting a battle? [Laughter.] What has grammar to do practically with sighting a rifle?

I tried to get into the war in 1861. I went and was examined; but on account of some little physical disability, an infirmity which it is not necessary for me to mention [laughter], I was ruled out.

[Here the hammer fell.]

Mr. BELFORD. Wait a minute. I have traveled over the Rocky Mountains twenty-five miles a day on foot; I shot a deer last fall running with the speed of a locomotive train; but these gentlemen told me that I could not see well enough to shoot down an enemy of my country. [Laughter.]

I think it is about time that this House of Representatives should inspect this institution and withdraw from its professors the power to exclude from it a student recommended for admission by intelligent educational professors of my State or others. I hope that this appropriation bill will be defeated and that money will be withheld, for a while at least, from this institution, until we teach those snobs that we have a right to nominate a student when he is indorsed by the intelligent men of our districts or States, and that until they recognize this right we will withhold from them the money that furnishes them their bread and their wine.

Mr. BEACH. I wish to ask the gentleman from Colorado whether I

understood him correctly that he was an applicant for a cadetship at West Point in 1861?

Mr. BELFORD. No, sir; I did not say so.

Mr. BEACH. I so understood the gentleman.

Mr. BELFORD. I said I wanted to go into the Army in 1861, but though I could walk thirty or forty miles a day and could with my rifle shoot a deer on a dead run, they said I was not fit to go into the army.

Mr. BEACH. I misunderstood the gentleman.

Mr. RANDALL rose.

Mr. KEIFER. Does the gentleman from Pennsylvania [Mr. RANDALL] desire to speak?

Mr. RANDALL. No, sir; I want the reading of the bill proceeded with.

Mr. KEIFER. That is my purpose also. Unless some gentleman desires specially to answer the gentleman from Colorado, I ask that the *pro forma* amendment be withdrawn.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I am utterly unable to comprehend the remarks to which we have just listened, as well as other remarks of similar tenor. All this talk about "snobbery" I can not understand. I know this—and it is about all I wish to state—that for more than twenty-five years the district in which I have lived and which I now have the honor to represent has continuously had a cadet at the West Point Academy, and there has never been a single complaint in regard to the standard of qualification required. No applicant from my district was ever rejected, and hence no complaint was made on that account. I wish to add that during all these years the places at West Point, and more lately at Annapolis, have been filled from our district by young men who were educated in the common schools, and who had enjoyed very few opportunities indeed for obtaining an education. Not a single one of them ever saw the inside of an academy or of a college. They came from the common schools, and in some cases were never even graduates of those schools. Most of them have been poor young men; young men who had no start in the world; young men whose parents were poor, who had no property, no means with which they could be educated, and I never yet before heard this complaint. I have not any sympathy for such talk; I do not believe it.

I do know, Mr. Chairman, that young men who leave West Point have a little of the same feeling that young men have who graduate from other collegiate institutions of the country, but this soon wears off; it will not last; and the same objection will apply with equal force to the graduates of Yale and Harvard, and from a hundred other colleges, which now lies against this West Point Military Academy. For one, sir, I do not believe the objection is well taken.

The CHAIRMAN. The gentleman's time has expired.

Mr. JOSEPH D. TAYLOR. I withdraw my *pro forma* amendment.

The Clerk read as follows:

For pay of cadets, $170,000; and no cadet shall receive more than at the rate of $540 a year.

Mr. MCMILLIN. I offer the following amendment, Mr. Chairman, to come in after the paragraph just read by the Clerk.

The Clerk read as follows:

Provided, That hereafter any student found guilty of the offense of hazing shall be expelled from the academy, and shall not be eligible to reappointment under any circumstances.

Mr. KEIFER. I think that amendment is subject to a point of order.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee on the point of order.

Mr. MCMILLIN. I hope the point of order will not be insisted against my amendment.

Mr. KEIFER. I will reserve the point of order to enable the gentleman to make his speech, and after he has concluded I will reply to him and show the amendment is not at all necessary.

Mr. MCMILLIN. I am much obliged, Mr. Chairman, to the gentleman from Ohio in charge of the bill for reserving his point of order, and will now ask the indulgence of the House while I briefly give my reasons for proposing the amendment which has been read from the Clerk's desk. To my mind it is one that should prevail. What spectacle have we presented before us to day? Since this House has been in session, since the last week began, we have had at the corrresponding academy at Annapolis, carried on by the United States, the trial of cadets for the offense of hazing. It is an offense that is a disgrace to the Military as well as the Naval Academy. It is an offense that this Congress ought to put down at every hazard, and if the officers do not enforce the law, we ought to dismiss them from the positions they now hold and in their place select those who will.

I do not know how true the statement is, but it has come to me, and I believe it to be true, that the practice is tolerated of allowing those who have been there for years to require of the timid and, in many cases, defenseless students who come there for the first time the ignoble service of blacking their boots. Every indignity that dispirits, every indignity that would take away that American manhood which is the boast of the American soldier, is tolerated there. While occasionally students are tried for it, yet almost as frequently the rules are relaxed, and those same students are permitted to be readmitted. The object of this amendment is to provide that under no circumstances, under no pretext by reason of Army or social influence or blood or family standing, shall a student who so far forgets his manhood as to trample upon the young men who cross the threshold of those academies for the first time be readmitted to be educated at the public expense. It is the duty of this Congress to provide boldly and emphatically when once convicted they shall never be permitted to return to that institution. If this law had been enforced at the academy, if such notice as this had been given, probably the disgrace we have lately witnessed would not have characterized the Naval Academy.

These, Mr. Chairman, are my reasons for moving this amendment, and it is such conduct as this that brings down upon West Point and the Annapolis Academy the strictures of the gentleman from the West. Such conduct should never receive the silent approval of the members of this House. It is a matter in reference to which we should not hesitate.

When such an offense is committed, what excuse is there for it? Why are students permitted to trample upon those who cross the threshold of these schools for the first time? Why are these young men allowed to be treated worse, indeed, than slaves of any country would be treated? Let him who is willing the cadet from his district shall be trampled in this way vote against my amendment. Let him who is willing to see the future defenders of this country treated like slaves on their first entrance into these institutions vote against my amendment. Let him who is willing to see these young men degraded by the practice of hazing on the part of those who have been there for a few years make points of order and rule out my amendment if they will. But I say to you, Mr. Chairman, so far as I am able to judge, the American people feel there should be reform inaugurated at both the Naval Academy and West Point. Let us begin to do it to-day, and if we can not do it to-day let us do it to-morrow, and if we cannot do it to-morrow let us do it next week; let us never stop until the offense of hazing has disappeared forever from these institutions kept up at Government expense for the education of these young men.

[Here the hammer fell.]

Mr. KEIFER. I do not object, Mr. Chairman, to the gentleman making a speech against the great wrong of hazing in the Military or Naval Academy. The proposition the gentleman from Tennessee submits is not one that I am opposed to in itself, if in my judgment it were necessary to embody it in an appropriation bill. The gentleman has not stated that at West Point anything like hazing has occurred recently. I think nothing of that kind has occurred; and when the gentleman indicates that there has been any policy there for many years that tolerates it, he simply fails to understand fully the history of that institution.

Mr. MCMILLIN. I have stated that very recently, to my own knowledge, such a thing has occurred at Annapolis.

Mr. KEIFER. That may have happened under peculiar circumstances or there may have been instances where such things have occurred; but certainly not with the consent of any of the officers of that institution at West Point. In order to show that the present superintendent of that institution goes as far as the gentleman from Tennessee proposes, if not further, in that direction, I desire to have read from the desk a paragraph of the superintendent's report upon this subject.

The Clerk read as follows:

The practice of hazing, some instances of which have come to the knowledge of the authorities during the year, may deserve a passing notice in a report of this character. I observe that my predecessors for the last twenty-five years have reported at one time or another that the practice had been broken up. I am sorry to believe that they have without exception been mistaken. By repressive measures the evil has been at times restricted to its lowest limits, but it has never been eradicated. At the first moment repression has ceased the brutal custom has sprung up with new features of brutality. While I do not favor threats to repress disorders or pledges from cadets as a means of eradicating violations of the regulations, I am certain that the best means of maintaining discipline in any organization is the certainty of summary punishment, just but severe, in all cases of intentional offense. If cadets intentionally violate the regulations in anything which involves their dismissal, they do so under one or other of the convictions that they will not be detected or that some influence will prevent their punishment. In this matter of hazing the authorities here will indulge in no half-hearted measures to detect the offenders or in the matter of punishments. The experience of the past will convince the guilty that they may not expect mercy from the War Department. Under these circumstances I see no reason why the pernicious practice may not permanently be put an end to.

Mr. MCMILLIN. That, I suggest, Mr. Chairman, proves fully the statement I have made that if this practice is to be broken up some statutory action is necessary.

Mr. KEIFER. That proves everything but the main statement the gentleman made, which was to the effect that that institution tolerated hazing and needed some statutory provision to compel the enforcement of restrictions against it.

Mr. WILSON, of West Virginia. Let me ask the gentleman from Ohio if there is not already a general statute which provides that parties dismissed from either West Point or Annapolis shall be forever ineligible to reappointment?

Mr. KEIFER. I am not able to say.

Mr. WILSON, of West Virginia. I think there is.

Mr. KEIFER. It may be that you are right. I am not able to speak positively now upon the subject.

Mr. MCMILLIN. My amendment goes to the extent that if they are found to be guilty of this offense, even before sentence is passed upon them, they are forever ineligible to reappointment.

Mr. KEIFER. I want to add further that the Secretary of War under the law is authorized to fix rules and regulations for the discipline and proper management and conduct of the cadets of this institution.

It is therefore not wise for us to attempt to lay down any policy with reference to the internal government of the institution. But if it be so that it is wise, let such suggestion come from the distinguished Committee on Military Affairs after they have examined into it, and not attempt in this manner to attach to an appropriation bill as such legislation. This bill, I am proud to say, has no new legislation upon it up to this time, and I hope it will have none.

[Here the hammer fell.]

The CHAIRMAN. The Chair will hold that the point of order is well taken and the amendment is not in order.

Mr. DAVIS, of Illinois. I desire to state, Mr. Chairman, that I am in favor of such a provision——

The CHAIRMAN. The amendment is not now before the House, having been ruled out.

Mr. DAVIS, of Illinois. Then I move to strike out the last word, for the purpose of making a statement in reply to that portion of the report of the superintendent of the academy which has been read at the suggestion of the gentleman from Tennessee. But I would go further, and provide that the dismissal should only be determined on the findings and sentence of a court-martial.

Three years ago, Mr. Chairman, I nominated a young man for this institution. In the third year of his examination he stood fifth or sixth in his class. During the last summer there were charges made of hazing. Some one was pushed into the ditch. The superintendent of the academy called up these young men and questioned them in reference to the matter, but they did not reply. There was no response to his questions. The young man from my district had the manliness to stand up in the presence of the superintendent and say to him that he declined to answer the question. The others were silent. That young man was summarily dismissed from the academy. The young man who committed the hazing, the boy who pushed his fellow-cadet into the ditch, will graduate in June. My young man, as bright as any in that institution, was dismissed—dismissed for no reason in the world, as shown by the evidence, as shown by a petition signed by every member of his class, except that he would not tell on a comrade.

I say, therefore, Mr. Chairman, these summary dismissals by the superintendent, approved by the Secretary of War, are not the proper method of dealing with young men after they have passed the third year.

Young men that are 21 years of age, simply because they follow the rule which has been followed by the students almost from time immemorial and failed to tell on their comrades, are dismissed summarily from the institution, and the young man who has committed the act graduates and becomes one of the honored officers of the Army.

I would go further than the gentleman from Tennessee [Mr. McMILLIN], and provide that every one found guilty of hazing, after trial, should be dismissed. These young men are not school-boys. They are just about to graduate into the Army, and it is our duty to see that the guilty ones do not escape while the innocent are punished.

Mr. BUDD. May I ask the gentleman a question?

Mr. DAVIS, of Illinois. Yes, sir.

Mr. BUDD. What would become of the discipline of the Military Academy at West Point if a young man was permitted to set at defiance the authority of his officers?

Mr. DAVIS, of Illinois. There is a regulation providing a punishment of twenty days when they decline to answer.

Mr. BUDD. Do you think one who would refuse to answer a question like that under such circumstances would make a good soldier?

Mr. DAVIS, of Illinois. I do.

Mr. BEACH. I find, as regards all these gentlemen who have charges to make against the military discipline at West Point, when those charges are sifted down it is found they have a personal grievance. I wish to say, and it is due to the House and the country that they should know it, that the present superintendent at West Point has set his face strongly against hazing. As proof of the fact I desire to call the attention of the House to a matter which came within my own personal observation within the last three months.

The cadet I appointed was last June charged with hazing, and was dismissed from the academy. I went over to West Point. I happen to represent the district and live within four miles of West Point. I had a personal interview with General Merritt, and made an effort to have the cadet reinstated; but the superintendent positively declined to reinstate that young man, and he has not been reinstated.

I am furthermore informed that there is a fixed regulation that any young man who has been dismissed from the academy is ineligible to a reappointment; so that that portion of the proposition of the gentleman from Tennessee would have no force or effect. It is the law, the existing law to-day.

Mr. McMILLIN. I would like to ask the gentleman from New York, is it not a fact that what he refers to is merely a regulation of the academy, which may at their discretion be withdrawn?

Mr. BEACH. It is a regulation that is observed at all times under the present superintendent.

Mr. DAVIS, of Illinois. I withdraw the *pro forma* amendment.

The CHAIRMAN. The Clerk will read.

Mr. McMILLIN. Before that paragraph is left I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

In line 31 strike out "$170,000" and insert "$165,000;" and at the end of line 33 add the following:

Provided, That hereafter any student found guilty of the offense of hazing shall be expelled from the academy and shall not be eligible to readmission under any circumstances.

Mr. KEIFER. I make the point of order against the proviso in the amendment offered by the gentleman from Tennessee that it is not germane to that part of the bill and that it changes existing law, while it does not of itself reduce expenditures. It does not reduce expenditures with reference to the subject-matter of the amendment.

In other words, Mr. Chairman, it will not do for a gentleman to move to strike out a portion of an appropriation bill that relates to a different matter and couple with it an amendment that relates to something else and then claim that the third clause of Rule XXI permits him to do that. It is only against the proviso that I make the point of order. If the gentleman insists on the other part of his amendment which is wholly independent of the proviso the point of order will not lie against it.

Mr. McMILLIN. In reply to the gentleman from Ohio, I will say that the amendment taken altogether reduces the amount appropriated by the bill, and hence is not obnoxious to the rule. The reason I make the amendment include both the reduction and the proviso, for the two portions of it should go together, is that if this law is enforced there will be a less appropriation needed.

The amount appropriated by the bill, I am inclined to think, is not necessary. We appropriated last year only $160,000 in place of $170,000 as provided by this bill. And I think the amount stated in my amendment will cover all that is necessary for the expenses of the students during the next year.

The CHAIRMAN. The Chair is of opinion that that portion of the amendment which proposes to change existing law is not in order. The proviso is not in order. That portion of it, however, which strikes out a part of the appropriation would be in order.

Mr. McMILLIN. I suggest that under the proviso the pay would be stopped for the cadets found guilty of hazing.

Mr. KEIFER. Upon that portion of the amendment which is in order I may remark that it would be quite unfortunate, perhaps, to cut down this appropriation. The Committee on Appropriations have looked into that subject with all the care they could. In view, as I stated yesterday, of the increased number of cadets at West Point growing out of the fact that there was an increase of thirty-two members in the present House, many of whom have not yet succeeded in getting cadets into West Point, it was believed it would take at least $10,000 more for the coming fiscal year to maintain the cadets at the academy than during the present fiscal year. The total number now allowed at that institution, as I said yesterday, is three hundred and forty-four.

Mr. TOWNSHEND. My friend is entirely mistaken.

Mr. KEIFER. No, I am not mistaken.

Mr. TOWNSHEND. The Secretary of War states that on the 1st of September last there were some three hundred and eleven students.

Mr. KEIFER. The gentleman undertakes to correct me. Let him examine the statistics and correct himself. I said that the total number of students at West Point provided by law is three hundred and forty-four. The total number for which this bill makes provision is three hundred and fourteen, allowing for some thirty vacancies which may be at that institution.

Now, if we undertake to cut down the amount provided by this bill we may find that we have not appropriated money enough. The appropriation merely covers the sum which is required to pay each student for one year at the rate of $540 each. The total amount appropriated is intended to cover such number as may be there receiving the benefits of the institution. If the amount, $170,000, shall prove to be too much, then it will not all be used. If it should not be enough, then there will be the misfortune of the institution finding itself without provision to do what the law itself authorizes to be done.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. McMILLIN] insist upon that portion of his proposed amendment which strikes out $175,000 and inserts $165,000?

Mr. TOWNSHEND. Insist upon it; I desire to be heard.

Mr. McMILLIN. The gentleman from Illinois [Mr. TOWNSHEND] desires to speak upon the amendment. I will permit him to do so, and when he has concluded I will answer the inquiry of the Chair.

Mr. TOWNSHEND. I am perfectly willing that every dollar actually needed for the support of the Military Academy at West Point shall be appropriated; but I am unwilling that an appropriation shall be made that is not necessary.

As the gentleman from Tennessee [Mr. McMILLIN] has offered this amendment, I will undertake to correct the gentleman from Ohio [Mr. KEIFER], who I think is mistaken in his figures. The average attendance at West Point during the last ten years will be found to fall below two hundred and fifty students. This bill makes provision for

three hundred and fourteen. Last year, after the law had been passed providing for an increased representation there, a Republican Congress declined to make an appropriation exceeding $160,000, which is provision for two hundred and ninety-six students.

I have here a table furnished by the Secretary of War, showing that on the 1st day of September last, a time in the year when there is the largest number of students present, there were only three hundred and eleven students at West Point. The examination that occurred in January last caused the dropping out of some twenty students, bringing the number down to about two hundred and ninety.

The amendment of the gentleman from Tennessee makes provision for three hundred and six students, some fifteen or sixteen more than the number now in attendance at West Point, and in my judgment the next examination, in June, will cause the dropping out of other students because of failure in their examinations.

I have here a table showing that during the last ten years the unexpended balance remaining of the appropriations for these salaries ranged from $3,000 to $40,000. This is the table; and it also shows the average attendance annually during that period:

Statement of the number of cadets at the United States Military Academy present September 1 in each of the ten years from 1873 to 1882; also, the rates of their annual pay, the aggregate amounts appropriated and expended therefor, the average number of cadets paid, and the amount covered into the Treasury for each of said fiscal years.

Year.	Cadets present September 1.	Annual salary.	Amount appropriated for fiscal year.	Amount expended in fiscal year.	Average number of cadets paid.	Amount covered into the Treasury at end of fiscal year.
1873	275	$609 50	$178,583 50	$156,732 14	257	$21,851 36
1874	280		192,204 00	165,877 17	272	26,326 83
1875	313		186,656 00	179,223 79	294	7,432 21
1876	309		167,400 00	156,975 00	291	10,425 00
1877	286		167,400 00	141,547 50	262	25,852 50
1878	305		157,500 00	154,474 50	286	3,025 50
1879	287	540 00	150,000 00	146,638 50	272	3,361 50
1880	259		160,000 00	130,147 50	241	29,852 50
1881	238		160,000 00	119,455 50	221	40,544 50
1882	271		150,000 00	135,717 00	251	14,283 00
1883	311	540 00	160,000 00	.....	.....	.....

It will be further seen by an examination of this table that in 1879 the appropriation of $150,000 for this purpose was ample to provide for all the students at the academy and to leave an unexpended balance. There is no question in my mind that if we shall fix the amount at $165,000, as proposed by the amendment of my friend from Tennessee [Mr. McMILLIN], or at $160,000, the amount appropriated last year, there will be an unexpended balance at the end of the fiscal year.

Mr. ELLIS. What becomes of it?

Mr. TOWNSHEND. It remains in the Treasury.

Mr. ELLIS. Certainly.

Mr. TOWNSHEND. If my friend desires to vote an appropriation of a sum entirely useless and unnecessary, I do not understand the motive that can prompt him to do it. While I am in favor of appropriating every dollar that is needed, I am unwilling that the people's money shall be appropriated for unnecessary purposes.

Mr. ELLIS. The "people's money" is not expended unless absolutely necessary. The gentleman treats it as if, when this bill shall have passed, the money it appropriates will be gone forever. The fact is, that the committee simply desire to cover all possible expenditures.

Mr. TOWNSHEND. The gentleman who is now addressing me was a member of the Committee on Appropriations in the last Congress, and then came in here and supported a bill which appropriated only $160,000 for this purpose.

Mr. ELLIS. Certainly.

Mr. TOWNSHEND. And this year he comes in, during this session of Congress, supporting an increased appropriation for this purpose, with no evidence, in my judgment, that can support the idea that any more is necessary this year than last.

Mr. ELLIS. There are thirty-two more students allowed now.

Mr. TOWNSHEND. I beg your pardon; there is not that number.

Mr. ELLIS. There is that number provided for by law.

Mr. TOWNSHEND. In my judgment the average attendance of students for next year, the year we are now providing for, will fall below two hundred and seventy. The average attendance last year fell to two hundred and fifty-one, because of failures in examination. I am satisfied that if this appropriation be reduced to $160,000, there will still be an unexpended balance. I am therefore in favor of the amendment.

Mr. ELLIS. If the money is not expended it will remain in the Treasury.

Mr. McMILLIN. Does the Chair rule that the proviso of the amendment is out of order?

The CHAIRMAN. The Chair so rules, because the proviso does not reduce expenditures, nor does the Chair think it entirely germane to the bill.

Mr. McMILLIN. If the proviso can not go with the amendment I see no reason why the amendment should be adopted alone. It was in view of the proviso that the motion to strike out was made by me. I therefore withdraw the amendment.

Mr. ELLIS. Mr. Chairman, the gentleman from Illinois [Mr. TOWNSHEND] tries to place me in an inconsistent position; but the attempt will not bear the test of a little light. I did support the bill of last year, making an appropriation of $160,000 for this purpose; and this year I support the present bill proposing to appropriate $170,000. My reason is that there is an increase of membership at the academy.

Now, Mr. Chairman, let the House understand fully that if the amount appropriated for this purpose should not be expended the portion unexpended will remain in the Treasury; there will be no waste, no extravagance. No student can receive more than the $540 allowed him by law. The committee simply intended to cover every possible contingency under the law in providing for these students—no more and no less.

Now suppose the gentleman's opinion should not correspond with the facts—and everybody's opinion is liable to fail sometimes—suppose there should be more students than the gentleman's table shows? Then if we should appropriate only the amount he proposes some of the students would be unprovided for; there would be a deficit, and a deficit coming in that way is disgraceful to this Government, especially when there is no possible chance of loss to the Government by making the appropriation large enough to provide for all contingencies.

Mr. WARNER, of Ohio. I move to amend by striking out the words "and seventy," in line 31, and by adding to the paragraph these words, "and the number of cadets shall be limited to two hundred."

Mr. Chairman, I offer this amendment because I believe that the proportion of officers to enlisted men in our Army is already much too large—relatively larger than in any other army in the world; and by maintaining so large a number of cadets at West Point we provide for increasing the number of officers, already too large.

I am in favor, Mr. Chairman, of maintaining a high standard, of securing the best talent, and of giving to students thorough instruction at the Military Academy. But I find that we have now, for an army of less than 24,000 men, 2,176 officers on the active-list and something over 400 on the retired-list. This is more than twice the proportion of officers that would be required in a state of war and three times as many as are really necessary in a time of peace. The pay of the officers of the Army, as shown by the appropriation act of last year, is $6,052,164—almost double the pay of all the private soldiers in the Army; and if you add non-commissioned officers, Indian scouts, and all others, it amounts to nearly a million and three-quarters more than the entire pay of the enlisted men.

Now, our Military Academy system provides for increasing this number of officers out of all proportion, it seems to me, to the necessities of the country in time of peace. And it does not follow because we have educated officers doing nothing in time of peace that they will be ready for active service and make good soldiers in time of war. There is nothing so injurious to anybody as idleness; and a large official staff maintained in idleness for years are not well schooled for active and useful military service.

Again, the cost of our Military Academy is excessive—greater I believe than that of any military school maintained by any other government. I find that we are appropriating by this bill for the support of this institution something over $306,000—about $1,100 for each cadet. This is what it costs the Government annually to educate each of these young men. This is an example of Government school-keeping. The number of professors and instructors of all grades amounts to about one for every five cadets. Now it seems to me it would be wise, while maintaining the high standard of West Point education, to reduce the number of cadets, so that the proportion of Army officers to enlisted men will not be so excessive.

I find that this matter has been referred to by observers in other countries. Sir Archibald Forbes, in an article published in the North American Review a year or two ago, alludes to this condition of our Army, and likens it to a tadpole, in that it had a very large head and little else.

[Here the hammer fell.]

Mr. ROSECRANS. I see by the record of graduates that the annual supply from the Military Academy falls short of the casualties.

Mr. CALKINS. Mr. Chairman, whatever may be the propriety of cutting down the number of cadets at the Military Academy, it seems to me the amendment ought not to prevail. It simply provides that the number of students shall be reduced to two hundred, thereby in effect repealing the law which allows each member of Congress to appoint one cadet, and not providing how the two hundred to be appointed shall be distributed among the States and Territories.

So that, whatever policy Congress shall adopt, this amendment should not prevail.

Mr. MAGINNIS. Let me say to the gentleman from Indiana that the number of cadets graduated from West Point is not sufficient now to fill the vacancies occurring in the Army, and that in addition a large number of officers is appointed in the Army from civil life.

Mr. CALKINS. I wish to say, in addition to what I have already mentioned, why in my judgment this amendment should not prevail. For one I do not believe in the policy of cutting down the number of cadets graduated at West Point. I believe in the policy of educating as many young men in that institution as possible. It may be, and probably is, true that many of them on graduating will go into private life after they have finished their education. As I have said, I believe it to be the true policy of the Government to educate as many young men at these institutions as possible, and let them go into private life if they will. When they graduate from these institutions they are as well prepared to take care of themselves and enter into any business avocation they may choose as any of the young men graduated from any of our colleges. I know there is a difference of opinion on that subject, but that is my judgment of the young men graduating from these institutions.

But, whatever policy may be adopted, certainly the amendment of the gentleman from Ohio [Mr. WARNER] should not prevail.

The CHAIRMAN. The gentleman's time has expired.

Mr. MAYO. What is the question before the House?

The CHAIRMAN. On the amendment of the gentleman from Ohio [Mr. WARNER].

Mr. MAYO. We have not heard the amendment.

The amendment was again read.

The amendment of Mr. WARNER, of Ohio, was rejected.

The Clerk read as follows:

For additional pay of professors and to officers (on increased rank) for length of service, $8,898.50.

Mr. BELFORD. I move to strike out the paragraph just read by the Clerk.

Mr. KEIFER. Does the gentleman from Colorado propose to strike out the pay of these professors?

Mr. BELFORD. I do. This paragraph provides "for additional pay of professors and to officers (on increased rank) for length of service, $8,898.50," and that increased rank I propose to strike out. The gentlemen who have control of this Military Academy are always courteous to this representative body of the nation when they want to have additional pay or increase of rank. That is the only time they are humble and obliging, although they are national paupers fed out of the money in our coffers. [Laughter.]

Now, sir, according to the rules established at West Point there is not a member of this House who can pass an examination to secure admission into that academy.

A MEMBER. Let the gentleman speak for himself.

Mr. BELFORD. I am quite as well educated as any gentleman on this floor. [Laughter and applause.] I repeat, Mr. Chairman, there is not a member of this House who can answer the questions propounded to him by the professors of the Military Academy at West Point, any more than he can answer the questions propounded by the cranks of the Civil-Service Reform Commission [laughter and applause]—the men who are running that institution now as a kind of governmental monopoly wherever they can, so they can get their own friends into office and turn everybody else out. [Laughter and applause.] And you Democrats ought to have a professor detailed from this academy at West Point to educate you as to the practicability of enjoying Government office if you should happen to come into power next year. [Laughter and applause.]

I desire the gentleman from Ohio [Mr. KEIFER] who has reported this bill to inform this House if this increase should be given. When I wish to have an amendment incorporated into this bill appropriating $200,000 for the purpose of establishing a preliminary school to educate the youths of this Republic, he, in consistent action with the white-buttoned mandarins of the Appropriations Committee, raised the point of order and had my amendment ruled out, and by that very act disqualified me from sending a student to that academy. He disqualifies you, too, gentlemen. He puts your Congressional right in the basket of the board of professors.

The CHAIRMAN. The gentleman's time has expired.

Mr. KEIFER. I oppose the amendment, and the discussion being exhausted, I ask for a vote.

Mr. BELFORD. I withdraw my amendment.

Mr. THOMAS. I renew the amendment of the gentleman from Colorado.

Now, Mr. Chairman, in looking over this Military Academy bill for this year, as well as for last year, I find ten items giving additional pay to officers and professors at West Point. In the main the instructors are officers of the Army. The first item of the bill is for the pay of eight professors, $25,500. The next item is for one commandant of cadets, in addition to his pay as captain in the line, $1,200. In addition to his regular pay the next instructor of practical military engineering is given $900. The next is for one instructor of ordnance and science of gunnery, who receives in addition to his pay as an officer of the Army $900. Then comes a provision for the pay of eight assistant professors, who receive in addition to their regular, legitimate, fixed pay by law, $4,000. Then comes a provision for pay of three instructors of cavalry, artillery, and infantry tactics in addition to pay as second lieutenants, $1,500. And so it runs on through ten items, until we come to the tenth paragraph, for additional pay of professors and to officers (on increased rank) for length of service, $8,898.50.

If the present pay-table of the Army is not sufficient, it is the duty of Congress to rearrange it, to rerate it, and provide for it by a regular act of Congress, and not attempt in this way to give additional pay to men who seek employment by this kind of detail from their regular duties in the Army by adding $8,898.50 to what the law provides, to the pay, too, of the other officers and professors not provided for in the other nine items of the bill. It is not specified which professors are to be benefited by this provision, but they have gone on and provided for every conceivable one that can be thought of; and then they come in with a round sum of $8,800 more to be added and divided among them all. I say if the present rate of pay is not sufficient, let it be fixed by law and by a provision specific and clear, and not attempt to come in here and add in this unjustifiable way to the pay of professors who are already receiving remunerative salaries. There are a number of officers now in the Army who would gladly fill the position of professors at West Point and ask no more than to receive the pay to which they are now entitled. I oppose the adding of this unnecessary appropriation and the addition of unwarranted pay to officers and professors who are detailed for this work, and who receive regular salaries fixed by law.

[Here the hammer fell.]

Mr. KEIFER. Mr. Chairman, a sufficient reason might be given and an answer made to the remarks of the gentleman from Illinois by a very simple recital of the facts and the statement that the gentleman is totally mistaken as to the condition of the law. He says in his speech that we ought to fix the pay of these officers by law, and arrange it in that way and not provide for it in an appropriation bill. In answer I wish to say that I concur with him fully in that respect. But let me inform him that each one of the items of this appropriation bill to which he refers provides an appropriation exactly as required by and in accordance with the terms of the law as it has existed for many years. The particular item that he proposes to strike out is also provided for by law; and this is an item simply carrying into execution, for the pay of those professors, a requirement of the statutes now in force.

Mr. THOMAS. May I ask the gentleman a question?

Mr. KEIFER. Certainly.

Mr. THOMAS. Why is it that the Committee on Appropriations find it necessary to add to the appropriations for the pay of these professors and officers at that academy an aggregate amount of $19,998?

Mr. KEIFER. Where is that?

Mr. THOMAS. It is the sum of the additions of the different items to which I have already alluded.

Mr. KEIFER. Where is the amount?

Mr. THOMAS. It is made up of the $8,898 of this section now under consideration, $900 in another place, $1,500 in another, and so on throughout the ten items of the bill to which I have referred.

Mr. KEIFER. The gentleman takes it for granted, then, that this is in addition to the law. It is not. The $8,898.50 is expressly provided for by section 1336 of the Revised Statutes of the United States. It has no reference to paying these professors more than their ordinary pay; but this particular item provides for paying the professors and officers on duty at this academy their longevity pay, as fixed by law, after a service of ten years. And if we were to strike out this item now there would be simply a deficiency at the close of the year, because, in accordance with existing law, these professors are entitled to receive this amount, and just the amount that is now appropriated by the present bill.

The other items to which the gentleman refers contained in the bill, and which he indicates, giving to the assistant instructors of cavalry, artillery, and infantry tactics, &c., additional pay, are put in here in accordance with different sections of the statutes—section 1335, section 1338, &c. These sections provide for this additional pay. It is not longevity pay. It is not paid by reason of long service. But it is an extra compensation paid by reason of the kind of service they are required to be upon at the academy and the additional expense incident to that service, which arises of course principally from the style of living that they must keep up while at the institution.

Mr. LYMAN. Let me ask the gentleman a question. If there is anything in this bill which is unusual as an appropriation bill for West Point Academy or whether it is not a fair average of the bills ordinarily passed for that institution?

Mr. KEIFER. I know of nothing different, certainly on this part of the bill.

Mr. LYMAN. Then what is the use of discussing it; let us pass it.

Mr. WARNER, of Ohio. This additional pay provided for in this paragraph to officers is an addition to the extra pay provided for them on page 2 for their sevices at the academy in excess of their pay as officers of the Army. It is just such accumulations of expenditures as this that makes the Military Academy at West Point, for the field it covers, the most costly school in the world—a school at which it costs more to educate a student in the same branches than at any other school in this or any other country. To the extent, then, Mr. Chairman, that cadets who are admitted to that school resign, as many do within two or three years, it amounts to a free education to those who are appointed there. And in reply to the gentleman from Indiana I will say that every cadet

who graduates at West Point understands that he is commissioned for the rest of his life to ride through the world upon the backs of other people; first in the Army, whether in service or idle, and then at a certain age upon the retired-list. I hold then that this multiplying of officers, this increase of the official staff of our Army in such excess of the needs of the service, is an expense that ought to be cut down, for certainly the country gets no adequate return for the expenditure.

Mr. MAYO. Mr. Chairman, if this question is still pending——

The CHAIRMAN. The Chair understands that the gentleman from Ohio [Mr. WARNER] withdrew the amendment.

Mr. THOMAS. By what authority did the gentleman from Ohio withdraw my amendment?

Mr. WARNER, of Ohio. I did not withdraw the amendment.

The CHAIRMAN. The amendment of the gentleman from Illinois [Mr. THOMAS] is still pending.

Mr. HOLMAN. I move to strike out the last word. I have made some little inquiry as to the comparative cost of our West Point institution and of the other first-class colleges in the United States in the one item of professorships alone, and I find, sir, while in the great literary institutions of the country the highest salary paid is $4,000, which is in Harvard, the lowest is $1,700, which is in Bowdoin College. The average compensation paid to the professors in the nine great literary institutions of the country is $2,694. This embraces Harvard, Yale, La Fayette, Princeton, Bowdoin, Brown University, Cornell, University of California, and the University of Michigan. I should think it would be somewhat difficult to select nine great institutions in this country that could claim a higher rank than these, and yet the average compensation paid to the professors in those universities is $2,694.

As I understand the matter, independently of this longevity feature of some eight or nine thousand dollars, the lowest amount paid to these professors at West Point is $3,600, and the highest is $4,500 and residences. I think, therefore, even without this longevity pay, the compensation paid to these West Point professors is ample.

Besides that, I wish to call the attention of the committee to another fact. I ask what institution of learning in this country shows such extravagance in the number of its professors, the number of students considered?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. RANDALL was recognized, and yielded his time to Mr. HOLMAN.

Mr. HOLMAN. I am obliged to my friend from Pennsylvania [Mr. RANDALL]. But I have said about all I designed to say.

I wish simply to call the attention of the committee to the fact that in this institution of learning we display the same tendency toward extravagance in Government, departing from the old-time economy, that is shown everywhere else; and that in that institution we could at least without any possible injury to the public service approximate in some degree in the volume of our expenditure to the expenses incurred in other corresponding institutions in the country. If it were true that the results of that institution surpassed in magnitude the other great institutions of the country, an argument might be made in its behalf on that basis. But I must say, though it seems to be the settled policy of the country that this institution shall be maintained—and there are certainly arguments in favor of its maintenance—yet at the same time the results of this institution do not begin to compare in magnitude and in importance and educational power with the other great educational institutions of the country.

I think you create a sentiment of unrest and of discontent when by the acts of your Government you place a few men capable of teaching on a far higher plane of compensation than that which is obtained by accomplished scholars at the head of the other great institutions of the country. And I must say to gentlemen we are not acting the part of public benefactors when we present a motive for that unrest, that discontent, that sentiment of injustice which must prevail in your great private institutions of learning when you maintain an institution where the compensation for scholarly attainments is so far above that which is paid in the other great educational institutions of the country.

I withdraw the *pro forma* amendment.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. THOMAS], to strike out the paragraph.

Mr. THOMAS. I withdraw it.

The CHAIRMAN. The Clerk will read.

Mr. HOLMAN. The amendment which I withdrew was merely formal. There is a motion pending, as I understand, to strike out the paragraph.

The CHAIRMAN. That was withdrawn.

Mr. HOLMAN. I renew it.

Mr. ELLIS. I submit that the gentleman from Indiana is too late.

Mr. RANDALL. I would remark to the gentleman from Indiana that there is no use in striking out the paragraph unless there is a clause added to the bill repealing the existing law.

The CHAIRMAN. There is no disposition on the part of the Chair to take advantage of any gentleman. The gentleman from Indiana [Mr. HOLMAN] states he was not aware the motion to strike out the paragraph was withdrawn.

Mr. HOLMAN. I withdrew my amendment, which was merely formal. I did not notice the fact that the gentleman from Illinois withdrew the motion to strike out.

The CHAIRMAN. Does the gentleman from Indiana renew that motion?

Mr. BEACH. I submit that whether the gentleman from Indiana was aware or not of the fact that the motion to strike out was withdrawn, that motion was withdrawn, and the Clerk had begun to read the next paragraph. It is too late, therefore, for the gentleman to renew the motion to strike out.

Mr. HOLMAN. I wish to say in answer to the gentleman from Pennsylvania [Mr. RANDALL] if that paragraph should be stricken out all that is necessary is to add to this bill the proviso repealing the provision of the law that persons employed in a perfectly civil employment shall receive in addition to their large compensation this additional item of $8,000 or $9,000 on the military theory of longevity of service.

Mr. RANDALL. My remark was made as a suggestion to the gentleman from Indiana that if he desired to strike out this paragraph that should be accompanied by a clause repealing the existing law, which would be in order, I suppose, if offered at the proper part of the bill.

Mr. BEACH. What disposition has the Chair made of my point of order?

The CHAIRMAN. The Chair has overruled it.

Mr. ELLIS. I move to strike out the last word. I do not think that either $3,600 or $4,500 a year, the lowest and highest compensation received by these professors and soldiers, is too much. Why, sir, that is the salary of a head doorkeeper in a great commercial house. It amounts to the ordinary perquisites or fees of a lawyer with an average country practice.

Who and what are these men? They are the guardians morally and intellectually of the men who handle our armies. They are those selected to train the men who are to be our pilots and our strong arms in the hour of national trouble. This is the one great governmental institution for that purpose.

Who and what are we? A nation of 50,000,000 of people, claiming to be the most intelligent in the world, claiming to be the wealthiest people in the world, with a small Army of but a handful of men, and in case of war obliged to rely upon the rapid training of volunteers. For that purpose we must look to this national nursery.

These men do not get too much pay, three hundred or three hundred and fifty dollars a month, in addition to their soldier's pay. They are obliged to incur a great many expenses which they do not have to incur when in the field. They are obliged to entertain people from almost every quarter of the Union. They are compelled to receive and entertain and do entertain the friends of the students whom we send there. They are obliged to maintain a condition in life and a habit of expenditure which they are not required to maintain in the field.

This increased pay which we give them is not too much. In fact I would rather vote for its increase than for its diminution, because its increase would be more commensurate to their deserts and more consistent and in keeping with our position among the nations of the earth.

I am tired of this two-bit economy. I do not believe that you can run this great Government on 75 cents a year. I believe in properly paying these instructors of our youth, in keeping up the *morale* of West Point, and in making it the most efficient institution of the kind in the world. I believe in keeping up its great prestige and reputation not only in our own midst but in the eyes and estimation of the people of the whole world.

The gentleman undertakes to compare it with ordinary institutions that are obliged to depend for the pay of their professors upon what they receive from their patronage and the endowments of charity. No such comparison should be made. This is the great institution of the American people, the one institution which has given us a long line of men who have inwreathed our flag with victories—Scott and Taylor, Grant and Hancock, Sherman and Sheridan, Thomas and McClellan, Slocum and Rosecrans, Sumner and Franklin, Sedgwick and Kearny, Burnside and Meade. Sir, the sky of our history is studded with the bright constellations of names of men educated at this institution. By their services these men of West Point have far more than repaid you for the moneys that have been expended upon that institution.

[Here the hammer fell.]

Mr. HOLMAN. I rise to oppose the amendment of the gentleman from Louisiana [Mr. ELLIS].

Mr. ELLIS. I withdraw the amendment.

Mr. HOLMAN. The gentleman can not withdraw it, I believe, after I have the floor. I renew it, if the gentleman does withdraw it.

The gentleman from Louisiana has mentioned some very great names in our history, names that excite the pride of every American. Could he not also mention, in connection with the great names made illustrious by our wars—happily for this country the period of its existence has been mainly one of peace, for the grand purpose of this Republic has been to secure the blessings of peace—a great multitude of names made equally illustrious in the employments of peace?

Mr. ELLIS. We have had one war in every sixteen years of our existence.

Mr. HOLMAN. Will not the gentleman also call over the great names that have adorned the history of this country in times of peace,

and compare them with the great names that have adorned it in times of war? If he will do that, how would he find the account to stand? Let him compare the great names who have entered upon the great theater of life from Harvard and Princeton and Brown and other great institutions of this country with the great names of West Point and see the result. Let him enumerate the men who by the arts of peace have inspired and elevated the whole people of this country and given it the high standing which it occupies throughout the world; who have contributed to achievements in times of peace to make this the first nation upon the face of God's green earth.

Mr. ELLIS. Will the gentleman tell the House what his salary is?

Mr. HOLMAN. Let the gentleman consider those institutions which have given character and position and honor to this country far beyond what all the influences, the powers of war, can give to this nation in its relations with the world. My friend says that these men should be paid handsome salaries, because this institution at West Point is more important than others, more important than Harvard, more important than Brown, more important than Princeton. Would such be the judgment the people of this country would pronounce upon these various institutions of learning?

This institution at West Point is maintained simply from the necessity of the case. It is at best but a precautionary measure—a precedent precaution—a point around which the nation may rally in its hours of adversity. The other institutions, colleges, universities, and, more important and grander than all, the great university of the nation, your systems of common schools lift up the whole body of our people in their general advancement to a higher plane of social as well as political life.

In paying these West Point professors enormously higher salaries than are paid to professors in our great institutions of learning which rest upon public faith and public affection, which rest upon the arts of peace, we are making larger payments for the encouragement of war which destroys than for peace which elevates humanity; and this does not become the American Congress, for the office of a republic is not the elevation of the few but the ennobling of all by the blessings and arts of peace.

Mr. THOMAS. Mr. Chairman, in the remarks I made a few moments ago I did not wish to be understood as intimating that the professors and officers employed at this institution are receiving too much pay. I have never been justly catalogued with that class of so-called statesmen who believe in running the Government on 75 cents a year, as suggested by the gentleman from Louisiana [Mr. ELLIS]. But I believe in fair, open, direct legislation. If these professors are not receiving sufficient compensation in the amount which they are allowed as pay, let us increase it to such sum as may be right and proper—such sum as will give them an ample and honorable compensation. But I dislike this indirection; this paying them in chips and whetstones—this paying them so much as salary, so much as longevity pay, so much additional pay as adjutant, so much as professor of artillery, &c.

Let us say how much those officers shall receive, and let us appropriate it in one sum, so that we can meet the question of their compensation squarely, face to face. It is not the amount I object to; it is not so much the end as the means. I do not want to see the pay of these professors made up of several items that the people do not understand. They may very naturally inquire, "Why this item? Why that? Why not pay these men so much in a round sum?"

I withdrew my amendment because I was afraid if it should be adopted the pay of these men would be cut down, and that is not what I am after. What I want is to have the whole compensation of each professor put into one item, as, for instance, professor of mathematics, $4,000, $5,000, $6,000 if necessary. I am willing to pay liberal salaries to the officers who have charge of this institution and who are sending out into the country young men who in the past have proved an honor to the nation and a safe reliance in its hour of danger.

The CHAIRMAN. Debate on the *pro forma* amendment is exhausted.

Mr. HOLMAN. I withdraw it.

Mr. KEIFER. I renew the amendment, although I am anxious to reach a vote, for the purpose of saying a single word.

I repeat that to strike out this clause of the bill would cause a deficiency in the coming fiscal year. These officers who have served for a period of ten years or more are given by section 1336 of the Revised Statutes longevity pay or pay by virtue of increased rank. This is given by statute; and the Committee on Appropriations decided that it was their duty to report a bill making appropriations in accordance with law. The policy has prevailed of paying officers of the Army, and sometimes soldiers, on the basis of length of service, the pay increasing every five years or ten years, &c. This policy has prevailed, so far as I know, throughout the entire history of the country. It is a policy fixed by law, and is doubtless wise. But if it is not wise let it be corrected through the instrumentality of our appropriate committee, and let a proper policy be adopted which will fix a definite pay for officers, with or without regard to length of service.

Mr. HOLMAN. Will the gentleman allow me to ask him a question?

Mr. KEIFER. Certainly.

Mr. HOLMAN. However politic the principle of longevity pay may be with reference to military employment, employment connected with war, does the gentleman from Ohio think that, in a purely civil employment, such as a professorship of a college, the principle of longevity pay should prevail? Is there the same reason for it in this civil employment as in military life? Does the principle prevail in any other civil employment in this country?

Mr. KEIFER. I did not yield for a speech, especially one which treats these professors as engaged simply in a civil employment. They are military professors at a military institution, where they instruct cadets in all the duties of soldiers in the different branches of service—engineer, cavalry, artillery, infantry. This is not strictly civil employment. Professors could not be obtained from civil life competent to serve in these positions. These professors must be trained and skilled officers. The present superintendent of the institution has not only all the skill which can be obtained by the training of the schools, but he is skilled on the battlefield as a great tactician.

The CHAIRMAN. Does the gentleman from Ohio [Mr. KEIFER] withdraw the *pro forma* amendment?

Mr. KEIFER. Certainly.

The question being taken on the amendment of Mr. HOLMAN to strike out the paragraph, it was not agreed to.

The Clerk read as follows:

For department of natural and experimental philosophy: For additions to apparatus to illustrate the laws of acoustics, optics, and mechanics, $1,000; books of reference, text-books, stationery, materials, and repairs, $400; for pay of mechanic assistant, $1,000; construction of quarters near the new observatory for the mechanic assistant, $3,800; in all, $6,200.

Mr. HOLMAN. I raise a point of order on that part of the paragraph which provides for "construction of quarters near the new observatory for the mechanic assistant, $3,800."

The CHAIRMAN. The gentleman will state his point of order.

Mr. HOLMAN. It is that it is new legislation.

Mr. BELFORD. I rise to a point of order.

The CHAIRMAN. There is one point of order already pending.

Mr. BELFORD. I can not hear a word of what the Clerk is reading or what gentlemen are saying on the other side. At this end of the Hall we can not hear the point of order raised by the gentleman from Indiana, and I insist on my right to hear what is going on here.

Mr. HOLMAN. I will state, in support of my point of order, that this item was submitted as a separate item in the estimates. It is a new and independent item.

Mr. BELFORD. I can not hear what is going on.

The CHAIRMAN. It is impossible to hear what is going on. Gentlemen will resume their seats and cease conversation.

Mr. HOLMAN. This is an entirely new work, not authorized by any law heretofore enacted.

Mr. CALKINS. What is the provision on which the point of order is made?

The CHAIRMAN. The Clerk will read it.

The Clerk read as follows:

Construction of quarters near the new observatory for the mechanic-assistant, $3,800.

Mr. KEIFER. If I understand the point of order raised by the gentleman from Indiana, it is that this is new legislation not authorized by any specific statute. Then everything in the way of repairs, putting new shingles on the roof, having porches, making any sort of improvement or repair of the institution, would not be in order unless provided for by a previous special statute.

It is said this proposes the construction of a new building. That is not in any sense true. This merely provides for the construction at the observatory of quarters for the mechanic-assistant.

It must be borne in mind that some years ago that observatory at the Military Academy was removed on account of the railroad going through there. There was an arrangement made by which the old observatory was torn down and a new one constructed. This new structure stands exposed, away from any protection, and as being of advantage, and indeed as essentially necessary to its care and preservation, it is reported here by the proper officers there, by the superintendent, by the War Department, that it is necessary and essential to have this structure for a mechanic-assistant. This is in the nature of an improvement and addition to the observatory itself, and it is not new legislation. It is not specifically provided for by law, but it is, as I have said, essentially necessary to the buildings already there.

Mr. CALKINS. Let me ask the gentleman a question.

Mr. KEIFER. Certainly.

Mr. CALKINS. I desire to ask whether this provision is inserted for the purpose of finishing an observatory which was begun in lieu of one destroyed by the construction of a railroad through the grounds of the academy?

Mr. KEIFER. That is the case. It is not so much the construction of an observatory proper as it is a structure connected with it for convenience, to be occupied by a skilled mechanic, who is known as a mechanic-assistant, to take charge of the delicate instruments which are in the building, and to be on hand whenever necessary for their adjustment.

Mr. RANDALL. Will the gentleman permit me a moment?

Mr. KEIFER. I will yield to the gentleman.

Mr. RANDALL. The question before the committee, I wish to say, is not one of necessity. It is simply whether it is or is not subject to the point of order which has been made against it. Now, we might as well call things by their right names. This is a proposition not to build an addition to the observatory but to build a home, or a residence, for one of the officers who has charge of the observatory; but it is a question rather of convenience or distance—where he shall live—than of anything else. It is not directed or warranted or authorized by any statute that I have seen; certainly not to build a residence. And I repeat, it is not in the nature of an attachment to the observatory except as a matter of convenience for one of the persons who has charge of that institution.

Mr. BEACH. I would like, Mr. Chairman, to state by way of supplement to what the distinguished gentleman from Pennsylvania has said, and in connection with the necessity for this building, that this observatory is at some distance from the other buildings on the Government reservation at that point. There are some very valuable instruments in this observatory, and they have to be used frequently in the night-time; and in order to use them it becomes necessary that this mechanic-assistant should be present to aid the officers in pointing the telescopes, in adjusting the delicate machinery, and in getting the instruments in proper shape for making astronomical observations. The superintendent of that institution, with a view of having this mechanic-assistant present at all hours of the day or night, whenever his services are needed, has recommended that a residence be constructed close to the observatory, where he can be found and where he will be accessible at all hours. There is no other object in view in the construction of this residence than that this assistant shall be in a position to see that these instruments are not injured or their value destroyed; that no one shall break into the building in the night-time. It is a matter of precaution for their preservation and protection more than anything else.

I find in the Book of Estimates which we have received, among the items referring to this matter, a note, in which it is stated that for the care and preservation of these valuable instruments ——

The CHAIRMAN. The Chair will remind the gentleman from New York that this debate is not as to the necessity of this appropriation, but whether under existing law its construction is warranted.

Mr. BEACH. We admit that there is no technical provision of the law which warrants it; but it has been recommended, it is essential, and it is reported by the Committee on Appropriations, who recommend its passage.

Mr. RANDALL. There is no controversy about the recommendation. The simple question is whether there is a statute authorizing the expenditure. I would like to have the gentleman from Louisiana point out a statute which does authorize it.

Mr. ELLIS. I have sent for the original act establishing this institution at West Point. I have not yet received it, but will call the gentleman's attention to the law as soon as it comes. I imagine, however, that the Government in establishing the institution provided by statute for all necessary buildings. I take that for granted. I know as a matter of history that buildings have been created there from time to time, as their need was developed, without any special legislation. The general power which is given by the organic act—the act organizing the Military Academy at West Point—to construct the necessary buildings will cover this whole question, and as soon as the law for which I have sent is at hand I think it will fully bear out that position. I know, Mr. Chairman, as a matter of common sense, as a matter of judgment, that the act organizing the West Point school did certainly provide for constructing the necessary buildings; and we all know as I have said, for it is a matter of history, that they have been built from time to time, and that too without the passage of a special statute for such construction.

But what are the facts in this case? The Government has ordered recently the construction of a new observatory at that point. There are, as my friend from New York says, very valuable and delicate instruments in that observatory, instruments that have cost a great deal of money, and the building in which they are stored is a half mile or more away from the other buildings of the institution. They are exposed night and day to theft or injury. The building is exposed to being broken into and these valuable instruments damaged or stolen. Now the professors simply ask that this residence for the mechanic-assistant shall be constructed in close proximity to the observatory, in order that these instruments may not only be protected from injury, but that this man who has charge of the repairs and the management of the delicate machinery connected with these instruments may be on hand at all times to keep them in order and adjust them and always convenient to assist the professors in their operations. It is a matter of economy that this building shall be constructed.

Mr. RANDALL. There is no danger of the building being broken into. The whole institution with all of its outlying buildings is under proper guard night and day, so that that question should not weigh with the committee.

Mr. ROSECRANS. But let me say to the gentleman from Pennsylvania that the danger is that these delicate instruments, which have to be kept in proper order by a mechanical expert competent to do it, are liable to serious injury by neglect or in the hands of persons unaccustomed to use them. It is important, therefore, that the assistant in charge of them should be at hand at all times.

Mr. RANDALL. But this is a mere question whether this construction is authorized by law; whether there is any provision in the law warranting the construction of this residence. If there is I would like to see it.

Mr. ELLIS. I was told by the chairman of the subcommittee, who prepared this bill last year, the gentleman from Kentucky [Mr. BLACKBURN], that he did not put in this item because the observatory had not been completed. He describes the position as a lonely one, away from the barracks, and the building liable to be broken into and these instruments damaged or stolen. We do not want to erect a shanty or a hut.

The CHAIRMAN. Can the gentleman from Louisiana point out the law which authorizes the construction of this observatory?

Mr. ELLIS. Of this observatory? I do not understand the inquiry of the Chair.

The CHAIRMAN. Is this a part of the institution itself that is authorized by law? Or is this structure necessary for the occupants who are to take care of the observatory?

Mr. ELLIS. Yes, sir.

The CHAIRMAN. The question to which the Chair desires an answer is whether the act authorizing the establishment of this observatory is broad enough to cover this particular structure?

Mr. ELLIS. The original observatory was destroyed, a railroad company having built a tunnel under it. They did that with the permission of the Government on condition that they would build another observatory. The railroad company have built that at their own expense, and this building is an addendum to that observatory.

Mr. KEIFER. The Secretary of War in his estimates, as well as the superintendent, speaks of this structure as being as essential as any other portion of the building. He says the assistant should be there every hour of the day and night in order to the maintenance and protection of the observatory. It is as much essential to have him as it is to have instruments; and therefore this structure, which is merely intended for the accommodation of the mechanic-assistant, must be classed as belonging to the observatory.

Mr. HOLMAN. I do not think the discussion of the merits is proper on the point of order.

Mr. KEIFER. But the discussion of the merits to some extent is necessary to enable the chairman to know what the proposition is.

Mr. HOLMAN. This mechanic referred to has accommodations elsewhere; but it is more convenient for him to be nearer the observatory.

Mr. ELLIS. How does the gentleman know that?

Mr. KEIFER. The gentleman is trying to correct me by giving his own explanation when I am attempting to explain what is the fact. It is necessary for this assistant to be where his duties require him to be every hour of the day and night. I submit that the clause is in order under the general law which authorizes the keeping up of whatever is essential.

The CHAIRMAN. The Chair is inclined to think the paragraph is in order, the structure being necessary to the institution. But if there is any doubt about it the Chair is willing to submit the question to the committee.

Mr. HOLMAN. I want to say a word in that connection, if the Chair will allow me. The gentleman from New York [Mr. BEACH] says the building occupied by this mechanic is about two miles away. The Chair must see at once this is a mere question of the convenience of an officer of that establishment.

The CHAIRMAN. It is impossible for the Chair to determine the fact as to distance. The bill does not disclose that fact. It simply says the structure is to be a residence for a mechanic-assistant, and the Chair must presume that it is in close proximity to the observatory, close enough to enable that assistant to discharge his duties. The Chair can only rule on what appears on the face of the bill itself, that this is a structure for the convenience of a mechanic employed at that institution to take care of the observatory; and the Chair is inclined to hold that the clause is in order. But as it may be considered a doubtful question, the Chair would like to take the sense of the committee on the point of order.

Mr. ELLIS. Does the Chair refer the matter to the committee?

The CHAIRMAN. The Chair holds that the clause is in order. But if the gentleman from Indiana [Mr. HOLMAN] desires to take an appeal, the Chair will submit that appeal to the committee.

Mr. HOLMAN. If that is in order, everything else is in order.

Mr. TOWNSHEND. I move to strike out the paragraph.

Mr. Chairman, the Speaker of the last House of Representatives, as is the duty of the Speaker every year, appointed a board of visitors to visit West Point to examine into the workings of the institution and to examine the character of the buildings and to make their suggestions to Congress. I hold in my hand the report of the Board of Visitors. They have examined, it seems, very carefully the whole workings of the Military Academy and the condition of the buildings, and they recommended what improvements should be made, stating also their views as

to what other buildings should be erected. This report fails to say a single word about the necessity of putting up a house, costing $3,800, in order to accommodate the family of a mechanic-assistant of the observatory. There is not a single word about that in the report of the visitors, which is signed by General Rodgers, the president of the board; General Dayton, the secretary of the board; General Arnold, General Schuyler, General Crosby, General Whitman, General Howard, General Potter, General French, and on the part of the House by Mr. GEORGE W. STEELE, the gentleman from Indiana; Mr. Amos Townsend of Ohio, and Mr. W. A. J. Sparks of Illinois, both members of the last Congress, who are gentlemen of intelligence and excellent judgment. This Board of Visitors, after going through that entire establishment, failed to see any necessity for a building for the mechanic-assistant.

The Book of Estimates of last year shows that an estimate was made for this very building. They said then that $2,000 was sufficient to build a home for this mechanic. But this year it seems they have concluded to furnish more respectable quarters and have added $1,800. If $2,000 was sufficient last year to build a home for this mechanic, why is it not sufficient this year?

Mr. BEACH. Labor and material are higher.

Mr. TOWNSHEND. If the Democratic party intends to adhere to its past record of economy and retrenchment, I wish to see some symptoms of that intention manifested now upon this floor.

If a Republican Congress refused to appropriate even $2,000 for such a building, how can you come in here and demand at the hands of the Democratic party that we shall appropriate $3,800 to build a residence for a mechanic-assistant? I am willing to concede that this mechanic is perhaps a skilled mechanic, not unskilled in knowledge of these instruments. But it seems to me that a building of much less pretensions than this might be sufficient for him.

Another remark I desire to make. My friend from Louisiana [Mr. ELLIS] puts his advocacy of this appropriation upon the ground that it is necessary to have some one to guard these instruments. You can get a watchman to guard these instruments who would be content with a house that would cost $500, if that is all you wish, to have a house for a watchman. It does seem to me that this is rather aristocratic quarters to erect for a watchman to guard these instruments.

[Here the hammer fell.]

Mr. ELLIS. I am a little surprised that the friend of the people, the man of all others who is the friend of the people, who is always speaking for the people, should hiss the word "mechanic" out of his lips and lower his voice as if he were ashamed of it.

Mr. TOWNSHEND. The gentleman never heard such an expression from me.

Mr. ELLIS. I appeal not to the memory merely, but to the living impression of every member who heard him, if that word "mechanic" was not hissed out of his lips as if it were a thing which ought not to be mentioned here. Has the gentleman any idea of what sort of a mechanic this is?

Mr. TOWNSHEND. You say he is a watchman.

Mr. ELLIS. He is not a mere jack-plane carpenter; not even a blacksmith. I have no doubt the gentleman has had friendly and social intercourse with all the blacksmiths in his district, patting them on the back and telling them there never were such fine fellows. [Laughter.]

This is a man of science, an educated man, a man who understands all the delicate and intricate machinery with which these great instruments of science are built. He is a man who knows how to arrange them, how to prepare them, how to clean them, to fix them up for the operations of the professors. That is the kind of a mechanic-assistant he is.

The reason why this appropriation was not put in the bill of last year was explained to me by the gentleman who prepared the bill, the gentleman from Kentucky [Mr. BLACKBURN]. He said that he did not put it in the bill because at that time the observatory had not been completed.

The gentleman says that he wants to put a five-hundred-dollar hut there. That would be a beautiful ornament for the grounds of West Point, a lovely ornament for those grounds.

The gentleman cannot deter me or any sensible man on this side of the House who believes he represents a great country from voting for this appropriation by bringing in here partisan politics. West Point is my institution as well as yours. It is the institution of the people of Louisiana as it is the institution of the people of New York. I feel with them a common pride in its glory, its perpetuity, its power, and its usefulness. I say that this building should be put up, and it should be a building that will be ornamental as well as useful on those grounds.

Mr. TOWNSHEND. I move to strike out the last word. I say that the gentleman from Louisiana [Mr. ELLIS], laboring man as he is, and, perhaps, ever has been, has no more respect or reverence for the laboring classes of this country than their humble servant who now addresses the House. I came up from the ranks and have carved my way by my own skill and labor. I honor and reverence the laboring man, be he a common blacksmith in my own Congressional district or a mechanic-assistant at West Point.

Mr. ELLIS. I accept the gentleman's disclaimer.

Mr. TOWNSHEND. What I object to is that while the blacksmiths of his district and my own occupy humble log cabins, perhaps humbler abodes than that, he should come in here and vote to tax them for the purpose of building aristocratic quarters for a mechanic-assistant at West Point costing $3,800. I object to the wasteful, extravagant, and unnecessary expenditure of the hard earnings of the mechanics of his own district and of mine. That is the ground of my opposition to this clause in this bill.

And I want to state one further fact while I am on the floor. I want to challenge that gentleman to show wherein the superintendent of the academy at West Point has indorsed or recommended this appropriation; and wherein the Secretary of War has recommended that an appropriation of $3,800 be made in order to furnish a residence for a mechanic-assistant at West Point.

Mr. ELLIS. I accept the challenge.

Mr. TOWNSHEND. I know without any explanation what the gentleman will do. There is in this Book of Estimates a letter from the professor in charge of this establishment recommending this appropriation, as he did in the last Congress. But neither the Secretary of War nor the superintendent of the Military Academy has recommended it.

Mr. ELLLIS. The superintendent does recommend it, and the Secretary of War recommends it by his indorsement.

Mr. TOWNSHEND. Do not interrupt me. I know that the superintendent of the academy calls attention to the recommendations of the professor in charge of that bureau, but he does not recommend that the appropriation shall be made.

Mr. BEACH. How does it get into the Book of Estimates?

Mr. TOWNSHEND. I do not care who recommends it; I am opposed to the use of the people's money unnecessarily and extravagantly in this way.

Mr. HUNT. Mr. Chairman, I have been surprised to hear the reasons urged by the gentleman who has just taken his seat, Mr. TOWNSHEND of Illinois, in opposition to the erection of this building. There are at least a number of gentlemen on the floor who know what an observatory is. In order that an observatory may be operated it is not only necessary that there should be skilled mechanical assistance, but that it should be at hand in time of need. How can a skilled mechanical assistant be of avail unless he be present during the night or at the only time when his services can be of any use? And this is the very ground upon which the recommendation for the appropriation under consideration is based. I read from the Book of Estimates:

NOTE.—*By the Professor.*—"I consider it extremely necessary, for the care and preservation of the valuable astronomical apparatus, to have a thoroughly competent assistant located as near as possible to the observatory. His presence may be needed at any hour of the night, and certain observations about to be taken may require his constant attention at intervals during the night. There is no house near the observatory which can be had for his residence. An appropriation was asked for last year, but not granted."

The superintendent of the Military Academy invites special attention to the necessity of the construction of the quarters for the mechanic-assistant at the new observatory, as set forth in the remarks of the professor.

Are you going to have an observatory and remove from it the only person whose services can make it available? Are you going to have an observatory and close its doors just at the time the stars are to be seen in the skies? Are you going to have somebody to call the astronomer at the time it is necessary for him to be on duty?

Mr. TOWNSHEND. How did they get on for eighty years without such a building?

Mr. HUNT. The academy can not get along without it, because the purposes of scientific observation can not be accomplished without it. Would the gentleman have this House believe that this building, which is to cost the inconsiderable sum now proposed, is to be a palatial structure? Is any sum, Mr. Chairman, too great to be spent in the interests of science, in giving skilled mechanical aid for the prosecution of these great astronomical studies? Is any sum wastefully disposed of if expended at this great Military Academy in explorations of the wide domain of scientific knowledge? The expenditure is in the interests of science and scientific investigation; nor is the House to be shocked at the proposed outlay of $3,800 when recommended as it is by responsible men, skilled instructors, who know the price of materials from personal investigation, and who testify on their honor that the sum is required.

[Here the hammer fell.]

Mr. HORR. Mr. Chairman, if necessary, I move, *pro forma*, to strike out the last word. The question of the erection of this building was very carefully investigated by the Committee on Appropriations; and the item was retained, not unanimously, but by the vote of a large majority of the committee; and I am astounded to hear my friend from Illinois [Mr. TOWNSHEND] still insisting upon striking out this item, for the building is certainly needed for the good management of the institution. And the gentleman gives the strangest reason in the world for his opposition. As I understood him, it is because there are log houses in his district [laughter] and because he was born in one. Am I mistaken? I would like to ask the gentleman whether he lives in a log house now? Why does he live in a better house than a log house?

Mr. TOWNSHEND. I do not know that I am to be subjected to cross-examination by the gentleman. When he finishes his remarks I may perhaps reply, if I deem them worthy of reply.

Mr. HORR. I shall be very happy to have the gentleman explain

his position at any time. Now, I assume that he does not live in a log house, because he can afford a better one. I submit that it is every man's privilege to move out of a log house into a better one when he can afford to do so. This nation, being able to build something better than a log house for our chief mechanic at West Point, ought to erect a respectable building—a good frame house. If we were not able to build anything else than a log house, I should vote for a log house; but I think as a nation we can afford to erect a good, comfortable, frame building for the purposes contemplated in the provision of the bill.

I have the advantage probably of the gentleman from Illinois, for I was reared in a log house myself, and I have the greatest respect for such houses; but at the same time I think his objections, so common upon matters of this kind, are simply frivolous. There is an attempt on his part all the time to higgle about little items in our appropriation bills, for fear that there may be somewhere an item not exactly in harmony with his customary toot that we hear daily about "economy."

There is no real economy in constructing a building for the benefit of the Government except it be such a one as is proper for the object for which it is built. If to-morrow the Treasury building in this city should be destroyed, I take it that my friend from Illinois would not be in favor of removing the Treasury into a log cabin, but he would be in favor of building a substantial stone house, perhaps even better than the one we now have—wouldn't you? Of course you would.

This building we propose in this bill is modest, moderate, such a one as the institution demands. As a Representative of the people you will find they never object to any appropriation where it does not go beyond what good business men would do if they were constructing it for themselves. This bill does not go beyond that. This appropriation, I submit to my friend, is not for any better building than he would build under the circumstances if he were running it as a private institution. It will not cost a dollar more than you would put into it. It is based on good business principles, and I submit to the House we ought to stop these frivolous amendments and try to get through this bill during the lifetime of the present members of that institution. [Laughter and applause.]

[Here the hammer fell.]

Mr. TOWNSHEND. Why did not the Board of Visitors recommend it last year?

Mr. KEIFER. I do not wish to prolong the debate, as the House is well advised of the merits of the pending proposition. But it must not be allowed to pass by without noticing a remark of the gentleman from Illinois that the present superintendent of the Military Academy does not recommend the structure. The language of the Secretary of War used in the Book of Estimates is that—

> The superintendent of the Military Academy invites special attention to the necessity for the construction of quarters for mechanic-assistant at the new observatory, as set forth in the estimates of the professor.

He invites special attention to the necessity of it, and yet the gentleman from Illinois interprets that language to mean that he is not in favor of it. I will leave it to gentlemen to say.

The professor tells us there is necessity for it, as has been stated by the gentleman from Louisiana. I hold in my hand a letter from Professor Michie, in which he says:

> The item for quarters for the assistant, to be built near the observatory, has been carefully estimated, to furnish a neat frame building suitable for a small family. If it is granted it will give me the following advantages: First. I can get the services of a most excellent man, who is the best instrument-maker in the country. For the past ten years he has been employed to make some of the best apparatus now in our laboratories. I can not secure his services unless I have some place to put him.

It must be remembered since the new observatory has been constructed no provision has been made for such a person as an assistant-mechanic. In the old observatory it was provided for, but has not been provided in the new. [Cries of "Vote!"]

Mr. TOWNSHEND's amendment was rejected.

Mr. ROSECRANS. I move the following amendment.

The Clerk read as follows:

> Line 113, page 6, insert these words:
> "Additions to the astronomical transit-circle for new observatory, $1,875.
> "Strike out total stated in lines 113 and 114 and insert in lieu thereof $8,075."

Mr. ROSECRANS. In explanation of that amendment, Mr. Chairman, I desire to say that the new observatory is intended to accomplish a great deal more work than the old observatory. It was used for instruction of the class in astronomy before, whereas the observatory now contributes to the general fund of astronomical knowledge by being used day and night for that purpose. Hence the necessity for the provision already adopted.

I wish to say that the astronomical telescope which we have paid for, and which is there, can not be used without the transit-circle and appliances, and the question before this committee is, shall this item be omitted until some future day or shall we make provision for it here, so that this instrument shall not remain unused? I repeat, Mr. Chairman, as a matter of fact the astronomical telescope can not be used for any purpose for which it is built until we have the transit-circle and appliances attached thereto.

Several members of the committee with whom I have conferred have informed me that they were not aware of the fact that this had to be laid by and is useless until this expenditure is provided, and I understand that they will not object to the proposition.

Mr. KEIFER. I desire not to continue this discussion, for I am not opposed to the amendment of the gentleman from California and hope it will be adopted. In support of his amendment I ask the Clerk now to read a paragraph from a letter of Professor Michie.

Mr. HOLMAN. Before that I wish to ask the gentleman if this item is embraced in the estimates.

Mr. KEIFER. It has been estimated for.

Mr. HOLMAN. In the regular Book of Estimates?

Mr. KEIFER. Yes; it will be found in the regular Book of Estimates. I now ask the Clerk to read the extract from the letter of Professor Michie.

The Clerk read as follows:

> The other item is to get the necessary adjunct to the meridian transit-circle. This is the most important instrument of the observatory. We use it daily in time determinations. The culminating apparatus is essential to set our instrument and to know its errors of adjustment. The transit-circle will not be ready to set up in the observatory until next September, but this will be needed at the same time, and as each comes in the next fiscal year I have to apply for it now. Without it our transit-circle must lie idle; and until Congress sees fit to grant it I wish to show General KEIFER that these are not unnecessary nor improper nor useless requests, but of real necessity.

Mr. KEIFER. I now yield the remainder of my time to the gentleman from Pennsylvania.

Mr. BAYNE. Mr. Chairman, I hope Congress will adopt this amendment. I regard it as very important. I am informed also by a gentleman very familiar with this institution at West Point that this is very necessary and that the observations can not be properly taken or properly utilized without this provision. I hope there will be no opposition to its adoption.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

> For department of drawing: For fifteen new desks, $150; photographic slides for use in lectures, repairs and construction of racks, models, stretchers, stools and desks, stationery, drawing materials, cardboard for mounting drawings, tacks, hammers and contingencies, books of reference (mechanical, architectural, surveying, geometry, and art), periodicals on art and technology, models for topographical, free-hand, and constructive drawing, hectograph, rules and triangles, shades, rollers, and contingencies, for enlargement of drawing academy, $810; in all, $960.

Mr. KEIFER. I desire to call the attention of the committee for a moment to what is merely a formal correction which should be made in this paragraph. In line 129, after the word "triangle," I think in order to convey the idea the committee had in view the words "and for" should be inserted before the word "shades;" and in line 130 the comma after the word "contingencies" should be stricken out; so that it will read "and contingencies for enlargement of drawing academy."

The amendments were agreed to.

The Clerk read as follows:

> For expenses of the Board of Visitors, including mileage, $3,000.

Mr. MCADOO. I wish to offer the amendment which I send to the desk.

The Clerk read as follows:

> Amend line 159 by striking out the word "three" and inserting the word "one."

Mr. MCADOO. The object of my amendment, Mr. Chairman, is to provide that the expenditures of the Board of Visitors to West Point should be reduced from $3,000 to $1,000. As I understand it, sir, this Board of Visitors consists of three members of the House of Representatives, appointed by the Speaker, and three Senators, appointed by the President of the Senate, together with various other appointees on the part of the President of the United States, not exceeding ten in all. I can not conceive how the expenses of these gentlemen in their attendance at West Point for the longest possible period, probably not exceeding three days, can reach the sum of $3,000.

I do not offer this, Mr. Chairman, as a factious amendment. I do not want to higgle over the expenses connected with a useful and necessary institution like West Point. But I fear that there are some truths in the remarks recently made by the illustrious gentleman from New York [Mr. COX] when he said that this institution has degenerated into a hot-bed of snobbery, instead of being democratic, democratic-republican, republican, in keeping with the character and traditions of our people. As I understand it, the real fact is that this Board of Visitors go there and indulge in a fancy ball; and this ball, if a good ball, is no doubt a very wholesome recreation; but unfortunately it, too, has degenerated into a vicious social system, and become a matrimonial market to which aspiring mothers bring their giddy daughters and palm them off on these unfortunate young men, handicapping them for life and destroying their usefulness not only to themselves but to their country. [Laughter.]

Now, members of this House who are appointed on this committee are paid a salary by the Government. The members of the Senate who are appointed as visitors to West Point on this board also receive a fixed salary from the Government. I think $1,000 will take these gentle-

men to West Point and entertain them in a respectable manner for three days or less.

I now yield the remainder of my time to the gentleman from Colorado.

Mr. BELFORD. If it is proper I wish to offer a further amendment to the amendment which has been suggested.

It costs about $15 to go from here to West Point, including a bottle of champagne. [Laughter.]

Mr. MAYO. Let me ask the gentleman if he will furnish me a ticket over and back and a bottle of champagne at that price?

Mr. BELFORD. Yes, sir; I will furnish you a ticket and the champagne both for that price.

I had occasion to go over to New York this year with a distinguished gentleman on this side of the House who desired to visit West Point. We both had the honor of paying our railroad fare. [Laughter.] We spent one night in the city of Philadelphia and the next day we went on to New York. I went to the Fifth Avenue Hotel, where I stopped and he went up to this Military Academy, and I think when we got back home the total of our expenses did not exceed the sum of $150.

Here is an appropriation of $3,000 to buy kid gloves, patent-leather shoes, swallow-tail coats, and ruffled shirts for the distinguished Democratic Representatives who will naturally be sent there by the Speaker of this House. The only consideration that will induce me to vote for this paragraph is that it will assist in opening up the vaults of the national Treasury. [Laughter.] This is the only indication of generosity that I have seen exhibited since this House has assembled.

What a grand and magnificent opportunity this paragraph offers to the distinguished statesman from Indiana—I refer to my friend Mr. HOLMAN. Why did he not rise in his seat like Aphrodite from the sea, and posing upon the crest of its foam, declare, "I object?"

This is the place wherein to plant the roots of economy in reference to this Board of Visitors. This is an institution as to which you should "bind an economical spirit to your bosom with bands of iron."

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. BELFORD. Is my time up already? [Laughter.]

Mr. DORSHEIMER. I do not rise particularly for the purpose of discussing the amendment offered by the gentleman from New Jersey, but I think this is a proper occasion to treat with some gravity a line of comment which has been indulged in upon this floor with reference to an institution of learning that has been most useful to the Republic.

I wish to say a word with reference to the criticisms which were first indulged in by the gentleman from Indiana [Mr. COBB], having reference to the examination held in that institution. The complaint was made here that the examinations were too rigid; and my colleague from New York [Mr. COX] observed that the ingenuous youth of the country were frightened by the examinations. These criticisms related almost entirely to the mathematical studies.

I have had occasion within a month to make a nomination to West Point, and in that connection I made an examination into the conditions required of candidates. And I have to say there is no institution of learning in the United States of collegiate grade which requires so little in the mental qualifications and attainments of candidates as does West Point. The requirement in mathematics is that a boy shall be able to do sums in arithmetic and problems in algebra to equations of the second degree—a requirement quite within the compass of any lad of sixteen who has been carefully grounded in those studies. The mathematical requirement at Yale represents, in my judgment, a full year of additional study when compared with the mathematical requirement at West Point; and the mathematical requirement at Harvard, I think every person who makes the examination will admit, would represent two years of additional study in comparison with the mathematical requirement at West Point.

But let me say to gentlemen on this floor that there is a way in which any man dissatisfied with the result of an examination can have perfect satisfaction. Let him send for the examination papers. They are all preserved there, and any member of the House who thinks his candidate has not had fair treatment may send for the examination papers and see how well or how poorly the candidate did.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. ELLIS obtained the floor, and yielded his time to Mr. DORSHEIMER.

Mr. DORSHEIMER. I have an instance in my mind which came to my own knowledge a few days ago of a complaint being made to the distinguished officer now at the head of the naval school. It was stated to him, "Why, this youth who was sent up for examination was one of the cleverest of the young men of our community." Admiral Worden replied, "I will send for the examination papers." And when the examination papers were presented and this gentleman saw what sort of an examination his own son had passed he was obliged to say that he was content with the decision of the examining board of the school.

Besides, let it be known that none of these examinations are oral. Boys are not brought up before a stern professor and frightened out of their wits. The examinations are deliberately conducted. The boy is at his desk and he makes his answers on paper. But no boy is rejected at West Point or at the Naval Academy without having an additional opportunity. His attention is called to his deficiencies, and before he is sent back to his home he has a second examination.

There have been observations made on this floor still more offensive. It has been said that snobbery rules at West Point. I am sorry that such an observation should have been made by my colleague; and if he were here I should advise him when he next makes that observation to do it to the face of the men whom he insults and not under the protection of this House.

Snobbery at West Point! There can be no one here sufficiently acquainted with the facts who will not bear me out in my statement that the life at West Point is simply such as befits the discipline of a school where soldiers are taught the profession of arms.

The gentleman from Indiana [Mr. HOLMAN] made a comparison between the results achieved by the education at West Point and the results achieved at our older and larger institutions of learning. I say to my distinguished friend that West Point has no occasion to fear that comparison. She has furnished her full contribution to the literature of the country and more than her full contribution to the science of the country. She has not only furnished officers in war, but in all the mechanical arts and in all the splendid achievements made in peace in this country; in the construction of railways and the other great public works of this generation West Point has done more than her full share. If we come to public office, there are at least four men members of this House, to my own knowledge, who graduated from West Point. And in all the departments of civil life, when one considers how many of them remain bound to a profession which prohibits them from entering civil life, it is remarkable what a large proportion of them have won success in every peaceful avocation.

Although it may be that, young member as I am, I might better have left the discussion of such a subject as this to those more experienced in the business of Congress, still I have risen to enter my protest against this kind of criticism, and to bear my testimony to the manner in which both in peace as well as in war the graduates of the institution at West Point have shown that they deserve well of the country which has given them their education.

[Here the hammer fell.]

The CHAIRMAN. The time for debate upon the pending amendment has been exhausted. The question is upon the amendment offered by the gentleman from New Jersey [Mr. MCADOO].

The amendment was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

For reflooring academic building, including fencing academy, $2,580.
For reflooring cadet barracks and piazza, $2,420.

Mr. TOWNSHEND. I move to strike out the last word, merely to make one or two remarks There have been several attempts in this debate to cast odium on the efforts of those of us who have sought to reduce the appropriations in this bill to what we believe is necessary and proper. It therefore may be appropriate for me to reply to some of those observations.

The two items of appropriations just read by the Clerk have been asked for each year for four or five years past, and in every instance they have been refused. During the last Congress the Republican majority refused to make an appropriation for the purpose of reflooring these buildings. I made an investigation of the matter and became conscientiously convinced that these items should be allowed, and so advocated in the committee-room. I mention this merely to show that the aspersions cast upon some gentlemen who have sought to reduce some of the items in this bill have not been justified when they are accused of parsimony.

I concur in the remarks made by the gentleman from New York last on the floor [Mr. DORSHEIMER]. I expressed yesterday my admiration for the utility of the West Point Academy. I know the gentleman did not allude to me in his remarks, but I made some remarks on the line which he has criticised. I believe that the standard of admission at the preliminary examination is too high to enable the poorer boys of the country, who have not the means for a thorough preparation, to obtain admission there.

I want to say further that while difficulty has been found to secure admissions from the Western districts, my own district as well as others, still my Congressional district has furnished some of the brightest stars among the military heroes and skilled officers of the war for the preservation of the Union. The present superintendent of the academy, General Merritt, was appointed from my Congressional district. I am satisfied there is not an officer of more integrity, of better judgment, and for his age and experience of greater ability in the Army to-day than General Merritt. Not one single word has fallen from my lips which can be tortured into a criticism of his management at West Point, for I think it has been excellent, and I entertain the highest respect for every recommendation he has made. I feel confident he would not urge any appropriation which he did not believe conscientiously was important for the benefit of the public service. He has proven himself to be one of the most gallant and valuable officers in the Army, and has highly distinguished himself in his administration of the affairs at West Point.

Another distinguished general, General Wilson, of cavalry fame, was

appointed from the town in which I live. I could mention others who have been appointed from my district and from my State who have deserved the gratitude of the Republic. The criticism I made was, that the standard for the preliminary examination was too high for poor boys who have not opportunity to fit themselves for admission, and that the term of the course of study is too short. [Here the hammer fell.] I withdraw my *pro forma* amendment.

The Clerk resumed the reading of the bill and read as follows:

For cadet laundry: One No. 4 washer, $360.

Mr. KEIFER. I move to amend the paragraph just read by inserting, after the word "washer," the words "connections and fixtures." That does not increase the appropriation; but simply makes it cover the connections and fixtures of the "No. 4 washer" provided for.

The amendment was agreed to.

Mr. KEIFER. I move to further amend by adding to the paragraph the words "to be immediately available." That is to enable them to make the purchases at once, and adds nothing to the appropriation.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill, as follows:

For cadet mess: One bake-oven in cadet mess, that is for brick, fire-brick, cement, mortar, grates, doors, and labor, the same to be built by skilled labor and to replace old oven long in use, $650.

Mr. KEIFER. I move to add to the paragraph just read the words "the same to be immediately available."

The amendment was agreed to.

Mr. KEIFER. I now move that the committee rise, report the bill back to the House with the amendments which have been made by the Committee of the Whole, recommend that the amendments be agreed to and the bill as amended passed.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLAND reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with a recommendation that the amendments be agreed to and the bill as amended passed.

Mr. KEIFER. I call the previous question on the bill and amendments.

The previous question was ordered.

Mr. KEIFER. Unless a division is called for, I ask unanimous consent that the amendments be voted on in gross.

Mr. HOLMAN. I believe there is but one amendment.

Mr. KEIFER. There is but one substantial amendment; there are several verbal amendments.

There being no objection, the amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was upon the passage of the bill.

The SPEAKER. Under the rule, this being a general appropriation bill, the question upon its passage must be taken by yeas and nays.

The question was taken; and there were—yeas 251, nays 4, not voting 65; as follows:

YEAS—251.

Adams, G. E.	Cobb,	Glascock,	Kean,
Adams, J. J.	Collins,	Goff,	Keifer,
Arnot,	Converse,	Graves,	Ketcham,
Bagley,	Cosgrove,	Green,	King,
Barbour,	Covington,	Greenleaf,	Kleiner,
Barr,	Cox, W. R.	Halsell,	Lacey,
Bayne,	Crisp,	Hanback,	Laird,
Beach,	Culberson, D. B.	Hancock,	Lamb,
Belmont,	Culbertson, W. W.	Hardeman,	Lanham,
Bennett,	Cullen,	Harmer,	Lawrence,
Bingham,	Curtin,	Hart,	Le Fevre,
Bisbee,	Cutcheon,	Hatch, H. H.	Lewis,
Blanchard,	Dargan,	Hatch, W. H.	Libbey,
Bland,	Davis, G. R.	Haynes,	Long,
Boutelle,	Dibble,	Hemphill,	Lore,
Boyle,	Dingley,	Henderson, D. B.	Lovering,
Brainerd,	Dockery,	Henderson, T. J.	Lowry,
Breckinridge,	Dorsheimer,	Henley,	Lyman,
Breitung,	Dowd,	Hewitt, A. S.	McAdoo,
Brewer, F. B.	Duncan,	Hewitt, G. W.	McCoid,
Broadhead,	Dunham,	Hill,	McComas,
Browne, T. M.	Dunn,	Hitt,	McCormick,
Brown, W. W.	Eaton,	Hobbs,	McMillin,
Brumm,	Eldredge,	Holman,	Matson,
Buchanan,	Elliott,	Holmes,	Maybury,
Buckner,	Ellis,	Holton,	Mayo,
Budd,	Ermentrout,	Hooper,	Millard,
Burnes,	Everhart,	Hopkins,	Miller, J. F.
Caldwell,	Evins, J. H.	Horr,	Miller, S. H.
Calkins,	Ferrell,	Houseman,	Milliken,
Campbell, Felix	Fiedler,	Howey,	Mills,
Campbell, J. M.	Finerty,	Hunt,	Mitchell,
Candler,	Follett,	James,	Money,
Cannon,	Foran,	Jones, B. W.	Morey,
Carleton,	Forney,	Jones, J. H.	Moulton,
Cassidy,	Fyan,	Jones, J. K.	Murphy,
Clardy,	Geddes,	Jones, J. T.	Murray,
Clay,	George,	Jordan,	Mutchler,
Clements,	Gibson,	Kasson,	Neece,
Nelson,	Ray, G. W.	Stephenson,	Wadsworth,
Nicholls,	Reagan,	Stevens,	Wait,
Oates,	Reed,	Stewart, Charles	Wakefield,
Ochiltree,	Reese,	Stewart, J. W.	Ward,
O'Hara,	Rice,	Stockslager,	Warner, A. J.
O'Neill, Charles	Riggs,	Strait,	Warner, Richard
Parker,	Robertson,	Struble,	Weaver,
Patton,	Robinson, W. E.	Sumner, D. H.	Wemple,
Payne,	Rockwell,	Talbott,	White, J. D.
Payson,	Rogers, J. H.	Taylor, J. D.	White, Milo
Pierce,	Rogers, W. F.	Taylor, J. M.	Whiting,
Peelle, S. J.	Rosecrans,	Thomas,	Wilkins,
Perkins,	Rowell,	Thompson,	Williams,
Peters,	Ryan,	Throckmorton,	Wilson, James
Pettibone,	Scales,	Tillman,	Wilson, W. L.
Poland,	Seymour,	Townshend,	Winans, E. B.
Post,	Shaw,	Tucker,	Winans, John
Potter,	Skinner, C. R.	Tully,	Wise, G. D.
Price,	Skinner, T. G.	Turner, H. G.	Wolford,
Pryor,	Slocum,	Turner, Oscar	Wood,
Pusey,	Smith,	Valentine,	Woodward,
Randall,	Snyder,	Van Alstyne,	Yaple,
Rankin,	Spooner,	Vance,	York.
Ranney,	Spriggs,	Van Eaton,	

NAYS—4.

Aiken,	Alexander,	Ballentine,	Barksdale.

NOT VOTING—65.

Anderson,	Dibrell,	McKinley,	Singleton,
Atkinson,	Ellwood,	Morgan,	Springer,
Belford,	Evans, I. N.	Morrill,	Steele,
Blackburn,	Findlay,	Morrison,	Stone,
Blount,	Guenther,	Morse,	Storm,
Bowen,	Hammond,	Muldrow,	Sumner, C. A.
Brewer, J. H.	Hardy,	Muller,	Taylor, E. B.
Burleigh,	Hepburn,	Nutting,	Washburn,
Cabell,	Herbert,	O'Neill, J. J.	Wellborn,
Chace,	Hiscock,	Paige,	Weller,
Connolly,	Houk,	Peel, S. W.	Willis,
Cook,	Hurd,	Phelps,	Wise, J. S,
Cox, S. S.	Hutchins,	Ray, Ossian	Worthington,
Davidson,	Jeffords,	Robinson, J. S.	Young.
Davis, L. H.	Johnson,	Russell,	
Davis, R. T.	Kelley,	Seney,	
Deuster,	Kellogg,	Shelley,	

The following pairs were announced from the Clerk's desk:

Mr. DEUSTER with Mr. GUENTHER, until further notice.

Mr. MULLER with Mr. ATKINSON, until Monday next.

Mr. FINDLAY with Mr. DUNHAM, for the remainder of the present week.

Mr. CONNOLLY with Mr. WASHBURN, for the remainder of this week.

Mr. RAY, of New Hampshire, with Mr. MORSE, until further notice.

Mr. HAMMOND with Mr. KETCHAM, for ten days, from the 14th instant.

Mr. SENEY with Mr. EZRA B. TAYLOR, until further notice.

Mr. JEFFORDS with Mr. MULDROW, for this day.

Mr. MORGAN with Mr. MORRILL, for this day.

Mr. PAIGE with Mr. BURLEIGH, for this day.

Mr. HOUK with Mr. DIBRELL, for this day.

Mr. YOUNG with Mr. BELFORD, for this day.

Mr. DUNHAM. My pair, as I understand, applies to politieal questions only. Not regarding this as such a question, I have voted.

The result of the vote was announced as above stated.

Mr. KEIFER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HATCH, of Missouri. I demand the regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 462) to provide for the removal of obstructions to the free navigation of the navigable waters of the United States;

A bill (S. 1252) for the relief of Millie E. Hays, widow of John Hays, deceased;

A bill (S. 1563) providing for the punishment of persons falsely personating officers and employés of the United States; and

Joint resolution (S. R. 64) providing for the addition of $10,000 to the contingent fund of the Senate.

MESSAGE FROM THE PRESIDENT.

Several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed a bill (H. R. 2555) to change the name of the National La Fayette and Bank of Commerce to that of the National La Fayette Bank.

ADJOURNMENT OVER.

Mr. EATON. I presume that, to-morrow being Washington's Birthday, the House will not be in session, and as members desire Saturday to bring up their business at the Departments, I move that when the House adjourns to-day it be to meet on Monday next.

The SPEAKER. That is a privileged motion.

Mr. BEACH and Mr. HOLMAN called for the yeas and nays.

The yeas and nays were ordered; there being—ayes 42, noes 112; more than one-fifth voting in the affirmative.

The question was taken; and there were—yeas 102, nays 153, not voting 65; as follows:

YEAS—102.

Adams, G. E.	Duncan,	Hunt,	Robinson, J. S.
Barbour,	Dunn,	Jordan,	Rogers, J. H.
Barksdale,	Eaton,	Kean,	Rosecrans,
Barr,	Elliott,	Keifer,	Ryan,
Bayne,	Ellis,	King,	Seymour,
Belford,	Ellwood,	Lacey,	Shaw,
Bisbee,	Evans, I. N.	Lawrence,	Singleton,
Boyle,	Everhart,	Le Fevre,	Skinner, C. R.
Brainerd,	Findlay,	Libbey,	Skinner, T. G.
Breitung,	Geddes,	Lore,	Spriggs,
Broadhead,	Goff,	Lyman,	Stewart, J. W.
Browne, T. M.	Graves,	McCormick,	Strait,
Brumm,	Green,	Mutchler,	Talbott,
Burnes,	Greenleaf,	Nelson,	Tillman,
Calkins,	Hancock,	Ochiltree,	Valentine,
Cannon,	Hart,	Peelle, S. J.	Van Eaton,
Chase,	Hatch, H. H.	Perkins,	Wadsworth,
Clardy,	Haynes,	Pettibone,	Wait,
Converse,	Hemphill,	Phelps,	Wakefield,
Cosgrove,	Henderson, T. J.	Pryor,	Warner, A. J.
Culberson, D. B.	Henley,	Randall,	Weaver,
Cullen,	Holmes,	Reagan,	Weller,
Cutcheon,	Holton,	Reed,	Wilkins,
Davidson,	Hooper,	Reese,	Wise, G. D.
Davis, G. R.	Hopkins,	Rice,	
Dibble,	Houseman,	Riggs,	

NAYS—153.

Adams, J. J.	Ermentrout,	Matson,	Spooner,
Aiken,	Evins, J. H.	Maybury,	Stephenson,
Alexander,	Ferrell,	Mayo,	Stevens,
Arnot,	Finerty,	Millard,	Stewart, Charles
Bagley,	Follett,	Miller, J. F.	Stockslager,
Ballentine,	Foran,	Milliken,	Storm,
Beach,	Forney,	Mitchell,	Struble,
Belmont,	Fyan,	Money,	Sumner, D. H.
Bennett,	George,	Morey,	Taylor, J. D.
Blanchard,	Gibson,	Moulton,	Taylor, J. M.
Bland,	Glascock,	Murphy,	Thompson,
Boutelle,	Halsell,	Murray,	Throckmorton,
Breckinridge,	Hardeman,	Neece,	Townshend,
Brewer, F. B.	Harmer,	Nicholls,	Tucker,
Brown, W. W.	Hatch, W. H.	Oates,	Tully,
Buchanan,	Henderson, D. B.	O'Hara,	Turner, H. G.
Buckner,	Hewitt, G. W.	O'Neill, Charles	Turner, Oscar
Budd,	Hill,	Parker,	Van Alstyne,
Caldwell,	Hitt,	Patton,	Vance,
Campbell, Felix	Hoblitzell,	Payne,	Ward,
Campbell, J. M.	Holman,	Payson,	Warner, Richard
Candler,	Horr,	Pierce,	Wemple,
Carleton,	Howey,	Peel, S. W.	White, J. D.
Cassidy,	Jeffords,	Peters,	White, Milo
Clay,	Jones, B. W.	Poland,	Whiting,
Clements,	Jones, J. H.	Post,	Williams,
Cobb,	Jones, J. T.	Price,	Willis,
Collins,	Kleiner,	Pusey,	Wilson, James
Cook,	Laird,	Ranney,	Wilson, W. L.
Cox, W. R.	Lamb,	Ray, G. W.	Winans, E. B.
Crisp,	Lanham,	Robertson,	Winans, John
Curtin,	Lewis,	Robinson, W. E.	Wolford,
Dargan,	Long,	Rockwell,	Wood,
Dingley,	Lovering,	Rogers, W. F.	Woodward,
Dockery,	Lowry,	Rowell,	Yaple,
Dorsheimer,	McAdoo,	Scales,	York.
Dowd,	McCoid,	Shelley,	
Dunham,	McComas,	Slocum,	
Eldredge,	McMillin,	Smith,	

NOT VOTING—65.

Anderson,	Fiedler,	Kellogg,	Russell,
Atkinson,	Guenther,	Ketcham,	Seney,
Bingham,	Hammond,	McKinley,	Snyder,
Blackburn,	Hanback,	Miller, S. H.	Springer,
Blount,	Hardy,	Mills,	Steele,
Bowen,	Hepburn,	Morgan,	Stone,
Brewer, J. H.	Herbert,	Morrill,	Sumner, C. A.
Burleigh,	Hewitt, A. S.	Morrison,	Taylor, E. B.
Cabell,	Hiscock,	Morse,	Thomas,
Connolly,	Houk,	Muldrow,	Washburn,
Covington,	Hurd,	Muller,	Wellborn,
Cox, S. S.	Hutchins,	Nutting,	Wise, J. S.
Culbertson, W. W.	James,	O'Neill, J. J.	Worthington,
Davis, L. H.	Johnson,	Paige,	Young.
Davis, R. T.	Jones, J. K.	Potter,	
Deuster,	Kasson,	Rankin,	
Dibrell,	Kelley,	Ray, Ossian	

So the motion was disagreed to.

Mr. ELLIS. I move that when the House adjourns to-day it adjourn to meet on Saturday next.

Mr. BUCKNER. On that motion I demand the yeas and nays.

The House divided; and there were ayes 20.

Mr. BUCKNER. Count the other side.

The other side was counted; and there were noes 134.

The SPEAKER. One-fifth of those present have not voted in favor of the yeas and nays, and they are therefore not ordered.

Mr. BUCKNER. I call for a division of the House on the motion to adjourn over.

The House divided; and there were—ayes 118, noes 49.

So the motion was agreed to.

Mr. ELLIS moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-ROUTE BILL.

Mr. MONEY, by unanimous consent, reported from the Committee on the Post-Office and Post-Roads a bill (H. R. 5262) to establish post-roads; which was read a first and second time.

Mr. MONEY. Mr. Speaker, I ask that this bill be put on its immediate passage. I will state there is no general legislation provided for in the bill, and that it covers only the establishment of post-roads. If it be not passed at this time it will be too late for the March advertisements and the July lettings.

The SPEAKER. The Chair hears no objection, and the bill will be taken up for present consideration. The gentleman from Mississippi, chairman of the Committee on the Post-Office and Post-Roads, states it is confined exclusively to the establishment of post-roads.

Mr. MONEY. And there is no use of taking up the time of the House in having a long list of post-roads read, and I move that it be dispensed with.

There was no objection, and it was so ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MONEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC HIGHWAYS AS POST-ROADS.

Mr. MONEY. I move by unanimous consent to take from the Speaker's table the bill (H. R. 1482) making the public roads and highways post-roads, returned from the Senate with amendments.

There was no objection, and the motion was agreed to.

The amendments of the Senate were read, as follows:

In line 1, after "highways," insert "while."

Strike out all after "post-roads," in line 2, down to and including line 5; so the bill will read:

"All public roads and highways, while kept up and maintained as such, are hereby declared to be post-roads."

Mr. PARKER. I desire to make an inquiry. Does this bill cover and include all railroads and railroad bridges?

Mr. MONEY. They are already post-roads now. All railroads are post-roads, and so are all plank-roads and navigable waters.

Mr. PARKER. And railroad bridges?

Mr. MONEY. Certainly. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

Mr. MONEY moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

NORTHERN PACIFIC RAILROADS.

Mr. CASSIDY. Mr. Speaker, I desire to make a privileged report from the Committee on the Pacific Railroads.

The SPEAKER. The Clerk will read the resolution and the accompanying report.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the House when the line of the Northern Pacific Railroad, and of each part thereof, was definitely and finally located, and the plat or plats of such definite and final location filed in the office of the Commissioner of the General Land Office, so far as said railroad has been definitely located, giving the date of the filing of each plat in said office, if more than one plat has been filed, and the length of line designated in each plat. And that he also inform the House whether the Northern Pacific Railroad Company has claimed or is claiming any lands on which homestead or pre-emption entries had been made within the limits of the grant to said company opposite to any part of the line of said railroad prior to the time of final definite location of such part of said line; and, if so, whether such claims of said company are being considered by his Department.

Mr. CALKINS. That is the resolution which was referred to the committee, I presume. Is there a report accompanying it?

Mr. CASSIDY. There is a report.

Mr. CALKINS. I ask for the reading of the report.

The Clerk read as follows:

The Committee on the Pacific Railroads, having duly considered the accompanying resolution of inquiry, beg leave to report the same favorably and recommend its passage.

GEORGE W. CASSIDY,
Chairman of the Committee.

Mr. CALKINS. Mr. Speaker, I desire to ask the gentleman from Nevada a question; whether his committee has been in session to consider the subject and whether this is a report from the committee?

Mr. CASSIDY. I am authorized by the committee to make the report.

Mr. CALKINS. Has the report been submitted to the committee?

Mr. CASSIDY. It has been.

Mr. CALKINS. I ask the question for this reason, that I do not believe the House ought to sanction a report of this kind coming from one of its committees because of the fact that it does not give the information to the House upon which the committee acted. In this particular case I have no objection to the report; but as a matter of practice, the whole theory of the rule adopted by the House is that the House should be placed by the committee in its report in possession of the informa-

tion and the facts upon which the committee reached the conclusion recommended in their report.

This I regard as important, so that the House may be informed when it comes to act upon the question; otherwise we are all in the dark.

Now I shall make no further objection to the present resolution, because I do not care in this case; but I notify the House that hereafter I will make objection on the ground that the committees in their reports should give us the facts upon which they are based, so that we may be properly informed.

Mr. STRAIT. I would like to ask the gentleman from Nevada a question, and that is, if he has examined the report recently sent to the Senate on this same subject? This report was made by the Secretary of the Interior to the Senate, and I think it will be found on examination to contain all of the information that is covered by the present resolution.

Mr. CASSIDY. This is a resolution, I will state to the gentleman from Minnesota in response to his inquiry, which was introduced by the gentleman from Indiana [Mr. HOLMAN] some days ago, and the committee, having considered the subject carefully, instructed me to report it back to the House with a favorable recommendation.

Mr. HORR. What is it for?

Mr. CASSIDY. It is a request that the Secretary of the Interior inform the House about the location of the line of the Northern Pacific Railroad, and whether any lands are claimed by that railroad on which homestead or pre-emption entries had been made within the limits of the grant prior to the time of the final definite location of such road. It is a mere resolution of inquiry, as the gentleman will perceive.

Mr. STRAIT. I think the information asked for in this resolution is already fully embodied in a report made to the Senate by the Secretary of the Interior very recently in response to an inquiry upon the same subject.

Mr. HOLMAN. If the gentleman from Minnesota states that as a matter of fact, of his own knowledge, of course this resolution is unimportant.

Mr. STRAIT. It is my impression that it contains all this information.

Mr. HOLMAN. I have looked very carefully over all of the reports, and I have been unable to find the information called for in this resolution. I do not think it has been furnished.

Mr. STRAIT. There is a very full report furnished by the Secretary upon this subject. Has the gentleman examined that?

Mr. HOLMAN. The definite fact covered by this resolution, and which it is sought to have the House ask this officer to furnish, is as to the time of the final location of the various parts of the road in question, and also whether any entries under the homestead or pre-emption laws have been made within what is now claimed as the limit of the road prior to the time of the final location. If my friend has been able to find any public document which furnishes such information he is certainly more fortunate than I have been.

Mr. CASSIDY. The committee have not been able to find it in their examination of the subject.

Mr. STRAIT. Have you examined the Senate report upon this question?

Mr. CASSIDY. Yes, sir.

Mr. STRAIT. If it is not in that report, of course I am mistaken. My impression has been, without examining closely into the subject, that it was embodied in the Senate report.

The SPEAKER. The question is upon the adoption of the resolution.

Mr. SCALES. I hope it will be again reported to the House.

The SPEAKER. Without objection, the resolution will be again read.

The resolution was again reported.

The resolution was agreed to.

Mr. CASSIDY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUILDING FOR LIBRARY.

Mr. SINGLETON. I ask unanimous consent to make a report from the Committee on the Library.

The SPEAKER. The Clerk will read the title of the bill which the gentleman desires to report, after which objections, if any, will be in order.

The Clerk read as follows:

A bill (S. 1139) authorizing the construction of a building for accommodation of the Congressional Library.

Mr. HOLMAN. I think that had better come in in the regular order.

The SPEAKER. Objection is made.

LEWIS WESTON.

Mr. BRUMM, by unanimous consent, introduced a bill (H. R. 5263) to reimburse Lewis Weston for injuries received while participating in the inaugural ceremonies of James A. Garfield, President of the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I call for the regular order.

Mr. STOCKSLAGER. I desire to make a privileged report.

The SPEAKER. A privileged report from a committee is in order even after the call for the regular order.

SUPERVISING ARCHITECT OF THE TREASURY.

Mr. STOCKSLAGER. I am directed by the Committee on Public Buildings and Grounds to report back, with the recommendation that it be adopted, the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to this House the report of the committee appointed by the Treasury Department to investigate charges made against the management of the office of the Supervising Architect of the Treasury under James G. Hill, together with the charges and evidence and all correspondence leading to said investigation, with all paper writings relating thereto.

The SPEAKER. Does the gentleman desire to have the report read?

Mr. STOCKSLAGER. Yes, sir; I ask that the report be read.

The report was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the resolution calling upon the Secretary of the Treasury to transmit to this House the report of the committee appointed by the Treasury Department to investigate charges made against the management of the office of the Supervising Architect of the Treasury under James G. Hill, together with all papers connected therewith, have had the same under consideration, and report it back with a unanimous recommendation that it pass.

Mr. STOCKSLAGER. I ask for the adoption of the resolution.

Mr. CALKINS. From what committee is it reported?

The SPEAKER. From the Committee on Public Buildings and Grounds.

Mr. CALKINS. Will the chairman of the committee inform the House whether or not this entails any special work on the Department in furnishing to the House this information?

Mr. STOCKSLAGER. I think not. I am informed the Senate has received the same information. I desire to have it here before the House.

Mr. CALKINS. I recognize the fact that it may be perfectly proper to have this information furnished in the present case. But I want to make this statement: I was incidentally informed some time ago that resolutions of inquiry were sent to committees and reported back, some of which would take the Department six months with the entire force they had at their command to give the information called for. The House, I think, should always be informed as to the amount of work which such resolutions of inquiry entail.

Mr. RANDALL. What was the subject in the case alluded to by the gentleman from Indiana?

Mr. CALKINS. It was something connected with the State Department.

Mr. RANDALL. Will the gentleman be a little more definite?

Mr. CALKINS. The resolution had reference to certain reports which had been made for a large number of years, I think forty or fifty years back, from foreign consuls, if I remember rightly.

Mr. STOCKSLAGER. That has nothing to do with this resolution.

Mr. COX, of North Carolina. I think the gentleman from Indiana is entirely mistaken.

Mr. CALKINS. That was my information. And that is the reason why I am calling for reports to accompany these resolutions.

The SPEAKER. The question is on the adoption of the resolution reported by the committee.

The resolution was adopted.

Mr. STOCKSLAGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Kentucky [Mr. WHITE] demands the regular order.

Mr. STOCKSLAGER. I ask unanimous consent to introduce a resolution for reference.

The SPEAKER. The Chair can not entertain a request for unanimous consent when the regular order is called for.

Mr. SCALES. I move that the House do now adjourn.

GREELY RELIEF EXPEDITION.

The SPEAKER. Before putting the question on the motion to adjourn the Chair desires to lay before the House a message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

I transmit herewith a report of the Secretary of State, of the 21st instant, whereby your honorable body, and through you the people of the United States, may become apprised of the generous contribution made by Her Britannic Majesty's Government toward the efforts for the relief of Lieutenant Greely's Arctic exploring party by presenting to the United States the Arctic steamship Alert.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 21, 1884.

Mr. RANDALL. I ask that the accompanying report of the Secre-

tary of State be read, relating as it does to so generous a proposition made by a friendly power.

The SPEAKER. The Clerk will read the communication from the Secretary of State covered by the message of the President.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I ask if the regular order is not the consideration of the bill for pensioning soldiers of the Mexican war?

The SPEAKER. The motion to adjourn is the regular order.

Mr. WHITE, of Kentucky. And that comes from the other side of the House.

Mr. RANDALL. But the bill for pensioning soldiers of the Mexican war does not lose any of its right of precedence.

The SPEAKER. The Clerk will read the communication from the Secretary of State.

The Clerk read as follows:

DEPARTMENT OF STATE, *Washington, February* 21, 1884.

To the PRESIDENT:

In the search for vessels suitable for the expedition now preparing to relieve Lieutenant Greely and his party, attention was early directed to the Alert, which is the property of the British Government, and was the advance ship of the expedition under Sir George Nares. It was desirable to secure this vessel, as she is peculiarly fitted for the intended service, and, as the inspecting officers recommended her, Mr. Lowell was therefore instructed to ask whether she could be spared for the service.

Information of the wish of this Government having previously and informally reached the British admiralty, a private intimation was conveyed to the United States minister to the effect that the British Government had not forgotten the very considerate conduct of this Government on the occasion of the recovery of the Resolute, and that should any suggestion be made that the vessel would be of use to the expedition she would be presented. The Resolute, a vessel, as the President remembers, formerly belonging to Her Majesty's navy, having been abandoned in the Arctic region, was discovered and brought to the United States by American seamen, and thereupon was purchased by this Government of her sailors, repaired, and returned to Great Britain. On her arrival in England the vessel was received by the Queen in person, and the officers of the United States Navy who took the ship thither were treated with every official and personal courtesy.

The Government of Her Majesty has now given the Alert to the United States unconditionally, with her anchors, chains, and such of her equipment as can be utilized.

Recognizing this graceful and opportune act of courtesy on the part of Her Majesty's Government, the undersigned to-day instructed Mr. Lowell as follows, by telegraph:

"Her Majesty's Government having presented to the Government of the United States the ship Alert to aid in the relief of Lieutenant Greely and his party, you will inform the secretary of state for foreign affairs that the spirit which prompts this act of generosity, and this evidence of sympathy with the object in view, receives the highest appreciation of the President, as it will that of the people of the United States. The President sends his cordial thanks for the opportune gift of this vessel, which he accepts in the name of the United States, and which will be used in the humane enterprise for which it is so peculiarly adapted."

Respectfully submitted.

FRED'K T. FRELINGHUYSEN.

[The reading of the message and the accompanying communication from the Secretary of State was interrupted and followed by much applause.]

Mr. RANDALL. I ask unanimous consent that the message of the President, with the accompanying communication, be spread upon the Journal of the House as a mark of appreciation and as an expression of the sentiment of the House. I further ask that the message and communication be referred to the Committee on Foreign Affairs, with the object of having some more formal and proper recognition of this generous act of the British Government. [Applause.]

The SPEAKER. Is there objection?

Mr. FINERTY. I object.

Mr. RANDALL. Then I move that the message and the accompanying communication be spread upon the Journal of the House.

The motion was agreed to.

Mr. RANDALL. I also move that the message and communication be printed in the usual form and referred to the Committee on Foreign Affairs.

Mr. ROBINSON, of New York. Can not we have a ship of our own without begging?

The SPEAKER. The Chair can not answer that question.

The motion of Mr. RANDALL was agreed to; and the message, with the accompanying communication, was accordingly referred to the Committee on Foreign Affairs, and ordered to be printed.

METEOROLOGICAL OBSERVATORY AT FORT MYER, VIRGINIA.

The SPEAKER also laid before the House the following message from the President of the United States:

To the Senate and the House of Representatives:

I transmit herewith for the consideration of Congress a letter from the Secretary of War, dated the 19th instant, submitting a letter from the Chief Signal Officer of the Army, dated the 2d instant, and its accompanying plan of a proposed meteorological observatory at Fort Myer, Virginia, together with an estimate of the cost of the same in the sum of $4,000, and a statement giving various reasons why the said observatory should be established.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 21, 1884.

The message, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

UNDERVALUATION OF WOOL AND WOOLEN YARNS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of Representatives of January 7, 1884, relative to the undervaluation of wool and woolen yarns; which was referred to the Committee on Ways and Means, and ordered to be printed.

L. A. NEWCOME.

The SPEAKER also laid before the House a letter from the Postmaster-General, in compliance with the resolution of the House of Representatives of January 8, 1884, transmitting a report of the post-office inspector of charges against L. A. Newcome; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

STAR-ROUTE INVESTIGATIONS.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting reports made by special agents of the Post-Office Department to the Postmaster-General during the year 1881, having reference to the star-route investigations, in compliance with the resolution of the House of Representatives of February 20, 1884; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JOINT RESOLUTION SIGNED.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the Senate of the following title; when the Speaker signed the same:

Joint resolution (S. R. 51) authorizing an expenditure of money for Indian educational purposes.

WITHDRAWAL OF PAPERS.

Mr. POTTER asked and obtained unanimous consent for the withdrawal from the files of the House of the papers in the case of J. Weidermann for reference to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. STEELE, for six days, on account of important business.

The SPEAKER. The Chair will state that this request should have been submitted yesterday, but by an oversight it was not done.

To Mr. BRAINERD, for one week, on account of important business.

To Mr. O'NEILL, of Missouri, for ten days, on account of sickness.

To Mr. HATCH, of Michigan, until February 25.

To Mr. SKINNER, of New York, until Monday next.

ORDER OF BUSINESS.

The SPEAKER. The question recurs upon the motion of the gentleman from North Carolina [Mr. SCALES] that the House now adjourn.

Mr. SINGLETON. I ask consent to take a Senate resolution from the Speaker's table——

The SPEAKER. That can not be done unless the motion to adjourn shall be withdrawn.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is the motion to adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until Saturday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ANDERSON: Papers relating to the claim of A. W. Hicks—to the Committee on Naval Affairs.

By Mr. BARBOUR: Petition of Pickrell & Brooks, of R. A. Young & Brother, of Richard M. Harrison, of J. Chiever (surviving partner of Chiever & Osborne), of W. H. Harrison, and of David Tennant and others, asking that their respective claims may be referred to the Court of Claims—severally to the Committee on Claims.

Also, petition of Weissinger & Bate, relative to an internal-revenue tax illegally collected—to the Committee on Ways and Means.

Also, petition for a pension to Richard C. Jones—to the Committee on Invalid Pensions.

By Mr. BELFORD: Papers relating to the claim of Albert G. Boone—to the Committee on Claims.

By Mr. BUDD: Demands of the Knights of Labor relative to the postal telegraph bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the board of supervisors of El Dorado County, California, asking for public documents—to the Committee on Printing.

Also, petition of the governor and of citizens of California, relative to the duty on chicory, &c.—to the Committee on Ways and Means.

By Mr. BURLEIGH: Papers relating to the claim of David W. Jones—to the Committee on Claims.

By Mr. BURNES: Petition of Farragut Post, No. 3, Department of Missouri, for a pension for Mrs. Nina M. Gwynn—to the Committee on Invalid Pensions.

By Mr. COOK: Resolution of Gordon Granger Post, No. 64, Department of Iowa, Grand Army of the Republic, asking Congress to pass an act granting one hundred and sixty acres of land to all honorably discharged soldiers—to the Committee on Public Lands.

Also, petition of A. R. Connolly and 100 others, relative to Chinese immigration—to the Committee on Foreign Affairs.

By Mr. COSGROVE: Copy of the resolutions of live-stock commission dealers held at the Union Stock-Yards, Chicago, Ill.—to the Committee on Foreign Affairs.

By Mr. CUTCHEON: Memorial of Steedman Post, No. 198, Department of Michigan, and of John J. Bagley Post, No. 97, Department of Michigan, favoring a reform in the pension laws—severally to the Committee on Invalid Pensions.

By Mr. DAVIDSON: Petition of citizens of Tampa, Fla., asking for an appropriation of $100,000 for the improvement of the harbor of Tampa—to the Committee on Rivers and Harbors.

Also, petition of William Bethel and others, citizens of Key West, Fla., asking for the impeachment of James W. Locke, judge of the United States district court for the southern district court of Florida—to the Committee on the Judiciary.

By Mr. DOCKERY; Resolution asking a pension for Mrs. Nina M. Gwynn—to the Committee on Invalid Pensions.

By Mr. GRAVES: Resolutions of Farragut Post, No. 3, Department of Missouri, relative to the pension claim of Mrs. Nina M. Gwynn—to the same committee.

Also, petition of McPherson Post, No. 4, Department of Missouri, relative to the arrearage-of-pensions act—to the same committee.

By Mr. HALSELL: Papers relating to the claim of Miss Elizabeth Ford—to the same commttee.

By Mr. HENLEY: Petition of J. A. Woodward and 58 others, citizens of Yuba and Sutter Counties, California; and of E. M. Bininger and 52 others, citizens of Yuba, Sutter, and Butte Counties, California, asking for restoration of tariff of 1867 on wool—severally to the Committee on Ways and Means.

By Mr. HITT: Petition of letter-carriers of Rockford, Ill., for a law granting an annual vacation to letter-carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of John A. Francisco and 35 others, soldiers, in favor of granting a pension of $8 per month and one hundred and sixty acres of land to each soldier—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, resolutions of live-stock commission dealers at Union Stock-Yards, Chicago, Ill.—to the Committee on Agriculture.

By Mr. HUNT: Papers relating to the claim of Tirso Aguerre—to the Committee on Claims.

By Mr. J. H. JONES: Petition of citizens of Wood County, Texas, asking for a public building at the city of Tyler, Tex.— to the Committee on Public Buildings and Grounds.

By Mr. JORDAN: Papers relating to the claim of Alvah W. Hicks—to the Committee on Claims.

By Mr. KELLEY: Petition of the National Wholesale Drug Association, for the repeal of all internal taxes—to the Committee on Ways and Means.

By Mr. KLEINER: Resolutions of Rose Lawn Post, Grand Army of the Republic, Newton County, Indiana, relative to pensions, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. LIBBEY: Papers relating to the claim of Andrew Jackson—to the Committee on Claims.

Also, memorial of the Merchants and Manufacturers' Exchange of Norfolk, and others, for an appropriation for Norfolk Harbor—to the Committee on Rivers and Harbors.

By Mr. LORE: Petition of Thomas E. Records and 32 others, citizens of Sussex County, Delaware, and of H. W. Long and 53 others, citizens of said Sussex County, relative to the construction of a canal from Lewes, Del., to Sinepuxent Bay—severally to the same committee.

By Mr. LOWRY: Preamble and resolutions of J. H. Danseur Post, No. 104, Grand Army of the Republic, Department of Indiana; of Rose Lawn Post, No. 253, Grand Army of the Republic, Department of Indiana; of McHolland Post, No. 102, Grand Army of the Republic, Department of Indiana; and of Sion S. Bass Post, No. 40, Grand Army of the Republic, Department of Indiana, relative to back pay, pensions, &c.—severally to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of Louis Nettlehorse, of Allen County, Indiana, relative to the construction of a tunnel on line of Atlantic and Pacific Railway in Colorado—to the Committee on Mines and Mining.

By Mr. McKINLEY: Petition of citizens of Mahoning County, Ohio, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petition of 1,000 citizens of Columbiana County, Ohio, for the restoration of the tariff of 1867 on imported wool—to the Committee on Ways and Means.

By Mr. MORGAN: Copy of resolutions adopted at a meeting of live-stock commission dealers held at Union Stock-Yards, Chicago, Ill.—to the Committee on Foreign Affairs.

By Mr. CHARLES O'NEILL: Petition of the Philadelphia Board of Trade, relative to the steam grain-shovel patent—to the Committee on Patents.

By Mr. PRICE: Resolution of the Chamber of Commerce of the city of Superior, relative to the forfeiture of land grant to Northern Pacific Railroad, &c.—to the Committee on the Public Lands.

Also, copy of resolutions adopted at a meeting of live-stock commission dealers held at Union Stock-Yards, Chicago, Ill.—to the Committee on Foreign Affairs.

By Mr. PARKER: Copy of the resolutions adopted at a meeting of live-stock commission dealers and others at the Union Stock-Yards, Chicago, Ill.—to the Committee on Foreign Affairs.

Also, petition of Saint Lawrence County, New York, for relief from the present shipping laws—to the Committee on Commerce.

By Mr. PAYNE: Petition of citizens of Clyde, Wayne County, New York, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. S. J. PEELLE: Papers relating to the pension claim of Evadora B. Templeton—to the Committee on Invalid Pensions.

Also, resolution adopted by Rose Lawn Post, Grand Army of the Republic, asking legislation in the interest of the soldiers—to the same committee.

By Mr. RIGGS: Copy of resolutions adopted at a meeting of live-stock commission dealers held at Union Stock-Yards, Chicago, Ill.—to the same committee.

By Mr. ROSECRANS: Resolutions and memorial of the Board of Trade of San Francisco, Cal., relative to the improvement of the Sacramento River—severally to the Committee on Rivers and Harbors.

Also, resolutions of the Board of Trade of San Francisco, Cal., relative to increasing the United States Navy—to the Committee on Naval Affairs.

By Mr. ROWELL: Petition of citizens of Decatur, Ill., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. SPRINGER: Memorial of James S. Brisbin, major, Second United States Cavalry—to the Committee on Military Affairs.

By Mr. STONE: Petition of inhabitants of Marblehead, for repairs to sea-wall—to the Committee on Rivers and Harbors.

By Mr. E. B. TAYLOR: Resolution of the Ohio Legislature, asking for a pension for ex-prisoners of war; and petition of D. H. Cory and others, relative to the work of soldiers of the war of the rebellion—severally to the Committee on Invalid Pensions.

Also, resolutions of the Legislature of Ohio, in favor of Government inspection of meats exported to foreign countries—to the Committee on Commerce.

By Mr. THOMPSON: Petition of William R. Smith, for relief—to the Committee on Military Affairs.

By Mr. WELLBORN: Papers relating to claim of Newton Evans—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 23, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Thursday last was read and approved.

ORDER OF BUSINESS.

Mr. YOUNG. I ask unanimous consent to present and have put upon its passage now the resolution which I send to the desk.

Mr. HATCH, of Missouri. Until the resolution is read I reserve the right to object.

Mr. DINGLEY. I demand the regular order.

Mr. BROWNE, of Indiana. I hope the gentleman from Maine [Mr. DINGLEY] will allow me to introduce a bill for reference.

Mr. DINGLEY. That can be done on Monday.

The SPEAKER. The regular order is demanded; but, if there be no objection, the Chair will lay before the House several personal requests of members.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. ADAMS, of New York, for one day.

To Mr. FINDLAY, indefinitely, on account of important business.

To Mr. TALBOTT, for one day.

ENROLLED BILL SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 1482) making all public roads and highways post-routes.

ORDER OF BUSINESS.

The SPEAKER. The Chair had recognized the gentleman from Tennessee [Mr. YOUNG], but the regular order was demanded.

Mr. DINGLEY. I withdraw my demand for the regular order.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. HATCH, of Missouri. I make the point of order that no gentleman rose in his place and demanded the regular order.

The SPEAKER. Is the regular order insisted upon? The Chair did not observe any gentleman rise and demand it.

Mr. CALKINS [rising]. It is insisted upon.

The SPEAKER. The gentleman from Indiana demands the regular order, which is the call of committees for reports.

Mr. HATCH, of Missouri. I move to dispense with the morning hour.

The motion was not agreed to; there being—ayes 46, noes 42 (less than two-thirds voting in the affirmative).

The SPEAKER proceeded to call the committees for reports.

UNITED STATES COURTS IN ILLINOIS.

Mr. MOULTON, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 4740) to amend section 536 of the Revised Statutes of the United States, relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria; which was referred to the House Calendar, and the accompanying report ordered to be printed.

ELIJAH W. DOBBS AND OTHERS.

Mr. OURY, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 1655) for the relief of Elijah W. Dobbs, Mariano G. Samaniego, and H. C. Hooker; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LEGISLATIVE DISTRICTS IN IDAHO.

Mr. ALEXANDER, from the Committee on the Territories, reported back adversely the bill (H. R. 1693) to authorize the reapportionment of Idaho into council and representative districts; which was laid on the table, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT LANCASTER, PA.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 1442, a bill (H. R. 5264) for the erection of a public building at Lancaster, Pa.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT PORT TOWNSEND, WASH.

Mr. REESE, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 2949) for the erection of a public building at Port Townsend, Wash.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT ABERDEEN, MISS.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

IMPORTATION OF FOREIGN LABOR.

Mr. FORAN, from the Committee on Labor, reported back with amendments the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

STEPHEN W. SMITH.

Mr. RICE, from the Committee on Patents, reported back the bill (H. R. 2705) for the relief of Stephen W. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RUDOLPH LESCHOTT.

Mr. MITCHELL, from the Committee on Patents, reported back the bill (H. R. 2477) for the extension of letters patent to the heirs of Rudolph Leschott, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. M. C. JONES.

Mr. MATSON, from the Committee on Invalid Pensions, reported back the bill (H. R. 394) granting a pension to Mrs. M. C. Jones; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DR. SAMUEL DAVIS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4368) granting an increase of pension to Dr. Samuel Davis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMANDA E. HOYT.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 3603) granting a pension to Amanda E. Hoyt; which, on his motion, was referred to the Committee of the Whole House on the Private Calendar, and, with the adverse report, ordered to be printed.

MARY ULLERY.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported back the bill (H. R. 4234) granting a pension to Mary Ullery; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELENOR STOUGH.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 1164) to restore to the pension-roll the name of Elenor Stough; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH FOWLER.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back the bill (H. R. 2284) granting a pension to Elizabeth Fowler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On the motion of Mr. BUDD, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin; and the same was referred to the Committee on Pensions.

CHARLES D. DUNCAN.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back the bill (H. R. 1024) granting a pension to Charles D. Duncan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAROLINE LAUFFER.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 1075) granting a pension to Caroline Lauffer; which was referred to the Committee of the Whole House on the Private Calender, and, with the accompanying report, ordered to be printed.

ROWLAND WARD.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4180) granting an increase of pension to Rowland Ward; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET CALLANAN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 3951) for the relief of Margaret Callanan; which, on his motion, was referred to the Committee of the Whole House on the Private Calendar, and, with the adverse recommendation, ordered to be printed.

ADVERSE REPORT.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 2407) for the relief of Marcus A. Moulton; which was ordered to be laid on the table, and the accompanying report printed.

HONORA KELLY.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1056) granting a pension to Honora Kelly; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PATRICK HORAN.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back the bill (H. R. 283) granting a pension to Patrick Horan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY G. HAWK.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back the bill (H. R. 284) for the relief of Mary G. Hawk; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ISAAC DEMARANVILLE.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back the bill (H. R. 4059) granting a pension to Isaac Demaranville; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY ALLEN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back the bill (H. R. 2100) granting a pension to Mary Allen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HIRAM M. HOWARD.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 501) for the relief of Hiram M. Howard, of Richland, Kans.; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

FRANCES E. HENDRICKS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 2059) to increase the pension of Frances E. Hendricks; which was laid on the table, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. EVERHART, from the Committee on War Claims, reported back adversely the following cases; which were severally laid on the table, and the accompanying reports ordered to be printed:

Petition of James W. Anderson and others;

Petition of Moses Lacy;

Petition of Asa Faulkner, of Warren County, Tennessee, asking compensation for 1,010 pounds of cotton alleged to have been taken from him by the Army of the United States in March, 1863; and

Petition of Alfred H. Weaver.

MARTHA TURNER.

Mr. EVERHART, from the Committee on War Claims, also reported back favorably the bill (H. R. 2722) for the relief of Martha Turner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE POTOMAC RIVER AT THREE SISTERS.

Mr. SHELLEY, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 3810) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, D. C.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CONGRESSIONAL LIBRARY BUILDING.

Mr. SINGLETON, from the Committee on the Library, reported back favorably the bill (H. R. 1139) authorizing the construction of a building for the accommodation of the Congressional Library; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report and diagram, ordered to be printed.

PATRICK FLYNN.

Mr. YORK, from the Select Committee on Payment of Pensions, Bounty, and Back Pay, moved that that committee be discharged from the further consideration of the bill (H. R. 1869) for the relief of Patrick Flynn and the same be referred to the Committee on War Claims.

The motion was agreed to.

REGISTERED LETTERS, ETC.

Mr. MONEY, from the Committee on the Post-Office and Post-Roads, reported back favorably the bill (H. R. 1911) to amend sections 3929 and 4041 of the Revised Statutes, authorizing the Postmaster-General to prohibit the delivery of registered letters and the payment of money-orders and providing for the return of the same; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. ROGERS, of Arkansas, by unanimous consent, presented the views of the minority; which were also ordered to be printed.

HOT SPRINGS RESERVATION, NEW MEXICO.

Mr. NEECE, by unanimous consent, introduced the following resolution; which was referred to the Committee on the Public Lands:

Whereas George D. Bowman, register of the land office at Las Cruces, N. Mex., has advertised to sell on the 27th day of February five special sections of land, situated in townships 8 and 19 south of ranges 7 and 8 west, known as the Hot Springs reservation, to be sold in one body, and no bid to be received less than $15,000; and

Whereas it is represented that said lands contain the principal watering-places for probably half a million of acres of land, and that the persons controlling the said five sections will substantially control all the water in that part of the country, thereby rendering the remainder of the lands in that section worthless; it is represented that a portion of said lands are occupied by actual settlers, who have made valuable improvements upon the same, and said lands being sold in a body deprives these settlers of competing at such sale; and

Whereas it is believed by persons who have good opportunities of judging that said lands ought not to be sold but reserved for a health resort, and that said waters are known to contain medicinal properties: Therefore,

Be it resolved by the House of Representatives of the United States of America, That the President of the United States be requested to stop and discontinue said sale, because if sold the result will be that said land will fall into the hands of large capitalists and thereby greatly hinder the settlement of the Territory, besides do injustice to actual settlers.

CLIFFORD ARRICK.

Mr. HENDERSON, of Illinois, by unanimous consent, presented the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House be, and hereby is, authorized and directed to pay to Clifford Arrick, out of the contingent fund of the House, the sum of $52.64, for service rendered as a messenger in the post-office of the House of Representatives from the 17th day of November, 1883, to the 3d day of December, 1883, inclusive, at the rate of $1,200 per annum.

MURDER OF AMERICAN CITIZENS.

Mr. YOUNG. I ask by unanimous consent to introduce the following resolution for action at this time.

The Clerk read as follows:

Whereas it has been communicated to this House that Hon. Henry F. Cooper, of Tennessee, and Michael O'Brien and George H. Stiff, all citizens of the United States, were recently murdered in the interior of the Republic of Mexico while traveling through that country under the passport of their own Government: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State be authorized and directed to make proper inquiry in respect to the murder of said persons, and ascertain whether or not it is proper to ask any redress therefor at the hands of the Mexican Government, and to lay before Congress such information as he may be able to obtain in relation to the matter.

Mr. COX, of North Carolina. I object to that resolution unless it is referred.

Mr. YOUNG. I can see no reason to prevent action on the resolution.

The SPEAKER. Objection being made, the resolution is not before the House.

ORDER OF BUSINESS.

Mr. HATCH, of Missouri. I demand the regular order.

The SPEAKER. The only regular order, unless a motion be made, is the report of the Committee on Elections in the contested-election case from the State of Virginia.

Mr. HATCH, of Missouri. I desire to submit a motion.

Mr. CLEMENTS. I desire to submit a privileged report.

Mr. HATCH, of Missouri. I do not yield for that. I have waited a reasonable time.

The SPEAKER. The gentleman from Missouri [Mr. HATCH] has the floor.

DISEASES AMONG DOMESTIC ANIMALS.

Mr. HATCH, of Missouri. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the unfinished business, the bill reported from the Committee on Agriculture. And pending that motion I move that all general debate in Committee of the Whole on the bill under consideration be limited to three hours and twenty-five minutes. I will state for the information of the House that the gentleman from West Virginia [Mr. GIBSON] is entitled to the floor, and has about twenty or twenty-five minutes of his time remaining. One hour, it is proposed, shall then be given to the friends of the bill and one hour to the opponents of the bill, and the hour that the committee is entitled to will be taken to close the discussion in favor of the bill.

Mr. WELLER. I desire to ask the gentleman from Missouri this question: If the chairman of the Committee on Agriculture designs by that motion to preclude me from the part in the debate which has been assigned to me and for which I have been recognized by the chairman of the Committee of the Whole House on the state of the Union?

Mr. HATCH, of Missouri. I have already stated that I propose to give the gentleman from Iowa the time he asked for and which he stated he would take.

The SPEAKER. The question is first on the motion that all general debate on the pending bill in Committee of the Whole be limited to three hours and twenty-five minutes.

The motion was agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Missouri, that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CONVERSE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union, and resumes consideration of the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals. By order of the House all general debate on the bill is limited to three hours and twenty-five minutes.

Mr. GIBSON. When the House was last in Committee of the Whole, engaged in the consideration of this bill, I had the honor to submit some criticism upon its provisions. In doing so I declared that this bill upon its face was a fraud. For fear that that expression may not have been understood by the House and that it might be inferred that I meant some reflection upon the Committee on Agriculture, I desire to say that there is no man in the House who has a higher regard for the members composing that committee than myself. I simply meant then and I mean now and I mean to show as far as I can, that the bill is delusive, and calculated by its title as well as by the arguments in favor of it to deceive those who desire to help the agricultural interest.

I wish to say before entering upon the further consideration of the bill that there is no man in this House who is more in favor of every bill that can possibly be passed here to help the agricultural interest than myself. I recognize the fact that the agricultural interest of this country has been made the great beast of burden and compelled to carry the load for the other industries of the land.

I recognize the further fact that much of this objection that is said to exist to our cattle and our stock in the foreign markets arises not from any defect in the cattle themselves, but from measures intended to be retaliatory to our legislation; that they are simply declarations on the part of foreign governments that when we adopt prohibitory legislation against their manufactures, we who can suffer through our agricultural interests shall be made to suffer thereby.

Now, Mr. Chairman, the objection to this bill is not that it provides for the extirpation of pleuro-pneumonia, because no man in this House would object to any bill for that purpose; but the objection to it is that it takes out of the hands of the owners of all the cattle in all this land the management and control of their own stock and puts it in the hands of Federal officials, and subjects them to prosecutions and fines and imprisonment at the hands of Federal courts. I had made the objection to this bill that it provided for an unlimited number of appointments by the Commissioner of Agriculture. I understand that the framers of the bill propose to avoid that objection by limiting the number to be employed to twenty. Whether that number be too large or too little I will not stop now to discuss, but leave that to others.

Another section that I had adverted to was the second section. The first section provides for a veterinary surgeon, and gives him power to do everything or to recommend everything necessary for the extirpation of pleuro-pneumonia. Then the second section provides for the appointment of two other officers who shall have the same powers as those conferred upon the veterinary surgeon, with the further power of providing the mode and manner, the where and the how, whereby all the cattle in this land should be carried to market. And then, further, after that proviso it is provided in another section of this bill that unless all these cattle are shipped as this Commissioner recommends, their owners shall be fined and imprisoned, at the discretion of the court, in a limited sum and for a limited time. I had then reached the further section which provided for declaring a State in quarantine, and I was objecting to that because it put into the hands of one department of this Government a power that belongs to no other branch of the Government—that of declaring a commercial war against one of the States without any investigation or trial by any competent authority in this land. The bill provides that upon notification from the Commissioner of Agriculture, based upon the report of his veterinary surgeon, he shall demand of a State that they shall put the treasury of that State and the cattle of that State in the power of this Commissioner; otherwise that it shall be quarantined and no cattle be allowed to enter or go out of it.

I say there is no other branch of the Government to which is given such power as it is proposed here to give to the Commissioner of Agriculture. Who is to investigate and determine the question whether such disease exists or not? Does this bill provide any mode in which that question can be determined? The State authorities may declare that no such disease exists and the Commissioner of Agriculture may declare that it does. Who, then, I ask, is to decide between them?

The question is then referred to the President. The President has his own officials, who constitute a part of his administration, who are given to him by law. Is it to be presumed that any President, when he has on the one side the action and statements of his officials, a part of his quasi Cabinet, and on the other side the declarations of the State officers, will decide with the State and against his own quasi Cabinet officer? It may be said that the Commissioner may provide some means by which this question can be settled and this difficulty obviated. I ask if this House is willing to commit to the hands of any officer the power to arbitrarily decide such a matter as this?

But, further than that, if a State is coerced into recognizing this commission, if a State is coerced into yielding to this law under the threat of quarantine, then there is another provision in this bill which is as yet unknown to any Department of this Government. I refer to the provision which authorizes the Commissioner to provide the mode and manner by which stock may be shot down and killed, to be paid for at a price to be settled by him, and by him alone; and the treasury of every State that yields to this law is to be locked or unlocked according to the finding of this Commissioner of the value which he puts upon the cattle so destroyed. It is not necessary to say that this official will not be honest or to say that he will be honest. I say that no good government will put such power as that over the property of its citizens into the hands of any one.

Under no other law, under no provision of the Constitution, can you take the property of any man away from him except upon just compensation, to be ascertained in accordance with due provisions of law. But here you step in and undertake to create a commission that will shoot down people's cattle, fix a price upon them, and not only fix that price, but declare that the State shall pay one-half of it and the Federal Government pay the other half. Where else under our organic law is there any such power given to any Department or officer of the Government? And why should it be given to the Commissioner of Agriculture, an officer not recognized by our Constitution?

Not only that. That is but a part of the defects of this bill. Another serious defect is that it proposes to enlarge the already threatening jurisdiction of the Federal courts, and to put all the cattle interests of this land into the hands of the Federal courts and of Federal officials. I believe it was Thomas Jefferson who warned this country against the encroaching power of the Federal courts. Following up Thomas Jefferson, Senator Carpenter in one of his speeches in the Senate declared that the Federal courts in this land had become a menace to the country, and that trials now in the courts were but trials by marshals and petty officials, and not trials by jury.

Here is a bill introduced into Congress to take the management of this important cattle interest out of the hands of the owners, and submit it to the control of Federal officials under arbitrary rules to be established by them. And then if those rules are violated, the men who violate them are to be fined and imprisoned by Federal courts. What necessity is there for this vast increase of the jurisdiction of the Federal courts? Why should the cattle interest of this land be turned over to them?

I do not mean to assail the Federal judiciary further than to say that abuses, whether they can help them or not, have crept into their proceedings until they have been felt by this land as the breath of a pestilence. In the capital of my own State I have seen men, women, and children dragged there by Federal officials, and camped in the streets like refugees fleeing from a great army. I have seen homesteads broken up and people imprisoned. Nothing saved them from absolute destruction except the intelligent interference of the district attorney in many cases, as my colleague here [Mr. GOFF] will bear me out, coming forward out of kindness to investigate these matters; nothing but the interference, the extra-judicial interference, of the judge and the district attorney saved many of them from absolute destruction.

I am opposed to extending the power of the Federal courts. I am opposed to turning over this great interest into the hands of these Federal officials. I believe that the great cattle interest of this country can take care of itself.

If the friends of this bill will eliminate some of its monstrous propositions, if they will bring in here a bill, the effect of which will be to extirpate pleuro-pneumonia or any other infectious disease, then I will do all I can to pass it. But I will never consent to pass any bill having in it the provisions which this bill has.

Let me call the attention of the friends of this bill for a moment to some of those provisions. There is one section of the bill which declares that no railroad shall transport any cattle to any market from any infected section of the country or from any part where these diseases exist. Suppose our friends up in Dakota having a large number of cattle want to get them to the Chicago market or that our friends in Colorado want to get their cattle to the Saint Louis market. They would be sharp enough to lay charges before the Commissioner of Agriculture that in the State of Texas or in any other State or Territory there are infected cattle. Then these cattle must stop there until the Commissioner can investigate; and while the Commissioner is investigating gentlemen who have made the charges for their own purposes can hurry on their cattle to market. Thus hundreds of cattle-men may be made bankrupt by having to hold their cattle back in this way.

Take another case. Here are two farmers side by side, each of whom has a drove of cattle. Both of them want to ship their cattle to the same market. One steps in and makes charges against the cattle of the other, whose cattle must then be kept there until the matter can be investigated, while the man who makes the charges can hurry on his cattle to market.

This bill in its practical operation will work destruction and bankruptcy upon the cattle interest. There is no such prevalence of cattle disease in this country as will justify the passage of such a monstrous bill. Why, sir, the very condition of our country, the health of the people, the growth of the great cattle interest, the making of vast fortunes out of this business, give the lie to the charge that this disease is spreading over the country and is so serious as to call for a measure of this kind. No such legislation is needed; and I tell my friend from Iowa [Mr. WELLER] that the adoption of this bill would be such a calamity as not even his constituents would indorse.

Mr. Chairman, I have no desire to consume further time upon this bill. Having expressed my objections to it, I propose to yield what time I have remaining to my friend from Texas [Mr. STEWART].

Mr. STEWART, of Texas. Mr. Chairman, I thank the gentleman from West Virginia [Mr. GIBSON] for giving me a portion of his time; but I should not feel at liberty to avail myself of his kindness and to venture to say anything in regard to the pending bill were it not that if it becomes a law it will seriously affect one of the principal industries of my State, and for the further reason that I entertain views in regard to this bill which so far as I know have not been expressed by any gentleman who has spoken adversely to it.

As was stated the other day by my colleague [Mr. LANHAM], if there were nothing more involved in the bill now under consideration than the extirpation of the disease called pleuro-pneumonia Texas would have no special reason for opposing it, for that disease is unknown in our State, and there is but little if any probability that it will ever prevail in our section. But the bill goes much further, and embraces within its provisions all diseases of cattle that may be termed contagious, and for the reason that diseases of this character may be wrongfully imputed to cattle it does affect an interest in my State that in value amounts to many millions of dollars. But if the bill were so

framed as to limit its operation to the extirpation of pleuro-pneumonia I could not give to it my support because of the unlimited power it places in the hands of one man.

The bill comes to us with a unanimous report from the Committee on Agriculture, who indorse all its provisions and recommend its passage.

Mr. AIKEN. Will the gentleman from Texas allow me to make a single remark?

Mr. STEWART, of Texas. Certainly.

Mr. AIKEN. I dislike to interrupt the gentleman, but it has been asserted by two speakers that this is a unanimous report from the Committee on Agriculture. As I was in opposition to the bill in the committee and did not vote for it there, reserving the right to vote against it in the House if compelled to pronounce a yea-and-nay vote, it is due to myself to say that this was not a unanimous report from the Committee on Agriculture.

Mr. STEWART, of Texas. In reply to my friend from South Carolina I can only say that I got the idea from the report made by the chairman of the committee, who states that it is a unanimous report. Such a report with me would have great weight, and if I were at all doubtful about the correctness of my opinion I should be willing to surrender my views to those expressed by the committee, and particularly so in this instance, because Texas has a voice in that committee, my colleague [Mr. OCHILTREE] being a member of it. It may be that he, like the gentleman from South Carolina, did not concur in the report. I do not know whether he did or not, for I have not consulted him, but I trust that if he does entertain the views expressed in the report of his committee he will inform us what induced him to reach that conclusion.

When the chairman of the Committee on Agriculture presented the bill to the consideration of this committee he seemed to appreciate the necessity of saying something in behalf of the authority of Congress to pass a bill so extraordinary in its character. I was glad that he did so, for I am one who yet believes that we have a constitution the powers and limitations of which should be duly respected.

Before I had the pleasure of hearing the honorable gentleman I had supposed that he would rest his argument upon that broad provision of the organic law that concedes to Congress the power to provide for the common defense and general welfare of the United States, a provision that has often been misconstrued and made the prolific source of much of the evil legislation with which this country has been afflicted. But he did not take shelter under that provision of the Constitution, but chose to rely upon one of the clear, specific, and well-defined powers conferred by the Constitution upon Congress—the power to regulate commerce among the several States. Apparently this bill has no connection with the power given to Congress to regulate commerce among the several States; but, inasmuch as it does undertake to regulate and govern the transportation of cattle on railways passing through two or more States, I will for the purpose of this argument concede that it does properly come under that section of the Constitution.

Now, let us stop for a moment and inquire why that power was conferred upon Congress. It is hardly necessary for me to do so, for the purpose is obvious. The framers of our organic law in conceding this authority to the Federal Government were providing a remedy for the evils that had been experienced under the Articles of Confederation, and wisely lodged this great power in Congress, where all the States have representation and where the possibly conflicting interests of different States could be equitably adjusted. They determined that no State nor any number of States less than all should have this great power. It was placed in the hands of the Federal Government so that no State nor any number of States less than the entire Union should have the power to discriminate against the commerce of any one or more of the States.

No State now attempts to regulate or interfere with the commerce of another State. A State has the power to enact laws regulating its own commerce, and in doing this may incidentally affect the commerce of another State, but the power to regulate commerce among the several States, it is conceded, belongs to the Federal Government. Mr. Chairman, it is not only a very great power, but it is a high trust, confided by the organic law to the legislative department of the Federal Government for wise, just, and beneficent purposes, and in my judgment it is such a trust that Congress can not by substitution lodge it elsewhere.

I now ask the gentleman from Missouri [Mr. HATCH] a question which I desire him to answer in his closing argument, and it is this: If the fathers of this Republic were unwilling to intrust a State, or any number of States less than all composing this Union, with the power to regulate commerce among the several States, can it for a moment be thought that Congress has the right to clothe an individual with this great authority? If Congress can not invest a State of this Union with this power, can it be placed in the hands of an individual, an individual restrained by no provision of law by which his discretion may be regulated, governed, or controlled? Let me illustrate. Suppose the Committee on Commerce should report a bill to the House conferring unlimited authority upon the Secretary of the Treasury to make such rules and regulations as he might deem proper, governing passenger fares and rates of freight on railways passing through two or more States, what would be thought of such a bill?

Ridiculous as would be such a bill, it would not be more absurd than are the provisions of the bill now under consideration. We have been told, Mr. Chairman, that a very great amount of capital in this country is invested in live-stock and in the commerce thereof; that it amounts to very many millions; but notwithstanding the magnitude of this interest, it is placed by the terms of this bill subject to the control of one man, who, by an error of judgment, may inflict irreparable injury upon many who are interested in the animal industries of this country. Under the third section of this bill the Commissioner of Agriculture is invested with full power to make such rules and regulations as he in his wisdom may see proper to make for the extirpation of such contagious diseases as he may think exist in the cattle or live-stock of any State or States, and it also clothes him with authority to interfere and control the transportation of such stock as he may think is diseased from one State to another. In justification of these extraordinary powers conferred by this bill upon the Commissioner of Agriculture it may be said that in the very nature of things quarantine measures must be left largely to the discretion of the officer intrusted with the enforcement of the law. I grant that it is so. I further admit that in many instances mere ministerial duties to be performed by officers may be left somewhat to their discretion, but that discretion is always limited and regulated by some statutory enactment. But this bill not only invests the Commissioner with the authority to enforce the law, but it also invests him with the authority to make the law.

The CHAIRMAN. The gentleman's time has expired, and the Chair recognizes the gentleman from Georgia [Mr. HARDEMAN].

Mr. HATCH, of Missouri. Under the arrangement the friends of the bill have the next hour, but if the gentleman from Texas desires to conclude his speech now I for one shall have no objection. I hope my friend from Iowa will give way for that purpose.

Mr. WELLER. I raise this objection, Mr. Chairman, that an arrangement has been entered into which it seems to me ought to be kept in honor.

Mr. HATCH, of Missouri. It will not interfere with the time of the gentleman from Iowa if the gentleman from Georgia [Mr. HARDEMAN] now takes the floor and yields to the gentleman from Texas [Mr. STEWART] to conclude his speech.

Mr. WELLER. I have no objection to that arrangement, if I shall be recognized next.

Mr. HATCH, of Missouri. The gentleman will be recognized for the next hour.

Mr. HARDEMAN. How much time does the gentleman from Texas want?

Mr. STEWART, of Texas. Ten minutes.

Mr. HARDEMAN. I will yield for that time to the gentleman from Texas.

Mr. STEWART, of Texas. I am obliged to the gentleman, and as I was remarking when the hammer fell, this bill confers on the Commissioner of Agriculture not only the power to enforce law, but it absolutely confers on him, without any restriction whatever, the power to make the law which he may enforce. He is invested with authority to legislate. Inasmuch as this Government by the Constitution is divided into three departments—the legislative, executive, and judicial—I believe that the legislative department can no more subdelegate its authority than can the functions of the executive or judiciary be discharged by others than those who are charged with the performance of their duties by the Constitution.

I take it, Mr. Chairman, that no one will deny that by the third section of this bill the Commissioner of Agriculture is invested with the exclusive authority of making such rules and regulations as he in his wisdom and discretion may deem proper for the extirpation of pleuro-pneumonia and other contagious diseases to which cattle and other animals may be subject.

He can do more, sir. He has the power under the terms of this bill to nullify the action of the constituted authorities of a State. The Legislature of a State, acting upon the recommendations of its executive, may in their combined wisdom make the best law they know how to devise for the extirpation of these contagious diseases, and they may enact a good and sufficient law for the purpose, yet if in the opinion of the Commissioner of Agriculture such law is insufficient for the purpose of extirpating the disease he can set aside the authority of the State, or at least he can declare such State to be in quarantine. Am I right in this assertion? Let me read the fourth section of the bill:

> That whenever a State or Territory in any section of which a contagious or infectious disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation fails to make provisions for its extirpation or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory, or such part of said State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

Now, I ask who determines whether a State has failed to make provision for the extirpation of said diseases? And I answer that by the very terms of the bill it must be the Commissioner of Agriculture.

Such extraordinary power, I undertake to say, was never before attempted to be conferred upon an individual by any legislation that has

occurred in this country. It cannot be justified upon the plea of military necessity, and I very much doubt whether during any war in which this country has been involved a precedent can be found for such unwarranted legislation. Certainly no excuse can be made for it now.

Mr. HATCH, of Missouri. Will the gentleman from Texas permit me ask him a question?

Mr. STEWART, of Texas. Certainly.

Mr. HATCH, of Missouri. I may have misunderstood the gentleman from Texas, but I wish to know whether I understand him to say the bill in any one of its provisions looks to conferring upon the Commissioner of Agriculture the power to declare any State in quarantine?

Mr. STEWART, of Texas. It gives to the President of the United States upon information communicated to him by the Commissioner of Agriculture such power, and I take it that if the President acts at all under the provisions of the bill, he can only do so because of the information he receives from the Commissioner of Agriculture, and therefore it is practically the act of said Commissioner that establishes quarantine.

To induce the States to co-operate with the Commissioner of Agriculture in the enforcement of his rules and regulations for the extirpation of these diseases, the bill provides that the General Government shall pay one-half of the expense of quarantine and of such other measures as may be adopted for the extinction of the said diseases. If this be, as has been contended by some friends of the measure, a matter of national interest and importance, why visit upon a State any portion of the expense?

But I submit another question. Under the authority conferred by this bill the President of the United States may not only declare a State to be in quarantine, but he may declare a part of a State to be in quarantine. What is meant by that provision? Is it intended to give the President the power to declare a part of a State to be in quarantine as to other States and there stop, or does it give him the power to declare a portion of a State to be in quarantine not only as to other States but also to other portions of the same State not infected with the disease? If he can do the latter, and the bill is certainly susceptible of that construction, and I believe it is susceptible of no other fair construction, then the bill goes far beyond the power conferred by the Constitution upon Congress to regulate commerce among the States. The power given is to regulate commerce among the several States, and not to regulate the commerce of a State. Mark the distinction. Under that provision of the Constitution no warrant is found for the invasion of a State by Federal authority and the destruction of its local self-government.

Mr. REED. If the gentleman will permit me, I purpose to offer an amendment confining that to the transportation of cattle across the lines of the States. I believe it will be acceptable and also remove the ambiguity.

Mr. STEWART, of Texas. I could not, of course, anticipate the amendment proposed to be made by the gentleman from Maine. I find the matter to which I have alluded in the printed bill and I was addressing myself to it.

The bill contains many other objectionable features, but I am unable in my limited time to discuss them all. I should be pleased if I had the time to present my views of that feature of the bill that gives to the Commissioner of Agriculture the authority to interfere with the transportation of cattle by railways or otherwise from one State to another. It is a most extraordinary and unwarranted power, but I have not the time to do more than to call the attention of this committee to it.

My time has almost expired, but I wish to say another word. The gentleman from Missouri alluded to the fact that Congress had passed laws in relation to quarantine measures that justify and form a precedent for this bill. It is true that the act of 1879 creating a national board of health does permit said board to interfere with the local regulations of States on that subject. In extenuation of those who made that law it may be said that it was legislation in behalf of human life and that it was not in relation to a question of dollars and cents. It was at a time when distress prevailed in many portions of this land, and when those sentiments of the human heart which well up in the bosom of every good man at the sight of human suffering impelled them in their anxiety to prevent the spread of disease and death to go beyond the limit of constitutional authority. It was a bad law, and now serves as a precedent for the enactment of another bad law, and the fact that it is used for this purpose should admonish us to stop these continued infractions of the Constitution, and especially should this be done by men of my political faith, who, knowing that we have a constitution, have due regard for its powers and limitations, and if we but continue to adhere to its provisions, bills like the one under consideration will not meet with favor, and no longer precedents will be established for placing unauthorized and unwarranted power in the hands of irresponsible persons who may exert it for the oppression of the people.

Mr. WELLER. Mr. Chairman, during the discussion of this bill by the House a few days since I heard some gentleman remark, "this is a bill that appeals not only to the American pocket but to the American stomach." In my opinion this bill has far greater significance and is of far more importance than that. It is an appeal to the highest considerations of public welfare. It concerns the health and the lives indeed of millions of people who have the right to look to us for protection.

A bill of such importance should have, as it appears this is having, the most careful analysis and exhaustive research for authorities of the highest character concerning its every feature.

The necessity for immediate measures of some kind is made evident by the testimony of many of our most prominent and experienced farmers, stock-raisers, stock-dealers, and skillful veterinary surgeons; as well, the people and press of the country are demanding that heed be given to the dangers that threaten the health and lives of our people. Also, we should view with alarm the financial losses which we are sustaining and shall sustain in consequence of the diseases prevailing among our domestic animals.

This bill appeals to the American pocket and stomach indeed!

It is shown by reliable data that France alone, by refusing to admit American pork because of real or suspected diseases of American swine, closed her markets to the products of American farms to the value of $19,000,000 yearly. Germany has adopted practically the same measures—the exclusion of American pork from her markets.

Thus the doors to millions of stomachs not American are shut sharp against American products by reason of fears that may be dispelled by proper action on the part of the Congress of the United States, acting in harmony with the authorities proper of the several States, to suppress and extirpate diseases peculiar to the swine of our country, or, rather, to some sections of our country.

In the coming days of this session our ears will grow weary with hearing the specious demands for "protection to American manufacturing industries." Let the advocates of protection now prove their sincerity by supporting such measures as will avert the dangers that threaten the most valuable exports that American industry produces. American beef, as well as American pork, will soon be inhibited in foreign markets unless this bill or some similar and more wise measure shall be adopted.

The value in round numbers of our exports of neat cattle in the year 1882 was over forty-one millions of dollars ($41,769,537). This amount was made up of the following items:

Neat's-foot oil	$53,736
Fresh beef	6,768,881
Salt beef	3,902,556
Butter	2,864,570
Cheese	4,058,975
Condensed milk	200,049
Preserved meats	2,104,304
Tallow	4,915,798
Live cattle	7,800,227
Total	41,769,537

Certainly so important a source of commercial prosperity should not fail through our neglect.

But great as is the value of the exports of neat-cattle products, that of swine products is vastly greater. The total exports of swine products in 1882 in round numbers amounted to over seventy-eight millions of dollars ($78,699,856). This amount is made up of the following items:

Lard-oil	$434,124
Bacon	42,124,602
Hams	4,551,172
Preserved meats	2,104,304
Lard	28,975,902
Hogs	509,651
Total	78,699,856

Right here, in view of the amendments which I propose to offer at the proper time, I ask particular attention to the comparative income derived from the exports of cattle and swine products. The exports of cattle products amounted in round numbers to forty-one millions of dollars ($41,769,537). The exports of swine products amounted to nearly twice that sum, or $78,699,856.

In addition to the foregoing exhibits of the hog and cattle products exported in 1882, there were in the United States in 1880, as shown by the Tenth Census, of live-stock in numbers, respectively, as follows:

Horses	10,357,488
Mules	1,812,808
Oxen	993,841
Milch cows	12,443,720
Other cattle	22,488,550
Sheep	35,192,074
Swine	47,681,700
Total	130,969,581

Grouping and classifying, there were in the United States in 1880, as shown by the census—

Horses and mules	12,000,000
Sheep	35,000,000
Cattle	36,000,000
Swine	48,000,000
Total	131,000,000

Or, better yet for my present purposes, there were of—

Cattle	36,000,000
Horses and mules, sheep and swine	95,000,000

Now, it should need no further argument to prove the magnitude of the interests involved. When foreign markets are closed against our beef and our pork, because they are in fact or because they are sus-

pected to be diseased, there ceases to flow a fountain of prosperity that yearly adds not less than one hundred and nineteen millions to the sum of our national wealth. The fortunes of thousands of farmers and stockmen are dependent upon the yearly crop of cattle, swine, and other stock. Many thousands of families throughout the land look to the income derived from the swine which they raise for the chief source of their prosperity, and ofttimes for the continued possession of the homes that shelter them. Their hog crop is their most profitable and ofttimes their only source of income. It is their only protection against the bane of debt and the curse of ruinous interest; against King Shylock with his iron-clad 10 per cent. mortgage and its inevitable attorney's fees; and, frequently also, stipulation for liquidated damages in case of non-payment at maturity.

Many are the farmers throughout the great Northwest whose farms have been lost and whose homes have been taken from them because hog-cholera had swept away that product of their toil that formed their principal reliance, if not their only source of income.

I know something about this matter myself as a practical farmer. I confess I have a special interest in this question, and I further confess that the constituency of the fourth Congressional district of Iowa, as well the State, yea, the great Northwest, the West, the Southwest, and South, have an especial interest in a wise solution of this question, as I expect to fully show further on.

Two years ago, in less than thirty days I lost from my herd of fattening swine several hundred dollars in value. Others within my personal knowledge lost thousands upon thousands of dollars of value in the same way.

The great Northwest has within the last few years lost millions of dollars in value from diseases peculiar to hogs, horses, and sheep. I know of scores of horses in the last two years being condemned by the authorities and shot or otherwise destroyed because pronounced to be diseased with that highly infectious disease termed glanders.

Reports, which I deem wholly reliable, inform me that Professor Stalker, of Ames Agricultural College, has recently ordered, after an examination, several horses shot, pronouncing them diseased with glanders.

In the matter of sheep industries, my nearest neighbor a few years ago lost some seven to eight hundred fine merino sheep, many of them thoroughbreds and of great value. They were attacked with scab and grub, and, although he expended hundreds of dollars in their treatment under the direction of the best skill obtainable, he was finally compelled in midwinter to slaughter the entire flock for the sake of saving even some of their pelts.

This is not an isolated case. Millions of dollars in value in like manner have been swept away. Not only in the State of Iowa and in the Northwest, but in other sections of the country, notably in Texas, as shown by the report of the Commissioner of Agriculture for 1883, various diseases are making frightful ravages among the sheep.

We read a great deal about a protective tariff on wool; distinguished gentlemen on this floor will be very earnest for a protective tariff on wool. It will be well for them to bear in mind that unless some measures are taken to check the rapid spread of sheep disease there will soon be very little wool to protect.

My object in making the foregoing statements is to show the value of the animal industries severally and in detail, with the losses actual and probable, and thus have proper basis for the inquiry why the bill under consideration so frequently makes reference to the suppression and extirpation of pleuro-pneumonia of forty years' location with but little change, while so little reference is had to the diseases affecting the other animal industries by which millions have been swept away?

In the last Congress the insignificant sum of $50,000 as an appropriation was sought. The bill failed.

This bill asks the comparatively insignificant sum of $250,000 to spread out over thirty-eight States and nine Territories besides the District of Columbia, unless it be the purpose of the bill to use the $250,000 for the "suppression and extirpation of pleuro-pneumonia" in the States bordering on the Atlantic as far south as the State of Virginia, leaving the great Northwest, the West, Southwest, and South to provide for themselves

I have the fullest confidence in our Commissioner of Agriculture, but in my humble opinion a bill should be so framed that it shall be the duty of said Commissioner of Agriculture, as the proper head of the proposed bureau of animal industry, to give the greatest attention and apply the greatest skill and energy of his department where there is the greatest danger.

I hope I shall not be understood as opposing measures that tend to the suppression of pleuro-pneumonia; indeed I am most earnestly in favor of all wise measures for its speedy "suppression and extirpation;" yet I am apprehensive that it may, on fuller investigation, be found that this disease is not only indigenous, but is confined to certain latitudes and sections of country bordering on the Atlantic Ocean.

I am of the opinion that no bill involving such issues as this bill does should be passed into a national law, providing as this does heavy penalties against each person, railroad corporation, or owner or master of any boat or vessel who shall "receive for transportation" "any live-stock affected with contagious or infectious disease," "especially the disease known as pleuro-pneumonia," until such bill provides amply for a system of governmental inspection, at the cost of the Government, at each shipping point within its jurisdiction where live-stock is received for transportation to points without such State or Territory.

If the shippers of this country are to be subject to prosecutions by the United States district attorneys in all cases of "violations of this act which shall be brought to their notice or knowledge by any person making the complaint," it would seem proper that some available system of inspection should be made for the protection of dealers and shippers—at least a government "hoss-doctor" should be provided at each shipping point, whose certificate should be an immunity against all prosecutions and persecutions.

It would require many millions of dollars to provide in each State and Territory for the suppression and extirpation of communicable diseases among other stock than cattle, such as are very destructive to the animal industries of State and nation, and I would advocate an appropriation of millions, if need be, from the Treasury for the purposes contemplated in this bill, rather than seek by surreptitious means to bore two hundred and fifty or more gimlets in the Treasury vaults of size sufficient to leak out $6 per day into the hands of such members of this House as were so unfortunate by birth, fate, or education as to not have had assigned to them the chairmanship of a committee whereby to secure a "clerical lamp" to "illuminate their judgment" for the work they were elected to do without the aid of such peculations.

By the report of the Committee on Agriculture, of which I am a member—and here I wish to say in parenthesis and deferentially, our chairman, an able lawyer, has given his most earnest attention to this bill and its general purposes have received his heartiest support, and he has made a most exhaustive research for authorities and facts in support of it and its several parts; and, being acknowledged as one of the ablest jurists, I doubt not he will in his final remarks be able to quiet some of the fears that appear to have arisen in the minds of others as well my own, that certain clauses of the bill impinge on the rights of the States to control their own domestic affairs, except such as are delegated to Congress by the United States Constitution.

Cooley, in his great work on Constitutional Limitations, holds this language:

When questions arise of conflict between national and State authority, and questions whether the State exceeds its just powers in dealing with the property and restraining the actions of individuals, it often becomes necessary to consider the extent and proper bounds of any power in the States, which, like that of taxation, pervades every department of business and reaches to every interest and every subject of profit or enjoyment. We refer to what is known as the police power.

The police power of a State, in a comprehensive sense, embraces its whole system of internal regulation, by which the State seeks not only to preserve the public order and to prevent offenses against the State, but also to establish for the intercourse of citizen with citizen those rules of good manners and good neighborhood which are calculated to prevent a conflict of rights, so far as is reasonably consistent with a like enjoyment of rights by others.

In the present chapter we shall take occasion to speak of the police power principally as it affects the use and enjoyment of property, the object being to show the universality of its presence and to indicate so far as may be practicable the limits which settled principles of constitutional law assigned to its interference.

No definition of the power can be more complete and satisfactory than some which have been given by eminent jurists in deciding cases which have arisen from its exercise, and which have been so often approved and adopted that to present them in any other than the language of the decisions would be unwise, if not inexcusable. Says Chief-Justice Shaw:

"We think it is a settled principle, * * * growing out of the nature of well-ordered civil society, that every holder of property, however absolute and unqualified may be his title, holds it under the implied liability that his use for it shall not be injurious to the equal enjoyment of others having an equal right to the enjoyment of their property, nor injurious to the rights of the community. All property in this Commonwealth is * * * held subject to those general regulations which are necessary to the common good and general welfare. Rights of property, like all other social and conventional rights, are subject to such reasonable limitations in their enjoyment as shall prevent them from being injurious, and to such reasonable restraints and regulations established by law as the Legislature, under the governing and controlling power vested in them by the constitution, may think necessary and expedient. This is very different from the right of eminent domain, the right of a government to take and appropriate private property whenever the public exigency requires it, which can be done only on condition of providing a reasonable compensation therefor. The power we allude to is rather the police power—the power vested in the Legislature by the constitution to make, ordain, and establish all manner of wholesome and reasonable laws, statutes, and ordinances, either with penalties or without, not repugnant to the constitution, as they shall judge to be for the good and welfare of the Commonwealth and of the subjects of the same. It is much easier to perceive and realize the existence and sources of this power than to mark its boundaries or prescribe limits of its exercise."

"This police power of the State," says another eminent judge, "extends to the protection of the lives, limbs, health, comfort, and quiet of all persons, and the protection of all property within the State. According to the maxim, *sic utere two ut alienum non lædas*, which being of universal application, it must, of course, be within the range of legislative action to define the mode and manner in which every one may so use his own as not to injure others." And again, [by this] "general police power of the State persons and property are subject to all kinds of restraints [for the] health and prosperity of the State; of the perfect right in the Legislature to do which no question ever was, or, upon acknowledged general principles, ever can be made, so far as natural persons are concerned."

Where the power is located.—In the American constitutional system the power to establish the ordinary regulations of police has been left with the individual States, and it can not be taken from them, either wholly or in part, and be exercised under legislation of Congress. Neither can the National Government, through any of its departments or officers, assume any supervision of the police regulations of the States. All that the Federal authority can do is to see that the States do not, under cover of this power, invade the sphere of national sovereignty, obstruct or impede the exercise of any authority which the Constitution has confided to the nation, or deprive any citizen of rights guaranteed by the Federal Constitution.

Again, in another place:

Perhaps the most striking illustration of the principle here stated will be found among the judicial decisions, which have held that the rights insured to private corporations by their charters and the manner of their exercise are subject to such new regulations as from time to time may be made by the State with a view to the public protection, health, and safety, and in order to guard properly the rights of other individuals and corporations. Although these charters are to be regarded as contracts, and the rights assured by them are inviolable, it does not follow that these rights are at once, by force of the charter-contract, removed from the sphere of the State regulation; and that the charter implies an undertaking on the part of the State, that in the same way in which their exercise is permissible at first, and under the regulations then existing, and those only, may the corporations continue to exercise their rights while the artificial existence continues. The obligation of the contract by no means extends so far; but, on the contrary, the rights and privileges which came into existence under it are placed upon the same footing with other legal rights and privileges of the citizen, and subject in like manner to proper rules for their due regulation, protection, and enjoyment.

And also, in connection with this subject, we find:

The line of distinction between that which constitutes an interference with commerce and that which is a mere police regulation is sometimes exceedingly dim and shadowy, and it is not to be wondered at that learned jurists differ when endeavoring to classify the cases which arise. It is not doubted that Congress has the power to go beyond the general regulations of commerce which it is accustomed to establish, and descend to the most minute directions, if it shall be deemed advisable; and that to whatever extent grounds shall be covered by those directions, the exercise of State power is excluded. Congress may establish police regulations as well as the States, confining their operations to the subjects over which it is given control by the Constitution. But as the general police power can be better exercised under the supervision of the local authority, and mischiefs are not likely to spring therefrom so long as the power to arrest collision resides in the courts, the regulations which are made by Congress do not often exclude the establishment of others by the State governing very many particulars. Moreover, the regulations of commerce are usually, and in some cases must be, general and uniform for the whole country, while in some localities State and local policy will demand peculiar regulations with reference to special and peculiar circumstances.

Many gentlemen on this floor, among the ablest and most distinguished for their knowledge of constitutional law, as also the highest judicial interpretation thereof, have expressed the opinion that section 4 of this bill is in most serious contravention of the rights of the States to control their own domestic concerns, such as would be affected by the terms of this bill. The interests at stake should not permit us to pass hastily, by or upon such objections. Such issues have been presented most seriously to the attention of our people heretofore, and which have been settled by the arbitrament of war at a cost of hundreds of thousands of lives and thousands of millions of treasure.

There can be no question but that the General Government, by its Congress, can appropriate to each State any sum of money it may deem proper, to be used for such or similar purposes, prescribing the conditions on which any State may accept and use the same. I am of the further opinion that the President of these United States has constitutional authority, when properly informed, to prohibit the transportation of stock infected with communicable diseases dangerous to the general welfare from the State in which they do exist into States or Territories where they do not exist.

I desire here to make a brief analysis of the report of our committee in the premises of the bill under consideration:

Said report shows, on pages 5 and 6, that in Connecticut two herds of cattle were affected with pleuro-pneumonia; twelve animals were exposed, seven contracted the disease, four died, one was killed, and the other two, for aught we know, are still alive.

Said report further shows, as to New York, as follows: "Although the disease is almost entirely confined to the western end of Long Island, to Staten Island, and New York city, these localities are extensively infected;" but no numbers of animals are given as being thus infected, not one is mentioned as being affected.

Said report further shows that "New Jersey was recently supposed to be nearly free from pleuro-pneumonia," but "reliable authority places the loss at over fifty head."

PENNSYLVANIA.

According to an official report, dated October 30, the number of animals known to have been exposed was one hundred and four, and the number of sick ones that had been killed or had died was forty-six.

It is now believed that the disease has been entirely overcome, and that the State of Pennsylvania is free from it.

MARYLAND AND DISTRICT OF COLUMBIA.

From our committee's said report it appears that the ravages of this disease are greatest in Maryland and the District of Columbia, and that such ravages appear to be confined to the cities of Baltimore and Washington, two places not remarkably celebrated as cattle-producing districts.

An official examination of the cattle in Iowa shows that the reports of pleuro-pneumonia among the herds of the State are utterly groundless.—*Nashua Post.*

But I see no reason why preference should be given to these few cases in these few States over sections of the country that have suffered, that are suffering, and are likely to suffer infinitely more from other diseases to other kinds of animals.

The loss of one hundred and four head of cattle in three Atlantic States, even granting that such disease is liable to extend to the cattle-raising districts of the Northwest, West, Southwest, and South, does not conclude my mind that all the money this Government has to expend for the suppression or extirpation of diseases among domestic animals should be expended especially upon the disease known as "pleuro-pneumonia," while foreign markets are closed to American pork because it is diseased in fact or because disease may be reasonably suspected, and thus $79,000,000 of wealth kept out of the pockets of American producers. Thus my views are in reality confirmed by the report of the committee.

The report, on page 7, states:

Now, while it is true that pleuro-pneumonia has existed in the last forty years without having been carried West, * * * it must be admitted that there has been danger of this.

I add, this may be true as to the danger of transmission of this disease to herds in the West by contact with stock infected or affected, yet I doubt it. But what of the bill under consideration for the relief of the stock-raisers, stock-shippers, and stock-dealers in the great Northwest, West, Southwest, and South, as compared with the relief evidently intended by the terms of this bill to be granted to the cattle industries of some of the New England States and a few others bordering on the Atlantic? Why give our whole attention to some anticipated danger while a greater danger actually exists? So, while I am in hearty accord with the general purposes of this bill, it should in my opinion be amended in several particulars very materially.

It is objected that this bill lodges great powers of privilege and duty in the hands of the present Commissioner of Agriculture. I answer, he has been tried and not found wanting in requisite qualifications for similar trusts, and there is no doubt in my mind, should this or some similar bill become a law, that he will wisely execute as provided therein. It is only needful that Congress be exceedingly careful to frame a bill which, passed into law, will, being executed, give the desired relief.

The general purposes of this bill, in view of the magnitude of interests involved, should preclude even the semblance of partisan politics to enter into the domain of its consideration. I was deeply pained the other day in listening to a seemingly predetermined effort to make political capital at the expense of this measure. Why not rise above patriotism to party? Why not now, in this case, rise to that altitude of true and noble statesmanship that makes the harm to many, as shown by the facts cited, the great concern of all? Shall mere party expediency be permitted to affect a wise consideration and determination of questions of such grave import to the whole human family, as it were, as the questions of profit and loss; but, graver yet, the question of food of diseased beef, diseased pork, diseased cheese, diseased butter and fraud-butter called oleomargarine, diseased mutton, diseased horses, and the great danger of diseased humanity in partaking of such food by citizens of our own country and of other countries?

If Congress is going to regulate the cattle trade because of the disease called "pleuro-pneumonia," why should it stop with provisions to stamp out that particular disease, the existence of which, save in isolated cases, is the subject of grave disputes among the learned?

Is not the health of the vast mass of human beings who are daily eating of the flesh of cattle, hogs, and sheep, that are crushed, mangled, fevered, ulcerated, and otherwise diseased by the brutal manner of shipment over the various lines of railroad to the Eastern cities of as much moment as the interest of a cattle ring who desire the Government to help rid them of the suspicions of pleuro-pneumonia? Boards of health state that Eastern markets are filled with such most perilous stuff.

Dr. Frank Hamilton says "the present methods of bringing cattle to market" are "brutal," "inhuman," and "render their flesh unfit for use as human food."

Edwin Lee Brown, president of the Humane Association, says, in his annual address in 1881, "not one quarter of the meat sold for food is fit for human use, on account of the treatment of live-stock before it reaches the shambles."

The cattle commission of the State of New York drew a frightful picture of the sufferings of cattle in transit and of their condition upon arrival, and they inquire, "Is it possible that the meat from the fevered carcasses of such animals is harmless and healthy food for man?"

The Massachusetts railroad commissioner states: "The animals arrive at their destination trampled upon, torn by each other's horns, bruised and bleeding and suffering all that animals can suffer and live."

A committee of the aldermen and common council of Boston reported that "these meats produced diseases of various kinds."

The New York board of health, in 1869, traced the alarming prevalence of certain diseases to diseased meats. The Chicago board, in 1871, reported that "nearly one-half the beef, pork, and mutton offered for sale was diseased and unfit for food."

Another report states, "the amount of reckless barbarity toward animals and of criminal indifference to the public health on the part of many who furnish meat to consumers is so great that one almost wonders how the cities escape a pestilence."

Now, with millions of money value involved, with that matter of greater concern, the health, happiness, and lives of multitudes of our kind, involved no less than the morals of the people—for the morals of a people are the product in a large degree of the class of food partaken of as well as the surroundings otherwise affecting—why hesitate to make haste for wise measures that will bring relief?

In conclusion, I implore this House to carefully analyze this bill—first, as to the constitutional questions involved, for in this particular we should make haste slowly to open so broad a field for possible liti-

gation; then, second, that the House shall fully consider that the vaults of the Treasury of these United States are overflowing with honest Democratic dollars, that it is the high prerogative of right for this Congress to go honestly to the doors of the said Treasury of our great Government, instead of by partisan gimlet-holes as proposed by the gentleman from Colorado, and take therefrom a sufficient sum and distribute it equitably among the several States and Territories, instead of granting especial favors to those States.

The CHAIRMAN. To whom does the gentleman from Iowa yield?

Mr. WELLER. I yield fifteen minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, in the limited time allowed me I shall not be able to discuss this measure as thoroughly as its importance requires. I have listened very patiently to the discussion upon this bill, and I have been surprised at the statements which have been made in regard to it. One would have supposed from the discussion that this bill had originated with a committee of office-seekers, who had discovered that under the provisions of the civil-service law the possibility of getting places under the Government was becoming so remote that something new must be devised in order to enable them to get places, and that they had gotten up this bill to enable them all to find employment in the service of the Government. I can see no provisions in it which would warrant such conclusions.

It is true there is a provision in the first section of the bill that in order to enable the Commissioner of Agriculture "to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country" he is "authorized to employ a force sufficient for this purpose."

I understand that this "force" is for the purpose of taking what might be called a cattle-census; just such a census as we have already had taken under the operation of our census law. I have taken some pains to inquire how many persons will be required for this purpose, and I believe I do not anticipate the honorable gentleman [Mr. HATCH, of Missouri] who is chairman of this committee by stating that in order to remove all possible apprehension on this subject he will submit an amendment limiting the force to twenty persons.

Mr. HATCH, of Missouri. At any one time.

Mr. SPRINGER. At any one time. Now, it seems to me the liberties of this people are not to be endangered by twenty census-takers looking after the cattle interests of the country. If we are threatened with danger by the presence of such a force of office-holders, I think our liberties are resting upon a very insecure foundation. That objection to this bill, it seems to me, is not worthy of further consideration.

What is the other objection to this bill? I think it is based upon the fourth section. That fourth section provides that whenever the cattle in a State or Territory are infected with this disease the President may declare such State or Territory or a part of such State or Territory in quarantine and prohibit the exportation of cattle from said State or Territory or district to other States of the Union or to foreign countries.

It is said this is unconstitutional. Unconstitutional to put cattle in quarantine? What are the quarantine laws of this country? Take the laws of any State for instance. These State laws are made binding upon all Federal officers by the acts of Congress. A physician may board any of the vessels entering any port of the United States, laden not only with merchandise or valuable goods but with persons, and that physician is required to inspect the vessel and furnish it with a bill of health before it can enter any of the ports of the country. If he finds that the passengers upon that ship are infected with a contagious disease he may put the vessel and its cargo, worth millions of dollars, in quarantine, and he may put all the persons on board that vessel, citizens of this country and of other countries, in quarantine for forty days, depriving them of their liberty and the owners of the vessel of the use of their property for that time, and that without any process of law, which we suppose is always required before a man can be deprived of his liberty or property.

Mr. WELLER. Will the gentleman permit me to ask him a question?

Mr. SPRINGER. Yes, sir.

Mr. WELLER. Are not those provisions confined entirely to importation?

Mr. SPRINGER. They are so far as the quarantine laws are concerned. Of course they are to prevent disease being brought into this country. But while we all recognize the existence and the necessity for these laws upon the principle that the public health is above all other laws, yet our friends from Texas become alarmed if we undertake to quarantine a Texas steer. They seem to think that this animal should be permitted to roam at will over the country, and whoever interferes with his movements is trampling upon the liberties of the people and overthrowing the great palladium of our institutions.

Mr. WELLER. I desire to ask the gentleman one other question. Does the gentleman regard the $250,000 asked for in this bill as a measure of the interests involved?

Mr. SPRINGER. The gentleman from Iowa, in the very able speech which he has just made upon this subject, has answered his own question. If I could add anything to what he has said which would be valuable I would do so; but I know I can not. I quite agree with him in the statement he makes.

I can not see, therefore, Mr. Chairman, that there is a stretch of constitutional authority in the fourth section of this bill. Is it possible that you may detain a ship worth millions of dollars and all the people on board of it in any of the harbors of the United States, or empty its cargo out into the stream, under the quarantine laws of the country, and yet you can not prohibit cattle from being shipped from one State to another, though they carry with them an infectious disease injurious to the commercial interests of the country? I believe no such thing. I believe the power rests with Congress, in virtue of its authority under the Constitution to regulate commerce among the States and with foreign nations, to so regulate it that commerce may not become destructive of itself and of the very greatest and most valuable rights and interests of the people. What can be more damaging to people engaged in cattle-raising, as are all our people, than to spread among them a contagious disease which may result in the destruction of millions of dollars of their property? If we can not prevent this being done, then the powers of the Government have been sadly misunderstood by all who have gone before us.

Gentlemen seem to think that this is a departure from precedent. Not at all. Congress has already recognized everything that is claimed by the friends of this bill, so far as the power of Congress over this subject is concerned. I have only to read from the laws passed by the last Congress, particularly the bill making appropriations for sundry civil expenses of the Government, a clause to be found on page 613, volume 22, Statutes at Large, for the purpose of showing that this is not a new subject of legislation. In that bill will be found the following paragraph:

To enable the Secretary of the Treasury to co-operate with State and municipal authorities, and corporations and persons engaged in the transportation of neat-cattle by land or water, in establishing regulations for the safe conveyance of such cattle from the interior to the seaboard, and the shipment thereof, so that such cattle may not be exposed to the disease known as pleuro-pneumonia, or lung-plague, and to prevent the spread of said disease, and to establish quarantine stations and provide proper shelter for neat cattle imported at such ports as he may deem necessary, $50,000.

The only objection to that statute is that the appropriation is too small. If the appropriation had been put at the amount covered by this bill, then under that clause the Secretary of the Treasury could accomplish everything that the friends of this bill desire to have accomplished under it as it is worded. I think the bill is more carefully guarded than the loose clause which I have read, because less authority than is given to the Secretary of the Treasury under that clause is given by this bill. The enlargement of the statute by this bill is a limitation upon the authority rather than an increase.

There is, therefore, less objection to this bill upon the constitutional grounds than there would be to the section already passed by Congress at its last session without any objection, as I believe, from the constitutional lawyers either of this body or of the Senate. So much, then, for the constitutional question involved in this bill. Some gentlemen always appeal to the Constitution when they want to defeat a measure. That is the universal refuge of those who have no other argument to offer against a needed measure of legislation.

I hope while the honorable chairman of the committee reporting this bill is preparing amendments to it he will also propose to strike out the proviso of section 3, which is to this effect:

Provided, That the authorities of said State or Territory shall assume and pay one-half of the expense of the valuation of the animals it is deemed necessary to slaughter and one-half the cost of disinfection and necessary police regulations in the quarantine and care of infected herds of cattle.

Mr. HATCH, of Missouri. I do not propose to strike that out.

Mr. SPRINGER. I said that I hoped the gentleman would propose it. If he does not, and I can get the opportunity, I will at the right time move to strike out that proviso, for the reason that I believe it will, in the first place, be impracticable, and, in the second place, it is unjust to the State where the effort is being made to suppress this disease to make the State bear one-half of the burden. If there is any authority on the part of Congress to deal with this question, it is in behalf of all the people of the country. If we have any right to touch it, then the duty devolves upon us, following that right, to pay our own bills as we go along, and not impose a portion of the expenses of the burden sustained in behalf of all sections of the country upon the immediate locality where this disease may be found at the time.

I fear that some gentlemen on this side of the House have not considered the magnitude of the question involved in the passage of this bill. I have taken pains to look at some of the statistics furnished by the late census in reference to the cattle industry of the country. I find that in the census year there were nearly 40,000,000 of live cattle in the country. At the low estimate of $30 a head the value of the live cattle in the country at that time would be over a thousand million of dollars.

Mr. WHITE, of Kentucky. Does not that estimate also include horses and mules?

Mr. SPRINGER. No; they are estimated under another clause.

Mr. WHITE, of Kentucky. I ask the gentleman merely to put him on his guard. I have endeavored to obtain some facts upon this sub-

ject, and have been answered by the Census Bureau that it was impossible to give them, as the cattle were included with the horses and mules.

Mr. SPRINGER. If the gentleman will examine Table VIII, on page 141, volume 3, of the Tenth Census (1880), he will find a statement of the live-stock on farms in the United States. The aggregate on farms is as follows: Horses, 10,357,488; mules and asses, 1,812,808; working oxen, 993,841; milch cows, 12,443,120; other cattle, 22,488,550. The number of sheep and swine is given in other columns. In a note at the bottom of the page it is stated that no account, enumeration, or estimate was made or taken of animals owned by persons not cultivating farms, whether in cities and villages or not; and that the cattle on ranches and ranges as computed by special agents were, in addition to the above, as follows: Cattle, 3,750,022; sheep, 7,000,000; swine, 2,090,970. This would make the number of cattle on farms, ranches, and ranges 39,675,533. To this number must be added the milch cows in cities and villages, which were not even estimated by the census-takers. This number has greatly increased since the census was taken, now nearly four years ago.

The census will show that the butter product of the year 1879 was of great value. The number of pounds of butter made on farms was 777,255,287, in factories 29,421,784, or 806,672,071 pounds in all. At 20 cents a pound this product was worth $161,334,414. The cheese product was also of some value. There were made on farms and in factories 243,157,850 pounds of cheese in 1879, which at 10 cents a pound was worth $24,315,785. The total value of these two cattle products was worth $185,650,199. This much was added to the wealth of the country in one year from the two items of butter and cheese. We hear much of the great iron interests of the country. The product of all the iron-rolling mills of the United States in 1879 was only $136,798,574, and the product of the iron and steel mills was $296,557,685. The material used in these manufactures was worth $191,271,150. Hence the iron and steel works of the United States only added to the wealth of the country in one year $105,286,535. But butter and cheese added $185,000,000 in the same year to the wealth of the country. In order to protect the iron and steel industries from competition with foreign governments the tariff laws of the country impose a tax of $150,000,000 upon the people every year, of which only $30,000,000 finds its way into the Treasury, while the enormous sum of $120,000,000 is annually collected by the manufacturers in the increased price of iron and steel, which they are enabled to collect from the American people. The cattle interests are not asking for protection from foreign competition, but from contagious disease which foreign cattle may bring into our country and which it has already brought into some of the States. The appropriation asked is only about one-fifth of 1 per cent. of the amount of the subsidy annually given the iron and steel industries of the country. Will Congress refuse this assistance and protection?

Mr. Chairman, the Chicago stock-brokers have sent a remonstrance to Congress against the passage of this bill. I think the gentlemen who signed this remonstrance have acted hastily and without sufficient data before them. But if they have acted advisedly, are we to consider their interests or the interests of the stock-raisers of the country? I prefer to be governed by the wishes of those who produce rather than those who profit by handling cattle. I have received from my constituents, who are stock-raisers, a petition in favor of the passage of this bill, and that petition is published in the Illinois State Register of February 14, with favorable comment, as follows:

> There is much indignation among farmers in this county at the course pursued by the stock-yard dealers at Chicago in reference to the bill being considered by Congress looking toward the extermination of the much-dreaded lung-plague among cattle, called pleuro-pneumonia. The cattle-men in this county expressed much surprise that the commission-men at the stock-yards should attempt to defeat a bill having for its objects the suppression of a contagious disease that has cost England, Australia, and other cattle-breeding countries so many millions of dollars to partially suppress. The following communication to Congress is being circulated in this county and will receive the signature and indorsement of every intelligent cattle breeder and feeder:
>
> "*To the Illinois Delegation in Congress:*
>
> "The undersigned, having noticed with great surprise that a number of cattle-brokers and commission-men at the Chicago stock-yards have sent to Washington a protest against the passage of the bill now pending in Congress for the suppression of pleuro-pneumonia and other contagious diseases of farm stock, beg leave to represent that the bill in question was carefully drawn by a committee appointed by a convention of cattle-raisers and farmers assembled in Chicago November last. That said convention represented not brokers and commission-men, but the actual ownership of not less than $50,000,000 worth of cattle. That the most active members of that committee, those who went to Washington and assisted in framing the bill in question, to wit, Judge Carey, of Wyoming; Hon. W. J. Wilson, of Colorado; Hon. J. B. Grinnell, of Iowa; Hon. D. W. Smith, of Illinois, and General N. M. Curtis, of New York, are men of large experience, several of them being among the largest cattle-owners in America, and are all men whose suggestions are entitled to the highest consideration. We desire to express our decided conviction that the protest on the part of the Chicago cattle-brokers is based upon an entire misapprehension of the provisions of the bill, and we earnestly hope the measure may secure your hearty support. The bill in question can in no wise interfere with the cattle traffic in States not affected with contagious pleuro-pneumonia, and in these infected States to a degree no greater than is absolutely essential to the eradication of the disease."

This petition shows the feelings of the stock-raisers of the country, and also explains the origin of this bill. It was gotten up by the men who are most vitally interested in the cattle industry. This is not a measure gotten up by office-seekers or politicians. It emanates from the people, and those who claim to represent the people should think twice before they vote once against it.

The Breeder's Gazette, a weekly journal published in Chicago, as the organ of the stock-breeders of the Northwest, in its issue of January 31 has an able article in favor of this bill. I ask the careful consideration of members of the committee to the following extracts from that journal:

> It is from the West that the demand comes for protection. We have in the West more than $1,000,000,000 invested in cattle, and a large part of these cattle are handled on the ranges in such a way that if the disease once makes its appearance it would be as useless to attempt its extermination as it would be to attempt to save a powder-magazine after a spark had ignited it. This may seem an extravagant statement, but the fearful experience of Australia and South Africa prove its exact truth. The manufacturing interests of the country have received from Congress protection to the extent of hundreds of millions of dollars, and the men who make carpet-tacks and lucifer matches and such trifles have amassed immense fortunes at the expense of the unprotected farmers and stockmen of the country. We see a great danger threatening us and ask, not that Congress will protect us from foreign competition, but from a malignant disease that may in a few years wipe out a thousand millions of taxable property.

That journal, speaking of the stock-raisers of the West, admonishes Congress that no half-way measures will answer. It says:

> We want it plainly understood that there is to be no child's play in this matter. We want it understood that the live-stock interest is the wealthiest and the best-organized business interest in this country, and that when we ask for bread we are not to be put off with a stone. If it is right to undertake the work of exterminating a malignant disease which has cost Great Britain and her dependencies $500,000,000 (according to the London Times) and which may cost us as much more, it is right to do the work immediately and effectually. No half-way measures will do.

It would be well for gentlemen who have agricultural constituents to heed their demands.

It is of the utmost importance to the agricultural interests of the country that every effort possible should be made to suppress diseases of domestic animals. The meat product of the United States is of immense value, and already our exports of hog products have been largely reduced by restrictions adopted by Germany and France. I have a statement in relation to the production of swine in the United States and the transportation, consumption, and exportation of hog products, prepared by Mr. Nimmo, Chief of the Bureau of Statistics. From this document it appears that the value of the exports of hog products from the United States to all countries for the year ending June 30, 1881, was $104,000,000. This was before the restrictive measures of Germany and France against the introduction of American hog products. But during the first year after such restrictions, namely, the fiscal year ending June 30, 1882, the exports of our hog products fell to $82,000,000 in value, and for the year ending June 30, 1883, the value of hog products exported amounted to only $70,000,000. Thus the loss from 1881 to 1882 was $22,000,000, and from 1881 to 1883 $34,000,000, or a total loss of $56,000,000 in the value of exported hog products in the space of two years.

The pretext for the exclusion of our hog products from Germany and France was that such products were diseased and unhealthy. There is reason to believe that both these governments were well aware that our hog products were as wholesome and free from disease as like productions of any other country would be. But the fact remains nevertheless that the restrictions imposed by these governments have resulted in diminishing the exports of this Government to the extent which I have stated. It is not unreasonable to suppose that restrictions as to our cattle products may be made by European governments. England has already discriminated against live cattle from the United States, requiring them to be slaughtered at the port where they are entered, thus diminishing the value of our cattle exported to that country to the extent of perhaps $10 per head. This, in the aggregate, it is evident, amounts to a very considerable loss to the cattle interests of the country. It seems to me that it is our duty as legislators to adopt such measures as will prevent disease from coming among our domestic animals, and thus give no pretext to foreign governments to exclude our meat products on such grounds. And if a thorough system of inspection shall be adopted and measures for the suppression of pleuro-pneumonia and lung-plague carried into effect, European governments will have no cause or pretext for excluding any of our meat products.

The argument has been made against this bill that the existence of pleuro-pneumonia in cattle is not of such extent at this time as to alarm the cattle interests or call for measures such as are provided in this bill. It is an old maxim, but a good one, "that an ounce of preventive is equal to a pound of cure." It will cost but little comparatively to suppress this contagious disease now, but once let it spread to all parts of the country, and the damage will result in the loss of property worth hundreds of millions of dollars. It is the part of wise statesmanship to avert threatened dangers in so far as it is possible to do so by wise and timely legislation.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. SPRINGER] has expired.

Mr. WELLER. I now yield ten minutes of my time to the gentleman from Wisconsin [Mr. JONES]. Before doing so I desire to inquire if it is understood that I have leave to print in the RECORD that portion of my remarks which I did not present to this Committee of the Whole for lack of time.

There was no objection, and leave was granted accordingly.

Mr. JONES, of Wisconsin. Mr. Chairman, I am glad of the opportunity to vote for and to befriend this bill. The only doubt which I have had as to the propriety of giving it my vote was one which I have not heretofore heard mentioned. It was whether or not the sum of $250,000 was not more than was necessary to begin the work contemplated in this bill. But as I have heard the facts and statements which have been so carefully gathered and presented by the committee reporting this bill every doubt of that kind has been dispelled. It seems to me that the amount named is not excessive, but only a fairly decent sum to be appropriated for a very important object.

What is the situation? It appears that this disease actually exists. It exists in the District of Columbia; it exists in three or four States besides. It has infected already some hundreds, yes, some thousands of cattle. It is a contagious disease, a disease for which there is no cure but death. It exists among those classes and grades of cattle which are eagerly sought by the enterprising cattle-growers of the West to improve their herds. The disease is now confined for the most part to the cities of New York, Baltimore, and Washington, and the adjacent regions.

But let that disease be once carried from the stables of the cities to the farms of the great West, where cattle are but little confined; let it extend to the great cattle-growing States of Wisconsin, Illinois, Nebraska, and the regions farther west, and the loss which may be inflicted thereby upon our people would be simply incalculable.

We are told that when this disease found its way upon the plains of Russia the loss which it entailed was from forty to fifty millions of dollars.

It appears from the facts before us that Europe counts her losses from this disease alone by hundreds of millions of dollars; that there the dangers of the disease are well understood. European governments have taken every precaution to stay its progress, and we may well take lesson from their example. In view of the losses which other nations have suffered from the inroads of this disease, the agricultural community and the business interests of this country should look with dread and alarm upon its approach to those States which rely so much upon the cattle industry. Petitions are before us from the West which assert, and with reason, that this contagious disease might any day be carried from the stables of New York or Baltimore to the farms of Wisconsin or Illinois. If that fear should be realized there is no reason to suppose that the losses of our people would not assume equal proportions with those of the citizens of other lands.

But this is not the only aspect which this problem presents. The farmers and stock-growers of this country produce about 80 per cent. of all the exports which find their way from this country to the markets of the world. It would be an evil day for this country when the swelling surplus of our American farms should be for any long time debarred from the markets of Europe.

But already there come to us complaints from our districts and through the press that our exports of cattle and hogs are being denied entrance to Germany and France; that already owing to these causes our exports of cattle have fallen off some millions of dollars per year; that Great Britain has made such regulations that our cattle have to be slaughtered at her ports, thereby inflicting a loss of $10 or $12 in each instance, and causing during the year by this regulation alone a loss of a million of dollars to the cattle-growing interests of this country.

The situation is so serious that we can not entirely overlook it if we would. There are various methods of dealing with the problem. It has become popular to denounce the policy of Germany, of France, and of Great Britain. It seems to be the fashion to demand retaliation. From many quarters we are asked to close our ports to a portion of the products of those nations, to make war upon their commerce, because it is fancied that they have made unnecessary war upon ours. Sir, we may be compelled to adopt such a policy, but in my judgment it should be the last resort. It would be a policy better adapted to the customs of four or five hundred years ago than to the civilization of the nineteenth century. Such a policy might indeed strike a blow at the commerce of other nations, but it would inflict a far heavier blow upon the commerce of our own country.

There is one other method of dealing with these questions. That method, I believe, would be fitly inaugurated by the passage of this bill. That method is to eradicate this disease if possible; it is to adopt every plan known to civilized nations to stay its further progress. We should have such quarantine laws that the infection shall extend no further; that it shall neither find further entrance from abroad nor extend from State to State. We should have such inspection laws that we may know definitely its limits; such laws and such enforcement of them that we may know perfectly where the disease exists, and that we may be able to state officially and with authority whether diseased cattle are exported from New York or other ports to the markets of the world. Then, if we must needs enter upon the system of retaliation and restriction, it cannot be charged that we have entered upon it in reckless haste; that we have failed to adopt those safeguards and those precautions common to the other commercial nations of the earth.

Now, I have not time in the ten minutes allowed me to discuss at any length the constitutional questions involved in this bill. I should not even enter upon them but for the reason that they have been discussed at length by the opponents of the bill and none of its friends have discussed its constitutionality, except the gentleman from Illinois who has just taken his seat. It seems to me that there can not well be clearer warrant for legislation than we find in the constitutional provision upon which this bill would rest. I refer of course to that provision which gives to Congress the power to regulate commerce among the States and with foreign nations. That provision of the Constitution has long since had interpretation, the interpretation of statesmen and of jurists. Perhaps the best exposition it has ever received was that of the great statesman and lawyer Daniel Webster, whose arguments will adorn for all time the legal literature of our country. If there was any man in his generation in this country or on the globe who could give it a better interpretation it was the great Chief-Justice Marshall. We have his interpretation of this constitutional provision given more than fifty years ago in the case of Gibbons against Ogden.

In that case the constitutionality of such a law as this was not in issue, it is true, but the Chief-Justice discussed with his usual vigor and clearness the meaning of the clause I have referred to. He by no means gave it that narrow and stingy interpretation which is now claimed for it, and which would rob it of its dignity and its meaning. The court of highest resort has ever since followed that decision. Meanwhile the exigencies of commerce have developed new legislation and new decisions. Within the past few years the Supreme Court has given a still broader interpretation to that clause. The late decisions which point out the limited powers of the States to enact general quarantine laws and concede that power to Congress are in line with the interpretation given to this clause more than fifty years ago.

But the legislative branch of the Government has long given the same interpretation to this clause. In the early days of this Government Congress passed the famous embargo act. That was an act requiring for its support a far more liberal construction of this clause than the bill before us. That was not a mere regulation of commerce in a narrow sense of the word, but for the time being it was an absolute prohibition of foreign commerce, to the end that it might be protected and in a large sense regulated and preserved. That broad exercise of power was sustained by the courts as constitutional. If there were time I could point to instances from that day to this where Congress by its legislation has given the same liberal interpretation to this clause. Look at the act of 1879, designed to check the cholera and the yellow fever. By the provisions of that act the power was given to the board of health, Federal officers, to co-operate with the State authorities to stay the progress of contagious diseases. In default of action by the State authorities the board of health were given authority to make regulations of their own upon this subject; in short, to declare and enforce quarantine regulations. Their power was not confined by the law to ports of entry, but extended to every city and village of this country where it might be necessary to act. If the bill under discussion is unconstitutional, so was the act of 1879. That act forms a perfect precedent for this, and it is strange that the note of alarm was not then raised, and that that law was enacted almost, if not entirely, without opposition.

It seems to me that the decisions of the Supreme Court and the uniform legislation of Congress have long since settled this question. I interpret the meaning of those decisions and of that legislation to be this: That the States may control their domestic commerce; that they may enact their inspection and quarantine laws within reasonable and proper limits, and so far as may be necessary to control their internal affairs. But that this by no means is an exclusive power, which prevents Congress from controlling and regulating the commerce of State with State or of this nation with other nations. That is a power to which no State law is adequate; which rests only in the hands of Congress.

When the commerce of our whole people with Europe is endangered as to exports of the value of more than a hundred millions of dollars by the want of proper legislation, it would surely seem that the power of Congress had vested, if it could ever vest. Those who framed the Constitution could not have meant that this clause which gives to Congress the power to control commerce among the several States and with foreign nations should have the narrow and restricted meaning contended for by the enemies of this bill. Those men had learned by sad experience that the commerce of a government like ours must have some stronger and safer foundation than State control. They believed that there should rest somewhere an undivided power of control over the commerce of a great nation. It was this widespread conviction as much as any one cause that gave us the Government and the Union we now enjoy.

I would preserve clear and distinct the line between State and Federal authority, but I can not give to this clause the technical construction placed upon it by the gentlemen from Texas and West Virginia. I should have little respect for that government, however wide its domain or populous its cities, which had not the power to raise an army to defend its flag. I should hold in equal contempt that government which had not the power to raise a dollar to stay the progress of a dread disease.

I shall support this bill with all the more pleasure, because I believe it is desired by the agricultural community of this country. It is not often that this class ask legislation at our hands. There come to us, day by day, memorials and printed arguments from the great cities and

moneyed centers, asking this or that special legislation for special classes. Each manufacturing interest in turn asks consideration or relief. Meanwhile that great mass of the people who till the soil go silently on, bearing, too willingly, the burdens of tax and tariff imposed upon them by special legislation.

Believing as I do that this bill is desired by that class of whom I have just spoken, and that it may aid in averting from them and from the entire business community very serious injury, I give it my unhesitating support.

Mr. WELLER. I yield the remainder of my time to the gentleman from Pennsylvania [Mr. BROWN].

The CHAIRMAN. The gentleman from Pennsylvania will have three minutes.

Mr. BROWN, of Pennsylvania. If I have but three minutes, I prefer not to occupy the floor.

Mr. WELLER. I ask the House by consent to give the gentleman five minutes in all—adding two minutes to the time yielded by me.

The CHAIRMAN. The gentleman from Pennsylvania asks to occupy five minutes. Is there objection? The Chair hears none.

Mr. BROWN, of Pennsylvania. Mr. Chairman, I do not hesitate to say that there are provisions in this bill which do not altogether suit me, but in the main I believe it to be a correct measure. Its purpose, I think, is a commendable one.

The objection urged, however, is that this bill is unconstitutional. I hope no gentleman will now suppose that I am going to discuss the constitutional problem. Life is too brief. If every time the exploded theory of State rights, so called, is raised against the passage of just laws members are to fall into a discussion of the constitutional relations of the States, the entire session will be taken up in that fruitless business. I have been just foolish enough to suppose that this doctrine was dead and buried; that only its ghost was walking the earth, and whenever that ghost was discovered across the track of just legislation it could be thrust aside, and legislators could vote for whatever might be needed for the country's protection and the country's glory. If men have not been convinced by the logic of history on this point, they are not going to yield to the persuasions of debate in this House. If neither the masterly logic of the great Webster and the long line of statesmen who have followed his lead in the forum nor the triumphs of the sword on the field have eliminated the fallacy, of what avail is it for the underlings of our time to enter for the unequal contest? Why, sir, to listen to the discussion upon this bill a stranger to our institutions would conclude that our Constitution was formed for the express purpose of perpetuating the woes of mankind.

Gentlemen freely admit in this debate the justice of the measure and the great necessity of immediate relief, but they fall prone and helpless before the "reserved rights of the States," and cry out in utter despair that "the nation is impotent and the plague must proceed." It is also admitted that the States, even with all their reserved rights, can not reach beyond their limits to exercise a power required to "stamp out" pleuro-pneumonia, and it is conceded as well that but for the fetters and limitations of the Constitution, according to their interpretation, the nation might do so. Poor nation! Wretched people! Between statehood and nationhood all remedy fails. Onward sweeps the fell destroyer, leaving desolation as it goes, while we sit here deliberating in cold debate which of the two to choose as the forum for relief—State or nation, and both neglect! One would suppose that the very humiliation of such a spectacle would shame gentlemen into action, and that desperation would drive this ancient State-sovereignty ghost forever from their presence. Is there hope of such a consummation? Far be it from me to cherish it. I repeat, that if the persuasions of the past quarter of a century count for nothing, then though one rose from the dead to proclaim power in the Constitution gentlemen could not find it, and they would still hug their delusions with all their ancient ardor.

But, sir, at one time during the debate I thought I caught a gleam of light, by way of precedent, shining upon our way. The gentleman from Iowa [Mr. HEPBURN] was proceeding to show how on many conspicuous occasions the defenders of this most monstrous doctrine had yielded under the seductive influence of local gain (a theory which, it is said, universally shrivels into obscurity when the Treasury doors open towards the people who stand upon the dignity of the reserved rights in the States)—I say the gentleman from Iowa was with marked success, as I thought, proceeding to present many pertinent precedents to justify the passage of the bill, when lo! to his feet springs the dauntless defender (?) of the Constitution from Texas, and with triumphant tones declares that the gentleman from Iowa never had read the charter of our liberties, knew nothing of its scope, and was therefore totally unfit to cite precedent in support of this legislation. We had supposed that that gentleman was competent to give a reason for the faith within him, and that he had at least read the Constitution, but when it was publicly proclaimed by a gentleman who has not only studied the framework of our Government but has been charged with the duty of construing the organic laws of another, all argument is at an end, and States rights with their "canonized bones burst their cerements and in complete steel" stalked the Chamber like a thing of life!

To add to the triumphs of that hour, the gentleman from New York [Mr. COX] arose, and with his wonted vigor announced that he had ever been, was now, and ever would be a "monument" to the doctrine of States rights! If the gentleman from Texas and the gentleman from New York are each for "States rights," who shall stand against them? These reserved rights of the States, then, stand square across our way. We have now but formally to surrender and run up the white flag fore and aft at once. Let the cattle die! Let pleuro-pneumonia have its victims! Let the pestilence that walketh in darkness and the destruction that wasteth at noonday run their courses! What care we, so long as we serenely slumber amid the broken "monuments" of State sovereignty? Besides, when the storm comes we can take refuge in the Constitution as declared from a Texas standpoint.

Away with care and melancholy; down with the stupid notion the deluded have so long cherished that the Constitution "commands what is right and prohibits what is wrong." This is no place—at least so men would have us believe—to vindicate rights and to contemn wrongs, to seek relief and find it! It is, according to the theory of these gentlemen, simply our duty to keep the Calhoun construction of the Constitution though it bring us to desolation's door! Go beyond this dogma but a hair-breadth even to save your country, and the gentleman from New York [Mr. COX] will tell you again that you are invoking the "rotten remnants of the clumsy buttresses of arbitrary power."

But the gentleman from Texas [Mr. REAGAN] and the gentleman from New York [Mr. COX] stand not alone. The malady of State sovereignty is as catching as pleuro-pneumonia. Nearly all who oppose this bill have the disease in its most dangerous form. The gentleman from West Virginia [Mr. GIBSON] has just offered what I have no doubt seems to him the best of reasons for opposing this bill. To him it is a violent invasion of States rights; he sees certain destruction of the reserved rights of the States. If the bill fails, sir, it will be because men are frightened by this perpetual hinderance to just and proper legislation.

Mr. HATCH, of Missouri. There seems to be some misapprehension about the division of time, and I ask unanimous consent that the gentleman from Virginia [Mr. JOHN S. WISE], who was promised ten minutes, may be allowed to occupy that time.

Mr. HARDEMAN. I am ready to consent to that after we have exhausted our hour.

Mr. HATCH, of Missouri. I accept the proposition of the gentleman from Georgia, who says he will not object if it is to come in after his fifty minutes have expired.

The CHAIRMAN. The Chair hears no objection, and after fifty minutes have expired the gentleman from Virginia [Mr. JOHN S. WISE] will be recognized for ten minutes.

Mr. HARDEMAN. Mr. Chairman, I am a representative of the great agricultural interest of my State, having been officially connected with the State Agricultural Society for a series of years. Of course, sir, I feel a very deep concern in every measure that is proposed here or elsewhere looking to their advancement or interest. No member on this floor has a higher appreciation of or a warmer regard for agriculture and her claims to recognition and protection than myself, and I should be grieved to do or say anything to injure that industry or damage those claims. For this reason I have struggled with my own convictions of duty to convince myself that this bill should command my support; but, sir, I have failed to discover in it sufficient merit to justify me in acting contrary to my convictions of duty to my people and to myself.

I acknowledge the object of the bill is worthy of commendation, but the grants of power in it are so broad and so dangerous and, as I believe, so repugnant to the Constitution, that I am forced, much as I commend the motives that prompted its introduction and powerful as are all appeals that are made to me in behalf of this great industry of the people, to oppose the bill as reported by the Committee on Agriculture. I regret, sir, I am forced to this position, for I would much prefer to uphold than weaken the arm that strikes a blow in this Hall to secure for agriculture what has so long been denied her—a proper recognition by the lawmakers of the country. Not that I oppose the amount appropriated by the bill, which I think, by the by, is wholly unnecessary, although the gentleman who has just taken his seat and others have heralded it to the world that there are millions of dollars being lost annually by the loss of cattle through this pleuro-pneumonia disease.

But, sir, what are the facts in that connection? I hold in my hand a report of the proceedings of the national stock-raisers' convention, containing a report written by Dr. Salmon, and what does that say? The chairman of the convention announced that Dr. Salmon, of the Department of Agriculture, had been commissioned by Dr. Loring to read a paper in this convention, and suggested that, nothing further requiring their immediate attention, they would then listen to the opinions of Dr. Salmon. What does he say?

The time has come for speaking plainly in regard to the extent and losses from pleuro-pneumonia. I have never believed, nor do I believe to-day, that anything is gained in the long run by attempting to cover up the existence of a contagious disease by whitewashing reports or by any other form of deception. But, on the other hand, I must admit that I see no virtue in exaggeration; nothing but harm in the reports of numerous losses from pleuro-pneumonia and of its existence hither and yon in thirty different States which it has never entered. So far from the direct losses from this disease reaching up into the millions, it would undoubtedly be an exaggeration to say that they amount to more than about $100,000 a year.

Now, sir, where are these losses? Dr. Salmon proceeds:

So far from its ever having reached the Western plains, there has never been a case found west of the Alleghany Mountains having the remotest resemblance

to this plague, notwithstanding a pretty thorough ransacking of that great territory; and east of the Alleghanies, if you except a single farm in Connecticut, a half dozen farms in Pennsylvania, and perhaps a dozen in New Jersey, it may be truthfully said that there are no evidences of this disease at present beyond the immediate vicinity of a few large cities—New York, Brooklyn, Newark, Baltimore, and possibly Washington.

Mr. WELLER. I desire to ask the gentleman from Georgia a question. Does not this comport precisely with the report of the Committee on Agriculture?

Mr. HARDEMAN. That does comport with it. A loss of $100,000 is all that the department has been able to find. Then why give $250,000 to prevent a loss of $100,000?

Mr. WILSON, of Iowa. It cost Massachusetts $250,000.

Mr. HARDEMAN. Yes, and let Massachusetts, if she chooses, incur that expense again. Let her throw herself right back on her State sovereignty and do it for herself, where there are no constitutional restrictions, or if she seeks Federal assistance, let her do so in a manner that will not infringe upon her own sovereignty.

As I said before, I do not object, however, to an appropriation. Gladly would I agree to that if I could consistently and conscientiously. But I can not allow my love for agriculture or my intimate association with those engaged in it to compel me to trample upon sacred landmarks and constitutional limitations. The agriculturists of my State have more interest at stake in a proper observance and maintenance of constitutional restrictions than in any measure, I care not how beneficial its provisions or liberal its bestowments, if to secure these liberal terms they must ignore the rights of the States and violate their only safeguard and protection, the Constitution of their country.

The gentleman who spoke from my colleague's seat [Mr. SPRINGER] ridiculed the idea that we should stand upon constitutional objections. Why, Mr. Chairman, let me read to you what Junius says, in the dedication of his letters to the English nation, about regarding the constitution:

> Let me exhort and conjure you never to suffer an invasion of your political constitution, however minute the instance may appear, to pass by without a determined, persevering resistance. One precedent creates another. They soon accumulate and constitute law. What yesterday was fact to-day is doctrine. Examples are supposed to justify the most dangerous measures, and where they do not suit exactly the defect is supplied by analogy. Be assured that the laws which protect us in our civil rights grow out of the constitution, and that they must fall or flourish with it.

Yet the gentleman says that every time a party in this House have a weak cause and nothing else to say they go back upon the Constitution and its limitations. I would say to that gentleman there has scarcely ever yet been an infraction of the Constitution that it was not made to satisfy the demands of power or that it was not superinduced by the temptation of some moneyed consideration. Such are the appeals that gentlemen make to us to violate our own consciences.

But, sir, I did not rise to argue this bill. The gentleman from Connecticut [Mr. EATON] some days since expressed in a few words my whole opposition to it, grounded upon constitutional objections, and what he said has been ably seconded on this floor to-day by the gentleman from Texas [Mr. STEWART]. I only wished, because of my connection with the State agricultural society of my State, to put myself right upon the record. I wish I could vote for the measure, and were it not that I might be offensive to the committee reporting this bill, I would move, sir, to recommit it to the committee that had it in charge, in order that they might so perfect and amend it as that it should command the support of this body. But, sir, that might be considered unbecoming officiousness on my part, and I shall not make any motion of that kind, but shall simply content myself with entering my protest against this measure, so fraught in my opinion with powers dangerous to the rights of the States and with provisions repugnant to the Constitution I have sworn to obey.

I yield fifteen minutes to the gentleman from Kentucky [Mr. HALSELL].

Mr. HATCH, of Missouri. Before the gentleman from Georgia resumes his seat will he answer me a single question?

Mr. HARDEMAN. Yes, sir.

Mr. HATCH, of Missouri. I understood the gentleman to say some friend or friends of the bill had spoken of the losses by pleuro-pneumonia in this country as amounting to millions of dollars. Will the gentleman indicate to whom he referred?

Mr. HARDEMAN. That is spoken of in the report from which I quoted. It had been stated that the Department of Agriculture had estimated that there had been a loss from pleuro-pneumonia of $60,000,000, whereas this gentleman, speaking for the department, asserts that it would be an exaggeration to say that the loss amounted to $100,000 a year.

Mr. HATCH, of Missouri. Does the gentleman say that anywhere in the report of the Committee on Agriculture accompanying this bill they refer to any such thing as a loss of $60,000,000 by pleuro-pneumonia in this country?

Mr. HARDEMAN. The gentleman from Missouri must have misunderstood me. I said the statement appears here in the proceedings of the national convention of cattle-breeders and others, as having gone out to the world from newspaper reports and assertions of alarmists, that losses from this disease reached annually into the millions when it was an exaggeration to say it had ever reached $100,000.

I now yield fifteen minutes to Mr. HALSELL, of Kentucky.

The CHAIRMAN. The gentleman from Georgia [Mr. HARDEMAN] yields fifteen minutes of his time to the gentleman from Kentucky [Mr. HALSELL].

Mr. HALSELL. Mr. Chairman, I am obliged to my friend from Georgia for his courtesy in giving me fifteen minutes of his time for the discussion of this question. I am opposed to the provisions of this bill from the very simple fact that they are unwarranted by the Constitution of the United States. It was remarked by the gentleman from Illinois [Mr. SPRINGER] that it was customary when a bill was sought to be defeated that gentlemen should resort to the Constitution and make a regard for the Constitution the plea for defeating the bill.

I suppose the gentleman from Illinois is aware of the fact that we have yet a Constitution in this country guaranteeing to the people of it certain rights and privileges, and whenever there is a demand to invade the powers of that instrument then I shall always raise my voice against provisions of that character. The principles involved in this bill were settled almost a hundred years ago in the convention that framed the Constitution. The very portions that are sought to be exercised by the provisions of this bill were sought by the old Federal party to be ingrafted in the Constitution of the United States. They contended that the States ought to give up all their powers of sovereignty; that there ought to be one strong consolidated government having supreme power. There was a party in that convention, the Anti-Federalists or Republican party as they were then called, who stated that it was not right and proper that the States and the people should yield up all of their sovereign rights, and contended that they should reserve to themselves the right to regulate and control their own domestic institutions. After long and exhaustive arguments upon these principles in that convention the latter theory of government was adopted; and hence we have the dual theory of government.

Now, Mr. Chairman, I said that I was opposed to this bill because there was no warrant for it in the Constitution of the United States. Let us see, and it is exceedingly important in the consideration of this bill that we do see the exact powers that this Congress has or that the Federal Government has in reference to questions of this sort. Now, sir, am I correct as to the character of government that was adopted in the convention that framed the Constitution?

Let us look for a moment and see. Perhaps I ought to beg pardon of gentlemen on this floor for calling attention to such plain provisions of the Constitution. But we can not in these times emphasize them too frequently. What are the provisions? Article IX of amendments of the Constitution reads as follows:

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

That provision of the Constitution shows that the States did reserve certain rights and powers which they possessed as sovereignties at the time this Constitution was formed. It shows another fact, that the Federal Government can exercise only such powers as are specifically delegated to it. In order that there might be no mistake upon the subject, so important were these great principles regarded by our fathers in reference to the future peace and prosperity of our country that they emphasized that ninth article by adopting the tenth, so that there could be no mistake about it at all. What is that tenth article?

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

There are powers which are reserved to the States, expressly so declared in that tenth article of amendments to the Constitution. I repeat that the Federal Government has no right to exercise any powers except those which are expressly delegated to it. As I remarked a moment ago, the convention that framed the Constitution having settled these grand principles, this Government started out upon the experiment of self-government. What has been the result? One hundred years have demonstrated the fact that there was no mistake in that experiment; it is no longer an experiment but a glorious reality. That old flag waves in triumph over the freest and happiest people on the face of God's green earth. And it is by reason of the fact that these great principles of government, which were regarded so sacred by our fathers, have been adhered to by the Democratic party of this country, which party is as old as the Constitution itself.

I make the declaration that there is no provision in the Constitution that that power was prohibited to the States which it is proposed to exercise by the provision of this bill. Some gentlemen say they want proof on that subject. You gentlemen hold the affirmative. In the presentation of this bill you say there is authority in the Constitution for the exercise of this power. I deny it. Can you show it? I say you have failed to do so.

But I think there is no difficulty in proving the negative, which I am not compelled to do to sustain my view of this question, because it is upon you, having presented this bill and asked to have it passed, declaring by that act that there is constitutional provision for it—it is for you to prove the affirmative.

Mr. HATCH, of Missouri. Will the gentleman permit me to ask him a question?

Mr. HALSELL. Certainly.

Mr. HATCH, of Missouri. I admit the proposition of the gentleman, and am perfectly willing to accept the challenge at the proper time. But I ask the gentleman to point out the provision in this bill which he claims is obnoxious to the Constitution.

Mr. HALSELL. In my judgment all the provisions of this bill are obnoxious to the Constitution of the United States.

Mr. HATCH, of Missouri. We now understand you.

Mr. HALSELL. I know that gentlemen claim that the powers they propose to exercise are to be found in the eighth section of the Constitution. Let us look at that section and see. That is the way to determine this question. Let us apply the features of the bill to the law as laid down in the Constitution of the country. If they can be brought within its provisions, then I am wrong; if they can not be, then you are wrong, and the bill ought not to be passed by this Congress. What is that eighth section?

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

The argument is made by some gentlemen on this floor that the power to be exercised under this bill is authorized by the expression "general welfare of the United States." Some of you take that position.

Mr. HATCH, of Missouri. Will the gentleman indicate——

Mr. HALSELL. I have not the time. This is the first time I have had the privilege of the floor.

Mr. HATCH, of Missouri. Will the gentleman indicate who made that argument?

Mr. HALSELL. I do not recollect. I understood that some gentleman made the argument that this bill was authorized under that provision of the Constitution. I have not heard them claim it under any other provision of the Constitution. If you deny that it is found under that eighth section, then I ask you to show where it is to be found. I make the declaration that it can not be found anywhere if not in that eighth section. I may be mistaken, for I have been so situated that I could not perhaps hear very distinctly the arguments made by gentlemen. But I understood some gentleman to make the argument just as I have stated it. Others claim that it comes under another provision of the eighth section, where Congress is authorized "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

Mr. BAYNE. I made that argument.

Mr. HALSELL. If I am not very much mistaken the argument was made in regard to another provision. Now, I deny that the most latitudinous construction that can be placed upon that section of the Constitution can bring this bill within its provisions.

To regulate commerce with foreign nations, among the several States, and with the Indian tribes.

What does that mean? This eighth section authorizes Congress to—

Lay and collect taxes, duties, imposts, and excises to pay the debts.

That is one thing it can do.

To provide for the common defense—

That is another thing it can do.

And general welfare of the United States.

That is another thing it can do. But I deny that the provisions of this bill can be brought under that portion of section 8 of the Constitution; and I believe the gentleman from Missouri [Mr. HATCH] says it is not contended.

Mr. HATCH, of Missouri. I did not say that.

Mr. HALSELL. Then I misunderstood the gentleman.

Mr. BAYNE. I think the power can be derived from that source; perhaps the gentleman was thinking of my statement. That provision of the Constitution, as I contend, covers the powers proposed to be exercised by this bill.

Mr. HALSELL. I deny it; and I say that by the most latitudinous construction that can be placed upon that section this bill can not be brought within its provisions. The power with respect to the general welfare has no reference to the formation of a bureau by the Commissioner of Agriculture to ascertain the number and value of the stock in a particular State or a particular district. In other sections of the bill we have a power assumed to go into the States to investigate diseases there, to determine that there are certain diseases existing in particular localities, and to kill, if it be deemed necessary, the cattle of the people of that particular State. This is the power asserted in the bill.

The second section provides:

That the Commissioner of Agriculture is authorized to appoint two competent agents, who shall be practical stock-raisers or experienced business men, familiar with questions pertaining to commercial transactions in live-stock, whose duty it shall be, under the instructions of the Commissioner of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other infectious and communicable diseases. The compensation of said agents shall be at the rate of $10 per diem, with all necessary expenses, while engaged in the actual performance of their duties under this act.

The meaning of which is that these agents, at a salary of $10 per day and their expenses, shall go into the States where they may suspect there are diseases among the cattle and perform police duties irrespective of the wishes of the people in those States, thus taking from them, under Federal authority, the power to manage and control their own property, and taking from them those police regulations which belong exclusively to them.

The Supreme Court has decided time and again that under the police powers of the States they can legislate for their own protection and self-defense. They can exclude persons from their limits afflicted with contagious diseases, and may also, on the same principle, exclude from their territory animals having infectious or contagious diseases.

This section of the bill, and indeed all sections of it, are police regulations, and being such, the States, as decided by the highest judicial authority of the United States, have the power to exercise these police regulations for their own protection. It follows, they having that power, it was not delegated to the Federal Government, nor prohibited to the States, but was reserved to the States respectively, or to the people. Therefore the provisions of the bill are within the reserved rights of the States. In saying that all the provisions of the bill are obnoxious to the Constitution of the United States, I do not mean to say that Congress has not power over the Territories and the District of Columbia.

The gentleman from Pennsylvania [Mr. BAYNE] says that the powers proposed to be exercised by this bill are covered by that part of the eighth section of the Constitution which gives Congress the power to regulate commerce with foreign nations, among the several States, &c. Now, sir, I admit, leaving out of view the question of police regulations, that a State has no right to prohibit importation of stock; but whenever it is necessary for the protection of the State against diseases, then the inherent power of self-protection can be exercised by the State exclusive of the Federal Government. The error, I think, into which the gentleman has fallen is in not discriminating between the police powers possessed by a State and the power possessed by Congress to regulate trade, traffic, dealing, or, in the language of the Constitution, commerce with foreign nations, and among the States, and with the Indian tribes. When these powers are kept separate as the Constitution separates them, and are exercised legitimately, there is preserved a beautiful harmony.

The fourth section of the bill provides—

That whenever a State or Territory, in any section of which a contagious or infectious disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation, fails to make provisions for its extirpation, or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory, or such part of said State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

Sir, the powers proposed in this section to be conferred on the Commissioner of Agriculture and the President of the United States are most startling. It clothes them with autocratic power. The President would have the power, if this bill is passed, upon a mere representation of the Commissioner, to punish the people of a State by declaring in quarantine said State because they have failed to do that which is exclusively within the power of the State to do. The President can say, under the power given here, that because the State authorities have failed to co-operate with the plans of the Commissioner, no difference how absurd and tyrannical his plans may be, that the people of that State shall not carry their cattle to market outside of the limits of the State, but that they shall be confined there at the pleasure of the President.

Here, sir, is an attempt at centralization unequaled in the history of this country; and yet we are told that the opponents of this bill are working against the agriculturists of the country. If there is any class of citizens in whose interest I would legislate more than another, it is that class who make their living by tilling the soil. It is to them that the country must look, more than to any other, for the wealth and prosperity of the country; and yet they must lay at the feet of the power of the Commissioner of Agriculture and the President of the United States, and be deprived of the use and control of their property, because the authorities of the State fail to co-operate with the plans and purposes of the Commissioner of Agriculture.

Under this section the President would have the power to declare in quarantine a whole State although there might be a disease confined to a small district of it, and the citizen hundreds of miles distant from that particular locality could be prevented from transporting his cattle to market beyond the limits of the State, and thus the whole cattle interest of the country might be at the mercy of the President.

Let us be careful, Mr. Chairman, how we touch with unhallowed hands the sacred rights of the people.

But, sir, I am opposed to the passage of this bill for other reasons besides its unconstitutionality. If there were no doubt that Congress has the constitutional power to pass this bill, I deny that there is any necessity for it. The protection of the cattle interest of the country does not require it. It simply creates more Federal officers at large salaries to annoy the people and to interfere with them in the management of their property. The States are amply able and competent to control any diseases which may make their appearance within their limits.

The remedy, sir, in my judgment, is to make more effective the national quarantine regulations already existing against foreign animal

diseases by extending the period longer than by the existing law and by requiring a more rigid enforcement of the same. If I am correctly informed as to the disease known as pleuro-pneumonia, it is of foreign birth and known here only as imported.

I hold in my hand a copy of preamble and resolutions adopted at a meeting of live-stock commission dealers and others held at Exchange building, Union Stock-Yards, in the city of Chicago, on the 16th of February, 1884. I will read them, as they are entitled to great weight, having been adopted by a meeting composed of stock-raisers, feeders, owners, and dealers who are in close and constant contact with the entire animal industry of the United States, and who have close and intimate relations with raisers and feeders of live-stock. They are as follows:

Whereas the present condition of the foreign trade in our live-stock is extremely unsatisfactory and must result in great loss to the animal industry of this country, as soon, with abundant corn and grass crops, we shall have a surplus of meat food; and

Whereas for several years past sundry meddling and officious persons have, under quasi-official position, extensively and continuously circulated false and exaggerated reports of the diseased condition of our live-stock, which reports have been and are accepted abroad as representing the true condition of the health of our live-stock, and the policy pursued the past few years by the persons circulating such false or exaggerated reports has been followed by the total expulsion of our pork product from the German Empire, France, and other foreign countries, and the possible early total exclusion of our live cattle from English markets, and such unfavorable condition of affairs has resulted in damage to the live-stock interest of this country heretofore to the extent of millions of dollars; and

Whereas history teaches us that any and all cases of contagious lung-plague and foot-and-mouth disease in the United States may be traced directly to importations of live-stock from Europe, and during the year 1883 upwards of 5,000 head of cattle were imported into this country from different countries in Europe, which countries are known to be extensively infected with contagious animal diseases, and the term of quarantine enforced against such importations (ninety days from date of shipment) has been proved to be ineffectual against contagious lung-plague, and such quarantine has been known to be evaded on more than one occasion: Therefore,

Be it resolved, That this meeting does earnestly protest against such false or exaggerated statements going forth under a semi-official indorsement, and that it is the sense of this meeting that the administration of a department of our Government, by which such condition of affairs obtains is wrong and should be remedied, to the end that our live-stock and meat trade abroad may be placed on a sound basis.

Resolved, That the stockmen here assembled, being stock-raisers, feeders, owners, and dealers, and being in close and constant contact with the entire animal industry of the United States, and by virtue of such intimate relations with the raisers and feeders of live-stock being well informed as to the general health of the same, do hereby declare that the cattle and hogs of this country have not been for many years in so universal good health, and that from the active and tenacious character of contagious lung-plague this meeting does not understand how it can have prevailed for past years in Eastern States and yet be still confined to a few restricted localities on the Atlantic seaboard, as the movement of cattle in Eastern markets is in and out constantly from stock-yards and cities, and as there has never been a single case of contagious lung-plague west of the Alleghanies, notwithstanding the unrestricted movement of hundreds of thousands of our native cattle to the West from the States east of us.

Be it furthermore resolved, That it is not from our own cattle but from these large importations of cattle from Europe this country should look for danger of infecting the vast herds of the West, and that the danger therefrom is imminent, and that the quarantine against foreign animal diseases is ineffectual by reason of too short a period of quarantine and loose manner of enforcing the same, and that when live-cattle are allowed to come in the period of quarantine should be extended to not less than one hundred and eighty days, counting from the day of debarkation, and in this case there should be such provision made as will insure the total isolation of each and every importation during the time of such quarantine.

Resolved, That a printed copy of these proceedings be sent to the President, Secretary of the Treasury, and each member of the Senate and House of Representatives of the United States, and be furnished the press for publication.

It seems to me, sir, that the recommendations are wise, and would no doubt accomplish the objects sought by the advocates of this bill and save the enormous expense which would most certainly result from the creation of the bureau contemplated in this bill. There is no doubt, sir, that the dangers from the disease of pleuro-pneumonia have been greatly exaggerated. The history of the country shows that not a single case of it has ever appeared west of the Alleghany Mountains, and it seems strange, if it exists east of the Alleghanies and has for many years, as claimed by some, that there should never have appeared a case in the West, notwithstanding there are hundreds of thousands of cattle constantly shipped to the West from the East. Sir, I have the honor of being one of the Representatives from the State of Kentucky on this floor, in which State there are perhaps more thoroughbred cattle than in any other State in this Union, and I am sure that she is able and willing to take care of and protect them, and would not be willing to have a law passed authorizing the Commissioner of Agriculture to appoint agents to go into the State and take charge of and control her cattle interest; and that is actually what is meant by the second section.

Sir, I, as one of the Representatives of the proud people of that grand old State, enter my solemn protest against the passage of a bill so humiliating to them as this would be.

[Here the hammer fell.]

The CHAIRMAN. The Chair will now recognize the gentleman from Missouri [Mr. BROADHEAD] for twenty minutes.

Mr. BROADHEAD. Mr. Chairman, I dislike to differ with my friend and colleague from Missouri [Mr. HATCH], the chairman of the Committee on Agriculture, who advocates this bill; but to me, entertaining the views that I do in regard to the provisions of the bill, it is the most objectionable measure that has been introduced in this Congress.

The advocates of the bill claim that there is an existing or impending calamity afflicting the stock of our country. They claim that the States are so impotent that they have not the power to afford a remedy, and therefore we must appeal to the Government of the United States to protect us.

The question has been raised as to the constitutional power of Congress to pass such a law. We are met with a declaration, if I did not misunderstand the gentleman from Pennsylvania, that the rights of the States have been buried long ago. When the question of constitutional power is raised gentlemen ridicule the idea and say that we have passed a public-health law; that Mr. Jefferson purchased the territory of Louisiana in 1803 without any constitutional authority; that various other matters have been passed which were not in strict accordance with the provisions of the Constitution; and therefore I suppose we may violate the Constitution again and whenever it suits our convenience. That is the argument. Power grows by what it feeds upon. One step taken in the exercise of arbitrary and unauthorized power gives an excuse if not a justification to claim still greater powers. That is one of the principles of human nature. The man who has acquired power loves it as the avaricious man loves his money. I say that the States in regard to a question of this kind have ample power to protect themselves against this disease if it exists, and that the Federal Government has no such power as is claimed in this bill.

Gentlemen are mistaken when they quote the decision of the Supreme Court of the United States in the Texas cattle case, which came from my own State of Missouri, in support of the assertion that the States are without power. Did the Supreme Court in that case undertake to say that the Constitution of the United States has denied to the States the power to pass laws on this subject? Mr. Chairman, the court has expressly declared the contrary. The law under consideration in that case was an absolute prohibition of the importation of stock into the State of Missouri during certain months of the year without regard to the question whether the stock was diseased or not. The Legislature of Missouri having undertaken to prohibit absolutely the importation of Texas cattle, Mexican cattle, and Indian cattle into that State during a certain period of the year, the Supreme Court of the United States declared that this was a power which involved the regulation of commerce among the States—and so it is—and that it belongs to Congress. But what else did the court say in the same case? I allude to the case of the Railway *vs.* Husen, 95 United States Reports, page 471.

That court says:

It may also be admitted that the police power of a State justifies the adoption of precautionary measures against social evils. Under it a State may legislate to prevent the spread of crime, pauperism, or disturbance of the peace. It may exclude from its limits convicts, paupers, idiots, and lunatics, and persons likely to become a public charge, as well as persons afflicted by contagious or infectious diseases; a right founded, as intimated in the Passenger cases (7 Howard, 283), by Mr. Justice Grier, in the sacred law of self-defense. The same principle, it may also be conceded, would justify the exclusion of property dangerous to the property of citizens of the State; for example, animals having contagious or infectious diseases. All these exertions of power are in immediate connection with the protection of persons and property against noxious acts of other persons, or such a use of property as is injurious to the property of others. They are self-defensive.

And yet it is claimed that the States have no such authority, and therefore the strong arm of Federal power must be invoked to protect us against this alleged evil. The highest judicial authority in this Government has decided otherwise, and I say that whatever may be the power of the Federal Government in this respect it ought not to be exercised so long as the States may exercise it and make it effective, and we have the authority of gentlemen who have discussed this question that it has already been effectively exercised by several States; and if it has failed in other instances it is because laws can not always be made effective, whether passed by the State or National Government.

The Constitution has declared that no State shall without the consent of Congress lay any imposts or duties on imports or exports except such as may be necessary to execute its inspection laws. In other words, a State may impose duties upon exports and imports to the extent necessary to enforce its inspection laws. So that Pennsylvania, Ohio, Missouri, Illinois, or any other State may pass laws to prevent the introduction of diseased cattle in its respective limits; it may appoint inspectors to inspect cattle; it may levy duties upon imports or exports for the purpose of carrying into effect its inspection laws. All this is directly within the provision of the Constitution. Such laws are police regulations, the enactment of which belongs to the States alone; just as this bill is a police regulation, and as such comes within the purview of State authority. No such power is possessed by the Federal Government, according to the opinion of the Supreme Court of the United States, whose judges in the interpretation of these powers have certainly gone as far as in their consciences they conceived they could go in a fair, just, legitimate interpretation of the provisions of the Constitution.

The States have the power to make and enforce police regulations. Why is it so? It is because the exercise of the police power is the exercise of the highest attribute of sovereignty which can belong to any government under our system, and the Government of the United States, from the nature of its Constitution, can not exercise the highest attribute of sovereignty. I speak now of those powers which are necessary to regulate the internal affairs of a State, to protect the property, the

lives, the liberty, and the health and comfort of its citizens; it is a defensive power, and, as declared by an eminent judge, it is much easier to perceive and realize the existence and sources of it than to mark its boundaries or prescribe limits to its exercise; and the courts have gone so far as to hold that it may in its exercise override that provision of the Constitution which declares that no law shall be passed impairing the obligation of contracts. This is a prerogative of government that belongs to the States and was reserved to the States by that provision of the Federal Constitution which declares that all powers not granted to the General Government nor denied to the States are reserved to the States respectively and to the people.

Mr. HATCH, of Missouri. Will my colleague allow me to ask him a question?

Mr. BROADHEAD. Certainly.

Mr. HATCH, of Missouri. Does the gentleman contend that the States have the power to pass a law which would prohibit the transportation of cattle from one State to another?

Mr. BROADHEAD. Most unquestionably they have, as a police regulation. Most undoubtedly, Mr. Chairman, under the decision of the Supreme Court of the United States to which the gentleman has referred in his report they would have such a power in order to prevent the spread of contagious diseases.

Now, what does the Supreme Court of the United States say in regard to the question of police power? Justice Miller, in delivering the opinion of the court in the Slaughter-house cases, says:

The powers here exercised by the Legislature of Louisiana is, in its essential nature, one which has been, up to the present period in the constitutional history of this country, always conceded to belong to the States, however it may now be questioned in some of its details.

It always was conceded.

Unwholesome trades, slaughter-houses, operations offensive to the senses, the deposit of powder, the application of steam-power to propel cars, the building with combustible materials, and the burial of the dead may all—

Says Chancellor Kent—

be interdicted by law, in the midst of dense masses of population, on the general and rational principle that every person ought so to use his property as not to injure his neighbors, and that private interests must be made subservient to the general interests of the community.

This—

Says Justice Miller—

is called the police power. * * * This power is and must be from its very nature incapable of any very exact definition or limitation. Upon it depends the security of social order, the life and health of the citizen, the comfort of an existence in a thickly populated community, the enjoyment of private and social life, and the beneficial use of property.

It belongs to the State. It does not belong to the Federal Government except in that terrritory over which the Government has exclusive jurisdiction, in the District of Columbia, in arsenals and dock-yards, and perhaps in the Territories belonging to the United States. But this prerogative, the power of establishing police regulations, does not belong in a general sense to the Government of the United States, certainly not within the territorial limits of the States. As soon as it is taken away from the States their existence as independent communities is absolutely destroyed.

But, referring further to this question, I wish to call the attention of the House to the decision of Chief-Justice Marshall interpreting that part of the Constitution which I have just quoted in regard to the inspection laws in the case of Gibbons *vs.* Ogden, quoted by Judge Miller in the Slaughter-house cases. He says:

Chief-Justice Marshall, speaking of inspection laws passed by the States, says: "They form a portion of that immense mass of legislation which controls everything within the territory of a State not surrendered to the General Government, all of which can be most advantageously administered by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State and those which respect turnpike roads, ferries, &c., are component parts. No direct general power over these objects is granted to Congress, and consequently they remain subject to State legislation."

And further says the Supreme Court in the Slaughter-house cases:

The exclusive authority of State legislation is strikingly illustrated in the case of the City of New York *vs.* Milne, (11 Peters). In that case the defendant was prosecuted for failing to comply with a statute of New York which required every master of a vessel arriving from a foreign port to report the names of all his passengers, with certain particulars of their age, occupation, last place of settlement, and place of birth. It was argued that this act was an invasion of the exclusive right of Congress to regulate commerce; and it can not be denied that such a statute operates at least indirectly upon the commercial intercourse between the citizens of the United States and of foreign countries. But, notwithstanding this, it was held to be an exercise of the police power, properly within the control of the State, and unaffected by the clause of the Constitution which conferred on Congress the right to regulate commerce.

If this question were raised before the Supreme Court I do not know to what extent they might now go. But they have not yet gone to the extent of declaring that the power to regulate commerce gives to Congress the power to establish police regulations.

It is so maintained by some law writers, but the courts have not yet so decided, but on the contrary they have intimated otherwise. What may be the decisions hereafter I am not prepared to say, but so far as the question exists now the States are amply protected in the power of establishing such police regulations that may be necessary to guard against the spread of this disease beyond where it now exists, and that power extends to absolute prohibition of the introduction in or transportation through a State of any cattle which may be found to be diseased by persons appointed by the State to make an inspection of them.

I wish I had time, Mr. Chairman, to argue this question more fully. I desire, however, to call attention briefly to some other considerations connected with the bill. I think, sir, that the mere agitation of the subject, the bringing of the question before the House at this time, has done the stock and agricultural interests of this country more injury than all the cases of pleuro-pneumonia that ever existed in this country from the time the disease was first discovered down to this hour.

Let me read an extract from a letter which I have received—I do not know the gentleman who writes it, but he claims to be the president of the College of Veterinary Surgeons of the State of Pennsylvania—a letter written only a few days ago, in which he says:

I have been in practice in this State for twenty-six years, and have seen and treated all classes of diseases, but never met with a case of contagious pleuro-pneumonia; and in view of the restrictions upon our live-stock by England and the prohibition upon our hog products by France and Germany, I consider the bill an outrage upon our people, and if it passes it will not only give foreign nations a good excuse to virtually interdict our cattle trade abroad, but will destroy it.

Mr. HATCH, of Missouri. Will the gentleman be kind enough to give the name?

Mr. BROADHEAD. Yes, sir; you can have the whole letter and read it yourself.

Mr. HATCH, of Missouri. I only wish to know the name of the writer.

Mr. BROADHEAD. I say that I do not know anything about him, but that he signs himself as president of the College of Veterinary Surgeons of the State of Pennsylvania.

Mr. HATCH, of Missouri. Will you just be kind enough to read his name?

Mr. BROADHEAD. Yes, sir; he signs his name James McCoart.

But now, sir, to the provisions of this bill. My objection is that the bill increases the powers of this Government beyond what is safe for the interests of the people of this country, and I tell my friends on this side of the Chamber if they wish to add to the already overshadowing power of this Central Government, let them vote for the bill; if they wish to increase the army of office-holders which is subsidized annually for political purposes and sent out in detachments to the various parts of the country to control elections, let them support this bill; if they wish to obliterate the lines which separate Federal from State authority, let them support this bill.

Mr. SPRINGER. As we propose to limit the number appointed under the bill to twenty, that can not be a very serious objection.

Mr. BROADHEAD. Well, twenty is not a great number, to be sure, provided you stop there. But how many bureaus are you to establish? Where is the Government to stop in the establishment of these different bureaus? Can the gentleman tell me that?

But let us look at this bill further. Here is a provision of the third section. It gives the Commissioner of Agriculture power "to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act."

That is in effect to empower the Commissioner of Agriculture to establish and provide a code of laws himself to govern the cattle trade and certify that code to the different States and Territories; and if they do not comply with it he is authorized, under the provisions of this bill, to take the matter in hand, enforce his regulations, employ such force as may in his opinion be necessary for that purpose, kill diseased cattle and pay for them, and prohibit the shipment of cattle from one State into another State or Territory. It does not require that he shall ask the Congress of the United States to authorize him to do this. It does not require that he shall ask the heads of the department to which he belongs to ask the President of the United States; but he is to make his own rules and regulations, which are to be absolute law, from which there is to be no appeal; and if the States and Territories do not enforce his regulations, then he takes the whole matter under his own jurisdiction, places himself above the law, State or Federal, and takes control of the cattle business of that State under such regulations as he may establish for this bureau of animal industry.

That is not the only provision of the bill to which I would like to refer. The tenth section of the bill provides:

That it shall be the duty of the several United States district attorneys to prosecute all violations of this act which shall be brought to their notice or knowledge by any person making the complaint; and the same shall be heard before any district or circuit court of the United States or Territorial court holden within the district in which the violation of this act has been committed or the person or corporation resides or carries on or has his or its place of business.

If an offense against this law is committed in the State of Pennsylvania and the person who committed the offense happens to be a stock-raiser in the State of Texas, the prosecution against him may be made under this provision of the law in the State of Texas, in his own State it is true but away from the district or State where the offense was committed, distant from the witnesses who may testify to the facts of the

case, and in violation, I undertake to say, of every principle of criminal law, if not in violation of the Constitution itself, which provides:

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed.

It may be tried anywhere, not alone where the offense is committed, which is the principle in regard to criminal offenses, but anywhere that he may reside or carries on his business. There are many other objections to the bill. It bristles, Mr. Chairman, all over with objectionable provisions. It increases the powers of the General Government, which have already been increased and are increasing from day to-day beyond the limits of the Constitution. It violates the provisions of the Constitution, as I take it, being a denial to the State of the powers lodged in it by the Constitution. It affirms the power of the General Government to establish police regulations by Congress under the power to regulate commerce between the States, which I deny. There is no authority either in the decisions of the courts or the principles of our fundamental law for such an exercise of power.

Mr. HARDEMAN. I now yield the remainder of my time to the gentleman from New York [Mr. POTTER].

The CHAIRMAN. The gentleman from New York is recognized seven minutes.

Mr. POTTER. In the short time allowed me I shall not be able to say much. I wish, however, to emphasize as well as I am able the words that have already been uttered. In reply to the gentleman behind me who has suggested that he supposed the rights of the States—I presume he means the domestic rights of the people of the States—had not survived the war, I had thought, sir, that the late war was conducted for the purpose and to the end and effect that the rights of all the States should remain equal, with their dignity, equality, and power undiminished. I understand, sir, that to that end the late struggle was conducted and in that end it has resulted.

If there is any State right greater than all others it is that the Union of these States under and within the Constitution should remain in immortal vigor and strength forever. The highest of all State rights is the perpetuity of this Union within and in obedience to the Constitution.

Now, sir, what does this bill do? It invades the domestic life, the domestic concerns of the States, and it undertakes by a system of espionage to enter our cattle-yards, our very domestic homes, upon our farms, and to regulate them by a corps of officials sent from the central capital of the United States. I say, sir, this is not within any powers ever granted to the General Government. The powers of the General Government are not only consistent with the rights of the States; they were created, and that Government was endowed with its powers, great as they are—I pray God they may be immortal—to the end and for the purpose of establishing and maintaining forever by the strength of the continent the powers and the rights of self-government in the people of the individual States of this Union. It was for that purpose that the guarantee was given to the States, that by the power of the whole continent they should be protected against invasion, or intrusion, or interference forever, except as to the powers they had contracted to exercise jointly as one sovereign people.

Let it never be forgotten, let us ever renew our memory of it, that the States have parted with no sovereignty to the General Government. We have contracted together under a form of government a compact by which over certain subjects we are to exercise our sovereignty together, and that is all. As sovereigns the Representatives from New York vote here and exercise their powers here on the subjects commmitted to the direction of this Congress. When we consented to delegate that sovereignty to the Congress of the United States, or to a General Government, we did it in order that we might exercise a sovereign power and a sovereign influence forever over the concerns of the entire continent in exact proportion to our numbers; and we intend to exercise it forever.

Now, sir, this bill, under the guise of preventing the spread of pleuro-pneumonia, does what? Why, it undertakes to appoint a board to inspect all the domestic animals of the country, to ascertain their diseases, their condition, their value, their care, their protection, and the uses to which they are put. It undertakes to do this by a national board. It is said to be limited to twenty.

[Here the hammer fell.]

The CHAIRMAN. The Chair will recognize the gentleman from Virginia [Mr. JOHN S. WISE], as directed by the chairman of the Committee on Agriculture.

Mr. JOHN S. WISE. When this bill was first introduced it did not attract my attention particularly. But as the discussion has progressed I have discovered that it bears immediately upon a large interest in my State, represented by six hundred and eighty-odd thousand head of horned cattle, valued at about $15,000,000, owned chiefly in the valley and southwestern portion of Virginia, and that they are immediately contiguous to the region in which this disease is located.

In this debate several undisputed facts have been developed. It has been developed here that the horned cattle of this country number 40,000,000, of the value of one thousand million dollars; that the foreign exports of cattle and other cattle products yearly amount to forty-odd millions; and that the loss occurring directly from apprehension in foreign ports, as to the existence of this disease amounts to millions annually.

We have heard that our trade is threatened by the action of Germany, of France, and of England. We have heard that at home, in the effort to improve our flocks and herds by importation, we have been bringing this disease, well known in Europe, to our shores, and that we are in danger of its spread. It is a disease of well-defined type and easily recognizable, which skilled veterinarians declare is present upon the Atlantic slope. We are told, sir, that one cow introduced into Africa, affected with pleuro-pneumonia, spread contagion through the whole northern portion of that continent, destroying millions or hundreds of millions of dollars. We are told that in Russia it ravages whole sections. We are told, and nobody has denied it, that England spent and lost five hundred millions of dollars before she could extirpate that disease. We are told that it is in this country in five States, Connecticut, New York, New Jersey, Pennsylvania, and Maryland. And we are asked to appropriate $250,000 only to start the experiment of extirpating this disease. The bill to meet this end has been carefully prepared and digested in committee and is now presented for our approval.

We are met here—not so much with a denial of these facts above recited; nor is it denied that twenty-two States of this Union, either by their Legislatures or by large cattle associations, are here praying Congress to take charge of the subject as a national and international importance—but ever and anon we hear the cry that the measure is unconstitutional. As this debate has progressed the feature of it which has struck me most is this, that the three States most boisterous about the Constitution, most zealous, apparently, of Federal power, are Louisiana, Texas, and West Virginia. Louisiana, bought with the money out of the pocket of this nation and freed after centuries of servitude to Spain and France, has no reason to live in eternal apprehension of Federal power. Texas, bought with the blood and treasure of this country, it seems to me has something for which to feel grateful and kindly toward this nation for relieving her from Mexican anarchy instead of perpetually coming here and cackling "States rights" like a Guinea bird frightened off her nest. And as for West Virginia, whose Representative here saw fit unprovokedly to take a fling at old Virginia, I want to tell him that his little State is nothing but the bastard offspring of a political rape committed upon poor old Virginia, cut from her by a Cæsarian operation by the Federal Government. Why should she be jealous of Federal power except on the principle that bastards always hate their sires? The gentleman from West Virginia in all that he has said has talked as if he lived in another country than the United States, and I have observed from the moment he took his seat on this floor that he has seemed to consider that we lived in the United States and he lived in West Virginia. [Laughter.] I do not believe any country in this land is good enough for him. He once lived in Virginia. He went away from her to West Virginia, there to evince an eternal jealousy of the United States. I think, sir, the gentleman is on his way to Blennerhassett's Island, where, like Aaron Burr, he can start a government to suit himself, where he can speak not only every day as here but all day also. [Laughter and applause.]

We also hear these constitutional scruples from the gentleman who has just taken his seat, the gentleman from New York [Mr. POTTER], who is alarmed at the encroachments of the Federal power. Yet it was but yesterday that this thoroughgoing, State-rights, strict-construction Democrat was distributing to our desks the proof of and pluming himself upon being the author of the national banking law. Now, I want to know what sort of strict-construction Democracy it was that conceived the national banking law? Was it the John Tyler Democracy or the Andrew Jackson Democracy?

For my part I am tired and sick of this hair-splitting and eternal apprehension about invading the Constitution. The bill which is now before us, and which has been reported from a committee of this House, undertakes to deal with a matter of interstate traffic, of international traffic. It undertakes to provide that we shall be safe in the possession of healthy stock at home and shall put the stamp of this great nation upon our foreign exports. What would a German or a Frenchman know of a certificate from West Virginia that the cattle there were sound? He probably never heard of West Virginia. When our cattle go abroad we want the American flag to float over them as a certificate that they go in a sound condition.

The secret of all this trouble and loss is that you never can get and never will get State action upon it. Some of the States are able to act if they would, but I can only say for the poor old State of Virginia that she has as much as she can do to pay what she owes now. If her sons who are in West Virginia, instead of abusing and throwing mud at her, would only remember that they have never paid a dollar of their share of her debt, as the constitution of West Virginia requires them to do, and would now pay it, then perhaps we would get proud in Virginia, clamor for our constitutional rights, and ourselves pay for such cattle as might be destroyed there under the provisions of this bill. But even then measures to regulate the commerce between the States would be indispensable to make the laws effectual.

I heard my distinguished friend from New York [Mr. COX], and I am proud to call him my friend, boasting the other day that he was a sort of shining light, a monument of Democracy, to point out these doc-

trines of State rights and strict construction. I accept, I will say to the gentleman, his own designation of himself. I will not call him a monument, but I would call him a pillar of brass by day and a pillar of gas by night [laughter] to lead the wandering tribes of latter-day Democracy out of the desert in which they have been lost for lo! these many years. He is, it is true, ever and always untangling some nice crotchet of strict construction for an admiring throng of State-rights followers.

You do not get any thanks for it, my friend. When you go in for a Southern appropriation you are all right; but when your constitutional scruples trouble you about such a thing, then you are all wrong. Here is an editorial from a Bourbon journal, the Vicksburg Herald. Hear what it says to you:

COX, and Democrats like him, are opposed to aiding us in any way. They opposed the appropriation for the Mississippi River, and COX even went so far as to oppose the Government protecting the South from the cholera and yellow-fever.

And then it goes on to say:

We know there are some in the South ready to smooth over such things. In our opinion that is a great blunder. It is a blunder for the South to maintain party relations with men opposed to her material interests. The President who urged an appropriation for the Mississippi River and who is in favor of an effective national quarantine is entitled to our thanks and our support, but if Mr. SAM COX and men who agree with him are entitled to either we can't see why.

I have seen here in this House bills introduced by these old State-rights shriekers not only to regulate interstate traffic but to macadamize every little road in Virginia that runs from a depot to a Federal cemetery, and you never hear "State rights" once. The other day, when the question of giving $300,000 to the Ohio sufferers came up, the first man who took me by the arm and asked me to help them pass the appropriation was the distinguished State-rights Democrat from West Virginia. I did vote for it, because I believe a great Government like ours strong enough to slay thousands to save itself is strong enough under its Constitution to save thousands and provide for the general welfare.

But if I had thought of it at the time I would have said to my narrow-gauged friend from West Virginia, I will vote for the bill only with this amendment, that the men who have this money in charge shall get on the lines between Kentucky and West Virginia, between Ohio and Indiana, between Indiana and Illinois, and with boat-hooks in their hands, never leaving the State lines, sticking to the lines where the States run so as not to invade their sovereignty, fish the drowning people out of the water as they pass.

I for one stand here and say that I am heartily weary of seeing this little bantam chicken, State rights, brought up here and pitted against the heavy rose-combed game-cock, the Union, for he is knocked into smithereens every time. [Laughter]. My father once said that Virginia had neglected her material interests and dwelt entirely upon abstractions, until her people, instead of feeding her cattle on a thousand hills, were compelled to chase the stump-tailed steer through the sedge patch to get a tough beefsteak. [Great laughter.] No sadder truth was ever told about her, although it was ludicrously put.

I believe our people, after a hundred years of puzzling over strict construction, have at last remembered what George Washington preached to them while living and left them as a legacy with his dying breath, namely: That this is their Union, filled with infinite love and succor and power to build them up, and that no policy could be more narrow, bigoted, or suicidal than to live in eternal jealousy and apprehension of their best friend.

In my opinion this bill is clearly constitutional and of great and immediate concern and benefit to my section. I will support it cheerfully, and hope it may pass.

LEAVE TO PRINT.

Mr. CULLEN. Mr. Chairman, I ask unanimous consent, as the hour is late and the time fixed for debate almost exhausted, to print in the RECORD the remarks I would have made had opportunity offered.

There was no objection, and leave was given accordingly. [See Appendix.]

The CHAIRMAN. The time fixed by the order of the House for general debate on this bill has now expired.

Mr. HATCH, of Missouri. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, and had come to no resolution thereon.

COMMITTEE ON THE TENTH CENSUS.

The SPEAKER, in pursuance of the action of the House, announced the appointment of the following as members of the Select Committee to Ascertain the Results of the Tenth Census.

Mr. S. S. COX of New York, Mr. WILLIAM C. OATES of Alabama, Mr. JOHN B. STORM of Pennsylvania, Mr. HUGH BUCHANAN of Georgia, Mr. JAMES H. JONES of Texas, Mr. JOHN J. KLEINER of Indiana, Mr. WILLIAM WALTER PHELPS of New Jersey, Mr. EBEN F. STONE of Massachusetts, Mr. RICHARD GUENTHER of Wisconsin, Mr. NEWTON W. NUTTING of New York, Mr. ROBERT R. HITT of Illinois, and Mr. JOHN S. WISE of Virginia.

DISTILLED SPIRITS IN BOND.

Mr. MORRISON. I am directed by the Committee on Ways and Means to report a bill to extend the time for the payment of the tax on distilled spirits now in warehouse. I am requested to say, and perhaps I ought to say, that this is not a unanimous report.

The bill (H. R. 5265) was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. WHITE of Kentucky. I call for the reading of the report accompanying this bill.

Mr. SPRINGER. The bill is not before the House for consideration.

Mr. WHITE of Kentucky. Is it not in order to have the report read?

The SPEAKER. The bill, with the report, goes, under the rule, to the Committee of the Whole House on the state of the Union. The bill is not now before the House for consideration.

PRINTING OF EVIDENCE BEFORE A COMMITTEE.

Mr. SPRINGER. I ask unanimous consent to offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the evidence taken by the Committee on Expenditures in the Department of Justice be printed, and that 100 extra copies of such evidence be printed for the use of the committee.

Mr. REED. Is this the unanimous wish of the committee?

Mr. SPRINGER. I am requested by the committee to have this evidence printed. There is no objection in the committee. I will state that a number of gentlemen have desired copies of evidence taken by the committee, and the making of manuscript copies costs quite a large sum of money. Thus far the evidence is only in manuscript.

Mr. RANDALL. The expense of this printing will not exceed $500, I suppose. If it will, the proposition must go under the rule to the Committee on Printing.

Mr. SPRINGER. The extra copies will not cost anything like that.

There being no objection, the resolution was considered and adopted.

Mr. SPRINGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VOTING BY DELEGATES IN COMMITTEES.

Mr. BELFORD. I desire to offer a resolution which I think is privileged, and I ask for its present consideration.

The SPEAKER. The resolution will be read, after which the Chair will determine whether it is privileged or not.

The Clerk read as follows:

Resolved, That Delegates from the Territories, on any question arising before any committee of which they are members, be allowed to vote and have their votes recorded as members of such committee.

The SPEAKER. The Chair does not think this a privileged matter. It is contrary to the law; and, in the opinion of the Chair, the House could not, by a simple resolution, change the law upon the subject.

Mr. KEIFER. Let it go to the Committee on Rules.

Mr. BELFORD. I desire a moment to make a statement.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. KEIFER. There is.

Mr. RANDALL. Let it go to the committee.

The SPEAKER. The gentleman from Colorado desires to make a statement, the objection being reserved.

Mr. BELFORD. I wish to make a statement, because it is important to determine this question one way or the other.

Mr. RANDALL. It is proper the resolution should have the consideration of a committee before being acted on by the House.

Mr. BELFORD. But I hope my friend from Pennsylvania will allow me to make a statement touching the necessity of this proposition.

Mr. RANDALL. I am not interfering with the gentleman's speech. [Cries of "Regular order!"]

Mr. BELFORD. I hope gentlemen will allow me to make a statement, because this is really an important matter.

The SPEAKER. There is no objection, as the Chair understands, to the reference of the resolution to the Committee on Rules.

Mr. BELFORD. Well, I would like to make a statement, and if I may have just three minutes I will do so. [Cries of "Go on!"] To-day we had a meeting of the Committee on Public Lands. The committee was equally divided—five one way and five another.

Several members objected.

The SPEAKER. Objection is made to the statement which the gentleman is about to make.

Mr. BELFORD. Then I ask that the resolution be referred to the Committee on Rules.

There being no objection, the resolution was referred to the Committee on the Rules.

EXPENSES OF BOYNTON INVESTIGATING COMMITTEE.

Mr. HOPKINS. I ask unanimous consent to introduce a joint resolution for immediate consideration.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, &c., That the Clerk of the House of Representatives be, and he is hereby, authorized to pay, out of the contingent fund of the House of Representatives, all the expenses incurred by the committee appointed to investigate charges against H. V. Boynton.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. RANDALL. What amount of expenditure is proposed?

Mr. HOPKINS. Probably a word of explanation is necessary.

Mr. WHITE, of Kentucky. I think the resolution had better go to a committee.

Mr. HOPKINS. Several witnesses summoned before our committee under the subpœna of the Speaker have attended, supposing that they would be paid. But there is no provision for their pay. Two of them come from a distance. The Clerk informs me it is necessary this resolution should be passed in order to authorize their payment.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HOPKINS. The fees for witnesses are fixed by law; but in this case there is no appropriation for their payment.

Mr. KEIFER. I suggest that this expenditure from the contingent fund of the House might be authorized by a House resolution instead of a joint resolution. It is necessary that the contingent fund of the House be provided through an appropriation made by law; but the assent of the Senate is not necessary in order to pay money out of that contingent fund.

Mr. HOPKINS. If the gentleman will look at the statute he will find that he is mistaken.

Mr. KEIFER. I made the statement without examining it.

The SPEAKER. The Chair hears no objection to the introduction of the joint resolution.

The joint resolution (H. Res. 168) for the payment of certain expenses out of the contingent fund of the House of Representatives was read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOPKINS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I demand the regular order.

The SPEAKER. The regular order is the consideration of the Virginia contested-election case.

Mr. MORRISON. I move the House do now adjourn.

Mr. HEWITT, of Alabama. I hope the gentleman will withdraw his motion until I can have the pension bill for soldiers of the Mexican war reprinted.

Mr. MORRISON. I will yield for that purpose.

The SPEAKER. The gentleman must either insist on his motion or withdraw it, as the regular order is demanded on both sides of the House.

Mr. MORRISON. I withdraw it.

SOLDIERS OF MEXICAN WAR, ETC.

On motion of Mr. HEWITT, of Alabama, by unanimous consent, the bill (H. R. 3762) granting pensions to certain soldiers and sailors of the Mexican war and others therein named, and for other purposes, was ordered to be reprinted, the first print having been exhausted.

VIRGINIA CONTESTED-ELECTION CASE.

Mr. BLAND. I ask by unanimous consent that Senate bill 380 be taken from the Speaker's table and referred to the Committee on Claims.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER. The regular order is the consideration of the report of the Committee on Elections on the contested case in the State of Virginia.

Mr. TURNER, of Georgia. It is not the desire of the committee to take up that case at this late hour. The gentleman in charge of it desires it to go over.

Mr. COSGROVE. I move the House do now adjourn.

RIVERS AND HARBORS COMMITTEE.

The SPEAKER, by unanimous consent, asked, in behalf of Mr. WILLIS, chairman of the Committee on Rivers and Harbors, for leave to that committee to sit during the sessions of the House until otherwise ordered.

There was no objection, and it was agreed to accordingly.

Mr. COSGROVE'S motion was then agreed to; and accordingly (at 3 o'clock and 37 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition for the relief of James D. Anthony—to the Committee on War Claims.

By Mr. BRENTS: Petition of citizens of Seattle, Wash., relative to education in Alaska—to the Committee on Education.

By Mr. CONVERSE: Petition of John Glynn and 15 others, citizens of Texas; of S. B. Hammond and 4 others, citizens of Michigan; and of F. M. Storms and 15 others, citizens of Michigan, for the restoration of the tariff of 1867 on imported wool—severally to the Committee on Ways and Means.

By Mr. COSGROVE: Petition of ex-soldiers of Boone County, Missouri, praying for an equalization of the bounty laws—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. CUTCHEON: Memorial of General Lyon Post, No. 86, Grand Army of the Republic, Department of Michigan, and of Baxter Post, No. 119, Grand Army of the Republic, Department of Michigan, asking a reform in the pension laws—to the Committee on Invalid Pensions.

By Mr. DIBRELL: Papers for the relief of Robert Mincy—to the Committee on Military Affairs.

By Mr. DOCKERY: Petition asking Congress to increase the efficiency of the river observation of the Signal Service—to the Committee on Commerce.

By Mr. EATON: Petitions of the towns of Windsor and South Windsor, Conn., for an appropriation relative to damage done at Bessell's Ferry, at said places—to the Committee on Rivers and Harbors.

By Mr. ELLIS: Petition of Toulmin and Semmes, attorneys for Frederick Fuhr, to said Fuhr's claim referred to the Court of Claims—to the Committee on Claims.

By Mr. FORAN: Petition of Bricklayers' Union No. 5, of Cleveland, Ohio, relative to the importation of foreign labor under contracts made abroad—to the Committee on Labor.

Also, petition of 100 citizens of Ashtabula County, Ohio, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. GEDDES: Petition of R. P. Wallace and 64 others, citizens of Ashland County, Ohio, for the restoration of the tariff act of 1867 on wool—to the Committee on Ways and Means.

By Mr. W. H. HATCH: Petition of citizens of Adair County, Missouri, in favor of amendments relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. D. B. HENDERSON: Paper from the National and Brass Works of Dubuque, Iowa, relative to patents—to the Committee on Patents.

Also, papers from Hon. William Toman, relating to copyrights—to the same committee.

By Mr HENLEY: Petition of Miller and Lux and 19 others, citizens of California; of James McNoh and 13 others, citizens of California; of H. S. Graves and 34 others; of Robert G. Slitt and 27 others; of O. J. Halley and 25 others; of R. S. Carey and 25 others; of Solomon Jewett and 46 others; of W. J. Evans and 58 others, citizens of California, asking the restoration of the tariff of 1867 on wool—severally to the Committee on Ways and Means.

By Mr. A. S. HEWITT: Petition of the Chamber of Commerce of the State of New York, asking Congress to appropriate $\frac{81}{2500}$ of the money received for the post-office site in the city of New York to the use of the Chamber of Commerce—to the Committee on Public Buildings and Grounds.

By Mr. HOPKINS: Petition of 10,000 citizens of New Jersey, in favor of a bill to prohibit the importation of foreign laborers under contracts made abroad—to the Committee on Labor.

By Mr. HUTCHINS: Petition of George C. Ellison, asking restoration to his position of chief engineer—to the Select Committee on Ventilation and Acoustics.

By Mr. KLEINER: Resolutions of Rensselaer Post, No. 84, Grand Army of the Republic, Department of Indiana, relative to pensions, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition for the relief of Melinda Gray—to the Committee on the Post-Office and Post-Roads.

By Mr. McCOMAS: Petition relating to the claim of Thomas Corbett—to the Committee on War Claims.

Also, petition of the administrator of Lewis A. Grosh—to the same committee.

By Mr. McKINLEY: Petition of citizens of Ohio and Indiana, against the importation of foreign contract labor—to the Committee on Labor.

By Mr. CHARLES O'NEILL: Petition of Mrs. Catharine Page, for a pension—to the Committee on Invalid Pensions.

Also, petition of Thomas Welham, executor, &c., asking for the extension of the "siphon water-wheel" patent—to the Committee on Patents.

By Mr. PARKER: Petition of parties interested in the lake commerce, asking an amendment of the shipping laws—to the Committee on Commerce.

By Mr. PIERCE: Petition for the relief of Mrs. C. E. Robertson—to the Committee on War Claims.

By Mr. PRICE: Memorial of the common council of Oconto, Wis., relative to the improvement of Oconto Harbor—to the Committee on Rivers and Harbors.

Also, memorial of the State Grange of Wisconsin relative to the New Orleans exposition—to the Committee on Agriculture.

By Mr. PUSEY: Petition of Garfield Post, No. 57, Grand Army of

the Republic, Department of Iowa, asking a grant of one hundred and sixty acres of land to all honorably discharged soldiers—to the Committee on the Public Lands.

By Mr. ROBERTSON: Paper relative to the improvement of the harbor at Brandenburg, Ky.—to the Committee on Rivers and Harbors.

By Mr. W. F. ROGERS: Papers relating to the claim of Samuel C. Ludington—to the Committee on War Claims.

By Mr. ROSECRANS: Resolutions of California State Grange, asking an appropriation for conducting agricultural stations—to the Committee on Agriculture.

Also, resolutions of the city council of Oakland, Cal., for the erection of a post-office building in that city—to the Committee on Public Buildings and Grounds.

By Mr. ROWELL: Petition of the Knights of Labor, Bloomington, Ill., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Mr. RYAN: Petition of the Grand Army of the Republic, Department of Kansas, against the reduction of pension agencies—to the Committee on Appropriations.

Also, petition of citizens of Kansas, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petition of citizens of Kansas, relative to increase of compensation of United States judges—to the Committee on the Judiciary.

By Mr. SLOCUM: Memorial of citizens of New York, relative to education in Alaska—to the Committee on Education.

By Mr. SPOONER: Petition of George W. Butts and others, citizens of Providence, R. I., for repeal of duties on books, &c.—to the Committee on Ways and Means.

By Mr. SPRINGER: Memorial of pensioners of Chicago, Ill., relative to the removal of pension agencies—to the Committee on Appropriations.

By Mr. CHARLES STEWART: Petition of citizens of Forney, Tex., and of citizens of Sabine County, Texas, relative to the improvement of the harbor at Sabine Pass, Texas—to the Committee on Rivers and Harbors.

By Mr. THOMPSON: Petition of Francis M. Moore and others, relative to the pension claim of said Francis M. Moore—to the Committee on Invalid Pensions.

By Mr. J. D. WHITE: Petition for the relief of James De Long, William Hyden, and others—to the same committee.

Also, petition for the relief of G. W. Fraley—to the same committee.

By Mr. J. S. WISE: Petition of the common council of the city of Fredericksburg, asking for an appropriation for the erection or completion of a monument to Mary, mother of Washington—to the Committee on Appropriations.

By Mr. G. D. WISE: Resolution of the Chamber of Commerce of Richmond, Va., in favor of placing a light-ship at Smith's Island, off Cape Charles shoals—to the Committee on Commerce.

By Mr. YAPLE: Petition of Thomas L. Blakley, J. S. Tompkins, and other members of W. J. May Post, No. 65, Grand Army of the Republic, Department of Michigan, relative to a grant of 160 acres of land, &c., to each honorably discharged Union soldier, sailor, and marine—to the Committee on Public Lands.

SENATE.

MONDAY, *February* 25, 1884.

Prayer by Rev. S. MITCHELL HARTSOCK, of the city of Washington.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting, in answer to a resolution of the 14th instant, a report from the Chief of Ordnance, showing the "number, caliber, weight, and value of all cast-iron cannon on hand condemned or unfit for use and not heretofore disposed of or appropriated;" which was, together with the accompanying papers, on motion of Mr. COCKRELL, referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with a resolution of the 7th instant, a report of the so-called Selfridge board, appointed to examine the torpedo machinery of the Destroyer and other papers in that Department relative thereto; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a joint resolution of the Legislature of the State of Ohio, transmitted to the Chair by the executive of that State, on the subject of a bill pending before the Senate. The resolution will be read.

The Chief Clerk read as follows:

Joint resolution relative to railroads from Marquette and Ontonagon to State line.

Whereas, June 3, 1856, Congress made a grant of land to the State of Michigan to aid in constructing two railroads, one from Marquette to the Wisconsin State line and another from Ontonagon to same point, said grant on condition that the roads should be built within ten years or the land revert to the United States; and

Whereas Congress, by joint resolution approved July 5, 1862, changed the route of first-named road, granting lands therefor, thus abandoning one of original lines, and along the other no road has been built; and

Whereas relinquishments were made by the State in due form to the lands along both the original lines. After ten-year limitation had expired, and the State had relinquished as above stated, the Land Department treated the land as other public land, and sold them as such, receiving pay therefor, over 800,000 acres of the same being sold, large quantities being owned by citizens of Ohio, said lands being rich in mineral, agricultural, and lumber products; and

Whereas it being recently discovered that all these titles granted by the Government are endangered: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be, and are hereby, requested to vote for and to use all honorable means to secure the passage of Senate bill 691, to confirm and declare legal the acts of certain officers of the United States.

And that the governor be requested to forward copies of this resolution to the presiding officer of each House of Congress and to each of our Senators and Representatives in Congress from Ohio.

A. D. MARSH,
Speaker of the House of Representatives.
JOHN G. WARWICK,
President of the Senate.

Adopted February 14, 1884.

Mr. CONGER. The joint resolution will be referred.

The PRESIDENT *pro tempore*. It will be referred to the Committee on Public Lands, the Chair supposes.

Mr. CONGER. I ask that it may be printed. There are allegations in that resolution of the Legislature of the State of Ohio which are entirely and absolutely incorrect. In point of fact they do not even come within the rule which some Western lawyers have adopted of saying that where there are three facts stated two of them are true.

I wish the resolution to be printed, so that I may hereafter call attention to the assertion made in it that those lands ever were restored to market. The truth is, that all the lands purchased, not only those within the lines of the railroad and the railroad lands, but all the lands that were purchased by persons desiring to purchase lands direct, entering lands, and all that were settled upon as homestead or pre-emption entries, were secured without any authority of law, the lands never having been offered in market as the prerequisite for any purchase whatever.

I make this statement that I may contradict the assertion of the resolution that the lands were regularly in the market and regularly purchased. The matter is before the Committee on Public Lands now, and the decision of the courts upon some of these points is that the lands never were legally in the market or entered for pre-emption in consequence of their never having been publicly offered for sale.

I move that the joint resolutions of the Legislature of Ohio be printed and referred to the Committee on Public Lands.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Chair presents a memorial and joint resolution of the General Assembly of the State of Iowa, in favor of the passage of an act providing for an equitable and just distribution of the annuities due the Sac and Fox Indians. The joint resolution will be read.

The joint resolution was read, and referred to the Committee on Indian Affairs, as follows:

Memorial and joint resolution of the General Assembly of the State of Iowa to the Senate and House of Representatives of the United States in Congress assembled in regard to an investigation of the matters pertaining to the Fox Indians of Iowa.

To the honorable the Senate and House of Representatives of the United States of America:

The General Assembly of the State of Iowa beg leave to state that prior to the year A. D. 1804 the Sac and Fox tribe of Indians of the Mississippi were the owners in common of large tracts of land, including great portions of what is now known as the State of Iowa.

That by virtue of certain treaties made by them with the United States in said year and in years subsequent thereto they ceded said lands to the United States, and the moneys arising from the sale thereof were invested by the General Government for the use and benefit of said Sac and Fox Indians, and that the fund so invested amounts annually to the sum of $54,000, as will more fully appear from the report of the honorable the Indian Commissioner for the year A. D. 1881.

That by virtue of certain treaties made by and between Sac and Fox Indians and the United States the said Indians were removed, located, and settled in the State of Kansas and afterward removed and settled in the Indian Territory, but before their removal to the last-named place, and as early as the year A. D. 1855, a majority of the Fox tribe not being satisfied with the country and their relations with the Sacs not being as pleasant as desirable, returned to Tama County, Iowa, where they have since resided, and with their own money have purchased large tracts of valuable lands, which are held in trust for them by the governor of the State of Iowa.

That by an apportionment made by Congress in the year A. D. 1860 the annuities due and coming to the Sac and Fox tribe of Indians it was ordered that the Indians in Iowa should receive the sum of $11,174.66, and the balance of said $54,000 was paid to the Indians in the Indian Territory.

That there are now in Iowa three hundred and sixty Indians, all of the Fox tribe, and of the same tribe there are twenty in the Indian Territory.

There are of the Sac tribe of Indians only four hundred and twenty, all in the Indian Territory.

That the Fox tribe of Indians in Iowa understand and believe that said apportionment was made under a misapprehension of the facts and under a belief that most of said joint tribes of Indians were in the Indian Territory.

That the said Fox tribe of Indians have asked the Indian Commissioner to adjust the matter equitably and pay them the amount justly due them as their proportion of said fund; but he informs them that under existing laws he is powerless and can do nothing while the law of 1860 is in force.

Wherefore the General Assembly of the State of Iowa hereby respectfully ask Congress to pass such laws in relation thereto as shall give to each tribe such portion of said annuities as shall be equitable and just, and we especially ask

that the members thereof from this State may use their influence for the accomplishment of the same.

Resolved, That the secretary of state is directed to forward a copy of this memorial and joint resolution to the President of the United States Senate and the Speaker of the House of Representatives, with the request that they be laid before both Houses composing the Congress.

The PRESIDENT *pro tempore* presented the petition of W. H. Parsons & Co., of New York city, praying an investigation of the cause of delay in the delivery by the Senate post-office to the Joint Committee on Printing of their proposal for supplying the Government with paper for the coming year; which was referred to the Committee on Printing.

Mr. DAWES. I present the petition of between thirteen and fourteen hundred persons who represent themselves to have been slaves in the Cherokee Nation up to the time of the treaty of 1866, by which treaty they were made freemen and were entitled to all the rights and privileges of citizens of the Indian Territory. They represent that an appropriation made last year by Congress of $300,000 on account of the land of the Cherokee Nation which was sold to the United States has been distributed by the Cherokee Nation among their own people to the exclusion of these freedmen in contravention of the treaty stipulation with the United States, and they desire an investigation by this Congress and redress, if it is in the power of Congress to control the disposition of that money.

I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. ALLISON presented a petition of citizens of Walnut, Pottawattamie County, Iowa; a petition of citizens of Taylor County, Iowa; a petition of citizens of Hardin County, Iowa, and a petition of citizens of Centre Junction, Iowa, praying that an appropriation be made for educational purposes in Alaska; which were referred to the Committee on Appropriations.

Mr. HALE presented the petition of A. M. Devereux, late third lieutenant United States Revenue Marine, praying restoration to his former rank and full salary, with interest to date of such restoration; which was referred to the Committee on Commerce.

Mr. ANTHONY presented the petition of Susan A. Shelby, of Washington, D. C., praying additional compensation for cotton taken during the late war; which was referred to the Committee on Claims.

Mr. ANTHONY. I present the petition of James Madison Cutts, of the District of Columbia, late captain of the Eleventh Infantry, and brevet lieutenant-colonel United States Army, praying to be placed on the retired-list of the Army. There is a bill accompanying the petition, and as it comes from the petitioner and at his request, I presume it should be presented at this time to go with the petition.

The PRESIDENT *pro tempore*. It can go with the petition as a paper but not as a bill, unless introduced by some Senator.

Mr. ANTHONY. Very well.

The PRESIDENT *pro tempore*. The petition with the accompanying paper will be referred to the Committee on Military Affairs.

Mr. CONGER presented two petitions of citizens of New York, praying for certain amendments of the law in regard to American shipping; which were referred to the Committee on Commerce.

Mr. VEST. I present the petition of Joseph M. Pilkington, praying for the reference of his claim for quartermaster and commissary stores taken during the war to the Court of Claims; and I shall introduce a bill for his relief when that order is reached. I move that the petition be referred to the Committee on Claims.

The motion was agreed to.

Mr. HARRIS. I present the petition of Catherine D. Gale and Sarah H. Blake and W. L. Gale, granddaughters of John Devereux, of New Berne, N. C., praying the passage of such laws as may be necessary for the distribution to the proper parties of what is known as the French spoliation fund. I suppose this petition should go to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The Committee on Claims has had charge of that matter latterly.

Mr. HARRIS. Then let it go to that committee.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Claims.

Mr. CALL. I present the petition of J. W. Tucker and numerous other citizens of Hernando County, Florida. The petition represents that "for many years a large quantity of valuable land, situated in this and adjoining counties, has been withheld from sale and settlement to aid in building, as alleged, a railroad from Amelia Island to Tampa Bay. By act of Congress approved 17th May, 1856, certain lands were granted to the State of Florida to aid in the construction of said road. Near twenty-eight years have elapsed since the said railroad grant was made, and yet there is no railroad in that county. The petitioners therefore pray that the subject be investigated, and, should it appear that said lands have been forfeited by non-compliance with the condition of the grant, that the same be declared forfeited and subject to sale and entry as other public lands belonging to the United States." I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. INGALLS. I present two petitions, signed by citizens of Kansas, formerly soldiers in the Union Army, praying for the passage of a bill equalizing bounties. I move that the petitions be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. INGALLS presented a petition of citizens of Washington, D. C., praying that St. Luke's Protestant Episcopal church, in that city, be relieved from certain taxes; which was referred to the Committee on the District of Columbia.

Mr. DOLPH. I ask the unanimous consent of the Senate to present, for the purpose of reference to the Committee on Public Lands, a series of resolutions of the common council of the city of Portland, Oreg., opposing the forfeiture of the land grant of the Northern Pacific Railroad Company. The document is not addressed to Congress, and that is the reason why I ask unanimous consent to present it.

The PRESIDENT *pro tempore*. If there be no objection the paper will be received and referred to the Committee on Public Lands.

Mr. WILSON presented the petition of Asahel D. Whitcomb, late private Company E, First Regiment Missouri Engineers and Mechanics, praying to be granted a pension; which was referred to the Committee on Pensions.

Mr. BOWEN presented a petition of citizens of Pueblo County, Colorado, praying to be relieved from the payment of certain judgments; which was referred to the Committee on the Judiciary.

Mr. MORGAN. I present a petition of numerous citizens of Huntsville, Ala., some of them public officers of the United States and others of the State, praying for an appropriation of money for a public building of the United States in the city of Huntsville. I move that the petition be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. VOORHEES. I present a petition of James D. McPheeters Post, No. 182, Grand Army of the Republic, of Fredericksburg, Washington County, Indiana, praying for the passage of the bill introduced by the Senator from Kansas [Mr. INGALLS], repealing the act fixing a limitation of time within which claims for arrears of pension may be made. I move that the petition be referred to the Committee on Claims.

The motion was agreed to.

Mr. COCKRELL. I present resolutions adopted February 9, 1884, at a special meeting of Colonel Grover Post, No. 78, Department of Missouri, Grand Army of the Republic, held at Warrensburg, Mo., asking Congress for the passage of a bill granting pensions to those who served in the Indian and Mexican wars, and also for equalizing bounties to soldiers of the war of the rebellion and a grant of bounty lands to each of them for services rendered. I move that the resolution be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL. I present also resolutions adopted by Admiral Farragut Post, No. 3, Grand Army of the Republic, Department of Missouri, at Kansas City, January 26, 1884, memorializing Congress for the passage of a bill granting a pension to Mrs. Nina M. Gwynn, widow of the late Capt. Nat. M. Gwynn, at the rate of $40 per month. I move that the resolutions be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL. On the 7th of January of the present year I presented the petition of Mrs. Mary Hays, as the dependent mother of David J. Hays, late a sergeant in Company E, Sixth Regiment Iowa Volunteers, asking for arrears of pension because of an error that had been made in the prosecution of her claim, without any fault on her part. The petition was referred to the Committee on Pensions, and is now pending there. I present additional evidence to sustain her claim to the arrears, being the affidavits of the claimant herself and of her husband, James Hays, and of Ira W. Gilman; and I move that these papers, as additional evidence, be referred to the Committee on Pensions, to accompany the petition now pending before that committee.

The motion was agreed to.

Mr. GROOME presented a memorial of 29 patentees and manufacturers, of Baltimore, Md., remonstrating against legislation adverse to the rights of patentees; which was referred to the Committee on Patents.

Mr. SAWYER presented a petition of the common council of Oconto, Wis., and the board of supervisors of the county of Oconto, Wisconsin, praying for an appropriation to continue the improvement of the harbor at Oconto, on Green Bay, Wis.; which was referred to the Committee on Commerce.

Mr. PLUMB. I present certain papers, being a statement of facts, which I ask may be printed and referred to the Committee on Naval Affairs, to accompany Senate bill No. 934, for the relief of the officers and crew of the United States sloop-of-war Cumberland, which I offered on a previous day.

The papers were referred to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 419) for the extension of letters patent to the heirs of Rudolph Leschot, deceased, reported it with amendments, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1518) to authorize the Secretary of War to fur-

nish certificates of discharge to certain members of the Missouri Home Guards, reported it without amendment, and submitted a report thereon.

Mr. RIDDLEBERGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1477) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, D. C., reported it with amendments.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the bill (S. 1319) for payment to Thomas McMahon for labor and services rendered under Peter McNamara, a contractor for the board of public works, District of Columbia, submitted an adverse report thereon, which was ageed to; and the bill was postponed indefinitely.

He also, from the Committee on Claims, to whom was referred the bill (S. 1254) referring the claim of Apollos Hale, administrator, to the Court of Claims, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. VEST. I am instructed by the Committee on Public Buildings and Grounds to report back favorably and without amendment the bill (S. 1040) to provide for the construction of a public building at New Albany, Ind.

Mr. VOORHEES. I venture to ask unanimous consent to put that bill on its passage. The people of New Albany have long suffered for want of this building. There is a term of court there; and it would facilitate the enactment of the bill into a law for it to pass the Senate now and go to the House of Representatives. I venture to ask for the present consideration of the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. MORGAN. Does the Senator hope to get the bill passed in time to hold the court in the building during the present term?

Mr. VOORHEES. I hope by passing it this morning, I will say to my friend from Alabama, to more certainly get it through the other House at the present session, which is important. For that reason I ask action now. I know the Senator from Alabama does not intend to object.

Mr. MORGAN. I am sorry to say that I must disappoint my friend from Indiana, for I do object.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. VOORHEES. Do I understand the Senator to object?

The PRESIDENT *pro tempore*. The Senator from Alabama objects.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the bill (S. 857) providing that sales of property on the order or decree of the circuit or district courts be made by the marshal, reported adversely thereon; and the bill was postponed indefinitely.

Mr. BROWN, from the Committee on Railroads, to whom was referred the joint resolution (S. R. 4) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company, reported it without amendment, and submitted a report thereon.

JOURNAL OF RECONSTRUCTION COMMITTEE.

Mr. ANTHONY. The Committee on Printing, to which was referred the joint resolution (S. R. 54) to authorize the printing of the journal of the joint committee of Congress of December, 1865, have instructed me to report the same back with a recommendation that it be indefinitely postponed, and to offer as a substitute a resolution of the Senate, as the amount of printing comes much within the limit of $500.

The joint resolution was postponed indefinitely.

The PRESIDENT *pro tempore*. The Senator from Rhode Island, from the Committee on Printing, reports an original Senate resolution, which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That 6,000 copies of the journal of the joint committee of fifteen appointed in December, 1865, of which William Pitt Fessenden was chairman on the part of the Senate and Thaddeus Stevens on the part of the House, authorized "to inquire into the condition of the States which formed the so-called Confederate States of America, and report whether they or any of them are entitled to be represented in either House of Congress, with leave to report at any time, by bill or otherwise," be printed; 2,000 copies for the use of the Senate, and 4,000 for the use of the House of Representatives.

Mr. ANTHONY. I ask for the present consideration of the resolution just reported.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. BECK. I desire the chairman of the committee to tell us what use there is in printing that journal without printing all the records of every one of the committees.

Mr. ANTHONY. The use is its historical interest.

Mr. BECK. I happened to serve on one or two of those committees in the other House with Mr. Stevens, and there were all sorts of journals. I can not see anything in it except that a few gentlemen were there and made motions. I should like to hear an explanation from the Senator from Rhode Island as to the necessity for publishing this journal.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. BECK. No, I do not raise any objection to its consideration.

Mr. VEST. I object.

The PRESIDENT *pro tempore*. Objection is made, and the resolution goes over. It will be laid before the Senate to-morrow under the practice of the Chair.

PACIFIC RAILROAD COMPANIES—SINKING FUND.

Mr. LOGAN, from the Committee on the Judiciary, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate whether any of the railroad companies mentioned in the act of Congress passed May 7, 1878, being chapter 96 of the acts of the second session of the Forty-fifth Congress, have failed to comply with the requirements of said act, and, if so, that he inform the Senate:

First. What company or companies have failed to comply with the said requirements.

Second. At what dates such failures occurred.

Third. The nature of such failure of compliance.

Fourth. Whether any of such failures have been followed by the compliance, and when, stating each instance particularly.

Fifth. Whether, since the 30th June, 1878, either and which of said companies have declared or paid any dividends, and, if so, when, and at what rate per cent. and to what amounts.

Sixth. What steps, if any, have been taken, and when, to enforce the provisions of law against such disobeying companies.

Seventh. How much, if any, money is now due from each of said companies to the sinking fund provided in said act.

Mr. LOGAN, from the Committee on the Judiciary, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be, and he is hereby, directed to inform the Senate whether any of the railroad companies mentioned in the act of Congress passed May 7, 1878, being chapter 96 of the acts of the second session of the Forty-fifth Congress, have failed to comply with the requirements of said act; and, if so, that he report to the Senate in detail what steps have been taken by the Attorney-General in regard thereto, and when.

BILLS INTRODUCED.

Mr. VEST introduced a bill (S. 1616) for the relief of Joseph M. Pilkington; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRISON introduced a bill (S. 1617) to provide pension for certain invalid soldiers and sailors who have been discharged from the Army or Navy of the United States after six months' service therein during the war of the rebellion and for the widows of deceased pensioners, and to increase the rate of pension in certain cases; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES (by request) introduced a bill (S. 1618) for the relief of Fred Phillips; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 1619) for the relief of the heirs of Black Beaver; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 1620) to authorize the President to make sale of certain lands belonging to the Eastern Band of North Carolina Cherokee Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. INGALLS introduced a bill (S. 1621) for the relief of St. Lukes' Protestant Episcopal church, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GIBSON introduced a bill (S. 1622) to define and set apart a special resumption fund for the redemption of the United States notes; which was read twice by its title, and referred to the Committee on Finance.

Mr. ALLISON introduced a bill (S. 1623) to authorize the construction of bridges across the Mississippi River, one within the State of Minnesota and one between the States of Minnesota and Wisconsin; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GORMAN introduced a bill (S. 1624) to provide for the extension of letters patent for an improvement in insulating submarine cables; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. GARLAND introduced a bill (S. 1625) for the relief of William Bowen; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on the District of Columbia.

Mr. PUGH (by request) introduced a bill (S. 1626) for the relief of the creditors of the Deposit Savings Association of Mobile, Ala.; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAWYER introduced a bill (S. 1627) granting a pension to Flavia A. Haskell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BECK introduced a bill (S. 1628) granting a pension to Elizabeth Daniel; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1629) granting a military record to John D. Bullock, deceased; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DOLPH introduced a bill (S. 1630) for the relief of the legal representatives of Chauncey M. Lockwood; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. VOORHEES introduced a bill (S. 1631) for the relief of John

W. Blake; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1632) granting a pension to Decatur Hamlin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN introduced a bill (S. 1633) granting a pension to James Bond; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1634) granting a pension to Clark Roberts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McPHERSON introduced a bill (S. 1635) for the relief of Don Antonio Yznaga del Valle and his wife, Ellen M. Yznaga del Valle; which was read twice by its title, and referred to the Committee on Claims.

Mr. MAXEY introduced a joint resolution (S. R. 66) authorizing the Secretary of War to furnish tents to the millitary encampment to be held at Houston, Tex., in the month of May, A. D. 1884; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORGAN introduced a joint resolution (S. R. 67) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a joint resolution (S. R. 68) declaring the lawfulness of the occupation of the country drained by the Congo River and its tributaries by the African International Association to the extent of its actual occupation and for the purposes avowed by said association and to recognize its flag, and to appropriate money to carry this resolution into effect; which was read the first time by its title.

Mr. MORGAN. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, and referred to the Committee on Foreign Relations, as follows:

Be it resolved by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1. That the Government of the United States recognizes the existence of the following facts with reference to the occupation of the stations and other places now in the peaceful occupancy of the African International Association within the country in Africa that is drained by the Congo River, its tributaries, and adjacent rivers:

First. That in view of the laws of nations such occupancy and the powers and privileges which said African International Association now has in that country are lawful, the same being derived through treaties and agreements from the local governments of the native tribes and kingdoms which have always ruled in that country.

Second. That such lawful occupancy extends to all portions of the country drained by the Congo River and its tributaries from the mouth of said river to its sources, wherever it has been established by treaty or agreement between the proper, native, local governments and the proper agents of the said African International Association, and is in fact occupied with the consent of such local governments.

Third. That the rights, privileges, and authority thus acquired in said country so occupied by the African International Association entitle its flag, as the symbol thereof, to the recognition and respect of other countries as the flag of The Free States of Congo.

SEC. 2. That the President of the United States is requested to invite the concurrence of the other powers in these declarations and to a further agreement based thereon, to include in substance the following:

1. That the navigation of the Congo River and its tributaries shall remain open and free to the equal enjoyment of all nations for the purpose of lawful commerce.

2. That the free right of ingress to and egress from the Congo country overland for the purposes of lawful commerce and travel shall be equally enjoyed by the people of all countries.

3. That the deportation of African people as slaves or as apprentices, or as laborers or servants, held under any agreement or pretext to serve as such in any other country, shall be prohibited and prevented as to the people of the Congo country in such manner as the treaty powers shall agree upon.

SEC. 3. That the sum of —— dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be added to the contingent fund of the Department of State, and to be immediately available, to be employed under the direction of the Secretary of State in carrying these resolutions into effect.

Mr. COCKRELL introduced a joint resolution (S. R. 69) to print certain eulogies delivered in Congress upon the late Thomas Allen; which was read twice by its title, and referred to the Committee on Printing.

SOUTHERN CYCLONE SUFFERERS.

Mr. RANSOM introduced a joint resolution (S. R. 65) for the relief of sufferers by the storm of February 19, 1884, in the States of North Carolina, South Carolina, Georgia, and Alabama, and appropriating $100,000 therefor; which was read the first time by its title.

Mr. RANSOM. I ask that the joint resolution be read at length.

The joint resolution was read the second time, as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War for the relief of such destitute persons as may require assistance in the districts in North Carolina, South Carolina, Georgia, and Alabama visited by the storms on the night of February 19, and that the Secretary of War is authorized and empowered in his discretion to use all such means and measures for the relief of said sufferers as he is authorized and empowered to use by joint resolutions approved February 12, 1884, and February 15, 1884, in behalf of the sufferers by the flood of the Ohio and Mississippi Rivers.

Mr. RANSOM. I ask that the joint resolution be referred to the Committee on Appropriations, but before the reference is made I desire to say a few words to the Senate.

I have felt it to be my duty to present to the Senate this joint resolution. The newspapers of the country bring so many facts daily to our eyes that events sometimes the most startling do not attract the public notice; and that is my reason for the very few words that I shall now address to the Senate.

In my experience and in my reading I recall no calamity in the history of this country from its discovery to this hour so unexpected, so sudden, so awful, and so destructive of life and property as the storm which last week visited a district of country extending through the four States of North Carolina, South Carolina, Georgia, and Alabama.

I can not and I shall not attempt to draw that heartrending picture before the Senate. On last Tuesday night the people along the track of that storm went to their beds in quiet confidence and promise of a peaceful night and a happy morning. About 1 o'clock at night a storm without precedent in this or any other country at any time passed over that people. The Senate and the country can scarcely realize the fact that over five hundred people were killed that night by the tempest, that thousands of people were wounded, and there is now a track of waste and ruin and sorrow for hundreds of miles, with scarcely a habitation standing and with barely a family unstricken by the storm.

As generally happens in great general misfortunes, the most touching thing connected with this calamity is that it has fallen most severely upon the lowly and the feeble, and there are now in that afflicted district thousands of people without a shelter, without clothing, without food.

The private charity of this country, so active, so universal, so beautiful, and so beneficent, can not in time relieve these suffering people. Hence I have thought it right to invoke the beneficence of the Government.

With these few suggestions I ask that the joint resolution be referred to the Committee on Appropriations, and I will presume to request that committee to report upon it as soon as possible.

Mr. BROWN. Before that motion is put I desire to add only a word to the remarks which have been so well and so appropriately made by the Senator from North Carolina.

There have on former occasions cyclones and tempests passed over the territory of the States referred to that have been very destructive, but there has been no instance of like destruction in the case of any former cyclone known in the history of the country. There are places, contrary to the usual rule, if there be one, as to the track of cyclones, which are apt to be only a quarter or half a mile wide, where this is three miles wide; the timber swept to the ground; houses blown down; large numbers of people killed outright and much larger numbers very seriously injured, many of whom are dying and will yet die from their wounds.

In my own State the storm divided, if I may be allowed the expression, near the Alabama line. One portion of it took a direction across and through the center of the State toward the South Carolina line; the other passed through what we call Northern Georgia, and the destruction was simply terrific.

Private letters which I receive from home state that there never has been anything of distress like it. In the upper section of the State especially the people are usually poor, and are left entirely homeless, absolutely without anything except their lands; their stock killed, their houses blown down, and they are now upon the charity of their neighbors outside the line of the cyclone. There are numerous instances of this character.

I do think it is a case where some relief from the Congress of the United States would not only be appropriate but would be eminently proper. We have not hesitated to vote, and I think we have done right in voting, liberal appropriations in the case of the great freshets upon the Mississippi River and the Ohio River for the relief of the people. There was occasional destruction of life there and large destruction of property. As the rivers rose slowly, there was a chance usually for escape by the inhabitants; while they could not save their property, except such as was movable, they might save their lives. But in this instance the whole destruction was the work of but a moment or two. The cyclone passed rapidly over, spreading death and destruction in its path. There was no escape from it. People were caught as it found them and destroyed almost instantly, without any possibility of relief or escape.

I trust the Senate will feel it its duty under these circumstances to afford relief to that storm-stricken region as it has afforded relief to the flooded region in the West.

I most cordially second the resolution of the Senator from North Carolina. I am glad he introduced it, and trust the Senate will at an early hour favorably entertain it.

Mr. PUGH. The same destruction of life and property that has been so graphically and eloquently described by the Senators from North Carolina and Georgia was left in the track of the cyclone across the State of Alabama. It is unnecessary for me to say anything more than has been so well said by those Senators showing the merits of this appropriation. Certainly if there was any right to make an appropriation for the relief of the flood sufferers in the West, that claim is equally well founded as to this appropriation.

Mr. HARRIS. Mr. President, either by the same cyclone or by

one that immediately preceded or succeeded it, I am not sure, one of the cities of the State that I have the honor in part to represent on this floor suffered very seriously in the same way with the various localities referred to by other Senators suffered. I have not been requested by that people to ask the Congress of the United States to appropriate anything for the relief of the sufferers there. I am glad that I have not, because if I had been so requested, with my view of the constitutional powers of Congress to take money out of the Treasury for any such purpose I could not have complied with their request.

I simply desire now to say, ungracious as it may seem, that while my sympathies go out as readily to those who have suffered by calamities such as have been described, while I would be as ready as an individual as any other to the extent of my little means to aid those sufferers, I can not and will not at any time cast my vote in favor of taking one dollar out of the Treasury for any such purpose, because I believe that I have no constitutional power to do so.

Mr. MORGAN. Mr. President, I have not been informed of any request on the part of the people of Alabama for relief in respect of the disastrous visitation of that cyclone which has been referred to, and I shall hold my judgment in reserve about this matter until there is some application of that sort on the part of the people I represent. I expect we shall also hear by the time we get to the end of the history of this disastrous visitation that ships at sea have been struck by it also, and perhaps we shall be compelled to extend our benevolence so as to take those into account.

The new line on which we are setting out, this being I believe the first instance of the kind, is one that is dangerous in itself and deserves very mature consideration. I sympathize with the Senator from Tennessee in that sort of respect and regard for the legislative domain of the Congress of the United States which seeks to shut out from it any subject that is not clearly within our jurisdiction and power. I am not prepared now to say that I believe this question is within our jurisdiction.

Mr. BROWN. Will the Senator from Alabama state to the Senate whether he draws a distinction on the constitutional question between appropriations made for the relief of sufferers from floods in the West and sufferers from hurricane in the South?

Mr. MORGAN. I did not get up for the purpose of discussing the measure, and therefore I am not prepared now to state all the distinctions that I might be able to invent or discover between the two propositions. It is enough for me to know, at present at least, that I have not been appealed to by the people of Alabama, as far as I am advised through the newspapers or by private correspondence, for the bestowal of public charity from the Treasury of the United States upon our people. That is the question that I hold in reserve.

Mr. GARLAND. Mr. President, I did not suppose the resolution would be debated at this time but that after some explanation by the honorable Senator who introduced it, which he has most happily made, it would be referred to the proper committee for consideration. But as some Senators have briefly given their views as to the power of Congress to make such an appropriation, I wish to say I do not doubt the existence of such a power, and I think when the question comes for full consideration it can be shown Congress has such authority. Congress provides for locust-stricken sections, for books and documents to be sent out to the people and seeds from the proper Department, for suffering people in the overflowed districts by which many of my own constituents have been relieved, for the nation to exhibit herself at the Centennial, and for the Yorktown celebration, and for a good many other similar performances and enterprises that stand upon no broader or deeper foundation than this. And there are many more of this sort, acts of mere beneficence to the people, from a very early history of the Government that would uphold and justify this. But I will not go into them now. It is enough for the present to say, as the Senator from Georgia has suggested, we can relieve the storm-stricken as well as the flood-stricken, and I unite in the hope the committee will give early and favorable consideration of the resolution.

Mr. VOORHEES. Mr. President, a large portion of the State of Indiana has been visited by a disastrous flood and the people there have called my attention to the very matter now before the Senate. There are a great many people who are houseless, who have no shelter. Under the recent appropriation the Secretary of War has conceived it his duty to send relief in the form of consignments of food, clothing, &c. I think his construction is correct so far as legislation has yet proceeded. But there is a very great principle involved in this matter. If the General Government enters upon giving relief to suffering people who have been visited by flood or storm, I can easily understand how relief in the way of shelter would be as important, perhaps more important, than even the supply of food. When a storm occurs in the winter season by which aged, infirm, and sick people are left houseless, their case should call, it seems to me, as loudly for relief from the Government by supplying them with shelter as where when a flood has swept away all they had in the way of provisions they should be supplied with rations.

It is not my purpose to discuss this point at this time, and my only object in rising was to say a word in behalf of those people who are deeply interested in my own State, to invoke an early consideration and a decision on this point whether the Government will go to the extent asked for by the Senator from North Carolina. Suspense in a matter of this kind is injurious. If these people, so far as shelter and temporary homes are concerned, are to rely on themselves and on voluntary aid and neighborhood charity, the sooner they are advised of that fact the better. If on the other hand aid is to be extended to them by the Government, the sooner that is known the better it will be for them. I hope the matter will have an earnest, practical solution at the earliest possible moment.

Mr. RANSOM. The Senate will pardon me for one word further. No Senator, no man, can respect the conscientious convictions of constitutional duty of my friend from Tennessee more than I do, and I hope I may be permitted to say that it gives me very great pleasure to know that no appeals have yet come from Tennessee or reached the ears of my friend from Alabama for the relief of the people in their respective States. I was rejoiced greatly to learn that the people of either of those States have not suffered so deeply or are so far relieved from want that this assistance will not be necessary for them. It is due to the people whom I, with my colleague, represent on this floor to say that no appeal has come to me from them to ask the Congress of the United States for succor to their distressed fellow-citizens; but I have not waited for a formal appeal. I shall wait for no such appeal. When I saw from the public prints of North Carolina, South Carolina, Georgia, and Alabama, and those reports reflected in every newspaper in the country, that five hundred people had been killed in one night, that hundreds of families, thousands of women and children, poor, helpless, shivering, and suffering, were left without a shelter for the day or night, and left without food for an hour, many of them stripped of the last piece of clothing that they had, their houses scattered by the winds for miles, every vestige of property that they had lost, their children suffering for bread, their neighbors unable to help them, private charity not equal to its great desire to do its duty, I am glad, sir, that I did not wait for any petition to come to me from that people to remind me of my duty. And I think the Senate will sympathize with me in that regard.

I have simply to ask that the joint resolution be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. If there be no objection the joint resolution will be referred to the Committee on Appropriations.

AMENDMENTS TO BILLS.

Mr. KENNA submitted an amendment intended to be proposed by him to the bill (S. 1597) to enlarge the powers and duties of the Department of Agriculture; which was ordered to lie on the table, and be printed.

Mr. GROOME submitted an amendment intended to be proposed by him to the bill (S. 341) to regulate the rank of engineer officers in the United States Navy; which was referred to the Committee on Naval Affairs, and ordered to be printed.

ADMISSION OF WASHINGTON TERRITORY.

Mr. PLATT. In behalf of the Committee on Territories I ask leave to have printed some facts and statistics which have been submitted to the committee by Hon. THOMAS H. BRENTS, of Washington Territory, bearing upon the question of the admission of Washington Territory as a State. I move that two hundred copies be printed for the use of the committee.

The PRESIDENT *pro tempore*. The Senator from Connecticut, from the Committee on Territories, moves that a paper, which he now presents from that committee, touching a matter pending before the committee, be printed for the use of the committee.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MCPHERSON, it was

Ordered, That the papers in the case of the loss of the ship Joseph W. Mickerson, on the coast of Africa, in the year 1876, be withdrawn from the files of the Senate and referred to the Committee on Claims. Said papers refer to bill for the relief of Joseph W. Yates, now before said committee.

ARREDONDO GRANT IN FLORIDA.

Mr. CALL submitted the following resolution, which was read:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish the Senate with copies of the papers in his office in relation to the Arredondo grant, in Columbia County, Florida, relating to the origin and history of the said grant and its survey and location on land in Columbia County, Florida; and the decision of the United States circuit court for the northern district of Florida in relation thereto; and of the claim of the State of Florida to the lands claimed under said grant and the selection of the same under any of the several acts granting public lands to the State of Florida; and of the issue of land-scrip under the decision of the circuit court of the United States to the claimants under said grant; and of the location of said scrip on land occupied and in possession by actual settlers and others claiming under the State of Florida.

Mr. CALL. I desire to make a statement, which I have in my hand, from a very respectable and responsible lawyer, Mr. Washington M. Ives, of Lake City, Fla., and also from Mr. A. G. Bigelow and other citizens of that State:

I write you about what concerns over 4,000 citizens of this county. By a recent floating of the Arredondo grant many tracts of land are declared vacant upon the books at the United States land office in Gainesville. This land was purchased by parties since 1854, at which time and since which time the Government declined to patent any of the land embraced in the grant. Under the pur-

chase conveyances have been made for many years, and in some cases twenty families live upon the quarter of a section. Under the homestead and pre-emption laws the rightful possessors can not procure titles. Unless the Commissioner of the General Land Office can make some ruling in reference to the matter great wrong will be done; in fact, some has already been done. The notice of the float is very recent, and already good fields for years in cultivation have been homesteaded.

I urge you to do what you can for the relief of these honest people who are losing their houses and possessions by the matter. Anything that can be done should be done quickly.

I ask for the passage of the resolution.

The resolution was agreed to.

Mr. CALL submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Attorney-General be, and he is hereby, directed to furnish the Senate with information as to the suit of the heirs of Arredondo against the United States in the circuit court of the United States for the northern district of Florida, relating to land in Columbia County, Florida, and of the proceedings in said cause, and the time when the same was commenced, and as to the claimants or heirs in said cause and the evidence therein, and all other material facts relating to the same and the validity and justice of said claim.

ADDITIONAL STEEL VESSELS.

On motion of Mr. HALE, it was

Ordered, That there be printed for the use of the Senate 300 copies of the report on Senate bill 698, the usual number having been exhausted.

PRINTING OF COMMITTEE DOCUMENTS.

Mr. ANTHONY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That when a joint committee, or a committee of either House, shall have leave to print its report, or the testimony taken by it, or any other document for the use of the committee, the number printed shall be limited to 100 copies, unless the House to which the committee belongs shall order otherwise.

LEASES OF LANDS IN INDIAN TERRITORY.

Mr. VOORHEES. I offer a resolution, and ask that it be printed and lie over until to-morrow, when I shall call it up for action.

The Chief Clerk read the resolution, as follows:

Whereas, in compliance with Senate resolution of December 4, 1883, the honorable Secretary of the Interior has transmitted copies of documents and correspondence relating to leases of lands in the Indian Territory to citizens of the United States for cattle-grazing and other purposes; and

Whereas it appears from Executive Document No. 54 of the present session of Congress, containing said copies of correspondence, &c., that several million of acres of land in the Indian Territory have been leased to citizens of the United States for cattle-grazing purposes: Therefore,

Be it resolved, That the Committee on the Judiciary be, and they are hereby, instructed to investigate the matter of said leases; whether the same have been made in conformity to law; whether any money paid by any of the lessees under the terms of said leases have been covered into the Treasury; whether any of said lessees have attempted to survey any of the lands in said Indian Territory belonging, secured, or granted by treaty with the United States to any Indian tribe, or has designated any of the boundaries of said lands by marking trees or otherwise; and that said committee be instructed to report by bill or otherwise at any time.

Mr. PLATT. Let that go over.

The PRESIDENT *pro tempore*. The resolution goes over under the objection of the Senator from Connecticut and will be laid before the Senate to-morrow.

COMMITTEE SERVICE.

Mr. PENDLETON. There is a vacancy upon the Committee on the Improvement of the Mississippi River, made by the declension and excusal of the Senator from Tennessee [Mr. JACKSON]. I move that the Chair have authority to fill the vacancy.

The motion was agreed to, by unanimous consent; and the President *pro tempore* appointed Mr. GEORGE to fill the vacancy.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (S. R. 58) filling an existing vacancy in the Board of Regents of the Smithsonian Institution.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes; and

A joint resolution (H. Res. 168) for the payment of certain expenses out of the contingent fund of the House of Representatives.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 1482) making all public roads and highways post-routes; and it was thereupon signed by the President *pro tempore*.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President this day approved and signed the joint resolution (S. R. 51) authorizing an expenditure of money for Indian educational purposes.

NATIONAL-BANK CIRCULATION.

Mr. BAYARD. I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT *pro tempore*. The Senator from Delaware moves that the Senate now proceed to the consideration of Senate bill No. 1155.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1155) to provide for the issue of circulating notes to national banking associations.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri [Mr. VEST]. The Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. GEORGE addressed the Senate. Having spoken till 2 o'clock,

The PRESIDING OFFICER (Mr. HALE in the chair). The Senator from Mississippi will suspend for a moment. The Chair calls attention to the fact that the bill (S. 698) to authorize the construction of additional steel vessels for the Navy was made the special order for to-day at 2 o'clock. It can not under the rules interfere with the unfinished business, but will under the rules go to the head of the calendar of special orders, to come up on the completion of the present bill.

Mr. GEORGE. Mr. President, the question of finance at this time is too important to be treated of as it is by the bill before us. The Senators on the Finance Committee, who are supposed to know more about this subject than any other gentlemen in the Senate, widely differ upon the bill. I do not hope to be able to add any material contribution to the discussion on this subject; but as I shall be in a very small minority in the vote on the final passage of the bill, I claim the indulgence of the Senate to state the reasons which induce me to vote against what seems to be the will of a large majority of this body.

In the first place, for a permanent and ever-increasing evil we have what is acknowledged by its friends to be only a temporary remedy, a mere makeshift to tide us over the troubles of to-day. For that reason I think it ought not to be adopted.

In the next place, the friends of the measure, some of them the most distinguished for their knowledge of finance, members of the Finance Committee, discredit the measure by declaring that it will be inefficient. With this admission I shall be relieved from the duty of discussing at any great length that aspect of the question, as I may well rely on the authority of these distinguished Senators conceding in this debate that if we pass this bill it will furnish no efficient remedy against the evil of a contraction of our currency. To prove this I shall read a sentence or two from the speech delivered on this subject by the Senator from Ohio [Mr. SHERMAN], who has probably as great a reputation for a knowledge of the finances of this country as any member of this body. He says, respecting the bill introduced by the Senator from New Jersey:

If we can agree on no other I shall vote for the proposition of the Senator from New Jersey, but with grave doubts of its working. It does not furnish the remedy for the disease.

That is the opinion of the Senator from Ohio condemning this measure. An equally distinguished Senator, the chairman of the Finance Committee [Mr. MORRILL], who has given probably as much thought and study to the question of finance as any man in the Union, is equally explicit in declaring his opinion and his judgment that this measure will not meet the evil which it is intended to remedy. That Senator said in the speech he made on the subject a few days ago:

I wish to say in advance that so far as the bill is concerned it is really inadequate to give any permanent relief.

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The business of the country has shown in the last week that our measure is insufficient, or that while the proposition has been pending here of allowing 10 per cent. addition to the amount of circulation upon the bonds deposited by the national banks, at the end of one week over $2,000,000 of circulation was surrendered to the Treasury by the national banks.

Again, the same Senator says:

If there is to be anything done, something more than this bill is absolutely necessary.

According to this the failure of the bill has already occurred, for the banks, notwithstanding its certain and assured passage by this body, even while we are discussing it, are surrendering their notes at the rate of $2,000,000 per week.

The Senator from Iowa [Mr. ALLISON], also an able and distinguished member of the Committee on Finance, though I understand him to favor the bill, yet voted in favor of the amendment of the Senator from Ohio [Mr. SHERMAN], which proposed to very materially change it by allowing the issue of bank notes for a considerable amount above the par value of the United States bonds deposited as security for their redemption. And the Senator from Rhode Island [Mr. ALDRICH], equally distinguished for his knowledge of finance, not only believes the bill will be worthless to prevent contraction of the currency, but that it will increase and intensify that evil. He says:

I think it will not—

That is, guard against the dangers of contraction—

I think it will not, and that the ultimate effect of it will be to accelerate and intensify the evil results which it is intended to obviate.

The author of the bill himself, the Senator from New Jersey [Mr. MCPHERSON], though insisting that it is a good remedy for the evils of contraction, yet felt bound to say that it probably would be necessary, in order to make it efficient, to repeal the tax on circulation, expressing also his conviction that if the bill passed the tax would be repealed.

So, Mr. President, this measure comes before us discredited and dis-

honored by the judgment of its friends, by the opinion and judgment of the most distinguished and able members of the Finance Committee, and even discredited by the judgment and opinion of its author himself. Under these circumstances I think we ought to pause before we, in the presence of the great evils of contraction now so seriously threatened, offer the country this measure as an efficient remedy. I think that the committee committed a grave error in not considering other and obvious measures of relief, and confining themselves alone to an effort to conciliate the banks and induce them to reduce the contraction now going on through their agency. The proposition offered by the Senator from Kansas [Mr. PLUMB], and substantially also offered by the Senator from Missouri [Mr. VEST], whose amendment is now the pending question, would in my opinion and in the opinion of many who have studied this question afford a safer and more certain relief against the threatened evil of contraction.

It is urged, though, that we ought not to resort to the issue of more Treasury notes, as proposed in the amendment of the Senator from Missouri [Mr. VEST], because that would be banking by the Government. Mr. President, that is a misuse of terms. Although the issue of paper money is an annex to, and sometimes a part of, banking, it is not an essential part of that business. Banking for all legitimate purposes may be carried on and is carried on in every civilized country of the globe by institutions, by banks, which have not the power to issue paper money. In our own country we have over 3,400 State banks performing all the essential business and duties of banking without the power to issue paper money, or if they have, the power is suppressed by a tax of 10 per cent. on their circulation. Then we have several hundred private bankers who also perform all the functions of banking without the power of issuing circulating notes. Then there are some six or eight hundred savings-banks doing the same thing without the power to issue notes to circulate as money.

So, Mr. President, I think when it is said that the issue of Treasury notes is banking by the Government, this statement is a fallacy, and instead of furnishing a real argument against the amendment now under consideration it is an effort to kill it by giving it a bad name. Suppose that we should direct that the division of the Treasury Department which issues Treasury notes should be removed from the Treasury building and should occupy a place on one of the business streets of this city, and that we were to require the superintendent or manager to put as a sign over the door of this business house "United States Government Bank;" and then suppose that a stranger unacquainted with our laws should come along and go into that institution and say, "I have some money; I want to make a deposit." He would be informed at once, "We do not receive any deposits here." Suppose then he should say, "I have some exchange on a foreign city; I should like to sell it." He would be informed, "We do not buy exchange." Suppose, again, he were to say, "I want to buy exchange upon some other place." He would be answered, "We do not sell exchange here." After all this the stranger, in his anxiety to learn the nature and character of this singular institution, remembering the sign upon the door and believing still that a bank was kept there, would probably say, "I have a friend who wants to borrow some money; can he get it?" He would be informed, "We do not loan money here." The next question he would perhaps ask, after all this experience, would be this: "Well, if you are a bank, if you do not deal in exchange, and if you do not loan money, what in the world do you do; what function of banking do you perform?" "Why," the answer would be, "We issue money." "What do you do with it after you issue it?" "We simply use it in the payment of our ordinary expenses and in the payment of our debts;" and that is all there is in this idea of Government banking. The issue of these notes is but the exercise of a power which the Government has always exerted to issue an obligation which represents its indebtedness to the holder. If we issue bonds it is not said that is banking; but if we issue a note in the shape and form of a bank note, payable to bearer, so that it may circulate easily from one hand to another, which is nothing more than an obligation of the Government to pay the amount of money specified in it, and without interest, then it is said to be banking. But if we issue a bond, bearing interest, for the same purpose, that is not banking. I think there is nothing in that argument. We are not banking now; yet we are issuing notes of this kind daily from the Treasury; not, it is true, new Treasury notes, except in place of old ones worn out or mutilated, but as Treasury notes come in they are paid out again; and yet nobody supposes that the Government is engaged in banking. Nobody suspects that during the early period of the history of the law which authorized the issuance of Treasury notes the Government was banking. It performs none of the essential parts of banking, not one. In the issue of Treasury notes it comes nearer performing that part of the admitted power of Congress to coin money and regulate its value.

But it is said next that it would be a dangerous power to allow the Government to issue paper money—danger of inflation, danger of issuing too much and adding unduly to the body of the currency. There is no power which we possess which can not, if unwisely and improperly used, be a source of danger to the country. There is the conceded power to declare war. If we declare it unnecessarily that is the greatest of dangers, and yet we have the clear power of doing it. So with every other power which we possess, we having the discretion to use it as we will. If we exercise it recklessly, if we use it unwisely, if we exert it with passion, there is danger to the country. But is there any more reason why this power to issue notes to circulate as money on the part of the Government would be dangerously and unwisely used than any other power? The history of the issue of these notes up to this time does not show it. On the contrary, this history shows that the Congress has been more disposed to be conservative unduly, to contract the currency than to expand it.

But it is said that the regulation of the volume of currency should be left to the business needs and wants of the country. That, sir, is a fine phrase; but will Senators tell me how the mere business of the country can regulate the volume of the currency? To regulate the volume of the currency by the needs and demands of business is a good rule by which the authority, governmental or banking, which has the power to regulate it shall go by, but of itself business can not perform the act of regulation. This must be done by a power outside of mere business; it must be done either by the Government or the banks; and while, as I said, the regulating of the volume of currency by the business needs and wants of the country is a safe and sound rule to go by, it is a rule which must be put in operation by some authority or power capable of action on it. And the question now before us is whether it is safer to leave this power in the Government or to vest it in banks. I do not believe it is a safe power in the banks. I believe it is a great power, which is capable of being used for the destruction of the business and interests of the people. If confided to the banks, as is conceded by the friends of this bill, the banks will issue their notes or regulate the volume of the currency according to their own interest, and that is not an observance of the rule that it shall be regulated by the business wants of the country. If it be their interest to contract—not the interest of the business of the country, but if it be the interest of the banks to contract—they will contract. If it be their interest to expand the currency, they will expand it, and the business of the country may take care of itself.

I have a table here, which I have prepared from official sources, which shows that, except when there were political considerations to influence the action of the banks, some ultimate end to be attained by them by influencing the legislation of Congress, they have uniformly expanded the currency, and that when they had an ultimate aim to attain, some end to be gained from Congress by legislation, they have, without regard to their direct and immediate interest or the interests of the country, contracted. From the beginning of 1865 up to and including the year 1875 there was a continuous year-by-year increase in the currency of the national banks, and in 1875 their net earnings were 9.82 per cent. higher than they have been since, and yet we saw that in 1876, with no assignable cause as far as I know, unless it was to influence the Presidential election then pending, there was a sudden contraction of $22,000,000. We find also that this contraction was followed by a large decrease in the net earnings of the banks, a fall from 9.82 per cent. to 6.82. Why this loss was submitted to is unexplainable on business principles. It must have resulted, as a similar contraction in 1881 did, from political considerations, the effort to defeat Mr. Tilden, which, though unsuccessful in preventing his election, was yet quite sufficient to prevent his inauguration. In the next year, 1877, after the inauguration of Mr. Hayes, it was a desirable political end to reverse the Democratic majority in the House of Representatives, and we find that there was another contraction of $15,000,000. This also was attended by a loss in the net earnings of the banks, as compared with 1875, of 3.63 per cent. So we find, sir, that while the banks as a general rule regulate the volume of the currency according to their own interest and not by the business interest of the country, yet they are quite capable of sacrificing both to the exigency of political considerations.

It is not disputed that the contraction of the national-bank currency in 1881 was made to attain a political end, the defeat of what they regarded as unfriendly legislation, by a veto of the President. And again it was successful, and again it was accompanied by a sacrifice of their interests and of the interests of the country.

The statistics show that uniformly the net earnings of the banks are decreased by contraction and increased by expansion, so when there is contraction there is some motive involved in it disconnected from business interests. After the contraction of $15,000,000 in 1877, followed by the loss of 3.63 per cent. on net earnings, there was an increase in circulation in 1878 of seven and a half millions, and the result was, that the tendency to loss produced by the contraction of $37,000,000 in the two preceding years was reduced to the insignificant sum of .14 of 1 per cent. Next year, 1879, there was an increase of $5,000,000 in the currency; in 1880 another increase of $15,000,000; in 1881 another increase of $11,000,000; in 1882 a still further increase of $2,000,000; and in each of these years there was a steady increase of net earnings by the banks, the total increase in 1882 being 3.12 per cent. But in 1883 when we were approaching the period when we were to take action on this subject, we find that rule of increase, followed by the banks since 1877, was reversed, and contraction took place to the amount of $9,000,000, being followed also by a loss to the banks in net earnings.

It is thus made manifest that the regulation of the volume of the currency is in accordance with the sole interest of the banks, direct and immediate or remote, as affected by political considerations, and not

in accordance with the business needs of the country. It is also seen that expansion is always to the direct interests of the banks and contraction always against it.

There would be no danger now of the contraction which the bill seeks to counteract if we could rely on the regulation by the banks of the volume of the currency by the business wants of the country, or even by their own direct and immediate interests.

If it be true that expansion means profit and contraction means loss, and if it also be true that we can assign with certainty at one or two points contraction to the efforts on the part of the banks to control the legislation of Congress, it seems to me that I have made out my case, that it is unsafe to allow them to control the volume of our currency. What was the necessity for the reduction of $9,000,000 this past year? The taxes had nearly all been taken off; they had made fine profits in 1882, and what was the reason of the reduction in the circulation or contraction of $9,000,000 at this particular time?

Mr. BAYARD. The bonds were called in.

Mr. GEORGE. The 3 percents were not all the bonds in this country. There were $1,300,000,000 of bonds, as I understand, outstanding.

Mr. BAYARD. The bonds they held were called in.

Mr. GEORGE. When they got the money for the bonds they held, and which had been called in, they could invest it in bonds that they did not before hold. So it appears I have shown by these statistics that the banks contract when they have a political end to gain without reference to their interest. They lost last year by the contraction, they lost in their net earnings although their capital was not diminished; and for what purpose did they lose? Congress needs to have an argument to influence us and show that unless we grant them more favors, give them more extra privileges, more advantages, contraction would still go on to a still more disastrous extent.

But, Mr. President, I am sorry to say that although they should not possess the power to issue paper money, although that should be retained by the Government in its own hands exclusively, there remains in the nature of things, in the nature of the business of banking, a dangerous power in the banks to contract or expand the currency at their will. Contraction does not mean merely destruction of the currency, the return of the national-bank notes to the Treasury and the taking of them out of circulation. This is not the only or even the ordinary means of contraction by the banks when they see proper to contract. Locking up currency in their vaults, refusing to meet the business demands of the community, is as much contraction as if the money was absolutely destroyed.

But I object, Mr. President, that the Finance Committee in reporting this measure—conceded by a considerable number of them to be inefficient—have omitted obvious and plain remedies for the existing situation. There is the Vest amendment now under consideration by the Senate, that would furnish a complete remedy, and it is not amenable to the objection urged that under it the Government might unduly expand the currency of the country; because by its terms the Treasury notes are limited dollar for dollar to the exact amount of national-bank notes that shall be retired. There is no expansion in that; it is but the substitution of Treasury notes to supply the want created by the retirement of national-bank notes. This amendment I regard as a necessary means of emancipating Congress and the country from the domination of the banks. If it were the law now, we would not be trembling before the awful majesty and power of the national banks, eager and anxious to conciliate them, because we distrust our ability to throw off their galling yoke. Enact it now, and the country and all the business interests in it may well rest secure in the conviction that they are safe from the antagonizing interests and the caprices of the banks. So plain is this to me, that I wonder why the amendment is not immediately adopted.

Again, Mr. President, if the amendment of the Senator from Missouri were adopted it would in itself tend to prevent contraction on the part of the national banks. If they undertook contraction from any motive except a business motive, if they had an idea that they could influence the legislation of Congress or the political contests of the day by contraction, they would see at once that they could not accomplish their purpose, because every dollar they returned would be supplied at once by Treasury notes issued in the place of it.

A very singular argument was urged against this amendment, or the Plumb amendment (which is substantially the same thing), by the friends of the present bill during the last week. The argument came in the way of a question as to what the friends of these amendments (Mr. PLUMB and Mr. VEST) would do if a supposed case should happen like this: "Suppose," they said, "the national banks should suddenly return $300,000,000 of their notes into the Treasury, and thereupon the Treasury, as required by these amendments, should replace them with Treasury notes, and after that the banks were to reverse their action and suddenly issue $300,000,000 of their notes, thus causing by that amount a disastrous expansion of the currency?"

I take it for granted that honorable Senators in arguing a question of this gravity and importance would not indulge in suppositions that were entirely impossible, pure chimeras. I assume that they would not undertake to affright us from our duty and propriety by conjuring up impossible actions on the part of the banks, and thereby foreshadowing a state of facts which would materially injure if it did not ruin the business of the country. It is clear that they meant that it was within the range of probability that the banks might do what they supposed they would do; that is, contract suddenly $300,000,000. Now, if they may and probably would do that, it is the strongest possible argument against giving them the power to issue notes.

And then, again, the supposition goes to this extent: that after the business needs of the country had been supplied by the issue of $300,000,000 Treasury notes to prevent the loss occasioned by the withdrawal of $300,000,000 bank notes the banks would seek to flood the country with paper money by expanding the currency unduly to the extent of $300,000,000. If that be so, if that is a possibility under the present system, it is the strongest argument in the world why we should have another system. We ought not to leave the business interests of this country, the fortunes and the destinies of this people, to the caprice or passion of bankers or of other men who are capable of doing the things which this supposition of the friends of this bill admits they might do.

It was asked what would we do in a case of that sort when the three hundred additional million dollars had been issued by the banks unnecessarily. My answer would be at once when such an attempt was made to destroy the business of the country, to repeal the bank charters and to take away from them the dangerous power to expand or contract the currency at their will.

But, Mr. President, there were other obvious means by which contraction could be successfully met. We have of one and two dollar notes of the legal-tender Treasury notes $57,941,461. We have of silver in the Treasury idle the sum of $62,000,000. If these ones and twos which enter into competition with silver for change and in the small business of the country were withdrawn from circulation and the amount of them reissued in larger bills, that would give a place and create a demand for a similar amount of change, and in this way we should get rid of the surplus silver now in the Treasury, either by putting out the silver or issuing small denominations of silver certificates, and thus meet contraction to the amount of about $60,000,000.

We have also $73,000,000 of legal-tender greenbacks and nine and a half million dollars of national-bank notes of the denomination of $5. Being a large silver-producing country (our product last year was $46,800,000), it is our obvious duty to furnish channels in which the money coined from this metal shall float. In order to do that we must give silver the monopoly of furnishing the change and filling the channels of the small business of this country. Suppose we do that, suppose we take away the ones and twos and fives, there will be over $200,000,000 of small money withdrawn from circulation and put into larger bills, and that will create a hiatus, a demand, and an absolute necessity for the issuance of either coin or small silver certificates to supply their place. The small business of the country is of immense importance. It concerns every person in it to a large extent; but as to four-fifths of our people it is the only business they are engaged or concerned in.

Now, as I said before, it is an obvious means of preventing contraction to give silver or silver certificates, either or both, at the choice of the people, the monopoly of all the currency under the denomination of $10. I do not know how much it would take to fill the channels of the small business of this country. The small business, bear in mind, is that which is done with coin or paper. It is a cash matter in the main. It is not like the large business of commerce, which is largely done through bills of exchange, certified checks, and clearing-houses. The dairyman, the truck man, the farmer, the day laborer, or the monthly laborer, the retail dealer, can not live and transact his business without small money. That is shown by the amount of small money that we have in circulation. This I can show only approximately.

The coinage of small coins up to 30th June, 1883, from the commencement, is as follows:

Half-eagles (fives)	149,565,980
Threes	1,565,592
Quarter-eagles (two-and-a-halfs)	28,393,865
Ones	19,371,364
	198,885,801

Being within a fraction of 15 per cent. of the total gold coinage. I have no data to show how much of the small coinage is in circulation now; but the total gold circulation is $581,970,254. It would be safe to assume that—

The fives, twos, threes, and ones amount to 15 per cent. of that sum, which would be	$87,295,537
Ones and twos of Treasury notes	57,941,461
Fives of Treasury notes and national banks	164,500,000
	309,736,998
Total silver coin is	242,701,932
Total small notes and small coin	552,438,930

Of this amount silver furnishes only a little over two-fifths, leaving $309,736,998 to be supplied by silver and silver certificates in case small notes and small gold coin are withdrawn.

Now, sir, with this large amount of small circulation given up to bank notes and gold, and which is the legitimate place for silver, and with our large silver production ($46,800,000 per annum), and with silver depreciated as compared with gold, it seems almost criminal that we do not give to silver and silver certificates their rightful place in our circulation. There is not the slightest danger that silver will not to the extent I have indicated circulate at par with gold. It is no answer to this to say that gold is intrinsically worth 15 per cent. more than silver. For as to the essential and necessary purposes to which silver under this view will be assigned it would be without a competitor. Gold of large coinage can not compete; so of bank notes. Hence silver, having the monopoly of an essential business, will to the extent of that business be of equal value with other money. Why, Mr. President, what are we to do with the silver produced in this country unless we give it a fairer chance in circulation? The production is increasing, last year being the largest production we have ever had, it being only $100,000 in 1859, while the production of gold in 1859 was $50,000,000, and last year only $32,000,000. Are we not so acting as to discredit, to drive out of use this immense production of our mines? That, sir, in my judgment, is exactly what we are doing when we allow small notes and small gold coins to circulate in the channels which legitimately belong to silver or small silver certificates.

The committee ought to have considered and reported upon these important measures. They ought also to have considered and reported upon the complete rehabilitation of silver. I do not believe that you can make value out of nothing. I do not believe in fiat money, whether the fiat be applied to paper or to coin. I do not believe that the mere say-so of the Government can make and impart value where value did not before exist. But I do believe, and the history of the times shows it, that where there is intrinsic value already existing, as in silver, you can lessen that value by unfriendly legislation or you can add to or increase it by contrary action. And what has been our course in reference to it? Discrimination against silver. We have at this end of the Avenue passed a law which puts silver upon an equal footing with gold. A gold dollar and a silver dollar are equal in law, although intrinsically there is 15 cents difference; they do now circulate as equals. But what is done at the other end of the Avenue? Silver is discriminated against; it is not paid out to the creditors of the Government; it is not received at the custom-house. This action of the executive department of the Government, contrary to the expressed will of the legislative department, has a tendency to keep up the difference in value between gold and silver as it now exists. That action is in addition to the want of the friendly legislation which might take place, as I have pointed out. And what is the result of all this? That we have become a large exporter of silver bullion. Instead of filling the channels of commerce adapted to that kind of coin by the coin itself or by silver certificates of small denominations (there are none now, I believe, less than $20), we are so acting as to increase the difference between gold and silver, and to drive the latter to foreign countries for a market. That ought to be reversed.

I want it distinctly understood that it is my opinion that when you have done all you can to give silver the monopoly of the small change needed in business, and a monopoly of the small business of the country, if you have more of it, so that it overflows these channels and crowds the marts of general commerce, foreign and domestic, then you will discover in actual practice the difference between the value of gold and silver; and I admit that when we have reached that time we shall be obliged to readjust the ratio between these metals either by enlarging the silver dollar or diminishing the gold dollar or by doing a little of both, so as to bring them on a nearer equality. But we have not reached that point yet by a long distance. We can delay the coming of that time by the means I have suggested. As long as we can prevent these metals from becoming rivals and competitors in actual use by assigning each to its appropriate sphere, allowing each to do the business it is suitable for, so long we can keep them in circulation on equal terms even with the present ratio. But if we fail in this duty and continue our present policy of allowing small bank notes and small coins to compete with silver, it will be but a short period when the difference in value between the two metals will become disastrously evident.

We are now, as we are told by the advocates of the bill, in the presence of a threatened contraction of about $200,000,000 by the payment of the 3 per cent. bonds of the United States. I have shown that we have small paper money and small gold coins which are filling the channels which silver and silver certificates ought to fill and which they would fill at par with gold sufficient to meet this contraction, and that is a safer and better mode than the other. Last year we exported twelve and a half millions of silver bullion from this country. It was exported because by our unfriendly action toward it it was made cheaper here than it was in the countries to which it was exported, since if it had been as high here as it was there it would not have paid the expense of transportation across the ocean to seek a place where it was of no more value than it was at the place whence it was started. That was an injury to our people, an injury not only in the mode in which I have pointed out by diminishing the metals which could be used for the purpose of filling the small channels of commerce to which I have alluded, but it was an injury in this respect also that it was a competitor in the markets of the world with our corn, cotton, wheat, pork, and other exports. In the long run no nation, except a metal, a gold or silver producing one, can afford to export continually of its coin to other countries, because if it did it would soon be exhausted. Foreign trade for any considerable period will be found to be but an exchange of commodities between different nations. At one time the balance may be one way, at another time it may be another; but in a series of years there must be an equilibrium between the exports and the imports or else the country making larger imports will be compelled to pay the difference in coin and thus deprive itself of that article. So when we put twelve and a half million dollars of bullion on our export list, which must be paid for in the way I have suggested, we put there that which supplants twelve and a half millions of our other exports, which the nation receiving them can only pay for out of its surplus commodities; and if we had not sent this twelve and a half million dollars of bullion there they would have taken an equal amount of our other exports.

There is another obvious measure for giving us relief which the committee did not consider, and that is the reserve in the Treasury of $150,000,000, which has over and over again been shown by the Senator from Kentucky [Mr. BECK], a member of the Finance Committee, to be at least $50,000,000 too large. If that reserve had been fixed at $100,000,000 there would have been turned loose for the currency of the country $50,000,000; for bear in mind that every dollar locked up in the Treasury, withheld from circulation, is that much contraction.

Then, sir, there is another cause, and a very obvious cause, of contraction which might have tempted the consideration of the Committee on Finance to seek for its removal, and that is the immense surplus annually produced by the excessive taxation to which the people of this country are subjected. That causes contraction in this way: it takes unnecessarily from the people $100,000,000 and puts it into the Treasury, and although we may pay it out in the purchase of bonds, we at least perform this kind of an operation very deleterious to the people, we take the money from those who buy our taxed goods, buy the whisky, the tobacco, the farming implements, the clothing, and all the other products of common use upon which the tariff is levied. These people need the money. Most of them are laborers. We take it from them and put it in the Treasury. We lose two or three months' time after putting it there before we put it out, and then we pay it to men who have no use for it, who do not want it, who want the interest-bearing bonds of the Government, and not its coin.

Again, sir, this large surplus and high taxation have this very injurious effect upon the country: It appreciates the bonds of the Government largely above par. We are under obligation to do nothing which would discredit the bonds, or which would reduce them below their par value; but we are under an equal obligation to the people, to the taxpayers, to do nothing to unduly raise their market price, when we are compelled by this large surplus in the Treasury to go into the market and buy bonds at whatever they may cost. I repeat we are under an obligation to do nothing which will unduly advance them in price, because the effect of it will be simply to cost the people more money in order to get in their bonds. The mere fact of the knowledge on the part of the bondholders that we are to have a surplus which we can not use except in buying bonds tends to appreciate their value. The Government is not like a private individual in reference to a purchase of these bonds. A private individual may go into the market and if he finds the bonds too high he is at liberty to decline purchasing and to invest his money somewhere else, in some other business; but when the Government has a surplus and the bonds are out and not due it has but one of two alternatives, either to buy the bonds at whatever price may be charged or to hold the money in the Treasury without interest, to the serious contraction of the currency. The result is that the Government is powerless in the market; is obliged to submit to just such terms as the bondholders dictate.

Under these circumstances the Finance Committee should have made some recommendation or reported some plan by which taxation could be reduced and the surplus extinguished. The people are overburdened with taxes, they cry aloud for relief, and we not only give them no relief, but decline to consider that question at all. In our haste and eagerness to conciliate the national banks and induce them to give us a currency which the Government can better furnish, we forget the interests of the millions of toilers whose labors have created the wealth of the nation.

Now, Mr. President, I have noticed some of the measures, some of the expedients all of which I deem valuable, which might have been adopted by the Finance Committee as furnishing a complete remedy against this threatened contraction of the currency. I will now proceed to state some positive objections to the bill under consideration.

In the first place it will raise the premium on United States bonds. The Senator from New Jersey [Mr. MCPHERSON], I believe, stated the other day that during the time we have been discussing this measure a certain class of United States bonds had advanced 4 or 5 per cent. The mere discussion of the measure, the mere promise, the mere hope that this bill would pass has already, according to the authority of the Senator from New Jersey, appreciated the bonds 4 or 5 per cent. in value. We do not want that done, as I have said. If it is done legitimately, if it is the mere result of the market without stimulating legislation

on our part, we can not complain. But representing as we do the taxpayers of this country, it is our duty not to give extra advantages, extra value to bonds, whereby the price we must pay for them would be increased. I have quoted the author of the bill in favor of the proposition that its passage will appreciate the bonds. The Senator from Rhode Island [Mr. ALDRICH] tells us the same, and so does my distinguished friend who sits at my right, the Senator from Kentucky [Mr. BECK].

Then again—and that is one of the most serious objections to this bill—it will tend to perpetuate the national debt and the national banks as banks of issue. Suppose we pass this measure and do nothing more. As stated by the Senator from Ohio [Mr. SHERMAN] and concurred in by other Senators who advocate the bill, we postpone to the time when the last bond shall fall due the consideration of the question what shall be the substitute for the national-bank currency. What, sir, will be the effect of such a course? As we approach the time, the year 1907, in which the last bonds fall due, all the currency we have outside of gold and silver and $346,000,000 legal-tender Treasury notes being in national-bank notes, the question will present itself to the country, what is to be done for a paper currency in the future. By passing this bill and rejecting all other means to prevent contraction we acknowledge that we are incapable of furnishing a substitute for national-bank notes, and we tell the country that it is a problem which we can not solve; and what will be the effect? Manifestly a general conviction that there is and can be no suitable substitute. The proposition will be made and received with favor to extend the bonds for an unlimited time in order that they may be made a basis for paper circulation. It is argued here to-day that there can be no safe foundation for a paper currency but the bonds of the United States. The Senator from Ohio [Mr. SHERMAN] put this view in the strongest light and with great plausibility. He says:

> The national-bank note is the best form of paper money, because its payment is absolutely secure. No misfortune can break it. The bank may fail and yet the note is good and passes current, because the bonds of the United States deposited are immediately available to redeem every dollar in circulation. This security of the noteholder is the foundation of the whole system. No other security can possibly take the place of Government bonds.

"No other security can possibly take the place of Government bonds." As we approach 1907, when the last bond is to be paid, and if paid another currency must be proposed, the proposition will be met by the argument that "no other security can take the place of the Government bonds."

He proceeds to elaborate and enforce this position:

> This has been tried in the United States over and over with disastrous results. Coin reserves in the vaults of banks disappear at the first sign of a panic. Even reserves placed under a board of control of a system of State banks have proved insufficient. Compulsory redemption in deposit banks in commercial cities is equally insecure. Mortgages on real estate, State bonds, and commercial paper have over and over again been found an inadequate security. No security for the noteholder in the custody of banks or bankers is safe against failures and panics. No law or threat of punishment can prevent other creditors of a bank from obtaining a preference over the noteholder, who, in all former systems of banking, is the last to be protected and the first to suffer loss. The highest form of security, that of the Government itself, safely deposited in the custody of the Government, is the only one that has proved effective in favor of the noteholder. This fundamental principle of safe banking is now practically recognized by the chief commercial nations who alone have the established credit to support and maintain paper money at par with coin, and all other paper money is a forced loan by a government, only justified by extreme necessity.

This argument made here to-day in favor of this bill, in favor of granting more power and more privileges to the banks to induce them to issue circulation, will be made with tenfold more force at the time when all the bonds begin to fall due. The force of the argument of the Senator from Ohio will be intensified by the then urgent and pressing necessity to provide an immediate substitute. The people will be told, "You can not get any other paper money but national-bank notes; no other is safe; you have discarded United States Treasury notes, discarded the State-bank system; you have discarded State bonds as a means of protecting the noteholder," and at last under the pressure the country will be forced, unless we take steps in the mean time to inaugurate a new system—will be forced, out of sheer necessity, to consent to the extension of the national debt as the sole means of furnishing a suitable and sufficient currency. So I oppose the bill on that ground.

I do not believe that either the national banks are or that a national debt is a blessing, and you can not have the one without the other. You can not have the national-bank notes without the national debt; that is, you can not have the national banks as banks of issue. You may have them for other purposes of banking.

But, Mr. President, I object that the advantages given to these banks by this bill are wholly unnecessary as a preventive of contraction. It is but another yielding to the demands of the banks for more rights, more privileges, more protection from the Government. Two years ago, when we had the internal-revenue bill under consideration, the banks came and demanded the taking off of all their taxes except the tax on circulation. We yielded to that demand, but against my vote. It was argued in favor of granting that exemption that they made their customers pay the tax; they did not pay it themselves. I remember distinctly that the two Senators from West Virginia, one now on this floor and the other not, pressed that consideration before the Senate. They said, "Take off these taxes and you will decrease the interest which the banks charge; you will make the currency cheaper to the country;" and what is the result? It is, that after we had taken off all these taxes except on circulation, interest last year in the city of New York was higher than it was the year before and higher than it ever had been except for two years.

In 1874 call loans in New York were worth 3.8 per cent. interest; commercial paper was 6.4 per cent. In 1875 call loans were 3 per cent. and commercial paper 5.8 per cent. These were the only two years in which commercial interest was greater than it was during the past year. In 1876 it was 5.3; in 1877 5.2; in 1878 5.5; in 1879 4.4; in 1880 5.3; in 1881 5.2; in 1882 5.4; in 1883, the year we were to have cheap money by the reduction of the taxes on the banks, it was 5.7 per cent. So it appears that the extraordinary favors and privileges which we grant to the banks, instead of inuring to the benefit of the country, but stimulate their cupidity and greed to demand more and extort greater exactions.

These banks already possess privileges granted by the Government which no one else possesses, and I know I can not describe those advantages any better than they were described by the Senator from New Jersey [Mr. MCPHERSON]. I mean to show the Senate and show the country what exclusive rights, what exclusive privileges, what great and enormous advantages these banks have over other people, and I will do it in the language of the author of this bill, the Senator from New Jersey:

> The national banks are made the depositories of Government money for a considerable period of time without the Government exacting interest, and the United States Treasury is made the clearing-house for the redemption of their notes when presented for payment, which is not often, owing to the quality of the security which stands behind them; and it is not unreasonable to suppose that, compared with banking on any other principle or with less apparent security than the Government bonds, the banks thus organized will have a decided advantage in securing the patronage of deposits, which forms a very important item in the banker's profits.
>
> "Congress has bestowed on the owners of United States bonds this great exclusive grant over all other people—*it has made their notes money.* Who but a national banking association can *pay* his debt to another by giving *his own note?* If I owe a debt which must be paid in money, *my* note, however well secured, will not *pay* it. Again, I *pay* interest on my note and *they draw* interest on theirs."
>
> In short, no successful banking, purely as such, can be maintained with profit except under the national system while the system remains, as it has always been, the pet child of Congress.

We have given them all these advantages; we have taken off two-thirds of the taxes which were imposed on them; we have given them the privileges described here of paying their debts with their own notes and drawing interest on what they owe, when everybody else has to pay interest; we have made them, in the language of the author of this bill, "the pet children of Congress;" and yet they come here and threaten us with what? That they will contract unduly the currency of this country, destroy its business interests, depreciate all property, make it more difficult to pay debts, unless we go further than we have done and add to the already enormous advantages which they now possess and which the Senator from New Jersey has well said entitle them to be considered as the "pet children of Congress." I do not want "any pet children of Congress." The people of this country want "no pet children of Congress." It is our duty to take care of the interests of the great mass of the American people, and not to select a class of banks or other persons and make them our "pets," giving them undue advantages over the balance of the community in the race of life, thus adding to the already too great differences between those who possess money and those who do not. So I am opposed to making them any more "pets" than they are. They are "pets" enough.

I shall now show some of the other advantages which they possess, which they are admitted to possess by the Senator from Ohio as well as the Senator from New Jersey. They have the advantage of possessing by the action of Congress, by the supervision of Congress, by the other advantages which are given them, the confidence of the community more than other banks. That is urged in their favor. The Senator from New Jersey, I notice, by a nod assents to that proposition.

There is in this country, according to the reports of the Comptroller of the Currency, $1,523,366,989 of all kinds of currency. That sum, I mean, is the total currency of this country, all the money that is in it. Of this $150,000,000 is locked up in the Treasury of the United States as a reserve, and does not enter into the circulating medium at all, which leaves $1,473,366,988 as the total circulating medium of this country. Of this the national-bank notes are about one-fourth in amount. Their deposits, out of a total currency of $1,473,000,000, amount to $1,063,000,000. In other words, they have on deposit more than two-thirds of the whole circulation of this country. That is an enormous advantage.

Now, let us see some of the other advantages which they possess. The aggregate capital of all the national banks is $509,700,000. Their loans amount to $1,309,200,000, a little more than two and a half times their capital. That is another one of the great advantages which they possess. They not only have, according to the Senator from New Jersey, this advantage over anybody else, that while all others have to pay interest on their debts the banks draw interest on theirs, but they have this other advantage, that they can loan by some sort of necromancy two and a half times as much as they possess while no one else can loan even so much as he possesses. With a capital of $509,000,000 their loans

amount to $1,309,000,000. With all this Senators say that it will break up the country, it will destroy the interests of the people unless we give them 10 per cent. more advantage than they already have. That is exactly the position which they occupy.

That is not all, Mr. President. They make this loan of two and a half times their capital when they have $75,810,237 of unloanable capital that they can not put out to loan at all, so that out of a loanable capital of $423,889,763 they make loans to the amount I have stated, being more than three times the amount of their loanable capital.

That is not all. While they loan to the people of this country more than three times their loanable capital, they at the same time draw interest on $379,486,359 of United States bonds, three-fifths and more of their capital. With more than three-fifths of their capital invested in United States bonds upon which they draw interest, with $75,000,000 of unloanable capital in addition, they succeed somehow or other in loaning to the people of this country $1,309,200,000, or more than three times their capital.

I have stated that their deposits are $1,063,000,000, and their loans $1,309,000,000 and some odd thousand dollars. Comparing them, we see that the deposits form the great basis of their loans. Their deposits furnish the amount within $245,000,000 of their whole loans.

Oh, but it is said that these banks with all the advantages are making no profit, that they are losing money, and therefore we must give them an additional advantage to prevent them from contracting the currency to the destruction of the business interests of this country. I have looked into that a little, and there never was a greater mistake in the world. I undertake to say that there is no interest in this country that is as prosperous as the national banks.

I take from the report of the Comptroller of the Currency (page 118) dividends of these bank on their capital for six months from the 1st of September, 1882, to the 1st of March, 1883. In New England the dividends were 3.51 per cent. for those six months; 7.2 per cent. per annum; in the Middle States they were 4.33 per cent. for six months, or 8.66 per cent. per annum; in the Southern States they were 4.14 per cent. for six months, or 8.28 per cent. per annum. In the Western States dividends were 4.93 per cent. for six months, or 9.86 per cent. per annum. In the Pacific States they were 6.60 per cent. for six months, or 13.20 per cent. per annum. The Comptroller makes an average—I do not see how he does it—of the dividends of all the national banks of the United States at 4.20 per cent. for these six months, when only the banks in the New England States come under 4 per cent. They are 3.51; the Middle States, 4.33; the Southern States, 4.14; the Western States, 4.93; the Pacific States, 6.60; and yet he reaches the conclusion that the average of the dividends throughout the United States of all these banks is only 4.20 per cent. But I will adopt that as correct.

Mr. PLUMB. If the Senator will permit me to interrupt him for a moment I can aid him by a suggestion. The average would not necessarily be the result of the addition of these several figures together and the dividing of them by a figure representing the total number of classes, but it would require an average of the capital, and it is very likely the fact that the banks which make the smaller earnings are the greater in number and the greater in capital.

Mr. GEORGE. I thought of that, but I did not think that New England owned so much more capital in banks than the Middle States, including the great cities of New York, Philadelphia, and Baltimore.

Mr. PLUMB. The State of Massachusetts has over $10,000,000 in national banking more than the entire State of New York, the city of New York included.

Mr. GEORGE. I said I would adopt the Comptroller's average, 4.20 for six months, or 8.40 per cent. per annum. That was the dividend. I have not been reading the net earnings; I was reading the dividend declared by banks upon their capital. Their earnings were $26,432,934.46; their dividends extended only to $20,285,102.62, leaving $6,147,831.84 of earnings that were not divided. More than one-third of these net earnings were not divided; if they had been, the dividend, being on the total net earnings, would have been over 11.20 per cent. A pretty good showing. No other business in the country can make such a showing as that, unless perhaps some of the railroads which have been subsidized by the Government.

These earnings, it will be noticed, are not calculated on the returns of the best-managed banks alone, but they show the average of gains of all banks, including those that are well managed as well as those which have been conducted recklessly or even fraudulently. The result is reached after every loss by reckless speculation, by bad debts and peculations, has been deducted.

I wish now to call attention to the difference as it affects the stockholders between earnings by the national banks and the earnings made by merchants, by farmers, by mechanics, and other trades or professions. Before the balance of net earnings is struck in a national bank every officer connected with the administration of its affairs, every president, every cashier, every teller, every waiter, every lawyer, and every other person who had anything to do with its affairs is paid his salary. Every loss sustained and every expense incurred by the bank during the year is deducted, so that a stockholder receives his dividend of 11.20 per cent., though he might have been engaged in any other business had he seen proper. He might have been a lawyer, he might have been a merchant or a manufacturer, and given his time wholly to that except to attend the meeting of stockholders and to vote for directors, and he receives clear of his personal attention and supervision 11.20 per cent.

Take the other business of the country. Take the farmers or the merchants; they may make apparently more than 11.20 per cent., but they do not deduct in striking the balance a salary or wages for themselves for personal attention to the business. For instance, we have a farmer who may make 10 or 15 or it may be 20 per cent. some one year; and how is it done? He works in the field himself, his children work in the field, and at the end of the year when he estimates his profits he does not take out a thousand dollars, as the banks take out $10,000 or $50,000, for his supervision or his labor. He does not charge against the products of his farm the value of the labor of his children, but his profit is compounded of his labor and their labor and the products of his capital. I say there is no interest in this country which produces in that way without cost to the owner as much as 11 per cent., and yet they come here and say they are losing money, that they can not afford to hold these bonds, and we must give them further advantages.

Mr. President, I am opposed to yielding to this demand I do not want any interest in this country however necessary, however large, however respectable in numbers or character, to have anything from the Government of the United States that is denied to the great mass of the people of this country. I want no pet children of this Government and no stepchildren. Let all her children be treated alike. Whether they have money in national banks, or whether they delve in the mines, or work in the factories, or plow in the fields, or pursue any other calling, they are all entitled to equal rights and equal privileges. So long as I hold a seat on this floor I shall never under any pressure cast a vote which will give to any privileged class, to any "pet" children of this Government, a privilege and an advantage denied to the great mass of the people themselves.

Mr. President, I have said about what I intended to say upon this measure. I would be glad to know that the result of our deliberations upon this subject would be different from what it will be. I am not certain that the measure offered will prove effectual to remedy the evil which it is intended to reach. I am sure that if it should prove effectual it is not the best and the fairest means to the people of this country to adopt in order to meet that evil. I think there are other means which I have pointed out to furnish the remedy for this great evil. I do not expect, I have not hoped by anything I could say, to change the vote of any member of the Senate, all of whom probably know more about this subject than I do. I have only endeavored to explain as clearly as I could the reasons which induce me to vote for the amendment offered by the Senator from Missouri, and, if that fails, to vote against the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. VEST].

Mr. VEST. I ask for the yeas and nays upon the amendment.

Mr. BROWN. Let the amendment be reported.

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That whenever any of the bonds of the United States become subject to redemption, and such bonds are deposited with the Treasurer of the United States as security for the circulating notes of any national banking association, the Secretary of the Treasury is hereby authorized to exchange the notes hereinafter authorized to be issued for such bonds, at their par value and accrued interest, or he may exchange the notes to be issued as aforesaid, at their par value, for standard gold or silver coin, and redeem said bonds therewith; and the deposit of lawful money to redeem the outstanding circulation of said banking association may be made in legal-tender notes or the notes hereinafter authorized; and thereafter the circulating notes of said bank shall be redeemed at the Treasury of the United States, and when so redeemed they shall be cancelled and destroyed.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to cause to be printed and engraved Treasury notes of the United States, with such devices and inscriptions as he may direct and approve, in denominations of ten, twenty, fifty, one hundred, and one thousand dollars, which shall be made payable on demand at the office of the assistant treasurer in the city of New York, in standard gold or silver coin, when presented in sums of not less than $100; and said notes shall be signed by the Treasurer and countersigned by the Register of the Treasury, or their signatures thereto engraved. Said notes shall be receivable by the United States for all taxes, customs, dues, demands, and claims of the United States, and shall be received at par in all parts of the United States in payment for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except when some other mode of payment is provided by law; and when received into the Treasury the same may be reissued. And in order to provide for the prompt redemption of the Treasury notes thus authorized to be issued the Secretary of the Treasury shall maintain a redemption fund, in standard gold and silver coin, by setting aside from accruing surplus revenues, from time to time, or from the exchange of legal-tender notes, or the Treasury notes in this section authorized, for standard gold or silver coin, such sums as with the fund now held in the Treasury for the redemption of the legal-tender notes will constitute not less than 20 per cent. of the aggregate of the outstanding legal-tender notes and of the Treasury notes hereby authorized: *Provided*, That the Treasury notes thus authorized to be issued in exchange and redemption of the bonds described in the first section of this act shall not exceed the amount of the note circulation of the national banking associations outstanding and secured by such bonds.

SEC. 3. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

The PRESIDING OFFICER. On this amendment the Senator from Missouri calls for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the Senator from Maine [Mr. FRYE].

The roll-call was concluded.

Mr. SHERMAN. I am paired with the Senator from North Carolina [Mr. VANCE]. I do not know how he would vote. I should vote in the negative.

Mr. KENNA. I desire to announce that the Senator from Maryland [Mr. GORMAN] is paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. COCKRELL. I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, he would vote "nay" and I should vote "yea."

The result was announced—yeas 14, nays 36; as follows:

YEAS—14.

Call,	Jones of Nevada,	Plumb,	Walker,
Coke,	Kenna,	Pugh,	Williams.
Garland,	Maxey,	Vest,	
George,	Pendleton,	Voorhees,	

NAYS—36.

Aldrich,	Cullom,	Harrison,	Morgan,
Allison,	Dawes,	Hawley,	Morrill,
Bayard,	Edmunds,	Jackson,	Palmer,
Beck,	Fair,	Jones of Florida,	Pike,
Blair,	Gibson,	Lamar,	Platt,
Butler,	Groome,	Logan,	Sabin,
Camden,	Hale,	McPherson,	Sawyer,
Colquitt,	Hampton,	Miller of Cal.,	Slater,
Conger,	Harris,	Miller of N. Y.,	Wilson.

ABSENT—26.

Anthony,	Farley,	Lapham,	Saulsbury,
Bowen,	Frye,	McMillan,	Sewell,
Brown,	Gorman,	Mahone,	Sherman,
Cameron of Pa.,	Hill,	Manderson,	Vance,
Cameron of Wis.,	Hoar,	Mitchell,	Van Wyck.
Cockrell,	Ingalls,	Ransom,	
Dolph,	Jonas,	Riddleberger,	

So the amendment was rejected.

Mr. PLUMB. I offer what I send to the desk as an additional section, and I want to call the attention of the Senator from Delaware [Mr. BAYARD] especially to it, in the hope that he will consent, so far as he is authorized to do so, that this may be incorporated in the bill. I ask that it be read.

The SECRETARY. It is proposed to add as an additional section to the bill:

SEC. 3. The organization of banks having a paid-up capital of $100,000 or less shall be permitted on a deposit of not less than $10,000 of the bonds of the United States drawing not less than 4 per cent. interest.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. Since the passage of the law of 1881 authorizing the organization of banks by a deposit of not to exceed 25 per cent. of the amount of their capital in bonds, the organization of national banks in the Western country and in the Southern country has been largely increased. The two hundred and sixty-two banks organized during the last year, the table of which is found on the first page of the Comptroller's report for 1883, average only $100,000 capital to the bank, while the average of all the banks of the United States exclusive of those was $150,000 and inclusive of those $140,000, showing the disposition on the part of communities where capital is limited and where banks of small capital are desired to avail themselves of this system under the new plan authorizing them to organize with a smaller amount of bonds.

I have believed that we should gradually come to a time when the national banking system would maintain itself as a system of deposit and discount irrespective of currency. I have believed so much in a system of that kind that I supposed the people of the United States the moment they became thoroughly and everywhere accustomed to its advantages would take up that system, and that we should therefore have reserved, irrespective of the expiration of the debt, the very best features of, and in fact all that I regard as of value in, the entire national banking system. I have regarded this provision of the law permitting the organization of national banks with a small amount of bonds as a very important step in that direction, and the result has justified what I anticipated.

Now, I want to go one step further. Of the banks organized in the Southern States only one or two, I think, had as much as or more than $100,000 capital; of the banks organized in Kansas none had as much as $100,000; of the banks organized in Nebraska none as much as $100,000; and, in fact, in all those remote sections of the country where heretofore the national banking system has not obtained it is now extending itself and with great resulting benefit to the communities, because they can organize with less bonds, and that means more loanable funds, because, as I explained the other day, nearly 35 per cent. of the actual loanable fund of the bank is subtracted from the amount it has to loan and locked up in the premium on bonds and in the excess required by law to be retained in the Treasury.

So far as we can consistently relieve the banks against that burden and encourage men with small means and communities of limited capital to take up with the system we shall extend its benefits in a direction which will do more, as I think, to give the system permanence than anything else we can do. When I say permanence, of course I mean permanence without reference to the issuance of currency, because I think the time is coming when that function will have largely ceased; but in the mean time the banks will take the bonds and organize in places where small capital is required, and the smaller the amount of bonds required the more banks will be organized, and therefore the greater the benefits of the system which will be derived in communities now lacking really solvent methods and plans and systems of banking.

Mr. BAYARD. I do not feel warranted to accept this amendment, quite independent of its merits or demerits. The question of banking and the question of currency are wholly distinct. You may have a very bad currency with a very excellent system of banking, and you may have a very bad system of banking with an excellent system of currency. The bill now before the Senate in no way affects the banking system. It refers entirely to the question of the currency notes and the proposed increase in the ratio to be issued by the Government of the United States upon the deposit of bonds.

I would say to the Senator that there is a great deal in what he suggests in regard to allowing banks to organize upon as small a basis of capital as is expedient and safe. It is very true that it may be convenient in sparsely settled and impoverished regions of the country to have banks authorized with a small basis of capital; but there nevertheless is a broad and wise policy against permitting banks without the responsibility of capital to assume that influence in a community which an organization that goes by the name of a bank, especially by the name of a national bank, will naturally possess.

The Committee on Finance will be glad to receive from the Senator this proposition and consider it in committee, and we there may discuss, as we have discussed before, how far we may reduce the nucleus of capital required as a deposit for the creation of a bank. At this time the minimum is $50,000 and from that as great as it may be seen fit to aggregate the capital. I do not say what would be the action of the committee on that subject, but it is a wholly distinct question from the one now before the Senate. We are dealing with currency. This proposes to touch the question of banking. The two need have no necessary relations, and in the present bill I hope that they will not be sought to be joined.

Therefore, without regard to the merit or demerit of the Senator's proposition, I hope he will submit it in the form of a bill and send it to the Committee on Finance, where not only will it be discussed but where we shall be very glad, I think I may say in the presence of the members of that committee, to hear the views of the Senator. I hope he will not press the amendment to the bill at this time.

Mr. PLUMB. I think the Senator is either mistaken or he has improperly described this amendment. At all events he has spoken of it as an amendment authorizing the organization of banks with $10,000 capital. That is not the intent of the amendment, and I do not think its language will warrant that interpretation.

Mr. BAYARD. I did not mean to use that language. I meant to say it was really in effect the authorization of the issuance of currency upon a smaller amount of bonds than the law now permits.

Mr. PLUMB. Then the Senator did not express the idea which he intended. But this is germane to the subject of this bill. It will be observed that the only increase of the currency during the last calendar year was from the organization of new banks. In other words, the old banks did not take out new currency and the new banks did. There were nearly $29,000,000 added to the currency last year by the organization of new banks, and much the larger portion of those were banks that were organized with the minimum amount of bonds. Now, if that process could be kept up and the currency diffused, so to speak, by the organization of new banks all over the country, it would largely tend to prevent exactly that which we are now legislating against, to wit, the contraction of the currency. If we could so liberalize the present law as that two hundred and sixty-two more banks would take out charters and the requisite amount of currency during the present calendar year, we should have done more than anything else not only to put this system upon a solid basis but to relieve against the apprehension which we now have in mind.

I think, therefore, that this amendment is entirely germane to the purpose of the bill. Besides that, there is no rule upon this subject. When we came two years ago to provide for the issuance of 3 per cent. bonds we remodeled the entire national banking system upon that bill, and that all came through the Finance Committee. We provided for the issue of the gold certificates; we provided against the contraction of the currency; we provided for the organization of banks on the deposit of 25 per cent. of the amount of their capital in bonds. This proposition is in fact a great deal more germane to the pending bill than any of those provisions were to the funding bill. The fact is, all the elements of national banks are cognate; they are connected with each other; they are proper to be treated at the same time, in the same connection, and in the same bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was rejected.

The bill was reported to the Senate as amended.

Mr. CALL. Before the vote is taken upon the bill I desire to read

a letter from one of the most distinguished financiers of the city of New York, and one most largely concerned in the management of the financial interests of that great city. The letter is as follows:

NEW YORK, *February* 23, 1884.

DEAR SIR: My profound interest in the subject under discussion in the Senate and your polite consideration of my hasty letter of the 14th instant induced me to trespass upon you once more to ask your perusal of the inclosed point. I would add that my bank has become entirely indifferent to the privilege of note issue, and I believe this sentiment to be shared by most of the banks of the large cities. New York, with a privilege of issue amounting to $44,000,000, is issuing to-day something less than fifteen millions of notes. Chicago, with a privilege of fifteen millions, issues something less than half a million dollars of notes. The one matter of urgency upon which I am by no means indifferent is the restoration of public confidence, to which the banks and the community in general must look for that prosperity without which there is no acceptable employment for money, whether it be capital, deposits, or note issues of the banks, or the means of investors in general.

Very respectfully, yours,

WM. P. ST. JOHN.

Hon. WILKINSON CALL, *Senator of United States, Metropolitan Hotel, Washington, D. C.*

I do not intend to delay the Senate, but simply to say that these considerations are very obvious to my mind to be true, that the restoration of public confidence is more important than anything else connected with this measure.

If it were not that the Senate has already decided by its votes upon the question that no amendment will be tolerated upon the bill now before the Senate, I, in deference to the views so ably expressed by the president of the Mechanics' National Bank of New York, would offer as a substitute the bill known as the Potter bill, introduced in the other House.

If, as has already been decided by the Senate, the present system of national banks is to be continued, there can be no question that the next proper measure is to assure and strengthen the public confidence in them and allay any fears that may exist in the public mind of danger to proceed from any considerable withdrawal of the currency. If this be true, there can be no more certain or less objectionable method than a system which will substitute a new form of the public credit in the shape of a 2½ per cent. bond for the present 4 and 4½ and 3 per cent. bonds, redeemable in like manner and at the same time as the bonds for which they are substituted.

The scheme proposed in the bill is to fund the outstanding bonded debt in a new form at a lower rate of interest, neither extending the time of paying the national debt nor increasing its amount. What can be the objection to this? No one will say that a reduction of the debt is objectionable. If the debt is not to be continued permanently, the objection, if any, must be found in some other direction. It has been suggested that it will prevent the reduction of taxation, but this is an error, because the bill provides for an appropriation only of the money in the Treasury, whatever it may be, which can be conveniently used for this purpose, and leaves this to the discretion of the Secretary, and if necessary this discretion may be limited in this bill as Congress may direct.

What, then, is the objection to a scheme which proposes to substitute a 2½ per cent. bond as a basis of currency instead of a 3, 4, or 4½ bond, and the reduction of the tax on circulation to one-quarter of 1 per cent. on the 2½ bonds, to be a deduction from the interest paid upon bonds held by the United States Treasury to secure said notes. I am inclined to the opinion that as long as no other issue of paper currency is allowed, any form of security that might be demanded would be given the Government for the use of its credit without interest. But that is not the question here, and but few seem to agree with this opinion.

We have then the single question before us of the form in which the bonded debt now existing should be used as a basis of circulation without extending the time of paying the national debt or increasing its amount within these limits. What objection can be found to a plan which proposes a bond at a lower rate of interest without increasing the charges of the debt one cent or extending the time or altering the method of its payment.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. SHERMAN. I should like to have the bill read as it has been amended in Committee of the Whole. I did not have the good fortune to be present, and therefore should like to have the bill read as amended.

The PRESIDING OFFICER. It will be read.

The Secretary read the bill as amended, as follows:

Be it enacted, &c., That upon any deposit already or hereafter made of any United States bonds bearing interest, in the manner required by law, any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not exceeding in the whole amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock. And that all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

SEC. 2. That associations organized for the purpose of issuing notes payable in gold under the provisions of section 5185 of the Revised Statutes of the United States, upon the deposit of any United States bonds bearing interest with the Treasurer of the United States, shall be entitled to receive circulating notes to the amount and in the manner prescribed in this act for other national banking associations.

Mr. BROWN. Mr. President, I have not desired to take up the time of the Senate in the discussion of this bill nor do I at present intend to do so. Much has been said by the Senator from Mississippi [Mr. GEORGE] this afternoon which meets my approval. I favored the amendment of the Senator from Missouri [Mr. VEST].

If the establishment of our present banking system were now the question, I might take views different from what a majority of the Senate would probably take on some important questions connected with it. But the present banking system is for years to come firmly fixed. The banks have been chartered, and during the period of their charters we have no right to disturb them in the enjoyment of their chartered privileges. I do not consider it therefore the proper time to engage in a general discussion of this question.

I believe in the present state of the country there is too much stringency in the currency. The circulation is not all that the country needs at this time. I believe also that the United States bonds are ample security for their face or par value, and I think, as we must have the national banks till the expiration of their charters, it would be better to permit them, in the present state of things, to issue notes to the full face or par value of the bonds which they deposit. In other words, instead of 90 cents in the dollar I would permit them to issue 100 cents in the dollar. I understand that to be substantially what is meant by the original bill now pending. In that view of it I shall give my support to the bill, because I think it would be better under the circumstances if we had that much additional currency put into circulation, and it would be perfectly safe.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. COKE and Mr. VEST called for the yeas and nays; and they were ordered.

The Clerk proceeded to call the roll.

Mr. BROWN (when his name was called). Mr. President, I understand I am paired with your colleague, the Senator from Maine [Mr. FRYE]. I should vote "yea," and if he would vote "yea" if present, then I should like to record my vote. I shall record my vote in the affirmative, as I understand the Senator in the chair to indicate that his colleague would vote "yea."

Mr. COCKRELL (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present I should vote "nay" and he, I presume, would vote "yea."

Mr. GORMAN (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. VAN WYCK (when Mr. MANDERSON'S name was called). I desire to say that my colleague [Mr. MANDERSON] is confined to his home by sickness.

Mr. SHERMAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. If I were allowed to vote, I should vote "yea."

The result was announced—yeas 43, nays 12; as follows:

YEAS—43.

Aldrich,	Cullom,	Jones of Florida,	Pike,
Allison,	Dawes,	Lamar,	Platt,
Bayard,	Dolph,	Logan,	Pugh,
Beck,	Gibson,	McPherson,	Ransom,
Blair,	Groome,	Mahone,	Riddleberger,
Brown,	Hale,	Miller of Cal.,	Sabin,
Butler,	Hampton,	Miller of N. Y.,	Sawyer,
Call,	Harris,	Morgan,	Van Wyck,
Camden,	Harrison,	Morrill,	Williams,
Colquitt,	Hawley,	Palmer,	Wilson.
Conger,	Jackson,	Pendleton,	

NAYS—12.

Bowen,	George,	Maxey,	Vest,
Coke,	Jones of Nevada,	Plumb,	Voorhees,
Garland,	Kenna,	Slater,	Walker.

ABSENT—21.

Anthony,	Farley,	Jonas,	Sewell,
Cameron of Pa.,	Frye,	Lapham,	Sherman,
Cameron of Wis.,	Gorman,	McMillan,	Vance.
Cockrell,	Hill,	Manderson,	
Edmunds,	Hoar,	Mitchell,	
Fair,	Ingalls,	Saulsbury,	

So the bill was passed.

ADDITIONAL STEEL VESSELS.

The PRESIDING OFFICER. The Chair lays before the Senate the special order for to-day, which was superseded for the time being by the bill just disposed of, being the bill (S. 698) to authorize the construction of additional steel vessels for the Navy.

Mr. McPHERSON. I suppose, the hour being so late, that the consideration of the naval bill will hardly be proceeded with this evening, and as I have some amendments to offer to it I should like to submit them now, so that they may be printed by to-morrow morning.

The PRESIDING OFFICER. The amendments will be received and ordered to be printed.

HOUSE BILLS REFERRED.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

Mr. ALLISON. Will the Senator withdraw that motion for a moment?

Mr. PENDLETON. Certainly.

Mr. ALLISON. I ask the Chair to lay before the Senate the House bills which were received this morning.

The PRESIDING OFFICER. The Chair lays before the Senate a bill and joint resolution from the House of Representatives.

The bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. Res. 168) for the payment of certain expenses out of the contingent fund of the House of Representatives was read twice by its title.

Mr. ALLISON. I do not understand what the Senate has to do with the application of the House contingent fund. As I understand it, they use their contingent fund as we do ours, in their own discretion. This seems to be a joint resolution relating to the appropriation of the contingent fund of the House. I ask that the joint resolution be referred to the Committee on Appropriations, that it may be examined to see whether or not I am in error in reference to my view of it.

The joint resolution was referred to the Committee on Appropriations.

EXECUTIVE SESSION.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 16 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 12 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 25, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PERSONAL EXPLANATION.

Mr. ELLIS. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. ELLIS. Mr. Speaker, on Saturday last the article which I send to the Clerk's desk to be read appeared in the New York Sun.

The Clerk read as follows:

Another report, made up of statements by George F. Brott, a contractor, describes the machinery for getting the contracts through the Department.

Several Congressmen and the Mississippi Senators asked in the summer of 1880 for the establishment of the steamboat service on Pearl River from New Orleans to Columbia, Miss. Brady refused to comply. In February of 1881 Brott, who owned the boat, having failed to secure favorable action at the Contract Office, paid William Lilley $1,000 to aid in the matter. In a short time an order putting on the service was issued. About this time Brady selected from Lilley's collection paintings to the value of $2,000, which were sent to Brady's house. My informant knew that they were not paid for in money. For services in securing the contract Brott gave a fee of several hundred dollars (exact amount forgotten) to E. JOHN ELLIS, member of Congress from New Orleans, and was expected to pay more as the term ran on. The consideration was handed over at the instance and solicitation of ELLIS. On one occasion Brott said to E. JOHN ELLIS:

"You are a member of Dr. Markham's church and a leader in the Sunday school. Did you ever read the story of Samson?"

"Yes; what of it?"

"How did he die?"

"Why he pulled out the pillars of the temple and perished in the crash."

"Yes; and that is just what you are going to do. You are hounding me for money. It is all your own job. Remember Samson."

Mr. ELLIS. Mr. Speaker, about two years ago I received one evening in my mail a letter which recited a portion of that publication—the portion especially reflecting upon me—which stated that the writer was informed that charges of this character and in these words are on file in the Post-Office Department against me. I could not believe the statement, for I did not imagine it possible that anybody in the world would manufacture any such stuff out of the whole cloth; because even a lie ought to have some sort of foundation, while in this case there was absolutely none whatever. However, I sought Mr. Brott, who was a mail contractor, and whom I knew well, being originally from New Orleans and now a resident of this city. I saw him, showed him the statement, and asked him if he had ever made any such allegation. He seemed just as much surprised as I was, and denied utterly having made such a statement. I insisted then that he should accompany me to the Post-Office Department for the purpose of making his denial, which he did on the following day—the night I saw him was the night I received the communication, and on the following day he accompanied me to the Post-Office Department.

After some hesitation on the part of Mr. Inspector Woodward, and due in part to a little determination on my side, Mr. Inspector Woodward showed me in substance what has been read by the Clerk; not that portion relating to Mississippi Senators or to the Columbia route, but the latter part of the statement. Mr. Brott, in his presence, again solemnly denied ever having made such a statement himself or having indulged in any conversation from which such a statement could be fabricated. Not content with that denial, in the presence of Inspector Woodward, at my request, Mr. Brott sat down and in the presence of this inspector wrote out this denial which I now send to the desk. I will state, Mr. Speaker, that this paper is a copy of the original paper which is on file in the Department, as will be seen by this letter which I also send to the desk and ask the Clerk to read first, because it is a recital by Inspector Woodward that the accompanying paper is an official copy.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., March 30, 1882.

SIR: In accordance with your request I herewith inclose a copy of the statement made by George F. Brott. The original is on file with the other papers.

Very respectfully,

P. H. WOODWARD, *Inspector.*

Hon. E. JOHN ELLIS,
House of Representatives.

Mr. ELLIS. I now ask the Clerk to read the statement of Mr. Brott.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., March 29, 1882.

I am informed that I am reported to have made the following statement to the officers of the Post-Office Department reflecting upon the Hon. E. JOHN ELLIS: "For securing the contract, Donaldsonville to Red River Landing, by steamboat, Brott gave a fee of several hundred dollars, exact amount forgotten, to E. JOHN ELLIS, member of Congress from New Orleans, and was expected to pay more as the term ran on. The consideration was handed over at the instance of ELLIS." I have no recollection of ever having made the above statement, and know the statement to be false as applied to Mr. ELLIS. That I did not pay him any money as stated or promise to pay him any sum whatever.

So far as relates to the statement as to transactions that Dr. B. H. Peterson had with Mr. ELLIS I have to say that I may have reported what had been told me. As to the truth of the statement I know nothing, as I was in New Orleans at the time and had no personal knowledge of the matter.

GEO. F. BROTT.

Mr. ELLIS. That statement, as I have before said, was reduced to writing in the presence of Mr. Inspector Woodward, and I then told him, if I can recall my own words, and I believe I can: "Mr. Woodward, I can not ask you to destroy that document, for it is here bearing a semi-official character—the character of a semi-official document—and I cannot ask you to destroy it. I can ask you however, and I do ask you, to file this paper with the statement of Mr. Brott—this denial—so that if this poison shall ever come to light the denial may go with it."

In addition to that denial Mr. Brott, without any solicitation on my part, published the following letter, which appears in the Post of this city this morning and which I ask to have read.

The Clerk read as follows:

VINDICATING CONGRESSMAN ELLIS.

TO THE EDITOR OF THE POST: The Evening Star of Saturday, 23d instant, under the head of "Star-Route Frauds," published what purports to be extracts from documents on file in the Post-Office Department, copied from the New York Sun. It is not true, as there stated, that "for services in securing the contract Brott gave E. JOHN ELLIS a fee of several thousand dollars, and was expected to pay more as the term ran on." No consideration was either given, promised, or expected. The story of Samson had no connection with the subject-matter or the star-route business. When my attention was first called to this matter I made a statement in writing denying the whole story, and filed it with Mr. Woodward nearly two years ago.

GEORGE F. BROTT.

WASHINGTON, *February* 24.

Mr. ELLIS. I suppose, Mr. Speaker, that it is hardly necessary for me to say anything else than to enter here my solemn denial of the whole story from beginning to end. It is utterly without foundation. It will be observed by this House that this is the report of an inspector, based upon the conversation with George F. Brott, and Mr. Brott's denial is unequivocal and pointed that he never made any such statement and that he never held any such conversation from which said story could be evolved. It is humiliating, Mr. Speaker, to be compelled to stand up here on the floor of this House and explain such a thing; but I desire to call the attention of this House and of the country to something which it seems to me is a little strange in connection with the matter. I believe, if my memory serves me right, that when a few days ago the resolution reported by the Committee on the Post-Office and Post-Roads demanding that all of these papers should be furnished by the Department to the House was under consideration in this House, we had a statement from the Postmaster-General, I believe an official communication addressed to this House, that in all probability their publication would be detrimental to the public service at this time. In view of that statement, sir, it is to me a little bit singular that this part of it should be made public which reflects upon me and several other gentlemen. I say it is strange under the circumstances that this should have been allowed to go out when the rest is to be withheld.

But I can not rest content with the denial of Mr. Brott or my own assertion of the utter want of foundation for the story. It is a matter

that must be sifted to the bottom. I therefore ask the House to pass the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on the Post-Office and the Post-Roads be instructed to investigate the charges reflecting upon Mr. ELLIS, a Representative from Louisiana, in connection with star-route frauds, recently published, and for this purpose are authorized to send for persons and papers.

Mr. ELLIS. I ask the adoption of that resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. ELLIS moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REBATE OF TOBACCO TAX.

Mr. HISCOCK, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be requested to communicate to the House of Representatives within what period of time the rebates of tobacco tax, under the act of March, 1883, will be paid to the claimants, and if there is to be any delay in making such payment then the causes thereof, and what can be done to effect the more speedy payment thereof.

Mr. HISCOCK moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPORTATION OF BOOKS.

Mr. TOWNSHEND, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to this House all the reports, and papers relating thereto, made by Henry L. Williams and ——— Dutcher to the Secretary of the Treasury during the year 1880, having reference to the importation of books.

Mr. TOWNSHEND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAILROAD TAXES IN DAKOTA.

Mr. POLAND. I desire to submit for present consideration the resolution which I send to the desk.

The SPEAKER. The resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be directed to inquire and report whether an act of the Legislature of the Territory of Dakota, passed March 9, 1883, entitled "An act to provide for the levy and collection of taxes upon the property of railroad companies in this Territory," which act provides in substance for taxing all railroad corporations a per centage on the gross earnings of their railroads, which shall be in lieu of all taxes upon the stock and property of such companies, does not conflict with the organic act establishing said Territory passed March 2, 1861, which last-named act, in defining and limiting the powers of the Territorial Legislature, provides as follows: "Nor shall any discrimination be made in taxing different kinds of property; but all property subject to taxation shall be in proportion to the value of the property taxed."

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. RANDALL. I think the resolution had better lie over till we see what is the object of it. If it relates to a contest between railroads and the Territory of Dakota, I would prefer to let the Territory alone and not call in the interference of Federal authority.

Mr. POLAND. The resolution is not offered on behalf of any railroad company. It is offered on behalf of various citizens of Dakota, who claim that under the present law the railroads are escaping proper taxation.

Mr. REED. The other ox is being gored.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was adopted.

Mr. POLAND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SINGLETON addressed the Chair.

Mr. BELFORD. I demand the regular order.

Mr. SINGLETON. I only want to take from the Speaker's table a Senate joint resolution, to which I think there will be no objection.

Mr. BELFORD. I withdraw the demand for the regular order.

REPORT OF SMITHSONIAN INSTITUTION.

Mr. SINGLETON. I ask to take from the Speaker's table the Senate joint resolution No. 58, reappointing Professor Porter as one of the Regents of the Smithsonian Institution, and that it be referred to the Committee on the Library.

There was no objection.

The joint resolution (S. R. 58) filling an existing vacancy in the Board of Regents of the Smithsonian Institution was taken from the Speaker's table and read a first and second time.

Mr. SINGLETON. I believe I will change my request and ask for the present consideration of the joint resolution. It is simply to fill a vacancy in the regency of the Smithsonian Institution.

The SPEAKER. The resolution will be reported.

The joint resolution was read, as follows:

Resolved, &c., That the existing vacancy in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress" shall be filled by the reappointment of Noah Porter, of Connecticut, whose term of service has expired.

There being no objection, the joint resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. SINGLETON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE OHIO RIVER FLOODS.

The SPEAKER. The regular order is demanded.

Mr. GIBSON. Being unable by reason of sickness to remain here during the call of States, I ask leave to introduce a joint resolution for reference. I ask that it be read and referred to the Committee on Agriculture.

The joint resolution was read, as follows:

Resolved, &c., That the sum of $30,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended by the Commissioner of Agriculture in the immediate purchase and distribution of such seeds as are needed for spring planting among sufferers by the recent flood along the Ohio River and its tributaries, who are themselves unable to replace their loss in this respect.

Mr. RANDALL. There is before the Committee on Appropriations a bill already introduced into this House by, I think, the gentleman from Illinois [Mr. TOWNSHEND] in relation to the same subject. That bill has been already considered in the committee.

The SPEAKER. The Chair thinks this joint resolution belongs properly to the Committee on Appropriations and not to the Committee on Agriculture.

Mr GIBSON. I am willing that the resolution should be referred to the Committee on Appropriations. I thought the Committee on Agriculture was the proper one, but I have no particular preference.

The joint resolution (H. Res. 169) making an appropriation for the purchase and distribution of seeds to sufferers by the recent floods along the Ohio River and its tributaries was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

HEBREWS IN RUSSIA.

Mr. CLEMENTS. I desire to make a privileged report. I am instructed by the Committee on Foreign Affairs to report with an amendment the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the President of the United States, if not incompatible with the public service, communicate to this House all communications between the Government of Russia and that of the United States not heretofore communicated with respect to the condition and treatment of Hebrews by the Government of Russia, and especially with reference to Hebrew citizens of the United States.

The amendment was read, as follows:

Amend by inserting, between the words "communicated" and "with," in the fifth line, the following words, namely:

"Or embraced in the report of the Secretary of State now being prepared for publication."

The SPEAKER. Does the gentleman desire to have the report read?

Mr. CLEMENTS. No, sir.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was adopted.

Mr. CLEMENTS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAPITOL HILL BRANCH POST-OFFICE.

The SPEAKER laid before the House a letter from the Postmaster-General, transmitting a letter from the postmaster of Washington, D. C., calling attention to the necessity of special legislation to provide for the renting of a building on Capitol Hill to be used as a branch Washington city post-office; which was referred to the Committee on Appropriations.

REFORM SCHOOL OF THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a communication from the president of the board of trustees of the Reform School of the District of Columbia, calling attention to the refusal of the First Comptroller of the Treasury to allow certain items in the account of said board, on the ground that they are overpayments, not covered by the appropriation for said school, and asking legislative action; which was referred to the Committee on Appropriations.

ASA FAULKNER.

Mr. DIBRELL. On Saturday last an adverse report was made from

the Committee on War Claims on the petition of Asa Faulkner, of Warren County, Tennessee, asking compensation for cotton alleged to have been taken from him by the Army of the United States. That petition was laid upon the table. I ask that it be placed upon the Calendar.

The SPEAKER. That is a right which the gentleman has under the rule; and the report will be placed upon the Private Calendar.

ORDER OF BUSINESS.

Mr. BELFORD. I now call for the regular order.

The SPEAKER. This being Monday, the Chair will proceed with the call of States and Territories for the introduction of bills and joint resolutions for printing and reference to their appropriate committees. Under this call memorials and resolutions of State and Territorial Legislatures are in order; also resolutions calling for executive information for reference to their appropriate committees.

DR. JOHN B. READ.

Mr. HEWITT, of Alabama, introduced a joint resolution (H. Res. 170) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement between him and the War Department, and for which no compensation has been made; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PROHIBITION OF ALIENS FROM HOLDING TITLE TO LAND.

Mr. OATES introduced a bill (H. R. 5266) to prohibit aliens and foreigners from acquiring title to or owning lands within the United States of America; which was read a first and second time.

The question was upon the reference of the bill.

The SPEAKER. The Chair thinks the bill should be referred to the Committee on the Judiciary.

Mr. OATES. I ask that it be referred to the Committee on Public Lands.

The SPEAKER. Upon examination of the bill the Chair discovers that it does not relate to the public lands alone, but prohibits foreigners from holding title to any land in the United States beyond a certain amount.

Mr. OATES. It does not prescribe any judicial proceedings.

The SPEAKER. Still it presents a legal question.

Mr. OATES. I move that it be referred to the Committee on Public Lands.

The motion was agreed to; and the bill was accordingly referred to the Committee on the Public Lands, and ordered to be printed.

POTEAU SLACK-WATER NAVIGATION COMPANY.

Mr. ROGERS, of Arkansas, introduced a joint resolution (H. Res. 171) affirming the charter by the General Council of the Choctaw Nation to the Poteau Slack-Water Navigation Company; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AUGUSTIN OLVARA.

Mr. BUDD introduced a bill (H. R. 5267) for the relief of Augustin Olvara; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

METRIC COINAGE.

Mr. ROSECRANS introduced the following bills; which were severally read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed:

A bill (H. R. 5268) to authorize the coinage of silver dollars, and fractions thereof, of full standard value, upon the metric system;

A bill (H. R. 5269) to authorize the coinage of the goloid metric dollar, two dollars, and fractions of a dollar, and also the coinage of the metric gold double-eagle, eagle, and half-eagle, all of standard value;

A bill (H. R. 5270) to authorize a new metric gold coin for international use, to be known as the "stella;" and

A bill (H. R. 5271) to establish a system of coinage of gold and silver and attain proximity in commercial and standard values thereof.

ELECTION OF DISTRICT OF COLUMBIA COMMISSIONERS.

Mr. ROSECRANS also introduced a bill (H. R. 5272) to provide for the election of commissioners for the District of Columbia by the qualified electors thereof; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

STEAM-ENGINEERING IN THE DISTRICT OF COLUMBIA.

Mr. ROSECRANS also introduced a bill (H. R. 5273) to regulate steam-engineering in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

EMPLOYMENT OF CONVICTS.

Mr. ROSECRANS also introduced a bill (H. R. 5274) to prohibit the employment of convicts or prisoners in the District of Columbia upon public or private work; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

TRUCK SYSTEM IN THE DISTRICT OF COLUMBIA.

Mr. ROSECRANS also introduced a bill (H. R. 5275) to abolish the truck system in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CLAIMS FOR INDIAN WARS, ETC.

Mr. ROSECRANS also introduced a joint resolution (H. Res. 172) amendatory of the act of June 27, 1882, entitled "An act to authorize the Secretary of the Treasury to examine and report to Congress the amount of the claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, for money expended and indebtedness assumed by said States in repelling invasion and suppressing Indian hostilities, and for other purposes;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES MILITARY ACADEMY.

Mr. BELFORD introduced a bill (H. R. 5276) to promote the efficiency of the United States Military Academy, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WAR CLAIMS.

Mr. BELFORD (by request) also introduced a bill (H. R. 5277) to authorize the accounting officers of the Treasury to adjudicate equitably claims for personal and real property in the loyal States during rebellion and all the States since the rebellion taken by the military authorities of the United States, and now suspended by reason of doubt as to authority; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GERMAN-AMERICAN CITIZENS ABROAD.

Mr. BELFORD also submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State be requested to inform this House whether he has any official information touching the alleged subjection of naturalized German-American citizens to military duty while temporarily residing in that empire.

UNION METALLIC CARTRIDGE COMPANY.

Mr. SEYMOUR introduced a bill (H. R. 5278) for the relief of the Union Metallic Cartridge Company; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN A. MORRIS.

Mr. CRISP introduced a bill (H. R. 5279) for the relief of John A. Morris; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EMPLOYÉS IN CHICAGO CUSTOM-HOUSE.

Mr. DAVIS, of Illinois, introduced a bill (H. R. 5280) authorizing the Secretary of the Treasury to pay certain citizens of Chicago, employés of the custom-house, for extra-time service; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. MARY A. MITCHELL.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 5281) granting an increase of pension to Mrs. Mary A. Mitchell, widow of Alexander M. Mitchell, late colonel First Regiment Ohio Volunteers, Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DAKOTA CENTRAL RAILWAY COMPANY.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. 5282) to accept and ratify certain agreements made with the Sioux Indians, and to grant the right of way to the Dakota Central Railway Company through the Sioux reservation in Dakota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WENDELL PHILLIPS.

Mr. FINERTY introduced a joint resolution (H. Res. 173) in commemoration of the late Wendell Phillips; which was read a first and second time.

The SPEAKER. This resolution will be referred to the Committee on the Library.

Mr. FINERTY. I wish the resolution to go to the Committee on the Judiciary, because a question has been raised as to the propriety of bringing it before the House.

The SPEAKER. There is no legal question involved, as the Chair understands.

Mr. FINERTY. Well, I desire to have the matter referred to the best legal minds of the House.

The SPEAKER. The gentleman from Illinois [Mr. FINERTY] moves to refer this resolution to the Committee on the Judiciary.

Mr. COX, of New York. Mr. Speaker, as I understand, this is a resolution in honor of the late Wendell Phillips. With all respect to the memory of that gentleman and his wonderful powers of rhetoric and oratory——

The SPEAKER. The question is not debatable.

Mr. COX, of New York. I would like to see the resolution go to the Committee on the Library.

The SPEAKER. The Chair decided that it should go to that committee under the rules, but the gentleman from Illinois moves to refer it to the Committee on the Judiciary.

Mr. FINERTY. I withdraw the motion.

The joint resolution was referred to the Committee on the Library, and ordered to be printed.

JOHN M. EDDY AND OTHERS.

Mr. TOWNSHEND introduced a bill (H. R. 5283) for the relief of John M. Eddy, Elizabeth K. Carroll, Alice B. Eddy, and Frank M. Eddy, children and heirs at law of Mrs. Mary J. Eddy, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID RAGAINS AND WILLIAM MAY.

Mr. CANNON (by request) introduced a bill (H. R. 5284) for the relief of David Ragains and William May; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BARTON B. LAWWILL.

Mr. CANNON also introduced a bill (H. R. 5285) granting a pension to Barton B. Lawwill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH M'DANIEL.

Mr. CANNON also introduced a bill (H. R. 5286) for the relief of Sarah McDaniel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. CANNON also introduced a bill (H. R. 5287) to simplify procedure in pension claims, and to extend the benefits of the pension laws to worthy claimants for invalid pensions, and widows, minor children, and dependent relatives of soldiers and sailors of the late war, who are unable by existing law to furnish the necessary evidence required to connect the disability with such service, and for other purposes; which was read a first and second time, the second reading being in full upon demand of Mr. CANNON, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. CANNON subsequently obtained unanimous consent that the bill be printed in full in the RECORD. It is as follows:

Whereas the lapse of time since the war for the suppression of the rebellion, and death of witnesses, often render it impossible to secure the evidence required and necessary to establish a claim for pension under existing laws, where the pensionable disability or fatal disease is due to causes not established by the records of the War or Navy Departments, and thereby the most meritorious class of claims are frequently defeated, and Congress is therefore called upon to grant relief by special acts, thereby encumbering the Private Calendar, to the detriment of public business: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the consideration of claims for pension no proof of soundness at the enlistment of the claimant, or of the origin of his disability in service and line of duty, shall be required, if the records of the War or Navy Departments shall show that the claimant or soldier or sailor on account of whose service a pension is claimed was mustered into the United States service, and rendered six months' actual service in the war for the suppression of the rebellion, with his command or upon detached service under orders, and was honorably discharged: *Provided*, That the disease or disability therefrom exists to an extent that can be discovered and described as pensionable by an examining surgeon, or by a board of examining surgeons, duly appointed and qualified, and can be certified by such surgeon or board of surgeons as not inconsistent with such service, and not due to the dissipation or vicious habits of the soldier: *Provided further*, That no pension shall be granted when the disability exists in a less degree than one-half, or $4 per month: *And provided further*, That as to physical deformities which were enumerated severally as constituting a bar to enlistment in the orders given mustering officers and surgeons for the examination of recruits at the date of enlistment, this act shall in no way apply, but that in such cases full proof of the origin of the disability in service and line of duty shall be required before allowing a pension therefor.

SEC. 2. That in considering claims for pension on account of the death of a soldier or sailor who is shown by the records of the War or Navy Department to have rendered six months' actual service in the war for the suppression of the rebellion, with his command or under orders on detached service, the only proof which shall be required as to the origin of the death-cause shall be that the soldier received an honorable discharge, and has suffered a pensionable disability as set forth in section 1 of this act, and which was the efficient cause of and existed continuously to date of death.

SEC. 3. That in considering claims of dependent parents for pension, the fact and cause of death of the soldier or sailor having been shown as required by existing law or as provided in sections 1 and 2 of this act, the fact of a present condition of physical inability, and dependence upon others than those legally bound therefor for support, and the fact that the soldier or sailor left no widow or minor child, shall alone be required to be shown by competent evidence to entitle the names of dependent parents to be placed on the pension-roll, and no proof of dependence at date of death of the soldier shall be required or necessary.

SEC. 4. That the provisions of this act shall not apply to the officers and soldiers or sailors of the regular Army or Navy since the 1st day of July, 1865.

JOHN K. LE BARON.

Mr. ELLWOOD introduced a bill (H. R. 5288) for the relief of John K. Le Baron, postmaster at Elgin, Kane County, Illinois; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMANDA L. HAWKINS.

Mr. ELLWOOD also introduced a bill (H. R. 5289) granting a pension to Amanda L. Hawkins, widow of Thomas B. Hawkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIGHTS OF SHAREHOLDERS IN NATIONAL BANKING ASSOCIATIONS.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 5290) to amend section 5144 of the Revised Statutes in regard to rights of shareholders in national banking associations to vote at elections; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

AMES BACCUS.

Mr. WORTHINGTON introduced a bill (H. R. 5291) to pension Ames Baccus, private Company B, Fifty-first Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. MADISON CUTTS.

Mr. SPRINGER (by request) introduced a bill (H. R. 5292) authorizing the President to appoint and retire J. Madison Cutts as a lieutenant-colonel, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JESSE B. SCUDDER.

Mr. NEECE introduced a bill (H. R. 5293) granting a pension to Jesse B. Scudder, of Industry, Ill.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NICHOLAS HATTER.

Mr. KLEINER introduced a bill (H. R. 5294) for the relief of Nicholas Hatter, late private Company I, Forty-ninth Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MELINDA GRAY.

Mr. KLEINER also introduced a bill (H. R. 5295) for the relief of Melinda Gray, of Evansville, Ind., on account of property destroyed in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANK LUTHER.

Mr. HOLMAN introduced a bill (H. R. 5296) granting a pension to Frank Luther; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CANNON TO GRAND ARMY POSTS.

Mr. WOOD introduced a bill (H. R. 5297) to donate cannon and cannon-balls to the following Grand Army posts: Burnham Post, Lowell, Ind.; John Wheeler Post, Crown Point, Ind.; and Lot Bloomfield Post, Hammond, Ind.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

G. A. R. POST, ROSE LAWN, IND.

Mr. WOOD also introduced a bill (H. R. 5298) to donate cannon to Grand Army Post 253, Rose Lawn, Ind.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARGARET J. BOYD.

Mr. WOOD also introduced a bill (H. R. 5299) to grant a pension to Margaret J. Boyd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGES OVER WABASH RIVER.

Mr. WARD introduced a bill (H. R. 5300) to prescribe the conditions under which bridges may be constructed and maintained across the Wabash River in Indiana and Illinois, and the White River in Indiana, and for other purposes incidental thereto; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SOLDIERS' REUNION, TIPPECANOE COUNTY, INDIANA.

Mr. WARD also introduced a joint resolution (H. Res. 174) authorizing the Secretary of War to furnish tents and breech-loading rifles to the soldiers and sailors of Indiana, at a reunion to be held in Tippecanoe County, in the month of September, 1884; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PATRICK W. KENNEDY.

Mr. WARD also introduced a bill (H. R. 5301) for the relief of Patrick W. Kennedy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, RICHMOND, IND.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 5302) for the purchase of suitable grounds in the city of Richmond, in the State of Indiana, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purpose; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BURNSIDE POST, GRAND ARMY OF THE REPUBLIC.

Mr. LAMB introduced a bill (H. R. 5303) donating four cannon, carriages, caissons, and balls to Burnside Post, No. 54, Department Indiana, Grand Army of the Republic; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RECORDS OF THE WAR.

Mr. LAMB submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Secretary of War be directed to inform the House how many copies of each of the ten volumes of the Records of the War of the Rebellion there are now in his Department that have not been assigned under the present law which provides for their distribution which are not subject to be distributed by order of the present members of the Senate and House under existing laws.

MARY ROYAL.

Mr. COBB introduced a bill (H. R. 5304) for the relief of Mary Royal, widow of William Royal, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEDICAL OFFICERS, UNITED STATES ARMY.

Mr. CALKINS introduced a bill (H. R. 5305) for the relief of medical officers in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN RIAL.

Mr. STOCKSLAGER introduced a bill (H. R. 5306) granting a pension to John Rial; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOUSE STABLE.

Mr. STOCKSLAGER also introduced a joint resolution (H. Res. 175) for the construction of a stable for the horses and wagons used by the employés of the House of Representatives; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LOUSIA J. THOMPSON.

Mr. MATSON introduced a bill (H. R. 5307) granting a pension to Lousia J. Thompson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. OPIE.

Mr. LOWRY introduced a bill (H. R. 5308) granting a pension to William J. Opie, of Lagrange County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES MILK.

Mr. LOWRY also introduced a bill (H. R. 5309) for the relief of Charles Milk, late a member of Company B, One hundred and fifty-second Regiment of Indiana Volunteers, and now of Lagrange County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH KALER.

Mr. LOWRY also introduced a bill (H. R. 5310) for the relief of Elizabeth Kaler, of Whitley County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES VOLUNTEERS.

Mr. WELLER introduced a bill (H. R. 5311) for the relief of the privates and non-commissioned officers of the regiments known as United States Volunteers; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

UNITED STATES COURTS, IOWA.

Mr. MURPHY introduced a bill (H. R. 5312) to change the place of holding the circuit and district courts of the United States for the southern district of Iowa from Keokuk, in the eastern division of said State, to Burlington, in said division, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ABIGEL HONEY.

Mr. MURPHY also introduced a bill (H. R. 5313) for the relief of Abigel Honey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY STAHL.

Mr. WILSON, of Iowa, introduced a bill (H. R. 5314) for the relief of Henry Stahl; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. MORRILL introduced a bill (H. R. 5315) for the construction of a bridge across the Missouri River at White Cloud, in Doniphan County, Kansas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN R. GILLAM.

Mr. PETERS introduced a bill (H. R. 5316) for the relief of John R. Gillam; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY LEMMON.

Mr. PETERS also introduced a bill (H. R. 5317) to increase the pension of Mary Lemmon, widow of John Lemmon, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HIRAM W. JONES.

Mr. PERKINS introduced a bill (H. R. 5318) for the relief of Hiram W. Jones; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

Mr. PERKINS also introduced a joint resolution (H. Res. 176) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

MRS. DANIEL SPENCER.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 5319) granting a pension to Mrs. Daniel Spencer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDERSON B. GOSE.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 5320) for the relief of Anderson B. Gose; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

A. B. KING.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 5321) for the relief of A. B. King; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. WHEELER.

Mr. HALSELL introduced a bill (H. R. 5322) for the benefit of William H. Wheeler; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES W. BIVENS.

Mr. HALSELL also introduced a bill (H. R. 5323) for the benefit of Charles W. Bivens; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DONATION OF CANNON.

Mr. MILLIKEN introduced a bill (H. R. 5324) to donate condemned cast-iron cannon to Thomas H. Marshall Post, No. 41, Grand Army of the Republic, at Belfast, Me.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LAND GRANTS TO SOLDIERS AND SAILORS.

Mr. MILLIKEN also introduced a bill (H. R. 5325) granting one hundred and sixty acres of land to the officers, soldiers, and sailors who served in the Union Army and Navy during the war for the suppression of the rebellion and to their widows and orphan children and others; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

INSULATING SUBMARINE CABLES.

Mr. TALBOTT (by request) introduced a bill (H. R. 5326) to provide for the extension of letters patent for an improvement in insulating submarine cables; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

TAXATION OF RAILROAD CORPORATIONS, ETC.

Mr. McCOMAS introduced a joint resolution (H. Res. 177) proposing an amendment to the Constitution of the United States; which was read a first and second time.

Mr. McCOMAS. I ask that the joint resolution be read at length.

The joint resolution was read at length, and was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. McCOMAS also introduced a joint resolution (H. Res. 178) proposing an amendment to the Constitution of the United States; which was read a first and second time.

Mr. McCOMAS. I ask that the joint resolution be read at length.

The joint resolution was read at length, and was referred to the Committee on the Judiciary, and ordered to be printed.

The two joint resolutions introduced by Mr. McCOMAS were subsequently ordered to be printed in the RECORD, and are as follows:

Whereas a legislative body, sitting under a State constitution, has no right to sell, to give, or to bargain away forever the taxing power of a State, or by contract to deprive the State forever of the power of taxation, and thus destroy the government which it was appointed to serve; and

Whereas in the principle of construction long approved by the Supreme Court of the United States no hinderance can be seen to rich corporations making contracts with Legislatures as they best may for perpetual exemption from all the burdens of supporting the government; and

Whereas the result of such a principle under the growing tendency to special and partial legislation is to exempt the rich from taxation and cast all the bur-

den of the support of government and the payment of its debts on those who are too poor or too honest to purchase such immunity; and

Whereas in many States of the Union favored corporations now enjoy this immunity from taxation upon many millions of dollars' worth of property, rapidly multiplying in value, but perpetually free from taxes paid by the people: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be, and hereby is, proposed; which, when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as part of said Constitution.

The first clause of section 10, Article I, shall be amended so as to read as follows:

"No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law imparing the obligation of contracts, or grant any title of nobility: *Provided, however*, That no State shall be precluded by the grant of any charter or act of incorporation from taxing the capital stock or property of such corporation; nor shall any charter or act of incorporation heretofore granted, or that may hereafter be granted, by any State be construed to preclude the State from the power of taxation; but the States shall have and retain the full power and right of taxation as if the prohibition to pass laws impairing the obligation of contracts had never been incorporated in this Constitution."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment of the Constitution of the United States be, and hereby is, proposed; which, when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as part of said Constitution:

"ARTICLE —.

"The powers prohibited by the Constitution to the States from passing a law impairing the obligation of contracts shall not be construed to limit the States in the exercise of the taxing power, nor to preclude the States from repealing exemptions of the capital stock or property of corporations from taxation at any time heretofore or hereafter granted."

REBATES ON TOBACCO, ETC.

Mr. HOBLITZELL submitted the following resolution; which was read and referred to the Committee on Appropriations:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform this House whether any additional clerical force is required in his Department for the purpose of adjusting and paying claims for the rebates on tobacco, snuff, cigars, &c.; and, if so, what force is required?

PUBLIC BUILDING AT HAVERHILL, MASS.

Mr. STONE introduced a bill (H. R. 5327) for the erection of a public building at Haverhill, Mass.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FRANCES H. DOWNES.

Mr. COLLINS introduced a bill (H. R. 5328) granting an increase of pension to Frances H. Downes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. S. KIMBALL.

Mr. LOVERING introduced a bill (H. R. 5329) for the relief of William H. S. Kimball; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OCTAVIA A. NEWHALL.

Mr. LOVERING also introduced a bill (H. R. 5330) granting a pension to Octavia A. Newhall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF RULES.

Mr. LONG submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That any committee when reporting a bill or resolution may have three minutes to ask unanimous consent for its passage under suspension of the rules.

GEORGE W. BARTON.

Mr. YAPLE introduced a bill (H. R. 5331) granting a pension to George W. Barton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE E. BABCOCK.

Mr. HOUSEMAN introduced a bill (H. R. 5332) to increase the pension of Catherine E. Babcock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FELIX M'KITTRICK.

Mr. HOUSEMAN also introduced a bill (H. R. 5333) providing for the payment of claim of Felix McKittrick for depredation committed by the Mescalero Apache Indians of the Territory of New Mexico; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MRS. S. E. E. SEELYE, ALIAS F. THOMPSON.

Mr. CUTCHEON introduced a bill (H. R. 5334) to remove the charge of desertion from the record of Franklin Thompson, alias S. E. E. Seelye, late of Company F, Second Regiment of Michigan Infantry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CUTCHEON also introduced a bill (H. R. 5335) granting a pension to Mrs. Sarah E. E. Seelye, alias Franklin Thompson, late a private in Company F, Second Regiment Michigan Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA C. M'PHERSON.

Mr. WINANS, of Michigan, introduced a bill (H. R. 5336) granting a pension to Maria C. McPherson, widow of Daniel McPherson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE AT PORT SANILAC.

Mr. CARLETON introduced a bill (H. R. 5337) for the construction of a lake-coast light-house at or near Port Sanilac, Lake Huron, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM S. GROW.

Mr. STRAIT introduced a bill (H. R. 5338) for the relief of William S. Grow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROOF BY CLAIMANTS FOR PUBLIC LANDS.

Mr. STRAIT also introduced a bill (H. R. 5339) to enable cliamants for public lands to make final proof in certain cases; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

E. PARLIMAN.

Mr. STRAIT also introduced a bill (H. R. 5340) for the relief of E. Parliman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES W. SCHAUMBURG.

Mr. STRAIT (by request) also introduced a bill (H. R. 5341) for the relief of James W. Schaumburg; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HOMESTEAD AND PRE-EMPTION.

Mr. NELSON introduced a bill (H. R. 5342) with reference to the trial of title to land under the homestead and pre-emption laws; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

POSTAL LAWS.

Mr. MONEY introduced a bill (H. R. 5343) to amend an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes;" which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PASS CHRISTIAN, MISS.

Mr. VAN EATON introduced a bill (H. R. 5344) to make Pass Christian, in the State of Mississippi, a port of entry, in lieu of Shieldsborough; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

POST-OFFICE CLERKS.

Mr. COSGROVE introduced a bill (H. R. 5345) to regulate the duties of certain clerks in the Post-Office Department; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WILLIAM H. BOLANDER.

Mr. HATCH, of Missouri, introduced a bill (H. R. 5346) granting a pension to William H. Bolander; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINA M. GWYNN.

Mr. HATCH, of Missouri, also introduced a bill (H. R. 5347) granting a pension to Mina M. Gwynn, of Kansas City, Mo.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

APPOINTMENTS IN SIGNAL CORPS.

Mr. CLARDY introduced a joint resolution (H. Res. 179) authorizing the President of the United States to appoint from the sergeants of the Signal Corps two lieutenants; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALFRED HEAD.

Mr. BUCKNER introduced a bill (H. R. 5348) for the relief of Alfred Head; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SOPHIA NEIDERHOLTMIER.

Mr. BUCKNER also introduced a bill (H. R. 5349) for the relief of Sophia Neiderholtmier, of Franklin County, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAC AND FOX INDIAN RESERVATION.

Mr. WEAVER introduced a bill (H. R. 5350) to provide for the sale

of the Sac and Fox Indian reservation, in the States of Nebraska and Kansas, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM G. HALPIN.

Mr. ROBINSON, of New York, introduced a bill (H. R. 5351) for the relief of William G. Halpin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY L. P. HAMILTON.

Mr. ROBINSON, of New York (by request), also introduced a bill (H. R. 5352) for the relief of Mary L. P. Hamilton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TESTING OF CHAINS AND ANCHORS.

Mr. HEWITT, of New York, introduced a bill (H. R. 5353) to require the testing of chains and anchors; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALICIA DURANT.

Mr. SLOCUM introduced a bill (H. R. 5354) granting a pension to Alicia Durant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALVIN WALKER.

Mr. SLOCUM also introduced a bill (H. R. 5355) for the relief of Alvin Walker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARMY SUBSISTENCE STORES.

Mr. SLOCUM also introduced a bill (H. R. 5356) to regulate the prices at which sales of subsistence stores shall be made to the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPTAIN PIERRE AYOTT.

Mr. JOHNSON introduced a bill (H. R. 5357) for the relief of the legal representatives of Captain Pierre Ayott; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSIAH M. WHITNEY.

Mr. BELMONT introduced a bill (H. R. 5358) for the relief of the family of Josiah M. Whitney; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MANNISTER WORTS AND OTHERS.

Mr. NUTTING introduced a bill (H. R. 5359) for the relief of Mannister Worts and others; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INTERSTATE RAILWAY TRANSPORTATION BUREAU.

Mr. STEVENS introduced a bill (H. R. 5360) to establish an interstate railway transportation bureau, for the regulation of commerce with foreign nations, and among the several States, and with the Indian tribes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ANDREW G. WALKER.

Mr. MILLARD introduced a bill (H. H. 5361) for the relief of Andrew G. Walker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHANGING NAMES OF NATIONAL BANKS.

Mr. BEACH introduced a bill (H. R. 5362) authorizing the Comptroller of the Currency to change the names of national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

REV. FRANKLIN BALL.

Mr. ARNOT (by Mr. BAGLEY) introduced a bill (H. R. 5363) to pay the claim of Rev. Franklin Ball; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. WHITCOMB.

Mr. BAGLEY introduced a bill (H. R. 5364) granting a pension to William H. Whitcomb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY ANN HURST.

Mr. COX, of New York, introduced a bill (H. R. 5365) granting a pension to Mrs. Mary Ann Hurst; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF COUNT PULASKI.

Mr. COX, of New York, introduced a bill (H. R. 5366) for the relief of the heirs of General Count Casimir Pulaski; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

POSTAGE ON SEEDS.

Mr. GREENLEAF introduced a bill (H. R. 5367) regulating the rate of postage on seeds; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

YOUNG AMMONS.

Mr. VANCE introduced a bill (H. R. 5368) for the relief of Young Ammons; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES W. DAVIS.

Mr. VANCE also introduced a bill (H. R. 5369) for the relief of James W. Davis, administrator of James Davis, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL LUCAS.

Mr. VANCE also introduced a bill (H. R. 5370) granting an increase of pension to Daniel Lucas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BAILEY.

Mr. VANCE also introduced a bill (H. R. 5371) for the relief of John Bailey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

T. J. PAYNE.

Mr. VANCE also introduced a bill (H. R. 5372) for the relief of T. J. Payne; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUFFERERS BY CYCLONE IN NORTH CAROLINA.

Mr. DOWD introduced a joint resolution (H. Res. 180) for the relief of the sufferers by the late cyclone in North Carolina; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT OF RULES.

Mr. SCALES submitted the following resolution; which was referred to the Committee on the Rules:

Resolved, That no committee of the House having authority to order printing by the Public Printer for its use shall order the printing of more than twenty-five copies of any bill, or revised or amended bill, or of any report or other communication from any Department or person; nor shall any report, letter, or communication ordered to be printed exceed in volume ten pages of ordinary printed matter.

CONVICT LABOR.

Mr. BENNETT introduced a bill (H. R. 5373) to prescribe and regulate the hours of labor imposed upon and required of persons heretofore convicted or who may hereafter be convicted in courts of the United States and imprisoned under sentence of said courts at labor or with hard labor; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

PHILLIP WIGGINS.

Mr. O'HARA introduced a bill (H. R. 5374) granting a pension to Phillip Wiggins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOSEA A. SHADLE.

Mr. HILL introduced a bill (H. R. 5375) granting a pension to Hosea A. Shadle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EPHRAIM DUTTER.

Mr. HILL also introduced a bill (H. R. 5376) granting a pension to Ephraim Dutter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RAILROAD LANDS IN MICHIGAN.

Mr. GEDDES presented a joint resolution of the Legislature of the State of Ohio, relative to Senate bill 691 to confirm and declare legal the acts of certain officers of the United States involving land in the State of Michigan; which was read, upon the demand of Mr. GEDDES, and referred to the Committee on the Public Lands.

WAR CLAIMS.

Mr. GEDDES introduced a bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY MILKEY.

Mr. MURRAY introduced a bill (H. R. 5378) granting a pension to Henry Milkey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD MANION.

Mr. MURRAY also introduced a bill (H. R. 5379) granting a pension to Edward Manion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK COYNE.

Mr. MURRAY also introduced a bill (H. R. 5380) granting a pen-

sion to Patrick Coyne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM FERGUSON.

Mr. SENEY introduced a bill (H. R. 5381) to restore to the pension-roll the name of William Ferguson, private Company A, Third Ohio Volunteers, Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GEORGE W. HARBAUGH.

Mr. FORAN introduced a bill (H. R. 5382) to remove the charge of desertion from the military record of George W. Harbaugh; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANK LYNCH.

Mr. FORAN also introduced a bill (H. R. 5383) to increase the pension of Frank Lynch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN PENDLETON.

Mr. FORAN also introduced a bill (H. R. 5384) granting a pension to John Pendleton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH T. MATTHEWS.

Mr. BARR introduced a bill (H. R. 5385) to increase the pension of Sarah T. Matthews; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOPHIA E. BRENEISER.

Mr. STORM introduced a bill (H. R. 5386) granting a pension to Sophia E. Breneiser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMOS STROH.

Mr. STORM also introduced a bill (H. R. 5387) granting a pension to Amos Stroh, of Carbon County, Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be prihted.

AMOS B. ECKHOFF.

Mr. EVERHART (by request) introduced a bill (H. R. 5388) granting an increase of pension to Amos B. Eckhoff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS C. SARTORI, U. S. N.

Mr. O'NEILL, of Pennsylvania (by request), introduced a bill (H. R. 5389) to promote Commodore Louis C. Sartori, on the retired-list of the Navy, to be rear-admiral on said list, in accordance with his original position on the Naval Register; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HARRY M. JACOBY.

Mr. HARMER introduced a bill (H. R. 5390) for the relief of Lieut. Harry M. Jacoby, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HENRY I. MILLER.

Mr. HARMER also introduced a bill (H. R. 5391) granting a pension to Henry I. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EZRA GRIFFIN POST, G. A. R.

Mr. CONNOLLY introduced a bill (H. R. 5392) to donate condemned ordnance to Ezra Griffin Post, No. 139, Grand Army of the Republic, of Scranton, Pa.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SCRANTON VETERAN SOLDIERS' ASSOCIATION.

Mr. CONNOLLY also introduced a bill (H. R. 5393) to donate condemned ordnance to Scranton Veteran Soldiers' Association, of Scranton, Lackawanna County, Pennsylvania; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES M. ROSS.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 5394) granting a pension to James M. Ross; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL NAWGLE.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 5395) for the relief of Michael Nawgle; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADDITIONAL COPIES CENSUS REPORT.

Mr. YOUNG introduced a bill (H. R. 5396) to provide for the printing of additional copies of the census report of 1880; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

H. B. WILSON, ADMINISTRATOR.

Mr. YOUNG also introduced a bill (H. R. 5397) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COLEMAN WHITE, ADMINISTRATOR.

Mr. BALLENTINE introduced a bill (H. R. 5398) for the relief of Coleman White, administrator of Mrs. Jane White; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SETTLEMENT OF CERTAIN RAILROAD ACCOUNTS.

Mr. DIBRELL introduced a bill (H. R. 5399) to provide for the settlement of the accounts of certain railway companies; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM H. STRINGER.

Mr. DIBRELL also introduced a bill (H. R. 5400) for the relief of the heirs of William H. Stringer, deceased, late of Hamilton County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. H. BAKER.

Mr. LANHAM introduced a bill (H. R. 5401) for the relief of J. H. Baker; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DANIEL MURPHY.

Mr. LANHAM also introduced a bill (H. R. 5402) for the relief of Daniel Murphy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY BURKETT.

Mr. LANHAM also introduced a bill (H. R. 5403) for the relief of Mary Burkett; which was a read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ISAAC D. JOHNSON.

Mr. WELLBORN introduced a bill (H. R. 5404) for the relief of Isaac D. Johnson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MILITARY ENCAMPMENT, HOUSTON, TEX.

Mr. STEWART, of Texas, introduced a joint resolution (H. Res. 181) authorizing the Secretary of War to supply the military encampment, at Houston, Tex., with tents; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMANDA AND THOMAS WALSH.

Mr. OCHILTREE introduced a bill (H. R. 5405) for the relief of Amanda and Thomas Walsh.

The SPEAKER. The Chair thinks this bill should be referred to the Committee on Claims.

Mr. OCHILTREE. I move the reference of the bill to the Committee on Foreign Affairs.

The motion was not agreed to.

The bill was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REDEMPTION OF NATIONAL-BANK NOTES.

Mr. MILLER, of Texas, introduced a bill (H. R. 5406) to authorize the Secretary of the Treasury to invest the funds held by the Treasury for the redemption of national-bank notes in United States bonds; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CATHARINE CARBERRY AND RICHARD LAY.

Mr. POLAND introduced a bill (H. R. 5407) referring the claims of Catharine Carberry and Richard Lay to the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

J. B. FLETCHER.

Mr. POLAND also introduced a bill (H. R. 5408) for the relief of J. B. Fletcher; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

RICHARD DODGE.

Mr. POLAND also introduced a bill (H. R. 5409) continuing the payment of a pension to Richard Dodge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIEUT. COMMANDER JOSHUA BISHOP.

Mr. GEORGE D. WISE introduced a joint resolution (H. Res. 182) authorizing the President to appoint Lieut. Commander Joshua Bishop a commander in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MONUMENT TO THE MOTHER OF WASHINGTON.

Mr. GEORGE D. WISE also introduced a bill (H. R. 5410) for the

completion of the monument to Mary, the mother of Washington, at Fredericksburg, Va.; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

REPRESENTATIVE OF M. D. NEWMAN.

Mr. BARBOUR introduced a bill (H. R. 5411) for the relief of the personal representative of M. D. Newman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN WHITE.

Mr. BARBOUR (by request) also introduced a bill (H. R. 5412) to place the name of John White, of Company D, Second District of Columbia Volunteers, on the pension-roll of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL WILLIAMS.

Mr. BARBOUR (by request) also introduced a bill (H. R. 5413) to place the name of Daniel Williams, United States Marine Corps, on the pension-roll of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD F. TABB.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 5414) for the relief of Edward F. Tabb, of Berkeley County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SOLOMON BOYER.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 5415) for the relief of Solomon Boyer, of Berkeley County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN BRINDLE.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 5416) for the relief of John Brindle, of Berkeley County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPRESENTATIVES OF JOSEPH ANDERSON.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 5417) for the relief of the legal representatives of Joseph Anderson, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. W. PHILLIPS AND OTHERS.

Mr. GOFF introduced a bill (H. R. 5418) for the relief of H. W. Phillips, Clark Hanes, and John Beam; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. SALLIE F. BLUNDON.

Mr. GOFF also introduced a bill (H. R. 5419) granting an increased pension to Mrs. Sallie F. Blundon, widow of Major E. Blundon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIOUX RESERVATION IN DAKOTA.

Mr. WOODWARD introduced a bill (H. R. 5420) to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Chicago, Milwaukee and Saint Paul Railway Company through the Sioux reservation in Dakota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ISAAC SMITH.

Mr. WOODWARD also introduced a bill (H. R. 5421) granting a pension to Isaac Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POSTAL CLERKS, ETC.

Mr. JOHN S. WISE (by Mr. WOODWARD) introduced a bill (H. R. 5422) granting railway postal clerks and other employés leave of absence; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LIEUT. CLARK M. WILSEY.

Mr. JONES, of Wisconsin, introduced a bill (H. R. 5423) for the relief of Lieut. Clark M. Wilsey, of Windsor, Wis.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELLEN DACEY.

Mr. RUSSELL introduced a bill (H. R. 5424) for the relief of Mrs. Ellen Dacey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAND DISTRICT IN DAKOTA.

Mr. RAYMOND introduced a bill (H. R. 5425) to create a new land district in the Territory of Dakota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CORPORATE AUTHORITIES OF ABERDEEN, DAK.

Mr. RAYMOND also introduced a bill (H. R. 5426) authorizing the corporate authorities of the city of Aberdeen, Dak., to purchase a quarter-section of land; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INDIANS OF NORTHERN MONTANA.

Mr. MAGINNIS introduced a bill (H. R. 5427) to provide permanent reservations for Indians in Northern Montana, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SPOKANE FALLS AND CŒUR D'ALENE RAILROAD COMPANY.

Mr. BRENTS introduced a bill (H. R. 5428) to incorporate the Spokane Falls and Cœur d'Alene Railroad Company; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories under the rule. If there be no objection, the Chair will recognize gentlemen for the introduction of bills and joint resolutions who were not present when their States were called.

There was no objection.

M'LEAN POST, GRAND ARMY OF THE REPUBLIC.

Mr. ERMENTROUT introduced a bill (H. R. 5429) to authorize the Secretary of War to furnish condemned cannon to McLean Post, No. 16, Grand Army of the Republic, at Reading, Pa.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PHILIP B. ROBINSON.

Mr. REESE introduced a bill (H. R. 5430) to refund to Philip B. Robinson, of Georgia, taxes illegally collected as income taxes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SUFFERERS FROM FLOODS.

Mr. DUNN introduced a joint resolution (H. Res. 183) making an appropriation for the relief of persons rendered destitute by the overflowing of the Mississippi River and its tributaries; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

CLAIMS FROM WAR OF 1812.

Mr. TUCKER introduced a bill (H. R. 5431) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DUTIES ON TOBACCO.

Mr. HISCOCK introduced a bill (H. R. 5432) relating to duties on tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BRIDGES ACROSS WISCONSIN RIVER, ETC.

Mr. McCOID introduced a bill (H. R. 5433) to authorize the construction of bridges across the Wisconsin, Chippewa, and Saint Croix Rivers, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGES ACROSS MISSISSIPPI RIVER.

Mr. McCOID also introduced a bill (H. R. 5434) to authorize the construction of bridges across the Mississippi River, one in the State of Minnesota and one between the States of Minnesota and Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SHIPPING.

Mr. PARKER introduced a bill (H. R. 5435) for the relief of shipping; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. WASHBURN introduced a bill (H. R. 5436) to authorize the construction of a foot, carriage, and railroad bridge across the Mississippi River at some point between Fort Snelling and Saint Anthony's Falls, in the city of Minneapolis, Minn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REPORT OF BUREAU OF STATISTICS.

Mr. DOCKERY introduced a joint resolution (H. Res. 184) providing for the printing of 10,000 copies of report No. 583 of the Bureau of Statistics; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

EDGAR BROADHEAD.

Mr. BEACH introduced a bill (H. R. 5437) for the relief of Edgar Broadhead; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

COMMEMORATION OF THE HOMESTEAD LAW.

Mr. COX, of New York, introduced a bill (H. R. 5438) granting lands in aid of the erection of a monument commemorative of the homestead law; which was read a first and second time.

The question was upon the reference of the bill.

Mr. COX, of New York. I think the bill should be referred to the Committee on the Library.

The SPEAKER. Has the construction of this monument already been authorized by law?

Mr. COX, of New York. It has not.

The bill was accordingly referred to the Committee on the Library, and ordered to be printed.

TIMBER DEPREDATIONS.

Mr. WELLBORN. If in order, I desire to ask unanimous consent to correct an erroneous reference of a bill. House bill No. 4957, introduced on the 11th of February, to amend section 5386 of the Revised Statutes of the United States, in relation to timber depredations, was erroneously referred to the Committee on Public Lands; it should go to the Committee on Indian Affairs. I move that the Committee on Public Lands be discharged from its further consideration and that the same be referred to the Committee on Indian Affairs.

There was no objection, and it was ordered accordingly.

JOHN F. TUTTLE.

Mr. HENLEY introduced a bill (H. R. 5439) granting a pension to John F. Tuttle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES SKINNER.

Mr. HENLEY also introduced a bill (H. R. 5440) granting a pension to James Skinner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. PRICE. I ask unanimous consent to make a report from the Committee on Claims, for the purpose of having it printed.

The SPEAKER. The Chair is about proceeding to the call of committees for reports, under which call the gentleman can make his report.

LONGEVITY PAY TO NAVAL OFFICERS.

Mr. TALBOTT, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 1401) to amend section 1556 of the Revised Statutes, giving longevity pay to certain officers of the Navy; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

FORT WORTH AND DENVER CITY RAILWAY.

Mr. WELLBORN, from the Committee on Indian Affairs, reported a bill (H. R. 5441) to grant to the Fort Worth and Denver City Railway a right of way through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

ALASKA.

Mr. EVINS, of South Carolina, from the Committee on the Territories, reported back with a favorable recommendation the bill (S. 153) to provide a civil government for Alaska; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RESIDENCE OF TERRITORIAL GOVERNORS.

Mr. EVINS, of South Carolina, from the Committee on Territories, also reported back with a favorable recommendation the bill (H. R. 4713) requiring the governors of certain Territories to be residents of said Territories at least two years preceding appointment; which was placed upon the House Calendar, and the accompanying report ordered to be printed.

SURVEY OF PACIFIC RAILROAD LANDS.

Mr. CRISP. I have been directed by the Committee on Pacific Railroads, to whom were referred House bills 35, 934, 507, and 3562, to report a substitute bill therefor.

The SPEAKER. The gentleman can not report a substitute for several bills. He can report a bill in lieu of other bills.

Mr. CRISP. I then report a bill to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes, approved July 1, 1862,' approved July 2, 1864," and ask that it be placed on the House Calendar.

The SPEAKER. Does the bill make an appropriation of money or lands?

Mr. CRISP. Not at all; it is merely requiring the road to pay for the cost of the survey of the lands already granted to it.

The bill (H. R. 5442) was read a first and second time, placed on the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. HANBACK. In behalf of the minority of the committee I ask leave to present a minority report, accompanied by a bill as a substitute for the one reported by the majority of the committee. I ask that the views of the minority be printed with the report of the majority.

There was no objection, and it was ordered accordingly.

SARAH R. DARLEY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back the bill (H. R. 3231) granting a pension to Sarah R. Darley; when the Committee on Invalid Pensions was discharged from the further consideration of the same, and it was referred to the Committee on Pensions.

LIEUT. N. C. RIDENOUR.

Mr. HOLMES, from the Committee on Invalid Pensions, reported, as a substitute for H. R. 2000, a bill (H. R. 5443) for the relief of Lieut. N. C. Ridenour; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MALVIN PIERCE.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1985) granting a pension to Malvin Pierce; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FRANK F. FITKIN.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1986) granting a pension to Frank F. Fitkin; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FREDERICK NELSON AND OTHERS.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1711) granting pensions to Frederick Nelson, T. Caine, and Henry C. Sanders; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES MURPHY.

Mr. PRICE, from the Committee on Claims, reported back the petition of Charles Murphy for relief; which was recommitted, and the accompanying report ordered to be printed.

ALBERT H. EMERY.

Mr. PRICE, from the Committee on Claims, also reported back with amendments the bill (H. R. 132) for the relief of Albert H. Emery; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

Mr. MCMILLIN. I am directed to ask that the minority of the committee have leave to file on a future day their views upon the bill just reported, and which was only acted on this morning.

The SPEAKER. If there be no objection, the minority of the committee will be allowed on some future day to present their views, to be printed with the report of the majority.

There was no objection, and it was ordered accordingly.

WILLIAM MORAN.

Mr. MCMILLIN, from the Committee on Claims, reported back the bill (H. R. 4896) for the relief of William Moran; when the Committee on Claims was discharged from the further consideration of the same, and it was referred to the Committee on Invalid Pensions.

ADVERSE REPORTS.

Mr. GEDDES, from the Committee on War Claims, reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1200) for the relief of John Reid;

A bill (H. R. 157) to provide for the adjudication of the cotton and other claims of the State of Georgia for property seized during the late civil war;

A bill (H. R. 1833) for the relief of the trustees of the Catholic church at Dalton, Ga;

A bill (H. R. 1834) for the relief of the trustees of the Presbyterian church in Marietta, Ga.; and

A bill (H. R. 2991) for the relief of Warren Hall.

THOMAS WORTHINGTON.

Mr. BOWEN (by Mr. GEDDES), from the Committee on War Claims, reported, as a substitute for H. R. 1262, a bill (H. R. 5444) for the relief of Thomas Worthington; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

ACKNOWLEDGMENTS OF CONVEYANCES.

Mr. MCCOMAS, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 3235) relating to ac-

knowledgments of conveyances of land in the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

COLLATERAL TRUST COMPANY.

Mr. McCOMAS, from the Committee on the District of Columbia, also reported back adversely the bill (H. R. 3662) to incorporate the Collateral Trust and Indemnity Company in the District of Columbia; which was laid on the table, and the accompanying report ordered to be printed.

PURCHASE OF FOREIGN VESSELS.

Mr. FINDLAY (by Mr. LONG), from the Select Committee on American Ship-building and Ship-owning Interests, reported, as a substitute for H. R. 3917, a bill (H. R. 5444) to amend section 4136 of the Revised Statutes of the United States, relating to the purchase and repair of foreign vessels; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LAND-GRANT RAILROADS.

Mr. VAN EATON, from the Committee on the Public Lands, reported back adversely the following resolution; which was laid on the table, and the accompanying report ordered to be printed:

Resolved, That the Secretary of the Interior be requested to furnish for the use of the House of Representatives as soon as practicable the following information: What lands granted to and earned by any land-grant railroad in the State of Nebraska, or in any other State or Territory of the United States, now remain unpatented to such railroad or railroads, and the aggregate amount of such land, and to show particularly when such lands were earned by the railroad or railroads claiming them and why patent thereto is now withheld, if it be so withheld. Also whether patent has been issued to any railroad claiming it without due payment by such railroad of the land-office fees and survey charges, and the amount of the land so patented, and the reason for the same.

EDUCATION.

Mr. WILLIS, from the Committee on Education, reported back the bill (H. R. 4980) to aid temporarily in the support of common schools, which, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

WHITE MOUNTAIN INDIAN RESERVATION.

Mr. OURY, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 1673) to correct the western and southern boundaries of the White Mountain Indian reservation, in the Territory of Arizona, and segregate the Deer Creek coal-fields; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

AMENDMENT TO SECTION 4136 OF THE REVISED STATUTES.

Mr. LONG, from the Select Committee on American Ship-building and Ship-owning Interests, reported, as a substitute for H. R. 3917, a bill (H. R. 5445) to amend section 4136 of the Revised Statutes, relating to the purchase and repair of foreign vessels; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

ARTHUR W. PAYNTER.

Mr. RANDALL, by unanimous consent, introduced a bill (H. R. 5446) referring the claim of Arthur W. Paynter, for damages to the schooner Peter D. Lambert and cargo, to the Court of Claims; which was read a first and second time, referred to the Commitee on War Claims, and ordered to be printed.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. SPRINGER, by unanimous consent, introduced a joint resolution (H. Res. 185) proposing an amendment to the Constitution in reference to the election of Presidnt and Vice-President of the United States and of members of Congress; which was read a first and second time, referred to the Select Committee on Law respecting Election of President and Vice-President, and ordered to be printed.

ENSIGN L. K. REYNOLDS.

Mr. COX, of New York, from the Committee on Naval Affairs, reported back the joint resolution (S. R. 26) granting permission to Ensign L. K. Reynolds, U. S. N., to accept the decorations of the Royal and Imperial Order of Francis Joseph from the Government of Austria; which was ordered to be printed and recommitted.

TARIFF COMPILATION.

Mr. ROGERS, of New York, from the Committee on Printing, reported back favorably the following Senate concurrent resolution:

IN THE SENATE OF THE UNITED STATES, *February* 15, 1884.

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized to print and bind 24,000 additional copies of the Tariff Compilation for 1884 (Senate Report No. 12, Forty-eighth Congress, first session); 8,000 for the use of the Senate and 16,000 for the use of the House of Representatives.

Attest:

ANSON G. McCOOK, *Secretary*.

The resolution was concurred in.

Mr. ROGERS, of New York, moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HEIRS OF GENERAL PULASKI.

Mr. BELMONT introduced a bill (H. R. 5447) for the relief of the heirs of General Count Casimir Pulaski; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message from the President, in writing, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved the bill (H. R. 448) to fix the times for holding the terms of the circuit and district courts of the United States for the northern district of Iowa.

ORDER OF BUSINESS.

Mr. BLAND. I move that the House do now proceed to the consideration of business on the Speaker's table.

The question was taken.

Mr. HATCH, of Missouri. On that I demand a division.

The House divided; and there were—ayes 45, noes not counted.

Mr. BLAND. At the suggestion of my colleague I ask consent to withdraw the motion. I understand that it is his desire to proceed with the pleuro-pneumonia bill, and I will not antagonize his wishes in that respect.

There being no objection, the motion was withdrawn.

DISEASES AMONG DOMESTIC ANIMALS.

Mr. HATCH, of Missouri. I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the special order, being the unfinished business coming over from Saturday, the consideration of the bill reported by the Committee on Agriculture.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. BLACKBURN in the chair).

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the special order.

The gentleman from Missouri is entitled to the floor.

Mr. HATCH, of Missouri. Mr. Chairman, in occupying the last hour of general debate to answer the objections that have been urged against the passage of this bill which I have had the honor to report from the Committee on Agriculture, it will not be expected of me that I consume any portion of that time in replying to the Fourth of July orations that have been delivered under the pretext of opposing the bill because, as alleged, some of its provisions are unconstitutional. Whenever any gentleman shall point out in any section of this bill a provision that in his judgment is obnoxious to any principle or provision of the Constitution, I shall deem it not only my duty but my pleasure to respond to him.

I willingly assume the responsibility urged upon me by the distinguished gentleman from Connecticut and the gentleman from Texas, for myself and the committee which I have the honor to represent in the close of this discussion, of proving to the House and to the country that this bill does not in any of its provisions violate either the spirit or the letter of the Constitution.

I expect, sir, to speak very plainly in regard to some of the statements that have been made against this bill, because they are unfair to this extent, that the provisions of the bill itself have not been accurately or fairly quoted. I can not undertake to answer the speech of the gentleman from Kentucky [Mr. HALSELL], who, when I asked him to point out any provision of this bill which in his judgment was unconstitutional, answers: "Yes, the whole bill is unconstitutional." And yet there are provisions of the bill so plainly within the terms of the constitutional authority of Congress, and within the constitutional limit of our power, that a ten-year old child would not controvert the proposition that they are clearly and conclusively within its provisions.

But, Mr. Chairman, it is not the first time that I have heard these objections urged to the passage of this or a similar bill; nor is it the first time on the floor of this House that I have heard not only this question of constitutional infraction raised, but when the argument ceased to have any effect, when legitimate argument against the bill was exhausted, ridicule and epithets have been indulged in by gentlemen simply because the bill is in the interest of the great agricultural masses of the country, and does not seek to build up or aggrandize the power of some corporation or monopoly. Let me say to my distinguished friend from Connecticut and the gentleman from Kentucky, that I am not only a constitutional Democrat—a States-right Democrat—but I am an anti-monopoly Democrat; and when I go to learn a new lesson about my duty as a Democrat, the duty of the proper interpretation of the Constitution of the United States, I will not sit at the feet of the distinguished gentleman from Connecticut, who claims the paternity of the tariff commission bill, that in my judgment is not only an infraction of the Constitution, but the most reprehensible and cowardly surrender of the rights and privileges of this House that has ever occurred since the Government was organized.

Mr. EATON. I hope the gentleman will give me, when he asserts any such thing that it is cowardly—I trust he will give me five or ten minutes of his time.

Mr. HATCH, of Missouri. I do not mean that assertion with any disrespect to the gentleman from Connecticut. I make it with reference to the action of this House that passed the bill. I stated it on the floor of this House when that commission bill was under discussion, and I repeat it here.

Nor, Mr. Chairman, will I go to the feet of my distinguished colleague [Mr. BROADHEAD], able lawyer as he is, from the State of Missouri, who declared on the floor of this House, in the face of every decision of the Supreme Court of the United States on this subject, that a State has the power to interfere with or regulate interstate commerce?

Mr. BROADHEAD. I never made any such declaration at all.

Mr. HATCH, of Missouri. I do not yield to the gentleman. I will in the course of my argument quote the gentleman's own language, and then will turn to the decision of the Supreme Court and see whether that bears out the assertion.

Mr. Chairman, before I proceed to discuss this bill by sections and to answer some objections that have been urged against it, I desire for the benefit of my Democratic colleagues and friends on this side of the House to state, by reading one or two extracts, what my position is in regard to the constitutional provisions of this bill. The House will bear me witness that when presenting this bill from the Committee on Agriculture I stated frankly and fully that there were grave difficulties in the way of preparing this or any other bill upon this subject; that there were certain powers that belonged to the Federal Government and certain other powers that belonged to the States which had to be utilized and harmonized; and that I was not willing to present a bill to this House, to advocate it, or to vote for it, that infringed upon or impaired the rights of the States as reserved in the Constitution to the States respectively or to the people.

Mr. EATON (in his seat). State rights are not reserved in the Constitution. They belong to the States.

Mr. HATCH, of Missouri. I will not yield now for the interjection of remarks by gentlemen in their seats. The gentleman has had his time, and will have it under the five-minute rule if he desires to reply.

Mr. EATON. I shall desire to do so.

Mr. HATCH, of Missouri. I stated distinctly and emphatically that the power to regulate commerce belongs exclusively to the Federal Government. The condemnation of private property, local quarantine, and the police regulations I stated belonged exclusively to the States, and it was not within the constitutional power of Congress to invade that territory. And I expect to show conclusively to this House and to every member of it who has not made up his mind to vote against the bill, whether it is good or bad, that there is not a single provision in it that infringes either upon the rights of the States or the rights of the Federal Government.

Mr. BROADHEAD. May I ask the gentleman from Missouri a question?

Mr. HATCH, of Missouri. Certainly.

Mr. BROADHEAD. I wish to ask the gentleman whether the power to regulate commerce embraces the power to establish police regulations, and whether this is not a police regulation? I never denied the power of the Federal Government to regulate commerce between the States.

Mr. HATCH, of Missouri. I will answer the gentleman very fully. While the gentleman was making his argument he read an extract from the celebrated case of The Railway *vs.* Husen, which I quoted and referred the House to in my opening remarks; and after he had argued upon a single extract which he read from that decision I asked him this question.

Mr. HATCH, of Missouri. Does the gentleman contend that the States have the power to pass a law which would prohibit the transportation of cattle from one State to another?

Mr. BROADHEAD. Most unquestionably they have, as a police regulation.

Now, what does the Supreme Court in the very case say? Let me read it. The gentleman read a very short extract. If he had read the whole case he would never have made that speech. Here is what the court says:

It seems hardly necessary to argue at length that unless the statute can be justified as a legitimate exercise of the police power of the State it is an usurpation of the power vested exclusively in Congress. It is a plain regulation of interstate commerce, a regulation extending to prohibition. Whatever may be the power of a State over commerce that is completely internal, it can no more prohibit or regulate that which is interstate than it can that which is with foreign nations. Power over one is given by the Constitution of the United States to Congress in the same words in which it is given over the other, and in both cases it is necessarily exclusive. That the transportation of property from one State to another is a branch of interstate commerce is undeniable, and no attempt has been made in this case to deny it.

Mr. BROADHEAD. I ask the gentleman——

Mr. HATCH, of Missouri. I do not yield. The court goes on to say—

The Missouri statute is a plain interference with such transportation, an attempted exercise over it of the highest possible power—that of destruction.

I know it is hard for gentlemen to keep their seats while I am reading this. Before I get through this argument they may find their seats still hotter for them. The court continues:

It meets at the borders of the State a large and common subject of commerce, and prohibits its crossing the State line during two-thirds of each year, with a proviso, however, that such cattle may come across the line loaded upon a railroad car or steamboat and pass through the State without being unloaded. But even the right of steamboat owners and railroad companies to transport such property through the State is loaded by the law with onerous liabilities because of their agency in the transportation. The object and effect of the statute are, therefore, to obstruct interstate commerce, and to discriminate between the property of citizens of one State and that of citizens of other States. This court has heretofore said that interstate transportation of passengers is beyond the reach of a State Legislature, and if, as we have held, State taxation of persons passing from one State to another, or a State tax upon interstate transportation of passengers, is prohibited by the Constitution because a burden upon it, *a fortiori*, if possible, is a State tax upon the carriage of merchandise from State to State. Transportation is essential to commerce, or rather it is commerce itself; and every obstacle to it or burden laid upon it by legislative authority is regulation.

And that regulation is declared to be unconstitutional.

Mr. CLAY. Will the gentleman from Missouri permit me to interrupt him a moment?

Mr. HATCH, of Missouri. I shall be obliged to the gentleman if he will allow me to proceed with my argument until I get through with this branch of it.

Now, what are the provisions of the bill? I desire to take them up in their order. The first section provides—

That the Commissioner of Agriculture shall organize in his department a bureau of animal industry, and shall appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the number, value, and condition of the domestic animals of the United States, &c.

Mr. Chairman, I was not only amused but amazed that gentlemen would spend ten, fifteen, twenty, and thirty minutes in the discussion of this bill, fighting a man of straw that they have erected in that first section, and declaring that the Government of the United States was about to be subverted and the Constitution overridden because it was proposed to organize in the Department of Agriculture a bureau of animal industry. And gentlemen got up and talked about fabulous figures. The idea of making an estimate of the number and value of the domestic animals of the United States! Bless their innocent hearts, the Department of Agriculture has done that work for the last seventeen years. And the object of the section is simply to organize in one bureau the straggling appropriations which have been made in favor of this work from time to time, and is directly in the interest of economy.

I was so much amazed that I asked the Commissioner of Agriculture to send me a statement, in order to test the records of that department. Within twenty-four or forty-eight hours from the time I sent my request to that department I received a communication, accompanied by a table, which I will publish with my remarks, of the States and Territories, giving the number and value of the entire cattle industry of this country. I would not undertake now to read the letter to the House if it was not for the fact that gentlemen do not seem to know what has taken place in that department for the last seventeen years. It is from the "Division of Statistics." I suppose some constitutional lawyer will object to the communication because it comes from the division of statistics in the department of Agriculture, on the ground that this is another infringement of the Constitution, another outrage upon the people of the United States. This is the letter:

UNITED STATES DEPARTMENT OF AGRICULTURE,
DIVISION OF STATISTICS,
Washington, D. C., February 11, 1884.

SIR: The request of Hon. WILLIAM H. HATCH, chairman of the Committee of Agriculture of the House of Representatives, for the numbers and value of cattle has been referred to this division for reply.

The annual census of farm animals, taken by the corps of department correspondents, is just completed, but not yet published. The results as relate to neat cattle are presented in an accompanying statement, which will not vary materially from the ultimate official publication.

These annual enumerations have been taken by this department for seventeen years, with results more accurate and complete than those obtained from State assessors' returns, and generally approximating the aggregates of the United States census. They are not obtained by an actual count of herds and flocks, a work that would require much time and money, but by careful comparison of increase or decrease, upon known and recorded data, by corps of county correspondents, after much investigation and deliberation.

With increased facilities for the work, the results are gradually attaining greater value and accuracy.

The returns show an increase in milch cows and other cattle, especially of the latter, in the ranges of the great Western plains and mountains.

The average values have also increased; of milch cows from $30.21 to $31.38; of other cattle from $21.80 to $23.52.

The comparison of numbers and values is as follows:

	1883.		1884.	
	Number.	Value.	Number.	Value.
Milch cows	13,125,685	$396,557,405	13,495,206	$423,486,649
Other cattle	28,046,077	611,549,109	29,046,101	683,229,054
Total	41,171,762	1,008,106,514	42,541,307	1,106,715 703

This makes the increase in milch cows 269,521, and 1,000,029 in other cattle; and an increase in the aggregate value of all neat stock of $98,609,289.

The number of sheep as recorded will be about 50,000,000. There has been a slight decrease in the farming areas and some increase on the ranches. The pinch in the reduction of prices has been injurious in the principal farming districts, but less severe from the fact that foreign wools have been high the past year. Prices of sheep have declined slightly, the average farm value being $2.37, instead of $2.53 last year, a decline of nearly 7 per cent.

The number of hogs reported is 44,200,893, valued at $246,301,139; an average for

all ages of $5.37. The number of the previous estimates was 43,270,086, valued at $291,951,221. Everywhere a decrease in value is reported.

Respectfully,

J. R. DODGE, *Statistician.*

Hon. GEORGE B. LORING, *Commissioner.*

States and Territories.	Milch cows.		Oxen and other cattle.	
	Number.	Value.	Number.	Value.
Maine	162,095	$5,592,277	188,919	$6,051,076
New Hampshire	95,157	3,104,021	141,784	4,741,257
Vermont	230,317	7,139,827	187,933	6,184,875
Massachusetts	160,226	6,168,701	108,393	3,762,321
Rhode Island	21,882	776,811	13,427	517,074
Connecticut	121,006	4,044,021	113,440	3,966,997
New York	1,510,904	54,891,142	886,041	33,084,771
New Jersey	164,566	6,472,381	69,947	2,627,909
Pennsylvania	884,351	32,420,308	875,994	27,812,809
Delaware	27,842	991,175	26,525	863,123
Maryland	124,750	4,522,187	139,592	3,686,625
Virginia	245,353	5,606,316	436,820	8,976,651
North Carolina	234,339	3,983,763	419,508	4,547,467
South Carolina	137,763	3,076,248	216,880	2,548,340
Georgia	341,048	6,493,554	610,811	7,177,029
Florida	46,054	658,572	560,000	5,140,800
Alabama	279,668	4,617,319	480,100	5,439,533
Mississippi	274,829	4,603,386	420,499	4,545,594
Louisiana	153,452	3,135,024	271,603	3,318,989
Texas	667,501	16,353,774	4,277,700	74,902,527
Arkansas	257,752	5,585,486	420,876	5,749,166
Tennessee	313,742	7,379,212	466,084	7,802,246
West Virginia	161,378	5,012,401	289,519	7,400,106
Kentucky	304,720	9,836,362	498,888	13,794,253
Ohio	781,996	28,542,854	1,017,820	29,944,264
Michigan	404,078	14,724,602	491,792	13,765,258
Indiana	504,793	17,667,755	851,355	22,858,882
Illinois	900,984	31,534,440	1,442,344	40,443,326
Wisconsin	532,734	17,313,855	682,743	18,208,756
Minnesota	343,864	10,831,716	427,084	10,916,267
Iowa	1,085,077	34,451,195	1,955,810	50,851,060
Missouri	674,565	18,887,820	1,335,082	30,199,555
Kansas	526,933	17,704,949	1,395,200	37,837,824
Nebraska	255,544	8,432,952	1,368,500	36,183,140
California	220,708	8,386,904	609,500	17,766,925
Oregon	65,616	2,362,176	535,600	14,038,076
Nevada	16,029	598,363	218,360	5,928,474
Colorado	43,114	1,750,428	772,560	20,449,663
Arizona	13,057	424,352	203,000	4,060,000
Dakota	75,937	2,534,018	270,600	7,222,314
Idaho	15,862	594,825	204,750	5,332,500
Montana	14,239	526,843	672,600	17,595,216
New Mexico	16,743	586,005	690,562	13,818,146
Utah	38,473	1,351,172	132,180	3,157,780
Washington	45,632	1,665,568	230,376	5,722,540
Wyoming	4,533	149,589	897,000	23,456,550
Indian Territory			520,000	8,840,000
	13,495,206	423,486,649	29,046,101	683,229,054

I give that to show that this work has been in progress in the Department of Agriculture for seventeen years. Annual appropriations have been made to carry it on, and this section of the pending bill which I have read is intended merely to simplify the work, and is in the interest of economy, proposing to create this bureau of animal industry. Yet my friend from West Virginia [Mr. GIBSON] and the gentleman from Texas who addressed himself to the House in opposition to this bill [Mr. LANHAM] seemed to think that it would cost millions and millions of dollars for this bureau of animal industry. Indeed, the gentleman went so far as to say that the gentleman from Colorado [Mr. BELFORD] ought to support this bill, for it was the surest thing he had seen to unlock the vaults of the Treasury.

I have a word to say to my friend from Texas, and I might as well say it right here. He commenced his remarks on this bill by saying that if he had known the character and provisions of the bill he would have objected to its having consideration in the House. Well, I am very glad my friend did not know it. I am very glad on his account that he did not make any such objection, for before his term expires he will find out and agree with me that about the narrowest statesmanship in this House is that which expends itself in the laconic expression, "I object." [Laughter.]

The gentleman took up some ten or fifteen minutes of his time in glorifying Texas. Why, my friend, I do not yield to any Representative on the floor of this House, even the gentleman from Texas, in my admiration of that great State. I had the honor and the pleasure some years ago of delivering an address at the annual State fair in the city of Houston, in which I spent an hour and a half in telling your people of Texas what an empire you live in. And I appeal to my colleagues and friends on this floor with whom I have served during the past two Congresses if Texas ever had a more ardent and devoted friend outside of her own delegation, whenever she wanted help, than I have proved myself to be. Texas! I admire and love her in her length and her breadth, not only for her magnificent resources but for the grand future that she has before her.

The gentleman from Texas stated the dimensions of the magnificent district which he represents. Let me give the statistics presented by him of the vastness of the area of his district. He said that his district contained more than 120,000 square miles, and was as large as the combined area of ten States named by him. Certainly that does not give to the views of my friend upon this bill any additional weight or influence, because he fails to state the population of that vast territory. Under our system of government *people*, and not lands or property, are represented in the popular branch of Congress.

Judged by the standard assumed by the gentleman from Texas, what an insignificant constituency the gentleman from New York city [Mr. COX] would represent! Contrast the area of the seventh, eleventh, and eighteenth wards of the city of New York with the district of 120,000 square miles represented by the gentleman from Texas. Yet the gentleman from New York represents a legal and constitutional district, small in territory it is true, but containing the requisite population of the brains and wonderful activity as well as the brawn and muscle of that remarkable cosmopolitan people.

Tried by the standard of the gentleman from Texas, the gentleman from New York would fall far short of a right to a seat on this floor, either in area of land, number or value of cattle, horses, mules, sheep, or swine, and I apprehend in either goats or those long-eared animals classed under the head of "jacks and jennies," of which the gentleman says Texas has 4,756 head, valued at $247,325. And I assume from his argument that his district has its due proportion of them, a proposition which I will not attempt to controvert. [Laughter.]

The gentleman from Texas is the most exacting cormorant as to the extent and vastness of his district I have ever heard on this floor. Not satisfied with the claim which I have just briefly noticed, he claims in addition to have many quasi constituents, not only on this floor but in the Senate Chamber, "all the way from New York to Arkansas." "Quasi constituents" is a new element in the representation of a Congressional district. I wonder if it is not unconstitutional? [Laughter.] I commend it to the attention of the gentleman from New York [Mr. COX] when the next apportionmant bill is presented to Congress.

I am sorry to say that the gentleman in his zeal to defeat this bill criticises in the most offensive manner that portion of it which provides that the chief of this bureau of animal industry shall be a veterinary surgeon. Five or six times in the course of that gentleman's remarks he refers to the head of this bureau as a "horse-doctor;" and that epithet was repeated even by the dignified and courteous gentleman from Connecticut [Mr. EATON] and reiterated by the gentleman from West Virginia [Mr. GIBSON].

I desire to present to the House for its consideration a short sketch of a few so-called "horse-doctors." This is not the first time that on this floor, when presenting some bill or resolution from the Committee on Agriculture, I have had to meet sneers and jeers and epithets in place of arguments. I have heard gentlemen apply to this bill the terms "granger," "cow bill," and every other epithet that could be invented to injure it. I do not, however, ask any immunity from such treatment. I stand here ready to properly resent such sneers and to defend the committee of which I have the honor to be the chairman, a committee that has intrusted to its charge the interests of that great class who in numbers constitute one-half of the people in this country and who embrace one-half of its wealth. Let gentlemen who wish to defeat a measure which is designed for the benefit of the great agricultural interests of this country try to sneer it down if they choose by calling it a "horse-doctor bill." Who are the "horse-doctors" of this age? I feel assured that the gentleman, if he had read a little recently upon this subject, would not have started out on that line of argument.

Henri Bonley, a veterinarian, and formerly professor at the Alfort Veterinary School, is to-day the leading scientific man of France. He has had every honor accorded to him that a scientific man can hope to obtain. He has been president of the Paris Academy of Medicine and of the Academy of Sciences, and is a member of the French Institute. He was the first, the most able, and the most persistent advocate and exponent of the investigations and discoveries of Pasteur. And although he took up the contest in the Academy of Medicine almost single-handed against the leading scientists of France, he has been uniformly successful, is looked upon as the most powerful debater and writer of the day, and within a few years has produced a revolution in the medical views of his country so far as concerns the subject of contagious diseases. He has lately attracted much attention as the advocate of the free admission of American pork, and is doing more than almost any one else to show the frivolous character of the objections that have been brought against it.

Professor Chaureau, director of the Veterinary School of Lyons, a life-long veterinarian, is the most accomplished anatomist, physiologist, and investigator of the time. His work on the anatomy of domestic animals is used the world over, not only by veterinarians but by scientific naturalists. He was the first to demonstrate that contagious diseases are caused by living germs; in this he leads Pasteur and Koch by several years. He has made more original investigations and more important discoveries than any man who has ever worked with contagious diseases, and it is conceded by all that he has no peer for the clearness with which he marks out his lines of research and the satisfactory and convincing character of his experiments.

Professor Colin, of the Veterinary School of Alfort, is one of the most eminent physiologists, and is author of a work on animal physiology which is used and quoted wherever science is studied.

Arloing, Cornevin, and Thomas, three young veterinarians, associated themselves together a few years ago to study the disease known in this country as black-quarter, a very destructive malady of young cattle. They discovered the germ which causes the disease, learned the drugs and chemicals most fatal to it, and succeeded in preventing it by a peculiar method of vaccination. Their whole study of the nature and character of the disease is remarkable for its ability and success. Such a thorough and scientific investigation of a contagious disease has never been made in all the history of human medicine.

Professor Toussaint, of Toulouse, has the reputation of being the most brilliant of the young scientific men of France. He discovered the germ of fowl cholera, which enabled Pasteur to make his world-renowned discovery in regard to vaccination for animal diseases. He also originated the method of attenuating or weakening a virus by heat, so that it could be used for preventing the disease by vaccination.

Besides these, the names of Méguin, Leblanc, Degive, Frasbol, Magne, Zundel, Lafosse, Delafond, Nocard, and many others are known not only as veterinarians but as scientists and authorities on the great medical questions of the day.

In Germany and Austria the names of Roloff, Spinola, Johne, Franck, Hering, Hertwig, Röll, Feser, Schmidt, Adam, Harms, and Wehenkel are as well known as scientists as they are as veterinarians.

In England, Fleming has made a reputation by his veterinary writings, which makes his name familiar to every student of medical science. It is often remarked by leading physicians that the medical profession has nothing that can be compared to the two volumes of Fleming's on the Origin, History, and Prevention of Animal Plagues. His Manual of Veterinary Sanitary Science and Police and other special works are equal either from a literary, scientific, or practical standpoint to the best that the members of any profession have ever produced.

Williams, Walley, Robertson, Brown, Steele, and Axe are all acknowledged to be scientific and very able men.

Besides the veterinarians mentioned above many physicians and scientists have made their reputations by studying the diseases of animals. Among these are Pasteur, Koch, Klebs, Bollinger, Burdon-Sanderson, and Klein.

Coming to America, we find that in spite of the admitted fact that the most destructive diseases of people can never be thoroughly understood until more is known of the diseases of animals; in spite of the annual loss of more than $50,000,000 from preventible diseases among animals in the United States, the veterinary profession has been held in the back-ground, discouraged and sneered at by those who should have assisted and defended it. Even in the Congress of the United States, which is supposed to represent the intelligence and the most progressive sentiment of the country, such terms of reproach and scorn as "horse-doctor" and "scientific cranks" are hurled at those who are trying to prevent these enormous losses from falling on the live-stock industry and to assist in throwing light on the most destructive plagues of the human race.

A few men have been brave enough to face the sneers and derision and the loss of social position which in the early days of the profession were about the only rewards which they received for a life-long devotion to the interests of their country and to the cause of humanity. The American veterinary profession, though fewer in numbers, begins to rank in ability and scientific attainments with any in the world.

Professor James Law, of Cornell University, a native of Scotland, and educated in the best schools of Europe, was selected because of his great attainments to head the veterinary department of Cornell University, and has been one of the best known professors of that institution since 1868. In 1870, when the dreaded foot-and-mouth disease was introduced into the State of New York, and when the cattle interests of that great State were threatened with the most terrible losses, all were but too glad to seek information from this veterinarian. Again, when in 1878 Congress made its first appropriation for investigating the destructive diseases of swine which were discouraging the farmers over vast sections of the country, Professor Law was called upon to mark out an intelligent line of investigation. In 1879 the veterinary direction of the work for stamping out pleuro-pneumonia in New York was placed in his hands, and after clearing the greater part of the infected district in that State of the disease he was obliged to stop for want of funds.

Professor A. Liantard, a native of France, is well known as the head of the American Veterinary College in New York, and is an eminent scientific man.

Dr. Charles P. Lyman, formerly veterinarian of the Department of Agriculture, has been selected by Harvard University as a proper person to organize a veterinary department in that institution.

Dr. R. S. Huidekoper is another well-educated veterinarian selected by the University of Pennsylvania to organize a veterinary department in that institution.

Dr. Salmon, the present veterinarian of the Department of Agriculture, is a graduate of Cornell University. He studied also at the leading veterinary school in France, and has long been widely known in this country as a correspondent of our leading agricultural journals and as one of the very few men in the world who have successfully investigated contagious diseases.

Besides these there are a considerable number of educated and practical veterinarians in this country who have been of great value to the owners of domestic animals.

It is true the profession is still small, but it is rapidly growing; it has fought its way against every obstacle and discouragement; its members have sought education and knowledge in every department of science and in every language where assistance was to be found; and the appreciation of its usefulness, beginning with the masses, has permeated all classes of our society, until praise and favor have taken the place of contumely everywhere with the single exception of the House of Representatives of the United States.

Dr. Salmon, the present veterinarian of the Department of Agriculture, whose exhaustive report is embodied in the report made by the Committee on Agriculture accompanying this bill, contains the latest information on the subject of pleuro-pneumonia, its existence and spread in the United States. That paper is published in the RECORD, and as an exhibition of scientific knowledge and research as well as literary composition, will compare favorably with the effort of any gentleman who has spoken for or against this bill.

But gentlemen say that they can not support the bill because of the latter clause of section 1:

The Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose.

My friend from Missouri [Mr. BROADHEAD] grows eloquent in his opposition to this provision, and makes an appeal to the Democratic side of the House to defeat this bill unless we want to put in the field an unlimited number of political canvassers and all that sort of thing. Sir, I had hoped that it was possible to introduce in this House a bill from the Committee on Agriculture affecting alone the industrial and material interests of the country that could be discussed without resort to partisan appeals. I am about as strong a partisan, I take it when the occasion requires it, as any man on this floor or off of it.

A MEMBER. As strong as there is any use for.

Mr. HATCH, of Missouri. Yes, as strong as there is any use for; but I do not believe, and have never advocated the idea, that all the patriotism, all the intelligence, all the virtue of this country is in any one political organization. I am not governed and guided in my action on this floor by any such sentiment as that.

But my friend will allow me to say to him—I digress just long enough for this remark, and then I am done with partyism in this discussion—let me say to the gentleman that the Democratic party is not in any danger from the appointment of a few colporteurs or agents who may be put out under this or any other bill. That is not what is the matter with the Democratic party, if you have any fear about its future. What the Democratic party wants to-day is funerals—funerals in Massachusetts, funerals in New York, funerals in Indiana, funerals in Ohio——

Mr. GEDDES. Oh, no! [Laughter.]

Mr. HATCH, of Missouri. Yes, sir; funerals in Ohio, and lots of them—great big ones. [Renewed laughter.]

Mr. WELLER. Do not give us any in Iowa, if you please.

Mr. HATCH, of Missouri. We want to bury a few of the barnacles and corpses that have been hanging onto the party——

Mr. BELFORD. Mr. Chairman——

Mr. HATCH, of Missouri. I do not yield to the gentleman.

The CHAIRMAN. The gentleman from Missouri declines to be interrupted.

Mr. HATCH, of Missouri. We had a national Democratic committee in session here a few days ago, and the majority of that committee did not have originality or independence enough to find a place in the United States to hold their convention outside of where the Republicans are to hold theirs. [Laughter.] I tell my Democratic friends that for one I have followed long enough in the wake of these old barnacles; I have followed their lead in the wake of the Republican party long enough. [Voices on the Republican side: "Keep on!"] I want a little more new blood in the Democratic party; I want a little nerve in it; I want a little independence in it; I want a little originality in it. Before I would have followed the Republican party to Chicago to hold a national convention I would have gone to Los Angeles, or Kennebunk, Me. I would have gone where the thermometer registers 200° below zero or 400° above the boiling point. [Laughter.] I would have independence enough to strike out for once on our own hook. This lack of independence and courage is the only thing I am afraid of in the management of the Democratic party.

Mr. BROADHEAD. I see that the Republican party are supporting this bill with a great deal of alacrity.

Mr. HATCH, of Missouri. Yes; and in that respect they are following the lead of a Democratic committee of the House. But I am not talking about the bill now. [Laughter.] I am answering the gentleman from Missouri. His argument in this respect had nothing to do with the bill, and I am simply replying to a partisan appeal that ought never to have been introduced into this discussion. But I accept his gauntlet all the way through, and I do not propose to be deterred from answering either legitimate or illegitimate arguments on this bill.

You can not get up a measure here to save your life. I defy the intelligence of this House to introduce a measure into this Congress that

has for its object the promotion of the agricultural interests of this country, and which seeks in the slightest degree, ay, in the most minute degree, to interfere with the operations of these gigantic and almost monarchical corporations which control the transportation of the Union, but some Democrat will get qualms of conscience and jump it, to use a homely phrase, quicker than a duck will a June-bug. [Laughter and applause.] They will jump it in an instant, Mr. Chairman. They will say it is an infraction of the Constitution. Yes, sir; if we could throw a little new life into the Democratic party we would soon be on our way to the establishment of better laws. [Applause on the Republican side.]

A MEMBER. You get your applause on the other side.

Mr. HATCH, of Missouri. My friend, whenever I say a thing that is true I am not particular where the applause comes from. [Applause on the Republican side.] I am not altogether dependent on applause. [Applause.] I am not seeking applause, except it be the applause of the Committee on Agriculture, which I have the honor to represent upon this floor, and the applause of the constituency who have honored me, whom I regard more than I do the applause of the constitutional lawyers of this House. [Applause on the Republican side.] I desire simply to do my duty in connection with this pending measure.

But to come back to the objection that this bill provides for a large number of office-holders. I will remove that objection, as I do not wish my friend from Missouri or anybody else to think the Commissioner of Agriculture is going to appoint 100,000 employés under the provisions of this bill. Therefore, by authority of the Committee on Agriculture, I propose to add at the end "not to exceed twenty persons at any one time." How does that strike you? [Laughter and applause.] I propose to limit the number to twenty; that instead of 200,000 no more than twenty persons shall be employed at any one time.

Mr. STORM. Why did you not think of that before you brought the bill in?

Mr. HATCH, of Missouri. We did think of it. The committee discussed it, and we acted upon information from the Commissioner of Agriculture. We acted upon the very best advice in limiting the amount of money as well as the number of persons to what would be absolutely necessary to execute the provisions of the bill. We never supposed any gentleman on the floor of this House, or anywhere else, would believe that under the operations of the bill 200,000 employés, or any extravagant or unnecessary number, would be employed to carry out in good faith its provisions.

In the second section of the bill we provide for the appointment of two competent men who shall be practical stock-raisers. My friend from Texas [Mr. LANHAM] objects to that because these two are to be added to the large number of office-holders already under the Government. I can not quote his exact language, but that was the substance of his criticism. Now, gentlemen, do you never expect that the Democratic party will come into power in this Government? You have not half the faith I have, or you would not be so anxious to cut off these office-holders necessary to the execution of an important measure. In my judgment the Democratic party will be in power in this country after March, 1885.

Mr. HORR. What sort of civil-service reform is that you are going to establish?

Mr. HATCH, of Missouri. Yes, sir; I say that after March, 1885, the Democratic party will come into power in this country, and that of itself will be civil-service reform.

Now, I come to some of the provisions of the bill about which there may well be differences of opinion. The fourth section of the bill contains the following provision:

SEC. 4. That whenever a State or Territory, in any section of which a contagious or infectious disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation, fails to make provisions for its extirpation, or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory, or such part of said State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

It has been suggested to me that the committee has not used language broad or explicit enough to prevent cavil as to its interpretation, but the gentleman from Maine [Mr. REED] has suggested an amendment which meets with the approval of the committee, to add at the end of the last line the words "into any other State, or Territory, or foreign country," so that there can be no question about its purport and meaning. In explanation and vindication of this section I expected to read a few extracts, but I have not time, and will ask leave of the House to print them.

But I wish to say, Mr. Chairman, to my distinguished friend from Connecticut [Mr. EATON] that I agree with Judge Story in his interpretation of that first clause of the eighth section of the Constitution which gives to the Congress of the United States the power to lay and collect taxes, duties, imposts, and excises; that it is a limited power, that it limits the power of the Government to certain specified purposes of taxation. And that is the reason I cannot agree with the gentleman from Connecticut [Mr. EATON] and his school on the tariff question.

Mr. EATON. You do agree.

Mr. HATCH, of Missouri. I do not.

Mr. EATON. I agree with you, and you can not help it. [Laughter and applause.]

Mr. HATCH, of Missouri. I did not agree with the gentleman from Connecticut in his tariff commission.

Mr. EATON. Every Democrat in the Senate voted for it, and every Republican in the Senate voted for it.

Mr. HATCH, of Missouri. I have never had the honor or pleasure of serving in the Senate. I serve in a higher body; one that directly represents the people of the country.

Mr. EATON. So do I.

Mr. HATCH, of Missouri. I am glad to know that the gentleman does now. I do not care if every Democratic Senator did vote for it; I know it to be a fact that every Democratic Representative did not vote for it.

But, Mr. Chairman, I do not find any warrant in the Constitution to levy a tax or so frame the tariff laws of the country as to protect one of our important industries at the expense of fifty millions of the people.

Mr. EATON. That is altogether another matter from the commission. I should be glad if the gentleman would allow me five or ten minutes.

Mr. HATCH, of Missouri. I will when I get through.

Mr. EATON. Ah! but I want it here.

Mr. HATCH, of Missouri. The gentleman has had his time and will have another opportunity.

Mr. EATON. But I want the gentleman, while he is discussing this question, to understand, if he can, the difference between the organization of a commission formed for the only purpose of bringing information and the two Houses of Congress acting under their powers for the passage of a law. The gentleman does not seem to appreciate the difference.

Mr. HATCH, of Missouri. I heard all of that discussed over and over again. I heard the arguments pro and con in this House when that matter was under consideration, and it only confirmed me the more in the invulnerability of the position occupied by myself and my associate Democrats on this floor, that it was a surrender of the privileges and the prerogatives of the members of this House.

Mr. EATON. To learn!

Mr. HATCH, of Missouri. Yes, sir; to learn in that way.

Mr. EATON. To be taught!

Mr. HATCH, of Missouri. Yes; to be taught in such a way as that. Gentlemen are expected to know something when they come here about such matters; and if they do not, then let them go to the library and get such information as is open to any man who chooses to search for it, and not go hunting about the country for it with a patent commission. [Laughter.]

Mr. EATON. They ought to know something, that is certain.

Mr. HATCH, of Missouri. As before stated, I agree with Judge Story in his explanation and interpretation of the eighth section when he says:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises," in order "to pay the debts and to provide for the common defense and general welfare of the United States."

That is, for the purpose of paying the public debts and providing for the common defense and general welfare of the United States.

In this sense Congress has not an unlimited power of taxation; but it is limited to specific objects—the payment of the public debts and providing for the common defense and general welfare.—*Commentaries on the Constitution*, volume 2, section 905, page 368.

But then it is said, if Congress may lay taxes for the common defense and general welfare, the money may be appropriated for those purposes, although not within the scope of the other enumerated powers. Certainly it may be so appropriated; for if Congress is authorized to lay taxes for such purposes, it would be strange if, when raised, the money could not be applied to them. That would be to give a power for a certain end and then deny the end intended by the power.—*Ibid.*, section 920, pages 383, 384.

Mr. Pomeroy, in his treatise on constitutional law, says:

The subsection should, therefore, be understood as though it read, taxes may be laid and collected *in order to* pay debts and provide for the common defense and general welfare. Thus the Congress does not possess an absolutely unlimited power of taxation. It can only resort to this high attribute for one or more of three purposes—payment of debts, the common defense, the general welfare. The defense must be common and the welfare general. But, after all, this leaves a sufficiently wide field for the legislative operations. Money may be raised to pay any debts, however contracted, whether now existing or to become due at a future time. Common defense and general welfare are terms of the broadest generality; and within them can be easily included all the objects for which governments may legitimately provide. (Page 175, section 274.)

Certainly the objects and purposes of this bill are sufficiently important and general to justify the appropriation of money by the General Government. I have heard no argument to convince me to the contrary.

But some of my Democratic friends say they can not support the bill because it gives the President of the United States power to declare a State in quarantine. Upon what condition of things is he authorized to do so? After the Commissioner of Agriculture has declared that a certain State or a district in a State contains within its limits a contagious and infectious disease dangerous to the animal industry of the country, then upon that representation the President of the United States—amenable to the people for his acts, occupying this high position—shall, in his discretion, declare that State or part of a State in

quarantine and prevent the exportation of diseased cattle from that State to another. But yet gentlemen say this is unconstitutional! The same power was conferred upon the President in the act entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," approved June 2, 1879, the third section of which is as follows:

SEC. 3. That the National Board of Health shall co-operate with and, so far as it lawfully may, aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State from another, and at such ports and places within the United States as have no quarantine regulations under State authority where such regulations are, in the opinion of the National Board of Health, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State from another; and at such ports and places within the United States where quarantine regulations exist under the authority of the State, which, in the opinion of the National Board of Health, are not sufficient to prevent the introduction of such diseases into the United States, or into one State from another, the National Board of Health shall report the facts to the President of the United States, who shall, if, in his judgment, it is necessary and proper, order said board of health to make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State from another, which, when so made and approved by the President, shall be promulgated by the National Board of Health and enforced by the sanitary authorities of the States where the State authorities will undertake to execute and enforce them; but if the State authorities shall fail or refuse to enforce said rules and regulations the President may detail an officer or appoint a proper person for that purpose.

Under this act $500,000 was appropriated.

I do not intend that any gentleman on this side of the House shall have a reasonable excuse for voting against this bill if I can avoid it. At the earnest solicitation of gentlemen who desire to vote for the bill I will at the proper time offer an amendment to that section for the consideration of the House. I will do so because I believe in the fairness and justness of it and because I believe that the Federal Government and the States will act in a spirit of harmony to stamp out this terrible disease.

I purpose to offer, and I would like my friends to hear me, this provision:

The President of the United States, on the presentation of facts by the Commissioner of Agriculture—

Now mark you—

and with the consent and approbation of the governor of such State, shall declare it in quarantine, &c.

There is no infraction in this. There will be no trouble about the concert of action between the different States and the Federal Government on the subject.

Mr. GIBSON. Was that in the bill which was read to the House and submitted for our discussion?

Mr. HATCH, of Missouri. I say that I will offer that as an amendment from my committee, sir.

Mr. EATON. I hope that you will be kind enough to tell this House at the same time, and before you get through, what right a governor of a State has to agree to any such provision as that? Under what authority can he exercise this power?

Mr. HATCH, of Missouri. Under the authority that may be conferred upon him by the Legislature of the State. We expect to induce the States to legislate upon this subject. I do not think it would be in my power, or that of the Committee on Agriculture, or of anybody else on the floor of this House, to so prepare this bill as that the gentleman from Connecticut would be satisfied with it or certain other gentlemen. I am satisfied his objections are so radical to the bill that I could not satisfy him; but I am trying to satisfy reasonable gentlemen who have made reasonable objections to the bill.

Now, my friend from Missouri, my distinguished colleague [Mr. BROADHEAD], I am proud to say to this House and the members who do not know him as well as I—for I have known him and loved him for twenty-five or thirty years—stands at the very head of the bar of our State. He is known and recognized as one of the most thorough lawyers not only in Missouri but throughout the Mississippi Valley and is devoted to his profession and to his library, and looks at this bill through the spectacles merely of a lawyer. Why, it is known all over Missouri that my friend has been so devoted to his profession for thirty years that he could hardly tell a horse from a cow except by the horns. [Laughter.] He knows nothing whatever of animals, and is not, certainly, competent to decide on the question relating to animal industry. He gets up here and reads the opinion of a solitary veterinary surgeon somewhere in Philadelphia, that he admits he never heard of before, and upon the strength of his statement urges his objections to this measure in the House. He does that notwithstanding the strong argument that has been made in support of such a measure by the Representatives of twenty-seven of the States in the national convention of cattle breeders and others held at Chicago; by resolutions of a dozen or more States of this Union; by every single agricultural commission that has met in the United States to consider this subject within the past five years; by the last assembly of the National Grange of the United States—all of them live farmers, representing the agricultural interests of the country. They are a set of ignoramuses, who know nothing whatever about the matter when placed in opposition to a letter that my friend quotes from this veterinary surgeon in Philadelphia.

Why, sir, this matter has been under discussion in this House since the first session of the Forty-sixth Congress. We have had men here representing millions of money invested in the cattle industry. Men came into that committee-room and begged us to appropriate $500,000 or $1,000,000, and said if necessary they would be willing to be taxed so much per head upon their cattle to pay this appropriation rather than to see this bill fail. They have stood here for years and knocked at the door of Congress, and beg us to do something to stop this disease from extending from the Eastern States, where it now exists, to the great States of the West.

And yet Texas opposes this bill. I know very well why they oppose it. They are afraid under the provisions of this bill some time or other science may find out how the Texas or Spanish fever is communicated from the native cattle of Texas to the cattle of Illinois and other Western States; and they are afraid their State will be quarantined. For five years a member of the Committee on Agriculture, I have fought your battle to keep out by name the Spanish and Texas fever from this and similar bills, because I happened to know by actual professional and practical experience that we had never been able to find out the link by which the disease is communicated from the Texas cattle to ours. And, therefore, all the litigation in reference to the effects of Spanish or Texas fever has failed. Not a single suit in the State of Missouri has been successfully prosecuted or a single dollar of damages recovered where thousands and millions of property have been destroyed.

We bring in this bill, therefore, which prevents the exportation of cattle from a State or district where a contagious infection or communicable disease exists. That is said to be unconstitutional. Yet the Supreme Court says it is alone within the power of Congress to provide for interstate commerce and the rules and regulations that shall govern it. And I desire to say this: Every single veterinarian in the United States who has appeared before the Committee on Agriculture, in answer to a question which I propounded to him, said to us, "If you can prevent the transportation of cattle affected by pluro-pneumonia from one State to another, New York can in one single year eradicate it, New Jersey can eradicate it from her borders, and Maryland from hers." The trouble is, the very moment some of the dairymen in large cities like Brooklyn, Philadelphia, and Baltimore find the disease has broken out in their herds the cattle are sent over to adjacent States and the disease crosses the border. We simply want to make it a misdemeanor under proper rules and regulations for cattle affected by contagious and to innocent purchasers and carried or driven on foot from one State to infectious disease to be transported from one State to another, or sold another.

Now, what have we done in this bill to offend the railroads or transportation interests of this country? It is an open secret that some of the transportation lines and railroad companies are opposed to this bill, and boasts have been made within the Halls of this Capitol within the last twenty-four hours that it should be defeated, because we have provided that it shall be a misdemeanor for any person, agent, railroad corporation, or anybody else to transport diseased cattle from one State to another. But we have gone so far as to provide in regard to railroad companies—

That it shall be the duty of the Commissioner of Agriculture to notify in writing the proper officials or agents of any railroad, steamboat, or other transportation company doing business in or through any infected locality, and by publication in such newspapers, &c.

We have taken every precaution known to prudence not to interfere with the transportation or to make any man or any company amenable to the provisions of this bill until he has had ample notice that a contagious disease existed in the district and that it had been put in quarantine. Why should not this restriction be put upon these persons and corporations? Certainly they have got power enough to stand this reasonable regulation in the interest of the great cattle industry of the country; certainly they have power enough to stand this little restriction in the interest of the people of the United States whose lives, as science tells us, are this day in danger by the spread of this disease.

Gentlemen say the disease has existed on the eastern slope of the Alleghanies for many years and has never got one hundred miles west of the seaboard. That is true. But does not every man of information know that the great lines of travel are from the East to the West, and not from the West to the East?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DIBRELL. I ask unanimous consent that the time of the gentleman from Missouri be extended.

Mr. WELLER. I would suggest that it seems to me to be fair, if the time of the gentleman from Missouri be extended, a similar time be allowed to the opponents of the bill as it now stands.

Mr. HATCH, of Missouri. I do not desire an extension of time on any such terms. I did not intend to occupy more than five or six minutes more. The opponents of the bill have already had more time than its friends.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee [Mr. DIBRELL] that the time of the gentleman from Missouri [Mr. HATCH] be extended.

There was no objection.

Mr. HATCH, of Missouri. I am profoundly obliged to the House for its indulgence. If I had consulted my own feelings in this matter I would have yielded this discussion to any gentleman who desired to take it. But my duty to my committee and myself and the character of the attacks which have been made on this bill have made it necessary for me to go into it at length. I hold in my hand the report of the Treasury Cattle Commission on the disease of lung-fever or pleuro-pneumonia. It has astonished me that gentlemen urged objections to this bill as if this were a brand-new proposition that had been brought into the House of Representatives now for the first time. Why, sir, for the last seven years we have been making appropriations and the Department of Agriculture with its veterinary surgeons have been making these investigations and reports. Here is the report of the Treasury Cattle Commission. I do not know whether my distinguished friend from Connecticut [Mr. EATON] while in the Senate voted for this commission or not, but I know it passed both the Senate and the House, and it has been the law. An appropriation was made under that law, and there is a great deal of information in that report.

I will read one short extract from it. Some gentlemen in the House have been disposed to make light of this disease. I know there are a number of gentlemen here who do not believe that anything like pleuro-pneumonia in cattle ever existed. I have heard it stated on the floor of this House that there is no such disease in the country. Let me read a short extract from this report to show the fate that awaits Texas and New Mexico, Arizona and Montana, and all the feeding grounds of the Northwest if this disease ever gets a foothold there: "An act of the Victorian legislature"—this was in Australia, where certainly the feeding grounds and the climatic influences are just as propitious as they are in Texas:

An act of the Victorian legislature, passed March 19, 1861, provided for an inspection of all cattle in suspected districts, the slaughter of the sick, and the interdiction of movement; and as the disease had now appeared at the Ovens, on the borders of New South Wales, the legislature of that colony passed a similar act April 11, 1861. An attempt was made by the latter colony to keep the disease south of Murray River, but the golden opportunity had been neglected; the disease, carried by working and stray cattle, had been introduced into many of the large herds roaming the open country, and throughout 1861 the commissioners found the malady wherever they went in both colonies. The first cases observed in New South Wales were in a large herd at Yarra Yarra, which had been moved by its owners, Messrs. McLaurin, from Mitta Mitta, Victoria, in August, 1861. Yet in January, 1862, the New South Wales commissioners report that they had examined 100,000, and in every herd, with one or two exceptions, they had found the disease. In Victoria matters were worse if possible, and by midsummer 1862 it is reported that in that colony "whole hecatombs of infected and suspected cattle have been burned and destroyed." It is estimated that up to 1873 1,404,097, or 40 per cent. of the cattle of the island, perished, amounting, at $30 per head, to a total value of $43,500,000. And still it prevails with unabated fury, standing, with the infected unfenced ranges of South Africa, Europe, and Asia, as a solemn warning of our own impending fate should we, too, delay till the infection shall reach our Western plains and Territories.

There is another provision in this bill which I desire to explain briefly to the Committee of the Whole and to give the reasons of the Committee of Agriculture for inserting it. I refer to the proviso of the third section. That section provides that "whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist," &c.

That is objected to by some of the opponents of this bill. They complain that it places in the hands of the Commissioner of Agriculture legislative action. Sir, there has been scarcely a day, certainly not a week, since I have been in Congress that Congress has not enacted some law giving to the heads of the different Departments of the Government power to make certain rules and regulations to carry out some law. The only object of this provision is to secure some uniform system by which this disease can be attacked.

Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, in paying for the animals it is deemed necessary to slaughter, and in such disinfection and other means that may be necessary to extirpate the disease.

Now mark the proviso:

Provided, That the authorities of said State or Territory shall assume and pay one-half of the expense of the valuation of the animals it is deemed necessary to slaughter, and one-half the cost of disinfection and necessary police regulations in the quarantine and care of infected herds of cattle.

Mr. BELFORD. I want to ask the gentleman one question.

Mr. HATCH, of Missouri. I do not hear one word the gentleman says.

The CHAIRMAN. The gentleman from Colorado [Mr. BELFORD] requests permission to ask the gentleman from Missouri [Mr. HATCH] a question.

Mr. HATCH, of Missouri. Certainly.

Mr. BELFORD. I want to know of the gentleman whether this third section of the bill (I have endeavored to read it carefully) does not place in the hands of the Commissioner of Agriculture, or the agents to be appointed by him, the power, without any notification whatever to the owner of any cattle, to determine the whole question of the existence of the disease, and to kill his entire herd, upon *ex parte* information and without any proper examination?

Mr. HATCH, of Missouri. There the gentleman goes off on his scientific cranks again. [Laughter.] I thought he had done with that part of the subject.

In answer to the gentleman, I will say without any hesitation that it gives no such power. The purpose of that proviso is to place the police regulations and the matter of the destruction of property under the control and care of the State, where it belongs, the Government of the United States simply stepping in and saying to the State of Connecticut, for instance, "If you will do this we will aid you to the extent of one-half of the value of the cattle destroyed or of the expense the State may be to carry out the purpose of this law."

I say again that if any gentleman will take that proviso and frame an amendment to it which will more clearly place that matter exclusively in the hands of the State authorities I will thank him to do so and will accept it in behalf of the committee, for that is the purpose of the bill. The right to prevent the transportation of diseased cattle from one State to another rests with the Federal Government. I distinctly stated in the opening of my remarks that all police regulations, the power of condemnation of property, and the right to establish local quarantine, rested alone with the State. All that this bill seeks to do is to aid the State in stamping out this disease.

The gentleman from New York [Mr. POTTER] in his first remarks upon this bill stated that New York did not want any assistance in this matter. Yet we have received here resolutions from the Legislature of New York. We have had before our committee the largest delegation from New York of any State begging and imploring the Committee on Agriculture to report this bill at once and press it to a conclusion in the House.

I desire to say to the Committee of the Whole that there is not in a single provision of this bill, so far as the Committee on Agriculture have had any purpose in its framing, a disposition to trespass on the rights of the States, or to do anything except to aid the States in extinguishing and extirpating this disease. If the bill can be so amended in Committee of the Whole as the better to secure that object, I will make no opposition to any such amendment that may be offered.

I have now to the best of my ability discharged my duty in closing this general debate and in presenting to this House the views of the Committee on Agriculture. I ask for this bill only a fair, candid, and calm examination in connection with the facts which the committee have submitted in their report. If, after such an examination, any gentleman feels that it is his duty under any provision of the Constitution to vote against it, it is his right, his privilege, and his duty to do so.

Mr. Chairman, I am profoundly obliged to the committee for its indulgence in extending my time. I now call for the reading of the bill by sections for consideration and amendment under the five-minute rule.

Mr. GIBSON. Before the gentleman does that, will he allow me to ask him a question?

Mr. HATCH, of Missouri. Certainly.

Mr. GIBSON. The question is this: If this bill shall be recommitted to the Committee on Agriculture, can not that committee strike out some of the clauses which have been objected to, and report a bill back covering the whole object which the gentleman now claims that the committee desire?

Mr. HATCH, of Missouri. I will say in reply that I think the Committee of the Whole can perfect this bill just as well as the Committee on Agriculture. I can see no reason in the world why the bill should be recommitted. In the whole argument of this question, from the beginning down to this moment, not a dozen lines of this bill have been pointed out as objectionable to any gentleman on this floor. It is true that some gentlemen have said that the whole bill is objectionable. But I will say that gentlemen who have criticised the framing of this bill have referred to only two portions of it as objectionable—the one providing for the quarantine and the other regulating the transportation of diseased cattle from one State to another.

This bill is, in the judgment of the Committee on Agriculture, the very best that can be framed; and while I will not violate the proprieties of this floor by stating what has been done elsewhere, it is certainly no discourtesy to say that a similar bill in every single provision has been reported from the Committee on Agriculture of the Senate and is now pending in that body. Both branches of Congress are entreated by the cattle interests of the country to come to a speedy conclusion upon this subject.

Mr. WELLER. As a member of the Committee on Agriculture I desire to ask the gentleman a question.

Mr. HATCH, of Missouri. Very well.

Mr. WELLER. Is it not fair to presume that by the discussion on this floor the Committee on Agriculture have been informed in many particulars in reference to this bill beyond what they knew before; and being thus informed, is it not fair to presume that the committee, if this bill were recommitted to them, would be able to eliminate the objectionable features?

Mr. HATCH, of Missouri. Well, the gentleman can answer that

question for himself. If he has had any new light upon it, it is all right for him. I have no authority to answer the question for any other member of the committee than myself; but, so far as I am concerned, I am very frank to say that I have seen no new light, and no reason has been presented to me why I should change my position upon the question.

Mr. WELLER. I desire to ask the gentleman further, whether he has not himself, in the presence of the House, offered amendments to the bill?

Mr. HATCH, of Missouri. I have; and the gentleman knows it was done in pursuance of authority conferred upon me by the committee.

Several MEMBERS. Regular order!

The CHAIRMAN. The time for general debate has expired, and the regular order being called for, the Clerk will now report the bill by sections for amendment and discussion under the five-minute rule.

The Clerk read as follows:

Be it enacted, &c., That the Commissioner of Agriculture shall organize in his Department a bureau of animal industry, and shall appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the number, value, and condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country; and the Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose. The salary of the chief of said bureau shall be $3,000 per annum; and the Commissioner shall appoint a clerk for said bureau, with a salary of $1,500 per annum.

The CHAIRMAN. There is an amendment already pending to this section—an amendment recommended by the Committee on Agriculture. It will be read.

The Clerk read as follows:

After the word "contagious," in line 9, insert the word "infectious."

The amendment was agreed to.

Mr. HATCH, of Missouri. On behalf of the committee I move to amend by inserting after the word "purpose," at the end of the fourteenth line, the words "not to exceed twenty persons at any one time."

Mr. EATON. Is this amendment debatable?

The CHAIRMAN. It is debatable under the five-minute rule.

Mr. THROCKMORTON. As a substitute for the amendment of the gentleman from Missouri I submit the amendment which I send to the desk.

The Clerk read as follows:

In section 1 strike out all after the word "country," in the thirteenth line, to the end of line 14.

Mr. THROCKMORTON. Mr. Chairman, if this amendment be adopted, it will strike out these words: "And the Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose." The gentleman from Missouri has moved to insert after these words this language: "Not to exceed twenty persons at any one time." It will be seen that my amendment is in the nature of a substitute for that of the gentleman from Missouri. If my amendment be adopted, it will very properly remove from the bill the authority proposed to be given to the Commissioner of Agriculture to "employ a force sufficient for this purpose," or, as suggested by the gentleman from Missouri, a force of twenty persons.

Mr. CALKINS. I rise to a parliamentary question. Is it not first in order to perfect the section before entertaining a motion to strike out?

The CHAIRMAN. The Chair will state that the vote will first be upon the amendment of the gentleman from Missouri, the committee having a right to perfect their bill before a motion to strike out is entertained. The question is upon the motion of the gentleman from Missouri.

Mr. GIBSON. I desire to ask the gentleman a question.

Mr. HATCH, of Missouri. Certainly.

Mr. GIBSON. Whereabouts in this bill is it provided what compensation shall be paid to these twenty men? Is there anything in the bill?

Mr. HATCH, of Missouri. There is a provision in the bill for compensation of $10 a day and for the payment of necessary expenses.

Mr. GIBSON. That only goes to the two agents which are provided for, but I am speaking of the twenty men you propose to employ in addition to the two agents. I wish to suggest to the gentleman from Missouri that there is no provision made to pay these twenty men. My objection is not to defeat any proper bill, but to make a suggestion so that the provisions of the bill may be perfected.

Mr. HATCH, of Missouri. If, as we progress in the consideration of the bill, we find no provision is made for compensation, I will bring in an amendment to cover it.

Mr. GIBSON. It is not provided for in the bill now.

Mr. HATCH, of Missouri. We can provide for it hereafter.

The amendment of Mr. HATCH, of Missouri, was agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Texas [Mr. THROCKMORTON].

Mr. HATCH, of Missouri. If that amendment be adopted it will leave the Commissioner of Agriculture without any force to carry out the provisions of the bill.

The House divided; and there were—ayes 54, noes 75.

So the amendment was rejected.

Mr. BELFORD. I move to strike out the last word; and I hope, Mr. Chairman, I may have the attention of the House, for this is, in my judgment, the most important bill, and the most dangerous in another sense, we have had before the House for a great many years. As I stated a few days ago, we shipped in 1872 from this country to England live-stock to the amount of $565,000. Nine years after that we shipped to Europe live-stock to the value of $14,304,103. In 1872 we shipped to Europe sheep of the value of $79,000. In 1881 we had increased that exportation to the amount of $762,932. So that the transportation of our domestic animals to Europe is constantly increasing, and therefore a bill that affects us in so many vital ways as this should receive the mature judgment of this House.

I am in favor of passing a bill to prevent pleuro-pneumonia from extending over this country; but, according to the report of the Treasury commissioner, we have got no pleuro-pneumonia in the South, we have none in the West, none in New England, but, as I said the other day, it is located in Rhode Island, New Jersey, Pennsylvania, and New York; but still, to prevent its spread, we should adopt some wise and judicious legislation. But I say this bill, as it is framed, places the $2,000,000,000 of money invested in sheep and cattle and hogs in the hands of a commissioner appointed by the Agricultural Department. And nowhere does this bill provide even the manner in which the inspection of cattle is to be made. A man can go out to my ranch at the bidding of some man, and while I am sitting in my office, without notifying me, destroy my cattle. And that is the character of the bill.

I assert, sir, that the National Government should take care of this question. In Illinois pork is inspected for foreign transportation. When it reaches New York the officers of that State assume the right to reinspect. Will not this course lead to a conflict between the States? Where such vast interests are at stake is it not well for us to place the regulation of this matter under the control of the Federal Government? We have been talking about cattle. Let me call your attention to some facts bearing on disease in another great industry, namely, swine. Thousands of families are poisoned by diseased pork in this country and Europe. The food we eat should be a matter of great concern, and especially so when that food enters into our commerce. I desire to make a few remarks on the question of diseases that affect our swine.

Congress some years ago, having appropriated the sum of $10,000 for defraying the expenses of a commission to investigate and determine the causes producing and, if possible, discover remedies for the diseases of hogs and the other domesticated animals, Drs. Law, Detmers, and Salmon were specially appointed on such commission, with special authority to confine their experiments to the former animal and report on same.

Dr. James Law sent in his first report from Ithaca, N. Y., under date of January 2, 1879.

As this report was simply preparatory to his elaborate subsequent investigations on the subject, it can be dismissed in a few words.

He discovered at the outset of his course of investigation that the freezing of the virulent matter did not destroy its activity; also that the period of incubation was from three to seven days after inoculation. This differed somewhat from the experience of others. Dr. Sutton set the period from thirteen to fourteen days, Professor Axe from five to eight days, Dr. Budd from four to five days, and Professor Osler from four to six days. Dr. Detmers, as will be observed in his report, to be made part of this résumé, gives the period of incubation from five to fifteen days. As this difference covers investigations in all parts of the globe, a mean average can be struck easily.

Dr. James Law made a second report, dated Ithaca, N. Y., June 10, 1880, covering the time subsequent to his first report to the latter date, and which is mostly devoted to important experiments for the purpose of determining the susceptibility of other animals to swine-plague.

These experiments resulted, as he had previously foreshadowed, in the successful inoculation of sheep and rats, and in the transmission of the disease from these animals back to swine in a more virulent and intensified form.

He experimented with this result on lambs, sheep, and rats, and in every case succeeded in demonstrating his theory by the death of the subject of inoculation, or *post-mortem* examination where it was killed for greater certainty and speed of demonstration.

On February 5, 1879, he inoculated a rat with virulent matter that had been preserved for seventy-eight days closely packed in dry wheat bran. The rodent was preserved for thirteen days, when it was killed and immediately dissected. The symptoms during life and the lesions found after death were so closely in keeping with those of swine-plague that there seemed no reasonable grounds for doubting the entire success of the inoculation. In order to confirm this, however, and place the matter beyond doubt, on February 19, 1879, a healthy hog was inoculated with the gland and lungs of the above-mentioned rat. The subject was then killed on the twentieth day, and showed the usual symptoms of the disease, proving that the rat was capable of thus conveying it to the hog.

In the third report of Dr. Law, which covered experiments since date of last report, the deduction was made that inoculation with the virus which has been cultivated in certain organic solutions was attended with little danger to the animal, and yet produced a condition of the system which effectively protected it from an attack of the dread disease.

The following was a summary of results arrived at during the different trials by experiments:

First. The inoculation of a hog with an excess of virus is always highly dangerous and often fatal in its results.

Second. Inoculation with a minimum quantity of virus produces relatively less dangerous results.

Third. Exposure to infection is comparable to inoculation with a minimum amount of virus.

Fourth. Reinoculation with fresh virus during the progress of the disease does not mitigate the illness nor protect against a further attack, but rather insures and hastens a fatal issue.

Fifth. Virulent matter which has been packed firmly in dry wheat bran has its potency increased.

Sixth. Partial putrefaction growth of the virulent products in a limited amount of air increases their potency.

Seventh. Inoculation with a culture of the virus in egg albumen seemed to protect against the effects of a subsequent inoculation with virus dried on a quill.

Eighth. Inoculation with a culture of the virus in human urine protected against the effects of subsequent inoculations with virus that had been preserved in a vacuum tube and with virus dried on a quill.

Ninth. Inoculation with the virus cultivated in cow's milk produced a mild attack and immunity against the effects of exposure in an infected pen.

In a supplement to his third report, and which was forwarded to the Department of Agriculture from Ithaca, N. Y., under date of March 14, 1881, Dr. Law gives the result of further experiments, continued with the same objects in view as explained in his previous reports.

The final results may be summed up under the two following heads:

First. The virulence and fatality of the swine-plague germ is increased when grown in a very limited amount of air and decreases as cultivated in free air.

Second. By placing the system of the hog under the influence of the chemical products of the growing swine-plague germ, though the germ itself is not introduced into the economy, the subject is rendered unsusceptible to a future attack of the disease.

Much stress is laid on the necessity by Dr. Law of giving plenty of space and abundant air to the hog when threatened with the disease. It appears by comparison that the hog consumes more than double the oxygen used by the horse or cow, and of course reduces a correspondingly greater amount of air to a condition that will not support respiration. If denied the requisite space and air the virus finds the most favorable conditions for its propagation, and that with the most deadly virulence. Confined sleeping places, combined with manure heaps and rotten-straw stacks, are certain *propagators* if not *germinators* of the plague.

It is recommended to thoroughly soak the timber before using same in the construction of hog-pens, as otherwise the germ-plague finds much easier entrance and much greater difficulty is found in its eradication when the pens are built of ordinary lumber.

It must be apparent that many of the objections to wooden hog-pens apply no less to railroad cars used in the transportation of swine. These are undoubtedly so many vehicles the bearers and the disseminators of contagion. Ships and boats are made additionally dangerous by the close atmosphere between the decks and the bilge-water in the hold. Soaking the wood-work of the cars and ships, and especially the floors, with oil is recommended as a preventive. Thorough cleansing and disinfection of such cars and ships should be done before using same for the conveyance of animals.

In investigating the subject of the growth and quality of the poisonous germs the great influence of electrical disturbances in the atmosphere can not be ignored. Such electrical disturbances are found to exert marked effect on the spread of the plague after once securing a hold on the herd.

Of all the seasons of the year summer seems to be by far the most dangerous. In winter the soil is bound up in frost and the disease germ consequently sealed and usually harmless. The hard surface can not be broken up by rooting, and therefore the germ can not be set free until the occurrence of the thaw. Thus it is that the disease often disappears during the winter months, but breaks out anew on the return of spring. But in summer the frozen germ in the soil, building, or other place is free to grow and multiply, and when set free by the rooting of the hog in the soil it spreads with frightful rapidity. Owing to the number of young hogs at this season that have never had the plague, more are subject to the disease and the contagion is greater.

There are drawbacks to be considered in viewing protective inoculation with mitigated virus as follows:

First. The protective inoculation retards growth and thriving.

Second. The method is a cause of the preservation of the disease germ.

In the former consideration it undoubtedly keeps back the subject from one to several weeks, a fact of some importance in so short-lived an animal as the hog. This, though, is largely discounted when the losses by the plague are considered.

The latter fact, of the preservation of the disease germ, is of far more weight when we take into consideration to protect a herd that is liable to be exposed to infection we must transmit to each animal the germ of the plague itself. As the germ in inoculation is deposited everywhere within the pen, great danger is run by newly born pigs as well as healthy hogs of contracting the plague itself from the inoculated hogs. To counteract this danger farmers are advised to make the inoculation as general as possible, and to include particularly all new arrivals who may be exposed to contract the disease.

Dr. Law in this report calls attention to the complications of whip-worms, lard-worms, round worms, round-mouthed worms, hook-headed worms, and the *trichina spiralis*, as occurring with the veritable hog-plague. He also noticed tuberculosis among the high-bred hogs.

In treatment he urges the following precautions:

First. See that it is the genuine hog-plague, uncomplicated with any other disease.

Second. Take the virulent fluid to be devitalized from the blood of a diseased animal at the height of the disease.

Third. Expose this fluid to 140° Fahrenheit, to be retained at this temperature for one or more hours.

Fourth. Swine to be operated upon should be removed from all diseased hogs and infected places.

Fifth. The injection should be from ten to twenty drops, and repeated at intervals of three days to a week.

Sixth. The animals should be guarded against infection for three weeks after the last injection of the devitalized virus.

The advantages of taking these precautions may be summed up as follows:

First. Immunity in a manner which does not entail the propagation of the living germ in the system of the animal to be protected.

Second. It does not risk the preservation, amplification, diffusion, or increase of potency of the disease germ.

Third. No need of exhaustive disinfection after the animals have been inoculated.

Fourth. The dose can be so graduated that there will be no risk of a fatal result.

Fifth. The system *gradually* affected by small doses.

Experiments with the blood of a suffocated hog transfused into the veins of living hogs produced no appreciable effect.

The following remedies were recommended by farmers in different parts of the country, and are given for what they are worth. Mr. F. I. Smith, president of the Independence County Agricultural and Mechanical Association, writes from Batesville, Ark.:

Each morning I sprinkled lime over the lying-down places and put a small quantity into the slops. It has proven as satisfactory as any remedy I have tried.

This gentleman further adds:

I have expended nearly $1,000 for improved and full-blooded hogs, and twice have I lost all on my place; yet I take extra care of my swine, keeping them well supplied with good spring water and fresh air, changing their beds every night.

One of the most indefatigable workers in the investigation of this disease is Dr. H. I. Detmers, V. S., whose experience is embodied in the four following reports, the first of which was forwarded from Chicago, Ill., under date of December 1, 1878, and covered the previous period from July 29, 1878, at which time he received his appointment from the Department of Agriculture. In this investigation he was assisted by F. W. Prentice, M. D., and Professor T. I. Burrill, M. A.

The disease, Dr. Detmers maintains, is *sui generis*, peculiar to swine; is neither cholera nor anthrax; it somewhat resembles the enteric fever or dothienenteria of man, but is not identical with the same, is contagious, is extremely fatal, especially among young animals, and exempts neither age, sex, nor breed, and is most fatal in such styes, pens, and yards in which many animals are crowded together.

The principal means of prevention must consequently consist in preventing a dissemination of the contagious or infectious principle, and in immediate, prompt, and thorough destruction of the same wherever it may be found. To prevent successfully a dissemination of the contagion and to secure a prompt destruction of the same stringent legislation is particularly recommended as being the only sure means to obtain this end. As it is, interstate and international traffic allow the most wholesale dissemination of the plague, and the hopelessness of eradicating the evil can be easily conceived when this state of affairs is considered.

The remainder of the report is devoted to the notice of experiments, which may be found at greater length in subsequent reports.

The second report of Dr. Detmers was forwarded from Chicago, Ill., dated July 25, 1879, and covered a period beginning on the previous December 28 (1878). He discovered nothing new in the nature of the disease but what had been embodied in his previous report, except he was convinced that by means of infected food and water it could be transferred to rats, rabbits, sheep, cattle, and dogs. He was also of the opinion that the disease was not so hopeless in the winter and spring as in the autumn and fall. In traveling through his district he was informed by Mr. Moore, who cultivated a farm some two miles north of Champaign, Ill., that late in the fall, after losing every hog on the place, his dog, a pointer, feasted on the unburied carcasses of hogs that had died of swine-plague. In less than two weeks the dog was taken sick, and showed symptoms identical, Mr. Moore says, with those exhibited by his diseased hogs. In about two weeks the dog was emaciated to a skeleton. It was over four years old, and Mr. Moore is positive that the

disease communicated was swine-plague and not common dog-distemper, a disease which, by the way, was not prevailing in the neighborhood, and which rarely, if ever, attacks dogs over four years old.

Dr. Detmers was satisfied that patent medicines and secret medicines had done more harm than good in combating the disease. Mr. Hoyt, of Mendota, Ill., informed him that one of his neighbors who had invested in "Eureka Specific" had lost more in proportion than anybody else in the neighborhood. Swine-plague ought to be treated the same as rinderpest, pleuro-pneumonia, glanders, and farcy, by preventive measures.

The third report of Dr. Detmers covers investigations from April, 1880, to December of same year. He devoted most of this time to such investigations as would verify the results of former experiments, the most practical means of prevention, also to ascertain the predisposition to future attacks by those hogs that had recovered, and to study the causes which produced the infectious character of the disease as prevailing among swine, as distinguished from the disease of like character prevailing among other mammals, and also to human beings.

There is no doubt that the disease can attack one and the same animal twice and even three times, but if it does the second and third attacks are always mild and seldom fatal, if not complicated with other diseases. Generally, though, the first attack, provided the animal recovers, produces immunity for some time and possibly forever. It prevails more fatally in summer and autumn than in the winter and spring; the mortality is greater in large than in small herds and of a more deadly type, in proportion to the relative rapidity of infection. If the plague subsides for want of material, it will take considerable time to regain its former malignancy when the number in the herd is increased. A severe winter, continued snow, and a scarcity of swine in the spring will materially affect the existence of the disease in any territory where such factors in the calculation occur.

Though carbolic acid treatment in the first stages of the disease was found very efficacious, not much hope is expressed of ever discovering any method which would pay to save a hog if the later stage had been reached. Unless the attack was an exceedingly mild one, the hog would seldom be of any future account and only a source of loss to its owner. This is from the standpoint of relative profit to the farmer.

Continuing his line of investigation, Dr. Detmers made a fourth report, dated Champaign, Ill., October 30, 1881, in which he included the result of his experiments in prophylactics, from December, 1880, to previous mentioned date. His principal aim was to devise such means of prevention as would be easy of application and sufficiently simple that the ordinary farmer in the country would find no difficulty to apply quickly and effectively when threatened with the approach of the insidious destroyer.

Though the learned scientist acknowledges in the beginning of the report that our knowledge in regard to swine-plague is yet in its infancy, still he does not despair of devising practical means of prevention by prophylactics, encouraged as he was by the success of his treatment this year (1879–1880), which though, he adds, was one when the disease prevailed comparatively of a mild type.

The causes of this mildness of the disease was owing to the conditions brought about by natural events, as also due to human interference. The natural causes consisted of a hard winter, continuous frost, and lasting snow, as opposed to the previous year so fatal in its effects, which was a season respectively of light rains and heavy dews and short spells of unseasonable warm weather. The human interference was the division by the farmers of their swine into much smaller herds, which allowed greater care and cleanliness.

The result of experiments shows the great efficacy in prompt treatment with carbolic acid whenever a herd was threatened. It was also shown that the immunity from future infection was rendered almost certain after the hog had undergone this treatment. As this treatment is simple and entirely practicable to the average farmer, great stress was laid on the recommendation of its general adoption.

In continuing his investigation Dr. Detmers was convinced that the plague was more rapidly developed and comparatively more fatal in the timber and on the timbered borders of small streams than anywhere else. It might rage on such lands when destroyed on other portions of the farm by conditions unfavorable to its existence.

As means of prevention the following is recommended:

1. All hogs should be confined in yards or pens on approach of the disease.
2. Transportation of diseased or dead hogs prohibited by law under severe penalties.
3. No healthy hogs should be allowed access to running streams polluted by diseased hogs.
4. No healthy hogs should be allowed access to straw-stacks in the farm-yard.
5. All troughs, pens, yards, &c., should be kept clean, and hogs allowed to bathe in clean running water.
6. Castration, ringing, spaying, slitting the ears, &c., should be avoided during the prevalence of the plague in the neighborhood.
7. All diseased hogs should be kept separate from the healthy swine.
8. Also removed to places distant from the healthy herd.
9. All dead hogs should be promptly buried or cremated.
10. Healthy food administered, if cooked, as soon as possible.

In regard to prophylactic medicines, carbolic acid is given the palm after trying iodine, hyposulphite of soda, benzoate of soda, salicylic acid, thymic acid, and others too numerous to mention. The dose, eight to ten drops of a 95 per cent. solution three times a day for every hundred pounds of live weight. It is administered best in the water, milk, or slop, and under no circumstances should a hog be drenched, as when force is used the medicine is apt to go down the wind-pipe while it is squealing, and if not killed by suffocation on the spot, it is apt to die within a short time of inflammation of the lungs and respiratory passages.

Dr. D. E. Salmon sent in his first report on the swine-plague to the Department of Agriculture from Swannanoa, N. C., November 15, 1878, under the three following headings:

I. The losses of swine.
II. The nature and causes of the plague.
III. Means of prevention.

Losses.—For the year ending April 1, 1878, the losses in twenty-three counties of North Carolina, being the district covered by the report, the losses being computed in proportion to the number of hogs shown by a previous census, was nearly one-fourth, say 66,946 out of 304,492. In the early part of an outbreak from 70 to 90 per cent. died and few that recovered were of any value to the farmer.

The following were the losses in some of the counties:

Eastern North Carolina: Camden, 38 per cent.; Lenoir, 24 per cent.; Robeson, 14 per cent.; Hyde, 10½ per cent.

Western North Carolina: McDowell, 37 per cent.; Buncombe, 25½ per cent.; Mitchell, 15½ per cent.; Cherokee, 10½ per cent.

Nature of the disease.—The trouble is not local but general. The lungs, pleura, bronchial tubes, heart, liver, stomach, intestines, spleen, kidneys, bladder, and skin are all more or less affected.

Prevention.—Bisulphite of soda, salicylic acid, bichromate of potassa, and bromide of ammonia were all tried with little or no effect.

The second report of D. E. Salmon was forwarded to the Department of Agriculture from Asheville, N. C., on the 1st of December, 1880, and included the result of experiments made since the date of his previous report. He starts out in his investigations from the following data, being universally conceded as the result of previous knowledge on the subject:

1. The great epizoötics in the South and West being the result of one and the same disease.
2. The symptoms having been definitely ascertained.
3. The disease being contagious.
4. It may be communicated by inoculation to other species of animals.

In this report a difference of opinion is expressed as to the composition of the virus, as maintained by Drs. Klein and Detmers, though the following hypotheses are given to explain the discrepancy:

1. The diseases may not have been identical.
2. The same organisms may have assumed different forms under different conditions.
3. The filaments may have developed differently.
4. The virus may have been so transparent in the different experiments or the granules so small as to have produced different results when viewed under different microscopes.

An attempt was made to prove that the granules observed either were the cause of the disease or that they are an epiphenomenon; but owing to the fact that the virus in every case lost its activity after the first generation, or became too mild to afford satisfactory results, such evidence could not be obtained. It was found impossible to carry the virus beyond a second generation even by inoculating hogs that had never been exposed to contagion.

PORK PACKING.

The following statistics have been compiled from the annual report of the Cincinnati Price Current. The packing year consists of a summer season, from March 1 to November 1, and a winter season, from November 1 to March 1. The importance of the summer season for operation in pork packing is increasing, and during the summer of 1880 there was the usual gain over the year previous that has been noted since five years. The great pork-producing region of the country is in the West.

Summer packing.—The summer season of 1880 commenced with an abundant supply of hogs, and packing progressed more rapidly than in any previous season.

The number packed, weight per head, and yield of lard, during the last five years, was as follows:

Season.	Numbers.	Aggregate net weight.	Average net weight per head.	Aggregate yield of lard.	Average yield of lard per head.
		Pounds.	*Pounds.*	*Pounds.*	*Pounds.*
1876	2,307,866	424,879,300	184.10	70,040,980	30.35
1877	2,543,120	484,553,471	190.57	85,364,176	33.56
1878	3,378,044	631,807,730	187.03	113,940,500	33.73
1879	4,051,248	743,525,500	183.53	129,580,672	31.98
1880	5,323,898	983,109,336	184.66	163,197,754	30.65

The numbers packed at the six leading cities, Chicago, Saint Louis, Cincin-

nati, Indianapolis, Milwaukee, and Louisville, together with other prominent points, during the last five years, were as follows:

Packing points.	1876.	1877.	1878.	1879.	1880.
Chicago	1,315,402	1,508,026	2,017,841	2,155,418	2,971,127
Saint Louis	131,158	148,277	142,000	350,000	410,000
Cincinnati	121,173	134,416	154,517	149,934	110,556
Indianapolis	283,621	204,264	312,224	243,500	383,165
Milwaukee	60,827	54,785	107,053	67,537	136,619
Louisville	9,500	19,800	25,000	25,000	30,000
All other	386,185	473,552	619,409	1,059,859	1,282,431
Total	2,307,866	2,543,120	3,378,044	4,051,248	5,323,898

WINTER PACKING.

The season beginning November 1 opened with the price of pork about $1 per 100 pounds more than the previous year. The price subsequently fell, and the average price during the winter was 45 cents per 100 pounds higher than the preceding winter. The numbers packed, the weight per head, and the yield of lard, for the last five years, are as follows:

Season.	Numbers.	Aggregate net weight.	Average net weight per head.	Aggregate yield of lard.	Average yield of lard per head.
		Pounds.	*Pounds.*	*Pounds.*	*Pounds.*
1876	5,101,308	1,101,478,090	215.92	173,877,890	34.08
1877	6,505,446	1,470,506,963	226.04	251,193,500	38.61
1878	7,480,648	1,624,351,264	217.14	294,752,358	39.40
1879	6,950,451	1,480,068,518	212.94	252,439,188	36.32
1880	6,919,456	1,437,252,660	207.71	246,667,145	35.65

The numbers packed at the six leading cities, Chicago, Cincinnati, Saint Louis, Indianapolis, Milwaukee, and Louisville, together with other points, during the last five years, were as follows:

Packing points.	1876.	1877.	1878.	1879.	1880.
Chicago	1,618,084	2,501,285	2,943,115	2,525,219	2,781,064
Cincinnati	523,576	632,302	623,584	534,559	522,425
Saint Louis	414,747	509,540	629,261	577,793	474,159
Indianapolis	294,198	270,150	472,455	364,021	388,763
Milwaukee	225,598	371,982	444,221	340,783	325,729
Louisville	214,862	279,414	187,506	231,259	231,269
All other	1,810,243	1,940,773	2,180,506	2,376,817	2,211,646
Total	5,101,308	6,505,446	7,480,648	6,950,451	6,919,456

The following is a detailed exhibit of the number of hogs packed in the winter season since three years, by States:

States.	1878–'79.	1879–'80.	1880–'81.
Ohio	932,878	914,964	839,440
Indiana	682,321	604,186	540,554
Illinois	3,214,869	2,784,754	2,979,190
Iowa	569,703	658,085	643,316
Missouri	965,830	926,931	962,968
Kansas	132,346	137,780	42,212
Nebraska	80,658	57,481	102,197
Minnesota	18,450	32,990	32,500
Wisconsin	472,108	388,726	375,557
Michigan	132,976	120,394	92,814
Kentucky	312,412	256,463	233,842
Tennessee	40,561	42,897	39,867
Miscellaneous	25,500	24,800	29,000
Total	7,480,648	6,950,451	6,919,456

SUMMER AND WINTER CONSOLIDATED.—For the twelve months ending March 1 the numbers of hogs packed in the West during five years are as follows:

Years.	Summer.	Winter.	Total.
1876–'77	2,307,866	5,101,308	7,409,174
1877–'78	2,543,120	6,505,446	9,048,566
1878–'79	3,378,044	7,480,648	10,858,792
1879–'80	4,051,248	6,950,451	11,001,699
1880–'81	5,323,898	6,919,456	12,243,354

IN THE EAST.

The following table shows the receipts of live and dressed hogs received during the last three years, both winter and summer seasons included, on the Atlantic coast:

Cities.	1878–'79.	1879–'80.	1880–'81.
Boston	537,310	610,183	738,424
New York	1,839,962	1,806,919	1,808,079
Philadelphia	348,835	467,000	482,100
Baltimore	392,654	391,524	371,867
Total	3,118,761	3,275,626	3,400,470

Interior cities.—The number packed in three interior cities of New York, during the year, was: Albany, 20,000; Troy, 15,000; Buffalo, 278,536; total, 313,536.

PACIFIC SLOPE.

California.—There was some increase in the number of hogs packed in California in 1880, compared with the preceding year, and the total was larger than any year since 1874. San Francisco continues to do the largest part of the packing, and operations are carried on throughout the year at this point.

The number packed at San Francisco, and the estimated number in other parts of the State, were 325,000, against 290,000 last year. The number packed in Oregon can not be obtained, but it is estimated at 75,000 in 1880, against 80,000 in 1879.

RECAPITULATION.

The total number of hogs packed in the United States during the last five years is as follows:

Section.	1876–'77.	1877–'78.	1878–'79.	1879–'80.	1880–'81.
The West	7,409,174	9,048,566	10,858,692	11,001,699	12,243,354
The East	2,551,239	2,703,670	3,222,011	3,524,546	3,714,006
The Pacific slope	305,000	310,000	400,000	370,000	400,000
Total	10,265,413	12,062,236	14,480,703	14,896,245	16,357,360

SWINE-PLAGUE.

This is also a disease occasionally carried from this country to England, and which it is now believed can be brought under such control as will prevent in future much of the loss hitherto sustained by breeders and shippers, and may in time banish it in great part if not entirely from among us. Dr. H. J. Detmers, who has had ample opportunities for observing the disease in the swine-raising regions of Illinois, and devoted much of his time for more than two years in careful scientific experiments in regard to it, claims to have proven that inoculation with cultivated micrococci will as a rule produce a mild form of the plague, which he regards quite as efficient as a more severe attack in exempting from further contagion. During the past year he has experimented with a large number of preventives, and finds that carbolic acid, when given in suitable doses in drinking water, is a reliable agent, provided its administration is attended with a strict separation of healthy from diseased animals. It should be given as soon as the disease makes its appearance in the vicinage and continued as long as there is any danger of infection. It may be given regularly three times a day for three weeks without interfering in any perceptible manner with the thrift, growth, or appetite of the animal. If given after decided symptoms of the plague have appeared it does not seem to change in any perceptible degree the progress of the malady.

He says that while carbolic acid does not destroy the micrococci it appears to prevent conditions necessary for their development, and that although swine so treated may show slight symptoms of the plague, yet no serious danger need be apprehended. A full account of his interesting experiments, as well as those of Professor Law, of Cornell University, engaged in like inquiries, and of Dr. Salmon, veterinary surgeon, employed in the investigation of chicken-cholera, will be published in full hereafter. Professor Law's experiments, which were commenced in July last, for the purpose of determining the liability of swine to a second attack of the plague after having suffered from a mild attack induced by inoculation from cultivated virus, are not at this writing complete. He says:

"So far the observation seems to show that the inoculation with virulent matter cultivated at a rather low temperature in the media named seemed to protect pigs against a fatal attack of swine-plague, but it is desirable that the matter be tested much more extensively before any general assurance is given to this effect. It is interesting to note that the appearance of a hard nodule in the seat of the inoculation, and its persistence is in keeping with the result obtained by Pasteur in his inoculations with mitigated chicken-cholera virus, and possibly implies a localization of the disease in this seat without danger to the system at large, as is the case also in lung-plague in cattle. Ordinary wounds produce no such indurated new formations."

The United States can not afford any concealment of the truth in this matter of diseases of animals. Our great market for beef and dairy produce is Britain, and the demand of the English people for cheap meat can be met only from America. It would seem from statistical statements that in the year 1874 Great Britain had reached the maximum of meat production possible on the 47,000,000 acres of land under cultivation and pasturage in the United Kingdom.

A writer in the London Times of November 17, 1878, says:

"It is a matter of serious national concern that instead of having grown in number, the cattle in Great Britain in 1877 total up 2½ per cent. fewer than last year, and nearly 7 per cent. less than in 1874; that in 1874 we had been losing instead of multiplying in cattle and sheep. At this rate of diminution the number of head of cattle would be reduced to one-half in twenty-one years. The truth equally remains that British agriculture is at this moment unable to produce as many cattle and sheep as it possessed in field, fold, and shed only three years ago; and this in spite of the stimulating prices realized from meat throughout the whole period of this decline."

From this statement and others of similar character, made by various persons interested in the agriculture of the United Kindom, it is plain to be seen that not only must the British people seek their meat supply from other sources than their own fields, but that the demand will be an increasing one. Their deficiency can not be supplied from any source as cheaply as from the United States.

Several bills have heretofore been introduced and proposed for Congressional action; none, however, that in my judgment are entirely adequate to the matter in hand; unless the power of the General Government can be exercised within the borders of the different States and legally sustained and enforced, it is not worth while to pass any laws, other than those already enacted, authorizing an examination into the disease and the mapping out and defining of its limits, to serve in some sort as a notification to State authorities of a pestilence within their borders that may overwhelm them and prove disastrous to the entire nation. The well-known virulence and the fatality of the disease, the terror felt on its appearance by other nations that have experienced its ravages, and the well-understood and dearly learned fact that annihilation is the only effective method of suppressing and eradicating it yet discovered, certainly warrant the interference of the strong arm backed by the full purse of the General Government in whatever broad prairie or corner acre a single case of pleuro-pneumonia may be found.

Mr. BAYNE. I offer the following amendment.

Mr. BELFORD. I withdraw my *pro forma* amendment.

Mr. WELLER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WELLER. I find by the rules of the House that members of the Committee on Agriculture have their mouths closed as to their action in the committee, and yet it is assumed before this House the committee were unanimous in reporting this bill. I have desired to be recognized by the chairman for the express purpose of doing that which I can not do otherwise than by offering an amendment; and I wish to inquire of the Chair if he will not indicate to me the time to offer it,

for I lack the cheek and the brass to get up here on all occasions whether in season or out of it. [Laughter.]

The CHAIRMAN. The Chair will state that the gentleman from Iowa will be recognized when the rules of the House will permit the Chair to recognize him; which will be when the gentleman rises in his place before some other gentleman shall do so and offers an amendment when it is in order to offer it. The Chair will take great pleasure in recognizing him.

Mr. BAYNE. I move the adoption of the amendment which I send to the desk.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Pennsylvania.

The Clerk read as follows:

Strike out after the word "thereof," in line 5, the words "who shall be a competent veterinary surgeon and."

Also in line 6, after the word "to," strike out the words "investigate and report upon the number, value, and condition of the domestic animals of the United States, their protection and use, and also." In line 9, after the word "contagious," insert the word "infectious." Also in line 10 strike out the word "them" and insert "cattle, sheep, and swine;" so that, if amended, this first section will read:

"That the Commissioner of Agriculture shall organize in his department a bureau of animal industry and shall appoint a chief thereof, whose duty it shall be to inquire into and report the causes of contagious, infectious, and communicable diseases among cattle, sheep, and swine," &c.

Mr. WELLER. I wish to offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN. The gentleman from Iowa has the right to offer an amendment to the amendment, but the gentleman from Pennsylvania is now entitled to the floor in support of his amendment.

Mr. BAYNE. I want to say, Mr. Chairman, that all the force and vitality of that first section is preserved by the amendment I propose, by confining the operation of this branch of the Department of Agriculture to an inquiry as to the causes of infectious, communicable, and contagious diseases of domestic animals. The object purporting to be subserved by this bill will be reached by the amendment which I have proposed, whereas if the provisions which I suggest shall be stricken out are retained in the bill, the business of the Agricultural Department will be unnecessarily and largely increased as compared with what it would be with the words stricken out. If these words are stricken out, the force contemplated by the bill could be employed to carry into effect its provisions without having any inquiry to make except as to the nature of these communicable, infectious, or contagious diseases; and the twenty persons provided by the bill can be profitably and properly employed in that direction and no other. With the words remaining in the bill, the employment of these agents will be extended to ascertaining the number of cattle, the number of domestic animals of all kinds, their value and condition and their use; all of which may be ascertained from the reports of the Census Department of the Government, and have been ascertained already.

I presume it is not designed by this bill to inaugurate a separate investigation in that direction by the Agricultural Department; and yet if these words to which I have referred are left in it, it accomplishes that result whether intended or not.

I submit to my friend from Missouri, the chairman of the Committee on Agriculture, that in its present form the bill only adds to the duties of this board or bureau appointed by the Commissioner of Agriculture the duty of making this enumeration, and that by leaving these words in the bill he renders it less perfect and less operative in the way of doing the work the measure contemplates. I therefore ask the adoption of the amendment which I have offered.

Mr. HATCH, of Missouri. Mr. Chairman——

The CHAIRMAN. The gentleman from Iowa [Mr. WELLER] has offered the amendment and is entitled to the floor.

Mr. WELLER. I send to the desk an amendment to the amendment, which I desire to submit.

The Clerk read as follows:

Amend section 1 by adding to the word "investigate," in line 6, the words "and ascertain by reference to and compilations from the reports made by county, State, and national authority."

Mr. WELLER. Mr. Chairman, I have offered this amendment with the express purpose of making the work of the Commissioner of Agriculture valuable without the expense that would attend it if he were to employ the force in the manner that has been suggested, by taking a census of the domestic animals. By the adoption of the amendment which I have offered, or the substitute for the amendment of the gentleman from Pennsylvania, I am of the opinion that all the investigation that would be needed in the premises would be such as can be had and all the information required would be obtained from the compilations from the returns made by the county, State, or national authorities on this subject.

If I heard aright a few moments ago I heard the chairman of our committee state that the Commissioner of Agriculture had already received from various States in the Union voluminous reports in the premises with reference to diseases of cattle, and to which the animal industries of the nation are subject. It must be borne in mind that we have but $250,000 appropriated by this bill. If, then, these agents are selected to make an investigation throughout the length and breadth of our land, I am sure, Mr. Chairman, that $250,000 would scarcely be, if I may so express it, a drop in the bucket, if that were the method to be employed. But if the method which I propose shall be adopted, and this amendment is made a part of the bill, then he may make reference to the compilations from reports of county, State, and national authorities on this subject, precluding the necessity of these agents going through the country to ascertain facts which are already in existence. And that, therefore, would not trench at all upon the $250,000 which could be saved for carrying out the other purposes of the bill. It seems to me that the State of Iowa, the State of Illinois, the State of Texas, and I may say every State in the Union, have now systems of census reports in the matter of agricultural interests that will permit the Commissioner of Agriculture to get at all of the facts which are necessary in this connection without additional expense. For this reason I am in favor of trenching not at all upon this $250,000. In this manner the twenty agents who are appointed to get this information will not need to go through the country to obtain it, but can secure it without expense by these reports to which I have referred.

Mr. COX, of New York. I move to strike out the last word.

My speaking at all to-day was suggested by what the gentleman from Iowa last on the floor said [Mr. WELLER]. He submitted an amendment and said something about his being somewhat lacking in "brass." Then I remembered that my friend from Virginia whom I do not see in his seat [Mr. JOHN S. WISE]—I do not mean the other WISE, I mean JOHN S. WISE—seemed to make a very unwise attack on me the other day. I had not the remotest idea he was going to attack in that peculiar way. He came to my seat a few minutes before he spoke. He indicated that he had a line of thought that was something jocular and kindly. He asked would I object to it. He mentioned some of his personal points. I said "Go on; I loved your father, and I love his pluck and your courtesy. I like a man who speaks out what he has to say about another before his face and not behind his back." And thus induced he comes dashing along with this remarkable, incongruous speech. I have been told by partial friends that it should be answered. He said:

I heard my distinguished friend from New York [Mr. COX], and I am proud to call him my friend, boasting the other day that he was a sort of shining light, a monument of Democracy, to point out these doctrines of State rights and strict construction. I accept, I will say to the gentleman, his own designation of himself. I will not call him a monument, but I would call him a pillar of brass by day and a pillar of gas by night [laughter] to lead the wandering tribes of latter-day Democracy out of the desert in which they have been lost for lo! these many years.

This expression about the monument was from a Republican colleague [Mr. HISCOCK] toward me, which in good temper I accepted as given, but quite modestly, without brass or gas. My remarks were only two minutes long.

Well, now, sir, for curiosity I look at the RECORD. I find I have done less of speaking during this session than this callow fledgeling from Virginia. [Laughter.] But one thing I would not do. If my father had been a member of Congress ever so conspicuous I would not have brought him into this debate in that peculiar connection. But this is a matter of taste, about which I do not quarrel.

Again, the gentleman said in this unaccountable animadversion upon me and my peculiar State-rights ideas that West Virginia had been "ripped untimely"—no, it was not that, that is Shakespeare; it was something else he said; I am almost timid about quoting it:

As for West Virginia, whose Representative here saw fit unprovokedly to take a fling at old Virginia, I want to tell him that his little State is nothing but the bastard offspring of a political rape committed upon poor old Virginia, cut from her by a Cæsarian operation by the Federal Government.

Then the gentleman turned his philippic upon me. What for? Because I was one of those who stood here during the war contending against this untimely ripping of West Virginia from the womb of the grand old mother of States and Presidents. Is this the gentleman who so praises his father because he desired practical legislation in the relations of Virginia? Is this the gentleman who desired not mere abstractions, and who denounced in this very speech the very men he now sits among, and whose party committed this illegitimate outrage upon old Virginia in her worst peril?

I do not speak with any heat about this gentleman. He says before he commences to assail me that he is my friend. I expected some gentle words and something in the best vein of his family tradition, nothing tipped with malice or poison. I have been waiting for him all day here in a friendly way, but he does not seem to come to renew the friendly encounter. I hear he is in the Senate, doing some work there. But no gentleman on either side has spoken about this curious speech who has not said it was ill-timed and in bad taste. I regret that he made it, because I respect the father if I can not do everything to honor the son.

I knew, sir, that this designation of "a pillar of brass by day and a pillar of gas by night" must have come somewhere or in some style from the Old Testament. I looked it up. I could hardly keep this good old book for a minute, there was such a rush from the Republican side of the House to read the Bible. [Laughter.] Now, where did the gentleman [Mr. JOHN S. WISE] get his wisdom about the ancients and their exodus? We know who went with Moses out of Egypt and helped him in his time of trouble. It is said:

And the Lord went before them by day in a pillar of a cloud to lead them in the way; and by night in a pillar of fire to give them light; to go by day and night.

He took not away the pillar of the cloud by day nor the pillar of fire by night from before the people.

It was a wonderful exodus; not physically, nor for length of time and endurance, but for wise and wonderful ends. When I went to Jerusalem not long since, I will say with humility that I did not look so much for the old and beautiful walled city, or the brook of Kedron, or the valley of Jordan far away toward the dead leaden sea. I looked into the sky toward the mountains of Moab, almost nebulous in beauty, but solid in their eastern walls. Around there, out of this half cloud-land, came the hosts of Israel; not, by a perversion of the beauteous Scriptures with brass and gas, but by some supernal and glorious agency. The gentleman from Virginia should read his Bible before he comes to Congress.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TOWNSHEND obtained the floor and yielded his time to Mr. COX, of New York.

Mr. COX, of New York. I was about to go along with the children of Israel. [Laughter.] I like them because they are persecuted; and though their soil be calcined with desolation, nevertheless it is grand in solemn memories. It is entitled to respect even in its present low estate for its traditions of prophet, saint, and Saviour.

And so I am put down here by the gentleman from Virginia as a sort of Moses to lead them forth, the bewildered children of our Democratic Israel! One thing I know, and that is, that where Moses led them they passed through safely. They were not overwhelmed as were the Egyptian Readjusters by the peculiar Red Sea of that Commonwealth. [Laughter.]

There is one thing about the old Jewish ceremony and autonomy that I respect. That is, the care they gave to their beasts of burden, sheep, and cattle. The best beef produced in the world was Hebraic. If my friend had studied more of the old Hebraic system and less by large, loose, latitudinarian constructions of the Constitution he would have known better how to cure pleuro-pneumonia and cure the diseases of cattle.

This disease is limited to a few precincts around Jersey City, New York city, and along the Hudson. It has not, and never can have, its operations extended over the United States.

I wish I could read this Bible for the information of the House here to-day [laughter], if only on the mode of curing and butchering cattle.

Mr. BELFORD. You would not be a Democrat if you did. [Laughter.]

Mr. COX, of New York. I knew a Republican who read it, and he got so distracted that he jumped out of a fourth-story window. [Laughter.]

I saw from the RECORD to-day that the gentleman from Virginia [Mr. J. S. WISE] was appointed a member of the Committee on the Census, of which I am chairman. Our rules only provide for eleven members on the committee. He is the twelfth man. The RECORD is in error, as only eleven are appointed. I was reading only yesterday a Russian novel by a famous Russian author who has just died——

Mr. LYMAN. Turganieff.

Mr. COX, of New York. Yes, sir; Ivan Gergiyevitch Turganieff. Thank you! You are always scholarly and beautiful. [Laughter.] He has written a story called "The Diary of a Superfluous Man." [Laughter.] In it he tells of a man—himself—who was so good that he had not any sense. [Laughter.] Others may be good or bad, wise or foolish, agreeable or disagreeable; but superfluous people none but me, one beyond the number required—and nothing more! Nature had not counted on my coming into the world, and in consequence she treated me as an unexpected, unwanted visitor. "What was the cause of this trifling strife with myself?"

Where did the gentleman get this impulse to step into this debate? Perhaps he did not know there were any fighting qualities in this old arena! Now, when he gets down to Virginia and makes a great to do about having got up a debate with me, with a single small State-rights bantam like myself, I want to be understood that he begged pardon of me before he made his ill-timed speech.

I think I have said enough in his absence. If he were here I would say more.

In conclusion, let me come down to the matter in debate. This bill ought to be amended pretty nearly as the gentleman from Pennsylvania [Mr. BAYNE] has suggested. There might be something done; very little, but something might be done without intrenching on well-grounded creeds of faith and rules of interpretation. I would, therefore, favor a recommittal of this bill—with two objects, yet to be developed, and which if they did not kill the bill would take out of it many obnoxious provisions.

Mr. GIBSON. I rise for the purpose of indorsing the amendment offered by the gentleman from Pennsylvania [Mr. BAYNE] as meeting my ideas of good faith in legislating upon this subject.

Mr. HATCH, of Missouri. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HATCH, of Missouri. If the gentleman proposes to occupy his five minutes under the rule in opposing the amendment, I make the point that the time for debate in opposition to the amendment has been exhausted. If the gentleman wishes merely to reply to what the gentleman from Virginia [JOHN S. WISE] said the other day, I will withdraw the point of order.

The CHAIRMAN. Debate upon the amendment has been exhausted.

Mr. GIBSON. Then I move to strike out the last word.

The CHAIRMAN. The Chair will recognize the gentleman to speak upon his amendment to the amendment.

Mr. GIBSON. During the progress of this bill it became my privilege, under a sense of duty to my constituents and to the country, to object to certain features in it. In the inception of that discussion I expressed my surprise at the hostility manifested upon the other side to everything like State rights. I said that when I remembered the alacrity with which they rushed to the doctrine of State rights, and the tenacity with which they hugged it to their bosom when it enabled them by a corrupt coalition with MAHONE to secure power in the State of Virginia, I could not well see where their objections to that doctrine now came in.

For that language the gentleman from Virginia [Mr. JOHN S. WISE] arraigned me, and not only arraigned me but arraigned my State, and proceeded to quote some of the language of his old father, whom I knew well, as a boy could know an old man, and whose confidence and friendship I had the pleasure of sharing, and when I followed him in war I had the honor of having his tears shed over our misfortune.

I say that his son came in here and quoted language used by his father in the heat of a great political contest in the State of Virginia. I feel satisfied that if he were here now, out of the kindness of his heart such language would never be uttered against any sister State. That gentleman charges that my State is a bastard State, the offspring of a corrupt and tyrannical political action. When he assails and denounces in coarse terms the actions of your party, you have sunk so low as to applaud him for it.

Mr. BROWNE, of Indiana. That is severe, but beautiful.

Mr. LYMAN. "Which is sarcastical," if beautiful.

Mr. GIBSON. I do not speak it for sarcasm, but for truth. The gentleman talks about my State being a political bastard, and he assails me for having left the State of Virginia and gone to the State of West Virginia. It is true I was born and raised in Virginia; all my early manhood was passed in that State. I stood with her in all her struggles; afterward, in the days of reconstruction, when the white civilization of that State was struggling to its utmost against overthrow by negro domination I was there and again stood by her, and I have the honor of believing that I was then approved by the young son of the former governor of that State.

I left that State believing that we had accomplished a great victory; that Hunnicut and Underwood and Dr. Bayne had been overthrown, and that civilization would there move forward in accordance with the old time conservative, straightforward, honest doctrines of that old State. But to my surprise news came over the mountains that after Hunnicut, Underwood, and Bayne had been routed a new force, with new leaders, among them my distinguished young friend over there——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLAND. I will take the floor and yield my time to the gentleman.

Mr. GIBSON. A new force had arisen with new leaders, among whom was my distinguished young friend. It is no part of mine to criticise Virginia politics. It is enough for me to bear my portion of the politics of the State which I in part represent.

But let me say to my young friend, when he talks about political bastards, that he should remember that he himself is, as a Readjuster or Coalition Representative on this floor, the result of a political rape on the State of West Virginia by Federal power. But for the interference of the Federal Government in Virginia politics, but for the interposition of the strong arm of Federal power, I doubt very much if with all his father's prestige and with all his own talent and energy he could have ever succeeded in representing on this floor the people of that State. I am the more satisfied of this because the result of the recent elections in that State has overwhelmingly defeated and trodden under foot the coalition thus formed.

I did not expect to escape the sharp retorts of the young gentleman in this discussion. When a man like my distinguished friend from New York [Mr. COX], whose gentleness and kindliness of heart have given him a warm place in the estimation of every intelligent person in this land, whose acquirements and national reputation have made him respected and honored by the people—when he is denounced here in flippant terms as "a pillar of brass by day and of gas by night" [laughter], I could not expect that I or my little State should escape entirely.

But let me say to the gentleman, in honor of my State, that whatever her birth may have been, she is to-day standing among the proud, progressive States of this Union. She is to-day one of the most rapidly developing States in all this broad land. Her forests are being cleared, her mines are being opened, railroads are being built, school-houses and churches everywhere rear themselves. We in the State of West Virginia are doing our part toward building up the material and moral interests of the country and are marching along in the path of progress,

while my unfortunate old mother State is struggling in the trammels of her fight with MAHONE and Mahoneism.

[Here the hammer fell.]

Mr. MAYO. Mr. Chairman, I dislike to occupy the time of the House in discussing matters not at issue, but I can not allow the taunts of the representative of the bastard child of a political rape to go unanswered on the part of the Old Dominion. He speaks of a "foul coalition," but he can not yet say, in the words of Daniel Webster, that it is a "murdered coalition." Thank God, it is yet alive, and it means to pluck old Virginia out of the hands of the Bourbon faction that is now undertaking to put down all law and all order in that State. [Applause.] Never before in the history of Virginia has any Legislature assembled in her halls that has disgraced her as she is disgraced by the Legislature now in session. I hope to God such a scene as is now being enacted there will never be enacted again on this continent.

In order to keep themselves in power the party having control of that Legislature have deliberately thrown out members enough in both houses to give themselves a majority sufficient to pass, in spite of the governor's disapproval, any bill that he may veto. And what happened no longer than two days ago? A man to whom they had refused a seat had been a second time declared by his constituents elected. He was entitled to his seat on the first election, but was kept out and sent back for a new election. Two days ago, when the question came up, a resolution was presented in this form:

Resolved, That Mr. Rue is not entitled to the seat.

What was the vote? Thirteen to fourteen, thereby declaring that the man was entitled to the seat. But by some legerdemain or hocus-pocus in comes the other man, Callahan; and lo and behold! after having voted down the resolution declaring that Mr. Rue was not entitled to the seat, they vote that Mr. Callahan is; and this is done without a particle of evidence save the newspaper reports that this man was run as a candidate against the other. One man has a certificate, the other has none; and they deliberately swear in the man that has not a certificate and keep out the man that has! This is a specimen of what has been going on in Virginia since this Legislature met. Deliberately, persistently, regardless of every precedent and all law, taking the bull by the horns, they have undertaken to "get rid of MAHONE," as they say, by any means, no matter what.

And why? I say before this House that the Coalition party of Virginia has done more to lift the State from the degradation in which it had been sunk by the Bourbon "Funder" party than has ever been done by any party before in four years' time. We took control of the State when there was not a dollar in the treasury, when we had to borrow $200,000 in order to pay the members of the Legislature and to avoid turning the lunatics from the asylum and the convicts from the penitentiary. The schools had been closed by reason of the use of the school fund for other purposes, until they had been reduced from 6,000 down to 2,500. During four years we built up the interests of the State; and I, as an honest, debt-paying Republican, took hold of WILLIAM MAHONE and his party because I believed, as General Grant believed, that they were the only people in Virginia who did mean to pay the debt.

[Here the hammer fell.]

Mr. JOHN S. WISE obtained the floor.

Mr. HATCH, of Missouri. I make the point of order that debate on the pending amendment is exhausted.

Mr. JOHN S. WISE. I move to strike out the last word.

The CHAIRMAN. The Chair sustains the point of order of the gentleman from Missouri, and recognizes the gentleman from Virginia [Mr. JOHN S. WISE] to make his motion.

Mr. JOHN S. WISE. I move to strike out the last word.

The CHAIRMAN. The gentleman from Virginia is in order.

Mr. JOHN S. WISE. Mr. Chairman, when I was at a distant place, engaged upon important business, I little expected that the gentleman from West Virginia [Mr. GIBSON] would take this floor to respond to anything that I had said, because when a gentleman rose the other day for the purpose of making some remarks in reference to another member, the gentleman from West Virginia made the point that the person referred to was absent. I did not need to hear what the gentleman from New York [Mr. COX] said, because I knew that whatever he said would be kindly, would be manly, would be more than good. Whatever expression I used concerning him he knew would be kind, and if it was a little impudent, I knew he would excuse it.

Mr. COX, of New York. It was excused.

Mr. JOHN S. WISE. Yes; and I am glad it was. But the gentleman ought to be thankful to me that I have given him occasion to look into that long-neglected book from which he read. [Laughter and applause.] But, sir, I find even now his examination of it has been most perfunctory, and he misquoted the name of the sea which overwhelmed the wandering tribes. And I wish to say, however, that the only sea that overwhelmed the Coalition party of Virginia, the only sea that ever could or ever would overwhelm it, was the Red Sea of blood, shed by Bourbonism. [Cries of "Good!" and applause on Republican side.]

Now, sir, I did not intend to wander from this book, but to point out to this gentleman the simple fact that the Congress of this nation has pegged away, and instead of arguing matters on their merits, there is always some strict constructionist to waste the valuable time of this House in catching fleas with strict construction. [Laughter.] I say, sir, and I take but little time to say it, when it comes to who are the State-rights advocates of this nation it will be seen that all this gabble and all this talk of State-rights strict construction have been as nothing compared with that splendid Federal tribunal, the creature of the Federal power, the Supreme Court of the United States, which has done more to maintain true State rights than all the shriekers about strict construction who ever got a place within this Hall. [Cries of "True!" and applause on the Republican side.] Yes, that is unquestionably true.

And so to-day I come from old Virginia. I admit I knew the gentleman in Virginia, but when I knew him he was wrestling every day with a negro on the floor of the convention, and I never could tell how he came out of it except from the fact that he left and the negro is there yet. [Laughter and applause on the Republican side.] I say, sir, therefore, however Virginia may appear to degenerate, that, thank God, there are those of us whose ancestors have lived there for two hundred and fifty years, and who in the hour of her adversity have stood by her and proclaimed that manhood, that pure Virginianism should prevail, and have not sneaked off to prosperous new communities. [Laughter.]

And thus I leave the subject, standing here and saying to the committee I believe this bill which has been brought here is plainly and clearly within the powers of the Federal Government, and that those who live in eternal jealousy of the Government, and look upon it as an alien, can see in it no real defect for the purpose of correcting the evils which exist under the powers of the Federal Congress. [Applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. HATCH, of Missouri. I move that the committee do now arise.

Mr. KASSON. I wish to inquire whether debate has been exhausted, either actually or theoretically, in answer to the amendment of the gentleman from Pennsylvania [Mr. BAYNE]. I wish to say a word on that amendment when I can get the opportunity.

The CHAIRMAN. The gentleman from Iowa will have that opportunity.

The motion of Mr. HATCH, of Missouri, was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, and had come to no resolution thereon.

ENROLLED BILL.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 58) filling an existing vacancy in the Board of Regents of the Smithsonian Institution; when the Speaker signed the same.

MEXICAN CLAIMS.

The SPEAKER, by unanimous consent, laid before the House the following message from the President; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

In answer to so much of the resolution of the House of Representatives of the 17th ultimo as calls for the correspondence with the Mexican Government respecting the payment of claims specified in the fifth section of the act of Congress approved June 17, 1878, I transmit herewith the report of the Secretary of State and its accompanying papers.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 25, 1884.

LEAVE OF ABSENCE.

Leave of absence, by unanimous consent, was granted in the following cases:

To Mr. HEPBURN, for ten days, on account of important business.

To Mr. PATTON, not to exceed one week, being called away by death in his family.

To Mr. DAVIS, of Missouri, from the 27th of February to the 4th of March, on account of important business.

CAPITAL AND OTHERWISE INFAMOUS CRIMES.

On motion of Mr. TUCKER, by unanimous consent, report No. 373, from the Judiciary Committee, to accompany House bill 1577, concerning capital and otherwise infamous crimes, was ordered to be reprinted.

And then, on motion of Mr. HATCH, of Missouri (at 4 o'clock and 55 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Papers relating to the claim of Coleman White, administrator of Mrs. Jane White, deceased—to the Committee on War Claims.

Also, papers relating to the claim of William M. Beasley—to the same committee.

By Mr. BARBOUR: Papers relating to the claim of Freeman and Richardson—to the Committee on the Judiciary.

Also, papers relating to the claim of the personal representative of M. D. Newman—to the Committee on Claims.

Also, papers relating to the claim of Michael Ryan—to the Committee on the District of Columbia.

By Mr. BARKSDALE: Petition of citizens of Claiborne County, Mississippi, for the improvement of Black River—to the Committee on Rivers and Harbors.

By Mr. BAYNE: Petition of the Sandusky Street Baptist church, of Allegheny, Pa., and several other religious and charitable societies, relative to the civilization, &c., of the Indians—to the Committee on Indian Affairs.

Also, petition of David Harper and many other farmers, of Allegheny County, Pennsylvania, praying for the restoration of the wool tariff of 1867—to the Committee on Ways and Means.

Also, papers relating to the claim of James W. Colville—to the Committee on Invalid Pensions.

By Mr. BREITUNG: Petition for a harbor appropriation at Ontonagon, Mich.—to the Committee on Rivers and Harbors.

By Mr. BRENTS: Petition of J. J. Browne and others, for articles of incorporation as the Spokane Falls and Coeur d'Alene Railway Company—to the Committee on Pacific Railroads.

By Mr. BURLEIGH: Petition of Thomas Sheridan and others, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. CALKINS: Petition of Austin Post, Grand Army of the Republic, South Bend, Ind., relative to fictitious names—to the Committee on Military Affairs.

Also, resolutions of Rensselaer Post, No. 84, Grand Army of the Republic, Department of Indiana, for the equalization of bounties—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of Harrison Cathcart Post, No. 117, Grand Army of the Republic, Department of Indiana, for the equalization of bounties—to the same committee.

Also, of soldiers of the Grand Army of the Republic, South Bend, Ind., relative to arrearages of pension—to the same committee.

Also, petition of C. H. Raymond and others, and of T. E. Hughes, for education in Alaska—to the Committee on Education.

By Mr. FELIX CAMPBELL: Petition of citizens of New York relative to education in Alaska—to the same committee.

By Mr. S. S. COX: Petition for the relief of Mary Ann Hurst—to the Committee on Invalid Pensions.

By Mr. G. R. DAVIS: Petition of A. W. Francke and 87 others, of Chicago, Ill., relative to the repeal of law on manufacture of vinegar—to the Committee on Ways and Means.

Also, papers relating to the claims of John Rogers, George R. Carpenter, Michael Murray, and John Degnan—to the Committee on Claims.

Also, papers in the matter of A. W. Irvin, D. W. Bannister, Robert Ayers, Michael Crawford, John Howard, Alexander Brown, Henry Erbe, John N. Ford, John Hanson, Henry Jones, Mathias Steger, and A. J. Shorning—to the same committee.

By Mr. DOCKERY: Papers relating to the claim of William B. Wardwell—to the same committee.

By Mr. EATON: Petition of William Webster, for aid in furtherance of his claim against the British Government—to the Committee on Foreign Affairs.

By Mr. FOLLETT: Memorial of the Board of Trade of Cincinnati, Ohio, relative to the improvement of the Cumberland River—to the Committee on Rivers and Harbors.

Also, petition of the Methodist Woman's Home and Foreign Mission, relative to the education of the freedmen of the Southern States—to the Committee on Education.

By Mr. GRAVES: Memorial of Grover Post, No. 78, Grand Army of the Republic, for equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. W. H. HATCH: Memorial of Shiloh Post, No. 40, Grand Army of the Republic, Department of Missouri, relative to soldiers' pay, &c.—to the same committee.

By Mr. HENLEY: Petition of wool-growers of California, for the restoration of the tariff of 1867 on wool—to the Committee on Ways and Means.

By Mr. HILL: Petition of the National Temperance Society, relative to alcoholic liquor—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HOLMAN: Paper relating to the pension claim of Frank Luther—to the Committee on Invalid Pensions.

By Mr. HOPKINS: Petition of the Presbyterian church at Brownsville, Pa., and of citizens of Brownsville, Pa., in favor of provisions for the education of Indians—severally to the Committee on Indian Affairs.

Also, petition of citizens of Pittsburgh, Pa., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. HOUSEMAN: Petition of W. B. Williams, J. B. Streeter, H. B. Peck, and 800 others, citizens of Allegan, Mich., for an appropriation for the improvement of Saugatuck Harbor, Michigan—to the Committee on Rivers and Harbors.

By Mr. KEIFER: Petition of George W. Cox, for a pension—to the Committee on Invalid Pensions.

Also, petition of citizens of Cincinnati, Ohio, relative to education in Alaska—to the Committee on Education.

By Mr. KLEINER: Petition for relief from Harrison Post, No. 219, Grand Army of the Republic, of Velpen, Ind.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. LACEY: Paper relating to the claim of Henry O'Neill—to the Committee on Military Affairs.

By Mr. LANHAM: Papers relating to the claim of J. H. Baker—to the Committee on Indian Affairs.

Also, papers relating to the claim of Daniel Murphy—to the Committee on Claims.

By Mr. LORE: Petition of J. Richards Boyle and 4,866 others, citizens of Delaware, relative to the education of Indians in the States and Territories—to the Committee on Indian Affairs.

Also, petition of Samuel Bacon and 39 other citizens of Delaware, for an appropriation for the improvement of Broad Kill River, Delaware—to the Committee on Rivers and Harbors.

By Mr. McCOID: Resolution appropriating $45,000 for pier at Des Moines Rapids Canal—to the same committee.

Also, petition for pension of A. D. Whitcomb—to the Committee on Invalid Pensions.

By Mr. McCOMAS: Petition of Rev. J. H. A. Johnson, D. D., &c., for the passage of a civil-rights bill—to the Committee on the Judiciary.

By Mr. MAGINNIS: Petition of citizens of Custer County, Montana, praying for the enactment of a law to fund their county indebtedness—to the Committee on the Territories.

Also, petition of citizens of Maiden, Mont., for the reduction of the Fort Maginnis reservation—to the Committee on Military Affairs.

Also, petition of the settlers of Sun River, for the reduction of the Fort Shaw reservation—to the same committee.

Also, petition of Maj. Theodore J. Eckerson, United States Army, praying to be retired with additional rank on account of long and faithful service—to the same committee.

Also, petition for the establishment of a light-house district on the Upper Missouri River—to the Committee on Appropriations.

By Mr. MATSON: Petition of Joseph Williams and 68 others, ex-Union soldiers, for legislation in the interest of all ex-Union soldiers—to the Committee on Invalid Pensions.

By Mr. MAYBURY: Petition for the relief of Delia E. Grummond—to the same committee.

Also, papers relating to the claim of John W. Wilson—to the Committee on Military Affairs.

Also, petition of John M. Donaldson and 43 other artists of Detroit, Mich., for the removal of duty on works of art—to the Committee on Ways and Means.

By Mr. MILLARD: Petition of S. S. Taft and others, relative to the equalization of bounties—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of president and professors of Cornell University, relative to the four-year term of office—to the Select Committee on Reform in the Civil Service.

Also, protest of the Grand Army of the Republic against any change of the payment of pensions—to the Committee on Invalid Pensions.

Also, petition from the Grand Army of the Republic, New York, relative to passed assistant engineers of the Navy—to the Committee on Naval Affairs.

By Mr. MILLIKEN: Petition of the Veteran Land Claim Agency, asking one hundred and sixty acres of land for all honorably discharged soldiers, &c., of the late war—to the Committee on the Public Lands.

By Mr. C. H. MORGAN: Memorial of Gen. G. B. Boomer Post, No. 97, Grand Army of the Republic, Linn, Mo., and of Lookout Post, No. 85, Grand Army of the Republic, Shelbina, Mo., relative to pensions, &c.—severally to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of W. J. Terrell, S. D. Davis, and 57 others, members of the Grand Army of the Republic, of Cass County, Missouri, and of George S. Aiken, Thomas McCall, and 25 others of same place, relative to the equalization of bounties—severally to the same committee.

Also, petition of James H. Roberts, F. L. Yale, and others, of Liberal, Mo., against the passage of the bill to copyright news-matter—to the Committee on the Judiciary.

Also, resolution of Farragut Post, No. 3, Grand Army of the Republic, Department of the Missouri, to pension Mrs. Nina M. Gwynn—to the Committee on Invalid Pensions.

By Mr. MURRAY: Petitions of Henry Wilkey, of Patrick Coyne, and of Edward Manion, for a pension—severally to the same committee.

By Mr. NELSON: Petition for the improvement of Goose Rapids, on the Red River of the North—to the Committee on Rivers and Harbors.

Also, the petition of L. Emmett, and others, for the improvement of the Red and Minnesota Rivers—to the same committee.

Also, paper relating to the survey, &c., of the Red River of the North and the Minnesota River—to the same committee.

By Mr. CHARLES O'NEILL: Memorial of Commodore Louis C. Sar-

tori, to be appointed rear-admiral on the retired-list—to the Committee on Naval Affairs.

By Mr. PETTIBONE: Papers relating to the claim of Jesse Humphries—to the Committee on War Claims.

Also, petition and papers for the relief of John Erickson and of John Cole—severally to the Committee on Military Affairs.

By Mr. J. H. ROGERS: Memorial of certain citizens of the Choctaw Nation, relative to the Poteau River, in the Indian country—to the Committee on Commerce.

By Mr. RYAN: Petition of the board of trade of Topeka, Kans., for retaliatory measures against France and Germany for interdicting American meats—to the Committee on Foreign Affairs.

By Mr. T. G. SKINNER: Petition of L. M. Phelps and others, for the improvement of Deep Creek, North Carolina—to the Committee on Rivers and Harbors.

Also, papers relating to the Edenton Harbor—to the same committee.

Also, petition of E. A. White and others, for the improvement of the Perquimans River, North Carolina—to the same committee.

By Mr. SPRINGER: Papers and petition of J. Madison Cutts, praying to be placed on the retired-list of the Army—to the Committee on Military Affairs.

By Mr. STEPHENSON: Resolution of Wisconsin State ———, relative to the duty on wool—to the Committee on Ways and Means.

Also, resolution of the Milwaukee Chamber of Commerce, opposing extension of steam grain-shovel patent—to the Committee on Patents.

Also, copy of resolutions adopted at a meeting of live-stock commission dealers at Union Stock-Yards, Chicago, Ill.—to the Committee on Foreign Affairs.

Also, petition of William H. Higgins, for a pension—to the Committee on Invalid Pensions.

Also, memorial of the common council of the city of Oconto, &c., relative to the improvement of the harbor at Oconto, Wis.—to the Committee on Rivers and Harbors.

Also, memorial of the farmers' convention of Wisconsin, relative to the exposition to be held at New Orleans—to the Committee on Agriculture.

Also, resolutions of James Comerford Post, No. 78, Grand Army of the Republic, Department of Wisconsin, for a uniform pension law to all honorably discharged soldiers—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. TALBOTT: Memorial for an extension of letters patent for an improvement in insulating submarine cables—to the Committee on Patents.

By Mr. J. D. TAYLOR: Petition of John H. Mills and 27 others, asking for a pension of $8 per month to all honorably discharged soldiers—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of W. H. C. Hanna and 99 others, asking that soldiers may be pensioned and their pay during the war made equal to gold—to the same committee.

Also, petition of J. C. Riley and 104 others, asking that a pension be granted to Rosella Pegg—to the Committee on Invalid Pensions.

By Mr. WARD: Paper relating to the improvement of the Wabash River—to the Committee on Rivers and Harbors.

By Mr. WASHBURN: Petition of citizens of Minnesota, relative to education in Alaska—to the Committee on Education.

Also, petition of 443 citizens of Minnesota, for an amendment to the Constitution prohibiting disfranchisement of citizens on account of sex—to the Committee on the Judiciary.

By Mr. WEAVER: Petition of the Bricklayers and Masons' International Union, relative to foreign labor under contracts made abroad—to the Committee on Labor.

By Mr. J. D. WHITE: Petition for the relief of A. B. King—to the Committee on War Claims.

Also, petition for a pension for Mrs. Daniel Spencer—to the Committee on Invalid Pensions.

By Mr. WILKINS: Petition of T. C. Huffman and 50 others, and of G. J. Miller and 50 others, citizens of Zanesville, Ohio, relative to the Chinese restriction act—severally to the Committee on Foreign Affairs.

Also, petition of William Herdman and 80 others, citizens of Muskingum, Ohio, for a restoration of the tariff of 1867 on imported wool—to the Committee on Ways and Means.

By Mr. W. L. WILSON: Papers relating to the claim of Joseph Anderson, deceased, and to the claim of Solomon Boyer—severally to the Committee on War Claims.

By Mr. G. D. WISE: Papers relating to the claim of Mrs. Ellen Sherwood—to the same committee.

By Mr. WORTHINGTON: Petition to amend Chinese restriction act and to enforce the same—to the Committee on Foreign Affairs.

Also, petition for a pension for Amos Baccus—to the Committee on Invalid Pensions.

By Mr. YOUNG: Papers relating to the claim of Nicolla Malatesta—to the Committee on War Claims.

Also, papers relating to the claim of Mrs. Sarah L. McLemore—to the same committee.

SENATE.

TUESDAY, *February* 26, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

NAMING OF A PRESIDING OFFICER.

The Secretary [Mr. ANSON G. MCCOOK] called the Senate to order and read the following:

To the Senate:

Pursuant to the provisions of the rules, I hereby name and designate Hon. HENRY B. ANTHONY, a Senator from the State of Rhode Island, to perform the duties of the chair for Tuesday, February 26 instant.

GEORGE F. EDMUNDS,
President pro tempore.

WASHINGTON, D. C., *26th February*, 1884.

Mr. ANTHONY thereupon took the chair as presiding officer for to-day.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with the requirements of the act of July 15, 1870, a full and complete inventory of all property belonging to the United States in the buildings, rooms, offices, and grounds occupied by or under the charge of the Department of the Interior; which, with the accompanying papers, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented a communication from R. B. Curry, auditor and clerk of the city of Portland, Oreg., transmitting resolutions adopted by the common council of the city of Portland, Oreg., February 11, 1884, urging Congress to secure to the Northern Pacific Railroad Company all the lands granted by the act of July 2, 1864, and acts supplemental thereto and amendatory thereof; which was referred to the Committee on Public Lands.

Mr. MCMILLAN. I present a petition signed by a large number, if not the entire bar of Saint Paul, and citizens of that city, stating that owing to the continually increasing business of the Federal courts and consequent additional labor required of the circuit and district judges thereof, they are of opinion that the present salaries paid them are entirely inadequate, and praying an increase of their salaries. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. MCMILLAN. I also present a petition of members of the bar and citizens of Winona, Minn., a petition of members of the bar and citizens of Red Wing, Minn., and a petition of members of the bar and citizens of Stillwater, Minn., all of them praying an increase of the salaries of the circuit and district judges of the United States. I move that the petitions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. ALLISON. I present a memorial and resolutions adopted at a meeting of David Harding Post, No. 28, Department of Iowa, Grand Army of the Republic, Allerton, Iowa, in which they request their Senators and Representatives in Congress to use all honorable means to defeat the passage of what is known as the Fitz-John Porter bill. The same post asks Congress to grant pensions to all ex soldiers and sailors of the late war who served thirty days or were in any engagement therein, and also favor the passage of a bill for the equalization of bounties. I move that the memorial and resolutions be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. ALLISON presented a petition of citizens of Freeman, Dak., praying that an appropriation be make for education in Alaska; which was referred to the Committee on Appropriations.

He also presented a memorial of citizens of Des Moines, Iowa, remonstrating against the passage of a bankrupt bill; which was referred to the Committee on the Judiciary.

Mr. MORGAN. I present the petition of H. W. Sage, Andrew D. White, David B. Hill, S. D. Halliday, William H. Sage, W. D. Wilson, W. Van Cleef, and Marcus Lyon, of the State of New York, in respect of the treaty of reciprocity with Mexico, in which they state that they "believe that the ratification of this treaty would inure to the common benefit of the whole country; that it would immediately stimulate the export trade of the country, and very largely relieve the manufacturing interests by opening to them a new market of 10,000,000 of people."

In conformity with what I understand to be a rule adopted or at least followed here I will ask that the petition lie upon the table for disposal at a time when the Senate may be in executive session.

Mr. MORRILL. Has it not been the rule that such petitions should be presented in executive session?

The PRESIDING OFFICER. It is the opinion of the Chair that the petition should be presented in executive session.

Mr. MORGAN. I have heard of no such rule as that; and if I had

heard of it I should have resented it to the extent of my power as a breach of the constitutional powers and privileges of the people of the United States, for they have a right to petition Congress in open session, and what disposition we shall make of their petition is a different matter. We may dispose of it in executive session, but the right of the people to petition us in open session must be allowed, or otherwise the right of petition amounts to nothing.

Mr. MORRILL. I will say to the Senator that so far as I am concerned I would much prefer to have such petitions presented in open session of the Senate and have the treaty itself discussed in open session; but the course I suggested was adopted upon the presentation of similar petitions heretofore, and I supposed it was the rule.

Mr. MORGAN. We have a rule against the consideration of treaties in open session, but we have no rule against the presentation of petitions in open session, and whenever such a rule as that is attempted to be made here I shall for one give my vote against it, because I can not consent to violate the right of the people of this country to have their petitions presented and the substance of them at least stated in the open sessions of the Senate.

The PRESIDING OFFICER. The practice has been that all petitions relating to executive business should be presented in executive session. That has been the decision from the chair by the permanent presiding officer.

Mr. MORGAN. I shall again present the petition in executive session.

Mr. HAWLEY presented the petition of J. L. Tomlinson, Jacob L. Greene, and 123 other citizens of Connecticut, praying for a repeal of the limitation of four years applied to the tenure of certain administrative offices; which was referred to the Committee on Civil Service and Retrenchment.

Mr. PALMER presented a petition of the Soldiers and Sailors' Association of Southwestern Michigan, praying for the establishment of a national soldiers' home in Michigan; which was referred to the Committee on Military Affairs.

Mr. BLAIR presented a memorial of Admiral Farragut Post, No. 52, Grand Army of the Republic, of New Hampshire, remonstrating against the removal of pension agencies from different portions of the country and the payment of pensions at Washington; which was referred to the Committee on Pensions.

Mr. VOORHEES. I have in my hand a communication which is more in the nature of a petition than anything else, although it is addressed to me personally. It is on the subject of the losses and disasters occasioned by the floods on the Ohio River. It comes from a town known as Tell City, on the Ohio River, and is one of the few towns without railroad or telegraphic communications. It is largely signed by the leading and influential people of that place, and it sets out so strongly the necessity of action in the line proposed yesterday by the Senator from North Carolina [Mr. RANSOM] that inasmuch as the paper is very short I ask that it may be read.

The PRESIDING OFFICER. If there be no objection the paper will be read.

The paper was read, and referred to the Committee on Appropriations, as follows:

TELL CITY, IND., *February* 21, 1884.

SIR: As you are aware, that portion of our State which borders on the Ohio River has again been visited by a great calamity in the shape of a flood, exceeding even that of the year 1883.

We were hardly recovered from the effects of the former flood when the rising waters again inundated the Ohio Valley, almost entirely submerging some places, among them this town of Tell City, of which by far the principal part is covered by from three to ten feet of water.

This town is a colonization of laborers and others of small means, who formed societies in the larger cities for the purpose of colonizing and thus easier acquiring a home of their own; they bought the site of the present town and built it up under extreme difficulties almost out of a swamp. It remains a town of people of very moderate means, is a manufacturing place, and nearly all of its industries were originated and are now carried on on the co-operative plan, the mechanics owning the factories.

Under these circumstances we are unable to cope with a repetition of such adversities as the late floods. The flood alone did immense damage, but the storm of the 19th instant, with the turbulent waters, overturned dwellings, made others unsafe and uninhabitable, partially destroyed some factory buildings, overturned and swept away large quantities of stacked and seasoned lumber, the importance of which can only be appreciated when it is remembered that our industrial establishments are mostly wood-working factories.

Add to all of this late large losses by fire and the present loss of trade and loss of time by the poorer operatives, and the inability of the other citizens to render material aid, and you will understand that the damage and results of the flood become doubly oppressive to this community.

We learn that Congress has magnanimously voted large sums which are to be used to provide food and raiment for the destitute, but as the honorable governor of our State, A. G. Porter, very aptly suggested on the occasion of his visit here of yesterday, we are very much in need of some pecuniary assistance; something to help us rebuild and repair our factories, our homes, and our streets, which are left in an impassable condition; also to replace fencing for many poor people who contrive to support large families by adding to the earnings of the laborer the proceeds of cultivating small farms and lots of vacant lands.

We hope that a consideration of the facts above recited will convince you of the importance and necessity of a pecuniary assistance by the General Government, and we most respectfully pray that if such assistance is granted you will kindly suggest the name of this town when the same is distributed.

G. Huthstimer, cashier Tell City Bank; Chas. Steinauer, Tell City mills; Lawrence Keifer, township trustee; Aug. Meninger, saw-mill proprietor; Jos. Adam, hub factory; Wiedmer, Cloussier & Co., machine-shop; W. S. Lamb, United States storekeeper and gauger; Aug. Schreiber, deputy internal-revenue collector and druggist; Lawrence Keifer, barrel factory; Magnus Vireisle & Son, Tell City planing-mill; Jno. T. Patrick, county clerk; J. M. Combe, county treasurer; M. Bottinger, president Tell City Bank; Ant. Moraneck, president Southwestern Furniture Co.; Ant. Moraneck, hotel proprietor; J. C. Harrer, agent of Tell City Furniture Co.; Wm. Bettinger, Tell City woolen mills; Clay Switzer, wharfmaster; Jno. Herrmann, of Herrmann & Bro., manufacturers of wagons; Philipp Grimmeissen, president of trustees of town board; A Raalz, agent Cabinet-makers' Union; Combs, Hartman & Co., chair manufacturers; C. F. Bolt, postmaster and editor of Tell City Anzeiger.

Hon. DANIEL W. VOORHEES,
Senator for the State of Indiana, Washington, D. C.

Mr. VEST presented the petition of D. C. Tunnell and other citizens of Barton County, Missouri, praying for amendments to the Chinese immigration act making it a criminal offense to import Chinese; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. HARRISON. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 1310) to abolish the military reservation of Fort Rice, in the Territory of Dakota, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead and pre-emption entry and sale the same as other public lands, to report it adversely. I do not return the bill with any written report, and therefore desire to say that this adverse report is made upon the ground that the committee have already considered the subject of general regulations relating to military reservations which have come to be useless in the military service and have reported a bill upon that subject. We report this bill adversely because it is covered by the general provisions of the bill referred to. I move that this bill be indefinitely postponed.

The motion was agreed to.

Mr. HARRISON. I am also directed by the Committee on Military Affairs, to whom was referred a petition of ex soldiers and sailors of Kansas praying for the establishment of a soldiers' home in that State, to report it back and to say that the committee have considered this subject, and have reported a bill authorizing the location of a soldiers' home west of the Mississippi River. Perhaps it is scarcely accurate to say that the committee report adversely upon the petition. We have provided for the location of a home, though we have not limited it to the State of Kansas. It may simply be stated that the petition is reported back with the report that action has already been taken upon the subject by the committee.

The PRESIDING OFFICER. If there be no objection the committee will be discharged from the further consideration of the petition.

Mr. HARRISON. I am also directed by the Committee on Military Affairs to report back to the Senate a communication from the Secretary of War of the date of December 11, 1883, transmitting, in compliance with section 1136 of the Revised Statutes, plans of the proposed new barrracks for the light battery at Fort Adams, Rhode Island, and to ask that the committee be discharged from the further consideration of the communication, and that it be referred, with the accompanying papers, to the Committee on Appropriations, where it properly belongs.

The report was agreed to.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 266) granting a pension to Joseph McGuckian, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1176) granting a pension to John K. Hummer, submitted an adverse report thereon.

The PRESIDING OFFICER. The bill will be postponed indefinitely, if there be no objection.

Mr. HARRISON. I desire to ask the Senator from Illinois whether there is a written report accompanying the Hummer bill?

Mr. CULLOM. There is.

Mr. HARRISON. Then I will wait until I have an opportunity to read it, and if I think I can overcome the views of the committee I shall ask to have the bill placed on the Calendar. I shall not interpose now.

The bill was postponed indefinitely.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 1173) granting a pension to Catharine Bullard, reported it with an amendment, and submitted a report thereon.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. 838) to consolidate the Bureau of Military Justice and the corps of judge-advocates of the Army, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. MAXEY. I am also instructed by the Committee on Military Affairs to move that the bill (S. 1541) to provide promotion in the corps of judge-advocates be indefinitely postponed, as the objects sought to be accomplished by that bill are covered by the bill just reported.

The motion was agreed to.

Mr. HARRIS, from the Committee on Finance, to whom was referred the bill (S. 895) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 919) for the relief of John M. McClintock, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1352) for the relief of William McNamara, submitted an adverse report thereon.

Mr. BUTLER. I ask that the bill be placed upon the Calendar.

The PRESIDING OFFICER. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. CAMDEN, from the Committee on Military Affairs, to whom was referred the bill (S. 83) for the relief of John H. Walker, late a captain in the United States Army, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 334) for the relief of Edward Byrne, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CAMDEN. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 262) relating to the muster-rolls of the Oregon volunteers, to submit an adverse report thereon, for the reason that the Secretary of War, in a communication which is filed and made a part of the report, states that there is no additional legislation necessary to accomplish the object of the bill. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was recommitted the bill (S. 445) for the relief of the heirs or legal representative of Robert J. Baugness, deceased, reported it without amendment, and submitted a report thereon.

Mr. SLATER, from the Committee on Indian Affairs, to whom was referred the bill (S. 1185) for the relief of Belva A. Lockwood, reported adversely thereon; and the bill was indefinitely postponed.

Mr. COLQUITT, from the Committee on Pensions, to whom was referred the petition of Matilda Watmough, widow of John G. Watmough, deceased, praying for arrearages of pension, reported adversely thereon; and the committee were discharged from the further consideration of the petition.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 917) granting a pension to Alida Dennis, widow of Benjamin H. Dennis, late a private in Company I, Thirty-first Regiment United States Colored Troops, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. JACKSON. I am also instructed by the Committee on Pensions to report adversely on the bill (S. 986) granting a pension to Laura Prine. At the request of the Senator from Florida [Mr. CALL] I ask that it be placed upon the Calendar.

The PRESIDING OFFICER. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. 909) to increase the pension of Martin Kelly and to rate him in the second grade of pensioners, reported it with amendments, and submitted a report thereon.

Mr. INGALLS. The Committee on Indian Affairs, to whom was referred the bill (S. 1108) to provide for the sale of the Iowa Indian reservation in the States of Nebraska and Kansas, for the issuance of a patent for a reservation for the Iowa tribe of Indians in the Indian Territory, and for other purposes, direct me to report an amendment by way of substitute, which I ask may be twice read and placed on the Calendar, and the original bill indefinitely postponed. The facts are set forth in a correspondence between the Committee on Indian Affairs and the Secretary of the Interior that I have incorporated in my report, and which I ask may be printed.

Mr. HARRIS. I suggest to the Senator from Kansas that the substitute is a disposition of the original bill and there need be no separate action postponing it.

Mr. INGALLS. I yield to the superior parliamentary knowledge of the Senator from Tennessee.

The PRESIDING OFFICER. A substitute is usually treated as an amendment to the original bill.

Mr. INGALLS. Very well.

The PRESIDING OFFICER. The bill is reported with an amendment, and will be placed on the Calendar.

Mr. DAWES, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. 1636) to provide for the allotment of lands in severalty to the Arickaree, Gros Ventre, and Mandan Indians on the Fort Berthold Indian reservation in Dakota, and granting patents therefor, and for other purposes; which was read twice by its title, and, on motion of Mr. DAWES, recommitted to the Committee on Indian Affairs.

Mr. WILSON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1017) to prohibit the mailing of newspapers and other publications containing lottery advertisements and prescribing a penalty for the violation of the same, reported it with amendments, and submitted a report thereon.

Mr. JACKSON. On behalf of the minority of the Committee on Post-Offices and Post-Roads, I submit the views of the minority against the passage of the bill. I ask that they be printed.

The PRESIDING OFFICER. The views of the minority will be printed.

Mr. JACKSON. I suggest that the two reports be printed together. It will be more convenient to the Senate to have them in that shape.

The PRESIDING OFFICER. That is the usual practice.

FRAUDULENT IMPORTATIONS OF WOOL.

Mr. MORRILL. On the 21st of January a resolution was passed by the Senate calling upon the Secretary of the Treasury for copies of a report relating to the fraudulent undervaluation or classification of wool. The Committee on Finance has received a response from the Secretary of the Treasury, stating that this report has been made to the House of Representatives; that it is very voluminous, and therefore he will not send a copy to the Senate without a special request. The committee have directed me to ask for an order that copies may be printed for the use of the Senate from the document now in the possession of the other House.

The order was read, and agreed to, as follows:

Ordered, That 1,000 copies of House Executive Document No. 101, Forty-eighth Congress, first session, be printed for the use of the Senate; 200 copies to be for the use of the Committee on Finance.

Mr. MORRILL. I submit the letter of the Secretary of the Treasury, to be printed in the RECORD accompanying my remarks.

The letter is as follows:

TREASURY DEPARTMENT, *February* 12, 1884.

SIR: Respectfully referring to the Senate resolution of the 21st of January, calling upon the Secretary of the Treasury for copies of reports relating to the fraudulent undervaluation or classification of wool, I have the honor to state that several clerks have been employed during the last month in making copies of such reports for the use of the House of Representatives, in response to a resolution of that body dated January 9. These papers are very voluminous, and their preparation has required a large amount of labor. To avoid a duplication of such labor, and assuming that the papers will be printed by the House, I beg to inquire whether, in your opinion, an arrangement may not be made for the printing of a sufficient number of copies for the use of the Senate.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. J. S. MORRILL,
Chairman Committee on Finance, United States Senate.

FITZ-JOHN PORTER.

Mr. SEWELL. I am instructed by the Committee on Military Affairs to report back the bill (H. R. 1015) for the relief of Fitz-John Porter, with amendments. I am also instructed to ask the Senate to take up this bill, or at least the Senate bill of the same title now on the Calendar, two weeks from to-morrow (March 12), at 2 o'clock.

The PRESIDING OFFICER. The Senator from New Jersey asks that the bills be made the special order for two weeks from to-morrow.

Mr. CONGER. Which bill does the Senator propose to make the special order?

Mr. SEWELL. The Senate bill on the Calendar.

Mr. HARRISON. There will have to be some special order, and I suggest to the Senator from New Jersey that if he is asking for a special order he had better ask it for the bill that has just been reported from the Committee on Military Affairs. He can just as well do that as to ask for the consideration of the Senate bill, for which he would have to substitute the House bill when he gets that up.

Mr. SEWELL. A simple motion would substitute the House bill for the Senate bill, but I will ask that the House bill be made the special order.

Mr. CONGER. Let both the Senate bill No. 158, Order of Business No. 96, and the House bill be made the special order at the same time.

The PRESIDING OFFICER. It requires a vote of two-thirds to make a special order. Shall the bill (H. R. 1015) just reported be made a special order for the time indicated? The Chair hears no objection, and it is so ordered.

BILLS INTRODUCED.

Mr. CONGER introduced a bill (S. 1637) to provide for the enlistment of apothecaries in the Navy, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. INGALLS introduced a bill (S. 1638) to provide for the leasing of the desert or arid lands of the public domain lying west of the one hundredth meridian of longitude; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 1639) for the relief of the united bands of Swan Creek and Black River Chippewa and Munsee or Christian Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BLAIR. I introduce a bill to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg, and for other disabilities contracted in the service. It becomes necessary to introduce this bill for the reason that there was an error in copying in a previous bill, which was consequently misprinted in such a way as to require this.

The bill (S. 1640) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or a leg, and for other disabilities contracted in the service, was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 1641) for the relief of the widow of Edward M. Wilkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLPH (by request) introduced a bill (S. 1642) to incorporate the Spokane Falls and Cœur d'Alene Railway Company; which was read twice by its title, and referred to the Committee on Railroads.

Mr. PLATT introduced a bill (S. 1643) amending the act concerning national cemeteries, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALDRICH introduced a bill (S. 1644) making an appropriation for the erection of a light-house on Conanicut Island, Narragansett Bay, Rhode Island; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WILSON introduced a bill (S. 1645) granting a pension to Asahel D. Whitcomb; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 1646) to further continue the act to authorize the settlement of the accounts of officers of the Army and Navy; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1647) to establish a chaplaincy of the jail and the institutions of charity and reform in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORGAN introduced a bill (S. 1648) for the relief of Mrs. Sallie H. Palmer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. VOORHEES introduced a bill (S. 1649) for the relief of Theophilus Fisk Mills; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Library.

He also introduced a bill (S. 1650) to amend the pension laws by increasing the pensions of persons who have lost an arm or a leg, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the concurrent resolution of the Senate to print 24,000 additional copies of the Tariff Compilation of 1884, being Senate Report No. 12, Forty-eighth Congress, first session.

The message also announced that the House had passed the bill (S. 1490) to complete a statue of the late Rear-Admiral Samuel Francis Du Pont, United States Navy.

The message further announced that the House had passed a bill (H. R. 5262) to establish post-routes; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 58) filling an existing vacancy in the Board of Regents of the Smithsonian Institution.

LEASES OF LAND IN INDIAN TERRITORY.

Mr. MORGAN. By request I introduce a resolution, which I ask may be read.

The PRESIDING OFFICER. The Chair will first lay before the Senate a resolution which was submitted and objected to yesterday.

Mr. MORGAN. I desire to have the resolution I sent up reported. I asked that it might be read.

The PRESIDING OFFICER. It is a resolution introduced to-day.

Mr. MORGAN. It is a resolution which I have just introduced, and I ask that it may be read.

The PRESIDING OFFICER. Before receiving resolutions it is the duty of the Chair to lay before the Senate resolutions that were objected to yesterday.

Mr. MORGAN. The consideration of which was objected to?

The PRESIDING OFFICER. The consideration of which was objected to.

Mr. MORGAN. I was not aware that that was the the rule. I supposed that we received business before we entered upon the consideration of business heretofore presented.

The PRESIDING OFFICER. The practice has been to act on the resolutions objected to on the previous day before receiving fresh resolutions.

Mr. MORGAN. I do not ask for the consideration of the resolution; I only ask that it be read and referred, so that I can get the substance of it before the appropriate committee.

The PRESIDING OFFICER. The Chair will lay it before the Senate after the consideration of resolutions objected to yesterday. A resolution submitted yesterday and which went over will be read.

The resolution submitted yesterday by Mr. VOORHEES was read, as follows:

Whereas, in compliance with Senate resolution of December 4, 1883, the honorable Secretary of the Interior has transmitted copies of documents and correspondence relating to leases of lands in the Indian Territory to citizens of the United States for cattle-grazing and other purposes; and

Whereas it appears from Executive Document No. 54, of the present session of Congress, containing said copies of correspondence, &c., that several millions of acres of land in the Indian Territory have been leased to citizens of the United States for cattle-grazing purposes: Therefore

Be it resolved, That the Committee on the Judiciary be, and they are hereby, instructed to investigate the matter of said leases; whether the same have been made in conformity to law; whether any money paid by any of the lessees under the terms of said leases have been covered into the Treasury; whether any of said lessees have attempted to survey any of the lands in said Indian Territory belonging, secured, or granted by treaty with the United States to any Indian tribe, or has designated any of the boundaries of said lands by marking trees or otherwise; and that said committee be instructed to report by bill or otherwise at any time.

The PRESIDING OFFICER. The question is on the passage of the resolution.

Mr. GARLAND. I move to amend the resolution by striking out in the first line of the resolution proper the words "the Judiciary" and inserting the words "Indian Affairs;" so as to read:

That the Committee on Indian Affairs be, &c.

I wish to call the attention of the Senator from Massachusetts [Mr. DAWES], the chairman of the Committee on Indian Affairs, to this matter. The scope of the resolution is very comprehensive, and before the inquiry that it seeks is completed it will pretty nearly involve the whole Indian question as we understand it in the relation of that country to the United States. It will not stop merely upon the matter of the leases. That is very plain upon the face of the resolution when it is closely read.

So I do not think that the Committee on the Judiciary is the proper committee to have this matter in charge. It is true the naked question of the law upon the leases that are supposed to have been granted there is a matter of legal inquiry which might properly go to the Judiciary Committee. That might be said, however, as to almost any inquiry before any other committee. However, it will not stop upon the mere question of the legality of the leases, but will go to many other questions that are interlocked and interlaced with the Indian question, so called. The Senator who introduced the resolution is not now in his seat, and I have not had occasion to speak with him upon it, but I think he would upon reflection agree to such a reference. I do not wish to have the resolution referred to the Committee on the Judiciary for investigation without the special attention of the chairman of the Committee on Indian Affairs being called to it. I think it is a matter that should go to the committee of which he is chairman.

Mr. VEST. What the Senator from Arkansas has said is very true, and I entirely concur with him. I had occasion to examine the question of leases in the Indian Territory pretty extensively during the last summer. It is a question that, as the Senator from Arkansas says, goes into the entire relation of those Indian tribes with the Government and people of the United States. It is an anomaly in the legislation of the country and in the questions which present themselves with regard to the Indians.

As the matter now stands, there are thousands and millions of acres of land in the Indian Territory in the possession of cattle-raisers under leases made with the Indian authorities. Yet the Secretary of the Interior has authoritatively declared that he will not recognize any of those leases, that is to say, he will not approve them, although their entire territory is under the unlimited control and jurisdiction of the Indians. At the same time he has made a decision which has been published in the papers of the country extensively, that if a lease has been made by the Indian authorities and possession has been taken by the lessees under the lease he will see that the lessees are not interrupted in their possession. That is the condition of affairs to-day. Every session of the Indian councils, as they are called, or legislatures, results in additional leases, and the men who receive the leases or who get the bills through those councils take possession of the lands and put their cattle upon them. They hold by an authority outside of the United States but upon the soil of the United States. It is a question *sui*, I was about to say *juris*, but I do not know that there is any right in it at all. It is a question of itself; and for the reason that the Senator from Arkansas has given it is eminently proper that this inquiry should be directed to the Committee on Indian Affairs and that this matter should be settled definitely and finally, because I undertake to say as it stands now in its present nebulous and chaotic condition it will result in serious trouble and in complications the end and the extent of which can not now be foreseen. I hope the inquiry will go to the Committee on Indian Affairs.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas [Mr. GARLAND].

Mr. DAWES. Mr. President, I think with the Senators who have addressed the Senate that this is a matter of very grave importance. It strikes me, however, that it is all a question of law. I do not think there can be any question in the Senate about the policy or propriety of this course of proceeding. The idea of appropriating those lands to herders of cattle and permitting them to inclose them with barbed-wire fences I do not think there can be any question about in the Senate of the United States. But the position of the lands themselves in relation to the United States is peculiar. They were sold by the Cherokee Nation to the United States by contract for a special purpose. The United

States has declined to take and pay for them except so far as it desired to appropriate them for friendly Indians and freedmen, in the language of the treaty. It has left those that they did not desire to occupy under the control of the Indians of the Territory, the original proprietors, under the treaty. They have been in the habit heretofore of taking a royalty, so much per head, of herders who desired to use them for herding purposes, and they have been left to make these contracts heretofore by themselves. Within a few years a different policy has been adopted, as has been suggested by Senators. It involves the right either of the Indian authorities on the one side or of the United States on the other to the soil. That is a question growing out first of the treaty itself, and next out of that contract which was made by the United States with these Indians to purchase this land. That ought to be settled by the Judiciary Committee, it seems to me. The Senate does not want the advice of the Committee on Indian Affairs about the policy and propriety of permitting a few herders, a few stock-raisers, to form an association, and by any means whatever inclose the public domain with barbed-wire fence and appropriate it to their own use as they are doing on the public domain outside of this Territory. It is an outrage upon the common rights of the people of the United States that they do not want the advice of the Indian Committee on the propriety of. They want to know whether it is the legal right and duty of the United States to suppress this proceeding or whether it is a matter which under the treaty belongs entirely to the Indian nation.

It is evidently the opinion of the Interior Department that until the United States takes under the contract these lands for the use of friendly Indians and freedmen they are exclusively under the control of the Indians, and that they have a right to do this. I should like to know the opinion of the Judiciary Committee upon that point; I think the Senate would like to know it; and I do not think the Senate would hesitate a moment to express its own opinion when that is known.

The Indian Committee are not desirous of shirking any duty; they have a great deal to do which they can not shirk; and where the Judiciary Committee can properly relieve them, it is the desire of the committee that they should do it. It seems to me that the suggestions of this resolution are so peculiarly questions of law that the Judiciary Committee could well dispose of them.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas.

Mr. VOORHEES. Mr. President, as I introduced the resolution, I wish to say that I am quite indifferent as to what committee shall take charge of this matter, though I thought when I introduced the resolution, and I still think, the Judiciary Committee the proper committee to pass upon the point suggested. While I should have no objection to the amendment of the Senator from Arkansas, still I hope that it will not be adopted, but that the resolution will go to the committee first indicated.

Mr. EDMUNDS. Mr. President, I hope that the amendment of my friend from Arkansas will be adopted. Having full sympathy with the objects of the resolution, I think it fairly belongs to the duty of the Committee on Indian Affairs to inquire into it. If we distribute the work in respect to the various topics in this body as it ought to be distributed to the committees relating to those affairs, clearly the Committee on Indian Affairs ought to undertake this work.

Besides that, I am sure Senators will remember that the Committee on the Judiciary has had referred to it already more subjects than it can possibly dispose of if it were to sit every day in the week in the hours that we can sit and sometimes during the sittings of the Senate. So I am very much afraid that if the Committee on the Judiciary were instructed to undertake this work, we should be unable to obey the instruction, obeying earlier instructions, and undertake so much more other work. I hope therefore that my friend from Indiana will consent to the amendment in the interest of getting on with the inquiry and have the Committee on Indian Affairs undertake it.

Mr. VOORHEES. On the statement made by the Senator from Vermont, the chairman of the Judiciary Committee, as to the business before that committee, I accept the amendment of the Senator from Arkansas.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Arkansas [Mr. GARLAND].

The amendment was agreed to.

The resolution as amended was agreed to.

The PRESIDING OFFICER. The question is on the preamble.

The preamble was agreed to.

JOURNAL OF RECONSTRUCTION COMMITTEE.

The PRESIDING OFFICER. The Chair will lay before the Senate another resolution which comes over from yesterday.

The Chief Clerk read the following resolution, which was yesterday reported from the Committee on Printing by Mr. ANTHONY:

Resolved, That 6,000 copies of the journal of the joint committee of fifteen appointed in December, 1865, of which William Pitt Fessenden was chairman on the part of the Senate and Thaddeus Stevens on the part of the House, authorized "to inquire into the condition of the States which formed the so-called Confederate States of America, and report whether they or any of them are entitled to be represented in either House of Congress, with leave to report at any time, by bill or otherwise," be printed; 2,000 copies for the use of the Senate, and 4,000 for the use of the House of Representatives.

Mr. MORRILL. The Senators who objected to this resolution yesterday no longer object to it. I think it will pass unanimously.

The PRESIDING OFFICER. The question is on the resolution.

The resolution was agreed to.

THE FREE STATES OF THE CONGO.

Mr. MORGAN. By request I offer the resolution which was sent to the Chair some time ago. Let it be read.

The resolution was read, as follows:

Whereas the President of the United States in his message to Congress says that "The rich and populous valley of the Congo is being opened to commerce by a society called the International African Association, of which the King of the Belgians is the president and a citizen of the United States the chief executive officer. Large tracts of territory have been ceded to the association by native chiefs, roads have been opened, steamboats placed on the river, and the nuclei of states established at twenty-two stations under one flag, which offers freedom to commerce and prohibits the slave trade. The objects of the society are philanthropic. It does not aim at permanent political control, but seeks the neutrality of the valley. The United States can not be indifferent to this work nor to the interests of their citizens involved in it. It may become advisable for us to co-operate with other commercial powers in promoting the rights of trade and residence in the Congo Valley free from the interference or political control of any one nation:"

Be it resolved by the Senate of the United States, That prompt action is recommended to the President toward securing unrestricted freedom of access and traffic to our citizens in their legitimate enterprises in the Congo Basin from its mouth to its sources:

1. By taking such measures as may be necessary to assure protection to our citizens and their trade in the territories called the Free States of the Congo, acquired from native chiefs by the committee of the Upper Congo; and under the flag of the African International Association, freedom from customs dues, the right to trade, to reside, and acquire property, whether as traders or missionaries, freedom of religious belief, and freedom from the slave trade.

2. By reasserting and applying the policy of previous administrations, denying rights of sovereignty and of intervention by any power, great or small, to the mouth of the Congo, the gateway of Central Africa; and by taking such steps, in concert with other commercial powers, as shall assure freedom of passage by land and water through that region, unrestrained by any impositions, to all people in their legitimate pursuits; and which shall prevent the further deportation therefrom of Africans for forced labor in any form.

Mr. MORGAN. As I stated, I have been requested to present that resolution to the Senate. I do it with pleasure, because the suggestions contained in it seem to be very valuable, and it presents the question of the Senate acting separately from the House on a matter of request or advice to the President, and it also modifies and changes some of the views of my own which I presented in the resolution I offered yesterday, which went to the Committee on Foreign Relations. I ask that this resolution take the same reference.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Foreign Relations, and printed.

PANAMA SHIP-CANAL.

Mr. ALLISON submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy is hereby directed to furnish the Senate with all information on file in the Navy Department respecting the progress of the work in the construction of a ship-canal at the Isthmus of Panama.

AMENDMENTS TO THE RULES.

Mr. HARRIS submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the seventh rule of the Senate be amended by adding thereto the following words:

"The presiding officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate."

Mr. HARRIS submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the eighth rule of the Senate be amended by adding thereto the following words:

"All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate."

PRINTING OF A REPORT.

Mr. ALDRICH. I am instructed by the Committee on Finance to ask for the present consideration of the following order:

Ordered, That one hundred additional copies of Senate Report No. 12, Forty-eighth Congress, first session, be printed and bound, interleaved, for the use of the Committee on Finance.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Printing.

Mr. ALDRICH. I ask for its present consideration. It only provides for one hundred copies.

Mr. HARRIS. I suggest that as it asks for the printing of extra copies, it will have to go to the Committee on Printing.

The PRESIDING OFFICER. The statute requires that all motions to print extra copies shall go to the Committee on Printing.

GIFT OF STEAMSHIP ALERT.

Mr. HALE. I ask consent to make a report at this time.

The PRESIDING OFFICER. The Chair will receive it unless there be objection.

Mr. HALE, from the Committee on Naval Affairs, to whom a message of the President of the United States on the subject was referred, reported a joint resolution (S. R. 70) expressing the appreciation of Congress and the people of the United States of the generous act of Her Britannic Majesty's Government in presenting to the United States the Arctic steamship Alert.

The joint resolution was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of Her Britannic Majesty's Government in presenting to the United States the Arctic steamship Alert, which will be used in the contemplated expedition to relieve Lieutenant Greely and his party, is recognized as opportune and generous, and is deeply appreciated by the Congress and people of the United States. That the President be, and he is hereby, requested to communicate a copy of this resolution to Her Majesty's Government.

Mr. HALE. I ask for the present consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution? The Chair hears none, and it is before the Senate as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL PRODUCTS.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioner of Agriculture be, and he hereby is, directed to furnish this body at his earliest convenience—

First. The annual amount of wheat, rye, corn, and cotton produced in this country during the five crop years preceding 1882; the amount used at home for food, fodder, seed, and other purposes; the amount exported abroad, with the surplus, if any, at the end of said crop years, each respectively.

Second. The amount produced in the crop year 1882; the amount and uses to which they were applied at home; the amount exported abroad, with the surplus, if any, in this country at the end of that crop year, each respectively.

Third. The amount produced in 1883; the amount already consumed at home, with the requirements in this country, and for what purposes, to the end of that crop year; the amount already exported, and the amount available for export before the crops of 1884 are ready to market, each respectively.

Fourth. The condition of crops now in the ground, with the extent and character of injury to the crops of 1883, each respectively.

Fifth. Whether, in his judgment, speculations in options or futures in these products, where no actual transfer of the property takes place, tends to influence its market value to the injury of producers or consumers.

FILE OF CALENDAR BILLS.

Mr. INGALLS. Mr. President, it would conduce greatly to the convenience of Senators, and I think also to the dispatch of the public business, if there could be placed upon each Senator's desk a file of bills reported from committees and upon the Calendar. As our files now are, we have no means of knowing day by day what the condition of the bills that have been reported from committees is, unless by sending to the document-room. The first print is placed on our tables, and we find it here in the morning, and at the close of every session it is dispersed into the waste-baskets; but the reports that are made by committees, the bills as they are amended, do not appear in connected succession in any way so that they are accessible during the morning hour when the Calendar is under consideration.

I will move that the proper officer—I do not know whose business it is, but I suppose the Secretary of the Senate—be directed to prepare or have prepared for each Senator a file of bills upon the Calendar, with the reports of committees relating thereto, so that when these cases come up in the morning hour we may have at our desks the means of reference to the cases that are called.

Mr. HAWLEY. Does the Senator desire to have the entire Calendar each morning placed on his table?

Mr. INGALLS. I mean a file of the bills upon the Calendar.

Mr. HAWLEY. The entire Calendar?

Mr. INGALLS. Yes, sir.

Mr. HAWLEY. And also the reports?

Mr. INGALLS. All the reports, so that we shall have the means of intelligently understanding the cases as they come up and learning how the bills have been reported from the committees, and also have means of access to the reports of the committees.

Mr. HAWLEY. Unless the Senators will preserve them from day to day, the renewal of such a collection would exhaust the usual number printed before we got to the end of the Calendar.

Mr. EDMUNDS. The point is to preserve a file of calendar bills and just add to it daily.

Mr. INGALLS. Add to it from day to day as the bills come in from committees, so that we shall have a regular file on our desks of the bills as they appear on the Calendar; and that is the only file that can be of any service to us in the consideration of our daily business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas [Mr. INGALLS].

The motion was agreed to.

CALIFORNIA SCHOOL LANDS.

The PRESIDING OFFICER. The morning business having been concluded the Senate will proceed to the consideration of the Calendar under Rule VIII. The first bill in order will be reported.

The bill (S. 1024) to authorize the State of California to select other lands in place of sixteenth and thirty-sixth sections returned as mineral was announced as first in order, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PLUMB. I move as a substitute for all of the bill after the enacting clause what I send to the desk.

The PRESIDING OFFICER. There is an amendment to the text of the bill proposed by the Committee on Public Lands, which should be first acted on with a view of perfecting the bill.

Mr. PLUMB. Very well.

The amendment reported from the Committee on Public Lands was, in section 1, line 3, after the word "select," to insert "from the unoccupied surveyed lands within the State;" so as to make the section read:

That the State of California shall have the right to select from the unoccupied surveyed public lands within the State an equal quantity of other lands in lieu of such sixteenth and thirth-sixth sections in said State as are returned as mineral land by the United States deputy surveyors or are reserved as mineral land by the United States; and such sixteenth and thirty-sixth sections shall thereupon be subject to disposal by the United States as other land of like character.

The amendment was agreed to.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kansas [Mr. PLUMB] as a substitute will now be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and to insert:

That an act entitled "An act to provide for the survey of the public lands in California, the granting of pre-emption rights therein, and for other purposes," approved March 3, 1853, shall be construed as giving to the State of California the right to select for school purposes other lands in lieu of such sixteenth and thirty-sixth sections as may have been or shall be found to be mineral lands: *Provided*, That such indemnity selections shall be made under the limitations contained in said act from the surveyed public lands of the United States in the State of California subject to entry under the general laws, and not mineral, nor occupied by actual settlers, nor reserved for any purpose, nor appropriated under any law of the United States.

Mr. PLUMB. With the exception of a slight amendment, that is precisely the bill which was reported from the Committee on Public Lands last year for this purpose. It is not amenable to the objection which has been made to the bill reported this year, which permitted the selection of lands in any portion of the State. This amendment limits the selection to the land districts in which the sixteenth and thirty-sixth sections have been found to be mineral lands, and consequently in which a claim for indemnity has arisen. It obviates the complaint that has been made about the scope and effect of the bill as reported from the committee at this session.

Mr. GARLAND. Is this amendment authorized by the committee?

Mr. PLUMB. It is not authorized by the committee, but it was submitted to me by the Senator from California as acceptable to him, he having introduced the bill. It was before the committee, and it was a question of comparative indifference which measure was taken, but finally an agreement was made to take the one reported at a former session, and this I now offer as simply the expression of the committee at the last session, which does cover the point of objection which has been raised, and I think well raised, to the original bill of this session.

Mr. GARLAND. The language in the early part of the amendment that the act referred to shall be construed to mean so and so is a matter for the courts and for the Department. We do not put in now that laws shall be construed to mean so and so. Sometimes we say it was the intention of an act to mean so and so. I suggest to the Senator from Kansas to put that in, to say that it was the intention of the act, but not say it shall be construed in such and such a manner.

Mr. PLUMB. It will answer the same purpose. It was undoubtedly supposed at the time that it would permit the selection of indemnity lands, but the Department decided otherwise. I have no objection to accepting the amendment of the Senator from Arkansas that it was the intention of the act described to permit such selection.

Mr. MILLER, of California. I think the suggestion of the Senator from Arkansas is a good one, and I shall be glad to see those words inserted. The bill as reported from the committee met my approval, for I believed it was right and proper, but objections were made of the character which the Senator from Kansas has explained, and I have been willing to consent, therefore, that the bill reported from the committee last session, and against which there can be no objection raised, be substituted for the bill on the Calendar.

The bill was introduced at the request of the governor, the attorney-general, and the superintendent of public instruction of the State of California, and of the surveyor-general. It was drafted I believe by the attorney-general of the State of California. I introduced it in compliance with that request, and it was reported by the committee with a slight amendment. Since then objection has been raised, principally because it permitted these lieu lands to be taken in any part of the State of California and not confined to the last district in which the

reservations were made. I do not see any force in that objection, but since it has been made, I am perfectly willing to accept the amendment proposed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas [Mr. GARLAND], which will be reported.

The CHIEF CLERK. In line 6 of the amendment it is proposed to strike out the words "shall be construed as giving" and insert "was intended to give."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Kansas [Mr. PLUMB] as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the time, and passed.

PUBLIC BUILDING AT NEW HAVEN.

The Senate, as in the Committee of the Whole, proceeded to consider the bill (S. 233) providing for the enlargement and improvement of the post-office, custom-house, and court-house at New Haven, Conn. It proposes to appropriate $50,000, to be expended under the direction of the Secretary of the Treasury in enlarging and improvement of the Government building at New Haven, Conn., used as a post-office, custom-house, and court-house.

Mr. COCKRELL. Is there a report? If not, we should have an explanation why this should be done. Why is there any necessity for this legislation?

Mr. PLATT. The chairman of the committee [Mr. MAHONE], who reported the bill, is not here, and I believe no written report was made, but I know personally the necessity which arises for this appropriation.

The building, in which are situated the post-office, the custom-house, and the United States court-house in New Haven, was built more than thirty years ago. The population of New Haven has doubled during that time, and it has now come to pass that the rooms assigned for the post-office, being the first floor and the basement, are utterly inadequate for the transaction of the business of the office. I am familiar with it myself; and if the Senator from Missouri would step into that office he would see at a glance that it was impossible properly to conduct the business of the post-office within the room which it can have at present in that building, so much so that the postmaster has at his own expense built a wooden annex to the building, which is of freestone, in which much material, such as pouches, and other things that are used in the post-office, is stored of necessity. That is subject to fire or to burglary, and the room is entirely inadequate for the purposes of the business. There is plenty of vacant space back of the building, and the proposition is to enlarge by building in the vacant space one story high, with a glass roof, just to spend money enough to get what room is needed to transact the business of the post-office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUNISHMENT OF BIGAMY.

The bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882, was announced as next in order.

Mr. GARLAND. The Senator from Massachusetts [Mr. HOAR] who is now absent reported that bill. I ask that it be passed over without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice, if there be no objection.

TAXATION OF RAILROAD LANDS.

The bill (S. 60) to declare certain lands subject to taxation was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That all the lands granted by the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and the act amendatory thereof, approved July 2, 1864, to the several railroad companies therein named, which have been selected and surveyed, and to which said companies respectively have become entitled to receive patents upon payment of the cost of surveying, selecting, and conveying the same, as provided by section 21 of said amendatory act of July 2, 1864, notwithstanding such company have not made such payment, shall be subject to all legal taxes imposed under authority of any State or Territory in which such lands are located, to the same extent as they would have been had such costs been paid and the lands conveyed to said railroad companies: *Provided*, That this act shall not be construed as applying to lands already forfeited by said railroad companies, or either of them, nor shall it operate to relieve any such company from any forfeiture heretofore incurred: *And provided further*, That prior to the payment of such costs of surveying by said railroad companies no taxes shall be imposed except in organized counties.

SEC. 2. That in any sale of such lands for taxes the moneys due or to become due the United States under said acts for such costs, fees, &c., shall be and remain a first lien on such lands, and shall be paid by the purchaser at such tax-sale, who shall thereupon, his title under the tax-sale being complete, receive a patent for the land so purchased by him, and which patent shall operate only as an evidence of the tax-title, which title shall be subject and subordinate to all the rights of the United States in respect of such lands growing out of the lien and security on such lands created in respect of the subsidy bonds issued by the United States in aid of the construction of said railroads, which facts and reservations shall be stated in such patents.

SEC. 3. That any railroad company or its assigns to which lands have been granted under the provisions of the said act of July 1, 1862, and the act amendatory thereof, approved July 2, 1864, referred to in section 1 of this act, shall, within ninety days from the passage of this act, pay into the Treasury of the United States all the cost of surveying, selecting, and conveying all such lands upon which such costs shall not have been already paid.

SEC. 4. That in the event of failure by any such company, or its assigns, to comply fully with the provisions of section 1 of this act, the Secretary of the Interior shall immediately give notice to the president or treasurer of said company that he is ready to deliver to the company, or its assigns, a patent or patents for all the tracts or parcels of land to which the company would be legally entitled if said costs of surveying, selecting, and conveying had been paid, whenever the said costs are paid by it or its assigns; and if said company, or its assigns, shall not, within two months of said notice, pay such costs and accept such patent or patents, then and thereupon the Secretary of the Interior shall notify the Attorney-General of the United States of such failure, and of the amount of such costs, as nearly as may be; whereupon the Attorney-General of the United States is authorized and directed to institute forthwith, in the name of the United States of America, in the circuit court of the United States for the district in which said tracts or parcels of land are situated, any and all proceedings against said company necessary and proper to secure the payment of all said costs, and of the further cost of all such legal proceedings, for which the United States shall have a prior lien.

SEC. 5. That on and after the date of the above notification to any such company by the Secretary of the Interior of tender of patent as aforesaid, all tracts and parcels of land to which such company would be legally entitled upon the payment of said costs shall be subject to any and all legal taxes imposed under authority of the laws of the States or Territories in which the said lands are located, to the same extent that they would have been if such costs had been paid and the lands conveyed to such company or its assigns.

Mr. ALLISON. Let the report be read.

The Secretary read the following report, submitted by Mr. GARLAND January 29, 1884:

The Committee on the Judiciary have had under consideration the bill (S. 60) to declare certain lands subject to taxation, and they report the same back with several amendments, with the recommendation that the bill as amended pass; and the committee beg leave to report specifically.

The original bill contemplates subjecting the lands granted by the act of July 1, 1862, and the acts amendatory thereof, to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, &c., to all legal taxes imposed under authority of any State or Territory in which such lands are located, to the same extent as they would have been had the cost of surveying, selecting, and conveying the same been paid.

The committee are of opinion this is too broad, and, if adopted, would lead to much confusion and sometimes to great injustice. While it is true by the well-established rule of law these grants are *in præsenti*—vesting title immediately—making the performance of any conditions attached relate back to the date of the grant (Baldwin's case, 103 U. S. Rep., p. 426; Van Wyke's case, 106 *Ib.*, p. 360; McLaughlin's case, 107 *Ib.*, p. 526), yet the full performance of these conditions so as to vest title absolutely and the relative duties and obligations of the General Government, the railroad companies, and of the States and Territories in which the lands are situate are not so clearly and definitely ascertained.

The Supreme Court of the United States (Prescott's case, 16 Wallace, page 603), in passing upon the acts named in this bill, seem to have held these lands could not be taxed as contemplated by this bill; that the title still remaining in the Government, a tax sale of any of the lands would vest no title. This leaves the lands to be used and speculated on by the railroad companies until they see fit to perfect title, and at the same time prevents their being disposed of by the General Government for homestead or other purposes, and the States and Territories in which they lie can not derive any revenue from them. To meet these difficulties, the committee think it best to limit the taxation of these lands to such as have been selected and surveyed, as then all is done by the companies that is needed to have patents issued; and this being done, according to the ruling in Prescott's case, the lands are taxable. The companies are then, by proposed amendments, required to pay into the Treasury of the United States, within ninety days from the passage of the act, all the costs of surveying, selecting, and conveying; and in case of failure of the companies to make these payments, the Secretary of the Interior must serve notice on them that he is ready to deliver patents upon lands to which the companies are entitled, if such costs were paid; and if, after two months' service of such notice, they fail to pay such costs and accept patents, the Attorney-General of the United States is required to institute proper proceedings in the courts of the United States against such companies to secure the payment of all said costs and the costs of such proceedings, and for these the United States shall have a prior lien.

After this notification by the Secretary of the Interior all tracts of land to which the companies would be legally entitled upon payment of such costs will be subject to all legal taxes under the authority of the States and Territories in which they are located, and to the same extent that they would have been if such costs had been paid and the lands actually conveyed.

The committee think this proceeding will bring about a *selection* of the lands included in the grant, or an abandonment of many of them by the companies, and relieve the difficulties now arising out of the strange condition in which these lands are.

Ample time and opportunity are given the companies, and no injustice is done them; while the Government is protected in its rights and saved harmless in all it is called upon to do. While the committee could not consent to do violence against the true intent and meaning of the grant, yet they can not agree to have these lands as they are now, to be selected or not by the companies as they might see fit. Out of the great number of acres contained in these grants probably not one-fortieth have been selected so as to separate them actually from the public domain.

In any tax sale under this bill the Government preserves her first lien on the lands for all proper costs, fees, &c., and when a patent issues upon any tax sale, it operates only as an evidence of the tax title, and that title shall be subject and subordinate to all the rights of the Government in respect of the subsidy bonds issued by it in aid of the construction of such roads, and these facts and reservations are required to be stated in such patents.

With these provisions the committee feel that this vexed, and heretofore troublesome, question will be concluded without any injustice to any party concerned.

Mr. PLUMB. The original bill was introduced by myself. It is in substance the bill that has passed the Senate heretofore. I am not able to give my consent to the amendment proposed by the Judiciary Committee, and before that amendment is acted upon I should like to ask

the Senator from Arkansas who reported it what he deems to be the meaning of the word "selected," in line 10 of the amendment.

Mr. GARLAND. If the bill that is now before the Senate elicits any opposition it will require more time than the rule allows under a five-minute debate to consider it, and in fact it will take more time than from now until 2 o'clock to-day, because the question propounded by the Senator from Kansas opens up the whole matter in reference to the history of these grants and the proceeding of the companies in perfecting title to these lands and the construction placed by the courts upon them. It is a very important bill, and one that should be disposed of by the Senate one way or the other. It has given the committee a great deal of trouble in investigating it.

In answering the question of the Senator from Kansas, I propose to enter somewhat at large into the discussion of the bill generally. We had better come to some understanding as to when it shall be taken up. The report has just been read. It should be taken up outside of the limit imposed on debate by the rule which now applies.

Mr. PLUMB. What does the Senator from Arkansas propose in reference to the date when it shall be considered?

Mr. GARLAND. I propose to take it up immediately after the bill now pending under the control and management of the Senator from Maine [Mr. HALE]. I should like to have that understanding if the Senate agrees to it. This is a matter that should be disposed of, but we cannot dispose of it under the five-minute rule.

Mr. PLATT. Is this bill any more important than some of the other bills which stand upon the Calendar of General Orders? Of course I am not informed about the necessity of considering this bill; but I know that there are bills which have passed to the Calendar of General Orders which are important. As we have no special order now after the one relating to the Navy until two weeks from to-day, I had hoped that we might dispose of the important business which stands on the Calendar to be proceeded with after 2 o'clock. I should very much dislike to have this bill take its place as a special order immediately after the naval bill is disposed of, and I think if the Senators who are interested in it will let it go upon the Calendar of General Orders it will be reached at no distant day.

I do not make formal objection to the suggestion of the Senator from Arkansas, but I hardly think that he ought to ask that this bill be made a special order to come in after the present order is disposed of.

Mr. GARLAND. Then I will let this bill pass over informally and notify the Senate that the first time I get an opportunity I will call it up.

Mr. PLUMB. I have no objection to its going over if it can go over to some time and in some way whereby it can be discussed and decided intelligently.

Mr. GARLAND. That is what I want.

Mr. PLUMB. It is a bill that ought to be considered at a very early day, and I hope the difference of views in regard to it is not so radical that it cannot be reconciled. Certainly it should be disposed of when taken up, at all events. A bill of similar purport has passed the Senate twice. It is designed to remedy a very crying evil. While I am not able to agree with the Judiciary Committee in regard to the amendment that they have proposed, I certainly am anxious that the entire subject shall be disposed of as early as possible. I hope the amendment of the committee will be voted down when the matter is considered.

Mr. INGALLS. Mr. President, I was not able to give my entire consent to the conclusions of the Judiciary Committee in their action upon this bill, but I assented to the report of the amendment because it appeared to be the best that could at that time be accomplished.

The Senator from Connecticut [Mr. PLATT] suggests that the bill may not have sufficient importance to warrant its assignment as a special order after the naval bill is disposed of. The Senator of course is not aware of the condition of a very large proportion of the territory of what are known as the homestead States and Territories of the West and Northwest or I am very sure he would not have been made the remark that he did make.

The practical operation is this: The different railroad companies that have become entitled to grants of land under previous acts of Congress refuse to have them surveyed and patented and thus segregated from the great mass of the public domain, so that they can become liable to taxation. The consequence is that in many counties in the State of Kansas, in many others in the State of Nebraska, and in large portions of the organized Territories of the Northwest there are communities that are deprived of the means of support in consequence of the refusal of the railroads to take out patents for the land to which they claim themselves to be entitled under the acts of Congress. Of course States can not be permitted to tax lands the title to which is in the Government of the United States; and this is a measure to compel the roads to pay the cost of surveying and take out titles to the lands which they claim or else forfeit them, so that the States and Territories where these lands lie may be permitted to have these lands entered by homestead and pre-emption settlers or else taxed to the railroads to carry on the affairs of local self-government.

I hope, Mr. President, that the Senator will not interpose any objection, but will agree that this measure, of such great and vital importance to a very large proportion of my constituents and of the constituents of other gentlemen representing the North and Northwest, may be allowed to be considered at an early day.

Mr. PLATT. The Senator from Kansas will bear me witness that I did not make any formal objection, but knowing that other Senators from the newer sections of the country were more informed on this subject than myself, I made the remarks which I did in the nature of inquiry for information. The matter which I had in my mind as not desiring to have postponed unduly by these special orders is one in which I think the Senator from Kansas is interested, and that is a bill which stands now fourth on the Calendar of General Orders, a bill to amend section 4919 of the Revised Statutes, relating to the recovery of damages for the infringement of patents.

The only object or purpose which I had in making the remarks that I did make was to try to preserve that bill in a place where we might get early action upon it. If Senators deem that this bill is so important that it should be made a special order I shall interpose no objection, but I will call upon the Senator from Kansas at no distant day to help me to get consideration for the bill of which I speak.

Mr. INGALLS. The Senator shall have my hearty co-operation.

Mr. GARLAND. On the statements made all around I shall let this bill go upon the Calendar under Rule IX, and if there be any difficulty when it is reached, I think the Senate can accommodate matters so as to have it considered. This bill will take some time, and we might as well settle it once for all.

The PRESIDING OFFICER. The next bill will be reported.

WILLIAM T. PATE & CO.

The bill (S. 528) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co., was considered as in Committee of the Whole. It provides for the payment to Silas Q. Howe, surviving partner of William T. Pate & Co., of Patriot, Ind., of $19,385, being the amount due them for taxes paid the 16th of March, 1867, on distilled spirits which had already paid the tax required by law.

Mr. VOORHEES. I have simply to say that this bill was reported by me from the Committee on Finance, which committee has on two occasions unanimously approved the bill. It has also received the approval of the Committee on Ways and Means of the House. There is a report on file, which is of some length, but which I shall have read if any Senator desires. If the reading is not desired, I ask for action on the bill.

Mr. INGALLS. I should like to have a statement of the case or that the report be read.

Mr. VOORHEES. Then let the report be read. That is the best statement that can be made.

The Secretary read the following report, submitted by Mr. VOORHEES, from the Committee on Finance, January 29, 1884:

The facts in this case are substantially these: The petitioners were licensed distillers at Patriot, Ind., and had carried on that business on a large scale for many years. In the month of February, 1867, Mr. Reed, a revenue detective, made a report to the collector of the third Indiana district—

	Gallons.	Gallons.
1. That said firm had sold from September 1 to December 31, 1866, of distilled spirits (see evidence, page 98)		197,894.50
From their sales he deducted:		
2. Tax-paid spirits on hand September 1, 1866 (see page 98)	3,650	
3. Taxes paid on spirits from September 1 to December 31, 1866	184,552	
		188,202.00
Alleging a deficit of		9,692.50

Making a tax, at $2 a gallon, of $19,385.

Upon this report being made, the collector of said district seized the distillery, and the assessor assessed said sum against Pate & Co. without investigation of the facts. The petitioners, after the seizure of their distillery, paid the money on the 16th day of March, 1867, under protest, and in April, 1867, made application to the Commissioner of Internal Revenue for a release of their distillery and a repayment of the money, stating in their application that the tax was wrongfully assessed and collected; that the report of Mr. Reed was incorrect; that said sum ought to be refunded, for the reasons—

	Gallons.
1. That their sales of distilled spirits from September 1 to December 31, 1866, were (see page 77)	211,798.00
2. That they had on hand September 1, 1866, of tax-paid distilled spirits (see page 77)	16,045.00
3. That the taxes paid by them on spirits from September 1 to December 31, 1866, were on	132,211.28
4. That they removed in bond (same period)	63,716.00
5. Paid alleged deficit March 16, 1867	9,692.50
Making total taxes paid	221,664.78
Deduct sales as above	211,798.00
Making erroneously paid (see page 77, printed evidence)	9,866.78

The Commissioner of Internal Revenue, upon the receipt of the application made by claimants, released their distillery, but refused to refund the money. He appointed another revenue agent to make an investigation of the facts, and this agent, after an examination of the matter, reported them to be as the claimants had stated, and said, among other things in his report, that—

"Mr. Pate is a man of large means and good credit (see page 83). I found nothing that looked like fraud in my investigations; everything is properly arranged about the distillery (see page 83).

"I am firmly convinced that great wrong has been done Mr. Pate. He has

been greatly damaged in his business and injured in his reputation (see page 81).

"I respectfully but urgently recommend that Mr. Pate's distillery be released from seizure as soon as possible, and such other steps taken as your sense of justice shall dictate (see page 82)."

The assistant assessor of said district says:

"I hereby certify that I have carefully investigated the facts in the within affidavit of Silas Q. Howe and William T. Pate, of date of April 13, 1867, and from my own personal knowledge of said parties and investigations made I am fully satisfied that the same are in every respect true as therein set forth. I verily believe that the amount paid, $19,385, with the penalties, ought immediately to be refunded.

"JAMES H. TITUS,
"*Assistant Assessor Third District Indiana.*

"VEVAY, *April* 13, 1867."
(See page 104 of evidence.)

The late assistant assessor of said district says:

"I have carefully investigated the facts set forth in the affidavit of Silas Q. Howe and William T. Pate, of the firm of W. T. Pate & Co., and am satisfied that the facts as therein stated are in all respects just and true; that from my personal knowledge of the members of said firm and their high standing and position as men of business for truth and integrity, and the thorough investigations I have made of their books in 1862, 1863, 1864, 1865, 1866, I have found no fraud upon their part, and always believed none was committed. I am satisfied from the present investigation that said distillery ought to be released, and that said sum paid by them ought in justice to be refunded, together with all penalties.

"JOHN F. DOAN,
"*Late Assistant Assessor Eighth Division Third District Indiana.*

"VEVAY, *April* 13, 1867."
(See page 100.)

The deputy collector of said district says:

"I hereby certify that I have carefully investigated the facts in the affidavit of William T. Pate and Silas Q. Howe, of date of April 13, 1867, and that I fully believe the statements to be in all respects just and true, and that in justice to said Pate & Co. their distillery at Patriot, Ind., ought to be released, as I am fully satisfied that there was no fraud committed by them upon the revenue, as alleged by Alexander Reed, revenue agent; and that the sum of $19,385 and all penalties should be immediately refunded.

"Witness my name and official seal this 13th day of April, 1867.

"[SEAL.] JAMES J. SERING,
"*Deputy Collector Seventh Division Third District Indiana.*"
(See page 101.)

Another deputy collector of said district says:

UNITED STATES INTERNAL REVENUE,
DEPUTY COLLECTOR'S OFFICE,
Third District Indiana, May 8, 1869.

I hereby certify that I have carefully investigated the facts set forth in the affidavit of W. T. Pate and Silas Q. Howe, and the Exhibit A therein referred to, and find the same to be in all respects just and true as therein set forth; * * * that the quantity, paid taxes, and removal in bond exceed their sales by 9,866.96 gallons; and that the sum of $19,385, the tax on 9,692½ gallons, should be refunded, as it has been twice assessed and paid the tax.

R. F. T. ABBOTT,
Deputy Collector.
(See page 61.)

The collector for said district says:

"I hereby certify that I have carefully investigated the facts in the within affidavit, and am satisfied that the statements are in all respects just and true, and I further certify, upon personal examination, that the name of the claimants and the amounts claimed are found reported on page 1, line 1, of the lists of form 93, for September and October, 1866, and again reported on page 1, line 9, of the list of form 23, of February, 1867, now on file in my office, and the same was paid on the 17th and 24th of September, 20th of October, 1866, and again paid on the 16th day of March, 1867, and is included in the aggregate receipts for said lists, the receipts amounting to $251,800, and delivered to the assessor to be transmitted to the Commissioner of Internal Revenue, and has not been allowed in any form. Dated May 29, 1869.

"SMITH JONES,
"*Collector Third District, Indiana.*"
(See page 61.)

The assessor of said district also certifies to the correctness of the facts as stated by Pate & Co. (See page 61.)

There is a great deal of other evidence in the record not necessary to be stated here, as it merely corroborates that of the assessors, collectors, and deputy collectors and assistant assessors. Upon this testimony, and after a very careful examination of all the facts and figures contained in the voluminous record before us, the committee are of the opinion that there was an erroneous assessment and collection of the tax on 9,692½ gallons of spirits, and that it ought to be refunded. We therefore recommend the passage of the accompanying bill.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to call up the unfinished business of yesterday.

Mr. VOORHEES. I ask the Senate to finish the bill on which we are engaged. It will take but a little while.

The PRESIDING OFFICER. The Senator from Indiana asks consent to go on with the pending case.

Mr. HALE. How long will it take?

Mr. VOORHEES. It ought not to take five minutes. The Senator from Kansas called for the reading of the report.

Mr. INGALLS. I merely asked for a statement of the facts on which the bill was reported. I did not ask for the reading of the report.

Mr. VOORHEES. Perhaps I ought to have made a brief statement, but the report was so full and conclusive that I thought its reading would be more satisfactory.

Mr. HALE. I will not object if it takes no more time than is stated.

The PRESIDING OFFICER. The Chair hears no objection to continuing the consideration of the bill.

Mr. VOORHEES. This case has been well considered and has passed the Committee on Finance twice. I only ask for the action of the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 186) for the relief of Frank Galt; in which it requested the concurrence of the Senate.

ADDITIONAL STEEL VESSELS.

The PRESIDING OFFICER. The Chair now lays before the Senate the unfinished business of yesterday, which is the bill (S. 698) to authorize the construction of additional steel vessels for the Navy.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HALE. I ask that the bill, as reported from the Committee on Naval Affairs, be read. It is not long.

The Chief Clerk read the bill.

The amendments reported from the Committee on Naval Affairs were in section 1, line 12, after the word "and," to strike out "two" and insert "one;" in line 13, after the word "light," to strike out "gunboats" and insert "gunboat;" and in the same line, after the word "tons," to strike out "each" and insert:

And one gunboat, not to exceed nine hundred tons, to be built on plans and specifications to be furnished by the Admiral of the Navy, and under his supervision and directions, subject to the approval of the Secretary of the Navy.

So as to read:

That the President is hereby authorized to direct the construction of seven steel vessels for the Navy of the United States, as recommended in the report of the naval advisory board dated October 25, 1883, and in the annual report of the Secretary of the Navy of December 1, 1883, as follows: One cruiser of 4,500 tons displacement, one cruiser of 3,000 tons, one dispatch vessel of 1,500 tons, two heavily-armed gunboats of 1,500 tons each, and one light gunboat of 750 tons, and one gunboat not to exceed 900 tons, to be built on plans and specifications to be furnished by the Admiral of the Navy, and under his supervision and directions, subject to the approval of the Secretary of the Navy.

SEC. 2. That the President is further authorized to direct the construction of one steel ram, as recommended by the first naval advisory board, November 7, 1881; of one cruising torpedo-boat, advocated by the same board and by the present advisory board in its memorandum of November 21, 1882; and of two of the harbor torpedo-boats recommended by said first board and in the report from the Bureau of Ordnance of November 1, 1883; all of which are recommended in the annual report of the Secretary of the Navy.

Mr. HALE. Mr. President, the Navy of the United States, its condition, its efficiency, in view of any possible or probable complication with other nations, or as a representative of the power of this country wherever its commerce is now found or may be found in the years to come, presents a subject which has been growing in importance for years.

It has been seen that as we have receded from the time of the war of the rebellion the great naval force which was by necessity then called into being has gradually but surely diminished, and that not much has been done by Congress in the way of replacing the war navy of the United States with new, good ships, built after the fashion of the best approved modern naval construction.

Different administrations of the Navy Department have found the old wooden war vessels upon their hands, and have been obliged, out of the ordinary annual appropriations for the running of the Department, to take money enough to repair these old ships and keep them afloat upon the waters of the globe.

In a few instances special appropriations have been made for emergencies, as in the case of the threatened rupture with Spain in 1873, and a few new ships have been built from money specifically appropriated therefor; but in the main the Navy of the United States for almost twenty years has been kept in such condition of efficiency as it was possible out of moneys taken from the ordinary running appropriations made annually for the general uses of the Department.

During this time other great powers of the world have rejected and abandoned their old ships, have built in their places new ones, have tried experiment after experiment in relation to the structure and armament of naval ships, and, after spending millions and tens of millions of dollars, are found to-day with great fleets of formidable cruising and fighting war ships.

Of such as these the United States to-day has hardly one, and yet should any trouble with any foreign power arise, as it may, and the property and lives of American citizens should be found helplessly and hopelessly at the mercy of any foe possessing not one-tenth of our wealth and power but armed with half a dozen modern war ships with a modern war armament, the American people would be loath to forgive any administration or any party or any public man that had contributed actively or had by silence allowed the Republic to fall into this defenseless condition.

The bill which I have reported, and which is now before the Senate, is an effort to in some degree prevent this. I have but one apology to make for it, and that is that in my judgment it does not under all existing circumstances go half far enough; but the committee has thought it wise, and in this conclusion I join to report a bill covering a moderate expenditure of money for the purpose of testing the sense of Congress upon this most important and pressing subject.

The bill provides for the construction of seven new steel vessels for the Navy of the United States of the following descriptions and classes: One cruiser of 4,500 tons displacement, one cruiser of 3,000 tons, one dispatch vessel of 1,500 tons, two heavily-armed gunboats of 1,500 tons each, one gunboat of 750 tons, and one gunboat, not to exceed 900 tons, to be built on plans and specifications to be furnished by the Admiral of the Navy.

It provides further for the construction of one steel ram, of one cruising torpedo-boat, and of two harbor torpedo-boats.

I am glad to say that this is not the first step taken in building up the American Navy. By the act of March 3, 1883, the construction of one large steel cruiser, of the class provided for first in this bill, two cruisers of the 3,000-ton class, and one dispatch-boat was authorized.

The questions arising as to the construction of these ships, their models and plans, their machinery and their armament, were all important and difficult to be settled. It was comparatively a new and untried field. The Secretary of the Navy, exercising a discretion and wisdom which I commend, left these matters largely to the naval advisory board which Congress had provided for. No step in the construction of the ships which are now building—the Chicago, the Boston, the Atlanta, and the Dolphin—has been taken without the fullest supervision and inspection and approval of this board. The classes and types were such as have been recommended by the naval advisory board of 1881, which board, in an elaborate report which I shall be glad to have Senators read, presented the whole subject of the condition of the American Navy, its needs and wants and a plan for reconstructing it.

Mr. MCPHERSON. Would it interfere with the Senator if I were to ask him a question in this connection?

Mr. HALE. No, sir.

Mr. MCPHERSON. Do I understand the honorable Senator to say that the recommendations of the advisory board of 1881, appointed under Secretary Hunt, have been followed by the second and present advisory boards?

Mr. HALE. No, I do not say that. I say that the classes and types of ships that are now being constructed—the Chicago, the Atlanta, &c.—were such as were reported upon favorably by that board. The board went further, and provided for or recommended the construction of other classes of ships larger and more expensive, but these are included in the recommendations of that board.

Mr. MCPHERSON. If I understand the Senator aright, if I may again interrupt him, as to the size of the ships as recommended by the two boards he is to a certain extent correct, although the first board recommended a larger ship than any under construction by this board; but as to all other things connected with the ships themselves, I think there is a vast difference between the recommendations of the first board and the recommendations of the second board under whose recommendations vessels are now being built.

Mr. HALE. The Senator will bear in mind that I confined my statement to these ships being of the class or type. As to the details of their construction, that matter fell upon another advisory board, of which I shall speak.

The naval advisory board of 1881 having investigated this subject and made the elaborate report to which I have referred was succeeded by the naval advisory board of 1882, and I wish that Senators would look into the make-up of these advisory boards. Upon both of these boards have been placed some of the oldest and wisest officers of the Navy, joined with younger men who have rendered service in ships propelled by the power which is mainly in use in all ships to-day. To these were joined experts in marine architecture and construction. The reports of these boards, made from time to time and covering the entire range of the subject-matter, will be found accompanying the last annual report of the Secretary of the Navy, where this whole question is most exhaustively treated.

The cruisers, the dispatch-boat, and the gunboats provided for in this bill are recommended by the naval advisory board in its report dated October 25, 1883.

The ram and torpedo-boats are such as are recommended by the first advisory board, November 7, 1881. The larger vessels are of the same class and type of those now building.

The Committee on Naval Affairs, before coming to a conclusion upon this bill, held many and prolonged sessions and summoned to its assistance not only the Secretary of the Navy and the members of the advisory board, but distinguished and eminent officers in the service, who were requested to give the committee, for the benefit of Congress, their views upon the kinds of ships best adapted to the needs of our Navy. This testimony has all been printed for the use of Congress, and all that had been taken up to the date when the bill was reported is found in the document which I hold in my hand accompanying the report of the committee. Other testimony and views have been taken and since printed.

It has not been found possible to adopt any model or type of war vessel that will suit everybody. The committee has found that officers of the Navy possessing skill, intelligence, and with long experience differ as to details of construction. Vexing questions have arisen as to hull models, as to deck protection, as to machinery, as to the manner in which the hulls shall be built or protected; but the committee has been gratified to find generally a marked unanimity of sentiment among naval officers in favor of the kinds of vessels now building and provided for in this bill. It refers to the testimony of the Secretary of the Navy, the members of the advisory board, the Admiral of the Navy, Rear-Admiral Rodgers, Rear-Admiral Jenkins, Commodore Semmes, and other officers, as found in the report. In a few cases the committee has found distinguished officers of the Navy, like Chief Constructor Wilson and Chief Engineer Isherwood, who are filled with doubts and fears as to the new ships; but, all things considered, the committee was impressed with the belief that the Chicago, the Boston, the Atlanta, and the Dolphin will make admirable, efficient sea-going cruisers, and that the kinds of ships provided for in this bill, when enough of them shall be built, will give us a valuable cruising navy.

Every one of the questions about which doubt has been raised has been examined with scrupulous care by the naval advisory board, whose conclusions have been approved by the Secretary of the Navy. All the light that could be thrown upon the subject, through the experience of officers who have observed the navies of the world, was at the disposal of this board, and the result of these investigations has been the selection of the classes of vessels now provided for.

It will perhaps be said that, before giving money to build more new ships of the kind now under process of construction, we should wait until these have been fully tried; but the committee believes that no year should pass without some important addition of new vessels to the Navy, and an entire year will be lost by waiting for the completion and trial of the new ships. While the ships provided for in this bill are to be of the same class as those authorized last year, yet it is clear that variations and adaptations will be made as the first set of vessels are brought nearer to completion; so that the ships now provided for will have the benefit of the experience gained in building the first, and I believe that no year should pass without at least six new ships being added to our Navy. I wish it were twice as many, until we have a good navy of steel ships, numbering at least fifty in all.

All these ships will be fast cruisers, attaining a speed ranging from thirteen to sixteen and eighteen miles, and thus far surpassing anything that we have to-day in our Navy. They will be formidable fighting vessels in time of war, and will be able to pursue and overtake nearly every vessel in the merchant marine of any foreign power.

The details of the construction of the ships now building have been most carefully attended to, and all of the papers and memoranda relating to the contracts under which they are being built have been laid before Congress, and are found accompanying the report of the Secretary.

I have given much time and study to this subject, and while I do not now propose to consume the time of the Senate by going further into details, I shall be glad in the course of any debate that may arise to do my best at answering any question that any Senator may raise as to these ships; but I hope that the Senate, without long delay, will see to it that this bill is passed.

Mr. BECK. Shall I interrupt the Senator if I put a question?

Mr. HALE. Not at all.

Mr. BECK. I do not propose to debate this bill, because I am not a member of the Naval Committee and therefore not well enough advised upon the subject. The bill itself does not seem to have any particular guards around it, but gives just a general authority to go and build the ships. Is it proposed that they shall be built in private yards or in the United States navy-yards, or where? The bill does not disclose where they are to be built.

Mr. HALE. I will answer the Senator in a moment upon that very point. The Senator from New Jersey [Mr. MCPHERSON], the dissenting member of the Naval Committee, has introduced an amendment which I presume he will put before the Senate for its action, in which he strikes out seven vessels and inserts four. In doing that he leaves out the 4,500-ton cruiser which is like the Chicago, the 3,000-ton cruiser which is like the Boston and Atlanta, and the 1,500-ton dispatch-boat which is like the Dolphin, and provides only for the building of the four gunboats covered by section 1, and of the ram and torpedo-boats covered by section 2. That is all well so far as it goes, but it is abandoning the leading feature of the bill. It is abandoning the further construction of ships like those we are now building. It is the theory that I have alluded to of "waiting," of doing nothing or almost nothing. I hope that the Senate will not in any way emasculate this bill or cut it down, and if anything is done to it I for one should prefer that it be made greater rather than less.

The sums of money that are called for during the ensuing year by the bill as reported need not alarm any Senator. The entire construction of every vessel covered by the bill during the next two years amounts to only $4,852,000, including hull, machinery, equipment, and ordnance, ready for sea as war cruisers, and only one-half of that will be needed during the coming fiscal year from July 1, 1884, to July 1, 1885. If the bill shall pass untouched, unmolested, Congress will be called upon this year to appropriate but $2,426,000 for the construction of these new ships. Surely the American Senate will not hesitate at an

appropriation as limited as that for new additional ships for the American Navy. If it should hesitate at all, it ought to be whether it would not make it double that sum.

In answer to the point raised by the Senator from Kentucky [Mr. BECK] let me say that the bill has been drawn, as the Senator will see, upon the theory of the act of last year and covers the same classes of vessels. I have an amendment which I propose to offer which subjects the building of these ships to the same regulations and restrictions that were thrown around the building of the ships under the act of March 3, 1883; so that the objection raised by the Senator from Kentucky will be reached by this amendment.

Mr. BECK. Allow me to say that I have raised no objection. I asked the question where these ships were to be built. We have a navy-yard at Mare Island, one at Pensacola, one at Norfolk, one at League Island, one at Brooklyn, one at Boston, and one at Portsmouth, and I do not know whether they are to be built there or whether they are to be built by private contract. I asked the question merely, not being advised.

Mr. HALE. I should not have used the word "objection." The inquiry made by the Senator from Kentucky seemed to be entirely pertinent and fitting, and one that I was very glad to have put, because it called my attention to what I might have forgotten in the course of my remarks.

Mr. PLUMB. I wish to say that my interest in the matter is largely of the same kind as that of the Senator from Kentucky, though I do not know that it takes precisely the same direction. I should be glad to know that these ships were not to be built in a Government yard. I have an abiding conviction that we shall not get the highest results of the skill of American mechanics, of American genius, in the construction of ships if we construct them under the directions of the Navy Department in the Government navy-yards. I believe, instead of constructing them there, they ought to be constructed upon such competition as would give the Government the benefit of the best there is of genius and skill as applicable to naval vessels.

Mr. HALE. All of that subject was gone over very thoroughly after the report of the first naval advisory board, and Congress determined in the act of March 3, 1883, the restrictions and regulations that should surround this whole subject-matter. Not one thing can be done by contract outside without advertisement in prominent papers in all parts of the country, without proposals being invited in every direction, without the whole plan and process of construction being submitted to builders everywhere in the United States; and after all the time had been allowed that anybody required bids were put in, and not one step was taken without the bids being submitted to scrutiny and analysis, and the contract being awarded to the lowest bidder. It was believed, and in that opinion I share, that these ships could not be built so well, so cheaply, so quickly in the navy-yards as they could outside, and in that we followed what has been the practice of other naval powers upon the continent of Europe and of Great Britain.

In invoking the attention and interest and sympathy of the Senate for this bill, which as I have said comes from the Naval Committee with I think but one dissenting voice, and that perhaps more with reference to detail and extent than anything else, I wish to say that it is a bill which presents no special appeal to one locality or to one party. It involves the dignity, the self-respect, and it may be the safety of the American Republic. We have gone on for years safely with a dwindling navy. Papers will be put in before this debate closes which will show how that navy has dwindled, how feeble it is to-day, and the man is blind I believe who does not realize that at any time the United States may be called upon to maintain propositions with regard to the American continent, with reference to its influence, with reference to its control, with reference to its transit, upon which the American people are substantially of one mind. I do not believe that it will be possible for the United States for the next twenty-five years to be kept from contact and complication with foreign powers, as it has been fortunately for the last twenty years. The Old World and the New are being brought nearer together every day. Commerce and traffic increase daily; the ocean passage grows shorter; submarine cables bring the two worlds together so far as the doing of business goes; the commerce of the Pacific, to be, very soon it may be, of a magnitude that no man has dreamed of, may be the great prize of the world; and the United States can not afford to lie supinely and let that commerce be monopolized by any European power. To-day a foreign enterprise, with foreign capital, purely under foreign management, has undertaken the task of piercing the isthmus that joins North and South America and letting the two oceans flow together. I, for one, am not prepared to take my position with any party or with any sentiment that will leave this Government powerless and with no means of asserting power whenever the United States shall feel that the day has come for it to announce firmly to other nations that the control of the transit of the American continent can not be left in the hands of any power outside of the American continent.

I do not predict immediate trouble. I wish it were possible that for twenty years to come we could go along without any force in our Navy, without any means of asserting power, without maintaining our dignity whenever any question should arise with any European power. I wish that to my mind were possible. I do not believe it; and I consider that the first duty of the American Congress is to make some fitting preparation, so that if any trouble does arise we may be in a condition to avert war rather than to invite it.

Mr. BECK. I asked a question of the Senator from Maine which he has not answered yet, and about which perhaps we ought to be thoroughly advised. It is in regard to the ships that we propose to build, where they are to be built and how they are to be built. I hardly know now who is building them or what state of progress the ships we are now building are in, but I suppose in the course of the debate we shall ascertain that fact.

In one thing I agree with the Senator from Maine. We have a dwindling navy and a navy that is despicable, I suppose, even to the third-rate powers of the world; but it has not been for want of money given by the Congress of the United States. While the Senator was yet speaking, having some documents before me, I looked at them, and I find this state of facts in the last statistical abstract, page 3: The Congress of the United States has voted to the Navy Department since 1866, after the war, over $385,000,000 to build up a navy with, besides all the old material sold by the Department, which amounted to many millions more. I find by looking at the Secretary's report which I hold in my hand, that from the first foundation of the Government in 1791 up to 1860, during which time we did maintain a respectable navy, all the appropriations ever made to the Navy Department amounted to $336,000,000. Why is the Navy dwindling? We have given more money by nearly $50,000,000 since 1866 to build up our Navy than we had given from the foundation of the Government to the year 1860.

Mr. MCPHERSON. Will the Senator allow me to make a suggestion right there?

Mr. BECK. Of course. I am seeking information.

Mr. MCPHERSON. I think the Senator is simply giving to the Senate information as to the amount of money appropriations made.

Mr. BECK. Yes, I am.

Mr. MCPHERSON. Let me say to my friend that was only a small part of the cost of the Navy during that period. At the close of the war there were some six hundred and odd vessels upon the Navy Register. They have been traded away, broken up, and gone into the hands of favored contractors; they represent in cost to the Government millions and tens of millions of dollars, together with the material of which the Senator speaks that was in the navy-yards at the close of the war. So he can now form something like an approximate idea of the cost of the naval establishment during the period he has named.

Mr. BECK. I am showing that the dwindling Navy has not been for want of money.

Mr. BUTLER. Will the Senator from Kentucky allow me to interrupt him?

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Kentucky yield to the Senator from South Carolina?

Mr. BECK. Certainly; I yield to anybody.

Mr. BUTLER. While not exactly upon the point which the Senator is discussing, I think it is somewhat in reply to a question propounded by him to the Senator from Maine as to the manner in which these ships are to be built; if he will pardon me, I will read from the testimony given by Admiral Porter before the Committee on Naval Affairs, and perhaps it will throw some light on that point.

Mr. BECK. I shall be glad to hear it.

Mr. BUTLER. I will read only for the purpose of giving information what Admiral Porter said in reply to a question which was put by myself upon that very point. I confess I wanted information. I put the following question to Admiral Porter, to which I will read his reply:

With our present facilities for building ships in this country, how long would it take to get a navy of the size you have just indicated?

Admiral PORTER. It depends altogether on the application of the amount of labor to the work. You go to work and employ the great ship-yards of this country, Cramp in Philadelphia, Harlan & Hollingsworth in Wilmington, John Roach in Chester, and some in the Eastern States and in New York and Boston, and you can soon do it. It is the number of men you put to work; it is the application of labor that solves the question.

Senator BUTLER. But I wanted your judgment as to how long it would take, with the appliances we have in this country now, to get the number of ships you indicated.

Admiral PORTER. I think five years will do the whole of it if you will only give out the contracts and get rid of the idea which most people have that the object in the building of the ships is to make somebody rich. That is all nonsense. Our contractors are as honest as any people in the world, and are as good. They do not overreach the Government half as much as contractors do in foreign countries. If we want fine ships, we must pay pay for them; we can not get them for nothing, and when you have them they will last fifty years. The life of an old ship was eight or nine years before you began to repair her. These splendid large iron ships are going to last forty years longer without any repairs except to the machinery. That is the advantage in having these vessels built of iron.

If it was only to show foreign nations what we could do in an emergency now, it would be worth while to set our ship-yards to work.

They laugh at us and say we can neither go to war nor defend ourselves from attack, because we can not build ships nor make guns.

Senator BUTLER. Admiral, what is the policy of foreign governments, Great Britain, Germany, France, and Italy, in building their ships? Do they build them themselves or do they let them out by contract?

Admiral PORTER. Almost all their ships are built at private establishments by contract. Italy may be excepted in the case of her largest ships.

Senator BUTLER. None built by the government?

Admiral PORTER. There may be some, but as a general rule they do not do so. As a matter of policy Great Britain encourages private ship-building yards. The salvation of the country in case of war would depend on these. We should follow the example of Great Britain.

Senator JONES. Is it so in Great Britain?

Admiral PORTER. They are built by private individuals. Their navy-yards are fitting yards. They fit out vessels in the navy-yards, but they are built by the best builders in the country, and that policy ought to be pursued in this country. As I said before, when war comes then we would have these great ship-building places with their plant which had accumulated during peace. The navy-yards should be used altogether for fitting purposes. I am opposed to building ships in Government yards.

Senator BUTLER. Is there a navy-yard in the United States that could build a ship out and out now?

Admiral PORTER. There is. I had one built in a navy-yard once, and I assure you when I got through with her I weighed about forty pounds less than I did when I started; but we could build these in case of necessity.

Senator JONES. Whose fault was that?

Admiral PORTER. She was a very small vessel. She cost $460,000 built at a navy-yard, and she could have been built at an outside establishment for $200,000 without any trouble at all. I know this certainly, because they charged everything to that small vessel. They charged one item alone of $80,000, work put on the Trenton, and other things of the same kind. One item, I think, was a hot-house for some one in the navy-yard.

Senator BUTLER. That becomes a very important fact, it seems to me.

Admiral PORTER. You can never ascertain what a ship costs in a navy-yard.

Senator JONES. What do you attribute that difference in cost to?

Admiral PORTER. Politics. That is about the fact of it. The navy-yards are very much used for political purposes, and very naturally. If I was a politician I suppose I would do the same thing. If I could get my friends into the navy-yards, I presume I should do as others do; but at the same time, if I was in charge of the yard I would do all I could to stop it. But what I say is the fact, and it causes a great deal of the expense.

That is rather upon the line of the inquiry propounded by the Senator from Kentucky as to where these ships would be built and how they should be built. As I remember the testimony of some one of the gentlemen who came before us, I think he made the statement that there was not a navy-yard in this country that could complete a vessel out and out.

Mr. BECK. I suppose that accounts, especially the latter clauses of it, for how a good deal of the $385,000,000 that we have voted away in the last seventeen or eighteen years has gone.

Mr. BUTLER. Possibly so.

Mr. BECK. They charged $80,000 to the Trenton when it did not go to the ship at all. Perhaps many other eighty thousands had been charged that did not go to the ships at all.

Mr. BUTLER. There was one charge for a hot-house.

Mr. ALLISON. Did I understand the Senator from Kentucky——

Mr. BECK. I am making no charges.

Mr. ALLISON. Of course not; but I did not understand from the statement read that the $80,000 was not expended on the Trenton.

Mr. BUTLER. No.

Mr. BECK. It was charged to something else.

Mr. ALLISON. It was not the Trenton that was being built. Eighty thousand dollars of the $400,000 was expended on the Trenton and not on the vessel Admiral Porter speaks of.

Mr. BECK. It was said to be charged to that vessel, just as a great many things are charged to one account that go to another, and if $80,000 could go to the Trenton, $80,000 could go to elect a member of Congress, could it not, and be charged just as well to that other ship? I understand that is the way it goes.

However, I meant to say that we have given $385,000,000 since 1866, besides all the vast material which the Senator from New Jersey has explained, and besides all the ships that have been sold, and when we prevented them from selling ships they broke up old ships and sold them as old scrap, and that money was taken as well. It is because we can not get the money properly applied that Congress is in difficulty about having a navy. I find further in the report now submitted to us that we have ninety-two vessels, all told, belonging to the Navy to-day. Of these, thirty-one are in commission. Of the thirty-one now in commission, three second-rates and thirteen third-rates were built since 1866 out of this $385,000,000. All the rest were built before, out of money otherwise appropriated, making thirteen built since 1866 and fifteen built before out of the ninety-two.

Mr. JONES, of Florida. Will the Senator permit me to ask him, merely for information, if that $385,000,000 embraced every description of appropriation for the Navy Department?

Mr. BECK. Oh, yes; I said for the Navy Department.

Mr. JONES, of Florida. The pay of officers and everything?

Mr. BECK. Everything; and so did the $336,000,000 appropriated up to 1860 include everything.

Mr. JONES, of Florida. It is not confined merely to ship-building?

Mr. BECK. Oh, no. The statement here is made that the original cost of all the ships from the foundation of the Government up to the close of the year 1833 was $40,796,612.92, and the repairs since then $41,200,822.13, making a total of $81,997,435.05 for ships and repairs, all told. That is the table that is furnished us with this bill. When the Senator from Maine announces that we have a constantly dwindling navy that is a disgrace to us, I assume that a great deal of that disgrace grows out of the fact that the money has not been properly applied. It has built up navy-yards, but it has not built up navies.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Will the Senator from Kentucky yield to the Senator from Maine?

Mr. BECK. Certainly.

Mr. HALE. Let me call the Senator's attention, as I have it here now, as it will be more fitting at present than afterward, to the restrictions and regulations that are thrown around the building of ships provided for last year, and which will be thrown around these provided the amendment which I have indicated I shall offer is adopted by the Senate.

In the act of August 5, 1882, and I think the Senator and myself more than any others framed that act, the restriction is provided in detail on different pages of the act, because it is made complete and exhaustive, that every step taken in building these ships shall be under the advice of the advisory board; that no contract shall be made until submitted to it; and then it goes on and declares that—

Before any of the vessels hereby authorized shall be contracted for or commenced the Secretary of the Navy shall, by proper public advertisement and notice, invite all engineers and mechanics of established reputation, and all reputable manufacturers of vessels, steam-engines, boilers, and ordnance, having or controlling regular establishments, and being engaged in the business, all officers of the Navy, and especially all naval constructors, steam-engineers, and ordnance officers of the Navy, having plans, models, or designs of any vessels of the classes hereby authorized, or of any part thereof, within any given period, not less than sixty days, to submit the same to said board; and it shall be the duty of said board to carefully and fully examine the same and to hear any proper explanation thereof, and to report to the Secretary of the Navy, in writing, whether, in their opinion, any such plan, model, or design, or any suggestion therein, is worthy of adoption in the construction of said vessels, their engines, boilers, or armament.

Then it goes on, as the Senator will find if he looks at it, or if he revives his recollection he will recall his own part in framing it, and provides that there shall be bids regularly received, scrutinized, and chosen, so that the whole thing is guarded and surrounded and controlled by as much of scrutiny and care as it was possible for Congress to give to it. The amendment which I shall offer will put these vessels in the same category as those were.

Let me say to the Senator, and he is an old hand at these debates on the naval appropriation bills, that I do not think it is quite fair for him, in talking about the construction of the Navy and the building of ships in it or the repairs of ships, to invoke the total aggregate of $385,000,000 that has been appropriated in nearly twenty years. That is the entire appropriation for the whole establishment.

Mr. BECK. I so said.

Mr. HALE. It was enormously increased during the war. We found upon our hands as a legacy of the war an immense naval establishment, both of officers and men. Everything had been got up to a high pressure, to extravagant rates. The $385,000,000 to which he refers, and which he seems to intimate has not been spent properly, covers everything that has ever been expended on the entire naval establishment for all that time. You will not find a great naval power in the world that has got along with anything like that expenditure. Great Britain does not hesitate to spend three times as much yearly for the running of her naval establishment as we do. It is a fact of history, which we ought to have no pride in contemplating—we ought to be mortified when we look at it—that during all those years we have not made, as the Senate is asked now to make, specific appropriations for the building of new ships. The day never will come, if we have a navy, that we shall not have to expend twelve, fifteen, or twenty million dollars yearly, of which not a dollar should go into a new ship or into its repair. You can not have a navy without paying for it. You can not have an army without paying for it. The Senator might as well say that not a dollar had been profitably expended upon the Army, where the appropriations were doubled from year to year and the Army never increased, and might intimate that the money had gone wrong because we have spent over $400,000,000 in the Army in that time, when everybody ought to know, and none better than he, that it is for the purpose of the running expenses of the Army, and so this has gone for the running expenses of the Navy.

Mr. BECK. Mr. President, I was tempted to make the remarks I did because of the statement made by the Senator from Maine that we had a constantly dwindling Navy which was a disgrace to us, as though the Congress of the United States had done nothing to bring it up, when I showed by the amounts of money appropriated to that Department, together with all the old material and ships sold for vast sums, that Congress had appropriated money enough to have given us a very good navy to-day, not equal at all to that of the great powers of Europe who are almost constantly at war with each other. And when the Senator made the additional remark that we could not stand by and see the commerce of this country transferred to other peoples, I think I agree with him in that, and if there is anything more humiliating than the condition of the American Navy it is the condition of the American mercantile marine, which I hope in a few days the Senator from Missouri [Mr. VEST] and others will do something to restore.

The Senator from Maine [Mr. FRYE], the colleague of the gentleman who is in charge of this bill, the other day laid the shipping bill before us, and I felt then the humiliation quite as great as the Senator

from Maine [Mr. HALE] now feels about the Navy, when the Senator's colleague [Mr. FRYE] said, relative to his bill, this:

The first section of the bill touches the provision relating to officers of American ships. The law as it stands to-day requires that all officers of vessels of the United States shall be citizens of the United States, and provides a very heavy penalty of 50 cents a ton on a vessel for a violation of this law. It was a good law when it was enacted, when nearly all the sailors on board the ships were American sailors, and many of them fit to be made officers; but to-day, with 95 per cent. of the sailors foreigners, it is not a good law and works a great injustice very frequently. The bill reported by me provides that under certain circumstances the officers, other than the captain, may be foreign rather than American citizens.

When you contemplate the fact that less than 16 per cent. of the carrying trade of this country is done by the American merchant marine, that not a steamship crosses the Atlantic Ocean from the great port of New York that is not in the hands of foreigners, that England carries 60 per cent. of all the trade of the world to-day and has 90 per cent. of her sailors her own citizens, is it not a humiliating fact that we, with our insignificant little 16 per cent. of our carrying trade, with hardly any but the lowest grade of vessels, have only 5 per cent. of the sailors upon them our own citizens? Nobody is humiliated about that, but we are humiliated that we have not a navy to protect—what? We have no commerce to protect; we have taken no pains to have any commerce to protect; and what I am mentioning is a humiliation that should be more sensibly felt by the representatives of the American people than the want of a navy for grandeur, with nothing to protect, when you are only spending money, as we have done, large sums, with not a first-class ship since 1868 and only three of the second class, the Trenton, the Omaha, and the Vandalia, now in commission, and the remainder of them are twelve or thirteen third-rates—things not fit to go anywhere.

I am not going into the discussion; I do not understand the question well enough for that; but I thought it was proper to ask a few questions and to make these remarks suggested by some statements made by the Senator from Maine.

Mr. MCPHERSON. Mr. President, I had the honor yesterday to ask the privilege of introducing some amendments to this bill, which have been printed. I ask to have the amendments read at the desk.

The PRESIDING OFFICER. The amendments of the Senator from New Jersey may be reported for information. The question, however, is on the amendments reported by the Committee on Naval Affairs, which take precedence of the Senator's amendments.

Mr. HALE. I presume there will be no objection to the amendments offered by the committee.

Mr. MCPHERSON. I will wait until they are disposed of.

The PRESIDING OFFICER. The question is on the amendments reported by the Committee on Naval Affairs.

Mr. MCPHERSON. Let them be read.

The PRESIDING OFFICER. The amendments of the committee will be reported.

The SECRETARY. In section 1, line 12, after the word "and," strike out "two" and insert "one;" in line 13, after "light," strike out "gunboats" and insert "gunboat;" and in the same line, after "tons," strike out "each" and insert "and one gunboat, not to exceed nine hundred tons, to be built on plans and specifications to be furnished by the Admiral of the Navy, and under his supervision and directions, subject to the approval of the Secretary of the Navy;" so as to make the section read:

That the President is hereby authorized to direct the construction of seven steel vessels for the Navy of the United States, as recommended in the report of the naval advisory board dated October 25, 1883, and in the annual report of the Secretary of the Navy of December 1, 1883, as follows: One cruiser of 4,500 tons displacement, one cruiser of 3,000 tons, one dispatch-vessel of 1,500 tons, two heavily armed gunboats of 1,500 tons each, and one light gunboat of 750 tons, and one gunboat, not to exceed 900 tons, to be built on plans and specifications to be furnished by the Admiral of the Navy, and under his supervision and directions, subject to the approval of the Secretary of the Navy.

Mr. MCPHERSON. If I understand the reading of that amendment it is one offered in committee and agreed to by the committee unanimously. In short, so far as I am concerned, I think it is about the only thing in the bill on which I am in agreement with the committee.

Mr. BUTLER. Shall I understand the Senator to say that his amendment was agreed to in committee?

Mr. MCPHERSON. No; I speak of the amendment the committee have offered which has just been read. The purport of the amendment is to give the Admiral of the Navy the opportunity of furnishing plans upon which one of the gunboats is to be constructed. The Admiral is a distinguished naval officer. He has given perhaps as much study and attention to the question of the designing and construction of gunboats as any man in this or any other country. He has been assisted by the most competent engineering authorities, and the committee thought it wise that the Admiral should have an opportunity of putting into shape and actual operation a real gunboat containing the results of his investigation and study. So far as that amendment is concerned, I fully agree with the committee, and am only surprised that it agrees with me, as I remember I had the honor of offering that amendment in committee.

Mr. HALE. I hope and believe that there will be no objection to this amendment. The committee did feel that Admiral Porter, by his long service, his own merit, his intense interest in the navy and in the rebuilding of it, should be allowed a departure from the general rule applied to this bill, and that one of the ships should be built under his eye and upon his plan. He has certain views, theories, and beliefs, and it was thought best to allow those to be put in form in one of those ships. I hope the Senate will bear that in mind and adopt the amendment, also bearing in mind that the Admiral in his testimony gave the benefit of his large experience and knowledge and interest in the Navy in favor of the other ships that the Senator from New Jersey seeks to strike out.

The PRESIDING OFFICER. The question is amendment on the reported by the Committee on Naval Affairs.

The amendment was agreed to.

Mr. MCPHERSON. I now offer my amendment.

The SECRETARY. The amendment is in line 4, to strike out the word "seven" and insert in lieu thereof the word "four."

In lines 9, 10, and 11 strike out the following:

One cruiser of 4,500 tons displacement, one cruiser of 3,000 tons, one dispatch-vessel of 1,500 tons.

Add as a new section the following:

SEC. 3. That the gunboats, steel ram, and torpedo-boats authorized to be built under sections 1 and 2 of this act shall be built under complete plans and specifications to be furnished by the Navy Department, except the gunboat, to be built on plans to be furnished by the Admiral of the Navy; and such building shall be under contracts with the lowest responsible bidder or bidders, made after at least sixty days' advertisement, published in five of the leading newspapers of the United States, inviting proposals for building said vessels, subject to all such rules, regulations, superintendence, and provisions as to bonds and security for the due completion of the work as the Secretary of the Navy shall prescribe; and no such vessel shall be accepted unless completed in strict conformity with the contract, and no contract shall be made until all the general plans, detailed or working drawings, and specifications for the complete work be made.

The PRESIDING OFFICER. The question is on the first amendment proposed by the Senator from New Jersey, in line 4 to strike out "seven" and insert "four."

Mr. MCPHERSON. Mr. President, it was my intention some time during the discussion of these matters relating to the increase of the Navy to present the whole subject of naval administration in this country for the past twelve or fifteen years; but I have not the physical strength to-day to engage in such a discussion, nor is it necessary for the purposes I now have in view, but I promise it later.

I am as earnest in my efforts to secure good vessels for the United States Navy as any member of the Senate. I only object to the reckless method by which it is sought to be accomplished. I am in favor of appropriations of money, liberal appropriations, looking to an increase of the Navy upon some well-settled and established rules and principles; but I do object to going further with experiments until they have approached something near a certainty. I still object, as I did last year when the subject was under discussion by the Senate, to destroying in the manner it is now being done the old wooden vessels of the Navy, many of them still excellent ships, until some suitable substitute in the shape of new iron vessels shall be first found to take their place.

Mr. BUTLER. If it will not disturb my friend from New Jersey, I should like to ask him what substitute he would suggest for the proposition which has been made with practical unanimity, as I understand, by the advisory board?

Mr. MCPHERSON. If the Senator will only have a little patience I think I shall be able to tell him; at least I have started out to do so.

Mr. BUTLER. I beg the Senator's pardon. I thought perhaps he was going from that subject, and I should like to hear him upon it.

Mr. MCPHERSON. I rose for the purpose of telling the Senator, and if I fail in making him understand me then his question will be a very proper one.

As I said, Mr. President, I objected last year when the so-called naval bill was under discussion to limiting the amount of money which could be expended by the Secretary on a wooden ship to 20 per cent. of its appraised value. What has been the result? Since we passed that bill last year there have been stricken from the Naval Register, as stated by the Secretary's report, forty-eight ships. We had some one hundred and thirty ships in all in the American Navy, and of that number the Secretary of the Navy, under the power given him under the 20 per cent. restriction clause, has stricken forty-eight from the Naval Register; they do not appear to-day as ships of the American Navy. What has been done with them? Appraisements were made and the vessels have been sold for a sum of money in some cases considerably in advance of the appraisement. That does not often happen. It does not often happen that the Government or an individual receives very much more for the sale of property than the value placed upon it by the owner. In this case the Government has received more from the sale of the old vessels than it thought them worth itself. Twenty-four of these vessels were appraised at $271,300. They sold at an advance of $36,973 above the appraisal, and sold to a ring of speculators, I hear, who made their own terms. I have heard before of naval rings, but always supposed they dealt only with living things—appropriations and the like—but it seems they follow an old hulk to its death.

Just here let me call the attention of the Senate to our present condition. We have eliminated forty-eight of our wooden vessels from the Navy by a simple order of the Secretary. How is it as to the rest? In the investigation by the Committee on Naval Affairs of certain distinguished gentlemen who represent the naval affairs of this Government, I find in the testimony of Mr. Wilson, the chief constructor of the Navy, a gentleman who was called to that place on account of his ability and his thorough knowledge of the matters relating to that Department, who is the present chief naval constructor—Mr. Wilson, when asked the question as to what he thought of the 20 per cent. restriction clause, his reply was that very many vessels under the 20 per cent. clause that ought to be improved, that ought to be rebuilt and repaired, were necessarily thrown aside. He stated the limit was much too low. In short, its results were a wanton destruction of property.

Let us take the case of the Ticonderoga, the vessel in which Admiral Shufeldt three or four years ago took his journey around the world. The vessel was rebuilt at a very great expense in 1878, five years ago. In 1881 she was again repaired. The estimate made to-day by the Navy Department, and by competent authority, goes to show that we could not duplicate that ship for less than $500,000. That vessel, among others, is condemned. She lies to-day in one of the navy-yards of the country with an appraised value of $24,000 put upon her, when the estimate for her repair, as we find in the report of Mr. Wilson, chief constructor of the United States Navy, and the chief adviser in that department of the Secretary of the Navy, to make her a good ship for fifteen years is about $90,000, just, as he states in his testimony, 1 or 2 per cent. above the limit, and therefore she must be condemned. Let me read from his testimony:

In the case of the Ticonderoga —

He speaks of two ships, the Monongahela and the Ticonderoga—

In the case of the Ticonderoga—and I lay some great stress on those two vessels—she was substantially a new ship, if I recollect aright, in 1879 or 1880, when Admiral Shufeldt took her and made his cruise on the African coast. That ship, when she came home with some new streaks of wales in her, some few other defective portions of her made new, would have been available for another cruise immediately, say in three months' time, but she lay some time out of commission, and when finally surveyed she came within one-half of 1 per cent. of the law. I might have stretched my conscience enough to have repaired her, but I said no. I know from experience that the moment you opened that ship you would find the defects greater than the board have ascertained, and she would probably cost from 21 to 22 per cent.

I think it will clearly be seen that the attempt made last year under the direction of the Secretary of the Navy to absolutely blot out of existence everything in the shape of a naval establishment, costing millions, tens of millions, and hundreds of millions, as stated by the Senator from Kentucky; to blot it out for the purpose of giving room and make necessity to build new ships under a favorite contractor, has found its complete realization.

What more does Mr. Wilson say? He speaks of no less than four or five more ships now arriving or soon to arrive, all of which he says will be retired under this law, namely:

There is the Pensacola, on her way home from the Pacific; the Hartford will soon start home; the Lackawanna; the Tennessee. None of these ships can be repaired under that law. The Powhatan could not be again repaired, and about six years will wipe out the entire navy of wooden ships under the present 20 per cent. law.

I simply place this fact on record now in order that I may impress upon the Senate that the whole effort, the whole plan under the administration of the present Secretary of the Navy, is to have the opportunity of building new ships and not to preserve the old ones even where they are worthy of preservation. Take the case of the New York, which lies to-day in the navy-yard at Brooklyn. That ship is a live-oak ship almost entirely completed so far as her hull is concerned; her boilers are in place and part of her machinery has been put in, and Mr. Wilson states in his testimony that at a cost of $400,000 that ship for fifteen or twenty years, if completed, will be equal in military efficiency and in every other respect for a successful naval vessel to the most costly ship which the new advisory board have recommended to build, I mean the Chicago, and that at a cost of about one-quarter what it will cost to build the Chicago. In other words, a ship now in process of construction which has cost already a large sum, and which can be made equal to the best steel ship recommended to be built, for $400,000 is to be thrown away, and make room for the new ship and the favorite contractors.

I might talk about other ships. I only speak of these cases to show that under the 20 per cent. limit which was asked for by the Secretary of the Navy last year, and which was granted by Congress, we are annihilating the present naval establishment of the country. In lieu thereof we are authorizing the President to build a certain number of steel ships. The Chicago was designed and is under construction by the naval advisory board. The Boston and Atlanta, two ships of a smaller class, were also put in place, and the Dolphin, which is to be used, as I understand, as a kind of waiter upon the Admiral. Speaking of the Dolphin, Admiral Shufeldt says "she is simply a yacht." "But," says the Admiral, "if you amplify her and make her a little larger and give her a heavier gun, she becomes a commerce-destroyer." This statement itself demolishes all further criticism.

The objection that I have to duplicating these ships is not an objection born in my own brain; it is one that comes to me with irresistible force from distinguished officers who are better competent to deal with this question than any members of the Senate possibly can be. The chief constructor of the Navy did not agree with the conclusions of the advisory board, and so stated to the Secretary. The chief engineer of the Navy Department disagreed with the conclusions of the advisory board, and so stated to the Secretary in a letter which has been printed and is to be found upon the desks of all Senators.

There were the two advisers of the Secretary in conflict with the recommendations of the advisory board; but still the Secretary signed the recommendations of the board, and the ships are now under construction.

Here is a report also of Mr. Isherwood, one of the most distinguished officers in the American Navy, or in fact in his department in any navy of the world. He takes up the Chicago, the Boston, the Atlanta, and the Dolphin, and he gives reasons, and the very best of reasons, why no more ships of these kinds should be built. In short, the ships are condemned by almost everybody with respect to two or three phases of their structure. The Admiral of the Navy, Admiral Porter, thought that the ships should have full-sail power. They have half-sail power. Other distinguished naval officers thought the ships should be sheathed, and the report of the first advisory board created under Secretary Hunt made their recommendation in favor of both full-sail power and sheathing the ships.

I will read for the information of the Senate some of the criticisms made by Mr. Isherwood, the distinguished engineer, upon the designs and structure of some of these ships. I will first take the Dolphin. What does Mr. Isherwood say of her?

The Dolphin is not available for any military use, being merely a steam yacht, designed apparently only for the use of an admiral commanding a squadron, her elegant and spacious accommodations and high speed rendering her convenient for such purpose. She does not therefore fall into the category of a naval cruiser at all, and the only question in relation to her is whether so expensive a vessel to make and maintain, and so useless a one, is desirable in a navy that is destitute of fighting ships. As the appropriations for naval vessels are likely to be very limited, and as the cruisers now belonging to the Navy or likely to belong to it in the near future are very few, there can be no doubt that no more yachts of the Dolphin type, or indeed of any type, should be constructed for many years to come, if ever.

I strike out in my amendment the Dolphin, as we need fighting vessels just now more than we do pleasure yachts for the Admiral. Mr. Isherwood speaks of the Chicago. I shall presently read his criticism upon that ship. The Dolphin is a vessel designed, as Mr. Isherwood says in his statement, to run backwards and forwards for the use of the fleet-officer. With only three or four vessels to be built, the first thing that the advisory board recommends to do is to build, and do build, a vessel expressly for the fleet-officer to run backwards and forwards at an expense of $400,000. A costly toy. I understand her to be a vessel with machinery and other features very similar to the steam vessels that now run up and down the coast, except that she is to have more speed, so that in case the Admiral is attacked there will be some chance for him to get away.

Mr. BECK. If the Senator from New Jersey will not be interrupted by my asking him a question I desire to ask him this: Under our tariff laws we provide that articles imported for the use of the United States shall be free of duty, and the Supreme Court has decided that property imported for the use of the Government is not liable to duty. Now, we have navy-yards. We have a right to bring in guns, compound engines, and everything to be used in and shipped to these navy-yards without paying duty, and can there put them into our own ships. Instead of that, we contract with Mr. Roach or somebody else to build them; and are not their contracts based upon the material at an average of 40 per cent. duty? Why should we make contracts with men paying an average duty of 40 per cent. upon the materials when by law we have the right to bring the materials in free and pay no duty?

Mr. McPHERSON. I can answer the honorable Senator. It is for the very reason and for the simple reason that the navy-yards of this country are used more for political than for naval warfare. I suppose it would cost us perhaps 40 per cent. more if we undertook to build these same ships in the navy-yards. I have no doubt under the present administration of the Navy it would cost perhaps that much more. At all events John Roach gets the contracts and the navy-yards are idle. It is for somebody's interest that he should have them; perhaps the Government's interest; I do not know myself.

Mr. MORGAN. The bill provides, as I understand, that these ships must be built in the navy-yards, under the direction of the President: "The President is hereby authorized to direct the construction of seven steel vessels for the Navy of the United States."

How can he direct the construction in private yards?

Mr. McPHERSON. As claimed by the Senator from Maine [Mr. HALE], the construction of these ships will come under the act of last year as to all the methods employed. What are these methods? You will find that the Secretary of the Navy is required under the act to—

Utilize the national navy-yards, with the machinery, tools, and appliances belonging to the Government there in use, in the building of said ships or any parts thereof, as fully and to as great an extent as the same can be done with advantage to the Government.

The Secretary of the Navy claims that it can not be done with advantage to the Government; that an appraisement having been made by the authority provided—to wit, the Secretary—an estimate having been made as to the cost of building these ships, private contractors having offered to do it less, it became his duty under the same law to contract to have it done; and there is a provision in the same law permitting him to contract for the building of ships. In short, his power is unlimited; and if he needs more he is sure to get it.

Now, as to the Chicago. I say there should be no more Chicagoes built until the expiration of that period of time, which will be about the 1st day of January next, when the ship is completed under the contract, and the ship can be tested both as to her hull and her machinery and as to her powers as a war ship. An abundance of time will then be left after that test is made to give Congress an opportunity of making a suitable appropriation of money to duplicate that ship if she is deemed worthy of being duplicated.

But no; the plan is to destroy the wooden ships, to lay down the keels of as many new vessels as you can without one of them being tested to know whether when she is completed she will sink or swim. That is the policy of this administration. There is no naval power on earth, no Senator can name one, that has ever undertaken to build a great vessel and build her upon plans new and untried, an experiment, so to speak, that has ever undertaken to repeat the experiment until the test of actual experience was first applied to the actual ship.

Now what does Mr. Isherwood say about the Chicago?

First. She is too small for a first-class cruiser by about 1,500 tons displacement.
Second. She is not wooden sheathed and coppered.
Third. Her machinery is inefficient in type and will fail at high speed.

There is but one ship to-day in the known world, and that is an old ship running between New York and New Orleans, that has an engine of the class and type that it has been decided to put in the Chicago. Mr. Shock, in his criticism upon the engines of the Chicago in the letter that he wrote to the Secretary of the Navy, said that he disapproved of putting in an experimental engine in a ship costing so much money, and he refused to concur in the action of the advisory board touching the machinery in that ship. Mr. Isherwood goes on to say further:

Her speed will be entirely too little and her endurance much too small.

Mr. MILLER, of California. From whom is the Senator reading now?

Mr. McPHERSON. I am reading from Mr. Isherwood.

Her services in war will be limited to our own coasts, where she will not be needed, instead of abroad, in the destruction of an enemy's commerce.

He speaks also of the Boston and Atlanta in the same terms, condemning the vessels. I have read criticism after criticism almost daily in the public press emanating from the highest engineering authority in England, discussions taking place among English naval engineer officers as to the impolicy of placing such machinery in the Chicago as has been determined on by the advisory board, and predicting for that ship an entire failure. But, says the honorable Senator from Maine, the advisory board and the Secretary say otherwise. Well, who constitute the advisory board, and what claims has it to distinction? Subtract the head of the board, as he lays no claim to be either a naval constructor or an engineer, and you have not even a respectable tail left either as to ability or experience.

I am not an engineer, neither am I a naval constructor; I know nothing of the structure of ships; but I am not prepared to fly in the face of the highest living testimony, and I think no man will have the audacity to deny that there is to-day no single living representative who in his particular sphere stands higher as a competent authority than Mr. Isherwood. Mr. Wilson had been called to the head of the Bureau of Construction of the Navy on account of his ability and his knowledge of all the details of that department. Mr. Shock had been called to the head of the Bureau of Engineering for like reasons, and they all concur in condemning the ships.

Now, what do I ask, Mr. President? I have offered an amendment which says to the Senate of the United States: "Stop; build no more Chicagoes, no more Bostons and Atlantas, no more Dolphins, until those we have now under construction, and which will be completed by the 1st day of January next, shall be tested," and then if they prove equal to all that the friends of these ships claim for them I shall be found among the first to vote an appropriation of the requisite sum to build other vessels of the same kind. But I do propose by my amendment that more gunboats may be built at once. The four gunboats proposed to be built under this bill, and which I do not disturb in my amendment, will cost, I suppose, a less amount of money than one Chicago. They will cost not more than $250,000 each, or $1,000,000 in all, and I have no objection to trying experiments with a boat no more costly than that. But these are not experiments. They have proven to be a valuable aid in the naval service of every country, and I for one, as I desire some increase of the Navy, propose that the increase shall be in the right direction; that no more millions of dollars shall be thrown away uselessly in the naval establishment of the country.

Again, if there is any sincerity on the part of the Senators who seem to favor this bill they certainly would at least ask that an appropriation of money be first made and applied to the completion of the five iron monitors which have been for the past eight years under construction by the Government; but we do not hear a word about them. A great cry is raised as to the immediate needs of the United States Navy; that the German navy is already at our door. The five monitors, which can be completed within the next six months and given to the service of the Government, are not mentioned at all. We have just paid a bill of $74,000 on account of each of these five ships for storage-room in the dock-yards of private ship-builders. Three hundred and seventy thousand dollars has been paid for storage-room. The ships have been under construction for eight long years, and all they need to-day to complete them is to mount their turrets and place their batteries in position. But no; the purpose is to start as many ships as we can and complete them when we may. Once started the contractor at least is safe. Under the recommendation of the Secretary of the Navy it will cost $4,000,000 to complete the five monitors; under the contract price for the ships now under construction it will take two millions and a half to complete their construction; in all, in round numbers, say $7,000,000, which if completed this year would give to the country nine ships more than we now have. But the Senator from Maine prefers seven more started and none completed, for he himself can scarcely believe this Congress will be so profligate with the public money.

Now, Senators, how much money do you wish to appropriate? Do you wish to appropriate fifteen or twenty million dollars a year, or do you wish to appropriate only such amount of money as can be judiciously and honestly applied, if such a thing is now possible? It seems to me when we undertake to vote millions out of the public Treasury we ought to know for what purpose they are to be applied.

Mr. HALE. May I interrupt the Senator for a moment?

Mr. McPHERSON. Certainly.

Mr. HALE. The Senator from New Jersey has asked Senators if they wish to appropriate $15,000,000 or so of money in one year for the Navy. Does he not know that all of the money that will be required for the next year, if this bill is passed, for its purposes and for the completion of the four ships now building and also for the completion of the monitors, will be but $6,552,177? That is the fact. Instead of its being $15,000,000 or $12,000,000 or $10,000,000, the aggregate is only the sum I have named, a little more than six and a half million dollars. That includes the appropriations under this bill for the next year; that includes the finishing of the vessels begun last year; and that includes all the money that can be spent or that will be asked for the next year upon the double-turreted ironclads, which the Senator himself, I believe, is in favor of finishing. For all these purposes only six and a half million dollars will be required.

Mr. McPHERSON. I do not know on whose authority I am to rely, whether that of the honorable Senator from Maine or that of the Secretary of the Navy.

Mr. HALE. I am going on the Secretary of the Navy's exhibit of these different needs for the different ships.

Mr. McPHERSON. I quote from page 31 of the report of the Secretary of the Navy, in which he finds it necessary to ask Congress for $7,449,581.62; that is for completing the new steel cruisers, completing the four double-turreted monitors, together with a few items of expense—tinkering the hulls of the New York and Mohican, and some pretense in other directions.

It is well known that there are several of the wooden ships that ought to be repaired; and certainly if the Secretary of the Navy does his duty to the country they will be repaired after Congress releases him, as I hope it will, from the 20 per cent. restriction and leaves the whole matter open. There is another sum of money which must be appropriated for that. Then, with the $7,449,581.62 for the purposes mentioned and the five or six million dollars required to construct the Senator's ships which he proposes to build, it will amount to a vast sum in all. I take it it makes but very little difference whether we contract this year to build a ship which can not be completed until next year. The contract is the same and the obligation of the Government under the contract is the same whether the vessel contracted for is built in one year or in two. I propose to have the Senate vote intelligently on the question. I want to abandon at once the idea of going on in this line at present, I do not say forever, because if these ships prove to be what the advisory board and their friends say they will, and what other gentlemen far more distinguished in their respective spheres say they will not—if, I repeat, they prove to be successful ships, there will be abundant time for the Congress of the United States to undertake to duplicate them at the next session; and that they are to be duplicated by this bill I have the authority of the honorable Secretary of the Navy himself. Let me read his answers to some questions put by myself:

Senator McPHERSON. Do I understand that the cruiser called for here is of the same class as the Chicago?
Secretary CHANDLER. Yes, sir.
Senator McPHERSON. And also one cruiser of 3,000 tons of the class of the Boston and Atlanta?

Secretary CHANDLER. Yes, sir.

Senator MCPHERSON. You make provision here for two heavy gunboats and two light ones, I see, and a dispatch vessel. One of the boats you are now building is a dispatch-boat, is it not?

Secretary CHANDLER. Yes, sir.

Senator MCPHERSON. Is the dispatch-boat here provided for similar in character to the one now being constructed?

Secretary CHANDLER. It is proposed that it shall be the same. The proposition of the bill is that the Chicago, and the Boston and Atlanta (which are alike) and the Dolphin be duplicated. The board recommend, I think, two vessels of the type of the Boston and Atlanta, but I see the bill only provides for one.

Now, I move to strike that all out of the bill, so as to proceed simply and solely to build four gunboats, which Admiral Porter says are worth more than the Chicago for both offensive and defensive purposes. Build, if you please, your steam-ram and your torpedo-boat. I have no objection to experiments. If the gunboats be an experiment, if the ram and the torpedo-boats be experiments, I have no objection to experiments of that character; but I do object to repeating experiments until they reach the position of almost absolute certainty, especially where millions are involved.

Mr. BUTLER. Mr. President, I shall not occupy the floor long; but I think it is due to the committee and due to the Senate, and in fact due to the Senator from New Jersey, that some of the statements which have been made be corrected, which I shall attempt to do from the record.

The Senator says that the effort of the Navy Department is, to use his own expression, to wipe out the wooden ships of the Navy. I am not here to defend the Navy Department or to make any attacks upon it, but I think it is always proper to be just. I find in the naval appropriation bill for the fiscal year ending June 30, 1883, the following provisions of law upon the subject of the 20 per cent. allowance for repairs:

It shall also be the duty of the Secretary of the Navy, as soon as may be after the passage of this act, to cause to be examined by competent boards of officers of the Navy, to be designated by him for that duty, all vessels belonging to the Navy not in actual service at sea, and vessels at sea as soon as practicable after they shall return to the United States, and hereafter all vessels on their return from foreign stations, and all vessels in the United States as often as once in three years, when practicable; and said boards—

"Said boards," mind you, Mr. President—

shall ascertain and report to the Secretary of the Navy, in writing, which of said vessels are unfit for further service, or, if the same are unfinished in any navy-yard, those which can not be finished without great and disproportionate expense, and shall in such report state fully the grounds and reasons for their opinion. And it shall be the duty of the Secretary of the Navy, if he shall concur in opinion with said report, to strike the name of such vessel or vessels from the Navy Register and report the same to Congress.

I submit in view of that provision of law that if anybody has been inclined to wipe out the wooden ships of the Navy it has been the Congress of the United States. I find in the naval appropriation act for the fiscal year ending June 30, 1884, the following provision of law under the head of "Bureau of Construction and Repair" as a proviso to the appropriation:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home.

There is the authority, as I take it, under which the Secretary of the Navy has acted in striking these forty-eight ships from the roll.

Mr. MCPHERSON. May I ask the Senator a question in that connection?

Mr. BUTLER. Certainly.

Mr. MCPHERSON. Under that provision of law, will the Senator tell me by what process the ship Ticonderoga claimed by those competent to judge to be worth, and which cost, $600,000, has been condemned, as I understand, and an appraised value of $24,000 fixed upon her?

Mr. BUTLER. I am really not able to answer the Senator that question, but I will refer him to the board of naval officers appointed by the Secretary of the Navy. I take it for granted that their written report, which the law requires to be made, will give that information.

Mr. HALE. After the Senator is through I will give the information desired. I will not interrupt him now.

Mr. BUTLER. I should be very glad if the Senator from Maine would give the information now, because I do not happen to have it.

Mr. HALE. Following up the provision fixing the 20 per cent. limit, which has just been read by the Senator from South Carolina, Congress, not the Secretary of the Navy, provided in section 5 of the deficiency appropriation act of March 3, 1883, specific methods that the Secretary of the Navy should pursue in order to get at a vessel and strike her from the rolls and sell her. These provisions are all found in section 5 of that act. They are very particular, providing everything that shall be done before a sale is made.

Mr. MILLER, of California. The Senator had better have them read.

Mr. HALE. In the regular appropriation act for the year before it is provided that the Secretary of the Navy shall first call an examination and strike the vessel from the rolls before he sells. The provisions for selling are contained in section 5 of the act I referred to. In a moment I will ask the Secretary to read that section. As to the Ticonderoga, one reason why she was put into the category referred to by the Senator from New Jersey is that she is one of the oldest ships in the Navy. She was built in 1862; she cost $474,000; and we have actually expended on that old wooden ship in repairs up to the present day $838,000, making her cost $1,312,943. And no board could be found that thought it would be good policy to go on spending more money on that old wooden ship.

Mr. MCPHERSON. Has the Senator the record in his hand showing when the last expenditure was made and how much it was?

Mr. HALE. I have not the details here.

Mr. MCPHERSON. He would find if he had the record that in 1878 she became what was practically a new ship. She was built of live-oak. Everybody knows that a live-oak ship never rots and hardly ever wears out. I suppose that the Ticonderoga, according to the report of the present chief constructor of the Navy, is as good a ship almost as there is in the entire Navy.

Mr. HALE. Something must be left to the discretion of the boards and their judgment, and the intimation that this is a proceeding of the Secretary's, that it comes from him, and that he is seeking to annihilate the old wooden ships is in no degree borne out. The 20 per cent. limit was not his. The bill as reported from the Committee on Appropriations of the last Congress made the limitation 25 per cent., and on full discussion (I think on the motion of the Senator himself to make it 30 per cent.) the Senate itself, cutting under the recommendation of the Secretary of the Navy, decided that we should not spend any more money on these old wooden ships above 20 per cent. It was a deliberate act taken by the Senate, and accorded with by the House afterward, that fixed the limitation. It was the act of Congress that told the Secretary what to do; it was the act of Congress that told him how to do it; and he would have been deserving of impeachment if he had not carried it out after, on such consideration as Congress gave to this subject, it fixed a policy clearly as it did. It did not originate with him, but was the solemn act of the two Houses of Congress, made the written law of the land by the President's signature, and all that the Secretary has done has been to carry that out.

I wish the Secretary to read the ample provisions that were put in the law which the Secretary of the Navy has been pursuing.

The PRESIDING OFFICER. The Secretary will read the section of the law referred to.

The Secretary read as follows:

SEC. 5. It shall be the duty of the Secretary of the Navy to cause to be appraised, in such manner as may seem best, all vessels of the Navy which have been stricken from the Navy Register under the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, approved August 5, 1882. And if the said Secretary shall deem it for the best interest of the United States to sell any such vessel or vessels, he shall, after such appraisal, advertise for sealed proposals for the purchase of the same, for a period not less than three months, in such newspapers as other naval advertisements are published, setting forth the name and location and the appraised value of such vessel, and that the same will be sold, for cash, to the person or persons or corporation or corporations offering the highest price therefor above the appraised value thereof; and such proposals shall be opened on a day and hour and at a place named in said advertisement, and record thereof shall be made. The Secretary of the Navy shall require to accompany each bid or proposal a deposit in cash of not less than 10 per cent. of the amount of the offer or proposal, and also a bond, with two or more sureties to be approved by him, conditioned for the payment of the remaining 90 per cent. of the amount of such offer or proposal within the time fixed in the advertisement. And in case default is made in the payment of the remaining 90 per cent., or any part thereof, the Secretary, within the prescribed time thereof, shall advertise and resell said vessel under the provisions of this act.

And in that event said cash deposit of 10 per cent. shall be considered as forfeited to the Government, and shall be applied, first, to the payment of all costs and expenditures attending the advertisement and resale of said vessel; second, to the payment of the difference, if any, between the first and last sale of said vessel; and the balance, if any, shall be covered into the Treasury: *Provided, however*, That nothing herein contained shall be construed to prevent a suit upon said bond for breach of any of its conditions. Any vessel sold under the foregoing provisions shall be delivered to the purchaser upon the full payment to the Secretary of the Navy of the amount of such proposal or offer; and the net proceeds of such sale shall be covered into the Treasury. But no vessel of the Navy shall hereafter be sold in any other manner than herein provided, or for less than such appraised value, unless the President of the United States shall otherwise direct in writing. In case any vessel now in process of construction in any navy-yard has been or shall be found to be unworthy of being completed, and has been and shall be condemned under the provisions of said act, and can not properly be sold, and it becomes necessary to remove the same, the cost of such removal shall be paid out of the net proceeds derived from the sale of other vessels hereby authorized to be sold.

Mr. BUTLER. I hope that my friend from New Jersey is satisfied upon that point at least. Recurring to his remark as to the purpose of the Navy Department to wipe out, as he expresses it, the old wooden ships of the United States Navy, and protesting against it, I desire to call his attention to a table which I find in the report of the honorable Senator from Maine, a statement showing the date of the construction, original cost, and total expense for all repairs since, of vessels borne on the Navy Register November, 1883, under the Bureaus of Construction and Repair, Steam-Engineering, and Equipment and Recruiting. The table is as follows:

Statement showing date of construction of vessels borne on the Navy Register November, 1883.

Name of vessel.	Date of construction.	Original cost.	Repairs since.	Total.
Tennessee	1864–'67	$1,856,075 81	$1,740,710 33	$3,596,786 14
Powhatan	1847–'48	771,771,00	1,199,574 81	1,971,345 81
Trenton	1873–'77	1,451,592 37	292,387 16	1,743,979 53
Lancaster	1858	670,081 00	1,657,210 66	2,327,291 66
Brooklyn	1858	417,921 00	1,591,716 83	2,009,637 83
Pensacola	1858–'62	773,573 02	1,796,521 51	2,570,094 53
Hartford	1858	502,650 00	1,520,770 89	2,023,420 89
Richmond	1858	566,259 00	1,293,228 45	1,859,487 45
Omaha	1867–'69	892,178 84	276,144 06	1,168,322 90
Lackawanna	1862	523,392 19	1,210,558 15	1,733,950 34
Ticonderoga	1862	474,715 26	838,228 43	1,312,943 69
Vandalia	1872–'76	899,337 44	174,317 67	1,073,655 11
Monongahela	1862	435,720 23	880,065 91	1,315,786 14
Shenandoah	1862	463,866 75	906,481 54	1,370,348 29
Juniata	1862	364,820 00	1,158,133 10	1,522,953 10
Ossipee	1861	407,064 20	1,197,391 39	1,604,455 59
Quinnebaug	1871–'77	720,113 69	39,439 17	759,552 86
Swatara	1872	605,648 65	302,124 04	907,772 69
Galena	1871–'78	841,730 12	10,630 12	852,360 24
Marion	1871–'75	742,319 41	60,168 86	802,488 27
Mohican[1]	1872–'83	409,895 12	.....	409,895 12
Iroquois	1858	307,155 00	1,104,844 17	1,411,999 17
Wachusett	1861	314,363 00	739,113 56	1,053,476 56
Kearsarge	1861	286,918 00	1,123,415 75	1,410,333 75
Adams	1874–'76	500,879 98	169,596 77	670,476 75
Alliance	1873–'76	613,533 45	104,035 95	717,569 40
Essex	1874–'76	539,384 31	161,323 73	700,708 04
Enterprise	1873–'76	553,266 86	194,772 76	748,039 62
Nipsic	1873–'79	516,038 61	82,154 11	598,192 72
Monocacy	1863	315,471 89	201,270 95	516,742 84
Alert	1873–'75	387,114 76	173,260 22	560,374 98
Ranger	1873–'76	387,028 68	148,516 71	535,545 39
Yantic	1864	232,757 15	541,210 80	773,967 95
Michigan	1844	154,100 00	121,209 37	275,109 37
Tallapoosa	1874	306,699 15	170,201 03	476,900 18
Palos	1865	151,541 25	152,926 12	304,467 37
Despatch[2]	.....	106,222 84	192,228 26	298,451 10
Intrepid	1874	582,721 44	16,632 64	599,354 08
Alarm	1874	419,004 90	68,418 29	487,423 19
Franklin	1855–'65	1,448,960 65	590,254 08	2,039,214 73
Colorado	1855	883,960 00	1,388,135 39	2,272,095 39
Wabash	1854	864,100 00	1,455,529 08	2,319,629 08
Minnesota	1855	691,408 00	1,621,975 40	2,313,383 40
New York[3]	.....	581,475 14	.....	581,475 14
Plymouth	1867–'69	718,421 89	316,364 99	1,034,786 88
Ajax	1862	608,612 10	215,954 09	824,566 19
Canonicus	1862	643,607 32	342,826 25	986,433 67
Camanche	1862	613,165 00	326,138 72	939,303 72
Catskill	1863	427,766 00	282,372 43	710,138 73
Jason	1862	436,450 00	264,369 15	700,819 15
Lehigh	1863	422,726 00	266,352 78	689,078 78
Mahopac	1862	635,375 00	330,759 90	966,134 90
Manhattan	1862	628,879 00	321,077 83	949,956 83
Montauk	1862	423,027 00	285,723 68	708,750 68
Nahant	1863	413,515 00	248,186 30	661,701 30
Nantucket	1863	408,091 00	264,476 93	672,567 93
Passaic	1862	423,172 00	314,138 19	737,300 19
Wyandotte	1862	633,328 00	262,678 95	896,006 95
Amphitrite[4]	1874–'83	398,643 00	.....	398,643 00
Miantonomoh	1874–'83	1,190,852 84	28,931 42	1,219,784 26
Monadnock[4]	1874–'83	584,270 00	.....	584,270 00
Puritan[4]	1874–'83	506,073 00	.....	506,073 00
Saugus	1862	591,059 66	261,766 66	852,826 32
Terror[4]	1874–'83	421,273 00	.....	421,273 00
Catalpa[5]	.....	55,000 00	64,033 79	119,033 79
Cohasset[6]	.....	14,500 00	103,876 44	118,876 44
Fortune	1865	153,367 53	175,759 36	329,126 89
Leyden	1865	129,467 61	132,596 99	262,064 60
Mayflower	1864	112,447 98	153,461 04	265,909 02
Monterey[7]	.....	24,512 92	187,386 94	211,899 86
Nina	1864	128,000 00	50,936 31	178,936 31
Pilgrim	1864	74,000 00	57,816 20	131,816 20
Pinta	1865	135,915 91	224,826 52	360,742 43
Rescue[8]	.....	17,300 00	53,075 13	70,375 13
Rocket[9]	.....	22,500 00	43,366 94	65,866 94
Snowdrop[9]	.....	22,500 00	110,721 41	133,221 41
Speedwell	1865	149,600 00	166,830 34	316,430 34
Standish	1864	106,240 00	116,582 64	222,822 64
Triana	1864	128,000 00	131,772 21	259,772 21
New Hampshire[10]	1863	372,948 00	239,457 27	612,405 27
Vermont	1848	212,999 00	154,774 13	367,773 13
Constellation[10]	1854	277,106 00	352,369 72	629,475 72
Constitution	1797	302,719 00	963,602 89	1,266,321 89
Independence	1837	287,600 00	586,192 63	873,792 63
Portsmouth[10]	1843	147,057 00	690,902 18	837,959 18
Cyane	1838	131,140 00	504,792 00	635,932 00
Jamestown	1845	176,544 00	808,782 55	985,326 55
Saratoga	1842	139,185 00	643,607 10	782,792 10
Saint Louis	1828	125,468 00	569,799 10	695,267 10
Saint Mary's	1844	162,997 00	477,904 64	640,901 64
Dale	1839	97,361 00	319,144 86	416,505 86
Onward[11]	.....	27,000 00	117,714 21	144,714 21
Total (92 vessels)		40,796,612 92	41,200,822 13	81,997,435 05
Bureau of Construction and Repair		32,810,250 41	25,577,047 60	58,387,298 01
Bureau of Steam-Engineering		6,367,446 09	8,061,714 46	14,429,160 55
Bureau of Equipment and Recruiting		1,618,916 42	7,562,060 07	9,180,976 49
Total		40,796,612 92	41,200,822 13	81,997,435 05

[1] On the stocks, machinery not included. [2] Purchased, 1874. [3] On the stocks, machinery included in cost. [4] Machinery in course of construction not included. [5] Purchased, 1864. [6] Purchased, 1861. [7] Purchased, 1863. [8] Purchased, 1861. [9] Purchased, 1863. [10] Rebuilt. [11] Purchased.

It seems to me that the wooden ships of the American Navy are very rapidly wiping themselves out without any assistance from Congress or the Navy Department. I think it was a wise provision of law which required that no vessel should be repaired that would cost more than 20 per cent. of what it would cost to build a new one of the same size and class. These wooden vessels are entirely out of date; they are obsolete. I undertake to say that in case of any difficulty with a foreign power it would be absolutely murder to require the naval officers of this Government to go upon such ships to contend with the improved naval armaments of the world.

In reference to the vessels that we have authorized to be constructed, the Chicago, the Atlanta, and Boston, and the Dolphin, and those that are provided for in the bill, the Senator from New Jersey I understand is willing to build the gunboats, but is unwilling to go on with the cruisers. I will, at the risk of being a little tiresome, read an extract from the report of the advisory board as to the character of the vessels now under construction and those that are proposed to be built, found in Appendix II of the report submitted by the Senator from Maine:

There are now in course of construction three of the distinct types and sizes of steel unarmored cruisers of which the fleet will be entirely composed. Of these the Chicago is a representative of the fully equipped cruising fighting vessel, with qualities of speed, endurance, battery power, and handiness carried to the maximum of development permissible without gaining in one at the expense of the other. Her size is at the limit which is considered the test for the full attainment of these qualities, due consideration being given to the question of economy in construction and maintenance. The vessels of this type will replace those of the Wabash, Tennessee, and Trenton types in the old fleet, gaining greatly in power, efficiency, and compactness by the improvements and consolidation. The experience gained in the completion of the design of the Chicago and the necessity for the early acquirement of more vessels of this description have led the board to recommend the immediate construction of one ship of this class and type.

Then the board go on to describe the character of the Boston and Atlanta, and recommend the building of two more of that type. Then they discuss the Dolphin. I understood the Senator from New Jersey to state that the Dolphin was intended really as a dispatch-boat, to use his own expression, to wait upon the Admiral or the commander of the fleet. I do not so understand it. The board say:

The Dolphin has no counterpart in the constitution of the old fleet, in consequence of which much misunderstanding exists with regard to her value. Her type is considered a very necessary auxiliary to the naval fighting force for duties requiring lightness and speed, which could not be performed economically by vessels composing the main body of the fleet. Of even greater importance, however, is the fact that this vessel serves as a basis from which to develop the pure type of lightly-armed, high-speed, economically-maintained commerce-destroyers. As this ship will stand when completed she will be very effective in this respect, although her normal fleet-service is of a different nature. The especial features developed in this vessel and the requirements of the fleet brought about by the length and position of our coast lines lead the board to recommend that a second vessel of this type and size be commenced at once, the following being the estimates of the cost of construction and outfit:

Hull	$232,000
Machinery	175,000
Ordnance	50,000
Equipment	25,000
Total	482,000

In the Dolphin actual working and fighting qualities are sacrificed in order to obtain fully the maximum speed and endurance consistent with her size. It is considered that for the proper and economical performance of the multifarious duties of general cruising, survey, exploration, &c., in time of peace, and convoy, blockade, and squadron-cruising in time of war, a different type of vessel of the same size as the Dolphin should be introduced. These vessels would replace those of the Juniata, Wachusett, and Essex types in the old fleet, gaining by the perfection of their design greatly increased efficiency for the general work required, while similarity of type throughout the class would render them cheaper in general maintenance and more compact and effective for combined work.

So the Dolphin is not simply a dispatch-boat to wait upon the Admiral or commanding officer of the fleet, as I understand the Senator from New Jersey to have said.

Mr. MCPHERSON. The Senator from South Carolina will bear in mind that the Senator from New Jersey made no criticism. He read the criticism of a very capable naval officer.

Mr. BUTLER. I have no doubt in the world that the gentleman from whose testimony the Senator read is quite accomplished; but I prefer to take the opinion of the advisory board appointed by the Secretary of the Navy in preference to that of the gentleman whose testimony the Senator read. This report is made by the advisory board, and in all substantial particulars the advisory board is unanimous. As the Senator from Maine stated, there was some difference as to the amount of sail power, some difference as to whether the engines should be vertical or horizontal, some difference as to whether the furnaces should be lined with brick or with something else. In these minor particulars there was some difference of opinion; but the Secretary of the Navy took the responsibility, as he had the right to take it, and directed that the vessels should be made after the specifications and plans and in the manner recommended by the board. As I said, I prefer to take the opinion of this board of accomplished experts, presided over by Admiral Shufeldt, to the opinion of some individual who may be entirely competent, who may be entirely honest, who may be entirely sincere, but I do not think the Senate could venture to substitute his opinion for the opinion of the board.

One of the difficulties that I always contended with in coming to any conclusion as to what kind of a navy we wanted, what character of vessels we required, has been the difference appearing to prevail among

the naval officers themselves. One admiral would have one opinion, one commodore another, one captain and one commander another. But this board is substantially unanimous, and for the first time since I have been a member of this body is the board unanimous as to the character and number of ships that we should have. Not only that, but the Committee on Naval Affairs had before it such officers as Admiral Porter, Rear-Admiral Rodgers, Rear-Admiral Jenkins, Commodore Semmes, Commander Barber, and other gentlemen whom I might mention, all of whom are gentlemen of the highest character, and I think without a dissenting voice all agreed as to the advisability and absolute necessity of building some such ships as those provided for in the bill—I mean the four cruisers which the Senator from New Jersey would not have built.

Mr. McPHERSON. Would it interfere with the Senator now for me to ask him a question?

Mr. BUTLER. Not at all.

Mr. McPHERSON. The Senator from South Carolina speaks of the board being unanimous. To what board does he refer?

Mr. BUTLER. I speak of the last advisory board.

Mr. McPHERSON. The Senator is also aware that another advisory board were equally unanimous with respect to their recommendations, and that the conclusions of the two boards are not at all alike.

Mr. BUTLER. I do not so understand it. The recommendations of the first advisory board were not carried out, as I understand, because they did not have the money. We made an appropriation and directed the Secretary of the Navy to build ships in accordance with the recommendation of the next advisory board, and he is now doing it, and while, as the Senator has suggested, there can be nothing like absolute certainty, for it is to a certain extent experimental——

Mr. McPHERSON. The Senator has been very kind; perhaps he will yield to me a moment further.

Mr. BUTLER. Certainly.

Mr. McPHERSON. The Senator says that to a certain extent it was experimental. He knows when the contracts were given; he knows when the completed ship was to be delivered under the contract that we appropriated for, which will be next December. There is plenty of time to test the practical result.

During the next session of Congress we can make an appropriation for more ships if the ships that will have been constructed prove worthy of it. Why not make it a certainty instead of longer dealing with experiments, that are called experiments both by the first advisory board and by distinguished officers?

Mr. BUTLER. I think they are not experiments to that extent. I have heard the opinion of no expert, no naval officer, who has not quite concurred in the policy of building these ships. I do not think that in that view it is experimental, but in some of the details of the construction of the vessels there are some experiments being made; there is no doubt about that.

Mr. ALLISON. There always are.

Mr. BUTLER. There always are. There never can be any improvement in naval architecture without experiment. England and France, Italy and Spain are every day spending vast sums of money in making experiments.

I find in the report made by the Senator from Maine accompanying this bill that there are to-day but thirty-one serviceable vessels in the United States Navy and three hundred and eighty-six guns. I will not pronounce judgment upon the character of those guns, but I do undertake to say that in case of a collision between either of the vessels of the American Navy and a vessel of any other power in the civilized world our guns would compare with theirs almost as a pop-gun with a long-range rifle. There are thirty-one serviceable vessels to-day in the United States Navy out of ninety-two, all told. What do we find in some of the other navies of the world? The following table has been furnished me by a gentleman for whose accuracy I am prepared to vouch:

	Armored ships.	Unarmored ships.	Transports.	Torpedo-boats.	Guns mounted.	Officers.	Men.	Marines.	Total personnel.
England	61	186	12	100	1,861	4,798	58,800	12,000	75,998
France	58	159	42	70	1,541	5,824	42,126	25,370	73,320
Germany	27	36	2	19	471	1,012	7,400	.....	8,412
Spain	5	81	4	3	424	2,367	14,000	7,033	23,400
Italy	18	23	11	17	311	1,014	15,055	3,638	19,707
Argentine Republic	4	28	.....	9	24	160	800	2,000	2,960
Chili	3	10	3	10	63	250	1,500	.....	1,750
Brazil	21	15	5	5	100	776	4,000	.....	4,776

I venture to say that the most insignificant, the least valuable ship of the Italian navy is better than the best one in the American Navy. I do not really think that I am venturing too far in making that statement.

I also submit a table showing the condition of our own Navy as to the number of ships, guns, &c.:

List of vessels of the United States Navy available at the present time, with the probable duration of their serviceableness.

Name and rate.	Propulsion.	Guns.	Tonnage.	Displacement.	When built or wholly rebuilt.	When last extensively repaired.	Condition.	
FIRST RATE.								
				Tons.				
Tennessee	Screw	22	2,840	4,840	1865	1879–'81	Will not be repaired after present cruise.	
SECOND RATE.								
Powhatan	Paddle	14	2,182	3,980	1850	1880	Will not be again repaired.	This indicates that of the larger ships there will soon be only the Trenton, Lancaster, and Hartford suitable for flagships.
Trenton	Screw	10	2,300	3,900	1873	1883	Good condition.	
Lancaster	do	10	2,120	3,250	1881	.....	Do.	
Brooklyn	do	14	1,600	3,000	1858	1881	Will not be again extensively repaired.	
Pensacola	do	22	2,000	3,000	1858	1881	Will not be repaired.	
Hartford	do	14	1,800	2,900	1858	1882	Good condition.	
Richmond	do	14	1,525	2,700	1858	1879	Will not be repaired.	
Omaha	do	12	1,122	2,400	1867	.....	Good condition.	
Lackawanna	do	9	1,026	2,220	1862	1881	Will not be repaired.	
Vandalia	do	8	981	2,100	1875	1881	Good condition.	
Shenandoah	do	8	929	2,100	1862	.....	Do.	
THIRD RATE.								
Juniata	Screw	8	828	1,900	1862	1882	Good condition.	
Ossipee	do	8	828	1,900	1861	1883	Do.	
Quinnebaug	do	8	910	1,900	1875	.....	Do.	
Swatara	do	8	910	1,900	1879	.....	Do.	
Galena	do	8	910	1,900	1880	.....	Do.	
Marion	do	8	910	1,900	1876	.....	Do.	
Mohican	do	8	970	1,900	.....	.....	Good condition; new.	
Iroquois	do	7	695	1,575	1858	1881	These smaller vessels are in fair condition and likely to last several years.	
Wachusett	do	7	695	1,575	1861	1879		
Kearsarge	do	7	695	1,550	1861	1879		
Adams	do	6	615	1,375	1874	1881		
Alliance	do	6	615	1,375	1873	1880		
Essex	do	6	615	1,375	1874	1881		
Enterprise	do	6	615	1,375	1873	1881		
Nipsic	do	6	615	1,375	1878	.....		
Monocacy	Paddle	6	747	1,370	1863	1881		
Alert	Screw	4	541	1,020	1873	.....		
Ranger	do	4	541	1,620	1873	1881		
Yantic	do	4	410	900	1881	.....		

Total, 386 guns: 31 vessels.

Ships of war building, 1883–'84.

Name.	Class.	Type.	Displacement.	Horse-power.	Speed, knots.	Armament.
ENGLAND.						
Armored.						
Battle ships—						
Anson	One	Barbette turrets	10,000	7,500	16	IV 15-in. 63-ton B. L. R.; VI 6 in. B. L. R.; XIV machine guns.
Benbow	do	do	10,000	7,500	16	II 17-in. 100-ton B. L. R.; X 6-in. B. L. R.; XIV machine guns.
Camperdown	do	do	10,000	7,500	16	IV 15-in. 63-ton B. L. R.; VI 6-in. B. L. R.; XIV machine guns.
Collingwood	do	do	9,150	7,000	16	IV 12 in. 43-ton B. L. R.; VI 6 in. B. L. R.; XIV machine guns; 2 Whitehead torpedoes.
Colossus	do	Turrets	9,150	6,000	14	IV 12-in. 43-ton B. L. R.; V 6-in. B. L. R.; XIV machine guns; 2 Whitehead torpedoes.
Edinburgh	do	do	9,150	6,000	14	Do.
Howe	do	Barbette turrets	9,600	7,500	15	IV 15-in. 63-ton B. L. R.; VI 6-in. B. L. R.; XIV machine guns; 12 Whitehead torpedoes.
Rodney	do	do	9,600	7,500	15	Do.
Coast guard—						
Conqueror		Turrets	6,200	4,500	13	II 12-in. 43-ton B. L. R.; IV 6-in. B. L. R.; IX machine guns; 18 Whitehead torpedoes.
Cruiser—						
Impérieuse	Two	Barbette turrets	7,390	8,000	16	IV 9.2-in. 18-ton B. L. R.; VI 6-in. B. L. R.; XIV machine guns; 12 Whitehead torpedoes.
Warspite	do	do	7,390	8,000	16	Do.
Unarmored.						
Mersey	Two	Protected cruiser	3,550	6,000		XIV 6-in. B. L. R.; VIII machine guns; 10 Whitehead torpedoes.
Severn	do	do	3,550	6,000		Unassigned; probably the same as that of Mersey. VIII machine guns; 10 Whitehead torpedoes.
Amphion	do	Steel cruiser	3,750	5,000		X 6-in. B. L. R.; VIII machine guns; 10 Whitehead torpedoes.
Arethusa	do	do	3,750	5,000		Do.
Leander	do	do	3,750	5,000		Do.
Phaeton	do	do	3,750	5,000		Do.
Calypso	do	Steel corvette	2,770	3,000	13.75	IV 6-in. B. L. R.; XII 5-in. B. L. R.; VI machine guns; 6 Whitehead torpedoes.
Calliope	do	do	2,770	3,000		Do.
Cordelia	do	do	2,380	2,420	13.25	X 6-in. B. L. R.; VI machine guns; 6 Whitehead torpedoes.
Caroline	Sloop	Composite	1,420	1,500		II 6-in. B. L. R.; X 5-in. B. L. R.; IV machine guns.
Pylades	do	do	1,420	950		Do.
Rapid	do	do	1,420	950		Do.
Royalist	do	do	1,420	950		Do.
Mariner	Gun vessel.	do	950	850		II 6-in. B. L. R.; II 5-in. B. L. R.; II machine guns.
Mariner (new)	do	do	950	850		Do.
Mariner (new)	do	do	950	850		Do.
Racer	do	do	950	850		Do.
Reindeer	do	do	950	850		Do.
Wanderer	do	do	925	750		Do.
Acorn	do	do	950	850		Do.
Dolphin	do	do	925	750		Do.
Albacore	Gunboat	do	560	600		II 5-in. B. L. R.; II 4-in. B. L. R.; II machine guns.
Mistletoe	do	do	560	600		Do.
Watchful	do	do	560	600		Do.
Sphinx (*a*)	Gun vessel.	Composite (paddle-wheel).	1,130	1,000		I 6-in. B. L. R.; VI 4-in. B. L. R.; II machine guns.
FRANCE.						
Armored.						
Cruising ironclads—						
Admiral Baudin	One	Barbette turrets	11,441	*b* 1,625 / *c* 7,397	16	III 100-ton B. L. R.; XII 5.5-in. B. L. R.; VIII machine guns.
Formidable	do	do	11,441	*b* 1,500	16	Do.
Foudroyant	do	do	9,639	*b* 1,500 / 8,000	14.2	IV 34 cm. (13.5-in.) R.; II 27 cm. (10⅝-in.) R.; VI 14 cm. (5.5-in.) R.; VIII machine guns.
Brennus	do	Turrets	9,780	3,383	14	IV 34 cm. (13.5-in.) R.; VI 27 cm. (10⅝-in.) R.; VIII 24 cm. B. L. R. *d*
Charles Martel	do	do	9,780	3,383	14	IV 34 cm. B. L. R.; VI 27 cm. B. L. R.; VIII 24 cm. B. L. R. *d*
Indomptable	do	do	7,184	*b* 6,000	14.5	II 16.5-in. 74-ton B. L. R.; IV 4-in. B. L. R.; IV machine guns.
Neptune	do	do	9,861	*b* 1,625	15	[III 34 cm. (13.5-in.) R.; IV 27 cm. (10⅝-in.) R.;] *e* XVIII 14 cm. (5.5-in.) R.
Hoche	do	do	9,864	*b* 1,625	15	[III 34 cm. B. L. R.; IV 27 cm. B. L. R.;] *f* XVIII 14 cm. (5.5-in.) R.; VIII machine guns.
Magenta	do	do	9,864	*b* 1,625	45	Same as *Hoche*. *e*
Marceau	do	do	9,864	1,625		Do.
Furieux	Monitor	do	5,695	4,150	14	II 13.5-in. 47-ton B. L. R.; *f* IV Hotchkiss revolving guns.
Terrible	do	do	7,184	6,000	14.5	II 16.5-in. 74-ton B. L. R.; IV 4-in. B. L. R.; IV machine guns.
Caïman	do	do	7,239	6,000	14.5	Do.
Requin	do	do	7,184	6,000	14.5	Do.
N		No data				
N		do				
Station ironclads—						
Duguesclin	Two	Turrets	5,869	4,100	14	IV 24 cm. (9.5-in.) B. L. R.; I 19 cm. (7.5-in.) B. L. R.; VI 14 cm. (5.5-in.) B. L. R.; VIII machine guns.
Vauban	do	do	5,869	4,100	14	Do.
Armored.						
Iron-clad gunboats—						
Acheron	One	Turrets	1,639			I 10¾-in. B. L. R.; II 4-in. B. L. R.
Cocyte	do	do	1,639			Do.
Phlégéton	do	do	1,639			Do.
Styx	do	do	1,639			Do.
Flamme	Two	Steel-armor plated	1,045			I 9.5-in. B. L. R.; I 3.5-in. B. L. R.; II machine guns.
Fusée	do	do	1,045			Do.
Grenade	do	do	1,045			Do.
Mitraille	do	do	1,045			Do.
Gun-deck cruisers—						
Dubomdieu		Wood	3,355			IV 16-cm. guns; XXII 14-cm. (5.5-in.) guns. (Carnet.)
Sfax		do	4,488	5,000		Do.
Skirmisher—						
Milan		No data				
Torpedo skirmishers—						
Condor	No data.					
Épervier						
Faucon						
Vautour						
Station dispatch vessels and gunboats—						
Fulton		Wood	811	1,000	12.5	IV 14 cm. (5.5-in.) B. L. R.
Inconstant		do	811	1,000	12.5	Do.

a Twenty-one torpedo-boats are building on the Thames; six wooden torpedo-boats are building at Isle of Wight.
b Nominal. *c* Indicated. *d* Carnet de l'officier de marine, 1883.
e It is probable that three 100-ton guns will be substituted for these. *f* It is probable that two 42 cm. (16.5-in.) guns will be substituted for these.

Ships of war building, 1883–'84—Continued.

Name.	Class.	Type.	Displacement.	Horse-power.	Speed, knots.	Armament.
Station dispatch vessels and gunboats—						
Papin		Wood	811	1,000	12.5	IV 14 cm. (5.5-in.) B. L. R.
Comète						
Météore						
Étoile		Composite				
Gabes						
Lion	1	Composite	473			
Scorpion	1	do	473			
Large transports—						
Gironde	Troop ships.	Iron	5,775	2,500	13	IV 14 cm. (5.5-in.) B. L. R. (Carnet.)
Nive						Do.
Mixed transports—						
Magellan	Transp'rt	do	3,991	657	11	VII 14 cm. (5.5-in.) B. L. R. (Carnet.)
Calédonien	do	do	3,991	657	11	Do.
Dispatch transports—						
Meuthe	do	Wood	1,597	657	11	Do.
Durance	do	do	1,597	657	11	Do.
Flotilla dispatch vessels—						
Ardent		Iron	486	440		III Hotchkiss guns.
Brandon		do	486	440		Do.
N						
N						
Ibis		Iron	254			II 2.5 in. B. L. R.; II machine guns.
Alcyon				a40		IV Hotchkiss guns.
Jouffroy				a40		Do.
Sailing frigates—						
Andromède	No data.					
Melpomène						
Sailing brigs—						
Bayonaise						
Sylphe						
ITALY.						
Italia	1	Barbette turrets	13,898	18,000	16	IV 17-in. 100-ton B. L. R.; XI 6-in. B. L. R.
Lepanto	1	do	13,550	18,000	16	Do.
Ruggiero Lauria	1	do	10,045	10,000		IV 17-in. 100-ton B. L. R.
Francesco Morosini	1	do	10,045	10,000		Do.
Andrea Dorea	1	do	10,045	10,000		Do.
Unarmored.						
Amerigo Vespucci		Steel corvette	2,533	2,500	15	VIII 6-in. B. L. R.
Savoia		Steel yacht	2,850	5,000		IV 3-in. B. L. R.; II machine guns.
Giovanni Bausan		Torpedo ram	3,068	5,500	17	II 10-in. 25-ton B. L. R.; VI 6-in. B. L. R.; IV machine guns.
N		do	3,530	6,000		II 35-ton B. L. R.; VIII 12-ton B. L. R.
N		do	3,530	6,000		Do.
Sebastiano Veniero		Gunboat (steel)	649	1,000	18	VI 4.7-in. B. L. R.; II machine guns; X Whitehead torpedoes.
Andreo Provano		do	649	1,000	18	Do.
(a)						
SPAIN.						
Alfonso XII	1	Corvette	3,090	4,400	15.5	VIII 6-in. B. L. R.; 4 howitzers (Spanish).
Aristina	1	do	3,090	4,400	15.5	Do.
Mercédès	1	do	3,090	4,400	15.5	Do.
Elsido		Gunboat	217	240	8	I 4.7-in. B. L. R.; I 3.15-in. B. L. R.
Eulalia		do	217	240	8	Do.
BRAZIL.						
Armored.						
Riachuela	1	Turrets	5,700	6,000	15	IV 9-in. 20-ton B. L. R.; VI 70-pdr. guns; XV Nordenfeldt machine guns
Ordered for 1884.						
Two ironclads	No data.					
Two unarmored cruisers						
Two monitors						
Twelve gunboats						
Twenty-four torpedo-b'ts						
CHILI.						
Armored.						
Esmeralda	Corvette	Turrets	3,900	5,500	17	II 27-ton guns; VI 6-in. B. L. R.
N	Building at Kiel.	Unarmored cruisers.	b 2,500			II 10-in. 25-ton guns (?); II 6-in. B. L. R.; IV machine guns.
N		do	b 2,500			Do.

Germany, Holland, Russia, Turkey, and Greece—ships of war building, 1883–'84.

GERMANY.						
N		Barbette turrets	5,200	3,900		
N		Iron-clad gunboat	1,500	2,700	16	I 4.7-in. B. L. R.; IV 3.4-in. B. L. R.
N		do	1,500	2,700	16	Do.
N		Corvette	3,360			
N		Corvette	2,370	2,400		XII 6.in. B. L. R.; II 3.4-in. B. L. R.
N		do	2,370	2,400		Do.
N		Gunboat	884	1,500	15	I 12-in. B. L. R.; VI machine guns.
N		Torpedo-ship	140	550		
HOLLAND.						
Doggersbank	1	Corvette	3,160	3,000	14.5	VI 6.7 B. L. R.; VI 4.7-in. B L. R.
Kortenaer	1	do	3,160	3,000	14.5	Do.
RUSSIA.						
Vladimir Monomach		Armored	5,783	7,000	16	IV 8-in. B. L. R.; XII 6-in. B. L. R.; VI machine guns.
Dimitri Donskoi		do	5,783	7,000	16	Do.
Moskwa		do	5,783	7,000	16	Probably the same as that of Vladimir Monomach.
N	1	Armored barbette turrets.	9,990	9,000	16	VI 30 cm. (11.8-in.) and VI 15 cm. (5.5-in.) B. L. R.
TURKEY.						
Mehemet Selim		Corvette	No data.			
GREECE.						
Epiros		do	2,500	No data.		
Thessalis		do	2,500	No data.		

a Six iron paddle-wheel gunboats; four first-class steel torpedo-boats; eighteen second-class steel torpedo-boats. b Approximate.

I wish to call the attention of the Senate to another important fact, in reply to what has fallen from the Senator from New Jersey, when he says that we must stop building ships, except gunboats; that we must wait until we have ascertained that the cruisers which are already authorized will come up with absolute exactitude and certainty to all that he thinks they ought to be, and that we should stop building that class of cruisers until we can ascertain that fact.

Mr. GARLAND. Would it suit the Senator to continue his remarks to-morrow?

Mr. BUTLER. I shall be through, I think, in five minutes or less.

The following cities of the United States can be bombarded by the most recent guns from positions which could be taken up by an enemy's vessels in spite of channel obstructions or our present defenses: Eastport, Portland, Portsmouth, Boston, New Bedford, Newport, New Haven, New London, New York, Brooklyn, Norfolk, Beaufort, Wilmington, Charleston, Fernandina, Key West, Pensacola, and Galveston. The English will have in a few months a clear fourteen-foot channel lying within their own boundaries from the ocean to the great lakes, which will admit vessels of very respectable size and force to these waters, where we have but one small, old-type, unarmored steamer. This exposes our large cities on the lakes to the dangers of a bombardment. In three weeks without previous preparation England can throw a fleet of thirteen armor-clads on our coast, and in four weeks ten more. Added to this would of course be a large number, probably forty unarmored vessels, and all of the steamers now engaged in the transatlantic trade. Armaments are provided for a large number of these at Halifax and Bermuda, so that they would not have to return to their home ports. These auxiliary cruisers would be more efficient for modern war purposes than two-thirds of our present naval vessels. During the late Egyptian campaign England withdrew seventy vessels from her carrying trade for war purposes without disturbing a single itinerary. In case of war with us the whole number of steamers of the transatlantic trade would be available in addition.

Germany, which twenty years ago had no navy to speak of, can to-day mobilize her whole force in eight days, and in three weeks could have a fleet of six powerful armor-clads off the port of New York. This force would be augmented by a goodly number of modern cruisers and the fine steamers of their transatlantic and West Indian trade. France can oppose a force of government vessels equal to that of England to our defenseless coast; she would be inferior in auxiliary force.

Italy, with her immense armor-clads, carrying the heaviest guns afloat, her swift cruisers and very respectable auxiliary force, would be very formidable.

All the navies of Europe and many of those of South America and Asia are provided with first-class torpedo-boats, which can and have made transatlantic passages without assistance.

If the statement I have just submitted is not enough to convince Congress of the absolute necessity of doing something which will give this Government a respectable navy, there is no argument that I can offer nor that any Senator on this floor can offer which will induce Congress to appropriate money to continue to build the class of cruisers provided for in the bill, and continue to make appropriations until we get a navy that shall be at least respectable. In the course of the examination which was made of the distinguished gentlemen who came before the committee, I asked Admiral Shufeldt the question whether it was a part of the plan of the advisory board to continue upon the line indicated by the present advisory board and the previous one—to build vessels until we had a respectable navy. His reply to me was that he thought by all means we ought to continue to build these fast steel cruisers until they reached eighty or ninety thousand tons. Rear-Admiral Rodgers concurred in this view, and Admiral Porter, while concurring in this view, went on to state further and perhaps laid more stress upon the importance of building gunboats than others who came before the committee. But it is well known that while gunboats are very important auxiliaries to all naval establishments, they are used principally for the coast defenses, to accompany fleets, and to navigate the inland lakes and streams near the seacoast. I therefore submit to the Senator from New Jersey that while his gunboats are very important, they do not accomplish the great need of the American Navy to-day.

Our old wooden vessels are rapidly going to decay. They have already cost the Government, it seems to me, three times as much as they ought to have cost; three times as much as the Senator would pay in any private establishment of his own; and why not retire them from the service—they are retiring themselves—and replace them with improved naval vessels built after the latest models, with all the light that the intelligent, able officers of the United States Navy can bestow upon business of this kind? We must suppose, we are bound to assume, that these distinguished gentlemen who feel a great pride in the American Navy, who are far more interested in having it built than any Senator on this floor, are doing everything that it is possible for human foresight to do in order to give us proper ships in the Navy. I, therefore, hope that the amendment of the Senator from New Jersey will not be concurred in, and that the bill as reported from the committee, and unanimously, with the exception of that Senator, will be passed by the Senate.

Mr. CONGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 26, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal of the proceedings of Monday.

Mr. CALKINS. I ask unanimous consent that the reading of so much of the Journal as relates to the introduction and reference of bills and joint resolutions be dispensed with.

There was no objection.

The remainder of the Journal was read and approved.

Mr. JOSEPH D. TAYLOR. I ask unanimous consent to print, in connection with the report from the Committee on Education submitted yesterday by the gentleman from Kentucky [Mr. WILLIS], a minority report.

Mr. WILLIS. I understand the gentleman from Ohio is not opposed to the substantive proposition involved in the bill, and I suggest therefore that he present his objections to the details of the bill by amendments when it is before the House for consideration.

Mr. JOSEPH D. TAYLOR. I am opposed to the bill in its present form, while in favor of the general principle embraced in the bill. I shall ask leave to submit a minority report.

The SPEAKER. If there be no objection the gentleman from Ohio will be accorded that privilege.

There was no objection.

ASSISTANT JOURNAL CLERK, HOUSE OF REPRESENTATIVES.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to present at this time for present consideration a joint resolution.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Joint resolution (H. Res. 186).

Resolved, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Frank Galt the sum of $492 for services rendered as assistant journal clerk of the House of Representatives from December 3, 1883, to February 23, 1884, inclusive, being at the rate of $6 per diem.

The SPEAKER. Is there objection to the consideration of the joint resolution?

Mr. DINGLEY. I reserve the right to object until I hear an explanation.

Mr. BLAND. This assistant journal clerk has been authorized by resolution of the House since the first session of the Forty-sixth Congress to be paid either out of the contingent fund or by a provision embodied in the sundry civil appropriation bill. The joint resolution now proposed is for the purpose of paying for the services which have been rendered from the beginning of the present session of Congress up to this time. The services are absolutely necessary——

Mr. ROGERS, of Arkansas. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. ROGERS, of Arkansas. It is absolutely impossible for us to understand what is going on, owing to the confusion.

The SPEAKER. Complaint is made that gentlemen are unable to hear what is being said because of the confusion in the Hall. Gentlemen are requested to be seated and suspend conversation.

Mr. BLAND. I repeat that since the first session of the Forty-sixth Congress this assistant journal clerk has been employed by resolution. The service is essential, and certainly Congress ought not to be willing to accept the services of any person without paying for it. The employment of an assistant has been recommended, as I understand, by the committee authorized to inquire into the number of the officers of the House. I can see no reason, therefore, why a man performing this necessary duty should not be paid.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. BREWER, of New York. I object.

Mr. BLAND. I hope the gentleman from New York will withdraw his objection.

Mr. BREWER, of New York. I could not hear distinctly what the gentleman stated, but as I understand now the joint resolution is for the benefit of the assistant journal clerk I withdraw the objection.

The SPEAKER. Is there further objection to the present consideration of the joint resolution?

Mr. STEELE. I object.

STATUE OF REAR-ADMIRAL DU PONT.

Mr. STOCKSLAGER. Mr. Speaker, I move to take from the Speaker's table Senate bill 1490, and ask that it be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objection to its present consideration.

The Clerk read as follows:

Be it enacted, &c., That the sum of $3,200, being the unexpended balance of the sum appropriated under an act entitled "An act making an appropriation for the base and pedestal of a monument to the late Rear-Admiral Samuel Francis Du Pont, United States Navy," approved February 25, 1882, be, and the same is hereby, appropriated, together with the further sum of $16,500, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, for the erection and completion of a statue of the late Rear-Admiral Samuel Francis Du Pont, United States Navy, to be placed in Du Pont Circle, in the city of Washington; and all money hereby appropriated shall be expended under the direction of the Secretary of War.

The SPEAKER. Is there objection to the request of the gentleman from Indiana that this bill be taken from the Speaker's table for present consideration?

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. STOCKSLAGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DUNHAM. I ask unanimous consent to offer for present consideration the resolution which I send to the desk.

Mr. STEELE. I withdraw my objection to the consideration of the joint resolution submitted by the gentleman from Missouri [Mr. BLAND].

The SPEAKER. The House is now engaged on another matter.

DIVORCE LAWS.

Mr. DUNHAM. I ask the Clerk to read the resolution which I have sent to the desk.

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to examine the questions touching the divorce laws between the several States, in accordance with a petition heretofore referred to that committee, and to report by bill or otherwise.

Mr. HOLMAN. I would like to hear some explanation of that resolution, reserving the right to object.

Mr. DUNHAM. A petition comes to me, signed by every one of the judges now on the bench in the city of Chicago, asking that some commission may be appointed by Congress for the purpose of seeing if it is possible to revise the divorce laws of the different States, so that there may be a uniformity. The object of the resolution simply is to ask the Committee on the Judiciary to look into the question and to authorize them to report by bill or otherwise.

Mr. RANDALL. I object.

Mr. DUNHAM. Let the resolution, then, be referred to the Committee on the Judiciary.

The SPEAKER. Is there objection to a reference of the resolution?

Mr. DUNN. I object.

PRIVATE LAND CLAIMS.

Mr. MULDROW. I ask unanimous consent to take from the Speaker's table for reference the bill (S. 19) to provide for ascertaining and settling private land claims in the several States and Territories.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

VENEZUELAN CLAIMS.

Mr. BROWNE, of Indiana. I ask unanimous consent to submit a resolution of inquiry for reference to the Committee on Foreign Affairs. I offer it by request.

The resolution was read, as follows:

Resolved, That the President of the United States be requested to communicate to this House, if not incompatible with the good of the public service, the following information, namely:

What action has been taken by the Governments of the United States and of Venezuela, and by each and either of said Governments, under the joint resolution of the two Houses of Congress approved March 3, 1883, entitled "A joint resolution providing for a new mixed commission in accordance with the treaty of April 25, 1866, with the United States of Venezuela;" and especially that the President communicate to the House what claim is made by the said Government of Venezuela, or by its representatives, in regard to the effect of the said joint resolution upon the said treaty, and upon the force and validity of the awards heretofore made under said treaty of April 25, 1866, and whether said Government of Venezuela is in any way delaying or declining to make payments upon the said awards, or to further proceed in respect of the validity of such awards or of any or either of them; and also that he communicate to this House a statement of the amount of moneys paid in under the said awards and the date of the last payment, what amount has been distributed, and why further distributions have not been made; and that he transmit to the House copies of all correspondence between the two Governments in relation to said treaty and awards since the said 3d of March, A. D. 1883.

The resolution was referred to the Committee on Foreign Affairs.

SERGT. A. B. VAN HEUSEN.

Mr. KASSON. I ask the consent of the House to consider the joint resolution H. Res. 124, reported from the Committee on Ways and Means unanimously. It is a resolution of four or five lines only.

The SPEAKER. The gentleman from Iowa asks to discharge the Committee of the Whole House from the further consideration of joint resolution No. 124, and to put the same on its passage. The title of the joint resolution will be read.

The Clerk read as follows:

Joint resolution (H. Res. 124) authorizing the collector at the port of New York to deliver, free of duty, a silver cup won by Sergt. A. B. Van Heusen as a member of the American rifle team at Wimbledon, in July, 1883.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. WELLER. I suggest the propriety of the regular order.

The SPEAKER. Is there objection?

Mr. WELLER. I object.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded.

Mr. WELLER. Mr. Speaker——

The SPEAKER. The Chair understood the gentleman from Iowa [Mr. WELLER] to demand the regular order.

Mr. WELLER. I did not demand the regular order. I am trying to get the floor myself. [Laughter.]

The SPEAKER. The regular order is the call of committees for reports.

PERSONAL PRIVILEGE.

Mr. MAYO. I rise to a question of personal privilege.

It will be remembered that about a week ago I rose to a question of personal privilege, but suspended my remarks to await the appearance of Mr. GEORGE D. WISE, my colleague from Virginia. I waited for his return. He came to see me, and told me he had been improperly reported in several respects, and he wished to correct a wrong impression he had made upon this floor. Of course I agreed he should do so. The matter, however, has gone on, and he has not done so. In the mean time I have just been told by the Clerk that many members of this House had been to examine this certificate. I presume that, misled by the statement of the honorable gentleman from Virginia, they had supposed it was different from the certificate given to the other members from Virginia.

Mr. BLAND. Mr. Speaker, is that a question of privilege?

The SPEAKER. The Chair is waiting to hear what the gentleman's question of privilege is.

Mr. GEORGE D. WISE. I would like to make one remark. Will the gentleman allow me one word?

The SPEAKER. Does the gentleman yield to his colleague for a moment?

Mr. GEORGE D. WISE. I am entirely willing the gentleman should have the right to make any statement he pleases, but with the distinct understanding that I shall have the right to reply to him.

Mr. BLAND. I object, unless it is strictly a question of privilege.

The SPEAKER. The Chair has not yet heard enough of the statement of the gentleman from Virginia [Mr. MAYO] to determine whether it is a privileged matter, under the rules of the House or not. The gentleman will please state as briefly as he can what is the matter of privilege.

Mr. MAYO. My statement is that the gentleman from Virginia [Mr. GEORGE D. WISE] has stated on the floor of this House that the governor of Virginia refused to sign my certificate, when that gentleman knew positively that the governor of Virginia does not sign any certificate for any member from Virginia. I wish the certificate to be read.

The SPEAKER. The Chair does not think there is any question of privilege involved in the gentleman's statement.

Mr. BROWNE, of Indiana. I object to any further controversy until the Speaker has determined the question.

The SPEAKER. The Chair will cause the rule to be read.

The Clerk read as follows:

QUESTIONS OF PRIVILEGE.

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their Representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess. (Rule IX.)

Mr. MAYO. Let me say——

Mr. BROWNE, of Indiana. I object.

The SPEAKER. The Chair does not think that under this rule the statement of the gentleman presents any question of privilege.

Mr. MAYO. The gentleman from Virginia [Mr. GEORGE D. WISE] said that I am a fraud, and that the governor of Virginia had said so. Is not that a matter of personal privilege to myself? [Great laughter.] The statement is false, and I have the documents here to prove it if I can have an opportunity.

The SPEAKER. The Chair has ruled on the question.

ORDER OF BUSINESS.

Mr. BROWNE, of Indiana. I call for the regular order.

The SPEAKER. The regular order is the call of the committees for reports.

JOHN M. M'CLINTOCK.

Mr. RUSSELL, from the Committee on Ways and Means, reported,

back with a favorable recommendation the bill (H. R. 2259) for the relief of John M. McClintock; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SALARIES OF DISTRICT AND CIRCUIT JUDGES.

Mr. BROADHEAD, from the Committee on the Judiciary, reported, as a substitute for H. R. 3529, a bill (H. R. 5448) to increase the salaries of the district and circuit judges of the United States; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. SENEY. I ask consent to present at some future day the views of the minority on the bill just reported from the Committee on the Judiciary, to be printed with the report of the majority.

There was no objection, and leave was granted accordingly.

WRITS OF ERROR.

Mr. DORSHEIMER, from the Committee on the Judiciary, reported with an amendment the bill (H. R. 3714) to amend section 1000 of the Revised Statutes of the United States; which was placed on the House Calendar, and, with the accompanying report, ordered to be printed.

INCORPORATION ACTS OF TERRITORIES.

Mr. SENEY, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 3058) to amend section 1889 of chapter 1, title 23, of the Revised Statutes of the United Stated, relative to general incorporation acts of Territories; which was placed on the House Calendar, and the accompanying report ordered to be printed.

MAJ. JAMES BELGER.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 149) for the relief of Maj. James Belger; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SOLDIERS' HOME AT ERIE, PA.

Mr. MURRAY, from the Committee on Military Affairs, in pursuance of leave heretofore granted by the House, presented the views of the minority of that committee upon the bill (H. R. 1416) to authorize the Government of the United States to receive certain lands and property in the city of Erie, Pa., and to establish a home for indigent soldiers and sailors; which was ordered to be printed with the report of the majority of the committee on said bill.

JAMES KANE.

Mr. DIBRELL, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 2699) for the relief of James Kane; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HENRY BROWN.

Mr. DIBRELL, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 4628) to correct the military record of Henry Brown; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LUCINDA BULLINGTON.

Mr. DIBRELL, from the Committee on Military Affairs, also reported a bill (H. R. 5449) for the relief of Lucinda Bullington; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

POSTAGE PENALTY ENVELOPES.

Mr. REESE, from the Committee on the Post-Office and Post-Roads, reported back with an amendment the bill (H. R. 196) to amend the law as to the issue of postage penalty envelopes to certain public officers; which was placed upon the House Calendar, and, with the accompanying report, ordered to be printed.

ALBUQUERQUE, N. MEX.

Mr. COBB, from the Committee on the Public Lands, reported back the bill (H. R. 4399) to confirm the title of the residents thereto to the town or community grant of the town of Albuquerque, N. Mex., and for the allotment and disposition of the lands in said grant, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Private Land Claims.

The motion was agreed to; and it was ordered accordingly.

HENDERSON C. LEACH.

Mr. PEEL, of Arkansas, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. 921) for the relief of Henderson C. Leach; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE W. MORSE.

Mr. VANCE, from the Committee on Patents, reported back with amendments the bill (H. R. 680) for the relief of George W. Morse; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WALTER J. PLOWDEN.

Mr. MATSON, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 3600) giving a pension to Walter J. Plowden; which was laid on the table, and the accompanying report ordered to be printed.

KELSEY CURTIS.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 2322) for the relief of Kelsey Curtis; which was laid on the table, and the accompanying report ordered to be printed.

RICHARD DEVITT.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 3675) for the relief of Richard Devitt; which was laid on the table, and the accompanying report ordered to be printed.

ALONSON FINK.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 531) granting a pension to Alonson Fink; which was laid on the table, and the accompanying report ordered to be printed.

ALFRED A. QUINN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 548) for the relief of Alfred A. Quinn; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM M. CARES.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 553) granting a pension to William M. Cares; which was laid on the table, and the accompanying report ordered to be printed.

PATRICK CARROLL.

Mr. WARNER, of Ohio, from the Committee on Claims, reported back adversely the memorial of Patrick Carroll, praying for compensation for services as assistant librarian of the War Department; which was laid on the table, and the acompanying report ordered to be printed.

HEIRS OF MARK DAVIS.

Mr. STORM, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 2281) for the relief of the heirs of Mark Davis, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FRANCES E. STEWART.

Mr. STORM, from the Committee on War Claims, also reported back with a favorable recommendation the bill (S. 47) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MANUEL MARIA GONDARA.

Mr. COSGROVE, from the Committee on Private Land Claims, reported, as a substitute for H. R. 3243, a bill (H. R. 5450) to confirm the title to certain lands in the Territory of Arizona to Manuel Maria Gondara, his heirs or assigns; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LABORERS IN HOUSE FOLDING-ROOM.

Mr. SPOONER. The Committee on Accounts, to which was referred the joint resolution (H. Res. 129) allowing extra compensation to laborers in the House folding-room for extra work, have directed me to report it back with the recommendation that it be referred to the Committee on Appropriations.

The SPEAKER. If there be no objection, the Committee on Accounts will be discharged from the further consideration of this joint resolution, and it will be referred to the Committee on Appropriations. The Chair hears no objection.

RECORDS OF THE WAR.

Mr. SCALES. I desire to make a privileged report from the Committee on Printing. I report back with a favorable recommendation the resolution which I send to the desk, and ask its immediate consideration.

The Clerk read as follows:

Resolved, That the Secretary of War be directed to inform the House how many copies of each of the ten volumes of the Records of the War of the Rebellion there are now in his Department that have not been assigned under the present law which provides for their distribution, and which are not subject to be distributed by order of the present members of the Senate and House under existing law.

The resolution was adopted.

Mr. SCALES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING FOR COMMITTEE ON RULES.

Mr. REED. I ask unanimous consent to introduce for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Rules be authorized to have printed and bound such papers and documents for its use as it may deem necessary.

Mr. HOLMAN. I think this resolution ought to go to the Committee on Rules.

The SPEAKER. The gentleman from Indiana objects to the present consideration of the resolution, and asks its reference to the Committee on Rules. If there be no objection the resolution will be so referred.

There being no objection, the resolution was referred to the Committee on the Rules.

FRANK GALT.

Mr. BLAND. I understand objection to the joint resolution I proposed to introduce a while ago has been withdrawn, and therefore I now ask for the present consideration of that joint resolution.

The SPEAKER. Objection has been withdrawn by the gentleman from Indiana [Mr. STEELE], but there may be further objection, and the Chair will again submit the matter to the House.

There was no further objection; and joint resolution (H. Res. 186) for the relief of Frank Galt was read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLAND moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COURTS-MARTIAL.

Mr. SLOCUM, from the Committee on Military Affairs, moved by unanimous consent that information respecting courts-martial furnished by the Secretary of War in response to a resolution of the House be printed and recommitted.

There was no objection, and it was ordered accordingly.

SHIP-BUILDING.

Mr. SLOCUM, from the Select Committee on American Ship-building and Ship-owning Interests, moved that the stenographer's minutes taken before that committee be printed and recommitted.

There was no objection, and it was ordered accordingly.

INDIAN EDUCATION.

Mr. COX, of New York. Mr. Speaker, I ask by unanimous consent to present at this time resolutions of the Assembly of the State of New York in reference to the education of Indians, and to ask that they be printed in the RECORD and referred to the Committee on Indian Affairs.

There was no objection, and it was ordered accordingly.

The resolutions are as follows:

STATE OF NEW YORK, EXECUTIVE CHAMBER,
Albany, February 23, 1884.

SIR: By direction of the governor I have the honor to inclose herewith a copy of a concurrent resolution adopted by the Legislature of this State, and transmitted to you at its request.

Very respectfully,

DANIEL S. LAMONT, *Private Secretary.*

To Hon. SAMUEL S. COX,
House of Representatives, Washington, D. C.

STATE OF NEW YORK, IN ASSEMBLY,
Albany, February 6, 1884.

Whereas believing that the education of Indians and their voluntary citizenship in the United States will most justly, quickly, and economically solve the Indian problem: Therefore,

Resolved (*if the senate concur*, That our Senators and Representatives in Congress be, and are hereby, requested to aid in the passage of resolutions solemnly pledging the faith of the nation to the Indian policy embodied in the following principles:

First. That the unpaid sum pledged for educational purposes by the Government as part payment for the cession of lands by Indians be appropriated for the purchase of stock, farming implements, tools, &c., for Indian manual-labor schools.

Second. That so much of the net proceeds of the sale of public lands as may be necessary shall be set apart for the purpose of creating a permanent fund for the education of Indians.

Third. That lands in severalty, making their titles inalienable for twenty-five years, and United States citizenship may be granted at once to all Indians who so desire.

Fourth. That the legal personalty of all Indians may be granted, and that protection of law may be given them as it is to all other races within these United States.

Fifth. That the civilization of Indians may be hastened by providing for and rewarding their civilized industries.

Sixth. That the salaries of Indian agents be increased sufficiently to secure good men of large capacity and business experience, and to retain them in service.

Resolved (*if the senate concur*), That the governor be requested to transmit a copy of the foregoing resolution to each of the Senators and Representatives in Congress from this State.

By order.

C. A. CHICKERING, *Clerk.*

IN SENATE, *February 14*, 1884.

Concurred in without amendment.
By order.

JOHN W. VROOMAN, *Clerk.*

FOX INDIANS, IOWA.

Mr. MURPHY. I ask by unanimous consent to present a memorial of the Legislature of the State of Iowa, and to ask that it be printed in the RECORD and referred to the Committee on Indian Affairs.

Mr. RANDALL. What is the subject?

The SPEAKER. It is in regard to the investigation of matters pertaining to the Fox Indians of Iowa.

Mr. RANDALL. I object to printing in the RECORD.

The SPEAKER. If there be no objection, the memorial will be referred to the Committee on Indian Affairs.

Mr. MURPHY. As it is not ordered to be printed in the RECORD, I will withdraw it and present it at some other time.

RELIEF OF OFFICERS AND CREW OF UNITED STATES MONITOR.

Mr. THOMAS, by unanimous consent, from the Committee on Naval Affairs, submitted views of the minority on the bill (H. R. 244) for the relief of the officers and crew of the United States steamer Monitor who participated in the action with the confederate ironclad Merrimac on the 9th day of March, 1862; which were ordered to be printed, and recommitted.

COMMITTEE ON RULES.

Mr. RANDALL. I am directed by the Committee on Rules to report the following resolution.

The Clerk read as follows:

Resolved, That the Committee on Rules be authorized to have printed for its use such papers and documents as it may deem necessary.

Mr. HOLMAN. I suppose that has been considered by the Committee on Rules, and therefore I do not object.

Mr. RANDALL. It relates only to printing Senate joint resolutions which come to the Committee on Rules, and also to propositions suggesting amendments to the rules which are referred from members of the House.

Mr. HOLMAN. I do not object.

Mr. RANDALL. They are generally brief, and having them printed we save time.

The resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISEASES AMONG DOMESTIC ANIMALS.

Mr. HATCH, of Missouri. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the special order, which is the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

The bill is being considered under the five-minute rule, and the pending amendments offered by the gentleman from Pennsylvania [Mr. BAYNE] and the amendment thereto offered by the gentleman from Iowa [Mr. WELLER] will be read by the Clerk.

Mr. WELLER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WELLER. There were several *pro forma* amendment offered yesterday and withdrawn, and I have been unable to determine by reading the RECORD this morning just exactly what is the status of the question before the House at this time.

The CHAIRMAN. For that purpose the Chair has ordered the Clerk to read the pending amendment offered by the gentleman from Pennsylvania [Mr. BAYNE] and the amendment offered thereto by the gentleman himself.

Mr. WELLER. I wish to withdraw the amendment which I offered yesterday and to present at this time a substitute therefor.

The CHAIRMAN. The Clerk will first report the pending amendment submitted by the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE'S amendment was read.

Mr. KEIFER. Allow the first amendment to be read again.

The CHAIRMAN. The pending amendment, offered by the gentleman from Pennsylvania, will be again reported by the Clerk.

Mr. BAYNE. And I ask in that connection that the Clerk read the section as it will stand if my amendment be adopted.

The amendment proposed by Mr. BAYNE was again read and also the section as proposed to be amended.

Mr. WELLER. I now ask that my substitute be read, having withdrawn the one that was pending when the committee rose on yesterday.

The Clerk read as follows:

Amend section 1 by adding after the word "investigate," in line 6, the words "and ascertain by reference to and compilation from the reports made by

county, State, and national authority;" so that said section will read as follows if so amended:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Commissioner of Agriculture shall organize in his Department a bureau of animal industry, and shall appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and ascertain by reference to and compilation from the reports made by county, State, and national authority, and report upon the number, value, and condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country; and the Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose. The salary of the chief of said bureau shall be $3,000 per annum; and the Commissioner shall appoint a clerk for said bureau, with a salary of $1,500 per annum."

The CHAIRMAN. The question is on the amendment to the amendment proposed by the gentleman from Iowa [Mr. WELLER].

The amendment to the amendment was not agreed to.

The CHAIRMAN. The question recurs upon the amendment proposed by the gentleman from Pennsylvania.

The committee divided; and there were—ayes 61, noes 66.

So the amendment was not agreed to.

Mr. COSGROVE. I now offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after the word "agriculture," in line 13—

"With the consent of the governor of the State or States in which the persons so employed are to act."

The committee divided; and there were—ayes 87, noes 94.

Mr. COSGROVE (in his seat). On that I demand tellers.

Mr. HATCH, of Missouri. I make the point of order that tellers have not been called for, as the gentleman has not risen from his seat to make the demand.

Mr. COSGROVE (rising). I demand tellers.

Mr. WILSON, of Iowa. Let the amendment be again reported.

The amendment was again read.

Tellers were ordered.

Mr. HATCH, of Missouri, and Mr. COSGROVE were appointed tellers.

The committee again divided; and the tellers reported—ayes 79, noes 84.

So the amendment was not agreed to.

Mr. HOPKINS. I wish to submit the amendment which I send to the desk.

The Clerk read as follows:

Insert after the word "purpose," in line 15, the following:

"With the consent of the Legislature of the State or States in which the persons so employed are to act."

Mr. HATCH, of Missouri. I make the point of order that that amendment is identical with the one we have just voted upon and rejected.

Mr. HOPKINS. By no means.

Mr. STORM. It is essentially different. The executive is not the same as the Legislature of the State.

Mr. GIBSON. The one that was rejected was a provision that these persons were to act with the consent of the governor; this is with the consent of the Legislature of the State.

Mr. HOPKINS. It is evident that the amendment is entirely different from the one just acted upon.

The CHAIRMAN. The Clerk will report the two amendments to the committee, so that they may be informed prior to the ruling of the Chair thereon.

The Chair understands the amendment proposed by the gentleman from Missouri on the right had reference to the consent of the governor?

Mr. COSGROVE. Yes, sir.

The CHAIRMAN. And this has reference to the consent of the Legislature of the State?

Mr. HOPKINS. Yes, sir.

The CHAIRMAN. The Chair overrules the point of order.

The Clerk will report the pending amendment proposed by the gentleman from Pennsylvania.

Mr. HOPKINS'S amendment was again read.

Mr. EATON. Mr. Chairman, I am opposed to that amendment, as I am opposed to any and all amendments that may be offered to this bill. Not but that the Legislature of the State is the proper body, if there was to be any body here representing the State, for the governor would have no power in my State, and I apprehend no power in any of the States of this Union, unless it was given to him by the sovereign authority of the State, the Legislature.

But I am opposed to the amendments to this bill, and for the reason that you can not amend the thing so as to make it decent. I am reminded in this connection of an anecdote. I do not often tell one, but the committee will excuse me now, for I think it is applicable to this case. A long time ago, sir, there was a very famous man in the world known as the great poet of his age, Alexander Pope. He was a deformed man; irritable—all men of genius are irritable, to wit, my friend from Missouri showed a great deal of irritation on yesterday. [Laughter.] Now, on a certain occasion Pope had attended a theater. It was before the days of gas, and they had about all public buildings link-boys, boys with lanterns to light the way. Pope had one bad habit, which was always, when irritated, to use this peculiar oath, "God mend me!" Well, the link-boys got about him with their cries, "Will you have a light; will you have a torch?" Pope responded after a while with irritation, "No, no, no! God mend me!" One of these boys looked up at him with the remark: "God mend you? He had better make three new men than to undertake to do that." [Laughter.]

So, Mr. Chairman, with this bill. I would rather undertake to make three new bills than to amend this one—this which is vicious and unconstitutional from its head to its heel. Sir, my distinguished friend from Missouri [Mr. HATCH] on yesterday accepted this proposition, that it belonged to him as chairman of the Committee on Agriculture to prove the constitutionality of this measure; and yet he never said a word about it, not one word, but contented himself with what amounted to pretty nearly a personal attack upon divers and sundry gentlemen who differ with him as to this bill.

Sir, I was singled out, and my distinguished friend informed me that he would not sit at my feet to learn the principles of constitutional law. He would be an intractable scholar, sir. I do not desire to become his teacher. But he needs a teacher. Sir, a gentleman who says upon this floor that he goes to the Constitution of the United States in order to ascertain the rights of the States pretends to be a constitutional lawyer. I had supposed that we examined the Constitution of the United States in order to ascertain what were the powers of the Federal Government, not of the State governments, but that the Constitution in this instrument had delegated to the Federal Government certain powers and all other powers belonged to the States. Sir, that is democracy, that is republicanism, that is constitutional law, and I hope my friend will learn it from some source before he gets through with this bill.

The gentleman went further and said, making almost a personal attack upon me, that he would refuse to learn constitutional law from the author of the unconstitutional and cowardly tariff-commission bill. Sir, I was the author of the bill called the tariff-commission bill, years ago, which passed the Senate unanimously; that is to say, fifteen men voting for a bill precisely like the bill I offered, except it assumed the power of appointing and constituting the commission, which my bill gave to the President.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GIBSON was recognized and yielded his time to Mr. EATON.

Mr. EATON. I have a word to say about that much-abused bill. I introduced it into the other branch of the Federal Legislature for the purpose of taking the question out of the realm of politics, for the purpose of making this great economic question a question to be determined outside of all party issues. That was my object. Was it patriotic or unpatriotic? Not constitutional! No man that knows the hornbook of the Constitution will pretend to say that the bill was an unconstitutional bill. Was it an unpatriotic bill? Ought not every man on this floor, Republican and Democrat, desire to take this great economic question out of politics, so that it might not be the foot-ball of politics every four years? Sir, had the bill which I had the honor to originate, which passed the Senate in the manner I have said—had it passed this House also there would have been a commission of intelligent gentlemen who would have had a year and a half to have digested and brought full information here so that the House might have acted intelligently upon this great question. Thus much for that, sir.

And my friend said this—I regret that he said it; I regret that he dared to say it—that Connecticut and New York and New Jersey were barnacles on the Democratic party. Sir, New York, New Jersey, and Connecticut elected in 1876 Samuel J. Tilden President of the United States. [Applause on the Democratic side.] Sir, I desire to tell this gentleman, who had the bad taste to lug politics into this House, that New York, New Jersey, and Connecticut, if he and his associates are wise, will elect the next President of the United States. [Renewed applause.] Barnacles! New York, New Jersey, and Connecticut barnacles! Sir, the barnacle is bigger than the ship. I confess I am astonished that my friend, if I may so call him, although he will not permit me to teach him constitutional law, should have made a remark of that character before the House and before the country.

Mr. Chairman, I have said this bill was imperfect. So imperfect is it in the opinion of the chairman of the Committee on Agriculture that he said in his place on yesterday that he would adopt any amendment gentlemen might offer in order to make the bill satisfactory and constitutional. It ought to go out of this House either back to the committee for the purpose of a reformation of the bill, or it ought to be stamped upon by every intelligent, Constitution-loving man.

[Here the hammer fell.]

Mr. GOFF and Mr. HATCH, of Missouri, rose.

The CHAIRMAN. The Chair will recognize the chairman of the committee, the gentleman from Missouri [Mr. HATCH], and will afterward recognize the gentleman from West Virginia [Mr. GOFF].

Mr. HATCH, of Missouri. I desire only to make so much of a reply to the remarks of the distinguished gentleman from Connecticut as may be necessary to set myself right and to correct him. I was not aware that I had made any personal attack on the gentleman. On the contrary, I expressly stated that the remark I made in regard to the

tariff-commission bill was simply an iteration of the statement I had made when that bill was under discussion in the House, and that I meant it in no disrespect to the gentleman from Connecticut. I am not aware that I was irritable yesterday or that I am irritable to-day. I think I was in a very amiable mood. But the gentleman certainly misapprehended my remarks if he understood me to say that New York, New Jersey, and Connecticut were barnacles on the Democratic party.

Mr. EATON. We all so understood you to say.

Mr. HATCH, of Missouri. I spoke of individuals, not of States; nor did I name a single State.

Mr. EATON. The RECORD will show. I looked for the gentleman's speech in the RECORD, but he kept it for revision. He was wise.

Mr. HATCH, of Missouri. But the reporter has his notes, and I will call upon the reporter for his notes, and will have them read to the House before this discussion is over.

Mr. EATON. Let me suggest to my friend's recollection, for I would not willingly do him wrong and he knows it, that he not only mentioned the States I have named, but also Ohio and Indiana in the same connection.

Mr. HATCH, of Missouri. I said what the Democratic party needed more than anything else at this time were funerals; funerals in Massachusetts, funerals in New York, funerals in Indiana, and funerals in Ohio.

Mr. EATON. You mean Republican funerals, I suppose.

Mr. BROADHEAD. What does the gentleman from Missouri mean by a funeral? Does he mean to say, in the language of Mr. Conkling, that the Democratic party must shoot down their leaders in the presence of the enemy?

Mr. HATCH, of Missouri. Not by any means. I did not intend, Mr. Chairman, to be led into any further political discussion in regard to this bill. It is not necessary that in this House or anywhere else I should define my position as a Democratic member of the House or as a Democrat. So far as the principles involved in this bill are concerned I have said from the beginning that the committee and myself in charge of this bill would be willing to accept any amendment offered by any gentleman on the floor that would strengthen the bill or carry out the purpose for which it is framed.

If the bill can be made better by this Committee of the Whole I desire to see it made better. The gentleman from Connecticut says that he would rather undertake to draft three new bills than to amend this one. I would be exceedingly obliged to him, and I think the agricultural interests of this country would be obliged to him, if he would draft a bill, present it to this House, have it referred to the committee, and then have it come back here to be voted upon.

I hope the amendment of the gentleman from Pennsylvania [Mr. HOPKINS] will not be adopted.

Mr. GOFF. I move to strike out the last word. I do not desire at this time to give the reasons why I shall support this bill. I desire to allude to several points which have been made by gentlemen in the discussion of this bill, who have taken that opportunity to allude to the formation of the State of West Virginia and to the question of the assumption by West Virginia of that portion of the debt of Virginia which they claim should be paid by West Virginia.

I am not going to detain the House at this time with a discussion of that matter, as it is historical in its character and statistical in its nature, and would not be understood if I were to detail it. I will therefore ask permission to print as a portion of my remarks the statement which I have prepared on that subject.

Mr. STORM. Is there anything personal in it?

Mr. GOFF. Not at all.

Mr. GIBSON. I can speak for my colleague [Mr. GOFF], and assure the gentleman from Pennsylvania [Mr. STORM] that there is nothing personal in the matter.

The CHAIRMAN. The gentleman from West Virginia asks permission to print as a portion of his remarks some statements prepared by him. Is there objection? [After a pause.] The Chair hears none.

The following are the remarks referred to:

Mr. GOFF. Mr. Chairman, before giving my reasons for supporting this bill I desire to allude for a few moments to the remarks of my eloquent friend from Virginia [Mr. JOHN S. WISE], delivered on Saturday last, when this subject was under consideration. In his facetious remarks relative to my colleague [Mr. GIBSON] he was pleased to make allusions to my State and to her action in connection with the Virginia debt that I do not think it proper to permit to pass unnoticed. He deemed it proper to speak of West Virginia in language not altogether new, as the "bastard State of a political rape." Mr. Chairman, West Virginia is the legal fruit of constitutional wedlock. The bans were announced by our old mother, Virginia, she giving her assent in the manner provided by our fathers. The great loyal heart of a struggling nation throbbed with delight when the nuptials were celebrated, and the Congress of the United States was present at the birth of this State, and by its legislative decree gave due notice of West Virginia's legitimacy.

The question of the settlement of the debt of the State of Virginia and the part West Virginia should assume can not be satisfactorily discussed now, and should not, I submit, have been alluded to at this time. It is a question the people of my State take great interest in, are jealous of. It affects their credit; it touches their honor. The State of West Virginia has ever been willing, been desirous, of making the settlement the gentleman alludes to. She to-day desires that adjustment. The mode of settlement was provided for when the State was formed. That method is part of her organic law; it received the approval of the Congress of the United States. The ordinance of the Virginia convention, held at Wheeling in 1861, provides the mode of stating the account between Virginia and West Virginia, as follows:

> The new State shall take upon itself a just proportion of the debt of Virginia prior to January 1, 1861, to be ascertained by charging to it all State expenditures within the limits thereof, and a just proportion of the ordinary expenses of the State government since any part of said debt was contracted, and deducting therefrom the moneys paid into the Treasury from the counties included within the new State during the same period.

The constitution of West Virginia contains the following article:

> An equitable proportion of the debt of Virginia prior to January, 1861, shall be assumed by this State; and the Legislature shall ascertain the same as soon as may be practicable, and provide for the liquidation thereof by a sinking fund sufficient to pay the accruing interest and redeem the principal within thirty-four years.

The Legislature of Virginia on the 23d day of February, 1866, passed a joint resolution authorizing three commissioners to be appointed, with instructions to treat with West Virginia—first, "for the restoration of Virginia to its ancient jurisdiction and boundaries; "and second, relative to the proper adjustment of the debt.

In reply to this the West Virginia Legislature, on the 28th day of February, 1867, passed a resolution refusing to treat for the reunion of West Virginia with Virginia, but authorizing the appointment of commissioners to adjust the debt as soon as the suit of The State of Virginia *vs.* The State of West Virginia, then pending in the Supreme Court of the United States, should be determined. The object of that suit was to recover jurisdiction by Virginia over the counties of Berkeley and Jefferson, then held by West Virginia. It can be readily seen that no settlement of the debt question could have been made until it was decided which State was entitled to hold said territory. That suit was decided in favor of West Virginia. The Congress of the United States on the 2d day of March, 1867, remitted the State of Virginia to the control of the United States. Virginia reorganized and adopted a constitution suited to the changed order of affairs in 1869, and was recognized as a State in the Union and restored to representation in Congress on the 25th day of January, 1870.

On the 18th day of February, 1870, the Legislature of Virginia authorized the appointment of commissioners to treat with West Virginia relative to the debt. The governor of Virginia appointed said commissioners, who visited the Legislature of West Virginia, then in session, which body appointed a joint committee to confer with the Virginia commissioners. As the result of said conference the West Virginia Legislature passed a joint resolution, on the last day of its session in the year 1870, authorizing the appointment of commissioners by the governor of that State to adjust all matters relating to the debt with Virginia. This resolution was enlarged by the West Virginia Legislature on the 15th day of February, 1871, and the commissioners were appointed, as I will show hereafter.

While these proceedings were transpiring in West Virginia, the General Assembly of Virginia, on the 11th of February, 1871, adopted a resolution requesting the State of West Virginia to arbitrate all matters pertaining to said debt, thus rescinding the resolution of the Virginia Legislature of February 18, 1870, authorizing her commissioners to act. As the mode of arbitration proposed by Virginia did not include the manner of adjustment and the basis of settlement, as provided for in the ordinance of the Virginia convention of August 20, 1861, which I have alluded to as the "Wheeling convention," there was nothing left for West Virginia to do but insist on her rights under said ordinance and under her constitution, which I have quoted, decline said arbitration, and insist on the settlement through the commissioners who had already been appointed. This course was taken by West Virginia by act of her Legislature of February 24, 1871.

Under the provisions of said last-mentioned act the governor of West Virginia appointed General John J. Jackson, Hon. J. M. Bennett, and Hon. A. W. Campbell, three well-known, well-informed citizens, of high character, well acquainted with Virginia history and finances, one of whom—Mr. Bennett—had been auditor of accounts of the State of Virginia during the entire period of the late war; appointed them, and, as authorized by law to do, they proceeded in their efforts to treat with Virginia in reference to said debt. With what result is well known to those who have given the slightest attention to this subject. The country generally, though, has been misinformed. This matter should not be discussed with partisan feeling nor in Bombastes Furioso style. If not a question of "State rights," it is one of the rights of a State.

The commissioners appointed by the governor of West Virginia met at Parkersburg, W. Va., on the 9th day of August, 1871, to organize and arrange a mode of procedure. On that day they notified the governor of West Virginia of their organization, and they also transmitted the following letter to the governor of Virginia:

PARKERSBURG, W. VA., *August* 9, 1871.

SIR: The undersigned have the honor to inform you that, under the joint resolutions passed by the Legislature of West Virginia on the 15th and 24th days of

February last, they have been appointed commissioners by the governor of West Virginia to treat with Virginia in regard to the debt as it stood on the 1st day of January, 1861.

Also, that they met in this city to-day for the purpose of entering upon the discharge of their duties, and to this end have designated General John J. Jackson as their chairman, through whom they propose to receive such communications as your excellency may be pleased to submit.

Will your excellency be pleased to indicate at your earliest convenience what action, if any, has been, or is likely to be, taken by Virginia in the matter of appointing commissioners, or, in the event of no such appointments, what channel of communication will be open to us?

We have the honor to be, your excellency's most obedient servants,

JOHN J. JACKSON.
J. M. BENNETT.
A. W. CAMPBELL.

To His Excellency the GOVERNOR OF VIRGINIA.

The West Virginia commissioners then adjourned, to meet at Richmond, the capital of Virginia, at a day thereafter to be determined.

They met again, in the city of Richmond, on the 9th day of November, 1871. The governor of Virginia, then Hon. Gilbert C. Walker, refused to receive them as commissioners of the State of West Virginia, and claimed that under the law as it then existed he had no right to appoint commissioners to act with them. Thus, receiving no encouragement from the governor, and desiring, if possible, to procure certain information, explicit and official, bearing directly on the settlement of said debt, said West Virginia commissioners, on the 14th day of November, 1871, addressed the following communication:

RICHMOND, *November* 14, 1871.

SIR: I am directed by the commissioners representing West Virginia in the matter of the public debt of Virginia prior to the 1st of January, 1861, to procure from your office such information as can be furnished upon the following points, namely:

1. The actual amount of the public debt of Virginia on the 1st of January, 1861. And under this head the amounts of said debt owned by the sinking fund, the amount owned by the literary fund, and the amount by the library fund.

2. What portion of the bonded debt was invested, and how invested, on the 1st of January, 1861. Also, what portion of the investment was productive, what were the dividends or profits arising therefrom for the year 1860, and whether any such investments have since been donated, changed, converted, or otherwise disposed of.

3. What portion of the appropriations expended in West Virginia for public improvements came from the sales of State bonds and what portion from the revenues or taxes of Virginia.

4. A copy of the advertisement for the redemption of a portion of the public debt on the 1st of January, 1861.

5. A statement of the amount of public debt actually redeemed on the 1st of January, 1861, pursuant to said advertisement.

Upon these points the commissioners desire to hear from you at your earliest convenience.

Very respectfully, your obedient servant,

A. W. CAMPBELL, *Secretary.*

To the SECOND AUDITOR OF VIRGINIA.

The following reply was received to said request:

SECOND AUDITOR'S OFFICE, *Richmond, November* 16, 1871.

DEAR SIR: Yours of the 14th was received. You ask me for a report upon a variety of questions connected with our public debt; the transactions of the board of public works in regard to it, and the financial affairs of the State, which it is understood, of course, you propose to use in the contemplated adjustment of the portion to be paid by West Virginia of the debt.

To answer the questions propounded would involve an amount of labor which we could not bestow on the subject. But, apart from this, I presume at an early day this office will be called upon by the executive or the General Assembly of Virginia for detailed reports of all the matters referred to, which will be available to you.

The books and records of this office are open to your inspection.

I trust that in failing to respond to your inquiries you will not regard me as in any wise wanting in official courtesy to you or your associates. None certainly is intended.

I have the honor to be, most respectfully, yours,

ASA ROGERS.

A. W. CAMPBELL, Esq., *Secretary, &c.*

After this the West Virginia commissioners closed their labors in Richmond and returned to their homes.

It is thus seen that Virginia, after proposing an adjustment by means of commissioners, declined to carry it into effect when the West Virginia commissioners were knocking at the door of the executive office in the capital of Virginia.

Why this treatment? What change had come over the spirit of Virginia's dream? Can we not discover it, and without trouble? In February, 1871, the West Virginia resolution was passed and communicated to the governor of Virginia. The questions relating to what has since become known as the "funding bill" were then under discussion in Virginia. The manner of adjustment proposed in that bill was considered much more advantageous to the citizens of Virginia than any adjustment they could possibly make with West Virginia.

The people of Virginia, her Legislature, her governor well knew that when the hour of settlement came, when the account was balanced, as provided for in the ordinance and constitution, the preposterous claim theretofore set up, that West Virginia was liable to about $15,000,000 of the Virginia debt, would be exploded, and that it would be shown that West Virginia's portion of the *ante bellum* debt was under $1,000,000, if anything at all.

So the resolution authorizing commissioners was repealed by Virginia; so our commissioners met with no generous reception, and on the 30th of March, 1871, the "funding bill" passed the Virginia Legislature, by which there is arbitrarily apportioned to West Virginia one-third of the debt, not as it stood on the 1st day of January, 1861, the date fixed by the constitution, but as it would stand on the 1st day of July, 1871, after the interest had been twice compounded; and it was also apportioned upon the basis, as claimed, of territory and population, without the slightest regard for the equities of the case so notorious for years, and incorporated into the ordinance providing for the formation of West Virginia.

Under this funding act the State of Virginia has issued to the creditors of that State—those holding her bonds issued prior to January 1, 1861—two obligations of Virginia, one a bond for two-thirds of the debt, the other a certificate of indebtedness for the other third, to be paid whenever a settlement is had with West Virginia.

Remember, West Virginia is no party to this contract; does not participate in this settlement; the adjustment she desired is refused by Virginia, that State preferring this contract with her creditors.

These certificates read as follows:

This is to certify that there is due unto ——, heirs, executors, administrators, or assigns, —— dollars, being one-third of bond surrendered under the provisions of an act approved March 30, 1871, entitled "An act to provide for the funding and payment of the public debt" (namely, bond No. —, with interest amounting to —— dollars). Payment of said one-third, and interest thereon at the rate of 6 per cent. per annum, will be provided for in accordance with such settlement as shall hereafter be had between the States of Virginia and West Virginia in regard to the public debt of the State of Virginia existing at the time of its dismemberment, and the State of Virginia holds said bonds so far as unfunded in trust for the holder thereof, or his assigns.

In testimony whereof, this certificate has been signed by the treasurer and countersigned by the second auditor, as prescribed by law.

——, ——,
Treasurer Commonwealth of Virginia.

——, ——,
Second Auditor.

This is erroneously called a "West Virginia certificate." That State has no debt certificates; she has issued no bonds; her constitution forbids the creation of any liability in the nature of a public debt.

Now, it is plain to us all that as soon as a settlement takes place between Virginia and West Virginia, Virginia, according to the terms of the certificates I have just read, becomes liable to the holders thereof for their payment, and that whether she obtains anything by said adjustment from West Virginia or not. Hence, I say it is not to the interest of Virginia to make this settlement. She has made a most advantageous contract with her creditors, and in her present embarrassed financial status she is not going to cancel the terms of that contract.

Now, it is not my intention to discuss at this time the mode by which West Virginia shows she is not indebted to Virginia in anything like the sum set apart by that State as due from West Virginia, if indebted at all. It is not necessary I should. I am prepared to do so, and will hereafter should it be deemed best. I will at present only state that taking the provision of the ordinance of the Virginia convention of 1861 as the basis of settlement, as we must do, and charging to West Virginia all expenditures made by the State of Virginia within the limits of the present State of West Virginia and a just proportion of the ordinary expenses of the State of Virginia during the time said debt was accruing, and deducting from the aggregate so found the moneys paid into the Virginia treasury from the territory now constituting West Virginia—and this is the basis of settlement Virginia consented to in 1861 and that the Supreme Court of the United States say is to be followed, and the result is that Virginia is indebted to West Virginia to-day.

And, Mr. Chairman, it is not strange that this result is reached. It may surprise some who are not familiar with Virginia history, but those conversant with the injustice measured out to "Trans-Alleghany Virginias," to that stretch of country situated between the mountains and the Ohio now called West Virginia, know that I speak "but the words of truth and soberness." For many, many years before the war of the rebellion Western Virginia was but a mere tributary, a conquered province as it were, to that magnificent land east of the mountains, "the Piedmont country, rolling to the sea." The present generation read it from the pages of Virginia's harsh legislation, hear it from the lips of our old men, and know that our fathers were but "hewers of wood and drawers of water" to the favored class who lived along the Shenandoah, the James, the Potomac, and in the magnificent belt those rivers lined.

They were taxed, but they received no benefit from taxes paid. Their hard earnings were taken from them and expended in colleges, universities, railroads, canals, turnpikes, plank-roads, and fashionable improvements among their more-favored brothers, who dwelt in a land, I must say, as fair as any God has ever given the sons of men for a habitation. They were taxed, but they were not fairly represented. For long years the burdens laid upon them were greater than they could bear. Natural barriers prevented commercial intercourse. There was but little community of interest, and, as the events of 1861 disclosed, but little community of sentiment.

The desire for the formation of a new State antedates the war for over a quarter of a century. It is a mistake to say it was produced by the war. The war of the rebellion only gave opportunity to those "who long had sought, and mourned because they found it not," the way to carry into successful fruition the hopes they had long cherished, that had become dear to them even as their lives, and of planting on their mountain peaks the banner that floats there to-day, with their motto inscribed thereon, "*Montani semper liberi.*" They are a people who in the darkest hour of your civil strife, when the life of your nation was trembling in the balance, offered the aid of their strong right arms, and in this

Hall of Congress united their destinies with those of the Union, and who for long years prayed for the freedom, the true liberty, this great nation has given them.

I now yield to the gentleman from Maine [Mr. REED] the remainder of my time.

Mr. REED. I do not desire rudely to interfere in the interesting colloquy which has been going on on the Democratic side of this Chamber. I have listened with pleasure to both gentlemen, the gentleman from Connecticut [Mr. EATON] and the gentleman from Missouri [Mr. HATCH], and so far as they reflect upon each other I agree with both of them. [Laughter.] It always does take at least two Democrats to tell the whole truth about the Democratic party, and they do not always succeed at that. [Renewed laughter.]

I have been very much interested in the constitutional law which has been presented here. I note two different kinds of constitutional lawyers—the one, the constitutional lawyer pure and simple, represented by the gentleman from Missouri [Mr. BROADHEAD], and the other, the political constitutional lawyer, represented by the gentleman from Connecticut [Mr. EATON]. The one always tries to give some reasons for the faith that is in him; the other does not think it necessary. [Laughter.]

Here is a bill of the utmost importance to the people of this country. We are a great producing nation. If we can cause our cattle, our hog products, and in general the products of our farms to be exported we are certainly doing a great service to the farmers of the country. There is one obstacle in the way of that; that is, that foreign nations have the idea that some animal diseases exist among our cattle. Our desire is to prove to the world that such is not the fact, or that if such is liable to be the fact we are taking proper measures to put down those diseases.

Foreign nations know absolutely nothing about our States; they do know something about the National Government; and that is precisely what the Constitution of the United States intended should be the case. That Constitution provided that all our relations with foreign governments should be through the General Government of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALKINS. I will take the floor and yield my time to the gentleman from Maine.

Mr. REED. I thank the gentleman from Indiana [Mr. CALKINS]. We have a disease which exists among us which we desire to remove, but which no State Legislature has thus far been able to reach. We have also the necessity of proving to the world by the only evidence which they can understand that we are taking measures for the preservation of health and to prevent the exportation of diseased products.

In view of this tremendous necessity which exists there ought to be some strong reasons given why this measure should be regarded as unconstitutional. Does the gentleman from Connecticut [Mr. EATON] condescend to give us any reason? No. He gets up and in a tone of horror equaled only by the solemnity of his manner tells us that this bill is unconstitutional, dreadfully so. How? The Constitution has one provision which is just as clear as it is broad. I will read it.

Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

How broad that is, how broad that was intended to be, there is no specification. It was intended to cover matters broader even than those who made it could think of. They left it within the discretion of Congress, simply because it was a power which if given at all ought to be given so broad as to meet all the varying exigencies not only of the present but of all future time.

The gentleman from Missouri [Mr. BROADHEAD], being obliged by his training to give some reasons for his position on this subject, cites certain decisions of the court which refer to the police power of the States, and which, if the Congress does not take it up, the States may exercise. Now, if he will examine the subject further he will perceive that not one of those cases alluded to by him militates against the provisions of this bill.

What is the interpretation of that clause given by the courts? I will read from the case of Sherlock against Allen, 93 United States Reports, page 103:

It is true that the commercial power conferred by the Constitution is one without limitation.

Precisely what I have said.

It authorizes legislation with respect to all the subjects of foreign and interstate commerce, the persons engaged in it, and the instruments by which it is carried on.

How could any language conferring power be stronger than that is? Yet the gentleman from Connecticut [Mr. EATON] has twice got up here and proclaimed that this thing was utterly unconstitutional; so infamously unconstitutional that he would not even condescend to tell us why, but referred us to what he called the hornbook of constitutional law.

The only test recognized by a strict constructionist as to the constitutionality of a measure, so far as I have noticed in this House, is the one expounded some years ago by the Hon. Martin I. Townsend, of New York. If a strict constructionist wants a bill passed it is constitutional; if he does not want it passed it is unconstitutional.

Now, I protest against this hackneyed degradation of the Constitution by making a mop-broom of it to sweep up everything that gentlemen think they do not believe in, for they sometimes sweep up jewels as well as dirt.

We have, then, the constitutional power; how is it proposed to be applied? First, it is proposed that by the consent of the States we shall go in and trample out the disease where we find it. Now there can be nothing unconstitutional in that, because violence can not be done to the willing; if a State consents, the State is not interfered with. If a State does not consent, we simply provide by section 4 of the bill that the State or district shall be declared to be in quarantine. How and for what purpose? Simply to apply to it a rule with regard to commerce—that cattle shall not be transported out of the State. With the amendments which I shall propose to this section it will amount simply to the exercise of the right of Congress to regulate commerce; and this the Constitution of the United States says we have; and such an exercise of it as we propose has been sustained by the Supreme Court.

[Here the hammer fell.]

Mr. BROADHEAD. Mr. Chairman, I am very glad to have heard the remarks of the gentleman from Maine [Mr. REED]. I am always interested in what he says. He is a good lawyer, and a good constitutional lawyer. The gentleman seems to recognize the difference between the power to regulate commerce and the power to establish police regulations. That difference has been recognized in all the decisions made by the Supreme Court of the United States upon this question. The gentleman will recollect the case of New York *vs.* Milne, referred to by Judge Miller in the Slaughter-house cases, in which it was held that a law passed by the State of New York providing for the inspection of vessels, the registration of passengers, and an inquiry into their age, health, and condition, although the enactment did have a connection with the subject of foreign commerce, was nevertheless a police regulation of the State of New York, and was valid, in spite of the provision of the Constitution of the United States declaring that Congress should have power "to regulate commerce with foreign nations and among the several States."

Mr. REED. Was it not suggested in that same case that if Congress had undertaken to legislate on that subject the Congressional legislation would alone have been been dominant?

Mr. BROADHEAD. I think not. I think Judge Miller intimates the contrary when he says that now that question has been raised; but he does not raise it, nor does his language justify such an inference as the gentleman suggests. He says:

Up to the present period in the constitutional history of the country this power has always been conceded to belong to the States, however it may now be questioned in some of its details.

And quotes with approval the language of Chief-Justice Marshall in Gibbons *vs.* Ogden, in which he says no direct power over these objects is granted to Congress, and consequently they remain subject to State legislation.

The power to regulate commerce, Mr. Chairman, does not imply the power to destroy commerce. The power to regulate commerce can not embrace the power to prohibit the transportation of products from one State to another, for that is the destruction of commerce. I repeat, the power to regulate does not imply the power to destroy.

Mr. REED. But it includes the power to prevent diseased matter from being transported, which is a different thing from stopping commerce.

Mr. BROADHEAD. As that is unquestionably a police regulation, as I understand the decisions, it belongs exclusively to the States. It was so held in the case of The Railroad Company *vs.* Husen, from the State of Missouri. The only ground on which the Supreme Court held that act of the Missouri Legislature to be unconstitutional was because it absolutely prohibited the transportation of cattle, without reference to their condition. Judge Strong, in delivering the opinion of the court, says:

It is noticeable that the statute interposes a direct prohibition against the introduction into the State of all Texas, Mexican, or Indian cattle during eight months of each year, without any distinction between such as may be diseased and such as are not.

If that law, passed by the Legislature of Missouri, had based the prohibition upon the fact of the cattle being diseased, it would of course have been valid under this decision. Under this very decision it is held, as I have shown, that the States have power to pass laws for the establishment of police regulations in order to preserve the comfort, the health, the property, or the lives of citizens of the State. As I have before said, this is a high prerogative of sovereignty, which does not belong to the Government of the United States except as regards territory over which it has exclusive jurisdiction, such as the arsenals, dock-yards, District of Columbia, and the Territories. Here let me ask the gentleman from Maine whether he holds that the power proposed to be given in this bill to an agent of the bureau of animal industry to go into the State of Missouri or the State of Maine, if you please, enter upon a man's farm, inspect his cattle, determine that some of them are diseased, and have them taken out and shot—is this an exercise of the power to regulate commerce?

It may be done under this bill whether the man intends to export

them or not. If they are found to be diseased, that is all that is necessary. He may pronounce judgment upon them and have them taken out and slaughtered.

The CHAIRMAN. The gentleman's time has expired.

Mr. REED. That is, with the agreement of the State authorities.

Mr. BROADHEAD. No, sir; but the law expressly provides if the State authorities do not agree to it, then it may be taken in the hands of the Commissioner of Agriculture.

Mr. REED. Not at all.

Mr. HATCH, of Missouri. Not at all.

[Here the hammer fell.]

Mr. WEAVER. Mr. Chairman, representing as I do a portion of a great State that is interested largely in stock-raising, I desired, in the general debate of this bill, to occupy some portion of the time; but having failed to obtain recognition then, I shall ask by unanimous consent, if I am not able to conclude my remarks in the five minutes allowed me under the rules, I may be permitted to print them in the RECORD as though they were delivered.

I favor the erection of a statutory wall so high and so solid as not only to stay the spread of this disease so that it may never reach the great beef-growing country of the West, but, further, such enactment as will root out, destroy, and extirpate this disease in this whole country.

Objection has been urged against this bill on the ground that it gives too much authority to the Commissioner of Agriculture, but in my judgment this lodgment of power where it can be exercised with authority and dispatch is an essential requisite to the complete consummation of the object and purpose of the law.

The gentleman from Colorado would have the intervention of a jury, to speak by its verdict touching the truth of the alleged illness or diseased condition of the bovine whose reputation for soundness had been drawn in question. It would occur to an ordinary practitioner who has followed one case from the impaneling of a jury through courts by appeal or error to its reversal for proceedings *de novo* and again through the same routine, that this manner of procedure is not well adapted to the disposition of a matter where dispatch is of the great and prime importance to the success of the measure.

The extirpation of this disease in Massachusetts by State authorities has been cited to establish the proposition that this whole matter can safely be lodged with State authorities. Admitting that Massachusetts has done what is claimed, it establishes nothing that even tends to the proposition when applied to the great cattle-growing portion of the country. What has Massachusetts of the cattle industry of this country? Not enough to make a breakfast for the people of the United States—261,000 head of cattle and over 1,300,000 population.

Mr. LONG. One million eight hundred thousand.

Mr. WEAVER. Which has a population, I am told, of 1,800,000—seven human beings to one horned animal. No, sir, this illustration calling attention to what Massachusetts has done is as weak as their cattle industry. I admit that where seven human beings can be summoned to look after one sick calf there ought to be no need for quarantine regulations, and this is not said to belittle Massachusetts, but to call attention to the fact that the cattle business of Massachusetts is of so small importance as hardly to be spoken of as one of her industries.

How could the argument as to what has been done in Massachusetts with any kind of fairness be applied to the necessities of the great cattle-growing States of the West. Take the great State of Nebraska, for an example, with one-fourth of the population of Massachusetts and her 700,000 head of cattle—a State where between 1870 and 1880 there was an increase in cattle of over 800 per cent.; where five hundred cattle don't make a large herd, but where a single herd under one charge often embraces thousands of head.

Now, sir, what will be the consequences if this contagious disease shall once reach these great herds where no personal attention is sufficient to guard against the terrible consequences? The result will be that you New England men who peddle jack-knives to us Western folks for something to eat will wake up some morning and find that you have no meat for breakfast. How does this Massachusetts argument apply to the great State of Kansas with her 1,500,000 cattle, to Illinois with her 2,500,000 head, to Missouri with her 2,000,000 head; how does it apply to any of the great cattle-growing States of the West?

In Massachusetts, if all their steers and stags and bulls were cows, there would be only one cow to a family of seven—scarcely enough to furnish milk for the babies. The Massachusetts case does not appear to fit the case under consideration.

Now let us look at Connecticut, a State whose cattle industry sustains about the same relation to her population as does that of Massachusetts, and whose member [Mr. EATON] appears to be on very intimate terms with the goddess Pallas, this great and good feminine who is ever represented as having a pike in her right hand and a spindle in her left—weapons no doubt used to prod the escort who does not blow his horn long and loud for the "palladium;" and I think the venerable old goddess must have been bearing lightly on the prod, because the gentleman from Connecticut not only declared himself strongly in favor of the "palladium," but wanted it distinctly understood that his constituents ask no aid from the General Government, a fact that is easily accounted for when we notice from the census return that the cattle industry is one of the waning industries of that State.

Twenty years ago there were 30,000 more cattle in the State of Connecticut than there are to-day, a decrease of over 9½ per cent., and at this rate it will not be long before the whole State can give its attention to the nursing of one old sick cow with the pleuro-pneumonia. But on the other hand I notice from the census returns that in Connecticut there has been an increase of asses during the same period of twenty years of over 550 per cent. [Laughter.] I do not speak of this to account for the argument of the gentleman from Connecticut, but only to show that while the cattle industry of Connecticut is small and constantly diminishing, the principal industry is in propagating asses. [Laughter.]

It has been the subject of some inquiry as to what causes this terrible breeze from Texas in opposition to the proposed legislation in this bill; but a remark made by the gentleman from Texas [Mr. LANHAM], when he said, "Why not confine the provisions of this bill to pleuro-pneumonia?" accounts for the gale. We find in the bill a provision that not only guards against the pleuro-pneumonia but as well against the spread of other contagious, infectious, and communicable diseases; and it is a well-known fact to the people of Kansas, Nebraska, and Missouri that Texas horses and Texas cattle have from year to year been driven into these States with the Texas mange, or itch, or the Spanish fever, and that these States have suffered great loss by the communication of these diseases to the native herds. The truth is, we desire to be guarded as well against the diseased cattle of Texas as against the diseased cattle of any other portion of the country.

This bugbear of an infraction of the Constitution is but a pretext. The Constitution lodges with Congress the exclusive power to regulate interstate commerce. The Supreme Court has said, in the case of The Railroad Company *vs.* Husen, 5 Otto, that the very measures proposed in this bill are such as belong to regulation at the hands of Congress, and in support to my proposition I will read a part of the decision in the case of The Railroad Company *vs.* Husen, 5 Otto, page 496. Speaking of this provision of the statute of Missouri—

> If any person or persons shall bring into this State any Texas, Mexican, or Indian cattle in violation of the first section of this act, he or they shall be liable in all cases for all damages sustained on account of disease communicated by said cattle—

The court says on this section:

> It seems hardly necessary to argue at length that unless the statute can be justified as a legitimate exercise of the police power of the State it is a usurpation of the power vested exclusively in Congress. It is a plain regulation of interstate commerce, a regulation extending to prohibition. Whatever may be the power of a State over commerce that is completely internal, it can no more prohibit or regulate that which is interstate than it can that which is with foreign nations. Power over one is given by the Constitution of the United States to Congress in the same words in which it is given over the other, and in both cases it is necessarily exclusive. That the transportation of cattle from one State to another is a branch of interstate commerce is undeniable, and no attempt has been made in this case to deny it.

The gentleman from Texas [Mr. REAGAN], while admitting that Congress can regulate interstate commerce, claims that this bill goes further, and usurps the power reserved to the States by exercising the function of police regulations belonging to the States. I am sorry that a gentleman of the standing of Mr. REAGAN before the country and in the midst of his usefulness exhibits by such unmistakable evidence the loss of analytical power. I aver there is no authority given in the bill for the exercise of any power other than the power given in the fourth section to prevent the removal of cattle from an infected district across the line into another State or Territory, except the power to collect information upon which to base the exercise of power given in the fourth section. Now, the gentleman from Texas [Mr. REAGAN] admits that the power granted in the fourth section has the warrant of the Constitution, but denies to the General Government the power to acquaint itself with the facts essential to the intelligent exercise of this power. And as the whole objection to the bill, so far as Mr. REAGAN is concerned, is lodged against the first four sections of the bill, I produce them here to the end that what I have said may be verified by reading of the same:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Commissioner of Agriculture shall organize in his department a bureau of animal industry, and shall appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the number, value, and condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country; and the Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose. The salary of the chief of said bureau shall be $3,000 per annum; and the Commissioner shall appoint a clerk for said bureau, with a salary of $1,500 per annum.
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> SEC. 2. That the Commissioner of Agriculture is authorized to appoint two competent agents, who shall be practical stock-raisers or experienced business men familiar with questions pertaining to commercial transactions in live stock, whose duty it shall be, under the instructions of the Commissioner of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other contagious, infectious, and communicable diseases. The compensation of said agents shall be at the rate of $10 per diem, with all necessary expenses, while engaged in the actual performance of their duties under this act.

SEC. 3. That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, in paying for the animals it is deemed necessary to slaughter, and in such disinfection and other means as may be necessary to extirpate the disease: *Provided*, That the authorities of said State or Territory shall assume and pay one-half of the expense of the valuation of the animals it is deemed necessary to slaughter, and one-half the cost of disinfection and necessary police regulations in the quarantine and care of infected herds of cattle.

SEC. 4. That whenever a State or Territory, in any section of which a contagious, infectious, or communicable disease exists which the Commissioner of Agriculture has declared to be dangerous to the anmal industries of the nation, fails to make provisions for its extirpation, or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such diseases, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory or such part of such State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

Now it will readily be seen that the gist of the first section is the power to erect a bureau of animal industry, with a chief, who shall inquire into and report the causes of contagious, infectious, and communicable diseases among animals and the means for the prevention and cure of the same—nothing more than statistical information which the people of the whole country ought to be put in possession of.

The substance of the second section is nothing more nor less than to require at the hands of the agents appointed by the Commissioner of Agriculture a report as to the means and appliances best adapted to the extirpation of pleuro-pneumonia and to prevent the spread of contagious, infectious, and communicable diseases among cattle. Now let the great constitutional lawyers tell how a report of this kind is going to overturn the Constitution.

The substance of the third section requires the Commissioner of Agriculture to prepare such rules as he may deem necessary for the suppression and extirpation of the disease, and to invite the executive authorities of the States and Territories to join in bringing about that result. And if there be anything here to disturb the peace or offend the dignity of any great State, then I say let it come for the great good that will grow out of the adoption and crystallization of this act into a general law. It being clearly shown that there is no power granted in the first three sections of the act in violation of the Constitution, and it being admitted on the other side that the power granted in the fourth section is clearly within the power given to Congress by the Constitution, and no objection being urged against other sections embraced in the bill, it seems to me that this bill should be supported by both sides of the House.

It has been suggested by the gentleman from Missouri [Mr. HATCH] that for the good of the country a few second-class funerals of the barnacle element of the Democratic party would be of great advantage. And I would suggest to the gentlemen on the other side of the House, especially the great constitutional objectors and those who seek to make this a party measure, that if they succeed in defeating this bill all necessity for local funerals in the Democratic party will be done away with by the general funeral that will be awaiting them at the hands of the farmers of this country next November. The gentlemen who have made the most noise in opposition to this measure will come to the same conclusion that the boy did, who, while milking a cow, tied the tail to his leg, and, after being dragged around the cow-yard three or four times, exclaimed that he had made a hell of a mistake.

The great agricultural interests, which have ever been neglected at the hands of Congress, will not stand much more nonsense.

Mr. KASSON. Mr. Chairman, at the time of the adjournment yesterday I intimated to the then presiding officer I desired to speak for a moment to the amendment proposed by the gentleman from Pennsylvania [Mr. BAYNE]. The range of the debate this morning has gone far beyond the section under consideration, and I respectfully submit to gentlemen who are raising constitutional questions on the bill they should postpone those discussions until we reach the section that is claimed to be obnoxious to the constitutional objection.

For the present the first section and the second, I apprehend, are liable to no objection whatever.

Now, Mr. Chairman, I wish gentlemen to appreciate the circumstances which have called for the presentation of this bill. We are subjected in nearly every country in Europe to something approaching prohibition in the entry of some of our most important agricultural products, amounting to hundreds of millions of dollars annually. Three years ago our Government was warned that such intentions were then entertained abroad; that they were being agitated and ripening; and that we would be brought very soon face to face with a condition where our exportation of meat products would be hindered, thwarted, and perhaps prohibited. Our Government was further warned of the necessity of taking early action in the United States for an inspection of some sort that would furnish a *prima facie* guarantee to foreign countries of the soundness and safety of our exportations to them. Now at last, in pursuance of the warnings then conveyed, we find ourselves confronted with this action of foreign governments prohibiting our exportations to them, and our markets are being taken away from us for the alleged reason that there is no legislation, state or national, that makes out a *prima facie* case for the producers of these articles in the United States. Your Agricultural Committee, recognizing the dangerous condition of affairs, and the weak point of our position in relation to foreign countries upon this subject, have brought in this bill for the purpose of remedying that defect and putting our commerce upon a safe basis. When this simple proposition is presented to us, gentlemen on the other side are found rising here to discuss general constitutional theories and the doctrine of State rights.

Why, sir, I can not but doubt the patriotism of that member who will not patiently and honestly attempt to cure this bill in the precise place where it needs curing, if he can find it open to such objections, and then co-operate with the committee in the great purpose it has in view of removing the burden and restriction upon one of the most important branches of our domestic industries. My friend from Connecticut, who does know something of our national industries, ought to pause before attempting to abridge any of the constitutional rights which we may possess to accomplish the great purposes sought by this bill. He ought to pause until he can put his finger upon the very clause of the bill that is obnoxious to the criticisms that he makes.

Coming from a State, sir, that is seriously affected by the situation; from a district where my constituents have urged my action in behalf of the interests represented by this bill, I must beg to say to both sides of this House that I consider the great object to be accomplished justifies our going to the extreme verge of our constitutional authority to secure the beneficial results proposed by this bill in behalf of agriculture.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DUNHAM obtained the floor and yielded his time to Mr. KASSON.

Mr. KASSON. I thank the gentleman for his courtesy. I do not intend to take up much time in the discussion of this bill, and would like to conclude the few remarks I have to make. I wanted to say, Mr. Chairman, that Iowa has reached a point where it is more interested than any other State in the Union in the exportation of the products of swine, and that question is embraced in this bill. It is not often farmers come here demanding legislation in their interest. It is not often that you have presented to you their interests, embracing hundreds of millions of dollars, which are touched by a single bill; and when they do come here I ask that you do not feed them upon the husks of constitutional State-right objections.

There is, I venture to say, but one clause in the bill to which those gentlemen can direct their attention, and that is the third; and even that clause makes its own application conditional upon the consent of the State authorities. It can not, therefore, be a dangerous infringement. Besides that, Mr. Chairman, the Legislature of Iowa is now in session. We want this proposition to be enacted into law and to be submitted to that Legislature for its assent before its adjournment. That State is anxious to put itself under the protection of a law like this, because until we do it I tell gentlemen from my own experiences abroad, when I was the first required to discuss this question, you will find your diplomacy impaired and weakened and the representation of your country's interest blocked by the fact that you have no means whatever of guaranteeing the quality of your exportations. You can not hasten too much in the consideration of this measure, for a million of dollars a week, I venture to say, depend upon the consideration of the bill and your action upon it.

If, Mr. Chairman, I have not made the difficulty plain I beg to return to it. In foreign states, I believe without exception, they have an inspection system; they have laws for quarantining animals which are affected by contagious diseases. I know what those laws are. I sent them to the State Department three years ago. They are rigid. They will not allow a head of infected stock to pass a geographical quarantine line. Every prerogative of executive authority is exercised to prevent the approach or passage of infected animals. They save millions of dollars in value of their stock to the people by quarantining infected or suspected animals by districts.

We also must avail ourselves of every power in the American Constitution to protect our interests at home as well as our interests in exportation. The international object to be accomplished is to enable our Government to say to these foreign governments, "We, too, have inspection laws; we, too, have by our official agents found the condition of our stock; we are able to guarantee its condition, and we affirm upon the same authority as you do, official authority, that our exports are free from disease."

Without a bill like this, Mr. Chairman, you can not, I repeat it, put your executive government in a sure condition to demand justice from the foreign governments, and hold them liable for the certain infraction of treaties. I beg gentlemen, therefore, not to antagonize this bill with theoretical State-rights considerations, but to come to the one point where they say the committee has exceeded constitutional power, and

then fairly and honestly consider it independently of all party considerations and amend it if it needs amendment; and we shall have a bill worth more to the interests of this country than any bill I know now to be pending in this House.

It is for these reasons I remonstrate with gentlemen against bringing external considerations to bear against a measure of this importance to our farming interests, and appeal to them to hasten its consideration and to enable Legislatures of States which are now in session to consider it and, under the third clause, to agree with the provisions of the bill if it meets their approving judgment.

Mr. HATCH, of Missouri. I desire to have read for the information of the committee a telegram which has been handed me by the gentleman from Indiana [Mr. WARD].

The Clerk read as follows:

LA FAYETTE, IND., *February* 26, 1884.

Hon. T. B. WARD, *M. C.*:

The cattle interests of this country, and of Indiana especially, demand the passage of the cattle bill now pending. We request the Indiana members to support the bill.

ADAMS EARL.
MOSES FOWLER.
W. S. VANATTA.
J. W. NEWTON.
J. M. REYNOLDS.
MORT LEVERING.
R. H. GODMEN.
C. B. STUART.
A. WILSON.
ALBERT HENDERSON.
JAS. BUCK.
A. D. RAUB.
R. W. SAMPLE.

Mr. WHITE, of Kentucky, Mr. WELLER, and Mr. REAGAN rose.

Mr. WHITE, of Kentucky. I ask unanimous consent to have a letter read——

The CHAIRMAN. The Chair has recognized the gentleman from Iowa [Mr. WELLER].

Mr. REAGAN. Is the Democratic side of the House not to be permitted recognition?

Mr. VALENTINE. The Chair has just now recognized a Democrat.

Mr. WELLER. The gentleman from Texas will find I have enough of the old-fashioned Jacksonian Democracy about me for an average Democrat. [Laughter.]

The CHAIRMAN. The Chair is trying to carry out the usage of alternating from side to side of the House. The Chair will recognize the gentleman from Texas [Mr. REAGAN] very soon. The gentleman from Iowa [Mr. WELLER] will proceed.

Mr. WELLER. I have listened with pain and with pleasure to the remarks that have been made by various gentlemen on the floor of this House. I myself am mindful that the Constitution should be looked at most carefully in all questions involving at least as much as does the question presented in this bill. But, laying aside the constitutional question for gentlemen that are abler than myself, I desire to come to some of the practical questions that present themselves to my attention as a practical farmer.

The question I desired to ask of the gentleman from Nebraska [Mr. WEAVER] was this: Can he point out to me anything is this bill making a provision for the suppression and extirpation of any disease except pleuro-pneumonia?

Mr. WEAVER. Oh, it is full of it.

Mr. WELLER. I should like, however, to have the gentleman answer my question in his own time and not in mine, and I treat the gentleman with the same consideration with which he treated me. I should like to have him point out anything anywhere in this bill that makes a provision for the suppression and extirpation of any disease except pleuro-pneumonia.

I am now getting a little more in earnest than ever before upon this question. I have a very lively interest in this bill and its provisions. It is very cunningly and very shrewdly worded. It says, "for the suppression of the disease known as pleuro-pneumonia." And it further says, "to provide against the spread of other contagious diseases."

I want to call the attention of gentlemen representing the interests of the great Northwest to that particular feature of this bill. Suppose I have a herd of hogs. They may be attacked with cholera. I shall take such care of them as that they appear to be well of it. I find a number ready for shipment. I put them on the cars and start them for Chicago. On the way to Chicago the disease known as cholera breaks out among those hogs. By the provisions in the seventh, eighth, and tenth sections of this bill I then can be brought up on the information of any person by the action of the district attorney in the premises and subjected to prosecution and persecution. There is not a single provision in this bill whereby I as a farmer can have immunity against this prosecution and this persecution; not a single provision. I defy any gentleman to point it out. It is not there.

I will go further, Mr. Chairman, and be plainer than ever before. I believe this bill has in it matters that are in the interest of a cattle ring being formed in the West, that they may control the cattle trade of the great Northwest as similar rings have controlled all the other industries of that great section. What provision is there in this bill against the disease known as hog-cholera and diseases of a character like that? What is there in this bill touching the sheep industries of this country? Not a single provision in it touching those industries except to suppress them. You use $250,000 to deal with pleuro-pneumonia, to pay men for slaughtering their cattle or to pay officers of the Government to slaughter them, but there is not a single thing in this bill in regard to the matter of sheep industry. Not a single thing in it in regard to horses and mules, the class of animals so facetiously referred to by the gentleman from Nebraska.

I appeal to Representatives on this floor of the people from the great Northwest to look at this bill carefully and search it thoroughly; and my opinion is that when they have thus done they will find that the distinguished gentleman from Missouri [Mr. BROADHEAD] and the distinguished gentleman from Connecticut, my native State [Mr. EATON] gave them good counsel touching the constitutional matters involved in this proposed legislation. They will find further that I have warned them wisely and well and timely not to pass this bill in its present form.

I am a member of the Committee on Agriculture, and am not at liberty to speak of proceedings in the committee-room. I can, however, speak by amendment, if permitted, which I shall do in successive order until every feature of this bill has been touched upon.

[Here the hammer fell.]

Mr. ELLWOOD. Mr. Chairman, if it had been possible for me to secure the floor during the progress of the general debate on the pending measure I would have been glad to have presented my views at length on the several provisions it embraces and to state fully the objections I entertain to it as it comes from the Committee on Agriculture. As it is, I shall have to content myself under the rules of the House with briefly calling attention in the five minutes to which I am limited to the several amendments which I shall propose looking to the perfection of the bill in case it shall become a law.

In the first place, sir, I shall move to strike out all of section 3 from the word "act." That is to say, I shall move to strike from the bill the following words:

Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations in paying for the animals it is deemed necessary to slaughter, and in such disinfection and other means as may be necessary to extirpate the disease: *Provided*, That the authorities of said State or Territory shall assume and pay one-half of the expense of the valuation of the animals it is deemed necessary to slaughter, and one-half the cost of disinfection and necessary police regulations in the quarantine and care of infected herds of cattle.

Mr. WELLER. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WELLER. It is that we have not reached in regular order in the discussion of this bill section 3.

The CHAIRMAN. The Chair overrules the point of order, as the gentleman from Illinois [Mr. ELLWOOD] in debate has the right to refer, as he is doing, to any of the provisions of the bill.

Mr. ELLWOOD. I also propose, Mr. Chairman, at the proper time to move an amendment to section 4. That section provides as follows:

That whenever a State or Territory in any section of which a contagious or infectious disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation fails to make provisions for its extirpation or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory, or such part of said State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

It will be observed that in the latter portion it prohibits the transportation of diseased cattle from one State, Territory, or district to another, while it says not a word about diseased hogs. My amendment is for the purpose of curing that defect. For, sir, in the district I have the honor to represent on this floor there has been not only great inconvenience but serious loss arising from the importation and spread of contagious diseases among hogs. I shall move to amend by inserting the word "animals" instead of "cattle," so that whatever remedy there may be shall be extended equally to my district as well as to others.

I frankly confess I do not comprehend the exact scope and meaning of section 7, and I shall await explanation of it to determine my vote on it as well as on section 8.

This bill, Mr. Chairman, seems to me to be loosely and carelessly drawn. In one portion it uses the word "cattle," in another the designation is "animal," and then again in still another there is an entirely different expression. It ought to be made more clear and explicit.

My district, Mr. Chairman, is deeply interested in this subject. It has suffered more loss from cholera among hogs than any State or Territory has from pleuro-pneumonia or Texas fever among cattle. And I desire to impress the House with the fact that I realize to the fullest extent the importance and absolute necessity of speedy action to stay the spread of contagious diseases among meat-producing animals in this country. But I am decidedly opposed to turning this General Government into a great slaughter-house of all sorts of animals. When we appropriate $250,000 to defray the expenses of such a commission I advise

you in time we shall open the door for the expenditure of $250,000,000. Indeed, there will be no limit to the expenditure that will be incurred. I have not time to go into detail, but if gentlemen will examine the report of the Committee on Agriculture they will reach the same conclusion.

Take, for instance, herds of any one stock-raiser, and there are many with 30,000 to 100,000 head each, and what will be the result? The bill provides that all diseased cattle and all cattle exposed to contamination and likely to cause the spread of the disease may be slaughtered by this commission. If that be carried out literally who can measure the expenditure of public money it will require?

It is true it is also provided that the State or Territory involved shall indorse the proposed action. What nonsense! Suppose there are 100,000,000 head of cattle, and that is not overestimating the number which may be slaughtered by this commission, and that after they have been destroyed the States and Territories should refuse or neglect to pay their one-half of the value of those cattle, do we not all know the result would be that the owners of those cattle would come to the Congress of the United States, which had created the commission, and ask that remuneration should be made out of the public Treasury for the loss which had been incurred? This House would be crowded with claims for compensation for cattle authorized to be slaughtered under the commission which is here provided. We might as well know in time just what we are doing.

It is stated in the report of the committee there are places in New Jersey and New York where three or four hundred cows have been destroyed in order to "stamp out" the disease of pleuro-pneumonia. Well, is there a member of this House who does not know those milch-cows in the city of New York are fed upon distillery slops, and that these slops produce the lung disease of which these cattle die? If under this bill a herd of cattle of four or five hundred head is condemned, slaughtered, and paid for, and the owner is to be allowed to fill his stables with other cattle, is the Government to continue to condemn and destroy and pay for them without limit?

The CHAIRMAN. The gentleman's time has expired.

Mr. ELLWOOD. I regret it, as I had much more to say.

Mr. REAGAN. I appeal to gentlemen to remember that this bill relates to something of importance, and ought to be treated seriously. I assume that Congress is capable of passing a law which will reach as far as Congress can go in correcting this evil and without a palpable violation of the Constitution. I am not at all surprised that many gentlemen on the other side of this House ridicule the idea of appealing to the Constitution for any purpose. I know their habitual disrespect for it. Yet it might be remembered that each one of us, on entering upon our duties here as members of this House, took a solemn oath to support the Constitution of the United States.

I agree that the article of the Constitution giving Congress power to regulate commerce among the States confers upon Congress all the powers which the States originally had for the regulation of commerce. But it does not confer upon Congress the power to go into a State and make local regulations and take local action within the State, as this bill proposes to do.

I am a little surprised that the distinguished gentleman from Maine [Mr. REED] and the one from Iowa [Mr. KASSON] with their long experience here and their acknowledged ability ignore the fact that this bill proposes to go into the States and undertake local regulation of State property and citizens of the State not at all within the power of Congress.

Take the first section of the bill, where it is provided—

That the Commissioner of Agriculture shall organize in his department a bureau of animal industry, and shall appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the number, value, and condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them, and the means for the prevention and cure of the same, &c.

This provision authorizes the Commissioner by his agents to go into each State—not to take charge of interstate commerce, but to perform all that a local State tribunal could perform.

Mr. KASSON. We do the same thing in taking the census every ten years.

Mr. REAGAN. To go into a State for the purpose of taking the census is one thing; to go into a State for the purpose of doctoring cattle and hogs is another thing.

Mr. BLAND. The Constitution requires the census to be taken.

Mr. KASSON. In this section the purpose is merely to obtain information. These agents of the General Government are to do nothing but get information.

Mr. REAGAN. I have only five minutes, and I prefer not to be interrupted.

Under the second section of the bill the commissioner is—

To examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other contagious, infectious, and communicable diseases.

Not in the District of Columbia, not in the Territories, but in the body of the States. This is clearly beyond the power of Congress.

It has been said that these things are all to be done by the consent of the States. The third section does make some provision for obtaining the consent of the States——

[Here the hammer fell.]

Mr. BLANCHARD obtained the floor and said: I yield my time to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. The fourth section of the bill provides what shall be done if the States refuse to give their consent. The provision is:

That whenever a State or Territory in any section of which a contagious, infectious, or communicable disease exists, which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation, fails to make provisions for its extirpation or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory, or such part of said State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

This provision is in the nature of a penalty inflicted upon a State for not consenting to a violation of the Federal Constitution.

While thus criticising the bill let me say I would be glad if the committee would allow the bill to be recommitted, and would give us a bill adapted to carrying out the purposes which we can execute, and let us pass such a measure. Gentlemen appeal to us in the interest of agriculture to violate the Constitution and our oaths. This is an appeal which ought not to be made by members on this floor, however foolish people outside may be allowed to do it.

What Congress can do is to provide for inspection, if it deems it necessary to do so, and to prohibit the transportation of diseased animals from State to State or to foreign countries. That Congress can do. Why not do it? Why ridicule the Constitution? Why appeal to us in the interest of agriculture to violate it, when the means of doing what Congress is authorized to do is so palpably before us?

I am sorry the time has come when the poor old Constitution has to be treated with such disrespect and contempt as it is; but it has been used to it a good while, and I suppose can stand it some time longer.

I repeat the point with which I started out, that Congress may regulate commerce among the States and has all the power necessary for that purpose, but the power to regulate commerce among the States does not include the power to go down into the body of the States and regulate matters locally there. That is a matter for the States. After Congress has made its regulations for inspection, the States then, under their power to adopt police regulations, as has been stated, have the power, independently of Congress, to prohibit the introduction of diseased animals. But it seems very difficult for some gentlemen to understand that though the Supreme Court has decided that animals of all descriptions can not be prohibited by State law from coming into a State, the State may prohibit diseased animals from being brought in. Yet there is no principle clearer or better settled upon authority than that the States, under their police powers, can take care of the health of their people and the safety of their property.

[Here the hammer fell.]

Mr. HART. Mr. Chairman, I am very earnestly interested in the passage of this bill. My estimate of its value and importance has constantly increased as the debate has gone forward. I am in favor of its passage substantially as it comes from the hands of the committee.

What is the case? All concede that the cattle-raising interest of the United States is one of our largest industries. It is also admitted that contagious diseases among cattle exist, and that one of these, pleuro-pneumonia, has found a lodgment in this country. It is in some of the New England States, in New York, in New Jersey, in Pennsylvania, in Virginia, in the District of Columbia, and at other points. It is malignant and contagious, and is rapidly communicated from one herd of cattle to another and from one locality to another. Something must be done—done quickly, done effectually—or this disease will encompass the whole land and ruin this great branch of business.

It is also shown that the States in and of themselves are unable to accomplish the work of its extermination; for while they are able to to regulate in a certain degree matters within their own boundaries, they are unable to protect themselves from the disease as it comes from other States and countries.

It becomes, therefore, a question of paramount national importance, requiring national legislation. Any measure to be effective must reach over the entire country and be applicable to all portions. Now, what are the arguments made against the passage of this bill? The only one that I have heard that amounts to an argument at all is that it is unconstitutional in that it is an invasion of the rights of the States.

The gentleman from Connecticut [Mr. EATON] the other day, and I have a very high regard for his ability and his knowledge as a constitutional lawyer, declared that the State of Connecticut was sovereign, that Missouri was sovereign, that the other States were sovereign, and that the General Government was a mere confederation. And the gentleman from Missouri [Mr. BROADHEAD] on last Saturday, in his argument against the bill, declared that the highest right of sovereignty did not belong to the General Government at all; that it was the exclusive prerogative of the States alone. I am amazed at such a position. Twenty-five or thirty years ago this doctrine was very common in this House and in this country. But times have changed. We have

gone through some sad and bloody experience since then. We have been making history, and I assert that this doctrine of State sovereignty, this extreme ground, this doctrine which places the States above the General Government, which makes the States omnipotent, all powerful, and the General Government subordinate, insignificant, and powerless, has been settled by the stern arbitrament of battle. It has been tried, convicted, condemned, and shot to death by a million men in blue. We are a nation now, thank God, with power enough and authority enough and I hope disposition enough to legislate for and promote and advance all the great material and business interests of this mighty country and this whole people.

The great central thought of the Constitution of the United States is the promotion of the good of the whole people, and the supreme purpose of the National Legislature and of the Executive Departments of the Government should be not only to promote those interests, but to protect the people of this land from this or any other common danger, whether it approaches us in the form of pestilence, or war, or famine, or flood.

The distinguished gentleman from the State of Texas [Mr. REAGAN] told us the other day that the friends of this measure did not know anything about the Constitution of the United States, and to-day he speaks of our habitual disrespect for that sacred instrument. Let me say, in all kindness, I do not profess to be a great constitutional lawyer, but I know enough about the Constitution of my country to love it, to honor it, to obey it. I was not raised in that school of politics which teaches that a man may swear to support and maintain the Constitution and then turn and rend it and seek the overthrow of the Government of which it is the majestic framework. [Applause.]

We have, in my judgment, abundant constitutional authority for this legislation, and the right and the principle have been exercised over and over again by the Congress of the United States and by the executive authority. Why, sir, cholera does not stop at State lines, yellow fever does not stop at State lines, but they move on at midnight and at morning, laying whole sections in sackcloth and desolation. And what do you do? You unlock the doors of the Treasury and take money therefrom to provide for the relief of the sufferers. When the snows on the mountains melt and the rivers and streams of the land are full, the mighty volume of the flood does not stop when it comes to the boundaries of a State, but sweeps onward to right and left, burying farms and homes and carrying destruction and misery in its desolating path. What do you do? You open again the doors of the Treasury and take millions from it for the benefit of the people, for the relief of the sufferers and to strengthen the river banks. Commerce is not bounded by State lines, business is not bounded by State lines, and I hope the common prosperity of this country will not be interfered with or hampered by State lines or boundaries.

Now, here is a mighty industry—one of the largest in the world. Millions of people are engaged in it and supported by it. The States in their separate capacities can not control it. And when State Legislatures are urging Congress to act, when conventions are held to consider the subject, when petitions are coming up from every quarter, if Congress shall refuse to grant the prayer of the people and give the relief demanded there are thousands in every State and Territory who will ask the reason why, and it will not be considered a sufficient or satisfactory answer to say that State lines and State sovereignty stand in the way of this necessary and important legislation.

[Here the hammer fell.]

Mr. DUNHAM. Mr. Chairman, a few days ago I received a petition signed by some two hundred gentlemen interested in the live-stock business in the city of Chicago protesting against the passage of this bill. They did not object to the Government doing something in this way, but they objected to this particular bill. More recently I have received a communication signed by a part of those same gentlemen requesting the withdrawal of their names from that protesting petition, therefore I have not presented it to this House. Those withdrawing have become convinced, on second thought, this bill or one similar is necessary and should be passed in order that something may be done to stamp out the further spread of disease among cattle. There may be clauses in the bill now before the House objectionable to some; if so, experience may prove it hereafter and proper amendments may be made. Serious financial damage has already been caused by this dread cattle disease, and the subject is one that will not bear delay in handling.

Fortunately or unfortunately, I do not know which, I am not a lawyer, and therefore naturally I am not worrying about the Constitution when I come to consider questions of interest to the people. I am not sitting up nights thinking whether by the adoption of some measure in this House which is for the benefit of the masses of the people of this country the Constitution is thereby going to be violated.

As I read the history of the men who framed our Constitution I am led to believe they were men of liberal ideas, and that it was their intention to have its provisions so construed as that this grand Government should be able to protect its citizens. Commercial, manufacturing, and agricultural interests have always received its fostering care and protection. Why, I ask, should there be any doubt about its authority to defend the health and the lives of our people?

The question that presents itself to my mind now is, does this pleuro-pneumonia exist in this country as a matter of fact? If it does exist, then is it the duty of Congress to sit idly and let it go on and spread over the whole land or is it our duty to attempt to stamp it out? The section from which I come has had no trouble so far with this disease, and we are anxious that we shall have the means of keeping it away from us altogether. The Eastern States alone have suffered, and will be in more danger unless something of this kind is done. If the States of themselves are not disposed or able to do the work, let the United States Government step in, assert its power, and accomplish this beneficial object. Disease in cattle unchecked may in the future prove dangerous to our people in their meat supplies. Monetary interests as well as sanitary reasons demand that our cattle be kept healthy.

Certain countries in Europe have prohibited, under false pretenses, the importation of our pork products. Now, for one, I object to allowing them to have a chance to prohibit the importation of our cattle, and have a really substantial reason for it. In prohibiting the pork products they have done it under a fraud, and I think it is our duty to pass such bills in this House and this Congress as that they will have no opportunity whatever to prohibit the importation of our cattle. For these reasons and many others that the limited time at my disposal will not admit of my stating, I think it better to adopt this bill with such amendments as the committee have offered rather than run the risk of having nothing.

[Here the hammer fell.]

Mr. WILSON, of Iowa. Mr. Chairman, I should dislike to spend any more of the time of the House in the discussion of this matter if it were not that it is my earnest wish to remove some misapprehensions that seem to exist in the minds of gentlemen against the present provisions of the bill, and, too, who should be the guardians instead of being the executioners of it.

My colleague from Iowa objects to the seventh section of the bill because, as he says, if he starts to Chicago with a cargo of hogs and the cholera breaks out among them while in transit they will arrest and prosecute him because of the fact of his shipping diseased swine. But I can assure the gentleman if he looks carefully at the provisions of the bill he will find nothing of the kind. No man can be prosecuted or persecuted for the transportation of animals that he does not know to be diseased. I am sorry he takes this position, because we understood that he was going to help us pass the bill, and criticism of this kind will only distract. The farmers of our State expect us to help to secure legislation that will turn aside a threatened danger, and we can wait to discuss in less precious time our party leanings. Our farmers seldom ask specific legislation, and when they do nice distinctions concerning politics should not turn them away empty.

I do not believe in bringing up partisan considerations in the discussion of an industrial measure of any character, and especially one of such importance as this. I want to vote to pass a bill that will reach the results we all seek to accomplish without taking fine sights.

I wish that my friends on this floor would come to look at this thing in the same light that the African chief looked at the same question when Livingstone was prosecuting his researches and discoveries in Africa. When Livingstone and his party had come within three hundred miles of him this old chief told his people that there he must be stopped and the bullocks taken from his wagons, because he was afraid that they would bring pleuro-pneumonia into his dominions, and he had his own people drag the wagons three hundred miles rather than run the risk of introducing pleuro-pneumonia and destroying his cattle, as it had in other parts of that continent. History tells us that the famous white Scotch cattle on the estate of the Duke of Hamilton that have been there for seven hundred years had to be lowered into a coal-pit, so much afraid was their owner of the approach of this dreaded disease. The plague is as terrible now as ever it was. Every nation of Europe is alarmed about it, and all are taking measures to check its introduction and spread.

It seems a little singular, Mr. Chairman, when all our meat exports are under suspicion abroad, when the best meat products under the sun are discounted, when they are commercially degraded, that we can not do something to protect ourselves and place them in that position that they ought to occupy with reference to the rest of the commerce of this country. But gentlemen raise the question of infraction of State rights. I do not stand second to any man in the House in admiration of local self-government and of State rights. I know the benefit of it. I know it is the way by which the nations of the Old World are to be elevated. But, Mr. Chairman, are we to take a position here that when something goes beyond the power of individuals and communities or even States to regulate we can find no remedy because it is claimed it infringes upon the rights of the States? Are we to permit this lung-plague to decimate and destroy our herds that are so important in our national economy and so necessary to our national prosperity because a great danger requires vigorous treatment? Are we to allow this disease to spread beyond the Alleghanies into the great American breeding-grounds simply because we are afraid that some official may kill a cow too many or too promptly? Why, Mr. Chairman, we have taken abundant care in the preparation of this bill that that shall not be done. If there was any real effort being made to interfere with the rights of the States I would cross that aisle in a moment and vote with the Democrats against it. But there is none.

I appeal to you, gentlemen, do not send the farmers of this country away empty handed. Give us something that is needed for our protection, to protect our herds in the Northwest from the spread of this diease. I do not desire to buy party capital at such a terrible price as the failure of this measure would amount to. It was said lately in the other branch of Congress that nothing is ever done for the farmers of the country. They can be kicked often with impunity, but they do occasionally wake up, and when they do there is a reckoning. Let us make the bill as good as we can and consider it in the light of a public necessity, and pass it in the shadow of a threatened calamity.

Mr. WELLER. I desire to ask my colleague from Iowa this question: Is there any provision in this bill which he has discovered for the suppression and extirpation of any disease except that of pleuro-pneumonia?

Mr. WILSON, of Iowa. The provisions of the bill comprehend all the diseases of our domestic animals—all of them—and the machinery to be constructed will deal with the dangers as they arise in future. Lung-plague is that which threatens now, and it is most emphasized in this bill.

Mr. WELLER. For their suppression and extirpation?

Mr. WILSON, of Iowa. The provisions of the bill embrace all the contagious, infectious, and communicable diseases of domestic animals. The gentleman will find the provisions as to those diseases in the second section.

Mr. VALENTINE. During the Forty-sixth and Forty-seventh Congresses I had the honor to be a member of the Committee on Agriculture, and I was also a member of the subcommittee having in charge the question of pleuro-pneumonia. I had very much desired to speak at length upon this bill, but for some reason or other the gentleman in charge of it could not find time for me. I am therefore compelled to say what I have to say under the five-minute rule; and as I know that I can not in that time say what I would like to say touching the measure, I will confine myself particularly to one subject, leaving the discussion of the constitutional question to those who have addressed the committee heretofore.

I find in this bill nothing that I can not subscribe to with reference to the Constitution of this country. I believe there is nothing in this bill that is unconstitutional. I shall not stop to argue the question, but merely state that as my conclusion.

I believe that the people of this country are in immediate need of the passage of this or some bill which will regulate this disease of pleuro-pneumonia. While this bill goes further than that, and provides for the regulation of all contagious and communicable diseases among animals, I shall refer more particularly, in the short time I have, to that of pleuro-pneumonia.

About a year ago, or a little more than that, some citizens of Chicago employed one of the most experienced veterinary surgeons of that region and sent him here. He came to me and asked if I could point out to him the sections of this country where pleuro-pneumonia existed. He said he desired to examine some of the cattle affected by it. I told him he could find them here in this District or he could go across a few miles into Maryland and find there plenty of cattle affected with pleuro-pneumonia. He went over into the State of Maryland, and found he could not get into the stables, or "corrals," as we term them in the West; that the State of Maryland had passed a law touching the matter of pleuro-pneumonia; that the governor under the provisions of that act had selected a State veterinary surgeon; that they had found the disease did exist; that they had taken the cattle from the dairymen, slaughtered them, and paid them the pittance of $10 each for their cattle. Therefore he was excluded and could not reach what he desired in that way. Then he went down to the store, got a pair of stoga boots, put on overalls, and went out among farmers as a common cow-doctor—not a horse-doctor—taking some prescriptions of charcoal that he said were good for that disease. In that way he got into the good graces of the farmers, and spent more than sixty days investigating the question of pleuro-pneumonia. And he found that among the dairy cattle of Maryland, in the region surrounding this city, that disease existed largely. He found that when these cattle became so thoroughly diseased that they were no longer fruitful to their owners for giving milk, they were sold in the night to Jews, and taken out and slaughtered and sold to the citizens of Baltimore and this city for beef.

I say the members of Congress should not sit idle and prate about the Constitution in the consideration of a question like this. They should do something to relieve this community and this country from this terrible plague. I have no doubt that to-day you are drinking the milk from cattle affected by pleuro-pneumonia, cattle rotten with the disease, and that you are eating beef-steak cut from them.

Mr. BUDD. Will the gentleman allow me to ask him a question?

Mr. VALENTINE. Yes, sir.

Mr. BUDD. What is your authority for saying these cattle were sold to Jews? I wish to state that the Jews are the cleanest people in the world in the butchery of their cattle, and will not permit any diseased cattle or beef to be sold. The cattle slaughtered by their butchers must be inspected by the rabbi or other proper authority. I protest against these reflections on the Jews, as they are neither correct nor just.

Mr. VALENTINE. I referred to them because a large number of Jews are engaged in that business in Maryland. I mean no reflection at all upon the Jews.

Mr. BLAND. I sympathize in many of the arguments for this bill. It relates to a very important subject, and one that deserves the serious consideration of Congress. I think we ought to go as far as the first and second sections of the bill authorize; that we might provide for officers to investigate and report upon these diseases so far as they affect the transportation of cattle from one State to another, and the best mode of transportation and the mode of preventing disease from being communicated in transportation. This would be no more than the regulation of interstate commerce, and no doubt would be constitutional; and those provisions of the bill that look to restraining transportation lines, railroads, steamboat, and other lines, and the restraining of individuals transporting diseased cattle from one State to another and across the borders of a State in order to reach from one State to another, ought to be adopted. In so far as those objects of this bill are concerned I am in favor of it.

But the third and fourth sections are certainly very objectionable. I do not speak of the question involved by those sections with reference to any constitutional objection, but as a practical question. It does seem to me that the provision there made gives room for speculators, that it gives room for cattle rings. And when I understood that the brokers in Chicago were in favor of this bill I imagined it possible if it was thought necessary by those engaged in that business to bull the cattle market, so to speak, that they might get up information that in the State of Texas the Spanish fever, or the Texas fever, or something of that kind existed throughout that State, and might quarantine all the Texas cattle until the Chicago speculators got rid of a little surplus on hand.

Mr. HATCH, of Missouri. Will my colleague allow me to correct him?

Mr. BLAND. Certainly.

Mr. HATCH, of Missouri. The protest to which the gentleman refers as having been signed by the cattle-brokers of Chicago is one against the passage of the bill, not in favor of it.

Mr. BLAND. But after reconsideration, however, they were favorable to the bill, as I suppose, seeing their opportunity in this regard.

Mr. HATCH, of Missouri. Some of the signers asked to have their names taken off; that is all.

[Here the hammer fell.]

Mr. BLAND. Has my time expired?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HATCH, of Michigan. This is a bill which excites great interest in my section of the country. The farmers of Michigan have over and over again expressed themselves favorable to a measure of this kind. That expression has been made by individuals and in the form of resolutions adopted by county and State agricultural associations. I can not see how any man representing such a constituency can do otherwise than advocate this bill.

It is not my purpose to speak generally upon this measure, but to call attention to certain specific features in it. There are one or two features of this bill which I have not heard mentioned in this discussion. This is a bill to suppress diseases among domestic animals, and it invokes three agencies to accomplish that purpose.

The first is the gathering of information and disseminating it among the people, information respecting these diseases of animals; secondly, the bill proposes to contribute aid to the States in the matter of destroying diseased animals. It does not contemplate that any officer of the United States Government shall even be instrumental in killing a diseased animal. That is only to be done by State authority, by State regulations, and only when the State consents to it.

There is one other agency brought to bear to accomplish the purpose of this bill, only one other. What is that? It is that provision to prevent the transportation of diseased animals from one State to another. In making this statement I do not overlook the provisions of the fourth section; but I undertake to say that if those provisions relating to quarantine were stricken from the bill, its purpose and effect would in no wise be changed.

This bill will accomplish nothing except what you punish; what you may forbid is of no importance. What you undertake to punish is all that will be regarded in the enforcement of this measure. What do you punish? Nowhere in this bill is there a provision for punishing the man who violates the quarantine regulations. The punishment is denounced against what is forbidden in the seventh section, and that seventh section does not embrace the violation of quarantined regulations.

The President may proclaim quarantine of a given portion of the State of New York, yet if I take a diseased animal from that portion of the State of New York to another part of the same State I shall not be subject to punishment under this bill. I may violate the quarantine, but I am not to be punished. If I take a healthy animal from a quarantined territory to a portion outside of it, I am not to be punished.

What is punished under this bill? The simple act of knowingly transporting diseased animals from one State to another; that is all. Is there any man on this floor who desires permission to take diseased ani-

mals and cart them over the country? That is all that is punished under the provisions of this bill, and this bill has no vitality outside of its sanction.

[Here the hammer fell.]

Mr. RANDALL. I desire at the proper time to submit a motion embraced in the proposition which I ask the Clerk now to read as a portion of my remarks.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That the bill be recommitted to the Committee on Agriculture with instructions to report a bill which shall embrace a more thorough system of inspection, to the end that no diseased animal shall be exported; and, further, to report a bill to organize a more strict quarantine against the importation of diseased animals, and to make such recommendations as will secure by the States such legislation as will eradicate the disease known as pleuro-pneumonia.

Mr. HATCH, of Missouri. Do I understand that the gentleman from Pennsylvania [Mr. RANDALL] has this read at this time simply for the information of the committee?

Mr. RANDALL. I have it read as a part of the remarks which I am about to make. If in order I would offer it at this time.

Mr. HATCH, of Missouri. If it is offered now I would make a point of order upon it.

Mr. RANDALL. The proper motion would be to move that the Committee of the Whole rise and report the bill to the House with this recommendation.

The CHAIRMAN. That question came up in Committee of the Whole some time ago.

Mr. RANDALL. However, I do not want to take any parliamentary advantage in the matter, and I am willing to submit the proposition at any other time.

The CHAIRMAN. The Chair will state that some fortnight ago a similar proposition was submitted in Committee of the Whole by the gentleman from Kentucky [Mr. WHITE], and the Chair then held it to be in order to move that the committee rise with a view to recommit the bill. The Chair, however, has subsequently examined the matter in a better light.

Mr. TOWNSHEND. A brighter light.

The CHAIRMAN. Better and brighter light and with much care, and has come to the conclusion that the point of order raised by the gentleman from Missouri [Mr. HATCH] is properly taken. On the former occasion the erroneous ruling of the Chair on the question affected nothing, as the vote immediately taken disposed of the matter. The Chair, however, is disinclined to leave on the record an erroneous ruling even upon an unimportant question, as it might hereafter be drawn into precedent when more important considerations were involved.

Mr. RANDALL. I submitted the proposition as a part of my remarks, and stated that when opportunity offered I would submit it for the consideration of the House.

My judgment never did approve of any action which was likely to result in proceedings looking to retaliation against foreign governments that had taken steps to prevent our meats and cattle from being imported into such countries. If I am correctly informed, all that these foreign governments ask of us, and all that we have a right to ask of them, is a thorough system of inspection on both sides. I am told that in Germany and in France the inspection of our cattle is very thorough, to such an extent as absolutely to prevent any diseased cattle from going in there. If we had regulations of that kind in this country I think we would have gone as far as we should go, and would have accomplished the result we all seek, that the exportation of cattle shall not be lessened, and that pleuro-pneumonia may be stamped out from our own agricultural fields.

Further than that I do not think we can practically go, even if we have constitutional power. There is a diversity of opinion here as to what should be done. I think we can all unite in the proposition I have suggested as not only within the constitutional power of Congress, but within our power of execution and administration.

Mr. KEIFER. Mr. Chairman, it was a little difficult to hear just what the proposition of the gentleman from Pennsylvania [Mr. RANDALL] was. It is possible that it may come up at some stage of our proceedings when we shall be unable to answer his suggestions or to make any remarks in opposition to the proposition to recommit. I know the proposition is not in order now. If I correctly heard it as read by the Clerk, I think it is largely Utopian. The gentleman's proposition is to recommit the bill to the committee with instructions to report back a bill which shall accomplish some great object in the direction of wiping out the disease called pleuro-pneumonia or other animal diseases, without fixing any sort of penalty at all. The gentleman proposes in some strange way to have mere language accomplish an object which in the view of most of us here requires to be accomplished by force under the direction of legislative and executive power.

But, Mr. Chairman, I rose to say that I have been in favor of a measure to hedge in and finally to stamp out this disease that is now threatening the whole cattle interest of this country. A number of years ago I had the honor to introduce in this House a bill on this subject of pleuro-pneumonia, one of the first bills, if not the very first, ever introduced in the House of Representatives on this subject. That bill was very simple in its terms. It looked only to hedging in the disease wherever it might be discovered to exist. All the live-stock associations all over the country, North and South, in Kentucky, Texas, and other places, considered that measure and passed resolutions favoring its adoption, declaring it a step in the right direction. The present bill goes a step further, and proposes to exercise in some mild form the power of the Government to prevent the great dangers that must come from the spread of this disease, especially in the great cattle regions of the West.

It is a matter of great importance to those who are raising cattle upon the plains and prairies of the West to know whether the Government is going to exercise power to prevent the spread of this disease into their great ranges, for if it is once introduced there it may involve practically the destruction of the whole cattle trade of America. "For years," some gentleman suggests; but I do not know the limit of years that may be required to wipe out this disease if thus disseminated. When it once gets into those large herds it may involve the destruction of all the cattle on the plains. The dispatches and letters that come to us appealing to us to do something in the way of preventing the spread of this disease make it of the gravest importance that we should look well to this bill.

I think the bill a mild one. I think it does not infringe the Constitution of the United States. I think it is very considerate of State powers, and I am not yet prepared to agree with distinguished gentlemen on the other side that there is any such thing as State power, either by police regulations or otherwise, to go into the herds and kill them off, any more than there is national power. It is a question of the right of property, and it is not to be determined by State any more than national authority. But if such measures become necessary to put an end to the disease that threatens one of the greatest interests of America, it will be found that the power can be exercised rightfully under the Constitution by the General Government better than in any other way.

[Here the hammer fell.]

Mr. MCADOO. Mr. Chairman, I feel that in justice to myself as a Representative of the State of New Jersey I should explain my reasons for voting against this bill. I hold in my hand a communication from the president of the board of health of my State requesting the Representatives from New Jersey in Congress to vote for this bill. I find that this officer has investigated the subject. One of his statements is to the effect that the transportation of cattle is from the West to the East, and not from the East to the West. From what he says, if the disease exists at all there are probably as many cases in my district as in any other in the United States. There is no transportation of those cattle from the East to the West, so that while it is a local evil in one State, the western part of the country, where cattle are mostly raised, is not all endangered by its existence in New York city and vicinity.

But, aside from that, I will vote against this bill on constitutional grounds, regardless of the request of the president of the State board of health, regardless of the fact that in my district there are so many cases of pleuro-pneumonia, if such a disease is really a fact. I know, Mr. Chairman, that this is the age of material politics and business interests, in which constitutional freedom is subordinated to the convenience of trade. We find that day after day this Congress is being asked to unify the laws of the United States on the plea of convenience. I, for one, will not listen to the plea of convenience when convenience infracts the Constitution of the United States. This Federal system, which is the foundation-stone of our liberties and our only bulwark against centralized despotism, may have its inconveniences, but is not home rule and individual liberty worth some sacrifice?

I think, sir, that the argument of the learned gentleman from Missouri [Mr. BROADHEAD] is unanswerable, that this bill does tend to centralization, and does not come under the constitutional regulation of commerce. It leaves to the President of the United States the liberty of making a police district of a State without the sanction of the Legislature or governor of that State.

Indeed, sir, this bill is on a par with the petition presented this morning for Congress to legislate in a general way on the subject of divorce. There are people in this country, unfortunately, who, on the plea of convenience and to suit their business interest or notion, would not hesitate about a constitutional question. Those people are honest business men; they do not look at it in any other view; they regard it from a material standpoint; and they do not care much about matters which infract the Constitution and seriously endanger perhaps the freedom and welfare of the people. They would wipe out State lines, unify all laws, look for all legislation to Washington, and drag fettered liberty at the wheels of triumphant trade.

I am reminded of what was said by my friend from Virginia [Mr. JOHN S. WISE] some days since, that the State-rights bantam had become in its own estimation as big as the cochin-china of the Federal power. I wish to say to him that this big cochin-china of Federal power may become a blustering bully, maintained by the liberal concession of confiding States, and repaying that liberality by unconstitutional domination. We want to prevent that if we can. Let him have his share of the roost, but not undertake to occupy the whole barn.

But it is said that the cattle interests of this country are more to be considered than the Constitution, if I understand the argument of some

gentlemen. It is also said this bill is friendly to the States. I say it is not friendly to the States, but on the contrary is opposed to their constitutional rights. In the language of Scripture, "The voice is Jacob's voice, but the hands are the hands of Esau."

[Here the hammer fell.]

Mr. HATCH, of Missouri. I move the committee rise with the view of limiting debate. I think the House has indulged discussion long enough and that we ought now to come to some arrangement so that we may get on with the bill.

Mr. RANDALL. I ask the gentleman to allow the sense of the House to be taken on the proposition which I suggested in my remarks.

Mr. HATCH, of Missouri. Certainly.

Mr. WHITE, of Kentucky. I ask consent to read a letter which I have received on this subject from one of the largest shorthorn cattle-breeders in the country. He happens to live in my district.

Mr. HATCH, of Missouri. I will yield for that purpose.

Mr. WHITE, of Kentucky. I will read the letters myself.

SIDEVIEW, MONTGOMERY COUNTY, KENTUCKY, *February* 7, 1884.

MY DEAR SIR: I would like to enlist your influence and action in behalf of the bill now before Congress to establish a bureau of animal industry and stamp out pleuro-pneumonia, a disease as fatal to cattle as the most contagious forms of Asiatic cholera is to humanity. That it has already got a foothold in the Atlantic States there is no doubt, and that we west of the Alleghanies have escaped it so far is only because it is only the last two or three years that any but thoroughbred cattle have been brought from east to west. Calves and stickers are now being brought from east to west at the rate of 6,000 per month through Chicago alone, and we can not escape it much longer only by such action as is proposed by Congress. On account of this disease Great Britain will only now allow our beef cattle to land at two ports, and they must be slaughtered in those two ports inside of fourteen days. The farmers of the whole West, on account of this British statute, lose $1 per hundred at least on every steer large enough to export. Stamp out this disease, and we can send our cattle anywhere in Great Britain. No one State or set of States can stamp it out, for even if they buy and slaughter all infected cattle, it is hardly done before an infected drove comes in from some other infected State. Hence action by the General Government is necessary to stamp it out of all the infected States together and at one time. The Government of Great Britain has found it necessary to take hold of the disease herself, but she put it off so long that in the years 1880, 1881, and 1882 she lost over $60,000,000 annually before she got it checked. It is estimated that since 1800 the continent of Europe has lost more by this disease among their cattle than by all its wars in the same period. One ox with the disease, thirty years since, landed in New Guinea, and destroyed totally cattle-raising in that country. The disease is so contagious that the droppings from a wagon-wheel passing through an infected lot of cattle into an uninfected will disease it. Whenever the disease breaks out in one lot no individual escapes; it is so insidious that on account of its lying dormant often in an animal from three weeks to three months, that any unprincipled salesman finding it in his lot will take the rest and can sell them with impunity to any one else.

When we consider that the cattle of the United States are worth over $1,000,000,000, and that our sales annually amount to over eight hundred millions, and that, our property being visible, we never escape taxation, it does seem Congress would grant us the pittance asked to stamp out the disease at home and give us such legislation as to protect our markets in foreign countries. When it is considered that our cattle are worth more than all the railroads and manufactories combined that are continually receiving aid from the General Government, why not protect us a little that never ask any gifts? In to-day's Cincinnati Gazette I see some of our Western Congressmen from Texas, Kansas, &c., opposing the bill. Do they know if the disease ever gets onto the great plains their Western cattle business is not only done but destroyed, and even this great Government of ours would not be able to stamp it out? If they have any doubts on this point, let them look up the history of this disease upon the steppes of Russia, in Germany, and in Great Britain. We can stamp it out now and at comparatively small cost while east of the Alleghanies. Should it get west of them the figures for this purpose would be almost incredible. The only trouble with the bill is it does not appropriate one-fifth enough and should be still stronger in its effects. Any one that will read the official reports of Great Britain upon this subject will have no doubt upon this point. In short, upon the legislation of Congress depends the prosperity of the great farming and stock interests of the United States. Stamp out the disease and protect us from discriminating foreign legislation, and we can make the whole country prosper as it never did before, and feed Europe, with Great Britain thrown in in addition, upon the best meats and choicest grains they ever knew.

I see Mr. BELFORD, of Colorado, day before yesterday took the ground the legislation asked was in behalf of Western cattle-kings and against the thoroughbreds. This is a great error. It is for all cattle of every kind. As the largest individual breeder of shorthorns in the United States, I totally deny his premises. It is for scrub, Texan, thoroughbred, and all kinds. I have so written him.

Yours, truly, T. CORWIN ANDERSON.

Hon. JOHN D. WHITE.

SIDEVIEW, MONTGOMERY COUNTY, KENTUCKY, *February* 14, 1884.

MY DEAR SIR: Your letter of the 6th received, and glad to know the bill will have your favorable consideration. There is nothing further from the objects of the bill or the views of its originators than to give cattle-kings or any one else the power to depress the beef or other meat markets. As one connected with the convention that framed it and been interested directly with the circumstances that brought it forth, I think I may confidently assure you of this fact. The real and only ultimate objects of the bill were to stamp out this disease where it exists, prevent its further spread, and by these means prevent the hostile English legislation toward our live export cattle with that of the German and French Governments toward our pork. Should these most beneficent objects be accomplished the cattle-men of every sort and all farmers that consume their own grain with either hogs or cattle can take care of themselves and need no further assistance from the Government than good legislation would naturally accomplish.

We have no statistics published that would give an accurate idea of the number of thoroughbred cattle in Kentucky, of shorthorns in Montgomery County. I make the thirteen largest herds to contain eight hundred and ninety head and worth in round numbers $261,100, without counting the Hamiltons of Flat Creek, that are usually considered as belonging to Mount Sterling, nor have I included any of the many small herds of five, eight, and ten individuals that have been begun in the past year or so. Bigstaff, myself, and Williams and Hamilton, A. W., have several cattle in this enumeration that have cost us at auction in the last three years from $1,000 to over $4,000 per head. My herd is the largest belonging to one man, having quite two hundred of all ages, and my surplus at auction of all ages and both sexes making an average per head of $308, $331, and $430 for the years 1881, 1882, and 1883. I mention these things as evidence of the value of our cattle at this time, and why we wanted to be protected from a disease that leaves no individual of a lot of cattle after once becoming infected. Montgomery County farmers have given more attention to shorthorns from 1880 to 1884 than ever before, while I think in the other blue-grass counties besides Bath the interest has diminished; notwithstanding out of the 3,800 shorthorns sold at $207 per head at auction during 1883 Kentucky furnished about one-third of them. Most of the States, though, sell largely at private sale, while the auction of shorthorns in Kentucky has become prevalent and the custom.

About Clark I have not the means to tell, nor any one except some one acquainted with the herds individually. At a guess, while much larger in area than Montgomery, I doubt whether she has more shorthorns since the dispersion of the large herds of Groome, Van Meter, Thomson, and Renick.

Hoping the success of our bill, I am, yours, truly,

T. C. ANDERSON.

Mr. WELLER. I ask the same courtesy may be extended to me that was extended to the gentleman from Kentucky, in order that I may have read an extract from the report of the Committee on Agriculture.

Mr. HATCH, of Missouri. I yield for that purpose.

Mr. WELLER. I ask particular attention to this extract from the committee's report:

Now, while it is true that pleuro-pneumonia has existed in the East for forty years without having been carried to the West, it must be admitted, from what has occurred so many times in Pennsylvania and Connecticut, that there has been danger of this, and that this danger is increasing with the larger number of cattle now being shipped in that direction. No doubt this danger has been exaggerated, but the fact that there is danger, and that the disease once carried to the Western herding grounds would probably be beyond our control, if we can judge from the experience of Australia and South Africa, is sufficient to show the importance of grappling with it while it can be so easily handled. The rapidity with which a disease spreads on these ranges when once introduced is illustrated by an occurrence of last summer in Southwestern Texas. A drove of cattle brought a communicable disease to that section which the Army surgeons believed to be contagious pleuro-pneumonia; but before any careful examinations could be made several hundred cattle had died and a large territory was infected. Fortunately, investigations showed that this was not pleuro-pneumonia, but a disease which does not outlast a single season of the year. If it had proved to be pleuro-pneumonia, would it not have been a national calamity? With a large territory already infected, with no money and no power to control the disease, and occurring in summer months before the State and national legislative bodies would convene, it is difficult to see how any effective measures could have been adopted.

Mr. HATCH, of Missouri. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, and had come to no resolution thereon.

Mr. HATCH, of Missouri. I move that the House resolve itself into committee for the further consideration of the special order; and, pending that motion, I move all debate on the pending section and amendments thereto be limited to ten minutes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed a joint resolution and bills of the following titles; in which the concurrence of the House of Representatives was requested:

Joint resolution (S. 70) expressing the appreciation of Congress and the people of the United States of the generous act of Her Britannic Majesty's Government in presenting to the United States the Arctic steamship Alert;

A bill (S. 233) providing for an enlargement and improvement of the post-office, custom-house, and court-house at New Haven, Conn;

A bill (S. 528) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co.;

A bill (S. 1014)) to authorize the State of California to select other lands in place of sixteenth and thirty-sixth sections, returned as mineral; and

A bill (S. 1155) to provide for the issue of circulating notes to national banking associations.

GIFT OF THE STEAMER ALERT.

Mr. COX, of New York. Mr. Speaker, it would be an act of grace if we take from the Speaker's table the Senate resolution accepting the gift of the Alert from the British Government and pass it instantaneously.

Mr. KASSON. There is no objection.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objections.

The joint resolution of the Senate was read at length.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. ROBINSON, of New York. I object.

ORDER OF BUSINESS.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Missouri [Mr. HATCH], that the House resolve itself into Committee of the Whole House on the state of the Union; and, pending that motion, that all debate on the first section of the bill and all amendments thereto be limited to ten minutes.

Mr. WELLER. I rise to a parliamentary inquiry.

Mr. KEIFER. The motion does not contemplate an attempt to close debate on the entire bill?

Mr. HATCH, of Missouri. No; only on this section and the amendments to it.

The SPEAKER. The gentleman from Iowa will state his parliamentary inquiry.

Mr. WELLER. That was the very point I was about to raise.

The SPEAKER. The question is on agreeing to the latter motion, which has just been stated.

The motion was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

CONTAGIOUS DISEASES OF DOMESTIC ANIMALS.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. By order of the House all debate on this section and pending amendments and amendments which may be submitted thereto is limited to ten minutes.

Mr. STORM. Mr. Chairman, I desire but a very few minutes to express my views on this bill. It seeks to add another to the already large number of bureaus that we have provided by existing law under this Government. The bill styles it "the bureau of animal industry." It will require many and weighty considerations to induce me to give my consent to multiplying the number of bureaus already existing under our Government.

I know the tendency is always to increase the number rather than to diminish it; and that when they are once established there is a corresponding tendency on the part of the bureau itself to grow pretty rapidly, not only in the desire for increased dignity, as we now witness on the part of the Agricultural Bureau, which wishes to be made a part of the Cabinet, but also with reference to the matter of appropriations required for their support and maintenance. These annually increase, so that where $10,000 a few years ago was amply sufficient for all such purposes in any one bill, we find that they have increased their demands up into the hundreds of thousands of dollars, and are still increasing.

And yet, Mr. Chairman, I do not deny that the subject under consideration is not of importance enough to justify the establishment of another bureau. I believe with the gentleman from Connecticut that this bill is bad, very bad; but I do not believe that it is so bad that it is incapable of amendment. Now, if the friends of this bill are not willing to accept reasonable amendments which have been suggested by those who have spoken against it, I think by their very objection to such amendments the friends of this bill are indicating a desire or an inclination on their part that they do not want it to pass. I claim that if we give this bureau the power and the right of investigating the causes of contagious diseases among domestic animals; if we give the power that we have under the clause in the Constitution to "regulate commerce" among the States to prevent the transportation of diseased domestic animals from one State into another either by railroad or steamboat—and I admit that the transportation of cattle from one State into another and trade in them is "commerce"—and if in addition to that we give them the necessary machinery and means to carry out that plan, then I say we are giving to them all that the friends of this bill ought to ask. In this legislation not only the cattle interest, strictly so called, but the hog and sheep interests ought also to be embraced; and on that subject I have no doubt that the bill goes far enough to include such interests. But as there seems to be a doubt about the terms of the bill in this respect, it can be readily amended so as to provide for the protection of all these different interests in animals.

Now, the friends of the bill, if they are wise, will accept the amendments which have been offered, and which I believe will remove all the serious objections that this side have to the bill. That would include, I take it, the striking out of the fourth section.

I am sure the gentleman from Maine [Mr. REED] would not contend that any argument could be made here by the most latitudinarian constructionist that could fairly defend that section. I would like to know what the word "district," the last word in the fourth section, means. Does it mean that portion of the State or Territory which the President has the right to declare in quarantine? If it does, what is meant by the prohibition against driving or transporting cattle out of that "district?" Why, sir, I could conceive under that section a township or a county might constitute the infected district; and to say the President should have the right to prevent the exportation of cattle out of that district would be to say you had the right to control commerce, not merely between States, which no one disputes, but between the counties of a State.

[Here the hammer fell.]

Mr. KASSON. The suggestion last made by the gentleman from Pennsylvania [Mr. STORM] is worthy undoubtedly of the consideration of the committee. The object of this section evidently was to accomplish as far as possible a limitation of the district affected by being declared in quarantine, and it refers, as I understand, to transportation to another State or Territory. It is designed to alleviate the difficulty which might arise if you made the provision relate exclusively to a State.

Mr. HATCH, of Missouri. If the gentleman will permit me, I will say I gave notice, at the suggestion of the gentleman from Maine [Mr. REED], that I would move to amend by adding at the end of that section, following the word "district," the words "into any other State or Territory."

Mr. REED. Or foreign country.

Mr. KASSON. I supposed that was intended. I only wish to say to the gentleman on my left [Mr. STORM] that he will find a hearty disposition on this side of the House among the friends of the bill to meet all fair and constitutional objections.

I rose mainly, however, for another purpose, to refer to a pending amendment offered by my friend from Pennsylvania [Mr. BAYNE], which is to strike out the words——

Mr. WELLER. That amendment has been voted down.

Mr. KASSON. That amendment proposed to strike out the words "investigate and report upon the number, value, and condition of the domestic animals of the United States, their protection and use."

Mr. HATCH, of Missouri. That has been disposed of.

Mr. GIBSON. You voted that down on your side.

Mr. STORM. The friends of the bill voted down that proposition.

Mr. KASSON. Will the gentlemen permit me to say what I started with intimating I wished to say in connection with that and in answer to remarks of the gentleman from Texas, that this involves no additional expenditure and simply gives advantages which some gentlemen not from agricultural districts fail to appreciate. For example, in my own State we are large buyers of domestic animals from other States to bring there and fatten them on our usually abundant corn crop.

The information as to the condition, number, and value of the domestic animals of the United States will be of great importance to the people of those States that buy elsewhere for purposes of fattening.

There are at present, I wish to remind my friend from Texas, agents from the department in the various States of the Union ascertaining the quantities and quality of wheat, corn, and oats produced, the condition of the crops, &c., and all such facts which are published in the monthly bulletin. And, further, merely to give them power to inquire and report as to the number, condition, &c., of domestic animals is to allow in respect to live-stock what has been found very useful as to other agricultural products, and what ought to be allowed here. It involves only the same machinery which exists now, except so far as diseases are concerned.

I hope the pending section as amended may be allowed to pass and we may go on rapidly, stopping only at those sections to which gentlemen have a substantial amendment to offer in harmony with the general provisions of the bill. That is all I desire to say touching the first section and the amendments proposed to it. The second section has met with very little or no objection. The third can be considered when we come to it.

The CHAIRMAN. The time allowed for debate on the first section and amendments thereto is exhausted. The Clerk will report the pending amendment, which is that offered by the gentleman from Pennsylvania [Mr. HOPKINS].

The Clerk read as follows:

Insert after the word "purpose," in line 15, the following:
"With the consent of the Legislature of the State or States in which the persons so employed are to act."

The question being taken on agreeing to the amendment, there were—ayes 90, noes 101.

So the amendment was not agreed to.

The CHAIRMAN. There is no other amendment pending. The Clerk will read the next section.

Mr. STEVENS. Would it be in order to offer a further amendment to the first section?

The CHAIRMAN. It would be in order to offer a further amendment, but not to debate it.

Mr. STEVENS. I do not wish to debate it.

The Clerk read the proposed amendment, as follows:

Strike out all after the sixth line of section 1 and insert in lieu thereof as follows: "existence, cause, and extent of contagious, infectious, and communicable diseases in cattle, horses, sheep, and swine (especially pleuro-pneumonia in cattle), and the means for the prevention and cure of same, and also to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country; and the Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose, not exceeding ten persons. The salary of the chief of said bureau shall be $3,000 per annum, and the said Commissioner is authorized to appoint a clerk for said bureau, with a salary of $1,500 per annum."

The question being taken on the amendment, there were—ayes 66, noes 104.

Mr. STEVENS. I call for tellers.

On the question of ordering tellers there were ayes 40—more than one-fifth of a quorum.

So tellers were ordered; and Mr. HATCH, of Missouri, and Mr. STEVENS were appointed.

The committee again divided; and the tellers reported—ayes 72, noes 84.

So the amendment was not agreed to.

The Clerk read as follows:

SEC. 2. That the Commissioner of Agriculture is authorized to appoint two competent agents, who shall be practical stock-raisers or experienced business

men, familiar with questions pertaining to commercial transactions in live-stock, whose duty it shall be, under the instructions of the Commissioner of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia and to provide against the spread of other contagious diseases. The compensation of said agents shall be at the rate of $10 per diem, with all necessary expenses, while engaged in the actual performance of their duties under this act.

The Committee on Agriculture recommend that the section be amended by inserting in line 10, after the word "contagious," the words "infectious and communicable;" so that it will read:

To provide against the spread of other contagious, infectious, and communicable diseases.

Mr. BELFORD. I move to amend this section by striking out the word "two," in the second line, and inserting the word "thirty-eight" before the words "competent agents." I do that for the purpose of providing an agent in every State in this Union who will be interested in determining the great and vital questions involved in this bill.

So far as I am personally concerned I am opposed to intrusting the determination of the cattle interests of this country to the Commissioner of Agriculture and the two agents whom he may *sua sponte*, or on his own motion, appoint. If we are to consider the great cattle interest, I mean not only the cattle interest but the sheep interest and the hog interest of this country, we should have a council composed of an agent from each State where cattle and sheep and hogs are found, and not allow this vast power to be exercised by persons here at Washington under the direction of the Commissioner of Agriculture. I have said that much in behalf of the amendment I have offered.

I want to say one word further. The gentleman from Missouri who has this bill in charge [Mr. HATCH] generously declared that he would accept any amendment that would perfect the bill and protect the rights of the people. I want to vote for this bill, but I have given a semi-opposition to it on the ground that it places $2,000,000,000 worth of property under the control of the Commissioner of Agriculture and the two agents whom he may appoint.

Now I ask the gentlemen who framed this bill where those two agents are going to operate? Are they going to spread all over the enormous proportions of this Republic or are they going to sit here in Washington and use their telescopes to observe the cattle diseases in this great land? I say that while I will go to the utmost limit to protect the cattle interests of this country, while I will go to the utmost limit to protect the sheep and the hog interests of this country, I will never consent that a bill formulated like this shall pass this House if I can possibly prevent its passage. It needs to be reformulated and remodeled, so that the men who own cattle, the men who own sheep, the men who own hogs shall act conjointly with the representatives of the National Government in determining whether or not those animals are diseased.

And I say in addition to that that it is of the highest importance—I had occasion the other day to use the phrase "supereminent importance," and my dear, logical, classical, kindly hearted friend from New York, now in the chair [Mr. COX], emphasized that phrase in the colloquy he had with me—I say it is a question of supereminent importance that we pass some bill touching this subject. The Democratic party can not afford to ignore or disregard its necessity; the Republican party can not have failed to see its necessity. [Here the hammer fell.] Just a moment. Will somebody give me another minute. [Laughter.]

Mr. GIBSON and Mr. WELLER rose.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. GIBSON] to speak next.

Mr. GIBSON. I desire again——

Mr. WELLER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WELLER. The inquiry I desire to propound is this: I supposed that I had conformed to the rules of this House in respectfully approaching the chairman and having my name placed second on the list. I understood that I was to be recognized after the distinguished gentleman from Colorado [Mr. BELFORD] had made his remarks. I would like to know if that is true.

The CHAIRMAN. The Chair will state that the rules require pro and con discussion. [Laughter.]

Mr. WELLER. I think I want to take the con side.

The CHAIRMAN. The Chair will recognize the gentleman soon on the pro side of the discussion.

Mr. GIBSON. Mr. Chairman——

Mr. WELLER. I now rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WELLER. While the fortunes that govern the destinies of many men have placed me on this side of the House, I declare to you that I really belong over on the other side [laughter] so far as this bill and its terms against the interests of the farmers and stock-raisers are concerned.

Mr. GIBSON. I desire to repeat what I have already said to the friends of this bill, that I sincerely wish to get this bill into as good shape as possible, and to have a bill passed that will secure the object desired. For that reason I desire now to call the attention of the friends of the bill to the objections to this second section, and to ask them if they intend to pass it or desire to pass it in the shape it now is in.

A gentleman speaking a short time ago said that this second section, with the agents therein referred to, was simply for the purpose of the extermination of diseases among cattle. I wish to say to the chairman of the Committee on Agriculture that he has brought in a bill here with one section giving the power to the veterinary surgeon to pass upon the question of the existence of all these diseases and another section conferring identically the same powers on two additional agents.

Mr. KASSON. They have no power except a general power to inquire and recommend.

Mr. GIBSON. They have the same power as the veterinary surgeon, the power to inquire and recommend.

Mr. KASSON. That is all the power they have.

Mr. GIBSON. Exactly. Now, why should two sets of officers be invested with this power of inquiring and recommending?

But there is something else in this section of the bill which gentlemen do not seem to understand; it is buried down in it like a grain of wheat in a bushel of chaff. I refer to the provision that these two commercial agents shall have the power to adopt rules regulating the transportation of all the stock or cattle in this land and that they shall be men practically engaged in stock-raising. What would be the result of this? Why, sir, one of these agents may be a stock-broker in Chicago, another may be a stock-broker in New York. These two men—stock-brokers—men engaged in buying and speculating in cattle, will have the power to adopt or recommend rules by which the whole traffic in cattle in this country shall be regulated. When they have brought on enough cattle for their own business purposes, when they think the market is about to fall, they may stop all the cattle upon the railroad trains going into those cities. These cattle must then stand upon the tracks, to be fed at the expense of the owners, until these agents have realized their profits.

Now, I do not think this provision has anything to do with the prevention or cure of diseases among cattle; and it is not fair or honest, when gentlemen are assuming to legislate for preventing the spread of cattle diseases, to adopt a clause which may prevent the transportation of healthy and sound cattle. I wish now to give notice that after gentlemen who favor this bill shall have perfected this section as best they can by amendments, it is my purpose to move at a proper time to strike out this clause, because, with the solitary exception to which I have referred, the veterinary surgeon will have all the power proposed to be conferred upon these two agents.

Mr. WELLER. I desire to move the amendment which I send to the desk.

Mr. KASSON. There are two amendments pending.

Mr. WELLER. I offer this as a substitute for the second section.

The CHAIRMAN. That will be in order.

The Clerk read as follows:

Amend section 2 by striking out the word "two," in the second line, and in its place insert the word "one." Also, in same line, after the word "agent" add the following words: "In each State or Territory in the United States." Also, after the words "pleuro-pneumonia," in the ninth line, add the words "and other communicable diseases of live-stock." Also, in line 9, same section, after the words "pleuro-pneumonia," add the words "and other communicable diseases of live-stock." Also, at the end of line 9, strike out the word "other" and insert in its place the word "such;" so that the same, if so amended, will read as follows:

"SEC. 2. That the Commissioner of Agriculture is authorized to appoint one competent agent in each State and Territory, who shall be nominated thereto by the governor of the State or Territory in which such person is designated to act, who shall be practical stock-raisers or experienced business men, familiar with questions pertaining to commercial transactions in live-stock, whose duty it shall be, under the instructions of the Commissioner of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia and other contagious, infectious, and communicable diseases. The compensation of said agents shall be at the rate of reasonable dollars per diem, with all the necessary expenses, while engaged in the actual performance of their duties under this act."

Mr. WELLER. Mr. Chairman, I have had, from the very first, grave suspicions as to the intent of section 2 as it came from the hands of the Committee on Agriculture, and as I have analyzed and reflected upon the provisions of the section my conviction that it was in the interest of a stock ring has been confirmed to such an extent that I am now most seriously opposed to the section without the amendments I have suggested.

I find that in the second line this section provides for the appointment of "two competent agents" by the Commissioner of Agriculture. This is one of the things I object to. I do not want to have two men, selected by the Commissioner of Agriculture, to hold in his or their hands the entire cattle interest of the United States. It seems to me that if the Commissioner should be so unfortunate as to make a selection of vicious persons, persons disposed to do harm to the animal industries of the country, great injury might result under the operation of this section. I believe that each State and Territory, by its executive authority, should be permitted to designate to the Commissioner of Agriculture the name of a proper person who should be selected by the Commissioner as the agent of that State or Territory to do this work. I am satisfied that if an agent were selected by the executive of the State of Iowa, such agent would see to it that no stock ring in Chicago or any of the large cities east or west would be permitted to trespass upon the interests of the people to the extent that would be

possible if two vicious men should be selected by the Commissioner of Agriculture or any one else under the section as it comes from the hands of the committee.

I desire to call special attention to another feature of this section. Lines 8 and 9 contain this language:

And the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other contagious, infectious, and communicable diseases.

Now, I called attention not long since to the fact that there was not a single provision in the bill for the protection of those engaged in the sheep industry or in hog-raising or in the raising of horses, mules, &c. Not a single provision. We find it is for the suppression and extirpation of pleuro-pneumonia, and not for the suppression and extirpation of hog-cholera, sheep-scab, or the like.

[Here the hammer fell.]

Mr. HATCH, of Missouri. Mr. Chairman, I think all that is necessary to say in reply to the criticisms of the gentleman from West Virginia on the second section of the bill is to read that section in the hearing of the House. It is as follows:

SEC. 2. That the Commissioner of Agriculture is authorized to appoint two competent agents, who shall be practical stock-raisers or experienced business men, familiar with questions pertaining to commercial transactions in live-stock, whose duty it shall be, under the instructions of the Commissioner of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other contagious, infectious, and communicable diseases. The compensation of said agents shall be at the rate of $10 per diem, with all necessary expenses, while engaged in the actual performance of their duties under this act.

Mr. GIBSON. Let me ask the gentleman a question.

Mr. HATCH, of Missouri. Certainly.

Mr. GIBSON. Does not the first section of the bill say that the chief of the bureau of animal industry shall investigate and report upon the number, value, and condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country.

Mr. HATCH, of Missouri. Unquestionably, and the object of the second section is to give the men engaged in cattle industry throughout the country proper representation in this bureau. Every single resolution and request made on the part of those representing that interest coming before our committee have been that the cattle-men should be fairly represented. The bill, as it has been framed and is now before the committee, provides for the apppointment of two practical stock-raisers, whose duty it shall be to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of pleuro-pneumonia, and to provide against the spread of other contagious, infectious, and communicable diseases.

Mr. BELFORD. Will the gentleman permit me to ask him a question?

Mr. HATCH, of Missouri. Certainly.

Mr. BELFORD. The bill is limited to two; why not put an agent in for each State and Territory?

Mr. HATCH, of Missouri. Simply because the duties devolved on those two agents can be as well performed by them as by two hundred, and there is therefore not the least necessity for multiplying officials under this bill. Those two agents who are familiar with the question will make their examinations and report to the Commissioner from time to time.

Mr. BELFORD. Cattle-men do not appoint these two men, but it is done by the Commissioner of Agriculture.

Mr. HATCH, of Missouri. Of course.

Mr. WELLER. Before the gentleman sits down I would like to inquire of him whether the owners of hogs, asses, and sheep under section 2, if the bill shall become a law, would be compelled to quarantine their own stock for the suppression and extirpation of pleuro-pneumonia?

Mr. HATCH, of Missouri. There is no suggestion of quarantine in the second section or anything like it. I ask unanimous consent of the committee that debate on the second section be limited to five minutes.

Mr. BROWNE, of Indiana. Say one minute.

Mr. HOBLITZELL. I object.

Mr. BELFORD'S amendment to the amendment was rejected.

The question recurred on Mr. WELLER'S amendment, and it was disagreed to.

Mr. GIBSON. I move to strike out the second section of the bill.

Mr. HOBLITZELL. Mr. Chairman, the title of this bill provides for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals. The first section declares the manner in which the Commissioner of Agriculture shall organize that bureau in his department. The pending amendment is that of the gentleman from West Virginia [Mr. GIBSON], to strike out the second section, and I shall support that motion, because I can see no relation whatever between the subject-matter of that section and the object sought to be accomplished as stated in the caption of the bill. The first section of the bill provides for the collection of information by the establishment of this bureau. It also provides for the appointment of a competent veterinary surgeon as chief, who shall investigate and report upon the number, value, and condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country.

The second section provides for the appointment of two agents, who shall be practical stock-raisers or experienced business men, familiar with questions pertaining to commercial transactions in live-stock. But when you come to inquire into the duties they are to be called upon to perform, these qualifications which are required do not fit them for the performance of those duties.

Now, one feature of this section is:

To examine and report upon the best methods * * * to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other contagious, infectious, and communicable diseases.

Have not you already provided for it in the first section of the bill by the appointment of a competent professional man, capable of inquiring into the causes of such diseases, and also capable of recommending the best means of preventing their spread or of caring for animals so infected? But, Mr. Chairman, there is another feature of this section to which I call your attention:

To examine and report upon the best methods of treating, transporting, and caring for animals, &c.

What do these gentlemen know or propose to know of the best methods of treating or caring for animals? Is the treating, the caring for, and transporting animals in any way connected or has it anything to do with the establishment of a bureau of animal industry? I submit, Mr. Chairman, that that section seems to have been put in there as the gentleman from Missouri suggested, to give these industries a representation upon the bill so that they may draw $3,000 a year, and to be permitted to recommend their own and favorite modes of transporting cattle, no matter what their interest may be in such means of transportation.

[Here the hammer fell.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from West Virginia, to strike out the second section.

The amendment was not agreed to.

The Clerk proceeded to read the third section.

Mr. HATCH, of Missouri. At the suggestion of a large number of gentlemen around me I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. COBB having taken the chair as Speaker *pro tempore*, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union, having under consideration the bill (H. R. 3967) to establish a bureau of animal industry, &c., had come to no resolution thereon.

Mr. HATCH, of Missouri. I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, by unanimous consent, leave of absence was granted as follows:

To Mr. MULLER, for the remainder of the week, on account of important business.

To Mr. ROWELL, indefinitely, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

On motion of Mr. DIBRELL, by unanimous consent, leave was granted to withdraw from the files of the House papers relative to the claim of Robert Mincey, late of Company B, Fifth Tennessee Volunteers; no adverse report.

The motion of Mr. HATCH was then agreed to on a division, there being—ayes 106, noes 35; and accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOYLE: Petition of citizens of Fayette County, Pennsylvania, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. W. W. BROWN: Petition asking for the continuance of the present disbursing system of pensions—to the Committee on Invalid Pensions.

By Mr. CANDLER: Memorial for aid to sufferers from the cyclone in Georgia—to the Committee on Appropriations.

By Mr. CLAY: Petition of citizens of Kentucky, relative to the improvement of the Licking River—to the Committee on Rivers and Harbors.

By Mr. S. S. COX: Petition of John Donnelly and 5 others, relative

to the importation of aliens under contracts made abroad—to the Committee on Labor.

By Mr. CUTCHEON: Memorial of the Soldiers and Sailors' Association of Southwestern Michigan, for a national soldiers' home in Michigan—to the Committee on Military Affairs.

Also, memorial of Stevens Post, No. 66, Grand Army of the Republic, Department of Michigan, for a reform in the pension laws—to the Committee on Payment of Pensions, Bounty, and Back-Pay.

By Mr. DUNN: Petition of officers of steam vessels, for two snug-harbors, one east of the Alleghany Mountains and one in the Mississippi Valley—to the Committee on Commerce.

Also, papers relating to the claim of Martha W. Bell—to the Committee on War Claims.

By Mr. ERMENTROUT: Copies of resolutions adopted at a meeting of live-stock commission dealers at Union Stock-Yards, Chicago—to the Committee on Agriculture.

By Mr. FERRELL: Petition of citizens of Philadelphia, Pa.; of citizens of Malaga; of citizens of Millville, N. J., asking for an appropriation to build jetties at Corson's and Townsend's Inlets—severally to the Committee on Rivers and Harbors.

By Mr. FOLLETT: Petition of workingmen of Cincinnati, Ohio, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. GEORGE: Petition of John Beeson, of Oregon, asking for a peace commission to treat with the Indian tribes—to the Committee on Indian Affairs.

Also, petition from the city council of Portland, Oreg., asking that the Northern Pacific land grant be not forfeited—to the Committee on the Public Lands.

By Mr. GLASCOCK: Petition for the erection of public buildings at Sacramento, Cal.—to the Committee on Public Buildings and Grounds.

By Mr HARDY: Petition of importers of dyes, dyestuffs, &c., relative to the undervaluation of imported merchandise made by Government officers—to the Committee on Ways and Means.

By Mr. H. H. HATCH: Resolutions of the Soldiers and Sailors' Association of Southwestern Michigan, relative to a soldiers' home in Michigan—to the Committee on Invalid Pensions.

By Mr. J. H. JONES: Memorial of citizens of Angelina County, Texas, for public buildings at Tyler, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. KELLEY: Memorial of over 700 pensioners of the city of Philadelphia, Pa., against changing the present system of paying pensions—to the Committee on Appropriations.

By Mr. KING: Papers relative to the improvement of Bayou D'Arbonne, Louisiana; of Black River, Louisiana; of the mouth of Red River, Louisiana—severally to the Committee on Rivers and Harbors.

Also, papers for the improvement of the harbor of Monroe and West Monroe, Louisiana; of Bayou Bartholomew, Louisiana; of Tensas River, Louisiana; of the Ouachita River, Louisiana; of the Boeuff River, Louisiana; and of Bayou Macon, Louisiana—severally to the same committee.

By Mr. LACEY: Petition of James Collister and 57 others, citizens of Hastings, Mich., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, resolution of the Soldiers and Sailors' Association of Southwestern Michigan, in favor of a national soldiers' home in Michigan—to the Committee on Military Affairs.

By Mr. LAIRD: Petition of John N. A. Griswold and others, in reference to the French spoliation claims—to the Committee on Foreign Affairs.

By Mr. J. F. MILLER: Petition of citizens of Indianola, Tex., relative to the improvement of Pass Cavallo and harbor of Indianola, Tex.—to the Committee on Rivers and Harbors.

By Mr. MORGAN: Memorial of Captain York Post, Grand Army of the Republic, No. 116, Department of Missouri, relative to pensions, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of Joel Q. Thomson and 24 others, wool-growers of Missouri, asking the restoration of the tariff of 1867 on imported wool—to the Committee on Ways and Means.

By Mr. MAYBURY; Petition of Joseph Collins, for relief—to the Committee on Military Affairs.

By Mr. G. W. RAY: Affidavits and statements of J. B. Pepper and others, relative to the post-office at Oneonta, N. Y.—severally to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Otsego County, New York, for the free distribution of the CONGRESSIONAL RECORD—to the Committee on Printing.

By Mr. W. E. ROBINSON: Petition of Chief-Justice Daly and 5 others, in favor of schools in Alaska—to the Committee on Education.

By Mr. ROCKWELL: Papers for the relief of William C. Iddings—to the Committee on Military Affairs.

By Mr. ROSECRANS: Memorial of Joseph Leonard, delegate of the Kiowa and Comanche Nations, for investigation of abuses of officers practiced in Indian Territory—to the Committee on Indian Affairs.

By Mr. SLOCUM: Petition for the retirement of Army officers at the age of 62—to the Committee on Military Affairs.

Also, petition for the repeal of law charging 10 per cent. profit on sales of stores to officers and soldiers—to the same committee.

Also, petition of officers of the Army, for passage of a law restoring to officers their allowance of fuel—to the same committee.

By Mr. STEELE: Petition of R. C. Foor and 100 others, of Bunker Hill, Ind., asking a donation of land for soldiers of the late war—to the Committee on the Public Lands.

Also, petition of J. M. Holloway and others, of Geneva Post, Grand Army of the Republic, for the passage of laws in the interest of soldiers—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. D. H. SUMNER: Petition for the relief of John W. Robson—to the Committee on Invalid Pensions.

By Mr. J. M. TAYLOR: Papers relating to the claim of Mrs. E. A. French, administratrix, &c.; and of Richard M. Isler—severally to the Committee on War Claims.

By Mr. J. D. TAYLOR: Petition of late officers of the volunteer army for the equalization of pensions—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. THROCKMORTON: Petition of Peter Smith and others, citizens of Fort Worth, Tex., for the right of way through Indian Territory for the Fort Worth and Denver City Railway Company—to the Committee on Indian Affairs.

By Mr. WHITING: Petition for a pension for Mrs. Nancy A. S. Williams—to the Commitee on Invalid Pensions.

SENATE.

WEDNESDAY, *February* 27, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

The PRESIDENT *pro tempore* announced his signature of the enrolled joint resolution (S. R. 58) filling an existing vacancy in the Board of Regents of the Smithsonian Institution, which had heretofore been signed by the Speaker of the House of Representatives.

HOUSE BILLS REFERRED.

The joint resolution (H. Res. 186) for the relief of Frank Galt was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 5262) to establish post-routes was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Post-Offices and Post-Roads. Both Houses having passed a general post-route bill, if there be no objection the Chair will direct that this bill be not printed, as it is very voluminous, at this present time.

Mr. COCKRELL. It would be utterly useless to have it printed.

The PRESIDENT *pro tempore*. The bill will be referred, without printing, if there be no objection.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of W. J. Hunter and others, of Chebanse, Ill., praying Congress to send, free of charge, to the Jaquitt Post, No. 293, Grand Army of the Republic, Department of Illinois, of which they are members, a copy of the CONGRESSIONAL RECORD; which was referred to the Committee on Printing.

He also presented the petition of Sarah F. Kinzey, of Osceola, Mo., praying for an increase to $12 per month of all pensions granted to widows and dependent relatives of ex-Union soldiers; which was referred to the Committee on Pensions.

Mr. ALLISON. I present a communication from the Woman's Christian Association of the District of Columbia, relating to that charity. As it is very brief I ask that it may be inserted in the RECORD, and I also ask that it may be referred to the Committee on Appropriations.

The paper was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

To the Senate of the United States in Congress assembled:

We, the undersigned, officers of the Woman's Christian Association of the District of Columbia, beg leave herewith to submit our fourteenth annual report, and respectfully state that the institution under our charge has enjoyed for the year past its accustomed and gratifying prosperity.

In submitting our report we beg to call attention to our charter, by-laws, the order of business laid out and accomplished by the board of managers. By that industry and economy which we are obliged to practice we have been enabled to extend our work and afford relief to some whom heretofore we have been unable to reach. The establishing of the "woman's exchange" has excited an interest in many of the most active of our young ladies who are connected with the various churches of our city, and this promises to be of great value in affording suitable employment to many poor people, as well as a market where they can dispose of many articles manufactured by themselves at remunerative prices.

The Foster Home commends itself to all who visit the institution. The care, health, and discipline of those little ones placed here is worthy of all praise.

We submit also the report of the treasurer, showing the receipts from various

other sources besides the Government appropriations, and the disbursements of the year past.

We close by asking for the same appropriation that has been given us for several past years, and for our increased and more extended work we shall rely upon the exertions of the good and charitable people who have before aided us and whose interest in our work steadily increases.

All of which is respectfully submitted; and, as in duty bound, will ever pray.

R. H. STRONG, *President.*
MARTHA S. POMEROY, *Vice-President.*
JANET M. THOMPSON, *Vice-President*
CHARLOTTE A. WEED, *Secretary.*
JOSEPHINE M. CHESTER, *Treasurer.*
L. J. CHICKERING,
S. A. JEWELL,
E. DELANO AMES,
Board of Managers.

WASHINGTON, D. C., *February*, 1884,

Mr. HARRISON. I present resolutions adopted at a meeting of the McHolland Post, No. 102, Grand Army of the Republic, Department of Indiana, and indorsed by David K. Stopher Post, No. 75, Grand Army of the Republic, Department of Indiana, in regard to certain relief measures now pending before Congress in regard to pension and bounty. The resolutions are not exactly in the form required by the rule, but as they evidently indicate that they should be presented to the Senate, I ask that they may be received and referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. If there be no objection the resolutions will be received and referred to the Committee on Pensions.

Mr. GARLAND presented a petition of the principal chiefs in the delegation of the Cherokee Nation, praying for an appropriation for the improvement of the Grand River from the Arkansas River to Fort Gibson, Ind. T.; which was referred to the Committee on Commerce.

He also presented the petition of Martha W. Bell, a resident of the States of Pennsylvania and Ohio, praying to be reimbursed for commissary supplies furnished to and receipted for by an authorized officer of the United States; which was referred to the Committee on Claims.

Mr. BLAIR presented a petition of T. W. D. Worthen and other citizens of Hanover, N. H., praying that an appropriation be made for education in Alaska: which was referred to the Committee on Appropriations.

Mr. MAXEY. I present a paper in the nature of a petition, addressed to me by a committee of the Merchants and Wool-Growers' Association of Nueces County, Texas, praying that an appropriation be made for the improvement of the Aransas Pass, in that State. I will state that I know the gentlemen who have signed it, and they represent a highly respectable association, and their petition is worthy of consideration. The paper is so clearly designed to be laid before the Senate, that I ask that it be received and referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. If there be no objection the paper will be received and referred to the Committee on Commerce.

Mr. MILLER, of New York, presented a petition of 2,000 citizens of the city of New York, praying for a repeal of the act and acts supplementary thereto by which the term of many administrative offices were changed and fixed at four years; which was referred to the Committee on Civil Service and Retrenchment.

Mr. PLUMB. I present a petition of citizens of Harper and vicinity, Kansas, praying that an appropriation be made for education in Alaska. I move that the petition be referred to the Committee on Education and Labor.

Mr. BLAIR. The petition should go to the Committee on Appropriations, I suggest. A very large number of similar petitions have gone that way.

Mr. PLUMB. The Senator from New Hampshire, the chairman of the Committee on Education and Labor, suggests that the petition should go to the Committee on Appropriations. I have no choice myself about it, and am willing to accept his suggestion, although I know of no reason why it should be referred to the Committee on Appropriations.

Mr. BLAIR. That matter is before the Committee on Appropriations, and a large number of such memorials have already been referred to it. I myself see no reason why it should go there, and the whole matter is to be based on a sense of propriety in the first instance.

The PRESIDENT *pro tempore*. The Chair understands the Senator from New Hampshire to move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. HAWLEY presented the following petitions, praying for the repeal of the limitation of the four years applied to the tenure of certain administrative offices; which were referred to the Committee on Civil Service and Retrenchment:

A petition of Herbert O. Adams and 19 others, instructors and graduate students of the department of history and politics of Johns Hopkins University, Baltimore, Md.;

A petition of E. A. Rowe and 91 other citizens of California;

A petition of W. P. Garrison and 58 other citizens of New Jersey;

A petition of C. W. Burrage and 14 other citizens of Portland, Oreg.;

A petition of J. W. Carhart and 13 other citizens of Arkansas;

A petition of Joseph Adams and 4 other citizens of Illinois;

A petition of J. J. Brown and 24 other citizens of New Albany, Ind.;

A petition of H. H. Anderson and 16 other citizens of Davenport, Iowa;

A petition of James W. Romeyer and 15 other citizens of Detroit, Mich.; and

A petition of J. A. Young and 16 other citizens of Missouri.

Mr. LAPHAM presented resolutions of the Grand Army of the Republic post located at Jamestown, N. Y., requesting the enactment of such measures as will enable the United States to pay the soldiers and sailors the difference between the money they received and gold, and also that the provisions of law relating to the granting of lands to soldiers of other wars be so amended as to include the soldiers and sailors engaged in the late war; which were referred to the Committee on Pensions.

He also presented resolutions of the Englewood Union Veteran Club of Illinois, remonstrating against the bill to reinstate Fitz-John Porter; which were referred to the Committee on Military Affairs.

He also presented resolutions passed at the eighteenth annual encampment of the Grand Army of the Republic, Department of New York, representing four hundred and forty-five posts and 27,000 veterans of the war, relative to passed assistant engineers of the Navy; which were referred to the Committee on Naval Affairs.

He also presented a petition of the New York State Temperance Society, officially signed, and a petition of the Good Templars of the State of New York, officially signed, representing 27,000 members, asking for a constitutional amendment to prohibit the manufacture and sale of intoxicating liquors for drinking purposes; which were referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Board of Trade of Oswego, N. Y., in favor of legalizing or redeeming the trade-dollar; which were referred to the Committee on Finance.

He also presented a memorial of citizens of Wayne County, New York, in favor of furnishing Hickey's Constitution, the CONGRESSIONAL RECORD, and other publications to schools and academies; which was referred to the Committee on Printing.

He also presented a concurrent resolution of the Legislature of New York, concerning the education and civilization of the Indian tribes; which was referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 66) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 149) to correct the western and southern boundaries of the White Mountain Indian reservation, in the Territory of Arizona, reported it adversely; and the bill was postponed indefinitely.

He also, from the same committee, reported a bill (S. 1651) to authorize the leasing of coal lands in the White Mountain Indian reservation, in the Territory of Arizona; which was read twice by its title.

Mr. KENNA. The Committee on Claims, to whom was referred the bill (S. 448) for the relief of George H. Plant, respectfully report, in accordance with the provisions of the resolution of the Senate of February 7, 1884, that they have referred the said bill, with the accompanying papers, to the Court of Claims, under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

The PRESIDENT *pro tempore*. The report will be placed on file.

Mr. KENNA, from the Committee on Claims, to whom was referred the bill (S. 477) for the relief of Horace A. W. Tabor, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1600) for the erection of a public building at Augusta, Ga., reported it without amendment.

Mr. CULLOM. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 764) granting an increase of pension to Abby P. Arnold, to report it adversely. The Senator from Rhode Island [Mr. ANTHONY] who introduced the bill desires it to be placed on the Calendar for the present.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 1274) for the relief of Reuben B. Clark and Sayles J. Bowen, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SAWYER, from the Committee on Railroads, to whom was referred the bill (S. 1373) granting the right of way to the Cinnabar and Clark's Fork Railroad Company, reported it with an amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 932) for the relief of Mary Jane Thompson, executrix of

Jeter L. Thompson, deceased, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1072) for the relief of Samuel B. Seat, administrator of Christian Kropp, deceased, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. MAXEY introduced a bill (S. 1652) to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRISON introduced a bill (S. 1653) granting a pension to John H. Crumb; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1654) granting a pension to Selinda E. Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1655) granting a pension to Newton J. Burris; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1656) granting an increase of pension to Thomas S. Brooks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 1657) granting a pension to Louisa V. De Kilpatrick, widow of Major-General Judson Kilpatrick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. No. 1658) for the erection of a public building at Reading, Pa.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. SABIN introduced a bill (S. No. 1659) in relation to the Red Lake Indian reservation in the State of Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1660) for the relief of George Storrs; which was read twice by its title.

Mr. SABIN. I introduce this bill to take the place of one which was introduced a few days ago and referred by mistake to the Committee on Pensions. I move the reference of the bill to the Committee on Claims.

The motion was agreed to.

Mr. HAMPTON introduced a bill (S. 1661) for the relief of George C. Tanner, United States consul at Liege, Belgium; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORGAN introduced a bill (S. 1662) to appropriate money for the improvement of the bay and harbor of Mobile; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLAIR introduced a bill (S. 1663) to extend the time for the completion of railroads westerly of the Mississippi River to which grants of public lands have been made which are in good faith prosecuting the work of construction without forfeiture of such grants, to provide for the forfeiture of land grants in certain cases, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BLAIR. If it is not asking too much indulgence I should like that bill to be read at length, as it pertains to a matter immediately under consideration by the committee, and I should like them to have the bill earlier than it can be printed regularly.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that this bill be read at length for information. Is there objection? The Chair hears none.

Mr. HARRIS. I suggest to the Senator from New Hampshire that he request that his bill go into the RECORD, rather than take time by reading it now.

Mr. BLAIR. That is sufficient.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that this bill be printed at length in the RECORD. Is there objection?

Mr. ALLISON. I do not think that ought to be done.

The PRESIDENT *pro tempore*. Objection is made.

Mr. ALLISON. We can have a reprint of the bill by to-morrow morning.

Mr. BLAIR. It is a new bill.

The PRESIDENT *pro tempore*. The bill has been referred to the Committee on Public Lands.

Mr. LAPHAM introduced a bill (S. 1664) for the relief of the estate of David Wood, late of New York; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 1665) for the relief of John W. Cator, surviving partner of the firm of Aymar & Co., of New York city; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 1666) to incorporate the Yellowstone Park Railroad and to aid in the construction of its road; which was read twice by its title, and referred to the Committee on Railroads.

He also introduced a bill (S. 1667) for the relief of Sarah E. Webster, administratrix; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

He also introduced a bill (S. 1668) for the relief of George T. Dudley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT (by request) introduced a bill (S. 1669) for the relief of Frank P. Murphy; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MAHONE introduced a joint resolution (S. R. 71) for the relief of William B. Isaacs & Co.; which was read twice by its title, and referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MILLER, of California, it was

Ordered, That the papers in the case of the application of Alfred Hedberg, late captain United States Army, to be restored to his commission, be taken from the files of the Secretary of the Senate and referred to the Committee on Military Affairs in connection with Senate bill 1161, no adverse report having ever been made in the case.

On motion of Mr. VOORHEES, it was

Ordered, That the papers in the case of Lieut. James S. Grubbs, now on file with the Secretary of the Senate, be withdrawn, and returned to Mr. Grubbs.

On motion of Mr. HARRISON, it was

Ordered, That the papers in the case of Catherine Bullard be withdrawn from the files of the Senate for use before a committee of the House of Representatives, subject to the rules of the Senate.

CROW INDIAN RESERVATION IN MONTANA.

Mr. VEST. I offer the following resolution, and ask for its immediate consideration:

Resolved, That the Secretary of the Interior be directed to inform the Senate if any lease or leases of any part of the Crow Idian reservation in Montana have been made to any person, partnership, or association of persons; and, if so, the extent of said lease or leases, to whom made, for what length of time, and upon what terms, and under what authority of law such action has been had by his Department.

That he also inform the Senate whether any permit has been given to any person, partnership, or association of persons to graze cattle upon said reservation; and, if so, the name of such person, partnership, or association, and by what authority of law such permit was given.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HAWLEY. Of course the matter is very interesting, but I saw within a day or two a document which led me to infer that that information had been furnished. I am not quite sure.

Mr. INGALLS. That related to the Indian Territory leases.

Mr. HAWLEY. I know that it related to the Indian Territory. Is the Senator quite sure that we have not already precisely that information?

Mr. VEST. For the Indian Territory. This relates to the Crow Indian reservation in Montana.

Mr. HAWLEY. I understood the resolution to apply to the Indian Territory.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

CONSOLIDATION OF TELEGRAPH COMPANIES.

Mr. VAN WYCK. I ask for the present consideration of the following resolution:

Resolved, That the Committee on Post-Offices and Post-Roads be directed to inquire whether at any time the Western Union and Baltimore and Ohio Telegraph Companies, or any officers or employés of said companies, have entered into contract or negotiation for the purpose of consolidating said companies or making combination for any purpose.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. VAN WYCK. Mr. President, I desire to say a few words by way of explanation. Some days ago I offered the same resolution, confining the time of negotiation within one year. The evidence of Dr. Green before the committee yesterday clearly establishes the fact that a contract was made and executed, but was two years ago instead of one. He says the elder Garrett defeated the operation of the contract. We desire to know why? It was generally understood when the elder Garrett had a clearer vision showing that the Western Union had secured the greater advantage his company repudiated, although the contract had been executed. That it was neither patriotism nor philanthropy or horror at consolidation or stock-watering that paralyzed for a moment the elder Garrett.

This inquiry is important now when the younger Garrett has been interviewing the committee and seriously proposing to assume the fatherly care of the Government toward the people and protect them by building new lines, that he will play the rôle of "big brother" against the extortions of Western Union. We have reason to "fear the Greeks 'though bearing gifts."

The Western Union have no sorrow or tears at the proposed building by the Baltimore and Ohio. They know, as does the elder Garrett, that new lines by individuals mean millions more of fictitious stock to be divided by the Western Union and Baltimore and Ohio, but it means also greater burdens and larger dividends to be taken from the people.

The proposition for the Government to build is the only thing that strikes terror to the Western Union. They come here with threats and entreaties; no supplications to the Baltimore and Ohio. Each of these corporations is playing the rôle assigned.

The Baltimore and Ohio, breathing war and threatenings against Western Union, even going through the appearance of a lawsuit, and the elder Garrett armed cap-a-pie, with lance in hand, a perfect knight-errant to avenge the wrongs of an oppressed people, and Dr. Green, with knitted brow and eyes flashing indignation, deny the power of Congress, that created them, to examine their papers and contracts, and arrogantly insist that Congress, having created the Western Union with unlimited capacity to create unlimited millions, have now no power left to protect the people or build other lines. Hence it becomes necessary now to have this second resolution directing the committee to inquire if those companies have made a contract of that kind at any time.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. GARLAND. There should be a clause in the resolution instructing the committee to report. It is merely directed to make the inquiry, and I suppose the Senator would like to have a report also.

Mr. VAN WYCK. Yes, sir; that will accompany the report which they will make on the whole subject.

Mr. GARLAND. It would be better to direct the committee to make a report on this special case.

Mr. VAN WYCK. Very well.

Mr. MORGAN. Before voting on the resolution I should like to be informed as to the jurisdiction that Congress possesses over contracts between these two companies. I am not aware that either of the companies derives any right or privilege from Congress. I believe they are both private companies; at least their charters are from the States, and they are conducting their business, like other corporations, in their own way. If I could see some purpose that was to be accomplished by this inquiry I should very cheerfully vote for the resolution to compel the information to be given, but I really do not understand what we are to do with the information after we get it.

Mr. VAN WYCK. I presume that the Senator from Alabama is conversant with the history of the manner in which this whole investigation now comes before the American Congress. It has been proposed not only here but throughout the nation that the Government shall take under its charge the building or to a certain extent the control of telegraphs known as postal telegraphing; and in order to ascertain as to the necessities of the people and as to the propriety of the Government entering upon that enterprise this whole matter has been sent by the Senate to the Committee on Post-Offices and Post-Roads to investigate it. In that connection an investigation has already been had and some witnesses have been examined by the Committee on Post-Offices and Post-Roads, and among them have been some representatives of the Baltimore and Ohio Telegraph Company, and the object of their coming was to show that there was no necessity for Congress to undertake to construct or control a postal telegraph line, because the Baltimore and Ohio Telegraph Company intended to do that thing themselves; that they are operating an independent line, and that fact was heralded here and throughout the country with the view of preventing action by Congress. It was said that inasmuch as the Baltimore and Ohio Company were assuming this independent attitude toward the Western Union Company, they would see to it that the people were guaranteed another independent line and cheap telegraphing without any fear of pooling or combining, as the Western Union has been doing, and buying up other lines.

Then it became necessary to know the animus of the Baltimore and Ohio Company, whether they meant what they said to the committee. It was stated before the committee and it was known to many persons that the Baltimore and Ohio had lately been in negotiations with the Western Union; that the Western Union had stretched forth its arms to embrace the Baltimore and Ohio, or else the Baltimore and Ohio was willing to enter and be embraced by the Western Union, as other pretended rival telegraph lines had been. In order that the committee and Congress and the nation may know how far they are to be protected by the Baltimore and Ohio, and therefore pass over this session of Congress without doing anything to give relief to the people in that direction, it became important to know the fact whether the Baltimore and Ohio had not been negotiating already in an attempt to "pool their issues" and to sell all their interest to the Western Union, the same as the Atlantic and Pacific and other lines had done. The best indication of that was the fact that Mr. Bates—I think that is the name of the man who generally goes gunning for the Western Union, the trusted man of the Western Union—went off into the Atlantic and Pacific some few years ago, you will remember. He separated his allegiance from the Western Union, but in a little while he had the Atlantic and Pacific bagged and ready for game to be carried back to the Western Union, and with that came a large increase of watered stock. Mr. Bates is promoted in the Western Union when he comes back with this game.

A little while after Mr. Bates, the trusted confidential officer of the Western Union, is sent on another expedition, and then it is to the Mutual Union, and by and bye, in due time, he comes back with his game-bag well stocked again, and he has the Mutual Union under his belt and a watered stock of $15,000,000 to be divided among the owners of the Mutual Union and the Western Union. The first thing we shall be told in regard to this matter by and bye will be that this same Mr. Bates has gone off to take an important position in the Baltimore and Ohio Telegraph Company, and if they are not checked it will be with the same results precisely; Mr. Bates will come back again with his game-bag full, and that time it will be the Baltimore and Ohio, and with millions more to be divided with the Western Union, our creature that we have made and to which we have given this power to make millions. They will incorporate with the Baltimore and Ohio, whose representative comes here and tells a committee of the Senate that their earnest desire is to stop all this sort of swindling in the future.

Hence it is, I will say to my friend the Senator from Alabama, that it becomes necessary that the intent and meaning shall be shown, so as to know whether it is safe to place in the hands of the Baltimore and Ohio Telegraph Company the power which belongs to and which should be exercised by the Congress of the United States.

Mr. PLUMB. I have not the slightest objection to the resolution and will vote for its passage, although, after the remarkable information which the Senator from Nebraska has declared and added to the subject, it seems to me that it is a work of supererogation to make any further inquiry. And after we get it what does it all amount to? Suppose that the Baltimore and Ohio Company has negotiated to unite with the Western Union people; they may cut off all those negotiations, they may never be resumed, and the consolidation may never take effect. Suppose, on the other hand, they never have negotiated; they may negotiate in five minutes. We have no control over that; and all the information we get will simply be "leather and prunella."

It is entirely apart, I submit, from the question, a very vital one, as to whether the Government shall engage in this business or not. So far as I am concerned, and in the vote which I shall give at the proper time on that question, I do not expect to be enlightened at all by anything that may be added by the committee upon the relations between these two companies or any other companies. I do hope to be enlightened, as I have no doubt I shall be, upon the general relations of the Government to this service, the cost of it if carried on under a proper system, and so on; but the controversies, multifarious, ever existing and never to be ended, between rival corporations is something which is nothing to us, which adds nothing to that which we are bound to act upon as sensible men when the time comes, and is simply prolonging the play, as I fear, and preventing us from getting before us some substantive measure and doing something which will meet the case according as we are prepared to act upon it in a practical way.

So far as I am concerned I wish to have the committee report. I believe they are willing to report; I believe they are able to report; and I do not believe that the stringing of this thing out from week to week upon a proposition of this kind is likely to help us. I do not mean to say that the committee have not abundance to do. I think the committee has done a great deal in what it has done, and I am not sure that all it has done has not been of the greatest wisdom. I know that some things I have learned have been to my great edification. I expect to be edified by it. But if we introduce a resolution every week, or two a week, committing to them some inquiry into the private relations, into the possibilities, the probabilities, of what somebody may do at some time or other, we shall wear out all the remainder of this session and of the succeeding sessions upon this question without ever arriving at any conclusion whatever.

Mr. PLATT. I move that the resolution be referred to the Committee on Post-Offices and Post-Roads, and upon that motion I will say a few words.

I had the honor to introduce a resolution a short time ago directing the Committee on Post-Offices and Post-Roads to make some inquiries with reference to ascertaining whether the cost of telegraphic messages had been increased to the people of this country by the contracts which had been made by the Western Union Company. My object was a desire that the Government shall assume in some way the telegraph as a means of transmitting intelligence throughout this country. I have no quarrel with the Western Union Telegraph Company; I have none with the Baltimore and Ohio Telegraph Company. I think Congress has nothing to do with the quarrels between companies. If they choose to consolidate I know of no power in Congress that can stop them; but I do think that any information which tends to throw light upon the question whether the people are paying more for the transmission of intelligence by telegraph than they ought to pay, and whether the Government should assume it in order that the burden of the people may be lightened, is the subject of legitimate inquiry. I do not see what benefit it can be to have the Committee on Post-Offices and Post-Roads inquire whether two companies are about to make some further consolidation. I think it very certain that any further consolidations which may be made in this country, the effect of which shall be to make the people pay rates for telegraphic messages sufficient to pay dividends upon more watered stock, will hasten the day when this Government will see its duty in the necessity of providing cheap telegraphy for the people of the country. I hope the resolution will be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves

that the resolution be referred to the Committee on Post-Offices and Post-Roads.

Mr. INGALLS. Mr. President, I should like to ask the Senator from Colorado, the chairman of the committee, whether this resolution in any sense emanates from the committee or has its sanction.

Mr. HILL. It has not been submitted to the committee. I have not heard of the resolution until this morning.

Mr. INGALLS. The reason I inquire is because if the information in the press is correct the committee have been examining the parties in interest upon this very question. Mr. Green, the president of the Western Union, and Mr. Garrett, representing the Baltimore and Ohio Telegraph Company, have both been before the committee, have been fully interrogated, and the result of the inquiry has been published in the newspapers of the day as a part of the current intelligence which we read every morning. I have no disposition to deprive the country of any information that may be valuable to it, nor would I interfere with the action of any committee in inquiring into the relations between these corporations; but it is evident to me that the committee have the power already and have exercised it, have had these witnesses before them, and the result of the inquiry has been published, and I see no necessity of passing resolutions to confer authority that exists and invite an investigation that has been made.

Mr. VAN WYCK. I supposed I had made myself plain to the Senator from Kansas. Probably he did not understand the point to which I referred. A resolution was submitted some days ago directing the Committee on Post-Offices and Post-Roads to inquire whether any contract of that kind had been made within one year, and when the investigation was pursued it was pursued under the terms of that resolution. Therefore it was that these gentlemen stated that there had been no such contract within one year, and by way of explanation Dr. Green said the contract had been made two years ago, and it was beyond the terms of the resolution because not within the time limited. Therefore it seemed to be necessary that it should not be restricted as to time, and the resolution was offered in this shape this morning. I am perfectly willing to accept the suggestion of the Senator from Connecticut that the resolution shall be referred to the Committee on Post-Offices and Post-Roads. That I think would be the proper place for it.

Mr. BAYARD. Mr. President, I understand that there is no objection to the commitment of this resolution to the Committee on Post-Offices and Post-Roads.

Mr. VAN WYCK. No; I think that is right.

Mr. BAYARD. That is a very proper course for it to take. There are very grave questions connected with this resolution and with this whole matter, and there is a very large assumption of power by the Senate in treating the proposition of the Senator from Nebraska which it would be very well for the committee to examine before the Senate undertakes to act upon the suggestion of this compulsory power of the disclosure of the affairs of private corporations, or rather corporations, not under the control of the Government of the United States.

As the matter is to be committed, however, I have nothing further to say on that subject just now.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Connecticut [Mr. PLATT] to refer the resolution to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

THE DANVILLE (VA.) INVESTIGATION.

Mr. SHERMAN. I ask leave, rather out of order, to submit a report at this time from the subcommittee of the Committee on Privileges and Elections. As it is very brief, I ask that it be read.

The PRESIDENT *pro tempore*. The Senator from Ohio asks leave at this time to make a report from the Committee on Privileges and Elections. Is there objection? The Chair hears none, and the report will be read.

The Chief Clerk read as follows:

The subcommittee of the Committee on Privileges and Elections instructed by the Senate to inquire among other things into events preceding and connected with the recent election at Danville, Va., beg leave to report:

That the committee in pursuing said inquiry summoned sundry witnesses to testify as to said alleged events, some sixteen of whom were in attendance but not examined when the Secretary of the Senate informed the committee that the contingent fund, from which alone the legal per diem and traveling expenses can be paid, is exhausted; that a bill appropriating money for such expenses passed the Senate and was sent to the House of Representatives on Thursday, February 21, instant, but has not yet been acted upon; that on this day, when formal vouchers for such expenses were presented to the Secretary of the Senate for payment, he refused payment on the ground that there was no money in his possession available for this purpose; that in consequence of the want of an appropriation to pay expenses your committee decline to summon other witnesses, and suspend the inquiry ordered by the Senate until such appropriation is made, when the committee will continue and speedily complete the investigation.

The PRESIDENT *pro tempore*. The report will be placed on file.

CRUISE OF THE CORWIN.

Mr. MILLER, of California, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish to the Senate a copy of the report of Capt. C. L. Hooper, United States Revenue Marine, upon the second cruise of the revenue steamer Corwin in the Arctic Ocean, and its accompanying documents and illustrations, in possession of his Department.

The PRESIDENT *pro tempore*. If there be no further resolutions that order is closed, and the Chair lays before the Senate the business on the Calendar under the eighth rule, being Order of Business No. 115, Senate bill 590, which will be read.

The Chief Clerk read the bill (S. 590) amending clause 2 of section 2426 of the Revised Statutes of the United States, in reference to persons in the naval service of the United States entitled to bounty land-warrants.

Mr. HALE. Is there any report in the case?

The PRESIDENT *pro tempore*. There is no written report.

Mr. HALE. I did not catch the purport of the bill from the reading. I wish that the Senator reporting it would explain what it covers.

Mr. ALLISON. Let the bill be again read. I should like to hear it.

The PRESIDENT *pro tempore*. The bill will be again read if there be no objection.

The Chief Clerk read the bill.

Mr. MCPHERSON. I object to the present consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from New Jersey objects, and the bill goes over.

ERECTION OF PUBLIC BUILDINGS.

The bill (S. 217) to amend section 3734 of the Revised Statutes, and to provide for the erection of public buildings by contract with the lowest bidders, was announced as next in order.

The bill was read.

Mr. INGALLS. That bill is obviously too important to be considered during the morning hour under Rule VIII. It revolutionizes the whole subject of the construction of public buildings. I object to it.

The PRESIDING OFFICER (Mr. GARLAND in the chair). Objection being made, the bill will go over.

Mr. VEST. If that bill is to go over on objection, the Committee on Public Buildings and Grounds instruct me to report certain amendments to the bill, and I should like to have the bill printed as amended.

The PRESIDING OFFICER. If there be no objection the amendments will be received and ordered to be printed with the bill.

Mr. VEST. I send up the bill as amended. I report it now with these amendments.

The PRESIDING OFFICER. The bill will be printed as proposed to be amended.

REPAYMENT OF LAND FEES.

The bill (S. 321) amendatory of an act entitled "An act for the relief of certain settlers on public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands," approved June 16, 1880, was announced as next in order.

Mr. INGALLS. Is there a report accompanying the bill?

The PRESIDING OFFICER. There is no report, the Secretary informs the Chair. The Senator from Oregon [Mr. DOLPH] reported the bill.

Mr. INGALLS. I hope the Senator from Oregon will explain how the bill changes the existing law.

Mr. DOLPH. In the act of June 16, 1880, the words which are now proposed to be inserted, "or personal representatives," after "heirs or assigns," were accidentally omitted. This bill is merely to correct a clerical omission in the former act, and authorizes in the case mentioned in the act that the fees and money which have been paid on a canceled entry of public lands shall be refunded, and authorizes the repayment to be made to personal representatives as well as heirs or assigns. That is all there is in the bill.

Mr. INGALLS. As the law now stands can the return be made only to the person making the entry?

Mr. DOLPH. That is as I understand it. The bill has come up suddenly. We can turn to the act. It is very short.

Mr. INGALLS. It is a very important subject and it ought to be fully elucidated.

Mr. DOLPH. I am unable to lay my hands at this moment upon the statute, and if one of the other bills reported by me is being considered—I see several reported by me are now coming up in order—I shall have the act hunted up and read.

The PRESIDING OFFICER. If there be no objection the bill will be passed over temporarily.

TIMBER-CULTURE LAWS.

The bill (S. 425) to repeal the timber-culture laws was announced as next in order.

Mr. CONGER. Is there a report in that case?

The PRESIDING OFFICER. There is no report. The Senator from Oregon [Mr. DOLPH] reported this bill.

Mr. CONGER. I move that the bill be recommitted to the Committee on Public Lands, that they may prepare a report to submit to the Senate with the recommendation of the bill. It is a very important subject, and I am not prepared to act on the information I have in favor of a repeal of the law, which has been considered a very desirable one for the purpose of tree-planting on the bare, treeless plains of the West. I had supposed, on the other hand, that there were some imperfections in that law, and that with some amendments made to the law it might

fulfill a very important part in securing the culture of tracts of timber and encouraging the growth of wood and timber on our great Western prairies.

The PRESIDING OFFICER. The Senator from Michigan moves to recommit the bill with instructions to the committee to make a report with the bill when returned.

Mr. DOLPH. Mr. President, all the information which can be had in regard to this proposed legislation may be found in the reports of the Commissioner of the General Land Office for the years 1882 and 1883. Anything that the Committee on Public Lands could say in regard to this measure, having reported favorably upon the bill, would be a mere reiteration of what has been better said by the Commissioner of the General Land Office. I send up the report of the Commissioner for the year 1883 to the Secretary's desk with the request that there may be read for the information of the Senator from Michigan that portion of it referring to the repeal of the timber-culture act.

The PRESIDING OFFICER. The Secretary will read the portion of the report of the Commissioner of the General Land Office referred to, if there be no objection.

The Chief Clerk read as follows:

REPEAL OF THE TIMBER-CULTURE LAW.

In my last annual report I called attention to the abuses flowing from the operations of this act. Continued experience has demonstrated that these abuses are inherent in the law and beyond the reach of administrative methods for their correction. Settlement on the land is not required. Even residence within the State or Territory in which the land is situated is not a condition to an entry. A mere entry of record holds the land for one year without the performance of any act of cultivation. The meager act of breaking five acres, which can be done at the close of the year as well as at the beginning, holds the land for the second year. Comparatively trivial acts hold it for a third year. During these periods relinquishments of the entries are sold to homestead or other settlers at such price as the land may command.

My information leads me to the conclusion that a majority of entries under the timber-culture act are made for speculative purposes and not for the cultivation of timber. Compliance with law in these cases is a mere pretense and does not result in the production of timber. On the contrary, as one entry in a section exhausts the timber-culture right in that section, it follows that every fraudulent entry prevents a *bona fide* one on any portion of the section within which the fraudulent entry is made. My information is that no trees are to be seen over vast regions of country where timber-culture entries have been most numerous.

Again, under the operation of the pre-emption, homestead, and timber-culture laws, any one person may enter one hundred and sixty acres in each class of entry, making a total of four hundred and eighty acres which may be taken by one person. The power to acquire that quantity of public land by single individuals, while so many of the citizens of the country are landless, is contrary to the general spirit of the public land laws, and, I think, not in consonance with approved public policy.

This objection would hold to the timber-culture act if the law was generally complied with in good faith or if its provisions requiring the planting and cultivation of timber were capable of enforcement. I am convinced that the public interests will be served by a total repeal of the law, and I recommend such repeal.

Mr. DOLPH. I am not authorized to say that the committee indorse all that the Commissioner of the General Land Office has said upon this subject in this report, but from the best information that could be obtained by the committee they came to the conclusion that the public benefits which had been derived from the timber-culture act had not been such as to justify the expectation of the friends of the act when it was passed or to accomplish the object which Congress had in passing the act. From the best information the committee could obtain, it appears that a great many entries under this law are fraudulent; in fact, that but little timber is planted and cultivated so as to attain any considerable growth; and the committee came to the conclusion that the public interests would be subserved by the repeal of the act.

That is all the committee could say in regard to the matter if a formal report should be made. I presume every Senator will exercise his privilege in addressing the Senate upon the subject, especially if he disagrees with the report of the committee. I see no good object to be accomplished by the recommitment of the bill.

Mr. CONGER. Mr. President, there is perhaps no one subject that is attracting attention in the different nations of the earth to-day so much as the question of the destruction of timber and timber lands, and the effect produced thereby upon the climate and the health and growth of a country. In some countries hundreds of thousands of pounds are expended from private and by public sources to reclaim dry, desert, waste lands, to tree plant hills and mountains which are unfit for other kinds of cultivation in the Old World. With but a very small share of attention given to the subject by legislators in this country, there was an effort made to encourage the planting of forest trees on the great prairies in our own country. It was believed that if there should be scattered through these prairies, as there are now in the older portions of the prairie land in Illinois, Iowa, and Southern Wisconsin, numerous tree-plantings, frequent groves that should affect the climate, the moisture, the question of rain, the preservation of moisture, it would be well worth the attention of this Government to give a few thousand acres of these arid and utterly useless lands in many places to make this experiment.

The gentleman who reports this wholesale sweeping away of the project has had read to us from the Commissioner of the General Land Office a statement that so far the results of the law have not been as beneficial as was anticipated. Why, sir, the growth of the forest extends through decades, through centuries. The destruction of our forests, where we had forests, and in other parts of the world the destruction of forests there, has been going on through the centuries; and as to the great wilderness places of the Old World, once fertile, once capable of supporting a vast population, it is said that their lack of fertility is owing to the fact that the trees have been stripped from the mountains and from the valleys, and the country left, as in Judea, a great barren waste, where once thousands and perhaps millions of people dwelt in comfort and in safety. What could be expected by this committee from a system which has but just commenced its operation, where perhaps only ten or fifteen or twenty tree-culture claims in a State or in a Territory have been planted?

Sir, my recollection is that when we were revising the rules I desired to have added to one of the committees here the subject of forestry, and the Senate thought it of such importance that on my motion forestry was added to the Committee on Agriculture, so that there should be one committee of the Senate on Agriculture and forestry. Why was not this proposition referred to that committee which by the recent decision of the Senate was to have charge of that subject? But I will not dwell upon it now. A committee might spend day after day in examining the subject and gathering together reports from all other civilized nations on the subject of tree planting and forestry and reclaiming waste lands, and furnish a report which would be of infinite value to the people of the United States, and yet with one broad hand the whole subject is swept out of existence by this bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONGER. I am glad it has expired. I have had an opportunity of saying what I wished. I hope the bill will be referred.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan.

Mr. INGALLS. Mr. President, I hope this bill will pass. I represent one of the States that it was supposed would be specially benefited by the act when it was adopted. The western third of Kansas is a treeless region, without sufficient rain for continuous cultivation. It was hoped that by the inducement held out by the granting of land to lead to the planting of trees that perhaps great climatic results might be achieved and a region now partially sterile be reclaimed and made useful for the purposes of agriculture. That experiment has been sufficiently tried. The law so far as the plains of Kansas and Nebraska are concerned is an absolute failure and worse than that; where a single tree has been successfully grown 10,000 acres of land have been fraudulently taken from the public domain.

My judgment is that the practical operations of this law have been the most stupendous and gigantic fraud upon the public domain that modern times have witnessed. It has resulted simply in enabling speculators and men who had no intention whatever of planting trees to obtain possession of one hundred and sixty acres of ground, which they have held for an indefinite period of time and then disposed of to some subsequent speculator for his own advantage.

I speak, sir, as one having knowledge and information upon this subject. I have made the matter a study. It is a question that very materially affects a large proportion of the people whom I represent; and I am authorized to say in their name, I believe, from extensive observation, from travel through the regions that have been affected by the operations of the law for several years last past, that they have had enough of the operation of it so far as they are concerned, and desire that the law shall no longer encumber the statute-book.

I hope, reserving to those who have taken land under the provisions of this law all the rights that may have become vested, that the Senate will concur with the committee and with the recommendation of the Commissioner of the General Land Office and repeal this law.

The PRESIDING OFFICER. The question is on the motion of the Senator from Michigan to recommit the bill with instructions.

Mr. CONGER. Feeling that possibly——

The PRESIDING OFFICER. The Senator has spoken once.

Mr. CONGER. I was not about to speak again on the bill. I was about to say that fearing possibly that the pungent remarks and experiences of the Senator from Kansas might mislead the Senate, I withdraw the motion and object to the consideration of the bill.

The PRESIDING OFFICER. The Senator withdraws his motion to recommit and objects to the further consideration of the bill, which carries it over.

REPAYMENT OF LAND FEES.

Mr. DOLPH. I have found the act that I had reference to, and now ask the Senate to go back to the bill which was passed over temporarily.

The PRESIDING OFFICER. The bill passed over temporarily will be resumed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 321) amendatory of an act entitled "An act for the relief of certain settlers on public lands, and to provide for the repayment of certain fees, purchase-money, and commissions paid on void entries of public lands," approved June 16, 1880. It provides that after the words "heirs or assigns," at the end of the second section of the act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase-money, and commissions paid on void entries of public lands," approved June 16, 1880, the words "personal representatives" shall be inserted; but nothing herein contained is to relate to, or interfere with, or in any wise affect any appli-

cation for repayment made by "heirs or assigns" in any case, under the act of June 16, 1880, prior to the passage of this act.

Mr. DOLPH. Section 2 of the act of June 16, 1880, entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase-money, and commissions paid on void entries of public lands," provides:

SEC. 2. In all cases where homestead or timber-culture or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase-money, and excesses paid upon the same upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land whenever such entry shall have been duly canceled by the Commissioner of the General Land Office, and in all cases where parties have paid double-minimum price for land which has afterward been found not to be within the limits of a railroad land grant, the excess of $1.25 per acre shall in like manner be repaid to the purchaser thereof or to his heirs or assigns.

The object of this bill is to amend the section by inserting after the words "heirs or assigns" the words "personal representatives," so that the administrator or executor of a deceased person may recover this amount, as well as the heirs and assigns.

As I said before, it is a mere clerical or accidental omission in the original act. There can certainly be no harm in the amendment proposed by this bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE PUBLIC-LAND STRIP.

The bill (S. 551) to extend the laws of the United States over certain unorganized territory south of the State of Kansas was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, in line 9, after the word "the," to strike out "Secretary of the Interior is authorized to cause the;" in line 11, after the word "strip," to strike out "to" and insert "may;" and after the word "service," at the end of the bill, to add "the work to be done under the direction and supervision of the United States surveyor-general for Colorado;" so as to make the bill read:

That the laws of the United States are hereby extended over the unorganized territory south of the State of Kansas and Colorado, and between the Indian Territory and the Territory of New Mexico, known as the public-land strip; and that for the purpose of the execution of said laws said public-land strip is annexed to the judicial district of Kansas and to the southwestern land district in said State; and the subdivisional lines of townships in said public-land strip may be surveyed under current appropriations for the surveying service, the work to be done under the direction and supervision of the United States surveyor-general for Colorado.

Mr. PLUMB. I should like to have a division of the question, so as to have the vote taken on the first amendment, leaving the last to be voted on separately.

Mr. CONGER. Let the report be read.

The PRESIDING OFFICER. There is a report accompanying the bill, which will be read.

The Secretary read the following report, submitted by Mr. DOLPH January 29, 1884:

The Committee on Public Lands, to whom was referred the bill (S. 551) to extend the laws of the United States over certain unorganized territory south of the State of Kansas, reports the following amendments to the bill:

First. Strike out the words "Secretary of the Interior is authorized to cause the," in the ninth and tenth lines printed bill.

Second. Insert the word "may" in place of the word "to," in the eleventh line.

Third. And add after the word "service," in the twelfth line, the words "the work to be done under the direction and supervision of the United States surveyor-general for Colorado;" so that the bill will read, after the word "State" in the ninth line, "and the subdivisional lines of townships in said public-land strip may be surveyed under current appropriations for the surveying service, the work to be done under the direction and supervision of the United States surveyor-general for Colorado."

Your committee reports back said bill as amended, and, when so amended, recommends its passage.

The PRESIDENT *pro tempore*. The question is on agreeing to the first amendment reported by the Committee on Public Lands.

Mr. CONGER. I should like to inquire whether this is a part of what has been known heretofore as the Indian Territory. This refers to strip between Kansas and Texas and New Mexico.

Mr. PLUMB. That is the strip. It has never been known as part of the Indian Territory, and has not been recognized as such.

Mr. CONGER. Not since Kansas began to claim it, I think.

Mr. PLUMB. Kansas has no claim on it; it is not within the limits of the State. There is no proposition to incorporate it, and if there were, I do not think the people of Kansas would care to have it. It is a strip of land about thirty miles wide by one hundred and fifty long, which is now under no jurisdiction for criminal or civil purposes, is absolutely without any law. The next place, the land within its limits can not be entered anywhere because it is not in any land district for that purpose or for any other purpose. It has been surveyed under previous legislation into townships. This is simply to subdivide it in order that it may be subject to entry.

Mr. CONGER. That does not quite answer my question. I want to know whether this is not a part of what has been always considered and put on the map as the Indian Territory, and so recognized in the laws and so considered in some way by treaties with the Indians.

Mr. DOLPH. I think I can answer the question of the Senator from Michigan in a moment. The public-land strip is a strip of unoccupied public land next to the Indian Territory, and bounded on the west by New Mexico and on the north by Kansas and Colorado.

Mr. COCKRELL. And on the south by the panhandle of Texas.

Mr. DOLPH. It is a part of the tract ceded to the United States by Texas in 1850. It is not a part of the Indian Territory; it is not a part of any Territory of the Union. It was said by the commission who codified the public-land laws under an act of Congress to have an area estimated at 10,800 square miles, equal to 6,912,000 acres; but if it is measured upon the official map which has been issued from the General Land Office, it would appear to contain only about half as many square miles and about half that number of acres, if I have correctly computed it.

There has hitherto been no legislation looking to the settlement of these lands or to their survey except the survey of township lines mentioned by the Senator from Kansas. This bill proposes to authorize certain surveys to be made under the supervision of the surveyor-general of Colorado, and to attach the strip to the southern land district of Kansas. The Commissioner of the General Land Office in his report for 1883 has something to say in regard to the public-land strip, which is very brief, and I ask the Secretary to read it.

The PRESIDENT *pro tempore*. The Senator will send to the Chair what he desires to have read.

Mr. COCKRELL. I would ask the Senator from Oregon if the east line of this strip is the west line of the Indian Territory?

Mr. DOLPH. It is.

Mr. COCKRELL. It never has been part of the Indian Territory.

Mr. DOLPH. It never has been a part of any Territory, and can not be incorporated into any State of course without the consent of the State. It lies partly south of Kansas and partly south of Colorado. It would more appropriately go to the State of Texas, but the State of Texas has I presume land enough already. I have sent for the report to which I referred.

The PRESIDENT *pro tempore*. The report is not now at the desk, having been sent to the Reporter's room.

Mr. PLUMB. I will say that the reading of the bill will disclose the fact that there is no proposition to incorporate this strip in any State anywhere. There is no public-land office in the State of Texas, for the reason that there are no public lands there. The nearest land office is the land office in the southwestern part of the State of Kansas. It simply goes there, therefore, by reason of the convenience of the settlers who will need to go to some land office for the purpose of making entries.

The PRESIDENT *pro tempore*. The report mentioned by the Senator from Oregon being here will now be read if there be no objection.

Mr. CONGER. I object.

The PRESIDENT *pro tempore*. The question is, will the Senate direct that the paper be read that the Senator from Oregon desires to have read?

Mr. DOLPH. I think it will be more appropriate to read it at this time.

Mr. HARRISON. I think the objection of the Senator from Michigan was misunderstood. He objects to the consideration of the bill, not to the reading.

Mr. CONGER. I object to the consideration of the bill, so that it may go over.

The PRESIDENT *pro tempore*. The Chair misunderstood the Senator from Michigan. The bill is objected to, and goes over.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 1490) to complete a statue of the late Rear-Admiral Samuel Francis Du Pont, United States Navy; and it was thereupon signed by the President *pro tempore*.

ALBERT JEHLE.

The bill (S. 777) granting a pension to Albert Jehle was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Albert Jehle, late a sergeant in Company D, Twenty-eighth Regiment Ohio Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. MITCHELL January 29, 1884:

The Committee on Pensions, to whom was referred the bill (S. 777) granting a pension to Albert Jehle, have examined the same, and report:

That the claimant, Albert Jehle, enlisted June 13, 1861, and served until mustered out, July 23, 1864, as sergeant of Company D, Twenty-eighth Ohio Volunteers. He made application for a pension, No. 334001, December 3, 1879, alleging that he contracted rheumatism on the march from Beverly to Lewisburg, at Greenbrier Mountain, West Virginia, caused by wading the Greenbrier River and other streams several times, and other exposures, on or about December 9, 1863. This disease affected both legs and sometimes the whole body. The claim was rejected by the Pension Office "on the ground that the records of the War Department furnish no evidence of the existence of the alleged disability in the service, and that the claimant is unable to furnish the parol testimony of a commissioned officer, surgeon, or comrade to establish origin in the service, or evidence of treatment since discharge."

This rejection, it would appear from a careful examination of all the papers in the case, was made upon technical grounds, mainly the inability of the claimant to furnish record evidence as to origin of disability. The claimant, under oath, states, as an excuse, that he was never treated by any of the surgeons, and that owing to lapse of time he is advised the officers can not remember the facts.

John Jochem, George Hoeppel, John Haerle, and Peter Roseman swear that they were neighbors of the claimant from 1859 to 1874, that they knew him prior to, at, and after his enlistment, and "that he was a sound, able-bodied man, and especially free from rheumatism in legs and body." The two latter testify they were comrades of the claimant in the same company and regiment.

"That since his discharge in 1864 to the present time he has been afflicted with rheumatism in legs and body; that said disease was contracted by exposure while in the service and in line of duty; and that they often saw him in bed, unable to help himself."

Herman Steinauer, a sergeant in the same company with claimant, swears that he marched with him in December, 1863, from Beverly to Lewisburg over the Greenbrier Mountains.

"That in the course of said march his company was compelled to wade through Greenbrier River and through creeks; that they were exposed to much rain and snow while on said march, and he remembers giving some medicine to his comrade, Albert Jehle, he complaining of rheumatic pain."

He also swears to his soundness before enlistment, and that he was "especially free from rheumatism at the time he enlisted and up to the time hereinbefore mentioned," and that he is of opinion that his said comrade, Jehle, contracted the disease of rheumatism through exposure to the elements while on the march aforesaid.

There is also considerable testimony showing existence of the disability at the time of discharge, its continuance, and its probably permanent character. The claimant swears that the two and only physicians who treated him at intervals from his discharge to 1878 are dead, therefore he can not produce medical testimony covering that period. Dr. Christian Fry treated the claimant in 1878 and since for rheumatism in legs and body, and thinks him incurable. The examining surgeon in 1881 rated him at $4 per month.

In addition to the evidence before the Commissioner of Pensions, an affidavit has been furnished your committee, made by eight neighbors of the claimant, certifying to his soundness before enlistment and disability ever since his return home after discharge. Also, the affidavit of Dr. Bucher, that his deceased father's books show the treatment of claimant for chronic rheumatism in 1869, and that claimant is now, and has been since he knew him, in feeble health. Also, the affidavit of claimant's employer, John Hartman, that during 1865 and 1866 claimant was frequently obliged to quit work, on which account he was compelled to discharge him; and that his sincere belief is that he is suffering with rheumatism contracted in the service. The statements of the postmaster and other reliable persons at claimant's residence corroborate these facts, and nothing appears to discredit any portion of this testimony.

Your committee think that the evidence presented satisfactorily shows this claimant to be entitled to a pension, and therefore report back this bill, with the recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OATHS OF OFFICE.

The bill (H. R. 3926) to repeal the act of July 2, 1862, and such sections of the Revised Statutes as perpetuate the oath prescribed in said act, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That section 1218 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 1218. No person who held a commission in the Army or Navy of the United States at the beginning of the late rebellion, and afterward served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army or Navy of the United States."

SEC. 2. That section 1756 of the Revised Statutes be, and the same is hereby, repealed; and hereafter the oath to be taken by any person elected or appointed to any office of honor or profit either in the civil, military, or naval service, except the President of the United States, shall be as prescribed in section 1757 of the Revised Statutes. But this repeal shall not affect the oaths prescribed by existing statutes in relation to the performance of duties in special or particular subordinate offices and employments.

SEC. 3. That the provisions of this act shall in no manner affect any right, duty, claim, obligation, or penalty now existing or already incurred; and all and every such right, duty, claim, obligation, and penalty shall be heard, tried, and determined, and effect shall be given thereto, in the same manner as if this act had not been passed.

SEC. 4. That section 820 of the Revised Statutes, imposing certain disqualifications on grand and petit jurors in the courts of the United States, and section 821 of the Revised Statutes, prescribing an oath for grand and petit jurors in the courts of the United States, be, and the same are hereby, repealed.

Mr. CONGER. Is there any report accompanying the bill?

The PRESIDENT *pro tempore*. There is no written report.

Mr. LOGAN. There is no written report.

Mr. CONGER. What is repealed by these sections? Will some gentleman state?

Mr. LOGAN. The amendment refers specifically to the sections that are repealed. The Senator will observe that the bill which passed the House was not agreed to by the Judiciary Committee of the Senate on examining it, for the reason that it was regarded as repealing everything and allowing all claims, no matter of what character, to be presented without the prescribed oath required in the statutes. It wiped out everything of that kind, or at least that was my construction of it. The committee have amended the bill so as to repeal the section requiring grand and petit jurors to be excluded from serving on a jury where they aided or assisted in the rebellion. That portion of the law is repealed. It also repeals the oath required to be taken by officers, so that, for instance, all members of Congress and Senators shall take the same oath to support the Constitution of the United States instead of what is commonly known as the test-oath. It provides further that no person shall be appointed in the Army or Navy who held a commission in the Army or Navy prior to the rebellion and afterward held any position under the Confederate States, either in the army, navy, or civil service.

These are the provisions of the bill as amended; to that extent it goes and no further, reserving all the rights that are reserved in the statutes of the United States to individuals and to the Government against persons making claims against the Government of the United States who are now prohibited by law. It leaves them precisely in the condition they are at present, and affects nothing except the oaths pertaining to officers and jurors and appointments in the Army and the Navy.

Mr. CONGER. It has no effect, then, upon any oath required to be taken by persons who present claims as to whether they were loyal or not to the Union?

Mr. LOGAN. Not at all. It leaves that as it is. It affects only the oaths of officers and jurors, and retains the provision that no person shall be appointed in the Army or Navy who held a commission at the time of the commencement of the rebellion and afterward served in any capacity in the Confederate States, in its military, naval, or civil service. That is the bill as amended.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on the Judiciary.

Mr. GARLAND. I will state to the Senator from Michigan that this is precisely the same bill that was reported in 1882 by the Judiciary Committee unanimously, and the matter to which he called the attention of the Senator from Illinois is specially excepted in the bill. All subaltern officers have to be sworn in the different Departments, the Post-Office, Treasury, &c., to discharge their duties properly. The test-oath as to jurors was repealed many years ago, but in making up the revision it found its way back into the statutes, and in the case of Hammond *vs.* The United States, reported in 2 Woods, Judge Woods decided that the revision re-enacted the statute notwithstanding it had been repealed. That is the way it now stands, because it found its way back in the revision though it had been repealed; and many of the courts, notwithstanding that decision, have declined to administer the oath to jurors, as in the State of Arkansas.

The Supreme Court in the case of The United States *vs.* Gale, from Florida, decided in October, 1883, to be reported in the one hundred and eighth volume of United States Reports, alluded to this difficulty which Judge Woods had met in the Hammond case, and said that it was probable the fact of the repeal was overlooked by Congress when the revision was adopted, and expressed the hope that the attention of Congress would be called to it.

The remainder of the amended bill is simply to put the oaths in sections 1756 and 1757 on an equality, to make the Senator from Michigan and myself, for example, swear to support the Constitution, no more and no less, leaving the constiutional oath in regard to the President as it is.

That is all there is in the bill as amended.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on the Judiciary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill amending the Revised Statutes of the United States in respect of official oaths, and for other purposes."

RAILROAD IN INDIAN TERRITORY.

The bill (S. 50) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes, was announced as next in order.

The bill was read.

Mr. HARRISON. I think I shall object to the consideration of that bill now. It is too important to be disposed of under this rule.

The PRESIDENT *pro tempore*. The bill being objected to goes over.

Mr. COKE. I would ask the Senator from Indiana not to interpose objection here. This is a bill of great importance directly to half a dozen States and indirectly to the commerce of the whole country. It has been unanimously reported from the Committee on Railroads; it has received the informal assent of the Committee on Indian Affairs; it is an exceedingly liberal bill to the interests of the Indians, while one absolutely necessary to the interests of the section of country where the road is to be built.

I ask the Senator, in consideration of the fact that two committees have assented to this bill, and that it is on the line of a bill passed two years ago by Congress giving the right of way through the same Territory, governed by the same principles, not to interpose an objection.

Mr. HARRISON. I should be glad to respond as a matter of courtesy to the request of my brother Senator. This bill, I have no doubt, he has properly characterized as a very important one. It was because I had that view of it that I objected to the attempt to consider it under the five-minute rule. I think it has too much scope altogether, both as it looks toward the rights of the Indians through whose Territory this road is to run and the rate of compensation that is to be paid, to enable us to give anything like proper consideration to it under the five-minute rule. Therefore I made the objection. The bill will be reached soon

on the Calendar in its order, and undoubtedly then it can be considered deliberately and properly.

I do not understand, I may say to the Senator, as I am a member of the Indian Committee, that this bill has received the sanction of the Committee on Indian Affairs. I am a member of that committee, and I do not know that this bill has been submitted to it.

Mr. COKE. If it was in order to state what occurred in committee——

The PRESIDENT *pro tempore*. The Chair will state that all this debate goes on by general consent. An objection being made, of course that ends the consideration of the bill. If the objection be withdrawn the bill and its amendments must be read through before it is open to debate.

Mr. COKE. I simply ask permission to state with reference to what I said about the assent of the Committee on Indian Affairs that it was informally presented to that committee. It was not referred to that committee, but it was informally presented at a meeting of the committee when there was a business quorum present, and the committee did assent to it.

Mr. HARRISON. At the suggestion of the Senator, if he can get unanimous consent that the bill may be passed over retaining its present place on the Calendar, I will let it take that shape. I find that no copy of the bill can be procured. I sent to the document-room for a copy of this bill No. 50, and none can be had now. I am willing it should take that course, if the Senator so desires.

Mr. DAWES. I ought to say in reference to what was said by the Senator——

The PRESIDENT *pro tempore*. Debate is not in order, but by general consent the Chair will recognize the Senator from Massachusetts.

Mr. COKE. I ask unanimous consent that this bill take the place suggested by the Senator from Indiana on the Calendar.

The PRESIDENT *pro tempore*. Does the Senator from Indiana withdraw his objection?

Mr. HARRISON. I am willing to withdraw the objection if the bill may be passed over retaining its place on the Calendar under Rule VIII until some of us can look into it. I find it impossible now to get a copy of the bill even, though I have sent to the document-room for one.

The PRESIDENT *pro tempore*. The objection is withdrawn, and the Senator from Texas asks unanimous consent that this bill may go over retaining its place on the Calendar under Rule VIII. Is there objection?

Mr. CONGER. It will be subject again to objection, I suppose.

The PRESIDENT *pro tempore*. It will be subject again to objection.

Mr. BROWN. As we have sent to the document-room and can not get copies of the bill, I move that there be additional copies printed and laid on the table by to-morrow morning.

The PRESIDENT *pro tempore*. The Senator from Georgia asks unanimous consent that an order be entered for a reprint of the bill now under consideration. If there be no objection that order will be entered.

Mr. BROWN. There are copies of the original bill, but not of the substitute which has been reported by the committee.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Chair, if there be no objection, will treat this bill as being under consideration, so that it will stand at the head of the Calendar under Rule VIII to-morrow morning. ["Agreed."]

The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday.

ADDITIONAL STEEL VESSELS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 698) to authorize the construction of additional steel vessels for the Navy.

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Senator from New Jersey [Mr. MCPHERSON].

Mr. JONES, of Florida. Let it be read.

The PRESIDENT *pro tempore*. The amendment will be read for information.

The CHIEF CLERK. The amendment proposed by the Senator from New Jersey is, in line 4, section 1, after the word "of," to strike out "seven" and insert "four;" and in lines 9, 10, and 11 to strike out "one cruiser of 4,500 tons displacement, one cruiser of 3,600 tons, one dispatch-vessel of 1,500 tons;" so as to read:

That the President is hereby authorized to direct the construction of four steel vessels for the Navy of the United States, as recommended in the report of the naval advisory board dated October 25, 1883, and in the annual report of the Secretary of the Navy of December 1, 1883, as follows: Two heavily armed gunboats of 1,500 tons each, and one light gunboat of 750 tons, and one gunboat, not to exceed 900 tons, to be built on plans and specifications to be furnished by the Admiral of the Navy and under his supervision and directions, subject to the approval of the Secretary of the Navy.

And to add as a new section the following:

SEC. 3. That the gunboats, steel ram, and torpedo-boats authorized to be built under sections 1 and 2 of this act shall be built under complete plans and specifications to be furnished by the Navy Department, except the gunboat to be built on plans to be furnished by the Admiral of the Navy; and such building shall be under contracts with the lowest responsible bidder or bidders, made after at least sixty days' advertisement, published in five of the leading newspapers of the United States, inviting proposals for building said vessels, subject to all such rules, regulations, superintendence, and provisions as to bonds and security for the due completion of the work as the Secretary of the Navy shall prescribe; and no such vessel shall be accepted unless completed in strict conformity with the contract, and no contract shall be made until all the general plans, detailed or working drawings, and specifications for the complete work be made.

The PRESIDENT *pro tempore*. The question is on the first amendment of the Senator from New Jersey.

Mr. JONES, of Florida. Mr. President, I have a great deal of respect for the opinions of my distinguished friend from New Jersey, as he very well knows, especially in regard to matters touching the interests of the Navy. Still, I can not concur with him in the view he entertains with respect to the present amendment, and for this reason: The bill before the Senate, as it clearly indicates, embodies the recommendation of the advisory board organized for the purpose of taking into consideration the wants of this important branch of the public service. That board, as we all know, is composed of some of the most skillful, efficient, and experienced officers in the public service, who have deliberated upon this subject under all the responsibility attaching to them as honorable men having at stake not only their own interests but the interests of the great service with which they are identified. The bill simply undertakes to give effect to the recommendations of that board that brought to the consideration of the subject special qualifications, which the Senator from New Jersey will pardon me for saying I do not think that he possesses any more than myself. I would not undertake, for instance, to put my opinion against the opinion of a board of admirals who had devoted their lives to the public service.

Mr. MCPHERSON. Will the Senator bear with me a moment?

Mr. JONES, of Florida. Certainly.

Mr. MCPHERSON. I entirely disclaim ever having placed my own opinion against the opinion of the board that the Senator eulogizes so highly. I did cite the opinion of officers more distinguished than they as a reason why we should not build any more of these vessels at present.

Mr. JONES, of Florida. Only one officer.

Mr. MCPHERSON. I cited the testimony of Mr. Wilson, the present Chief Naval Constructor; of Mr. Shock, the present Chief Engineer of the Navy, and of Mr. Isherwood, a distinguished engineer.

Mr. JONES, of Florida. Those opinions all relate to mere details; but I shall speak in respect to the substantial wants of the Navy, whether we should have four or seven cruisers. I would be willing to provide for the construction of ten, if I could, but I can not go beyond the recommendations of the committee and the provisions of this bill. The question before the Senate is not a party one. It involves the honor, the safety, and interests of a great nation—one of the foremost on earth, certainly one which to-day exemplifies to the world more than any other the capacity of man to govern himself.

I have no hesitation in saying to the Senate and to the country that the condition of the United States to-day as one of the great powers of the earth, the only popular government on earth that the people of the world have any faith in, so far as the naval arm of its service is concerned, is a public disgrace. I know that it is often said that we do not need any armed force. That is all very well with respect to our Army, and I fully concur with those gentlemen who are in favor of keeping down the military force on shore to the smallest number; but I do say that with respect to our naval force it is important to the interests, to the honor of this great country, that it should have such a force as that Russia, that England, or any of the great powers of the Continent will respect it. I do not say that we need the great fleets of England and France, because they have a continental system to maintain which we have not. But when you come to scrutinize the condition of the public force of this continent, when you come to look at the naval power of Brazil, of Spain, of the little weak, insignificant nations that surround you here, and see what they could bring to bear against you in a moment of emergency, it places the condition of this country where it ought not to be. Look at Brazil, look at Spain whose territory to-day is almost within sight of our own shores; and the Senate will remember that in 1873, when we were in this weak condition that I speak of, by one of those sudden emergencies which are always liable to occur we were carried almost to the brink of war, the Government was called upon to spend millions of money to prepare for enforcing its rights, when if we had had a navy no such emergency would have taken place. Would it not have been wiser to have spent the money in putting the Navy on a proper footing before that emergency than afterwards?

I do think if there is one thing which the public mind of this country is settled upon more than another it is that the United States ought to have a respectable naval force, and I make the assertion here to-day that there is not one ship in commission under this Republic that will compare with one of the best vessels of Brazil. The republics south of us on this continent have just as little to apprehend from European aggression as we have, and still the weakest of them have better ships than can be found in our Navy. Here is the great Republic of North America, whose moral power I admit is very great; but what do the nations of the earth care about your moral power after you leave your own shores? How are you going to impress yourselves upon the thoughts of those people on the other hemisphere with whom you are brought in contact and with whom the interests of your people are

identified? They do not study your history; they do not read your laws; they do not care anything about your moral power. All that they do respect when the emergency arises is a decent display of public force. That was indicated as early as the time of Mr. Jefferson, when this Republic was in its infancy, and when he was forced to send a few miserable sloops of war to Tripoli to put out of existence some piratical depredators who were depredating on the rights of American commerce at that early day. If it was important at that early day to have a naval force to vindicate our rights abroad, how much more important is it now to be in a position to defend the rights of our citizens in every part of the globe. But what was done in Jefferson's time was in keeping with the spirit of the day. No great war vessels were necessary then, and none were employed. Still it was necessary to maintain the honor and the dignity of the country, and it was done.

Where are we to-day? Not one ship, I repeat, in commission to-day under this Republic that will compare with the best vessel in the service of Brazil. We know very well that if it came to a contest of military power Brazil would certainly not be able to cope with us; but that is not the trouble. Who can tell the moment that you may be involved in complications like those of Peru? These contests must be naval. There is no power on earth to-day that is going to invade the United States; and looking to the possibility of complications with foreign nations you have only to guard against naval attacks. Great Britain, although she has territory on our northern frontier, would not attempt a land campaign against this country; Germany would not undertake it; no power on earth to-day would attempt a military enterprise against the United States. The smallest reflection will satisfy anybody that all we have to do to protect the honor and the interests of this great country, so far as foreign nations are concerned, is to put our naval force on a decent and respectable footing. We do not need a great standing army; everybody knows that; but no man can tell the moment that this nation will be involved in complications with those powers of the earth that have at their command immense fleets through whose instrumentality they might for a time bring defeat to our flag.

I say here to-day that if, by any want of attention to this subject or neglect of public men, dishonor were brought on this country in a sudden emergency by the precipitation of a foreign fleet upon our shores, the American people would never forgive it. And what right have we to suppose that we can enjoy perpetual exemption from what is the ordinary fate of nations? The other day Germany sent back the resolution of the other House and treated your power with disdain. Do you think she would have treated a resolution of the English commons in that way?

There are some things that are even more important than mere dollars and cents. Sentiment and the sense of public honor go much further. I have heard it said that you can provide torpedo-boats and other defenses to make up for the want of a navy. I deny that. It is not a pleasant thing to be compelled to say, but I am forced to say to-day that this great country, with its interests and its honor, is exposed to the weakest power on earth in case of trouble. It seems to me that something ought to be done, not in view of war, not by way of preparation for hostilities against anybody, but to show the powers of the earth that in case of emergency we are prepared to defend ourselves and our people abroad.

There is another view of this subject that is not often thought of. This continent and this Republic, as everybody knows, has become the place of refuge, you may say, for the oppressed people of the world. Let anybody reflect what this Republic would be to-day if the masses of the oppressed people of the earth had not taken refuge here under the inspiration of human liberty. We have now fifty-odd millions of people. If our original three millions with which we combated Great Britain had been left to natural increase I suppose we would have had ten millions to-day; but under the inspiration of the great idea of liberty the people from every land have sought refuge, protection, and the means of life beneath the flag of this great Republic. In that respect it occupies an exceptional position to any other nation of the world. There is no nation on the face of the earth to-day that has received accessions of population from other countries like the United States. They are here, the Germans, the Irish, the English, from every land, constituting a power which is very great. They leave behind them their old traditions, and they come here inspired with a love of freedom. I think the experience of the past will justify me in saying that their attachment for the country and its institutions has been intensified in proportion to the length of time they have lived here. Separating themselves from old despotisms, forming new conceptions of life and of freedom, and becoming part of this Republic, these people and their rights give rise to a condition of things that no other country in the world has had to deal with. Hence the relation of the United States to the nations of the earth is very important and close and delicate, and some of the most angry questions that we have had to combat in times gone by have arisen out of this system of self-expatriation on the part of millions of men who sought refuge upon this continent. Nothing has done more to increase the prestige, power, and wealth of England than the spirit she has always displayed in protecting her subjects abroad.

When it comes to the defense of our frontier at home against Indians or against any power that is near we can always improvise an army. We can at any time put in the field a military force that will overwhelm any power in the world that might undertake to invade our soil. But suppose you come into complication with one of the great powers of the earth (and you are just as likely to-day to do it as any nation in the world), how are you going to meet it? Your soil will not be invaded. Somebody said the other day that we did not have any commerce. We have enough of commerce to bring insult, and contumely, and degradation to the American name. It is not necessary that we should have the ocean covered with a mercantile marine in order to suffer insult. It might be effected in the case of one ship or of one man as readily as of a fleet; and I say we ought to be in a position, above any power at least on this continent, to maintain the interests, the rights, and the honor of our people in every part of the globe and on any occasion likely to arise. In case of trouble with a first-rate naval power a half a dozen of armored ships could put an end to the whole commerce of the Gulf of Mexico. The loss of this trade for six months would exceed the sum asked for in this bill.

I confess very candidly that when in Europe last summer and speaking upon this grave subject with thoughtful men I became ashamed of the American Navy—not of the *personnel* of the Navy, because in all great emergencies it has proved itself equal to them. They told me there they had read about this great country, its vast population and its immense wealth, but said: "We do not see anything of it over here. Every now and then one of your old hulks drifts into our harbors floating your flag, and figures very indifferently beside the ships of the most indifferent powers of the earth." The great heart of the people of the world is with this Republic, and the masses everywhere wish for its success. It ought not to be at a disadvantage anywhere in connection with other powers. I say the United States ought not to be in that position.

While I quite concur in everything that has been said by my friend from Kentucky [Mr. BECK] and my friend from New Jersey [Mr. MCPHERSON] in regard to the extravagance characterizing the expenditure of public money in the past, that does not meet the present question. I say the men and the party who have dealt in a profligate way with the public funds ought to be held to rigid accountability, but that is not an argument against providing for the national defense at the present moment.

I concurred, as the Senator from New Jersey well knows, in everything that he said last session in regard to the provision of law that looked to the destruction of the wooden ships of our navy, and everything that he said here yesterday was only a fulfillment of the prophecy that I then pointed out. But I was voted down and he was voted down by friends on both sides of the Chamber on that proposition.

But that does not meet the question. I agree fully with all that the Senator has said on that subject. I never would have given to any man the power that was given by that amendment, which I stood here day by day by the side of the Senator to resist. I thought it was a most unwise thing to do to say that the wooden ships of our Navy, all that we had, should be retired in the way proposed. Admitting all that and concurring in everything that the Senator has said upon that subject, I go further than he is willing to go and favor the appropriation of public money to supply the existing want of the naval arm of the public service. I think now that it would be a wise thing for Congress to repeal that law. I think that we have some ships in the Navy that ought to be kept there, notwithstanding the heavy bills of repairs that have come in from time to time. It will take a long time to build up a navy that will conform to the wants of the present time and the grand changes in naval architecture, and in the mean time we want to keep our best wooden ships afloat.

Mr. BECK. The rate of repair now is 20 per cent.?

Mr. JONES, of Florida. It is 20 per cent. I said in my place in the Senate when that proposition was pending that it was an unwise thing to do. The underwriters' rule was one-third new for old. Thirty-three and one-third per cent. was the rule that was applicable to private interests, but the Senate and House adopted the rule of 20 per cent., and said that when repairs on one of our best ships would require 20 per cent. of the value of a similar vessel it should be retired from the Navy. I do not think that wise.

Mr. BECK. If the Senator will allow me to interrupt him, as we may have to act upon this question further, I wish to call his attention to this provision in a bill on my desk reported to the House of Representatives February 8, 1884:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 30 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

Mr. JONES, of Florida. Last year it was fixed by Congress at 20 per cent.

Mr. BECK. This is the new naval appropriation bill which has been reported to the House. How far would that improve it? That is what I wanted to ask the Senator from Florida.

Mr. JONES, of Florida. It would not improve it at all. I did not see and I do not now see any necessity for touching the old law on this subject. We went from the beginning of the Government to last Congress without any law on the subject. I will say to the friends of a new

navy in that candid spirit in which I am in the habit of addressing myself to all questions of this kind, that they made a great blunder when they brought forth the proposition to retire the existing ships in the Navy with a view of substituting them with a class of vessels that would conform to the wants of the present time and the class of ships in Europe.

Mr. BECK. When are the cruisers now being constructed to be finished? Is there any time fixed?

Mr. JONES, of Florida. In December. I for one am willing to maintain the existing status of the Navy as regards the old vessels. Let them be repaired when in the judgment of the chief of the Navy they ought to be repaired. I would go on and provide for a new navy, but I say that when the sweeping proposition was brought forth giving authority to the Navy Department for the first time to destroy every wooden ship in the Navy under the amendment which I resisted two years in succession on this floor but ineffectually, it was not a wise thing to do. But that belongs to the past, and I do not bring any feeling into this discussion that will prevent me now from going as far as any man can go in providing means to create a navy suitable to the wants of this great country. I think we have some ships in the Navy that can perform very important service. War, after all, is the exceptional condition of mankind fortunately, and peace is the rule. There are a great many things that those vessels can do in time of peace. Some of them are first-class ships of their kind, and I see no necessity for blotting them out of existence as it is intended to do. We know very well from the past that it was with those vessels that all the important victories in the late unhappy civil war were accomplished. The fame of Farragut and every naval commander whose name is dear to the American heart was won by that description of vessels. He passed forts, he rode over torpedoes, he performed everything that was possible to be performed in naval warfare with these wooden hulks that it has become so fashionable to decry and to denounce.

I say again to the friends of a new navy that it is not necessary to do this thing in order to build up a navy suitable to this great country. Let the old ships remain; let the power of repair remain where it was from the beginning of the Government. Repeal the 20 per cent. provision in your law which gives to the Secretary of the Navy an authority which he never had before, and go on and provide for new ships, and I will vote for them every time I have an opportunity.

I want the confidence of the country, and I do not want any suspicion hanging over this business. I want the people to feel that this is a *bona fide* and an honest effort, without regard to party, to build up the Navy. I have been met on every hand with the objection that it will not do to do this thing now. I say this is the time to do it. It does not matter to me what party is in power, whether it is a Republican or a Democratic President; any man who enters on that high office, or any party who has control of the destinies of this great country, will be bound at all times to defend its interests and its honor against every foe. I am aware that there has been great mal-administration in the past respecting the Navy. But I don't think it is possible at this time for any man to go far away from the law that Congress may enact on this subject. It won't do to let the public interest suffer because you have a suspicion that the persons in power will not do their duty. Such a principle would end in the suppression of all government.

The bill proposes to give to the President of the United States authority to build a few additional ships, suited to the exigencies of the times. The construction of these vessels will call for the insignificant appropriation of about $4,000,000. Sir, one ship such as Great Britain has recently built would cost the whole of this sum; and if I had my way I would build that kind of a ship. I think the last vessel that Great Britain put afloat, in order to keep up with her great antagonist on the other side of the channel, cost nearly $3,500,000. She has been adding to that class of ships every year; so that if to-day unfortunately any trouble should spring up between Great Britain and this country, our whole coast would be at her mercy. I do not need to say this in order that it may be felt on the other side of the water, because they know it better there than we do here. Even Spain has twenty-one armored vessels. We have nothing to compete with her. Weak as she is on the continent, with possessions almost within sight of our own shores and complications likely to spring up at any moment between us, we have nothing to meet even that power with in the event of a naval emergency.

I will say in addition to this that while the wise framers of the Constitution thought proper to guard against the establishment of a great military force, their jealousy never was excited for a moment with respect to the Navy. In looking at your organic law you will find that Congress, by the terms of the Constitution, is prohibited from making an appropriation for the support of a military force for a longer period than two years, while with respect to the Navy there has been no limitation whatever put over the power of Congress on that subject. This was not mere accident. The men who framed that organic law were well aware of the reason for that distinction. They knew that the history of the world did not afford an instance where the liberty of any people was stricken down by a naval force. On the contrary, they were well aware that in nearly every instance where human liberty was prostrated and human rights crushed it was through the instrumentality of a standing army. Hence they took wise precaution to guard against the perpetuation of a military force, and they would not permit the representatives of the people even to provide an appropriation of public money for the continuation of a military force that might be employed for the destruction of their freedom for a period longer than two years. When you come to the subject of the Navy the Constitution is silent. It breathes the language of trust and confidence and security, because those men knew that no navy had ever been employed to crush public liberty anywhere. Therefore I am glad, Mr. President, that in voting in the line of the building up of the Navy I can do so consistently with that regard for the liberties of this great country which lie so close to my heart.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the first amendment proposed by the Senator from New Jersey [Mr. MCPHERSON].

Mr. BROWN. Let it be reported.

The PRESIDING OFFICER. The Secretary will report the first amendment proposed by the Senator from New Jersey.

The CHIEF CLERK. In line 4 of section 1, after the words "construction of," it is proposed to strike out "seven" and insert "four;" so as to read:

That the President is hereby authorized to direct the construction of four steel vessels for the Navy of the United States, &c.

The PRESIDING OFFICER. The question is on agreeing to this amendment. [Putting the question.] The "noes" appear to have it.

Mr. MCPHERSON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MCPHERSON. I simply wish to say before the vote is taken that under this amendment it is only proposed to suspend for the time being the duplication of the cruisers now under construction, which will be finished in December under the contract, until we test them as to their efficiency.

Mr. HALE. The effect of this amendment, should it be adopted, would be to stay the building up of the Navy any further for at least a year to come, so far as the larger kinds of vessels are concerned. The vessels that the Senator from New Jersey seeks to strike out are precisely the vessels that the naval advisory board lays its main stress upon. They are the vessels approved by old, experienced, and tried naval officers, including the Admiral of the Navy. They are the only vessels that throughout the waters of the globe would be able anywhere to compete with the armed cruisers of Great Britain, France, Italy, Germany, Spain, or any of the naval powers of the world. Strike out these and let the amendment of the Senator from New Jersey be adopted, and the bill is shorn of its main strength, and the American Senate on deliberation is put in the attitude of hanging up all of this valuable work for a year to come.

So confident am I that the Senate is not ready to assume that attitude that I do not propose to take any more time of the body. The time may come, and no man knows when, when every Senator who has in any way contributed to the delay in saving this country from its defenseless position may well regret that attitude. I hope the Senate will now adhere, and put an end to this amendment, which shears the bill of its strength.

Mr. COCKRELL. Has the country been attacked? Is there any immediate peril? Are we going to be involved in a war with any foreign country? Have we any cause for it?

Mr. HALE. It is very easy to ask those questions. The country has been going on for nineteen years in that easy-go-lucky way that I fancy suits the Senator from Missouri. I do not predict any war. I hope there will be none. I said yesterday, however (and the more I reflect upon it the more strongly I am impressed with the danger), that I do not believe it will be possible during the next twenty years for the United States to keep out of complication and contact, and it may be conflict, with foreign nations, as it has for the last twenty years.

The Senate must take its attitude. It must be seen by the country who is in favor of building up a respectable naval establishment, not to invite war, but to avert it. The very thing which the Senator from Missouri plumes himself as a citizen upon, that we are at peace, is what we should seek to secure hereafter; and a respectable naval power on the waters of the globe is the best insurance against war of anything that we can have.

Mr. BECK. Mr. President, I expect to vote for the amendment of the Senator from New Jersey, and I do not intend to be characterized before the country without a denial of the charge as opposing the building of ships for the Navy in a proper manner. I believe we ought to have a respectable, not a great navy; our present Navy is, I admit, a contemptible one; but I am not satisfied with the methods employed to increase it. After hearing the speech of the Senator from New Jersey [Mr. MCPHERSON] on yesterday I am not satisfied that the four ships we are now building will prove to be satisfactory after they are built. We shall know by next December whether they will be or not; it will be time enough then to determine whether or not we ought to duplicate them, as this bill proposes. We ought not to do so if they prove to be failures; to that I suppose all will agree. While this naval board have recommended them, the Senator from New Jersey laid before us yesterday the testimony of the Chief Engineer of the Navy Department, I believe it was, and of Mr. Isherwood and others, assuming that the ships

we are now building will not be the kind of ships we need. Surely we ought to have that question settled by at least seeing these ships afloat before we proceed to construct seven others, at least four of them on the same plan. We have made blunders enough with the Puritan and other ironclads already.

We took a decided step last year when we gave the Secretary authority to build four ships—the Chicago, the Boston, the Atlanta, and the Dolphin. They are, as I understand it, to be finished in December. All agree that there is no immediate urgent necessity for the building of a great navy, and if there was, we could not compete with any of the great powers of the world at any time for some years to come upon the high seas, because, as I observe from the table furnished yesterday by the Senator from South Carolina [Mr. BUTLER], England has to-day 61 armored ships, France has 58, Germany 27. Stating it in brief, England has 1,861 guns, France 1,541, and so on. England has 75,000 sailors and France has 73,000. We have 8,000 sailors, no armored ships, and no guns of any account. If the experiment we are now making proves not to be a successful one we ought not to continue or perpetuate the blunders of the last Congress, but ought to make appropriations for new contracts in such a form as to surely give us ships that are efficient for war purposes.

Mr. JONES, of Florida. Will the Senator from Kentucky permit me to ask him a question in that connection?

Mr. BECK. Certainly.

Mr. JONES, of Florida. I remember very distinctly what has been said about the question of testing the capacity of those ships. I do not know what means would be resorted to to test their efficiency except actual war. We know that the powers of Europe have gone on in advance of all war experiment, and constructed upon human judgment a number of vessels which have proved to be successful. It was said that England was going to fail, and that there was no real test of her ironclads until the bombardment of Alexandria, but the event there showed that they came up to everything that human judgment indicated before. That is all we can do.

Mr. BECK. We are experimenting in regard to four ships now. They are being built; they are to be finished next December. Whether their machinery or their guns or their capacity to compete with the ships of other nations is such as we intended can be tested, I assume, without actual war. We might knock down, to test them, some of those old barracks about the Pensacola navy-yard, where everybody dies who goes to them, and save the country some money by the experiment, and make a good test of the ships and their capacity besides; and so in many other places. There is no trouble about making tests to show that the ships are good or to prove that they are worthless for fighting purposes. Until that is done it seems to me that we can afford to wait, without its being charged that we are seeking to keep down or break down the American Navy.

Mr. BUTLER. May I ask the Senator if he has any plan or suggestion to make by which ships can be built?

Mr. BECK. I have this to say about that, as I propose to look at some other considerations a little——

Mr. BUTLER. I should like very much to have some suggestion which is better than this, if there is one. I will go as far as any Senator on this floor with the Senator from Kentucky if he makes a suggestion better than this one.

Mr. BECK. I do not like the method, as I am at present advised, under which we are now building ships and proposing to start more new ones. Perhaps before next December we shall ascertain some better way. We have a law now on the statute-books that authorizes the Government of the United States if it build ships to bring in guns, machinery, indeed anything it needs or wants, free of duty to this country; and yet the Secretary of the Navy is required or authorized to make contracts to build all our ships at over 45 per cent. in advance of the open market price of all materials needed to construct or arm a ship of war, and is from the necessity of the case compelled to contract with a single man, as there is no real competition. I do not like that.

Mr. BUTLER. Upon that subject I have no opinion whatever. I am informed that the advertisement was made for bidders upon these ships, and that Mr. Roach got the contract because he underbid everybody else.

Mr. BECK. But the bid was limited to people who had yards of a certain character and certain plants. There were but one or two who have them, owing to the almost absolute destruction of our mercantile marine, the building of ships for which could alone enable great shipyards to be maintained.

Mr. BUTLER. I must assume that the advisory board, composed of naval officers and experts, would not commit a fraud upon the Government by giving the contract improperly to Mr. Roach. I assume that.

Mr. BECK. I am not charging that.

Mr. JONES, of Florida. Mr. President——

Mr. BECK. Let me answer the Senator from South Carolina just for a moment, and then I will yield. As I have been asked the question about fraudulent contracts let me say a word. I object to the proposition to start a number of more new ships now, and since the Senator desires me to do so I will tell him why very frankly. I am not charging either the Secretary, the board, or the contractor with committing a fraud; but is it not a fact that the Government of the United States has placed upon its statute-books a law reserving to itself the right to use any material of any sort from any part of the world free of duty? Is it not also true that we have six or seven navy-yards now in the United States where all that material thus obtained duty free can be used? And is it not true that we have made contracts with a single man for the four cruisers we have now put upon the stocks at an advance over what the things can be bought for in the markets of the world of at least 45 per cent. above the open market price?

Mr. BUTLER. Upon that point I should like to give the Senator a little information.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from South Carolina?

Mr. BECK. Yes, sir.

Mr. BUTLER. I presume the Senator is referring to the manufacture of steel guns.

Mr. BECK. Not specially. I refer to everything that goes to make a ship.

Mr. BUTLER. The Senator says we should go into the navy-yards of the United States Government and build the ships, and make the ordnance and make the equipment complete.

Mr. BECK. No, I do not say that.

Mr. BUTLER. I have a statement from an officer of the Navy connected with the Ordnance Bureau from which it appears that the weight of hammers used for making steel forgings suitable for making high-power modern steel cannon is in England eighty tons; in Russia, eighty to ninety tons; in France, one hundred tons; and in Germany, eighty tons. The largest hammer in the United States is fifteen tons, which does not strike a sufficiently heavy blow to act throughout the large steel forgings required for guns above six-inch caliber. The governments that I have mentioned have hammers from fifty to one hundred tons; the United States has one of fifteen tons. Now, I should like to ask the Senator how we are to make those improved cannon unless we have all the appliances to do it?

Mr. BECK. Are all those appliances now in the private ship-yards in the United States?

Mr. BUTLER. Not at all.

Mr. BECK. How do you propose to make guns?

Mr. BUTLER. I do not understand that there is a hammer of over fifteen tons in the United States.

Mr. BECK. Then how are you going to get guns?

Mr. BUTLER. By giving the Ordnance Department authority to get all the appliances necessary to make the best guns.

Mr. BECK. Does this bill propose to take any step in that direction?

Mr. BUTLER. Not at all.

Mr. BECK. What has that got to do with this question?

Mr. BUTLER. I simply made that statement in reply to a remark of the Senator's that we should go into the navy-yards and make these ships ourselves.

Mr. BECK. I suppose we can buy as big hammers as anybody has got anywhere, if we need them.

Mr. BUTLER. Yes, if we appropriate the money to do it.

Mr. BECK. The largest hammer in the world is for sale, I presume, no matter where it is, and if we need it it can be had. But here is the difficulty: I said I objected to the method proposed, to contract for these ships, and that I wanted to look into it, coming back to that. I remember that last year we had a tariff commission which made a provision in the bill they recommended that never was heard of before in this country, which was obviously intended as a heavy tax on our armored ships or as a bounty to those who contracted to build them—that "armor or other plate, iron or steel, or combination of iron and steel, finished or unfinished, not less than 1½ inches thick," should pay a duty of "2½ cents per pound." Another provision that the now celebrated tariff commission sought to impose upon us was "steel in any form, not specially enumerated or provided for in this act, 3 cents per pound," or nearly $70 a ton. I see in the testimony that the Senator from South Carolina so kindly furnished to us yesterday that when the Secretary of the Navy was called upon to state how it was that Mr. Roach underbid Mr. Cramp by $300,000, he said:

> I think Mr. Roach estimated on the price of steel at 5 cents a pound or less. I think that the Messrs. Cramp felt unwilling to estimate on less than about 7 or 8 cents a pound.
>
> Senator BUTLER. Those tests had never been accurately made.
>
> Secretary CHANDLER. Never in this country had any steel been manufactured in large quantities subjected to such rigid tests. Of course to produce steel with exactly those qualities requires a careful chemical admixture in preparing the charges for the furnace and in handling the material; and while it had been done for a few plates of steel, it never had been done with thousands of tons before. Here was the element of uncertainty. It has been very happily surmounted, and it now appears that the steel manufacturers can make an admixture that will give steel possessing those qualities, and make it with certainty and celerity, and it is a great triumph for our manufacturers that they have been able to do it.
>
> Mr. STEERS. The advisory board has brought down steel from 8½ to 4½ cents a pound. Those who refused to furnish the steel, who were unsuccessful bidders, at 7 cents a pound would be very glad now to make it for 4½. Mr. Roach when he gave the contract for steel for these ships only gave it partially, and he has some yet to be given out. The steel-makers will be very glad to take it at 4½ cents a pound, and it ought to be less than that.

I think I now understand why the tariff commission imposed a spe-

cific duty of 3 cents a pound on steel and 2½ cents a pound upon armor for our ships of war. The men who fixed up that job knew it would result in a bounty of from 65 to 80 per cent. to the fortunate or favored contractors for our ships of war, which of course is a heavy tax upon the people, and that all who opposed the bounty would be denounced as unpatriotic, if not enemies of their country, by allowing our seaboard cities to remain exposed to the attacks of foreign ironclads, notwithstanding the fact that we have the right to procure all ship material, machinery, and armament at the cheapest rate in the free, open markets of the world. Gentlemen here insist upon putting the building of the ships into the hands of men who bid upon the assumption that they have to pay 45 per cent. more than all the materials for the ships are worth in the open market of the world. It is urged, perhaps truly, that we can not build them in our own navy-yards. Why? For the reason shown by the Senator from South Carolina yesterday in Admiral Porter's testimony, that there is so much dishonesty there that we can not trust anybody. I was shocked and amazed when Admiral Porter said that he built a small vessel in a navy-yard which cost $460,000, and "she could have been built at an outside establishment for $200,000 without any trouble at all," the tariff tax of course included.

Mr. BUTLER. Do I understand the Senator to say, in view of the statement made by Admiral Porter, that he would have these vessels built in the Government navy-yards?

Mr. BECK. I mean to say that I will postpone their construction until December if I can, and I hope the day is not far distant when the navy-yards will not be managed as Admiral Porter says they are managed now.

Mr. BUTLER. That is a different proposition.

Mr. BECK. The proposition is that I will not vote to put money into anybody's hands who will allow navy-yards to be run in that way.

Mr. BUTLER. I understand the Senator, then, to say that the ground of his opposition is because he has not confidence in the present Secretary of the Navy.

Mr. BECK. I do not say anything about the present Secretary of the Navy. I have no confidence in the management of navy-yards that are carried on as Admiral Porter says our navy-yards are. The Senator from South Carolina himself read what Admiral Porter said. I did not know that things were quite that bad. Let me read it again:

Mr. BUTLER. If the Senator takes that ground, as it is perfectly proper that he should——

Mr. BECK. One moment. You furnished this proof yourself.

Mr. BUTLER. I will stand by it.

Mr. BECK. Admiral Porter said:

> She cost $460,000 built at a navy-yard, and she could have been built at an outside establishment for $200,000 without any trouble at all. I know this certainly, because they charged everything to that small vessel. They charged one item alone of $80,000, work put on the Trenton, and other things of the same kind. One item, I think, was a hot-house for some one in the navy-yard.

There was not a dollar of that $80,000 charged to the Trenton he admits. They called it an expenditure for repairs of the Trenton, but the account against the Trenton does not show that a dollar of that $80,000 was charged to her. It was all charged to the construction of the small $200,000 vessel, but $80,000 of the $460,000 put down as her cost was said to go to the Trenton, yet the account for repairs against the Trenton does not show that a dollar was so expended. It may have been put into the hands of Dorsey & Co. for the campaign in Indiana, perhaps it was, and called repairs of the Trenton. It may have been put into somebody else's hands, just as the hot-house was charged to this vessel; and I am asked now to vote to furnish seven or eight new vessels to be put upon the stocks with such proof as this before me.

Mr. BUTLER. I wish the Senator——

Mr. BECK. Let me go on; I want to finish this part of Admiral Porter's statement.

The PRESIDING OFFICER. Senators will please address the Chair and allow the Chair to ascertain whether the Senator who is entitled to the floor consents to be interrupted.

Mr. BUTLER. I beg pardon of the Chair.

Mr. BECK. I wish to read further from the statement given us yesterday by the Senator from South Carolina. It reads thus:

> Senator BUTLER. That becomes a very important fact, it seems to me.
> Admiral PORTER. You can never ascertain what a ship costs in a navy-yard.
> Senator JONES. What do you attribute that difference in cost to?
> Admiral PORTER. Politics. That is about the fact of it. The navy-yards are very much used for political purposes, and very naturally. If I was a politician I suppose I would do the same thing. If I could get my friends into the navy-yards, I presume I should do as others do; but at the same time, if I was in charge of the yard I would do all I could to stop it. But what I say is the fact, and it causes a great deal of the expense.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question right there?

Mr. BECK. Certainly. The question I would like somebody to answer is, is that true or is it not true?

Mr. JONES, of Florida. I presume it is true. What I wish to say to the Senator from Kentucky is just this: Admitting everything that he says to be true, is that a sufficient answer to the country that the public defense shall not be provided for?

Mr. BECK. The country is making no demand for an increase of the Navy so far as I know beyond what we have done. We have now four ships being built that are yet unfinished and yet untested, and if they are failures we will have to throw them away just as England had to do with her Armstrong guns after spending $12,000,000 for them.

Mr. BUTLER. Will the Senator from Kentucky allow me to interrupt him?

Mr. BECK. Certainly.

Mr. BUTLER. I want to get the Senator back to his proposition. He was going away from it, and I want him to come to that.

Mr. BECK. I will try.

Mr. BUTLER. I understand the Senator to take the ground that we ought not to give out these ships to be built by contract; that they ought to be constructed in the navy-yards of the country.

Mr. BECK. I have not said that yet. I am not wedded to the methods described by Admiral Porter.

Mr. BUTLER. That was the drift of the Senator's argument as I understood him, and that there was something crooked or wrong about the contract that had been made for the vessels provided for at the last session of Congress.

Mr. BECK. I have not said that either. I said it was a shame that the people of the United States should have to pay 45 per cent. tax upon everything entering into our ships of war more than the ship is worth in open market, when by law we have a right to have all ship material, machinery, and guns as cheaply as anybody else in the world. That is what I have stated.

Mr. BUTLER. When the Senator from Kentucky undertakes to mix up the tariff with the construction of naval vessels and says we ought to have the materials cheaper, I will go as far as any Senator on this floor to join him in that; but I submit to the Senator that that question has nothing whatever to do with the building of ships.

Mr. BECK. I insist that it has everything to do with it. A law of the United States provides that every article that the United States desires for its own use or needs for its own purposes shall pay no tariff tax whatever; that it shall be duty free, whether it is a Krupp gun, a Whitehead torpedo, a compound engine, or a rivet to nail on an iron plate; and yet, under a law of the United States which now provides that 45 per cent. duty shall be paid upon every article that is made of iron and steel, Mr. Roach or Mr. anybody else who bids for a United States ship has to add 45 per cent. to the cost beyond the foreign cost in making his bids to build the ships of the United States, the law of the United States that these things shall be free to the contrary notwithstanding, when if we had honest officials conducting our navy-yards we could build ships as cheaply as any other people. To show that we do pay the whole tariff tax, I hold in my hand——

Mr. JONES, of Florida. Will the Senator from Kentucky——

Mr. BECK. Let me go on for a moment.

Mr. JONES, of Florida. I will not interrupt you unless you consent.

Mr. BECK. You may interrupt me when I prove this point.

Mr. JONES, of Florida. I want to ask the Senator a question.

Mr. BECK, I want to prove that we are now paying the full amount of the 45 per cent. tax on manufactures of iron and steel. I hold the protest of the iron and steel manufacturers against the Morrison tariff bill in my hand, in which they say:

> The undersigned, representing producers of iron ores and manufacturers of iron and steel, submit this their protest against the enactment of the bill known as the Morrison tariff bill, now under the consideration of your committee, with our reasons for said protest.
> First, because of the effect that any reduction of duties must have on labor. The iron and steel business of the country to-day yields little or no profit on the capital invested. If the duties are reduced, the selling price of our products must be reduced to compete with the foreign importations.

That means that they are charging 45 per cent. now above the foreign price, and if we reduce it to 40 they must come down to 40 or they will be underbid. I think in view of their own statement I was justified in saying that we must make contracts for our ships, when we have a right to have everything free by law, and when everything is in fact free, at 45 per cent. above what they are worth in the markets of the world. I say further, and the Senators on the Naval Committee know it, that there is not another nation in the world that pursues such a policy. England to-day, with her sixty-one armored ships, uses the Krupp gun almost exclusively. Where is the Krupp gun made? In Germany.

Mr. JONES, of Florida. That is the point on which I wanted to interrupt the Senator.

Mr. BECK. England uses the Whitehead torpedo, made in Austria; she uses cheap materials, cheap guns, cheap anything, where she can get them; yet we are passing laws confining our bids to manufacturers with certain plants in their navy-yards, in the face of the law, paying them 45 per cent. more, when by law we have the right to use all these taxed materials free of duty; and the tariff commission that sought to impose a tax of 2½ cents a pound on ship armor and 3 cents a pound specific duty on steel were working in perfect harmony with the combinations which seek to make the United States pay much more than the ships were worth or than they would cost us if we could trust our officials in our navy-yards with the free materials we have by law a right to use.

Mr. JONES, of Florida. On that point will the Senator permit me to ask him a question?

Mr. BECK. Yes, sir.

Mr. JONES, of Florida. I am in accord with the Senator, as he knows very well, on all tariff questions, but I want to know of him if he thinks that the public opinion of this country now or hereafter would ever submit to having proposals sent to England, or to France, or to any foreign country, respecting the furnishing of the materials entering into the construction of our Navy.

Mr. MORGAN. I will say to the Senator from Florida if the Senator from Kentucky will allow me, that we send now to England——

Mr. JONES, of Florida. I asked the question of the Senator from Kentucky. I did not ask it of the Senator from Alabama.

Mr. BECK. Let the Senator from Alabama answer.

Mr. MORGAN. I wish to make a statement that comes under my personal observation. We send to England for the ingots of steel that we work in the navy-yard at Washington to make into guns; we send to Germany for the breech-blocks and other breech arrangements of our steel guns. There is a gun in the navy-yard here that is made of English-made steel, hammered and drawn out there, and brought here. When the Government put it up they intended to have it balanced on its trunnions, and it weighed 1,100 pounds more at the breech of the gun than at the muzzle after our navy-yard had been at work on it about six months. We send there for nearly all the materials of steel out of which we make our guns.

Mr. JONES, of Florida. The answer of the Senator from Alabama, though not called for by me, is not a response to my question.

Mr. BECK. I will answer the question as I understand it. The people of this country and the sentiment of this country will permit the Government of this country to get the best article, whether it is a gun or a ship or a steam-engine, wherever they can get it best and cheapest.

Mr. BUTLER. I understood the Senator to state a while ago that that was not the case, and that we paid 45 per cent. more in this country than we should be required to do; and yet the Senator from Alabama has just stated that a great many of those articles are imported from England.

Mr. BECK. Because the United States has a right to import them free, and because you give a contract to a man, to Mr. Roach or somebody else, who has no right to import them free, because he is a contractor for the ships and he bids upon the basis of a tariff tax of 45 per cent. on everything that he sells to you, while if we built the ships in our own navy-yards, as the Senator from Alabama said, the articles would all come in free.

Mr. BUTLER. The Senator is mistaken when he says I gave the contract to Mr. Roach.

Mr. BECK. I beg pardon, the Naval Committee.

Mr. BUTLER. I had nothing to do with it more than the Senator from Kentucky.

Mr. BECK. Congress gave it.

Mr. BUTLER. Congress did.

Mr. BECK. Congress or the Secretary of the Navy, no matter who; he has got it.

When I speak of taxation I have a right to refer to what we have done. I have shown what the tariff commission attempted to do. The Senate of the United States in the bill it passed last winter put down all steel not specially enumerated at 30 per cent. ad valorem and all manufactures of iron and steel at 35 per cent. ad valorem, but it got into the hands of a so-called conference committee, and they increased the tax on steel to 45 per cent. ad valorem, and all manufactured articles and wares of iron, steel, &c., not specially enumerated, most of which had been 35 per cent. before, to 45 per cent. ad valorem, without condescending to give a reason for it, against the expressed will of the Senate and against the known wishes and interests of this people. This of course adds vastly to the cost of public ships built in private yards. I took occasion this morning to turn back to the tariff act proposed in 1872, when there was a Republican majority in both House of perhaps two-thirds, when machinery was much less perfect than it is now, but the manufacturers did not then own or control the Government or Congress quite as absolutely as they do now; when the Senator from Massachusetts [Mr. DAWES] reported a bill, No. 2042, in the House of Representatives, on the 16th of April, 1872, in which he only asks a duty of 30 per cent. ad valorem on manufactures of iron. That was all anybody dared to ask. He gave in the margin of the bill the present law, showing that it was 35 per cent.; the act of 1857, showing that it was 24 per cent.; the act of 1846, showing that it was 30 per cent.; and the act of 1842, which had been called a high protective tariff, 30 per cent.; and yet when the Senate of the United States saw fit to make those things 35 per cent., keeping it up to the old law, the House having passed no bill, it was made 45 per cent. in that miserable pretense of a conference, and all the contracts for our ships are being made upon the basis of 45 per cent. ad valorem above open market prices.

That is one reason why I say I am not content to make new contracts until I see if something better can not be done. It will only require us to wait until December to see how the ships we provided for last year are constructed. I want to see if we can not, before we make contracts for new ships, at least have something like a decent reduction of taxation upon the materials and machinery upon which the new contracts can be based. I want to see if we can not reduce it down to 30 or 35 per cent., or some reasonable percentage, before we make new contracts for seven or eight more new ships upon a basis of 45 per cent., as we would have to do now, in addition to what by law we are entitled to if we could trust our own navy-yard officials.

Mr. BUTLER. Then I understand the Senator to say that unless we can get that reduction he will have no new ships built.

Mr. BECK. I do not say that at all. I say that I shall vote against this bill at this time because I want to see what will be the outcome of those that are now being built, and I shall vote against it in the hope that we will not have such a condition of things in the navy-yards of the United States when we meet again a year from now as the Senator from South Carolina showed us by the testimony of Admiral Porter now exists. I repeat that if we have an honest administration of our navy-yards we can build our ships almost as cheaply as they can be built in England, because we have a right to go to Prussia for our guns, to Austria for our torpedoes, to England for our machinery; we have a right to go all over the world and bring everything in free of duty at the cheapest rate, and we have mechanics as well skilled as those of any other nation, and we pay our employés as liberally as any other people do; all we need to have our ships of the best quality furnished to us at the cheapest possible rate is honest administration, which, as shown by the testimony that the Senator from South Carolina read, we do not have now.

Mr. JONES, of Florida. I am inclined to agree with the Senator from Kentucky that if that is possible to be done it would be a wise thing to do. I tried to get some information on this subject when on the Naval Committee that had this matter specially in charge, and I asked the gentlemen there how Great Britain managed this question. I understand that with all her great experience and her skilled labor and her honest administration, all her first-class naval ships are constructed by private contract.

Mr. BECK. I admit that, and I admit that all things being equal private enterprise will always work cheaper than administrative power. But England's private workshops get all their material precisely at the same price as she could get it in her navy-yards. There are no embarrassments, no tariff taxes, and no 45 per cent. difference between her navy-yards and the operations of men who are carrying on private yards there. Everything is as cheap in the private yards as in the public navy-yards of England. But under our law everything in our private navy-yards is 45 per cent. higher. Everything that constitutes a ship, or any part of it, under our law pays 45 per cent. tax in the hands of the owners of private navy-yards here. Senators can not fail to perceive the difference in that condition of things between us and England. If our materials were all free, all admitted alike to the United States and to private men, I have no doubt that a private man would work his hands more closely than the Government supervisors of the United States work their hands in the navy-yards; and all things being equal we would get cheaper ships and perhaps quite as good work.

Therefore, the illustration of English private navy-yards does not bear upon this question. I am not attacking any person; I am dealing with facts, not individuals. I repeat that the public history of the country shows that it is vice in administration, dishonesty in management. That is the trouble with all our public enterprises. I heard Mr. Schenck, of Ohio, then chairman of the Committee of Ways and Means, in the very worst days of the old whisky frauds in 1868 say in his place in the House of Representatives that although at $2 a gallon we were only collecting fourteen or fifteen million dollars annual revenue, and when it was reduced to 50 cents a gallon we got $40,000,000, that it was stolen in nine cases out of ten with the direct connivance of the officers of the United States. I believe his language was that not less than 90 per cent. of the amount was so stolen. When we hear of undervaluations of imports the same conditions prevail. These things are impossible except by the direct connivance of the officers of the United States. When we hear of all this corruption in navy-yards it may be assumed without fear of contradiction that it is carried on with the direct connivance and consent if not by the direct authority and orders of United States officials. I do not propose to vote millions to be used as Admiral Porter said the money for the ship he spoke of was used. I am not in love with the present navy-yard system. It is, perhaps, worse than the favoritism and extravagance of the high-tariff contract system.

We have a navy-yard at Mare Island; California is considered a doubtful State politically. We have one at Pensacola, and Florida is not so one sided; we have one at Norfolk, in Virginia; we have one in New York, at Brooklyn; one in the Secretary's own State of New Hampshire; and there might be a good many Trentons repaired and charged to something else between now and the November election, with seven or eight millions of dollars, if things have not improved since Admiral Porter looked into them.

Mr. BUTLER. I think the Senator from Kentucky has put up a man of straw to knock him down.

Mr. BECK. I am not knocking anybody down. If I can keep from being knocked down by the Senater from South Carolina I shall be lucky.

Mr. BUTLER. I wish to make a very pertinent suggestion to him. He says he does not desire to appropriate millions of dollars to be spent in the United States navy-yards. Nobody proposes that under this bill.

Mr. BECK. Nor do I propose to pay 45 per cent. more than a ship is worth to give a job to anybody, if I can help it.

Mr. BUTLER. That is an entirely different proposition.

Mr. BECK. The two run together.

Mr. BUTLER. There is no proposition whatever to build any of these ships in the Government navy-yards, as I understand. I concur with the Senator, and I sympathize with him very largely in the reasons why they should not be constructed in the Government navy-yards, and for one I prefer that advertisements should be made for bids all over the country, to be taken by the different private yards in the United States. That I understand to be the proposition of this bill.

Mr. BECK. I said I did not intend to vote for the bill, and I did not propose to be charged without a denial with being an enemy to the American Navy in doing so. My objection is as to the methods employed. I think, Mr. President, that I have been more sharply catechized than usual. I have managed, however, to say substantially what I desired, and for fear that I may keep up this controversy and prevent a vote on the bill, which I have no disposition to do, I will not say anything more.

Mr. JONES, of Florida. Mr. President, I wish to say a few words, and a few words only, in reply to the Senator from Kentucky. I tried to follow him in the course of his remarks, and the amount of his argument is that because of some shortcomings, some dishonesty, some delinquency on the part of some officers not named, to some amount not designated, some indefinite, undefined, it may be imaginary defalcation or shortcoming on the part of persons employed by the Government to carry out its trusts, we are to neglect our public obligation. That is what it amounts to; that the honor, that the interests of the American people are to be put aside because in the administration of the details of some little miserable office corruption may have crept in, as it has crept everywhere where Government has been known, and that we are to refuse to provide for an armed force to meet the necessities of the nation. Analyze and probe what he says, and what does it amount to? Some constructor, some little insignificant character who does not weigh a feather's weight in the estimation of the country, may have neglected his duty, may have spent more money in repairing ships than he ought to have done, may have defrauded the public and have become a public malefactor; and the Senator from Kentucky, with that breadth of statesmanship for which he is distinguished all over this land, comes before the American people and says, "I will because of this refuse to give my assent to any provision looking to the creation of a navy to defend the honor and the interests of the country!" That is his position.

Mr. BECK. I deny that——

Mr. JONES, of Florida. I will yield if the Senator wishes the floor.

Mr. BECK. No; I thought the Senator was taking his seat.

Mr. JONES, of Florida. No. Then again, with respect to the construction of ships required by this Government, I say to him very candidly and in the best possible spirit that, tariff or no tariff, in all propositions looking to the construction of vessels to be employed and used by this Government, the people of this country will never submit to those proposals going beyond the Atlantic Ocean. I say this, grate where it may. I am with the Senator on the tariff, but I say that the public man or the Secretary of the Navy or the President of the United States who should undertake to send a bid across the Atlantic to any quarter of Europe to furnish materials for or to construct ships would meet with universal American condemnation.

Mr. BECK. When I rose at first it was to protest against the statement that I was opposing an American navy because I was not willing to vote for this bill. I said that we were building four ships now that were not tested yet and that might prove to be utterly worthless, and yet we were now required to duplicate them before we knew what they would do or whether they were worth building or not. I said furthermore that this very Naval Committee, who have seen fit to fling this bill before us and demand that we shall build seven ships before those now being constructed are tested, are lauding themselves as the special guardians of the honor of this great Republic. I say that until the ships now under way are tested any attempt to build more of the same kind in the navy-yards as at present managed, as proved by the Senator from South Carolina, or under contract with Mr. Roach or anybody else at 45 per cent. more than they are worth, when under an honest administration they could be built in the navy-yards 45 per cent. cheaper than the contract now proposed, comes from those who do not stand in an attitude before the American people to tell me or anybody else who does not see fit to go into their proposition to build seven more ships that we are leaving the country defenseless.

Mr. VEST. Mr. President, this debate on the part of the advocates of this bill has assumed a somewhat remarkable phase as evidenced by what has been said by the Senator from South Carolina [Mr. BUTLER] and the Senator from Florida [Mr. JONES]. They claim that our seaboard is in a defenseless condition and that we are without a navy, and they have spoken of assaults on our national honor and of the results that would come to the seaboard cities of the United States before we could protect ourselves from the navies of maritime nations. Mr. President, there is no danger on the seaboard; there is no public necessity asking for the passage of any such bill. Because in the spirit, not of economy, but of prudence, Senators on this floor ask that the Senate should wait until the vessels now being constructed are finished and tested, we are taunted with not being alive to the national honor and the national faith. There is no public sentiment in this country such as the gentlemen have spoken of demanding the enormous outlay of money proposed to be appropriated for the purpose of building additional war vessels. The public sentiment which they imagine to exist is in the Secretary of the Navy, John Roach, and the officers of the Navy alone. But a few minutes ago the Senator from Indiana [Mr. VOORHEES] and myself in going to the marble-room fell into the hands of a captain of the Navy, a most excellent and distinguished gentleman and my personal friend, and he appealed to us for God's sake to vote for this bill. Said I, "My friend, you are mistaken; it is John Roach, it is for his sake, and the Almighty has nothing to do with it." John Roach has been tramping about these halls for ten years, ay, twenty years, assailing every man as a friend of Great Britain and an enemy of his country who did not pour money into his pocket and into his ship-yards.

Here is the report which the Senator from South Carolina read from yesterday, showing that when these four steel vessels were put up to public bidders there were only two bidders, Mr. Cramp and Mr. John Roach; and now the Secretary of the Navy is to have the power again not to put it out to the lowest bidder, but to put the work either into a navy-yard or to the lowest bidder as he may see fit. The Senator from Maine [Mr. HALE] told us yesterday that he proposed to put the same limitations upon the power of the Secretary of the Navy that existed under the act of March 3, 1883, and I hold that in my hand, and I say that under the clause the Secretary of the Navy can either put this work into a navy-yard or he can put it up to the lowest bidder as he pleases. In other words, if he chooses to put it in the navy-yards and use it for political purposes he will do so, or if he puts it up to the lowest bidder he puts it up to John Roach and Mr. Cramp and nobody else. Nobody else under the terms of this bill can compete for these vessels.

Mr. HALE. May I interrupt the Senator?

Mr. VEST. Yes, sir.

Mr. HALE. Nobody has pretended that I have heard that under the restrictions thrown around the bill of last year the Secretary was prohibited from building these ships in the navy-yards. That was left discretionary.

I have not lived long enough, luckily, to be of the opinion that everybody holding an important place in the executive branch of the Government is corrupt. This Government has run a great many years under different parties, with Secretaries of the Navy of all kinds of political opinion. It may be running for the next half-dozen years under an administration politically sympathized with by the Senator from Missouri. I do not presume that if that takes place, whoever is his President will put into the Navy Department a man who will deliberately favor one contractor at the expense of others. I expect, if I stay here, interested in and dedicating myself somewhat to this great work of building up the American Navy, if there is an administration in the hands of the Democratic party for the next four years, to be found urging whoever may be the Secretary of the Navy to go on and help build up the American Navy. I do not suppose that I shall find myself raking around among all the muck heaps of the past and intimating and insinuating that everybody is corrupt because he holds a high place.

Now, as to the subject of bidding, and this being a matter of John Roach and of his haunting the corridors of this Capitol and of his besieging Congress for ten years, the Committee on Naval Affairs, that is the sponsor of this bill, has neither seen nor heard of John Roach. He has made no approach to its room or to any of its members. I have not seen the man myself anywhere; but I do find that when the Secretary of the Navy submitted this question in this country to the ship-builders he was not confined to Mr. Roach, nor to Mr. Roach and Mr. Cramp, as the Senator from Missouri says, but that all the proposals were sent out abroad and at large; and on page 56 of the appendix accompanying the Secretary's report are found the bids, not simply of John Roach and Mr. Cramp, but of the other builders in the country, for all of these ships, duly opened and examined, and John Roach was below them in the aggregate over $300,000. Why was that? Because he had found out and nobody else had found out that he could furnish the steel out of which these ships were to be built for 5 cents per pound, and the other bidders bid on the basis of 8 cents per pound. He had ascertained, as he believed, and the work he has done since shows, that not only can he build with steel costing 5 cents per pound where the price was 8, which was bid by others, but at 4½ cents per pound, and that is one of the results of competitive bidding.

The Senator from Kentucky cites here the words that Admiral Porter uttered before the Committee on Naval Affairs in giving his testimony about something that occurred in the navy-yards years and years ago. That is old substance, dead matter, and the Senator from Kentucky ought to know it. I defy him or the Senator from Missouri to find in

the administration of the Navy Department during the last two or three years a single instance where money has been diverted and has been sent to improper purposes, where it has not been spent judiciously and where we have not got dollar for dollar. Why it is that he is troubled about the navy-yards when all these ships are being built outside the navy-yards, and he knows that the navy-yards have been cut down in their force year by year by the present Secretary of the Navy and that there never was in the administration of his party or mine so clean and incorruptible an administration of the navy-yards of the country as there is to-day, I can not imagine.

Mr. VEST. Mr. President, I think I am about as amiable as the average Senator, but when a gentleman interjects an entire speech into my argument I think it is rather a stretch of courtesy. The Senator from Maine has paraded in his oration in answer not only to myself but to the Senator from Kentucky epithets like meteors from the northern skies. The words "muck heaps" and other elegant and graceful epithets are used by the Senator.

Who has made an allegation of fraud in the navy-yards? Who has brought that matter into this debate? It was brought here by the ally of the Senator from Maine, his assistant adjutant-general from South Carolina. He quoted Admiral Porter, and Admiral Porter says they took the money of the people of the United States in one of these navy-yards, which was sent there to construct a vessel, to put up a hot-house for one of the officers. And because on this side of the Chamber we dare to allude to the charges made by a Republican high in office and quoted here by one of the gentlemen of the committee who sustains this bill we are condemned by the Senator from Maine.

Why, Mr. President, who does not know that these navy-yards have been hot-beds of corruption? Who does not know that in the last Presidential canvass, when we had provided by law that no more money should be collected inside the navy-yards for political purposes, demands for assessments were made of one of the men in the navy-yard, I believe at Norfolk, and he was told that he should pay the political assessments and that a man would be outside the gate of the navy-yard to receive it. They could not collect it inside, but they put a man outside in order to receive it. Who does not know that the navy-yards have been hot-beds of corruption as I say? It is proven by their own testimony taken here. Now, the Senator from Maine says that I am suspecting every man in the public service. Mr. President, I have a right to refer to the experience of the people of the United States on this subject and to quote it here. Three hundred and eighty-five millions of dollars have been voted by the Congress of the United States to build a navy since 1866, and where is the Navy?

Mr. HALE. Not to build a navy, the Senator will allow me to say, but for all its running purposes.

Mr. VEST. To keep it up for the benefit of the country. Three hundred and eighty-five million dollars for naval expenditures of all sorts, fifty million more than the Government paid from its commencement up to 1860, and to-day where is the Navy of the United States and where is the money? Both are missing. Now, we say, wait and see whether the experiment is a success; wait until it is determined whether the vessels now building are what you say they are. We are told that in hot haste we must expend the enormous amount called for in this bill; and if we do not, we are told that we are deaf to the appeals of national honor and national defense!

Mr. President, at the proper time I propose to offer an amendment to this bill in regard to the construction of these vessels, if they are to be constructed, and I propose then to test the sense of the Senate as to whether the enormous power shall be given to the Secretary of the Navy which the Senator from Maine says he proposes to give him, or whether these vessels are to be constructed on the cheapest and most economical plan and given to the lowest bidder—not confined to any two or three ship-yards in the United States.

The PRESIDING OFFICER. The question is on the first amendment proposed by the Senator from New Jersey [Mr. MCPHERSON], on which the yeas and nays have been ordered.

Mr. BUTLER. Mr. President, I shall not delay the Senate with any attempt to reply to what has fallen from the Senator from Missouri in reference to myself. Like the Senator from Kentucky, he has erected a man of straw for the purpose of having the opportunity of knocking him down. He speaks of me as the ally of the Senator from Maine and his adjutant-general, and certain chaste, select, oratorical flights of eloquence that the Senator can use sometimes have been brought into play, and perhaps somebody else has indulged in that style of argument. Now, Mr. President, I am not the ally of any Senator upon this question; I am not the adjutant-general of any Senator upon this question. I am here discharging what I believe to be a public duty, and I want to say to the Senator from Missouri that he had better call a spade a spade; that when he opposes this bill he had better state in plain English, and not in meteoric flights of eloquence from the northern skies, what is the real meaning of the opposition. I will state it for the Senator. It is that he has no confidence in the honesty of the present administration of the Navy Department of the United States; it is because perhaps, as the Senator has intimated, some political advantage may accrue to the party to which the Senator and myself do not belong if we vote this sum of money to build these ships.

Sir, I hope that I am as loyal to my party as the Senator from Missouri; I hope I shall be found battling for its principles as earnestly as that Senator at the proper time; but he will pardon me if I refuse to subordinate a high public duty to the achievement of a party advantage. He will pardon me if I take issue with him upon that point. As I said in the opening of this debate, I am not here to defend the Navy Department of the United States nor am I here to attack it, but I am here to be just if I can, and I shall be just whether that justice accrues to the benefit of those who are opposed to me politically or of those who sympathize with me.

I believe conscientiously and sincerely that the demands of this country require, the interests of all the people, of all sections, of all parties, require that we shall proceed to build a navy or abolish it entirely. I believe that by the appropriation of four million or four and a half million dollars we shall accomplish the construction of some ships of which the American people will not be ashamed; and if at the same time some advantage may accrue somewhere that is not my fault.

I trust, Mr. President, that we have entered upon a new era in this country. While I sympathize and have sympathized with my political friends in their denunciations and anathemas against the administration of the Navy Department of this Government in the past, and while it is humiliating that we should admit it, I trust we have entered upon a new era, as I have said, and that we may at least proceed to discharge what I believe to be a high public duty without injecting into it mere party and political considerations.

I think the Senator from Missouri has gone entirely outside of anything that I have said when he accuses those of us who sustain and support this bill of having delivered lectures to those who differ with us on account of their want of regard for the honor of this country. I have made no such intimation, and I am incapable of making such an intimation as to any Senator. I want the Senator to vote against the bill if he thinks it ought not to pass, but to vote against it upon arguments which are worthy of the question, and I say that without any disrespect to the Senator's statements.

As has been said by my friend from Florida this morning, I know of no limitation upon the power of Congress to appropriate money to build ships for the American Navy. I submit that the statements I offered yesterday as to the condition of our seacoast defenses and as to the condition of the ships of the American Navy show that it is important, it is urgent that we should proceed and proceed at once, and not wait until December, to provide for the building of more naval ships.

Mr. JONES, of Florida. Why "December?"

Mr. BUTLER. My friend from Florida asks "Why December?" I understood the Senator from Kentucky to state that he wants to see the ships already contracted for launched, as the Senator from New Jersey said yesterday to see whether they would swim. It is a very poor compliment to the naval advisory board to suspect that they would accept from the contractor a ship that would not swim.

Mr. MCPHERSON. Will the honorable Senator yield to me for a moment?

Mr. BUTLER. Certainly.

Mr. MCPHERSON. I remember an experience this Government had in a not very long distant past. A ship was constructed by Mr. John Roach, who is now building the four steel vessels which are under construction, and four boards of naval survey appointed by the Navy Department under and by authority of the Congress of the United States declared that if the vessel was constructed in accordance with the contract and specifications her gunwale would be three inches under water.

Mr. BUTLER. There is John Roach again.

Mr. EDMUNDS. But what became of that ship?

Mr. BUTLER. There is John Roach again, the *bête noir* of my friend from New Jersey and my friend from Kentucky.

Mr. MCPHERSON. No; I have a great respect for Mr. Roach. I admire his pluck, his enterprise, his progress. I do not blame Mr. John Roach, for competing with all comers for the business of the United States as well as for private business. I do not object to Mr. John Roach placing a representative in the Navy Department of the United States, if he could do so. I would not even object to that, because it is of no use to object. But what I do object to is this: I say that the contracts that have been given to Mr. John Roach for the building of these four vessels could not be successfully competed for by any other builder in this country. I say this upon the statement of one of the gentlemen who were asked to estimate for them. Said he, "Mr. MCPHERSON, if I could be assured that I could have the same inspector to inspect my work that Mr. Roach is sure to have, then I would gladly go in and estimate for these vessels."

Mr. JONES, of Florida. Why not provide for their construction in the navy-yards, then?

Mr. BUTLER. The Senator from New Jersey says he has a very high respect for Mr. John Roach.

Mr. MCPHERSON. I said for his pluck, for his enterprise, and for his progressiveness.

Mr. BUTLER. For his pluck, for his enterprise, and for his progressiveness.

Mr. MCPHERSON. I do not question his honesty in fair competition.

Mr. BUTLER. The Senator does not question his honesty. Then we have the Senator down to some point where we can put our hand upon him.

Mr. McPHERSON. Certainly.

Mr. BUTLER. Now I want to say to the Senator that I do not know Mr. John Roach; I do not believe I know him by sight; and I want to say to the Senator from New Jersey and also to the Senator from Missouri that Mr. John Roach has not approached me and there has not been an officer of the United States Navy who has approached me on this bill except upon my own personal request. I do not know Mr. John Roach. The Senator from New Jersey says that he sustains Mr. Roach in his pluck, in his energy, in his management; and he does not blame him for putting a representative in the Navy Department, as I understood the Senator.

Mr. McPHERSON. If he could.

Mr. BUTLER. Upon that point I take issue with the Senator from New Jersey, and I say that when the Senator makes a statement of that kind, that Mr. John Roach has put a representative in the Navy Department, he ought to prove it.

Mr. McPHERSON. Will the Senator permit me to have the words I uttered read, that it may be seen whether I am guilty of all that is charged against me?

Mr. HALE. The very clearest kind of imputation was made.

Mr. BUTLER. Then, Mr. President, I understand the Senator to say that he has not charged that Mr. John Roach has put a representative in the Navy Department.

Mr. McPHERSON. If anybody has ever heard me say it, I should like to have him state it.

Mr. BUTLER. I will repeat that I do not know Mr. Roach, and no lobby has approached me upon this bill. If the lobby has approached the Senator from Missouri and the Senator from New Jersey and other Senators, it is their fault, not mine.

Mr. VEST. What does the Senator mean by a statement of that kind?

Mr. BUTLER. I simply mean precisely what I say.

Mr. VEST. Does the Senator mean to say that anything has been said here about anybody being corruptly approached?

Mr. BUTLER. I made no intimation of that kind. I simply took the language of the Senator from Missouri himself. He said that he was approached in yonder lobby by officers of the Navy, and I say that I have not been approached. If he was approached, and permitted himself to be approached, it was his fault and not mine.

Mr. VEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Missouri?

Mr. BUTLER. Certainly, sir.

Mr. VEST. In order to indicate the anxiety felt for the passage of this bill by certain persons I stated that, as the Senator from Indiana and myself were coming from the marble-room, a gentleman high in standing and my personal friend, an officer of the Navy, had appealed to me for God's sake to vote for this bill. Now, the Senator from South Carolina makes the intimation——

Mr. BUTLER. Not at all.

Mr. VEST. That I permitted myself to be approached in an improper sort of fashion. I ask if the Senator thinks that is fair, manly, just, or generous?

Mr. BUTLER. No, Mr. President, I made no intimations or reflections on the honorable Senator, and I am a little surprised that a Senator who deals so largely as that Senator does in intimations should be so sensitive when I make a retaliation in kind. I will say to the Senator that nothing was further from my purpose than to cast any reflection on him, and I am amazed that a Senator who indulges in these insinuations so freely on this floor should be so sensitive about them.

Mr. VEST. What does the Senator mean by that?

Mr. BUTLER. The Senator spoke of John Roach clamoring in the lobby of the Senate for the passage of this bill and of a lobby clamoring here with those of us who were urging its passage.

Mr. VEST. Does the Senator say that Mr. John Roach is not lobbying?

Mr. BUTLER. No, sir.

Mr. VEST. Why does he employ this language to me?

Mr. BUTLER. I am not making any charge against the Senator from Missouri. I am simply expressing some surprise at the sensitiveness of the Senator himself.

Mr. VEST. I permit nobody, here or elsewhere——

The PRESIDING OFFICER. The Senator from Missouri will please suspend. The Chair must insist upon Senators addressing the Chair and letting the Chair ascertain whether the Senator entitled to the floor consents to be interrupted. Does the Senator from South Carolina yield to the Senator from Missouri?

Mr. BUTLER. Certainly, sir.

Mr. VEST. I have said all that I need say.

Mr. VOORHEES. Will it be agreeable to the Senator from South Carolina to suspend his remarks on this matter for the time being?

Mr. BUTLER. Perfectly.

Mr. VOORHEES. I have conferred with the Senator from Maine [Mr. HALE] who has charge of this bill, and he knows perfectly what I have in view in asking him to move an adjournment at this time.

Mr. BUTLER. Before the Senator does that I should like to make one statement.

Mr. HALE. I propose at the close of the remarks of the Senator from South Carolina to make that motion.

Mr. BUTLER. I wish simply to make one additional statement and then I will close, and that is in respect to what has been intimated about corruption in the navy-yards. I have been taunted with introducing that subject into this debate by having had Admiral Porter's testimony read. Now, sir, there is no proposition, as I understand, to have these vessels built at the navy-yards to begin with. They are to be built by contract, let out in the usual way to the lowest bidder, and if Mr. Cramp or Mr. Roach or Mr. Hollingsworth or Mr. Gorringe or Mr. anybody else will put in the lowest bid I must assume that he will get the contract.

I know nothing about corruption in the navy-yards except what I have heard. I have no doubt there has been a great deal of corruption. I am very sorry for it. If I thought these ships were going into the navy-yards to be built upon the plan heretofore obtaining I would oppose the bill; but not believing that, and feeling sure that the advisory board will throw every protection around the construction of these vessels that honest men can throw around such a matter of business detail, I shall support the bill, and I should be sorry if the Senate should vote it down.

Mr. HALE. I learn that it is desirable for the other side of the Chamber to have a caucus at or near 4 o'clock, and with that view, although I am sorry we can not finish the bill to-night, I move that the Senate adjourn.

Mr. MORGAN. Will the Senator indulge me until I offer an amendment to the pending bill?

Mr. HALE. I withdraw the motion.

Mr. SEWELL. I desire to offer an amendment to the pending bill to be printed.

The PRESIDING OFFICER. The amendment of the Senator from New Jersey will be printed and lie on the table.

Mr. MORGAN. I offer an amendment to the pending bill, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. That order will be made if there be no objection.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 27, 1884.

The House met at 12 o'clock m. Prayer by Rev. J. J. BULLOCK, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

FUNDS IN THE TREASURY.

Mr. MORRISON. I am directed by the Committee on Ways and Means to report back the following resolution and recommend its adoption.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the House how much money is now in the Treasury of the United States; under what several provisions of law it is there retained, and how much, in view of the current receipts, expenditures, and legal liabilities of the Treasury, on the basis of existing laws, can be applied at this time in liquidation of that part of the public debt now payable without embarrassing his Department.

Mr. WHITE, of Kentucky. Would it be in order to offer an amendment to that resolution?

The SPEAKER. It would be.

Mr. WHITE, of Kentucky. Then I ask that the resolution be amended so that the Secretary of the Treasury shall be required to furnish also the following information:

1. What number of distilleries in the United States each year from February 1, 1877, to 1884, inclusive.
2. What number of gallons from fruit, molasses, and grain, respectively, produced during each and every of those years in the States severally.
3. What part of each year's production was prepared for beverage or table uses; and what part for art, scientific, and other purposes.
4. What number of gallons of distilled spirits withdrawn from bonded warehouses under exportation bonds during each of those years.
5. What number of gallons of distilled spirits which were withdrawn from bonded warehouses under exportation bonds after having remained in bonded warehouses more than two years, and from which States so exported.

Mr. HOLMAN. I submit that that is not germane to this proposition.

Mr. WHITE, of Kentucky. I hope the gentleman will not make that point until I have had at least an opportunity of reading the entire amendment.

Mr. HOLMAN. I had the honor of introducing this resolution for reference to the Committee on Ways and Means with a view of obtain-

ing this information which is of importance and it should stand by itself. It ought not to be mixed up with a matter which is essentially different.

Mr. WHITE, of Kentucky. I offer it, then, in the way of debate. This information is just as important.

The SPEAKER. It is not before the House, if the point of order is well taken, for debate.

Mr. WHITE, of Kentucky. I hope the gentleman from Indiana will not insist upon the point of order until I have finished the reading of the amendment.

The SPEAKER. The Chair thought the gentleman from Kentucky had completed the reading of the amendment; but will of course withhold a decision until he has had that opportunity.

Mr. WHITE, of Kentucky. My amendment further provides that he shall also inform the House—

6. What number of gallons of distilled spirits, having remained in bonded warehouses more than two years, were withdrawn under exportation bonds during the years 1883 and 1884, and from which States so withdrawn.

Mr. HOLMAN. I must insist upon the point of order.

Mr. WHITE, of Kentucky. I think, Mr. Speaker, it is of equal importance, in connection with the resolution reported from the Committee on Ways and Means, that we shall have this information.

The SPEAKER. The Chair must sustain the point of order. The amendment is not before the House.

Mr. MORRISON. I move the previous question upon the adoption of the resolution.

The previous question was ordered; and under the operation thereof the resolution was agreed to.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSOURI RIVER.

Mr. VALENTINE, by unanimous consent, introduced a bill (H. R. 5451) to authorize the construction of a bridge across the Missouri River at some accessible point within five miles of the town of Decatur, in the county of Burt, in the State of Nebraska; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALLEGED UNDERVALUATIONS.

Mr. HARDY. I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Whereas charges of fraudulent undervaluations of imported merchandise have been made by Government officials; and

Whereas importers affected by such charges claim that the same are unfounded, and are unjust to reputable merchants, hurtful to trade, and in violation of the policy of our Government, which is and has been to mature, protect, and encourage trade and commerce in all its branches; and

Whereas a large number of merchants, claiming that said charges are a serious injury to commerce and the public revenue, as well as to the interests of individuals, have petitioned this House to take cognizance of the matter and investigate the same: Therefore,

Resolved, That it be referred to the Committee on Ways and Means to consider and report to this House as to the advisability of appointing a subcommittee of its own members or a special committee of the House to investigate the said charges of fraudulent undervaluations of imported merchandise.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. KASSON. If I heard rightly the preamble of the resolution, it contains a charge as of a fact that Government officials have made fraudulent undervaluations. If that be an allegation distinctly made instead of a direction to inquire if such charges have been made and by whom, I think it should be amended so as to state that such charges have been made. The habit of giving a sanction to such things without proof is what I object to.

The SPEAKER. The Clerk will report the resolution again.

The Clerk read as follows:

Whereas charges of fraudulent undervaluations of imported merchandise have been made by Government officials; and

Whereas importers affected by such charges claim that the same are unfounded and are unjust to reputable merchants—

Mr. KASSON. I see it is owing to the grammatical construction that I caught my impression. I withdraw my objection.

Mr. CONVERSE. I ask that the remainder of the resolution be again read.

The Clerk completed the reading of the resolution.

Mr. KELLEY. As there are judicial means of investigating all that, I object.

SPECULATION IN FARM PRODUCE, ETC.

Mr. LE FEVRE. I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Whereas speculation and gambling in American farm produce and other products of American labor has obtained such absolute control over their market value as to govern their price in this country and abroad, to the great and growing injury of American producers and consumers; and

Whereas the demoralizing influence and bad practical results from these causes are matters of record in the daily press: Therefore,

Resolved, That the Judiciary Committee be, and hereby is, requested to prepare and report a bill prohibiting the purchase or sale of wheat, corn, cotton, provisions, or other articles of prime necessity among the people unless an actual transfer of such property or a warehouse receipt therefor accompanies each transaction; or making any agreement for the same based on contracts extending over a period longer than ninety days from the date of such contracts wherein an actual and *bona fide* transfer of such property is contemplated; also, a bill authorizing such governmental interference as will insure stability to the value of such property and protect producers and consumers against the wrongs enumerated in the preamble to this resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. COX, of New York. I object.

Mr. LE FEVRE. I ask that the resolution be referred to the Committee on the Judiciary.

The SPEAKER. Is there objection to the reference of the resolution?

Objection was made.

JAMES HALL AND OTHERS.

Mr. McCOID. I ask unanimous consent to offer for reference the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk be, and he is hereby, authorized and directed to pay out of the contingent fund of the House the following specified sums to the persons herein named for services rendered as laborers in the employ of the House of Representatives of the Forty-fourth Congress, namely: To James Hall, $260; to Alexander Thomas, $260; and to Charles Carter, $260.

The SPEAKER. Is there objection to the introduction of this resolution for reference?

Mr. HOLMAN. Let it go to the Committee on Accounts.

The SPEAKER. The Chair thinks it should more properly go to the Committee on Claims, as it relates to services rendered in a former Congress.

The resolution was referred to the Committee on Claims.

CUSTOMS REGULATIONS.

Mr. EATON. I ask unanimous consent to offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Treasury Department be directed to ascertain and report to this House what customs regulations are now in use in the Department, and if any revision of said regulations has been made since 1874; and, if so, when and how?

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. CHACE. I object.

STREET IMPROVEMENTS IN WASHINGTON, D. C.

Mr. ROCKWELL, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on the District of Columbia:

Resolved, That the commissioners of the District of Columbia be requested to transmit to the House estimates for grading and regulating G street southeast from Third street southeast to Eleventh street southeast; also, estimates for completion of Sixth street southeast, from Pennsylvania avenue to K street southeast, to be paved with asphalt blocks.

UNIVERSITY OF ALABAMA.

On motion of Mr. HEWITT, of Alabama, by unanimous consent, the bill (S. 503) to increase the endowment of the University of Alabama from the public lands in said State was taken from the Speaker's table, read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. REED. I demand the regular order.

WILLIE S. HOWARD.

Mr. ERMENTROUT. I desire to make a privileged report. I am directed by the Committee on Accounts to make the report which I send to the desk.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the resolution of Mr. HOLMAN—

"That the Committee on Accounts be directed to inquire into the propriety of Willie S. Howard being employed as a page or folder under the Doorkeeper during the residue of the present session of Congress and report by resolution or otherwise"—

respectfully report the following resolution, and ask its adoption:

Resolved, That Willie S. Howard be, and is hereby, employed as a page of the House during the present session, and shall be assigned to duty at the subcommittee-room of the Committee on Appropriations until further ordered by the House.

The SPEAKER. The question is on the adoption of the resolution reported by the committee.

The resolution was adopted.

Mr. ERMENTROUT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order has been demanded, which is the call of committees for reports.

Mr. HATCH, of Missouri. I move to dispense with the morning hour for the call of committees for reports.

The SPEAKER. That will require a vote of two-thirds.

The question was taken; and upon a division there were—ayes 100, noes 39.

So (no further count being called for) the morning hour was dispensed with—two-thirds voting in favor thereof.

Mr. STORM. I ask the gentleman from Missouri [Mr. HATCH] to allow me to submit some reports from the Committee on War Claims. I shall be obliged to leave the city by order of the House for the purpose of taking part in an investigation at Hot Springs, and shall not be present when the committees are next called.

Mr. HATCH, of Missouri. I will yield for that purpose.

JOHN W. MARTIN.

Mr. STORM, by unanimous consent, from the Committee on War Claims, reported, as a substitute for H. R. 3266, the bill (H. R. 5452) for the compensation of John W. Martin for services as postmaster at Brookhaven, Miss., by order of the military commandant, from July, 1865, to July, 1866; which was referred to the Committee of the Whole House, and ordered to be printed.

ALEXANDER WORRALL.

Mr. STORM, by unanimous consent, from the Committee on War Claims, also reported a bill (H. R. 5453) for the relief of Alexander Worrall; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AGNES AND MARIA DE LEON.

Mr. STORM, by unanimous consent, from the Committee on War Claims, also reported adversely the bill (H. R. 2940) for the relief of Agnes and Maria de Leon, heirs at law of Rebecca de Leon, deceased; which was laid on the table, and the accompanying report ordered to be printed.

IMPORTATION OF ARMS BY NEW YORK.

Mr. HEWITT, of New York. I have been instructed by the Committee on Ways and Means to report back House bill 2450, to refund duties paid by the State of New York on arms imported in 1863, and to move that that committee be discharged from its further consideration, and that the bill, with the accompanying papers, be referred to the Committee on Appropriations.

Mr. RANDALL. It should go to the Committee on Claims.

Mr. HOLMAN. The Committee on Claims is the proper committee.

The SPEAKER. The gentleman from New York [Mr. HEWITT] asks that it be referred to the Committee on Appropriations.

Mr. HOLMAN. I think it should go to the Committee on Claims.

The SPEAKER. If there be no objection the bill will be referred to the Committee on Claims.

Mr. HEWITT, of New York. During the last five or six years similar bills of which I have cognizance have always gone to the Committee on Appropriations, and I myself have had charge of bills before that committee which included such accounts as this. It seems to me, therefore, that a reference of this bill to that committee is correct. And I will state that among the papers accompanying the bill is a letter from the Secretary of the Treasury that it only requires that the bill go to the Committee on Appropriations to receive proper attention, as there is sufficient law for the purpose.

Mr. RANDALL. Let the bill be read.

The SPEAKER. The bill will be read, so that the House can make the proper reference.

The bill was read as follows:

Whereas an act entitled "An act to remit duties on arms imported by States," approved July 10, 1861, and the act supplementary thereto, approved July 25, 1861, have expired by limitation: Therefore,

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, the duties paid by the State of New York on arms imported in 1863, amounting to the sum of $42,796.87, which sum includes the premium paid in the purchase of gold for the payment of said duties: *Provided*, That the Secretary of the Treasury shall be satisfied that the said arms were purchased in good faith for the use of the troops of the State of New York organized to aid in suppressing the then existing insurrection against the United States.

The SPEAKER. The gentleman from New York [Mr. HEWITT] moves that the bill just read be referred to the Committee on Appropriations. The gentleman from Indiana [Mr. HOLMAN] moves to amend so as to refer the bill to the Committee on Claims. The question is first on the amendment.

Mr. RANDALL. I will say that the bill will be more likely to receive consideration in the Claims Committee than in the Committee on Appropriations.

The question was taken upon the amendment of Mr. HOLMAN, and upon a division there were—ayes 63, noes 42.

Before the result of the vote was announced Mr. HISCOCK called for tellers.

Mr. HOLMAN. Do not do that.

Tellers were not ordered, there being but 14 in the affirmative—not one-fifth of a quorum.

So (no further count being called for) the amendment of Mr. HOLMAN was agreed to.

The motion as amended was then agreed to, and the bill was accordingly referred to the Committee on Claims.

FORGERY OF POSTAL MONEY-ORDERS.

Mr. BINGHAM, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported back with an amendment the bill (H. R. 4907) to amend section 5463 of the Revised Statutes, relating to the forgery of postal money-orders, and for other purposes; which was placed on the House Calendar, and, with the accompanying report, ordered to be printed.

IMPROPER USE OF THE MAILS.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, also reported adversely the bill (H. R. 1807) to prevent the use of the United States mails to advertise noxious and dangerous medicines, foods, and compounds; which was laid on the table, and the accompanying report ordered to be printed.

SENATE CONTINGENT FUND.

Mr. RANDALL. I ask unanimous consent that Senate joint resolution No. 64, providing for the addition of $10,000 to the contingent fund of the Senate, be taken from the Speaker's table and referred to the Committee on Appropriations.

There was no objection, and the joint resolution was accordingly taken from the Speaker's table, read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. DORSHEIMER. I demand the regular order.

Mr. PHELPS. I rise to a privileged matter.

The SPEAKER. The gentleman will state it.

FOREIGN RELATIONS.

Mr. PHELPS. I am instructed by the Committee on Foreign Affairs to report back the resolution which was offered by the gentleman from Pennsylvania [Mr. BRUMM], instructing that committee to inquire whether any foreign minister had endeavored to nullify the effect of a unanimous resolution of this House by representations reflecting on the honor and integrity of its members, and to state that the committee has made such investigation, has obtained no information upon the subject, and ask that it be excused from the further consideration of the subject. That, it would seem to me, is a question of the highest privilege. Unless there be opposition to this request of the committee, I suppose the resolution and the report will take the usual course and lie upon the table.

The SPEAKER. The gentleman from New Jersey [Mr. PHELPS] reports back a resolution from the Committee on Foreign Affairs, and asks that the committee be discharged from the further consideration of the subject.

Several MEMBERS. Read the report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Foreign Affairs, to whom was referred resolution No. —, to wit:

"*Resolved*, That the Committee on Foreign Affairs be instructed to make inquiry as to whether any foreign minister accredited to the Government of the United States has endeavored to nullify the effects of a unanimous resolution of this House by representations reflecting on the honor and integrity of its members"—

beg leave to respectfully report:

That they have, under the instructions of the resolution, made inquiry, and have obtained no information as to whether any foreign minister accredited to the Government of the United States has endeavored to nullify the effects of a unanimous resolution of this House by representations reflecting on the honor and integrity of its members.

And the committee ask to be excused from the further consideration of the resolution.

The SPEAKER. The question is, Shall the Committee on Foreign Affairs be discharged from the further consideration of the subject?

The question was decided in the affirmative.

ENROLLED BILL SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 1490) to complete a statue of the late Rear-Admiral Samuel Francis Du Pont.

DISEASES AMONG DOMESTIC ANIMALS.

Mr. HATCH, of Missouri. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the special order; and pending the motion I ask unanimous consent that all debate upon amendments which may be offered to the bill in Committee of the Whole may be closed at 3 o'clock, at which hour the committee shall proceed to vote upon all pending amendments.

Mr. BELFORD. I object.

Mr. HATCH, of Missouri. Then I ask unanimous consent that debate may be closed at 4 o'clock.

Mr. WELLER. I object.

Mr. HATCH, of Missouri. I move that all debate in Committee of the Whole on the bill and amendments shall be closed at 2 o'clock.

Mr. HILL. Does that require unanimous consent?

The SPEAKER. It does.

Mr. HILL. Then I object.

The SPEAKER. The House can not do more under the rules than close debate on the pending section and all amendments thereto.

Mr. HATCH, of Missouri. I move, then, that all debate in Committee of the Whole on the pending section and amendments thereto be limited to thirty minutes.

Mr. WELLER. I rise to a parliamentary inquiry. To what section does the gentleman refer?

The SPEAKER. The section now pending in Committee of the Whole?

Mr. WELLER. I do not know whether that is the second or the third section.

The SPEAKER. The Chair does not know.

Mr. HATCH, of Missouri. The third section.

Mr. WELLER. I object.

The SPEAKER. The question must be decided by a vote of the House.

The motion of Mr. HATCH, of Missouri, to limit debate was agreed to.

The SPEAKER. The question now recurs on the motion of the gentleman from Missouri that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the special order, which is the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals. The pending section is section 3, upon which, with all amendments thereto, debate has by order of the House been limited to thirty minutes.

The clerk read the section, as follows:

SEC. 3. That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other infectious or contagious disease is declared to exist, and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious or infectious disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, in paying for the animals it is deemed necessary to slaughter, and in such disinfection and other means as may be necessary to extirpate the disease: *Provided*, That the authorities of said State or Territory shall assume and pay one-half of the expense of the valuation of the animals it is deemed necessary to slaughter, and one-half the cost of disinfection and necessary police regulations in the quarantine and care of infected herds of cattle.

Mr. ADAMS, of Illinois. Mr. Chairman, I desire to offer an amendment, but if there are amendments of the committee to be disposed of I will withhold my amendment for the present.

The CHAIRMAN. The amendments of the Committee on Agriculture, which are first to be voted upon, will be read.

The first amendment of the committee was read, as follows:

Strike out, in lines 9 and 10, the words "infectious or."

The amendment was agreed to.

The next amendment of the committee was read, as follows:

After the word "contagious," in line 10, insert "infectious or communicable."

The amendment was agreed to.

The next amendment was read, as follows:

After the word "contagious," in line 13, strike out the word "or."

The amendment was agreed to.

The next amendment was read, as follows:

After the word "infectious," in line 14, insert "or communicable."

The amendment was agreed to.

Mr. ADAMS, of Illinois. I now offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 3 by inserting after the word "exist," in line 11, the words—
Or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture.

So that the clause will read:

Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture; and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, in paying for the animals it is deemed necessary to slaughter, and in such disinfection and other means as may be necessary to extirpate the disease.

Mr. WELLER. I desire to move a substitute for the proposition of the gentleman from Illinois.

The CHAIRMAN. The gentleman from Illinois is entitled to the floor if he wishes to be heard on his amendment.

Mr. ADAMS, of Illinois. I am prepared to say what I have on this amendment at this time. Now, as I read this section the rules and regulations have to go from the national authority and be accepted by the State authority, and that acceptance must be a legislative act. Therefore the Commissioner of Agriculture would have to spend many months in preparing rules and regulations, and by the time he had them prepared Legislatures of the State would not be in session to accept them.

I desire to say I see no difference whether the rules and regulations come from State authority and are accepted by the national authority or *vice versa*. All we want is harmonious co-operation between national and State authority for the extirpation of this disease.

Let me call the attention of the committee to the fact that in my own State of Illinois they have already acted in the premises. In 1881 the Legislature of that State passed a law the title and section-heads of which I will read. It is "an act to suppress and prevent the spread of pleuro-pneumonia amongst cattle." The first section provides for the appointment of veterinary surgeons; the second, for quarantine and slaughter of animals in case of epidemic; the third, for appraisement of slaughtered animals; the fourth, for prohibition of imported cattle during epidemic; fifth, for penalty for neglecting to report disease; sixth, for report of State veterinarian; seventh, for payment of claims for slaughtered animals; eighth, for State veterinarian's compensation and appraisers' and physicians' fees; and ninth appropriates $8,000 as a contingent fund.

I wish to direct the attention of the chairman of the Committee on Agriculture further to the fact that if my amendment be adopted and the bill shall become a law it can go almost immediately into operation, because the National Government can take advantage of the rules and regulations that State has already adopted. We heard yesterday from the gentleman from Iowa that his Legislature is now in session. By the adoption of this amendment to the bill the Legislature of that State could adopt rules and regulations which go into effect at once. But unless we amend the bill in this way it can not go into effect within two, probably, but certainly not within one year after its passage. It is unnecessary for me to remind members of the House that in several of the States the sessions of the Legislature are biennial.

[Here the hammer fell.]

Mr. HATCH, of Missouri. I have no objection to the amendment of the gentleman from Illinois, and I hope by unanimous consent his amendment may be adopted.

Mr. BLAND. I ask that the amendment may again be read.

The amendment was again read.

Mr. BLAND. Mr. Chairman, this third section it seems to me is wholly unnecessary. In the first place, if under the proviso the authorities of said State or Territory shall assume and pay one-half of the expense of the valuation of the animals it is deemed necessary to slaughter and one-half the cost of disinfection and necessary police regulations in the quarantine and care of infected herds of cattle, the State Legislature must first make an appropriation for the purpose. Hence no amendment to the section and no provision which does not recognize that fact can at all be effective.

What is the necessity for this section? It undertakes to put Federal power and Federal money into the police regulations of the several States. If it simply provided for a bureau whose duty it should be to investigate the character of these diseases and report as to their treatment and the best mode of transportation, &c., as provided in the first and second sections and then as to the prohibition of importation of diseased cattle from foreign countries and the transportation of diseased cattle from one State to another, that would be sufficient and there it should end. Then it would be impossible to transport diseased cattle from one State to another, and the disease would die out. We would then leave it in the power of the State to take care of their own cattle, and provide, as many States have already done by their Legislatures, for the extirpation of diseased cattle and making appropriations for that purpose. It would then give the States power to regulate the matter within their own limits without interference from the General Government. The danger is, if the Federal and State authority can combine, and there must be harmony and agreement, we must have the consent of the Legislature and an appropriation for the purpose. Then we have the further danger of the Federal Government undertaking by rules and regulations to hamper the industries of stock-raising in the various States. It can only do so by prescribing certain rules and regulations to be imposed upon stock-raisers tending to discourage the growth of that great industry. Taking the fourth section with the third you establish here a bureau in Washington the effect of which might be to encourage a stock gambling institution by which the value of the cattle throughout the country could be bulled and beared. Therefore, if the bill is to pass, the third and fourth sections should be stricken out, and that would leave it to the States under their rules and regulations to prohibit the transportation of diseased cattle from one State to another, and this disease of pleuro-pneumonia would then be extirpated without Federal interference.

Mr. WELLER. I desire to send up an amendment.

The CHAIRMAN. Debate is exhausted on the pending proposition.

Mr. WELLER. I move an amendment to the amendment.

The CHAIRMAN. The gentleman is recognized for that purpose.

Mr. WELLER. It has been suggested by gentlemen around me that I withhold the amendment for a moment, but I apprehend that the time will be exhausted.

The CHAIRMAN. The gentleman will have an opportunity of offering it.

Mr. WELLER. Then I will withhold it until a vote is taken upon the pending amendment.

Mr. HATCH, of Missouri. I did not understand that any objection was made to the amendment of the gentleman from Illinois.

The CHAIRMAN. The Chair understood the gentleman from Missouri as objecting to the section.

Mr. GIBSON. If I may be permitted to say a word in that connection, the amendment of the gentleman from Illinois provides that although a State may adopt rules and regulations for the suppression of pleuro-pneumonia and the protection of cattle——

The CHAIRMAN. Debate on this proposition has been exhausted.

Mr. TUCKER. I move to strike out the last word.

I have not, Mr. Chairman, addressed the committee with reference to any of the provisions of this bill, preferring to withhold my objections until the committee had reached the consideration of this and the succeeding section. The third and fourth sections I regard as the most objectionable features of the whole measure.

This third section, in my judgment, gives the entire legislative authority over the question of the suppression of pleuro-pneumonia and other contagious or infectious diseases among domestic animals to the Commissioner of Agriculture. What law is proposed to regulate the seizure and slaughter of animals? There is no law in that section covering the point, except that which authorizes the Commissioner of Agriculture to make such rules and regulations as he may deem necessary for the extirpation of these diseases. Now, sir, what are to be these rules or regulations that he is to frame or adopt for the guidance of this bureau? We do not know what they will be. There is no provision to indicate what they shall be in this bill. They are not prescribed by Congress; they are to be prescribed by an executive officer alone, who is to be the agricultural autocrat upon all these questions.

The amendment which has just been proposed is in the right direction, that the State, under its police power, shall have the sole right to extirpate this thing within its own limits.

Mr. GIBSON. But if the gentleman will permit me to suggest to him, the amendment does not do that.

Mr. TUCKER. Just hear me for a moment now, if you please. The whole extirpation of this disease within the State is left to the action of the Commissioner of Agriculture, who is to adopt these rules and regulations which are to stand in place of law; and it is a proposition that the Commissioner of Agriculture may adopt such rules and regulations as he may deem necessary for slaughtering cattle where it is deemed necessary to do so.

Why, sir, gentlemen say we are sticklers for the Constitution. I am not talking now about the grants of power to Congress and the construction upon which the grants of power shall be interpreted; but I am talking of a provision of this law which goes against the express prohibition of the Constitution. The fourth amendment of the Constitution, arising out of the great case of Money and Leach in 1763, provides:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Where is there any warrant or affidavit prescribed by this bill before the seizure of or search for diseased cattle? There is none. Everything is left to the action of the autocrat of the Agricultural Department. He or his agents may seize any cow in any poor widow's cow-pen in the land and slaughter it at his or their sovereign pleasure.

Well, now, sir, furthermore, if gentlemen will examine this provision they will find that it gives the governor of a State the power to accept the rules and regulations which the Commissioner of Agriculture may prescribe. By what power is the governor of a State to determine that question or to accept the rules and regulations which shall subject the private property of citizens to seizure and destruction contrary to the fourth amendment of the Constitution?

[Here the hammer fell.]

Mr. KEIFER. Does the gentleman from Virginia desire further time?

Mr. TUCKER. I should like to have a little time.

Mr. KEIFER. I will yield to the gentleman.

Mr. TUCKER. I am very much obliged for the courtesy.

Now, Mr. Chairman, the fifth amendment of the Constitution provides:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Now, what compensation is to be given to a man for property destroyed under the provisions of this bill? Under what rule or regulation shall he be compensated? None but the rules and regulations prescribed by the autocrat of the Agricultural Department. What right has he to pass a law providing for any proceeding, judicial or otherwise; and it ought to be a judicial proceeding that contemplates anything like the seizure of the property of a citizen or fixing the compensation therefor?

But, Mr. Chairman, I believe it is impossible for this committee to remedy the inherent vices of this and the succeeding section except by the recommitment of this bill. I say to my friend from Missouri [Mr. HATCH] that if this bill is recommitted, so that there can be some provision made in it by which these difficulties may be obviated and these objections removed, it will relieve a great deal of the doubt that I feel with reference to this measure.

But we have another difficulty, Mr. Chairman. I say that this Federal Government has no right to interfere with this question of pleuro-pneumonia inside of a State any more than the autocrat of all the Russias would have. Where is the power, sir, for it to do so? In the great case of Gibbons against Ogden, decided by the Supreme Court of the United States, Chief-Justice Marshall delivering the opinion—and Chief-Justice Marshall was no stickler for State rights—it was declared in reference to commerce purely internal in its character that this Government could not touch it; and that it could only touch the question of commerce between the States or between the States and foreign countries.

Now, sir, I desire to say that this Government has only a right to interfere in the matter of pleuro-pneumonia so far as it is affected by interstate or foreign commerce. I believe that it may do that. I am perfectly willing that it shall do that by inspection laws, and that in deference to the police power of each State, which includes the right to determine upon the suppression of pleuro-pneumonia within its borders.

Mr. JOSEPH D. TAYLOR. Will the gentleman allow me to ask him a question?

Mr. TUCKER. Yes, sir.

Mr. JOSEPH D. TAYLOR. Did you not formerly entertain the opinion that a United States soldier had no right to cross your State in going from one part of the country to another or from one State to another?

Mr. TUCKER. Never in the world. Old Virginia never held that doctrine; but it was held by the State of Massachusetts before I was born, during the war of 1812.

Mr. KEIFER. I think it was very fortunate for the gentleman from Virginia that he did not have before him, or very distinctly in his mind when he spoke, the fourth amendment to the Constitution of the United States, otherwise we should have been deprived of the pleasure of listening to a constitutional argument here against this pleuro-pneumonia bill. As I have that amendment now before me I think it may be well enough to read it for the benefit of the gentleman, if not for that of any other member.

The proposition that the gentleman from Virginia lays down is that private property shall not be taken and that there shall not be unreasonable search, &c. But let us read the provision of the Constitution, and we will find that it has no relation whatever to such matters as are involved in this bill.

Article 4 of amendments to the Constitution is as follows:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

This amendment to the Constitution was adopted to prevent persons going and searching for property alleged to have been stolen, property that was alleged to belong to others, and without having first obtained a warrant authorizing the search or seizure.

Mr. TUCKER. Will the gentleman from Ohio allow me to interrupt him?

Mr. KEIFER. Certainly.

Mr. TUCKER. If my friend from Ohio will look back into the history of this matter he will find it all developed in the celebrated decision of Lord Camden in the case of Money and Leach, where it was not charged that the effects searched for and seized were stolen, but where there were warrants issued by the secretary of state to seize property that was never stolen at all.

Mr. KEIFER. The fact may be as the gentleman states. But if he is proposing to give us history it seems somewhat singular to state that this fourth amendment to the Constitution was adopted in consequence of some case that arose in the year 1763, about twenty-five years before the original Constitution was adopted.

Mr. KASSON. This is analogous to quarantine regulations, where the doctor takes possession at once.

Mr. KEIFER. I contend there is nothing in this that has any relation to the bill whatever. It is proposed to comply with the direct language of the Constitution when we propose in this bill the means of stamping out and eradicating a great public evil and great disease that is likely to injure every person in the Republic.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. TUCKER. If I can take the floor I will yield my time to the gentleman from Ohio.

The CHAIRMAN. There are but three minutes left of the thirty minutes to which debate on the pending section and amendments was limited.

Mr. WELLER. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WELLER. I desire to know if that order of the House cuts me off from offering my amendment?

The CHAIRMAN. It does not cut off the gentleman from offering an amendment. It merely precludes debate.

Mr. DUNHAM rose.

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Illinois [Mr. DUNHAM]?

Mr. KEIFER. I do not want to cut off the gentleman from Illinois. I can state later what I desire to say further. Is debate closed on this section?

The CHAIRMAN. One minute remains of the time allowed for debate.

Mr. DUNHAM. Instead of offering any remarks of my own I shall occupy the time allowed me in submitting to the committee the following telegrams and a letter which I have received:

UNION STOCK-YARDS, ILLINOIS, *February* 26, 1884.

R. W. DUNHAM,
House of Representatives, Washington, D. C.:

We hope you will vote against animal industry bill. It is objected to almost unanimously here. We guarantee protests against it by owners of 8,000,000 head of cattle.

GREGORY, COOLEY & CO.

CHICAGO, *February* 26, 1884.

R. W. DUNHAM,
House of Representatives, Washington:

We have not changed our minds as to our protest against animal industry bill.

KEENAN & HANCOCK.

CHICAGO, ILL., *February* 26, 1884.

Hon. R. W. DUNHAM:

Since signing the protest against the animal industry bill we have canvassed the matter thoroughly, and have become fully convinced that our views are correct and will work the greatest good to the greatest number.

R. STRAHAN & CO.

UNION STOCK-YARDS, ILLINOIS, *February* 18, 1884.

Hon. R. W. DUNHAM.
Member of Congress, Washington, D. C.:

Our names appearing on the remonstrance to the bureau of animal industry bill sent from Chicago February 11, we wish to say that our names are used without our knowledge or consent whatever. Will you please erase our names from the remonstrance, as we are entirely in harmony with the bill.

PALMER & RICHMAN.

UNION STOCK-YARDS, CHICAGO, *February* 18, 1884.

DEAR SIR: The petition sent you from here denouncing the pleuro-pneumonia bill, signed by several of the live-stock men, has the name of my firm on it. It was signed unbeknown to me, and I would respectfully ask you to have it erased, as I am in favor of the passage of the bill and want to see it passed. By erasing the name you will confer a great favor on me.

Yours, very truly,

JNO. H. WOOD.

Hon. R. W. DUNHAM, M. C., *Washington, D. C.*

Mr. WELLER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to section 3 the following words:
"And other stock, as horses, mules, asses, sheep, and swine."

Mr. HATCH, of Missouri. I make the point of order that that is not an amendment to the amendment offered by the gentleman from Illinois [Mr. ADAMS].

Mr. KASSON. I suggest to the gentleman from Iowa [Mr. WELLER] that he withhold his amendment until the amendment of the gentleman from Illinois shall have been voted upon.

Mr. WELLER. At the suggestion of the gentleman from Iowa [Mr. KASSON] I will withhold my amendment for the present and offer it as an independent amendment after the vote is taken on the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. ADAMS].

The amendment was agreed to.

Mr. WELLER. I now ask for a vote on my amendment, which I ask the Clerk again to read.

The Clerk read as follows:

Add to section 3 the following:
"And other stock, as horses, mules, asses, sheep, and swine;"

So that section 3, when amended as proposed, will read as follows:

SEC. 3. That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said disease, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other infectious or contagious disease is declared to exist, and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious or infectious disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations in paying for the animals it is deemed necessary to slaughter, and in such disinfection and other means as may be necessary to extirpate the disease: *Provided*, That the authorities of said State or Territory shall assume and pay one-half of the expense of the valuation of the animals it is deemed necessary to slaughter, and one-half the cost of disinfection and necessary police regulations in the quarantine and care of infected herds of cattle and other stock, as horses, mules, asses, sheep, and swine.

The question being taken on the amendment, it was not agreed to.

Mr. MULDROW. I move the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend section 3 by inserting after the word "disease," in line 20, the following:

"And whenever it becomes necessary to kill any diseased animal, as contemplated by this act, its value shall be ascertained and determined by the process adopted and furnished by the State where such diseased animal is found."

The amendment was not agreed to, upon a division—ayes 51, noes 81.

Mr. BELFORD. I move to amend by adding to the section that which I send to the Clerk's desk.

The Clerk read as follows:

Provided further, That the owner (agent or employé) of cattle alleged to be infected shall be notified when the inquisition or examination shall occur touching the disease of the animals alleged to be affected with pleuro-pneumonia or any other contagious disease.

The amendment was not agreed to, upon a division—ayes 18, noes 60.

Mr. McCOID. I move to amend the section by adding that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That this act shall in no manner affect or interfere with commerce entirely within a State, but shall be enforced, as in this section provided, only in aid of the execution of such rules and regulations as the States may adopt relating thereto.

The amendment was not agreed to.

Mr. GIBSON. I now move to strike out the third section as amended.

The question was taken upon the motion to strike out, and upon a division there were—ayes 54, noes 103.

Before the result of the vote was announced,

Mr. HOLMAN said: No quorum has voted.

The CHAIRMAN. Does the gentleman make the point of order that no quorum has voted?

Mr. HOLMAN. If the one who submitted the motion to strike out does not make the point, I will not insist upon it.

Mr. BLAND. I make the point of order that no quorum has voted.

Mr. HATCH, of Missouri. Is not that point too late?

The CHAIRMAN. The Chair thinks that time may be saved by recognizing the point of order as made in time.

Tellers were ordered; and Mr. HATCH, of Missouri, and Mr. GIBSON were appointed.

The committee again divided; and the tellers reported that there were—ayes 77, noes 86.

So the motion to strike out was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

SEC. 4. That whenever a State or Territory, in any section of which a contagious or infectious disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation, fails to make provisions for its extirpation or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory, or such part of said State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

The Committee on Agriculture recommend the following amendment:

In line 2, before the word "infectious," strike out the word "or," and after the word "infectious" insert the words "or communicable;" so that it will read: "That whenever a State or Territory in any section of which a contagious, infectious, or communicable disease exists," &c.

The amendment was agreed to.

Mr. HATCH, of Missouri. I move to further amend the section by adding to it the words "into any other State or Territory or foreign country;" so that it will read: "to regulate or prohibit the transportation of cattle out of said State, Territory, or district into any other State, Territory, or foreign country."

The amendment was agreed to.

Mr. HENDERSON, of Iowa. I had not intended at the opening of this debate to participate in it. But the letters which have poured in upon me from my people, from farmers, not from rings——

The CHAIRMAN. Does the gentleman submit any amendment?

Mr. HENDERSON, of Iowa. I move to strike out the last word. This debate has been going on in such a promiscuous manner that I had forgotten it was necessary to move an amendment in order to speak upon the bill. I say that letters have poured in upon me from farmers, not from rings, as has been said by my colleague [Mr. WELLER]. Some men are unfortunately so constituted that they seem to have been born with the idea that no measure can be brought forward in a legislative body unless some ring is the father of it.

The interests that are pressing this bill upon the attention of Congress

nave no lobby here; they have no voice here but the voice of their Representatives. The voices that come up to us come from the simple farmers, from the grangers, from the agricultural associations of the country. They do not come from the giant cattle corporations that have been referred to so often, so eloquently, and so pathetically by the gentleman from Colorado [Mr. BELFORD]. All around this Hall stand the hard-fisted grangers and farmers, appealing to this body for relief in the direction proposed by this bill.

The gentleman from Missouri [Mr. HATCH] and his associates on the Committee on Agriculture, including, I believe, my colleague from Iowa [Mr. WELLER], were in favor of this bill. While I am not on that committee, I think I am correct in saying that while in committee my colleague had no objection to this bill. I believe if he will answer for himself he will say that he favored this bill in each and every part of it while it was in committee, voted for the bill, and until he discovered on this floor that he belonged to the Democratic side of the House he did not dare to raise his voice against it.

The chairman of that committee and his associates, Democrats and Republicans, did their best to bring this bill before the House. It was not until gentlemen feared that it might interfere with some old time-honored notions that they attacked the bill. We now find that it has been fought for days and days——

Mr. COBB. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HENDERSON, of Iowa. I prefer not to be interrupted.

The CHAIRMAN. The gentleman from Indiana [Mr. COBB] rises to a point of order.

Mr. HENDERSON, of Iowa. I did not understand that.

Mr. COBB. I understand that the gentleman is referring to what took place in the committee. I understand that he is a member of that committee.

Mr. HENDERSON, of Iowa. I am not a member of the committee; I wish I was.

Mr. COBB. I beg pardon of the gentleman.

The CHAIRMAN. The Chair would rule that it is not in order to refer in the House to what has transpired in the committee-room.

Mr. WELLER. I desire to say——

Mr. HENDERSON, of Iowa. I decline to yield now. The gentleman has been dancing around this Hall without knowing what side he is on. [Laughter.] He made a speech an hour long, and no man on this floor had intelligence enough, and he himself had not, to tell where he was until the time came for offering amendments to the bill, and now he has been going off like a popgun every ten minutes since against the bill. [Great laughter.] He will hear before he gets through from the solid farmers of Northern Iowa, whose apostle he claims to be, where the interests lie that are behind this bill.

[Here the hammer fell.]

Mr. BELFORD obtained the floor.

Mr. HENDERSON, of Iowa. I would like to occupy a few minutes longer.

Mr. BELFORD. I will give the gentleman three minutes, reserving two for myself.

Mr. HENDERSON, of Iowa. I wish to say—and I will pass the other point, for I am in favor of this bill and not in favor of striking political blows here—I wish gentlemen to remember that this measure is to some extent an experiment. There may be mistakes in this bill; it may prove defective in its operation in some trifling respects; but we shall have this whole question within our reach again in a few months. If there should be imperfections in the bill this Congress can correct them. Do not let us stifle this call that comes to us from the great agricultural interests of this country simply because the Committee on Agriculture, with its able and honest chairman, in endeavoring to give us honest legislation, may have overlooked some defect in the measure. Let us make it as perfect as we can; and if it should not be all that may be desired, Congress at its next session can take up the subject and perfect this legislation. But we have before us now a measure based upon the fact that there is a terrible disease in our midst among our cattle and other animals. This is admitted on all sides. Let us do our best to grapple with this evil.

As to the constitutional question, let me say—and three minutes are but a brief time in which to express one's views on this great subject—the power conferred upon Congress to regulate commerce among the States embraces every incident necessary to such regulation. Is there any lawyer on this floor who will say that under this authority Congress can not go into any State and lay down such rules and regulations as are incidently necessary in carrying out the power to regulate commerce? Can we, under this power, merely say what shall be the rates of freight, high or low, on commodities passing from State to State? Is that the whole scope of the power to regulate commerce? This bill aims only to keep within the limits of a State diseased cattle which might otherwise go from State to State, spreading disease and death among animals in other communities. That is the whole purpose.

Upon such a measure as this I submit we should, like honest men, forget to which party we belong. I warn my friends on the other side that as partisans they can not afford to let the fact go to the people of this country that they killed this bill—pressed upon us as it is by agriculturists all over the land—simply because they saw coming from the shades of a dark and dim past a skeleton which may be reflected in this measure. To use the illustration of my friend from Colorado [Mr. BELFORD], I say, for God's sake bury that for the time being, take hold of this legislation and put it through, and thus recognize the demand of the great agricultural and cattle interests of the land.

Mr. BELFORD. Mr. Chairman, I want it distinctly understood that my object in fighting this bill has been to make it as perfect as possible. I have so stated on this floor repeatedly. I have stated that in its present form this appears to me a dangerous bill. I have said that I had been informed by one of the cattle-kings of the West that one object in securing the passage of this bill was to destroy the thoroughbred stock of this country. In order to prevent this I want the bill so amended that the rights of men who own thoroughbred cattle shall be protected. But I am so anxious to extirpate and wipe out this disease—I have been in the position of the Pennsylvania Dutchman, sailing between Chile and Cherebogus [laughter]—that I will ultimately vote for the bill, bad and infamous as some of its provisions are. This is all I have to say on the subject.

Mr. WELLER. Mr. Chairman, I am not very much surprised that my colleague [Mr. HENDERSON, of Iowa], in the very outset of his remarks, should have violated a rule of the House by intimating what may have been or may not have been my action as a member of the Committee on Agriculture. I was not much surprised that he should make a personal assault on me——

Mr. HENDERSON, of Iowa. Will the gentleman, just to make his speech more perfect, state what rule of this House I have violated?

The CHAIRMAN. Does the gentleman from Iowa [Mr. WELLER] yield?

Mr. WELLER. No, sir.

Mr. HENDERSON, of Iowa. That is my only question. Let my colleague state what rule of the House I have violated—point to it—read it for the information of the House.

The CHAIRMAN. The gentleman declines to be interrupted.

Mr. WELLER. I repeat, I am not surprised that my colleague should have made a personal assault on me and assumed that I was the "head and front" of the agricultural interests of the great northeastern part of the State of Iowa. I am not surprised, because I remember very distinctly the connection which the gentleman is reputed to have had with the 2 per cent. assessment fund to keep the "grand old party" in power.

I wish to say, Mr. Chairman, that my object in opposing this bill, in the features in which I have made opposition, has been for the express purpose of perfecting it so as to aid and abet the animal industries of the great Northwest instead of putting them in the hands of a cattle ring.

I believe this bill is not only unconstitutional in many of its features, but that it is seriously detrimental to the interests of the people I have the honor to represent in part upon this floor.

I now wish to inquire, as it was asserted by the gentleman that my vote in the committee was in favor of this bill, how in the name of common sense did he ascertain that fact unless it was from some member of the committee?

Mr. HENDERSON, of Iowa. I will answer the gentleman.

Mr. WELLER. In your own time, sir. [Laughter and applause.]

And I will make the further inquiry, Mr. Chairman, who drew this bill? What fertile brain, cunning in the framing of words into sentences, so devised as that they do not mean what to the casual reader they appeared to, formulated the bill that is presented for our adoption? Who presented it to the Committee on Agriculture for their action? Where was the plan concocted that gave us this wonderful bill with all its wonderful provisions? I will let echo answer for the time being.

Mr. HORR. Oh, no! Let us have it now.

Mr. HENDERSON, of Iowa. I hope the gentleman will let us know now.

Mr. WELLER. I will let echo answer for the time being. [Laughter and applause.] There will come a time when the distinguished gentleman on this side of the House will have abundant opportunity. The gentleman says I fly around from one side of the House to the other. Let me admit that for argument's sake. I ask my colleague from Iowa [Mr. HENDERSON], how is it you are willing to-day to associate with, and ofttimes to walk, talk, trade, eat, sleep, drink, and pray with Democrats; then howl, "Oh, these cursed Democrats! You can not trust them?" [Laughter and applause.] I have wondered at a class of orthodox religion which some distinguished gentlemen on this side of the House seem to be possessed of. I remember up in Iowa, in the district the gentleman represents, of this occurrence: It was on communion day and they were to have a love-feast. Prominent Democrats and prominent Republicans were invited by the minister to come to the altar and bow there. The minister dispensed the wine and the bread, and blessed them.

Mr. BELFORD. The wine to the Democrats and the bread to the Republicans. [Laughter and applause.]

Mr. WELLER. Just wait a minute, my friend. [Laughter.] After communion the minister told them to depart in peace and sin no more. Yet after that Republicans rose up and said——

The CHAIRMAN. The gentleman's time has expired. [Laughter.]

Mr. WELLER. Yet the Republicans rise up and say: "Oh, these Democrats! You can not trust them." [Laughter.]

The CHAIRMAN. The gentleman's time has expired.

Mr. GEORGE D. WISE. I will take the floor and yield my time to the gentleman from Iowa.

Mr. HATCH, of Missouri. I object.

Mr. WELLER. But I rise to a parliamentary inquiry [laughter], and the parliamentary inquiry I desire to make, Mr. Chairman, I will state.

The CHAIRMAN. The gentleman will state it.

Mr. WELLER. My inquiry is whether the chairman of the Committee on Agriculture can make objection under the present circumstances with good grace and courtesy.

The CHAIRMAN. The Chair would decide that is not a parliamentary inquiry.

Mr. HATCH, of Missouri. I move the committee do now rise.

Mr. EVERHART. I desire to offer an amendment to the fourth section of the bill.

Mr. HATCH, of Missouri. I will withhold my motion to rise for the present.

Mr. EVERHART. I move to add the following to the fourth section.

The Clerk read as follows:

Provided, That no State or Territory or part thereof shall be declared in quarantine if the governor of the same shall officially certify to the President of the United States he is satisfied from thorough investigation no such disease as aforesaid, dangerous to the animal industries of the nation, exists therein.

The committee divided; and there were—ayes 71, noes 64.

Mr. HATCH, of Missouri, demanded tellers.

Tellers were ordered; and Mr. EVERHART and Mr. HATCH, of Missouri, were appointed.

The committee again divided; and the tellers reported—ayes 115, noes 64.

So the amendment was adopted.

Mr. MULDROW. I offer the following amendments to the fourth section.

The Clerk read as follows:

In line 2, strike out "of" and insert "in."

In line 2, strike out "and contagious, infectious, or communicable" and in lieu thereof insert "pleuro-pneumonia."

In lines 3 and 4, strike out "the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation."

Mr. MULDROW. I desire, Mr. Chairman, to say only a word in advocacy of that amendment. The supporters of this bill in their speeches and arguments for its passage have advanced the idea that pleuro-pneumonia is the great disease that they desire to stamp out as being most dangerous to the cattle interests of this country. Yet their bill goes far beyond what we had a right to expect from the speeches and arguments which have been used in support of it. Now, if the object of the bill is as they claimed, to extirpate pleuro-pneumonia from the country, let the bill be confined to that purpose, and not give the Commissioner of Agriculture the power, upon his own volition and in the exercise of his own discretion, to declare States in quarantine for other purposes than the suppression of this disease. The arguments of gentlemen have been confined to that point, and I submit that those reasons which have been urged on this floor for the extirpation of pleuro-pneumonia should find their embodiment in this bill. The object of my amendment is, therefore, in brief, to confine the bill to the objects that its supporters claimed for it, that is to say, the extirpation of this single disease, pleuro-pneumonia.

Mr. THROCKMORTON. Let the amendment be again reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Mississippi.

The committee divided; and there were—ayes 78, noes 73.

Mr. HATCH, of Missouri. Let us have tellers.

Tellers were ordered.

Mr. HATCH, of Missouri, and Mr. MULDROW were appointed tellers.

The House again divided; and the tellers reported—ayes 100, noes 73.

So the amendment was agreed to.

Mr. BAYNE. I move to strike out——

Mr. HATCH, of Missouri. I hope the gentleman will yield to me for a moment, as I desire to offer an amendment.

Mr. BAYNE. I will yield for that purpose.

Mr. HATCH, of Missouri. I am satisfied that the adoption of the amendment offered by the gentleman from Mississippi to this fourth section is such an amendment as will destroy the efficiency of the section, if not of the bill; and I am satisfied that the committee have not fully considered the importance of the amendment, or that its purpose, as far as the fourth section, at any rate, is concerned, is to destroy its effect. Having been adopted, in connection with the amendment of the gentleman from Pennsylvania, and thereby destroying the effect of this section, I move that the fourth section be stricken from the bill.

Several MEMBERS. Agreed.

Mr. RANDALL. Universally.

The motion was agreed to.

Mr. BAYNE. I wish to inquire if that motion to strike out does not also include the amendment of my colleague from Pennsylvania?

Mr. HATCH, of Missouri. Yes, sir. It was not only amended in that particular, but the amendment of the gentleman from Mississippi destroys the symmetry and purpose of the entire section.

Mr. BAYNE. It was my purpose to offer substantially an amendment which would have stricken out this clause.

Mr. HATCH, of Missouri. We have had two very fair and distinct votes indicating the sentiment of the committee. They have been developed in the vote by tellers; one on the amendment of the gentleman from Pennsylvania, and one on that of the gentleman from Mississippi, just adopted. The section is therefore of no avail in regard to the purposes of the bill.

Mr. RANDALL. Did not the gentleman himself move to strike out the fourth section.

Mr. HATCH, of Missouri. I did for the reason stated.

Mr. MULDROW. I do not think that my amendment was calculated to destroy the symmetry of the bill, but to confine it to the legitimate sphere to which it should be confined according to the arguments of gentlemen who are in favor of its adoption.

Mr. VALENTINE. Is the bill of any practical use with that section stricken out?

Mr. BAYNE. I think it is.

The CHAIRMAN. The Clerk will read the next section.

The Clerk read as follows:

SEC. 5. That in order to promote the exportation of live-stock from the United States the Commissioner of Agriculture shall make special investigation as to the existence of pleuro-pneumonia, or any contagious, infectious, or communicable disease along the dividing lines between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports from which live-stock are exported, and make report of the results of such investigation to the Secretary of the Treasury, who shall, from time to time, establish such regulations concerning the exportation and transportation of live-stock as the results of said investigations may require.

Mr. STRUBLE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I had not expected to take any part whatever in the discussion with reference to this bill either in the committee or in the House, knowing full well that there are so many other gentlemen here who know so much more about the questions involved than I do and who are so much more able than I to discuss them. I have noticed, however, that serious and persistent objections have been made to this bill and many, if not all, of its sections by a member representing a part of the State of Iowa [Mr. WELLER], and I deem it my duty to follow the worthy example of my distinguished colleague [Mr. HENDERSON] and let it be known that I am interested in the passage of this measure. I have regretted very much that my colleague [Mr. WELLER] should oppose this bill, for I had hoped that gentlemen representing a part of the good State of Iowa upon the floor of this House would unite cordially and earnestly in support of this important measure.

Mr. Chairman, I have the honor of representing here nineteen counties of Northwest Iowa. The people of these counties are largely devoted to agriculture and stock-raising. Years ago, about twelve or perhaps less, they were largely devoted to wheat-raising, but unfortunately for a number of years the grasshoppers by the millions poured in upon them and swept their grains of all kinds from the face of the earth; the hot winds and weather of summer came again and again, and the result has been that while there is considerable wheat grown there yet, it must be confessed that crop is not regarded as certain and profitable as we could and do wish. In consequence of these facts the people have naturally enough turned their attention to stock, and have become largely interested in stock-raising. The result has been that in that fair portion of Iowa, the northwest section, comprising nearly one-fifth of the State, a large and successful industry has grown up and the numbers of hogs and cattle have wonderfully multiplied.

It will be seen at once that the legislation, State and national, which tends to protect this stock now and hereafter to be grown in that and other portions of Iowa from the destructive ravages of fatal disease is just what the people living there desire. It is also in my opinion clearly their due, that they and all others similarly situated the country over have such protection of the kind indicated as it is within the constitutional power of Congress to afford.

I need not stop, sir, to inquire how much others in this land, and for that matter in other lands as well, will be benefited by the enactment of a law calculated, as this proposed enactment is, to protect the stock of the entire country from the poison of disease. That point has been ably made by other gentlemen upon this floor during the debates in the House and committee.

Now, sir, in view of the vast importance of this measure, not only to my immediate constituency, but to the vast country represented here, I have not felt satisfied to have my record rest alone upon my vote in favor of this measure.

I wish it known to my constituents that I not only favored this bill by voting for it, but also that I urged its favorable consideration, even though briefly and feebly, upon the attention of the Representatives of the people assembled in this Hall, with a view to the advancement of the material interests of the people whom I have the honor to represent in the American Congress.

Before closing my remarks I desire to make further reference to my colleague from Iowa [Mr. WELLER], who represents the fourth Congressional district of that State. We have had a few speeches from him every day in which this bill has been under consideration, and they have uniformly been in opposition to it. He has opposed it strenuously, and I may say in some respects quite ably. But I wish to call the attention of the committee to one argument made on yesterday, if I am not in error, illustrative of some of the grounds of his opposition to the bill. The gentleman is a constitutional lawyer; at all events he declares the bill to be unconstitutional. He is also, I take it, an ardent believer in so-called personal liberty, and proposes that neither his constitutional nor personal liberties shall be encroached upon.

On yesterday, to illustrate his argument, he supposed himself to be engaged in raising hogs. He supposed further that the hog-cholera, which in many portions of our land prevails so alarmingly and so destructively, should break out among his drove of hogs and many of them should die of the disease. He indulged the further and more gratifying supposition that quite a number of his hogs recovered from the disease, and that in course of time he had loaded a car of the same hogs, duly recovered or supposed to have been healed of their malady, in a car and had started on his way to the markets. The disease breaks out among them again on the way, and the astounding query arises in the mind of the gentleman whether in this land of large and magnificent personal and constitutional liberty the officer charged with the execution of this law, if it becomes such, is to be allowed to arbitrarily command the gentleman to halt and unload his hogs for inspection and possible slaughter. My friend seems astounded at the thought of such an absolute overthrow of constitutional liberty.

My distinguished colleague from Iowa [Mr. HENDERSON] has taken occasion this afternoon to criticise my friend from the fourth Congressional district of our State [Mr. WELLER] and to remind the committee that it seems strange that his colleague should have interposed such violent opposition to this bill since it was taken up for discussion, when, as it is understood, he made no objections to it when before the Committee on Agriculture, of which he is a member, but supported it then.

If my friend [Mr. HENDERSON] had referred to the remarkable sketch of my and his colleague [Mr. WELLER] which appears in the Congressional Directory of the Forty-eighth Congress, he would have seen at a glance that it is no strange matter that our friend [Mr. WELLER] should be on all sides of this question. What do we find solemnly recorded as the gentleman's history? On page 27 of the Directory we are told, among many other things too numerous to mention, that he was born and reared a Democrat of the Jefferson and Jackson school, but that he voted for Frémont, Lincoln twice, Grant once, Greeley, Tilden, and, for Heaven's sake, last and least, Weaver, meaning James B. Weaver, of Iowa. We further learn from the same authentic source that during his active and, I trust, useful career he found time to till the soil, and study law, politics, and theology all at one and the same time; that he succeeded in being admitted to politics at once, later to the courts, and finally, which is somewhat doubtful, to the church. Is it any wonder he is on both sides of this question? [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WELLER. I move to amend by adding one more word.

Mr. STRUBLE. I should like just one minute more.

Mr. WELLER. I will give the gentleman one minute.

Mr. HENDERSON. If the Chair will recognize me I will yield three minutes to the gentleman from Iowa [Mr. STRUBLE].

The CHAIRMAN. The Chair has not recognized the gentleman from Iowa, Mr. HENDERSON, but he has recognized the gentleman from Iowa, Mr. WELLER.

Mr. WELLER. How much time does the gentleman desire?

Mr. STRUBLE. I should like to have three minutes.

Mr. WELLER. I yield the gentleman two minutes, which is quite enough for a gentleman of his eminent ability.

Mr. STRUBLE. I wish to recur to the supposed case which the gentleman stated yesterday, in which he imagined himself on the way to market with a car-load of diseased hogs.

The gentleman says he is a Democrat of the Jefferson and Jackson school. I wish to say to the gentleman that, in my humble opinion, if Thomas Jefferson should rise from his grave and should come in contact with my friend on his way to market with his car-load of diseased hogs, and Mr. Jefferson should have authority in the case, and Mr. WELLER refused to obey his reasonable commands, but persisted in going on, that distinguished statesman would seize his magic fiery pen, and in an instant write my friend beyond the pale of civilization. And if stern old Andrew Jackson should rise from his honored grave and be called upon to judge the case, and my friend persisted against Jackson's positive orders in attempting to reach a market with poisoned hogs, that old hero of many battles would draw from its scabbard his old sword and cut his [Mr. WELLER'S] head off close below his ears. [Great laughter.]

Mr. WELLER. Mr. Chairman, I am somewhat surprised at the position my distinguished colleague [Mr. STRUBLE] has taken in the premises in this matter. I am of the opinion if the spirits of Jefferson and of Jackson were to come forth and proclaim their views upon this bill they would not only emasculate from it that which I have sought to do, but they would sweep the bill into oblivion and would suggest the propriety of having a bill so framed that constitutional lawyers, such as we have heard discussing the premises of this bill, should find none of the grave objections to it that they have urged. I am of opinion further that if Jefferson or Jackson were to make provision for the taking of my property in transit under the circumstances which have been related they would see to it first that I as a farmer should have some provision by which immunity should be granted to me before jeopardizing me as this bill jeopardizes, in my judgment, every dollar's worth of property in the great Northwest especially and in the West.

I desire to conclude the little narrative that I was about to relate when interrupted. Only a short time ago in the State of Iowa, in the third Congressional district, on a holy Sabbath day, I attended church services.

Several MEMBERS. Good!

Mr. WELLER. I did not see there, however, my friend the distinguished gentleman from the third Congressional district [Mr. HENDERSON].

A MEMBER. He was attending his own church.

Mr. WELLER. I make mention of this in order to show the spirit that is moving some men to action, to show that there are many willing to be patriotic to party who forget to be patriotic to principles. I found that they were giving out an invitation for members of their church to come to the communion altar and partake of the bread and wine. I saw a distinguished Democrat who upon that invitation went to the altar, and I saw a distinguished national-bank Republican go there too. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired. [Laughter.]

Mr. WELLER. I ask permission to print the remainder of my remarks.

Mr. HENDERSON, of Iowa. That should be allowed, as my colleague was interrupted in the middle of the sacrament.

Mr. HATCH, of Missouri. I move that the committee do now rise for the purpose of limiting debate.

Mr. GIBSON. I have a substantial amendment to offer; and I submit that the gentleman from Missouri can not make that motion while there are substantial amendments to be disposed of.

The CHAIRMAN. The gentleman is entitled to make that motion.

Mr. WELLER. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WELLER. Did not the Chair recognize me as seeking consent to print the remainder of my remarks, having broken me off twice at about the same point?

The CHAIRMAN. The Chair will ask unanimous consent now that the gentleman from Iowa have leave to print the remainder of his remarks.

Objection was made.

Mr. COSGROVE. I want to hear it rather than to read it.

The CHAIRMAN. The question is on the motion of the gentleman from Missouri [Mr. HATCH] that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, and had come to no resolution thereon.

Mr. HATCH, of Missouri. I move that the House resolve itself into committee for the further consideration of the special order, and pending that motion I move all debate on the pending section and amendments thereto be limited to two minutes.

The motion to limit debate was agreed to.

The SPEAKER. The question recurs on the motion that the House do now resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. By order of the House all debate upon the pending section and all amendments thereto is limited to two minutes.

Mr. THROCKMORTON. Is there any amendment pending?

The CHAIRMAN. There is an amendment reported from the Committee on Agriculture. The Clerk will again report the amendment.

The Clerk read the amendment, as follows:

After the word "contagious," in line 4, insert the word "infectious;" so that if amended the section will read as follows:

"That in order to promote the exportation of live-stock from the United States the Commissioner of Agriculture shall make special investigation as to the existence of pleuro-pneumonia, or any contagious, infectious, or communicable disease along the dividing lines between the United States and foreign countries."

The amendment was agreed to.

Mr. THROCKMORTON. If in order, I move to strike out the enacting clause of the bill.

The CHAIRMAN. That motion is in order.

Mr. THROCKMORTON. I make that motion.

Mr. KEIFER. I make the point of order that that motion is not now in order pending the consideration of the bill by sections under the five-minute rule.

The CHAIRMAN. The Chair will direct the rule to be read.

Mr. KEIFER. The motion would be in order at the proper time.

The Clerk read as follows:

A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection. (Rule XIII, section 7.)

Mr. KEIFER. That refers generally to motions to amend, not to the amendment of a section or paragraph under the five-minute rule.

The CHAIRMAN. It has been held that at any stage of the consideration of a bill a motion to strike out the enacting clause is in order.

Mr. KEIFER. I do not desire to appeal, but I think if the Chair will examine the question further he will see that I am correct.

The CHAIRMAN. The Chair has the sanction of the Journal Clerk and of parliamentary law.

Mr. PETERS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PETERS. Does the order of the House to limit debate to two minutes apply to the motion to strike out the enacting clause?

The CHAIRMAN. That motion is not debatable at all, as the Chair understands.

The question was taken upon the motion to strike out the enacting clause; and upon a division there were—ayes 114, noes 114.

Mr. KASSON. Let the Chair vote so as to save agriculture.

Mr. KEIFER. The motion to strike out is lost.

Mr. HOLMAN. I call for tellers.

Mr. HATCH, of Missouri. Will not the Chair announce the vote?

The CHAIRMAN. The Chair has announced the vote.

Mr. HATCH, of Missouri. And, under the rules of the House, the motion is lost.

The CHAIRMAN. Tellers have been demanded, and the Chair would prefer that the question be decided by a vote by tellers.

Tellers were ordered; and Mr. HATCH, of Missouri, and Mr. THROCKMORTON were appointed.

The committee again divided; and the tellers reported that there were—ayes 114, noes 118.

So the motion to strike out was not agreed to.

The announcement of the result of the vote was received with applause.

Mr. GIBSON. I desire to move an amendment to this fifth section.

The CHAIRMAN. The gentleman will state it.

Mr. GIBSON. I move to amend in lines 4 and 5 by striking out the words "or any contagious, infectious, or communicable disease;" so that if so amended the section will read:

That in order to promote the exportation of live-stock from the United States the Commissioner of Agriculture shall make special investigation as to the existence of pleuro-pneumonia along the dividing lines between the United States and foreign countries, &c.

Mr. HATCH, of Missouri. I rise to oppose the amendment.

Mr. WARNER, of Ohio. I desire to inquire what has become of the motion of the gentleman from Pennsylvania [Mr. RANDALL] to report this bill to the House with a recommendation that it be recommitted to the Committee on Agriculture with instructions?

The CHAIRMAN. That proposition was never entertained by the Chair.

Mr. WARNER, of Ohio. I desire to vote for a bill that will provide for the proper inspection of the meat products of the country——

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] stated that he would submit that motion at a fitting opportunity.

Mr. WARNER, of Ohio. I understood that it was now pending.

The CHAIRMAN. It is not yet pending.

Mr. WARNER, of Ohio. I hope the gentleman will make his motion now.

Mr. RANDALL. I will make the motion whenever the opportunity presents itself. I think it is now manifest that the House is ready to recommit the bill with a view to get it into better shape.

The CHAIRMAN. The Chair can not entertain the motion in Committee of the Whole.

Mr. HATCH, of Missouri. I hope the amendment of the gentleman from West Virginia [Mr. GIBSON] will be voted down, for the reason that to adopt it would destroy not only the symmetry of the bill, but interfere with the purpose of the bill.

Mr. KASSON. And destroy half its usefulness.

Mr. HATCH, of Missouri. It would have been better to strike out the enacting clause of the bill than to adopt the amendment of the gentleman from West Virginia.

Mr. GIBSON. I thought the gentleman said his bill was intended to apply to pleuro-pneumonia.

The amendment of Mr. GIBSON was not agreed to.

The Clerk read the following:

SEC. 6. That to prevent the exportation from any port of the United States to any port in a foreign country of live-stock affected with any infectious or contagious disease, and especially pleuro-pneumonia, the Secretary of the Treasury be, and he is hereby, authorized to take such steps and adopt such measures, not inconsistent with the provisions of this act, as he may deem necessary.

The Committee on Agriculture recommend the section be amended by striking out the words "infectious or," before the word "contagious," and inserting after the word "contagious" the words "infectious or communicable."

Mr. POTTER. It seems to me that the section just read is a proposition to commit the power of legislation on a subject of this importance to the executive department of this Government, to the Secretary of the Treasury. In my judgment if there were no other objection to this bill that would be a sufficient reason for recommitting this bill.

The discussion upon this subject shows that the most important object to be attained is that the exports of this country shall be protected so that foreign markets shall be kept open to the agriculturists of this country. What is here proposed? The Committee on Agriculture have brought in a bill which has no legislation upon the real purpose of the bill, but according to the statements of the committee it provides simply that the Secretary of the Treasury shall legislate upon this subject for the country. For one, sir, I am unwilling to transfer the legislative powers of this Government upon this vast subject, involving thousands of millions of dollars, to the Secretary of the Treasury. If the committee who have had this bill in charge have not been able to formulate a bill which shall protect the exports of this country, then I think they should try again.

Mr. HATCH, of Missouri. I will simply state, for the information of the gentleman from New York [Mr. POTTER], that an enactment similar to this has been in force for years and is the law at this time.

Mr. POTTER. Well, it is time to stop it.

A MEMBER. And the power has never been abused.

The question being taken, the amendment reported by the Committee on Agriculture was agreed to.

The Clerk read as follows:

SEC. 7. That no railroad company within the United States whose road forms any part of a line of road from one State or Territory to another, or from a State into the District of Columbia, or the owners or masters of any steam or sailing or other vessel or boat, shall receive for transportation, or transport from one State or Territory to another, or from any State into the District of Columbia, any live-stock affected with any contagious or infectious disease, and especially the disease known as pleuro-pneumonia; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any live-stock, knowing them to be affected with any contagious or infectious disease; nor shall any person, company, or corporation drive on foot or transport in private conveyance from one State or Territory to another, or from any State into the District of Columbia, any live-stock, knowing them to be affected with any contagious or infectious disease, and especially the disease known as pleuro-pneumonia.

The following amendments, reported by the Committee on Agriculture, were severally read and agreed to:

In line 8, strike out the word "or" and insert after the word "infectious" the words "or communicable."

In line 13, strike out the word "or" and insert after the word "infectious" the words "or communicable."

In line 18, strike out the word "or" and insert after the word "infectious" the words "or communicable."

Mr. MULDROW. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 8 and 9 of section 7, strike out the words "any contagious, infectious, or communicable disease, and especially the disease known as."

In lines 13 and 14, strike out the words "any contagious, infectious, or communicable disease" and insert "pleuro-pneumonia."

In lines 18 and 19, strike out the words "any contagious, infectious, or communicable disease, and especially the disease known as."

Mr. MULDROW. If these amendments be adopted the language of the bill in lines 7, 8, and 9 will be, "any live-stock affected with pleuro-pneumonia." In lines 12, 13, and 14 it will read, "knowing them to be affected with pleuro-pneumonia;" and the language in lines 17, 18, and 19 will be the same.

The effect of these amendments, as will be seen, is to confine the provisions of this section to the disease of pleuro-pneumonia. This section provides that no railroad company shall receive for transportation from any State or Territory to another or from a State into the District of Columbia live-stock affected with any contagious, infectious, or communicable disease. The object of the amendment is to confine this prohibition so that it will apply only where animals are affected by the disease known as pleuro-pneumonia. I believe this is far enough to go in a bill of this character.

Mr. KASSON. We want a measure of this kind to apply to diseases of swine and other diseases of that character.

Mr. PETERS. Mr. Chairman, I rise to oppose the amendment of the gentleman from Mississippi [Mr. MULDROW]. The State of Kansas has lost more in dollars through the destruction of cattle by the Texas fever than has ever been lost by any other disease affecting cattle, and especially pleuro-pneumonia. If the gentleman who offers this amendment desires to shut up the air-hole of the barrel and open the bung-hole, that is the precise effect of his amendment. If you limit this bill so as to be applicable to no other disease of domestic animals than pleuro-pneumonia, the measure will be valueless to the large cattle interests of the West; and it seems to me no one acquainted in any way with those interests can view this matter in any other light. If members of the House desire to deprive the large cattle-producing interests of the

West of any relief from this bill, let them vote for the amendment offered by the gentleman from Mississippi.

Mr. RYAN. Mr. Chairman, I have not thus far participated in the debate on this bill, not because I did not feel a profound interest in the measure, but because others better informed have thoroughly discussed nearly every provision of it. But the motion just made makes it incumbent upon me, I think, as a duty to the people I in part represent, to say a word.

The cattle of the State of Missouri and the State of Kansas are immediately exposed to infection from a disease imparted by Texas cattle, and I hazard nothing in saying, as my colleague [Mr. PETERS] has just said, that more cattle have been destroyed in my State by Texas fever alone than have ever been destroyed in the United States by pleuro-pneumonia.

I was astonished a little while ago when the motion was made by the gentleman from Pennsylvania to put it in the power of the governor of a State to prevent, by his objection, the State from being quarantined. There is no adequate protection to the great cattle interests of Missouri, Kansas, Iowa, and all the Territories adjoining the State of Texas except by quarantine, and the gentleman who has charge of this bill, and who thus far has managed it in the main with credit to himself, ought not, it seemed to me, have sat in silence and allowed that amendment to prevail.

In my judgment it emasculated the bill. It left the rest of the provisions of the bill powerless to protect the great cattle interests of the West from pleuro-pneumonia or the Texas fever.

Now, Mr Chairman, if this is to become simply a pleuro-pneumonia bill, it will fail of the purpose of the Committee on Agriculture and it will fail to meet the demands of the country.

[Here the hammer fell.]

Mr. WELLER rose.

Mr. HATCH, of Missouri. I will take the floor and yield my time to the gentleman from Kansas, who has not taken the floor before.

Mr. RYAN, of Kansas. I do not wish to hold the floor long.

Mr. WELLER. I believe I am recognized to move a substitute.

Mr. BELFORD. How does the statute of limitations run against the gentleman from Iowa? [Laughter.]

The CHAIRMAN. The pending question is on the amendment of the gentleman from Mississippi.

Mr. HATCH, of Missouri. I desire to oppose it. I think it only necessary to call attention of the committee to the amendment of the gentleman from Mississippi, and to add to the remarks of the gentleman from Kansas that the sections of the bill which have been already perfected by the action of the committee look to the main object and purpose for which it was designed and reported, and that is the establishment of a bureau of animal industry in the Department of Agriculture, which shall have jurisdiction and control over all matters affecting the animal industries of the country. Not cattle alone, but like the reports we are receiving month after month and year after year, as to the number and value and condition and diseases of domestic animals; it is just as important the Commissioner should have this power over horses and dogs and sheep as over cattle. This information is valuable to all engaged in animal industry, just as much so as the information now disseminated is to the farmers. That information is published in monthly reports. From time to time we have annual reports. Those who were here in the Forty-seventh Congress will remember the great demand for the volume on contagious diseases of animals and the efforts to increase the number published so as to supply all who sought that information. The request for it came from every part of the country.

This, then, is no new provision. It has been carried out for seventeen years, and we only desire to extend and perfect it. And there is no reason why, after passing the first three sections, the House should destroy the symmetry of the bill by adopting the amendment of the gentleman from Mississippi, and I hope it will be disagreed to.

Mr. WELLER. I move to substitute the tenth section of the bill for the pending seventh section, and I ask that the tenth section be read.

The Clerk read as follows:

SEC. 10. That it shall be the duty of the several United States district attorneys to prosecute all violations of this act which shall be brought to their notice or knowledge by any person making the complaint; and the same shall be heard before any district or circuit court of the United States or Territorial court holden within the district in which the violation of this act has been committed or the person or corporation resides or carries on or has his or its place of business.

Mr. CALKINS. I make the point of order that the proposed substitute is not germane to the subject-matter of the pending section. They refer to entirely different subjects, one to railroad transportation and the other to the duties of the district attorney.

Mr. WELLER. I am clearly of the opinion that one is germane to the other, and I ask the pending section be read so it may be seen they are.

Mr. BAYNE. It would be somewhat extraordinary, Mr. Chairman, if one part of the bill should not be germane to another part. It seems to me one section must be cognate to the other.

The CHAIRMAN. The Chair has often put the same remark as the gentleman from Pennsylvania, but has always been overruled. The seventh section relates to transportation and the tenth to the prosecution of violations of this act. The Chair sustains the point of order and rules the amendment out.

Mr. WELLER. Then I move to substitute the eighth section for it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8. That it shall be the duty of the Commissioner of Agriculture to notify, in writing, the proper officials or agents of any railroad, steamboat, or other transportation company doing business in or through any infected locality, and by publication in such newspapers as he may select, of the existence of said contagion; and any person or persons operating any such railroad, or master or owner of any boat or vessel, or owner or custodian of or person having control over such cattle or other live-stock within such infected district who shall knowingly violate the provisions of section 7 of this act shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than $100 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Mr. HATCH, of Missouri. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HATCH, of Missouri. I make the same point of order on that motion.

The CHAIRMAN. The Chair will determine the point of order after the committee has risen to receive a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 321) amendatory of an act entitled "An act for the relief of certain settlers on the public lands and to provide for the repayment of certain fees, purchase-money, and commissions paid on void entries of public lands," approved June 16, 1880; and

A bill (S. 777) granting a pension to Albert Jehle.

The message further announced that the Senate had passed with amendments the bill (H. R. 3926) to repeal the act of July 2, 1862, and such sections of the Revised Statutes of the United States as perpetuate the oath prescribed in said act; in which amendments the concurrence of the House of Representatives was requested.

DISEASES OF DOMESTIC ANIMALS.

The Committee of the Whole resumed its session.

The CHAIRMAN. The gentleman from Missouri makes the point of order against the substitution of the eighth section for the section now under consideration, proposed by the gentleman from Iowa. The Chair overrules the point of order, as there is a relation between the subjects embraced in the sections under consideration which makes the one germane to the other.

Mr. WELLER. Mr. Chairman, a few moments ago I succeeded in getting a national-bank orthodox Republican at the altar of mercy, and I have made up my mind to leave him there in hopes that repentance will come in due season.

I desire to discuss very seriously this matter now under consideration, for I wish to reply to the suggestions of my colleague from Iowa and repel the insinuation that I am averse to adopting a proper bill covering this ground. I am not. I am most earnestly in favor of the passage of a bill that is wise, the provisions of which will protect the animal industries of the great Northwest.

Now let us see. I find by the tenth section of this bill that the United States district attorney, if he is informed by any one of an infraction of this law, can arraign and prosecute such person on information; and if it is found that there has been a violation of the terms of the seventh section of this bill, then the eighth section comes in and subjects the offender to the payment of a penalty which may range all the way from $100 to $5,000.

And yet this bill nowhere makes any provision for immunity to the men who are raising hogs and horses and mules and other stock like sheep, &c. I fail to find that this bill in any of its provisions contemplates the appropriation of a dollar for them. Why, look at the matter. We have $250,000 provided in this bill for the whole United States; and yet I am told by a distinguished gentleman on this floor that it cost Massachusetts nearly $250,000 to exterminate pleuro-pneumonia in that one State. Two hundred and fifty thousand dollars! What are you going to do with all of the people and their industries in this land, in the great Northwest, in the Southwest, in the West and South? I have been of the opinion from first to last that it has been the spirit of this bill to provide against pleuro-pneumonia, and for no other purpose except the extraordinary one of putting the stock of the farmers of the great Northwest in quarantine, or making the farmers quarantine their own stock, without providing a single dollar for their payment, if under the operation of the bill they are compelled to submit to their stock being slaughtered, or even providing a horse-doctor to determine whether they are sick or well. I believe this bill is a very bad bill for the people that I have the honor in part to represent and for the people who are represented by my colleague from the great northwest of the State of Iowa.

I hope, therefore, that this bill will be sent back to the committee. I believe the suggestion of the distinguished gentleman from Pennsylvania [Mr. RANDALL] was a proper one. In my judgment this bill should be sent back to the committee and they should be required themselves to formulate a bill. I meant something when I made the

inquiry as to who had prepared the provisions of this bill. I meant something when I made the inquiry who presented this bill to the Committee on Agriculture.

Several MEMBERS. Tell us who it was.

Mr. WELLER. I do not propose, Mr. Chairman, to violate the rules of this House by telling what occurred in the committee-room; but I wish that I might be given permission, that I would be at liberty here to exculpate myself from the charges that have been presented that I was in favor of one side of this question in the committee-room and another on the floor of this House.

Mr. BELFORD. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BELFORD. We have a rule of this House which reads as follows:

No member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

Now, the point of order I make is that the gentleman from the State of Iowa has been on his feet every five minutes since this bill was under discussion. He is absolutely worse than the Ohio floods. [Laughter.]

Mr. WELLER. I rise to a parliamentary inquiry. I would like to know——

The CHAIRMAN. There is a point of order pending. The Chair overrules the point of order of the gentleman from Colorado on the ground that it was made too late. [Great laughter and applause.]

Mr. WELLER. I now rise to a parliamentary inquiry.

Mr. HATCH, of Missouri, rose.

The CHAIRMAN. The gentleman from Iowa [Mr. WELLER] stated that he rose to a point of order.

Mr. WELLER. I stated I rose to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WELLER. The inquiry I desire to make, being a new member, is this: Whether it would be proper for me to suggest to the gentleman from Colorado the reason why I have risen so often to-day upon this floor was that I did not get up this morning at 5 o'clock and take sundry Republican inspirations, as it might appear the gentleman from Colorado is accustomed to do. [Laughter.]

The CHAIRMAN. The Chair can not entertain that as a parliamentary inquiry.

Mr. HATCH, of Missouri. Twice during this debate my friend from Iowa [Mr. WELLER], who is a member of the Committee on Agriculture, has asked who is the author of this bill; and he has asked half a dozen other questions tending in that direction. The gentleman himself has been answered time and again during the discussion of this bill who was the author of it. But I desire to state for the benefit of some of the members of the House who were not in the last Congress that this bill, almost word for word, with scarcely a change by dotting an "i" or crossing a "t," except the third and fourth sections, came from the Committee on Agriculture and passed this House almost unanimously in the last session of the Forty-seventh Congress. The section under discussion and all the other sections, except the third and fourth, are exactly similar to the bill that passed the House last session. The third and fourth sections of the bill were presented in form to the Committee on Agriculture by a committee appointed by a convention held in the city of Chicago last fall, and composed of some of the most eminent gentlemen in the United States. They presented it at a meeting held here not only to the Department of Agriculture but they came before our committee, and after it had been discussed in that committee for days, the fullest consideration given to it, there being a difference of opinion among the members of the committee as to the importance of these two sections, it was adopted by a majority vote of that committee and ingrafted upon the bill just as it passed the last House. So that the bill we are considering, with the exception of the third section, the fourth having been stricken out of the bill by this committee, is identically the same bill as that which passed the House without a division in the last session of the last Congress.

The CHAIRMAN. The question is on the proposition of the gentleman from Iowa [Mr. WELLER] to substitute the eighth section for the seventh.

The question being taken, the motion was not agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Mississippi [Mr. MULDROW].

Mr. MULDROW. I ask for the reading of the amendment.

The Clerk read as follows:

In lines 8 and 9, section 7, strike out the words "any contagious or infectious or communicable disease, and especially the disease known as;" and, in lines 13 and 14, strike out "any contagious or infectious or communicable disease" and insert "pleuro-pneumonia;" and, in lines 18 and 19, strike out "any contagious or infectious or communicable disease, and especially the disease known as;" so that it will read:

"SEC. 7. That no railroad company within the United States whose road forms any part of a line of road from one State or Territory to another, or from a State into the District of Columbia, or the owners or masters of any steam or sailing or other vessel or boat, shall receive for transportation or transport from one State or Territory to another, or from any State into the District of Columbia, any live-stock affected with pleuro-pneumonia; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any live-stock, knowing them to be affected with pleuro-pneumonia, nor shall any person, company, or corporation drive on foot or transport in private conveyance from one State or Territory to another, or from any State into the District of Columbia, any live-stock, knowing them to be affected with pleuro-pneumonia.

Mr. COOK. I move to strike out the last word.

For the last three or four days confined to my bed from sickness, I came here to-day when I ought to be at home in my bed. But I know the interest that is felt in this bill throughout the great Northwest by the cattle-producing people. And I want to say, especially to that side of the House, that from the organization of the House up to this time things have tended in an entirely satisfactory manner to a large part of the people of the Northwest. You have done that in my judgment which commends itself to the people of the Northwest and the growing sentiment there.

But I want to say if by amendment to this bill or on its final passage you do that which kills it or makes it inoperative, all you have done in the past and all you may do in this session of the House will go for naught among the class of people whom I represent and largely sympathize with in the Northwest, and the growing sentiment in your favor will be overcome and borne down by what you do against this bill, imperfect as it may be.

The bill is not as perfect as I would like to see it. It places power in the hands of a department of the Federal Government that may be dangerous. But in view of the danger which is threatening the cattle interests of this country I would rather trust the Agricultural Department with the dangerous power than to sit by and see the disease of pleuro-pneumonia spreading itself over the Northwest. And I want to say to you again, be careful what you do with this bill, for it is dear to the people of the whole West. And when we of the West have stood by you in the South upon the Mississippi River improvement when the question of constitutional power was raised against you, I ask that you do the same with us.

I wish, Mr. Chairman, I had the ability to speak more extendedly upon this bill, but to-day I can not. I withdraw the *pro forma* amendment.

The question being taken upon Mr. MULDROW'S proposed amendment, the Chair stated that the "noes" seemed to have it.

Mr. MULDROW. I ask for a division.

The committee again divided; and there were—ayes 56, noes 124.

So the amendment was not agreed to.

Mr. REAGAN. I move to amend the section by striking out all after the word "States," in line 2, down to and including the word "Columbia," in line 4. The words which I propose to strike out are these:

Whose road forms any part of a line of road from one State or Territory to another, or from a State into the District of Columbia.

The portion of the section which I propose to strike out proceeds upon the idea that we have the power to regulate railroads. We have no such power under the Constitution. We have the power to regulate the commerce over the railroads. And if you strike out those words you have all the purposes of the section left in constitutional form; that is, the section will then provide—

That no railroad company within the United States or the owners or masters of any steam or sailing or other vessel or boat shall receive for transportation or transport, &c.

Under the words I propose to strike out you will see that the New York Central, for instance, from New York to Buffalo, would not be within the provisions of the bill, because it lies wholly within the State of New York. The same may be said of the Erie road as extending between Erie and Philadelphia.

And, outside of examples of that description, it will be seen that if the words I have indicated shall be stricken out of this section you will then have a section covering the purpose of the committee, without any appearance of attempting to legislate upon a subject which is beyond the power of Congress.

Mr. SPRINGER. I think this amendment should be adopted. I believe it is for the interest of the friends of the bill to adopt it.

The amendment was agreed to.

Mr. REED. I understand that we are now considering the seventh section of the bill. I move to insert after the word "Columbia," in line 7, the words "or from the District into any State."

Mr. HATCH, of Missouri. I am willing to accept that amendment.

Mr. REED. And I think the same words should be inserted after the word "Columbia," in line 17 of the section. If I am not mistaken in my examination of this section as it now stands there is in it no prohibition of the transportation of cattle from the District of Columbia.

The amendment of Mr. REED was agreed to.

The Clerk read the following:

SEC. 8. That it shall be the duty of the Commissioner of Agriculture to notify in writing the proper officials or agents of any railroad, steamboat, or other transportation company doing business in or through any infected locality, and by publication in such newspapers as he may select, of the existence of said contagion; and any person or persons operating any such railroad, or master or owner of any boat or vessel, or owner or custodian of or person having control over such cattle or other live-stock within such infected district, who shall knowingly violate the provisions of section 7 of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred nor more than five thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

No amendment was offered.

The Clerk then read the following:

SEC. 9. That whenever any infectious or contagious disease affecting domestic animals, and especially the disease known as pleuro-pneumonia, shall be brought into or shall break out in the District of Columbia, it shall be the duty of the commissioners of said District to take measures to suppress the same promptly and to prevent the same from spreading; and for this purpose the said commissioners are hereby empowered to order and require that any premises, farm, or farms where such disease exists, or has existed, be put in quarantine; to order all or any animals coming into the District to be detained at any place or places for the purpose of inspection and examination; to prescribe regulations for and to require the destruction of animals affected with infectious or contagious disease, and for the proper disposition of their hides and carcasses; to prescribe regulations for disinfection, and such other regulations as they may deem necessary to prevent infection or contagion being communicated, and shall report to the Commissioner of Agriculture whatever they may do in pursuance of the provisions of this section.

The Committee on Agriculture recommend the following amendments:

In line 1, before the word "contagious," strike out the words "infectious or," and after the word "contagious" insert the words "infectious or communicable;" also, in line 14, strike out the words "infectious or," before the word "contagious," and in line 15 insert the words "infectious or communicable" before the word "disease."

The amendments were agreed to.

Mr. BAYNE. I now move as an additional section, to come in after section 9, that which I send to the Clerk's desk.

The Clerk read as follows:

That whenever a State or Territory, in any section in which a contagious, infectious, or communicable disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation, fails to make adequate provisions for its extirpation, or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory, or such part of said State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

Mr. BAYNE. We now have an opportunity to pass a bill which will have some vitality and force, and which is demanded, as has been very clearly shown, by the agricultural industries of the country. It is perfectly evident that there is great unanimity in the Northwest in favor of this bill. Members of both political parties have supported it, with but perhaps one or two exceptions; and the one or two gentlemen who have opposed this bill do not claim to be opposed to a proper bill, but merely find fault with some provisions of this bill.

This bill seems to have been very maturely considered by the Committee on Agriculture. Its provisions appear to be very plain and simple. None of them seem to me to vest any power in the executive department of the Government which is not necessary for the purpose of carrying out the objects of the bill.

And it can now be seen by the votes which gentlemen may cast for or against this measure whether there is an honest, sincere sympathy with the agriculturists of the country, or whether all we have heard said by them in times past is mere buncombe, intended not to satisfy an actual demand and an actual want, but to satisfy perhaps some political exigency, to secure votes for different political parties or different political candidates.

We have now an opportunity of handing over to the agriculturists of the country a measure which they want and which they desire, one which will relieve them from great calamities from which they are unable by their own efforts to extricate themselves. I appeal to gentlemen who have expressed sympathy with the agricultural portions of this country to now cast their votes in favor of a provision which will measurably grant the relief which is asked, and to put aside constitutional objections or scruples and anything else that will stand in the way of a measure calculated to promote the public welfare and in which all parts of the country are interested.

I hope, therefore, that the section I have proposed will be adopted, because it will give effect and vitality to this bill. It places power in the hands of the executive department of the Government to do that which is required by this measure. It is not a mere promise or a mere pledge, as this bill would be without this power being lodged in the executive department of the Government. With this amendment the executive department will have the power to carry out the plain object and purpose of this bill.

I trust that every man who represents an agricultural industry, who has proclaimed himself a friend of the agricultural industries of the country, will vote for this amendment and make it a part of the bill.

Mr. HUNT. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HUNT. My point of order is that the proposition of the gentleman from Pennsylvania [Mr. BAYNE] is simply one to reinstate section 4 of the bill, which has been stricken out by the vote of this committee. My point of order is that such a proposition is not in order.

Mr. BAYNE. The point of order is too late; the question has been debated.

The CHAIRMAN. The Chair would be inclined to hold that the point of order comes too late, as the proposition has already been debated.

Mr. HATCH, of Missouri. I trust that the gentleman from Pennsylvania [Mr. BAYNE], who is a friend of this bill, will withdraw his amendment after the emphatic vote of the Committee of the Whole on two propositions in connection with what was the fourth section of the bill. We are now almost at the close of this bill.

Mr. BAYNE. Let us have a vote on my amendment. The bill will not be worth much without it.

Mr. HATCH, of Missouri. Substantially the same vote can be had upon the proposition to strike out the fourth section. I have promised to ask for a vote in the House by yeas and nays upon that proposition, but I desire to say to the gentleman from Kansas [Mr. RYAN] and the gentleman from Pennsylvania [Mr. BAYNE] that I have been in most earnest and frequent conference with the friends of this bill both on this floor and outside of the House, by whom this matter of the fourth section has been under constant consideration, and I am not violating any courtesy due to the Commissioner of Agriculture or to the House in stating in general terms the belief of the Commissioner that, so cordial have been his relations with the States in every effort made by the Department to enforce the provisions of the existing law, there will be no necessity for the exercise by the President of the United States of this power with reference to any State, certainly not within the next twelve months or before we shall be again in session.

The pending amendment simply tends to revive a discussion upon the merits of a proposition which has already been decided by an emphatic majority. I hope, therefore, the gentleman from Pennsylvania will content himself with a yea-and-nay vote in the House on the fourth section and withdraw this amendment. It is nearly 4 o'clock, and to insist on the amendment will simply prolong discussion. I know that neither the gentleman from Kansas nor the gentleman from Pennsylvania will question my earnestness in this matter or doubt that I have done everything within my power to present that fourth section fairly to the House. I hope that in this critical moment the gentleman will withdraw the amendment and let us come to a vote.

Mr. RYAN. I would like to ask the gentleman in charge of this bill how he expects to protect the cattle of Missouri and Kansas from the disease which may be imparted by Texas cattle except by quarantining the State of Texas during a portion of the year?

Mr. HATCH, of Missouri. Under the seventh and eighth sections of the bill, as now perfected, the Commissioner of Agriculture, whenever and wherever this disease may exist, can invoke the power of the law to punish any man who may transport from one State to another, or from any locality where they may be, cattle that have been branded by the Commissioner as affected with infectious or contagious disease.

Mr. RYAN. But while the Commissioner is prosecuting for a simple misdemeanor the man who drives a herd of diseased cattle into Missouri or Kansas, those cattle are spreading disease and death among the cattle of these two States.

The CHAIRMAN. Debate is exhausted.

Mr. BAYNE. I wish to say to the gentleman from Missouri that my amendment, while nearly the same as the original fourth section, excludes the amendments which were attached to that section. I hope we shall have a square vote upon this proposition, which is intended simply to confer upon the Government the necessary power for the execution of this bill. I simply ask a vote. I believe everybody is ready to vote. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. BAYNE, it was not agreed to; there being—ayes 73, noes 131.

The Clerk read the next section, as follows:

SEC. 10. That it shall be the duty of the several United States district attorneys to prosecute all violations of this act which shall be brought to their notice or knowledge by any person making the complaint; and the same shall be heard before any district or circuit court of the United States or Territorial court holden within the district in which the violation of this act has been committed or the person or corporation resides or carries on or has his or its place of business.

Mr. HATCH, of Missouri. I move to amend by inserting after the word "complaint," in the fourth line, the words "under oath."

The amendment was agreed to.

Mr. POLAND. I move to amend by striking out, at the close of the section, these words: "or the person or corporation resides or carries on or has his or its place of business."

Mr. Chairman——

Mr. HATCH, of Missouri. I have no objection, so far as I am concerned, to the amendment.

The amendment was adopted.

The Clerk read the next two sections, as follows:

SEC. 11. That the sum of $250,000, to be immediately available, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to carry into effect the provisions of this act.

SEC. 12. That the Commissioner of Agriculture shall report annually to Congress, at the commencement of each session, a list of the names of all persons employed, an itemized statement of all expenditures under this act, and full particulars of the means adopted and carried into effect for the suppression of contagious diseases among domestic animals.

The following amendment reported from the Committee on Agriculture was read:

After the word "contagious," in line 6 of section 12, insert "infectious or communicable."

The amendment was agreed to.

Mr. HATCH, of Missouri. I move that the committee now rise and report the bill and amendments to the House.

Mr. TALBOTT. I desire to offer a substitute for the whole bill.

The CHAIRMAN. The gentleman has a right to move his amendment before the question is taken on the motion of the gentleman from Missouri. The substitute proposed by the gentleman from Maryland [Mr. TALBOTT] will be read.

The Clerk read as follows:

That the Commissioner of Agriculture shall organize in his department a bureau of animal industry, and shall appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the number, value, and condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country; and the Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose. The salary of the chief of said bureau shall be $3,000 per annum; and the Commissioner shall appoint a clerk for said bureau, with a salary of $1,500 per annum.

SEC. 2. That the Commissioner of Agriculture is hereby authorized to expend the sum of $250,000 or so much thereof as may be necessary for the suppression and extirpation of contagious, infectious, and communicable diseases among domestic animals, said sum to be expended upon the requisition of the respective governors of the several States and Territories, or, if in the District of Columbia, upon requisition of the President of the United States: *Provided, however*, That no greater sum than $25,000 shall be expended in any one State or Territory: *And provided further*, That the Commissioner of Agriculture shall be satisfied that the said diseases are prevalent in the State or Territory applying through its executive for such aid.

SEC. 3. That the sum of $250,000, to be immediately available, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to carry into effect the provisions of this act.

The CHAIRMAN. The question is first on the substitute.

Mr. TALBOTT demanded a division.

The committee divided; and there were—ayes 86, noes 143.

Mr. TALBOTT called for tellers.

Tellers were not ordered.

So the substitute was rejected.

Mr. HATCH, of Missouri, moved that the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, and had directed him to report the same back to the House with sundry amendments.

Mr. HATCH, of Missouri, demanded the previous question on the bill and amendments.

The previous question was ordered.

Mr. RANDALL. I wish to enter a motion to recommit the bill.

Mr. HATCH, of Missouri. I move that the pending bill, with the amendments of the committee, be printed in the RECORD to-morrow.

There was no objection, and it was so ordered.

The bill and amendments are as follows:

A bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Agriculture shall organize in his department a bureau of animal industry, and shall appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the number, value, and condition of the domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, *infectious*, and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country; and the Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose, *not to exceed twenty persons at any one time*. The salary of the chief of said bureau shall be $3,000 per annum; and the Commissioner shall appoint a clerk for said bureau, with a salary of $1,500 per annum.

SEC. 2. That the Commissioner of Agriculture is authorized to appoint two competent agents, who shall be practical stock-raisers or experienced business men familiar with questions pertaining to commercial transactions in live-stock, whose duty it shall be, under the instructions of the Commissioner of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other contagious, *infectious, and communicable* diseases. The compensation of said agents shall be at the rate of $10 per diem, with all necessary expenses, while engaged in the actual performance of their duties under this act.

SEC. 3. That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other [infectious or] contagious, *infectious, or communicable* disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture; and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious [or], infectious, *or communicable* disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, in paying for the animals it is deemed necessary to slaughter, and in such disinfection and other means as may be necessary to extirpate the disease: *Provided*, That the authorities of said State or Territory shall assume and pay one-half of the expense of the valuation of the animals it is deemed necessary to slaughter, and one-half the cost of disinfection and necessary police regulations in the quarantine and care of infected herds of cattle.

SEC. 4. That whenever a State or Territory, in any section [of] in which [a contagious, or infectious, *or communicable*] pleuro-pneumonia disease exists [which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation], fails to make provisions for its extirpation, or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory, or such part of said State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district into any other State or Territory or foreign country: *Provided*, That no State or Territory, or part thereof, shall be declared in quarantine if the governor of the same shall officially certify to the President of the United States that he is satisfied from a thorough investigation that no such disease as aforesaid, dangerous to the animal industries of the nation, exists therein.

Afterward fourth section as amended was stricken out.

SEC. 5. That in order to promote the exportation of live-stock from the United States the Commissioner of Agriculture shall make special investigation as to the existence of pleuro-pneumonia, or any contagious, *infectious*, or communicable disease, along the dividing lines between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports from which live-stock are exported, and make report of the results of such investigation to the Secretary of the Treasury, who shall, from time to time, establish such regulations concerning the exportation and transportation of live-stock as the results of said investigations may require.

SEC. 6. That to prevent the exportation from any port of the United States to any port in a foreign country of live-stock affected with any [infectious or] contagious, *infectious, or communicable* disease, and especially pleuro-pneumonia, the Secretary of the Treasury be, and he is hereby, authorized to take such steps and adopt such measures, not inconsistent with the provisions of this act, as he may deem necessary.

SEC. 7. That no railroad company within the United States [whose road forms any part of a line of road from one State or Territory to another, or from a State into the District of Columbia], or the owners or masters of any steam or sailing or other vessel or boat, shall receive for transportation or transport, from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any live-stock affected with any contagious [or], infectious, *or communicable* disease, and especially the disease known as pleuro-pneumonia; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any live-stock, knowing them to be affected with any contagious [or], infectious, *or communicable* disease; nor shall any person, company, or corporation drive on foot or transport in private conveyance from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any live-stock, knowing them to be affected with any contagious [or], infectious, *or communicable* disease, and especially the disease known as pleuro-pneumonia.

SEC. 8. That it shall be the duty of the Commissioner of Agriculture to notify, in writing, the proper officials or agents of any railroad, steamboat, or other transportation company doing business in or through any infected locality, and by publication in such newspapers as he may select, of the existence of said contagion; and any person or persons operating any such railroad, or master or owner of any boat or vessel, or owner or custodian of or person having control over such cattle or other live-stock within such infected district, who shall knowingly violate the provisions of section 7 of this act shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than $100 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 9. That whenever any [infectious or] contagious, *infectious, or communicable* disease affecting domestic animals, and especially the disease known as pleuro-pneumonia, shall be brought into or shall break out in the District of Columbia, it shall be the duty of the commissioners of said District to take measures to suppress the same promptly and to prevent the same from spreading; and for this purpose the said commissioners are hereby empowered to order and require that any premises, farm, or farms where such disease exists, or has existed, be put in quarantine; to order all or any animals coming into the District to be detained at any place or places for the purpose of inspection and examination; to prescribe regulations for, and to require the destruction of, animals affected with [infectious or] contagious, *infectious, or communicable* disease, and for the proper disposition of their hides and carcasses; to prescribe regulations for disinfection, and such other regulations as they may deem necessary to prevent infection or contagion being communicated, and shall report to the Commissioner of Agriculture whatever they may do in pursuance of the provisions of this section.

SEC. 10. That it shall be the duty of the several United States district attorneys to prosecute all violations of this act which shall be brought to their notice or knowledge by any person making the complaint *under oath*; and the same shall be heard before any district or circuit court of the United States or Territorial court holden within the district in which the violation of this act has been committed [or the person or corporation resides or carries on or has his or its place of business].

SEC. 11. That the sum of $250,000, to be immediately available, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to carry into effect the provisions of this act.

SEC. 12. That the Commissioner of Agriculture shall report annually to Congress, at the commencement of each session, a list of the names of all persons employed, an itemized statement of all expenditures under this act, and full particulars of the means adopted and carried into effect for the suppression of contagious, *infectious, or communicable* diseases among domestic animals.

Mr. THOMPSON. I move the House adjourn.

The motion was disagreed to.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. HATCH, of Missouri, Mr. CALKINS, Mr. BAYNE, and others demanded separate votes on Mr. EVERHART'S amendment, and on Mr. MULDROW'S amendment to the fourth section, and on the amendment to strike out the fourth section as amended.

Mr. BLAND. The fourth section has been stricken out, carrying the amendments to that section with it.

The SPEAKER. If the fourth section is stricken out, that will dispose of the other two amendments; but if it should not be, the question will recur on the two amendments on which separate votes are asked.

Mr. KASSON. All that is necessary is to reserve the right to a separate vote on those amendments.

The SPEAKER. That is all.

The amendments on which a separate vote was not asked were then concurred in.

The SPEAKER. The question now recurs on striking out the fourth section as amended.

Mr. CALKINS demanded the yeas and nays.

The yeas and nays were ordered.

Mr. REAGAN. I move the House adjourn.

Mr. VALENTINE demanded the yeas and nays.

Mr. HATCH, of Missouri. The caucus of the Democratic party held a few evenings ago adjourned to meet in joint caucus with the Senate at 4 o'clock this afternoon.

Mr. CALKINS. Then let us adjo[illegible]n.

The yeas and nays were not ordered.

The SPEAKER. The previous question having been ordered, this will come up to-morrow as the unfinished business immediately after the reading of the Journal.

Mr. REAGAN's motion was agreed to; and accordingly (at 4 o'clock and 7 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BREITUNG: Petition of Jesse Spalding and 17 others, of E. E. Sellers and many others, of many vessel-owners of Detroit, and of F. S. Haisson and 43 others, for the improvement of Mackinac Harbor, Michigan—to the Committee on Rivers and Harbors.

By Mr. CANDLER: Petition for a post-route in Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. CULLEN: Petition of citizens of Coal City, Ill., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petition of blind soldiers of the soldiers' home, Milwaukee, Wis., for relief—to the Committee on Invalid Pensions.

By Mr. FYAN: Petition to amend pension laws, so as to place Missouri militia on the same footing as United States troops—to the Committee on Military Affairs.

By Mr. HANBACK: Petition of citizens of Lincoln, Kans., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. HARDY: Petition of late officers of the volunteer army, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. HARMER: Petition of Army officers, in favor of the passage of House bill 2613, relative to the efficiency of the Army—to the Committee on Military Affairs.

By Mr. HOPKINS: Petition of citizens of the thirty-fourth ward and of the thirty-sixth ward, of Pittsburgh, Pa., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. KLEINER: Petition of business men and tax-payers of Tell City, Ind., for relief and for restoration of property destroyed by the flood of the Ohio River—to the Committee on Appropriations.

By Mr. LIBBEY: Petition of citizens on the Western Branch of the Elizabeth River, for the dredging, &c., of the same—to the Committee on Rivers and Harbors.

Also, petition for the relief of James H. Mount and Sarah E. Mount—to the Committee on Pensions.

Also, petition of Henry B. Livingston, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. McADOO: Papers relating to the claim of Mary H. Noonan—to the Committee on War Claims.

By Mr. McCOID: Petition of Torrence Post, No. 2, Grand Army of the Republic, Keokuk, Iowa, asking for one hundred and sixty acres of land for all honorably discharged soldiers—to the Committee on the Public Lands.

By Mr. McCOMAS: Petition of 42 citizens of Frostburg, Md., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. MAYBURY: Petition of vessel owners and masters and others interested in the commerce of Lake Superior, to make Lac La Belle a permanent harbor of refuge—to the Committee on Rivers and Harbors.

Also, petition of citizens of Detroit, Mich., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. MILLARD: Petition of citizens of New York, relative to the Chinese restriction act—to the same committee.

Also, copy of the resolutions of the live-stock commission dealers at Chicago, Ill.—to the Committee on Agriculture.

By Mr. O'HARA: Petition of citizens of New York, for the passage of a bill refunding to the depositors of the Freedman's Savings and Trust Company their losses by failure of said company—to the Committee on Banking and Currency.

By Mr. OCHILTREE: Petition and papers of Albert C. Janin, relating to the contested-election case of Janin *vs.* Hunt—to the Committee on Elections.

By Mr. PARKER: Joint resolutions of the State of New York, relating to the national Indian policy—to the Committee on Indian Affairs.

By Mr. PERKINS: Paper relating to the bill for the relief of L. A. Morris—to the Committee on the Judiciary.

Also, copy of the resolutions of the meeting of the live-stock commission dealers held at Chicago, Ill.—to the Committee on Agriculture.

By Mr. RANDALL: Papers relating to the claim of Jacob Cramer—to the Committee on Private Land Claims.

By Mr. W. E. ROBINSON: Petition of Michael Clancey, to remove the charge of desertion—to the Committee on Military Affairs.

By Mr. J. M. TAYLOR: Papers relating to the claim of Robert Brown—to the Committee on War Claims.

By Mr. OSCAR TURNER: Petition of M. H. Carson, for relief—to the same committee.

By Mr. VAN ALSTYNE: Resolution of request by the common council of the city of Albany, relative to the Indian policy—to the Committee on Indian Affairs.

By Mr. WELLBORN: Papers relating to the claim of Joseph H. Early—to the Committee on War Claims.

SENATE.

THURSDAY, *February* 28, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

VISITORS TO WEST POINT.

The PRESIDENT *pro tempore*, pursuant to section 1327 of the Revised Statutes, appointed Mr. CONGER and Mr. COKE members of the Board of Visitors on the part of the Senate to attend the annual examination of the cadets at the United States Military Academy at West Point, N. Y.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Commissioner of Railroads, in answer to a resolution of the 4th instant calling for information as to whether the Union Pacific Railroad Company has issued any new stock or made any mortgage, pledge, lease, running arrangement, or other traffic contract since March 3, 1873; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a joint resolution of the Legislature of the State of Ohio, which has been transmitted to the Chair by the executive of that State. The joint resolution will be read.

The joint resolution was read, and referred to the Committee on Pensions, as follows:

Joint resolution requesting our Senators and Representatives in Congress to vote for an increase of pensions in certain cases.

Whereas Federal soldiers and sailors of the late war who lost one eye in the service only receive a pension of $4 per month, which is unjust when compared with pensions allowed for other disabilities; and

Whereas a bill is now pending in the House of Representatives of the United States providing for the increase of such pensions from $4 to $18 per month: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be, and are hereby, requested to vote for such bill and said increase, and to use all honorable means to secure the passage thereof, and that the governor of Ohio be requested to forward copies of this resolution to the presiding officer of each House of Congress and to each of the Senators and Representatives from Ohio.

L. A. BRUNNER,
Speaker pro tempore of the House of Representatives.
ELMER WHITE,
President pro tempore of the Senate.

Adopted February 21, 1884.

The PRESIDENT *pro tempore*. The Chair presents another joint resolution of the Legislature of the State of Ohio, transmitted to the Chair by the executive of that State. The joint resolution will be read.

The joint resolution was read, and referred to the Committee on Military Affairs, as follows:

Joint resolution requesting our Senators and Representatives in Congress to urge the passage of a law for the equalization of bounties.

Whereas a great irregularity exists among the Union soldiers of the late war in the amount of bounties they received; and

Whereas the present condition of our revenues renders it easy for our Government to do justice by its brave defenders: Therefore,

Resolved, That it is the sense of this General Assembly that Congress should at its earliest opportunity pass a law equalizing the bounties of Union soldiers.

Resolved, That the governor be requested to furnish each of our Senators and Representatives in Congress a copy of these resolutions.

L. A. BRUNNER,
Speaker pro tempore of the House of Representatives.
ELMER WHITE,
President pro tempore of the Senate.

Adopted February 21, 1884.

The PRESIDENT *pro tempore* presented a communication from S. J. Carroll, secretary, of East Weymouth, Mass., transmitting a petition adopted by the "Boston preachers' meeting of the Methodist Episcopal Church," praying that Congress carry out the recommendation regarding Mormonism contained in the President's last annual message to Congress; which was referred to the Committee on the Judiciary.

Mr. MORRILL presented the petition of H. O. Peabody and 27 other ex-Union soldiers, praying for the passage of the bill (S. 1) to amend

section 2 of an act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes, approved March 3, 1879; which was referred to the Committee on Pensions.

Mr. SHERMAN. I present two petitions of a number of citizens residing in different parts of the State of Ohio, praying that certain sections of the Revised Statutes of the United States by which the constitutional term of many administrative offices was changed and fixed at four years be repealed, so that the incumbents of such offices may be immediately removed upon failure in the performance of their duty, and that when good they may continue in the discharge of those duties during good behavior and when bad that they may be removed at any time. I move that the petitions be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. SHERMAN presented a memorial of citizens of Cleveland, Ohio, remonstrating against the repeal of the act permitting vinegar-makers by a vaporizing process to separate alcoholic properties from the mash produced by them and to inject the same into water for the purpose of making vinegar; which was referred to the Committee on Finance.

Mr. ANTHONY. I present the petition of the Rt. Rev. Thomas M. Clark, R. G. Hazard, Horatio Rogers, and many other citizens of Providence, R. I., praying for the repeal of all duties on the importation of foreign books, periodicals, and newspapers. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. GORMAN presented the petition of J. H. Pleasants and other citizens of Baltimore, Md., praying for the repeal of the act of May 15, 1820, and acts supplementary thereto, by which the constitutional term of many administrative offices was changed and fixed at four years; which was referred to the Committee on Civil Service and Retrenchment.

Mr. MILLER, of New York, presented a petition of 763 citizens of Buffalo, N. Y., a petition of citizens of Albany, N. Y., and a petition of 500 citizens of Brooklyn, N. Y., praying for the repeal of the act of 1820, and the acts supplementary thereto, by which the terms of many administrative offices were changed and fixed at four years; which were referred to the Committee on Civil Service and Retrenchment.

Mr. PENDLETON presented a petition of the soldiers at the Soldiers' Home, Dayton, Ohio, praying for the pensioning of soldiers who re-enlisted in the war of the rebellion; which was referred to the Committee on Pensions.

Mr. PENDLETON. I present the petition of Charles R. Fessenden, late private Company D, Forty-seventh Regiment Ohio Volunteers, and William Bell, jr., late private Company C, Seventy-fifth Regiment Ohio Volunteers, praying for the passage of a law pensioning prisoners in the late war and for the equalization of bounties; which I move be referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Ohio that such petitions have been referred to the Committee on Military Affairs.

Mr. LOGAN. That is the proper committee to consider them.

Mr. PENDLETON. I am very willing that the petition should go to that committee, although the first prayer of the petition is for pensions to those who were prisoners in the late war.

The PRESIDENT *pro tempore*. The Chair will not change the reference then, unless the Senator from Ohio desires it.

Mr. PENDLETON. I am willing it shall go to the Committee on Military Affairs. It is rather in the nature of a letter to me than a petition, but as it relates only to those subjects I asked leave to present it as a petition.

The PRESIDENT *pro tempore*. If there be no objection the petition will be referred to the Committee on Military Affairs.

Mr. VOORHEES. I present a petition of Thomas P. Morgan, of Washington, D. C., praying to be indemnified for certain losses which he alleges to have suffered in connection with the dredging of Norfolk harbor. I move that the petition be referred to the Committee on Claims.

The motion was agreed to.

Mr. VOORHEES presented a preamble and resolution adopted at a meeting of Wheeler Post, No. 98, Grand Army of the Republic, of Versailles, Ind., in favor of the passage of a bill for the equalization of bounties and other measures of relief; which were referred to the Committee on Military Affairs.

He also presented a petition of late officers of the volunteer army, praying for the passage of Senate bill 1306 and House bill 3485, fixing the rate of pension hereafter to be granted to all commissioned officers at one-half of the pay of the rank held by such officers at the time the disability was incurred; which was referred to the Committee on Pensions.

He also presented resolutions adopted at a meeting of Van Buren Post, No. 105, Grand Army of the Republic of Indiana, Pike's Peak, Ind., in favor of the pensioning of ex-prisoners of the late war; which were referred to the Committee on Military Affairs.

Mr. INGALLS presented the petition of William Ryan, of Washington, D. C., praying for a pension for disability incurred while a police officer of the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of L. B. Bell and other citizens of the Cherokee Nation, praying for legislation in reference to the establishment of a national bank at Vinita, in the Indian Territory; which was referred to the Committee on Finance.

Mr. CALL. I present the petition of M. R. Marks and various other citizens of Hernando and Hillsborough Counties, Florida, praying for the building of a light-house on the key known as North Anclote Key, between Cedar Keys and Egmont, on the southern coast of Florida. The petition states that this coast is greatly in need of a light-house on North Anclote Key; that from Cedar Keys to Egmont, a distance of one hundred and forty miles, there is all along the coast a rapidly growing country and population; that it is a rock-bound coast, and there is no light-house between the two points, and that private means have been expended to build a pierhead, with a light-house thereon, at the mouth of Anclote River. I move that this petition be referred to the Committee on Commerce, and I ask that the committee give special consideration to it.

The motion was agreed to.

Mr. SABIN presented the petition of O. B. Gould, president of the Board of Trade of Winona, Minn., and others, praying for such needed appropriations for the improvement of the Mississippi River and its tributaries as are recommended by the United States officers in charge; which was referred to the Committee on the Improvement of the Mississippi River.

He also presented a petition of the Good Templars of Minnesota, officially signed, representing 4,516 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. SABIN presented memorials and joint resolutions of the Legislature of Minnesota; which were referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

A memorial to Congress, asking an appropriation for the construction of a light-house at Grand Marais, on Lake Superior.

To the Senate and House of Representatives in Congress assembled:

Your memorialists, the Legislature of the State of Minnesota, respectfully represent that the necessity for a harbor of refuge upon the north shore of Lake Superior has been heretofore recognized by your honorable body by appropriations which have been made for the partial improvement of such a harbor at Grand Marais; that the constantly increasing commerce of the lake demands that such improvements be pushed to early completion. Your memorialists therefore pray that such further and adequate appropriations may be promptly made as will insure a commodious harbor of refuge at Grand Marais, together with a light-house, without which the improvements already made will be of little value.

L. FLETCHER,
Speaker of the House of Representatives.
C. A. GILMAN,
President of the Senate.

Approved February 23, A. D. 1883.

STATE OF MINNESOTA, *Department of State.*

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.] FRED. VON BAUMBACH,
Secretary of State.

Joint resolution requesting Congress to fix the head of navigation of the Minnesota River.

Be it resolved by the Legislature of the State of Minnesota, That our Senators and Representatives in Congress be requested to procure the passage of an act of Congress fixing the head of navigation of the Minnesota River at New Ulm, Brown County, Minnesota.

Resolved, That the secretary of state is requested to forward copies of this resolution to each of our Senators and Representatives in Congress.

L. FLETCHER,
Speaker of the House of Representatives.
C. A. GILMAN,
President of the Senate.

Approved February 26, A. D. 1883.

STATE OF MINNESOTA, *Department of State.*

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.] FRED. VON BAUMBACH,
Secretary of State.

Joint resolution.

Whereas the consent of the National Government has to be procured before the Mississippi can be bridged: Therefore,

Be it resolved by the Legislature of the State of Minnesota, That our Representatives in Congress be, and they are hereby, requested to obtain from Congress the necessary authority to build said bridge.

Resolved, That the secretary of state be requested to send a copy of these resolutions to each of our Senators and Representatives in Congress.

C. A. GILMAN,
President of the Senate.
L. FLETCHER,
Speaker of the House of Representatives.

Approved March 2, A. D. 1883.

STATE OF MINNESOTA, *Department of State.*

I hereby certify that I have carefully compared the foregoing with the original

now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 5th day of December, A. D. 1883.

[SEAL.] FRED. VON BAUMBACH,
Secretary of State.

Memorial to Congress in relation to shear-booms at bridges on the Mississippi River.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Legislature of the State of Minnesota respectfully represents:

That the piers of many of the railway bridges crossing the Mississippi River are a very serious hinderance to navigation; that steamers frequently collide with them, and sometimes great loss of life is thereby occasioned, and that there is annually a great loss of property, and that they are constantly a great source of danger and dread to those who have business or who travel upon the river.

That, in accordance with the act of Congress approved March 3, 1875, a board of United States engineers was convened in Saint Louis, and after an exhaustive examination of the subject they submitted a report to the honorable the Secretary of War, February 19, 1877, in which they recognized the great necessity for shear-booms, and recommended plans for the same at the various bridges.

That in 1882 Maj. A. Mackenzie, United States engineer in charge of the river improvements between Saint Anthony's Falls and the mouth of the Illinois River, constantly witnessing the great danger to life and property at the bridge piers and the consequent necessity for protection thereat, submitted a report to the Chief of Engineers, United States Army, in which much important information was given upon the subject and the shear-booms urgently recommended. Therefore your memorialists would respectfully but urgently suggest that the interests of commerce, the security of property, and the safety of life imperatively demand that at the earliest possible moment shear-booms be placed at the various bridges, in substantial accordance with the plans and recommendations above alluded to.

Be it resolved (the assembly concurring), That the governor be, and he is hereby, requested to subscribe and forward the memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each of our Senators and Representatives in the Congress of the United States.

C. A. GILMAN,
President of the Senate.
L. FLETCHER,
Speaker of the House of Representatives.

Approved March 1, A. D. 1883.

STATE of MINNESOTA, *Department of State.*

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.] FRED. VON BAUMBACH,
Secretary of State.

Joint resolution.

Resolved by the senate of the State of Minnesota (the house of representatives concurring), That whereas there is a large amount of travel and intercourse between the citizens of the United States and the States of Minnesota and Wisconsin carried on across the present bridge over the Saint Croix River at the dalles at Saint Croix and Taylor's Falls; and

Whereas the highway leading to said bridge on the Wisconsin side of the river runs over high and almost inaccessible hills, making extensive travel thereon exceedingly difficult and dangerous; and

Whereas it is of the highest importance that a bridge should be at once constructed across said river at a point higher up thereon, so as to be easily accessible from the Wisconsin side of said river, nearly opposite the village of Saint Croix Falls, avoiding saw-mills; and

Whereas the construction of said bridge would be a great accommodation to the people in said vicinity and the public at large: Therefore,

Be it resolved, That our Senators and Representatives in Congress be, and they are hereby, requested to use all reasonable efforts to secure an appropriation in the sum of $30,000, to be expended under the direction of the civil engineer of the United States, or in such other manner as Congress may direct, for the purpose of constructing said bridge.

SEC. 2. *Resolved*, That the governor be, and hereby is, repectfully requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

C. A. GILMAN,
President of the Senate.
L. FLETCHER,
Speaker of the House of Representatives.

Approved February 23, A. D. 1883.

STATE OF MINNESOTA, *Department of State.*

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.] FRED. VON BAUMBACH,
Secretary of State.

Memorial to the House of Representatives.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislature of the State of Minnesota, would respectfully but urgently represent:

That Big Stone Lake, which is but an enlargement of the Minnesota River, and Lake Traverse, but five miles distant therefrom, and which discharges its waters by the way of the Bois de Sioux River into the Red River of the North at Breckenridge, are each about thirty-five miles long, with a width of from one and a half to two miles, and so situated in the great valley which extends from the northern boundary of the State to the mouth of the Minnesota River that by embracing them in the "reservoir system" now being prosecuted by the Government in this State the excess of waters caused by the annual and disastrous spring floods in that region could be permanently restrained and so utilized as to render the Minnesota River navigable throughout its length, and also extend the navigation of the Red River of the North southward about one hundred miles to the foot of said Big Stone Lake.

That the preliminary surveys have shown the entire practicability of the project above foreshadowed, and at a comparatively small cost, while its immense advantages to the people of Western Minnesota and Eastern Dakota are too obvious to need repetition.

Wherefore, your memorialists respectfully urge upon Congress that you take such speedy and prompt action as will result in accomplishing the objects herein set forth.

L. FLETCHER,
Speaker of the House of Representatives.
C. A. GILMAN,
President of the Senate.

Approved February 8, A. D. 1883.

STATE OF MINNESOTA, *Department of State.*

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.] FRED. VON BAUMBACH,
Secretary of State.

A memorial to the honorable the Senate and House of Representatives of the United States.

To the honorable the Senate and House of Representatives of the United States:

Your memorialists, the Legislature of the State of Minnesota, respectfully represent that further and more liberal appropriations are urgently demanded for the immediate improvement of the harbor of Duluth.

The expansion of the commerce tributary to that point has been so manifestly and largely out of proportion to the extension of harbor facilities; that a further failure to augment the appropriations must result in the obstruction of such commerce or its diversion to unnatural and less economical channels.

The water front in said harbor, so improved as to be presently available for commerce, is not at all commensurate to the variety and magnitude of the shipping interests which are now definitely seeking accommodation at that port.

Wherefore your memorialists pray for an immediate and substantial increase of the appropriations for that harbor.

C. A. GILMAN,
President of the Senate.
L. FLETCHER,
Speaker of the House of Representatives.

Approved January 22, A. D. 1883.

STATE OF MINNESOTA, *Department of State.*

I hereby certify that I have compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.] FRED. VON BAUMBACH,
Secretary of State.

Mr. SABIN presented a joint resolution of the Legislature of Minnesota; which was referred to the Committee on the Improvement of the Mississippi River, and ordered to be printed in the RECORD, as follows:

Joint resolution instructing our Senators and requesting our Representatives in Congress to use their best endeavors to secure such appropriations as may be necessary to carry on the improvements of the Mississippi River.

Whereas the importance of continuing the work of the improvement of the Mississippi River in the interest of cheap transportation is a matter of national interest: Therefore,

Be it resolved by the Legislature of the State of Minnesota:

SEC. 1. That our Senators in Congress be, and they are hereby, instructed, and our Representatives be, and they are hereby, requested, to use their best endeavors to secure such appropriations as may be necessary to carry on the improvement of the Mississippi River.

SEC. 2. That the secretary of state is requested to forward copies of this resolution to each of our Senators and Representatives in Congress.

C. A. GILMAN,
President of the Senate.
L. FLETCHER,
Speaker of the House of Representatives.

Approved February 24, A. D. 1883.

STATE OF MINNESOTA, *Department of State.*

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.] FRED. VON BAUMBACH,
Secretary of State.

Mr. SABIN presented a joint resolution of the Legislature of Minnesota; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

A joint resolution for the relief of John Fenske.

Whereas John Fenske, of the city of New Ulm, in the county of Brown, and State of Minnesota, on the 18th day of August, A. D. 1862, while in the employment of the United States as a mechanic and while endeavoring to save the property of the Government from destruction, received a severe wound from Sioux Indians, whereby he was permanently disabled; and

Whereas a bill has been introduced in the Congress of the United States providing that the name of said John Fenske be placed on the roll of invalid pensioners: Therefore,

Be it resolved by the Legislature of the State of Minnesota, That our Senators and Representatives in Congress be, and are hereby, required to use their influence to secure the immediate passage of an act granting an invalid pension to said John Fenske, and that the same date from the time of receiving said injury.

Resolved, That the secretary of state forward a copy of these resolutions to each of our Senators and Representatives in Congress.

C. A. GILMAN,
President of the Senate.
L. FLETCHER,
Speaker of the House of Representatives.

Approved February 14, A. D. 1883.

STATE OF MINNESOTA, *Department of State.*

I hereby certify that I have carefully compared the foregoing with the original

now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.]

FRED. VON BAUMBACH,
Secretary of State.

Mr. SABIN presented a joint resolution of the Legislature of Minnesota; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

A joint resolution asking immediate adjustment of land grants to railroads in this State.

Whereas millions of acres of land in this State have been granted to railroads and have been withdrawn from settlement and are untaxed; and

Whereas many of such grants have not been adjusted, and lands not falling within the grant are thus withheld from market or are untaxed; and

Whereas some of such grants have been forfeited by reason of non-compliance in part of the railroad company to which the grant has been made with intentions of the grant; and

Whereas it requires an act of Congress or the decree of a court to forfeit the land of a defaulting railroad company: Therefore,

Be it resolved by the Legislature of the State of Minnesota, That the interest of the State and of the citizens requires that all land grants to railroads should be adjusted at the earliest possible day, or that in all cases when any railroad company has not complied with the conditions of the grant to it such grant should be at once declared forfeited.

Resolved further, That our Senators and Representatives in Congress are requested to use all honorable means to secure an immediate adjustment of such grants, or an immediate forfeiture of any grant the terms of which has not been complied with.

Resolved further, That the secretary of state be, and is hereby, requested to forward a copy of this resolution to our Senators and Representatives in Congress at as early a day as practicable.

C. A. GILMAN,
President of the Senate.

L. FLETCHER,
Speaker of the House of Representatives.

Approved February 17, A. D. 1883.

STATE OF MINNESOTA, *Department of State.*

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

[SEAL.]

FRED. VON BAUMBACH,
Secretary of State.

Mr. SABIN presented a joint resolution of the Legislature of Minnesota; which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

A memorial to the honorable the Senate and House of Representatives in Congress assembled.

Your memorialists, the senate and house of representatives of the State of Minnesota, most respectfully represent that whereas under and by the laws of the State of Minnesota a judgment is a lien on real estate only upon and after the docketing of such judgment in the county in which such real estate lies; and

Whereas the courts of the United States in this State have held that the aforesaid provision of law is inapplicable to judgments rendered by the United States courts, and that such judgment, when docketed in the office of the clerk of such courts, becomes a lien on all real estate in any and every county in the State without the docketing of such judgments in the county in which such real estate lies; and

Whereas the existence of different rules in the same State as to the liens of judgments is misleading to the public; and the making of a judgment a lien on any real estate in any county in which such judgment is not docketed is a great and manifest hardship and inconvenience: Therefore your memorialists respectfully and earnestly pray that a law be enacted by Congress making the laws of the United States conform to the laws of the State in the respect aforesaid.

Resolved, That our Senators in Congress be instructed and our Representatives requested to use their influence to secure the passage of such a law.

Resolved further, The secretary of state is hereby directed to send an authenticated copy of this memorial to each of our Senators and Representatives in Congress.

C. A. GILMAN,
President of the Senate.

L. FLETCHER,
Speaker of the House of Representatives.

Approved March 3, A. D. 1883.

STATE OF MINNESOTA,
Department of State.

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 11th day of December, A. D. 1883.

FRED. VON BAUMBACH,
Secretary of State.

Mr. GROOME presented the petition of Harvey Stanley and others, legal representatives of owners of vessels destroyed by the French, praying legislation for the payment of the French spoliation claims; which was referred to the Committee on Claims.

Mr. WILLIAMS presented the petition of Samuel Hatfield, of Simpson County, Kentucky, praying compensation for property taken from him by the United States Army during the war of the rebellion; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. RANSOM, from the Committee on Commerce, to whom was referred the bill (S. 1251) to authorize the purchase of a wharf for the use of the Government in Wilmington, N. C., reported it without amendment.

FRANK GALT.

Mr. PIKE. I am instructed by the Committee on Claims, to whom was referred the joint resolution (H. Res. 186) for the relief of Frank Galt, to report it without amendment; and I ask that the joint resolution be put on its passage at this time.

The PRESIDENT *pro tempore*. The joint resolution will be read for information.

The Chief Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Frank Galt the sum of $492, for services rendered as assistant to the Journal Clerk of the House of Representatives from December 3, 1883, to February 23, 1884, inclusive, being at the rate of $6 per diem.

Mr. HALE. What is the provision of the joint resolution as to the fund from which the payment shall be made?

Mr. PIKE. From money in the Treasury.

The PRESIDENT *pro tempore*. It is to be paid "out of any money in the Treasury not otherwise appropriated."

Mr. HALE. How does the joint resolution come here?

The PRESIDENT *pro tempore*. It is a joint resolution of the House of Representatives, which was received yesterday, referred to the Committee on Claims, and now reported favorably by that committee. Is there objection to its present consideration?

Mr. HALE. I had the impression that it provided that the money be paid from the contingent fund of the House, with which, I think, we have little or nothing to do.

The PRESIDENT *pro tempore*. The joint resolution does not so provide.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. INGALLS. I introduce a bill. Being brief, I ask that it may be read once at length.

The bill (S. 1670) to relieve the members and judge-advocate of the general court-martial for the trial of Fitz-John Porter from the operation of certain restrictions of the eighty-fourth article of war was read the first time at length, as follows:

Be it enacted, &c., That the members and judge-advocate of the general court-martial which convened in the city of Washington, D. C., in obedience to special order No. 362, of November 25, 1862, from the headquarters of the Army, for the trial of Maj. Gen. Fitz-John Porter, United States volunteers, be, and are hereby, relieved from the operation of so much of the eighty-fourth article of war as relates to disclosing and discovering the vote or opinion of any particular member of the said court-martial.

The bill was read the second time by its title, and referred to the Committee on Military Affairs.

Mr. WILSON (by request) introduced a bill (S. 1671) for the judicial ascertainment of the facts in private claims, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GORMAN introduced a bill (S. 1672) to declare the true intent and meaning of the act of June 17, 1870, chapter 30; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WILLIAMS introduced a bill (S. 1673) to regulate the retiring of Army officers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 1674) granting an increase of pension to Jacob Miller; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 1675) to equalize the rank and pay of certain staff officers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1676) granting a pension to John F. Hinman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1677) to amend section 1207 of the Revised Statutes of the United States and to provide for the examination of officers of artillery before promotion; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL (by request) introduced a bill (S. 1678) for the relief of persons whose property has been confiscated under the act of Congress entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," approved July 17, 1862; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PENDLETON introduced a bill (S. 1679) to facilitate the settlement and develop the resources of the Territory of Alaska and to open an overland communication therewith; which was read twice by its title.

Mr. PENDLETON. I introduce this bill by request, without being responsible for its contents. I move that it be referred to the Committee on Territories.

The motion was agreed to.

Mr. BLAIR introduced a bill (S. 1680) granting a pension to George Prince; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LAMAR introduced a bill (S. 1681) for the relief of Mrs. Mary Jane Veazie; which was read twice by its title, and referred to the Committee on Claims.

RAILROAD IN INDIAN TERRITORY.

The PRESIDENT *pro tempore*. If there be no further morning business, the Senate will now proceed under the eighth rule to the consideration of bills on the Calendar, beginning with Order of Business No. 122, being Senate bill No. 50.

Mr. HALE. I am very desirous that the Senate should finish the consideration of the naval bill to-day, and I am informed that we are likely to be interrupted at an early hour this afternoon by resolutions that will come in from the other House that will need to be immediately considered.

Mr. INGALLS. If the Senator will permit me a moment, I will state that he is misinformed on that subject.

Mr. HALE. Is it not to be to-day?

Mr. INGALLS. The resolutions will not be here this afternoon.

Mr. HALE. I was told a little while ago that the resolutions would come over to-day. As I was misinformed I shall not ask for the present consideration of the naval bill.

The PRESIDENT *pro tempore*. The bill (S. 50) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes, is now before the Senate as in Committee of the Whole. The bill has been read and the pending question is on the amendment proposed by the Committee on Railroads.

Mr. HARRISON. Since the adjournment yesterday, I have taken some pains to examine the pending bill, and the result of that examination has been to satisfy me that it ought not to be considered under Rule VIII, the five-minute rule. I think, therefore, without attempting to give my reasons, as they are not important to any one, I shall interpose the objection and let the bill go over.

The PRESIDENT *pro tempore*. The bill is objected to and goes over.

Mr. BROWN. The order of the Senate yesterday was that the substitute reported by the Committee on Railroads should be printed and laid on the tables of Senators this morning. By some sort of neglect the printed copies have not reached our tables, as I understand.

The PRESIDENT *pro tempore*. The papers were sent to the Printing Office to be printed in the regular time and order, and undoubtedly they will soon be received and laid upon the desks of Senators.

Mr. BROWN. I ask the Senator from Indiana not to interpose any objection in the way of the bill retaining its position at the head of the Calendar of unobjected cases until to-morrow morning, and then determine whether to make his objection.

The PRESIDENT *pro tempore*. The Senator from Indiana has already objected.

Mr. HARRISON. I think it is scarcely worth while that we should occupy time upon the subject to-morrow morning. I am satisfied that the bill can not be considered under the five-minute rule. I am not willing that it shall be so considered, and that my participation in any discussion in regard to it shall be limited to five minutes and to one speech. If the report of the committee is not very widely different from the original bill which was introduced, I think there are most serious objections to its passage.

Mr. BROWN. I will state to the Senator that there have been very important amendments made in the substitute reported by the committee. I would prefer that the Senator should see that before he determines the question, and that is one reason why I asked him not to interpose an imperative objection this morning.

Mr. HARRISON. I have no objection to the bill going over if the Senator thinks it will be any advantage, but I think I may say to him now that the objection will probably be made to-morrow as it has been to-day.

The PRESIDENT *pro tempore*. Does the Senator from Indiana withdraw his objection?

Mr. HARRISON. I will withdraw the objection at the request of the Senator from Georgia, and let the bill occupy to-morrow the same place it did this morning.

Mr. BROWN. That is all we ask at present.

The PRESIDENT *pro tempore*. The Chair will state that upon objection being made no debate is in order, but it has been the custom to hear explanations. The Senator from Georgia asks unanimous consent that the bill be passed over, retaining its place at the head of the Calendar under Rule VIII. Is there objection? The Chair hears no objection, and it is so ordered.

BONDS OF EXECUTORS.

The bill (S. 310) to amend the laws relating to the bonds of executors in the District of Columbia was considered as in Committee of the Whole. It provides that whenever a testator shall, by last will and testament, request that his executor or executors be not required to give bond for the performance of his or their duty as such executor or executors, the bond required of such executor or executors shall be in such penalty as the court or the register of wills shall consider sufficient to secure the payment of the debts due by the testator and all public taxes or assessments due or to become due on the property devised or bequeathed, and the bond shall be conditioned accordingly, and shall be in no other or greater penalty. But whenever any distributee, legatee, or devisee named in a will shall make it appear to the court that any executor who has given such bond as is thus provided for is wasting the assets of the estate, or that the assets in the hands of such executor are in danger of being lost, wasted, or misappropriated, then the court shall require the executor to give bond, with security, in penalty sufficient to secure the interests of such distributees, legatees, or devisees, and conditioned accordingly; and on his failure to give bond as required by the court within a time named by the court, his letters testamentary shall be revoked forthwith.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. GAMBLE.

The bill (S. 436) for the relief of William J. Gamble was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to William J. Gamble, late of Company K, Second Arkansas Cavalry, $125, in payment for the running-gear of a six-horse wagon furnished by him and used by the United States Army.

Mr. COCKRELL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. KENNA January 31, 1884:

The Committee on Claims, to whom was referred the bill (S. 436) for the relief of William J. Gamble, respectfully report that a similar bill was introduced in the Senate in the Forty-sixth Congress, and referred to the Committee on Claims, which reported to the Senate thereon. The matter occupies now the same status it occupied then. The papers, vouchers, and evidence are the same. This committee, therefore, upon consideration of the claim, adopt the report made by the Committee on Claims of the Forty-sixth Congress. That report is as follows:

The Committee on Claims, to whom was referred the bill (S. 1063) for the relief of William J. Gamble, have had the same under consideration, and respectfully submit the following report:

The claim embraced in the bill is for the value of the running-gear of a six-horse wagon taken for the use of the United States Army from the claimant. The following is a copy of the original voucher given to the claimant for the property taken, and which is before your committee in support of the claim:

LA GRANGE, TENN., *August* 11, 1865.

This is to certify that the running-gear of a six-horse wagon belonging to W. J. Gamble, private of Second Arkansas Cavalry, was taken to replace the running-gear of one Government wagon broken down, unable to travel. Said Government wagon was in the possession of Capt. R. B. Owens. A. Q. M., Springfield, Mo., on the march from Northeast Arkansas to Springfield, Mo., under the command of Col. J. E. Phelps, Second Arkansas Cavalry.

GEO. MORLEY,
Lieutenant, Regimental Quartermaster, Second Arkansas Cavalry.

Witness to the above:
JOHN E. PHELPS,
Colonel Second Arkansas Cavalry.

This claim was presented to the Third Auditor of the Treasury in October, 1874, and the foregoing voucher filed with that officer, also an affidavit of the claimant in support of his claim. The original voucher was referred by the Third Auditor to the Second Auditor of the Treasury for his examination to test the genuineness of the signatures by which the vouchers are certified and approved. On the 12th of April, 1875, the Second Auditor returned the voucher, stating that from evidence on file in his office the signatures of John E. Phelps, colonel, and George Morley, lieutenant and regimental quartermaster, Second Arkansas Cavalry, in case of W. J. Gamble, private Second Arkansas Cavalry, may be considered genuine.

The affidavit of the claimant Gamble, made before J. M. Doubleday, notary public, at Boone County, Arkansas, states, among other things, that he was the original and is the present owner of said claim; that said wagon was taken about the 25th of May, 1864, from his farm in Carroll County, in the State of Arkansas. It was a new six-horse wagon and in good running order, and was well worth $125; that he had given that price for it but a short time before it was taken; the wagon had not been used more than one month.

On reference of the claim to the Quartermaster-General it was considered that $100 is a fair value of the property.

The claim, however, was disallowed by the Second Comptroller on the ground that the voucher was not a regular voucher, but only a memorandum receipt, and should have been presented under the act of July 4, 1864.

The claim was then presented under the act of July 4, 1864, and it was determined by the Quartermaster-General that, the case having originated in an insurrectionary State, Arkansas, he had no jurisdiction of the claim.

Whether the claim could have been allowed by either of the officers to whom the claim has been presented it is not necessary now to inquire. It is clearly established that the wagon was the property of the claimant, Gamble, and was on his farm in Arkansas; he was loyal to the United States; was in its military service as a private soldier in the Second Arkansas Cavalry; and the article was taken by command of the colonel of the Second Arkansas Cavalry and used by that regiment. The value of the property is $125.

The committee are of opinion that the claim should be allowed, and report the bill back and recommend that it be passed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID WALDO.

The bill (S. 388) for the relief of David Waldo was announced as next in order upon the Calendar.

Mr. HARRIS. Let that go over. There is an adverse report.

The PRESIDING OFFICER (Mr. PLATT in the chair). The bill will go over.

COMMON SCHOOLS.

The bill (S. 398) to aid in the establishment and temporary support of common schools was announced as next in order upon the Calendar.

Mr. BLAIR. That bill will occupy more time than can be given it

under the five-minute rule, and I ask that it be made the special order for March 12, subject to the existing special order.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the bill now reached upon the Calendar be made the special order for March 12, at 2 o'clock. Is there objection?

Mr. COCKRELL. I call the attention of the Senator from New Jersey [Mr. SEWELL] to the request. I think he had a bill set for that same day.

Mr. BLAIR. I said "subject to the existing special order."

Mr. COCKRELL. Very well.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the bill (S. 398) to aid in the establishment and temporary support of common schools be made the special order for March 12, subject to the existing special order. Is there objection? The Chair hears none. That order will be made.

ARMY DETAILS.

The bill (S. 641) concerning details from the Army was considered as in Committee of the Whole.

Mr. COCKRELL. Let the report be read.

Mr. HARRIS. I do not think that bill can safely be——

The PRESIDING OFFICER. The Senator from Missouri has called for the reading of the report.

Mr. LOGAN. If the Senator from Tennessee will yield for a moment, the Senator from New Jersey [Mr. SEWELL] is in charge of this bill, and I will ask him if he has any objection to letting it lie over until we can have it considered further in committee.

Mr. HARRIS. I should like to ask the Senator from New Jersey before it goes over if the committee has considered the propriety of excepting from the provisions of the bill the officer who happens to be in charge of War Records.

Mr. SEWELL. I will state to the Senator from Tennessee that the President, under the bill as amended by the committee, will have power to make the exception by his order. I have no objection to the bill going over if the Senator from Illinois desires it.

Mr. PLUMB. I do not believe that there can be a particle of objection to this bill from any source whatever, as it has been amended by the committee. It permits the President to detail whomsoever he pleases and so long as he pleases, but cuts off details by inferior authority.

Mr. HARRIS. The bill as read I think does not contain such a provision. I suppose that only the original bill was read, independent of the amendment recommended by the committee.

The PRESIDING OFFICER. The Chair understands that the Senator from Illinois [Mr. LOGAN], the chairman of the Committee on Military Affairs, asks that the bill may go over to be further considered by that committee.

Mr. LOGAN. I will state that the question is not as to the provision in reference to the details. It is only a question in the minds of some in reference to whether this power should be taken from the General of the Army and transferred to the President, or whether it should reside as now in the General of the Army. That is the only point on which I ask that the bill may be passed over until we have a meeting of the committee to-morrow.

Mr. SEWELL. I have no objection to the bill going over.

Mr. LOGAN. That is the only point about it, so far as the bill is concerned.

The PRESIDING OFFICER. The bill goes over.

Mr. HARRIS. I do not propose to interpose an objection. I have no objection to the bill standing at the head of the Calendar for to-morrow. In the mean time the amendment proposed by the committee can be looked at.

The PRESIDING OFFICER. The bill will then go over without prejudice and stand at the head of the Calendar of unobjected cases.

FREDERICK W. RUGGLES.

The bill (S. 743) for the relief of Frederick W. Ruggles, of Westport, Nova Scotia, was considered as in Committee of the Whole. It proposes to refer to the Court of Claims for hearing and adjudication the claim of Frederick W. Ruggles for losses and damages suffered by him as owner of the cargo and charterer of the schooner Argonaut, in the year 1861, by reason of the seizure and detention of that vessel by the officials of the United States.

Mr. CONGER and Mr. GARLAND. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. CAMERON, of Wisconsin, January 31, 1884:

The Committee on Claims, to whom was referred the bill (S. 743) for the relief of Frederick W. Ruggles, having considered the case and the evidence presented, beg leave to report:

The claim of Frederick W. Ruggles against the United States, which he desires to be heard and adjudicated upon in the Court of Claims, is based upon the following facts:

The said claimant, Frederick W. Ruggles, is a subject of the British Government, residing at Westport, in the county of Digby, Province of Nova Scotia, and Dominion of Canada, and was the owner of a cargo consisting of six hundred and thirty-eight barrels of No. 1 herring, seventy-five quintals of dry codfish, and other goods and articles, which said cargo was shipped on board the schooner Argonaut on or about the 23d day of August, A. D. 1861. Said schooner cleared from Westport aforesaid for Key West, in Florida, on the 27th day of August, A. D. 1861, and while on her voyage to such port, and on or about the 13th day of September, A. D. 1861, was captured by the United States steamer Susquehanna off Hatteras Inlet, sent with said cargo into New York in charge of a prize-crew, and was libeled by the United States attorney as a prize of war. The said claimant appeared before the district court of the United States sitting as a prize-court, and obtained from said court a judgment in his favor, which judgment was for the return of the cargo to him, without costs against the naval captors. But an interval of six weeks having occurred from the time of the capture to the date of such release and restoration, during which time said cargo was in the hands and under the control of the captors, the fish and other perishable articles were damaged and rendered almost worthless, and many articles forming a part of said cargo were removed and have not since been seen by said claimant.

Subsequently, in the year 1872, the said claimant presented his case, by his own Government, upon memorial, to the commissioner appointed under the treaty between the United States and Great Britain, called and known as the "Washington treaty," which commission is known as the "British and American Mixed Commission," and established his claim, as it seems to your committee, by good and competent evidence, all of which evidence, with the memorial, demurrer, and arguments, may be found in the Reports of said British and American Mixed Commission, Volumes X, XVII, XXVI, now on file in the library of the Department of State.

From an examination of the case, as found in said reports, it appears that while the whole case was presented, with evidence as to its merits, in the hearings before said commission, the merits were not considered. The United States, by their counsel, demurred to the memorial of the claimant as not showing a case within the jurisdiction of said commission, and specified as grounds of demurrer—

First. That the said cargo having been discharged by the judgment of the district court, and no appeal taken from such judgment, the United States are not responsible for the acts of the said United States steamer Susquehanna, and are not liable to reclamation for damages thereof;

Second. That the question of costs and damages in regard to said alleged capture having been within the jurisdiction of said district court to determine, and the said court not having awarded damages to said claimant for such detention, and no appeal having been taken from the judgment of said court in that regard, no reclamation lies before this commission in behalf of the claimant for the damages claimed in said memorial; and

Third. That the memorial sets forth no facts or circumstances establishing a claim against the United States within the provisions of the twelfth article of said treaty.

The question of jurisdiction was argued at length, and an examination of the case in the reports shows that it was the only question argued and considered, and that consequently upon that ground the claim was disallowed by the commission. It was held that until the claimant had exhausted his remedy by appeal, and finds himself still aggrieved by the judicial tribunal of last resort, he has no ground of reclamation against the United States as the worker of injustice against him. It is only in the event of final failure of justice, after pursuit of all the regular and ordinary means of redress, that any nation is to be considered as working wrong against a foreign litigant, so as to entitle him to reclamation through the intervention of his own government. The litigant who stops short of this can not avail himself of the provisions of the treaty.

In the case before the commission, the claimant files an affidavit setting forth the reasons why no appeal was taken from the decision of this prize court, which are, substantially, that the counsel who conducted the business for said claimant informed him that there was no necessity for taking such an appeal, unless he, the said claimant, intended to commence suit in a civil court for damages; and that the said counsel gave it as his opinion that there would, without doubt, be other such claims arising in the course of the war which would be referred to arbitration, and that, being governed by such advice, no appeal was taken. Such right of appeal having now been lost by limitation, and the claimant having presented a claim which is *prima facie* a just one, it seems to your committee, in accordance with the principles of justice and equity, that the claimant should have the opportunity of presenting this case in the Court of Claims, that it may be heard upon its merits and judgment given accordingly.

Wherefore your committee report back the bill and recommend that it do pass.

Mr. GARLAND. Let the latter part of the bill be read again.

The Chief Clerk again read the bill.

Mr. CONGER. This is a claim of long standing which has been before Congress in many forms for the last ten years.

Mr. PIKE. Let me say to the Senator that this bill was reported by the chairman of the committee, the Senator from Wisconsin [Mr. CAMERON] who is away. If the Senator is willing I should like to have it passed by so as to keep its place until he returns. He is expected back in a few days.

Mr. CONGER. I rose to state the nature of this claim and the length of time this fish case has been pending. This is really a bill to secure payment for damage to fish. I was about to object to the consideration of the bill; I do object.

The PRESIDING OFFICER. The Senator from Michigan objects to the consideration of the bill, and it goes over.

ELIZA HOWARD POWERS.

The bill (S. 716) for the relief of Eliza Howard Powers was considered as in Committee of the Whole. It provides for the payment to Eliza Howard Powers of $2,500.

Mr. COCKRELL. Let the report be read in that case.

The Chief Clerk read the following report, submitted by Mr. MANDERSON January 31, 1884:

The Committee on Claims, to whom was referred the bill (S. 716) for the relief of Eliza Howard Powers, report:

This case has been pending before the Congress of the United States since the second session of the Forty-third Congress, and has received at the hands of different committees of both Houses frequent favorable action, as will appear in the report of Mr. FRYE, herewith submitted.

At the second session of the Forty-seventh Congress the Committee on Claims of the Senate made the following report, No. 893, which report so clearly sets forth the facts that it is adopted by this committee:

"Mr. FRYE, from the Committee on Claims, submitted the following report, to accompany bill S. 1500:

"'The Committee on Claims, to whom was referred the bill (S. 1500) for the relief of Eliza Howard Powers, report:

"The case finds that at the breaking out of the civil war Mrs. Powers was a widow woman, of fine education, of excellent family, and in good circumstances, a resident of the city of Paterson, in the State of New Jersey; that from April 28, 1861, to August 14, 1864, she devoted her whole time, energy, influence, and

means to the service of Union soldiers and for the success of the Union cause—caring for the sick and wounded soldiers, collecting and forwarding hospital supplies and money for their relief, ministering to their wants, and relieving their sufferings in camp, field, and hospital; that during this whole time she acted as president of the Florence Nightingale Relief Association, of Paterson, N. J., and from November, 1862, to August, 1864, acted also as associate manager of the United States sanitary commission for New Jersey, and in this capacity collected over $8,000 in money, and over 20,000 articles for hospital use; that she received no pay or compensation whatsoever, paying out of her own means the cost of her own transportation and subsistence, besides contributing freely to the purposes she served to the amount at least of $2,500; that in October, 1864, she lost by misfortune her whole property, and for over a year was seriously and dangerously sick from disease contracted by her exertions and exposure in the performance of her duties; that in 1867, without doubt in consideration of her labor of love, she was appointed to a clerkship in the dead-letter office, which position she held until September, 1874, since which time she has been largely dependent upon her widowed daughter, also poor. Your committee find, in partial support of these facts, the statements of the following letter from Henry W. Bellows, president of the United States sanitary commission:

NEW YORK, *February* 22, 1876.

SIR: I beg to ask your personal attention to the claims of Mrs. Eliza H. Powers, of New Jersey, to some place in the gift of the Government. During our late unhappy but glorious war Mrs. Powers, then in comfortable circumstances, raised, by her indefatigable exertions, $10,000 and 20,000 articles of clothing for the relief of our sick and wounded soldiers. She wore out her health in the unpaid service then rendered to the country. A woman of education, a lady in breeding and of unimpeached character, she is reduced to poverty by misfortune, and has to earn her daily bread, at 73 years of age, by her personal labor. If such a patriotic and venerable woman has not claims to a clerkship, which her superior knowledge, accomplishment in languages, and extraordinary energy fit her to occupy with advantage to the Government, who can have a claim worthy the attention of the Government or its Chief Magistrate? As I had charge of the sanitary commission during the war, I was a special witness of Mrs. Powers's sacrifice and advantageous labors for our soldiers. I have felt specially called to testify in her case, and have felt that her age made it not improper to bring the subject directly to the President's notice.

Respectfully, your fellow-citizen,

HENRY W. BELLOWS,
President United States Sanitary Commission.

The PRESIDENT OF THE UNITED STATES.

"There are also letters, petitions, and statements of facts signed by Hon. S. Tuttle, ex-mayor of Paterson, N. J.; Garret A. Hobart, speaker of the New Jersey assembly; George Wirtz, editor of the Press; John J. Brown, president First National Bank of Paterson; B. Buckley, president Second National Bank; Nathaniel Townsend, mayor of Paterson; H. A. Williams, ex-mayor of Paterson; Benj. Buckley, president New Jersey senate, and many others of high character and prominent positions.

"Your committee also cite the following extract from the letter of John W. Wallace, reporter of the United States Supreme Court:

"'I can think of no case more affecting than hers [meaning Mrs. Powers's]. Her family, in a branch of it known to me, is one of the best in this part of our country. She has been uncommonly well educated in letters, and, but for accident—such as occasionally happens in social life—would have been in a situation of opulence. She is, however, in circumstances very painfully the reverse. She has claims also upon the nation. She was for three years, as I understood at the time and have no doubt, engaged in our camps and hospitals during the war, and did much to relieve the sufferings of our sick and wounded soldiers. As an associate manager for New Jersey of the United States sanitary commission, it has been stated to me, and I doubt not truly, that she raised by personal application in one city $10,000 in money, besides superintending the preparation of 21,000 hospital articles, which went to the use of the Army. Her own health was impaired by her labor.'

"Mrs. Powers is now 80 years of age. The history of the case in Congress shows that her petition was first presented to Congress at the second session of the Forty-third Congress, and received a favorable report from the Committee on Claims of the House, on which there was no final action. Again, in the Forty-fifth and Forty-sixth Congresses, no action. In the United States Senate, in the Forty-sixth Congress, referred to the Committee on Claims, whose report was adverse. The report of that committee was submitted by Senator Harris, and the facts found were substantially as those stated in this report, but its conclusion was in these words:

"'The services of the petitioner were patriotic and laudable, but such as many thousands of the ladies of the country performed, prompted by similar motives, and such as very few have demanded compensation for, and the Government has not heretofore recognized as justifying a demand upon the Treasury. * * * The committee recommend that the bill be indefinitely postponed.'

"Your committee, on the contrary, find that such services have heretofore been recognized by Congress, as appears by a resolution appropriating $15,000 as compensation to Miss Clara Barton for money expended by her from her own resources during the war of the rebellion in endeavoring to discover missing soldiers of the armies of the United States and in communicating intelligence to their relatives, which resolution passed Congress and was approved March 10, 1866; also by an act passed in 1876 appropriating $20,000 to Mrs. Eliza Potter, widow of Lorenzo T. Potter, deceased, late of Charleston, S. C.; also by every act of Congress since the war by which pensions have been increased beyond the provisions of law, particularly in those cases where large annuities have been paid to widows of prominent officers in the Army; also in the ample provisions which have been made by law for the widows of deceased Presidents of the United States. Your committee do not believe that in making an appropriation for Mrs. Powers any new or dangerous precedent will be established. On the contrary, in their opinion it is the duty of a great government like this to deal justly with its citizens. Mrs. Powers can not be compensated for the invaluable services she rendered to the sick and wounded soldiers, but she can, and in the opinion of your committee ought to, be reimbursed, under all the circumstances of this case, for the $2,500 she actually expended. Therefore your committee recommend the passage of the accompanying Senate bill, amended by striking out 'five thousand,' in lines 4 and 5, and inserting the words 'twenty-five hundred.'"

Your committee, agreeing fully with the statements of fact and the conclusions in the above report, recommend the passage of the bill S. 716.

Mr. HARRIS. I do not know how this claim found its way back to the Committee on Claims and from there to the Senate. Some three or four years ago I had occasion carefully to examine the claim and all the evidence that had then been filed. I found in it only an appeal to the sympathy of Congress, and what seemed to me surely a request for a gratuity. I thought then as I think now——

Mr. PIKE. Allow me to suggest that the Senator from Nebraska [Mr. MANDERSON] who had the investigation of this case and made the report is unfortunately unwell, and I desire that the bill go by, not losing its place, until he returns to his seat.

Mr. HARRIS. I am perfectly willing it shall take its place, under the eighth rule, on the Calendar, to remain until the Senator who reported it can be here.

Mr. McPHERSON. I hope the Senator from New Hampshire will withdraw his request, because certainly nothing more can be said and nothing more need be said than is found in the report submitted to us and read by the Secretary. I hope the Senator from New Hampshire will withdraw his request for the postponement of the bill. I think the Senate are sufficiently advised upon this question. It has been twice before the Senate, I think. On one occasion it received favorable consideration by the Senate——

Mr. COCKRELL. Never.

Mr. McPHERSON. Then it ought to have received favorable consideration. If there is any case that stands out singly and alone as one deserving of recognition by the Government of the United States, this case occupies that position. An old lady, now eighty years of age, without kin, with nobody to care for her, spent the best part of her life, exhausted her energies, destroyed her health, spent her money in works of charity, and at a time when the Government needed the services of women like her. She may well be called the Florence Nightingale of this country. No person during the civil war, from the commencement to the end of it, ever did so much in proportion to her ability as did Mrs. Powers; and for the Senate of the United States to withhold from that poor old lady, with one foot, and more than one foot, in the grave, the return of the money she expended (to say nothing of the services she rendered to the Government during that trying time) is to my mind a very hard proceeding indeed.

We grant pensions here day after day to people many of whom, in my opinion and I think in the opinion of many other Senators, are perhaps not justly and fairly entitled to them except that the law gives them. Now we propose to make a law that will give back to this old lady the money that she expended at a time when she felt more able to do it, for certainly now she has nothing. But receiving as we did all her energies, all her efforts, exhausting her health, exhausting her means, we ought now, when she comes to Congress and simply asks a return of the money she expended, be prompt in acceding to her request.

Mr. PIKE. I withdraw my request for a postponement.

Mr. HARRIS. The Senator from New Hampshire interrupted me to make a request which was that this bill should go over until the Senator who reported it could be in his seat. I have but a single word more, however, to submit.

I think there is very little doubt that the Senate will pass this bill, and I simply want to place my protest on the record, accompanied with the assertion that it opens a door and sets a precedent which, if followed in respect to all other persons of the same class and who performed similar services, you may prepare yourselves for the appropriation of millions of money, for I undertake to say from a careful examination of this case that there are not less than twenty to forty thousand ladies in the United States who performed services just as important, just as patriotic, and precisely of the same character; and if this bill is passed it will open the door and invite them, and I doubt not they will come, and it will cost millions upon millions of dollars.

Mr. PIKE. I think the Senator from Tennessee misapprehends one point. This bill does not propose to pay for the lady's services. It only provides for paying a portion of the money she actually expended for the benefit of the Government. When he states that it will open the door and establish a bad precedent, let me say that the precedent is already established by three or four cases recited in the report, especially the case of Miss Clara Barton and the case of Mrs. Eliza Potter, who were paid for precisely the same kind of expenditures. I certainly hope the bill will pass.

Mr. HARRIS. Does the Senator think the precedent worthy of being followed?

Mr. PIKE. I think a good one is.

Mr. HARRIS. Do you think it a good precedent?

Mr. PIKE. Yes, sir.

Mr. HARRIS. It must be extended, then, to every lady who occupied the same position and performed similar services.

Mr. McPHERSON rose.

The PRESIDENT *pro tempore*. The Senator from New Jersey has once addressed the Senate upon this subject. Under the eighth rule he is not in order.

Mr. CALL. I ask unanimous consent that the Senator may proceed.

Mr. McPHERSON. I do not care to say anything further.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. COCKRELL. I ask for the reading of the report which was made by the Committee on Claims of the Forty-sixth Congress in this case.

The Chief Clerk read the following report, submitted by Mr. HARRIS February 4, 1880:

The Committee of Claims, to whom was referred Senate bill 532, accompanied by the petition and papers of Eliza Howard Powers, asking compensation for certain services alleged to have been rendered during the war, submit the following report:

In 1861, at the beginning of the war, petitioner was a citizen of Paterson, N. J., and the petition states "that from April 28, 1861, to August 14, 1864, she de-

voted her whole time, energy, influence, and means to the service and for the success of the Union cause; caring for the sick and wounded soldiers, collecting and forwarding hospital supplies and money for their relief, ministering to their wants, and relieving their sufferings in camp, field, and hospital."

That during this period she acted as president of the Florence Nightingale Relief Association of Paterson, N. J.

With this petition there are a number of letters from officials of New Jersey and other respectable persons, which state that the petitioner was for three or four years during the war earnest, energetic, and active in her attentions to the sick and wounded soldiers of the Federal Army, and in her efforts to raise, and that she did raise, by the voluntary contribution of citizens $8,000 or $10,000 in money and many articles for the use of hospitals, &c., which she forwarded to the Army.

These facts are stated in letters recommending the petitioner for appointment, and as reasons why she should be appointed, to a clerkship in some one of the Departments of the Government.

The petitioner was appointed to a clerkship in the dead-letter office of the Post-Office Department, which position she held for about seven years, when for some reason which does not appear in the papers, and into which the committee has not inquired, she was discharged.

After which, on the 16th March, 1876, this petition was presented in the Senate and referred to the Committee on Pensions, and on April 13, 1876, the Committee on Pensions was discharged from further consideration and the petition referred to the Committee on Military Affairs; but no report was made upon it. It was again presented in the Senate of the Forty-fifth Congress on the 14th May, 1878, and referred to the Committee of Claims, and on the 4th of June, 1878, a verbal adverse report was made by the committee, and on the 14th June, 1878, the bill for the relief of this petitioner was indefinitely postponed, and without additional testimony the bill under consideration was introduced in the Senate of the Forty-sixth Congress on 30th April, 1879, the papers withdrawn from the files and referred to your committee.

The services of the petitioner were patriotic and laudable, but such as many thousands of the ladies of the country performed, prompted by similar motives, and such as very few have demanded compensation for, and the Government has not heretofore recognized as justifying a demand upon the Treasury.

The committee therefore recommend that the bill be indefinitely postponed.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass? The bill was passed.

FRANCIS L. VALLE.

The bill (S. 374) for the relief of Francis L. Valle was announced as next in order.

Mr. COCKRELL. I object to that. There is an adverse report on that.

The PRESIDENT *pro tempore*. The bill goes over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals; in which it requested the concurrence of the Senate.

ADDITIONAL STEEL VESSELS.

Mr. HALE. I now move to take up the unfinished business of yesterday.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate now proceed to the consideration of the bill (S. 698) to authorize the construction of additional steel vessels for the Navy.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The pending question is on the first amendment of the Senator from New Jersey [Mr. MCPHERSON], in line 4, section 1, after the word "of," to strike out "seven" and insert "four," on which the yeas and nays have been ordered.

Mr. MCPHERSON. Before that vote is taken I wish to call attention to a denial made on the other side of the Chamber of a statement made by myself with respect to one of the vessels which the bill proposes to duplicate.

I supposed when we passed the bill last year making provision for the building of a certain number of cruisers they were to be, as the bill characterized them and classed them, "commerce-destroyers." I stated that the so-called Dolphin was nothing but a steam-yacht for the use of the Admiral or fleet-officer. That was denied. I wish to read from the testimony before the committee of Rear-Admiral Shufeldt, the present president of the advisory board. Speaking of the Dolphin, he says:

An admiral with such a boat can go anywhere he likes and with what speed he likes without toting along a heavy frigate. It is quite the custom now in France and England to have in every squadron a ship like the Dolphin.

The ACTING CHAIRMAN. You speak of the Dolphin being peculiarly adapted as a flagship. As to size, what vessels in our Navy would she compare with?

Admiral SHUFELDT. We have not anything in the Navy that she is like; she is simply a yacht. If you amplify her, and build her a little larger, and give her a heavier gun, she becomes a commerce destroyer.

In other words she is a yacht. So says the admiral. If you build her over anew and make her "a little larger and give her a heavier gun," she will be exactly what the bill ordered to be built, a commerce destroyer, which the advisory board did not see fit to follow.

It is said that I also called in question on the floor of the Senate the ability of the gentlemen who comprise the advisory board. I excepted in my criticism the distinguished admiral who stands at the head of the board as its president. I would not detract one particle from that officer's ability or from the reward that is due to his services; but he does not pretend to be a constructor, neither does he claim to be an engineer (both necessary in making a naval war ship). I have nothing in the way of criticism to say of the two meritorious young officers who were called to represent the line of the Navy. My remarks were directed to the only two representatives of the constructors and engineers of the Navy Department. I spoke of Mr. Fernald, the constructor, and of Mr. Henderson, the engineer, and call attention to their records as officers of ability and experience.

I now turn back to the year 1877, to a report made by the House Committee on Naval Affairs with respect to the condition of the Navy previous to that period, and I find that Mr. Fernald and Mr. Henderson were both members of a board which examined the noted Puritan. They recommended that the vessel be completed. Let me read their recommendation:

This vessel, when completed under the designs of the Bureau of Construction and Repair, will be the most powerful vessel ever owned by the Government, and equal in strength of attack and resistance to any yet built by foreign powers and as yet put in commission.

* * * * * * *

We have to make the following recommendations as for the best interests of the Government, namely: that as the old material of armor-plating, turrets, and machinery of the Roanoke can not be used for any available purpose by the Department, it could, in our opinion, be most economically utilized in the completion of the Puritan. To dispose of the Roanoke by auction, or to break up the vessel in the navy-yard, would hardly yield greater value in old material than would pay the cost of so doing.

I will not narrate all the scandals that have followed the ship Roanoke. I only bring the fact before the Senate that those two gentlemen recommended that this ship be turned over to John Roach to break up. I now call attention to the other fact that afterwards four different boards of distinguished naval officers condemned the same ship that these gentlemen recommended to be completed in accordance with the contract and specifications. I will call attention to the report of one board. There was the Mullany board, and the board presided over by Commodore Stevens; I can not remember all who were at the head of these boards, but I know there were three boards of survey. The board of naval officers of which Rear-Admiral Mullany was president, consisting of two naval officers, three naval constructors, and three engineers, condemned the very vessel that these two gentlemen had asked to have completed and recommended should be completed. This report speaks of three different boards, but I have not now immediately under my eye the names of the officers who presided over the different boards. I only call attention to this particular one.

I find also in the Whitthorne report—and that House committee found it necessary in their investigation to examine very many officers of the Navy as to their relations with matters and things which were considered at that time very objectionable. I turn to page 27 of the report and I find this:

There are other agents of the Government whose conduct in the public service deserves to be inquired into by the executive department.

And Mr. Henderson, chief engineer of the Navy, is named as one of them. I am not speaking from absolute knowledge, but somewhat from recollection, when I say that neither Mr. Fernald nor Mr. Henderson has been asked by any Secretary of the Navy since Mr. Robeson's administration until the administration of Mr. Chandler to do any particular active service in the Navy. If I am mistaken in this I will make the proper *amende*, but I think I am not.

Now, sir, when I antagonize the recommendations of two gentlemen—whom the record proves were very much mistaken, to say the least, on a former occasion—with the opinions of the most distinguished officers of the Navy then and now, I think I am fully justified in asking the Senate to refrain from making any more appropriations of money for like ships until the actual ships be tested, which I propose in my amendment.

Mr. CONGER. Will the Senator permit me to ask him a question?

Mr. MCPHERSON. Certainly.

Mr. CONGER. Has not the recommendation of these two officers, Mr. Henderson and Mr. Fernald, that the Puritan be completed been carried out by law since that time, and have we not made an appropriation for the completion of the very vessel which they recommended and which subsequent boards opposed?

Mr. MCPHERSON. That is a very proper question, and I thank the Senator for asking it. My answer is this: the Puritan is being completed, but it is being completed under entirely different conditions from that originally proposed and from the conditions under which they recommended that the ship should be completed. A vast amount of weight has been taken from the vessel in order that she may be made able to float, and entirely at the loss of the military efficiency of the vessel. She is in no sense so efficient a vessel as she was intended to be. I talked last evening with a gentleman who was a member of the last board upon the Puritan, and the information he gave me was that they had taken off as many pounds as possible from the weight of the ship in order that the ship might be able to float. They had cut down the supply of coal to the amount of ninety tons; they had subtracted everywhere from her weight in order that under the original plan the ship might swim instead of sinking when launched.

Mr. CONGER. I desire to ask the Senator another question. I ask whether the condition imposed upon the proceeding with the work of the completion of the Puritan was not that after she was launched in the water she should be loaded with weights sufficient to equal all her armament, boilers, engines, and armor, and all the necessary weights

that would fit her for a naval vessel, and whether it was not the fact that that vessel when launched was loaded in excess of all the weight she would be called upon to carry in active service before there was an effort made to fit out the vessel? Was that not a condition imposed, and was it not carried out and a report made to Congress to that effect?

Mr. McPHERSON. I think the Senator has confounded the Miantonomoh with the Puritan. Such a course was adopted with the Miantonomoh, but she was not built upon the same plan on which the Puritan was built. I do not know that the same course was applied to the Puritan; I never heard of it, but if at all, it was certainly after all the reductions of which I have spoken had been made and they were considered sufficient to enable the vessel to float. But as to the Miantonomoh I know that course was adopted, though I have no knowledge that it was ever applied to the Puritan, and I am quite sure it never was. I think there has ever been a wholesome fear on the part of the Navy Department to place very much weight on the deck of the Puritan.

Mr. CONGER. I did not intend, nor have I the information to enable me to discuss this question properly. I think, however, it is within the knowledge of all who have paid any attention to it that there was put on the Miantonomoh, in addition to the weight which she had with all her machinery and armament, additional iron armor and plated armor to the extent of several tons, and she went into service in that way. As to the Puritan, which I understand was built in Philadelphia, the law required that the Puritan, when launched, although some of these same men who reported against completing her said it was dangerous to launch the Puritan because she would go down of her own weight from what was then upon the shell of the vessel, should be loaded with an amount of metal in weight equal to all the proposed additional weight to be placed in her, her armament, her munitions, her coal, her cargo of every kind, and the sailors that were to be placed on her ready for service.

Mr. McPHERSON. Will the Senator allow me to interrupt him just there?

Mr. CONGER. Yes, sir.

Mr. McPHERSON. The Senator is speaking of the Miantonomoh.

Mr. CONGER. No; I am speaking now of the Puritan. I say that the Puritan received not only all the armament intended for her, but received in addition a great many tons of plated armor and went into service in that way.

Mr. McPHERSON. The Senator will pardon me. I wish to show the difference between the Miantonomoh and the Puritan. The Miantonomoh, I understand, is very much of the Terror and Amphitrite class, built about after the same plan, if not identical, and I think there never has been any criticism perhaps upon those ships. The Puritan has been built under plans furnished to the Department by Mr. Roach himself; at least it is so stated in this report, and a mistake has been made, as is stated in the report, as to her displacement of a certain number of tons which absolutely made her worthless.

The error in this vessel—

As stated in this criticism—

was 4 feet 6 inches in the draught of water, and about 1,779 tons in the displacement. She can not be made of any use unless at least 900 tons of weight be removed, the consequence of which would be an enormous reduction in her offensive and defensive power and in her speed and time of steaming, rendering her unable to cope with foreign ironclads of similar type and dimensions.

Mr. CONGER. That is a report which was made before Congress examined the subject and before they passed a law making an appropriation to complete her, and before under the provisions of that law she was required after launching to be weighted as I have stated. The whole subject since that report has been before Congress and the completion of the vessel has been proceeded with. The requirements of the law in regard to her have been fulfilled. There has been for years past a difference of opinion among the constructors and engineers of the Navy and civilian engineers and constructors of vessels, with diverse reports; and the Senator has got one set of them. Those reports on which he relies have been overruled, they have been condemned by Congress, and Congress has proceeded with the work of finishing the Puritan.

Mr. McPHERSON. There is one other fact I wish to present to the Senate before we vote. Under my amendment, leaving the bill as that amendment will leave it if agreed to, provision is made for the expenditure of $2,270,000 for new vessels under the estimate of the Secretary of the Navy. The cost of the four gunboats, the ram, and the two torpedo boats, under the estimates made by the Secretary of the Navy, will amount to $2,270,000. This part of the construction account, my amendment does not interfere with at all. It simply stops the building of the cruisers until those now under construction are tested, and goes on with the rest of the work.

Mr. JONES, of Florida. Will the Senator permit me to ask a question?

Mr. McPHERSON. Certainly.

Mr. JONES, of Florida. Will the Senator from New Jersey state distinctly the number of wooden vessels that have been retired from the naval register?

Mr. McPHERSON. I read from page 162 of the Secretary's report:

In accordance with the provisions of an act of Congress approved August 5, 1882, making appropriations for the naval service, boards were appointed to examine all the vessels of the Navy and to report which of them were unfit for further service, or if the same were unfinished in any navy-yard, to report which could not be finished without great and disproportionate expense; and if the Secretary of the Navy concurred in opinion with the boards, he was directed to strike the names of such condemned vessels from the Navy Register and report the fact to Congress. These boards made their examinations, and upon their reports, concurred in by the Secretary, the following-named vessels have been stricken from the Navy Register: Congress, Guard, Kansas, Plymouth, Emerald, Massachusetts, Sabine, Connecticut, Iowa, Niagara, Oregon, Ohio, Pennsylvania, Virginia, Florida, Blue Light, New Orleans, Colossus, Java, Susquehanna, Glance, Burlington, Supply, Sorrel, Antietam, Dictator, Frolic, Relief, Pawnee, Rose, Benicia, old Monadnock, Narragansett, Nyack, Saco, Tuscarora, Alaska, Worcester, Canandaigua, Jean Sands, Shawmut, Savannah, Santee, Phlox, Wyoming, Roanoke, Cyane.

Mr. JONES, of Florida. I am much obliged to the Senator for that information. I do not intend to protract this debate, but I wish to draw the attention of the Senate and of the country to the attitude of this body at the last session on the proposition which led to this result.

The bill before the Senate to-day cannot be said to be the initiative measure looking to the construction of a navy. We went over this ground very fully at the last session and the session before, as the debates before me clearly indicate, and, as I said yesterday to my distinguished friend from New Jersey, I stood shoulder to shoulder with him in resisting the provision of law that led to the result that he has just announced to the Senate.

It was distinctly stated here very candidly by the gentleman who had in view the creation of a new navy that they proposed to put out of existence those wooden ships in order to replace them by superior vessels, and that amendment was brought forth for that purpose. I thought at the time, as I think now, that we should have gone on without it. Now I say that those gentlemen who voted for the amendment which has led to the retirement of this large number of wooden ships that were necessary to the public defense ought in my opinion in consistency to do something to replace them.

Mr. McPHERSON. Will the Senator indulge me for a moment?

Mr. JONES, of Florida. Yes, sir.

Mr. McPHERSON. If the honorable Senator from Florida had been Secretary of the Navy and found such a statute that was absolutely destructive to the interests of the country, would he have suspended operations under it for one year and reported the fact to Congress and asked for additional power, or would he have proceeded with the work of destruction under the law?

Mr. JONES, of Florida. This question has been pending now for two years, and the step that was taken two years ago was a first step in the direction of creating a navy; and I say that those gentlemen who intended to antagonize this policy ought to have done it then and not have given power to the Navy Department to put aside all our wooden ships and leave the country in an absolutely defenseless position.

Look at the vote on the proposition that was brought forth at the last session, and that by my friend from Kansas not now in his seat [Mr. INGALLS]. The proposition of the Senator from Kansas was to reduce the percentage from 30 to 20 per cent. As the bill came from the House 30 per cent. was the percentage fixed upon to give the Secretary power to retire a ship from the Navy. I contended at the time that it did not come up to the standard fixed for ordinary interests by commercial law. I took the ground that one-third new for old was the rule that prevailed in commercial circles, and that an insured party could not abandon his ship to an underwriter and claim as for a total loss unless the amount of damage was equal to one-third of the value of the ship—one-third new for old. They fixed it at 30 per cent. in the other House, and I resisted it here, but that did not satisfy the temper of this body. and the Senator from Kansas now near me [Mr. INGALLS] brought forth his amendment and insisted that it should be reduced to 20 per cent., and the vote was taken upon that proposition in favor of bringing it down to 20 per cent., and it was carried. This was the vote.

YEAS—33.

Allison,	Garland,	Jonas,	Pugh,
Barrow,	Hale,	Logan,	Ransom,
Beck,	Hampton,	McDill,	Sherman,
Cameron of Wis.,	Harris,	McMillan,	Van Wyck,
Conger,	Harrison,	Mahone,	Vest,
Davis of Ill.,	Hill,	Miller of Cal.,	Williams.
Dawes,	Hoar,	Mitchell,	
Edmunds,	Ingalls,	Morrill,	
Frye,	Johnston,	Plumb,	

NAYS—17.

Anthony,	Camden,	McPherson,	Slater,
Bayard,	Coke,	Maxey,	Vance.
Blair,	George,	Rollins,	
Brown,	Hawley,	Saulsbury,	
Call,	Jones of Florida,	Sewell,	

Under that act these vessels have been retired from the Navy; and in the debate that then took place I undertook to prophesy the result that has followed, as well as my friend from New Jersey. We said that this was a power that never had been given to a Secretary of the Navy before, and it ought not to have been given then. My friend from Kansas, the junior Senator [Mr. PLUMB], got up and said this was a contest between navy-yards and ship-builders, and that all these old hulks ought to be got rid of.

Mr. PLUMB. Now, I recollect that I said to my friend from Florida that it was a contest between the navy-yards and a navy.

Mr. JONES, of Florida. Having taken this serious step in the direction of retiring this very large proportion of the public force as existing under former laws, is there not an obligation somewhere to replace it? If it was not the intention of Congress in bringing forth this legislation to give the power to the Secretary to do away with our wooden vessels in order to replace them by superior ships, the attitude of Congress is a ridiculous one. It was known to the country when this proposition was brought forth that it was in pursuance of a policy well considered and avowed by the gentleman who had these measures in charge; that there was an intention existing to change the character of our ships. I at the time did not think it a wise thing to do, because I thought that we should have gone on and have retained our wooden vessels and have added to them ships of a superior quality conforming to the changes in naval architecture, and thus have accomplished all that was necessary and proper to be done. The Senate voted me down. They said to the Secretary, "You shall do away with these vessels; you shall retire them;" and he is going on to do it, and in a year or so under this law there will not be a wooden ship in the Navy to bear your flag.

Even my distinguished friend from Kentucky [Mr. BECK] not now in his seat was on that side. He voted for this proposition. He was in full accord with the gentlemen who had the bill in charge at the last session, and there was no concealment or disguise about it that it was an initiative step looking to the creation of a new navy that would be adequate to the wants of the country and necessary to preserve and protect its interests and flag. And now, after the law has been put into operation and after the result has followed as stated by my friend from New Jersey, we are met by the Senators who urged the adoption of this measure with objections to making an appropriation of a dollar to supply the place of the ships that were retired under their votes. I was committed to the policy partly, but did not go as far as they wanted to go at the time. You have either got to go on or to stop the operation of this law; take back your own votes, and say that the Secretary shall not retire more wooden ships and that you do not intend to vote a dollar to replace them.

I said yesterday that I thought it was a very unwise policy on the part of those who favored a new navy, because it gave rise to suspicion in the country that this great end was not attempted to be accomplished in a plain, straightforward way. Contemporaneous with this proceeding there was another to which I did not make any reference yesterday, a commission to look into the state of the navy-yards to see what navy-yards ought to be abolished and what retained. All this I say has given rise to a suspicion in the public mind which for one I would prefer should not exist there. But notwithstanding that, Congress having committed itself to this policy, it should either go forward or retreat.

Mr. MILLER, of California. Mr. President, the Senator from Florida is right in his statement in respect to the action taken by the Senate heretofore, and the motives of that action, in retiring the old wooden ships of the Navy. Those of us who favored the measure fixing the limit of repairs at 20 per cent. did so because we did not believe that a wooden navy such as existed, and particularly in respect of the ships which have been retired, was a navy at all. I regard it as a most fortunate circumstance for the Government of the United States that these ships have been retired, and I shall regard it fortunate for the country if nearly all the remaining wooden ships of the Navy be retired within a reasonable time, because if this nation needs a navy at all it needs an efficient navy, a navy that is good for something, either in attack or in defense, and a wooden navy is utterly useless. To go into battle with these wooden ships is like arming men with bows and arrows to fight a force armed with modern guns of precision.

Mr. JONES, of Florida. Will the Senator yield to me for a question?

Mr. MILLER, of California. Yes, sir.

Mr. JONES, of Florida. Admitting all he says to be true, I ask the Senator if he would have favored a measure looking to the retirement of wooden ships if he did not entertain a conviction that their place would be substituted by superior vessels?

Mr. MILLER, of California. Certainly, and I expect their place to be taken by superior vessels, by modern vessels of war. I do not believe that this nation is either so mean or so foolish as to attempt to take its place among the great nations of the earth and keep it without a navy.

Mr. McPHERSON. Will the Senator yield to me a moment?

Mr. MILLER, of California. I will, with pleasure.

Mr. McPHERSON. The Senator says the wooden ships are of no use in a naval engagement. Would he venture into a very serious naval engagement with these so-called cruisers against the formidable ironclads of foreign powers? Will he not, before answering that question, let me ask another, and he can answer them both?

Mr. MILLER, of California. One question at a time is about as much as one man ought to be expected to answer.

Mr. McPHERSON. Did the Senator hear the testimony of Chief-Constructor Wilson before the committee, in which he says, speaking of the New York, a wooden ship:

> There is one point to be taken into consideration in relation to that ship. The ship is all in frame. Her boilers are one-half to two-thirds constructed. Mr. Henderson can tell you about them. They are of the modern type. That ship for about $400,000 ought to be finished, so far as the Department of Construction is concerned, and while she is a wooden ship she can be equally as efficient a ship, so far as carrying a modern battery and having the same fire from her battery, and she would be equally good with the Chicago.

Mr. MILLER, of California. I do not choose to discuss the question whether the New York if finished would be a formidable competitor with the Chicago, nor do I place much confidence in the opinion of a wooden-ship builder in respect to the construction of modern steel ships. As to the first branch of the Senator's question, I do not suppose that anybody expects a cruiser to fight an ironclad. Cruisers are not built for that purpose. We do not expect that when we have built these cruisers, whether they be few or many, we shall have a complete navy. The Navy will not be complete, will not be able to contend against the navies of the other great powers, until we have built ironclads of similar construction and similar power with those which now exist in England and Italy and Germany and perhaps other countries.

Mr. MORGAN. I should like to ask the Senator from California, if he will allow me, for information, what is the comparative power of resistance between a steel ship like the Chicago and a wooden ship of the same tonnage?

Mr. MILLER, of California. I can not answer that question. It is a scientific one.

Mr. MORGAN. Has that question ever been answered before the committee?

Mr. MILLER, of California. I do not know whether it has or not.

Mr. MORGAN. I suppose the advantage which a steel ship possesses over a wooden ship is its durability more than anything else.

Mr. MILLER, of California. That I suppose to be the chief advantage. The sides of these cruisers will not offer any great resistance to a shot from a modern gun. I have no doubt that, struck above the water-line by a shot from a modern gun, they would receive great injury; the shot would go through them. It is attempted in the plan of these ships to protect the machinery by a protected deck made of steel, which covers all the machinery, and the construction of that deck is such that perhaps a shot would be deflected if it struck in that portion of the ship. Of course a shot will do no great damage below the water-line; but above this deflective protected deck, if a shot should strike the ship, it would unquestionably go through it, but perhaps without injuring the machinery.

These ships are not intended as great fighting ships. You must remember it is only the beginning of the construction of a navy that is here proposed, and the question here presented is whether the United States wants a navy at all. That I understand to be really the question which has been discussed here.

Senators make objections of one sort and another to this bill. One says that he is opposed to the methods of construction, and wants to wait until better methods are devised. Another says that he desires to wait before passing the bill for the construction of new vessels until the tariff laws are changed, so that, as he argues, we can save 45 per cent. in the construction of these ships. Another says that we are not to have any war and therefore why build ships? Another says, wait till next December, until we try the ships now being constructed. All these objections tend in one direction, and that is to prevent the Government having a navy at all.

Mr. McPHERSON. And the work of destruction goes on.

Mr. MILLER, of California. The work of construction goes on as authorized by Congress.

Mr. McPHERSON. The work of destruction, I said, not construction.

Mr. MILLER, of California. I did not understand the Senator. The work of destruction, as the Senator calls it, will go on from natural causes. The life of a wooden ship is not long at best, and it costs more to repair and to keep in repair the wooden ships you now have in commission, taking a series of say ten or fifteen years, than it would to build new ships which are ascertained by testimony to be good, to last for fifty years.

If we are to have a navy at all, it is time that we began to build it. It is good policy, I think, that we should continue as we have begun, and go forward, do something every year, do as much as we can afford to do, and build that class of ships which the Government needs the most, and which will be most effective if trouble should come, or which would be best adapted for the service of the Navy now, whatever that service may be. If you stop now for any purpose, if you wait to test the ships under construction, this session will have passed and the next session will have passed, and you will have lost two years of time in this work of rebuilding your Navy.

The Senator from Kentucky wants us to wait until December so as to enable us to have a test of the capacity and power of the new vessels now under construction. In that he is mistaken. The testimony taken before the committee shows that the Dolphin, which is not of very great consequence I think, will be finished about next August, and the Chicago and Atlanta six months later. Let me read from the testimony of Secretary Chandler:

> Senator McPHERSON. Then before any action would need to be taken by another session of Congress we could get something like a comparative test of the value of this property and the merits of the ships generally?
>
> Secretary CHANDLER. You certainly could of the Dolphin, but it is doubtful whether we could exhibit the performance of the Chicago, the Boston, and the Atlanta as early as the 1st of February of next year.

That will be in the middle of the next session, the short session of Congress. It is extremely doubtful whether by that time a satisfactory test can be made. If any tests are needed to satisfy Senators of the worth and value of these ships it will be the middle of the next session of Congress before it can be had, and then it will be impossible to pass any bill through Congress at that session providing for the construction of new ships. The subject will then go over until the next Congress, and probably a year later Congress will mature a plan, pass a bill, and the Department can go forward in the construction of ships. This delays it two years. I think it is fair to assume that if this bill does not pass no additional ships of war than those now under construction will be begun before two years from this time.

Now, according to the testimony of Admiral Porter, in four years more there will not be a wooden ship of this Navy in commission, not one fit for service if the act of Congress is carried out fixing the limit of repair at 20 per cent.

Mr. MCPHERSON. Did I understand the Senator to say there would not be a wooden ship?

Mr. MILLER, of California. In four years, if I understand the testimony of the Admiral, the ships will be out of commission under the operation of this act of Congress.

Mr. MCPHERSON. Will the Senator allow me right there to call his attention again to the testimony of Mr. Wilson? This is an addition to the other statement which I made. Speaking of the Vandalia, he says:

The Vandalia has been in commission about seven years or something like that. She has been commissioned twice, and we have found no rotten wood about her There was some defective wood where she had been in collision once or twice; some abrasions that had to be attended to. Of course she would not have the lifetime an iron or steel ship would have, but she would be a good ship for fifteen years to come.

Senator MCPHERSON. What other ships occupy nearly the same position?

Chief Constructor WILSON. There is the Pensacola, on her way home from the Pacific; the Hartford will soon start home; the Lackawanna; the Tennessee. None of these ships can be repaired under that law. The Powhatan could not be again repaired, and about six years will wipe out the entire navy of wooden ships under the present 20 per cent. law.

Mr MILLER, of California. Whose testimony is that?

Mr. MCPHERSON. Mr. Wilson's. He speaks also of the vessels which should be repaired. He says:

But I think the Swatara, Plymouth, Adams, and Essex (a different class of vessels) ought all to be kept in order. They are modern ships, of as good model as any navy in the world owns of their type and class.

Can not the Senator find a place for the appropriation he is so anxious to make in putting these ships in good order at moderate expense?

Mr. MILLER, of California. The Senator reads from the Chief Constructor of the Navy, who is a wooden-ship builder, who believes in wooden ships, and he admits that the wooden ships will go out of existence in six years under the operation of the present law of Congress; the Admiral of the Navy puts it at four years. The Senator asks me whether we can not find opportunity for expending the appropriations we desire to make on the wooden ships. I suppose we could, and a great deal more. I suppose we can go on and deplete the Treasury of the United States on these wooden ships, if we are foolish enough to do it. Why go on and repair these wooden ships when they are useless, or next to useless, as a navy? Why spend thousands and tens of thousands and perhaps millions of dollars upon a property that is utterly useless, and with which you dare not go into action? It is true that some of these ships may be made useful as training-ships, storeships, and perhaps for other purposes. I do not desire to condemn them all at once; and certainly if Congress is not going to appropriate money to build a navy of the modern type of war vessels I am in favor of keeping some of the wooden ships in commission and spending some money on them.

I regard every dollar, or nearly so, that is expended on the repairs of these old ships as being money thrown away, and worse than thrown away. They are no dependence. It seems to me the very essence of folly to go on spending the money of the people upon useless craft none of which could stand before a modern vessel of war fifteen minutes without being shattered into splinters.

Mr. JONES, of Florida. May I ask the Senator how long one of these wooden ships of war would ordinarily run without a necessity for repairs? We do not have to repair them every year.

Mr. MILLER, of California. Not every year. After they are rebuilt and made as good as new they might run four or five years without repairs. Then you have to repair again, and there is no end to the repairing of wooden ships when they once begin to deteriorate. That has been found so in the merchant service. They are condemned in the merchant service and iron ships are being substituted all over the world for wooden ships, and for the reason that the iron ships last longer and are kept up at much less expense than the wooden ships.

Mr. BUTLER. Admiral Porter says iron ships will last forty or fifty years.

Mr. MILLER, of California. As I said before, the steel ships we are building, with proper care taken of them, will last forty or fifty years, and the experience of ship-owners in the merchant service proves the truth of the statement.

Mr. President, I am in favor of making liberal appropriations to be expended in the construction of a new navy or of a navy, for at this time we have no navy. It is not worthy of the name of a navy except the *personnel*. I am in favor of constructing American men-of-war from American material, by American workmen, to be manned by American seamen, and to be used in the service of the Government of the United States, whatever that service may call for, and I am in favor of constructing just such ships as will be effective and useful and economical and will serve the purpose for which a navy is intended.

Here we are, a nation of 56,000,000 people, occupying the center of a mighty continent washed by the two great oceans, with a coast line greater in distance than the circumference of the globe, with its multifarious bays and inlets and sounds and deep river ways decorated by great cities and prosperous towns. Ours is a young nation it may be, but growing with a marvelous growth and strengthening with a prodigious strength, a nation proud, it may be imperious, self-satisfied; and if this nation intends to take its place, as it should take its place, among the great nations of the earth and contend with the leading maritime powers for the commerce of the western hemisphere, it is time that she should be prepared to meet either the encroachments or the attacks of those powers which have become jealous of this great nation springing up here in the West and whose example of free government and free institutions is spreading the contagion of free thought and the freedom of individual action among all the peoples of the globe, and is engendering and exciting the hatred and malice and unfriendliness of imperialists and monarchists throughout the world. I say it is time that this nation should be prepared, because it can not expect to go forward in its career of prosperity without exciting the jealousy, and perhaps bringing upon itself the attacks, of great maritime powers.

There is such a thing too as national honor and national pride. I want to see the American Government, this young giant of the West, stand ready to resent insults that may be heaped upon her, come from what quarter they may. I do not invite war; I do not expect war; but in time of peace prepare for war. No man can forecast the future. The mantle of prophecy has fallen upon no man in the Senate who can predict a perpetual peace. Senators say there will be no war. How do we know that? It has been well said in this debate that a good, strong, powerful navy is the best guarantee of peace, the best safeguard against attacks from abroad. Your coasts, your towns and cities upon your coasts, your harbors and your bays, are to-day in a defenseless condition. There is not a gun in place in a fort upon a parapet, not an earthwork, not any work of defense anywhere in this great land which could make the slightest impression upon a first-class ironclad of Great Britain which might steam into your harbors with hostile intent.

You ask me what kind of a navy I would have. I unhesitatingly say that if I had myself the planning of a navy I would not build all the vessels of this class. I would not build all cruisers. We ought to have some ironclads of the first class, but they cost large sums of money; they cost from four to five million dollars. I do not know that the country is ready to begin the construction of such vessels. But these cruisers, commerce destroyers, gunboats, for the defense of your coast and for operating in the shallow waters of foreign countries, are the class of vessels which would be most needed if we had no others.

It is in order to begin the building of a navy, to commence the building up of this new navy, that we put forward the proposition to build cruisers of three classes and gunboats. We know these will not be a complete navy; our establishment then will not be able to cope with the English navy, the German or Italian navy, but it will be something, and I think the country expects something.

I do not believe that it is wisdom to delay. None of the reasons for delay which have been given seem to me to be sufficient. There is perhaps a reason behind all this which has not been expressed. I shall not go into that. But if we wait until everybody who has had anything to do with the construction of ships agrees upon what particular kind of ships we are to build we shall never have any.

The Senator from New Jersey [Mr. MCPHERSON] enters upon a criticism of Mr. Fernald and some other officers of the advisory board, and he attempts to exalt a gentleman not on the board, who seems to be the critic of the Navy, a Mr. Isherwood. I say to the Senator that it is not only the opinion of the advisory board upon which we rely, but it is the opinion of other officers of the Navy of high repute and high standing, who agree with the advisory board. I think never in the history of the Navy has there been such a concurrence of opinion by distinguished officers of the Navy as there now is upon the very proposition to build these cruisers at this time.

The Senator from New Jersey criticises the advisory board. We must trust somebody. Are we going to take his opinion against the advisory board? Are we going to set up the opinion of Mr. Isherwood against the advisory board? Are we going to set up the opinion of Mr. Wilson against the advisory board? When I speak of the opinion of the advisory board it is not only that, but it is the opinion of nine-tenths of the prominent and efficient and able officers of the Navy who sustain the advisory board. We have the testimony here in this report of half a dozen officers of the Navy of the highest repute, and all of them agree in sustaining the report and the plans of the advisory board. If you are going to wait until every man in the Navy and every man out of the

Navy who thinks he knows something about ships and ship-building and vessels of war all concur in opinion, we may wait forever, frittering away our time here, allowing the opportunity to pass, and never doing anything, and we shall never have any navy.

I think that this Government is about to enter upon a new era. We have been busy in the development of our country, busy with ourselves. We have been not only engaged in the great work of the development of our natural resources, but we have been engaged in a great war between two sections of this Union; we have been, as I said, busy with ourselves, and for many years we have not looked out upon the world and seen those opportunities to extend our commerce and our trade which we might have seen had we not been thus occupied. The time has come now when the country is prosperous, when manufactures are springing up all over the land, when new markets are necessary to be found in order to keep our factories running. Here lies to the south of us our India, and if we have the nerve, and the foresight, and the sagacity to utilize it by proper methods we shall have new markets for our products and for our manufactures which will keep every loom, and every anvil, and every manufactory of this country in motion. If we reach out and attempt to secure this great prize of commerce we shall excite the jealousy of other peoples, and we shall be led, perhaps, into complications, which we shall extricate ourselves from if we are prepared to meet our enemies; but if we are not prepared we shall fall, for a time at least, an easy prey to the cupidity of those who will contend against us.

I should like to give some time to the arguments of the Senator from Kentucky [Mr. BECK] in respect of the saving which he thinks we can effect by a change of the tariff act in some way. I do not think, however, that the tariff question is mixed up with the question of rebuilding the Navy. I can see no application of that question to the subject in hand. It does not follow because there is a duty upon steel of about 45 per cent. ad valorem that ships of war will cost 45 per cent. more when constructed in this country, because at this very moment the class of steel which is being put into these steel ships is made in this country nearly as cheaply as it is in England—there is very little difference in the cost of it—and if the ship-builder should go to England and import it and pay the duty upon it, and that duty should be added to the cost of the vessel to the United States, the United States would lose nothing; it would be putting it in one pocket and taking it out of another.

I desire to see these ships built in the United States and built of American material. I desire to see the art of ship-building fostered in this country, because if we rely entirely upon foreign governments for our ships of war, for the materials of which they are composed, for our guns, our torpedoes, and our shot and shell, then when we get into difficulty it will be impossible to obtain them. We must foster ship-building in this country; our people must be trained to understand this art. They do understand it, and they will grow to understand it more and more, until there will be no need to go abroad for any of the articles, for any of the material of war, and we shall be perfectly independent of the whole world upon this score.

Mr. BUTLER. If it would not interrupt my friend I should like at that particular point in his remarks to read a letter from Rear-Admiral Rodgers which I received this morning. It is somewhat long, but if it will not disturb the Senator I will read it.

Mr. MILLER, of California. Not at all; I should be glad to hear it read.

Mr. BUTLER. It is on that point, a letter written at my request, from Rear-Admiral Rodgers, now on the retired-list of the Navy:

1721 I STREET, WASHINGTON, D. C., *February* 28, 1884.

MY DEAR SENATOR: There is an evident misapprehension as to the purchase by England of Krupp cannon and Whitehead torpedoes. I do not think that Great Britain has one Krupp gun mounted in a ship or in her fortifications. That wise country makes its own guns and is rich in gun-makers. Its Whitehead torpedoes are also made in England. Whitehead, a British mechanician, invented this formidable weapon, and sold the privilege and secret first to the Austrian Government, and the experiments with it were made at Fiume, an Austrian station upon the Adriatic. The secret and privilege were offered to any government that would pay the price. England made the purchase, improved the plan, manufactures the torpedoes largely, and uses them extensively in her fleet. Our Government declined to buy the secret, but I believe our Bureau of Ordnance possesses it. There has been a revolution in naval ordnance, to which Krupp has largely contributed, England, with its enormous store of muzzle-loading cannon, for a long time refused to recognize the vastly superior system of breech-loading which had been adopted in Germany and France. It can no longer hold that belief, and it is making haste to rearm its ships and forts with breech-loading guns of the most approved pattern. We have not a single breech-loading gun in any of our ships nor upon any of our forts. Nor can we make one of more than 6 inches caliber in this country, and our ability to make even this small gun has been only developed within the last year. We have 7,000 miles of coast, and not a good gun for its defense. We are like a great jelly-fish, huge in bulk but powerless to strike back if assailed. What we most need to-day are gun-makers and the plant for gun-making. No country is wise if it fails to provide the means of forging its own weapons of defense. Even the stoutest free-trader will probably acquiesce in the theory that we should foster the industries necessary to arm our people for their own defense; and unless Congress shall vote money for guns very freely, we shall, in the event of war, be unable to provide either our forts or our ships with modern guns. They can not be made quickly; they are only made to order; and we should be able to make them ourselves in our own well-appointed shops and by our own skilled workmen. A well-armed nation, or one prepared to arm itself quickly from its own resources, is much less likely to be attacked than one huge in bulk, rich in the unprotected wealth of its shores, and unprovided with ships and cannon. I beg that you will read the report of the very able ordnance board that has just returned from Europe. It is very instructive.

Always faithfully yours,

C. R. P. RODGERS.

Hon. M. C. BUTLER, *U. S. Senate.*

Being upon the line of discussion which the Senator was following, I thought perhaps it might aid him.

Mr. MILLER, of California. I am under great obligations to the Senator from South Carolina.

Mr. HAWLEY. Will the Senator add just one word to that in the same line precisely? Great Britain has a great many Gatling guns and is making more all the while, but requires that every one of them shall be built in England.

Mr. HALE. Our patterns.

Mr. HAWLEY. Our patterns, the invention of our own citizens, made here in good style, and we can have them all made at home.

Mr. MILLER, of California. There is much wisdom in the letter of Rear-Admiral Rodgers, one of the most competent and able officers of the Navy, and who I may say here sustains the advisory board, I believe in every particular. Certainly in his testimony before the committee I understood him to approve of the ships proposed to be built and those that are now being built. He is only one of the many accomplished officers of the Navy who hold to the opinions expressed in that letter. I believe that those opinions will meet with favor everywhere, with nearly all the people of this country, because they are in themselves wise, and that short letter expresses the whole matter as forcibly and clearly as it can be expressed.

There has been much brought into this debate which does not properly belong to a discussion of this question. All of the talk about frauds in the navy-yards has nothing to do with this question, in my judgment. I shall not attempt to divine the motive of Senators who have brought up the subject of the navy-yards in this connection; the motive may be praiseworthy; but I submit that when a question comes before the Senate relating to the management of navy-yards, in respect to their maintenance or their extension or making appropriations for them, then perhaps it will be time enough to look into the question of how the navy-yards have been conducted.

If a political advantage is attempted by this discussion, I think if the Senator who undertakes that will go back to the old Democratic time preceding the war he will find in official documents and records in the possession of the Senate sufficient evidence of fraud and mismanagement to offset and more than offset all that has ever been done under Republican administration. Perhaps no such intention exists, and I shall not go into that matter except to say that it is not proposed that these ships shall be built in Government navy-yards. That is not proposed, because it is an impossibility at this time. There is no navy-yard in this country which possesses the necessary plant, machinery, and appliances for constructing a ship of the size of the Chicago or even of the smaller size. The largest iron ship that has ever been built in any navy-yard in this country was the Alarm, which is a very small affair, and that at a cost immensely greater than it could have been built by contract. England, which has taken the lead in naval architecture and naval construction, builds it vessels by contract. Its navy-yards are used for fitting out the vessels and for casual repairs, but not for the construction of its great ships. Those are all let by contract.

If it is feared that the money to be appropriated by the bill for the construction of these ships may not be honestly and fairly expended, then let the gentlemen who have any doubts upon that subject propose such restrictions and such amendments to the bill as will make it impossible under any circumstances for a single dollar to be misapplied. I do not believe that it is possible for the Secretary of the Navy and the Navy Department or any officer of the Navy to so manage this appropriation as that he may gain anything for himself. He dare not do it. If gentlemen hesitate because of a want of confidence as was here expressed in the Navy Department, then I say let them throw around this measure such safeguards as they can invent, and the more strict they are the more willingly will I vote for the bill, and I am sure that the Navy Department will take no offense. But let us do something; let us either go on and build a navy, or decide that we are to have no navy. Let us either build or decide not to build, and not halt here after we have once begun, merely upon frivolous objections of one sort or another which have no foundation in reason.

Mr. BAYARD. Mr. President, the subject of this bill is so interesting and important that I venture to detain the Senate a few moments while I give some reasons for my approval of the bill as it came from the Committee on Naval Affairs, and for my unwillingness as at present advised to vote for the amendment of the honorable Senator from New Jersey.

After waiting some eighteen years, since 1866, and spending $385,000,000 for that purpose, the people of the United States find themselves to-day absolutely without a navy, in the present definition of that term. I am only disposed to gather lessons of wisdom and instruction from the past and not to stir up strife. That there has been a fearful amount of incapacity and maladministration within the term mentioned, and in connection with the amount that I have referred to, nobody will deny; and those who are associated with and who are responsible for

the perversion and maladministration of that enormous amount of money and loss of time must stand for judgment before the people of the United States.

It is plain however that in the last eighteen years, to be just, and to understand the position in which we now stand, there has been an absolute revolution in all former theories of naval architecture and armament and of naval warfare. Naval artillery and the ships that can withstand it have been the great problem, and that problem is yet unsolved, fortunately perhaps for us with small comparative cost although the people of the United States were the pioneers. They furnished the brains, the enterprise, and the courage that caused the first departure of the employment of wooden ships in naval warfare.

The engagement between the Monitor and the Merrimac in the Hampton Roads, Virginia, was the signal for a revolution of the navies of the world; but from that time onward the energies, the invention, and the capacities of our people seem to have slumbered. Other nations have caught up the idea then suggested and taught by that wonderful conflict in Hampton Roads in 1862; they have progressed in the building of navies and in the experiments upon armored ships at an enormous cost wholly their own, and the advantages of which I only hope that those who have charge of the administration of the Government of this country will gain some advantage, or that the country shall have gained something.

This revolution has been naturally progressive. Wood has given away to iron, and iron again to steel, and sails have given away to steam. What was a good man-of-war and serviceable fifteen or twenty years ago would be absolutely worthless to-day for purposes of usefulness or conflict—a mere tub, unable to fight and incapable of flight.

These facts have gradually come to the knowledge of our people, engaged as we have been in the work of restoring order in our own household, of developing the vast resources and territories lying between the two great oceans. At last our people have come to the conclusion that there must be an exterior line of defense, and that the seacoast of this country and the maintenance of our power as a commercial nation upon the high seas of the globe demand the creation of an American navy. I take it that there are few in this country who would be found in dissent to that proposition.

Two years ago the Congress of the United States took the first earnest step in this direction. There were four double-turreted iron monitors on the stocks. They had been begun in 1873, and had lain unfinished in all those years. After a series of boards of inspection composed of naval officers of intelligence and character selected by various administrations Congress determined to appropriate money for their being launched and in a certain degree completed to be ready for use.

On those four vessels there was a total cost of three and a half millions of money in round numbers, and even yet they are not ready for use because of the fact that the Government of the United States does not own a single navy-yard where iron vessels can be built and because it turns out that there is no machinery in this country capable of rolling the steel plates required for the turrets. The importation from other countries of the materials to make those turrets has, as I find by the report of the Secretary of the Navy, been found necessary, and I suppose that we may expect that those vessels will soon be put in commission. The sooner the better. It is a very short step toward remedying the defenseless condition of our seacoast and of our system of harbor defense, supposing that we have in that regard anything that may be dignified by being called a system.

In August, 1882, Congress agreed to build four steel cruisers, the Chicago, Boston, Atlanta, and Dolphin, at an aggregate cost of two million and a half. All this was accompanied by constant expressions of distrust in the Department having the duty of executing those laws.

Here I wish to say that which is never pleasant and to which I am not accustomed. It is impossible for us to ignore the fact that there is in this country, from one reason or another, a great deal of distrust in the head of the Navy Department. It was not, in the opinion of many who like myself are most anxious liberally to vote supplies for every Department of the Government and to make the fullest and amplest appropriation—it was not in the opinion of men who think as I do a wise thing for the President to have selected the present Secretary of the Navy for the place he now holds.

This is not a mere personal assault, it is the question of competency and fitness of the individual for the place. There was nothing in the antecedents, nothing in the prior occupation, nothing in the acquirements of the individual referred to that in our opinion rendered it wise or proper that he should be chosen for that place. I should be reluctant to give pain to any individual; I certainly have not the slightest wish to be otherwise than just and formally courteous; but these are public questions of great moment and they should be discussed in a fair, open, and public manner. I am not ambitious to be one of those who are supposed to be fond of calling a spade a spade, but I do believe that frankness and straightforwardness are essential in dealing with an important public subject, and in that spirit and in no other do I approach the one now under consideration.

The consequence was, that two years ago both Houses of Congress recognizing the fact that from one reason or another no matter what, but for reasons good and sufficient in the opinion of the majority of the two Houses of Congress, they did not commence these steps towards the creation of an American navy in the ordinary method which had been uniformly recognized in times gone by; but in order more especially to protect the Treasury and to avoid cavil or question upon this subject, to promote public efficiency without the risk of corrupt or undue expenditure they created by the act of 1882 a naval advisory board, to be selected by the Secretary of the Navy and yet at the same time to be independent of him in their judgment and selection of methods, models, and in their recommendation for the expenditure of public money in the creation of an armed American fleet.

I have here the appropriation act of August, 1882, which provided for the creation of this advisory board and coupled with it every safeguard that good sense and experience could suggest for the purpose of having the public moneys expended strictly and only for the public purpose for which they were designed. Here I will say to the Senator from Maine who has this bill in charge that I have no reason from my personal knowledge to doubt the truth of what he said yesterday that within the last two or three years the administration of the Naval Department had been clean-handed, for it will be observed I am not making any charge. Should I make any charge I would make it upon my own responsibility and coupled with the full proof, but for the purpose of stating the truth as it exists I have made the reflections I have in regard to the present tenure of this important Cabinet position.

I wish to refer to the act creating this advisory board, and which, by the way, ought to accompany the present bill as a condition under which the work now contemplated shall be prosecuted.

Mr. HALE. Will the Senator let me interrupt him there?

Mr. BAYARD. Certainly.

Mr. HALE. I do not know that he was present the other day when I stated that I had an amendment to offer from the committee, putting this entire work under the regulations and restrictions of the two appropriation acts of 1882 and 1883. I did not have the amendment at my desk at that time, but I propose before we proceed to vote upon any amendment to offer that from the committee, and I presume nobody will object. It will cover the precise point now made by the Senator.

Mr. BAYARD. I am very glad to hear that; and I think it very essential that it should accompany the present bill and be ingrafted upon it——

Mr. HALE. I do.

Mr. BAYARD. I find the report of Senator's debate yesterday and I find reference to a portion of these conditions under which the work upon the ships authorized in 1882 were to be conducted.

Mr. HALE. I propose to have all those conditions thrown around this work, and the amendment itself is suggested by the Secretary of the Navy.

Mr. BAYARD. I wish to say that will be satisfactory and eminently proper. It is simply the repetition by Congress of their desire to satisfy the minds of the people of this country and the minds of all who vote for this bill that the money will be expended subject to every wise guard that legislation can decree.

The naval advisory board was formed; its recommendations have been accepted by Congress and approved. The whole of the appropriations, those to finish the double-turreted monitors, those to finish the four cruisers authorized by the law of 1882, and those to finish the seven vessels proposed by the present bill, will not cost as much as two of the expensive ironclads owned by what may be called the second-rate naval powers of Europe. That is to say, the Kingdom of Italy and the Empire of Germany each have a single vessel the cost of which combined would be greater than the entire cost of the four monitors, the four cruisers of 1882, and the seven vessels now proposed. Am I not right in that?

Mr. HALE. That is correct.

Mr. BAYARD. So that we can not be accused of rushing hastily or too extensively or expensively into this much-needed step for the national defense.

I know that in 1882 and 1883 when the contracts for the four cruisers of which the Chicago is the most conspicuous feature were given out there was a condition growing out of the obscurity of our tariff duties upon steel and still more growing out of the revolution that then was progressing in the manufacture of steel that rendered it doubtful whether any contractor who bid for the construction of those vessels could procure in the United States steel having the tensile power required by the specifications, or if procurable at what rate? I think that is fairly answered by the statement of the Secretary of the Navy found at page 1546 of the RECORD and in the debate of the 27th. After speaking of the estimates of Mr. Roach he was asked by the Senator from South Carolina [Mr. BUTLER] whether the tests of steel had never been accurately made. He replied:

> Never in this country had any steel been manufactured in large quantities subjected to such rigid tests. Of course to produce steel with exactly those qualities requires a careful chemical admixture in preparing the charges for the furnace and in handling the material; and while it had been done for a few plates of steel, it never had been done with thousands of tons before. Here was the element of uncertainty. It has been very happily surmounted, and it now appears that the steel manufacturers can make an admixture that will give steel possessing those qualities, and make it with certainty and celerity, and it is a great triumph for our manufacturers that they have been able to do it.
>
> Mr. STEERS. The advisory board has brought down steel from 8½ to 4½ cents.

a pound. Those who refused to furnish the steel, who were unsuccessful bidders, at 7 cents a pound would be very glad now to make it for 4½. Mr. Roach, when he gave the contract for steel for these ships only gave it partially, and he has some yet to be given out. The steel-makers will be very glad to take it at 4½ cents a pound, and it ought to be less than that.

I merely refer to that. It was a subject of unfavorable comment and of natural suspicion, and in some cases of denunciation, that with the known relations personally of the present Secretary of the Navy with a certain contractor whose agent he had been in this Capitol for many years, all the contracts for those cruisers should have been awarded to that individual. I have a strong personal feeling and interest in comprehending and farthering this matter of ship-building. I mean by that, my interest as a Senator in the legislation connected with it and the progress and success of ship-building in this country; of course I have no private interest. When parties who are engaged in building iron ships in this country have been asked by me why they had not competed in the bids for the construction of those cruisers stated as a reason their uncertainty in regard to the steel question, and their disbelief in their capacity to provide the steel under the specifications of the Navy Department in order to meet absolutely and accurately the published demands of the Department, or to be entirely candid their want of confidence that they had an equal chance for fair treatment under their bids before the head of the Department.

I wish to say in all justice that I know of no reason for supposing that those contracts were not honestly and fairly given out and that they will not be fairly, honestly, and fully completed; but nevertheless the fact was there and that fact was one of suspicion, and it led to a great deal of angry and possibly of unjust comment. I hold it to be the part of just legislation to prevent suspicion wherever you may and give to the American people an absolute belief, so far as we can, that their interests are protected by laws carefully drawn as well as by the personal integrity of those who represent them and with whom public contracts are made.

On that last point I have satisfaction in reading the testimony of Admiral Porter, who had made some statements very mortifying in their character as to the manner in which work was conducted in the Government navy-yards, the misappropriation of public funds, the perversion of moneys, and the duplicated cost of almost everything over private contract, but when he came to speak of the creation of a navy by private contract he said:

I think five years will do the whole of it—

That is to say, in respect of preparing a proper and competent fleet:

Admiral PORTER. I think five years will do the whole of it if you will only give out the contracts and get rid of the idea which most people have that the object in the building of the ships is to make somebody rich. That is all nonsense. Our contractors are as honest as any people in the world, and are as good. They do not overreach the Government half as much as contractors do in foreign countries. If we want fine ships we must pay for them, we can not get them for nothing; and when you have them they will last fifty years. The life of an old ship was eight or nine years before you began to repair her. These splendid large iron ships are going to last forty years longer without any repairs except to the machinery. That is the advantage in having these vessels built of iron.

If it was only to show foreign nations what we could do in an emergency now, it would be worth while to set our ship-yards to work.

They laugh at us and say we can neither go to war nor defend ourselves from attack, because we can not build ships nor make guns.

Senator BUTLER. Admiral, what is the policy of foreign governments—Great Britain, Germany, France, and Italy—in building their ships? Do they build them themselves or do they let them out by contract?

Admiral PORTER. Almost all their ships are built at private establishments by contract. Italy may be excepted in the case of her largest ships.

Senator BUTLER. None built by the government?

Admiral PORTER. There may be some, but as a general rule they do not do so. As a matter of policy Great Britain encourages private ship-building yards. *The salvation of the country in case of war would depend on these.* We should follow the example of Great Britain.

I may also comment in this connection upon the remark made by my friend from Kentucky [Mr. BECK] in respect of the question of tariff duties controlling in all cases the cost of ship-building by the Government. In case the contractor should choose to purchase imported material upon which the average duty is assumed to be 45 per cent., if the Government paid it to him it unquestionably would receive it back, or rather it would receive it in advance at its own custom-house. If a million dollars' worth of material is to be imported by a private contractor the Government will receive $450,000 duty at that rate before the material passes into the hands of the contractor. Therefore it is as broad as it is long.

The Government pays duties to itself, and those duties are included in the cost contracted for. But I will agree that if the Government is to pay the American contractor and he builds the ship of American material alone, and the cost of that is enhanced by reason of the duty on imported material, then you have the illustration, of course, that the people of the United States pay the enhanced cost by way of giving preference or protection as it is called to their own producers instead of saving the duty by buying in the cheapest market. That is but an illustration of a very obvious fact in our present tariff system. I do not hold, however, that there is that increased cost to the American people in everything for which a private contract is made with the Government in building a ship. To the extent that I have stated it the remarks of the Senator from Kentucky seem to me to be just. Beyond that I think they are not.

I know that there have been criticisms and counter-criticisms upon the Chicago. I have read them as intelligently as I was able. A great many were too technical for my comprehension; I only saw that intelligent men were condemning the theory of the construction of that vessel; but I also know that other intelligent men sustained the theory in phrases equally strong and perhaps with arguments equally respectable. But there must come a time for decision and there must be somebody to decide. There must be some point upon which the American people finally must depend for decision. We have created an advisory board. We have given it a conscience of its own and a power independent of the Secretary of the Navy, and it is upon their recommendation, indorsed by him, that we are called upon to act; and upon all of those transactions there beats the light of a fierce public opinion.

I am glad that to-day public criticism is drawn so sharply and severely upon the question of honesty or dishonesty, corruption or the contrary, in the execution of public business. In my judgment no country will ever have any bulwark so strong, any defense so reliable, as the high personal character of its citizens.

The Navy is, the Navy ought to be, a service of personal honor of the highest grade. When any one of the gentlemen who form this advisory board or when any other officer of the Navy certifies to a fact covering much or little of money, covering facts of much or little importance, how does he do it? Under oath? No. Under the penalties of perjury? No. He does it upon the honor of a gentleman and an officer. That is the safeguard, that is the protection of the Treasury; and when that is gone may God help us and the country, for I do not think that statute laws can ever create it or can ever restore it.

I can not and I will not set my uninstructed judgment and want of personal experience in these matters against the recommendation of the advisory board, made after fuller knowledge than I can aspire or pretend to, in a line of reform which we all admit is pressing; that is to say, the creation of a competent naval force; for quite outside the chances of war or peace, every one knows that a navy such as this bill would partially create is a necessary adjunct for the prosecution of our foreign commerce. The importance and the assistance of Government vessels in the various harbors of the world to American citizens who are engaged in commerce and to American vessels which are there visiting oftentimes can scarcely be overrated. To-day the flag of the United States is seldom seen anywhere except in a home port, a vessel lying waiting probably for repairs and unable to go to sea. It ought to be exhibited by regular armed cruisers that will serve to practice the men and the officers in seamenship; it ought to be seen in every port where commerce invites the presence of our mercantile marine. It should announce and proclaim our presence as a nation among nations everywhere.

Mr. President, I am willing to trust this advisory board; I am willing to act upon their present recommendation; and I am willing to cooperate with those citizens with whom they shall fairly and openly and publicly contract; for I know that the sense of responsibility that accompanies their action will be amply sufficient to protect the interests of the American people. Woe be unto the advisory board who have been trusted as men of science and of character if their plans miscarry. Woe be unto the contractor who for the purpose of filching dishonest gain shall risk his reputation as an American mechanic before his fellow-countrymen in a case like this. Woe be unto the Secretary of the Navy or the administration that shall be found, in the face of this great public necessity and in this publicity, treating the great appropriations from the Treasury as means only for the low ends of party advantage or for the purposes of political corruption, whatever be the shape they may assume.

Sir, I say this not as a threat, it is an adjuration to honest action. I hope there is and there will be a public opinion aroused and alive in this country that shall keep every official in the land in recognition of the fact that he is scanned and closely scanned by an intelligent and an honest people; but I say there must be responsibility somewhere and an ultimate power of decision somewhere, and I believe that we have affixed it properly and I do not believe that it will be evaded. I do not think it can be evaded.

We need a fleet of armored ships as cruisers, useful in case of possible war, absolutely and instantly useful for the purposes of peace and commerce. I believe the bills that have been prepared to assist in the formation of this Navy have been carefully and properly guarded. I do not think the step is hasty or extravagant. I believe it is moderate, and that we may safely and properly accept the bill of the committee and build these ships.

I do not mean to say that there is or can be an absolute guarantee that when they have been built they shall be perfect, that they shall not be without fault. I do not say that; but I mean to say it were far better for any man a member of the advisory board, a contractor, or any man connected with the giving and creation of the contracts for these ships—better for him had he never read the law or had anything to do with the transaction than make a botch or a dishonest bungle out of this affair. But acting in the public light of opinion, guarded by careful legislation designed for the purpose of disarming suspicion or prejudice, if such there were, just or unjust, I believe it would be safe and right to go to work and build these seven ships, a very welcome and

much-needed addition to the naval force, which to-day can scarcely be said to have existence at all.

For these reasons, hastily and imperfectly stated, I propose to vote in support of the bill reported by the committee and against the amendment of my friend from New Jersey [Mr. MCPHERSON].

The PRESIDENT *pro tempore*. The question is on the first amendment proposed by the Senator from New Jersey [Mr. MCPHERSON].

Mr. HALE. Before the question is taken on that amendment I ask, and it must be by unanimous consent, that the amendment I proposed the other day, which I had not then at my desk, may be considered as offered. No one, I presume, will object. I did not have it at that time. I propose to add, at the end of section 1:

And said vessels shall be designed and constructed in all respects in accordance with the provisions of the naval appropriation acts of August 5, 1882, and March 3, 1883, authorizing the construction of the four steel cruisers.

The PRESIDENT *pro tempore*. At the end of the amendment already agreed to?

Mr. HALE. At the end of the amendment already agreed to, in section 1.

The PRESIDENT *pro tempore*. Will the Senator send his amendment to the desk?

Mr. HALE. At the suggestion of the Senator from Delaware I will make it read: "in accordance with and subject to the conditions and provisions of the naval appropriation acts," &c.

Mr. MORGAN. If the Senator from Maine has the statute that he now proposes to incorporate in the bill by reference, I shall be glad if he will have it read. I have myself considered that it was altogether necessary to the perfection of the bill that it should have some reference to the existing law of a special character, and that the bill as it stands reported by the committee would be a very inefficient bill except to give the President purely arbitrary power to have these vessels built in any way he saw proper. As the Senator has for the first time brought those statutes to the view of the Senate by the terms of his bill I should be very glad to have them read, so that we may know exactly what it means.

Mr. HALE. I will have them read.

The PRESIDENT *pro tempore*. The Senator from Maine will send his proposed amendment to the Chair and the Chair will ask unanimous consent, as he desires.

Mr. HALE. The Senator from Delaware has the statute in his hand.

Mr. BAYARD. I have the statute in my hand and I will ask the Secretary to read it.

The PRESIDENT *pro tempore*. Does the Senator from Maine yield for the reading of the statute?

Mr. HALE. I would be very glad to have it read.

The PRESIDENT *pro tempore*. If there be no objection the statute referred to will be read.

Mr. BAYARD. May I state that as I understand the Senator from Maine the amendment now offered by him is to subject the contracts for the construction of these proposed seven vessels to all the conditions of the act which is now about to be read from the desk?

Mr. HALE. And also the other act of the following year. That is so. Let the Secretary read it.

The PRESIDENT *pro tempore*. If there be no objection the Secretary will read the statute referred to.

The Chief Clerk read as follows from the act of March 3, 1883:

Neither of the vessels hereby authorized to be built shall be contracted for or commenced until full and complete detail drawings and specifications thereof, in all its parts, including the hull, engines, and boilers, shall have been provided or adopted by the Navy Department, and shall have been approved, in writing, by said board, or by a majority of the members thereof, and by the Secretary of the Navy; and after said drawings and specifications have been provided, adopted, and approved as aforesaid, and the work has been commenced or a contract made for it, they shall not be changed in any respect, when the cost of such change shall in the construction exceed $500, except upon the approval of said board, or a majority of the members thereof, in writing, and upon the written order of the Secretary of the Navy; and, if changes are thus made, the actual cost thereof and the damage caused thereby shall be ascertained, estimated, and determined by said board; and in any contract made pursuant to this act it shall be provided in the terms thereof that the contractor shall be bound by the determination of said board, or a majority thereof, as to the amount of the increased or diminished compensation said contractor shall be entitled to receive, if any, in consequence of such change or changes.

The Secretary of the Navy is hereby authorized to cause the said cruising vessels of war aforesaid to be provided with interior deflective steel armor, if the same, upon full investigation, shall seem to be practicable and desirable, and if the same shall be approved by said board, or a majority thereof, in writing. Before any of the vessels hereby authorized shall be contracted for or commenced the Secretary of the Navy shall, by proper public advertisement and notice, invite all engineers and mechanics of established reputation, and all reputable manufacturers of vessels, steam-engines, boilers, and ordnance, having or controlling regular establishments, and being engaged in the business, all officers of the Navy, and especially all naval constructors, steam-engineers, and ordnance officers of the Navy, having plans, models, or designs of any vessels of the classes hereby authorized, or of any part thereof, within any given period, not less than sixty days, to submit the same to said board; and it shall be the duty of said board to carefully and fully examine the same and to hear any proper explanation thereof, and to report to the Secretary of the Navy, in writing, whether, in their opinion, any such plan, model, or design, or any suggestion therein, is worthy of adoption in the construction of said vessels, their engines, boilers, or armament; and if in such construction any such plan, model, design, or suggestion shall be adopted, for the use of which any citizen not an officer of the Navy would have a just claim for compensation, the contractor shall bind himself to discharge the Government from all liability on account of such adoption and use.

Mr. HALE. Now let the Secretary read also the provision of the statute of August 5, 1882, with relation to the powers of the advisory board.

The PRESIDENT *pro tempore*. Will the Senator give the number of the chapter?

Mr. HALE. It is the act of August 5, 1882. The Secretary at the desk will see what the number of the chaper is.

Mr. MCPHERSON. Mr. President, I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from New Jersey will state his question of order.

Mr. MCPHERSON. The amendment I had the honor to offer has been two days under discussion, a vote was about being had in the Senate, and other amendments are proposed. I wish to know whether the amendment offered by the honorable Senator from Maine or by the honorable Senator from Delaware—I do not know which is the father of the amendment—is to take precedence of the amendment under consideration?

The PRESIDENT *pro tempore*. The amendment of the Senator from Maine has not yet been received. The bill is still under debate. The Senator from Maine gave notice of his intention to offer a particular amendment. After it is ready to be offered, the Chair will ask the unanimous consent he desires the Chair to ask for. The Chair will state that it can only be offered at the present time by unanimous consent.

Mr. HALE. I think the Senator from New Jersey was not present when I stated that I did not, the other day, in the beginning of the discussion, when I referred to this amendment, have it with me, and that I knew that at present, except by unanimous consent, it could not come first, but that under the circumstances I presumed and hoped that no Senator would object to its being considered first, as it was an amendment in the nature of perfecting the bill, which I did not put in at the time. I ask unanimous consent, because I know very well the Senator is right in point of order.

Mr. MCPHERSON. I perhaps have an equal right to argue that my amendment is in the nature of perfecting the bill. If I had not believed it to be in the nature of perfecting the bill I should not have offered it. I certainly have no objection to anything that the Senator wishes to do as to perfecting the text of the bill; nor do I object to his giving notice now of an intended amendment which will perfect the bill. I am not an obstructionist. I only wish to have the bill proceeded with regularly. I am willing the Senator should give notice of his amendment, but I am not willing that his amendment should be acted on pending the discussion of another and more important one.

Mr. HALE. I am not asking to give notice, for I gave that at first in opening the debate upon the subject. If I had had the amendment with me then I should have put it in, as is customary on the part of a Senator having charge of a bill. I did not do that because I was subject to the infirmity that may beset any Senator, of not being able at the moment to put his hand on an amendment. If the Senator from New Jersey insists that I, in charge of the bill, shall not have the privilege now of offering the amendment as though I had offered it at the time, of course he can hinder me.

Mr. MCPHERSON. Not at all. I make no objection of that kind.

Mr. HALE. Let the Secretary read the provision in reference to the advisory board, beginning where I have marked in pencil.

The PRESIDENT *pro tempore*. If there be no objection the Secretary will read the statute of 1882.

Mr. HALE. Which is chapter 391.

The PRESIDENT *pro tempore*. If there be no objection the part of the statute referred to will be read for information.

The Chief Clerk read as follows from the act of August 5, 1882:

It shall be the duty of said board to advise and assist the Secretary of the Navy, in his office or elsewhere, in all matters referred to them by him relative to the designs, models, plans, specifications, and contracts for said vessels in all their parts, and relative to the materials to be used therein and to the construction thereof, and especially relative to the harmonious adjustment, respectively, of their hulls, machinery, and armament; and they shall examine all materials to be used in said vessels, and inspect the work on the same as it progresses, and have general supervision thereof, under the direction of said Secretary. But said board shall have no power to make or enter into any contract, nor to direct or control any officer of the Navy, the chief of any bureau of the Navy, or any contractor. Neither of the vessels hereby authorized to be built shall be contracted for or commenced until full and complete detail drawings and specifications thereof, in all its parts, including the hull, engines, and boilers, shall have been provided or adopted by the Navy Department, and shall have been approved in writing by said board, or by a majority of the members thereof, and by the Secretary of the Navy.

Mr. HALE. Now I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to offer for consideration at this time an amendment which will be read for information.

The CHIEF CLERK. It is proposed to add to section 1 as amended:

And said vessels shall be designed and constructed in all respects in accordance with and subject to the conditions and provisions of the naval appropriation acts of August 5, 1882, and March 3, 1883, authorizing the construction of four steel cruisers.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this amendment?

Mr. MCPHERSON. Yes, sir; I object.

The PRESIDENT *pro tempore*. Objection is made. The question

recurs on the amendment proposed by the Senator from New Jersey, on which the yeas and nays have been ordered.

Mr. HAWLEY. Mr. President, I am less eager to occupy the time of the Senate on this question than I was before the very acceptable and able speeches of the Senators from California and Delaware; but I venture to say something, and shall say it as compactly as I can.

I was very much pleased with the broad treatment of this case by the Senator who last spoke. I did not catch in full his reference to the Secretary of the Navy. What I did hear must have been acceptable to the Secretary's political and personal friends.

I have fancied that the newspapers, and possibly public opinion, have sometimes been unjust to that officer. For one, while rumor was busy with the probability of his appointment, I ventured to prophesy—and I am not for taking it back yet—that he would prove to be one of the ablest officers on that very illustrious roll, because of his general familiarity with business, because of his exceeding ability as a lawyer, and because of a certain special faculty that I believe him to have of extracting the essence of good judgment from the opinion of various able men in his own specialty. I still think that when his duties there shall have been closed his record will compare favorably with the record of any of the distinguished men who have preceded him in that Department.

Mr. President, there is an undeniable necessity for a navy. I was about to say that nobody denies it, but I recall the fact that even in this Chamber and within a short time it has been denied on the general ground that we are not anxious to fight anybody and nobody desires to fight us. That is a very happy condition for a nation; it is really substantially our condition now; but no human being can say how long that may last. If there be any truth in history at all, no man can tell what a day may bring forth. The millennium has not arrived yet; a sense of justice does not govern nations in all things. Whatever the prospect of peace or war, no nation fit to be called a nation, no nation assuming a place among nations, has a right to be or can be without that sanction of force which is behind all laws local, national, or international.

I spare the Senate—and I spare myself also—the humiliation of recapitulating the details of the Navy—or no navy—that we have now; but if I should go into the minutest particulars and set them forth with all the sarcasm the press freely indulges in, I should not give the world any news. There is not a government that does not know to a ton and to a gun just how little we have, how absolutely powerless we are in view of any great conflict, and I must say how completely we live by the forbearance of the world or should be living by it if we were brought to face any great controversy.

Why then, sir, shall we not build a navy? Some say there is no demand for it. I take issue; I say there is a demand. I say there is a popular demand for it. Whenever the press takes time to rest from its continual jeering at our present defenseless, I had almost said contemptible, condition it voices the true sentiment of the people in demanding that we shall address ourselves seriously and energetically to this business, without regard, beyond that due to reasonable economy and good sense, to the expense of it. We are able to have a navy, and the people will justify us in doing whatever is needed to maintain the power, the dignity, and the self-respect of the nation.

We have heard it argued that the proposed plans are not wise. They are not perfect. They are subject to all the ordinary limitations of humanity. They are not absolutely perfect. But I can not criticise them. I say that in my judgment they are wise plans, and they come at least from the wisest men that we have. They omit much, it is said. Quite right. We do not pretend, the friends of this bill do not pretend, that we are building a complete navy. The bill is but a beginning. It supplies, or proposes to supply, that which we need just now, that which will be of most immediate practical use to us, a class of swift cruisers, a class that will be found exceedingly formidable in its own peculiar line. We do not expect these vessels to attack great heavy ironclads that are built with the hope of defending themselves against thousand-pound shot; but from such these cruisers can easily run away. The reports upon the subject show for what they are intended; and of course we all know that very much more is needed. This, for the time being, is at least the very best that we can do.

We have not done much toward rebuilding our Navy since the war closed, but in the mean time all the great nations of the earth have been expending money in uncounted sums and all for our benefit, for every experiment they have made has been as much for us as for themselves.

Now, I say that in building up navies the world has reached a certain stage, has closed a chapter of development. We find many things that we would not do and ought not to do; but many general principles have been laid down to the satisfaction of all ship-builders, and it is high time for us to take advantage of this progress.

Senators tell us that the engineers do not agree to all the details laid down by the advisory board. Probably not. They never did agree and they never will agree, nor are they alone in that. The mechanics of no branch will agree precisely upon any work that is to be done; and in this matter of ship-building, from the great ironclad down to the little rowboat used in the races, there is no agreement. There is no agreement even upon the form of the very simplest two-oared or four-oared boat. There is no agreement upon the size and form of the oars, or even upon the rowlocks, or upon the stroke.

There is no unanimous agreement among builders upon the best form of heavily armored ships; no agreement upon the best form and true function of the turret, or as to the number of guns; no agreement as to the proportion of each class of ships that a navy ought to have; no agreement as to their proportionate usefulness; no agreement as to the best class of guns, their form, the precise composition best for them, or the manner of welding, boring, or rifling them. There is no exact agreement as to the composition of powder—its chemical constituents or the size of the pellets. There is no agreement as to the form of projectile.

In short, there is no absolute agreement among any fifteen or five engineers of the world upon any one of these single points, from the truck of the greatest ship down to the keel, or from the greatest ironclad down to the little two-oared wherry.

What then shall we do? Do the very best we can; take the best men we can find for the purpose and take the best they can advise. There is no agreement in some of the very great and apparently essential matters. Take a given displacement, say of 8,000 tons, and the engineers will not agree upon what shall be the length or the width or the draught of a vessel of that size. Many gentlemen here are familiar with the vessels of the White Star line and know what their extraordinary length is in comparison with their breadth. There is a reaction from that now, and for an equal displacement many of the engineers are in favor of a much broader and shorter ship. Nor can builders agree as to the exact diameter, form, and pitch of the wheel appropriate in each case. If we wait until our engineers all agree on these points, we shall wait forever.

Some tell us that we can do nothing; we are not wise enough to build good vessels for the Navy. I take issue with that. American shipbuilders have always done well. We had a larger navy during the Revolutionary war than many men are aware of. I venture to say that most of the Senators will be surprised if they shall take the trouble to hunt up the statistics with regard to the number and the efficacy of the vessels used by us during the Revolutionary war. The privateers of 1812 made themselves famous throughout the world; and our clipper ships from 1845 to 1865 were the most beautiful, the swiftest, and the most efficient ships ever put upon the waters of that particular class. And when the late tremendous conflict came upon us we again led the world and set an example. The Monitor was the first of an endless series of iron-clad ships, and the trials and tribulations that little ship went through far surpassed those that our proposed steel ships are undergoing. The ablest men, so said to be, in our Departments, the ablest scientific men called to the subject, said that the Monitor would never float away from its wharf in Brooklyn. What was the result? We were one hundred and one days in building it, working day and night, and the vessel had the honor of rendering the grandest service ever rendered by a ship to its flag. We taught the world something of the art of shipbuilding by that.

There has been waste and extravagance in the navy-yards we are told. I suppose it is true. I am a little ashamed to say that there has been a good deal of that at one time and another in the history of the country, but I am unable to look at any branch of this Government or at any branch of the service of any government in the world that is not marred by something of wrongdoing. I aver that during the tremendous five years beginning in 1861 we did as much, and did it as well, with as much science, as much honesty, and as much ability as any nation ever manifested under similar circumstances. Nobody ever did so much, and I believe nobody ever did it as well. If there shall come another emergency we shall meet it with equal ability, and in like manner shall step ahead of the world in the skill and efficiency of our work.

There is no great emergency now, no terrible contest threatening us, but there is a certain sort of crisis which calls upon us to do something. We have at least to renew our Navy. If gentlemen are to wait until they get what is absolutely perfect before they build at all, I do not see why any one of them should ever go out riding or driving until he gets a perfect horse; I do not see why he should go out shooting until he is absolutely certain that he has the best shotgun in the world; I do not see why he should eat until he is sure he has the best dinner; and I do not see why he should wear clothing until the world is pretty generally satisfied that he has the best pattern and the best material of it to wear. A nation, like an individual, must do the very best it can under the circumstances.

But we are told——

Mr. McPHERSON. Will it interfere with the Senator if I ask him a question in this connection?

Mr. HAWLEY. If it be really a question and not a speech, I have no objection to hearing it.

Mr. McPHERSON. I am not given to making speeches. The vessels the Senator is very urgent to have built are called "commerce-destroyers." The modern commercial ship is one with a speed of from eighteen to twenty miles an hour. All of the ships now being built, I may truly say, as commercial ships are those of very high speed. All we claim for these ships we propose to build as commerce-destroyers is fourteen knots an hour, and that even is questioned. How much of a

commerce-destroyer will these ships be as against the commercial ships of the present time with that rate of speed?

Mr. HAWLEY. I have seen a little of the water at one time and another; I have crossed the Atlantic ten times; I never have been able to get upon or get sight of a ship that was good for eighteen or twenty knots except upon its trial trip. A vessel that can be depended upon to make fourteen knots will destroy nine-tenths of the commercial vessels afloat in the world so far as speed is concerned. That is my answer. Yes, I might say more than that, as a Senator near me suggests.

I have read the record of the best English ships upon their trial trips, and have heard from English naval officers, here and in London, and from members of the board of admiralty themselves, what they claim. They have made some magnificent records, in one or two cases running up as high as nineteen knots for a very few miles, when they selected their water and selected their weather and selected their coal and selected their engineers and everybody else stood aside and prayed. They can not repeat nineteen knots for any distance in average weather in practical service.

Mr. McPHERSON. If I may interrupt the Senator——

Mr. HAWLEY. Certainly.

Mr. McPHERSON. The Alaska and ships of her class, many of which are now being built, I think make an average speed of nearly four hundred miles per day. Certainly they have crossed the ocean in a little more than six days, which would be about seventeen miles per hour during an entire trip of 3,000 miles, through head winds, cross seas, and every obstacle that they could encounter. Now, sir, as to the Boston and Atlanta, two of the cruisers which are called "commerce-destroyers," Admiral Shufeldt, the president of the board, says:

> No ship has ever run yet for a long time at a high rate of speed with a horizontal engine. We were obliged to put horizontal engines in the Boston and Atlanta because we could not get anything else under our deck.

Mr. HAWLEY. I suppose the Senator from New Jersey speaks with some accuracy upon this subject, and when he says "miles" I suppose he means miles. Does he mean miles or knots?

Mr. McPHERSON. I only know that upon the map which I have studied, both in public schools and elsewhere, the distance between New York and Liverpool is placed at something like 3,050 miles. I know these ships make their trips; I know they advertise them, and I have been upon the ships, and have sailed four hundred and twenty-two miles per day. It would be a most amusing sight to see the Boston, or Atlanta, or the Dolphin, or the Chicago in chase after one of these ships that cross the Atlantic Ocean, which to-day carry three-fourths of the commerce between the city of New York and the city of Liverpool.

Mr. HAWLEY. Well, what the ordinary careless writer says about distance is one thing and what the sailors and the chart-makers say is quite another. Eighteen knots would be very nearly twenty-one miles; eighteen miles would be, say, fifteen and one-half knots. There is quite a difference in the statements. I do not deny the great speed of a few ships of the class referred to.

We are not attempting to make an absolutely perfect navy. We are not pretending that it can fight the most heavily-armored vessels or that it can run down all the swift ones. I say what I said before, that as a commerce-destroyer a vessel that can be depended upon to make fourteen knots, which would be over sixteen statute miles an hour, could be depended upon to overtake and destroy nine-tenths of the vessels engaged in commerce in the world; and I might make it stronger, as suggested by Senators around me, and say nineteen-twentieths, but I allow the Senator from New Jersey one-tenth.

Another objection to our undertaking this work is that John Roach wants to build the ships. It is a powerful name to conjure with, sir. Is it a crime that John Roach wants to build them? Is he a public enemy? I wish there were one hundred men who were anxious to build the ships, and who had the skill, the ship-yards, and the capital to do it. Shall we insist upon finding somebody that is unwilling to build them? Shall we wait until nobody can be found who wishes to build them or can be compelled to build them?

There is one more suggestion, not made in precisely so many words, but substantially made here, that we should wait until a Democratic administration can undertake this work. Suppose gentlemen formulate that—put it plainly in words, and make it known, and go to the country with it—"We will not agree to build a ship, no matter what the national necessities or honor may call for, until it can be built by direction of a Democratic Secretary of the Navy." Will that be patriotic? Will that be acceptable to the people of this country? It has virtually been said here. I can not believe that it governs the vote and feelings of any single Senator here, and therefore I do not attempt to characterize it. That is not the temper of Americans generally—whether Democrats or Republicans or Whigs or whatever they call themselves—whether in preparing for war or engaging in war.

Why, sir, substantially the platform of those who have been opposing this bill is this: "We do not know what to build; we are afraid of John Roach; and we will wait until the Democrats come into power." On the other hand, we affirm the absolute necessity to our national honor and self-respect of a navy. We affirm, humiliating as it is, that on the water we are practically defenseless; we affirm that we have officers, scientists and mechanics as able as any, and we affirm that there is a popular and universal demand for a navy.

Mr. HALE. Mr. President, upon what will the first question be taken? The amendment of the Senator from New Jersey is clearly a divisible amendment, I take it.

The PRESIDENT *pro tempore*. The Senator from New Jersey has proposed several amendments, in a parliamentary sense. The question will first be taken on the one in line 4, to strike out "seven" and insert "four."

Mr. HALE. So I thought. As the Senator has declined to allow my amendment to be voted upon first, I will wait until his amendment to line 8 is reached, when I will, with the leave of the Chair, move to substitute my amendment for his. Perhaps I had better move to lay the Senator's amendment on the table, as under the present rules that can be done, giving notice that then I will offer the amendment which has been read at the Secretary's desk.

The PRESIDENT *pro tempore*. The Senator from Maine moves to lay the first amendment of the Senator from New Jersey on the table. That, under the present rules, the Chair believes to be in order.

Mr. HAWLEY. I beg permission of the Senate to read three lines.

The PRESIDENT *pro tempore*. The motion to lay on the table is not open to debate.

Mr. HALE. I withdraw the motion for the present.

Mr. HAWLEY. I was speaking from my general recollection on the subject as to the proportion of very fast steamers. Just as I closed my colleague handed me this document, the report of the committee, in which I find that Admiral Shufeldt says:

> We must remember that there is a very small proportion of fast steamers in the world; a very large proportion, 90 per cent., do not go over ten or eleven knots. It is only in the North Atlantic that there is such high speed.

Mr. HALE. Under the ruling of the Chair that a motion to lay on the table would not carry the entire amendment of the Senator from New Jersey I would as lief the question should be taken, if it can be now, on the first branch of his amendment, striking out "seven" and inserting "four."

I only wish before the question is put to say a word on a single point, that raised yesterday as to the cost of these ships by reason of duties paid upon steel. That question of the tariff I do not think properly comes in here; but the statement of the Senator from Kentucky that these ships would cost 45 per cent. more than if we imported the materials with which to construct them is one that does pertinently come in here. So far from these ships costing, at the rates that they are contracted for, 45 per cent. more than if we imported the materials under the present tariff, made as they are of American steel and American materials in their hulls and machinery, investigation shows the following results: The cost of hull and machinery of the Chicago, of 4,500 tons displacement, is $198 per ton; the cost of the Boston, of 3,000 tons displacement, is $205 per ton; the cost of Her Britannic Majesty's ship Leander, of 3,750 tons, an average between these two, built in England of English steel, is $200 per ton, almost an average between the cost of the Chicago and the Boston. With that I leave that statement, showing that we get these ships as cheap as England with her own steel gets her ships.

There were other things that I had purposed to allude to in summing up this debate; but they have been so much better stated by the Senator from California and the Senator from Connecticut and especially by the Senator from Delaware that I do not deem that it would be fitting or in good taste for me to take up more time. I hope we may now have a vote on the several amendments of the Senator from New Jersey, and when we come to his amendment providing conditions I shall move to substitute the amendment that I sent a little while ago to the Secretary's desk.

The PRESIDENT *pro tempore*. The question is on agreeing to the first amendment proposed by the Senator from New Jersey [Mr. McPHERSON], to strike out in line 4 the word "seven" and insert "four." On this amendment the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. KENNA (when Mr. CAMDEN's name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Wisconsin [Mr. SAWYER].

Mr. HARRIS (when his name was called). On this question I am paired with the senior Senator from Rhode Island [Mr. ANTHONY], who is absent from the Chamber. If he were present, he would vote "nay." I should vote for the amendment.

Mr. CONGER (when Mr. MITCHELL's name was called). I am requested by the Senator from Pennsylvania [Mr. MITCHELL] to state that owing to sickness he is not able to be in his seat and may not be for some days. He wishes to be excused, and he is paired without further announcement with the Senator from Arkansas [Mr. WALKER].

Mr. PENDLETON (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON] on this question.

Mr. SAWYER (when his name was called). I am paired on this question with the Senator from West Virginia [Mr. CAMDEN]. If he were present, I should vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PLUMB]. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. GARLAND. My colleague [Mr. WALKER] is paired with the Senator from Pennsylvania [Mr. MITCHELL].

Mr. BROWN (after having voted in the affirmative). I withdraw my vote. I understand the Senator from Maine [Mr. FRYE], if here, would vote "nay," and I voted "yea." I therefore withdraw my vote.

Mr. COCKRELL (after having voted in the affirmative). Since I voted I am reminded of the fact that yesterday or the day before I had a pair with the Senator from Nebraska [Mr. MANDERSON]. I understand he is still confined to his house by sickness. I withdraw my vote, and announce that if he were present he would vote "nay" and I should vote "yea."

The result was announced—yeas 17, nays 34; as follows:

YEAS—17.

Beck,	George,	Lamar,	Van Wyck,
Call,	Hampton,	McPherson,	Voorhees.
Coke,	Ingalls,	Maxey,	
Colquitt,	Jackson,	Pugh,	
Farley,	Kenna,	Vance,	

NAYS—34.

Aldrich,	Edmunds,	Logan,	Ransom,
Allison,	Garland,	McMillan,	Riddleberger,
Bayard,	Groome,	Miller of Cal.,	Sabin,
Blair,	Hale,	Miller of N. Y.,	Sewell,
Butler,	Harrison,	Morgan,	Sherman,
Conger,	Hawley,	Morrill,	Slater,
Cullom,	Hill,	Palmer,	Williams.
Dawes,	Jones of Florida,	Pike,	
Dolph,	Jones of Nevada,	Platt,	

ABSENT—25.

Anthony,	Fair,	Lapham,	Sawyer,
Bowen,	Frye,	Mahone,	Vest,
Brown,	Gibson,	Manderson,	Walker,
Camden,	Gorman,	Mitchell,	Wilson.
Cameron of Pa.,	Harris,	Pendleton,	
Cameron of Wis.,	Hoar,	Plumb,	
Cockrell,	Jonas,	Saulsbury,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The Secretary will report the next amendment proposed by the Senator from New Jersey [Mr. MCPHERSON].

The CHIEF CLERK. In lines 9, 10, and 11, strike out the following words:

One cruiser of 4,500 tons displacement, one cruiser of 3,000 tons, one dispatch vessel of 1,500 tons.

The amendment was rejected.

The PRESIDENT *pro tempore*. The next amendment proposed by the Senator from New Jersey [Mr. MCPHERSON] will be read:

The CHIEF CLERK. It is proposed to add, as a new section:

SEC. 3. That the gunboats, steel ram, and torpedo-boats authorized to be built under sections 1 and 2 of this act shall be built under complete plans and specifications to be furnished by the Navy Department, except the gunboat to be built on plans to be furnished by the Admiral of the Navy; and such building shall be under contracts with the lowest responsible bidder or bidders, made after at least sixty days' advertisement published in five of the leading newspapers of the United States, inviting proposals for building said vessels, subject to all such rules, regulations, superintendence, and provisions as to bonds and security for the due completion of the work as the Secretary of the Navy shall prescribe; and no such vessel shall be accepted unless completed in strict conformity with the contract, and no contract shall be made until all the general plans, detailed or working drawings, and specifications for the complete work be made.

Mr. HALE. I suggested that I would offer my amendment as a substitute for that; but I see it will come in more harmoniously with the text. So if the Senate shall choose to vote this down then I will offer my amendment.

Mr. SEWELL. I wish the Senator from Maine would allow the amendment I offered to be taken up before his amendment comes in, because the adoption of his amendment would preclude mine, and I desire a vote on my amendment.

Mr. HALE. Let us take a vote on this amendment of the Senator from New Jersey [Mr. MCPHERSON].

Mr. JONES, of Florida. Let the amendment be reported.

Mr. HALE. It has just been reported.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Jersey on the right of the Chair [Mr. MCPHERSON], which has just been reported.

Mr. JONES, of Florida. I ask that it be read again.

Mr. SEWELL. I think the amendment just reported is the amendment of my colleague.

Mr. HARRIS. Is the question on the remaining amendment of the Senator from New Jersey on the right of the Chair? Is it still pending?

The PRESIDENT *pro tempore*. It is. The question is on agreeing to it.

Mr. MCPHERSON. What do I understand my colleague to offer?

The PRESIDENT *pro tempore*. The Senator's colleague proposes to offer an amendment after this shall have been disposed of.

Mr. HALE. I will move, then, to substitute my amendment for this. That will bring up the question directly.

The PRESIDENT *pro tempore*. The Senator from Maine proposes to amend the amendment of the Senator from New Jersey as follows——

Mr. HALE. By substituting——

The PRESIDENT *pro tempore*. By striking out the same and inserting what will be read.

The Chief Clerk read as follows:

And said vessels, rams, and boats shall be designed and constructed in all respects in accordance with and subject to the conditions and provisions of the naval appropriation acts of August 5, 1882, and March 3, 1883, authorizing the construction of four steel cruisers.

The PRESIDENT *pro tempore*. The question is on this amendment to the amendment of the Senator from New Jersey on the right of the Chair, by striking out the whole of the original amendment and inserting what has just been read.

Mr. SEWELL. I ask the Senator from Maine to withhold this amendment and take the questions in the order in which they come. The adoption of this would preclude the offering of my amendment practically.

Mr. HALE. I can not do that, because my amendment comes in as germane to the amendment of the Senator from New Jersey [Mr. MCPHERSON]. I have not the control of that. When the vote comes up on the amendment of the Senator from New Jersey [Mr. MCPHERSON] my amendment must be put in, because it is the same kind of subject-matter, only mine goes further in its restrictions and I think will be more satisfactory even to the Senator from New Jersey than his own, and so I have to put it in now. I do not control it.

Mr. SEWELL. But it entirely does away practically with my amendment, which provides a different mode for the construction of these vessels.

Mr. HALE. That the Senator must settle with his colleague. I am moving to substitute mine for the amendment of his colleague.

Mr. PLATT. Let the amendment proposed by the Senator from New Jersey [Mr. SEWELL] be reported for information.

The PRESIDENT *pro tempore*. The proposed amendment will be read for information if there be no objection. It will be read.

The CHIEF CLERK. Add as an additional section the following:

SEC. 3. That the vessels authorized by this act shall be constructed at one or more of the most suitable navy-yards of the Government, under the supervision of the proper officers of the Navy: *Provided*, That the Secretary of the Navy may be authorized by the President to procure the machinery for said vessels from parties engaged in the business of constructing naval machinery, the lowest responsible bidder to be accepted, after three months' advertisement in the principal newspapers of New York, Philadelphia, Boston, and San Francisco, payments to be made as the work progresses; but at no time shall it amount to within 25 per cent. of the value of the work and material, which amount of the contract price shall be retained by the Secretary of the Navy until final completion and acceptance of the contract.

Mr. SEWELL. Would it be in order to move to amend the pending amendment by this amendment or substitute?

The PRESIDENT *pro tempore*. The Chair thinks it is in order to move to substitute the amendment of the Senator from New Jersey for the amendment of the Senator from Maine, which is regarded as a separate proposition.

Mr. SEWELL. Then I move to substitute my amendment. I present this amendment as an economical business proposition. It involves the construction of the hulls of these vessels in the navy-yards of the country. There is a general idea that the navy-yards of this country have not got the plant, the machinery for the construction of an ordinary hull of an iron or steel vessel. I say that is a mistake; but if I am not correct in that, it requires a very small outlay of money to enable us to construct the hulls of vessels in the navy-yards the same as is done in the different private yards of the country. The largest private yards in the country construct not alone the hulls, but the machinery, which latter requires a very much larger outlay of plant and money than the mere putting together of the plates, ribs, kelsons, &c., of the hulls. I doubt if there is more than a couple of million dollars invested in the largest ship-yard in the country. The mere construction of the hulls in the navy-yards is what I propose, and as an evidence of what it would cost I will merely state that the last yard established on the Delaware, where all these private yards are, probably commenced with a capital of $300,000, and it now has several iron vessels on the stocks; so that a small amount of appropriation, the cost of one of these smallest vessels, would be sufficient to start a plant in one of our navy-yards to construct a hull.

I provide that the Secretary of the Navy may be authorized by the President to contract for the machinery, because it takes a larger plant, and we can not expect to do all these things at the same time. But there is no question that the hull, which is a very simple matter of mechanics, simply laying up plate after plate on the ribs, like the ordinary boiler of an engine, and riveting them, can be put together in the Government yards, and all the material that was needed could be obtained by contract, the plates, and the forgings, and the castings, just as John Roach, or Harlan & Hollingsworth, or any other manufacturers, get them. They do not manufacture them in their own yards, they do not do it with their own plant, but they buy them at so much a pound.

In offering this proposition I am guided by my business experience. The great corporations of this country pursue the course of having a

plant in readiness to do their work. If it is not large enough, if it is not sufficient for all they want, they make a pattern which governs the price and governs what they have to pay to others. If the Government had one or two of the navy-yards started with a plant of this kind it would control the market for that class of work, it would be able to dictate to the manufacturers instead of the manufacturers dictating to it. If the Senate expect that the three or four constructors of hulls and machinery located on the Delaware are to bid in competition for work of this kind for a long period they are mistaken. These business men look out for their own interests.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. SEWELL. Certainly.

Mr. JONES, of Florida. I desire the Senator to state if he can by name what navy-yards, as now existing and equipped, are in a condition to construct these vessels, or any of them.

Mr. SEWELL. The League Island navy-yard, with a very small amount of money for a plant, could construct these vessels outside of the machinery. It would require a large amount of money for the machinery.

Mr. JONES, of Florida. Is that the only one?

Mr. SEWELL. Norfolk could do it.

Mr. JONES, of Florida. What other?

Mr. SEWELL. Mare Island could do the same. Pensacola I am not familiar with; but I know that the yards at Mare Island, Norfolk, and League Island could do it.

It is a folly to suppose that the three or four manufacturers in this country are going to bid against each other very long when they can combine and get the work altogether. The Government ought to be able to control it, and it can only control it by having a plant of its own. Even if it only makes one vessel of the kind, it can say what it shall cost.

I am in favor of the construction of war vessels. I am in favor of this bill. I will go heartily for it. I will vote for it, whether they are to be constructed at the navy-yards or at private yards. I recognize the fact that there is an absolute necessity for a navy. I recognize a fact which I have not heard any Senator on this floor mention, that within a very few years we shall be face to face with the completion of a canal between the Atlantic and Pacific, when we shall have to meet the question as to who shall control it. I for one am of the opinion that the American people expect the Congress of the United States to see to it that no foreign control shall be had over a communication between the Atlantic and Pacific, between the east and west shores of this country. I am in favor of maintaining the manifest destiny of this nation by the finest ship, with the greatest gun, and with sufficient metal to carry it.

The PRESIDENT *pro tempore*. The Chair on considering the seventeenth new rule is of opinion that the Chair was in error in holding that the amendment of the Senator from New Jersey [Mr. SEWELL] is now in order. The Chair finds that the seventeenth rule only provides for motions to strike out and insert as two separate questions. So the Chair must put the question on the amendment proposed by the Senator from Maine [Mr. HALE] to the amendment of the Senator from New Jersey on the right of the Chair [Mr. MCPHERSON].

Mr. HALE. I only wish to say upon that that I have endeavored to make it so sweeping that it would include all the restrictions thrown around the building of these vessels by both the act of 1882 and the act of 1883. The main thing upon which the act of 1882 is needed is the control or veto and recommendation of the advisory board; that is provided for in the statute of 1882. But the general provisions for the building, the advertisement and all those details, are found in the act of 1883, which the Senator from Delaware had read. If anybody can perfect the amendment and make it better I shall be very glad to have that done, but I have tried to make it as sweeping as I could.

Mr. MORGAN. Mr. President, I am very glad the Senator from New Jersey [Mr. SEWELL] has introduced his amendment. Whether we shall ever build an iron or steel ship in a navy-yard of the United States or not, we should equip our navy-yards and be in readiness to do that thing. I have not a very extensive familiarity with the navy-yards. Some of them I have examined with a good deal of care. I have information, though, from constructors and others who are informed, that it will require a very small additional outlay to put these yards in condition to build steel or iron ships—not merely the hulls, but also the machinery if we choose to do so.

Some three or four years ago a bill passed Congress authorizing the dredging of the bay of Mobile, and it required that the contract should be let out to the lowest bidder. The contract was accordingly let out to the lowest bidder, and 22½ cents per cubic yard was the lowest bid that could be obtained for that dredging work. Luckily the contract was suspended. The engineer in charge refused to accept it because he thought the bid exorbitant; still it was the lowest bid that he could get. When the next appropriation bill came up on an amendment moved by myself that the Secretary of War might have the option of doing the work at the Government expense the biddings were reopened and let again, and that work was done and is being done to-day at 11½ cents a yard, a saving of nearly 100 per cent. on the amount of the bid that was put in for that Government work. And we actually saved enough out of that appropriation to go on without any increase of appropriations and do twice the work we should have done but for that provision in the law.

The principle advocated by the Senator from New Jersey [Mr. SEWELL] is not only a sound business principle, but it is a necessary principle in the dealings of the Government of the United States with its contractors wherever it may be made available. We can not afford to dispense with that principle in our public contracts; that is to say, wherever the Government can do the work it shall be at the option at least of the President or Secretary of the Navy, or whoever may be the proper person to let these contracts to the lowest bidder, to do the work under the direction and control of the Government.

As a matter of fact, Mr. President, no evidence has been brought to the Senate by this committee to negative the proposition that we are entirely able to build these ships in our own navy-yards. We have a number of them, very important yards, built with great care and at enormous expense, and in these yards is treasured up a vast amount of machinery, and the machinery is continually being renewed. Some of the most expensive machinery in the world is found in the American navy-yards and some of the best.

Now, let me ask the chairman of the Naval Committee whether or not the boilers for these steel cruisers which we are having built under contract are not being constructed at our navy-yard here in Washington. Is not that the fact?

Mr. HALE. What is that?

Mr. MORGAN. I ask whether or not the boilers of the steel cruisers we are now building are being constructed at the Washington navy-yard?

Mr. HALE. All the hulls are being constructed outside of the navy-yards. Some of the machinery, it is believed, and the fitting-out, the boats, &c., can be provided to a limited extent in the navy-yards. As to the boilers, I can not say where they are being constructed. I do not believe they are being constructed in the navy-yards, though.

Mr. MORGAN. I have recently examined a number of new steam-boilers that are being built at the Washington navy-yard, and I was informed that they were for these cruisers, and certainly they are most admirable specimens of workmanship, very beautiful, and they are an honor to American mechanism and American enterprise. Some of them are built on new models—very admirable machinery.

As I remarked the other day, we have just built a very long, powerful, splendid steel gun at the navy-yard at Washington. Now, we have no steam-hammer in the United States that is capable of handling and welding, compacting I will say, an ingot or a bolt of steel large enough to band the gun that has just been completed at the navy-yard; consequently we had to send to Great Britain for the ingot, but the work since that time has been done in this navy-yard, including every part of it except the few bands, two or three of the largest-sized bands, which I am informed were made at Chester, Pa.

Mr. HALE. The Senator will allow me. I have been examining the contract of the builders who have undertaken the building of these vessels and fittings, and I find that it not only includes the engines, but the boilers, and that they are being made now by the contractors, and not by the Government.

Mr. MORGAN. Well, Mr. President——

Mr. HALE. The boilers the Senator has seen must be for some other ships.

Mr. MORGAN. It makes no difference; they are steel boilers of the very first class of workmanship and of the largest capacity made at this navy-yard, and there is a gun that has been constructed in the navy-yard by machinery which is there, turned down, rifled, the breech-block fitted in, and every part of it made entirely complete; a very beautiful instrument. I suppose it must be some thirty feet in length. It will be a very good excursion for the Senate of the United States to take to its own navy-yard here in Washington city to gain some information about the capability of the American Government in its own navy-yards to construct this work.

Sir, there can be no doubt at all that every one of these ships can be built even at the Washington navy-yard, with the addition of some two or three hundred thousand dollars for the machinery that may be needed for the peculiar work in building the hulls of steel ships or the machinery of a steel ship. You have got ample dock-room; the scaffolding room of course is ample; and there is no reason why at that navy-yard as good a ship can not be built as can be built at Mr. John Roach's or at Mr. Cramp's ship-yard. There is no difficulty in the question at all.

I remember, if you will allow me to recall some events in respect of American enterprise, one which was wonderfully successful at the Norfolk navy-yard. When the war closed the Norfolk navy-yard by a blockade a ship was found there that was captured by the confederates, and with the appliances that they found in that navy-yard and with railroad iron they built the first monitor that was ever floated in the sea and one of the best. She had very weak engines, though, compared with her weight; but there can not be any doubt that the Merrimac inaugurated a thorough revolution in the building of armored ships, and that from the date of her launching and going into action has come forth this wonderful revolution in steam-enginery and also in naval warfare.

I therefore take it that you may take the same navy-yard without a blockade and with the resources that the Government of the United States can afford and you can build any ship, an armored ship, to say nothing of a steam steel-hull ship or iron-hull ship at the navy-yard at Norfolk as well as you can build it on the Clyde. You can do the same thing in Boston; you can do it also at League Island; you can do it at Mare Island; you can do it at Pensacola; you can do it anywhere where you have got a navy-yard. This ignoring of our navy-yards merely because somebody wants to break them down and lock them up is not in accordance with the sort of wisdom Congress should exert and employ in the conduct of public affairs.

No, sir. I protest that the Senator from New Jersey [Mr. SEWELL] is right in his proposition, that it would be a great economy, if you please, to equip one yard, if no more, so that those gentlemen (there are only two of them in the United States, Mr. Cramp and Mr. Roach) who come in to bid for the building of ships will be confronted with the proposition, "If you do not choose to build them at fair living wages, the Government of the United States will build them." Merely for the sake of getting fair bids for this work we ought at least to equip one of our navy-yards and have it ready on all occasions for the building of these ships.

Some Senators here have spoken in a very elevated strain, and one that I applaud very highly, in favor of building American ships by the assistance of American workmen, out of American material, officering them with American officers, and manning them with American seamen. That is a very delightful thought, Mr. President, but let us not boast ourselves of being able to do all these things when we are actually importing our guns from abroad. Without a gun your ship is of no value. Without a better gun than Great Britain has your ship will go down into the middle of the sea whenever she meets an iron-clad or a steel-clad man-of-war. Guns of the very best quality and a speed superior to the speed of the ships of any other country are the only things that we have in reach of us to-day upon which to found even the idea of a successful navy or a successful cruiser. We go abroad without any qualms of compunction at all and we buy guns, or if we do not buy them made up, we buy the steel, the breech pieces, and all that is needed for the purpose of making the gun. We transport them to our own shores and make them up at an enormous outlay.

This boasted American sentiment would be very much better if it were practiced upon more and talked about less. The model of the breech-loading gun, the breech bolt that is being used by all the great military and naval powers in Europe, was first made in the South Boston Iron Works in Boston by an American mechanic. I believe he got his patent upon it here; I am quite sure he did. He submitted it to a board of naval officers and to a board of Army officers, and they indignantly rejected it. He went abroad, where there was more freedom of opinion and less restraint and combination and restriction from the mere association of officers together, which is sometimes called a ring, and there this American mechanic received encouragement; his invention was patented there; it has been accepted by the great maritime and warlike powers of the earth, and we go there now and buy it ready-made and bring it home and put it in the breeches of our guns. That is the way that American genius and American invention and American labor are treated in this American country of which so many loud boasts are made on the floor of the Senate and in respect of which so very little is ever done!

Sir, you have but two institutions in this country to-day that furnished you guns during the war. They are at South Boston and at West Point. When you closed the war you had a better armament of guns than any nation in the world. Now you have none to compare with any other nation, any great power to say the least of it. Why is this? It is because invention, practical experiment has been conducted by other governments and they have improved upon our plans and our systems to that extent that we are left entirely in the lurch and we are now in a crippling way trying to catch up with them. But how do we go about it? We want a navy. Why, sir, do we want a Quaker navy armed with Quaker guns? By no means. If we must have a navy, let us have a fighting navy, one at least capable of fighting; and yet you can not put an American gun that you can trust on board of any ship you may build—I care not where you build it—we have no gun establishment in the United States that is at all equal to the necessity, or the emergency, as it may be, of building guns for a navy or for your seacoast defense. We are in a great hurry about building ships, in order, I suppose, that we may have an opportunity to buy the guns to put upon their decks from some foreign country; and yet my friend from Florida is greatly alarmed lest we might go abroad to find some part of a ship we might build manufactured in a foreign country or to find the material of which to manufacture it here.

The Government of the United States is a free-trader on this subject. As a government, as a personality, as a corporation, it is a free-trader, because it says you shall not tax any material that is brought in from abroad for the use of the Government of the United States. That is free trade. The act stands upon the statute-book, and the Senator from Kentucky has some reasonable desire that that act shall be put into force by the Government and in favor of the Government; but the very moment the Senator gets up and quotes the free-trade legislation of a Republican Congress he is swarmed with objections and even taunted on the floor of the Senate because he makes reference to the state of the law as it exists. How are you going to get the benefit of this provision by making a contract with an American citizen or any other citizen to make ships here out of materials produced in the United States or imported into the United States? The only way you can get the benefit of it is under the amendment of the Senator from New Jersey [Mr. SEWELL]; build your hulls in your navy-yards where you have the power and capacity to build them, and then let the Government bring its material in without taxation if it finds it necessary to go abroad to get it, or if it does not find it necessary to go abroad to get it the Government can go to those who produce steel, timber, or any other thing that enters into a ship from the inside of it to the paint on the outside, and the Government can say, "We can not pay you the prices you ask for the material, because we can buy it in foreign markets where it is made cheaper and bring it in without duty." In that way the Government economizes very greatly; but if these ships are to be built by private contract alone, then the Government can never avail itself of that chance, for the reason, of course, that Mr. Roach, who makes the steel out of which these ships are to be built, or Mr. Cramp, who buys it from his neighbor, or whoever may be the contractor for the building of these ships, in putting in his bids must necessarily take into account the fact that the price is raised by whatever influence the tariff may have in raising prices; he puts that into his bid, and we have to pay for it notwithstanding the law upon the statute-book that materials used in building a ship may be imported by the United States Government entirely free of duty. I therefore for that reason would also favor the amendment of the Senator from New Jersey.

Now let us see what the committee have offered us or shown to us in opposition to what I have said in respect to our ability to build ships in our navy-yards. All that I can find touching this very important question in the report of the committee and the evidence which accompanies it is the following on page 94, being in Admiral Porter's testimony:

Senator BUTLER. Admiral, what is the policy of foreign governments—Great Britain, Germany, France, and Italy—in building their ships. Do they build them themselves or do they let them out by contract?

Admiral PORTER. Almost all their ships are built at private establishments by contract. Italy may be excepted in the case of her largest ships.

The Admiral might have added that there is no requirement in the European policy that the ship shall be built within the borders of the territory of the state which may buy her. You may go anywhere and buy a ship in Europe except in Italy.

Senator BUTLER. None built by the Government?

Admiral PORTER. There may be some, but as a general rule they do not do so. As a matter of policy Great Britain encourages private ship-building yards. The salvation of the country in case of war would depend on these. We should follow the example of Great Britain.

I concur in that. We should follow that example.

Senator JONES. Is it so in Great Britain?

Admiral PORTER. They are built by private individuals. Their navy-yards are fitting yards. They fit out vessels in the navy-yards, but they are *built* by the best builders in the country, and that policy ought to be pursued in this country. As I said before, when war comes then we would have these great ship-building places with their plant which had accumulated during peace. The navy-yards should be used altogether for fitting purposes. I am opposed to building ships in Government yards.

Senator BUTLER. Is there a navy-yard in the United States that could build a ship out and out now?

Admiral PORTER. There is. I had one built in a navy-yard once, and I assure you when I got through with her I weighed about forty pounds less than I did when I started; but we could build these in case of necessity.

There is positive proof from Admiral Porter that the navy-yards can build a ship, and I would not care at all if many naval officers should lose forty pounds apiece in building ships, for they would get rid of a good deal of superfluous flesh and fat which they are attempting to dance off like a lot of dudes in the city of Washington. I should be very glad to have that reduction of the superfluous flesh of the naval officers by finding them some manly and honest employment in the construction of our ships at our navy-yards.

Mr. SEWELL. Will the Senator from Alabama allow me to interrupt him a moment?

Mr. MORGAN. Yes.

Mr. SEWELL. In connection with the reported testimony of the Admiral, I would add that the Governments of England, Germany, and Italy have the plant necessary to construct and do construct vessels when they find it more profitable. They have the plant ready at all times to do it.

Mr. MORGAN. So I understand the testimony of Admiral Porter.

Mr. President, I have some observations that I desire to submit upon this bill further on. I will not detain the Senate this evening, however, by doing so. I will wait until an amendment comes up which I have had the honor to suggest that I would offer at the proper time.

Mr. HALE. The Senator is aware that the amendment of the Senator from New Jersey [Mr. SEWELL] is not now up, on the ruling of the Chair.

Mr. MORGAN. I know.

Mr. HALE. I should like to have a vote on the other amendment,

and after that is disposed of, of course the amendment of the Senator from New Jersey [Mr. SEWELL] will come up.

Mr. MORGAN. I understand that; and I wish to make a suggestion to the Senator from New Jersey. After it is provided, if it shall be so ordered by the Senate, that these ships shall be built in accordance with existing law, as is the purpose of the amendment of the Senator from Maine, then I suggest to the Senator from New Jersey that he can say, by putting it in the alternative, "or the President shall have the right to have these ships built in any of the navy-yards."

Mr. SEWELL. I think the existing law gives that right now.

Mr. HALE. The present law provides that.

Mr. SEWELL. I want it mandatory.

Mr. HALE. The Senator goes further and wants to exclude private yards. The present law leaves it discretionary with the President that he can utilize the navy-yards so far as it can be done with advantage to the Government.

Mr. MORGAN. After we shall have reaffirmed the present law by adopting the amendment of the Senator from Maine the present law would apply to this case.

Mr. HALE. Let me read to the Senator the part of the statute I referred to as embodying the conduct of the building of these vessels:

Provided, That he shall utilize the national navy-yards, with the machinery, tools, and appliances belonging to the Government there in use in the building of said ships, or any parts thereof, as fully and to as great an extent as the same can be done with advantage to the Government.

Under that the President can order half, or all, or two-thirds, or none of these ships to be built in the public yards.

Mr. MORGAN. I see now that I was not fully informed about it. I wish to remark just here that the Naval Committee have presented us a bill which in itself is a mere skeleton. It did not in the outset refer to any of these statutes. It seems to me the committee would have done very much better if it had written the bill out *in extenso* and incorporated in this measure all the provisions relating to the building of these ships; but I stand informed by the Senator from Maine, and of course I say the President should have the option.

Mr. HALE. I accept the reproach of the Senator from Alabama. It would have been better if in reporting the bill the amendment had been put in that I have offered now; but it was referred to at once on the opening of the discussion and did not get in before. I do not think that is an infrequent thing in the course of business in the Senate.

Mr. BROWN. I ask the Senator from Alabama to yield to me. I desire a short executive session, and if the Senator from Alabama will yield the floor and permit me to make the motion, I shall do so.

Mr. HALE. Let me appeal to the Senator from Georgia to let us have a vote on this amendment and have it out of the way, and then let the other question come up.

Mr. BROWN. If there be no further discussion I will consent; but it is getting late and I do not know that we are ready for a vote.

Mr. MORGAN. I will yield for a vote on the committee's proposition.

Mr. HALE. I presume there will be no yeas and nays called on it and that there will be no objection to it.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Maine [Mr. HALE] to the amendment of the Senator from New Jersey [Mr. MCPHERSON].

The amendment to the amendment was agreed to.

Mr. BROWN. I move that the Senate proceed to the consideration of executive business.

Mr. SEWELL. If the Senator from Georgia will withdraw his motion for one minute, I should like to have a vote on my amendment.

Mr. BROWN. If there is to be no debate, I have no objection and withdraw the motion.

The PRESIDENT *pro tempore*. The motion is withdrawn. The question now is on agreeing to the amendment of the Senator from New Jersey on the right of the Chair [Mr. MCPHERSON] as amended on the motion of the Senator from Maine [Mr. HALE].

The amendment as amended was agreed to.

Mr. SEWELL. I now desire to have a vote on my amendment.

The PRESIDENT *pro tempore*. The Senator from New Jersey proposes an amendment which will be read.

The SECRETARY. The amendment is to add as an additional section:

SEC. 3. That the vessels authorized by this act shall be constructed at one or more of the most suitable navy-yards of the Government, under the supervision of the proper officers of the Navy: *Provided*, That the Secretary of the Navy may be authorized by the President to procure the machinery for said vessels from parties engaged in the business of constructing naval machinery, the lowest responsible bidder to be accepted, after three months' advertisement in the principal newspapers of New York, Philadelphia, Boston, and San Francisco, payments to be made as the work progresses; but at no time shall it amount to within 25 per centum of the value of the work and material, which amount of the contract price shall be retained by the Secretary of the Navy until final completion and acceptance of the contract.

Mr. SEWELL. I desire simply to have the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered.

Mr. JONES, of Florida. I desire to offer an amendment to the amendment of the Senator from New Jersey, if in order.

The PRESIDENT *pro tempore*. It is in order. The amendment proposed by the Senator from Florida to the amendment of the Senator from New Jersey will be reported.

The SECRETARY. It proposes to add to the amendment:

That the construction of said vessels shall be apportioned between the following navy-yards under the direction of the President of the United States, to wit: League Island, Mare Island, Norfolk, Pensacola, Washington, and Brooklyn.'

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Florida to the amendment of the Senator from New Jersey.

Mr. HALE and Mr. JONES of Florida addressed the Chair.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Florida in support of his amendment, as the practice is.

Mr. HALE. Certainly.

Mr. JONES, of Florida. I do not intend to go into any extended remarks on this subject; but if the spirit of the amendment of the Senator from New Jersey is to be carried out I want it equitably executed. He proposes in his amendment to leave the selection of the navy-yard or navy-yards to the President and designates no place; so that under his amendment it would be in the power of the Secretary of the Navy to fix upon any yard he might think proper for the construction of all these ships.

Mr. MCPHERSON. The Senator from Florida has been trusting the Secretary of the Navy for the last few days; can he not trust him further?

Mr. JONES, of Florida. I say that it would not be a wise thing to do. The Secretary of the Navy is an honest man, but as I said last year when the question of repairing ships was up, there is some power that I would not trust to anybody. The Senator knows that I am just as willing to go as far in the direction of giving the Secretary of the Navy power as anybody here. I have never held——

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. BLAIR. I appeal to the courtesy of the Senator from Florida to permit an amendment of his amendment including the navy-yard at Portsmouth, N. H.

Mr. COCKRELL. Certainly; that ought to be included!

Mr. BLAIR. And also at Charlestown, Mass.

The PRESIDENT *pro tempore*. The Senator from Florida has the floor and must not be interrupted without his consent.

Mr. BROWN. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Florida yield to the Senator from Georgia?

Mr. JONES, of Florida. For what purpose?

Mr. BROWN. I yielded to the Senator from New Jersey with the understanding that when he was through I should move an executive session.

Mr. JONES, of Florida. I yield to the Senator from Georgia.

Mr. BROWN. Then I move that the Senate proceed to the consideration of executive business.

Mr. SEWELL. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Georgia moves that the Senate proceed to the consideration of executive business.

Mr. SEWELL. I again appeal to the Senator from Georgia to allow a vote on this question.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BROWN. There is no probability of getting a vote if I should again withdraw the motion at the request of the Senator.

The PRESIDENT *pro tempore*. The motion is not open to debate. The Senator from Georgia must either insist upon his motion or withdraw it. The Senator from Georgia moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 28, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

DEATH OF HERR LASKER.

Mr. DEUSTER. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. DEUSTER. I desire to present to the House a resolution of thanks from the executive committee of the Liberal Union of the German Parliament, in response to the resolution of condolence passed by this House on the death of Dr. Eduard Lasker. With the resolution I

present also a translation of the original, which I desire to have read to the House.

The SPEAKER. The Chair does not think from the statement of the gentleman from Wisconsin that he presents a question of privilege. If there be no objection, the resolution to which the gentleman refers will be read.

There was no objection.

Mr. DEUSTER. I desire to state that this resolution was addressed to the House of Representatives, and would have been presented by the Speaker had not the rules prevented him from doing so. I now ask for the reading of the resolution.

The Clerk read as follows:

BERLIN, *January* 27, 1884.

To the House of Representatives, Washington, D. C.:

The undersigned executive committee of the Liberal Union has the honor to express, at the request of all its members who are to-day present from the various parts of the German Empire, to the House of Representatives at Washington its warmest thanks for the resolution which they have passed in honor of Eduard Lasker, its late leader and friend.

The Liberal Union combines with this acknowledgment of its thanks the most heartfelt wishes for the welfare and prosperity of the powerful and progressive United States of America, and for the strengthening and further development of the mutual friendship between both nations.

The executive committee of the Liberal Union:

L. BAMBERGER.
RUECKERT.
v. FORCKENBECK.
K. SCHRADER.
G. v. BUNSEN.
FRIEDRICH KAPP.

Mr. DEUSTER. Mr. Speaker, this resolution of thanks speaks for itself. It is occasioned by an event which has aroused surprise and indignation on both sides of the Atlantic. It involves a protest against the arbitrary action which, according to all reports, has been manifested by the chancellor of the German Empire in the treatment, by withholding them from the Reichstag, of the resolutions recently passed by the American Congress on the death of Dr. Lasker. It is a condemnation of the discourteous, if not contemptuous, attitude which Prince Bismarck has seen fit to assume toward the principal legislative body of a friendly nation. It is an appeal from the other side of the ocean for the liberty of speech and a plea for a continuance of the amicable relations which have so long existed between Germany and the United States. It is, moreover, a declaration from the German people that the act of their chancellor is not their act and that it can never be their act, based as it is upon the principle of the one-man power.

The Liberal Union is a representative body made up from the German people, and it reflects their feelings and sentiments concerning the action of the American Congress on the occasion of the passing away of one of the greatest modern German statesmen.

True, the resolutions of this House referring to the death of Dr. Lasker may have been faulty in construction; the phraseology used may not have been such as would have been employed by one who was not born and reared beneath the flag of the free; by one who in his youth or early manhood had felt the influence of a monarchical government; of a land in which social and, in a great measure, political position is a birthright more than an achievement or reward for merit.

The resolutions, I repeat, may possibly not have been commensurate with the requirements of the occasion; but if they were faulty, the fault is chargeable to the head rather than the heart of their framer. They were expressive of the condolence of one legislative body and the people back of it with another legislative body and people upon whom the heavy hand of death had been laid and from whom one of their brightest jewels had been plucked.

From the cisatlantic standpoint death breaks down all political barriers, and in the presence of the open grave the universal fatherhood of God and common brotherhood of man is the inspiration of the hour. The same is true of the Germans as a people, and if they are misrepresented by a man in powerful place, they have no other method of setting themselves right before the world than the course adopted by the executive committee of the Liberal Union.

In presenting this communication, in my official place as a member of this body, as a native of Germany, and as an adopted citizen of the United States, I desire to express my earnest conviction that the action of the Liberal Union is a true index of the feelings of united Germany, and that the action of Prince Bismarck will not rise above the dignity of a matter of personal vexation and will in no way affect the kindly relations now existing between the two countries.

Mr. Speaker, it may be premature to criticise the action of Prince Bismarck, in the absence of official information that the resolutions of this House have been returned. When such official information is in the possession of this body, I shall, however, take the opportunity to show wherein the resolutions were timely and proper.

Mr. KASSON addressed the Chair.

Mr. GUENTHER. I move, Mr. Speaker——

The SPEAKER. The gentleman from Iowa has been recognized.

Mr. KASSON. Under the circumstances I will yield to the gentleman from Wisconsin for a few moments.

Mr. GUENTHER. I would like to have about five minutes.

Mr. KASSON. I will yield that length of time.

Mr. GUENTHER. Mr. Speaker, I wish to have the letter which has just been read from the Clerk's desk given the very widest possible publicity.

There seems to exist an impression at present in this country, at least among a portion of our citizens, that the people of Germany are hostile toward this country and its institutions. I venture to say, sir, that this is by no means the case. I deny most emphatically that the letter of Prince Bismarck to the German embasssador at this capital, returning the Lasker resolution, reflects the sentiments of the German people. They do not approve of his discourtesy and lack of tact as exhibited in that note; neither do they indorse his autocratic action regarding the prohibition of American products. They know, and so does everybody who has watched his movements during his career as chancellor of the German Empire, that, like his march to Canossa, his actions are almost always prompted by a desire to gain the temporary support of certain minor factions by catering for the time being to their notions and prejudices under cover of artful pretexts and shrewd sophisms.

Last summer I spent three months in Germany, and I became thoroughly convinced of the fact that an overwhelming majority of the German people entertained none but the kindest feelings for us, our institutions, our prosperity and growth as a nation. The sentiments expressed in the letter which has just been read reflect the popular opinion in all parts of the German Empire. One of the signers of that letter, Mr. Bunsen, visited the United States last summer. Another, Dr. Friedrich Kapp, a member of the German Parliament, is well known in this country, of which he has been a resident for many years. He has traversed it from one end to the other, and is familiar with our people, our institutions, and our ideas. He is a man of calm and mature judgment; and I fully believe that the sentiments expressed in this letter over the signature of a number of men of note, several of whom are members of the German Parliament, were framed with an intelligent understanding of the motives that prompted the resolution in question, and of the kindly and courteous feeling of this House that adopted them toward an eminent citizen of Germany, a member of the German Parliament, who unfortunately died upon our shores before he could again take his seat and continue his usefulness in the national legislature of his country—a country which he loved so well and for whose welfare and advancement he labored during all of his life.

Some of our leading newspapers have raised the point that inasmuch as Dr. Lasker was not a member of the German Parliament at the time of his death the resolution of condolence should not have been transmitted to that body. I would quite agree with them provided their statement was correct.

Dr. Lasker, when he died, was a sitting member of the German Parliament, and was about to start for his country to take his seat in the present session of that body. The error of these newspapers must have arisen from the fact that Dr. Lasker was an ex-member of the Prussian Diet, the legislative body of Prussia.

I move that the resolutions be spread upon the Journal of the House.

Mr. KASSON. I have not yielded the floor to the gentleman from Wisconsin for the purpose of making a motion.

I wish to express my regret, Mr. Speaker, that, contrary to what was supposed to be the general sentiment of the House, the incident referred to has been made in any degree a subject of debate on this floor. In my opinion the House best consults its dignity by waiting until some official communication reaches it which gives assurance that for some cause or other improper comments upon its conduct have been made.

We know nothing, sir, except from reports in the newspapers of the country in respect to the action taken abroad in regard to a certain resolution adopted by the House.

I think I only express the common opinion of this body in saying that we have nothing whatever to do with the relations existing between the executive officer of a foreign government and the legislative branch of that government. When we are informed that our rights or our interests or our honor have in any way been affected I have no doubt there will be perfect accord on both sides of this House in respect to the proper action to be taken.

I shall therefore wholly decline to discuss any point suggested in the remarks of the two gentlemen who have spoken this morning. I shall be glad if both gentlemen shall see the propriety of erasing the name of any person beyond our jurisdiction who appears to be an object of censure in their remarks, retaining, as they have the right, what they have said as to the friendly character of the people of the two countries and the relations between them.

For the present I think the House ought to agree we should send the communication presented by the gentleman from Wisconsin [Mr. DEUSTER] to the Committee on Foreign Affairs, and it will of course be printed in the RECORD. I make that motion, and upon it I ask the previous question.

Mr. REAGAN. I hope the gentleman will withhold for a few moments the demand for the previous question. I desire to say a word.

Mr. SPRINGER. I desire to ask the gentleman from Iowa a question before he insists on the demand for the previous question.

Mr. KASSON. The gentleman from Texas must be aware that my desire, which I believe is shared by gentlemen on both sides, is to avoid the premature discussion of this question. For that reason I make the motion. I hope the gentleman from Texas will concur with me in the propriety of that action.

Mr. REAGAN. I desire to make a few observations at this moment.

Mr. KASSON. I feel obliged to submit to the wish of the House, and shall test it by insisting on the motion.

Mr. SPRINGER. May I ask the gentleman from Iowa a question?

Mr. KASSON. Yes.

Mr. SPRINGER. Does the gentleman's motion include the suppression of any names from the remarks of the two gentlemen who have addressed the House?

Mr. KASSON. Oh, no; that is entirely within their own discretion.

The SPEAKER. The question is on ordering the previous question on the motion of the gentleman from Iowa [Mr. KASSON] to refer the communication which has been read to the Committee on Foreign Affairs.

Mr. RICE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICE. I desire to know if there is any business before the House. As I understood, the gentleman from Wisconsin [Mr. DEUSTER] made a statement, by unanimous consent, but made no motion. He finished his remarks, and his colleague [Mr. GUENTHER] followed him and made his remarks. No motion up to that time, I understand, was before the House. I desire to know if there is anything before the House now?

The SPEAKER. The gentleman from Wisconsin [Mr. DEUSTER] arose in his place and stated he rose to a question of privilege. After hearing a brief statement by the gentleman the Chair decided that what he presented was not a matter of privilege and he could only proceed by the unanimous consent of the House. No objection was made. Thereupon the gentleman proceeded to present this communication, but made no motion. After that the gentleman from Iowa moved that the communication be referred to the Committee on Foreign Affairs.

Mr. KASSON. It will be printed in the RECORD.

Mr. RICE. My question is, whether that motion can be submitted except by unanimous consent.

The SPEAKER. The communication having been presented, the Chair thinks the gentleman from Iowa can move to refer it to the appropriate committee. The gentleman from Iowa demands the previous question on his motion to refer the communication to the Committee on Foreign Affairs.

Mr. DEUSTER. I have no objection to that.

The previous question was ordered.

Mr. GUENTHER. I desire to correct the gentleman from Massachusetts [Mr. RICE] who said no motion was made.

The SPEAKER. Debate is not in order.

Mr. GUENTHER. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. GUENTHER. Or to a parliamentary inquiry. The gentleman from Massachusetts stated I made no motion. I may not have been in order in making the motion, but I did make the motion that the letter read from the Clerk's desk be spread upon the Journal of the House, and I now ask unanimous consent to have that done.

The SPEAKER. The gentleman from Wisconsin [Mr. GUENTHER] was occupying the floor in the time of the gentleman from Iowa [Mr. KASSON]. The gentleman from Wisconsin on the right [Mr. DEUSTER] presented a communication, which was read as part of his remarks, as the Chair supposed, and will go into the RECORD as a matter of course. If there be no objection this communication will be referred to the Committee on Foreign Affairs. The Chair hears none.

The communication was referred to the Committee on Foreign Affairs.

DISEASES AMONG DOMESTIC ANIMALS.

Mr. RANDALL and Mr. CALKINS called for the regular order.

The SPEAKER. The regular order is the unfinished business, being the report of the Committee of the Whole House on the state of the Union on the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals. The pending question is on the amendment reported from the Committee of the Whole to strike out the fourth section of the bill; and upon that the yeas and nays have been ordered. The Clerk will report the fourth section.

The Clerk read as follows:

SEC. 4. That whenever a State or Territory, in any section of which a contagious or infectious disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation, fails to make provisions for its extirpation, or to co-operate with the plans of the Commissioner of Agriculture for the extirpation of such disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory, or such part of said State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

The question was taken; and there were—yeas 155, nays 116, not voting 49; as follows:

YEAS—155.

Adams, J. J.	Dibble,	Jordan,	Rogers, J. H.
Aiken,	Dockery,	King,	Rogers, W. F.
Alexander,	Dorsheimer,	Kleiner,	Rosecrans,
Arnot,	Dowd,	Lamb,	Scales,
Bagley,	Duncan,	Lanham,	Seney,
Ballentine,	Dunn,	Lewis,	Seymour,
Barbour,	Eaton,	Lore,	Shaw,
Barksdale,	Eldredge,	Lovering,	Shelley,
Bennett,	Elliott,	Lowry,	Skinner, T. G.
Blanchard,	Ermentrout,	McAdoo,	Slocum,
Bland,	Evins, J. H.	McMillin,	Snyder,
Blount,	Fiedler,	Matson,	Spriggs,
Boyle,	Finerty,	Miller, J. F.	Stevens,
Breckinridge,	Follett,	Mills,	Stewart, Charles
Broadhead,	Foran,	Mitchell,	Stockslager,
Buchanan,	Forney,	Money,	Stone,
Buckner,	Fyan,	Morrison,	Storm,
Budd,	Geddes,	Morse,	Sumner, C. A.
Burnes,	Gibson,	Moulton,	Talbott,
Cabell,	Glascock,	Muldrow,	Taylor, J. M.
Caldwell,	Graves,	Murphy,	Thompson,
Candler,	Green,	Murray,	Throckmorton,
Carleton,	Greenleaf,	Mutchler,	Tillman,
Cassidy,	Halsell,	Nicholls,	Tucker,
Clardy,	Hardeman,	Oates,	Tully,
Clay,	Hemphill,	Paige,	Turner, H. G.
Clements,	Henley,	Pierce,	Turner, Oscar
Cobb,	Herbert,	Peel, S. W.	Vance,
Collins,	Hewitt, A. S.	Pettibone,	Van Eaton,
Converse,	Hewitt, G. W.	Post,	Warner, A. J.
Cosgrove,	Hill,	Potter,	Warner, Richard
Covington,	Holman,	Pryor,	Wellborn,
Cox, S. S.	Hopkins,	Pusey,	Weller,
Cox, W. R.	Houseman,	Randall,	Wemple,
Crisp,	Hunt,	Reagan,	Williams,
Culberson, D. B.	Hutchins,	Reese,	Wilson, W. L.
Curtin,	Jones, J. H.	Rice,	Wise, G. D.
Dargan,	Jones, J. K.	Robertson,	York.
Davidson,	Jones, J. T.	Robinson, W. E.	

NAYS—116.

Adams, G. E.	Everhart,	Long,	Russell,
Anderson,	Ferrell,	Lyman,	Ryan,
Bayne,	Goff,	McCoid,	Skinner, C. R.
Beach,	Guenther,	McComas,	Smith,
Belford,	Hanback,	McCormick,	Spooner,
Bingham,	Harmer,	McKinley,	Springer,
Bisbee,	Hart,	Mayo,	Steele,
Boutelle,	Hatch, H. H.	Millard,	Stephenson,
Brainerd,	Hatch, W. H.	Miller, S. H.	Strait,
Breitung,	Haynes,	Milliken,	Struble,
Brewer, J. H.	Henderson, D. B.	Morey,	Taylor, E. B.
Browne, T. M.	Henderson, T. J.	Morgan,	Taylor, J. D.
Brown, W. W.	Hiscock,	Morrill,	Thomas,
Brumm,	Hitt,	Neece,	Valentine,
Burleigh,	Holton,	Nelson,	Wadsworth,
Calkins,	Houk,	Nutting,	Wakefield,
Campbell, J. M.	Howey,	O'Neill, Charles	Washburn,
Cannon,	James,	Parker,	Weaver,
Chace,	Jeffords,	Payson,	White, Milo
Cook,	Johnson,	Peelle, S. J.	Whiting,
Cullen,	Jones, B. W.	Perkins,	Wilkins,
Cutcheon,	Kasson,	Peters,	Wilson, James
Davis, G. R.	Kean,	Poland,	Winans, E. B.
Davis, R. T.	Keifer,	Price,	Winans, John
Dibrell,	Kelley,	Ranney,	Wise, J. S.
Dingley,	Lacey,	Ray, Ossian	Wolford,
Dunham,	Laird,	Reed,	Woodward,
Ellwood,	Lawrence,	Robinson, J. S.	Worthington,
Evans, I. N.	Le Fevre,	Rockwell,	Yaple.

NOT VOTING—49.

Atkinson,	George,	Maybury,	Stewart, J. W.
Barr,	Hammond,	Muller,	Sumner, D. H.
Belmont,	Hancock,	Ochiltree,	Townshend,
Blackburn,	Hardy,	O'Hara,	Van Alstyne,
Bowen,	Hepburn,	O'Neill, J. J.	Wait,
Brewer, F. B.	Hoblitzell,	Patton,	Ward,
Campbell, Felix	Holmes,	Payne,	White, J. D.
Connolly,	Hooper,	Phelps,	Willis,
Culbertson, W. W.	Horr,	Rankin,	Wood,
Davis, L. H.	Hurd,	Ray, G. W.	Young.
Deuster,	Kellogg,	Riggs,	
Ellis,	Ketcham,	Rowell,	
Findlay,	Libbey,	Singleton,	

So the motion to strike out the fourth section of the bill was agreed to.

The following pairs were announced:

Mr. HOBLITZELL with Mr. PHELPS.

Mr. BARR with Mr. MULLER.

Mr. WAIT with Mr. TOWNSHEND.

Mr. COLLINS with Mr. WHITING.

Mr. YOUNG with Mr. PAYNE; if present, Mr. PAYNE would vote "no" and Mr. YOUNG would vote "ay."

Mr. HANCOCK with Mr. HORR.

Mr. KELLOGG with Mr. OCHILTREE.

Mr. RAY, of New York, with Mr. MAYBURY.

Mr. KETCHAM with Mr. HAMMOND.

Mr. FINDLAY with Mr. HEPBURN.

Mr. PATTON with Mr. ATKINSON.

Mr. ROWELL with Mr. RIGGS.

Mr. HOLMES with Mr. WILLIS; if present, Mr. HOLMES would vote "no" and Mr. WILLIS would vote "ay."

The SPEAKER. The question now is upon ordering the bill to be engrossed and read a third time.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The SPEAKER. The question is now upon the passage of the bill as amended.

Mr. HATCH, of Missouri. And upon that I demand the previous question.

Mr. RANDALL. Pending the demand for the previous question, I submit the resolution which is at the Clerk's desk.

The Clerk read as follows:

Resolved, That the bill as amended be recommitted to the Committee on Agriculture with instructions to report a bill which shall embrace a more thorough system of inspection, to the end that no diseased animal shall be exported; and further, to report a bill to organize a more strict quarantine against the importation of diseased animals, and to make such recommendations as will secure by the States such legislation as will eradicate the disease known as pleuro-pneumonia, or any infectious, contagious, or communicable disease incident to animals, with leave to report at any time.

Mr. KASSON. That would kill the bill.

Mr. CALKINS. I would like to ask the gentleman a question.

Mr. RANDALL. The motion is not debatable.

Mr. CALKINS. In the present state of the public business, will not that motion if adopted effectually kill the bill?

Mr. RANDALL. I deny it; it is not an unfriendly motion.

Mr. HATCH, of Missouri. The bill is in as good shape now as the committee can get it.

Mr. RANDALL. That will depend upon whether the House so considers it, as shown by the yea-and-nay vote, which I now ask.

The yeas and nays were ordered.

The question was taken; and there were—yeas 138, nays 145, not voting 37; as follows:

YEAS—138.

Adams, J. J.	Davidson,	Jordan,	Slocum,
Aiken,	Dibble,	Kleiner,	Snyder,
Arnot,	Dockery,	Lamb,	Spriggs,
Bagley,	Dorsheimer,	Lanham,	Stevens,
Ballentine,	Dowd,	Lewis,	Stewart, Charles,
Barbour,	Duncan,	Lovering,	Stockslager,
Barksdale,	Dunn,	McAdoo,	Storm,
Belmont,	Eaton,	McMillin,	Sumner, D. H.
Bennett,	Elliott,	Miller, J. F.	Talbott,
Blanchard,	Ellwood,	Mills,	Taylor, J. M.
Blount,	Ermentrout,	Mitchell,	Thompson,
Boyle,	Evins, J. H.	Money,	Throckmorton,
Breckinridge,	Fiedler,	Morse,	Tillman,
Broadhead,	Finerty,	Murray,	Tucker,
Buchanan,	Follett,	Mutchler,	Tully,
Buckner,	Forney,	Nicholls,	Turner, H. G.
Burnes,	Gibson,	Oates,	Turner, Oscar
Cabell,	Glascock,	Paige,	Van Alstyne,
Caldwell,	Greenleaf,	Pierce,	Vance,
Candler,	Halsell,	Peel, S. W.	Van Eaton,
Cassidy,	Hardeman,	Post,	Warner, A. J.
Clay,	Hardy,	Potter,	Warner, Richard
Clements,	Hemphill,	Pryor,	Wellborn,
Cobb,	Henley,	Randall,	Weller,
Collins,	Herbert,	Reagan,	Wemple,
Connolly,	Hewitt, A. S.	Reese,	Williams,
Converse,	Hewitt, G. W.	Robinson, W. E.	Willis,
Cosgrove,	Hill,	Rogers, J. H.	Wilson, W. L.
Covington,	Holman,	Rogers, W. F.	Wise, G. D.
Cox, S. S.	Holton,	Rosecrans,	Wolford,
Cox, W. R.	Hopkins,	Scales,	Wood,
Crisp,	Hunt,	Seymour,	York,
Culberson, D. B.	Jones, J. H.	Shaw,	Young.
Curtin,	Jones, J. K.	Shelley,	
Dargan,	Jones, J. T.	Skinner, T. G.	

NAYS—145.

Adams, G. E.	Fyan,	Long,	Robinson, J. S.
Alexander,	Geddes,	Lore,	Rockwell,
Anderson,	George,	Lowry,	Russell,
Bayne,	Goff,	Lyman,	Ryan,
Beach,	Graves,	McComas,	Seney,
Belford,	Green,	McCormick,	Skinner, C. R.
Bingham,	Guenther,	McKinley,	Smith,
Bisbee,	Hanback,	Matson,	Spooner,
Bland,	Harmer,	Mayo,	Springer,
Boutelle,	Hart,	Millard,	Steele,
Brainerd,	Hatch, H. H.	Miller, S. H.	Stephenson,
Breitung,	Hatch, W. H.	Milliken,	Stone,
Brewer, J. H.	Haynes,	Morey,	Strait,
Browne, T. M.	Henderson, D. B.	Morgan,	Struble,
Brown, W. W.	Henderson, T. J.	Morrill,	Sumner, C. A.
Brumm,	Hiscock,	Morrison,	Taylor, E. B.
Budd,	Hitt,	Moulton,	Taylor, J. D.
Burleigh,	Holmes,	Muldrow,	Thomas,
Calkins,	Hooper,	Murphy,	Valentine,
Campbell, J. M.	Houk,	Neece,	Wadsworth,
Cannon,	Houseman,	Nelson,	Wakefield,
Carleton,	Howey,	Nutting,	Ward,
Chace,	James,	O'Hara,	Washburn,
Clardy,	Jeffords,	O'Neill, Charles	Weaver,
Cook,	Johnson,	Parker,	White, Milo
Cullen,	Jones, B. W.	Payson,	Whiting,
Cutcheon,	Kasson,	Peelle, S. J.	Wilkins,
Davis, G. R.	Kean,	Perkins,	Wilson, James
Davis, R. T.	Keifer,	Peters,	Winans, E. B.
Dibrell,	Kelley,	Pettibone,	Winans, John
Dingley,	Kellogg,	Poland,	Wise, J. S.
Dunham,	King,	Price,	Woodward,
Eldredge,	Lacey,	Pusey,	Worthington,
Evans, I. N.	Laird,	Ranney,	Yaple.
Everhart,	Lawrence,	Ray, Ossian	
Ferrell,	Le Fevre,	Reed,	
Foran,	Libbey,	Rice,	

NOT VOTING—37.

Atkinson,	Findlay,	Maybury,	Robertson,
Barr,	Hammond,	Muller,	Rowell,
Blackburn,	Hancock,	Ochiltree,	Singleton,
Bowen,	Hepburn,	O'Neill, J. J.	Stewart, J. W.
Brewer, F. B.	Hoblitzell,	Patton,	Townshend,
Campbell, Felix,	Horr,	Payne,	Wait,
Culbertson, W. W.	Hurd,	Phelps,	White, J. D.
Davis, L. H.	Hutchins,	Rankin,	
Deuster,	Ketcham,	Ray, G. W.	
Ellis,	McCoid,	Riggs,	

So the motion of Mr. RANDALL to recommit the bill with instructions was not agreed to. [Applause.]

The SPEAKER. The question is now upon ordering the previous question on the passage of the bill.

The previous question was ordered.

Mr. THROCKMORTON. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 155, nays 127, not voting 38; as follows:

YEAS—155.

Adams, G. E.	Everhart,	Libbey,	Rice,
Alexander,	Ferrell,	Long,	Robinson, J. S.
Anderson,	Foran,	Lore,	Rockwell,
Bayne,	Fyan,	Lowry,	Russell,
Beach,	Geddes,	Lyman,	Ryan,
Belford,	George,	McCoid,	Seney,
Bingham,	Goff,	McComas,	Skinner, C. R.
Bisbee,	Graves,	McCormick,	Smith,
Bland,	Green,	McKinley,	Spooner,
Boutelle,	Hanback,	Matson,	Springer,
Brainerd,	Harmer,	Maybury,	Steele,
Breckinridge,	Hart,	Millard,	Stephenson,
Breitung,	Hatch, H. H.	Miller, S. H.	Stone,
Brewer, J. H.	Hatch, W. H.	Milliken,	Strait,
Browne, T. M.	Haynes,	Morey,	Struble,
Brown, W. W.	Henderson, D. B.	Morgan,	Sumner, C. A.
Brumm,	Henderson, T. J.	Morrison,	Taylor, E. B.
Budd,	Hewitt, A. S.	Moulton,	Taylor, J. D.
Burnes,	Hill,	Muldrow,	Taylor, J. M.
Caldwell,	Hiscock,	Murphy,	Thomas,
Calkins,	Hitt,	Neece,	Valentine,
Campbell, J. M.	Holmes,	Nelson,	Wadsworth,
Cannon,	Hooper,	Nutting,	Wakefield,
Carleton,	Houk,	O'Neill, Charles	Ward,
Chace,	Houseman,	O'Neill, J. J.	Washburn,
Clardy,	Howey,	Parker,	Weaver,
Converse,	James,	Payson,	Weller,
Cook,	Jeffords,	Pierce,	White, J. D.
Cullen,	Johnson,	Peelle, S. J.	White, Milo
Cutcheon,	Jones, B. W.	Perkins,	Whiting,
Davis, G. R.	Kasson,	Peters,	Wilkins,
Davis, R. T.	Kean,	Pettibone,	Wilson, James
Deuster,	Keifer,	Poland,	Winans, E. B.
Dibrell,	Kelley,	Price,	Winans, John
Dingley,	King,	Pusey,	Wise, J. S.
Dunham,	Lacey,	Rankin,	Wood,
Eldredge,	Laird,	Ranney,	Worthington,
Ellwood,	Lawrence,	Ray, Ossian	Yaple.
Evans, I. N.	Le Fevre,	Reed,	

NAYS—127.

Adams, J. J.	Dibble,	Jordan,	Singleton,
Aiken,	Dockery,	Kleiner,	Skinner, T. G.
Arnot,	Dorsheimer,	Lamb,	Slocum,
Bagley,	Dowd,	Lanham,	Snyder,
Ballentine,	Duncan,	Lewis,	Spriggs,
Barbour,	Dunn,	Lovering,	Stevens,
Barksdale,	Eaton,	McAdoo,	Stewart, Charles
Belmont,	Elliott,	McMillin,	Stockslager,
Bennett,	Ermentrout,	Miller, J. F.	Storm,
Blanchard,	Evins, J. H.	Mitchell,	Sumner, D. H.
Blount,	Fiedler,	Money,	Talbott,
Boyle,	Finerty,	Morse,	Thompson,
Broadhead,	Follett,	Murray,	Throckmorton,
Buchanan,	Forney,	Mutchler,	Tillman,
Buckner,	Gibson,	Nicholls,	Tucker,
Cabell,	Glascock,	Oates,	Tully,
Candler,	Greenleaf,	O'Hara,	Turner, H. G.
Cassidy,	Halsell,	Paige,	Turner, Oscar
Clay,	Hardeman,	Peel, S. W.	Van Alstyne,
Clements,	Hardy,	Post,	Vance,
Cobb,	Hemphill,	Potter,	Van Eaton,
Collins,	Henley,	Pryor,	Warner, A. J.
Connolly,	Herbert,	Randall,	Warner, Richard
Cosgrove,	Hewitt, G. W.	Reagan,	Wellborn,
Covington,	Holman,	Reese,	Wemple,
Cox, S. S.	Holton,	Robinson, W. E.	Williams,
Cox, W. R.	Hopkins,	Rogers, J. H.	Willis,
Crisp,	Hunt,	Rogers, W. F.	Wilson, W. L.
Culberson, D. B.	Hutchins,	Rosecrans,	Wise, G. D.
Curtin,	Jones, J. H.	Scales,	Wolford,
Dargan,	Jones, J. K.	Seymour,	York.
Davidson,	Jones, J. T.	Shaw,	

NOT VOTING—38.

Atkinson,	Findlay,	Mayo,	Robertson,
Barr,	Guenther,	Mills,	Rowell,
Blackburn,	Hammond,	Morrill,	Shelley,
Bowen,	Hancock,	Muller,	Stewart, J. W.
Brewer, F. B.	Hepburn,	Ochiltree,	Townshend,
Burleigh,	Hoblitzell,	Patton,	Wait,
Campbell, Felix	Horr,	Payne,	Woodward,
Culbertson, W. W.	Hurd,	Phelps,	Young.
Davis, L. H.	Kellogg,	Ray, G. W.	
Ellis,	Ketcham,	Riggs,	

So the bill was passed.

Mr. BELFORD (before the result of the vote was announced). I do

sire to state that though during the first call of the roll I was out of the House, I was here during the second roll-call; but as I occupy a seat in the rear of the Hall I did not hear my name called. I would like to have the privilege of recording my vote in favor of the passage of the bill.

There being no objection, Mr. BELFORD'S vote was recorded.

Mr. MORRILL. I was unavoidably absent during the call of the roll. I ask unanimous consent to be allowed to vote.

Objection was made.

Mr. MORRILL. If allowed to vote, I would vote for the passage of the bill.

Mr. GUENTHER. I was in the Hall though not in my seat during the call of the roll. I failed to hear my name called. I would like the privilege of having my vote recorded.

The SPEAKER. Is there objection?

Mr. GEORGE D. WISE. I object.

Mr. RANDALL. Let us have the rule read.

The SPEAKER. The rule is very positive. After the second roll-call a member can not have his vote recorded except by unanimous consent. In this case there is objection.

Mr. WARNER, of Ohio. Can unanimous consent be asked for the purpose of recording a vote after the roll-call is completed?

The SPEAKER. The rule will be read.

The Clerk read as follows:

Upon every roll-call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, then the whole name shall be called; and after the roll has been once called the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair. (Rule XV, clause 1.)

The SPEAKER. On this question the yeas are 155 and the nays 127. So the bill is passed. [Applause.]

Mr. HATCH, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEATH OF HON. D. C. HASKELL.

The SPEAKER. The Clerk will read the special order for this hour.

The Clerk read as follows:

Ordered, That Thursday, February 28, at 2 o'clock p. m., be fixed as the time for delivering tributes to the memory of the late DUDLEY C. HASKELL, late a Representative from the State of Kansas.

Mr. RYAN Mr. Speaker, this being the hour fixed by special order by the House to pay its tribute of respect to the memory of the late Hon. DUDLEY C. HASKELL, a Representative-elect to this Congress from the second Congressional district of Kansas, I offer the following resolutions.

The Clerk read as follows:

Resolved, That the ordinary business of the House be laid aside in order that appropriate tribute may be paid to the memory of DUDLEY C. HASKELL, late a Representative from the State of Kansas.

Resolved, That in the untimely death of Mr. HASKELL the House has lost a conspicuous and faithful member, his constituents a zealous and capable servant, and the country a citizen of exemplary life, patriotic devotion, and rare promise.

Resolved, That as an additional mark of respect for his memory and sorrow for his loss, the House, at the conclusion of these ceremonies, shall adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. RYAN. Mr. Speaker, I enter upon this sad duty with a sorrow made poignant by the memory of years of uninterrupted friendship.

DUDLEY C. HASKELL was my associate and colleague in Congress from 1876 to the date of his death. We entered upon Congressional life at the same time. Our relations were always cordial, and were never interrupted by hasty word or unpleasant incident. We conferred concerning our personal interests and public duties with the fullest confidence and without reserve. His sympathy and aid in the discharge of the trusts assigned me I could always command.

My friend and colleague is no more! After a long and heroic struggle against resistless disease, he died at his rooms in this city about half past 4 o'clock of the Sabbath morning the 16th day of December last.

Mr. HASKELL was born at Springfield, Vt., March 23, 1842, and was, as will be seen, still a young man when cut down. He was the son of Franklin Haskell and Almira Chase. His father's family is traditionally traceable to Saxony. They came to America from Scotland, and were among the first who settled in the historic town of Salem, Mass. Subsequent settlements were made by some of them in Connecticut and Vermont. His mother belonged to an old and numerous New England family of that name, some of whom attained to considerable distinction. His parents moved to Massachusetts when he was but two years old, where they continued to reside until September, 1854, when his father went to Kansas, followed by his mother and himself the ensuing March. In 1857 he went back to Springfield, Vt., where he attended school about a year, and then returned to his home and engaged in trade.

Soon after, however, and at the early age of seventeen years, he was moved by the prevailing excitement resulting from gold discoveries in Colorado to go to "Pike's Peak," the name by which that attractive region was then generally but somewhat vaguely known. Fickle fortune withholding her favor, he again sought his home in the fall of 1861, soon after the great civil war had come to deluge the land with the blood of kindred. He entered the military service a lad of but nineteen years, and his superior qualities did not long await recognition, for he was soon assigned to the important position of superintendent of transportation for his division.

In January, 1863, he retired from the military service, and in the following March entered school at Easthampton, Mass. Remaining there for a time, he was admitted to Yale College, and took a special scientific course.

In November, 1865, he married Miss Harriet M. Kelsey, of Berkshire County, Massachusetts, a lady of culture and refinement, to whose beauty of character, untiring devotion, patient courage, high order of intellect, and splendid mental equipment Mr. HASKELL was largely indebted for his subsequent brilliant success.

Immediately after his marriage he returned with his young bride to his Kansas home, in the city of Lawrence, where he engaged in mercantile pursuits, in which he continued with indifferent success until 1876. He entered political life, however, in 1871, when he was elected to the lower house of the Kansas Legislature. At that time it was not his purpose to remain in public life, but rather to enter the profession of the law, a field of service for which he was exceptionally well fitted by his remarkable perceptive powers, analytic faculties, terseness and cogency of logic, and perspicuity and affluence of diction. Subsequent events diverted him from this purpose and gave his remaining years to the business of legislation. In 1873 he was again elected to the State Legislature, and still again in 1875, when he was chosen speaker of the house. As member and speaker he gave evidence of abilities and developed an aptitude for legislative duties that suggested his candidacy for Congress, and in 1876 he was elected to the lower House of the Forty-fifth Congress, and was successively chosen to the Forty-sixth, Forty-seventh, and Forty-eighth Congresses.

When Mr. HASKELL entered the Forty-fifth Congress many important interests of his district were greatly in need of legislative relief. To this work he at once applied himself with such diligence, that before he had completed his second term ample legislation for that purpose had been secured. He was vigilant and active respecting all matters of interest to Kansas, and there is little of Federal legislation affecting her development upon which he has not left his impress.

He was fond of his constituents and proud of his State. In conversation he delighted to dwell upon the early struggles and triumphs of the young Commonwealth. He indulged a just pride in having borne a part in all her vicissitudes. When but a lad of thirteen years he participated in the contests and shared in the privations of the period. Fresh from his New England home, imbued with a love of freedom and prompted by the zeal inspired by the passions of the time, he shouldered his rifle and with his command marched forth to battle for human liberty.

Mr. HASKELL was gifted with a splendid physique, being considerably over six feet high and symmetrically proportioned. His bodily strength was great, and he was passionately fond of athletic sports.

In thought, speech, and action he was vigorous and aggressive. It seemed impossible for him to be lukewarm or apathetic in the performance of any task or the discharge of any duty. Though it were but a friendly office in one of the Departments of the Government for some humble constituent, he undertook it with cheerful alacrity. If the recognition of the presiding officer were sought, it was with tone so commanding and vigor of purpose so evident, that the Chair found it easier to respect than to ignore. Whether debating a question of order or discussing a great public measure, he summoned all the resources of body and mind, and directed them against the position of his adversary with an energy that must have put his nerve power to serious test and materially impaired his vital forces.

Mr. HASKELL was a diligent student, especially of history and political economy. With the entire history of his own country and its legislation he made himself as thoroughly familiar as though he had lived through it and borne a part in it.

For the legislative arena he was in all respects splendidly equipped. To every duty assigned him he brought the most thorough preparation. He made himself master of every principle, every detail, and every accessible fact pertaining to the subject. Just in his purposes, with preparation never inadequate, with a sagacity that always chose the strongest position, and a courage that was invincible, he proved himself on this floor to be a "foeman worthy of the steel" of the ablest and the most undaunted. It was only after the fullest investigation and the most careful deliberation that he reached important conclusions, and then he was as unyielding in his convictions as he was zealous in their defense. Though often impetuous, ardent, and nervously energetic in what he undertook, he was yet cool, prudent, wise, and sagacious in counsel. His was

> A combination and a form, indeed,
> Where every god did seem to set his seal,
> To give the world assurance of a man.

There were two great subjects to which my late colleague gave exhaustive study and profound thought—polygamy in the Territories and the system of protection to American industry.

He regarded polygamy not merely as a crime against society, defiling and perverting those family relations and home ties which are the very flower of our civilization, but as an organized and defiant enemy of our Government and its institutions. Thus believing, he determined to attack it with all the legislative powers that it was practicable to invoke for its destruction. When the Forty-seventh Congress met he moved against it promptly, planting himself upon the broad proposition that to send to this body a polygamous representative of that great crime was an offense against the honor and dignity of the House of Representatives. After a memorable struggle he was sustained and the Delegate-elect refused a seat. He subsequently championed the bill for the suppression of polygamy in the Territories, and pursued it with marked parliamentary skill and energy to a successful issue.

But it was the subject of tariff revision which so largely engaged the attention of the House at the closing session of the last Congress that brought into active exercise his rarest talent for debate and his consummate skill in the application of parliamentary law. It was that notable parliamentary struggle that brought him conspicuously before the country as one of the ablest expounders and strongest advocates of that great economic system. To this subject he doubtless devoted profounder study and more thorough investigation than to any other that had ever challenged his attention. He represented an agricultural people, and the great problem presented for his solution was the effect and influence of the system of protection upon the chief industry of his own people. To this end he traversed the domains of history, science, philosophy, and precedent, and it was the light thus gained that made his pathway clear and determined his purpose beyond fear or cavil. Those present who were members of the last Congress need not be reminded with what force of logic, comprehensiveness of information, and patient mastery of details he supported his matured convictions on this floor. Nor can it be doubted that the intense mental strain, long continued, and the excessive labor which characterized the part he bore in that memorable contest sapped his vital forces, destroyed his capacity for natural and healthful repose, and left him an easy prey to insidious and fatal disease.

DUDLEY C. HASKELL'S private life was without a stain. From boyhood his was a career of religious fervor. His faith was implicit and sublime. He knew his God as surely as he knew the tranquil beauty of the stars or the meridian splendor of the sun. No lingering doubt disturbed his belief in the divinity of Jesus Christ and a future state of eternal bliss. To him death was the gateway to an eternity of purity, serenity, and joy. The work of the Church and the Sabbath school was to him a labor of love. So high and pure were the order and quality of his character, that he was an easy master of every temptation.

His home was to him the one spot on earth of supreme felicity, typical of that higher home and more numerous family to which he has been summoned. His great heart was entirely consecrated to his family. His affection for wife and children was as sweet and pure as a mother's kiss. His was the home of peace, confidence, and contentment. No vision of glory could dim the luster of his fireside, no ambition dull the calm delights of his hearthstone. It was the abiding place of all the domestic virtues. Chief and empress of them all reigned Love, around whose throne shone the mellow light of Christian charity—

> The spot where angels find a resting place
> When, bearing blessings, they descend to earth.

Mr. HASKELL was a steadily and even a rapidly growing man. Each succeeding effort surpassed the last. In him were possibilities that pointed to the best and proudest results of statesmanship He relied upon hard work rather than upon genius. His definition of ability was intelligent industry. He regarded genius and talent as infant energies that could only be developed into robust manhood by the severest toil.

His early death must be considered a national calamity. The great principles he so ardently espoused and so powerfully maintained have sustained a grievous loss. The vigorous and stalwart young State he in part represented with so much honor and fidelity bows under the burden of her great bereavement. Just, genial, honorable, and artless, he has gone to his reward.

> His life was gentle: and the elements
> So mixed in him that nature might stand up
> And say to all the world—"This is a man!"

I seem to see now in fancy my departed friend on that far shore, his once soaring spirit in peaceful repose at last, basking in the glad sunlight of an eternal morning. From that infinite height may we not fancy him comprehending in the vast sweep of his perfected vision the places, events, and interests that attracted his thoughts and engaged his energies in life? So shall he look down upon a grateful country, her reverent millions paying the tribute of tears to one who served their interests faithfully, whose devotion to the cause of social regeneration and whose championship of the rights and dignity of American labor challenged their sincere admiration. In the van of them all will he behold the sorrowing hosts of his own State, watering his grave with tears and bedecking it with lily and immortelle. When these flowers fade and their fragrance perishes, surviving affection will rear a sculptured column above his dust, and the enduring marble itself shall crumble and decay ere his name and fame fade from recollection.

Mr. KELLEY. Mr. Speaker, the premature death of so enlightened and courageous a legislator as Hon. DUDLEY C. HASKELL was an event to be solemnly commemorated. It was more than a bereavement to his family and friends. It was a national calamity.

When at the close of the Forty-seventh Congress, on the 4th of March last, I parted from him it was with a feeling of affectionate gratitude for the generous manner in which he had assumed in the Committee on Ways and Means and in the conduct of the business of the committee on the floor of the House duties which belonged to me, but for the energetic performance of which a hideous disease was day by day disqualifying me. I felt that after years of pleasant and, to me, instructive association our pathways now finally diverged; that he, with his giant frame, his active and cultivated intellect, his indomitable energy and simple habits of life, went forth to long years of usefulness, while I should seek the repose and endearments of home with an abiding apprehension that my tenure of life would not endure till Congress should reassemble.

Let no man attempt to foretell the mysterious issues of life and death, for it is true now as it was before the Flood, that of two in a field or two grinding at a mill one shall be taken and the other left. In this case the vigorous youth has gone and the diseased old man, restored to health, lives to mourn the loss of his gifted and young colaborer.

Mr. HASKELL'S life was one of ceaseless activity. Conscious of the power with which he was endowed, he regarded it as a trust held in use for others, and though his form was that of Hercules, his mental energy and indomitable will exhausted it at so early an age as to justify us in asserting that death claimed him prematurely.

Born in Vermont, he received his elementary education in his native town, Springfield, and emigrated with his mother to Lawrence, Kans., when but 13 years old. In less than two years from his settlement in Lawrence he enrolled himself in what was known as Stubb's Militia, and bore his part in the labors and perils of those turbulent days of border life as heroically as did the brawniest man in the corps. Released from military service, he returned to Springfield in 1857, entered the high school, and remained as a pupil for something more than a year, when he returned to Lawrence and found employment in a commercial house. He enjoyed the excitement of extreme frontier life during the summers of 1859 and 1860 in Colorado, then known as Pike's Peak, and in 1861 found an acceptable field of labor in the quartermaster's department of the Union Army, in which he rendered two years of faithful service. Notwithstanding his love of adventure, it never quenched his yearning desire for knowledge, and, having obtained further preparatory education, he entered Yale College and passed about two years in a special scientific course of instruction and of commercial education.

Having married Miss Kelsey, of Berkshire, Mass., in December, 1865, Mr. HASKELL again returned to Lawrence and engaged in business. His was not, however, to be a life of quiet and domestic happiness, for which he was abundantly fitted, as was shown by the affectionate dignity with which he ever treated his wife and the tender affection he lavished upon his two little daughters. He seems to have been predestined to legislative life. His representative career began in 1872 and was cut short by his demise in 1883. Meanwhile he had been elected three times consecutively to the Legislature of Kansas, and had in 1876 been spontaneously chosen speaker of the house of representatives. In the fall of that year he was chosen to represent the second district of the State in the Congress of the United States, to which body he was re-elected in 1878, 1880, and 1882.

When first elected to Congress he was but 34 years of age. His district was large in territory and his unusually numerous constituency increased with a rapidity possible only in the most fertile and accessible of our frontier States. It was a purely agricultural district, but the interests involved in this department of industry in connection with those growing out of Indian affairs, railroad operations, the settlement of immigrants under pre-emption and homestead laws made demands upon him exacting enough to test the strength and patience of the most vigorous and devoted Representative; yet, while neglecting none of these interests, Mr. HASKELL found time to study diligently and with appreciative interest the economic laws which promote the progress of nations in population, wealth, and intelligence.

Looking beyond the district he had been chosen to represent, and the magnificent young Commonwealth of which it was a part, he was ever ready to give careful and conscientious consideration to the most minute interest of the citizens of any State which might be affected by proposed legislation. He had read the writings of the masters of the British school of political economy, and his tenacious memory was charged with the language in which most of the specious fallacies they announce as self-evident truths had been expressed; but his trenchant habits of investigating theories, by whomsoever propounded, had saved him from their intellectual domination, and given to the doctrines of social science and national economy, as distinguished from political economy, a capable and courageous propagandist.

He was fond of illustrating the absurdity of the accepted dogmas of political economy by reference to one of the fundamental propositions of its most generally accepted teachers, Malthus and Ricardo.

The fundamental assumption on which these masters based much of their system, and on the correctness of which they were accepted as the

highest British authorities, was that, guided by an unerring instinct of self-interest, men always settle first upon the richest lands, and when these are occupied their successors are forced to spend their labor on inferior and ever-increasingly inferior lands, so that by this "inflexible" law the means of human sustenance would increase in but arithmetical progression while people to require sustenance would increase geometrically. From this assumption, the falsity of which the early history of every country displays, these accepted authorities had reached the conclusion that war, pestilence, and famine are beneficent agencies provided by a kind Providence to prevent mankind from passing through civilization into cannibalism as the result of the overpopulation of the globe.

Mr. HASKELL'S was a devoutly religious nature, and though he may not at first have been able to successfully dispute the premises or overthrow the logic of Malthus and Ricardo, he doubted the premises and shrunk from the impious conclusion that an all-powerful and beneficent God, in ordering His providence, had so adjusted it that the horrors of overpopulation must forever cloud the social atmosphere, and that the sole agents for correcting this false adjustment of means to ends provided by the Almighty was the ghastly trinity of war, pestilence, and famine.

On the fertile prairies and slopes of Kansas young HASKELL found nature's demonstration of the absurdity of this "dismal" assumption and her refutation of the logic by which this impious assault on the goodness of God had been enforced. The proof Kansas furnished the seemingly sterile slopes and hills of Colorado corroborated. Observation taught him that neither individual immigrants nor colonies ever settle first upon the best lands of the country into which they go as pioneers. These lands have ever been, as they now are, the bottom lands, which can not be adapted to the uses of social life till population and capital have accumulated in force and power sufficient for their adequate drainage and the application of other costly prerequisites to healthful occupation; primitive settlement always takes place on uplands, which natural drainage prepares for human occupation. The study of the progress of the early settlement of the British Islands and of the topography of early British traffic and post-roads would have saved Malthus and Ricardo from the amazing blunder of predicating their pretentious works on so glaring a fallacy.

The discussion of the problems of national economy was a passion with Mr. HASKELL; and yet he never carried with him on the stump a protectionist authority. His favorite book for campaign purposes was Bastiat's Sophisms of the Protectionists. His method was, so he told me, to read one or more of Bastiat's most plausible propositions and then to proceed to refute them by appeals to the personal knowledge and experience of his auditors. Representing an agricultural constituency and State, he believed devoutly in the maintenance of a protective tariff as the only effective means of developing all the resources of the country and of cementing its unity by that law which produces the most perfect harmony of interests as the result of the widest possible diversity of pursuits; and his intelligence and the zeal with which he sought to propagate his economic faith had persuaded me that there lay before him a career of national usefulness which personal aptitudes and the course of events open to but few men of a generation.

Mr. HASKELL, with his Herculean frame, his deep voice, and his sometimes sternly Puritan visage, was a genial companion and in all the honorable strifes of public life a generous foe. An incident, which I may without impropriety mention, will serve to show the frankness and generosity of his nature. The time approached for closing general debate on the tariff bill, which the Committee on Ways and Means had reported to the House with a favorable recommendation. This honorable duty belonged to me as chairman of the committee that had reported the bill; but in view of the physical and nervous prostration from which I was suffering I shrunk from its performance and would have gladly confided it to either Mr. HASKELL or Major MCKINLEY of Ohio, between whom and myself there was most perfect accord. But while I rejoiced in the fact that I had these two thoroughly instructed and trustworthy colleagues upon whom to devolve the duty, I could not determine to which the honor belonged, and submitted the question to the parties themselves for settlement. Upon what grounds it was determined I have never heard; but it was agreed that Mr. HASKELL should make the closing speech.

Early on the 27th of January, 1883, Major MCKINLEY submitted his views to the House and commanded a unusual measure of attention. Sound in argument and aptly illustrated by facts drawn from our past and current history and that of foreign manufacturing nations, the speech exhibited his complete mastery of the great subject of economic science. As he took his seat members crowded about him to thank and congratulate him. Early among these was our friend HASKELL; his tall figure towering above those who preceded him, and with his long arm outstretched above them toward the hero of the occasion, he said with much earnestness, "MCKINLEY, I shall make the last speech in favor of the bill, but you have closed the debate and I thank you for your splendid effort."

This generous incident was thoroughly characteristic of the man; but he who would fully appreciate the generous impulse that prompted it should read the speech with which its author did in less than two hours proceed to close the debate. It abounded in facts, each statement of which was uttered as an illustration of well-considered doctrine; and though it contained no allusion to the impious doctrines of Malthus and his disciple Ricardo, it is in itself their specific refutation. One of its leading objects was to show that the agricultural States needed diversification of employments; that the workshop and the factory should be located in the midst of diversified agriculture; that farming communities that depended on distant markets for their productions were compelled to sell the vital elements of their soil and to thus diminish the rewards of their future labor; and that the establishment of manufacturing and commercial centers in the midst of agricultural communities, by furnishing markets for green crops, spring vegetables, lamb, veal, eggs, and other small products of the farm, not only enhanced the value of land, but increased its productive power by producing natural fertilizers, so that instead of increase of population tending to famine, in connection with good husbandry it tended to increase of production and more abundant means of subsistence.

That speech was an illustration of the power and noble aim of DUDLEY C. HASKELL, and should be distributed widely enough to keep his memory green in every homestead of the State he loved so well and in the service of whose people he sacrificed his life by unresting toil that exhausted a young giant's vital forces.

Mr. TUCKER. Mr. Speaker, when death stills forever the heart of its victim calumny and enmity stand silent, partisan and personal animosity are hushed, and friendship and charity unite to weave garlands of sweet flowers and immortelles for the new tomb, to commemorate the virtues and to signalize the immortality of the lamented dead. This House meets to-day to pay a merited tribute of honor and respect for our departed comrade, Hon. DUDLEY C. HASKELL.

I knew Mr. HASKELL not from personal intimacy, but from my relations to his public service in this House and upon the Committee of Ways and Means during the Forty-seventh Congress. He was a native of Vermont, but in early life sought as his residence the new State of Kansas, which came into the Union after unusual disturbances of its peace and order during its Territorial life. Mr. HASKELL was an earnest Republican, and no doubt partook somewhat of the intense feelings which had marked the early history of Kansas; and these gave decided direction to his political opinions. He was a strong partisan, and yet kind and liberal in his personal intercourse with his political opponents.

I found him on committee very diligent, practical, and earnest in all its labors. Decided in his convictions, he had the courage which they inspire in maintaining his opinions. He took a very prominent part in the last Congress in the debates in committee and in the House upon the tariff question, and manifested great zeal and industry in the investigation of the facts, statistics, and principles which, in his view, should guide the policy of the Government upon that very controverted question.

Upon questions involving the rights and interests of his own people, including those of Indians inhabiting the State of Kansas, he was vigilant and untiring. He spoke always with great earnestness and with abilities which were practical, direct, and instructive. He was remarkable for great industry, and acquired with diligence all the information which in his judgment would reflect light upon the subject under discussion.

In all my relations with him we were friends. No word or action on either part was ever designed, I am sure, to wound the feelings or to disturb these cordial sentiments; and with this happy retrospect of our friendship I am glad on this occasion to pay this brief and imperfect tribute to the public and private integrity, to the patriotism and ability of an honored citizen, and to the private virtues of my departed friend. He has left an honorable public record, the character of an honest and upright man, and the memory of private and domestic virtues which will keep his memory green in the hearts of the people of his State, of his personal friends, and, above all, of his bereaved and loving household.

Mr. KEIFER. Mr. Speaker, by the death of DUDLEY C. HASKELL the country lost an eminent statesman and this House a valued member.

It is proper that the ordinary course of legislation should stand still, and that we should pause in our own daily course to honor his memory, imbibe a lesson from his example in life, and take heed from his early death.

Others will speak of his last hours. I will only attempt to bear testimony, in brief words, to his excellent life.

Says a famed writer (Johnson): "It matters not how a man dies, but how he lives."

Mr. HASKELL died young and in the full bloom of a useful public life. Born March 23, 1842, he died December 16, 1883, less than 42 years of age. Though of New England parents and birth, he was at 13 years of age upon the plains of Kansas, and in an essential sense engaged at the beginning of the long and bloody battle for human freedom, which ended only after half a million of men were slain by the surrender of the insurgent armies in 1865. I have heard him speak of standing with his hand in his mother's behind the rude parental habitation in

Kansas, when but a youth, to avoid the bullets fired by those who sought to carry slavery into the fair territory west of Missouri.

From patriotic, freedom-loving lips of parents and in the fierce struggle to stay aggressive slavery in its threatening efforts to secure supremacy DUDLEY C. HASKELL early learned heroic lessons, which guided him through life. He was a volunteer soldier in the late war.

He served three terms in the house of representatives of the State of Kansas, the last term as its speaker. He was a distinguished public educator. He served three full terms in this House, including the Forty-fifth, Forty-sixth, and Forty-seventh Congresses, and he was here, though prostrated on his death-bed, with hopeful anxiety to take the oath of office and enter upon a term in this House to which he had been by his constituents elected. Through his friends he besought the Speaker to find some justifiable precedent or constitutional right to go to his bedside and qualify him as a member of this House by administering to him the oath prescribed by law and the Constitution. He had a colleague select him a seat, which he prayed to be spared to occupy. He, prompted by duty to his constituents and to his country, besought the privilege, through a colleague, to offer a large number of bills he had prepared, so that they might go early to committees. His thoughts in his last hours were of duty here, though his malady was of a kind that caused him much bodily pain.

Death brought peace and tranquillity to a busy, restless soul, and changed duty on earth and to his fellow-man to other and higher duties in realms above.

He was a firm believer in God and a better life beyond the grave, and he lived an honest, pure, Christian life, worthy of example to all.

He was a man of firm convictions and keen perceptions of the right. He was opposed to slavery, to polygamy, and to every evil that degraded the human race. He was no fanatic. He gave a reason for his belief, and generally found the right one. His sanguine temperament gave him the appearance at times of being hasty in reaching and expressing conclusions on grave questions. But he was a student, and made his researches patiently and generally alone; and when his mind was satisfied he zealously tried to impress his views upon others. He gave little, if any, time to idle speculation over important subjects, but preferred by study to exhaust them before he talked much about them.

He was temperate in his habits, and only intemperate in his ceaseless toil. He had little time for social life; not that he was averse to it, but because he regarded it time lost. Perhaps more of social commingling and less of constant application to what he regarded his higher duty would have prolonged his life and his usefulness.

His great, strong body was too seldom relaxed, and, as a consequence, physical exhaustion came, followed by death.

The sum of his work in his six years of Congressional life is great, and in point of material usefulness to his country equals the best of his colleagues or predecessors.

In the beginning of the American Congress a member of this House represented about thirty thousand inhabitants. Mr. HASKELL received, when elected to the Forty-seventh Congress, 30,758 votes, and there were cast in his district at the same election 54,495 votes, representing a population of probably 275,000, enough to have given above nine Representatives in the first Congress. The average population of a district, based on the population of 1880, is 151,912.

It is not in the matter of population alone that we find evidence of multiplied duties for members of this House over those of members of earlier days. It is more marked in the new, multiplied, and diversified interests of the present as compared with those of the earlier and simpler days of the Republic. The duties of a member now exceed the necessary duties of a member in earlier days so much that comparison is hardly possible. His duties then and now can more appropriately be placed in contrast than in comparison.

We look to remote times for the higher types of statesmanship, because we are too apt to revere indiscriminately men and things of the past. I believe modern statesmen are purer, abler, harder-worked if not wiser men than their predecessors.

When Mr. HASKELL was made a member of the Ways and Means Committee of this House in the last Congress he was not specially familiar with the details of the important business to be brought before it, yet when it ended its labors with the Congress he was master of the subjects before that committee. None excelled him. His labors bore fruits which have ripened in the sunshine of material progress and have been garnered by a busy, prosperous nation. He loved and clung to his wife and children. They loved him. Mr. HASKELL fell at his post of life's duty. He so lived as to be ready and prepared to die. He successfully tried to do his duty to his country, his family, and to his God. His body was borne from the scene of his toil and public life here to his Western home, and buried there with honor in the midst of a people who knew, loved, and trusted him. They were proud of him in life; he of them. Dead, they honor and revere his memory. He fought for the rights and liberties of man, and went down in the forefront. His whole career blossomed with patriotism and love for his fellow-men. He lies buried among a restless, dauntless, ambitious people. This is eminently fitting and proper.

> Let the sound of those he wrought for,
> And the feet of those he fought for,
> Echo round his bones for evermore.

And, further, in the words of England's laureate:

> Such was he: his work is done;
> But while the races of mankind endure
> Let his great example stand,
> Colossal, seen of every land,
> And keep the soldier firm, the statesman pure,
> Till in all lands and thro' all human story
> The path of duty be the way to glory.

Mr. MCKINLEY. Mr. Speaker, I can not permit this occasion to pass without adding a word expressive of my high appreciation of the character and qualities of our late associate, and of the deep sorrow I feel in common with many others at his early and premature death.

I knew DUDLEY C. HASKELL well and intimately. We entered Congress at the same time, seven years ago, and early in our service here became friends. This friendship grew warmer, closer, and more confiding until the day of his death. During the last Congress it was my fortune to be a fellow-member of the same committee, and almost daily for months we sat side by side in the committee-room. It was there I came to learn his virtues and appreciate his high qualities of head and heart. He was a valued friend, unselfish and always manly, and a steady ally in committee or on the floor of the House. He was a man of pure thought and lofty purposes, keen perception and clear judgment, whose life was helpful to all who came within the circle of his influence, and whose strong individuality impressed itself upon the affairs in which he took part.

He was a man of great integrity. There were no dark corners in his character to be hid from sight; his life was an open book of rare worth, without blur or defect. His politics, like his religion, was born of genuine conviction. He loved liberty, and hated oppression and proscription in every form. He would become eloquent and his words glow with rare fervor in his recital of the early struggles of his State for liberty and free government. He had convictions, and they pierced and possessed his soul. They were a part of him, and he never lacked the courage to utter them. He was a man of stern will and unremitting industry. He never spared himself or shirked duty, responsibility, or labor. He was an indefatigable worker, often touching the extreme limit of physical possibilities. He was not only a student, but he was a scholar; however, most of his intellectual equipment was self-acquired and earned outside of college walls. He never stopped until he had mastered the subject in hand. He built from the bottom, digging deep, and he always builded well.

He was a strong debater, with a voice which could penetrate every part of this Hall; with great readiness, a commanding presence, and a well-stored mind he stood in the front rank of the ablest and best of his fellow-members.

In the Forty-seventh Congress he took a high place among his associates, and had he been permitted to take his seat in this Congress he would have stood ahead of those to whom we gladly accord the rank of leadership.

Death claimed him at the very threshold of a great career—at the moment when he seemed best prepared for wider usefulness and for the achievement of higher triumphs, when he appeared best fitted to serve his State and country. But he is gone. DUDLEY C. HASKELL is no longer among us, called by a wise Providence from this presence. We bow to this decree, pausing only a little while to-day, not to question the inscrutable mysteries of that Providence or to challenge His ordering, but to pay our last tribute, give our heart offerings to one who in life we loved and honored, and who, though removed from these scenes forever, leaves behind naught but memories most pleasing and reflections most instructive, and the record of a life the study of which can not fail to make us better citizens, wiser and more faithful representatives of the people. His family have lost the devoted husband, the affectionate and generous father, his district and State a strong Representative on this floor, the country at large a wise and patriotic public servant, and all of us a faithful friend and valuable associate.

Mr. RICE. Mr. Speaker, Mr. HASKELL was born in Vermont in 1842. When he was less than a year old his father moved to Massachusetts. The father was a strong, energetic, restless man, of that peculiar New England type who have carried and planted the principles and institutions of the Puritans from Plymouth to Oregon. During the ten years he lived in Massachusetts he was a resident in half as many different towns, making his mark in all as a man of spirit and vigor but finding a settled home in none. At last, in 1853, he came to North Brookfield, a town in my own county, then, as now, famous for the manufacture of boots and shoes. In that beautiful village, under the shadow of the largest boot factory in the world, he rested in his wanderings and fancied he had found permanent shelter and home. Dudley attended the public school during its sessions, and worked in the boot factory in odd hours and vacations. Pegging-machines, except by human flesh and blood, had not then been invented, and the little fellow pegged brogans made of unbleached russet leather, for the Southern market. He was industrious and earned good wages, but is still remembered as sometimes apparently forgetting his work and losing himself in reverie. He was called absent-minded. Was he dreaming of the time when he should stand, the central figure to thousands of eyes, uttering words to be read by millions, in-

fluential in shaping the laws of the Republic freest and most imperial of history?

With characteristic enterprise the father invested all his resources in constructing from an abandoned church a four-tenement house. It was nearly finished for its new purpose, when on the night of July 4, 1854, it was burned to the ground. The father was ruined financially by the calamity; to the son it opened the career which was to lead on and up to the high places of the land.

In 1854 Kansas was a wilderness. The tide of emigration had reached the great rivers; all along its path the struggle had been waged, with varying fortune, between the spirit of freedom and of slavery. On the borders of the new Territory the rival forces mustered for desperate conflict—should Kansas be slave or free? It seemed as if on the answer to that question hung the mighty issue whether freedom or slavery should forever rule the Republic. Far away on the Atlantic coast Massachusetts watched the conflict and essayed her best endeavors that Kansas should be free. An emigrant aid association was organized; Eli Thayer of Worcester was its projector, Amos Lawrence of Boston its banker, Charles Robinson of Fitchburg its pioneer. A surveying party was sent out in the spring of 1854 who selected a site for a city and named it Lawrence. In August, 1854, the second party of emigrants left Worcester under the lead of Charles Robinson; they were tall men and strong, they were inspired by that strange, fierce instinct, that love of adventure mingled with devotion to a cause, which has impelled the Saxon race westward from the center of Northern Europe over ocean and continent, planting everywhere the pillars of a civilization higher and stronger than the world had known before.

In this company of emigrants was Mr. Haskell senior. The month before all his worldly wealth had vanished in smoke and ashes. With undaunted heart he turned his back upon his past, his face set towards an unknown and perilous future. I saw him that summer afternoon as he commenced his journey for a new home and a free one. In one hand he carried his blanket, in the other his Sharps rifle.

He did not return; but, in the following March, Dudley and his mother, with another company, joined the earlier settlers, and found their home in Lawrence.

The father survived but three years. An elder brother stepped into the vacant place and was to Dudley both brother and father. He urged and helped him to study, and thereby fitted him for the useful and conspicuous life—all too brief—for which he was destined. At the age of 34 he was the honored Representative in Congress of the great State with nearly a million people which was an unpopulated wilderness when a boy of fifteen he first set foot upon its soil.

First elected to the Forty-fifth Congress, he was prevented by sickness from taking the oath on the first day of the session. Many days later he made his appearance, and we saw for the first time his tall, erect, stalwart figure on this floor.

I can see his face as I saw it then, fixed, earnest, resolved, and as I recall it I fancy that I discern that absent, far-away, dreamy expression his comrades saw on it when he was a boy.

From his entrance here he was a marked man. His commanding figure and his powerful voice enabled him to force his way to the front in the stormy debates in which he so often took a part. Sometimes in the early part of his service we might think that he spoke too often and with too little forethought, but we soon learned that he was sincere and earnest, that he never spoke without an honest purpose, and that his very vehemence was but the effort of his strong but not thoroughly disciplined intellect to force its thoughts into proper and consistent phrase. No man grew more rapidly than he in confidence, esteem, and influence. He soon ceased to be a scout, a skirmisher, a sharpshooter, and became a leader of the center columns. About him were men, veterans in service, who had made party issues, questions of political economy, their study for scores of years; others trained and disciplined by the tough contests of professional life, and others polished and refined by the highest culture of this most cultured age; but among them all none were more conspicuous in the great debates of the last Congress than this young man of Kansas, who, through an unsettled childhood, a destitute orphanage, a hand-to-hand struggle for bread and a place among his fellows, at 40 years seemed to have reached but the beginning of his development.

Six brief, bright years of public service, and, "weary with the march of life," he fell—and perished. No, he lives yet—we may not say in what other sphere—he lives here, in the memory of what he did, teacher, example, guide to the young men of the land.

Without early advantages, he did not despond, but constantly pressed forward in usefulness and distinction. Engrossed in exacting occupation, he never forgot the wife and children who loved him for his unselfish, unremitting, thoughtfulness and care. Poor, wanting many things, sometimes hardly pressed, he was always honest; no bribe ever crossed his hand, no thought of illicit gain ever sullied his pure and upright manhood.

He was ambitious. Let us not deny it. He "bore a banner with the strange device—Excelsior." Let us not blame, but praise him for it. Ambition is one of God's best gifts to men. It forces them out of low surroundings, out of ignorance and sloth, into the higher sunlight on the hills. It has its victims. De Long, dying in the snow, was one; Gordon, going alone to the succor of outlying posts of civilization, may be another; but the world is better for them, it builds temples to their memory, sacred places wherein we worship and give thanks that patience, heroism, and high aspiration are still omnipotent in the soul of man. HASKELL was ambitious to serve well and deserve much. He accomplished his wish, but in doing it he assumed burdens he could not carry long.

Fallen in his prime, we mourn for him as a friend; but we are proud of him as another example of what can be done in this free land, in self-development and advancement, by those who will and work.

Mr. RUSSELL. Mr. Speaker, we pause from our legislative duties to-day to pay homage to no ordinary man.

DUDLEY CHASE HASKELL, the departed statesman, whose loss the whole country deeply mourns, possessed qualities of head and heart which commanded respect and admiration, not only at his home and in his State, where he was longer known, but in this arena which so severely tries and tests all men.

Mr. Speaker, I can not claim an intimate acquaintance with Mr. HASKELL, as I saw but little of him in the private walks of life; but born as he was in my native State, Vermont, I had a watchful interest and natural pride in his public career. In the Forty-sixth Congress I only knew him as a ready and fearless debater on the floor of the House. The earnestness with which he espoused every great cause that came before Congress impressed his associates that he was interested and actuated by conscientious motives. A most striking illustration of this is his brilliant and powerful speech in the first session of the Forty-seventh Congress, in which he so ably discussed and denounced in such scathing terms that wicked system of polygamy which has so long tarnished and disgraced our national reputation.

In the last Congress, where we were thrown together in the Committee on Ways and Means, I became intimate with him. I saw him wrestle day by day for several weeks with all the power and enthusiasm of his nature with that great economic problem—the tariff. This committee, owing to the short time it had to revise the work of the tariff commission, gave no public hearings, which forced the representatives of the numerous interests to be affected by tariff legislation to seek personal interviews with the members of the committee. The daily attendance of members at the sessions of the committee and House necessitated these interviews at the homes of the members, which tended to lengthen the days and shorten the nights, testing their physical capacity almost beyond endurance. It was this long and incessant labor which laid, it is *believed*, the foundation of an illness from which Mr. HASKELL never recovered. He was untiring in his labors, and appeals to him to investigate the facts in relation to any interest touched by the bill then under consideration were never thrust aside; but his readiness to undertake and his capacity to understand were a marvel to all who came in contact with him.

As a Representative from an agricultural State he occupied a somewhat advanced position on the question to which he devoted the last days of his Congressional life. But having spent his early life in New England, where he acquired his education, and where he had seen so fully illustrated the benefits and advantages of the protective tariff system, he espoused that cause, and ever after supported it with all his power, believing that it was not only for the best interest of his own State, but for the whole country.

The bill which he helped to formulate in committee and so ably defended and advocated on the floor of the House became a law, and Congress adjourned. But that did not bring to Mr. HASKELL needed rest. Having a somewhat doubting constituency, he devoted a large part of his vacation to carrying on, in public meetings and in print, the tariff discussion. Thus deprived of the opportunity to regain his wasted energies, when he came to Washington in November to resume his duties he was broken in health. Though he gradually failed after his arrival, neither his physician nor his immediate friends anticipated so sudden an end. He passed silently and peacefully away in the early dawn of Sunday, the 16th of December. The public had had no warning and were both shocked and surprised at his death.

This breaking up of strong men is a sufficient answer to the popular delusion that a Congressman's life is one of pleasure and idleness. If one yields to the demands of legislative duties and to the various appeals of his constituents, it will most thoroughly test the ability and physical endurance of the strongest.

Mr. HASKELL'S life, though short in years, was large in accomplishment. He had served his country in the Army, his State with distinction as legislator, as speaker of the house, and in Congress for six years. To our limited view it would appear that at this early age, 41 years, he was cut down at the threshold of his greatest usefulness.

In the presence of a higher wisdom and power we wonder, we regret, and reverently submit. If he was to be removed from us, I was glad of the privilege to be one to bear his remains to their last resting-place, and accompany that bereaved and stricken family to their small but beautiful cottage on that eminence overlooking the city of the living so long his home and the city of the dead where he was laid.

There was something especially pleasant and attractive about the homestead he had provided for his family, and it seemed now fitting that

it was situated next adjoining that of his older brother, his only surviving relative, between whom and himself there had always existed the most intimate and devoted attachment. The widow and the fatherless children may here live under the protecting shadow of their remaining staff, a brother's protecting care.

The love for our deceased fellow-member and the esteem in which he was held in the community in which he lived were shown by the general suspension of business and the draped private and public buildings on the day of his burial.

Mr. HASKELL'S true Christian character was not only appreciated and understood by his neighbors and the church to which he belonged, but was known and felt by all who came within his influence.

Though our friend has passed away, his pure and upright private and public life must leave an influence for good, and his rapid advancement and brilliant career may be an inspiration to the young men of his State and the country.

In Mr. HASKELL'S death this Congress has lost an able member, the country a broad and progressive statesman, Kansas one of her largest-minded and noblest citizens, the widow a true and fond husband, the children a devoted and loving father.

Mr. Speaker, since we were selected from the people for this Congress seven of our number have been called to that undiscovered country whence no traveler returns. Certainly we are not without admonition or warning of the uncertainty of human life, and that the grim messenger Death is no respecter of persons nor waits any allotted length of life.

Mr. BURNES. Mr. Speaker, DUDLEY C. HASKELL was my neighbor. His late constituents are neighbors of my constituents. Just across the mightiest and longest river on this continent he lived from boyhood to middle age under my observation.

I can not hope on this occasion to express satisfactorily the height or depth of my appreciation of his pure and exalted character, but silence would be a disappointment to the good people I have the honor to represent and an injustice to my State. A wide divergence in political sentiment creates no prejudice against the possessor of high personal integrity and profound moral worth.

Every intellect perhaps is dominated by some ideal man who exists and can only exist in the imagination. Outward circumstances and surroundings reduce the ideal at last to the practical, and myriad Utopias are forever abandoned and uncolonized. Mr. HASKELL had ideals and ideals, but he was never a dreamer. He sought not a limit in the limitless, a period in eternity, an eternity in human achievement. He believed in creation, but it was in the creation of labor, genius, and activity. With him speech was for light and enlightenment; and he held it vain and meaningless unless accompanied by constant, earnest work for the benefit and elevation of mankind. When Omnipotence determined upon the wonderful creations in, above, and around us, everything required time and labor save light. This He spake into existence by the divine command, "Let there be light."

Mr. HASKELL was at once a believer and a worker. He believed in God and in labor also; in everything that was true and beautiful, and in every good work. He believed in his State and loved her. He believed in his people, and confided in and trusted them without reserve. He believed in his home, and made it, for himself and all its loved inmates, the holiest, happiest place on earth, loved and prized away above and beyond all the glamour and fascination with which the world allures. He believed in and loved the sunset, for he had seen it in Kansas, as it is seen nowhere else on the earth, reflected back through the golden bowels of the Rocky Range.

He was essentially the growth and product of Kansas. Born in a State which has been said to be the best in the Union—to emigrate from—he carried with him to his new home on the banks of the Kaw all the sturdy elements of the New England character, whose groundwork is faith, patience, and perseverance. When scarcely 10 years old he heard the whispered words of preparation for the historic struggles that drove African slavery from Kansas and added *Ad astra per aspera* to the Federal constellation. He had seen the assault, the charge, and the torch in his beautiful city of Lawrence; and further on had heard in the streets the murderous shouts of Quantrell and his demoniac legion, rioting in the innocent blood of a hundred victims. Had he not been a Christian, scenes like these might have made him a revengeful monster; but when the excitement was over, kneeling reverently in the midst of the dead and dying, if his lips did not utter, his heart responded to God, even in that terrible hour of death and ruin, "Father, forgive them; they know not what they do."

He was the growth and product of Kansas; he was more. He was thoroughly Western and American besides. Anything that man had ever done he believed that man could still do. Self-reliant almost to rashness, he never hesitated in the line of duty to reach out for the possible. His investigation of a subject ended only in its mastery. To obscure or confuse it was alike impossible and unnecessary. He was ambitious, and had a right to be. In public life he found a restless yet fascinating pleasure. Success attended him. To the honors of collegiate labor were soon added those of his State and country. Worthily won, they were honorably worn. Achieved by honest merit, they were enlarged and burnished by honest toil and patriotic sacrifices. The trusts reposed in him were sacredly executed. His pledged word was inviolate. His political honor, equally with his personal honor, he kept sacred and spotless. True, brave, and steadfast, his acquaintances became his friends, and the latter were multiplied. His constituents followed him with pride. He was fit to lead. His arguments in this forum were repeated to them without evasion or apology. Frank and honest with his people, he could but be frank and honest with his colleagues on this floor. Seeking to represent faithfully his district and State, he yet had less of the laudable selfishness of local or geographical interests than any of his compeers, and was never unmindful of the great duties he owed to the whole country. He studied and toiled and struggled. Thorough in investigation, accurate in detail, logical in argument, and often eloquent in application and conclusion, he grew strong in debate, and advanced toward the leadership of his party. He was becoming a giant.

Elected a member of this Congress, his responsibilities were enlarged by the general recognition of his intellectual power. He seemed to realize the fact, and prepared himself to meet it. No command of his physicians, no appeal of his anxious friends, could swerve him from what he believed to be the path of duty. He believed the mind should dominate the body, whatever the stress or strain. He had thought much upon legislation, and saw, or thought he saw, the work of his hands in former Congresses about to be reviewed by his political adversaries. The sharp, keen conflict of mind with mind and system with system was already before his eyes. He saw the coming all-night vigils and the glare and heat of the fierce onset—the thrust, the parry, and the parliamentary blow. The tumult of action and cheers of victory resounded in his ears as unconsciously his vital force was departing, pitifully ominous of the end. At his post of duty, overtaxed and overburdened by the peculiar exactions of Congressional life in this House, the lamented HASKELL, like many another, died a martyr to his moral convictions of official obligation.

His life, in all of its relations, was singularly pure, winning, and lovable. As a neighbor, not a drop of levitical blood was ever lodged in his veins. As a Christian, he was the same on the street as at the altar; on the last six days of the week as on the first. He reverenced his honored parents and ever rendered them a cheerful obedience. His tenderness and unselfish love for his true and faithful wife grew into conjugal idolatry; and his absolute devotion to his gifted brother marked every word and act of his life. "Sir," said an old friend of the family on the day of the funeral, "The father must have oft repeated to his sons the fable of the old man and the bundle of sticks, for never have I known brothers so loving and devoted to each other as John and Dudley Haskell." What a divine panegyric upon both!

Sir, there was no drought of tears in Kansas when your committee tenderly deposited the remains of DUDLEY C. HASKELL in the warm and generous bosom of his beloved Commonwealth. Every home wore the emblems of a tearful bereavement; from every eye fell pearly drops of sympathy, and in every heart was a throb of love for the living and the dead. Thus the grave closed over him beneath "an arch of steel."

The twin homes, side by side, on the limits of the beautiful and historic city of Missouri's neighboring sister, are sorely stricken. Not more the head of one than the light of the other, and the love of both, he is already seated in a higher congress than this, over which Jesus our Saviour in love and mercy unerringly presides.

Mr. BROWNE, of Indiana. Mr. Speaker, to our roll-call DUDLEY C. HASKELL no longer answers. He will meet us in council no more. His very silence admonishes us that our days are crowded with sorrows, that joy palls, hope misleads, and that

Life is but a walking shadow.

It teaches us the lesson of tolerance and humility, rebukes our pride, points us from a faded past, and bids us hope the glowing radiance of a future life.

My acquaintance with HASKELL began with the Forty-fifth Congress. We entered that Congress together, and from that time until his death, a period of seven eventful years, I was an almost daily witness of the ability and courage which he brought to the discharge of his official duties. When he took his seat in this body he was a young man of but thirty-five, in vigorous health, with muscle hardened by the athletic games and sports of his college days, the hardships of a camp life, and the activities of an exacting business. Among all his associates of the House none seemed to have a firmer hold or a longer lease on life. He appeared to be one whom fate had reserved for a bright and useful manhood.

But he was called to rest as he was being fully equipped for labor. His life ended before its work had fairly begun; but short as was his career, it had demonstrated a capacity for usefulness and gave promise of an illustrious future. When Death called him he was not

An old man broken with the storms of State,

but was in the vigor of a just ripening manhood. It came when the heart beat high, when ambition was on the wing, when coming years were glowing with brightness.

Ah! what is human life?
How, like the dial's tardy moving shade,
Day after day slides from us unperceived!
The cunning fugitive is swift by stealth;
Too subtle is the movement to be seen;
Yet soon the hour is up—and we are gone.

Public men have sometimes lived too long, lived until the weaknesses of age entrapped them into a mistake that obscured the record of their earlier achievements; but he of whom we speak died all too soon. His resources had never been fully brought out. He had not been permitted to gather what he had sown, nor had he wrought a full day of labor. He had not attained the fullness of his intellectual growth. Before the opportunity came for bringing out his highest capabilities he was gone, and the world now can only measure him by the work he has left behind him. In the humble tribute I pay his memory to-day I will refer briefly to some of his traits of character as they impressed me during my acquaintance with him in this body, but the most I know of him I learned from the friends of his youth and of his manhood, whose eyes moistened and whose lips quivered as they gave me the story of his life.

Before coming here HASKELL had served with distinction in the General Assembly of his State, and was well trained in the methods of legislative proceedings. He was from the beginning of his Congressional career recognized as among the foremost of his party. As an evidence of the estimate put on his ability by those with whom he served, he was assigned places upon the most important committees of the House. He was equal always to the duties he assumed.

In debate HASKELL talked well. He seldom wandered from his subject, and never fell below the level of the occasion. He was of a robust and well-disciplined mind, and capable of striking vigorous blows for what he believed to be right. In the declaration of his opinions he was bold and frank, and he maintained his views with great zeal. Of an active and aggressive temperament, he sometimes asserted his convictions with an earnestness that seemed dictatorial, but he was ever unconscious of a purpose to offend. Sanguine as he was, he kept his temper under good control, and was seldom, even in the fiercest debate, betrayed into an offensive or intemperate expression. He asserted himself with much positiveness, and was unwilling to seek success through concession or surrender. To him doubts were traitors, and he never allowed them to enter the domain of his beliefs. He was quick in thought and prompt in action. His was

> The keen spirit
> That seizes the prompt occasion—makes the thought
> Start into instant action, and at once
> Plans and performs, resolves and executes.

He was a worker. His was a genius that not only furnished its "own fuel, but lighted its own fire." He never allowed his energies to stagnate.

Those of us who served with him in the Forty-seventh Congress will not soon forget how, through the weary days of the tariff and revenue discussion, he came every morning to the contest with his armory full of weapons both offensive and defensive. His nights were devoted to study, his days to work. When the House adjourned he became a learner; when it met, he was a teacher. To me it seemed that he had mastered the minutest detail of the complex measure under consideration. The fullness of his information, the exactness of his knowledge of every branch of the subject, was a surprise to all who did not know his inflexible purpose and untiring energy.

It is more than probable that these labors so severely taxed his physical resources as to hasten his death; but as man's life-work is all he has to front eternity with, it is no cause for sorrow that the death-wound is received on the field of duty. To know a man's real character, to pass correct judgment on his inner life—his life of motive, of affection, of devotion to duty—we must learn in what esteem he is held by those who have in prosperity and adversity seen his daily walk and conversation. Both adversity and prosperity try the forces of man's spiritual nature. HASKELL had seen both; had been depressed by the one and encouraged and comforted by the other. On the one hand business misfortunes had overtaken him, while on the other political preferment—through the expression of a people's confidence—had crowned him with honor.

At every step he had been confronted by a duty requiring for its performance a courageous manhood, and his neighbors who had witnessed these struggles bore cheerful testimony to their manfulness. His days were not all calm and bright; clouds gathered over them and shrouded them in shadow and darkness; but standing within these shadows he took the measure and method of the world's selfishness, felt the full force of the disaster that reduced him and his loved ones to the verge of poverty, but through it all his integrity and uprightness of character were not for a moment under a cloud. He never made money a god; never veteranized in the war for gold or became soul-scarred in the scramble for wealth. It became my sad duty, under the direction of this House, to accompany those who bore his remains to the city of his home, to the people among whom he had long lived and labored, and by whom he had been four times chosen a Representative here. The grief of his people was unmistakable.

A largely-attended public meeting of the citizens of Lawrence and surrounding country had met and given suitable expression of their sorrow for the loss of their honored fellow-citizen. The city was draped in mourning, and, as was said of Mirabeau, the people crowded "about the house of their tribune as if to catch inspiration from his coffin." In his death some had lost a counselor, some a leader, all a friend. The funeral services were held in the church in which he had been for years a worshiper, and here those who had wrought with him in the church and the Sabbath-school spoke feelingly and eloquently of the purity of his life and his faithfulness to every Christian duty.

HASKELL was an active worker in the church and a firm believer in the gospel of Jesus of Nazareth. His pastor and his colaborers spoke of his life as a lovely example of Christian purity and one that was in the highest and best sense loyal to its professed faith. His faith in the Christian system was deep and abiding; it was the anchor to his hope of the life eternal. To him a confession of unbelief was a wail of pain and despair. He had an undoubting faith in man's immortality. To the inquiry of the patriarch, "If a man die, shall he live again?" he would have answered:

> Shall I be left forgotten in the dust,
> When Fate, relenting, lets the flower revive?
> Shall Nature's voice, to man alone unjust,
> Bid him, though doom'd to perish, hope to live?
> Is it for this fair Virtue oft must strive
> With disappointment, penury, and pain?
> No! Heaven's immortal spring shall yet arrive,
> And man's majestic beauty bloom again
> Bright through th' eternal year triumphant reign.

But his mute lips can send us no message. He has passed through the gates and is solving the great mystery. One who went before him said:

> It can not be that earth is man's only abiding-place.
> It can not be that life is a bubble cast up by the ocean of eternity to float a moment upon its waves and sink into nothingness.
> Else why these high and glorious aspirations which leap like angels from the temple of our hearts, forever wandering unsatisfied? Why is it that the rainbow and clouds come over with a beauty that is not of earth and then pass off to leave us to muse on their loveliness? Why is it that the stars hold their festival around the midnight throne or, set above the grasp of our limited faculties, forever mocking us with their unapproachable glory?
> And, finally, why is it that the bright forms of human beauty are presented to our view and taken from us, leaving the thousand streams of our affections to flow back in Alpine torrents upon our hearts?
> We were born for a higher destiny than earth.
> There is a realm where the rainbow never fades, where the stars spread out before us like the islands that slumber on the ocean, and where the beautiful things that pass before us like shadows will stay forever in our presence.

In this beautiful faith HASKELL lived and died.

Some in this day, I know, regard the term "Christian statesman" as one of reproach; but I am glad to know that in political life there are, oftener than men think, grand characters who, through the blinding glare of wealth and the glamour of temptation, can see God and follow Him, and who, above the angry altercations of scheming and ambitious partisans, above the tumult of the mob that would crucify truth and deify falsehood, can hear God calling to duty, and courageously obey Him.

As I conversed with his neighbors I found the loveliness of HASKELL'S domestic life the theme of every tongue. To make his family circle bright and joyous was his uppermost desire. To him affection was not simply a name and love a mere passion of the hour, but he ever wore the image of his wife and children, like beautiful flowers, next his heart. He filled his cottage home with smiles and melody, and even in the fierce tumult of his political struggles that quiet little home among the forest trees was the goal of his earthly joys and hopes. It was the Mecca to which his heart made constant pilgrimage. That home, once so light and joyous, is darkened now. The angel of death has shadowed it with his wing and turned it into a house of mourning. And now, Mr. Speaker, as we pay tribute to the memory of the dead we may pause and send a message to the widowed wife and orphaned children who are stricken by an incurable grief. The place that was hallowed by a father's and husband's presence is silent and sad, and that broken and bereaved family, in agonizing tears, stand by a fresh-made grave.

But the weary body, broken by disease, lies where no storm can disturb it. The wrecked bark rides at anchor without a disturbing wave. A throng of people—friends, neighbors, and strangers—followed the hearse of their honored dead to the beautiful cemetery close by the city. I was one of that sad *cortége*. It was a drear December day when, with bowed heads and sad hearts, we lowered his body to its final abode. His grave was made on a gentle knoll in sight of his cottage and overlooking the steepled city. On it the morning sun will rise and evening twilight fade. There the hand of affection will plant the rose and the myrtle. As the years go by the stars will shine upon it and the gloom of the nights that are starless robe it in blackness. The winter winds will shriek above it, and in the spring-time the melody of the bird-song and the perfume of the flowers will environ it. There in the solemn calm of the grave we left him to await the call of the angels.

Mr. BELFORD. Mr. Speaker, among the sweet legends of the past we learn of two islands located in an unknown sea. The one was called the island of the living, and the other that of the dead. Into the former death never could enter. Its city was resplendent with beauty, and in its gardens and parks no flower lost its flush, no violet its hue, and no lily was ever numbed by the hard hand of frost. But disease was allowed to visit its inhabitants. They were blest with the attributes of immortality, yet cursed with the infirmities of humanity. There was immense wealth in this island and all the festivities and festoons that it could afford. There were drum-beats of glory, and the whirls of the dance, and the soft lute-tones of gayety. But the inhabitants

of this island wearied of its joys and activities and sought repose beneath the shadows of the island of death. Sleep had taught them that there might be a surcease from sorrow and that the weary limbs and tired souls might somewhere find repose. They constructed their barks, and entering on their uncertain voyage struck for the shores of the other isle and reaching them were at rest.

Does not this legend typify the relations of those who dwell in the annals of time to those who rest in the realms of eternity? The weariness of life inspires the enjoyment of death, and Hamlet expressed but an instinctive fear when he declared in his soliloquy that we must not fly from the burdens of to-day to the uncertainties that might occur to-morrow. "That which is universal can not be an evil."

The dread of death is but an animal instinct. The falling of the leaf is death; the withering of the flower is death; the changing of the foliage in the forest is death.

The wrinkles on our faces, the increasing gray in our hair, are but the indications of the coming of the great Master who gives us repose. His hand, after all, is soft as the dews of the morning. Even the condemned in his prison eats a hearty meal and sleeps quietly the night that precedes his execution. It is not death that is terrible, but it is the separation from friends, the inability to converse with those that are here and those that have departed. Dying is but a disappearing mist from the crest of the mountain, to be followed by the sunshine of a better life. Oh, what a mystery is this art of living! Is it not greater than the mystery of dying? Does one bring more hearty anxieties and solicitudes than the other?

The field of infinite and immeasurable space into which we drift is but the domain of naked conjecture. But here we have the substance where the cactus and poisonous weeds grow and flourish. How many ships with full sails go out into the bosom of the ocean only to return battered and worn! How many hearts commence life joyful and gladsome, to afterwards beat irregular ticks, like a clock out of time! How many things there might have been for which the hungry heart sighed and failed to acquire!

There are many faces in early life gladdened with the joyance of hope and courage, and yet we have seen their smiles fade into gloom and sink below the horizon. Does this life, after all, furnish us with anything but hope inspired and hope disappointed? When we contemplate the problem which each of us must solve, can not we realize that our departed brother is folded in the realm of eternal kindness and has escaped the perplexities with which we are annoyed, and that he is looking upon this world without the red rust of tears that we notice in each other's eyes. We vainly struggle to reach and measure the deep things hidden from our mortal sense. We seek to count the stars, but the most of them are out of our telescopic view, and our dull and stupid souls do not know the deep things that are hidden from us. There is but one sure platform on which we can stand, and that is this: "That God has chosen for the best."

The aching heart and the sorrowful soul look forward to a sweet "By-and-bye," where a pure ideal of what they might have been may be realized and the faults that debased us here may be purged and corrected there; where the drooping flower of this life may be the erect and stalwart of the ages to come; where the crooked ways of this world may be made the straight ones in the next; where the sorrows that shroud the weary soul here may be illuminated by the Eternal Sun that will make them resplendent forever, and that every eye gazing upon them will perceive that the light of God's countenance shines through each soul and will ultimately make it beautiful and serene. This is no vain hope, because it is the harbinger and sunset of the millennium whose arch and span are made up of the promise of beauty and rest.

DUDLEY C. HASKELL was great and noble-hearted; his thoughts and his deeds blended together like the notes that spring from the various strings of a harp. He was courageous and manly in debate and wise and judicious in council. He was affable in his manners, loving, trustful, and honest in all his associations. In his experience he had learned and felt the sentiments expressed by the German poet:

Who never knew misfortune, lived but half;
Who never wept, ne'er heartily did laugh;
Who never failed, could scarce have striven and wrought;
Who never doubted, hardly could have thought.

Through the gradations of labor and poverty he reached this House. He was a conspicuous member on its chief committee, and devoted the energies of his mind and the honesty of his heart to revise those great laws which affect the industrial interests of the Republic. His lips were too white to utter a lie, and his hands too pure to accept a bribe. Why a man thus constituted should in the heyday of his youth have been garnered by the harvester Death passes my comprehension. I feel, and I contemplate the event, like Schiller felt when he wrote his poem entitled "The Battle," and wherein he exclaimed:

Brothers, God grant when this life is o'er,
In the life to come that we meet once more.

Oh, how mournful are the groans that echo from the chambers of death! Of all the sad notes which human ears have heard are the death-notes that accompany the departure of our friends.

He was plucked from us in the very spring-time of his days, with the pulses of thought strong, vigorous, and clear. Is Nature in combination with human souls to enable them to reach the height of perfection in the blush and bloom of their youth and vigor? How enchantingly the rainbow of future promise must have appeared to him, and with what endearment he must have embraced the prophecies of the future. It is inexpressibly sad to witness the scissors of death severing the threads that bind the human soul to this earth, where so much joy and bliss are found. What hopes are crushed; what anticipations are frosted? But is it not a compensation that in the grave our rest is undisturbed? No sorrow, no slander, no venom, and no temptation can touch us then. The ocean that separates this world from the next no human eye can penetrate. The shadow of the future is on the shore of the present, and what lies in that shadow no soul can tell. Oh, how sweet it would be if on this ocean that divides time from eternity, and on which souls are the ships of passage, we could freight these spiritual vessels with messages of love to that "bourn from which no traveler returns!" We would send letters fragrant with the supremest affections of the human soul. We would send bouquets of flowers as beautiful as those that first appeared in the garden of Paradise. But we simply grasp the air, and find our hands empty. We look at the sea, and find it is shoreless. We speak to the departing messenger, and find that to his hands we can consign no commission. My dear departed friend, let me express in the language of one of the world's greatest men and sweetest poets my own sentiments:

Fare thee well, oh, thou to memory dear,
By our blessings lulled to slumbers sweet;
Sleep on calmly in thy prison drear,
Sleep on calmly till again we meet.

Till the loud almighty trumpet sounds,
Echoing through these corpse-encumbered hills;
Till God's storm-wind, bursting through the bounds
Placed by Death, with life those corpses fills.

Till, impregnate with Jehovah's blast,
Graves bring forth and at His menace dread,
In the smoke of planets melting fast,
Once again the tombs give up their dead.

What a wonderful sight we shall some time see when the great of the earth are all gathered there; when the laurels of victory and the cypress of defeat are intertwined without the slightest regret. In the sweeter time to come, when the blossoms all bloom and the infirmities of this life be forgotten, we will realize that the soul is the jewel of all things, and that the circumstances which encompass us here simply tend to brighten and burnish it; that the office of the shadow is to intensify the sunlight. And if there is ultimately to be a perfectibility of the human soul, we will be across the river what we might have been here.

Oh, what is death but a rebirth into that larger life where we go on forever! Who can measure the compass of our existence? We come here without our consent, and depart without being consulted.

Is it possible that our rest is to come in the bosom of the planets that illumine the sky? Are we to realize ultimately that the sun which warms the earth with its heat and makes the grass grow in its vigor and greenness is but a type of the Heavenly Father who counts the number of our hairs and notes the dropping of a sparrow? These, indeed, are puzzling questions, and no man can solve either the riddle of life or death. The pagan religion to the dying had no terrors. The intelligent thought of to-day in contemplating death brings no dismay to thoughtful souls. Once we were unknown and unincarnated, and all of us came into this world indicating our appearance with a cry. Our mothers, who hold the doorway of life, love us when we come and weep when we go out.

Does not the mystery of life increase with every thought touching its conditions? How anxiously we stand on the shore of this ocean, and lift our eyes to the heavens above us, and clasp our hands and ask, "When will the departed return?" Yet it is all in vain and hopeless. Over the ripples of this boundless sea there is no rustle of air that brings us a response:

We long for the touch of a vanished hand,
And the sound of a voice that is still.

Can it be possible that the strong attractions of this life by way of personal friendships are but the reproduction of loves and affections that existed in the ages before when our spiritual incasements were entirely different? On this subject I can think of nothing sweeter or better than the poem of Colonel Joyce, entitled "Unknown," which I repeat:

I gazed on the babe at its mother's breast,
And asked for the secret of life and rest;
It turned with a smile that was sad and lone,
And murmured in dreaming, "Unknown, unknown."

I challenged the youth so bold and so brave
To tell me the tale of the lonely grave,
But he sung of pleasure in musical tone,
And his echoing voice replied, "Unknown, unknown."

Then I questioned the gray-haired man of years,
Whose face was furrowed with thought and tears,
And he paused in his race to simply groan
The soul-chilling words, "Unknown, unknown."

I asked the lover, the poet, and sage
In every clime and every age,
To tell me the truth, and candidly own
If, after death, 'tis all unknown, unknown?

I soared like the lark to the boundless sky,
Sighed in my soul for the how and the why;
The angels were singing and just had flown,
I heard but the echo, "Unknown, unknown."

We come like the dew-drops, and go like the mist,
As frail as a leaf by autumn's winds kissed;
Fading away like the roses of June,
Wishing and waiting to meet the Unknown.

Nature, oh! Nature, the god I adore,
There's light in thy realm, I ask for no more;
From the seed to the fruit all things are grown,
Yet, while we know this, the cause is unknown.

When matter and mind are perished and lost,
And all that we see into chaos is tossed;
From nothing to nothing we pass out alone,
Like a flash or an echo—"Unknown, unknown"

We grope in the dark and inquire why we have been brought here, and we vainly study what is to be the end of our being and whether we shall attain a definite object or miss it altogether. Tennyson in the following lines has expressed the despair and the hope of every human soul:

Behold, we know not anything;
I can but trust that good shall fall
At last—far off—at last, to all,
And every winter change to spring.

So runs my dream; but what am I?
An infant crying in the night;
An infant crying for the light;
And with no language but a cry.

Oh, how the great of this earth from the times of Zoroaster and Christ to those of Swedenborg and Wesley have struggled to solve the problem, "What am I, and why am I?" No satisfactory solution has been found. Descartes summed up his philosophy by declaring, "I think, therefore I am." Seneca, staggering in the dark, shouted out, "If only one might have a guide to truth." "We must wait," Plato declared, "for one, be it a god or god-inspired man, to teach us our religious duty." And Cæsar declared in the Roman Senate that there was no god and that the future was more than a blank. The world, after all, must rest on its growing faith, and as man gets better and sweeter and more virtuous in his life his god assumes these attributes, just as the Grecian gods took on the character imparted to them by the Athenians. It would seem to me that in the mazes of this life we might receive at least an occasional revelation that would quiet our anxieties and give our souls actual assurances of a positive immortality

But if there be a personal God we can not judge of the wisdom of his designs until we know the end he seeks to accomplish. I remember once to have stood by the side of a loom where they were weaving Brussels carpet. The design of the weaver was unknown, and the figure but half completed. I said there was too much black and too little white, too much pink and too little yellow. Turning to me, a lady remarked, "without knowing the design your criticism is unjust." This weaver but typifies the Almighty Weaver, who has all our human souls like so many threads on His infinite loom, and when the carpet that he is making is spread on the floor of eternity and illuminated by the light of His countenance, it will be found that there is not one thread of white too much nor of black too little.

Mr. HANBACK. Mr. Speaker, more than sixteen years ago two towns in my State of Kansas were arrayed against each other upon a question of small import to the world, but at that time of much importance to those two young municipalities of that young Commonwealth. A thousand people gathered there upon the open plain to witness eighteen young and stalwart men engaged in a contest at base-ball, and of that number, bright and brave, stood DUDLEY C. HASKELL, the chief of his nine.

And there for the first time I met him in that friendly conflict. From thence on we grew in acquaintance which ripened into friendship such as few men enjoy in this world. I knew him in the pride of his manhood, when the shadows were falling far behind his back and when his eye was bright with hope as he looked into the future. I knew him when he was struggling in adversity while engaged in a lawful and honorable calling in merchandise in his city, when bankruptcy, long deferred, stared him in the face, and at last fell upon him and blighted his business prospects and darkened his home. But in that hour the face of that man was sublime, serene, and perfect, because his hands were as white as the snow which fell upon his grave that drear December day when the citizens standing around gave their blessing and their tears to him and to his.

He was not successful in a business point of view. His life was created for another purpose, and the time was coming when he was lifted out of the slough of despond into which he had been thrown.

He was sent to the Legislature of his State, and then for the first time he stood a master among men. With one accord and with unanimous voice he was selected to preside over the deliberations of that body; and it is to his high credit, and was always a matter of pride with him, that no decision he had made during his term of office as speaker was reversed by the house. He went down from his high place receiving the plaudits of all men, whether they differed from him or not on the political questions of the day.

In the summer of 1876, after a close contest in the Congressional convention of his district, he was chosen as the nominee of the Republican party. Against him in the contest was pitted a man who was known with distinguished credit to himself in that State; a man coming fresh from the Halls of Congress, who had acquitted himself honorably and creditably in that capacity, and who bore upon his party ensign not the name of Republican, but that of Democrat. He was a man well known and respected, who bore a proud name among the people whom he had served; a man whose counsels were respected and wise, and who had presided as a judge in a district composed of a large portion of that Congressional district for many years. This was the man with whom the young candidate for the suffrages of the people was to lock hands in a contest that would be to the death.

I remember well the day when the ensign of victory floated over the head of DUDLEY HASKELL, and his future was assured. Five thousand people were assembled at Olathe, in his district. His opponent spoke and others spoke; general debate was in progress, and yet HASKELL was not there. And I remember the sneer that went forth as they said he did not dare to come. But he was coming; he was coming by a slow freight train, for come he would, and there was no other train available. At 3 o'clock in the afternoon a team driven madly on came up, and HASKELL, covered with dust and smoke, leaped upon the platform ready to grapple with his antagonist. The victory for a while seemed doubtful, it wavered and pointed the other way, but in a moment all was changed. Throwing his coat aside, HASKELL stood forth in the presence of the throng in all his magnificent manhood to present his powerful views of the great questions of the day to the expectant crowd. I tell you that when that contest was over, when that debate was done, the future of that man was assured, the future of the contest in that district was assured, and all men yielded to that opinion.

Called by the voice of the people of that district to come here as their Representative in this House, he came at their behest, although deathly sick, grasping for life, almost then gone; and yet he was raised up under the providence of God to become the honor of the State and the honor of all the nation, entitled to its love and respect.

Mr. Speaker, I have but few words more to say of our dead friend. I was with him in every contest he had in his district. We traveled together side by side. We communed together upon the great questions that were to be presented, upon the political condition of the country, the legislation that was demanded; and yet, in all the days and nights I was with him, I never heard him say an unkind word of any living man. His heart was spotless and void of offense toward his fellow-men. Abuse and misrepresentation he could trample upon and defy, while still maintaining the purity of his manhood; and it was the white mantle of love which enwrapped him as he lay dead in his home here in Washington. It was the same white mantle of love that enfolded him as we went with his dead body, with swiftly-moving pace, to Lawrence, there to be greeted with lamentations, sighs, and tears by thousands of his old acquaintances who had learned to love him over the loss that had befallen them, and I thought as I stood there and witnessed their grief that they had come to know perhaps for the first time that a great man had fallen in Israel.

There is no question in my mind, Mr. Speaker, as to where his ship is floating to-day. There is no question in my mind as to what harbor it has entered with fluttering sails and flag floating transcendently beautiful. I know, as you know, as we all know—for it is emblazoned in our hearts—that we shall live again. The men who stood with the Republic, who fought for it, who made it, the men who died at Lexington, and those who died with the last shot that was fired at the heart of the nation, are living to-day.

To-day o'er our flag they are keeping
As faithful a guard as of yore.
No sentinel spirit is sleeping,
That pickets the line of the shore.
The voices of music are ringing
In accents of sweetness abroad:
The sanctified army is singing
The praise of America's God!

Friend of my early days, companion, counselor, I greet thee; I greet thee; I greet thee!

Mr. PETTIBONE. Mr. Speaker, I ask the indulgence of the House for a few moments while I, too, join my voice with those of his older associates upon this floor to add my testimony in giving emphasis to the sterling and manly character of DUDLEY HASKELL.

My offering of eulogy is very brief and humble, but it certainly is heartfelt. Others who knew him longer and more intimately than I have given us the details of his life's story. What I knew about him I learned mostly by close observation while he was with us and of us. I first knew him in the Union Army. Like myself and all our comrades, he was then a young volunteer. It was during what we of the old "Army of the Frontier" called the Prairie Grove campaign.

Bright, active, brave, and handsome, in the full glory and blush of

his early and splendid manhood, I seem to see him now as I saw him then, when in pride and honor and heart's devotion he wore unsoiled his country's uniform of blue.

It was evident to his comrades in those old days, as it was later to those who knew him in this Chamber, that he had courage and integrity in his heart, as he certainly had power on his brow.

I next met him on this floor in the first days of the Forty-seventh Congress. He impressed me always as few men ever did; and as the months wore away close observation convinced me that not only were his intellections keen, not only were his powers great, but that his heart was pure, and his purposes patriotic and as stainless as a star.

How he labored during all of the last session only those can know who like my friend from Pennsylvania [Mr. KELLEY] saw him as, day by day, he did a Titan's work, while we shared in his hopes, convictions, and anxiety!

I waive the question whether or not he was right. I believe he was. Yet I sincerely believe he sacrificed his life to the conscientious discharge of duty as he understood it, and from sheer overwork he died in the stern discharge of duty! Can eulogy say more than that?

He believed, with the faith which makes heroes and martyrs, that it is alike wise and patriotic to save the American markets for the handiwork and the wares of American workmen, in order that comfort and plenty may always fill and bless American homes. He believed that the laborer is worthy of his hire, and that "Peace hath her victories no less renowned than war."

But, sir, he is dead! The Commonwealth that honored him, as he in his integrity certainly served and honored her, now holds all that is mortal of our friend. His career on earth is ended, as all careers must end! To his widow and now fatherless children he has left a legacy rich in the record of a noble life and a spotless name! "He was born; he died." That, in brief, is the history of man!

But, sir, our friend was a most manly man, because he was a Christian man. He always was ready to spend and be spent in the cause of truth, justice, humanity, and that surely is the cause of Christ!

As I think of him in the plenitude of his power on this floor as a debater and as a law-maker, and remember that he is gone, the lines of Barry Cornwall rise unbidden to memory:

Day dawned! Within a curtained room,
Filled to faintness with perfume,
A lady lay at point of doom.

Day closed! A child had seen the light;
But for that lady, fair and bright,
She slumbered in unending night.

Springs rose! And by her grave so green
A little boy, with thoughtful mien,
On summer eves was often seen.

Years passed! He grew in manly grace,
He mingled in the world's rough race,
And won himself a lofty place.

And then he died. Behold before ye
Humanity's poor sum and story,
Life, death, and all there is of glory!

Sir, within the sacred precincts of that desolate home in Kansas I would not presume to enter an uninvited and an unknown guest. To the widow in her weeds, whom I never saw, I can only say, Look up! Dear old Whittier has, in his desolation, penned these lines:

And yet, dear heart! remembering thee,
Am I not richer than of old?
Safe in thy immortality,
What change can reach the wealth I hold?
What chance can mar the pearl and gold
Thy love hath left in trust with me?
And while in life's late afternoon,
Where cool and long the shadows grow,
I walk to meet the night, which soon
Shall shape and shadow overflow,
I can not feel that thou art far,
Since near at need the angels are.
And when the sunset gates unbar,
Shall I not see thee waiting stand,
And white against the evening star
The welcome of thy beckoning hand?

Mr. PERKINS. Mr. Speaker, on the 23d day of March, 1842, DUDLEY CHASE HASKELL was born in the quiet village of Springfield, in the State of Vermont, and removing with his parents to the Territory of Kansas when but thirteen years old, he grew into a strong, sturdy, athletic, vigorous man, and seven years ago, with long strides and strong arms, he entered this Chamber to assume the duties and take upon himself the responsibilities of a legislator for this nation.

How ably he performed those duties and how conscientiously he discharged those responsibilities has been attested here to-day; and now, when he should have been but in the prime of life and in the full vigor of his intellect and manhood—when, as life is ordinarily allotted to man, he should have been in his seat looking with conscientious solicitude after the interests of his constituents and the well-being of his country—the busy duties of this House are suspended, the gavel of the Speaker is laid aside, and the acrimonious debate is hushed, that all may certify to the worth and honor of the departed, and that some may laurel his grave with a rhetorical offering of sympathy and affection.

That grim messenger which comes but once to man halted Mr. HASKELL as he was entering Congress for the fourth consecutive term, and bade him give up his duties, set aside his aspirations, forego his interests, bid farewell to friends and loved ones, quit his scenes of home and kindred, and follow him to that silent bourn from which none are permitted to return to tell us of the departed. Why this was none can tell. Why one so young, so devoted to duty, so strong and athletic, so capable of work and accomplishing good, so conscientious and fearless in the denunciation of wrong and in the advocacy of what he believed to be right, so ambitious and desirous of aiding his country and of doing that which would contribute to the happiness of man, should be stricken down and his powers destroyed thus early in his pilgrimage none can tell; and why the final summons should have been served as he was at the vestibule of his usefulness and but rapidly climbing to the apex of his power and opportunity is one of the insoluble problems of mortal life. But thus it is and ever hath been.

Going to Kansas when but thirteen years of age from the green hills and liberty-loving people of Vermont, he became at once interested and aroused for free government on the plains of his newly-adopted home, and the aggressions of the slave power and the efforts of the national administration to fasten African bondage upon the people of the new Territory aroused the vehement opposition of his impassioned nature and called forth every resistance his young but enthusiastic temperament could command. He witnessed the violence and turbulence of that contest, and love for freedom and hatred of slavery and human bondage grew into every muscle and fiber of his being and became a constituent part of his manhood, and when that contest was followed by war against his country—when States were shooting from their political orbits like erratic meteors from the sky; when the wild alarm of war was sounded and the drum-beat was marshaling the loyal legions to stay the fratricidal hands raised for the overthrow of our Government—DUDLEY C. HASKELL tendered his services to his country, and in a humble and subordinate capacity did what he could to nationalize liberty, extirpate slavery, and preserve his country.

But all those days of mingled light and shadow, of hope and fears, of great virtues and great sins are gone, and how our hearts should overrun with gratitude that the nation needs no more sacrifices for such a conflict, but asks now for a common brotherhood, moved by Christian charity and bound together and cemented by good deeds.

And perhaps in years not far away the vanquished—the South herself—when she shall look with pride upon her enlarged cities and new industries and upon her increased millions, rich, free, and happy, as her sky is gentle, blue, and propitious, will count among her friends those who wore the blue and seemed to her such reckless enemies, as they struggled to preserve the Government for freedom and to break the chains that held the bondman as a slave.

When Mr. HASKELL quit the service of his country in the field, he went to Williston's seminary, at Easthampton, Mass., to continue his education, and concluded it by a scientifice course at Yale.

In December, 1865, he was married at Stockbridge, Berkshire County, Massachusetts, to Miss Hattie Kelsey, an accomplished and cultured descendant of Cotton Mather, who with two little girls are left to survive him.

Almost immediately after he was married Mr. HASKELL returned to his prairie home and engaged in business, but he took a deep interest in local concerns and interests, and in those social, economical, and political problems which lay at the foundation of our Government, and being a clear thinker, a ready and aggressive debater, and a courteous and intelligent controversialist, it was not long until he found himself in the front rank of local politics, and in 1872 he was elected to the Legislature of his State.

But his political and business experiences have been given by my colleague and I will not enlarge upon them. His labors, his growth, his accomplishments as a member of the Forty-fifth, Forty-sixth, and Forty-seventh Congresses are known to many of you and have been commented upon to-day. Of temperate habits, of untiring industry, and possessing a splendid physical organization, and moved by an honorable ambition to excel, he did not realize there was a limit to his powers of endurance or to his physical capacity for work, and being poor, he attempted almost unaided to do that which no member of this Chamber can do and live—to run all the errands and look after the wants and correspondence of a very large and exacting constituency, and yet perform in a competent and thoroughly intelligent manner the demanding and multitudinous duties of this House; and the chair of DUDLEY C. HASKELL is vacant to-day and his body moldering in sepulchral dust from overwork; crushed by the exacting demands and labor of his position as was the Trojan priest of Neptune, Laocoon, and his children, crushed by the serpents of Tenedos.

Throngs gathered in the courts of Hypatia discussing "What am I, and whence came I?" and from that Grecian culture to the present the generations have discoursed that more inscrutable question still, "Whither go I?"

But not so with him whom we mourn to-day.

Born of Christian parents, his convictions were formed in early years and strengthened with his growth. He believed in the Carpenter of Nazareth, in the divinity of Christ, in the immortality of the soul, in

the resurrection, and the better life. To him the accomplishments of man, the monumental glories we have won, were not given to or secured by a race of descendants who trace their genealogy to gibbering specimens of the animal kingdom or to the lower strata of animal life; but to beings "little less than the angels," who shall find incorruption and immortality when the corruptible mortal nature is laid aside weary and exhausted in the work of life. Mr. HASKELL was but little given to abstractions and speculations; to him practice was worth more than theory, and in the investigation and consideration of the economic questions of the day he preferred to ascertain and heed results rather than indulge in theorizing and philosophical speculation regardless of consequences.

As has been already said, he possessed a fine physique, and when he first entered this Chamber he was the picture of health and physical vigor. As was eloquently said of him by his pastor in this city in the brief exercises had on the morning the *cortége* moved for his Western home, "he was 6 feet 3 inches tall, but every inch a man."

Springing from the masses, his sympathies were with the laboring people and his heart beat responsive to their importunities; but for all he only desired that which was right, and in all the relations of life, as day-laborer, as soldier, as scholar, as business man, as politician, as statesman, he stood by his convictions, and died as he had lived—an honest man. How tersely he expressed this characteristic of his life when, in almost the last conversation he had with his devoted friend Hon. Ed. H. Smith, of Kansas, who had been clerk of the Committee on Indian Affairs—the committee of which Mr. HASKELL was chairman—he said, "I tell you, Ed., it pays to be honest, and I thank God my hands are clean."

But it was as husband and father that Mr. HASKELL excelled. Kind and devoted, it was at the family hearthstone with wife and little ones that he shone resplendent. There he should have been seen and known to have been fully appreciated. There his feelings were full of tenderness and his face laughed as with the joys of early life, "when the days are all sunny and the months all June," and there hearts throb for him that now must bleed until they too are summoned to share with him the ecstacies of a better land.

But I will not rend the vail and trespass upon the sanctity of that beautiful home-life except to call your attention to the weeping wife and desolate children as they sit in the prairie home he loved so well, cherishing the ashes of the departed, and weeping for him who comes not. How inexpressibly sad is their condition in weeds and mourning these cheerless days of winter when contrasted with that of October last, when they left home cheerful, buoyant, hopeful, happy, expecting that with a little rest and relaxation in the hills of New England the bloom of health would return to his cheeks and elasticity to his steps, and they would witness him, as he grew in strength and usefulness during this session of Congress, gaining new laurels, achieving new triumphs, and adding new honors to his already distinguished name.

For six years I, in common with the people of the second district of Kansas, was honored by our Representative upon the floor of this House; and as a constituent who knew him well, who respected his integrity and worth, who admired his capacity and sincerity, who sympathized with him in his political convictions and affiliations, and who competed with him for the honor of representing the district in the convention in which he was first nominated for Congress, I, in conclusion of these exercises, pay this feeble tribute to his worth with a tear of sympathy and regret at our irreparable loss.

The SPEAKER. The question is on the adoption of the resolutions.

The resolutions were unanimously adopted.

And, in accordance with the last resolution, the House (at 5 o'clock and 15 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition for the relief of Harriet Day—to the Committee on War Claims.

By Mr. BARBOUR: Petition of Robert D. Thorburn, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. BEACH: Resolutions of the Bricklayers and Masons' International Union of America, relative to the importation of alien laborers—to the Committee on Labor.

By Mr. BUDD: Petition for the passage of Sumner's postal-telegraph bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CLEMENTS: Papers relating to the claim of Thomas P. Morgan—to the Committee on Claims.

By Mr. COBB: Petition of citizens of Greene County, Indiana, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, resolutions of John Coon Post, No. 99, Grand Army of the Republic, Department of Indiana, relating to the equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, copy of the resolutions of the live-stock commission dealers at Union Stock-Yards, Chicago, Ill.—to the Committee on Agriculture.

By Mr. CONNOLLY: Petition of M. E. Walker and 99 others, citizens of Luzerne County, Pennsylvania, for an increase of pension paid to widows—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. S. S. COX: Petition of Jacob Zoun and 2 others, of the Bricklayers and Masons' International Union, relative to foreign-labor contracts—to the Committee on Labor.

By Mr. CRISP: Papers relating to the improvement of Flint River, in the State of Georgia—to the Committee on Rivers and Harbors.

By Mr. CUTCHEON: Petition of Washington Post, No. 92, Grand Army of the Republic, Department of Michigan, asking that a copy of the CONGRESSIONAL RECORD be sent to all posts of the Grand Army of the Republic—to the Committee on Printing.

By Mr. DEUSTER: Thanks of the executive committee of the Liberal Union of the German Empire—to the Committee on Foreign Affairs.

By Mr. DUNHAM: Petition against the animal industry bill—to the Committee on Agriculture.

By Mr. ELLIS: Papers in the claim of William B. Spencer—to the Committee on Elections.

By Mr. FIEDLER: Petition of Mr. Barringer and others, of J. W. Johnson and others, of Ed. G. Taylor and others, of Gustave Lehlback and others, of Edward F. Kohn and others, of J. W. Smith and others, of D. R. Frazer and others, of William R. Weeks and others, of John T. Foster and others, of E. R. Craven and others, of Amy Duryee Harrison and others, and of William F. Bailey and others, all citizens of New Jersey, relative to the Indian policy—severally to the Committee on Indian Affairs.

By Mr. GREENLEAF: Petition of Levi J. De Laird and William P. Hawkins, of Fairport, N. Y., relative to pensions for deaf and disabled soldiers—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. HURD: Petition of Walter H. Smith, for compensation, &c.—to the Committee on Appropriations.

By Mr. LOVERING: Papers relating to the claim of William H. H. Kimball—to the Committee on Military Affairs.

By Mr. LYMAN: Petition of citizens of the United States, relative to the civil service—to the Select Committee on Reform in the Civil Service.

By Mr. McCORMICK: Resolution of Post No. 242, Grand Army of the Republic, and concurred in by McCall Post No. 123, Department of Ohio, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. MAGINNIS: Papers relating to the bill for the relief of Maj. Theodore Eckerson—to the Committee on Military Affairs.

Also, petition of W. E. Cullen and 1,464 others, citizens of the Territory of Montana, relative to the reduction of the reservation for the Crow Indians—to the Committee on Indian Affairs.

By Mr. MORGAN: Petition of William Dye, W. C. Shaw, and 43 others, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. PARKER: Petition of citizens of Alexandria Bay, New York, for legislation for the relief of shipping—to the Committee on Commerce.

By Mr. PIERCE: Petition of Agnes J. Whicker, for a pension—to the Committee on Invalid Pensions.

By Mr. PRICE: Memorial of the Wisconsin Horticultural Society and the governor of Wisconsin, relative to the New Orleans exposition—to the Committee on Agriculture.

By Mr. RANKIN: Petition for the relief of the Winnebago Indians—to the Committee on Indian Affairs.

By Mr. W. F. ROGERS: Petition of licensed engineers and pilots of Buffalo, N. Y., to change the alien law approved April 17, 1874—to the Committee on Commerce.

By Mr. STEELE: Petition of Joseph Hoover and 60 others, members of the Grand Army of the Republic, Macy, Ind., relative to the equalization of bounties—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. E. B. TAYLOR: Petition of James Sayer and 321 others, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. THROCKMORTON: Papers relating to the claims of William Midkiff, of W. A. Westover, of Henry C. Smith, of Thomas J. Rhodes, of John Jackson, and of Jerome McAllister—severally to the Committee on Indian Affairs.

By Mr. VANCE: Papers relating to the improvement of the French Broad River, in North Carolina—to the Committee on Rivers and Harbors.

By Mr. WASHBURN: Petition of citizens of Minnesota, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. WILKINS: Petition and resolution of the Knights of Labor of District No. 7, Zanesville, Ohio, against the importation of foreign labor—to the Committee on Labor.

By Mr. W. L. WILSON: Paper relating to the claim of William M. Morrison—to the Committee on Indian Affairs.

Also, papers relating to the claim of Joseph Anderson's legal representatives—to the Committee on War Claims.

By Mr. YOUNG: Petition relating to the claim of Pearson C. Montgomery—to the same committee.

Also, papers relating to the claims of Wiley J. Davis, of Lucy E. Dowdy, executrix, &c., of Ellen P. Malloy, of Jackson P. Lewis, of R. M. Wright, administrator, &c., of Ellen Savage, and of Samuel McKenna—severally to the same committee.

SENATE.

FRIDAY, *February* 29, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, submitting a report from Maj. G. L. Gillespie of an examination and survey of North River in front of Jersey City and Hoboken, made in compliance with the requirements of the river and harbor act of August 2, 1882, to determine what is necessary to permanently deepen the channel on the New Jersey side; which, together with the accompanying report, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in answer to a resolution of the 6th instant, a report of the Chief of Engineers showing the number, pay, station, and duties of civilian engineers employed by the Government.

The PRESIDENT *pro tempore*. The letter, with the accompanying papers, will be printed and referred to the Committee on Military Affairs.

Mr. CONGER. My recollection is that the inquiry in relation to the number, pay, station, and duties of the civil engineers employed by the Government had reference to civil engineers engaged on the river and harbor improvements of the country. If this reply is in that respect it should go to the Committee on Commerce. I do not know particularly what the report refers to.

The PRESIDENT *pro tempore*. The Chair thinks it refers to civil engineers employed on the river and harbor works of the United States, and with the consent of the Senate he will change the reference to the Committee on Commerce. The Chair was at first under the impression that it related to the military establishment proper.

HOUSE BILL REFERRED.

The bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, was read twice by its title, and referred to the Committee on Agriculture and Forestry.

PETITIONS AND MEMORIALS.

Mr. MCMILLAN. I present a petition of the common council of Duluth, Minn., praying that an appropriation be made for the improvement of Duluth Harbor. As the petition sets forth in very comprehensive terms the present facilities of that harbor and its important relations to transportation affecting the Northwest, I ask that it be printed in the RECORD.

The petition was ordered to be printed in the RECORD, and referred to the Committee on Commerce, as follows:

The common council of Duluth, Minn., respectfully present to the Senate and House of Representatives of the United States Congress—

That the port of Duluth is now the outlet to cheap water transportation for the agricultural products of Minnesota and large portions of Iowa, Nebraska, and Dakota, and for the mineral products of Montana and Idaho.

That besides the saving in freights made on the actual amounts shipped from Duluth, the existence of this port fixes the rates at which all competitive lines of transportation must carry produce from those States and Territories, and thus regulates prices on vast amounts of grain and other articles to the great benefit of the whole Northwest.

That Government improvements at the Sault Sainte Marie River have now rendered it possible for the largest class of steamers and other vessels to come into Lake Superior and carry cargoes to the seaboard at a minimum cost, and if this harbor be equally improved, so that these vessels may be loaded to their full capacity, the farmers of the Northwest and the consumers in Eastern States will then have the full benefit of those improvements already made by Government at Sainte Marie River, Detroit River, and other points on the lake route.

That a difference of one foot in the depth of the harbor at Duluth permits so much additional cargo to be loaded on a vessel that it makes a decided difference in freight rates, not only on the 7,000,000 bushels of grain shipped from Duluth in 1883, but in many millions transported eastward by other States. No appropriation made by Congress can show a greater proportionate return or more far-reaching effects than the one for this harbor.

We therefore present the following brief statistics, and urge an appropriation of the full amount recommended by the engineer in charge for use the present season:

Tonnage of the port of Duluth for 1883	tons...	1,264,494
Shipments of wheat and wheat reduced to flour	bushels...	9,392,219
Receipts by lake of return supplies	tons...	508,460

This is conclusive proof that the port of Duluth is of practical value and use to a great population, and its improvement proper and wise.

By order of the council.

[SEAL.]

CHAS. E. BUDDIN, *Village Recorder.*
C. H. GRAVES, *Mayor.*

Mr. GORMAN presented a petition of the Board of Trade of Baltimore, Md., praying for the establishment of a light-ship off Smith's Island, Cape Charles shoals; which was referred to the Committee on Commerce.

Mr. CONGER. I present the petition of Enoch Ridgway, of Washington, D. C., praying compensation for service rendered the Federal Government during the war. As the petition involves a military question, I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. GARLAND. I present the petition of John H. Stewart, of Walnut Ridge, Ark., who says that he was entitled to a bounty under a certain act of Congress, but failing to apply for it before the 1st of July, 1880, he was barred. He asks now that the limitation of such act be removed, and that he be declared entitled to the bounty. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. GARLAND. I present a letter addressed to me by W. P. Grace, of Pine Bluff, Ark., setting forth certain facts touching the necessity of work to be done on the Arkansas River at or near the town of Pine Bluff. It states facts that make it become properly a petition or memorial. I ask that it may be considered as a petition for the purpose of its reference to the Committee on Commerce.

The PRESIDENT *pro tempore*. The Senator from Arkansas presents a paper, the nature of which he has stated, for reference to the Committee on Commerce. If there be no objection it will be received and so referred.

Mr. VOORHEES. I present the official report of the proceedings at a meeting of Sion S. Post, No. 40, Department of Indiana, Grand Army of the Republic, located at Fort Wayne, Ind., demanding the equalization of bounties and other measures of relief which they specify, and I ask the reference of the paper to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. Is the paper the Senator from Indiana present a petition?

Mr. VOORHEES. It is the official proceedings of the post, addressed to me.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent to present the official proceedings of the Grand Army post that he has named, for reference to the Committee on Military Affairs. If there be no objection the paper will be received and so referred.

Mr. HALE. I present resolutions in the nature of a memorial to Congress, though not exactly in proper form, adopted by the Grand Army of the Republic, Department of Maine, in favor of certain legislation in regard to pensions and bounties, which I ask may be referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent to present a paper on the subject of pensions and bounties, the nature of which he has stated. If there be no objection it will be received and referred to the Committee on Pensions.

Mr. GROOME presented additional papers to accompany the bill (S. 578) for the relief of Dennis W. Mullan; which were referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. SLATER, from the Committee on Commerce, to whom was referred the bill (S. 820) to authorize the Oregon Pacific Railroad Company to construct one or more bridges across the Willamette River, in the State of Oregon, and to establish them as post-roads, reported it with amendments.

Mr. HARRISON, from the Committee on Territories, to whom the subject was referred, reported a bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government and for the admission of the State into the Union on an equal footing with the original States, and for other purposes; which was read twice by its title, and, on motion of Mr. HARRISON, recommitted to the Committee on Territories.

Mr. COCKRELL. The Committee on Military Affairs, to which Senate Executive Document No. 25, Forty-eighth Congress, first session, was referred, and in regard to which they reported the bill (S. 1581) to provide for the disposal of abandoned and useless military reservations, have instructed me to report amendments to that bill, which have been suggested in consequence of a report from the Secretary of the Interior and the Commissioner of the General Land Office. I ask that the amendments, with the accompanying report, be printed, as offered by the committee, to accompany the bill.

The PRESIDENT *pro tempore*. The amendments will be printed, if there be no objection.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 812) for the relief of certain citizens of the United States and occupants of lands within one mile of the military post of Camp Independence, Inyo County, California, have instructed me to report it back to the Senate and ask that the committee be discharged from the further consideration of the bill, because the committee have already reported a Senate bill providing for the disposition of abandoned and useless military reservations. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (H. R. 2309) to authorize the Secretary of War to cause the remains of Capt. Walter Clifford, deceased, to be transported to his late place of residence, and making appropriation therefor, have instructed me to report it back with a request that the bill and accompanying papers be referred to the Committee on Appropriations.

This is done in consequence of the recommendations of the Secretary of War and the course of the Senate in similar cases. The Adjutant-General in a report to the Secretary of War says:

Since 1878 Congress has authorized and provided for the transportation of the remains of deceased officers in the following cases:

First. The act making appropriation for sundry civil expenses of the Government, approved June 20, 1878, appropriated $5,000 for disinterring and removing to national military cemeteries the remains of officers of the Army who fell in battle or died on the frontier and whose remains have not been removed to the States.

Second. The act making appropriation for the sundry civil expenses of the Government, approved March 3, 1879, appropriated $300 for the transportation to Jacksonville, Ill., of the remains of Lieut. William L. English, Seventh Infantry, who died at Deer Lodge, Mont., of wounds received in action with Indians.

Third. The act of Congress approved February 17, 1880, appropriated $1,000 for the transportation from Fort Brown, Tex., to West Point, N. Y., of the remains of Maj. Gen. George Sykes, colonel Twentieth Infantry.

Fourth. The act of Congress approved January 31, 1884, authorized the payment from the appropriation for contingencies of the Army of the expenses of removal of the remains of the late Major-General Ord from Havana, Cuba, to Washington, D. C.

The committee report back the bill and ask that it be referred to the Committee on Appropriations with a recommendation that the Committee on Appropriations insert in the proper bill an appropriation sufficient to accomplish this purpose, because if Congress assumes jurisdiction to pass upon individual cases of this kind we shall be flooded with from ten to fifteen, twenty or thirty each year asking for special legislation, and they can all be amply provided for on the appropriation bills.

The PRESIDENT *pro tempore*. The Committee on Military Affairs will be discharged from the further consideration of the bill, and it will be referred to the Committee on Appropriations if there be no objection.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 91) for the relief of the trustees of Isaac R. Trimble, reported it without amendment and submitted a report thereon.

Mr. HAMPTON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 1311) vacating all that portion of the Fort Randall military reservation, in the Territory of Dakota, lying east of the Missouri River, to report it adversely and move its indefinite postponement. I will state for the information of the Senator who introduced the bill [Mr. CAMERON, of Wisconsin] that the committee report it adversely not because they are opposed to the action contemplated, but simply because the committee have already reported a general bill for all abandoned reservations.

The PRESIDENT *pro tempore*. If there be no objection the bill will be postponed indefinitely.

Mr. LOGAN. I am directed by the Committee on Military Affairs, to whom was referred a letter of the Secretary of War, recommending that the sum of $15,000 be appropriated for the purchase of land near Atlanta, Ga., on which it is proposed to erect buildings and establish a military post, $100,000 being asked for this purpose, to report it from that committee with a recommendation that the letter be referred to the Committee on Appropriations and that that committee grant the request.

The PRESIDENT *pro tempore*. The Committee on Military Affairs will be discharged from the further consideration of the subject and the letter will be referred to the Committee on Appropriations, if there be no objection.

Mr. LOGAN. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes, to report it with amendments. I give notice to the Senate that I shall call the bill up the first opportunity after it is printed and shall ask the consideration of it.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. 1553) to remove the charge of desertion against David Wood, reported it without amendment.

Mr. BROWN, from the Committee on the District of Columbia, to whom was referred the bill (S. 869) to vacate an alley in square 234 in the city of Washington, reported it without amendment.

SOUTHERN CYCLONE SUFFERERS.

Mr. RANSOM. I am instructed by the Committee on Appropriations to report back to the Senate the joint resolution (S. R. 65) for the relief of sufferers by the storm of February 19, 1884, in the States of North Carolina, Georgia, and Alabama, and appropriating $100,000 therefor.

I wish to say to the Senate that upon a very careful consideration of this resolution by the committee, at the request of the committee telegrams were sent to the governors of the different States mentioned in the resolution and to other persons in those States supposed to be best acquainted with all the incidents of the storm and the subsequent suffering. These telegrams from the governors of those States and from other best-informed persons developed the fact that while the destruction of life and property was very great and while the suffering has been extreme and intense with certain communities in those States and along the track of the storm and there is still great suffering, that suffering and peril in the judgment of the committee is not of that widespread, transcendent, and paramount character of impending ruin which baffles all local, individual, municipal, and State relief and demands for the preservation of its citizens the intervention of the Government. Under that state of facts as developed by those telegrams the committee have instructed me to report the joint resolution back to the Senate.

I can not let the occasion pass without saying that while I trust I was prompted by a becoming and proper impulse to introduce the resolution, it is certainly becoming and proper now that the country should know at the earliest reasonable moment that Congress will not take steps for the relief of those afflicted people; and I do this so that that great charity which has been so nobly exerted in their behalf, private and local charity along that line of ruin and in those States, may not be suspended or halted in its good work.

I hope I may be permitted to say here in regard to the people in those States, in this great ordeal of intense suffering and almost ruin, after an unusual dearth of crops in the last year and after many years of yet greater calamity, that their example of self-denial and self-resolution and self-dependence in this sternest trial must command the admiration of their countrymen everywhere.

I may be carried away sometimes by enthusiasm for my own people, but when we look at what has taken place with the people of North Carolina, South Carolina, Georgia, and Alabama, and see their firm resolution to abide their fate and resist the temptation to come to Congress for relief, even when an effort has been made to give it to them, it does remind me of the best days of Fabricius and Regulus and of that great Athenian who sacrificed everything that he might stand by his principles.

I hope in the vicissitudes which may come—which I trust will not come but may come—upon the different sections of this great people that this noble example of the people of four Southern States will be a lesson to be followed by communities richer and more powerful but which have not been more afflicted.

I have to thank the Committee on Appropriations, being a member of it, for the very careful consideration they have manifested toward me and my people in their examination of this question.

The PRESIDENT *pro tempore*. What disposition does the Senator from North Carolina desire to have made of the joint resolution?

Mr. RANSOM. It may be laid on the table or indefinitely postponed.

Mr. GARLAND. As well as I could hear the remarks made by the Senator from North Carolina in reporting the joint resolution back, I take it that the committee acted simply upon the ground that they did not consider from the information they had that there was a necessity for the interposition of Congress for the relief of these people.

Mr. RANSOM. I will say to my friend from Arkansas that I attempted to make that very clear.

Mr. GARLAND. That is what I understood. I do not understand the Senator as representing that the committee reported that they thought Congress had no authority to make this appropriation.

Mr. RANSOM. Very, very far from it, sir.

Mr. GARLAND. Because, whatever action is taken upon it, I do not want it to go out of the Senate or to be tabled or postponed with any idea that I agree to the notion that Congress has not got the authority to make this appropriation. I think Congress has, and I was in hopes that we should get a favorable report from the committee, so that when that question came up it could be established that we have the power.

I do not wish to interfere with the disposition of the joint resolution of the Senator from North Carolina, but I wish to say that taking the report of the committee as it is made upon his statement, I am willing that it shall be indefinitely postponed; but if it should go upon the other proposition, I could not consent to the action until I should be heard upon it.

Mr. RANSOM. I could not consistently, after having introduced the joint resolution, have made a report from the committee which would have condemned the principle on which I introduced it. I know this is not the time to discuss the constitutionality or the propriety of such a measure. Whenever that time shall come, in my judgment and I believe in the judgment of the Committee on Appropriations, there can be but one opinion on that question, sustained by a line of precedents from the beginning of the Government to this hour, and that is, that whenever in the judgment of Congress there is such widespread distress and suffering and such imminent and impending ruin to the people of any section of this country that local and State aid cannot relieve it, it is the duty of the Government to save the lives of their people. In my judgment the power is unquestioned, but there should be the greatest discretion and an undoubted necessity in its exercise.

The PRESIDENT *pro tempore*. If there be no objection the joint resolution will be indefinitely postponed.

NAVY DEPARTMENT LIBRARY.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred the bill (S. 1199) to amend an act entitled "An act

to amend an act entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes,'" approved June 20, 1878, to report it without amendment, to recommend its passage, and to ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It amends the act approved June 20, 1878, by adding to the clause relating to the binding of books for the Departments of the Government, after the words "Congressional Library," the words: "Nor to the library of the Navy Department;" so as to read: "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes, approved June 20, 1878, be, and the same is hereby, amended by adding to the clause of said act relating to the binding of books for the Departments of the Government, after the words 'Congressional Library,' the following words: 'Nor to the library of the Navy Department.'"

Mr. ALLISON. I do not object to the bill, but if I understand its provisions, should they not apply to the libraries of all the Departments? It relates to the manner of binding books?

Mr. ANTHONY. It relates to the manner of binding books. It has already been applied to the Library of Congress, to the library of the State Department, to the library of the Patent-Office Bureau, and I believe to the libraries of several other Departments. The object of the measure is to remove a restriction upon binding books for the libraries of the Departments.

Mr. ALLISON. So I understand.

Mr. ANTHONY. The present law forbids the binding of any books except in a peculiar way, in cloth, and that is found to be altogether insufficient for books of reference. Moreover there are numbers of series of books that are already bound in a particular way, and it is desirable that the style of binding should be continued in the numbers of the same series for the present and the future.

Mr. ALLISON. I quite agree that the bill ought to pass. I only suggest to the Senator that it might be well to enlarge it so as to apply to all the Departments; but I do not press that view.

Mr. ANTHONY. I think we might as well wait until the other Departments ask for it. It already applies to several of the Departments, I think to most of them.

Mr. SHERMAN. Since the attention of the Senate is called to the object of the bill, I would rather have it lie over, for the reason that my attention has been called to the fact that in several bureaus and Departments of the Government the power to bind books for their libraries was grossly abused at one time. It was very largely abused by binding in the most expensive manner, binding special copies of the ordinary reports of Congress, which are very rarely read after the first year. It was abused in several of the subordinate bureaus of the Departments. Attention was called to it, and Congress checked that abuse. If this opens the door again to allow the head of a bureau or the librarian in charge of one of the Department libraries to order books to be bound in an unusually expensive manner, as was done, it ought to be corrected. While a reasonable latitude ought to be allowed, it seems to me there ought to be some limitation on the power of the head of a bureau or even the head of a Department as to binding documents for presentation copies, for example, in an unusually expensive manner. I should like to look at the bill, as it is just reported, so that if any amendment is necessary I may offer it.

Mr. ANTHONY. I think my friend from Ohio will find that no amendment of that kind is necessary. This bill does not open the abuse which formerly prevailed and which he very properly rebukes, of binding expensively ordinary documents for presentation copies; but it applies only to books for the libraries of Departments.

Mr. SHERMAN. Not for distribution?

Mr. ANTHONY. Not for distribution; only for the libraries of Departments.

Mr. SHERMAN. That is, the libraries kept in the Departments?

Mr. ANTHONY. The libraries kept in the Departments, books for the purpose of reference, to which constant reference is made.

Mr. SHERMAN. I have no objection to that at all.

Mr. ANTHONY. That is all the bill applies to.

Mr. SHERMAN. On the statement made by the Senator from Rhode Island that the bill only applies to books kept for the benefit of the Department libraries and not for distribution and only the ordinary copies for the libraries, I have no objection to it and will let it pass. I will not ask that the bill go over.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. ALLISON introduced a bill (S. 1683) for the relief of Lieut. N. C. Ridenour; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCMILLAN introduced a bill (S. 1684) for the relief of Clement A. Lounsberry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. GORMAN introduced a bill (S. 1685) for the relief of Edmund Wolf; which was read twice by its title, and referred to the Committee on Claims.

Mr. VAN WYCK introduced a bill (S. 1686) to amend an act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebr., approved June 4, 1872; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ANTHONY. I presented a petition some time ago from J. Madison Cutts, asking to be restored to the Army and placed upon the retired-list with the rank of lieutenant-colonel, and with it the draught of a bill, which went with the petition and papers to the Committee on Military Affairs. At his request I introduce the bill in form, so that it may be printed.

The bill (S. 1687) authorizing the President to appoint and retire J. Madison Cutts as a lieutenant-colonel, United States Army, was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VOORHEES introduced a bill (S. 1688) for the relief of George W. Osborne; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORRILL (by request) introduced a bill (S. 1689) for the relief of J. B. Fletcher; which was read twice by its title, and referred to the Committee on Patents.

Mr. VEST introduced a bill (S. 1690) to incorporate the Interoceanic Ship Railway Company, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. GORMAN, it was

Ordered, That the papers in the case of E. H. Wardwell be withdrawn from the files and referred to the Committee on Military Affairs.

On motion of Mr. MORRILL, it was

Ordered, That the papers on the files of the Senate in the case of George W. Saulpaw be referred to the Committee on Claims.

PORTRAIT OF ZACHARY TAYLOR.

Mr. VOORHEES. I submit the following resolution, and ask for its present consideration:

Resolved, That the Committee on the Library be, and it is hereby, instructed to inquire into the propriety and expediency of purchasing the portrait of Zachary Taylor, late President of the United States, now the property of his daughter, Mrs. Dandridge, and in the custody of the Corcoran Art Gallery.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. PLATT. I ask the Senator who presented the resolution to make some explanation respecting it, for the reason that I find in the room of the Committee on Patents, the committee of which I have the honor to be chairman, a portrait of Zachary Taylor, I do not know by whom painted or when placed there. I presume that is not the portrait to which the resolution refers.

Mr. VOORHEES. In answer to the Senator from Connecticut I will simply state that I have been informed by very excellent people that there is a likeness of General Taylor, the property of Mrs. Dandridge, formerly Mrs. Bliss, his daughter, in the Corcoran Art Gallery at this time. The portrait of General Taylor now at the White House is regarded as a very inferior work of art and does him very great injustice. The resolution simply directs the Committee on the Library to inquire into the expediency and propriety of purchasing the portrait which is indicated by the resolution, but I can not answer the Senator from Connecticut about the portrait in the room of the Committee on Patents. I did not know there was one there. I will take great pleasure in visiting the room and seeing it. This is a harmless resolution, directing the inquiry to be made.

The resolution was agreed to.

THE JACKSON PAPERS.

Mr. VOORHEES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas a large and valuable collection of original manuscript papers was confided by General Andrew Jackson in his lifetime to Amos Kendall for the specific purpose of enabling said Kendall to prepare a history of General Jackson and his times, conditioned also that if the said Kendall should fail to accomplish the work indicated then said papers were to pass into the hands of Francis P. Blair, sr., for the same purpose; and

Whereas said Kendall did not prepare said history, and said papers passed at his death into the custody of said Blair, according to the directions made by General Jackson; and

Whereas the said Blair also failed to execute the work intrusted to his care, leaving said papers at the time of his death unused and unpublished: Therefore,

Be it resolved, That the Committee on the Library be instructed to inquire into the propriety and expediency of purchasing said collection of papers from General Jackson's legal heirs, and having the same edited and published as the property of the Government for the use of the Congressional Library.

AGRICULTURAL PRODUCTS.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he hereby is, directed to furnish to the Senate at his earliest convenience—

First. A statement of all information in his Department derived from correspondence with the representatives of this Government in foreign countries, or otherwise, regarding the average amount of wheat, rye, corn, and cotton pro-

duced, consumed in, exported from, and imported into such countries, each respectively, with the surplus, if any, therein at the end of the crop year 1882.

Second. The amount produced in each of such countries from the crops of 1883, with the probable surplus or deficiency therein during that crop year.

Third. The probable requirements of such products from this country to meet the necessities of such countries, respectively, before the crops of 1884 are ready to market. Also any other information in his possession of interest to American producers and consumers regarding the questions referred to in this resolution, and especially whether political or other complications in or between foreign countries, or other causes of like character, are likely to occur in the near future calculated to influence the market value of American produce or its cost to consumers.

Fourth. To furnish the amounts herein asked for in bushels as per American measurement.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 186) for the relief of Frank Galt; and it was thereupon signed by the President *pro tempore*.

ADDITIONAL STEEL VESSELS.

Mr. HALE. It is so near 1 o'clock that I think nothing can be done before that time with the Calendar. I move therefore that we proceed with the consideration of the unfinished business of yesterday.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of the bill (S. 698) to authorize the construction of additional steel vessels for the Navy.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. JONES] to the amendment proposed by the Senator from New Jersey [Mr. SEWELL].

Mr. HALE. I ask that the amendment of the Senator from New Jersey be read and then the amendment of the Senator from Florida.

The PRESIDENT *pro tempore*. The amendments referred to will be read, first that proposed by the Senator from New Jersey on the left of the Chair [Mr. SEWELL] and second that proposed by the Senator from Florida [Mr. JONES] to the amendment of the Senator from New Jersey.

The SECRETARY. The amendment of Mr. SEWELL was to add as an additional section the following:

SEC. 3. That the vessels authorized by this act shall be constructed at one or more of the most suitable navy-yards of the Government, under the supervision of the proper officers of the Navy: *Provided*, That the Secretary of the Navy may be authorized by the President to procure the machinery for said vessels from parties engaged in the business of constructing naval machinery, the lowest responsible bidder to be accepted, after three months' advertisement in the principal newspapers of New York, Philadelphia, Boston, and San Francisco, payments to be made as the work progresses; but at no time shall it amount to within 25 per cent. of the value of the work and material, which amount of the contract price shall be retained by the Secretary of the Navy until final completion and acceptance of the contract.

The amendment to the amendment is to add:

That the construction of said vessels shall be apportioned between the following navy-yards, under the direction of the President of the United States, to wit, League Island, Mare Island, Norfolk, Pensacola, Washington, and Brooklyn.

Mr. HALE. I only wish to say a word. I do not think that many Senators on reflection will decide to vote for the amendment of the Senator from New Jersey [Mr. SEWELL]. The upshot of that would be that as a first movement hundreds of thousands of dollars would need to be expended upon the navy-yards in order to put them in condition to do this work. Hundreds and thousands of men would need to be employed on those navy-yards in the preliminary work necessary before a single blow could be struck in the way of building the hulls of these ships, for we have never with one exception built an iron ship in our navy-yards; it is all a new and untried field and involves great expenditure. To say nothing of the delays that would result from this, the increased expenditure would be enormous. And there is one other consideration that I wish to present to Senators——

Mr. RIDDLEBERGER. Will the Senator from Maine permit me to ask him a question? Does it not simply enlarge the option for building these vessels? It simply provides that the President may do the work at the navy-yards.

Mr. HALE. I was going to say that under the present law and under the amendment adopted yesterday to regulate and control the building the discretion is left to the President to utilize the navy-yards so far as he may deem it advisable and judicious. He has that authority already, as I explained yesterday to the Senator from Alabama [Mr. MORGAN]; but if this amendment should prevail it would have the effect of an expression of the Senate in favor of that policy, and would undoubtedly leave the Executive in no such untrammeled condition as he is now, and I do not want that done.

The other consideration that I was going to present to Senators is this: For the last year or two certainly an attempt has been faithfully made to keep these navy-yards apart from any of the complaints or scandals or alleged scandals against them in years past. There has been complaint, I do not say whether ill-founded or well-founded, of these yards being used for political purposes. Now, I do not want in this year, a Presidential year, that there shall be any opportunity left for men to find fault in this regard. I would be glad if these navy-yards for the whole of the season coming could be found with only a few men there necessary to do the routine work of the repairing that is necessary to the boats and of keeping up the yards themselves and no more than that; for I do know that if these ships are put into these yards and the yards have to be fitted up, with hundreds and thousands of men in them, there will be no end to the complaints that will be made. The Secretary may do his best and may try not to be controlled by political influences and may not be controlled by political influences, but the burden of complaint will be heard everywhere that the yards are being used for political purposes.

I trust, as I said in the beginning, that but few Senators, on reflection, will hamper this bill by the amendment.

Mr. BUTLER. The Senator means the amendment of the Senator from New Jersey [Mr. SEWELL].

Mr. HALE. Yes, sir; the amendment of the Senator from New Jersey [Mr. SEWELL].

Mr. RIDDLEBERGER. Mr. President, it seems to me that the argument against building these vessels in the Government navy-yards is just about as strong as the argument I heard advanced a few days ago against having them built by an individual; that somebody is apprehensive that some scandal will ensue.

Now, sir, I for one am in favor of building all the war vessels that any Senator here will introduce a bill for within the surplus money in the Treasury of the United States. I would vote to-day to expend the last dollar not required for the actual support of this Government to construct a navy, but I would like to hear some other reason advanced against building these ships in the navy-yards than that some one is afraid that somebody or some party will be scandalized by it.

I care not, sir, whether Mr. Roach shall build them or whether they shall be built at Pensacola or at Norfolk; but I do think that we might give the option to the Secretary of the Navy, or to somebody else if you please, to construct these vessels in the navy-yards or by contract. I can not see why we should be confined to either one or the other, contract or the navy-yards. Let us have both. I shall vote for the amendment of the Senator from New Jersey, and I can not see wherein it will affect the purpose of this bill, which if it means anything means the construction of a navy. That is the only matter that is before the Senate, whether we shall or shall not construct these vessels; and if we shall, then the other question is, as raised by that amendment, whether the Government can do it herself or whether we must be confined to the contract system. I can see no harm to ensue, I can see nothing that can hurt this bill, by the adoption of the amendment of the Senator from New Jersey.

Mr. MORGAN. Mr. President, the Senator from New Jersey [Mr. SEWELL] had to go home to-day and he left a request that I would take his amendment in charge. I had not yesterday expressed a positive opinion that the amendment would be wise in the form in which the Senator from New Jersey presented it.

The Senator from Maine [Mr. HALE] yesterday called the attention of the Senate to the existing statutes, in two laws passed by the last Congress, giving authority to build the vessels that are now under construction and also prescribing the manner in which they shall be constructed. I then thought, and I think still, that it is unfortunate that the committee did not re-embody those statutes, so far as they are applicable to the proposed work, in the bill, so that the Senate might have an opportunity to modify those statutes in such form as experience has indicated to be necessary. I am now having those statutes copied with a view of having them inserted in this bill, so that when this bill becomes a law, if it ever shall, you can take it by its four corners and understand how much of the law, and in what form, is applicable to the proposed building of these war vessels.

I concur in the opinion expressed in this amendment by the Senator from New Jersey, not only that our navy-yards are capable of being very easily adapted to the building of iron or steel ships, but also that it is our duty at least to fit up one of them, if no more, for that purpose, putting in them all the necessary machinery and appliances for the building of at least the hulls of these ships. I would extend it also to the machinery of the vessels.

The Committee on Naval Affairs, the Secretary of the Navy, the advisory board, and all others concerned in promoting the present plan of building these ships seem entirely to have ignored an inquiry into the real capacity of our navy-yards for their construction. As I remarked yesterday in calling attention to the brief observations of Admiral Porter, they were all that I could find in the testimony accompanying the report of the committee upon the subject of the capacity of the navy-yards for the construction of these ships. I think, sir, that I may assume that no real inquiry has been made into that subject by the committee, and that we are left here now to what I consider a rather uncertain declaration of the chairman of that committee in charge of the bill as to what would be the cost of fitting up the navy-yards, or some of them, for the purpose of constructing these ships.

Mr. BUTLER. If the Senator from Alabama will permit me to interrupt him just there, I will state to him a conversation that I had with the Chief of the Bureau of Construction and Repair, Mr. Wilson. Not as representing the committee in any way, but in the course of a conversation with him, I referred to the subject-matter which the Senator is now discussing. I asked him the direct question whether or not there were one or two or more navy-yards belonging to the United States

where a ship could be completed out and out. His reply to me was that there was no such navy-yard. I then asked him the question what amount of money it would require to put the navy-yards in a condition to build the ships from beginning to end, and he said in reply that he thought with $150,000 he could buy the tools necessary to build a ship for the Navy. Although this is unofficial, I have no doubt it is entirely trustworthy; and so it seems that there is not a navy-yard to-day in the United States where a ship can be built from beginning to end.

Mr. MORGAN. Mr. President, there are no special facilities in our navy-yards for the fastening together of the hulls of steel or iron ships. It requires, I am told, a peculiar sort of riveting machinery, and it requires some machinery also to punch the plates which we perhaps are not provided with, though I saw a very splendid punch the other day at the navy-yard here, quite new, and that could not have cost less I think than $20,000.

Now, sir, what I was remarking upon, and I think I might remark upon it also in the nature of a complaint against the Navy Department at least, was the fact that no information has been given to the Senate of an official character, nor has any evidence been extracted from any man who was before the Committee on Naval Affairs, to show us what would be the cost, for instance, of fitting up the Norfolk navy-yard so that iron and steel ships could be built there.

Mr. BUTLER. This gentleman said $150,000 would buy the tools.

Mr. MORGAN. I speak now of official information. I am very glad to accept the statement of the Senator from South Carolina, based on that of Mr. Wilson, that it would cost $150,000 to fit up—I will take it that the Norfolk navy-yard could be fitted up for that purpose with that sum of money.

Now, sir, I insist that it is the duty of Congress to make that expenditure, whether a ship shall ever be built there or not; and that because it gives us the advantage of having the navy-yards compete in the market with Mr. Roach and Mr. Cramp; and by looking at the appropriation bills under which the Chicago and the other ships are now being constructed the Senate will see that no one is permitted to take a contract for the building of these ships unless at the time that the contracts are let he has a ship-yard fully equipped in every particular for the building of these ships. Nothing is left open by that act to the enterprise of capitalists or mechanics or ship-builders in the preparation necessary to put any ordinary ship-yard into condition to build these ships. I read the language of the law:

> And the Secretary of the Navy is authorized to construct said vessels and procure their armament at a total cost for each not exceeding the amounts estimated by the naval advisory board in said report, and in the event that such vessels or any of them shall be built by contract, such building shall be under contracts with the lowest and best responsible bidder or bidders, made after at least sixty days' advertisement, published in five of the leading newspapers of the United States, inviting proposals for constructing said vessels, subject to all such rules, regulations, superintendence, and provisions as to bonds and security for the due completion of the work as the Secretary of the Navy shall prescribe; and no such vessel shall be accepted unless completed in strict conformity with the contract, with the advice and assistance of the naval advisory board, and in all respects in accordance with the provisions of the act of August 5, 1882, except as they are hereby modified; and the authority to construct the same shall take effect at once; and the Secretary of the Navy may, in addition to the appropriation hereby made, apply to the constructing and finishing of the vessels in this clause referred to any balance of the appropriation made to the Bureaus of Construction and Repair and Steam-Engineering for the current fiscal year or in the present act which may remain available for that purpose: *Provided*, That he shall utilize the national navy-yards, with the machinery, tools, and appliances belonging to the Government there in use in the building of said ships, or any parts thereof, as fully and to as great an extent as the same can be done with advantage to the Government.

The other act which is referred to in this bill provides that these contracts shall be let out to those who have ship-yards already fully equipped for the purpose of constructing these iron or steel ships.

Mr. MAXEY. Will the Senator allow me to make a suggestion?

Mr. MORGAN. Yes, sir.

Mr. MAXEY. The amendment proposed authorizes the Secretary of the Navy to proceed upon either of two methods of constructing the vessels, one through the Government navy-yards and the other by private contract. Now if it be the policy of the Government to reconstruct our navy-yards, which are in a dilapidated condition, would it not be best to strike out the last method? Or if it be the policy to let the ships out to private contract, would it not be best to strike out the first, to strike out the clause as to navy-yards? If we intend to adopt the policy of building our own ships in our own yards, we had better limit it to that. If it is our policy to abandon the navy-yards, we had better do so expressly.

Mr. MORGAN. Mr. President, it is not for a man as uninformed as I am about naval construction to give any satisfactory answer to the suggestion of the Senator from Texas. I can only say this, that as a business transaction the Government of the United States ought to be a competitor for the building of these ships, and in order to become a competitor it must be prepared to build them. To do that we must make some appropriation to the navy-yards, and I was proceeding to show how the two laws under which these ships are being constructed first placed the power of making the contract only in the hands of those who had ship-yards fully equipped for the purpose, and secondly under the section of the law which I have just read how the Secretary of the Navy is authorized, as I understand it, to take the machinery out of any navy-yard in the United States and lend it to these contractors for the purpose of building their ships under private contract.

That is a very liberal provision, but it all cuts against the United States, it all puts the United States entirely out of the market as a constructor of naval vessels; and why so? The Senator from Maine informs us in a very general statement that the cost of equipping one of these navy-yards for the purpose of building the hulls of iron or steel ships would be very enormous. Now it might be in the imagination of the Senator from Maine very enormous, and yet to a ship-constructor it might be a very small sum. The Senator from South Carolina informs us that Mr. Wilson, the chief naval constructor, says it would cost $150,000 to provide the necessary equipment to put one of these yards in a condition to build these ships.

Mr. BUTLER. I said that Mr. Wilson had informed me that it would require $150,000 to buy the necessary tools. I do not know that he intended that to include the entire preparation for the building of the ships, but he said that it would require that much money to provide the tools, as he expressed it.

Mr. MORGAN. Well, Mr. President, where we have a navy-yard constructed as the one at Norfolk or the one at Washington or the one at Pensacola for the express purpose of building ships, yards at which ships have been built, with ship-houses, with ways already provided, with all the necessary appliances of docks for taking the vessels out of the water, raising them upon the scaffolding, putting them in position to be built or to be repaired—where we have all these, it seems to me idle that we should throw them away or let them lie useless and rot when by an outlay of $150,000 for the purchase of machinery, and I will say $50,000 more, making it $200,000 for the repair and readjustment of those ways and docks and yards—it would be idle and worse than idle for us to throw away these advantages and to retire from competition in the market in respect of the building of these ships, and then to leave it, as we have done under our statutes, to the option of only two or three gentlemen in the United States who are qualified under the law to make contracts for the building of ships.

Now, are there any two yards in the United States, except those of Mr. Cramp and Mr. Roach, where an iron or a steel ship can be built?

Mr. HALE. Will the Senator look at page 58 of the report of the Secretary of the Navy and accompanying documents?

Mr. MORGAN. I have not got that before me. I shall be glad to receive the statement of the Senator from Maine about it.

Mr. HALE. I know the Senator is desirous of getting at what are the real facts. In the documents accompanying the Secretary's report, upon page 54, there is the form of proposals sent out, in which it is stated:

> Proposals will be received either from American ship-builders whose ship-yards are fully equipped for building or repairing iron and steel steamships, or from constructors of marine engines, machinery, and boilers. Satisfactory evidence that the bidders are such builders or constructors must accompany the proposals or be submitted to the Department in advance.
>
> These vessels are to be built in accordance with all the requirements of the acts of Congress of August 5, 1882, and March 3, 1883.

The statutes to which the Senator refers. Then following is a list of the proposals that were made for each of the ships, the Chicago, the Atlanta, the Boston, and the Dolphin, and in each case there were four bids:

Tabular statement of proposals for the construction of the steam steel cruisers Chicago, Boston, and Atlanta, and the dispatch-boat Dolphin.

CHICAGO.	
No. 1. The Harlan & Hollingsworth Company, iron-steamship builders, Wilmington, Del.	$1,120,000
No. 2. The William Cramp & Son's Ship and Engine Building Company, Philadelphia, Pa.	1,080,000
No. 3. C. H. Delamater, Delamater Iron Works, New York city, N. Y.	1,163,000
No. 4. John Roach, Morgan Iron Works, New York city, N. Y.	889,000
ATLANTA.	
No. 5. The Harlan & Hollingsworth Company, iron-steamship builders, Wilmington, Del.	775,000
No. 6. The William Cramp & Son's Ship and Engine Building Company, Philadelphia, Pa.	650,000
No. 7. John Roach, Morgan Iron Works, New York city, N. Y.	617,000
No. 8. H. F. Palmer, jr., & Co., Quintard Iron Works, New York city, N. Y.	763,400
BOSTON.	
No. 9. The Harlan & Hollingsworth Company, iron-steamship builders, Wilmington, Del.	777,000
No. 10. The William Cramp & Son's Ship and Engine Building Company, Philadelphia, Pa.	650,000
No. 11. John Roach, Morgan Iron Works, New York city, N. Y.	619,000
No. 12. Harrison Loring, Boston, Mass.	748,000
DOLPHIN.	
No. 13. The William Cramp & Son's Ship and Engine Building Company, Philadelphia, Pa.	375,000
No. 14. John Roach, Morgan Iron Works, New York city, N. Y.	315,000
No. 15. Theodore Allen and Anthony H. Blaisdell, constituting the firm of Allen & Blaisdell, Saint Louis, Mo.	380,000
No. 16. Henry Ashton Ramsay, of the firm of H. A. Ramsay & Co., Baltimore, Md.	420,000

So that there were four actual bids by responsible parties for this work. It does not rest with any two yards in the country, as has evidently been the impression, for here were bids made by very responsible and very well-known parties; and I may say that so well has the work proceeded and so cheap has it been found that steel can be made here in America and the best of this kind of steel for ship-building pur-

poses, that other builders, other enterprises are likely to take courage from it, and I have no apprehension that there will be any lack of competition by different parties seeking earnestly and honestly to do the work for the Government. It is in a better condition than the Senator from Alabama supposes.

Mr. MORGAN. Will the Senator hand me that document?

Mr. HALE. Yes, sir.

Mr. MORGAN. I had not examined this report in respect of the biddings for the building of these steel cruisers. It appears now that there were four parties who made biddings, but I believe the contracts were all awarded to one man.

Mr. HALE. The contracts were awarded to the lowest bidder, Mr. Roach, who was some three hundred-odd thousand dollars below the others on all the ships in the aggregate.

Mr. MORGAN—

Proposals will be received—

Says the Secretary of the Navy—

either from American ship-builders whose ship-yards are fully equipped for building or repairing iron and steel steamships, or from constructors of marine engines, machinery, and boilers. Satisfactory evidence that the bidders are such builders or constructors must accompany the proposals or be submitted to the Department in advance.

When we shall have passed this act, I take it for granted that new proposals will go out.

Mr. HALE. Certainly; new proposals in the same form undoubtedly.

Mr. MORGAN. And they will go only to those contractors who can fulfill the conditions required by these regulations and also by the statute; that is to say, they must be persons whose ship-yards are fully equipped for building or repairing iron or steel ships at the time of course that the proposal is made or at the time of its acceptance. They must bring evidence to show that their yards are fully equipped. That is an unfortunate provision in this law, and if the Senator from Maine had spread out in this bill that former statute, which is really a part of this proposed enactment, we should then have had an opportunity to have amended in that particular, and we could provide that any one who will give a guarantee that he will prepare a ship-yard for the purpose of building iron or steel ships—steel ships in this case—within a certain length of time after the proposals are accepted shall be entitled to bid. That would stimulate enterprise on the part of our builders and our capitalists, who, I think, have a considerable disposition to go into this character of business. I hear of Mr. Gorringe, formerly of the Navy, who is building iron ships at a ship-yard somewhere in the vicinity of Philadelphia. I have also been informed recently by a gentleman who said that he was conducting an enterprise of the kind that he intended to build iron ships and was making his preparations to build iron ships at Alexandria, just across the Potomac River.

Mr. HALE. The Senator will allow me a word. The clause from which he has read was not in the law; that was the form of proposal submitted by the Secretary. The law itself is not in that language. That was a matter provided I suppose because the Secretary, as any good business man, did not want to be imposed upon by bids from utterly irresponsible parties, and so he provided that the contract should go to regular builders, persons of reputation, persons who had yards, who had the apparent means to do the work; but I think he did not require that their yards be fully equipped. Any regular establishment anywhere in the country which was doing work of this kind the Secretary would welcome as a bidder. The more he gets the better.

Mr. MORGAN. Mr. President, I must differ with the Senator from Maine in respect to what the law is, and while I can not lay my hands upon it at this moment——

Mr. HALE. I have it here.

Mr. MORGAN. Will the Senator read it?

Mr. HALE. It is as follows:

Before any of the vessels hereby authorized shall be contracted for or commenced the Secretary of the Navy shall, by proper public advertisement and notice, invite all engineers and mechanics of established reputation, and all reputable manufacturers of vessels, steam-engines, boilers, and ordnance, having or controlling regular establishments, and being engaged in the business, all officers of the Navy, and especially all naval constructors, steam-engineers, and ordnance officers of the Navy, having plans, models, or designs of any vessels of the classes hereby authorized, or of any part thereof, within any given period, not less than sixty days, to submit the same to said board.

That is the language of the law. There is nothing about their yards being fully equipped or anything of that sort; but it is general and all-embracing.

Mr. MORGAN. There is a still further provision in one of these statutes; and one of the complaints I have to make is that we have not in the law that is proposed to be passed any definite statement of what we are enacting. There is a further enactment, which the Secretary of the Navy has followed literally in making this proposition, otherwise he would be in a very precarious condition, because if without the support of a statute of that kind he undertakes to limit the biddings to that class of men who have their yards already equipped, the intimations or suspicions of frauds which have been thrown out in this debate or in the newspapers of the country would have a remarkably firm footing in that departure of the Secretary of the Navy from the law to give an advantage to his pets and favorites. If the law authorized him to make open propositions to all persons to come in and bid for these ships who might be qualified to construct them, and he limited the bidding to only that class of men whose ship-yards were already fully equipped and prepared, it would be nothing more nor less, it seems to me, than making a very narrow selection on the part of the Secretary of the Navy, and it might very well be imputed to any man under those circumstances that he has transgressed the law for the purpose of giving some advantage to his own favorite friends. I do not think that is the case, however, for, as I remember the statute in another part of it which I have said I can not put my hand on it at this instant of time, it does provide expressly that these contracts shall not be let to other persons than those who have their ship-yards fully equipped and prepared.

In either view of the case, however, there is a narrowing down of competition here to such a small limit as at least to engender in my own mind the apprehension, to say nothing of suspicions that exist elsewhere, that the Government of the United States will be compelled to build these ships at the highest possible cost; for if there be but four men engaged in making the biddings on these ships which are already constructing, we shall have to give a very large credit to the honesty and sincerity of humanity not to suppose that they might be capable of making a combination among themselves to take these biddings at a certain rate mutually agreed upon. If only four men are to control the construction of these steel ships in the United States, and that appears to be the widest range of bidding we have had, we are in a very dangerous attitude in that respect, and it is time that we had taken a little precaution about it, and that we had enlarged the area of this bidding.

I suggest, and I follow the Senator from New Jersey in the suggestion, that the best way to do it is to take a navy-yard—I cite Norfolk, because I have an opinion that that is one of the very best—and equip it with tools and put it in condition that the Government of the United States can go on and build these ships.

Mr. President, the apprehension has also been suggested here that that might become a nest of political evil influence. Why, sir, we may say the same thing as justly of the Post-Office Department or of any other Department of this Government. Who does not know that all postmasters, those of Presidential appointments and those below that, in the United States to-day are appointed with strict and direct reference not merely to politics but to personal politics? Who does not know that every civil appointment that is made in the United States and that has been made in the last six or seven months has reference to an impression that is to be made upon the Chicago Republican convention?

We cannot remedy this by anticipation. The people must take charge of matters of this kind; and when they become informed of this, as I suppose they will, they will resent it and they will redress it; they will correct it in their own primary conventions or at least they will rebuke it at the ballot-box.

But, sir, the whole Government is to be carried along through selected agencies. One hundred and ten thousand office-holders are appointed by the President and by the heads of Departments, &c. These must all be paid. They are all selected from a certain political party. I have no objection to that. I think it is right they should be, since after all the people select them; but we cannot stop in our course of doing our duty to this great Government because the selected agents of the Government may perchance abuse their powers and privileges for personal ends or for political ends. All that we can do is to provide a just and fair system of laws, taking care on our part that they are wisely ordained, and then leave them to the administration of such persons as the people choose to place in office. That is all we can do and we are not expected to do more.

I therefore have no more apprehension of the political influence of the navy-yard at Norfolk or Boston or elsewhere than I would have of John Roach's ship-yard or of Mr. Cramp's ship-yard or of any other ship-yard. The truth is, I have thought that these matters have been very much overstated any way. They do not excite in my mind the deep degree of apprehension that they seem to excite in the minds of many Senators. We put proper checks upon our leading officers, the Secretary of the Navy and all the bureaus connected with the construction of ships, and that is the best that we can do. Suppose they are derelict in their duty, suppose they go to filching from the Treasury, abusing their powers for personal or political influence or to foster the interest of their friends, what is the duty of the American people? What is their privilege under such circumstances? It is to correct the evil; and I will not lend myself to a suspicion in advance against any Department of the Government of the United States, for I know that if these Departments go astray and do wrong against the people and the Government there is a correcting power which the people themselves will summarily exercise. Now, therefore, the argument against the rehabilitation of the navy-yards for the purpose of constructing iron or steel ships is not a sound one when it rests upon the hypothesis that the powers thus granted are to be abused.

Mr. BUTLER. If the Senator from Alabama will permit me, I should like to ask him if he does not admit that these ships can be constructed more economically by private contract in private yards than in the navy-yards of the Government? I call his attention to the fact that in the Government yards the laborers work, I think, but eight hours a

day, while in the private ship-yards they work ten, and it is universally admitted, I believe, that where labor is rendered to private individuals the men work more industriously, more vigorously, and the employer is more exacting than is the case where they are in the employment of the Government. I venture the opinion, without having any absolute particulars on the subject, that the ships can be built cheaper by at least 40 per cent. in private yards, assuming of course that the biddings are fair and *bona fide*. I say they can be built 40 per cent. cheaper in private yards than they can in the Government navy-yards.

Mr. MORGAN. Mr. President, if the committee had brought us some evidence to that effect I should have accepted it with a great deal of satisfaction.

Mr. BUTLER. If the Senator will pardon me again, I refer him to the testimony of Admiral Porter on that subject.

Mr. MORGAN. I read that yesterday *in extenso* to the Senate, and I do not think it establishes any proposition like that the Senator from South Carolina cites it for.

Mr. BUTLER. The Admiral said distinctly he had built one ship in a Government yard that cost $400,000, when it would have cost but about $200,000 in a private ship-yard.

Mr. MORGAN. Then the Admiral used the expression that he also lost forty pounds of flesh. It was an extravagant loss, one to which no naval officer will subject himself in these piping times of peace and these glorious days of cosy living.

Mr. BUTLER. Taking forty pounds off a naval officer is an extensive operation.

Mr. MORGAN. It is a great misfortune, I grant, and it is the worst injury I have heard of yet from the use of the navy-yards in building ships.

Now, sir, I take issue with the Senator from South Carolina on his proposition as to economy in two respects: First, as to the amount of money that will be expended in the building of a steel ship at the navy-yard in Washington, one that can be floated out of the Eastern Branch into the Potomac and down to the Chesapeake Bay. The United States Government, under our laws, as I observed yesterday, is not compelled to pay duty upon any material entering into the construction of a ship. The average duties upon that material are 45 per cent. ad valorem. Now, if you will give to Mr. John Roach, as you do by this bill really, the advantage of 45 per cent. ad valorem upon the cost of his materials in building ships—for he is not required to build them out of American material—he will make a very nice thing of it indeed. He will make at least 20 per cent. or 25 per cent. of profit upon his investment with that advantage in his favor; I mean profit upon that part of his investment which relates to the material that he uses, whether it is manufactured machinery or whether it is the crude material out of which the machinery is to be made. The Government of the United States is the only party in the United States of America to-day that can compete with Mr. Roach and Mr. Cramp and the other bidders, for the reason that it has got this advantage of 45 per cent. ad valorem upon this war material as it brings it in.

Mr. BLAIR. Will the Senator permit me to ask him if that argument is not fallacious in this regard, that the increased cost of the material which Mr. Roach is obliged to pay beyond that which the Government is obliged to pay is the cost paid directly to the Government, so that the customs are in the Treasury? If the Government makes use of a material on which no customs duties are paid, it simply loses the amount which Mr. Roach pays to it.

Mr. MORGAN. I see the point in the argument of the Senator from New Hampshire, and I only wonder that he has deceived himself about that, for the fact is the Government has a right to bring in this material free for the building of these ships. That is the fact, about which there is no fallacy. It is very true that the Government collects revenue to go into the Treasury; but the Government of the United States is a personality, it is a corporation, it is an individual, when it concerns an act of this kind, the building of a ship or importing materials. It is an importer. As I remarked yesterday, it is a free-trader, and the only one in the United States. Being a free-trader, and having all the advantages of exoneration from customs duties on the materials which it imports, the Government as a personality does make the money, the 45 per cent. I grant you that that burden is distributed all over the whole country when the private ship-builder gets the advantage of the 45 per cent. duty; but I do not see any reason at all why the people of the State of Alabama should be taxed 45 per cent. ad valorem upon all the material entering into the construction of these steel ships when the Government of the United States under the law has the option to bring it in free. That is the point I make about it, and it seems to me there is no fallacy in that argument. The facts are too plain.

I was proceeding, though, to show, in answer to the position taken by the Senator from South Carolina, that I conceived that he was in error about the actual comparative cost of building a ship at the navy-yards and building a ship by private contract. It is said that the workmen in the navy-yards work only eight hours a day. Well, we can make it ten hours if we choose, I suppose, and get plenty of employés.

Now let us look at another item of cost that Mr. Roach and every other man who builds a ship must take into his account. Mr. Roach, I will take it for granted, has expended a sum equal to three or four million dollars in the plant with which he builds a ship. He must have interest upon that; he must have insurance upon it; he must have compensation for wear and tear; and those are among the heaviest items of expense in all calculations in respect of work like this. The Government of the United States has got not less than $8,000,000 in the navy-yard in this city; I do not know how much more, but not less than $8,000,000. It has got a large number of millions of dollars at Norfolk, at Boston, at League Island, at Mare Island, and at various places. Perhaps it does not keep the property insured, but it keeps a watch, an expensive guard under strict regulations, to prevent the loss of the establishments by fire, and if it were to pay an insurance bill that account would be very easily balanced up by the expenditures made annually for these guards and watchers to protect these yards. We lose the interest of all this enormous outlay, while we allow Mr. Roach to make it on his outlay. Where is the economy in that? We have got the plant; we have paid for it; we have got it insured and doubly insured at a very high expense; we are bound to keep it up or else let it rust and go to waste; so that we are expending largely for annual repairs of machinery that we seldom put in motion, that we do nothing at all with, but keep it there as an old curiosity-shop of mechanical implements which perform no work at all. Any man in this Chamber would be astounded to go into the navy-yard at Washington and see the very large amount of machinery in that yard of an expensive character that has not been turned round once in five years, not all obsolete machinery, but a great deal of it could be employed here in a useful way in naval construction and also in the manufacture of arms.

Having gone to this vast expenditure, and after having built in these very navy-yards the ships that now float upon the seas—all the Navy that we have got was built in them—we turn around and ignore them, and we say in a breath they are of no further use or utility at all; they must lie there dumb and dead, and never be used again in making ships; and then we go and authorize the Secretary of the Navy to take the machinery out of those very yards and loan it to John Roach or any other naval constructor for the purpose of building these ships, and then we pay to the private ship-builder 45 per cent. ad valorem duty upon the material, when our law says the material shall come in free, and that the Government of the United States shall have the advantage of it, by which is meant the people of the United States.

That is the category in which we are placed, and we are asked now to ignore, yes, more than that, to denounce the navy-yards as being places unfitted for the construction of ships of steel and iron, and that, too, without the slightest investigation by this committee or by the Secretary of the Navy to show us that this thing ought to be done. Why, sir, if a private citizen were to use his own property in such a reckless manner as this he would be locked up in a lunatic asylum, Saint Elizabeth's would infold him in its circling arms in less than four days after his neighbors got to understand the hallucination of the man in respect to the management of his own business. I have got a factory here for the construction of iron and steel implements—hoes, spades, mattocks, chains, and what not—in the city of Washington. I will say it cost me two or three million dollars. I wish to have a large amount of these implements made. I lock up my own establishment, put the work out to the lowest bidder who will make these for me, give him the benefit of a 45 per cent. ad valorem tax on the material and machinery he uses, to come out of my pocket, then loan him a part of the material at my establishment to make his chains, hoes, picks, &c. Would I not go to a lunatic asylum if my neighbors had any concern for me? No doubt. And yet we do that in the name of the Government and with the facts all staring us in the face, and we never stop even to inquire whether it is wise economy.

Why this is I do not know; but when we find men selected, only four bidding, and such preferences and such advantages and such bonuses as these given in the law and in the practice of the Government, there is room for inquiry, if not for suspicion, as to whether that contract can be a sound one in morals as well as in law. There is room at least for inquiry. It is time we had paused upon this matter and looked around us.

I called attention yesterday to the matter of the building of the monitor Merrimac at the Norfolk navy-yard. I will not repeat that story, and yet it is one of the most impressive in the history of naval warfare and naval construction. The genius of a people driven to their highest necessity by something that they could not possibly avoid built the Merrimac, clothed it with iron at least, and made of it a monitor of the greatest possible power. Thereupon came forth the monitors, not only from our own ship-yards but from the whole world; and now the great powers of the earth are looking upon each other from the decks of their armed ships, keeping the peace by the strength of the novel power which was put forth in that hour of confederate necessity.

There was another occasion when the bowels of the earth had to be opened and the ore dug out, the trees cut down, and the coal made, and the pig-iron run out and hauled a distance of sixty or seventy miles on a railway to the shores of the Alabama River—and my honorable friend from Kansas knows the story that I am about to relate, because he, I believe, among others has fallen heir to the property of which I speak.

Catesby Jones, a commander in the Confederate States navy—I believe he was formerly only an ensign in the United States Navy—was detailed to build at the city of Selma an ordnance foundery for the purpose of supplying seacoast guns, and also to assist in building certain rams and ironclads, one of which was the Selma, another the Alabama, and another, I believe, the Atlanta. Several were built there and launched at the city of Selma, which was one hundred and fifty miles by water from the bay of Mobile. The iron was made near there, the ships were built and launched, they went to the bay of Mobile, and there they fought Farragut, and fought him bravely and with splendid success, inflicting upon Admiral Farragut's fleet a very serious loss. In this navy-yard out here are guns that were captured on board that fleet. They were made without the use of a pound of coke or a pound of charcoal. They were made with pine wood, in a fifty-ton furnace; nothing used but pine wood. Those guns are in this navy-yard now, and they will probably bear the test, pound by pound, of explosives and missiles with any guns of iron made in any ordnance establishment in the United States to-day.

I speak of this now to show the ability of Americans in the production of whatever is necessary to be produced for their own defense and for whatever of aggression we may find consistent with our foreign policy. We have no need to stop and to consult other people or other nations about what they can supply us with in the form of guns, or the sheathing of vessels, or the armament of vessels, or the armor of vessels, or anything of that kind. We have the material, we have the ability, the skill, the enterprise, and surely we have the money, with $100,000,000 a year redundant revenue in our Treasury. Why should we longer hesitate to make use of these resources in building our navy and in arming our ships and seacoast defenses.

Now, I will suppose that the Government of the United States wants to engage in the manufacture of steel for these ships, as Mr. Roach makes his steel. They want to bring the fine ores, the non-phosphoretic ores, from Egypt and from Spain. They bring them in free. Can they not compete in their own manufactories with any other people in the world in the making of this metal? We can get the very best class of steel ore free of duty under the law as it stands to-day, and if the Government would establish a gun foundery and furnaces for the manufacture of steel under the advantages which she possesses under the rebate from this 45 per cent. ad valorem tax there is no limit to her capacity to produce all of the very best metal that is required for guns and for shot and shell and for the armor of ships and for the steel to make their hulls. Here we are now with all these advantages within our reach, and we persist in having steel ships built only by private contract, and those contracts limited to the competition of four men who have yards already equipped for the purpose of making these ships.

Sir, this policy is unjust to the people and to the country, and I wish that the Senator from Maine would incorporate into his bill, so that those of us who desire to have a navy can vote for his bill, some provision requiring the Secretary of the Navy to make estimates and examinations into these different yards, with a view to ascertain the respective economies between this building of ships upon the plan that those are being built which we have now under contract and building them at the navy-yards of our country. The people of the United States can not believe, with all your fleet of monitors and other descriptions of ships that are now upon the ocean, built by the Government of the United States in very large part, if not entirely, in the navy-yards, that we have in a moment lost the capacity or the ability to build these ships, or that the navy-yards where they were built have all of a sudden become entirely useless. They will not believe it.

While I am on this subject, Mr. President, to avoid the necessity of entering into this debate again, I wish to say something in reference to an amendment that I had the honor to offer, which is that hereafter no ship shall be sold or broken up unless the cost of repairing or rebuilding it would exceed 30 per cent. of its value when rebuilt or repaired. As the law now is it is 20 per cent. That was an experiment which we started upon a year ago. Under the provisions of that act we have broken up, or sold, or disposed of forty-eight ships. That has made a great chasm in the Navy of the United States, quite room enough for us to work upon for several years to come in the matter of filling it up. By the time we shall have got forty-eight ships, so as to bring the numbers back, of the class that we are proposing to build now, we shall have spent a good many millions of dollars and quite a long period of time. So I think it is time we had called a halt upon that 20 per cent. appraisement and rule of condemnation, and that we had really gone back to that sensible rule which was asked for a year ago by the Senator from Florida [Mr. JONES] when he said that the experience of the world indicated that the underwriters would not permit a ship to be abandoned to them unless the cost of repairing would exceed 33 per cent. of her value. That is to say, she must be two-thirds gone before they would consent to receive her under the law as a total wreck, as a ship that was deserving to be abandoned. That is a sensible rule and founded upon the experience of mankind. But by my amendment I propose to go from 20 to 30 per cent., and in doing so I wish to include that very considerable class of ships which should be retained, among the rest the Tennessee, which is the only first-class ship we have in our Navy, in order that she shall have the opportunity of riding the waves a little longer under the flag of some admiral, or at least under some flag.

Some of these ships, as was explained to us by the Senator from New Jersey [Mr. MCPHERSON], would only be a fraction of a unit beyond the rate of condemnation, so curious and so nice was the calculation in respect to the cost required to rebuild ships or repair them to keep them efficient on the seas. Therefore I advocate a return to the 30 per cent. rule, and I hope the committee will have no objection to that, for there is no immediate necessity, to say the least now, for making this chasm larger only for the purpose of being filled up by the building of iron or steel ships.

That leads me to another statement that I desire to make of my views in respect of the necessity for a more efficient navy. We have a necessity for a navy and for a good number of ships. After a while we may find a necessity for armored ships; but none of those are proposed as yet to be built. The necessity for a navy is felt every day in a committee of which I have the honor to be a member, the Committee on Foreign Relations. There is no heroism of policy on the part of the United States Government founded upon our diplomatic or strategic ability, or upon our supposed control of commerce through our enormous productions, that will answer the purpose of giving to our Government its proper prestige among the foreign nations. I say foreign; I do not speak of Mexico and Canada. We must have something of that element which is a necessary part of every firm and strong power in the world before they will recognize our strength and our power and be properly careful of our rights as a nation.

I can state instance after instance before the Senate where the policy of the United States Government has been one of a hesitating and lame character because we were known not to possess the available power that a great fleet would give us. We may undertake to place ourselves in a reserved position as a great government and say we do not want to fight unless somebody comes here to fight us, nor do we need armies or navies to strengthen us. That is not precisely the attitude we should occupy; for to make a government respected, even in this nineteenth century and in the midst of the light and glory of Christianity and civilization, it is still necessary that it should be provided with the means of making its power felt as well among the Christian as the uncivilized nations.

A government is only half made up that has not a fleet, if it is a maritime power—that is some sort of an equivalent for its commerce and its population and its enterprise—only half made up. We can not afford to cheapen ourselves in this particular in the eyes of the nations of the world, for it is not the estimate we place upon ourselves that gives us strength abroad; it is the estimate that is placed upon us abroad that gives us strength there.

My attention was first called to the subject of the most necessary improvements in our Navy by that man whom I esteem to be one of the ablest, most patriotic, most experienced of men belonging to the Navy, a man who has reflected honor upon it in every position he has ever held—Rear-Admiral Rodgers. He is, as I understand it, the real author of what is called the corsair system, the system of ships that are most potent as commerce-destroyers. That is not a very agreeable view to take of the purposes for which a navy is to be organized, and yet it is a very necessary one. This is another instance in which the enterprise of the confederate government has been approved and its policy adopted by the great powers of the earth. In the particular of having ships prepared that can war upon the commerce of the great commercial powers they take the example of the Alabama and the Shenandoah, and they remember how desperately the commerce and power of the United States were wounded in the late war by the fact that these two cruisers were upon the high seas with heavy guns and powerful machinery.

Now, sir, if you have a cruiser like the Chicago and other cruisers of smaller tonnage upon the seas you will take bonds of the balance of the commercial world to keep the peace in respect to us and our commerce; and there is the great necessity and advantage of these vessels.

I asked the honorable Senator from South Carolina the other day, when we were discussing this question, whether a steel ship had any greater power of resistance against the shot and shell of an enemy than a wooden ship. He was of the opinion that it did not. There are many men in the Navy of the United States to-day who believe that the old Tennessee, with her thick walls, can whip any steel unarmored ship if you give her the same sort of guns. Then, in the building of these ships under this bill and under the bill which we passed last year, why are we building them of steel? Merely for the purpose of securing additional speed in the shape and lines which we are able to give to them and additional durability in the material of which they are composed. We are not building them for the purpose of defensive warfare against armored ships, nor for the purpose of defending our coast against the heavy ironclads that may come here to assail our cities, but merely for the sake of durability and for the advantages of speed and strength; so that they can go upon the wings of the wind, or rather they can go by the power of steam with immense rapidity, to all the accessible parts of the earth, and they can make that sort of threat against the commerce of the great commercial and maritime powers of the world which takes bond of them to keep the peace in respect to our commerce and all our

affairs. This corsair fleet, though it may be a small one in each of the seas, will have more influence in keeping the other nations in due observance of our rights, authority, and power than though we had stationed about every harbor in the United States so many ironclads as would be able to drive off any fleet that might cross the Atlantic to assail our cities. It is the power of aggression to be always available that we gain by these ships which is measured abroad with careful attention and that gives dignity and influence to our policies as well as to our Navy. That is what I am trying to get, and that is why I want these steel ships, these fast sailers, these ships with splendid armaments, these gunboats which are by preference the best boats in the world according to naval experience for the purposes to which I have just been adverting.

One word more, Mr. President. Are we blind to the fact that within the next twenty years, to say the least of it, we shall have a ship transit across the Isthmus of Darien? What is that transit? A reformation of the oceans, a change in the physical geography of a hemisphere as it was mapped out and laid down by the hand of the Almighty Architect. It appears that we are to have nothing to say about that, nothing to do about it. Either in our impotence or our carelessness, our indifference, we are allowing these great changes in the seaboard and in the geography and in the relations of the seas to go unnoticed by us; but after a while, sir, we shall wake up at least to the necessity of having defensive power, if not offensive, to protect our commerce and our coasts in consequence of that change. We have now in the Pacific Ocean a commerce that is becoming very great, not merely with the countries on the opposite shores but also with the European countries, in ships doubling Cape Horn in order to get around to the Atlantic ports of commerce.

The traffic on the Pacific Ocean along this hemisphere ought to be almost exclusively within our control, but for the want of a navy we have neither the power to protect what commerce we have there, nor have we the power to protect our Government from threats and insults from even the powers on the South American continent. We would halt and hesitate about presenting any demands of our Government against the Government of Chili, because we would know that she could move along up the coast with perfect security with her armored vessels and cripple our commerce and burn San Francisco. We are not in the line of our duty when we neglect to consider these things. Our coast is threatened, embarrassed with foreign picket posts from Newfoundland, reaching around to the point of Yucatan. I have before had occasion to refer to this fact in the Senate and its important bearing upon our naval and seacoast defenses. Starting at Newfoundland, or Labrador, if you please, and going around our coast to the point of Yucatan, not one foot of any island is owned by us, and I think I am not incorrect in saying that we have not a naval station in all that circuit of great islands. We were informed, and it almost alarmed me the other day when the Senator from New Jersey said that the British Government had laid up at Halifax, the Bermudas, and other places of convenient storing, armaments and all manner of naval equipment for the fitting out of the lines of steamers that run from New York to Liverpool and elsewhere under her flag. France does the same thing; Germany does the same thing, and here is a military reserve of all manner of naval power stored up against us in these islands opposite to our coast, ready to be used against us at any moment.

Now, what is the disadvantage that we are under? It is this: They have got the interior lines upon us everywhere. You have got Portland, in Maine, to defend; you have got Galveston to defend and the mouth of the Rio Grande. You have got to pass around an immense circuit, including the capes of Florida, in order to get your ships from one point to another upon the coast, while the nation that assails you, whether it is Dutch or Spanish or French or British, can leave its naval stations on these islands where they have immense armaments and immense stores and sail into your ports before you can get to them yourself, and your fleets and your convoys and all have to pass with an exposed flank opposite to every one of these naval stations. Our coast is absolutely environed with foreign naval establishments, and yet we suppose that we have no necessity for more or better naval defenses and for more seaboard defenses. We could no more defend the mouth of the Mississippi River with our fleets against an attack from a Spanish armored fleet sailing from Porto Rico and Cuba and other adjacent islands than we could defend New Orleans against a cyclone. It would be upon us before we should know it, and they could destroy us before we had time to do anything in the way of assembling a fleet to meet them. That is our condition so far as we are prepared with a defensive navy to meet a sudden descent upon our coast.

What, then, do we need? We need a fleet in the Pacific Ocean. We need and are bound to have a fleet upon the lakes. We need a fleet upon the Atlantic. We need a fleet upon the Gulf. We need all these fleets to stand between our own coasts and the places of rendezvous which foreign nations have provided for their fleets. We have four vital points to defend, while these outlying islands give to foreign powers the choice of positions from which to assail us. Give us these fleets, sir, and we can rest in peace and enjoy our prosperity, and there will be none to make us afraid. Without these I know that I address myself to the anxious apprehensions of every man on this floor to-day when he looks at the condition of his country, and is bound to admit to himself that we are unprepared for great emergencies in naval warfare. In order to have fleets we must have yards in which to build them. My opinion is that the navy-yards are the proper places to begin. Use private enterprise in connection with them, but not to their discredit; but first of all and most of all we need in this country establishments for making our own guns, our own projectiles, our own ammunition. People like ourselves who are dependent upon foreign countries for the very guns with which to defend their coast and their cities are a people self-stultified and self-disgraced. The American mechanic, the genius of the American people, their enterprise and their wealth, all of them condemn a policy which is idle upon this question as being fatal to the welfare of this country.

I hope, Mr. President, that this amendment, in some form at least, will pass. The present law is not adequate. The Navy Department does not execute it; the navy-yards have no chance. Now, let us have a system which will put the Government of the United States right in this matter and which will compel the Secretary of the Navy to put one of these navy-yards in condition that we can build a steel ship just as well as a private citizen can build an iron or steel ship at Alexandria or at Chester.

The PRESIDING OFFICER (Mr. PLATT in the chair). The question is on the amendment of the Senator from Florida [Mr. JONES] to the amendment of the Senator from New Jersey [Mr. SEWELL].

Mr. JONES, of Florida. Mr. President, after what has been said here in debate with regard to the great abuse of power growing out of the repair of ships at the navy-yards, it will be remembered that all the ships which have been repaired of late years have been repaired at the navy-yards, not by private contract; and the Senator from New Jersey not now in his seat [Mr. MCPHERSON] produced some statistics which were very remarkable; which showed that there was very little economy, I think, in the repairing of those vessels at the yards where the repairs were done. The truth is, Mr. President, this has been a subject of universal complaint for years. Admiral Porter has said here in the interview or hearing before the Naval Committee that he had some work done at one of the navy-yards and it reduced him in flesh forty pounds. There must be something vicious somewhere in our system if all this be true, and I am not willing to accept the amendment of the Senator from New Jersey [Mr. SEWELL] in the form in which he has presented it. I am not willing to give to any Secretary of the Navy—and when I speak of the Secretary of the Navy I am not speaking of any individual, my remarks are addressed to the official character, not to the person—I am not willing to give the power to any official at the head of the Navy Department to expend this sum of money in accordance with the amendment of the Senator from New Jersey at any navy-yard or navy-yards that he might designate, especially with the experience of the past before us, when the Admiral of the Navy comes up and tells the country and the Senate that from his experience in supervising the construction of a small vessel at one of our navy-yards he lost forty pounds of flesh in consequence of the political pressure brought upon him.

Mr. RIDDLEBERGER. Will the Senator permit me to ask him whether I understood him correctly just now to oppose his own amendment?

Mr. JONES, of Florida. Not my amendment.

Mr. RIDDLEBERGER. You are opposed to the amendment of the Senator from New Jersey?

Mr. JONES, of Florida. In the form it is now; but I say if the amendment of the Senator from New Jersey is to come in I want it improved. The Senator from Virginia can very well understand that principle of parliamentary proceeding that a Senator might be opposed to a bill in its existing form and might be willing to accept it if it were improved to suit him. I will vote, I say, for the amendment of the Senator from New Jersey if my amendment is adopted; I shall vote against it if it is not; and that opens up, I say very candidly to the Senate, a question which we ought to be prepared to meet, and put the navy-yards of the United States in a condition to do this work, as suggested by my friend from Alabama, for we know the opposite policy has been inaugurated. Commissions have gone out, and while the navy-yard in Virginia was designated as one of the yards to be retained, the only naval station in our great Mediterranean—and I say it with humiliation and somewhat of shame—was fixed upon for destruction.

In looking at the map it will be seen that from the Chesapeake to the mouth of the Rio Grande on that vast line of coast there was not a place where, in case of emergency, a ship could be repaired except at Pensacola. That yard was located there under the judgment of the best officers that were ever in the American Navy, and Admiral Farragut has left it on record that it was worth a war to retain it as a military and a naval post. When you come to look at its location, placed there not for the purpose of defending Florida, but for the purpose of defending the interests of our Mediterranean sea and the commerce of the Gulf of Mexico, where six millions of money have been already expended, I said that it was remarkable in view of the importance of that station and its history under all the governments that controlled that territory, English and Spanish, that it should have been designated for destruction, while the navy-yard in Virginia and one or two others on the Atlantic seaboard, where there was no use for them, were to be retained.

What would have been thought of France or of Spain if she gave up

a naval station in the Mediterranean? But the policy has been begun. Hence I said in all candor yesterday to the friends of this new scheme of building a navy that it was not exactly the wisest thing to do to send out these roving commissions to get up reports for closing up navy-yards, reversing the entire policy of the Government all of a sudden in this way and bringing in the 20 per cent. provision. I would rather nothing of that kind had been done; still it would not prevent me from voting to increase the American Navy. I do not care where the ships are going to be constructed, for I am looking to the end, not to the means by which it shall be accomplished. I am free to admit that it will require the expenditure of money at any of these navy-yards to put them in a condition to construct these vessels, and if that is to be the policy, I want it equitably carried out, so that no one navy-yard shall have the entire advantage of this provision of law.

We have a navy-yard in the Gulf of Mexico, located there for years, one of the most beautiful locations in the world, near to coal and to iron, in the State of my distinguished friend near me, with timber in abundance, and I can say that it is one of the few navy-yards where ships have been built with profit to the Government. That day may have gone by. Two, I think, of the very best vessels ever constructed for the Navy, one of them still in commission, known as the Pensacola, was built in that yard, and I think it was built at a cost of construction less than it would have been had the work been done outside of the yard. But there has been nothing done there of late. Because in the summer-time a man or two dies from a little fever a great excitement is created against the place and against the region; a condition of things that never existed in former days. The place was sought after by the first officers of the Navy in former days; it was kept in a high state of efficiency previous to the late war; and so far as health is concerned it is far healthier than Havana, which is regarded as a vital point in a military point of view by the Spanish Government and by all Europe.

During the time the English Government had Florida no less a man than Edmund Burke put his finger on the map and designated the harbor and bay of Pensacola as of infinite importance to the government in a military and naval point of view that controlled the destinies of that great Gulf. Still these matters now have all dwindled down to little local considerations.

It was the view of Mr. Calhoun at, I think, the Memphis convention in 1843, that that point ought to be put above all others in a state of the highest efficiency to protect the commerce of that great gulf. That is a matter of history. The English never could have attacked New Orleans had there been a naval depot in the Gulf of Mexico and if she had not been able to make one of her West India islands a base of operations. The fleet that was sent forward by Great Britain in 1815 to attack the mouth of the Mississippi River made, as we know, Jamaica the base of operations against that southern coast, and but for that she never would have sent out the expedition at all.

These are purely naval and military matters, and now if we are going into this policy of constructing our ships at the navy-yards—because if this amendment of my friend from New Jersey means anything it means that—I want the navy-yard in our Mediterranean to stand upon a footing with the one on the Chesapeake and on the Delaware. That is the whole of it.

What I said in regard to the past practice of the Navy in the construction of ships I will not retract, although I am free to say that I should be glad to see things improved in that way, and it is possible they may be in the future. If this is to be the policy let us have it, but I am not willing to take the amendment of the Senator from New Jersey in the form in which he presented it.

Mr. RIDDLEBERGER. Mr. President, the extraordinary position of the Senator from Florida induces me to say a few words. I shall vote for the amendment the Senator from Florida proposes. I am perfectly willing to vote for it. I can see nothing in it that is hurtful to anybody, though I can not see anything in it that is very beneficial to anybody. But the Senator says he will not vote for the amendment of the Senator from New Jersey unless we adopt his addition to it. It seems to me that opens up this whole question.

What are you going to do with these ships? If there be no necessity for them, why expend any money to build them at all? If this is the beginning and the end of an American navy, we had just as well stop right here. All have understood that this is the beginning of a policy of constructing an American navy that—if the Senator from Florida will permit me to make the statement—may some time or other fight out even the battle of personal and property rights for Irishmen on the shores of Canada. How would that Senator like a suggestion of that kind? If we are going to build these vessels and take them into the fresh waters of the James River, where iron or steel will not rust, then it is not necessary to make this expenditure.

I repeat that I understand this to be the beginning of the construction of an American navy. If it does not mean that, then I am deceived, and I would prefer to vote against the measure. If it does mean that, then I am for it, and I want to construct such a navy. The sense of the Senate has been taken on that question. It has been determined here that we ought to have a navy, and that seven ships shall be built within a certain stipulated time. The only other question then is how, or where, or by whom the vessels shall be constructed. One Senator on the other side objects that there will be a monopoly and that John Roach will get the contract. Gentlemen on this side and on the other side object to the construction of the ships at the navy-yards because they are not prepared to build them. The answer comes from one of the gentlemen in charge of the bill that $150,000 would perhaps prepare the Norfolk or some other navy-yard for their construction.

Mr. President, I wish to ask the attention of Senators to one proposition. Will the gentlemen who come in and bid for the building of these vessels not have to make the same provision to enlarge the capacity of their yards that the Government would have to do to prepare its navy-yards? If so, does not that enlarge the construction price or the bid? I will ask further why should we not have that expended on the navy-yards instead of having it counted in the bids of contractors for the construction of the vessels?

I have understood some Senators to say that there are but two competitors for the construction of these vessels. I have understood one Senator to say that there might possibly be four. I care not whether there be two or four; but in a country like this, where even a wheat crop can be "cornered," it is idle to tell me that four men can not "corner" on a proposition to build seven vessels.

Mr. HALE. Does not the Senator know that the competition for the building of the four ships provided for last year resulted in contracts covering everything needed in their construction, providing for their completion to the acceptance of the Secretary and the advisory board at a rate of cost as low per ton as the British naval administration is able to build its own ships with cheap steel? So far from there being any "corner" or any combination, there never was an instance that I know of of the magnitude of this where competition resulted in bringing down the price so satisfactorily. It would have cost the Government to do this same work that it gets done on one ship for $900,000, I venture to say, twelve or thirteen hundred thousand dollars.

Mr. RIDDLEBERGER. The Senator has lost sight of what I started out with. I understand this to be a proposition to begin the building of a navy, and I am not going to stop to consider the difference in dollars and cents between the construction of a ship this year by a contractor or its construction at a navy-yard. I undertake to say that if we mean to construct a navy such as this Government ought to have, the way to begin is for the Government to build her own ships in her own navy-yards; and unless we mean that by this bill, we are building our vessels for nothing. We are at peace everywhere; we have no use for them.

Mr. HALE. Will the Senator allow me to ask him a question?

Mr. RIDDLEBERGER. Certainly.

Mr. HALE. Why does not Great Britain, which certainly stands at the head of the great naval powers of the world in her naval force, in the administration of human intelligence and skill, in the building of ships, build them in her own navy-yards? She never does.

Mr. RIDDLEBERGER. I am free to confess that Great Britain is not my model in anything, except perhaps in her common law; I accept that.

Mr. McPHERSON. May I ask the Senator from Virginia one question in this connection? Perhaps I might better have asked it of the Senator from Maine. Is it not true that England builds in her own navy-yards the hulls of the ships for her navy and does all the work save and except the machinery?

Mr. RIDDLEBERGER. I am not prepared to answer. Perhaps the Senator from Maine can answer. I can not; I do not know.

Mr. McPHERSON. I am not aware that England ever gave a contract to build anything but machinery outside of her own navy-yards.

Mr. RIDDLEBERGER. This is the amendment exactly, providing for the purchase of the machinery of the manufacturers.

But I come back to the proposition that there has not been one reason advanced in the Senate why these ships should not be constructed at our navy-yards except that the navy-yards are sometimes used for political purposes. I suppose that means that sometimes the men who work in a navy-yard exercise the right to vote. I have known of men employed in a navy-yard coming out and howling me out of a speech from 8 to 12 o'clock at night; and yet that would not deter me from voting to construct these vessels in a navy-yard. I think the men there employed ought to have the right to vote. How else can there be any abuse there? You put men there to build these ships. They will vote. If you have them built out of the navy-yard, the men who work on them will vote.

On the other side, some gentlemen, as I have before said, object to letting the ships out to contract because there is not sufficient competition. I think that is a good reason why we ought to have the Government begin the construction of her own ships.

If the Senator from Maine can give me any other reason why we should not adopt the amendment of the Senator from New Jersey [Mr. SEWELL], then I will cordially co-operate with him. I am for the construction of these vessels, for continuing the construction of vessels, for the continuance of a policy of constructing a great American navy, down to the last dollar in the United States Treasury, saving only that which is necessary to pay the interest upon our public obligations and for the support of the Government; but I do think that this is a matter which suggests itself to our good judgment; and I think further

that Senators ought to consider whether the Government ought not to construct her own navy, and not leave everything of that sort to contract, when no Senator on this floor can assert that there are more than four private competitors at most on the whole continent.

Mr. JONES, of Florida. The Senator from Virginia who has just taken his seat has manifested a very commendable spirit in favor of building up the Navy. I appreciate all that he has said in that direction; but although he intimated that I was not as fervent and possibly as sincere in that line as he was, I do not think that he did me full justice.

Mr. RIDDLEBERGER. The Senator will pardon me. I did not say as sincere, but not quite as earnest.

Mr. JONES, of Florida. I think I have given better evidence than even the Senator of my desire to build up a navy according to the usual tests. The bill before the Senate came from the Committee on Naval Affairs. It was the best thing we could do under existing circumstances to bring into existence such additional vessels as the exigencies of the public service require.

It is true that some provisions of law were enacted last session under which some vessels are now in the course of construction. When the Senator from New Jersey came forth with this proposition requiring the ships to be built at such navy-yard or navy-yards as the Secretary of the Navy might designate, I did not think that that amendment was in the line of promoting the end in view, because, after all that has been said here by my friend from New Jersey [Mr. MCPHERSON], I do not know how he stands with respect to the present proposition, but I presume that the amendment of his colleague is acceptable to him. I thought that the bill from the committee as reported to the Senate was the best thing under existing circumstances that could be passed. I did not go into the details of it. I said in my place in the Senate yesterday that the policy was determined upon in Congress a year or two ago by the votes of gentlemen who are now antagonizing this bill. The Senate gave the Secretary of the Navy power that I refused at the last session to give to him, under which he is putting out of service our wooden ships day by day, and in a year or so the country will be without a single ship of war to carry its flag or maintain its honor. I showed by the RECORD yesterday that the Senators who are now foremost in their opposition to the present bill, which is intended to give authority to build ships to take the places of those they voted to retire, are not entirely consistent.

This bill has been reported from the committee. We considered it there. I gave it my support in the committee, and according to every rule of honorable action in parliamentary bodies I felt it to be my duty after it came to the consideration of the Senate to give it the support here that I gave it there. I did not want it complicated by any amendment. I wanted it to go through, and I wanted this effort in the direction of building up of a navy to be a success. That is the whole of it.

But yesterday evening the Senator from New Jersey on the other side of the Chamber [Mr. SEWELL] came forth with an amendment with respect to the navy-yards, and I said that the proposition in its form was a dangerous one, that it proposed to give the Secretary of the Navy a power even more dangerous in my opinion than the one conferred upon him last session under which the wooden ships are now being destroyed, and in that form I was not willing to accept it. Then I proposed an amendment to his amendment taking away from the Secretary of the Navy this discretion and requiring him to distribute the construction of these ships at designated yards, if the policy was to be carried out. I said very candidly to the Senator from Virginia that I would not vote for the amendment of the Senator from New Jersey in its present form, under which the Secretary would have the power of fixing up one or more localities within his discretion to do this work and make it a great engine of political power, if he was capable of doing that thing, rather than to distribute the construction of the ships between the various navy-yards in the United States, because power concentrated at one point can do more harm than when distributed among many localities. The Senator from New Jersey [Mr. MCPHERSON] suggested in the debate yesterday that the Secretary of the Navy ought to have suspended the operation of the law of last session which commanded him to put out of existence our wooden ships. I now tell that Senator that the suspending power once claimed and exercised by English despots does not belong to American officials.

I am willing to accept the bill as it came from the committee and to vote for it in the Senate as I did in the committee. In that view, of course, I am acting in the line of building up the Navy according to my best judgment. I do not complain of those who differ from me on this subject, who think that nothing ought to be done. They must take the responsibility about that. I am discharging my duty as a member of the Committee on Naval Affairs to the best of my ability with the lights before me. I think if we should determine upon the policy of building our ships at the navy-yards we will have to reverse the decisions of the board that has recently been organized to investigate them and make some liberal provisions for putting them in a state of complete efficiency. We have but one navy-yard at the South, leaving out Norfolk, and notwithstanding the millions that have been spent at other yards in repairing ships, not one vessel has been ordered to Pensacola for repair since the war ended.

Mr. MORGAN. The Senator will allow me to inquire whether any board has reported against the building of ships in the navy-yards?

Mr. JONES, of Florida. No; but they have reported in favor of the abolition of nearly the whole of them.

Mr. MORGAN. That is a different board.

Mr. JONES, of Florida. I will say to the Senator that is not a board of my choice, I assure him, and its recommendations will never receive my approval.

Mr. MORGAN. But there is no report of any board against the building of ships in the navy-yards.

Mr. JONES, of Florida. I do not say that there is. But there is plenty of evidence to show that these yards have been used for party purposes.

Mr. MORGAN. And yet the committee have not even inquired into the subject whether the ships could be built there.

Mr. JONES, of Florida. If I was Secretary of the Navy and wanted to run the navy-yards for party ends I would accept the proposition of the Senator from Alabama, and construct these vessels at Norfolk and League Island.

There is a report of a board favoring the breaking up of nearly all the navy-yards except one or two to be held or retained for purposes of repairs. I will say candidly to the Senator from Alabama that I am against that policy. I understand that there is nothing in the existing law to prevent the President of the United States from constructing those vessels at the navy-yards if he thinks proper to do so, and I will say to the Senator that the method of constructing them, whether by contract or otherwise, has never entered my mind. All I looked to was that the people of this country should get the ships, and with respect to the details of their construction I am free to say to him I have given very little thought to that matter, and for this reason, that I supposed that the safeguards already provided were sufficient to secure the honest construction of the ships.

Mr. MORGAN. I wish to ask the Senator a question for information, if he will allow me. The Senator has been a long time a member of the Naval Committee, and very honorably, too.

Mr. JONES, of Florida. A minority member except for a very short time.

Mr. MORGAN. A minority member, and minorities usually are honored a great deal "in the breach if not in the observance." I wish to ask the Senator whether there is any other provision of law relating to the building of these proposed ships or those that have been built in navy-yards than the following proviso to the naval appropriation act of last year:

Provided, That he shall utilize the national navy-yards, with the machinery, tools, and appliances belonging to the Government there in use, in the building of said ships or any parts thereof, as fully and to as great an extent as the same can be done with advantage to the Government.

Is there any other law but that which applies to the building of vessels in the navy-yards?

Mr. JONES, of Florida. I am not aware of any.

Mr. MORGAN. Does the chairman of the Committee on Naval Affairs know of any other statute than that giving the power to the Secretary of the Navy to build ships in the navy-yards?

Mr. HALE. There is the general power. A navy-yard can be used, of course, for any Government purpose.

Mr. MORGAN. But I will remind the chairman that that is negatived, from the fact that the bill provides that the contract shall be let out to the lowest bidder.

Mr. HALE. That is, if the ships are built by contract. We do not prescribe how they shall be built. If they are built by contract, then these provisions and safeguards are thrown about them; but if the President, acting through the Secretary of the Navy, believes that they can be built in the navy-yards and can be built with advantage to the Government, these provisions become of no account.

Mr. MORGAN. I do not understand the law to be that way, for the reason that this measure, as well as the one which preceded it, prescribes the manner in which the ships shall be built; that is, by contract.

Mr. HALE. I beg the Senator's pardon; it does not. There is nowhere any law which directs that the ships shall be built by contract; it only provides, if they are built by contract, how the contract shall be made, with all the provisions about advertisement and notice and all the things that go to make it safe.

Mr. MORGAN. Still there is no provision in the bill, or elsewhere, providing that the necessary tools and machinery in the navy-yards shall be used in the building of any of these ships.

Mr. HALE. That would not be needed, anyway. If we should simply pass a bill for the construction of half a dozen ships, and leave it without any other provision whatever, the Secretary of the Navy would go to work and build them in the navy-yards undoubtedly.

Mr. MORGAN. What I was trying to do was to get at the exact state of the law. I have had some embarrassment because I have not been able to gather it from the statutes.

Mr. JONES, of Florida. I do not know of any provision of law beyond that stated by the Senator from Alabama. I agree with the Senator from Maine that it must always rest with the discretion of the Government whether it shall build a ship at a navy-yard or not. I

think that if an appropriation of public money were made in a general way for the construction of ships for the Navy, and there was nothing said as to the manner or mode of their construction, it would rest with the discretion of the Government to build them at its navy-yards or to let them out by private contract if it thought proper to do so. This is a discretion, of course, that ought to reside in all governments, as with individuals.

There has been a great deal of complaint as we know in regard to the expenditure of public money directly by the Government itself. At this very session my honorable friend from Missouri [Mr. VEST], whom I do not now see in his seat very wisely, as I thought, introduced a bill which has been I think favorably acted upon by the Committee on Public Buildings and Grounds, of which I am a member, providing for the erection of public buildings by private contract, and I think that that bill has the sanction of the chairman of the committee who I see near me at my right, because it was felt that the principle of it was proper, and that the vast public buildings that were going up all over the country were costing the United States millions of dollars beyond what they could be constructed for if let out by private contract.

I say with respect to this matter that it is entirely unimportant to me. I am willing to leave it to the Government; but when my friend from Virginia [Mr. RIDDLEBERGER], who I do not see in his seat at present, said that because of a little quibbling in regard to the mode of constructing the ships I could be regarded as hostile to the great end in view he mistakes my position very much. On the contrary, I want to brush aside all the cobwebs and little technicalities that stand in the way of accomplishing this great end.

We must have a navy. That is near to the American mind. We must have a navy very different from that which we have at present. Our ships do not conform to the changed state of naval architecture or the usages of war as now understood. Up to 1860, although our Navy was small, it was up to the full standard of any navy in the world at that time. The ships of the United States at that day and time were a credit to this Republic wherever they carried her flag. They did not have a ship in the British navy or in the French navy that was superior to our best vessels before the war. The great Democratic statesmen, if I may be pemitted to use a party expression, never lost sight for a moment of the importance of keeping the standard of our ships at least up to the best maritime and naval powers of Europe. But now we are in an utter state of degeneracy. We have got nothing except a few cruisers that would do for ordinary blockade purposes or to pursue an unarmed ship on the high seas in time of war and capture her. We have no ships with any fighting power, as everybody knows. Feeling this great necessity, as I have felt it for a long time, I availed myself of the first opportunity that I had of casting a vote in favor of putting the American Navy upon a footing commensurate with the importance, the interests, and the dignity of this great country.

Mr. MORGAN. Mr. President——

Mr. ANTHONY. If the Senator from Alabama will yield for a moment, I wish to make a motion regarding the order of business. I move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. HALE. I think the Senator from Rhode Island should withhold that motion until after we finish the bill. I certainly hope we shall not adjourn over unless we finish the bill to-day.

Mr. EDMUNDS. We must finish the bill this week.

Mr. HALE. I hope the Senator from Rhode Island will accept the suggestion and withhold the motion for the present.

Mr. ANTHONY. Very well; I withdraw the motion.

Mr. MORGAN. Mr. President, I would not say anything further about the amendment of the Senator from Florida if it were not that I in part represent one of the Gulf States, the nearest neighbor to Pensacola.

The amendment of the Senator from Florida requires that these ships shall be built in each of several navy-yards. Of course that would lead to an unnecessary expenditure of money. I suppose the object of the Senator was by his amendment to the amendment to kill it off. He evidently prefers that the ships shall be built by private contract and not in the navy-yards, for if he preferred that the ships should be built in any navy-yard he would allow the Government to select one or more, with reference to which we could make appropriations and provide the necessary tools and machinery so that the ships could be built there. We can not build a ship in every one of the navy-yards; we can not afford the expense of fitting up the navy-yards for the purpose, but if we have one yard in which we can build the ships then we have the United States in the market as a competitor, and we can have some chance of getting the prices down to a proper standard. That is as far as I desire to go.

Now, one word about the state of the law. It is left in great doubt. The bill itself as framed leaves the state of the law in very great doubt both as to the discretionary power of the President or the Secretary of the Navy as to whether the ships shall be built at the navy-yards or built by private contract, and also, I will add, as to the manner in which they shall be constructed. The bill itself refers to two acts of Congress preceding this, and adopts them as parts of this measure by requiring the ships to be built in conformity with the provisions of those laws. As I have observed, I am sorry the committee has not put those provisions into the act. I intend when we get into the Senate to move to strike out the amendment which was put in yesterday on the motion of the Senator from Maine with a view of having those provisions of law inserted *in hæc verba* in the bill.

Mr. HALE. In terms?

Mr. MORGAN. In terms.

Mr. HALE. I have no objection to that. I hope the Senator will prepare the amendment and have it ready.

Mr. MORGAN. I have it ready. Then I propose to add to it. I have been in doubt whether I should add what I will now read or whether I should propose it as an amendment to the amendment of the Senator from New Jersey when we reach it. The proposition as I will offer to amend in the Senate will read this way:

Provided, That he shall utilize—

That is to say, the Secretary of the Navy—

the national navy-yards, the machinery, tools, and appliances belonging to the Government of the United States there in use in the building of said ships or any parts thereof, as fully and to as great an extent as the same can be done with advantage to the Government.

That is the text of the law as it stands now. I would add to that the following:

And shall cause estimates to be made and submitted to Congress as to the economy of building said vessels at the navy-yards before any contract is made for building the same.

I am willing now to pass a law to build these ships, but I desire that the carrying of it into execution shall be delayed until the Secretary of the Navy can have his estimates made and submitted to Congress. They have not been submitted. I desire to see them. I believe that the result of them will be that we can economically build these ships in the navy-yards.

If the bill should pass early enough in the session those estimates can be submitted before Congress adjourns, and such action can be taken as Congress may deem advisable, either to stop the building of them under contract and carry them to the navy-yards, or allow them to be built, under the discretion of the President, under private contract; or suppose it should be delayed until December, still here stands the law, and further legislation will not be necessary unless that report shall make it necessary. You will have the provisions of the act under which you can go on to build the ships, and the time that will be lost between this and December would not be of any considerable importance compared with the loss of opportunity which this bill would force upon us to have these ships built in the navy-yards if it is found advisable to do so.

I firmly believe that if the committee had gone into the investigation of that question we should have the opportunity of building these ships in our own yards, and then we should have our yards in a condition where in time of war or in any time of emergency we would be prepared to go on and build our ships, without the necessity of having ship-yards built. The delay would not be very great. The delay would not affect the action of Congress; it would merely affect the time in which we would put the ships under construction.

Mr. JONES, of Florida. I do not think that the Senator from Alabama is altogether warranted in saying that I have stated any preference in regard to the manner of the construction of these ships. My language of course speaks for itself, and he can draw what inference he pleases from it. I say I have never given a thought to the subject as to how the vessels shall be constructed.

Mr. MORGAN. I am very sorry the Senator has not done so.

Mr. JONES, of Florida. I do not care; I have nobody to befriend in the matter one way or the other; I only want to give a decent and becoming discretion to those who have this great work in charge. Of course if I were to go into the subject of constructing the ships at the navy-yards, I might inquire where are your engineers and where are all your powers and abilities to begin this work. I am not going into that.

Mr. RIDDLEBERGER. Will the Senator permit me to ask him what he means by discretion? The bill gives the largest discretion. The Senator's amendment narrows that discretion; it comes down to the places at which these ships shall be built. I do not understand that to be a discretion.

Mr. JONES, of Florida. I can not ignore the fact that a year or so ago it was proclaimed from one end of this country to the other, and that, too, by the party to which I belong, that the vast sums of money referred to by my friend from New Jersey [Mr. MCPHERSON] a while ago as expended in the repairs of ships were disbursed in the interests of a political party, and there is a column of figures there that almost baffles human calculation to look at showing the millions upon millions of money that have been squandered by those navy-yards in the repair of ships, and in many cases, as it has been said, the money was used to build up the fortunes of a political party. That charge has been made from one end of this country to the other. Whether it is true or not is another question, but I have heard it stated, if I am permitted to use private information, that some of the repairs that have been made in the Government yards cost three times what the work could have been done for if it had been let out to contract. I do not know how true that is, but this is one of the questions with which we are confronted. The amendment of the Senator from New Jersey [Mr. SEW-

ELL] proposes to go back to that system and to give the Secretary of the Navy power to take his $4,000,000 and expend it at any one or two navy-yards in his discretion after the methods of the past. What do the gentlemen who have indicated by their speeches and their votes here distrust with respect to the naval management say to this proposition? If there is any danger from this expenditure of money to the integrity of political parties or the fairness of elections, is it not better that the power of the Government over it should be as restricted as possible?

I understood that the main objection to the bill was (and we may just as well speak candidly) that it was going to place in the hands of those in power a fund that could be expended in a way that would hurt or benefit this or that political party. I am sure that the amendment of the Senator from New Jersey [Mr. SEWELL] does not improve that situation, if that be the objection. It will place the entire $4,000,000 in the hands of the Secretary of the Navy absolutely, to be expended by his employés under a system which brought down the flesh of an admiral forty pounds, according to his own statement, and that almost put him in the condition of a skeleton when he had in charge the repair or building up of one little vessel in the navy-yard at Washington.

It is a choice with us between evils. We can not have anything absolutely perfect in life, but surely there has been nothing of late years in the administration of the navy-yards and the repair of ships there to commend them to public favor. The purpose of my amendment is to take away this absolute discretion, which might be rendered more dangerous. If we are going into this system, I want to go into it as it was in the far-off past.

I will say to the Senator from Alabama that in previous days when vessels were provided to be built it was not unusual to apportion their construction among the several navy-yards after the manner pointed out and indicated by my amendment. The two ships that were built in the navy-yard at my own home, the Pensacola and the Seminole, were built, I think, under a resolution of Congress in 1858. At that time Congress provided for the construction of quite a number of ships, and they apportioned their construction among the navy-yards according to their capacity to do the work, and two of them were assigned to the Pensacola yard.

Mr. PIKE. May I ask the Senator a question?

Mr. JONES, of Florida. Certainly.

Mr. PIKE. Why does he not include the navy-yard in New Hampshire as well as the one in his own State in his amendment?

Mr. JONES, of Florida. I did not know that we were to have ships enough to go around, and I did not want to leave my own State out. [Laughter.]

Mr. PIKE. The Senator looked after his own State.

Mr. JONES, of Florida. There were but seven ships to be built, and I thought I would put them around as well as I could without leaving out my own State.

If we are to go back to this policy, then let us put all the navy-yards upon a decent footing so that this work can be done in them. I say candidly that this question did not present itself to my mind, and I was willing to leave some discretion in accordance with the laws now in existence in order to carry out the great purpose of constructing a navy. The thing foremost in my mind was to get a navy. I do not believe that the Government of the United States, either by private contract or by doing the work itself, can ever succeed in doing work as cheaply as an individual. I do not know that any government can; but I am sure that the experience of the past tells us that there is nothing in the system suggested by the amendment of my friend from New Jersey to give it special confidence and favor at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. JONES] to the amendment of the Senator from New Jersey [Mr. SEWELL].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from New Jersey [Mr. SEWELL].

Mr. MORGAN. I propose to amend the amendment of the Senator from New Jersey by inserting in line 3, after the word "Government," the words:

If it shall be so directed by the President.

So as to make that part of the amendment read:

That the vessels authorized by this act shall be constructed at one or more of the most suitable navy-yards of the Government, if it shall be so directed by the President, under the supervision of the proper officers of the Navy.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN] to the amendment of the Senator from New Jersey [Mr. SEWELL].

Mr. MORGAN. My object in putting that amendment into the amendment of the Senator from New Jersey is to have the law definitely settled that the President may direct that these ships shall be built in the navy-yards. If that is the law now, as the Senator from Maine I understand contends that it is, it is left in some doubt. The additional merit of the amendment would be that it provides the necessary tools and machinery for the navy-yard that might be selected. It makes provision for those things in order that the ships may be built. It is idle for the President of the United States to make the selection now that they shall be built in the navy-yards unless we in some way supply to the navy-yards the tools and machinery necessary for building the ships. I would be content, so far as I am personally concerned, with that direction, because we should then have the responsibility thrown upon the President of the United States to determine in the manner that he might think best whether it was better to build the ships, or some of them, in the navy-yards, or to build them under private contract; and the people of the United States ought at least to have the advantage of his judgment upon that proposition.

Mr. HALE. I see that what the Senator seeks is to make the law certain. Why not then, as it seems not to accord precisely with it, strike out all of the proviso and let it read:

That the vessels authorized by this act shall be constructed at one or more of the most suitable navy-yards of the Government: *Provided*, The President shall so direct.

Striking out the last part entirely.

Mr. MORGAN. Then we should have no means provided by which our yards could be put in a condition to build the ships. The rest of the amendment offered by the Senator from New Jersey provides the means by which tools and machinery may be obtained at the navy-yards the President might select for building the ships.

Mr. HALE. The Senator does not understand that the amendment of the Senator from New Jersey after the word "provided" in any way touches the fitting up of navy-yards?

Mr. MORGAN. Will the Senator be good enough to read it? I have not got it before me.

Mr. HALE. It only provides for contracting for machinery for the ships outside of navy-yards. If the Senator will read the amendment carefully, he will see that it is not in the direction that he is seeking to go. It relates to another matter. Let me read the proviso:

Provided, That the Secretary of the Navy may be authorized by the President to procure the machinery for said vessels from parties engaged in the business of constructing naval machinery, the lowest responsible bidder to be accepted, after three months' advertisement, &c.

It is a direction to procure the machinery from outside parties.

Mr. MORGAN. I see that I was in error.

Mr. HALE. It is not needed at all in view of what the Senator is seeking to do.

Mr. MORGAN. I misconstrued the amendment to that extent.

Mr. HALE. I have no objection to striking out the proviso and putting in the words the Senator suggests.

Mr. MORGAN. I shall not offer the amendment to the amendment under those conditions. I propose when we get into the Senate to offer an amendment that I think will have a better effect.

The PRESIDING OFFICER. The Chair understands the Senator from Alabama to withdraw his amendment.

Mr. MORGAN. I withdraw my amendment.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from New Jersey [Mr. SEWELL].

Mr. HALE. How does the amendment stand now?

The PRESIDING OFFICER. No amendment to the amendment has been adopted. It is the amendment as proposed by the Senator from New Jersey [Mr. SEWELL].

Mr. HALE. I hope that will be voted down.

The PRESIDING OFFICER. Upon that amendment the Chair is informed that the yeas and nays have been ordered.

Mr. BAYARD. Let it be reported.

The SECRETARY. It is proposed to add as an additional section the following:

SEC. —. That the vessels authorized by this act shall be constructed at one or more of the most suitable navy-yards of the Government, under the supervision of the proper officers of the Navy: *Provided*, That the Secretary of the Navy may be authorized by the President to procure the machinery for said vessels from parties engaged in the business of constructing naval machinery, the lowest responsible bidder to be accepted, after three months' advertisement in the principal newspapers of New York, Philadelphia, Boston, and San Francisco, payments to be made as the work progresses; but at no time shall it amount to within 25 per cent. of the value of the work and material, which amount of the contract price shall be retained by the Secretary of the Navy until final completion and acceptance of the contract.

Mr. EDMUNDS. That is coercive. It does not leave any discretion at all.

The PRESIDING OFFICER. The Secretary will call the roll upon agreeing to the amendment proposed by the Senator from New Jersey.

The Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). On this question I am paired with the Senator from Maine [Mr. FRYE].

Mr. JACKSON (when Mr. KENNA's name was called). The Senator from West Virginia [Mr. KENNA] requested me to announce his pair with the Senator from New York [Mr. MILLER].

Mr. LOGAN (when his name was called). I am paired with the Senator from Texas [Mr. MAXEY]. If he were here, I should vote "nay." I am paired, I may state, for the remainder of the afternoon on this bill.

Mr. CONGER (when Mr. MITCHELL's name was called). The Senator from Pennsylvania [Mr. MITCHELL] is detained from the Senate by sickness. He is paired with the Senator from Arkansas [Mr. WALKER].

Mr. GARLAND (when Mr. WALKER's name was called). My col-

league [Mr. WALKER] is paired with the Senator from Pennsylvania [Mr. MITCHELL].

The roll-call was concluded.

Mr. COKE. I was requested by my colleague [Mr. MAXEY], who was in the Senate Chamber up to a few moments ago, to say that he is paired on all these questions with the Senator from Illinois [Mr. LOGAN].

Mr. COCKRELL. I was paired yesterday with the Senator from Nebraska [Mr. MANDERSON]. I do not see him in his seat to-day, and I will withhold my vote. He has not voted, I understand.

The PRESIDING OFFICER. No; he is detained at his home by sickness.

Mr. COCKRELL. I understood yesterday that he was detained by sickness, and as I have been paired with him for a day or two, I shall continue the pair.

Mr. HALE. My colleague [Mr. FRYE] is absent by order of the Senate, and is paired with the Senator from Georgia [Mr. BROWN].

The result was announced—yeas 2, nays 47; as follows:

YEAS—2.

	Mahone,	Riddleberger,	

NAYS—47.

Aldrich,	Cullom,	Harrison,	Pike,
Allison,	Dawes,	Hawley,	Platt,
Anthony,	Dolph,	Jackson,	Plumb,
Bayard,	Edmunds,	Jones of Florida,	Pugh,
Beck,	Fair,	Jones of Nevada,	Ransom,
Blair,	Garland,	Lamar,	Sabin,
Bowen,	George,	Lapham,	Sherman,
Butler,	Gorman,	McMillan,	Vance,
Call,	Groome,	Miller of Cal.,	Vest,
Coke,	Hale,	Morgan,	Williams,
Colquitt,	Hampton,	Morrill,	Wilson.
Conger,	Harris,	Palmer,	

ABSENT—27.

Brown,	Gibson,	McPherson,	Sawyer,
Camden,	Hill,	Manderson,	Sewell,
Cameron of Pa.,	Hoar,	Maxey,	Slater,
Cameron of Wis.,	Ingalls,	Miller of N. Y.,	Van Wyck,
Cockrell,	Jonas,	Mitchell,	Voorhees,
Farley,	Kenna,	Pendleton,	Walker.
Frye,	Logan,	Saulsbury,	

So the amendment was rejected.

Mr. MORGAN. I move to add as an additional section to the bill:

SEC. —. That no vessel of the United States Navy shall hereafter be broken up or sold, the repairs or rebuilding of which will cost less than 30 per cent. of the appraised value of such vessel, under the existing laws regulating the appraisal and condemnation of such vessels.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN].

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is upon concurring in the amendments made as in Committee of the Whole. Shall the vote be taken on all the amendments together?

Mr. HARRIS. In gross, I suggest, if there be no separate vote asked on any particular amendment.

The PRESIDING OFFICER. Unless some Senator desires to reserve the vote on a particular amendment the question will be on concurring in all the amendments made as in Committee of the Whole.

Mr. MORGAN. I desire to reserve the amendment offered yesterday by the Senator from Maine [Mr. HALE] for the purpose of offering an amendment in lieu thereof, to strike out and insert.

The PRESIDING OFFICER. The Senator from Alabama desires to have the amendment made as in Committee of the Whole on the motion of the Senator from Maine reserved for a separate vote. The question is on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

The PRESIDING OFFICER. The question now is on concurring in the amendment reserved.

Mr. HARRIS. Let the reserved amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read as follows:

SEC. 3. That said vessels, rams, and boats shall be designed and constructed in all respects in accordance with and subject to the conditions and provisions of the naval appropriation acts of August 5, 1882, and March 3, 1883, authorizing the construction of four steel cruisers.

Mr. MORGAN. I move to strike out that amendment and insert in lieu thereof—remarking before I send it to the desk that I have had the statutes copied literally so far as I understand them to apply to this question, and thereby covering precisely the ground that the Senator from Maine covered in his amendment, except that I put the texts of the former laws into the text of this proposed law; but in doing so I have made certain changes to which I will call the attention of the Senate after the amendment has been reported at the desk.

The PRESIDENT *pro tempore*. The Senator from Alabama moves to amend the amendment made as in Committee of the Whole. The amendment to the amendment will be read.

The CHIEF CLERK. It is proposed to strike out section 3 and to insert in lieu thereof:

SEC. 3. It shall be the duty of the advisory board appointed in conformity with an act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, approved August 5, 1882, to advise and assist the Secretary of the Navy, in his office or elsewhere, in all matters referred to them by him relative to the designs, models, plans, specifications, and contracts for said vessels in all their parts, and relative to the materials to be used therein and to the construction thereof, and especially relative to the harmonious adjustment, respectively, of their hulls, machinery, and armament; and they shall examine all materials to be used in said vessels, and inspect the work on the same as it progresses, and have general supervision thereof, under the direction of said Secretary. But said board shall have no power to make or enter into any contract, nor to direct or control any officer of the Navy, the chief of any bureau of the Navy, or any contractor. Neither of the vessels hereby authorized to be built shall be contracted for or commenced until full and complete detail drawings and specifications thereof, in all its parts, including the hull, engines, and boilers, shall have been provided or adopted by the Navy Department, and shall have been approved, in writing, by said board, or by a majority of the members thereof, and by the Secretary of the Navy; and after said drawings and specifications have been provided, adopted, and approved as aforesaid, and the work has been commenced or a contract made for it, they shall not be changed in any respect, when the cost of such change shall in the construction exceed $500, except upon the approval of said board, or a majority of the members thereof, in writing, and upon the written order of the Secretary of the Navy; and, if changes are thus made, the actual cost thereof and the damage caused thereby shall be ascertained, estimated, and determined by said board; and in any contract made pursuant to this act it shall be provided in the terms thereof that the contractor shall be bound by the determination of said board, or a majority thereof, as to the amount of the increased or diminished compensation said contractor shall be entitled to receive, if any, in consequence of such change or changes. And for the construction of all which vessels and their armament the Secretary of the Navy shall invite proposals from all American ship-builders and builders of machinery whose ship-yards are fully equipped, or shall within six months from the date of the contract be fully equipped, for building or repairing iron and steel steamships, and constructors of marine engines, machinery, and boilers. And the Secretary of the Navy is authorized to construct said vessels and procure their armament at a total cost for each not exceeding the amounts estimated by the naval advisory board in said report; and in the event that such vessels, or any of them, shall be built by contract, such building shall be under contract with the lowest and best responsible bidder or bidders, made after at least sixty days' advertisement, published in five of the leading newspapers of the United States, inviting proposals for constructing said vessels, subject to all such rules, regulations, superintendence, and provisions as to bonds and security for the due completion of the work as the Secretary of the Navy shall prescribe; and no such vessel shall be accepted unless completed in strict conformity with the contract, with the advice and assistance of the naval advisory board, and in all respects in accordance with the provisions of the act of August 5, 1882, except as they are hereby modified. And the authority to construct the same shall take effect at once; and the Secretary of the Navy may, in addition to the appropriation hereby made, apply to the constructing and finishing of the vessels in this clause referred to any balance of the appropriation made to the Bureau of Construction and Repair and Steam-Engineering for the current fiscal year, or in the present act, which may remain available for that purpose: *Provided*, That he shall utilize the national navy-yards, with the machinery, tools, and appliances belonging to the Government there in use, in the building of said ships, or any parts thereof, as fully and to as great an extent as the same can be done with advantage to the Government, and shall cause estimates to be made and submitted to Congress as to the economy of building said vessels at the navy-yards before any contract is made for building the same.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN] to the amendment agreed upon as in Committee of the Whole.

Mr. MORGAN. There are two changes here made in the text of the present law to which I call attention. The first relates to the condition in which the contractors' ship-yards shall be at the time they take these contracts. The law as it stands now requires that they shall be in a thorough state of equipment, prepared to make the hulls of steel ships at the time they take the contract. My amendment extends that time to six months after the contract, of course under such regulations as the Secretary of the Navy may prescribe. He can of course prevent a failure of the contract by requiring bonded security, if he chooses, that the contractor will put his ship-yard in proper condition to execute the contract within six months. The party desiring to take the contract for building these ships having the proper capital and having a ship-yard in all respects suited to it might not undertake to put his yard in that condition until after he had secured the contract which he was willing to make and which the Government was willing to accept. Thereupon within six months from that time, as the act is proposed to be amended by me, he would procure the necessary additional machinery and tools and implements to execute his contract.

The object of this amendment is to enlarge the area of competition. It is to bring into competition for the building of these ships not merely those who may have by anticipation prepared their ship-yards for the purpose, but those who might be willing to go on and make the preparation.

To illustrate the point of my amendment, Mr. Roach, I will say, is building all these ships now. I believe it is understood he has the contract for all.

Mr. BUTLER. We can not hear what the Senator is saying.

The PRESIDENT *pro tempore*. The Senator from Alabama will suspend. Senators will please cease conversation; Senators are unable to hear the Senator who is addressing the Chair.

Mr. MORGAN. I believe it is conceded that Mr. Roach has the contract now for building all the ships that are under contract. Of course he has prepared himself with all the necessary machinery and tools, doubtless at considerable expense; but it is so that perhaps he is the only man in the United States who is in condition to comply with the terms of the statute as it stands and as the committee propose to re-enact

it. That is not fair to the rest of the people of the United States who may want to engage in ship-building nor is it fair to the Government itself. When we virtually confine the building of ships to private contract, and we find but one man who is in condition to take the contract, I would say that we are very much at his mercy as to the prices we shall pay him if we are to have a navy at all and have these ships built at all.

Why not say, as I propose in the text of this act, that a person shall have his bid accepted who will engage with the Government that he will be prepared within six months from the date of the contract with a ship-yard fully equipped to go on with the work? Then we shall have some chance for competition. But I respectfully submit to the Senate that by the iron rule prepared by the committee in their bill we have no option in this matter. What has been said about possible favoritism or fraud, whether it is actually true or not, leaves the motives of Congress open to inquiry and suspicion with respect to the desire and purpose to have but one gentleman engaged in building ships. We put ourselves in the category that we have no chance for reasonable contracts at all, and I wish to introduce something into this bill that will at least give us some chance for competition.

Mr. RIDDLEBERGER. Will the Senator permit me to ask him a question?

Mr. MORGAN. Certainly.

Mr. RIDDLEBERGER. I understood the Senator to advocate the amendment of the Senator from New Jersey in his remarks and I understood him a while ago to vote against it.

Mr. MORGAN. The Senator is mistaken about that. I did not advocate the amendment of the Senator from New Jersey.

Mr. RIDDLEBERGER. Does this amendment embrace the same thing? I ask whether it leaves the option to build the vessels by contract or in the navy-yards?

Mr. MORGAN. The amendment I am now speaking of does not touch that subject. There is another amendment I propose after I get this text of the existing law incorporated in the bill which I think will touch that. What I advocated in respect of the amendment of the Senator from New Jersey was the principle that at least one navy-yard of the United States should be fitted up with a view to building ships, and that we should always keep it fitted up, so that the Government would in that respect at least be in competition with private bidders in the building of ships.

That was as far as I went; and I misunderstood, as the Senator will remember, the purport of the concluding part of the amendment of the Senator from New Jersey. In fact I had not studied that; I had only looked at it very casually. I suppose that the concluding portion of the proviso in the amendment of the Senator from New Jersey referred not to the navy-yards, but to the machinery and tools necessary to do the work, whereas I found that it only related to the obtaining of machinery for the ships themselves—a different matter. I was mistaken in the purport of the amendment as far as that was concerned.

Mr. RIDDLEBERGER. The mistake I made was in speaking to something that was not before the Senate. I thought the Senator was speaking to the amendment offered by the Senator from New Jersey. That was my mistake.

Mr. MORGAN. It is very customary, as the Senator will learn after he has been here a while, that a Senator will speak to a great deal that is not before the Senate. There is no harm in that in the Senate of the United States. I am gratified at that, because I do not like myself always to be confined to any text in my remarks, as if arguing a plea before a court.

But my amendment, Mr. President, at present only provides an opportunity for those American ship-builders to compete in these contracts who may after six months from the date of the contract provide ship-yards of a sufficient capacity and with the necessary equipment to carry these contracts into effect.

Mr. HALE. Mr. President, I have only one word to say. I do not think I need to show how utterly impracticable this scheme would be as presented by the Senator from Alabama, that the Secretary should put out proposals and make contracts with any party who would agree that in six months from the time of making the contract he would have his yard ready to go to work. In the first place, that postpones everything six months, which I do not believe the Senate wants to do. In the next place, it throws the whole matter into the most chaotic and confused form possible; for what would happen if the Secretary made a contract with a man who at the end of six months failed to put his yard in condition? He is dealing with all the probabilities or possibilities of the future, and I can not conceive anything ingeniously devised that would render him so helpless and hopeless in the task of constructing these ships as this amendment offered by the Senator from Alabama. I do not know when any thing would be done under the amendment, certainly not under six months; and if a man failed in what he agreed to do for the future, then it is all thrown open again, and a year is lost. I hope the Senate will vote down the amendment.

Mr. MORGAN. When we make a contract for the building of the ship itself we must have some better guarantees of the performance of that contract than the mere state of preparation the contractor may be in at the time for carrying on the work, for he might fail of having money enough to build the ship after all, and that would throw things into chaotic confusion, as the Senator from Maine says.

Mr. HARRIS. Will the Senator allow me to ask him a question?

Mr. MORGAN. Yes, sir.

Mr. HARRIS. Does the Senator's amendment do more than put it within the power of the President to exercise the discretion of contracting with such a person?

Mr. MORGAN. Not any more than that.

Mr. HALE. But the lowest bidder may be a man who has no yard, no plant, who has no means of carrying out his work, but agrees that he will have it six months ahead, whose bid might supplant all the regular builders, men who are already prepared. Of course it puts it off six months.

Mr. MORGAN. The Secretary of the Navy has the right to establish rules and regulations under which these bids shall be made; and that is a broad power given in all such statutes, conferring on him a discretion which executive officers are not at all slow to avail themselves of, and which are entirely effectual when they are availed of. This discretionary power enables him to reject a bid if it does not suit him, although it may be the lowest bid.

Mr. HALE. Clearly not.

Mr. MORGAN. If a bid was made, by myself for instance, to build a steamship worth a million and a half of dollars, when I had no ship-yard, no skill in construction, no money to build it with, who would contend that the Secretary of the Navy, because I might put in a bid for a million dollars for a ship worth a million and a half, would be compelled to accept it when he has discretionary power?

Mr. HALE. Undoubtedly as at present; but suppose in just that situation the Senator should come in and make a bid and agree that in six months he would have a yard in order, the Secretary must take that bid.

Mr. MORGAN. I must secure my agreement to the satisfaction of the Secretary of the Navy and show him that in six months' time I will be able to do it; and he has power to accept the proposal on that condition if he wishes. Otherwise the committee have left us in very bad shape by putting us under a law by which we are compelled to accept the lowest bidder for the ship without regard to who makes the bid. I trust the committee have not forced us into that corner. I should dislike to occupy it at the command of the committee even. The law is entitled to and will receive a very different interpretation from that. The power which exists to make proper rules and regulations for carrying this law into effect necessarily implies the authority on the part of the Secretary to reject any bid, however formal it may be in its character and however it may conform to the precise letter of the statute, unless that bid in fact corresponds to its spirit and intent; that is, to secure the building of the ship. As we have it, though, I submit to the Senate and I submit to the country through the Senate that the bill as presented by the Committee on Naval Affairs is a bill to confine the building of these ships to John Roach's ship-yard. I have been trying to avoid landing on that rock, because I want the Navy built; but if the Senate of the United States or the Secretary of the Navy have a special purpose in view to put the building of these ships into the hands of one single man, he being the only man that is prepared to do it, I can not follow in that direction.

Mr. HALE. Why does the Senator say and continue to iterate and reiterate that John Roach is the only man in the country prepared to build these ships when I have shown here this morning—the Senator has taken the book and read it himself—that in the contracting for the vessels now building four well-known, competent, well-established concerns, as ready as John Roach, entered into the field and made bids? Now why continually after that declare that there is any purpose or object here in putting these ships into the hands of any one contractor? Nobody desires that. The Senator ought not to consider that the committee reporting this bill has any purpose of that kind in view.

Mr. MORGAN. I do not know what anybody desires, but I know that it is my duty as a legislator, if anybody should desire a thing of that sort, to prevent it, if I can do so by the use of proper words in the bill. I do not know and the Senator from Maine does not know whether the other three persons who bid heretofore a year ago for the building of ships are now prepared with yards equipped for the purpose.

Mr. HALE. I know that they are prepared; they are large concerns.

Mr. MORGAN. The Senator has not put it in his report; the committee have not investigated it. I am prepared to say that I do not think the Senator has acccurate information on this subject. The presumption would be that, having failed to get the contract heretofore for building any ships at all, one man having gotten all the contracts, he is in a state of preparation to build the new issues of ships, whereas the other men excluded from the contracts because of the amount of their bids heretofore have not kept themselves in preparation to build these ships, and under the provisions of this bill I do not know but that these ships can be put out under contract within a few weeks' time.

The Senator has complained of delay about it. Let me say to him, beware of too much haste. While we need a navy, we are not suffering for it. We can afford to be a little deliberate about this; very much better afford to take a little time to scrutinize everything than we can to hasten the building of these ships; for the impulse which leads us to hasten this work may lead us into having these contracts pushed upon the market right away, when other men will have no opportunity even

to be prepared to take these contracts. If I occupied the position of John Roach to-day, with his command of money and machinery and influence, I do not know that I could have any greater subject of felicitation than the passage of this bill as the committee reported it, for I would understand perfectly that, being prepared with a ship-yard and all necessary material and machinery, and being presumptively, and I have no doubt in fact, the only man who is prepared when you offered your contracts, I should have the control of the market, and I could take these ships at pretty much any price I pleased. Haste will throw us into his hands in spite of all we can do. Deliberation, caution, and care may enable us to have these ships built by some other American who is willing to build them cheaper than Mr. Roach.

I do not speak from the standpoint of a man who has prejudice or who is embittered toward Mr. Roach or Mr. anybody else. I merely recognize the undeniable fact that so far as we are informed by this committee or so far as any gentleman on this floor knows of his personal observation Mr. Roach is the only man in the United States who is now prepared to build these ships, and he will be the only man in the United States who will be prepared to build these ships on the day that these contracts are to be let, and we might just as well put him in the bill and name John Roach as the man to build the ships at his own price as to pass this bill in the language in which it is now, under the circumstances by which this case is surrounded. I want a navy, but do not expect that any House, this or the other, will pass a bill open to such serious question and criticism as this must be when the committee are perfectly unyielding in their demand not merely that these ships shall be built but built now, not only built but built by John Roach; for that is the effect of it.

Mr. BUTLER. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. MORGAN. I yield.

Mr. BUTLER. I do not think the Senator is entirely warranted in that statement.

Mr. MORGAN. It is not a statement, it is an argument.

Mr. BUTLER. It is an argument, I suppose. I am sure that my friend from Alabama will on reflection not repeat that statement, although he says it is in the form of argument. It seems to me that the Committee on Naval Affairs took every possible precaution that ordinary foresight could adopt to get the very information that the Senator from Alabama says we have not produced. I will refer him (if he will turn to page 92 of the report of the Committee on Naval Affairs) to the testimony of Admiral Porter in reply to a question which I put to him. I will read the question and his reply:

Senator BUTLER. With our present facilities for building ships in this country, how long would it take to get a navy of the size you have just indicated?

Admiral PORTER. It depends altogether on the application of the amount of labor to the work. You go to work and employ the great ship-yards of this country, Cramp in Philadelphia, Harlan and Hollingsworth in Wilmington, John Roach in Chester, and some in the Eastern States and in New York and Boston, and you can soon do it.

That is a statement of fact made by Admiral Porter, the Admiral of the Navy—I take it not made loosely. I assume that the Admiral knew what he was talking about when he referred us to a number of large ship-yards in this country where these ships could be built. I submit to the Senator that the statement that this bill would put the construction of these ships in the hands of John Roach, and John Roach alone, is not warranted by the facts. I submit that to him now in all candor.

Mr. MORGAN. I do not know whether it would or not. I am arguing from a state of facts which seems to be conceded, and I am arguing further from the fact that this honorable committee have not furnished us with the facts that it ought to have done in order to enable us to vote in an enlightened way on this question.

Mr. BUTLER. Then I should like to ask the Senator what facts he wants?

Mr. MORGAN. I would like to have had you ask Admiral Porter, "Are these ship-builders prepared with every arrangement required by the act of Congress now for the building of steel ships?"

Mr. BUTLER. Why, Mr. President, I am sure the Senator would not have asked me to propose a question of that kind to the Admiral of the Navy, who had just stated in reply to my question that they were in a condition to build these ships. I did not ask the Admiral, I would not insult him by asking him, if they had every single tool, every appliance, every plant necessary to build every part of a ship; but I assume that he knew what he was talking about. I was not familiar with the subject.

Mr. MORGAN. If they are not in that state of preparation required by the law to become contractors or builders under this bill, then they have no right to bid, and so far as we know and so far as this committee has informed us but one man to-day in the United States has got a right to bid, and that is the man who is constructing the ships now.

I am not here either to accuse the committee or to excuse it for not having presented this case in a proper light before the Senate. I am acting in the absence of information. I am compelled to surmise and to argue and to reason in order to come to a conclusion, and in arriving at a legislative conclusion where my vote is the expression of my conscientious conviction upon my oath I have a right to know something about the facts of this case, and the committee had the duty resting upon them to inform me.

Mr. BAYARD. Will the Senator allow me?

Mr. MORGAN. Yes, sir.

Mr. BAYARD. As a matter of fact I will contribute the testimony of my own personal knowledge that there are four other iron-ship building establishments on the river Delaware within a radius of thirty miles of Mr. Roach's yard that can build as large, as strong, as swift, and as valuable vessels as his or any other ship-building establishment anywhere else. The firm of Cramp & Son is one; the American Ship-Building Company, of which Captain Gorringe is the president, is the next; the firm of Pusey, Jones & Co. is the third; and the Harlan & Hollingsworth Company make four; and they or any of them can build just as good vessels as Mr. Roach, and they can build as good vessels as anybody else in this world if they get the order to do it.

Mr. MORGAN. Now, Mr. President, we are beginning to understand the subject. Here a Senator gets up and states in his place facts that I accept as being undeniable. If the committee had seen proper to put those facts in the record this debate on this proposition would not have sprung up in the form that it has. We now are informed of four establishments in the United States that can build iron or steel ships, only four. Those are not all the ship-yards in the United States. There ought to be forty perhaps—I do not know how many, but quite a number—and these all ought to be admitted to competition. If a man wants to bid for work to be done in his ship-yard, and he is not at the time in a state of preparation to do it, but gets his bid accepted and can then go on within six months' time and prepare himself to the satisfaction of the Secretary of the Navy to do the work, how can we refuse to allow that man to come in and compete?

I contend that the Government of the United States ought to be a competitor also, and the latter clause of the amendment which I have sent to the desk provides for that by allowing the President of the United States to take information and to direct that these ships shall be built in a navy-yard, in the event that he becomes satisfied after an examination that that is the most economical and the best way to do it. He shall direct it. That is the closing part of the amendment which I have had the honor to offer. But the present point is that I wish to strike out that feature in the existing law which requires that the contractors shall be in a state of preparation at the moment they bid. How long are these biddings to be open? The law says after such a length of advertisement. You can put your advertisement in the moment this bill is signed, and you have a very brief time then in which to make preparation, and that confines it, according to the testimony as we have it here before the Senate through the Senator from Delaware, to four or five persons at the outside who can bid; and there ought to be more.

Mr. BUTLER. I am entirely in sympathy with the Senator from Alabama in throwing every possible safeguard around this bill that can be thrown around it reasonably; but I now submit to him whether in his experience either as a Senator or as a man he has ever known a proposition similar to that which he has just submitted to the Senate? I ask him whether in the erection or construction of a public building, in putting in bids for supplies for the Army and Navy, in the Quartermaster's, the Commissary, or the Ordnance Department, or in any other Department of the Government, he has ever known that prerequisite to be required of a man who bids, that he must put himself in a condition, and allow him six months to do it, before he will comply with the terms of his contract? I submit that to him as a matter of business.

Mr. MORGAN. I never knew a contract to be made by the Commissary Department for bacon and molasses or vinegar or flour, or by the Quartermaster's Department for clothing, shoes, or goods of any description, which provided that the man should have any particular machine on hand or a factory for making it before he should be allowed to bid; I have never known anything of that sort. This case stands on peculiar grounds; it is entirely *sui generis*, for the reason that Congress in its wisdom has seen fit to ordain heretofore that the party who shall be allowed to bid must first place himself in a particular attitude to show that he is ready and prepared to execute the contract; he must be prepared at the time that the contract is entered into; if he is not prepared he can not bid, and that must confine the bidding to a very few persons.

What I propose to do is merely this, not to dispense with the necessity of his being prepared to execute the contract, but to give him some little time after the contract or engagement is entered into within which he shall put himself in a state of preparation, in order not that only four men shall come in and compete in the biddings, but in order that more capital which might find itself profitably invested in such an enterprise as this may be furnished.

Mr. HALE. Will the Senator allow me to interrupt him?

Mr. MORGAN. Certainly.

Mr. HALE. I do not want the Senator from Alabama or any Senator to feel that the Committee on Naval Affairs is unyielding about anything of this kind or has any desire to favor any one man. Anything that will not unduly delay this enterprise that the Senator wants to see set on foot as much as I do, I take it, I am willing to consent to, but the Senator will see that in the form that his amendment now is placed it involves six months' additional time after the bill passes. The bill

is not going to pass to-day; it can not probably get through the House of Representatives, if at all, under two or three months. Then six months after the contract is made are to be allowed; this may carry it around for more than a year and thereby destroy a whole year. Why will not the Senator put his amendment in a form providing that any contractor who shall show to the satisfaction of the Secretary of the Navy that within three months from the date of the passage of this bill or from the date of the contract he will have his yard in condition to build these ships may bid? I should have no objection to that.

Mr. MORGAN. I will do that with the greatest cheerfulness. Say "who in three months from the date of the contract shall satisfy the Secretary of the Navy that he is in a condition to comply."

Mr. HALE. I have no objection to that, and I think that it perhaps relieves the bill from some objection.

Mr. MORGAN. I put in six months because I did not know how long it would take. I am not on the Naval Committee, and do not know anything about it.

Mr. HALE. Let that part of the amendment be read and I will suggest a change. We can come to some accord, I think.

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield for the reading of that part of his amendment?

Mr. MORGAN. Certainly.

The Chief Clerk read as follows:

Or shall within six months from the date of the contract be fully equipped.

Mr. HALE. It wants a clause like this: "Shall show to the satisfaction of the Secretary of the Navy."

Mr. MORGAN. "Shall show to the satisfaction of the Secretary of the Navy that within three months from the date of the contract he will be thoroughly equipped."

Mr. HALE. That will do. Let the language be just as the Senator has it already in that respect, changing the time.

Mr. MORGAN. That is within three months from the date of the contract.

The PRESIDENT *pro tempore*. The Senator from Alabama modifies his amendment. The modified part will be read.

The CHIEF CLERK. The modification is:

Who shall show to the satisfaction of the Secretary of the Navy that within three months from the date of the contract his ship-yard will be equipped.

So as to read:

The Secretary of the Navy shall invite proposals from all American shipbuilders and builders of machinery who shall show to the satisfaction of the Secretary of the Navy that within three months from the date of the contract his ship-yard will be equipped for building and repairing iron and steel ships.

Mr. HALE. I have no objection to that. Now if the Senator will strike off the last part of his amendment referring to another feature I will accept it as a substitute for the amendment which was offered yesterday.

Mr. MORGAN. I will strike that out, but before doing so I wish to say this: I am informed that an appropriation bill would be the proper place on which to provide for the preparation of one of the navy-yards or two, as Congress may order, for the building of these ships; and I do not wish to embarrass the passage of this bill by any unnecessary amendments. I will therefore strike out the latter part of my amendment passing beyond the text of the original law.

The PRESIDENT *pro tempore*. The Senator from Alabama modifies his amendment to the bill further by striking out the words which will now be read.

The Chief Clerk read the words stricken out, as follows:

And shall cause estimates to be made and submitted to Congress as to the economy of building said vessels at the navy-yards before any contract is made for building the same.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama as modified.

Mr. HALE. I see no objection. That is simply, with the changes which have just been agreed upon, a reaffirmation in terms of the old law now in force, and I think it better that it should be in the bill directly rather than by reference. So I have no objection now to its bieng substituted for the amendment agreed to in Committee of the Whole.

Mr. JONES, of Florida. Mr. President, before this debate closes I want to say in a very candid spirit that I do not agree to much that is generally said here on questions of this kind that by implication involves the motives of men in this body. I do not think that parliamentary, I do not think it proper.

The name of John Roach has been paraded all over this Chamber as though he was behind the Senators who are endeavoring to build up a navy. I do say that in the absence of anything showing that Mr. Roach or any of his emissaries or agents have any influence here it is not proper to refer to him in that way. Neither Mr. Roach nor anybody connected with him that I know of, nor an individual of any description, has spoken to me in connection with this bill. Still I am a member of the Naval Committee, and in the discharge of my public duty there I have given my support to it from the honest conviction that I was acting for the best interests of the country. Upon whom else any gentleman may operate is another thing; but when it is said here that we are bringing forth a bill from the Naval Committee which proposes to put a contract into the hands of a particular individual and that individual named, it is contrary to all the proprieties.

I know that my good friend from Alabama, whose heart and generosity I appreciate, would be as far from doing it as any one. I only call attention to this matter.

Mr. MORGAN. I made no statement that this bill was intended to apply to John Roach's contract. I said that the arguments which had been made and the inferences which had been drawn to that effect would have very great force if the committee held on to an iron rule which confined the bidding to John Roach.

Mr. JONES, of Florida. I say to the Senate and I say to the Senator that I do not know John Roach or any other individual in connection with this business and I have not been consulted out of doors by anybody in regard to this bill. No mortal man outside of the committee has ever addressed a word to me about it. I say that. The Senator from South Carolina very properly the other day repelled these insinuations; and yet we hear the charge repeated that there is a job in this. It was so said in regard to a bill for the building of a library the other day. The public press was reeking with these uncharitable, unparliamentary insinuations so unbecoming the Senate of the United States.

There is one word I want to say in regard to a part of the amendment of my friend from Alabama that he introduced a while ago which was conceived in a mistake to which I wish to draw his attention, because I am with him on the line he has indicated. His amendment which gives power to the Secretary of the Navy to retire a ship upon a cost for repairs of one-third of her appraised value will give him a greater power than he possesses under existing laws. That provision ought to be 30 per cent. of the estimated cost of a new ship corresponding to the one that is condemned.

Mr. HALE. We have adopted that.

Mr. JONES, of Florida. I know it is adopted, and I call attention to it now because I think it is well that there should be a change. The amendment is that upon an appraisement of a ship in her existing condition she may be condemned if repairing her would cost 30 per cent. of her appraised value at the time the appraisement is made. The existing law is 20 per cent. of the estimated cost of a new ship corresponding to the ship to be condemned. So this proposition of my friend from Alabama would give the Secretary of the Navy a greater power to put out of existence the vessels now in commission than he has under the existing law.

Mr. VEST. Mr. President, I wish to say a word. I believe I said something the other day about Mr. Roach, and I believe the parliamentary lecture of the Senator from Florida applies to me as well as anybody else. I got my impression of Mr. John Roach in the debate of March 3, 1883, when the Senator from Florida was opposing the naval appropriation bill, or the provisions in it with regard to the building of these four vessels that are now being built. The Senator from Delaware stated in that debate that Mr. John Roach had had the Secretary of the Navy as his agent here for five years, and therefore would undoubtedly have the construction of the ships. That was the statement made in March, 1883. To-day we have the same Secretary of the Navy, and now we are going to have more contracts, and it is fair to assume that Mr. Roach will be the party who will be contracted with. If any parliamentary rule is violated when these statements are made, if they are facts, as I have no doubt they are—I have no personal knowledge on the subject, but they were stated then and not denied—I am not aware of it.

> The very head and front of my offending
> Hath this extent, no more.

Mr. HALE. Now, Mr. President, what is the question before the Senate?

The PRESIDENT *pro tempore*. The pending question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN] to the amendment made as in Committee of the Whole.

Mr. HALE. I hope that will be adopted.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Alabama to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on agreeing to the amendment made as in Committee of the Whole as amended.

The amendment as amended was concurred in.

Mr. VOORHEES. Mr. President, I have been a silent listener to this discussion, which has been interesting and instructive. I think that those who are acquainted with the course I have pursued in my public service know that I am not an illiberal Senator. I am not illiberal in my votes. I have rejoiced in the strength, glory, and power of this Government, and on occasions when needed there is nobody who would look with greater pleasure upon a demonstration of our power than I would. I have reached the conclusion, however, not to vote for this bill, and it is proper that I should give my reasons in a few words.

I have heard it intimated in this discussion that war is liable to afflict this country; that we are liable to collision with foreign powers. I see no liability of that kind at the present time; but if such liability did exist, if the clouds of war were gathering on our horizon, this would be one of the most inefficient and incapable measures of defense that I

could possibly imagine. We might as well look to our real situation as a government, as a power. We are a long way from powerful and belligerent neighbors. It is our great good fortune that we are isolated from the rest of the world to a great extent. We have the weak power of Mexico on the south; we have the colony of Canada on the north. We are free from that attrition and friction which grow from powerful neighbors, causing strong armies and great navies to be maintained by the European powers. The consequence is that we can not pretend to be upon a war footing from year to year in anticipations which may not come in a quarter of a century, or half a century, or a century, even. We are so situated that we must rely on occasions of emergency upon the patriotism and ready resources of our people. To attempt to sustain a navy capable of coping with the powers of Europe is an absurdity, just as great an absurdity as it would be for us to keep a standing army upon the footing of Germany, or France, or England.

The argument that we are liable to be involved in war, I repeat, is no argument in favor of this bill at all, because in my judgment war is not a probability, and if it was this would be no protection. Why, Mr. President, what are the precedents of Europe? I recall some of the events that occurred during the war between the sections. One of the greatest evils that could afflict mankind would have occurred here in our country if a line had been drawn across the continent dividing us into two governments. We should have been such close, powerful, and belligerent neighbors that war would have been in constant apprehension; standing armies would have confronted each other on each side; great navies would then have been built up. Europe is a lesson to us on that subject. We should have presented the same spectacle that is presented there between foreign and rival powers.

Mr. President, we are talking about building seven ships. They are called steel cruisers, I believe. What would they be in a conflict with the great maritime powers of the world? First, I claim there is no emergency upon us, and if there was an emergency this would not be a drop in the bucket to meet it. This bill is not in the line of argument; it is not in the line of reason, for if an emergency was upon this country to build ships at all it would have to build a hundred and more.

I would like to ask what public good can result from keeping afloat seven vessels? If seven are needed, one hundred are needed. If one hundred are not needed, seven are not needed. The British navy floats 241 ships of war and fires on occasion 1,200 guns. Are you building a navy by this bill which provides for putting in the hands of executive authority four or five million dollars? Are you building a navy by it to compete with Britain's power? It only needs that the question be asked to expose the absurdity of it. We have some altercation occasionally with England. She confines our citizens in her jails whenever she pleases; she hangs them without much respect for the authorities of this Government; she holds them as long as she pleases and liberates them only when she chooses. I have thought sometimes it would be difficult to kick or coerce this Government into a war with England. Certainly I do not desire to see war with England, but if gentlemen are legislating in view of the probability of a conflict with that great power, then let them not talk to me about seven ships; let them not talk to me about a few boats as against a power which mounts more than 1,200 guns and floats nearly 300 men-of-war. We are at peace and in quiet kindness with France. She is the European republic.

Mr. BECK. Let me say to the Senator from Indiana that the last report as to the English ships of the line, after giving a list of three pages of their armor-plated and other ships, says:

> From this list it appears that there are in commission, building, or unappropriated, 415 ships of war, with 2,567 guns, aggregate burden of 1,014,535 tons, and steam-power equal to that of 710,495 horses.

About twice as much as the Senator thinks.

Mr. VOORHEES. I received my information from what I thought to be a very reliable source, and if I disclosed it everybody else would say the same; but I presume the statement which has been furnished me was made before the recent difficulties of England which led her to increase her navy to the extent stated.

Mr. BECK. This is her last report.

Mr. VOORHEES. But whether the statement I have made be correct, or, which is more likely, the statement made by the Senator from Kentucky is correct, it will be very apparent how futile, how trifling is the claim that this will be a provision against her power in case of trouble.

As I was proceeding to say, we are at peace and in fraternity with France as the great European republic. I know no cause of complaint against that power. I wish her well from the bottom of my heart as holding up as it were the torchlight of liberty in the midst of surrounding despotism. But suppose a call were made for a warlike demonstration on the part of this country against France; France has 496 men-of-war on the ocean; she mounts 2,854 guns; a larger fleet, possibly a much more powerful one, even than England has.

Will gentlemen pretend that it is an argument in favor of this bill that we are preparing for war, for a collision with forces of that nature? Germany has 86 men-of-war afloat, with more than 500 guns; Italy, with an exceptionally powerful fleet according to numbers, has also 86 men-of-war, with 570 guns; Russia sends to the waters of the world 224 men-of-war, with 561 guns mounted; and Spain, because of her colonies in the West Indies, our nearest and most dangerous neighbor, has 132 ships of war, with 517 guns.

Whom are we preparing for? Are we preparing for any of the first-class powers with these seven ships, or are we preparing for a battle with the batteaux of the Sandwich Islands?

Not only, Mr. President, have I given these numbers, but of the ships I have named France has 57 ironclads, enough to sink everything that we have afloat or that we propose to put afloat; Great Britain has 74 ironclads; Germany has 24 ironclads; Italy has 18 ironclads; Russia 31; and Spain 9.

Mr. President, I may be answered that this statement puts us at the mercy of the great powers of the world. That is true to this extent: for the first few months of war between this country and any first-rate power of Europe our Navy would be swept from the ocean; but our reliance is on that indomitable courage and resource of the American people which would enable us to put in the field and place on the water in a very short time a sufficient force to assert our honor and dignity. I remember very well that I was a member of the House of Representatives when the terrible tragedy and disaster of the Virginius took place; also when Spain built 30 gunboats in New York Harbor in violation of all the laws of neutrality to suppress Cuban liberty.

Some of the authorities at New York libeled those gunboats and sought to check their departure. I have it from the American minister then resident at Madrid that it was seriously discussed in official quarters in Spain to send their navy up to New York and cut those gunboats out of the harbor under the very flag of the United States. They held the naval strength and resources of the United States in perfect contempt so far as their West Indian possessions were concerned. I had occasion to discuss that question in the House of Representatives very fully and very elaborately. But what is the remedy for that? Shall we say therefore that we have to have a standing army and a powerful navy all the time ready for a conflict with powers that are not nearer to us than 3,000 miles of water?

This is a grave subject; one calling for the very best thought. If we are not going to build up a navy to compete and to be ready to compete, to be standing ready for war with these first-rate powers, why are we called on now to build seven ships that will be simply seven morsels to be devoured by any one of these powers? If war were imminent I would vote to build one hundred ships, I would vote to mount a thousand guns, but in time of peace we can not support such a naval armament nor sustain a great standing army; and in the absence of doing that I see no good to come, no public utility, in maintaining the seven ships any more than in maintaining seven additional regiments as a standing army to meet the men whom Germany could muster.

For these reasons I shall not vote for this bill. I might press some things in regard to the building of naval vessels. It is not pleasant for me to impugn motives, nor shall I do so. I have the greatest possible respect for the motives of Senators who differ from me on this question, the greatest possible respect for Senators who support this bill and take a different view from what I do; but I can see no object to be accomplished by the expenditure of these millions of money at this time, with no war threatening us, and, even if there were, without any prospect of accomplishing a defense against the naval powers of the world.

It is gratifying to naval officers to command good ships, and I am extremely friendly to the naval officers. I have no word of criticism to make upon them, and I have often thought they are treated with great injustice. Senators and Members of the House allow themselves sometimes to speak of naval officers being about the hotels of Washington in idleness. What are they to do? They are idle in time of peace to be ready in time of war. On the stormy coast, bearing the brunt of battle, they have earned the right to loll about hotels and in the best places they can find. I envy them not one moment of pleasure, and I say to them and to the officers of the Army, who are sometimes criticised for the reason that there are more officers than there are men to command that is true, but they have earned the right to be idle and without active command.

Men who earned their commands in time of war are entitled to respect and to leisure in time of peace. Full well we know, Mr. President, that if war came upon this country these very men, some of whom are gray and hoary and others younger, from the North and from the South, from the Federal and from the confederate ranks, wounded and scarred in many an honorable conflict, would rally to the flag and take care of the safety of this Government. But I see nothing to be accomplished by the piecemeal work we are proposing here, except to put money in the hands of those who have not thus earned the gratitude of their country.

I do not desire to say more. I have said what I have said reluctantly; but as this is a measure of importance and as I propose to vote against the judgment of many gentlemen for whom I have the greatest possible respect, I thought it was not improper that I should give my reasons for doing so.

Mr. RIDDLEBERGER. I voted for an amendment that I thought ought to be put on this bill; but the Senate disagreed with me. Now, if I lacked an additional reason why I should vote for this appropriation, I could find it in the remarks which have just fallen from the lips of the Senator from Indiana. The very fact that England can incarcerate American citizens whenever she pleases and hold them as long as

she chooses, is sufficient to induce me to vote for seven ships and I only wish that the number were one hundred and seven instead of seven.

The PRESIDENT *pro tempore*. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The bill having been read three times, the question is, Shall it pass?

Mr. VOORHEES called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). On this question I am paired with the Senator from Maine [Mr. FRYE].

Mr. KENNA (when Mr. CAMDEN'S name was called). My colleague [Mr. CAMDEN] is paired with the Senator from Wisconsin [Mr. SAWYER].

Mr. FAIR (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. KENNA (when his name was called). I am paired with the Senator from New York [Mr. MILLER]. If we were not paired, he would vote "yea."

Mr. LOGAN (when his name was called). I am paired with the Senator from Texas [Mr. MAXEY]. If he were present, I should vote "yea" and he would vote "nay."

Mr. HARRISON (when Mr. MANDERSON'S name was called). The Senator from Nebraska [Mr. MANDERSON] is confined to his home by sickness. I do not know whether the Senator from Missouri [Mr. COCKRELL] announced a pair with him or not.

Mr. CONGER (when Mr. MITCHELL'S name was called). The Senator from Pennsylvania [Mr. MITCHELL] is detained from the Senate by sickness. He is paired with the Senator from Arkansas [Mr. WALKER]. If here, the Senator from Pennsylvania would vote "yea."

Mr. PIKE (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON]. If he were present, I should vote "yea."

The roll-call was concluded.

Mr. COCKRELL. The Senator from Nebraska [Mr. MANDERSON] is detained at home by illness and is paired with me. Were he present, I should vote "nay" and he would doubtless vote "yea."

The result was announced—yeas 38, nays 13; as follows:

YEAS—38.

Aldrich,	Dolph,	Jones of Florida,	Pendleton,
Allison,	Edmunds,	Jones of Nevada,	Platt,
Bayard,	Garland,	Lapham,	Plumb,
Blair,	Gorman,	McMillan,	Ransom,
Bowen,	Groome,	Mahone,	Riddleberger,
Butler,	Hale,	Miller of Cal.,	Sabin,
Call,	Hampton,	Morgan,	Sherman,
Conger,	Harrison,	Morrill,	Williams.
Cullom,	Hawley,	Palmer,	Wilson.
Dawes,	Hill,		

NAYS—13.

Beck,	George,	Lamar,	Van Wyck,
Coke,	Harris,	Pugh,	Vest,
Colquitt,	Jackson,	Vance,	Voorhees.
Farley,			

ABSENT—25.

Anthony,	Frye,	McPherson,	Sawyer,
Brown,	Gibson,	Manderson,	Sewell,
Camden,	Hoar,	Maxey,	Slater,
Cameron of Pa.,	Ingalls,	Miller of N. Y.,	Walker.
Cameron of Wis.,	Jonas,	Mitchell,	
Cockrell,	Kenna,	Pike,	
Fair,	Logan,	Saulsbury,	

So the bill was passed.

ADJOURNMENT TO MONDAY.

The PRESIDENT *pro tempore*. The next business in order is Order of Business No. 58, being the bill (S. 167) for the relief of John Thorns.

Mr. INGALLS. I move that when the Senate adjourns to-day it be to meet on Monday next.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

Mr. HARRIS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 29, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

REBATE OF TAX ON TOBACCO.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury in answer to resolution of the House of Representatives, passed February 25, asking for information relative to the rebate of tax on tobacco under the act of March, 1883; which was referred to the Committee on Appropriations.

SUPERVISING ARCHITECT OF THE TREASURY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury in answer to resolution of the House of Representatives, passed February 21, requesting evidence and report in the case of the investigation of the office of the Supervising Architect of the Treasury; which was referred to the Committee on Public Buildings and Grounds.

TRUSTEE REFORM SCHOOL.

The SPEAKER also laid before the House a letter from the Attorney-General, asking that his chief clerk be made *ex officio* trustee of the Reform School of the District of Columbia, and that an appropriate provision for that purpose be inserted in the bill making appropriations for the District of Columbia; which was referred to the Committee on Appropriations.

CITY HALL, WASHINGTON, D. C.

The SPEAKER also laid before the House a letter of the Attorney-General, transmitting communications and recommending an appropriation for the preservation and improvement of the City Hall, Washington, D. C.; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RAY, of New York, until Monday, March 3, and to Mr. MORRILL, until March 10.

JAMES BRIDGER.

Mr. BLAND. I ask, Mr. Speaker, unanimous consent to take from the Speaker's table Senate bill No. 380 for reference to the Committee on Claims.

The SPEAKER. The title of the bill will be read, after which the Chair will ask for objection.

The Clerk read as follows:

A bill (S. 380) for the relief of James Bridger, or his legal representatives.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Claims.

MRS. LOU GOBRIGHT M'FALLS.

Mr. COX, of New York, by unanimous consent, introduced a bill (H. R. 5454) granting an increase of pension to Mrs. Lou Gobright McFalls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF GENERAL PULASKI.

Mr. COX, of New York, by unanimous consent, also introduced a bill (H. R. 5455) for the relief of the heirs of General Count Casimir Pulaski; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LANDS GRANTED TO MICHIGAN.

Mr. MAYBURY, by unanimous consent, submitted the following preamble and resolution; which were referred to the Committee on the Public Lands, and ordered to be printed in the RECORD:

Whereas by act approved March 3, 1865, Congress granted 200,000 acres of land to the State of Michigan to aid in the construction of a breakwater, harbor, and ship-canal to connect Lake Superior and Portage Lake, on Keweenaw Point, in said State of Michigan, and afterward, by act approved July 3, 1866, made an additional grant of 200,000 acres more to said State for the same purpose; and

Whereas said State of Michigan conferred said lands on the Portage Lake and Lake Superior Ship-Canal Company for the purpose of constructing said breakwater, harbor, and ship-canal; and

Whereas said acts required the lands granted thereby to be selected from the alternate and odd-numbered sections (except 50,000 acres, which were to be selected from the even-numbered sections) of the public lands nearest to said harbor and canal; and

Whereas it is charged and alleged that said lands were not selected as required by said acts, but that large quantities of very valuable lands were selected all over the upper peninsula of said State, in violation of said acts, and said canal company now claims to own said lands so selected, though large quantities of them were not liable to be used to satisfy said grants; and

Whereas it appears from reports of Government engineers that said canal company never completed said breakwater, harbor, and ship-canal as contemplated and required by said granting act; and

Whereas said canal company failed to complete said breakwater, harbor, and ship-canal within the time limited by the acts of Congress extending the time for the completion of the same; and

Whereas it was provided in said granting acts that in case of the failure of the said canal company to complete said harbor and canal within the time so limited the lands so granted should revert to the United States: Therefore,

Be it resolved, That the Committee on Public Lands be, and is hereby, instructed to investigate all of said charges and allegations, together with all matters pertaining to said grants, and whether said grants, or any portions thereof, are now liable to forfeiture, with power to send for persons and papers, to administer oaths, and report to this House by bill or otherwise.

LANDS IN COLORADO FOR AGRICULTURAL COLLEGES, ETC.

Mr. BELFORD, by unanimous consent, introduced a bill (H. R. 5456) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating land to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

AGRICULTURAL COLLEGES.

Mr. AIKEN. I am directed by the Committee on Education to report back with an amendment the resolutions which I send to the desk, and to ask that as amended the resolutions be adopted.

The resolutions were read, as follows:

Whereas by an act of Congress approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," many of the States and Territories of the United States received grants of public lands "for the endowment and maintenance of at least one college where the leading object shall be, without excluding scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life;" and

Whereas a number of institutions have availed themselves of the benefits of this fund, and it is doubtful whether in some instances the true intent and purpose of this act of Congress is carried out by promoting or endeavoring to promote as the leading object "the liberal and practical education of the industrial classes in the several pursuits and professions of life:" Therefore,

Be it resolved, That the Committee on Education be specially charged with the duty of inquiring into the working and management of such institutions as may be using the fund so appropriated, and of reporting specifically in the case of each; also to recommend such measures as will secure to the industrial classes the benefits intended by such act.

Resolved, That said committee shall have full power to send for persons and papers and witnesses, and to exercise all other powers requisite to the making of a thorough investigation into the facts in each case.

Mr. AIKEN. I ask that the report be read.

The report was read, as follows:

The Committee on Education, to whom were referred the resolutions of Mr. HOUK, of Tennessee, relating to the fund for the benefit of agricultural and mechanical colleges, beg leave to report, that they have had the same under consideration, and recommend that they be amended by striking out the second resolution, to wit:

"*Resolved*, That said committee shall have the power to send for persons, papers, and witnesses, and to exercise all other powers requisite to the making of a thorough investigation into the facts in each case."

And, as amended, that the resolution be passed.

Mr. HOLMAN. Reserving the right to object, I ask that the first resolution be again reported. I understand the recommendation is that the second resolution be stricken out.

Mr. AIKEN. I will say to the gentleman from Indiana that the resolution as reported by the committee does not incur one additional dollar of expense.

The SPEAKER. The gentleman from Indiana simply reserves the right to object, and asks that the first resolution be reported again.

The first resolution was again read.

Mr. HOLMAN. It seems to me that to that extent the inquiry is very proper.

Mr. SPEAKER. The first question is on agreeing to the amendment reported by the committee, which is to strike out the second resolution.

The amendment was adopted.

The resolution as amended was adopted.

Mr. AIKEN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISEASES AMONG ANIMALS.

Mr. HATCH, of Missouri. I ask unanimous consent to have printed and referred to the Committee on Agriculture a letter of the Secretary of the Treasury addressed to the chairman of the Committee on Agriculture, transmitting a letter from the Secretary of State and a dispatch from the American consul at Birmingham.

Mr. RANDALL. On what subject?

Mr HATCH, of Missouri. On diseases among cattle. This is a communication I received this morning. I am sorry it was not presented to me forty-eight hours sooner, as I think it would have made some difference in the vote of yesterday on the bill reported by the Committee on Agriculture.

There was no objection, and the communication was referred, with its inclosures, to the Committee on Agriculture, and ordered to be printed.

AMERICAN MERCHANT MARINE.

Mr. HUNT. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That House bill No. 4987 for the encouragement of the American merchant marine and to promote commercial and postal relations with foreign countries be made the special order after the morning hour for Wednesday, March 19, and from day to day thereafter until disposed of, but not to interfere with revenue and appropriation bills and reports from the Committee on Public Lands.

Mr. HEWITT, of Alabama. Or prior orders.

Mr. HUNT. I will modify the resolution so that the assignment shall not interfere with prior orders.

The SPEAKER. The Chair thinks it would not interfere with prior orders.

Mr. HOLMAN. The language of the resolution is "and reports from the Committee on Public Lands." It seems to me that only allows the reports, not the consideration of the bills.

Mr. HUNT. I will modify the resolution to meet the suggestion of the gentleman from Indiana.

The SPEAKER. The resolution will again be read as modified by the gentleman from Louisiana.

The Clerk read as follows:

Resolved, That House bill No. 4987 for the encouragement of the American merchant marine and to promote commercial and postal relations with foreign countries be made the special order after the morning hour for Wednesday, March 19, and from day to day thereafter until disposed of, but not to interfere with revenue and appropriation bills and reports and consideration of bills from the Committee on Public Lands and prior orders of the House.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was adopted.

Mr. HUNT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL CLERICAL FORCE IN TREASURY DEPARTMENT.

Mr. RANDALL. I desire to make a privileged report from the Committee on Appropriations. I am directed to report back, with the recommendation that it be adopted, the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform this House whether any additional clerical force is required in his Department for the purpose of adjusting and paying claims for the rebates on tobacco, snuff, cigars, &c.; and, if so, what force is required.

The SPEAKER. The Chair laid before the House this morning a communication from the Secretary of the Treasury on that subject.

Mr. RANDALL. This resolution had better be adopted.

The resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the President *pro tempore* of the Senate, under the requirements of section 1327 of the Revised Statutes of the United States, had appointed Senator CONGER of Michigan and Senator COKE of Texas members of the Board of Visitors to attend the next examination of cadets of the Military Academy at West Point.

The message also announced that the Senate had passed without amendment a joint resolution of the House of the following title:

Joint resolution (H. Res. 186) for the relief of Frank Galt.

The message further announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. 310) to amend the law relative to the bonds of executors in the District of Columbia;

A bill (S. 436) for the relief of William J. Gamble; and

A bill (S. 716) for the relief of Eliza Howard Powers.

CHARGES OF DESERTION FROM THE NAVY.

Mr. BOUTELLE. I am instructed by the Committee on Naval Affairs to ask unanimous consent to report for consideration at this time a bill to relieve certain appointed and enlisted men of the Navy and Marine Corps of the charges of desertion. The bill simply extends the provisions of House bill 4383, passed a few days ago, reported from the Committee on Military Affairs, removing certain charges of desertion from soldiers of the United States Army who remained in their command up to a certain period.

Mr. MCMILLIN. I demand the regular order. To-day is private-bill day, and as the Private Calendar has but one day in the week, and has not had a day for some time, I must call for the regular order.

Mr. BOUTELLE. I hope the gentleman will allow this bill to pass.

Mr. MCMILLIN. It is a bill that is likely to cause discussion.

Mr. BOUTELLE. It is a unanimous report from the Committee on Naval Affairs.

ORDER OF BUSINESS.

Mr. MCMILLIN. I must insist upon the demand for the regular order, with no disrespect to my friend from Maine [Mr. BOUTELLE].

The SPEAKER. The regular order is called for. To-day being Friday, the regular order is the call of committees for reports of a private nature.

Mr. MCMILLIN. I move to dispense with the morning hour for the call of committees for reports.

The SPEAKER. That requires a two-third vote.

The question was taken by a *viva voce* vote; but before the Speaker announced the result,

Mr. MCMILLIN withdrew the motion.

Mr. REESE. I ask the gentleman from Tennessee [Mr. MCMILLIN] to yield to me for a moment.

The SPEAKER. That can not be done while the demand for the regular order is pending. The regular order is the call of committees for reports of a private nature, this being Friday.

SPANISH FERRY-BOAT NUESTRA SEÑORA DE REGLA.

Mr. DORSHEIMER. I am instructed by the Committee on the Judiciary to submit an additional report upon the bill (H. R. 2842) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the Spanish ferry-boat Nuestra Señora de Regla, now on the Calendar of the Committee of the Whole on the state of the Union.

The SPEAKER. Is it a private bill?

Mr. DORSHEIMER. It is not.

The SPEAKER. Then it is not in order under this call. This being Friday, reports of a private nature only are in order under this call.

AUGUSTUS C. PAUL.

Mr. MORGAN, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 2162) for the relief of Augustus C. Paul; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CAPT. WILLIAM H. REXFORD.

Mr. MORGAN, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 1786) for the relief of Capt. William H. Rexford; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

S. S. ROBINSON.

Mr. MORGAN, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 3690) to restore S. S. Robinson, late of the Sixteenth United States Infantry, to the Army and place him on the retired-list; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FRANK W. HUNT.

Mr. MORGAN, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 3263) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation at Fort Buford, Dak.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

Mr. MORGAN, from the Committee on Military Affairs, also reported adversely the bill (H. R. 3264) to authorize Frank W. Hunt to mine and sell coal on the military reservation at Fort Buford, Dak.; which was laid on the table, and the accompanying report ordered to be printed.

DISTRIBUTION OF ARMS TO THE STATES.

Mr. ROSECRANS. I am instructed by the Committee on Military Affairs to report back with a favorable recommendation House bill 4864, repealing so much of the act approved March 3, 1875, as provides that so much of the appropriation between January 1, 1861, and April 9, 1865, under the act of April 23, 1808, as would have been used for arms to be distributed to the several States be covered into the Treasury.

The SPEAKER. That bill is not in order under this call, this being a call for reports of a private nature.

OREGON VOLUNTEERS.

Mr. CUTCHEON. I am directed by the Committee on Military Affairs to report adversely House bill 1306, relating to the muster-roll of the Oregon volunteers.

The SPEAKER. The Chair will state again to gentlemen on the floor that under this call no bills except those of a private nature can be reported.

Mr. CUTCHEON. This bill is of a strictly private nature, relating to private claims.

The SPEAKER. The Chair understood from the title that it related to the volunteer soldiers of the State of Oregon. [After a pause.] There is some doubt about it, but the Chair will receive the report.

The bill was laid on the table, and the accompanying report ordered to be printed.

FORT RILEY MILITARY RESERVATION.

Mr. CUTCHEON, from the Committee on Military Affairs, also reported adversely the bill (H. R. 519) to provide for the sale to actual settlers of a portion of the Fort Riley military reservation, in the State of Kansas; which was laid on the table, and the accompanying report ordered to be printed.

CAPT. W. J. LYSTEE.

Mr. CUTCHEON, from the Committee on Military Affairs, also reported back the bill (H. R. 2064) for the relief of Capt. W. J. Lystee, United States Army; and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Claims.

The motion was agreed to.

FRANK BACKOF.

Mr. LYMAN, from the Committee on Military Affairs, reported adversely the bill (H. R. 924) for the relief of Frank Backof; which was laid on the table, and the accompanying report ordered to be printed.

CHARLES WATSON.

Mr. LYMAN, from the Committee on Military Affairs, also reported adversely the bill (H. R. 4097) for the relief of Charles Watson; which was laid laid on the table, and the accompanying report ordered to be printed.

CAPT. J. H. GILLIS.

Mr. THOMAS, from the Committee on Naval Affairs, reported back with a favorable recommendation the joint resolution (H. Res. 130) tendering the thanks of Congress to Capt. J. H. Gillis; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JULIUS A. KAISER.

Mr. TALBOTT, from the Committee on Naval Affairs, reported back with amendments the bill (H. R. 1348) for the relief of Julius A. Kaiser; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JULIA A. CHAMBERS.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4317) increasing the pension of Julia A. Chambers; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANSON B. SAMS.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1127) granting a pension to Anson B. Sams; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3351) to restore the name of Harvey B. Buckner to the pension-roll; and

A bill (H. R. 3348) granting arrears of pension to Sarah A. Hooper.

P. M. SHANNON.

Mr. HOUK, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 4613) granting a pension to P. M. Shannon; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZABETH MOYAL.

Mr. HOUK, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1836) for the relief of Elizabeth Moyal; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MATSON, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 332) for the relief of James S. Jelley;

A bill (H. R. 3619) to rerate the pension of William H. Renner;

A bill (H. R. 545) granting a pension to Charles H. Carr;

A bill (H. R. 543) granting a pension to Elisha Dresser;

A bill (H. R. 4448) for the relief of Robert R. Hughes;

A bill (H. R. 538) granting a pension to Chester F. Hart;

A bill (H. R. 532) for the relief of Isaac Pendleburg;

A bill (H. R. 547) granting a pension to Christian H. Stienmeier;

A bill (H. R. 496) granting a pension to Rebecca J. Lowery, guardian; and

A bill (H. R. 533) for the relief of Albert H. Smith.

SUSANNAH HALL.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back the bill (H. R. 1260) granting a pension to Susannah Hall; when the committee was discharged from the further consideration of the same, and it was referred to the Committee on Pensions.

ADVERSE REPORTS.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported back adversely the following bills; which were severally laid on the table, and the accompany reports ordered to be printed:

A bill (H. R. 3388) granting a pension to John McGraw;

A bill (H. R. 1222) granting a pension to John Davis;

A bill (H. R. 3753) granting a pension to Anthony McNalley; and

A bill (H. R. 2547) granting a pension to Patrick McNicholas.

WALTER DICKSON.

Mr. HOLMES, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 2017) granting a pension to Walter Dickson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMANDA CUTLER.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 3188) granting a pension to Amanda Cutler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN R. WALLACE.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 4439) granting a pension to John R. Wallace; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, reported back adversely the following bills; which were severally laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2891) to increase the pension of Mathew O. Reagan;
A bill (H. R. 845) granting an additional pension to Jerome Dane;
A bill (H. R. 1642) for the relief of Sidney Palen;
A bill (H. R. 1637) for the relief of William J. Sangston;
A bill (H. R. 2899) granting a pension to Charles N. Hamilton;
A bill (H. R. 2896) granting a pension to Robert Vincent;
A bill (H. R. 1643) for the relief of Gilbert W. Hubbell;
A bill (H. R. 3830) granting a pension to James Sheahan; and
A bill (H. R. 4354) for the relief of Augustus Hoffman.

ALLICIA DURRANT.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported a bill (H. R. 5457) granting a pension to Allicia Durrant; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN M'CARNEY.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 3331) for the relief of Ann McCarney; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANK M. WOODRUFF.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 2467) granting an increase of pension to Frank M. Woodruff; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M. ETLER.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 4163) granting a pension to James M. Etler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DOROTHEA BOTHNER.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1084) granting a pension to Dorothea Bothner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back adversely the following bills; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3309) for the relief of William H. Jones;
A bill (H. R. 4172) for the relief of Peter J. Ruess;
A bill (H. R. 3323) for the relief of Edward B. Lansing; and
A bill (H. R. 4546) for the relief of the widow of Wesley Scripture.

ELLIDA I. MIDDLETON.

Mr. TILLMAN, from the Committee on Pensions, reported back with favorable recommendation the bill (H. R. 2702) granting a pension to Ellida I. Middleton, widow of the late Rear-Admiral Edward Middleton, United States Navy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LORE, from the Committee on Claims, reported back with an adverse recommendation the bill (H. R. 1147) for the relief of John A. Payne; which was ordered to be laid on the table, and the accompanying report printed.

Mr. VAN ALSTYNE, from the Committee on Claims, reported back with an adverse recommendation the bill (H. R. 2332) for the relief of Benjamin F. Jones; which was ordered to be laid on the table, and the accompanying report printed.

Mr. ELLWOOD, from the Committee on Claims, reported back with an adverse recommendation the bill (H. R. 1611) for the relief of Charles S. Mills; which was ordered to be laid on the table, and the accompanying report printed.

J. T. PICKETT.

Mr. TILLMAN, from the Committee on Claims, reported back with favorable recommendation the bill (H. R. 3005) for the relief of J. T. Pickett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M. BACON.

Mr. GEDDES, from the Committee on War Claims, reported back with favorable recommendation the bill (H. R. 453) for the relief of James M. Bacon; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. GEDDES, from the Committee on War Claims, also reported back with an adverse recommendation the bill (H. R. 3198) for the relief of George W. Cushman; which was ordered to be laid on the table, and the accompanying report printed.

JAMES MILLINGER.

Mr. ROWELL, from the Committee on War Claims, reported back with favorable recommendation the bill (H. R. 2607) for the relief of James Millinger; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. ROWELL, from the Committee on War Claims, also reported back with adverse recommendation bills of the following title; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 3879) for the relief of the estate of William Wright, deceased;
A bill (H. R. 502) for the relief of Elijah Crudgington; and
A bill (H. R. 4286) for the relief of Elijah Crudington.

Mr. STORM, from the Committee on War Claims, reported back with an adverse recommendation the petition for the relief of the heirs of Matthew Allison; which was ordered to be laid on the table, and the accompanying report printed.

THOMAS M'BRIDE.

Mr. JONES, of Wisconsin, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 1365) for the relief of Thomas McBride; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. ROGERS, of New York, from the Committee on War Claims, reported back with an adverse recommendation the petition of W. R. Boice, of Danville, Ky.; which was ordered to be laid on the table, and the accompanying report printed.

CHANGE OF REFERENCE OF A RESOLUTION.

On motion of Mr. SPOONER, the Committee on Accounts was discharged from the further consideration of the resolution for the relief of Clarence W. De Knight, for services rendered as a page, &c.; and the same was referred to the Committee on Appropriations.

ROBERT D. THURBORN.

Mr. TUCKER, from the Committee on the Judiciary, reported a bill (H. R. 5458) to remove the disabilities of Robert D. Thurborn, of Virginia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JEARUM ATKINS.

Mr. ATKINSON, from the Committee on Patents, reported back with a favorable recommendation the bill (H. R. 1115) for the relief of Jearum Atkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOINT RESOLUTION SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled the joint resolution (H. Res. 186) for the relief of Frank Galt; when the Speaker signed the same.

ORDER OF BUSINESS.

The SPEAKER. The call of standing and select committees is completed.

Mr. McMILLIN. I move that the House resolve itself into Committee of the Whole House for the purpose of considering the Private Calendar. Pending that motion, I yield a moment to the gentleman from New York [Mr. HUTCHINS], who desires to make a statement.

Mr. HUTCHINS. I wish to give notice to the House that it is my desire on to-morrow to call up for further consideration the naval appropriation bill.

Mr. McMILLIN. I now submit my motion.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the consideration of the Private Calendar. The Clerk will report the first bill on the Calendar.

GENERAL ALFRED PLEASONTON.

The first business on the Private Calendar was the bill (H. R. 1101)

authorizing the President to appoint and retire Alfred Pleasonton a major-general, reported by Mr. BAYNE, from the Committee on Military Affairs, with amendments.

The bill was read, as follows:

Be it enacted, &c., That the laws regulating appointments in the Army be, and they are hereby, suspended, and suspended only for the purposes of this act; and the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint Alfred Pleasonton, of New York, late a major-general of volunteers in the Army of the United States, brevet major-general in the Army of the United States, and thereupon to place him, the said Alfred Pleasonton, upon the retired-list of the Army as such major-general, without regard and in addition to the number now authorized by law of said retired-list.

The amendments were as follows:

In line 11 strike out the words "such major-general" and insert the words "a brigadier-general."

Amend the title so as to read:

A bill authorizing the President to appoint and retire Alfred Pleasonton a brigadier-general.

Mr. MCMILLIN. Let the report be read.

The report was read, as follows:

The Committee on Military Affairs, to which was referred the bill (H. R. 1101) authorizing the President to appoint and retire Alfred Pleasonton a major-general, respectfully reports:

That the committee has considered this bill and reports it with a favorable recommendation with the following amendment: Strike out in line 11 the words "such major-general," and insert in lieu thereof "a brigadier-general;" and that the title of the bill be amended accordingly.

The Committee on Military Affairs of the Forty-seventh Congress made a favorable report on a bill identical in language and import with this one; and it being believed by your committee that the report so made adequately sets forth most cogent and convincing reasons for the passage of that bill, it adopts that report in support of the present bill. The report is as follows:

[House Report No. 1704, Forty-seventh Congress, first session, to accompany bill H. R. 5525.]

The Committee on Military Affairs, to which was referred the bill (H. R. 5525) authorizing the President to appoint and retire Alfred Pleasonton a major-general, respectfully reports:

Alfred Pleasonton graduated at the West Point Military Academy in 1844, and was appointed a brevet second lieutenant in the Army, and assigned to Captain Sumner's (afterward General Sumner) company of the First Regiment of United States Dragoons, which was stationed at Fort Atkinson, Iowa Territory. In 1845 he was one of the command under Sumner that marched to Devil's Lake, near the Canada line, to warn the Canadian half-breeds from coming into the United States to hunt buffalo and disturb our Indians. The expedition was successful, and accomplished a march of 3,000 miles in five months.

In the spring of 1846, Pleasonton, having been promoted to be second lieutenant of the Second Regiment of Dragoons, joined Captain May's company of that regiment, at Corpus Christi, Tex., as part of the army of occupation under General Taylor. In the battles of Palo Alto and Resaca de la Palma he was distinguished, and was brevetted on the recommendation of General Taylor for his conduct in the charge of May's squadron of dragoons at Resaca de la Palma, which resulted in the capture of General La Vega, many prisoners, and a battery of nine guns. He served with the army of General Taylor to the end of the Mexican war, and then marched with his company from Monterey, Mexico, to Santa Fé, N. Mex., in the fall of 1848. After very active service in that Territory during the winter, he proceeded in the spring of 1849 to join the staff of Gen. Persifor F. Smith, in California, and marched across the country from Santa Fé to San Francisco, with a small detachment of men, by the way of Colorado and Utah.

Pleasonton remained in California until 1850, when, having been promoted to be first lieutenant, he returned to New Mexico and was placed in command of his company. His service for the next two years brought him in contact with the Apaches, the Navajoes, and the Utah Indians of that country, and in numerous campaigns and engagements against these Indians he learned the rough art of savage warfare.

In 1852 he was ordered on the recruiting service, where he remained until 1854, when he was appointed the adjutant of his regiment, and repaired to Fort Chadbourne, Texas, where he remained until the winter of 1855, when he was promoted to a captain. He joined the expedition against the Sioux Indians, commanded by General Harney, at Fort Leavenworth, Kansas, in the spring of that year, and served with the expedition, in command of his company, until the winter of 1856, when he was appointed the assistant adjutant-general of the expedition, and remained in that capacity until the Indians made peace in that summer.

In the fall of 1856 Pleasonton was selected by General Harney as his adjutant-general on an expedition to remove the Seminole Indians from Florida. The winter was spent in a hard and severe campaign against these Indians in the swamps and everglades, which resulted in their complete defeat, and they were removed to Arkansas in the spring of 1857.

Serious political troubles occurring at this time in Kansas, General Harney was ordered to the command of the troops in that Territory, and Captain Pleasonton accompanied him as adjutant-general. It was in the summer of this year that the Utah expedition was organized by General Harney and his staff, and was afterwards placed under the command of General Albert Sidney Johnston.

In the fall of 1858, an Indian war breaking out in Oregon, General Harney was ordered there to take command, and Pleasonton was assigned to him as his chief staff officer. The Indians were brought to terms during the ensuing winter, and the country was in a state of profound peace in the summer of 1859 and until 1860, when General Harney was relieved from duty in Oregon, and Pleasonton returned with him to Washington.

In March, 1861, General Scott ordered Pleasanton to join his company, then at Camp Floyd, in Utah. He proceeded as far as Saint Joseph, Mo., and was detained there for want of transportation, when the news of the firing on Fort Sumter satisfied him it was his duty to return to the East. On arriving in Philadelphia he found Washington was cut off from the North, and that the Government had placed General Patterson in command of the Department of Washington, extending from Philadelphia to Washington. Pleasanton immediately reported to him, and was sent to Wilmington, Del., to raise a force to protect the railroad to Havre de Grace, and also Dupont's powder-mills, which contained at that time the materials belonging to the Government for making powder at the rate of 30,000 pounds a day for a period of eighteen months. He succeeded in less than a week in organizing, arming, and equipping a regiment of 1,000 men; but upon application being made by the regiment to General Scott to permit Pleasonton to accept the command of it, Scott's only reply was an order for Pleasonton to join his company in Utah. Pleasanton obeyed the order. He could have resigned from the Army and accepted the colonelcy of the regiment; but as the Government at that time was in the throes of a civil war, he considered it his highest duty to obey its behests.

Shortly after his arrival in Utah the news of the battle of Bull Run was received and also orders for the troops to proceed to Washington. Pleasanton reached Washington in command of his regiment, the Second Dragoons, in the fall of 1861, having marched 1,100 miles, from Utah to Saint Joseph, Mo., and then transported the men and horses of the command about the same distance by rail to Washington.

When the Army of the Potomac moved to Yorktown Pleasonton's regiment of dragoons formed part of it, and served with headquarters and on detached service throughout that campaign, sometimes covering a retreat, sometimes in advance, but rendered such efficient service that upon the arrival of the Army at Harrison's Landing Pleasonton was promoted to be a brigadier-general of volunteers, his rank at that time in the regular Army being that of major. A few days after his assignment to the command of a brigade of cavalry he distinguished himself in the second battle of Malvern Hill, capturing many prisoners, and showing his ability to fight cavalry in large masses. He covered the retreat of the Army from the Chickahominy, and was among the last to embark from Yorktown to Washington. On his arrival at Washington General McClellan assigned him to the command of all the cavalry and horse artillery of the Army; and it was from this time that the Union cavalry began its career of distinction and glory, which it held to the close of the war. Starting in advance of the Army from Washington, with only one brigade of cavalry and two batteries of horse artillery, Pleasonton defeated the enemy at Poolesville, Barnesville, Frederick City, and brought him to bay at South Mountain. He reconnoitered that position, and finding two mountain roads, one to the north and the other to the south of it, he suggested turning the enemy by both flanks, which was afterward successfully accomplished by the Army. Rapidly pursuing, immediately after the battle, with the cavalry, he overtook the enemy's cavalry near Boonesville, and after a fierce fight defeated them with severe loss, forcing his way to the main body on Antietam Creek, at Sharpsburg. While thus actively engaged Pleasonton found time to organize his scattered cavalry, and had shown such energy and judgment in doing so that he collected 4,000 cavalry and formed them into four brigades, and with four batteries of horse artillery he held the center of the Union position throughout the battle of Antietam. He took the advance of the Army into Virginia after the battle, fighting the enemy's cavalry at Martinsburg, Purcellville, Union, Upperville, Barber's Cross-Roads, Waterloo, and other places, being invariably successful.

In the campaign of Fredericksburg he commanded the first division of cavalry, on duty with the first grand division of the Army, commanded by Major-General Sumner. The battle of Fredericksburg virtually finished that campaign.

In the campaign of Chancellorsville, Pleasanton went into the field with one small brigade of cavalry of three regiments and one horse battery, but it was his good fortune to be at the critical part of the field at the proper time; that is, where the Eleventh Corps became panic-stricken and ran away when Stonewall Jackson attacked them on the 2d of May, 1863. In reference to this action the joint committee of the two Houses of Congress on the conduct of the war report as follows:

"About 6 o'clock in the afternoon a rattling fire of musketry was heard on the right, but nothing indicating a very serious engagement. Almost immediately, however, from some cause not fully evident from the testimony, the extreme right division of the Eleventh Corps was stampeded, and, flying along the line of the Eleventh Corps, threw the whole corps into confusion and swept it from the field. Steps were at once taken to arrest the fugitives and prevent the panic being extended to the whole army. Berry's division of the Third Corps and a brigade of the Second Corps were directed to cover the rear of the Eleventh Corps, and, if possible, to retake and hold the position they had abandoned. This, however, they were unable to do, the enemy occupying it in great force before our troops could reach it.

"It will be remembered that some hours before, General Sickles, with two divisions of his corps, had been ordered to advance for the purpose of operating against the column of the enemy under Jackson. The giving way of the right left General Sickles in a very exposed and critical position; but upon being informed of the condition of affairs he at once took measures to withdraw his force, which was successfully done, and without much loss. The enemy, under Jackson, continued to advance after the panic-stricken troops until checked by General Pleasonton, who had collected and brought into position some artillery for that purpose. Although a cavalry officer, he handled the artillery with exceeding great judgment and effectiveness. His skill, energy, daring, and promptness upon this occasion contributed greatly to arrest the disaster which for a time threatened the whole army. His conduct upon this and many other occasions marks him as one of the ablest generals in our service, and as deserving of far higher consideration than, from some cause, he appears to have received. It was during this attack the rebel General Jackson was mortally wounded. The enemy were repulsed with great loss, and active operations ceased for the night."

Pleasanton was now placed in command of the cavalry corps of the Army of the Potomac by Major-General Hooker, and the campaign of Gettysburg was opened by his crossing the Rappahannock and attacking the enemy's cavalry, under Stuart, at Beverly Ford and Brandy Station, on the 9th of June, 1863. He had 6,000 cavalry, 3,000 infantry, and 36 pieces of artillery. Stuart had 18,000 cavalry and upward of 40 pieces of artillery. The battle began at 5 o'clock in the morning, and lasted until 7 o'clock in the evening. By this action Pleasonton ascertained the design of General Lee of moving into Pennsylvania, having captured official correspondence indicating the movement. The loss of the Union cavalry on that day was 1,000 men, but the loss of the enemy's cavalry was much greater, stated to have been 2,500 men. Moving rapidly from Beverly Ford to Aldie, in the Bull Run Mountains, the enemy were met and again defeated, and pursued to Middleburg and Upperville and finally driven over the Blue Ridge Mountains. It was after the battle at Upperville that President Lincoln appointed Pleasanton a major-general of volunteers, to date from June 22, 1863.

At Frederick City, Pleasanton, finding the enemy's cavalry so superior in numbers, applied for and obtained another division of cavalry from Washington, to which he promoted his aids-de-camp, Custer and Farnsworth, to be brigadier-generals. Lee was at this time moving his army towards Chambersburg. The Army of the Potomac was put in motion by General Meade in the direction of Columbia and the Susquehanna River. The cavalry was placed to cover its front and flanks. The first division, under General Buford, was ordered by Pleasanton to Gettysburg to hold that position at all hazards; the second division, under General Gregg, moved on the right of the army, and the third division, under General Kilpatrick, in front toward Harrisburg.

At Hanover the third division struck Stuart, laden with plunder, which was recaptured, and the enemy driven off with great loss.

At Gettysburg General Buford met the enemy on the morning of the 1st of July, 1863, and with the first division fought so hard to hold the position that he urged the necessity for the whole army to support him if it was expected we should retain it. Accordingly, the different corps of the army were marched in that direction, and the result was the battle of Gettysburg.

The cavalry throughout that battle protected the flanks of the army, and sustained very severe losses in so doing, and followed in pursuit of the enemy immediately after the battle.

In the winter of 1864 the committee of the two Houses of Congress on the conduct of the war called upon the different generals for their views with reference to the prosecution of the war in the next campaign. The members of the committee were so much impressed with the plan submitted by Pleasonton that they recommended to President Lincoln to place him in command of the Army of the

Potomac, give him the men and material he required, and hold him responsible to execute that plan. The President was favorably inclined to do so, but other influences prevented its consummation, and the result was that in the spring of 1864 Pleasonton was ordered to the Department of Missouri, at Saint Louis. In the fall of that year the States of Missouri and Kansas were invaded by General Sterling Price with a greatly superior force of cavalry and artillery to that which could be put into the field by the Federal commander, Maj. Gen. William S. Rosecrans. In his official report General Rosecrans describes the results of that campaign as follows:

"With less than 7,000 effective cavalry, have pursued, overtaken, beaten in several engagements, and finally routed an invading cavalry, variously estimated at from 15,000 to 20,000 men, re-enforced by 6,000 armed recruits from Missouri, taken from them ten pieces of artillery, two stands of colors, 1,958 prisoners of war, a large number of horses, mules, wagons, and small-arms, compelled them to destroy most of their remaining wagon trains and plunder, blasted all the political schemes of the rebels and traitors who concerted with Price to revolutionize Missouri, destroy Kansas, and turn the State and Presidential elections against the Union cause, and by one triumph in the late elections have given to gallant and suffering Missouri the fairest prospect she has ever yet seen of future freedom, peace, prosperity—all the fruit of a campaign of forty-eight days, in which most of our victorious troops had never before seen a great battle. Rarely, during this or any war, has cavalry displayed more persevering energy in pursuit, more impetuous courage and gallantry in attacking, regardless of superior numbers, or had its efforts crowned with greater fruits of success. Major-General Pleasanton deserves the thanks of the country for the able manner in which he handled and fought the cavalry, and the brilliant and fruitful victories he won over triple his own force. I hope he may receive promotion in the regular Army."

This campaign closed the war in Missouri and west of the Mississipi River.

After the war closed and the regular Army had been reorganized Pleasonton resigned, in 1868, as he found his relative rank and position in the Army, after twenty-four years of the most active service, to be much lower than that which he had held before the war.

General Pleasonton is now well advanced in years. Having given the best years of his life to the military service of his country, he has failed to make that provision for himself which he deserves. Having a military training and but few if any business aptitudes, his application appeals with redoubled force to the favorable consideration of Congress. The delicacy of manner with which such an appeal ought to be made precludes the statement of details, but your committee is thoroughly satisfied that he needs the kindly aid of Congress.

The committee therefore reports the bill back to the House with a recommendation that it be passed.

Mr. BAYNE. Mr. Chairman, I do not know I have anything to say regarding this measure. The report is very full. It gives the details of the services rendered by General Pleasonton to his country, beginning with the Mexican war, where he distinguished himself and was brevetted, all through the Indian wars on our Western frontier, and all through the late civil war, his bright military career culminating with the final victories achieved by the Union Army in the war of the rebellion. He was a graduate of West Point. He gave the best years of his life to his country. He resigned his commission in 1868 and made an honest endeavor to earn his livelihood in the civil struggle for existence; but he found himself unequal to the emergencies that constantly beset a man in this world. He was unprepared to cope with his fellow-men in business ways, because he had not been trained in those things at all. His training was purely a military training. What he received at the hands of the Government in giving him an education he fully returned in the way of adequate and great and loyal services as a commanding officer of the cavalry of the Army.

One of the earliest feats of General Pleasonton's military career was his conduct at Resaca de la Palma, in Mexico, which resulted in the capture of General La Vega, a large number of prisoners, and a battery of nine guns. For this he was promoted. And his services in the wars in the West, and indeed his military services everywhere, not only attracted the attention of his countrymen, but elicited their commendation and applause and won for him brevets and finally the thanks of Congress.

Now, sir, in one word, General Pleasonton is poor. He is without means, and he is entitled, I think, as every other man who has done equally good service to his country, to the protection of this Government. While a great many men were at home making money, because during the war it was a profitable time to men of genius in that respect, Pleasonton was out serving his country, and he made nothing. There are scarcely any men who served during the war who had successes in making money. It was the men who remained at home who could take advantage of favorable business conditions to make money. Pleasonton is now without adequate means of support.

I do not want to present the unfortunate condition of General Pleasonton to-day. I do not want to say in words how necessary it is that this Government should afford him kindly assistance. If any gentleman will make private inquiry he will be able thoroughly to satisy himself there is no man now living in this country who deserves better a recognition of this kind at the hands of the Government.

Mr. WARNER, of Ohio. I rise to a question of order. There is so much confusion in the Hall that we can not hear the remarks of the gentleman from Pennsylvania.

The CHAIRMAN. The committee will come to order.

Mr. BAYNE. I was saying I can not present, and will not in words, the necessities of General Pleasonton. He is a man about 60 years of age. He is not in good health, and he has nothing wherewith to support himself. He has no business qualifications. And I say to you from my personal knowledge he deserves and needs the relief afforded by this bill.

Mr. MILLER, of Pennsylvania. What pay will this give him?

Mr. BAYNE. I think the retired-pay will be about $3,000.

Mr. STORM. What was General Pleasonton's rank in the Army when he resigned?

Mr. BAYNE. He was a major-general in the volunteer service and a major in the regular Army. In regard to that I may say it was a spirit of pride, perhaps, to a certain extent, that influenced General Pleasonton to tender his resignation. By an unfortunate series of laws enacted by Congress the cavalry of the United States was divided into four branches. One division of cavalry was called the dragoons, another was called cavalry, and I have forgotten what the other subdivisions were, but there were two other subdivisions. When Mr. Jefferson Davis was Secretary of War he made this division. The language of the acts of Congress would seem to imply it was a proper division to be made, and no fault was found with him for having made that division. But the effect was to put in regiments of new cavalry and to put the officers who were given commands in those new regiments over officers who held anterior commissions; and when promotions were made in consequence of that officers who were subordinate to those who were in the branch of the cavalry called the dragoons of the service, officers who were in what was called the cavalry service were promoted to receive brevets and commissions for ranks far beyond what they would have had but for this unfortunate complication made by act of Congress.

My attention has been called by my friend from Kansas [Mr. PETERS] to some of the remarkable services rendered by Pleasonton and not enumerated in the report. There is one passage here from Doubleday's Chancellorsville and Gettysburg which I shall ask the Clerk to read.

The Clerk read as follows:

The thickets being unfavorable to cavalry, Sickles had sent Pleasonton back to Hazel Grove with two mounted regiments, the Eighth New York, the Seventeenth Pennsylvania, and Martin's battery, while the Sixth New York was scouting the woods dismounted. Upon reaching the open space which he had left when he went to the front, Pleasonton found the place full of the debris of the combat—men, horses, caissons, ambulances—all rushing furiously to the rear. To clear the way he charged on the flying mass, at Sickles' suggestion, who had ridden in advance of his troops, which were still behind at the furnace. Sickles directed Pleasonton to take command of the artillery, and the latter hastily collected twenty-two guns, consisting of his own and the Third Corps batteries. Unfortunately there was not time to load or aim, for the rebels were close at hand and their triumphant yells were heard as they took possession of the works Buschbeck had so gallantly defended. In another moment our troops would have been compelled to give up this advantageous position, which was on an eminence overlooking Chancellorsville and the plank road, and which was really the key of the battlefield. There was but one way to delay Jackson; some force must be sacrificed, and Pleasonton ordered Major Peter Keenan, commanding the Eighth Pennsylvania Cavalry, to charge the ten thousand men in front with his four hundred. Keenan knew if he threw his little force into that seething mass of infantry horses and men would go down on all sides, and there would be few left to tell the tale. A sad smile lit up his noble countenance as he said, "General, I will do it." At thirty-four years of age, literally impaled on the bayonets of the enemy, he laid down his life and saved the Army from capture and his country from the unutterable degradation of the establishment of slavery in the Northern States. History will record the services rendered on that occasion as worthy to be classed with the sacrifices of Arnold Winkelried in Switzerland and the Chevalier d'Assas in France.

A large part of his command was lost, but the short interval thus gained was of priceless value. Pleasonton was enabled to clear a space in front of him and to bring twenty-two guns loaded with double canister to bear upon the enemy. They came bursting over the parapet they had just taken with loud and continuous yells, and formed line of battle within three hundred yards of Pleasonton, displaying a United States flag to deceive him. He soon detected the imposture and fired into their masses with all his guns at once. The discharge seemed fairly to blow them back over the works from which they had just emerged. Their artillery, under Colonel Crutchfield, which had been brought up to sweep the plank road, was almost annihilated by the fire of the battery on the plank road. This gave time to reload the guns.

Mr. BAYNE. I do not know that I have anything further to say regarding this bill. If there is no opposition to it (and I suppose there will be none, as I think everybody must feel in the same way towards this worthy soldier) I will move that the bill be laid aside to be reported favorably to the House.

The CHAIRMAN. There are some amendments pending to the bill reported from the Committee on Military Affairs.

Mr. BAYNE. That is so. I will ask that the amendments be agreed to.

Mr. STEELE. I rise to oppose the bill.

Mr. BAYNE. Then I will reserve the remainder of my time.

Mr. STEELE. I dislike very much to be the champion for the opposition to such bills as this. But there is no allegation in the report that there is any necessity whatever for the action here proposed. There is nothing in the report that shows that this officer was eligible for retirement on the day he resigned from the Army. There is nothing to show that he might not have continued in service until this day if he had so minded.

The report says that he resigned after the war closed and the regular Army had been organized. He resigned in 1868, as he found his relative rank in the Army, after twenty-four years of the most active service, was then much lower than that which he had held before the war. That is the statement of the report. I refer gentlemen to the Army Register in order to ascertain whether it will bear out that statement or not.

We find, on the contrary, that Colonel Brackett, now the sixth colonel in the Army, was in 1861 the next below Pleasonton, and in 1868, when Pleasonton resigned, Brackett was still the next to him on the list. In 1861 James H. Carleton was seven files above Pleasonton. In 1868, when Pleasonton resigned, Carleton was only three files above him, showing that Pleasonton then held more than his relative position.

But that is not all. In 1866 the President of the United States tend-

ered to Pleasonton a commission as lieutenant-colonel. I am led to believe, and I do believe, that because it was not a colonel's commission Pleasonton declined it. In 1868 he resigned of his own free will, and so far as we know at that time he was a sound, able-bodied man, so much so that he was appointed Commissioner of Internal Revenue and served as such.

Why should we take this man from civil life and place him on the retired-list of the Army? I find that two brigadier-generals, five colonels, four lieutenant-colonels, and twenty-three majors, have gone out of the Army since 1868. Every one of them was a meritorious officer, or they would not have been retained in the service. Are we going to say to the people of this country that because an able-bodied man leaves the Army of his own free will, and after the lapse of ten or fifteen years comes back to us and says, "My career as a civilian has been a failure and I want you to put me on the retired-list of the Army"—are we going to say to the people of the country that we will do that?

I ask gentlemen to understand that instead of giving Pleasonton a pension of $8 a month, or $20, or $25, or even $70 a month, the highest that is given in cases of total disability, it is proposed to give him the pay of a brigadier-general on the retired-list. A volunteer officer, who served during the war and lost both arms and both legs, receives the paltry sum of $70 a month. By this bill it is proposed to put Pleasonton on the retired-list of the Army as a brigadier-general and to say in effect that he is more worthy than any of his fellows who lost their health, their arms, their legs, and their sight, and instead of giving him a pension of $70 a month we will give him $4,125 a year.

Is that justice? Can we look these poor maimed soldiers in the face, who gave the best of their lives to the service of their country, and say to them that we will give this man, notwithstanding he resigned, the sum of $4,125 a year, while his poor maimed comrade receives but $840 a year? And it should be understood, as I before said, that in the one case there is total disability, and in the other there is none.

The retired-list of the Army is said to be an incubus. Do not gentlemen know, and if not I will refer them to the official reports, that every measure of legislation of this kind tends to make it more so? Since 1866 there have been restored to the Army one hundred and one men. If we make a precedent of this kind where can we stop?

If there is any prospect of such a bill as this passing, I will offer an amendment, which I do not see how gentlemen can vote against, that every case equally meritorious with this shall be treated as you propose to treat this case. If we are going to put Mr. Pleasanton on the retired-list of the Army, why not put every disabled soldier and officer who is totally helpless on the same footing with him?

I will reserve the remainder of my time.

Mr. STOCKSLAGER. I am opposed to this bill, but if any gentleman desires to speak in favor of it I will wait for the present.

Mr. ROSECRANS. I rise to say a few words to the Committee of the Whole in favor of the passage of the bill which we have reported from our committee for the relief of General Alfred Pleasonton. I am in favor of the bill as an act of recognition for distinguished and peculiar services by the gentleman in question.

After the reading of the report, which details the services of Pleasonton from his first entrance into the Army down to the time when he ceased to have connection with it, it is unnecessary for me to recapitulate what is there stated. I do not ask the Committee of the Whole to regard this bill as simply providing a support for a former officer of the Army, who, having been worn out in the service, and being without means, comes to us and asks us to prevent him from suffering and starvation.

If it were placed on the ground of a mere pension, then it would be liable to the objection raised by the honorable gentleman from Indiana [Mr. STEELE], although and albeit I do not admire that kind of objection which sometimes finds excuse for the bestowal of money broadcast and at other times withholds with a pinching hand and appeals to the popular cry of economy.

Mr. STEELE. May I ask the honorable gentleman to what he refers when he says that I at any time have voted to bestow money broadcast? Will the gentleman cite any one instance of the kind?

Mr. ROSECRANS. The gentleman will excuse me from replying to him now.

Alfred Pleasonton was known to me when he was in the corps of cadets, and his career, as related in the report which has been read, is familiar to me. But his services during the war attracted my attention from the time when he began to develop a new career for our cavalry.

It takes time to harden cavalry for service, and I am aware that they had gone through a school of preparation. But the spirit of that young cavalry officer who was placed in command just after the second battle of Bull Run, and who continued in command from that time on, elicited the admiration of the country. And even the Richmond Dispatch, referring to the battle between his cavalry and that of Early in the Shenandoah Valley, said that it was probably a contest between the *élite* of both armies.

No inconsiderable portion of that efficiency was due to the military genius of this cavalry officer whom we now propose to mark with some distinction. I do not yield to any man on this floor in zealous advocacy of a broad and liberal policy of recognition for the military services of our defenders during the war of the rebellion or care for those who need that care. I do not understand that I am detracting from that spirit when I stand before this committee and say that for my part I shall vote to put a mark of distinction upon a man whose services have been so eminent as those of the beneficiary in this bill. It is on this ground that I appeal to my fellow-members.

When gentlemen say to me, "If one man is admitted there will be others," I say, whenever you can present to me a man whose record of service is as distinguished as that of General Pleasonton, and ask me as a public man to vote for an expression of respect and esteem which shall be adequate, I am ready to vote as soon for such recognition for any other man as for him.

Gentlemen say, "By this measure you will open the door." How wide shall we open the door? How many men have we who have served the country with such distinction as General Pleasonton has? Show me how many and then we shall see how many will come into the door that will be opened. For my part I must say I do not think the train that will come through this open door will ruin this Republic or ruin the Democratic party if its members happen to vote for this bill.

I might detain the committee, if it were necessary, by recapitulating the facts of General Pleasonton's career; but the pith of it all is that Alfred Pleasonton has rendered great and distinguished service to his country. His fate as to promotion was not fortunate. I have reason to know some of the causes of this, and they were not such as to lower him in our estimation or in the estimation of other American citizens. On the contrary, as to the motive of his resignation I know, and my brethren of the Army on the floor of this House know, that the men who were the most distinguished in the military service were not those who were best adapted to get out of it all possible personal advancement. On the contrary, the man who has rendered valuable service in the field is not generally the sort of a man that is adapted to hanging around and urging his claims for promotion. I think it pretty clear from the record that Alfred Pleasonton's promotion up to 1866 was in no measure adequate to his deserts. This being my impression, I honestly and candidly think I am right when I say that the fact of General Pleasonton's resignation and his complaints that he was not promoted should not in my estimation count against him when I am asked to vote in favor of this bill. Much less do I see cause for that sort of prejudice which my friend from Indiana [Mr. STEELE] appears desirous to excite when he asserts that General Pleasonton scorned a lieutenant-colonelcy. It may be that he did so. I know of people who had a right to scorn things of that sort. I know of people who were overslaughed, while others, and not a few, who did not deserve half so well were promoted. It does not by any means follow that a man who happened to refuse promotion which was offered him showed thereby disrespect to this great Government or was deserving of punishment.

Mr. STEELE. I said that General Pleasonton resigned, according to the report, because he found himself below others in relative rank; and I undertook to show that he might have advanced a grade in July, 1866, but he refused to accept the advancement.

Mr. ROSECRANS. I understand the gentleman. But the general effect of what he said was to leave a rather unfavorable impression on the committee. I am not undertaking to combat it; but I say for myself that the fact referred to does not have that effect on my mind, but the contrary.

I trust, Mr. Chairman, that more need not be said by me. I yield a portion of my time to the gentleman from Montana [Mr. MAGINNIS].

Mr. MAGINNIS. Mr. Chairman, there is undoubtedly much force in the remark of the gentleman from Indiana [Mr. STEELE] that there is a seeming injustice to volunteer officers who served during the war, and who were horribly wounded or badly debilitated by the accidents of the service, in the fact that they should have to content themselves with small pensions, while officers of the regular Army are placed upon a retired-list with a comparatively large salary. But for all this, the ground upon which the retired-list of the Army is founded is firm and tenable.

Those who went into the volunteer service did so with a distinct understanding. They knew that if they survived the terrible incidents of war their promotion to higher grades would be rapid in a degree unknown to the regular service. They went forth to walk the shining fields of glory and to gain such distinction as they might; and when maimed or wounded or disabled they received the pension that a generous country had provided. But experience has taught all nations that a regular army establishment is a dire necessity; that as long as man has anything worth fighting for he must be ready to defend it. In order to make this establishment effective Government has provided that when a man enters its service young, devotes all his life to his duties, trains himself for their performance, and waits upon its orders, he shall be provided for in his old age, when he is fit for nothing else. This not only out of justice to the individual, but also that the organization be not weighted down with superannuated officers. So that to men who enter the service, who remain and devote themselves entirely to it, who learn no other business, who are dependent all their lives upon a salary, thereby relinquishing the chances of distinction in civil life and of winning the fortunes that come to other men, it is part of their contract that at the end of long service they shall be supported by the Gov-

ernment for the rest of their days. And, Mr. Chairman, this is the difference which lies at the foundation of the retired-list for the regular service as contrasted with the pension-list of the volunteer service of the United States.

But we are now told, sir, that General Pleasonton retired from the Army. True; but, Mr. Chairman, look at his record and his years of service. Graduating before the war with Mexico, appointed a young officer in the forces of our advancing Army, he followed the flag of his country from West Point to the Halls of the Montezumas. On every battlefield in Mexico he distinguished himself and was repeatedly brevetted for gallant conduct. From all of his old commanders, the officers of the Army who afterward divided and joined one side or the other in our late civil war, from all of them under whom he served he received the most unstinted encomiums and the very highest marks of distinction.

After the close of that triumphant and glorious war which added so much to the power and the extent of our country his arduous duties were but begun. He was one of the men of that little American army who went out to hold in check and in peace the powerful Indian tribes that then dominated the Western plains and held their power in the fastnesses of the unexplored hills—one of the advance skirmish lines that marked routes across the trackless plains and opened passes through the frowning mountains that the great army of pioneers might move on and settle and reclaim the vast areas of the West—one of the distinguished figures who graduated from the line of the frontier army and developed and grew into notice and distinction upon the remotest borders of the Republic.

Coming from the wilds of Utah at the summons to the war which shook the hills around us, he received a position in the cavalry forces of the Army and gave the benefits of his training and experience to the Government and the generals who were endeavoring to shape into an army the undisciplined volunteers. It took us longer to create an effective cavalry arm than it did to discipline our infantry and organize a scientific and effective artillery. Indeed, that arm of the service was inferior during the first year of the war, and in Virginia at least unable to compete with the dashing and enterprising horsemen of the confederacy that made Ashby noted and Stuart and Rosser famous before the war was a year old. This effective aid to armies was lost to us in Virginia, and much disaster might have been avoided and much advance made if our generals had only been provided with an effective cavalry to warn them of the movements and check the operations of an enemy familiar with their own country and amply advised of all our plans. So when General Hooker, after the disaster of Fredericksburg, made the sarcastic inquiry, "Who ever saw a dead cavalryman?" the other overburdened arms of the service answered, "Who, indeed!"

To the command of this cavalry Pleasonton was assigned. He organized it, drilled it, equipped it. He formed into proper divisions. He relieved incompetent leaders and picked out to command it Averill, Custer, Crook, Gregg, Farnsworth, and Mackenzie. He made it an efficient engine of defense and offense; and under these *beau-sabres* it wore out even the splendid cavaliers of Virginia and the gallant horsemen of the South, than whom bolder riders or braver troopers never sat in the saddle. The names of the men that he chose for his leaders shine luminously on the dark page of war, and part of the renown that they won must ever belong to the man who organized and led them.

You all know that among the difficulties of the advance upon Richmond was the shelter afforded by the mountains to forces who, coming down the valleys of Virginia and the Shenandoah, forever turned the right of our armies and balked the advance upon the forces of the confederacy. You know that under the management of the aulic council that was directing the war from this capital how that valley was the weak spot that baffled all endeavor. Occupied with insufficient force and incompetent commanders, the generals we kept there were the most efficient commissaries of the confederate armies, and the troops who were periodically routed or captured furnished the other side with rations, ammunitions, and supplies, and with sufficient prisoners to counterbalance all our captures and make exchanges easy for the South. Even so late as 1864 this capital was almost captured, and Grant's army came near being withdrawn from the front in consequence of raids down these valleys and mountain passes. And when at last General Sheridan closed that road to Washington, and reluctant victory came to us on that ground, it was largely the cavalry that Pleasonton had drilled, equipped, and inspirited that made the scenes of Stonewall Jackson's fame the fields of Philip Sheridan's glory.

Mr. Chairman, I have seen Alfred Pleasonton at the head of 20,000 men, and I have seen him lying ill, sick with pneumonia, with scarce a servant to wait upon him or a fire to warm him. His proud spirit might object to my mention of his necessities here, but I know that he will attribute it to a heart that feels for him. I have known him in necessity and seen him in misery, and that, too, when the retired-list of the Army is bearing men who achieved their place through regular gradations in comfortable quarters and easy places, and who never heard the whistle of a hostile bullet or the boom of the enemy's cannon. And others are upon it who saw no service other than the volunteers, while this distinguished officer, who honored himself and the country for twenty-five of his best years, is denied a place upon it because he withdrew from the Army at a time when he thought injustice was done him.

My friend from Indiana [Mr. STEELE] a while ago said that no injustice was done, that his relative rank was accorded, that Colonel Brackett, who preceded him upon the Army list before the war, maintained the same place only upon the reorganization. It may be so; but certainly Colonel Brackett did not achieve the great distinction, did not hold the high command, did not fill the great place in the public eye and the patriotic heart of the country that did Maj. Gen. Alfred Pleasonton, commander of the cavalry corps in the very height and crisis of the war.

We all know that there were jealousies and friendships, hates and admirations, that there were personal and sometimes political as well as just and patriotic considerations that much affected the standing and place of officers at the close of the war; that when the Army reorganization took place in 1868 these considerations prevailed in many instances, to the mortification of many eminent and deserving soldiers, to the loss of rank by some and its gain by others. Pleasonton conceived himself abused by that reorganization, and this may have led him to think that he could leave the road he had traveled from boyhood and to try to gain a living and a competency in unknown fields. It is true that his resignation is a legal bar to his taking his place on that retired-list where length of service and years of toil and danger would have given him the right to go. But I appeal to the House to consider the equities in this case, and to grant him that rank and place which, in view of his distinguished services, which are not questioned on this floor, he certainly deserves a place—a place among his old classmates and his war-worn comrades, and that he be provided by the Government he served so long, so faithfully, and so honorably with a sustenance for his declining years. [Applause.]

Mr. STOCKSLAGER was recognized.

Mr. BROWNE, of Indiana. Will my colleague, before he proceeds, permit me to offer an amendment to this bill?

Mr. STOCKSLAGER. I will yield to the gentleman for that purpose.

Mr. BROWNE, of Indiana. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out after the enacting clause and insert as follows: That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Alfred Pleasanton on the pension-rolls at the rate of $100 per month, the said pension to begin from and after the passage of this bill.

Mr. BAYNE. I raise the point of order on that amendment.

The CHAIRMAN. The Chair will feel compelled to sustain the point of order, as it changes the whole character of the bill.

Mr. BROWNE, of Indiana. The effect is the same.

The CHAIRMAN. A bill to retire an officer is certainly different from a bill to pension one.

Mr. BROWNE, of Indiana. But you accomplish the same result.

The CHAIRMAN. The Chair has taken pains to examine the effect of the amendment with a view to what should be a proper ruling upon this point, and must adhere to the ruling already made.

Mr. BROWNE, of Indiana. I think the gentleman from Pennsylvania had better withdraw his point of order. That amendment may be adopted, but the bill in its present form I think can not.

Mr. STOCKSLAGER. Mr. Chairman, it is with great diffidence that I rise to oppose the measure before the committee, and which has received the sanction of the Committee on Military Affairs of this body. I regret also to be compelled to differ with my distinguished friend from California [General ROSECRANS]; but I believe that the principle involved in this case is a vicious one. I think the precedent which we would establish were we to place this gentleman upon the retired-list of the Army, taking him up from civil life for that purpose, and retiring him to a place which he voluntarily relinquished, would be simply to open the door not only, as my distinguished friend says, to a similar class, not to that class only who are equally distinguished as General Pleasonton, but every gentleman on this floor knows, for it is a well-recognized fact, that there is no body in the world, no court in the world, which quotes precedent as readily and adheres to it so strictly as this House of Representatives, and the moment you open the door, as proposed here, and take a man from the walks of civil life and place him upon the retired-list of the Army, because of distinguished services or for any other reason, the effect will be that you will find other men clamoring for the same thing; the precedents will be quoted, and you will be urged to put this, that, and the other upon the roll, and each one of them in his application will be supported by a precedent equally strong, until you will have individual after individual, class after class, each one perhaps a little less meritorious, until the time will not be far distant when you will find your civil pension-roll equal to if not greater than that of England herself.

Mr. Chairman, I am emphatically opposed to this whole principle of taking such cases and making special exceptions of them. Far be it from me to detract one single word from the eloquent statement of the distinguished services of General Pleasonton which my distinguished friend from Montana has just made. His services are known in the history of this country; they are known to every school-boy throughout the land; needed no encomium from the gentleman from Montana;

and I am not here to detract a single laurel from the brow of General Pleasonton. But I am here, sir, in my own right as a Representative of the people, to oppose a principle which is involved, which I think is vicious, a principle that I believe to be wrong, a principle which is in direct violation of the practices of our Government from its foundation to the present time.

What are the facts in the case? Here is a gentleman who held a position in our Army, who voluntarily leaves it. Had he remained he would have been entitled to the great privileges which retired Army officers have, and I am not here to oppose them. It is probably right that they should have such privileges. I do not oppose the retired-list established for the benefit of those men who have been educated by the Government for its service in the Army and have served their country until they are no longer fit for service—worn out as it were in their country's service. But the complaint that men in the volunteer service do not get as much recognition as the retired officers of the regular Army receive may have some foundation, and there is no man who will go further toward granting liberal pensions to soldiers in any of our wars than I. But I repeat, what are the facts in this case? Here is an officer in the regular Army entitled to a claim upon the Government had he continued in the service; a regular appointee of the Government who voluntarily enters the walks of civil life. Now upon what ground are we asked to restore him? The only ground that is alleged for the restoration is the fact which we all admit of his distinguished services. It is not based on any other ground. It is not one of the cases which are sometimes brought before us where our whole sympathies are enlisted; where the man is in poverty and distress, or where we find the widow of a soldier is in suffering and want. No, Mr. Chairman; no such reason appears. But simply because of his distinguished services, or because of the suggestion of some other facts which go to show that he was not justly dealt with, we are asked to retire him at $4,000 per annum, a sum more than four times as great as we now pay to the poor soldier who has lost both his eyes in his country's service and is compelled to wander up and down the earth in total darkness.

Mr. ROSECRANS. I want to ask my young friend from Indiana [Mr. STOCKSLAGER] one question. Does he think it is to the discredit of an officer of the Army that he has enterprise and energy enough to try to earn his living when the time has come that active service is not demanded? Ought that to be brought up against him to his disadvantage? Ought it not to be to his credit?

Mr. STOCKSLAGER. It is not at all to his discredit, but it may be greatly to his credit. Still, when he voluntarily relinquished all the claims he had on the Government as an Army officer and voluntarily entered the walks of civil life, presumably that he might make more money or gain greater fame, I do not think he has any claim on the Government. If he was disabled in the war, if he was entitled to a pension, as my distinguished friend from Indiana [Mr. BROWNE] thinks he was, I would vote for that with great cheerfulness, if he came under the pension laws and was entitled to a pension.

Mr. ROSECRANS. I will say to my young friend from Indiana I had a particular reason for asking him the question I did. I did not resign from the Army because I expected to make more money. But I retired into private life honestly intending to earn my living instead of sticking to the Government and getting my living out of the Government. And I had some solicitude to know whether a young and intelligent and conscientious man like the gentleman from Indiana would look upon that as being to my discredit.

Mr. STOCKSLAGER. Not at all. If the gentleman from California had listened to me he would have heard me say it was not to his discredit, but was perhaps greatly to his credit. No man has a greater regard for my friend from California and for the commendable course pursued by him than I have. But as the gentleman has placed himself in the same category, let me say that the principle involved is precisely the same as if it was proposed to put my distinguished friend on the retired-list to-day. I do not believe he would ask it or have his friends ask it. Yet it is the same principle which is involved, the only difference being that General ROSECRANS, and also my gallant friend from New York, General SLOCUM, who stands in the same category, were perhaps both more distinguished officers in the service than General Pleasonton, and yet neither of these gentlemen, I believe, would permit his friends to ask what is asked here. But be that as it may, I object to this upon principle.

I will not yield to any gentleman in his encomiums of General Pleasonton and his gallant services. That is not what I am objecting to. I am objecting to the principle involved in this case of taking men from civil life and quartering them on the Government. We have bills pending before every appropriate committee in this House to-day proposing to take men from civil life and put them on the pension-list or the retired-list of the Army. I am unalterably opposed to that; and I hope gentlemen on this side of the House especially will set their face as a flint against it. The only precedents we have in this country for placing men on the civil pension-list have been established by the other side of the House. Never has such a precedent been established by the Democratic party, and I hope my friends on this side will never vote for anything of the kind.

Mr. MILLIKEN. Will the gentleman allow me to ask him a question?

Mr. STOCKSLAGER. Certainly.

Mr. MILLIKEN. If the view of the case stated by the gentleman from Indiana is to obtain, will it not be a discouragement for the officers of the Army to enter into civil life to obtain their own living? And as has been suggested by my friend from California [Mr. ROSECRANS], will it not be an encouragement for them to still retain their position in the Army and live at the expense of the Government?

Mr. STOCKSLAGER. I do not know whether it will or not; neither do I care. I shall not violate what I believe to be a true principle of legislation and a true position for our Government to take, whether it encourages or discourages men to leave the Army and give up their retired pay voluntarily. I say it does not make any difference to me whether they do or not. I think the principle is wrong, and the sooner we set our foot down squarely upon it so it shall go no further, the better, I take it, it will be for the people of the whole country.

Did I wish to detain the committee I might go on and enumerate all the instances we have in the history of the Government from its foundation to the present day where men have been taken from the walks of civil life and pensioned on the Government. The first case was in 1869; and in the last Congress we had three or four classes added to the civil pension-list of the country.

Mr. STEELE. Will my colleague permit me to ask him a question?

Mr. STOCKSLAGER. Yes, sir.

Mr. STEELE. If we should pass this bill sanctioning the principle that officers of the Army after retiring into civil life may come back in ten or twelve years afterwards and be received in an advance grade, would it not encourage every officer of the Army to resign to-day expecting to be dealt with as this bill proposes to deal with General Pleasonton?

Mr. STOCKSLAGER. I think so; and that is a very good answer to the gentleman from Maine [Mr. MILLIKEN]. I refer the question to him, but not to answer it in my time.

Mr. MILLIKEN. I can not answer the gentleman's question in my time, for I have not any time of my own.

Mr. STOCKSLAGER. I have said about all I intended to say on this subject. I want simply to emphasize my position on this whole system of placing officers on the retired-list of the Army. It is not because of opposition to the man or to the officer. I do not care whether it be Grant or Sherman or Slocum or Rosecrans or McClellan or any man who distinguished himself during the last war or in any preceding war, I will stand here and oppose any such thing. So long as I have a place on this floor I will not consent that any measure of this kind shall pass without emphasizing it with my opposition.

After yielding to the gentleman from Tennessee [Mr. MCMILLIN] such time as he may desire I will reserve the remainder of my time.

Mr. MCMILLIN. I want only five minutes.

Mr. STOCKSLAGER. I will yield five minutes to the gentleman.

Mr. MCMILLIN. Mr. Chairman, I concur heartily in what has been said by my friend from Indiana [Mr. STOCKSLAGER] concerning the propriety of the passage of this bill. If members who have been here for a number of terms will look back over the record they will see that it has been the persistent course of Congress not to increase the retired-list of the Army more than can be avoided, and never to encroach upon civil life to get persons to go upon it.

Let me call the attention of members of the House to the action of the Forty-sixth Congress and of the Forty-seventh Congress upon this subject, the former Democratic and the latter Republican. There is a distinguished citizen of the United States who held the chief position in its Army and who held the Chief Magistracy of the Republic for two terms. He left the Army in order to become a civilian, after the late war, having been educated at West Point. He came here and asked both of those Congresses to put him back into the Army in order that he might be placed on the retired-list. Has it been done? No. Even his distinguished services were not sufficient to cause Congress to turn back the strong and proper tide running in the direction of keeping civilians from applying for places on the retired-list.

Was this retired-list in existence when these officers entered the Military Academy? If I remember correctly the history of legislation on that subject, I answer no. What is its condition to-day? Since this discussion began I have collated the number of officers who were on the retired-list of the Army in July, 1883. While many have since been placed on it, I find that it then included six major-generals, twenty-three brigadier-generals, eighty-two colonels, twenty-nine lieutenant-colonels, fifty-five majors, one hundred and thirty-two captains, seventy-six first-lieutenants, thirteen second-lieutenants, and twelve chaplains. According to the legislation of Congress the time comes in the history of a man's life when he is too old to pray properly for the soldiers, and we have a retired-list for chaplains as well.

I insist that we shall adhere to proper precedents. Where is this thing to stop? You start a rivulet to-day, and twenty years hence it will be the Mississippi. How many are there on this floor who could go on the retired-list with the same or even with more propriety? My distinguished friend from California (Mr. ROSECRANS), whose services are known of all men; my friend from New York (Mr. SLOCUM), distinguished, and justly distinguished—but I need not take up the time of the committee in naming others. I know not what others may do, but I shall vote against this bill. I know how hard it is to resist

measures which appeal to sympathy. I know, too, how magnificently charitable we often are when using the funds of others.

Many men have gone into private life who graduated at West Point. Some of them are in this Hall, some in the Senate. If we start the tide to-day, no man can tell when it will stop, or who can turn it back, or where the line can be drawn. Let us draw the line here and now. What is action to-day will be precedent to-morrow, and will be uniformly followed the next day. Precedents are dangerous. Let us not establish this evil one now.

Mr. BELFORD. I remember very well when during the last Congress the distinguished economist from Tennessee [Mr. MCMILLIN] desired to reduce the salaries of the members of this House. He thought they ought to be anywhere between $3,000 and $4,000 a year. Men who can earn more than the amount that is given to us by law are generally broad and liberal. The peanut, cheese-paring statesmen come from Indiana and from Tennessee. [Laughter.]

We have had in the history of this world fifteen decisive battles that have controlled the current of civilization. We had one in this country during the last conflict that was decisive of the whole controversy; that was the battle of Gettysburg. And I think to-day the loyal, educated, and intelligent people of the South thank God that the North won in that battle; that this is one country, majestic in its honor, immeasurable in its power, and almost infinite in its resources.

In almost every battle of note in the history of our war General Pleasonton used his sword to make this nation one, undivided, and forever inseparable. I would vote to give him a pension for life as cheerfully as I would vote to give General ROSECRANS, that honorable and magnificent soldier, a bounty during his life.

Gentlemen, let us be generous, not only with regard to the soldiers who led the Union army, but I will say—and probably the press will condemn me for it—the soldiers possibly who led the Southern army. This is our whole country. We are united to-day. We are all one, and not two.

When we come to put General Pleasonton on the retired-list and give him a reasonable compensation for the valuable services he has rendered the country, do not let us put ourselves into any partisan attitude. Let us reward those at least who have struggled year after year to save our country. Let us reward those who have enabled us on both sides of this House, without regard to the late unpleasantness, to enjoy the privileges of the Constitution. Let us blend the red rose of the South with the white rose of the North. Let us unite forever and forever the families of York and of Lancaster, and make this the grandest republic that has appeared in the annals of time.

Mr. MORGAN. Mr. Chairman, the gentleman from Indiana [Mr. STOCKSLAGER] says that the principle involved in this bill is a vicious one. What is that principle? It is that where a soldier is worn out in the service of his country, disabled by wounds received or disease incurred in the line of duty, and unable to provide for himself, the Government shall then take care of him and not leave him to the cold charity of the world. That is the principle asserted in this bill. It has nothing whatever to do with the creation of a civil pension-list. The bill proposes to allow Col. Alfred Pleasonton to be appointed by the President to the Army from which he resigned after the war was over and placed upon the retired-list. It is in evidence before the committee that he is an old man, sick, and in broken health, and destitute of the common necessities of life. Surely, under such conditions, an able and patriotic soldier, who has devoted his best years to the military service and who has won distinction upon many hard-fought battlefields, is entitled to favorable consideration at the hands of his country.

The gentleman from Tennessee [Mr. MCMILLIN] wants to know where this thing shall stop. I hope it never will stop. I trust that as long as we have a government it will not fail to provide for an old and disabled soldier who has worn himself out in its service, and who is by reason of infirmities incident to age or disabilities incurred in the discharge of his duty unable longer to provide for himself.

The gentleman refers to the case of General Grant. I will say this: if General Grant should ever come before the American Congress asking to be placed on the retired-list of the Army because he is unable to take care of himself this Government would be disgraced if it refused to promptly comply with such a request. [Applause.] I for one shall be ready to vote, when that time comes, to place him on the retired-list. But his case at present is an entirely different one, as are those of the gentleman from California [Mr. ROSECRANS] and the gentleman from New York [Mr. SLOCUM]. Admitting their distinguished service, they are amply able to provide for themselves, and do not require the assistance of the Government.

The principle upon which this bill rests is as old as the Government itself. You can not organize a respectable army of good material unless you make it the policy of the Government that when your soldiers are worn out, disabled by wounds or disease—when the infirmities of age come upon them, as in the case of Alfred Pleasonton; when they are suffering from impaired health incident to the hardships of their military life; when they are unable longer to take care of themselves—the Government shall step in and provide for them. That is the policy of the Government; and it is a just one.

The only question remaining is whether Alfred Pleasonton by resigning his commission in the Army has placed himself beyond the reach of this wise and humane policy. I think not. I think it was entirely to his credit that he retired from the Army. Whether he resigned to enter the civil service or to engage in business pursuits in a time of peace, it was a commendable act.

We find here a man who has served his country for a quarter of a century, who is now infirm, suffering from disease contracted in the military service, unable to provide for himself; and I say, considering his great services, especially in the last war, it would be a disgrace to the American Congress to refuse to pass this bill and provide for his declining years.

Mr. WARNER, of Ohio. Mr. Chairman, this bill must rest upon one of three grounds: need, or disability incurred in the service, or reward for services. If it is placed on the ground stated by the gentleman last on the floor [Mr. MORGAN], which is that General Pleasonton is not able to take care of himself, it comes before us as a case of need—the case of a distinguished officer unable to provide for himself. Placed upon that ground, it is a case of charity and nothing else.

If this claim rests upon the ground of disability incurred by General Pleasonton in the service in the line of duty, then it rests upon a ground that we can consider.

Mr. ROSECRANS. I wish to say to my friend from Ohio that the bill rests upon both those grounds.

Mr. WARNER, of Ohio. If General Pleasonton has sustained disability in the military service by wound or otherwise, then undoubtedly he is entitled, under existing laws, to compensation for that disability.

Mr. MCMILLIN. But the report does not say that he is suffering from disability of that kind.

Mr. WARNER, of Ohio. If he has been in any way disabled in the military service, then I say he is entitled to compensation for that disability. And I maintain that pensions proper have no other ground upon which they can be supported for a moment. There is no ground for a pension but disability incurred in the line of duty in the military service. No government in the world but ours has ever pensioned persons who have been in the military service upon any other ground than disability, and in only two instances has our Government departed from this principle, and these I hold to be bad precedents.

If this claim rests upon the third ground, that of a reward for meritorious and distinguished services, that is another thing. I could support a claim on that basis if I were satisfied that the claim had such exceptional merit as to justify us in voting for it upon that ground. And it is true that General Pleasonton has performed meritorious and distinguished services. I very cheerfully and gladly give him credit for brave and gallant services during the late war. But others—hundreds and thousands of others—performed meritorious and gallant services for which they must be content with the compensation which the Government by law has provided. Beyond that they must look for their reward in other directions, and I believe the highest reward General Pleasonton can hope for is the place he has made for himself in history, of which he and his country may well be proud.

But that is one thing, and it is quite another to come here and ask to be singled out, and especially rewarded in money for distinguished services, when there are hundreds and thousands who can lay claim to rewards on the same grounds, to say nothing of disabilities they have sustained besides. These others, I say, must all be content with what the law has provided as the money consideration for such services. What was this compensation in the case of General Pleasonton? First, his pay as an officer in the regular Army during all the time he served in that capacity, and then his pay as major-general of volunteers during a number of years; and had he remained in the regular Army he would have been entitled when he reached the prescribed age to go on the retired-list. Now, it may be a little hard that General Pleasonton's act of resignation should deprive him of his right to go upon the retired-list, but no harder in his than in some other cases, and it was his own act. It was his choice; and it seems to me when he makes the choice himself he must be concluded by it, although subsequently he may wish to reconsider, and if possible to reverse his previous action.

Now, Mr. Chairman, to single out General Pleasonton from all other claimants for bounty, and by an act *ex gratia speciali* rewarding him alone, we thereby set not only a bad precedent, but do injustice to others by making this distinction.

Mr. MAGINNIS. Will the gentleman from Ohio permit me to ask him a question?

Mr. WARNER, of Ohio. Certainly.

Mr. MAGINNIS. How many are there whose cases are like that of General Pleasonton?

Mr. WARNER, of Ohio. Perhaps not many exactly like it, but many who would make this case a precedent for claims for services for which they had not been adequately compensated. Such claims are constantly coming here on every conceivable plea, and by passing this bill we will not only establish a bad precedent, but we are undertaking to do what I think ought not to be done.

Mr. MAGINNIS. How many are there who stand in the same relation with General Pleasonton?

Mr. WARNER, of Ohio. I do not know. I could not name them now.

Mr. MAGINNIS. You can not name half a dozen.

Mr. WARNER, of Ohio. Wherein does his case differ from that of many others?

Mr. ROSECRANS. It is because they have not the record of General Pleasonton.

Mr. WARNER, of Ohio. I think there are many who stand in a position to ask us with as much show of right to be placed on the retired-list as General Pleasonton; not perhaps with the same rank, but as colonels, majors, captains, or lieutenants. There are now before committees bills asking the House to open the door so as to admit all volunteer officers who were discharged on account of wounds to the retired-list. They ask to be taken from the pension-roll and put on the retired-list, and on the same footing with officers of the regular Army. They claim it not only for meritorious services, but for wounds also. There is, in my judgment, as much merit in the one case as in the other. In the regular service it is true the law provides for the retirement of officers after a given length of service. It may be held that those serving in the regular Army serve under a contract with the Government under which they are entitled to a certain amount of pay a year as salary, and after a specified number of years or when they reach a given age that they may go onto the retired-list at another given rate of pay, and that the whole constitutes their life-pay as officers of the Army.

I concede to the gentleman from Montana [Mr. MAGINNIS] the correctness of his position, that there is the difference he makes under the law between the regular Army and volunteers. But we are not acting here under that law. General Pleasonton chose himself to take another position, and he voluntarily placed himself in the category of those who had served as volunteers in the Army. He now comes here and asks compensation for gallant and distinguished services, not under the law under which he might have gone onto the retired-list, but outside of that law. And I repeat that if special reward is given to him in this way, there are thousands who served in the war with him who may come here on the same plea and say they too had not been adequately compensated for the services they had rendered their country in time of need. And that might all be true; but we can not go back over all the years of the war and single out individual cases, and undertake to readjust the inequalities and right the wrongs that war produces. And we ought not, in my judgment, to single out one case to the exclusion of others.

The retired-list of the Army I think is already too large. Officers of the Army are permitted to go upon it at too early an age. It has grown to be too large, and I do not think it safe to open the door still wider and permit those to go upon it not entitled under the law to go there. I should much rather myself vote to more rigidly limit and restrict the retired-list and the conditions under which officers can get there than to enlarge the roll already so overgrown.

Mr. MAGINNIS. Before the gentleman takes his seat I wish to ask him a question.

Mr. WARNER, of Ohio. I will yield to the gentleman.

Mr. MAGINNIS. I do not desire to go into any personal argument, but in view of the fact stated by my friend from Tennessee [Mr. MCMILLIN] that the Forty-sixth Congress refused to put General Grant on the retired-list, I wish to ask the gentleman from Ohio whether he and others on this side did not vote to place General Shields upon the retired-list, who never had been any other than a volunteer officer.

Mr. WARNER, of Ohio. I was not in Congress when that question was up.

Mr. MAGINNIS. I will tell the gentleman this, that a Democratic Congress by a large majority voted to put General Shields upon the retired-list.

Mr. WARNER, of Ohio. Let me say a word further. If in some other way the distinguished services of General Pleasonton could be recognized and fully rewarded I should be glad to favor it, but I am opposed to establishing this precedent, the effect of which or the tendency of which will be to open the retired-list as a reward or place of reward for meritorious services, and to such a list there would be no end. We must not confound service and disability. It is not safe to go outside of the law to compensate services. It is opening too wide a door to do that, and I believe we should restrict pensions to disability incurred in the service in the line of duty. Service and disability are separate and distinct grounds for claims. Pay for service is not a pension. Pension is compensation for disability, and ought not to be granted as reward for services.

Mr. CUTCHEON. I rise, Mr. Chairman, for the purpose of offering an amendment to this bill.

I move to strike out, in lines 11 and 12, the words "brigadier-general" and insert in lieu thereof the word "colonel."

This will give to General Pleasonton the same rank and grade that he would be now entitled to hold if he had remained in the service of the country up to the present time. It does away with the objection of some gentlemen upon the floor that General Pleasonton is to gain by having retired from the service and gone into private life.

The CHAIRMAN. In order that there may be no misapprehension, the Chair will state to the gentleman from Michigan that the words "brigadier-general" do not appear in the bill. There is such an amendment proposed by the Committee on Military Affairs.

Mr. CUTCHEON. Then I offer the amendment I have suggested as an amendment to the one proposed by the committee.

It seems to me, sir, that the objection to retiring General Pleasonton with the rank of brigadier-general is a well-founded objection, for the reason that if he had continued in the service of the country until now, as appears from the Army Register, he would not have reached that grade.

The simple question before us to consider, then, as presented by this bill, is whether or not the fact that an officer has retired from the military service voluntarily, has for a term of years attempted to gain a livelihood by civil pursuits, shall debar him utterly and completely from future recognition? It seems to me that just here we ought to make a discrimination between officers of the regular military establishment and officers of the volunteer army. The officer of volunteers goes to the succor of his country in a great emergency. He understands that the employment for which his services are needed is to be but a temporary one, and that when the few months or years for which he enlisted shall pass he is again to return to the pursuits of civil life. On the contrary, the officer of the regular Army who enters the service of the country from the Military Academy enters it with the distinct understanding that he enters upon a life duty. He not only has spent years in preparing, equipping himself for the service, but by his very preparation and by his subsequent military life he utterly unfits himself for any kind of private pursuits or walks in life which might otherwise be open to him. This is a fact that is well recognized. I believe it is a fact of almost universal observation and recognition that those who have served in the regular Army in any grade for a term of years never thereafter succeed in the pursuits of civil life.

General Pleasonton graduated from the Military Academy in 1844. He continued in the service of his country from that time throughout the terrible struggle of our civil war, and when the piping times of peace again returned, when he found his services as an officer were no longer actually required by the country, he desired to be no longer a burden upon the country or a burden upon the pay-rolls, and made an honest effort in the pursuits of civil life to gain his own livelihood. But by a service of twenty-four years, after a quarter of a century of service in the military establishment, he had disqualified himself to a great extent for success in business pursuits. His efforts in that direction failed.

The simple question before us is, shall this gallant officer, because nobody disputes his gallantry—shall this distinguished officer, for nobody controverts his title to distinction—shall this man, who bore his full part according to his great ability in the military grade for the support and sustenance of his country, be in a worse situation because he voluntarily for a time attempted to assume his own support than if he had remained in the service of the country during all these years and drawn his salary from the Treasury of the Government?

For myself I desire to say, Mr. Chairman, that I am prepared to take the responsibility of voting for this bill as amended in the manner I propose. I am not afraid of that vote. I am not afraid for one to single out this case, if need be (this is the first case we have reached)—I am not afraid to single this out and put this distinguished officer back on the rolls, doing thereby an act of simple justice to him; and then when we reach the next bill to consider that also on its merits.

Now, Mr. Chairman, a single word as to the question of national policy. No nation of this world has ever succeeded in existing for any considerable length of time, in maintaining its rank among the nations of the earth, that did not have and maintain a regularly equipped military establishment. I presume that until the millennium comes it will be necessary for the nations of the world to maintain standing armies. I apprehend that that time is not yet, and that it never will come when this nation will be without the need of a regular army. Then, as a matter of public policy, as a matter of national justice, when we invite bright young men to enter the Military Academy, to step from thence into the ranks of the Army to serve their entire lives in the service of their country, shall we give them to understand that in that service, after twenty-five years, they shall return to the walks of civil life and be of interest to the Government no further? General Pleasonton, with his distinguished services in his young and ripe manhood, returned voluntarily to the walks of civil life. Shall he thereby be debarred for that reason from the fostering care and protection of the Government that he served so long, served so well, and served with so much distinction? For my part, Mr. Chairman, I am ready now to vote for this bill with the insertion of the amendment I have suggested.

Mr. STEELE. I only wish to make one or two remarks. In the first place, I desire to send up a proviso or amendment to the bill, in order that it may be pending.

It is said that this man did not make any money during the war. How many men in this country are suffering from total disability incurred during the war and are utterly unable to take care of themselves to-day? Talk about the understanding! If any man in proposing to enter the Army had understood he was to have both legs or both arms shot off do you suppose he would have gone?

I move to strike out the enacting clause of the bill. If that motion is not now in order, I desire that the amendment which I send to the desk be considered as pending. I move that the committee rise and

report the bill with the recommendation that the enacting clause be stricken out.

Mr. BAYNE. I make the point of order that the motions to rise and to strike out the enacting clause can not be made as one motion.

Mr. STEELE. Then I move to strike out the enacting clause.

Mr. BAYNE. I submit that that motion can not be entertained until the bill is before the committee for consideration under the five-minute rule. We are now engaged in the general debate. If the gentleman from Indiana will have patience I propose to move that the committee rise for the purpose of obtaining an order from the House to limit general debate.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Pennsylvania. When the first section of the bill is reached the motion to strike out the enacting clause will be in order.

Mr. BAYNE. I move that the committee rise, my object being to obtain an order from the House to limit debate.

The CHAIRMAN. The question is on the motion that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House had had under consideration the bill (H. R. 1101) authorizing the President to appoint and retire Alfred Pleasonton a major-general, and had come to no resolution thereon.

Mr. BAYNE. I move that the House resolve itself into Committee of the Whole House for the consideration of the Private Calendar. Pending that motion I move that all general debate on the pending bill be limited to ten minutes.

Mr. STEELE. I would like to know if it is in order now to move to strike out the enacting clause of the bill?

The SPEAKER. The bill is not now in the House. It is in Committee of the Whole.

The question being taken on the motion of Mr. BAYNE to limit general debate to ten minutes, it was agreed to.

The motion that the House resolve itself into Committee of the Whole House was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House, in Committee of the Whole, resumes consideration of the bill (H. R. 1101) authorizing the President to appoint and retire Alfred Pleasonton a major-general. By order of the House all general debate on the bill is limited to ten minutes.

Mr. WHITE, of Kentucky. This is a bill to give a salary of about $4,000 to a man who is confessedly a failure as a business man. The gentleman having this bill in charge states that this gentleman, gallant officer as he was during the war, has no business qualifications. Now, sir, if that be true, that the gentleman has no business qualifications, it seems to me that the distinguished gentleman from California [Mr. ROSECRANS], with his West Point associations and kindly relations to this gentleman whose bill we are now considering, ought to revolve this question in his mind, whether the argument he makes in favor of General Pleasonton does not lie against an appropriation when the appropriation bill for the Military Academy at West Point comes up? A man who has been educated at the nation's expense, who has rendered distinguished service in time of war, and a few years ago was the Commissioner of Internal Revenue, in control of that department which collects immense sums of money from the people to defray the expenses of this nation—to tell us that we must put such a man on the retired-list four files beyond the position which he held when he retired from the service on his motion—that we must give that man, not as a common pensioner, but on account of distinguished service—that we must give that man who has no business qualifications $4,000 a year as a retired officer—I desire to say I do not believe that the people of this country will sanction any such action, whether we do it under an impulse of generosity or whether we do it, as was done a few weeks ago, by correcting the record of men during the late war. A few weeks ago we undertook to set right General Fitz-John Porter, to give him honor, to give him rank that by his traitorous conduct he was not entitled to, and which will in a short while, perhaps in the next session of Congress if not in this, be made to entitle him to back pay of nearly $400,000.

Now the Democratic side of the House, controlled by a majority of ex-confederates in the late war, proposes to rectify the mistakes and shortcomings during the late war; and this bill is reported by a committee of the Democratic House controlled as I have said.

Mr. KING. The majority of Democrats in this House are from the North.

Mr. WHITE, of Kentucky. I stand I think on the record when I say, although that is a digression, that the majority of the Democratic side of this House were not only sympathizers but active participants on the wrong side in the late unpleasantness.

Mr. KING. You are mistaken. The majority of Democrats in this House are from the North; and the majority of the men who fought on the Northern side during the war were Democrats, led by Grant, who was a Democrat; by Sherman, who, I understand, was a Democrat; by McClellan, who was a Democrat; by Logan, who was a Democrat.

Mr. WHITE, of Kentucky. If it is not true that the majority of the Democratic side are ex-confederates, the numbers of that side are swelled by the deserters from the Republican side.

The distinguished gentleman from California says that he has reason to know some of the causes of Pleasonton's not being duly promoted. He did not tell us what those causes were. Perhaps in some future Congress a bill will be introduced here to give the gentleman from California rank four files in advance of that to which he was entitled in the late war, because some one who may then perchance be on the floor will know of some of the causes why he was not properly promoted during the late war.

It is another instance of West Point jealousy, and the associations which gather around West Point, and make these men feel a lovely interest in each others bills when they come before Congress. But those of us who represent the rural districts, who live in remote localities, can only look at this matter as we do at others. Is it right, I say, when you come to square it with the records of the poor private soldiers, who have lost limbs, who have lost sight, who have lost health in the service of their country, who have been poor all their lives, who were poor before the war, who left their families on sufferance during the war and who have been almost paupers since the war—when you propose to take this distinguished man and give him $4,000 a year while there are hundreds and thousands of that nobler and better class—though not quite so distinguished—and more patriotic class who are getting nothing for their services?

The gentleman from California [Mr. ROSECRANS] says he proposes to place a mark of distinction on Alfred Pleasonton. I desire to say that if the record made by Alfred Pleasonton during the late war does not place a mark of distinction upon him, it does not lie in the power of any man on that side of the House, or in the power of the whole majority on that side, or the majority of the whole House, to place a mark of distinction upon him at this late day.

Of his own free motion he retired from the Army to take his place among the rest of us in civil life and to battle for a living among the people of this nation. In that the gentleman from California says he has proved a failure, that he has no business qualifications. I say, if these things be true we ought to give him a pension, but we ought not to pass this bill.

The CHAIRMAN. By order of the House all general debate upon the bill is closed. The bill will now be read for amendment under the five-minute rule.

The Clerk read the bill, as follows:

Be it enacted, &c., That the laws regulating appointments in the Army be, and they are hereby, suspended, and suspended only for the purposes of this act; and the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint Alfred Pleasonton, of New York, late a major-general of volunteers in the Army of the United States, brevet major-general in the Army of the United States, and thereupon to place him, the said Alfred Pleasonton, upon the retired-list of the Army as such major-general, without regard and in addition to the number now authorized by law of said retired-list.

The amendment from the Committee on Military Affairs was to strike out, in line 11, the words "such major-general" and to insert in lieu thereof the words "a brigadier-general."

Mr. STEELE. I ask now to have read the proviso which I indicated a purpose to offer, in order that it may be considered as pending.

Mr. BAYNE. I understand that the gentleman from Michigan [Mr. CUTCHEON] moved an amendment to the amendment of the Committee on Military Affairs.

The CHAIRMAN. The amendment to the amendment will be read.

The amendment of Mr. CUTCHEON was to strike out "brigadier-general" and to insert in lieu thereof the word "colonel."

Mr. STEELE. Is it in order now to have read the proviso which I desire to have pending?

Mr. BAYNE. It is not now in order.

The CHAIRMAN. There is already pending an amendment to the amendment.

Mr. STEELE. I ask to have my amendment read and considered as pending.

Mr. BAYNE. I object.

The CHAIRMAN. There are two amendments now pending.

Mr. STEELE. This is a proviso.

The CHAIRMAN. It is in the nature of an amendment. The Chair recognizes the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. Mr. Chairman, there is no government on the face of this earth that is as ungenerous, miserly, parsimonious, and stingy to the men who have defended it as this American Republic. Its conduct justifies the expression that "republics are ungrateful." When Wellington conducted his masterly campaign in Spain and afterward won the wondrous battle of Waterloo he was made a duke of England and invested with a magnificent estate. When Ney fought the gallant battles in Italy he was made marshal and enriched out of the funds of the French Empire. Yet here we are to-day standing in the corruscating blaze of national victories, with a Treasury plethoric with one hundred and fifty millions of surplus revenue, and refusing to do justice to a gallant soldier of the Republic. Can we not recognize his great services by some financial act? I hold that when a man has faithfully served his country we should treat him as the British Government

treats those in its service. When Wolseley went forth to Egypt, conquered that country, and came back, England made him a peer of the realm, just as it had made Wellington a duke at an earlier period. You may talk about the peerage of the immortals, but I do declare that in my judgment men who have served their country should be treated by us with the same respect and generosity with which they are treated in a monarchical government.

[Here the hammer fell.]

Mr. HANBACK. Mr. Chairman, I favor the amendment offered by the gentleman from Michigan [Mr. CUTCHEON], and shall with great pleasure vote for the bill as thus amended because of the gallant services of General Pleasonton. I believe that it is the duty of the country to take care of the men who preserved that country. I know as well as any man here knows—no better—the dependence of the rank and file on the men who led the legions of the Union in the late war. Consequently in my belief it is just and right that this man, who spent the best years of his life in the service of his country, should receive this recognition at the hands of the Government. I hope the amendment proposing to retire him with the rank of colonel will be accepted by the other side, as I know there are numbers on this side who will vote for it.

I see before me upon the other side of this House a man under whose guidance I marched and fought for many a day. We loved him as our leader; and of that grand Army of the Cumberland, scattered to-day all over the country, there is not one man whose heart does not glow and whose eye does not brighten at the mention of the name "Old Rosy." If ever the time should come to extend to him such a recognition as is now proposed in this bill for General Pleasonton, I should vote for it most willingly. I believe that General Pleasonton justly deserves from his country to be placed upon the retired-list with the rank of colonel.

Mr. JOSEPH D. TAYLOR. Does the gentleman advocate this proposition upon the ground that General Pleasonton held the rank and drew the pay of colonel at the time of his resignation?

Mr. HANBACK. No, sir; I advocate it with the understanding that he deserved that rank, and if he had remained in the service would have succeeded to it. More than that, he gave the best years of his life to the service of his country, and even if he would not have reached this rank, I am in favor of extending it to him so that he may be retired as a colonel.

Mr. STEELE. Would the gentleman be willing to put our soldiers, who gave more than their lives to their country, upon an equal footing with General Pleasonton?

Mr. HANBACK. I am for pensioning every soldier of the Union—every one of them according to his rank.

Mr. STEELE. Will the gentleman vote to put upon the retired-list as a brigadier-general every soldier suffering from total disability incurred in the line of duty during the late war?

Mr. HANBACK. Whenever the gentleman introduces a bill——

Mr. STEELE. I have offered such an amendment to this bill.

Mr. HANBACK. Whenever the gentleman introduces a bill to pension every soldier who bore honorable service for the country in the late war I will vote for it.

The CHAIRMAN. Debate is exhausted.

Mr. CUTCHEON. I move to amend by striking out the last clause of the bill: "without regard and in addition to the number now authorized by law of said retired-list."

The CHAIRMAN. There are two amendments pending. The gentleman himself has offered an amendment to the pending amendment.

Mr. BAYNE. I rise to oppose the amendment.

The CHAIRMAN. Debate is exhausted. Two speeches have been made.

Mr. BAYNE. I move as a substitute to strike out the last word.

Mr. HAMMOND. I rise to a parliamentary inquiry. Is not debate on the bill and amendments exhausted by limitation of time?

The CHAIRMAN. The Chair so holds.

Mr. HAMMOND. Then I raise the point of order that these formal amendments are out of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BAYNE. But a substitute is in order.

The CHAIRMAN. An informal amendment is not in order.

Mr. BAYNE. I offer my amendment as a substitute. I do it for the purpose of hastening a conclusion on this bill. I hope nobody will object.

Mr. HAMMOND. I insist on my point of order that debate is exhausted by limitation of time.

The CHAIRMAN. The Chair has so decided. There are two amendments pending. The Clerk will report the amendment of the gentleman from Michigan [Mr. CUTCHEON].

The Clerk read as follows:

Amend the amendment by striking out "brigadier-general," in the eleventh and twelfth lines, and inserting "colonel."

Mr. BAYNE. As I understand, the gentleman from Michigan withdraws that amendment.

Mr. CUTCHEON. I desire to withdraw it for the time being in order that the gentleman from Pennsylvania [Mr. BAYNE] may renew it.

Mr. BAYNE. I renew the amendment.

Mr. STEELE. Can that be done except by unanimous consent?

Mr. BAYNE. Oh, yes.

Mr. HAMMOND. I insist on my point of order.

The CHAIRMAN. The Chair decides that if the point be raised the amendment can not be withdrawn without unanimous consent.

Mr. BAYNE. Why, Mr. Chairman, the gentleman that proposes an amendment has the right to withdraw it; has he not?

Mr. STEELE. Not except by unanimous consent.

Mr. BAYNE. I think so.

The CHAIRMAN. The gentleman from Pennsylvania will have an opportunity in a moment.

Mr. BAYNE. The importance of what I wish to say comes in here.

The CHAIRMAN. The first question is on the amendment of the gentleman from Michigan [Mr. CUTCHEON] to the amendment proposed by the committee.

Mr. BAYNE. I wish to say that I hope all who are disposed to relieve General Pleasonton to the extent of that amendment will vote for it. In other words, I am admonished and advised by gentlemen——

Mr. STEELE. I call the gentleman from Pennsylvania to order.

Mr. BAYNE. I am advised and admonished by those who have an earnest and active sympathy for this man and who do not regard the snobbery of the Army in preference to doing justice to a gallant soldier of this country, who has earned more laurels than all those who are opposing him on this floor——

Mr. STEELE. I call the gentleman to order.

The CHAIRMAN. The gentleman from Pennsylvania will come to order.

Mr. BAYNE. I am in order. I am speaking to the amendment.

Mr. STEELE. I call the gentleman to order.

The CHAIRMAN. The Chair has already decided an amendment could not be withdrawn in Committee of the Whole House except by unanimous consent, and objection is made.

Mr. BAYNE. I wish merely to say that I want all friends of the bill to vote for the amendment to the amendment moved by the gentleman from Michigan [Mr. CUTCHEON]. [Laughter.]

The CHAIRMAN. The Chair will have the rule read. [Laughter.]

The Clerk read as follows:

RULE XXIII.

5. * * * Neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

Mr. BAYNE. I was in error about that. [Laughter.]

The CHAIRMAN. The question recurs on the amendment to the amendment moved by the gentleman from Michigan, which the Clerk will read.

The amendment to the amendment was read.

Mr. CUTCHEON. I hope I will have unanimous consent to state what the effect of the amendment will be.

Mr. STEELE. I call the gentleman to order.

The CHAIRMAN. The debate is not in order.

Mr. EATON. Has discussion on the amendment been exhausted?

The CHAIRMAN. It has.

Mr. EATON. Then I hope the amendment will pass.

The CHAIRMAN. Debate is exhausted. [Laughter.]

Mr. CUTCHEON'S amendment to the amendment was agreed to; and the amendment of the committee as amended was then adopted.

Mr. STEELE. I move to strike out the enacting clause of the bill.

Mr. BAYNE. I ask the gentleman to withdraw his motion until I can make an amendment to perfect the title. I wish to make it correspond to the amendment just adopted.

Mr. STEELE. Let us first vote on the motion to strike out the enacting clause; then if the enacting clause be not stricken out I will move a proviso to be added to the end of the bill. I demand tellers on the motion to strike out the enacting clause.

Tellers were ordered; and Mr. BAYNE and Mr. STEELE were appointed.

The committee divided; and the tellers reported—ayes 63, noes 102.

So the motion was rejected.

Mr. STEELE. I now move to add the following proviso.

The Clerk read as follows:

Provided, That all soldiers of the war for the suppression of the rebellion who are suffering total disability resulting from wounds received in the line of duty shall also be placed on the retired-list of the Army as brigadier-generals.

Mr. BAYNE. I make the point of order against that amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STEELE. I wish to speak to the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. STEELE. I can not see, Mr. Chairman, why it is not in order, if we can take a man from the civil list and give him two or three promotions who resigned from the Army in a perfectly healthy condition, so much so that he was appointed as Internal Revenue Commissioner in 1874 and 1875—[cries of "Order!"]—why is it not just as much in order to take also from the civil list men who have lost arms and legs and put them on an equal footing with him?

Mr. BAYNE. I call the gentleman to order.

Mr. STEELE. What is it?

Mr. BAYNE. The gentleman is not speaking to his point of order.

The CHAIRMAN. The Chair sustains the point of order raised by the gentleman from Pensylvania, and he also sustains the point of order against the amendment that it changes the entire object of the bill in favor of a private individual to a general bill referring to a class.

Mr. BAYNE. I move now that the title of the bill be amended so as to correspond to the amendment which has already been adopted.

Mr. STEELE. Would it be in order to have my gallant friend from Iowa [Mr. HENDERSON] who sits here, and who lost a leg in battle, included under the provisions of this bill?

The CHAIRMAN. The gentleman is not in order, as the gentleman from Pennsylvania is on the floor proposing an amendment.

Mr. BAYNE. I move that the title of the bill be amended by striking out the words "major-general" and inserting the word "colonel."

Mr. STEELE. I insist upon my parlimentary inquiry. I ask whether it would be in order.

The CHAIRMAN. The gentleman from Indiana will be answered in due time. The Chair will now state to him that he can not take the gentleman from Pennsylvania off the floor for that sort of a suggestion. The gentleman from Pennsylvania has the floor.

Mr. BAYNE. I move that the words "major-general" be stricken from the title and that the word "colonel" be substitued, so as to conform to the action of the committee.

The CHAIRMAN. The committee will rise to receive a message from the Senate.

MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker having taken the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House was requested, namely:

A bill (S. 1199) to amend an act entitled "An act to amend an act entitled 'An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1878, and for other purposes,' approved June 20, 1878."

GENERAL ALFRED PLEASONTON.

The Committee of the Whole resumed its session.

The CHAIRMAN. The gentleman from Pennsylvania submits a motion to correct the title.

Mr. BAYNE. I move that the words "major-general" be stricken out from the title of the bill and the word "colonel" be substituted.

The motion was agreed to.

Mr. BAYNE. I move that the bill be laid aside and reported favorably to the House with the amendments.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill on the Calendar.

Mr. STEELE. Mr. Chairman, was there not a motion that the committee rise? I understood the gentleman from Pennsylvania to move that the committee rise and report the bill to the House.

The CHAIRMAN. The motion of the gentleman from Pennsylvania was that the bill be laid aside to be reported favorably to the House.

Mr. STEELE. Undoubtedly the gentleman meant that, but I understood him to move that the committee rise for that purpose.

Mr. BAYNE. I did not make that motion.

LOUISA BODDY.

The next business on the Private Calendar was the bill (H. R. 1292) for the relief of Mrs. Louisa Boddy, of Oregon.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Louisa Boddy, of —— County, State of Oregon, the sum of $6,180, in full settlement of her claim against the Government for depredations committed and property taken and destroyed by the Modoc Indians on or about November 29, 1872.

The committee recommend the following amendment: In lines 6 and 7 strike out the words "$6,180" and insert in lieu thereof "$5,400."

Mr. HOLMAN. I think the report should be read.

The Clerk proceeded to read the report.

Mr. HOLMAN. Before that I would like to inquire whether these reports are printed? I have sent to the document-room and find it is not to be had.

The CHAIRMAN. The Chair is informed that the report is printed. Every report is printed under the rules of the House.

Mr. HOLMAN. I think it very important that gentlemen should obtain the reports on which they are called to act. I sent a few moments ago to the document-room, but could find none there.

The CHAIRMAN. The Chair will state that under the rules every one of these reports is sent by mail to members.

Mr. HOLMAN. But still there are reports found in the document-room subject to the call of members of the House.

The CHAIRMAN. The Chair is informed that they are held in the document-room as a part of the files of the House, and not for distribution.

The Clerk will resume the reading of the report.

The Clerk resumed and concluded the reading of the report. It is as follows:

This claim, as herein reported, was before the Senate Committee on Indian Affairs at the first session of the Forty-seventh Congress, and by them thoroughly examined and reported with the unanimous recommendation that it pass. It was also before the House Committee on Indian Affairs of the last Congress, considered in the same manner, and unanimously reported with a favorable recommendation. This bill also passed the Senate during said session, but it did not reach a vote in the House. This committee has had before it, in addition to the former papers and evidence presented, lengthy petitions from the settlers residing in the vicinity of Lost River, in the State of Oregon, petitioning Congress for the passage of this bill. Said petition is signed by many leading citizens of that State.

This case appears to be one of peculiar hardship, requiring special consideration from Congress. It differs from the vast body of claims growing out of Indian depredations. Mainly through negligence and carelessness manifested by the military and other authorities of the United States at the time of this outbreak Mrs. Boddy was caused to suffer the loss of her husband, two sons, and a son-in-law, and the most of her property, and was driven into the woods and mountains, and subjected to great physical suffering. Her claim has been approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and reported to Congress with a favorable recommendation for an appropriation. The facts were fully detailed in a report made by Hon. Mr. Deering, of Iowa, from the House Committee on Indian Affairs, in the Forty-seventh Congress.

Your committee, after carefully investigating the evidence presented, have found it as stated in said report, and recommend that the bill be amended by striking out the following words: "Six thousand one hundred and eighty dollars" and inserting in lieu thereof the words "five thousand and four hundred dollars," so that the amount will conform to the finding of the Interior Department, and as amended recommend the passage of the bill.

The former House report is as follows:

[House Report No. 1896, Forty-seventh Congress, second session.]

Mr. Deering, from the Committee on Indian Affairs, submitted the following report to accompany bill H. R. 5131:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 5131) for the relief of Mrs. Louisa Boddy, of Oregon, have had the same under consideration, and submit the following report:

This claim was before the Committee on Indian Affairs of the Senate at the first session of the Forty-seventh Congress, who, after examining thoroughly, reported the same back with unanimous recommendation that it pass.

Your committee, after carefully investigating and examining the facts and evidence presented, have found them as stated in the Senate report No. 650, have adopted said report, and recommend the passage of the bill. The Senate report is as follows:

It appears by the petition of Mrs. Louisa Boddy that her husband, together with a son-in-law and one grown son, became settlers upon the public lands of the United States, in the valley of Lost River, in Lake County, Oregon, some four months prior to the commencement of the late Modoc Indian war, which said war began November 29, 1872, and terminated in June, 1873. Long prior to said settlement the Indian title to said lands had been extinguished by a treaty with the Klamath, Modoc, and other Indians, which said treaty was signed October 14, 1864, and ratified by the United States Senate July 2, 1866. Said lands were afterward surveyed by the United States and opened to settlement in 1869.

On the 6th of August, 1872, the Boddy family, consisting of the husband of the petitioner, her son-in-law Nicholas Schira, and wife, who was the daughter of the petitioner, and her two sons, one a minor, made settlement on said lands.

On the 29th of November, 1872, the Government undertook, with an inadequate military force, consisting of James Jackson, First United States Cavalry, and thirty-five men, to remove by force the Modoc Indians from said public lands, where they had been roaming contrary to the injunctions of the Indian agent having charge of them, to the Klamath reservation. Such an insignificant force could not and did not have any effect to intimidate these Indians. The result was that Indian hostilities were at once precipitated, and a most cruel slaughter was immediately commenced by those Indians upon the unoffending and unsuspecting settlers of Lost River Valley, which slaughter began immediately after the attack upon Captain Jack's camp by Lieutenant Jackson on the morning of November 29, 1872, at early light. Among those who were massacred were the husband of the petitioner, her two sons, and her son-in-law, who were peaceably pursuing their usual vocations.

The petitioner further states in a graphic manner her discovery of the lifeless forms of her husband and sons, stripped and mutilated, and how, struck with fear, she and her daughter fled at once to the neighboring mountains, where, without food or shelter, and thinly clad, with snow on the ground, they remained for two days before daring to make their way to any friendly shelter.

After the massacre the Indians destroyed and carried off all the personal property of the families, embracing horses, sheep, hogs, cattle, poultry, clothing, provisions, &c., and also including $829 in gold and silver coin, and burned the houses. The mutilated bodies of those who were killed were afterward recovered and buried at Linkville by the Oregon Volunteers.

By this disaster the petitioner was reduced at once from a condition of comparative affluence to one of poverty and wretchedness.

The petitioner duly presented her claim for property thus stolen and destroyed, amounting to $6,180, in due form to the Indian Bureau, and placed a duplicate copy thereof in the hands of the local Indian agent. No relief, however, of any kind has ever been received by her. She therefore appeals to Congress.

This petition is sustained by the names of one hundred substantial citizens of Oregon and residents of Lake County and vicinity, including Jesse Applegate, one of the Modoc peace commissioners; L. S. Dyar, Indian agent at the time of the massacre; J. H. Rook, Indian agent at the time of signing the petition; S. B. Cranston, register of the United States land office, and Quincy A. Brooks, assistant quartermaster-general of Oregon Volunteers, who certify "that the facts set forth in said petition are correct and true."

In forwarding to the Indian Department the claim of Mrs. Boddy for depredations committed by the Modoc Indians, as before stated, the local Indian agent, Mr. Dyar, wrote as follows to the Commissioner of Indian Affairs:

KLAMATH AGENCY, OREGON, *April* 24, 1876.

SIR: I inclose herewith papers relating to claims of Mrs. Louisa Boddy and Mrs. Kate Nurse, for depredations committed by the Modoc Indians.

I have examined them, and find that the prices charged for hay, flour, groceries, and sheep are not above the ruling rates at the time and place of the depredations. I am knowing to the fact that these claimants were great sufferers from the Modocs; that their husbands and other members of their families were murdered, and much of their property destroyed by these Indians.

I am unable to present the case to the Indians, as required in article 4 of Rules and Regulations of the Department relative to such claims, as the perpetrators are now located upon the Quapaw reservation in the Indian Territory.

Very respectfully, your obedient servant,

L. S. DYAR,
United States Indian Agent.

Hon. J. Q. SMITH,
Commissioner of Indian Affairs.

In addition to the foregoing are affidavits of four disinterested citizens, Mr. Hartery, John Fritz, Dan. Calwell, and W. S. Bybee, who were the nearest neighbors to the Boddy settlement, who testified to the amount and character of the property destroyed as near as the circumstances of the case would admit. Mrs. Boddy's own affidavit, made in this city during the present session of Congress, also gives further particulars and satisfactory account of all the circumstances of her losses.

In view of the premises, and in consideration of the whole case, the Commissioner of Indian Affairs, on request of the Secretary of the Interior, communicated, under date of March 10, 1882, the following letter, which has been submitted to the Committee on Indian Affairs, to wit:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, March 10, 1882.

SIR: I have the honor to be in receipt, by Department's reference for report, of a petition (herewith inclosed) to Congress by Mrs. Louisa Boddy, of Lake County, Oregon, praying for compensation for losses and injuries inflicted by Modoc Indians in November, 1872. A duplicate of this petition, together with other papers in the case (some of which had before been in this office, and were submitted to the Department June 12, 1876, for transmittal to Congress), were also filed in this office yesterday by J. F. Kinney, attorney for Mrs. Boddy. These papers are also herewith inclosed. Among them is a copy of the report of this office, above referred to, of June 12, 1876, upon the claim of Mrs. Boddy, which had been filed in this office for preliminary examination under the laws and departmental regulations governing the settlement of Indian depredation claims, and, as will be seen, upon the papers then before one of my predecessors, he arrived at the following conclusion:

"There is, therefore, no doubt as to the fact of the depredation, but there is no reliable evidence in the case to show the extent of it or the amount and value of the property lost. I can not, therefore, do otherwise than recommend a disallowance of the claim. The depredation was committed in November, 1872, and the claim was not presented for adjustment until April last [1876], and is therefore barred."

By reference to the declaration and proofs of the claimant upon which my predecessors acted (see papers marked A, herewith) it will be seen that four witnesses to the depredation were M. Hartery, John Fritz, Dan. Calwell, and W. S. Bybee, who could not swear that they knew of their own personal knowledge that the identical property enumerated in the schedule sworn to by Mrs. Boddy was the property destroyed by the Modocs, but they swear they were neighbors of William Boddy, deceased, and know that "valuable property belonging to said affiant (Louisa Boddy) was destroyed, injured, or taken away" by the hostile Modocs, and that "they believe the foregoing statement of articles destroyed, injured, or taken away by said Indians, together with the value thereof, and of each and every item of said account, as set forth in the foregoing affidavit (the affidavit of Mrs. Boddy), to be correct and true."

Their inability to swear with more particularity and the impracticability of obtaining more specific evidence are explained by the petition of Mrs. Boddy to Congress, and by her affidavit, dated 5th instant in this city, which, of course, were not before my predecessor when he acted on the case. Particular attention is invited to these. They show that the husband of Mrs. Boddy, her two sons, aged respectively eighteen and twenty-two years, and her son-in-law, who constituted all the men in their immediate settlement, and who perhaps alone could have sworn to the exact amount of stock owned by Mr. Boddy, and the exact number destroyed, stolen, or lost, were killed on the 29th of November, when the loss occurred; that her daughter (her only remaining child) and herself, upon seeing the Indians stripping the dead bodies of her son and son-in-law, fled to the mountains to keep from being murdered, and remained there two days without food or shelter, and thinly clad, with snow on the ground; that the witnesses, W. S. Bybee and Dan. Calwell, who were her nearest neighbors, lived three miles south of the Boddy settlement, and that Mr. Hartery and John Fritz, who were her nearest neighbors on the north, lived five and ten miles distant, respectively, and that these witnesses, as soon as practicable after the massacre, assisted in collecting the scattered stock belonging to the Boddy family; that they were frequent visitors at the home of Mrs. Boddy before the massacre and depredation, and that "each of the said men had a good idea of the amount and value of the property and stock" owned by the family, and also were the only persons, except Mrs. Boddy and her daughter, who had knowledge of the amount of stock recovered.

These papers also show that William Boddy and family removed from Roseburg, Oreg., where he had been engaged in merchandising, to the farm occupied by them when he was killed only about four months before the massacre, taking with him the remnants of a stock of goods pertaining to a general country store, about 3,000 sheep, about 75 head of cattle, and about 35 head of horses. The claim made by Mrs. Boddy includes only 5 horses, 1 cow, and 500 sheep, the inference being that the balance of the stock was recovered.

The remainder of the claim as presented to this office for settlement embraces such articles as would naturally be found in the house of a man engaged as Mr. Boddy had previously been and was at the time of his massacre.

The respectability of Mrs. Boddy and the truthfulness of her statement as to the loss of property is abundantly attested by the signatures of about one hundred persons attached to her petition, and among them that of L. S. Dyar, who was the agent for these Indians in 1872, when the depredation was committed, and who, under date of April 24, 1876, in reporting to this office upon this claim, said that the "prices charged for hay, flour, groceries, and sheep are not above the ruling rates at the time and place of the depredations." In that letter he also states from personal knowledge that Mrs. Boddy was a great sufferer from the Modocs, and that much of her property was destroyed by these Indians.

From the evidence now before me I am satisfied that the property mentioned in the schedule found in the paper marked A belonged to William Boddy (husband of Mrs. Lousia Boddy) in his lifetime, and was lost or destroyed as stated in the papers in the case; but the vagueness as to the amounts of quite a number of the articles mentioned leads me to think that in all probability the actual value of some of these articles, at least, has been overestimated, and that the sum of $5,400 would cover the loss; and I therefore respectfully recommend that the papers herewith be returned to the Senate Committee on Indian Affairs, with the request that an appropriation of that amount be made in favor of Mrs. Louisa Boddy, widow of William Boddy, deceased.

It is proper to state that, in view of the fact that ever since the Modocs, who perpetrated the depredations under consideration, were removed to the Indian Territory they have been regarded by this office and by Congress as having forfeited all right to any of the benefits inuring to other Modocs under the treaty of October 14, 1864, with the Kalmath, Modoc, and other Indians (16 Stat., p. 707), and have been assisted in self-support by a small gratuity annually appropriated by Congress, so that it would seem that the amount which may be appropriated for the relief of Mrs. Boddy should be taken from the public funds. It may be proper to state, also, that the limitation of time (three years) fixed by the seventeenth section of the act of June 30, 1834 (4 Stat., p. 732), within which Indian depredation claims may be presented, no longer obtains, as this limitation is omitted in the Revised Statutes.

Since the foregoing was written, the attorney for Mrs. Boddy has presented a brief in support of the claim, which is also herewith transmitted.

Very respectfully, your obedient servant,

H. PRICE, *Commissioner.*

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

From all the facts in this case it is quite apparent that the massacre of the settlers on Lost River by the Modocs, on the 29th of November, 1872, was not the result of an ordinary outbreak of those Indians, but the direct result of the attack of the United States troops upon their camp on the morning of that day, with inadequate force, for the purpose of their removal to the Klamath reservation, whither they refused to go, which attempt upon the part of the military authority was made without notice to the settlers scattered along Lost River. Your committee think that this fact makes this an exceptional case, and gives the claimant an equitable right to relief, and therefore fully concur with the Commissioner in his recommendation that the sum of $5,400 be appropriated for the relief of Mrs. Louisa Boddy, widow of William Boddy, deceased, in full compensation of her losses as hereinbefore stated; and therefore report for that purpose the accompanying bill and recommend its passage.

Mr. GEORGE. Mr. Chairman, I move that this bill be laid aside to be reported favorably to the House.

Mr. HOLMAN. Mr. Chairman, I do not propose to oppose the passage of this bill, although I think it is a very unusual one.

The Government, of course, has never held itself liable for damages perpetrated by Indian tribes for property destroyed by persons not under the control of the Government. And yet there seems to be a feature about the bill and accompanying report that may take the claim now presented out of this general rule of the absence of liability on the part of the General Government. In this case the Government was seeking to remove the Indians mentioned in the report from their reservation to another with an inadequate force and the attempt resulted in an outbreak. The Government, owing to its insufficient force, was unable to prevent this outbreak and effect a peaceful settlement of these Indians. I conceive that the case is not a very strong one against the Government. It does not so present itself to me. And yet if the claim is put as it ought, perhaps, to be put, on the ground of a gratuity, based upon the peculiar circumstances of the case, it seems that the child of this settler should be taken into account as well as the widow. I see that the child is omitted. The bill proposes that $5,400 is to be paid to the mother, and yet the report shows that there is a surviving daughter. My friend from Oregon can perhaps explain it.

Mr. GEORGE. The bill is entirely satisfactory to all persons concerned.

Mr. HOLMAN. Well, is it also to this daughter?

Mr. GEORGE. Entirely so.

Mr. HOLMAN. But upon the ground that it is almost a gratuity, under the peculiar circumstances of the case? I am not inclined, however, to oppose the measure, though I should not be willing to acquiesce in the passage of the bill on the ground of its being a valid claim. It could not rest upon that ground.

Mr. HENLEY. Having some personal knowledge of the parties concerned in this measure, I can contribute my testimony to that of the gentleman from Oregon. The bill is in a perfectly satisfactory shape to all of the parties concerned as it is.

Mr. HOLMAN. Are any persons concerned in this matter except the mother and daughter?

Mr. HENLEY. No other persons.

Mr. HOLMAN. Is the daughter here?

Mr. STEVENS. There were two sons who were killed at the same time with the father.

Mr. HOLMAN. But the daughter; what about her?

Mr. STEVENS. She acquiesces and makes no claim.

MESSAGE FROM THE PRESIDENT.

The committee informally rose, and Mr. BINGHAM took the chair as Speaker *pro tempore.*

Several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries.

The Committee of the Whole resumed its session.

MRS. LOUISA BODDY.

The CHAIRMAN. The question is on the motion of the gentleman from Oregon [Mr. GEORGE] that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. BLANCHARD. I desire to state that this bill was maturely investigated and considered by the Committee on Indian Affairs in the last Congress, of which I was a member. I became satisfied that the measure was a proper one. It was unanimously reported by the committee to the House. I think, sir, the bill ought to pass.

The CHAIRMAN. The question is on the motion that the bill be laid aside to be reported favorably to the House.

Mr. CRISP. I call for a division.

The committee divided; and there were—ayes 120, noes 7.

So (further count not being called for) the motion was agreed to.

Mr. BAYNE. I move that the committee do now rise. It is known that there is to be a session to-night for the consideration of pension bills.

The CHAIRMAN. The question is on the motion of the gentleman from Pennsylvania [Mr. BAYNE] that the committee do now rise.

Mr. BAYNE. I withdraw the motion for the present.

The CHAIRMAN. The Chair will state in regard to the bill just directed by the committee to be laid aside to be reported favorably there is an amendment by the Committee on Indian Affairs which has not been acted upon. The Clerk will report the amendment.

The Clerk read as follows:

In lines 6 and 7 strike out "$6,180" and insert in lieu thereof "$5,400."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CRISP. Can I say a word now?

The CHAIRMAN. Certainly.

Mr. CRISP. I want to explain the reason why I can not vote for this bill. It was stated by the gentleman who advocated it that the contemplated appropriation was purely a gratuity.

Mr. GEORGE. Oh, no; the gentleman is mistaken.

Mr. CRISP. Then I shall be glad to have the gentleman explain the reason for the bill, for he has hitherto failed to do so. There has been no statement made on the floor of this House tending to show that there was any legal or equitable liability on the part of the Government to reimburse this lady for her losses. I would be glad to have the gentleman from Oregon explain the reason why the committee propose in this exceptional case, as they call it, to make this payment? I ask the committee to examine for a moment what this case is.

Mr. Boddy, I suppose, was one of that adventurous and useful class of men who go out on the borders of civilization for the purpose of bettering his condition. He went out there with his family and household goods. The Government, in the exercise of a lawful right, sought to remove the Modoc Indians. The Indians resisted, overcame the troops, and destroyed the lives and property of many of the settlers. Mr. Boddy was killed, much of his property destroyed, and this bill is to pay Mrs. Boddy the value of the property so destroyed by the Indians. The gentleman from Indiana [Mr. HOLMAN], who is usually found objecting to appropriations from the public Treasury that are not strictly due therefrom, stated that because this was an exceptional case he would not object. Now, what are the facts which he presents to take it out of the general rule? Simply that the Government undertook to remove these Indians with an inadequate force. I will ask the gentleman from Indiana and any other gentleman on this floor if that gives to these parties the right to go to the public Treasury to be reimbursed.

Is there anything else in this case? Is it true that this Congress is to vote gratuities to people? Is it true that because a person suffers in consequence of the wrongful act of officers of the Government the Government is to make the loss good? Is that true?

The highest court in this land has decided that the Government is not responsible for the tortuous acts of its officers; that the Government is not responsible for the illegal and wrongful exercise of power by its officers. Now view this case in the most favorable light you can for the applicant, and is it more than that? The Government undertook to remove the Modoc Indians. This gentleman had gone with his family and property where he had a right to go, on the frontier near the Indians. He was doubtless, as I have said, one of that adventurous and useful class of men who go out on the borders of civilization for the purpose of making a living. Men who locate in such places always take their lives in their hands. They always take the risk of the destruction of their property. They set their lives and property upon a cast and should abide the hazard of the die. But the passage of this bill will establish a precedent that when men take this risk and are losers the General Government shall reimburse them or their representatives for their losses. There is nothing else in the case but that. I yield to no man in my sympathy for this good lady. I sympathize with her and all others who are bowed down with care and impoverished by losses. But, Mr. Chairman, all over this land you will find meritorious cases that appeal to your pity.

[Here the hammer fell.]

Mr. HOLMAN. I yield further time to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. All over this country you will find cases that appeal to your sympathy. I ask, Mr. Chairman, if this House is to vote money from the public Treasury for any such reason as that?

Why, sir, within a few days past the State in which I live has been visited by a cyclone which swept from the face of the earth in a moment, in the twinkling of an eye, the accumulations of years. Those people suffer and many of them are in need. Will you reimburse them their losses? Is there any difference in principle between that case and this? Is it to be understood that the Government of the United States is to reimburse all those who are unfortunate or all those who through the unauthorized acts of officers of the Government suffer injury?

I only want to call the attention of the committee to the principle involved here. I want the committee to understand it. I can not believe from the vote that was just had on this case that the committee did understand it. I think I have stated the case fairly. If there is a single reason for paying this sum except on the ground of an appeal to sympathy no such reason has yet been given, none occurs to me, and I ask the gentleman to show any such reason if any such exists. None other is presented in the report of the committee. In that report the facts are stated as I have given them. But the committee do say therein that this is an exceptional case. What makes it exceptional? The reason given by the committee is that the Government of the United States undertook to remove the Indians with an inadequate force and failed to give the settlers notice. That is all. And admitting for the sake of the argument that the officers of the Government did wrong, then it simply makes a case where injury results from the wrongful act of a public officer, and, as I stated before, the highest court in this country has repeatedly determined that the Government is not responsible in damages for such acts of its officers or agents. No one questions the correctness of my statement of the facts, no one questions or can question my statements of the law, and yet the committee seems inclined in the face of the facts and law to pass this bill. I think such an action wrong in principle, and believe that in passing this bill the House will establish a precedent that will result in great expense to the tax-payers of this country.

I thank the gentleman from Indiana [Mr. HOLMAN] for his kindness in giving me a part of his time and I thank the committee for their indulgence and attention. I only wanted to call its attention to the case as I understand it, and I have done so.

Mr. GEORGE. I do not think it necessary to make any further explanation of this bill. The remarks of the gentleman from Georgia [Mr. CRISP] are upon an amendment which proposes to reduce the amount from $6,180 to $5,400. There certainly can be no objection to that amendment.

As to the main question, if the House desires to hear a full statement in regard to this bill of the principles upon which this claim is founded, principles of law and justice and precedents numbering over one hundred passed by the American Congress, I stand ready to give them at any time.

Mr. HENLEY. If this House is going to reverse its policy in respect to these matters, is to go back on all the precedents of the past, I hope it will not select this unfortunate woman for its first subject.

Mr. BUDD. So far as this matter is concerned the gentleman from Georgia states that he sees no reason why this bill should pass; that the damages sustained in this case should be treated the same as damage in all other cases. But while in other cases where damage is sustained by citizens or persons or property a right of action accrues to the injured party, in the case of Indian depredations the Government of the United States, having adopted the Indians as its wards, refuses to allow action, and the Indians can commit crimes if they wish and the civil authorities are powerless; no one who has suffered depredations committed by these Indians has any right to proceed in the courts. I say that so long as we have these Indians as our wards we should pay for the damages done by them; so long as the Government of the United States permits these their wards to do damage to persons and property and refuse to allow those who sustain such damage to recover the same from the Indians or their property, so long as it sustains and supports the red man in his crimes and depredations, and so long as it stands between the Indians and their victims, it should pay for all damages sustained. There is a strong equitable if not a legal claim against the Government in such cases. This is one of them.

Mr. WELLBORN. I desire to say that this claim has undergone the investigation of the Committee on Indian Affairs, and I think this bill has been reported unanimously from that committee. It is fully sustained by precedents. In reimbursing this widow for the damages which she has suffered from these Indian depredations the Government will be doing nothing more than performing a duty toward a citizen which it owes to its citizens. It was the clear duty of the Government to restrain the Indians on their reservations; that was not done, and because of that an outbreak occurred during which this damage was sustained.

Mr. STEVENS. There is another reason why this bill should pass, and in point of fact that reason will prove that this is not a gratuity on the part of the Government.

Before this depredation was committed, before this damage was sustained, the Modocs had certain funds, had annuities, and there were stipulations with them under provisions of treaties. After the acts of aggression by them against the United States Government and its citizens in 1864 those treaty stipulations were canceled, those annuities were taken away from them, and all the rights, interests, and moneys which had theretofore been guaranteed to them by the Government reverted back to the Government. Had that not been done the amount to pay for the damages in this case could have been taken from the Indian fund. But the Government has that fund, the Government has those annuities, and having them, there is no reason why the Government should not pay this woman for the damages she has sustained. It is under these circumstances not a gratuity on the part of the Government.

Mr. HOLMAN. I must protest against the proposition submitted that except upon the principle of paying out of the funds due to the Modoc tribe of Indians this is in any considerable sense a legal claim against the United States. It can not be.

When gentlemen assume that there are precedents for an appropriation out of the national Treasury to pay for spoliations committed by the Indian tribes, I think upon examination it will be found that they are under an entire misapprehension. The only extent to which the Government has recognized its liability in such cases has been to the extent of paying out of the funds held by it in trust for the Indians committing the depredations. Inasmuch as immediately after that outbreak the Government annulled the annuities payable to these Indians, revoked them entirely, and has since that time simply provided for their subsistence from time to time so far as charity and mercy might require, the position of gentlemen can not be well sustained.

The only ground upon which I think this claim can rest at all is sim-

ply this: that the Government in attempting to remove the Modoc Indians did not perhaps make use of that degree of precaution in doing a very important act affecting the peace and repose of that region of country which ought to have been used. In an equitable sense, perhaps, but remotely so, the Government should be held responsible for the result. Upon that ground, and that alone, I have been inclined to acquiesce in the passage of this bill without giving it a negative vote. But I can not assent to the proposition that the Government of the United States is responsible for all of the acts of spoliation committed by Indian tribes on their reservations.

Mr. GEORGE. Mr. Chairman——

Many MEMBERS. Vote! Vote!

Mr. GEORGE. I will call for a vote.

The question was taken upon the amendment reported from the committee, to strike out "$6,180" and to insert "$5,400," and it was agreed to.

The CHAIRMAN. The question is now upon the motion of the gentleman from Oregon [Mr. GEORGE] that the bill as amended be laid aside to be reported favorably to the House.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I now move that the committee rise. It is getting late, and there is to be a session of the House to-night.

The motion was agreed to.

The committee accordingly rose, and the Speaker resumed the chair.

Mr. COX, of New York, reported that the Committee of the Whole had had under consideration the Private Calendar, and had directed him to report two bills to the House with amendments, and to recommend that the amendments be adopted and the bills passed.

ALFRED PLEASONTON.

The first bill reported from the Committee of the Whole was the bill (H. R. 1101) to authorize the President to appoint and retire Alfred Pleasonton a major-general.

Mr. BROWNE, of Indiana. I rise to a parliamentary inquiry. Is this bill now at such a stage that I can move to recommit it with instructions?

Mr. BAYNE. I move the previous question.

The SPEAKER. Under the rules it is in order to move to recommit a bill, with or without instructions, even when the previous question has been ordered and when the question is upon the passage of the bill.

Mr. BROWNE, of Indiana. If it is in order now, I desire to make such a motion.

The SPEAKER. It is not in order now, because the gentleman from Pennsylvania [Mr. BAYNE] had demanded the previous question upon the adoption of the amendment and the ordering of the bill to be engrossed and read a third time. When this question is disposed of, the motion indicated by the gentleman from Indiana will be in order.

The previous question was ordered.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was read:

In line 11 strike out the words "such major-general" and insert the words "a colonel."

Mr. BAYNE. There is another amendment—an amendment to the title.

The SPEAKER. That does not come up at this stage.

The amendment was agreed to; and the bill as amended was ordered to be engrossed for a third reading, and was accordingly read the third time.

Mr. BAYNE. I demand the previous question on the passage of the bill.

Mr. BROWNE, of Indiana. Pending that, I move——

The SPEAKER. It is now in order to move to recommit.

Mr. BROWNE, of Indiana. I move that the bill be recommitted to the Committee on Invalid Pensions——

The SPEAKER. The bill came from the Committee on Military Affairs.

Mr. BROWNE, of Indiana. I move, then, that the bill be recommitted to the Committee on Military Affairs, with the instructions which I have sent to the desk.

Mr. BAYNE. I rise to a point of order.

The SPEAKER. The Clerk will first report the motion, after which the Chair will hear the point of order. [A pause.] The proposed instructions do not appear to be in the possession of the Clerk. The gentleman from Indiana [Mr. BROWNE] will state them.

Mr. BROWNE, of Indiana. My motion is that the bill be recommitted with instructions that the committee strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to put the name of Alfred Pleasonton on the pension-roll at the rate of $100 per month, the said pension to begin from and after the passage of this act.

The SPEAKER. The gentleman from Pennsylvania will now state his point of order.

Mr. BAYNE. I make the point of order that it is out of order to move to refer a bill to a committee that has not jurisdiction of the subject.

Mr. BROWNE, of Indiana. The House may charge the committee with this power.

The SPEAKER. The Chair does not think that point of order is well taken.

Mr. BAYNE. I submit that it requires a two-thirds vote to do it.

Mr. BROWNE, of Indiana. Oh, no.

Mr. BAYNE. I do not see how a subject-matter not properly referable under the rules to a particular committee can without a suspension of the rules be so referred.

The SPEAKER. The rule, of course, would govern the Chair absolutely in making the reference of a bill; but it very frequently happens that the House refers a bill to an entirely different committee from the one which the Chair would suppose under the rules had jurisdiction of it.

Mr. BAYNE. I make the further point that the proposition of the gentleman from Indiana is not germane to the bill.

The SPEAKER. That is a different proposition The Chair will hear the gentleman on that.

Mr. BAYNE. My point is that the proposed instructions undertake in an indirect way to ingraft upon this bill an amendment which failed for want of propriety in Committee of the Whole. To move to instruct a committee to change a bill from one to retire an officer to one granting a pension is an attempt to accomplish indirectly what could not be accomplished under the rules by direct means.

Mr. BROWNE, of Indiana. The bill reported from the Committee on Military Affairs was a bill for the relief of Alfred Pleasonton. The relief proposed in the original bill was by reinstating him in the Army and then placing him on the retired-list, so that he might receive certain compensation from the Treasury of the United States. The amendment which I have embodied in the proposed instructions proceeds still upon the ground of affording Alfred Pleasonton relief in money. The difference is as to the manner in which that relief is to be given. In one case it is proposed to be given by putting him on the retired-list, in the other by putting him on the pension-roll. Now I think it would require all the ingenuity even of the gentleman from Pennsylvania to conjure up in his imagination an objection to this proposition under any rule.

Mr. MAGINNIS. This is not "a bill for the relief of Alfred Pleasonton." The bill provides that he shall be appointed to a certain rank in the Army and then placed upon the retired-list. As an officer on the retired-list he might be, for instance, assigned as an instructor in a college or be called on for the performance of any other duties to which an officer on the retired-list may be assigned.

Now, the gentleman's amendment proposes entirely to change the nature of the bill, not to leave him where he would be under the orders of the Government, not subject to the rules and regulations of the retired-list, but to put him on the pension-roll. The Speaker must see it is entirely a different bill in nature, in principle, and in spirit, if these instructions are permitted to be voted on is in order.

Mr. BROWNE, of Indiana. Mr. Speaker, if we can not change the character of a bill, then there is no necessity for its recommittal. The fact that under the rules we may recommit a bill is to enable us to change in some degree the nature of the act proposed. I submit this as reported by the committee originally was a private bill. It continues under my amendment to be a private bill. It was a bill originally for the relief of Alfred Pleasonton. It still continues to be a bill for the relief of Alfred Pleasonton. It was for pecuniary relief. It continues to be of that character under the instructions I propose to give.

The fact that in one case he goes on the Army retired-list and in the other on the pension-roll I confess does not make such a difference as to prevent the House sending the bill back to the committee with instructions.

Now, the object of this motion to recommit with instructions, Mr. Speaker, is to change the character of the bill and the character of the relief afforded. To be sure, I could not substitute the name of John Smith for Alfred Pleasonton. It is true I could not change wholly the character of the relief, but where it still proceeds to relieve the same person and practically in the same way, to my mind it certainly is germane and in order.

Mr. HAMMOND. Will the gentleman permit me to ask him a question?

Mr. BROWNE, of Indiana. Certainly.

Mr. HAMMOND. Why could you not make a motion entirely different from this bill? This is not a motion to amend anything in the bill, but to instruct a committee what to do about a certain bill. Why, then, can not you do what you wish to do without regard to its being germane?

Mr. BROWNE, of Indiana. I do not know any reason why we can not do that if we wish to.

Mr. HAMMOND. I thought you were conceding that point, that the House could not do it.

Mr. BROWNE, of Indiana. No; on the contrary, I am trying to make my point good, even conceding the proposition of the gentleman from Montana, and showing to the Speaker that it is a proper motion to submit.

Mr. BAYNE. I have only one word to say in support of the point

of order which I have submitted. There is something in the nature and principle of parliamentary law as in the nature and principle of all other laws, and if the proceedings of this House and the Committee of the Whole House on the Private Calendar are to be conducted accordingly, then of necessity the proposition of the gentleman from Indiana must be ruled out of order

For this reason, Mr. Speaker: The instruction now proposed, when proposed as an amendment to the bill while it was being considered in the Committee of the Whole House on the Private Calendar, was properly ruled by the chairman of the committee to be out of order. To come in now and ask the House to do what was improper for a committee to do, in order to get the end accomplished by another means, seems to me to violate all the principles of parliamentary law. If it shall be accepted as proper and in order under the rules of the House, then there will be no end whatever to the course of action which bills may have to submit to.

It is not in good taste, it seems to me, in view of the action already taken by this body; and why? Because a competent Committee of the Whole House on the Private Calendar has already determined what course this bill shall take by reporting it back to the House with the recommendation that it shall pass as amended. And now you propose to incorporate an amendment which is not only out of order, it seems to me, but to be a breach of the privilege of the committee, which is that it shall have jurisdiction on certain definite subjects.

The SPEAKER. The rule involved in the question of order raised by the gentleman from Pennsylvania [Mr. BAYNE] is one of the most difficult ones the Chair is called on to administer, because it frequently happens it is almost impossible to determine whether the proposed amendment does or does not relate to the same general subject with the bill.

There is no difficulty on the first point made by the gentleman from Georgia [Mr. HAMMOND], because it has been decided very frequently that it is not competent for the House to accomplish indirectly in the form of instruction what could not be done by an amendment offered upon the floor.

In the present case the bill is one which proposes to restore General Pleasonton to the Army of the United States and give him rank and pay as a retired officer. The proposition the gentleman from Indiana wishes to embody in his instruction is not to restore him to the Army and give him rank and pay as a military officer of the United States, but simply to give him a pension, while he still remains out of the military service. While it is difficult to determine precisely the application of this rule in all cases, the Chair is inclined to think that this does not relate to the same subject with the bill before the House, and that the proposition is accordingly not in order.

Mr. BROWNE, of Indiana. I regret to differ with the Speaker. I know that he knows a great deal more about parliamentary law than I do or ever will. But as this question has come before the House in this shape for the first time—for the first time at least within my recollection—in order to crystallize the action of the House on this subject I respectfully appeal from the decision of the Chair.

The SPEAKER. Of course each case must depend upon its own attendant circumstances, and there can be no general rule laid down different from the written rule of the House, which is that such amendments or motions must relate to the same subject-matter.

It is always agreeable to the Chair to have the House pass upon its decisions.

Mr. MAGINNIS. I move to lay the appeal on the table.

The question was taken; and the Speaker decided that by the sound the ayes had it.

Mr. BROWNE, of Indiana. I am satisfied that the ayes have it, but I will ask a division.

The House divided; and there were ayes 112.

Mr. BROWNE, of Indiana. The vote is so decisive in favor of sustaining the decision of the Chair that I shall not call for the other side.

The SPEAKER. The ayes have it, and the appeal is laid on the table.

Mr. STEELE. I move now to recommit this bill with the following instructions——

Mr. BAYNE. I rise to a parliamentary inquiry. Can there be more than one motion to recommit?

The SPEAKER. There can not; but the motion to recommit of the gentleman from Indiana was held to be out of order. It was not entertained by the House.

The Clerk will read the instructions proposed by the gentleman from Indiana [Mr. STEELE].

The Clerk read as follows:

Recommit the bill to the Committee on Military Affairs, with instructions to report a bill to place upon the retired-list of the Army all officers and soldiers who served in the late civil war and were honorably discharged who are suffering from total disabilities from wounds received in the line of duty with the rank of colonel, together with the bill restoring Alfred H. Pleasonton as colonel on the retired-list of the Army.

Mr. MAGINNIS. I make the point of order that that changes the bill from a private one to a public one and is not germane.

Mr. BROWNE, of Indiana. Pending that, I move that the House do now adjourn.

The SPEAKER. Unless the gentleman from Indiana desires to be heard upon the point of order the Chair will decide it now.

Mr. BROWNE, of Indiana. I made the motion that the House adjourn under a misapprehension, forgetting that there was an evening session for pension business. I move, therefore, that the House take a recess until 7.30 o'clock.

The SPEAKER. That motion is in order.

The question was taken. The House divided; and there were—ayes 38, noes 87.

Mr. STOCKSLAGER. No quorum. Let us have tellers.

Several MEMBERS. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. SHELLEY. I move that the House do now adjourn.

Mr. TOWNSHEND. Pending that, I ask the gentleman to allow me to make a report from the Committee on Appropriations. [Cries of "Regular order!"]

Mr. MATSON. Pending the motion of the gentleman from Alabama, I move that the House take a recess until the hour fixed for reassembling.

The SPEAKER. That motion is now pending, but the motion to adjourn takes precedence.

Mr. RANDALL. I ask the gentleman to give way to permit the gentleman from Illinois, under instructions from the Committee on Appropriations, to report one of the regular appropriation bills in order to have it printed and referred this evening.

Mr. HATCH, of Missouri. I object.

Mr. TOWNSHEND. This is a general appropriation bill.

Mr. HATCH, of Missouri. I do not care what it is; let us get through with this matter first.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Alabama that the House do now adjourn.

The House divided; and there were—ayes 57, noes 93.

Mr. STOCKSLAGER. I demand the yeas and nays.

Mr. TOWNSHEND. I ask my friend to yield to me to present a bill from the Committee on Appropriations making appropriations for the postal service.

The SPEAKER. The House is now taking a vote on the question of adjournment.

Mr. TOWNSHEND. It can be done by unanimous consent.

The SPEAKER. It can.

Mr. BAYNE. I object.

The SPEAKER. The question is on ordering the yeas and nays on the motion to adjourn.

The yeas and nays were refused, 10 members only voting in favor thereof.

So the House refused to adjourn.

Mr. STOCKSLAGER. I demand the regular order.

Mr. TOWNSHEND. Will not the gentleman yield to me now to report this bill with a view of having it printed?

Several MEMBERS. Regular order!

Mr. STOCKSLAGER. I have no objection to reporting that bill.

Mr. TOWNSHEND. The gentleman from Indiana withdraws his objection.

Mr. BAYNE. I demand the regular order.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. BROWNE] that the House take a recess until 7.30 o'clock. Upon that no quorum voted. The Chair will appoint tellers.

Mr. BROWNE, of Indiana, and Mr. STOCKSLAGER were appointed tellers.

Mr. TOWNSHEND. Who made the point of no quorum?

The SPEAKER. Several gentlemen made the point. The tellers will take their places.

The House again divided; and the tellers reported—ayes 36, noes 130.

Mr. STOCKSLAGER. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 9—not a sufficient number.

So the yeas and nays were not ordered, and the House refused to take a recess.

Mr. STOCKSLAGER. I move that when the House adjourns it be to meet on Monday next.

Mr. ROBINSON, of New York. May I ask a parliamentary question?

The SPEAKER. The gentleman will state it.

Mr. ROBINSON, of New York. Would this motion, if carried, do away with the session to-night?

The SPEAKER. It would not. The motion is simply that when the House adjourns to-day, at whatever time that may be, it shall be to meet on Monday next.

The question being taken on the motion to adjourn over, there were—yeas 84, noes 80.

Mr. YORK. I ask for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 42—more than one-fifth of the last vote.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 70, nays 147, not voting 103; as follows:

YEAS—70.

Atkinson,	Everhart,	McCoid,	Taylor, J. D.
Belford,	Goff,	Ochiltree,	Thomas,
Bingham,	Graves,	Parker,	Tillman,
Boutelle,	Greenleaf,	Peelle, S. J.	Tully,
Breitung,	Hanback,	Perkins,	Valentine,
Brewer, J. H.	Hart,	Reagan,	Van Eaton,
Browne, T. M.	Hatch, H. H.	Reed,	Wadsworth,
Burleigh,	Haynes,	Reese,	Wait,
Burnes,	Hiscock,	Robinson, J. S.	Warner, A. J.
Cabell,	Hitt,	Russell,	Wellborn,
Campbell, J. M.	Houk,	Seymour,	Wemple,
Chase,	Houseman,	Singleton,	White, J. D.
Clay,	Howey,	Skinner, C. R.	White, Milo
Cox, W. R.	Jones, J. H.	Slocum,	Whiting,
Culberson, D. B.	Kean,	Snyder,	Wise, G. D.
Cullen,	Lawrence,	Stockslager,	Wolford.
Cutcheon,	Libbey,	Stone,	
Evans, I. N.	Lyman,	Talbott,	

NAYS—147.

Adams, J. J.	Eldredge,	Lamb,	Rogers, J. H.
Aiken,	Elliott,	Lanham,	Rogers, W. F.
Alexander,	Ellwood,	Le Fevre,	Rosecrans,
Bagley,	Ferrell,	Long.	Scales,
Barbour,	Finerty,	Lovering,	Seney,
Barksdale,	Follett,	Lowry,	Shaw,
Bayne,	Forney,	McAdoo,	Shelley,
Beach,	Fyan,	McCormick,	Skinner, T. G.
Bennett,	Geddes,	McMillin,	Steele,
Bisbee,	George,	Matson,	Stephenson,
Bland,	Gibson,	Maybury,	Stevens,
Blount,	Glascock,	Millard,	Stewart, Charles
Brainerd,	Halsell,	Miller, J. F.	Storm,
Brown, W. W.	Hammond,	Milliken,	Strait,
Buchanan,	Hardeman,	Mitchell,	Struble,
Budd,	Hardy,	Morgan,	Sumner, D. H.
Caldwell,	Hatch, W. H.	Morrison,	Taylor, J. M.
Candler,	Hemphill,	Morse,	Thompson,
Cannon,	Henderson, D. B.	Muldrow,	Townshend,
Carleton,	Henderson, T. J.	Murphy,	Turner, H. G.
Cassidy,	Hewitt, G. W.	Mutchler,	Turner, Oscar
Clardy,	Hill,	Neece,	Van Alstyne,
Clements,	Hoblitzell,	Nelson,	Vance,
Cobb,	Holman,	Nutting,	Wakefield,
Connolly,	Holmes,	Oates,	Ward,
Cosgrove,	Hopkins,	Pierce,	Warner, Richard
Cox, S. S.	Hunt,	Peel, S. W.	Weaver,
Crisp,	Hutchins,	Peters,	Wilkins,
Curtin,	James,	Pettibone,	Willis,
Davis, G. R.	Jeffords,	Poland,	Wilson, W. L.
Davis, R. T.	Johnson,	Post,	Winans, E. B.
Dibrell,	Jones, B. W.	Pryor,	Winans, John
Dingley,	Jones, J. K.	Pusey,	Wood,
Dockery,	Jones, J. T.	Randall,	Woodward,
Dorsheimer,	Ketcham,	Ranney,	Yaple,
Dunham,	Kleiner,	Robertson,	York.
Eaton,	Laird,	Rockwell,	

NOT VOTING—103.

Adams, G. E.	Dibble,	Kellogg,	Price,
Anderson,	Dowd,	King,	Rankin,
Arnot,	Duncan,	Lacey,	Ray, G. W.
Ballentine,	Dunn,	Lewis,	Ray, Ossian
Barr,	Ellis,	Lore,	Rice,
Belmont,	Ermentrout,	McComas,	Riggs,
Blackburn,	Evins, J. H.	McKinley,	Robinson, W. E.
Blanchard,	Fiedler,	Mayo,	Rowell,
Bowen,	Findlay,	Miller, S. H.	Ryan,
Boyle,	Foran,	Mills,	Smith,
Breckinridge,	Green,	Money,	Spooner,
Brewer, F. B.	Guenther,	Morey,	Spriggs,
Broadhead,	Hancock,	Morrill,	Springer,
Brumm,	Harmer,	Moulton,	Stewart, J. W.
Buckner,	Henley,	Muller,	Sumner, C. A.
Calkins,	Hepburn,	Murray,	Taylor, E. B.
Campbell, Felix	Herbert,	Nicholls,	Throckmorton,
Collins,	Hewitt, A. S.	O'Hara,	Tucker,
Converse,	Holton,	O'Neill, Charles	Washburn,
Cook,	Hooper,	O'Neill, J. J.	Weller,
Covington,	Horr,	Paige,	Williams,
Culbertson, W. W.	Hurd,	Patton,	Wilson, James
Dargan,	Jordan,	Payne,	Wise, J. S.
Davidson,	Kasson,	Payson,	Worthington,
Davis, L. H.	Keifer,	Phelps,	Young.
Deuster,	Kelley,	Potter,	

So the motion was not agreed to.

At 5 o'clock, the first roll-call having been completed,

Mr. STOCKSLAGER said: I see the time has arrived at which the House agreed to take a recess.

The SPEAKER. The Chair does not think the roll-call can be interrupted.

Mr. STOCKSLAGER. That was the point as to which I desired to address a question to the Chair.

The SPEAKER. The Chair will declare the recess immediately after the roll-call is completed.

The second call of the roll was then proceeded with.

The following pairs were announced:

Mr. DUNN with Mr. RYAN.

Mr. HERBERT with Mr. MCKINLEY.

Mr. BELFORD with Mr. BUCKNER.

Mr. EZRA B. TAYLOR with Mr. ERMENTROUT.

Mr. WILSON, of Iowa, with Mr. DUNCAN.

Mr. COVINGTON with Mr. SPOONER.

Mr. MILLS with Mr. PAYSON.

Mr. WILLIAMS, of Alabama, with Mr. WASHBURN.

Mr. POLAND with Mr. NICHOLLS.

Mr. PETTIBONE with Mr. YOUNG.

Mr. CLARDY with Mr. DAVIS, of Illinois.

Mr. DAVIDSON with Mr. MOREY.

Mr. MCCOMAS with Mr. SPRINGER.

Mr. DEUSTER with Mr. GUENTHER.

Mr. CAMPBELL, of New York, with Mr. MCCOMAS.

Mr. JOHN S. WISE with Mr. GEORGE D. WISE.

Mr. MULLER with Mr. ADAMS, of Illinois.

Mr. PATTON with Mr. ATKINSON.

Mr. FINDLAY with Mr. HEPBURN.

Mr. RAY, of New Hampshire, with Mr. MORSE.

Mr. ROGERS, of Arkansas, with Mr. MILLER, of Pennsylvania.

Mr. ROWELL with Mr. RIGGS.

Mr. O'HARA with Mr. EVINS, of South Carolina.

Mr. POLAND. The pair announced from the desk to which I am a party is on all political questions. I did not regard this question as political, and therefore I voted.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER. Pending the announcement of the vote, the gentleman from Illinois [Mr. TOWNSHEND] again asks unanimous consent to report a general appropriation bill, in order that it may be printed and referred to the Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

Mr. TOWNSHEND, from the Committee on Appropriations, reported a bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. TOWNSHEND. I give notice that I shall call up this bill immediately after the disposition of the naval appropriation bill.

ORDER OF BUSINESS.

The SPEAKER. On this question the yeas are 70 and the nays 147. The motion is not agreed to.

And then, in accordance with the order of the House (at 5 o'clock and 12 minutes p. m.), the House took a recess until 7 o'clock and 30 minutes p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 7 o'clock and 30 minutes p. m.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will report the order of the House under which the session is held this evening.

The Clerk read as follows:

Resolved, That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 7.30 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole for the purpose of considering the pension bills on the Private Calendar, in accordance with the order of the House just read.

Mr. ROBINSON, of New York. Pending that motion, I ask unanimous consent that the bill (H. R. 999) granting a pension to the sole surviving grandchild of the author of the Declaration of Independence be passed over informally when reached in the Committee of the Whole.

Mr. STOCKSLAGER. Not to lose its place on the Calendar.

The SPEAKER. The bill would retain its place on the Calendar.

There was no objection, and it was ordered accordingly.

The motion of Mr. MATSON was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the pension bills on the Private Calendar, in pursuance of the order of the House read not long since.

JOSEPH B. SELLERS.

The first business on the Private Calendar was the bill (H. R. 432) to increase the pension of Joseph B. Sellers; reported from the Committee on Invalid Pensions by Mr. MATSON.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Joseph B. Sellers, who now holds pension certificate No. 34275, to $36 per month, to take effect from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 432) granting an increase of pension to Joseph B. Sellers, have had the same under consideration, and beg leave to report as follows:

This pensioner lost a leg below the knee by reason of a gunshot wound received in battle near Dallas, Ga., on the 25th day of May, 1864. The amputation was made on the day after the wound was received and in the field hospital. The leg was taken off just below the knee and so near the joint that it has so

affected it that it is impossible for the pensioner to wear an artificial leg. The examining surgeon who last examined the pensioner says in his report that there is a very tender cicatrix, and, owing to the shape and position of the stump, he is unable to adjust or wear an ordinary artificial limb, and, as a matter of fact, has never been able to wear one. Besides this, as shown by the reports of the examining surgeons, this soldier, on the 3d day of July, 1880, was six feet and four inches high and weighed two hundred and fifty-three pounds. Owing to his great weight and the tender condition of the cicatrix he could not wear an artificial limb even if the amputation had been more skillful.

He alleged, in an application for an increase of his pension, the fact that he had incurred hemorrhoidal piles while in the line of his duty in making a severe march to Culpeper Court House, Va. But on account of this disability no increase could be granted him unless it was shown that on account thereof he was totally helpless.

This committee has no doubt that he should receive as much for the loss of his leg as if it had been taken off above the knee, and also that he should have the sum allowed him by the examining surgeon for hemorrhoidal piles, to wit, $6 per month, making $36 per month. We therefore recommend the passage of this bill.

Mr. MATSON. I move that the bill be laid aside to be reported favorably to the House.

There was no objection, and it was so ordered.

CATHERINE HUNTER.

The next business on the Private Calendar was the bill (H. R. 1897) granting a pension to Catherine Hunter; reported from the Committee on Invalid Pensions by Mr. MATSON.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catherine Hunter, widow of Levi M. Hunter, late a private in Company A, One hundred and twentieth Indiana Volunteers, from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1897) granting a pension to Catherine Hunter, have had the same under consideration, and beg leave to report as follows:

This case was sent to Congress under the joint resolution directing the Commissioner of Pensions to recommend such cases for the action of Congress as in his opinion seemed to be meritorious, but not within the operation of the general laws.

The claimant in this case is the widow of Levi M. Hunter, who died on the 4th day of January, 1882, leaving a widow and two children. He had been for a lengthy period, just prior to his death, drawing the largest pension known to the law, and had been during that time confined to his bed and unable to help himself on account of rheumatism contracted in the service and in the line of duty. While so confined he was attacked with typhoid fever and died of it. The evidence shows that the rheumatism for which he was pensioned would have soon produced his death, but as he did not die of that his widow could not be pensioned.

The Commissioner of Pensions also states in his letter "that the widow is a deserving person, having during all the period of the soldier's disability labored to support the family."

In view of the foregoing facts, this committee, without hesitation, recommend the passage of the accompanying bill.

Mr. MATSON. I move that the bill be laid aside to be reported favorably to the House.

The CHAIRMAN. If there be no objection it will be so ordered.

Mr. ROBERTSON. I object, and call for a division on that motion.

The committee divided; and there were—ayes 47, noes 2.

So (no further count being called for) the motion was agreed to; and the bill was accordingly laid aside to be reported favorably to the House.

NANCY ELLIS.

The next business on the Private Calendar was the bill (H. R. 2979) granting a pension to Nancy Ellis; reported from the Committee on Invalid Pensions by Mr. MATSON.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy Ellis, widow of James Ellis, late a private in Company G, First Regiment Alabama Vidette Cavalry Volunteers, and pay her a pension at the rate of $8 per month.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2979) granting a pension to Nancy Ellis, have had the same under consideration, and beg leave to report as follows:

Nancy Ellis is the widow of James Ellis, who was a resident of the county of De Kalb, in the State of Alabama, up to the time of his death.

It is clearly proven that he was opposed to secession, and escaped from his home to avoid service in the confederate army. He went to Indiana, and there enlisted, at the instance of Allen Lea, who was then second lieutenant of Company C, First Alabama Vidette Cavalry, in the United States Army, and who was detailed to recruit a company for said regiment, to be known as Company G. After enlisting he was taken to Stevenson, Ala., where said Company G was being organized, for the purpose of being mustered into the service. On the way he was greatly exposed to intense cold, and died of pneumonia at Stevenson, Ala., in two or three days after his arrival there.

When he enlisted he was in good health, and the witnesses speak of him at that time as being the best specimen of manhood and good health among a large number of recruits enlisted at and about the same time.

Clothing was issued to him at Louisville, Ky., as a soldier of the United States, and he was buried in the uniform of a soldier of the Union Army.

As he was not mustered into the service, his widow can not obtain a pension through the regular channels; but this committee believe that he was to all intents and purposes a soldier of the Union, and that his widow should be pensioned. And as all the above facts are indisputably proven, the passage of the accompanying bill is cheerfully recommended.

Mr. FORNEY. I move that this bill be laid aside to be reported favorably to the House.

The motion was agreed to.

LEVI ANDERSON.

The next business on the Private Calendar was the bill (H. R. 3625) granting an increase of pension to Levi Anderson; reported from the Committee on Invalid Pensions with amendments by Mr. MORRILL.

The bill was read, as follows:

Be it enacted, &c., That in lieu of the pension of $30 per month which Levi Anderson is now receiving under act of Congress approved March 3, 1883, for a gunshot wound in the left hip-joint, there is hereby granted to said Anderson the sum of $50 per month, commencing from March 1, 1884, on account of said gunshot wound in the left hip-joint, and also on account of a gunshot wound in the right shoulder, both of said wounds having been received by him in an engagement with rebel troops at White Oak, Jackson County, Missouri, and both of said injuries resulting now in total disability of said Anderson.

The report was read, as follows:

The Committee on Invalid Pensions, to whom the subject was referred, submit the following report:

The Committee on Invalid Pensions, having considered the petition (and papers accompanying) of Levi Anderson, late private in Company A, Seventh Kansas Cavalry, asking an increase of pension, find that said soldier was wounded on the 11th day of November, 1861, receiving a bad fracture of the thigh-bone, the result of a gunshot wound received in the battle at White Oak, Jackson County, Missouri. He was treated for two years in the United States hospital and then discharged. The leg is seven inches shorter than the other, and is useless. He also received a gunshot wound in his shoulder. He was pensioned from the date of his discharge at the rate of $8 per month, which was increased in 1871 to $15, and in August, 1872, to $18. In 1882, by special act, it was increased to $30. He now asks that he be allowed $50 per month. From the excessive disability existing, entirely incapacitating him from all labor, we recommend that the bill be amended so as to give him a pension of $40 per month, commencing from and after the passage of this act.

The amendments reported from the Committee of the Whole were to reduce the sum named in the bill from $50 to $40 per month, and to strike out "March 1, 1884" and to insert in lieu thereof the words "the passage of this act;" so that it would read: "there is hereby granted to said Anderson the sum of $40 per month, commencing from the passage of this act," &c.

The question was upon agreeing to the amendments.

Mr. HEWITT, of Alabama. I understand from the reading of the report in this case that this man has had his pension increased by act of Congress some four times. He is now drawing a pension of $30 per month, the highest pension known under the general law, except where the party has lost both eyes, both arms, or both legs. I think that a pension of $30 per month is sufficient.

Mr. MATSON. The author of this report, the gentleman from Kansas [Mr. MORRILL], is absent from the city. Perhaps the report is not as full as it should have been made. It does not state, nor is it the fact, that this pensioner has received the favor of Congress three or four times. He has received it but once.

He was pensioned by operation of the general law first at $8 per month, which was then the highest rate allowed; then his pension was increased by general law, not by special act, to $15 per month, and afterward to $18 per month. In the last Congress, in 1882, his pension was increased to $30 per month. The reason for that was that because of a deficiency in the law there was no provision made for any rate of pension between $24 and $50 per month.

This man had reached a stage of incapacity beyond any capacity for the performance of manual labor, but had not quite reached the degree of total helplessness which required the regular aid and attendance of another person, and therefore he was not entitled to the pension of $50 per month for total disability under the general law.

When the act of the last Congress was passed it was thought that $30 per month would be sufficient, but the condition of this pensioner has gradually become worse and worse, until now, as shown, he approaches so nearly the condition of total helplessness as almost to require the constant aid and attendance of another person. He has not reached quite that condition, because if he had he would receive a pension of $50 a month under the general law. He has arrived so nearly to that condition that the committee have agreed to fix a rate, which they thought was equitable, of $40 a month.

I have said that this report was not quite as full as it should have been made. I remember the circumstances of the case very well, and I think that perhaps the gentleman from Kansas [Mr. PETERS] can give the committee a full statement of the case. The gentleman who made the report stated to the committee the facts of the case very fully, more fully than they are given in the report. I move that the bill be laid aside to be reported favorably to the House.

Mr. HEWITT, of Alabama. I think we ought to have a full House to act on a bill of this character.

The CHAIRMAN. The first question is upon the amendment reported by the Committee on Invalid Pensions.

Mr. MATSON. I will ask unanimous consent that the bill be passed over informally, so that the gentleman from Kansas [Mr. MORRILL], who, as I have said, is now absent, may have an opportunity to explain the matter more satisfactorily at a subsequent session for pension business or that the bill may take the ordinary course upon the Private Calendar.

The CHAIRMAN. If there be no objection, the bill will be laid aside informally.

There was no objection, and it was ordered accordingly.

SARAH DAYTON.

The next business on the Private Calendar was the bill (H. R. 1025)

granting a pension to Sarah Dayton, widow of Erastus G. Dayton; reported by Mr. BAGLEY from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sarah Dayton, widow of Erastus G. Dayton, late acting ensign under General J. G. Foster, who received a grape-shot wound during the rebellion and died from the effects thereof.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 1025, beg leave to submit the following report:

The petitioner, Sarah Dayton, widow of Erastus G. Dayton, asks to be placed upon the pension-rolls for the loss of her husband, who performed meritorious service in the late war. Captain Dayton's bravery at Newbern and Roanoke Island proves that he was incited by the purest patriotism, and was willing to risk his life in defense of his country. At the time he received the wounds, which undoubtedly resulted in his death, he was not an enlisted man, but was in command of the United States schooner Highlander, engaged in the transportation of troops and munitions of war. Captain Dayton, with twelve men selected from his own crew, went on shore with a 12-pounder Wiard gun, and with almost superhuman exertions, succeeded in placing his piece in position first, and sturdily maintained his ground. General Foster ordered him up to dismount a gun, and he found six guns all pouring a raking fire upon him. During the action he was struck by a grape-shot in the breast. The wound, at the moment, was not supposed to be serious, but subsequent examination proved two ribs to be broken. He resigned and went home in poor health, in August, 1862.

In March, 1863, supposing himself sufficiently strong to again engage in his country's service, he accepted the appointment of acting ensign in the Navy, and was ordered to the gunboat Wissahickon, stationed off Charleston. During the night assault on Fort Sumter, September 8, 1863, he was captured, and kept as a prisoner over thirteen months. Upon his release he obtained leave of absence for three months, and, although suffering from troubles in the chest and side, induced by the wounds received at Newbern, determined to again join the fleet, although urged by his friends not to do so. He was on the gunboat Nereus at the storming of Fort Fisher, volunteering again for shore duty, and was among the few who remained and did service as "sharp-shooters."

In March, 1865, he resigned, broken in health. The evidence is strong that Dayton's wounds at Newbern and exposure and privations in Southern prisons produced pulmonary difficulties that caused his death. This man's bravery and pertinacity in battle were the subject of newspaper comment at the time, and he received notable commendation from the officers under whom he served. General Burnside was especially interested in his case. He never applied for a pension, and died in 1879. His widow, who is quite destitute now, asks aid from the Government for herself and children as a partial recompense for his services and her loss. Your committee, recognizing the justice of the claim, recommend the passage of bill H. R. 1025, with the following amendment, after the last word, as follows: "And that she be paid the pension of a widow of an ensign in the Navy."

The following amendment, reported from the Committee on Invalid Pensions, was read and agreed to:

Add to the bill the following: "And that she be paid the pension of a widow of an ensign in the Navy."

Mr. BAGLEY. I move that the bill as amended be laid aside to be reported favorably to the House.

There was no objection, and it was ordered accordingly.

MILES B. FARLIN.

The next business on the Private Calendar was the bill (H. R. 1076) granting a pension to Miles B. Farlin; reported by Mr. BAGLEY from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Miles B. Farlin, late a private in Company C, Thirty-first Regiment Massachusetts Volunteers, in the war of the rebellion.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1076) beg leave to submit the following report:

The petitioner for whose benefit House bill 1076 is introduced enlisted December 27, 1861, in Company G, Thirty-first Regiment Massachusetts Volunteers, and while on duty at Mansfield, La., and at the battle of Sabine Cross-Roads he was taken prisoner, and sent to the prison stockade, Camp Ford, near Tyler, Tex., where he was for about three months, and owing to the exposure and privations of his imprisonment his health was broken down, which resulted in rheumatism of the heart and other difficulties. The march of about two hundred miles from the place of capture to the stockade, over the hot sands, produced trouble in the feet, which became so swollen that he could not wear a boot or shoe for six weeks, and this difficulty has not yet disappeared. There was no hospital at Tyler, and the confederates appropriated the chest of medicines sent for the prisoners by General Banks.

The family physician certifies that Farlin has disease of the heart and general rheumatism, and also that his condition is such that he is able to perform but little labor and is not able to support his family.

Rev. Theodore F. Burnham, pastor of the church of which Farlin is a member, certifies to the good character and standing of the petitioner, and says that, owing to certain disabilities received while in the United States service, he is unable to support himself.

The case was not allowed by the Pension Office because of the inability to obtain the evidence of officers and comrades, who could not be found.

The committee think that because of this petitioner's services and suffering there is sufficient ground for granting him a pension, and therefore recommend the passage of House bill 1076.

Mr. HEWITT, of Alabama. Is this bill in the ordinary form?

Mr. BAGLEY. It is. I move that the bill be laid aside to be reported favorable to the House.

There was no objection; and it was ordered accordingly.

ROBERT NUTT.

The next business on the Private Calendar was the bill (H. R. 2419) granting a pension to Robert Nutt; reported by Mr. BAGLEY from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert Nutt, late a private in Company I, One hundred and forty-fourth New York Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2419), beg leave to submit the following report:

The petitioner, Robert Nutt, enlisted August 18, 1862, in Company F, One hundred and forty-fourth regiment New York Volunteers, and was discharged June 25, 1865. While marching from Camp Chase to Camp Morning, in the State of Virginia, he was injured in the left foot by the rubbing of a shoe, which caused a running sore that never healed, and which eventually rendered amputation necessary. The amputation was made about six inches above the instep, on the 3d day of February, 1875. Nutt was treated by the regimental surgeon in camp, and by other surgeons, but without favorable result. His case was rejected by the Pension Office on the ground that the injury to the foot was received in childhood, and it is alleged that this was the origin of the disease that necessitated the amputation.

The evidence, however, is not sufficiently strong to warrant this conclusion. On the contrary, it is shown that the trouble in the foot, in his earlier years, was overcome, and that it became to all appearances perfectly sound. Admitting it to have been the remote cause, it was greatly aggravated by service in the field, and long, continuous marches; without which aggravation the man would not have lost his foot. Abundant evidence is adduced to show that the petitioner did suffer as alleged while in the Army. It is also shown by many of his neighbors and others who employed him before the war that no disability of the foot was observed, and that he was perfectly able to perform manual labor. Although the injury to the foot occurred in October, 1862, Nutt continued in the service, the sore being constantly irritated. Your committee are of the opinion that as this soldier served faithfully three years in the Army, and that the origin of the disability was caused while in said service, he should be recompensed, and therefore recommend the passage of bill H. R. No. 2419.

Mr. HEWITT, of Alabama. Why could not this man receive a pension under the general law?

Mr. BAGLEY. The application was rejected at the Pension Office on the ground that the injury which necessitated amputation was originally received in childhood. But the evidence of the attending physicians went to show that the difficulty which had arisen in childhood was subsequently overcome, and that the injury which rendered amputation necessary was caused by the rubbing of the shoe while the man was marching during service in the Army. We examined the evidence carefully and thought it conclusive upon this point.

Mr. COX, of North Carolina. Why did not the Commissioner of Pensions take that view of the case?

Mr. BAGLEY. The gentleman will remember that the Pension Office is very particular in regard to receiving affidavits given by physicians who have attended in cases coming before the office.

A MEMBER. They should be particular.

Mr. BAGLEY. I admit it. But while the examining surgeons in this case were not willing to accept the conclusions of these attending physicians, the committee believed that these physicians testified truly, and that the injury which necessitated amputation was received in the Army. It is possible, of course, that these physicians may have erred and that the conclusions of the examining surgeons should be accepted; but this man served faithfully, and in the opinion of the committee is entitled to a pension.

Mr. HEWITT, of Alabama. Is not this a mere difference between the Pension Office and the committee as to the effect which should be allowed to certain evidence?

Mr. BAGLEY. That may be true; but the gentleman should remember that most of these cases coming before the Committee on Invalid Pensions are cases which have been rejected by the Commissioner of Pensions. We are not bound, as the Commissioner is, by the strict letter of the law. The committee bases its opinion upon evidence which it deems trustworthy. We regard this case as meritorious, and I hope there will be no objection to it.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported favorably to the House.

There was no objection, and it was ordered accordingly.

WILLIAM J. LEE.

The next business on the Private Calendar was the bill (H. R. 1073) granting a pension to William J. Lee; reported by Mr. BAGLEY, from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William J. Lee, late confidential scout and guide, headquarters Army of the Potomac, subject to the provisions and limitations of the pension laws, as though he had been regularly mustered into the United States Army.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 1073, ask leave to submit the following report:

The petitioner, William J. Lee, was a scout in the late war, and rendered valuable and perilous service. The case is well stated in the affidavit of Deputy Provost-Marshal-General George H. Sharpe, Army of the Potomac, who says:

"I am well acquainted with William J. Lee, and have known him many years. About March, 1864, I was deputy provost-marshal-general, Army of the Potomac; that said Lee was under my immediate command, and was on duty under my orders to ascertain the movements of the enemy; that at the time stated above said Lee might have contracted, and probably did contract, rheumatism, or the permanent disability to which he refers, as he was constantly exposed while on said duty as scout in crossing and recrossing the Rappahannock and Rapidan Rivers in Virginia; that his duties were hazardous; that he was frequently compelled to wade and swim the rivers referred to, at all stages of the winter, in order to ascertain the movements of the enemy."

Dr. Taliafero's affidavit says: "Lee was a healthy man and free from rheumatism before service in the Army."

John Langdon, chief of scouts, testifies that the claimant contracted rheumatism in March, 1864, while acting as scout.

C. Christian, druggist, says that Lee has bought medicines for rheumatism at various times during the last ten years of him, and the claimant says he is still suffering and under treatment for the disease. Lee not being an officer or enlisted man, had no title to pension, and hence the rejection by the Pension Office.

The committee are of opinion that it is a meritorious case, and recommend the passage of bill H. R. 1073.

Mr. COX, of North Carolina. As I understand, this man was not an enlisted man.

Mr. BAGLEY. No, sir.

Mr. COX, of North Carolina. Why not?

Mr. BAGLEY. He was employed as a scout, and was never regularly enlisted in the service. We have occasionally passed cases of this kind heretofore.

Mr. STEELE. I think the passage of this bill would be a dangerous precedent. I do not see why we should inaugurate a civil pension-list. If we establish this precedent every man who was employed on a naval vessel or transport during the war will be coming in here and demanding a pension; and in many cases such persons will be just as much entitled to a pension as this man Lee.

Mr. Lee preferred to be a scout because he received more pay for his services. He had the choice of becoming an enlisted man and entitled to receive a pension, but he preferred to be a civilian, to go and come when he pleased, and to receive a greater compensation. For that reason, without extending my remarks, I hope the bill will not pass.

Mr. ROSECRANS. The gentleman from Indiana has made a statement in regard to this matter which ought not to go uncorrected. Now, Mr. Chairman, it is not a fact that as a rule people who were scouts were so because they preferred to be such rather than to be subjected to the rules of the Army. I can testify of my own knowledge and experience that various circumstances of fitness, of age, of special qualifications, were the causes of men being employed as scouts. Not unfrequently they were employed as such because they were old. It was also because, being men of great intelligence and standing, they did not desire to be enlisted as privates, and they could not be appointed as company officers, because then they could not be used on scout duty. I should like to have it understood as a matter of fact that as a general rule scouts were not enlisted.

Mr. HORR. As a general rule?

Mr. ROSECRANS. Yes, as a general rule. They were quartermasters' men. Sometimes they were enlisted as scouts and paid out of a special fund.

Mr. HORR. Were there not connected with the Army a large number of men who were not enlisted men, such as teamsters, &c.?

Mr. ROSECRANS. Yes, quite a number of teamsters and others. We usually called them quartermasters' men.

Mr. HORR. Not enlisted?

Mr. ROSECRANS. No.

Mr. HORR. Then I should like to ask the gentleman in charge of this bill to give us some reason why we should step outside of the rule which confines pensions to men who were enlisted and actually in the service, and pension a man who was not a regular member of the Army and was not entitled under the law to a pension? What I mean is this, if we go outside once we enter upon a wide field, as I understand, including teamsters and a large class of men who were never enlisted. Why should we do that? I should like to hear some good reason for it.

Mr. BAGLEY. I will say to the gentleman that we propose to pension this man because of his meritorious service and because of the hazard and exposure he endured while in the Army. He was engaged by the officers of the Army; no doubt about that, as the evidence shows conclusively it was so.

Mr. HORR. For how long?

Mr. BAGLEY. I do not know how long, but he was in the service about two years.

Mr. STOCKSLAGER. Permit me to ask a question.

Mr. HORR. Certainly.

Mr. STOCKSLAGER. Does the report show this man was injured while performing these services?

Mr. BAGLEY. He contracted a disease which incapacitated him from labor.

Mr. STOCKSLAGER. He was not wounded?

Mr. BAGLEY. No, sir.

Mr. STOCKSLAGER. Where a man was actually in the service of the country, though not enlisted, and wounded, I am in favor of giving him a pension.

Mr. COX, of North Carolina. Was this man examined by a surgeon in reference to his disability?

Mr. BAGLEY. He was. I ask the Clerk to read General Grant's letter.

The Clerk read as follows:

WASHINGTON, D. C., *December* 16, 1880.

DEAR SIR: I would be glad to aid you in any way in my power to procure a pension for your well-deserving services during the rebellion.

I can not specify your services as well as General Meade could if alive, or as General George H. Sharpe—who is living—can, but I know they were hazardous, and attended with much exposure to health as well as personal danger. I hope you may yet get your pension.

Very truly, yours,

U. S. GRANT.

WILLIAM J. LEE.

Mr. BAGLEY. I also ask the Clerk to read another paper which will strengthen this case.

The Clerk read as follows:

OFFICE OF ATTENDING SURGEON, AND
UNITED STATES ARMY DISPENSARY,
Washington, D. C., May 13, 1882.

I certify that William J. Lee, late confidential scout at headquarters Army o the Potomac, has been under medical treatment for rheumatism of the pectoral muscles, intercostal muscles, and muscles of the shoulders and back. This man performed service in the line of duty under circumstances of great exposure to wet and cold weather, night and day, and so far as I am acquainted with the history of his case, it is traced back to the period of his active military service in November, 1863, in the Wine Run campaign to December, 1865.

BASIL NORRIS,
Surgeon, United States Army.

The foregoing is a true copy.

BASIL NORRIS,
Surgeon, United States Army.

WASHINGTON, D. C., *January* 31, 1884.

Mr. BAGLEY. I yield now to the gentleman from Wisconsin, who desires to make a statement with reference to this subject.

Mr. JONES, of Wisconsin. Mr. Chairman, I wish simply to make a brief statement, as I think gentlemen have not quite a correct idea, all of them, about the scope of the law bearing upon this subject. I happen to know of one instance since I came here concerning the ruling of the Pension Department upon a similar subject. It was this: A person on a war vessel, who was not an enlisted soldier at all, was either wounded or killed, I do not now remember. His pension claim was brought before the Pension Department and was rejected. It was taken from the Pension Department to the board of appeals, and they there decided that it was not necessary under the law that he should be an enlisted soldier, but that having performed service of that character he was entitled, or his personal representatives, to a pension.

I state this merely to show that this case is not so far out of the way, nor that it furnishes so dangerous a precedent as some gentlemen seem to think. I do not now remember the name of this case, but I know of my own knowledge that such was the ruling on the part of the board of appeals. Whether this present case might, if it had been appealed, have been thus decided, of course I am not able to say.

Mr. HOUK. Mr. Chairman, I desire to make one or two observations in reply to the remarks of the gentleman from Indiana and in reference to his criticisms, when he says we are about to establish a vicious precedent. I do not think it would be a dangerous precedent, even if we were just about entering upon and making such a precedent. But there are already hundreds of precedents like this, where Congress after Congress since the war, both Republican and Democratic, have granted such relief.

Now, it does not seem to me that at this time we ought to stop and quibble about whether a man who is justly entitled to relief was an enlisted soldier, was mustered in, or whether he performed the service in one department or another. If he risked his life and performed good and faithful services, if he rendered valuable aid to the cause of the Government in the prosecution of the war, for one I am ready to vote a pension to him, no matter what branch of the service he was in, whenever he makes out and presents here a meritorious and proper case for our consideration.

So, again, it is wholly a mistake to say that men were selected for this service because of their own choice; but on the contrary, as the gentleman from California has said, it was because of their adaptability to that service; because of their knowledge of the country; because they possessed some peculiar qualities that fitted them to discharge these duties of scouts; and there is not a man here who has seen any service on either side during the war who does not know that the scouts of the two armies constituted one of the most valuable branches of the military service. Why an exception or objection should be made in regard to a man who performed, as in this case, a valuable duty, because he happened not to be enlisted, I fail to understand.

Mr. STEELE. Before the gentleman from Tennessee sits down I would like to ask him a single question.

Mr. HOUK. Yes, sir.

Mr. STEELE. I would like for the gentleman to name a single precedent for the pensioning of a civilian.

Mr. HOUK. There are any number of precedents. I do not call to mind their names.

Mr. BAYNE. The Mississippi ram fleet furnishes a large number.

Mr. HOUK. Certainly; and there are others. I know of the case of Mr. Ellis, of Tennessee, and there were many others whose names I do not remember; but I venture to assert that the clerks there, on examining the records, could find a hundred precedents at least of this character.

Mr. MATSON was recognized.

Mr. STEELE. I would like to ask the gentleman another question.

The CHAIRMAN. The gentleman from Indiana on the right is entitled to the floor.

Mr. STEELE. I thought the gentleman from Tennessee had the floor.

The CHAIRMAN. The Chair understood the gentleman from Tennessee to yield the floor, and recognized the gentleman from Indiana on the right of the Chair.

Mr. STEELE. I hope the gentleman will permit me to ask one other question.

Mr. MATSON. I will yield the floor for that purpose.

Mr. STEELE. I wish to ask the gentleman from Tennessee if this man was selected for this duty; and whether it was incumbent upon him to perform the service, if he was selected, unless he was satisfied with the pay?

Mr. HOUK. I will answer the question of the gentleman by another. Does he not know that the entrance to any branch of the service except under the conscript laws was entirely voluntary?

But that is not the sole question to be considered here. The Government accepted this man's service. It amounted to an agreement between them. The question is not as to the manner of coming in or going out, but simply of rendering the service. If he rendered the service and lost his life or his health from wounds or exposure, is he not entitled to reward?

Mr. STEELE. Does not the gentleman from Tennessee think that we ought to begin by keeping our promises to the men who were entitled to pensions and the equalization of bounties?

Mr. HOUK. Yes, sir, I certainly do; and every pension like this is only another step in the right direction of fulfilling onr promises by giving careful consideration and favorable response to every application which comes before us from every class of men who served their country faithfully and honorably during the war. [Applause.]

Mr. HEWITT, of Alabama. Let me ask the gentleman if he has introduced any general bill covering this point?

Mr. HOUK. Yes, sir; several. The first bill that I introduced here was for such a purpose.

Mr. HEWITT, of Alabama. If you want to pension scouts, it should be done by a general law.

Mr. HOUK. No, sir; not for scouts, for this very reason: that each case must necessarily depend, more or less, upon independent conditions and circumstances. And this is more particularly the case with reference to the scout service than any other. No general law could be applicable to all of them. Every meritorious case must stand by itself. If the particular circumstances and conditions which attend the case warrant relief by showing that the service was rendered, that the party discharged his duty and incurred disability, the relief should be granted. But each case must rely upon itself and not on the general features of a bill covering the whole class of cases; and in every such individual case the Government is in honor bound to take care of the party as it does of others. In such a case I say it is the peculiar duty of Congress by special legislation to meet the special requirements of that case and to do justice to that special class of cases.

Mr. MATSON. If this case was one in which the House was establishing a precedent—that is, if it was so important as the gentleman from Indiana, my colleague, seems to think it would be—then I would say this House should pause and more thoroughly discuss this matter than it has been discussed. But we are not establishing a precedent by passing this bill. I am perfectly safe in saying there are scores of cases precisely like this one on the pension-roll by reason of special acts of Congress—scores of them.

Mr. STEELE. May I ask my colleague a question?

Mr. MATSON. Yes, sir.

Mr. STEELE. Was not every single case of this kind rejected by the last Congress? When I spoke of precedents, I meant that since I have been in Congress I do not know of one.

Mr. THOMAS. Will the gentleman from Indiana [Mr. MATSON] allow me to answer his colleague?

Mr. MATSON. Yes, sir.

Mr. THOMAS. The last Congress did not reject claims of this kind. Morris, a scout, was pensioned under circumstances like these, and his was no more meritorious case than is this one.

Mr. MATSON. I am not able to repeat the names of those that have been pensioned, but I am very sure I am correct when I repeat the statement I have made, that there are scores of men on the pension-roll who were spies during the war, who incurred wounds, and who incurred disabilities from disease, and are now on the pension-roll, and placed there by special acts of Congress.

Mr. STEELE. And never were enlisted men?

Mr. MATSON. Spies were not enlisted. They would have had no occasion to come to Congress and ask for pensions if they were enlisted men, because they could then have gone to the department and got their pensions there.

The proposition on the other hand is that a spy is a civilian. It is true he is not an enlisted man. But he renders services that are essentially military and not civil services, and they are services, too, that are particularly hazardous; and when he is caught he is liable to be hung. And this man, it seems by the certificates of the most distinguished men upon our side during the last war, rendered very valuable services of that kind; and letters have been produced here from those men asking that this man be pensioned.

These were dangerous services. They were not civil services; they were military services. And I am sure my colleague from Indiana is not willing to say he would not pension a civilian for military services. I am sure he is not willing to say he would draw the line merely against those who happened not to be mustered in if they were performing military services. That is the distinction. Men ought to be pensioned for military services and not for civil services. To that extent he is right. But here is a case where the man asks to be pensioned purely for military services, and very dangerous, hazardous, and valuable service to the Government; and yet my friend will insist he ought not to be pensioned because he was not regularly mustered in.

My friend from Alabama [Mr. HEWITT] a moment ago said we were here just to meet that kind of cases where men were not technically mustered in. And here is a case which we bring to the House of a man who is entitled to a pension by reason of military services of an arduous character and of disabilities incurred in that kind of service, and because the technicalities of the case are such that it can not be put through the Pension Office. And now it remains for the House to say whether he should be pensioned or not.

Mr. HOUK. Will the gentleman from Indiana yield to me for a moment?

Mr. MATSON. Certainly.

Mr. HOUK. The gentleman from Indiana [Mr. STEELE] asks me for precedents. Here is a precedent. I could find a hundred if I had time. I ask the Clerk to read an act of the first session of last Congress which I have marked.

The Clerk read as follows:

Chap. 406.—An act granting a pension to Amos Chapman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amos Chapman, of the Indian Territory, late a scout, under the immediate command of Col. Nelson A. Miles, United States Army, said pensioner to be allowed the same as a private soldier for the loss of a leg.

Approved August 5, 1882.

Mr. HOUK. Now, all I desire to say in the time of the gentleman from Indiana [Mr. MATSON] is this: The gentleman from Indiana [Mr. STEELE] called on me for a precedent. I found one; and I am informed by the clerks there are at least a hundred since the war.

Mr. STEELE. I would like to ask my colleague a question.

The CHAIRMAN. The gentleman from Illinois [Mr. THOMAS] has been recognized and has the floor.

Mr. THOMAS. I have had occasion to investigate this case somewhat, and I speak advisedly when I say that during the war of the rebellion there was not a man of the Army of the Potomac, unless it be some officer of high rank, who rendered such service to the Government as this man Lee did. He was a Virginian, thoroughly acquainted with all the territory of Virginia. He was a particularly bright, active, and educated man. He was a Union man, and was taken into the employ of the Government as a spy. He served almost from the beginning of the war until the end of it. He brought more information to the commanding officers of the Federal Army from the confederate lines than any other spy of the United States Army during the whole war. He was captured once or twice, and was in imminent peril of being executed on the spot. On one occasion he made his escape by what seemed to be almost an interposition of Divine Providence. He escaped, but was compelled to go through the most terrible winter's storm and wade and swim a deep and icy river to get into the Union lines, and in coming brought the most valuable information to the Union Army.

There is a great deal of talk here about the danger of establishing precedents of this character. Sir, I am tired of talk of that sort. Has anybody hesitated, when the widows of Presidents have come here and asked for pensions—has Congress hesitated a moment to establish a civil list in their favor? And a citizen, however humble he may be, is entitled to the same consideration for his services as though his duties had been in a higher sphere of action.

This man did all he could for his Government, and in so doing he contracted the disease under which he now is suffering. I happen to know him personally. There is not a more worthy citizen in the United States to-day than this poor man who goes along day after day with this burden of disease upon him, contracted in the line of the most arduous and perilous duties.

I hope there will be no hesitation in recognizing his services and placing him where he properly belongs, upon the pension-roll of the Government. Indeed, I would be glad for one to vote to make his pension more than is proposed by this bill, for his services were not common services, but were very uncommon, extraordinary, gallant, perilous, and most deserving.

Mr. MCMILLIN. I will ask the indulgence of the committee for one moment only on the question of what was the custom in the last Congress touching cases of this kind. I had the honor during the last Congress of serving on the Committee on Invalid Pensions with the distinguished gentleman from Indiana [Mr. MATSON], the present chairman of that committee. A number of bills of this kind got through the committee and were placed on the Calendar. But when they came up for consideration, while I believe one or two did slip through inadvertently, the policy of the House in the last Congress, established and

maintained to the end, was not to pension those who had not enlisted in the service. I know that occasionally, as I have said, some such bills were passed. But toward the close of the session, when the question was made that such bills had been passed, it was said that it had been done earlier in the session.

Any man who doubts what I say can get an old calendar of the last Congress—he can get a succession of calendars—and he will find that not simply one, not simply two, not simply three, but a dozen or two dozen, and I do not think I would be amiss if I were to say that more than two scores of bills in various forms proposing pensions for civilians are marked on those calendars in italics "passed over informally." We worked during the sessions for the consideration of pension bills without a quorum, and being unwilling that the precedent should be established of pensioning civilians, gentlemen protested that they would raise the question of a quorum if the bills were pressed. Hence meeting after meeting and month after month through both sessions of the last Congress, and until the Congress closed, the custom prevailed of passing over such bills informally; and the old calendar will show them so marked in italics.

That is all I desire to say concerning that point. As to whether this House shall vary that policy or not is with the House. I do not believe it is wise to change that policy; but if we do vary it, let members understand the circumstances under which it is done.

Mr. HOUK. The gentleman will not undertake to say that no bill of this character was passed.

Mr. McMILLIN. I said that in more than one instance probably such bills did pass through inadvertently. But I do say that the policy of the last Congress was not to pass such bills as this.

Mr. HOUK. Instead of its not being the policy of Congress, they were not passed because there was not a quorum here.

Mr. McMILLIN. And hence they could not be passed.

Mr. HOUK. Because we did not have a quorum here when they were under consideration.

Mr. McMILLIN. The point I make is that they were not passed by the last Congress.

Mr. HOUK. The fact that they were not passed because of the want of a quorum does not affect the policy of Congress.

Mr. STEELE. Would an amendment be in order to place all men engaged in military service upon an equal footing with those who were regularly enlisted?

Mr. MATSON. I would make a point of order on that amendment if offered.

Mr. NUTTING. This question appears to present three aspects, as I judge from the arguments which have been brought forward. One is that this man was not an enlisted man, and therefore it is argued that he is not entitled to this pension.

Now, if the Chair please, let me say that an enlistment, as I understand it, is in law and in fact simply a contract with the Government that the man enlisted shall perform for it certain services. It is a kind of contract. And I say that the contract with this man to perform certain services was as much a contract of enlistment, although a different kind of a contract, as any other; that is all. One man was enlisted for the purpose of performing certain duties in the Army; another man was enlisted by another contract to perform certain other duties.

If the policy of the last Congress was against establishing this kind of precedent, it is time that the precedent was established by this Congress. If a man perform services for the Government under a law such as this man performed under, then I say he is entitled to as much consideration at our hands as he would have been if enlisted under the regular enlistment law.

I say further that the kind of service which this man performed was particularly important to the Government. How many times was it, I ask the men here who were in the service, that the men in the ranks who were enlisted men waited with bated breath for the word to come that was to be brought by the men of this character of what was going on in the enemy's lines; waited until they had received word that they could perform the service for which they had been enlisted? When this man brings back word that the opportune time has come, that the attack may be made with effect, then the attack is made. The whole army waits for the service of this man. And when he has performed it, and has received disability in performing it, I say this Congress would be derelict in its duty did it not recognize the service and give the man under these circumstances a pension. [Applause.]

Mr. HORR. This bill, upon examination, proves to be more satisfactory in its form than I had supposed. It leaves this man to make his proof as to the amount of disability, just as any other applicant for a pension must do. He is to be subjected to the examination of the surgeons of the Government in the same way as an enlisted soldier would be if applying for a pension. The only question is whether a man who has incurred disability in this class of service should be put on the pension-rolls. Now, it does seem to me that enough has been said to satisfy any one that the character of the service rendered by this man was as important as that performed by many others who are now getting pensions.

I know that the gentleman from Tennessee [Mr. McMILLIN] is right in his statement that there were but few cases of this kind passed in the last Congress; yet I do not think the line was as finely drawn as he draws it. Certainly I remember that at one evening session we passed bills to pension three nurses. I know that in several instances in the last Congress we passed bills placing on the pension-roll persons who had never been mustered in the military or naval service. At the same time it is true, as has been stated, that the gentleman from Indiana [Mr. BROWNE], then the chairman of the Committee on Invalid Pensions, opposed as a rule the granting of a pension in every such case. I recollect that our friend from Illinois [Mr. TOWNSHEND] worked early and late to get a bill passed pensioning a man in one of the exceptional cases. I do not remember what was the matter with the man; but I do remember that it appeared, when the gentleman got through his speech, that the man was a mere bundle of diseased muscles and veins, having lost almost everything that could make life valuable. But, as I recollect, we did not pension him.

Mr. McMILLIN. The disability alleged was that he had been injured in firing a salute. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the motion of the gentleman from New York, that the bill be laid aside to be reported favorably to the House. [The question having been put]. The ayes appear to have it.

Mr. ROBERTSON. I call for a division.

The question being again taken, there were—ayes 76, noes 8.

Mr. ROBERTSON. I make the point that no quorum has voted. [Cries of "Oh, no!"] My reason for making this point is that instead of pensioning civilians we ought to be pensioning the soldiers who have received honorable wounds in the service of the Government.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint tellers.

Mr. MATSON. I ask unanimous consent that this bill be passed over informally.

Mr. BAGLEY. I ask the gentleman from Kentucky [Mr. ROBERTSON] to withdraw his point.

Mr. ROBERTSON. I am willing to do so if the bill be laid aside without action.

The CHAIRMAN. The Chair will appoint tellers.

Mr. MATSON. I ask unanimous consent that the bill be laid aside informally.

The CHAIRMAN. Is there objection?

Mr. DUNHAM. I object.

Mr. McMILLIN. I hope that will be done. That was the course always taken in the last Congress in cases of this kind.

The CHAIRMAN. The Chair appoints as tellers the gentleman from Indiana, Mr. MATSON, and the gentleman from Kentucky, Mr. ROBERTSON.

Mr. CALKINS. I hope unanimous consent will be given that the bill be laid aside informally.

The CHAIRMAN. Objection was made.

Mr. MATSON. I appeal to the gentleman who made that objection to withdraw it. If it be insisted upon, it will prevent our reaching any other bill to-night.

The CHAIRMAN. Is the objection withdrawn?

Mr. THOMAS. It is not.

The CHAIRMAN. The tellers will take their places.

The committee again divided; and the tellers reported—ayes 81, noes 12.

Mr. COX, of North Carolina. No quorum.

Mr. MATSON. I now renew my request for unanimous consent that the bill be passed over informally. Unless this is agreed to, gentlemen prevent the reaching of any other bill to-night. Let this bill be passed over informally, retaining its place on the Calendar; or, if it be more satisfactory to the opponents of the bill, I will make a proposition that it be reported to the House with the distinct understanding that it be disposed of by a yea-and-nay vote when we have a quorum.

Mr. THOMAS. I am entirely willing to agree to that.

Mr. DUNHAM. I object.

Mr. MATSON. I will undertake to see that there shall be no action upon the bill in the House except when there is a quorum present.

The CHAIRMAN. The gentleman from Indiana [Mr. MATSON] asks unanimous consent that the bill may be reported to the House——

Mr. ROBERTSON. I object.

Mr. MATSON. Then let it be passed over informally.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the bill be laid aside informally, retaining its place on the Calendar. Is there objection? The Chair hears none, and it is so ordered.

ROBERT M. FLACK.

The next business on the Private Calendar was a bill (H. R. 3669) granting a pension to Robert M. Flack; reported with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert M. Flack, late captain of Company F, Eighty-fourth Pennsylvania Volunteers, and pay him a pension at the rate of $20 per month.

The report of the committee was read, as follows:

It appears that Robert M. Flack, late captain of Company F, Eighty-fourth Pennsylvania Volunteer Infantry, having filed his claim with the Commissioner

of Pensions and complied with the requirements of the law, and having fully proved his claim, it has been rejected on the grounds that he was not mustered into the service as captain at the time the disability was incurred.

While the claimant may not have a legal right to a pension in consequence of this omission in the records, he has an equitable one, and as he served faithfully as a brave soldier in the Army, and obtained his disability while in the line of duty, and, further, that his brother officers and comrades testify to his worth as a soldier, and the medical testimony shows that his disability is pensionable, therefore your committee feel that it is a meritorious case, and report in favor of the bill, and recommend that it do pass.

The amendment of the committee was read, as follows:

Strike out these words: "and pay him a pension at the rate of $20 a month."

The amendment was agreed to.

Mr. WINANS, of Michigan. I move the bill as amended be laid aside to be reported to the House with a favorable recommendation.

Mr. HEWITT, of Alabama. I should like to have a fuller explanation of this case. Was this man enlisted and injured as a private?

Mr. WINANS, of Michigan. He was commissioned by the governor of his State. He went into Kansas, and was there for three months. During that time he incurred disease, for which he applied for a pension, but was refused on the ground he was not mustered in before the occurrence of the disability.

Mr. HEWITT, of Alabama. Was he acting as a captain?

Mr. WINANS, of Michigan. He was commissioned by the governor of the State of Pennsylvania.

The motion was agreed to; and the bill as amended was laid aside to be reported favorably to the House.

NELLY ROBERTS.

The next business on the Private Calendar was the bill (H. R. 1142) granting a pension to Nelly Roberts.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nelly Roberts, dependent mother of Frederick Sawyer, *alias* Bond, late a private in Company G, First United States Colored Troops, and pay her a pension at the rate of $8 per month.

The report of the committee was read, as follows:

The committee are satisfied Nelly Roberts is very old, very poor, and appeals most strongly to our sympathy. She furnished four sons to the Federal Army, three of whom died in service. That she was entirely dependent upon her dead son, Fred. Sawyer, when he died, is not clear, but it is clear that but for his death she would now be entirely dependent upon him. She is now dependent on the charity of her old master, and is over seventy-five years old.

There being no objection, the bill was laid aside to be reported favorably to the House.

DILENO ROBINSON.

The next business on the Private Calendar was a bill (H. R. 2251) to increase the pension of Dileno Robinson.

The bill was read, as follows:

Be it enacted, &c., That Dileno Robinson, late a private in Company K, Second Regiment Massachusetts Volunteers, be, and he is hereby, granted and allowed, from and after the passage of this act, a pension at the rate of $24 per month; and that the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of said Dileno Robinson on the pension-roll at said rate in lieu of the pension now paid him.

The report of the committee was read, as follows:

Dileno Robinson, of Lynn, Mass., a private in Company K, Second Massachusetts Volunteers, served from the 25th day of May, 1861, and including a re-enlistment, until the 14th day of July, 1865, when he was honorably discharged, his total period of service being four years, one month, and twenty days. He was granted a pension (certificate No. 75490) at the rate of $4 per month, December 21, 1866, which was increased June 12, 1867, to $8 per month, and upon April 7, 1875, was further increased to $10 per month. This was for injuries received to his side, back, and stomach while in line of duty with his regiment at Sisters Ferry, S. C., on or about February 1, 1865, by being knocked down and run over by a loaded army wagon, estimated to weigh between 3,000 and 4,000 pounds, two wheels of which passed over him. He claims that the injuries then received have resulted in heart, liver, and kidney troubles, dizziness, and daily pains through his entire body, and that the same are increasing as he grows older, until they have totally incapacitated him for the performance of any manual labor. The evidence in relation to his injury is Lieut. John A. Fox, adjutant of his regiment, who certifies, "It was thought at the time that Robinson was mortally injured."

Samuel F. Jepson, first sergeant of his company, certifies:

"I was an eye-witness of the accident, and helped carry him to a place of saftey. The blood was running from his ears, nose, and mouth. I did not think he would live an hour."

Dr. I. H. P. Shattuck, on duty in general hospital at Savannah, Ga., certifies:

"Robinson was brought to Savannah the latter part of January, 1865, in a very critical condition, and it was believed at that time by the surgeons at the hospital that he would live but a very short time."

Dr. George S. Jones, of Boston, Mass., examining surgeon, certifies:

"His present condition is evidently the result of severe internal injury. He is unable to perform any laborious duty."

Dr. John W. Foye, examiner, Boston, certifies:

"There is tenderness on pressure over the stomach, requiring the constant use of a protective bandage, and the slightest indiscretion in diet is followed by severe paroxysms of pain."

Dr. Isaac F. Galloupe, of Lynn, examining surgeon, certifies:

"Suffers from palpitation on exertion, and from pain in region of heart; can not lie on left side; is weak, tremulous, and easily fatigued, and since last examination by me these symptoms have increased in severity, and form the ground for increase of pension. Heart disease, result of injury to chest: disability permanent in its present degree; increase of disability not due to vicious habits; his claim for further increase of pension was rejected May 22, 1883, on the ground 'that he is now receiving the full amount allowed under the law for the disability resulting from injury to stomach.' This 'rejection,' he claims, does him great injustice; that his disability is equivalent to the loss of a hand or foot; that he can not perform any manual labor; and has been compelled for the last few years, in order to exist on the pension of $10 per month paid him, to live hermit-like in a shanty, which he had built for himself in Dungeon Pasture, so called, in the woods in the suburbs of Lynn, Mass."

Your committee are of the opinion that the case is fully sustained by the facts, and are therefore of the opinion that the relief sought should be granted, and recommend the passage of the accompanying bill.

Mr. COX, of North Carolina. What were the circumstances under which he received this disability?

Mr. LOVERING. The circumstances under which the injury was received were these: The regiment came into camp at night and, as usual, the boys scattered for wood wherewith to start a fire to boil their coffee and cook their meal. He had gone with the others and obtained an armful of rails and he was bringing them in. Any one who has seen the sight knows the confusion attendant on such occasions. He was caught between two teams, knocked down, and run over.

There being no objection, the bill was laid aside to be reported favorably to the House.

THERESA CROSBY WATSON.

The next business on the Private Calendar was the bill (H. R. 103) granting a pension to Theresa Crosby Watson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll of the United States the name of Theresa Crosby Watson, widow of James M. Watson, late a commodore in the United States Navy, and to pay her a pension at the rate of $50 a month from and after the passage of this act, subject to all the other provisions and limitations of the pension laws.

The report of the committee was read, as follows:

Commodore James M. Watson entered the United States naval service in 1823, and remained in said service until 1873, when he died in Vallejo, Cal. His health was seriously impaired in 1854, when, in command of a man-of-war, the Fulton, he was exposed to a severe storm, producing an attack of pneumonia, which, there is reason to believe, ultimately caused his death. His service was long and faithful and meritorious. His widow is now in the decline of life, and solely dependent on her exertions for support. We can see no reason why she should not receive the same pension that has been allowed in many other similar cases by special act of Congress to the widows of officers of the Navy of similar rank. The committee therefore recommend the passage of the bill.

Mr. McMILLIN. Mr. Chairman, I would like to know of the gentleman having this bill in charge why it is that this applicant can not receive a pension under the general law. If the facts stated in the report are true, it would seem to be hardly necessary to come here with this application.

Mr. HORR. Yes; I would like to know something about that myself.

Mr. LAIRD. Mr. Chairman, under the direction of the Committee on Pensions I reported this bill to the House, and in answer to the gentleman's question as to whether or not under existing law this claimant could receive relief, I have to say that, as we found the statutes, had Commodore Watson died in action, or from the direct cause of wounds received in the service, the proposition of the gentleman from Tennessee would be a correct one, and there would have been no need for this bill. In the absence of that it is necessary that an act shall be passed to enable the widow to receive any assistance from the Government.

Since I am on my feet I desire to suggest to this committee that the relief sought by this bill for this person is such relief as by a report of the Commissioner of Pensions, which I hold in my hand, has been repeatedly extended to the widows of the officers of this rank in the Navy. For instance, in the case of Rear-Admiral Farragut the House in 1872 bestowed upon his widow a pension of $2,000 per annum.

The list of those that I shall now read is such a list as is furnished by the Commissioner of Pensions, where such pensions as this bill proposes are being paid at $50 a month, as follows:

To the widow of William M. Wood, a rear-admiral; of William Reynolds, a rear-admiral; of Henry H. Hoff, a rear-admiral; of Henry H. Bell, a rear-admiral; of Charles H. Davis, a rear-admiral; and so on down through quite a list of names of persons who are receiving pensions of that grade. Where the officer held the rank of commodore I find the names of James H. Frailey, a commodore; Charles S. McCauley, a commodore; Isaac McKeever, a commodore; and others, comprising ten or twelve instances, where pensions are being paid to their widows.

Further, I have to say that under the general pension laws as they existed up to the time of the enactment of the act of 1862 the widow of this officer, or the widow of an officer of like rank, would have received a pension at the rate of $50 a month. Under the act which went into effect in 1789 it was provided that the widows of officers of the Navy should, in case of the death or wounding of such officer in the service of the United States, receive a pension equal to half the pay of such officer. The half-pay of a captain—that being the highest officer recognized in the act—was $100 a month; so that the pay of the pensioner under that law would have been $50 a month, and so on through the range of the varying grades of rank down to the lowest.

That law remained in force from the time of its passage until 1862. The law of 1862 deprived the naval people of the advantage of that act and operated to reduce these pensions. But the law of 1862 only provides for officers of the rank of captain, and makes no provision for commodores, rear-admirals, or admirals so far as I can discover, and I have examined it closely and had experts to look it up. It provides that certain officers of the Army with a specified rank shall receive

pensions at certain specified rates, and by analogy with that designation officers of the Navy are pensioned, or those dependent upon them, their widows, children, &c., at equivalent rates. There is no specific provision of law, so far as I have been able to discover, regulating the gratuity on the part of the Government to the survivor of an officer of the Navy of this rank. Hence the necessity for this bill.

The CHAIRMAN. If there be no objection the bill will be laid aside to be reported to the House with a favorable recommendation.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

HENRY SCHNETBERG.

The next business on the Private Calendar was the bill (H. R. 1410) granting a pension to Henry Schnetberg, of Indiana, Pa.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Schnetberg, late a private in Company B, of the Second Regiment of Pennsylvania Volunteers, in the Mexican war, from and after the passage of this act, at the rate of $8 per month.

The report is as follows:

The petitioner asks to be placed on the pension-rolls on account of disease contracted in the service of the United States in the war with Mexico and in the line of duty.

The committee, after a careful examination of all the evidence, find that Henry Schnetberg was mustered into the service of the United States on the 3d day of January, 1847, as a private in said company and regiment, of which John Humphreys was captain; that said Schnetberg was promoted to first corporal in said company May 1, 1848; that in April and May, 1847, said Schnetberg with his company was encamped at Camp Patterson, near Jalapa, and that in consequence of the want of tents and the inclemency of the weather said Schnetberg, among others, became diseased, which in his case became chronic; that he then and there contracted rheumatism, which has clung to him ever since, and now in his old age (he being over eighty-four years of age) has crippled him so as to disable him from earning his living by manual labor; that he is poor and destitute of any means save the proceeds of his own labor. That a claim for pension under the general law was filed by him in 1875, but had to be abandoned because of his inability to prove the continuance of the disease as required by the general pension laws.

In the judgment of the committee the evidence fully establishes his claim, and they therefore report favorably, and report back the bill H. R. 1410, and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GENERAL WARD B. BURNETT.

The next business on the Private Calendar was the bill (H. R. 4682) granting a pension to Ward B. Burnett.

The bill is as follows:

Be it enacted, &c., That the pension for $72 per month granted to General Ward B. Burnett, a survivor of the war with Mexico, for total helplessness, by a certificate issued July 17, 1882, is hereby increased $28, which amount shall be paid to him in addition to the pension he now receives under the general law; and the Secretary of the Interior is hereby authorized and directed to place his name on the pension-roll at the rate of $100 per month, this sum being allowed him for total blindness as well as for total disability.

SEC. 2. That the pension for $50 per month granted to General Ward B. Burnett by a special act approved March 3, 1879, is hereby repealed.

The report is as follows:

1. FACTS OF HIS MILITARY AND CIVIL HISTORY.

This distinguished veteran of five wars was appointed a cadet at West Point in the year 1828 by President Jackson, and he was graduated in 1832. He fought in the Black Hawk war in that year, on the ground where Chicago now stands, before a single house was built in that great city. In 1833 he reported to Winfield Scott during the nullification difficulty at Charleston, S. C. In 1835 he went through the Florida war. In 1842–'43 he organized a brigade, and offered his services to the President when war was anticipated with England over the Oregon boundary line. The brigade was kept together largely at his expense. In 1846, two regiments of his brigade having been accepted by Governor Wright, he was ordered to report with his regiment, the Eighteenth New York Volunteers, to Winfield Scott for duty in the Mexican war. He was engaged in the siege of Vera Cruz, and besides several lesser engagements, in the battles of Cerro Gordo, Contreras, and Churubusco, in which last-named battle he was severely wounded, and also injured by the fall of his horse, and he was carried thence on a litter to the City of Mexico two days after its surrender, where, from his wounds, his jaws were closed by tetanus or lock-jaw for a period of about forty-five days. He was promoted to be brigadier-general, to date from the surrender, September 14, 1847. On the following 30th of November he was tendered for his services in the war with Mexico a resolution of thanks by the Legislature of New York.

In 1861 he offered his services to President Lincoln, and in 1863 he opened a recruiting office in the assembly rooms in New York city, at his own expense, to aid in the organization and consolidation of regiments, under orders from the governor of New York, indorsed by President Lincoln. He rendered valuable service to the Government during the New York riots, when he had command of the city for a brief period, and he organized several commands in New Jersey, Delaware, Maryland, and Pennsylvania for service in the field during the late rebellion. From exposure consequent upon these labors he became a martyr to inflammatory rheumatism.

General Burnett has also rendered valuable services to the country as a civil engineer. In 1833, while upon duty at West Point, he made surveys, plans, and estimates for the Croton water-works in New York city. In 1835 he made surveys in Vermont, New Hampshire, and Maine for a railway line from Canada to the Atlantic seaboard. Thence he was ordered to Lake Michigan to construct harbors. For more than three years he was resident engineer of the Illinois and Michigan Canal. In 1849 President Polk offered to make him the commissioner to run the boundary line between the United States and Mexico, but being upon crutches, he was instead made chief civil engineer for the construction of a dry-dock at the Philadelphia navy-yard, which he completed in 1852. Thence until 1855 he was in charge of the New York dry-dock and of the construction of the workshops in the New York navy-yard. He made the plans of the Brooklyn water-works, which were adopted in that year. In 1857 he was made chief engineer of the Norfolk navy-yard and the Portsmouth water-works, which involved his survey of Lake Drummond. In 1858 he was made surveyor-general of Kansas and Nebraska, because from ill-health he was unable to accept the appointment offered him by President Buchanan of consul-general to Turkey.

2. FACTS RELATING TO HIS PENSIONS.

For wounds received in the battle of Churubusco, on August 24, 1847, and for chronic neuralgia, resulting therefrom, General Burnett was granted, from August 1, 1848, a pension of $30 per month. (Sec. 7, act of 13th May, 1846; sec. 2, act of 21st July, 1848; sec. 4730 U. S. Revised Statutes.)

On January 31, 1879, General Burnett petitioned Congress to increase his pension to $100 per month, for wounds, neuralgia, and rheumatism. March 3, 1879, Congress by special act increased it to $50 per month. (U. S. Stat., vol. 20, p. 665.)

April 12, 1879, he renewed his application for $100 per month, and for his relief Mr. Senator VOORHEES introduced a bill to grant him that amount. (S. Mis. Doc. No. 26, S. bill 477, Forty-sixth Congress, first session.)

March 10, 1880, the House Committee on Invalid Pensions reported favorably upon the bill introduced by Mr. Martin to increase his pension to $100 per month for total disability. The Congress died before the bill was reached on the Calendar. (House Report No. 485 upon bill H. R. 285, Forty-sixth Congress, second session.)

Congress, by general pension laws, has made exceptional provision for the care and maintenance of the *totally disabled* soldiers of the Republic, as follows: June 4, 1872, $31.25 per month; June 4, 1874, $50 per month; June 16, 1880, $72 per month.

In 1880, General Burnett, then a totally disabled soldier, applied for the benefits of these general pension laws to the Commissioner of Pensions.

Mr. Commissioner Bentley rejected his application, upon the ground that General Burnett was then receiving $50 per month under a special act of Congress and was thereby concluded in his rights, which action was approved by Mr. Secretary Schurz. President Hayes referred his case to Attorney-General Devens, but nothing was done. President Garfield next referred the application to Attorney-General McVeagh, and at his request Mr. Solicitor-General Phillips, on June 15, 1881, rendered an opinion in General Burnett's favor. But this opinion was not executed by the Commissioner.

President Arthur next referred the application to Mr. Attorney-General Brewster, who, on April 10, 1882, rendered a strong and favorable opinion upon the case of General Burnett, and on its reference to Hon. Henry M. Teller, Secretary of the Interior, he instructed the Commissioner of Pensions to carry out the opinion. On May 20, 1882, he executed a certificate to General Burnett for $72 per month from March 3, 1879. This certificate was declined, whereupon the Secretary of the Interior, on May 31, 1882, directed the Commissioner to issue a certificate for $72 from July 17, 1878. This was done on June 3, 1882, and under it General Burnett was paid all that the Commissioner adjudged to be due to him. As the pensioner claimed that more money was due to him, the Secretary, on June 24, asked advice from the Attorney-General as to what rates of pension should be paid from June 4, 1872, down to that date; and on June 29 the rates were stated by the Attorney-General.

On July 3, 1882, the Secretary asked the Attorney-General if the pensioner, in view of section 4715 of the Revised Statutes, was entitled to $72 per month, in addition to the $50 per month granted by the special act of March 3, 1879. The Attorney-General replied affirmatively, whereupon, on July 11, 1882, Mr. Secretary Teller sent the several opinions from the Department of Justice to Mr. Commissioner Dudley, with an order to execute them.

On that same day Mr. Senator VAN WYCK introduced a resolution into the Senate, directing the Secretary of the Interior to cease action upon General Burnett's case until Congress could pass a law forbidding him to pay the pensioner his accrued pension. This legislation was ingrafted upon a private bill passed July 17, 1882, granting a pension to Albert O. Miller; but it was subsequently tacked on to the pension appropriation bill of that year, as follows:

"SEC. 5. That no person who is now receiving or shall hereafter receive a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law."

But approval of this law by the President was not made until July 25, 1882. On the 17th of July a certificate for $72 per month under the general pension laws, and another certificate for $50 per month under the special act, were executed to General Burnett, and under them he was paid, on July 20, the sum adjudged to be due to him under the decisions of the Attorney-General.

There was a discussion of this case in the Senate, reported as follows in the CONGRESSIONAL RECORD: Tuesday, July 11, 1882, bound RECORD, page 5876; Friday, July 14, 1882, bound RECORD, page 6026; Saturday, July 15, 1882, bound RECORD, page 6077; Thursday, July 20, 1882, bound RECORD, page 6245; Saturday, July 22, 1882, bound RECORD, page 6343; Wednesday, August 2, 1882, bound RECORD, page 6759.

The following papers also pertain to this case: Senate resolution 94, July 11, 1882; Senate bill 2138, July 11, 1882; House bill 1543, December 16, 1881; report thereon No. 1021; House bill 1543, amended April 12, 1882; private act 169, approved July 24, 1882; S. Mis. Doc. 120, July 20, 1882; S. Mis. Doc. 121, July 20, 1882; pension appropriation law, section 5 (Public No. 176), approved July 25, 1882; S. Ex. Doc. 193, August 2, 1882.

As soon as payment was made to the pensioner, or on July 20, 1882, resolutions of inquiry were offered in the Senate requiring both the Secretary of the Interior and the Attorney-General to explain why they disobeyed the Senate, inasmuch as it had directed by a resolution of July 11 a suspension of proceedings in General Burnett's case pending the action of Congress upon the subject.

The petitioner at that time was of advanced years and in feeble health. He knew that the special-act certificate would die with him, and that no rights thereunder could survive to his good and faithful wife, whereas under the general pension laws she might hereafter claim his pension of the higher grade. The relator had had a hard struggle through nearly three long years to obtain his certificate, issued July 17, 1882. His case has been before three Presidents and three Attorneys-General, and it had been sent for opinions seven times to the Department of Justice. The anxiety consequent upon this struggle further and greatly impaired his health, which throughout a period of more than thirty-five years has been shattered by the effects of wounds and disease received in the military service of the United States. This struggle further broke the health of his devoted wife, which long since gave way in her sixteen years of ministering care upon this battle-scarred hero. The proceedings had in the last Congress worked great excitement and mental suffering upon the petitioner and upon his family. Their excitement added to his own.

It was in this frame of mind, apprehensive that Congress would deprive him of his greater pension, unable to consult his counsel, who was absent in the State of Maine during this entire hostile legislation, anxious to provide for his suffering family, and to secure their comfort as best he could in event of his death, then daily expected, that he offered to give up his special-act certificate until Congress in its bounty should restore it to him.

General Burnett made this conditional relinquishment July 21, 1882. On July 24 the President approved the Albert O. Miller special act, and on July 25 he approved the pension appropriation law. On July 31 the Secretary of the Interior made a reply to the Senate resolution of inquiry. (S. Ex. Doc. 193, Forty-seventh Congress, first session.)

Your committee is pleased to include in its report a portion of the officer's reply:

"The Secretary of the Interior is asked to furnish the Senate with his reasons for the issuing of such certificates for such double pension pending the action of Congress on the subject. The question as to what amount of pension General Burnett was entitled to receive had been submitted by the President of the United States to the proper officer of the Government, and such officer had determined that he was entitled to the pension of $50 per month and $75 per month, making a total of $122 per month. That there might be no mistake the Secretary of the Interior called for a review of that question. He found on file three carefully prepared opinions of the Attorney-General in favor of paying the pension to General Burnett.

"It can not be supposed that the President of the United States submitted the question in dispute between officers of the Interior Department and General Burnett to the Attorney-General for his opinion with the intention of ignoring such opinion if it was adverse to the ruling of the Department. And when doubts arose in the mind of the present Secretary of the Interior as to the proper administration of the law under the opinion of the Attorney-General, and he submitted the question to the Attorney-General, he did not intend to disregard his opinion if it should not be in accordance with his own. The Secretary of the Interior is of the opinion that the ordinary rules of propriety would have been grossly violated if he had refused to receive as the law of the case the law as enunciated by the Attorney-General. The question had passed beyond the control of the Interior Department by the action of the President in the first place, and secondly by the action of the Department.

"Pending the proceedings in the Department of the Interior with reference to the pension, a resolution was introduced into the Senate touching this matter. The Secretary of the Interior understood as a question of law that there could be no ground of controversy as to the right of General Burnett to all the pension-money that had accrued, and that any proceedings of Congress in relation to the pension heretofore granted him could not affect his right to receive the money that had accrued to him. These certificates had been withheld from General Burnett under what the law officer of the Government had declared was an improper ruling of the Department, and by the withholding of the certificates he had been deprived of the money due him. It was alleged that by such refusal to pay he had been greatly embarrassed and put to great trouble and expense. To enable him to receive that money it was necessary that he should have his certificates, which the Attorney-General has declared it was his right to receive.

"The Secretary of the Interior was also of the opinion that the due administration of the law of his Department did not require him to await the action of Congress to see whether the law might or might not be repealed; he understood it was his duty to execute existing laws, and not such as might be passed. If the words in the joint resolution, 'pending the action of Congress on that subject,' are intended as a declaration of the Senate that it is the duty of an officer charged with the speedy execution of the law to await the action of Congress when such law shall be assailed in either branch of Congress, it must be regarded as the enunciation of a new principle, and one of which the Secretary of the Interior confesses entire ignorance.

"To hold that an officer charged with the execution of a law must suspend action whenever that law is assailed in Congress would enable a single member to nullify the law during the session of Congress. The Department is charged with the distribution of large sums of money as pensions to those who have been declared by the competent authority created by law entitled to the same. It can not be supposed that when the statutes providing for such pensions are assailed the Secretary of the Interior will cease to pay such pensions and await the action of Congress. The administration of law must proceed until such laws are repealed by competent authority. This was the course pursued by the Secretary of the Interior with reference to the pension of General Ward B. Burnett, who has received only that adjudged to be his due."

October 4, 1882, General Burnett revoked his relinquishment of the special-act increase pension of $50 per month, and requested the Secrerary of the Interior to return his certificate therefor, surrendered July 21, his offer to relinquish never having been accepted by the Secretary or by Congress. October 18, the Secretary refused to return the certificate, whereupon, October 20, 1882, the petitioner filed in the supreme court of the District of Columbia a petition for a mandamus in order to compel a restoration of the certificate. The petition was there dismissed; but it was immediately carried on a writ of error to the Supreme Court of the United States (The United States *ex relatione* Ward B. Burnett, plaintiff in error, vs. Henry M. Teller, Secretary of the Interior, defendant, No. 1185, October term, 1882), where, on January 29, 1883, a final decision was made refusing the writ of mandamus (17 Otto, 64), and subsequently the court declined to review its decision.

In order that the facts of this case, as officially reported, may be fully understood, your committee refers to the full answers that were made to the Senate resolution of inquiry of July 22, 1882, by the Secretary of the Interior and the Attorney-General of the United States. (S. Ex. Doc. 193, Forty-seventh Congress, first session; S. Ex. Doc. 64, Forty-seventh Congress, second session.)

3. THE LAW BEARING UPON THIS CASE.

In deciding the case of General Burnett the United States Supreme Court, after its statement of the facts appearing of record, *held:*

"The right of the relator * * * has been effectually cut off by section 5 of the act of July 25, 1882—

"'An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1883, and for other purposes.

"'*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1883, and for other purposes, namely:

* * * * * * *

"'SEC. 5. That no person who is now receiving, or shall hereafter receive, a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law.

"'Approved July 25, 1882.'

"It was competent for Congress to pass this act. No pensioner has a vested legal right to his pension. Pensions are the bounties of the Government, which Congress has the rig ht to give, withhold, distribute, or recall, at its discretion. (Walton *vs.* Cotton, 19 Howard, 355.) Therefore the contention of the relator that, having received the pension of $72 under the general law, he is also entitled to the pension of $50 granted him by the special act is without ground to rest on.

"His pension certificate, issued under the special act, can be of no service to him unless he wishes to relinquish the pension of $72 under the general law, and fall back upon the pension of $50 granted him by the special act. But he expresses no such purpose. * * * He voluntarily surrendered his pension under the special act in order to receive the larger pension to which he became entitled on the passage of the general act of June 16, 1880. As he is not entitled to any pension-money upon the certificate under the special act which he voluntarily surrendered, unless he waives his right to receive the larger pension given him by the general law, which he does not do, a judgment that the certificate be returned to him would be futile. * * * The supreme court of the District was, therefore, right in refusing the writ of mandamus, and its judgment must be affirmed."

Inasmuch as the Supreme Court has formally declared that no pensioner has a vested legal right to a pension, resting that declaration upon the case of Walton *vs.* Cotton, in the 19th of Howard, your committee deem it proper to quote more at length from the opinion of a divided court to show what was decided in that case:

"The question in the case turns upon the construction of these statutes. Does a right construction of them give the pension due to the grandchildren of the deceased pensioner; and, if so, does the bounty extend to the representatives of his children, who died before his decease; or do the acts restrict the bounty to his children living at the time of his death? This last construction has been adopted and acted upon by the Government.

"This view is mainly founded on the considerations that on the death of the pensioner the bounty is given to the widow, and if he leave no widow, to his children; that it was a bounty of the Government, arising from personal considerations of gratitude for services rendered, is not liable to the claims of creditors, and should not be extended, by construction, to persons not named in the act.

"The pension is undoubtedly a bounty of the Government, and in the hands of an administrator of a deceased pensioner it would not be liable to the claims of creditors had the acts of Congress omitted such a provision.

* * * * * * *

"Congress from high motives of policy, by granting pensions, alleviate as far as they may a class of men who suffered in the military service by the hardships they endured and the dangers they encountered. But to withhold any arrearage of this bounty from his grandchildren, who had the misfortune to be left orphans, and give it to his living children on his decease, would not seem to be a fit discrimination of national gratitude.

* * * * * * *

"There can be no doubt that Congress had a right to distribute this bounty at their pleasure, and to declare it should not be liable to the debts of the beneficiaries. But they will be presumed to have acted under the ordinary influences which led to an equitable and not a capricious result. And where the language used may be so construed as to carry out a benign policy within the reasonable intent of Congress, it should be done."

The pension conferred by the act of June 4, 1832, and subsequent acts, brought for review before the Supreme Court in the case just cited, was purely a gift pension, for it was granted to officers of the Revolutionary war and to their children long after the services of the soldier had been rendered. It was given to all without reference to any disability whatever. It was as readily given to the hearty and hale survivor as to the one who had left his limb upon the battlefield. It was a bounty or reward given for services already rendered instead of services to be rendered.

Your committee reiterate here the views which it expressed in a former report (Forty-fifth Congress, second session, House Report No. 64, upon bill H. R. 257 to pension persons who served in the Mexican and other wars).

The history of our pension system shows that our Government from its inception to the present day recognizes two forms of pensions, invalid and gratuitous. Invalid pensions are such as have been and are granted to soldiers who were disabled or contracted disease in the line of duty while in the military service of the country. These pensions assume the form of a contract, whereby the Government agrees with the soldier at the date of his enlistment, in consideration of his enlistment and service, to pay him a pension upon the condition of his being disabled in the line of duty. The other form, gratuitous pensions, are defined to be a reward for military services rendered, and is an evidence of a nation's gratitude to its defenders.

The very first section of the pension laws revised and consolidated by the act entitled "An act to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873," approved June 22, 1874, and acts relating to pensions passed prior to and since that date, provides:

"SEC. 1639. If any person, whether officer or soldier, belonging to the militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense."

With all respect for the highest judicial tribunal of this Government your committee submits that, if "no pensioner has a vested legal right to his pension," Congress should tear from the statute-books the guarantee of the Government of the United States which is expressed in section 1639.

The pensions of soldiers disabled in the line of duty are in no sense a gratuity, but are supported by contract made by the Government with them at the date of their enlistment, that if disabled they should have a pension. The consideration is the service and blood of the soldier. The parties were competent to contract. The subject-matter of the contract was neither in contravention of law nor of public policy, but was expressly authorized by law and promotive of the public good. It has every ingredient of a contract, as defined by all the law-books. The pension was predicated on the sole condition of the soldier's disability in the line of duty, and upon the happening of which condition the engagement of the Government became a perfect vested right, and was the property of the soldier as much as any bond which he may have held on the Government or other choses in action which he may have owned. This view of the nature of an invalid pension is supported by the opinion of that great and learned lawyer William Wirt. When Attorney-General, in 1825, in speaking of an invalid pension, he said:

"It is bottomed only on the single condition that the husband and father shall die in the service of his country, on the happening of which condition the public engagement becomes a debt, which is as much property of the widow and children as any bond which the deceased may have left them by his will."

Let this Congress decide if a pension to a wounded soldier can be repealed or withheld any more than the interest-bearing bonds of the Government, put out upon the market in order to raise money to carry on the war. Is the contract between the Government and the bondholder any more definite or completely executed than the contract between the Government (under section 1639 United States Revised Statutes) and the wounded soldier, whose performance on his side *in specific terms* has been legally and formally acknowledged by the Government by granting him a pension? As long as the purse and the sword must both contribute to preserve the Government, why should any benefit accrue to the purse when you deny it to the sword, which contributes its part in the face of death?

General Burnett has had two pension certificates issued to him, one under a special act of Congress and another under a general law. The Department, as it has done in other cases, might have merged both these certificates into one certificate for $122 per month, but it chose to issue two certificates. He drew both pensions for three years.

It is true that the United States Revised Statutes provide that—

TWO PENSIONS ARE NOT ALLOWABLE.

"SEC. 4715. Nothing in this title shall be so construed as to allow more than one pension at the same time to the same person or to persons entitled jointly."

The acts of one Congress can not bind a subsequent Congress; no law is binding upon it but the organic law of the land. Now, who will say that the Congress in 1879, notwithstanding section 4715, could not make an exception in the petitioner's case, and give him two pensions, or even three pensions, all at the same time?

It has been the custom, and, almost without exception, it has been the policy of the Government to pay a person but a single pension at one time.

But there was a notable exception in the case of the widow of Commodore Perry, who, upon advice of the Attorney-General, was granted two pensions at the same time. (6 U. S. Statutes at Large, 260, March 2, 1821; 3 Opinions, 158, November 3, 1836.)

There were good reasons why the widow of Commodore Decatur was refused a double pension. A general pension law, and also a special act of Congress for her benefit, were enacted March 3, 1837, which was the adjournment day of Congress; but the special act first became a law, as it was feared that the general law, needing amendment, could not be passed before the adjournment.

Under the special act Mrs. Decatur never had a favorable adjudication upon her claim. (3 Opinions, 200, April 11, 1837.)

The lady then went into court on a mandamus, but she failed; she carried her case to this court, but she failed here. (Decatur *vs.* Paulding, 14 Peters (1840), 497.)

But petitioner has a different case. A final and favorable adjudication was had upon his rights, and the money to pay him, such amount as the Executive should find due to him, has already been appropriated by Congress. The Executive, by issuing his two certificates, built a sure foundation for his title. (Marbury *vs.* Madison, 1 Cranch (1803), 137; McBride *vs.* Schurz, 12 Otto (1880), 378.)

The act of June 16, 1880, passed only for the totally disabled soldiers, provides that the pension of $72 per month shall be in lieu of all other pensions paid them by the Government of the United States.

But that law is applicable only to those soldiers who have drawn pension under one or more general laws. If these words, "All laws or parts of laws inconsistent herewith are hereby repealed," had concluded the text of the law of 1880, even then it did not touch petitioner's special act of March 3, 1879. The only way to repeal a special law which confers benefits on a citizen for his services rendered to the Government, and under which rights have vested, if it can be done at all, is to repeal it by another special law—certainly not by implication. But Congress evidently meant, by enacting the following section, that a special pension law can not be repealed, except for fraud:

PENSIONS UNDER SPECIAL ACTS.

"SEC. 4720. When the rate, commencement, and duration of a pension allowed by special act are fixed by such act, they shall not be subject to be varied by the provisions and limitations of the general pension laws."

The Congress knew that the law of 1880 did not repeal the special act of 1879; otherwise, why did it pass the Albert O. Miller bill?

(Private—No. 169.)

An act granting a pension to Albert O. Miller, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Albert O. Miller, late a seaman on board the United States steamship Bienville; and that no person who is now receiving or shall hereafter receive a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law.

Approved July 24, 1882.

Even this law did not, in the judgment of Congress, repeal petitioner's special act, for on the following day it passed a law which was intended to be still more of a general character, as follows:

[Public—No. 176.]

An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1883, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1883, and for other purposes, namely.

* * * * * * *

SEC. 5. That no person who is now receiving or shall hereafter receive a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law.

Approved July 25, 1882.

The Supreme Court has left the special act of March 3, 1879, in full force, though suspended in its operation for any period that General Burnett shall draw a pension upon his $72 certificate. The court distinctly stated that he became entitled to this larger pension on the passage of the general act of June 16, 1880.

Here comes to Congress for relief a bearer of the flag of the United States of America in foreign lands, whose regimental flag was the first one planted at the headquarters of Santa Anna at Cerro Gordo after the United States troops had captured the position held by the whole Mexican line, and which was the first flag planted on the elevated causeway opposite Portalis in the battle of Churubusco; who returned to his State the first American flag that was planted upon the castle of Chapultepec, even before the Mexican standard was hauled down from the plaza of the castle, and at the same moment when one of the Mexican generals surrendered his troops and the key to the enemy's position to the men of the First Regiment of New York Volunteers; by whose side is shown in the great painting of him now hanging in the City Hall in New York the national flag presented by General Winfield Scott to his regiment at the National Palace in the City of Mexico, in January, 1848, in honor of its gallant conduct through the war. Here comes the soldier who thus presented the flags of his country to his command at the island of Lobos, Mexico, in February, 1847, upon their knees repeating this oath from his lips: "No enemy shall capture these colors while our lives are spared to defend them." Here comes a companion of Daniel Webster, of Andrew Jackson, of Henry Clay, against whom was closed the doors of the Supreme Court of the United States.

Here comes the man who is the oldest living graduate of West Point, who became a general in the Mexican war. Of the fruits of his valor was a territory conquered by these United States in 1848 almost one-quarter in extent of its then existing area, which is now peopled by 1,500,000 souls, and which from its mines alone could pay our national debt.

Here comes the man who was honored as the bravest officer in the Mexican war, for by a vote of his comrades in arms he was awarded the gold box of President Jackson, which bears the following inscription:

[Front side.]

FEBRUARY 23, 1819.

Presented by the mayor, aldermen, and commonalty of the city of New York to Maj. Gen. Andrew Jackson, with the freedom of the city, as a testimonial of respect for his high military service.

[Reverse side.]

THE HERMITAGE, TENNESSEE, *August* 17, 1859.

Bequeathed

by Maj. Gen. Andrew Jackson "to that patriot of New York city who (should our happy country not be blessed with peace) should be adjudged by his countrymen to have been the most distinguished in defense of his country and our country's rights." And—

Awarded

under that bequest by the general voice of his brothers in arms to Bvt. Brig. Gen. Ward B. Burnett, colonel of the First Regiment of New York Volunteers in the late war with Mexico.

ANDREW JACKSON, JR., *Trustee.*

Here comes, in his seventy-fifth year, a man who has become totally blind from the effects of wounds received in battle for his country upon a battlefield in a foreign land.

Your committee, believing that the present pension of $72 per month is inadequate to meet the wants of General Burnett, do hereby recommend and offer for passage the accompanying bill.

During the reading of the above report the following proceedings took place:

Mr. HORR (after the report had been partly read). I ask unanimous consent that the further reading of that lengthy report be suspended and that the bill be laid aside favorably. We have heard enough already to pension him two or three times.

Mr. MCMILLIN. I have not heard enough yet to justify the raising of this pension from $75 to $100 a month.

The Clerk resumed the reading of the report.

Some time subsequently,

Mr. ROBERTSON. I move that the further reading of that report be dispensed with.

Mr. COX, of North Carolina. I object.

The Clerk resumed the reading of the report.

Mr. WOOD. I move that the further reading of the report be dispensed with. I do this out of a desire to extend a favor to long-suffering humanity. We have heard enough.

Mr. STRUBLE. If it is in order I move that we have the Constitution of the United States read in this connection.

Mr. COX, of North Carolina. I object to dispensing with the reading of this report.

Mr. WOOD. I do not think the gentleman from North Carolina is serious about that objection.

The CHAIRMAN. The gentleman from Indiana is not in order.

The Clerk resumed and concluded the reading of the report.

The CHAIRMAN. If there be no objection the bill will be laid aside to be reported favorably to the House.

Mr. COX, of North Carolina. I object. From his own showing, as exhibited in the report, General Burnett has received so many favors at the hands of the Government that I think there is no necessity for an increase of pension at this time. He began as a graduate of West Point to receive pay from the Government, and his pension has already been increased to $72 a month. That has been paid to him; and I think no necessity has been shown for increasing it further to the amount of $100.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported favorably to the House?

The question being taken, it was decided in the affirmative.

CLARISSA M'KEE.

The next business on the Private Calendar was the bill (H. R. 2399) granting a pension to Clarissa McKee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Clarissa McKee, widow of William McKee, late a private of Company D, Second District of Columbia Volunteers, and who was honorably discharged at Clifborn United States hospital, November 13, 1862, on account of asthma, rheumatism, and general debility, and who continued an invalid until he died, December 1, 1878.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 2399, ask leave to submit the following report:

The certificate of the Adjutant-General states that William McKee, husband of Clarissa McKee, was mustered into the service of the United States, as a private, January 31, 1862, at Washington, D. C., in Company D, Second Regiment of District of Columbia Volunteers, to serve three years, or during the war, and that he was discharged November 13, 1862, because of chronic rheumatism of six months' standing.

The Surgeon-General's certificate shows that McKee was admitted to Cliffburne Barracks hospital, September 9, 1862, with disease as before stated.

John Ditmars, captain of company in which McKee served, testifies that the soldier was discharged because of asthma and chronic rheumatism, incurred while in the service and the line of duty.

Dr. Cross testifies that he treated the soldier for asthma and chronic rheumatism from about December 1, 1862, to about December 1, 1870; also states that he came home debilitated and generally broken down in health. He never after acquired good health. Said soldier's condition was such that he had no power or vital force to resist disease after leaving the Army. Dr. Cross again testifies, January 30, 1873, that when the soldier returned home from the Army his physical condition was such that he was unable to perform hard labor, and the disease which he contracted in the military service caused his strength to fail more every day up to December 1, 1870, and in his opinion resulted in his death. The evidence on file in the Pension Office shows the fact of his death. The certificate of examining surgeon shows that Dr. Cross, who makes the affidavit as to sickness and cause of death, is both competent and reliable.

Statement of George O. Halsey, of Newark, says that the widow is in poor health, and that of William B. Guild, that she is a poor, sickly woman.

Your committee are of opinion that William McKee contracted disease while in the service that caused his death, and that the widow's health and pecuniary condition is such that she should have relief.

They therefore recommend the passage of bill H. R. 2399, which places her name upon the pension-rolls, subject to the provisions and limitations of the pension laws.

Mr. MATSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the word "volunteers," in line 7, namely, these words: "and who was honorably discharged at Clifborn United States hospital, November 13, 1862, on account of asthma, rheumatism, and general disability, and who continued an invalid until he died, December 1, 1878.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

MRS. MARY M'LAUGHLIN.

The next business on the Private Calendar was the bill (H. R. 2393) granting a pension to Mrs. Mary McLaughlin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Mary McLaughlin, widow of Barney McLaughlin, late of Company I, Thirty-fourth Regiment New Jersey Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 2393, beg leave to submit the following report:

Mary McLaughlin, the petitioner, widow of Barnard McLaughlin, asks to be placed upon the pension-roll for services rendered by her husband during the late war. Barnard McLaughlin was enrolled as a private in Company I, Thirty-fourth Regiment, New Jersey Volunteers, April 8, 1865, and was mustered out April 8, 1866, and killed March 25, 1872, by falling into a vat of sulphate of copper, at Trenton, N. J., leaving six children under age. The claim that he contracted a disease from exposure while in Alabama doing picket duty by lying on the swampy ground is substantiated by the surgeons; and also that he was sick with intermittent fever, which resulted in an abscess of the right thigh, and that his leg became stiff, rendering locomotion difficult; he also suffered from general debility; was granted a pension of $8 per month, showing that the case was recognized as meritorious by the Pension Office. It is claimed the accident would not have happened but for the stiff knee, received in service and in the line of duty. But for the accident, due to the stiff knee, he might still be living, drawing his pension, and supporting his family.

Under the circumstances the committee think it a proper case for a favorable report, the death being traceable, indirectly, to disabilities received in the service of the United States, and therefore recommend the passage of bill H. R. 2393.

The bill was laid aside to be reported to the House with a favorable recommendation.

MRS. ANN W. MULVEY.

The next business on the Private Calendar was the bill (H. R. 2398) granting a pension to Mrs. Ann W. Mulvey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and conditions of the pension laws, the name of Mrs. Ann W. Mulvey, mother of Francis S. Mulvey, late of Company D, Fifth New Jersey Volunteers; James W. Mulvey, late of Company D, Eleventh New Jersey Volunteers; and August J. Mulvey, late of Company D, Eleventh New Jersey Volunteers, all of whom died in the Army, and pay her an increase of pension to the amount of $24 per month, in lieu of $8 that she now receives; but nothing in this act shall entitle the said Mrs. Ann W. Mulvey to arrears of pension.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2398) ask leave to report:

The petitioner, Mrs. Ann W. Mulvey, asks an increase of her pension, in accordance with the accompanying bill, for good and sufficient reasons, as hereinafter stated. Her three sons enlisted in the Army and did service in the late war, two of whom were killed in battle and one died in hospital from wounds and exposure. One son lost his life at Chancellorsville. The battle in which the other was killed is not stated in the official papers, but the fact appears in letters and affidavits made by herself and others.

At the time of their enlistment her husband was an invalid, unable to earn his living, and the family was dependent entirely upon the sons for support. The ground upon which she received her pension was the case of the youngest son, Augustus, and is presented in detail. He enlisted as a drummer June 3, 1862, in Company D, Eleventh Regiment New Jersey Volunteers, and was discharged August 15, 1863. His particular disability was a sprain in the left shoulder and right breast, received at Falmouth, Va., and he was rendered thereby unfit for duty.

The surgeon's certificate states that he was discharged because of "advanced" tuberculosis, contracted after enlistment. The affidavit of Alexander N. Dougherty, surgeon and commander of the New Jersey Home for Disabled Soldiers, located at Newark, N. J., shows that he was treated for consumption from March 3, 1870, to April 11, 1870, on which last-named day he died, and he swears also that the disease was contracted in the service. Augustus was but seventeen years of age when he died. No pension was granted him, although application was made; but death occurred before claim was decided.

The case seems one of peculiar hardship. The mother and sons, it may be assumed, from an unselfish devotion to the country's cause, sacrificed themselves for its preservation. With a sick husband to care for, and her sons taking the risks of battle and of death for the small pittance received by the soldier, a bare maintenance for the destitute family, and the final total destruction of this mother's support, impresses the committee with the conviction that it would be but justice to grant her request, and therefore recommend the passage of bill H. R. 2398.

The bill was laid aside to be reported to the House with a favorable recommendation.

ORDER OF BUSINESS.

Mr. STEELE. I suggest to the chairman of the Committee on Invalid Pensions that it is now about time for him to move that the committee rise.

Mr. MATSON. Let us get to the bottom of this page on the Calendar.

Mr. STEELE. Very well.

Mr. BENNETT. I am requested by my colleague from North Carolina [Mr. DOWD] to state that he is detained from the House this evening by sickness.

MARGARET A. CASWELL.

The next business on the Private Calendar was the bill (H. R. 2473) for the relief of Margaret A. Caswell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Caswell, widow of Egbert H. Caswell, formerly of Company K, Thirty-fourth Regiment New York Infantry Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 2478, ask leave to submit the following report:

The petitioner is the widow of Egbert H. Caswell, whose certificate of discharge shows that he enlisted in the service of the United States in the late war on the 15th day of June, 1861, for two years, in Company K, Thirty-fourth Regiment New York Volunteers, and that he was discharged March 21, 1863, at Philadelphia, Pa. The surgeon's certifiate pronounces one of his disabilities to be a fracture of the tibia while on duty at Bolivar Heights, by falling from a stone wall while engaged in drawing water for his company. The ankle frequently swelled and was at times very painful after walking or standing. At Fair Oaks, Virginia, May 31, 1862, he received wounds in battle still more serious. J. J. Woodward, United States Army surgeon, testifies that at this time Caswell was disabled by a gunshot wound in the left leg, and also in the right thigh, and that he was rendered deaf in the right ear by reason of the bursting of a shell near that organ. He was forced to use crutches for several months after his discharge. He also received a bayonet thrust through the palm of his right hand.

For his several wounds he was treated in hospitals at Philadelphia and Washington; was reported by his physicians as having partial paralysis of the leg, and that he died, finally, from softening of the brain. It is a fair inference that this result was superinduced by exposure in the service and wounds received, but more directly from the bursting of the shell, which may have caused concussion of the brain. Your committee are of the opinion that he died from the causes before stated, directly traceable to his service, and think his widow should receive some aid from the Government in the form of a pension, and therefore recommend the passage of bill H. R. 2473.

The bill was laid aside to be reported to the House with a favorable recommendation.

JUDITH LAUTER.

The next business on the Private Calendar was the bill (H. R. 2400) for the relief of Judith Lauter; reported with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to direct the payment to Judith Lauter, widow of Anton Lauter, late a private in Company E, First Regiment New York Cavalry, and who now holds certificate No. 165077, of a pension at the rate of $8 per month, from the date of the discharge of her husband, Anton Lauter, to the 2d day of September, 1869, the date of his death, as though he had applied therefor during his lifetime.

The amendment was read, as follows:

Strike out all after the word cavalry, in line 6, in these words:

"And who now holds certificate numbered 165077 of a pension at the rate of $8 per month from the date of the discharge of her husband, Anton Lauter, to the 2d day of September, 1869, the date of his death, as though he had applied therefor during his lifetime."

And insert in lieu thereof the following:

"Of a pension of $16 per month in lieu of the pension of $8 per month which she now receives."

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 2400, ask leave to submit the following report:

The petitioner, widow of Anton Lauter, asks Congress to grant an increase of her pension to $16 per month. She was granted a pension of $8 per month, and the circumstances under which she obtained such pension are as follows:

Anton Lauter enlisted July 20, 1861, in Company E, First Regiment New York Cavalry, and was discharged August 7, 1862. He died in 1869, since which time the pension as above stated has been paid. The soldier was injured at Alexandria, Va., in 1862, while at drill, by his horse falling, throwing the rider under him. The accident was severe, and Lauter was not able to return to his regiment. John Adams testifies that he knew Anton and Judith Lauter twenty-one years; that Anton was a healthy man when he entered the service; that he saw him the day he came home from Army hospital in 1862, and that he was then feeble and suffering from diarrhea; that he then lived in deponent's house from the time of his discharge until he went to the New York almshouse hospital, Ward's Island, in 1869, and was sick all the time; and that he did no work after leaving the Army. The proof is positive as to the disability, and the pension was therefore granted. Mrs. Lauter is now seventy-seven years old, and applies for increase of pension because of her impoverished condition and inability to support herself, claiming that the pension of $8 per month is insufficient. As this widow can be properly classed one of the wards of the Government, and is of extreme age, without means of support, it seems that justice requires that she should be cared for, and the committee therefore recommend the passage of bill H. R. 2400, with amendments.

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

GEORGE F. DRESSER.

The next business on the Private Calendar was the bill (H. R. 1065); reported with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of George F. Dresser, formerly a private in Company A, Thirty-fifth Regiment New York State Volunteers, at the rate of $30 per month, subject to the provisions and limitations of the pension laws.

The amendment of the committee was as follows:

Strike out all after the word "month," in line 7, namely, these words: "subject to the provisions and limitations of the pension laws."

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 1065, begs leave to submit the following report:

The petitioner, George F. Dresser, enlisted in the service of the United States

September 14, 1861, as a private in Company A, Thirty-fifth Regiment New York Volunteers, and was honorably discharged on the 14th day of September, 1863. At the battle of Fredericksburg, Va., December 13, 1862, he was wounded by a shell, before exploding, his left leg being nearly cut off, and it was subsequently amputated by reason of said wound. At the same time he was seriously wounded in the left foot. He was sent to Saint Elizabeth Hospital, Washington, and was discharged, as above stated, on the 13th day of September, 1863. The petitioner is unable to wear an artificial leg, the stump being so short as to render it impracticable to strap or bind the same so as to keep it in position. It was repeatedly tried and finally abandoned, and he is obliged to walk with crutches. Was first allowed a pension of $8 a month from the time of his discharge, which was increased June 6, 1866, to $15, and afterward, on the 10th day of July, 1872, to $18. The proofs in the case are complete, and there is no question raised as to the disability or of the fact that he is unable to perform manual labor. The committee think it a proper case for an increase of pension, and therefore recommend the passage of House bill 1065.

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

ORDER OF BUSINESS.

Mr. MATSON. I move that the committee rise and report to the House the bills on which action has been taken.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH, of Missouri, reported that the Committee of the Whole House had had under consideration the pension bills on the Private Calendar, and had directed him to report with favorable recommendations sundry bills, some with and some without amendment.

BILLS PASSED.

The following bills, reported from the Committee of the Whole, without amendment, were then taken up, severally ordered to be engrossed and read a third time; and they were accordingly read the third time, and passed:

A bill (H. R. 432) to increase the pension of Joseph B. Sellers;

A bill (H. R. 1897) granting a pension to Catherine Hunter;

A bill (H. R. 2979) granting a pension to Nancy Ellis;

A bill (H. R. 1076) granting a pension to Miles B. Farlin;

A bill (H. R. 2419) granting a pension to Robert Nutt;

A bill (H. R. 1142) granting a pension to Nelly Roberts;

A bill (H. R. 2251) to increase the pension of Dileno Robinson;

A bill (H. R. 103) granting a pension to Theresa Crosby Watson;

A bill (H. R. 1410) granting a pension to Henry Schnetberg, of Indiana, Pa;

A bill (H. R. 2393) granting a pension to Mrs. Mary McLaughlin;

A bill (H. R. 2398) to increase the pension of Mrs. Ann W. Mulvey; and

A bill (H. R. 2473) for the relief of Margaret A. Caswell.

WARD B. BURNETT.

The bill (H. R. 4682) granting a pension to Ward B. Burnett, reported from the Committee of the Whole without amendment, was then taken up.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. MCMILLIN. I suggest to the gentleman from Indiana [Mr. MATSON] that this bill be passed over for the present. I would ask who has the bill in charge?

Mr. HEWITT, of Alabama. The bill is in charge of the gentleman from New York, Mr. ROBINSON.

Mr. MCMILLIN. I ask that the bill be allowed to lie over for the present.

Mr. HEWITT, of Alabama. I have no objection.

Mr. MCMILLIN. The report in this case shows that this party was paid last year in opposition to law.

The SPEAKER. If there is no objection the bill will lie over and come up as unfinished business on Friday next, or not before that time. Is there objection? [After a pause.] The Chair hears none.

The bill was accordingly passed over informally.

BILLS PASSED.

The following bills, reported from the Committee of the Whole House with amendments, were then taken up, the amendments agreed to, and the bills as amended severally ordered to be engrossed for a third reading; and they were accordingly read the third time, and passed:

A bill (H. R. 3669) granting a pension to Robert M. Flack;

A bill (H. R. 1025) granting an increase of pension to Sarah Dayton, widow of Erastus G. Dayton;

A bill (H. R. 2399) granting a pension to Clarissa McKee;

A bill (H. R. 2400) for the relief of Judith Lauter; and

A bill (H. R. 1065) granting a pension to George F. Dresser.

Mr. MATSON. I move to amend the title of the last bill so as to make it read: "A bill granting an increase of pension to George F. Dresser."

The amendment was agreed to.

Mr. MATSON moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MATSON. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 5 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOUTELLE: Remonstrance of Edwin Libby Post, No. 16, Grand Army of the Republic, of Rockland, Me., against the transfer of the pension agencies—to the Committee on Appropriations.

Also, resolutions of the Grand Army of the Republic of Maine, relative to the equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. CONVERSE: Petition of E. R. Welch and 60 others, and of W. J. Lawrence and 10 others, all citizens of Michigan, asking for the restoration of the tariff of 1867 on imported wool—to the Committee on Ways and Means.

By Mr. DUNHAM: Petition of judges and lawyers of Chicago, Ill., in favor of uniform divorce laws within the several States—to the Committee on the Judiciary.

Also, petition of citizens of Chicago, for the opening of the Sioux reservation—to the Committee on the Public Lands.

By Mr. EVERHARD: Petition of Mrs. Rebecca P. Nields, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. GEDDES: Petition of P. A. Long and 112 others, citizens of Richland County, Ohio, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. HERBERT: Papers for the relief of Charles R. Stone and Mary A. Danforth, executors, &c.—to the Committee on the Judiciary.

By Mr. HOUSEMAN: Petition of Revds. S. Graves and Butterfield and about 500 others, asking to refuse the admission of the Territory of Utah as a State into the number of the United States of America as long as such Territory adheres to the crime of polygamy—to the Committee on the Territories.

By Mr. KLEINER: Resolutions of Swan Post, Grand Army of the Republic, of Winslow, Ind., relative to equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. LAWRENCE: Petition of 1,889 citizens of Washington County, Pennsylvania, in favor of the tariff of 1867 on foreign wool—to the Committee on Ways and Means.

By Mr. MCCORMICK: Petition of ex-soldiers of Jackson County, Ohio, asking Congress to pass the Logan bill for equalization of bounties—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, resolutions of Ellsworth Post, No. 382, Grand Army of the Republic, Department of Ohio, approving Senate bill 340, relating to pensions, &c.—to the same committee.

By Mr. MAYBURY: Petition of Thomas Griffin and others, relative to Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. MITCHELL: Petition of citizens of Middletown, Conn., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. MORRILL: Petition of the delegation of the Cherokee Indians, asking for an appropriation for the improvement of Grand River—to the Committee on Rivers and Harbors.

By Mr. MORRISON: Memorial of the county board of Madison County, Illinois, for an appropriation for American Bottom levee—to the same committee.

By Mr. MORSE: Petition of Arthur Searle and 21 others, of Cambridge, Mass., and of William E. Parmenter and 23 others, of Arlington, Mass., relating to the civil service—to the Select Committee on Reform in the Civil Service.

By Mr. NELSON: Petition of M. Burdick, in favor of the Reagan bill—to the Committee on Commerce.

Also, petition of C. H. Beaubien, relative to Indian traders' license, &c.—to the Committee on Indian Affairs.

Also, petition of W. P. Todd and others, relative to the improvement of Lakes Traverse and Big Stone and the headwaters of the Minnesota and Red Rivers, in the State of Minnesota—to the Committee on Rivers and Harbors.

By Mr. CHARLES O'NEILL: Preamble and resolution of the board of directors of the Maritime Exchange of Philadelphia, favoring the redemption of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

Also, petition of members of the Indian Rights Association of Pennsylvania, asking for an appropriation to educate certain tribes of Indians—to the Committee on Appropriations.

By Mr. PARKER: Petition asking encouragement for American shipbuilding and ship-owning—to the Select Committee on American Shipbuilding and Ship-owning Interests.

By Mr. ROSECRANS: Petition of Fred M. Guiol and 25 others, of Warren Story and 68 others, of J. C. Stone and 58 others, all woolgrowers and citizens of California; also, of C. D. Ballard and 145 others, citizens of California, praying for the restoration of tariff of 1867 on imported wool—to the Committee on Ways and Means.

Also, memorial of the California Wool-Growers' Association, praying for the restoration of the tariff of 1867 on imported wool—to the same committee.

By Mr. TALBOTT: Papers relating to the claim of A. W. Hicks—to the Committee on War Claims.

By Mr. VANCE: Paper relating to the improvement of the Broad River, in North Carolina—to the Committee on Rivers and Harbors.

By Mr. WADSWORTH: Petition of soldiers, protesting against any change in the manner of paying pensions—to the Committee on Appropriations.

By Mr. YOUNG: Papers relating to the claim of Leland Leatherman, executor, &c.—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 1, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed and requested the concurrence of the House in a bill of the following title:

A bill (S. 698) to authorize the construction of additional steel vessels for the Navy.

ORDER OF BUSINESS.

Mr. CONVERSE. I demand the regular order.

Mr. OATES. I rise to make a privileged report.

The SPEAKER. The gentleman will state it.

FENCING IN PUBLIC LANDS.

Mr. OATES. I am instructed by the Committee on Public Lands to report back with an amendment the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to inform this House whether or not any portion of the public domain in the State of Nebraska has been fenced in for any purpose whatever by any individual, corporation, or company, and especially by the Brighton Ranch Company of Custer County, and whether or not by such fencing in any post-route of the United States has been obstructed or interfered with.

Resolved further, That if it be true portions of the public domain have been so fenced in, to inform the House upon what authority, if any, the same was done; and what steps have been taken on the part of the Government to cause the removal of such obstructions and the criminal prosecution of the offenders.

The report of the committee was read, as follows:

The Committee on Public Lands, to which was referred the resolutions calling on the honorable the Secretary of the Interior for certain information with reference to the fencing in of any portion of the public lands in the State of Nebraska, &c., have had the same under consideration, and report the same back to the House with a recommendation that the same be amended by striking out the second resolution and substituting therefor the words "and also whether any of the public lands in any other State or Territory have been fenced in by any person, firm, or corporation without authority of law, and what measures, if any, have been adopted by his Department in relation thereto;" and thus amended the committee recommend their adoption. Your committee made sufficient investigation to discover the importance of the information sought. The amendment is recommended for two reasons, namely: First, the second resolution presupposes the existence of a law under which persons who fence up or inclose public lands may be punished criminally, which is not the fact; and, secondly, the substitute for said resolution is recommended for the reason that your committee deem a more extensive inquiry and fuller information than the first resolution calls for.

Mr. BLANCHARD. As the introducer of the resolution now reported back, I am willing to accept the amendment proposed by the committee.

The SPEAKER. The gentleman cannot accept it; the House must dispose of it. The question is upon the adoption of the amendment proposed in the report just read.

The amendment was agreed to.

The resolution as amended was adopted.

Mr. OATES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUSINESS OF COMMITTEE ON DISTRICT OF COLUMBIA.

Mr. RANDALL. I am directed by the Committee on Rules to submit the report which I send to the desk.

The Clerk read as follows:

The Committee on Rules, to whom was referred the following resolution, namely:

"*Resolved*, That the second and fourth Mondays of each calendar month hereafter during the continuance of the Forty-eighth Congress, after the call of States and Territories for bills and joint resolutions, be, and the same are hereby, set apart for the consideration of such business as may be presented by the Committee on the District of Columbia"—

having had the same under consideration, submit the following report:

That the said resolution, if adopted, will restore a portion of Rule LXXXII of the Forty-third Congress, which assigned the third Monday of each month to the Committee on the District of Columbia, which rule was dropped in the revision of the rules in the Forty-sixth Congress. It was believed that under the said revision full opportunity would be afforded the said committee to dispose of all necessary business relating to the District of Columbia. This proved not to be the case, and in the Forty-sixth and Forty-seventh Congresses orders similar to the foregoing were adopted. The committee are of opinion that this order should be made; and therefore report back the said resolution and recommend its adoption.

Mr. RANDALL. The report just read makes a full and complete statement of the object of this proposed amendment of the rules. I therefore call the previous question.

The previous question was ordered; and under the operation thereof the resolution reported by the Committee on Rules was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXTRA COPIES OF BILLS, REPORTS, ETC.

Mr. REED. The Committee on Rules, to which was referred a resolution introduced by the gentleman from North Carolina [Mr. SCALES] in regard to the printing of additional copies of bills and other public documents, have directed me to report back the same with an amendment in the form of a substitute.

The SPEAKER. The resolution as referred to the committee will first be read.

The Clerk read as follows:

Resolved, That the rules be amended by the adoption of the following: Motions to print additional numbers of any bill, report, resolution, or other public document shall be referred to the Committee on Printing, and when the committee shall report in favor of printing additional numbers, the report shall be accompanied by an estimate of the probable cost thereof, and when the cost of printing such additional numbers shall exceed the sum of $500, the concurrence of the Senate shall be necessary for the order to print the same.

The SPEAKER. The report of the Committee on Rules will now be read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution relating to printing, submitted by Mr. SCALES, January 24, 1884, have had the same under consideration, and report that in their opinion the accompanying additional rule should be adopted in place of the proposition submitted:

RULE XLVI.

Motions to print additional numbers of any bill, report, resolution, or other public document shall be referred to the Committee on Printing; and the report of the committee thereon shall be accompanied by an estimate of the probable cost thereof.

Mr. REED. The whole gist of this proposed rule is to be found in the last clause, requiring the Committee on Printing to submit an estimate of the cost of every matter on which they make a report.

Mr. COX, of New York. Is that the only change which this proposition will make?

Mr. REED. That is all.

Mr. COX, of New York. That is right.

Mr. REED. I call the previous question.

The previous question was ordered; and under the operation thereof the amendment proposed by the Committee on Rules to the resolution was adopted.

The resolution as amended was adopted.

Mr. REED moved to reconsider the vote by which the resolution as amended was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INQUIRY FOR EXECUTIVE INFORMATION.

Mr. CALKINS. I rise to a question of privilege. Two weeks ago I introduced a resolution, which was referred to the Committee on Naval Affairs, calling for executive information to be used during the discussion of the naval appropriation bill. Under clause 1 of Rule XXIV such resolutions are required to be reported back within one week. That resolution has not been reported. I do not desire this morning to move that the committee be discharged from the further consideration of the subject; I merely call attention to the matter, so that the committee may take up the resolution and report upon it as soon as possible.

Mr. COX, of New York. I do not think that resolution came to our committee.

Mr. CALKINS. It was referred two weeks ago.

Mr. COX, of New York. Is the gentleman sure that it went to the Committee on Naval Affairs?

Mr. CALKINS. Yes, sir.

Mr. COX, of New York. I assure the gentleman that we will consider the matter and report the resolution at once.

EXPENSES OF COMMITTEE INVESTIGATION.

Mr. MONEY, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Clerk of the House of Representatives is hereby authorized to pay out of the contingent fund of the House of Representatives the expenses incurred by the Committee on the Post-Office and Post-Roads in the investigation ordered by resolution of the 25th ultimo.

Mr. MONEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OSCAR EASTMOND AND JAMES W. ATWILL.

Mr. DOCKERY. I ask unanimous consent that the bill (S. 368) for the relief of Oscar Eastmond and James W. Atwill be taken from the Speaker's table for reference to the Committee on Military Affairs.

There being no objection, the bill was taken from the Speaker's table, read twice, and referred to the Committee on Military Affairs.

WILLIE S. HOWARD.

Mr. DOCKERY. I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Willie S. Howard, authorized to be employed as a page of the House and assigned to duty with the subcommittee on appropriations, under resolution of February 27, 1884, be paid out of the contingent fund of the House the same compensation as other pages of the House from the date of his appointment.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. BLOUNT. I would like to inquire whether this matter has been examined by a committee. If so, I have no objection.

Mr. HOLMAN. The resolution authorizing the appointment of this page was examined and favorably reported by the Committee on Appropriations.

Mr. DOCKERY. This resolution providing for the compensation of this page has the approval of the Committee on Accounts.

There being no objection, the resolution was considered and adopted.

Mr. DOCKERY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CIVIL-SERVICE REFORM.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Select Committee on Reform in the Civil Service, and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the act of Congress approved January 16, 1883, entitled "An act to regulate and improve the civil service of the United States," the Civil Service Commission has made to the President its first annual report.

That report is herewith transmitted, together with communications from the heads of the several Executive Departments of the Government respecting the practical working of the law under which the commission has been acting.

Upon the good results which that law has already accomplished I congratulate Congress and the people, and I avow my conviction that it will henceforth prove to be of still more signal benefit to the public service.

I heartily commend the zeal and fidelity of the commissioners and their suggestion for further legislation, and I advise the making of such an appropriation as shall be adequate for their needs.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 29, 1884.

SWINE PRODUCTS.

The SPEAKER, by unanimous consent, also laid before the House the following message from the President of the United States; which was referred to the Committee on Agriculture, and ordered to be printed:

To the House of Representatives:

I transmit herewith for the consideration of Congress a report of the Secretary of State, accompanying a report made by the commission lately designated by me to examine and report upon the asserted unhealthfulness of the swine products of this country. The views and conclusions of the commission deserve the most careful consideration of Congress, to the end that if any path be legitimately open for removing the prohibition which closes important foreign markets to those products it may be followed, and appropriate legislation devised.

I earnestly recommend that Congress provide for reimbursing the expenses incurred by the commissioners in this praiseworthy service, and I should be glad also if some remunerative recognition of their public-spirited action in accepting the onerous and responsible duties imposed on them were to suggest itself to Congress. At all events, in view of the conflicting theories touching the origin and propagation of trichiniasis, and the means of isolating and extirpating it among domestic swine, and considering the important bearing which precise knowledge on these points would have on the commercial aspects of the matter, I recommend provision for special research in this direction.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 29, 1884.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. JOHN S. WISE, on Saturday, March 1, 1884.

To Mr. PRICE, until Monday, March 10.

To Mr. KELLOGG, for ten days, commencing March 1.

To Mr. O'HARA, for ten days, commencing March 3, on account of important business.

ORDER OF BUSINESS.

Mr. CONVERSE. I demand the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports.

NUESTRA SEÑORA DE REGLA.

Mr. DORSHEIMER, from the Committee on the Judiciary, submitted an additional report in respect to the bill (H. R. 2842) to carry into effect the decree of the district court of the United States for the southern district of New York in the case of the Spanish ferry-boat Nuestra Señora de Regla.

The SPEAKER. The report will be referred to the Committee of the Whole House on the state of the Union, and ordered to be printed, as the bill has already been referred to that committee.

It was so ordered.

SAMUEL P. EVANS.

Mr. BISBEE, from the Committee on the Judiciary, reported back with an amendment the bill (H. R. 2742) for the relief of Samuel P. Evans; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

UNITED STATES COURTS, NORTHERN DISTRICT OF GEORGIA.

Mr. HAMMOND, from the Committee on the Judiciary, reported back favorably the bill (H. R. 4701) to change the times of holding the district and circuit courts of the United States in the northern district of Georgia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

GRUNDY COUNTY, TENNESSEE.

Mr. CULBERSON, of Texas, from the Committee on the Judiciary, reported back the bill (H. R. 2728) detaching Grundy County, Tennessee, from the southern district of East Tennessee and attaching it to the middle district of said State; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ISSUE OF CIRCULATING NOTES.

Mr. WILKINS, from the Committee on Banking and Currency, reported, as a substitute for H. R. 3754, the bill (H. R. 5460) to provide for the issue of circulating notes to national banking associations; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. BUCKNER, by unanimous consent, submitted the views of the minority on the same bill; which were referred to the House Calendar, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. REAGAN, from the Committee on Commerce, reported a bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to regulate such commerce; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. REAGAN. I ask unanimous consent that Thursday, the 20th instant, be set down for the consideration of that bill.

The SPEAKER. That can not be done on this call. The Chair will recognize the gentleman again for that purpose.

RIVERS AND HARBORS.

Mr. BLANCHARD, from the Committee on Rivers and Harbors, reported a bill (H. R. 5462) making appropriation to supply deficiency in the amount required for expenditure to June 30, 1884, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain the depth of water and width of channel at South Pass of Mississippi River, also for gauging the water of the Mississippi River and its tributaries; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHARLES M. BLAKE.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back the bill (H. R. 77) for the relief of Charles M. Blake, chaplain, United States Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE OF A BILL.

On motion of Mr. NICHOLLS, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 601) providing for the payment of bounties and pensions to the heirs of colored troops serving in the late war; and the same was referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

EAST FLORIDA SEMINARY.

Mr. NICHOLLS, from the Committee on Military Affairs, also reported back the bill (H. R. 153) for the relief of the East Florida Seminary; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ARMS FOR THE SEVERAL STATES.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 4864) enacting that so much of the act approved March 3, 1875, as provides that so much of the appropriations between January 1, 1861, and April 9, 1865, under the act of April 23, 1808, as would have been used for arms to be distributed to the several States be covered into the Treasury, be, and the same is hereby, repealed; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BOUNTIES TO CERTAIN OFFICERS AND SAILORS.

Mr. MCADOO, from the Committee on Naval Affairs, reported back the bill (H. R. 2401) to provide for the payment of bounties due to the officers and sailors of United States vessels under the command of Flag-Officer G. D. Farragut; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARYLAND AND DELAWARE FREE SHIP-CANAL.

Mr. HOBLITZELL, from the Committee on Railways and Canals, reported back with amendments the bill (H. R. 720) to provide for the construction of the Maryland and Delaware free ship-canal, as a means of military and naval defense and for commercial purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SHIP-CANAL, PUGET SOUND.

Mr. JAMES, from the Committee on Railways and Canals, reported, as a substitute for H. R. 2954, a bill (H. R. 5463) to provide for and aid in the construction and to regulate the operation of a ship-canal between Lakes Union and Washington and Puget Sound, in Washington Territory, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WILLIAM WHEELER HUBBELL.

Mr. VANCE, from the Committee on Patents, reported back with amendments the bill (H. R. 1375) to determine the rights of William Wheeler Hubbell and the United States, respectively, therein stated; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

INCREASE OF PENSIONS.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 4009) to increase the pension of widows, minor children, and dependent relatives of deceased soldiers and sailors; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. 4402) granting a pension to Daniel Cusick; which was ordered to be laid on the table, and the accompanying report printed.

CLARISSA T. MAIES.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported a bill (H. R. 5464) granting a pension to Clarissa T. Maies; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAROLINE M. M'DOUGAL.

Mr. TILLMAN, from the Committee on Pensions, reported back a bill (H. R. 79) granting a pension to Caroline M. McDougal, widow of Rear-Admiral David S. McDougal; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

OFFICERS UNITED STATES NAVY.

Mr. COX, of New York. I rise to make a privileged report. I am instructed by the Committee on Naval Affairs to report back the resolution of inquiry submitted by the gentleman from Indiana and recommend its passage.

The SPEAKER. The report will be read.

The Clerk read as follows:

Resolved, That the Secretary of the Navy be requested to furnish to the House immediately the following information:

I. The number of commissioned and warrant officers who at the date of the compilation of the last Naval Register were employed on sea-duty, the statement to specify the number in each grade and to show the number on each ship.

II. The sea and shore service and unemployed time of the commodores during the last ten years, including a full, specific statement of all sea-service.

III. A list giving, in order of rank, the name of every commissioned and warrant officer at the date mentioned on shore-duty, with a description of the service on which he was employed, supplemented by a recapitulation giving the numbers at each navy-yard and each other locality, and a further statement giving the names and number of the officers on shore-duty in Washington, with a memorandum of the service on which each was employed.

IV. A statement of the number in each grade of commissioned and warrant officers who at the same date were not upon sea or shore duty.

V. A statement showing the names of the sea-going officers who, having held their present commission more than three years, have not had more than one year's sea-service under such commissions, with the amount of sea-service in each case.

The Secretary is also requested to inform the House whether he has complied with the provisions of the act of March 3, 1883, requiring him to certify in all orders for shore-duty that the same are required by the public interests, and to specify the term of service, and whether or not the number of officers now so employed can be reduced without injury to the public service; and what total number of officers on such duty will probably be sufficient during the next fiscal year, unless extraordinary emergencies should arise.

Mr. THOMAS. I wish to state to the House that almost every point of information asked for by this resolution can be found in the current Naval Register, which can be had by every member of Congress upon application. Every solitary point embodied in that resolution, with one single exception, is set forth *in extenso* in the Naval Register of this year, and that is the point with reference to whether the Secretary has complied with the act of Congress requiring him to certify as to the necessity of detailing naval officers for civil or shore duty. I make that statement merely without the intention of objecting to the adoption of the resolution.

Mr. COX, of New York. In reply to the gentleman from Illinois [Mr. THOMAS] I wish to say that the resolution of the gentleman from Indiana [Mr. CALKINS] was considered by the committee, I think, before the Register came into our hands. But it will do no harm. The Department can furnish this matter already in print by simply referring to the printed page; and as to the rest of the information required it can be very easily furnished in one day.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was adopted.

Mr. COX, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. HUTCHINS. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

Mr. TALBOTT. I ask unanimous consent that it be understood that during the rest of this day there be debate only.

Mr. RANDALL and Mr. HUTCHINS objected.

The motion of Mr. HUTCHINS was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. CONVERSE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union and resumes the consideration of the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes. When the committee was last engaged on the consideration of this bill the gentleman from Illinois [Mr. THOMAS] had been recognized, and he is entitled to the floor for one hour.

Mr. THOMAS. Mr. Chairman, this is the regular annual naval appropriation bill, and in calling attention to it and its various provisions I desire to say that the provisions of bills of this kind ought, as a rule, to be confined to making appropriations only, and should not contain measures of general legislation.

To the Committee on Naval Affairs, having jurisdiction of that branch of the service, I think ought to be committed all questions, excepting alone appropriations, relating to the Navy. Unhappily, under the rules of this House, the Committee on Appropriations has for some time exercised an all-controlling power as well over the *personnel* as over the vessels and ordnance of the Navy. Under these rules it seems to have been impossible to bring forward in the House and have passed any general bill rectifying the incongruities, inconsistencies, and useless features of the American Navy, and all that has been done for a number of years has been to interject small provisions here and there in the general appropriation bills until we find the Navy of the United States in all its branches and departments in a most anomalous condition.

The Committee on Naval Affairs, through one of its members, has been informed that the official *personnel* of the Navy of the United States now consists of 1,562 officers of various grades, running from Admiral of the Navy to naval cadets. We have in that list the Admiral, Vice-Admiral, rear-admirals, commodores, captains, commanders, lieutenant-commanders, lieutenants, ensigns, and naval cadets. Those grades cover either directly or indirectly all the officers of the Navy, both line and staff; as the staff officers have what is known as relative rank, and they are in fact, so far as pay and epaulets are concerned, commander, commodore, or other officer, whether they be doctors, ministers, engineers, paymasters, marines, or line officers of the Navy. I have never yet been able to understand or find any sufficient excuse for the conferring by Congress upon the different staff grades of the Navy the ponderous, exalted, and oppressive titles by which they are known. A surgeon in the Navy should be called a surgeon; a paymaster called a paymaster; a chaplain called a chaplain. And so far as rank is concerned, I believe that that term should apply only to officers who perform legitimate naval duty. Neither the paymaster, the surgeon, the chaplain, nor the engineer is required to have any special military training in order to qualify him for the full and complete discharge of his duties as assistant to the commanding and executive officers of the ship. A young man just out of a commercial college or a bank or any business house, with a very little training and information as to the details of his duty, may become a paymaster, and can discharge all the duties that devolve upon him on shipboard or on shore. There is no military training necessary to fit a surgeon for the discharge of his duties on shipboard or on shore. Then why a paymaster should be a commodore or a captain, why he should have relative rank, or why a minister of the gospel, the follower of that meek and lowly One who had not where to lay His head, should go about the earth on the vessels of this magnificent Navy of the United States decorated with gold lace, fine uniform, splendid epaulets, and high rank, is something I have never been able to understand, and is not in keeping with the honorable and sacred calling he has chosen as the mission of his life.

Still we find that various amendments have crept in upon appropriation bills in behalf of that class of officers, and we find pressure coming from every hand on the part of staff officers for position, rank, and more pay. And I shall not be surprised if this anomalous state of affairs

goes on until we see an engineer, a most useful servant on board a steamship, admitted to the rank of commodore. Let us see what the condition of affairs would be if that should come about. An engineer in the Navy is simply one of the aids or assistants to the commanding officer. Under the law as it is, and under naval usage as it has been from time immemorial, a staff officer can under no circumstances take command of a naval ship. Now, suppose the vessel is in charge of a captain or a commander of the line, if you please, who is responsible not only for the officers under him but for the conduct of the men and for the safety of his ship. Suppose he should be killed. The next man is his executive officer. Then comes the navigator, and the watch officers, and so on down to the naval cadet making his first cruise. If the line officers above the naval cadet should be swept away one by one, by disease, accident, or death, and the naval cadet alone was left, he would of necessity have command of the vessel, and would stand on the bridge or occupy the captain's cabin and give orders to the "commodore engineer" before he could start or stop the engines of the vessel.

We tolerate these things, and we tolerate them, too, without any justification or excuse. I do not know that I remember the exact number of such officers now on the Naval Register. If I am not mistaken we have 14 medical directors, 15 medical inspectors, 50 surgeons, 79 passed assistant surgeons, 8 assistant surgeons, and 2 surgeons not in the line of promotion. Then we have 13 pay directors and 12 pay inspectors. We have quite a number of naval engineers, or chief engineers, as they are called.

I want to call the attention of the House to one or two things in connection with these pay directors and pay inspectors, these medical directors and medical inspectors. They are performing very little sea service, indeed. Yet there are but two States in this Union whose governors receive as much pay as these officers. There are only about three States in the Union that pay the judges of their supreme courts as much as is paid by this Government to the pay directors and pay inspectors and to the medical directors and medical inspectors of our Navy. They are kept on the Navy Register to-day simply as medical and pay ornaments, and very dear ones they are, indeed.

It is said that they have rendered efficient service in years gone by. That is true. But shall we continue to keep them on the Naval Register at great pay—at probably not too high pay if you continue to maintain their rank, but at very large pay when it is considered that we have no earthly use for them?

That which strikes me with the greatest force, and to which I call the attention of the House, is, that these high-rank officers of the staff corps receive a great deal more pay than line officers of corresponding rank who command them. Look at this table:

TABLE A.—*Showing average pay and length of service of officers of same rank in each corps of the Navy, January* 1, 1884.

		Line officers.	Medical officers.	Pay officers.	Engineer officers.	Marine officers.	Remarks.
Rear-admirals	Average length of service and pay of all in grade.						
	Years	45½					Each staff corps has one chief of bureau, with the relative rank of commodore, with $5,000 per annum.
	Sea-duty	$6,000					
	Shore-duty	5,000					
	Waiting orders	4,000					
Commodores	do						
	Years	42½					
	Sea-duty	5,000					
	Shore-duty	4,000					
	Waiting orders	3,000					
Captains and officers ranking with them	do						
	Years	36	32	25½	37	37	All marine officers while on shore-duty are provided with fuel and quarters, or commutation therefor.
	Sea-duty	4,500	$4,400	$4,400	$4,400	$4,500	
	Shore-duty	3,500	4,000	4,000	4,000	4,500	
	Waiting orders	2,800	3,000	3,000	3,000	4,500	
Commanders and officers ranking with them	do						
	Years	26	23	22	31	32	
	Sea-duty	3,500	4,400	4,400	4,400	4,000	
	Shore-duty	3,000	3,893	4,000	4,000	4,000	
	Waiting orders	2,300	2,946	3,000	3,000	4,000	
Lieutenant-commanders and officers ranking with them	do						
	Years	22	21½	19	23½	24	
	Sea-duty	2,925	3,476	3,361	3,344	3,500	
	Shore-duty	2,525	3,212	3,086	3,022	3,500	
	Waiting orders	2,125	2,606	2,506	2,453	3,500	
Lieutenants and officers ranking with them	do						
	Years	19	13	14	20	22	
	Sea-duty	2,552	2,450	2,200	2,200	2,520	
	Shore-duty	2,152	2,171	2,000	2,000	2,520	
	Waiting orders	1,752	1,833	1,700	1,700	2,520	
Lieutenants (junior grade) and officers ranking with them	do						
	Years	14⅛	8	7½	10½	15½	
	Sea-duty	1,861	2,192	2,000	1,971	1,865	
	Shore-duty	1,561	1,992	1,800	1,735	1,865	
	Waiting orders	1,261	1,692	1,500	1,400	1,865	
Ensigns and officers ranking with them	do						
	Years	11	3	3	9	6	There is no grade in the staff corps nor in the Marine Corps that corresponds to the grade of junior ensign in the line.
	Sea-duty	1,238	1,700	1,700	1,745	1,445	
	Shore-duty	1,038	1,400	1,400	1,448	1,445	
	Waiting orders	838	1,000	1,000	1,048	1,445	
Ensigns (junior grade)	do						
	Years	8⅛					
	Sea-duty	1,000					
	Shore-duty	800					
	Waiting orders	600					

From the above table we find that officers of the staff having the relative rank of captain, for they have only relative rank, receive more pay than a captain of the line on all except sea-duty. A captain of the line on sea-duty receives $4,500 a year, while the staff officers of corresponding rank serving under him receive as follows: Medical officer, $4,400; pay officer, $4,400; engineer officer, $4,400; and the marine officer, $4,500.

On shore-duty a captain of the line receives $3,500 a year; the medical officer, $4,000 a year; the pay officer, $4,000 a year; the engineer officer, $4,000 a year; and the marine officer, $4,500 a year. On waiting orders the line officer receives $2,800 a year; the medical officer, $3,000 a year; the paymaster, $3,000 a year; the engineer, $3,000 a year; and the marine officer, $4,500.

So we see in that one grade of captain on every kind of duty excepting sea-service alone the staff officers receive $500 a year more than the officer who would have command of the ship. And in the case of the marine officer, he receives $4,500 a year on all kinds of duty, while the captain of the ship on waiting orders receives only $2,800 a year.

Now come the commanders. We find that a commander of the line receives, on-sea duty, $3,500 a year; the medical officer, $4,400 a year; the pay officer, $4,400 a year; the engineer officer $4,400, a year; and the marine officer, $4,000 a year. On shore-duty a commander of the line receives $3,000 a year; the medical officer, $3,893 a year; the pay officer, $4,000 a year; the engineer officer, $4,000 a year; and the marine officer, $4,000 a year. So it runs all the way through, the staff officer receiving from $500 to $1,500 a year more pay than the line officer, who has to be responsible not only for the ship and the men, but also for these staff officers, whom he commands.

I say this is an outrage; one that is wholly unjustifiable, entirely inexcusable, and not warranted either by the services they perform or by any consideration that can be imagined by the mind of man.

Mr. REED. Will the gentleman from Illinois [Mr. THOMAS] permit me to ask him a question?

Mr. THOMAS. With pleasure.

Mr. REED. Do not the line officers, when they reach their highest promotion, ultimately get more pay than the staff officers do?

Mr. THOMAS. No; there are only two legitimate grades in the Navy to which, under the present law, the staff officer may not attain. But, taking into consideration the amount of pay they receive during the time they are in the service, the staff officers receive more pay than any line officer ever does during the same length of service. Out of two hundred line officers, on an average three only will reach the grade of rear-admiral. A staff officer of any one of the corps receives considerable more money than either of the three line officers who may reach the highest grade, to say nothing of the two hundred and ninety-seven line officers who never can reach the grade of rear-admiral.

Mr. REED. You are now talking of the present stagnant condition of promotion in the Navy, are you not?

Mr. THOMAS. I am talking about the Navy as it stands to-day.

Mr. REED. Yes, as it stands to-day.

Mr. THOMAS. I am speaking of the Navy as it stands to-day. We have now 1,562 officers in the Navy. I have not a word to say against one of them, for there is not a more accomplished set of men, whether of the line or staff, in the employ of any government in the world. They are accomplished, gallant, and brave, and ready to do service if only given an opportunity. We have naval officers enough for seventy vessels, while we have only thirty-one vessels in commission. According

to the present estimates made by the Secretary of the Navy, and according to the estimate made by the advisory board (with Admiral John Rodgers, now dead, at its head), which had the subject under consideration, we have officers enough for seventy vessels. We have now fifty-nine officers for every ship in the service.

I am not going to ask to cut down the official naval *personnel*, whether of line or staff, but I do think it right that the pay of the line and staff should be equalized, and I am in favor of equalizing up rather than down. I believe every one must admit that common justice demands that the pay of these officers should be equalized. A doctor or an engineer or a chaplain—a "sky-pilot" as the sailors sometimes irreverently call him—should not receive more pay than the captain.

Mr. REED. The line officers are like members of Congress, they make up in glory what they fail to receive in money.

Mr. THOMAS. In the present condition of our Navy they will have to wait a long time for the glory.

Mr. COX, of New York. Will my colleague on the committee state how many officers there are to each seaman?

Mr. THOMAS. One officer to every five seamen, I believe. I can answer the gentleman with certainty if he will wait a moment till I refer to my papers.

Mr. COX, of New York. I will not ask the gentleman to look over his papers now. My remark was only designed to illustrate the top-heavy character of our remarkable Navy.

Mr. THOMAS. According to an official statement of the Secretary of the Navy, made to me in a letter which I now hold in my hand, there is one officer in the Navy for every five men. This table, which I have prepared with great care, shows the differences in the pay of the line and staff for different periods of service.

TABLE B.—*Showing difference in the average pay for same rank or relative rank in the Navy and Marine Corps.*

[NOTE.—The + mark indicates an excess of pay over that of line officers.]

	Pay of the line (average).	Medical Corps.	Pay Corps.	Engineer Corps.	Marine Corps.	Average of difference between line and four staff corps.
Officers ranking with captains:						
Sea-duty	$4,500	−$100	−$100	−$100	.....	−$75
Shore-duty	3,500	+500	+500	+500	+1,000	+625
Waiting orders	2,800	+200	+200	+200	+1,700	+575
Officers ranking with commanders:						
Sea-duty	3,500	+900	+900	+900	+500	+800
Shore-duty	3,000	+893	+1,000	+1,000	+1,000	+973
Waiting orders	2,300	+646	+700	+700	+1,700	+936.5
Officers ranking with lieutenant-commanders:						
Sea-duty	2,925	+551	+436	+421	+575	+496
Shore-duty	2,525	+687	+561	+497	+975	+680
Waiting orders	2,125	+481	+381	+328	+1,375	+641
Officers ranking with lieutenants:						
Sea-duty	2,552	−102	−352	−352	−32	−209.5
Shore-duty	2,152	+19	−152	−152	+368	+21
Waiting orders	1,752	+81	−52	−52	−768	+186
Officers ranking with lieutenants (junior grade):						
Sea-duty	1,861	+331	+139	+110	+4	+146
Shore-duty	1,561	+431	+239	+174	+304	+287
Waiting orders	1,261	+431	+239	+139	+604	+353
Officers ranking with ensigns:						
Sea-duty	1,238	+462	+462	+507	+207	+409.5
Shore-duty	1,038	+362	+362	+410	+407	+385
Waiting orders	838	+162	+162	+210	+607	+285
Officers ranking with ensigns (junior grade*):						
Sea-duty	1,000	.....	.....	.....	.....	.....
Shore-duty	800	.....	.....	.....	.....	.....
Waiting orders	600	.....	.....	.....	.....	.....
Average of differences on all duty	.....	.....	.....	.....	.....	+417.5

*No staff officers of this grade.

Mr. MCADOO. Can a medical director go to sea except as the medical officer of a fleet?

Mr. THOMAS. If you could run a lighter or barge alongside of him and hoist out a part of his cargo of rank he might be able to go to sea. [Laughter.]

Mr. MCADOO. There are fifteen medical directors.

Mr. THOMAS. But at present there is not one ship in the United States Navy with tonnage enough to carry a medical director, a pay director, or a chief engineer.

There are very few of these officers of high rank in the staff corps who are performing or can, on account of excessive rank, perform any sea-duty at all.

TABLE C.—*Showing percentages of each corps of the Navy on sea-duty, shore-duty, &c.*

	At sea.	Shore-duty.	Leave or waiting orders.
	Per ct.	Per ct.	Per ct.
Line	55	25	9
Medical Corps	46	44	10
Pay Corps	34	41	25
Engineer Corps	47	38	15
Marine Corps	36	58	6

It will be seen by this table that of the line officers there are 55 per cent. at sea or performing sea-duty, 35 per cent. performing shore-duty, and 9 per cent. on leave or waiting orders. Of the Medical Corps there are 46 per cent. at sea, 44 per cent. on shore-duty, and 10 per cent. on waiting orders. Of the Pay Corps there are 34 per cent. at sea, 41 per cent. on shore duty, and 25 per cent. on waiting orders. Of the Engineer Corps there are 47 per cent. at sea, 34 per cent. on shore-duty, and 15 per cent. on waiting orders. Of the Marine Corps 36 per cent. are at sea, 58 per cent. on shore duty, and 6 per cent. on waiting orders.

As answering one of the inquiries contained in the resolution offered by the chairman of the committee a few moments since, reference to which seems to be appropriate here, I desire to call the attention of the committee to another table which I have prepared, in condensed shape, so that members of the House, by looking at it, may be able to see exactly the present condition of the official *personnel* of the Navy and what the various officers are doing:

TABLE D.—*Showing present duty of officers of the Navy, January* 1, 1884.

	At sea.	Shore-duty.	Leave or waiting orders.	Under suspension.
Rear-admirals	3	3	1	.....
Commodores	3	14	4	.....
Captains	12	25	9	.....
Commanders	25	42	18	1
Lieutenant-commanders	36	28	10	.....
Lieutenants	145	97	21	1
Lieutenants (junior)	56	25	7	.....
Ensigns	66	19	2	.....
Ensigns (junior)	72	15	.....	1
	418	268	72	3
Total number in line, 761; to be reduced to 620 (act of August 5, 1882).				
Medical directors	.....	12	3	.....
Medical inspectors	5	9	1	.....
Surgeons	22	20	4	.....
Passed assistant surgeons	40	29	8	1
Assistant surgeons	7	1	.....	.....
	74	71	16	1
Total in corps, 162.				
Pay directors	.....	8	5	.....
Pay inspectors	3	8	2	.....
Paymasters	16	22	10	.....
Passed assistant paymasters	15	6	7	1
Assistant paymasters	7	6	6	.....
	41	50	30	1
Total in corps, 122.				
Chief engineers	24	33	13	.....
Passed assistant engineers	44	32	16	1
Assistant engineers	44	27	6	.....
	112	92	35	1
Total in corps, 240.				
Colonels, lieutenant-colonels, majors	.....	10	1	.....
Captains	7	14	1	.....
First lieutenants	11	16	3	.....
Second lieutenants	12	8	.....	.....
	30	48	5	.....
Total in corps, 83.				

By this table it will be seen that of the rear-admirals there are 3 performing duty at sea, 3 on shore-duty, and 1 on leave or waiting orders; of commodores there are 3 at sea, 14 on shore-duty, and 4 on leave or waiting orders; of captains there are 12 at sea, 25 on shore-duty, and 9 on waiting orders; of commanders there are 25 at sea, 42 on shore-duty, 18 on waiting orders, and 1 under suspension; of lieutenant-commanders 36 are at sea, 28 on shore-duty, and 10 on waiting orders.

I will not take time to run through the various grades, &c., as shown by the table, but will give the total of each of these branches of the service. There are 418 line officers at sea; 268 on shore-duty; 72 on leave

or waiting orders, and 3 under suspension. The total number of the line is 761. Number to be reduced under the act of August 5, 1882, 620.

I now invite attention to the medical officers of the Navy, a part of the staff corps; and in doing this I wish to refer to the naval appropriation bill, which provides for the pay of 14 medical directors and 15 medical inspectors. Of these medical directors there is not one at sea. There are 12 on shore-duty, and 3 on leave or waiting orders.

Mr. TALBOTT. If these officers were performing sea-duty, how much more money would the Government have to pay them?

Mr. THOMAS. The Government would not have to pay one cent more.

Mr. TALBOTT. Oh, yes; the sea-pay is greater.

Mr. THOMAS. The sea-pay of this grade is the same, as I have shown by the table to which I have referred. None of these pay directors or medical directors are now at sea. They have too much rank to go to sea. It may be asked why in the name of humanity I expect men to go to sea when they would be likely to swamp the Navy. I must say, since self-preservation is the first law of nature, and since the Congress of the United States has not seen fit to build any first-class vessels of war that can carry heavy guns, whether of iron, steel, or flesh, I can not blame these officers for not going to sea.

But the fact remains, we are keeping these men on the Naval Register, paying them year after year more than the governor of any State but two in this Union, when there is not one of them doing one particle of sea-service.

Then we have 5 medical inspectors at sea, 9 on shore-duty, and 1 on waiting orders.

We have 22 surgeons at sea, 20 on shore-duty, and 4 on waiting orders. There is no criticism to be made on the medical officers of the Navy, including and below the rank of surgeon, for these men may legitimately go to sea on board ship and perform duty; but the others can only go as the grand moguls of a squadron, as the chief medical officer of a fleet, who has not one particle of legitimate duty to perform. If he should go to sea he is simply a supernumerary and an expensive official ornament of the Navy.

There are 162 officers in the Medical Corps; 74 of them are at sea, and that number is made up of surgeons, passed assistant surgeons, and assistant surgeons. There are 74 of them at sea, 71 on shore-duty, and 16 on leave or waiting orders, and 1 under suspension.

We come next to the Pay Corps. The legitimate duty of a pay officer or a paymaster in the Navy is to go with his vessel and pay the officers and seamen. He is also commissary and quartermaster, it is true, but there should be no officer in the Pay Corps who has too much rank to go to sea. Yet we find of the 13 pay directors not one is at sea. Not one can go to sea. There are 8 on shore-duty and 5 on waiting orders.

Of pay inspectors there are 3 at sea, 8 on shore-duty, and 2 on waiting orders.

Then we come to the paymasters, who can perform legitimate duty. They have been kept within proper bounds of rank. There are 16 of them at sea, 22 on shore-duty, and 10 on waiting orders. Of passed assistant paymasters there are 15 at sea, 6 on shore-duty, 7 on leave or waiting orders, and 1 under suspension. Of assistant paymasters 7 are at sea, 6 on shore-duty, and 6 on leave or waiting orders.

There are 122 in this corps, 41 of whom are at sea, 50 on shore duty, 30 on leave or waiting orders, and one under suspension.

Of the chief engineers, with the rank of captain in the Navy or colonel in the Army, there are 24 at sea, 33 on shore duty, and 13 on leave or waiting orders. Of the passed assistant engineers, 44 are at sea, 32 on shore duty, 16 on leave or waiting orders, and one under suspension.

So on down through the list of the 240 officers of that corps, 112 are at sea, 92 on shore duty, 35 on leave or waiting orders, and one under suspension.

We come next to the Marine Corps. There are of colonels, lieutenant-colonels, and majors of the Marine Corps, not one of them at sea. There are 10 on shore duty, and 1 on leave or waiting orders. Of the captains, there are 7 at sea, 14 on shore duty, and 1 on leave or waiting orders. Of first lieutenants, 11 are at sea, 16 on shore duty, and 3 on leave or waiting orders. Of second lieutenants, there are 12 at sea and 8 on shore duty.

There are of the 83 officers in the Marine Corps 30 at sea, 48 on shore duty, and 5 on leave or waiting orders.

Of the commissioned officers of the Navy at sea January 15, 1884, on various stations, the following percentages were line officers: North Atlantic station, 60.5 per cent.; Pacific station, 60 per cent.; Asiatic station, 62.5 per cent.; European station, 60⅔ per cent.; South Atlantic station, 61 per cent.; training squadron, 68.7 per cent.; special service, 54.5 per cent.; or, of the total on sea-service, 61⅓ per cent.

By the act of August 5, 1882, there are allowed in the Navy only 1,121 commissioned officers, of which 620 are line and 501 staff officers, that is 55⅓ per cent. are line and 44⅔ per cent. are staff, but only 446 out of the 501 of the latter can go to sea.

By this it is shown that on January 15, 1884, of all the commissioned officers then at sea 61⅓ per cent. were line officers. Therefore, if any further reduction is made in the list of officers, it should be in the direction of doing away with these superfluous officers who have too much rank to go to sea, without regard to whether they belong to the line or staff.

Mr. HENDERSON, of Iowa. Let me inquire of the gentleman from Illinois whether he is giving us this information for the purpose of showing we have too many officers or that we have too few ships?

Mr. THOMAS. I hope it will serve the double purpose of showing, first, that the present pay-table of the United States Navy is incongruous, unjust, and unequal, and, in the second place, that we have not ships now to give employment to the officers we are keeping in commission and under pay. This bill proposes to pay them, and I am showing some reasons, as I hope, why this bill should be amended when it comes up for amendment, and why this pay-table should be rectified and put on a just basis, and why these ranks and relative ranks of staff officers ought to be cut off, so these officers may be sent to sea in case they are needed and not kept as ornaments only.

Various attempts have been made to reduce the number of officers in the Navy which have resulted most unhappily in blocking promotions. There is nothing that adds so much to the efficiency either of the naval or the military service as the hope of that ultimate reward which comes from meritorious service in the shape of promotion; and, while I do not care to take that up now and discuss it thoroughly as it ought to be in this connection, I shall simply introduce with my remarks a table which will completely and exhaustively exhibit how thorough a block has occurred in the promotions in the naval service by reason of the slipshod legislation which, as a rule, has been tacked upon appropriation bills passed by Congress.

TABLE E.—*Showing the "block" to promotion in the Navy since the war.*

Name and present rank.	Date of entering the service.	Date of commission as ensign.	Master.	Lieutenant.	Lieutenant-com'dr.	Service prior to promotion to grade of ensign.	Service as ensign.	Master.	Lieutenant.	Lieutenant-com'dr.	Total service prior to promotion to grade of master.	Lieutenant.	Lieutenant-Com'dr.
						y's. m's.	y's. m's.	y's. m's.	y's. m's.	y's. m's.	y's. m's.	y's. m's.	y's. m's.
Goodrich, lieutenant-commander*	Dec., 1861	Nov., 1866	Dec., 1866	Mar., 1868	Mar., 1869	4 11	0 1	1 3	1 0	14 10	5 0	6 3	7 3
Converse, lieutenant-commander	Nov., 1861	Dec., 1866	Mar., 1868	Mar., 1869	July, 1878	5 1	1 3	1 0	9 4	5 6	6 4	7 4	6 8
Maynard, lieutenant	Oct., 1862	Mar., 1868	Mar., 1869	Mar., 1870	.....	5 5	1 0	1 0	13 10	.....	6 5	7 5	.....
Tilley, lieutenant	Sept., 1863	Dec., 1868	Mar., 1870	Mar., 1871	.....	5 3	1 3	1 0	12 10	.....	6 6	7 6	.....
Cornwell, lieutenant	Sept., 1864	Apr., 1869	July, 1870	Apr., 1872	.....	4 7	1 3	1 9	11 9	.....	5 10	7 7	.....
Perkins, lieutenant	July, 1865	July, 1870	July, 1871	July, 1874	.....	5 0	1 0	3 0	9 6	.....	6 0	9 0	.....
Rittenhouse, lieutenant	July, 1866	Apr., 1872	Sept., 1873	June, 1878	.....	5 9	1 5	4 9	5 7	.....	7 2	11 11	.....
Staunton, lieutenant	Sept., 1867	July, 1872	Feb., 1875	Nov., 1881	.....	4 10	2 7	6 9	2 2	.....	7 5	14 2	.....
Southerland, master†	June, 1868	July, 1873	Nov., 1877	.....	.....	5 1	4 4	6 2	.....	.....	9 5	.....	.....
Scheutze, master	June, 1869	July, 1874	Nov., 1878	.....	.....	5 1	4 4	5 2	.....	.....	9 5	.....	.....
Peters, master	June, 1870	July, 1875	Nov., 1880	.....	.....	5 1	5 4	3 2	.....	.....	10 5	.....	.....
Hodgson, master	June, 1871	July, 1876	Nov., 1881	.....	.....	5 1	5 4	2 2	.....	.....	10 5	.....	.....
Gearing, master	June, 1872	Nov., 1877	Jan., 1884	.....	.....	5 5	6 2	0 0	.....	.....	11 7	.....	.....
Fullam, ensign	Sept., 1873	Mar., 1880	.....	.....	.....	6 6	3 10	.....	.....	.....	.....	.....	.....
Fillmore, ensign	Sept., 1874	Nov., 1881	.....	.....	.....	7 2	2 2	.....	.....	.....	.....	.....	.....
Miner, midshipman†	June, 1875	.....	.....	.....	.....	8 7	.....	.....	.....	.....	.....	.....	.....
Alger, midshipman‡	Sept., 1876	.....	.....	.....	.....	7 4	.....	.....	.....	.....	.....	.....	.....

NOTES.—The above seventeen officers are the senior officers, respectively, of the classes with which they entered the service.
* Goodrich entered in 1861, but was advanced, with others; graduated in 1864; and really was treated as if entering in 1860.
† The grade of master is now junior lieutenant, and midshipman is junior ensign; but neither the pay, duty, nor relative positions are affected.
‡ Not yet promoted to ensign.

When the proper time comes I shall offer amendments to this bill which I hope may put some life, some spirit, and some hope of reward in the shape of promotion in the breasts of those officers who are now left without any.

Mr. GLASCOCK. Will the gentleman allow me a question?

Mr. THOMAS. Yes, sir.

Mr. GLASCOCK. I notice in the remarks of the gentleman from Illinois that he has directed his criticisms, as I have been able to gather, almost exclusively against the staff officers of the Navy, because of the large proportion, as shown by the reports, of those who are on shore-duty as compared with the number of those who are in active service. Now, the question I wish to ask is, and I would like the gentleman to answer it, what is the proportion of commodores at sea in proportion to the number of those who are on shore-duty?

Mr. THOMAS. I am very glad the gentleman has asked me the question. It is one that I shall take pleasure in answering.

Mr. GLASCOCK. And whether out of the 22 commodores it is not true that 2 are at sea and the remainder are on shore-duty?

Mr. THOMAS. That I believe is true. I have no doubt that the gentleman's statement is correct. No; upon examination I find there are 3 at sea. But I say it is a fortunate question, because that is a strong reason, and one that was urged in the last Congress, why the grade of commodore should be abolished.

Mr. GLASCOCK. Then I would ask the gentleman further whether of the total number of captains now in the Navy it is not true that only 13 are at sea and 34 on shore-duty?

Mr. THOMAS. That may be true.

Mr. GLASCOCK. And whether of the commanders but twenty-three are at sea against sixty-four on shore-duty?

Mr. THOMAS. I think that is true. But as I was going on to say, I think that all appears by the Naval Register, and it furnishes only another and a stronger argument why we should go to work, and go to work at once, in earnest to build some ships, so that these officers can go to sea.

Mr. GLASCOCK. I agree with you there.

Mr. THOMAS. And, Mr. Chairman, if any gentleman will bring forward a proposition to put our nation on a respectable footing and a decent equality with the other nations of equal rank in the world; if a proposition is brought forward to build some ships for our Navy, whether they be first-rate, or second-rate, or third-rate ships—I do not care whether they be frigates or ironclads, monitors or gunboats, sloops or cruisers; I do no not care so that they are efficient and in keeping with the requirements of modern naval necessities—I will gladly vote for it, in order to put our Navy upon a proper footing.

Mr. GLASCOCK. If that be true, and the gentleman entertains such opinions, why is it that his remarks are directed solely against the staff officers of the Navy, and not against the line as well as the staff?

Mr. THOMAS. The gentleman from California mistakes the force of my remarks, or rather I should say perhaps the force that I had intended to be given to my remarks. I make no such attack, as he seems to construe it, on the staff of the Navy. My object was to call attention to the present incongruous condition of the pay tables of the different grades of the Navy. This is an appropriation bill, and the pay-table of the Navy is undoubtedly a proper subject to consider in connection with it. It is proposed to appropriate money for the pay of these various grades; and I am showing simply, or attempting to show, that there is no justice in the present pay-table of the Navy; and since my remarks happen to reflect very severely upon the staff corps, I speak with no sort of prejudice in favor of others. I should have pursued exactly the same line of argument if the same cause of complaint had existed with reference to the line. I believe in the principle of eternal justice. I believe in placing men who perform similar duty upon an equal footing, and not in discriminating in favor of this or that or the other corps.

Every one who has looked into this question at all knows how completely and thoroughly helpless this nation is so far as ships of war are concerned, and I want to ask attention for a few moments to that branch of the subject. We have now in the American Navy thirty-one ships in commission. These are all that can do anything like service as naval vessels. The list is given in the Naval Register, as well as the kind of vessels, the number of guns they carry, their tonnage and displacement.

List of vessels of the United States Navy.

[Corrected to January 15, 1884.]

Name, rate, and class.	Propulsion.	Guns.	Tonnage.	Displacement.	Station or condition.
SERVICEABLE.					
First rate.					
Tennessee	Screw	22	2,840	4,840	Flag-ship, North Atlantic station.
Second rates.					
Powhatan	Paddle	14	2,182	3,980	Special duty.
Trenton	Screw	10	2,300	3,900	*En route* to Asiatic station.
Lancaster	Screw	10	2,120	3,250	Flag-ship, European station.

List of vessels, &c.—Continued.

Name, rate, and class.	Propulsion.	Guns.	Tonnage.	Displacement.	Station or condition.
Brooklyn	Screw	14	1,600	3,000	Flag-ship, South Atlantic station.
Pensacola	Screw	22	2,000	3,000	Returning from Pacific station.
Hartford	Screw	14	1,800	2,900	Flag-ship, Pacific station.
Richmond	Screw	14	1,525	2,700	Flag-ship, Asiatic station.
Omaha	Screw	12	1,122	2,400	Repairing, Portsmouth, N. H.
Lackawanna	Screw	9	1,026	2,220	Pacific station.
Vandalia	Screw	8	981	2,100	North Atlantic station.
Shenandoah	Screw	9	929	2,100	*En route* to Pacific station.
Third rates.					
Juniata	Screw	8	828	1,900	Asiatic station.
Ossipee	Screw	8	828	1,900	Under orders to Asiatic station.
Quinnebaug	Screw	8	910	1,900	European station.
Swatara	Screw	8	910	1,900	North Atlantic station.
Galena	Screw	8	910	1,900	North Atlantic station.
Marion	Screw	8	910	1,900	Fitting for sea, Portsmouth, N. H.
Mohican	Screw	8	910	1,900	Fitting for sea, Mare Island.
Iroquois	Screw	7	695	1,575	Pacific station.
Wachusett	Screw	7	695	1,575	Pacific station.
Kearsage	Screw	7	695	1,350	European station.
Adams	Screw	6	615	1,375	Pacific station.
Alliance	Screw	6	615	1,375	North Atlantic station.
Essex	Screw	6	615	1,375	Asiatic station.
Enterprise	Screw	6	615	1,375	Asiatic station.
Nipsic	Screw	6	615	1,375	South Atlantic station.
Monocacy*	Paddle	6	747	1,370	Asiatic station.
Alert*	Screw	4	541	1,020	*En route* to Asiatic station.
Ranger*	Screw	4	541	1,020	North Pacific (surveying).
Yantic	Screw	4	410	900	North Atlantic station.
TORPEDO RAMS.					
Fourth rates.					
Intrepid	.....	.....	438	1,150	Undergoing alterations at New York.
Alarm	(*)	1	311	800	Special service.
REQUIRING EXTENSIVE REPAIRS.					
First rates.					
Franklin	Screw	26	3,173	5,170	Receiving-ship, Norfolk.
Wabash	Screw	26	3,000	4,650	Receiving-ship, Boston.
Minnesota	Screw	25	3,000	4,700	Gunnery training-ship, New York.
New York	Screw	.....	3,490	4,527	On the stocks, New York, to be completed.
Second rate.					
Plymouth	Screw	12	1,122	2,400	Portsmouth, N. H.; hauled up; recommended for repairs.

*Mallory propeller.

It will be found that we have but one first-rate (so called) war vessel, the Tennessee. She is a vessel of 4,840 tons displacement. She is wholly incapable of meeting any one of twenty vessels—any one of fifty vessels belonging to the British navy. She would be utterly helpless before any one of fifteen vessels belonging to the Spanish navy; any one of twenty vessels belonging to the Italian navy; she would be incapable of meeting any one of three vessels belonging to the Chilian navy, and to-day there is scarcely a civilized nation on earth but that could send some one or more of its war vessels here and lay the great cities both of the Atlantic and Pacific coasts under contribution.

Chili might with either one of her three great war vessels anchor outside the roads at San Francisco, and, across the narrow strip of land intervening, shell not only San Francisco but Oakland beyond, and might, by bringing those cities under her guns, demand a ransom sufficient to rebuild the American Navy. And yet how are we protected there? Not one ship in the whole South Atlantic squadron or along the Pacific coast that could stand fifteen minutes against any one of the three great Chilian war vessels. We have the Monadnock, a magnificent monitor now on the stocks at Mare Island navy-yard, in an incomplete condition. It seems to me that is short-sighted indeed for this Congress to leave that vessel in its unfinished condition or fail to make proper appropriations to complete it at once and furnish it with suitable ordnance for the defense of that city and that coast. And yet it is left out. There is nothing proposed. We go on in this slipshod way waiting for some national disaster to befall us before we wake up to the necessities of the hour. Any other nation, sir, would have along that coast for the protection of its cities, its people, and its commerce not less than a dozen vessels. We have the great ports of Portland, Oreg., and we have San Francisco, and a dozen or twenty other ports of importance along that coast, and yet not a vessel to defend them.

Of the thirty-nine vessels the largest one is the Tennessee. And then there is the Powhatan, an old wooden craft, that has been out of date for twenty-five years. There is the Trenton, the only decent vessel we have, a small vessel of 3,900 tons displacement, now *en route* to the

Asiatic squadron as its flag-ship. There has been enough discussion in this House, in this as well as other Congresses, to familiarize every member of this House with the Trenton. There was a great deal said about her. She was the only ship built by ex-Secretary Robeson during his administration; and whatever complaint might have been made against him or his administration this may be said to his credit, that he built the only decent vessel the American Navy has afloat to-day.

Then we have the Lancaster, an old wooden tub that was, under the name of repairs, substantially rebuilt; rebuilt at an expense of $1,657,210.66. A vessel that would not be classed by any naval power of the world as a fifth-rate is now the flag-ship of the Mediterranean squadron. She is wholly useless as a vessel of war. I question whether the best time she could make under circumstances the most favorable would be as much as ten knots an hour. She is simply an old wooden obsolete.

Then we have the Brooklyn, the Pensacola, the Hartford, the Richmond, the Omaha, the Lackawanna, the Vandalia, and the Monongahela. Run through that list and you will find they are all monuments of the shame and disgrace of this country; glorious vessels in their day and wonderful service did they perform in their age of usefulness, but they belong to a past era and are unworthy of this day and of this Government.

The gentleman from Pennsylvania [Mr. RANDALL] the other day in somewhat ironical terms wanted to know why the last Congress, the Republicans having control, had not rebuilt our Navy. I want to call the attention of the House to the fact that the last Congress did take the first steps toward reorganizing and rebuilding the Navy; it authorized the building of the only four modern ships of war that have been authorized since the war. And I am very glad to be able to say that it was treated as a wholly non-partisan question, and that men on both sides of the House with American hearts in them came forward, feeling the necessities of our country, and voted for the appropriation for building the Chicago, the Boston, the Atlanta, and the Dolphin, vessels which are to be completed about the 1st of next December. With these four vessels we are making a start toward the establishment of a modern navy. But when completed, if the provisions in this bill are carried out or if this bill in it present form should be allowed to become a law, of what use will they be to us? There is not a modern gun to put aboard them. Ah, yes, there is one. There has been one high-power breech-loading six-inch rifle gun built, and that is the only modern cannon we have for these four great war vessels. There is no appropriation in this bill to go on and furnish the necessary ordnance for these ships. So what is the use to build the ships, to make an appropriation for their completion, unless we take steps to arm them? These great guns every one knows can not be built in one month, in six months, or a year. The very best that can be done is to build one of these guns in two years. And it seems to me that we should make appropriations in this bill to furnish sufficient ordnance for these ships, and we should not hesitate to make it now.

There are various provisions of the bill which I had thought to discuss in general debate, but feeling that a better understanding of them could be had by calling attention to them as they come up for amendment, I think I shall only advert to one or two of its provisions.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BUCHANAN. I wish to ask the gentleman a question.

Mr. THOMAS. I am informed that my time has expired.

Mr. FINERTY. I yield to the gentleman from Illinois ten minutes more.

Mr. BUCHANAN. The gentleman from Illinois has stated the condition of the Navy as being very deplorable indeed. Now I want to ask him whose fault that is? Is it the fault of Congress or the fault of the Executive that our Navy is in the condition that it now is?

Mr. THOMAS. I should say unhesitatingly that it was the fault of Congress that our Navy is in its present condition, for the reason that the Executive of the nation has no power to build ships or to expend money for any purpose connected with the Navy unless he be so authorized by the Congress of the United States. It is not enough to say that Congress was distrustful of the Navy Department or disliked the administration of the Navy Department. That will not justify Congress for its failure in this regard. It was at any time in the power of Congress to do as the last Congress did, make provision for these vessels to be built under the supervision of an advisory board, requiring a complete report to be made to Congress, so that there should be no opportunity for any dishonest or extravagant work. There is no excuse for Congress not having made that provision if deemed necessary.

Mr. BUCHANAN. Permit me to ask the gentleman another question.

Mr. THOMAS. Certainly.

Mr. BUCHANAN. My friend was in the Naval Committee room when Admiral Porter came before the committee a few days ago.

Mr. THOMAS. Yes, sir.

Mr. BUCHANAN. Did not Admiral Porter state before that committee that Congress had been good to the Navy, but that the appropriations made for this purpose had been wasted? I ask the gentleman if he did not hear Admiral Porter say so?

Mr. THOMAS. As I now recall the statement of the Admiral, I think he was referring to the building of some vessel, the Alarm probably, when he remarked that Congress had been very good. The Admiral was in a most complacent mood that day, and was desirous of having the committee feel in the same way, for at that moment he was urging the building of a gunboat which was to be constructed under his supervision. He is too much of a diplomat to go into the committee-room and assail the committee or the members of this House by saying that they had been churlish or had not done their duty. He understands human nature as well as does my friend from Georgia [Mr. BUCHANAN], who always slips up, in an honorable and legitimate way, on the soft side of a proposition which he desires to carry.

Mr. BUCHANAN. But you do not answer my question. Did not he say that the appropriations for the Navy had been wasted?

Mr. THOMAS. He said that he had no doubt that there had been money misapplied or unnecessarily expended. And to explain that, he said that when a vessel is built in a navy-yard every solitary bolt which is made takes two or three men to examine it, to be present when it is driven into the vessel in order to see that everything is exactly right. And so in that way a great deal of money had been unnecessarily expended.

Mr. BUCHANAN. Did he not say that the appropriations had been wasted?

Mr. THOMAS. I am not quite certain whether he employed that exact term or not. But that is what I gathered from what he said. And that is another reason why I think that all naval vessels ought to be built by contract under proper limitations.

I do not think it is any more the business of the Congress of the United States to maintain a navy-yard for the building of vessels than it is to maintain a cotton factory for the manufacture of calico or muslin. I think that should be left to the people who are versed in such matters, to skilled artisans, to enterprising business men who are competent to construct our ships of war. We ought to patronize them by having them build such vessels as we need. The only cause of complaint, and it is a just cause, made against the Navy Department by the people of this country has been in reference to the manner in which our navy-yards have been conducted. I do not pretend to justify them. I believe it costs three dollars to do a piece of work in a Government navy-yard to every one dollar which it would cost to have the same work done by contract.

I am greatly obliged to my colleague [Mr. FINERTY] for the time he has yielded to me.

Mr. FINERTY. I rise, Mr. Chairman, with some degree of diffidence to address the House on a subject of such importance as the increase of the American Navy. I do so with all the more diffidence because an important committee of this House, which holds the purse-strings of the nation, appears determined to be economical in regard to the weakest point of our national structure. In this connection I desire to say that I distinguish between political economy and political parsimony.

The statistics which have already been laid before the Committee of the Whole by the gentlemen who have preceded me on this question have been so amplified that I do not feel called upon to enter into minute details of that description. But the outer world, as well as the United States, is aware that the condition of our defensive marine at the present time is a menace to the well-being of this country if in the event of war we should be found as we now are unprepared to meet any enemy of respectable strength. It is to this point of the question under discussion that I desire particularly to address myself.

At the beginning of this session I brought into this House a bill in consonance with the message of the Executive, which contained a recommendation that in my mind did not fully come up to the requirements of the case, but which at least was a step in advance. I am fully aware of the impossibility of at once creating a great defensive and offensive navy. But there is nothing to hinder the construction of ships that will enable us in the event of sudden hostilities to retaliate on the commerce of our opponents and compel their immense fleets to act as convoys to their merchant marine. It is for this reason that I favor the increase in the number of steel cruisers, some of which were voted by a former Congress, and money for the completion of which is now recommended by the Committee on Appropriations of this House.

We are pointed over and over again to the vast and majestic fleets of England, of France, of Germany, and the other great powers of Europe. Gentlemen have grown eloquent in picturing even the potency of little Chili as compared with this mighty nation, whose resources are ample to cover the ocean with the largest fleet that ever sailed beneath the skies. It makes little difference to us now who is responsible for the present depleted condition of the United States navy. The fact remains that virtually we have no navy. The business of this Congress is to supply the deficiency. Party criminations and recriminations will not give us a navy to protect our honor, our commerce, or our dignity. Whatever errors have been committed in the past, it is our duty to rectify those errors by at least giving us something wherewith to assert the potency of a nation that in numerical strength and natural resources is second to none other on the earth.

Those very resources, imperfectly defended, would tempt the cupidity of powerful enemies. Our military strength might, indeed, repel

the invader, but America should not be left exposed to the chance of an invading army profaning her soil for a single day.

Therefore, Mr. Chairman, I stand here to-day to advocate in the fullest sense the building of these additional cruisers. The question of the staff, the question of the division of the bureaus, all of these are but secondary. The primary and pivotal question, the one to which the American nation must address itself, is, shall we or shall we not begin to build a navy worthy of the American name?

You may say, and the opponents of the increase of the navy say, "Cruisers are no protection;" but we can not wait for years to construct great ships like those with which England now dominates the ocean. In the event, as I have said, of sudden hostilities, we have only this one resource besides the torpedo defense and the shore-battery defense, the latter of which is in a state as lamentable and deficient as our decayed and shamefully impotent navy. The cruisers, it is true, are not ships of defense, but, lightly equipped as they will be and carrying improved guns, they can be turned loose on the commerce of an enemy and compel his gigantic fleets to convoy his merchant marine, thereby drawing off from our seaports the strength of his blockade. I think it a wise provision to have these additional cruisers, and I shall do all in my power, as a member of this House, to provide for their immediate construction.

Economy I am in favor of in all things bearing on our national business; but I hold it is no economy to wait on Providence to send us a fleet or a strong alliance when the hour of necessity arises. It is no economy to leave ourselves, as the American press has stated again and again, and as our naval journals have stated and as the naval journals of France and England and Russia have stated—to leave ourselves so powerless that the smallest nation in the world can to-day insult us with impunity as to immediate consequences. Is this a position commensurate with the vastness of our territory, the extent of our seaboard, and the pre-eminent glory of the American arms when compelled into conflict?

I know that the American nation, when the crisis is upon it, will rise equal to the occasion. It has always done so, and I will say this, that it is only truly great when in the presence of a real danger. I am not a professional alarmist, who wishes to say that we are on the eve of war. I hope we are not. I do not desire war. I want to see this country peaceful and prosperous; but peaceful and prosperous she can only remain when she has the means to avenge an insult, the means to defend her honor and assert the supremacy of her national flag. On the ocean, at least, she has not now the means to do all this. She is an unarmored giant, and in her almost helpless condition, can be made the prey of pigmies weaponed and prepared.

If I were standing here to advocate the raising of a large army for maintenance by the nation you could assail me on the ground that a huge standing army is dangerous to the liberties of the country. I agree with that sentiment. But the Navy is dangerous to no one except the enemy. The Navy is the guardian of the national heart, planted on the frontiers of the ocean. And with the record that our Navy has, the record beginning with Paul Jones and John Barry and coming down to Farragut and to Porter, the record which not even Nelson in his mightiest days has eclipsed, the record of the valor of the American sailor, proved in a thousand battles—with this record, I say, and with this great nation behind the Government to maintain and advance its power, it is a shame to leave us to day—I will not say the laughing-stock, but I will say the pitiful astonishment of armed nations. We have no guarantee of eternal peace. What can alone give us that guarantee? A state of preparation proportioned to the interests we may at any time be called upon to defend.

We have been fortunate in keeping out of war. I hope we shall continue so. But the history of our country shows that nearly all our wars have been sudden and in a great measure unprovided for. Leaving out the war of the Revolution, we will take that of 1812. Had England then been free to hurl against us her great fleets it is hard to say how that war would have ended; but tied up by her wars with France, England was unable to assail us with her full naval and military strength. We won much glory in that war both on sea and on land; but suppose we were called upon to-morrow to wage such another, can any gentleman present in this House say that the national defenses are sufficient bulwarks against the foe?

Then, again, when we came to the war with Mexico, if Mexico had had a navy we might have found it a more serious task to capture the harbor and defenses of Vera Cruz. We narrowly escaped war with England again on the northwestern boundary question, and the memory of the Virginius affair with Spain is fresh in the mind of the country.

When the rebellion broke out we found ourselves almost without a navy. When gentlemen point to that as a precedent, stating that America will be sufficient for the occasion when it arises, I remind them that we were then fighting against a section of our own people and built within our own confines the fleet that enabled us to put down the rebellion, but which would be now of no avail against a potent enemy like any of the European powers.

Consequently it will be necessary for us now to make a beginning. We want to see the good work begun by the Forty-seventh Congress followed up by the Forty-eighth, the gradual establishment of a navy. I am with the Committee on Appropriations on the general principle of economy; but it is better for us to expend the few millions asked for in the construction of these additional cruisers than to leave ourselves open to the chance of devastation on our Atlantic and Pacific seaboards.

I am sure gentlemen from New York would not feel very comfortable, especially after the experience of Alexandria and the testimony of the foreign officers who witnessed that memorable bombardment, if they knew that in the event of difficulty with a foreign power it is possible for France, Germany, or Great Britain within a fortnight at most to put a sufficient force of ironclads in front of that city to burn it to the ground. We have the testimony of the engineers who witnessed the bombardment to which I have alluded that the English shot carried fully seven miles and that buildings were burned nine miles from the naval line of fire in the city of Alexandria or its suburbs.

These things we may laugh at in the distance. We may say we can not come into conflict with any power. We may say we have no jealousies or rivalries in Europe. Although that may be true of us, Mr. Chairman, it is not perhaps as true of Europe itself. We may respect the Monroe doctrine, we may live up to its sentiment, but we can not at present hinder the powers of Europe from interfering with us whenever they feel so inclined. And low down here between the two continents, striking the Isthmus of Panama, we can hear the click of the European spade as it digs that canal to bind the Atlantic and the Pacific together. And I tell you, Mr. Chairman and gentlemen of this House, that what Europe digs with the spade she will maintain with the sword. The sooner we look at this question in that light the better for us. The sooner we see to it that we are not left to the mercy of events and the chance of a strong alliance, the better it will be for this nation.

I do not, as I have said, anticipate immediate difficulty; but gifted as we are with great resources, with widely extended commercial relations, growing more and more powerful, building up more and more our wealth, the necessity of safeguard and protection for that power and wealth is demonstrated the more fully.

The poor man may leave his door unlocked, for he has nothing to be robbed of. The rich man must double lock and bar his premises against the robbers. And what is true of individuals in such condition is also true of nations.

I do not, Mr. Chairman, in these remarks address myself to the minor questions, having spoken on the general subject nearest to my heart, which is the increase of the fleet. But I wish to say a word in reference to the staff of the Navy, and while there may be perhaps need for a certain amount of reduction, I hardly think a sweeping measure would be conducive to the best interests of the service. The staff officer in time of war is certainly as needful as the line officer, and if when peace comes upon us and the men who have served us faithfully are relegated to private life, or put upon the retired-list, it certainly is a very bad method of promoting *esprit du corps*.

In regard to the separation of the Bureaus of Construction and Steam-Engineering, we tried the non-consolidated method in the worst crisis through which the nation has passed. We tried it through the civil war and we found it excellent in operation. We found that by having the two bureaus we got along faster than with a single one.

There may perhaps be good reasons given for the consolidation; but I must confess that the reasons advanced by my eloquent colleague from Indiana [Mr. CALKINS] did not strike me as being particularly conclusive on that question.

I have spoken with officers of the Navy in reference to this matter, and they assured me there is no difficulty whatever in the fitting up of the boilers and steam apparatus of a vessel, apart from the hull and other elements of construction, if only proper care is taken at first. But, in any case, whether the staff is cut down or maintained, whether you separate the bureaus or not, whatever you may do in minor details, there is one thing I would urge on the House, and that is not to neglect the recommendations which have been made, feeble though they are. Do not lessen the defense that is proposed and declared necessary by the Executive of the country. [Applause.]

I speak in no partisan sense. I speak here from the standpoint simply of an American, and in the few words with which I am about to conclude I ask you to bear in mind that this is the time to prepare for danger, not when the danger is upon you; and I hope the vote of this House will sustain whatever may be reasonably proposed in the way of increasing our facilities to retaliate upon any enemy who may be impelled to attack us. [Great applause.]

The CHAIRMAN. Does the gentleman yield the floor?

Mr. FINERTY. No. I reserve my time, and will now yield fifteen minutes of what remains to my friend from Colorado [Mr. BELFORD].

Mr. BELFORD. Mr. Chairman, twenty-five years ago, when I was a good, loyal Democrat in the State of Pennsylvania, I listened with profound interest to a speech delivered by the father of the chairman of the Committee on Appropriations [Mr. RANDALL]. It was an eloquent speech, one fringed with the brilliancy of genius, and for that reason I have never forgotten it. The chief point was that under the policy of the Democratic party the sails of American commerce whitened every sea. Now at that time, in 1858, the shipping of this country amounted to over 5,000,000 tons per annum, and well could the Demo-

cratic party stand up in the face of the nation and point to its record with reference to her great commercial interests.

Our tonnage this year amounts to almost the same sum, but then, Mr. Chairman, it was carried in American ships, under the American flag, and was conducted by American sailors. But during these eventful twenty-five years our Democratic friends, by reason of the late unpleasantness, have swept this vast commerce from the ocean and handed it over to Europe.

This is a most singular bill, Mr. Chairman. The estimates made by the Navy Department amount to $22,000,000 and upward. The Committee on Appropriations have reduced the amount of these estimates over $8,000,000, and in the very face of the fact that we have no navy to-day by which we could resent insult offered us by any foreign country, no matter how feeble and insignificant. This is the economy that is to be practiced on this country during this year, when we have a surplus revenue of $150,000,000 in the Treasury, to be made up next year in a deficiency bill; because that has been the constant history of the Democratic party, that whenever they had the control of this House, cheese-paring, peanut business was indulged in during the year that preceded a Presidential election, and they go to the country on that issue and that claim, but only to be followed by innumerable deficiency bills as soon as the Presidential election is over. Every man who has been here for the last eight or ten years knows that I am stating only God Almighty's truth when I say that.

Mr. MILLER, of Pennsylvania. Let me ask the gentleman a question.

Mr. BELFORD. No; not now. I will let you in after a while.

Mr. MILLER, of Pennsylvania. Just a question in this connection.

Mr. BELFORD. Well, go on.

Mr. MILLER, of Pennsylvania. Did I understand the gentleman from Colorado to say that there was a surplus in the Treasury now?

Mr. BELFORD. Always a surplus [laughter], swelling, rich, and blooming, like an English plum-pudding [renewed laughter], guarded by the attendant *genii* of Pennsylvania and New York. The same men who are running this bill on the cheese-paring principle are its guardians, the chairman of the Committee on Appropriations and my friend [Mr. RANDALL], and the gentleman to whom he intrusts the bill to manage it and get it through this House, the gentleman from New York [Mr. HUTCHINS]. They have joined their shields together to play before the country the rôle of dramatic economists. [Laughter and applause.]

Now, let me call the attention of this committee to a few facts that are worthy of their serious consideration. Take France: each year she appropriates $32,000,000 for the support of her navy. Take England: she appropriates each year over $51,000,000 for the support and maintenance of her navy. Well, Mr. Chairman, could she anchor her ships three miles from Alexandria and blow those forts to pieces. And yet the great commercial interests of this nation are to be sacrificed in order that the Democratic party, under a fraudulent pretext, shall go before the country next summer and declare themselves to be the champion economists of this nation! I say, sir, that the best economy is that which guards our interests to-day; because in guarding them to-day we guard them for the future—we guard them for all time.

God bless the memory of Andrew Jackson! He was a good Democrat; but he said that in time of peace we should prepare for war, and I say so now. [Laughter on the Democratic side.] You needn't laugh; I do not make any historical mistakes, I think. I hope that the Democratic party will rise to the spirit of liberality and generosity and courage, to the magnificent and all-swelling patriotism of such a man as Andrew Jackson, and give us a navy that will at least protect the city of New York in the East and the city of Galveston in the West, and not go before the country with the parade of economy on the one hand, while you are keeping out of the hands of the honest industries of this nation the millions that are to-day encompassed within and encumbering the national Treasury.

Now I have had my say. [Applause.]

Mr. HISCOCK. Mr. Chairman, it has been said by the gentleman from Illinois [Mr. FINERTY] that the Forty-seventh Congress initiated reforms in regard to the Navy, and that there was a good deal of legislation accomplished by that Congress in the direction of the building of a new Navy; and he expressed the hope that this House would pursue the same line of policy, and that there would be no hesitation on the part of the Committee on Appropriations. I had hoped, sir, that when the naval appropriation bill was presented to the House it would be in the line of the reforms and of the policy which were commenced by the last House of Representatives. And I am surprised that the Committee on Appropriations has prepared for consideration the bill now pending in the Committee of the Whole.

You will remember, Mr. Chairman, that we promised the country in the last Congress that if the permanent reformatory legislation upon our naval appropriation bills was not repealed, and was faithfully executed, in a few years a sufficient sum would be saved to the national Treasury to build a new improved navy. We went so far as to prove it by the statements and tables which we submitted. We trusted—I may safely say the country expected—this Congress would continue the work and devote the savings under our legislation to the building and armament of ships. We provided the way by which the money could be saved from the amounts of appropriations made in previous years.

Mr. Chairman, I will call the attention of the committee to what we did do under the leadership of the present Secretary of the Navy.

First, Mr. Chairman, we reduced an overgrown naval list from 1,817 active officers to 1,572. We made a staff reduction of 140, a line reduction of 115.

As was stated by the Secretary of the Navy in his report:

> The enormous disproportion of 1,817 naval officers to thirty-one vessels in commission, being 59 officers to each ship and one officer to every five seamen, with the possibility of the addition each year to the Navy of 50 cadet-midshipmen from one-sixth the Congressional districts in the country, and of 25 cadet-engineers, induced Congress at the last session to prohibit the increase of the naval officers, and to direct a slight gradual reduction. The act of August 5, 1882, provided that thereafter no appointments in the Navy from graduates of the Naval Academy should be made except to fill vacancies; that no promotions should be made in the principal staff corps until the Medical Corps should be reduced 10, the Pay Corps 30, the Engineer Corps 100, and that only one-half the vacancies in the line above the grade of midshipman should be filled by promotion until there should be a reduction of 4 rear-admirals, 15 commodores, 5 captains, 5 commanders, 6 lieutenant-commanders, 30 lieutenants, 25 masters, and 25 ensigns.

The full effect of our legislation has been only half accomplished by the process of leaving half the vacancies unfilled, but the requirements for the pay of the Navy for the next fiscal year will be $6,932,605, against $7,133,980 for the current year, a saving by the last Congress of $201,275. And this saving will be increased from year to year in the annual appropriation necessary to be made for the pay of the Navy until it will reach $500,000 each year.

We also stopped the appointments from the Naval Academy except to fill vacancies. The rapid increase of officers without ships made this necessary. Within three years prior to August 5, 1882, the line had increased one hundred and sixty-eight and the staff sixty, making an increase of two hundred and twenty-eight men.

The following table shows the variation in the number of officers of the Navy from July, 1877, to July, 1882:

	July, 1877.	January, 1878.	January, 1879.	January, 1880.	January, 1881.	January, 1882.	July, 1882.	Increase or decrease.	Net increase.
LINE OFFICERS.									
Admiral	1	1	1	1	1	1	1	.....	.....
Vice-Admiral	1	1	1	1	1	1	1	.....	.....
Rear-admirals	11	11	11	11	12	12	11	.....	.....
Commodores	25	25	25	25	25	25	25	.....	.....
Captains	50	50	50	50	50	50	50	.....	.....
Commanders	90	89	91	90	90	90	90	.....	.....
Lieutenant-commanders	81	81	80	80	80	80	80	−1	.....
Lieutenants	280	280	280	280	280	280	280	.....	.....
Masters	100	100	100	100	100	100	100	.....	.....
Ensigns	71	87	78	100	100	100	100	+29	.....
Midshipmen	77	24	41	45	61	67	91	+14	.....
Cadet-midshipmen at sea	.....	43	79	78	102	129	126	+126	.....
Totals	787	792	837	861	902	935	955	.....	168
MEDICAL CORPS.									
Medical directors	15	15	15	15	15	15	15	.....	.....
Medical inspectors	15	15	15	15	15	14	15	.....	.....
Surgeons	50	50	50	50	50	50	50	.....	.....
Passed assistant surgeons	52	59	66	64	72	78	81	+29	.....
Assistant surgeons	44	39	27	27	19	14	14	−30	.....
Totals	176	178	173	171	171	171	175	.....	−1
PAY CORPS.									
Pay directors	13	13	13	13	12	13	13	.....	.....
Pay inspectors	13	13	13	13	13	12	13	.....	.....
Paymasters	50	50	50	50	50	50	50	.....	.....
Passed assistant paymasters	30	30	30	29	30	30	30	.....	.....
Assistant paymasters	20	18	16	16	20	20	18	−2	.....
Totals	126	124	122	121	125	125	124	.....	−2
ENGINEER CORPS.									
Chief engineers	70	70	70	70	70	70	70	.....	.....
Passed assistant engineers	97	96	96	95	100	100	99	+2	.....
Assistant engineers	44	38	40	43	37	63	62	+18	.....
Cadet engineers	19	28	23	40	53	40	62	+43	.....
Totals	230	232	229	248	260	273	293	.....	63

The above table shows an increase in the number of line officers and engineer officers during the five years preceding the act of August 5 as follows:

Total increase of line officers, one hundred and sixty-eight; of engineer officers, sixty-three; total, two hundred and thirty-one. Increase per annum of line officers, thirty-three; of engineer officers, twelve; total increase per annum, forty-five.

This increase was due to the admission from the academy into both corps of a supply of graduates in excess of the waste of the service after the large number of vacancies left in the junior grades at the close of the war had been filled.

In the line, the lowest grade having a fixed limit was that of ensign, the number allowed by law being one hundred. Below the ensigns was the quasi-grade of midshipmen, the number of which was not limited, and which therefore became a reservoir for surplus graduates. It was foreseen that the grade of ensign would shortly fill up, and by way of preventing accumulation on the midshipmen's list a device was adopted in the act of March 3, 1873, by which the academy course was changed from four to six years. This reduced the number of annual appointments to the academy from one-fourth to one-sixth of the whole number, thus slightly lowering the annual supply; but as this reduction was too slight to prevent a surplus, and as no provision was made for promotion by an increase of the higher grades, the accumulation continued, the young men who had passed the four years' course merely remaining cadet-midshipmen for two years longer, instead of immediately becoming midshipmen. In 1880 the list of ensigns was filled up to the legal number, and since then the rolling up of surplus midshipmen and cadet-midshipmen progressed steadily until the act of August 5, 1882, put a stop to it, and made the number of graduates conform to the actual waste of the list of officers.

In the Engineer Corps the same process was going on, although the accumulation has not reached such a high figure. The number of cadets graduating from the academy was twenty-four a year, while the waste of the corps was less than ten a year. The legal limit in the number of assistant engineers, one hundred, had not yet been reached, as there were only sixty-two of that grade on the list in July, 1882, but there were sixty-two cadet-engineers to fill the thirty-eight vacancies, leaving a clear surplus of twenty-four cadet-engineers, which, but for the act of August 5, would have been increased at the rate of twenty-four a year, while the waste of the service would have annually diminished it by less than half that number.

The saving by this legislation alone, if applied annually to the building of new ships, in a few years would go far toward giving us a navy with which the country would be satisfied and of which the nation might be proud.

The last Congress passed a law designed to reduce the employment of naval officers on shore-duty instead of sending them to sea. It provided for clearing the Navy of worthless old hulks, obsolete old material, under a judicious and limited law. It grappled with the crying evils arising from the expensive navy-yards.

I believe that we had some seven yards in full operation. Further on in my remarks I shall point out the immense sum of money that has been expended upon those yards, without to any appreciable extent benefiting the country. We grappled, I say, with this great evil and reduced the navy-yards to three. And the gross appropriations for yards and docks were thereby reduced, as I shall point out.

For the fiscal years 1874–'75 the appropriation was $2,305,655; for the fiscal years 1875–'76 it was nearly $2,000,000. It is true that for 1878–'79 it was reduced to $932,000, and for the years 1879–'80 the appropriation was only $953,000. But for 1880–'81 it was increased to $1,294,715; for 1881–'82 it was $1,162,000; but for 1882–'83 it was only $1,067,000. For the fiscal years 1883–'84 we reduced the appropriation for this purpose to $893,813.

Recapitulation of all appropriations for Bureau of Yards and Docks.

1874–'75	$2,305,655 00
1875–'76	1,989,321 00
1876–'77	1,059,024 47
1877–'78	702,624 49
1878–'79	932,913 42
1879–'80	953,715 25
1880–'81	1,294,715 25
1881–'82	1,162,719 25
1882–'83	1,067,566 12
1883–'84	893,813 00
	12,369,067 25

Here, again, is a saving by the wise policy adopted by the last House that will do much toward giving to the country a new and modern navy.

It reduced the appropriations for repairs and preservation. They had been as high, I believe, for the fiscal years 1874–'75 as $500,000. For 1879–'80 the appropriation was reduced to $300,000, and that figure was maintained for the fiscal years 1880–'81 and 1881–'82. For the fiscal years 1882–'83 we reduced that appropriation, by the policy of closing up the navy-yards, to $200,000, and for 1883–'84 it was reduced to $150,000.

I desire to call the attention of the committee to the maintenance appropriation, because it was involved in this same scheme. For the fiscal years 1876–'77 that appropriation was $440,000; and that figure was maintained down to 1882. Then by the policy which we had adopted we were enabled to reduce the appropriation for 1882–'83 to $220,000, and we appropriated a like sum of money for the present fiscal year.

The civil establishment was likewise involved. For the fiscal years 1874–'75 it was given $157,000. For the fiscal years 1876–'77 the appropriation was reduced to $85,000; for 1877–'78 it was increased to $150,000; for 1878–'79 it was increased to $189,000; and for 1880–'81 the appropriation was $191,000. In 1882 we could reduce it to $104,000, and in 1883 to $97,000.

These reductions and this saving of money were due entirely to the legislation proposed and urged by the present Secretary of the Navy, and enacted by the last Congress into law, in reference to the navy-yards of the country. To accomplish this we provided for a navy-yard commission and for the stopping of work in all the yards where it could not be done profitably and the concentration of work in the others. The result has been that only two navy-yards are now maintained on the Atlantic and one on the Pacific.

The shrieks of locality did not deter us. For eight years the Democracy controlled the House, and was too weak to accomplish this great work or even to attempt it or too ignorant to conceive it. Annually we heard their professions of economy, which consisted in maintaining useless navy-yards and the repair of more useless ships, but the policy of closing these expensive establishments and thereby saving money enough to build new improved ships was beyond the courage, the capacity, or even the consideration of the Democratic leaders here. We stopped the extravagant repairs of old wooden ships. To the appropriation for construction and repairs we added this provision:

Provided, That no part of this sum shall be applied to the repairs of any wooden ships when the estimated cost of such repairs shall exceed 30 per cent. of the estimated cost of a new ship of the same size and like material.

A similar clause was added to the appropriation for the Bureau of Steam-Engineering.

The clause in the act of March 3, 1883, was as follows:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

A similar clause was added to the appropriation for the Bureau of Steam-Engineering.

The Secretary of the Navy, in his report of November 29, 1882, referring to the 30 per cent. limitation in the act of August 5, said:

This wise provision should be adhered to in future appropriations, and the limitation of repairs fixed at 20 per cent. or less.

In pursuance of this recommendation the act of March 3, 1883, reduced the percentage to 20, as above stated.

These limitations upon the authority to repair and keep in existence old wooden vessels were justified by the enormous expenditures which had been made in such repairs.

See statement showing the original cost and the expenses for the repairs of all vessels now on the Navy Register, transmitted by the Secretary January 11, 1884 (Senate Executive Document No. 48). Note in particular the Ossipee, lately repaired at the Philadelphia navy-yard. She cost in 1861 $407,064.20, and the repairs to her since have amounted to $2,194,730.27, including $426,748.92 expended on her to prepare her for her present cruise. This statement does not embrace the cost in the department of equipment and recruiting, which will probably be from $25,000 to $30,000.

The Shenandoah cost in 1862 $463,866.75, and the repairs since have amounted to $1,679,664.92, including $172,832.17 expended on her to prepare her for her present cruise.

I have pointed out briefly the economic measures which were adopted by the last Congress and which will result in saving money to build and give to this nation as good a navy as any other power on the face of the earth has. We commenced the work practically from the savings insured by our legislation. We propose to continue it without increasing the annual expenditures for the naval service authorized by our economical Democratic predecessors. The Chicago was authorized, and the Boston, the Atlanta, and the Dolphin, and I believe they have the forced approval as to model and material of the Committee on Appropriations, and when completed will go far toward answering the necessities of the nation.

But our Committee on Appropriations now propose to change this policy. In the matter of repairing the old wooden ships they have gone backward, and provide that repairs may be made on old wooden ships when the estimated cost thereof does not exceed 30 per cent. of the cost of a new ship of like size and material, thus increasing the number of wooden ships upon which repairs can be made, and continuing the policy of a navy of wooden ships, so valueless in these times and so expensive to maintain and keep in repair, as I have just shown you, costing us enough in a few years for repairs alone to build a new navy of the character and quality and of the material of the ships the last Congress authorized.

I shall be delighted if some member of the Committee on Appropriations, the chairman of that committee or my distinguished colleague who prepared and has charge of the bill, will inform us why this change is made. It is not good policy for Congress to be constantly changing its policy in regard to the old wooden ships for insufficient cause, and therefore I ask for the cause. Let it be pointed out.

When this reduction from 30 to 20 per cent. was before the last House it was not, as I now recollect, even criticised; a protest was not entered against it. Why, then, should we make a change? Do we wish to continue the support and maintenance of the old wooden vessels, or is it the fact that this policy has been adopted by the present Committee on Appropriations with the intention of stopping the building of new ships?

The policy which the last House (Republican) gave the country will

build a navy in a few years without increasing the naval appropriations above those of the Forty-fourth, Forty-fifth, and Forty-sixth Congresses, when we had a Democratic majority in the House. We adopted your bills of those Congresses as our guides as to the amount which should be expended after you had reduced the naval appropriations to the lowest possible point to which you dared go, doing nothing in the way of new ships. We said we will not exceed your appropriations, in the long run will decrease the amounts, and yet will give the country a new navy of first-class ships, and we gave you a policy that I have proved to you will produce that result.

We pointed out the way in which money could be saved. We gave the country legislation which will save to the Treasury vast sums, and you propose to take the advantage of this legislation, and, by stopping the work we commenced, reduce the appropriations below the point you believed possible when you had control, lacking the statesmanship and wisdom to comprehend the reforms I have referred to. Yes, your bill carries less money for the next fiscal year than we appropriated for the current year. We put it in your power to make such a bill if you dared to stop the work we commenced, but it shall be advertised to the country if you do stop it and just how you have made the saving. You shall not have the honor of adding to the Navy if you do not add to it, and if you postpone its creation—creation is the proper word, for we have none now—you shall have full credit for that. If you want to go on with the work we commenced, attach to this bill the Senate bill which has just reached here providing for new ships. The construction of the ships by the last Congress was provided for upon the naval appropriation bills, and I do not now recall the fact that gentlemen on the other side raised any point of order against those provisions being considered upon a general appropriation bill.

Mr. WHITE, of Kentucky. Will the gentleman allow me to ask a question?

Mr. HISCOCK. Certainly.

Mr. WHITE, of Kentucky. If we are to build ships, on what plan shall we build them; the present plan?

Mr. HISCOCK. Mr. Chairman, I can not discuss with the gentleman from Kentucky the plans. I only know for one that we should have a navy to compare with that of any other nation upon the face of the earth. When the question is presented as to the plan upon which the ships should be built, I must refer it to experts upon that subject.

Mr. WHITE, of Kentucky. Will the gentleman yield for a further question? In the appropriation bill of last year did we not insert an item providing for trying the deflective armor of N. B. Clark, which was expected to revolutionize the whole Navy? And will the gentleman tell me whether the present Secretary of the Navy or his board has yet tried a single experiment with the $20,000 appropriated for that purpose?

Mr. HISCOCK. I do not know; and I must repeat the reply I have already made to the gentleman, that the question as to how these ships shall be built, their plans and materials in specific detail, must be left to those in authority, unless a bill is brought in which regulates all this. If that is done, we will discuss it, I suppose, in the best light we have.

Mr. Chairman, I have dwelt perhaps at unnecessary length on this question of the old ships. But, sir, if you look a little further at this bill you will discover that while the committee have increased the number of old ships upon which money shall be expended in the way of repairs, they have proposed so scanty an appropriation for the supply and maintenance of those vessels in the service that it will be impossible for them to be sent out of our ports. I repeat, I hope at some time during this discussion we shall be told by gentlemen on the other side who have charge of this bill why this change of policy is proposed.

I now call attention to the fact that not only is the number of old ships that are to be repaired increased, but the committee refuse to make the proper appropriation for the armament of new ships. I believe that when the gentleman from Indiana [Mr. CALKINS] was upon the floor he called the attention of the committee to this, and he was told by the chairman of the Committee on Appropriations there had been apportioned from the appropriation which was made by the Forty-seventh Congress a sum of money for this purpose. And we have here the letter of the Secretary stating that this money will all be exhausted in the current year, and that it is absolutely necessary that there should be an additional appropriation of some $400,000 for the armament of new ships, and that the time of their being put in commission will be delayed until such appropriation is made.

Gentlemen, we gave you the law; we gave you permanent legislation by which you have been enabled to reduce the ordinary amounts for running the naval service of the United States. For the reduction of the officers of the Navy, and thus the pay of the Navy, and for the closing of navy-yards, we adopted permanent legislation saving vast sums to the Treasury. And you are enabled to make this bill a million of dollars less than was appropriated for the current year, but you will in the end expend more than this sum upon the old ships. Continue them in use, and nothing will be saved, but money will be lost to the Treasury. All that you will be able to point to as your achievement will be the reduction of the annual appropriation bill a million of dollars for the next fiscal year, but involving largely increased expenditures if the policy is continued in subsequent years.

I appeal to the gentleman who has charge of this bill, my colleague [Mr. HUTCHINS], a gentleman whom I greatly respect, and who upon his committee represents the great commercial city of New York, whether this is in line with the sentiment of that great city? And I ask him if this increase in the number of old wooden ships that are to be repaired and the failure to provide for the armament of the new ships means a change of policy; that a halt has been called upon the policy of building a new navy, even when money can be saved by it? And is this in the line of the commercial interest of the whole country? And will he go on with it for the purpose of pointing to the fact that a Democratic House of Representatives had been able to reduce an annual appropriation bill a million of dollars for one year, but at great loss to the Government in subsequent years? I do not believe, Mr. Chairman, it will be well to do this. But I pass from this point for a moment. If this bill becomes a law, I believe when we meet here next session deficiencies sufficient to overcome all there is of reduction below the appropriations for the current year will be brought in.

Mr. RANDALL. I wish to say that deficiencies are created by maladministration. And there is already a deficiency of nearly $1,000,000 under the bill of last year.

Mr. HISCOCK. I thank the gentleman for his interruption. I have heard him make that statement before.

Mr. RANDALL. You are mistaken. I did not have the knowledge until within a day or two to make it.

Mr. HISCOCK. I mean the statement that deficiencies are due to maladministration. I concede, sir, that maladministration may create deficiencies, and if maladministration shall present to this Congress a single deficiency I will gladly join with him in helping to defeat any appropriation bill to cover that deficiency. Ay, more than that, I will vote to expose that maladministration.

Mr. RANDALL. Let us understand each other. Perhaps we are occupying the same ground. Do I understand the gentleman to assert there is authority on the part of any Department to involve the Government in expenditure beyond the amount appropriated? I speak of practical administration.

Mr. HISCOCK. So will I. I say that a large portion of the appropriations made by Congress are under permanent laws. They are for the payment of money under permanent legislation over which Congress has no control except by repealing the laws. Heretofore I have had occasion to call the attention of the gentleman from Pennsylvania to that fact. Take, for instance, the appropriation for the pay of the Navy, take the appropriation for the pay of the Army; what control have we, or rather what control has the Department, over that question? The law fixes the amount of pay to every man in every grade of the service. If you appropriate only one-half of the amount required by law of the necessary sum to pay the Navy, the result is that the Navy is only half paid, and they will come in here next session for the balance. Nothing really is saved.

Mr. RANDALL. I will say to the gentleman from New York that the amount appropriated in this bill for the pay of the Navy is exactly what is called for by the estimates.

Mr. HISCOCK. I concede that; and I have used it only to illustrate my position.

Mr. RANDALL. The illustration was unfortunate.

Mr. HISCOCK. Not at all. If sufficient appropriation be not made we will at the next session be presented with this condition of things: The Department will come here and say we have maintained the naval establishment of the Government up to the present time. You see how it has been done. Can you tell where we could have curtailed it? The money has been expended, and the deficiency will have to be supplied or your ships must be brought home and your works stopped, your yards closed, the whole establishment closed, for that matter.

Let me illustrate my position further. I do not wish to have any misunderstanding with the gentleman from Pennsylvania or the Committee on Appropriations. I will take the Post-Office appropriation bill. You may cut down the appropriations for the Post-Office Department, and I have no doubt you will. You may give an inadequate sum of money to maintain that Department. Your appropriation for carrying the mails may be expended in the first six months of the year.

You may cut down the amount required to pay the mail-carriers, and yet these men have to be employed or the transportation of the mails is to stop; and during the first six months of the year the whole money is expended, and then you are confronted with the condition of things that requires you either to give more money for the payment of their salaries or you close the postal service. And this condition of things may occur with reference to many items which are carried by this bill.

Mr. RANDALL. While the gentleman pauses I would like to direct his attention to the insertion in the last appropriation bill in reference to the Government Printing Office of the provision that there should not be more than half the money appropriated by the bill expended by that bureau for the first six months of the year, and one-fourth of it in the third quarter, and the remaining fourth in the last quarter of the

year. Now, I commend that legislation, and wish to see that same principle carried into every bureau, so that no reckless expenditures will be authorized or attempted in any one portion of the year which will necessitate a deficiency, but that the appropriation shall be gradually expended throughout the year in the manner specified by the law making it. That is the only way in my judgment that you can prevent deficiencies. We have presented to us to-day in the Committee on Appropriations seven millions of deficiencies for the current year.

Mr. HISCOCK. I have no doubt of that; and if those deficiencies, those sums of money that are asked for, are unnecessary—for this presenting of deficiencies is no new thing—I have no doubt they will be refused by the Committee on Appropriations.

It is true, Mr. Chairman, that I was the author of the legislation to which the gentleman from Pennsylvania referred.

Mr. RANDALL. And which meets my most earnest approval.

Mr. HISCOCK. I believe in making specific appropriations, and I say it without fear of successful contradiction, that the last Congress did more in the direction of specific appropriations than had been done by all the Democratic Congresses which preceded it. The policy had been adopted by a Democratic Congress of making lump appropriations. I remember a provision which was brought in by the Committee on Appropriations providing for the lumping of the appropriations for the entire clerk-hire of all the governmental Departments at Washington; and I remember, sir, that the Republicans resisted it in the Committee on Appropriations. And yet it was put through as a party question. But when we came into power, under the leadership of the gentleman from Illinois [Mr. CANNON], who I am glad to know is now upon the Committee on Appropriations, we changed the whole policy, making specific appropriations, providing the number of clerks that could be employed, giving to the Departments and to each Department a certain number, and under his bill it was utterly impossible to employ more than the specified number and thus create a deficiency.

Mr. Chairman, I must again recur to the refusal to appropriate for the armament of the new vessels, and I hope before this discussion is ended we shall hear from the other side, somewhat in full and explanatory of their purpose and policy; and I hope that my colleague from New York and the gentleman from Pennsylvania will both be heard from. Can they tell us that it is not true that the refusal to give this money will keep the vessels out of commission for just so long a time as you delay it? Is it not true that you might just as well refuse to appropriate for the vessels themselves for the next fiscal year as to fail to appropriate for their armament? Is not that the fact? The Secretary of the Navy has sent here a letter, Mr. Chairman, from which you can draw no other inference. It asserts unequivocally that the refusal to give this money absolutely delays the putting of these vessels into commission. Taking these facts altogether, this increasing of the number of old wooden ships, old wooden hulks, upon which you can expend money, and the refusal to provide armament for the new vessels, and can you draw any other inference therefrom than that it is the intention of the Democratic majority to stop here and now the building of new ships?

I congratulate the gentleman from Illinois [Mr. FINERTY] upon the position he has taken, and I hope, sir, that there may be found other gentlemen upon the other side of this Chamber to unite with the Republican minority here and defeat what seems to be the purpose of the Committee on Appropriations, and to that end properly amend their bill.

I must not pass from this question too hastily. I believe that when the question was under discussion the other day the gentleman from Pennsylvania called the attention of this House to the fact that we could use upon the new ships the armament which is now upon the old wooden vessels. Is that the excuse for the policy portrayed by this bill? Is that the policy which is to prevail here? Will he tell us those old guns can be adapted to that purpose? Will he prove to us they can be so used?

The chairman of the Committee on Appropriations, if I understood him, contemplates that. I could understand it if the suggestion came from some other quarter. But that the representatives of the commercial interests of the great Atlantic seaboard should suggest such an idea, and thus seek to defend a bill which has concealed in its provisions this purpose of stopping the good work which we inaugurated, and as to which we told you how we could save the money to carry it on, passes my comprehension. Coming from such a source, I must confess my most unbounded surprise.

Mr. Chairman, I believe in this matter of appropriating money I am something of an economist. I believe, sir, I was commended by the other side of the House during the Forty-seventh Congress for my position upon that question, and I have never heard any member of Congress upon either side charge me with extravagance. I have been told, sir, that I patterned too much after the example of the gentleman from Pennsylvania [Mr. RANDALL] in the past——

Mr. RANDALL. That is a mistake.

Mr. HISCOCK. That I adopted too many of his economical notions.

Mr. RANDALL. That is a mistake. I followed the gentleman in my vote in committee against giving any additional money to the completion of the ironclads, which he opposed at the last session.

Mr. HISCOCK. What is the mistake?

Mr. RANDALL. The mistake is in your saying you followed me, when I followed you by refusing to vote in the committee to appropriate any money to build the monitors.

Mr. HISCOCK. I am speaking not with reference to my having followed the gentleman in the last House or his having followed me. I am trying, Mr. Chairman, to pay a tribute to myself [laughter] by saying that here on the floor and among my friends the most serious charge that has ever been brought against me was that I patterned too much after the economical notions of the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. You are always safe in doing that.

Mr. HISCOCK. Therefore it was we brought the naval bill down to the lowest possible figure when we presented it to the last Congress, and as it passed the House it was uncriticised. There were amendments to it in the Senate that I opposed, and the gentleman from Pennsylvania followed my lead, he says. I believe he did. We were of the same mind upon that question then. Undoubtedly we are of the same mind now.

Having said this much with reference to myself and with reference to the past legislation upon this subject, I am compelled to express my profound surprise and my deep regret that the gentleman from Pennsylvania should allow his committee to take advantage of this legislation recommended by the Secretary of the Navy, of which we were the authors, which we gave to the country for the purpose of building up a new navy and giving to the country these new ships—that he should allow his committee to take that advantage and retard and delay the work for the single purpose of reducing the appropriation bill a million of dollars for the next fiscal year—not saving a dollar, bear in mind—in a vain effort to obtain a character for economy.

Let us look at the appropriations for the Navy for a few years past.

For the fiscal year 1876 the appropriations for the Navy were $18,000,000; in 1877, reduced to $14,000,000; in 1878, increased to $19,000,000; in 1879, reduced to $14,250,000; in 1881, $15,250,000; in 1882 they were nearly $15,000,000. In each of these years the Democrats had this House. No new ships were given to the country. Money was expended upon old wooden hulks—expended in the manner I have described, and costing more than they were worth for their repair. For 1883 we gave less than $16,000,000 to the Navy; for 1884, $16,500,000, about the average which had been estabished by the preceding Democratic Houses, and $2,320,000 of the appropriations for 1884 was to build new ships.

I do not care to weary the committee. My reason for recurring to this matter of the new ships is to impress upon the committee this threatened change of policy.

Mr. Chairman, very briefly I will call your attention to one or two items of this proposed appropriation bill which seem to me to be subjects of proper criticism. I call attention to the item "Navigation." And either in this general debate or when the bill is taken up for amendment under the five-minute rule I trust we shall hear some explanation from the other side giving a reason why the appropriation has been reduced.

Mr. RANDALL. I will give it to you now if you want it.

Mr. HISCOCK. I shall be happy to hear it.

Mr. RANDALL. Last year the appropriation for that object was $100,000. The officer in charge of that Department said there was a saving in the matter of pilotage in the employment of pilots in foreign waters of $37,000; but that instead of saving it to the Government he had used it, perhaps properly, for the purchase of other articles not embraced in the clause. We therefore took $37,000 from the $100,000, leaving $63,000, and added $12,000 more; so that practically for the objects originally mentioned in that paragraph we have given $12,000 more to that fund than was expended for the items enumerated therein last year.

Mr. HISCOCK. Now, will the gentleman tell the committee the purpose for which that amount of $37,000 was expended?

Mr. RANDALL. It was expended very usefully, no doubt; but not under the specification made of it when we passed the bill.

Mr. HISCOCK. Mr. Chairman, the gentleman's explanation would be complete——

Mr. RANDALL. I think it is complete.

Mr. HISCOCK. It would be complete if he would state to the committee the purposes for which that was expended.

Mr. RANDALL. I have said that I believe it was expended for useful purposes, but not coming within the range of articles specified to be paid for out of that appropriation.

Mr. HISCOCK. Does the gentleman from Pennsylvania say that it was not within the range of the purposes of the appropriation, that the money could not be properly expended for the purpose to which it was applied?

Mr. RANDALL. I do not say that technically it could not be expended, because there may have been at the end of the section some discretion given. But I do say, and the officer in charge of the bureau will not contradict it, that he did go beyond the range of expectation, because he did not anticipate that he could save that money, and he purchased things which he did not at that time anticipate buying.

Mr. HISCOCK. The gentleman's explanation has been incomplete. I understand this from the Secretary of the Navy, that so inadequate

an appropriation had been made in times past for this purpose that the Department were without compasses, and I believe without charts. This money was expended for supplies of that nature. The Department was so far reduced in such supplies for the equipment of vessels that they could not be sailed with safety.

Mr. RANDALL. The gentleman is entirely mistaken.

Mr. HISCOCK. Hear me through.

Mr. RANDALL. There is no deficiency at all asked for this year, showing that the $100,000, or rather the $63,000, was adequate.

Mr. HISCOCK. It was absolutely necessary, as I was told by the Secretary of the Navy, and I am confirmed in that by the gentleman from Illinois, a member of the Committee on Appropriations [Mr. CANNON], it was absolutely necessary for the good of the service that the Department should have more supplies in the way of compasses, &c.

Mr. RANDALL. Well, why did you not give it to them, then?

Mr. HISCOCK I will answer that question before I get through. They said it was necessary that they should have these articles for the safety of the ships and for the safety of the men on the ships. The Secretary of the Navy told the Committee on Appropriations that he was intending to save in this matter of pilotage. We were fully advised of that when we gave this sum of money. And he now says that although he has saved that sum of money he needs the $100,000 for the purpose of maintaining this branch of the service; and more than that, he says that he can point out the items upon which he proposes to expend it.

Mr. RANDALL. And the Secretary of the Navy in the same relation says that he requires $8,000,000 more than we have given him.

Mr. HISCOCK. And he tells you what he proposes to do with it, and Congress has the right to refuse money for those objects, but you propose to give for this; you recognize its propriety but refuse to give enough; reducing the appropriation in this way takes ships out of commission. Reduce this appropriation to $75,000, and you will take ships out of commission. Are you willing to take that responsibity? [The chairman raised his gavel.] I have been somewhat interrupted and I hope I will be indulged with a little more time.

Mr. RANDALL. I move that the gentleman have as much time as he desires.

The CHAIRMAN. The Chair hears no objection.

Mr. HISCOCK. From 1875 to 1882 this item of appropriation ranged from $115,000 to $111,000, a Democratic House in each Congress. In the Forty-seventh $100,000 was adopted as the minimum that could be appropriated for this purpose.

I served upon the Committee on Appropriations during those Congresses under a very economic chairman; and I aided that chairman in the making up of this naval appropriation bill. We were never able to reduce the amount for this purpose below $111,000.

Now, does the gentleman explain this reduction by saying that the Secretary of the Navy has presented to Congress extraordinary estimates with reference to certain other items? It is the business of the Committee on Appropriations to go through the items of expenditures, to audit the acounts of the Department, if you please, and to look into what will be required for the coming fiscal year, examine and tell what items they refuse to allow for and what allow for, giving a sufficient sum of money for that which is necessary only.

I call attention to the appropriation for equipment and recruiting. The amount appropriated for that purpose in 1875 was $1,140,000; in 1876, $1,325,000; in 1877, $1,045,000; in 1878, $935,000; in 1879, $850,000; in 1880, $868,000; in 1881, $873,000; in $1882, $910,000; in 1883, $825,000; and in 1884, $889,000. I will ask the gentleman how much is proposed in this bill for this item?

Mr. RANDALL. The appropriation last year was $800,000, and we propose this year $700,000. I can give the gentleman the reason for that if he wishes it.

Mr. HISCOCK. Certainly.

Mr. RANDALL. Of that item, $350,000 goes for the purchase of coal, &c.; for the purchase of other articles, $150,000, and for labor in the yards, &c., $200,000. The amount appropriated was reduced $200,000 last year because the Secretary chose to close a number of the navy-yards. And he asserts distinctly that unless Congress shall reverse its action in that particular he will continue to keep them closed, including, I am sorry to say, the navy-yard near where I live, that of League Island. But if these yards are to be closed, the reduction can be relatively made without any difficulty whatever.

Mr. HISCOCK. Now will the gentleman from Pennsylvania in this connection tell the committee the purposes to which this appropriation is devoted?

Mr. RANDALL. The gentleman can read the estimates or the bill.

Mr. HISCOCK. I ask the gentleman to state to the committee the purposes for which this appropriation is made.

Mr. RANDALL. I will cause the paragraph to be read, if the gentleman wishes.

Mr. HISCOCK. Certainly; cause it to be read. I would like the gentleman to state the purposes to which this money is devoted.

Mr. RANDALL. The gentleman has the bill before him, has he not?

Mr. HISCOCK. Oh, yes; but the gentleman says this matter depends upon the closing of the navy-yards.

Mr. RANDALL. Yes, sir.

Mr. HISCOCK. I say that it depends upon the number of ships in commission.

Mr. RANDALL. I ask the Clerk to read a paragraph from the bill. I do this for the accommodation of the gentleman.

The Clerk read as follows:

BUREAU OF EQUIPMENT AND RECRUITING.

For equipment of vessels: For coal for steamers' and ships' use, including expenses of transportation, storage, and handling; hemp, wire, hides, and other materials for the manufacture of rope and cordage; iron for the manufacture of anchors, cables, galleys, and chains; canvas for the manufacture of sails, awnings, bags, and hammocks; heating apparatus for receiving-ships; and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards, $700,000.

Mr. HISCOCK. Now, will the gentleman be so good as to tell the committee how that sum depends at all upon the closing of navy-yards?

Mr. RANDALL. It says so in so many words.

Mr. HISCOCK. I beg the gentleman's pardon. It is simply for the supply of vessels; and I must confess my surprise that a bill has been brought in here containing an item with reference to which the chairman of the Committee on Appropriations is unable to state to the Committee of the Whole the purposes for which the money is to be expended. This appropriation has nothing to do with navy-yards.

Mr. RANDALL. We had an estimate from the Department, by which it appeared that more than $100,000 of the previous appropriation had been spent in labor at navy-yards. Hence it was a mere matter of arithmetical calculation to reach the sum named in the bill.

Mr. HISCOCK. I say that this item does not depend upon the closing of a single navy-yard. It has nothing to do with the closing of navy-yards.

Mr. RANDALL. Then the gentleman differs with the Department.

Mr. HISCOCK. Certainly not, and by the terms of this bill the money is to be expended in supplies to ships which are to go into commission or which are now in commission.

Mr. RANDALL. That is part of it, no doubt.

Mr. HISCOCK. It is the entire sum.

Mr. RANDALL. No, sir.

Mr. HISCOCK. It is the entire sum, and if the gentleman will procure the items of expenditure for the current or the last fiscal year he will find that I am right in my assertion.

Mr. RANDALL. I have an estimate from the Department showing that more than $100,000 of the previous appropriation was spent for labor in the yards.

Mr. HISCOCK. I do not know but the gentleman has such an estimate?

Mr. RANDALL. You do not deny that I have?

Mr. HISCOCK. No, sir, I certainly will not deny it; but I will assert that the gentleman has no letter, no estimate, which makes the expenditure of this money to depend upon the keeping open or the closing of the yards. It is not devoted to the maintenance of yards at all. The appropriation for those purposes is made in other provisions of the bill. This appropriation refers simply to ships which are in commission or which are to be put in commission.

The gentleman from Pennsylvania has undertaken to explain this reduction to us. I hope that when this item of the bill shall be reached he will be able to tell the committee whether I am right or wrong in this particular, and to verify, if he can, the statement he has made here. I am very sure that I am right.

In this connection let me read:

For the year ending June 30, 1883, the appropriation "equipment of vessels" was reduced to $750,000, although no reduction was made in the number of vessels in commission, and the amount estimated and reserved for the payment of their running expenses was found, when the accounts of the several paymasters came to be settled, to be insufficient for the purpose by $49,700.96, as appears by the annual report of the Fourth Auditor of the Treasury, who will report a deficiency of that amount for the settlement of the accounts.

During the present fiscal year the number of vessels fitted for sea has been much larger than heretofore, and the number in commission also largely increased; in consequence of the additional expense of fitting out and maintaining this increase, the appropriation for the current fiscal year will be completely exhausted, leaving nothing for the purchase of hemp, of which but little remains on hand, nor the replenishing of foreign coaling stations, which are also greatly in need of supplies of coal, no foreign shipments having been made during the last or present fiscal years, owing to the insufficiency of the appropriations.

These deficiencies will all have to be supplied from the appropriation for the next fiscal year, and the amount named in the bill, $700,000, is entirely inadequate for the purpose.

The expenditure for labor in fitting out and equipping vessels under this bureau, including repairs, and the manufacture of rope and other articles to meet the requirements of the service at the several navy-yards amounts to about $300,000 per annum; the expenses abroad of vessels in commission amount to about $300,000, leaving but $100,000 for the purchase of hemp, coal for home consumption and for shipment to foreign stations, and all other supplies pertaining to this bureau.

That, Mr. Chairman, is a memorandum furnished me from the Navy Department. I would not for a moment have gentlemen on the other side think I am unwilling to have reduced the amount carried by an appropriation bill. I am indifferent to the amount reported if it is required by the needs of the service and cut down to the actual needs of the Government. But, sir, I do not believe in the policy of ascertaining the amount appropriated at a former session of Congress and then reducing that amount a million of dollars arbitrarily. That is not the

way to provide for a great government like this. That is not the policy which should be pursued by statesmen. It is not a policy which will reflect credit on the dominant power of any House.

The people are entirely willing that money be expended, only requiring it shall be well expended. They do not believe in a starvation policy. They do not believe in the appropriation of money for worthless and improper objects. But, sir, I have never known a constituency which would not indorse its Representative for voting for an appropriation if it were a wise one.

I have consumed more time than I intended. I have pointed out a few of the reductions in the pending bill, and the gentleman from Pennsylvania [Mr. RANDALL] has attempted to explain them. I have called attention to some facts which I believe indicate the policy of the Committee on Appropriations, and I shall be glad to have this general debate go on until gentlemen on the other side can make the fullest explanation.

Mr. ANDERSON. Mr. Chairman, I avail myself of the latitude of a general debate to discuss the question, whether the present policy of appropriating money each year for telegraphic service to be rendered by private corporations should be perpetuated. This bill contains eleven different appropriations for such service, which will mainly be performed by the Western Union Company. Each of the thirteen general appropriation bills will contain similar provisions; and for a quarter of a century we have been appropriating indefinite sums to each one of the many Departments and bureaus of the Government for telegraphing. What aggregate amount was paid by the United States to the Western Union even last year alone no man in Congress knows, but it must have been large. And beyond all question the whole amount paid by Government to telegraph companies has been far greater than the cost of building all such lines on the continent. I have no doubt whatever that the amount received from the national Treasury by the Western Union in any five years has been greater than the actual cash paid up by its stockholders.

What has thus been true in the past will certainly and quickly be repeated in the future, unless there be a change in the present policy. And while that which I now desire to say would be equally pertinent to any other general appropriation bill, yet it is precisely germane to the one before us. This constant drain for telegraphing through scores of little vents has not heretofore been deemed worthy of notice in the general debate, yet believing as I do that our present practice rests upon a false principle, and that this question of public economy is of greater moment to the Government and the people than are several other topics which have been dwelt upon, I take the first occasion for calling the attention of the House to the query: Whether, instead of making heavy and indefinite appropriations for telegraphic service rendered by private corporations, year after year and decade after decade, it may not be cheaper, wiser, and better for Government to build and operate lines of its own?

THE OBJECTIONS TO A POSTAL TELEGRAPH STARTED BY THE WESTERN UNION TELEGRAPH COMPANY.

That is a broad question and suggests many others, more than I have time even to mention; but they will be covered by one of three main propositions:

1. Has Congress the legal power under the Constitution to establish and operate telegraph lines as a part of the postal system of the United States?

2. If it has, should this power be exercised?

3. And if so, which of the many proposed ways of establishing a postal telegraph would be least objectionable and most efficient?

Weeks before Congress met the president of the Western Union published in the North American Review an elaborate article denying the first and second of these propositions. A marked copy was sent free to each Senator and Representative. (I do not know who paid for them.) He labored to show that the establishment of a postal telegraph would be unconstitutional, inequitable, impolitic, and dangerous to the liberties of the people. Many of the daily papers, which are more or less dependent on the Western Union for the rates paid for press news, even if there be no stronger bond of union, re-echoed the cry, and thousands of persons not familliar with the real situation and with the ramified and sweeping power of that corporation have suddenly become doubtful as to the feasibility of or necessity for a postal telegraph. No illustration of the grip which that monopoly has upon the nerve system of national intelligence can be stronger than is furnished by the effect upon public sentiment, and especially in this building, of the fallacious article published by Dr. Norvin Green. Nothing could be clearer than the purpose of this salaried official of the most powerful and ambitious monopoly in America to forestall the action of Congress on proposed legislation. No brief by a corporation attorney could be less disinterested or more distorted. And to me it is marvelously surprising that in view of these facts so many gentlemen have willingly swallowed his story and gravely retail his objections, as if they were not only true but axiomatic.

With a love for fair play I ask the indulgence of the House to make a few suggestions on the people's side.

IS A POSTAL TELEGRAPH CONSTITUTIONAL?

As to the question of unconstitutionality, the Supreme Court in the Pensacola case (96 United States Reports), seven years ago, went as far toward affirming the power of Congress to operate a postal telegraph as it properly could go in a case which did not present that point in issue. It declares that Congress may assume the telegraph as a part of the postal service, and only reserves an opinion on the point whether Congress may not "exclude all others from its use." I quote the whole paragraph:

> Since the case of Gibbons *vs.* Ogden (9 Wheaton, 1) it has never been doubted that commercial intercourse is an element of commerce which comes within the regulating power of Congress.
>
> Post-offices and post-roads are established to facilitate the transmission of intelligence. Both commerce and the postal service are placed within the power of Congress, because, being national in their operation, they should be under the protecting care of the National Government.
>
> The powers thus granted are not confined to the instrumentalities of commerce or the postal service known or in use when the Constitution was adopted, but they keep pace with the progress of the country and adapt themselves to the new developments of time and circumstance. They extend from the horse with its rider to the stage-coach, from the sailing vessel to the steamboat, from the coach and the steamboat to the railroad, and from the railroad to the telegraph, as these new agencies are successively brought into use to meet the demands of increasing population and wealth. They were intended for the government of the business to which they relate at all times and under all circumstances.
>
> As they were intrusted to the General Government for the good of the nation, it is not only the right but the duty of Congress to see to it that intercourse among the States and the transmission of intelligence are not obstructed or unnecessarily encumbered by State legislation.
>
> The electric telegraph marks an epoch in the progress of time. In a little more than a quarter of a century it has changed the habits of business and become one of the necessities of commerce. It is indispensable as a means of intercommunication, but especially is it so in commercial transactions.
>
> The statistics of the business before the recent reductions in rates show that more than 80 per cent. of all the messages sent by telegraph related to commerce. Goods are sold and money paid upon telegraphic orders. Contracts are made by telegraphic correspondence, cargoes secured, and the movement of ships directed.
>
> The telegraphic announcement of the markets abroad regulates prices at home, and a prudent merchant rarely enters upon an important transaction without using the telegraph freely to secure information. It is not only important to the people but to the Government. By means of it the heads of the Departments in Washington are kept in close communication with all their various agencies at home and abroad, and can know at almost any hour, by inquiry, what is transpiring anywhere that affects the interests they have in charge.
>
> Under such circumstances it can not for a moment be doubted that this powerful agency of commerce and intercommunication comes within the controlling power of Congress, certainly as against hostile State legislation. In fact, from the beginning, it seems to have been assumed that Congress might aid in developing the system; for the first telegraphic line of any considerable extent ever erected was built between Washington and Baltimore, only a little more than thirty years ago, with money appropriated by Congress for that purpose (5 Statutes, 618); and large donations of land and money have since been made to aid in the construction of other lines (12 *id.*, 489, 772; 13 *id.*, 365; 14 *id.*, 292).
>
> It is not necessary to inquire whether Congress may assume the telegraph as part of the postal service and exclude all others from its use. The present case is satisfied if we find that Congress has power, by appropriate legislation, to prevent the States from placing obstructions in the way of its usefulness.

Subsequent to the publication of Dr. Green's article, Postmaster-General Gresham, who has long been recognized as an able jurist, carefully investigated the whole legal question, and in his late report says:

> I have reached the conclusion that Congess has the constitutional power in providing for the postal service of the country to avail itself of all the facilities devised by the inventive genius of modern times for transmitting messages and intelligence, and that it has full authority to buy or build lines.

His predecessor, Postmaster-General Howe, whose judicial acumen has rarely been equaled, said in his report for 1882:

> After the fullest consideration I have been able to give the subject I am forced to the conclusion that the time has fully come when the telegraph and postal service should be embraced under one management.
>
> The business of the telegraph is inherently the same as that of the mail. It is to transmit messages from one person to another. That is the very purpose for which post-offices and post-roads are established. The power to establish is not limited to any particular modes of transmission. The telegraph was not known when the Constitution was adopted; neither was the railway. I can not doubt that the power to employ one is as clear as to employ the other.

The proposition will strike the average mind as indisputable, that Government may constitutionally possess and operate a telegraph wire in the same legal sense that it may own and handle the sacks in which it transports mail-matter, or that it may by its own corps of carriers distribute letters from a post-office to private residences, or that it may transact a banking business by issuing and paying the drafts termed money-orders, or that it may conduct the most extended express business on the continent, and perform the service of a common carrier of general merchandise, embracing articles from garden seeds to whiffletrees and dress patterns to Florida alligators. It is doing these things to-day and in accordance with the Constitution. And if it may legally own such property, employ men, and perform such service, then most certainly may it legally own and operate a telegraph wire.

A QUESTION OF CASH AND NOT OF CONTSITUTIONALITY.

The insincerity of Dr. Green's allegation to the contrary is vividly exposed by his chief object, which he states thus:

> But if it be determined that the Government shall enter upon a public telegraph service, then it has acquired the right and is under obligation to take the existing telegraph properties in the country at valuation, as provided in the act of 1866.

In other words, if Government builds lines of its own and competes with the Western Union, then a postal telegraph is unconstitutional; but if it buys the Western Union property at $80,000,000, then a postal telegraph is or may be constitutional. So that after all the issue is not one of legal power, but of $80,000,000. This "constitutional"

dodge has been so frequently played on so many different measures and so often exposed, that I turn from it with the remark that the ardent solicitude for the integrity of the Constitution evinced by the Western Union, the Standard Oil Company, the land-grant railroad burglars, and the whole host of corporation pirates would be amusing if it were not so nauseatingly disgusting, and possibly warrants the hope that this noble charter of liberty, which had a mighty hard time before they were born, will yet now and in some feeble way manage to straggle down the centuries.

INCREASE OF GOVERNMENT PATRONAGE.

But the objection to a postal telegraph most frequently urged, and seemingly with some effect, is that it would increase the number of Government employés, and thus endanger the liberties of the people. The premise is true, the inference false. Dr. Green puts it thus:

* * * The genius of our Government is that the people rule; it is therefore adverse to the administrative power, for the time being, having any such advantage in directing or controlling the popular will. The telegraph (postal) would not only double the power, by way of patronage, of the Post-Office Department, but would give the administration party immense advantages in warmly contested elections. Who can say that sooner or later there would not be espionage of telegrams instituted? But even were it administered with the most sacred impartiality and inviolability of the privacy of messages, the opposing party would never believe it was so administered, and would not venture to use it in the private arrangements for the prosecution of the contest.

The employment of operators by Government would certainly augment the public force, just as does the hiring of any additional clerks; but how will this increase jeopardize the liberties of the people? Let us examine into that.

The dangers which lurk and inhere in every telegraph system, alike whether it be operated by Government or by a private corporation, must be either internal or external; that is, either exist in the opportunity for "an espionage [and betrayal] of telegrams," or in the efficiency of operators as an organized force in community.

No man can be more familiar with the facts in the case than is Dr. Green. He has had long experience as the autocrat of the telegraph. His opportunities for exact observation have been unequaled. He must be conversant with the possibilities of utilizing confidential telegrams for a purpose different from that of the sender. He has studied the efficiency of an organized telegraph force as a political engine, and discovers in it a power which, if wielded by Government, would threaten the nation's liberties. But may not his opinion be warped by the obligations of his official position?

ESPIONAGE OF TELEGRAMS.

As to those dangers which are internal, and which in the nature of things must inhere in every telegraph system, it is clear that if the volume of business after the opening of a postal telegraph were no greater than at present the same number of persons would be required to handle it. Suppose all of these persons now to be in the employ of the Western Union, and dependent for bread and butter upon the will of, say, Dr. Green; but that, after the establishment of the postal telegraph, one-half would be in Government and one-half in Western Union employ. If those men can be used as spies, or as a political machine, then Dr. Green may now so use the whole of them for the avaricious purposes of his monopoly, and by so doing may far more seriously endanger the liberties of the people than if his power were reduced one-half, or than, on the worst supposition, if his half were counteracted by the Government's half. Of Dr. Green personally I have nothing unkind or ungenerous either to say or to insinuate. But in the Western Union and in its corporate character I have no more confidence than I have in a rattlesnake—not a whit more.

Mr. MILLIKEN. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. MILLIKEN. I desire to know, as I am not at all familiar with the rules of this House, whether it is proper that a speech upon the Western Union Telegraph should be made when a question of the naval appropriation bill is before the House; and if it is in order, whether it is because of the watered stock of that company that it comes in under the question of a naval appropriation bill?

The CHAIRMAN. The Chair will state to the gentleman from Maine that the House is now in Committee of the Whole on the state of the Union, and the gentleman from Kansas has the right under the practice of the House to discuss any matter that he chooses.

Mr. ANDERSON. And the swiftness and owlish solemnity with which he insinuates that "sooner or later an espionage of telegrams would be instituted" by Government, and that a postal telegraph would become a dangerous political engine, certainly justifies the query whether the Western Union telegraph is now or ever has been so used?

Does he speak from official knowledge or simply as a philosophic observer of abstract possibilities? If from the former, then I for one would infinitely prefer to trust any political party whom the people shall place in power with one-half the telegraphic facilities and force of the continent than to trust Mr. Jay Gould with the whole of them; and I venture the assertion that 50,000,000 of Americans feel exactly the same way. But if he speaks merely as a philosopher, then while admiring the disinterested patriotism which impels him to ring out a warning, yet I can not share his vivid apprehensions of danger to the people's liberties from a Government telegraph.

Are not the people themselves the real government? Do not the majority of them compose the "administration party?" Do not the people make and unmake the officers who for the time being constitute the administration? Will not the people be safer in the hands of men whom they select every two or four years than to be solely and absolutely in the hands of men whom Mr. Gould and other owners of the Western Union exclusively select?

If it be "the genius of our Government that the people rule," how can that genius be "adverse" to a Government telegraph, which would break Mr. Gould's absolute rule through the Western Union monopoly? Is he "the people?" And if a telegraph system is inherently a dangerous engine, should not the people at once take it wholly into their own hands and out of Mr. Gould's hands? At any rate, would not their liberties be better conserved by the establishment of a postal wire over which they might send tidings without the possibility of espionage by Western Union employés, rather than as now over Western Union wires alone? These questions answer themselves; and the answers conclusively show that so far as internal elements are concerned the liberties of the people would not be endangered by a postal telegraph.

On the other hand, they would be preserved against existing dangers; because the real issue to-day is not whether a postal telegraph can be freed from the possibility that an operator may know and betray the contents of a message, or the resultant possibility of an espionage of telegrams by his employer. These possibilities, being inherent in all telegraphs, are as true of the Western Union as of every other line, and the guards against them in the form of "ciphers" would be just as effective on the Government's wires as they are on Western Union wires—no more, no less. But the exact issue to-day, since telegraph lines do exist and will be used, is whether a postal operator would be as trustworthy as is a Western Union operator; whether the danger of espionage by men responsible to the people would be any greater than by men responsible alone to Mr. Gould; whether the public shall have at least one line on which private individuals can not exercise the right to place operators whom they may use as spies, or whether corporation czars shall furnish the only lines on the continent and alone select the operating force. That is the real issue.

A POSTAL OPERATOR CONTROLLING AN ELECTION.

But perhaps the dangers are external, and are to be found in telegraph employés as an organized force acting on society, and I wish to ascertain, if possible, the real power of postal operators, appointed under civil-service rules, as a factor in partisan politics, and whether that power may become dangerous to the Republic; because Dr. Green assures us that there are dangers somewhere, and as they are not internal, they must be external.

Standing upon the eminence of his vast experience and looking down upon the busy population of the continent, his eye rests upon a town of say 5,000 persons, having 1,000 voters and a post-office, in which are two Government operators, one for day and the other for night service. On election morning his prophetic soul discovers that pale-faced but bloody-minded night operator, after twelve hours on duty, rallying at the polls and savagely tearing the liberties of the people into tatters by ruthlessly compelling the thousand voters to deposit the ballot indicated by the administration party. And this fiendish outrage would actually be accomplished were it not for the gallantry of Dr. Green, who, rushing to the rescue, with the Constitution of the United States in one hand and the flag of the Western Union, starry with "franks," in the other, leaps between those hundreds of defenseless American citizens and that terrible desperado of an operator, and bids him "Avaunt ye!" while Mr. Gould silently continues to gather in the Western Union ducats. There's patriotism for you, and likewise "richness!" If the lobby of the Western Union can prevent it, that bloodthirsty operator shall not surround and capture any regiment of Americans anywhere!

Now, I do not undervalue the destructive force of that Gatling gun of an operator as a power in partisan politics, but concede that Dr. Green is right as to *him!* And in my district there would be, if the postal telegraph were established, just about twenty such bristling political pirates—only at least ten of them would be girls. But where it seems to me that Dr. Green is mistaken is with respect to the sagacity and courage of the American people. There are over 160,000 of them in the district I have the honor to represent, and I really believe that those 160,000 Kansans would actually preserve their political liberties as against the whole twenty or even forty operators, especially as the girls would be apt to marry. And what is true in that district is precisely as true in all other districts. Even at the improbable rate of fifty operators to a district there would still be 3,000 people to one operator; and whenever 3,000 Americans can not defend their liberties as against one operator chaos may as well start on the rampage. Even to discuss such an absurdity seems to demand an apology.

INCREASE OF POSTAL EMPLOYÉS EXAGGERATED.

The only other possible avenue of danger to our liberties from a postal telegraph is in the power which would be given to the administration by the additional patronage; and over this dire possibility the Western Union lobby fairly shrieks.

The other day Dr. Green endeavored to convince the Post Office Committee of the Senate that if a postal telegraph were established, "within

five years the Government would find itself with an army of 100,000 employés in the telegraphic service." He reaches this conclusion by supposing that the number of operators employed on the Western Union is "probably 30,000," and the number of messengers "a little army;" that the number of persons in telegraphic service employed by all railroad and telegraph companies is between 40,000 and 50,000; that a postal telegraph would double the present volume of business in four years, and that within five years it would have an army of 100,000 employés. Mr. Hubbard, who is an expert in telegraph history, punctured the statement that the number of Western Union operators is 30,000 by saying:

I suppose you have in your service somewhere about 8,000 or 10,000 operators?
Mr. GREEN. In the Western Union I think *that is about the fact.*

There is a difference of 266 per cent. between 8,000 and 30,000. And whether the basis of estimate is to be 30,000 operators or only 8,000 operators and whether the number of messengers is "a little army" or only 2,000, are points that must materially affect the accuracy of the "100,000" total of Government employés, and may reduce it to 26,000. As a sample of the sort of bosh which Mr. Gould's employés are trying to palm off on the American people as "facts," I extract from the statement of Dr. Green before the Senate's Post-Office Committee, January 31, 1884:

Mr. GREEN. * * * The number of employés in the present telegraph system is very difficult to ascertain. Under our contracts with railroad companies, out of 13,000 offices about 9,000 offices are open for the public for commercial business and social messages. Over 9,000 offices are maintained by the railroad companies, and the employés are the employés of the railroad companies.

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The CHAIRMAN. Can you state how many employés, aside from those employed by the railroad companies, the Western Union has?
Mr. GREEN. I can not give you that exactly. * * * I should say, therefore, that there are probably 30,000 operators employed on the Western Union lines. There are probably 5,000 or 6,000 other employés engaged in constructing and maintaining the lines—superintendents, clerks, and officers.

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Mr. HUBBARD. I suppose you have in your service somewhere about 8,000 or 10,000 operators?
Mr. GREEN. In the Western Union I think that is about the fact.
Senator PALMER. That is exclusive of your messengers?
Mr. GREEN. Yes, sir.
Senator PALMER. How many messengers are employed?
Mr. GREEN. In the large cities there is a little army of them. I suppose we have 125 in one office in New York, and we have quite a number of them everywhere.
Mr. HUBBARD. About 2,000 messengers, I guess.

If his answer to Mr. Hubbard is correct, then the answer to the chairman's question is incorrect, and the 30,000 employés include those of the railroads as well as of the Western Union. But if this be the case, then certainly one-third of the operators are not engaged in transmitting public messages, because of the whole 13,000 offices reported by the Western Union 4,000 are exclusively railroad offices and not open to the public. Of the 9,000 offices which are so open, 5,000 are maintained by the roads and 4,000 by the Western Union. In these 5,000 offices, maintained primarily for railroad business and only incidentally for public messages, the time of a postal operator, were these offices transferred to a post-office, would not be fully employed. He would have as much time for routine post-office business as the present operator has for railroad messages and station-agent work. In other words, the postmaster or his clerk would also be an operator. And just to this extent the number of Government employés and the amount of patronage would not be increased; the only difference would be that in addition to their present qualifications the present post-office force would need the knowledge and skill of operators. So that the real increase would be equal to the 8,000 operators now employed in the 4,000 Western Union offices proper, with the 2,000 boys as messengers, and linemen, &c., say 13,000 all told. That would be on the average thirty-eight employés to a Congressional district of over 150,000 people, or one additional employé to each 4,000 Americans. There is a glaring difference between 13,000, or even 26,000, and "an army of 100,000 employés on the telegraph system."

GOVERNMENT "PATRONAGE" WHICH SAVED THE UNION.

But suppose it were 100,000. Would that rack the American Constitution or debauch the purity of the people? This generation has seen the day when the "patronage" of the Government was suddenly expanded by the appointment, equipment, and maintenance of 2,500,000 armed soldiers, by the building of a powerful navy, and by all the emergent necessities of the most colossal and expensive war of the century. For five years the continent shook beneath the tread not of operators nor of messenger boys, but of fierce warriors. And neither during the war nor at its close did these men jeopardize the nation, diminish the purity of the people, cool their love for the flag, or thwart the best interests of the Government. They saved the nation, they ennobled the people, they burnished the glory of the flag, and so endeared this Government to the American people that, after the strain of such a war, which only made it the stronger, it may safely risk the rack of 15,000 or even 100,000 postal employes, who would be just as true to it and to the people as were the two and a half millions of boys in blue.

Now, Mr. Chairman, when sifted, just this, and nothing more, is the terrible force of these two great objections to a postal telegraph so triumphantly vociferated by the Western Union lobby and so thoughtlessly re-echoed in this Capitol, namely, its "unconstitutionality" and that dare-devil of an operator with his coincident patronage. The first is not true in fact, and the second would be silly if it were not too densely stupid, because it rests on the assumption that the American voters are either dolts or cowards, or else that an administration quadrennially elected by them is stronger and more outlasting than are the people; and there is not a man on this floor who really believes any such rot, no matter how many Western Union franks he may have in his pocket.

HE WHO PLEADS EQUITY MUST FIRST DO EQUITY.

As to the rest of the Western Union allegations nobody even pretends to believe them, much less to retail them. Everybody knows that its stock is watered worse than city milk; that its charges are as uneven, usurious, and outrageous as unbridled rapacity can make them; that its profit on the average message, as shown by its own reports, is about 65 per cent. of its alleged expense; that in its relentless ambition to monopolize the telegraphy of the continent it has wrecked and destroyed millions of other people's property; that each year, like a vampire, it has sucked from its customers millions upon millions of dollars more than its service was fairly worth; and that, with its attorneys, its allies, its lobby, its franks, and its other resources, it triumphantly defies Congress, and laughs at the mere idea that a postal-telegraph bill can ever be enacted into a law. Were there no other reason for such enactment this alone should be sufficient to Representatives acting only as agents for the American people. On the matter of franks I extract from Senator HILL'S speech, as follows:

As to the attempted control of governmental action by the Western Union Company, it was boldly acknowledged by the president himself in his annual report for 1873 in the following language:
"The franks issued to Government officials constitute nearly one-third of the total complimentary business. The wires of the Western Union Company extend into thirty-seven States and nine Territories within the limits of the United States and into four of the British Provinces. In all of these our property is more or less subject to the action of the national, State, and municipal authorities, and the judicious use of complimentary franks among them has been the means of saving to the company many times the money value of the free service performed."
I do not need to assume the responsibility of charging the present existence of all the abuses which are possible, or even of those referred to, in the management of the telegraph. It will be sufficient for us to say, in the words of the late Postmaster-General Howe:
"Knowing that it can be so abused, it seems to be the dictate of prudence not to wait until it is so abused. It is an agency much too dreadful to be intrusted to private hands."

USURPATION OF POSTAL FUNCTIONS BY THE TELEGRAPH COMPANIES.

And now I desire to present a few facts which in my judgment render the immediate establishment of a postal telegraph imperatively necessary, not merely as a matter of convenience to the people, but as a measure of security to the Government and of public defense against the exercise by a virtual monopoly of the most dangerous power that can be wielded in a republic.

The Continental Congress declared the object and function of our postal system to be "the communicating intelligence with regularity and dispatch from one part to another of these United States." Intelligence may be communicated between persons by words spoken, written, or printed, and by signals. As to modes of conveyance, words may be taken to distant persons in mail-sacks or by telegraphic or telephonic wires. In fact, a word itself is nothing more than a mail-sack, containing the specific idea which that word is used to express. And as ideas are the essence and vitality of intelligence, and therefore the conveyance of ideas the very substance of the act of communicating intelligence, it is wholly immaterial what exact process of transmission is employed, whether that of sending the paper on which words are written or printed, that of signaling the word by telegraph, or sending it by telephone. The whole point and essence of communicating intelligence is the transmission of precise ideas.

The duty of conveying these communications between people widely separated is by the Constitution and statutes exclusively assigned to the United States Government, the reason being that not only the welfare of the people but the safety of the state itself may at times wholly depend upon the certainty, inviolability, and speed of such conveyal. To intrust to private individuals a work freighted with consequences that might vitally affect the whole people was deemed by the forefathers as dangerous to the Republic they planned so wisely and loved so well. Hence the conduct of the postal business was vested in the General Government as an absolute monopoly, and no person or even State may lawfully become a carrier of mails except as the authorized agent of the United States.

But it has happened in the march of civilization and since the adoption of the Constitution that the courier and the coach have been supplanted by the locomotive, and it by electricity. So that to-day by far the greater part of that intelligence which most vitally concerns the masses, and especially the commercial world, is transmitted by wire, and neither by rail nor coach. In every county on the continent the price which a farmer will receive for his products is regulated each day by telegraph, and in most of them every hour. Probably four-fifths of the whole business transacted in America turns upon the news flashed every few minutes over the wires, while nearly the whole of the news upon which the public breakfasts is contained in the dispatches.

I doubt if any man does or can realize the full extent of the inroad by the telegraph upon the postal system as the true and real conveyer

of communication between the people, and the broad sweep of the usurpation by such companies of the constitutional functions of the Government to communicate intelligence. We have been, and are yet, asleep to the true situation. If the railroad companies when opening their roads had claimed the right to carry such intelligence as the people preferred to send by steam rather than by stage-coach, the penalty of the postal laws would have been quickly enforced, because the Government alone could rightfully carry letters. But now, when the people prefer to telegraph the words of a message rather than wait till the identical piece of paper on which those words are written is conveyed in a mail-bag, we find that the very work which the Constitution vests in Government alone is chiefly being performed by an unscrupulous corporation. What earthly difference does it make whether the original piece of paper goes so long as the words are conveyed? None whatever in effect. The real function of the postal system is the transmission of intelligence from one part of the country to another. And yet the telegraph companies, little by little, insidiously and increasingly, have usurped this function to such an extent that if the people were suddenly deprived of their wires and thrown back upon the United States mails alone it would be as if the sun should set at noon. Notwithstanding which fact the paid agents of these companies actually have the impertinence to tell Congress that the establishment of a postal telegraph would be "unconstitutional" and inexpedient.

AMERICAN TELEGRAPHY AND THE AMERICAN EDITOR.

The Western Union Company alone has 432,000 miles of wire, or enough to put seventeen different girdles about the globe. It has 13,000 offices, and likely 50,000,000 of our population are within five hours of a telegraph key. It transmitted last year more messages than the whole number of letters carried in United States mails in 1843. Its revenues last year were greater than that of the Post-Office Department in 1870. Not only is it the common carrier of important social communications, but it is well-nigh the exclusive carrier of commercial, political, and general intelligence. "The importance of its intelligence far exceeds the magnitude of its business;" and as compared with the postal system it is to-day the great carrier of those tidings on which the commercial prosperity of America pivots.

Because, wherever there is a Western Union office proper, near by is an alert sentinel of the veteran corps of the Republic, an American editor. Nothing escapes him, from the latest case of "didn't know it was loaded" or the condition of crops to the progress of a flood or the appearance of an epidemic. He is one of the countless eyes of the grandest army of news-gatherers the world has ever seen. Whether his paper be daily or weekly makes no difference. He is one of the corps, and let an event happen that the public ought to know, and he is as sure to telegraph it to the press as he is to accept a subscription for his paper. Every day he is on duty in every town and near each hamlet on the continent, and nothing of importance happens anywhere under the flag that is not gathered for the people and flashed by night to the news centers; while along the cables which dive beneath the gales and waves of ocean and clasp hands with the wires of all the continents the news of all nations are interchanged. The facilities for gathering and communicating intelligence are almost as universal, active, and wonderful as the sun's rays. They are as the clustered diamonds in the crown of the empress of modern genius. And no army could more safely rely upon the vigilance of its sentinels than may the American people upon the sagacity and fidelity of their news-gatherers and proclaimers—the American press.

CENSORSHIP OF THE ASSOCIATE PRESS.

The process of action is substantially this: Suppose several important events have happened to-day in Kansas, Nebraska, and Colorado at points where there is not a daily paper. Editors of dailies are always agents of the press association which supplies their dispatches. The editor of a weekly at those points will telegraph the event to-night to the Associated Press. His message will go to Saint Louis, and be sifted by a sort of censor or manager of the Associated Press, who decides what shall appear, how much shall appear, and the precise form of its appearance. He may suppress or include what he pleases and may give just such color to an item as suits his fancy. And after thus deciding he telegraphs back to the Kansas dailies the dispatches which they publish to-morrow.

That is a sample of the continent. And I am informed that there are just three such censors who sit in judgment upon all the news gathered in the United States by the Associated Press—one at Saint Louis for the West and South, one at Chicago for the Northwest, and one at New York for the East and South. Whatever is telegraphed from the territory in his jurisdiction goes to that censor, and whatever appears in the papers of his territory is telegraphed to them by him. All the Western news which appears in the Eastern associate press dailies is first telegraphed to the New York censor by Saint Louis and Chicago, and he after revising their revision transmits it to these dailies. In addition he receives and puts in shape the Eastern items, and, what is often of more importance to the commercial, industrial, and agricultural interests of the West and South, formulates the cable news, suppressing, including, and phrasing it as he thinks best. And not only does he thus shape the dispatches for the Eastern press, but those respecting both Eastern and foreign intelligence for the Western and Southern press, which he wires to Saint Louis and Chicago.

These three censors—and it makes no difference about the exact number, the principle is the same—may discharge their momentous duties with the utmost honor, sagacity, and integrity; and then, again, they may not. But whether they do or do not, the power vested in them, and especially in the New York censor, is more startling, more dangerous, more cyclonic than the wildest despot of Europe ever dreamed it possible that one man could be permitted to wield.

POWER OF THE CENSORS TO INFLUENCE PUBLIC OPINION.

Because he who decides what news the American people shall read to-morrow and what they shall not read decides what the American people shall think to-morrow, shall feel, shall talk, shall act—it may be through many to-morrows. As the sun sweeps across the continent, and as America opens its daily, to devour the praise accorded, say, to one Congressman or the sneer at another, the "public opinion" of America as to those two men is forming. And that opinion is molded by the phraseology which either is or may be decided by one of the three censors. The coloring which is given to a fact often impresses men more than does the bare fact itself; and the power to give that color, as well as to wire or suppress the fact itself, is vested in the censors not only as to political intelligence, but as to the commercial, industrial, social—indeed, all the items of American and European news.

In comparison with the power of the New York censor the amplest power of the President of the United States in shaping public opinion is as a babe's breath to a tempest. In similar comparison, the power of Congress to enact laws and of the Supreme Court to interpret law is as the autumn leaf below the growing wheat of spring, on which presently men will feed their beliefs and make vigorous their action And this great people, liberty-loving to the very core, which would spend the last dollar before the freedom of the press should be forcibly abridged and would fight to the last hour before a king should supplant an elected President, finds itself to-day the reader of and the feeder on just what news the censors allow them to read and feed upon.

DANGER TO AMERICAN LIBERTY.

Who elects those censors? The people elect the whole range of officials from coroner to President. Have they any voice whatever in the choice of the New York censor, who may wield a greater practical influence than all the officials in all the States of the Union? Who employs and pays these censors? To whom are they responsible for the discharge of their momentous trust? At whose beck will they lose position and with it perhaps bread and butter? At the nod of the people? Oh, no! These gentlemen are chosen by the press association, composed of the associated dailies as a sort of a joint-stock company, and are said to be most excellent men.

Concede all the good things which can be said of them and of the gentlemen to whom they are responsible, yet the fact remains that such a power of censorship upon the news of the world before its transmittal to such a nation as ours, is dangerous to commerce, menacing to liberty, a cancer upon the body politic, and a monstrosity in civilization. Any monarchical government that should attempt to inaugurate such a system would be burnt to ashes by the flash of the lightnings of revolution. But it exists to-day in America as the logical sequence, the sweet flower, of that precious plant the Western Union monopoly!

POWER OF THE WESTERN UNION OVER THE ASSOCIATE PRESS AND ITS DAILIES.

Be it conceded also that there is not a substantial agreement by the Associated Press to oppose any telegraphic enterprise inimical to the Western Union Company—a postal telegraph, for instance. Not long ago there was such an agreement, as appears from the following:

[Private circular. Not for publication.]

CINCINNATI COMMERCIAL OFFICE, *April* 15, 1867.

To the MEMBERS OF THE WESTERN ASSOCIATED PRESS:

Your attention is invited to the clause in our contract with the telegraph company which forbids us to encourage or support any opposition or competing telegraph company. That clause was to the telegraph company a valuable consideration for the favorable terms upon which they contracted with us.

MURAT HALSTED,
Executive Committee W. A. Press.

And Dr. Green peremptorily refuses to produce copies of the existing contracts, though bidden so to do by authority of the United States Senate. But concede the statement that old things have passed away, and that the relation between the Associated Press and the Western Union is solely that of a patron and a common carrier, and that the press would defiantly resist any influence over it attempted to be exercised by the Western Union; still, what exact relation must in the nature of things exist between the two? If the Western Union should happen to demand the support of the Associated Press against, say, a postal telegraph, and if that association should rise in its might and, battling for the freedom of the press, should say "No!" Then what? Would not the Western Union have the power to say, "We will terminate our special rates, now averaging 6½ cents per hundred words" (Dr. Green's testimony), "and hereafter charge you the 48 cents for ten words which the average public pays?" How could the press association continue its business or how could the dailies afford to take dispatches? What other lines could the majority of the papers use? Is not the press asso-

ciation dependent for its very possibility of existence on the will of the Western Union? And as to the dailies, how long can a daily paper without dispatches live in competition with one having dispatches? There is not a daily paper in America which the Western Union can not kill within any twelve months if it so wishes. And no difference what the dailies might or might not do, the fact is that the Western Union has the power to muzzle many of them and to cripple all of them if it chooses to exercise that power. The security of the dailies, then, and of their readers, rests, not in competition, not in the laws of the nation regulating the charges of the Western Union as a common carrier, but in the alleged humanity and justice of the Western Union. It might use this power, but "it is too good to do so." Is that sufficient security?

THE MONOPOLY MUZZLE.

Many people do not estimate the high purposes and disinterested character of that corporation as does Dr. Green. For instance, it happened that for three years the Chicago Inter-Ocean had the lease of a private wire from here to Chicago, over which its correspondent sent full reports. Senator HILL a few weeks since delivered a very able speech favoring a postal telegraph, and it was telegraphed to the Inter-Ocean and published the next morning *verbatim*. The Murat Halsted circular was a part of it. That evening at 5 o'clock the correspondent was notified over the Baltimore and Ohio wire that the Western Union lease had expired. Did it really expire that day by lapse of life or did the Western Union withdraw the wire because of the publication of Senator HILL'S speech? Some of our city papers affirmed the latter, and so believing at the first opportunity I denounced it on this floor as an outrage. Afterward I was assured that it was only a coincidence and not at all a consequence, and that the Inter-Ocean manager had published a card to the effect that there was no difficulty whatever with the Western Union and that the most friendly relations existed. However, he leased a wire from the Baltimore and Ohio Company. And the question is whether the fact that his paper, in order to compete successfully, must also take several thousand words per day of Associated Press that only go over the Western Union wire, had anything to do with the friendliness of these relations? Was the withdrawal of the Western Union wire a consequence or merely a coincidence? If the latter only, I have nothing to say. But if the former, then the corporation which would so act toward a daily for publishing a speech delivered in the United States Senate ought to be abolished by law as an enemy to American liberty, and the responsible officer of the Western Union who executed that edict ought to be imprisoned as an assassin of the press. The mere fact that such a thing can be done is conclusive evidence of the need for a postal telegraph.

On this point Mr. Hubbard states as follows:

And how is it with the press news? The Western Union Telegraph Company and the Associated Press make a close corporation. I do not mean to say that to-day I know of any fault to be found with the management, but in discussing this question we must be guided by the experience of the past, and inquire what power this company can exert by learning what it has done in the past.

A few years ago two papers in San Francisco favored the postal telegraph. Their rates were raised. One of them died because it could not pay them. The other ceased to publish attacks on the Western Union, and was restored to good-fellowship.

A paper in Virginia several years ago criticised the reports that were sent to it. It was notified that if it published any criticism upon the reports they would be stopped.

A few years ago there was a criticism upon some action of Mr. Orton, the president of the Western Union. The next day, or the next but one, the rates of that paper were doubled. It ceased to receive any telegraphic dispatches because it could not pay for them.

The telegraph company can raise or reduce the rates. Its control over the press is therefore absolute. It has the power of life and death, for the telegraphic news is the vital breath of the daily newspaper. Such a power can not exist without its exerting a pernicious influence on public affairs, and every observant public man has long perceived the demoralizing influence of this powerful but subtle agency.

Let us consider the power of the telegraph as an educator of the people. The current history of the times is first given to the country through the telegraph. "Let me write the songs of the people, and I care not who makes the laws," is an old saying. Here it would be truer, if less poetical, to say that the man who rules the Associated Press is master of the situation; for if he has the ability to wield it, he has an instrument for shaping the opinions of the millions, which, by the constancy, universality, and rapidity of its action, defies competition. The events which take place in all business, political, and religious centers, together with the actions of public men and their imputed motives, are all presented simultaneously to the public, from ocean to ocean, through this instrumentality.

The agents who collect the news respond to the central authority at New York, and are subject to removal at its pleasure. Here is a power greater than any ever wielded by the French Directory, because in an era when public opinion is omnipotent it can give, withhold, or color the information which shapes that opinion at its pleasure. It may impart an irresistible power to the caprice of an individual, and the reputation of the ablest and purest public man may be fatally tainted in every town and village on the continent by a midnight dispatch. It is incompatible with public safety that such an exclusive power to speak to the whole public at the same moment upon every subject, and thus to create public opinion, should be under the absolute control of a corporation. The obstacles which the telegraph and these associations can throw in the way of any new journal amount to virtual prohibition against publishing a first-class, independent newspaper in the land, and thus the existing combination has possession of the exclusive privilege of making the first and, with many, the last impression of every event.

DANGER TO THE WEEKLY PAPERS.

Suppose now that a law were passed copyrighting press dispatches for forty-eight hours, what would be the effect on the weekly press, and how far would the possible power of the Western Union over the dailies be extended over the country press? Either the latter would have to do without the latest news or pay for them to the dailies—which would be profitable to the dailies. In the end the stronger weekly in a town would be forced into the combination. But when this occurred generally these weeklies would be as much within the possible power of the Western Union, of which Mr. Gould is said to be chief owner and controller, as are the dailies now. Is that a condition of things compatible with the public good or the public safety?

And yet precisely such a measure is pending in this House, and those who oppose it are denounced as "robbers." While there may be a possible ground for copyrighting an "editorial" as the product of an editor's brain, what ground is there for copyrighting, say, election returns or the news of Garfield's murder? Does the editor create news in the sense that an author creates a book? To my mind that measure is a glaring wrong, glittering with impertinence. And the weekly press of the nation had better wake up. If it will look far enough it will discover a very fine Italian hand manipulating the measure.

IS A POSTAL TELEGRAPH PRACTICABLE.

But now let us examine the question of practicability and see whether the establishment of a postal telegraph is feasible in view of its magnitude, of the great cost of net-working the continent with lines, and of the temper of Congress and the country respecting large expenditures of public money for new purposes.

That raises two cognate questions, the one of ways, the other of means. As to ways, Government might enter into contract either with new or existing companies for the transmission of postal telegrams; and, again, it might either buy existing lines or build new ones. As to means, it can appropriate the necessary money directly out of the Treasury, or it can procure it by issuing and selling United States bonds.

So far as this House is concerned the matter of practicability would mainly turn upon the largeness of the amount required and the mode by which it should be provided. Suppose the amount were $6,000,000 and the mode a bill making a direct appropriation from the Treasury; that bill would, in my judgment, be certainly defeated, and because of four quite different elements in antagonism: 1. Those opposed outright to a postal telegraph. 2. Those adverse to large appropriations for purposes not required by existing law. 3. Gentlemen of the majority who, recognizing that the Democratic party is responsible for legislation and appreciating the force of the "economy" plea, would say that while the measure might be right enough some day, yet their party can not afford to go into a Presidential campaign with a larger aggregate expenditure than that of the last Republican House, and therefore that appropriations must be kept down. 4. Those who would urge that as the whole people should not be taxed for the benefit of the relatively small number who use the telegraph, they should resist any appropriation for the benefit of a class.

THE WESTERN UNION GAME.

The Western Union lobby would ply these and many other arguments vigorously; and such of the papers as are substantially under contract to oppose everything adverse to that corporation, in consideration of obtaining press messages at lower rates than the public pays, would herald far and wide the cries: "Wasting the people's money!" "Grinding the poor man for the benefit of the autocrat who telegraphs!" "More Government patronage!" "Another fat job for contractors!" and whole broadsides of similar points; all of which the kind and thoughtful Dr. Green would probably gather and print in another pamphlet, like the one he has recently furnished us, in the shape of another "appendix, showing the reflex of newspaper criticism," and in the continuance of his previous generosity he would mail it to us, postage prepaid, that we might the more easily discover the drift of "public opinion!"

And somehow that suggests the old song:

"Will you walk into my parlor?"
Said the spider to the fly.

But whether the method of making a direct appropriation out of the Treasury be or be not the better one, as an abstract proposition, I believe that such a bill would certainly fail. The Western Union lobby has always been able to kill every measure which embodied this feature, and probably it always will. The power of that corporation in its own right, and the wonderful and ramified power of its allies, all the greater because hidden and unsuspected, has never been equaled in American history, and he who either overlooks or undervalues it as a dominant factor in the problem of legislative feasibility will in the end have cause to repent a vital mistake. And while I neither say nor believe that every gentleman who prefers the appropriation method to the bond method is at heart opposed to a postal telegraph, since men looking at the same object from different standpoints and with different intensity will form different conclusions, yet I do believe that if the Western Union could have its way as to the shaping of a postal-telegraph bill it would greatly prefer the appropriation method and resist the bond method. That would be its game, because it could more certainly defeat the bill, and because it has a large stock of ammunition saved from former battles over that same ground, in which it was always victorious.

A POSTAL TELEGRAPH CAN BE BUILT WITHOUT COSTING THE GOVERNMENT A DOLLAR!

It was because of this belief in part that in the bill H. R. 511, which

I introduced in the last as in this Congress, the departure was taken from previous telegraph measures by adopting the bond method. It proposes an issue of $6,000,000 United States bonds at the lowest rate of interest, irredeemable for ten years, and payable at the rate of $300,000 in each one of the subsequent twenty years, the interest and principal to be paid out of the earnings of the postal telegraph. The proceeds obtained from the sale of these 10-30 bonds in open market would build and equip three trunk lines, which, with their branches and connections, would link together the capital of each State and every free-delivery post-office, besides hundreds of smaller offices, and would at once place the Government in possession of its own facilities for reaching all the thickly-settled portions of its territory.

Every one familiar with the enormous profits of the telegraph business knows to a certainty that the earnings of a postal telegraph would far more than meet the interest, and after ten years annually redeem one-twentieth of the principal. During the last seventeen years, in many of which the Western Union has been under keen competition and at great expense in buying out rival lines, the least profit which it made in any one year was $2,227,965, and its average annual profit has been nearly four millions ($3,800,000). Its profit last year, as shown by the appended table, was $7,660,350; and its total profit during the seventeen years has been over $65,000,000. Its least profit in the last five years was nearly five millions, and its average annual profit in that period was six and a quarter millions. If the profit of the postal telegraph were but a quarter of this latter amount, or $1,562,500, it would certainly meet the $120,000 of yearly interest and assure the annual redemption of $300,000 principal when due. That result is as absolutely sure as are the forty-odd millions of postal revenue from the sale of postage stamps; and there is not a capitalist in America who would not take these bonds, even were the Government not otherwise a guarantor, simply on the certainty of the business.

And, Mr. Chairman, this plan could not cost the tax-payer a single cent either in principal or interest. It could not cost the Government a fraction of a cent. It is simply a loan of the Government's credit to itself, through one of its own Departments, converted into its own telegraph lines, the interest to be paid and the loan to be repaid by the persons who shall send messages over those lines. That, and that alone, is the whole of it. Congress is not asked to make an appropriation. The party in power and responsible for legislation is not asked to swell the aggregate of expenditures. There is no waste, and can be none, of the people's money. And no tax-payer on the continent can be bled for the benefit of the men who send telegrams, while these men would pay lower rates for telegrams sent.

CHEAPER RATES TO THE PUBLIC.

Last year the patrons of the Western Union sent 40,581,177 messages, for which they paid to it $19,454,903. It reports its expenses as being $11,794,553 and its profits as being $7,660,350. In other words, it received for the average message 48 cents, handled it at an alleged expense of 29 cents, and made a profit of 19 cents, or a profit on its expense of 65 per cent. In 1882 and 1881 its receipt was 44 cents, its alleged expense was but 25 cents, and in 1880 but 23 cents, and its profit on its expense was over 75 per cent. With the cheaper rates that competition by a postal telegraph would assure, the telegraphing public would inevitably save many millions of dollars, even were the Western Union rates reduced one-half, or to a profit of 35 per cent.

Nor would such a cheapening of rates jeopardize the Government's profits, because the lower the rate the greater will be the volume of the whole business, of which Government would undoubtedly have its fair share. The reduction of letter postage, in which I am proud of having taken an earnest part, conclusively illustrates the fixed law of postal trade, that the cheaper the rate the greater the business and profits. The very principle upon which I then advocated cheap postage is the one on which to-day I base the certainty of Government's profit in postal telegraphy. And at the worst it could not possibly lose anything, because its lines, each year becoming more valuable, would be an acquired property of which it could dispose by sale at figures far above those of the cost should it so desire.

CHEAP TELEGRAPHY FOR THE WHOLE PEOPLE.

And for the same reasons that I advocated cheap postage for the whole people I now advocate cheap telegraphy for the whole people. They are as much entitled to the latter as they were to the former; indeed, they have a stronger claim—the claim of a free people to just protection against the rapacity of an imperial corporation, in the relentless clutch of which they find themselves powerless, if perchance Government itself shall not also be found equally powerless in the same grasp. And I plead to-day for such beneficent action by the sagacious Government of a great-hearted people as shall in some future day place at the disposal of the farmers, the mechanics, and all the industrial classes of America the swift lightning as their messenger, to flash along wires that shall lace and enmesh the whole continent, and to deliver their tidings at a cost of 10 or 5 or 3 cents; action that in due time shall give to the poorest American the very best facilities of modern science, which now are barred from him by high charges and open to the affluent alone; foreseeing-action that shall "cast up the highway of the *people*" to each American village and hamlet, along which in that coming day intelligence "shall run to and fro and knowledge shall be increased," so that a thronged American population shall be as free from ignorance of events as now they are free from kingly scepters.

SHALL WE BUILD NEW LINES?

If this mode of providing means be adjudged feasible, and to me it seems as safe and equitable as the Constitution itself, and if the issuance of bonds should commend itself to the judgment of Congress, then a long stride toward the goal of practicability will have been taken. If by simply loaning its credit to the Post-Office Department, the Government, without the outlay of a cent, can become possessed of property worth many times its cost, which will assure the payment of interest and the full repayment of the loan, then we may discuss the outlines of ways as a matter of practical rather than of abstract moment. And I shall be brief.

As to contracting for service with new or existing companies, it is clear that they would fairly require a profit on the capital invested and the work performed; and as clear that Government can obtain the capital more cheaply than can they, can hire men as cheaply, perform the work as well, and itself make and save the profit which they would rightfully expect. The Western Union pays 7 per cent. on its oceanic stock; Government can borrow at 2½ or 2 per cent. The former pays large rents and an "army of messengers;" existing post-offices would furnish room for telegraph instruments without much, if any, additional rent, and the present force of letter-carriers would do much of the delivery work. So that as a business proposition it will certainly be cheaper and better for Government to operate its own lines than to contract for service.

As to buying lines, first, any appraisement of existing lines, under the act of 1866, would place their value at not less than $65,000,000; and, second, we can build better ones for $5,000,000 to start with; and out of the earnings, within less than ten years, more than duplicate all existing lines.

PACIFIC RAILROAD LINES.

And in this connection I wish to call attention to the fact that every one of the land grants was made to aid in the construction of a railroad and telegraph line; that from Duluth, Omaha, Kansas City, and Marshall, Tex., to the Pacific Ocean Congress has already built telegraphs; that an expressed condition of each of these grants was the consideration that the grantee would not only transact Government business over its wires but would give it precedence over all other business.

As a sample of the contract I quote section 6 of the Pacific Railroad act, July 1, 1862, and call attention to the italicized portions, which may be read together:

> That the grants aforesaid are made upon the condition that said company shall pay said bonds at maturity, *and shall keep said* railroad and *telegraph line in repair and use, and shall at all times transmit dispatches over said telegraph line*, and transport mails, troops, munitions of war, supplies, and public stores upon said railroad *for the Government whenever required to do so by any Department thereof*, and that the Government shall at all times *have the preference* in the use of the same *for all the purposes aforesaid* at fair and reasonable rates of compensation, &c.

Why duplicate lines which you have already built, anyhow at the outset? Why not hold these railway companies both to the letter and the spirit of the law, and compel them to perform telegraphic as well as transportation service at the rates therein designated? They have at least in some cases and in the very teeth of the law, with the recklessness of pirates, attempted to sell these very lines to the Western Union. They possess no such legal power, and the Government can and should compel each of those corporations to keep its line in the same legal status as its rails, and both alike ready for Government business. And, for one, I can see neither rhyme nor reason in the idea of building additional lines through desert, mountain, or sparsely settled regions simply for the purpose of allowing these cormorants to gobble lines which we have already built, and which we to-day hold as part security for $106,000,000 which they do not intend to pay, and which, so far as my little power goes, I intend they shall pay or deliver up the whole property.

The telegraph act of 1866 contains a similar provision as to precedence of Government business and the fixing of compensation, in consideration of valuable privileges granted to the companies accepting its provisions. All existing telegraph companies have so accepted and are bound by the contract. And until the postal wires have reached all points where these companies have offices, they should be required to receive, transmit, and deliver postal telegrams on the conditions and rates specified.

EFFECTS OF A POSTAL TELEGRAPH.

To conclude, Mr. Chairman, I affirm the following propositions, and stand ready to prove them to the satisfaction of disinterested minds, if they be not already proven: That an issue of $6,000,000, the interest and principal of which would as certainly be paid by the earnings of a postal telegraph as that the Republic endures, will build and furnish lines within one year connecting all important towns in the United States between the Atlantic and the eastern termini of the Pacific roads and between Canada and the Gulf; that by enforcing existing laws and contracts with existing telegraph companies as to the transmission of

Government business, postal telegrams would be received and delivered at all points where they have a telegraph office, and in addition by mail at any post-office of the United States; that after paying these companies reasonable rates for such service the Government would make a handsome profit, and by competition, yet without destroying existing lines, would save to their patrons millions of dollars annually which are now usuriously extorted by them; that, by the fac-simile process and within a few years after the establishment of a postal telegraph, the standard of a message will be a letter-sheet instead of as now ten words, and that the face characters of this telegraphic letter will be transmitted at the rate of twenty sheets per minute and at the cost of a nickel or perhaps a mill; that when this occurs the great bulk of commercial drafts, orders, and letters, and also of social correspondence, will be transmitted by wire and not in mail-bags; that before 1900 our railway and star mails will contain only confidential and domestic letters and be chiefly composed of printed matter; that unless Government operates a postal telegraph the real "letters" which we now regard as the substance and vitality of mail matter, and the handling of which the Constitution expressly reserves to the Government, will in this century practically be handled by the Western Union or other private corporations in defiance of the Constitution, and, in the words of Dr. Green, "who can say that sooner or later there would not be an espionage of telegrams instituted?" that the very reasons which justified the framers of the Constitution in reserving to Government "the communicating of intelligence among the people" to-day justify and imperatively demand the creation of a postal telegraph; that within ten years of its establishment two-thirds of the post-offices of the United States will receive the bulk of their letter-mail by wire; that before 1900 the maximum charge for a telegram of one hundred words will not exceed 10 cents; that as a consequence the weekly paper of that day will have more telegraphic news than any daily now has; that, as another consequence, the rapid and cheap dissemination of every description of intelligence among the people will assure a solidity and perpetuity to the American Republic such as history has not recorded of any nation; that, as another consequence, the farmer near a post-office will be as speedily advised as to the conditions in Europe, Asia, or Africa affecting the prices of American crops, which facts are now monopolized by the speculators who corner prices, as will any broker in New York or Liverpool; that, as a consequence, the wealth of America will be evenly and justly distributed, and the prosperity of the nation as real and lasting as the light of the sun; that these practical and beneficent results will logically and certainly flow from the establishment and full development of a postal telegraph, and that the operator of that day, who will usually be a girl, will not destroy the liberties of the people.

The Democratic party controls this House. It is responsible for legislation. It claims to be opposed to monopolies and to be the friend of the people. The worst and most dangerous monopoly in America to-day is the Western Union. A postal telegraph can be built without costing the Government or the tax-payer a cent. Will the Democratic majority in this House and at this session pass a postal telegraph bill, or will it not? If it does not, it will rightfully be held responsible by the people for such inaction, while the Western Union will be happy!

Statement of business of Western Union Telegraph Company.

Year.	No. of offices.	No. of messages.	No. of messages per office.	Total receipts.	Receipts per office.	Approximate receipts per message.	Total expense.	Expense per office.	Approximate expense per message.	Profits.	Profits per office.	Approximate profits per message.
1867	2,565	5,879,282	2,292	$6,568,925 36	$2,560 98	$1 11	$3,944,005 63	$1,537 62	$0 67	$2,624,919 78	$1,023 36	$0 44
1868	3,219	6,404,595	1,989	7,004,560 19	2,176 00	1 09	4,362,849 32	1,355 34	68	2,641,710 87	820 66	41
1869	3,607	7,934,933	2,199	7,316,918 30	2,028 53	92	4,568,116 85	1,266 45	57	2,748,801 45	762 08	35
1870	3,972	9,157,646	2,305	7,138,787 96	1,797 27	77	4,910,772 40	1,236 34	53	2,227,965 54	560 93	24
1871	4,606	10,646,077	2,311	7,637,448 85	1,658 15	71	5,104,787 19	1,108 29	47	2,532,661 66	549 86	24
1872	5,237	12,444,499	2,395	8,457,095 77	1,614 87	67	5,666,863 16	1,082 08	45	2,790,232 61	532 79	22
1873	5,740	14,456,832	2,518	9,333,018 51	1,625 96	64	6,575,055 82	1,145 48	45	2,757,962 69	480 48	19
1874	6,188	16,429,256	2,655	9,262,653 98	1,498 65	56	6,755,733 83	1,091 74	41	2,506,920 15	406 91	15
1875	6,565	17,153,710	2,612	9,564,574 60	1,456 90	55	6,335,414 77	965 03	36	3,229,157 83	491 87	19
1876	7,072	18,729,567	2,648	10,034,983 66	1,418 98	52	6,635,473 69	938 27	35	3,399,509 97	480 71	17
1877	7,500	21,158,941	2,821	9,812,352 61	1,308 31	46	6,672,224 94	889 63	31	3,140,127 67	418 68	15
1878	8,014	23,918,894	2,984	9,861,855 23	1,230 70	41	6,309,812 53	787 34	26	3,551,542 70	443 36	15
1879	8,534	25,070,106	2,914	10,960,640 46	1,284 35	43	6,160,200 37	721 84	24	4,800,440 09	562 51	19
1880	9,077	29,215,509	3,218	12,782,894 53	1,408 27	43	6,948,956 74	765 55	23	5,833,937 79	642 72	20
1881	10,737	32,500,000	3,027	14,393,543 85	1,340 64	44	8,485,264 13	790 28	25	5,908,279 72	550 36	19
1882	12,068	38,842,247	3,218	17,114,165 92	1,418 14	44	9,996,095 92	828 44	25	7,118,070 00	589 70	19
1883	12,917	40,581,177	.....	19,454,903 00	.....	47.8	11,794,553 00	.....	29	7,660,350 00	.....	18.8

Mr. HUTCHINS took the floor and moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

Mr. HUTCHINS. I move that after the Committee of the Whole House on the state of the Union resumes consideration of the Navy appropriation bill all general debate shall be limited to one hour.

The motion was agreed to.

Mr. HUTCHINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMS FOR MILITIA, ETC.

Mr. RANDALL. There are on the Speaker's table two bills from the Senate relating to subjects which I think belong to nd are embraced in the sundry civil appropriation bill—one in reference to the Capitol terrace and the other to arms for the militia. I ask by unanimous consent they be referred to the Committee on Appropriations.

There was no objection, and bills of the following title were taken from the Speaker's table, severally read a first and second time, referred to the Committee on Appropriations, and ordered to be printed:

A bill (S. 156) to amend section 1661 of the Revised Statutes, making an annual appropriation to purchase arms and equipments for the militia; and

A bill (S. 402) for the completion of the Capitol terrace and the stairways connected therewith.

INTERSTATE COMMERCE.

Mr. REAGAN, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the bill to establish a board of commissioners of interstate commerce and to regulate such commerce, which has been reported to the House by the Committee on Commerce and referred to the Committee of the Whole House on the state of the Union, be set for consideration on Tuesday, the 18th of March, 1884, in the House as in Committee of the Whole, and the consideration thereof be continued from day to day until finally acted upon; not to interfere with general appropriation or revenue bills.

Mr. REAGAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EQUALIZATION OF BOUNTIES, ETC.

Mr. CONVERSE. Mr. Speaker, I ask unanimous consent to present for reference to the Committee on the Payment of Pensions, Bounty, and Back Pay, and to have printed in the RECORD, without reading, some resolutions of the Legislature of Ohio on the subject of pensions and the equalization of bounties.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolutions are as follows:

Joint resolution requesting Senators and Representatives in Congress to vote for an increase of pensions in certain cases.

Whereas Federal soldiers and sailors of the late war who lost one eye in the service only receive a pension of $4 per month, which is unjust when compared with pensions allowed for other disabilities; and

Whereas a bill is now pending in the House of Representatives of the United States providing for the increase of such pensions from $4 to $18 per month: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be, and are hereby, requested to vote for such bill and said increase, and to use all honorable means to secure the passage thereof, and that the governor of Ohio be requested to forward copies of this resolution to the presiding officer of each House of Congress and to each of the Senators and Representatives from Ohio.

L. A. BRUNNER,
Speaker pro tempore of the House of Representatives.
ELMER WHITE,
President pro tempore of the Senate.

Adopted February 21, 1884.

UNITED STATES OF AMERICA, OHIO,
Office of the Secretary of State.

I, James W. Newman, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of a joint resolution adopted by the General

Assembly of the State of Ohio on the 21st day of February, A. D. 1884, taken from the original rolls filed in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal, at Columbus, the 22d day of February, A. D. 1884.

[SEAL.] JAMES W. NEWMAN,
Secretary of State.

Joint resolution requesting Senators and Representatives in Congress to urge the passage of a law for the equalization of bounties.

Whereas a great irregularity exists among the Union soldiers of the late war in the amount of bounties they received; and

Whereas the present condition of our revenues render it easy for our Government to do justice by its brave defenders: Therefore,

Resolved, That it is the sense of this General Assembly that Congress should, at its earliest opportunity, pass a law equalizing the bounties of Union soldiers.

Resolved, That the governor be requested to furnish each of our Senators and Representatives in Congress a copy of these resolutions.

L. A. BRUNNER,
Speaker pro tempore of the House of Representatives.
ELMER WHITE,
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[SEAL.] JAMES W. NEWMAN,
Secretary of State.

THOMAS MULVIHILL.

Mr. HOPKINS. Mr. Speaker, I ask unanimous consent to take from the Private Calendar and put upon its passage the bill H. R. 4704. I will make a brief statement with reference to the matter, after which of course any gentleman can make objections.

This bill is simply to correct a mistake which was made by a conveyancer in including too much land in a conveyance of land made by Mr. Mulvihill to the United States Government——

Mr. BROWNE, of Indiana. This debate is not to be understood as preventing objections?

The SPEAKER. The Chair will submit the request of the gentleman from Pennsylvania for unanimous consent to the House.

The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 4704) authorizing and empowering the Secretary of War to reconvey to Thomas Mulvihill certain lands erroneously conveyed by him to the United States.

Mr. HOPKINS. Let the bill be read.

The SPEAKER. It had better be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War, acting for and on behalf of the United States of America, be, and he is hereby, authorized and empowered to reconvey to Thomas Mulvihill, by deed of conveyance duly executed, all the right, title, and interest of the United States of America in and to such part or portion of the lot of land as was erroneously conveyed to the United States of America by said Thomas Mulvihill by deed dated October 20, A. D. 1877, and as recommended in a message from the President of the United States to Congress bearing date the 13th day of December, A. D. 1883.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BUDD. I object. I would like to know if this has been reported upon by any committee?

Mr. HOPKINS. It is unanimously reported from the Committee on the Judiciary.

Mr. BUDD. I withdraw the objection.

Mr. BROWNE, of Indiana. This is simply a question as to restoring to this man property unlawfully held from him.

The SPEAKER. Is there further objection?

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOPKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMERICAN MERCHANT MARINE.

Mr. SLOCUM. I ask unanimous consent to offer a resolution for present consideration.

The SPEAKER. The resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved, That the bill (H. R. 2228) to remove certain burdens from the American merchant marine, and encourage the American foreign carrying trade, be made a special order for Thursday, March 13, after the morning hour, to continue from day to day until it is disposed of, not to interfere with regular appropriation or revenue bills and the consideration of reports from the Committee on the Public Lands or prior orders.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. RANDALL. I reserve the right to object until I can ask the gentleman a question. Does that bill embrace any change in the pilotage laws?

Mr. SLOCUM. No, sir, it does not.

Mr. COX, of New York. That includes the consideration of amendments to the bill?

Mr. DINGLEY. It does.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

Mr. SLOCUM moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BROWNE, of Indiana. I move that the House do now adjourn.

Mr. COX, of New York. Will the gentleman yield to me for a moment to have a bill taken from the Speaker's table and referred to the Committee on Naval Affairs—the bill for the additional cruisers?

Mr. NEECE. I desire to present a privileged report.

The SPEAKER. That can not be done pending the motion to adjourn.

Mr. NEECE. I hope the gentleman will permit this report to be made.

Mr. BROWNE, of Indiana. I withdraw the motion to adjourn to allow the gentleman from New York to have a bill referred, as he suggests, and, with the understanding that it is privileged, to allow the gentleman from Illinois to submit the report he refers to.

The SPEAKER. The Chair has not decided whether the gentleman presents a privileged report or not.

Mr. NEECE. This is a report on a resolution referred to the Committee on Enrolled Bills.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Committee on Enrolled Bills be instructed to inquire into and report the cause of the delay in forwarding to the President for his approval the joint resolution passed on the 11th instant, appropriating $300,000 for the relief of the sufferers from the floods in the Ohio River.

Mr. RANDALL. The gentleman who submitted that resolution is not now present.

Mr. NEECE. It will not be necessary for him to be present. I would like to have the report accompanying the resolution read.

The SPEAKER. The Chair does not see that this is a privileged report. Permission was not given to the committee to report at any time.

Mr. NEECE. Then I ask unanimous consent to have the report read and considered now.

Mr. RANDALL. I would like to ask the gentleman whether he does not think the gentleman who offered the proposition should be present before any action is taken upon it?

Mr. NEECE. He has approved of the report.

The SPEAKER. The Chair decides that this is not a privileged report. The gentleman now asks unanimous consent for its consideration. Is there objection?

Mr. BROWNE, of Indiana. I object.

Mr. COX, of New York. I ask, Mr. Speaker, that the Senate bill (No. 698) to authorize the construction of additional steel vessels for the Navy be taken from the Speaker's table and referred to the Committee on Naval Affairs.

Mr. ROGERS, of Arkansas. I object.

Mr. COX, of New York. What for? It belongs to that committee.

Mr. ROGERS, of Arkansas. Let it take its regular course.

Mr. BROWNE, of Indiana. Then I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition of J. C. Burgess, for relief—to the Committee on War Claims.

By Mr. CONVERSE: Petition of L. W. Brown and 51 others, citizens of Fulton County, Ohio; of Lewis Wood and 45 others, citizens of Michigan; of Henry A. Patten and 115 others, and of William Bradford and 84 others, citizens and wool-growers of Michigan, in favor of the restoration of the tariff of 1867 on imported wool—severally to the Committee on Ways and Means.

Also, petition of James McGrevy, to be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. DINGLEY: Petition of Erastus P. Rollins and 140 others, of Rockland, Me., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. FERRELL: Petition of the Centenary Methodist Episcopal church, of the Third-street Methodist Episcopal church, Camden; of the citizens of the city of Camden; of the Woman's National Indian Association of Mount Holly; of the members of the Second Presbyterian church, Camden; of the Young Men's Christian Association of Camden; and of members of the First Presbyterian church of Cam-

den, all in the State of New Jersey, asking for further legislation on the Indian question, &c.—severally to the Committee on Indian Affairs.

Also, petition of citizens of Bayonne and other cities, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. GREENLEAF: Petition of J. J. Brown and others, members of O'Rork Post, No. 1, Grand Army of the Republic, New York, and of Joseph P. Cleary and others, members of E. G. Marshall Post, Grand Army of the Republic, relative to the proposed changes in the mode of paying pensions—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. HAMMOND: Papers relating to the claim of James Mitchell—to the Committee on Claims.

Also, petition of Rufus B. Bullock and others, cotton manufacturers, of Atlanta, Ga., against the 20 per cent. reduction of tariff on certain cotton goods—to the Committee on Ways and Means.

By Mr. HART: Petition of John M. Barrer Post, No. 205, Grand Army of the Republic, Department of Ohio, asking for pensions for aged or disabled soldiers—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. W. H. HATCH: Resolutions of Farragut Post, No. 3, Grand Army of the Republic, Department of Missouri, relating to the pension claim of Mrs. Nina M. Gwynn—to the Committee on Invalid Pensions.

Also, petition of citizens of Putnam County, Missouri, relative to the equalization of bounties—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. D. B. HENDERSON: Memorial of members of the bar of the counties of Marengo, Muscatine, Van Buren, Des Moines, Ringgold, Shelby, Monroe, Crawford, Wapello, Louisa, Story, Keokuk, and Johnson, Iowa, asking increased compensation for United States district judges—to the Committee on the Judiciary.

Also, resolutions of the Iowa Legislature, asking an appropriation for the Hennepin Canal—to the Committee on Railways and Canals.

By Mr. McKINLEY: Petitions of the wageworkers of North Industry, Ohio, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. MURPHY: Memorial of the State of Iowa, relative to the Mississippi River and Michigan Canal—to the Committee on Railroads and Canals.

By Mr. PARKER: Petition of a convention of unpensioned and noncommissioned soldiers, for relief—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. PAYSON: Memorial of W. T. Stackpole and others, citizens of Livingston County, Illinois, relative to coinage, &c.—to the Committee on Coinage, Weights, and Measures.

By Mr. PIERCE: Papers relating to the pension claim of Elmyra L. Brogden—to the Committee on Invalid Pensions.

Also, papers relating to the claim of John H. Edwards—to the Committee on Military Affairs.

By Mr. PUSEY: Memorial of the State of Iowa, relative to the Mississippi River and Michigan Canal—to the Committee on Railways and Canals.

By Mr. RAYMOND: Memorial of J. A. Donaldson, on the subject of the pre-emption laws—to the Committee on the Public Lands.

Also, petition for the opening of the Sioux reservation—to the Committee on Indian Affairs.

By Mr. REED: Petition of Rev. Bishop H. A. Neely, Rev. Mr. Dalton, and others; of Hon. W. W. Thomas, Governor Frederick Robie, and others; of D. M. Seward and others; of Rev. D. W. Hardy and others; of A. G. Fitz and others; of George E. Chapin and others; of A. K. P. Small and others; of C. W. Huntington and others; of many citizens of the city of Portland; of C. M. Carruthers and others; of the Society of Friends of Winthrop; of the Society of Friends of Wyndham; of Charles B. Cates and others; of Joseph E. Goddard and others; of A. Dalton and others; of L. H. Hallock and others; of Flavius V. Norcross and others; of Edward E. Bacon and others; of William B. Haydon and others; of Henry R. Payne and others; of James McWhinnie and others; of J. S. Richards and others; of Frank G. Davis and others; of B. N. Stone and others, and of D. W. Hardy and others, all residents of the State of Maine, relative to the education and civilization of the Indians—severally to the Committee on Indian Affairs.

By Mr. RYAN: Petition of citizens of Kansas, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. J. D. TAYLOR: Petition of J. W. Cale and 37 others, of W. S. Brashaer and 37 others, and of John Watson and 315 others, asking for the restoration of the wool tariff of 1867—severally to the Committee on Ways and Means.

By Mr. THROCKMORTON: Petition of citizens of Gainesville, Tex., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. VAN ALSTYNE: Resolutions of the Bricklayers, Masons and Plasterers' Union, No. 8, of the city of Cohoes, N. Y., relative to the importation of foreign labor under contracts made abroad—to the Committee on Labor.

By Mr. W. L. WILSON: Petition of Thomas J. Conaway and others, of Barrackville, W. Va., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

SENATE.

MONDAY, *March* 3, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

DISEASES OF SWINE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Agriculture and Forestry, and ordered to be printed:

To the Senate:

I transmit herewith for the consideration of Congress a report of the Secretary of State, accompanying a report made by the commission lately designated by me to examine and report upon the asserted unhealthfulness of the swine products of this country. The views and conclusions of the commission deserve the most careful consideration of Congress, to the end that if any path be legitimately open for removing the prohibition which closes important foreign markets to those products it may be followed and appropriate legislation devised.

I earnestly recommend that Congress provide for reimbursing the expenses incurred by the commissioners in this praiseworthy service, and I should be glad also if some remunerative recognition of their public-spirited action in accepting the onerous and responsible duties imposed on them were to suggest itself to Congress. At all events, in view of the conflicting theories touching the origin and propagation of trichiniasis, and the means of isolating and extirpating it among domestic swine, and considering the important bearing which precise knowledge on these points would have on the commercial aspects of the matter, I recommend provision for special research in this direction.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 29, 1884.

The papers above referred to are transmitted under the same date to the House of Representatives.

CIVIL-SERVICE REFORM.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Civil Service and Retrenchment, and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the act of Congress approved January 16, 1883, entitled "An act to regulate and improve the civil service of the United States," the Civil Service Commission has made to the President its first annual report.

That report is herewith transmitted, together with communications from the heads of the several Executive Departments of the Government respecting the practical working of the law under which the commission has been acting.

Upon the good results which that law has already accomplished I congratulate Congress and the people, and I avow my conviction that it will henceforth prove to be of still more signal benefit to the public service.

I heartily commend the zeal and fidelity of the commissioners and their suggestion for further legislation, and I advise the making of such an appropriation as shall be adequate for their needs.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 29, 1884.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Mrs. Amanda S. Richards, of South Hartwick, N. Y., praying for an increase of her widow's pension; which was referred to the Committee on Pensions.

Mr. SHERMAN. I present a petition of soldiers who re-enlisted in the late war, praying that pension be granted to the real veterans of that war. This petition is of a similar character with those which have been heretofore presented. I move its reference to the Committee on Pensions.

The motion was agreed to.

Mr. SHERMAN. I present the petition of Nathan Reeve, of Washington, D. C., praying that Congress make an appropriation to survey the headwaters of the Ohio River, with a view to retain the water during floods for use during dry spells; in other words, he recommends the ideas formerly presented to Congress by Mr. Ellet for the purpose of improving the navigation of the Ohio. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. CONGER. I present petitions of the Soldiers and Sailors' Association of Southwestern Michigan, praying for the establishment of a national home for disabled soldiers in the State of Michigan. There are several of these resolutions or petitions from different posts and associations of the soldiers in the State of Michigan. I move that they be referred to the Committee on Military Affairs; and I desire to express the hope that that committee will give attention to these petitions and make a thorough examination of the necessity for such a home in that State.

The motion was agreed to.

Mr. HOAR. I present the petition of George A. Bruce, president, and 39 other members, constituting the entire membership, of the senate of the Commonwealth of Massachusetts, praying for a thorough inquiry into the causes of divorce and the jurisdiction of the courts of the several States in that matter. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HOAR presented a petition of 300 citizens of Massachusetts and a petition of 35 citizens of Belmont, Mass., praying for the passage of a bill favored by the National Civil Service Reform League, repealing

the four years' limitation upon the term of certain offices; which were referred to the Committee on Civil Service and Retrenchment.

He also presented the petition of John Beeson, of Talant, Oreg., praying for Government aid in the establishment of schools for the education of the Indians; which was referred to the Committee on Indian Affairs.

He also presented a petition of A. W. Shaffer, of Raleigh, N. C., praying for relief in the reimbursement claim of Joseph Ivey Baker, late captain First Massachusetts Cavalry; which was referred to the Committee on Claims.

Mr. HOAR. I also present a petition of the Chamber of Commerce of the city of Seattle, in Washington Territory, praying that that port be constituted a port of delivery. There are sundry papers accompanying the petition, and the draught of a bill which I shall introduce when that order is reached. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. HILL presented a petition of citizens of Colorado Springs, Colo., and a petition of citizens of Buena Vista, Colo., praying for the repeal of the law fixing the terms of certain administrative offices at four years; which were referred to the Committee on Civil Service and Retrenchment.

Mr. CALL presented a petition of citizens of Port Orange, Fla., praying that an appropriation be made for education in Alaska; which was referred to the Committee on Appropriations.

Mr. RIDDLEBERGER presented a petition of citizens of the District of Columbia and of the State of Virginia, praying that the lands of the Arlington estate not used for cemetery purposes be transferred to the Agricultural Department for use as an experimental farm; which was referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL presented the petition of Jackson B. Ward, of Stanberry, Mo., late private Company D, First Regiment Washington Territory Volunteers, praying that he be paid a bounty; which was referred to the Committee on Military Affairs.

Mr. HARRISON presented a memorial of the Bennett Post, No. 183, Grand Army of the Republic, Department of Indiana, in favor of the passage of various relief measures for the benefit of soldiers; which was referred to the Committee on Pensions.

Mr. VOORHEES presented the petition of Joseph Leonard, delegate and agent of the Comanche and Kiowa Nations of Indians, praying that certain abuses of office in Indian Territory be remedied by legislation; which was referred to the Committee on Indian Affairs.

He also presented a memorial of Caddoes and Wichitas, remonstrating against leasing and fencing in their lands; which was referred to the Committee on Indian Affairs.

Mr. PLUMB. I present resolutions adopted at a convention of the Kansas Cane-Growers' Association, held at Topeka, Kans., February 15, 1884. I will venture to ask that the resolutions may be read at the desk. I will state that they are not formally addressed to Congress, but were sent to me and intended to be presented to the Senate, as will appear by the concluding resolution.

The resolutions were read, and referred to the Committee on Finance, as follows:

Be it resolved, That we, the assembled cane-growers of Kansas, having, only after a few years' existence, produced this year, from 48,221 acres, 447,859 tons of cane, resulting in 4,684,000 gallons of sirup, valued at $2,088,000, do hereby most respectfully but most earnestly petition our representatives at Washington not to tamper with or suffer any further reduction of the tariff on sugar, nor to entertain any further propositions of reciprocity treaties that would have the effect of importing free foreign sugar. Two of our large factories have been able to produce sugar in large quantities this year, and unless this new industry be protected and fostered by the General Government it may be crushed in its infancy. We take the liberty to point to the best sugar industry of Europe, that has grown to immense proportions by the fostering care of respective governments, producing to-day 2,000,000 tons annually; that the encouragement offered by the French Government in appropriating large sums for experiments in producing sugar from the beet root has resulted in the firm establishment of one of the leading industries of that country, giving employment to millions of persons, and now returning to the government a revenue of over $2,000,000 per annum. We also point to the fact that there is no other industry which promises such a large benefit to our people; for, in case of its development, $100,000,000 will be distributed among them and our farmers which otherwise would be sent abroad for this one commodity to countries where slave labor is used. There is no other article on which import duty is levied by the tariff where the burden is levied so uniformly upon the entire people, not amounting to more than 75 cents per capita annually; and that the consumption of sugar in the United States is one-fourth of all the sugar known to commerce in the world; and that, with the continued increase of demand, in less than fifty years the demand will be greater than the present entire production known to commerce; and that, the area of land suitable for the cultivation of Southern cane being limited, it has become a necessity to develop new sources of supply. We also point to the fact that the ratification of the Hawaiian treaty did not bring about the expected reduction in the price of sugar, but that the people of the Pacific coast pay monopoly prices for their sugar, and no other result can be expected from any other treaty or any further tampering with the tariff, as the benefit would not accrue to the great masses of consumers, but to gigantic monopolizing corporations that would spring up.

Be it resolved, That this resolution be printed in the form of a communication, and sent to every representative in Washington, and the representatives of our own State are earnestly requested and urged to present the justice of our appeal to Congress, and advocate such measures as will lead to stability and permanence in fostering this great industry, to the benefit and advantage of our own people, and not to that of foreign people and countries.

F. W. GILES, Topeka, *Chairman*.
C. H. SWEETSTER, Boston, Mass.
E. H. S. BAILEY, Lawrence.
A. J. DECKER, Fond du Lac, Wis.
HENRY STUDNICZKA, New Orleans, La.

Mr. INGALLS presented a petition of citizens of Uniontown and vicinity, in the District of Columbia, praying that the name of "Uniontown" be changed to "Anacostia;" which was referred to the Committee on the District of Columbia.

Mr. INGALLS. I present the petition of a very large number of the residents of the District of Columbia, engaged in every branch of business, productive and commercial, praying for the passage of the bill (S. 1060 and H. R. 3447) to regulate licenses in the District of Columbia. I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

LEGISLATIVE ASSEMBLY OF NEW MEXICO.

Mr. VEST. I present a memorial of the president and members of the legislative council of the Territory of New Mexico, calling the attention of Congress to the official conduct of the secretary of that Territory. As the Territory of New Mexico has no immediate representative in the Senate, I ask that the memorial be read, with a view to my offering a resolution in connection with the subject-matter.

The PRESIDENT *pro tempore*. Is there objection to the reading of the memorial? The Chair hears none, and the memorial will be read.

The Chief Clerk read the memorial, as follows:

To the Congress of the United States of America:

The undersigned, members-elect of the twenty-sixth Legislative Assembly of the Territory of New Mexico, submit for your impartial consideration the following statement of facts and of the issues which have been raised between us and the secretary and governor of the Territory:

On the one hand, the secretary claims that under the laws of the United States and of the Territory he has the power to "organize" the respective houses of the Legislature. By this phrase, as appears by his action on the 18th instant, it is meant that the secretary can arbitrarily name the persons who are *prima facie* entitled to seats in each House.

On the other hand, we insist that under the laws of the United States and of the Territory each house is the judge of the election and qualifications of its own members, and that the secretary is simply a ministerial officer, to whom is confided the duty of administering the oath of office to the members and officers elect.

This issue is so plain and the law so explicit, that it would seem no candid man, lawyer or not, can be in doubt; and that you may have before you the entire law bearing upon the subject we subjoin the following extracts from the statutes of the United States and of this Territory:

Section 35 of the act of the Territorial assembly approved July 20, 1851 (Prince's Compilation, page 31), is as follows:

"Each branch of the Legislative Assembly shall decide and determine the election and qualifications of their own members under the rules and restrictions that may be respectively adopted by each branch for that purpose."

Section 1921 United States Revised Statutes, page 338, is as follows:

"The secretary of New Mexico Territory upon the convening of the Legislature thereof shall administer the oath of office to the members-elect of the two houses and the officers thereof when chosen; and no other person shall be competent to administer such oath save in the absence of the secretary; in which case any one member of either house may administer the oath to the presiding officer elect and he shall administer the same to the members and other officers."

The act of Congress approved February 14, authorizing the present session of this Legislative Assembly, provides:

"That the members-elect to the Legislative Assembly of New Mexico in November 1882, and all vacancies legally filled since that time, if any, are hereby declared to be the legal members of the Legislature hereby authorized, subject to all valid contests."

The act of the Legislative Assembly of July 20, 1851 (Prince's Laws, page 332 section 50), is as follows:

"If a contested election be pending, the person holding the certificate of election shall take possession and discharge the duties of the office until the contest shall be decided."

Paragraph 9 of section 14 of the act of the Legislative Assembly, approved February 13, 1876, provides that—

"The board of county commissioners shall act as boards of canvassers of the elections within their respective counties, and shall immediately issue a certificate of election under their hands to the person that may have received the highest number of votes for any office."—*Prince's Laws of New Mexico*, page 226, section 14, paragraph 9.

This being the law, on February 18, 1884, the two houses met at Santa Fé and the following occurrence took place:

At 11.30 a. m., in pursuance of the act of Congress authorizing the meeting, Hon. J. Francisco Chaves, of Valencia County, called to order the members-elect of the council assembled in council chambers, and a temporary organization was effected by the election of Hon. Anthony Joseph, of Taos County, as temporary chairman, and a committee on credentials was appointed, and all persons claiming seats in the council were requested to submit their certificates for examination and report to such committee.

The following members produced and handed to the committee certificates of election issued at the time fixed by law by the several boards of county commissioners in their respective districts in conformity with the statutes last above quoted, namely, J. Francisco Chaves, Valencia County; Anthony Joseph, Toas County; H. H. Whitehill, Grant, Doña Ana and Lincoln Counties; J. Inocencio Valdez, Colfax and Mora Counties; Francisco Perea, Bernalillo County; Charles Montaldo, Bernalillo County; H. L. Warren, Santa Fé County.

Other members who held certificates which are equally regular, namely, W. H. Kellar, San Miguel County; Andres Sena, San Miguel County; John Miller, Grant, Doña Ana, and Lincoln Counties; J. Armijo y Vigil, Socorro County; and José Pablo Gallegos, Rio Arriba County, did not appear in the council chamber nor produce their credentials, nor did T. B. Catron, of Santa Fé County, who it is understood holds a certificate of election issued by the board of commissioners of that county subsequent to that issued to H. L. Warren in obedience to an order made by the judge of the first judicial district court, appear or produce any certificate.

No person other than those named had or has any certificate of election to this council, which is composed by law of twelve members. The committee having made a report in accordance with the credentials exhibited, and it appearing that seven members, constituting a majority, were present, a permanent organization was completed by the election of Hon. J. Francisco Chaves, of Valencia County, as president, and other officers, after which W. G. Ritch, secretary of the Territory, was requested by vote to administer the oath of office to the members and officers of the council.

At this juncture Secretary Ritch, accompanied by several persons, entered the council chamber and proceeded to the desk where President Chaves was seated, who courteously arose to receive them.

The secretary seized the president's gavel and announced that he was present to organize the council, and requested Colonel Chaves to vacate the platform upon which he stood, and also stated that all persons not members must leave

the room. Colonel Chaves and a number of members requested the secretary to perform his duties and administer the oath, which he violently refused to do, and stated that unless permitted to organize the council he would call upon the governor and have the members present expelled from the chamber by the militia.

This extraordinary scene terminated by the withdrawal of the secretary and his followers, when the oath of office was duly administered by Hon. Anthony Joseph to the president, who in turn swore in the other members, making seven, whose names are given above.

The secretary upon leaving the council chamber proceeded to the house of representatives, accompanied by a faction of the members thereof, where he immediately took the speaker's stand and announced that he was there for the purpose of organizing the house of representatives; that as the seats of the members from Bernalillo County were contested, he would not administer the oath of office to them, but would leave the house to determine who had the *prima facie* right to those seats. Against the protest of several of the members present he refused to administer the oath of office to W. B. Childers, Leó J. Barr, Jesus Sena y Garcia, who, as it appears from the returns in said secretary's office, and by the certificates of election which they hold, received a majority over their respective contestants. The said majorities by the returns in said secretary's office are as follows: W. B. Childers over Rafael Chaves 1,074 votes; Leo J. Barr over M. C. de Baca 1,068: Jesus Sena y Garcia over Whiteman 750 votes.

The secretary then proceeded to administer the oath of office to the members from other counties, including Librado Valencia, of Santa Fé County, a certificate to whose seat, regularly issued by the county commissioners of said county, is held by N. B. Laughlin. A certificate held by the said Valencia was issued by the commissioners of Santa Fé County under judicial dictation and under protest, and this too when there was no application in the name of the said Valencia pending before the judge who usurped the authority to compel the issue of the same.

The secretary then announced that he would entertain a motion without debate to determine which claimants to the seats of members from Bernalillo County should be sworn in.

A motion was then made by one of the factions that came into the hall with the said secretary to seat the minority claimants and contestants from the county of Bernalillo, W. H. Whiteman, M. C. de Baca, and Rafael Chaves having the majorities against them above given. The secretary refused to entertain motions in amendment or as substitutes or to permit any debate on said motion, and also refused to give the members required to vote thereon any information on the question raised by said motion. Opposition to this unlawful proceeding could not be successfully made without a breach of the peace.

A call of the roll of the members already sworn in resulted in 9 votes in the affirmative and 4 in the negative. Seven members whose names were called refused to recognize the legality of this proceeding by not voting at all. The minority candidates then came forward, and were sworn in by the secretary in defiance of law.

Thus the secretary unlawfully caused these contestants to be seated before the organization of the House for the purpose of giving control thereof to an opposing faction.

The secretary then continued to usurp the place of a temporary chairman in the same despotic manner until the speaker had been elected by the members to whom he had thus arbitrarily administered the oath of office.

After leaving the house the secretary proceeded to some other place, and, without officially advising the council so organized as aforesaid, there administered the oath not only to the five persons above mentioned holding certificates, but to two other persons, to wit, C. C. McComas and J. M. Montoya, of Bernalillo, who held no certificates of election or credentials whatever, but with reference to whom the official returns in his office showed they had been defeated by a majority of nearly 1,000 votes, they having no certificates of election whatever. He also administered the oath to T. B. Catron, of Sante Fé County, notwithstanding the board of canvassers of said county, at the time, place, and in the manner prescribed by law, had issued to H. L. Warren their certificate certifying his election to that office.

Whereupon, in furtherance of their preconcerted and fraudulent scheme, the governor and secretary recognized the body thus organized as the council of New Mexico.

The truth thus appearing as follows: Seven members holding the proper and legal evidences of election (constituting a quorum and legal majority of the council) are wholly ignored, and five members acting with those above named, being the three who held no legal or other evidence of an election whatever, are wrongfully recognized and treated as a legal body.

All this was arbitrarily and unlawfully done in defiance of right and justice and the plain provisions of the law for the purpose of giving a faction the control of the Legislative Assembly.

The pretext for this outrage was that the district court had adjudicated the facts applicable to these contests in the cases of county officers, which was not true either in point of law or fact, as the claimants to those seats in the house and council were not parties to any contest before the district court; neither had said court ever pretended to examine into or pass upon the facts involved in their cases, and had no power to do so.

We submit that nothing has occurred to justify this usurpation and outrage upon law and good government. Contests for seats in legislative bodies can only be investigated fairly and legally by these bodies themselves after they have been organized.

The Secretary of the Territory, aided and abetted by the governor, if these outrages go unrebuked, can turn future Legislative Assemblies over to the control of a minority faction at pleasure, and elections by the people will become a farce.

Remote from the seat of Government at Washington, acts of usurpation are resorted to by Federal appointees with the hope and expectation that delay in securing a hearing for redress will silence complaint until occasion requires a fresh outbreak.

Thus from year to year the people of New Mexico have been the victims of such acts of usurpation and outrage as your memorialists have above set forth.

Your memorialists therefore appeal with confidence to the Congress of the United States to promptly investigate these charges and see that our rights under the Constitution and the laws of the United States and of the Territory of New Mexico are recognized and vindicated. And thus your memorialists will ever pray.

J. FRANCISCO CHAVES,
President of Council.
H. H. WHITEHILL,
Grant, Doña Aña, and Lincoln Counties.
CHARLES MONTALDO,
FRANCISCO PEREA,
Bernalillo County.
J. INOCENCIO VALDEZ,
Colfax and Mora Counties.
ANTHONY JOSEPH,
Taos County.
HENRY L. WARREN,
Santa Fé County.

Attest:

EPIFARNO VIGIL, *Chief Clerk, L. C.*

Mr. VEST. I ask unanimous consent to offer at this time a resolution in regard to the subject of the memorial, which I think will give rise to no debate, sending the matter to the Committee on Territories of the Senate for examination.

The resolution was read, as follows:

Whereas a memorial has been presented to the Congress of the United States, signed by J. Francesco Chaves, president, and H. H. Whitehill, Charles Montaldo, Francesco Perea, J. Inocencio Valdez, Anthony Joseph, and Henry L. Warren, members of the legislative council of the Territory of New Mexico, in which memorial it is alleged that W. G. Ritch, secretary of said Territory, has unlawfully and arbitrarily usurped the right to organize the two houses of said Legislature and to pass upon the right of persons to seats therein and in pursuance of such claim has administered the oath of office to certain persons as members of said Legislature who were not legally elected thereto and had no certificates of election, to the exclusion of persons legally elected and holding certificates thereof: Therefore,

Resolved, That the Committee on Territories be instructed to inquire as to the allegations made in the memorial, and what legislation is necessary, if any, in regard to the action of the secretary of said Territory of New Mexico; and the committee shall have power to send for persons and papers, and report by bill or otherwise.

The Senate, by unanimous consent, proceeded to consider the resolution.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The question is on the adoption of the resolution.

The resolution was agreed to.

The PRESIDING OFFICER. The memorial will be referred to the Committee on Territories.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 636) for the erection of a public building at Oshkosh, Wis., reported it without amendment.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the petition of T. A. Walker and Augustus C. Todd, praying compensation for cotton taken by an agent of the Treasury Department, and asking a reference of their claim to the Court of Claims for adjudication, submitted a report thereon, accompanied by a bill (S. 1691) referring the joint claim of T. A. Walker and Augustus C. Todd for proceeds of cotton to the Court of Claims for adjudication; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 833) to release the American Baptist Home Mission Society from the conditions of the sale of the marine-hospital building and grounds at Natchez, Miss., reported it with an amendment.

He also, from the same committee, to whom were referred the following bills, reported adversely thereon; and they were postponed indefinitely:

A bill (S. 686) to facilitate the transaction of business in the Supreme Court of the United States;

A bill (S. 959) to amend an act entitled "An act to provide for the appointment of commissioners for taking affidavits, &c., for the courts of the United States," approved August 15, 1876;

A bill (S. 1032) securing the right of a party complainant in the United States courts to file a supplemental bill in equity causes; and

A bill (S. 1102) requiring transcripts of judgments obtained in United States courts to be filed with county officers having charge of judgment records in certain cases.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 256) to provide for a building for the use of the Federal court, post-office, internal-revenue and other civil offices, and a United States jail in the city of Fort Smith, Ark., reported it with amendments.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 505) for the erection of a public building at Huntsville, Ala., reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 396) for the erection of a public building at Nebraska City, Nebr., reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1504) for the erection of a public building at Pueblo, Colo., reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 292) for the erection of a public building at Fort Scott, Kans., reported it without amendment.

COAST-SURVEY REPORT.

Mr. HAWLEY. By direction of the Committee on Printing, I report favorably and without amendment the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 extra copies of the report of Julius E. Hilgard, Superintendent of the Coast and Geodetic Survey, showing the progress made in said survey during the year ending June 30, 1883, for distribution by said Superintendent.

I ask for the present consideration of the resolution.

The resolution was considered, by unanimous consent, and agreed to.

COMMITTEE ON PUBLIC LANDS.

Mr. PLUMB, from the Committee on Public Lands, reported the

following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be authorized to sit during the sessions of the Senate.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 1693) to constitute the city of Seattle, in the Territory of Washington, a port of delivery; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. HARRISON introduced a bill (S. 1694) granting a pension to Charles Coddy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HILL introduced a bill (S. 1695) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLATT introduced a bill (S. 1696) to increase the pension of Richard Jobes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 1697) for the relief of Commander William Gibson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1698) to prescribe the conditions under which bridges may be constructed and maintained across the Wabash River, in Indiana and Illinois, and the White River, in Indiana, and for other purposes incidental thereto; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1699) appropriating $50,000 for the protection of the Government property and the improvement of the Ohio River at Jeffersonville, Ind.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL. I desire to introduce a bill, being the same as Senate bill No. 347, heretofore introduced by me, with certain amendments which I desire to become a part of the bill. Therefore I reintroduce the bill in this form.

The bill (S. 1700) to authorize the appointment of three commissioners to visit the principal countries of Central and South America for the purpose of collecting information looking to the extension of American trade and commerce and the strengthening of friendly and mutually advantageous relations between the United States and all the other American nationalities, was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. COCKRELL introduced a bill (S. 1701) for the relief of the estate of National B. Holden, deceased; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BUTLER introduced a bill (S. 1702) authorizing the Secretary of War to loan to the Governor's Guards fifty Springfield rifles; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. INGALLS introduced a bill (S. 1703) granting a pension to Robert Lisle; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1704) to change the name of Uniontown to Anacostia; which was read twice by its title, and referred to the Committee on the District of Columbia.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MORRILL, it was

Ordered, That the papers in the case of J. L. Whitaker be taken from the files of the Senate and referred to the Committee on Finance.

On motion of Mr. MILLER, of California, it was

Ordered, That the papers in the case of the tender by the British Government of a medal to Albert T. Stream, keeper of life-saving station at Shoal Water Bay, Washington Territory, be taken from the Secretary's files and referred to the Committee on Foreign Relations, there having been no adverse report in the case.

NAVAL ACADEMY BUILDINGS.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved That the Secretary of the Navy be directed to inform the Senate whether any new building or buildings have been erected, in whole or in part, on the grounds of the Naval Academy at Annapolis during the last eighteen months; and, if so, by what authority, and from what appropriation payments have been made therefor, and the sum or sums so expended for each of such buildings.

OHIO RIVER OVERFLOW AT JEFFERSONVILLE.

Mr. HARRISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to furnish to the Senate any information in his possession, or which may be attainable, as to the effect any dam or other Government works in the channel of the Ohio River near Jeffersonville, Ind., has upon the flood-line of the river in times of great freshets. Also, what effect such floods have as to cutting off communication with the quartermaster's depot at that place. Also, as to the practicability and probable cost of constructing a levee to prevent the overflow of said city of Jeffersonville and of the approaches to the quartermaster's depot.

MANUFACTURE OF NAVAL ARTILLERY.

Mr. BAYARD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Naval Affairs be, and they are hereby, instructed to inquire into the expediency of the immediate preparation and equipment of a foundery and steam-hammer with proper machinery for the manufacture by the Government of modern artillery of the largest caliber and most improved construction, and to make report thereon as early as practicable.

THE CONGRESSIONAL LIBRARY.

Mr. VOORHEES. On the 10th of December last I reported from the proper committee the bill (S. 572) authorizing the construction of a building for the accommodation of the Congressional Library. After that a substitute was presented from the committee which received the favorable consideration of the Senate and has been passed. I therefore move that the bill which was reported on the 10th of December, which I find still upon the Calendar, be indefinitely postponed.

The motion was agreed to.

CONGRESSIONAL RECORD INDEX.

Mr. HAWLEY. I move to take up the joint resolution (S. R. 59) to limit the cost of indexing the CONGRESSIONAL RECORD.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Connecticut.

Mr. COCKRELL. Let the joint resolution be reported for information.

The Chief Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives, &c., That the Joint Committee on Printing be, and they are hereby, authorized and directed to make the necessary provisions and arrangements for issuing the index of the CONGRESSIONAL RECORD semi-monthly during the sessions of Congress; that the Public Printer be, and he is hereby, directed to print and distribute the same number of copies of said semi-monthly index as he prints and distributes of the daily issue of the RECORD, and to the same persons and in the same manner; that the Public Printer shall employ such person to prepare said index as shall be designated by the Joint Committee on Printing, who shall also fix and regulate the compensation to be paid by the Public Printer for the said work, and direct the form and manner of its publication: *Provided, however*, That the rate of compensation allowed for preparing the said semi-monthly indexes, including their compilation into a complete session index, shall not exceed, for each page of the printed CONGRESSIONAL RECORD, the average that it cost per page of the CONGRESSIONAL RECORD for compiling the session index of the Forty-sixth Congress: *And provided further*, That there may be employed and paid on said work, at times not interfering with their ordinary employment, persons who are also employed and paid in any other office or employment under the Government.

SEC. 2. That the joint resolution approved February 8, 1881, entitled "Joint resolution to provide for printing and distributing the index of the CONGRESSIONAL RECORD semi-monthly," is hereby repealed.

The PRESIDENT *pro tempore*. Will the Senate now proceed to the consideration of the joint resolution?

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDENT *pro tempore*. Unless some Senator desires it, it will be taken that the reading already had is a reading as in Committee of the Whole.

Mr. HAWLEY. I will make a very brief explanation. The body of the joint resolution is the same as that referred to in the second section, a joint resolution that was approved in 1881, under which the work has been going on. The Comptroller of the Treasury makes a technical point against a part of the compensation paid for getting up the index, and we amend the joint resolution of 1881, repealing that and re-enacting it with certain amendments.

The point in the matter is this: We have succeeded in getting a gentleman of exceptional qualifications for the work of indexing, and he has been enabled to do it with very great economy and to the great satisfaction of those who have occasion to use the index. He has done it, however, by employing evenings certain persons in the Departments who like himself have the rare faculty of making a good index and paying them an extra compensation for their evening work, for he wants them only a short time every month, an evening or two perhaps, a dozen evenings or more in the course of the year. The Comptroller or some proper officer in his office has raised the point that these clerks were receiving double compensation from the Government, which is contrary to existing law. We save a good many thousand dollars by allowing the gentleman who has the work in charge to hire certain peculiarly adapted persons for certain evenings in the course of the year. That is the object of the joint resolution.

Mr. INGALLS. Who does the work and how much does it cost?

Mr. HAWLEY. The precise cost I can not give just now, but the cost of it is many thousands of dollars less than it was under the old system, and we not only get the index for the whole session, the usual old-fashioned index for the session, but the semi-monthly index.

Mr. INGALLS. This semi-monthly index composes the final index in gross of the entire RECORD?

Mr. HAWLEY. It is all worked over into the final index.

Mr. INGALLS. Did the Senator state the name of the individual who made the index?

Mr. HAWLEY. General Albert Ordway, of Massachusetts.

Mr. INGALLS. Will the Senator allow me to make another suggestion, and that is, that the frame of this measure should be changed from a joint resolution to a bill? I am unable to understand how this confusion should exist in our files, and one measure be called a joint resolution and another a bill, when both require precisely the same parliamentary treatment. They both require to be read three times and the final assent of the President. I would suggest that to secure uniformity the structure of this measure be changed from a joint resolution to a bill.

Mr. HAWLEY. I think the Senator is quite right; but in framing

it we followed the original joint resolution. I will consent to change it to the form of a bill.

Mr. ANTHONY. I think the criticism of the Senator from Kansas is eminently just. When we revised the statutes, we provided by rule or act that there should be no more joint resolutions but all bills, and for a while the rule was observed; but afterward it fell into disuse and we went back to joint resolutions. There is no distinction between a joint resolution and a bill except in name, and they should be the same in name.

Mr. INGALLS. I suggest then that the Chief Clerk make the change.

The PRESIDENT *pro tempore*. It is moved to amend the enacting clause of the joint resolution so as turn it into a bill.

The motion was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The PRESIDENT *pro tempore*. The bill, as it now is, is still open to amendment. If no amendment be proposed the question is, Shall the bill be engrossed and read a third time.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The title, if there be no objection, will be corrected to conform to the enacting clause, making it a bill (S. 1692) to limit the cost of indexing the CONGRESSIONAL RECORD.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 103) granting a pension to Theresa Crosby Watson;

A bill (H. R. 432) to increase the pension of Joseph B. Sellers;

A bill (H. R. 1025) granting a pension to Sarah Dayton, widow of Erastus G. Dayton;

A bill (H. R. 1065) granting an increase of pension to George F. Dresser;

A bill (H. R. 1076) granting a pension to Miles B. Farlin;

A bill (H. R. 1142) granting a pension to Nelly Roberts;

A bill (H. R. 1410) granting a pension to Henry Schnetberg, of Indiana, Pa.;

A bill (H. R. 1897) granting a pension to Catherine Hunter;

A bill (H. R. 2251) to increase the pension of Dileno Robinson;

A bill (H. R. 2393) granting a pension to Mrs. Mary McLaughlin;

A bill (H. R. 2398) granting an increase of pension to Mrs. Ann W. Mulvey;

A bill (H. R. 2399) granting a pension to Clarissa McKee;

A bill (H. R. 2400) for the relief of Judith Lauter;

A bill (H. R. 2419) granting a pension to Robert Nutt;

A bill (H. R. 2473) for the relief of Margaret A. Caswell;

A bill (H. R. 2979) granting a pension to Nancy Ellis;

A bill (H. R. 3669) granting a pension to Robert M. Flack; and

A bill (H. R. 4704) authorizing and empowering the Secretary of War to reconvey to Thomas Mulvihill certain lands erroneously conveyed by him to the United States.

HOUSE BILLS REFERRED.

Mr. BAYARD. I ask that House bill No. 4704 be taken from the table and referred to the Committee on the Judiciary.

The bill (H. R. 4704) authorizing and empowering the Secretary of War to reconvey to Thomas Mulvihill certain lands erroneously conveyed by him to the United States was read twice by its title, and referred to the Committee on the Judiciary.

PUBLIC BUILDING AT AUGUSTA, ME.

Mr. VOORHEES. My object in rising at this time is to state that there are several bills on the Calendar reported from the Committee on Public Buildings and Grounds for the erection of public buildings in various States, and as there is no special order this morning I thought it might be convenient and agreeable to the Senate to take them up and dispose of them. They will not lead to any debate. The first is Order of Business 144, and if it be the pleasure of the Senate I should be very glad to have them taken up and disposed of.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate proceed to the consideration of Order of Business 144, a bill (S. 235) to provide for the erection of a public building in the city of Augusta, Me.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. JONES, of Florida. I had supposed that the "exclusive jurisdiction" clause had been omitted of late years from these bills. I tried to show to the Senate on several occasions that that clause was calculated to involve the localities and the States where buildings were erected in confusion. In my judgment there is no necessity for it, because that clause, if carried out, would give the United States exclusive jurisdiction of every kind, the trial of all offenses committed in a post-office in every city or town in the Union. I have drawn the attention of the Committee on Public Buildings and Grounds to this matter repeatedly, and I think the Senator from Massachusetts [Mr. DAWES] concurred with me at one time in regard to the propriety of leaving out that clause.

Mr. HOAR. I desire to suggest to the Senator from Indiana that here are three of these bills in a row; the Senator who reported them is absent, and both Senators from each of the States where the buildings are to be erected are absent. I suggest that he postpone his motion to take them up to some other time. I call the attention of the Senator to the fact that the Senator who reported all these bills is absent, and the Senators from the States where the buildings are to be erected, in the first three instances, are absent.

Mr. VOORHEES. In regard to the bill now under consideration I have consulted with the Senators from Maine. My object, I will state frankly to the Senate, was to get up this class of bills and pass them at some time that is convenient for the Senate to do so, when there is no other business pressing. I know the Senators from Maine desire this bill passed, and if then it is objected to taking up the other bills which have been reported by the chairman of the Committee on Public Buildings and Grounds I shall not urge their consideration now.

Mr. HOAR. I did not object. I only called attention to the fact that everybody interested in these bills seemed to be absent. But I see the Senator from Maine [Mr. FRYE] has come in.

Mr. MORRILL. This is a copy of the same bill that passed the Senate last year.

Mr. FRYE. Is this the bill affecting the Augusta post-office building?

Mr. VOORHEES. Yes, sir.

Mr. FRYE. There is no reason that I know of against it, and every reason for it.

Mr. JONES, of Florida. May I be permitted to state to the Senator that I did not offer any objection to the bill; but I desired to draw attention to a clause of the bill which I think may involve some difficulty, the jurisdictional clause. We found in former years there was no necessity for it. It requires the cession of exclusive jurisdiction on the part of the State over the site set apart for the building, which, according to the decisions of the courts of the United States, carries with it jurisdiction over every description of offense which may be committed on that piece of ground. If the Senator wants a bill of that kind, I have no objection.

Mr. MORRILL. The Senator will see that the bill does not carry exclusive jurisdiction for every offense, and I will say that with entire respect for the opinions of the Senator from Florida, the committee have felt bound to follow the precedents which have been established ever since the foundation of the Government.

Mr. INGALLS. Mr. President, I think it is time to deliberately consider whether it would not be well for the Government to abandon the practice of erecting these costly and extravagant structures of granite and marble, and build less ostentatious and less pretentious fabrics of brick or other incombustible material in every place where the Government is a tenant.

We spend annually in architecture, in costly and extravagant decorations, in piles of marble and granite constructed at an immense cost and adorned with oriental hangings, with hammered brass and plate glass, enough to furnish simple and unpretentious structures for one-half the towns in this land where the Government is obliged to hire buildings for the accommodation of its offices. I wish that the Committee on Public Buildings and Grounds would take into consideration the propriety of adopting some policy by which the Government shall build in every city and in every town where it is obliged to hire buildings for its use the necessary structures, as a business man would construct them, of brick and iron, without this vast and costly expenditure, which is of no advantage except to please the eye or gratify the taste.

Of course, I suppose that so long as there is a large surplus in the Treasury that must be expended somehow it will be useless to attempt to call a halt in this matter of expenditure; but I enter my protest against it as unrepublican, as superfluous and unjust.

Mr. FRYE. Mr. President, I understand that this bill appropriates $150,000. I contend that it is not extravagant. Augusta is the capital of Maine. The mail business done in that city last year amounted to $652,184. In second-class mail matter it ranks the seventh in the United States. There are only six cities in the whole United States that in second-class matter exceed the Augusta post-office. In addition to that there is a pension office. Besides, the internal-revenue department has its office located there. In addition to that the United States court is to hold one session there a year. Now, under all the circumstances, with the vast amount of business done there by the United States, it seems to me that $150,000 is very reasonable indeed.

Mr. VEST. Mr. President, to denounce an extravagant use of public money in the construction of public buildings is one thing; to denounce the system under which the Government is operating in regard to public buildings is another. For one, sir, as a member of the Committee on Public Buildings and Grounds, I think that we have invariably attempted to reduce appropriations as much as possible, and in nearly every bill that has been reported we have cut off from one-fifth to one-fourth from the amount asked for in the bill.

There are no appropriations being made now by the Government for vast and costly structures of marble and granite of which the Senator from Kansas speaks. The appropriations now are $50,000, and $75,000, and $100,000, and no public building for a court-house, for internal-revenue purposes, and for other Government purposes, can be built

worthy of this Government and sufficient for the needs of the public business for a less amount.

More than that, Mr. President, if we put this upon the basis of business alone, if the Senator from Kansas will look at the amount appropriated last year and for the last five fiscal years he will see that the rent actually paid by the Government in leasing private property for public purposes far exceeds 4 per cent. upon the amount of the expenditures in erecting these buildings by the Government. In other words, it is an actual saving of the public money to erect buildings of which the title shall be in the Government itself, instead of paying enormous rents, as is the case now all over the country, for buildings deficient in structure and not adapted to the public necessity at all.

But, Mr. President, more than that, there is a higher consideration than this. I say that the Government of the United States, with fifty million people, can afford to put up its own public buildings. They are a bond of indissoluble union between the people of the States; and when in every city where there is a necessity for a public building in the various portions of the country there is one, it is a reminder to the people that there is a Government to which we all belong and in which we are all interested. Sir, I favor the expenditure of this money, and I say it can not be better expended than for this public purpose.

As to the system on which it has been expended, I desire to say that there is a bill now pending, to which I ask the attention of the Senator from Kansas, which seeks to do away with the enormous abuses which have grown up under the system under which public buildings have been constructed in the past. We propose now, if we can do so, to put up these buildings by contract to the lowest bidder. If that bill can be passed it will save millions of dollars to the Government annually, and at the same time will remove scandals which are a disgrace to the public service.

Mr. INGALLS. Mr. President, I expressly said I was not opposed to the system, but to the methods. I believe that the system should be more widely diffused. I think that the Government never ought to be a tenant; it should never hire a structure. If accommodations are needed for a post-office, or for any other of the functions which the Government is called upon to exercise, it ought to own the building necessary for the shelter of its officers. But it has been the method that has prevailed of requiring these buildings to be constructed at an enormously large expense above the requirements for public architecture that has confined them to few localities. I favor a system that would permit the same amount of money that is now spent in these structures, far beyond what ought to be expended, to be so applied as to enable towns that are now deprived of these facilities to have them; and I believe that if the Committee on Public Buildings and Grounds would devote themselves to the development of a system that would require simple, inexpensive structures to be erected wherever the Government is now compelled to hire them, they would be doing a great public service.

I agree with the Senator from Missouri that there should exist in all portions of this Republic visible reminders of the power and grandeur of the nation; that there would be a stronger feeling of allegiance if everywhere the people were reminded by some visible object recalling the strength and power of the Government and of the flag to which they owed their allegiance.

Mr. MORRILL. Mr. President, I would say to the Senator from Kansas that the thirty or forty bills that may be presented at this session for public buildings in various parts of the country will not, all of them together, cost as much as one of the buildings that we have put up at Saint Louis, Chicago, New York, or other places. The committee reported one this morning, or authorized the report of one, for Kansas where $100,000 was asked, and it was cut down by the committee to $75,000 for the building and the site. I do not believe the Senator from Kansas will think that too much for the place where that building is to be erected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CARSON CITY.

Mr. VOORHEES. I move now to take up the Order of Business No. 148, being the bill (S. 52) providing for the erection of a public building at Waco, Tex.

Mr. INGALLS. Why not take up the bills in their order on the Calendar?

Mr. VOORHEES. I am somewhat embarrassed by the fact that the chairman of the Committee on Public Buildings and Grounds is not here, and I do not see either one of the Senators from Nevada or New Jersey in his seat; otherwise I would move to take up the two bills for those States.

Mr. INGALLS. I suppose they would not object to their being passed.

Mr. VOORHEES. I suppose not; and on the suggestion of the Senator from Kansas I would be very willing to do that. I change my motion and move to take up Order of Business No. 145.

The PRESIDENT *pro tempore*. The Senator from Indiana changes his motion, and moves now that the Senate proceed to the consideration of Order of Business No. 145, being Senate bill No. 55.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 55) to provide for the erection of a public building for the use of the United States courts, post-office, and other Government offices in the city of Carson City, in the State of Nevada.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CAMDEN, N. J.

Mr. VOORHEES. I move now to take up Order of Business No 146, being Senate bill No. 160.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 160) for the erection of a public building at Camden, N. J.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROVIDENCE CUSTOM-HOUSE.

Mr. VOORHEES. I make a similar motion in regard to Order of Business No. 147, being Senate bill No. 182.

The motion was agreed to; and the bill (S. 182) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, R. I., was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. The Chair would suggest to the Senator from Indiana that in the twenty-fifth line, on page 2, the bill reads "until a valid title to such ground or site is vested 'it' the United States." It should be "in." That amendment will be made if there be no objection.

Mr. VOORHEES. It is a clerical error.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT WACO, TEX.

Mr. VOORHEES. I move now that the Senate proceed to the consideration of Order of Business No. 148, being Senate bill 52.

The motion was agreed to; and the bill (S. 52) providing for the erection of a public building at Waco, Tex., was considered as in Committee of the Whole.

Mr. JONES, of Florida. I just want to say a word in reply to the Senator from Vermont. It may be regarded as an unimportant thing, but this clause which requires every State to surrender its jurisdiction over every site for a public building before the Government will consent to erect one is not sanctioned by any long line of precedents under this Government, and it is violative, I think, of the spirit of the Constitution and of reason itself. We know that wherever a public building is erected for Government purposes without any cession whatever on the part of the State there is implied authority resting with the Government to use that building for the purpose for which it was erected, for a court, for a custom-house, or for a post-office; and this surrender of jurisdiction, as has been held a hundred times, means that the State shall give up its authority over that land; and if a pickpocket should pick the pocket of a citizen within that jurisdiction there will be no authority in the local courts to try him; if a murder was committed there there would be no authority to try the murderer. That has been the settled rule of law on that subject. It is exclusive jurisdiction, and that means exclusive power to try all offenses.

I have on former occasions pointed out that it is entirely unnecessary to put that in. I merely mention it. I do not make any objection to those Senators who want to have it in their bills having it.

Mr. COKE. I have heard the Senator from Florida make this same objection on sundry occasions, but so far as this bill is concerned I am entirely content, knowing that it is in the line of precedents for public buildings all over the United States. I do not see why this should be put in a different form from other bills for buildings that have been provided for.

Mr. JONES, of Florida. I differ with the Senator about that. When I was chairman of the Committee on Public Buildings and Grounds I refused to report any bill with that clause in it.

Mr. COKE. I have been in the Senate seven years, and this clause has been uniformly inserted in all the bills.

Mr. McMILLAN. I find in the bills in which I am interested—and I suppose a similar exception is contained in all the other bills—an exception of this character. It is as follows as to the jurisdiction of the United States over the buildings and the grounds on which public buildings of the United States are erected:

> And that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Minnesota shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

It seems to me that meets all the objections urged by the Senator from Florida.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT GREENVILLE, S. C.

Mr. VOORHEES. I move now that the Senate proceed to the consideration of Order of Business No. 149, being Senate bill 146.

The motion was agreed to; and the bill (S. 146) making appropriation for the erection of a public building at Greenville, S. C., was considered as in Committee of the Whole.

Mr. CONGER. Is that the next public-building bill in order?

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary informs the Chair that it is the next bill in order.

Mr. CONGER. The next of the public-buildings bills in order?

The PRESIDING OFFICER. So the Secretary reports.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise procure a suitable site, and cause to be erected thereon, at the city of Greenville, in the State of South Carolina, a substantial and commodious public building, with fire-proof vaults, for the use of the United States district and circuit courts, post-office, internal-revenue office, and for other Government uses; the plans and estimates for said building to be prepared, examined, and approved as required by section 3734 of the Revised Statutes of the United States, and at a cost which shall not exceed the sum of $50,000 when finally completed: *Provided*, That no money to be appropriated for said building shall be used until a valid title to the site selected, which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys, shall be vested in the United States, nor until the State of South Carolina shall have ceded jurisdiction over the same for all purposes, during the time the United States shall be or remain the owner thereof, except for the enforcement of the criminal laws of the State and the service of civil process therein.

Mr. JONES, of Florida. I wish to draw the attention of the Senate to the only power in the Constitution on this subject of jurisdiction. The seventeenth clause of section 8 of Article I is as follows:

The Congress shall have power * * * to exercise exclusive legislation in all cases whatsoever over such district—

That is, the district ceded for a seat of Government—

(not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

There is no description of jurisdicti on that can be ceded but exclusive, and this reservation with respect to civil process and the execution of the criminal laws of the State, I will say to those Senators who have not thoroughly investigated it, has been held to amount to nothing. I had a test case that involved the life of a man where my State had ceded its jurisdiction just in the language of this bill over a piece of territory reserved for a navy-yard under this clause of the Constitution, and we had the most angry controversy in my State that had been there for twenty years between the courts, the State court claiming it under the act of cession, and the Federal court claiming the right to try it under the Constitution. The Federal tribunal finally succeeded and asserted the power of the Federal Government under that cession to try the man, and they exhibited the highest power that could be exhibited under a government, they executed the man under this clause of the Constitution.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported from the Committee on Public Buildings and Grounds.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Secretary calls the attention of the Chair to the fact that the title should be amended. If there be no objection the Secretary will change the title, as reported by the committee, so as to read "A bill for a public building at Greenville, S. C."

PUBLIC BUILDING AT KEY WEST.

Mr. VOORHEES. I move that the Senate proceed to the consideration of Order of Business 150, being the bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla., to which I suppose the Senator from Florida will have no objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The Committee on Public Buildings and Grounds reported the bill with an amendment to add the following proviso:

Provided, That no money appropriated for said building and land shall be available until a valid title to the site selected is vested in the United States, nor until the State of Florida shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. COCKRELL. I should like to know why the committee propose to strike out the preamble here.

The PRESIDING OFFICER. That question will come up after the bill has been passed.

Mr. COCKRELL. I desire to know whether this is to be a building in addition to the public building already there; if Key West is to be honored with two public buildings? It is a very material question.

Mr. VOORHEES. Oh, no; that is not it.

Mr. COCKRELL. The Senator from Florida [Mr. CALL] says there is no public building there. His distinguished colleague [Mr. JONES, of Florida] introduced a bill which recites that there is a public building there and that it is not sufficiently large for the public purposes. Now if there are to be two, I should like to know why.

Mr. MORRILL. I believe the fact is that some buildings there are rented by the United States Government.

Mr. CALL. There is no adequate public building there, nothing that can be called a public building sufficient for any purpose.

Mr. JONES, of Florida. I want to say that while this bill was introduced by myself, the amendment with respect to jurisdiction was put on by the committee without my consent, and I shall never in my place in the Senate subscribe to this principle, because I have concluded after the most mature deliberation that it is entirely unnecessary and is likely to lead at some future time to great complications between the States and the General Government with respect to this question of jurisdiction. There is but one description of jurisdiction that a State can cede to the General Government over a navy-yard or a lot for a public building or over an area of territory to be used for governmental purposes; and that is exclusive jurisdiction. I do not care what reservation the State may put in, if jurisdiction is ceded, as was held in the case in my State, it is constitutional jurisdiction, and carries with it all the incidents of a jurisdiction like that in the District of Columbia. It may be a very small thing at first view, but it might bring in a given case the sovereignties of the country together in conflict.

Then it is entirely unnecessary, because I say that when the Government of the United States buys a piece of ground in any State for the erection of a public building it can use that building for any Government use or for any purpose for which it may be wanted. It can use it for a court, for a post-office, or a custom-house, and this cession of jurisdiction in these bills is entirely a work of supererogation and entirely unnecessary.

I say this now; I have said it time and again on the floor of the Senate and I shall repeat it, although I am not going to antagonize the policy which has been indicated by the Senator from Vermont.

Mr. COCKRELL. Does the Senator want us to oppose the bill on that ground?

Mr. JONES, of Florida. Oh, no; I do not.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. There is a preamble to the bill which the Committee on Public Buildings and Grounds report to strike out. The question is on the amendment of the committee striking out the preamble.

The amendment was agreed to.

PUBLIC BUILDING AT SAN ANTONIO, TEX.

Mr. VOORHEES. I move that the Senate proceed to the consideration of Order of Business 151, being Senate bill No. 53.

The motion was agreed to; and the bill (S. 53) providing for the erection of a public building at San Antonio, Tex., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT LA CROSSE, WIS.

Mr. VOORHEES. I move that the Senate proceed to the consideration of Order of Business 154, being Senate bill 78.

The motion was agreed to; and the bill (S. 78) for the erection of a public building at La Crosse, Wis., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POST-OFFICE BUILDING AT SAN FRANCISCO.

Mr. VOORHEES. I move that the Senate proceed to the consideration of Order of Business 161, being Senate bill 147.

The motion was agreed to; and the bill (S. 147) to authorize the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was in section 1, line 4, after the word "citizens," to strike out "of San Francisco, Cal.;" in line 6, before "city," to strike out "said;" and in line 8, after the word "offices," to strike out "as hereinafter provided;" so as to make the section read:

That the Secretary of the Treasury is authorized and directed to appoint three competent citizens to act as commissioners on behalf of the United States to select and purchase a piece of ground in the city of San Francisco, upon which shall be erected a suitable building for a post-office, court-house, and other offices.

The amendment was agreed to.

The next amendment was, in section 2, line 6, after the word "citizen," to strike out "of San Francisco;" so as to read:

SEC. 2. That immediately after the passage of this act the Secretary of the Treasury shall notify each person selected as aforesaid of his appointment under this act, requesting prompt notice of his acceptance or non-acceptance thereof, and in the latter case shall appoint some other prominent disinterested citizen in his place, and upon their consent to act shall give notice to the commissioners to proceed as soon as practicable to examine such pieces of ground as shall be judged most suitable for the site of said building.

The amendment was agreed to.

The next amendment was, in section 2, line 22, after the word "site," to insert "and the title thereto;" so as to read:

And if the Secretary of the Treasury, Postmaster-General, and Attorney-General shall approve of any such site, and the title thereto, then the commissioners shall be notified thereof, who shall then complete the purchase of the site so chosen.

The amendment was agreed to.

The next amendment was, in section 3, line 1, to strike out "$400,000" and insert "$350,000;" so as to make the section read:

SEC. 3. That the sum of $350,000, or so much thereof as may be necessary, is hereby appropriated for making said purchase.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SPRINGFIELD, ILL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair, under the rules, to lay before the Senate the first bill on the Calendar under Rule IX.

Mr. VOORHEES. I have the consent of the Senators from Kansas, who expect to occupy the time, to go on with these public building bills.

The PRESIDING OFFICER. It is competent for the Senator from Indiana to move the consideration of any other bill.

Mr. VOORHEES. I move that the Senate proceed to the consideration of Order of Business No. 198, being Senate bill 674.

The motion was agreed to; and the bill (S. 674) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUSTOM-HOUSE AT RICHMOND, VA.

Mr. VOORHEES. I move to proceed to the consideration of Order of Business No. 199, being Senate bill 1473.

The motion was agreed to; and the bill (S. 1473) to enlarge the United States custom-house at Richmond, Va., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MONTPELIER, VT.

Mr. VOORHEES. I make the same motion in regard to Order of Business 204, being Senate bill No. 1429.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1429) to provide for the erection of a public building at Montpelier, Vt.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ANNAPOLIS, MD.

Mr. VOORHEES. I move to take up Order of Business 209, being Senate bill No. 1146.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1146) to provide for the erection of a public building in the city of Annapolis, Md.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT BUILDING AT WINONA, MINN.

Mr. VOORHEES. I move to take up Order of Business 240, being Senate bill No. 574.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 574) appropriating money for the purchase of a site and the erection of a suitable building for the United States courts, post-office, and other Government offices in the city of Winona, State of Minnesota.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MACON, GA.

Mr. VOORHEES. I move to proceed to the consideration of Order of Business 241, being Senate bill No. 1117.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1117) for the erection of a public building at Macon, Ga.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MANCHESTER, N. H.

Mr. VOORHEES. I move to take up Order of Business 242, being Senate bill No. 854.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 854) to provide for the erection of a public building in the city of Manchester, in the State of New Hampshire.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 12, after the word "hundred," to strike out the words "and fifty;" so as to read:

The site, and the building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $300,000.

The amendment was agreed to.

The next amendment of the committee was, after the word "same," in line 16, to insert:

During the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys.

So as to read:

Provided, That no money to be appropriated for this purpose shall be available until a valid title to the site shall be vested in the United States, and the State of New Hampshire shall have ceded her jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys.

The amendment was ageed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT NEW ALBANY, IND.

Mr. VOORHEES. I move now to take up Order of Business 273, being Senate bill No. 1040.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1040) to provide for the construction of a public building at New Albany, Ind.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING IN AUGUSTA, GA.

Mr. VOORHEES. I move to take up Order of Business 290, being Senate bill No. 1600.

The motion was agreed to; and the bill (S. 1600) for the erection of a public building at Augusta, Ga., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND FOR STREET PURPOSES IN SAINT LOUIS.

Mr. VOORHEES. In compliance with the request of the Senator from Missouri [Mr. VEST] who reported the bill from the Committee on Public Buildings and Grounds, I ask the Senate to consider Order of Business 243, being Senate bill No. 210. While it is not a bill for the erection of a public building, yet it is a bill to convey property for public purposes. I move to take it up.

The motion was agreed to; and the bill (S. 210) donating to the city of Saint Louis, Mo., a certain strip of land for street purposes was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 3, after the word "land," to strike out "sixty" and insert "fifty-seven and one-half;" so as to read:

That a strip of land fifty-seven and one-half feet in width off the south end of the United States marine-hospital tract in the city of Saint Louis, Mo., &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OSHKOSH.

Mr. VOORHEES. Mr. President, this exhausts all the bills of this character on the Calendar; but while we were proceeding with them a while ago the Senator from Virginia, the chairman of the Committee on Public Buildings and Grounds [Mr. MAHONE], reported some other bills of like character. I would ask that the Senate proceed to their consideration also at this time. We have the time to do it, and it is as well perhaps to dispose of them. I ask that they be taken up in the order in which they were reported.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent that the Senate now proceed to the consideration of Senate bill 636.

There being no objection, the bill (S. 636) for the erection of a public building at Oshkosh, Wis., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT FORT SMITH, ARK.

Mr. VOORHEES. I move to proceed to the consideration of the next bill in the order of the reports.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent that the Senate now proceed to the consideration of the bill (S. 256) to provide for a building for the use of the Federal court, post-office, internal-revenue and other civil offices, and a United States jail in the city of Fort Smith, Ark.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 11, section 1, to strike out "$250,000" and insert "$100,000."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT HUNTSVILLE, ALA.

Mr. VOORHEES. I ask unanimous consent for the consideration of the bill (S. 505) for the erection of a public building at Huntsville, Ala.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in line 12, to strike out "$125,000" and insert "$100,000."

The amendment was agreed to.

The next amendment was, at the beginning of section 2, to strike out "Sec. 2. That" and to insert in lieu thereof the word "and."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT NEBRASKA CITY.

Mr. VOORHEES. I ask for the consideration of Senate bill No. 396.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 396) for the erection of a public building at Nebraska City, Nebr.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 8, after the word "exceed," to strike out "one hundred" and insert "seventy-five;" so as to read:

At a cost not to exceed $75,000, including cost of site.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator from Indiana to what appears to be the necessity of an amendment in the second line following, which reads:

And the said sum of $100,000 is hereby appropriated, &c.

Mr. VOORHEES. As a matter of course that should be changed.

The PRESIDENT *pro tempore*. The Chair suggests that it should read, "and the said sum of $75,000 is hereby appropriated."

Mr. VOORHEES. Undoubtedly. I ask that that amendment be made.

Mr. MORRILL. That will be right.

The PRESIDENT *pro tempore*. That amendment will be made by unanimous consent, if there be no objection. It is made.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PUEBLO, COLO.

Mr. VOORHEES. I ask for the consideration of Senate bill No. 1504.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1504) for the erection of a public building at Pueblo, Colo.

Mr. MORRILL. I notice that the bill does not contain the usual provision in relation to jurisdiction over the building, and I ask to have it inserted there, as it has been in the other bills that have already passed.

The PRESIDENT *pro tempore*. It contains a relinquishment of the right to tax, which many of the preceding bills do not, but it does not contain any limitation of the jurisdiction in respect of process.

Mr. MORRILL. That is what I wish to put in. So far as the right to tax is concerned, I believe by general law that is already regulated and is not necessary to be in, but I move to add the usual exception so far as civil and criminal process is concerned.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Vermont will be reported.

The CHIEF CLERK. It is proposed to add to the bill:

For all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CUSTOM-HOUSE AT PROVIDENCE.

Mr. MORRILL. I desire to ask unanimous consent to recall the bill (S. 182) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, R. I., in order to insert the same amendment in relation to the jurisdiction of courts that was inserted in the last bill. By accident that has been omitted, and the Senators from Rhode Island desire to have it inserted.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the bill indicated by him, which has already been passed by the Senate, be amended by inserting therein the following:

Shall be or remain the owners thereof for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Is there objection to the correction of the bill already passed in the manner proposed by the Senator from Vermont? The Chair hears no objection. The bill will be engrossed accordingly.

PUBLIC BUILDING AT FORT SCOTT, KANS.

Mr. VOORHEES. There is but one more bill of this character. I ask unanimous consent that the Senate proceed to the consideration of Senate bill No. 292.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 292) for the erection of a public building at Fort Scott, Kans.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY ACADEMY APPROPRIATIN BILL.

Mr. LOGAN. I move that the Senate proceed to the consideration of the bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to pass over all the preceding cases on the Calendar and to take up the bill indicated by him.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is now before the Senate as in Committee of the Whole. The Chair will receive a message from the House of Representatives.

DEATH OF REPRESENTATIVE HASKELL.

Mr. JOHN B. CLARK, jr., the Clerk of the House of Representatives, appeared at the bar of the Senate and said: Mr. President, the House of Representatives has passed a series of resolutions as an appropriate tribute to the memory of DUDLEY C. HASKELL, late a Representative from the State of Kansas; which I am directed to communicate to the Senate.

The PRESIDENT *pro tempore*. The Chair, as is usual in such cases, asks unanimous consent to lay before the Senate the resolutions from the House of Representatives. If there be no objection the resolutions will be read.

The Chief Clerk read the resolutions, as follows:

Resolved, That the ordinary business of the House be laid aside in order that appropriate tribute may be paid to the memory of DUDLEY C. HASKELL, late a Representative from the State of Kansas.

Resolved, That in the untimely death of Mr. HASKELL the House has lost a conspicuous and faithful member, his constituents a zealous and capable servant, and the country a citizen of exemplary life, patriotic devotion, and rare promise.

Resolved, That as an additional mark of respect for his memory and sorrow for his loss, the House, at the conclusion of these ceremonies, shall adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. PLUMB. Mr. President, I offer the following resolutions:

Resolved, That the Senate has received with profound sorrow the announcement of the death of Hon. DUDLEY C. HASKELL, late a member of the House of Representatives from the State of Kansas.

Resolved, That the business of the Senate be now suspended, that opportunity may be given for fitting tributes to the memory of the deceased and to his eminent public and private virtues, and that as a further mark of respect the Senate, at the conclusion of such remarks, shall adjourn.

Mr. INGALLS. Mr. President, DUDLEY CHASE HASKELL was lineally and by nature a Puritan. Had he lived in that splendid epoch of English history when the race to which we belong reached its meridian, when genius culminated in Shakespeare, reason in Bacon, heroism in Raleigh, courtesy in Sidney, love of liberty in Hampden, military and civic leadership in Oliver Cromwell, he would, like his ancestors, have exiled himself from home, friends, possessions, crossed the implacable seas, and laid in the savage solitudes of an empty continent the foundations of a Christian commonwealth, "for the common good, for the protection, safety, prosperity, and happiness of the people, and not for the profit, honor, or private interest of any one man, family, or

class of men;" a state builded upon the Bible as its chief corner-stone, and having for the charter of its liberties the golden rule.

No political experiment ever appeared less formidable at the outset than the colonization of Massachusetts Bay, but none ever had such momentous, such far-reaching consequences. The ideas of those fugitives from intolerance and proscription possessed inconceivable energy. The mind of man, released from the bondage of caste and precedent, conscious at last of its powers, has achieved results in letters, in science, in war, in government, which are not less a revelation than a prophecy.

The feeble colonists lingered for a while by the coast, wresting scanty subsistence from the sterile soil and the stormy sea; but moving slowly westward, the great column in two centuries has crossed the continent, overcoming all obstacles, conquering all adversaries, till at last, among fifty million people under self-government, freedom is universal, civil and political equality is the fundamental law, the safety of life, the preservation of liberty, the protection of property are effectually guaranteed, the means of education are diffused as widely as the desire to know, and the opportunities for happiness are commensurate with the capacity to enjoy.

None of the traits and attributes, physical, intellectual, or moral, which distinguished the original emigrants to New England were wanting in Mr. HASKELL, and in his relations to the politics and society of his State and the nation he exhibited the same qualities which characterized his progenitors two hundred and fifty years ago. Could he have assumed the garb and vestment of that ancient time, his great stature, the sedate dignity of his demeanor, his stately presence, an aspect of authority, and the serious gravity of his features would have rendered him the striking semblance of a worshipful magistrate of the colonial period.

To applause or censure for its own sake he was stoically indifferent. There was no insensibility to fame or blame in his nature, but he preferred the approval of his conscience to the approbation of mankind. He adhered strenuously to unpopular friends to his own detriment rather than incur suspicion of personal disloyalty. He advocated unpopular doctrines which commanded the assent of his reason or his conscience rather than gain votes by silence or duplicity. Conscience, which is said to make cowards of us all, made no coward of him; it made him courageous rather, and daringly aggressive and defiant intellectually in his support of principles which he considered essential to the well-being of the people. He believed in the appeal of truth to time, and aspired to be a real leader of opinion rather than to obtain the cheap and casual applause which rewards the demagogue, the impostor, and the charlatan.

Politics and religion are popularly supposed to be incompatible. So many assertions must be denied, so many purposes must be concealed, so many calumnies must be refuted, so many temptations must be resisted, that the most rigid and censorious moralists are disposed to mitigate the severity of judgment; but no such forbearance was required for HASKELL. He did not deny his Master. He bore his religion with him in every presence, in all contests. He was from earliest youth devout, reverent, chaste, pure in spirit, active in all work for the elevation of society. Everywhere and in all directions his influence was beneficent and ennobling. The world was better for his having lived, and his death was a subtraction from the moral forces which uphold and sustain mankind.

He came to Washington to take his seat as a Representative in the Forty-fifth Congress at the special session in October, 1877. He was immediately attacked by a disease from which few recover and which his physicians considered mortal. My apprehensions increased as he rapidly declined from day to day, till I was summoned to his bedside one morning at daylight, and found that he had sunk into unconsciousness, from which he could not be roused. Before noon he rallied sufficiently to converse, and was told by the physicians that if his affairs required attention he had better arrange them before evening, as he might sink into sleep from which he would not wake. He recognized the gravity of the situation and asked if there was no hope. They thought there was none, but told him he had a chance for life. He replied: "I will take that chance. Do your duty and I will do mine." The struggle was long and doubtful, but skill and courage triumphed for a time over his malady, though he never seemed to me to be wholly restored to his pristine strength and vigor. He blanched rapidly and looked pallid and haggard at times, as though his vital forces were well-nigh spent. But I mention the incident to show the metal of which the man was made. He sometimes spoke of that awful hour, of the solemnity with which he contemplated the dark abyss, and of the consolation afforded by faith and hope. And yet his great work was done in the succeeding six years, after he had almost risen from the dead.

He entered public life without professional training or special discipline. But he had indomitable perseverance, energy, determination to excel, and gradually toiled upward, amid many discouragements, till at the close of the Forty-seventh Congress he had fairly won his place in the front rank of thought and debate, especially upon economic questions, and could reasonably anticipate a broad career of increasing influence and national renown.

His oratory was energetic and forcible, but without decoration. He indulged in none of the ornaments of discourse, quotation, anecdote, wit, humor, fancy, badinage, or repartee. His weapon was the broadsword, not the rapier. He dealt in facts, in figures, in statistics, in arguments and deductions. He was a diligent, patient student, with that higher gift than genius, the capacity for assiduous and persistent labor, without which the most brilliant powers, after brief and fitful corruscation, uselessly expire. He did nothing at random. There was no diffusion in his career. He was not distracted by pleasure, passion, sense, or appetite from the path of duty. He traveled steadily along the beaten and dusty highway without loitering, and so came at last to his journey's end.

That a life so pure, so valuable, so exemplary, rich in noble achievements, but far richer in every prophecy of approaching distinction, should be thus abbreviated adds one more to the inscrutable mysteries that perplex us here. He fell in the vestibule, and not at the goal. For his wife, children, and kindred, inconsolable in their bereavement, for the friends who loved him, for the great constituency that laments him, for the State that he honored, for the nation that he served, he "should have died hereafter."

Mr. DAWES. Mr. President, there are many reasons why I may be pardoned for adding a few words to the abundant and fitting eulogy already paid to the rare qualities and great worth of Mr. HASKELL. He was of New England stock, and those early years of mental molding and muscle-training in which all after life is shapened were passed in my own State. And he had hardly essayed the battle of life in that infant Commonwealth, to whose very existence my own State had contributed so much, that Kansas might almost be said to have sprung from the loins of Massachusetts, when he returned and chose from among my own neighbors one of her daughters to walk with him that pathway which the untried future was opening up before him.

By this transplanting the home life of Mr. HASKELL, and largely his public career, became an illustration of the effect of that broader horizon and freer spirit of pioneer experience upon the stern teachings and tough fiber which the Puritan and the Pilgrim wove into the character and stamped upon the forearm of each son of theirs wherever his foot rested. Indeed, the town of Lawrence, where he built his home, and where he now sleeps, does not bear a name more distinctly New England than it does a character whose basis and ruling color were brought over in the Mayflower, and which was, with precious little of latter-day polish or toning, taken bodily from Worcester and Middlesex in my own State to the sharp, quick, and bloody but final conflict for freedom of body and soul in a new empire. A New Englander, loyal to the stiff and stout qualities ingrain in her nature and proud of her aggressive spirit, dominated by an iron will on whatever soil it sets its stake, reads plainly enough in the just tributes paid to the marked qualities of this deceased statesman of what stuff this man was made when they recite the simple story that he was born in Vermont and was taken to Massachusetts in the first year of his life, and that a true descendant of the mingled colonies of Winthrop and Carver took him, when only eleven, with one hand and a Sharps rifle with the other, and with the Bible and a spelling-book in his pocket, led him forth to pitch his tent and assert his convictions on the plains of Kansas.

The founders of that State were not only heroes but far-seeing statesmen also. They made imperishable history, written in blood and in the living light of principle and of a duty to posterity, once and forever to be discharged. The youth of whom we speak, with only two or three more years of parental teaching and guidance, was by the death of his father pushed out alone to further equip himself as best he could and stand upon his own feet, and by the strength of his own arm to hew his own way through life. And yet it was not his own way he was to hew, for he never succeeded in laying up riches as the world counts riches, and died poor. But the life which was spared him was devoted to the public service. Here he planted and watered and reared and pruned, and those who come after him shall gather more wholesome fruit because he has lived.

Mr. HASKELL came into Congress a little more than six years ago. Nearly all that time the committee work which fell to my lot here brought me into frequent and intimate consultation and co-operation with him. I soon came to value his counsel and rely upon his judgment. This intimacy ripened into the friendship and attachment of associates and companions. In a common work devolved upon us by the two Houses respectively it was our pleasure to find ourselves working in harmony, moved by a common purpose toward a single end. Last August he had accepted my invitation to accompany a committee of this body charged with the duty of investigating certain phases of the Indian question among the Indians themselves. But failing health compelled him to turn away from this duty to medical treatment in a distant State, and I never saw him again.

I mourn to-day the death of a friend I could not spare, of a colaborer who can not be replaced, and I feel that those who need help, of whatever race and however bound or cast off, have lost a strong arm, ever stretched forth to succor; a clear intellect, ever alert, well balanced, and directed to the wisest methods, and a heart as big as his native

hills, ever responsive to the appeal of the lowly. I see, but I can not comprehend the mystery of a well-ordered life full of earnestness and hope and promise, equipped for great exigencies and animated by lofty and noble aims, closed almost at the threshold and before the work men would have him to do had hardly been begun. Verily inscrutable are the ways of Him who holds in His hands the destiny of individuals and of nations.

And yet such a life, so brief, and to human sight so incomplete, is nevertheless of great value to the individual and the nation; to the individual as an example, and to the nation as a product. The power he was able to wield and the good he had time to accomplish were the reward of labor. Neither genius nor the graces of rhetoric nor the fascinations of oratory made him the able debater he was, but patient and thorough investigation, tireless labor, gave him the ability to sift out the kernel and blow away the chaff. He uttered thoughts, not words, and they seemed to come up from a deep well, always full. He had convictions, and he dealt in nothing else. It seemed to him a duty to convince others, not to push or carry them. Hence all he had to say was argument, often naked, never decked or adorned with flowers of rhetoric or figures of speech. There was no art or guile or stage effect in his oratory. If he had no reason for the faith that was in him, he did not trouble others with it. A clear, logical, and well-stored mind, an ardent temperament, and a profound conviction of the soundness of his position, gave him great power in debate and placed him in the first rank of efficient and reliable leaders in the House.

The whole biography of this man is written in a single word, *fidelity*, the noblest word after all in the English language. It was true of him in every trust of his life. He was true to himself and to all the faculties intrusted to him. He wrought with them all, and he strengthened and equipped them all for the best work attainable. He discharged to the uttermost every duty, public or private, and faithful to the end, he died at his post. It is thought by some that the labor he undertook exceeded his strength and hastened his death. If that be so, it would be worth far more, it seems to me, to leave the record of a life filled up beyond its measure and borne down with the weight of a too exhausting struggle than to leave an empty record of a life prolonged into weary and purposeless days of fruitless existence.

Mr. HASKELL was a product of our institutions all too rare in this day when place and power in the public service are so often sought and maintained by questionable means and for unworthy ends. He was not born to politics or place, but to poverty and privation. He did not belong to the class set apart when they were born for the public service and educated in the school of politics and in theories and ideals of government. He came, instead, of practical politics, and was himself a product of their needs. He became a builder, because he had himself handled the trowel and knew the quality of the mortar rather than the style of the architecture. Such men lay the foundations and build the walls, a little rough it may be, but still solid and abiding long after a more elegant finish shall have faded and perished. Our politics will suffer and our institutions will lose in rugged strength when such men fail of recognition and appreciation in the public service.

Our friend was in personal intercourse the true gentleman. He hated all pretense and was always what he appeared to be. If he was angry, he left no one in doubt; and when he extended his hand, every one knew that it was warm. No one was ever put on his guard by a smile or stood in fear of lurking hate. In social and in private life, as well as in public, he was direct, plain, and simple, and won a place in our hearts made desolate by this bereavement.

And now, Mr. President, we shall best profit from the lesson taught us by the character we have been contemplating if we turn from unavailing sorrow over the grave of a statesman we have honored and a friend we have loved, and, closing up our ranks, press on to the performance of that work in which he labored so faithfully while he was with us, mindful that the night soon cometh in which no man can work.

Mr. COCKRELL. Mr. President, it was my privilege to become acquainted with Hon. DUDLEY CHASE HASKELL soon after entering upon his duties as a member of the Forty-fifth Congress and to maintain this acquaintance during his Congressional career in the Forty-fifth, Forty-sixth, and Forty-seventh Congresses.

It is to me a sad pleasure to join in these last memorial services and to unite with those who knew him more intimately in all his personal and official relations in paying this last tribute to his memory, his personal worth, and faithful, exemplary performance of all his official duties.

DUDLEY CHASE HASKELL was born March 23, 1842, at Springfield, Vt., and was the first member of the Forty-eighth Congress summoned after the assembling from the scenes of his earthly labors to enter upon the realities of an unending existence beyond the grave. He was the descendant of an old Saxon family located in Scotland, and migrating to Salem, Mass., at an early period in the settlement of that place, and in his boyhood attended the common schools in New England. When 13 years old, in 1855, his parents located near Lawrence, Kans., where he attended the first common school taught in his town. In 1857 and 1858 he returned to Springfield, Vt., and attended school there.

Returning home, he was employed in the fall of 1858 and winter of 1859 in a clothing-store, and accompanied his employer to Colorado. In the fall of 1861 he was employed in the transportation department of the Union Army in Kansas, and so continued in 1862.

In January, 1863, he attended school at Easthampton, Mass., and in the fall of that year entered upon a special course at Yale College and took a course in a business college in New Haven in 1864. While at Easthampton he joined the Congregational Church, of which he remained a consistent and exemplary member up to his death, and there also formed the acquaintance of Miss Hattie M. Kelsey, whom he married in the fall of 1864, and then returned to Lawrence, Kans., and engaged in mercantile pursuits until elected to the Forty-fifth Congress.

In 1872, 1875, and 1876 he was a member of the State house of representatives, serving as speaker in the last term. In 1874 he was nominated for governor by the Temperance party of his State, but declined. He was elected a member of the Forty-fifth Congress, and successively elected to the Forty-sixth, Forty-seventh, and Forty-eighth Congresses. Such is a cursory review of his active outward life before the world.

Success being the test of merit, surely there was real merit in Mr. Haskell. He had not enjoyed the advantages and opportunities enjoyed by so many young men of our country, but he had carefully improved every opportunity for the cultivation and development of a sound body and vigorous mind, inherited from his worthy parents. He was the architect of his own fortune, and from the scant materials within his grasp builded wisely and skillfully the attractive fabric of a noble, intellectual, moral, and physical manhood. He was a true gentleman in the broadest sense. Life with him was real. He was of earnest purpose and strong convictions, sincere, steadfast, courageous, and persevering.

In his private life he was blameless and his character above reproach; a true friend, a dutiful son, a devoted and faithful husband, a tender and affectionate father, a true Christian, earnest and devoted to the cause and interests of his church and Christianity. In his business life he was upright, industrious, and attentive.

However engaged, he was a close student and diligent in the acquisition of information of a practical and useful character, such as would prepare him for the faithful and efficient performance of every duty and trust in life.

As a legislator his integrity was not questioned. Dignified in his bearing, commanding in his appearance, with a clear voice, well informed, ready in debate, careful of the interests of his constituents, and not offensively partisan, he was a model legislator.

In the debates in the Forty-seventh Congress he gained a national reputation by the force and ability with which he presented the views of his party on the tariff issues.

To show the high estimate entertained for him, I read the following editorial from the Washington Daily Post of December 17, 1883:

> Hon. DUDLEY C. HASKELL, of the second Kansas district, is the first member of the newly organized Congress to be summoned from his post of duty by death. He had been a member of the House for three successive terms, always the leading Representative from his own State, and always commanding more than ordinary respect upon the floor. In politics he was a Republican of the strictest sect, but not offensively partisan. As a legislator he was practical and conscientious, bringing to the support of his positions a wide range of information, undoubted courage, and a careful regard for the interests of his constituents. He had great ambition and the promise of a long life, but the higher aims of the one perish with the other, and it is to be regretted that a record so honorable was not permitted to reach its full-rounded completeness.

I also read an editorial from the National Republican of the same date:

> In the death of Hon. D. C. HASKELL, of Kansas, the House loses one of its brightest and most active members. In the tariff debates in the last Congress he showed himself to be singularly well informed in the details of the question at issue, and his ready grasp of great public interests won him undisputed rank among the leaders on the Republican side. Cut off in his prime by the unsparing reaper, his country is deprived of one whose future promised to be of great usefulness.

He was appreciated, honored, and loved by the good people of Lawrence and his adopted State, who knew him well and best, and among whom he had spent his boyhood and maturer years.

It was my privilege to attend his remains to their last resting place in the beautiful cemetery near his home, and to witness the evidences of admiration, honor, and love cherished for him by his neighbors and the people of his State. They were earnest and sincere, and manifested with genuine sympathy and tenderness by all classes—fitting tributes to the noble dead.

Mr. MORRILL. Mr. President, the tender and truthful tributes which have been already paid to the deceased leave little more for me to add.

Mr. HASKELL was born in Vermont; and this fact, perhaps, has brought to me the honor of an invitation to add a leaf here to the brief ceremonies of the hour in commemoration of our deceased friend who was last year among us, with all the robust and elastic vigor of health and ripe manhood, fitly representing a notable district of a great and prosperous State. He then stood as the equal of the foremost for his practical knowledge and unflagging industry in the discussion and arbitrament of the leading question of the day. Unfortunately, as it appears to us, his career has been suddenly closed—too suddenly for his

family, or for his friends and country. No one familiar with the voluminous record of the recent tariff debate, with the ever-inhering difficulties and complicated problems of the subject, will hesitate to admit, whether agreeing to the principles he promulgated or not, that it has fallen to the lot of few men to approach more nearly at one session of Congress to the general mastery of the subject than was done by this laborious Representative from Kansas. Not that he appeared in long and eloquent orations and then retired from the field, but that he was at all times ready with the lucid explanations and apt speech of a well-equipped and strong man. His stalwart frame seemed to exempt him from brain-weariness. Strong as he appeared, it is now evident that his excessive labors were pursued at the peril of his health, and yet pursued with undiminished diligence and undiminished courage. He knew how to die, but not how to surrender.

Young HASKELL'S removal from the fine old and peaceful town of Springfield, in Vermont, to Kansas in the days of his boyhood, but when old and strong enough to shoulder a rifle in behalf of the free-State cause, brought him into a new arena of a more stirring and eventful life, which was well calculated to fire his heart and make him forever thoroughly earnest in the avowal and defense of his opinions. He was there to see the birth of a State and there to follow the flag of the Union in 1861.

His subsequent training at scientific schools and his later mercantile experience, if not leading him to the acquisition of personal wealth, led him to study deeply the most effective systematic methods by which the happiness and prosperity of great agricultural communities could be built up and solidly sustained. He had no faith in anything short of a home market and the harmony of diversified industries. There was nothing excellently done by labor elsewhere that he was not ambitious to have better done in America. He was justly proud of his adopted State, of its marvelous wealth-producing prairies, and full of faith in its liberty-loving people and in their rapidly growing numbers; but he would also have Kansas as much esteemed for all the virtues of a Christian State as for the fertility of its soil or the thrift of its people. As a leader at home he aimed, both by example and precept, to elevate the intelligence and purity of character as well as the material prosperity of his State; and here his life showed that he did not lose sight as a national legislator of the same ideal statesmanship. His political duties and religious faith were equally binding upon his conscience and never lacked harmonious relations.

In the committee of conference upon the tariff bill, during the closing days of the last Congress, an opportunity was afforded to me to notice some of the prominent traits in the character of Mr. HASKELL. He was true to his convictions, and lacked neither information nor courage to enforce them. He was outspoken in his opinions, but not dogmatic; and when overborne by the majority, which rarely happened, gracefully yielded. He seemed to recognize every interest of the country, however widely separated, as entitled to be heard with the most respectful consideration, and was not only ready but eager to offer equal justice to all. A patient listener to others, not soon tired by a review of the most unattractive details, his conclusions, always commanding respect, appeared to be based upon an unselfish adherence to the principles he regarded essential to the permanent advancement and greatest good of the whole country.

I bear willing testimony to his distinguished services; services which entitle his name to a loving remembrance not only by the citizens of Kansas and of his native State but by the nation. His place in the Congress of the United States, it is to be feared, will not soon be supplied, and his decease must be lamented not only by his friends as a personal bereavement, but by all those who were acquainted with his merits it must also be lamented as a national loss. Had he lived longer his reputation might have mounted higher. As it is, history, which remedilessly ignores the multitude of mankind, will not suffer his name to be forgotten. Henceforth the distinction he so fairly earned will remain secure in the annals of his country.

Mr. PLUMB. Mr. President, respect for the dead is a pervading instinct of our common humanity. To honor the memory of the departed is regarded as a sacred trust, to the faithful discharge of which affection and friendship are irrevocably committed. Nor is any good man's fame and memory left to the sole guardianship of those who knew and loved him in life. There is something in the silent helplessness of the coffin and the sepulcher that appeals with peculiar and pathetic force to the chivalry of human nature. The discord of party passion, the conflict of individual interests, the fierce rivalry of personal ambitions, and all that is base and unworthy in the eager struggle for precedence and supremacy retire in silence from that presence whose mastery over the combined forces of nature is attested by the unnumbered dead of all the ages.

If these proceedings to-day were but a meaningless ceremony, if the public business had been suspended that we might take part in a mere empty pageant, we should do but scant honor to the memory of him whose early and lamented death is the theme of the occasion. Brought face to face with the sum and end of human hopes, so far as they center in this life, who shall say that the contemplation of that result may not guide us to loftier heights of purpose and effort, and by inspiring us with fresh zeal and devotion make us fitter for the time when we, too, shall be the text of funeral discourse?

The great State which honors me with a seat in this Chamber is in mourning. One of the ablest and most distinguished of her sons has fallen; for he was peculiarly a son of the State. His early youth was spent among the shifting and exciting incidents of her "uneasy civilization," and he broadened into manhood just as she was laying aside the insignia of Territorial vassalage for the nobler emblems of sovereignty. Thus with almost every step of her progress he had personal identification, and thus as the years advanced and the early honors conferred upon him were more than justified, the boundaries of his influence were enlarged and people who had never looked upon his face watched his career with pride from the remotest corners of the Commonwealth.

Others have told in fitting terms the life-story of my dead colleague and friend, and I need not retrace that ground.

It is a well-known fact in philosophy and experience that the characters of men and races are influenced and molded by their surroundings in the natural world. Strong natures, physical, intellectual, and moral, are nurtured under wintry skies and upon rugged soil. Mr. HASKELL carried with him to what was then the "Far West" the vigor and industry, the native shrewdness, and the force of character to give it scope and purpose, which he had imbibed with the air of his native hills. Of the traditions, purposes, and principles of New England he was at once the product and exemplar; and the little city which honored him in life and which now so keenly mourns his death bears a proud New England name, and boasts no small measure of those sterling qualities that have made New England homes and New England enterprise a theme of envy and a pattern for imitation.

Much has been said—too much can not be said—of the intellectual side of Mr. HASKELL'S nature and of the honor that he had proved himself worthy to wear and which he seemed destined speedily to win in the field of politics and statesmanship. But there are those among his old neighbors and scattered all over the State which he honored who will prefer to remember him as the faithful friend and vigilant ally of every useful, every noble work. To the temperance cause he gave an example of life-long abstemiousness and ever-ready advocacy. In the Sabbath-school he was a patient, zealous, untiring worker. He honored religion by a blameless life, and strengthened the church of his choice by the earnestness of his labors and the elevating influence of his character. In social life he was fit to be a leader, and as the head of that sadly stricken family he was worthy of all the measureless love that centered there.

Mr. HASKELL was an ambitious man, but his was the ambition to excel, and thus to build upon the solid foundation of his own merits. He had none of the arts of the demagogue, and to the trickeries and littlenesses of politics he was an absolute stranger. He appealed for support on grounds of principle and the highest party expediency, and in his popular addresses eschewed charlatanism and personalities. He fortified himself for his public efforts by study and labor, and was thereby enabled to illumine them with a wealth of illustration and a profusion of analogies.

He gave to whatever he undertook the enthusiasm of his nature—not that tidal enthusiasm as conspicuous in its ebb as in its flow, but that steady, ardent, genial force before which obstacles that might withstand the fury of a spasmodic assault gradually but surely disappear.

Strong in his purposes, unyielding in his convictions, insensible to fear, vigorous in assault, and skillful in defense, Mr. HASKELL combined the chivalry of the knight with the tenderness of a woman. He contributed to partisanship no malignity, but was tolerant of differences and was a sincere admirer of able and conspicuous political opponents.

Mr. HASKELL'S power of concentration was something remarkable. If others excelled him in range and variety of information, he was the equal of any in the capacity to summon all his faculties to the attack or defense of a single position. He was therefore able to give to any undertaking in which he engaged all the energies of his nature. "Thorough" was his motto, and when he espoused a cause he studied it minutely, with a view to determine how it might be the most signally promoted and the most successfully defended.

This devotion to the matter in hand, whether great or small, was a striking characteristic of his whole life. His wholesome, hearty nature delighted in manly sports, and during his college life and subsequently the amiable ardor of his temperament was not less conspicuous in the athletic and chivalrous pastimes of the day than in the more serious concerns of life.

No man less obnoxious to the suspicion of being influenced by improper considerations ever lived. A prominent figure in numerous heated political controversies and a champion whose blows were as harmful to opponents as they were helpful to allies, no whisper of personal reproach was ever breathed against him. In an atmosphere of political perturbation and unrest he was serene and guileless, advancing toward the end in view in the sunlight and by processes seen and known of all men. To what he conceived to be vicious notions of finance and economic administration he gave no countenance, but fearlessly and sturdily maintained his own convictions at every hazard of personal popularity.

His courtesy was as sincere and cordial as it was plain and artless.

He cultivated no grace at the expense of his sincerity, nor simulated a pleasure that he did not feel. He had no special deference for rank or wealth or station, but was as kindly to the lowly who implored his aid as to the proud who sought his counsel. The kindliness of his soul beamed through mild blue eyes, and was traced in lines of tenderness upon his expressive countenance.

Mr. HASKELL was emphatically a growing man. The occasion would not justify invidious comparisons, nor is extravagant eulogy the office of true friendship; but I venture the opinion that no man of his age in public life gave fairer promise of eminent usefulness, or could more justly look forward to the recognition and reward to which genuine merit is ever entitled to aspire.

For the first time in the history of Kansas death has invaded the circle of her representation present at the capital of the nation. The blow which came with unexpected suddenness to anxious friends here fell with stunning force upon tens of thousands of hearts in distant homes. The aspiring mind and noble soul of my colleague were domiciled in a physical organization that seemed especially designed to give them fitting shelter. He was regarded as a strong man in every sense, and his friends and admirers were justified in anticipating for him length of days as well as fullness of honors. What commentary on the mutability of human affairs and the perishable nature of human hopes could be more sadly impressive!

No matter what may be the nature of the consolations left to the survivors, an ended life, whether it be that of the infant or the patriarch, is ever a matter of serious contemplation. It is peculiarly and sadly so when in that life centered brilliant hopes and extensive possibilities. To his latest hours of consciousness my dead colleague looked out upon the world as upon a field in which adequate rewards are reserved for conscientious labor. He was confident in his own capacity, and meditated large plans of usefulness.

And so DUDLEY CHASE HASKELL came to the close of his too brief career at a time grievously premature to his country and to his friends, but under circumstances not wanting in precious consolations. He had so lived as not to fear death. A laggard in the race for wealth, he had gained a richer inheritance; and, dying, left the partner of his life and home dowered with the fragrance of an exemplary life, and his children rich in the patrimony of his stainless name.

Mr. President, I ask for the adoption of the resolutions.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolutions proposed by the Senator from Kansas [Mr. PLUMB].

The resolutions were agreed to; and (at 3 o'clock and 52 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 3, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of Saturday's proceedings was read and approved.

REBATE OF TOBACCO TAX.

Mr. RANDALL. Under instructions from the Committee on Appropriations, I report back a letter referred to that committee in relation to rebate of tax on tobacco; and in that connection I desire, after the letter shall be read, to make two short statements.

The SPEAKER. The letter will be read.

The Clerk read as follows:

TREASURY DEPARTMENT, *February* 28, 1884.

SIR: I have the honor to acknowledge the receipt of a resolution passed by the House of Representatives on the 25th instant, as follows:

"*Resolved*, That the Secretary of the Treasury be requested to communicate to the House of Representatives within what period of time the rebates of tobacco tax under the act of March —, 1883, will be paid to the claimants, and if there is to be any delay in making such payment, then the causes thereof, and what can be done to effect the more speedy payment thereof."

In answer thereto I have to say that there are about 48,000 rebate claims and about 6,000 stamp-redemption claims under the act mentioned, all of which require examination in the office of the First Comptroller; that I have detailed eight clerks to the duty of examining said claims, and will increase the number. The services of those detailed, or that of others equivalent thereto, will be devoted to the work until it is completed. I shall also direct the Comptroller to increase the number of hours of duty of the clerks employed on the work.

It is estimated that with the details of clerks and the increase of hours all the claims can be examined and disposed of, and those allowed paid, in about three months.

Very respectfully,

CHAS. J. FOLGER, *Secretary*.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

Mr. RANDALL. Mr. Speaker, statements have been made in this House based on letters received by members of Congress and two resolutions have been offered in relation to this matter. The letter of the Secretary of the Treasury, Mr. Folger, settles one or two points. First, that no additional force is necessary; and second, instead of taking three years, as has been stated publicly, for the payment of these claims, that it will take but three months.

There has also crept into public notice an intimation that persons having claims, by the employment of agents at 5 per cent. on the amounts involved, could get precedence. Now, I want to say to the House and to the claimants, there is no occasion for them to go to any expense whatever to secure the payment of this money, and that if they do employ agents after this statement they do it of their own volition and not from any governmental standpoint.

The SPEAKER. If there be no objection the letter reported from the committee will be printed in the RECORD.

There was no objection.

JEANNETTE ARCTIC EXPEDITION.

Mr. WASHBURN. I ask unanimous consent to present a resolution for present consideration; and at the same time I send to the desk the memorial on which the resolution is based.

The resolution was read, as follows:

Whereas a petition has been presented to the honorable Speaker of the House of Representatives respectfully representing the condition of the Jeannette Arctic expedition, and the conduct of the surviving members, and the manner of the investigation adopted by the naval court of inquiry under the joint resolution of Congress providing for the same; and inasmuch as said facts involve the honor and humanity of officers in the United States service, as well as a proper respect for those who perished in the expedition; and inasmuch as the naval court of inquiry refused to admit or allow, as it is alleged, valuable testimony to be given to bring out the facts of the case in the interest of truth and history: Therefore,

Be it resolved, That the Committee on Naval Affairs of this House be directed to investigate the facts connected with said expedition and the alleged unofficer-like and inhumane conduct therein, and that the said committee be authorized to send for persons and papers, and to employ a stenographer.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The Chair would state to the gentleman from Minnesota that there is no provision for defraying the expenses from the contingent fund; and under the decision of the Comptroller the expenses could not be paid out of the contingent fund unless the resolution contained that provision.

Mr. WASHBURN. I thought if the committee went on with the investigation they could ask for that afterward.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was adopted.

Mr. WASHBURN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX, of New York. I hope the gentleman from Minnesota will have the petition in this case put in the RECORD.

Mr. WASHBURN. I ask unanimous consent that the petition on which this resolution is based be printed in the RECORD.

There was no objection.

The petition is as follows:

SIR: Your petitioner would respectfully submit the following memorial in reference to the Jeannette Arctic expedition, to the manner such expedition was conducted, the conduct of the surviving members, and the manner of investigation adopted by the naval court of inquiry under the joint resolution of Congress providing for the same:

First. That in the month of July, 1879, Jerome J. Collins, then a citizen of the United States, and director of the New York Herald weather service, joined the United States Arctic steamer Jeannette in the capacity of meteorologist and correspondent of the New York Herald.

Second. That on and after the month of September, 1879, the said Jerome J. Collins was, with other members of the expedition, treated with every indignity and outrage, even to being deprived of all the scientific instruments and appliances of his position as meteorologist of the expedition; that he was prevented from performing the proper work and duties of his office.

Third. That on or about the end of the year 1879, and while the Arctic steamer Jeannette was held in the ice, the said Jerome J. Collins was placed under suspension or arrest by the commanding officer of the expedition, and that he remained so until he died of starvation and cold on the bank of the River Lena, in Northern Siberia.

Fourth. That during the month of June, 1881, the Arctic steamer Jeannette, at that time held fast and drifting with the ice, was crushed and sunk, and the officers and crew, in three parties, commenced their retreat southward toward the Siberian coast; that one party, under the command of Lieutenant Chipp, U. S. N., was never found, and is supposed to have perished during a great storm, with his companions; that another party, under the command of Lieut. G. W. De Long, U. S. N., landed on the Lena delta, and traveled along the line of the river, hoping to find a settlement and relief; that at last, the party having consumed their last food and being threatened with starvation, Lieutenant De Long sent two of his party ahead to find assistance; that the two men so sent, Nindemann and Noros, traveled ahead until found by natives in a frozen and starving condition; that the party under the command of Lieutenant De Long, failing to find natives and supplies, and receiving no word from Nindemann and Noros, the party, including Lieutenant De Long, Mr. Jerome J. Collins, Dr. Ambler, and the seamen, died from starvation and cold during the last days of the month of October, 1881.

Fifth. That the third party, under the command of Chief Engineer Melville, United States Navy, after weathering the storm, did, on the 26th day of September, 1881, find a place of safety, and a base of supplies, several of the members of the party being at this time in a disabled condition. That the records show that, on the 3d day of October following, the said Melville had fully recovered, and with him all his men, and that several of the party urged him to push ahead and not delay, several volunteering to go in search of their missing shipmates. That finally, about the middle of the month of October, the said Melville sent an ignorant exile named Kusmah, resident in that place, to Bulun, refusing permission to any of the party to accompany him. That neither at this time nor at any subsequent period up to the 29th day of October did said Melville, he being then in command, use any effort or means to obtain information as to the condition or location of the two missing parties. That even at the time Melville sent the exile Kusmah to Bulun, he gave no directions or adopted no means for spreading the news of the missing boats, although surviving members of the expedition claim that the said Melville knew the route De Long would take in his retreat down the river Lena. That the exile Kusmah, sent to Bulun, returned on the 29th day of October, bringing a message from Nindemann and Noros stating

that the captain's (De Long's) party were in a starving condition and in need of immediate assistance; at that the said Melville then, after delaying thirty-three days at Gloomvialocke without making any efforts to succor his comrades, at last went to the rescue, it is alleged, stating that they would be all dead. That the evidence offered to the naval court, and which the undersigned is prepared to furnish, and that has already and will be further given by the survivors, goes to show, beyond any reasonable doubt, that had the said Melville performed the duty devolving upon him as the commander of the party, and obeyed the directions given him by Lieutenant De Long to immediately communicate with the Russian authorities, and gone to the rescue and conducted a search for the captain's party, each and every member of that party, with the exception of Erickson, would have been rescued and alive to-day.

Sixth. That on and after the arrival of a number of survivors of the expedition in this country a joint resolution was passed by Congress directing the Secretary of the Navy to appoint a court of inquiry into the loss of the Arctic steamer Jeannette and the conduct of the officers and men; that the said naval court refused to admit or allow to be given valuable testimony, and that said court ruled out nearly every question that would bring out the true history of the expedition; that many of the survivors were not permitted to give their full and free testimony, and that the naval inquiry was so conducted that all possible chance or possibility of the truth coming out was destroyed; that many of the witnesses, it is alleged by competent authority, were at the time dependent upon, under the jurisdiction of, and afraid of the persecution of the Naval Department; that the official stenographer of the court publicly declared in writing that important and valuable testimony was suppressed, and that the proceedings of said court were calculated to cover up all matters relating to the expedition.

Respectfully,

DANIEL F. COLLINS, M. D.

Hon. JOHN G. CARLISLE,
Speaker House of Representatives, Washington, D. C.

PACIFIC NATIONAL BANK, BOSTON, MASS.

Mr. COLLINS. I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The resolution was read, as follows:

Whereas a memorial has been presented to this Congress by the shareholders of the Pacific National Bank of Boston, Mass., charging frauds and misconduct on the part of certain United States Government officials in combination with the directors of said bank:

Resolved, That the Committee on Banking and Currency consider the expediency of making an immediate investigation of said charges and of so amending the banking laws as to prevent such frands and misconduct in future.

The SPEAKER. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on the adoption of the resolution.

The resolution was adopted.

Mr. COLLINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COLLINS. I ask that the memorial on which the resolution is based be printed in the RECORD.

There was no objection, and it was so ordered. The memorial is as follows:

To the honorable the Senate and the
House of Representatives in Congress assembled:

The undersigned, citizens of the United States, respectfully represent that they are shareholders in and creditors of the Pacific National Bank, a bank organized under the laws of the United States, and formerly doing business in Boston, in the State of Massachusetts, with a capital of $500,000; that on the 13th day of September, A. D. 1881, the directors of said bank voted to increase the capital by adding thereto $500,000, so as to make the capital of said bank $1,000,000, and invited the shareholders of said bank to take said increased capital, and pay for the same on or before October 1, 1881; that some of your memorialists paid their money to said bank for certain shares of said $500,000 of increased capital, under the provisions of the banking laws, which require that the whole of such increased capital shall be paid in before the bank shall be allowed to do business upon such increase; that on the 18th day of November, 1881, the said bank became unable to pay the legal demands upon it, and from that time was under the control of Daniel Needham, a bank examiner under the laws of the United States, and appointed by John J. Knox, Comptroller of the Currency; that said Daniel Needham had been the Government examiner of said bank from the time it began business until its suspension as aforesaid, and continued to be such examiner of said bank until said bank was placed in the hands of a receiver; that prior to said 18th day of November, 1881, the date of said bank's suspension, only $461,300 of the $500,000 increased capital had been paid in, and no more than said $461,300 was ever paid in on account of such increased capital; that John J. Knox, Comptroller of the Currency, well knew that only said $461,300 had been paid in, and informed the directors of said bank, immediately after said bank's suspension, that the capital of said bank was only $500,000; that the said John J. Knox, Comptroller of the Currency, in concert with said directors, and without the knowledge or consent of the shareholders of said bank, or of the parties who had paid in said $461,300 on account of said $500,000 increased capital, on the 12th day of December, 1881, advised said directors to vote to reduce the capital, which they had voted to increase by $500,000, to the amount actually paid in as aforesaid on account of said $500,000, to wit, to the amount of $461,300; that when said directors had voted as said John J. Knox had advised, but without the knowledge of the shareholders or of the persons who had paid in said $461,300 on account of said increase of $500,000, and when said directors had thus illegally reduced said increased capital, and had voted, also illegally, to increase the capital of said bank by said amount of $461,300 actually paid in, said John J. Knox, Comptroller of the Currency, illegally consented to said increase of capital last aforesaid, so illegally made, about one month after said bank had become insolvent; that the said Knox, knowing that said bank was insolvent, issued to said bank and to said directors a certificate permitting and authorizing said last-mentioned illegal increase of capital, thus aiding and abetting said directors in their fraudulent attempt to change the relations of those who had paid in their money on account of a portion of said increased capital of $500,000 from that of creditors of said bank to that of shareholders therein, without their knowledge or consent, and thus appropriating their money to the payment of other creditors of the bank, and attempting thereby to defraud them still further by making them liable as shareholders to an assessment of 100 per cent. upon said fraudulently increased capital for the purpose of paying the other creditors of the bank. That on the 10th day of January, A. D. 1882, at a meeting of the shareholders of said bank, said Daniel Needham, as such bank examiner, stated to said shareholders that said bank could be made solvent and could resume business if said shareholders would vote to assess 100 per cent. on the shares of said bank; and the president of said bank, one Lewis Coleman, and the agent of said Daniel Needham and of said Lewis Coleman and of the other directors, one William J. Best, in concert with and in the presence and hearing of said Daniel Needham, made statements to the same effect; and said Needham, Coleman, and Best assured said shareholders that if they would vote and pay such assessment they would save all the amount so paid in and from 25 to 50 per cent. of the par value of their shares; that said Needham, Coleman, and Best, for the purpose of enforcing their statements and advice, procured speeches to be made to said shareholders, to the same effect, by sundry persons who pretended to act for the advantage and benefit of the shareholders, whereas they were in collusion with the said directors and said Needham and Best, to induce the shareholders to vote and pay such assessment, so that they, said colluding parties, might be paid their claims as depositors in or creditors of said bank; that said vote to assess the capital stock of said bank 100 per cent. was passed by the shareholders, incited by and believing in the false statements aforesaid of said Daniel Needham, Lewis Coleman, William J. Best, and said parties colluding with them; and said Coleman and Best and said colluding parties, and Edmund C. Whitney, who had been appointed cashier of said bank by said directors, continually repeated to the shareholders and others the statements made January 10, 1882, to induce said shareholders and others to pay such assessment, all of said parties named and described well knowing at the time they made and repeated such statements that they were false and that the bank was hopelessly insolvent, and would be insolvent even though the whole of the sum assessed, to wit, $961,300, were paid in, and there was paid in on account of such assessment the amount of $742,800. That on the 18th day of March, 1882, said Daniel Needham, as such bank examiner, in charge of said bank by the authority of said John J. Knox, and with the official consent of said John J. Knox, permitted and authorized said bank to resume business, and thereby represented to the shareholders, to your memorialists, and to the public that said bank was solvent and able to pay all its debts, and the said bank did resume business and continued to do business until the 20th day of May, 1882, when it again suspended business, being insolvent and unable to pay the legal demands upon it, and was soon thereafter placed by said John J. Knox, as Comptroller of the Currency, in the hands of Linus M. Price, of New Jersey, as receiver thereof; that the said bank has been found by said Price to be hopelessly insolvent, and to have been insolvent at and long before the 13th day of September, 1881, when said directors voted to increase the capital by $500,000, and on the 18th day of November, 1881, and on the 13th day of December, 1881, when said Knox authorized said directors fraudulently to increase the capital thereof as aforesaid, by adding thereto the $461,300 paid in on account of the increase of $500,000, and on the 18th day of March, 1882, when said Needham and said Knox authorized said bank to resume business and to hold itself out to the public as sound and solvent; and your memorialists aver that said Needham and said Knox knew, or were bound officially to know, that said bank was insolvent at the different dates aforesaid, and were bound by their offices to do no act, official or otherwise, which should tend to deceive the shareholders or the public or to change or affect in any way the existing relations between any of the various parties interested in the affairs of said bank.

And your memorialists further say that said Knox, as Comptroller as aforesaid, has ordered an assessment of 100 per cent. upon what he now claims to be the capital of the bank, to wit, $961,300, including therein the $461,300 paid in on account of the $500,000 increased capital before the first suspension of the bank, but which would not have been included therein without the illegal action of said Knox as aforesaid; that the said Price has commenced suits against the shareholders to compel them to pay said assessment.

And your memorialists respectfully represent that they, and all the shareholders and the innocent creditors of said bank, have been greatly injured and defrauded by the directors of said bank and their agents as aforesaid; that said Daniel Needham, before the first suspension of said bank, aided and abetted said directors, by his culpable neglect of duty if not by positive acts, in defrauding said shareholders and creditors; and that said Needham and said Knox aided the said directors in defrauding said shareholders and creditors—the said Knox by authorizing the illegal increase of capital after said bank was known by him to be insolvent, and the said Needham by the assurances he made personally, and those made by said Coleman, Best, and others, which he approved and sanctioned at the shareholders' meeting on the 10th of January, 1882; and, notwithstanding said misconduct in and unfitness for the office, said Daniel Needham has been retained by said Knox in said office of bank examiner until the present time. And your memorialists respectfully represent that the affairs of said bank, both before its first suspension and afterward up to this time, have been conducted in a manner which is a reproach to the banking system of the country, to the reputation of the officers of the Government, as well as a grievous injury to the shareholders and creditors of the bank.

Wherefore your memorialists respectfully pray that you will cause an investigation to be made of the affairs of said bank and of the conduct of the Government officers in connection therewith, in order that the banking laws may be so amended as to prevent, as far as possible, the recurrence of such frauds and misconduct, and to protect the interests of shareholders and creditors of national banks, and to make those who commit such acts as have been set forth civilly and criminally responsible therefor.

COMMON SCHOOLS.

Mr. WILLIS. I ask unanimous consent for the present consideration of the resolution which I send to the desk. It merely proposes to fix a day for the consideration of the educational bill.

The resolution was read, as follows:

Resolved, That the bill of the House (H. R. 4980) to aid temporarily in the support of common schools, which has been reported to the House by the Committee on Education, be referred to the Committee of the Whole House on the state of the Union, and be set for consideration on Tuesday, the 25th of March, 1884, in the House as in Committee of the Whole; and that the consideration thereof be continued from day to day until finally acted upon, not to interfere with general appropriation bills, or revenue bills, or prior orders.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BLAND. I shall have to object.

SEEDS FOR SUFFERERS BY RECENT FLOODS.

Mr. TOWNSHEND. I ask unanimous consent to report back from the Committee on Appropriations two joint resolutions, and to move that the committee be discharged from the further consideration of the same, and that they be referred to the Committee on Agriculture.

The titles of the two joint resolutions were read, as follows:

Joint resolution (H. Res. 169) making appropriations for the purchase and distribution of seeds to sufferers by the recent floods along the Ohio River and its tributaries.

Joint resolution (H. Res. 163) making an appropriation for the purchase of seeds for distribution among the sufferers by the overflow of the Ohio and Mississippi Rivers and their tributaries.

There being no objection, the Committee on Appropriations was discharged from the further consideration of the joint resolutions, and they were referred to the Committee on Agriculture.

ORDER OF BUSINESS.

Several MEMBERS. Regular order!

The SPEAKER. The regular order is called for. This being Monday, the first business in order is the call of States and Territories for the introduction of bills and joint resolutions for printing and reference to their appropriate committees. Under this call resolutions and memorials of State and Territorial Legislatures are in order, and also resolutions calling for executive information for reference.

SEWERAGE OF THE DISTRICT OF COLUMBIA.

Mr. SHELLEY introduced a bill (H. R. 5465) making an appropriation for the completion of the sewerage system of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

E. D. MORRIS AND C. R. MORRIS.

Me. JONES, of Alabama, introduced a bill (H. R. 5466) to remit the forfeiture of the British bark Viscount Canning, and to refund the proceeds of the sale thereof to her owners, Edward D. Morris and C. R. Morris; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

E. L. BROWN.

Mr. ROSECRANS introduced a bill (H. R. 5467) for the relief of the estate of E. L. Brown of California; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed

CATHERINE SOUTH.

Mr. TULLY introduced a bill (H. R. 5468) granting an increase of pension to Catherine South; which was read first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PIKE'S PEAK RAILWAY AND IMPROVEMENT COMPANY.

Mr. BELFORD introduced a bill (H. R. 5469) granting the right of way through the military reservation of Pike's Peak, in the State of Colorado, to the Pike's Peak Railway and Improvement Company; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING AT NEW HAVEN, CONN.

Mr. MITCHELL introduced a bill (H. R. 5470) providing for the enlargement and improvement of the post-office, custom-house, and court-house at New Haven, Conn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CHARLES W. ADAMS.

Mr. EATON (by request) introduced a bill (H. R. 5471) to refer the claim of Charles W. Adams to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES JEFFERSON.

Mr. DAVIDSON introduced a bill (H. R. 5472) granting a pension to Charles Jefferson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. REESE introduced a bill (H. R. 5473) to repeal sections 5526 and 5527 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EBENEZER T. WHITE.

Mr. HAMMOND (by request) introduced a bill (H. R. 5474) for the relief of Ebenezer T. White; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE T. REEVES.

Mr. HAMMOND (by request) also introduced a bill (H. R. 5475) for the relief of George T. Reeves; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT IN WAGON HUBS AND WHEELS.

Mr. CANDLER introduced a bill (H. R. 5476) to extend letters patent No. 105674; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CHARLES A. D. ROGERS.

Mr. DAVIS, of Illinois, introduced a bill (H. R. 5477) granting an increase of pension to Charles A. D. Rogers, late a private in Chicago Mercantile Battery, Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM G. BROWNLOW.

Mr. ELLWOOD introduced a bill (H. R. 5478) for the relief of the estate of William G. Brownlow; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNLAWFUL OCCUPANCY OF GOVERNMENT LANDS.

Mr. PAYSON introduced a bill (H. R. 5479) to prevent unlawful occupancy of the public lands, &c.; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HENRY BINNAMON.

Mr. CALKINS introduced a bill (H. R. 5480) to increase the pension of Henry Binnamon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER BREWER.

Mr. CALKINS also introduced a bill (H. R. 5481) for the relief of Peter Brewer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE JOHNSON.

Mr. KLEINER introduced a bill (H. R. 5482) for the relief of Catherine Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. A. MUMFORD.

Mr. KLEINER also introduced a bill (H. R. 5483) for the relief of W. A. Mumford; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DONATION OF CONDEMNED CANNON, ETC.

Mr. LAMB introduced a bill (H. R. 5484) donating cannon, cartridges, caissons, and balls to Shiloh Post, No. 49, Department of Indiana, Grand Army of the Republic; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. SAMANTHA HARRIMAN.

Mr. WARD introduced a bill (H. R. 5485) granting a pension to Mrs. Samantha Harriman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT LA FAYETTE, IND.

Mr. WARD also introduced a bill (H. R. 5486) for the purchase of suitable grounds in the city of La Fayette, in the State of Indiana, and the erection thereon of a public building for the post-office and for the use of other United States officers in said city, and appropriating money for said purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BLACKWELL BAILEY.

Mr. COBB introduced a bill (H. R. 5487) for the relief of Blackwell Bailey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONAS SMITH.

Mr. COBB also introduced a bill (H. R. 5488) for the relief of Jonas Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALVIN BLACK.

Mr. COBB also introduced a bill (H. R. 5489) for the relief of Calvin Black; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RETIRED ARMY OFFICERS.

Mr. PUSEY introduced a bill (H. R. 5490) relative to officers of the Army on the retired-list who held commissions in the volunteer service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM SCHUMAN.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 5491) for the relief of William Schuman; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

RUSSELL FERGUSON.

Mr. KASSON introduced a bill (H. R. 5492) for the relief of Russell Ferguson, late private Company E, Forty-sixth Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FOX INDIANS OF IOWA.

Mr. MURPHY presented a memorial and joint resolution of the Legislature of the State of Iowa to the Congress of the United States, in regard to an investigation of matters pertaining to the Fox Indians of Iowa; which was referred to the Committee on Indian Affairs, and ordered to be printed.

HENNEPIN CANAL.

Mr. HOLMES presented a memorial and joint resolution of the Legislature of the State of Iowa, relative to the construction of a canal from the Mississippi River to the Illinois River at Hennepin, in the State of Illinois.

The SPEAKER. This resolution will be referred to the Committee on Railways and Canals.

Mr. HOLMES. I think it should go to the Committee on Rivers and Harbors, as a bill on the same subject was so referred.

Mr. KASSON. I understand the bill was reported back by the Committee on Railways and Canals and referred to the Committee on Rivers and Harbors.

The SPEAKER. The bill was reported from the Committee on Railways and Canals, was ordered to be printed, and referred to the Committee of the Whole on the state of the Union. It is now on the Calendar.

Mr. KASSON. In that case this had better go there.

The resolution was refered to the Committee on Railways and Canals, and, upon request of Mr. HOLMES, by unanimous consent, ordered to be printed in the RECORD, as follows:

Memorial and joint resolution relative to the construction of a canal from the Mississippi River to the Illinois River at Hennepin, in the State of Illinois.

Whereas the question of cheap transportation by an uninterrupted water route between the Mississippi River and the Atlantic seaboard, by way of the great lakes, has long been one of all-absorbing interest to the people of the food-producing States of the Northwest; and

Whereas the General Assembly of Iowa has repeatedly memorialized Congress for the construction of such water route; and expressly did, by memorial and joint resolution approved February 24, 1876, urge upon Congress the construction of the same from some point on the Mississippi River between the mouth of Rock River and Clinton, Iowa, to the Illinois River at Hennepin; and

Whereas at a convention representing the people of the Mississippi Valley and the Northwest, held at the city of Davenport, Iowa, May 25, 1881, it was resolved and unanimously declared—

First. That the Congress of the United States should devise by law and sustain by liberal and efficient appropriations a system of cheap transportation by water routes, connecting the Mississippi River and its tributaries with the Eastern Atlantic seaboard and the Gulf of Mexico.

Second. That it has been the policy of Congress and the desire of the people of the Northwest for many years to inaugurate and complete a system of water-channel improvement, having the Mississippi for its base; that to give greater efficiency to this policy there should be constructed from the Mississippi River, on the most feasible route, to the Illinois River at Hennepin, and thence to the lake at Chicago, a canal adequate to the present and future transportation needs of that great port of internal improvement, is an imperative necessity for a relief from excessive freight rates on the produce and commerce of the country, and that the work so long needed should immediately be commenced; and

Whereas the Congress of the United States, by act of August 2, 1882, authorized the Secretary of War to cause a survey to be made for the purpose of ascertaining the most practicable route for such proposed canal, which survey has been made, and an official report thereof transmitted to the Congress; and

Whereas the President of the United States, on the 8th day of January, 1884, sent to Congress his special message with respect to the construction of said Hennepin Canal, and accompanying said message with copies of the act of the General Assembly of Illinois, ceding to the United States the Illinois and Michigan Canal and other documents, in which special message the President says:

"I submit the communication of the governor of the State of Illinois, with a copy of the act of the General Assembly of the State, tendering to the United States the cession of the Illinois and Michigan Canal upon condition that it be enlarged and maintained as a national water way for commercial purposes. The proposed cession is an element of the subject Congress had under consideration in directing by the act of August 2, 1882, a survey for a canal from a point on the Illinois River at or near the town of Hennepin by the most practicable route to the Mississippi River at or above the city of Rock Island, the canal to be not less than seventy feet wide at the water line, and not less than seven feet depth of water, with a capacity for vessels of at least two hundred and eighty tons, and also for a survey of the Illinois and Michigan Canal and the estimated cost of enlarging it to the dimensions of the proposed canal between Hennepin and the Mississippi River. The surveys ordered in the above act have been completed and the report upon them included in the last annual report of the Secretary of War, and a copy is herewith submitted. It appears from these papers that the estimated yield of corn, wheat, and oats for 1882 in the States of Illinois, Wisconsin, Iowa, Minnesota, Kansas, and Nebraska was more than 1,000,000,000 bushels. It is claimed that if a cheap water-transportation route, which is now continuous from the Atlantic Ocean to Chicago, is extended to the upper Mississippi by such a canal great benefit in the reduction of freight charges would result to the people of the upper Mississippi Valley, whose productions I have only partly noted, not only on their own shipments but upon the articles of commerce used by them, which are now taken from the Eastern States by water only as far as Chicago. As the matter is of great interest, especially to the citizens in that part of the country, I commend the general subject to your consideration.

"CHESTER A. ARTHUR.

"EXECUTIVE MANSION, *January* 8, 1884."

Whereas it appears by the official report of Maj. W. H. H. Benyaurd, of the United States engineers, by whom such survey was made, that three routes were surveyed, to wit, the "Marais d'Osier route," "Watertown route," and "Rock Island route:" Now, therefore,

Be it resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be requested to vote for and use their active influence to effect such legislation by Congress as will secure the construction at an early day of said canal upon such route as may be the most feasible and practicable, and so designated by the Secretary of War, and which will be for the best interests of the people at large, and to vote a liberal appropriation therefor, to the end that said canal may be completed and opened to the commerce of the country at the earliest possible date.

Resolved, That the secretary of state be, and he is hereby, instructed to forthwith transmit a copy hereof to each of our Senators and Representatives in Congress.

OFFICE OF SECRETARY OF STATE,
Des Moines, Iowa, February 26, 1884.

A true copy of a memorial passed by the twentieth General Assembly, now in session.

[SEAL.]

JAS. HULL,
Secretary of State.

MARY A. KNAWBER.

Mr. RYAN introduced a bill (H. R. 5493) granting a pension to Mary A. Knawber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE O. HUNTER.

Mr. RYAN also introduced a bill (H. R. 5494) granting a pension to George O. Hunter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC PENDLEBURG.

Mr. ANDERSON introduced a bill (H. R. 5495) for the relief of Isaac Pendleburg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. CARTER.

Mr. ANDERSON also introduced a bill (H. R. 5496) for the relief of John M. Carter, pensioner of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PENSIONS.

Mr. PERKINS introduced a bill (H. R. 5497) granting a pension to all honorably discharged soldiers and sailors of the war of the rebellion who served one year or more and were discharged because of wounds received or disability contracted in the service; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT E. MAGOFFIN.

Mr. PETERS introduced a bill (H. R. 5498) granting a pension to Albert E. Magoffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUSSELLVILLE AND LOGAN COUNTY AGRICULTURAL ASSOCIATION.

Mr. HALSELL introduced a bill (H. R. 5499) for the relief of the Russellville and Logan County Agricultural and Mechanical Association; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BENJAMIN F. AMOS.

Mr. HALSELL introduced a bill (H. R. 5500) for the relief of Benjamin F. Amos, late of Seventh Kentucky Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. H. DENNIS.

Mr. HALSELL (by request) also introduced a bill (H. R. 5501) for the relief of J. H. Dennis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MADISON FEMALE INSTITUTE.

Mr. THOMPSON introduced a bill (H. R. 5502) for the relief of the Madison Female Institute, located at Richmond, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES CASSIDY.

Mr. THOMPSON also introduced a bill (H. R. 5503) for the benefit of James Cassidy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN MURDOCH AND OTHERS.

Mr. THOMPSON also introduced a bill (H. R. 5504) for the relief of John Murdoch and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. JENNY DRURY.

Mr. WILLIS introduced a bill (H. R. 5505) to increase the pension of Mrs. Jenny Drury; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FONTAINE T. FOX, JR.

Mr. WILLIS also introduced a bill (H. R. 5506) for the benefit of Fontaine T. Fox, jr., of the city of Louisville, State of Kentucky; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PATRICK O'BRIEN.

Mr. ROBERTSON, introduced a bill (H. R. 5507) granting a pension to Patrick O'Brien; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC R. H. CALDWELL.

Mr. ROBERTSON also introduced a bill (H. R. 5508) granting a pension to Isaac R. H. Caldwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS AND SAILORS WHO HAVE LOST AN ARM, ETC.

Mr. WOLFORD introduced a bill (H. R. 5509) for the benefit of soldiers and sailors who have lost an arm at the shoulder-joint; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUNCAN S. CAGE AND OTHERS.

Mr. ELLIS (by request) introduced a bill (H. R. 5510) for the relief of Duncan S. Cage and other persons therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH M. CARRIERE, ELISHA ANDRUS, AND OTHERS.

Mr. LEWIS introduced a bill (H. R. 5511) for the relief of Joseph M. Carriere, Elisha Andrus, and other persons therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. WILBERDING.

Mr. LEWIS (by request) also introduced a bill (H. R. 5512) for the relief of John H. Wilberding and other persons therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMPSON J. BIRD AND OTHERS.

Mr. LEWIS (by request) also introduced a bill (H. R. 5513) for the relief of Thompson J. Bird and other persons therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SCHOONER CHESAPEAKE TRADER.

Mr. COVINGTON introduced a bill (H. R. 5514) for the relief of the owners of the schooner Chesapeake Trader; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHAPLAINS.

Mr. LONG (by request) introduced a bill (H. R. 5515) to establish a chaplaincy of the jail and institutions of charity and reform of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MEMORIAL HALL, NORTHAMPTON, MASS.

Mr. WHITING introduced a bill (H. R. 5516) donating condemned cannon for use and ornament about Memorial Hall, Northampton, Mass.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADDITIONAL STEEL VESSELS FOR THE NAVY.

Mr. MORSE introduced a bill (H. R. 5517) to authorize the construction of additional steel vessels for the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RETIREMENT OF COMMODORES.

Mr. MORSE also introduced a bill (H. R. 5518) providing for the retirement of certain commodores in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RETIRED-LIST, REVENUE MARINE.

Mr. MORSE also introduced a bill (H. R. 5519) for a retired-list for the officers of the revenue-marine service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

POTOMAC AND CHESAPEAKE FREE SHIP-CANAL.

Mr. HOLTON introduced a bill (H. R. 5520) to provide for preliminary surveys and location of the Potomac and Chesapeake free ship-canal; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

NATIONAL HOMES, DISABLED SOLDIERS.

Mr. YAPLE introduced a bill (H. R. 5521) to amend chapter 3, title 59, of the Revised Statutes of the United States, entitled "National homes for disabled soldiers," by adding thereto section 4838; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RAILROAD BRIDGE, SAINT JOSEPH, MICH.

Mr. YAPLE also introduced a joint resolution (H. Res. 187) directing the Secretary of War to take such steps as may be necessary to effect the removal of the railroad bridge across the Saint Joseph River, just at its mouth, at Saint Joseph, Mich.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAMUEL C. WEBSTER.

Mr. MAYBURY introduced a bill (H. R. 5522) to compensate Samuel C. Webster, late third lieutenant in the Eighteenth Michigan Volunteers, for services rendered as recruiting officer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. HARRIET L. CLIFFORD.

Mr. CUTCHEON introduced a bill (H. R. 5523) to increase the pension of Mrs. Harriet L. Clifford, widow of Capt. William Clifford, late of Company E, Seventh United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. BACON.

Mr. STRAIT introduced a bill (H. R. 5524) for the relief of James H. Bacon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

A. L. CASKEY.

Mr. STRAIT also introduced a bill (H. R. 5525) for the relief of A. L. Caskey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE F. BROTT.

Mr. WAKEFIELD (by request) introduced a bill (H. R. 5526) for the relief of George F. Brott; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

POSTAL SERVICE.

Mr. WAKEFIELD also introduced a bill (H. R. 5527) to simplify and economize the collection and management of the postal revenues; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DEPREDATIONS BY SIOUX INDIANS.

Mr. NELSON introduced a bill (H. R. 5528) to restore to certain scouts and soldiers of the United States Army, of the Sioux Nation of Indians, the money and annuities belonging to them confiscated and forfeited to the United States under an act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians, approved February 16, 1863; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SALE OF TIMBER—MENOMONEE INDIAN RESERVATION.

Mr. NELSON also introduced a bill (H. R. 5529) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians in the State of Wisconsin; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CHARLES R. BLAIR.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 5530) for the relief of Charles R. Blair, postmaster at Eyota, Olmstead County, Minn.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF RULES.

Mr. BLAND submitted the following resolution; which was read, and referred to the Committee on the Rules:

Resolved, That the rules of this House be so amended that it shall not be in order to ask unanimous consent to consider, nor to move to suspend the rules to pass or consider, any bill or proposition affecting our relations with foreign countries until such bill or proposition shall have been referred to a standing committee of the House and reported back for consideration.

RETAIL LIQUOR LICENSES.

Mr. MORGAN (by request) introduced a bill (H. R. 5531) to restrict the issuing of licenses to retail liquor dealers to persons empowered under State or municipal laws to engage in such business of retail liquor dealers; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. MORGAN. Mr. Speaker, I offer this bill at the request of one of my constituents, Hon. R. B. Robinson, a leading member of the temperance society of Lamar, Mo.

JAMES F. HARRIS.

Mr. MORGAN also introduced a bill (H. R. 5532) granting a pension to James F. Harris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IRON MOUNTAIN BANK, SAINT LOUIS.

Mr. CLARDY introduced a bill (H. R. 5533) for the relief of the Iron Mountain Bank of Saint Louis, Mo.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DISTRIBUTION OF CLERICAL FORCE IN POST-OFFICE DEPARTMENT.

Mr. COSGROVE introduced a (bill H. R. 5534) to secure the equitable distribution of appropriations for clerk-hire and other expenses in the Post-Office Department; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RACHEL ROOT.

Mr. ALEXANDER introduced a bill (H. R. 5535) granting a pension to Rachel Root; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH HEINRICH.

Mr. FYAN introduced a bill (H. R. 5536) granting a pension to Elizabeth Heinrich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES G. MATHES.

Mr. FYAN also introduced a bill (H. R. 5537) granting a pension to James G. Mathes, Company L, Eighth Missouri Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES BAINTER.

Mr. LAIRD introduced a bill (H. R. 5538) for the relief of James

Bainter; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GEORGE S. COMSTOCK.

Mr. LAIRD also introduced a bill (H. R. 5539) for the relief of George S. Comstock; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GEORGE S. FISHER.

Mr. LAIRD also introduced a bill (H. R. 5540) to reimburse George S. Fisher for losses sustained by fire in Japan November 26, 1866; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LAND-GRANT RAILROADS.

Mr. LAIRD also introduced a joint resolution (H. Res. 188) directing the Secretary of the Interior to require all land-grant railroads to file a release of lands covered by the terms of their grants before taking other lands in lieu thereof, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TIMOTHY LYNCH.

Mr. HAYNES introduced a bill (H. R. 5541) granting a pension to Timothy Lynch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES NAVAL OBSERVATORY.

Mr. RAY, of New Hampshire, introduced a bill (H. R. 5542) in relation to the United States Naval Observatory; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DAVID M. NAGLE.

Mr. SLOCUM introduced a bill (H. R. 5543) granting a pension to David M. Nagle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAURA J. GODDARD.

Mr. WEMPLE introduced a bill (H. R. 5544) for the relief of Laura J. Goddard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY M. COWDEN.

Mr. BREWER, of New York, introduced a bill (H. R. 5545) for the relief of Mary M. Cowden for confiscated property; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ASSAY OFFICE, NEW YORK.

Mr. HARDY introduced a bill (H. R. 5546) to provide for the erection of a new assay office in the city of New York; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

MARY JANE ROOT.

Mr. MILLARD introduced a bill (H. R. 5547) to place the name of Mary Jane Root on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DERRICK F. HAMLINK.

Mr. SKINNER, of New York (by request), introduced a bill (H. R. 5548) granting a pension to Derrick F. Hamlink; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY N. WOLF.

Mr. YORK introduced a bill (H. R. 5549) for the relief of Henry N. Wolf; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SARAH A. HOOPER.

Mr. VANCE introduced a bill (H. R. 5550) granting an increase of pension to Sarah A. Hooper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

T. C. DICKEY.

Mr. VANCE also introduced a bill (H. R. 5551) for the relief of T. C. Dickey, postmaster at Murphy, N. C.; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

HON. WALTER F. POOL.

Mr. SKINNER, of North Carolina, introduced a joint resolution (H. Res. 189) to pay the salary for the unexpired term of the late Hon. Walter F. Pool, deceased, to his mother; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JOHN LAGO.

Mr. McCORMICK introduced a bill (H. R. 5552) granting a pension to John Lago; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISABELLA PALMER.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 5553) granting a pension to Isabella Palmer, blind daughter of John A. Palmer, late a private Company L, First West Virginia Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH PARRY.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 5554) granting a pension to Sarah Parry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES FRAZIER.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 5555) granting a pension to James Frazier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT ZANESVILLE, OHIO.

Mr. WILKINS introduced a bill (H. R. 5556) to provide for the erectinn of a public building at Zanesville, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FARAN & M'LEAN.

Mr. FOLLETT introduced a bill (H. R. 5557) for the relief of Faran & McLean; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN A. COAN.

Mr. FOLLETT also introduced a bill (H. R. 5558) for the relief of John A. Coan, of Lewis County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUCY A. HEY.

Mr. FOLLETT also introduced a bill (H. R. 5559) for the relief of Lucy A. Hey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. C. MORGAN.

Mr. MOREY introduced a bill (H. R. 5560) for the relief of A. C. Morgan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN L. COCHNOWER.

Mr. MOREY also introduced a bill (H. R. 5561) for the relief of John L. Cochnower; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES MORGAN.

Mr. MOREY also introduced a bill (H. R. 5562) for the relief of James Morgan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN W. SHOEMAKER.

Mr. MOREY also introduced a bill (H. R. 5563) for the relief of John W. Shoemaker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL CANNON.

Mr. MURRAY introduced a bill (H. R. 5564) granting an increase of pension to Michael Cannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THEO. AHRENS.

Mr. MURRAY also introduced a bill (H. R. 5565) granting a pension to Theo. Ahrens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. CARR.

Mr. MURRAY also introduced a bill (H. R. 5566) granting a pension to John W. Carr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB STOLL.

Mr. MURRAY also introduced a bill (H. R. 5567) granting a pension to Jacob Stoll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES WOLFE.

Mr. SENEY introduced a bill (H. R. 5568) granting a pension to James Wolfe, late private Company F, Second Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EHAS WENTLING.

Mr. SENEY also introduced a bill (H. R. 5569) granting a pension to Ehas Wentling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES L. BOOTH.

Mr. SENEY also introduced a bill (H. R. 5570) granting a pension to James L. Booth, late captain Company D, One hundred and eight-

eenth Regiment, and Company C, One hundred and fifty-first Regiment, Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE WYNN.

Mr. PAIGE introduced a bill (H. R. 5571) for the relief of George Wynn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL M'MULLEN.

Mr. PAIGE also introduced a bill (H. R. 5572) for the relief of Daniel McMullen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC ROSHON.

Mr. PAIGE also introduced a bill (H. R. 5573) for the relief of Isaac Roshon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. AUGUSTA PFEIFFER.

Mr. PAIGE also introduced a bill (H. R. 5574) for the relief of Mrs. Augusta Pfeiffer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

T. J. SHEPPARD.

Mr. CONVERSE introduced a bill (H. R. 5575) for the relief of T. J. Sheppard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAND TITLES IN NEBRASKA.

Mr. CONVERSE also introduced a joint resolution (H. Res. 190) confirming the title in lands to certain purchasers from the State of Nebraska; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FRANK CAMPBELL.

Mr. GEDDES introduced a bill (H. R. 5576) granting a pension to Frank Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN-DEPREDATION CLAIMS.

Mr. GEORGE introduced a bill (H. R. 5577) to authorize the Court of Claims to examine and adjudicate certain Indian-depredation claims already filed in Congress and the Interior Department; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GEORGE also introduced a bill (H. R. 5578) to provide for the payment of all claims for Indian depredations heretofore audited and allowed; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

B. JENNINGS.

Mr. GEORGE also introduced a bill (H. R. 5579) for the relief of B. Jennings; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MICHAEL M. KISTLER.

Mr. STORM introduced a bill (H. R. 5580) for the relief of Michael M. Kistler, late second lieutenant Company I, Forty-eighth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM PAUGH.

Mr. STORM also introduced a bill (H. R. 5581) granting a pension to William Paugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREEMAN SITLER.

Mr. STORM also introduced a bill (H. R. 5582) for the relief of Freeman Sitler, of Pennsylvania; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALFRED M'MURTRIE.

Mr. STORM also introduced a bill (H. R. 5583) for the relief of Alfred McMurtrie, of Luzerne County, Pennsylvania; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEGAL REPRESENTATIVES OF EGBERT THOMPSON.

Mr. ERMENTROUT introduced a bill (H. R. 5584) for the relief of the legal representatives of Egbert Thompson, deceased, late captain, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PEACE AMONG THE NATIONS.

Mr. EVANS, of Pennsylvania (by request), introduced a bill (H. R. 5585) to promote peace among the nations by the establishment of an international tribunal or some fixed principle of arbitration; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

THOMAS CULLEN.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 5586) granting a pension to Thomas Cullen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATILDA EVANS.

Mr. LAWRENCE introduced a bill (H. R. 5587) authorizing the Secretary of the Treasury to pay Matilda Evans, foster-mother of George Stokes, unpaid bounty and arrears of pay and allowances; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

HIRAM PEDRICK.

Mr. POST, of Pennsylvania, introduced a bill (H. R. 5588) granting a pension to Hiram Pedrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COURT OF APPEALS.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 5589) to establish a court of appeals and to provide for certain changes in the constitution of the circuit courts of the United States when sitting in banc, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HARRY W. MARTIN.

Mr. BRAINERD introduced a bill (H. R. 5590) for the relief of Harry W. Martin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BOUNTIES.

Mr. BRAINERD also introduced a bill (H. R. 5591) for the payment of bounty to volunteer veterans according to conditions of their enlistment; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

INDIAN POLICY.

Mr. RANDALL presented a concurrent resolution of the Legislature of Pennsylvania in relation to a governmental policy in the treatment of Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

THOMAS G. CORBIN.

Mr. RANDALL also introduced a bill (H. R. 5592) for the relief of Thomas G. Corbin; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LOTTIE E. DIETRICH.

Mr. ATKINSON introduced a bill (H. R. 5593) granting a pension to Lottie E. Dietrich, widow of Lewis W. Dietrich, late lieutenant Company E, Thirtieth United States Colored Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH C. WILSON.

Mr. ATKINSON also introduced a bill (H. R. 5594) grating a pension to Elizabeth C. Wilson, widow of Henry H. Wilson, late captain Company F, Sixteenth Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EUGENE L. TOWNSEND.

Mr. HARMER introduced a bill (H. R. 5595) granting a pension to Eugene L. Townsend; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. WILLIAMS AND OTHERS.

Mr. DIBBLE introduced a bill (H. R. 5596) for the relief of George W. Williams and other persons therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NANCY GALBREATH.

Mr. HOUK introduced a bill (H. R. 5597) for the relief of Nancy Galbreath; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. DELILA NEEDHAM.

Mr. HOUK also introduced a bill (H. R. 5598) granting relief to Mrs. Delila Needham, widow of William Needham, of Union County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATIONAL CEMETERY, MEMPHIS.

Mr. YOUNG introduced a bill (H. R. 5599) for the construction of a macadamized road from the city of Memphis, in the State of Tennessee, to the national cemetery near said city; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARCELLUS MARTIN.

Mr. DIBRELL introduced a bill (H. R. 5600) for the relief of Marcellus Martin, late private Company E, Fifth Tennessee Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. DIBRELL (by request) also introduced a bill (H. R. 5601) to amend the pension laws; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAUPER LABORERS, ETC.

Mr. CALDWELL introduced a bill (H. R. 5602) to prohibit the business of importing pauper laborers, lazaroni, and beggars into the United States and Territories, and hiring out the same; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

PUBLIC HEALTH.

Mr. PETTIBONE (by request) introduced a bill (H. R. 5603) to protect the public health; which was read a first and second time, referred to the Select Committee on the Public Health, and ordered to be printed.

INVALID PENSIONS.

Mr. PETTIBONE also introduced a bill (H. R. 5604) to amend section 4695 of the Revised Statutes of the United States, relating to invalid pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. BRIGANCE.

Mr. STEWART, of Texas, introduced a bill (H. R. 5605) to increase the pension of Charles H. Brigance from $8 to $20 per month; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PUBLIC BUILDING, FORT WORTH, TEX.

Mr. WELLBORN introduced a bill (H. R. 5606) for the erection of a public building at Fort Worth, Tex.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AMENDMENT OF RULES.

Mr. POLAND submitted the following resolution; which was adopted:

Resolved, That the following proposed rule be referred to the Committee on Rules:

RULE —.

Upon the death of a member of either House of Congress it shall be in order at any time to submit for immediate consideration the customary resolutions, which shall be disposed of without debate; and within ten days thereafter any member of the House may file for publication in the RECORD such remarks thereon as he may desire.

NATHANIEL BELL.

Mr. JOHN S. WISE introduced a bill (H. R. 5607) to grant a pension to Nathaniel Bell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES ROBINSON.

Mr. LIBBEY (by Mr. JOHN S. WISE) introduced a bill (H. R. 5608) granting a pension to James Robinson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

COPPERSMITHS' SHOPS, NORFOLK NAVY-YARD.

Mr. LIBBEY (by Mr. JOHN S. WISE) also introduced a bill (H. R. 5609) making an appropriation for the erection of coppersmiths' shops in the United States navy-yard at Norfolk, Va.; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HENRY B. LIVINGSTON.

Mr. LIBBEY (by Mr. JOHN S. WISE) also introduced a bill (H. R. 5610) granting a pension to Henry B. Livingston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FEES OF COLLECTORS, ETC.

Mr. GEORGE D. WISE introduced a bill (H. R. 5611) to amend and reenact section 2660 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PROTECTION OF GAME IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR (by request) introduced a bill (H. R. 5612) for the protection of game in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

STREET RAILWAY AND HERDIC TICKETS.

Mr. BARBOUR (by request) also introduced a bill (H. R. 5613) to provide for the exchange of tickets between street-railway companies and the Herdic Phaeton Company in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

VALENTINE E. JOHNSON.

Mr. GIBSON introduced a bill (H. R. 5614) to pension Valentine E. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS LICKLIDER.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 5615) for the relief of Thomas Licklider, of Jefferson County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD H. BRYARLY.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 5616) for the relief of the personal representatives of Richard H. Bryarly, deceased, of Berkeley County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID SEIBERT.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 5617) for the relief of David Seibert, of Berkeley County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES W. HYATT.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 5618) for the relief of James W. Hyatt; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

METHODIST EPISCOPAL CHURCH, MARTINSBURG.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 5619) for the relief of the Methodist Episcopal church of Martinsburg, W. Va.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSIAH W. FLAGG.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 5620) for the relief of Josiah W. Flagg, of Berkeley County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANCIS M. PAULDING.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 5621) for the relief of Francis M. Paulding, of Berkeley County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ZADOCK WILLIAMS.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 5622) for the relief of Zadock Williams, of Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

J. C. M'KELDEN AND OTHERS.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 5623) for the relief of J. C. McKelden, M. G. Emery, Flodoardo Howard, and heirs of the late J. A. Kennedy and Douglas Moore, all of Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WILLIAM GRINDER.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 5624) for the relief of William Grinder; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CATHERINE A. M. MADDOX.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 5625) for the relief of Catherine A. M. Maddox; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN BRICKLEY.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 5626) for the relief of John Brickley; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

FLAVIA A. HASKELL.

Mr. GUENTHER introduced a bill (H. R. 5627) granting a pension to Flavia A. Haskell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM S. RICHARDSON.

Mr. RANKIN introduced a bill (H. R. 5628) for the relief of Hiram S. Richardson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA M. SCHAUTZ.

Mr. SUMNER, of Wisconsin, introduced a bill (H. R. 5629) granting a pension to Anna M. Schautz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. RUGG.

Mr. STEPHENSON introduced a bill (H. R. 5630) granting a pension to George W. Rugg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. H. HIGGINS.

Mr. STEPHENSON also introduced a bill (H. R. 5631) granting a pension to W. H. Higgins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH J. BREMMER.

Mr. STEPHENSON also introduced a bill (H. R. 5632) granting a pension to Sarah J. Bremmer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MALCOM DOBIE AND MILTON S. STRATTON.

Mr. STEPHENSON also introduced a bill (H. R. 5633) granting a pension to Malcom Dobie and Milton S. Stratton; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FRANK M. GUERNSEY.

Mr. STEPHENSON also introduced a bill (H. R. 5634) for the relief of Frank M. Guernsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHLOE P. ROOT.

Mr. JONES, of Wisconsin, introduced a bill (H. R. 5635) for the relief of Chloe P. Root; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OTTO LEISSRING.

Mr. JONES, of Wisconsin, also introduced a bill (H. R. 5636) for the relief of Otto Leissring; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ACT OF ARIZONA LEGISLATURE.

Mr. OURY introduced a bill (H. R. 5637) to disapprove and declare void act No. 1 of the acts of the Territorial Legislature of Arizona, of the session of 1883, approved January 16, 1883; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. MAGINNIS introduced a bill (H. R. 5638) to authorize the Benton Bridge Company to build and maintain a bridge across the Missouri River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JUSTICES OF THE PEACE IN WYOMING.

Mr. POST, of Wyoming, presented a memorial of the Legislature of the Territory of Wyoming, praying for an extension of the jurisdiction of justices of the peace; which was referred to the Committee on the Territories.

Mr. POST, of Wyoming, introduced a bill (H. R. 5639) extending the jurisdiction of justices of the peace in Wyoming Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

FORT BRIDGER RESERVATION.

Mr. POST, of Wyoming, also introduced a bill (H. R. 5640) for the relief of certain settlers upon the military reservation of Fort Bridger, Wyo.; which was read a first and second time, referred to the Commitee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories has been completed. If there be no objection the Chair will recognize gentlemen who were not in their seats when their States were called.

There was no objection.

EDWARD W. WYATT.

Mr. SPRINGER introduced a bill (H. R. 5641) for the relief of Edward W. Wyatt, late corporal of Company E, Fifty-eighth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA CAMPBELL.

Mr. JORDAN introduced a bill (H. R. 5642) granting a pension to Anna Campbell, widow of the late David W. Campbell, of Company I, Fifth Regiment Ohio Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN CON.

Mr. HOLMAN introduced a bill (H. R. 5643) granting a pension to Ann Con; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. JOHN BURKHART.

Mr. HOLMAN also introduced a bill (H. R. 5644) for the relief of Capt. John Burkhart; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL W. HAMILTON.

Mr. CARLETON introduced a bill (H. R. 5645) for the relief of Samuel W. Hamilton, of Port Huron, Mich.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANK P. MURPHY.

Mr. SEYMOUR (by request) introduced a bill (H. R. 5646) for the relief of Frank P. Murphy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OJO CALIENTE RESERVATION.

Mr. NEECE introduced a bill (H. R. 5647) to withdraw from sale the lands known as Ojo Caliente, or Hot Springs reservation, in the Territory of New Mexico, and to reserve the same for a town site; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HEIRS OF ZEBULIN PARKER.

Mr. NEECE also introduced a bill (H. R. 5648) for the relief of the heirs of Zebulin Parker, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH GEOSTESPHAN.

Mr. WILLIS introduced a bill (H. R. 5649) granting a pension to Elizabeth Geostesphan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DESECRATION OF GRAVES.

Mr. WILLIS (by request) also introduced a bill (H. R. 5650) for the promotion of anatomical science and to prevent the desecration of graves; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MRS. ANNA J. FOSTER.

Mr. KING introduced a bill (H. R. 5651) granting an increase of pension to Mrs. Anna J. Foster, widow of General John G. Foster, late brevet colonel of United States engineers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRIBUTION OF JUTE SEED.

Mr. KING also introduced a bill (H. R. 5652) for the purchase and distribution of jute seed; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

MATTHEW SMITH.

Mr. TUCKER introduced a bill (H. R. 5653) for the relief of the legal representatives of Matthew Smith; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

CHIPPEWA AND MUNSEE INDIANS.

Mr. RYAN (by request) introduced a bill (H. R. 5654) for the relief of the united bands of Swan Creek, Black River, Chippewa, and Munsee or Christian Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PENSIONS.

Mr. PEELLE, of Indiana, introduced a bill (H. R. 5655) to provide pensions for certain invalid soldiers and sailors who have been discharged from the Army or Navy of the United States after six months' service therein during the war of the rebellion, and for the widows of deceased pensioners, and to increase the rates of pensions in certain cases; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

NATIONAL WAR DEBT, ETC.

Mr. HANCOCK (by Mr. THROCKMORTON) introduced a bill (H. R. 5656) to liquidate the national war debt in gold and silver, to increase the circulation of national current money, to discontinue the collection of internal revenue, to establish a merchant marine, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

THOMAS LITTLE.

Mr. HANCOCK (by request, by Mr. THROCKMORTON) also introduced a bill (H. R. 5657) authorizing the President to appoint and retire Thomas Little a captain; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AUGUST SANTLEBEN.

Mr. HANCOCK (by Mr. THROCKMORTON) also introduced a bill (H. R. 5658) for the relief of August Santleben; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CHRISTOPHER BOWLIN.

Mr. WHITE introduced a bill (H. R. 5659) for the relief of Christopher Bowlin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DISTILLED SPIRITS.

Mr. WHITE, of Kentucky, also submitted the following resolution; which was referred to the Committee on Ways and Means:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the House as follows:

1. What was the number of distilleries in the United States each year from March 1, 1877, to 1884, inclusive.

2. What number of gallons from fruit, molasses, and grain respectively was produced during each and every of those years in the States severally.

3. What part of each year's production was prepared for beverage and table uses, and what part for art, scientific, and other purposes.

4. What number of gallons of distilled spirits was withdrawn from bonded warehouses under exportation bonds during each of those years.

5. What number of gallons of distilled spirits were withdrawn from bonded warehouses under exportation bonds after having remained in bonded warehouses more than two years, and from which States so exported.

6. What number of gallons of distilled spirits, having remained in bonded warehouses more than two years, were withdrawn under exportation bonds during the years 1883 and 1884, and from which States so withdrawn.

EVIDENCE IN PENSION CASES.

Mr. KASSON introduced a bill (H. R. 5660) regulating the evidence required in pension cases; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

AMENDMENT OF RULES—HOUSE CALENDAR.

Mr. KASSON also submitted the following additional clause to Rule 4; which was referred to the Committee on Rules:

4. It shall be in order on each Wednesday morning, at any time after reading the Journal, to move to proceed to the consideration of bills on the House Calendar; and if such motion prevails the bills on that Calendar shall be taken up and disposed of in their order, but prior bills may be laid aside by a majority vote without debate.

PATRICK COFFIELD.

Mr. BREWER, of New Jersey, introduced a bill (H. R. 5661) granting a pension to Patrick Coffield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH SCHULER.

Mr. BREWER, of New Jersey, also introduced a bill (H. R. 5662) for the relief of Joseph Schuler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY HOWARD FARQUHAR.

Mr. WASHBURN introduced a bill (H. R. 5663) for the relief of Mary Howard Farquhar; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH ANN RICE.

Mr. WASHBURN also introduced a bill (H. R. 5664) granting a pension to Elizabeth Ann Rice; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WALTER D. FORBES.

Mr. STRUBLE introduced a bill (H. R. 5665) to correct the military record of Walter D. Forbes, late a member of Company G, Second Ohio Cavalry, and to remove the charge of desertion now standing against him on the records of the War Department; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PENSIONS.

Mr. WARNER, of Ohio, introduced a bill (H. R. 5666) to amend the pension laws, and for other purposes; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

HENRY J. GRAVES.

Mr. VALENTINE. Mr. Speaker, on the 29th of January I introduced a bill (H. R. 4149) for the relief of Henry J. Graves. It was a bill designed to correct this man's record as a volunteer soldier, and it ought to have been referred to the Committee on Military Affairs; but by inadvertence it was referred to the Committee on Invalid Pensions. I ask unanimous consent that the Committee on Invalid Pensions be discharged from the further consideration of the bill, and that it be referred to the Committee on Military Affairs.

The SPEAKER. If there be no objection the reference will be changed as indicated by the gentleman.

There was no objection, and it was ordered accordingly.

PENSIONS TO SOLDIERS AND SAILORS OF MEXICAN WAR.

Mr. TOWNSHEND. I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill granting pensions to the soldiers and sailors of the Mexican war, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States who served sixty days in the war of 1846 and 1847 and 1848 with Mexico, or who, being enlisted as aforesaid, actually served with the Army or Navy of the United States in Mexico in said war, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said wars, although their term of service may have been less than sixty days, and the surviving widows of such officers and enlisted men as were married to such officers or soldiers or sailors prior to the discharge of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That this act shall not apply to any person not a citizen of the United States.

SEC. 2. That pensions under this act shall be at the rate of $8 per month, and payable only from and after the passage of this act for and during the natural lives of the persons entitled thereto.

SEC. 3. That before the name of any person shall be placed on the pension-roll under this act proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other evidence of service performed and of an honorable discharge may be deemed sufficient.

SEC. 4. That the pension laws now in force which are not inconsistent or in conflict with this act are hereby made a part of this act, so far as they may be applicable thereto.

SEC. 5. That it shall be unlawful for any attorney, claim agent, or any other person to demand or receive a fee greater than $10 for services rendered in behalf of a claimant under this act, to be paid when such claim is allowed.

SEC. 6. That section 4716 of the Revised Statutes is hereby repealed so far as the same relates to this act or to pensioners under this act.

SEC. 7. That the provisions of this act shall not apply to any person while under the political disabilities imposed by the fourteenth amendment to the Constitution of the United States.

Mr. BROWNE, of Indiana. I ask a second on the motion to suspend the rules.

Mr. HEWITT, of Alabama. I demand a second.

Mr. TOWNSHEND, of Illinois. I ask unanimous consent that a second may be considered as ordered.

Mr. BROWNE, of Indiana. I ask a second; and I do not consent that it may be considered as ordered by unanimous consent.

The SPEAKER. The gentleman from Indiana and the gentleman from Alabama both demand a second on the motion to suspend the rules.

Mr. KASSON. In attempting to follow this bill as read, I find that it does not conform to the printed bill. I wish to ask whether the bill read at the desk is in print.

Mr. TOWNSHEND. I wish to say to the gentleman from Iowa that the bill just read embraces the principal features—substantially all the principles, in fact—of the bill reported by the Committee on Pensions and the bill introduced by myself. I will add that the bill is confined exclusively to soldiers and sailors of the Mexican war.

The SPEAKER. The bill appears to be a manuscript bill.

Mr. KASSON. Has the bill been reported by a committee or is it presented on the gentleman's own responsibility?

Mr. TOWNSHEND. It is presented upon my individual motion. I repeat, it applies exclusively to soldiers and sailors of the Mexican war.

Mr. STEELE. I rise to a parliamentary inquiry. As I understand, this is in substance a bill which has already been made a special order; but the Clerk has read only portions of the bill, leaving out one or two sections. Is it in order to consider such a bill under a suspension of the rules?

The SPEAKER. The gentleman from Illinois moves to suspend all rules in order to put the bill on its passage. The motion requires a two-thirds vote. [Cries of "Regular order!"]

Mr. TOWNSHEND. In order to correct the gentleman from Indiana [Mr. STEELE]——

The SPEAKER. Debate is not in order.

Mr. TOWNSHEND. I know that; but I want to correct an erroneous impression——

The SPEAKER. But debate is not in order.

Mr. TOWNSHEND. I desire to answer the parliamentary inquiry put by the gentleman from Indiana.

The SPEAKER. That is debate, and the regular order is demanded.

Mr. TOWNSHEND. The gentleman from Indiana is mistaken, that is all.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from Indiana [Mr. BROWNE] will please act as tellers. The question is, Shall the motion to suspend the rules be seconded?

The tellers took their places; but before the count was concluded,

Mr. TOWNSHEND said: The gentleman from Indiana withdraws the objection to having a second ordered by unanimous consent.

Mr. BROWNE, of Indiana. My only object in calling for a second was that time for discussion might be assured.

The SPEAKER. The ordering of a second by unanimous consent does not interfere with the time for debate. The objection being withdrawn, a second will be considered as ordered. Under the rules thirty minutes will now be allowed for debate on this motion, fifteen minutes in support of the motion and fifteen minutes in opposition to it. The gentleman from Illinois [Mr. TOWNSHEND], who makes the motion, will control the fifteen minutes in support of the bill, and the gentleman from Alabama [Mr. HEWITT] who, as the Chair understood, rose first to demand a second will control the time on the other side.

Mr. KASSON. If in order I ask before the debate begins, as the bill is in manuscript and it is only fair, that it be again read for the information of the House.

Mr. TOWNSHEND. I hope that will be done.

Mr. BROWNE, of Indiana. My friend from Alabama and myself demanded a second. Do I understand the gentleman from Alabama as opposing the bill *in toto?* If so, I will not object to his controlling the time in opposition to the bill.

Mr. TOWNSHEND. Do I understand the gentleman from Alabama to oppose the bill?

The SPEAKER. The gentlemen from Indiana has propounded an inquiry to the Chair.

Mr. TOWNSHEND. I do not understand the gentleman from Alabama is opposed to the bill.

The SPEAKER. Under the rule of the House the Chair will award the time in opposition to the bill to some gentleman really opposed to the measure, if the Chair can be made aware of that fact. No amendment can be offered except by unanimous consent.

Mr. TOWNSHEND. I desire to know who does control the time.

The SPEAKER. The gentleman from Illinois controls the time in favor of the bill.

Mr. TOWNSHEND. But who controls the time in opposition to the bill?

The SPEAKER. The gentleman from Illinois controls the time in support of the bill.

Mr. TOWNSHEND. But who in opposition to the bill?

The SPEAKER. The Chair is endeavoring to ascertain.

Mr. BROWNE, of Indiana. I am entirely willing the gentleman from Alabama shall control the time in opposition to the bill, and indeed I will be pleased if he would do so; but let us have somebody who is really opposed to the bill.

Mr. TOWNSHEND. I do not understand the gentleman from Alabama to oppose it.

The SPEAKER. The gentleman from Illinois is not in order. The Chair will hear the gentleman from Alabama.

Mr. HEWITT, of Alabama. I wish to say this, Mr. Speaker, that while I expect to vote for the motion, I desire very much to say a few words on this bill.

The SPEAKER. The Chair under the rule must award the control of the time to some gentleman opposed to the bill. The gentleman from Indiana [Mr. BROWNE] therefore will control the time in opposition to the motion of the gentleman from Illinois.

Mr. ELDREDGE. I ask unanimous consent to move a slight amendment to the bill.

The SPEAKER. No amendment can be offered to the bill except by unanimous consent.

Mr. KASSON. Let us have the bill read, as it is in manuscript.

The SPEAKER. The bill will again be read, and gentlemen will resume their seats, so that it may be heard.

The bill was again reported.

The SPEAKER. The Chair recognizes the gentleman from Illinois [Mr. TOWNSHEND] as entitled to the floor for fifteen minutes in support of the motion.

Mr. TOWNSHEND. Mr. Speaker, the bill which has been read, so far as it relates to the surviving soldiers of the Mexican war, is a combination of the essential features of a bill introduced by myself on the first bill day of this session and the bill reported from the Committee on Pensions, together with the suggestions made by the convention of Mexican soldiers at their recent convention in this city.

It does not contain a single essential provision not already sanctioned by a vote of the House of Representatives, and which has not been favorably reported from the Committee on Pensions. The bill, so far as it relates to the Mexican soldiers—it relates alone and exclusively to those who served in the Mexican war—is of the same nature substantially, term for term, as the bill which passed the House by unanimous consent in the Forty-fourth Congress. The bill, as I have said a moment ago, relates exclusively to those who served in the Mexican war. It is also confined in its provisions to those widows who were married to those soldiers prior to their discharge. The bill also, by the last provision in it, excludes from its benefits all those under political disabilities, or, in other words, excludes them while their political disabilities exist.

Mr. DUNN. How much do I understand that to mean?

Mr. TOWNSHEND. It embraces the same clause found in the bill reported by the Committee on Pensions, excluding all persons while under political disability. It applies to one in particular who has never asked that his political disabilities be removed. In order that no misunderstanding may occur, I repeat that this bill is substantially the bill reported by the Committee on Pensions in the present Congress, with the exception that it does not include those provided for in that bill who participated in several Indian wars.

I have nothing further to say in the opening of the debate on the question, but will reserve my time until I have heard from the opponents of the bill. After consultation with the friends of the Indian and Mexican soldiers, I have concluded it to be the better course to separate the soldiers of the different wars, and permit the interest of each to stand upon their own respective merits. I am heartily in favor of a bill pensioning the soldiers of the Black Hawk war, in which war two Presidents participated—President Taylor and President Lincoln. I am also in favor of granting pensions to the soldiers who served in the Florida wars, and shall advocate pensions for them when their bill comes before us for action. I repeat again, the present bill makes provision solely for the Mexican soldiers, and for the simple reason that it is better for the interests of the soldiers of these various wars that the pension bills for their relief should not be confused or embarrassed by embracing them all in the same measure.

Mr. STEELE. Let me ask the gentleman a question?

Mr. TOWNSHEND. Mr. Speaker, I reserve the remainder of my time until I have heard from those who are opposed to this bill; and I will say that I do not wish my time to be consumed in answering questions.

How much time have I remaining?

The SPEAKER. The gentleman has thirteen minutes left.

Mr. KASSON. Will the gentleman from Illinois allow me a question touching one clause introduced in this bill for the first time—that which makes the following condition:

Or engaged in any battle——

Mr. TOWNSHEND. In the Mexican war.

Mr. KASSON. I do not see its connection, and would like to ask the gentleman what it is proposed to accomplish by it.

Mr. TOWNSHEND. I will explain. This bill, as the gentleman will perceive, is confined to those who served for sixty days in the Mexican war or actually participated in the war or actually served with the Army and Navy or engaged in a battle during the war. Now, there are instances where soldiers were enlisted for this war who did not serve sixty days, who were never in Mexico, and who never performed any actual service. This bill, therefore, excepts all of those. I believe there were two or three regiments that enlisted which never left their States or performed military service in the war and took no part in the war further than merely to enlist.

Mr. REED. What do you mean by those who actually entered into the war?

Mr. TOWNSHEND. Those who actually participated in the war, or actually served with the Army and Navy in the war.

Mr. REED. Those who were in Mexico a single day?

Mr. TOWNSHEND. That is my understanding; if they were enlisted and actually performed service with the Army or Navy.

The SPEAKER. The gentleman has eleven minutes of his time remaining.

Mr. ELDREDGE. I wish to call the attention of the gentleman who introduced this bill to one clause which needs modification.

The SPEAKER. That may be done by consent after the debate. It could not be taken out of the time allowed for debate.

Mr. BROWNE, of Indiana. Mr. Speaker, certainly it was not anticipated when the House made the Mexican war pension bill a special order that gentlemen would offer to pass it, and a new bill at that, under a suspension of the rules, so as to cut off almost all discussion on the merits of the measure, and certainly it results in denying to those who desire to perfect the bill all opportunities of suggesting proper and necessary amendments.

I confess that after having heard the bill read from the Clerk's desk I do not know that I clearly comprehend its provisions. But if I understood aright it proposes in the first place to give a pension to all of those men who appear on some muster-roll of the Army of the United States in its war with Mexico and who served for sixty days. It is simply necessary under the first clause that the applicant for a pension under this bill shall have figured on a muster-roll regardless of the place where or the circumstances under which he served; and I undertake to say that it will put men on the pension-rolls of this country who never saw a living or dead Mexican, who never heard the discharge of a gun during that war unless it was fired by accident. I am opposed, sir, to pensioning that class of fighters in the Mexican war or in any war.

This bill will put men on the pension-roll who never left the camp of rendezvous. It will put men on the pension-roll who never suffered the loss of limb or of health by wounds or by sickness. In addition to that, Mr. Speaker, it puts all this sixty-day class—and I refer purely to the service clause—it puts men on the rolls regardless of health or age or pecuniary condition. It puts on the pension-roll millionaires, men who do not need the assistance of the Government of the United States. It puts Senators and Members of the House of Representatives on the pension-roll. It pensions men who are to-day giving it their support.

Mr. BELFORD. Do you know any millionaire who belongs to this House?

Mr. BROWNE, of Indiana. I do not desire to be interrupted, if the gentleman will pardon me.

I asserted in the last Congress, and I believe I was corrected by my distinguished friend from Alabama [Mr. HEWITT], that not a man, by any general act of Congress of the United States, who served in the Revolutionary war went on the pension-roll until thirty-seven years after its close.

Mr. HEWITT, of Alabama. The gentleman is entirely in error.

Mr. BROWNE, of Indiana. I say that no man went on the rolls as a service pensioner until thirty-seven years after the close of the Revolutionary war. The first act was passed on the 18th of March, 1818. The war closed in 1781, and under this act of the Congress of the United States it was necessary for the Revolutionary pensioner to show that he had served nine months at least, and to prove in a court of record that he was in such pecuniary circumstances as to need the assistance of the Government in his maintenance.

Mr. TOWNSHEND. That was repealed in 1832.

Mr. BROWNE, of Indiana. And May 1, 1820, two years afterward,

it was amended because it was alleged that persons had fraudulently gotten on the pension-roll, and pension claimants were required to take into the court a schedule of their property and swear to it, and further to declare that no other person held any property or fund in trust for them.

Mr. TOWNSHEND. That, as the gentleman must be aware, was repealed in 1832.

Mr. HEWITT, of Alabama. You do not certainly want to misstate the facts. Will the gentleman permit me to correct him?

Mr. BROWNE, of Indiana. I can not, Mr. Speaker, talk to all of these gentlemen in the fifteen minutes I am allowed, but if you will put the Mexican pension bill in such a shape that these statutes can be read in the hearing of this House I will show you the truth of what I am asserting. I challenge you to give me that opportunity.

The act of 1832 did not give a pension for only sixty days' service in the Revolution.

Now, what do I say in regard to these sixty-day men? Here is an amendment I propose to offer to the bill. I propose—and I speak for myself—to give every man who actually served in Mexico or participated in any battle in the Mexican war a pension, without regard to the time of his service. I propose, in the second place, to put on the pension-roll every man who was on the muster-roll of the Army of the United States for sixty days in that war who will show he was in such pecuniary condition as to need the assistance of the Government in his maintenance.

Ah, you say that is humiliating. It was not thought so by the fathers who provided for the soldiers of the Revolution. It is not thought so by this Congress, and never has been, because in every case in which a dependent mother or father is pensioned you require them to show that they are in such condition as to need the assistance of the Government in their maintenance and support. You require it to be done by the poor woman who brought her first-born and laid him broken and mangled on the altar of his country. You require it from the widow who is in weeds and stands in tears by the new-made grave of the husband. You require it of them. But, oh, it will not do to ask it of men who figured on a Mexican-war muster-roll for sixty days, and who never saw a battle or even witnessed the smoke of one from a distance.

Mr. TOWNSHEND. Does the gentleman know of a man who served for sixty days in the Mexican war who was never at the seat of war?

Mr. BROWNE, of Indiana. Yes. I am glad the gentleman has asked me the question.

Mr. TOWNSHEND. There was not one such from Illinois.

Mr. BROWNE, of Indiana. My nearest neighbor, a gentleman for whom I entertain the highest regard, was in the Mexican war. He would be entitled to a pension under the provisions of this bill, and yet he never got nearer Mexico than the city of Saint Louis.

Mr. TOWNSHEND. Was he a deserter?

Mr. BROWNE, of Indiana. No, sir. He staid there at Saint Louis and bought supplies as quartermaster, sent them down the Mississippi River by way of New Orleans into Mexico, and under this bill you pension him.

I have another neighbor on the other side of me, an excellent gentleman, to whom I would give a pension. He went into Mexico, participated in the battles there, was captured with Cassius M. Clay, and was imprisoned by the Mexicans, and the gentleman from Illinois proposes to give the same amount of pension to the quartermaster and to the man who fought and was captured and imprisoned. Let me mention still another case. Another friend and neighbor fought through the Mexican war, went into the Army as a soldier in the late war of the rebellion, was wounded, and draws a greater pension than $8 a month. The gentleman from Illinois by his bill would not give this man a cent.

Mr. TOWNSHEND. You are mistaken. The bill gives him $8 a month.

Mr. BROWNE, of Indiana. Then it has been changed. It was not so the other day.

Mr. TOWNSHEND. I have introduced a new bill, and its provisions would give your friend a pension.

Mr. BROWNE, of Indiana. I wish the gentleman to make his speech in his own time. Your bill would in these instances be unequal and unjust.

Now, sir, I say to you that gentlemen on this side are willing to pass a fair Mexican-war pension bill.

Mr. MORRISON. Show us what your bill is. Bring it down.

Mr. BROWNE, of Indiana. I have given you its outlines.

Mr. MORRISON. You never presented such a bill.

Mr. BROWNE, of Indiana. And I suppose you will try to amend it if I do, so as to secure a 20 per cent. horizontal reduction. [Laughter.]

You are in the majority. You control the committees. You make your reports; and when you bring your bills into this House under any fair system of legislation we on this side may propose such amendments as may seem necessary to make your measures conform to the public interests.

Proceeding a little further, I want to ask you gentlemen a question. How does it happen that you forget two millions of men who served in a war certainly equal in its proportions to the war between the United States and Mexico? How does it happen that you forget to include in this beneficent measure even the men who served in that war who served for a period of three years, or two years, or one year? You happened to think of the Creek war. You happened to think of the Black Hawk war.

Mr. TOWNSHEND. Those are not embraced in this bill.

Mr. BROWNE, of Indiana. I am talking about what you did on that side. And you happened to think of the Seminole war. You remember the wars that were prosecuted by States to recapture their runaway negroes. You remember the wars that were brought on by the States by violating the sacred obligation of treaty between the United States and savage tribes. You remember the wars that were provoked by State governors against national authority in the assertion of your States-right doctrines. You remember all who served in those wars and propose to put them on your pension-roll. Why do you forget these other men, the Union soldiers? You say it is thirty-seven years since the war with Mexico closed. It has been twenty years since the close of the war of the rebellion. And certainly the men who carried the flag of the nation to victory during three weary years of the war of the rebellion are as much entitled to a service pension as the men who mustered on the muster-roll of the Mexican war for sixty days.

Mr. STOCKSLAGER. Why did you not pension them in the last Congress?

Mr. BROWNE, of Indiana. Of the men who served in the Mexican war nearly 50,000—48,000 of them were from the slaveholding States. Why do you put them on this Mexican war pension bill and strike out the clause which denies pensions to those engaged in the rebellion? Why do you do it? Because of those 48,000 more than 20,000 of them afterward went into the rebellion and by this bill will be entitled to draw pensions out of the Treasury of the United States. It is because you can not get your rebel soldiery on any other pension-roll. That is the reason of it, and you know it and I know it.

Mr. STOCKSLAGER. Why did not your friends bring in such a bill as——

Mr. BROWNE, of Indiana. I am talking in my time and would like to keep it. I insist that when this bill is considered it shall come into the House so that we may have an opportunity of amending it, and by our amendments seek to do justice to the soldiers of the war for the Union.

The SPEAKER. The time of the gentleman has expired.

Mr. BROWNE, of Indiana. Is that so?

Mr. TOWNSHEND. I now yield five minutes to the gentleman from Alabama [Mr. HEWITT].

Mr. HEWITT, of Alabama. The gentleman from Indiana [Mr. BROWNE] had a fine opportunity during the last Congress by his action to vindicate his love for the Union soldiers. Though he was at the head of the Committee on Invalid Pensions during the last Congress, when his party was in the majority in both Houses of Congress, he brought in no bill to put the Union soldiers on the pension-rolls.

And the Union soldiers of this country are not so ignorant that they can be hoodwinked by the gentleman from Indiana in any such way. They know very well that the gentleman rings in the Union soldier here for but one purpose, and that is to defeat this bill, and not for the purpose of putting any Union soldiers on the pension-roll. If this bill is passed he will find that the Democrats both from the North and from the South will stand by the Union soldiers, as much so as the gentleman from Indiana or any other man on that side of the House.

The bill here proposed, so far as Mexican soldiers are concerned, is the bill which passed the House of the Forty-fourth Congress by a unanimous vote, and included the soldiers of the Indian wars which the gentleman from Indiana has talked about, and which he says were waged for the purpose of hunting up runaway negroes. Now, that was a very unkind cut by the gentleman from Indiana.

Does the gentleman know the cause of the Florida war? Does he know that before that war was declared against the Seminole Indians your government agent in Florida, Mr. Thompson, was massacred by the Indians? Does the gentleman forget that when your soldiers were marching from Tampa Bay to some other point in Florida, before the Florida war began, Major Dade's command of one hundred and twelve men were ambushed by over five hundred Indians and all massacred except three?

Mr. STEELE. This bill will not give them a pension.

Mr. HEWITT, of Alabama. Does the gentleman remember that that was the cause of the Florida war, and not any desire to hunt up runaway negroes? It was a war that originated in the cruelties and the massacres by the Seminole Indians of the white men in Florida and Alabama. It was not waged for any such purpose as the gentleman has declared here, and he must reread the history of this country. [Applause on the Democratic side.]

One objection which I have to this bill, as it is presented here by the gentleman from Illinois [Mr. TOWNSHEND], is that it leaves out the soldiers who fought in Florida. There never has been a war in this country, neither the late war nor the war with Mexico, where our soldiers suffered more than they suffered in the Florida war.

The SPEAKER. The time of the gentleman has expired. The gentleman from Illinois [Mr. TOWNSHEND] has six minutes of his time remaining.

Mr. TOWNSHEND. The gentleman from Indiana [Mr. BROWNE] objects to this bill because it does not embrace soldiers engaged in other wars than the war with Mexico. And the gentleman from Alabama [Mr. HEWITT] likewise bases a complaint against it because it does not embrace the soldiers of other wars. I have desired to test the question whether the Mexican veterans have merit enough of their own to stand alone. I believe that when the gentleman from Indiana [Mr. BROWNE], or some one else, shall undertake to test the question whether the Union soldiers have merit enough to stand alone, it will be found that they have enough friends here to reward them with a pension.

I have desired to put this simple question before the House. After waiting thirty-six years from the time the Mexican war closed, and attaining an average age of 62 years, following in the line of the precedents established nearly a hundred years ago in reference to the soldiers of the Revolutionary war, and also the precedent established in reference to the soldiers of the war of 1812, the time has now come for us to reward the old veterans of the war with Mexico. If this is not done soon the last one of them will sink into his grave and have no use for your bounty or gratuity, for they are rapidly passing away.

Another thing; I want to call attention to the fact that the Legislature of the State of Indiana has shown itself more generous, more patriotic, more noble-hearted than its Representative on this floor to-day. The State of Indiana, through her Legislature, as well as my own State of Illinois and twenty-five other States of the Union, have remembered their debt of gratitude to the brave soldiers of the Mexican war, and have instructed their representatives in Congress to vote in favor of giving a pension to these old veterans. I stand here to-day ready to obey the command of the Legislature of Illinois, but the gentleman from Indiana [Mr. BROWNE] has signalized his determination to disbey the instructions of the Legislature of his own State and the voice of the patriotic people of Indiana.

Another word in reply to the gentleman. In the last Congress his party had control of both branches as well as of the executive department of the Government. He and his party then had it in their power to give a pension to every Union soldier. Why did not the gentleman from Indiana demonstrate his love for the Union soldiers when he was chairman of the Committee on Invalid Pensions in the last Congress, and bring in a bill of that character?

Mr. BROWNE, of Indiana, rose.

Mr. TOWNSHEND. Do not take my time, sir. I call attention to the fact that the gentleman by indirection is seeking to "knife" this bill; he is seeking to defeat it by means which are not fair and square.

Mr. BROWNE, of Indiana. I want to say simply this: that the committee of which I was chairman in the last Congress did not have jurisdiction of any subject of this kind.

Mr. HEWITT, of Alabama. The gentleman's committee had jurisdiction of pensions for Union soldiers and none but Union soldiers.

Mr. TOWNSHEND. I now yield one minute to the gentleman from Indiana [Mr. CALKINS].

Mr. CALKINS. By the kindness of the gentleman from Illinois, I wish merely to say that during the contest in this House a week or two ago upon fixing a time for the consideration of a bill of this character I declared myself in favor of pensioning the soldiers of the Mexican war by any bill which should be purely and simply a Mexican-soldier pension bill. I still believe the time has come when this country ought to pension these soldiers. Taking twenty-five years as their average age when they entered into that service, the survivors are now 62 years old. The pension now proposed is but a small amount for a generous country to give to these men (whose hair is now frosted and who will soon pass away) for the immense territory which that war gave to this Government. As a graceful tribute to their services I think this bill should pass. I will only add that I regret exceedingly the bill could not have been brought before us in such a way as to be subject to amendment and fuller discussion.

Mr. TOWNSHEND. I yield one minute to the gentleman from Indiana [Mr. STOCKSLAGER].

Mr. STOCKSLAGER. Mr. Speaker, I am glad to see the day when justice is about to be done to the men, now gray-haired, who in the prime of their years followed the starry flag to a foreign land and by their bravery succeeded in adding to this Republic territory greater in area than the thirteen original States—a territory which opened up to us a magnificent stretch of seacoast, and, for its extent, of greater riches than any other upon which the sun shines. We have already taken a thousand millions of dollars of gold and silver from it, and there is enough left to pay pensions for all our wars for a thousand years. These Mexican veterans have been shamefully treated. Their grand achievements have never been properly rewarded. I am not afraid of liberal pensions. No country was ever bankrupted by paying pensions to those who imperiled their lives in their country's service.

I am surprised to see the opposition which my colleague from Indiana [Mr. BROWNE] makes to this proposition. I am surprised to see him undertaking to defeat this measure by means which I think unfair. It is but a small matter, involving a few millions of dollars—not more perhaps than two or three millions—to pension these veterans, who are now in need and tottering on the brink of the grave.

I am opposed to the proposition of my colleague [Mr. BROWNE] which would require these gallant men to show that they were paupers before they should be entitled to pension. I say to him it would be humiliating, and for one I say spare them such humiliation.

I hope this measure will receive a two-thirds vote of the House, and that in the other branch of Congress it may be promptly concurred in, so that this long-deferred act of justice may become a law.

Mr. WARNER, of Ohio. I ask unanimous consent that this debate be extended thirty minutes longer. This is a bill fraught with very grave consequences, I think—— [Cries of "Regular order!"]

Mr. TOWNSHEND. I yield the remainder of my time to the gentleman from New York [Mr. COX].

The SPEAKER. The gentleman has one minute remaining.

Mr. COX, of New York. Mr. Speaker, in one minute I can not tell the House of the magnificence of the domain which was won for our country by our soldiery in the Mexican war, an area equal to the thirteen original States. California, the land of wheat even more than of gold and silver, and Texas, the land of corn and cattle, were won for the Government by these soldiers to whom we now seek to do this simple act of justice. It is time, full time, that it had been done. The gold in the corn and the silver in the wheat, not to speak of the vast wealth in the sunless caverns of the earth won by these men, ought to bring every man to his feet to honor these veterans of the Mexican war.

But, sir, I rose only to say in behalf of the gentlemen on this side of the House that the language of the gentleman from Indiana [Mr. BROWNE] should not be applied to Democrats here. He intimated that gentlemen on this side, because they can not get rebel soldiers on the pension-rolls by reason of their having been engaged in the rebellion, are now seeking to do indirectly what we dare not do directly, and to pension soldiers of the Mexican war because they were rebels. If that was the gentleman's idea, I for one repudiate it. It is unknown to this side of the House. Language has no term of reproach and the mind no sentiment of detestation adequate to the expression of the odiousness of that idea which is attempted to be fixed on this side of the House. [Applause.]

[Here the hammer fell.]

Mr. WARNER, of Ohio. I ask unanimous consent that debate upon this motion be continued for thirty minutes. [Cries of "No!" No!"]

Mr. HAMMOND. I object. Let us vote. [Cries of "Vote!" "Vote!"]

The SPEAKER. Objection is made.

Mr. STOCKSLAGER. I ask unanimous consent that general leave be given to print remarks on this bill.

Mr. WARNER, of Ohio. I object.

Mr. ELDREDGE. I ask unanimous consent to have an amendment made to this bill.

The SPEAKER. Is there objection?

Several members objected.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND] to suspend the rules and pass the bill.

Mr. TOWNSHEND and Mr. SPRINGER called for the yeas and nays.

The yeas and nays were ordered.

Mr. HEWITT, of Alabama. I ask unanimous consent of the House to be permitted to move an amendment striking out one section and inserting another.

Mr. WARNER, of Ohio. Unless we can have further discussion, let us have no amendment.

The question was taken on the motion to suspend the rules and pass the bill; and it was decided in the affirmative—yeas 227, nays 46, not voting 47; as follows:

YEAS—227.

Aiken,	Clay,	Fiedler,	Hoblitzell,
Alexander,	Clements,	Finerty,	Holman,
Anderson,	Cobb,	Follett,	Holmes,
Atkinson,	Collins,	Forney,	Hopkins,
Bagley,	Connolly,	Fyan,	Houk,
Ballentine,	Converse,	Geddes,	Houseman,
Barbour,	Cook,	George,	Hunt,
Barksdale,	Cosgrove,	Gibson,	Hurd,
Beach,	Covington,	Glascock,	Jeffords,
Belford,	Cox, S. S.	Goff,	Jones, B. W.
Bennett,	Cox, W. R.	Graves,	Jones, J. H.
Blackburn,	Crisp,	Green,	Jones, J. K.
Blanchard,	Culberson, D. B.	Greenleaf,	Jones, J. T.
Bland,	Cullen,	Guenther,	Jordan,
Blount,	Dargan,	Halsell,	Kasson,
Breckinridge,	Davidson,	Hammond,	King,
Breitung,	Davis, G. R.	Hanback,	Kleiner,
Broadhead,	Dibble,	Hardeman,	Lacey,
Buchanan,	Dibrell,	Hardy,	Laird,
Buckner,	Dockery,	Hart,	Lamb,
Budd,	Dorsheimer,	Hatch, H. H.	Lanham,
Burnes,	Dowd,	Hatch, W. H.	Le Fevre,
Cabell,	Duncan,	Haynes,	Lewis,
Caldwell,	Dunn,	Hemphill,	Lore,
Calkins,	Eaton,	Henderson, D. B.	Lovering,
Campbell, J. M.	Eldredge,	Henderson, T. J.	Lowry,
Candler,	Elliott,	Henley,	McAdoo,
Cannon,	Ellwood,	Herbert,	McCoid,
Carleton,	Ermentrout,	Hewitt, G. W.	McComas,
Cassidy,	Evins, J. H.	Hill,	McCormick,
Clardy,	Ferrell,	Hitt,	McMillin.

Matson,	Peelle, S. J.	Spooner,	Ward,
Maybury,	Peters,	Springer,	Warner, Richard
Mayo,	Pettibone,	Stephenson,	Washburn,
Miller, J. F.	Post,	Stevens,	Weaver,
Milliken,	Potter,	Stewart, Charles	Wellborn,
Mills,	Pryor,	Stockslager,	Weller,
Mitchell,	Pusey,	Strait,	Wemple,
Money,	Randall,	Sumner, C. A.	White, J. D.
Morey,	Rankin,	Sumner, D. H.	White, Milo
Morgan,	Reagan,	Talbott,	Wilkins,
Morrison,	Reese,	Taylor, J. D.	Williams,
Moulton,	Robertson,	Taylor, J. M.	Willis,
Muldrow,	Robinson, J. S.	Thomas,	Wilson, James
Murphy,	Robinson, W. E.	Thompson,	Wilson, W. L.
Murray,	Rogers, J. H.	Throckmorton,	Winans, E. B.
Mutchler,	Rogers, W. F.	Tillman,	Winans, John
Neece,	Rosecrans,	Townshend,	Wise, G. D.
Nelson,	Ryan,	Tucker,	Wise, J. S.
Nicholls,	Scales,	Tully,	Wolford,
Nutting,	Seney,	Turner, H. G.	Wood,
Oates,	Seymour,	Turner, Oscar	Woodward,
O'Neill, J. J.	Shaw,	Valentine,	Worthington,
Paige,	Shelley,	Van Alstyne,	Yaple,
Payson,	Singleton,	Vance,	York,
Pierce,	Skinner, T. G.	Van Eaton,	Young.
Peel, S. W.	Snyder,	Wakefield,	

NAYS—46.

Arnot,	Harmer,	Morse,	Smith,
Bayne,	Hiscock,	O'Neill, Charles	Steele,
Bingham,	Holton,	Parker,	Stewart, J. W.
Bisbee,	James,	Phelps,	Stone,
Boutelle,	Kean,	Poland,	Struble,
Brewer, F. B.	Kelley,	Ranney,	Taylor, E. B.
Brewer, J. H.	Lawrence,	Ray, G. W.	Wadsworth,
Browne, T. M.	Long,	Ray, Ossian	Wait,
Brown, W. W.	Lyman,	Reed,	Warner, A. J.
Chace,	McKinley,	Rockwell,	Whiting.
Cutcheon,	Millard,	Russell,	
Everhart,	Miller, S. H.	Skinner, C. R.	

NOT VOTING—47.

Adams, G. E.	Davis, L. H.	Hooper,	O'Hara,
Adams, J. J.	Davis, R. T.	Horr,	Patton,
Barr,	Deuster,	Howey,	Payne,
Belmont,	Dingley,	Hutchins,	Perkins,
Bowen,	Dunham,	Johnson,	Price,
Boyle,	Ellis,	Keifer,	Rice,
Brainerd,	Evans, I. N.	Kellogg,	Riggs,
Brumm,	Findlay,	Ketcham,	Rowell,
Burleigh,	Foran,	Libbey,	Slocum,
Campbell, Felix	Hancock,	Morrill,	Spriggs,
Culbertson, W. W.	Hepburn,	Muller,	Storm.
Curtin,	Hewitt, A. S.	Ochiltree,	

So (two-thirds having voted in the affirmative) the rules were suspended and the bill (H. R. 5667) was passed.

During the roll-call,

Mr. CONNOLLY said: My colleague Mr. STORM is absent attending a funeral. If here, he would vote in the affirmative.

Mr. TOWNSHEND. I move by unanimous consent to dispense with the reading of the names.

Mr. REED. I object.

Mr. DEUSTER. I am paired with my colleague Mr. PRICE. If he were here, he would vote "no" and I would vote "ay."

The SPEAKER. The Clerk will now read the pairs.

The Clerk read as follows:

Mr. HANCOCK with Mr. ADAMS, of Illinois.

Mr. YOUNG with Mr. PAYNE.

Mr. DAVIS, of Massachusetts, with Mr. PATTON.

Mr. DUNHAM with Mr. MULLER.

Mr. ELLIS with Mr. KELLOGG.

Mr. HEWITT, of New York, with Mr. O'HARA.

Mr. FINDLAY with Mr. HEPBURN.

Mr. ROWELL with Mr. RIGGS.

The vote was then announced as above recorded.

Mr. COX, of New York. I move that the House do now adjourn.

Mr. KING. I ask by unanimous consent there be general leave to print.

Mr. BROWNE, of Indiana. Before that is put, I ask unanimous consent to add some things to my remarks.

Mr. WARNER, of Ohio. Let it be open to all who wish to print on this subject.

Mr. CRISP. I object.

Mr. SPEAKER. If there be no objection leave will be grantod to the gentleman from Indiana to add to his remarks.

Mr. CRISP. I object.

The SPEAKER. Does the Chair understand there is objection to printing additional remarks by the gentleman from Indiana?

Mr. WARNER, of Ohio. It must be general.

Mr. BROWNE, of Indiana. Then I just want to say that the objection will certainly be reciprocated. You bring a bill in here and refuse to let it be discussed or amended.

Mr. COX, of New York. I move that the House do now adjourn.

Mr. BEACH. On that I call for the yeas and nays.

The yeas and nays were refused, four members only voting in favor thereof.

Mr. BELFORD. I desire to ask the gentleman from New York and these Eastern gentlemen generally if they do think it is about time to give us Western people a chance? [Cries of "Regular order!"]

The SPEAKER. The regular order is the motion of the gentleman from New York, that the House do now adjourn.

The question was taken.

The House divided; and there were—ayes 59, noes 77.

Mr. COX, of New York. Let us have tellers.

Tellers were ordered, forty-four members voting in favor thereof—being more than one-fifth of the last vote.

Mr. COX, of New York, and Mr. MCCOID were appointed tellers.

The House again divided; and the tellers reported—ayes 104, noes 95.

Mr. MILLER, of Pennsylvania. I call for the yeas and nays.

The SPEAKER. The yeas and nays have been refused.

Mr. MCKINLEY. I move to reconsider the vote by which the House refused to order the yeas and nays.

Mr. COX, of New York. If in order I am willing to withdraw the motion to adjourn, if it be not too late.

The SPEAKER. The House has voted on the motion. The Chair thinks it is too late, except by unanimous consent.

Mr. HOLMAN. I move to lay the motion to reconsider on the table. [Cries of "Regular order!"]

Mr. BAYNE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BAYNE. Evidently the House refused to order the yeas and nays under a misapprehension. We did not abandon the call for the yeas and nays, for it was supposed naturally that a vote by tellers or a division would have settled the question. The purpose of refusing the yeas and nays at the beginning was because we conceived that the vote might be determined in a readier manner. But now have we not the right to insist upon the yeas and nays?

The SPEAKER. The Chair can not of course take notice of the purpose for which the yeas and nays were refused, but simply of the fact that they were refused.

Mr. BAYNE. I now call for the yeas and nays.

The SPEAKER. The yeas and nays have been refused by the House already. The gentleman from Ohio [Mr. MCKINLEY] now moves to reconsider the vote by which the yeas and nays were refused, and the gentleman from Indiana [Mr. HOLMAN] moves to lay that motion on the table.

Mr. RYAN, Mr. MCKINLEY, Mr. MILLER, and others demanded the yeas and nays.

The yeas and nays were ordered.

Mr. MCCOID. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MCCOID. I wish to inquire whether by unanimous consent this motion to adjourn and the proceedings thereon can not be withdrawn?

The SPEAKER. Undoubtedly.

Mr. MCCOID. I suggest to the gentleman from New York to ask unanimous consent for that purpose.

Mr. COX, of New York. It is not in my power. Objection has been made all around me.

Mr. WILLIS. I demand the regular order.

The SPEAKER. The question is on the motion of the gentleman from Indiana to lay on the table the motion of the gentleman from Ohio to reconsider the vote by which the House refused to order the yeas and nays; on that the yeas and nays have been ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 146, nays 126, not voting 48; as follows:

YEAS—146.

Aiken,	Dowd,	Lewis,	Skinner, T. G.
Alexander,	Duncan,	Lore,	Slocum,
Arnot,	Dunn,	Lovering,	Spriggs,
Bagley,	Eaton,	Lowry,	Springer,
Ballentine,	Eldredge,	McAdoo,	Stevens,
Barbour,	Ermentrout,	McMillin,	Stewart, Charles
Barksdale,	Evins, J. H.	Matson,	Stockslager,
Bennett,	Fiedler,	Mayo,	Summer, C. A.
Blanchard,	Finerty,	Miller, J. F.	Summer, D. H.
Bland,	Forney,	Mitchell,	Talbott,
Blount,	Fyan.	Money,	Taylor, J. M.
Broadhead,	Gibson,	Morse,	Thompson,
Buchanan,	Glascock,	Moulton,	Throckmorton,
Buckner,	Green,	Muldrow,	Tillman,
Burnes,	Greenleaf,	Murphy,	Townshend,
Cabell,	Halsell,	Mutchler,	Tucker,
Caldwell,	Hammond,	Neece,	Tully,
Candler,	Hardeman,	Nicholls,	Turner, H. G.
Carleton,	Hardy,	O'Neill, J. J.	Turner, Oscar
Clardy,	Hatch, W. H.	Pierce,	Van Alstyne,
Clay,	Hemphill,	Peel, S. W.	Vance,
Clements,	Hewitt, G. W.	Potter,	Van Eaton,
Cobb,	Hitt,	Pryor,	Ward,
Collins,	Hoblitzell,	Pusey,	Warner, Richard
Connolly,	Holman,	Randall,	Wellborn,
Cosgrove,	Hopkins,	Rankin,	Weller,
Covington,	Houseman,	Reagan,	Wemple,
Cox, S. S.	Hunt,	Reese,	White, J. D.
Cox, W. R.	Hutchins,	Robertson,	Williams,
Crisp,	Jones, B. W.	Robinson, W. E.	Willis,
Dargan,	Jones, J. H.	Rogers, J. H.	Winans, E. B.
Davidson,	Jones, J. K.	Rogers, W. F.	Woolford,
Deuster,	Jones, J. T.	Rosecrans,	Wood,
Dibble,	King,	Scales,	Worthington,
Dibrell,	Kleiner,	Seymour,	Yaple.
Dockery,	Lamb,	Shaw,	
Dorsheimer,	Lanham.	Singleton.	

NAYS—126.

Adams, J. J.	Foran,	McCoid,	Seney,
Anderson,	Geddes,	McComas,	Shelley,
Atkinson,	George,	McCormick,	Skinner, C. R.
Bayne,	Goff,	McKinley,	Smith,
Beach,	Guenther,	Millard,	Snyder,
Belford,	Hanback,	Miller, S. H.	Spooner,
Bingham,	Harmer,	Milliken,	Steele,
Bisbee,	Hart,	Mills,	Stephenson,
Blackburn,	Hatch, H. H.	Morey,	Stewart, J. W.
Bowen,	Haynes,	Morgan,	Stone,
Brainerd,	Henderson, D. B.	Morrison,	Strait,
Breckinridge,	Henderson, T. J.	Nelson,	Struble,
Breitung,	Hill,	Nutting,	Taylor, E. B.
Brewer, F. B.	Hiscock,	Oates,	Taylor, J. D.
Brewer, J. H.	Holmes,	O'Neill, Charles	Thomas,
Browne, T. M.	Holton,	Paige,	Valentine,
Brown, W. W.	Houk,	Parker,	Wadsworth,
Budd,	Hurd,	Payson,	Wait,
Calkins,	James,	Peelle, S. J.	Wakefield,
Campbell, J. M.	Jeffords,	Perkins,	Warner, A. J.
Cannon,	Johnson,	Peters,	Washburn,
Converse,	Jordan,	Pettibone,	Weaver,
Culberson, D. B.	Kasson,	Phelps,	White, Milo
Cullen,	Kean,	Poland,	Whiting,
Cutcheon,	Keifer,	Ranney,	Wilkins,
Davis, D. R.	Kelley,	Ray, G. W.	Wilson, James
Elliott,	Ketcham,	Ray, Ossian	Wilson, W. L.
Ellwood,	Lacey,	Reed,	Winans, John
Evans, I. N.	Lawrence,	Robinson, J. S.	Wise, J. S.
Everhart,	Le Fevre,	Rockwell,	York,
Farrell,	Long,	Russell,	
Follett,	Lyman,	Ryan,	

NOT VOTING—48.

Adams, G. E.	Curtin,	Hewitt, A. S.	O'Hara,
Barr,	Davis, L. H.	Hooper,	Patton,
Belmont,	Davis, R. T.	Horr,	Payne,
Boutelle,	Dingley,	Howey,	Post,
Boyle,	Dunham,	Kellogg,	Price,
Brumm,	Ellis,	Laird,	Rice,
Burleigh,	Findlay,	Libbey,	Riggs,
Campbell, Felix	Graves,	Maybury,	Rowell,
Cassidy,	Hancock,	Morrill,	Storm,
Chace,	Henley,	Muller,	Wise, G. D.
Cook,	Hepburn,	Murray,	Woodward,
Culbertson, W. W.	Herbert,	Ochiltree,	Young.

So the motion to reconsider was laid on the table.

On motion of Mr. HENDERSON, of Illinois, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

The SPEAKER. The tellers report on the motion to adjourn 104 in the affirmative and 96 in the negative, and the motion is agreed to.

The House accordingly (at 3 o'clock and 45 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ANDERSON: Petition of 80 citizens of Topeka, Kans., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, protest of the third annual encampment, Grand Army of the Republic, Kansas, against the reduction of pension agencies—to the Committee on Invalid Pensions.

By Mr. ATKINSON: Petition of honorably discharged soldiers of Perry County, Pennsylvania, for the extension of the pension laws—to the same committee.

By Mr. BEACH: Petition of Capt. E. J. Strang, of the Quartermaster's Department, that his true rank in the Army may be declared—to the Committee on Military Affairs.

By Mr. BUDD: Protest against the passage of the bill for the relief of P. K. Dederick—to the Committee on Patents.

Also, petition of J. P. Smith, against lowering the duty on borax, &c.—to the Committee on Ways and Means.

Also, unanimous indorsement of the board of supervisors of Sacramento, Cal., of Budd's H. R. 102, for the improvement of the Sacramento River—to the Committee on Rivers and Harbors.

By Mr. CALKINS: Petition of Reed Post, Grand Army of the Republic, for the passage of bill for relief of soldiers of the late war—to the Committee on Military Affairs.

By Mr. J. M. CAMPBELL: Papers relating to the claim of Michael Nawgle—to the Committee on Claims.

By Mr. CONVERSE: Papers relating to claims of James M. Deweese and others, to make homestead entries in Nebraska—to the Committee on the Public Lands.

By Mr. CUTCHEON: Petition of citizens of Kalamazoo, Mich., and memorial of the State encampment of the Grand Army of the Republic, Department of Michigan, for the establishment of a branch of the National Home for Disabled Volunteer Soldiers in Michigan—to the Committee on Military Affairs.

By Mr. G. R. DAVIS: Petition of Charles A. D. Rogers, for increase of pension—to the Committee on Invalid Pensions.

Also, petition of J. B. Murphy and 54 others, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. DOCKERY: Petition of John Taggart, for relief—to the Committee on Claims.

Also, petition of Jackson B. Ward, for relief—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. J. H. EVINS: Petition of the Woman's National Indian Association, for a civil government for Alaska—to the Committee on the Territories.

By Mr. FOLLETT: Memorial of the Bricklayers and Masons' International Union, in favor of bill to prohibit the importation of foreign labor, &c.—to the Committee on Labor.

Also, memorial of the faculty of the Ohio Wesleyan University and others, relative to the education of Indian children—to the Committee on Indian Affairs.

By Mr. FORAN: Petition of the vessel-owners of Cleveland, Ohio, representing one hundred and thirty vessels, protesting against the passage of House bill 5128—to the Committee on Commerce.

By Mr. HAMMOND: Papers relating to the claim of Michael Kreis—to the Committee on War Claims.

By Mr. HARMER: Petition of the members of the Germantown Branch of the National Indian Rights Association of Philadelphia, Pa., relative to the education of the Indians—to the Committee on Appropriations.

Also, petition of the iron and steel manufacturers and iron ore producers, protesting against the enactment of the Morrison tariff bill—to the Committee on Ways and Means.

By Mr. H. H. HATCH: Resolution in the nature of a petition for a general encampment of militia—to the Committee on the Militia.

By Mr. D. B. HENDERSON: Papers relating to the claim of William Schuman—to the Committee on Pensions.

Also, papers relating to the claim of H. R. Horr—to the Committee on Claims.

By Mr. HOLMAN: Resolutions of Wheeler Post, No. 98, Grand Army of the Republic, Department of Indiana, for the equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of John T. Ellis and others, citizens of Vevay, Ind., for a pension for Mrs. Ann Con—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Capt. John Burkhart—to the Committee on War Claims.

Also, petition of B. F. Willis, J. R. Tipton, and 420 others, citizens of Whitman County, Territory of Washington, asking for the forfeiture of the unearned portion of the Northern Pacific Railroad grant, &c.—to the Committee on the Public Lands.

By Mr. HOLMES: Petition of members of George Gibson Post, Grand Army of the Republic, of Dows, Iowa, asking for a grant of one hundred and sixty acres of land to all honorably discharged soldiers, &c.—to the same committee.

By Mr. HOUK: Petitions of citizens of Coal Creek, Anderson County, Tennessee, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. KLEINER: Petition in relation to the bill for the relief of W. A. Munford—to the Committee on Claims.

Also, petition of the citizens of the town of Newburg, Warrick County, Indiana, for the reconstruction of the wharf in front of their town, washed away by the floods of the Ohio River, owing to the dam built by the United States, which turned the current against the town—to the Committee on Appropriations.

By Mr. LANHAM: Petition of citizens of Palo Pinto County, Tex., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. LONG: Petition of re-enlisted veterans, relative to bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. McKINLEY: Petition of citizens of Mineral Ridge, Ohio, protesting against the reduction of the tariff on iron and wool, and urging the restoration of the former duty on wool—to the Committee on Ways and Means.

Also, petition of the wage-workers of Canal Fulton, Ohio, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. MAYBURY: Petition for the relief of Mrs. E. Tripler—to the Committee on Military Affairs.

Also, petition of the Detroit Board of Trade and numerous individuals, for a harbor of refuge at Lac la Belle, Mich.—to the Committee on Rivers and Harbors.

By Mr. MORSE: Petition of Adeline A. Turner, for arrears of pension—to the Committee on Invalid Pensions.

Also, the petition of James C. Kennedy and 23 others, of Woburn, Mass., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. NELSON: Memorial of the Chamber of Commerce and of the city council of Duluth, Minn., for the improvement of the harbor at Duluth—to the Committee on Rivers and Harbors.

Also, petition of Hartley and others, to protect *bona fide* purchasers of lands, &c.—to the Commitee on the Judiciary.

By Mr. NICHOLLS: Petition of S. P. Hamilton and others, citizens and prominent business men of Savannah, Ga., and the memorial of the officers of the United States revenue-marine service stationed at Savannah, Ga., to promote the efficiency of the revenue marine service—severally to the Committee on Commerce.

By Mr. S. W. PEEL: Memorial of citizens of Arkansas, relative to the improvement of Sabine Pass—to the Committee on Rivers and Harbors.

By Mr. PETTIBONE: Papers relating to the claim of David J. Carr and of Aaron B. Carr—severally to the Committee on War Claims.

By Mr. POST: Petition of citizens of Pennsylvania, in favor of the present system of paying pensions—to the Committee on Appropriations.

By Mr. PUSEY: Resolution of Barnes Post, No. 103, Grand Army of the Republic, Department of Iowa, asking one hundred and sixty acres of land for all honorably discharged soldiers—to the Committee on the Public Lands.

By Mr. RANDALL: Petition of D. G. Morrison, of Philadelphia, on the subject of the foot and mouth diseases of cattle—to the Committee on Agriculture.

By Mr. REAGAN: A bill and papers relating to the improvement of the channel between Galveston Harbor and the Gulf of Mexico—to the Committee on Rivers and Harbors.

By Mr. REESE: Papers relating to the improvement of the Oconee River, in the State of Georgia—to the Committee on Rivers and Harbors.

By Mr. ROSECRANS: Memorial of the Silk-Culture Association of California—to the Committee on Labor.

Also, papers relating to the case of E. L. Brown—to the Committee on Claims.

By Mr. RYAN: Petition of citizens of Kansas, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. C. R. SKINNER: Petition of the New York State Temperance Society, relative to the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. SLOCUM: Papers relating to the claim of George Conway—to the Committee on Claims.

By Mr. SNYDER: Papers relating to the claim of George W. Ratcliff—to the Committee on War Claims.

By Mr. SPRINGER: Petition of re-enlisted veterans of the late war for pensions, &c.—to the Committee on Invalid Pensions.

Also, petition of John Mann, relating to back bounty due him—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of W. H. Wright and others, citizens of Jacksonville, Ill., in aid of pension claim of Edward W. Wyatt—to the Committee on Invalid Pensions.

By Mr. STEELE: Petition of John Grimm, praying that the old soldiers of three wars may be placed on the pension-rolls—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. STEPHENSON: Petition of J. M. Robinson and 128 soldiers and citizens, for an increase of pension—to the Committee on Invalid Pensions.

Also, petition of Frank M. Guernsey—to the same committee.

Also, resolutions of the Kansas Cane-Growing Association, relative to sugar in Kansas—to the Committee on Agriculture.

By Mr. STRUBLE: Petition of ex-soldiers of the Union Army, asking for a grant of one hundred and sixty acres of land to each soldier—to the Committee on the Public Lands.

By Mr. E. B. TAYLOR: Memorial of citizens of Trumbull and Mahoning Counties, Ohio, relative to the tariff—to the Committee on Ways and Means.

By Mr. J. M. TAYLOR: Petition of P. E. Parker, for relief—to the Committee on Claims.

By Mr. TULLY: Papers relating to the pension claim of Catherine South—to the Committee on Invalid Pensions.

By Mr. VANCE: Petition of D. A. Blackwell and 100 citizens, for a mail-route in North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. WADSWORTH: Petition of Thomas P. Edwards and others, citizens of Elmira, N. Y., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. WASHBURN: Petition of dealers and manufacturers of tobacco of Minneapolis, Minn., relating to the prompt settlement of the tobacco-rebate claims—to the Committee on Appropriations.

Also, petition of 255 citizens of Minnesota, for an amendment to the Constitution relative to the disfranchisement of United States citizens on account of sex—to the Committee on the Judiciary.

By Mr. WELLER: Memorial and joint resolution of the State of Iowa, relative to the construction of a canal from the Mississippi River to the Illinois River—to the Committee on Railroads and Canals.

By Mr. MILO WHITE: Petition of M. S. Harriman and 110 others, of Mrs. Ann Wescott and 149 others, of Mrs. Louisa Stewart and 114 others, and of Martha A. Dorrett and 120 others, citizens of Minnesota, in favor of a sixteenth amendment—severally to the Committee on the Judiciary.

By Mr. WILLIS: Petition of Elizabeth Geostesphan, for a pension—to the Committee on Invalid Pensions.

By Mr. JAMES WILSON: Papers relating to the claim of James Whitehead—to the Committee on Indian Affairs.

By Mr. W. L. WILSON: Papers relating to the claim of Thomas Licklider—to the Committee on War Claims.

Also, petition for the relief of John Brickley—to the Committee on the District of Columbia.

Also, petition of J. C. McKelden, M. G. Emery, Flodoardo Howard, and the heirs of the late J. A. Kennedy and of Douglass Moore for relief—severally to the Committee on the District of Columbia.

By Mr. YAPLE: Petition of John Edwards, J. W. Rose, and others, citizens of Kalamazoo, Mich., asking for the establishment of a Michigan branch of the National Home for Disabled Volunteer Soldiers—to the Committee on Military Affairs.

Also, petition of B. Dessenberg and others, citizens of Kalamazoo, Mich., to facilitate the payment of claims for rebate of the tax on tobacco—to the Committee on Appropriations.

Also, papers relating to the improvement of the harbor at New Buffalo, Mich.—to the Committee on Rivers and Harbors.

SENATE.

TUESDAY, *March* 4, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

NAMING OF A PRESIDING OFFICER.

The Secretary [Mr. ANSON G. MCCOOK] called the Senate to order and read the following:

To the Senate:

Pursuant to the rules I hereby name and designate Hon. AUGUSTUS H. GARLAND, a Senator from the State of Arkansas, to perform the duties of the chair in my absence this day.

GEORGE F. EDMUNDS,
President pro tempore.

WASHINGTON, D. C., *4th March*, 1884.

Mr. GARLAND thereupon took the chair as presiding officer for to-day.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills received yesterday from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 103) granting a pension to Theresa Crosby Watson;
A bill (H. R. 432) to increase the pension of Joseph B. Sellers;
A bill (H. R. 1025) granting a pension to Sarah Dayton, widow of Erastus G. Dayton;
A bill (H. R. 1065) granting an increase of pension to George F. Dresser;
A bill (H. R. 1076) granting a pension to Miles B. Farlin;
A bill (H. R. 1142) granting a pension to Nelly Roberts;
A bill (H. R. 1410) granting a pension to Henry Schnetberg, of Indiana, Pa.;
A bill (H. R. 1897) granting a pension to Catherine Hunter;
A bill (H. R. 2251) to increase the pension of Dileno Robinson;
A bill (H. R. 2393) granting a pension to Mrs. Mary McLaughlin;
A bill (H. R. 2398) granting an increase of pension to Mrs. Ann W. Mulvey;
A bill (H. R. 2399) granting a pension to Clarissa McKee;
A bill (H. R. 2400) for the relief of Judith Lauter;
A bill (H. R. 2419) granting a pension to Robert Nutt;
A bill (H. R. 2473) for the relief of Margaret A. Caswell;
A bill (H. R. 2979) granting a pension to Nancy Ellis; and
A bill (H. R. 3669) granting a pension to Robert M. Flack.

SEAL OF THE SENATE.

The PRESIDING OFFICER laid before the Senate the following communication from the Secretary of the Senate; which was read, and, with the accompanying paper, referred to the Committee on Rules:

UNITED STATES SENATE, OFFICE OF THE SECRETARY,
Washington, March 4, 1884.

SIR: I have the honor to inclose a letter from the assistant librarian of the Senate in reference to the seal of the Senate.

Heretofore I have declined to attach the seal to any document, because I have not been able to find authority for doing so; and I submit to you the propriety of the Senate taking some action, by resolution or otherwise, clearly defining the authority of the Secretary in the premises.

Yours, respectfully,

ANSON G. MCCOOK,
Secretary of the Senate.

Hon. GEORGE F. EDMUNDS,
President pro tempore.

PETITIONS AND MEMORIALS.

Mr. PALMER. I present resolutions of the Board of Trade of Detroit, Mich., indorsing the protest of the Merchants' Exchange of Buffalo, N. Y., against the extension of the various patents for improvements in what is known as the steam grain-shovel. I move that the memorial be referred to the Committee on Patents.

The motion was agreed to.

Mr. INGALLS. I present resolutions addressed to the Senate, adopted by the S. R. Deach Post, No. 58, Grand Army of the Republic, of Jewell City, State of Kansas, in which it—

Enters its earnest and emphatic protest against the reinstatement of Fitz-John Porter by the Senate of the United States, as such an act would be regarded as

an insult to the loyal soldiers who zealously obeyed all orders with alacrity for the maintenance of this Government, and would not comport with the avowed principles of our Government toward those who are known to be traitors.

By order of the post (numbering 95).

J. H. SWEANY,
Post Commander.
E. D. HEINECKE,
Adjutant.

I believe that these resolutions voice the opinion of nine-tenths of the surviving soldiers of the war of the rebellion, and in their expression I cordially concur. As the bill has been reported, I move that the resolution lie upon the table.

The motion was agreed to.

Mr. INGALLS presented the petition of Theodore Casterline, a citizen of Axtell, Kans., late private Company G, First Regiment United States Cavalry Volunteers, praying for the passage of a bill for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. MILLER, of New York, presented a petition of 2,000 citizens of the city of New York and a petition of over 200 citizens residing in various parts of the State of New York, praying for the repeal of the act and acts supplementary thereto by which the term of many administrative offices was changed and fixed at four years; which were referred to the Committee on Civil Service and Retrenchment.

Mr. JONAS presented the petition of Edwin E. Saunders and J. A. Decuir, of Franklin, La., praying to be allowed to bring suit in the Court of Claims, and for the passage of a bill for that purpose; which was referred to the Committee on Claims.

Mr. CALL. Mr. President, I present a petition from W. D. Chipley, W. A. D'Alemberté, William H. Knowles, and W. J. Vankirk, a committee of the Board of Trade of Pensacola, Fla., praying Congress to make an adequate appropriation for the improvement of the outer and inner bars of the harbor of Pensacola, Fla., and for deepening the channel to a depth of thirty feet and to an adequate width for all purposes of commerce.

In presenting this petition in the momentary absence of my colleague, whose proper and zealous efforts in behalf of Pensacola are well known, I desire to say that these gentlemen are persons of intelligence and high character, and largely engaged in trade and commerce. The merchants of Pensacola, whom they represent, are equal to any body of men in enterprise and public spirit and intelligence. They do not appreciate more highly than it deserves the magnificent harbor of Pensacola, and its valuê to the interstate and foreign commerce of the United States and its incomparable advantages as a safe naval station for the Gulf. Pensacola already attracts a large foreign commerce, and the most important national considerations demand that the prayer of their petition shall be granted, and that a survey and estimate shall be immediately made so that an adequate appropriation may be made at this session of Congress.

I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. HAWLEY presented a petition of John M. Stowell, Alexander Mitchell, and 744 other citizens of Wisconsin, praying for the repeal of laws limiting the term of certain administrative offices to four years; which was referred to the Committee on Civil Service and Retrenchment.

Mr. FRYE. I have a memorial of the La Fayette Grover Post, No. 45, Grand Army of the Republic, of Vinal Haven, Me., addressed to the delegation from Maine in Congress assembled, but undoubtedly intended for Congress itself. It relates to the equalization of bounties. I ask that it may be received and referred to the Committee on Military Affairs.

The PRESIDING OFFICER. The paper will be received as a memorial and so referred, if there be no objection.

Mr. MILLER, of California, presented a petition of the board of regents of the State University of California, praying for legislation in relation to the agricultural-college grant of lands; which was referred to the Committee on Public Lands.

Mr. SABIN presented a memorial of the common council of Duluth, Minn., favoring an appropriation for the improvement of the harbor at that place; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. CAMDEN, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 7) to permit the erection of a statue of Garibaldi on the grounds of the national cemetery at Vicksburg, submitted an adverse report thereon; and the joint resolution was postponed indefinitely.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 689) granting a pension to Eliza Barbour, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 828) granting a pension to Thomas Patton, reported it with an amendment, and submitted a report thereon.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the joint resolution (H. Res. 153) authorizing the Secretary of War to furnish tents for the fifth annual reunion of the soldiers and sailors of the Northwest, to be held at Chicago in the month of August, 1884, have duly considered the same and instructed me to report it to the Senate adversely, recommending that it be indefinitely postponed, as there are no tents to be supplied for such purpose, and it would be an enormous expense to the Government to undertake to procure them.

The joint resolution was postponed indefinitely.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 1219) to donate condemned cast-iron cannon to the citizens of Waterville, Me., have duly considered the same and instructed me to report it back to the Senate adversely, recommending that the bill be indefinitely postponed. Under appropriations heretofore made there are one hundred and four condemned cannon yet to be delivered, and of those on hand there are only sixty-seven field-pieces ranging from two thousand to seventeen hundred pounds, and all the others are heavy pieces weighing from twenty-five hundred to fifteen thousand pounds; so that it is useless to attempt to pass any bill of this character.

Mr. FRYE. Allow me to inquire of the Senator whether the committee makes adverse reports in all similar cases?

Mr. COCKRELL. We report adversely upon every one of them. I submit a full report, giving all the facts and the reports from the Secretary of War on the subject.

Mr. FRYE. I inquire further whether at the last session of Congress quite a large number of adverse reports were not made for the same reason?

Mr. COCKRELL. That is stated in the report which I submit. The report reviews the whole history of the matter.

The PRESIDING OFFICER. The bill will be indefinitely postponed if there be no objection.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 1522) granting condemned cannon to R. H. Graham Post of the Grand Army of the Republic, of Moline, Ill., have instructed me to report it adversely, with a recommendation that the bill be indefinitely postponed on the ground stated in the report.

The bill was postponed indefinitely.

Mr. COCKRELL, from the Committee on Military Affairs, to whom were referred the following joint resolution and bills, submitted adverse reports thereon, which were agreed to; and they were indefinitely postponed:

Joint resolution (S. R. 60) donating condemned cannon to the town of Cavendish, Vt.;

A bill (S. 1528) donating four condemned mortars, four cannon and carriages, and one hundred shell and shot to the town of Rutland, Vt.; and

A bill (S. 1527) authorizing the Secretary of War to turn over to the governor of the State of Kansas four pieces of condemned cannon for the use of the Leavenworth Light Infantry Battalion.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 1517) granting eight condemned cannon to be used in the erection of a statue to the memory of General William H. Lytle, of Ohio, have instructed me to report it adversely. The bill proposes to donate eight condemned bronze cannon, and not cast-iron. In the report I have stated the action of the committee heretofore, and that all and more than all the condemned bronze cannon on hand have already been appropriated by acts of Congress. The committee therefore recommend that the bill be indefinitely postponed.

The bill was indefinitely postponed.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were indefinitely postponed:

A bill (S. 927) granting a pension to James Rockwell; and

A bill (S. 930) granting a pension to Spencer W. Tryon.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. 545) for the relief of the widow of Col. Lyman M. Kellogg, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. COLQUITT, from the Committee on Pensions, to whom was referred the bill (S. 1218) granting an increase of pension to Samuel Baker, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Electa W. Jacobs, praying for a pension, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. 429) granting a pension to Laura C. P. Haskins, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 615) granting arrears of pension to Wellington V. Huested; and

A bill (S. 485) granting a pension to L. V. Hallyfield.

Mr. MILLER, of New York, from the Committee on Finance, to whom was referred the bill (S. 1000) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 336) releasing the estate of the late Frank Soulé, late collector of internal revenue for the first district of the State of California, and his sureties on his official bond, reported it without amendment, and submitted a report thereon.

Mr. MORRILL. I report back, by direction of the Committee on Finance, the bill (S. 1285) for the relief of J. L. Whitaker and the bill (S. 1470) for the relief of J. L. Whitaker with a bill in the nature of a substitute.

The PRESIDING OFFICER. The bills will be indefinitely postponed, and the proposed substitute will be read by its title.

The bill (S. 1705) to provide for the issue of duplicate checks was read twice by its title.

Mr. MORRILL. I ask for the present consideration of the bill.

Mr. MORGAN. I object.

Mr. MORRILL. I will merely state that the only change in the existing law is to provide that checks when lost or stolen may be paid by the Treasury Department if they exceed the amount of $1,000 and do not exceed the amount of $2,500. It merely strikes out "$1,000" in section 3646 of the Revised Statutes and inserts "$2,500." I ask for the present consideration of the bill.

Mr. MORGAN. Let it go over until the regular Calendar is called.

The PRESIDING OFFICER. The Senator from Alabama objects to the present consideration of the bill.

Mr. MORRILL. Then I ask that it be placed on the Calendar.

Mr. BECK. I rose to ask the Senator from Alabama if he would not allow the bill to be called up after the regular morning business is concluded.

Mr. MORGAN. I have no objection at all to its consideration after the call of morning business.

Mr. BECK. There are so many little things of this character annoying us all the time that it is better to pass a general bill. We can dispose of the bill in a minute.

The PRESIDING OFFICER. The bill will be laid on the table until after the call of morning business.

Mr. CAMERON, of Wisconsin, from the Committee on Indian Affairs, to whom was referred a message of the President of the United States on the subject, submitted a report thereon, accompanied by a bill (S. 1706) to accept and ratify an agreement with the confederated tribes of the Flathead, Kootenay, and Upper Pend d'Oreille Indians for the sale of a portion of their reservation in the Territory of Montana required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same; which was read twice by its title.

Mr. BOWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 1110) for the relief of James H. Hamilton, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 516) to adjust the accounts of John B. Monteith, deceased, reported it without amendment, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1106) for the relief of Frances H. Plummer, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 733) dedicating the military reservation at Plattsburg, N. Y., to the village of Plattsburg, for a public park, reported it without amendment, and submitted a report thereon.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. 1347) for the relief of the sufferers by loss of the Government steamer J. Don Cameron, reported it without amendment, and submitted a report thereon.

Mr. LOGAN. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 1670) to relieve the members and judge-advocate of the general court-martial for the trial of Fitz-John Porter from the operation of certain restrictions of the eighty-fourth article of war, to report it without amendment. I ask for the present consideration of the bill.

Mr. MORGAN. I object to its present consideration.

The PRESIDING OFFICER. The Senator from Alabama objects, and the bill will be placed on the Calendar.

Mr. PALMER, from the Committee on the District of Columbia, to whom was referred the bill (S. 1519) to regulate the powers and duties of the board of trustees of the Industrial Home School of the District of Columbia in respect to infant wards and scholars, and for other purposes, reported it without amendment.

Mr. SHERMAN. I am directed by the Committee on the Library, to whom was referred the bill (S. 1309) to provide statuary and historical tablets for the Saratoga monument, to report it without amendment, and to submit a report thereon.

In connection with the bill I offer the following order for the printing of additional copies of the report for the use of the Senate, which will go to the Committee on Printing under the rules:

Ordered, That 1,000 additional copies of the report on Senate bill 1399, entitled "A bill to provide statuary and historical tablets for the Saratoga monument," be printed for the use of the Senate.

The PRESIDING OFFICER. The order will be referred to the Committee on Printing.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. HAWLEY. I am directed by the Committee on Printing to report the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That the Report of the National Academy of Sciences, with its appendices, be printed in the usual octavo form, but that the four accompanying memoirs be printed in quarto form; and that 1,000 additional copies of the report and memoirs be printed for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the Academy of Sciences.

I beg the Senate to allow the immediate consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HAWLEY. The Academy of Sciences, as Senators know, is constituted by an act of Congress, and its members are required without compensation to report upon such subjects of importance, scientific and other, as may be committed to them by the various Departments. Among the reports referred to in this resolution are two of great public value, one concerning glucose, to which some of the most eminent chemists have given attention, and the other concerning methylated alcohol, which has in view, I suppose, some possible changes in taxation upon alcohol for mechanical and manufacturing purposes. The academy is required to make an annual report.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. MITCHELL introduced a bill (S. 1707) to establish a court of appeals and to provide additional circuit court judges; which was read twice by its title.

He also introduced a bill (S. 1708) to amend the act of Congress of March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," and to repeal sections 639 and 640 of the Revised Statutes of the United States; which was read twice by its title.

Mr. MITCHELL. I desire in this connection to say that I present these bills at the request of the Law Association of Philadelphia, who have been considering the general question for many years, and who have considered it very carefully, as I think, and have embodied their views in a report which I shall call to the attention of the Judiciary Committee. Therefore the bills represent more than my individual ideas on the subject. I move that the bills be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. SAWYER introduced a bill (S. 1709) granting a pension to Leonora A. Boyden; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 1710) to provide permanent reservations for the Indians in Northern Montana, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. JONAS introduced a bill (S. 1711) for the relief of Edwin C. Saunders and J. A. Decuir, of Franklin, La.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1712) for the relief of Mrs. E. W. F. Chevis; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1713) for the relief of John B. McDaniel, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1714) for the relief of Jean P. Lafleur; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 1715) to provide for the erection of a public building in the city of Dayton, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1716) to provide for the erection of a public building in the city of Springfield, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1717) to provide for the erection of a public building in the city of Zanesville, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1718) to provide for the erection of a public building in the city of Youngstown, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. WILLIAMS introduced a bill (S. 1719) to rerate the pension of Lawrence P. N. Landrum; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 1720) to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1721) for a bridge across the Missouri River at White Cloud, in Doniphan County, Kansas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BAYARD introduced a bill (S. 1722) to establish a court of appeals and to provide for certain changes in the constitution of the circuit courts of the United States when sitting in banc, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CALL introduced a bill (S. 1723) to improve the entrance and channels of Pensacola Harbor, Florida, including both the outer and inner bar; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MILLER, of New York, introduced a bill (S. 1724) to authorize the Secretary of War to deliver certain cannon to the Saratoga Monument Association; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1725) for the erection of a public building at Saratoga Springs, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SABIN introduced a bill (S. 1726) granting a pension to John M. Broome; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER introduced a bill (S. 1727) to grant letter-carriers at free-delivery offices thirty days' leave of absence in each year; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN introduced a bill (S. 1728) giving copyright to newspapers; which was read twice by its title, and referred to the Committee on the Library.

Mr. ALDRICH. I introduce a bill as a substitute for Senate bill No. 1050.

The bill (S. 1729) to authorize the refunding of the national debt, and for other purposes, was read twice by its title, and referred to the Committee on Finance.

Mr. DAWES introduced a bill (S. 1730) to refer the claim of Charles W. Adams to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1731) granting an increase of pension to Frances H. Downes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRISON introduced a bill (S. 1732) for the purchase of suitable grounds in the city of Richmond, in the State of Indiana, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WILLIAMS, it was

Ordered, That the paper in the case of Mrs. Mary Griffith be taken from the files of the Senate and referred to the Committee on Pensions.

On motion of Mr. RIDDLEBERGER, it was

Ordered, That the papers now on file in the Senate relating to the claim of Virginia and other States for advances made to the United States during the war of 1812-'14 be withdrawn and delivered to the Judiciary Committee of the House of Representatives.

Ordered, That the papers now on file in the Senate relating to the case of John S. Braxton, late collector of customs at Norfolk, be withdrawn and delivered to the Committee on Claims of the House of Representatives.

On motion of Mr. HARRIS, it was

Ordered, That the petition and papers of John T. Henneman be taken from the files and referred to the Committee on Finance.

FOX AND WISCONSIN RIVER IMPROVEMENT.

Mr. SAWYER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be, and he is hereby, instructed to report to the Senate the amount of judgments or awards, and in whose favor rendered, against the Government by the courts or by duly appointed commissioners, and from which no appeal has been taken and the time for an appeal has expired, and where the liability of the Government is admitted, and if he knows of any reason why judgments of that class should not be paid for damages occasioned by the erection of dams on the Fox and Wisconsin River improvement in the State of Wisconsin.

DUPLICATES OF LOST CHECKS.

Mr. BECK. I hope the Senator from Vermont [Mr. MORRILL] will now call up the bill which he reported this morning from the Committee on Finance. It will save some trouble if we pass it now.

Mr. MORRILL. Would it be in order to ask for the consideration of the bill at this time?

The PRESIDING OFFICER. It is in order.

Mr. MORRILL. I ask that the bill be now considered.

The PRESIDING OFFICER. The bill will be read for information.

The Chief Clerk read as follows:

A bill (S. 1705) to provide for the issue of duplicate checks.

Be it enacted, &c., That section 3646 of the Revised Statutes of the United States be amended to read as follows:

"Whenever any original check is lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, after the expiration of six months, and within three years from the date of such check, to issue a duplicate check; and the Treasurer, assistant treasurers, and designated depositaries of the United States are directed to pay such duplicate checks, upon notice and proof of the loss of the original checks, under such regulations in regard to their issue and payment, and upon the execution of such bonds, with sureties, to indemnify the United States, as the Secretary of the Treasury shall prescribe. This section shall not apply to any check exceeding in amount the sum of $2,500."

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MORRILL. I will merely say that the bill only changes the words "$1,000" to "$2,500." If passed it will save some labor in both Houses in the consideration of various private bills from year to year. My recollection is that at one time we passed a bill where the amount exceeded $1,000 by only $1; and in all cases that we have acted upon for the last four or five years the excess above $1,000 has been very small. It was thought best by the Committee on Finance to report a general bill, to save the introduction of special bills for special cases.

Mr. COCKRELL. For the reason stated by the Senator from Vermont, and because the bill will take from Congress a large number of special bills for relief which are absolutely necessary under the existing law, I am in favor of the present consideration and passage of this bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes; in which it requested the concurrence of the Senate.

COLUMBIA RIVER.

Mr. DOLPH. Some time since I introduced a bill, which is No. 11 in the order of business, being the bill (S. 701) making appropriation for the improvement of the mouth of the Columbia River, in the State of Oregon and Territory of Washington. If it shall be the pleasure of the Senate, I should like to call up the bill at 2 o'clock on Friday next for the purpose of submitting some remarks and having the bill referred to the Committee on Commerce.

RAILROAD IN INDIAN TERRITORY.

The PRESIDING OFFICER. If there be no further morning business, the Senate will proceed to the consideration of the Calendar under Rule VIII.

The bill (S. 50) to grant to the Gulf, Colorado and Santa Fé Railway Company a right of way through the Indian Territory, and for other purposes, was announced as first in order.

The Secretary proceeded to read the amendment reported by the Committee on Railroads, which was to strike all out after the enacting clause and to insert a substitute, but before concluding was interrupted by

Mr. HARRISON. I desire to make objection to the consideration of the bill under the five-minute rule. I have no objection personally to fixing a day for its consideration, but there are some amendments that I wish to suggest, and I do not think we can safely consider the bill under the five-minute rule.

The PRESIDING OFFICER. The Senator from Indiana objects to the further consideration of the bill. Under the objection it goes over.

Mr. BROWN. Will the Senator and the Senate be willing to fix any day, not a distant day, when we may consider the case?

Mr. HARRISON. With reference to special orders, so far as I am concerned there are two or three bills that we very nearly approached two weeks ago on the General Calendar for 2 o'clock, and I do not feel like consenting to special orders until we have passed some of those bills; but within a few days I shall be willing to agree with the Senator from Georgia in fixing an early day for the consideration of this bill.

Mr. BROWN. I shall probably make the motion then at an early day to fix a day for the consideration of this bill.

Mr. HARRISON. As soon as we pass a bill or two that is on the regular Calendar I shall make no objection.

DETAILS FROM THE ARMY.

The bill (S. 641) concerning details from the Army was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 5, after the word "consecutively," to insert "except by order of the President;" so as to read:

That no regimental or company officer shall be detached from duty with his regiment or company for more than three years consecutively, except by an order of the President; and any officer heretofore or hereafter detailed who shall be returned to duty with his company or regiment under the provisions of this act shall not be again detailed, except temporarily, and not then for a period of more than sixty days, until after the expiration of three years from his return to his company or regiment.

Mr. CONGER. I think the bill should go over.

The PRESIDING OFFICER. The Senator from Michigan objects to the further consideration of the bill, and it will go over.

DESTRUCTION OF SALT-WORKS.

The bill (S. 13) for the relief of those suffering from the destruction of the salt-works near Manchester, Ky., pursuant to the orders of Maj. Gen. Carlos Buell, was announced as next in order.

Mr. HARRIS. Let that go over. There is an adverse report.

The PRESIDING OFFICER. The Senator from Tennessee objects to the consideration of the bill, and it will go over.

ORDER OF BUSINESS.

Mr. PLUMB. I desire to call the attention of the Senate to Order of Business No. 119, being Senate bill 551, which was under consideration under Rule VIII some days since and was objected to by the Senator from Michigan [Mr. CONGER]. I understand that that Senator is now willing to withdraw his objection, and I make the point that the bill is now entitled to be considered under Rule VIII.

The PRESIDING OFFICER. The Senator from Kansas asks the present consideration of the bill he has indicated. Is there objection? If not, it will be considered before the Senate as in Committee of the Whole.

Mr. HARRIS. Let it be reported by title for information.

The Secretary read the title of the bill (S. 551) to extend the laws of the United States over certain unorganized territory south of the State of Kansas.

Mr. HARRISON. This can only come up for consideration by unanimous consent.

The PRESIDING OFFICER. The Chair so understands.

Mr. HARRISON. I think the Senator from Kansas had better not interrupt the proceeding under Rule VIII by asking to bring up this bill, as it stands in a very different attitude.

Mr. PLUMB. It properly stands for consideration under Rule VIII.

Mr. HARRISON. I understand the Chair to rule against that proposition.

Mr. PLUMB. Oh, no.

The PRESIDING OFFICER. The five-minute rule will apply to it under Rule VIII.

Mr. PLUMB. Certainly. I understand the effect of the withdrawal of the objection is simply to place the bill where it was before the objection was made.

The PRESIDING OFFICER. The Chair does not so understand the rule.

Mr. HARRISON. I should think where an objection is once interposed and a case is passed over that it comes under the operation of Rule IX. The objector can not by withdrawing the objection restore a bill to the Calendar under Rule VIII.

The PRESIDING OFFICER. The Secretary will report the next order.

Mr. PLUMB. Does the Chair hold that this bill is not restored to its place under the eighth rule?

The PRESIDING OFFICER. The Chair so holds.

THE BARK VISCOUNT CANNING.

The bill (S. 452) to remit the forfeiture of the British bark Viscount Canning, and to refund the proceeds of the sale thereof to her owners, Edward D. Morris and C. R. Morris, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That in the matter of the forfeiture of the British bark Viscount Canning, on which she was condemned and sold by order of the district court of the United States for the southern district of Alabama, at Mobile, in June, 1879, the Secretary of the Treasury is hereby authorized to proceed on the petition for remission in the same manner and with the same effect as if the sum arising from the sale of said vessel had not been covered into the Treasury; and if said forfeiture, or any part thereof, shall be remitted, the Secretary of the Treasury may pay out of the Treasury such sum as he may remit to the parties entitled thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. VEST. Is there a report accompanying the bill?

The PRESIDING OFFICER. There is no written report accompanying the bill. The Senator from Minnesota [Mr. MCMILLAN] reported it.

Mr. VEST. I should like to know something about it.

Mr. MORGAN. The bill was reported by the committee at the last session of Congress and passed the Senate, and also reported in the present form at this session, changing slightly the form of the preceding bill under the letter of advice of the Secretary of the Treasury. A sum of money remains in the Treasury which can not be returned to the owners of the bark Viscount Canning because the application had not been made within the period of time required by the statute. Owing to a delay in court the application was not made in time. The Secretary of the Treasury is only authorized to examine the case as if the application had been made in time. There is no dispute about the claim. The Secretary of the Treasury sent a letter to the Senate informing the Senate of the disposition of the claim, but its consideration by the Secretary of the Treasury was prevented by lapse of time.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF CHILDREN.

The bill (S. 729) for the protection of children in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 2, line 13, after the word "by" where it occurs the second time, to strike out "any justice of the peace upon complaint made to him" and insert "the police court of the District of Columbia;" in line 16, before the word "police," to insert "said;" after "District of Columbia," in line 22, to insert "with the consent of the constituted authorities of such asylum or institution;" so as to make the section read:

SEC. 2. That the commissioners of the District of Columbia shall, by the police force of said District, aid the said society, its officers and agents, in the enforcement of all laws relating to or affecting the protection of children; and the commissioners of the said District and their successors are authorized, in their discretion, to detail, from time to time, an officer or officers to aid specially in the work of said society, or they may commission any duly appointed agents of said society special police officers, without compensation; and such agents or officers shall have power to arrest, without warrant, all persons violating within their view any law relating to or affecting the protection of children, or other parties so offending by virtue of a warrant issued by the police court of the District of Columbia, which offenders shall be taken by such agents or officers before the said police court of the District of Columbia for trial. Said agents or officers are also hereby empowered to bring before the said court any child who is subjected to cruel treatment, willful abuse, or neglect, or any child under 16 years of age found in a house of ill-fame; and said court may commit such child to an orphan asylum or other public charitable institution in the District of Columbia, with the consent of the constituted authorities of such asylum or institution, or make such other disposition thereof as now is or may hereafter be provided by law in cases of vagrant, destitute, or abandoned children: *Provided*, That any parent, guardian, or near relative who may feel aggrieved by any order of said court in the premises may appeal therefrom to the criminal court of the District of Columbia.

The amendment was agreed to.

The next amendment was, in section 3, line 12, before the word "character," to insert "dangerous," and after the word "pauper," in the same line, to strike out "or peddler;" so as to make the section read:

SEC. 3. That any person in the District of Columbia who shall torture, cruelly beat, abuse, or otherwise willfully maltreat any child under the age of 18 years; or any person, having the custody and possession of a child under the age of 14 years, who shall expose, or aid and abet in exposing, such child in any highway, street, field, house, outhouse, or other place, with intent to abandon it; or any person, having in his custody or control a child under the age of 14 years, who shall in any way dispose of it with a view to its being employed as an acrobat, or a gymnast, or a contortionist, or a circus-rider, or a rope-walker, or in any exhibition of like dangerous character, or as a beggar, or mendicant, or pauper, or street-singer, or street-musician; or any person who shall take, receive, hire, employ, use, exhibit, or have in custody any child of the age last named for any of the purposes last enumerated, shall be deemed guilty of a misdemeanor, and when convicted thereof shall be subject to punishment by a fine of not more than $250, or by imprisonment for a term not exceeding two years, or both.

The amendment was agreed to.

The next amendment was, in section 4, line 2, after the words "age of," to strike out "18" and insert "21;" so as to make the section read:

SEC. 4. That any person who shall entice, decoy, place, take, or receive any female child under the age of 21 years into any house of ill-fame or disorderly house, for the purpose of prostitution, or any person who, having in his custody or control such child, shall dispose of it to be so received, or to be received in or for any obscene, indecent, or immoral purpose, exhibition, or practice, shall be deemed guilty of a misdemeanor, and when convicted thereof shall be subject to punishment by a fine of not more than $1,000, or by imprisonment for a term not exceeding ten years, or both.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair will state to the Senate that the Chief Clerk calls the attention of the Chair to the fact that the Senator from Delaware [Mr. BAYARD] some days ago gave notice that he intended to offer an amendment which is now in the hands of the Chief Clerk.

Mr. RIDDLEBERGER. That amendment was handed to me by the Senator from Vermont [Mr. MORRILL] and at his request laid before the Committee on the District of Columbia for their consideration. I believe they unanimously concluded not to adopt the amendment. I so reported to the Senator from Vermont, and I presume that he accepted the judgment of the committee. I have heard nothing from him since about it.

Mr. BAYARD. I should like to offer the amendment in the form I now send it to the desk.

The PRESIDING OFFICER. The Senator from Delaware may modify his amendment. The amendment of the Senator from Delaware as modified will be read.

The CHIEF CLERK. The proposed amendment is to insert:

That whenever any female vagrant or incorrigible corrupt girl or woman of known evil repute and life is found soliciting vice upon the streets or elsewhere, or residing in a house of ill-fame, she may be sent under arrest to the Home of the Good Shepherd, or to the Home of the Association for Works of Mercy, and required to labor at some suitable employment, and receive instruction and practical training; and the sum of $10,000, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay for the support of such class of females in the said institutions, one-half of said sum being applicable to each of the said institutions.

Mr. BAYARD. Mr. President, I judge there will be no objection to ingrafting this provision upon this bill. It is the result of a very careful and benevolent examination of a class of people in this District who especially need the care of Congress. It has been said by a proverb

that an ounce of prevention is worth a pound of cure. No stronger illustration could be found than that suggested by this amendment. It is to rescue the young, the ignorant, the helpless, the unprotected class of females who are hovering on the brink of vice and have not quite stepped over it. It is to rescue them by committing them to the charge of thoughtful and organized benevolence in order that they may be taught the means of a practical, industrious, and honest means of self-support. There are two of these establishments, one thoroughly organized and in existence upon the basis of private benevolence, which, however, is not able to extend its operation so wide as is desirable; the other which under law has just been organized, and therefore needs at once the helping hand of Congress. It is not a mere charity; it is an assistance to provide active, well-organized benevolence.

I know not how a person who has made charity to a class a study can be more obliged than when he shall assist at the personal efforts and the labor that accompanies or ought to accompany personal charity in behalf of a dangerous class in the community. The effort now is, and I have been made the instrument of that, by two benevolent associations of this District, by offering this amendment, at a small cost to do an infinite amount of good in the way of anticipating evil results.

I trust this measure may receive the approval of the Senate. I do not understand that it is opposed by the committee, but simply that the responsibility of providing an appropriation to make the amendment efficient may not be for one reason or another ascribed to the committee. I mentioned it, however, to the chairman of the committee—the Senator having the bill in charge at that time was not in the Senate Chamber—and from him I derived the impression that there would be really no objection to it. I am sure after considering this subject and examining the object, the scope, the effect of the amendment, it will commend itself to the approval of every member of this body.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Delaware.

Mr. RIDDLEBERGER. Mr. President, the chairman of the committee is not here just at this moment, but I can briefly state the objections to this amendment.

In the first place, I think it is the opinion of those who examined it that it would be impracticable; and in the next place, a very much graver objection, it is thought it is unconstitutional. It takes a certain class of offenders against the morality of the District of Columbia without warrant or other process, and practically imprisons them without trial. That is the gravest objection to the amendment. I believe that is the only real objection I have to urge against it, because that was esteemed to be all that it would be necessary to say.

I believe further that the bill would be embarrassed very much by putting such an amendment on, if its efficacy would not be entirely destroyed.

Mr. BAYARD. Mr. President, I really think that the Senator prehends——

The PRESIDING OFFICER. The Chair must call the attention of the Senator from Delaware to the fact that under Rule VIII no Senator has a right to address the Senate more than once and only for five minutes.

Mr. BAYARD. Has he a right to speak twice, so that he does not exceed five minutes on the two occasions?

The PRESIDING OFFICER. The Chair would rule that he can not break his five minutes into two speeches.

Mr. BAYARD. I have no disposition to violate the rule.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware.

Mr. HAWLEY. I should like to have the Senator from Delaware give us some more definite information concerning the character of these institutions. Are they purely private, or are they church institutions of any descriptions, denominational strictly?

Mr. BAYARD. If I may answer the Senator——

The PRESIDING OFFICER. In the time of the Senator from Connecticut the Senator from Delaware may answer his question, with his permission.

Mr. BAYARD. The amendment is nothing but in the line of the exercise of the ordinary police powers now vested in these magistrates. It simply gives them these places which are to-day supported by private means to commit these parties to; it gives the institutions public assistance, and thereby subjects them to public supervision.

Mr. HAWLEY. I will state my object in making the inquiry. I do not know these institutions; I am not aware of their particular character. But by such a course as is here proposed it is possible that we may form such a connection with a private institution that it will lead us to make continual appropriations, and that may hereafter be considered a duty. If there are reformatory institutions needed in the District in any direction, let us establish them ourselves, support them, and send these vicious people to them. Any reformatory or corrective institutions that are needed here we ought to provide. I am a little jealous of involving ourselves in these different denominational affairs. We shall create prejudices among the people here and involve ourselves in annual appropriations possibly not necessary.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Delaware.

The question being put, it was declared that the "noes" appeared to prevail.

Mr. BAYARD. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. GARLAND (Mr. HARRIS in the chair). The amendment offered by the Senator from Delaware enlarges the scope of this bill considerably and presents some very interesting questions, as indeed the original bill does, and I do not think justice can be done to the subject under the limitation of a five-minute debate. Never objecting to considering anything that anybody asks for, I must object to this bill being considered under the limitation of debate. I think it is better it should go over without prejudice, and we can take it up some time when we can look into the whole subject. The written report that accompanies the original bill has not been read, and, without any intention to delay the matter, I object to the consideration of the bill for that simple reason.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Shall the Chair understand the Senator to object or to ask that the bill be passed over without prejudice?

Mr. GARLAND. Let it be passed over without prejudice.

The PRESIDING OFFICER. Is there objection to its being passed over without prejudice to its position on the Calendar, leaving it at the head of the Calendar under Rule VIII?

Mr. RIDDLEBERGER. I inquire, what position would that place the bill in? Would it come up to-morrow again?

The PRESIDING OFFICER. If it be passed over by unanimous consent without prejudice, leaving it at the head of the Calendar under Rule VIII, it will be the first bill on the Calendar to-morrow morning.

Mr. PLATT. We shall be no better off to-morrow morning than we are now. Why can we not suspend the rule now? Or if it goes over under objection, I understand that a motion to take it up adopted by the Senate will take it out of the five-minute rule. I call the attention of the Senator from Delaware to the fact that as I understand the rule if objection is made he can move to take up the bill, and if he can obtain the vote of the Senate to take it up, then it takes it out of the five-minute rule.

Mr. BLAIR. I should like to know what is the practice of the Senate in that regard. If a single objection carries the bill over, how can it be possible that a mere motion by a majority vote will bring it up now for further consideration?

The PRESIDING OFFICER. The question is, is there objection to passing over this bill informally, leaving it at the head of the Calendar under Rule VIII? The Chair hears no objection, and it is passed over. The next bill on the Calendar will be reported.

COUNTERFEITING OF FOREIGN SECURITIES.

The bill (S. 1369) to punish the counterfeiting within the United States of notes, bonds, or other securities of foreign governments was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE YELLOWSTONE PARK.

The bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park, was considered as in Committee of the Whole.

The bill was reported from the Committee on Territories with an amendment to strike out all after the enacting clause and insert:

That the boundaries of the Yellowstone National Park, as now fixed by section numbered 2474 of the Revised Statutes, shall hereafter be as follows: Beginning at a point on the forty-fifth parallel of north latitude where said parallel is intersected by the meridian of 111° west longitude; thence due east to a point on said meridian within ten miles of the eastern boundary of the park as now established; thence due south five miles; thence due east to the meridian of 109° 30′ west longitude; thence due south along said meridian to the forty-fourth parallel of north latitude; thence due west along said parallel to its point of intersection with the meridian of 111° west longitude; thence due north along said meridian to the place of beginning; and it shall be the duty of the Secretary of the Interior to cause an accurate survey to be made of the boundary lines of said park as established by this act, said survey to be recorded in the offices of the surveyor-general and Commissioner of the General Land Office of the United States, as provided by law.

SEC. 2. That all of the territory embraced within the limits of the park as herein established shall be reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasure-ground for the benefit and enjoyment of the people of the United States; and said territory so set apart shall be under the control of the Secretary of the Interior, and subject to all the provisions of sections numbered 2474 and 2475 of the Revised Statutes of the United States, except as herein otherwise provided.

SEC. 3. That the Secretary of the Interior shall make and publish such rules and regulations as he may deem necessary and proper for the management and care of the park, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within said park, and for the protection of the game animals found in the park, to prevent their capture or destruction. He shall cause all persons trespassing upon the park to be removed therefrom, and shall take all measures which he may think necessary to carry out the purposes of this act; and the Secretary of War is hereby directed to make such details of troops as the Secretary of the Interior, with the approval of the President, may require for the purpose of preventing trespassers or intruders from entering the park with the object of destroying the game therein, or other illegal purposes, and for removing such persons from the park.

SEC. 4. That the killing, wounding, or capturing, at any time, of any buffalo, bison, moose, elk, deer, mountain sheep, Rocky Mountain goat, antelope,

beaver, otter, martin, fisher, grouse, prairie-chicken, pheasant, fool-hen, partridge, quail, wild goose, duck, eagle, magpie, swan, heron, sparrow, robin, meadow-lark, thrush, goldfinch, flicker or yellow-hammer, blackbird, oriole, jay, snow-bird, or any of the small birds commonly known as singing-birds, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park by means of seines, nets, traps, or by the use of drugs or any explosive substances or compounds, or in any other way than by hook and line. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined for each offense not less than twenty nor more than one hundred dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment. Possession of the dead bodies, or any part thereof, of any of the animals or birds hereinbefore mentioned shall be *prima facie* evidence that the person or persons having the same are guilty of violating this act. Any person or persons, or stage, express, or railroad company, receiving for transportation any of the animals, birds, or fish named herein, knowing or having reasonable cause to believe that such animals, birds, or fish were killed or captured in violation of this act, shall be deemed guilty of a misdemeanor, and shall forfeit and pay for every such offense the sum of $250, to be recovered by a proceeding in the nature of an information before any Territorial or United States district court within whose jurisdiction such offense was committed; and it shall be the duty of the district attorney of the United States for such Territory or district to institute and prosecute said proceeding in the name of the United States, the amount collected from the party offending to be paid into the Treasury of the United States.

SEC. 5. That the Secretary of the Interior may lease small portions of ground in the park, not exceeding ten acres in extent for each tract, on which may be erected hotels and the necessary outbuildings, and for a period not exceeding ten years; but such lease shall not include any of the geysers or other objects of curiosity or interest in said park, or exclude the public from the free and convenient approach thereto, or include any ground within one-quarter of a mile of any of the geysers or the Yellowstone Falls; nor shall there be leased more than one tract of not exceeding ten acres to any one person, association, or corporation; nor shall any hotel or other buildings be erected within the park until such lease shall be executed by the Secretary of the Interior; and all contracts, agreements, or exclusive privileges heretofore made or given in regard to said park, or any part thereof, inconsistent with this act, are hereby declared to be invalid; nor shall the Secretary of the Interior, in any lease which he may make and execute, grant any exclusive privileges within said park, except upon the ground leased.

SEC. 6. That for the purpose of giving protection to life and property within said park the laws of the Territory of Montana are hereby extended over the same, so far as said laws do not conflict with this act; and said park is declared to be, for the purpose aforesaid, and the administration of justice generally therein, a part of the county of Gallatin, in said Territory, until Congress shall otherwise provide. But all costs and expenses arising in cases under this act, and properly chargeable to the United States, shall be certified by the court or justice trying said cases to the United States marshal for Montana, and shall be paid by him out of any public funds in his hands, and be reported by him to the Department of Justice, as in the case of other costs in the United States courts. The violation of any regulation made and published by the Secretary the Interior in regard to the control and management of the park, and the protection of the game and public property therein, is hereby declared to be a misdemeanor, and the party convicted shall be punished for each offense by a fine of not less than twenty nor more than one hundred dollars, or by imprisonment for not exceeding three months, or by both such fine and imprisonment.

SEC. 7. That the Secretary of the Interior shall appoint a superintendent of the park, who shall be paid an annual salary of $2,000, and fifteen assistants, who shall each be paid annually $900. And it shall be the duty of said superintendent and his assistants to reside continuously in the park, and to protect the game and public property, to preserve the peace, and prevent crime; and for this purpose they shall have power to arrest all persons committing any crime or misdemeanor within the park, and shall also have all the powers and duties conferred by law upon the sheriffs and constables for the Territory of Montana and their deputies: *Provided*, That the power hereby conferred shall be exercised only within the limits of said park, and in conveying persons arrested to the nearest court or officer having jurisdiction of the crime or misdemeanor with which the person or persons have been charged: *And provided also*, That nothing herein contained shall be construed as preventing the United States marshals from serving within the territory of the park any writ or process issued by lawful authority: *And provided also*, That no timber in said park shall be cut, either for building purposes or for firewood, except by the permission in writing of the superintendent of said park, specifying the place at which said timber may be cut and the quantity thereof.

SEC. 8. That the Secretary of War shall detail an officer from the Corps of Engineers, whose duty it shall be to survey and lay out suitable roads in said park and select the proper location for bridges therein; and the Secretary of War shall, upon the report of said officer, make annual estimates for the cost of such improvements, and communicate the same to Congress, with such other recommendations in regard to the park as he may deem proper; and all sums received by the Secretary of the Interior from rents in the park, or arising from fines or forfeitures for violations of the laws and regulations made for the government of said park and protection of the game and public property therein, shall be applied to the improvements hereinbefore mentioned; and the officer or officers collecting said fines and forfeitures shall pay the same to the superintendent of the park, to be accounted for by him to the Secretary of the Interior.

SEC. 9. That all leases, contracts, rules, and regulations made or issued by the Secretary of the Interior as herein provided for shall be subject to the approval of the President.

Mr. INGALLS. Is there any report with this bill?

The PRESIDING OFFICER. There is no printed report. What has been read is the amendment reported by the Committee on Territories in the nature of a substitute for the original bill. The question is on agreeing to the amendment.

Mr. INGALLS. I should like to hear in what particular the boundaries as defined in section 1 of the amendment differ from those under existing law, whether the area of the park is increased or diminished.

Mr. VEST. It is a little difficult without a map to explain exactly the change. As the park is now constituted, there are about two miles taken on the north from the Territory of Montana and upon the western side about two miles are taken out of the Territory of Idaho. The rest of the park is taken from the Territory of Wyoming.

The change of boundaries, as we propose it, is to diminish the boundary on the north two miles and on the west two miles, bringing the northern boundary down to a parallel of latitude and the western boundary to a meridian of longitude, so as to bring the boundaries to the original lines between Wyoming and Montana on the north and Idaho and Wyoming on the west. On the south the park is extended by this change of boundary between nine and ten miles. On the east the park is extended about thirty miles, so as to take in a large extent of country which is the home of large game and covered with forest trees, the preservation of which is absolutely necessary to protect the sources of large rivers, and without including that it is absolutely impossible to protect either the timber or the large game which there exist.

The change is made in accordance with the opinion of the officers in charge of the geographical survey of the United States and of General Sheridan, and after I had personal conversations myself with guides, hunters, and trappers who are familiar with that country. It takes in no country which is valuable for mineral purposes or for grazing purposes. In the northeastern corner of the boundaries as defined by the first section there is a portion of the park excepted on account of the Clark's Fork mines. The line runs east with a parallel of latitude within five miles of the eastern boundary of the park as now defined; then the line goes south ten miles, and then directly east. This change, as I said before, is made on account of the mines at that point. The Delegate from the Territory and the gentlemen interested in those mines thought that this exception would cover all the mineral discoveries that would probably be made. This is done to avoid any complication as to title, and in order to give those now engaged in that enterprise full scope and opportunity to proceed with their business.

Mr. INGALLS. The area withdrawn from the public domain, then, if I correctly understand the Senator from Missouri, has been largely increased by the amendment of the committee?

Mr. VEST. Yes, sir.

Mr. INGALLS. Can the Senator inform us what the number of square miles aggregates under the amendment of the committee?

Mr. VEST. The present area of the park is about 3,300 square miles. It has never been accurately ascertained, but that has been the nearest computation that could be made. This will add to the park in the neighborhood of 2,000 square miles more, a volcanic region, in which no minerals have ever been discovered and which seems useless for any other purpose than that of a national park. It contains a large number of curiosities, objects of wonder, petrified forests among others; and all persons who have been there and have seen it say that ought to be added to the park as it now is; and without this addition there is no safety in regard to the game at all, as they do not come within the present boundaries of the park except during a portion of the year.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Missouri to the fact that the time of the Senator from Kansas whom he interrupted has expired.

Mr. VEST. I did not mean to do that.

Mr. INGALLS. I was not aware that this bill was proceeding under the five-minute rule.

The PRESIDING OFFICER. It is proceeding under Rule VIII.

Mr. INGALLS. It appears to me that there are considerations involved in this bill which would render it desirable to have a more extended discussion than could occur under Rule VIII. I would ask the Senator from Missouri if he would be willing to allow the bill to go over, to be assigned for discussion at a near day in the future?

The PRESIDING OFFICER. The Senator from Kansas or the Senator from Missouri can move to proceed to the consideration of the bill. That motion, if carried, dispenses with the five-minute rule.

Mr. INGALLS. I have no preference about the matter myself, but it appears to me that this is a bill of such magnitude and involving such interesting questions that it would hardly be advisable to consider it under a rule limiting debate to five minutes.

Mr. VEST. If the Senator from Kansas will permit me, I will move to take the bill up without regard to the five-minute rule.

The PRESIDING OFFICER. Where there is objection the Senator has a right to move to proceed notwithstanding the objection; and if that motion is carried, then the five-minute rule does not apply to the debate.

Mr. INGALLS. Then does the debate extend beyond the hour of 2 o'clock?

The PRESIDING OFFICER. It would not. The consideration of the bill would cease at 2 o'clock, but it would remain at the head of the Calendar under Rule VIII.

Mr. VEST. I do not want the bill to lose its place on the Calendar.

The PRESIDING OFFICER. Does the Chair understand the Senator from Kansas to object to the consideration of the bill under Rule VIII?

Mr. INGALLS. Not in any spirit of hostility to the bill, the Senator from Missouri will understand; but it appears to me that a subject which involves such important considerations as this would be better considered under more extended debate, and I will therefore, if the Senator from Missouri will understand the spirit in which I suggest it, object to the consideration of this bill, but will concur with him in taking it up either at 2 o'clock or at any subsequent time that may suit his convenience best.

The PRESIDING OFFICER. The Senator from Missouri, if he choose, may now move to proceed with the consideration of the bill notwithstanding the objection. That motion is in order.

Mr. VEST. I make that motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri that the Senate proceed with the consideration of the bill notwithstanding the objection.

The motion was agreed to.

The PRESIDING OFFICER. The consideration of the bill will proceed, not subject, however to the five-minute rule. The question is on the amendment reported by the Committee on Territories.

The amendment was agreed to.

Mr. MCMILLAN. I desire to ask the Senator from Missouri, as he has examined this bill very carefully, what is the effect of the provision in the bill with reference to extending the laws of the Territory of Montana over this park. Does it extend the laws of the Territory of Montana over the area embraced within this Yellowstone Park by the provisions of this bill?

Mr. VEST. Yes, sir. This bill is intended, and such are its express words, to make the park for jurisdictional purposes a part of the Territory of Montana. It is intended to extend the game laws of Montana over the park and the other territorial statutes as to misdemeanors and other offenses against the laws.

Mr. MCMILLAN. Then I should like to ask the Senator from Missouri whether by the laws of Montana gambling-houses are not licensed in the Territory; and, if so, whether or not that would not authorize the licensing of gaming-houses within this park at any hotel which may be established there.

Mr. VEST. I do not so understand. The Secretary of the Interior has absolute control of that matter. No gambling-houses and no establishment of that sort can exist in the park without the consent of the Secretary of the Interior. The bill extends the laws of Montana over the park but it defines for what purpose: "So far as said laws do not conflict with this act." And this act gives to the Secretary of the Interior absolute control as to gambling-houses and all matters of police regulation.

Mr. MCMILLAN. What portion of the bill does the Senator refer to as conferring that power on the Secretary of the Interior?

Mr. VEST. The original act of which this is amendatory gave the power, and so does this bill. Section 2 provides:

That all of the territory embraced within the limits of the park as herein established shall be reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasure-ground for the benefit and enjoyment of the people of the United States; and said territory so set apart shall be under the control of the Secretary of the Interior, and subject to all the provisions of sections numbered 2474 and 2475 of the Revised Statutes of the United States, except as herein otherwise provided.

The original act designating the park gives the Secretary of the Interior power to make all rules and regulations for police and other purposes in the National Park. There is no doubt on that point.

Mr. MCMILLAN. I have not had an opportunity of examining the provisions of the original act with reference to this or any other question involved in the amendment now reported by the committee.

Mr. DAWES. I should like to inquire if the laws of the Territory of Montana are extended in these broad terms over the park how the game laws of Montana will affect the existing laws of the park? The game laws of Montana and the game laws of the park are not identical. Which will prevail in this park if you extend the laws of Montana over the park?

Mr. VEST. The Senator will observe the language of section 6:

The laws of the Territory of Montana are hereby extended over the same, so far as said laws do not conflict with this act.

This act is paramount as any act of Congress would be over an act of a Territorial Legislature, and this law goes on and defines what game shall be protected.

Mr. DAWES. The old act creating the park?

Mr. VEST. No: this bill.

Mr. DAWES. Then so far as the old act has provisions in reference to game——

Mr. VEST. The only provision in the original act referred to in section 2 of this bill, and which is now incorporated in sections 2474 and 2475 of the Revised Statutes, as to game, is that the Secretary of the Interior shall make such rules as are necessary to protect the game within the park.

Mr. DAWES. So that——

The PRESIDING OFFICER (Mr. GARLAND in the chair). The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business of yesterday.

Mr. BECK. If I may be allowed a moment before we pass from the bill lately under consideration, I hope that by to-morrow the Senator from Missouri will explain to us why jurisdiction is given to Montana when all the territory of the park is by the changes of boundaries in the Territory of Wyoming. I know the Territory of Wyoming has very stringent game laws and very stringent license laws. I do not know what the laws of Montana are in that regard. As all the territory is in Wyoming and the game laws of Wyoming and the license laws of Wyoming are very stringent and very good and those of Montana may not be, I hope by to-morrow the Senator from Missouri will look into the matter.

Mr. VEST. I will take great pleasure in looking into the matter.

HOUSE BILL REFERRED.

The bill (H. R. 5667) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes, was read twice by its title, and referred to the Committee on Pensions.

MILITARY ACADEMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes.

The PRESIDING OFFICER. The bill will be read in full.

The Secretary proceeded to read the bill.

The PRESIDING OFFICER. The usual course is to consider the amendments of the Committee on Appropriations as the reading progresses. If there be no objection that will be the order now.

Mr. LOGAN. I hope it will be.

The bill was reported from the Committee on Appropriations with amendments.

The first amendment was, after line 24, to insert:

For pay of treasurer, quartermaster, and commissary of cadets, in addition to pay as captain of infantry, $700.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 44, after the word "professors," to strike out "and to officers (on increased rank);" so as to make the clause read:

For additional pay of professors for length of service, $8,898.50.

The amendment was agreed to.

The next amendment was, after the word "For," in line 126, to insert "extra pay for enlisted man employed in the care and preservation of models, &c. (in lieu of extra-duty pay), $120; for;" and in line 139, after the word "of," to strike out "nine hundred and sixty" and insert "one thousand and eighty;" so as to make the clause read:

For department of drawing: For extra pay of enlisted man employed in the care and preservation of models, &c. (in lieu of extra-duty pay), $120; for fifteen new desks, $150; photographic slides for use in lectures, repairs and construction of racks, models, stretchers, stools and desks, stationery, drawing materials, cardboard for mounting drawings, tacks, hammers, and contingencies, books of reference (mechanical, architectural, surveying, geometry, and art), periodicals on art and technology, models for topographical, free-hand, and constructive drawing, hectograph, rules and triangles, and for shades, rollers, and contingencies for enlargement of drawing academy, $810; in all, $1,080.

The amendment was agreed to.

The next amendment was, after line 208, to insert:

For completion of new hospital for cadets, $5,000.

The amendment was agreed to.

The next amendment was, in line 227, after "bath-tubs," to insert "and repairs to bath-tubs;" and in line 228, before "thousand," to strike out "two" and insert "three;" so as to make the clause read:

For additional bath-tubs, and repairs to bath-tubs, in cadet barracks, $3,000.

The amendment was agreed to.

Mr. LOGAN. I desire on page 2 to offer an amendment to come in after the word "year," in line 36.

Provided, That hereafter any cadet dismissed for hazing shall not be eligible to reappointment.

I will merely say that I was authorized by the Committee on Appropriations to ask consent to offer this amendment in the Senate. I have no remarks to make on it unless somebody wants an explanation of the reason for it.

Mr. INGALLS. I ask the Senator from Illinois if it does not come within the general objection that it is legislation on an appropriation bill.

Mr. LOGAN. I suppose it is not necessary to answer that question. It was understood by the committee that it would be subject to a point of order, but I was authorized by the committee to ask consent to offer it, and I now ask unanimous consent that the amendment may be received notwithstanding the rule. The provision is very important, and it will probably get in nowhere else.

I have conversed with the superintendent at West Point and with quite a number of officers who have been there in charge heretofore and are in charge now, and I believe it is considered that the only way to stop this hazing, as it is commonly termed, is by making it impossible for a cadet to be returned to the academy after he has been dismissed for that offense, and it is thought that character of law will prevent it. The fact is that when a cadet is dismissed for perpetrating this wrong it is very frequently the case that he is reinstated. The Secretary of War has power to reinstate; the President has power to reinstate; cadets can be reinstated by the recommendation of the board at West Point; so that it has not been a very great terror to many persons heretofore to be dismissed for the offense. But if it is enacted into a law that when dismissed for the offense of hazing a cadet shall not be reappointed to the academy, my judgment is that it will forever stop the practice, and that is the judgment of the best officers who have been there. I think it is a very important measure, and I think it ought to be adopted.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Illinois, unless objection be made to its reception. The Chair hears no objection, and the question is on the amendment.

The amendment was agreed to.

Mr. LOGAN. There are no further amendments from the committee or from any member of the committee that I know of.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. LOGAN. Prior to the passage of the bill I desire to submit, that it may go into the RECORD, a statement showing the increases and decreases that have been made in different parts of the bill from the estimates and from the appropriations which have been made heretofore, so that any person wishing to understand it can see at once what changes have been made and what reductions from the estimates.

I do not wish to detain the Senate by reading this statement unless Senators would like to hear it; but if it be proper for me to submit it to be printed in the RECORD, I will do that without reading it.

The PRESIDING OFFICER. If there is no objection the statement will be received and printed in the RECORD. The Chair hears no objection.

The statement is as follows:

MILITARY ACADEMY, 1885.

Amount of estimates for 1885		$382,359 53
Amount of bill as passed the House	$308,863 50	
Amount of increase made by the Senate committee	6,820 00	
Amount as reported to the Senate		315,683 50
The bill, as reported, less than the estimates for 1885		66,676 03
The bill, as reported, less than the act for 1884		2,794 00

The increase made to the House bill by the Senate Committee on Appropriations is as follows:

For pay of treasurer, quartermaster, and commissary of cadets, in addition to pay as captain of infantry	$700 00
For extra pay of enlisted man in department of drawing (in lieu of extra-duty pay)	120 00
For additional bath-tubs in cadet barracks	1,000 00
For completion of new hospital for cadets	5,000 00
Total	6,820 00

The changes made by the bill, as reported in the appropriation for 1884, are as follows:

Increase over appropriations for 1884:	
Pay of cadets	$10,000
Pay of adjutant, in addition to pay as second lieutenant	100
Pay of treasurer, quartermaster, and commissary of cadets, in addition to pay as captain	700
Transportation of materials, discharged cadets, and ferriages	250
Department of artillery, cavalry, and infantry tactics	205
Department of natural and experimental philosophy, namely, quarters for mechanic-assistant $3,800, and for additions to astronomical transit-circle $1,875	5,675
Department of geography, history, and ethics	300
Department of ordnance and gunnery	50
Department of practical military engineering	750
Pay of five firemen	500
Tables and chairs for library	150
Removing furniture in section rooms	500
Completion of 12-inch water main	1,000
Reflooring academic building	2,580
Reflooring cadet barracks	2,420
Completion of new cadet hospital	5,000
New skylights for drawing academy	350
Repairs, &c., to water-works	520
Additional bath-tubs in cadet barracks	3,000
Cadet laundry, new washer, and fixtures	360
Cadet-mess, new bake-oven, to replace old oven	650
Total increase	35,060
Reduction from appropriations for 1884:	
Additional pay to professors for length of service	$14
Department of mathematics	100
Department of drawing	570
Completion of addition to cadet barracks	37,000
Reflooring cadet mess-hall	350
Total reduction	38,034
Net reduction	$2,974

The changes made by the bill, as reported in the estimates for 1885, are as follows:

Items omitted and reduced:	
Pay of cadets, reduction	$15,760 00
Salary of teacher of music, reduction	420 00
Repairs and improvements, reduction	4,000 00
Salary of clerk to disbursing officer and quartermaster, reduction	300 00
Salary of clerk to adjutant, reduction	300 00
Department of artillery, cavalry, and infantry tactics, reduction	100 00
Department of drawing, reduction	25 00
Department of practical military engineering, reduction	300 00
Molding-shed and molding-sand, omitted	6,000 00
Cleaning public buildings, reduction	100 00
Repairing roads and paths, reduction	200 00
Expenses of library, furniture, repairs, &c., reduction	1,320 00
Renewing furniture in section rooms, reduction	500 00
Repairs, &c., old cadet hospital, omitted	3,000 00
Erection of quartermaster's warehouse, omitted	8,537 43
Erection of barracks for detachment of cavalry, omitted	12,500 00
Iron spring-shutter to sally-port of cadet barracks, omitted	233 00
Repairs to band barracks, omitted	3,857 14
Erecting gymnasium, omitted	10,103 46
Total	67,556 03
Items in bill not estimated for:	
Plumes for cadet officers	180 00
Additional pay to treasurer, quartermaster, and commissary of cadets	700 00
Total	880 00
Net reduction	$66,676 03

The bill was passed.

JOHN THORNS.

The PRESIDING OFFICER. The Senate will now proceed to the consideration of the Calendar under Rule IX.

The Secretary proceeded to read the bill (S. 167) for the relief of John Thorns.

Mr. CAMERON, of Wisconsin. The bill that the Secretary is proceeding to read is adversely reported by the Senator from Nebraska [Mr. MANDERSON], and I think it had better be passed over for the present.

The PRESIDING OFFICER. Such will be the order if there be no objection.

ALBERT H. EMERY.

The bill (S. 399) for the relief of Albert H. Emery was announced as next in order.

Mr. CAMERON, of Wisconsin. This bill for the relief of Emery was reported from the Committee on Claims by the Senator from Nebraska [Mr. MANDERSON]. He is absent from the Senate, I understand, on account of illness, and I would ask that the bill be passed over informally so that it may not lose its place on the Calendar.

The PRESIDING OFFICER. The Secretary will report the next bill in order.

JUDICIAL JURISDICTION OUTSIDE THE UNITED STATES.

The bill (S. 343) to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion, and to repeal the Revised Statutes from section 4083 to section 4130, inclusive, was considered as in Committee of the Whole.

Mr. PENDLETON. This bill is quite a long bill. I think it will not give rise to a great deal of discussion, perhaps very little. In my opinion it will conserve the convenience of the Senate if a number of amendments which I am authorized to offer by the Committee on Foreign Relations can be offered as the bill is being read by sections. I do not know whether that requires the unanimous consent of the Senate or a motion, or in what form I shall put that suggestion to the Senate.

The PRESIDING OFFICER. The amendments can be offered as the particular sections are read or they can be proposed now, as the Senator has suggested, by unanimous consent.

Mr. PENDLETON. I desire to detain the Senate but a moment or two before the consideration of the bill is commenced.

Every subject that is touched by any of the provisions of this bill has been considered very maturely in two special messages from the President of the United States, covering communications to him and recommendations to him from the present and the former Secretary of State. The duty, the power, the obligation, the necessity, and the feasibility of amending some glaring defects in the administration of civil and criminal justice in certain foreign countries in our consular courts has been considered so fully in these public documents which have been in possession of every Senator during this and the last session of Congress and in the discussions which have taken place upon the floor of the Senate within two or three or four years past—one a very exhaustive discussion led by the late Senator from Wisconsin, Mr. Carpenter, and participated in by many of the Senators—that I feel unwilling to take up the time of the Senate unless a further necessity shall arise.

This bill was prepared originally in the Secretary of State's office by the then Assistant Secretary, Mr. Bancroft Davis, aided by a very accomplished gentleman there whom most of the Senators know, Mr. O'Connor. The experience of both these gentlemen and their study of these laws and this system have been very great. The glaring defects of the system consist in the great powers of legislation given to the minister, the absence of provisions authorizing appeals, the absence of provisions for jury trials. And the great variety of provisions enacted by the minister into the shape of laws under the provisions of the Revised Statutes have produced such a state of affairs that the defects, as I said before, in the administration of justice are very glaring; and this bill prepared by these gentlemen in the State Department, amended and corrected as I believe and largely improved by the attentive consideration of the Committee on Foreign Relations, both at this session and at a previous Congress, will aid very much in the administration of that justice in the most efficient and economical manner. That has been the purpose that the committee had in preparing and presenting this bill. It stands with various amendments as the bill originally sent to us from the State Department.

I am authorized to suggest quite a number of amendments, which are altogether in the line of perfecting and simplifying the bill. I desire for myself to say that I should have liked to go much further in perfecting, as I think, this system. I should have liked to establish constitutional courts, at least to establish courts whose judges were not charged with the performance of consular duties; but it was thought by the committee that this was not perhaps the best time to present so radical a change as that, and they submit the bill as it now is.

I do not desire, unless it shall become necessary in the discussion of the various provisions of the bill, to say more on the subject.

The PRESIDING OFFICER. The Secretary will read the bill at length.

The Chief Clerk read the first and second sections of the bill.

Mr. PENDLETON. In section 2, line 3, I move to strike out "twenty" and insert "thirty;" so as to read:

That the sections of the Revised Statutes from and including 4083 to and including section 4130 be, and the same are hereby, repealed.

The amendment was agreed to.

The Chief Clerk read section 3 of the bill.

Mr. PENDLETON. In section 3, line 2, I move to insert "Corea" after "Borneo;" so as to read:

Borneo, Corea, Egypt, &c.

The amendment was agreed to.

Mr. PENDLETON. In section 3, line 3, after the word "Siam," I move to insert "Tripoli;" so as to read:

Muscat, Persia, Samoa, Siam, Tripoli, &c.

The amendment was agreed to.

Mr. PENDLETON. I should like to ask, for information, whether the subheading above section 3 reported in the bill is a part of the bill and subject to amendment? If so, it ought to conform to the amendment just made in section 3.

The PRESIDING OFFICER. The subheading referred to in this connection is part of the bill, and will have to be amended.

Mr. PENDLETON. I move, then, to amend the subheading by inserting the word "Corea" after "Borneo" and the word "Tripoli" after "Siam," to make it correspond to the text of the section.

The PRESIDING OFFICER. That amendment will be agreed to if there be no objection.

Sections 4 and 5 of the bill were read.

Mr. PENDLETON. In section 5, line 10, after the word "controversies," I move to strike out the words "between citizens of the United States or others;" so as to read:

Such jurisdiction shall embrace all controversies provided for by this act or by such treaties and capitulations, respectively.

The amendment was agreed to.

The Chief Clerk read sections 6 and 7 of the bill.

Mr. PENDLETON. In section 7, line 2, after the word "act," I move to strike out the words "at the port" and to insert the words "within the consular district;" so as to read:

That the consul of the United States in either of the countries mentioned in section 3 of this act, within the consular district for which he is appointed, &c.

The amendment was agreed to.

Mr. PENDLETON. At the end of section 7 I move to add:

In civil cases wherein judgment is rendered for more than $200 appeals on questions of law, according to the forms of the code of practice hereinafter provided for, shall be allowed as follows: From the consular courts of Borneo, Corea, Madagascar, Muscat, Persia, Samoa, and Siam, to the supreme court of Japan; from the consular courts of Egypt, Morocco, Tunis, and Turkey, to the circuit court of the United States for the eastern district of New York. Execution shall not be stayed by reason of such appeal unless the appellant shall execute a bond to the appellee in such sum as shall be fixed by the consular court, with sureties approved by it, conditioned to pay any final judgment that may be rendered against him.

As this is a committee amendment, I will move to modify the amendment of the committee by inserting, after the word "Morocco," the word "Tripoli," to make it correspond to the previous portions of the bill.

The PRESIDING OFFICER. The amendment will be so modified if there be no objection. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The Chief Clerk continued the reading of the bill to the end of section 11.

Mr. PENDLETON. At the end of line 19, section 11, after the word "reviewed," I move to insert "and to which exception has been taken during the trial;" so as to read:

It shall be the duty of the judge in the consular court to certify for review in the proper district court any ruling of law adverse to the accused which he may wish to have reviewed, and to which exception has been taken during the trial.

The amendment was agreed to.

Section 12 of the bill was read.

Mr. PENDLETON. In section 12 I move to strike out lines 11, 12, 13, 14, 15, 16, 17, and the word "Tien-Tsin," in line 18, in the following words:

The consular districts of Canton, Amoy, and Swatow shall constitute the first judicial district, with the seat of the court at Canton; the consular districts of Shanghai, Ningpo, Chin-Kiang, and Foo-Chow shall constitute the second judicial district, with the seat of the court at Shanghai; the consular districts of Tien-Tsin and New-Chwang shall constitute the third judicial district, with the seat of the court at Tien-Tsin.

And to insert in lieu thereof:

The consular districts of Canton, Amoy, Foo-Chow, Ningpo, and Swatow shall constitute the first judicial district, with the seat of the court at Canton; the consular districts of Shanghai, Hakow, Chin-Kiang, Tien-Tsin, and New-Chwang shall constitute the second judicial district, with the seat of the court at Shanghai.

The purpose of the amendment is to reduce the judicial districts from three to two for the convenience of the court, as represented by the proper authorities of the State Department.

The amendment was agreed to.

Mr. PENDLETON. In section 12, line 19, I move to strike out the words "the fourth" and insert "a" before "judicial;" so as to read: "Shall constitute a judicial district, with the seat of the court at Yokahama."

The amendment was agreed to.

Mr. PENDLETON. In section 12, beginning in line 23, I move to strike out the words "the district courts held by the district judge for China, who shall have his principal office," and to insert "each district court in China, one of whom shall have his principal office at Canton and the other;" so as to read:

The President may also, by and with the advice and consent of the Senate, appoint a clerk for each district court in China, one of whom shall have his principal office at Canton and the other at Shanghai.

The amendment was agreed to.

Mr. PENDLETON. In section 12, line 30, after the word "deputy," I move to insert:

And shall give bond to the United States for the faithful discharge of his duties in such amount as shall be fixed by the Secretary of State, with such sureties as shall be approved by the court. Each clerk and deputy, before entering upon the duties of his office, shall take and subscribe an oath before the district judge to faithfully observe the laws of the United States in force in China or Japan, as the case may be, and to discharge the duties of his office.

The amendment was agreed to.

Mr. PENDLETON. In section 12, line 44, I move to strike out the word "each" before "shall" and to insert the words "the interpreter for the second judicial district of China and the interpreter for Japan;" so as to read:

The interpreter for the second judicial district of China and the interpreter for Japan shall also be the interpreter and translator for the supreme court of the country for which he is appointed.

The amendment was agreed to.

Mr. PENDLETON. In section 12, at the end of line of 83, I move to strike out "ten" and insert "eleven," so as to make it apply to section 11, which provides for the appeals, and not to section 10, which does not. It is a typographical error.

The amendment was agreed to.

The Chief Clerk read section 13 of the bill.

Mr. PENDLETON. In section 13, line 44, I move to strike out the word "clerk" and insert "court," so as to read, "with sureties to be approved by the court;" so that the approval of the sureties shall be by the court rather than by the clerk.

The amendment was agreed to.

Section 14 of the bill was read.

Mr. PENDLETON. In section 14, line 2, after the word "Japan," I move to insert "or in any of the consular courts named in this act;" so as to read:

That a final judgment or decree in any suit in the supreme court of China or Japan, or in any of the consular courts named in this act, &c.

Mr. ALLISON. I have been giving a little attention to this bill. It seems to me that it is a very great enlargement of the powers of the Supreme Court to allow appeals directly from all these consular courts to the Supreme Court of the United States.

Mr. PENDLETON. It is only in certain cases, the Senator will see.

Mr. ALLISON. So I observe; but we have here established, as I understand, consular courts all over the East, and it seems to me the tendency of the bill will be to very greatly extend the jurisdiction of the Supreme Court. I think it would have been well or would be well now to explain in some way to the Senate the general scope and purpose of the bill. Here is a proposition to establish in China and Japan district and supreme courts and consular courts all over the East.

With great respect for the opinions and views of the Committee on Foreign Relations, I do not see how we can carry out this jurisdiction in China and Japan unless with the consent of those governments. Do I understand that we have full power now under existing treaty stipulations to establish just such courts as we choose to establish in those countries?

Mr. PENDLETON. We have the authority to establish all these consular courts and in many of the countries we have authority to establish other courts. If the Senator from Iowa will look at the letter of the Secretary of State of April 29, 1882 (Forty-seventh Congress, first session, Miscellaneous Document No. 89), he will find provisions of treaties with all the countries to which allusion is made in the bill except, I think, Corea, with which a treaty has been negotiated since that time.

I will state to the Senator also that consular courts are now established in all the countries in which new consular courts are by this bill proposed to be established except where new treaties have been negotiated. I will state also that there is no doubt of the power to establish in China and Japan these courts under the treaties we now have. The increase of business, and the facility of communication, the greater number of Americans who are residing in those countries than have been heretofore, and the imperfect administration of justice in those countries when there were only consular courts, induced the provision for the erection of these other courts in China and Japan in order to facilitate the business and interests of American citizens who are residing there. Heretofore there was an appeal to the district court in California from many of those courts.

Mr. ALLISON. I understand that. I know perfectly well that we have had consular courts in the East for many years and we have a code regulating the consular court, but I find in the bill a provision to establish abroad courts similar to the courts that we now have in the States of the Union, appointing marshals and clerks, giving compensation, allowing mileage, with all the machinery that now applies to our courts in the several States of the Union. If we have the power under the Constitution to extend this jurisdiction in the way provided in the bill over our citizens in foreign countries, it may be wise to do so; but it is certainly extending to a very great degree the jurisdiction of the courts of the United States, it seems to me.

Mr. PENDLETON. In relation to the appointment of marshals, there is no other provision, at least no further provision, than exists already in the law. As to the consular clerks, there is an increase, I should think, of not more than four or five, in order that there may be assignments to the courts in China and Japan. If the Senator will look at the regulations of the Department in relation to consuls, he will find that there is no provision for appointing more marshals or assigning them differently in this bill than there is already. I will state further to the Senator that many of the provisions of the bill are substantially re-enactments of those sections of the Revised Statutes which are hereby repealed.

Mr. ALLISON. But the Senator does not get the point I make. I understand perfectly well that so far as consular courts are concerned we have regulated them for years; but have we now, except in Egypt, a judge in any foreign country with a defined jurisdiction?

Mr. PENDLETON. Not unless you call the consuls judges, who are appointed to sit in judgment upon the life, liberty, and property, and sometimes without appeal to the President, and to execute judgment as to all those interests. Unless you call them judges, we have none. They are acting judges, and by the law invested with judicial authority.

Mr. PLATT. May I ask a question of the Senator from Ohio?

Mr. PENDLETON. Certainly.

Mr. PLATT. Are the privileges which will be extended to the United States by the bill of establishing courts in China and Japan enjoyed now in those empires by Great Britain or any other power?

Mr. PENDLETON. Yes, sir. The system established by France and Great Britain and other nations in those territories is much more elaborate even than that which is provided here, under the stipulations of the treaties with Great Britain and France respectively.

Mr. ALLISON. Will the Senator from Ohio read the provision of treaty authorizing us to establish these courts in China and Japan? I should like to hear it read.

Mr. PENDLETON. In article 25 of the treaty with China, of July 3, 1844, there is this provision:

All questions in regard to rights, whether of property or person, arising between citizens of the United States in China, shall be subject to the jurisdiction and regulated by the authorities of their own Government. And all controversies occurring in China between citizens of the United States and the subjects of any other government shall be regulated by the treaties existing between the United States and such governments, respectively, without interference on the part of China.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

The Chief Clerk read section 15 of the bill.

Mr. PENDLETON. In section 15, line 17, after the word "judge," I move to strike out the words "for China, or the district judge for Japan," and to insert "of the district;" so as to read:

With two sureties, to be approved by the district judge of the district.

The amendment was agreed to.

Mr. PENDLETON. In section 15, line 19, after the word "consul," I move to insert the word "general;" so as to read, "the consul-general at Bangkok."

The amendment was agreed to.

Mr. PENDLETON. In section 15, line 22, after the word "court," I move to strike out the words "in China or Japan" and to insert the words "of the district;" so as to read, "and a certified copy thereof be lodged in the office of the clerk of the court of the district."

The amendment was agreed to.

Mr. ALLISON. In line 23 the word "consul" should be changed to "consul-general."

Mr. PENDLETON. I have that noted here. In section 15, line 23, after the word "consul," I move to insert the word "general;" so as to read, "or of the consul-general at Bangkok."

The amendment was agreed to.

Mr. PENDLETON. In section 15, line 40, before the word "court," I move to strike out the word "consular;" so as to read:

And executed by such persons as may be appointed for that purpose by the court issuing the same.

The amendment was agreed to.

The Chief Clerk read section 16 of the bill.

Mr. ALLISON. In section 16 I move to strike out all after the word "concluded," in line 23, in the following words:

And the necessary amount of money for these purposes is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

I do not think that we ought to appropriate any money in the bill. It seems to me that the expenses attending these courts should share the fate of all the other expenses of the Government and be submitted in regular appropriation bills and estimated for by the heads of Departments.

Mr. PENDLETON. I have no objection to the amendment offered by the Senator from Iowa. I am not authorized to accept it on behalf of the committee, but I am satisfied that it will be acceptable to the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa [Mr. ALLISON].

The amendment was agreed to.

The Chief Clerk read sections 17 and 18 of the bill.

Mr. PENDLETON. In line 17 of section 18 the word "by" is misprinted for "be." It should read "as may be provided."

The PRESIDING OFFICER. The text will be corrected as suggested by the Senator from Ohio.

The reading of the bill was resumed at section 19 and continued to the close of section 41.

Mr. PENDLETON. On lines 4, 5, and 6 of section 41 I move to strike out the words "and proceed with a jury of three such citizens; and if it should be impossible to obtain a jury of three, he shall call on three;" and insert "and shall call on;" so as to make the section read:

That if it shall be found impossible to obtain a trial jury of five competent persons among all the citizens of the United States in the consular district, the consul shall enter that fact on the record of his court, and shall call on disinterested persons not citizens of the United States, but otherwise qualified to act as jurors.

Mr. PLATT. I should like to vote against that amendment.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

The question being put, there were on a division—ayes 13, noes 15; no quorum voting.

Mr. PENDLETON. Call the roll.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll, and having reached the name of Mr. CALL,

Mr. ALLISON. I hope the Senator from Ohio will not insist upon a roll-call; I think there is a quorum present now. If the Chair will glance around he will find a quorum, and we can proceed with the reading of the bill. I understand the Senator from Ohio does not expect a vote to-night on the bill.

Mr. PENDLETON. The course suggested will be agreeable to me.

The PRESIDING OFFICER. The Senator from Iowa moves to suspend the roll-call; is there objection? The Chair hears none, and further call is dispensed with. The question now is on the adoption of the amendment proposed by the Senator from Ohio to section 41.

Mr. PENDLETON. At the request of a gentleman who sits beside me I withdraw the amendment for the present.

The PRESIDING OFFICER. The amendment is withdrawn. The reading of the bill will be resumed.

The Secretary resumed and continued the reading of the bill to the end of section 43.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

Mr. PENDLETON. I appeal to the Senator from Kansas to allow the reading of the bill to be completed. There is but a page and a half more, and when that is done I shall not ask the Senate to continue longer with the consideration of the bill to-day.

Mr. INGALLS. I withdraw the motion on that statement.

The Secretary resumed at section 44 and concluded the reading of the bill.

Mr. INGALLS. Now, Mr. President, I renew my motion that the Senate proceed to the consideration of executive business.

Mr. PENDLETON. I suppose that will leave this bill as the unfinished business for 2 o'clock to-morrow.

The PRESIDING OFFICER. Certainly. The question is on the motion of the Senator from Kansas.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After sixteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 29 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 4, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal of the proceedings of Monday.

Mr. BEACH. I ask unanimous consent that the reading of so much of the Journal as relates to the introduction and reference of bills and joint resolutions be dispensed with.

There was no objection.

The remainder of the Journal was read and approved.

RECORDS OF THE WAR OF THE REBELLION.

The SPEAKER laid before the House a letter from the Secretary of War, in answer to a resolution of the House of Representatives of February 26, 1884, concerning the distribution of the volumes of the Records of the War of the Rebellion.

The SPEAKER. If there be no objection the communication will be referred to the Committee on the Library without being printed.

Mr. KEIFER. Unless the communication be of a different nature from what I suppose, I think it should go to the Committee on Printing. In the last Congress the Committee on Printing reported a bill with reference to the distribution of these volumes. Not knowing the character of the letter I can not be certain, but I know that it was the Committee on Printing from which the legislation came.

The SPEAKER. The Chair had the communication marked for reference to the Committee on Printing, but afterward thought it might go to the Committee on the Library. It is immaterial. If there be no objection the communication will be referred to the Committee on Printing.

There was no objection.

PRINTING AND BINDING.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, calling attention to the necessity of increasing the estimate for printing and binding; which was referred to the Committee on Appropriations.

LITTLE KANAWHA RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers, in compliance with river and harbor act of 1882, containing information concerning provisions of that act affecting the improvements of the Little Kanawha River; which was referred to the Committee on Rivers and Harbors.

TELEGRAPH LINES OF SUBSIDIZED RAILROADS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting copy of letter from the Commissioner of Railroads concerning telegraph lines belonging to the subsidized railroads; which was referred to the Committee on Pacific Railroads, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COOK, for four days, on account of important business.

To Mr. FORAN, for one week, on account of important business.

To Mr. ROBINSON, of New York, till Friday next.

WITHDRAWAL OF PAPERS.

On motion of Mr. ELLIS, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of George E. Payne, filed in the Forty-fifth Congress.

LEAVE TO PRINT.

Mr. WARNER, of Ohio. I rise to a correction of the RECORD. On page 1700 I appear as objecting to a general leave to print remarks on the Mexican war pension bill. I did not object to a general leave, but to a special leave to those who had the floor to add to their remarks to the exclusion of others. I ask now unanimous consent that leave be granted to such as desire to print remarks on that subject.

Mr. DUNN. That is not correcting the RECORD.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] rises to correct the RECORD and then supplements that by asking unanimous consent that leave be granted to all members who desire to print in the RECORD remarks on the Mexican-war pension bill on which the House voted yesterday.

Mr. COX, of North Carolina. I object. I do not object to those who had the floor having leave to extend their remarks. I object to those who had not the floor having leave to print.

EMPLOYÉS OF HOUSE OF REPRESENTATIVES.

Mr. RANDALL. I am directed by the Committee on Appropriations to submit the report which I send to the desk, and I ask upon it the previous question.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to present from the Committee on Appropriations a report, which the Clerk will read.

The Clerk read as follows:

Resolved, That the following additional force is hereby authorized to be employed in the House of Representatives during the present session of Congress, to be paid from the contingent fund of the House, namely:

Under the Clerk, one assistant index clerk, at $6 per day; one assistant journal clerk, at $6 per day, from and including February 24, 1884. Under the Doorkeeper, two messengers and three folders, at the rate of $800 each per annum; five pages, including one riding page, at $2.50 each per day.

Mr. RANDALL. I ask unanimous consent that we consider that resolution in the House now, for the reason that if it is to be passed at all it should be passed at once, so that there may not be the delay incident to reference to another committee.

The SPEAKER. The Chair hears no objection to the present consideration of the resolution. The gentleman from Pennsylvania demands the previous question on the adoption of the resolution.

Mr. RANDALL. I am acting as the organ of the committee on this matter.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the resolution.

Mr. STRUBLE. I ask that it be again read.

The resolution was again read.

Mr. COX, of North Carolina, rose.

The SPEAKER. Debate is not in order.

Mr. RANDALL. I ask unanimous consent that the gentleman from North Carolina be permitted to address the House. How long time does he desire?

Mr. COX, of North Carolina. Five minutes.

Mr. RANDALL. I should not have called the previous question on the gentleman from North Carolina if I had known that he desired to speak.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the gentleman from North Carolina be permitted to address the House for a time not exceeding five minutes.

Mr. KEIFER. Is it not in order to have a debate of fifteen minutes on each side after the previous question is ordered?

The SPEAKER. That is the rule. It did not occur at the moment to the Chair. Thirty minutes are allowed for debate, fifteen minutes in support of the resolution and fifteen minutes in opposition to it, no debate having been had before the previous question was ordered.

Mr. COX, of North Carolina. I dislike to oppose the report of the committee, and if I could see the necessity exists for increasing this force I would not present any objection. But we must take this into consideration: this House has now been in session for three months; and in the midst of the session, after we have seen that no great inconvenience obtains from not having more employés, we have the proposition brought here to-day to increase the force. I really am unable to see the necessity for it.

We know that the great bulk of the heavy work for which these employés are proposed now to be employed has been already transacted. And I wish to call the attention of the House to this fact: that whenever this body shows a disposition to increase the number of employés it shows a disposition likewise to increase the expenses of this Government. In making that assertion I will call the attention of the House to a table I have prepared in regard to this matter, which shows the number of employés and expenditures in former Houses.

I do not wish to take as the standard of comparison the number of employés of the last House, because this side of the House uniformly opposed an increase of their number. I prefer to go back to the time when the Democratic party was in control of this House, for the purpose of showing that we did not then have near the number of employés which we have to-day. I will not read the table in full, but will append it to my remarks.

By reference to that table it will be seen that in the year 1876–'77 in the office of Sergeant-at-Arms there were four employés; while in the year 1883–'84, with the same number of members in this House, the number of employés in that office was increased to eight. The number was actually doubled, although the number of Representatives was the same. Now, in regard to the employés in connection with the committees; let us see about them. In 1876–'77, when the Democratic party came into power in this House, there were thirty clerks and employés of committees. In 1882–'83, when we had no more members of the House than in previous Congresses, the number of those employés was increased to fifty-one. The expense for those employés was increased from $43,000 a year in 1877–'78 to $74,000 a year in 1883–'84.

Turn to the Doorkeeper's department. In that department under Democratic administration there were one hundred and thirty-six employés, costing $122,000 annually. That number was increased from Congress to Congress until in the last Congress there were one hundred and fifty-two employés in that department, costing $134,000 annually. And so in regard to the post-office department of this House. The number in that department has been increased from time to time until the number employed in the Forty-seventh Congress were twelve.

And it is a fact to be noticed that when this House is regardless of its expenses it shows a corresponding indifference to the expenses of the other departments of the Government. In 1876–'77, when there was a Democratic majority in this House, the expenses of the Government were $144,000,000 annually. In 1882–'83, under Republican rule, those expenses amounted to $219,000,000; and in 1883–'84, to $295,000,000. We see, therefore, that when there is a disposition here to increase the number of our employés we are forgetful of the expenditures in the other departments of the Government.

Abuses have crept in here which demand correction, as there are abuses in all the departments of the Government which should be corrected. And if we are to commence reforms, we should commence here in this House. We know that on account of the number of employés, and the amount of compensation which they receive, there has been a growing desire in every Congress to secure places, and every member of the House has been pursued, run down, by applicants for such places. Men have come here seeking these positions, while disgrace and scandal have fallen upon the House.

Mr. LONG. Does not the increase in the number of employés increase the inefficiency?

Mr. COX, of North Carolina. It is not the number of employés that regulates the matter of efficiency, but the manner in which they discharge their duties and the character of the persons employed. I am satisfied that we now have men here who are doing nothing, who are filling sinecure positions. I am a member of the Committee on the Militia. Three months of this session have passed and the clerk of that committee has been drawing pay at the rate of from $180 to $186 a month. Yet we have never had a meeting of the committee, and I very much doubt if we ever do have over one or two. Still, at the end of the year the clerk of that committee will have drawn $1,500, and received besides probably an extra month's pay. This is not intended to reflect upon this clerk, who discharges all the duties of his office. It is proper to state that this clerk is also clerk of the Committee on Mileage, where he is supposed to have performed some labor. I refer to it simply as an example. The same rule prevails in regard to the other committees to a great extent. It was on that account that early in the session I called for a report to show the number of our employés, the nature of their duties, and the hours they were employed. I would pursue the same rule in regard to the employés of the House here that a man would apply in the transaction of his own private business. This seems to me to be my duty as a Representative of the people whose interests I wish to protect.

I think that at this time we have an ample force of employés, if they were only required to discharge their duties and devote their time to the service of the House. It is true that the number of Representatives here has increased; but how does that affect the matter? We know that the only additional labor required is to provide for the printing of a few more bills, and probably we may need a few more pages. But there is only a certain amount of business that can be done by this House. At the close of the last Congress there were thousands of bills that had never been acted on. We are accumulating work here which we know we can not attend to. Yet we go on in a careless manner increasing the number of employés, although we are fully aware that we have on this side of the House charged the other side with extravagance in this very direction.

We are expected to inaugurate reforms, and we should do so. We know that nepotism—the pensioning of relations and kindred upon the public—has crept into all the departments of the Government. Favoritism and abuses are in them all, yet no stop has been put to them, but on the contrary, if anything, they are increasing. We can not actually have a burial of a deceased Congressman without some disgrace attaching to it on account of extraordinary expenditures. No investigation has been made because it is painful and unpleasant to allude to such matters. But the people expect it of us and it is our duty to do it. It is at this time almost discreditable for a member of this House to take part in one of these mournful ceremonies; painful to discharge our duties to the memory of those we respect and revere, because of the extravagance and wastefulness that occur on such occasions.

In view of this fact, I say that we should have good and cogent reasons for increasing the number of our employés before this Democratic House shall give its assent to any such proposition. We should see to it that such increase is actually necessary. I have as yet heard nothing in regard to that subject which satisfies me.

One word more. I know such a policy as I advocate is subject to criticisms from the friends of waste and extravagance. But I would rather pursue a policy that would more correctly and honestly administer the affairs of the Government than one which may lead to star-route frauds, Howgate crimes, and whisky-ring corruptions. We who are administering the Government, know that what I advocate is in the line of economy and fair administration, while the opposite policy carried too far leads to corruption and extravagance and brings disgrace upon this House and the country.

I will publish the table which I have referred to, and reserve the remainder of my time until I hear something said on the other side in regard to this matter.

Mr. RANDALL. It is right, Mr. Speaker, that this House should understand the origin of this proceeding in so far as the recommendation of the Committee on Appropriations is concerned. It will be remembered that the last Congress provided for the appointment of a joint committee, consisting of three members of the Senate and three members of the House of Representatives, with a view to equalizing the salaries of the employés of the two Houses, there having existed a great disparity in the amount of their pay and a greater difference in the amount of labor performed, the House employés doing considerably more work as a general rule than the corresponding officers of the Senate.

This joint committee reported their inability to agree upon any system of equalization, but the House members of the committee made recommendation that the force of the House employés should be increased, in view of the enlarged membership and additional work required. This communication was referred to the Committee on Appropriations, a subcommittee of which considered the subject and made report to the general committee. The report now before the House is the result.

The report from the three House members of the joint committee was unanimous. Their recommendation would involve an increase of the permanent officers of the House at an increased annual expense of about $13,000. The proposition now reported as the result of the action of the Committee on Appropriations, and upon which I propose to stand firmly, decreases the number of additional officers recommended by the House members of the joint committee and diminishes the proposed increase of expense from $13,000 to $6,000. It also negatives the recommendation that these additional employés should be permanent officers, and provides that they shall be only temporary.

It was stated with great earnestness and full conviction by those who had examined the subject—I did not—that these additional officers are now needed. Hence we have recommended the increase now proposed. I confess I was originally against any increase whatever; but, as in like cases, I was brought to the advocacy of this provision rather than permit so large an increase as was recommended in the report of the House members of the joint committee. This is the condition of things now presented. The Doorkeeper of the House alleges more messengers are required because of the increased membership of the present House of Representatives over those which have preceded it. He tells us there are five doors on this floor where three messengers each are necessary, which would make an increase of fifteen on this floor, and that in addition to those which are required in the galleries. The proposed increase is two messengers for the balance of this fiscal year.

Now, as to the Journal Clerk, the increase there the House has already provided for. We have been running for years without provision of permanent law allowing an assistant to the Journal Clerk. This merely makes permanent what heretofore has been temporary, and as I have already said, the House by resolution has already provided for this increase.

Provision for an assistant index clerk is quite as necessary as that for an assistant Journal Clerk, because if you do not have full labor in getting out the index we should be much delayed in receiving the index of Congress. It might perhaps be delayed until next December before we should receive the index prepared by this clerk of the proceedings of this session of Congress.

I have, therefore, Mr. Speaker, reconciled myself to this increase, which I have indicated in detail, for the reasons I have stated, rather than be compelled to consent to the excessive increase which might otherwise be forced upon the House. I hope this report will be adopted in that view, as a matter of economy as well as a matter of good legislation in making permanent what otherwise has been temporary. If this be not granted I fear there will be much larger increase of the permanent force than what is now reported, and that we may be compelled to vote an increase, as suggested by the joint committee of the two Houses, from the $6,000 we indicate to the $13,000 proposed by that committee. I hope, therefore, the report will be adopted.

Mr. CANNON. Will the gentleman from Pennsylvania yield to me?

Mr. RANDALL. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has ten minutes remaining.

Mr. RANDALL. I will yield for five minutes to the gentleman from Illinois. Is that enough?

Mr. CANNON. Yes, sir.

Mr. RANDALL. Then I shall have five minutes remaining.

Mr. CANNON. I wish to say, Mr. Speaker, that the report referred to by the gentleman from Pennsylvania as coming from the joint committee of the two Houses of Congress appointed at the last session recommended a much larger increase than is proposed by the pending report from the Committee on Appropriations. That joint committee of the two Houses was composed of two members on the other side of the House, the gentleman from Kentucky [Mr. BLACKBURN] and the gentleman from Alabama [Mr. FORNEY], and one member from this side of the House, the gentleman from New York [Mr. HISCOCK].

The Clerk of the present House of Representatives was elected, I believe, by the vote of the gentleman from North Carolina [Mr. COX], and the Doorkeeper of the present House was elected also by the gentlemen on that side. Now, these two officers, elected by the other side, came before the Committee on Appropriations and made allegation that it was absolutely necessary not only for the execution of their duties to have the increase of force we recommend, but a very much larger one. And they specified wherein the increase they asked for was required.

It would be, of course, impossible for me, Mr. Speaker, as a member of the Committee on Appropriations, to spend a month's time in going around and inquiring of every employé under the Clerk and Doorkeeper to learn whether he was or was not doing his full duty. I thought perhaps something was due to these two officers to whom you have given your confidence. It is true it was not my purpose in consenting to this report to vindicate them, but it is my purpose as a member of this House to see to it that the work of the House is promptly and efficiently done, not only in the office of the Clerk but in the folding-room under the Doorkeeper. It is patent to me in the transaction of my business as a member that the work in the folding-room is not promptly and properly done. Your Doorkeeper, elected by your side of the House, says the reason is he has not enough men to do it as it should be done. Then one of two things ought to be done. Either you ought to investigate to see whether the Clerk or Doorkeeper are doing their work properly or you ought to give them this increase which they say is necessary. I am not here asking for an investigation, for so far as I know

concerning those two officers they are good officers. For one, I am willing to back their word, and have agreed to this report for this increase. But it may be the gentleman from North Carolina [Mr. COX] has knowledge that would justify him in rising in his place and moving an investigation against these parties for inefficiency. If so, I have no doubt he will take pleasure in doing so, and that is all I desire to say about it.

Mr. HENDERSON, of Iowa. I ask the gentleman to yield to me for a few moments.

Mr. RANDALL. How much time have I left?

The SPEAKER. The gentleman has six minutes.

Mr. RANDALL. I will yield for three minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. Now, Mr. Speaker, I know nothing about the merits of this resolution outside of that which pertains to the folding-room. Here I have a little interest. Some time ago I subscribed for twenty extra copies of the Congressional Directory in addition to the number to which I was entitled as a member of the House. Now, those twenty extra copies I have received some days ago, having paid cash for them. They were folded in the folding-room and are now no doubt in the hands of my constituents; but the twenty copies to which I was entitled as a member of the House under the law I have not been able to get out of the folding-room by love, coaxing, or in any other way.

Why this condition of affairs exists I certainly do not know. But I give the folding-room all the presumption that every man is entitled to, that it is efficiently and honestly conducted; and therefore I am bound to assume that they have not a sufficient working force to carry on the business promptly. For that reason I think it is only proper that we should grant the additional force provided in this resolution.

I would like, I must confess, Mr. Speaker, to understand why it is that when I send an order for my regular number of documents I can not get them folded; and yet I can go out here into the Rotunda and see the agent of the Government Printing Office, buy any number of extra copies that I may desire, pay my money for them, and send them down and get them folded without delay. I think the reason is, perhaps, that the documents are not placed to the credit of members until they are folded; and that these, not having been yet folded, have not been placed to my credit. But I must confess that it struck me as a little singular when I found that I could go down, pull out my pocket-book, pay my money, and get my directories folded promptly and send them to Iowa, but could not get even one of those that I am entitled to under the law. I think we had better arm the folding-room, therefore, with such additional force as is necessary to meet the requirements.

I do not wish, Mr. Speaker, to be understood as fault-finding. I do not wish my remarks to be so construed. I believe the real solution of the difficulty is in the fact that the force is inadequate. I asked the agent of Mr. Rounds here why it was that these documents were not delivered or whether they had been delivered yet to the document-room. His response was: "Yes; they were delivered to the folding-room before you got those that you purchased." So I know that the documents are in the folding-room, and that they have not been placed to my credit for some reason. In order to do the folding-room no injustice, or the officers in charge of it rather, it is only proper that I should say further that there are gentlemen—Democrats—on this floor who are in the same fix as myself. I do not, therefore, mean to intimate that favors are granted to one side and not to the other.

Mr. WHITE, of Kentucky. If the gentleman will let me suggest, perhaps the difficulty may arise from the fact that these directories have just been printed and they have had hardly time to fold them.

Mr. HENDERSON, of Iowa. That could hardly be the case, because those that I purchased I have had for a long time comparatively, and there was no trouble in getting them folded. I think the reason that I have asserted is a correct one.

[Here the hammer fell.]

The SPEAKER. The gentleman from Pennsylvania has six minutes of his time remaining.

Mr. RANDALL. I do not wish to occupy the time until I hear from the other side.

The SPEAKER. The gentleman from North Carolina will be recognized for the remainder of his time, four minutes.

Mr. COX, of North Carolina. Mr. Speaker, in replying to the gentlemen who have discussed this matter, I find that the one reason urged by the gentleman from Iowa [Mr. HENDERSON] for an increase of force is because he fails to receive with regularity documents from the folding-room. The reason for that failure I am unable to state. It may be that there is an unusual pressure brought to bear upon the employés by reason of the number of documents at this period in the session.

The gentleman from Illinois [Mr. CANNON] says that they proceeded in the Committee on Appropriations upon the statement of the officers of this House, and in accordance therewith made this recommendation for an increase. I presume the committee did as stated; but we know the pressure that is often brought in regard to such additional employés; the pressure that is brought upon the officers of the House to favor their friends by additional appointments. But I am not dealing now with any question of that kind. I do not care whether the officer making the application be a Democrat or Republican, I propose simply to deal with the facts as I find them; and, as I have shown, under Democratic administrations the number of these employés was much less than it is to-day, even without this proposed increase. Where does the necessity exist? It is no answer to my objection to say that this additional force has been asked for by a Democratic officer. What we want is that members of the committee making this recommendation shall give us facts and tell us the exact number of the officers and employés of the House to-day, and their duties. We have these facts so far as the numbers are concerned in past Congresses. Now let us have the exact facts to-day, from which we can draw our own conclusions.

My distinguished friend from Pennsylvania [Mr. RANDALL] speaks of this proposed increase as being a sort of compromise on account of the complications existing between the difference in pay of the Senate and House employés; that the Senate have in proportion to their numbers a larger roll of employés and pay them more than the House for similar services. That has nothing to do with our action. We are to act independently of that body and say what force is absolutely necessary to perform the public business connected with the House of Representatives alone. We are responsible to those who send us here for our action and they are responsible for theirs. The gentleman from Pennsylvania [Mr. RANDALL] goes on further and says that he accepts this proposed increase as a choice between two evils, and that he takes the lesser of them. That may also be true; but since he concedes that the evil exists it is not any answer to the objection which I make, nor does it remedy the difficulty by increasing the number of the employés and enlarging the evils that arise from superfluous numbers. Now, if there be a real necessity for this increase, let that necessity be shown, and I will sustain the report. Nothing so far has been shown that justifies it as far as I have seen. I am certainly not in favor of employing persons unnecessarily in this House, nor am I in favor of refusing the employment of those whose services are necessary. But governed as I am by the light of the past and knowing the number of employés in other Congresses, knowing also how they have steadily increased, I fail to see the necessity for this further addition recommended by the committee. No facts which have been laid before us by the members of the committee, no report that they have written, show the necessity for this increased force; and therefore I can see no reason for changing my mind or adopting any other than the original impression that I had when this resolution was first presented here.

I now append this table, which sustains the position maintained by me:

Year.	Clerks and officers.		Sergeant-at-Arms.		Committee clerks.		Doorkeeper.		Post-office.	
	Number.	Amount appropriated.	Number.	Amount appropriated.	Number.	Amount appropriated.	Number.	Amount appropriated.	Number.	Amount appropriated.
1870–'71	22	$49,020	3	$8,260	(*)	$41,734	66	$74,458	11	$16,990
1871–'72	22	49,940	3	8,260	(*)	50,808	57	79,247	11	16,990
1872–'73	24	53,432	4	10,060	(*)	47,334	71	76,992	16	24,436
1873–'74	30	62,936	4	10,060	(*)	41,214	96	85,298	16	24,436
1874–'75	26	64,456	4	10,060	(*)	31,294	101	82,595	16	23,292
1875–'76	26	63,456	4	10,060	(*)	38,904	103	92,774	16	23,580
1876–'77	25	53,780	4	9,800	30	32,120	118	94,344	14	13,300
1877–'78	27	53,260	4	9,800	30	43,712	136	122,630	14	16,500
1878–'79	30	60,280	5	10,520	29	31,520	128	109,814	6	10,020
1879–'80	30	60,280	5	10,520	43	50,500	127	109,000	6	10,020
1880–'81	33	67,808	6	11,580	46	48,440	135	117,604	11	14,820
1881–'82	30	65,330	6	11,200	46	66,104	161	140,662	15	18,020
1882–'83	32	67,138	8	15,880	49	53,332	149	132,770	12	16,030
1883–'84	31	66,240	8	16,380	51	74,996	152	134,995	12	16,020

*Number not stated.

1876–'77, amount appropriated, $202,824; 1883–'84 amount appropriated, $308,632; excess over former years, $105,807.

Expenditures of the United States (exclusive of interest) from 1870–'71 to 1883–'84.

[From reports of the Secretary of the Treasury.]

Year.	Amount.	Congress.	
1870–'71	$157,583,827	Forty-first Congress	R.
1871–'72	153,201,856		
1872–'73	180,488,636	Forty-second Congress	R.
1873–'74	194,118,985		
1874–'75	171,528,848	Forty-third Congress	R.
1875–'76	164,857,813		
1876–'77	144,209,963	Forty-fourth Congress	D.
1877–'78	*a* 134,463,452		
1878–'79	*b* 161,619,934	Forty-fifth Congress	D.
1879–'80	*c* 169,090,062		
1880–'81	*d* 177,142,897	Forty-sixth Congress	D.
1881–'82	*e* 186,904,232		
1882–'83	* *f* 219,367,983	Forty-seventh Congress	R.
1883–'84	* *g* 295,510,639		

* Appropriated.

a Pensions $27,000,000
b Pensions 35,000,000
c Pensions 61,000,000
d Pensions 56,000,000
e Pensions $50,000,000
f Pensions 100,000,000
g Pensions 66,000,000

Mr. RANDALL. I now yield one minute to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. The principal difficulty in regard to the employés of the House seems to arise in the Doorkeeper's department. The number of persons now employed, including pages and the soldiers' roll, is one hundred and forty-three. The number of persons required to remain at the doors would seem to be about thirty; the number of laborers, eighteen; the number of pages, twenty-nine. This leaves about sixty-six persons who I think can be employed in the folding-room, and I should suppose, without being familiar with the details of that branch of the service of the House, that that force was sufficient.

I wish to state, however, that I acquiesce in the report now made to the House on the ground mentioned by the gentleman from Pennsylvania [Mr. RANDALL], that, so far as the action of the Committee on Appropriations is concerned, it is a question between the large force recommended by the House portion of the joint committee and the force recommended by the report made by the gentleman from Pennsylvania. I am not prepared and I do not pretend to say that this increased force is required. In my judgment the number of employés, taking into account the number of persons employed in connection with various committees as clerks, is far beyond the requirements of the service of the House. But as between the two propositions, that now submitted being far more favorable and reasonable than the other proposition, I have given it my acquiescence.

Mr. RANDALL. I yield now to the gentleman from Louisiana [Mr. ELLIS].

Mr. ELLIS. The only point made by the gentleman from North Carolina [Mr. COX] against the reports of two commissions of this House, one of the former Congress and one of the present Congress, is that the Committee on Militia has a clerk and he has nothing to do. I suggest to that gentleman that he assemble his committee at least once this session, and that they report that fact to the House and ask that that clerk be taken off the list.

Mr. COX, of North Carolina. I am not chairman of the committee. I would do that if I could.

Mr. ELLIS. That that committee has nothing to do and that that clerk is not required is no reason why the important business of this House should not be transacted in a manner commensurate with its size and dignity before the country.

We have the deliberate statements of two trusted officers of this House that this increase of force is absolutely necessary; ay, more than even is admitted by the Committee on Appropriations.

In the Thirty-first Congress an assistant journal clerk was first employed; and he was steadily employed and borne on the rolls of this House as an officer of the House until the Forty-fourth Congress. Then he was taken off. What has been the condition since? The work has had to be done. One journal clerk could not do it. And the result is we have gone from pillar to post and paid an assistant journal clerk out of the contingent fund and by special appropriations in deficiency bills; but he has been employed and paid all the time. All we ask now is that he shall be put on the roll and paid regularly during the session. That is the fact in regard to the assistant journal clerk.

As regards the index clerk, one clerk is attending to the index of the House; and I am told by the experienced Journal Clerk that after this session closes he will have to index the Journal, the reports of committees, and all the miscellaneous documents, and that unless he has an assistant it will be the dead of next winter before the index of this session of Congress is prepared. Even now, I am told by the clerk that he is compelled to work at it until 12 o'clock at night in order to get even the index of the RECORD out for the use of members. Is not this a nice state of affairs in conducting the business of the House of Representatives of fifty millions of people?

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. ELLIS. I ask that the statements of the Clerk and the Doorkeeper be published as a part of my remarks.

The SPEAKER. The gentleman has the right to have those communications published as a part of his remarks.

The letters of the Clerk of the House and the Doorkeeper are as follows:

CLERK'S OFFICE,
HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., February 14, 1884.

SIRS: I deem it proper to make the following statement in regard to the necessity of additional assistance to the Journal Clerk, the bill and printing clerk, and the index clerk, and to say that it will be next to impossible for these clerks to discharge the increasing duties incumbent upon them unless this additional force is granted.

ASSISTANT TO JOURNAL CLERK.

In the Thirty-first Congress (commencing December, 1849) an assistant was first assigned to the Journal Clerk, and from that time until the close of the first session of the Forty-fourth Congress (the 15th of August, 1876) was one of the regular employés of the Clerk's office, receiving in 1856 compensation of $1,800 and in 1876 $3,000 per annum.

In the first session of the Forty-fourth Congress the appropriation for an assistant journal clerk was omitted, and the Journal Clerk alone kept the Journal, with the occasional assistance of other clerks during the second session of the Forty-fourth, all of the Forty-fifth, the first session of the Forty-sixth, and part of the second session of the Forty-sixth, when it became necessary to employ an assistant, who has since been regularly employed, and paid either out of the contingent fund of the House or by specific appropriations in the sundry civil or deficiency bills at the close of each session.

From the first session of the Thirtieth Congress the Journal has steadily increased in volume. In that Congress (composed of 232 members) the Journal numbered 1,294 pages while the Journal of the first session of the Forty-seventh Congress (composed of 293 members) numbered 1,909 pages without the index.

Under the present rules, requiring every bill to go to a calendar before consideration, the work of the Journal Clerk has more than doubled over that required twenty years ago, and it is simply a physical impossibility for one clerk to perform the duties required. With an assistant it is necessary for the Journal Clerk to return to the Capitol at least four evenings out of each week in order to have the Journal ready at 12 o'clock the next day—often engaged to 2 o'clock.

In addition to the ordinary duties of the Journal Clerk, he is also called upon to perform a considerable amount of miscellaneous work for the Speaker, committees, and members, which occupies considerable time, and which from the nature of his position can not be performed by any other clerk.

As to the assistant to the bill and printing clerk, the work of this clerk has steadily increased, and since the Thirty-eighth Congress an assistant has been assigned him.

The following table, giving the number of bills and joint resolutions from the Thirty-eighth to the present Congress, will show how the work of this clerk has increased:

Congress.	Bills.	Joint resolutions.	Total.
Thirty-eighth	813	182	995
Thirty-ninth	1,234	305	1,539
Fortieth	2,023	476	2,499
Forty-first	3,091	522	3,613
Forty-second	4,073	203	4,276
Forty-third	4,891	162	5,053
Forty-fourth	4,708	196	4,094
Forty-fifth	6,549	250	6,799
Forty-sixth	7,257	419	7,676
Forty-seventh	7,635	367	8,052

Up to this date (February 13) 4,988 bills have been introduced and reported, and 159 joint resolutions, an increase of 782 bills and joint resolutions over the corresponding period in the Forty-seventh Congress.

In addition to this increase of bills and joint resolutions, the reports have increased from 174 in the Thirty-eighth Congress to 2,044 in the Forty-seventh Congress, which alone added so much to the duties of this desk that it was found necessary to transfer the work connected with what is known as executive and miscellaneous documents to the newspaper clerk.

In addition to the foregoing increased duties of this desk, the printing and bill clerk is required to prepare for the Printer amendments of the Senate to all House bills which are ordered printed, the work on the general appropriation bills alone being very considerable, requiring the greatest care in order to insure accuracy.

In order to perform this work, which is required to be promptly and expeditiously done, it has been found necessary to transfer an employé from the Clerk's document-room, the services of which employé can not be longer spared from the document-room on account of the steady increase of work in that department.

As to assistant to index clerk: In the Thirty-ninth Congress an index clerk was first appointed, prior to which time the Journal had been indexed by the Journal Clerk and his assistant, with the occasional assistance of other clerks.

In the Forty-first Congress the work had so increased that an assistant was appointed to the index clerk, and so continued until the first session of the Forty-fourth Congress, when the appropriation for such assistant was omitted.

As a result the indexes to the Journals have not been completed for many months after adjournment, except in the second and third sessions of the Forty-sixth Congress, when the index clerk was compelled to employ assistance and pay $825 out of his own pocket, which was reimbursed to him in the deficiency bill of the second session of the Forty-seventh Congress. (See Statutes, volume 22, page 593.)

The index to the Journal of the first session of the Forty-seventh Congress—which session terminated on the 5th of August, 1882—was not completed until early in December, after the commencement of the second session, and the volume was not printed until the middle of January, 1883; and the index to the Journal of the second session, which terminated March 3, 1883, was not completed and printed until just prior to the commencement of the present session.

The indexes, owing to the large increase in the number of bills and petitions, has increased from one hundred and sixty pages in the first session of the Thirtieth Congress to four hundred and sixty-nine pages in the first session of the Forty-seventh Congress.

The index clerk is required to index the Journal, the executive and miscellaneous documents, and reports of committees, and in order to secure the speedy completion of these volumes for the Printer an assistant is absolutely required.

Very respectfully,

JNO. B. CLARK, JR.,
Clerk of the House of Representatives.

To the SUBCOMMITTEE ON APPROPRIATIONS,
Having under consideration increase of force in Clerk's office.

GENTLEMEN: In consequence of the large increase in the number of members of the House, the increase of committees, business, &c., it is absolutely necessary that the force in the Doorkeeper's department be increased. There are fifty-four committees, occupying forty-four committee-rooms, and these rooms must be attended to and served.

The present force contains but eighteen able-bodied messengers. Three of these are detailed for service on the floor of the House, in reporters' gallery, and seal-room, respectively. There are left but fifteen of these messengers; these, with the fourteen crippled and disabled men who are on "the soldiers' roll," make twenty-nine in all to attend to said committee-rooms and serve said committees.

There are twenty doors to be attended, five of which on the House floor require three men each; four doors in the gallery require two each; and the rest one each—thus taking in all, for absolute duty at the doors, thirty-four men, when, as before stated, there are now only twenty-nine men allowed for this service; and it is found necessary to detail pages and laborers to make up the deficiency in the force, and thus cause them to do double duties and different from those they are employed to perform.

In the document and folding rooms the documents have increased 30 per cent. over last Congress, and the demand for increased force in these two departments is necessary.

It is absolutely necessary that the folding-room have an additional clerk and more folders. If two laborers, at $720 per annum, are allowed for document-room an additional clerk will not be necessary.

At least six additional pages are required.

By reference to the RECORD, No. 16, January 9, pages 327 and 328, the Doorkeeper's statement to Hons. FRANK HISCOCK, J. C. S. BLACKBURN, and WILLIAM H. FORNEY, members of the joint commission on the part of the House to arrange an increase of force and salaries, will be seen, and the recommendation of that commission in relation thereto.

Respectfully submitted.

J. G. WINTERSMITH,
Doorkeeper.

To Hons. W. S. HOLMAN, JOHN HANCOCK, and JOSEPH CANNON,
Subcommittee on Legislative Bill.

The SPEAKER. The question is on the adoption of the resolution.

The question being taken, there were—ayes 124, noes 27.

Mr. WHITE, of Kentucky. This is clearly not in the interest of economy. I call for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 15; not a sufficient number.

So the yeas and nays were not ordered, and the resolution was adopted.

Mr. ELLIS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. STEELE. I call for the regular order.

The SPEAKER. The regular order being demanded, the Chair will proceed to call the committees for reports.

METROPOLITAN POLICE, DISTRICT OF COLUMBIA.

Mr. POLAND, from the Committee on the Judiciary, reported a bill (H. R. 5668) for the relief of the Metropolitan police force of the District of Columbia; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

L. A. MORRIS.

Mr. CULBERSON, of Texas, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 3196) for the relief of L. A. Morris; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

UNITED STATES COURTS IN IOWA.

Mr. BROADHEAD, from the Committee on the Judiciary, reported back with an adverse recommendation the bill (H. R. 5312) to change the place of holding the circuit and district courts of the United States for the southern district of Iowa from Keokuk, in the eastern division of said district, to Burlington, in said division, and for other purposes; which was laid on the table, and the accompanying report ordered to be printed.

FIRST NATIONAL BANK, NEWTON, MASS.

Mr. COLLINS, from the Committee on the Judiciary, reported a bill (H. R. 5669) making appropriations for the relief of the First National Bank of Newton, Mass.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COMPENSATION OF PHYSICIANS, ETC.

Mr. COLLINS, from the Committee on the Judiciary, also reported back with a favorable recommendation, the bill (H. R. 1763) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHINESE IMMIGRATION.

Mr. LAMB, from the Committee on Foreign Affairs, reported back with a favorable recommendation the bill (H. R. 1768) to amend an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved March 6, 1882; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. HITT, from the same committee, presented the views of the minority upon the bill; which were ordered to be printed with the report of the majority.

GENERAL AND LIEUTENANT-GENERAL OF THE ARMY.

Mr. NICHOLLS, from the Committee on Military Affairs, reported adversely the joint resolution (H. Res. 13) to amend the proviso to section 1094 of the Revised Statutes, relating to the General and Lieutenant-General of the Army.

Mr. STEELE. I ask that that bill be placed on the House Calendar.

The bill was accordingly placed on the House Calendar, and the accompanying adverse report ordered to be printed.

ARMY RETIRED-LIST FOR PRIVATES, ETC.

Mr. LYMAN, from the Committee on Military Affairs, reported, as a substitute for H. R. 1040, a bill (H. R. 5670) to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served continuously for a period of thirty years or upward; which was read a first and second time, referred to the Committe of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LYMAN, from the Committee on Military Affairs, also reported adversely the bill (H. R. 781) for the relief of Albert Hunt, of the United States Army; which was laid on the table, and the accompanying report ordered to be printed.

Mr. STEELE, from the Committee on Military Affairs, reported adversely the following bills; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 308) for the relief of Peter Scouden;

A bill (H. R. 3228) to relieve James Dement, formerly of Company D, Third Maryland Volunteers, of the charge of desertion and to grant him an honorable discharge;

A bill (H. R. 2507) for the relief of John McFadden;

A bill (H. R. 2904) for the relief of Lucy Burhite;

A bill (H. R. 3012) to grant to Lewis W. Perry an honorable discharge;

A bill (H. R. 5015) for the relief of Harlan Richardson;

A bill H. R. 4895) for the relief of Robert Hedian;

A bill (H. R. 4791) to provide for the muster and pay of certain officers of the volunteer forces;

A bill (H. R. 4235) to provide for the muster and pay of certain officers and enlisted men of the volunteer forces; and

A bill (H. R. 2278) for the relief of sufferers by the loss of the Government steamer J. Don Cameron.

WILLIAM B. REYNOLDS.

Mr. STEELE, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 1929) for the relief of William B. Reynolds; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES E. MACKLIN.

Mr. STEELE, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 436) for the relief of Second Lieut. James E. Macklin; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SUFFERERS BY LOSS OF STEAMER J. DON CAMERON.

Mr. STEELE, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 4364) for the relief of sufferers by the loss of the Government steamer J. Don Cameron; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

RICHARD D. BREWER.

Mr. STEELE, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 1159) to remove the charge of desertion from the military record of Richard D. Brewer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BREVET COMMISSIONS FOR INDIAN WARS.

Mr. STEELE, from the Committee on Military Affairs, also reported back with a favorable recommendation the bill (H. R. 353) authorizing brevet commissions to commissioned officers for distinguished conduct in engagements with or in campaigns against hostile Indians; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

JOHN M'FARLAND.

Mr. MURRAY, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 1161) to relieve John McFarland from the charge of desertion; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 extra copies of the report of Julius E. Hilgard, Superintendent of the Coast and Geodetic Survey, showing the progress made in said service during the year ending June 30, 1883, for distribution by said Superintendent.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 52) providing for the erection of a public building at Waco, Tex.;

A bill (S. 53) providing for a public building at San Antonio, Tex.;

A bill (S. 55) to provide for the erection of a public building for the use of the United States court, post-office, and other Government offices in the city of Carson City, in the State of Nevada;

A bill (S. 78) for the erection of a public building at La Crosse, Wis.;

A bill (S. 146) for a public building at Greenville, S. C.;

A bill (S. 147) to authorize the purchase of a site for a building for a post-office, court-house, and other public offices in San Francisco, Cal.;
A bill (S. 160) for the erection of a public building at Camden, N. J.;
A bill (S. 182) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, R. I.;
A bill (S. 210) donating to the city of Saint Louis, Mo., a certain strip of land for street purposes;
A bill (S. 229) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Fla.;
A bill (S. 235) to provide for the erection of a public building in the city of Augusta, Me.;
A bill (S. 256) to provide for a building for the use of the Federal court, post-office, internal-revenue, and other civil offices, and a United States jail, in the city of Fort Smith, Ark.;
A bill (S. 292) for the erection of a public building at Fort Scott, Kan.;
A bill (S. 396) for the erection of a public building at Nebraska City, Nebr.;
A bill (S. 505) for the erection of a public building at Huntsville, Ala.;
A bill (S. 574) appropriating money for the purchase of a site and the erection of a suitable building for the United States courts, post-office, and other Government offices in the city of Winona, State of Minnesota;
A bill (S. 636) for the erection of a public building at Oshkosh, Wis.;
A bill (S. 674) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill.;
A bill (S. 854) to provide for the erection of a public building in the city of Manchester, in the State of New Hampshire;
A bill (S. 1040) to provide for the construction of a public building at New Albany, Ind.;
A bill (S. 1117) for the erection of a public building at Macon, Ga.;
A bill (S. 1146) to provide for the erection of a public building in the city of Annapolis, Md.;
A bill (S. 1429) to provide for the erection of a public building at Montpelier, Vt.;
A bill (S. 1473) to enlarge the United States custom-house at Richmond, Va.;
A bill (S. 1504) for the erection of a public building at Pueblo, Colo.;
A bill (S. 1600) for the erection of a public building at Augusta, Ga.; and
A bill (S. 1692) to limit the cost of indexing the CONGRESSIONAL RECORD.

RECEIPTS OF MONEY-ORDER SYSTEM.

Mr. MONEY, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for H. R. 2335, a bill (H. R. 5671) to provide for the deposit in the Treasury of the receipts of the money-order system, and for the payment of its expenses out of appropriations; which was read a first and second time, ordered to be placed on the House Calendar, and the accompanying report ordered to be printed.

LANDS FOR COLORADO.

Mr. BRENTS, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (H. R. 5456) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts;" which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ERIE CANAL.

Mr. WEMPLE, from the Committee on Railways and Canals, reported back with amendments the bill (H. R. 3538) for the permanent improvement of the Erie Canal and maintaining the same free to the commerce of the United States; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

TESTS OF IRON, STEEL, ETC.

Mr. CAMPBELL, of Pennsylvania, from the Committee on Manufactures, reported back with a favorable recommendation the bill (H. R. 1435) authorizing the President to appoint a commission of experts, skilled in the investigation, production, and use of metallic substances and other structural materials, to execute tests and experiments on iron, steel, and other materials used in the construction of bridges, buildings, and mechanical structures, and deduct useful rules therefrom; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT WILMINGTON, DEL.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, reported, as a substitute for H. R. 3984, a bill (H. R. 5672) for the erection of a public building at Wilmington, Del.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT JACKSON, MICH.

Mr. BREITUNG, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 805) to provide for the construction of a public building at Jackson, in the State of Michigan; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT SACRAMENTO, CAL.

Mr. BREITUNG, from the Committee on Public Buildings and Grounds, also reported, as a substitute for H. R. 105, a bill (H. R. 5673) for the erection of a public building at Sacramento, Cal.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT WACO, TEX.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 1570) for the erection of a public building at Waco, Tex.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT TYLER, TEX.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, also reported, as a substitute for H. R. 1568, a bill (H. R. 5674) to provide a suitable building for the United States courts, post-office, and internal-revenue office in the city of Tyler, State of Texas; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

UNION METALLIC CARTRIDGE COMPANY.

Mr. GREENLEAF, from the Committee on Patents, reported back with a favorable recommendation the bill (H. R. 5278) for the relief of the Union Metallic Cartridge Company; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ISAAC REED.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 5278) for the relief of Isaac Reed; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARIA L. LEE.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1752) for the relief of Maria L. Lee; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CATHARINE BULLARD.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 406) granting a pension to Catharine Bullard; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

KATE AMANN.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 320) granting a pension to Kate Amann; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ALEXANDER ST. BERNARD.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 4790) granting a pension to Alexander St. Bernard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM ROBINSON.

Mr. HOUK, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1502) granting a pension to William Robinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH MINER.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1077) granting a pension to Sarah Miner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH L. BRAGG.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 3341) for the relief of Sarah L. Bragg, of

the linen department of the Fairfax Seminary hospital in the late war; which was laid on the table, and the accompanying report ordered to be printed.

EMMA A. PORCH.

Mr. FYAN, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 3294) granting a pension to Emma A. Porch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN C. RICHARDS.

Mr. FYAN, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 2348) granting a pension to John C. Richards; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TEMPLE GOLDEN.

Mr. FYAN, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5070) granting a pension to Temple Golden; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARY J. STOTTS.

Mr. FYAN, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 5096) granting a pension to Mrs. Mary J. Stotts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES O. M'KENNEY.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 704) granting a pension to Charles O. McKenney; which was laid on the table, and the accompanying report ordered to be printed.

MRS. SUSAN J. M'KENNEY.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 3224, the bill (H. R. 5675) granting a pension to Mrs. Susan J. McKenney; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH A. SCOTT.

Mr. PATTON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES B. WHITE.

Mr. DOWD, from the Committee on Claims, reported back with an amendment the bill (H. R. 370) for the relief of James B. White; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LYSANDER H. CARROLL.

Mr. RAY, of New Hampshire, from the Committee on Claims, reported back favorably the bill (H. R. 2389) for the relief of Lysander H. Carroll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL MARCY.

Mr. RAY, of New Hampshire, from the Committee on Claims, also reported back favorably the bill (H. R. 982) directing the Secretary of the Treasury to refund money wrongfully paid for duties on imports by Daniel Marcy; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. K. SHEPARD.

Mr. BROWN, of Pennsylvania, from the Committee on Claims, reported back with an amendment the bill (H. R. 28) for the relief of A. K. Shepard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JABEZ BURCHARD.

Mr. WARNER, of Ohio, from the Committee on Claims, reported back adversely the bill (H. R. 1360) for the relief of Jabez Burchard.

Mr. SNYDER. I ask the bill be put upon the Private Calendar, and for leave to present the views of the minority.

The bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying adverse report, with the views of the minority, presented by Mr. SNYDER, were ordered to be printed.

ADVERSE REPORTS.

Mr. GEDDES, from the Committee on War Claims, reported back adversely the following cases; which were severally laid on the table, and the accompanying reports ordered to be printed:

Petition of Joseph Anderson;

Petition of the personal representatives of Ayres P. Merrill; and

Petition of Martha W. Bell.

FRANCIS KILBURN.

Mr. GEDDES, from the Committee on War Claims, also reported the bill (H. R. 5676) for the relief of Francis Kilburn; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. STORM, from the Committee on War Claims, reported back with adverse recommendations a bill and petitions of the following titles; which were severally ordered to be laid on the table and the accompanying reports printed, namely:

Petition of Jean Odendhal, of Norfolk, Va.;

Petition of the heirs of John Walton; and

A bill (H. R. 1239) for the relief of John M. Leeds.

RICHARD MIDDLETON.

Mr. WELLER, from the Committee on War Claims, reported back with favorable recommendation the bill (H. R. 467) for the relief of Richard Middleton; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RELIEF OF CERTAIN SOLDIERS AND SAILORS.

Mr. BOUTELLE, from the Committee on Naval Affairs, reported, as a substitute for H. R. 4383, a bill (H. R. 5977) to relieve certain bounty or enlisted men of the Navy and Marine Corps from the charge of desertion; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADULTERATED AND SPURIOUS TEAS.

Mr. HEWITT, of New York, from the Committee on Ways and Means, reported a bill (H. R. 5678) to amend the act entitled "An act to prevent the importation of adulterated or spurious teas," approved March 2, 1883; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NAVAL APPROPRIATION BILL.

Mr. HUTCHINS. I move that the House resolve itself into Committee of the Whole House on the state of the Union to further consider the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. CONVERSE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union to further consider the bill (H. R. 4716) known as the naval appropriation bill.

By order of the House general debate on this subject is limited to one hour.

Mr. HUTCHINS addressed the committee. [See Appendix.]

The CHAIRMAN. The gentleman from New York has twenty-two minutes of his time left.

Mr. HUTCHINS. I desire afterward to yield a portion of the time to my colleague [Mr. COX].

Mr. RANDALL. I will take as little time as possible and yield to the gentleman from New York as soon as I can.

Mr. COX, of New York. I am very much obliged to the gentleman.

Mr. RANDALL addressed the committee. [See Appendix.]

Mr. HUTCHINS. I yield the remainder of my time to my colleague, Mr. COX.

Mr. COX, of New York. I am not perhaps so well-fitted to speak on this subject as those gentlemen who have made it their special study; but perfunctorily, as chairman of the Committee on Naval Affairs, I may be expected to give some judgment, although it may not be the judgment of the committee—that only of myself. There seems to be just now a proposition which might be briefly stated, and which I have written down and elaborated it so as to make it concise, somewhat like this:

It is said by some gentlemen, "either reduce your official roster or build more ships." Rather build ships to keep officers employed, or dismiss the superfluous officers. There is some wisdom in this alternative. It was well elaborated by my colleague of the Naval Committee [Mr. THOMAS]. He favored more ships, and yet he found the Navy top-heavy with officials. My position is that it would be well to cut down the naval official force. The present four cruisers are to be finished, and, when tested, we can tell what more to do—or more than to make specifications. Congress meets in December, and if then the cruisers already ordered turn out to be in good form, of some speed, and of real utility, then we can consider the increase.

There is one impediment now to the creation of a navy. It is the

constant contention and wrangling in the Department as to staff and line, as to consolidation of bureaus, and as to the methods to be adopted for the construction of vessels. Even the present energetic head of the Department has had much trouble to reconcile these differences.

Since the year 1866 over $385,000,000 have been expended by the United States on its Navy Department. To-day we are without a single ship fit to cope with any of the great ironclads of the maritime powers. Now it is proposed after the expenditure of this enormous sum to commence the building of a navy. In the condition to which our commerce has been reduced it must be apparent to every gentleman that a navy for the purpose of its protection would be a most expensive and unnecessary luxury. If we need any war ships in our present condition, it must be for home defense, not for foreign aggression. For this purpose it is proposed to build cruisers of three classes and some gunboats. I do not see any wisdom in this proposition. Such ships, it will be admitted, would be little if any better for actual warfare than those now in our possession. The cruisers, as the name implies, are adapted only to destroy unarmed ships—merchantmen. The destruction of such vessels can be justified only on the principle of retaliation—a principle at variance with civilization and humanity.

The idea of William L. Marcy is my best thought on this theme. On the 3d of March, 1862, I introduced resolutions looking to the vindication of these ideas. These were crystallized in this form. To their consideration I addressed myself in the light of progress and international law.

These are the resolutions:

That it favors the most liberal propositions with respect to maritime rights and the abolition of such usages as restrict the liberty of neutrals and multiply the causes of dissension in the world, believing that humanity and justice demand that the calamities incident to war should be strictly limited to the belligerents themselves and to those who voluntarily take part with them; but that neutrals abstaining in good faith from such complicity ought to be left to pursue their ordinary trade with either belligerent.

That the present time is propitious for the resumption of negotiations to secure these objects, and especially for the concurrence of the nations in the benignant articles of the declaration of the congress of Paris of the 16th of April, 1856, with the amendment proposed by Mr. Marcy, namely: 1. Privateering is and remains abolished, provided that the private property of the subjects or citizens of a belligerent on the high seas shall be exempted from seizure by public armed vessels of the other belligerent, except it be contraband. 2. The neutral flag covers enemy's goods, with the exception of contraband of war. 3. Neutral goods, with the exception of contraband of war, are not liable to capture under the enemy's flag. 4. Blockades, in order to be binding, must be effective.

That the people of the United States entertain the hope that the great maritime powers of France and England, relinquishing their present objections growing out of their ill-advised recognition of our insurgent States as belligerents, will consent to the propositions of the Paris conference, as the United States have so constantly invited, and as Mr. Marcy proposed to the Government of France on the 28th day of July, 1856; with such a liberal expansion of them that the private property, not contraband, of citizens and subjects of nations in collision should be exempted from confiscation equally in warfare waged on the land and in warfare waged upon the seas, which are the common highways of the nations.

That the efforts of the late Secretary Marcy and the present Secretary of State to have these maxims ingrafted as fixed principles of international law were eminently wise and just, sanctioned by our traditionary policy, and conducive to the welfare of the Republic and to the highest interests of peace and civilization.

These principles may be summarized in a few words: that we would save from spoliation private property. The principle is the salvation of private property from destruction. The mode of its destruction, whether by public or private armed cruisers, is the incident. This principle of William L. Marcy was the principle of Hugo Grotius, who received its natural justice from a higher source! And now shall we change all this? Change it for what? To gratify whom? What?

In warfare on land it has long been the custom to protect private property from seizure and destruction. Why not? Where is the reason for the discrimination? It is private property wherever it is, on one element or another. I desire to see our Government committed as far as possible to this custom. It is international law. I can not approve the proposition to commence the building of an American navy with ships that dare not meet in equal combat the ironclads of any power with which we might be at war, and that would only venture to open their ports on unarmed merchantmen. I can see no good reason against the adoption of an international rule of warfare under which private property on the high seas shall be as much respected as it is on land; but whether the adoption of such a rule is near or distant, I see no present necessity on our part to begin a Navy with commerce-destroyers.

We have no commerce worth speaking of, and that we have none is not due to the absence of a navy. The laws that destroyed our commerce remain unrepealed on our statute-book, and while they remain in force foreign ships will continue to carry our commerce. When I see some probability of repealing these laws I will then begin to think of the advisability of building ships for the protection of commerce. I do not think it an advisable method to cut down our surplus revenue by throwing away a few millions of dollars per annum after the $385,000,000 already sunk or squandered, with the continued result of a navy composed of vessels unfit to cope with any of the armored vessels of even the second or third rate maritime powers of the world.

In our peculiar situation we are not likely to provoke war or be provoked into war with any of the great powers of the world, and if war were to be declared at any time within the next ten years, our position would, with such ships as are proposed to be built, be necessarily one of defense.

It is claimed that our seaports would, in case of war, be at the mercy of the enemy. In this view of the case it would seem to me to be a question of guns and torpedoes rather than ships. Given equal caliber, range, and power of penetration, a gun in a land battery must be better for defense than a like gun on that modern floating battery, an ironclad war ship. If the object is the defense of our ports, it seems to me that we should direct our attention to forts and guns rather than to a few steel commerce-destroyers. If our naval officers must have some sort of employment, let them turn their attention to harbor defense until such time as commerce requires the countenance of our flag on the high seas.

We have been eighteen years without a navy, and yet there was not once in that time a moment when any of the great powers of Europe would have dared to declare war against us. Why was this the case? One answer is, because we had no commerce to be attacked, and war with us meant a land war with the greatest military power of the world. War with us now on the part of any of the great powers of the world would mean an interruption of the commerce of that power with us—an interruption by which we would suffer less loss than the enemy.

I am utterly opposed to any useless or unnecessary expenditure of public money, especially so at the present time, when all sorts of schemes are being suggested for the purpose of defeating legislation looking to the reduction of our annual revenue. If money for the defense of the country is needed, I am ready now, as I always have been, to vote millions for that purpose; but I am not blind to the fact that the building of war ships has not yet reached the stage of scientific development, and that their construction is still a matter of experiment and contention even in the Department. The present idea of a first-class ship of war is a floating battery designed to carry the most powerful guns and to resist the shot of the enemy; the gun is the ruling idea and the ship is merely the gun-carriage. The ship that has the best armor, the highest speed, and the guns of longest range and greatest power of penetration is, according to present ideas, the best adapted for warfare—for attack as well as defense.

This is not the sort of ship you propose to construct. You propose to build ships that would be as useless against such a war vessel as any wooden hulk that now lies rotting in our navy-yard. Of course it would be very agreeable for our admirals and commodores to be able to display their flags on fast-sailing steel cruisers in foreign ports in time of peace; but are we called upon at present by any urgent necessity to afford these officers such an expensive gratification of vanity? It would be very humiliating to our national pride to have such ships depend on their speed for their safety in case a war were declared against us.

I remember that in the month of April, 1862, when General McClellan was moving the army to the Peninsula, and several corps of that army were on transports under the guns of Fortress Monroe and the Atlantic fleet, a single ship, the Merrimac, armed with a few guns, protected with casemates of railroad iron, sailed out of the Elizabeth River one fine morning, accompanied by two small tenders, the Yorktown and Jamestown. In presence of the whole army of the Potomac this iron-clad made our Atlantic fleet take to its heels, while the little Monitor hugged the shore under the guns of Fortress Monroe, notwithstanding the challenge of a couple of blank guns from the Merrimac. That harbor, which at sunrise was like the bay of Salamis, fleeted with a thousand ships, within an hour was cleared. Nothing remained in it but the Merrimac and her tenders and a French and English man-of-war, each of which manned its yards as the Merrimac cruised past firing her blank guns of challenge. I do not want a navy that would have to submit to such mortification as this; and it is such ships that are now proposed to be built, and none others.

You can not have a navy worthy of our country without seamen to man it, and you can not have American seamen unless you have a commercial marine. We know that there are not more than 5 per cent. of our seamen of American nativity. You have destroyed our merchant service with tariffs and other exactions that prohibit any participation on our part in the carrying trade of the world. A commercial marine is the nursery of seamen. No one desires a navy more than I do, but I desire no navy of "commerce-destroyers." Let us devise a plan to regain the commerce we have lost before we talk of "cruisers," that will be fit only for pleasure yachts for our admirals and commodores. When the principle of the democracy of the sea becomes a part of our polity we shall not require much expenditures for sea-service. Then the better time may come when "seas will but join the nations they divide."

The CHAIRMAN. By order of the House all general debate upon this bill has been closed. The Clerk will now proceed to read the bill by paragraphs for amendment and debate under the five-minute rule.

The Clerk read as follows:

Be it enacted, &c., That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June 30, 1885, and for other purposes:

For the pay of the Navy, for the active-list, namely: For 1 Admiral, 1 Vice-Admiral, 8 rear-admirals, 7 chiefs of bureaus, 21 commodores, 45 captains, 87

commanders, 78 lieutenant-commanders, 272 lieutenants, 95 junior lieutenants, 95 ensigns, 98 junior ensigns, 14 medical directors, 15 medical inspectors, 50 surgeons, 79 passed assistant surgeons, 8 assistant surgeons, 2 assistant surgeons not in the line of promotion (who shall hereafter, after fifteen years' service, be entitled to receive, as annual pay, when at sea, $2,100, when on shore-duty $1,800, and when on leave or waiting orders $1,600), 13 pay directors, 12 pay inspectors, 49 paymasters, 29 passed assistant paymasters, 20 assistant paymasters, 69 chief engineers, 93 passed assistant engineers, 78 assistant engineers, 24 chaplains, 11 professors of mathematics, 10 naval constructors, 9 assistant naval constructors, 10 civil engineers, 188 warrant officers, 38 mates, 295 naval cadets; in all, $3,714,150. Hereafter none of the vacancies in the various grades in the line and in the staff corps of the Navy shall be filled by promotion until such grades shall be reduced to the numbers fixed for the several grades of the line and the staff corps of the Navy by the act of August 5, 1882, making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

Mr. CALKINS. I raise the point of order on the last clause of the paragraph just read. I refer to the clause reading as follows:

Hereafter none of the vacancies in the various grades in the line and staff corps of the Navy shall be filled by promotion until such grades shall be reduced to the numbers fixed for the several grades of the line and staff corps of the Navy by the act of August 5, 1882, making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

Clause 3 of Rule XXI provides that no new legislation shall be ingrafted on any appropriation bill unless the provision of itself, on its face, shall reduce expenditures. What is the true construction of that clause of the rule? It provides that there shall be no change of existing law, no new legislation put in an appropriation bill, unless that new legislation of itself, standing alone, will reduce expenditures.

Now it will be seen that this bill makes an appropriation for the pay of all the officers of the Navy, and the appropriation will be just the same whether this clause to which I have objected remains in the bill or is stricken out. That will not make one single cent of difference, for the bill appropriates the money for the pay of these officers, and the amount appropriated will be just the same whether this clause remains in the bill or goes out. Hence it is obnoxious to that provision of the rule which says there shall be no change of existing law, no new legislation in an appropriation bill, unless the substantive proposition so inserted in the bill shall of itself reduce the expenditures carried by the bill. That is all I desire to say on the point of order.

Mr. RANDALL. On the point of order, I admit that the provision in this bill reported by the Committee on Appropriations may not reduce the amount of the appropriation carried by the bill; but it certainly will reduce the amount of expenditures.

Mr. CALKINS. Not under this bill.

Mr. RANDALL. The law of last year contains the following provision:

Hereafter only one-half of the vacancies in the various grades in the staff corps of the Navy shall be filled by promotion until such grades shall be reduced to the numbers fixed for the several grades of the staff corps of the Navy by the act of August 5, 1882, making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

The clause in the bill under consideration is the same as that in the bill of last year, except that we use the word "none" instead of the words "only one-half." Now let me read the rule:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill—

This certainly is germane—

shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Notice the language of the rule: "By the reduction of the number and salary of the officers of the United States." With that I rest the question.

Mr. CALKINS. In reply to the gentleman from Pennsylvania [Mr. RANDALL], with the permission of the Chair I will say that the rule is explicit that the reduction made must be in one of three ways: First, "of the number and salary of the officers of the United States." Now, this provision of itself does not reduce the number of officers. There is no reduction by a single officer by this provision of the bill. Indirectly the result may be a reduction of the number of officers; but that is not what the Chair is to look at in determining the point of order. He is to look at the substantive provision of the bill. Does it reduce the number and salary of officers of the United States?

Secondly, the reduction must be "of the compensation of any person paid out of the Treasury of the United States." This provision of the bill does not purport to do that. Third, the reduction is to be "of the amounts of money covered by the bill." This provision does not do that.

So that this provision of the bill does not come under either of the three methods pointed out by the rule for the reduction of expenses. There is in the rule a provision with reference to amendments reported by a committee having charge of the general subject under consideration. I read this provision for the purpose merely of throwing light on the subject:

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Now, under this provision an amendment retrenching expenditures indirectly may be reported from a committee having charge of the general subject, but the power of the Committee on Appropriations upon a bill of this kind to report amendments embracing new legislation is limited to the three methods I have pointed out, and this provision does not come within either of those methods.

The CHAIRMAN. The Chair is of opinion that when the gentleman admits that this provision would result in the reduction of the number of officers, that fact brings the proposition within the rule. The Chair is therefore constrained to overrule the point of order.

Mr. CALKINS. I move to strike out the whole provision. I do not want to debate the subject now. I yield my time to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. Mr. Chairman, if there is anything more incomprehensible to my mind than this bill it is the fact that my elegant and eloquent friend from the great State of New York [Mr. COX] should have read a speech duly and deliberately prepared in manuscript. He speaks so much better when he speaks without notes that it is absolutely an unpardonable offense toward this House for him to read a speech. So much for that.

But, Mr. Chairman, the Democratic party presented yesterday a magnificent spectacle. It put me in mind of a race-horse, who, after being entered for the race, throws up his tail, jumps over the fence, and abandons the contest. [Laughter.]

Mr. RANDALL. I object to that line of debate.

Mr. BELFORD. It was universally understood that Judge CONVERSE was to bring forward a bill touching the tariff on wool, and the Democratic party had not the courage to vote upon that question.

Mr. RANDALL. I rise to a point of order, that the gentleman must confine himself to the subject under discussion as nearly as he can. [Laughter.]

Mr. BELFORD. I hope this does not come out of my time. [Renewed laughter.]

The CHAIRMAN. The gentleman will please confine himself to the question under debate.

Mr. BELFORD. I say it was universally understood yesterday that Judge CONVERSE was to bring forward under a suspension of the rules a bill affecting the tariff on wool; and the Democratic party had not the courage to consider it. You buttoned up your coats and ran like cowards. [Laughter and applause.] Is not that a fact?

You ask us to protect pig-iron in Pennsylvania, and we do it, although our votes come from the West. You ask us to protect copper in Michigan, and we do it, although our votes come from the West. You ask us to protect salt in the State of New York, and our votes to give that protection come from the West. Yet my Southern friends, who, in conjunction with the West, ought to control the councils of the nation, loan themselves to a few Democratic leaders of the North, who, in my judgment, are leading them to absolute political ruin. [Laughter and cries of "Good!" on the Republican side.] Gentlemen, your political grave in the national campaign of this year is dug, and we have contributed money to furnish the flowers to decorate it forever. [Laughter.]

What I want to see is the South standing solidly with the West and protecting the interests of both against the cormorant avarice of two States, Pennsylvania and New York. On that platform I stand and on that platform I propose to stand.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, after this flight of fancy from a member of a decaying party I want to call back the Committee of the Whole to the consideration of the pending bill.

Mr. HILL. Mr. Chairman, I rise to oppose the *pro forma* amendment. Since this bill has been before the House I have taken some pains to give it a little consideration; and I am utterly surprised to-day to hear from such gentlemen as the gentleman from Pennsylvania the statement he has given of the naval strength of foreign powers. I hold in my hand a table, prepared for me by a distinguished officer of the Navy, entirely competent for this duty, and this statement makes a very different exhibit from that made by the gentleman from Pennsylvania. I understood the gentleman to say that there are only 1,900 of the line in the British navy. The statement before me gives the number as 4,798, with 58,000 seamen and 12,000 marines, making a total of 75,598, with a reserve of 24,000 men; a trained, able force, who have passed under the inspection of the admiralty. France has 73,000 officers and men, with a reserve force of 100,000. Germany has 74,000, while Spain has a reserve force of 50,000, and a total of 23,000 in actual service. Now, the gentleman knows very well the number limited by law in this country is 8,500.

But look again at the vast difference in the armament or the two countries. England has 186 unarmored vessels and she has 61 armored; but these 186 unarmored ships and 304 merchant vessels which have been built of iron and steel after the most improved pattern, are ready to-day to be equipped with breech-loading rifle guns. Germany has in all 471 guns in service, Chili 63, and Brazil 100.

Look at the comparison between those countries and our own. I shall ask leave to insert in my remarks this table in full.

Navies of other countries.

	Armored ships.	Unarmored ships.	Naval transports.	Torpedo-boats.	Ship's guns.	Personnel.				Naval reserve.
						Officers.	Men.	Marines.	Total.	
England	61	186	12	100	1,861	4,798	58,800	12,000	75,598	24,000
France	58	159	42	70	1,541	5,824	42,126	25,370	73,320	100,000
Germany	27	36	2	19	471	1,012	7,400	.....	8,412	14,000
Spain	5	81	4	3	424	2,367	14,000	7,033	23,400	50,000
Italy	18	23	11	17	311	1,014	15,055	3,638	19,707	.....
Argentine Republic	4	28	3	9	44	160	800	2,000	2,960	.....
Chili	3	10	5	10	63	250	1,500	.....	1,750	.....
Brazil	21	15	15	5	100	776	4,000	.....	4,776	.....

The United States Navy consists of the following vessels:

Serviceable wooden vessels	38
Serviceable monitors	13
Small tugs, for yard use	15
Wooden sailing vessels, used as training and receiving ships	13
Unfinished monitors, requiring extensive work	5
Steam vessels (wood), requiring extensive repairs	5
Torpedo ram (the Alarm)	1
Torpedo-boat	1
Total	91

Of the 38 mentioned as serviceable 1 (the Mohican) is unfinished, 1 is on the lakes, and 2 are dispatch and freight boats.

The *personnel* of our entire Navy is limited to 8,500 men, a large number of whom are officers.

In the above table, the number of vessels given includes only those that would be effective ships in event of war, and does not include various tugs, yachts, paddle steamers, or sailing vessels, of which each of the above nations possesses a number.

GUNS.

The guns included in the above are all rifled guns. France has no vessel in her service which is not armed with breech-loading rifles of high power and great penetration. All the other nations are provided with breech-loading rifles, and are rapidly replacing the muzzle-loaders which still remain in the service with breech-loaders. This is especially the case with England, and her gun factories are now turning out breech-loaders as fast as possible, and no new vessel is to be armed with any but high-power breech-loaders.

In the column of torpedo-boats it is difficult to ascertain the vast number possessed by foreign navies, as all nations are now buying or constructing them as rapidly as possible, but it is certain that no nation possesses a less number than that given in the table.

The naval reserves of England, France, Germany, Spain, and Italy are not merely merchant-seamen that may be drafted into the naval service in event of war, but are seamen who have actually served two or more years in the naval service.

England keeps up a paid naval reserve; in the other four nations service in the navy is compulsory, and the reserves are men who have actually passed the time required by law on board war vessels and then returned to their homes, liable to be drafted at a moment's notice into the naval service.

As to the reserve of the United States, by careful computation from census and other returns the probable number of men from which the United States would be obliged to draw its recruits in time of war is 221,000.

This apparently large reserve would be of little practical use. It includes fishermen, steamboatmen, boatmen, canalmen, engineers, pilots, and sailors. The sailmen, for they can not be called seamen, are mostly employed on vessels of our coasting trade, schooners, barges, &c., and would be of no more use on board a modern war vessel than a man who had never been to sea.

Young, active, intelligent American men could be more quickly trained to become efficient men-of-war seamen than the men who have obtained a superficial knowledge in a coasting schooner.

Again, this list includes all who pertain to the sea in any way, a large majority of whom might perhaps from physical or other reasons be unqualified for the service, and, what is of more importance, at least one-third of them are not and do not pretend to be American citizens.

Any one who cares to make a study of the subject will easily find that the reserve sailors of the United States exist only on paper, and would be of little practical use in event of war.

THE RESERVE NAVY OF FOREIGN POWERS.

By the reserve navy is meant the large fleet of iron or steel, swift merchant steamers, that will be armed and equipped as commerce-destroyers in event of war.

England in her list has nearly 300 steamers which have passed the inspection of the admiralty and for which armaments are being prepared.

The armaments and equipments of many transatlantic steamers are being stored at Halifax and the Bermudas, so in event of war a large number of swift steamers would immediately repair to those ports, arm, and proceed to sea, as an extremely valuable and dangerous auxiliary of the vessels of war.

France and almost all continental powers are proceeding in the same way, and France has in one or two instances assigned rifled breech-loading guns of 9.2 inches caliber to new merchant steamers of a speed greater than fifteen knots.

The United States has but a small reserve of this kind, and has neither the guns, nor plant for making them, with which to arm the few steamers she has.

Comparing the United States with other powers, in point of ships, guns, steamers for reserve, merchant vessels for reserve, plant for constructing ships and making guns, the defense of her coast and property—in all these we have never been in such an utterly weak, inefficient state as we are to-day.

In regard to the naval reserve of the United States, it may be urged that in the last war the volunteers and merchant sailors did their work with credit. This is undoubtedly so, but it must be remembered that that was twenty years ago. Since then the requirements of a man-of-war's seaman is much greater than it was then, owing to the rapid advance in ships, guns, and torpedoes, which every day are becoming more complicated and require special training for officers and men.

Then again we had in 1860 an immense fleet of sea-going merchant ships, which carried large crews of splendid American seamen who had spent years of their lives in deep water; to-day we have comparatively few of such vessels, and freight being so low a better class of American seamen are fast disappearing, composed of men who have never taken the oath of allegiance to this country.

The decline of our merchant fleets carries with it the decline of American seamen.

The United States has 91 ships; of these 91, 38 are wooden vessels, and totally unfit for the service. Thirteen are serviceable monitors. Five are unfinished monitors requiring expensive additions. We have some vessels of wood and 1 torpedo boat. Of the 38 mentioned as serviceable, 1, the Mohican, is finished, 1 is on the lakes, and 8 are dispatch and freight boats. The *personnel* of our Navy is but 8,000, and a large number are officers.

Now I regret very much, Mr. Chairman, that my Democratic friends in this House, though distinguished gentlemen, as the gentlemen from Pennsylvania and New York——

The CHAIRMAN. The gentleman's time has expired.

Mr. HISCOCK. I will take the floor and yield my time to the gentleman from Ohio.

Mr. HILL. I thank the gentleman from New York for his courtesy.

Now, Mr. Chairman, I regret the course taken by my Democratic friends in this House, especially the distinguished gentleman from Pennsylvania and the gentleman from New York, because I believe that this parsimonious policy on the part of any party in a great country like this is wrong. If the Democratic party of the United States ever expect to get into power they must pursue a different line of policy. Any party which is afraid to come up here and provide for the defense of 7,000 miles of the richest seacoast on the globe can never get into power in this country, and they never ought to.

I am opposed further, Mr. Chairman, to sending this money abroad to buy these ships. There is a proposition to send fifteen million of money across the ocean to pay British mechanics to build our ships, while our mechanics are idle on the streets. I am against it, sir. I will not vote for it. [Applause.]

Why, sir, the history of the last thirteen years at your world fairs, the exhibitions of Paris and London, and wherever else they have been held, has demonstrated that American skill, American genius, and American inventions have surpassed all others, and it is an insult to the intelligence of the people of this country for anybody to get up here and say we are not able here, if we desire, to construct not only our own ships, but the armament and all the projectiles and ammunition which they may need. We can, in my judgment, build just as good ships and fit them out just as well here as anywhere else on the globe. Just look at the premiums and gold medals we have taken whenever we have come into competition with other countries.

My distinguished friend from New York [Mr. COX], who is right on almost everything but the wool question, and who yesterday tried to pull it over the eyes of the country [laughter and applause]——

Mr. COX, of New York. We went together, my friend.

Mr. HILL. Yes, we went together in Ohio last fall when my friend and I made speeches against the reduction on wool. [Laughter and applause.] Will my friend from New York vote to restore the duty on wool? That will answer all my objections, if it is an answer in the affirmative. [Laughter.]

Mr. COX, of New York. The gentleman makes an assertion——

Mr. HILL. I made the assertion because I asked the gentleman yesterday to vote that way, but he said he would not do it.

Mr. COX, of New York. The gentleman is one of my old pupils and I taught him always to be courteous and just, and I know he will be both to me.

Mr. HILL. Certainly, sir.

Mr. COX, of New York. I said when we were in Ohio together in the last campaign—I took care, as my reports will show, and I always anticipate a little [laughter]—I wondered at the Republicans while cutting down the duty on wool they did not cut down the duty on the wool fabric also, as I thought there might be labor on the raw material as well as on the manufactured product; but I said the Republican party in this House nevertheless discriminated against the farmer and for the manufacturer, and my friend knows that speech will be found reported everywhere and every time just *in hæc verba* because I took care of my future as well as of my past, and that is what keeps me here. [Applause.]

Mr. MILLIKEN. Let me ask the gentleman from New York a question: Whether he is ready now to place the farmers back where they were before?

Mr. COX, of New York. I am ready to cut down the tariff on woolen products as well as on the raw material.

Mr. MILLIKEN. Does that help the farmer?

Mr. COX, of New York. It does justice to everybody.

Mr. CALKINS. Mr. Chairman, I move to strike out the last word, and if the gentleman from Ohio [Mr. HILL] desires further time I will yield to him three minutes, as I do not care to occupy but a moment at this time.

Mr. HILL. I am very much obliged to the gentleman from Indiana. I am sorry, Mr. Chairman, that my friend from New York cut my little speech in two, as it is the first time that I have taken the floor to present my views to this House since the beginning of the session.

Now, my friend from New York—and I say it in order to correct a misapprehension into which he seems to think I have fallen—did not agree, nor did I charge that he agreed, to restore the duty on wool in our canvass in Ohio.

Mr. COX, of New York. That is the impression that would be gathered from the remarks to which I excepted.

Mr. HILL. But it is also true that he did denounce the taking of it off.

Mr. COX, of New York. Yes; unless the duty was also taken off the other, the products. Is not that true?

Mr. HILL. Yes, sir.

Mr. COX, of New York. Then why this outburst on the other side?

Mr. HILL. Now, Mr. Chairman, to come back to the consideration of the matter before the committee. I disagree on one point with the gentlemen who are advocating this measure. If they do not want seven cruisers in this bill I shall move to strike out the "seven" and insert in their place "ten ironclads." We have as good a right to a navy as any other country in the world, and we certainly need it worse. I am opposed to a standing army. We do not need it. We have four millions of men for our standing army now who know how to fight and are always ready. But I am in favor of a large and efficient navy to protect our seacoast. It will not do in opposition to that to say there is no need for it; that there is no war. That is no reason to assign. War may come in twenty-four hours. Nearly every war that has afflicted this world has burst upon it unexpectedly in almost every instance and for trivial causes, and we should be prepared for it when it does come.

Mr. Chairman, we may well be proud of the history of the Navy of this country. Our little Navy furnishes one of the brightest chapters in its history. Beginning with Preble and Paul Jones, we have a list made up of such names as Bainbridge, Decatur, Perry, Farragut and Porter, and a whole line of its gallant officers from the year 1800 down to now. We may well be proud of it. They have contributed their full share to shed luster and fame upon the American name and its flag. We have a good naval equipment now. But give the young men of the Navy an opportunity. Give them that opportunity which will make them proud of their country, which will make them proud of their profession, proud of the service they are employed in, and do not humiliate them by placing them on a lot of old wooden tubs and canal-boats which would have been a disgrace to the cheapest government of the Middle Ages. I am opposed to it. As an American I am ashamed of our Navy. This Congress ought to be ashamed of it; and I sincerely trust that when this bill is put upon its passage it may receive the indorsement of members of this House. I trust that our gallant young men in the naval service may be so armed that if unfortunately they should ever have to engage in a bloody conflict with some of the great naval powers of Europe they shall be enabled to report to their countrymen, in the language of the immortal Perry, "We have met the enemy, and they are ours." [Applause.]

[Here the hammer fell.]

Mr. CALKINS. How much time have I remaining?

The CHAIRMAN. The gentleman has two minutes of his time remaining.

Mr. RANDALL. Will the gentleman from Indiana yield to me to say a word in reply to the gentleman from Ohio?

Mr. CALKINS. I will yield to the chairman of the committee with pleasure.

Mr. RANDALL. I wish to say a single word in response to what has been said by the gentleman from Ohio who has just taken his seat. The gentleman from Ohio has stated that this bill is parsimonious in its character.

Mr. HILL. The gentleman from Pennsylvania entirely misunderstood me.

Mr. RANDALL. Then I beg the gentleman's pardon. That was clearly what I understood.

Mr. HILL. By no means. I say the bill is all right, but that those who are attacking the bill are parsimonious. That is what I meant to say, if I did not.

Mr. RANDALL. We have, Mr. Chairman, in no way produced any friction in the administration of the Navy by this bill. The reductions come not from striking at any doubtful places, but they come from the fact that we did not appropriate any money for the iron-clad monitors, and the difference between that and what was appropriated by the last act amounts to a reduction or difference in the two bills of $1,000,000. By the operation of the act of 1882 there was a reduction in the pay tables of some $200,000; and there is a further reduction of about $300,000 all along the line of this bill. That is all.

But I want to emphasize the statement that the gentleman from New York [Mr. HUTCHINS] made to-day, that the amount of money expended on the Navy from the organization of this Government to 1861 was about three hundred and seventy million of dollars; and the amount expended from 1867 up to and including the appropriations of 1884 was three hundred and seventy millions more, or thereabouts.

[Here the hammer fell.]

Mr. TOWNSHEND took the floor and yielded to Mr. RANDALL.

Mr. RANDALL. So that if we have no navy at this time it is certainly not the fault of or because of any omission on the part of Congress to give the amounts of money which are required for that purpose. The fault is in the administration and the manner in which the three hundred and seventy millions of money has been expended by the executive officers of the party who occupy seats on the opposite side of this House. [Applause on the Democratic side.]

I claim, therefore, that the Committee on Appropriations has not only not been parsimonious, but that we have contributed liberally to the support of this much-honored branch of the defense of the country; that in no wise is the Committee on Appropriations open to a reasonable charge of embarrassing the Government in these particulars to any extent whatever.

Mr. REED. I do not think the gentleman from Pennsylvania should entertain the House with talk about the amount of money that has been appropriated from the beginning of time to the present day for a navy. That is not the question before the House. He can not conceal his shortcomings by making attacks upon others; nor can he, by persisting time after time in that, succeed forever in distracting the attention of the country from his own non-action. Nobody wants to thrash again and again that old stuff, that has been discussed over and over again in this House. What is the good of it? This sort of statement has been made and answered time and time again, until people have no desire to hear any more about it. The question now is, what are you doing—not what has somebody else done or failed to do. Why does not the gentleman stand upon his proposition of the other day, that we are never going to have a war and that we do not need any navy?

Mr. RANDALL. I never said we were not going to have a war. What I said was——

Mr. REED. In the short time I have I can not yield to the gentleman.

Mr. RANDALL. But the gentleman should quote me correctly.

Mr. REED. As regards the monitors, why do they not either finish them or tear them out? If they are fit for anything, they ought to be finished. If they are not fit for anything, then they ought to be torn out.

Why, sir, we have got our great cities exposed to attack from an enemy, and everybody knows it. We have got wealth untold. We could expend money enough to furnish the few ships that are needed to defend our large coast cities. And yet gentlemen sit there idle all the time. They have got a large majority. If they do not like the way in which the Navy has been built, if they say it is owing to somebody's fault a navy has not been built, let them devise a plan for building a navy and build it. That is what we need to-day.

Is the Democratic party forever to confine itself to being a negation? Are they but an organized "no?" Why do they not take some sort of direct action and do something? The position of the gentleman from Pennsylvania is intelligible unless I have misrepresented him; that is, that we are not going to have any war, that it is going to be always peace. But the other gentleman who has just sat down [Mr. HILL] has stated what is the experience of all history, namely, that wars come upon a people at once and unexpectedly.

I do not believe in a profuse expenditure for a navy, but I do believe that we ought to put ourselves in such a position that we may not have our best cities taken by a third-rate power before we can get ready to beat them. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. RANDALL. I have not said this country would never go to

war. I said there was no enemy in sight. I see no enemy except the enemies of the Treasury of the United States, some of whom I now recognize before me.

Mr. BELFORD. If the enemy was in sight the Democracy would run. [Laughter.]

Mr. REED. As they did yesterday.

Mr. RANDALL. That is the chief among the sinners I am referring to. [Laughter.]

I say that this bill goes to the result of building a navy. By the appropriations in this bill we complete all the cruisers now authorized by the law. We halted as to the monitors for very good reasons, which, when that subject is under discussion, I propose to give. We have already expended on these vessels, the Amphitrite, the Puritan, the Terror, and the Monadnock $3,546,941.41, and we are asked to contribute how much more to complete them?—$3,838,769.62; making the aggregate cost of these four monitors $7,385,711.03. And we are asked to contribute nearly four millions more when we are advised that these monitors are not safe for sea, and that they are more apt to be confined in their effective use to harbor defenses than to be effective for the original objects of their construction. And I say we can make the harbor defenses of this country vastly more effective by expending $3,800,000 in new improvements in the nature of harbor defenses than we can by wasting it and pouring it into the river, as it were, by expending four millions more on these monitors that may not be able to float.

We have exhibited our liberality in a marked degree. We have given the money to finish all these cruisers, notwithstanding we have been told by the chief construction office of the Navy that they will be a failure. Now, I would like to know when we are so informed whether this side of the House and the committee were not justified in withholding the appropriations that when expended were likely to fail to accomplish the purposes intended?

Mr. REED. Why then did you not break up those monitors?

Mr. RANDALL. I am sorry to introduce this gentleman's name, because ever since he differed with the Secretary of the Navy on these subjects there has been an incessant effort to daunt him out of office or else to legislate him out.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANDALL. I will publish with my remarks the figures as to the cost of the monitors.

The memorandum is as follows:

Memorandum concerning cost of double-turreted monitors, February 12, 1884.

Name.	For—	A Expended to date.	B Amounts additional paid for launching.	C Contracts to complete machinery.	D Required to complete.	E Totals.
Amphitrite	Hull	$393,324 96	$14,774 00	.....	$639,583 68	$1,047,682 64
	Machinery	110,000 00	6,504 50	208,712 32	†11,500 00	336,716 82
	Ordnance	.....	.....	.....	206,531 00	206,531 00
	Total	503,324 96	21,278 50	208,712 32	587,614 68	1,590,930 46
Puritan	Hull	484,098 24	21,975 00	.....	955,341 56	1,461,414 80
	Machinery	203,700 00	8,622 75	410,209 99	†13,890 00	636,422 74
	Ordnance	.....	.....	.....	247,132 00	247,132 00
	Total	687,798 24	30,597 75	410,209 99	1,216,363 56	2,344,969 54
Terror	Hull	406,774 80	15,539 00	.....	627,287 68	1,049,601 48
	Machinery	110,000 00	6,504 50	208,712 32	†11,500 00	336,716 82
	Ordnance	.....	.....	.....	206,531 00	206,531 00
	Total	516,774 80	22,043 50	208,712 32	845,318 68	1,592,849 30
Monadnock	Hull	574,490 71	44,834 00	.....	701,441 70	1,320,766 41
	Machinery	110,000 00	36,209 79	*171,954 53	†11,500 00	329,664 32
	Ordnance	.....	.....	.....	206,531 00	206,531 00
	Total	684,490 71	81,043 79	171,954 53	919,472 70	1,856,961 73
	Aggregate	2,392,388 71	154,963 54	999,589 16	3,838,769 62	7,385,711 03

* This contract not yet made. † Turret-gear machinery. Appropriation not yet asked for.

In the "estimates" of $1,073,000 asked for ordnance and submitted to Congress is included $206,531 required for the Miantonomoh, not included above.

Total already expended or appropriated, as per columns A, B, and C above	$3,546,941 41
Total required to complete, as per column D above	3,838,769 62
Total	7,385,711 03

Mr. HISCOCK. The gentleman who has just taken his seat [Mr. RANDALL] and gentlemen who have preceded him this morning refer to the large amount of money which has been expended upon the Navy. The charge has been made by the gentleman from Pennsylvania [Mr. RANDALL], as I understand him, that that money has been squandered.

Now, from 1874 down to the Forty-seventh Congress the other side of this House had the control here. Did you bring in a bill to construct a new navy? Did you present a bill for the construction of new ships? No. You simply proceeded to make appropriations of money for the repairs of old ships and for the maintenance of the old navy-yards. Did you find any fault with the expenditures of that money? I fail to recall any instance of the kind.

You say now it is not the fault of Congress that we have no navy, and you point to the large sums of money which have been appropriated, and ask why we have not had a navy constructed and why the nation has no navy now. I will tell you. It was for the reason that you insisted that no new ships should be built unless special bills for that purpose were introduced here and passed by Congress. You gave no authority in general appropriation bills for the construction of new ships. You made appropriations for the Navy, and provided that those appropriations should be spent upon the old ships in commission or those unfit to go into commission. The fault lies at your doors that this money has been expended as it has been and that to-day we have nothing to show for it.

We have here a bill from the Senate providing for the construction of new cruisers. Why do you not consent that the provisions of that bill may be attached to this? If you desire that the money appropriated for the Navy shall be expended upon new ships, why not give us the chance to vote for a proposition of that kind? You have the power and the control here; it does not rest with us to do that.

We all understand that for the ordinary running expenses of the Navy vast sums of money must be appropriated. Is it fair and just to aggregate those sums, which are simply for the housekeeping expense of the Navy, and say that no navy has been built during the administration of the party in power, when you have denied to that administration any authority to construct new ships?

[Here the hammer fell.]

Mr. HUTCHINS. I trust that gentlemen will now be willing to vote on the pending paragraph. We have been discussing questions which will come up under other paragraphs of this bill, and properly come up then. We will then have this discussion all over again. If we go on in this way we may continue to discuss this bill for days and days. Now, unless some gentleman has a substantial amendment to propose——

Mr. CALKINS. Will my colleague on the Committee on Appropriations yield to me for a moment? I desire to discuss the amendment which I have offered.

Mr. HUTCHINS. I think my colleague on the committee will agree with me that most of the debate which we have now had should properly take place upon other paragraphs of the bill.

Mr. REED. I believe that I rather hinted that this matter has been discussed before. I am glad to see the gentlemen on the other side are beginning to realize that we have this discussion over and over again.

Mr. HUTCHINS. I think we should not continue this discussion now.

The CHAIRMAN. If there be no objection the formal amendment will be regarded as withdrawn.

There was no objection.

Mr. CURTIN. I desire to offer an amendment to the pending paragraph, which I send to the Clerk's desk.

The Clerk read as follows:

Add to the paragraph the following:
"*Provided*, That this shall not operate to delay the promotion of officers who served during the late war."

Mr. RANDALL. I desire to reserve a point of order on that amendment until I can find out the effect of it.

Mr. CURTIN. It is only to allow promotions to continue in the case of officers of the Navy who served in the late war. I do not think it is right to turn those officers out of the Navy.

Mr. CALKINS. If the committee shall refuse to strike out the clause which I have moved to strike out, then the amendment of the gentleman from Pennsylvania [Mr. CURTIN] will be necessary. Let us first have a vote on the motion to strike out.

Mr. CURTIN. With great pleasure, provided I can offer it afterward if necessary.

Mr. CALKINS. Certainly; the gentleman will have that opportunity. I want to say one word on the motion to strike out which I have submitted. I do not care to go into any discussion of the building of the monitors or of the amount of money which has been expended since 1867 upon our Navy. At the proper time in the discussion and consideration of this bill I will furnish tabulated statements showing that the amount of money expended by the two bureaus, that of construction and repair and that of engineering, has been expended in the repair of wooden ships. Some seventy millions of dollars has been expended by those two bureaus, in some cases for the repair of ships to the amount of 50 or 75 per cent. of what it would cost to construct new ships of like character. At the proper time I will discuss that question.

If I can now have the attention of the committee for a moment I want to say that every one of us on this floor is interested in the amendment which I have offered. There is nothing in it of a partisan character or that has any reference to economy. If the provision shall be stricken out of the bill, there will be just as much money carried by the bill as if the provision shall be retained. There will be just as much money appropriated for the pay of the officers of the Navy, and the only difference which this provision of the bill will make is that officers of the Navy will stand perfectly still, so far as promotion is concerned, for from seven to nine years; whereas if my amendment shall prevail there will be one promotion for each two vacancies, and the reduction in the number of officers will extend over a period of from twelve to fourteen years. That is all there is of it.

I say that every member on this floor is interested in this matter. It affects only one class of officers. It does not affect the admirals or commodores. The rank of captain is the first that it strikes. Officers of this class encounter the wall provided in this bill against promotion. They must stand perfectly still for seven years.

Why, Mr. Chairman, a naval officer lives for promotion. He has nothing else in the world to live for. He sacrifices the comforts of home and family and friends. He lives for promotion. Yet by this provision you propose to stop every young officer whom you or I have been instrumental in putting into the Navy and require him to remain stationary in one grade for seven, eight, or nine years, as variously estimated.

This is wrong. It is unjust to the very men whom we ourselves have put into the Navy to build it up. In my judgment the motion I have submitted ought to receive the vote of every man on this floor.

Mr. CURTIN. I ask the gentleman to add my amendment to his. I am in favor of his amendment.

Mr. CALKINS. I prefer that a vote be taken separately on my proposition to strike out the whole clause. If that be not done, I am in favor of the gentleman's amendment.

Mr. TALBOTT. If the motion of the gentleman from Indiana [Mr. CALKINS] should prevail, there will be no necessity for the amendment of the gentleman from Pennsylvania.

Mr. HUTCHINS. Mr. Chairman, every argument submitted by the gentleman from Indiana [Mr. CALKINS] in favor of his amendment would have been a proper argument if addressed to members of this House and the Senate in 1882 when this enactment was adopted. This provision of law was then enacted because the services of these officers are not needed. If they are needed, strike out the whole provision and let promotions come to all; but if the services of these officers are not required the provision is wise. Why appeal to sentiment and sympathy to keep in the service officers who are not needed? We ought not to appropriate public money to pay officers whose services are not needed, no matter how worthy those officers may be. If they are entitled to a gratuity, put it on that ground; but do not appropriate money as compensation for service when that service is not required. This matter was duly considered by the Committee on Appropriations; and I hope the motion of the gentleman from Indiana will not prevail.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana.

Mr. RANDALL. I call for tellers.

Tellers were ordered; and Mr. HUTCHINS and Mr. CALKINS were appointed.

The committee divided; and the tellers reported—ayes 78, noes 82.

So the motion of Mr. CALKINS was not agreed to.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Pennsylvania [Mr. CURTIN].

Mr. CALKINS. Let it be read.

The Clerk read as follows:

After the word "purposes," in line 38, insert the following:
"*Provided*, That this shall not operate to delay the promotion of officers who served during the late war."

Mr. HUTCHINS. I believe a point of order was reserved on this amendment.

The CHAIRMAN. That is the fact.

Mr. HUTCHINS. I submit that this amendment proposes to reverse a law adopted in the last Congress. It is new legislation on an appropriation bill; and certainly it is not in the line of economy.

The motive of the gentleman who submits this amendment is a very worthy one; and the provision might be very proper for consideration as a proposition by itself. But as an amendment to this bill, it increases expenditures; it proposes to enlarge the number of officers now authorized by law as provided by the last Congress. I can not see how this can be entertained as an amendment to this bill.

Mr. CURTIN. I have offered this amendment because I think the law of the last Congress on this subject ought to be changed. I have listened to the remarks of other gentlemen in this discussion, and it seems to be generally conceded that we are without a navy. But until we deliberately adopt the policy of dispensing with a navy I do not subscribe to the opinion that we should cut down and disgrace the officers. I only ask that the measure of reduction now proposed in reference to the officers of the Navy shall not prevail to prevent the regular promotion of officers who served in the late war.

The CHAIRMAN. The Chair will decide the point of order.

Mr. RANDALL. Let us have a vote on the amendment.

The CHAIRMAN. Is the point of order withdrawn?

Mr. RANDALL. I withdraw the point of order.

Mr. MCMILLIN. I renew the point of order. I think it well taken, and it ought to be sustained. This is the easiest way of getting rid of the question.

The CHAIRMAN. The Chair is of the opinion that the point of order is well taken.

Mr. TALBOTT. I move to amend by inserting after the word "purposes," in line 38, the provision which I send to the desk.

The Clerk read as follows:

That that part of the act approved August 5, 1882, limiting the number of graduates of the Naval Academy to be retained in the service in each year shall not apply to those classes who had completed the four years' course at the Naval Academy prior to the passage of said act; and those members of the class of 1881 who have been honorably discharged under the provisions of the aforesaid act may return to the service and take their places on the Naval Register in the same manner as if said part of such act had not been passed. That each cadet re-entering the service under the provisions of this act shall be charged with the sum of $950, it being the amount paid each of them upon their discharge; that one-third of said sum shall be deducted from the first year's pay, one-third from the second year's pay, and the remaining third from the third year's pay. And that hereafter there shall be allowed at the Naval Academy five cadets at large and one from the District of Columbia, to be appointed by the President of the United States, and a number of cadets equal to one-half of the number of Representatives in Congress from the States and Territories, or as near thereto as may be; that two adjoining Congressional districts rating numerically shall constitute a cadet district, and the Congressional district having the first vacancy shall be entitled to the first appointment, the appointment to alternate thereafter.

SEC. 2. That the odd district in States, and States having but one Congressional district, the Territories, and the District of Columbia shall be entitled to an appointment once in every twelve years, instead of six years, as now provided by law; that in case of adjoining Congressional districts comprising a cadet district having vacancies at the same time, the district being first numerically shall have the first appointment, the appointments to alternate thereafter; that in case of a vacancy, the said vacancy shall be filled from the Congressional district or Territory from which the original appointment was made.

That nothing herein contained shall be construed so as to prevent the nomination and appointment of cadets to fill vacancies now existing at the Academy, or that may occur between now and the 15th day of May, A. D. 1884, or to cause the dismissal of any cadet now at the Academy except for cause.

That all laws inconsistent herewith are hereby repealed.

Mr. HUTCHINS. I raise the point of order that the proposed amendment changes existing law, while it increases the appropriation. Let me ask the gentleman whether it comes from any committee?

Mr. TALBOTT. It does, and I desire to discuss the point of order.

Mr. HUTCHINS. I insist upon my point of order.

Mr. TALBOTT. I know that, but I wish to be heard on the point of order.

Mr. HISCOCK. If the gentleman from New York waives the point of order, I wish the Chair to understand that I will renew it.

Mr. HUTCHINS. I have not withdrawn it, but, on the contrary, I insist upon it.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. HOLMAN. I wish to say if the point of order does not cover the first clause, that I wish to be understood as reserving the point of order on that clause.

Mr. HUTCHINS. It changes existing law.

Mr. HOLMAN. Of course it does.

Mr. TALBOTT. The entire proposition is this: The act of Congress of the 5th of August, 1882, legislated out of the naval service two classes of young men who had gone into the Annapolis academy under existing law. Section 1521 of the Revised Statutes of the United States, when they were nominated and appointed to the Naval Academy at Annapolis, provided on graduation they should be assigned to duty in the naval service of the United States. Now, in violation of that contract entered into with them on the part of the Government by that act of August 5, 1882, as I have already said, these young men were legislated out of the Navy.

These two classes which are benefited by the amendment were at sea when that act was passed. They had no opportunity to resign from the service. When they came home from sea they then resigned, with the exception of a certain number necessary to fill the existing vacancies. They were, in fact, paid off and dismissed from the service.

I hold, Mr. Chairman, as a matter of right and equity, they ought to have been retained in the service. Under the contract entered into with them there is not the least doubt of it.

As to the point of order I have a word to say. The gentleman from New York [Mr. HUTCHINS] says that this amendment on its face retrenches expenditure. It does retrench expenditure, because in the second clause of the amendment it is provided there shall be hereafter at the Naval Academy but five cadets at large, to be appointed by the President of the United States, and a number only equal to one-half of the representation in Congress from the States and Territories. That reduces the number of appointments to be maintained at the Naval Academy at Annapolis from three hundred and forty-four to one hundred and seventy-two, thereby saving the Government the annual salary of $500 and mileage of each cadet, and when they are dismissed from the academy, that is, those who are not needed, the $1,000 or $950 which is paid them. My amendment, therefore, does make a reduction of expenditure of $200,000 in the course of the year, and therefore I hold the point of order is not well taken and ought not to be sustained by the Chair.

I know the Secretary of the Navy has sent to Congress a statement that if these young men were placed back in the institution or restored to the naval service it would cost the Government about 3,000,000. But how does he make his calculation? He makes it in this way: If they are to be put back into the service there will be three rear-admirals, so many commodores, so many captains, so many commanders, so many lieutenant-commanders, and so on down the list. Of course his statement is based on that computation. The law says there shall be six rear-admirals in the Navy, ten commodores, and goes on to give the rank all the way down. But the law says more, that when a vacancy exists there shall be promotion. Therefore when these young men are put back into the service only ten will be benefited by it, because vacancies have occurred to keep in all but fifteen, and the cost will be about $65,000.

A MEMBER. About thirteen.

Mr. TALBOTT. Yes, about thirteen, and the cost will be about $65,000. And in that connection, Mr. Chairman, I desire to call to the attention of the House a letter published in the New York Herald signed "Cadet," which was prepared in consultation with me, and which covers these points. I will not ask to have it read, as there is not time in my five minutes, but will include it in my printed remarks.

There was no objection to printing the letter; and it is as follows:

COMPLAINT OF THE NAVAL CADETS.

An answer to Secretary Chandler's letter—The question of economy considered.

WASHINGTON, *February* 16, 1884.

The classes of naval cadets, for whose restoration to the service House bill 1408 provides, are as follows:

Class of 1881-'83, numbering 63; class of 1882-'84, numbering 28; making a total of 91.

Of the class of 1881-'83 twenty-two have been appointed to fill vacancies in the Navy. The following vacancies occurred in the six months ending January 20, 1884:

Died: Commodore William N. Jeffers, Lieut. H. L. Green, Lieut. F. W. Nabor, Lieut. Boutelle Noyes, Lieut. Albert T. Freeman, and Lieut. J. P. J. Augur.

Resigned: Lieut. George Talcott, Lieut. J. I. Yates, Lieut. J. W. Miller. Lieut. W. H. Slack, Lieut. Joel H. Barber, Ensign D. Haskell, Ensign F. B. Vinton, Ensign George E. West, Ensign Ed. Brinley, Ensign E. W. Nash, and Ensign S. J. Brown.

On retired-list: Lieutenant-Commander Gardner, Lieut. Commander J. A. Chesley, Rear-Admiral Clitz, Rear-Admiral Bryson, Rear-Admiral Crosby, Rear-Admiral Rhind, Lieutenant-Commander Woodrow, Captain Johnson, Lieutenant-Commander Black, Lieutenant Livingston, Lieutenant Whitfield, and Commander Eastman.

Dismissed: Commander Mullen.

Thus thirty vacancies have occurred in the line of the Navy during the past six months. According to existing law, one-half of these vacancies must be filled by appointments from the graduates of the Naval Academy, or there must be fifteen appointments of the class of 1882-'84 to fill the vacancies which have occurred in the line within six months. During the same period two vacancies have occurred through deaths in the Marine Corps. These vacancies must be filled from graduates of the same class. In all, seventeen vacancies have occurred within the past six months. Allowing the same rate of casualties for the remaining six months of the year, the vacancies to be filled will be as follows:

Vacancies in the line at present	15
Vacancies in the Marine Corps at present	10
Probable number of vacancies to occur in the line during remaining six months	15
Same to occur in Marine Corps	2
Total vacancies to be filled	42

There are twenty-eight members of the class of 1882-'84, but one of them is being educated abroad by the Government for a naval constructor, leaving twenty-seven available for other appointments, supposing that all of them should successfully pass both their mental and their physical examinations.

THE DISCHARGED CADETS.

There are forty-one members of the class of 1881-'83 who were honorably discharged in June last. Examining this list of forty-one, the Naval Academy register of 1883-'84 shows the following facts: Eugene Carroll and Robert P. Forshew have been honorably discharged at their own request and have waived their rights of reinstatement; H. B. Andrews, T. H. Matthews, T. E. Bunts unable to return from reason of physical disability; C. P. George and Z. B. Vance have been confirmed as second lieutenants in the Army.

In order to know exactly how many of this class would return to the service they have been corresponded with, and the following have reported themselves as established in business and unwilling to return to the service during peace: W. F. Flournoy, James D. Crenshaw, Silas H. Wright, Guy G. Rodgers, and J. W. Dresser.

Through physical disability one member of the class is still absent, and will undoubtedly fail to pass his physical examination, making in all thirteen members of the class of 1881-1883 who, for various reasons, are ineligible to return to the service.

Members of 1881 honorably discharged	41
Members of 1881 ineligible to return	13
Members of 1881 who may return to service	28

Then the members of both these classes of 1881-1883 and 1882-1884 to be retained in the service will be as follows:

Members of 1881-1883 to be returned	28
Members of 1882-1884 to be retained	27
Total number to be retained	55
Total number of vacancies (see above)	42
Total number after supplying vacancies	13

According to law these vacancies must all be filled; if not from these classes, then from others, and the only extra expense entailed on the Government will be that incidental to the paying of these extra thirteen.

ACT OF 1882.

An act approved August 5, 1882, reads as follows:

Hereafter only one-half of the vacancies in the various grades of the line of the Navy shall be filled by promotion, until such grades shall be reduced to the following numbers, namely: Rear-admirals, 6; commodores, 10; captains, 45; commanders, 85; lieutenant-commanders, 74; lieutenants, 250; masters, 75; and ensigns 75; and thereafter promotions to all vacancies must be made, but not to increase either of said grades above the number referred to.

In a letter to Hon. JOHN R. THOMAS, dated January 28, 1884, Secretary Chandler says that the average number of years spent in the grade of junior ensign is five. The highest (sea) pay of a junior ensign is $1,000 per annum. Thirteen men in this grade for five years makes a total of $65,000, which is the utmost extra expense that can possibly accrue from the retention of these two classes of 1881-1883 and 1882-1884. This amount is arrived at only by supposing all of this thirteen to remain in the service the whole five years and to be continually at sea, neither of which conditions is likely to be fulfilled, and, consequently, the extra expense to the Government will be less than $65,000, and the amount will be distributed over a period of five years.

Suppose that these five who have expressed a wish to remain out of the service should elect to return. Then the thirteen would be increased five, or there would be eighteen after supplying vacancies. At the same rate of pay as before the expense would be $90,000. But each of the thirty-three who would return to service would by the provisions of this act refund to the Government $950 which has already been paid him. There would thus be refunded to the Government $31,350, and the total extra expense would be $90,000 less $31,350, or $58,650, which will be the extra cost in case all of those physically qualified should return to service.

SECRETARY CHANDLER'S SUPERNUMERARY LIST.

Following the letter of Secretary Chandler, he says:

"In the annual report of the Department of December 1, 1883, it is urged that the reduction to the 1,562 line officers, allowed by the act of August 5, ought to be made at once, and that this can wisely be done by placing upon a supernumerary list those who for various reasons are not fitted for, nor likely to be ordered to, the command of vessels or any other important duty, and are therefore an incubus upon the naval establishment."

Evidently the Secretary thinks there are too many officers in the service, and wants the number reduced; but he does not propose to honorably discharge the surplus.

NEEDS OF THE SERVICE.

In criticising the petition of the naval cadets the Secretary remarks that they made no claim that their services were needed by the Government. This is quite true, and there are good reasons for it. We are young men, and our experience in naval affairs has been inextensive, and we feel that it would have been presumptuous in us to have suggested a naval policy; and this especially as the present Secretary and most other officials have said that we do not need more officers. We were, consequently, content to base our claim on its justice alone, and did not pretend to discuss the needs of the service. Even if the Navy does not need our services, it is herein shown that the expense of our retention will be less than $65,000, and when it is recalled that a contract has been broken and an injustice done, we submit that the question of economy might yield to the question of right.

NOT A DONATION.

Throughout the letter referred to the Secretary speaks of the Government as our "donor," and of the "donation" made us. We were undoubtedly handsomely educated at Government expense. We ought to be and are sincerely appreciative and grateful, and should it ever be necessary for us practically to show our gratitude we hope and believe that we would not be found wanting. But at the same time we do not see that the remuneration which the Government has bestowed on us is a donation. With due deference we would suggest that we did not go to the academy as a charitable institution. We chose it as an honorable calling, believing that we would be honored rather than condemned.

And, while we performed our part of the contract, the compensation which we received was a just salary, and not a donation.

Our assertion that there is an obligation on the part of the Government to retain us in its service is not unfounded, and is based—first, on the fact that we signed articles agreeing to serve the Government eight years, and thus became parties to a contract; second, on section 1521 Revised Statutes, which reads as follows:

"When cadet-midshipmen shall have pasesd successfully the graduating examination at the academy they shall receive appointments as midshipmen, and shall take rank according to the order of the merit at date of graduation."

And we believe that these sufficiently show that our claim is not unfounded.

FITTED FOR CIVIL LIFE.

Regarding the statement that our education admirably fits us for civil life, we respectfully refer to our graduating examinations. After a six years' course we were examined in the following subjects:

Practical navigation, compass deviation, theory and practice of gunnery, French, Spanish, seamanship and naval tactics, and practical instruction in steam-engineering. And we do not think that this examination is in subjects likely to be of much assistance in civil life.

The Secretary says that some of the cadets have been proceeding on the idea that if they can barely escape dismissal for deficiencies in their studies they can still receive life commissions in the Government service. This statement is without foundation or support. The standard of scholarship is supposed to be so graded that any cadet who is graduated is competent to perform the duties of an officer. The Secretary can at any time change this standard, and if improperly qualified men have been allowed to graduate and have been given life commissions in the Government service, it has been done through the neglect of the Department. All the members of a class can not be at its head, and vituperation can not nullify the fact that many of our best officers have been those who have stood low in their classes, nor detract from the respect due those who, after honorable competition, have been unfortunate enough to be behind the headmost.

CADET.

To the EDITOR OF THE HERALD.

Mr. TALBOTT. On the point of order I say whether these young men are in the service or not, every appropriation bill coming to this House from the Committee on Appropriations will embrace provisions for the payment of the Admirals, rear-admirals, commodores, and so on down the list of officers. I take it that the Secretary of the Navy when he sent his statement did not take into consideration the intelligence of this Congress.

[Here the hammer fell.]

Mr. HUTCHINS. Mr. Chairman, the amendment of the gentleman is also subject to the further point of order——

Mr. TALBOTT. I make the point that the gentleman can not make any other point of order against the amendment. It is too late.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. HUTCHINS. I reserved all points of order. The point of order that I now make is that there are two bills pending in the Naval Committee on the same subject.

Mr. TALBOTT. I hold that it is too late now.

The CHAIRMAN. The Chair thinks not. The Chair is of opinion that the first point of order made, that this amendment proposes new legislation, is well taken, and must rule the amendment out in its present form. The Chair will state, however, to the gentleman from Maryland that if he saw fit to divide the amendment the last clause of it would perhaps be a proper one, under the rules, as far as the present point of order is concerned.

Mr. TALBOTT. Then I propose to divide the amendment and offer the last clause, that portion which relates to limiting the number of cadets. I wish, however, to state that I reserve the right to appeal from the decision of the Chair on both points.

Mr. THOMAS. I make the point of order upon the new amendment offered by the gentleman from Maryland that it is the substance of a bill which is now pending before the House.

Mr. TALBOTT. And I hold that no additional point of order can be made after the discussion. The only point of order that could be entertained by the Chair is that made by the gentleman from New York, that the amendment on its face did not retrench public expenditures. The other point of order comes too late, because the subject has been discussed.

The CHAIRMAN. The Chair is of opinion that the point of order does not come too late, especially in view of the fact that the amendment in its present form is practically a new one. If it be a fact that there is mother bill of a similar character pending, the Chair will hold that the amendment is not in order.

Mr. TALBOTT. I do not desire to take any advantage of the House. I did introduce a bill for that purpose.

The CHAIRMAN. Then the Chair will hold that the amendment is not in order.

Mr. TALBOTT. I reserve the right to appeal from the decision of the Chair in both rulings.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. CALKINS. I offer an amendment to come in at the end of the clause.

The Clerk read as follows:

The President of the United States is hereby directed, on the 1st day of July, 1884, or as soon thereafter as practicable, to reduce the staff corps of the Navy on the active-list as follows: medical directors from fourteen to five, medical inspectors from fifteen to five, pay directors from thirteen to five, pay inspectors from twelve to five, chief engineers from sixty-nine to fifty, by selecting from the said grades such of the officers as can best be spared from the service, and placing them on the retired-list with the rank they shall respectively hold at the time of retirement: *Provided*, That the highest relative rank of chief engineer shall be lieutenant-commander.

Mr. RANDALL. Will the gentleman allow me to make a suggestion?

Mr. CALKINS. Certainly.

Mr. RANDALL. If I understood the reading of the amendment, it provided that the medical directors should be reduced from fourteen to five. That should be corrected to read from fifteen to five.

Mr. CALKINS. Yes, that is proper; that should be corrected.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Indiana.

Mr. RANDALL. There is a further suggestion I wish to make to the gentleman, so that his amendment will conform to what I understand to be the recommendation of the Naval Committee, and that is in reference to the pay inspectors. It should read from thirteen to five, instead of from twelve to five; and of the chief engineers from seventy to fifty, instead of from sixty-nine to fifty.

Mr. CALKINS. That is proper; the amendment should be so corrected.

Mr. RANDALL. And I would also suggest to the gentleman another correction. After the word "retirement" in the amendment this clause should be inserted:

And after the number of officers in the said grades shall be reduced as above provided the number in each grade shall not exceed the reduced number which is fixed by the provisions of this paragraph for the several grades.

Mr. CALKINS. I accept that.

Mr. RANDALL. Then the gentleman should offer that as a substitute instead of the amendment he has offered, since the first is not complete.

Mr. CALKINS. I accept that.

Mr. TALBOTT. I reserve the point of order.

Mr. WARNER, of Ohio. Let the amendment be read as it will stand with this modification.

Mr. CALKINS. It had better be read.

The CHAIRMAN. The amendment will be again reported.

The Clerk read as follows:

The President of the United States is hereby directed, on the 1st of July, 1884, or as soon thereafter as practicable, to reduce the staff corps of the Navy on the active-list as follows: Medical directors, from fifteen to five; medical inspectors, from fifteen to five; pay directors, from thirteen to five; pay inspectors, from thirteen to five; chief engineers, from seventy to fifty, by selecting from the said grades such of the officers as can best be spared from the service, and placing them on the retired-list with the rank they shall respectively hold at the time of retirement; and after the number of officers in the said grades shall be reduced as above provided, the number in each grade shall not exceed the reduced number which is fixed by the provisions of this paragraph for the several grades: *Provided*, That the highest relative rank of chief engineer shall be lieutenant-commander.

Mr. RANDALL. That I understand to be the amendment the gentleman from Indiana desired to offer. That is the way the subcommittee, I may say, desired to have it.

Mr. CALKINS. Certainly. That is the proper amendment.

Mr. WARNER, of Ohio. Are the places of these officers, proposed to be retired, to be filled by promotions?

Mr. CALKINS. No, sir.

Mr. WARNER, of Ohio. Then I am in favor of it.

Mr. TALBOTT. I now make the point of order against that amendment that it is a change of existing law and does not retrench expenditures. A reference to the pay-tables of the Navy will show that these officers when on shore or sea duty are to receive certain specified sums; and this amendment does not retrench that sum in any degree.

The CHAIRMAN. The Chair is of opinion that the amendment would reduce the number of officers; and the retired-list pay being less than full pay, it is also a reduction of expenditures. The Chair therefore overrules the point of order. The question is on agreeing to the amendment of the gentleman from Pennsylvania.

Mr. RANDALL. The gentleman from Indiana offers the amendment; I have merely suggested the alterations, as I understood the wrong amendment to have been read from the desk.

The CHAIRMAN. The amendment offered by the gentleman from Indiana is the pending amendment.

The amendment was agreed to.

Mr. McMILLIN. I move to amend by adding what I send to the desk.

The Clerk read as follows:

That the number of captains shall be reduced to thirty and the number of commanders be reduced to fifty; and no more promotions shall be made to these grades until the numbers are reduced below the number herein mentioned.

The CHAIRMAN. Where does the gentleman from Tennessee desire that his amendment shall come in?

Mr. McMILLIN. At the close of the amendment of the gentleman from Indiana which has just been adopted.

Mr. CALKINS. I make the point of order against the amendment.

Mr. McMILLIN. It carries out further the idea embraced in the gentleman's amendment.

The CHAIRMAN. What point of order does the gentleman make?

Mr. CALKINS. I make the point of order that this amendment is not germane to the part of the section to which it is offered. In the second place, I make the point that the number of officers has already been fixed. The committee has fixed them and has appropriated for

them, and in that view the amendment as offered now is not germane to this part of the section. In the third place, I make the suggestion to the gentleman from Tennessee that there is no provision made in his amendment what shall be done with these officers.

Mr. McMILLIN. There will be no difficulty about taking care of them. So far as regards the statement of the gentleman that the bill fixes what number should be appropriated for, the amendment of the gentleman from Indiana himself changed what was fixed by the bill.

Mr. CALKINS. It is fixed by general law.

The CHAIRMAN. The Chair has proceeded on the idea that the whole clause was subject to amendment. The Chair overrules the point of order. The question is on the amendment of the gentleman from Tennessee.

Mr. RANDALL. Let us understand the effect of the amendment. Does it change the law of 1882 ?

Mr. CALKINS. Yes, sir.

Mr. RANDALL. By a further reduction of the numbers in those grades?

Mr. CALKINS. Yes, sir.

Mr. RANDALL. I think we had better not enter upon that.

Mr. McMILLIN. The trouble with the Navy, as confessed by all, is its top-heaviness. My amendment is in the direction of remedying that.

Mr. KASSON. I do not know that it will be of any use for a man to stand in his place on this floor and attempt to prevent the destructive tendencies of the majority of this House touching the Navy of the United States. If there is to be a well-considered effort by the majority to render the Navy of our country absolutely ineffective, to make it still more the laughing-stock of the people of the United States and of the civilized world, then with this destructive purpose they may as well go ahead to remove not only the semi-civil officers of the Navy, but the men who have been trained to take care of the honor of the country in its time of danger.

I have never been more astonished than to find men, especially upon this side of the House, and some upon the other side, proceeding with this work of disorganization and disintegration of this great branch of the Government service. I remember, sir, when Daniel Webster stood in his place and said to Congress, "We have a commerce that leaves no sea unexplored, and a Navy that takes no law from superior force." Now, in place of this proud boast of a once patriotic Congress, instead of giving us ships to maintain the dignity and honor of the country, instead even of maintaining the force that is trained to take the command of the ships when we shall create them, you are proceeding to deny us the ships and to banish from the service the men whose lives have been given to a proper training for protecting the honor of the country in its hour of peril.

What a contrast to the spirit that animated us in the old times ! Yes, what a contrast to the spirit that animated the former Democracy of the country, when they unanimously stood by the honor, the dignity, and, I may add, the glory of the United States upon the seas. Sir, I regret most profoundly, and I feel with a sense of humiliation, that I am speaking to men who will not look at the Navy of the United States with eyes of friendship nor in the light of the demands of the future.

Our fisheries treaty expires next year, and there are impending before us difficulties which will certainly arise before that question can be settled; and yet you are banishing from your Navy the men who can serve us on such occasions. I remember that we have a continual state of agitation with a foreign power in respect to the alleged interference of our foreign-born citizens with the internal condition of that foreign country. And you are giving your diplomacy no power to defend the rights of this country. The gentleman from Illinois [Mr. FINERTY], and I thank him here in my place for his splendid effort the other day to support our Government with an indispensable naval force, has called your attention to that question. Our commercial treaties are violated by half of the countries of Europe to-day. If you expect your diplomacy to sustain our interests, give it the power to strike as well as it has the power to speak. Words alone are feeble instruments for the maintenance of national rights.

Sir, there is not a Government in Europe which does not know to-day that you have no power to defend your rights if they are assailed. They may violate every treaty; they may refuse to receive every article we export; they may silently destroy our trade; and you are proposing here by your action on this bill to tell them that you will not give your executive government the necessary power. The Secretary who has charge of our foreign affairs is to-day in a condition of humiliation, and he must remain in that condition until you give a weapon into his hand to strengthen the verbal arguments which he employs with foreign countries. They know we can do nothing but talk; and all attempts to use vigorous words to foreign countries without the power to back them up with force is simply to place us in the attitude of a helpless bully who will be condemned and despised by his adversaries. And yet, sir, under the plea of economy, you are assailing the dignity and the very power of your country to maintain its position among the nations of the earth.

[Here the hammer fell.]

Mr. RANDALL. In view of the usual fairness of the gentleman from Iowa [Mr. KASSON] I must confess that I am somewhat surprised at what I regard as the unjust criticism he has just made in so far as this side of the House is concerned. The Committee on Appropriations have not recommended any assaults upon the *personnel* of the Navy, save and except to give force and effect to the law of 1882, which that side of the House enacted. The amendment of which the gentleman complains so much did not emanate from the Committee on Appropriations at all; it came from a distinguished member of his own side.

Mr. CALKINS. I beg leave to say to the gentleman that it came from the Committee on Naval Affairs.

Mr. RANDALL. If I am not accurate in that statement——

Mr. TALBOTT. Permit me to say that I claimed the right as a member of the Committee on Naval Affairs, without going any further than my own action, to oppose this proposed legislation both as regards the line, staff, and engineer corps.

Mr. RANDALL. Never mind about that.

Mr. TALBOTT. I desire to finish what I have to say. The Committee on Naval Affairs did send a communication to the Committee on Appropriations, and it came back to us. We did not act upon it, but left it without being acted upon by either committee.

Mr. RANDALL. Then the case is stronger than I stated it, if the amendment came from the Committee on Naval Affairs to the Committee on Appropriations; for notwithstanding the Committee on Naval Affairs of this House made that recommendation, the Committee on Appropriations hesitated to adopt it. Therefore the criticism of the gentleman from Iown [Mr. KASSON] does not apply fairly to either the majority of the Committee on Appropriations or the majority upon this side of the House.

And now while on my feet I want to say that I did not understand the amendment. I did not know that it struck at the engineer as well as the other corps. I should like to modify it in that particular.

Mr. REED. Then vote it all down; that will be satisfactory.

Mr. RANDALL. The difficulty is that it has been adopted on a motion from the other side of the House.

Mr. REED. We can vote it down in the House.

The committee rose informally, and Mr. MORSE took the chair as Speaker *pro tempore*.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes.

The message further announced that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. 452) to remit the forfeiture of the British bark Viscount Canning, and to refund the proceeds of the sale thereof to her owners, Edward D. Morris and C. R. Morris:

A bill (S. 1369) to prevent and punish counterfeiting within the United States of notes, bonds, or other securities of foreign governments; and

A bill (S. 1705) to provide for the issue of duplicate checks.

The message also announced that the Senate had passed and requested the concurrence of the House in a resolution for the printing of the report of the National Academy of Sciences, with its appendices.

NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session and proceeded with the consideration of the naval appropriation bill.

Mr. McMILLIN. I must protest against the disposition attributed not only to me but to all on our side of the House by the gentleman from Iowa [Mr. KASSON] who has addressed the committee in opposition to the amendment. There is no man who takes more pride in whatever there is to be proud of in connection with our Navy than I do.

In anything I may do or say here it is not my purpose to detract in the least from the prestige of the Navy or to diminish its efficiency. I would increase its efficiency; and in order to do that, as a first step, I would do away with the officers who are not essential to its efficiency. The gentleman has said that there is not a nation in Europe that is not well posted as to the condition of our Navy. Who cares if they are well posted? The proud boast of every American citizen is that there is not a power upon which the sun shines strong enough or arrogant enough to attack one American citizen upon the high seas, even if he had nothing but two logs pinned together and the American flag over him.

Mr. TALBOTT (in his seat). How about the Virginius?

Mr. McMILLIN. As I said, I do not propose to diminish the efficiency of the Navy. By this remark I do not intend to indicate any desire for inaction or what we should do in future. I sympathize with the efforts made on this side of the House to delay the construction of vessels when it is doubted whether, if constructed, they will float. Some have been put upon the dock and there rotted before completion. Others have been put there and completed when it was a problem, upon

which engineers were almost equally divided, whether they would float when placed in the water.

If this amendment is not right the House can vote it down. But I do think that something of the top-heaviness of our Navy ought to be got rid of, and it was with the view of that only I offered the amendment.

The CHAIRMAN. Debate upon the pending amendment has been exhausted.

Mr. KASSON. Mr. Chairman, I move to amend by striking out a word. I am glad that we have had a statement from the gentleman who last spoke as to his ideas of a proper navy for the United States. I do not charge that conception upon all gentlemen on the other side of the House. I am glad to know, however, that we have here a distinct proposition to combat. All that the United States needs in time of difficulty is a couple of logs fastened together, floating upon the ocean, with an American upon them and a flag over his head!

Mr. MCMILLIN. I neither said that, nor could the gentleman have so understood me.

Mr. KASSON. What was said seems to be appreciated on both sides of the House; the RECORD will show it, and I hope it will not be corrected.

Mr. MCMILLIN. I am not guilty of that which would justify any such insinuation.

Mr. KASSON. We find then, Mr. Chairman, it is to be enough that we have the glamour of the American name and flag in order to maintain our rights upon the high seas. Every man who knows anything of the late history of the world knows that to-day the serious question of means to preserve peace as well as to make war is a question of blood and iron—*Blut und Eisen*. Chain your logs together and set your raft afloat on the high seas; let the captain of that famous craft be arrested or captured by a foreign ship 3,000 miles away, and then seek your remedy by diplomacy alone if you wish. If that is Democracy, let the people of the country know it.

Mr. Chairman, there is no profounder mistake prevalent on this floor to-day than that which comes too often from my friends on the other side of the House. I mean the assumption that the country is interested in nothing but the saving of the money now in the Treasury. The question which concerns the people is that this money shall be spent wisely for a good and a national purpose. If you spend it for such a purpose and get your money's worth, the people are as sure to crown the work with their approval as they are to believe, like patriots, in maintaining the honor and the glory of the country.

I protest, therefore, that it is neither in the interest of the people nor in accordance with their wishes that you should aim your parsimonious blows at the only means we have to protect our commerce upon the ocean and the rights of citizens of the United States in foreign countries. It is known to-day to all the world that without an effective navy it is simply impossible to maintain your rights against foreign aggression or procure satisfaction for the wrongs which spring up repeatedly and unexpectedly in foreign ports in cases involving the rights of American citizens

For this reason I repeat that gentlemen commit a profound mistake in making assaults upon the Navy, destroying its *esprit de corps*, and endangering its usefulness. You may strike off a man here and a man there, saving a few hundred or a few thousand dollars; but when a moment comes, as it did a few years ago, where you are upon the verge of war, you find it necessary to make a sudden expenditure of $4,000,000 to put old, incompetent ships in a condition to make a show of warfare to protect the rights of our citizens abroad.

Why, sir, to-day in the navy of one foreign country the whole preparation for war is made, and it is a country with which our relations are assuming a disagreeable condition. I will not name it; but gentlemen will understand the allusion. That country has its stores provided for each ship, its officers and men assigned, and everything so arranged that in eight days every ship of a squadron can be put upon the sea to assail the commerce of any country against which that nation has a complaint. We are destroying our Navy, while other nations are building up theirs with all the treasure under their control and with all the spirit of patriotic honor.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Chairman, the gentleman from Iowa [Mr. KASSON] in his speech just preceding the last gave us to understand that time and again this country was being insulted by foreign governments and constantly met by a refusal to observe treaty obligations. He pictured us among the nations of the earth as subjected time and again to affronts that the executive department would have resented by war if we had had any navy that the Government could use. Now, I have been for ten years a member of this House, and there are around me gentlemen who, whether they have been here or not, have kept themselves informed as to current events. Why have these numerous indignities been concealed? There have been discussions on the naval bill year after year, but never until now have we learned of the infamous and degrading attitude of the Government of the United States among the nations of the earth.

During General Grant's administration there was for several years more than $100,000,000 in the hands of the Secretary of the Navy, under his absolute control, which might have been used to build naval vessels. In 1868 $65,000,000 were covered into the Treasury after reserving $50,000,000 to carry on the Government. How does it happen that our Navy has been so belittled and this country so degraded and insulted? Why has our Navy so suddenly disappeared? One reason has been administrative mismanagement. We had a number of ironclads left over from the war. Congress decided by resolution to provide for their sale. There was an attempt to sell a part of them. The Secretary of the Navy declared they were utterly useless, and that for this reason there ought not to be any money spent in keeping them in repair. Yet in two years millions of dollars were spent on those old ironclads, which were unfit to be placed upon the water except under convoy.

I wish now to go back to the period when the Democratic party came into power in this House. Let us see whether there was not some public reason, the force of which was indorsed by the American people, for the course of the Democratic party. We came into power in the midst of a great financial crisis. Industry after industry was toppling. Thousands of men engaged in every branch of business were on the verge of bankruptcy. The cry of "economy" came from all over the land. It was responded to by this House; and the gentleman from Pennsylvania [Mr. KANDALL] has no laurel that he should prize more highly than the reduction in public expenditures that was then made. Yet, sir, we were continually charged with extravagance, notwithstanding we had largely reduced expenditures. Mr. SHERMAN went before the country and charged that the Democratic party had been guilty of extravagance.

[Here the hammer fell.]

Mr. MCMILLIN obtained the floor, and said: I yield my time to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. This condition of things went on until 1879, and during a portion of that time so low were the revenues of the Government that one year we did not even pay the amount that was due to the sinking fund. Was this any time to talk about building up a navy? Nay, sir; the great body of men on the other side of the House had to be silent in the face of the condition of the country. It was under circumstances like these, when we had no money, when it was a question whether or not we should not increase rather than reduce the burdens upon the people, and we preferred in such a crisis to withhold as far as we possibly could the heavy hand of taxation from the people which would be rendered necessary by larger appropriations from the public Treasury.

Now, sir, I deny that the American people need a navy to compare with that of England or an army to equal that of foreign powers. And such has never been the sentiment of this country, and no party has ever dared to act on any such basis in making appropriations for either our Army or Navy. We are isolated, and we have none of the jealousies which menace those foreign governments. We happily are free from that constant apprehension which makes them sleepless for fear by some sudden and rapid movement the life of the nation itself may disappear. We have none of the troubles which surround them, and no need of the vast navies and immense armies they keep up. And, for one, I subscribe to the opinion of my friend from Tennessee [Mr. MCMILLIN], though perhaps I will not repeat his illustration, as its meaning has been perverted; but, sir, I do subscribe to the doctrine that our people, with their immense wealth, with their population, with their intelligence, with their high civilization, constitute a power that would make it reckless for any foreign nation to rush precipitately into a contest with us.

But it is not going to happen. I do not believe, sir, if it be threatened, we are going speedily to be precipitated into war. Negotiations and diplomacy have saved us very much. They have saved us from many issues which threatened trouble since the close of the war. And unless there is some reason like that which exists with the nations of Europe for keeping up great armanents, I do not think we are justified in assuming the responsibility of making such large appropriations as gentlemen advocate on this floor.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. CANNON. I hope I will be heard.

Mr. KASSON. I will withdraw the amendment and renew it, and then yield the floor to the gentleman from Illinois.

Mr. CANNON. What amendment is it that is pending?

The CHAIRMAN. That of the gentleman from Tennessee [Mr. MCMILLIN].

Mr. CANNON. I ask it be read.

The Clerk read as follows:

That the number of captains shall be reduced to thirty, the number of commanders to fifty, and no more promotions shall be made to these grades until the numbers are reduced below the number herein mentioned.

Mr. CANNON. Mr. Chairman, the Democratic party in 1874 came into power in the House of Representatives, and for six years it held the control of the purse-strings of the national Treasury. A portion of that time it also had a majority in the Senate of the United States. In round figures, in all that six years Congress appropriated for the Navy $100,000,000, and when those six years had expired the Navy was in infinitely worse condition than when they had begun. The gentleman from Georgia [Mr. BLOUNT] says that for four years of that

time the country felt the hardships of hard times. Well, grant it to be so, and yet for two years succeeding 1879 the country had never experienced greater prosperity. Still you did nothing toward building up the Navy.

But during the succeeding year, in the Forty-seventh Congress, the Republican party came into power in this House with a bare majority. We had to have our people here at all times, so bare was the majority, in order to hold control of the House. On some occasions we were in great tribulation to get and keep a quorum. The Navy was top-heavy, without ships, without efficiency, and we undertook to cut down the *personnel* of the Navy, to circumscribe it, to stop promotions, the several grades gradually growing smaller without doing injustice to any, so that only the requisite number of officers would be retained, and the money saved by doing away with and getting rid of superfluous officers could be put into the construction of ships, and thus enable the officers of the Navy who were retained to sail out upon the high seas and look after the protection of our commercial interests. [Applause.]

Under that legislation, Mr. Chairman, brought about by the Republican party, we have now approaching completion four cruisers. But what do we see in this House? Under Democratic rule, not in hard times, I will tell the gentleman from Georgia [Mr. BLOUNT], but with the Treasury full and overflowing, with a clamor on all sides to know what can be done for the purpose of keeping down the surplus in the Treasury; with plenty of money, with reasonably good times, with the example of economy and efficiency in dealing with the Navy which the preceding Republican Congress had given you, yet you come in now with a navy appropriation bill which does not provide, although, as I have said, these four new steel cruisers are nearing completion, the appropriation for their proper armament, which will be required next summer or fall.

Do you gentlemen on the other side propose to follow the example we set you of building up the Navy by the construction of additional cruisers? No; but far from it—you withhold equipment from those which we have already provided. And yet gentlemen say they are friends of the Navy. Now, the true course is to take the middle ground. Give us a small number of the very best ships we can get, whether they be steel cruisers or otherwise. We have provided for four of the very best ships which can be built. Let us test the policy we have begun, and which so far has proved successful. By pursuing still further the legislation initiated in 1882 of weeding out all that was superfluous in the Navy, we will, in my judgment, in a short time accomplish the thing so necessary for the honor and protection of this country—the establishment of a navy capable and efficient for whatever work may be required of it. [Applause.]

And we will then cease spending $16,000,000 a year merely that we may keep house and have nothing in it.

[Here the hammer fell.]

Mr. MCADOO. May I ask the gentleman from Illinois a single question before he takes his seat?

The CHAIRMAN. The gentleman's time has expired.

Mr. DORSHEIMER. Mr. Chairman, I am one of those who believe in adhering to what I understand has been the historic policy of this country, and that is the maintenance of a Navy small in numbers but of the best quality. That policy has not only been found sufficient in the past for the protection of the national interests, but it has also succeeded in working out in a most extraordinary degree our national glory and distinction. I am glad that the Committee on Appropriations have provided for the completion of the new cruisers which were ordered by the last Congress.

As one of the citizens of the United States I took an interest in the action of Congress in that regard, and I am free to say that I was greatly disturbed during the summer by adverse criticisms which were made upon the new vessels, which criticisms appeared in the English authority best known and of the highest repute upon such subjects. I refer to two articles in the Engineer, which criticised the specifications upon which these cruisers were to be constructed, and setting forth a ground of criticism which seemed to be of the gravest character. Soon after I came to Washington I embraced the opportunity I had here to make inquiry and ascertain to what extent these criticisms were justified by the facts. I am glad, Mr. Chairman, to be able to say that they were based not upon the specifications upon which the ships were being actually built, but upon specifications which were laid before the advisory board and rejected, and that the real specifications upon which the ships are being constructed are of an entirely different character from those which were criticised by the Engineer. I also took occasion to make such examination as a non-expert might make into the question as to whether these vessels are likely to be useful or not, and I am satisfied that they are certain to be highly valuable ships, useful for all of our purposes as cruisers, and to the extent for which they are fitted for the more serious service of war will be most formidable vessels.

And in this connection, Mr. Chairman, I wish to make the only criticism that I have to make upon the action of the Committee on Appropriations in framing this bill. I can not understand why a ship of war is to be built and not provided with guns. The only purpose of a ship of war is to place the guns on the scene of contest; and what object the committee could have had in not making proper appropriations for the armament of these vessels intended to be ships of war I fail to comprehend. My colleague [Mr. HUTCHINS], who has charge of the bill, stated this morning that he thought it worth while not to make the appropriation of $400,000 required for the armament of these vessels until the fact was ascertained with certainty that the vessels themselves would be successful. Is it true, Mr. Chairman, that the committee are under such misapprehension, that they are in such doubt as to whether these vessels will be successful, that it is necessary to save the money needed to arm them until we know that fact beyond question?

Mr. HUTCHINS. Will my colleague allow me to interrupt him for a moment, as I think he misapprehends what I stated? I said that we had appropriated, or that there was appropriated now for ordnance which might be applied to the armament of these cruisers, $584,000.

Mr. REED. How much of that has been expended?

Mr. CALKINS. Every dollar.

Mr. HUTCHINS. A very small portion of it, as I understand.

Mr. REED. Almost all of it has been expended.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CALKINS. Mr. Chairman, I would like to yield some time to my friend from New York [Mr. DORSHEIMER], whose time has been consumed by other gentlemen; but I want to say in this connection that every cent of the money that was allowed or allotted for the construction of ordnance under last year's appropriation bill has either been expended or contracted to be expended, and will be before this year is closed. That is the exact fact, as the Secretary of the Navy informed me himself.

Mr. COX, of New York. And no guns?

Mr. CALKINS. Some are in process of construction, but there will not be half enough, no, not a quarter enough, of money to arm the four vessels now being built, and it requires this $447,000 estimated for to construct the armament for the four steel cruisers.

Now I want to say a word as to the remark of the gentleman from Pennsylvania [Mr. RANDALL] in reference to me, which I do not think he intended to be personal in its application:

Mr. RANDALL. Before the gentleman from Indiana proceeds, as I do not know what language he attributes to me as having applied to him, I would like to be informed what it is.

Mr. CALKINS. The gentleman from Pennsylvania undertook to say that the criticism of the gentleman from Iowa, when he was addressing the committee, was applicable to me because I offered the amendment which came to our committee from the Committee on Naval Affairs.

Mr. RANDALL. The gentleman from Iowa was upbraiding this side of the House for an assault, as he claimed, on the *personnel* of the Navy.

Mr. CALKINS. And the amendment to which the gentleman from Iowa was referring was the amendment of the gentleman from Tennessee [Mr. MCMILLIN], and not the amendment which had been passed by the committee.

Mr. RANDALL. It was in very general terms, and comprehensive.

Mr. CALKINS. Be that as it may, I never yet in this House or in any other place have shrunk from what I believe to be a duty. I believed that the best plan for the Navy, for its honor and glory, to put it on the footing we all want to see it, was to get rid of some of the officers of the staff now on land performing no duty, and who can perform no duty because they have too much rank. As my friend from Illinois said the other day, they would have to run a lighter alongside to relieve them of part of that rank. Every day we hear attacks on the Navy; and when we attempt to do something that will be just to these officers and to put them on the retired-list, where they will all have to go some time, attacks, I think unjust, are made on the Appropriations Committee.

As to the line, I agree with the gentleman from Iowa. We have not got enough line officers. I showed in my speech the other day that we have not as many as we had in 1842. It is the line officers in the Navy that command our ships that maintain the flag of our country wherever the sails of commerce whiten the seas. It is the line officers that I believe this Congress should provide for and provide liberally for. In times of peace we can get along with comparatively few staff officers. In times of war their places can be again filled up. But it is the line officers this House, in my judgment, should protect. Hence, the attack made by the gentleman from Tennessee on the line seemed to me entirely unjust and one which ought not for a moment to be considered by this House.

I regret I could not yield my whole time to my friend from New York [Mr. DORSHEIMER], but I wanted to make these observations to set myself right.

The CHAIRMAN. The gentleman from Indiana has one minute and a half of his time remaining.

Mr. RANDALL. Let me say to the gentleman from Indiana I am incapable of unnecessarily offending anybody. I am quite sure he does not suppose I meant to offend him. When I want to offend anybody I will do it somewhere else than here.

Mr. CALKINS. I know very well the gentleman from Pennsylvania is incapable of doing anything of the kind for the purpose of hurting

my feelings. But when he intimated that I was responsible for an amendment, I wanted to set him right.

Mr. RANDALL. The criticism was general.

Mr. COX, of New York. But the amendment did come from the gentleman from Indiana.

Mr. DORSHEIMER. Will it be in order for me, Mr. Chairman, to offer an amendment?

The CHAIRMAN. It will not be in order now.

Mr. DORSHEIMER. I will reserve what I have to say until another opportunity.

Mr. KASSON. I withdraw the formal amendment.

Mr. WHITE, of Kentucky. I rise to renew the amendment.

The CHAIRMAN. The Chair has recognized the gentleman from New York [Mr. HUTCHINS] who is in charge of the bill.

Mr. BLOUNT. Will the gentleman from New York yield to me for a single moment to give a statement as to the excess of revenues over expenditures for a single year?

Mr. HUTCHINS. I yield to the gentleman for that purpose.

Mr. BLOUNT. I quote from a document furnished by the Treasury Department showing the amounts of estimated revenues and expenditures of the United States in each year from 1863 to 1884 inclusive. The gentleman from Illinois stated that the Forty-sixth Congress found a large surplus of money out of which they might have enlarged the Navy. I find that during the year 1879 the excess of revenue over the expenditures was $6,879,000; and not until several months had elapsed after the expiration of that Congress did there appear to be any great excess. After that Congress expired there appeared in 1880 to be sixty-five millions of excess for the first time and no one had any guarantee of the permanency of that large excess.

Mr. WHITE, of Kentucky. I ask the gentleman from New York [Mr. HUTCHINS] to yield to me.

Mr. HUTCHINS. I do not yield further. I move that the committee do now rise for the purpose of obtaining an order from the House to limit debate.

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

Mr. HUTCHINS. I move that when the House shall again resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill all debate on the first paragraph of the bill, concluding with line 38, and all amendments thereto, be limited to fifteen minutes.

The motion was agreed to.

Mr. HUTCHINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HUTCHINS. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ALEXANDER: Petition of citizens of Mooresville, Mo., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. BROADHEAD: Resolutions of Farragut Post, No. 3, relative to a pension for Mrs. Nina M. Gwynn—to the Committee on Invalid Pensions.

By Mr. FELIX CAMPBELL: Petition of John Lundy and others, for the improvement of Sheepshead Bay, New York—to the Committee on Rivers and Harbors.

By Mr. CONVERSE: Petitions of F. E. Stalez and 18 others, of H. E. Ashley and 24 others, of S. H. Dill and 65 others, of S. L. Scott and 28 others, of J. G. Russell and 217 others, citizens and wool-growers of Ohio; of C. D. Luce and 36 others, of E. J. Ames and 34 others, of H. Colister and 11 others, of C. J. Colby and 24 others, of E. J. Foster and 40 others, of W. M. Fair and 53 others, of Hon. J. M. Neasmith and 72 others, citizens and wool-growers of Michigan; of A. Symes and 15 others, wool-growers of Texas, and of J. T. Monroe and 34 others, wool-growers of California, praying for the restoration of the tariff of 1867 on imported wool—severally to the Committee on Ways and Means.

By Mr. S. S. COX: Memorial of James M. Brady, administrator, &c.—to the Committee on the Judiciary.

By Mr. DIBRELL: Papers relating to the claim of Martha M. Birdsall—to the Committee on Pensions.

By Mr. FIEDLER: Petition of Anthony G. Kroehl and others, employés of W. V. Headly, of Newark, N. J., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. GREENLEAF: Memorial of the Pneumatic Elevator Company and Stephen W. Wood, inventor and patentee—to the Committee on Patents.

By Mr. HENLEY: Petition of wool-growers of the State of California, for the restoration of the tariff of 1867—to the Committee on Ways and Means.

By Mr. HITT: Memorial of George S. Fisher, late consul at Beirut—to the Committee on Foreign Affairs.

By Mr. HOLMES: Petition of citizens of Lehigh, Webster County, and of Angus, Boone County, Iowa, relative to the Chinese restriction act—to the same committee.

By Mr. HUNT: Papers relating to the claim of Cora A. Slocumb, Ida A. Richardson, and Caroline A. Urquhart—to the Committee on War Claims.

By Mr. KASSON: Petition of citizens of Marion County, Iowa, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. LIBBEY: Papers relating to the claim of Benjamin P. Loyall—to the Committee on Claims.

By Mr. CHARLES O'NEILL: Remonstrance of citizens and mercantile associations, relative to bridging the Ohio River and the Great Kanawha—to the Committee on Commerce.

Also, memorial of the Franklin Institute of the State of Pennsylvania, for the appointment of a commission of experts for testing iron, steel, &c.—to the Committee on Appropriations.

By Mr. PETERS: Resolution of the Kansas Cane-Growers' Association, against the reduction of the tariff on sugar—to the Committee on Ways and Means.

Also, petition for the passage of the bill (H. R. 2125) equalizing homesteads—to the Committee on the Public Lands.

Also, petition of citizens of Barton County, Kansas, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. POLAND: Petition of Dr. J. W. Copeland, asking for a pension for Mrs. Elizabeth A. Randall—to the Committee on Invalid Pensions.

By Mr. PUSEY: Resolutions of Fuller Post, Grand Army of the Republic, Logan, Iowa, asking for a pension for all Union soldiers—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. RIGGS: Papers relating to the claim of Capt. J. H. Estes—to the Committee on Claims.

By Mr. ROBERTSON: Papers relating to the claim of Mary A. Holmead—to the Committee on War Claims.

By Mr. CHARLES STEWART: Memorial of citizens of Harrisburg, Tex., and of citizens of Houston, Tex., relative to the Chinese restriction act—severally to the Committee on Foreign Affairs.

By Mr. STOCKSLAGER: Papers relating to the claim of Jesse Durnell—to the Committee on Claims.

By Mr. WEMPLE: Petition of citizens of New York, relative to the importation of aliens under contract—to the Committee on Labor.

By Mr. MILO WHITE: Petition of Mrs. Susie L. Strong and 133 others, of Rev. C. F. Blume and 135 others, and of Sarah R. Crawford and 102 others, citizens of Minnesota, for a sixteenth amendment to the Constitution—to the Committee on the Judiciary.

By Mr. JAMES WILSON: Petition of citizens of Iowa City, Iowa, relative to rebate on tobacco tax—to the Committee on Ways and Means.

By Mr. W. L. WILSON: Petition for the relief of Zadock Williams—to the Committee on the District of Columbia.

By Mr. WOOD: Resolution of Henry S. Lane Post, No. 76, Grand Army of the Republic, relative to pensions, bounty, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, resolutions of Bennett Post, No. 183, Grand Army of the Republic, Department of Indiana, on the same subject—to the same committee.

By Mr. WORTHINGTON: Petition for the amendment of the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. YAPLE: Petition of W. A. Fuller and others, of J. Woodhaus and others, and of E. M. Irish and others, all citizens of Kalamazoo, Mich., relative to the establishment of a branch of the National Soldiers' Home in Michigan—severally to the Committee on Military Affairs.

By Mr. YOUNG: Papers relating to the claim of Louis Morat—to the Committee on War Claims.

SENATE.

WEDNESDAY, *March* 5, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. HARRISON. I present the petition of Will H. Johnson and a large number of other citizens of Montgomery County, Indiana, praying that Congress take favorable action upon various relief measures in behalf of soldiers of the late war. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. HOAR. I present the petition of W. P. R. Estes, late private Company D, Nineteenth Massachusetts Volunteers, and 18 other persons, who were prisoners of war in the rebellion, praying for the passage of Senate bill No. 44, pensioning prisoners of war. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. HOAR. I present a petition of 928 citizens of Cambridge, Mass., praying the passage of the bill favored by the National Civil Service Reform League, repealing the four years' limitation upon the term of service of certain offices. Among the petitioners are the names of a large number of persons highly distinguished in letters, public life, and the various professions, representing, I should think, about equally members of both the principal political parties of the country. I move that the petition be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. HOAR presented a petition of the Woman's Christian Temperance Union of Massachusetts, officially signed, representing 10,000 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

Mr. RIDDLEBERGER presented the petition of Alice Crawford, widow of William Crawford, late private Twenty-third Regiment United States Infantry, praying to be reimbursed for certain losses incurred by her while under the protection of the Government; which was referred to the Committee on Claims.

Mr. HAWLEY presented the petition of James W. King, chief engineer, United States Navy, praying that certain officers of the Navy may have the rank on the retired-list which they held on the active-list; which was referred to the Committee on Naval Affairs.

Mr. MILLER, of New York, presented the petition of 2,500 citizens of the city of New York, praying for the repeal of the act, and acts supplementary thereto, by which the terms of many administrative offices were changed and fixed at four years; which was referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. GARLAND, from the Committee on the Judiciary, to whom were referred sundry petitions and memorials in reference to the interests of the United States in certain property upon which it has liens, reported a bill (S. 1733) to provide for protecting the interests of the United States in respect of any incumbrances on property wherein they have an interest; which was read twice by its title.

He also, from the same committee, to whom were referred sundry petitions and memorials in reference to the collection of statistics touching marriage and divorce, reported a bill (S. 1734) providing for the collection of statistics touching marriage and divorce; which was read twice by its title.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 788) for the relief of Warren Hall, submitted an adverse report thereon, which was agreed to; and the bill was indefinitely postponed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 444) for the relief of Edward Fenlon, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1366) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased, asked to be discharged from its further consideration, and that it be referred to the Committee on Patents; which was agreed to.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 1361) giving a military record to Thomas Miller, reported it without amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 1031) for the relief of W. C. Marsh, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1118) for the relief of Mrs. Louisa H. Hasell, reported it without amendment, and submitted a report thereon.

Mr. FAIR, fron the Committee on Claims, to whom was referred the bill (S. 1170) for the relief of Richard Hawley & Sons, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. ANTHONY introduced a bill (S. 1735) for the benefit of the legal representatives of Asbury Dickins; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 1736) to amend section 985 and to repeal section 986 of the Revised Statutes of the United States of America; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McMILLAN introduced a bill (S. 1737) to restore to certain scouts and soldiers of the United States Army of the Sioux Nation of Indians the money and annuities belonging to them confiscated and forfeited to the United States under "an act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863; which was read twice by its title, and referred to the Committee on Claims.

Mr. CONGER introduced a bill (S. 1738) to provide for the construction of a public building at the city of Jackson, in the State of Michigan, for a post-office and other Federal offices; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McPHERSON introduced a bill (S. 1739) granting a pension to the widow and children of the late Byram Pitney; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER, of New York, introduced a bill (S. 1740) for the erection of a public building at Troy, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. ALLISON, it was

Ordered, That the papers relating to the claim of the officers and others, survivors of the Farragut fleet, for payment of bounty for destruction of enemy's vessels below New Orleans in April, 1862, be taken from the files of the Senate and referred to the Committee on Appropriations.

On motion of Mr. HOAR, it was

Ordered, That the papers in the case of Mary Hopperton be taken from the files of the Senate and referred to the Committee on Pensions.

On motion of Mr. HARRISON, it was

Ordered, That the papers in the case of David G. Porter be taken from the files and referred to the Committee on Pensions.

DISTRICT INDUSTRIAL HOME SCHOOL.

The PRESIDENT *pro tempore*. The Chair lays before the Senate, under the eighth rule, Order of Business 134.

Mr. CONGER. Would it be in order at this time to move to take from the Calendar for its passage a bill?

The PRESIDENT *pro tempore*. It is in order.

Mr. CONGER. I move, then, that Senate bill No. 1519, reported yesterday by the Senator from Michigan [Mr. PALMER], be taken up.

Mr. HARRIS. Let the bill be read by its title for information.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate now proceed to the consideration of the bill (S. 1519) to regulate the powers and duties of the board of trustees of the Industrial Home School of the District of Columbia in respect to infant wards and scholars, and for other purposes. The question is on the motion of the Senator from Michigan.

Mr. CONGER. I made the motion when the chairman of the Committee on the District of Columbia [Mr. INGALLS] was not here, because I am very anxious to have the bill considered to-day. He would have made it probably if I had not. I ask that the bill may be read.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Michigan to now proceed to the consideration of the bill.

Mr. CAMERON, of Wisconsin. I should like to know what special reasons there are, if any, for taking the bill up out of its order.

Mr. CONGER. I think if the bill can be read the Senator will see a reason for it or I can explain it very readily myself.

Mr. CAMERON, of Wisconsin. I prefer to know the reasons before I am called on to vote on the question of taking it up.

Mr. CONGER. The bill is to give power to the Industrial Home School of this District to receive by an instrument in writing from parents children that they propose to take and educate, waifs that they pick up, as they have heretofore done. It provides for some instrument in writing by which the parents may assign to them the control of the children. The necessity for the measure is that children are taken by this institution, clothed and educated for a particular time, and then the freak of the guardian or parent takes them away and puts them again upon the streets exposed to vice. There are several cases of that kind which have occurred lately, and in order that this bill may go to the other House and have consideration there it is very desirable to pass it at once. The Industrial Home School is one which Congress for some years has given an appropriation to aid, and to that extent it is a public institution. I think the reading of the bill will show the propriety of it.

Mr. CAMERON, of Wisconsin. Very well.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Michigan to proceed to the consideration of the bill at this time.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Michigan that in line 4 of the first section there is evidently a misprint. It reads "an instrument of writing;" the Chair thinks it should read "in writing."

Mr. CONGER. Yes, sir.

The PRESIDENT *pro tempore*. If there be no objection that clerical error will be corrected.

Mr. HOAR. I heard the bill read imperfectly. I desire to ask the Senator from Michigan if the bill provides for the care of any property the wards may happen to have.

Mr. CONGER. No, sir, not at all. It provides that either by the courts or by an instrument in writing duly acknowledged children may be delivered to the custody of the trustees of the Industrial Home School for such length of time as the parent or guardian in writing may agree.

The trouble about it heretofore has been that little waifs are taken up, saved from vice and exposure to vice and crime, and taken to this institution, and clothed and educated for a particular length of time, and just at the time when their education is the best perhaps their parents or guardians remove them from it. The trustees have no power to keep them in the institution.

Mr. HOAR. I suppose the Senator does not propose to have the corporation intrusted with the guardianship of the property of wards. Would it not be well to limit the second section by inserting after the word "guardianship," in the sixth line, the words "so far as relates to the person of such wards?"

Mr. CONGER. I have no objection to that amendment. There is none of this class ever known to have property. It is because they are utterly helpless that they are provided for.

Mr. HOAR. Still the first section authorizes any parent or guardian to surrender the custody of an infant to the board of trustees. The next section provides that the corporation may be appointed guardian. There is no limit as to waifs or children without property.

Mr. CONGER. Say "guardian of the person."

Mr. HOAR. I move to amend in the sixth line of the second section by inserting after "guardianship" the words "so far as relates to the person of such ward."

Mr. CONGER. There is no objection to that.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In line 6, in section 2, after the word "guardianship," it is proposed to insert "so far as relates to the person of such ward;" so as to read:

And the said corporation may take and exercise said guardianship so far as relates to the person of such ward to the same extent and under the same obligations and conditions as is now provided by law in the case of natural persons.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION OF CHILDREN.

The PRESIDENT *pro tempore*. The Chair lays before the Senate Order of Business 134 under Rule VIII, being the bill (S. 729) for the protection of children in the District of Columbia. The bill has been already read, and the question is on agreeing to the amendment proposed by the Senator from Delaware [Mr. BAYARD].

Mr. VEST. I should like to inquire what has become of the bill providing for the government of the Yellowstone Park. I understood that that was to come up in advance of this bill.

Mr. GARLAND. That comes under the ninth rule.

The PRESIDENT *pro tempore*. The Yellowstone Park bill stands next. The bill now under consideration went over, the Chair understands, to stand at the head of the Calendar this morning.

Mr. HARRIS. By unanimous consent the bill that the Chair has just laid before the Senate was passed over informally to come up this morning.

The PRESIDENT *pro tempore*. The Chair so understands.

Mr. HARRIS. The bill that the Senator from Missouri refers to was taken up afterward and was being proceeded with when I chanced to leave the chair yesterday morning.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Delaware.

Mr. BAYARD. Mr. President, yesterday there was a very short discussion limited by the rule we then were under, and I presented this amendment as one appealing strongly to the favor of every thoughtful man. There is a class of females referred to in the amendment who are not yet criminals, but who are on the border line of criminality, when any measure that can arrest their downward course is one of great importance, and certainly should be taken if lawfully we may take it.

The objection was raised yesterday that the amendment was an invasion of personal liberty, that it permitted imprisonment without prior condemnation, to prolonged punishment not measured by law; but I think the gentlemen who made that objection have not considered the condition of existing law or the practical fact of that discretionary police power which must be deposited somewhere in every well-regulated community for the purpose of arresting the perpetration of crime, not simply to punish it when committed, but to anticipate and prevent its accomplishment.

When this matter was brought before me by some ladies, residents of this District, warmly interested in the charities of the District and in the amelioration of the condition of the more helpless classes, I found a legislative precedent, and the amendment was drawn chiefly in imitation of an act of the District Legislature to establish an industrial home for women and children, passed on the 26th of June, 1873. That act created an establishment called the Industrial Home for Women and Children, described its purposes, and the third purpose stated was in these words:

A reform school for girls and women, where any incorrigible, corrupt girl or woman of known evil repute and life, who, after the opening of the industrial home, refuses to avail herself of the opportunity for reformation, and refuses employment, and is found soliciting vice upon the street or elsewhere or voluntarily residing in a house of prostitution, may be sent under arrest and may be required to labor at some suitable employment, and to receive instructions and practical training in English branches and industrial pursuits, and may be required to remain until the board of trustees shall deem reformation complete.

This is a legislative precedent which has been acted upon in this District and has been found to be fruitful of beneficial results. This was the precedent. It was from the language of this act that the amendment was drawn, and which I thought I had submitted to the honorable Senator from Kansas [Mr. INGALLS] who is at the head of the District Committee, and which I had the impression received his approval individually. Besides, there was an act of Congress passed on the 6th of May, 1870, and which provides with respect to boys under the age of 16, whose constitutional rights are just as carefully to be guarded as those of a greater age, and who in fact from their tender years are more particularly entitled to thoughtful protection.

The law to which I refer provides:

Any boys under the age of sixteen years who shall or may be liable to punishment by imprisonment under any existing law of the District of Columbia, or any law that may be enacted and in force in said District. Second. Any boy under sixteen years of age, with the consent of his parent or guardian, against whom any charge of committing any crime or misdemeanor shall have been made, the punishment of which, on conviction, would be confinement in jail or prison. Third. Any boy under sixteen years of age who is destitute of a suitable home and adequate means of obtaining an honest living, or who is in danger of being brought up, or is brought up, to lead an idle and vicious life. Fourth. Any boy under sixteen years of age who is incorrigible or habitually disregards the commands of his parents, father or mother, or guardian; or who resorts to immoral places or practices; or who neglects or refuses at the request or command of his parents, father or mother, or guardian, to perform labor suitable to his years and condition, or to attend school.

SEC. 2. That whenever any boy under the age of sixteen years shall be brought before any court of record of the District of Columbia, or any judge of such court, and shall be convicted of any crime or misdemeanor punishable by imprisonment, other than imprisonment for life, such court or judge, in lieu of sentencing such boy to imprisonment in the county jail, may, with the consent of such boy or his parent or guardian, suspend the sentence of punishment in the case, and commit the said boy to the care, control, and custody of the said trustees, to be taken to the said reform school, to remain until he shall arrive at the age of twenty-one years, unless sooner discharged by the board of trustees. And in all cases where a boy, under the age of sixteen years, shall be brought before any such court or judge upon the charge of crime or misdemeanor, when the accusation against him is deemed supported by evidence sufficient to put him on trial, such court or judge shall have full power to stay all proceedings in the case, and to commit him, in like manner, for such period as such court or judge may determine, but not less than six months.

SEC. 3. That the mayors of the cities of Washington and Georgetown, and the president of the levy court of the District of Columbia, respectively, shall have full power to commit to the care, control, and custody of the board of trustees of said reform school, with the consent, and at the proper expense, of his parent or guardian, for such term as the board of trustees may determine, any boy such as is described in the third and fourth clauses of section one of this act.

I read this to show that the present amendment is simply following in the line of a wholesome, moderate, and entirely safe precedent in legislation in this District. I hope that Senators will give their approval to this attempt practically to aid a disinterested effort, founded upon private organization, and sustained up to this time by private means. I trust they will give it their approval by allowing this species of semi-parental control, discretionary in the magistrate, where these vagrant women and girls shall be found hanging upon the very verge of ruin, so that there may be the authority to commit them to a safe, kindly, and careful ministration and custody, where they will be sheltered from immoral associations and be taught the means of earning an honest livelihood. The institutions are here. They speak for themselves. They have been engaged in this work.

The PRESIDENT *pro tempore*. The time of the Senator from Delaware has expired. We are now under the five-minute rule.

Mr. COCKRELL. I ask unanimous consent that the Senator from Delaware may be allowed to proceed.

Mr. BAYARD. Are we proceeding under the five-minute rule?

The PRESIDENT *pro tempore*. On this bill.

Mr. BAYARD. I do not know that there is anything further for me to say. I hope the Senate will adopt the amendment.

Mr. COCKRELL. I ask unanimous consent that the Senator from Delaware may be allowed to proceed.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the Senator from Delaware be allowed to proceed.

Mr. INGALLS and others. Consent.

Mr. RANSOM. I hope he may be allowed to go on.

The PRESIDENT. Is there objection? The Chair hears none, and the Senator from Delaware will proceed.

Mr. BAYARD. I have a note here from a gentleman who was once the chief of police of this city and afterward one of the commissioners of the District, a well-known and highly-respected citizen of this city for the last thirty years at least. I refer to Maj. Thomas P. Morgan. He wrote me this note:

MY DEAR SENATOR: I am glad to know that you favor the movement in behalf of the unfortunate and are giving your assistance to obtain the proper legislation to accomplish the great end. I am and always have been an earnest advocate of the proposed establishment of the House of the Good Shepherd. If I can give you or the committee any information touching this important matter I would be pleased so to do.

I could confirm this with other letters of a similar tenor. But of this I am satisfied, and this it is that has enlisted my voice in behalf of the amendment.

I for one am only too grateful when I can discover intelligent, active, organized benevolence performing those duties toward the unfortunate classes of society to which I and every other man in this Chamber feel that we owe a debt of duty. Public spirit so far as I have been able to observe, disinterested effort to serve the public without pecuniary reward and simply for the sake of performing a duty of humanity that rests upon each of us which ought to rest upon all of us and yet which is so seldom attended to by any, is rare. I mean to say that whenever I find upright, intelligent persons devoting themselves and their means to a public charity I feel myself personally indebted to them, I think society as a whole is greatly indebted to them. Here we have two charitable institutions that I propose Congress should now aid, and in what I consider a duty of Congress, organized charities founded upon private means, sustained by private means, who have never yet had from Congress a farthing in aid of the meritorious acts to which they have so zealously devoted themselves.

Now, when the opportunity comes under the form of a wise and beneficent police regulation to strengthen the hands of those who are engaged in well-doing, when it is justified by the legislative precedents which I have before me and have read to the Senate, I trust there may be no hesitation, considering the condition of this District, considering the anomalous form of its government, that it has no representative in either branch of Congress, that the people have no powers of local self-government, that they can not tax themselves and they can not refuse to pay the tax that others and strangers lay upon them, the duty upon Congress is more manifest. I think there have been few propositions appealing to just discretion and benevolence regulated by law than the proposition which I have had the honor to make to the Senate and which I hope will receive their approval.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Delaware, on which the yeas and nays have been ordered.

Mr. SHERMAN. I should like to have it read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add to the bill:

That whenever any female vagrant or incorrigible corrupt girl or woman of known evil repute and life is found soliciting vice upon the streets or elsewhere, or residing in a house of ill-fame, she may be sent under arrest either to the Home of the Good Shepherd, or to the Home of the Association for Works of Mercy, and required to labor at some suitable employment, and receive instruction and practical training; and the sum of $10,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to pay for the support of such class of females in the said institutions, one-half of said sum being applicable to each of the said institutions.

Mr. RIDDLEBERGER. I suppose we are all in accord with the Senator from Delaware in the accomplishment of the object of his amendment, but I undertake to say that if that amendment is ingrafted upon this bill no Senator who reflects upon it can vote for the bill. It virtually destroys the bill, and I put my objection upon high constitutional ground. The Senator from Delaware, if he is within the Constitution, by this amendment will accomplish much more than the correction of some of the evils that prevail in the District of Columbia. If you can without warrant and without process arrest one citizen, man or woman, of the District of Columbia and confine him or her in any place, call it what you please, a prison or a place of charity, and there compel him or her to labor, as the amendment provides, without trial by jury, then I say you can go into Salt Lake City, make the United States Army a police organization, and arrest every polygamist there and confine him without trial, and you can break up polygamy by this same process.

Sir, we have to consider these matters from a higher point of view than I have heard the Senator this morning advance. We have no more right to invade a house in the District of Columbia and take out people and confine them in a prison and subject them to labor—for such are the words of the amendment, save only that for "prison" here is substituted a charitable institution—than we have to go out into the States of this Union and take people and confine them without trial.

If there is any privilege guaranteed in this country that is higher than another, it is first that no person shall be arrested without due process of law, and second that every one arrested shall have the right to bail, and certainly shall not be put on trial without indictment or information, and certainly shall not be confined in a prison-house of any sort, I care not what the name of it may be, without a trial by a jury of his peers. The amendment goes beyond all that, and asks every Senator on this floor to vote that for some peculiar immoral practice which obtains here, as it obtains everywhere, this fundamental principle of the Constitution than which there is nothing higher and which I regard as the foundation upon which the whole superstructure of our institutions is built shall be violated.

I can indorse all the object, all the purpose of this amendment; but I care not what the offense may be, I care not who may commit the offense, I will always hold that there shall first be process for arrest, next there shall be indictment on information, and next there shall be all the incidents of trial, the right to bail, to a speedy, a public, and not an inquisitorial trial, and that finally there shall always be the presumption of innocence, and there shall be no conviction except by a jury, and no imprisonment until all these forms have been gone through with. This, sir, is the reason that I oppose the amendment, and if it be put upon the bill I can not conscientiously vote for the bill as it would stand if amended. The bill in terms is a bill to prevent the abduction of children. That was the object of the committee, that was the object of the gentlemen who framed the bill, it was the object of the judge of the police court who conferred with us about it; and I take it that when we have reached that point we can not go any further, we can not say that we will arrest these people and imprison them without trial. That we can not do, but we can use the preventive which this bill offers to the Senate and to the District of Columbia.

Mr. BAYARD. Mr. President, I merely wish to say that the amendment provides nothing new touching the liberty of any of these unfortunate people to whom it relates. If the Senator's mind is greatly wrought up to protect the personal liberty of the unfortunate class mentioned in the amendment he will find himself fully occupied by the terms of existing law. The power of arrest of this class of people exists to-day, and this amendment does not enlarge it.

Mr. RIDDLEBERGER. Will the Senator permit me to ask him whether this power to arrest subsists anywhere except in the legally constituted authorities of the District, and whether this amendment does not give that power to anybody and everybody in the District?

Mr. BAYARD. The question is too large to be answered whether it exists anywhere. I say it exists in this District under the authority of acts of Congress. I have them before me, and have read them, showing a discretion far greater in the court than any proposed by my amendment. The Senator misapprehends the scope of this amendment.

Mr. RIDDLEBERGER. Permit me to ask the Senator further whether the act of Congress allowed arrest in a house and whether it goes to the extent of allowing any citizen of the District of Columbia to make that arrest; and is not that the scope of the amendment?

Mr. BAYARD. No; the scope of the amendment will be found simply to allow the usual mode of arrest and committal by the magistrate, instead of sending one of this unfortunate class to jail, sending her where contamination will be stamped upon her, to commit her to a gentler, less degrading, and more merciful custody, where her morals and well-being will be protected in a way that no jail can provide for. That is as I understand the only effect of the amendment.

Mr. BUTLER. The house to which they are to be sent is not a penal institution.

Mr. BAYARD. Not at all. It is not a penal institution. They are not sent there for punishment. They are sent there for safety and protection. Private benevolence has provided Magdalen asylums for those who have fallen; and this is a proposition simply to stretch out a friendly hand and to prevent their falling, the ounce of prevention that is worth ten thousand pounds of cure. This is not punishment; it is protection. It is not the deprivation of liberty beyond that which the law to-day I believe in every well-regulated community permits. When these people are found in the condition described by the amendment,

Any female vagrant or incorrigible corrupt girl or woman of known evil repute and life is found soliciting vice upon the streets or elsewhere—

Certainly she is a subject for legal arrest then and for that cause—

or residing in a house of ill-fame.

Then comes the provision of the amendment that she may be sent where? To prison? To the association of people more vicious than herself? Not at all. This does not provide for that. She is not to be sent to jail; she is not to be shut in a cell; she is to be placed in the merciful custody of these charitable institutions where she shall be protected and receive food, clothing, shelter, and instruction in the arts of practical industries suitable to her sex, taught to be a good laundry-woman, taught to be a good seamstress, fitting her for honest and gainful occupation in life, so that when she goes forth, and at any time can go that she is fit to go, not to resume the evil practice and danger from which she once had been rescued, that she shall be enabled to go forth without shame to add to the respectability of society and not to its danger and degradation.

It is a mistake to suppose that there is a curtailment of liberty under this proposed amendment. Every curtailment of the liberty of this class exists to-day under the laws of the District. It is simply a question as to whether the persons in such danger or so offending shall be committed to the charge of these benevolent institutions, or whether they shall be sent to the prisons of the District where all the dangers from which they were sought to be rescued are intensified and where the criminality from which this amendment is intended to rescue them will become a fixed fact.

Mr. President, I apprehend that my regard for personal liberty is as great as that of any man. I have never willingly or intentionally violated the principles upon which laws must rest for their justification in restraint of human action; but there is a discretionary police control essential for the arrestation of crime before its commitment, applied to certain unprotected classes, and in regard to which every magistrate fit for his place must be invested with a certain discretion. I could state illustrations of this as given to me by worthy police officers of this city. They become aware that some child of tender years has been brought to this city, has fallen into evil associations away from her home, from all the protecting influences of kindred and affection, and that she has

been inveigled into the very jaws of death. What can he do? Must he wait until her ruin is complete, or may he not take that homeless, helpless young creature and commit her, not to a jail or place of degradation but commit her to the friendly, the womanly, the protecting hands and sheltering arms that these two charitable institutions hold out in such a case? One of the two the Senate will decide upon, the commitment to the jail under the laws as they now stand or the commitment to the protection of one of these two benevolent associations. I prefer the latter, and I hope the Senate will.

Mr. RIDDLEBERGER. The Senator will permit me to ask him whether the bill does not provide for all he is discussing except——

Mr. BAYARD. It does not, because these two institutions I have named are the only two that provide for the kind of oversight and education of which these poor creatures so especially stand in need.

Mr. RIDDLEBERGER. They are the only two that ask pay for it, the only two that ask any appropriation. We have been able to find some other places to put them just as convenient and just as well calculated to accomplish the great object in view without the appropriation of $10,000.

Mr. BAYARD. Mr. President, much more than $10,000 have been paid by private hands in these institutions. To-day I am not prepared to state how many cases, but enough to make Congress see the earnest and excellent and the valuable work that has been done without the aid of a stiver from Congress; and now the question is, is the amount unreasonable or is the object unworthy? I do not think the Senate will vote either to be the case.

Mr. GARLAND. Mr. President, I wish to offer an amendment to the amendment of the Senator from Delaware. In line 4, after the words "may be," I move to insert:

Arrested under a warrant duly issued from the police court of the District of Columbia, and upon conviction thereof by such court shall be sent.

Striking out the words "under arrest."

Yesterday, when I suggested that this bill had better go over, it struck me, on hearing the amendment of the Senator from Delaware read, that there were two things to be considered. The first was that the amendment enlarged the scope of the bill considerably, and the second, that the amendment itself should be more fully considered than the five-minute limit of debate would allow the Senate to devote to it. If the Senator from Delaware will examine the original bill he will see that provision is made for different classes, for arrest on warrant and for confinement after conviction by a court. His amendment, however, omits that, and permits a party, as he uses the language himself, to be arrested, and that necessarily carries with it the deprivation of liberty of the party. It is not worth while to say for how long it shall be done, or whether it shall be done with a rough hand or with a soft hand; still the liberty of the party is interfered with by the very terms of the amendment, "shall be arrested."

While it is true that sending a person to these beneficent institutions might not be termed a punishment, yet it comes in the way of a condemnation of the conduct of the party. It may be true that one of these homes to which she is to be sent is better than other places; it might be a better place than the Senate; it might be a better place to be in than the House of Representatives; but I expect none of us would like to be taken up and sent there even for a supposed crime that we might have committed. This is based upon the idea of supposed crimes, to be judged by whom? By a set of police officers, not judicial in their character; but when they imagine that a person is in a house guilty of ill-conduct or upon the streets guilty of it, all they have to do is to simply seize her and carry her off to this home of correction or whatever it may be called. That is not "due process of law" as we understand it in this country. All the States have laws of vagrancy; but no one can be committed without a conviction according to due process of law. No one can be condemned for vagrancy or any of the crimes or supposed crimes mentioned here in any of the States without a trial as we understand it at common law and a conviction had upon it.

Now, the evils are great; there is no mistake about that; and I sympathize entirely with the Senator from Delaware, as the Senator from Virginia said he did, but we must pause a moment and not vest these police officers, however good they may be, with this great power on mere suspicion to seize a woman or girl and send her without trial or without a hearing even to elysium or to any place better than this home if one could be imagined better. It will not do. It is contrary to the entire theory, to the entire system of our government. When women are seized and sent to an institution in this way without trial, the brand is upon them; you do not avoid the stamp that the Senator from Delaware would seem to intimate you avoid under this process of sentencing to a place of that character. Under this law any policeman, through caprice, through prejudice, through malice, or through hatred, can strike down the finest girl in the District. It will not do. I think the Senator from Delaware has put in his proposition rather prematurely. If the law as it now stands is as he reads and interprets it—I have not examined it—it should be repealed at once. I think with the amendment I have suggested all the good is accomplished that can be reached in this matter and under due forms and ceremonies of law.

Mr. INGALLS. Mr. President, the bill reported by the Committee on the District of Columbia for the protection of children in the District and for other purposes had a well-defined and ascertained object. It was intended to prevent on the part of unnatural parents and cruel guardians the ill-treatment of infants, to prevent their being abandoned, neglected, mistreated, employed in wicked occupations, or permitted to inhabit houses of ill-fame, and providing that in such cases these little unfortunate waifs should be taken care of and that those who permitted them thus to be mistreated should be punished by penalties provided by law. I sympathize fully with the objects that the Senator from Delaware has in view, and I shall not permit him to exceed me in admiration for the self-denying efforts of the noble men and women who have devoted their means and their time in this District, without other compensation than that which comes from the consciousness of well-doing, to the amelioration of the inevitable evils that always attend human society and that have been particularly apparent in this District. He states that his amendment is intended to care for that class which needs the tender hand of charity rather than the severe arm of the law. It seems to me, Mr. President, that the Senator from Delaware can hardly have studied the language of his amendment. If the first four lines of this amendment do not describe hardened and abandoned criminals, I think that the dictionary would be searched in vain for epithets:

That whenever any female vagrant or incorrigible corrupt girl or woman of known evil repute and life is found soliciting vice upon the street or elsewhere, or residing in a house of ill-fame, she may be sent under arrest to either the Home of the Good Shepherd, or to the Home of the Association for Works of Mercy.

Mr. President, language would be scrutinized in vain for words that would more definitely describe the outcast, the hardened, abandoned, and reckless characters that infest our streets and that constitute one of the most dangerous classes of modern society; and yet the Senator says that the intention is, by his amendment, to deal gently with the erring, to uphold and sustain those who are in danger of falling, and to place under them the sustaining hand of mercy in order that they may be reformed without being subjected to the dangers of continued evil life.

The amendment, even as modified by the Senator from Arkansas, is entirely inconsistent with the purposes of the bill reported by the committee. It has no connection with the subject-matter of it. It deals with a different question and with a different class of criminals, and I submit that it opens the door to one or two very dangerous propositions.

In the first place, as has been significantly pointed out by the Senator from Arkansas and the Senator from Virginia, it is unquestionably one of the most absolutely indefensible invasions of personal rights that could possibly be put in language. Without previous information, without any of the preliminary steps required by law, without requiring arrest by any officer of the law, absolutely without definition of authority, it authorizes, if I can read the language of the amendment correctly, any person to invade any house that may be alleged to be of evil repute and seize upon any female person that may be a resident thereof, and without trial and without conviction send her to one or the other of these two houses of refuge for an indefinite period of time It is an incarceration. It says these persons shall be required to labor at some suitable employment and receive practical instruction and training; and when that incarceration is to end, or when the objects of the law are to be held to have been accomplished, is left entirely, so far as I am able to perceive, to the discretion of the trustees or governing agents of these two institutions.

Mr. President, that is going too far. No one has a stronger desire than I have to uphold and sustain all great reformatory measures. The object of these statutes is the reformation of the offender and the protection of society. God alone has to do with punishment. And how the Senator from Delaware can justify upon either of these great objects of remedial and reformatory statutes the course that he proposes I am not able to understand.

Again, Mr. President, this is an unsavory subject to deal with. It is not a delicate matter to discuss. It deals with matters that are not fragrant and that are not agreeable to contemplate. But it appears to me, speaking plainly upon this subject, that the result of this amendment would be to turn over all that immoral class to which the amendment refers, all the harlots and prostitutes of this District, absolutely without limitation, to the care of these two institutions at the expense of the Government of the United States. That is a pretty large contract. It is a matter that I presume the Senator from Delaware would not think it within the purview of appropriate legislation to endeavor to accomplish; and yet the terms of his amendment are so broad, the language is so sweeping, that there is no escaping from this conclusion. There is no woman who comes in this category, no woman who has led an evil life, who is corrupt, incorrigible, of evil repute, who solicits vice upon the street or resides in houses of ill-fame, whether they be ten or whether they be a thousand, that may not be immediately taken into custody and turned over to the governing agencies of these two institutions and supported and maintained for an indefinite period of time at the expense of the United States Government.

Mr. President, that certainly is a dangerous principle to recognize. I believe with the Senator from Delaware in the reformation of offenders, that those who are in danger of falling should be protected, that those who are exposed to temptation should be fortified, and that every pos-

sible bulwark and barrier and rampart should be built up not only to protect society from these evils but to reform the offenders; and that we attempt to do in the bill which the committee have reported. This juvenile class, these young girls, children, who are wandering abroad upon the streets without shelter and without means of support, who are liable to become inmates of houses of ill-repute, society takes hold of with gentle hand, and they are to be turned over to these various institutions of charity for reformation and for care. But that in a bill of this kind, without due process of law, in violation of every one of the safeguards that surround personal liberty, we should be called upon in this summary manner to take charge of this dangerous class of our population is something that I believe on reflection the Senator from Delaware will admit ought not to be done. The subject should be dealt with in some other bill. I hope that he will see his way clear to enable us, without embarrassment and without the difficulties that will arise in the minds of some who desire to support this bill, to adopt this measure, which I am sure will commend itself to his own judgment, to his own sense of right, and to his own desire to protect society against those evils which his amendment deals with. That amendment exposes us to dangers and difficulties of such a nature that to my judgment the proposition ought not to be appended to this measure.

Mr. BAYARD. Mr. President, when this subject was brought to my attention by residents of the District entirely entitled to my respect, I approved warmly of the idea of committing this unfortunate class of people, not to prison, not to a penal institution, but to a wise practical charity, and for that purpose that the Government should lend a portion of the public money to eke out private expenditures. It was difficult to find the precise nomenclature for this class of people, difficult to define the class whom it was intended to include, and I turned to the precedents of the legislation of this District, and I found in 1873 on the 26th of June, the Legislative Assembly of the District had provided for the care and for the compulsory restraint of a large class of girls and women who were to be committed to the Reform School. The language there used was:

> A reform school for girls and women, where any incorrigible, corrupt girl or woman of known evil repute, &c.—

Shall be committed. So in order to include another class not so vicious I interpolated the word "vagrant," and I believed then, and with due submission to my friend from Kansas I believe now, that the term "vagrancy" does not necessarily impute vice. I find in a lexicographer of authority that a vagrant is "a wandering, idle person, one who lives idly; no settled home; a strolling beggar." Now I apprehend that all of these descriptions may apply to a young girl or woman who is not vicious but who, as we all see from these descriptions, is very apt to become so.

The effect of the amendment of the Senator from Arkansas, to a great part of which I take no exception but to a part of which I do take exception, is that he would require conviction to precede the relief which I design to procure. With due respect to him, that would defeat the very object I have in view. It is not where the sin has been committed, it is not where the vice has been irreclaimably established, it is for those who are about to be and in the very nature of things will become vicious that this relief is sought to be extended. If it be thought proper that warrant in due form should issue upon the statement of a police officer or any citizen who knows the fact, I have no objection; and in truth, considering that this would run in with the rest of the bill and be subject to the construction of the former sections, I took it for granted that this would not be a mere summary verbal execution of the power without limit; I took it for granted that the issue of process in due form was implied in this additional section of the law which I propose.

While I will not say that reflection might not provide a definition more accurately suited to the class contemplated for relief, yet I do believe that the word there used, "vagrant," will include a class not yet irredeemably vicious. If that be so, the fact that it will also include those who are vicious and whose reformation we also seek, does not weaken the force or the value of the amendment that I have proposed. I take it the whole force and meaning, certainly the object I had in view, was that there should not be a commitment to the common jail, which ought only to occur after conviction, but that there might be the commitment upon due examination of the case, as has been provided by the act which I have read in relation to the youth of the other sex. The law of 1870, approved by the President, and passed of course by Congress, provides:

> And in all cases where a boy, under the age of sixteen years, shall be brought before any such court or judge upon the charge of crime or misdemeanor, when the accusation against him is deemed supported by evidence sufficient to put him on trial, such court or judge shall have full power to stay all proceedings in the case, and to commit him, in like manner, for such period as such court or judge may determine, but not less than six months.

That is a commitment to a penal institution. I propose nothing of the kind. If it should turn out that there has been misapprehension, if the extravagant illustration which has been used of the entry into respectable houses in this city should prove true, if the liberty of worthy and refined and excellent people should be sought to be imperiled by the outrage, for such it would be, of a false charge of this nature, the remedy is immediate, and the punishment would follow. But you must deal with facts practically——

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Chair must call the attention of the Senator from Delaware to the fact that his five minutes have expired.

Mr. BAYARD. I understood, if the Chair pleases, that we were not proceeding in this case under the five-minute rule. I was so assured by the Senator who preceded the honorable Senator in the occupancy of the chair.

The PRESIDING OFFICER. This bill has not been relieved from the operation of Rule VIII; and under Rule VIII no Senator can exceed five minutes, nor can any Senator speak upon the same question oftener than once.

Mr. BAYARD. May I inquire whether there was not permission asked and given by unanimous consent that I should exceed the time?

The PRESIDING OFFICER. Upon another occasion the Senator's time was extended by unanimous consent to any extent the Senator chose to proceed, but that unanimous consent can not be considered to apply to a second, or a third, or a fifth speech.

Mr. BAYARD. This is, I believe, the second, and not the third or fifth; but I bow to the construction of the Chair.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Arkansas to the amendment of the Senator from Delaware.

Mr. INGALLS. In order to obtain the sense of the Senate on this proposition without requiring two votes, I move to lay the amendments on the table.

The PRESIDING OFFICER. The Senator from Kansas moves to lay the amendments on the table.

Mr. BAYARD. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HOAR (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY]. I do not know how he would vote. Of course there is no politics in this question, but I will abstain from voting, as this is an amendment of his colleague's.

Mr. SAWYER (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. If he were here, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 36, nays 18; as follows:

YEAS—36.

Aldrich,	Garland,	Logan,	Pike,
Blair,	Groome,	McMillan,	Platt,
Brown,	Harris,	Mahone,	Riddleberger,
Cockrell,	Harrison,	Manderson,	Sherman,
Coke,	Hawley,	Maxey,	Slater,
Conger,	Ingalls,	Miller of Cal.,	Vance,
Cullom,	Jonas,	Miller of N. Y.,	Van Wyck,
Dawes,	Jones of Nevada,	Mitchell,	Vest,
Frye,	Lapham,	Morrill,	Walker.

NAYS—18.

Bayard,	Colquitt,	Hampton,	Pendleton,
Beck,	Dolph,	Jackson,	Pugh,
Butler,	Fair,	Kenna,	Williams.
Call,	Farley,	Lamar,	
Cameron of Wis.,	George,	McPherson,	

ABSENT—22.

Allison,	Gibson,	Morgan,	Sawyer,
Anthony,	Gorman,	Palmer,	Sewell,
Bowen,	Hale,	Plumb,	Voorhees,
Camden,	Hill,	Ransom,	Wilson.
Cameron of Pa.,	Hoar,	Sabin,	
Edmunds,	Jones of Florida,	Saulsbury,	

The PRESIDING OFFICER. The motion of the Senator from Kansas to lay the amendment on the table is carried. The bill is still in Committee of the Whole and open to amendment.

Mr. INGALLS. I think there are some amendments reported by the committee.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the bill has been reported to the Senate and the amendments made as in Committee of the Whole have been concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (S. R. 64) providing for the addition of $10,000 to the contingent fund of the Senate, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 5462) making appropriation to supply deficiency in amount required for expenditure to June 30, 1884, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel of South Pass of Mississippi River, also for gauging the waters of the Mississippi River and its tributaries; in which it requested the concurrence of the Senate.

THE YELLOWSTONE PARK.

The Senate, as in Committee of the Whole, resumed the consideration

of the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

Mr. VEST. For myself I have no doubt of the correctness of the statement I made yesterday, that under that clause of the bill which extends the laws of Montana over the park for the protection of life and property neither the county nor the Territorial authorities of Montana would have a right to establish a license for gambling or for a dram-shop within the limits of the park; but in order to put that question beyond a doubt I have drawn an amendment which I will now offer to the sixth section of the bill. I have been informed by the Delegate from Montana that it is contemplated at the next session of the Territorial Legislature to create a new county out of that portion of the county of Gallatin which lies immediately north of the National Park and adjoining it, and in order that this jurisdiction may be vested in that new county adjacent to the park the amendment deals with that subject also. The amendment is, after the word "provide," in the seventh line of the sixth section——

The PRESIDING OFFICER. The Chair will state to the Senator from Missouri that an amendment in the nature of a substitute having been already agreed to in Committee of the Whole, no change in that amendment can be made while the bill remains in committee. Amendments by way of additional sections would be in order, but no change or modification of the former amendment. When the bill is in the Senate, then it will be open to amendment in every respect.

Mr. VEST. I was not aware of the fact that the amendment reported had been adopted.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole. Now the amendment proposed by the Senator from Missouri will be in order.

Mr. VEST. I move, then, to amend the amendment by inserting in section 6, line 7, after the word "provide:"

Or of such county as may be hereafter created out of that part of Gallatin County immediately north of the park and adjoining thereto; and it is hereby expressly provided that nothing herein contained shall empower the county or Territorial authorities of Montana to license gambling or dram-shops within the limits of the park or in any manner to interfere with the control of the Secretary of the Interior over the same.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri to the amendment.

The amendment to the amendment was agreed to.

Mr. MCMILLAN. In line 17 of section 4, after the word "possession," I move to insert "within the said park."

Mr. VEST. I hope that amendment will not be adopted, because if adopted it would nullify the object of the section entirely. Dead bodies of the game killed in violation of this law would be taken outside of the limits of the park, and the parties having possession of them would not be amenable to any punishment. There is another portion of the bill which prohibits railroad companies and express companies from carrying these bodies within the park. It simply amounts to nothing, I will say to the Senator from Minnesota, to say that these persons shall be punished if the bodies are found in the park, because as soon as they kill the game and load their wagons they would immediately hurry to the limits of the park, and when they were over in the adjacent territory there would be an end of it; they could laugh at the law, take their game to market, and freely commit the very offense we propose to prevent.

Mr. MCMILLAN. I think the Senator from Missouri does not apprehend the effect of this amendment. The portion of the section to which my amendment applies affects the question of evidence merely, and not of the commission of the offense. The bill, as it is reported by the committee, provides that:

Possession of the dead bodies, or any part thereof, of any of the animals or birds hereinbefore mentioned shall be *prima facie* evidence that the person or persons having the same are guilty of violating this act.

This is only a question of evidence, and as the bill now stands any person found in possession of the dead bodies, or any part thereof, of any of the animals or birds killed in any place, would be presumptively guilty of having committed the offense within the park. Persons in possession of these dead bodies of birds or animals at any place in the vicinity would be presumed to have killed them in the park. The bill presumes guilt outside of the limits of the park. This is certainly a burden which should not be thrown on any citizen. It is a violation of the presumption of innocence where a person is charged with a crime, and the amendment only qualifies the provision with respect to the effect of the possession as evidence. Of course the fact of guilt may be proved by any other evidence.

Mr. HARRISON. May I ask to have the amendment reported for information?

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. On page 9, section 4, line 17, after the word "possession," it is moved to insert "within the said park;" so that the clause will read:

Possession within the said park of the dead bodies, or any part thereof, of any of the animals or birds hereinbefore mentioned shall be *prima facie* evidence that the person or persons having the same are guilty of violating this act.

Mr. HARRISON. I do not think that the section as it stands is at all susceptible of the interpretations which the Senator from Minnesota places upon it. The offense prohibited is the killing within the park. Certainly the possession is a possession within the limits where the killing is prohibited, even as the section reads. The Senator as a judge—and if his ambition runs that way I hope he may be—I think would hardly decide that under this section the possession of a part of a buffalo or deer here in the District of Columbia was intended to be made *prima facie* evidence of a violation of the law against killing a buffalo or a deer in the National Park. Still, if his amendment only makes it clearer and he desires it, I have no objection.

Mr. MCMILLAN. I think it had better be inserted as a construction of the act. I think there would be a very great difference of opinion on the position taken by the Senator from Indiana upon the language as it stands.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Minnesota [Mr. MCMILLAN] to the amendment made as in Committee of the Whole.

The amendment to the amendment was agreed to.

Mr. INGALLS. I move to strike out section 3 beginning at the words "and the Secretary of War," in line 11 inclusive, to the close of the section. Let the Secretary report the part to be stricken out.

The SECRETARY. In section 3, after the word "act," in line 11, it is proposed to strike out the words:

And the Secretary of War is hereby directed to make such details of troops as the Secretary of the Interior, with the approval of the President, may require for the purpose of preventing trespassers or intruders from entering the park with the object of destroying the game therein or other illegal purposes, and for removing such persons from the park.

Mr. INGALLS. Mr. President, the amendment of the committee places this territory, as I understand, under the jurisdiction of Montana or Wyoming——

Mr. VEST. Montana.

Mr. INGALLS. Montana. In addition to that it is placed under the control of the Secretary of the Interior; and as if that were not sufficient, the Secretary of the Interior is directed to call on the Secretary of War to use the Army for still further protection of this region. While I doubt the propriety of the Government going into the show business, or engaging in the protection and exhibition of geysers, still as it appears to meet the approbation of the committee that this shall be done, I suppose nothing further can be said except to suggest that the provisions for the regulation of this territory are anomalous. If offenders against the laws of the United States are to be punished, it would seem that there should be some reason more than has been given why in addition to being subjected to the penal statutes of Montana they should also be subjected to the arbitrary directions of the Secretary of the Interior, and still further than that, put under martial restraint and expelled by the Army of the United States. I can not understand why this extraordinary aggregation of power should be created with regard to this particular portion of the territory of the United States. Practically it places it under martial law. I can not conceive that there is any such great danger of invasion, or insurrection, or violation of the primal rights of man, that the ordinary tribunals of the land will not be sufficient to punish those who may offend against the provisions of this proposed act.

Mr. VEST. As to the propriety of Congress having passed the act setting apart the National Park originally I have very little to say. The park was created by Congress before I was a member of this body, and the act was passed, I believe, with great unanimity. The question presented now to the Congress of the United States is whether the park shall be abandoned and left without law, without control, and given up to the vandals who go in for the purpose of destroying the game and the objects of curiosity and wonder in the park.

As long as it is a park and as long as the statute remains unrepealed which created it it ought to be protected, and it ought to be made what the act says it should be, a place of recreation and resort for the American people. If it is proposed to turn it back into the public domain, then the act should be repealed and the geysers and all the other objects of wonder and curiosity in the park should be put up to be grabbed by the first party who can enter them at the General Land Office of the Government. I take it for granted, as the act is unrepealed, that Congress proposes to protect the park.

Heretofore there has been no legal jurisdiction over the park. There have been three murders committed there within the last eighteen months, and the offenders have gone unwhipped of justice. Wyoming has no jurisdiction over it, because the terms of the original act set it apart as a national park and take it out of the public domain. If there is any analogy to this statute upon the statute-book of the United States it is the act creating the District of Columbia. The courts of Wyoming have no jurisdiction, the courts of Montana have no jurisdiction, the Federal courts have no jurisdiction over this territory; and the result has been that no punishment can be inflicted for any crime known to the criminal law. This state of things of course can not continue. Recently the park has been largely visited. Hotels have been constructed there, against my judgment, but they have been constructed, and a population has gone there, temporary in its nature it is true, but a popula-

tion among which crime can be and is committed, and there must be some punishment provided for it.

While the bill which the Committee on Territories reports puts the park under the jurisdiction of the laws of Montana, the park itself is so far removed almost from civilization that parties of men have gone in there continually and are in the habit of going in there in numbers of five and ten and even twenty, armed to the teeth, for the purpose of destroying the game in order to ship it to market. Two thousand elk were killed there in one season. There has been no authority there to resist these men. The Superintendent of the park, with ten assistants, men unused——

The PRESIDING OFFICER. The Chair will state to the Senator from Missouri that, the hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday.

Mr. VEST. I move that the consideration of this bill be continued.

Mr. PENDLETON. I should like to ask the Senator from Missouri how long the consideration of the bill will take.

Mr. VEST. It will take only a very short time.

Mr. PENDLETON. I have no objection to giving unanimous consent for the consideration of the bill for a few minutes, if that will answer the purpose of the Senator.

The PRESIDING OFFICER. Is there objection to continuing the consideration of the bill by unanimous consent, for what length of time?

Mr. PENDLETON. Subject to the call that I shall make if it is not soon disposed of.

The PRESIDING OFFICER. Subject to the call of the Senator from Ohio. The Chair hears no objection. The Senator from Missouri will proceed.

Mr. VEST. I was about to say that the force at the command of the superintendent of the park under the amendment to the sundry civil appropriation act which we passed at the last session, that force consisting of ten assistants, is utterly inadequate to cope with the hunting parties that go in in sufficient numbers and so armed that they can bid defiance to the superintendent and to his assistants.

The park as organized to-day has within it 3,300 square miles. If the bill passes 2,000 more square miles will be added to it, and every Senator will recognize at once the propriety of giving to the Secretary of the Interior the power to call upon the Secretary of War in addition to the civil authorities for such number of troops as may be necessary to protect the game in the park and to resist trespassers and marauders within its limits. It is no extraordinary power, because the National Park is in such a condition that at times nothing but the Army amounts to anything, and it is absolutely necessary to have such a provision in order to protect it.

Mr. INGALLS. The bill is an illustration of the mischiefs that always attend the undertaking by Government of any work which should be left to individual enterprise. In my judgment the best thing that could be done with that Territory would be to remand it to public domain, and allow the curiosities that exist there, the game that lives there, and the waters that flow there, to be taken care of as the other great objects of interest in this country are, by men who feel a special individual interest in them.

We are entering upon what will eventually be a department of this Government in the control of the Yellowstone Park. We have already placed it under the control of the laws of the Territory of Montana and made it an appanage of the county of Gallatin. In addition to that, as I said, the Secretary of the Interior is authorized to make and publish rules and regulations for its government, for the management and care of the Territory, for the preservation of timber, mineral deposits, natural curiosities, wonderful objects, and for the preservation of the game animals found in the park, and to prevent their capture or destruction. As if that were not sufficient, he is authorized to call upon the Secretary of War, without limit as to the number of troops that are to be employed, and upon suggestion have the Army of the United States turned in there to expel trespassers and to carry out the objects for which the reservation was made. In addition to that, the superintendent and his assistants, who are appointed by the Secretary of the Interior, are required to reside continuously in the park, and it is made their duty to protect the game and public property, to preserve the peace, and to prevent crime. For this purpose, in addition to all the other powers conferred upon the Territorial officers of the Territory of Montana, the Secretary of the Interior, the Secretary of War, and the Army of the United States, they are authorized to arrest all persons committing any crime or misdemeanor within the park, and to have all powers and duties conferred by law upon the sheriffs and constables for the Territory of Montana and their deputies. So that for this sacred domain that is withdrawn from the operation of the public land laws of the United States we have an anomalous system of government such as is found nowhere else upon the face of the earth, confounding the functions of various departments of the Government and exposing persons who violate the law to multifarious and complicated punishment.

But this is not all. The superintendent and assistants are to be paid large salaries. The superintendent is to be paid an annual salary of $2,000, and he is to have a corps of fifteen assistants, who are to be paid annually $900 each. Then, beyond this, the Secretary of War is required to detail an officer from the Corps of Engineers, whose duty it shall be to survey and lay out suitable roads in the park, to select the proper location for bridges, and his estimates as to the cost of all these improvements are to be submitted to Congress through the Secretary of War, with other recommendations in regard to improvements that are to be made.

Mr. President, we are on the threshold of a very large and constantly increasing annual expenditure for the improvement of this property. I have not been able to compute yet the amount that will be necessarily expended under the terms of this bill, but it will be many thousand dollars, in addition to the indefinite amount that is to be appropriated on the suggestion of the Engineer Department with regard to permanent improvements which are to be made there for the purposes of pleasure and recreation hereafter.

I should be glad, as I said before, if this whole project would be abandoned. There are other great natural objects of interest in this country, the cañons of the Colorado, and inaccessible mountain summits, and cataracts, and caverns in the earth, and other objects and places that it would be agreeable to visit and that it would be acceptable to the people in the neighborhood to have protected and cared for and decorated and ornamented at the expense of the Government of the United States. I think the original segregation of this territory from the public domain was a mistake, a mistake that is becoming more apparent as time goes on and as we see the great expense which is ultimately to be involved; but in any event I should hope that until there is greater evidence of necessity for departure from the ordinary constitutional protections which surround the citizen that portion of the bill which authorizes martial law to be declared and the Secretary of War to order the Army turned in for the purpose of expelling offenders might be omitted from the bill.

Mr. VEST. If the Senator will permit me before he takes his seat, I will say that that can only be done upon the approval of the President, who is at the head of the Army, and only in extraordinary cases. That is the provision of the bill.

Mr. HARRISON. I think the suggestion made by the Senator from Missouri [Mr. VEST] is quite an adequate answer to a good deal that has been said by the Senator from Kansas [Mr. INGALLS]. The provision of the bill which it is now sought to strike out is not one belonging to the ordinary administration of power. It is an extraordinary remedy, one that never would be invoked unless a case should arise such as has been suggested.

Mr. INGALLS. Such as what?

Mr. HARRISON. Such as the Senator from Missouri has suggested. If an armed body of men, fifteen or twenty men, as he said, armed as those men are, and desperate as some of them are, should go in, defying the laws which have been made for the park and should enter upon a wholesale slaughter of the game there, then under this provision, which could only be put in force by an appeal to the power of the President as the head of the Army, those men might be removed from the park. It may be that we shall never need to call into exercise the power conferred in this provision of the bill. Perhaps I should not be going too far if I said probably we never shall; but the time may arrive when it would be needful, and as it is not likely to result in harm I think it would be wise to leave the provision in the bill.

I do not feel disposed, any more than the Senator from Missouri, to follow the Senator from Kansas in the wider discussion which he suggests, whether we have not made a mistake in establishing the National Park. It has been done. I believe I would be willing to go further. Indeed, I did at the last Congress introduce a bill setting apart and withdrawing from occupation the cañon of the Colorado, to which he has referred. I believe it was wise to make the provision with reference to the Yellowstone Park. There may be other sections of this country which should be brought under similar regulations. I would not, however, include under such regulations those inaccessible mountain peaks to which the Senator from Kansas has referred.

Mr. DAWES. I think if my views of this matter were what those of the Senator from Kansas appear to be I should have been led with him to offer or to support the amendment which he has moved. If I believed it to be unwise to preserve these great natural curiosities for the effect their preservation would have upon the people, if I thought it was an idle waste of money or something worse than that, I would strike at the vitality of the whole matter and endeavor to undo it as early as I could. But if I believed that it were worth while to do something else than to consider solely the gain in money that comes from any use of the public land, if I supposed it were within our constitutional power to beautify or adorn or preserve that which is already beautiful and grand in scenery about the property and territory of the United States, then I would use all the means necessary for carrying out that purpose. For instance, if I thought it was wise to beautify and adorn the grounds around this Capitol, to make walks, to make drive-ways, to set out trees, to erect fountains, or anything of that kind; if I believed that were within the constitutional power of the Government, and I thought that indirectly good would come of it, then I would take care of it; then I would appoint the Capitol police; then I would subject them to the control of some branch of the Government—the Secretary of the Interior perhaps. I would make them subject to such rules and regulations as the

Secretary of the Interior should make, subject to the approval of the President of the United States; and if it were necessary in order to preserve them from trespasses committed by night and by stealth or trespasses committed in defiance of regulations, I would resort under the Constitution to such necessary force as is at the command of the President of the United States, there being authority somewhere under the Constitution of the United States to make all needful rules and regulations touching the public property and the territory of the United States. I would consider at the outset whether it were worth while to do anything, and if I thought it worth while to do anything then I would use all the means necessary to carry it out, if you are to have a park, if it be worth while not to turn this all over to anybody, through pre-emption laws or homestead laws or tree-culture laws or some other mysterious laws in reference to the public domain, which I do not understand, whereby a man comes up all of a sudden with a thousand acres of public domain without having spent a dollar. I do not know how it is done; I only know it is done. I only know that we have territories of 100,000 or 150,000 square miles to-day every foot of which almost is in the possession of somebody under the homestead, pre-emption, and tree-culture laws, and the whole population amounts to only a few thousand.

If it is best to turn over this National Park to that sort of administration of the law and let the land be preserved or dealt with, to use the language of the Senator from Kansas, as would be certainly the case, somebody would have a homestead on Old Faithful before night. Then I would suggest, as the Senator from Kansas very properly does, to take the vitality out of the bill, not permit the protection of the park. I would not go through the vain and empty pretense of preserving this grand scenery, the like of which hardly exists in the world; I would not go through with the pretense of it before the world, unless I was prepared to take care of it and preserve it. I would make haste to announce to everybody that the first who can light on it shall under some homestead or pre-emption right appropriate it to himself.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. INGALLS] to the amendment made as in Committee of the Whole.

The amendment to the amendment was rejected.

Mr. INGALLS. I move to strike out section 8 of the bill.

The PRESIDING OFFICER. The section proposed to be stricken out will be read.

The Secretary read as follows:

SEC. 8. That the Secretary of War shall detail an officer from the Corps of Engineers, whose duty it shall be to survey and lay out suitable roads in said park and select the proper location for bridges therein; and the Secretary of War shall, upon the report of said officer, make annual estimates for the cost of such improvements, and communicate the same to Congress, with such other recommendations in regard to the park as he may deem proper; and all sums received by the Secretary of the Interior from rents in the park, or arising from fines or forfeitures for violations of the laws and regulations made for the government of said park and protection of the game and public property therein, shall be applied to the improvements hereinbefore mentioned; and the officer or officers collecting said fines and forfeitures shall pay the same to the superintendent of the park, to be accounted for by him to the Secretary of the Interior.

The PRESIDING OFFICER. The question is on this amendment proposed by the Senator from Kansas [Mr. INGALLS]. [Having put the question.] The noes appear to have it.

Mr. INGALLS. I presume that if the amendment were understood it would probably receive assent. I can not suppose that after having reserved this property the Senate desires immediately to enter upon a series of improvements without any information or suggestion as to what is to be done or the amount of money to be expended.

This section provides that the Secretary of War shall at once detail an officer to survey and lay out suitable roads in the park and select the proper location for bridges, and upon that report being made annual estimates are to be communicated to Congress, with recommendations for action, which involves, of course, the expenditure immediately of an indefinite sum of money. It appears to me that considering the remote region and the few that are likely to visit it Congress would hardly be willing at this time to enter upon a system of improvements the amount of which no one can understand and about which no computation whatever has been made. It would be sufficient, it appears to me, if for the present this property is protected from danger by invasion and by the killing of game and by the destruction of the natural objects of interest.

Mr. VEST. The Senator from Kansas is mistaken. I hold in my hand now the printed report of the engineer officer who has been engaged in surveying the park and laying out roads and locating bridges, and the entire amount, as he specifies, of the improvements that are to be made, if all of them are made, will reach $210,000.

If there is any portion of the bill reported by the Committee on Territories which it seems to me should commend itself to the Senate it is the eighth section. Thousands of persons are visiting the park, and the increase will be beyond calculation in the future. There were thousands there during the last summer, and it is fair to presume that there will be a great many more during the next and at each recurring season; and not to improve the roads in the park would be simply to say that persons should not travel in any comfort or with any convenience within its limits.

As the Senator from Massachusetts [Mr. DAWES] very well said, if we have the park let us treat it as a national park. If, on the other hand, we are to adopt the idea advanced by the Senator from Kansas and throw it open as a part of the public domain, then as a matter of course not a dollar should be expended upon it for any purpose. For myself I am not afraid to say that every dollar expended on the National Park judiciously will be money well expended. It would be an outrage upon the American people, in my judgment, to say that any man should be permitted to go there and put his homestead upon those geysers, or upon that incomparable scenery of the great Yellowstone Cañon, or upon the Yellowstone Lake. Nowhere else upon this continent certainly, and I believe not in the whole world, is such scenery to be seen.

I have not yet come to that materialistic state of mind when I think that the Natural Bridge in Virginia should be macadamized, that the great Mammoth Cave of Kentucky should be used as the incipient point for an underground railroad, or that the water-power of Niagara should be used for a mill. I believe that the people of the United States are entitled, on account of the magnitude and grandeur of their possessions, to have just such a place as it was intended should be set apart by the original act, and while the act remains upon the statute-book there is but one duty for us to perform, which is to preserve that park and to carry out the intent and purpose of the legislation already had.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. INGALLS] to the amendment made as in Committee of the Whole.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. INGALLS. The Senator from Kentucky [Mr. BECK] asked the Senator from Missouri yesterday to state this morning why this territory, which is wholly within the area of the Territory of Wyoming, should be attached to the Territory of Montana, and he promised to give an answer, but the reply has not yet been made. I should like to hear that.

Mr. VEST. With the greatest pleasure. As the Senator from Kentucky did not repeat the question, I did not, having charge of the bill, think it was good parliamentary practice to intrude the subject, not because I sought to avoid it.

All those familiar with the approaches of the National Park know that the travel to it comes in from the north. I have a map, which I wish could be seen by each Senator in order that the subject might be fully understood, which shows that access from any other adjacent Territory except from the north is almost impossible. I use this, of course, in the limited sense.

Wyoming, from which this park was taken, has the seat of government at Cheyenne, on the Union Pacific Railroad. If the park is made for jurisdictional purposes a portion of the Territory of Wyoming, then criminals or persons arrested under the laws of Wyoming would have to be taken over the mountains, the Wind River Mountain, the Shoshone, the Teton range, a distance of from one hundred and fifty to one hundred and seventy-five miles, on horseback, it being impossible to travel there by vehicles, involving a trip of from three to four weeks, under guard, before they could be lodged in jail or brought before an officer; or, if not taken in this manner, they would have to be carried to Cinnabar, which is on the limits of the park; then out to Livingston, upon the North Pacific road; then east upon the North Pacific to where the Union Pacific could be connected with, and then carried down the Union Pacific to Cheyenne, a distance of several hundred miles.

A great deal has been said about this portion of the bill. I have been assailed in the newspapers of Cheyenne for attacking the Territorial sovereignty of that people. It is ridiculous, Mr. President. I have no personal interest in the matter. I could have no prejudice politically or personally against the Territory of Wyoming. All that I sought to do was to save expense to the Government and to bring about a speedy administration of justice.

As the matter now stands the Northern Pacific road has constructed a branch from Livingston down to Cinnabar, which is within five or six miles of the great mammoth Hot Springs hotel. All the crimes will, of course, be committed around the geysers and around the hotels. If the park is added to Montana the criminals could be taken to the railroad in less than an hour, carried over to Livingston, the county seat of Gallatin County, lodged in jail, and brought to a speedy trial, without expense, without delay; but, on the other hand, if attached to Wyoming, you are bound, as I said, to carry them six hundred or more miles by rail or one hundred and fifty or one hundred and seventy-five miles through the mountains, with all the dangers of escape and all the extraordinary expense attending such transportation. That is the whole of it. If any Senator at all familiar with the region will look at the map he will appreciate the absolute necessity of giving this jurisdiction to Montana instead of Wyoming.

The bill was passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 3d instant approved and signed the following act and joint resolution:

An act (S. 1490) to complete a statue of the late Rear-Admiral Samuel Francis Du Pont, United States Navy; and

Joint resolution (S. R. 58) filling an existing vacancy in the Board of Regents of the Smithsonian Institution.

POST-OFFICE LEASES.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business of yesterday, being Senate bill No. 343.

Mr. SAWYER. I ask unanimous consent to take up the bill (S. 1508) to authorize the Postmaster-General to lease premises for use of post-offices of the first, second, and third classes. It is a very short bill, authorizing the Postmaster-General to rent buildings for the first, second, and third class post-offices for a term not exceeding ten years. The difficulty about the matter is that the Court of Claims have decided that post-offices can not be rented beyond the life of the appropriation, beyond a year. That embarrasses the Department very much. A little over a year ago we passed an act readjusting the salaries of postmasters, and cut down the third class very severely, and it puts them under very great inconvenience. I do not think any man can object to the bill, and I have stated all that is in it.

The PRESIDING OFFICER. The Senator from Wisconsin asks the unanimous consent of the Senate that the unfinished business be laid aside, in order that the Senate may consider the bill indicated by him. Is there objection?

Mr. INGALLS. Let it be read for information.

The PRESIDING OFFICER. The Secretary will report the bill for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Postmaster-General may lease premises for use of post-offices of the first, second, and third classes, at a reasonable annual rental, to be paid quarterly; but no lease shall be made for a term exceeding ten years; and whenever any building, or part of a building, under lease, becomes unfit for use as a post-office, no rent shall be paid until the same shall be put in a satisfactory condition for occupation as a post-office, or the lease may be canceled, at the option of the Postmaster-General; and a lease shall cease and terminate whenever a post-office can be moved into a Government building.

Mr. INGALLS. It appears to me that the time named for the lease, ten years, is unusual. If I remember correctly——

The PRESIDING OFFICER. The Chair will state to the Senator from Kansas that the question now is, is there objection to laying the unfinished business aside informally to consider the bill?

Mr. PENDLETON. I shall make no objection provided it is certain that the bill will not take much time and if I can have the liberty of displacing it by calling for the regular order in case it shall do so.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin, subject to the call of the Senator from Ohio in charge of the unfinished business? The Chair hears none. The bill has been read and will be considered as in Committee of the Whole.

Mr. INGALLS. I was about to suggest that the time named for the duration of the lease, not exceeding ten years, I think is not consistent with the existing provisions of law with reference to the hiring of buildings for post-offices of a higher class. My recollection is that such leases are limited to four years.

Mr. SAWYER. I will state for the benefit of the Senator from Kansas that the Department has been in the habit of making leases for ten years. I know of a great many leases made for ten years. But a case came up before the Court of Claims some time during last year, from Pennsylvania, for rent, and the court decided that the Department could not rent the building beyond the time for which the appropriation was made.

Mr. ALLISON. Beyond a year.

Mr. SAWYER. It embarrasses the Department very much. In a great many instances they can get a building fitted up and rent it for six, eight, or ten years at a very low rental, when if they could only rent it for one year they could not probably get it fitted up at all. It embarrasses the Department in the whole arrangement. I think the bill ought to be left as it is in regard to the term of the lease.

Mr. INGALLS. I should be unwilling to allow the officers of one administration to make a lease extending over the period of two administrations to follow and the half of the next. It seems to me that upon the mere suggestion the difficulty is obvious, that the power is too great. The discretion ought not to be allowed by the bill. Hitherto the leases have been, as the Senator from Iowa suggests, limited to one year, or the period of the appropriations, which would be two, although I have known instances where the term has been four years. I should like to have an amendment made to the bill which would limit it to four years at the outside.

Mr. SAWYER. I know that a great many leases have been made for ten years, and that course has worked well.

Mr. HOAR. If the Postmaster-General is honest, it is very important, it seems to me, that he should have a discretion such as the bill gives him to in proper cases make a lease not exceeding ten years. Almost all these buildings are obtained by the Government at an exceeding low rate, there being a great desire, in view of its effect on the business part of a growing town or city where the post-office is situated, to get the post-office in a particular spot. In a very considerable number of growing towns and cities where there are no United States courts and no Government buildings are built for the purpose, if the lease is only for four years in all cases it would be impossible to get persons to erect buildings or to lay out very large sums in fitting them up for post-office purposes on terms which would be advantageous to the Government. It seems to me that the Postmaster-General can be trusted (as it is presumed that every officer of the Government has at heart the interests of the Government) to have this discretion, and no doubt the Government would be a great loser by limiting the lease to four years.

Mr. INGALLS. I suggest to the Senator from Wisconsin who introduced the bill that a discretion extending to one hundred years would be still more valuable than one extending to ten years. The Postmaster-General could undoubtedly get better terms for the Government if he were authorized to make a lease for a hundred years. That would be something worth having.

Mr. SAWYER. I think that would be too long.

Mr. INGALLS. If that is the object in view, I suggest to the Senator that if the discretion can be allowed it should be extended so as to give the Government the full benefit of it.

There is a natural limitation in all these matters, and that is the duration of an administration. If the lease were extended to ten years great inconvenience might often result to a community. The center of business might change. The Postmaster-General might accept a location and make a lease for ten years and the entire current of business might change in the town; railroads might be constructed, business might move away into other localities, and great inconvenience result.

It seems to me that the objections are obvious, but of course the Senator, having introduced and reported the bill, has given it due consideration, and I therefore make these suggestions for him to reply to, if he thinks best.

Mr. SAWYER. We considered this matter in committee very carefully, and all those questions came up. If we fix the term of the lease at four years the leases would not all be made at the commencement of an administration; they would run over.

Mr. INGALLS. I did not say the commencement of an administration, but the period of an administration.

Mr. SAWYER. I am very decidedly of the opinion that the bill ought not to be changed, and that ten years is not too long a time.

Mr. INGALLS. Would not a hundred be better?

Mr. SAWYER. No, I think not. I believe that ten years is long enough, giving the Department a right within ten years to lease the property. I hope there will be no amendment made to the bill.

Mr. MAXEY. The reason which actuated the committee was our desire to secure the best building practicable upon the best terms. Every one who has had experience in matters of rent knows that we can get a better building put up if the party who puts up the building obtains a long lease than if the lease is quite short. In a great many towns where there are no public buildings it is a matter of importance to the community to have the best post-office building that can be procured. We believed that if we should authorize the Postmaster-General to lease for a period not exceeding ten years it would secure a better building and would be better adapted to the convenience of the community than where the lease should be for one year or at the outside four years. Therefore I think the bill is proper and that the limitation of ten years is not unreasonable.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 191) for the printing of certain eulogies delivered in Congress upon the late Dudley C. Haskell; in which it requested the concurrence of the Senate.

JUDICIAL JURISDICTION OUTSIDE THE UNITED STATES.

The PRESIDING OFFICER. The Chair now lays before the Senate the unfinished business of yesterday.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 343) to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion and to repeal the Revised Statutes from section 4083 to section 4130, inclusive.

Mr. HOAR. Has the bill been read at length?

The PRESIDING OFFICER. The bill has been read at length. It is now as in Committee of the Whole and open to amendment.

Mr. INGALLS. I wish the Senator from Ohio [Mr. PENDLETON], before we are called upon to vote on this bill, turning to section 12, would explain under what provision of the Constitution of the United States Congress can appoint "two district judges of the United States for China and a district judge of the United States for Japan, whose terms of office shall be eight years, respectively." The clause of the

Constitution with regard to the judicial power of the United States, article 3, section 1, is as follows:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

If, and I suppose it is true, this power is sought to be conferred under the clause of the Constitution that I have read, I am unable to see, in the first place, how a district judge of the United States can be appointed for a district beyond its jurisdiction; and, in the second place, how his term of office, if he be a district judge, can be limited to eight years, when the Constitution says that the office shall be held during good behavior.

Mr. PENDLETON. I will ask the Senator from Kansas whether his objection goes to the appointment of judges other than consuls in the consular districts in countries beyond the limits of the United States or whether it goes merely to the phraseology of the bill? If it goes to the mere phraseology of the bill and the Senator objects to calling them district judges for any reason, it is easy enough to amend the phraseology. If, however, he means to put into discussion the constitutional power of the Government of the United States to establish any courts or to appoint any judges beyond the territorial limits of the United States, that presents another question, and to either of them I can address myself.

Mr. INGALLS. I should like myself to hear from the Senator upon the language of the section, and I should also like to hear from him upon the constitutional power of Congress to create or designate district judges of the United States for China and Japan or any other extra-territorial region.

Mr. PENDLETON. As the Senator from Kansas rose I was about to take the floor for the purpose of offering two or three verbal amendments, and with the consent of the Senator before I answer his question I shall ask to have these amendments made in the way of perfecting the bill according to the amendments made yesterday.

In section 10, line 5, after the word "State," I move to strike out the word "shall" and insert the word "may;" so as to read, "the Secretary of State may assign to each consulate;" so as to bring the assignment of consular clerks in China and Japan upon the same footing with the assignment of consular clerks in other countries.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. PENDLETON. In section 16, line 19, after the word "for," I move to strike out the words "the same purposes at Constantinople and a building for a prison at Smyrna" and to insert "prisons at Constantinople and Smyrna;" so as to read:

And under like conditions, suitable buildings for prisons at Constantinople and Smyrna.

The effect of this will be to strike out the provision for a court-house at Constantinople and limit the public buildings there as at Smyrna to prisons.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. PENDLETON. After the word "Smyrna," on line 20 of section 16, I move to add these words:

And the consul-general at Siam shall purchase or lease for a similar period, and under like conditions, a suitable building for a prison at Bangkok.

The suggestion is made that I should change the language there to "may" instead of "shall," and insert "under the direction of the Secretary of State."

Mr. EDMUNDS. That is better.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment as modified was agreed to.

Mr. PENDLETON. Now, Mr. President, addressing myself to the question that was asked by the Senator from Kansas, I say again that if there is any objection to the phraseology of this section by which these judges are called district judges of the United States, that can easily be obviated by adopting other phraseolgy which will be equally pertinent and to which, perhaps, there will be no objection.

Mr. INGALLS. May I make a suggestion at this point to the Senator from Ohio?

Mr. PENDLETON. Certainly.

Mr. INGALLS. I suggest to amend section 12 by inserting after the word "that," in line 1, the words "for the purposes of this act;" after the word "two," in line 2, by striking out the word "district;" after the word "judges," in line 3, striking out the words "of the United States;" in line 3, before the word "judge," at the close of the line, striking out the word "district;" and after the word "judge," striking out the words "of the United States."

The PRESIDING OFFICER. Does the Senator propose this as an amendment?

Mr. INGALLS. I suggest it as an amendment to the Senator from Ohio.

The PRESIDING OFFICER. It will be read for the information of the Senate.

The SECRETARY. In line 1, section 12, after the word "that," insert "for the purposes of this act;" in line 2, after the word "two," strike out "district;" after the word "judges," in line 3, strike out "of the United States;" after the word "judge," in the same line, strike out the words "of the United States;" so that the clause will read:

That for the purposes of this act there shall be appointed by the President, by and with the advice and consent of the Senate, two judges for China and a judge for Japan.

Mr. PENDLETON. I ask the Senator from Kansas whether if those amendments be adopted his objection to the constitutionality of the bill is relieved?

Mr. INGALLS. It still appears to me, Mr. President, to be an open question, and a very interesting one, whether under the Constitution Congress has the power to provide for the appointment of judges for a country beyond its own jurisdiction, and upon that point I should like to hear the opinion of the Senator from Ohio who reported the bill.

Mr. PENDLETON. Mr. President, I think I have no objection to the verbal amendments suggested by the Senator from Kansas; and if I had found that he did not desire to pursue the discussion as to the constitutionality of the bill any further, I should immediately have accepted them; but if we are to have a discussion upon the constitutionality of the bill in other respects, I prefer not to give my assent at this moment to the amendments suggested, though I think they will be agreed to.

The PRESIDING OFFICER. The amendments have not yet been offered. They were simply read for the information of the Senate.

Mr. INGALLS. I was not at liberty to offer them, because the Senator from Ohio had the floor.

Mr. PENDLETON. I think we understood each other.

Mr. INGALLS. The Senator, of course, will understand that the amendments, if agreed to, would require continuous modifications throughout the entire bill in the same line of thought.

Mr. PENDLETON. Yes, sir. Mr. President, I think I have no objection to offer to the suggestion of the Senator from Kansas as to the amendment of the phraseology, but he asks the question where there is constitutional power in the Government of the United States to establish courts and to appoint judges outside of the territorial limits of the United States.

Mr. President, I confess that is a question more easy for the Senator from Kansas to ask than for me to answer. I have heard the question discussed, as we all have, at various times. I have never been able to find myself, nor in truth have I ever heard suggested, the clause, in the Constitution of the United States which in so many words and explicitly gives authority for these extraterritorial courts. The subject, as I said before, has been discussed frequently in the Senate and in other places, in the Executive Departments, in the courts; and inasmuch as there is no single provision of the Constitution in so many words authorizing the establishment of these courts, the authority has been deduced from various provisions of the Constitution, and it has happened in this case, as it does in all others, that where you seek for implied powers they will be found in various clauses of the Constitution, and gentlemen will differ as to the sources from which those implied powers can be derived.

My honorable friend who sits before me, the Senator from Georgia [Mr. BROWN], in a discussion of this question upon this floor gave it as his opinion, if I am not mistaken, that the authority was derived from the clause defining the judicial power of the United States, and he quoted the very language which the Senator from Kansas has just now read. I do not care to read it again. I think the Secretary of State, to one of whose documents I alluded yesterday as being sent to us by the President in a special message, derived the authority from that same source.

In a discussion that occurred upon this subject, the junior Senator from Massachusetts [Mr. HOAR] expressed an opinion that this power was derived from the treaty-making power, if I did not misunderstand him, or, at least, was exercised under the authority of the country in which the jurisdiction was to be executed. I find that Judge Field, of the Supreme Court of the United States, in the Cavanaugh case, on application for a writ of habeas corpus, after a conviction had in one of the consular courts, examined very exhaustively this whole subject, and came to the conclusion also that the authority was to be found in the treaty-making power and the clauses of the Constitution which define the authority of treaties made in pursuance of the Constitution as being the supreme law. The honorable Senator from Vermont [Mr. EDMUNDS] expressed an opinion that it was derived from the same source. The judge of the circuit court of the United States for California, in an examination of this same question which he made with a good deal of care, found it in the provision of the Constitution which authorizes Congress to regulate commerce with foreign nations.

While gentlemen undertake to derive this authority from these various clauses of the Constitution, I have to say that I have not found in a single instance that any gentleman in Congress or in the courts or in the Executive Departments intrusted with the duty of ascertaining the clause under which this power could be found has ever come to the conclusion that it does not exist. The late Senator from Wisconsin,

Mr. Carpenter, after arguing this question at very great length and with very great ability, denied that he was in a condition to dispute the authority of the Government of the United States to establish these courts, but said that, while he had doubt, the inclination of his opinion was in the direction of the authority. And I think I may very fairly say that no man has gone further in the expression of doubt of this power than the late Senator from Wisconsin.

I do not find it necessary, therefore, Mr. President, at this time to go further than to say that the concurrence of authority on this subject is that the power does exist in the Government of the United States under the Constitution to exercise jurisdiction within the limits of foreign countries to the extent to which that jurisdiction is allowed by the foreign country.

A very able Attorney-General of the United States, Mr. Cushing, negotiated the treaty with China, and in a letter addressed to Mr. Calhoun, then Secretary of State, declared that this authority existed, and he found it in the general powers of the United States rather than under any specific provision of the Constitution; he found it in the public law and the law of nations.

The first assertion of the duty and the power of Congress to establish these courts was made in 1848, when a bill was passed without dissent, without question of this authority, by a Senate of which Mr. Webster, Mr. Calhoun, Mr. John Davis, Mr. Jefferson Davis, Mr. Clayton, Mr. Benton, and Mr. Reverdy Johnson were members.

It is worthy of notice that the first treaty granting extraterritorial jurisdiction to the United States was negotiated with Morocco in 1787, the very year in which the Constitution of the United States was adopted; and this grant of extraterritorial jurisdiction, under that treaty, was undoubtedly considered by those who framed the Constitution. In 1788 a treaty of like kind was negotiated by Mr. Jefferson with France, and at the first session of the Congress of the United States that treaty was submitted to the Senate by General Washington and was ratified by a unanimous vote. Both of these treaties contemplated the exercise of this jurisdiction by courts established by Congress.

Now, sir, on this line of authority, I think it may be claimed that the power of the Government to exercise this jurisdiction through consular courts is well established, I claim that if there is authority in the Government to exercise this jurisdiction through consular courts, it is within the power of the Government to organize and constitute those consular courts as it sees fit. If the Congress of the United States may invest the consuls with judicial authority, it may also invest other persons than consuls, whom it chooses to call judges, with like authority. I think the power of the Government is fully established. I have relieved or will be willing to relieve this bill from the objection made by the Senator from Kansas if he thinks there is any objection to calling these judges district judges of the United States. I am willing that they shall be called by any other designation, provided we invest them with the authority which is here provided for district courts and supreme courts, those being convenient names for us to use in defining their relation to each other and to the consular courts.

That there is authority under the treaty to establish these courts there is no doubt, I mean so far as that authority and consent can be given by the foreign nations. In every instance where a consular court is established by this bill it is provided in the treaty that there shall be a consular court. In the case of China—I read the language of the treaty yesterday—it is so broad as that it assents expressly to the establishment of other courts than consular courts, declaring expressly that the jurisdiction shall be exercised under the authority and powers of the Government of the United States.

So I do not find any objection to the exercise of this power as defined in this bill. Certainly none if it shall be amended to avoid terms objected to by the Senator from Kansas.

Mr. INGALLS. I am not prepared to deny that there may be a bodily transfer of national sovereignty and national law to territory beyond the jurisdiction of the United States with the assent of the power to which the territory belongs; but it appears to me that that authority must be exercised, if it is to be exercised at all over the persons and property of citizens of the United States, in accordance with the Constitution; and my object in rising was to call the attention of the Senator from Ohio to another provision of the bill in connection with the Constitution of the United States. Article 6 of the amendments in addition to the Constitution reads as follows:

> In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

I assume that nothing is better settled in the jurisprudence of this country than that in the trial of criminal causes a jury means a jury of twelve American citizens. While it is true that in minor causes the courts have held, as in suits before justices of the peace, that a jury of six may be permitted, yet the term "jury" means twelve men. Now, in view of that I wish to call the attention of the Senator from Ohio to the provisions of this bill upon pages 38 and 39, which declare that a trial jury—and I assume that this applies to criminal as well as to civil proceedings——

Mr. PENDLETON. It does.

Mr. INGALLS. On page 37 of the bill it is declared:

> In all criminal prosecutions the accused shall have the right of trial by jury; but he may waive the same and submit to be tried by the court alone, or he may plead guilty to the charge.

Further on, in section 40, will be found the provision that I was about to quote:

> A trial jury shall consist of five jurors, and shall be required to give a unanimous verdict.

Then follow other provisions relating to the qualifications of jurors, to the right of challenge, to pay for attendance and subsistence, and certain formal proceedings in connection with the final settlement of the fees that are due to jurors, after which occurs section 41:

> That if it shall be found impossible to obtain a trial jury of five competent persons among all the citizens of the United States in the consular district, the consul shall enter that fact on the record of his court, and proceed with a jury of three such citizens; and if it should be impossible to obtain a jury of three, he shall call on three disinterested persons not citizens of the United States, but otherwise qualified to act as jurors.

Under the provisions of this bill is it not true that an American citizen could be tried for a capital offense, if in China by a jury of three Chinese, if in Japan by a jury of three Japanese, if in Corea by a jury of three Coreans; and I ask whether the Senator thinks that provision of the bill is consistent with the rights that are guaranteed to an American citizen under the clause of the Constitution which I have read?

Mr. PENDLETON. Mr. President, taking up the suggestion last made by the Senator from Kansas, I suppose he remembers that yesterday I moved an amendment to the bill, which I withdrew for the moment, providing that if there should not be a jury of five citizens obtainable in the district, others not citizens of the United States but otherwise having the qualifications of jurors might be called upon. Now, the Senator will remember that there is no provision in the Constitution which requires that jurymen shall be citizens of the United States.

Mr. INGALLS. I suppose the Senator from Ohio would not seriously contend that within the jurisdiction of the United States a citizen would not be entitled to be tried by a jury of his peers; that is, in the language of the Constitution, by an impartial jury of the State and district wherein the crime shall have been committed, and that if any court in the State of New York should summon a jury of Chinese or of Englishmen or of Frenchmen to try an American citizen for a criminal offense, it would not be good in law.

Mr. PENDLETON. In the State of Ohio, with whose jurisprudence I am more familiar than with that of any other State, the law of the State requires that the jurymen shall be citizens of the United States and of the State; but I am not aware of any decision of the courts of the United States which requires in the absence of express statute that the jurors shall be citizens of the United States; and if there be a provision of the statutes, which I think would be very proper and may possibly exist, I do not find in the Constitution of the United States anything that makes it obligatory upon Congress to pass a statute of that kind.

Now, I say very frankly that I would very much prefer to constitute these juries as they are ordinarily constituted in the United States and in England. I should be very glad to adopt the idea that a jury should be of twelve, but there are cases in which it is almost impossible under the limitations of this bill providing for challenges and other guarantees of the excellence of the jury, its intelligence and impartiality and fairness, in many of these consular districts after having exhausted the jurymen who are subject to disabilities, to find a jury of twelve.

Mr. INGALLS. Does the citizen who is arrested and tried in one of these extraterritorial courts lose any of his rights as a citizen under the Constitution of the United States?

Mr. PENDLETON. I will answer that question by putting to the gentleman another. If it is found impossible, by reason of the paucity of population and the objections to jurymen, to impanel in any of these consular districts a jury of twelve men, shall the citizen go unwhipped of justice or be committed to the care of the native tribunals? If under the conditions in which a court is placed amid a small population of the country and in popular excitement, the small number eligible for a jury is exhausted so that he can not have from Americans there a jury which is impartial, is he to go without a trial at all and forever or is he to be committed to the tender mercies of the native tribunals?

Mr. INGALLS. If I owe the Senator $100 on a promissory note and have not the money, does that acquit me of the debt? If the citizen of the United States in a foreign country has constitutional rights, does the fact that the court can not give them to him deprive him of them?

Mr. PENDLETON. No, sir. I will answer that question very frankly. You can not deprive a citizen of the United States of any right to which he is entitled.

Mr. INGALLS. Is he not entitled, under the Constitution, to a trial by an impartial jury of the State and district wherein the crime was committed?

Mr. PENDLETON. Yes, sir; but he is not under the Constitution entitled to a trial by a jury of twelve men, and he is not under the Constitution entitled to a trial by a jury of citizens of the United States. If you impanel a jury with all the guarantees which are ordinarily thrown around a jury-box for the purpose of giving an im-

partial, fair, and speedy trial, and if it is impossible to obtain a jury of twelve men who are citizens, then you must do the next best thing you can not prohibited by the Constitution.

Mr. HOAR. May I ask the honorable Senator from Ohio if he intends to concede the question of the Senator from Kansas that when an American has offended against a Chinese law and is tried in China for a Chinese offense, the right to a trial by jury attaches to him and that our Constitution has anything whatever to do with it?

Mr. PENDLETON. I knew that when the time came I could hand that question over to my friend from Massachusetts, whom I have heard discuss it very learnedly once or twice or perhaps oftener on this floor; but, with all deference to him, the argument he made did not meet the entire assent of my judgment, although I have grave doubts whether he is not right. But I maintain that under this clause of the Constitution, when we attempt to administer justice in these countries, if we impanel a jury known to the Constitution as such, a jury, if you please, of five impartial men, then we have not only done the best we can, but we have fulfilled the obligation of the Constitution of the United States.

I am fully aware of the position which the honorable Senator from Massachusetts has taken heretofore on this subject. I am fully aware that he believes—and of course I do not desire to misstate him—that all this jurisdiction is assumed and exercised by the Government of the United States outside of the Constitution and without a warrant expressly given in it; but I prefer to keep myself a little closer in to shore; I prefer to believe that it is possible to exercise this jurisdiction in conformity with the principles and provisions of the Constitution of the United States, and believing that, I think it is our bounden duty, while we conform to the principles and provisions of the Constitution, and in no instance violate them, that we should go as far as it is possible and under all existing conditions to extend them to those communities.

I do not believe, at least I do not for the present purpose of the argument I have now with the Senator from Kansas, that this jurisdiction is exercised outside of the Constitution. I believe that it is exercised within it. I believe that under the Constitution you may have a jury which does not consist of twelve men. I believe you may have a jury which does not consist of citizens of the United States. Believing that there is no inhibition upon juries of that kind, I maintain that we have fulfilled the provisions of the Constitution when we provide that these courts shall impanel a jury of five. That only takes a less advanced position than the Senator from Massachusetts is waiting to take, who believes that citizens of the United States can be tried without a jury, without indictment, without presentment by a grand jury, and without the guards provided by the clause in the Constitution which the Senator from Kansas has read.

That answers, Mr. President, so far as I remember, the suggestions of the Senator from Kansas.

Mr. HOAR. I wish to disclaim the opinion which the Senator from Ohio has imputed to me, that these trials are without the Constitution. I think they are very clearly within the Constitution of the United States. That the Constitution of the United States applies to offenses committed in China against the Chinese law, that it extends the methods of proceeding which it provides for offenses committed on our own soil against American law, I do not believe; and I desire to ask the Senator from Ohio if he does not agree that offenses committed on shipboard may be constitutionally tried by the Government of the United States, although certainly they are not tried in the State or district where the offense was committed nor in any district previously ascertained by law?

Mr. PENDLETON. Does the Senator mean other offenses than those provided for in the clause which gives jurisdiction over piracies and felonies on the high seas?

Mr. HOAR. I mean all offenses on shipboard.

Mr. PENDLETON. Wherever the ship may be?

Mr. HOAR. Yes, sir.

Mr. PENDLETON. That is another question. This answers, Mr. President, as far as I propose to do at this moment, what the Senator from Kansas has said in reference to the constitution of the juries. I say very frankly that I would prefer to constitute the juries in these countries as they are ordinarily constituted within the limits of the United States; but that is a matter of preference; that is a matter of taste; that is a method which I should think it wise for us to follow provided it could be done, but I again repeat that I deny that a jury must be constituted of twelve men or constituted of citizens of the United States.

I do not remember what other objection the Senator from Kansas named besides the constitution of the jury.

Mr. INGALLS. I mentioned nothing else but that.

Mr. PENDLETON. Now, sir, we find ourselves confronted with this dilemma: If there is no authority in the Constitution of the United States to exercise judicial powers outside of the limits of the territory of the United States, then we must commit our citizens to the jurisdiction of the native tribunals and laws. This is the alternative before us—either to find power somewhere to erect these tribunals for the administration of civil and criminal law under the authority of the United States or to commit our citizens to the administration of the local law by the native tribunals. The alternative to passing a bill of this kind—I do not say this bill with these specific provisions without amendment—is to submit hereafter to the enormities, as I venture to call them, of our own penal and civil codes which are now enforced in the administration of the courts within those countries.

Mr. JONES, of Florida. Will the Senator permit me to ask a question?

Mr. PENDLETON. Certainly.

Mr. JONES, of Florida. I think it will be conceded that there are more subjects of Great Britain in China and Japan than we have citizens there, at least in China; and I would ask the Senator what system she has adopted in reference to matters of this kind, and so of the other great nations of the continent whose relations with these countries are even more intimate than our own?

Mr. PENDLETON. The British system of the administration of law under treaties somewhat similar, if not exactly similar, to ours is very much more elaborate and intricate than the system provided in this bill. They have extended the trial by jury to these countries; they have done everything they could within the last thirty or forty years to improve the system which existed at the time when our consular-court system was first adopted, in 1848. They have provided for juries of five and for appeals to their higher courts, very much as is done by this bill. They have taken away from their consuls in many if not in all these countries all judicial functions, and have provided judges, whose duty it shall be not to attend to commercial affairs at all, but to attend to the administration of the law and judicially sit in judgment upon their citizens. They have imported all the ameliorations that were possible from the humane and wise system of the administration of the criminal and civil laws which has existed for many years in England and which are being introduced every year. The French Government has done the same thing. It has made amelioration of the imperfect provisions of their system, imperfect, but sufficient perhaps for the population fifty or eighty years ago in these countries. They have improved these systems, I say, and suited them to a population numbering thousands and thousands in many of the countries and ports. This is an honest attempt on the part of the Congress of the United States to introduce some of these improvements into our very rude and barbarous consular-court system, in order to make it conform more to our notions of the proper administration of justice as we find it in our own country, in order that when our citizens leave their homes they shall not leave also all the protections of life and property to which they have been accustomed here.

Mr. GARLAND. Mr. President, the question of the power to pass bills of this character, after considerable reflection since the bill was read yesterday, seems to me to rest entirely on the treaty-making power or on the authority which grows out of the treaty-making power under article 2 of the Constitution. It can not come from the commercial power, because without a treaty we could do nothing in the way of commercial regulations abroad in the territory of foreign countries. So whatever authority you look at under the Constitution the power to pass such a bill as this must, in my judgment, rest on the power to make treaties. In other words, the jurisdiction that we have in China or Japan is just exactly what those people may have given us and no more. We get it by a treaty with them. It is something like the power of passing laws for extradition. In the very early history of this Government the State of Vermont objected to the power of Congress to pass extradition laws, and attempted to withhold by her State officers a person who was arrested as a criminal under the extradition laws of the United States. I refer to the case of Holmes *vs.* Jackson in 14 Peters, which came to the Supreme Court of the United States. Holmes was ordered by the governor of Vermont to be surrendered to the authorities of Quebec, and on habeas corpus by the supreme court of Vermont he was not discharged, and the proceeding was claimed to be under State law and State authority. But the Supreme Court of the United States, the opinion being delivered by Judge Taney, held that it was not by virtue of any State law that this could be done, but it was only national authority under the power to make treaties with foreign powers under article 2 of the Constitution, and that where such treaties had been made and a law passed in pursuance thereof the national jurisdiction took charge of the person instead of the State jurisdiction. That has been standard authority from that day to this. It has been affirmed and reaffirmed repeatedly.

As I understood the Senator from Ohio in answer to a question propounded to him by the Senator from Wisconsin, we have treaties with these powers stipulating for these things and probably other things. If we have or if we should have, then this power is conceded to us. We go into those jurisdictions with just what they have given to us and with full power to execute it there, the Constitution not being in force there as in the territory of the United States, but we act under such laws as we choose to make in carrying out the jurisdiction granted to us by these foreign powers.

The Senator from Massachusetts has indicated a class of cases, the trial of persons who commit crimes on the high seas, that by analogy come under this same power or authority. It is not a question of enforcing a constitutional provision within the territory of this Government; but it is a question of enforcing rights and obligations in a foreign territory conceded to us by treaty, which the President has authority to make under article 2 of the Constitution, two-thirds of the Senate concurring. That, I think, is the whole case; and whether we take

five jurors or three or no jurors at all, it is permissible for us to do it, because we are exercising a jurisdiction there given to us by the treaty-making power.

If Senators will examine consular courts already established they will find that even that law gives power and authority and jurisdiction to our consuls that no one man could exercise constitutionally in the territory of this country. Consuls alone are made courts for many purposes; they are made courts for many purposes for which upon the territory of the United States we employ jurors, twelve men, good and lawful men of the bailiwick. These consuls exercise many powers of that sort, such as levying large fines and arresting persons and depriving them of liberty and confining them, because we there exercise authority that is given us by the foreign power under the authority granted by the Constitution to make treaties. So much for that.

There is one difficulty in my mind about this bill. The Senator from Ohio states for example that we take five jurors because we can not get twelve. Is not this, then, too much machinery? Is not this too complicated a system? Is not this too unwieldy a piece of business for the small amount really that is at stake or for the small object in view in organizing this cumbrous and unwieldy machinery?

Mr. PENDLETON. I do not know that the Senator from Arkansas quite understood me or whether I expressed myself clearly. The provisions of this bill are that juries shall consist of five men. There is no attempt under the provisions of the bill to secure a jury of twelve men. The juries are limited to five in the bill because of the difficulty which is known to exist of getting juries of twelve men in many of these places. In places provided for in this bill the jury is to consist of five only.

Mr. GARLAND. That is not precisely as I understood the Senator. I must have misunderstood him. But it illustrates the point I have in my mind, that it occurs to me that we are establishing too large an organization, too big a system, too unwieldy a system for the object in view. Of course as the committee, as I understand, had this under examination for a long time and gave it constant and serious attention, I should dislike to oppose anything they have done; but it does seem to me, conceding the power under the Constitution, as I attempted to show, to do this with the consent of the foreign nation, that this is too big a machine for the business in view. Still I have no amendment to offer and no suggestion beyond this to make. That we can do this I have convinced myself on examination of the statutes in connection with the Constitution and the decisions of the court. Of that there is no doubt in my mind.

Mr. PENDLETON. Mr. President, if the Senator from Arkansas will examine somewhat the code of practice which is in force in the consular courts under a provision of the Revised Statutes, and which comprises nine-tenths of the book that I hold in my hand, he will find a complicated system, enormous in extent, without harmony anywhere, in comparison with which the provisions of this bill are simplicity itself; and this complicated system of existing law is put in force at the sole will of the ministers in the respective countries under the provision of the Revised Statutes, which by this bill is repealed.

Mr. McPHERSON. May I ask the Senator from Ohio, before he takes his seat, a question? My mind runs rather to the practical working of the bill than to its constitutionality, although that is a very interesting question. I wish to know what is the necessity for the exercise of this extraordinary power, as it has been properly characterized. The question I wish the Senator to answer is: What has been the abuse under the present system? What are the defects of the present system? Have they been of a character to justify legislation of the description here proposed, which may be deemed by some to go even to the verge of unconstitutionality? Is this legislation necessary (supposing it to be constitutional) in order that we may have safety and justice on the part of our courts in the Eastern countries?

Mr. JONES, of Florida. Mr. President, I do not think that I can be accused of a spirit of opposition to a measure of this kind, for I remember a year or two ago there was a very interesting debate in the Senate on the subject, when my distinguished friend from Ohio made a motion to strike out of an appropriation bill a sum of money to pay for these consular courts. I remember that debate; and I remember very distinctly that I was one who admitted to the fullest extent possible the right of any foreign sovereign to concede to the representative of another sovereign the power to try one of the latter's subjects for an infraction of the laws of the foreign country. And when the late Senator from Wisconsin, who was always so able and clear upon topics of that kind, contended, as did the then Senator from New York, who was so highly distinguished in this body, Mr. Conkling, that such trials were contrary to the Constitution of the United States, and that our citizen in these foreign countries was entitled to the protection of the safeguards of our organic law, I dissented, as I now do, from that entire doctrine. I do not think that the Constitution of the United States has any extraterritorial operation. I do not think that it ever was created to confer powers upon us to legislate for any foreign country; and that when it comes to the exercise of these powers relating to foreign countries and intercourse with them we are confined to the provisions of the organic law.

Now, I can very readily see how this system could be made to work very well, and at the same time I can see in it enough that might lead to terrible complications of jurisdiction. We know, after an experience of nearly a century under our own Government, how difficult it has been to draw the line between the jurisdiction of the Federal Government and the States, and nearly every controversy of a serious character that has arisen under our system has grown out of the difficulty of marking distinctly the lines of jurisdiction which separate the authority of the Union from the authority of the States.

When you undertake to establish in a country like China or Japan a judicial system like this, with a code of laws provided as herein, with judges created by yourselves, who can tell the moment that you will be brought face to face with those domestic tribunals and jurisdictions, and international complications of a serious character arise? If you simply give to a consul the power, as I understood was the form of the law formerly, to administer the foreign law for the benefit of your own citizen, that is one thing, and I believe that is about as far as we have ever gone in that direction hitherto.

I appreciate the effort the Senator from Ohio is making to remedy difficulties that may now exist, but I say the usage of nations in such cases is that the foreign officer should do nothing more than administer the foreign law that has been violated by his own citizens; and when you undertake to establish a code of laws, as this bill does, under the municipal authority of your own Government, and put them in operation within the confines of another state, you may possibly at some time have a clash of jurisdiction.

I understand the provisions of this bill in some respects to extend to cases where a Chinese and an American citizen are involved in controversy—admiralty, equity, civil jurisdiction—and it will be readily seen how a conflict between a domestic subject there might arise against an American citizen. But I do not say this except with the view of showing that this subject is very full of complications.

Mr. EDMUNDS. May I interrupt the Senator from Florida to correct a misapprehension that I think he is under in respect to the previous practice under treaties with China and Japan for instance, and very likely other nations? I think he will find on looking at the treaties that the arrangement has always been in substance that the citizen or subject of the other country in a controversy, either criminal or civil, should be tried in mixed courts or in the consular courts on the principles of the law of his own country. If, therefore, a Chinese subject had done a wrong to an American citizen, the Chinese subject was to be adjudged, although tried in the same courts, according to the Chinese law; if the American was accused of doing any wrong he was to be tried on the principles of the American law. But all that has been conventional, just as this bill is really exerting a power under the authority of the sovereign dominion of the country where it is to be exercised, because that sovereign dominion is just as great in China or Japan as it is in the United States.

Mr. JONES, of Florida. That I admit. I have not examined the treaties to see how far the concessions have extended, but then I do not subscribe to the doctrine laid down by my friend from Arkansas a while ago that under a government like ours we are at liberty to exercise every power that may be conceded to us by a foreign country in a treaty. I say that the limitations attending the exercise of our power must not be looked for in the concessions of a foreign power. If you undertook to do that you might extend the powers of this Government all over the globe and do things beyond the confines of the Union which you would not be permitted to do here. When it comes to the concession of the right to try an American citizen who has violated a foreign law before a consul in one of these barbarous countries I think it is a wise thing to do, and I said that in my place when objection was made to it, I think by my distinguished friend from Ohio because it did not go far enough, I think he thought, in throwing around that citizen the benefit of trial by jury and all those constitutional safeguards that we find in our own Constitution. I think I said on that occasion, as I say now, that when a citizen goes abroad to any country he has no right to claim that the Constitution of his country shall follow him.

Mr. BAYARD. May I ask one thing here? I submit to my friend from Ohio whether, so far from this act of Congress constituting a curtailment of the constitutional rights or other rights of American citizenship, it does not in point of fact enlarge them to the degree that the law extends over such rights as he would have by the permission of the foreign nation? In other words, it is just so much granted in addition to what we have under the admitted rules of international law. So far from having his liberty abridged or the right of protection denied, this international code—for that is what it is—simply gives him that which but for that code he would be absolutely deprived of.

Mr. JONES, of Florida. Mr. President, it was said by a great lawgiver that the forms of law are the repositories of its grandest principles. I believe a good deal in the forms of law, and when you go out of them it will always have a bad effect upon the public mind.

I confess on reading this bill at first I was struck with the unusual character of its provisions; and still after the very elaborate and clear statement made by the Senator from Ohio much of my prejudice to it was removed; but when I first looked at section 12, wherein it is provided that district judges of the United States for Japan and China shall be appointed and that judicial districts shall be carved out of the

territory of those countries for all judicial purposes, it seemed to me that this was going a little beyond the usual consular and diplomatic line. It looked to me that under whatever power it might be claimed it was the exercise of the municipal authority of one country within the confines of another, and the doubt in my mind has been whether, admitting all that has been said touching the power given by the treaties with Japan and China, those countries can empower us to exercise municipal authority within their boundaries. That is the point. I do not question for a moment the right of those countries to permit our consuls to take jurisdiction over offenders there who may violate the foreign laws; but when in a treaty it is conceded that the United States may legislate over that territory which forms a distinct and integral foreign soil, whether under the limitations of the power contained in our organic law we can do that thing is a question in my mind. That this bill does that I do not think there can be any question, because it institutes a code of laws to be applied in foreign territory. I have said repeatedly on this subject the Constitution of the United States was made for our own country, and we are not in the position of those powers of Europe who have no defined authority, who can do anything they please in foreign lands on questions of this kind. But whether the legislative power of the United States—I do not speak of the treaty-making power—is not necessarily a constitutional power, confined to our own territory, is the fundamental question, and whether we have any right to legislate for Japan or China even though those countries may say that we may.

What is the character of our power? Suppose, according to the argument of my distinguished friend from Arkansas, Mexico to-morrow should make a treaty and say, "We want you to legislate for this whole country on everything; we are utterly unable to provide for our own people; yours are mixed up with ours, and we will give you jurisdiction under the treaty to legislate for us and institute courts of law, courts of equity, and common law and criminal law;" the question is whether under the exercise of the legislative power of the United States that authority could be exerted.

I merely throw out this, not by way of opposition to the bill, because, as I indicated in the debate before when others were opposed to any consular trials at all, I advocated them and admitted that it was fully competent for consuls to try American citizens who had violated the law.

SENATE CONTINGENT FUND.

Mr. PENDLETON. Mr. President——

Mr. SHERMAN. Will my colleague allow me to ask the action of the Senate on a bill returned from the House of Representatives with an amendment?

Mr. PENDLETON. For reference?

Mr. SHERMAN. No; to concur in the amendment. It will only take a moment.

Mr. PENDLETON. I will yield for an instant.

Mr. SHERMAN. If any Senator objects I will not ask it. I ask unanimous consent of the Senate to act on a House amendment to a Senate joint resolution.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent of the Senate that the Chair at this time lay before the Senate Senate joint resolution No. 64 providing for the addition of $10,000 to the contingent fund of the Senate. Is there objection to the Chair laying the resolution before the Senate at this time?

Mr. PENDLETON. If the consideration of the amendment will lead to debate, I shall have to object.

Mr. SHERMAN. I will not press it if there is a single objection.

The PRESIDING OFFICER. Is there objection to the Chair laying the resolution before the Senate at this time? The Chair hears none. The amendment of the House of Representatives will be read.

The Chief Clerk read the amendment of the House of Representatives, which was to add to the joint resolution:

Which sum shall be available only for the expenses of investigations heretofore ordered.

Mr. BUTLER. What do I understand to be the object of the Senator from Ohio?

The PRESIDING OFFICER. To move to concur in the amendment of the House of Representatives.

Mr. BUTLER. I object to that.

The PRESIDING OFFICER. Is there objection to considering the resolution at this time?

Mr. BUTLER. My reason for objecting is that a qualification is attached which I do not think the House has any right to put upon it. I do not object to the $10,000.

The PRESIDING OFFICER. Does the Senator from South Carolina object to the present consideration of the joint resolution?

Mr. BUTLER. Yes, sir.

The PRESIDING OFFICER. Objection being made, the matter must go over.

HOUSE BILL REFERRED.

Mr. JONAS. With the consent of the Senator from Ohio [Mr. PENDLETON], I would ask consent to take from the table a House bill for the purpose of reference to a committee which meets to-morrow.

The PRESIDING OFFICER. Is there objection to the Chair laying before the Senate at this time the House bill referred to by the Senator from Louisiana? The Chair hears none.

The bill (H. R. 5462) making appropriation to supply deficiency in amount required for expenditure to June 30, 1884, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel of South Pass of Mississippi River, also for gauging the waters of the Mississippi River and its tributaries, was read twice by its title.

Mr. JONAS. I move the reference of the bill to the Committee on Commerce.

The motion was agreed to.

JUDICIAL JURISDICTION OUTSIDE THE UNITED STATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 343) to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion and to repeal the Revised Statutes from section 4083 to section 4130, inclusive.

Mr. PENDLETON. Mr. President, the honorable Senator from Florida [Mr. JONES] has stated substantially the position that he occupied two or three years ago in debate on this subject, although he did not then limit quite so closely as he does now the power of the Government to establish tribunals for the trial of citizens. He seems now to limit the authority of the Government of the United States to try before consular and other courts, certainly consular courts, citizens of the United States for infractions of the law of the foreign country in which they are, and that there is no power on the part of the Government to pass laws, or municipal regulations as he chooses to call them, upon other subjects.

My honorable friend, if he will look to the practice which has prevailed for forty years, more or less—thirty-eight, to be exact—will find that the practice has been that these courts administer the whole body of law made under the authority of the Government of the United States, and that they have not confined their jurisdiction to the trial of offenses against the laws of the country in which these courts were situated. If he will look—and I call the attention of the Senator from New Jersey to this public document that I have in my hand—he will find that, under the authority of section 4086 of the Revised Statutes, here is a code of laws established by the minister to China, comprising nearly fifty pages of this volume. Here is another code established by the minister or consul-general to the Ottoman dominions, comprising a very large number of pages of this volume. He will find also a code of laws for Japan, which comprises over forty pages of this volume.

Mr. MCPHERSON. Does the Senator say the minister made the laws?

Mr. PENDLETON. Yes, sir; and I am proceeding to answer the question which the Senator put to me in relation to the necessity of this measure. I wish to call his attention to section 4086 of the Revised Statutes—

But in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies, the common law and the law of equity and admiralty shall be extended in like manner over such citizens and others in those countries; and if neither the common law, nor the law of equity or admiralty, nor the statutes of the United States, furnish appropriate and sufficient remedies, the ministers in those countries, respectively, shall, by decrees and regulations which shall have the force of law, supply such defects and deficiencies.

Under that clause of the Revised Statutes this volume of laws and of regulations in each of these countries have been adopted and promulgated by the ministers to those countries; and under the clause of the Revised Statutes they have the force and effect of laws.

Mr. MCPHERSON. Do I understand that that power is also given to the consular agents or do they exercise that power?

Mr. PENDLETON. The ministers.

Mr. MCPHERSON. But suppose there is no minister resident in the country, then the qustion is, do the consular agents have the power?

Mr. PENDLETON. The consul-general has the power.

Mr. MCPHERSON. Then, if I understand aright, they not only have the power to make laws in addition to those already upon our statute-book, but they have the exclusive power of administering and executing and interpreting their own laws.

Mr. PENDLETON. Yes, sir; you have it exactly.

Mr. MCPHERSON. That is extraordinary.

Mr. PENDLETON. You have it exactly; and in a communication made by the Secretary of State he says—I adopt his language:

This brings me naturally to a fourth consideration, in regard to the codification of the enactments themselves pertaining to consular jurisdiction. Sections 4083 to 4130 of the Revised Statutes are a rearrangement and continuous compilation of the laws on the subject since 1860. The result is, unfortunately, to render the statute ill-digested, disconnected in its parts, and obscure as a whole. Intended for the guidance of officers not as a rule versed in jurisprudence, it would seem that the utmost clearness and precision would have been sought, with distinct definitions of their powers and duties. In practice, however, an examination of the questions of interpretation referred to the Department of State by our diplomatic and consular officers shows a latitude of construction and a diversity of conclusions not entirely unwarranted by the text of the law. All, however, agree in the complete liberty of the officer conducting a criminal or civil proceeding to decide within his own discretion touching the assistance of assessors, the admissibility of testimony, the rehearing of the parties, the granting of new trials, the exercise of the right of appeal, and, in a word, nearly every matter pertaining to his own administration of the law.

And thereupon——

Mr. MCPHERSON. Does the bill reported by the Senator limit the courts which the bill proposes to establish to the laws of the United States found on the statute-book?

Mr. PENDLETON. To the laws of the United States, and the common law, and a code of laws hereafter to be prepared under the authority of the President and submitted to Congress for its enactment. Now, sir, in relation to the administration of the criminal law:

I regard a reform in this sense as especially indispensable in capital cases. As at present organized, doubts must arise in the mind of every constitutional jurist touching the power of a consular court, or rather of a minister or consul acting judicially under the authority of Congress, to legally and constitutionally deprive a fellow-being of life. Since the existing statute was framed in 1848 and modified and extended in 1860 at least seven capital convictions have occurred thereunder, all in China and Japan. These instances are worthy of note, especially as in one of them actual execution of the sentence followed.

First. David Williams, claiming to be a British subject, was, in November, 1863, at Shanghai, convicted by Consul-General Seward, acting judicially with assessors, of "piracy and murder," in the robbery of a Chinese craft on the Yangtse. The sentence was approved by the secretary of legation, acting as minister, and a death-warrant signed by him. A few hours before the time fixed for execution Williams committed suicide in the consular jail.

Second. James White was in like manner convicted of murder by the consular court at Shanghai November 23, 1863. Mr. Burlingame, the minister, issued a warrant for the execution, but before the sentence could be carried out White escaped from jail and was not recaptured.

Third. John D. Buckley, claiming to be a British subject, was in like manner convicted of murder by the consular court at Shanghai on the 1st of February, 1864. His cause was ably defended by his counsel, Mr. J. B. Eames, who argued the unconstitutionality of a trial without indictment or jury.

The minister, Mr. Burlingame, approved the sentence of the consular court and issued a warrant of execution. Writing to the Department of State, Mr. Burlingame said, June 3, 1864, "A vigorous effort was made by Mr. Eames, the counsel of the prisoner, to secure a reference to the President, but I could not see my way clear to grant his request;" thus giving the prosecution and not the prisoner the benefit of the doubt. Buckley was hanged at the United States consulate on April 1, 1864.

There are other cases:

Fourth. James Webb, an American seaman, was, in December, 1878, by the consular court at Nagasaki, Japan, convicted of murder. * * * My predecessor, Mr. Secretary Evarts, found himself confronted by the question of the constitutionality of a death sentence without indictment and trial by jury, and the President was counseled by him and by the Attorney-General to exert his prerogative of clemency. Webb's sentence was accordingly commuted to that of imprisonment for life.

Fifth. Before the consular court at Osaka and Hiogo, Japan, on the 9th of April, 1880—

As late as that—

William Dinkelle, an American citizen and seaman, was convicted of murder on shipboard in the port of Hiogo. The minister, Mr. Bingham, withheld the issuance of a death-warrant, and referred the case, with recommendation of clemency, to the President, who remitted Dinkelle's sentence on condition of undergoing imprisonment for life. Dinkelle refused to accept this conditional pardon, and is still in jail under indefinite postponement of the execution of the sentence of the consular court.

I submit to the Senator from New Jersey whether I have not made out the fact that as to the administration of both the criminal and the civil law under the present consular code there is the greatest possible necessity for amendment.

Mr. MCPHERSON. Anything seems an improvement.

Mr. PENDLETON. Yes, sir, anything is an improvement.

Mr. CALL. Mr. President——

Mr. INGALLS. Will the Senator from Florida yield to me for a motion to proceed to the consideration of executive business?

Mr. CALL. I will, sir.

Mr. INGALLS. I make that motion.

The motion was agreed to.

ROOMS FOR COMMITTEES.

Mr. JONES, of Nevada. While the doors are being closed, I ask unanimous consent to report back from the Committee to Audit and Control the Contingent Expenses of the Senate a resolution submitted by the Senator from Massachusetts [Mr. DAWES], authorizing the Sergeant-at-Arms and Architect of the Capitol to rent suitable rooms for the use of Senate committees, and I ask that the resolution be put on its passage.

The PRESIDING OFFICER. Is there objection to receiving the resolution at this time? The Chair hears none.

Mr. ALLISON. Let the resolution be read.

Mr. INGALLS. No; let it go on the Calendar.

The PRESIDING OFFICER. The resolution will be placed on the Calendar.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 5, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. POLAND. I reported a bill yesterday morning from the Committee on the Judiciary for the relief of the Metropolitan police force of the District of Columbia, which was referred to the Committee of the Whole on the state of the Union. I think it should have gone to the Committee of the Whole on the Private Calendar.

Mr. SPEAKER. The Chair thinks so, too, after ascertaining the contents of the bill. If there be no objection the bill will be taken from the Calendar of the Committee of the Whole on the state of the Union and placed on the Private Calendar.

There was no objection, and it was ordered accordingly.

UNDERVALUATION OF IMPORTED WOOL.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, making additional statements concerning alleged undervaluation of imported wool; which was referred to the Committee on Ways and Means, and ordered to be printed.

FREEDMAN'S HOSPITAL AND ASYLUM, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting letters from the First Comptroller of the Treasury, suspending certain items in the accounts of disbursing officers of the Interior Department for the Freedman's Hospital and Asylum of Washington, D. C.; which was referred to the Committee on Appropriations, and ordered to be printed.

PRINTING ADDITIONAL COPIES OF PUBLIC DOCUMENTS.

The SPEAKER, in pursuance of the statute, laid before the House the following concurrent resolutions of the Senate; which were referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences, with its appendixes, be printed in the usual octavo form, but that the four accompanying memoirs be printed in quarto form; and that 1,000 additional copies of the report and memoirs be printed for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the Academy of Sciences.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 extra copies of the report of Julius E. Hilgard, Superintendent of the Coast and Geodetic Survey, showing the progress made in said survey during the year ending June 30, 1883, for distribution by said Superintendent.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KELLEY, from evening sessions, during this Congress.

To Mr. CANDLER, for ten days, on account of important business.

To Mr. KING, for two days.

IMPORTS AND EXPORTS.

Mr. MILLS, by unanimous consent, submitted the following resolution; which was referred to the Committee on Ways and Means:

Resolved, That the Committee on Ways and Means be authorized to inquire and report as to the propriety of procuring for the use of Congress and printing Senate Document No. 46, first session Forty-sixth Congress, with additional data to be furnished by the compiler thereof, showing the imports and duties from 1867 to 1883 inclusive, and a compilation of exports, the growth, produce, and manufacture of the United States, from 1879 to 1883, inclusive, in which the quantity, value, and unit of quantity of each article is given by fiscal years and decades, also the value exported to each country and value from each State, prepared by Charles H. Evans, of the Treasury Department.

NANCY E. DAY.

Mr. WAIT, by unanimous consent, introduced a bill (H. R. 5679) for the relief of Nancy E. Day, administratrix of James L. Day, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DEBORAH S. EARL.

Mr. WAIT, by unanimous consent, also introduced a bill (H. R. 5680) granting an increase of pension to Deborah S. Earl; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXAMINATION AND SURVEY OF SOUTH PASS MISSISSIPPI RIVER, ETC.

Mr. BLANCHARD. I am instructed by the Committee on Rivers and Harbors to bring to the attention of the House at this time a matter of emergency, and to ask that House bill No. 5462 to be taken from the Calendar of the Committee of the Whole on the State of the Union and considered now. I ask one moment to make an explanation of the measure. This bill is a deficiency appropriation of $8,100, specially asked for by the Secretary of War.

The SPEAKER. It is not in order to debate the proposition until the House has determined whether it will consider it at this time or not.

Mr. BLANCHARD. I desire a word of explanation before objection is asked for.

The SPEAKER. The title of the bill will be read.

The title of the bill, which was read, is as follows:

A bill (H. R. 5462) making appropriation to supply deficiency in amount required for expenditure to June 30, 1884, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel at South Pass of Mississippi River, also for gauging the waters of the Mississippi River and its tributaries.

The SPEAKER. The gentleman from Louisiana [Mr. BLANCHARD] asks unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill the title of which has just been read, and that it be now considered in the House.

Mr. HOLMAN. Let the bill be reported.

The SPEAKER. The bill will be read, after which, if there be no objection, the gentleman from Louisiana [Mr. BLANCHARD] will be allowed to make a brief explanation.

Mr. RANDALL. If I am correctly informed, the passage of this bill immediately will save the Government a large sum of money.

Mr. BLANCHARD. That is the explanation which I desire to make.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, to wit:

To supply deficiency in amount required for expenditure to June 30, 1884, for examinations and surveys required by the acts of March 3, 1875, and June 19, 1878, to ascertain the depth of water and width of channel secured and maintained from time to time by James B. Eads at South Pass of the Mississippi River, and to enable the Secretary of War to report to Congress during the maintenance of the work, $6,000.

To supply deficiency in amount required for expenditure to June 30, 1884, for gauging waters of lower Mississippi and its tributaries: For annual expense of gauging the waters of the Mississippi River and its tributaries, continuing observations of the rise and fall of the river and its chief tributaries, as required by joint resolution of February 21, 1871, $2,100.

SEC. 2. That the moneys hereby appropriated shall be immediately available.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. REED. What is the total amount involved in the bill?

Mr. BLANCHARD. It is $8,100.

The SPEAKER. The gentleman from Louisiana [Mr. BLANCHARD] asks leave to make a brief statement, subject to the right of members to object to the consideration of the bill after his statement is concluded.

There was no objection, and leave was granted accordingly.

Mr. BLANCHARD. By the act of Congress of March 3, 1875, and the act of June 19, 1878, it is made the duty of the Secretary of War to have annually made at the jetties at the mouth of the Mississippi River certain surveys and examinations, with a view of determining whether or not Captain Eads is carrying out his contract with the Government and also with a view of enabling the Government to ascertain whether said Eads has or has not earned his compensation under such contract.

This matter has been brought to the attention of the Committee on Rivers and Harbors by the Secretary of War in a special communication, and also by the Chief of Engineers, who has appeared before us. We were given to understand that if this deficiency appropriation be not made at this time the Secretary of War will not be able to discharge the duty imposed upon him by existing law; will not know whether to meet the payments provided for in the contract with Captain Eads at the time when they fall due. We are further informed by the counsel of Captain Eads, who appeared before the committee, that unless this appropriation be made, so as to provide for these surveys and examinations, Captain Eads, under his contract, will have the right to demand payment in bonds of the Government, instead of currency. Bonds are worth about 20 per cent. premium. Therefore the passage of this bill will save to the Government a large amount of money.

Mr. RANDALL. I wish to ask the gentleman from Louisiana [Mr. BLANCHARD] whether it is not necessary to make this appropriation now, in order to give the War Department sufficient time to make its surveys to ascertain whether Captain Eads has earned this money or not?

Mr. BLANCHARD. That is the fact.

Mr. RANDALL. If he has earned the money he gets it; otherwise not.

Mr. BLANCHARD. Yes, sir.

Mr. DINGLEY. Is this appropriation recommended by the Secretary of War?

Mr. BLANCHARD. It is.

Mr. DUNN. Is the passage of this bill necessary in consequence of the failure of the last river and harbor bill?

Mr. BLANCHARD. It is. These appropriations have heretofore been made in the river and harbor bill; but at the last session of the last Congress that bill failed; hence the necessity for this deficiency appropriation.

Mr. BROWNE, of Indiana. Will the gentleman allow me a question?

Mr. BLANCHARD. Yes, sir.

Mr. BROWNE, of Indiana. Had we not better pass the bill and quit talking about it? [Laughter.]

Mr. BLANCHARD. I think so.

Mr. DUNN. We want to know who is responsible.

The SPEAKER. The question is on the request of the gentleman from Louisiana that the Committee of the Whole on the state of the Union be discharged from the further consideration of this bill, and that it be brought before the House for action. If there be no objection that order will be considered as made.

There was no objection.

The House then proceeded to the consideration of the bill; which was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. BLANCHARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SENATE CONTINGENT FUND.

Mr. RANDALL. Under instructions from the Committee on Appropriations, I report back the joint resolution (S. R. 64) providing for the addition of $10,000 to the contingent fund of the Senate. I propose, when the resolution and accompanying report have been read, to ask the previous question.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be added to the contingent fund of the Senate for expenses of special and select committees for the fiscal year ending June 30, 1884.

Mr. RANDALL. I ask that the report of the Committee on Appropriations accompanying the joint resolution be read.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the Senate joint resolution (S. R. 64) providing for the addition of $10,000 to the contingent fund of the Senate, report the same back to the House with a recommendation that the same pass with an amendment as follows:

At the end of the last line of said joint resolution insert the following: "Which sum shall be available only for the expenses of investigations heretofore ordered."

Mr. RANDALL. I ask the previous question on the amendment and upon ordering the joint resolution to a third reading.

The previous question was ordered; and under the operation thereof the amendment reported by the Committee on Appropriations was agreed to; and the joint resolution as amended was ordered to a third reading.

The joint resolution was read a third time, and passed; there being—ayes 116, noes 12.

Mr. RANDALL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELIEF OF SUFFERERS BY OVERFLOW AND CYCLONE.

Mr. ELLIS, from the Committee on Appropriations, reported back adversely joint resolutions of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

Joint resolution (H. Res. 162) making an appropriation for the relief of sufferers by overflow in the lower Mississippi Valley and the rivers tributary thereto;

Joint resolution (H. Res. 180) for the relief of sufferers by the late cyclone in North Carolina; and

Joint resolution (H. Res. 183) making an appropriation for the relief of persons rendered destitute by the overflow of the Mississippi River and its tributaries.

MISSISSIPPI VALLEY FLOODS.

Mr. ELLIS. Acting under instructions of the Committee on Appropriations, I present a resolution, which is offered in lieu of several referred to that committee, and I ask it be read for present consideration.

The Clerk read as follows:

Resolved, That the Secretary of War be requested to furnish this House from time to time with information of the progress of the flood in the valley of the Mississippi, and to report if at any time in his judgment there exists such suffering in consequence of said floods as to justify measures of relief on the part of Congress, and if so the measure of such relief.

The resolution was adopted.

Mr. ELLIS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EULOGIES ORDERED TO BE PRINTED.

Mr. RYAN, by unanimous consent, introduced a joint resolution (H. Res. 191) for the printing of certain eulogies delivered in Congress upon the late Dudley C. Haskell; which was read a first and second time.

The joint resolution is as follows:

Resolved, That there be printed of the eulogies delivered in Congress upon the late Dudley C. Haskell, a Representative-elect to the Forty-eighth Congress from the State of Kansas, 12,500 copies, of which 3,000 copies shall be for the use of the Senate and 9,500 for the use of the House of Representatives. And the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said Dudley C. Haskell to accompany said eulogies, and for the purpose of engraving and printing said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RYAN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SWINE PRODUCTS.

Mr. HATCH, of Missouri. I am requested by the Committee on Agriculture to ask unanimous consent that the resolution which I send to the Clerk's desk may be considered at this time.

Mr. CLAY. I demand the regular order of business.

Mr. ROBERTSON. Before we go to the regular order of business I have a privileged report to submit.

Mr. HATCH, of Missouri. I ask to introduce a joint resolution from the Committee on Agriculture, and if its consideration be objected to at this time I will ask that it be printed in the RECORD and referred to the Committee on Printing. If the gentleman from Kentucky had waited until the resolution was read I am sure he would not have objected to it.

Mr. CLAY. I thought it was time we should proceed to the consideration of the regular order of business.

The SPEAKER. Does the gentleman object?

Mr. CLAY. I do not object to the resolution, for I do not know what

it is, as it has not been read, but I must insist upon the regular order of business. I do not object to its being introduced for reference to the Committee on Printing.

Mr. HATCH, of Missouri, from the Committee on Agriculture, reported joint resolution (H. Res. 192) for the printing of extra copies of documents concerning swine products of this country; which was read a first and second time, and referred to the Committee on Printing.

The resolution is as follows:

Resolved, &c., That there be printed 60,000 copies of the report of the Secretary of State and accompanying report made by the commission lately designated by the President to examine and report upon the asserted unhealthfulness of the swine products of this country, together with the message of the President transmitting the same to the House of Representatives; 45,000 copies thereof for the use of the members of the House of Representatives, 10,000 copies for the use of the Senate, and 5,000 copies thereof for the use of the Department of Agriculture.

CONTESTED-ELECTION CASE—NEW MEXICO.

Mr. ROBERTSON, from the Committee on Elections, submitted the following unanimous report:

Francisco A. Manzanares, contestant, vs. Tranquilino Luna, contestee, from the Territory of New Mexico.

Your committee, to whom was referred the above case, beg leave to report:

That on the 29th day of November, 1882, the acting governor of the Territory of New Mexico issued his certificate of election in due form to the sitting Delegate. That on the 23d day of December, 1882, the contestant served a copy of his notice of contest on the wife of the contestee at his residence in the Territory of New Mexico, the contestee not being found at home. That on the 20th day of December, 1882, the contestant sent a copy of his said notice of contest by express to the Sergeant-at-Arms of the Senate of the United States to be served on contestee, and on the same day sent by mail, by a registered letter, another copy addressed to contestee, directed to the city of Washington, where contestee was then in attendance upon the session of Congress.

That contestee answered in full on the 29th day of January, 1883.

The contestee claimed that the notice was not served in time; but your committee are of opinion that the notice was ample and served in time and in accordance with the statute law of New Mexico; and for the further reasons that the sheriff who served the notice of contest upon contestee's wife testified contestee was absent from the Territory of New Mexico, and, besides, he mailed a registered letter containing notice of contest to contestee at the city of Washington, where contestee was, and that the letter reached the city within the time prescribed by law for the notice to be served.

The notice of contest charges fraud in various counties in the Territory; the answer denies each charge specifically and makes counter-charges. The contestant only took testimony in one county, Valencia, in regard to nineteen precincts in that county and one precinct in Socorro County; the contestee took no testimony, but appeared by counsel at each sitting of the taking of depositions, and in most every instance cross-examined the witnesses.

Every voting precinct in the Territory of New Mexico, in each county, is known by its number.

In the county of Valencia your committee think it is clearly proven that frauds were committed in several of the precincts, and were such as to compel your committee to throw out the whole vote of said precincts; the fraud being so great and the returns so entirely in disregard of law and fair conduct on the part of the election officers that it is impossible to separate the good from the bad vote.

Before going into any detail of the evidence your committee will state that the census of 1880 shows the whole number of male adults capable of voting in that county to be 2,636, while the vote certified and counted for contestee is 4,193. Moreover, while the certificate from that county gave the contestee that remarkable vote, it did not give even one to the contestant, although the returns before them showed he had received 66 votes. Your committee deem it appropriate to refer the House to the vote for Delegate in Congress of the two political parties in this Territory from 1873 to 1882 inclusive, which is as follows, to wit:

Aggregate vote:

1873	1,662
1875	1,044
1876	2,136
1878	1,937
1880	2,028
1882	4,259

See certified returns.

We will now give the Democratic vote received in that county for each of the years just named:

1873	629
1875	285
1876	521
1878	642
1880	373
1882, none certified or counted, but the addition shows	66

It will thus be seen that the vote of 1882 was 4,259, while the largest vote ever polled before in that county was 2,136. It will moreover appear that during the period referred to, to wit, from 1873 to 1882, the Democratic candidates received the votes as above set forth, and at this election the poll-books showed he received 66, but the county board certified him none. These are very pregnant evidences of fraud taken in connection with the evidence, which shows no increase of population from 1880 to 1882.

Your committee will now proceed to notice several of the precincts wherein they think the fraud was such that the pretended vote of each must be thrown out. These are referred to as a fair sample of the rest.

Precinct No. 2.—At this precinct there were counted and certified for contestee 349 votes; for contestant 3. The evidence shows that there were only 121 votes cast, and the remainder were fictitious names placed on the poll-books by the officers of the election.

Precinct No. 3.—There were 381 votes counted for contestee, while the evidence shows only 160 votes were cast; the balance were fictitious.

Precinct No. 4.—Seventy votes for contestee and none for contestant. The evidence shows that after the polls were closed the ballot-box was not opened, the votes were not counted, but ballot-box, tally-sheets, registration-list, and all were sent to the county seat in that condition, nothing certified.

Precinct No. 10.—The vote certified for contestee was 295, when the evidence shows that only 84 votes were cast at that precinct.

Precinct No. 11.—There appear 387 votes certified for contestee, and evidence shows that only about 55 votes were actually cast.

Precinct No. 1.—Vote certified for contestee 443, none for contestant; this precinct is the home of contestee, and the only evidence of fraud is the voters' names being recorded in the poll-books to a great extent alphabetically, as if copied from some index or registration-list.

Precinct No. 14.—The vote counted and certified for contestee was 161, and evidence shows total vote polled at that precinct to be 40.

Your committee deem it unnecessary to follow the facts in each particular precinct: suffice to say that they vary but little from those given. It will be seen by reference to the evidence that in many places the names of those pretended to have voted are wholly fictitious or of persons long since dead, of eminent American statesmen who have been dead many years; the name of Frank James, the notorious bandit, is found recorded as voting at one of the precincts of Valencia County.

It will also appear that at some precincts the whole reported vote was a forgery, there being no such persons as the pretended judges, clerks, or voters.

There is also one precinct in Socorro County, adjoining Valencia County, where the pretended poll was taken on Monday, the 6th, instead of the 7th of November.

Your committee make the following summary:

Whole vote in the Territory for Congress as certified by the returning boards.

Counties.	Luna.	Manzanares.
Valencia	4,193	66
Socorro	1,088	1,153
Lincoln	454	338
Doña Ana	1,061	601
Santa Fé	957	1,149
Rio Arriba	996	1,310
Grant	534	891
Colfax	258	1,007
Mora	358	1,419
Taos	674	772
Bernalillo	2,469	1,465
San Miguel	1,602	3,054
	14,644	13,225

Majority for Luna, 1,419.

Below will be found the whole vote of Valencia County, as made by the returning board of that county:

In the county of Valencia.	Luna.	Manzanares.
1	443	
2	349	
3	381	
4	70	
5	82	
6	182	
7	63	
8	68	
9	267	
10	295	
11	387	
12	216	
13	169	
14	161	
15	125	
16	121	
17	48	
18	101	
19	28	
20	152	
21	87	
22	153	
23	38	
24	207	
Total	4,193	

From which deduct the fraudulent votes as per evidence, which are found to be 2,357; and under this state of facts, giving the contestee the benefit of the doubtful and actual votes cast in Valencia County, namely, 1,836, we submit the following statement, to wit:

Whole number of votes returned for contestant as per certified copies of returns of each county	13,225
Whole number of votes returned for contestee as per certified copies of returns of each county	14,644
From which subtract the illegal and fraudulent vote, as above	2,357
Leaves the vote of contestee	12,287
Showing majority for contestant	938

Therefore your committee recommend the adoption of the following resolutions:

Resolved, That Tranquilino Luna was not elected a Delegate to the Forty-eighth Congress from the Territory of New Mexico, and is not entitled to the seat he now holds.

Resolved, That Francisco A. Manzanares was duly elected a Delegate to the Forty-eighth Congress from the Territory of New Mexico, and is entitled to be sworn in as such.

The report was adopted.

Mr. ROBERTSON moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

On motion of Mr. ROBERTSON, the report was ordered to be printed.

Mr. FRANCISCO A. MANZANARES then appeared at the Speaker's desk and was duly qualified by taking the oath prescribed by section 1756 of the Revised Statutes of the United States.

ORDER OF BUSINESS.

Mr. HUTCHINS. Mr. Speaker, I move to dispense with the morning hour for the call of committees for the purpose of going into Committee of the Whole to further consider the naval appropriation bill.

Mr. KEIFER. I ask the gentleman to withhold his motion long enough for me to ask the reference of a bill to the Committee on Appropriations.

Mr. HUTCHINS. Very well.

Mr. KEIFER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House bill No. 4971, making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes, with Senate amendments thereto, and that the same, with said amendments, be referred to the Committee on Appropriations.

There was no objection, and it was ordered accordingly.

Mr. HUTCHINS. I now renew my motion to dispense with the morning hour.

The SPEAKER. That requires a two-thirds vote.

The House divided; and there were—ayes 88, noes 48.

So (two-thirds not having voted in the affirmative) the motion was not agreed to.

OBSTRUCTIONS TO NAVIGABLE WATERS.

Mr. DUNN, from the Committee on Commerce, reported, in lieu of House bills 1754, 2343, and 2913, a bill (H. R. 5681) to provide for the removal of obstruction to the free navigation of the navigable waters of the United States; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The SPEAKER. In the absence of objections the other bills will be laid upon the table.

NATIONAL MILITARY CEMETERY, SPRINGFIELD, MO.

Mr. MORGAN, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 3274) making appropriation to construct a road from the city of Springfield, Mo., to the national military cemetery; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ACCOUNTS OF ARMY AND NAVY OFFICERS.

Mr. LAIRD, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 2388) to authorize the continuance in force of an act approved June 23, 1870, entitled "An act to continue the act to authorize the settlement of the accounts of officers of the Army and Navy;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HORSE-RAILWAY, DAVENPORT TO ROCK ISLAND.

Mr. LAIRD, from the Committee on Military Affairs, also reported back with amendments the bill (H. R. 445) to empower the Secretary of War to permit the establishment, under certain conditions, of a horse-railway upon and over the island of Rock Island and the bridges erected by the United States connecting the cities of Davenport and Rock Island; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

EXCHANGE OF CERTAIN NORTH CAROLINA BONDS.

Mr. SKINNER, of North Carolina, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 1154) to authorize the exchange of North Carolina bonds now held by the United States Government; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NEW YORK INDIAN LANDS, KANSAS.

Mr. PERKINS, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 2047) to provide for the sale of certain New York Indian lands in Kansas; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ISABEL CAMPBELL.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported back the bill (H. R. 1171) granting a pension to Isabel Campbell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNA M. WEHE.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 1197) granting a pension to Anna M. Wehe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH BAUER.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back the bill (H. R. 1403) granting a pension to Elizabeth Bauer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID W. STOCKSTILL.

Mr. GEDDES, from the Committee on War Claims, reported back the bill (H. R. 4962) for the relief of David W. Stockstill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD COMPANY.

Mr. LEWIS, from Committee on the Public Lands, reported, as a substitute for so much of H. R. 292 as refers to the forfeiture of the land grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company, a bill (H. R. 1682) to repeal section 22 of the act to incorporate the Texas Pacific Railroad Company, approved March 3, 1871, declaring the forfeiture of the lands granted therein, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. OATES. I desire, Mr. Speaker, permission to file the report of the minority in connection with the bill just reported from the Committee on Public Lands. I will file the report during the day, not having had an opportunity of conferring with other gentlemen on the committee who may wish to sign it.

The SPEAKER. There being no objection, the gentleman from Alabama will have permission to file the minority report during the day.

UNIFORM SYSTEM OF BANKRUPTCY.

Mr. COLLINS, from the Committee on the Judiciary, reported back, in lieu of House bills 485, 742, 1082, 1055, and 1058, a bill (H. R. 5683) to establish a uniform system of bankruptcy throughout the United States; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The SPEAKER. Without objection the other bills will be laid on the table under the rule.

GEORGE J. STANNARD.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 2839) to increase the pension of George J. Stannard, late a major-general of volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT CARRICK.

Mr. MURRAY, from the Committee on Military Affairs, reported back with an adverse recommendation the bill (H. R. 1536) for the relief of Robert Carrick; which was laid on the table, and the accompanying report ordered to be printed.

TELEGRAPH OPERATORS DURING THE WAR.

Mr. MURRAY, from the Committee on Military Affairs, also reported, in lieu of House bills 145 and 246, a bill (H. R. 5684) for the relief of telegraph operators during the war; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bills 145 and 246, having the same title, were laid on the table, and the accompanying report ordered to be printed.

MARY ANN KING.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back the bill (H. R. 1595) for the relief of Mary Ann King, mother of Andrew King, deceased, and moved that the committee be discharged from the further consideration of the same and that it be referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

The motion was agreed to.

BOYS ENLISTED IN THE NAVY.

Mr. RANDALL, from the Committee on Appropriations, reported back a letter from the Secretary of the Navy recommending that the number of boys to be enlisted in the Navy be increased from 750 to 1,000, and moved that the committee be discharged from the further consideration of the same and that it be referred to the Committee on Naval Affairs.

The motion was agreed to.

TRAINING SHIPS.

Mr. RANDALL, from the Committee on Appropriations, also reported back a letter from the Secretary of the Navy, in reference to building two new training ships, and moved that the committee be discharged from the further consideration of the same and that it be referred to the Committee on Naval Affairs.

The motion was agreed to.

CEMETERY SITE AT KIRWIN, KANS.

Mr. ANDERSON, from the Committee on Public Lands, reported back with a favorable recommendation the bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NAVAL APPROPRIATION BILL.

Mr. HUTCHINS. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CONVERSE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union, and resumes the consideration of the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes. The question pending is upon the amendment offered by the gentleman from Tennessee [Mr McMILLIN], which the Clerk will report.

The Clerk read as follows:

Add at the end of the amendment adopted, at the end of line 38, the following: "That the number of captains shall be reduced to thirty, and the number of commanders be reduced to fifty, and no more promotions shall be made to these grades until the numbers are reduced below the numbers herein mentioned."

The CHAIRMAN. The House has limited debate on the pending clause of the bill and amendments thereto to fifteen minutes. The Chair recognizes the gentleman from New York [Mr. HUTCHINS] in charge of the bill.

Mr. HUTCHINS. I yield five minutes to my colleague from New York [Mr. COX].

Mr. COX, of New York. If I understand, Mr. Chairman, the scope of the amendment of my friend from Tennessee, it is to cut down the number of supernumeraries now in our Navy. At least it has that effect to some extent. In that connection I desire to call the attention of the committee to a statement which is veritable as to the number of naval officers who have been around Washington city since 1868. My colleague on the Committee on Naval Affairs, the gentleman from Illinois [Mr. THOMAS], has already told the House how many are on sea-service, how many are on land-service, how many are waiting orders. He obtained this information from official sources. He showed to this House that there was a great need of cutting down this enormous surplusage.

But look at the number of these naval officers around Washington city. In the year 1868, of the line there were 20, of staff officers 42; a total of 62. In the year 1870 there were line officers 57, staff officers 46; a total of 103. In 1872 there were 47 line officers and 45 staff officers; a total of 92. In 1875 there were 47 line officers and 44 staff officers; a total of 91. In 1882 there were 91 line officers and 53 staff officers; a total of 144. Last year, 1883, we had 113 line officers and 56 staff officers, making a total of 169 as the number of officers on duty in Washington city; showing an increase since 1868 that is perfectly enormous.

No man can justify the keeping up of this great service without at the same time increasing the force of our ironclads or our cruisers. There we may take issue. The gentleman from Iowa, Mr. KASSON, I think it was, made a strong speech here, in which he said he believed every man who knew anything of the history of mankind of late years believed there were only two ways of either keeping the peace or making war—*Blut und Eisen*, as he called it, which, translated into the vernacular, means, I suppose, blood and iron. And yet, at the same time, the gentleman sneered at the conduct of the Democracy on this bill. Why, sir, the gentleman refers to Bismarck, the grand vizier of German tyranny, the man who insults republics, and the gentleman quotes him here as our model. I thought the Republican party of late years were recommending the *amicabilia* of arbitration as the way of settling disputes among nations.

And now, instead of treaties, instead of commissions, instead of amicable modes, we are commended by the elegant gentleman from Iowa, by the elegant diplomat who was once in Germany, to the mode of blood and iron. The gentleman from Iowa postpones the millennium, which was intended to usher in another and a somewhat better era, for the era of blood and iron, not the era of civilization, when better days shall dawn for mankind.

Gentlemen on the other side have reproached our side of the House because we do not at once vote their additional seven cruisers; yet for ten years of legislative life they themselves failed to do so. The Forty-seventh Congress never touched the matter, except to begin the construction of four cruisers, and we are following out that policy thus far. During the ten years when gentlemen of the other side had power here they did not do anything to enhance or improve the Navy.

I know that they did a great deal to draw money from the employés in the navy-yards. I hold here an assessment circular of the Republican committee, signed by my good friend from Iowa [D. B. HENDERSON], who levied these contributions on the employés.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWNE, of Indiana. I would ask the gentleman from New York [Mr. COX] if that is the same assessment which he referred to six or eight times last year?

Mr. COX, of New York. Yes; and I will refer to it until I die.

Mr. BROWNE, of Indiana. It is the same one?

Mr. COX, of New York. Yes; and every time I shoot it off at you you duck under. [Laughter.] I ask consent to print with my remarks the assessment circular to which I have referred.

There was no objection.

The circular is as follows:

[Jay A. Hubbell, chairman; D. B. Henderson, secretary; executive committee, Hon. W. B. Allison, Hon. Eugene Hale, Hon. Nelson W. Aldrich, Hon. Frank Hiscock, Hon. George M. Robeson, Hon. William McKinley, jr., Hon. George R. Davis, Hon. Horatio G. Fisher, Hon. Horace F. Page, Hon. W. H. Calkins, Hon. Thomas Ryan, Hon. William D. Washburn, Hon. L. C. Houk, Hon. R. T. Van Horn, Hon. Orlando Hubbs.]

HEADQUARTERS OF THE
REPUBLICAN CONGRESSIONAL COMMITTEE, 1882,
520 THIRTEENTH STREET, NORTHWEST,
Washington, D. C., May 15, 1882.

SIR: This committee is organized for the protection of the interests of the Republican party in each of the Congressional districts of the Union. In order that it may prepare, print, and circulate suitable documents illustrating the issues which distinguish the Republican party from any other and may meet all proper expenses incident to the campaign the committee feels authorized to apply to all citizens whose principles or interests are involved in the struggle. Under the circumstances in which the country finds itself placed the committee believes that you will esteem it both a privilege and a pleasure to make to its fund a contribution, which it is hoped may not be less than $——. The committee is authorized to state that such voluntary contribution from persons employed in the service of the United States will not be objected to in any official quarter.

The labors of the committee will affect the result of the Presidential election in 1884 as well as the Congressional struggle; and it may therefore reasonably hope to have the sympathy and assistance of all who look with dread upon the possibility of the restoration of the Democratic party to the control of the Government.

Please make prompt and favorable response to this letter by bank check or draft or postal money-order, payable to the order of Jay A. Hubbell, acting treasurer, P. O. lock-box 589, Washington, D. C.

By order of the committee.

D. B. HENDERSON, *Secretary.*

Mr. HUTCHINS. I now yield five minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Chairman, it seems to me that this question of the staff and line officers of the Navy, and the question of consolidating the bureaus of the Navy Department, and the other minor questions which have been brought up in this debate, ought all to be subordinated to the great question whether we shall build up a navy or not.

The history of the American Navy from the days of its pristine glory to its present humiliating condition is a step from the sublime to the ridiculous. I have before me the letters of Sir Charles Napier on The Navy: Its Past and Present State (London, 1851). He said in 1816 that the English navy of that day could not contend with the American Navy. Let me read from him:

They—

The English ships—

would have beat a French or Spanish ship who were worse than themselves, but I will stake my existence had an American line-of-battle ship fallen in with one-half of them they would have been taken.

And again:

Things are now changed. We have an enemy (for though at peace I consider America our bitterest enemy), I fear, as courageous as ourselves, and one who will have the advantage over us as long as their Navy keeps in proportion to their population, or rather as long as it is so much inferior to ours as to oblige them to act upon the defensive.

He also reluctantly admits the superiority of our officers and men.

We had, it seems, at that time the finest navy in the world. But to-day the American humorists are all poking fun at our officers, and saying that a young lieutenant who recently married a great heiress can now plug up the holes in his ship at his own expense before going to sea. That is the condition of our Navy to-day.

This side of the House is not responsible for the present condition of our Navy. The dominant party in this land had ten years in which to build up the Navy. It spent $385,000,000 on it. I venture to say that the English people have not spent as much in proportion for their navy as we have, and that for an excuse for one in the worm-eaten cheese-boxes that are disgracing our flag, parading it before the nations of the earth.

If we need a navy, and I think we need a moderate and fair navy to keep together our admirable corps of officers and men, the great question is, How shall we get it? In what manner shall we build up this navy? Shall it be by the contract system, or in our own navy-yards? What kind of ships shall we have?

I want to impress upon this House the fact that all naval architecture is groping in the dark. The nations of the earth could to-day, with advantage to themselves, pass around the hat, as it were, and take up a contribution for the purpose of enabling two great naval powers to engage in war in order to demonstrate how far naval architecture and the science of explosives have advanced.

The Committee on Appropriations of this House have been criticised because they have not appropriated money to continue the building of the monitors. I think in that they have done wisely. I hold in my hand the official journal of the Army and the Navy, a respectable newspaper, representing both arms of the service. I find in the current number of that journal an article which I will ask the Clerk to read, and request that the time taken up in its reading shall not be taken from me.

The CHAIRMAN. The time required for the reading of the article must be taken out of the gentleman's time.

Mr. MCADOO. Then I ask leave to print it with my remarks.

[The article referred to is as follows:

The thickness of the armor of the Miantonomoh consists of a single plate 7 inches thick, the latter [the Inflexible] consisting of two plates together 24 inches thick.

Sir Thomas Brassey, in his great work, The British Navy, furnishes elaborate tables showing the penetrating power of the guns of the royal navy. Referring to these tables, it will be seen that the 9-ton 8-inch caliber gun is capable of piercing 7-inch thick wrought armor, and that the moderate caliber of 10-inch and 18-ton weight penetrates 12-inch thick armor; while the 16-inch caliber 80-ton gun of the Inflexible pierces armor plates of 22-inch thickness. The 7-inch armor of the Miantonomoh is therefore vulnerable to all classes of British ironclads, the majority of whose guns will put their projectiles clean through both sides of such turret vessels. In the face of this fact the Navy Department earnestly recommends their completion, "as they will provide floating harbor defenses sufficient for present purposes, and may justify us in further postponing the construction

of any such expensive broadside armored ships as have so heavily burdened the treasuries of other nations." The sum asked for the said completion is, in round numbers, $3,598,000, which, if granted by Congress, will be worse than wasted, as the only result will be to lull the nation into false security. It is indisputable that a couple of first-class ironclads can send the whole fleet of the overrated "harbor-defense monitors" to the bottom. Congress, instead of adopting the "earnest" recommendation of the Navy Department, should forthwith order the unfinished monitors to be disposed of, and suitable harbor-defense vessels built for the three and three-quarter millions saved.

The cost of the Miantonomoh thus far is given as $1,219,784.26; original cost of the vessel, $1,190,852.84; repairs, $28,931.42. She is now lying at the Brooklyn navy-yard, where the building of her turret frames and alteration to the hull will be proceeded with in a short time. Proposals for her steel plates have been advertised for, and the plans and specifications for the work have been completed in detail by the naval Bureau of Construction and Repair.]

I want to say this about it: there is a diagram accompanying the article showing the strength and thickness of the armor of the English Inflexible and of the Miantonomoh of our Navy. The article, as will be seen, says that the ordinary guns of the English navy, the ordinary rifled cannon of the English navy, can penetrate through both sides of the armor of our ship, the Miantonomoh, on which we have spent a large sum of money. Gentlemen say there is a popular demand for a navy and that it must be met by building a fleet of cruisers and completing these monitors before either has been tested.

Now, sir, with regard to these cruisers I am afraid members may be misled. Steel cruisers sound formidable, but in reality these vessels are to be but steel shells which can be as readily penetrated by projectiles as a tin box by a bullet of sufficient calibre. Now, again, the argument that they can prey on commerce and run away from an enemy is doubtful when we reflect that foreign governments, under a subsidy system alien to our institutions, have fine mercantile ships, like the Alaska and Oregon and hundreds of others, that, with slight alterations, at her best can meet our will-be Chicago and, with better guns, advantage her in fight and outrun her in speed.

Sir, because we need a navy is no argument for running into the net of favorite contractors and scheming politicians. Let us at least test the cruisers we are now building before we contract for more. Our highest naval officers have condemned in advance the Chicago; the leading English engineers have condemned her engines. Even if she meets the best wishes of her projectors she can simply make a creditable display, while of doubtful utility. As the gentleman from New York [Mr. COX] said the other day, this is the age of guns. The ship is but the gun-carrier; all depends on the gun carried. We are utterly behind in the matter of guns; ours are antedated. The old smooth-bores bear the same relation to the monster rifled cannon of recent date as the old flint-lock shotgun to the modern Winchester rifle. Let us, if we must have a navy, begin first to build guns. Then, with good guns, let us under favorable auspices and honest government build vessels that can go outside Sandy Hook to thunder their iron hail on the sides of a Lepanto or a Duilio and receive in return their fire unscathed. To-day we are at the mercy of almost every power, and spend more than most. A glance at the following table is instructive.

The navies of the world.

[Compiled from official documents.]

Countries.	Number of vessels.	Number of men.	Cost of navy.
Argentine Republic	27	991	$550,439
Austria-Hungary	68	6,369	4,633,669
Belgium	10	172	.....
Brazil	41	4,984	5,898,132
Canada (Dominion)	7	.....	.....
Chili	23	1,468	.....
China	56	.....	.....
Colombia	.....	.....	1,000,000
Denmark	33	1,125	1,383,940
Egypt	14	.....	.....
France	258	48,283	32,267,498
Germany	86	15,815	9,722,721
Great Britain and Ireland	238	58,800	51,607,175
Greece	18	652	1,056,536
Italy	67	16,140	9,227,132
Japan	27	5,551	3,015,000
Mexico	4	.....	.....
Netherlands	122	5,914	4,849,776
Norway	123	4,342	448,632
Peru	18	.....	.....
Portugal	44	3,569	1,607,411
Roumania	10	530	.....
Russia	389	30,194	19.268,755
Spain	139	15,179	6,429,163
Sweden	131	5,925	1,424,250
Turkey	78	23,000	2,816,000
United States	139	11,115	15,686,671
Venezuela	4	200	.....

It is well to remember in connection with this table that our one hundred and thirty-nine vessels include, excepting the Trenton (wooden), not one really first-class ship, while navies having less vessels in number are vastly superior in quality.

I am in favor of keeping together, even under these discouraging circumstances, the best part of our officers and men until we have ships to float them with honor to the country. It would take twenty years to reorganize, once disbanded, such a body as we have to-day. There are thousands of able, brave, patriotic American sailors in our Navy who would shed glory upon our flag in any emergency.

Let us build the Navy from the bottom upward on solid foundations; but above all, in the light of past events, let us be sure we build it honestly. The Democratic party can safely go to the country if it is retarded in building a navy by a well-founded distrust of public servants over whom they have no control.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCADOO. I ask leave to print additional remarks.

There was no objection, and leave was granted accordingly.

Mr. HUTCHINS. I yield two minutes to the gentleman from Maryland [Mr. TALBOTT].

Mr. TALBOTT. Mr. Chairman, I wish merely to say that this attack upon the line and staff of the Navy is in my judgment unwarranted. In respect to our Navy, we are in exactly the same condition as every other nation of the world that is at peace. We have a number of naval officers who are enjoying themselves and drawing pay, and I do not blame them. We have in the service a class of gentlemen who are as brave as any in the world—who are perfectly willing to enjoy themselves now in time of peace, but willing also to be shot to pieces in defense of this nation if any emergency requiring it should arise. I am tired of all this nonsense, this everlasting attack upon the line and staff of the Navy. This is all I want to say.

Mr. HUTCHINS. I yield the residue of my time to the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS. In the very short time conceded to me by the gentleman from New York [Mr. HUTCHINS], for which I thank him, I can say only a word or two upon three or four topics, each of which deserves at least half an hour.

It has been stated time and again that the monitors now in course of construction and in an incomplete condition will not float. I assert here that no respectable engineer can be found from one end of the country to the other who if he knows anything about the subject will deny that those monitors are the best vessels of their class in the world, and if completed according to the present plan will be the most effective war vessels for our harbor and coast defenses that could be devised by mortal man.

I am tired of hearing this unfounded statement that these vessels will not float. The Puritan, the largest of the class, has been attacked time and again by the newspapers bent upon breaking down the American Navy. The charge has been reiterated that she would not float. Sir, when launched by the builder she floated sixteen inches higher than the specifications called for, showing that she had that much more buoyancy than had been anticipated.

As to the new cruisers, it was stated here yesterday that they are wholly ineffective as vessels of war. The statement is not true. They are the best vessels that modern skill and experience have brought forward, and armed with high-power guns they would be most effective against the largest ironclads of the world. The question to-day is not a question of ships but a question of guns. If these cruisers are armed with proper guns, they can without fear meet in single combat any vessel of any nation in the world.

Sir, the question is not one of armor; for no armor can be put upon vessels which can not be pierced by modern guns. Hence the question arises how little armor we can put on our war vessels, and what other means we can employ to make our vessels buoyant. Following this idea, these vessels have been built with water-tight and air-tight compartments, so that they may be pierced through and through, and still be as buoyant as they were in the first instance; while heavy ironclads, if once pierced, as they can be, by the high-power guns now in use, would go to the bottom as quickly as solid shot. There is no intelligent naval officer in our service or in the service of any foreign government who would not prefer to go to war in one of these new steel cruisers to going to war in any ironclad of any navy in the world; for these cruisers are more effective than any other war vessels.

The statement that the Chief Constructor of the Navy has said these vessels are a failure is a misstatement. He did not say anything of the kind. He said that they could be improved in some particulars; and when we reach the proper stage in the consideration of this bill, I propose to offer an amendment which will, I think, improve them vastly, as it will substitute full sail power for two-thirds sail power, as proposed, and will substitute a telescopic smoke-stack for the standing one, thus enabling the vessels to employ full sail power.

[Here the hammer fell.]

The CHAIRMAN. The question is upon the amendment of the gentleman from Tennessee [Mr. MCMILLIN], which will be read.

The Clerk read as follows:

Add to the paragraph as amended the following:

"That the number of captains shall be reduced to thirty, and the number of commanders be reduced to fifty; and no more promotions shall be made to these grades until the numbers are reduced below the number herein mentioned."

Mr. HUTCHINS. If I may be indulged a moment I will say that this matter was considered by the committee, who concluded——

The CHAIRMAN. Debate is exhausted.

Mr. HISCOCK. I move to amend the amendment by adding the clause which I send to the desk.

The Clerk read as follows:

Provided, That reductions in the grades of captain and commander may be made by voluntary retirement, and that those officers so retired shall receive the same pay on the retired-list as do those officers of the staff with whom they have assimilated rank.

Mr. THOMAS. I suggest that in order to perfect this amendment the word "relative" should be substituted for the word "assimilated."

The question being taken on Mr. HISCOCK's amendment to the amendment, it was not agreed to; there being—ayes 59, noes 64.

Mr. HOPKINS. I move to amend the amendment by adding the following:

Provided, however, That such officers shall be retired with the same pay as if retired from age, or from wounds or disabilities incurred in the line of duty.

I understand discussion is exhausted.

The CHAIRMAN. Debate is exhausted.

The question being taken on the amendment of Mr. HOPKINS, there were, on a division—ayes 44, noes 61.

Mr. THOMAS. No quorum has voted.

The CHAIRMAN. The Chair will appoint as tellers Mr. HOPKINS and Mr. THOMAS.

The committee divided; and the tellers reported—ayes 46, noes not counted.

Mr. THOMAS. I do not ask for a further count.

The amendment to the amendment was rejected.

Mr. MCMILLIN's amendment was then disagreed to.

Mr. CALKINS. I now move to strike out all after the word "hereafter," in line 31 of the bill, including all the amendments which have been adopted, and in lieu thereof to submit a substitute.

The CHAIRMAN. The Clerk will first report the portion of the bill proposed to be stricken out.

The Clerk read as follows:

None of the vacancies in the various grades in the line and in the staff corps of the Navy shall be filled by promotion until such grades shall be reduced to the numbers fixed for the several grades of the line and staff corps of the Navy by the act of August 5, 1882, making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

The President of the United States is hereby directed, on the 1st of July, 1884, or as soon thereafter as practicable, to reduce the staff corps of the Navy on the active-list as follows: Medical directors, from fifteen to five; medical inspectors, from fifteen to five; pay directors, from thirteen to five; pay inspectors, from thirteen to five; chief engineers, from seventy to fifty, by selecting from the said grades such of the officers as can best be spared from the service, and placing them on the retired-list with the rank they shall respectively hold at the time of retirement; and after the number of officers in the said grades shall be reduced as above provided, the number in each grade shall not exceed the reduced number which is fixed by the provisions of this paragraph for the several grades: *Provided*, That the highest relative rank of chief engineer shall be lieutenant-commander.

The CHAIRMAN. The Clerk will now report the substitute moved by the gentleman from Indiana.

The Clerk read as follows:

That a special joint committee, to consist of three Senators to be designated by the President of the Senate, and four Representatives to be designated by the Speaker of the House, be appointed to consider the present condition of the Navy, and whose duty it shall be to report at the next session of Congress some plan of organization to meet the exigencies of the service and to give stability to the system of law regulating the same, and avoid the necessity of special and personal legislation in regard thereto.

Mr. MCMILLIN. I make the point of order that changes existing law and does not retrench expenditure.

Mr. REED. I would like the gentleman to state wherein it changes the existing law.

Mr. MCMILLIN. It creates a commission which the law does not now recognize.

Mr. REED. It creates a commission for the purpose of inquiring whether a change should be made, and that is all. It does not change any law.

Mr. MCMILLIN. Does that board exist by law now?

Mr. REED. It is a joint committee of both Houses.

Mr. MCMILLIN. But a joint committee which does not exist by law now, for in this act you provide for its creation.

Mr. REED. But the power to create it exists in the Senate and the House all the time under parliamentary law.

Mr. CALKINS. I wish to say, Mr. Chairman, that any law on this subject changes existing law. The part proposed to be stricken out changes existing law, and my substitute is applicable simply to the parts which now change existing law. Any amendment germane to the subject-matter of the bill which does not increase expenditure is in order as a substitute for that portion which does change existing law.

The CHAIRMAN. The Chair is of the opinion that the point of order is well taken, and it is unnecessary to give the reasons therefor.

Mr. CALKINS. I move then to strike out the entire part of the bill for which I moved a substitute.

Mr. HUTCHINS. I reserve the point of order on that motion.

Mr. RANDALL. I wish to call the attention of the gentleman from Indiana to the fact that if his motion be agreed to by the House it would reverse all that was done yesterday as to the substitution of the word "none" for "one-half." It would also defeat the proposition inserted in reference to the staff. In other words, the effect would be, so far as this Committee of the Whole House on the state of the Union is concerned, to leave the question precisely where it was, at one-half of the line and staff.

Let me go further and inquire whether when that comes to be reported to the House are we not entitled to a vote by the yeas and nays on the change of the word "none" for "one-half."

Mr. CALKINS. We would have that benefit if it is stricken ont.

Mr. RANDALL. I mean striking out the portion of the bill indicated would not bring us to a naked vote on the substitution of "none" for "one-half."

Mr. CALKINS. If stricken out the vote would be on the substantive proposition.

Mr. RANDALL. If we adopt this it will have the effect of striking out, as I have already said, what we put in yesterday. The question is presented to the House, it seems to me, by striking out everything done yesterday but the substitution of the word "none" for "one-half."

Mr. CALKINS. I think the proposition might be divisible in the House, but I do not know about that. But that is not material, because, the proposition having been amended, it is now in order to strike out, although in striking out we may include words which have already been inserted.

Mr. TALBOTT. Let me ask the gentleman from Indiana if that is stricken out if it will not leave the law as it is provided under the act of August 5, 1882?

Mr. CALKINS. Yes, sir.

Mr. THOMAS. I beg the gentleman's pardon; the act of 1883 will be in force.

Mr. TALBOTT. Yes, sir; March, 1883.

Mr. THOMAS. Under the act of August 5, 1882, promotions were prohibited; but the act of 1883 provided for one promotion for every two vacancies.

Mr. TALBOTT. That is it.

Mr. THOMAS. Now, the striking out of this provision will leave the law of 1883 in force, and also cut out the reduction made by the adoption of the amendment on yesterday.

Mr. HUTCHINS. It will be a reversal of the action of the committee on yesterday.

Mr. CALKINS. On one branch only.

The CHAIRMAN. The Chair does not believe that the point of order was made against the amendment.

Mr. CALKINS. No, sir; not against this.

The CHAIRMAN. The question is on the adoption of the amendment proposed by the gentleman from Indiana.

The committee divided; and there were—ayes 66, noes 64.

Mr. MCMILLIN. Let us have tellers.

Mr. HOLMAN. No quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. MCMILLIN and Mr. CALKINS were appointed tellers.

The committee again divided; and the tellers reported—ayes 88, noes 65.

So (no further count being demanded) the amendment was agreed to.

Mr. THOMAS. I offer the amendment I send to the desk, to come in after the word dollars, in line 31.

The Clerk read as follows:

Provided, That the pay and allowance of officers of the same rank and relative rank in the line and staff shall be the same, and shall be governed by the pay and allowance of officers of the Marine Corps of corresponding rank.

Mr. RANDALL. I reserve the point of order upon that amendment. I would like to have the gentleman explain what it is.

The CHAIRMAN. By order of the House all debate upon the pending clause and amendments thereto has been closed.

Mr. RANDALL. Then I make the point of order that it is new legislation and does not on its face retrench expenditures. Still I want an explanation from the gentleman, if he is permitted to give it.

Mr. THOMAS. I ask unanimous consent to make a statement as to the character of the amendment.

Several members objected.

The CHAIRMAN. The point of order has been made against the amendment proposed by the gentleman from Illinois. The Chair will hear the gentleman if he desires to be heard on the point of order.

Mr. RANDALL. The gentleman can state whether it is or is not a reduction of expenditures. Otherwise I shall insist upon the point of order.

Mr. THOMAS. I attempted, Mr. Chairman, in a speech of some hour and ten minutes the other day to show that the present pay-tables of the different branches of the service were all at variance, one branch receiving this compensation, another so much, and another a different pay, all having the same rank. For instance, a doctor in the Navy receives $1,500 more pay on shore-duty than the man who commands the ship. And so, also, with reference to paymasters. It is high time, sir, in my judgment, to regulate the pay-tables of the Navy and put all of our officers upon the same footing—that is to say, all commanders,

whether of the line or staff, shall receive the same pay as is accorded to officers of the Army; that captains shall receive the same pay, whether of the line or staff, as in the Army, and also with lieutenants. There is no reason whatever for a difference between the pay of officers of similar grades in the Army and Navy. Now, in the Army line and staff officers of the same rank receive exactly the same pay, and I respectfully suggest that it is about time we should bring into our legislation the same state of affairs with reference to the Navy, and equalize the pay of officers of similar rank.

This amendment proposes to accomplish that result. It will not cost anything in addition to the present expenditures, for the reason that the staff officers of the Navy are not allowed to reach above a certain point, and therefore they can not draw as much pay as officers of the line who attain to this high rank; and the effect of this amendment, if adopted, will be to equalize the pay all along the line without any increase of expenditures.

Mr. RANDALL. I must insist upon the point of order.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken.

Mr. THOMAS. Will the Chair be kind enough to state the grounds on which the amendment is held to be out of order?

Mr. RANDALL. I make the point of order for the reason that the amendment is new legislation, and is not shown to be in the line of retrenchment. The gentleman himself admits that it raises certain salaries.

Mr. THOMAS. It raises some and reduces others.

The CHAIRMAN. The Chair is of opinion that it changes the law and does not reduce expenditures. The Clerk will read.

The Clerk read as follows:

For pay of the retired-list, namely: For forty-three rear-admirals, twenty commodores, eleven captains, twelve commanders, sixteen lieutenant-commanders, twenty-seven lieutenants, seven ensigns, twenty-two medical directors, two medical inspectors, four surgeons, five passed assistant surgeons, seven assistant surgeons, nine pay directors, two pay inspectors, four paymasters, two passed assistant paymasters, one assistant paymaster, eleven chief engineers, twenty passed assistant engineers, twenty-six assistant engineers, eight chaplains six professors of mathematics, one chief constructor, three civil engineers, thirteen boatswains, ten gunners, nine carpenters, and seven sailmakers; in all, $713,455.

Mr. WHITE, of Kentucky. Mr. Chairman, I move to strike out the last word of the paragraph just read, for the purpose of correcting what seems to me to be a mistake made by the gentleman from Indiana [Mr. CALKINS].

In the RECORD of yesterday I find the following language used by him:

As to the line I agree with the gentleman from Iowa. We have not got enough line officers. I showed in my speech the other day that we have not as many as we had in 1842. It is the line officers in the Navy that command our ships that maintain the flag of our country wherever the sails of commerce whiten the seas. It is the line officers that I believe this Congress should provide for and provide liberally for. In times of peace we can get along with comparatively few staff officers. In times of war their places can be again filled up. But it is the line officers this House, in my judgment, should protect. Hence, the attack made by the gentleman from Tennessee on the line seemed to me entirely unjust and one which ought not for a moment to be considered by this House.

Now, I desire to say in reply to the gentleman from Indiana whose language I have just quoted that while he personally may know more about this than I do, a few days ago when he was making the speech to which he referred in this clause which I have just read he submitted a statement going back to 1842 for comparison. I hold in my hand a letter from a gentleman who I believe is quite as distinguished authority as the authority on whom the gentleman from Indiana relied. But as the gentleman from Indiana did not give his authority, I shall withhold the name of mine.

Hon. Mr. WHITE, *of Kentucky:*

DEAR SIR: In the report of the debate on the naval appropriation bill Hon. Mr. CALKINS stated that in 1842 the number of line officers of the Navy was 1,084, and that the Navy Register last published shows an exhibit of only 799, which Mr. CALKINS declared was "a reduction of 285 officers of the line," adding that "the staff has increased by two or three hundred officers."

You interpellated Mr. CALKINS as to the source of his information, from which, presuming you to be interested in the matter, I take the liberty to give you the following facts, from which you will see that Mr. CALKINS's informant was not altogether quite candid.

The number of line officers in the Register of 1883, including the grades of admiral and midshipman, is 829, to which, adding the boatswains, gunners, and mates, 141 in the aggregate, increases the number to 976 for 1883, and not 799.

I have no Register for 1842 at hand, but believe Mr. CALKINS's informant included all the above grades.

In 1842 there was no steam navy. The vessels were, with one exception, sailing vessels, and consequently there were no engineers.

Since 1842 the entire Engineer Corps has been added, and it numbered in 1883, including cadets, 288. Can this, which was the result of the conversion of a sailing into a steam navy, be called an increase of the staff? These 288 are the two or three hundred staff officers referred to by Mr. CALKINS as an "increase," giving the idea that the staff corps which existed in 1842 have had their numbers swelled by that amount. The 288 are for an entirely different profession from what existed in 1842, and to make a favorable showing for his side the line officer upon whose information Mr. CALKINS spoke took a date which antedated the existence of the staff corps of engineers, so that he could add the whole of that corps to the staff, and say the latter had been increased that much.

In fact, the staff corps which existed in 1842 have not been increased at all.

[Here the hammer fell.]

Mr. CALKINS obtained the floor.

Mr. WHITE, of Kentucky. I ask the gentleman to yield to me one minute.

Mr. CALKINS. I yield two minutes to the gentleman from Kentucky, reserving time in which to reply.

Mr. WHITE, of Kentucky. The letter continues:

The law of 1882 reduced the 288 engineers to 170, which is the present legal allowance—a totally inefficient number—which has to be increased by the employment of machinists on the vessels whose names do not appear on the Register, but whose large pay appears on the paymasters' rolls.

The present insane attempt to reduce the number of engineers and their position is greatly to the detriment of the naval service, and results from a most irrational jealousy on the part of the line officers. I sincerely trust that Congress can discriminate between the motive of all this personal legislation and the propriety of it.

I read also the following;

When you asked him if the staff officers are not exposed to the same dangers as line officers he said, "Oh, no." Now, sir, that is not so, for there are always two engineers on deck in battle, one at the bell-pull and one at the fire-hose. In the battle of Port Royal one engineer was instantly killed and another dangerously wounded on one ship; so they are not only exposed to the same danger on deck as line officers, but are liable to be scalded to death below by shot entering the boilers. Take the case of the Richmond and Oneida, in the Mississippi River, and hundreds of other cases. I have no doubt there were more engineers killed than line officers. As to the table that there were more line officers in 1842 than staff officers, you must remember there were no steamers then. Now engineers design and superintend the building of engines and ships, and the ships of to-day are vast steam-machines, requiring men of ability to manage them.

I desire to say to the gentleman from Indiana that that appears to me quite a sufficient answer to the statement he made a few days ago.

Mr. CALKINS. I hold in my hand a letter from the Secretary of the Navy, in which the information with reference to the line officers in 1842 is given to the Senate Committee and also to the Committee on Appropriations of the House. A reference to it will show I was entirely accurate in my statement.

Now, I want to congratulate the committee that so far as personal legislation is concerned with reference to the staff and the line it has been stricken out of the bill already. But I want to say to the friend of my friend from Kentucky, that just such agitation as this, just such remarks as those contained in the letter which has been read, have kept the line and the staff constantly fomenting and fermenting. I would like to see it all stopped. I am not a friend to the line more than to the staff, though I have believed and do believe now that the Navy in the staff is top-heavy, and we ought to get rid of some of the dead wood of the Navy—I do not use the expression offensively—in the staff. We are rid of it now, and let us go on with the bill.

Mr. WHITE, of Kentucky. I withdraw the formal amendment.

Mr. THOMAS. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 51 add the following:

"*Provided*, That the Secretary of the Navy shall convene a board of five officers of high rank, not less than captain, to investigate the present retired-list of the Navy; and that all officers found on said retired-list by said board who have been placed there for reasons other than wounds, injuries, or disabilities, or for having reached the age of 62 years, shall be stricken therefrom."

Mr. THOMAS. I yield one minute to the gentleman from Kentucky [Mr. WHITE].

Mr. WHITE, of Kentucky. Bearing on the subject I referred to a few moments ago, I have here some more interesting information for the gentleman from Indiana [Mr. CALKINS]. I desire, as an offset to the arguments which have been advanced, to show some of the dangers to which the staff is exposed in time of battle the same as the line officers under this new system of warfare, which did not exist in 1842. I desire in the one minute I have to submit some of the salient points on this subject which the gentleman from Indiana seems to have overlooked. I ask leave to have some memoranda on this subject printed as part of my remarks.

There was no objection.

The memoranda are as follows:

Memoranda concerning the naval Pay Corps.

Naval pay officers are only allowed clerks when on duty, and not always then—never when off duty. The clerk is allowed to the duty, not the individual. (See Revised Statutes, sections 1386, 1387, and 1388.) Thus, at the present time, with ninety-one pay officers on duty, twelve are without clerks and the remaining thirty-one, who are not on duty, have no clerks; so that with one hundred and twenty-two pay officers now in the service there are only seventy-nine pay officers' clerks.

It is not a fact that pay directors and inspectors have too much rank to go to sea; there is nothing in the law which exempts them, nor is it a fact that they can not go because they would rank their commanding officers. Pay officers can never exercise command over line officers, but are always subordinate by law to the commanding officer of the ship or station to which they are attached, even if this commanding officer is only a midshipman.

Last year one pay director was at sea, and at the present time three pay inspectors are at sea. More would no doubt be sent if there was any occasion for their services, but their most important duty is now on shore, where their long experience is of avail, and they are engaged in purchasing materials for building new ships and repairing old ones, and for equipping and provisioning them all, and in disbursing the appropriations made for the Navy. As their rank carries no pay, no saving would be effected by reducing it.

It is a fact that pay officers share equally with all other officers in the dangers of a naval life, one being on each vessel of the Navy in war and peace, and equally exposed to all the perils of destruction from shot, shell, and torpedoes in war, and to storm and shipwreck in peace.

There are seven pay officers now on the active list who were especially advanced in their grades by the President and Senate under the law for gallant service in action in the late civil war. One was with Cushing in the desperate but successful boat expedition to capture the ram Albemarle; one cut down an enemy who was about to kill his commanding officer on the deck of his vessel; one in disguise carried dispatches for miles through an enemy's country and was specially thanked by Admiral Porter, and another was Admiral Porter's military secretary during his operations on the Mississippi River; one landed in a

small boat under fire at Fort Fisher and conveyed the wounded off to the ship, and another was himself wounded severely in the same action; one commanded a gunboat in the action in Roanoke Sound; one was instantly killed with his commanding officer on the monitor Catskill off Fort Sumter while acting as signal officer; one brought from Brazil the news of the capture of the Florida; one commanded the powder division of the Kearsarge when she captured the Alabama; and it was a frequent custom for that important division of ships in action to be in charge of the paymaster and his clerk throughout the late civil war. The losses of the Pay Corps by shipwreck include every vessel lost at sea, the latest examples being the ill-fated Oneida and Huron, and of those now on the active-list not less than five have been wrecked at sea.

It is not a fact that the duties of pay officers are simply clerical. They combine all the functions of the Quartermaster's, Commissary's, and Pay Departments of the Army, and require in one single naval corps the same integrity, business knowledge, and varied experience as those three army corps do.

Mr. THOMAS. The reason for offering this amendment is this: the present appropriation for the retired-list of the Navy amounts to $713,450. I have given some time to the investigation of that retired-list, as well as of the active-list of the Navy. I find that under the law now when an officer comes up for promotion if he fails to show himself either morally, physically, or professionally fitted for promotion he goes on the retired-list. He is reported against if found deficient in any one of those requirements, and then, without regard to his age, instead of being kept on the active-list to perform duty, he is shoved off on the retired-list.

There are any number of officers to be found on the retired-list to-day, young men who were placed there, some because they were drunkards, others because their moral character was such as to disqualify them for promotion. Without having any other disability than that which they have brought upon themselves by their own immorality, by their lack of attention to their profession, they are shoved off on the retired-list and pensioned at two-thirds of their full pay.

I tell you that this retired-list ought to be weeded out. At least one-third of the officers on the retired-list are there not on account of having reached the age of 62 years, or having been wounded in battle, or receiving injuries in action, or on account of disabilities incurred in the line of their duty, but because they did not attend to their business and make themselves proficient in their profession, or because they contracted habits of immorality, or were guilty of other conduct that disqualified them for promotion.

It seems to me it is the duty of Congress to organize this board and have the retired-list investigated, so that those officers who have been put upon it simply because they were not fit for the service by reason of their own conduct should be stricken off. That is the object I have in view in offering this amendment. Every naval officer on the active-list, and every officer who has been put on the retired-list for wounds or injuries or disabilities incurred in honorable service or for having reached the age of 62 years, knows that this amendment should be adopted. This retired-list should be weeded out, and I hope it will be done.

Mr. ADAMS, of Illinois. Will my colleague permit me to ask him a question?

Mr. THOMAS. Certainly.

Mr. ADAMS, of Illinois. I desire to ask my colleague if he has examined this subject so as to be able to assure us that his amendment, if adopted, might not affect some persons who have been put on the retired-list without fault of their own? I suggest, by way of illustration, the case of an officer who has been put on the retired-list on account of insanity. Are all the men on that list which the gentleman's amendment would reach men who should be stricken from the service without pay? May there not be some cases which the amendment would reach of officers who should not be stricken from the list?

Mr. THOMAS. My amendment provides that all officers shall be stricken from the retired-list who have been placed there, not because they have reached the age of 62 years, not because of the wounds received in action or injuries incurred in the line of their duty, but because of disqualifications resulting from their own misconduct. The causes which I have mentioned cover every possible contingency, ground, or excuse upon which this Government can pension an officer and put him on the retired-list.

The CHAIRMAN. The time of the gentleman has expired, and the Chair recognizes the gentleman from Maine [Mr. BOUTELLE] as entitled to the floor.

Mr. KASSON. I shall insist upon my point of order when the gentleman from Maine [Mr. BOUTELLE] has concluded his remarks.

Mr. WARNER, of Ohio. I understand that the amendment of the gentleman from Illinois [Mr. THOMAS] refers simply to those officers who have been placed on the retired-list as the result of disqualifications for which they alone are responsible.

Mr. THOMAS. That is it.

Mr. WARNER, of Ohio. On account of their own immoral conduct?

Mr. THOMAS. Certainly.

Mr. BOUTELLE. The purported object of the various measures which have been proposed here by the Committee on Appropriations has been the building up of the American Navy. I think that every gentleman who has spoken here has desired it to be understood that his object was in some way to benefit or improve that important branch of the public service.

I have been surprised, however, to find that nearly every proposition introduced here, nearly every clause in this appropriation bill has been devoted to striking a blow at some part of the naval service. It seems to me that the effect of the legislation here proposed is to tear down and destroy, instead of to improve and build up, the American Navy.

Let us look at this matter of the *personnel* of the Navy. I believe it is claimed by the gentlemen who are in the habit of deriding our naval establishment that we have nothing left but the *personnel* of the Navy. I desire to say to them that while we have that left we have the most important part of a naval establishment.

Gentlemen seem to think that we can strike from the rolls and put out of the service the officers who have been educated through years of faithful devotion to duty and through an unprecedented experience in peace and in war, and that when the time shall come that we may need them to maintain the honor and glory of the nation as they have in the past we can contract to be furnished with naval officers as we may contract to be furnished with guns and with ships. I desire to impress upon this House the fallacy of that idea. We can not afford to ignore the fact that we have no longer a splendid merchant marine from which to call the trained and skilled seamen that might be needed to officer and man a large naval force in time of emergency.

The most important thing which the American Congress can do to-day, in the depleted and disorganized condition of our naval service, is to retain the officers who know how to man and sail and to fight a navy when we shall build one.

Mr. Chairman, there is another element involved in this discussion. There is an element of fair play and justice involved here. I find on the one side propositions to cut down sweepingly whole sections of the staff department of the Navy, and on the other to reduce by dozens and by thirties various grades of the line corps of the Navy. I submit, Mr. Chairman, that it is not seemly; it is not proceeding decently and in order for the American Congress to undertake to reorganize the Navy of the United States by cutting down in swaths men who have nobly served their country in the hour of danger. In this list of captains from which it is proposed to sweep off all beyond the number of thirty I find the names of men in the prime of their lives to-day; men who have served their flag with a gallantry that will always illumine the pages of their country's history. Among the names of those whom it has been proposed to thrust unceremoniously out of the service to which they have devoted their lives I see that of the gallant Kimberly, the executive officer of Farragut's grand old war ship Hartford, who fought her batteries until the gun-deck was like a slaughter-house in the terrific and victorious passage of the forts at Mobile Bay.

I see the name of Harmony, who followed the same heroic admiral through the fiery ordeals of the Mississippi, and who carried the flag from the Gulf five hundred miles inland to the first capital of the confederacy. I see the name of Gillis, who, not content with fighting the enemy at long range, landed his sailors and joined in the siege of Spanish Fort. And there are Benham and Braine and Irwin and Belknap and others who have equally deserved generous treatment at the hands of the Government they so bravely served in its time of need. Turning to the list of commanders also selected for sacrifice in the name of economy, I find at the head of it the name of the intrepid Yates, and a few numbers below is that of the noble Greene, who took command of and so brilliantly handled the monitor when her indomitable captain, Worden, was disabled and thought to have been fatally injured in that greatest of naval duels, which resulted in the defeat and subsequent destruction of the rebel ironclad Merrimac. And so I might go on citing the names of as loyal and gallant gentlemen as ever wore a sword, who have earned the gratitude of this nation, and who ought to be treated at least with justice by the Congress of the United States.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. KASSON. I now insist on my point of order, that this proposition changes existing law without retrenching expenditures.

Mr. DINGLEY. If the gentleman will waive his point of order for a moment, I will take the floor and yield it to my colleague [Mr. BOUTELLE] that he may conclude his remarks.

Mr. KASSON. I will reserve the point of order a few moments longer.

Mr. BOUTELLE. I shall detain the House but a very few moments; and I should not stand here to occupy its time for a single moment did I not feel it my imperative duty, as an officer for a brief period in the Navy of the United States, to enter my protest against the punishment and the degradation of men who deserve reward instead of indignity at the hands of the country they fought to preserve.

I do not stand here, Mr. Chairman, as the champion of the line against the staff or the champion of the staff against the line. I stand here for justice to the gallant officers of the American Navy, line and staff, who stood at their posts, whether on the gun-deck or in the engine-room, or in the care of the wounded, throughout the time of trial when a navy meant something more than the "two logs with a flag floating over them," as described by the gentleman from Tennessee; when it meant a great and powerful and beneficent agency for the salvation of the American Republic and the welfare of mankind.

Mr. Chairman, I appeal to this House to take its violent and destructive hands off the *personnel* of the American Navy. I appeal to this House that if this country has become so poor, if we are so lacking in

means, if there is so much need of economy that we must turn adrift men who have given the very flower and fruit of their lives to the country's service, it should be done with some kind of system, with some kind of deliberation and thoughtfulness, with some sort of justice to men who by steadfast devotion and glorious achievements deserve better of us than would seem to be the disposition of the House, so far as disclosed in this discussion.

Mr. ADAMS, of Illinois. Mr. Chairman, I have sent to the desk an amendment to the amendment. I ask that it be read.

Mr. KASSON. I think I must now insist on my point of order.

The CHAIRMAN. The Chair will direct the amendment to the amendment, as sent up by the gentleman from Illinois [Mr. ADAMS], to be read for the information of the Committee of the Whole.

The Clerk read as follows:

Strike out all after the word "for," in the sixth line, and insert "disabilities arising out of the intemperate or immoral habits of such officers shall be stricken therefrom."

Mr. RANDALL. I insist that the point of order be now considered and decided.

The CHAIRMAN. The gentleman from Iowa [Mr. KASSON] makes a point of order, which he will state.

Mr. KASSON. I call the attention of my friend from Pennsylvania [Mr. RANDALL] to this clause of Rule XXI:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

That this proposition is germane may be admitted; but that is not enough. It must, according to the rule, retrench expenditures. A proposition to organize a commission of inquiry was ruled a little while ago by the present occupant of the chair to be out of order. Now, the point is that the pending proposition does not necessarily retrench expenditures. It may possibly have such a result. But it assumes that there is a certain class of officers on the retired-list of which, as this question is now presented, the House has no knowledge. The proposition is to make inquiry, and if there be such officers then the result is to follow. Now, by looking at the Digest you will find this comment on the rule:

This rule is rigidly enforced so far as relates to amendments offered in the House and in committee.

And many members of the House will remember that at the last session this rule was in a case similar to this rigidly enforced; and the Committee of the Whole sustained the ruling of the Chair that it must appear positively that the necessary effect of the proposition is to retrench expenditures. If the pending proposition be ruled in order, there might with equal propriety be presented a proposition for an inquiry into the number of ships we have and whether any of them are sufficiently decayed to be sold, and if so, providing that they shall be sold. Thus the thing might go on to any extent. Consequently, as the Digest says, the rule is rigidly enforced that it must appear that the particular proposition will retrench expenditures.

Mr. HOLMAN. I rise to inquire whether this point of order was reserved in the first instance.

The CHAIRMAN. It was.

Mr. THOMAS. It is manifest the object, scope, and clear intent of this amendment are to reduce expenditure, and that its effect will be to reduce expenditure is clear to any one who will read it. It does not stand on the same footing as the amendment proposed organizing a joint committee of the House and Senate to take into consideration the system of rehabilitating and rebuilding the American Navy. It has as its object the investigation of a subject-matter of this bill. The bill provides for an appropiation of $713,450 for a certain class of officers. This proposition has as its object the reduction of that amount by eliminating from the service a part of the beneficiaries. Therefore the effect affirmatively appears that it does retrench expenditures to the extent of the number of officers who may be dropped from the Register.

The CHAIRMAN. The Chair is of the opinion that the creation of the commission does not necessarily involve the expenditure of money, because the officers are already paid by the Government. And the scope of the amendment, if such officers can be found on the retired-list, their being dropped would retrench expenditure by taking them out of the Navy. The amendment is therefore ruled to be in order.

Mr. ADAMS, of Illinois, rose.

The CHAIRMAN. Debate is exhausted.

Mr. ADAMS, of Illinois. Let my amendment to the amendment be again read.

The amendment to the amendment was again read.

Mr. THOMAS. I accept that as a modification of my amendment.

The question recurred on Mr. THOMAS'S amendment as modified, and it was disagreed to.

The Clerk read as follows:

For pay to petty officers, seamen, ordinary seamen, landsmen, and boys, including men in the engineers' force and for the Coast Survey service, not exceeding 8,250 in all, $2,490,000.

Mr. WARNER, of Ohio. I move the following amendment:

Provided, The total number of officers shall not be increased above the present number until there are at least five seamen and enlisted men to every officer.

Mr. RANDALL. I reserve the point of order.

Mr. WARNER, of Ohio. Mr. Chairman, we have heard a good deal during the discussion of this bill about the officers of the Navy. I would like to say a word about the seamen and enlisted men in the naval service, the men who, when the conflict comes, are expected to hold the deck and man the guns.

I should like to inquire, first, of the gentleman in charge of the bill how many of this class there are and what is meant in the bill by "seamen, ordinary seamen, landsmen, and boys?" Who are included in the word "landsmen?" I find no such class in the Naval Register, but I find in the Official Register 3,600 men reported as on duty at our navy-yards and naval stations, serving in various capacities. Are these the "landsmen" referred to in the bill? They seem to be appropriated for nowhere else, and so I suppose they are included here.

Mr. HUTCHINS. They are men who are enlisted, but not skilled sailors.

Mr. WARNER, of Ohio. These 3,600 men employed at naval yards and naval stations—civil employés I should think they were—and 200 in the Coast Survey service, and 700 boys, and it leaves but about 3,500 seamen and enlisted men in the naval service proper. That makes one officer to every two, or at most three, seamen or enlisted men in this service. And yet we are told there are not too many officers.

The gentleman from Iowa [Mr. KASSON] the other day seemed to assume that in proposing to restrict the number of officers and cut down the expense in this direction we were attacking the Navy itself. I did not suppose our Navy consisted wholly of officers, or that its strength and efficiency depended on its officers alone. I had supposed an efficient navy required ships and seamen as well. What are the facts? Why, we have now sixty officers to every vessel in commission, and yet we are told that there are none too many. There are eight to ten engineers to a vessel, and yet we must not reduce the staff. No matter if there are more officers to a ship than can stand on the decks, we must go on increasing their number. This bill appropriates $4,645,000 for pay of officers alone. The pay of seamen and enlisted men, deducting civil employés at navy-yards and the Coast Survey service, I take to be not over $1,750,000, or about one-third of the pay of the officers. And I find of the $385,000,000 that have been expended since the war $100,000,000 has gone to pay the officers.

The CHAIRMAN. The gentleman's time has expired.

Mr. GEORGE D. WISE obtained the floor and yielded his time to Mr. WARNER, of Ohio.

Mr. WARNER, of Ohio. I am very much obliged to my friend from Virginia.

I was saying, Mr. Chairman, that of the entire expenditure connected with the Navy since the war $100,000,000 of it had been expended for pay of officers and about one-third as much for the enlisted men. How much of the balance has been expended or wasted at our navy-yards I am not able to state, although I have been endeavoring to get this information, but it must be a large part of the remaining sum; and I say to gentlemen on the other side of this House that you can not trace thirty millions out of the three hundred and eighty which have been appropriated for the Navy to the construction of vessels. It has gone in other directions; a small part of it to pay seamen and enlisted men and nearly a hundred millions to pay officers. The rest of it has gone where? Largely to waste; and that is the reason why we have no navy now. We have officers, but neither seamen nor ships to correspond; that is our situation. If there had been more of the money appropriated in past years judiciously applied to the construction of ships our Navy would not be so top-heavy with officers as it is. We would have more ships. The fault has been in the administration. I give here a single item to illustrate navy-yard expenditures and ship-building by the Government in the past. It is taken from Admiral Porter's testimony before a Senate committee:

Senator BUTLER. Is there a navy-yard in the United States that could build a ship out and out now?

Admiral PORTER. There is. I had one built in a navy-yard once, and I assure you when I got through with her I weighed about forty pounds less than I did when I started; but we could build these in case of necessity.

Senator JONES. Whose fault was that?

Admiral PORTER. She was a very small vessel. She cost $460,000 built at a navy-yard, and she could have been built at an outside establishment for $200,000 without any trouble at all. I know this certainly, because they charged everything to that small vessel. They charged one item alone of $80,000, work put on the Trenton, and other things of the same kind. One item, I think, was a hot-house for some one in the navy-yard.

Senator BUTLER. That becomes a very important fact, it seems to me.

Admiral PORTER. You can never ascertain what a ship costs in a navy-yard.

Senator JONES. What do you attribute that difference in cost to?

Admiral PORTER. Politics. That is about the fact of it. The navy-yards are very much used for political purposes, and very naturally. If I was a politician I suppose I would do the same thing. If I could get my friends into the navy-yard, I presume I should do as others do; but at the same time, if I was in charge of the yard I would do all I could to stop it. But what I say is the fact, and it causes a great deal of the expense.

Cicero says, "economy is itself a great revenue." If that principle had been applied in the administration of our naval affairs for the last twenty years and the revenue resulting from wise economy applied to the construction of vessels, instead of having, as now, twenty-five or thirty third or fourth class vessels, we might have several what might be called respectable ships; and in this regard I am glad to see signs of improvement in the administration of naval affairs. I hope it will con-

tinue, and I think the Committee on Appropriations is moving in the right direction in restricting expenditures in directions that leave nothing to show for them at the end of the year.

What may be saved from expenditures in navy-yards and at naval stations and upon supernumerary officers in ten years will go a good ways toward building and mantaining vessels and permanently improving our naval system.

I am in favor, Mr. Chairman, of adding to the number of ships and adding to the number of our seamen and to the general efficiency of the Navy. Not that I think we should enter upon the policy of attempting to make ourselves a great naval power to stand by the side of the other great naval powers of the world. That would be folly. Our geographical position on the globe does not require it. It has never been our policy to interfere in the affairs of other countries; and if we keep clear of entangling alliances and are just in our dealings with other countries we are in no danger of external war. No nation can afford to attack us, and will not if we are not ourselves at fault. But should we at any time determine on a different policy, and determine to become a great naval power, it would be necessary to start out, not with a half-dozen cruisers, but to build at least a hundred ships, equal to the largest and best afloat, at a cost probably of three or four hundred millions of dollars. But I do not think it our policy to attempt anything of that kind. If we had started out on such a policy twenty years ago the ships we should have built and the guns we should have put on them would be of little use now. Naval architecture and naval gunnery have been and still are in a formative state. Europe has wasted more money on navies and naval armaments in the last half century than in any other way since the Crusades.

We need, no doubt, to add somewhat to the number of our vessels and to improve their character, adopting the latest improvements, going from wood and iron to steel, and in other ways increasing the efficiency of our Navy to the extent required to protect our commerce and give us relatively more ships and more seamen to the number of officers. I know it is not the fault of the officers of the Navy that we have not more ships and more seamen, nor am I casting any reflection upon the *personnel* of the officers. Far from that. We have as efficient officers as any other country. What I say is that we have too many relatively to seamen and ships. We want fewer officers or more ships. I find in referring to the English naval service, from data I find in the Reform Almanac, a high authority, which gives the latest official publication upon that subject, that with two hundred and forty-three naval vessels Great Britain has 57,000 seamen, including marines, and 4,000 officers, being an average of one officer to about fifteen seamen and seventeen officers to a ship, while in our service we have one officer to two, or at most three, seamen and enlisted men—the men who do the fighting when the struggle comes, if it shall ever come—and sixty officers to a ship.

I ask now to be allowed to add some figures and include a few items covering some of the points to which I have thus briefly alluded.

There was no objection.

The CHAIRMAN. Does the gentleman from Pennsylvania make the point of order upon the amendment?

Mr. RANDALL. I do not.

The CHAIRMAN. The question is upon agreeing to the amendment proposed by the gentleman from Ohio.

The amendment was not agreed to.

The Clerk read as follows:

For two secretaries, one to the Admiral and one to the Vice-Admiral, clerks to paymasters, clerks at inspections, navy-yards, and stations, and extra pay to men enlisted under honorable discharge; commission and interest, transportation of funds, exchange; mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of apothecaries, yeomen, and civilian employés, and for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment as cadets, and for the payment of any such officers as may be in service, either upon the active or retired list, during the year ending June 30, 1885, in excess of the numbers of each class provided for in this act, and for any increase of pay arising from different duty, as the needs of the service may require; for rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial and courts of inquiry, boards of investigation, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing-paymasters' offices at the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; telephones; copying; care of library; mail and express wagons, and livery and express fees; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress, and pilotage; recovery of valuables from shipwrecks; quarantine expenses; care and transportation of the dead; reports, professional investigation, cost of special instruction, and information from abroad and the collection and classification thereof, $375,000.

Mr. MORSE. Mr. Chairman, I wish to offer an amendment in this connection.

The Clerk read as follows:

And all officers of the Navy shall be credited with the actual time they may have served as officers, clerks, or enlisted men in the regular or volunteer Army or Navy or both, and shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the regular Navy, in the grade having graduated pay held by such officers at the time of the passage of this act. And the record of all service of every such officer shall be entered in full opposite his name in the appropriate columns of the Naval Register in the same manner as service in the regular Navy is credited: *Provided*, That nothing in this clause shall be so construed as to authorize any change in the dates of commission or in the relative rank of such officers: *Provided further*, That nothing herein contained shall be so construed as to give any additional pay to any such officer during the time of his service in the volunteer Army or Navy.

Mr. HUTCHINS. I reserve the point of order upon that amendment until I hear an explanation from the gentleman as to its purport.

Mr. MORSE. Mr. Chairman, if I am correctly informed, this amendment simply regulates the rules governing those men who served in the war as volunteers and afterward were enlisted in the regular service, giving them credit for the entire time, as is done in the Army, and had been intended to be done for some time past in the Navy but by some difficulty in the Department it is not in regular form and there is no rule or regulation that governs it. This is simply to prescribe the manner in which it shall be done. It does not increase the pay of any of these parties and does not increase expenditures.

Mr. KASSON. I think that is right.

Mr. RANDALL. Does it affect the longevity-pay?

Mr. MORSE. I do not know about that.

Mr. RANDALL. I feel compelled to insist upon the point of order, for the reason that I would like, for one, to be able to examine this matter, as I think it may possibly increase the pay of some of these parties. It may, however, be a just and proper amendment, and I only insist upon the point of order to gain time to examine it. I am willing, therefore, if it meets the views of the gentleman from Massachusetts, to ask unanimous consent that we may go on with the consideration of the bill, and afterward revert to this matter when we shall have had time to examine it.

Mr. MORSE. I have no objection to that.

Mr. RANDALL. I am willing, then, that it may go over until to-morrow.

Mr. CALKINS. Until we have concluded the bill.

Mr. RANDALL. I am quite willing, as I have said, that it shall go over, and will ask unanimous consent that when we have finished the consideration of the bill we may return to this subject.

The CHAIRMAN. Is there objection to passing this matter over informally, to return to it after the remainder of the bill has been completed?

There was no objection.

The Clerk read the following paragraph:

For all emergencies and extraordinary expenses, arising at home or abroad, but impossible to be anticipated or classified, exclusive of personal services in the Navy Department or any of its subordinate bureaus or offices at Washington, D. C., $15,000.

Mr. BELFORD. I move to amend by striking out "$15,000" and inserting in lieu thereof "$50,000,000."

Here the Democratic party intend to make an appropriation for all emergencies and confine its amount to the enormous sum of $15,000!

Mr. HUTCHINS. I rise to a point of order. The amendment has not been reported to the committee.

The Clerk read the proposed amendment, as follows:

In line 94 strike out "$15,000" and insert in lieu thereof "$50,000,000."

Mr. BELFORD. In view of all possible emergencies coming from any quarter of the world this great Democratic party, with a majority of seventy on the floor of this House, proposes to appropriate the magnificent sum of $15,000. That is the measure of your generosity and the measure of your capacity in dealing with great national questions. [Laughter.]

I had occasion yesterday to refer to the fact that when it became necessary to protect the great wool interest of this country you buttoned up your coats and ran out of this House like political cowards. What have we done here? Bismarck, the vizier of Germany, has sent you an insulting message, and in the very face of it you declare before the country that if Germany makes war on America you will, to perpetuate and protect our honor, vote the magnificent sum of $15,000. [Laughter.] The gentleman from New York assumes credit for having reduced the estimates for the naval service from twenty-two millions to fifteen millions—a reduction of seven millions. The gentleman from Pennsylvania told me the other day, with the assurance that characterizes a citizen of Pennsylvania, that I was a member of a decaying party. I never went to the city of Philadelphia to make a speech for the Democratic party, followed by a defeat by 13,000 majority, as that gentleman did. Probably it is he who belongs to a decaying party. Pittsburgh has loomed up against him. Philadelphia has frosted and benumbed his Presidential aspirations, and he is as dead as Lazarus was without Jesus in sight to resurrect him. [Laughter.]

Mr. COX, of New York. My friend from Colorado I know did not refer to me as "the gentleman from New York;" though I have gathered from certain expressions of his that he really regards me as a gentleman. The gentleman said yesterday that I ought not make speeches from manuscript but improvise them; and he paid me an elegant compliment. I know of but one little drawback to my making speeches after the manner of my friend from Colorado. They get to be so diffusive and expensive to the public. But I know that my friend is nothing if he is not dramatic; and he is entitled, coming as he does from the very tops of the Rocky Mountains with the glad sunshine upon that noble brow [laughter]—he is entitled to be dramatic.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado.

Mr. BELFORD. I withdraw it.

The Clerk read the following paragraph:

BUREAU OF NAVIGATION.

For foreign and local pilotage and towage of ships of war; services and materials in correcting compasses on board ship, and for adjusting and testing compasses on shore; nautical and astronomical instruments, nautical books, maps, charts, and sailing directions, and repairs of nautical instruments for ships of war; books for libraries of ships of war; naval signals and apparatus, namely, signal-lights, lanterns, rockets, running-lights, drawings, and engravings for signal-books; compass-fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's ways, and leads and other appliances for sounding; lanterns and lamps, and their appendages, for general use on board ship, including those for the cabin, ward-room, and steerage, for the holds and spirit-room, for decks and quartermasters' use; bunting and other materials for flags, and making and repairing flags of all kinds; oil for ships of war, other than that used in the engineer department; candles when used as a substitute for oil in binnacles and running-lights; chimneys and wicks and soap used in the navigation department; stationery for commanders and navigators of vessels of war and for use of courts-martial; musical instruments and music for vessels of war; steering-signals and indicators, and speaking-tubes and gongs for signal communication on board vessels of war; and for introducing electric lights on board vessels of war, not exceeding $5,000; in all, $75,000.

Mr. HUTCHINS. By instructions of the Committee on Appropriations I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 6, on line 120, after the word "war," insert "civil establishment." And in lines 121 and 122 strike out "$75,000" and insert "$80,000."

Mr. HUTCHINS. The effect of this will be to add $5,000 to the appropriation for the civil establishment.

Mr. MORSE. I move to amend the amendment by striking out "$80,000," and inserting "$110,000."

I simply wish to state that I am assured by the gentleman in charge of that bureau that you may just as well appropriate $10 as appropriate $75,000 or $80,000. It is impossible for him to do the work which he is required to do during the next year unless he can have the whole $110,000. I simply make that statement on his behalf because he assures me there must be a deficiency. It is impossible for him to do the work which it is intended he shall do with the amount appropriated by this bill.

Mr. RANDALL. The committee discussed this subject and gave careful examination to the matter. We differed with the chief of the bureau. We gave $12,000 above what was expended last year for the purposes enumerated in the paragraph. It will also be observed that the next paragraph appropriates $30,000 for the navigation outfit of the four new steel cruisers. There is therefore an adequate amount it does seem to me for the purpose of fitting out what is to be the active Navy in the future service of the country.

Mr. MORSE. I send to the Clerk's desk, not to be read, because it would take too much time, but that it may be printed as a part of my remarks, a statement showing the appropriation for every year from 1866 until the present time for this branch of the Department and the purpose for which it has been used.

The CHAIRMAN. The gentleman from Massachusetts asks that the memorandum to which he refers be printed in the RECORD. The Chair hears no objection.

The memorandum is as follows:

Amounts appropriated under appropriation, "Navigation and navigation supplies," from 1866 to 1884 inclusive.

1866–'67	$192,500	1875–'76	$115,500
1867–'68	*285,626	1876–'77	103,000
1868–'69	168,000	1877–'78	103,000
1869–'70	154,500	1878–'79	104,500
1870–'71	137,500	1879–'80	104,500
1871–'72	139,500	1880–'81	104,500
1872–'73	134,000	1881–'82	111,000
1873–'74	134,000	1882–'83	100,000
1874–'75	115,500	1883–'84	100,000

*And purposes incidental to navigation.

It will be seen from the above amounts that the appropriation for supplying naval vessels with the necessary articles of navigation outfit has steadily been decreased from $192,500 for 1866–'67 to $100,000 for 1883–'84.

In consequence of the large amount of navigation stores of an imperishable nature on hand at the expiration of the civil war of 1861–'65, and the great reduction in the number of vessels in commission, the Bureau of Navigation has been able to continue to supply our vessels with instruments for navigating, which, though not always of the most improved forms, still answered the purpose for which they were originally purchased.

The steadily decreasing appropriation from year to year has prevented the bureau from obtaining better and safer but at the same time more costly apparatus for deep-sea and coast sounding, improved compasses, and more durable binnacles for mounting them, better appliances for illuminating purposes; has prevented our ships from being supplied with professional information so necessary both for officers and men, and has not permitted this bureau to keep pace with the great changes which have taken place in naval warfare since our own civil war.

Navigating implements, although of metal, will become useless in time from the casualties incident to the service, or obsolete because of the invention and adoption of more improved forms.

Compasses, on which the safety of the ship depends, will not last forever. They lose their directive force and are useless.

Chronometers are expensive, and their lifetime is put by experts at thirty years. In consequence of this limit, and it seems a wise one, the number of chronometers which were serviceable in 1865 is much decreased in 1884, and new ones are required.

The quantity of stores has gradually grown less from year to year, and a portion of them have become impaired, while the appropriation has steadily decreased.

The appropriation at no time since 1866 would have been sufficient to provide our vessels with proper outfits, had we not had on hand a supply purchased during the civil war.

By the second section of the act approved August 5, 1882, requiring all stores and supplies found by a board of appraisers to be "unserviceable" to be sold, the supplies, which might have been utilized to a certain extent in the absence of more improved and better articles, were still further reduced.

Such an inadequate supply is now on hand that the bureau felt obliged to submit an estimate for the navigation outfit of the four new steel cruisers now building.

In consequence of the order from the Navy Department directing commanding officers not to employ pilots except when the navigation was exceptionally difficult a considerable amount of money was saved, which has been utilized in purchasing a small number of new compasses, a limited quanity of navigational sounding machines, and in furnishing ships in commission with needful supplies.

Notwithstanding the greatest care and economy in purchasing, bills have been received since the close of the fiscal year of 1882–'83 from vessels on foreign stations, for necessary supplies and expenses, exceeding the appropriation for the same fiscal year by the amount of from $3,000 to $4,000.

It was impossible to provide for this deficiency, which would have been larger had not the amount paid for pilotage been greatly reduced in consequence of the Department's order.

The amount reported from the Appropriations Committee for "navigation and navigation supplies" for the fiscal year ending June 30, 1885, is $75,000, an amount entirely inadequate for the purpose for which it is to be appropriated. A proper administration of the bureau would require twice this amount, and should the appropriation bill as reported become a law there must inevitably result a large deficiency.

Mr. CALKINS. This is the item which has been cut down substantially $25,000. There was an appropriation last year for this bureau of $100,000, of which $37,000 was saved on account of pilotage, and expended in purchasing charts, compasses, &c., for the equipment of ships of war. The reason why there was an effort on the part of the chief of this bureau to save this money was that he might be enabled to purchase these necessary articles for the equipment of the vessels.

He made an extraordinary effort to save it, did save it, and expended it in that way. The Committee on Appropriations of this House found it out, and they now propose to deprive him of $25,000 of the saving he made, which is simply to take so much from the amount which might be expended for charts, apparatus, &c., for which he would otherwise expend the savings.

Mr. RANDALL. They are operating under the 20 per cent. clause.

Mr. CALKINS. Not if we pass this bill.

Mr. RANDALL. The law is 20 per cent.

Mr. HISCOCK. This bill will be the law for next year, and you propose to change it to 30 per cent.

Mr. RANDALL. Two of the largest vessels of the Navy are likely to go off the Register even with the 30 per cent. clause.

Mr. HISCOCK. I do not desire to discuss this matter at any length. I wish to ask the gentleman from Pennsylvania [Mr. RANDALL] this question: Will not the effect of this reduction be to reduce the number of ships in commission?

Mr. RANDALL. I think not. On the contrary, there is no deficiency this year.

Mr. HISCOCK. I understand there is no deficiency this year, but I ask, if we give a less sum for next year than was given for this will it not reduce the number of ships in commission?

Mr. RANDALL. There is no decrease of the amount that was expended for the things included in this paragraph; in fact, we increase the amount by $12,000.

Mr. HISCOCK. Is the gentleman willing to assure the committee that the effect of this reduction will not be to reduce the number of ships in commission?

Mr. RANDALL. Then, why did you not give $137,000 last year?

Mr. HISCOCK. We made our appropriations upon the basis of retaining a certain number of ships in commission.

The question was taken upon the amendment of Mr. MORSE to increase the appropriation to $110,000; and upon a division there were—ayes 58, noes 87.

So (no further count being called for) the amendment of Mr. MORSE was not agreed to.

The amendment of Mr. HUTCHINS to increase the appropriation to $80,000 was then agreed to.

The Clerk resumed the reading of the bill, and read the following:

For navigation outfit of the four new steel cruisers, $30,000.
For erection of compass-testing house, $7,000.

Mr. THOMAS. I move to insert as an additional paragraph that which I send to the Clerk's desk.

The Clerk read as follows:

For the publication of professional papers, $10,000.

Mr. HUTCHINS. I reserve all points of order on that amendment.

Mr. RANDALL. I make the point of order absolute; we will lose too much time otherwise.

Mr. THOMAS. I think we had better discuss the point of order now. I want to say, however, that this amendment is offered at the request of the Department, which says that it is necessary to have this money to publish the reports and professional papers required to be put into the hands of officers going to sea.

Mr. RANDALL. In answer to the gentleman from Illinois [Mr. THOMAS], I will say that if that were even true, which I do not know, the item should not come in here. It ought to come in the bill pro-

viding for printing. There is a deficiency in the appropriation tor printing for the Navy Department which the committee is now considering. We desire to break up this general system of printing in the Departments.

Mr. THOMAS. This printing is not done, as the gentleman intimates, by the printing bureau; it is done by the Departments only when specially ordered. It is for that purpose, and that alone, that the amendment is offered. It was sent here in the identical words I have used in the amendment, and I was asked by the Department to offer it, as it was absolutely necessary.

Mr. RANDALL. In the allotment of the appropriation for public printing there is given to the Navy Department $75,000. We have now before us an estimate for deficiency for the current year for that Department of $20,000, I think; certainly for $10,000, and I think for $20,000. If this item should go in anywhere it should go into the bill providing for printing; but I do not think it should go in anywhere; it was not in last year. I will say again that so far as I can understand the purpose of the Printing Committee of this House and of the Committee on Appropriations, it is their desire to break up this wholesale printing by the Departments, for which these enormous sums of money are expended. I think we will have the co-operation of the Secretary of the Navy in that respect. He himself has stated—I do not think I violate any confidence in so saying—he himself has stated to the subcommittee on appropriations considering the subject of deficiencies, as the gentleman from Indiana will remember, that he has stopped this character of printing in the Navy Department. Therefore we have the Committee on Printing of this House, the Committee on Appropriations of this House, and the Secretary of the Navy all working in the same direction.

Mr. CALKINS. I would ask the chairman of the Committee on Appropriations [Mr. RANDALL] in what bill the printing for the Departments is provided for?

Mr. RANDALL. In the sundry civil appropriation bill. This item was not provided for last year at all.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken.

The Clerk read as follows:

BUREAU OF ORDNANCE.

For procuring, producing, and preserving ordnance material; for the armament of ships; for fuel, tools, materials, and labor to be used in the general work of the Ordnance Department; for furniture at magazines, at the ordnance dock, New York, and at the naval experimental battery, $100,000.

Mr. HUTCHINS. By instruction of the Committee on Appropriations I offer the amendment which I send to the desk.

The Clerk read as follows:

After the words "Ordnance Department," in the paragraph just read, insert "for the civil establishment;" and change the amount of the appropriation from $100,000 to $105,000.

The amendment was agreed to.

The Clerk read as follows:

BUREAU OF EQUIPMENT AND RECRUITING.

For equipment of vessels: For coal for steamers and ships' use, including expenses of transportation, storage, and handling; hemp, wire, hides, and other materials for the manufacture of rope and cordage; iron for the manufacture of anchors, cables, galleys, and chains; canvas for the manufacture of sails, awnings, bags, and hammocks; heating apparatus for receiving-ships; and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards, $700,000.

Mr. HUTCHINS. I am instructed by the committee to offer an amendment, which I ask the Clerk to read.

The Clerk read as follows:

Insert, after the words "receiving-ships," in line 161, the words "for the civil establishment," and change the amount of the appropriation from $700,000 to $707,000.

The amendment was agreed to.

Mr. CALKINS. In my general remarks on this bill I stated that in my judgment this bureau ought to be consolidated with the Bureau of Provisions and Clothing. But I shall offer no amendment now for that purpose.

The Clerk read as follows:

BUREAU OF YARDS AND DOCKS.

For general maintenance of yards and docks, namely: For freights and transportation of materials and stores, books, models, maps, and drawings; purchase and repair of fire-engines; machinery; repairs on steam fire-engines, and attendance on the same; purchase and maintenance of oxen and horses, and driving teams, carts, and timber-wheels, and all vehicles for use in the navy-yards, and tools and repairs of the same; dredging; postage on letters and other mailable matter on public service, and telegrams; furniture for Government houses and offices in the navy-yards; coal and other fuel; candles, oil, and gas; cleaning and clearing up yards and care of public buildings; attendance on fires, lights, fire-engines and apparatus; for clerical and incidental labor at navy-yards; water-tax, and for toll and ferriages; rent of four officers' quarters at League Island; pay of the watchmen in the navy-yards; and for awning and packing-boxes, and advertising for yards and dock purposes, $200,000.

Mr. HUTCHINS. By direction of the Committee on Appropriations, I move to amend by inserting, after the words "pay of the watchmen in the navy-yards," in lines 197 and 198, the words "for the civil establishment;" and by changing the amount of the appropriation from $200,000 to $220,000.

The amendment was agreed to.

Mr. MAYO. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend, in lines 199 and 200, by adding, after "purposes," "and for building a first-class ice-boat to keep open the Potomac River to the navy-yard at Washington, not to cost more than $100,000," and substitute for "$200,000" "$300,000."

Mr. HUTCHINS. I make a point of order on that amendment.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

BUREAU OF MEDICINE AND SURGERY.

For support of the Medical Department: For surgeons' necessaries for vessels in commission, navy-yards, naval stations, Marine Corps, and Coast Survey, $40,000.

Mr. HUTCHINS. I am instructed by the Committee on Appropriations to move the following amendment:

Strike out the words "$40,000" and insert "and for the civil establishment at the several naval hospitals, navy-yards, naval laboratory, and Naval Academy, $60,000."

The amendment was agreed to.

The Clerk read as follows:

For the maintenance of the civil establishment at the several naval hospitals, navy-yards, naval laboratory, and Naval Academy, $20,000.

Mr. HUTCHINS. By direction of the Committee on Appropriations, I move to strike out the clause just read. As the committee will observe, this appropriation of $20,000 is, by the amendment just agreed to, transferred to the paragraph relating to the support of the Medical Department. The adoption of this amendment will not make any reduction of the amount appropriated by the bill.

The amendment was agreed to.

MESSAGE FROM THE PRESIDENT.

The Committee of the Whole rose informally; and Mr. HOLMAN having taken the chair as Speaker *pro tempore*, a message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed a bill and joint resolution of the following titles:

An act (H. R. 1482) making all public roads and highways post-roads; and

Joint resolution (H. Res. 186) for the relief of Frank Galt.

NAVAL APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of materials; purchase of tools; wear, tear, and repair of vessels afloat, and for general care, increase, and protection of the Navy in the line of construction and repair and incidental expenses, namely, advertising, foreign postage, telegrams, photographing, books, plans, stationery, and instruments for drawing-room, $1,000,000: *Provided*, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 30 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home.

Mr. CALKINS. I rise to make a point of order.

Mr. HUTCHINS. I desire to offer an amendment.

Mr. CALKINS. I will reserve my point of order until the amendment of the gentleman from New York [Mr. HUTCHINS] shall have been submitted and acted upon.

Mr. HUTCHINS. By instructions by the Committee on Appropriations I offer the amendment which I send to the desk.

The Clerk read as follows:

After the words "drawing-room," in line 262, strike out "$1,000,000" and insert "and for the civil establishment, $1,020,000."

The amendment was agreed to.

Mr. CALKINS. I now make a point of order against the first proviso of the paragraph just read:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 30 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

My point of order is that this proviso changes the existing law, which fixes 20 per cent. instead of 30 per cent., as here proposed; and the proviso also increases expenditures. When I made a point of order against the first clause in this bill the Chair held——

Mr. RANDALL. The gentleman will recollect, I think——

Mr. HOLMAN. If my colleague [Mr. CALKINS] will permit me——

Mr. CALKINS. The gentleman will wait till I finish my sentence. The Chair held that an incidental reduction would bring a provision within the rule.

I want the same rule applied all the way through the bill.

Mr. HOLMAN. The provision of law referred to by my colleague providing for repairs not exceeding 20 per cent. is, if I understand the matter, a provision of the current navy appropriation bill and is not applicable to each successive appropriation. Now I do not think my colleague will say there is a law on this subject except a law of incidental appropriation.

Mr. HISCOCK. The gentleman from Indiana is mistaken. In the

appropriation bill it was fixed at 20 per cent., and that only applied to the bill passed at that year and for the fiscal year during which that bill ran.

Mr. HOLMAN. That is exactly what I have said.

Mr. HISCOCK. While the provision ingrafted in the present appropriation bill for the next fiscal year is a permanent provision applying not only to that but to all succeeding years.

Mr. RANDALL. That is because it is not the law now.

Mr. HOLMAN. But merely an incidental appropriation for the current fiscal year.

Mr. HISCOCK. As I remember it, and I believe I am correct, the provision in the appropriation bill for the current fiscal year applies only to the expenditure of the money carried by that bill. That is for the present fiscal year; while on the contrary the provision contained in the pending appropriation bill is not only permanent legislation for the money carried by that bill, but is also permanent legislation for the future.

Mr. CALKINS. Let us see how this matter stands, for we might as well understand it now as at any other time, and it will prevent disagreement hereafter.

Mr. HOLMAN. One word in answer to the gentleman from New York.

Mr. CALKINS. One word, and I will yield to my colleague. I do not believe there is any dispute between us. My recollection is the same as that of the gentleman from New York [Mr. HISCOCK], that last year the provision in relation to the 20 per cent. limit was applied to the amount carried by that bill, and in this bill it is a permanent law fixing it for all time.

Mr. HUTCHINS. It does reduce expenditure for, according to the gentleman's own interpretation if you do not retain the provision contained in this bill there will be then no restriction on the expenditure of the amount appropriated, and the whole appropriation may be used for repair of wooden ships.

Mr. HOLMAN. My friend from New York is mistaken. The bill making appropriations for the Navy for the present year uses this language:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent. of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home.

As a matter of course that last clause has no application to this, and the limit of 20 per cent. provided for in that bill applies only to the current fiscal year. In that view of the matter there is then no law on the subject. In the present bill it is proposed to make it permanent, and certainly the effect must inevitably be to reduce the expenditure.

Mr. CALKINS. I will withdraw the point of order, and will move to strike out "thirty" and insert "twenty;" and this, Mr. Chairman, brings the House face to face with this single proposition whether we are to go on as we have in the last thirty or forty years expending the money we appropriated for the naval establishment in the repair of wooden ships which are now in commission.

I have a statement here prepared by the Secretary of the Navy showing the amount the Bureaus of Construction and Repair and Steam-Engineering have expended since 1867 in the repair of these wooden ships which now belong to the Navy.

It is as follows:

Memoranda of Bureau of Steam-Engineering.

Date of warrant.	Appropriation.	Extraordinary expenses.	Ordinary expenses.
July 2, 1868	$650,000 00	$31,500 00	$618,500 00
July 1, 1869	650,000 00	62,970 00	1,087,030 00
March 10, 1869	500,000 00		
July 31, 1870	1,000,000 00	27,334 00	972,666 00
July 1, 1871	1,160,000 00	232,750 00	927,250 00
August 27, 1872	1,650,000 00	174,600 00	1,475,400 00
August 25, 1873	2,300,000 00	1,262,212 00	1,372,788 00
January 24, 1874	335,000 00		
July 30, 1874	1,800,000 00	773,200 00	1,026,800 00
July 17, 1875	1,800,000 00	898,000 00	902,000 00
August 31, 1876	942,500 00	462,700 00	479,800 00
July 31, 1877	942,000 00	199,000 00	743,000 00
June 27, 1878	*1,423,876 67	*1,423,876 67	
July 24, 1878	800,000 00	19,750 00	780,250 00
July 22, 1879	800,000 00		800,000 00
August 2, 1880	800,000 00	52,816 00	747,184 00
April 15, 1881	75,000 00	40,000 00	910,000 00
April 15, 1881	75,000 00		
July 29, 1881	800,000 00		
August 31, 1882	*212,000 00	*212,000 00	
October 4, 1882	1,600,000 00	105,000 00	1,495,000 00
October 4, 1882	136 00		136 00
July 25, 1883	1,000,000 00	15,000 00	985,000 00
Total of sixteen years	21,315,512 67	5,992,708 67	15,322,804 00

*Deficiency appropriation.

Bureau of Construction and Repair.

Year.	Appropriated.	Extraordinary expenses.	Ordinary expenses.	
1868-'69	$3,000,000 00		$3,000,000	Building Alaska, Algoma, Omaha, Plymouth.
1869-'70	4,000,000 00	$1,593,116 00	2,406,884	
1870-'71	4,830,000 00	1,104,111 00	3,725,889	
1871-'72	3,500,000 00	181,719 00	3,318,281	
1872-'73	3,300,000 00		3,300,000	Building Alarm and Intrepid.
1873-'74	5,500,000 00	2,031,000 00	3,469,000	Building Enterprise, Alert, Huron.
1874-'75	3,300,000 00		3,300,000	Building Ranger, Adams, Essex, Alliance, Trenton.
1875-'76	3,300,000 00	1,606,250 00	1,693,750	Rebuilding Puritan, Terror, Miantonomoh, Amphitrite, Monadnock.
1876-'77	1,950,000 00	200,000 00	1,750,000	
1877-'78	3,123,447 28	1,373,447 28	1,750,000	Deficiency bill.
1878-'79	1,500,000 00		1,500,000	
1879-'80	1,500,000 00		1,500,000	
1880-'81	1,725,000 00	250,000 00	1,475,000	
1881-'82	1,350,000 00		1,350,000	
1882-'83	1,825,850 90		1,825,085	
1883-'84	1,100,000 00		1,000,000	
			100,000	Balance on hand.
16 years	44,803,532 28	8,339,643 28	36,463,889	

It will be seen that some $44,803,532.28 has been expended by the Bureau of Construction and Repair and $21,315,512.67 by the Bureau of Steam Engineering, making in all a sum of between $65,000,000 and $66,000,000 which has been expended in repair of wooden ships, which annually require of us still other repairs. The question which now confronts the committee is whether we shall go on pouring out our Treasury in the repair of these ships, or place on the bureaus here a law so that we may drift into the making of steel cruisers and change the entire construction of our Navy. If this clause restricting the repairs to 30 per cent. be allowed to stay in the bill, then I say the amount appropriated is entirely inadequate to the necessities of the service. There is under the 20 per cent. clause $400,000 of deficiency. You propose to give the sum this year you gave last year, and yet to increase the amount from 20 to 30 per cent., which will increase the expense one-third, or else all our vessels will go out of commission.

If you leave this 30 per cent. clause in, the only thing you can do logically is to provide for $400,000, which makes up the deficiency, and add one-third, making $300,000 more, or $1,700,000 in all, instead of the amount you provided by the bill. That is all you can do to act wisely. If you leave it at 20 per cent., then $1,400,000 is required, because, as the Secretary of the Navy informs us, there will necessarily be $400,000 deficiency.

Mr. WARNER, of Ohio. Let me ask the gentleman from Indiana how long it would be under the 20 per cent. rule before all of the wooden vessels of the Navy would go out of commission?

Mr. CALKINS. That of course would be only guess, and the gentleman from Ohio can doubtless give as ready an approximation to the time as I could.

Mr. WARNER, of Ohio. I have heard it stated that four years would suffice, and that by the end of that time we would have no wooden vessels.

Mr. CALKINS. That I think is a mistake. It would take a considerably longer period—perhaps ten or twelve years.

Mr. REED. Mr. Chairman, I believe that this 30 per cent. clause ought to be retained, and I entertain that belief because I perceive on the other side of this House an unwillingness to create or help to create a steel navy. Meantime we are going to find ourselves under the operation of the 20 per cent. clause without the vessels which are absolutely necessary for the ordinary purposes of a navy in times of peace.

As I am informed, the 20 per cent. clause is not in the interest of economy, if we intend to repair wooden ships at all. We are practically voting to throw away 80 per cent. of the value of our wooden ships. For myself I do not believe that is wise economy. I believe that 30 per cent. is as low a level as we ought to strike for in this matter; but I believe, on the other hand, with the gentleman from Indiana, that with the 30 per cent. clause we ought to have an increase of the appropriations, because by retaining that clause we declare a policy that we shall repair such vessels as retain 70 per cent. of their value; and if we repair such ships we will need an appropriation of a million and a half dollars at least.

I am in hopes that the House, after voting in the 30 per cent. clause, will recognize the logical result of its own action and vote a million and a half of dollars for repairs, instead of the sum proposed by this bill.

Mr. HUTCHINS. The Committee on Appropriations inserted that clause in consequence of a recommendation on the part of the chief of the Bureau of Construction and Repair. The committee thought if the 20 per cent. clause was retained that in the course of the next three years there would be a large reduction in the number of wooden ves-

sels, some of which we can ill afford to spare; and in the course of the next five or six years, from natural causes, a large number—in fact, nearly all of the wooden vessels would be blotted from the Register. That is the substance of the report which has been made to us, and I need not quote from it further.

But, Mr. Chairman, I wish also to call attention to the fact that the Senate, in voting for the construction of seven additional steel cruisers, has inserted a section, the fourth section of their bill, incorporating this 30 per cent. limit, which bill passed the Senate by a large majority. I believe $1,000,000 is enough to appropriate for the repair of such ships as may need repair, and still retain this 30 per cent. clause.

Now, the gentleman from Maine [Mr. REED], in his few remarks, stated that he was in favor of it because this side of the House had announced a determination not to proceed with the construction of steel cruisers. I am sure the gentleman did not mean to be unfair——

Mr. REED. If the gentleman will permit me, I meant to say that the action of this side of the House on the bills presented here shows that to be true, and from those bills my inference was drawn.

Mr. HUTCHINS. Then if the gentleman and his side of the House when they voted last year for the construction of four steel cruisers thought it so imperative that that number should be larger, why, when they had the power to do so, did they not pass a bill increasing the number?

Mr. REED. If I may interrupt the gentleman to respond I will say that our side of the House intended to go on and add another four this year, if we had been providentially assisted in retaining the control of this House.

Mr. HUTCHINS. Then we have now a bill for seven in place of four, and therefore the gentleman ought to be satisfied, because he gets three more than he expected.

Now, we appropriated for these steel cruisers everything that the Secretary of the Navy declared was necessary. Why, then, should the gentleman from Maine make such a statement? It is not right. It is made for effect. It is made to go out to the country as an intimation of an incorrect allegation that the Democratic party is opposed to the building of the steel cruisers. It is not true that they are in favor of withholding the appropriations for that purpose. The Democratic side of this House is in favor of appropriating all that is necessary for carrying on the construction of these vessels and the putting of the Navy in proper shape. The present bill gives all of the money for the completion of these cruisers that is necessary for their completion in all respects in accordance with the purpose for which they are now being built.

But, Mr. Chairman, let me say to the gentleman from Maine now that the Navy Department itself is a divided house upon this very question. We have a report here of testimony from the Chief of the Bureau of Construction and Repair, giving a statement that in his judgment these cruisers will be failures, and he stands at the head of the department.

Mr. HISCOCK. Then why do you appropriate a dollar for them? If you believe they are failures, why not stop and not give a cent for them?

Mr. RANDALL. We make up our own appropriation bills.

Mr. HUTCHINS. The gentleman from New York asks why we do not stop appropriating for these steel cruisers. This is the reason: It is an experiment, and we propose to go on with the experiment and test the question. And the other side will be responsible. They commenced these cruisers. They passed the first enactment in regard to them. They set them on the stocks. They have gone so far with the construction of them, and if they are to be a failure we propose that the other side shall be responsible for it and not we.

Mr. RANDALL. I move to strike out the last word. A few minutes ago there was some controversy as to what the Chief Constructor did say in reference to these cruisers. I hold in my hand the testimony taken by the Senate committee and printed by order of the Senate. Here is what he says, and gentlemen can draw their own inferences as to what he means. When Chief Constructor Wilson was being examined as to these cruisers the chairman of the Senate committee asked him the following question:

You think they will be failures practically?

Chief Constructor Wilson replied:

I think these vessels will practically be failures as sea-going vessels. In smooth water there is no question but that they will have speed and that they will go along very nicely; but in a sea I believe they will be a failure.

Now the gentleman from Illinois [Mr. THOMAS] contradicted me a moment ago and thought I was mistaken as to the testimony given by that officer. I do not think I was. It will be seen that my remark in that respect was warranted by the actual testimony given.

Mr. THOMAS. My statement was based upon the statement of the Chief Constructor himself. In a conversation had with me he said it had been reported that he had denounced the new cruisers as failures, and he said he had not done anything of the sort; that what he meant to say was that he had some objections to them; that he thought they should have some more sail power and that they were objectionable in some respects; but he did not mean to say they were failures at all. It was on his statement that I made the remark I did, without having read his testimony before the Senate committee.

Mr. RANDALL. I rely upon what I have read as showing the nature of his testimony; and I suppose he said the same as he would have done if under oath.

Mr. THOMAS. After looking at the printed evidence on which the gentleman from Pennsylvania based his statement, I see he was entirely warranted in what he did say. At the same time I make this explanation as to the source from which I received my information, not having read the report of the Chief Constructor's evidence. Having seen certain reports in the newspapers that he had made such statements, he said to me he had not.

Mr. HUTCHINS. If the gentleman will read on further in the testimony of the Chief Constructor he will find that he made other objections to those cruisers.

Mr. HISCOCK. I want to ask the gentleman from Pennsylvania a question. Does he believe the amount carried by this bill for construction and repair will be sufficient for the bureau if the percentage be raised to 30?

Mr. RANDALL. I believe an economical administration of the million dollars appropriated will be adequate at the 30 per cent. rate, which really affects but a few vessels.

Mr. HISCOCK. That is a general expression.

Mr. RANDALL. I am not a nautical man, and do not know that I can be more definite.

Mr. HISCOCK. I understood the gentleman from Indiana [Mr. CALKINS] to say that $400,000 would be sufficient to repair the vessels, only expending 20 per cent. upon them for the current year.

Mr. RANDALL. The gentleman last year——

Mr. HISCOCK. I ask the gentleman to hear me out. I know what we gave last year. But I understood the gentleman from Indiana to say that if the Secretary of the Navy repairs those vessels only upon which 20 per cent. can be expended, then there is a sufficiency to complete the repairs to the amount of $400,000.

Mr. CALKINS. It has been so reported to me.

Mr. HISCOCK. Now, as I understand it, you reduce the appropriation $100,000, increasing the rate to 30 per cent. If this be true will there not be a deficiency—that is, a failure to repair up to the limit you have fixed?

Mr. RANDALL. I voted in the committee for a million dollars, believing that that would be adequate for all the repairs necessary under the increase of 10 per cent. as provided in the bill. But I also want to insert in this bill, and have asked the Secretary of the Navy to prepare an amendment, which he has prepared and which I have in my hand, to prevent the Secretary of the Navy spending in seven months the allotments by this Congress for twelve months.

Mr. HISCOCK. Mr. Chairman——

Mr. RANDALL. Will the gentleman just keep calm? I want to add after line 272 a proviso that this amount shall be apportioned in monthly installments during the next fiscal year, and the apportionment shall be adhered to except in some emergency. I am willing to give the Secretary a discretion in case of emergency, but not otherwise.

Mr. HISCOCK. I understand the practice in the Department is precisely what the gentleman's amendment provides for. That is the practice there this year.

Mr. RANDALL. I think there would be no deficiency if that was law.

Mr. HISCOCK. Oh, well, let us understand about this deficiency. Let us have it fully understood by the committee. I say, and assert that the practice of this bureau is to divide the appropriation into monthly allowances, and that this amendment which the Secretary of the Navy has sent here will not change the practice at all.

Mr. RANDALL. I say that they have not done that this current year or there would not be a deficiency.

Mr. HISCOCK. Will the gentleman hear me out? As to the deficiency, I say there is no deficiency. I say the money has not been expended. Now, what is the condition of things?

Mr. RANDALL. But the gentleman——

Mr. HISCOCK. Hear me, and we will have no misunderstanding about it, for I believe I am right. The Secretary of the Navy says that if he repairs all the ships in the service under the law which allows him to expend for repairs 20 per cent. of the appraised value of the ships he will require $400,000 more for that purpose than was given him. Does the gentleman understand me and follow me? I wish the gentleman to understand me upon this point. I say there no deficiency in that bureau.

Mr. RANDALL. That is a mere quibble.

Mr. HISCOCK. Oh, no.

Mr. RANDALL. There will be a deficiency.

Mr. HISCOCK. Wait a moment. I am sorry that the gentleman from Maine [Mr. REED] took the attention of the gentleman from Pennsylvania [Mr. RANDALL] so that he has not followed me in my remarks. I hope that, if I require it, some gentleman will give me a portion of his time.

Mr. REED. I will do so, after your reference to me.

Mr. HISCOCK. What I say is this: This money is expended by that bureau in monthly allotments. There is no deficiency there. There

is the appropriation, and the portion of it for the remainder of the year is there now. But what the Secretary of the Navy says is that if he repairs all the ships which he has the right under the law to repair, provided he has money enough for it under the law permitting him to expend for repairs 20 per cent. of the appraised value of the ships, he will need $400,000 more to do the work than we have given him. That is what he says.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REED. I will take the floor and yield my time to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. That is the condition of things. There is no deficiency there, and there can be no deficiency there. The only question is, how many ships do you desire to have repaired and kept in commission? That is what I desire to impress upon the gentleman from Pennsylvania [Mr. RANDALL].

The Secretary of the Navy can spend no more money than you give him. He has no objection to your making this requirement for monthly allotments for the next fiscal year. I understand that from the Secretary of the Navy. But the point I make is that for the current year he has not money enough to repair all the ships within the limit of the law of the current year.

And now, when you change that limit and provide that a larger number of ships may be repaired and at the same time do not increase the amount of the appropriation, certainly your bill is subject to the objection made to it by the gentleman from Indiana [Mr. CALKINS].

Mr. RANDALL. The gentleman last year, or the committee over which he presided, reported an appropriation of $1,000,000 for this purpose. The bill went to the Senate and that body added $100,000, making the appropriation $1,100,000, with the verbal understanding somewhere, not of record in the statute, that the increased amount was to be expended at Mare Island in the further construction of the Mohican, I think, a wooden steamer. We have given in this bill the necessary money to finish it.

I say that the Secretary of the Navy, in a communication which I hold in my hand, informs us that on the 1st of January, 1884, there was in the Treasury available of that appropriation of $1,000,000 the sum of $88,678. Now, gentlemen will see at once that whether it be the rule or not the Secretary of the Navy has not adhered to the system of monthly allotments which the gentleman from New York speaks of. If that is the rule in the Department, I want to make it the law.

The Secretary of the Navy goes on further and states that he will require further money to complete the repairs on the vessels that he has begun to repair with the million of dollars which was appropriated last year.

Mr. HISCOCK. Oh, yes.

Mr. RANDALL. I will state what I know of my own knowledge, that out of that million of dollars the Secretary of the Navy proceeded with the repairs of the Ossipee at League Island navy-yard. And in the list of items given for which this additional amount of money is wanted is included the sum of $14,000 for that vessel.

I think that I have established clearly that the million of dollars appropriated last year has not been expended under any system of monthly allotments; but, on the contrary, has been exhausted, or nearly so, in the first six months of the current year.

Mr. CALKINS. If my colleague on the committee is through——

Mr. RANDALL. I want to add that we deem a million of dollars adequate for this purpose for the next year. If there were twenty vessels repaired last year, that is no reason why there should be twenty vessels to be repaired next year; it may be necessary to repair only ten. We simply say that the Secretary of the Navy shall have for this purpose the same amount which was appropriated last year for expenditure under the 20 per cent. regulation, and we do not believe that the increased percentage should require any additional money.

And we want to provide further that the money shall be expended under the system of monthly allotments, so as if possible to cut off the possibility, when the second session of this Congress or the first session of the next Congress shall convene, of being called upon to appropriate in excess of the amount agreed upon by Congress to be expended for this purpose.

Mr. CALKINS. In my judgment it does not make any difference whether the Secretary of the Navy makes monthly allotments of the amount which we appropriate for this purpose or whether he expends it all in a few months. Here is a lot of ships that come in and are out of repair. The board examines them and finds that certain of them can be repaired within the limit fixed by law, and they are immediately sent to the navy-yards for repairs.

Now, if you make an allotment of the amount appropriated, it is very clear that it simply affects the number of workmen you may employ during certain months. If the repair of a particular vessel would cost $100,000, and the work could be done by one hundred men in a given length of time, ten men will simply occupy ten times that period. So far as regards the expense, it will make no difference whether one hundred men be hired to do the work in a short time or ten men to stretch it out during the year.

The point I am insisting on is this: Prior to the last year there was no 20 per cent. provision in the law. Last year Congress adopted the 20 per cent. provision; and a million of dollars (taking out the $100,000 for the Mohican) was appropriated for this work of repair and construction. The Secretary of the Navy went on under the 20 per cent. provision, and when the 1st of January came he found he had but $88,000 left, with a number of ships still unrepaired and unfit for sea-service. He reports that $400,000 in addition to the one million already appropriated will be required to finish those ships now in the docks for repair—to do the work of the current year.

Mr. RANDALL. Did not the gentleman understand the Secretary of the Navy to say that the whole amount is gone?

Mr. CALKINS. Yes; the whole amount is gone. Now, if you raise the percentage from 20 to 30, and give only $1,000,000, you must have a deficiency next year of $700,000 instead of $400,000 if this work of repairing is to be done. That is the whole of it.

Mr. REED. That is a good argument in favor of increasing the amount of the appropriation.

Mr. CALKINS. One word further. My friend from New York says there can be in fact no deficiency, because just at the moment the money runs out, if only six months of the year have expired, work will be suspended and the hands discharged.

[Here the hammer fell.]

The CHAIRMAN. If there be no objection, the Chair will treat the formal amendments as withdrawn. The Chair hears no objection. The question is now upon the amendment of the gentleman from Indiana [Mr. CALKINS] to strike out "thirty" and insert "twenty."

The amendment was not agreed to.

Mr. RANDALL. I now move to amend by adding at the end of line 262, on page 12, the following:

And this amount shall be apportioned in monthly installments during the next fiscal year; and the apportionment shall be adhered to, except in some emergency.

The amendment was agreed to.

Mr. REED. I move to amend by striking out "twenty" and inserting "five hundred;" so as to make the amount of the appropriation $1,500,000.

Mr. Chairman, I submit that this amendment ought to follow as a matter of course after the other. The facts as they have been developed and as they are admitted by both sides are sufficient to enforce what I have said. It is admitted upon both sides that it is probably not proposed to go on at present—in any large way, at least—with the construction of a steel navy. Even the gentleman from New York says only that the Senate has passed a bill proposing to build seven steel vessels; he says nothing as to the disposition of this House; and it is commonly expected that the bill will be defeated here.

Now, we are approaching such a condition of affairs that unless something be done we shall have neither a steel nor a wooden navy. The ground I take is that we ought to repair our wooden ships and keep them going until we get a sufficient steel navy to take their place.

It has been shown on all sides that under the 20 per cent. clause $1,000,000 is not sufficient for these repairs. On the contrary, every dollar of that appropriation has been expended and the ships which were to be repaired under that provision have not been repaired. When instead of 20 per cent. you insert 30 per cent., you of course increase the number of ships to be repaired; and if an appropriation of $1,000,000 was not sufficient under the 20 per cent. provision, it follows *a fortiori* that $1,000,000 can not be enough after we have adopted a 30 per cent. provision. Hence we ought to appropriate, as my amendment proposes, one million and a half of dollars.

Mr. HUTCHINS. The gentleman from Maine [Mr. REED] assumes that under this 30 per cent. provision more money will be needed. The Committee on Appropriations are of opinion that, in view of the work which has been done and the present condition of the ships to be repaired, $1,000,000 will be sufficient to do the work. This is my answer to the gentleman.

The question recurred on Mr. REED'S amendment.

Mr. REED demanded a division.

The committee divided; and there were—ayes 54, noes 89.

So the amendment was rejected.

The Clerk read as follows:

BUREAU OF STEAM-ENGINEERING.

For repairs, completion, and preservation of machinery and boilers, including steam-steerers, steam-capstans, steam-windlasses, &c., in vessels on the stocks and in ordinary; purchase and preservation of all materials and stores; purchase, fitting, and repair of machinery and tools in the navy-yards and stations; wear, tear, and repair of machinery and boilers of naval vessels; incidental expenses, such as foreign postages, telegrams, advertising, freight, photographing, books, stationery, and instruments, $750,000; and the unexpended balance of the appropriation of $1,000,000 made by the act approved March 3, 1883, for engines and machinery for the double-turreted ironclads be, and the same is hereby, reappropriated and made available during the fiscal year ending June 30, 1885, for the purposes enumerated in this paragraph: *Provided*, That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated costs of such repair shall exceed 30 per cent. of the estimated cost of new engines and machinery of the same character and power.

For contingencies, such as instruments and materials for drafting-room, $1,000.

Mr. CALKINS. I reserve the point of order on that paragraph.

Mr. HUTCHINS. By instruction of the committee, in line 282, I move to insert, after the word "instrument," the words "and for the civil establishment;" and in line 283 to strike out "50" and insert "60."

The amendment was adopted.

Mr. CALKINS. I make the point of order against the provision in line 283, commencing with the word "and," in reference to the engines and machinery for the double-turreted ironclads.

Before I state the point of order I may as well relate to the Chair the history of the appropriation. Last year there was $1,000,000 appropriated, to be allotted between the four monitors, Puritan, Terror, Amphitrite, and Monadnock. The Secretary of the Navy, under the act, alloted certain moneys to each of these vessels, and made a contract for completing so far as it went the first three, Puritan, Terror, and Amphitrite, which left about $182,000 or $183,000 to complete the Monadnock, which is the monitor on the Pacific coast. Congress convened before he made a contract under that law for the work on the Monadnock. The clause against which I have made the point of order seeks to divert the appropriation made last year for this fiscal year from the purpose for which it was appropriated, and to put it into the general fund for the building of other vessels. In other words, it is to stop the work on the Monadnock and put the money into the general fund, and then to reappropriate it. For instance, the Secretary of the Navy at any time up to the 1st day of next July could have made a contract under the law for work upon the Monadnock, but this clause seeks to stop that and divert the money into the general fund. My point of order is it does not reduce expenditure, and is obnoxious to the rule in changing existing law.

Mr. RANDALL. A million of dollars was appropriated for machinery and engines of four ironclads. Three were contracted for, and they are now under way and nearing completion. For the other no contract was made, and the policy of the committee is to save the money, some $172,000, by preventing its being expended on the iron-clad monitor at Mare Island, because they believed there is no occasion whatever to put an engine in a vessel for the completion of which this bill does not provide.

As will be observed, the bill does not provide for completing any of the ironclads, and if we had not been brought face to face with a contract as to the other three ironclads we would not have appropriated for them. As I make out by my arithmetic, it is a clear saving of $172,000.

Mr. GLASCOCK. Mr. Chairman, as a Representative from the Pacific coast, I wish to call the special attention of this House to the present defenseless condition of that coast. We have not there at this time any war vessel which could successfully compete with any ironclad or other war vessel of a fifth-rate power. This should not be, and I am in favor of establishing a different and better condition of things as soon as possible.

I believe, sir, the policy we are now pursuing in refusing to finish the ironclads is a bad one, and I will not support it. I believe in economy and reform, but I do not believe in that economy and reform which would leave 10,000 miles of seacoast in the United States entirely defenseless and $250,000,000 of property at the hazard of war, which may happen at any moment.

The facts in relation to these ironclads have been stated both by the gentleman from Indiana and the gentleman from Pennsylvania. There were four ironclads, steel-turreted monitors, authorized to be built. One million of dollars was appropriated for them in the naval appropriation bill of the last Congress. About $830,000 of this sum has already been contracted for to finish the machinery for three of them, and there is still a hundred and seventy-odd thousand dollars which remains to be used in that same direction unless it be diverted into other channels, as it will be if the present provision of this bill shall pass in this form.

Mr. Chairman, all that we on the Pacific coast ask is to have an opportunity of being placed upon a footing in respect to these ironclads as the rest of the country. All that we ask is that you place the Monadnock in the same position and condition that you place the other ironclads. Put it on an even keel with the other vessels of the same system. Complete her to the extent of putting her machinery in, and then if you choose to do so let her be laid up in ordinary, so that if this Government shall ever be required to meet an emergency, if you shall be called upon here in Congress to take steps to provide for the defense of the nation, she will require no more work to complete her and put her upon a war footing than the balance of the ships of the same class. I ask this in behalf of the Pacific coast. It is a small request that we make in consideration of the vast interests at stake on that coast.

[Here the hammer fell.]

Mr. RANDALL. I can readily understand why the gentleman from California should be so zealous in his advocacy of the completion of this vessel; but I submit that if these vessels are not to be finished there is no earthly occasion for spending this $172,000 remaining of last year's appropriation in putting machinery and engines into the Monadnock. The gentleman from California says we have left the Pacific coast defenseless. He is entirely mistaken in that particular. The last Congress provided a hundred thousand dollars for the completion of the Mohican, which is a wooden steam-vessel, and we have provided enough money in this bill to finish her, which is an adequate protection against any incursion which I think the Pacific coast may apprehend from any quarter.

Mr. GLASCOCK. Will the gentleman from Pennsylvania let me ask him a question?

Mr. RANDALL. Certainly.

Mr. GLASCOCK. What defense would this wooden vessel be against a Chilian cruiser or an ironclad of any other nation on earth?

Mr. RANDALL. For that matter, just about as much as if you sent the Monadnock to sea.

Mr. GLASCOCK. We do not expect her to go to sea, but to be used for coast defense. That is all we ask.

Mr. CALKINS. Will the gentleman from Pennsylvania permit me to state to him that under the point of order, if sustained, the same amount of money is appropriated, and in that respect it amounts to the same thing, as far as this provision is concerned, precisely as if it was overruled. The only difference is that it diverts the amount from one channel to another. The proposition in its present form changes existing law.

Mr. RANDALL. It provides that the money shall not be expended in the construction of machinery. It saves expenditures to that extent.

Mr. CALKINS. Certainly not. It appropriates the $750,000 for these purposes specified in the preceding part of this paragraph and diverts into another channel the remainder of the unexpended appropriation. It will leave the amount precisely as I have said; precisely as it is now with the provision in.

Mr. HISCOCK. The only way the gentleman from Pennsylvania can reach the point of saving expense in that respect is by suspending the expenditure of that money.

Mr. RANDALL. That is the practical effect of the provision.

Mr. HISCOCK. No; not in its present form. You provide for its expenditure, but divert it.

Mr. RANDALL. We conferred with the Secretary of the Navy upon that point, and were informed by him that he did not propose to enter upon the contracts for the engines. He conceded that position to the subcommittee.

Mr. HISCOCK. But the manner, I say, if the gentleman will permit me to go on, in which he can reach his point is to put into the bill a provision suspending the power of the Secretary of the Navy to expend that money.

Mr. RANDALL. The present provision does that. Let us have a ruling on the point of order.

The CHAIRMAN. The Chair is of opinion that this clause is a change of existing law, because it diverts a former appropriation from its former purpose to a new one. In that diversion, however, it saves the expenditure of whatever that sum of money may be.

The Chair would be of opinion that it does retrench expenditures to this extent, that it saves the necessity of appropriating again money to the same extent in this bill.

The Chair therefore feels called upon to overrule the point of order.

Mr. CALKINS. Provided they would do it.

Mr. BUDD. I move to strike out of that section the words beginning with "and," in line 283, down to and inclusive of the word "paragraph," in line 290.

The CHAIRMAN. The amendment proposed by the gentleman from California will be read.

The Clerk read as follows:

And the unexpended balance of the appropriation of $1,000,000 made by the act approved March 3, 1883, for engines and machinery for the double-turreted ironclads be, and the same is hereby, reappropriated and made available during the fiscal year ending June 30, 1885, for the purposes enumerated in this paragraph.

Mr. BUDD. Mr. Chairman, I desire to indorse and emphasize the remarks made by the gentleman from California [Mr. GLASCOCK] who spoke a few moments ago. The amount required for the completion of these monitors is about the same as the amount we voted as the rebate on tobacco. It is an insignificant sum when compared with the resources of this Government.

I speak in favor of the Monadnock. The Pacific coast is almost defenseless. We are some 3,000 miles away from the Atlantic seaboard. We are exposed to the attacks of any vessel of war that might come there. The harbor defenses are not sufficient to turn aside or keep out even a second-rate wooden vessel of war. And I say it will be no economy, but an outrage, to prevent the completion of this vessel designed for the defense of the Pacific coast.

Mr. HUTCHINS. I sympathize with the gentleman from California [Mr. BUDD] in this matter, and am willing to act with him in that line of policy that would lead to some sort of defense for our seacoast. What the committee would desire, or at any rate speaking for myself what I should desire, would be to see the amount that would be appropriated, if the gentleman's amendment should be adopted, for the completion of these monitors—to see that amount saved and applied to coast defense. The trouble is that if the monitors were completed today they would be perfectly worthless. Every dollar expended upon them would be so much thrown away.

Mr. BUDD. What is the gentleman's authority for that statement?

Mr. REED. Why does not the gentleman from New York order those vessels to be broken up if that is the case, and prevent the possibility of more money being wasted upon them?

Mr. HUTCHINS. Because the gentleman from New York has not the power to do it.

Mr. RANDALL. The Army and Navy Journal recommends them to be sold.

Mr. REED. Then why do you not sell them?

Mr. RANDALL. We require legislation to do that.

Mr. REED. Why could you not have recommended that legislation here?

Mr. HUTCHINS. When by the action of this House the policy to be pursued in relation to this matter is known then we can follow with some proposition.

Mr. REED. Mr. Chairman——

Mr. HUTCHINS. I give way to the gentleman from Maine [Mr. REED] to offer an amendment himself in the line of what he is indicating.

Mr. BUDD. I would like the gentleman from New York to name his authority for the statement that these vessels would be useless when constructed.

Mr. HUTCHINS. Will the gentleman from California tell me how thick the armor upon these vessels is to be?

Mr. BUDD. I have not made special investigation as to that, and can not say to the half-inch the varying thickness of the different parts.

Mr. HUTCHINS. The thickness of the armor is seven inches. And will the gentleman tell me how many inches of armor on the steel vessels can now be pierced by modern guns, the last constructed?

Mr. BUDD. Not exactly. Can you?

Mr. HUTCHINS. I will tell the gentleman. It can be pierced twenty-two inches, more than three times the thickness of this armor, and you might as well line them with wood or burn the money as appropriate it to these vessels.

Mr. GLASCOCK. Will the gentleman from New York yield to me a moment?

Mr. HUTCHINS. Yes, sir.

Mr. GLASCOCK. The armor of the Monadnock consists of seven inches of iron faced with two inches of steel.

Mr. BUDD. Would a vessel so armored be useless?

Mr. HUTCHINS. I say certain guns are now being constructed that would pierce three times that thickness of armor. Then what is the use of going on with the construction of vessels of that class?

Mr. BUDD. Why not say, what is the use of building any vessels? Any vessel invulnerable would be ponderous, unmanageable, and unseaworthy.

Mr. HUTCHINS. We go on experimenting to find out what vessels will be capable of resisting modern guns.

Mr. BUDD. What, then, is the use of building these steel cruisers?

Mr. HUTCHINS. For the purpose of cruising. They are not for defense.

Mr. BUDD. Ah!

Mr. REED. The gentleman from New York [Mr. HUTCHINS] offers to allow me to make an amendment to break up these vessels. Now, I submit to the House that that offer is entirely in line with the usual policy of the Democratic party. When anything has got to be done they always want a Republican to do it. Now, I beg to say to the gentleman that the reason why I do not offer the amendment is because I do not believe in it. The question I ask him is why, when he says these vessels are failures—why does he not offer the amendment?

I yield the remainder of my time to the gentleman from California [Mr. BUDD].

Mr. BUDD. Though I do not know the exact number of inches of iron or steel in this vessel, I do know it will float; I know it will have speed and the points essential in an ironclad; I know it will carry guns; I know it will carry a crew; and I know its guns will throw as large a ball and throw it with as much force as those of any other like vessel. And if the gentleman from New York says he does not wish to appropriate any money unless the steel armor of the vessel will turn aside the balls of the most powerful guns of the world, then he may as well say that no ironclad should ever be built, for that is the logic of his statement; because experience and experiment and the evidence of experts prove that no matter how thick the armor may be built a gun will be made that can drive a ball through it.

Why do you not withhold your appropriations from Alcatraz, Fort Point, and Black Point? There is not a single one of these that can resist balls from the most powerful guns. There is no fort in the United States that could not be battered down by guns planted to command it. And simply to say that a ball can be projected with such force as to penetrate the armor of these monitors is begging the question.

No invulnerable vessel can be constructed that will be seaworthy. Such an ironclad would be ponderous and unmanageable. As experts say, it would be sluggish and a plunger, and as the thickness of the plates increased the ship would be sunk deeper in the water and rendered more unwieldy, more deficient in speed, and defective in those points essential to success in maneuvering around a superior force. Celerity of motion, great speed, and great facility in turning appear to be some of the most important elements in ships of war. Absolute protection by plates is incompatible with sailing qualities. We can not fully protect a ship against heavy guns and retain one element of usefulness. The active little Condor at Alexandria was as useful as the great, heavily-armored tubs.

I say this matter of pretended economy is not true economy. It is parsimony. What we want on the Pacific coast is a vessel that will protect us.

I speak for the benefit of the Pacific coast. Do not leave a million of people, a billion of property, and a commerce of nearly a hundred million a year open to the attacks of every fourth-rate power and at the mercy of third-rate wooden war ships. Build the monitors and we will risk the seven to nine inches of steel and iron on them.

Mr. RANDALL. I do not think the Committee on Appropriations of this House can justly claim any originality in refusing to make this appropriation to complete these ironclads. The Committee on Appropriations of the last House did not recommend anything in the way of completing the ironclads, either for the machinery or for the engines. That appropriation was inserted by the Senate and finally forced through in the conference report, much against the will, as I believe, of the majority of the House of the last Congress. I remember that the other side were a great deal divided upon this very question. There were distinguished leading men on the other side who resisted altogether any appropriations for the engines and machinery of these ironclads. Yet we are invited by the gentleman from Maine [Mr. REED] to go now beyond the course followed last year and make this appropriation, although we may be certain it will ultimately require the expenditure of nearly if not quite $4,000,000.

Mr. REED. If the Chair will pardon me I will say to the gentleman from Pennsylvania [Mr. RANDALL] that I do not invite him to make any appropriations, but to take one course or the other. If his conviction is that these ships should not be completed, then let him bring forward a proposition requiring them to be broken up.

Mr. RANDALL. The position which the gentleman from Maine wishes me to occupy is one in regard to which I can not please him anyway; whether I suggest an appropriation or whether I propose to break up the ships.

Mr. REED. I must say that the gentleman has not been remarkable for pleasing me at any time. [Laughter.]

Mr. SUMNER, of California. In this age of progress, when the inventive genius of the race is stimulated to the highest tension with a view to warlike artifice and preparation, if we are to withhold any large naval-construction appropriations or outlays for the completion of half-finished or half-furnished vessels until an absolutely impenetrable casing shall have been made, we might as well say at once that we will stop business in the frigate and gunboat and cruiser yards altogether. It is notorious that just so soon as the proclamation has gone abroad that an impervious, indestructible iron plate has been discovered and tested, capable of defying every known piece of ordnance, some whittling or rifling Yankee or some English mechanic has come forward with an irresistible projectile, before which the last tough target presents no adequate resistance. The new armor, that was to be the perfect shield for all time to come, is perforated as though it was brown paper or shattered as though it was window-glass. Then iron sides give place to steel, and so many inches in thickness are superseded by duplicated and quadrupled sheets of the finest metal for resistance, the weight and force of the cannon rising in proportion. Have we not about reached the end of this alternating advantage of ship-armor and battery might? And, besides, in contests between vessels in harbors or on the ocean there are other elements or qualities to be considered. The victory is not always with the thickest skull or the stoutest fist. In the naval engagement something is always due—sometimes the final result is due—in greatest proportion, if not entirely, to the accuracy of the marksmen, the relative power of the engines, or the dexterity of the man at the helm. The Monadnock, furnished with the latest improved machinery and carrying the most effective rifled guns, may be, and we insist will be, a formidable antagonist. We ask for the expenditure upon her of the legitimate appropriation, and we protest against it being taken away. We acknowledge no adequate or fit substitute in the devoting of a small sum of money on a wooden vessel.

It is notorious that California is without any suitable defense for her harbors against a threatening foe. You must know that there is no kind of preparation to ward off an enemy save at San Francisco. There is a little brick wall on one side of the Golden Gate, with some side batteries, which have been pronounced by unanimous military opinion—so that here there can be no mistake—wholly insufficient to stay an incoming Chilian ironclad. Indeed, these "defenses," so called, would hardly afford a half hour's amusement to the new monitors of the deep. We have great natural advantages for defense at Black Point and Alcatraz in a contest when a face-to-face or stationary enemy is to be encountered. So one would think. And yet the power and efficiency there lodged might be spoken of too highly. For on the centennial Fourth of July the artillery there posted continued to fire for hours at an old barge or schooner, situated a few thousand yards distant, without causing serious damage, until some volunteer vessel—perhaps propelled to close quarters on orders that sprang from pity or shame—moved into close proximity and discharged an effective broadside.

We have not heard the efficiency of the Monadnock impeached to that degree that would set her aside. With all due respect, the criticisms of naval and military officers must be taken with much allowance. They do not agree with regard to these subjects among themselves; and for one I have ceased to pay much respectful attention to them, since if many of them are to be believed the Government ought to break up all her ships and throw aside as useless all the weapons in its arsenals, and proceed to manufacture entirely from new patterns for ordnance, and for lock, stock, and barrel.

I have seen the Monadnock, which up to the opening of this debate I supposed was to be set in order for us. To my layman's eye, comparing her with many I have seen of her kind elsewhere, comparing her so well as I could with vessels of her class that are said to be still approved by the most competent judges, she has the appearance of a powerful boat, well adapted for battle, and capable of being fitted and used as a worthy messenger of defense within and off the harbor of San Francisco. If you will let us have this sufficient fund to supply her with engines and place on her the stoutest cannon that she can carry, we think the money will be justly expended. We insist again that you commit an injustice if you divert this appropriation from this object.

The gentleman from Pennsylvania [Mr. RANDALL] has taken occasion to remind us that "there is not a speck of war" in the distance. That may be so, according to report from the keenest vision. Yet I will venture to say—even if I do seem to run counter to so sharp an outlook and judgment—that if there is now a "speck" anywhere of warlike import it can be discerned in the far East—in China. I do not say there is a sign of war anywhere, but of a possibility I will dare to hint in this direction. Gentlemen may smile at the presumed audacity or folly of such a conflict as I intimate. But stranger things have happened. And certain it is, if common report is to be believed, China could within two months or forty days send from her ports vessels of war that would easily pass all our land defenses and take their ransom-demanding position between the cities of Oakland and San Francisco, and what a humiliation there would be! Certain it is, past all question, that this could be done by the ironclads of our South American neighbors, whose preparedness and character and impetuosity of disposition leave that possibility entirely within the admission of every thinking man.

An iron-clad vessel of war is in our Pacific navy-yard and can readily be put in fighting trim. You do not propose to abandon naval preparations altogether. In this our request is moderate, judged by your intentions for expenditures of the nature referred to elsewhere. San Francisco is entitled to this defense; and in this instance in speaking for San Francisco and its bay we speak for California and the whole country.

Mr. RANDALL. A word in reply only. This is not a proposition to equip any of the four ironclads. It is simply a proposition to put engines and machinery into the Monadnock at an expense, with what has been appropriated for that purpose heretofore, of $200,000 in all, and with the avowed purpose not to equip her.

The question was then taken on the amendment offered by Mr. BUDD; and upon a division there were—ayes 75, noes 103.

Before the result of the vote was announced,

Mr. BUDD called for tellers.

Tellers were ordered; and Mr. BUDD and Mr. HUTCHINS were appointed.

The committee again divided; and the tellers reported that there were—ayes 80, noes 108.

So the amendment was not agreed to.

Mr. CALKINS. I desire to offer an amendment, which I send to the Clerk's desk, to come in after line 294 of the bill.

The Clerk read as follows:

On and after the 1st day of July, 1884, the Bureaus of Construction and Repair and of Steam-Engineering shall be consolidated, and the President of the United States shall appoint a chief of said bureau, who shall, under the direction and control of the Secretary of the Navy, be responsible for the management thereof; and hereafter no person shall be appointed to the grade of naval constructor till the number is reduced to fifteen, which number shall not thereafter be increased.

Mr. TALBOTT. I make the point of order that the amendment changes existing law and does not retrench expenditures.

Mr. CALKINS. It does retrench expenditures.

Mr. TALBOTT. Not at all.

Mr. CALKINS. It provides for a diminution of this corps to fifteen; so that there is a reduction upon the face of the amendment.

The CHAIRMAN. The Chair will direct the amendment to be read again.

The Clerk again read the amendment.

Mr. TALBOTT. I insist upon the point of order. The amendment does not reduce the number of officers. It provides merely a rule as to promotions, a matter which is already fixed by law.

The CHAIRMAN. The Chair would be glad to hear from the gentleman from Indiana [Mr. CALKINS] in answer to the suggestion of the gentleman from Maryland [Mr. TALBOTT].

Mr. CALKINS. I have only to say that the amendment is not obnoxious to the rule, because it does not increase expenditures.

The CHAIRMAN. The question is whether it does in fact reduce expenditures.

Mr. CALKINS. When, at the outset of the consideration of this bill under the five-minute rule, I made a point of order upon one of its provisions, the Chair held, because I said that indirectly in the far future the provision might benefit the Treasury, it came within the rule. This case comes precisely under that ruling, because the amendment provides that until the number of these officers shall be reduced to fifteen there shall be no more appointments, and this corps shall remain thereafter at that number.

The CHAIRMAN. Does the gentleman claim that this amendment now reduces expenditures.

Mr. CALKINS. I claim that it reduces expenses in this way: It provides that the appointments to this corps shall be suspended until the number is reduced to fifteen, and that this shall remain as the number. In this way I submit the amendment comes directly within the ruling already made by the present occupant of the chair upon this bill. But I go further, and say that there is a direct saving of expenditures in this way: There are now two heads of bureaus. This makes a reduction of one; it takes one out.

Mr. MORSE. He remains in office just the same.

Mr. TALBOTT. The amendment does not legislate anybody out of office; it only provides that the duties now performed by two men shall devolve upon one man, without reducing the salary of the officer whose duties are thus diminished. The amendment does not reduce expenditures and does not change the law. It merely gives to one man the work that two men now do. But the two will still receive the same salary as at present.

Mr. MORSE. They are in the same building and the same office.

The CHAIRMAN. The Chair is not familiar enough with this subject to determine what is the fact, as gentlemen disagree in their statements. The Chair is therefore inclined to take the sense of the committee upon the point.

Mr. THOMAS. Just a word upon the point of order.

As the law now stands there are two heads of bureaus, each having the rank of a commodore by reason of being the chief of a bureau. If one of these heads of bureaus be abolished the difference between the pay of the rank of a commodore and that of a captain is saved directly. I make this remark upon the point of order, while at the same time I am opposed to the amendment.

The CHAIRMAN. The Chair will take the gentleman's statement and overrule the point of order. The amendment will be submitted to the Committee of the Whole, and can be voted down if the committee so desire.

The question being taken, the amendment of Mr. CALKINS was not agreed to.

Mr. MCADOO. I submit the amendment which I send to the desk.

The Clerk read as follows:

On page 13, after line 296, add the following:

That from and after the passage of this act all war vessels not then contracted for, and the repair of all war vessels, all steam-engines, boilers, and machinery for war vessels in commission, or to be put in commission, shall be built, made, or repaired at the Government navy-yards by the Government and under the supervision of its authorized agents and officers.

Mr. MCADOO. Now, Mr. Chairman——

Mr. CALKINS. I make a point of order upon the amendment, but am willing it shall be reserved till the gentleman from New Jersey [Mr. MCADOO] has been heard.

Mr. MCADOO. I insist, Mr. Chairman, that this amendment does not come under the prohibition of the rule, and that it is in the interest of reform and retrenchment in the Navy Department. It is admitted on both sides of this House that there have been extravagant expenditures in that Department. The larger part of the money expended has gone to contractors. I propose by this amendment that hereafter the work, instead of being done by contractors, shall be done in the yards of the Government.

There is another feature about this matter. We are unfortunately, by reason of unjust laws or other causes, not an iron-ship building people. We have not, as Great Britain has, a large number of private ship-building yards. Hence the Government, when it asks for bids, is restricted to those of one or two ship-builders. The result of this paucity of bidders is that there is not honest, wholesome competition. So that the Government is obliged almost to accept the offer of one contractor; and that contractor is the one who has built most of the vessels and received most of the money of the Government. When we authorize a ship to be built we are compelled to go hat in hand to Mr. Roach and say, "Please, good Mr. Roach, name your own figures and treat us honestly if you will." Now, I admire Mr. Roach's ability and pluck, and can hardly blame him for taking advantage of the situation; but at the same time we will be derelict in our duty if we do not curtail his advantages over the Government. We, I trust, represent the people, not Mr. John Roach.

There is another feature of this amendment which prevents it from coming under the rule: that it is not in the interest of economy. We have a large number of professional engineers under pay, whether on board or waiting orders or on shore-duty. If you open the navy-yards

you may put this professional skill to work and receive some service for the salary which is paid.

I am not alone in this argument, for the Bureau of Steam-Engineering says in its report that such will be the case should our navy-yards be opened. The report reads as follows on that point:

I am of the opinion that the assistant engineer officers who have finished cruises at sea should be utilized to a very much greater extent in our navy-yards, and be ordered, not for clerical services, for which they are not trained especially, but as far as practicable to have charge as heads of the several shops, for which their profession fits them, in the place of the master workman or foreman of such shops, thus dispensing with one very considerable source of expense for yard maintenance, and with but the small increase for their pay as officers on shore-duty rather than on waiting orders. This would not only be a great saving in the cost for organization, but be a practical school for these officers, training them constantly in the line of their profession, in the minuter details of designing, making, and repairing the various parts of machinery, &c., which are used on naval vessels, together with the tools, methods, appliances, &c., for the work.

For obvious reasons the bureau would not recommend a general and sweeping change in this direction at once, thereby discharging a large class of skilled and faithful mechanics, but as vacancies occur from time to time that they be filled by these engineer officers.

The bureau is also of the opinion that there would result a very considerable saving in the expenditures for the making, care, repair, and attendance of the steam generators, and appliances of the several kinds and uses in the navy-yards, if they were all placed under the general charge and control of the engineer officers of the yards, the expense of each to be paid from the appropriations of the bureaus using the same, as now; thus giving a practical opportunity and possibility to carry out another recommendation of the navy-yard commission, that one general steam-generating establishment be provided in each yard to furnish steam for all motive power and steam-heating purposes, thereby securing "economy of fuel, reduced expense of attendance, and an increase of convenience and efficiency."

The various shops under cognizance of this bureau at the several navy-yards, with their present equipments and appliances, are in good working order, and equal to any present requirement for repair of engines, boilers, &c., or for the rapid and economical construction of new modern machinery of first-class design and workmanship.

The boiler-shops at New York, Washington, Norfolk, and Mare Island yards have been greatly improved by the addition of a few modern machine tools, and are now producing first-class boilers from very large and heavy steel plates, at a less cost per pound than has ever before been done in our navy-yards or obtainable under contract.

I am aware the honorable Secretary of the Navy advocates the contract system and inveighs against the yards. But his argument against the yards in his current report seems to me lame and inconsistent. He expresses a horror of political influence in the yards, which does him credit in the expressing it, and would cover him with infinite glory in the practice of its suppression. We on this side of the House must certainly be allowed to share his fears, and some of us, maybe, could narrate moving tales of the awful realization of the honorable Secretary's suspicions. He says, on page 18:

The question whether all the steel naval vessels of the future shall be constructed by contract, or some of them by contract and some in the navy-yards, it is not necessary immediately to determine. Assuming that the hulls of such ships might be judiciously and economically built in the yards, it is doubtful whether the machinery will ever be so constructed. All the engines for the British navy are built in private shops. But conceding that, wherever the ships may be originally built, it is desirable for the Government to possess shops fitted for such repairs as may from time to time be found necessary, it is due to truth to declare that the Government repair shops under the present system ought not to be intrusted with them.

These establishments must first be thoroughly reorganized in such a way as to exclude all political considerations from their management, otherwise bad and expensive work will be the result. We can not afford to destroy the speed of our naval engines in order to make votes for a political party.

If the yards have been used to influence elections may we not inquire who was in fault? Is it not a plea of guilty for a great political party to make this statement? We certainly can not be blamed, for it is so long since the Democratic party had anything to do with the navy-yards, save through this House, that it has almost forgotten their location. Of course when we will that work shall be done in the yards we mean that it shall be honestly performed, without regard to partisan considerations or political influences. The contract system can be as readily abused. Will not favorite contractors come down handsomely to Hubbell committees and coerce employés or only employ those who are desirable politically?

I ask the attention of the House to another fact. The Navy of the United States, mostly now under the contract system, embraces one hundred and thirty-nine vessels, and most of them are of a very poor class. The navy of Spain is composed of one hundred and thirty-nine vessels, and the majority of them are superb ironclads. It is a further fact that while it costs over $15,000,000 a year to maintain the United States Navy, it only costs a little over $6,000,000 a year to maintain the first-class navy of Spain.

In conclusion: Immunity from war—perpetual peace—is no more granted to nations than terrestrial immortality to man. The same curse that spread weeds and briers among the flowering vistas of Eden and shadowed its bowers with poison-dripping vines gave over man to epidemics, disease, "wars and rumors of wars." We should seek to spread peace, but be reasonably prepared for war. Our coast, which fringes the fairest and richest land on earth, has been protected from the monarchial freebooters of Europe by shifting sands and tortuous channels; a few million wisely spent will make it invulnerable. Our people come from all lands and go everywhere. The bed of the Atlantic is threaded and its bosom is furrowed by the wires and prows that bring it in hourly communication and contact with the seething population of the Old World. The American citizen must be protected in every land. Our flag, which is the day-star of humanity and the beacon-light to mankind struggling upward to freedom and a higher civilization, must be made respectable the world over, and, if necessary, behind its moral force must rest the hand of power. Our Constitution preaches "peace on earth, good-will to men," but the rights of our citizens and the honor of this great federation of free States must be maintained against foreign aggression.

Mr. CALKINS. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order, as he is not satisfied the abandonment of the contract system would promote economy by diminishing public expenditure.

The Clerk read as follows:

INCREASE OF THE NAVY.

For completing the three new steel cruisers and one dispatch-boat authorized by act of Congress approved March 3, 1883, as follows: Chicago, $349,133.45; Boston, $231,853.28; Atlanta, $231,853.27; Dolphin, $108,660; in all, $921,500.

Mr. HUTCHINS. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

REINHARDT WAGNER.

The SPEAKER, by unanimous consent, laid before the House the following message of the President of the United States; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

In further response to the resolution of the House of Representatives of the 15th January last, calling for copies of correspondence on file in the Department of State in relation to the reported arrest at Lodz, in Russia, of Reinhardt Wagner, a citizen of the United States, I transmit, in addition to the papers sent you on the 7th ultimo, a copy of a dispatch subsequently received.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, March 5, 1884.

LEAVE OF ABSENCE.

Mr. PEELLE, of Indiana, by unanimous consent, was granted leave of absence for ten days, on account of important business.

FORFEITURE OF MICHIGAN LAND GRANTS.

Mr. HENLEY, from the Committee on Public Lands, reported back with an amendment the bill (H. R. 180) to declare forfeited certain lands in the State of Michigan granted to aid in the construction of railroads; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. BELFORD presented the views of the minority and Mr. OATES submitted an amendment; which, by unanimous consent, were also ordered to be printed with the majority report.

SENATE BILLS REFERRED.

Mr. MATSON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the pension bills from the Senate now on the Speaker's table be taken therefrom and properly referred.

The following bills were accordingly severally referred to the Committee on Invalid Pensions:

A bill (S. 494) for the relief of Nancy Miller; and

A bill (S. 777) granting a pension to Albert Jehle.

The following bill was referred to the Committee on Pensions:

A bill (S. 1056) granting an increase of pension to Sally Mallory.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I ask leave to present and have printed in the RECORD the memorial of the citizens of Franklin County, Kentucky, concerning the improvement of the Kentucky River.

Mr. HOLMAN. How long is it?

Mr. WHITE, of Kentucky. About half a column.

Mr. O'NEILL, of Missouri. Here is one on the Mississippi River I wish to go with it.

Mr. WARNER, of Ohio. I object.

Mr. HUTCHINS. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of R. S. Lacy and 15 others, citizens of Virginia, asking that a portion of the grounds of the Arlington estate

may be set apart for experimental grounds for the use of the Agricultural Department—to the Committee on Agriculture.

By Mr. FELIX CAMPBELL: Petition for the improvement of Johnson's Inlet, New York—to the Committee on Rivers and Harbors.

By Mr. CURTIN: Papers relating to the claim of the heir of General Count Casimir Pulaski—to the Committee on Foreign Affairs.

By Mr. G. R. DAVIS: Petition of Benjamin W. Goodhue and 51 others, citizens of Chicago, relative to the Chinese restriction act—to the same committee.

By Mr. DORSHEIMER: Petition of Catherine Hoey, for a pension—to the Committee on Invalid Pensions.

Also, petition of citizens of New York, for schools in Alaska—to the Committee on Education.

By Mr. FINERTY: Petition of Louis Emery relative to bounties, pensions, &c.—to the Committee on Invalid Pensions.

By Mr. HALSELL: Paper relating to the claim of W. N. Crewdson—to the Committee on Pensions.

By Mr. D. B. HENDERSON: Petition of James H. Price, relative to pensions, &c.—to the Committee on Invalid Pensions.

By Mr. HOBLITZELL: Papers relating to the claim of Mary B. Hook—to the Committee on Pensions.

By Mr. HOPKINS: Petition of Pittsburgh manufacturers, against the passage of the Morrison tariff bill—to the Committee on Ways and Means.

By Mr. B. W. JONES: Communication of D. K. Tenney, relative to bill H. R. 4944—to the Committee on the Judiciary.

By Mr. KLEINER: Petition of citizens of Evansville, Ind., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. LONG: Petition of Charles E. Roberts and others, and of C. F. Fisher and others, citizens of Brockton, Mass., relative to the Chinese restriction act—to the same committee.

By Mr. LORE: Petition of D. B. Morris and 233 others, of Sussex County, Delaware, for the improvement of navigation of Indian River, in said county—to the Committee on Rivers and Harbors.

By Mr. McADOO: Petition of citizens of New Jersey, against Chinese immigration—to the Committee on Foreign Affairs.

By Mr. MAYBURY: Petition of Mrs. Nellie Tate and 50 others and of Mrs. Emma Dingle and others, favoring a sixteenth amendment—severally to the Committee on the Judiciary.

Also, petition of Thomas H. Walsh, Alfred Cheesebrough, and other residents of Detroit, for an appropriation for a breakwater at Marquette, Mich.—to the Committee on Rivers and Harbors.

By Mr. S. H. MILLER: Petitition of 600 wageworkers, of Mercer County, Pennsylvania, against the importation of laborers under contracts made abroad—to the Committee on Labor.

By Mr. MULLER: Memorial of Charles Blanke and others, for education in Alaska—to the Committee on Education.

Also, petition for the relief of Rudolph Tanszkay—to the Committee on Military Affairs.

By Mr. J. J. O'NEILL: Petition of Columbus Council of Knights of Labor, of Saint Louis, Mo., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, memorial of the labor organizations of Saint Louis, Mo., against the importation of foreign laborers under contracts made abroad—to the Committee on Labor.

Also, petition of Bricklayers' Union, No. 1, of Saint Louis, against the importation of foreign laborers under contracts made abroad—to the same committee.

Also, resolutions of D. O. S. C. L. A., No. 2522, Knights of Labor, of Saint Louis, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petition of citizens, asking for the appointment of a committee to investigate the Oklahoma land question—to the Committee on the Public Lands.

Also, protests of manufacturers of vinegar, fruit-growers, &c., relating to the tariff on vinegar, &c.—to the Committee on Ways and Means.

Also, petition of D. L. Payne and others, in regard to abuses and expulsion from Oklahoma by the United States Army—to the Committee on Military Affairs.

By Mr. PAYNE: Petition of citizens of Cayuga County, New York, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. REED: Petition of W. & C. R. Millican and 65 others, citizens and business firms of Portland, Me., in favor of the bill H. R. 4483—to the Committee on Military Affairs.

By Mr. RIGGS: Petition for the relief of S. A. St. John—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. CHARLES STEWART: Petition of the Good Templars of Honor and Temperance of Texas, relative to alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. TUCKER: Papers relating to the pension claim of David L. Pool—to the Committee on Invalid Pensions.

By Mr. WAKEFIELD: Petition of citizens of Redwood County, and of citizens of New Ulm, Minn., praying that the head of navigation of the Minnesota River be fixed at New Ulm—severally to the Committee on Commerce.

SENATE.

THURSDAY, *March* 6, 1884.

Prayer by Rev. WILLIAM PARET, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 191) for the printing of certain eulogies delivered in Congress upon the late Dudley C. Haskell was read twice by its title, and referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a joint resolution and memorial of the Eighth Legislative Assembly of the Territory of Wyoming, in favor of the establishment of an independent postal telegraphic system, to be owned, controlled, and operated by the United States; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL. I present a petition of the legal representatives of Matthew Smith, late deputy adjutant-general in the Virginia Continental line during the war of the Revolution, praying for such legislation as will enable them to obtain a bounty claimed under the laws of the United States. The petition is accompanied by the draught of a bill which I shall introduce when that order is reached. I move that the petition be referred to the Committee on Private Land Claims.

The motion was agreed to.

Mr. MITCHELL. I present a petition of the National Wholesale Drug Association and other citizens of the United States, praying for the repeal of all internal taxes. These petitioners number 1,118, and represent one hundred and twenty-nine cities and towns. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. MITCHELL. I present a memorial of the Philadelphia Board of Trade, remonstrating against the renewal of the patents for steam grain-shovels. The bill in relation to this matter has been reported from the Committee on Patents, and I move that the memorial lie on the table.

The motion was agreed to.

Mr. MITCHELL presented the petitition of Mrs. Catharine Page, widow of Thomas Page, late private Company K, Seventh Pennsylvania Emergency Volunteers, praying to be granted a pension; which was referred to the Committee on Pensions.

He also presented a memorial of members of the Chambers of Commerce of Cincinnati and of Louisville and other citizens and business men, remonstrating against the passage of any bill which repeals or modifies the act of Congress so far as it refers to the bridging of the Ohio River and of the Great Kanawha River between certain limits; which was referred to the Committee on Commerce.

He also presented a petition of the Franklin Institute, of the State of Pennsylvania, praying for the passage of an act for the appointment of a commission of experts for the testing of iron, steel, &c.; which was referred to the Committee on Commerce.

He also presented a resolution of the Philadelphia Maritime Exchange, in favor of the redemption of the trade-dollar at its par value; which was referred to the Committee on Finance.

He also presented the petition of Burnham, Parry, Williams & Co. and others, citizens of Philadelphia, praying that an appropriation be made for Indian education; which was referred to the Committee on Indian Affairs.

He also presented the petition of J. Thomas Welham, of San Francisco, Cal., executor of the estate of Thomas Welham, deceased, praying for the extension of a siphon water-wheel patent; which was referred to the Committee on Patents.

Mr. SHERMAN presented a petition of Boon Post, No. 1, Grand Army of the Republic, of Edon, Williams County, Ohio, praying for the passage of certain bills for the benefit of soldiers of the Union Army; which was referred to the Committee on Pensions.

Mr. COCKRELL. At a regular meeting of the representatives of the labor organizations of the city of Saint Louis, Mo., the subject of the importation of foreign labor under contract for the purpose of displacing American labor when it seeks to protect itself through the power of organization against repeated attempts of American employers to reduce it to the level of pauperized labor of the Old World, as shown in the late conflict between the Window-Glass Makers' Association and the manufacturers engaged in that industry, was discussed and the present and future evils to result from such importation if unchecked or unregulated by wise and patriotic legislation were forcibly portrayed, and that discussion terminated in the unanimous adoption of this resolution:

That our Senators and Representatives in Congress be respectfully requested to advocate and support by voice and vote all measures tending to prohibit the importation of foreign labor under contract into the United States, thereby securing to American citizens, as far as effective legislation can secure to them, the sacred and inalienable right to labor and to just remuneration for that labor as against the low-priced and inadequately-paid labor of the Old World.

This resolution has been transmitted to the Senators and Representatives from that State, and was evidently intended to be presented to

the Senate. I will therefore request that it be received as a memorial addressed to the Senate, and that it be referred to the Committee on Education and Labor; and I ask that committee to give prompt consideration to the subject-matter therein mentioned.

The PRESIDING OFFICER (Mr. FRYE in the chair). The resolution will be so received and referred, without objection.

Mr. CULLOM presented a petition of citizens of Chicago, Ill., praying for further legislation for the restriction of Chinese immigration; which was referred to the Committee on Foreign Relations.

Mr. ALLISON. I present a memorial and joint resolution of the Legislature of the State of Iowa, which I desire to have printed in the RECORD and referred to the Committee on Commerce.

The memorial was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Memorial and joint resolution relative to the construction of a canal from the Mississippi River to the Illinois River at Hennepin, in the State of Illinois.

Whereas the question of cheap transportation by an uninterrupted water route between the Mississippi River and the Atlantic seaboard, by way of the great lakes, has long been one of all-absorbing interest to the people of the food-producing States of the Northwest; and

Whereas the General Assembly of Iowa has repeatedly memorialized Congress for the construction of such water route; and expressly did, by memorial and joint resolution approved February 24, 1876, urge upon Congress the construction of the same from some point on the Mississippi River between the mouth of Rock River and Clinton, Iowa, to the Illinois River at Hennepin; and

Whereas at a convention representing the people of the Mississippi Valley and the Northwest, held at the city of Davenport, Iowa, May 25, 1881, it was resolved and unanimously declared—

First. That the Congress of the United States should devise by law and sustain by liberal and efficient appropriations a system of cheap transportation by water routes, connecting the Mississippi River and its tributaries with the Eastern Atlantic seaboard and the Gulf of Mexico.

Second. That it has been the policy of Congress and the desire of the people of the Northwest for many years to inaugurate and complete a system of water-channel improvement, having the Mississippi for its base; that to give greater efficiency to this policy there should be constructed from the Mississippi River, on the most feasible route to the Illinois River at Hennepin and thence to the lake at Chicago, a canal adequate to the present and future transportation needs of that great port of internal improvement is an imperative necessity for a relief from excessive freight rates on the produce and commerce of the country, and that the work so long needed should immediately be commenced; and

Whereas the Congress of the United States, by act of August 2, 1882, authorized the Secretary of War to cause a survey to be made for the purpose of ascertaining the most practicable route for such proposed canal, which survey has been made, and an official report thereof transmitted to the Congress; and

Whereas the President of the United States, on the 8th day of January, 1884, sent to Congress his special message with respect to the construction of said Hennepin Canal, and accompanying said message with copies of the act of the General Assembly of Illinois ceding to the United States the Illinois and Michigan Canal and other documents, in which special message the President says:

"I submit the communication of the governor of the State of Illinois, with a copy of the act of the General Assembly of the State, tendering to the United States the cession of the Illinois and Michigan Canal upon condition that it be enlarged and maintained as a national water way for commercial purposes. The proposed cession is an element of the subject Congress had under consideration in directing by the act of August 2, 1882, a survey for a canal from a point on the Illinois River at or near the town of Hennepin by the most practicable route to the Mississippi River at or above the city of Rock Island, the canal to be not less than seventy feet wide at the water line, and not less than seven feet depth of water, with a capacity for vessels of at least two hundred and eighty tons, and also for a survey of the Illinois and Michigan Canal, and the estimated cost of enlarging it to the dimensions of the proposed canal between Hennepin and the Mississippi River. The surveys ordered in the above act have been completed and the report upon them included in the last annual report of the Secretary of War, and a copy is herewith submitted. It appears from these papers that the estimated yield of corn, wheat, and oats for 1882 in the States of Illinois, Wisconsin, Iowa, Minnesota, Kansas, and Nebraska was more than 1,000,000,000 bushels. It is claimed that if a cheap water-transportation route, which is now continuous from the Atlantic Ocean to Chicago, is extended to the upper Mississippi by such a canal great benefit in the reduction of freight charges would result to the people of the upper Mississippi Valley, whose productions I have only partly noted, not only on their own shipments but upon the articles of commerce used by them which are now taken from the Eastern States by water only as far as Chicago. As the matter is of great interest, especially to the citizens in that part of the country, I commend the general subject to your consideration.

"CHESTER A. ARTHUR.

"EXECUTIVE MANSION, *January* 8, 1884."

Whereas it appears by the official report of Maj. W. H. H. Benyaurd, of the United States engineers, by whom such survey was made, that three routes were surveyed, to wit, the "Marais d'Osier route," "Watertown route," and "Rock Island route:" Now, therefore,

Be it resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be requested to vote for and use their active influence to effect such legislation by Congress as will secure the construction at an early day of said canal upon such route as may be the most feasible and practicable and so designated by the Secretary of War, and which will be for the best interests of the people at large, and to vote a liberal appropriation therefor, to the end that said canal may be completed and opened to the commerce of the country at the earliest possible date.

Resolved, That the secretary of state be, and he is hereby, instructed to forthwith transmit a copy hereof to each of our Senators and Representatives in Congress.

OFFICE OF SECRETARY OF STATE,
Des Moines, Iowa, February 26, 1884.

A true copy of a memorial passed by the Twentieth General Assembly, now in session.

[SEAL.] JAS. HULL, *Secretary of State.*

Mr. SEWELL presented resolutions of the senate of the State of New Jersey; which were read, and referred to the Committee on Finance, as follows:

Resolutions adopted by the senate, February 25, 1884.

Whereas a bill has been introduced in the House of Representatives by Hon. WILLIAM R. MORRISON, chairman of the Ways and Means Committee, the object of which is a general reduction of tariff duties as now levied; and

Whereas the passage of said bill would materially affect, if not absolutely destroy, the great industries of this State, particularly those of iron, silk, woolen, glass, and the potteries; and

Whereas it is a recognized fact that the duties now levied upon articles produced and manufactured in this State are not more than sufficient for the protection of those engaged in the work of producing and manufacturing the same: Therefore,

Resolved, That as any further reduction in the tariff will bring the duties below the point needed for protection and militate against labor by compelling our manufacturers and producers to compete in their own markets with the products of cheap labor of foreign countries, we earnestly request our Senators and Representatives in Congress to use their efforts and votes to defeat the said Morrison bill, or any other measure which may come before them having for its object the reduction of the duties upon articles manufactured or produced in this State; and

Resolved, That we affirm our belief in the principle of protection as applied to all American industries, including raw materials which are the products of American labor as well as manufactured articles; and that we look with fear and apprehension upon the doctrine of a "tariff for revenue only," which would reduce the duties and cause excessive importations of foreign products and manufactures simply for the purposes of revenue and to the great detriment of the labor and capital now engaged in this country in producing the same; and

Resolved, That the secretary of the senate be requested to send a copy of these resolutions to each of our Senators and Representatives in Congress.

I certify that the above is a true copy.

W. A. STILES, *Secretary of the Senate.*

Mr. ANTHONY presented the petition of William H. West, of Barrington, R. I., guardian of William Phillips West, minor child of Leonard P. West, late private Company G, Second Regiment Rhode Island Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. COCKRELL. On the 12th of December, 1883, near the beginning of this session, I introduced a bill (S. 651) to authorize the President to restore Charles Brewster to his former rank in the Army. There were a number of papers which belonged to the case but which were in the hands of an attorney and could not then be obtained. I have here the bundle of papers, consisting of memorials and testimonials in regard to the matter, and also some copies of records. I ask leave to present these papers as exhibits in the case, and move that they be referred to the Committee on Military Affairs, to accompany the bill.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 1323) fixing the rate of postage to be paid upon mail matter of the second class when sent by persons other than the publisher or news agent, reported it without amendment.

Mr. JONES of Florida, from the Committee on Naval Affairs, to whom was referred the bill (S. 28) to confirm the status of John N. Quackenbush as a commander in the United States Navy, reported it with an amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Commerce, to whom were referred the following bills, reported them adversely, and they were indefinitely postponed:

A bill (S. 1422) making the city of Tacoma, in Washington Territory, in the customs district of Puget Sound, a port of delivery;

A bill (S. 1423) making the city of Seattle, in Washington Territory, in the Puget Sound customs district, a port of delivery; and

A bill (S. 1693) to constitute the city of Seattle, in the Territory of Washington, a port of delivery.

Mr. DOLPH, from the Committee on Commerce, submitted a report, accompanied by a bill (S. 1741) making the cities of Tacoma and Seattle, in the Puget Sound customs district, Washington Territory, ports of delivery; which was read twice by its title.

Mr. MILLER, of California, from the Committee on Foreign Relations, to whom the subject was referred, submitted a report, accompanied by a bill (S. 1742) to authorize Albert T. Stream, keeper of life-saving station at Shoal Water Bay, Washington Territory, to accept a medal awarded to him by the British Government; which was read twice by its title.

Mr. MILLER, of California. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 37) allowing the widow of General Jesse H. Moore, late consul at Callao, Peru, one year's salary, to report adversely thereon.

The PRESIDING OFFICER. The joint resolution will be postponed indefinitely, if there be no objection.

Mr. MILLER, of California. The Senator from Illinois [Mr. CULLOM] is interested in the measure, and perhaps it had better go on the Calendar.

Mr. CULLOM. I should like to have the joint resolution placed on the Calendar.

The PRESIDING OFFICER. At the request of the Senator from Illinois the bill will be placed on the Calendar with the adverse report.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 671) for the relief of Elon A. Marsh and Minard Lafever, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 180) for the relief of Stephen N. Smith, reported it with an amendment, and submitted a report thereon.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 1393) to reimburse Frailey & De Verne for money

paid into the Treasury of the United States, reported it with amendments, and submitted a report thereon.

Mr. LOGAN. I desire to give notice that after 1 o'clock I shall ask that that bill, which is a very small matter, be put upon its passage.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 606) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and the south line of the county of Douglas, State of Nebraska, and also to construct accessory works to secure the best practicable channel-way for navigation, and confine the flow of the water to a permanent channel at such point, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1539) to authorize the construction of a bridge across the Missouri River at a point to be selected between the north and the south line of the county of Douglas, State of Nebraska, and to make the same a post-route, reported it with amendments.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 5462) making appropriation to supply deficiency in amount required for expenditure to June 30, 1884, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel of South Pass of Mississippi River, also for gauging the waters of the Mississippi River and its tributaries, to report it favorably, without amendment, and I am instructed by the committee to ask for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SHERMAN. I object to it until after we get through with the regular morning business.

The PRESIDING OFFICER. The Senator from Ohio objects until the regular morning business is finished.

Mr. SHERMAN. After we get through with the regular morning business I shall have no objection. There is a matter pending on the table that I wish to have considered.

Mr. BROWN, from the Committee on Railroads, to whom was referred the bill (S. 1502) to grant a right of way to the Fort Worth and Denver City Railway Company through the Indian Territory, and for other purposes, reported it with an amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 81) to confirm the title of Benjamin F. Pope to his office of assistant surgeon in the United States Army, reported it with an amendment, and submitted a report thereon.

Mr. DAWES, from the Committee on Indian Affairs, to whom was recommitted the bill (S. 1010) to accept and ratify an agreement between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, in Washington Territory, and to make the necessary appropriations for carrying the same into effect, reported it without amendment.

Mr. MAHONE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 493) for the relief of C. S. Moss, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HARRIS subsequently said: A few minutes since a report was made from the Committee on Post-Offices and Post-Roads adverse to the bill (S. 493) for the relief of C. S. Moss, and the bill was indefinitely postponed. I ask the Senate to reconsider the vote indefinitely postponing, and allow the bill to go upon the Calendar. I want to look at it. I may consent then to its indefinite postponement.

The PRESIDING OFFICER. Without objection that will be done.

BILLS INTRODUCED.

Mr. CALL introduced a bill (S. 1743) for the relief of the legal representatives of Matthew Smith; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. FARLEY introduced a bill (S. 1744) for the relief of Mrs. Martha L. Burch; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 1745) for the relief of the former occupants of the present military reservation at Point San José, in the city and county of San Francisco, in the State of California; which was read twice by its title, and, with the papers on file relating to this case, referred to the Committee on Military Affairs.

Mr. DAWES (by request) introduced a bill (S. 1746) to provide for the return of certain Nez Percé Indians to their home in Idaho; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BECK introduced a bill (S. 1747) granting a pension to Patrick O'Brian; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WALKER introduced a bill (S. 1748) to grant to the Kansas City and Gulf Railway Company a right of way through the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Railroads.

Mr. MITCHELL introduced a bill (S. 1749) to authorize the construction of bridges across the Great Kanawha River, and to prescribe the dimensions of the same; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1750) for the erection of a public building at Lancaster, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1752) to increase the appropriation for the erection of the public building at Pittsburgh, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HAWLEY introduced a bill (S. 1753) granting a pension to Peter Ehatt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 1754) to exempt from taxation the armory property of the Washington Light Infantry and of the National Rifles, military organizations of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. VOORHEES, it was

Ordered, That Commander William Gibson be permitted to withdraw from the files of the Senate his record as furnished by the Secretary of the Navy to the Committee on Naval Affairs in the Forty-seventh Congress, there being no adverse report in the case.

On motion of Mr. BLAIR, it was

Ordered, That the papers in the case of Samuel Noble be taken from the files and referred to the Committee on Claims.

SUPREME COURT OPINIONS.

Mr. HOAR submitted the following resolution; which was read:

Resolved, That the Committee on Printing be directed to make provision that printed copies of all opinions given by Justices of the Supreme Court be furnished to every Senator as soon as filed.

Mr. HOAR. These opinions are printed in the clerk's office. To have a sufficient number of additional copies to supply the Senate with copies of all opinions filed by the judges will cost a mere trifle, probably only a dollar or two.

The resolution was considered by unanimous consent, and agreed to.

GRAIN-SHOVEL PATENT.

Mr. PLATT. I think this is the proper time to make a motion which I wish to submit, and that is that the remonstrances which have been filed against the application for the extension of the grain-shovel patent, and which have been ordered from time to time to lie upon the table because a report had been made, be taken from the table and referred to the Committee on Patents, that we may have them before us when we have a further hearing of the subject.

The PRESIDING OFFICER. That order will be made, without objection.

SENATE CONTINGENT FUND.

Mr. SHERMAN. I move that the Senate proceed to the consideration of Senate joint resolution No. 64, that lies upon the table, and which was received yesterday from the House of Representatives with an amendment.

The PRESIDING OFFICER. The Senator from Ohio moves to proceed to the consideration of the amendment of the House of Representatives to the joint resolution (S. R. 64) providing for the addition of $10,000 to the contingent fund of the Senate. The question is on that motion.

The motion was agreed to.

The PRESIDING OFFICER. The question is on concurring in the amendment of the House of Representatives.

Mr. SHERMAN. I ask that the amendment be read, and I wish the attention of the Senate to it, as it is a matter which affects the Senate as a body.

The PRESIDING OFFICER. The amendment will be reported.

The Chief Clerk read the amendment of the House of Representatives, which was to add to the joint resolution—

Which sum shall be available only for the expenses of investigations heretofore ordered.

Mr. SHERMAN. As this seems to be an apparent attempt on the part of the House of Representatives to limit the power of the Senate over its contingent fund, my first inclination was to ask the Senate not to agree to it, but to ask for a committee of conference. I hardly think the House, in view of the known precedents of the past, would attempt to curtail or limit in any way the power of the Senate to control its own investigations, and I do not believe that the House would knowingly deny to the Senate an appropriation to carry on any investigation that the Senate saw proper to order. But as I understand that this amendment was put on rather in the nature of the expression of a desire that future investigations to be hereafter ordered by the Senate should be paid out of regular appropriations to be made in the annual appropria-

tion bills, I do not think it worth while to raise any controversy with the House about it. Therefore I move that the amendment be concurred in, disclaiming at the same time all power on the part of the House to interfere with or control in any way the action of the Senate in regard to its investigations.

It is a fundamental principle of parliamentary law, especially of Congressional law, that each House must be intrusted in its own way and in its own manner to conduct its investigations, and that it is not courteous for either House to refuse appropriations from the common fund of the country to carry on such investigations as the other body sees proper to institute.

As I do not believe that it was the intention of the House in this case to assert a power to restrain the Senate in its investigations, I think it is better to concur in the amendment rather than to raise any question now, especially as I am advised informally that the only purpose was to regard this rather in the nature of a deficiency bill, and to leave the expenses of future investigations ordered by the Senate to be paid out of the general fund to be appropriated in the proper general appropriation bill.

Mr. ALLISON. I do not wish to interfere with this amendment, but I desire for one to enter my protest against the precedent sought to be set by the House in this regard.

Mr. EDMUNDS. What good will the protest do when you agree to the precedent?

Mr. SHERMAN. Then we can disagree to the amendment.

Mr. ALLISON. Our contingent fund for investigations is exhausted and was exhausted at the very beginning of the session, and yet the House of Representatives undertake to say in this amendment that this appropriation shall be used only for such investigations as have been ordered already.

Mr. HARRISON. If the Senator from Iowa will allow me to interrupt him for a suggestion, I will state that the Senate only a few days ago, on the motion of the Senator from Missouri [Mr. VEST], ordered an investigation to be made by the Committee on Territories of certain matters in the Territory of New Mexico.

Mr. SHERMAN. That is covered.

Mr. HARRISON. Would that not be excluded by this amendment?

Mr. SHERMAN. Oh, no.

Mr. ALLISON. That probably would be covered by the amendment.

Mr. HARRISON. I am not sure, but perhaps the limitation proposed by the House would date from our concurrence in the amendment.

Mr. SHERMAN. It would date from the passage of the resolution, which would be to-day, if we concur in the amendment.

Mr. ALLISON. Undoubtedly.

Mr. HARRISON. Perhaps then it would include that investigation?

Mr. ALLISON. The investigation to which the Senator from Indiana refers is provided for; but suppose to-morrow an investigation should be found necessary in the Senate, no investigation could be made here until we asked the consent of the House for such an investigation. Does the House ask us for our consent when it chooses to make an investigation and summon witnesses? Yet they insist by this amendment that we shall enter upon no examination, no investigation of any matter relating to public affairs, until we consult them as to whether or not we shall make it. I say that it is a discourtesy to the Senate to ask us to agree to such an amendment.

Mr. HARRISON. My suggestion to the Senator from Iowa was not intended to convey the impression that I justify this limitation, but rather to suggest a case where we had already ordered an investigation which might be practically vetoed by concurring in this amendment. It may be, however, that it would not limit our power to expend the money in an investigation which we had already ordered, but it illustrates the principle.

Mr. INGALLS. The amendment proposed by the House of Representatives is a plain interference with the independence of the Senate. Without going so far as the Senator from Iowa to intimate that it is an intentional discourtesy on the part of the House, it appears to me to be entirely in violation of the courtesy and comity that ought to prevail between the two branches of the National Legislature. A mere protest does not prevent this action from passing into a precedent, and I trust the Senator from Ohio will consent to move that the Senate disagree to the amendment and ask for a committee of conference, in order that the matter may be fully determined.

Mr. SHERMAN. The Senate seems to have taken the same view that I did of this matter in the first instance, but the older I get the less disposed I am to invite a quarrel when no quarrel was intended or to invite a controversy unless it is really forced upon me. In former times the House of Representatives resented with a great deal of indignation even a delay on the part of the Senate to pass an appropriation to carry on an investigation that had been ordered by the House, and it was denounced, and I think I participated in it, as a breach of privilege, the Senate refusing by its delay to allow the House to pursue an inquiry that it had determined was necessary for the public interest. If such a purpose was indicated by this amendment I should be just as anxious to protect the right of the Senate to order its own investigation without respect to the action of the House.

Mr. ALLISON. What can be the purpose of the limitation proposed by the House?

Mr. SHERMAN. The purpose, as I am informed indirectly, is that they expect in the bill which will be speedily passed containing the ordinary appropriations for the contingent fund that ample provision will be made for such future investigations as may be ordered by the Senate.

Mr. ALLISON. That is utterly impossible, because any appropriation that will be passed must apply to the next fiscal year, and can not begin until the time when Congress will possibly have adjourned. It is perfectly notorious that the bills containing this class of appropriations have even yet not been taken up in the committee of the House of Representatives, so that very likely that appropriation bill will not pass before the 1st of July, so that there must be some other purpose concealed here. At least it is impossible for me to divine the purpose from the reading of the amendment.

Mr. HARRIS. I should like to ask the Senator from Ohio a question.

The PRESIDING OFFICER. Does the Senator from Ohio yield?

Mr. SHERMAN. Certainly.

Mr. HARRIS. What is the natural inference to be drawn from the amendment? Wholly independent of anything the Senator may have heard outside of the amendment itself, is it not the natural inference that the House assumes the right to control the application of this amount that the Senate has asked shall be added to its contingent fund?

Mr. SHERMAN. If this should occur between two citizens it would be saying, "Well, you have committed yourself to this now, but you must not do so any more."

Mr. BUTLER. May I ask the Senator from Ohio a question in that connection?

Mr. SHERMAN. Certainly.

Mr. BUTLER. I ask the Senator if in his experience in this body he has ever known a qualification like this to be put by the other House upon the expenditure of the contingent fund of the Senate?

Mr. SHERMAN. I do not remember it.

Mr. BUTLER. I should like to ask the Senator if he has ever known such an instance in the history of the Government. He has had a very much larger experience than I have. It seems to me to be entirely without precedent, without justification, and without warrant, and for one I can not submit to it. I concur in the view of the Senator from Kansas. The best thing for the Senate to do is to disagree and ask for a committee of conference.

Mr. SHERMAN. If that is the desire of the Senate (and it seems to be the general desire on both sides of the Chamber that we should have this matter clearly raised by a committee of conference) I will ask for a vote on the amendment proposed by the House, and if that is disagreed to I will move for a committee of conference with a view to confer with the House upon the subject.

The PRESIDING OFFICER. The question before the Senate is on concurrence with the amendment of the House of Representatives.

Mr. COCKRELL and Mr. HARRIS. On concurrence?

The PRESIDING OFFICER. Yes. The Senator from Ohio distinctly stated that he would call for a vote on that proposition first.

Mr. SHERMAN. I assume that the Senate is opposed to the amendment, and if it is non-concurred in, I shall then ask for a committee of conference.

Mr. BAYARD. I should be disposed to think that it would be well for the yeas and nays to be called on this motion in order that there might be an indubitable proof given to the other branch of the absence of any division of opinion on this subject.

But while I say that, and propose to vote for the motion to disagree to the amendment, I would draw the attention of the Senate to the fact that the resolution of the Senate saw fit to indicate what they wanted this money for. It was not simply for the contingent fund of the Senate, for which the Senate are alone responsible to the country and to themselves for what they shall vote and how they shall use it, but it went beyond that and said it was for the purpose of the expenses of certain select and special committees. The Senate themselves by their resolution restrained the use of the money to certain purposes, and the House I think have gone a little further, and further than was warranted, by adding an additional condition that it should only be for investigations already ordered.

I concur in the view that the House had no right to put on that amendment, and I shall so vote. At the same time it seems to me that there was a defect in the original resolution of the Senate indicating the purpose for which the money was wanted. There was no necessity for that at all.

Mr. SHERMAN. I will state that the original proposition which was sent to the House was in the ordinary form of appropriations, for the payment of the expenses of investigating committees, not merely an addition to the fund. In order to bring the question to a point, obeying the general sentiment of the Senate, I will, against my own judgment of what is best, as I think we are making a tempest in a tea-

pot, move to disagree to the House amendment with a view to a committee of conference.

The PRESIDING OFFICER. The Senator from Ohio withdraws the motion to concur. Without objection that will be done.

Mr. SHERMAN. I have a right to withdraw it.

The PRESIDING OFFICER. And he moves that the Senate non-concur in the House amendment.

Mr. LAPHAM. Before the vote is taken I desire to say a word. It is well known both to the Senate and the House that the Senate fund for the purpose of the investigation now going on was exhausted before the passage of the joint resolution by the Senate, and that we could go no further with that investigation without an additional appropriation to carry it on. The joint resolution was sent to the House two weeks ago this afternoon, and the hands of the Committee on Privileges and Elections have been tied up for want of funds from that time to this. It now comes back with this condition attached to it. There is no possible room for doubt as to what was the purpose of attaching the condition. It admits of but one interpretation. It is obvious upon the face of it that it is an attempt on the part of the House to limit us in the use of moneys which are appropriated for the purposes of the investigation; and I trust the Senate will not sanction any such proposition as that which comes from the House. The House in effect says by this amendment, "After long delay, and with many misgivings, we have concluded to aid you this time on condition you will hereafter ask our advice before taking action."

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate disagree to the House amendment.

Mr. WILSON. Mr. President, I think this question is sufficiently important to have a definite expression by the Senate upon it; and in order that we may have that I move that the Senate concur in the amendment of the House, making the motion however with the purpose of voting against it myself. I believe a motion to concur takes precedence of a motion to non-concur, inasmuch as it has a tendency to bring the two Houses together. I do it for the purpose of getting a definite expression from the Senate on this question, and shall vote against the motion myself.

Mr. CALL. Mr. President, I shall vote against the motion to concur in this amendment. I regard it as a clear invasion of the constitutional rights and duties of this body. We have no right, in my judgment, to surrender any of them. The House of Representatives propose to limit the discretion of this body in the use of its contingent fund, and to refuse any appropriation, as was well said by the Senator from Iowa [Mr. ALLISON], except such as the House sees fit to approve the purpose of. Now, sir, if we are a separate body and are to exercise the functions confided to us by the Constitution, we have no right to assent to such a plain and incontestable assumption of power by the other branch of Congress. It is our duty as Senators to maintain the constitutional rights and powers of this body, and for one I shall never consent to surrender one particle of them to the unconstitutional assumption of power on the part of the other House.

The PRESIDING OFFICER. The Senator from Ohio [Mr. SHERMAN] moves a disagreement. The Senator from Iowa [Mr. WILSON] moves to concur in the House amendment. The Chair thinks that the motion to concur takes precedence of the motion to non-concur. The question is on the motion of the Senator from Iowa to concur.

Mr. ALLISON. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas none, nays 59; as follows:

YEAS—0.

NAYS—59.

Allison,	Dawes,	Jones of Nevada,	Plumb,
Anthony,	Dolph,	Kenna,	Pugh,
Bayard,	Edmunds,	Lamar,	Ransom,
Beck,	Fair,	Lapham,	Ridleberger,
Blair,	Farley,	Logan,	Saulsbury,
Bowen,	Frye,	McMillan,	Sawyer,
Brown,	Garland,	Manderson,	Sewell,
Butler,	Gibson,	Maxey,	Sherman,
Call,	Hampton,	Miller of Cal.,	Slater,
Camden,	Harris,	Miller of N. Y.,	Van Wyck,
Cameron of Wis.,	Harrison,	Mitchell,	Vest,
Cockrell,	Hawley,	Morrill,	Voorhees,
Coke,	Ingalls,	Pendleton,	Walker,
Conger,	Jackson,	Pike,	Wilson.
Cullom,	Jonas,	Platt,	

ABSENT—17.

Aldrich,	Groome,	McPherson,	Vance,
Cameron of Pa.,	Hale,	Mahone,	Williams.
Colquitt,	Hill,	Morgan,	
George,	Hoar,	Palmer,	
Gorman,	Jones of Florida,	Sabin,	

So the Senate refused to concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived——

Mr. SHERMAN. Has the matter been disposed of?

The PRESIDING OFFICER. The Senate has refused to concur, and the Chair supposes that concludes the consideration as much as the proposition to disagree.

Mr. SHERMAN. I desire to submit a motion that a committee of conference be asked for.

The PRESIDING OFFICER. That can be done.

Mr. SHERMAN. I submit that motion.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate ask for a conference on the disagreeing votes of the two Houses. Is such the pleasure of the Senate?

The motion was agreed to.

The PRESIDENT *pro tempore*. How shall the committee of conference be appointed?

Mr. SHERMAN. By the Chair.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the Chair appoints the Senator from Ohio [Mr. SHERMAN], the Senator from Iowa [Mr. WILSON], and the Senator from South Carolina [Mr. BUTLER] as the conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. LOGAN. I desire now to call up the bill reported this morning from the Committee on Finance by the Senator from Vermont [Mr. MORRILL].

The PRESIDING OFFICER (Mr. FRYE in the chair). The Chair will call the attention of the Senator from Illinois to the fact that the Senator from Missouri [Mr. VEST] asked to take up a bill which was reported by him this morning and it was requested that it be delayed until the morning business was through. The morning business being through, he has risen.

Mr. PENDLETON. Both Senators yield to me, and I move to proceed to the consideration of the unfinished business of yesterday.

The PRESIDING OFFICER. The Senator from Ohio moves to proceed to the consideration of the unfinished business, which is Senate bill 343.

Mr. VEST. Will not the Senator permit me to call up the bill I reported this morning?

Mr. PENDLETON. I will yield for a moment after my bill is taken up and laid before the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 343) to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion, and to repeal the Revised Statutes from section 4083 to section 4130 inclusive.

Mr. VEST. Now I ask that this bill be laid aside informally for the purpose of considering the bill which I reported this morning from the Committee on Commerce.

SOUTH PASS OF MISSISSIPPI RIVER.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent to take up for present consideration House bill 5462, the title of which will be reported.

The CHIEF CLERK. A bill (H. R. 5462) making appropriation to supply deficiency in amount required for expenditure to June 30, 1884, for examination and surveys required by acts of March 3, 1875, and June 19, 1878; to ascertain depth of water and width of channel at South Pass of Mississippi River, also for gauging the waters of the Mississippi River and its tributaries.

The PRESIDING OFFICER. Is there objection?

Mr. INGALLS. Let it be read for information.

The bill was read; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRAILEY & DE VERNE.

Mr. LOGAN. Now, if the Senator from Ohio will yield to me, I should like to call up the bill to which I alluded just now.

Mr. PENDLETON. I yield.

Mr. LOGAN. It is the bill reported by the Senator from Vermont [Mr. MORRILL] from the Committee on Finance this morning.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the Senate proceed to the consideration of the bill (S. 1393) to reimburse Frailey & De Verne for money paid into the Treasury of the United States, laying aside the unfinished business informally. The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MORRILL. I will merely state that this is perhaps the smallest bill that has ever been presented to Congress, and it results from a mistake in a person having deposited in the subtreasury at Chicago $15. The Secretary of the Treasury says he would pay it if he had the authority, and recommends that it be paid.

The bill was reported from the Committee on Finance with amendments, to insert in line 5, after the word "Illinois," the words "out of any moneys in the Treasury not otherwise appropriated;" and, at the end of line 5, to strike out "they have" and insert "having been;" so as to make the bill read:

That the Secretary of the Treasury is hereby empowered and instructed to pay

to Messrs. Frailey & De Verne, of Chicago, Ill., out of any moneys in the Treasury not otherwise appropriated, the sum of $15, which amount having been covered into the Treasury under a misapprehension of facts as to the law in regard to the obtaining of trade-marks.

The amendments were agreed to.

Mr. PLATT. I should like to make an inquiry of the chairman of the committee who reported this bill. Bills have been introduced formerly for the return to persons who had obtained trade-marks of the fees which they had paid for obtaining trade-marks, it having been declared that the law under which they had obtained them was unconstitutional. I desire to know whether this bill will constitute a precedent in such cases?

Mr. MORRILL. Clearly it would not. This is merely to restore money that was by mistake deposited in the subtreasury in Chicago, and which the Secretary of the Treasury has no power to refund without an act of Congress, it having been covered into the Treasury.

Mr. LOGAN. This is recognized as being perfectly proper. The only objection to it is that it is a small bill. I think that is a merit instead of an objection. People who are poor have certainly a right to get their money back as well as men who are not poor.

Mr. PLATT. The point of my inquiry was whether it was asked to be refunded because they had paid it under a law declared unconstitutional.

Mr. LOGAN. No, it was money deposited by mistake, and there is no authority to repay it without an act of Congress.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. HOAR. I would suggest that the last line should read "under a misapprehension as to the law."

The PRESIDING OFFICER. The Senator from Massachusetts suggests an amendment, which will be made unless there be objection. The Chair hears none.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JUDICIAL JURISDICTION OUTSIDE OF THE UNITED STATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 343) to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion, and to repeal the Revised Statutes from section 4083 to section 4130, inclusive.

Mr. CALL. Mr. President, if the Senator from Ohio [Mr. PENDLETON], who reported this bill, had done nothing else, he would be entitled I think to the thanks of the country for having secured a bill much needed for the protection of American citizens in foreign countries.

The bill reported provides for the exercise of judicial power by the United States in foreign countries. Objection has been made to it that it is not authorized under our form of government, and that if it was, such judicial power would have to be exercised subject to the restrictions and the limitations of our Constitution, which are supposed to be impracticable. There is nothing in the Constitution of the United States to forbid the exercise of judicial power in foreign countries, and the question arises whether there is any thing in the Constitution which authorizes it.

The exercise of sovereign power with the consent of other nations is a habitual and a necessary power for government. The extraterritorial exercise of the powers of a sovereign government has always been recognized. It is a familiar principle on the high seas, in the invasion of foreign countries, in war, and in the protection of the rights of subjects or citizens in countries other than their own. It has been asserted vigorously in our country in the case of Martin Koszta, and in many other cases. There is no question whatever that the extraterritorial exercise of the powers of sovereignty is a familiar and a constitutional act.

By what reason is it sought to except the exercise of judicial power, which is nothing but one of the attributes of sovereignty, in foreign countries? Solely because the absolute and potential exercise of sovereignty is limited to the territory of the nation exercising it, because there can be no dual supreme authority over the same subjects in the same territory; the one excludes the other; and as a matter of potential and absolute authority no power of sovereignty, either judicial or other, can be exercised in a foreign country; but it is subject to no other limitation. The power of a country to exert with the consent of another its own civil polity within a limited jurisdiction and for specified purposes in a foreign country is in no way contradicted by any of the limitations of our Constitution, nor is there any connection between those propositions.

It is said that under our Constitution the judicial power of the United States is limited by the condition that it must be within the district of the domicile of the party and by a jury of the vicinage, but these are simply limitations upon the absolute and potential exercise of authority territorially. They do not apply in reason as the limitations do in regard to the personal rights of the citizen in regard to the confronting of witnesses, in regard to the essential rights of a written accusation, of an impartial and a fair trial by a capable judge. These are the substance of personal rights and the limitations of judicial power which attach to another form of its exercise, that is the exercise of judicial power as a part of the attributes of sovereignty in a foreign country by the consent of the foreign power. This has been affirmed by the Supreme Court in all the cases on this subject.

Now, Mr. President, there can be no question whatever that this mode of exercising the sovereign power of a country, whether judicial or otherwise, is recognized clearly, as has been said by the Senator from Arkansas [Mr. GARLAND], in the treaty-making power of the country. What is the treaty-making power of the country? It is nothing but an agreement to impose restraints on the exercise of sovereign power within the territory of one of the parties making it or providing for the exercise of that sovereign power in another country. In the case of the treaty with China there is a limitation upon the sovereign power of the Government of China in respect to interference with the personal rights of American citizens. There is also a provision by the consent of China for the assertion of our civil polity, the application and the mode of application and the character of civil tribunals by which the law shall be ascertained and defined.

There is therefore in the treaty-making power not only generally but in this special case a provision for the exertion of the judicial power of the United States in the dominions of a foreign country. It is therefore clear that the judicial power of this country may be exercised in substantial conformity to the Constitution within the limits of a foreign country or extraterritorially.

Now, Mr. President, what objection can there be to the proposition that wherever the American citizen is, in whatever country, if within the power of the Government to secure it by treaty stipulations, he ought to have the protection of the laws of his own country? What possible doubt can there be that no higher duty rests upon this Congress than to see that its adventurous and enterprising citizens in foreign countries, in the pursuit of commerce, in the pursuit of information or adventure of any kind, have a right to the protection of their Government, and that protection in accordance with the fundamental and organic law of the country? The distinguishing merit of the bill which has been introduced here by the Senator from Ohio and so ably presented is that its object is to furnish that protection in substantial conformity with the civil polity and the laws of this country.

I can see no possible question of the constitutional power of the Government of the United States to extend its judicial power substantially to its citizens in foreign countries under the treaty-making power, first providing for the consent of the foreign nation to such an exercise of authority. I merely wish, without detaining the Senate, to affirm for myself that the Constitution does in its treaty-making power, not only by the universal course of history and the modern practice of nations but by necessary logical conclusion, recognize the power in the Government to extend to its citizens in foreign countries its judicial power, not subject to the limitations of trial at the place of domicile nor by a jury of the vicinage nor by a jury of a particular number, but subject to the higher and more substantial requirements of protection of the personal rights guaranteed in our Constitution by a fair and impartial trial, by protection against arbitrary authority, by an orderly and decorous course of justice, and that these rights, this portion of the judicial power as an attribute of sovereignty, may be exercised extraterritorially, and that it is in the treaty-making power expressly comprehended. A treaty is nothing more than an agreement for the exercise of sovereign power in nations by the consent of others, subject to such modifications and such qualifications as may be imposed by treaty. If this be so, this is nothing more than the exercise of our attribute of sovereignty, whether it be the judicial power or any other, within the dominion of foreign countries by their consent and for the protection of American citizens, extending to them substantially the forms of our civil polity and the protection of our laws.

What constitutes the sovereignty of a government, of what does it consist, and by what is it limited territorially? It is the supreme right to exercise its powers, whatever they may be, over its own people, and to assert them forcibly or peaceably against others for the protection of its people and their rights; that is, to make war or peace or treaties. The potential exercise of the sovereign power and discretion of a government and its forms of civil polity is confined to the territory belonging to such government only, because there can be no sovereignty, no right to govern without the rightful power to subject or compel. Each government and it alone, therefore, can be sovereign in its own territory, and its laws and civil polity as a matter of absolute power and right must be intraterritorial.

But it does not follow because absolute sovereign powers may be exercised alone over territory absolutely subject to it that these sovereign powers may not be exercised with the consent of other sovereignties over territory, subject only by their consent to it. There is nothing therefore in the nature of sovereign power, nor in the fact that its absolute and discretionary exercise must be in a territory subject to it, that forbids the exercise of such powers not absolute, but limited in a territory subject to it by the will or discretion of another and with conditions and qualifications. On the contrary, the exercise of sovereign power, modified and restrained by the consent, discretion, and will of another power, in its territories for the protection of the citizens and subjects of another country is and always has been a necessary and customary exercise of sovereign power, and is expressly contained in our Constitution in the power to make treaties and to assert its power on the

high seas. And the object of treaties not exclusively but largely is to provide for the restrained and limited exercise of its sovereign powers either in their own or in foreign countries.

A treaty therefore is in itself an agreement for the exercise of sovereignty subject to limitations agreed on by the parties.

A treaty between the United States and China to give certain rights to citizens of the United States is an agreement that the sovereign power of China shall be restrained and limited by this condition. A treaty that these rights of citizens of the United States shall be judicially decided and applied by tribunals constituted by the United States, in such form and manner as the United States shall decide, is nothing but an agreement that the sovereign power of the United States shall be exercised subject to limitations imposed and by the consent of China. It is the same in both cases, an obligation in restraint of the exercise of sovereign power. It is therefore expressly provided for and contemplated in the treaty-making power of the United States.

Now as to the form and manner in which the exercise of judicial power must be made in a foreign country. Judicial power is only one of the attributes of sovereign power, and in its nature, as respects sovereignty, not distinguishable from the others. Like all other sovereign power, when exercised in foreign countries, it must be subject to their consent and by our Constitution subject to the treaty-making power in all respects. But this fact can not modify or alter the restrictions imposed on the exercise of judicial power in our form of government over our own people. The obligations of the Constitution rest as imperatively on the treaty-making power to secure for our citizens the substantial forms of our civil policy and the protection of our laws abroad and in foreign countries as at home.

Our form of government requires that the judicial power shall be exercised subject to certain defined personal rights of every person subject to our laws, and that these rights shall be ascertained through a trial in the district where he lives and by a jury of the vicinage. The same distinction exists here as in other cases of the exercise of sovereign power. The judicial power of the United States, exercised in the discretion and will of the Government as a matter of rightful territorial power, can only be over the territory subject to its power. But the judicial power of the United States exercised in the territory of a foreign nation and by its consent is as much recognized in the Constitution as the other and provided for in the treaty-making power. Because it is impossible to provide for his trial in the district and by a jury of his domicile, it does not follow that there is no power and no duty to provide for his trial and the protection of his rights by a substantial conformity to the requirements of the Constitution, by an impartial trial, by written accusation, by a jury of his fellow-citizens, by confronting the witnesses against him, by the opportunity of producing witnesses in his favor, by an honest and capable judge. It does not follow that the duty does not rest on us and that the power is not with us to give him the protection of our laws in some countries because we can not do so in all countries.

If further warrant for the exercise of judicial power is needed it will be found in the express words of the Constitution (article 3, section 2):

> The judicial power of the United States shall extend to all cases, in law and equity, arising under treaties which shall be made under their authority, and to all cases between citizens of the States and foreign States, citizens or subjects.

There can be no doubt, then, unless there is some principle which limits the exercise of the powers of a sovereign government to its own territorial limits, that "all causes in law or equity arising under treaties," and all causes between citizens of the States of the United States and foreign states and citizens and subjects, are expressly provided for.

If treaties treat of and affect causes at law or equity arising under it and to cases between the citizens and subjects of different countries, then the express warrant of the Constitution is found for it.

The judicial power is no more limited to the territorial limits of the country than its other sovereign powers. If this is limited, then by the same argument the exercise of all other sovereign power is limited, and the United States can do nothing outside of its territorial limits. As to the limitations of the Constitution of the life-tenure and otherwise, it has long been established that these limitations do not rest on any other courts than those established in the States, and that in Territories legislative courts may be established not subject to these limitations. If so in Territories, why not in foreign countries?

It is clear that whether right or wrong it has been established that judicial power may be vested by the United States in courts not subject to these limitations. There is nothing, then, in the objection of a want of constitutional power to pass this bill. The power of the Government is constantly exercised beyond its territorial limits, and the treaty-making power is intended to provide for such exercise. The question whether the citizen of the United States ought to have the protection of the laws of his own country applied in accordance with the civil polity of his own Government is all that remains, and upon this question I think there can be no doubt.

Mr. PENDLETON. Mr. President, in conformity with the suggestion that was made by the Senator from Kansas [Mr. INGALLS] yesterday, I desire to move a few amendments to the bill. I ask the attention of the Senator from Kansas to see whether I have apprehended him correctly and am carrying out the views he expressed and in which I intimated my concurrence.

In section 12, line 1, after the word "that," I move to insert "for the purposes of this act;" so as to read:

> SEC. 12. That for the purposes of this act there shall be appointed by the President, &c.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The Secretary has the amendment. The Chair is informed that it was offered yesterday.

Mr. PENDLETON. It was not formally offered, but was suggested. I offer it now.

The PRESIDING OFFICER. The Senator is correct. The Senator from Ohio moves to amend by inserting in section 12, after the word "that," in line 1, the words "for the purposes of this act."

The amendment was agreed to.

Mr. PENDLETON. In line 2 of the same section, at the end of the line, I move to strike out the word "district" before "judge."

The amendment was agreed to.

Mr. PENDLETON. In line 3 of the same section, after the word "judges," I move to strike out "of the United States."

The amendment was agreed to.

Mr. PENDLETON. In the same line, before the word "judge," I move to strike out "district."

The amendment was agreed to.

Mr. PENDLETON. On the same and the next line I move to strike out the words "of the United States" after the word "judge."

The amendment was agreed to.

The Chief Clerk read the first clause of the section as amended, as follows:

> SEC. 12. That for the purposes of this act there shall be appointed by the President, by and with the advice and consent of the Senate, two judges for China and a judge for Japan, whose terms of office shall be eight years respectively; and in case of vacancies, the persons appointed to the place from time to time shall hold office for like terms. Each judge shall receive compensation at the rate of $5,000 a year, payable monthly, and his necessary traveling expenses in the discharge of his duty, payable on his own voucher, at the rate of 8 cents a mile.

Mr. PENDLETON. Now, in line 24 of section 12, in pursuance of the suggestion made yesterday and to perfect the bill according to the amendments already made, I move to strike out the word "district" before "judge."

The PRESIDING OFFICER. The Chief Clerk informs the Chair that there was an amendment adopted yesterday by which some words in that part of the section were stricken out and other language substituted.

Mr. PENDLETON. Let the amendment be made in the amendment adopted yesterday and in line 27. Was that also included in the amendment of yesterday?

The PRESIDING OFFICER. That was not included.

Mr. PENDLETON. In line 27 of section 12, before the word "judge," I move to strike out "district."

The amendment was agreed to.

Mr. PENDLETON. In line 37 of the same section I move to strike out "district" before "judges."

The amendment was agreed to.

Mr. PENDLETON. In line 38 of the same section, before the word "judge," I move to strike out "district."

The amendment was agreed to.

Mr. PENDLETON. In line 65 of the same section, before the word "judges," I move to strike out "district."

The amendment was agreed to.

Mr. PENDLETON. In line 66 of section 12 I move to strike out the word "district" before "judge."

The amendment was agreed to.

Mr. PENDLETON. In line 91 of the same section I move to strike out the word "district" before "judge."

The amendment was agreed to.

Mr. PENDLETON. In line 92 of the same section, before the word "judge," I move to strike out "district."

The amendment was agreed to.

Mr. PENDLETON. In line 102 of the same section, before the word "judge," I move to strike out the word "district."

The amendment was agreed to.

Mr. PENDLETON. In lines 119 and 120 of the same section I move to strike out the words "of the United States."

The amendment was agreed to.

Mr. PENDLETON. In line 121 of the same section, before the word "judge," I move to strike out "a district" and insert "the."

The amendment was agreed to.

Mr. PENDLETON. In line 1 of section 13 I move to strike out the word "district" before the word "judges."

The amendment was agreed to.

Mr. PENDLETON. In lines 2 and 3 of the same section I move to strike out "of the United States."

The amendment was agreed to.

Mr. PENDLETON. In line 5 of the same section I move to strike out the same words, "of the United States."

The amendment was agreed to.

Mr. PENDLETON. In line 6 of the same section I move to strike out the word "district" before the word "judge," where it occurs the first time.

The amendment was agreed to.

Mr. PENDLETON. In line 7 of the same section, before the word "judge," I move to strike out the word "district."

The amendment was agreed to.

Mr. PENDLETON. In line 23 of the same section, before the word "judges," I move to strike out the word "district."

The amendment was agreed to.

Mr. PENDLETON. In section 15 I move to strike out "district" before "judge," in line 17.

The amendment was agreed to.

Mr. PENDLETON. I believe I have now made the bill conform to the suggestions of the Senator from Kansas. I think I have not missed, I certainly have not intended to miss, in a single case following his suggestions. I have no other amendment to offer.

Mr. JONES, of Florida. Mr. President, I shall say very little in addition to what I said yesterday in regard to this very important measure. It is a measure, as I said yesterday, worthy of the best thought that can be given to it.

A great deal has been said here about the extension of the judicial power of this Government to foreign countries. It has been said that it is competent for Congress to extend the judicial power beyond the confines of the United States. I never can subscribe to that doctrine. This Constitution of ours has been framed in the most guarded and precise language. The powers of Congress are to be found under seventeen distinct grants of authority in the enumerated powers. There are seventeen clauses of power in this Constitution conferring upon Congress the great authority of legislation, and there are but two exceptions in these seventeen grants where jurisdiction can be exercised outside of the States. The general grant of authority in the seventeen clauses, as every lawyer here will admit, was intended to operate within the States of this Union; and so guarded and careful were the framers of this organic law, that when it came to the question of giving Congress the power to go beyond the States, they incorporated into the Constitution two distinct exceptions.

Nothing is clearer than what was said by Chief-Justice Marshall in the case of Gibbons *vs.* Ogden, that the limitation of power always marked its extent; and when you find those notable exceptions ingrafted in the organic law to which I wish to call the attention of the Senate, it is obvious that the framers of the Constitution never intended that Congress should go beyond the confines of the authority granted. The two exceptions to which I allude are specific. A case that comes under one of them was referred to yesterday by the Senator from Massachusetts [Mr. HOAR], who suggested that Congress had power to legislate in respect to offenses on the high seas. If you will examine the Constitution you will find that that authority is given in exact language. When it comes to legislating for places out of the jurisdiction of any particular State, such as the District of Columbia and navy-yards, over which jurisdiction has been ceded by the States, a special authority is given to Congress to legislate. These are the only two exceptions to the universal rule that the legislative arm of this Government never was intended to go beyond the confines of the territory of the States.

Reference has been made to the treaty-making power. After the framers of the Constitution had thus guarded sedulously the authority of Congress over legislative subjects and with respect to legislative power, they came to foreign countries, and they gave not to Congress, but they gave to the Senate and the President of the United States the power to make treaties with foreign countries according to the usages and customs of international law. But will any constitutional lawyer in this country claim that under the substantive grant of power in the Constitution to the President and Senate to make treaties there was thereby given to these officials authority to expand the enumerated powers previously stated in the Constitution beyond the limits there expressed. ?

Then, with respect to the judicial power, when it comes to the administration of the judicial power the Constitution provides for the appointment of judges for superior and inferior courts, who shall hold their offices, says the Constitution, during good behavior, and, as we know, are not removable except upon impeachment. But they did not stop there. So particular were they in limiting the sources of authority that they confined those courts to the cases over which they should exercise jurisdiction. The protection of an American citizen against Chinese and Japanese laws when residing there was not provided for. They left as little to inference or argument in the shaping of the powers of this Government as was possible to be left. In fact, their particularity in many instances is remarkable.

Power is given to Congress to create tribunals subordinate to the Supreme Court. That tribunal is a constitutional one and was brought into existence by the Constitution itself; but seeing that it might be necessary in the administration of justice that Congress should have power to create subordinate tribunals, the power is given to it to do so, and the judges over them are provided for in the language to which I have referred. There the authority ends. That is as far as the framers of the Constitution thought it wise to go; and after they had provided for the creation of these courts, they enumerated the causes of jurisdiction that were to belong to the courts:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

Did the framers of this wise organic law ever intend to deal with causes and give power to erect tribunals beyond the territory and provide a system of criminal and civil law for these courts to administer in Chinese territory? Whatever was done on that subject had to be done by the treaty-making power. And let me draw the attention of the Senate to the great distinction between the exercise of a Congressional power such as we are now proposing to exercise and the exercise of a treaty-making power. I admit that it would be competent for Great Britain and the United States by a public treaty to agree that the citizens of this country residing in Great Britain should be tried before the American minister, and even according to the American law, and *vice versa;* but when I do that I want it understood that I will not concede the right of Congress to step in and create in Great Britain or any other country by virtue of any treaty a number of tribunals inferior to the Supreme Court and set over them judges not provided for in the Constitution.

Mr. GARLAND. Mr. President, yesterday when I had the honor of addressing the Senate for a few minutes on this matter I had not before me a case decided in the Supreme Court that I desired to refer to, but could not then place my hand upon. I have it this morning, and I desire now for a very few moments to call the attention of the Senate to it.

In arguing yesterday I simply stated the matter by analogy to the power of extradition gathered from the treaty-making power under article 2 of the Constitution. I find on examining it this morning that the Supreme Court have passed directly on this very question and relieved us from all embarrassment so far as their work has any weight with Senators. That decision I knew had been made, but I could not place my hand on the book yesterday. I have it now. It disagrees entirely with the theory advanced by the Senator from Florida who has just taken his seat. It is the case of Dainese *vs.* Hale, carried from the supreme court of the District of Columbia:

> The defendant, as consul-general of Egypt, in 1864, issued an attachment against the goods of the plaintiff, there situate. The plaintiff and the persons at whose suit the attachment was issued were citizens of the United States, and not residents or sojourners in the Turkish dominions. For this act the plaintiff brought suit to recover the value of the goods attached.

That is the ground, that the consul-general had no authority to institute this proceeding and hear this case.

> The defendant pleaded his official character, and, as incident thereto, claimed jurisdiction to entertain the suit in which the attachment was issued.

The court held—

> That the plea was defective for not setting forth the laws or usages of Turkey upon which, by the treaty and act of Congress conferring the jurisdiction, the latter was made to depend, and which alone would show its precise extent, and that it embraced the case in question.

The court held that the plea was not good, simply because it did not set forth the laws and usages of Turkey, of which this court, of course, could not take judicial recognition. They had to be pleaded and proved as any other facts, being foreign laws and foreign usages. Upon this subject the court, speaking by Judge Bradley, say:

> It can not be contended that every consul by virtue of his office has power to exercise the judicial functions claimed by the defendant, for it is conceded that this is not the case in Christian countries. And while, on the other side, it is also conceded that in pagan and Mohammedan countries it is usual for the ministers and consuls of European states to exercise judicial functions as between their fellow-subjects or citizens, it clearly appears that the extent to which this power is exercised depends upon treaties and laws regulating such jurisdiction. The instructions given by the British foreign office to their consuls in the Levant in 1844, as quoted by Mr. Phillimore, do not claim anything more. They say:

I shall not read that. Then the court proceed:

> Historically it is undoubtedly true, as shown by numerous authorities quoted by Mr. Warden in his treatise on "The Origin and Nature of Consular Establishments," that the consul was originally an officer of large judicial as well as commercial powers, exercising entire municipal authority over his countrymen in the country to which he was accredited. But the changed circumstances of Europe, and the prevalence of civil order in the several Christian states, have had the effect of greatly modifying the powers of the consular office; and it may now be considered as generally true that, for any judicial powers which may be vested in the consuls accredited to any nation, we must look to the express provisions of the treaties entered into with that nation, and to the laws of the states which the consuls represent. (Dainese *vs.* Hale, 1 Otto, pages 14 and 15.)

The consul-general in this case had this authority entirely outside of the Constitution, so to speak; I mean the Constitution operating within the territory of the United States and upon the soil of the United States, because no one will contend that an officer of that character operating in that jurisdiction could issue the attachment and hear the cause. How did he do it there? He had the jurisdiction, the court said, but he failed because not pleading and proving the foreign usages and laws. He had the authority, because by treaty it was accorded to

him, and under that treaty the act of the state, to use the language of the court, which he represented gave it to him. It could not have given it to him here on our soil as a matter of course, but it gave it to him in the foreign country, because he was permitted to do it by the foreign power in whose country he resided. That is all there is of it. That is this case. I need not read any more of it to the Senate. That is the gravamen of it.

As I stated yesterday, not having this book then in my hand, we go into that country under the treaty-making power; not under one of the powers given by the seventeen delegations of authority alluded to by the Senator from Florida who has just taken his seat, but under the treaty-making power; and when the treaty is made Congress can pass a law to enforce it. That is all there is of it. It is a clear case. It is within the jurisdiction of Congress under the treaty-making power.

This power is now exercised by consuls. You may call the tribunal by whatever name you please. The bill the Senator from Ohio has reported from the Committee on Foreign Relations raises it above the consular dignity, so to speak, and puts it on a judicial ground and gives it a judicial name; but it makes no difference by what name you call it, it is the authority we are to test, and not the mere official name.

Mr. INGALLS. May I ask the Senator from Arkansas, without disturbing him, a question?

Mr. GARLAND. Certainly.

Mr. INGALLS. He states, and states correctly, that we go into the foreign country for the purpose of exercising certain judicial powers. I want to ask him for what purpose we go there, whether to enforce the laws of the country where the power is exercised, or the laws and customs of the United States?

Mr. GARLAND. We go in some instances to do both, as said by this decision, or to do the one or the other. It depends on the particular treaty or particular matter we seek for in our treaty.

Mr. INGALLS. The purpose of this bill, as I understand, is to throw around American citizens in foreign countries the protection of the Constitution and laws of the United States.

Mr. GARLAND. That is true, as I understand it, to this extent: Whenever it becomes necessary in throwing that protection around our citizens to enforce the law in that country, according to the decision of the Supreme Court we can do it provided the treaty allows it. So we revolve around at last to the treaty-making power to do just what we may do and what we are permitted to do by the country in whose territory we are acting.

Mr. INGALLS. So it comes at last to this, that whether this power is exercised under the treaty clause of the Constitution or by virtue of an act of national sovereignty outside of that, we go into the foreign country for the purpose of enforcing the Constitation and the laws of this country. It seems to me very strange, that being admitted, that the Senator from Arkansas and the Senator from Ohio should insist that the provisions with respect to the compensation of the judges, their term of office, and the trial of criminal cases by juries, should be absolutely in violation of any principle recognized by our Constitution or by our laws.

Mr. PLATT. Mr. President, I think I can not vote for this bill, and I should like in a very few words to state the reasons why I feel unable to do so.

I suppose it is too late to question the authority of Congress to confer judicial powers upon our consuls provided they may be exercised under the treaties which we have made with foreign powers. It has been too long practiced and too long acquiesced in to be successfully questioned now. I think for more than half a century we have in some way by act of Congress conferred judicial power upon our consuls in foreign ports. I am not so well satisfied that we may go beyond that and erect on foreign soil and in foreign jurisdictions courts outside of the consular jurisdiction, courts which are in no way connected with our diplomatic or consular representation in those countries, but which are to all intents and purposes courts as much as if they were established within our own jurisdiction, with judges to be appointed here, with all the paraphernalia of courts, with forms of procedure, and with everything which makes them perfect courts, entirely disconnected with our diplomatic and consular representation. I understand it to be a new departure from the policy of this country and not sanctioned by precedent even in other countries. I have not given this matter so careful an examination that I can speak positively on the subject, but I think no country other than the United States attempts in any foreign jurisdiction to establish courts of law for the trial of cases arising between its own citizens in a foreign jurisdiction or between its citizens and the natives of that foreign jurisdiction, which are entirely disconnected from their diplomatic or consular service.

Mr. INGALLS. I have examined the practice of European nations in this particular, and the Senator is entirely correct. This is an innovation on the practice of all countries hitherto.

Mr. PLATT. That was my impression, but I was unable to speak positively. I think it is quite questionable whether we may go to this extent, but I do not base my opposition to the bill entirely upon that.

I doubt very much the policy of this bill, admitting that we have the right to establish courts, with all the authority, with all the paraphernalia of the courts of our own country, within these foreign jurisdictions, with juries and officers and procedure.

It seems to me that if possible we ought to protect the rights of our citizens by improving the consular jurisdiction, not by this new experiment of erecting courts outside of the consular service. I know that our citizens in foreign countries need more protection, need better facilities for the assertion of their rights; but I think that that may all be done by improving and enlarging if necessary the judicial power which we have assumed the right to confer upon our consuls and which nobody questions.

If juries are necessary, why not attach them to the consular courts, if you may dignify these proceedings with the name of consular courts? If anything is needed for the better protection of our citizens as to their rights or to enable them to assert and maintain their civil rights, why not provide for it through the same medium in which we have endeavored to provide for it in times past? If you must have what this bill calls a jury but which seems to be a misnomer, so that no one person shall have the issues of life or property in his hands, why not provide for it in connection with the consular proceedings so long established? If the argument is made that we do not send to these foreign countries where we have large commerce or hope to have large commerce, like China and Japan and the other countries mentioned in this bill, consuls qualified to act as judges, why not remedy that by sending there as consuls just the men whom we should send there under this bill as judges? It seems to me that there is no necessity therefore in order to protect our citizens abroad, in order to give them all the rights which we would desire them to have, that we should depart from the system so long established in this country, but that it can all be done by an improvement of the system already existing.

I do not know where this matter is to end. I know that we establish here a somewhat ponderous machinery of justice when we look at it with reference to the number of persons for whom it is intended. The number of our citizens in China and Japan engaged in trade I suppose must be very small. It has not been stated here. I know that the interests of our citizens in China and Japan are not small; but the number of citizens I imagine must be few. Now, for the number of our citizens in China we establish, if I am not mistaken, by this bill two courts, two judges with salaries of $5,000 each, with clerks and marshals and deputy clerks and deputy marshals, with court-houses and prisons; and so in Japan, one judge with a like salary of $5,000, with a marshal and deputy marshals, a clerk and deputy clerks, a court-house and a prison.

It seems to me that we may well pause and see to what extent this system is likely to be extended if we take this initial step. Will our citizens in other ports be content with the consular jurisdiction which I believe is maintained in other ports by this bill? Will they be content with a consular authority to pass upon questions of life and property when China and Japan have courts which to all intents and purposes, although the words "of the United States" have been stricken out of the bill, are United States courts; and how can we propose to establish these courts in every port of the East where we shall obtain any considerable foothold for commerce?

It seems to me that the inauguration of this system is of such doubtful policy, that we can so little see the extent to which it may be enlarged and extended, and so clear that all that is necessary to be done may be done now by the improvement of our present judicial consular system, that I can not feel that it would be proper for me to support this bill.

Mr. PENDLETON. Mr. President, I desire to say but very few words in answer to the Senator from Connecticut [Mr. PLATT], and that rather to correct a misconception of fact which was confirmed by the Senator from Kansas [Mr. INGALLS]. I find in the constitution of the British courts—

> There shall be a court styled "Her Britannic Majesty's supreme consular court for the dominions of the Sublime Ottoman Porte."
>
> * * * * * * *
>
> There shall be one judge of the supreme consular court. Her majesty's consul-general at Constantinople for the time being shall be the judge, but he shall be appointed to the office of judge by her majesty by special warrant under her royal sign manual.

And I call the attention of the gentleman also to the qualifications prescribed for that consul-general:

> He shall be, at the time of his appointment, a member of the bar of England, Scotland, or Ireland, of not less than seven years' standing, or a subject of her majesty (by birth or naturalization) who has filled the office of legal vice-consul in the Ottoman dominions or the office of law secretary to the supreme consular court.

Mr. INGALLS. That shows plainly——

Mr. PENDLETON. It shows what the qualification of the consul-general may be, and that he is appointed a judge in addition to the consular authority.

Mr. INGALLS. In addition to his functions, but he is at the same time a member of the diplomatic and consular circle, acting as such.

Mr. PENDLETON. I find also that there is a trial by jury in the British system, and that it applies to all criminal cases, and also to civil cases where the amount exceeds £50. I find also that provisions are made by that same authority in many of the matters provided for by

this bill, that they refer to prison regulations, to mortgages, bills of sale, and suits by or against foreigners. Afterward the same system then adopted for the Ottoman Porte was extended to other foreign countries.

I have no disposition to protract this argument, but rose merely to correct what I thought was a misapprehension on the part of the Senator from Connecticut.

Mr. PLATT. I do not think that the constitution of the British court at Constantinople, to which the Senator from Ohio has called my attention, in any way makes against what I supposed to be the system; that is, the court is not outside of the consular service. The point I was making was that here we are establishing courts entirely outside and distinct from our consular service. Great Britain in her court at Constantinople keeps all the judicial authority within the consular service and system. The court is styled "Her Britannic Majesty's supreme consular court for the dominion of the Sublime Ottoman Porte." There is to be one judge of the supreme consular court, but her majesty's consul-general at Constantinople for the time being shall be the judge. The fact that he must have special qualifications does not change the theory or the principle upon which justice is administered. It is true that he is appointed to the office of judge by her majesty by special warrant under her royal sign-manual, and must be at the time of his appointment a member of the bar of England, Scotland, or Ireland of not less than seven years' standing. And so we might provide that our consuls who are to be clothed with this judicial authority should be attorneys of seven years' standing in the United States. That would not divorce this judicial system in foreign ports from the consular system; it would still be connected with it. My objection to the bill is that it is doubtful whether Congress has power to erect courts there entirely disconnected from the consular service, and that if it be admitted, it is much more doubtful whether it is good policy to do so.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. How shall the vote be taken on the amendments?

Mr. PENDLETON. I suggest that, inasmuch as these amendments are chiefly verbal and in no case were contested, the vote be taken on all the amendments of the Committee of the Whole at the same time.

The PRESIDING OFFICER. Is there objection to so taking the vote? The Chair hears none. The question is on concurring in all the amendments made as in Committee of the Whole.

The amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been three times read, the question is on its passage.

Mr. PLATT. Let us have the yeas and nays on that question.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GARLAND (when Mr. WALKER'S name was called). My colleague [Mr. WALKER] is paired with the Senator from Indiana [Mr. VOORHEES].

The roll-call was concluded.

Mr. CULLOM. I am paired with the Senator from Georgia [Mr. COLQUITT] on all questions.

The result was announced—yeas 31, nays 11; as follows:

YEAS—31.

Anthony,	Dolph,	Ingalls,	Pendleton,
Bayard,	Frye,	Kenna,	Riddleberger,
Blair,	Garland,	McMillan,	Sabin,
Butler,	Gibson,	Manderson,	Sawyer,
Call,	Hampton,	Miller of Cal.,	Van Wyck,
Camden,	Harris,	Miller of N. Y.,	Williams,
Cameron of Wis.,	Harrison,	Morgan,	Wilson.
Conger,	Hoar,	Morrill,	

NAYS—11.

Beck,	Hawley,	Maxey,	Slater,
Coke,	Jonas,	Platt,	Vest.
George,	Jones of Florida,	Pugh,	

ABSENT—34.

Aldrich,	Edmunds,	Lamar,	Ransom,
Allison,	Fair,	Lapham,	Saulsbury,
Bowen,	Farley,	Logan,	Sewell,
Brown,	Gorman,	McPherson,	Sherman,
Cameron of Pa.,	Groome,	Mahone,	Vance,
Cockrell,	Hale,	Mitchell,	Voorhees,
Colquitt,	Hill,	Palmer,	Walker.
Cullom,	Jackson,	Pike,	
Dawes,	Jones of Nevada,	Plumb,	

So the bill was passed.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-three minutes spent in executive session the doors were reopened.

THE BANKRUPTCY BILL.

The PRESIDING OFFICER. The order of business is now the Calendar under Rule IX. When the Calendar was last proceeded with the bill under consideration under this rule was the bill (S. 399) for the relief of Albert H. Emery.

Mr. HOAR. Before that order is proceeded with I ask leave to make a motion in regard to the bankruptcy bill. The bill (S. 1372) to establish a uniform system of bankruptcy throughout the United States is reached on the Calendar under Rule VIII of unobjected cases within one bill, so that it will come up the first thing in the morning undoubtedly for action; but I desire to move at this time that that bill be postponed until the 19th day of March, at 2 o'clock, which will be Wednesday, and that it be made the special order for that time.

The PRESIDING OFFICER. Is there objection to considering the motion of the Senator from Massachusetts? The Chair hears none. The Senator from Massachusetts moves that the consideration of the bill known as the bankruptcy bill be postponed until Wednesday, the 19th of March, at 2 o'clock, and be made the special order for that hour.

The motion was agreed to unanimously.

ALBERT H. EMERY.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 399) for the relief of Albert H. Emery.

The PRESIDING OFFICER. The bill and the report of the committee have been read. The Secretary will again read the bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Albert H. Emery, of the city and State of New York, in full settlement of all claims, legal or equitable, which he has in any way against the United States on account of the cost of, and the time spent by him and use of, all patents and inventions in designing and constructing the testing-machine built and erected by him for the United States, or otherwise, in any way, on account of said machine, the sum of $200,000, out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated and made immediately available therefor. Said machine, together with the full right to the use therein of all patents and inventions used in its design and construction, shall belong to the United States.

The bill was reported to the Senate without amendment.

Mr. MORGAN. I should like to hear the bill explained by the Senator who reported it. Is there any report accompanying the bill?

The PRESIDING OFFICER. Yes. The report was read at a former session of the Senate.

Mr. MORGAN. Was it read yesterday?

The PRESIDING OFFICER. On a previous day.

Mr. HOAR. The bill, I think, has twice passed the Senate unanimously.

Mr. MORGAN. What does it relate to?

Mr. HOAR. It is for the relief of the inventor of a testing-machine of metals.

Mr. MORGAN. Oh, yes; I remember the case.

Mr. COCKRELL. I beg to say that while the bill, I believe, has passed the Senate once or twice, it has certainly not passed the Senate unanimously.

Mr. HOAR. It passed the Senate unanimously once. The last time it passed it passed unanimously. I am quite sure of that.

Mr. COCKRELL. There may have been no yea-and-nay vote called upon it, but I know perfectly well that the Senator from Tennessee [Mr. HARRIS] and myself never assented to it. I am sure of that fact, because we have both on every occasion stated that we thought the amount was too large, and I think so now. I think it is an extortionate amount to be allowed in this case.

Mr. HARRISON. How much?

Mr. COCKRELL. Two hundred thousand dollars.

Mr. HAWLEY. Since the bill was drafted Mr. Emery has taken up his residence in Connecticut. Perhaps the amendment had better be made. I move to strike out "of the city and State of New York" and insert "of Stamford, Conn."

The PRESIDING OFFICER. Without objection that amendment will be made.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been three times read, the question is on its passage.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CULLOM. I understand the bill has been before Congress once or twice, and probably the Senators who have been here in former Congresses know all about the facts. So far as I am concerned, not knowing about them, I would be very glad indeed if some Senator who does would explain why it is that we are to appropriate this $200,000. Before I am called upon to vote I should like to know a little more about the history of the case.

Mr. HOAR. This gentleman is a very able mechanic, a very ingenious inventor. He was requested by some high—I have forgotten at this moment what official, whether the Chief of the Army Engineers, or the Secretary of War, or the Secretary of the Treasury, but some high officer of the Government to endeavor to see if a machine could not be invented which should test with absolute accuracy the strength of materials used in building, in mechanism, in the drawing of burdens, &c. He devoted many years of his life and expended large sums in the pursuit of that mechanism, and he has made one of the most successful

and wonderful machines in the world, which for many years has been in the custody of the United States at the arsenal at Watertown, Mass., and persons from far and near take their materials from all over the country to that machine for test. It is a very complicated mechanism which I can not describe in the least. The Senator from Nevada [Mr. FAIR] who is not now in his seat, when the matter came up in the committee of which he is a member, stated that it had been of very great use to him in his business in his own State.

Mr. Emery paid out $129,000 in actual cash, besides devoting years of service to this public benefit. Of that $129,000, he has received back, I think, $31,500, so that the compensation for his invention, which the United States has now the use of and has taken into its own custody and possession, and for his years of time, is the balance of this appropriation.

The Committee on Claims, many of them, thought a very much larger sum should have been devoted. For myself I think that $300,000 is as small a sum as the man ought to receive. My honorable friend from Tennessee gave it in a former Congress a careful investigation, and while he entirely concurred, and, I believe, indeed made a report concurring, in the result of the committee's conclusions in all other respects, he thought that a smaller sum was sufficient compensation. That has been the only question about which there has been any difference, so far as I know.

The bill passed the Senate two Congresses ago, and in the last Congress it passed the Senate unanimously, without any expression of dissent either as to amount or merits in any form or shape. That is the fact about it so far as I understand. This mechanism I believe will test the exact resisting power of a watch-crystal, or of a bar of iron, or of the strongest rock known in nature, with the most absolute accuracy.

Mr. HARRIS. There is no question that this gentleman has constructed the most perfect testing-machine that the world has seen up to this time, with capacity to test the strength of a cambric needle or a horsehair or the largest bar of iron that can be made. As to that fact the proof was abundantly satisfactory to my mind upon a careful examination of a somewhat voluminous record. I have heretofore opposed, however, the appropriation of $200,000, which has been usually, I believe, if not invariably, the amount specified under the bills that have been introduced. This gentleman, Colonel Emery, made a contract to produce this machine for the sum of $25,000, a sum wholly inadequate, as he afterward found out and as I am positively sure. Some time after the making of this contract and his entering upon the work there was, at his instance or the instance of his friends, an additional appropriation of $6,500, making in all $31,500 that was appropriated by Congress to pay for the production of this machine. It proved wholly inadequate; and, without conferring with Congress, without reporting to Congress, without authority from Congress, he proceeded to produce the machine, it costing him something over, I think, as the proof shows, $100,000 or thereabouts. I will not pretend to be accurate as to the precise amount of money actually expended. He presents a bill made up of money actually advanced, in part of interest at the rate of 7 per cent. paid for the money obtained to carry on his work, and items of allowance for his time, I do not remember at what rate but a reasonably fair, high price, that aggregate somewhere near $200,000.

I have always been willing to reimburse him, but I have always condemned his action in going on with the work, borrowing and using money in perfecting this machine for the Government, without reporting to the Government and having the assent and approval of the Government in the expenditure that he was making. He was paying a pretty high rate of interest for the money that he used, and that interest enters into the make-up of this account, as well as a charge of a reasonably high salary. I do not think the salary charged is perhaps extravagant for a man of his genius and skill.

For these reasons I have never been willing, as I am not now willing, to vote to appropriate the sum of $200,000 mentioned in the bill; but I think every consideration of justice demands that the money actually expended in producing a machine such as he has produced should be refunded to him, and he ought to be left certainly free from loss.

Mr. HAWLEY. Mr. President, I have been quite familiar with this case for a long time, having made Mr. Emery's acquaintance years ago, and having great admiration for his skill as an engineer, and at my solicitation once I spent in a committee-room here two or three hours looking over the drawings of his machine, and I was interested in it as a magnificent mechanical triumph.

By the act approved March 3, 1873, Congress appropriated $25,000 for improved machinery for testing American iron and steel. Under this appropriation the Ordnance Department ordered of A. H. Emery a testing-machine, to be designed and built by him and erected at the Watertown arsenal, Massachusetts.

One reason for this movement and for the board that has made two or three annual reports of tests of iron and steel was that the tables in use by the great engineers and manufacturers were found to be defective and insufficient. The old testing-machines were quite imperfect. The enormous value of correct tables will be recognized by any man familiar with the business, when he remembers that thousands of bridges of various descriptions are constructed of iron, steel, &c., in this country, and reflects on the very great importance of knowing just how much strain any one of the rods in a bridge will bear, how much tension, how much cross-strain it will bear. The engineers all over the country, the great builders, felt that a revision of the standards laid down in the books was absolutely indispensable to the safety of the public in general and to the economy of construction, and hence they asked to have this kind of work done. Just think of the numerous railroad iron and steel bridges, some of which have broken down with most calamitous results, that would not have broken down if there had been such a machine as this to test the rods before they were put into the bridge.

Under the act of 1873 a board was appointed. The President appointed on this board General Q. A. Gillmore, Engineers, United States Army; Col. T. T. S. Laidley, of the Ordnance Bureau; Commander L. A. Beardslee, United States Navy; David Smith, chief engineer, United States Navy; General William Sooy Smith, civilian, civil engineer; A. L. Holley, civilian, civil engineer; R. H. Thurston, civilian, civil engineer. A board of equal eminence could not have been found outside them in the United States, or I might venture to say in any country. They made a contract with Emery after he had been at work upward of a year and a half under his original contract. By the new contract the board required certain additional apparatus, which increased the weight of the machine about 10 per cent., and for this additional apparatus added $6,500 to the original contract price, thus changing the price to be paid from $25,000 to $31,500.

That is all the money he has received. The work went on under this until February, 1879, when the machine was completed and accepted.

He had certain patents. They were all absorbed in this machine; and after the Government accepted it at the close of his five years' work, and when he and his friends had involved themselves very heavily in debt, the Government put it in operation at the Watertown arsenal, and in a bill, which can easily be referred to, provided that anybody should have the use of it by paying the expense of running it, which was $15 or $20 a day. The consequence is that the machine is kept busy by the greatest manufacturers in the country, who can not afford to build such a machine, the like of which never was seen, the like of which does not exist in any other country. It is kept busy, I say, by these distinguished manufacturers in testing small and large rods of iron and steel and giving their exact strength. Having a few specimen rods and bars sent up and tested, the contractor goes on and builds the bridge with greater safety and economy.

What will the machine do? It will take a horse-hair and draw it apart and measure to the finest fraction the strain required to break that horse-hair. It will take a five-inch bar of steel, a round bar of the best steel you can make, clinch it, and draw it gently apart as you would a bit of molasses-candy. Its strainage strength is 800,000 pounds, or 400 tons, and it works with the soundest gentleness. It is a magnificent triumph. This comparatively young engineer has several patents involved in it. He did not stop, so long as he could beg or borrow money, until he finished the machine, working substantially under the direction of this board.

I do not know exactly where the legal questions are; but his debts on the 1st of July will be $180,000, and his five years' work is not counted in that; and we have the best machine in the world, an unapproachable machine, and have taken it to our own uses. There have been several reports made upon this question, elaborate reports. Secretary Ramsey said it was a case that called for Congressional action. Let me cite his words:

> The country is now in possession of the most perfect testing-machine in the world. The use of metals in all kinds of constructions, both private and public, demands so accurate a knowledge of their qualities as can only be determined by just such a machine as this, and its determinations will be of the greatest value to one of the most extensive industries in which our people are engaged.
>
> It appears to me that liberal action on the part of Congress toward one of our citizens who has lost so much in faithfully carrying out his contract would be but proper and equitable.
>
> Colonel Laidley and other members of the board, who are thoroughly cognizant of all the facts, name $200,000 as not excessive, "or more than sufficient to pay the contractor for his unusual devotion to the interests of the Government."

That was in 1880, to which time his debts had been rolling up, debts incurred in the service I might say of humanity as well as the service of the Government. When this question arose, four years ago, under Secretary Ramsey, he referred it to the Ordnance Department, and the Ordnance Department referred it to Colonel Laidley, who was of the board, with instructions to report upon these questions:

> First. Mr. Emery now claiming compensation from the United States not only for the actual cost to him of the machine over and above the contract price, but for the use of his patents, and for consequential damages caused by the free use of the machine to all persons, as given by Congress, &c.
>
> Second. Is the amount of $200,000, if now paid by Congress, excessive or more than sufficient to compensate Mr. Emery for the losses and allowance on the contract, and for his time and labor and use of patents and damage from the free use of machine, &c., for all or any of these?
>
> Third. Colonel Laidley will submit any papers bearing on this case.

Colonel Laidley made a careful report upon this reference, and he says in the course of it:

> The act of Congress approved June 20, 1878, which directs that this machine shall be applied to the testing of materials for all persons who may desire to use it upon the payment of the actual cost of making the tests, which action virtually destroys the business of the inventor of building testing-machines, in that no one will purchase a machine when he can have the work of testing done by the

Government at less cost than he could do it himself if a machine were furnished to him free of charge, gives the inventor a strong claim for greatly increased damages, and causes the undersigned to modify and increase the sum which in his opinion the Government could well afford to pay for this machine and the losses its action has inflicted.

He goes on to say that when Mr. Emery undertook it he confidently expected to finish it within six months.

When the contractor undertook to build this machine he confidently expected that it would be completed within six months, whereas nearly five years were consumed in its perfection. This is nearly one-third of the entire life of his valuable patents, and involves a loss to him without any fault of his which, though doubtless great, it would be difficult accurately to estimate.

It rarely happens in the development of any new invention that the first construction does more than show what may be accomplished in succeeding efforts. In the present instance, however, so thoroughly were all the details digested and such frequent changes made in drawings before they passed into the hands of the workman, that this first machine forms a marked exception to the general rule, and is more perfect in all its parts than could have been reasonably expected under the terms of the contract. This result, however, has not been accomplished without long and laborious study and a corresponding increase of expense to the contractor. Since the Government is thereby the gainer, it can well afford to offer a substantial compensation therefor. Had the contractor failed to raise the necessary funds to complete the machine in accordance with his high standard of excellence, the undersigned, though conversant with the testing-machines used by the principal nations, knows of none which could have been procured combining all of the desired qualities to the extent of that the United States now possesses. No one who has witnessed the facility of its operation and understood the principles upon which it is based has failed to appreciate and be impressed with the delicacy and accuracy of its determinations. This is a matter of no small importance, since it is to form the standard throughout the country for measuring such strains as are ordinarily determined by testing-machines. Its reputation is not confined to this continent, but wherever a knowledge of its capabilities has extended it reflects credit upon the American name.

Under these circumstances the Government can well afford to be liberal with the contractor and make a fair compensation to him for his great creative power and unremitting labor during the five best years of his life.

The amount of $200,000, if now paid by Congress—

That was in 1880—

The amount of $200,000, if now paid by Congress, would not, in the judgment of the undersigned, be excessive, or more than sufficient to pay the contractor a fair equivalent for his unusual devotion to the interests of the Government, the work performed by him, and the losses sustained during the time that he has given up his undivided energies to this undertaking.

This is fully agreed to by William Sooy Smith, Alexander L. Holley, a great engineer now deceased, and Q. A. Gillmore. There are further elaborate documents in the report made by the committee.

Three years ago a committee was appointed by the American Academy of Sciences to make an award they were authorized to make, the grand medal of honor for the single "exhibit most conducive to human welfare," and after an elaborate examination of this machine they voted to give Emery the grand medal of honor; something very seldom awarded and most heartily awarded in this case. Their report gives a most eloquent description of the machine and speaks of it in the highest terms. At a meeting of the National Society of Mechanical Engineers President Thurston spoke most enthusiastically of the benefits of the invention.

I had the honor of serving under and having the acquaintance and I hope the friendship of General Q. A. Gillmore, who stands at the head of his profession, I had almost said—I hope I will say soon to be made—General of Engineers. I wrote him a private letter, that I might satisfy myself about this matter, and the general says in response:

NEW YORK, *February* 20, 1882.

DEAR SIR: In the matter of Mr. A. H. Emery's services and time spent in designing and constructing the testing-machine now in use at Watertown arsenal, I respectfully submit that a fair allowance ought to be made for the time which he devoted to this enterprise in addition to the disbursements he made on its account; otherwise, the labor of his life will in great measure be lost to him financially. To produce this machine he not only had to spend the long years which were occupied in its production, but the many previous years of study and very expensive experimental works, before he could possibly produce such a machine as this proves to be. He has not only lost this large amount of time, but by a law passed while he was erecting this machine he has been deprived in great measure of the value of these inventions; the law referred to giving the use of the machine to all persons at merely nominal charges for its use. This necessarily tends to prevent a profitable sale of such machine.

Having in this way deprived his patents of much of their value at home, it would seem to be a very moderate compensation to pay him for the time spent in perfecting and building his first machine.

As a member of the board which secured Mr. Emery's services for this work, and inspected it from time to time, I do not speak at random. It was the opinion of that board—the unanimous opinion I think—that he was the only man in the country capable of designing and constructing a piece of work so perfect in its action and results and so well adapted to the end in view.

Hoping you will excuse this expression of opinion, I am, very respectfully, your obedient servant,

Q. A. GILLMORE,
Lieutenant-Colonel of Engineers, Bvt. Maj. Gen., U. S. A.

Hon. JOSEPH R. HAWLEY,
Senate Chamber, Washington, D. C.

I think the machine has been worth millions upon millions of dollars to this Government. It revises for us, revises for the world, the standard tables of tests of all the metals. I think this appropriation is exceedingly reasonable. It will be no profit to him. Four years ago this $200,000 was recommended by the most candid, the best qualified men to whom he could submit it, and there has been four years' interest; though the Government does not allow interest on a claim, it runs up on this man, whom I hope nobody will think of driving a hard bargain with. It is a hard enough bargain to give him simply $200,000; but if you could put him back in the position he was, with possession of all these patents, he would probably ask no better fortune.

Mr. MANDERSON. Mr. President, after the very full and exhaustive argument of the Senator from Connecticut [Mr. HAWLEY] I do not know that it is at all necessary that I should take up the time of the Senate; but as one of the Committee on Claims it became my duty to investigate the claim of A. H. Emery for pay for this machine. I confess that when the case first came to me and I found that Colonel Emery was under contract with the Government to supply a certain machine for the sum of $25,000, which sum was afterwards increased to $31,500, and that after the performance of that contract he asked at the hands of the Government $200,000, I doubted somewhat whether such a report as this should be made by the committee; but investigation caused me to follow in the lead of several of the committees of the Senate and House of Representatives, and to recommend to the Committee on Claims, as had been recommended by the Secretary of War, by the Chief of the Ordnance Bureau, and several committees composed of the best engineers of the country, that this sum should be paid.

I do not understand, Mr. President, that those who oppose the passage of this bill oppose it for any other reason than that they think the amount too high, that perhaps $100,000 or $150,000 would be ample compensation to Mr. Emery for this machine. The facts as disclosed before the committee and as they appear in this lengthy report are substantially these: He did in 1873 contract for the construction of a testing-machine for the Government of the United States. This machine was to be able to perform certain duties. He was about to embark upon an unknown sea in engineering; he was about to enter the region of experimental manufacture. He had certain inventions not yet reduced to practice, and with these he started on his labors. After a year or more of labor and experiment he found that the amount of his contract was entirely inadequate to perform the work that was required of him.

The Congress of the United States in an appropriation bill came to his relief, and $6,500 more was allowed to him to go on with his effort. He was under bonds in the sum of $35,000 to complete this machine, to complete it according to his contract, and had guaranteed that it should perform the tests that such a machine should be required to perform. He expended $31,500. As the Senator from Connecticut suggests, he used of his own means and of the means of his friends until his expenditure in the construction of the testing-machine before it was finished and ready to be turned over to the Government was the sum of $129,000, of which sum he received $31,500, the contract price, from the Government, leaving an actual indebtedness when the machine was finished in the year 1879 of over $90,000.

The Government accepted the machine, took the result of his labor, his time, and his inventive genius, and the wonderful result stands at the Watertown arsenal to-day as a monument to American invention, to the best of American inventive genius, and is said to be the best testing-machine in the world. Its wonderful power has been described. With its delicate hands it will take the horse-hair and show the tension that is required to break it, or seizing in its colossal grasp the heaviest girder that may be used in a public or private building will show the exact amount of strain by pounds necessary to rend its molecules one from the other.

I say the Government accepted this machine, it uses it to-day; uses it not only for its own purposes but for the uses and purposes of any man who may see fit to apply at the Watertown arsenal and be permitted to bring his girder or his steel rod, and the pay to the United States for the use of the machine for private purposes is simply the cost of the experiment.

What is the result of this action? The Government having taken the machine, I submit that it should pay for it by perhaps some rule approaching that of *quantum meruit*. Now, what would be the rule? If this case was one that could be taken into the courts of the country and this man recover upon the basis of *quantum meruit*, it would be the value of his work, the expenditure that was necessary to construct the machine, the value of the time employed, and not only that, but the value of the invention, the use of which to this inventor has been utterly destroyed by the action of the Government. So long as this expensive machine exists and is open to the use of private individuals, no private individual, no corporation will give an order for the construction of one of similar character. Therefore these valuable inventions that have aroused the admiration of the engineering world are rendered utterly valueless to this American inventor.

I say that $200,000 is none too much to pay. It refunds to him the cost of construction; it pays him in part for the months and years of time which he spent in constructing the machine. For eight years he labored upon the machine itself, probably ten or twelve years upon the apparatus and upon the inventions necessary to its perfection.

In addition to that it is proposed to pay to him the value of those inventions, not on the basis of what they may be worth to the United States, but what they are worth to this inventor; and I hazard the assertion, Mr. President, that if Colonel Emery had gone across the water with these valuable inventions and said, "Here is what I have to sell," the European governments would gladly have given him twofold the amount mentioned in this bill.

Mr. BLAIR. Will the Senator allow me to ask him a question?

Mr. MANDERSON. Certainly.

Mr. BLAIR. Is this invention patented in foreign countries?

Mr. MANDERSON. I think not.

Mr. BLAIR. Is there any reason why a patent can not be obtained in foreign countries?

Mr. HAWLEY. It is too late now.

Mr. BLAIR. What is the fact as to foreign patents having been obtained by this inventor?

Mr. HAWLEY. I have no definite knowledge. My impression is that he devoted himself to this work here and did not think of paying any attention to getting any patents abroad; but I do not know that that is the case. The Government claimed his work, and took it itself; virtually confiscated it.

Mr. BLAIR. This particular machine, I understand. But is it patented in this country?

Mr. HAWLEY. Yes. There are several patents connected with it.

Mr. BLAIR. They are the property of Colonel Emery?

Mr. MANDERSON. Yes, sir.

Mr. HAWLEY. They are, but nobody can afford to expend thousands of dollars to build another machine.

Mr. BLAIR. I understand that; but it seemed to me very strange that so valuable an invention should not have been patented abroad, so that a foreign market should be open to this man, as it certainly ought to be.

Mr. HAWLEY. I doubt whether it is patented abroad, but I will say that I think there are some modifications of it on which he will yet make some money, and if you do not pay him for it fully, he has simply lost several of the most important years of his life.

Mr. BLAIR. The Senator must not understand that I ask the questions through opposition to the bill. I desire to know the facts as they are. It seems to me that a machine of this very great value and extraordinary power could be constructed upon a smaller scale and passed into the market for private use, and be a source of very considerable income to the inventor, even in his own country; and most certainly so valuable an invention as this should have been patented abroad and should have been made available to this American citizen.

Mr. HAWLEY. I think he can get some profit from some smaller adaptations.

Mr. MANDERSON. I will say to the Senator from New Hampshire that during the time of the construction of this machine Colonel Emery was approached by many private corporations in this country who anticipated the building of testing-machines. But when the action of the Government was taken confiscating the patents in this country for the use of the public, no corporation and no individual gave an order for a testing-machine, and it is not likely that any will so long as the use of the machine can be had from the Government at simply the cost of operating it for the special experiments parties propose to have undertaken.

Mr. BLAIR. I do not understand precisely what is meant by the suggestion that the Government confiscated the invention. I understand how the construction of this machine under the eye and direction and control of the Government would make the machine constructed Government property. I understand very well how the expenditures of this man ought to be remunerated, that the Government should pay, and pay liberally, for the use of this extraordinary machine; but I do not understand how the Government has any power to confiscate the use of the invention if it can be made available outside of Government purposes.

Mr. MANDERSON. I will very gladly answer the inquiry of the Senator from New Hampshire by calling his attention to the act of June 20, 1878. This was when the machine was nearly finished and ready for use. Congress upon that date enacted:

> That the Secretary of War is hereby authorized to cause the machine built for testing iron and steel to be set up and applied to the testing of iron and steel for all persons who may desire to use it, upon the payment of a suitable fee for each test; the table of fees to be approved by the Secretary of War, and to be so adjusted from time to time as to defray the actual cost of the tests as near as may be.

It was by reason of that act of Congress that this machine has been thrown open to the public use at the mere cost to those using it of the actual expense of the test.

Mr. BLAIR. The Senator will permit me to say that I am as much in the dark as before. Such a statute most certainly must be unconstitutional if it undertakes to confiscate the private right of this inventor. If he has a contract with the Government permitting this thing to be done that is another matter, and it would undoubtedly form the basis of valuable consideration, which we should by this bill or otherwise pay to him.

Mr. MANDERSON. As I understand it, his contract was to make for the Government a testing-machine that would do certain work. He performed his contract under the circumstances that I have narrated, and the Congress of the United States declare by this act that that testing-machine, thus capable, should be used by all citizens of the United States upon their payment of simply the cost of the test. Now, it seems to me, even if the position of the Senator from New Hampshire is correct, that it would be most unfair in the Congress of the United States, after this act, thus, as I say, virtually destroying the value of the invention to him, to compel this inventor to proceed in the courts of the country for the purpose of enforcing his rights. We have this machine, we use it for our own purposes, and we permit private parties to use it to the utter destruction of the value of any patents that have been issued upon the mechanical principles involved in its use.

A word as to the character of the use of this machine by private parties. I say that it is as important to the interests of the country that private parties should be permitted to use this machine at simply the cost of the test as it is important that the Government itself should use it. It is most important for Government use in the construction of its public buildings. We are about to embark, I am glad to say, upon an era of ship-building in this country. We are about to take the Navy of the United States from the slough of despond and place it upon the broad ocean of hope. We are about to build our roomy ships, our armored cruisers, and I say it is important to this country that the plated armor that is to protect those ships from the shot of the enemy should be placed within the testing grasp of this machine; that the guns with which we propose to load these ships should be similarly tested; that the gun-carriages should show their resisting force and power. I say it is as important that private individuals or private corporations proposing the construction of buildings to which human life shall be trusted, proposing the construction of bridges for railway and roadway purposes, should have the use of this testing-machine. I think the legislation of Congress was most wise when it provided in 1878 that for the mere cost of the tests any man might take his material and subject it to the careful recording hand of this wonderful engine.

I do not believe that the amount which the committee propose to pay to Colonel Emery is one dollar too large, and I hope the bill will pass.

Mr. COCKRELL. Will the Senator from Nebraska, before he takes his seat, tell me whether the estimate of $129,000, as the cost of the machine, includes any compensation to Mr. Emery for any part of his time or is it the actual expenditure of cash?

Mr. MANDERSON. The amount of $129,000 that is stated gives to him during the time of the construction of the machine a compensation, I think, of $4,000 a year as a civil engineer.

Mr. COCKRELL. Five thousand dollars, is it not?

Mr. MANDERSON. I thought it was $4,000. It may be that the Senator is right, and that it was $5,000.

Mr. COCKRELL. I simply wanted to make the point that in the cost of the machine as estimated and as spoken of by the Senator this claimant was receiving $5,000 per annum for his services; and the amount now claimed is not for his services, because that is all included. Every dollar on earth that he expended and all his time and his labor are included in the $119,000. The balance is a gratuity pure and simple, nothing less and nothing more. That is all there is of it. Here are the records.

Mr. Emery made this invention of a testing-machine. The United States Government applied to him to purchase one and to know his terms and his conditions, and he replied offering one at $25,000. That was his price, his own fixed price. The Government accepted it, and he commenced the construction of the work under the contract he made at his own price and on his own terms. It was to have been completed within a very short time. It was not completed within that time. Various delays occurred. Finally there was a board appointed, and it was proposed to make a change in the machine. The board and Mr. Emery fixed the price of the change at $6,500. That was the voluntary contract price made between the board and a responsible, intelligent, sane man representing his own interests.

Mr. HOAR. But was it not the price of a thing to be invented?—and of course both sides understand what that means; that it is a mere estimate. It was not the price of a man saying, "I will build a ship," or "I will build a house," or deliver a lot of goods at a certain price. It was his expectation to be able to invent delicate mechanism.

Mr. COCKRELL. He had already invented it.

Mr. HOAR. Oh, no.

Mr. COCKRELL. And had a patent right.

Mr. HOAR. He invented it as he went along.

Mr. COCKRELL. And he proposed to construct his invention.

Mr. INGALLS. Let me call the attention of the Senator from Massachusetts to the following statement in the report of the committee:

> From statements of the claimant which there is no reason to doubt it appears that his inventions embodied in this machine were for the most part matured prior to the date when the machine was ordered, to wit, the 24th of December, 1873.

Mr. COCKRELL. He had his merchandise in market for sale, and the United States asked him his price for his merchandise, his inventive genius, and his capital, protected by a patent. The United States asked him his price. He said, "It is $25,000." The United States said, "We will give you $25,000." Under that contract he undertook the construction of the machine, and when a change was necessary the United States said to him, "What shall be the cost of this change?" They agreed upon $6,500. That was the price agreed upon, and that made $31,500.

Mr. CAMERON, of Wisconsin. Will the Senator from Missouri allow me to continue the reading where the Senator from Kansas left off?

The PRESIDING OFFICER. Will the Senator from Missouri yield?

Mr. COCKRELL. With pleasure, as a matter of course.

Mr. CAMERON, of Wisconsin. If the Senator from Kansas had pursued the reading a little further he would have read this:

The papers show that at that time no design of the machine had been made, and that the claimant pursued with untiring industry and skill the designing, constructing, testing, and perfecting of this machine, which proved to be an unexpectedly difficult and expensive task.

The inventions had been made, but they had not been applied to this machine or to any other machine.

Mr. COCKRELL. As a matter of course no machine had been constructed. If there had been the United States would probably have purchased one.

Mr. CAMERON, of Wisconsin. That is very likely so.

Mr. COCKRELL. But he said, "I have got an invention for a machine of this character; here is my patent right; it is for sale; how much will you give me?" Twenty-five thousand dollars.

Mr. HOAR. I wish further——

The PRESIDING OFFICER. Will the Senator from Missouri yield?

Mr. COCKRELL. With pleasure.

Mr. HOAR. On that point, in answer to what the Senator from Kansas read, here is the certificate of Colonel Laidley, colonel of ordnance, signed also by Engineers Smith and Holley and General Gillmore:

When the contractor undertook to build this machine—

Which is the time when the Senator says he made this offer—

he confidently expected that it would be completed within six months, whereas nearly five years were consumed in its perfection. This is nearly one-third of the entire life of his valuable patents, and involves a loss to him, without any fault of his, which, though doubtless great, it would be difficult accurately to estimate.

So that, if I am not trespassing upon the Senator's great courtesy, the Senator will see that what I said is true. He had got several different inventions which he expected to combine and utilize in this machine. He got the general idea as it has been carried out, so that he did say to the United States, "I can do this in six months for $25,000;" but he found, as inventors again and again find, that when they think they see in the mind's eye the whole thing perfect and complete, it requires years of patient toil and effort and the exercise of genius to complete it. Therefore, instead of six months and $25,000, it cost him five years and $119,000, including compensation for his time, however, in that sum.

Who ever heard of holding an inventor who thought he could finish a machine in a given time for a given sum to the ordinary rules by which you hold a man who undertakes to build a house? Of course, if you are talking about legal claim, the same doctrine applies; but we are talking about the duty of the Government to a man who has rendered nearly the greatest public benefaction of the age at its request and for its benefit, the Government having taken the result of his life into its own hands.

Neither the Senator from Missouri nor the Senator from Tennessee has ever dreamed of settling this case on the principle the Senator from Missouri is arguing it on. They fixed a smaller sum than the rest of their associates on the Claims Committee when they were on that committee, and smaller than the unanimous Claims Committee now fix, but they do not hold this man to the law of contract. The Senator will not undertake to sit down and take the doctrine he preaches and draw a corollary from that and say, "That is the sum I am going to pay this man." Both those Senators agree with the committee in the principle, which is that this man ought to have a liberal and just and fair compensation for his inventions, for his expenses, with some regard to the great benefit which he has conferred on mankind. We all agree to that. Nobody in the Senate will get up and apply to this case the doctrine which the Senator argues.

Mr. COCKRELL. I am very much obliged to the distinguished Senator from Massachusetts for undertaking to make a speech for the distinguished Senator from Tennessee and myself. I rather think, though, that we are able to present our own views upon the legality and equity of this question.

I am taking this claimant upon his own terms. I am trying to sift this down and see what is the pretension upon which the claim of $200,000 is based. I said he had his merchandise, his invention, his patent, and he offered it to the United States for $25,000; that the United States accepted it, and he agreed to finish it in six months. He did not do it. Why? Was it the fault of the United States? Certainly not. It was because he did not have what he represented he had. He did not have a perfected invention. He had to have time and delay on the part of the United States in order to enable him to carry out what he represented he could do in six months. The United States gave him the delay, and for that delay he wants compensation. That is what it is.

We come to another question. A change was to be made, and he agreed to that at $6,500. Did he honestly think that that was a sufficient remuneration and compensation? If he did not, why did he agree to the contract? Was it for the purpose of coming in here and pressing a claim before Congress and appealing to the sympathies of the Senate and of Congressmen?

I wish to call attention to one fact in connection with this claim. It grows. It has grown enormously. But a short time ago this claimant only asked for $70,000. The board with Colonel Laidley at the head of it only recommended $70,000 as the limit, in addition to what he had been paid. Now, let us look at this. Remember that in this $119,000 the claimant is allowed $5,000 per annum, and interest upon it, as compensation for his time and services; as much as any Senator draws on this floor. Five thousand dollars a year is computed in the actual cost of the machine; and now he wants something more.

I wish to go back to the report in the Forty-fifth Congress. I hold in my hand Executive Document No. 68, Forty-fifth Congress, third session. It was when this claim was just beginning to come up. The Chief of Ordnance referred to Col. T. T. S. Laidley, president of the board, on February 13, 1879, this whole question, with these two questions propounded:

First. What is the total cost of machine to the contractor?
Second. What would be a just and equitable amount to be appropriated by Congress for the relief of the contractor?

Two simple propositions. Now let us see what the answer was by Colonel Laidley:

WATERTOWN ARSENAL, *February* 15, 1879.

Respectfully returned to the Chief of Ordnance with the report:
First. That the total cost of the machine to the contractor is, as he states, over $100,000.

And that $100,000 includes his salary of $5,000 a year.

Second. That what would be a just and equitable amount to be appropriated by Congress for the relief of the contractor is a question which was not discussed by the board at its last meeting, and its opinion can not be given. The undersigned can only give his individual judgment on this question, about which there will probably be considerable difference of opinion. He does not think that the United States should alone bear this burden, but in consideration of the fact that the contractor was greatly deceived in regard to the expense of building the machine and the difficulties he would encounter in its construction, and that the machine is in every respect a most superior one, far surpassing in accuracy all others now known, and better than the board had any right to expect at the time of making the contract, the undersigned deems the sum of $45,000 not greater than justice and equity to the contractor would demand, and he accordingly recommends relief to that amount.

T. T. S. LAIDLEY,
Colonel of Ordnance, President of the Board.

Forty-five thousand dollars was the judgment of T. T. S. Laidley in 1879. General Benét forwarded to the Secretary of War this report to him and said:

The sum recommended by the president of the board is not less than $45,000, and by three other members of the board is $70,000, which if appropriated and paid to the contractor will make the machine cost $76,500, or $101,500, according to the amount determined on.
These are the recommendations of a majority of the board.

I read now from the report of A. L. Holley to General Benét. He says:

I believe that the contractor could not have spent less than $100,000 to produce this machine.

In reply to the interrogatory what would be an equitable compensation, he says:

The contractor asks for $70,000 to reimburse him for losses on this contract. I would recommend this appropriation for his relief, and I will also add that, as the board did not intend that the machine should be made without a reasonable profit, I would also have recommended, had the contractor asked it, that he should be properly remunerated for his time as well as for his disbursements.

But remember that in his account he is getting $5,000 per annum for his time.

I hold in my hand the second part of the same executive document. The contractor asks for $70,000 to reimburse him for his losses in the contract. That was in the Forty-fifth Congress. We come to the Forty-sixth Congress and we find that this same matter is referred to the same board. It is addressed to the President and the claim continues to grow. Now, what is said there? The Secretary of War says:

Colonel Laidley and other members of the board, who are thoroughly cognizant of all the facts, name $200,000 as not excessive—

Or what?

or more than sufficient to pay the contractor—

For what?

for his unusual devotion to the interests of the Government.

A gratuity, as I said in the beginning, pure and simple. He received full compensation in the $119,000, and that is every dollar that he ought to receive. That $119,000 is made up how? By compounding interest at 7 per cent. semi-annually. That is the way he runs it up to $119,000. He counts his own salary $5,000, and interest at 7 per cent., compounded every six months, and so for all the expenditures in the same way. We are asked to come in here and vote a gratuity pure and simple of $81,000 to a man to whom we have paid $5,000 a year salary, and not for all his time, for he has had his time occupied in other matters. He has been simply superintending this machine, and the Government for that alone has been allowing him $5,000. There is not one particle of justice or equity or mercy or anything in any amount in this bill over $119,000.

Mr. President, is the bill in a condition that an amendment can be offered to it?

The PRESIDING OFFICER. No, it is not.

Mr. INGALLS. Do I understand the Senator from Missouri to state that the beneficiary of this bill, Mr. Emery, is still the superintendent of the machine at the Watertown arsenal?

Mr. COCKRELL. I suppose so, as they still keep on speaking about it.

Mr. HAWLEY. He has nothing in the world to do with it. The Government took it out of his hands years ago.

Mr. COCKRELL. The Government received the machine some time ago, I know.

Mr. HAWLEY. He has nothing to do with the management of it at all.

Mr. COCKRELL. But the interest is still going on. The machine was received in 1879.

Mr. HAWLEY. He has nothing to do with it at all.

The PRESIDING OFFICER. The bill is not in a condition to be amended, the question being on its final passage, on which the yeas and nays have been ordered.

Mr. COCKRELL. I move to reconsider the vote by which the bill was ordered to a third reading so that we may have a vote upon an amendment reducing the sum to $120,000.

Mr. HAWLEY. Mr. President, I do not propose to prolong this debate, for I suppose the Senate is substantially in possession of the facts. Three committees of the Senate, excepting on one occasion two gentlemen who differed on some points, have reported for this, I believe unanimously. It has been reported upon favorably in the House; it has had the approval of several Secretaries of War.

Mr. COCKRELL. I beg pardon; I challenge the Senator to show the approval of any Secretaries of War. They transmitted the documents here, but there never has been an approval of the payment of $200,000 by a Secretary of War.

Mr. MANDERSON. Let the Senator from Connecticut turn to page 4 of the report.

Mr. HAWLEY. I have the communication of Secretary Ramsey right before me. Said Secretary Ramsey:

This is a case that calls for Congressional action. These papers show that it is one deserving favorable consideration.

The country is now in possession of the most perfect testing-machine in the world.

Then comes in what I believe I read before. He says further:

It appears to me that liberal action on the part of Congress toward one of our citizens who has lost so much in faithfully carrying out his contract would be but proper and equitable.

Colonel Laidley and other members of the board, who are thoroughly cognizant of all the facts, name $200,000 as not excessive, "or more than sufficient to pay the contractor for his unusual devotion to the interests of the Government."

I respectfully recommend reference of these papers to Congress with request for speedy and favorable action.

I take that to be a commendation of the machine and a warm commendation of the enterprise.

Mr. COCKRELL. I do not take it to be such.

Mr. HAWLEY. Now, one or two other questions of fact. We are not driving a hard bargain, I take it, in this matter; we are not making an ordinary settlement of a book account in a corner grocery. This gentleman had been for some years at work upon the invention before he was employed by the Government. He had expended large sums of money in perfecting the machine. He had taken out several patents. The drawings, however, were not completed. A part of his time when he was employed went to the completion and perfecting of detailed drawings. Then the plans were altered. That made an additional expense which was not covered by the $6,500, and then, as the engineers say, it proved to be an unexpectedly difficult and expensive task, and, as the committee say elsewhere:

In the plans designed by Mr. Emery he adopted new principles, in the working out of which he met, as is always the case under such circumstances, with great and unlooked-for difficulty.

All the while he was told to go on with the machine and complete it. As to the sum that he expended there were different estimates, but I think the Senator from Missouri misunderstood what was said in 1880, at least, when Colonel Laidley, to whom the question was referred, reported thus:

The inclosed papers, which have been carefully examined by the undersigned, show that the testing-machine invented and constructed by Mr. A. H. Emery for the Government has cost him much more than had been supposed in February, 1879, when, without going into an examination of books and papers, the cost was set down at $100,000.

He said it cost much more than was supposed when the estimate was put down at $100,000, besides the fact that this account does not include his time and the heavy expense that he was subjected to before the Government employed him, which can not properly perhaps come directly into it as part of the charge against the Government, but which is nevertheless involved by the practical confiscation of the machine. In addition to that, after he had finished this work, working years longer than he expected, all the while encouraged and stimulated, first by the Ordnance Department, and then by this great engineering board who had employed him—after all that, which embraced five years of actual labor and three or four years of previous study expended on the invention, the Government accepts it, to be sure knowing his claim upon the Government for expended moneys, and then provides that anybody in the world may use the machine who will pay for the manual labor of running it, and of course nobody in the world builds another one. During those five years his board bill is in this account. He calls it $5,000. That is a small salary for him. He is worth two or three times that amount. He was worth then more than $5,000. I think this Government will do something like what honor requires, and give not one cent more than justice calls for, in giving him the sum provided for in the bill.

Mr. PLATT. I am somewhat interested in this claim and in the passage of this bill, because I want to see how our Government is to treat the great inventors of this country. Here is a man who according to these reports, who according to the confession of all Senators who have investigated the claim, is entitled to rank with Watt and Fulton and Morse and Siemens and the other great inventors who by their inventive skill and genius have done so much to develop the industrial progress of the world during the last fifty years.

The Government comes to this man, who has an inchoate, imperfect invention, and asks him to make one of his great machines. He toils upon it for five years and expends upon it—I speak roughly—$100,000 more than the Government proposes to pay him.

Mr. COCKRELL. Ninety-eight thousand dollars, by his own statement.

Mr. PLATT. I speak in round numbers. The Government thereupon, without paying him that $100,000, takes his machine, which nobody else can use, and throws it open to the use of every individual in this country who chooses to use it and to reap its benefits. Then it allows him for five years longer to stagger along with this debt of $100,000 upon his shoulders, and chills every inventive faculty which the man possesses. I wonder that it has not killed as well as chilled the inventor. What more he might have done for mankind, what other great inventions he might have perfected which should have aided the already wonderful development of this country if the Government had not left him to worry and stagger along under this load of debt which it ought to have compensated him for, we do not know; but it seems to me that it is not the treatment which a great inventor should receive at the hands of his government. Under such circumstances Congress should not stop to higgle and haggle as to whether he should have the exact amount expended or the fair, moderate value of his patent and his invention.

Mr. FAIR. Mr. President, at the last session of Congress I was assigned by the Committee on Claims to an examination of this case, and I made thorough inquiry into the history of this machine so as to be able to make a report upon the claim. I worked upon the subject three weeks, and I think I understand the machine perfectly, while there are many here who do not. That this is a just and meritorious claim, in my opinion, there can be no doubt. The machine has undergone many changes from the original design; parts had to be made over and over again, but it is now a very perfect machine, and I believe it is worth to the Government and to the people of this country more than twenty times what it is proposed to pay the inventor by the bill.

If I were accustomed to speaking I might say more. I have said enough to inform the Senate what my opinion is on a careful examination of the subject.

Mr. HAWLEY. I will ask the Senator if he has not himself practically tested the machine in building railroads and bridges?

Mr. FAIR. The machine is set apart by the Government for the use of any citizen. Any one may take his bridge or other iron there and test it, paying the expense of running the machine during the time the test is being made. Many people do that. I think the machine is nearly constantly in use; at least I know that it was some time ago. It is a machine of great value, and any one who will examine it will be convinced of that fact.

Mr. VOORHEES. This case seems to have a very considerable history. There is a great deal due, in my estimation (perhaps not so much in the estimation of some other Senators), to a faithful examination of a case before a committee. There is a great deal due to the integrity and intelligence of gentlemen of this body as well as the House of Representatives.

I find that this claim was before the Forty-sixth Congress and received a favorable report from the Committee on Claims of the House of Representatives at that time. I find that it received another favorable report from the Committee on Claims of the House of Representatives of the Forty-seventh Congress. I find also that the Committee on Claims of this body in the Forty-sixth Congress reported in its favor. There are three favorable reports upon this claim in the past. The present report which we are now considering makes the fourth time that committees of Congress have reported favorably in this matter. There is a great deal due to the fact that the claim has had the consideration of some thirty or forty members of Congress at both ends of the Capitol, always reaching the same favorable conclusion.

Let us look a little further and see what else we find. The Senator from Missouri insisted that Colonel Laidley placed a proper compensation at one time at $45,000. It is stated in the report:

One member of the board then recommended the payment of not less than $45,000 additional compensation, while five other members of the board recommended the payment of $70,000 additional, which latter amount, added to the contract price, would only have reimbursed him for actual outlay as then estimated, without any compensation for his own time and skill or for the use of his inventions.

After that, however, as the report shows, by order of the War Department this matter was again referred to Colonel Laidley with specific interrogatories, and at the bottom of page 4 will be found the following:

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, March 26, 1880.

Respectfully referred to Col. T. T. S. Laidley, president of the late board on steel and iron, for remark.

First. Mr. Emery now claiming compensation from the United States not only for the actual cost to him of the machine over and above the contract price, but for the use of his patents, and for consequential damages caused by the free use of the machine to all persons, as given by Congress, &c.

Second. Is the amount of $200,000, if *now* paid by Congress, excessive or more than sufficient to compensate Mr. Emery for losses and allowance on the contract, and for his time and labor and use of patents and damage from the free use of machine, &c., for all or any of these?

Third. Colonel Laidley will submit any papers bearing on this case.

By order of the Chief of Ordnance.

S. C. LYFORD, *Major of Ordnance.*

In response to that reference made by Major Lyford to Colonel Laidley Colonel Laidley made a full statement, the closing part of which alone it is necessary now to read. After showing that upon subsequent investigation and upon the fact that the Government had practically destroyed the value of his patent, the original sum as quoted by the Senator from Missouri, $45,000, was totally insufficient to compensate him, Colonel Laidley winds up his statement as follows:

The amount of $200,000, if now paid by Congress, would not, in the judgment of the undersigned, be excessive, or more than sufficient to pay the contractor a fair equivalent for his unusual devotion to the interests of the Government.

There the Senator from Missouri stopped. I will show you what else he said this $200,000 would pay for.

Mr. COCKRELL. I beg pardon.

Mr. VOORHEES. Wait until I get through.

Mr. COCKRELL. I read every bit of that.

Mr. VOORHEES. I can relieve the Senator.

Now, Mr. President, I repeat once more the statement on which I rely. I wish to do entire justice to the Senator from Missouri. Let me do so without interruption.

Mr. COCKRELL. Here it is.

Mr. VOORHEES. Colonel Laidley, in his report, says:

The amount of $200,000, if now paid by Congress, would not, in the judgment of the undersigned, be excessive, or more than sufficient to pay the contractor a fair equivalent for his unusual devotion to the interests of the Government, the work performed by him, and the losses sustained during the time that he has given up his undivided energies to this undertaking.

That makes a much more complete rounding out of what is due to the man than appeared from the reading with which the Senator from Missouri indulged the Senate. Now I will show where the discrepancy exists. The Secretary of War on this subject says this—not Colonel Laidley, but the Secretary of War undertakes to make a report in 1880; and he says:

Colonel Laidley and other members of the board, who are thoroughly cognizant of all the facts, name $200,000 as not excessive, "or more than sufficient to pay the contractor for his unusual devotion to the interests of the Government."

Simply, the Secretary of War did not fully restate the grounds on which Colonel Laidley had fixed $200,000 as due; he only stated a part of Colonel Laidley's statement, and the Senator from Missouri read the restatement made by the Secretary of War, which is short, very far short of Colonel Laidley's statement. Colonel Laidley himself says that this $200,000 would not, in his judgment, "be excessive or more than sufficient to pay the contractor a fair equivalent for his unusual devotion to the interests of the Government, the work performed by him, and the losses sustained during the time that he has given up his undivided energies to this undertaking."

I repeat, Mr. President, not only has the case never been touched by a committee except with a favorable report, but it has never been touched in the Executive Departments without receiving a most generous response, not only as to the merits of this great invention, but likewise as to its value and as to what would be a fair remuneration to the inventor. The Senator from Missouri said he challenged the contrary to be shown, that the Secretary of War had never approved of this claim. Why, sir, on the contrary——

Mr. COCKRELL. I said of the $200,000 claim.

Mr. VOORHEES. The report of the Secretary of War of November 19, 1880, referring to the report of the Chief of Ordnance, says:

He reports the successful operation of the United States testing-machine at the Watertown arsenal, adding that this machine is considered the most perfect testing-machine in the world; equally able to test a single hair and the largest column or specimens by either tension or compression with any load desired, from one to eight hundred thousand pounds, being of any length from one inch to thirty feet. Its determinations are of great value to the Departments of the Government and to the scientific and industrial interests of the whole country. The memorial of its inventor, asking for additional compensation and reimbursement, is commended to the favorable consideration of Congress.

Then the Secretary of the Treasury in transmitting the estimates of deficiencies in appropriations for the year ending June 30, 1881, includes in the estimates of the Secretary of War $200,000 to settle this claim. Here is what the Secretary of the Treasury, in transmitting the estimates of the Secretary of War, says:

To pay to Albert H. Emery, of the city and State of New York, in full settlement of all claims, legal or equitable, which he has in any way against the United States on account of the cost of the testing-machine built and erected by him for the United States, including the time spent by him in designing and constructing the said machine, together with the use of all patents and inventions used therein: *Provided*, That said machine, together with the full right to the use therein of all patents and inventions used in its design and construction, shall belong to the United States.

There the Secretary of War's estimate of $200,000 is transmitted by the Secretary of the Treasury, and I can only repeat myself when I say that from the beginning to the end, from the incipiency of the history of this claim until the present moment, it swells upon the regard of every man that looks into it; it magnifies itself when it is examined; there is nothing like it to-day beneath the sun in all the civilized world, and there is no other such machine in existence. This gentleman has added one more proud triumph to the inventive genius which America has so long and so steadily displayed; and instead of caviling and carping about this amount, to my mind it is not only fair and reasonable, but it is small in comparison with the great results which are to be achieved by this invention.

Mr. President, this claim comes here this afternoon with no minority report. The members of the Committee on Claims, a sifting, careful, conscientious, and intelligent committee, report it here unanimously. I shall vote to sustain them.

The PRESIDING OFFICER. The Senator from Missouri [Mr. COCKRELL] moves to reconsider the vote by which this bill was ordered to its third reading.

The motion was rejected.

The PRESIDING OFFICER. The question now is on the passage of the bill.

Mr. COCKRELL. Let us have the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

The Secretary proceeded to call the roll.

Mr. COCKRELL (when his name was called). The senior Senator from Rhode Island [Mr. ANTHONY] had to leave the Senate Chamber a few moments ago, and asked me to pair with him on this bill. I should certainly vote "nay" but for the pair, and I understood him that he would vote "yea."

Mr. INGALLS (when his name was called). I am paired with the Senator from Ohio [Mr. SHERMAN]; otherwise I should vote "nay."

The result was announced—yeas 34, nays 15; as follows:

YEAS—34.

Aldrich,	Hawley,	Manderson,	Riddleberger,
Bayard,	Hill,	Maxey,	Sabin,
Blair,	Hoar,	Miller of N. Y.,	Sawyer,
Cameron of Wis.,	Jackson,	Mitchell,	Sewell,
Conger,	Kenna,	Morgan,	Van Wyck,
Dawes,	Lamar,	Morrill,	Voorhees,
Fair,	Lapham,	Pike,	Wilson.
Frye,	McMillan,	Platt,	
Harrison,	Mahone,	Pugh,	

NAYS—15.

Allison,	Cullom,	Harris,	Vest,
Beck,	Farley,	Jonas,	Walker,
Brown,	Garland,	Jones of Florida,	Williams.
Coke,	Hampton,	Ransom,	

ABSENT—27.

Anthony,	Colquitt,	Hale,	Pendleton,
Bowen,	Dolph,	Ingalls,	Plumb,
Butler,	Edmunds,	Jones of Nevada,	Saulsbury,
Call,	George,	Logan,	Sherman,
Camden,	Gibson,	McPherson,	Slater,
Cameron of Pa.,	Gorman,	Miller of Cal.,	Vance.
Cockrell,	Groome,	Palmer,	

So the bill was passed.

Mr. GARLAND. I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 44 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 6, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. SHELLEY. I demand the regular order.

Mr. MILLS. I hope the gentleman will yield for a moment to permit me to ask to have some printing done for the Committee on Ways and Means.

The SPEAKER. The Chair has no discretion if the gentleman insists upon the regular order. The Chair is informed, however, that the gentleman from Massachusetts desires to ask a correction.

REPRINT OF A BILL.

Mr. LYMAN. Mr. Speaker, I ask to have a correction made in a bill which has been erroneously printed. I ask simply to withdraw the bill (No. 1017) relative to the Inspector-General's Department of the Army, with the report No. 330.

The SPEAKER. To be recommitted to the committee?

Mr. LYMAN. No, sir; to be reprinted, there being a clerical error in the printing of the bill.

The SPEAKER. Without objection the bill will be ordered to be printed as corrected.

There was no objection, and it was ordered accordingly.

FUNDS IN THE TREASURY.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, in response to a resolution of the House calling for information as to the amount of money in the Treasury; for what purposes the same is held; and how much thereof, if any, could now be applied to the payment of the public debt; which was referred to the Committee on Ways and Means, and ordered to be printed.

PAYMENT OF REBATE ON TOBACCO, ETC.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in response to a resolution of the House inquiring whether any additional clerical force is necessary to facilitate the payment of the rebate on tobacco, snuff, &c.; which was referred to the Committee on Appropriations, and ordered to be printed.

LEGISLATIVE BODY, NEW MEXICO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting memorial of certain members of the Legislature of the Territory of New Mexico, protesting against the action of the secretary of that Territory in refusing to administer the oath of office to members-elect; which was referred to the Committee on the Territories, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WASHBURN, from Tuesday, 4th instant, for ten days, on account of important business.

COMMITTEE APPOINTMENT.

The SPEAKER announced the appointment of Mr. FRANCISCO A. MANZANARES, a Delegate from the Territory of New Mexico, as a member of the Committee on Coinage, Weights, and Measures, vice Tranquilino Luna.

NAVAL APPROPRIATION BILL.

Mr. HUTCHINS. I move to dispense with the morning hour for the call of committees for the purpose of further considering the naval appropriation bill.

The SPEAKER. That requires a two-thirds vote.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. HUTCHINS. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CONVERSE in the chair.

The CHAIRMAN. The Clerk will read the pending paragraph of the bill.

The Clerk read as follows:

INCREASE OF THE NAVY.

For completing the three new steel cruisers and one dispatch-boat authorized by act of Congress approved March 3, 1883, as follows: Chicago, $349,133.45; Boston, $231,853.28; Atlanta, $231,853.27; Dolphin, $108,660; in all, $921,500.

Mr. THOMAS. I wish to offer an amendment, to come in after the word "cents," at the end of line 306.

The CHAIRMAN. The gentleman will forward his amendment to the desk.

The Clerk read as follows:

At the end of line 306, after the word "cents," insert:
Provided, That such vessels shall have full sail power.

Mr. HUTCHINS. I reserve the point of order upon that amendment. I do not understand what it is.

Mr. THOMAS. I will explain the need for it. The first appropriation bill authorizing the building of these steel cruisers was the act of August 5, 1882. By that act it was provided——

Mr. HUTCHINS. Will the gentleman give way for a moment? There is so much confusion in the hall that I was unable to hear clearly his amendment, and I ask before he proceeds that it be again reported.

The amendment was again read.

Mr. THOMAS. As I was about to state, Mr. Chairman, by the act of August 5, 1882, it was provided that these new cruisers shall be supplied with full steam power as well as full sail power. By that act there was authorized to be built two vessels, one of a little less than 6,000 tons displacement, and one of 4,100 tons displacement, which latter is the Chicago, as named in the act making appropriations for 1884 and the present appropriation bill. By the act of March 3, 1883, there was authorized to be constructed the vessels known as the Chicago, Boston, Atlanta, and Dolphin, namely, three cruisers and one dispatch-boat. That bill provided that "no such vessels shall be accepted unless completed in strict conformity with the contract and with the advice and assistance of the naval advisory board, and in all respects in accordance with the act of August 5, 1882, except as herein modified."

Now, sir, the Navy Department in construing the law said because the naval advisory board had sent a letter in which they had recommended the building of certain vessels, among which was the dispatch-boat the Dolphin with two-thirds sail power, therefore they had a right to change the direct requirements of the act of 1882; and under the specious plea of putting two-thirds sail power they have not given the Chicago the power to go three miles before a fresh breeze and she could not get off a lee-shore at all.

I am borne out in that statement by the Admiral of the Navy, who in his report says these vessels ought to have full sail power and will be perfectly useless unless full sail power be given.

Then they should be changed in other respects. They have standing smoke-stacks, which will cut off nearly one-third of the proposed sail power. Then it must be remembered we have no foreign coaling station, and in case of war with any of the great powers, coal having been declared a contraband of war, we have no opportunity of buying coal at all at foreign stations, and these vessels will be entirely helpless without coal and unable to use their machinery.

Therefore the Admiral of the Navy, the Chief Constructor of the Navy, and the sailor men of the Navy who go to sea and know what they are talking about, say these vessels should not be made merely steam floating machines, but should be effective cruisers in time of peace, and should have sail power to carry them along instead of using expensive coal.

The proposition must commend itself to the common sense and judgment of all men. There are places on the Pacific coast where coal costs $1.50 and $2 a bushel. The Chicago only carries nine hundred and sixty tons of coal and can only run six days on that at full speed.

I hope the advisory board will be compelled to comply with the law as it was understood by Congress and as it was enacted by Congress, and that these vessels shall have full sail power, so that they can reserve their supplies of coal to be used in an emergency, and not use them in every-day cruises when they can as well or better go under sail.

Mr. HUTCHINS. I think the point of order is well taken. This certainly would tend to increase expenditures; at any rate it is not in the line of economy. But I am gratified to find that my friend from Illinois [Mr. THOMAS], speaking from the other side of the House, fortifies the argument which I made yesterday in reference to these cruisers; and that is that under the contract under which they are being constructed and in the mode in which they are being constructed they will prove practical failures. It was for that reason that I hesitated long before I was willing to make an appropriation to complete them. But the gentleman must be aware that the Department, acting under the advice of the advisory board, has entered into the contracts for the completion of these vessels.

Mr. THOMAS. This does not affect these contracts at all.

Mr. HUTCHINS. I do not know whether it does or not. But I know this, if you change these contracts by this legislation at all you open the door for millions of extra charges.

Mr. THOMAS. I want to set the gentleman from New York right as to that.

Mr. HUTCHINS. I can not be interrupted, as I have only five minutes. The contract has been made under the advice of the advisory board and we can not undertake here to alter it. I believe in adhering to the strict letter of the contract and going on and building these vessels, as the United States Government has obligated itself to complete them. If they prove failures, when we come to construct others of a similar class then we will be in a position to correct any faults that may have occurred in the construction of these vessels.

The advisory board created for the purpose of supervising the building of these ships has entered into this contract, and how can we revise its action? I believe myself those vessels should have full sail power. They should be constructed so that they could sail without coal. I admit that is so; but we can not and must not here in our legislation on this subject interfere with those contracts.

Mr. THOMAS. Just one word. This does not affect the contracts at all. There has been no contract for rigging the vessels at all. The spars and the masts are to be built by the Government in the navy-yards. This does not change the contract a particle and does not involve the expenditure of a cent of money, but saves to the Government any amount of money in the cost of fuel. It does not interfere at all with the contracts. There is no contract as to that.

Mr. TALBOTT. I wish to ask the gentleman from Illinois what sail power have these vessels now. Is it two-thirds?

Mr. THOMAS. They have what purports to be two-thirds sail power, but neither the Chicago, the Atlanta, nor the Boston really has one-fourth.

Mr. TALBOTT. They are estimated to have two-thirds sail power?

Mr. THOMAS. The estimate is on a false basis. It is based on 33,000 square feet of sail, when by reason of the standing smoke-stacks the vessels can not use a sail power of more than 24,000 feet.

Mr. TALBOTT. Assuming that they do have but two-thirds sail power, they could navigate with that amount of sail power.

Mr. THOMAS. Oh, yes, after a fashion. But she has not two-thirds sail power; she has but a little more than one-fourth.

Mr. HUTCHINS. Then the advisory board can do all that is necessary. We can not legislate in the dark on that subject. We do not

know what effect such legislation as is proposed here will have on the contract.

Mr. TALBOTT. The law under which these vessels are authorized to be constructed provides that when any alteration is made in the plan the amount of expenditure necessary to make the alterations shall be agreed upon by the advisory board before it is done.

Mr. THOMAS. But this does not effect any change in the contract for the hull or machinery at all. It relates only to the spars and the rigging, which are to be provided by the Government in its own yards. If we go on in this way we do it in the face of common sense.

Mr. HUTCHINS. Then I understand the gentleman to say that he has no confidence at all in the advisory board. If so, then why not abolish it?

Mr. THOMAS. The gentleman can not put words in my mouth; I made no such statement as that.

Mr. HUTCHINS. The very party intrusted with the construction and fitting out of these vessels can do that.

Mr. BUCKNER. Is not this debate all out of order?

The CHAIRMAN. The gentleman from New York [Mr. HUTCHINS] raises the point of order on the amendment.

Mr. THOMAS. And I reply to the point of order that my amendment reduces expenditures and does not change existing law, but directs a compliance with the law.

Mr. HUTCHINS. I withdraw the point of order and call for a vote.

The CHAIRMAN. The point of order being withdrawn, the question is upon the amendment of the gentleman from Illinois [Mr. THOMAS].

Mr. ADAMS, of Illinois. I move to strike out the last word. I understand that the proposed amendment applies in line 306, and is directed to the Atlanta, and not the Chicago, though some of the remarks made by the gentleman from Illinois [Mr. THOMAS] apply to all these vessels alike.

I desire to call the attention of the gentleman to one thing, and I say frankly that I ask him the question for information. It is whether the particular style of rigging of the Boston and the Atlanta was not adopted with a view to giving greater efficacy to the fire of their heavy guns; and whether the adoption of full sail power in those particular vessels would not imply a considerable change in the construction of the hulls? So far as the Chicago is concerned, there is a difference of theory among naval officers as to whether that vessel should have full sail power or two-thirds sail power. A vessel with full sail power can not steam so fast against the wind. A vessel with two-thirds sail power has an advantage in that respect, though there may be disadvantages in other respects.

That is a question that we can not settle here. All that we ought to do is to hasten these vessels to completion, and if there is found to be any error in their construction that error can be remedied in the case of the next vessels built.

Mr. THOMAS. In answer to the question of the gentleman let me say, in the first place, lest I might have been misunderstood, that the contracts already put out relate only to the hull and the machinery, not to the masts and rigging, which are reserved for the Government to supply hereafter.

As to the Boston and Atlanta, the change here proposed will in no way affect either the hull or the fighting power of those ships. At any time that the vessels are obliged to go into an engagement they can in twenty minutes strip themselves of spars and sails so as to go under steam power; and if there is not room enough on the decks of the vessels for those spars and sails, there is always room enough in the sea, and they can be thrown overboard if necessary to get them out of the way.

It will not cost as much to purchase the extra spars in order to give these vessels full sail power as it will to pay for the coal which they would use in three days. These vessels are supposed to run for fifty years. Their service in battle is the exception; the cruises in peace are the general rule. It is for the purpose of making this economic change that I propose this amendment. It will in no way affect the vessels and their fighting power, and is in the line of economy.

Mr. RANDALL. I do not know that the theory of the construction of these cruisers was to give them full steam power and also full sail power.

Mr. THOMAS. Those are the express terms of the act of August, 1882.

Mr. RANDALL. But if it is desirable to give them one-third more of sail power, that is a matter of administration, and not, I think, a subject for direct legislation or perhaps instruction by Congress. If the amendment proposed is to be adopted, there ought to be a clause added to it providing that this change may be made in case the Secretary of the Navy and the advisory board shall so approve.

Mr. TALBOTT. I would suggest that the Government at its navy-yards can make the change and give these vessels full sail power at any time.

Mr. THOMAS. Of course it can.

Mr. TALBOTT. Then what is the use of this amendment?

Mr. THOMAS. I want to compel the Navy Department to comply with the law.

Mr. RANDALL. That is the point. For one I do not know enough about the construction of these vessels, whether they should have full sail power or two-thirds sail power, as to feel justified in giving instructions to the Department upon the subject. I prefer to leave the matter to the law as it now exists. If this amendment is to be adopted, it should have a clause requiring the approval of the advisory board and of the Secretary of the Navy; in other words, that if they concur in the propriety of the change it shall be made, and not otherwise.

Mr. THOMAS. My amendment is based upon the statement of the Admiral of the Navy, made in his report, upon the evidence given by the Chief Naval Constructor, from which the gentleman read yesterday.

Mr. RANDALL. Then I am willing to provide that the Chief Naval Constructor shall act in conjunction with the advisory board.

Mr. THOMAS. I think we ought to compel the Department to comply with the law in the interest of economy.

Mr. RANDALL. I think it is a dangerous experiment.

Mr. CALKINS. Let us have a vote.

The CHAIRMAN. If there be no objection the Chair will regard the formal amendments as withdrawn. The Chair hears no objection. The question is on the amendment of the gentleman from Illinois [Mr. THOMAS] to insert after the words "cents," in line 306, the words "provided that said vessels shall have full sail power."

The amendment was not agreed to; there being—ayes 27, noes 77.

Mr. SKINNER, of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 309 insert:
The four pivot-guns of the Chicago to be mounted on Clark's deflective single-gun turrets or V shields, of the same weight as is now allowed for the mounting and armor protection guns.

Mr. SKINNER, of New York. If the honorable gentleman from Pennsylvania [Mr. CURTIN] were in his seat he would offer and advocate the amendment I have submitted. Unfortunately he is at his home sick, and therefore I have presented the amendment in his place.

A year ago Congress enacted in the naval appropriation bill this provision:

For investigating and testing the practicability of deflective turrets designed by Passed Assistant Engineer N. B. Clark, $20,000, to be available immediately.

The pending amendment provides for carrying out the same design, not as to deflective turrets, but as to deflective gun-shields. It provides for testing a valuable invention for the purpose of protecting the men who stand behind the guns. That this invention has merit can not be disputed.

The advisory board, in a document presented to the last Congress, said:

The gun-shields presented by Mr. Clark possess decided merits.

The adoption of this amendment will not interfere with existing contracts, as these shields are not to be constructed by contract but will be built by the Government. Hon. B. W. Harris, of Massachusetts, who was chairman of the Committee on Naval Affairs in the last Congress, took a great interest in this measure and investigated it fully. It was through his efforts, aided by the gentleman from Pennsylvania [Mr. CURTIN], that the provision which I have read was inserted in the naval appropriation bill a year ago. In writing on this subject recently Mr. Harris says:

It was the full intention of the committee to have at least one of the ships built with interior deflective armor, with the guns mounted on V shields.

Admiral Porter says:

I do not hesitate to say that I strongly indorse your system of protecting the men at the guns.
Once get the system introduced, and it will recommend itself.
As I have told you, your system of defense against projectiles is the right one, and no vessel of war can be considered as secure until it is generally adopted.

Rear-Admiral Ammen says:

Your ideas of construction will produce a vessel far better calculated to resist shot and shell than any vessel now afloat, with far less displacement than now exists with heavily plated armored vessels, and at far less cost of construction.

Chief Engineer J. W. King, one of the best educated engineers in the service, who was sent around the globe to investigate matters of this kind, says:

I have no hesitation in saying that the disposition of the armor proposed is the best that has come under my notice.

Mr. Chairman, this is all I have to say in reference to the amendment. I believe it due to the men who have to do the fighting that they should be protected at their posts. This amendment provides simply for testing this invention, which, according to the testimony I have read, promises to be so valuable.

Mr. RANDALL. I desire to state that my colleague [Mr. CURTIN], who is much interested in this matter, is absent in consequence of illness. The legislation with reference to the Clark patent originated in the naval appropriation act of March 3, 1883, which contained the following:

For investigating and testing the practicability of deflective turrets designed, by Passed Assistant Engineer N. B. Clark, $20,000, to be available immediately, the investigation and test to be made by the naval advisory board.

I have no individual objection to this amendment, but I want to say

for the Department, and particularly for the head of the Ordnance Bureau, Mr. Sicard, that he states this appropriation of $20,000 has been expended or is being expended in this direction.

Mr. SKINNER, of New York. The gentleman will allow me to say that the appropriation of $20,000 already made provides for experimenting upon deflective turrets. This amendment provides for testing the gun-shield—a shield behind the gun itself—having no direct reference to the turrets.

Mr. RANDALL. There has been an intimation made that the Department was not expending this money in good faith in the execution of this law.

Mr. SKINNER, of New York. I did not make it.

Mr. RANDALL. I wish to correct that intimation, for I am advised by the Department that patterns have been made at the Washington navy-yard. The target plates, &c., which by Mr. Clark's requirements are to be made of Creuzot steel, were ordered from Messrs. Schneider & Co., October 11, 1883, and are expected to be delivered in April next. I say that in justice to the Navy Department.

Mr. WHITE, of Kentucky. Allow me right there to ask the gentleman from Pennsylvania whether by the bill passed March 3 of last year for investigating and testing the practicability of deflective turrets designed by Passed Assistant Engineer N. B. Clark, $20,000, to be available immediately, the investigation and test are to be made by the naval advisory board?

Mr. RANDALL. The last clause of the law is that the investigation and test shall be made by the naval advisory board, and what I have stated has been in justice to the Navy Department.

Mr. WHITE, of Kentucky. The naval advisory board is selfish and impracticable.

Mr. RANDALL. The chief officer of the Ordnance Bureau did not receive the approval and direction of the naval advisory board or he would have gone on with the work. That is the only reason I can conceive of.

Mr. WHITE, of Kentucky. If the gentleman will allow me——

Mr. RANDALL. In a moment. I am not unfriendly to the investigation and testing of the practicability of those deflective turrets, but the law provides that that investigation and test shall be made by the naval advisory board. Until they act, of course nothing could be done.

Mr. WHITE, of Kentucky. It is my opinion the naval advisory board has done all it could to prevent the execution of that provision of the law.

Mr. RANDALL. The gentleman can say that on his own responsibility.

Mr. WHITE, of Kentucky. And I do say it on my own responsibility.

Mr. RANDALL. For I know nothing about that matter.

Mr. COX, of New York. The gentleman from Pennsylvania on his own individual action——

Mr. RANDALL. No, not individual action.

Mr. COX, of New York. Well, we will act on your judgment, for you certainly would not let it come in unless it were right. It is right to protect as far as possible the men on shipboard.

Mr. RANDALL. This is an amendatory clause, and that is the trouble about it.

Mr. COX, of New York. Let it come in.

Mr. RANDALL. The gentleman from New York says it does not relate to the original object as provided in the law last year. If that is discretionary, why not make this discretionary?

Mr. TALBOTT. The naval advisory board have the right under the law to adopt this method or to reject it.

Mr. RANDALL. The gentleman says this amendment does not relate to the $20,000 originally authorized in the law of March 3, 1883.

Mr. WHITE, of Kentucky. The gentleman from New York is correct in saying that this is an entirely different proposition from the one of the last session of Congress. The appropriation of $20,000 made by the last Congress was for the purpose of investigating and testing the practicability of deflective turrets, while this is a proposition to put pivot-guns on the steel cruiser Chicago and mount them on N. B. Clark's single-gun deflective turrets or V shields.

Mr. SKINNER, of New York. No, it is not.

Mr. WHITE, of Kentucky. I beg the gentleman to wait until I have made my statement. As I understand his amendment he proposes to add the words that "the four pivot-guns of the Chicago to be mounted on Clark's single-deflective turret or V shield." It is a proposition to take part of the weight of the guns and to put it into the shield. No more weight is to be on the ship, but a portion of the weight of the guns is to be put into V shields.

The board to which the gentleman having charge of this bill alluded is in the Navy Department, and is opposed to carrying out the intention of the last Congress, which appropriated $20,000 for investigating and testing the practicability of deflective turrets designed by Passed Assistant Engineer Clark, a gentleman who because of a railroad accident now lies upon his back and can not move except with the aid of another. He is one of the most brilliant men in the country, and was recommended for naval service by the distinguised war governor of Pennsylvania, whose absence I am sorry to note on this occasion, for if he were here he would substantiate everything I have said. I refer to Governor CURTIN. He has taken the liveliest interest in Mr. Clark and his invention, because Mr. Clark was a protégé of his during the war.

Now, this distinguished passed-assistant engineer, N. B. Clark, of the Navy, has made an invention which it is believed will revolutionize the naval warfare of the world. He proposes by deflective armor to give eight times the resistance to be secured by upright armor.

On March 1 I asked the gentleman from New York [Mr. HISCOCK], "If we are to build ships, on what plan shall we build them; the present plan?" A correct answer to that will go to the root of this whole question. If we are going to have upright armor, and Passed-Assistant Engineer Clark is correct that upright armor has not one-eighth the power to resist projectiles that the deflective armor has—in order to test that matter the last Congress made an appropriation of $20,000, and this selfish advisory board or ordnance members of the board in the Navy Department has done so far everything it could to defeat the execution of the law which we passed at the last session, and the statement of the Committee on Appropriations as far as it goes substantiates that fact.

Although the appropriation for this experimental work was to be made immediately available and the bill passed in March, yet nothing was done looking to carrying out that provision until October. In addition to that, the whole sum appropriated was, as I am informed, put into a single target, requiring plans which could not be procured in this country, and that has not yet been put up for actual experiment.

Now this is a different proposition. This is a proposition to beat the advisory board, and I hope the House will do it, and that is to put on one of these new steel cruisers, the Chicago, which is I believe constructed on the deflective-armor principle—to put on that ship guns mounted on Clark's single-gun deflective turrets, and try the experiment fully and fairly, as it should be tried.

That is all I ask. It is a matter of simple right and propriety.

[Here the hammer fell.]

Mr. HUTCHINS. I shall suggest, Mr. Chairman, the incorporation of an amendment to the amendment. I propose that we insert at the end of the pending amendment the words: "provided it shall not interfere with contracts already entered into by the Government for the construction of said vessel."

Mr. SKINNER, of New York. It will not be necessary to do that.

Mr. HUTCHINS. I do not know what effect the proposition may have in its present shape. We cannot afford to have these contracts open.

Mr. SKINNER, of New York. The amendment in its present shape will not do that.

The CHAIRMAN. Will the gentleman from New York submit his amendment in writing?

Mr. HUTCHINS. I now send it to the desk.

The Clerk read as follows:

Insert at the end of the pending amendment the words:
"*Provided*, That it shall not change the contract entered into by the Government for the construction of said vessel."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. WHITE, of Kentucky. Let that be again reported. It was not heard distinctly.

The amendment was again read.

Mr. SKINNER, of New York. While I do not believe that we could interfere with the contracts, at any rate I am willing to accept the amendment if it is deemed necessary.

The CHAIRMAN. The question then is on agreeing to the amendment as modified by the gentleman who presented it.

The amendment as amended was agreed to.

The Clerk read as follows:

For completion of steam-machinery and boilers, with necessary fittings for sea-service, of steel cruisers and dispatch-boat, under contract with John Roach, as per act approved March 3, 1883: United States steel cruiser Chicago, $220,000; United States steel cruiser Boston, $155,000; United States steel cruiser Atlanta, $155,000; United States dispatch-boat Dolphin, $90,000; in all, $620,000.

For completing equipment outfits of three new cruisers and one dispatch-boat, now in course of construction, $78,600.

Mr. DORSHEIMER. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 14, after the line 323, insert:
"To complete the ordnance needed for the said vessels, $449,529."

Mr. DORSHEIMER. Mr. Chairman, in addressing the House the other day upon this bill I ventured to state that I had taken such pains as I could with the view of forming an opinion as to whether the criticisms which had been made upon the usefulness of the three cruisers we are now constructing are well founded or otherwise, and that I had come to the conclusion, from a somewhat careful examination of the subject, that those criticisms were not well founded. I would like to state now a little more in detail the conclusions at which I have arrived.

In judging, Mr. Chairman, of the merits of vessels of this class we should keep in view the fact that they should be compared only with

vessels of the same class in foreign navies, and should be judged solely with reference to the uses for which they are designed. Judging these cruisers, then, by this standard, I do not hesitate to say that when completed they will be quite superior to any vessels of the same class in any of the navies of the world. The class of vessels in the English Navy to be compared with the Chicago is what is known there as the Amphion class, taking the name from the first vessel of that class which was built there. England has some twenty three or four vessels afloat or on the stocks of that class. And I say to the House that the Chicago, when completed, will be faster, stronger, and far more powerful in armament than any British vessel of that class.

The Boston and Atlanta are to be compared with what is known as the Iris and Mercury class, and of those vessels I may speak in similar terms. The Boston and Atlanta are larger, and, for offensive purposes, better provided than the English ship Iris and others of that class.

We should not compare vessels of this class with armored vessels. We do not find fault with our cavalry because the cavalry can not be used against fortifications. Ironclads are the fortifications of naval warfare; and, notwithstanding the many millions that have been spent upon them, even the countries which maintain the largest navies have in fact but few of them.

England has sixty-one ironclads all told; as to which her own authorities say that about fifty are fit for service. But of those fifty there are but a few of the formidable character which my colleague from New York seems continually to have in mind when he talks about the naval power of England.

I make the statement on this floor that even the much-derided Puritan, for the completion of which the committee has refused an appropriation, is by the confession of all competent critics a match for any vessel in the English Navy, with the exception of four. England has four ships which would undoubtedly overmatch the Puritan. The Puritan is a vessel designed to have 12 inches of steel armor upon her sides and 27 inches of protection upon her turrets; 12 inches being steel, 12½ inches being oak backing, and 2½ inches being an interior skin to the turret.

There are two things necessary for a useful vessel of war: First, that she should be a good ship; and next, that she should have guns. And I have to urge upon this House the passage of this amendment, which I understand to be necessary in order to accomplish the arming of these vessels. The Chicago will not have great defensive capacity. She is to be an unarmored ship. But she will have, if armed in the manner designed by the advisory board, very great offensive capacity. And if she should be in action even with an ironclad, and be fought with that resolution which has been characteristic of our Navy in the past, she would be a most uncomfortable antagonist for any ship in the world. She is so built as to be very difficult indeed to sink. There are ten main compartments and seventy-five subordinate compartments in her hold; in all, eighty-five water-tight compartments; and with her great offensive power—I mean with the enormous weight of metal which is in her broadsides——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL, of New York, was recognized, and yielded his time to Mr. DORSHEIMER.

Mr. DORSHEIMER. I say, considering the enormous weight of metal in the broadsides of the Chicago, and the difficulty there would be in sinking her, and considering how short naval contests are—even in the old time a great naval battle was fought in fifteen minutes, the Constitution reducing the Guerriere in fifteen minutes from the time the first shot was fired; and considering that in modern naval battles complete results have been obtained in less time than that—in view of these considerations, the Chicago, fought with the resolution characteristic of our naval officers, would be in a desperate emergency a most formidable antagonist to any ship.

Now, Mr. Chairman, I believe in not sending an unarmed ship to the seas. In the colloquy between the chairman of the Committee on Appropriations and the gentleman from Indiana [Mr. CALKINS] the other day I was surprised to hear that the gentleman from Pennsylvania [Mr. RANDALL] placed some reliance upon the old guns of our Navy. There is nothing more certain than the fact that the most inefficient part of our Navy is its guns. The vessels are bad enough. Admiral Rodgers said in his testimony before the Senate committee, with reference to the last vessel he commanded, that she was "the most comfortable ship he ever put his foot into, and that he could make her go seven knots an hour if the wind did not blow against her, but if the wind blew against her she would not go at all." But inefficient as the Pensacola, the vessel to which he referred, was as a ship, she was still more inefficient as an instrument of war. I mean that her guns were the weakest part of her. And I trust we shall produce no "mute, inglorious" frigates to go to sea if we are to build any vessels at all.

I entered upon the examination of this subject with a considerable amount of prejudice produced by powerful articles in a foreign magazine against these vessels, and I have come to the conclusion that they are wisely planned and will make most efficient instruments of war for vessels of their class. And I wish that this House shall give them an armament. The contracts for a portion at least of these armaments have been made and are now in progress; and the effect of refusing an appropriation will be to stop work on these contracts.

A gun can be no more constructed in a day than a vessel can be. The construction of guns goes along *pari passu* with the construction of ships. If we wish to have our ships fit for the uses for which they are designed let us prepare the armament for them.

I have but a word more to address to the House. I have found no subject of legislation whatever which has engaged the attention of Congress which seems to me so to interest a most anxious people as the question of the reconstruction of the Navy. There is not a house in my district which is not within the fire of a hostile fleet lying in the open sea off Coney Island, where no gun of a fortification yet designed could by any possibility reach them. And I believe that the people of the United States would be glad to see a spirit of encouragement to the Navy animating this House and the co-ordinate branch of Congress.

I am prepared here, acting upon my own responsibility, to vote for the armament of these vessels, and I will also say that I am prepared to vote for the construction of the additional cruisers provided for by the bill lately passed by the Senate and which is now on the Speaker's table. I hope this House will come up to its duty and no longer permit the country to remain in a state of helplessness, which may be satisfactory to those who prefer a Chinese policy, but is not at all satisfactory to a brave and martial people like our own. [Great applause.]

Mr. BELFORD. On yesterday my delightful and lovable friend from the State of New York [Mr. COX] appeared in the rôle of an advertising agent for Mrs. Langtry [laughter], and after furnishing the prospectus to the House, for some reason which passes my comprehension he omitted it from the RECORD. If I had not known that that advertisement had been written by the great humorist of the country, Eugene Field, I would have concluded that it had been written by my brilliant friend from New York.

I may have expressed some admiration at the theatrical exhibition here on behalf of Mrs. Langtry; but I never knew that that had anything especially to do with navy affairs until I read the wonderful book published by my loving friend entitled From Broadway to the Bosphorus. He went to London. When he reached there, if my memory does not fail me, he was captivated by the glamour of the "Lily of the Jerseys." She was floating on the sea of imperial favor, and the heart and soul of my friend, withered as it had been by twenty-seven years of public service in this House, were absolutely captivated, and while in London he could think of nothing except the beautiful Langtry. [Laughter.]

He left there and went to the Grand Theater of Paris, and contrasts Langtry with the thin, elongated Bernhardt. He said: "Oh, could I but inspect the flashing eyes, the pearly teeth, the auburn hair of Langtry, I would be content and happy." [Laughter.]

When he reached Egypt he stood in front of the Sphynx and asked that mysterious figure why he was unable to see Langtry. He stood in front of the pyramids of Egypt, with a picture in his left hand representing Napoleon making his campaign on a camel, and said: "O Lord! if Langtry was here to make this desert blossom like the rose!" [Great laughter.] So much for Langtry. [Renewed laughter.]

I desire everybody to read the beautiful book which my friend has written, because I feel a profound admiration for his ability. I have no hesitation in declaring in his presence and in the presence of this nation that the speech which my friend made on the census is equal to the speech that Demosthenes made on the crown. [Laughter.] Now, that is not taffy at all. [Great laughter.]

Therefore, as he was advertising Langtry yesterday, I will try to advertise his book to-day, which ought to be read by every man, woman, and child of this Republic.

Mr. REED. Especially child.

Mr. BELFORD. I come now to the measures of the pending bill. [Laughter.] I confess—— [Here the hammer fell.] Oh, Mr. Chairman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KASSON. In order that we may hear his views on this bill I will yield my time to the gentleman from Colorado.

The CHAIRMAN. The gentleman from Iowa [Mr. KASSON] yields five minutes to the gentleman from Colorado [Mr. BELFORD].

Mr. BELFORD. I confess that I know but little about naval affairs, because I live in a dry and arid region. I hardly know which end of a ship should go foremost. [Laughter.] I am not skilled in such matters like my friend from Kansas and my friend from Indiana.

But there are some things I do know, and one is that my friend from New York [Mr. COX] is chairman of the Committee on Naval Affairs of this House, and that he has been for a great many years a Representative from the city of New York. And I know further that according to the statement made by his colleague, Governor DORSHEIMER, England with her ironclads can anchor three miles away from that great commercial and monetary metropolis of this nation and blow it to pieces. Yet the gentleman is practically consenting to a reduction of eight millions of dollars below the estimate made by the Secretary of the Navy.

I propose to devote some time during this session of Congress to pounding it into your heads why you are doing it. You are doing it

for the purpose of keeping $150,000,000 of surplus revenue idle in the Treasury, and you can not deny it. Why are you keeping it there? Because the people of New York own $305,000,000 of bonds that are open to be called in to-day, and it is your interest to see that they are not paid, but that the people of this country shall be taxed 3 per cent. per annum on that debt, although you are able to satisfy $150,000,000 of that debt to-morrow. Oh, sham and hypocrisy, thy name is Democracy! [Great laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX, of New York. I will first call attention of the committee to the substantial part of the speech made by my honorable friend from Colorado [Mr. BELFORD], if there is any substance in it. He says that I voted against these steel cruisers, and thereby failed to protect the city of New York, which is at the mercy of the English and other men-of-war. Now every one who knows any thing about the Navy—and of course I do not refer to the gentleman from Colorado, for he has confessed his absolute ignorance—he can not tell which end of a vessel runs foremost or whether he is running at one end or both ends at the same time—[laughter]—every one who knows any thing about the Navy knows that four years ago I proposed in this House an opportunity for the construction of cannon equal to the great Krupp guns, for the very purpose of meeting the emergency now suggested so weakly in the building of these little cruisers, which are intended to chase unarmed merchantmen. This is answer enough to the substantial part of the gentleman's speech.

Now, as to the little nonsense which the gentleman has worked in on me, there is a general supposition around where I sit that there is some collusion between the gentleman and myself for the purpose of advertising either the dramatic stars or some literature or other. [Laughter.] I plead not guilty. I love to hear the gentleman from Colorado speak; even when he is irrelevant he is interesting; and he was never more irrelevant than when he broke into this naval debate the other day with his allusion to the wool question. The only possible connection I can see between the wool question and the Navy grows out of Jason's Argonautic expedition after wool. [Laughter.] There may be a good connection there; but it did not occur to the gentleman. He made the point that this side of the House would not vote on the proposition of the gentleman now acting as chairman of this Committee of the Whole [Mr. CONVERSE] to raise the duty on wool. He intimated that our part of the House ran away and acted as cowards, and he has been intimating ever since that the Democracy are not up to his high ideal of statesmanship, which seems to be to make a great sluiceway from the Treasury that fraud may come in, that spoliations may ensue, that great gun factories or establishments for the construction of steel cruisers may get our surplus money at pleasure.

I am not in favor of carrying on a naval establishment only one-half of which is at sea—though sometimes the whole thing is "at sea," I think. [Laughter.] Our Navy seems to be a sort of amphibious arrangement, one-half of the officers on land, a portion at sea, and some between the two, "waiting orders." Yet we are asked to keep up the roll of such a Navy and build vessels for it, vessels which can not protect our ports or our harbors.

The gentleman from Colorado [Mr. BELFORD] has made for the first time since this debate began a serious speech in some respects. I wish that he had been more serious, and had given us some of that good old native sense which belongs to him, instead of this everlasting tirade of nonsense against the party to which I have the honor to belong.

We are not in favor of the ideas of prodigality prevailing among gentlemen on the other side. We are opposing now the very measure which was applauded on that side of the House, because when next January and February come these cruisers will not then be completed, and the armament can then be ordered by Congress, if necessary. Of that my colleague from New York will speak more at length. But I say to gentlemen on this side that since our committee has perfected this bill by razing down these estimates and prodigalities $8,000,000 we can do no better than stand by the committee, stand by economy, stand by the platforms of every party, even the prodigal party represented on the other side of the House; and in the end the people, thank God, will stand by us, because they are honest. [Applause.]

Mr. CALDWELL. Mr. Chairman, I do not believe there is on the part of the Democratic majority of this House a disposition hostile to the efficiency of the American Navy, either in its line and staff or in the construction of vessels to put it into an effective condition. It is a well-known fact that at the conclusion of the late war the Navy of this country—having been originated for the emergency forced upon it of blockading the Southern coast lines, having been improvised for the occasion and some of it built out of green timber—when peace suddenly came upon the country was no longer fit for service. That fact was certified to the administration and the Congress of the United States by your own Secretary of the Navy. Yet for ten years, during which the Republican party controlled every department of the Government, that party refused to send these unserviceable vessels to the junk-shop or the auctioneer's block, but kept them in the navy-yards for the sake of a prodigal and corrupt use of the public money—not for naval warfare, but for partisan political warfare.

A new use was found for navy-yards; not to equip and build men-of-war to defend the national honor from insult, but to employ voters to maintain the Republican party in power. Hence year after year money was poured out over the hulks, and rotten wood was covered with armor until the expenditures absorbed the appropriations, and the Government paid three prices for vessels that under no circumstances could be of benefit or use either in peace or in war. This was in direct contrast with the policy that England has pursued. Upon the introduction of compound engines into naval construction her entire fleet, or a large part of it, went to the junk-shop or under the auctioneer's hammer, and she supplied her navy with vessels propelled by improved engines and armaments, thus profiting by experience, and being unwilling to expend money in useless attempts to remodel her ironclads, much less to plate rotten hulls with armor, as the Republican Congress did.

This proposition, then, is certainly true, that if the American Navy is in a condition of imbecility the responsibility belongs to the other side of this House. I claim for the Democracy that we are not in favor of continuing that state of affairs; but we are willing to do anything that an economical and wise administration may render advisable in order to put the Navy upon the highest stage of efficiency that is possible.

Mr. Chairman, what is the lesson to be derived from the experience of other nations in building ironclads? They have sacrificed everything—speed, seaworthiness—for the sake of having an impregnable floating battery. Gentlemen need not be alarmed for the safety of New York or San Francisco, because these ironclads are unseaworthy; and if all the nations of the earth should declare war against us to-morrow probably not more than one-third of their ironclads would ever come within range of any point on the Atlantic or Pacific coast. They would founder in mid-voyage or miscarry as to time and place of rendezvous. And if they did not, shore batteries, earthworks, mounted with improved guns of the highest penetrating power, would command the anchorage at which they rode. Since the time when at Fort Moultrie a log pen proved equal to ships of the line, to the day when Sumter in ruins showed a sand-bag fort more formidable than her stone casemates had been, no port need despair of defense, much less surrender unconditionally in advance. Besides, the art of torpedo warfare has shown the fact that they are effective as a defense against any armor-clad that floats.

Not only so, but under the bill and under the policy which seems to animate Congress to inaugurate a system of building swift cruisers, made after the very best models of modern naval architecture, we would have swift cruisers that could sail around them and blow them up with guns of improved power or torpedoes. That is a lesson we ought to learn from the failures of other nations. I do not believe that it is wise for this Government to go into building tremendous ironclads for the purpose of floating them within the headlands of coast lines. I believe our present policy is to set upon the sea the very best cruisers and to arm them according to the very highest state of the art. The only doubt I have of the amendment of my friend from New York arises from the fact that, as I understood the gentleman from Pennsylvania and the gentleman from New York the other day, there was under the command and within the control of the Government of the United States money to put armament on these vessels under this bill and previous laws.

The CHAIRMAN. The gentleman's time has expired.

Mr. MCMILLIN. I will take the floor and yield my time to my colleague.

Mr. CALDWELL. I thank my colleague; and I have only a few more words to say.

I say, Mr. Chairman, so far from endeavoring or desiring to cripple the efficiency of the Navy, I will vote for the proposition of the gentleman from New York if there is not the power within the control of the Government now to make the armament of those steel cruisers up to the very highest state of naval art.

It is said perhaps you will have to put some of the old and comparatively worthless guns in these new steel cruisers. If it comes to that I will say, Mr. Chairman, that out of abundant caution I am inclined to support the proposition of the gentleman from New York. If the United States Navy is in the condition of imbecility that gentlemen on the other side of the House have said, then it is our bounden duty that we shall do the best thing the experience of other nations teaches us to do, to render it efficient.

Indeed, sir, I did not know until it was said by the distinguished gentleman from Iowa [Mr. KASSON] the other day that the Republican administration of affairs in this country had reduced our national honor so low. I knew that this country had been spit upon when by resolution of this House we asked for a respite for an Irish-American citizen who was rushed to death with indecent haste by England. I did know that resolutions of condolence and sympathy on the death of a foreign statesman passed by this House had been returned in contempt by the German chancellor; but I did not know until that gentleman stated it that this nation had been, by Republican administration, reduced so low that our treaty obligations had been disregarded and our officials abroad insulted. I did not know that this nation, under Republican rule, occupied such a miserable position of national and international pusillanimity. Such a thing was not known under Democratic sway.

It was a great argument to my mind, Mr. Chairman, that we should

speedily build a navy such as in the light of modern science and the perfection of naval architecture should be equal, class for class, with that of any other nation. That is my proposition to-day; and unless I am satisfied there are funds available to put proper armaments in these new cruisers I will vote for the amendment submitted by my honorable friend from New York.

To render them of use they should be armed with guns capable of penetrating the armor of the best ironclads, and fitted up to sweep like eagles around the mailed sea-turtles and monitors and destroy them by their celerity of motion, making effective their improved ordnance and torpedoes.

[Here the hammer fell.]

Mr. REED. Mr. Chairman, I listened to the remarks of the gentleman from New York [Mr. DORSHEIMER] with a great deal of interest and with intense approval. It looked to me as if there was a possibility of there being statesmanlike action on the part of the Democratic party at some future time, but I am sorry to be obliged to say to the gentleman from New York he will find the statesmanship expressed by him on his side just as useless as if it had been expressed on ours; for the applause which followed the remarks of the other gentleman from New York shows that the Democratic party purpose to reject wise counsel even when it comes from their own side. They can always be depended on to suppress any manifestation of statesmanship even by their own men.

Now, sir, never was a proposition so simple and plain as that which he indorses. We are building ships, and yet those ships are to go forth without any armament. They are to be practically useless simply because a Democratic Congress proposes to refuse to build guns, and nobody knows better than the chairman of the Appropriations Committee that when these ships are finished it will be impossible to put armament upon them, because there is no armament provided. And they refuse to appropriate any money to build guns. They know it will take at least eighteen months to build a big gun, and yet they sit here idly in their places refusing to make the necessary appropriations, and all upon the score of economy.

Now, what economy is there in sending ships to sea with no offensive power? What economy is there, when we have money in the Treasury collected for this very purpose, to refuse to expend it, and to sit idly in our places declining to perform a plain and simple duty?

This committee report in favor of finishing these ships, and upon what ground do they refuse to arm them? Upon what ground do they purpose to waste the public money by building ships and taking away from them all their offensive power? It looks to me as if they had deliberately determined to waste the money which they purpose themselves to expend in building ships.

What good, Mr. Chairman, are ships without any offensive power? What is the use of a cruiser without cannon? And yet that is precisely the attitude in which this committee presents itself, by recommending large expenditures for the completion of ships and absolutely refusing to expend a dollar to arm them with suitable cannon.

[Here the hammer fell.]

Mr. HENLEY. Mr. Chairman, the charge has been hurled against this side of the House almost *ad nauseam* that we occupy an attitude suggested by their fertile imaginations which is inimical to the construction of a navy that shall be commensurate in strength and armament with the greatness and dignity of this country. Now, sir, the charge is an unjust one. It is unjust certainly so far as concerns the Representatives on this floor who come from the section of country that I do. Our highest aspiration is to equip and construct a competent American navy.

But I desire to call the attention of gentlemen upon the other side to the fact that the history of this country for the last ten or fifteen years affords some very substantial reasons why the Democracy on this floor should go somewhat slowly, should exercise a sound conservation in consenting to place themselves in the position of making extravagant or lavish appropriations for the purposes contemplated by this bill. I do not intend to stand here, Mr. Chairman, and reproduce to this country a sketch of the administration of the Naval Department when Robeson was its Secretary, which administration was so redolent of spoliation and theft that it made his administration of that Department a stench in the nostrils of all decency. But when the charge is made of hostility on the part of this side of the House against the construction of a suitable navy for this Government I deem it an appropriate occasion to call the attention of the country and the House to the fact that a gentleman has been selected as the Secretary of the Navy, and who now holds that position, whose history is what?

Why, sir, it is a well known fact that his name had been previously sent in to the United States Senate for confirmation to a subordinate position in the Treasury Department and the nomination by a Republican Senate was rejected. Why? I ask gentlemen on the other side why?

You can state the reason if you wish. But after that, after his repudiation by his own party, this Republican administration sent his name in and it was confirmed for a still more exalted and still more elevated position, to wit, a Cabinet position. In my own judgment, sir, the last Congressional election affords something of a clue to this mystery, and I want to call the country's attention to a single fact in connection with it. At the Mare Island navy-yard, which is in my district in California, there were cast in the last election, at which I was a candidate for Congress, 603 votes. How many of this number do you suppose voted against the Democratic ticket and against myself?

Mr. BROWNE, of Indiana (from his seat). All of them, I suppose.

Mr. HENLEY. All of them! You are right. The gentleman knows that was a most probable result. He may well admit the fact, because he knows it is not susceptible of truthful denial. How was that done? Mr. Chairman, it was managed in a way that will reflect shame and ignominy on every participant therein until it and they sink into oblivion. They had a table near the polls in the town in which Mare Island is situated and the Republican party had arranged it, and I believe under the inspiration if not with the express approbation of this present Secretary of the Navy. This table, I say, was near the voting-place in the town, and that table was the only place where the people could get the Republican tickets. They knew whoever did not come to that table for the purpose of getting a ticket was not voting the Republican ticket. At this table were the bosses of the Mare Island navy-yard, and whenever a man presented himself to get a ticket his name was checked off from a list kept there of the operatives at that yard.

In addition to that, however, the law of California prescribes that within a hundred feet of the polling-place the ballot must be folded up and not opened within that distance; so these men who came over from Mare Island were instructed to go to this table and get the Republican ticket, for it could not be procured anywhere else, and were then instructed to hold up their hands and walk along in that way from the point where they got the ticket until they reached the ballot-box and deposited it! Why was that? It was simply to overawe and intimidate and coerce free American citizens into voting against their political convictions.

Mr. REED. Were they murdered for not voting right?

Mr. HENLEY. Were they murdered?

Mr. REED. Yes, sir.

Mr. HENLEY. No, sir; but the men who inspired that sort of thing would not have suffered much wrong in the estimation of decent people if *they* had been. [Applause on the Democratic side.]

Mr. GLASCOCK. Will my colleague allow me to say—they were not murdered, but they were discharged. [Applause on the Democratic side.]

Mr. HENLEY. I will say to the gentleman from Maine that whoever would make men vote in that way, whoever would be guilty of such infamy as that, is capable in my judgment of the commission of a crime equal in turpitude to that of murder.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENLEY. I should like to have a little more time.

The CHAIRMAN. The Chair has recognized the gentleman from Ohio [Mr. MCCORMICK].

Mr. MCCORMICK. In some of the arguments offered during the discussion of the provisions of this bill we might infer that war and invasion are but dangers of bygone ages, and that the reign of universal peace had come. While I love peace and deplore the necessities of war, the signs of the times are not such as to warrant the conclusion that the millennium has come.

We read in the good book of a time when the people shall beat their swords into plowshares and their spears into pruning-hooks, and that nation shall not lift up the sword against nation; neither shall they learn war any more; but that declaration, while it is a truth, will not justly apply to the condition of the nations of the present day. However desirable that happy condition of the harmony of nations might be, it yet remains that human nature and human passion and depravity are ever the same, and their legitimate consequences inevitably follow as the result of their existence.

Universal peace will come from virtues that spring up and flourish on a higher plane than that of political policies and parties, and we in the discussion of the vital questions that pertain to national peace and safety and honor must take things as they exist. Let it be remembered that we have not taken our place among the great nations of the globe without the courage of our convictions, that we were capable of taking care of ourselves, and by demonstrating that fact on land and sea; and the very fact that our flag is everywhere respected by the nations of the world to-day arises from the other fact that we placed ourselves in the position to take care of ourselves, and it was not by a sickly sentimentalism or a tame submission to the dictates of foreign nations. No. Our chief distinction comes to us from the fact that while it was even at a great sacrifice of blood and treasure, we made the best of the means at hand, that we used the power we possessed and used it bravely and well to maintain our rights and courageously establish our claim to nationality in the face of the whole world. Our Navy, slender as it was, bore no unimportant part in that great work. There is an independence and grandeur in power, not in pomp and display, that produces respect which never comes to those who are not able to stand in self-defense. The true spirit of the nation is like the spirit of the true man, to do the right and be prepared by a proper use of its facilities and opportunities at the same time to maintain and defend it.

It has been well said by a good authority in political economy that a

reduction of armaments does but increase the danger of war by emboldening those who, with envy and jealousy natural to mankind, are watching for an opportunity to humble us.

War is one of a trio of great calamities, but as a last resort it frequently comes as the cure of evils that other remedies have failed to reach, and as we are not exempt from the common law, and as the condition of virtue and morals is not yet so efficient in the earth in their beneficent results as to secure the reign of universal peace, it is well that we use the power we possess to properly care for and protect our own great national interests.

England well understands the sources of her power, and holds her scattered empire under firm control by her vast maritime power.

Three other such privateers like the Alabama to accompany her on her ocean voyages for the destruction of our commerce during the late civil war would have done more for the recognition of the Southern confederacy by foreign powers than any five such battles as that of Manassas Junction or that of the Wilderness, with vastly less destruction of human life.

As a matter of prudence and safety, we owe it to ourselves to provide for and properly equip our Navy with well-disciplined officers, war ships, and proper armament, and thus be prepared for such threatening contingencies as may at any time arise. A proper expenditure here may in the end prove wise economy.

Mr. HUTCHINS. As the political aspect of the question has been satisfactorily settled, I would like to be heard for a moment on the merits of the amendment proposed by the gentleman from New York [Mr. DORSHEIMER].

The Secretary of the Navy recommended in his report that the sum of $683,000 should be appropriated for the armament of the steel cruisers. Two hundred and thirty-four thousand dollars, the proportion allotted from the $1,300,000 voted last session for the construction of the cruisers, being deducted from it left the sum of $449,000 as the sum which he wished to be appropriated to complete the armament of the vessels. The committee have not recommended that appropriation, and therefore the gentleman from New York assumes that the Department is without any funds to furnish this ordnance.

In the first place, the committee has not been advised of what contracts have been made thus far for expending the $234,000 with a detailed statement of that amount, and they could not vote intelligently a further appropriation.

Mr. BROWN, of Pennsylvania. I should like to ask the gentleman from New York a question.

The CHAIRMAN. Does the gentleman from New York yield?

Mr. HUTCHINS. I must decline to yield, as I have but five minutes. I will, however, hear the gentleman's question.

Mr. BROWN, of Pennsylvania. Did you call for information and have it refused?

Mr. HUTCHINS. We have no information in relation to the expenditure in detail.

The gentleman from New York [Mr. DORSHEIMER] says we should not have ships without an armament. That would seem to be a self-evident proposition, and one that needs no stating here. We all concede it. But in the first place we must recollect these ships are not to be completed until after Congress shall have been in session, when it again convenes, for more than fifty days, and in the mean time, notwithstanding the encomium which he has passed upon these vessels, saying he has no doubt that they will prove efficient and serviceable, I have great doubt about it. The Chief Constructor of the Navy, however, has no doubt on the subject. I appeal to the officer in charge of the Bureau of Construction and invoke his testimony against that of my friend from New York.

Mr. TALBOTT. The trouble is, he is not in charge. If he were in charge he very likely would not say so.

The CHAIRMAN. The gentleman from New York [Mr. HUTCHINS] declines to yield.

Mr. HUTCHINS. Mr. Chairman, I was in hopes I should not be compelled to place this testimony before the House. I do not desire to antagonize one Department or one bureau of a Department against another. But it is a duty I owe when we come to discuss this matter to state to the House what the testimony on this subject is. The Chief Constructor, Mr. Wilson, in his examination before the Senate committee, says——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RANDALL was recognized and yielded his time to Mr. HUTCHINS.

Mr. HUTCHINS. In his examination, in speaking of the Boston and Atlanta—and I hope the committee will listen to this language—Chief Constructor Wilson says:

> I prepared the lines of that ship and had the principal plans blocked out when I found the naval advisory board had changed their mind; instead of having a ship with a top-gallant forecastle on her, as I had agreed on and they had recommended, they changed the vessels by cutting them down forward and aft and building a central superstructure, with the rig changed to that of a brig. That was sent to me for an opinion—that is, whether I agreed to it or not.
>
> I indorsed and returned it to the Secretary, stating, in substance, that in my own opinion the alterations made necessary in the adoption of the present arrangement of the battery by the naval advisory board from the general arrangement of the vessel as first proposed by them and indorsed by this bureau can not now be recommended or indorsed by it, as it believes that very many essential and necessary features and qualities that an efficient naval vessel of this class should have will be sacrificed by it. The board took their own views of the matter, submitted them to the Secretary, and I received an order from Secretary Chandler to proceed with the design of the 3,000-ton cruiser, conforming the arrangement of the battery and the rig to the recommendation of the naval advisory board, which I did.

So that we have here an order from the Secretary of the Navy directing how these vessels shall be constructed.

In my judgment we had better pause, and not make large appropriations until it is settled that these vessels are a success. I was surprised when my friend from New York declared he was willing to vote for seven more of these cruisers.

If he had read the testimony taken in this matter before the Senate committee I do not think he would be prepared to say that he would overrule the naval constructor and say to him that he knew more about the construction of vessels than the constructor. Before he makes such a declaration as that he should read the testimony and consider it well. I may be convinced that it is wise to do it; I am not yet.

One word more. As the Committee on Appropriations think, and as I think, there is at this time of appropriations heretofore made the sum of $550,000 which can be employed in the construction of this ordnance. There was appropriated in 1883 for breech-loading rifle-cannon $100,000, about $50,000 of which is still unexpended. There was allotted from the appropriations for the increase of the Navy for 1884 the sum of $234,000, and the current appropriation for the year 1884 was $150,000 for increasing the ordnance. In this bill we appropriate $100,000 for the same purpose, making in the aggregate $584,000 for building these guns, less the amount expended for rifle-cannon.

[Here the hammer fell.]

The committee rose informally, and Mr. TALBOTT took the chair as Speaker *pro tempore*.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. 5462) making appropriation to supply deficiency in amount required for expenditure to June 30, 1884, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel at South Pass of Mississippi River, also for gauging the waters of the Mississippi River and its tributaries.

The message also informed the House that the Senate had disagreed to the amendment of the House to the joint resolution of the Senate No. 64, providing for the addition of $10,000 to the contingent fund of the Senate; had requested a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. WILSON, and Mr. BUTLER as the conferees on the part of the Senate.

The message further announced that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park;

A bill (S. 729) for the protection of children in the District of Columbia, and for other purposes;

A bill (S. 1393) to reimburse Frailey & De Verne for money paid into the Treasury of the United States;

A bill (S. 1508) to authorize the Postmaster-General to lease premises for the use of post-offices of the first, second, and third classes; and

A bill (S. 1509) to regulate the powers and duties of the board of trustees of the Industrial Home School of the District of Columbia in respect to infant wards and scholars, and for other purposes.

NAVAL APPROPRIATION BILL.

The Committee of the Whole House resumed its session, and proceeded with the consideration of the naval appropriation bill.

Mr. CALKINS. It ought not to be forgotten in this discussion at this point that when the recent war closed in this country naval architecture had been revolutionized, and the Navy of the United States was then the foremost navy of the world. From 1867 to 1874 the Navy Department proceeded to construct naval vessels in accordance with those that were adopted and found useful during the late war.

When the Democratic party at that time came into power the construction and completion of these vessels were stopped, whether wisely or unwisely I am not going to say. Other nations proceeded with their experiments, and the results of them have been published to the world. I am not here to charge that one side of this House is opposed to navies and the other side in favor of navies. I believe that what is a good government for me is a good government for you, and what is a bad government for me is a bad one for you. I am here, however, to say that if you believe we ought to have a navy, if you believe that the Government should be assisted in the right direction in building up a navy, now is the time for you to show that belief by making the necessary appropriations to do it.

That leads me to the next proposition. I stated in the general debate upon this bill that England had spent $500,000,000 on her navy

since our war closed. I hold in my hand a book written by Lieutenant Perry, of our Navy, in which he gives the English budgets for the navy department from 1875 to 1879, inclusive. From that I find that I rather understated than overstated the expenditures of England on her navy. It will be seen upon examination of that book that since the monitors first became known to the navies of the world England has spent over $50,000,000 annually on her navy. In 1867 England appropriated in one appropriation $40,000,000 for arming and strengthening her coast defenses, not included in this budget.

I pass now to the next proposition to which I desire to call the attention of the committee, and it is in answer to the statement of the chairman of the subcommittee on appropriations [Mr. HUTCHINS]. He stated that the Committee on Appropriations were not in possession of any facts with reference to the expenditure of the money which was allotted last year for the making of guns. On the 13th of February I incorporated into my speech an itemized statement of the expenditures of the money allotted for the building of guns, to which I now call his attention and the attention of this committee.

Mr. HUTCHINS. Will the gentleman allow me a question?

Mr. CALKINS. Certainly.

Mr. HUTCHINS. Is that statement furnished to the Committee on Appropriations?

Mr. CALKINS. The committee could have had it by calling for it at any time. I called for it, and got it from the Secretary of the Navy.

Mr. HUTCHINS. I said I was not aware that the committee was in possession of any detailed statement.

Mr. CALKINS. I did not say that the Committee on Appropriations had this statement; but I say if they did not have it it was because they did not ask for it.

Mr. HUTCHINS. Has the committee that information?

Mr. CALKINS. Yes; since the 13th of February.

Mr. HUTCHINS. Has it been furnished to the committee by the Department?

Mr. CALKINS. No; because they did not ask for it.

Mr. REED. Why did you not ask for it?

Mr. RANDALL. It was represented to us that a contract had been made under that allotment. I do not know that the money has all been expended, but it is contracted for.

Mr. CALKINS. The statement furnished to me and which I put in my speech showed that $233,034 had been expended under contract for making these guns, leaving only $966.

Mr. HUTCHINS. Expended or contracted to be expended.

Mr. CALKINS. Yes, sir; expended or in process of being expended. The money will all run out by the 1st of next July.

Mr. HUTCHINS. Certainly.

Mr. CALKINS. Then there is another detailed statement showing just what it will take to arm these steel cruisers. This I also brought to the attention of the committee on the 13th of February. Any gentleman can look at the statement and see precisely what it is.

Mr. HUTCHINS. That the committee has.

Mr. CALKINS. The amount is $447,000.

Mr. HUTCHINS. Four hundred and forty-nine thousand dollars.

Mr. CALKINS. We commenced building a 6-inch gun twenty-six feet long a year ago. There was a trial of it only the other day. If you are to build guns sufficient to arm these vessels, every man who has looked into the question knows that it will take from fourteen to twenty-four months to complete them.

[Here the hammer fell.]

Mr. LONG obtained the floor and said: I yield my time to the gentleman from Indiana [Mr. CALKINS].

Mr. CALKINS. It will take from fourteen to twenty-four months to complete these guns; yet you propose, after the 1st of next July, to stop everything until Congress shall meet again; and that meeting will be at a short session, which as we all know is almost entirely occupied in the passing of appropriation bills and a few other necessary matters. You propose to stop the manufacture of these guns, and after having appropriated the money for building these ships, to leave them with no armament except the old smooth-bore guns.

It has been said that there are several hundred thousand dollars—altogether about $500,000—which can be used for this purpose. Why, sir, gentlemen know that we are now taking our old cannon and making rifles of them; and this money is being expended in that way.

But that is not the kind of armament we desire for these steel cruisers. Let me call attention to the sort of guns now being made by the other naval powers of the world. I read from an article in the last number of the North American Review, written by General H. A. Smalley:

> An Armstrong breech-loading rifled 100-ton gun, caliber 17¾ inches, and 33 feet length of bore, was fired with a charge of 776 pounds of powder, giving the projectile, which weighed 2,000 pounds, an initial velocity of 1,832 feet a second and an initial energy of 46,580 foot-tons.

This is the sort of guns used recently by British vessels when they succeeded in demolishing the city of Alexandria at a distance of eight miles.

What is the answer gentlemen give us? They say we can perfect our coast defenses by building and securing our fortifications. Why, sir, does not every gentleman know that the city of New York is a mark that vessels armed with guns of the sort I have described may not miss, while a vessel carrying one of these guns, six or eight miles out in the ocean, can not be reached by a gun on a coast defense? What, then, have we to do? We must build some sort of vessels by which we can go out to sea and meet the vessels of an enemy; and we must arm our vessels with steel guns. We want rifles that shall be a match for the guns carried by the vessels of other nations.

Now, the $447,000 called for by the Secretary of the Navy will put aboard these cruisers guns that will cope with the guns of other nations; probably not the heaviest; but the gun recently constructed by Lieutenant Curtis, a report as to which I have just seen in the press, has proved a great success. It is a 6-inch gun twenty-six feet long. It is said that the initial velocity of that gun exceeds that of the one to which I have just referred. It has been built under the provision of the last appropriation bill.

But we must proceed with this work; we must have these guns; and even if we do not use them upon these cruisers they will be ready for gunboats when Congress shall see fit to build up a navy.

One word further. My friend from New York has made an argument against these steel cruisers; he has read testimony in support of it. Now, if he believes sincerely that the statement of the Chief Constructor is true, why should we appropriate anything to finish these steel cruisers?

Mr. RANDALL. We are bound by the contract.

Mr. CALKINS. I know we are bound by contract; but if you believe sincerely that to spend money in this manner is throwing it away, why not try to compromise and save a little money?

Mr. RANDALL. We were debarred from entering upon a judgment as to these vessels because the contract was made, and if we did not give the money we might subject the Government to excessive damages.

Mr. CALKINS. Is that the ground upon which the gentleman puts the appropriation?

Mr. RANDALL. No; I state that fact.

Mr. CALKINS. Is that the ground upon which this appropriation is put?

Mr. RANDALL. Part of the ground.

Mr. CALKINS. Part of it. The fact is, and it may as well be stated—just a moment, Mr. Chairman, before you cut me off—that the two bureaus of the Navy Department, the Bureau of Steam-Engineering and the Bureau of Construction and Repair, have been at loggerheads for years. Every gentleman knows it; and when I offered to come in a year ago to have it corrected, for some unknown reason it was voted down. And yesterday, when I undertook to correct it, it was again voted down. Yet here we are building a vessel without reference to the Steam-Engineering Bureau, and building engines and machinery without reference to the Bureau of Construction and Repair, so that when we bring them together we have to tear them apart in order to put the machinery into the vessels. In other words, Mr. Chairman, there is a fight going on. One bureau wishes to build wooden vessels and the other wishes to get abreast of the times by building steel vessels. That is what the fight is about.

[Here the hammer fell.]

Mr. DARGAN. Mr. Chairman, I am in favor of a strong navy. I am satisfied there are many gentlemen on this side of the House who are also in favor of an efficient navy. I do not agree with those gentlemen who maintain that the interests and dignity of this nation can be protected without force. This, sir, is the greatest commercial age in the history of the world. It is an age when nations more than at any other time are engaged in commerce and have intercommunication with one another, and such are the conditions of competition for the trade of the world that at any moment complications may arise leading to war and requiring the use of force. Enlightened and humane as the present age certainly is, the millennium has not yet arrived, and force may be necessary in order to protect the interests of the United States.

This, sir, is a great nation and eminently a commercial one, and ought to have a great navy. I for one, not recognizing party politics in this matter and declining to be controlled by party considerations, am prepared under proper circumstances to vote a liberal appropriation for the improvement of our navy. But as I understand this matter (and I now address myself to gentlemen on the other side of the House, and particularly to the last gentleman who addressed the House), the work now being carried on is an experiment. The condition of the matter is just this, so far as I have been able to learn it: Here are vessels being constructed about which there is uncertainty as to whether they will subserve the purpose for which they have been designed.

The question has been asked, "Then why go on with their construction?" The reason, sir, has already been given. We should go on in order to ascertain whether the experiment will succeed or not. There are those who think these vessels will prove a success, while there are others who believe they will not. Appropriations have already been made and money has already been expended in their construction. Is it not right, therefore, in this uncertainty of the result of the experiment, to wait until the matter has been determined before going further and making additional appropriations? We are asked to provide for build

ing guns to go with these vessels, when it is still uncertain whether the vessels will prove seaworthy. We have arrived at a position where we can say we will not go any further until we are satisfied of the result of that experiment, and that we will postpone the making of the guns until the problem in reference to these steel-clad vessels has been satisfactorily solved. The sole question is, shall we complete an experiment already begun as economically as possible, or shall we add the cost of guns for which we may never have use?

For one, and I am satisfied I speak the sentiments of many on this side of the House, I am prepared when the suggestion comes from either side of this House to vote a liberal appropriation when a plan for increasing the efficiency of the Navy conceded to be feasible and practicable is presented. I am willing when such a plan is presented, and not before, to go as far as any gentleman of the other side in building up an effective and powerful navy, for I think the honor and dignity and safety of this nation demand we should have such a navy.

Mr. BROWN, of Pennsylvania. Before the gentleman from South Carolina takes his seat I would like to ask him whether the experiment of which he speaks can successfully be made by building these vessels without armament?

Mr. DARGAN. I will say to the gentleman from Pennsylvania that, if it is necessary in order that the experiment may be fully tested that the armament shall also be provided, I am willing to vote for providing that armament at this time.

Mr. RANDALL. Mr. Chairman, other matters are pressing, and as the House clearly comprehends the question now pending, I will move that the committee rise for the purpose of closing debate on the pending paragraph and all amendments thereto in fifteen minutes. I understand the gentleman from New York [Mr. DORSHEIMER] desires five minutes.

Mr. ADAMS, of Illinois. I should also like to have five minutes.

Mr. BRUMM. And so should I.

Mr. RANDALL. I am willing to make it twenty minutes, if that will be agreeable to gentlemen.

Mr. REED. What is it?

Mr. RANDALL. I propose to close debate on the pending paragraph and all amendments thereto in twenty minutes.

Mr. REED. Say on the pending amendments, and I shall have no objection. If there are other amendments we may find ourselves in the position we did yesterday, voting on important propositions without any opportunity to explain.

Mr. RANDALL. If that be agreed to by unanimous consent in committee I will consent.

Mr. REED. I think it will.

The CHAIRMAN. The Chair hears no objection, and debate on the pending amendment is limited to twenty minutes.

Mr. DORSHEIMER. Mr. Chairman, there was a difference between the advisory board and the naval constructor. The naval constructor desired that the new steel cruisers should be built, as respects their hull, after the style of the heaviest of the old vessels of the Swatara class, that is to say, that they should have top-gallant forecastles and poop-decks. Now, a top-gallant forecastle and a poop-deck on the stern are houses built on the decks of the ship. The advisory board determined that it was advisable that these vessels should have great offensive power; that the guns should have a wide range or sweep and should have a great fore-and-aft fire. For that purpose, or rather to secure that end, the advisory board recommended that as to the Boston and Atlanta the houses should be taken off the deck, for there is no method of getting great fore-and-aft fire of a vessel if her deck is incumbered with such structures.

That, Mr. Chairman, was all the difference that existed, except as to the rate, between the naval constructor and the advisory board. But the advisory board was the supreme authority, and of course the Secretary of the Navy followed the suggestions of that board and carried them out by his orders, as he was bound to do.

Now I want to say a word on another subject. I do not accuse my colleague of disingenuousness, but will content myself by saying that he did what is done sometimes in courts of law, he omitted to read the most pregnant part of the testimony from which he quoted. What does the Chief Constructor say about this subject?

In the first place—

And he is now speaking of the two vessels—the Boston and the Atlanta—

these ships have not sail power enough to go anywhere.

Well, of course their sail power is only auxiliary. They are designed to have full power of steam, with auxiliary sail power, while the old policy of the Navy had been to give full sail power and auxiliary steam power. And now I say that there is no fast steamer in the world, whether employed for naval or commercial purposes, which has full sail power. There is no single vessel in the world which is able to steam fourteen knots an hour that has full sail power, and if naval architects are ever able to reconcile the difficulty and give to a steamer full sail power, while it has at the same time its maximum or full steam power, all I can say is that the problem has never yet been solved.

It was hardly courteous in my colleague to speak to me about voting blindly for any proposition in this House. I leave it to the House to determine which of the two knows the most of a question exclusively under the control of my colleague. On the other hand, I have given the most careful attention to this subject, not without some fondness for the problems involved, and have not only carefully read every word of the specifications as to the construction of the engines and machinery and the plans upon which the vessels have been designed, but have also compared them with great pains not only with the letter-press description of foreign vessels but with the drawings of them, which is the proper mode of instituting a comparison.

But a compromise has been made in the construction of the Atlanta and the Boston. Let there be no misunderstanding about that. These vessels are designed to develop a great steam and offensive power, but they will not be as weatherly vessels as if constructed on a different plan. But, Mr. Chairman, it should be remembered that there is no part of the Boston or Atlanta which has not a freeboard above nine feet of their load water-line; and nine feet above the load water-line is about two feet greater, I venture to assert, than the average height on vessels engaged in trade between Liverpool and New York; and merchant vessels of two feet less freeboard have weatherly qualities.

[Here the hammer fell.]

Mr. ADAMS, of Illinois. Mr. Chairman, I have read all of the evidence that has been given to the public, and have taken pains to examine as far as I could all other testimony bearing upon the construction of these cruisers. I believe with the gentleman from New York that they will prove to be a very great success; but I desire to call the attention of the committee to this consideration, that if I am wrong and if the gentleman from New York is wrong, if the critics are right and if every criticism made upon these cruisers is well founded, all the more reason is there for giving them guns of a high power. Because all that has been said against them is in derogation of their capacity for speed, and we can make up for that deficiency by giving them guns of greater power. If the Chicago, which is estimated to have a speed of fourteen knots, shall be found capable of only twelve knots, I repeat all the more reason is there that she should have these 8-inch rifles such as the plan provides for. Whether these vessels are commerce-destroyers or not, they will be called upon to meet similar cruisers of other powers armed with all the powerful guns such as all nations but our own are now manufacturing and use to arm their navies with.

I have recently heard it stated, and I believe it to be true, that the English Government has within a year made a large appropriation for a complete rearmament of the English navy, being dissatisfied with the guns which they now have, and which, as they are, are far superior to any guns that this nation possesses.

Mr. Chairman, we have at the disposal of the Navy Department four kinds of ordnance. The best that we have is the converted rifle, which is a low-power gun. It is incapable of giving a muzzle velocity of more than 1,400 or 1,500 feet per second and such a gun would not arm our cruisers, whatever use we are to put them to, against the cruisers rating on the same grade of other powers. I rather infer from some remarks that fell from the gentleman in charge of this bill that it is the intention to arm these vessels with the converted rifles. I know of no other provision of law, and the gentleman has not called to our attention any other kind of gun or any other means of arming these vessels than this I have stated.

[Here the hammer fell.]

Mr. RANDALL. I yield two minutes to the gentleman from Pennsylvania [Mr. BRUMM].

Mr. BRUMM. I have but one single proposition which I want to advance. There seems to be no difficulty or no disagreement on either side of this House as to one main proposition, namely, that we require a navy, such a one as will be able to compete offensively or defensively with the navies of the world. There is no dispute as to that proposition.

As to the pending amendment, the only dispute seems to be as to whether the vessels now in course of construction will be a success. But there is no dispute as to another proposition, namely, that under any circumstances we have no guns for these vessels. Therefore the main proposition, and the only one I wish to call your attention to, is this: that we ought at least to go on with the building of these guns whether they are fit for these vessels or not or whether these vessels will be fit vessels or not. There can be no loss in building these new guns. You can use them in any other vessel. The loss at least will be but a trifle. Vessels can be built upon which you may place these new guns. It takes not less than a year to build the guns that, according to the best judgment of our ordnance and engineer officers, should be built to go on these vessels.

Then I ask you, why should you for a moment hesitate in giving an appropriation for the purpose of building guns? And why ask the question as to whether the vessels now in course of construction will be a success or not? We must have some other guns than those we have got now. And why not start and build those guns even outside of all questions with reference to the vessels now under construction?

The CHAIRMAN. Eight minutes remain of the time to be controlled by the committee.

Mr. RANDALL. This amendment should not be determined by the

committee on any merely facetious appeal—as, for example, "if we are to have vessels we ought to have guns." Nobody will contradict that. Neither should it be determined by the discussion of matters not relevant to the subject under discussion.

The Committee on Appropriations have not in any way exhibited the least hostility to the building up of the Navy. I think if the Secretary of the Navy was consulted on that point he would not make such a declaration. For myself I do not believe there are any considerable number of the Representatives on either side of the House who do not esteem the Navy and its brave officers, and want to make it what it should be and what it is not now.

But we have said this, after a careful and critical investigation of this subject, that with the money already expended, to be expended, and with the money appropriated in this bill, in the aggregate $584,000, there is no immediate necessity now for adding to that amount $449,000 more, thus giving at this time more than a million of money in this particular direction. That is the position of the committee; not in hostility to the building and trial of guns, but as to the amount that shall be given this year. And we say, or a majority of the committee say, after a careful consideration, that $584,000 is a sufficient amount.

I was very much struck with the language of the gentleman from California [Mr. SUMNER], when he said in his speech yesterday it did not matter how high science went in reference to increasing the resisting power of ironclads, some one immediately came along and invented a projectile that would pierce the armor of those vessels.

Mr. DORSHEIMER. Will the gentleman allow me to ask him a question?

Mr. RANDALL. Yes, sir.

Mr. DORSHEIMER. I would like to ask the gentleman a question in order to satisfy my own mind. Is there available for the purchase of the armament of these vessels the sum of money the gentleman named—over $500,000—not appropriated to other purposes?

Mr. RANDALL. I said this: that with the money already given and with the amount of money to be given in this bill there is about $584,000 to be used in the construction and purchase of guns which can be placed aboard these cruisers.

Mr. DORSHEIMER. Now, I wish to know whether that money is available for the purchase of the armament mentioned and described by the advisory board?

Mr. RANDALL. I am not responsible for the estimates; because I know by a long service here what estimates mean and how often these estimates are duplicated in different forms. I say again, there is $584,000 that has been and can be used to place guns aboard the cruisers, and I, as a member of the Committee on Appropriations, after having given diligent inquiry and investigation to this subject, am not willing to vote, as the proposition of the gentleman from New York would compel us to do, to give over a million of money for that purpose. That is the point in controversy, and that is all that is in controversy. There is no exhibition of hostility at all to the subject-matter.

I do not want any gentleman here to claim to be a better friend of the Navy than I am. I was born within fifteen minutes' walk of what was in old times the central navy-yard of the United States; now, I am sorry to say, dismantled by order of the Secretary of the Navy, who tells us that he is not willing to reopen any of these yards unless he is compelled to do so by an order from Congress.

In case of an emergency, which I do not anticipate at all, the United States can buy the guns that are now being constructed.

Mr. REED. Where?

Mr. RANDALL. She has a market to buy from of private establishments in England, in France, and in Germany, and she has another further advantage in that she can get these guns without paying any customs duty. And I say deliberately to this side of the House, that if they expect there shall continue to be economy in the administration of these various Departments they must sustain the Committee on Appropriations when they give intelligent reasons for their recommendations.

Mr. REED. I would like to ask the gentleman from Pennsylvania if the sum now appropriated will furnish these vessels with armament?

Mr. RANDALL. Not entirely; and I have never claimed it would.

Mr. REED. How much?

Mr. RANDALL. I want to deal frankly and truthfully about this matter.

Mr. REED. I would rather the gentleman would deal precisely with us. How much will the money furnish, how many guns?

Mr. RANDALL. I suppose a hundred-ton gun will cost $50,000.

Mr. REED. How many guns suitable for these cruisers will be furnished by the appropriation as the bill now stands?

Mr. RANDALL. An adequate amount, with the guns taken from the dismantled ships, an adequate amount in time for the armament of these vessels when completed, as I think.

Mr. REED. How many high-power guns will the sums already appropriated furnish? Can the gentleman answer me?

Mr. RANDALL. I can not say exactly. But I say distinctly that the money which the Department has to-day, together with what we give for the next fiscal year in this bill, is enough, with the guns now within the possession of the Government, to adequately arm these vessels when completed, in my judgment.

Mr. REED. What does the gentleman mean by "adequately arm?" With high-power guns?

The CHAIRMAN. The time for debate has expired.

Mr. HISCOCK. I move that the gentleman from Pennsylvania [Mr. RANDALL] have time to point out to the committee the provisions in the bill which carry this discretion to use money for that purpose.

Mr. RANDALL. The discretion is absolute.

Mr. HISCOCK. Point out the provisions in the bill.

Mr. RANDALL. I have them here.

Mr. REED. Point them out.

Mr. RANDALL. They are in existing law and in the provisions of this bill.

Mr. REED. What provisions of the bill? Let the gentleman point that out?

Mr. RANDALL. Here they are.

Mr. REED. Let the gentleman name the lines and the page.

Mr. RANDALL. I have them here and will insert them.

Mr. REED. State them now.

Mr. TALBOTT. I call for the regular order.

The CHAIRMAN. No further debate is in order.

Mr. HISCOCK. By unanimous consent we can extend the time for debate, as we fixed the limit in the first instance.

Mr. STOCKSLAGER and others. Regular order.

Mr. RANDALL. I think great privilege has been given to the other side.

Mr. REED. The gentleman promised us a frank statement.

The CHAIRMAN. No further debate is in order.

Mr. HISCOCK. I want the gentleman to point out the provisions of the bill that contain the discretion.

Mr. REED. I ask unanimous consent.

The CHAIRMAN. Objection is made.

Mr. REED. By whom?

The CHAIRMAN. By the gentleman from Indiana [Mr. STOCKSLAGER] and others.

The question was upon the amendment of Mr. DORSHEIMER to insert, after line 323, the following:

To complete the ordnance outfit of the said vessels, $449,029.

The question was taken; and upon a division there were—ayes 81, noes 100.

Before the result of the vote was announced,

Mr. CALKINS called for tellers.

Tellers were ordered; and Mr. HUTCHINS and Mr. CALKINS were appointed.

The committee again divided; and the tellers reported that there were—ayes 93, noes 119.

So the amendment was not agreed to.

Mr. REED. I move to strike out the last word. I think there is now an opportunity, when there is no regulation of the House cutting off debate, for the gentleman from Pennsylvania [Mr. RANDALL] to show where in this bill there is any appropriation for guns for these new cruisers, and what kind of guns they are to be.

Mr. RANDALL. The House has determined the question.

Mr. REED. I was in hopes the gentleman would answer.

Mr. RANDALL. I did answer the gentleman, but I can not make him listen.

Mr. REED. I was in hopes the gentleman, for his own sake, would make the explanation.

Mr. RANDALL. I can take care of myself.

Mr. REED. I wish the gentleman would take care of the exact facts of the case.

Mr. RANDALL. I am not unfriendly to the Navy.

Mr. REED. The gentleman from Pennsylvania has made the statement on the floor that there are certain provisions in this bill——

Mr. RANDALL. I have told the gentleman over and over again that I will publish them.

Mr. REED. Why not send them up to be read? I desire to say that the gentleman from Pennsylvania has had an opportunity to point out these provisions of law and he has not pointed them out, and we are unable to find out where they are.

Mr. RANDALL. I ask the Clerk to read them; I do this of my own volition.

Mr. REED. Of course of his "own volition;" I am not trying to drive him anywhere.

Mr. RANDALL. We have got a strong case.

Mr. REED. Well, how will you make it stronger by——

Mr. RANDALL. By the facts.

Mr. REED. Let us have them.

The CHAIRMAN. The Clerk will read the statement sent up.

The Clerk read as follows:

Appropriated for steel rifled cannon in 1883 and reappropriated for 1884 ($50,000 of which is still unexpended)	$100,000
Allotted from appropriation for the steel cruisers for 1884	234,000
Amount appropriated for ordnance and ordnance material 1884 (current)	150,000
Amount in this bill for ordnance and ordnance material (current)	100,000
Total	584,000

Mr. REED. That is all in the last year's bill, is it not?
Mr. RANDALL. It is not.
Mr. REED. What part of it is in this bill?
Mr. CALKINS. The $224,000 is in last year's bill.
Mr. EATON. Let the statement be read again.
Mr. HUTCHINS. I rise to a point of order. Is there anything before the committee?
The CHAIRMAN. The pending amendment is to strike out the last word. The Chair will direct that the paper be read again.
The Clerk again read the statement.
Mr. REED. One hundred thousand dollars of that is in this bill, and none of it specifically for this object.
Mr. CALKINS. Inasmuch as the matter has gone thus far, the House should understand precisely the condition of affairs. The sum of $224,000, which, as I understand, is a part of this statement, was appropriated last year; am I right in that?
Mr. RANDALL. Make your statement.
Mr. CALKINS. And that amount, as I have shown by a tabulated statement, will all be expended, if it is not now expended, in the execution of contracts already made. One hundred thousand dollars—$50,000 of which has not been expended—$50,000 of which lapped over into 1884, as I understand, was appropriated last year.
The only amount, as I understand, in this bill is the $100,000, the expenditure of which is discretionary with the Secretary of the Navy. I may be mistaken; but as I understand that is the exact situation of affairs.
Mr. HISCOCK. How discretionary?
Mr. CALKINS. The Bureau of Ordnance has its usual appropriation.
Mr. HISCOCK. It is only right to have the record complete.
Mr. RANDALL. I move that the committee rise to close debate on all amendments.
The CHAIRMAN. There is nothing before the committee. The *pro forma* amendment, as the Chair understands, is withdrawn.
Mr. HORR. I renew the amendment. I do not think the gentleman from Pennsylvania [Mr. RANDALL] desires to mislead this House; and I want to ask him this simple question——
Mr. HISCOCK. I would like to inquire why the gentleman from Michigan [Mr. HORR] makes that assertion. [Laughter.]
Mr. HORR. I protest against questions of that kind; for I had supposed the gentleman from Pennsylvania did not intend to mislead the House; and no man knows better than he that this item was stricken out of the bill in committee for the sole reason that he did not believe these guns ought to be built at the present time.
Mr. RANDALL. The gentleman is utterly mistaken. If he undertakes to violate the rules of the House and communicate what occurred in committee, he ought always to have truth on his side. [Applause.]
Mr. HORR. I am not going to violate the rules of the House in any way, but I do believe it is wrong for the chairman of the Committee on Appropriations to attempt to make this House believe that there is an appropriation for the manufacture of guns for the armament of these ships when he ought to know that this appropriation was left out on the theory that there was no enemy in sight, and that it was not needed.
Mr. RANDALL. I said that on the floor.
Mr. HORR. The gentleman stated that, as I remember, on the floor of the House; not in committee.
Mr. RANDALL. Why did you say in committee?
Mr. HORR. The gentleman stated here in general debate, if I recollect aright, that the reason the appropriation was left out was because there was no enemy in sight and that the guns were not needed. Am I not right in that?
Mr. RANDALL. No, sir. It never was stricken out in committee. It never was reported from the subcommittee to the general committee. The motion was to insert.
Mr. HORR. I understand; but in the general debate here this question was brought up, and the gentleman from Pennsylvania tried to explain on the floor of the House the reason this appropriation was left out. He did not claim at that time that this money was in the bill. Why? Because it is not there.
Mr. RANDALL. I do not say that there is any part of the $449,000 estimated for in the bill, and we did not intend it should be in the bill.
Mr. REED. There is no money in the bill at all.
Mr. RANDALL. Then it will not be squandered.
Mr. HORR. Why, Mr. Chairman, it was well understood by all of us on the committee—and I am not violating any confidence—that it was not the purpose of the committee to put this matter in. The gentleman is frank enough now to say it is not in. That is what I want understood. There is not a dollar of this money which was applied for by the Secretary of the Navy appropriated. You admit that?
Mr. RANDALL. Yes, sir.
Mr. HORR. That is all there is of this case.
Mr. RANDALL. The gentleman is on the committee, and he ought to understand what he was about.
The CHAIRMAN. Is the formal amendment withdrawn by the gentleman from Michigan?
Mr. HORR. Yes; I withdraw it.

The Clerk read as follows:

For completing the Mohican at the Mare Island navy-yard, $50,000.
For care and safe-keeping of the iron-clad monitors now in the hands of the contractors, when they shall have been turned over to the Government by said contractors, $5,000.

Mr. BELFORD. I move to add the following amendment.
The Clerk read as follows:

Naval line officers may be detailed as instructors in mathematics or other branches of learning in any school or college according to the act of February 26, 1859, but the total number of all naval officers so detailed shall not exceed forty.

Mr. RANDALL. That is subject to a point of order.
Mr. BELFORD. I hope my friend from Pennsylvania will not make the point of order.
Mr. RANDALL. Yes; I must insist on it.
Mr. BELFORD. I should like to know what it is.
Mr. VALENTINE. Let the point of order be stated.
Mr. RANDALL. It is new legislation and not in the direction of economy.
Mr. BELFORD. I ask to be heard on that point of order.
Mr. RANDALL. I will hear the gentleman on the surplus in the Treasury. [Laughter.]
Mr. BELFORD. I have the right to discuss the point of order.
The CHAIRMAN. The Chair will hear the gentleman.
Mr. BELFORD. Mr. Chairman, we have so many officers of the line and of the staff. I do not know about the line officers except they are being used at present to draw the Democratic party to destruction. [Laughter.]
What I wish to say, Mr. Chairman, is this: We have colleges all over the country to which we can detail naval as well as military officers. Yesterday my friend from New York—I refer to the blushing, suffusing, sunset gentleman, [laughter]—presented to this House a table showing how many officers there are in Washington. I have in my State three colleges—the State University, the Agricultural College, and the Military and Naval School at Canyon City. I went to the Secretary of the Navy and asked him to detail one of these naval officers to serve as a teacher of mathematics and other sciences at the Agricultural College at Fort Collins. Now, if you can not use these men in the Navy, why do you not send them to educate the youth of the West?
The gentleman says it does not reduce expenditures. If these men are put upon the retired-list they are liable to be so detailed by the Secretary of the Navy. They may be sent to Ohio or Indiana or to any other State of this Union. The pretense that it is subject to the point of order because it does not reduce expenditure is absolutely idle and utterly indefensible.
I do hope my friend from Pennsylvania, who is so anxious to protect the interests of the Navy, will abandon his point of order and allow me to get in an amendment to this bill, under which, and only under which, I can have detailed from the Navy and from the Army an officer to educate the pupils of my State in the State University, the Agricultural College, and the college at Canyon City.
Mr. RANDALL. To the merits of the proposition I have no objection.
Mr. BELFORD. Why then raise the point of order?
Mr. RANDALL. The practice in the Army has permitted it. I do not wish the amendment attached here because I am anxious to proceed without further discussion. That is the reason why I made the point of order.
Since I made the point of order I have received the following letter from the Secretary of the Navy:

NAVY DEPARTMENT, *Washington, March* 5, 1884.

SIR: In order to enable naval officers to be detailed as instructors in any branches, except steam-engineering and iron-ship building, it will be advisable to have the accompanying clause placed upon the naval appropriation bill:
Naval line officers may be detailed as instructors in mathematics, or other branches of learning, in any schools or colleges according to the act of February 26, 1859, but the total number of all naval officers so detailed shall not exceed forty.
Very respectfully,

W. E. CHANDLER,
Secretary of the Navy.

Hon. SAMUEL J. RANDALL,
House of Representatives.

Mr. RANDALL. That is the same as the amendment of the gentleman from Colorado and I will withdraw my point of order and accept it.
Mr. BELFORD. It is the same.
The amendment was adopted.
Mr. CALKINS. I offer the following amendment:

For the construction of seven steel vessels, namely, one cruiser of 4,500 tons displacement, one cruiser of 3,000 tons, one dispatch vessel of 1,500 tons, two heavily armed gunboats of 1,500 tons each, and two light gunboats of 750 tons each, as recommended in the report of the naval advisory board dated October 25, 1883, and in the annual report of the Secretary of the Navy of December 1, 1883, $2,300,000; and the Secretary of the Navy is authorized to construct said vessels and to procure their armament at a total cost for each not exceeding the amounts estimated by the naval advisory board in said report; and said vessels shall be designed and constructed in all respects in accordance with the provisions of the naval appropriation acts of August 5, 1882, and March 3, 1883, authorizing the construction of four steel cruisers.

Mr. HUTCHINS. I make the point of order that there is a bill now

pending before the House of the same import as this amendment. I make the further point that there is no law for it. It is new legislation.

Mr. CALKINS. The point of order which the gentleman has stated is probably not a good one, but that it is new legislation might perhaps be sustained.

Mr. RANDALL. The gentleman from New York makes both.

Mr. CALKINS. I wish to say, Mr. Chairman, that I notice in the appropriation bill, when these new steel cruisers were authorized, a provision for their construction was embodied in that bill; and unless an amendment is in order under the general authority of this Government to construct vessels, of course the amendment I have proposed is subject to the point of order.

I offer this now, however, as a matter of duty. I desire that there shall be such proper legislation come before this House as will enable us to make a proper increase of our Navy, with a view to its efficiency.

Mr. RANDALL. That is all right, but the gentleman himself concedes that the point of order is good against him.

Mr. CALKINS. I do not concede it.

The CHAIRMAN. The Chair must hold that the amendment is subject to the point of order.

Mr. CALKINS. I ask simply to have published in this connection a little statement from the Secretary of the Navy with reference to the cost.

Mr. COX, of New York. With reference to the cost of what?

Mr. CALKINS. As to the cost of the vessels embodied in this bill. The statement to which I refer I now send to the desk.

It is as follows:

NOTE.—The cost of the seven proposed vessels, as estimated by the advisory board, and stated by the Secretary of the Navy on page 7 of the annual report, is as follows:

Type.	Hull.	Machinery.	Ordnance.	Equipment	Total.
Chigago	$650,000	$350,000	$225,000	$70,000	$1,295,000
Boston	450,000	260,000	168,000	58,000	936,000
Dolphin	232,000	175,000	50,000	25,000	482,000
Two heavy gunboats	432,000	350,000	200,000	50,000	1,032,000
Two light gunboats	264,000	154,000	80,000	40,000	538,000
Total					4,283,000

To construct the above vessels the sum of $2,300,000 will be a sufficient appropriation for the coming fiscal year, leaving the balance to be appropriated in the next annual appropriation bill.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

NAVAL ACADEMY.

For pay of professors and others——

Mr. RANDALL. Before entering upon this part of the bill I want to say to the committee that there is no change whatever from existing law in reference to the Naval Academy except what grows out of the increase.

The Clerk resumed and concluded the reading of the various clauses with reference to the Naval Academy.

Mr. WARNER, of Ohio. Mr. Chairman, I move to amend by adding at the end of line 431 what I send to the desk.

The Clerk read as follows:

Add at the end of line 431:

"That hereafter there shall be allowed at the Naval Academy cadets equal to half the number of Congressional districts, to be appointed alternately from the several districts."

Mr. WARNER, of Ohio. It is evident to everybody, I think, that until we have more ships and a larger fighting force we do not need to go on increasing the number of our officers for the Navy; while at the same time I do not assent to the proposition that when the Government admits to the Naval Academy students and gives them a free education it obliges the people of this country forever thereafter to pay and support them. Nevertheless I think the right way to do is to lessen the number of cadets admitted to the institution. That is the object of the amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Ohio.

The committee divided; and there were—ayes 20, noes 72.

So the amendment was not agreed to.

The Clerk read as follows:

MARINE CORPS.

For pay of officers on the active-list, as follows: For 1 colonel commandant, 1 colonel, 2 lieutenant-colonels, 1 adjutant and inspector, 1 quartermaster, 1 paymaster, 4 majors, 2 assistant quartermasters, 1 judge-advocate-general United States Navy, 19 captains, 30 first lieutenants, and 22 second lieutenants, $185,240. And from and after the passage of this act there shall be no appointments, except by promotion, to fill vacancies occurring in the list of commissioned officers of the Marine Corps until the number of such officers shall have been reduced, by casualties or otherwise, below 75; and after the number of officers shall be reduced as above provided the whole number of commissioned officers on the active-list in the Marine Corps shall not exceed 75.

Mr. THOMAS. Mr. Chairman, I offer an amendment, to strike out of the paragraph just read all after the word "five," in line 445, down to the end of the paragraph.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Illinois.

The Clerk read as follows:

Strike out the words "and after the number of officers shall be reduced as above provided the whole number of commissioned officers on the active-list in the Marine Corps shall not exceed 75."

Mr. THOMAS. This amendment, if adopted, will place the promotions in the Marine Corps only in harmony with the provisions which have been incorporated with reference to the other officers for whose pay provision is made in this bill. The amendment affecting the promotion of officers of the line and staff was stricken out by the Committee of the Whole, and it seems to be fair that promotions should not be stopped in the Marine Corps since it has not been stopped in the other branches of the service. A comparison of the number of officers in this military branch of the naval service, for their duties are purely military, shows that there is nothing like the same proportion of officers in the Marine Corps as there is in the infantry branch of the Army service, while they stand exactly upon the same footing. I hope that this amendment will be agreed to, and that the promotions will be allowed in the Marine Corps as they are in the line and staff. As the law now stands, no change having been made in the law of 1883 by this bill, this amendment places them upon an equality. It will be remembered, of course, that the amendment proposed by the committee was stricken out, and hence the necessity for this. It is but fair to this branch that the words which I have suggested be stricken out, so that there shall be one promotion for every two vacancies, as in the other grades.

Mr. RANDALL. I will explain the occasion for the insertion of this language. At the first session of the Forty-fourth Congress a provision was made that the number of commissioned officers in the Marine Corps should be seventy-five. In other words, that there should be no promotions to vacancies from that period until the number did reach seventy-five. Well, in due time the law as then provided reduced the number to seventy-five, and the Department held that that was the execution of the law, and they immediately went back to the original number.

The object of the committee now is that this seventy-five, as fixed in the bill, shall be the aggregate number of the commissioned officers of the Marine Corps, and that hereafter it may stand so, and not permit the Department when they reach seventy-five to say that the purpose of the law is accomplished and they will return again to the original number. I do not think there was much objection in the committee to this provision.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois.

The question was taken. The committee divided; and there were—ayes 43, noes 84.

So the amendment was not agreed to.

MESSAGE FROM THE PRESIDENT.

The committee informally rose, and the Speaker resumed the chair.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

NAVAL APPROPRIATION BILL.

The Committee of the Whole House resumed its session.

The Clerk read the following paragraph, under the head of "Marine Corps:"

For ten clerks and two messengers, $16,035; payments to discharged soldiers for clothing undrawn, $20,000; transportation of officers traveling under orders without troops, $8,000; commutation of quarters for officers where there are no public buildings, $10,000; in all $54,035.

Mr. HUTCHINS. By direction of the Committee on Appropriations, I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 20, in line 465, strike out "$10,000" and insert "$4,000," and make the total footing of the clause $48,035.

Mr. CALKINS. What is that amendment?

Mr. HUTCHINS. It is the transfer, by recommendation of the Secretary, of $4,000 from the item at line 466 to the item at line 489.

Mr. CALKINS. That is right.

The amendment was agreed to.

The Clerk read the following paragraph:

For repairs of barracks, and rent of buildings to be used for the manufacture of clothing, stores for supplies, and offices of assistant quartermaster at Philadelphia, and for hire of quarters where there are no public buildings, $4,000.

Mr. HUTCHINS. By direction of the committee, I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 21, in lines 488 and 489, strike out "$4,000," and insert "$14,500."

The amendment was agreed to.

The Clerk read the third and concluding section of the bill, as follows:

SEC. 3. That no officer whose name is borne on the retired-list of the Army, Navy, or Marine Corps shall hold position in the civil service or other employment of the Government and draw the salary or compensation thereof, together

with his pay as a retired officer of the Army, Navy, or Marine Corps: *Provided*, That any such retired officer accepting a position in the civil service or other employment of the Government may, at the time of acceptance, elect to take the salary of such position or in lieu to retain his pay as a retired officer.

Mr. CALKINS. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of the section add the following proviso:

"But the restrictions of this section shall not apply to any officer below the rank of major in the Army or Marine Corps or commander in the Navy, unless he has been retired by reason of wounds received in service."

Mr. RANDALL. Will the gentleman from Indiana allow me to ask him a question?

Mr. CALKINS. Yes, sir.

Mr. RANDALL. What amount of pay would you exclude by this amendment from the operation of the proviso?

Mr. CALKINS. It would exclude all below the rank of major.

Mr. RANDALL. But as to the amount of pay, would it bring in all under $2,500?

Mr. CALKINS. I do not know what the pay of major is on the retired-list. It is three-fourths of full pay. My recollection is that a major receives less than $2,500.

Mr. RANDALL. The principle involved is what I want to get at; that is, that in the United States, where there are so many people seeking positions, there should not be anybody securing two pays out of the Treasury of the United States and hold two offices.

Mr. CALKINS. And the only exception I try to make is that this shall not apply to men who have lost both arms or who have lost both legs in the service of their country.

Mr. MAYO. I have listened for four or five days to the debate on this bill, and I have been struck with the novel views of many on this floor as they presented their reasons why we should not have an increase of the Navy; some of them even saying that we should not have a navy at all. They would be satisfied with having two or three logs tied together and floating the flag of the United States over them.

Gentlemen appear to base their position upon the ground that there is no nation in the world which wishes to fight the United States. My reading in history teaches me that all the great wars of the world from its creation down to the present day commenced about little or nothing. Those of us who, like the gentleman from New York [Mr. COX], are familiar with the Scriptures and can tell when the millennium is coming, recollect that a woman persuading a man to eat a sour apple brought about that great war in which the devil and his angels sought to storm the ramparts of heaven. We know that an equally trivial thing as another woman and another apple brought on the Trojan war. We also have heard, sir, that the great war between the Lilliputians and the Brobdingnags was brought on by the question as to which end of an egg should be broken. We have also heard in later days of the Franco-Prussian war. Does any gentleman know how that war was brought on? Why, when the Emperor of the French happened to be breakfasting one morning with Prince Bismarck he observed that the Prince's morning drink was champagne mixed with lager. The great Emperor of the French became indignant that the celebrated wine of his country should be thus polluted, and another great war came on. [Laughter.]

So we see wars are produced by trivial circumstances. And these gentlemen who speak in these balmy times of peace against preparing for war remind me very much of the Arkansaw Traveler. Sitting in front of his dilapidated dwelling, with nearly all the roof off it, he is playing the violin. He is asked, "Why don't you mend your roof, so as to keep out the rain?" "Why, stranger, it is not raining now." "But some day it will rain; and why don't you do it when it does rain?" He answered, "Oh, a man can't go out and mend his roof when it rains." [Laughter.]

Now, if I had my will I would, on the score of real economy, appropriate a hundred millions of money to build a navy. I would appropriate it not only for the purpose of building a navy, but of developing the iron and timber resources of the country and giving employment to those men whose abilities could be utilized as skilled artificers; and we would thus also give an impetus to what we want above all things, a merchant marine.

Therefore, if I could control this matter I would at once commence to build a first-class navy. I would build it of our own materials, and when it is built employment would be given to the great number of men we have along this coast of ours, who would make the best seamen in the world.

You talk about there being so many officers here in comparison with the number of men. Could that be different when during the late war President Lincoln announced that with his fleet of gunboats they had gone wherever it was a little moist? Do you propose to turn out all those gallant officers who helped to put us down and performed their duty to you simply because you are too stingy to give them ships to go aboard?

The CHAIRMAN. The time of the gentleman has expired.

The question was then taken on the amendment offered by Mr. CALKINS, and it was agreed to.

The CHAIRMAN. The reading of the bill has now been completed. By direction of the committee, the amendment offered by the gentleman from Massachusetts [Mr. MORSE], to come in after line 89 of the bill, will now be taken up.

Mr. HUTCHINS. Perhaps the gentleman will not press his amendment.

The CHAIRMAN. Does the gentleman withdraw his amendment?

Mr. MORSE. I do not.

Mr. RANDALL. So far as I am concerned I have no objection to the amendment.

The CHAIRMAN. The amendment will be read.

The amendment was read, as follows:

Insert, after line 89, the following:

"And all officers of the Navy shall be credited with the actual time they may have served as officers, clerks, or enlisted men in the regular or volunteer Army or Navy or both, and shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the regular Navy, in the grade having graduated pay held by such officer at the time of the passage of this act. And the record of all service of every such officer shall be entered in full opposite his name, in the appropriate columns of the Navy Register, in the same manner as service in the regular Navy is credited: *Provided*, That nothing in this clause shall be so construed as to authorize any change in the dates of commission or in the relative rank of such officers: *Provided further*, That nothing herein contained shall be so construed as to give any additional pay to any such officer during the time of his service in the volunteer Army or Navy."

Mr. MORSE. I would like to ask unanimous consent to modify that amendment.

The CHAIRMAN. The gentleman has a right to modify his amendment before a vote is taken upon it.

Mr. MORSE. I modify my amendment by inserting, between the words "additional" and "pay," near the close of the amendment, the words "or longevity;" so that it will read:

Provided further, That nothing herein contained shall be so construed as to give any additional or longevity pay to any such officer during the time of his service in the volunteer Army or Navy.

Mr. RANDALL. That is merely to do a matter of justice to certain officers of the Navy, so that they shall receive proper recognition on the Register.

The amendment as modified was agreed to.

Mr. HUTCHINS. I move that the committee now rise and report the bill with amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CONVERSE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 4716) making appropriation for the naval service for the fiscal year ending June 30, 1885, and for other purposes, had made sundry amendments to the bill, and directed him to report the same with the amendments back to the House with a recommendation that the amendments be adopted and the bill as amended passed.

Mr. HUTCHINS. I call for the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER. If no separate vote is called for, the amendments will be acted upon in gross.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was then ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was upon the passage of the bill.

The SPEAKER. This being a general appropriation bill, the rule of the House requires the question on its passage to be determined by yeas and nays.

The question was taken; and there were—yeas 259, nays 1, not voting 60; as follows:

YEAS—259.

Adams, G. E.	Buckner,	Dunn,	Henderson, D. B.
Adams, J. J.	Budd,	Eaton,	Henderson, T. J.
Aiken,	Burleigh,	Eldredge,	Henley,
Alexander,	Burnes,	Elliott,	Hepburn,
Anderson,	Cabell,	Ellis,	Herbert,
Arnot,	Caldwell,	Ellwood,	Hewitt, A. S.
Atkinson,	Calkins,	Everhart,	Hewitt, G. W.
Bagley,	Campbell, Felix	Evins, J. H.	Hill,
Ballentine,	Campbell, J. M.	Ferrell,	Hiscock,
Barbour,	Carleton,	Fiedler,	Hitt,
Barr,	Cassidy,	Findlay,	Hoblitzell,
Bayne,	Clardy,	Finerty,	Holman,
Beach,	Clements,	Follett,	Holmes,
Belford,	Connolly,	Forney,	Holton,
Bennett,	Converse,	Fyan,	Hopkins,
Bingham,	Cosgrove,	Geddes,	Horr,
Bisbee,	Covington,	George,	Houseman,
Blackburn,	Cox, W. R.	Gibson,	Howey,
Blanchard,	Crisp,	Glascock,	Hunt,
Bland,	Culberson, D. B.	Goff,	Hutchins,
Blount,	Cullen,	Green,	James,
Bowen,	Cutcheon,	Greenleaf,	Johnson,
Boyle,	Dargan,	Guenther,	Jones, B. W.
Brainerd,	Davidson,	Halsell,	Jones, J. H.
Breckinridge,	Davis, G. R.	Hammond,	Jones, J. T.
Breitung,	Deuster,	Hanback,	Jordan,
Brewer, F. B.	Dibble,	Hancock,	Kean,
Brewer, J. H.	Dibrell,	Hardeman,	Keifer,
Broadhead,	Dockery,	Harmer,	Kelley,
Browne, T. M.	Dorsheimer,	Hart,	Ketcham,
Brown, W. W.	Dowd,	Hatch, W. H.	King,
Buchanan,	Duncan,	Hemphill,	Kleiner,

Lacey,	Mutchler,	Ryan,	Tucker,
Laird,	Neece,	Scales,	Tully,
Lamb,	Nelson,	Seney,	Turner, H. G.
Lanham,	Nicholls,	Seymour,	Turner, Oscar
Lewis,	Nutting,	Shaw,	Valentine,
Lore,	Ochiltree,	Shelley,	Van Alstine,
Lovering,	O'Neill, Charles	Singleton,	Vance,
Lowry,	O'Neil, J. J.	Skinner, C. R.	Van Eaton,
Lyman,	Parker,	Skinner, T. G.	Wadsworth,
McAdoo,	Patton,	Slocum,	Wait,
McCoid,	Payne,	Smith,	Wakefield,
McComas,	Payson,	Snyder,	Ward,
McCormick,	Pierce,	Spooner,	Warner, A. J.
McKinley,	Peel, S. W.	Spriggs,	Warner, Richard
Matson,	Perkins,	Springer,	Wellborn,
Maybury,	Peters,	Steele,	Weller,
Mayo,	Phelps,	Stephenson,	Wemple,
Millard,	Poland,	Stevens,	White, Milo
Miller, J. F.	Post,	Stewart, Charles	Wilkins,
Miller, S. H.	Potter,	Stewart, J. W.	Williams,
Milliken,	Pryor,	Stone,	Willis,
Mills,	Pusey,	Storm,	Wilson, W. L.
Mitchell,	Randall,	Strait,	Winans, E. B.
Money,	Rankin,	Struble,	Winans, John
Morey,	Ranney,	Sumner, C. A.	Wise, G. D.
Morgan,	Ray, G. W.	Sumner, D. H.	Wise, J. S.
Morrison,	Ray, Ossian	Talbott,	Wolford,
Morse,	Reagan,	Taylor, J. D.	Woodward,
Moulton,	Reed,	Taylor, J. M.	Worthington,
Muldrow,	Reese,	Thomas,	Yaple,
Muller,	Robinson, J. S.	Thompson,	York,
Murphy,	Rogers, W. F.	Throckmorton,	Young.
Murray,	Rosecrans,	Tillman,	

NAYS—1.

White, J. D.

NOT VOTING—60.

Barksdale,	Davis, R. T.	Kasson,	Riggs,
Belmont,	Dingley,	Kellogg,	Robertson,
Boutelle,	Dunham,	Lawrence,	Robinson, W. E.
Brumm,	Ermentrout,	Le Fevre,	Rockwell,
Candler,	Evans, I. N.	Libbey,	Rogers, J. H.
Cannon,	Foran,	Long,	Rowell,
Chace,	Graves,	McMillin,	Russell,
Clay,	Hardy,	Morrill,	Stockslager,
Cobb,	Hatch, H. H.	Oates,	Taylor, E. B.
Collins,	Haynes,	O'Hara,	Townshend,
Cook,	Hooper,	Paige,	Washburn,
Cox, S. S,	Houk,	Peelle, S. J.	Weaver,
Culbertson, W. W.	Hurd,	Pettibone,	Whiting,
Curtin,	Jeffords,	Price,	Wilson, James
Davis, L. H.	Jones, J. K.	Rice,	Wood.

So the bill was passed.

Mr. BOUTELLE (after the call of the roll was concluded). Mr. Speaker, I have just come into the Hall. I would like to have my vote recorded.

The SPEAKER. Under the rule the Chair, after the second call of the roll, can not entertain a request for unanimous consent to record a vote. The rule is very positive on that point.

The following pairs were announced:

Mr. COLLINS and Mr. WHITING, until the close of to-morrow's session.

Mr. COX, of New York, and Mr. EZRA B. TAYLOR, for to-day.

Mr. ELLIS and Mr. KELLOGG, for ten days, from March 3.

Mr. PEELLE, of Indiana, and Mr. STOCKSLAGER, until further notice.

Mr. HAYNES and Mr. GRAVES, until further notice.

Mr. COOK and Mr. HOUK, on all political questions, until further notice.

Mr. BOYLE and Mr. LAWRENCE, for to-day.

Mr. ROWELL and Mr. RIGGS, on all questions, until mutually agreed otherwise.

Mr. FORAN and Mr. PETTIBONE, until Saturday next.

Mr. TOWNSHEND and Mr. WASHBURN, until March 13, inclusive.

Mr. PAIGE and Mr. HATCH, of Michigan, on all questions, until further notice.

Mr. MORGAN and Mr. MORRILL, until futher notice.

The result of the vote was announced as above stated.

Mr. HUTCHINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 5462) making appropriation to supply deficiencies in amount required for expenditures to June 3, 1884, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel of South Pass of Mississippi River, also for gauging the waters of the Mississippi River and its tributaries.

Mr. HARDEMAN. I move that the House adjourn.

Mr. RANDALL. I ask the gentleman to withdraw that motion for a moment that I may have taken from the Speaker's table the joint resolution in relation to the contingent fund of the Senate, which has been returned from that body with a request for a conference.

Mr. HARDEMAN. I yield for that purpose.

SENATE CONTINGENT FUND.

Mr. RANDALL. I ask unanimous consent that the joint resolution (S. R. 64) providing for the addition of $10,000 to the contingent fund of the Senate be taken from the Speaker's table.

There was no objection.

The message accompanying the joint resolution was read, as follows:

IN THE SENATE OF THE UNITED STATES, *March* 6, 1884.

The Senate disagrees to the amendment of the House, asks a conference with the House, and appoints as managers at the conference on the part of the Senate Mr. SHERMAN, Mr. WILSON, and Mr. BUTLER.

Mr. RANDALL. I move that the request of the Senate for a conference be agreed to.

The motion was agreed to; and the Speaker announced as the conferees on the part of the house Mr. RANDALL, Mr. HOLMAN, and Mr. RYAN.

RAILROAD LANDS IN MICHIGAN.

Mr. PAYSON, by unanimous consent, submitted the views of a minority of the Committee on the Public Lands upon the bill (H. R. 10) to declare forfeited certain lands in the State of Michigan, granted to aid in the construction of railroads; which were ordered to be printed.

TARIFF ON WORKS OF FOREIGN ARTISTS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Ways and Means, and ordered to be printed:

To the House of Representatives of the United States:

I transmit herewith to the House of Representatives a report from the Secretary of State, in response to a resolution of that body of the 5th ultimo calling for correspondence concerning the representations made to this Government in relation to the existing tariff discrimination against works of foreign artists.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, March* 6, 1884.

Mr. HARDEMAN. I renew the motion that the House adjourn.

The motion was agreed to; there being—ayes 111, noes 22.

Accordingly (at 4 o'clock and 17 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BROADHEAD: Petition of Hirschl & Bendheim and others, citizens of Saint Louis, to hasten payment of tobacco-rebate claims—to the Committee on Ways and Means.

By Mr. BUDD: Petition of citizens of California, for the passage of Hon. C. A. Sumner's postal telegraph bill—to the Committee on the Post-Office and Post-Roads.

By Mr. CONVERSE: Petition of C. D. Luce and 36 others, of E. J. Ames and 34 others, of H. Collister and 11 others, of C. J. Colby and 24 others, of E. J. Foster and 40 others, of W. M. Fair and 53 others, and of Hon. J. M. Neasmith and 72 others, citizens and wool-growers of Michigan, praying for the restoration of the tariff of 1867 on imported wool and remonstrating against the Morrison tariff bill—severally to the Committee on Ways and Means.

By Mr. FINERTY: Petition of artisans, &c., of the second Congressional district of Illinois, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, papers relating to the pension claim of John Crane—to the Committee on Invalid Pensions.

By Mr. FYAN: Petition of Henry M. Rice, H. M. Lindsey, and 500 others, and of Thomas Amry, W. A. Ingram, and 100 others, citizens of Newton County, Missouri, relative to the Chinese restriction act—severally to the Committee on Foreign Affairs.

By Mr. GOFF: Petition of S. R. Hanen and others, asking for the restoration of the duties on wool as existing in 1867—to the Committee on Ways and Means.

By Mr. GRAVES: Bill authorizing the appointment of a Missouri River commission—to the Committee on Rivers and Harbors.

By Mr. HARMER: Protest of the Association of American Calico Printers against the reduction of import duties—to the Committee on Ways and Means.

By Mr. D. B. HENDERSON: Petition of the Dubuque Board of Trade and 300 others, merchants, traders, bankers, and business men of Dubuque, Iowa, asking for the enactment of a national bankrupt law and in favor of the Lowell bill—to the Committee on the Judiciary.

Also, papers relating to the claim of H. R. Horr—to the Committee on Claims.

Also, petition from members of the bar of Iowa, and of members of the bar of Pottawattamie County, Iowa, praying for increased compensation to United States district judges—severally to the Committee on the Judiciary.

By Mr. T. J. HENDERSON: Petition of John P. Peterson, asking for compensation as a member of the Capitol police from July 1, 1866, to April 1, 1867—to the Committee on Claims.

Also, petition of Edwin R. Kerr, relating to letters patent on improvement in coal-chutes—to the Committee on Patents.

By Mr. HENLEY: Memorial from the board of regents of the State

University of California, relating to a bill "for the relief of the State University of California"—to the Committee on the Public Lands.

By Mr. HITT: Petition of Fay, Lewis & Brother and 18 others, tobacco dealers of Rockford, Ill., for legislation to hasten payment of tobacco rebate—to the Committee on Ways and Means.

By Mr. KASSON: Petition of John C. Ferguson Post, No. 49, Grand Army of the Republic, Department of Iowa, asking Congress to pass an act granting one hundred and sixty acres of land to all honorably discharged soldiers of the United States—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. KLEINER: Preamble and resolutions of Lookout Post, No. 184, Grand Army of the Republic, Thorntown, Ind., relating to pensions, &c.—to the same committee.

By Mr. MAGINNIS: Papers relating to the pension claim of Patrick J. Winston—to the Committee on Invalid Pensions.

By Mr. MATSON: Papers relating to the claim of William L. Whitted—to the Committee on War Claims.

By Mr. MILLARD: Papers relating to the claim of W. H. Huson—to the same committee.

By Mr. MITCHELL: Petition of citizens of New Haven County, Connecticut, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. MORSE: Petition of Eustace C. Fitz, president of the Boston Board of Trade, and 26 others, praying for the placing of a lightship off Smith's Island, Cape Charles Shoals—to the Committee on Commerce.

By Mr. MURPHY: Petition of citizens of Davenport, Iowa, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. OSSIAN RAY: Petition of William Lewis, owner of the North Star, for relief, &c.—to the Committee on Naval Affairs.

By Mr. RYAN: Petition of citizens of Kansas, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petition of Post No. 169, Grand Army of the Republic, Department of Kansas, for difference in pay during the late war between greenbacks and coin—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of cane-growers of Kansas, against any change in the tariff on sugar—to the Committee on Ways and Means.

By Mr. STEELE: Resolutions of Sumner Post, No. 59, Grand Army of the Republic, Department of Indiana, relating to the equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. STEVENS: Petition of certain freedmen of the Cherokee Nation of Indians, asking for such legislation as will secure to them their rights guaranteed by treaty stipulation—to the Committee on Indian Affairs.

By Mr. J. D. TAYLOR: Petition of S. S. Campbell and 25 others, and of John C. Jamison and 52 others, asking for the restoration of the tariff of 1867 on imported wool—to the Committee on Ways and Means.

By Mr. J. M. TAYLOR: Papers relating to the claim of E. A. Collins, administrator of the estate of W. P. Collins, deceased—to the Committee on War Claims.

Also, papers relating to the claim of James A. Henry—to the same committee.

By Mr. J. D. WHITE: Petition for the relief of T. J. Pitzer—to the same committee.

Also, petition for the relief of Obed Noland—to the Committee on Pensions.

By Mr. YOUNG: Papers relating to the claim of James R. Wray—to the Committee on War Claims.

SENATE.

FRIDAY, *March 7*, 1884.

Prayer by Rev. J. M. REID, D. D., of New York.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 5462) making appropriation to supply deficiency in amount required for expenditure to June 30, 1884, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel of South Pass of Mississippi River; also for gauging the waters of the Mississippi River and its tributaries; and it was thereupon signed by the President *pro tempore*.

ADJOURNMENT TO MONDAY.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

PETITIONS AND MEMORIALS.

Mr. ALLISON presented a petition of the Dubuque Board of Trade and 300 others, merchants, traders, manufacturers, bankers, and business men of the city of Dubuque, Iowa, praying for the enactment of a national bankrupt law and in favor of what is known as the Lowell bill; which was ordered to lie on the table.

He also presented a resolution adopted by Whinery Post, No. 175, Grand Army of the Republic, of De Soto, Iowa, in favor of the passage of an act granting pensions to all surviving soldiers and sailors of the late war; which was referred to the Committee on Pensions.

He also presented resolutions adopted by the John J. Stillman Post, No. 194, Grand Army of the Republic, of Waukon, Iowa, in favor of the passage of an act granting a pension to every man who served thirty days in the Army, and who was at least once exposed to the enemy's fire; which were referred to the Committee on Pensions.

He also presented a petition of citizens of Grinnell, Iowa, and a petition of citizens of Riverton, Iowa, praying for an appropriation for education in Alaska; which were referred to the Committee on Education and Labor.

He also presented a preamble and resolution of Howard Post, No. 92, Department of Iowa, Grand Army of the Republic, in favor of granting pensions of $8 per month to all surviving soldiers and sailors of the late war who were honorably discharged; which were referred to the Committee on Pensions.

He also presented a preamble and resolution adopted by Annett Post, No. 124, Department of Iowa, Grand Army of the Republic, in favor of legislation granting pensions to all honorably discharged soldiers of the late war; which were referred to the Committee on Pensions.

Mr. SEWELL presented a petition of citizens of New Jersey, praying for such amendment of the Chinese restriction act as will effectually prohibit the immigration of Chinese into the United States; which was ordered to lie on the table.

Mr. MANDERSON presented the petition of E. R. Overall and others, letter-carriers of Omaha, Nebr., praying for the passage of a law granting them thirty days' leave of absence during each year; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of A. L. Mason Post, Grand Army of the Republic, Crab Orchard, Nebr., praying for certain legislation granting pensions to soldiers of the late war; which was referred to the Committee on Pensions.

He also presented the petition of John M. Thurston and other members of the bar of Nebraska, praying for an increase of compensation of the United States district judge of Nebraska; which was referred to the Committee on the Judiciary.

Mr. CULLOM presented a petition of citizens of Springfield, Ill., dealers in tobacco and its manufactures, praying that arrangements be made for the prompt settlement of claims for rebate of the tax on tobacco; which was referred to the Committee on Appropriations.

Mr. SAWYER presented the petition of Amanda J. Page, widow of John Barry, a soldier of the Union Army, in Company F, One hundred and twenty-fifth Ohio Volunteers, who died in the Army in 1863, praying for the passage of an act giving her the bounty she would have been entitled to but for the limitation of the bounty act of July 28, 1866; which was referred to the Committee on Pensions.

Mr. WILSON. I present the preamble and resolutions adopted by Fuller Post, No. 38, Grand Army of the Republic, of Logan, Iowa, favoring further legislation for the relief of aged and physically incapacitated soldiers. This paper, though not in the form of a memorial to Congress, is evidently intended to be treated as such. I therefore ask that it may be so regarded and referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. The Senator from Iowa presents a paper on the subject of further provision for indigent and disabled soldiers, and asks unanimous consent that it be received and referred to the Committee on Pensions. That order will be entered if there be no objection.

Mr. DAWES presented a petition of citizens of Pittsfield, Mass., and a petition of citizens of North Adams, Mass., praying an appropriation for education of the Indians; which were referred to the Committee on Appropriations.

Mr. DAWES presented a petition of George H. Hulbert and other citizens of Middletown, Conn.; the petition of David Camp and other citizens of New Britain, Conn.; the petition of Wendell P. Garrison, of New York, and John L. Blake and 36 other citizens of Orange, N. J.; the petition of William L. Gage and 32 citizens of Hartford, Conn.; the petition of C. H. Blair and other citizens of Collinsville, Plantsville, Southington, and New Hartford, Conn.; the petition of Donald J. Warner and 12 other citizens of Salisbury, Conn.; the petition of C. R. Ingersoll and other citizens of New Haven, Conn.; the petition of J. T. Beckwith and other citizens of Hartford, Conn.; the petition of Allen Semple and other citizens of Broad Brook, Conn.; the petition of David S. Stockbridge and other citizens of Portland, Conn.; the petition of C. S. Lane and other citizens of Hartford, Conn.; the petition of John W. Beach, president, and faculty of Wesleyan University, Middletown, Conn.; the petition of Frederic Gardiner and the petition of W. Tatlock and other citizens of Stamford, Conn., in relation to appropriations for education among certain Indian tribes; which were referred to the Committee on Appropriations.

Mr. HAWLEY presented the following petitions, praying for the repeal of laws limiting the term of certain administrative offices to four years; which were referred to the Committee on Civil Service and Retrenchment:

A petition of Edward Merrihew, a citizen of Boston, Mass.;

A petition of Frederick C. Shattuck and others, citizens of Boston, Mass.;

A petition of Arthur F. Lyman, of Waltham, Mass.;

A petition of S. H. Rhodes and 3 others, citizens of Boston, Brookline, and Waltham, Mass.;

A petition of George P. King and 22 others, citizens of Brookline, Beverly, Cambridgeport, Auburndale, Malden, and Boston;

A petition of Henry D. Morse and 18 others, citizens of Jamaica Plain, Cambridge, &c., Mass.;

A petition of Edward M. Brewer and 7 others, citizens of Milton, &c., Mass.;

A petition of James A. Dupee and 12 others, citizens of Roxbury, Dorchester, Salem, &c., Mass.;

A petition of F. C. Sanford and 42 others, citizens of Nantucket, Mass.;

A petition of John C. Lane and 7 others, citizens of Norwood, &c., Mass.;

A petition of James Reed and 23 others, citizens of Bath, Me., and Abington, Newton, Brockton, Somerville, &c., Mass., and Providence, R. I.;

A petition of O. W. Peabody and 9 others, citizens of Quincy, &c., Mass.;

A petition of Henry C. Tyler and 2 others, citizens of Boston, Mass.;

A petition of Thomas H. Clay and 11 others, citizens of Boston and Somerville, Mass.;

A petition of W. Amory, of Boston, Mass.;

A petition of William W. Greenough and 23 others, citizens of Chelsea, &c., Mass.;

A petition of James Freeman Clarke, of Boston, Mass.;

A petition of Charles Francis Adams, jr., of Quincy, Mass.;

A petition of Henry Cabot Dodge, of Nahant, Mass.;

A petition of Francis W. Palfrey, of Boston, Mass.;

A petition of George Sampson and 23 others, citizens of Arlington, Worcester, &c., Mass.;

A petition of Charles F. Folson, of Boston, Mass.;

A petition of Arthur Reed and 7 others, citizens of Newtonville and Boston, Mass.;

A petition of H. P. Quincy, of Dedham, Mass., and Brooks Adams, of Boston, Mass.;

A petition of Gamaliel Bradford, of Cambridge, Mass., Geo. T. Angell, of Boston, Mass. and James O. Sargent, of Roxbury, Mass.;

A petition of A. Conant and 17 others, citizens of Charlestown and Boston, Mass.;

A petition of Charles B. Perkins and 18 others, citizens of Cambridge, Medford, and Boston, Mass.;

A petition of Edward Whitney, of Boston, Mass.;

A petition of W. C. Gannett and 23 others, citizens of St. Paul, Minn.;

A petition of B. T. Jackson and 7 others, citizens of Boston, Mass.;

A petition of John W. Carter and 7 others, citizens of Boston, Mass.;

A petition of Coleman, Mead & Co. and 23 others, citizens of Boston, Somerville, Hyde Park, Newton, Lexington, Chelsea, &c., Mass.;

A petition of Chase D. Homans and 4 others, citizens of Boston, Mass.;

A petition of Bancroft C. Davis and 2 others, citizens of Weston, Mass.;

A petition of Waldo Higginton and 2 others, of Massachusetts.

A petition of Henry Grew and 24 others, citizens of Milton, Hyde Park, Brookline, Boston, &c., Mass.;

A petition of F. Gordon Dexter and William H. Finney, of Boston, Mass.;

A petition of Samuel S. Shaw, of Boston, Mass.;

A petition of T. G. & Nathan Appleton, of Boston, Mass.;

A petition of Alvah A. Burrage and 4 others, citizens of Boston, Mass.; and

A petition of Winslow Warren and 3 others, citizens of Boston and Cambridge, Mass.

Mr. PENDLETON. I present two petitions from the German Veterans' Society of Ohio; also a petition of the August Willich Post, Grand Army of the Republic, of Cincinnati, Ohio, purporting to be signed by honorably discharged officers, soldiers, and sailors of the Union Army and Navy during the war of 1861–'65, praying for the passage of an act granting a land-warrant of one hundred and sixty acres of land, without the condition of settlement, to every officer or soldier or sailor who served in the Union Army and has been honorably discharged from the service and to the widows and minors of those who died without receiving it. I move that these petitions be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. PENDLETON. I present joint resolutions passed by the Legislature of the State of Ohio, which I ask may be read.

The joint resolutions were read, and referred to the Committee on Foreign Relations, as follows:

Joint resolution relative to foreign cheap labor.

Be it resolved by the General Assembly of the State of Ohio, That we earnestly appeal to our Senators and Representatives in Congress to labor diligently and vote for the passage of some such bill as that introduced by M. A. FORAN, to prohibit the importation and migration of foreigners, aliens, under contract or agreement to perform labor in the United States.

Resolved, That the governor be requested to forward copies of this resolution to our Senators and Representatives in Congress.

A. D. MARSH,
Speaker of the House of Representatives.
JOHN G. WARWICK,
President of the Senate.

Adopted February 28, 1884.

Mr. CALL. I present a petition of citizens of Apalachicola, Fla., praying an appropriation for the erection of a custom-house and post-office building at that place. The petition asks for the modest sum of $4,000 for the erection of a suitable building for a custom-house and post-office. This petition is signed by the leading citizens and business men of Apalachicola.

The petition states that the safety of the lives of those who go upon the sea in ships, the interests and demands of commerce, and the prosperity of the port of Apalachicola require that you will secure the erection of a suitable light-house on the west end of Dog Island, at the entrance of the harbor of Apalachicola.

The petition contains the following statistics: Number of foreign vessels and tonnage entered at Apalachicola, via Dog Island, in the past eighteen months, 108 vessels, 50,154 tons. Coastwise craft, which are numerous, are not included in the above statistics. Number of vessels stranded during the same period of time in consequence of there being no light-house 2 vessels, 1,180 tons.

This petition is signed by Samuel P. Nuford, mayor of Apalachicola; George H. Patton, collector of revenue; Seth M. Sawyer, collector of customs; Jos. R. Pickett, pilot; William E. Peake, master of schooner John L. Kranz; H. Page & Sons, importers; and a large number of other citizens, including the merchants and business men of the place. The persons signing this petition are men of character and interest, and their statements are entirely reliable.

Apalachicola is situated at the mouth of the Apalachicola River, which is formed by the confluence of the Flint and Chattahoochee Rivers, which pass through some of the finest and most productive lands in the Atlantic States. Its importance and that of the adjacent country demands the favorable consideration of the Government for this and other improvements.

I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. COCKRELL. I hold in my hand the petition of Jesse Herd, a resident of Boonville, county of Cooper, State of Missouri, who was a soldier, and by reason of his services became entitled to a bounty of $100, but by reason of his failure to apply for that bounty prior to July 1, 1880, he is estopped now from receiving it because of the limitation, and he prays Congress to pass a bill to enable him to receive the bounty that is due him, either by the extension of the time within which such claims may be presented, or by the repeal of that legislation. I ask that the petition be received and referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Chair thinks these special bounty matters have generally been referred to the Committee on Pensions.

Mr. COCKRELL. I have no objection to the petition going to the Committee on Pensions, though it properly belongs to the Committee on Military Affairs, I think.

The PRESIDENT *pro tempore*. The Chair will give the reference the Senator desires.

Mr. COCKRELL. Let it go to the Committee on Pensions, as the Chair suggests.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Pensions.

Mr. BLAIR. I present the petition of Rev. Albert D. Spalter, of Rumney Depot, N. H., praying for a pension in recognition of the heroic gallantry and patriotic services of his grandfather, Moses Child, in the French and Indian and Revolutionary wars. I move that the petition be referred to the Committee on Revolutionary Claims, and I ask that committee to take prompt action on the subject.

The motion was agreed to.

Mr. CONGER. I present a memorial in the nature of a protest. It is a printed paper with the names printed to it, but accompanying it is a letter addressed to myself from D. W. Bushyhead, L. B. Bell, and John G. Schmuska, of the Cherokee delegation, protesting against the passage of the bill authorizing the construction of a certain railroad through the Indian Territory. Because the letter is written and accompanies this paper I ask that it be received for the consideration of Congress and that it may be printed and referred to the Committee on Indian Affairs, who I think have charge of the question of railroads through the Indian Territory.

Mr. DAWES. That jurisdiction has been divided between the In-

dian Committee and the Committee on Railroads. The Indian Committee have one bill and the Committee on Railroads another.

Mr. HAWLEY. May I ask what is the nature of the bill referred to.

Mr. CONGER. This is a printed protest, signed by certain Indian chiefs of the Cherokee and Creek Nations, but it is accompanied by a letter to me, signed by these persons, requesting that the matter be brought before Congress.

Mr. HAWLEY. The particular case referred to has been before the Committee on Railroads.

Mr. DAWES. All these matters have been reported back from the Indian Committee. If they have been reported by the Committee on Railroads, the paper should be laid on the table.

Mr. HAWLEY. The matter has been under consideration by the Committee on Railroads. I am not quite sure whether a report has been made or not, but that particular subject has been before that committee.

Mr. INGALLS. There are two bills providing for the granting of the right of way through the Indian Territory to railroad corporations on the Calendar, one of which was reported from the Committee on Indian Affairs and the other from the Committee on Railroads. I suggest that the communication lie upon the table.

Mr. CONGER. The bills referred to in this communication are Senate bill 50 and House bill 3961.

The PRESIDENT *pro tempore*. Senate bill 50 is reported and on the Calendar.

Mr. CONGER. Then I ask that this memorial be printed and lie on the table.

The PRESIDENT *pro tempore*. The Senator from Michigan presents a certain protest against the passage of a bill providing for a railway through the Indian Territory, and asks that the protest be printed and laid upon the table.

Mr. CONGER. With the accompanying letter.

The PRESIDENT *pro tempore*. The letter and protest. If there be no objection that order will be entered.

REPORTS OF COMMITTEES.

Mr. DAWES. The select committee appointed by the Senate at its last session and continued at this session instructed to inquire into the condition of the Indians in Dakota and Montana have attended to that duty and have instructed me to report a bill. This bill is accompanied by a written report and documents which the people of Dakota take so much interest in that I shall ask, after the bill is read the second time, to have referred to the Committee on Printing a resolution to print 1,000 extra copies for the use of the Senate.

The bill (S. 1755) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder was read twice by its title.

Mr. DAWES. Now I ask that the resolution may be considered.

The PRESIDENT *pro tempore*. The resolution will be placed before the Senate when resolutions are reached.

Mr. DAWES. I suppose without any motion the report and accompanying documents will be printed.

The PRESIDENT *pro tempore*. Yes, sir.

Mr. MAXEY, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1316) for the relief of William W. Armstrong; and

A bill (S. 1267) for the relief of Alfred Huckaby.

Mr. HAMPTON, from the Committee on Military Affairs, to whom were referred the bill (S. 63) for the relief of William H. Morgan, and the bill (S. 583) for the relief of William H. Morgan, submitted an adverse report thereon, which was agreed to; and the bills were indefinitely postponed.

Mr. SHERMAN, from the Committee on the Library, to whom was referred the bill (S. 1041) for the relief of the heir of Constantine Brumidi, reported it with amendments.

THE SARATOGA MONUMENT.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred an order for printing additional copies of the report on Senate bill 1309, to provide statuary and historical tablets for the Saratoga monument, to report the same back and recommend its passage. I ask for its present consideration.

The order was considered by unanimous consent, and agreed to, as follows:

Ordered, That 1,000 additional copies of the report on Senate bill 1309, entitled "A bill to provide statuary and historical tablets for the Saratoga monument," be printed for the use of the Senate.

BILLS INTRODUCED.

Mr. GEORGE introduced a bill (S. 1756) to authorize the Mississippi River Commission to make agreements in certain cases; which was read twice by its title, and referred to the Committee on the Improvement of the Mississippi River.

Mr. MAXEY introduced a bill (S. 1757) for the relief of Lucy Ann Lee and Allen G. Lee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MILLER, of California, introduced a bill (S. 1758) for the relief of Charles M. Blake, a chaplain in the United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1759) for the relief of Marcus C. Hawley & Co., of San Francisco, Cal.; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DOLPH introduced a bill (S. 1760) for the relief of Rev. E. C. Chirouse, late United States Indian agent; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. RIDDLEBERGER (by request) introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 1761) for the relief of the heirs of William Greason, of Washington, D. C.;

A bill (S. 1762) for the relief of Henry C. Craig, of Georgetown, D. C.;

A bill (S. 1763) for the relief of S. F. Dolbear, J. M. Graham, H. A. Myers, and G. F. Shaffer, all of Washington, D. C.;

A bill for (S. 1764) the relief of W. A. T. Maddox;

A bill (S. 1765) for the relief of Peter Horning, of Washington, D. C.;

A bill (S. 1766) for the relief of J. Henry Albers;

A bill (S. 1767) for the relief of Samuel Johnston, Gustav Giesler, and P. S. Kemon, all of Washington, D. C.;

A bill (S. 1768) for the relief of E. W. Rank, W. Hendley, and W. Krohr, all of Washington, D. C.;

A bill (S. 1769) for the relief of Elizabeth Skelly, of Washington, D. C.;

A bill (S. 1770) for the relief of Dorothea Grupé;

A bill (S. 1771) for the relief of Sarah Butler, of Washington, D. C.;

A bill (S. 1772) for the relief of August Grages, of Washington, D. C.; and

A bill (S. 1773) for the relief of Mary S. Widdicomb, of Washington, D. C.

Mr. RIDDLEBERGER also introduced a bill (S. 1774) for the relief of William Tabb; which was read twice by its title, and, together with the papers on file relating to the case, referred to the Committee on Claims.

Mr. HOAR (by request) introduced a bill (S. 1775) providing for the purchase of Forbes's historical art collection; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLUMB introduced a bill (S. 1776) granting a pension to James H. Reid; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1777) for the relief of Harvey Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 1778) for the erection of a post-office building at Lynn, Mass.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BROWN introduced a bill (S. 1779) for the relief of the legal representatives of Solomon Cohen, of Savannah, Ga.; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 1780) granting a pension to Benjamin Goodwin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILLIAMS. Senate bill No. 1673, it appears from the RECORD, was introduced by me. On the face of the bill it does not so appear, but it is stated that it was introduced by my colleague [Mr. BECK]. I know nothing of the matter, and never heard of the bill until I saw the statement in the RECORD. It was introduced by mistake. My colleague says that somebody gave it to him for me, stating that he came to me to introduce the bill, as I had agreed to do, and not finding me in my seat in the Senate he went to my colleague, who presented it for me, as he thought. Neither of us is willing to assume the paternity of this bill, which has been referred to the Committee on Military Affairs; and I therefore ask consent of the Senate that it be withdrawn, or that the committee be discharged from its further consideration, and that it lie on the table. That is the best disposition I know of to make of it. My colleague will concur with me in this statement.

Mr. BECK. On the morning of the 28th of February I find by the RECORD the following occurred:

Mr. WILLIAMS introduced a bill (S. 1673) to regulate the retiring of Army officers; which was read twice by its title, and referred to the Committee on Military Affairs.

I introduced that bill for my colleague, as I thought, and hence it was credited to him, a young gentleman telling me that he had agreed to introduce it and that he was absent. I have received several letters complaining that there are matters in the bill which ought not to be considered. I know nothing about it, and I hope it will be withdrawn from the committee. It was imposed on us by somebody.

The PRESIDENT *pro tempore*. The Chair will state that the Journal shows correctly that the Senator from Kentucky [Mr. BECK] introduced the bill.

Mr. BECK. It makes no difference. We both agree about it

The PRESIDENT *pro tempore*. The Senator from Kentucky [Mr. WILLIAMS] asks unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the bill (S. 1673) to regulate the retiring of Army officers, and that the bill be laid upon the table. Is there objection? The Chair hears none, and that order is entered.

WITHDRAWAL OF PAPERS.

On motion of Mr. FAIR, it was

Ordered, That Daniel Connor, whose bill for relief was adversely reported from the Committee on Claims, have leave to withdraw the papers relating to said bill from the files of the Senate upon leaving certified copies upon the Senate files.

PRINTING OF DOCUMENTS.

Mr. DAWES submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 1,000 copies of the bill reported by the select committee of the Senate appointed to inquire into the condition of the Indians in Montana and Dakota, together with the report of the committee and accompanying documents.

REPRINT OF A BILL.

Mr. FRYE. I ask for the present consideration of the following order:

Ordered, That Senate bill No. 1448, entitled "A bill to remove certain burdens on the American merchant-marine, encourage the American foreign carrying trade, and for other purposes," be reprinted for the use of the Senate.

The supply is exhausted, I am informed.

The order was agreed to.

PATENT INFRINGEMENT SUITS.

The PRESIDENT *pro tempore*. If there be no further resolutions, that order is closed. The Chair lays before the Senate Order of Business 137, under the eighth rule.

Mr. HARRISON. I desire to move that the Senate pass over the Calendar under Rule VIII, and take up the first order of business under Rule IX, which is the bill regulating practice in patent suits. It will probably develop some discussion, and I think by taking it up now we can finish the bill to-day. I make this motion for the reason that I shall possibly be compelled to be absent at some time next week, and we have special orders for the first days of the week, so that if we delay taking this bill up until 2 o'clock to-day we shall probably not finish it to-day and it will get in the way of other orders.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate proceed to the consideration of Order of Business No. 63, being the bill (S. 1115) to amend section 4919 of the Revised Statutes, relating to the recovery of damages for the infringement of patents. The question is on that motion.

Mr. PLATT. I have no objection to taking up this bill at the present time. When it is taken up, however, I desire to substitute for this order Senate bill 1115, Order of Business No. 226, being House bill 3925. I do not wish any vote of the Senate to interfere with my liberty to make that motion.

The PRESIDENT *pro tempore*. It will be in order, the Chair thinks, for the Senator from Connecticut after this bill is taken up to move to postpone it and take up the bill he has named; but the simpler way would be, if the Senator desires to test the sense of the Senate on which of the bills it will consider, to raise the question now.

Mr. PLATT. I move then to amend the motion of the Senator from Indiana.

The PRESIDENT *pro tempore*. The motion is not amendable. The only way the Senator can reach the bill named by the Senator from Connecticut, the Chair thinks, is to decline to agree to the motion of the Senator from Indiana, and then to vote on the motion of the Senator from Connecticut, if he makes it, to take up the other bill.

Mr. PLATT. Perhaps the Senator from Indiana will modify his motion so as to take up that bill.

Mr. HARRISON. I will with the consent of the Senate modify my motion as the Senator from Connecticut has suggested, but——

Mr. INGALLS. I recognize the importance of the measure that the Senator from Indiana desires to bring before the Senate, and I will unite with him at any suitable time in an effort to bring the bill up for discussion; but I suggest that if we are every day to take up out of order bills that are to consume in debate the entire interval which has been reserved for the consideration of cases not objected to upon the Calendar there will be very serious detriment to the public interest; and therefore, in no spirit of hostility to the bill but fully recognizing its importance, I hope the Senate will negative both the propositions and adhere to the rules, and proceed now to the consideration of cases upon the Calendar under Rule VIII.

Mr. HOAR. I should like to ask the Senator from Indiana if he expects to be absent next Tuesday.

Mr. HARRISON. Probably not.

Mr. HOAR. I desire to say that I have taken great interest in this bill. I believe that one in every 1,300 citizens of Massachusetts takes out a patent every year, and I have given a great deal of attention to the subject; but I have a very severe cold and can not take any considerable part in the debate to-day and make myself heard without great discomfort to myself and the Senate. If the Senator expects to be here on Tuesday next—the special orders he refers to are for Wednesday next, the first of them, at least—I wish he would make his motion then rather than to-day.

Mr. HARRISON. Mr. President, we have already an order (which perhaps it would be out of order for me to explain in legislative session) for Monday. It is not certain I think that we shall dispose of it on that day, and if not we are advised that on Tuesday there will be a proposition to continue the discussion of that subject. Of course I would not, after the statement of the Senator from Massachusetts, desire to press the consideration of this bill when he is not in a physical condition to present his views upon it, and while I doubt whether it may not result in further postponement; yet I can not doubt that with his assistance we shall be able to get the consent of the Senate to the early consideration of it, if not on Tuesday, if he will give consent that it be made the special order for that day, very soon thereafter.

Mr. HOAR. Let it be made now if there be no objection. The other matter may shove it out, but it will have the right of way after that.

Mr. CAMERON, of Wisconsin. I am willing it should be made the special order at 2 o'clock; not before that hour.

Mr. HARRISON. I have no objection to that, and I agree to it the more readily from the fact that the Senator from Oregon on my right [Mr. DOLPH] some days ago notified the Senate that at 2 o'clock to-day he would ask that business be suspended that he might address the Senate on some bill. That being so, we probably should not progress very far with this bill to-day. I will agree that it be made the special order for 2 o'clock on Tuesday next.

The PRESIDENT *pro tempore*. Which bill does the Senator from Indiana desire to have made a special order?

Mr. HARRISON. I desire to make both of them. House bill 3925 (Order of Business 226) is on the same subject precisely with the Senate bill which has now been reached under Rule IX; but I think we all desire to substitute the House bill, as action upon the measure would be facilitated in that way.

The PRESIDENT *pro tempore*. Then the Senator will attain his object by moving to make the House bill the special order, when the text of the Senate bill can be offered as an amendment or otherwise as may be desired.

Mr. HARRISON. Then I make that motion.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate now proceed to the consideration of the bill (H. R. 3925) to regulate practice in patent suits, with a view of moving that it be made the special order for Tuesday next at 2 o'clock.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question now is on the motion to make the bill the special order for Tuesday next at 2 o'clock.

The motion was agreed to without objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendment to the joint resolution (S. R. 64) providing for the addition of $10,000 to the contingent fund of the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SAMUEL J. RANDALL of Pennsylvania, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. THOMAS RYAN of Kansas, managers at the conference on its part.

HALL OF RECORDS.

The PRESIDENT *pro tempore*. Senate bill No. 206 now comes up under Rule VIII.

The bill (S. 206) making appropriation for the purchase of ground and the erection thereon in the city of Washington of a building to be used as a hall of records, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 10, after the word "reference," to strike out the words "as recommended by the Secretary of War in his annual reports of 1879 and 1880;" and in line 13, after the words "direction of," to strike out the words "General M. C. Meigs, lately Quartermaster-General, and according to the plans heretofore prepared by him and submitted in his annual reports of the Quartermaster's Department;" and to insert:

The Supervising Architect of the Treasury Department, on plans and specifications approved by the Secretary of the Treasury, the Secretary of War, and the Secretary of State.

So as to make the bill read:

That the sum of $200,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the purchase of a site near the War Department and erection thereon of a brick and metal fire-proof building, to be used for the safe-keeping of records of the executive, legislative, and judicial departments, not required in the present executive, legislative, or judicial offices for

constant reference; said building to be erected under the supervision and direction of the Supervising Architect of the Treasury Department, on plans and specifications approved by the Secretary of the Treasury, the Secretary of War, and the Secretary of State.

The amendments were agreed to.

Mr. INGALLS. I have no doubt that a building for the purposes named in the bill ought to be erected, but it appears to me that there ought to be some limit placed upon the discretion of the officer named as to the selection of a location.

I remember that when the matter of the construction of a Congressional Library building was under discussion in the Senate the proposition to locate the building in Judiciary Square was discussed. It was held that in accordance with the decision that had been made by the Engineer Department no foundation could be selected there, and it was entirely an inappropriate place, and besides that, the square ought to be reserved for public uses. Yet after that had been done and after we had made an appropriation for removing the jail and some other buildings which deformed that locality, without the consent of Congress and in pursuance of some authority that I have never been able to discover, either the Secretary of War or the Quartermaster-General has proceeded to locate and partially erect upon that reservation a structure for the use of the Pension Bureau, in violation as I believe of the expressed will of Congress and to the great detriment and injury of that reservation and of the surrounding property.

I think we have had enough of this kind of business, and there ought to be some declaration by Congress in the bill as to the place where this building is to be located and the amount to be expended for the site. Otherwise we may have another operation in some other portion of the city like that which has been conducted in Judiciary Square.

I wish the Senator from Missouri [Mr. VEST] would prescribe some limit in the bill to the amount to be expended for the site and the place where the building is to be erected, because the evils that result from executive discretion have already been made painfully apparent.

Mr. PLATT. I call the attention of the Senator from Missouri to the fact that in the bill there appears to be no authority given to any person or officer to purchase the site. I think some amendment should be proposed which would authorize the purchase of the site.

Mr. SHERMAN. The objection stated by the Senator from Connecticut is well taken. An officer is designated to construct and erect the building, but there is no one authorized to make the purchase of a site. I do not know who should be authorized. I suppose the Secretary of War. I will move to insert in line 6, after the word "Department," the words "by the Secretary of War," so as to read:

And the same is hereby appropriated for the purchase of a site near the War Department by the Secretary of War and erection thereon of a brick and metal fire-proof building," &c.

Mr. VEST. This bill was reported from the Committee on Public Buildings and Grounds. A similar bill has passed the Senate twice and gone to the House of Representatives. But amendments were made by the committee, and I notice that nothing is said directly in regard to the site. I have drawn an amendment which I believe will meet the objection.

Mr. SHERMAN. Very well.

Mr. VEST. In the twelfth line I propose to strike out the word "said" and to insert the words "the site for the building to be selected by the Secretary of the Treasury, Secretary of War, and Secretary of State, and the," putting the discretion in those Cabinet officers.

Mr. INGALLS. "To be selected?"

Mr. VEST. "To be selected."

Mr. INGALLS. That does not imply the power to purchase.

Mr. VEST. Then let it read, "to be selected and purchased."

Mr. SHERMAN. The word "purchased" would include the selection.

Mr. VEST. Very well; let it read, "to be purchased by the Secretary of the Treasury, Secretary of War, and Secretary of State, the said building to be erected under the supervision and direction of the Supervising Architect of the Treasury Department, on plans and specifications," &c.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Ohio withdraw his amendment?

Mr. SHERMAN. I accept the suggestion of the Senator from Missouri.

Mr. ALLISON. I think the suggestion of the Senator from Ohio is the better suggestion of the two, that the purchase be made by a single officer. This building it is understood, or at least it has been understood for some time, is to be erected on a square near the War, Navy, and State Department building. Arrangements were partially made for the purchase of a tract of ground there sufficiently large for the building a year or more ago. It was suggested at one time that the Pension Office should be built upon that site, as members of the Appropriations Committee will remember. The cost of that ground was ascertained to be about $51,000, but the Committee on Appropriations believed that there could be found public ground upon which the Pension Office building could be constructed, and therefore in making the appropriation for the construction of the Pension Office building the bill provided that it should be constructed upon ground owned by the Government, and the Secretary of the Interior and the Secretary of War were authorized for that purpose to select any ground in the city of Washington belonging to the Government. It was under that authority, I submit to the Senator from Kansas, that the ground in Judiciary Square was selected for the erection of the Pension Office building.

Mr. INGALLS. And they might as well, had they chosen, erected it in the public reservation about the Capitol.

Mr. ALLISON. Undoubtedly. There was no limitation upon the discretion of the Secretary of War and the Secretary of the Interior with reference to the ground to be selected. It was supposed at the time that these public officers would exercise some judgment in the selection of a site, and I think they exercised very good judgment in the selection.

Mr. INGALLS. I think they exercised very bad judgment.

Mr. ALLISON. I know the Senator from Kansas has expressed that opinion, and he is entitled to it. I think this building for the public records should be erected where the bill proposes, namely, near the War Department, and if so I can see no reason why the Secretary of War alone should not make the purchase. I have no objection, of course, to the suggestion made by the Senator from Missouri, but I think the Secretary of War could make this purchase just as well as a board.

Mr. INGALLS. Did the Senator from Iowa state the precise location that had been selected of which he said the appraisement was $51,000?

Mr. ALLISON. Yes; the selection is the southwest corner of New York avenue and Seventeenth street.

Mr. INGALLS. Then why not put that in the bill, so that there will be no more ranging around the city here and no discretion in the officers?

Mr. ALLISON. It would be very well to put it in the bill except that the probability is that the owners of the ground, if we should select the site in advance, would ask $1,000 or $2,000 more for the property if we agreed now to put the building there.

Mr. INGALLS. The right of condemnation exists.

Mr. ALLISON. It is not provided for in this bill, however, I would say to the Senator.

Mr. VEST. I was about to say that if we ever select a site in advance it puts the Government entirely at the mercy of the owners of the property unless we put the site upon land that already belongs to the Government. The Committee on Public Buildings and Grounds have in every instance attempted, wherever it possibly could be done, to select as the site for public buildings lands already owned by the Government of the United States. We have the same difficulty now in regard to the city post-office. It is absolutely marvelous to find how property increases in value as soon as it is discovered that the Government has any use for it. It goes up in a single night from 300 to 500 and even 1,000 per cent. Nothing has ever been known equal to it in regard to the increase of the value of real estate.

Mr. MORGAN. I suggest to the Senator from Missouri, then, that in the bill there ought to be a provision for condemnation. It is not safe to proceed in this matter without such a provision.

Mr. VEST. However that may be, we discussed the proposition also in regard to condemnation. That does not help the matter any, because the condemnation always involves the verdict of a jury in the District of Columbia, and while the citizens of the District of Columbia are as honest and unselfish as the average citizens of the country, yet, without any disrespect to them, I am compelled to say that the verdict of a jury where the United States is purchasing property is apt to be largely in excess of the value of the property.

We have attempted in every instance where it was possible to get ground already belonging to the Government. It was thought we could put this hall of records on land the title to which is already in the Government. Whether it can be done or not I do not positively know. There is a difference of opinion in regard to that. But about one thing I am certain, if the Senator from Iowa will give me his attention for a moment: it will never do to put this discretion within one head of Department—for instance, the Secretary of War or the Secretary of the Treasury—alone. This hall of records is to be used by all the departments. It is for the legislative, the judicial, and the different Departments, including the Supreme Court of the United States.

It may not be known to Senators, but it is the fact that the upper portion of this building is to-day solid with old papers, and the Architect of the Capitol has informed the Committee on Public Buildings and Grounds that if a single spark of fire should go among those papers it would inevitably result, not probably in the destruction of the walls of the Capitol, but it would blow off the roof of it and incur an expense of hundreds of thousands of dollars. The Quartermaster-General's Department, the old building for which we pay $10,000 a year rent, opposite Willard's Hotel, on the corner of Fifteenth street and Pennsylvania avenue, has been on fire twice and barely escaped a conflagration, which would have destroyed rolls and vouchers and certificates which would have involved Congress in an endless source of claims and the Government in any amount of litigation.

This hall of records building is absolutely necessary. It is eminently proper that the discretion both as to the site and as to the plans and

specifications should be under the control of the heads of the three great Departments, the Secretary of the Treasury, the Secretary of War, and the Secretary of State.

Mr. HARRISON. Will the Senator from Missouri allow me a suggestion? It is not proposed to modify that part of the bill which gives the discretion as to the plans and specifications to these three officers.

Mr. VEST. I understand not.

Mr. HARRISON. If they have a discretion as to the plans and specifications, the application of the plans to a site is something certainly that ought to be confided to the same men.

Mr. VEST. I think so.

Mr. HARRISON. One man should not select a site and then three say what sort of a building shall go on it.

Mr. ALLISON. I have no objection to this commission, but I was led to approve the suggestion made by the Senator from Ohio from the fact that the bill limits the location of the site.

Mr. VEST. It says "near the War Department."

Mr. ALLISON. It says "for the purchase of a site near the War Department;" and I intended to suggest that when the bill was framed it had in view the ground which I named, namely, that on the southwest corner of New York avenue and Seventeenth street, and that was the ground originally selected by the Secretary of War, General Meigs, and those who had this building in view a few years ago.

Mr. VEST. This matter has been pending for a number of years. I have been on the Committee on Public Buildings and Grounds for five years, and we have recommended two bills, both of which have passed the Senate, but the House did not pay any attention to the measure, and never took it from the Speaker's table. We have had all sorts of recommendations as to sites. The heads of Departments have differed about it. General Meigs recommended a site very different from the one suggested by the Senator from Iowa. After all it must be determined by somebody, and as the Senator from Indiana [Mr. HARRISON] said, it seems to me eminently appropriate that the last determination should be made by the heads of the three Departments which are particularly interested in the storage of these papers. At any rate this is the best the committee could do.

The PRESIDING OFFICER. The amendment of the Senator from Missouri [Mr. VEST] will be reported.

The CHIEF CLERK. In line 12 it is proposed to strike out the word "said" and insert "the site for the building to be selected and purchased by the Secretary of the Treasury, Secretary of War, and Secretary of State, and the;" so as to read:

The site for the building to be selected and purchased by the Secretary of the Treasury, Secretary of War, and Secretary of State, and the building to be erected under the supervision and direction, &c.

The amendment was agreed to.

Mr. ALLISON. I suggest to the Senator from Missouri that he strike out, in lines 5 and 6, the words "purchase of a site near the War Department and."

Mr. VEST. I have no objection to that; I do not propose to limit it.

Mr. ALLISON. That would leave the discretion to these Cabinet officers.

The PRESIDING OFFICER. Without objection that modification will be made. The Chair hears no objection, and it is so ordered.

The bill was reported to the Senate as amended.

Mr. PLUMB. Is it in order to propose an amendment?

The PRESIDING OFFICER. It will be in order, now that the bill is in the Senate and open to amendment.

Mr. PLUMB. I propose an amendment, to which I think there will be no objection, to come in at the close of the bill.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to add to the bill the following proviso:

Provided, That the entire expense incurred in the purchase of a site and the erection and completion of a building thereon shall not exceed the sum of $200,000.

The PRESIDING OFFICER. The first question is, Will the Senate concur in the amendments made as in Committee of the Whole?

The amendments were concurred in.

The PRESIDING OFFICER. The question now is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. VEST. I hope that amendment will not be adopted. It may occur that the site will cost a great deal more than is anticipated now. If these three Cabinet officers should select a certain locality in the city it may take $50,000 to purchase the ground alone. I do not know what plans or what specifiations will be adopted by the Supervising Architect under the control of these Cabinet officers, but I certainly think that in a matter of this sort, which affects the whole country—it is not a local question, it is not a building in a certain town or city, it is in the capital of the United States—we ought not to limit the amount to $200,000, especially when we have not fixed the amount for the site and do not know what it will cost. If it should turn out that any extravagant estimate is made I should be ready with the Senator to pursue the path of economy, but I do not think we ought to do it now. We ought to leave at least this discretion in the hands of these high officers, and we ought to indulge in the assumption that they will do the best they can economically and honestly for the public interest.

Mr. PLUMB. The suggestion of the Senator from Missouri is in substance that there shall be no limit at all, and therefore the sum named in the first line of the bill is entirely superfluous. We had that matter before the Senate in regard to the proposition to fit out an expedition to the North Pole, and the only defense there for opening the door wide and allowing the Secretary of the Navy to spend all the money that he desired without any limit was the fact that it was an emergency on which depended the lives of people, &c.

Now, does either the committee or the Senator know in substance what the building will cost? Do they know what kind of a building is to be erected? They do or they do not. If they do not, then why put in $200,000? Why not simply say that the board of officers shall erect just such a building as they may see fit? It is, I submit, a vicious principle of legislation.

Mr. VEST. If the Senator will permit me, I understood that the $200,000 was put in because that was the estimate which was made by General Meigs and the Supervising Architect of the probable cost, provided a site could be obtained either upon lands already belonging to the Government or at a very reasonable sum. This of course is merely an approximate estimate. It is the best that we could do under the circumstances, because the whole thing is *in futuro*.

Mr. PLUMB. A very large building may be erected for $200,000; a very large building may be put up for $150,000; but if we open the door and permit the building to be built without any limit, we may expect, judging from the past, something fanciful in the way of architecture, something which will have as much reference or perhaps more to looks than it will to safety. So far as I am concerned, I am not willing to do that. I do not see any reason why we should not limit the cost of a building in the city of Washington as well as one in the city of Saint Louis. The fact that it is for the whole country, as the Senator says, does not relieve it from the charge of indefiniteness nor the whole plan from what I conceive to be a vicious principle. If it is to be for the whole country and therefore ought to be larger than it should be if intended for some specific portion of the country, then make the sum larger. I shall not object to $300,000 or to half a million dollars, if the Senator from Missouri will say that so much is necessary; but I do object to setting in motion machinery which permits the executive officers of this country to pledge the Government for any kind of a building or any degree of expenditure that they may see fit.

Mr. HAWLEY. May I ask what the figure proposed is?

The PRESIDING OFFICER. The amendment will be read again.

The CHIEF CLERK. It is proposed to add to the bill:

Provided, That the entire expense incurred in the purchase of a site and the erection and completion of a building thereon shall not exceed the sum of $200,000.

Mr. HAWLEY. I do not know whether that is satisfactory to the Senator from Missouri or not, but I would rather know precisely what sort of a building would answer the uses and then I should be willing to put the limitation at the precise sum needed.

This is not a building of slight importance, as those know who have paid some attention to the subject. I do not know how much the land will cost under this bill. That is quite an uncertain item. The building is not expected to be one of ornament; of course it should be built decently, tastefully, respectably; it is to be a mere fire-proof warehouse, and yet that will cost something, because there is to be considered the making it fire-proof in its exterior walls and in all parts of it—absolutely fire-proof. There is also to be considered the serious question of ventilation, such a construction of the building that there shall not be an accumulation of moisture within the building to the utter ruin of the documents to be stored there. It will ultimately be absolutely packed with the accumulated records of the Government. I hope there are gentlemen here who will see the time when you will need another building and a larger expenditure of money if you hope to relieve the present offices from their surplus papers.

I do not like to limit the bill by anything except the necessities of a perfectly satisfactory building, abundant for the purpose for the next ten or fifteen years.

Mr. ALLISON. Mr. President, a building was designed for this purpose by General Meigs. He estimated that he could build a structure two hundred feet square for $150,000, and the ground which I have mentioned was at that time to be purchased for $50,000 or in that neighborhood. If the ground only costs $50,000, I have no doubt a suitable fire-proof building may be erected there for about $150,000; but when that estimate was made the cost of materials was much less than it is now. Therefore it seems to me that a suitable building can hardly be put up for $150,000, allowing only $50,000 for the site. So I suggest to the Senator from Kansas that he limit the cost of this building, including the purchase of a site, to $250,000, and I have no doubt it can be done for that sum.

Mr. VEST. I do not know that I should object to that provision. As the Senator from Iowa has stated, General Meigs, when he was retired from the Army—he had taken great interest in this matter while he was in office—estimated that the building could be erected for

$150,000; and as a matter of courtesy, and because we had confidence in him, the provision in the bill which passed at the last session was inserted that this building should be under his supervision. He prepared a plan. That plan was taken at this session to the present Quartermaster-General, and great objection was made to it. He had entirely different views in regard to the way in which the building should be constructed, and therefore the provision was put in the bill as it stands to-day, that the plans and specifications should be under the control of the Secretary of the Treasury, the Secretary of War, and the Secretary of State. What those plans and specifications will be depends upon the Supervising Architect. What the ground will cost depends upon the site.

I have not consulted with other members of the committee, but for myself I should have no objection to limiting the amount to, say, not to exceed $250,000. I do not know but that $300,000 would be better; but I will accept $250,000.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. ALLISON. I move to amend it by striking out "$200,000" and inserting "$250,000."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. ALLISON] to the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Kansas as amended.

The amendment as amended was agreed to.

Mr. CAMERON, of Wisconsin. I submit to the Senator from Missouri that an amendment in the third line is necessary by inserting "$250,000" instead of "$200,000."

Mr. VEST. That is right.

Mr. CAMERON, of Wisconsin. I move to amend, in the third line, by inserting after the word "hundred" the words "and fifty;" so as to read:

That the sum of $250,000, or so much thereof as may be necessary, &c.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURT OF ALABAMA CLAIMS.

The bill (S. 573) amending an act re-establishing the Court of Commissioners of Alabama Claims and for the distribution of the unappropriated moneys of the Geneva award, approved June 5, 1882, was announced as next in order.

Mr. FRYE. The Senator from Illinois [Mr. LOGAN] who reported the bill is absent. That bill was reported adversely and I suppose it should be indefinitely postponed, and another bill, the next bill on the Calendar, was reported favorably in its stead.

Mr. CAMERON, of Wisconsin. I move that Senate bill No. 573 be indefinitely postponed.

Mr. INGALLS. The bill was introduced by the Senator from Arkansas [Mr. GARLAND].

Mr. GARLAND. The proper motion I think would be to take up Senate bill 247 and consider that, and then if any Senator desires the other bill in lieu of it it can be offered as a substitute. The Senator from Illinois reported one bill adversely and then reported another with amendments on the same subject. He reported the bill substantially that was introduced by the Senator from Maine [Mr. FRYE] on this subject. By just passing over this bill for the present and taking up the next the whole matter can be accommodated.

Mr. FRYE. If this bill is indefinitely postponed it gets it out of the way, and it is entirely in order to offer the whole or any part of it as an amendment to the next bill. The true way is to indefinitely postpone it.

Mr. GARLAND. I have no objection. I make no point about it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin to indefinitely postpone this bill.

The motion was agreed to.

The bill (S. 247) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes, was announced as next in order.

Mr. FRYE. That is a bill which I introduced and had referred to the Committee on the Judiciary, and for certain reasons I would rather it should not be considered to-day. Therefore I ask that it be passed over.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent of the Senate that the bill be informally passed over, holding its place at the head of the Calendar. Is there objection? The Chair hears none, and it is so ordered.

Mr. LAPHAM. As to Senate bill 573 I was not attending at the time and I did not hear the motion of the Senator from Wisconsin until it was acted on. I desire to have that question reserved to be considered with the other bill. They are analogous questions, and I want to be heard in support of the proposition of bill 573 which affects in a single particular the mode of distribution of the money.

The PRESIDING OFFICER. Does the Senator from New York move to reconsider the vote by which the bill was indefinitely postponed?

Mr. LAPHAM. I ask unanimous consent that it be reconsidered.

The PRESIDING OFFICER. Is there objection to the reconsideration of the vote by which Senate bill 573 was indefinitely postponed? The Chair hears no objection, and it is reconsidered.

Mr. LAPHAM. Now I ask to have it stand with Senate bill 247.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York that this bill stand to be considered with the bill mentioned by him? The Chair hears none, and it is so ordered.

HOURS OF LABOR.

The bill (S. 141) to fix and regulate the hours of labor of laborers, workmen, and mechanics employed by the Government of the United States was announced as next in order.

Mr. MORRILL. This is altogether a bill of too wide a scope to be considered under the five-minute rule. Therefore I object to its consideration at this time.

The PRESIDING OFFICER. Objection being made, the bill goes over.

Mr. BLAIR. The result of which is that it takes its place at the end of those cases which are to be considered under Rule IX?

The PRESIDING OFFICER. It holds its place on the Calendar to be considered when reached under the ninth rule.

BUREAU OF LABOR STATISTICS.

The bill (S. 140) to establish a bureau of statistics of labor was announced as next in order.

Mr. MORRILL. This is a bill of the same character as the preceding bill, and it certainly deserves a longer and more thorough consideration than we can give it under the five-minute rule.

Mr. BLAIR. I should hope this bill might be considered under the five-minute rule. The proposition is in substance, or very nearly at least, the same as the bureau of statistics of labor as established in the State of Massachusetts and in some other States. I should think that such attention as we might give to it under the five-minute rule of discussion would remove any objections, if there are any, to the bill. In fact, I had hoped it was one of those bills to which there would be very little objection any way. It is simply for the collection and dissemination of information in regard to the subject-matter of labor in the same way that we now have a bureau established for the collection and dissemination of information relating to the subject of education.

The amount of expense to be incurred is quite limited, not to exceed $15,000 a year, besides the slight expense that will be incurred in the way of the salary of the head of the bureau and the single clerk allowed him, or two at the most.

It is a bill in which a great many people of this country take a profound interest, and they think it is necessary to pass a measure of some kind on this subject. I do not think one that is any less objectionable than this is can well be devised. As there is a pretty general and widespread expectation of early action on this bill, particularly among the people of this country who work for a living, I should hope that we might act upon it at this time. We know how dangerous delays are. If this bill is put at the end of the Calendar under Rule IX, with the disposition that exists to make special orders and to take up bills out of their order, it is quite possible that this may fail to be acted upon at all at this session; and as one who has taken some interest in the subject of labor for some time, and more especially recently, knowing, as I think I do, that there is a profound feeling that agitates millions of the American people, a very large proportion of our voting population in both parties, I should hope that this bill, in which I know that they feel more interest than in any other relating to the subject of labor, would receive early and prompt action. I should hope it might now be acted on without its being sent to another place on the Calendar. If the Senator from Vermont insists on his objection, of course under the rule the bill must go over.

Mr. MORRILL. I do not know that I have any objection to the substantial parts of the bill, but it seems to me that it is not necessary to establish another and independent bureau when perhaps this business might as well be connected with some other bureau; the Bureau of Education, perhaps, or the Bureau of Agriculture. I think we ought to have time to fully consider it. The bill as it stands involves the expense of another bureau, and perhaps another building to accommodate the clerks of this bureau.

Mr. BLAIR. I do not wish to interrupt the Senator, but——

The PRESIDING OFFICER. The Chair must call the attention of both Senators to the fact that under Rule VIII no Senator is permitted to speak oftener than once on the same question nor more than five minutes.

Mr. MORRILL. I object to considering the bill at this time.

The PRESIDING OFFICER. Being objected to, the bill goes over.

Mr. HAWLEY. I beg the Senator from Vermont to withdraw the objection that I may make a remark.

Mr. MORRILL. I withdraw it.

Mr. HAWLEY. I yield to the Senator from Massachusetts.

Mr. HOAR. I wish simply to say, Mr. President, that I am not one of those persons, if there be any such persons, who have undertaken over to use the question of the relation between labor and capital as a political instrument. I do not expect to make any bids for the votes of persons who belong to labor organizations or labor parties or who have special interests connected with the laboring classes distinguished from those of the rest of the community in their charge; but at the same time, entirely disclaiming any such purpose, I do believe that one of the most important questions with which legislation can deal in this country, wherever the power of legislation is placed, is that which relates to the effect of our financial, protective, and other policies upon the condition of our laborers and upon the maintenance of the American rate of wages. If the existing rate of wages paid to workingmen in this country can not be maintained, and increased if possible, I despair of the maintenance of the Republic for many generations. It is impossible to have a republic founded upon universal suffrage unless the great mass of the community can receive as the reward of their labor a sum sufficient to afford them education, leisure, comfort, and to develop a patriotic interest in the country to which they belong.

There is no one thing which the persons interested in this class of questions have united in requesting except that we shall afford them the means of throwing light upon the questions in which they are interested. This is not a question of an eight-hour law; it is not a question of checking the accumulation of great estates in single hands; it is not a question of curbing the power of large corporations; it is not a question of dividing the products of labor between labor and capital; it is a simple question of having information furnished by public methods and by public instrumentalities to legislators and to other persons interested specially in these public questions.

This measure when it has been reached hitherto has under one rule of the Senate or another or under one pretext or device or another gone over. It was not reached at all in the last Congress. In a previous Congress, when I was a member of the other House a measure substantially like this passed the House with but some twenty or thirty dissenting votes, after various propositions for delay had been overcome. Then it came up in the Senate, and under its rules was put aside and overthrown.

Now we have reached this bill in its order. I do not believe that any of the suggestions which my friend from Vermont makes or desires to make would fail to be made in five minutes, or if there were any case where a gentleman wished to speak two or three minutes more or to speak more than once, the Senate, as they always do, would accord the privilege. I wish to say for myself that if my friend from Vermont persists in his objection, which I trust he will not, I shall move that the Senate under the rule lay aside the pending business and take up the matter now for consideration.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOAR. If my friend persists in his objection, I shall move to lay aside the pending business; or my friend from New Hampshire [Mr. BLAIR] can make the motion. Before I take my seat I move that the other business be laid aside and this bill taken up for consideration.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate proceed with the consideration of this bill notwithstanding the objection.

Mr. MORRILL. If other Senators have considered this bill so that they are satisfied to proceed with it now, I shall certainly not make any objection. It is the farthest thing possible from my wishes to interpose any objection to any proposition that would be for the benefit of a laboring man. I have been all my life and always expect to be nothing but a laboring man, and I have not a drop of blood in my veins that does not sympathize with the aspirations of the laboring men in efforts to better their condition——

The PRESIDING OFFICER. The Chair is constrained very reluctantly to remind the Senator from Vermont that under Rule VIII no Senator is permitted to speak more than once on the same question.

Mr. MORRILL. I withdraw my objection.

The PRESIDING OFFICER. The objection is withdrawn. The bill is before the Senate as in Committee of the Whole.

Mr. HAWLEY. I wish to make a suggestion to the Senator from New Hampshire. I presume that nobody has any objection to a careful collation of the statistics relating to the labor of the country; and not only is there no objection to it, but I presume that every statistician and every politician and every economist would be very glad to get them. He refers to the collection of statistics with regard to education in the Interior Department. Now, he will remember that we have a Bureau of Statistics in the Treasury Department. This is my suggestion—it is not original with myself, but I have been thinking of it for some time, like a million of things we think of that we do not find time to carry out: the existing Bureau of Statistics should be enlarged and dignified and duly regulated in a well-considered act, and the collection of statistics of all descriptions should be brought under the charge of one very capable man, so that we might be able to go to one office and get whatever we desire concerning the statistics of commerce, navigation, finance, education, labor, and manufactures, to be collected by bright and capable chiefs of divisions under the head of one such man as might be capable to conduct the national census. Without extraordinary expense an office of that description might be maintained there which would be of inestimable value to all of us.

Now, we are likely to build up, scattered all about the city under the different Secretaries, bureaus of statistics, quadrupling the necessary expense and reducing the efficiency of the service. The only reason I should like to see this bill laid over even for a short time is that some person might prepare—it can be done easily by consultation with gentlemen familiar with statistics in the different branches—a bill covering all these subjects, classifying, condensing, and rendering effective the whole work.

Mr. PLUMB. I think some such bill as this ought to pass, or rather I think there ought to be some provision of law whereby the statistics called for in this bill can be had. I do not think it is necessary to enact a separate law for that purpose, because we can put on, in a few well-chosen words, to bureaus now existing the necessary authority to do this work. We have already two statistical bureaus, one in the Treasury Department and one in the Agricultural Department. They are both of them publishing matter from time to time.

Mr. HAWLEY. And one in the Interior Department.

Mr. PLUMB. Yes, and one in the Interior Department also. For the purpose and in order that the bureau in the Treasury Department may justify itself, it is in the habit of running over to the Agricultural Bureau and borrowing statistics from that bureau and publishing them in advance of publication there. I only speak of that to emphasize the fact that we have bureaus enough equipped and organized to accomplish this purpose now. We have not got any bureau charged with the special matter which this bill seeks to charge somebody with, and that therefore is something which we might well do by law. But whether we ought to have a special bureau or not for that purpose is a matter which I think is open to doubt. We could add to the bureau already existing in the Agricultural Department, and which is well presided over and is doing an excellent work as I think, the necessary authority to do what this bill calls for; and then we ought to abolish the Bureau of Statistics in the Treasury Department, which is simply a poacher as it were on the functions of other bureaus to a large extent, and have one bureau which should perform all this duty.

Mr. BLAIR. I do not wish to take anything from the Senator's time, but I would suggest to him that the action of these various statistical officers is under clearly well-defined jurisdictions, each of his own, and they interfere in no way with each other. The Bureau of Statistics to which the Senator refers confines itself exclusively to the subject-matter of commerce and matters appertaining specially to commerce and manufactures; almost exclusively to commerce.

The field of operation for an officer of the kind provided for in this bill is broad as the continent, and I assure him that the man who supposes that there is not as much as a citizen of the highest ability can possibly do with an able corps of assistants in this direction fails fully to comprehend the mass of matter and the importance of that matter with which he would have to deal. It is a much larger subject than I used to think it was; and if I were to do anything, I would make this bill broader in its scope, and all these other statisticians and all these other bureaus having to do with statistics should revolve around this as the grand center, for there is no field in which useful and reliable statistics can be obtained so important to the well-being of the American people as in this direction.

The Commissioner of Agriculture has already enough to do, and I am aware that there is a proposition to enlarge the scope of his duties. He will then have more than he can do. In this direction there can be well employed the most eminent talents of the Republic; and I do not think it will be satisfactory to anybody who understands this matter fully or who gives much thought to it that this measure shall be cut down——

The PRESIDING OFFICER. The time of the Senator from Kansas [Mr. PLUMB] has expired, in whose time the Senator from New Hampshire [Mr. BLAIR] has been speaking.

Mr. CALL. Mr. President, I think we should be careful not to pay too much attention and too much regard to the interests of capital and too little to those of labor. The laboring people of the country certainly regard it as true that there is an antagonism between capital and labor, whatever may be the fact in a true economic point of view in that respect. They have organized themselves in extensive associations throughout this country and throughout Europe. They have demanded of Congress that some regard be paid to their wishes in this respect. They ask for statistics of labor, for a bureau to gather statistics of labor as distinguished from the other great interests of the country. I can see no reason why that wish, expressed by their representative bodies with great unanimity for several years, should not be gratified, nor can I see any reason in a true political economy why labor, which is the foundation of all wealth and all prosperity, should not have special regard paid to it.

Why, sir, in the State of Massachusetts they have a most admirable system of statistics of labor, which furnishes most valuable and necessary information upon all economic questions. The same system should be extended throughout the whole of this country. A bureau devoted to

that purpose will not be more than able to accomplish it, for it is a great work and the most important work of the modern economic system. The interests and the rights of labor is the great problem on the proper and wise adjustment of which the future of our own and all other industrial countries depends.

Mr. GARLAND. Let the report be read.

Mr. BLAIR. The report is merely a formal one.

The PRESIDING OFFICER. The report of the committee will be read.

The Secretary read the following report, submitted by Mr. BLAIR on February 4, 1884:

The Committee on Education and Labor, to whom was referred the bill (S. 140) to establish a bureau of statistics of labor, have considered the same, and report the same back to the Senate favorably, and with the recommendation that it do pass.

Mr. MILLER, of California. It seems to me that Senators who have spoken in respect to this matter are in accord on the general proposition that there should be an officer to collate these statistics. The only difference of opinion seems to be as to whether the work should be done by a separate bureau or be attached to some existing bureau. I was particularly pleased by the remarks of the Senator from Massachusetts in respect to the necessity and propriety of establishing a bureau of this sort with a view of ascertaining the best methods of keeping up the wages of the American laborers and enhancing those wages, if possible, for the better protection of our institutions. I am glad to see that the Senator from Massachusetts has come to this conclusion. I think that it is well enough to establish this bureau in accordance with the provisions of this bill. We ought to do something. It has been delayed too long, and if you pass it over now and refuse to pass this bill, in the hope or belief that this same thing should be done in another form by attaching it to another bureau or to some Department other than the Interior Department, probably nothing will be done at this session of Congress. If we establish it now in this form under the control of the officer provided for in this bill, we can consolidate this bureau with some other bureau afterward, if it be found expedient and appropriate to do so. I think that this bureau might be established as an adjunct to the Department of Agriculture; perhaps that would be the best place for it, so as to be under the supervision of the Commissioner of Agriculture, who ought to be a Cabinet officer. Now the Agricultural Bureau has developed into a department, and I am in favor of attaching this bureau to the Department of Agriculture. Certainly I am in favor of the objects of this bill.

Mr. ALDRICH. This bill I think has the unanimous approval of the Committeee on Education and Labor, and it is certainly important that it should be passed at once. I concur fully with what the Senator from Connecticut has said in regard to the importance of having a general bureau of statistics, and I hope this may be the first step in that direction. It should be a general bureau of statistics under the Interior Department, which should have charge of the collection of all statistics, and when the time arrives have the charge of taking the census. But there is one provision in this bill which does not meet with my approval, and that is the amount fixed for the salary of chief of this bureau, who should be a man of first-class capacity and ability, and no such man can be obtained for the sum of $2,500. I therefore move that "two thousand five hundred," in the sixth line, be stricken out and the words "four thousand" substituted in place thereof. I hope the Senator in charge of the bill will accept the amendment. We certainly can not secure a man of the right kind for the sum named in the bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Rhode Island.

Mr. GARLAND. Mr. President, I desire to propose an amendment a little larger in its scope than that offered by the Senator from Rhode Island. It would be in the nature of an amendment to chapter 10 of the Revised Statutes, relative to the Bureau of Statistics. I will move to strike out all after the enacting clause of the bill, down to section 3, and insert in section 3:

That in addition to the duties now confided by law to the Bureau of Statistics there shall be, &c.

Chapter 10 provides for a bureau of statistics. The first section, section 334 of the Revised Statutes, provides:

There shall be in the Department of the Treasury a bureau to be called the Bureau of Statistics, and the Secretary of the Treasury may appoint one division clerk, who shall superintend the bureau, and shall be entitled to a salary of $2,500 a year.

It goes on to prescribe specifically what he shall do. This is limited to statistics more particularly in reference to commercial transactions. There is one difficulty in many of our laws at this time, that we scatter, if I may use the expression, the work of different Departments, so that they are first in one place and then in another. I think it is better to put this work under the present Bureau of Statistics, and in increasing that work we may increase the salary beyond that of the clerk designated by the Secretary of the Treasury.

I fully agree with all that has been said by the Senator from Florida, the Senator from New Hampshire, and others in reference to the importance of this subject. I think it is one of the very first importance. I think this information is valuable in many respects and for many purposes, and I would not for one throw any obstacle in the way of securing it, completing it, and perfecting it in the most ample form possible; but I think, as we have now one Bureau of Statistics verging somewhat on this, we might as well put the whole work under one head and have, if you please, one report to contain all this information.

The other day I reported from the Committee on the Judiciary a bill providing for collecting statistics in reference to marriage and divorce, in answer to a great many petitions sent here, and, I believe, among others, one presented by the Senator from New Hampshire himself. We put that matter by that bill under the Bureau of Statistics, and I think now that we should have one bureau for the collection of statistics of whatever character we need, so that we shall not divide up this work and throw part of it in the Interior Department and part in the Treasury Department. I wish to call the attention of the Senator from New Hampshire, who has charge of the bill, to this particular idea. With a little enlargement of the scope of the present law under chapter 10 of the Revised Statutes I think we can accomplish all the Senator desires, and if the friends of this measure—and I am one of the friends of it, but wish to put the matter under the particular bureau now in existence——

Mr. BLAIR. I will say to the Senator——

The PRESIDING OFFICER. The amendment proposed by the Senator from Arkansas is now in order, but the amendment proposed by the Senator from Rhode Island to perfect the text will first be acted upon.

Mr. BLAIR. The amendment of the Senator from Rhode Island?

The PRESIDING OFFICER. The amendment of the Senator from Rhode Island is first in order.

Mr. BLAIR. I would say in regard to that amendment that the only sentiment which has come to myself, and so far as I know to any member of the committee, in regard to the provisions of this bill from the laboring people of the country has been one of unqualified approval of the bill just as it is, excepting that they have demanded that a salary be paid to the commissioner who is to have charge of the collection of these statistics commensurate with their conception of the importance of the functions he is to discharge; and they have said that no $2,500 would be such an amount for his services. I agree quite fully with them, and so far as I am concerned I would favor the amendment, and I think the committee would do so.

Mr. ALDRICH. At the suggestion of several Senators about me, I modify my amendment to read "$3,500" instead of "$4,000."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Rhode Island, in section 2, line 6, to strike out "$2,500" and insert "$3,500."

The question being put, there were on a division—ayes 19, noes 11; no quorum voting.

Mr. ALLISON and others called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the first bill on the Calendar under Rule IX.

Mr. BLAIR. I move that the existing order be laid aside and that the Senate proceed with the consideration of the bill which has been under discussion. I think we can dispose of it in a very short time.

Mr. GARLAND. The Senator from Oregon [Mr. DOLPH] has specially requested to address the Senate at 2 o'clock to-day. I suggest to the Senator from New Hampshire to let this bill be passed over.

Mr. BLAIR. Then this will be the unfinished business for the morning hour on Monday?

The PRESIDING OFFICER. This stands at the head of the Calendar under Rule VIII for the next legislative day.

Mr. MILLER, of California. I should like to make an inquiry. Has the amendment of the Senator from Arkansas been offered?

The PRESIDING OFFICER. The amendment of the Senator from Arkansas is in the nature of a substitute and has been suggested, but has not yet been submitted to the Senate formally. The question upon that bill is on the amendment proposed by the Senator from Rhode Island [Mr. ALDRICH].

Mr. BLAIR. How long does the Senator from Oregon want?

Mr. DOLPH. I think less than an hour.

Mr. BLAIR. I should like to place this bill in such a position that at the conclusion of the remarks of the Senator from Oregon we can go on with it.

Mr. MORRILL. It can be taken up and laid aside informally.

Mr. BLAIR. I ask, then, that it be taken up at this time and will then request that it be laid aside informally until the conclusion of the remarks of the Senator from Oregon.

Mr. BECK. Does that require unanimous consent?

The PRESIDING OFFICER. In the form the Senator from New Hampshire puts it, it will require unanimous consent.

Mr. BECK. I do not want to delay business; but if we are going

into a general revision of salaries, I should like to have the bill take its place for to-morrow morning or whenever we meet again, because this change involves of course a change of everybody who is doing the same kind of work up to the same rate, and there are many other things that might be considered in this connection to-morrow morning. There is no hurry about it.

Mr. BLAIR. As there seems to be some opposition to going on with the bill to-day, I will allow it to come up regularly at the head of the Calendar.

Mr. BECK. That is better.

HOUSE BILL REFERRED.

Mr. ALLISON. I ask the Chair to lay before the Senate the naval appropriation bill for reference.

The PRESIDING OFFICER. Is there objection to the Chair laying before the Senate at this time a House bill for reference? The Chair hears no objection.

The bill (H. R. 4716) making appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, was read twice by its title, and referred to the Committee on Naval Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the papers in the case of William H. Young be taken from the files and referred to the Committee on Claims.

COLUMBIA RIVER.

Mr. DOLPH. Mr. President, in pursuance of previous notice, I now ask the Senate to take up the bill (S. 701) making appropriation for the improvement of the mouth of the Columbia River, in the State of Oregon and Territory of Washington, for the purpose of submitting some remarks in relation to the bill and at the conclusion of my remarks moving its reference to the Committee on Commerce.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent of the Senate to take up for consideration at this time the bill indicated by him. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. DOLPH. Mr. President, I did not ask for a reference of this bill at the time it was introduced, for the reason that I desired an opportunity of making some suggestions concerning it which I hoped would have some weight in securing the liberal action of Congress, not only with reference to the appropriation asked for by it, but with reference to the appropriations asked for for the prosecution of the works for the improvement of the rivers and harbors upon the north Pacific coast now being carried on by the United States Government, and for which the Chief of Engineers has recommended appropriations.

Since the introduction of this bill the Senate, with a generous recognition of the importance of the extended seacoast, great rivers, and growing commerce of the Pacific Northwest, has placed both my colleague and myself upon the Committee on Commerce, where we will have an opportunity of presenting for the consideration of the committee the commercial necessities of that region. I am not certain but that it may be considered a poor return for such generosity upon the part of this body for me to still adhere, even in part, to my original purpose, and to ask, as I do, the indulgence of the Senate to present some facts and make some statements in relation to the region known as the Pacific Northwest, the original Oregon, now the State of Oregon, and the Territories of Washington and Idaho, which in my judgment entitle it to favorable consideration from Congress.

It was once necessary for that country to supplicate Congress for recognition, to plead for a hearing as to its value, resources, and possibilities, and to be permitted to show that it was worth saving to the United States; and if it had not been for the pioneers of Oregon, who so persistently pressed upon the people and the Government the importance of that country, with an intelligence, earnestness, and patriotism worthy of all honor, it seems probable that that magnificent region would have been lost to the United States.

I believe no other portion of our country to-day possesses advantages of climate, soil, and resources equal to those of the Pacific Northwest. It has not been long since a truthful statement of its advantages from any source was generally received by the people of the Eastern States as greatly exaggerated, if not positively untruthful; but happily such is no longer the case. I do not deem it necessary in presenting the claims of that region to enter at length or with particularity into a description of the country or its resources. I, however, find some things concerning the Oregon of to-day so well and fairly stated in the valuable history of Oregon by Barrows, recently published, that I quote from that work in preference to presenting my own statements. He says:

It remains to give in summary the condition of the country whose concession to the United States has now been outlined. Properly and comprehensibly this country was Oregon and Washington and Idaho Territories. The three civil sections constitute a vast block in the American domain, with British Columbia on the north, Montana and Dakota on the east, Utah, Nevada, and California on the south and the Pacific on the west. The area is 251,562 square miles, more than double that of Great Britain and Ireland, and thirty-two times the size of Massachusetts, whose citizen founded our claim to it in the discovery of its great river.

* * * * * * *

This region, the original Oregon of the treaty of 1846, is larger than three New Englands by the excess of six States like Massachusetts, and in most respects for human homes and national wealth it is naturally superior to New England. In climate, soil, and mineral, both precious and practical, it leads promptly. In cereals, meats, fish, and vegetables it is also naturally the leader of New England, as its products and exports are steadily showing.

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Had the same energy worked for two centuries on our Northwest that has been expended on our Northeast, the contrast between the two sections would now be extremely marked in favor of the former. Immigration and years only are wanting to show how highly nature has favored the country in question. * * * The surprising climate of this section will show that no natural products can be denied it that may be elsewhere found in the United States farther north than the northern latitude of Virginia. For the line of average heat or cold which passes through Northern Virginia runs northerly and westerly by Pittsburgh, forty miles south of Lake Erie and sixty south of Chicago, a little north of Rock Island into Iowa, through Southwestern Minnesota into Dakota, thence northwest through the upper and eastern corner of Montana, and about sixty miles over the line into British territory, thence by a great curve cutting Northwestern Montana and the extreme north of Idaho, and continuing midway and northerly, it passes through Washington Territory into British Columbia, and leaves the continent about two hundred miles north of the northern boundary of the United States. Along this line the mean or average annual temperature is 50°, and sections cut by it have the average heat and cold of Northern Virginia. It passes through the great wheat belt of North America. Other things being equal, therefore, the grains and fruits and vegetables which may be raised on this line in Virginia or Ohio or Illinois or Iowa may be raised in Dakota and Montana and Washington.

As to Oregon, it is left wholly on the south of this line. Says Hugh Small, in his Oregon and Her Resources, "There is scarcely a grain, fruit, vegetable, grass, tree, plant, or flower that grows in the United States or in Europe but some portions of the soil of Oregon will raise to perfection, with fair cultivation."

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This fact as to the line of average temperature will prepare the way for other facts that otherwise might seem incredible. As a rule in both Oregon and Washington stock does well through the year in the open air, foraging on the abundant natural pasturage. The bunch-grass matures in July, and is hayed uncut. Horses and sheep may be trusted to it for good wintering, while it is good policy to provide some hay and shelter for horned cattle. The snow is light, and in some of the counties in Oregon it has not covered the ground for three consecutive days for a score of years. * * * The causes of this warm temperature four and five hundred miles farther north than New York are two: About 70 per cent. of the winds on that coast are from the southwest, and carry the heat from the tropics far inland even to Dakota. Then the "black stream"—Kuro-siwo—starting off Southeastern Asia, passes up the Asiatic coast, and, dividing on the Aleutian Archipelago, the eastern half is forced down the Alaskan and Northwest coast, carrying a large body of torrid water, which makes its warmth felt far into the interior. This warming force may be estimated somewhat by the fact that when fully formed off the coast of China and Japan this stream is four hundred miles wide, with a flow of four miles an hour in sections of it.

* * * * * * *

The agricultural products of Oregon have been named, but special mention should be made of its wheat crop. This is the leading staple, and is noted for its unusual weight, being often from five to nine pounds in excess of the standard weight of sixty pounds to the bushel. Small gives the average for fair farming in the Willamette valley at thirty bushels to the acre, which is double the average for the United States. The harvest of 1881 gave a surplus for the general market of 10,000,000 of bushels, or 300,000 tons. Of this, the region east of the Cascades produced 120,000 tons, and western Oregon and Washington the rest. The grains following wheat in quantity of product are oats, barley, corn, rye, and buckwheat, and in very satisfactory yield. The total product of the six has risen from about 2,000,000 of bushels in 1860 to some 13,000,000 in 1880.

The amount of arable land will for a long time be a question of local option with the farmer of energy and thrift. Vast valleys stand assigned of nature to the plow, as truly as the unlimited wheat-fields of Minnesota and Dakota. Leading among these is the Willamette, with its 5,000,000 of acres; then the Umpqua, one-half as large; the Rogue River Valley, a little smaller; the Umatilla; the Grand Ronde, about 275,000 acres; the Walla Walla, Klamath, John Day, Powder, Jordan, Palouse, Yakima, Spokan, and others. * * * Peaches, pears, apples, plums, cherries, grapes, and, indeed, generally, the fruits of the temperate zone, flourish in the lower lands. The smaller fruits of the garden are abundant and ready for the table early in May. * * *

As a timber and lumber country, with facilities for transportation, probably the region is not surpassed. The merchant marine of the world could be built and annually renewed there without heavy drafts on the natural supply. The timber distant from water transportation will wait as a proper reserve for the branch railroads. The majesty and beauty of these primitive forests can hardly be exaggerated, where the yellow fir stands 250 feet, the pine, silver fir, and black spruce 150, and the white oak 70. Cedars have been found there 20 feet in diameter. Nor does the demand allow these grand forests to stand uninvaded. A single mill has the capacity to cut out 200,000 feet of lumber a day, and in 1882 the aggregate cutting capacity of all the mills was 1,000,000 a day.

I will only add to this description that by reason of the mild winters this region is undoubtedly the best country for cattle in the United States. Horses of an excellent type are largely raised. Sheep-husbandry is one of the greatest and most productive industries, and the wool grown in this section is particularly noted for its uniform fiber.

The waters of Oregon and Washington abound with fish, and the business of salmon-packing is one of the principal industries. The mineral interests of this region are large and diversified. Not only are the precious metals successfully mined, but the useful metals, coal, iron, copper, &c., exist in abundance in many parts of the country.

It is impossible at this time to justly estimate the results which will accrue to this hitherto comparatively isolated region by the completion of the Northern Pacific Railroad. It is less than eighty years since Lewis and Clarke conducted their memorable expedition across the continent, when, from an undefined line known as the frontier far east of the Mississippi River to the Pacific Ocean, the vast wilderness scarcely trodden by the foot of civilized man was peopled and held in undisputed possession by the original inhabitants of this continent. That vast region has since become the home of civilization. Out of it have

been carved States and Territories. The wave of immigration has swept across the continent, the Pacific Northwest is the last territory to be thus occupied, and the Pacific Ocean will for the present mark the limits of the westward movement. Notwithstanding the difficulties of reaching that region, its great advantages, although but imperfectly known, have hitherto attracted a large immigration, and there is no room for doubt but that over the new line of travel but recently opened will throng to Oregon, Washington, and Idaho in the near future a great multitude of intelligent and enterprising people. By means of its trunk-line nearly 2,000 miles in length, traversing a belt of fertile country, and half as many miles more of branches penetrating rich mineral and agricultural regions, the Northern Pacific Railroad has brought an empire vast in extent and almost unlimited in resources into contact with the commercial world, opened it up to settlement and development, and furnished the means of transportation whereby the products of the soil, the mines, and the forests will find an outlet to market. Over the road as fast as it has been opened for travel an eager, enterprising, and intelligent people have poured into the regions made accessible by it, to occupy and subdue, until the continent has been girdled with a line of civilization.

There has been a very large increase of the population of this region within the last three years. The population of Oregon, Washington, and Idaho Territories, according to the official returns of the census of 1880, was as follows: Oregon, 174,767; Washington Territory, 75,120; Idaho, 32,610.

The present population is estimated to be, at least, as follows: Oregon, 275,000; Washington Territory, 150,000; Idaho, 75,000.

The total value of Columbia River exports for the year 1883, as appears from the following table clipped from the New Year's issue of the Portland Oregonian, was as follows:

Article.	Domestic.	Foreign.	Total.
Wheat	$258,150	$3,426,741	$3,684,891
Flour	705,628	1,345,800	2,051,428
Salmon	1,729,103	1,386,055	3,115,158
Wool	1,585,745	.....	1,585,745
Oats	18,163	.....	18,163
Barley	1,256	.....	1,256
Potatoes	21,205	.....	21,205
Bran	4,241	230	4,471
Millstuffs	5,688	.....	5,688
Onions	2,465	.....	2,465
Apples	4,277	.....	4,277
Other fruit	2,082	.....	2,082
Dried apples	26,775	.....	26,775
Dried fruit	12,399	.....	12,399
Flaxseed	36,905	.....	36,905
Hides	201,455	.....	201,445
Pelts and skins	41,710	.....	41,710
Woolens	355,000	.....	355,000
Barrel stock	19,211	.....	19,211
Leather	38,051	.....	38,051
Tallow	5,361	.....	5,361
Butter	15,556	.....	15,556
Eggs	27,298	.....	27,298
Hops	36,218	.....	36,218
Lumber	262,433	14,391	276,824
Spars	.....	650	650
Other articles	796,137	5,000	801,137
Total	6,212,512	6,178,867	12,391,379

Table showing total exports during twelve months ending July 31, 1882.

Articles.	Domestic.		Foreign.		Total.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Wheat.....centals...	437,897	$711,900	3,704,922	$5,965,518	4,142,819	$6,667,418
Flour.....barrels...	95,956	443,612	526,003	2,410,180	621,959	2,853,792
Salmon.....cases...	192,501	927,597	388,427	1,557,164	501,325	2,484,061
Wool.....pounds...	7,436,772	1,488,360	.....	.....	7,436,772	1,488,360
Woolen goods.....	.....	546,125	.....	.....	.....	546,125
Oats.....centals...	313,869	417,749	.....	.....	313,869	417,749
Potatoes.....sacks...	256,527	278,057	1,110	1,196	257,637	279,253
Lumber (lumber, lath, and piling).....feet...	.....	206,601	2,614,920	21,791	.....	228,392
Flaxseed.....sacks...	63,324	184,905	.....	.....	63,324	184,905
Hides.....pounds...	1,318,500	136,120	1,500	150	1,320,000	136,270
Dried fruit.....packages...	14,488	105,184	881	2,650	15,369	107,834
Hops.....pounds...	518,600	84,626	.....	.....	518,600	84,626
Pig-iron.....tons...	2,368	73,408	.....	.....	2,368	73,408
Millstuffs.....sacks...	82,192	56,951	5,316	10,444	87,508	67,395
Barrel stock.....	.....	50,000	.....	.....	.....	50,000
Barley.....centals...	20,334	45,527	413	742	20,747	46,269
Bacon.....pounds...	173,600	24,587	1,200	180	174,200	24,767
Butter.....do....	116,790	24,654	.....	.....	116,790	24,654
Eggs.....dozen...	103,500	20,628	250	50	103,750	20,678
Leather.....pounds...	123,380	18,447	.....	.....	123,380	18,447
Green fruit.....boxes...	18,801	17,873	10	15	18,811	17,888
Tallow.....pounds...	214,604	14,909	.....	.....	214,604	14,909
Canned goods.....cases...	3,043	9,032	.....	.....	3,043	9,032
Hams.....pounds...	27,300	3,078	600	90	27,900	3,168
Lard.....do....	8,100	1,115	.....	.....	8,100	1,115
All other articles*.....packages...	.....	8,693	40	240	.....	8,933
Total value	.....	5,899,738	.....	9,970,410	.....	15,870,148

*Corn, $644; onions, $903; pork, $1,116; beef, $6,030=$8,693.

These tables show a falling off of the value of wheat and flour exported during 1883 of nearly $4,000,000 from the value of the export for the year ending July 31, 1882. This is in part owing to the increased demand for home consumption, caused by the unprecedented immigration into the country and large railroad operations in the interior, and probably in part to the condition of the market, which has caused a large portion of the crop of 1883 to be held for better prices.

The following statement shows the flags and tonnage of the grain fleet for the year 1883:

Flag.	Number of vessels.	Tonnage.
British	66	63,315
American	12	16,695
Swedish	1	730
German	2	1,868
Total	81	82,608

For the year ending May 31, 1883, the amount of revenue collected from imports received by the Columbia River was—Portland, $327,756; Astoria, $112,216; total, $439,972.07.

Value of foreign imports for the year ending July 31, 1883, as I learn from a table compiled by the Board of Trade of Portland, was $913,521; value of domestic imports for same period, $27,290,526; total value of domestic and foreign, $28,203,746.

The number of arrivals and clearances for the same period was:

Coastwise: Arrivals, 506; tonnage, 773,144. Clearances, 423; tonnage, 691,453.

Foreign: Arrivals, 85; tonnage, 102,431. Clearances, 163; tonnage, 173,252.

The salmon fisheries of the lower Columbia River have become an important industry. The product has increased from 4,000 cases in 1864 to 629,000 cases in 1873, and the value of the shipment last year was (641,307 cases, at $4.80) $3,078,263.

The wholesale trade of the city of Portland for the year 1883 was $53,050,000.

The number of hands employed during the year in manufactures was 5,481; value of merchandise manufactured, $11,423,000; an increase over the year 1882 of the persons employed in manufactures of 1,303, and in the value of the manufactured articles of $3,689,000. The list of manufacturing industries numbers 54.

The trade of Idaho and of Western Montana naturally belongs to the North Pacific coast, and the merchants of Portland, as I am informed, are already competing with Eastern shippers for the trade of the region west of Bozeman, on the Northern Pacific. With the present facilities, and the additional facilities already being provided, for reaching the

region tributary to the Columbia River it will be rapidly filled with settlers and its resources as rapidly developed. The constantly increasing surplus of agricultural and other products of this region will mainly find an outlet to market by the mouth of the Columbia River, and a considerable portion of the correspondingly increased imports of foreign and domestic merchandise required by such increased population will be brought into this country by the same channel.

I have spoken of the great extent of territory tributary to the Columbia River, of its unlimited resources, and of its great and rapidly increasing internal commerce. But there are other considerations which greatly magnify the importance of the lower Columbia River as a channel of commerce. I refer to the prospective increase of the coasting and foreign trade of the Pacific coast, of which the ports upon the Columbia River will receive a liberal share. I can only glance at this subject, and from the mass of historical facts and commercial statistics which present themselves and might be used to show the importance and magnitude which this trade is likely to attain in the near future, I am admonished that I must cull sparingly.

From the annual report of the Chief of the Bureau of Statistics on commerce and navigation for 1883 I learn that the value of exports of merchandise, coin, and bullion from the port of San Francisco for the year 1883 was $48,836,769, and the value of imports of merchandise, coin, and bullion at San Francisco for the same year was $54,953,778.

These figures will be better comprehended by comparing them with the commerce of the United States from 1820 to 1830. The following table shows the value of exports and imports from and to the United States for the decade ending September 30, 1830:

Value of merchandise exported during the decade ending September 30, 1830		$532,212,385
Annual average	$53,221,239	
Coin and bullion exported during the same period		1,497,857
Annual average	$149,786	
Estimated average of the population for the period	11,257,076	
Total		533,710,242
Value of merchandise imported during the decade ending September 30, 1830		$567,491,739
Annual average	$56,749,174	
Coin and bullion imported during the same period		3,892,533
Annual average	389,253	
Total		571,384,272

The value of the commerce of a single port upon the Pacific coast for the year 1883 was very nearly as large as the average value of the entire commerce of the United States during the decade preceding the 30th day of September, 1830.

The following table shows the value of imports by sea of merchandise at San Francisco for the years 1882 and 1883 from countries lying upon the Pacific coast, in Asia, and from the islands of the Pacific, as well as the imports by sea and rail from all other countries combined:

From—	1882.	1883.
China	$8,952,680	$9,202,813
Hawaiian Islands	7,655,485	7,880,750
Central America	1,953,695	1,516,461
Japan	11,240,262	9,185,096
Mexico	475,051	307,104
Peru	385,438	269,903
Australia	2,157,672	1,636,063
British Columbia	1,000,672	828,023
British East Indies	518,861	1,119,336
Chili	52,592	288,094
Asiatic Russia	100,527	70,786
Dutch East Indies		152,985
	34,492,935	32,457,414
All other countries	9,855,610	7,371,503
Total imports by sea	44,348,545	39,828,917
Total imports by rail	2,420,606	2,390,567
Grand total foreign imports by sea and rail	46,769,151	42,219,484
Decrease in 1883		4,549,667

The imports of tea at the port of San Francisco from China and Japan for the year ending December 31, 1882, were as follows:

	Pounds.	Value.
China	4,701,588	$1,209,807
Japan	19,469,028	4,444,458
Total	24,170,616	5,654,328

The following statement, taken from the San Francisco Journal of Commerce, shows the value of the exports of merchandise from the port of San Francisco to the countries named during the year ending December 31, 1883:

	Value.	In transit.
Apia	$127,896 37	
Asiatic Russia	129,834 83	$1,650 00
Australia	977,341 06	40,443 00
Belgium	919,608 50	
Benham Islands	9,266 30	
British Columbia	1,585,277 65	1,016,408 68
Central America	933,060 89	5,293 00
China	4,239,699 41	9,655 00
England	10,380,680 00	56,136 00
France	600,438 57	
Germany	10,094 00	
Hawaiian Islands	2,977,730 74	233,035 90
Brazil	20,415 00	
Soerabaya	30,296 00	
Tahiti	351,531 00	88,965 00
Singapore	6,736 00	
Fiji	11,919 00	
Siam	1,945 01	
Panama	207,439 35	178,179 00
Peru	40,670 00	
Guayaquil	18,490 00	
Demerara	2,450 00	
Penang	561 00	
Sai-gon	50,485 00	
Scotland	238,599 00	
Marquesas	520 00	
Bombay	453 00	
Bolivia	9,713 00	
Samorang	932 00	
Borabora	2,677 00	
Mangareva	8,350 00	
Fannings Island	2,392 00	
Japan	369,543 74	535 00
St. Vincent	128,793 00	
New York	3,781,314 00	
Mexico	1,877,882 99	154,574 10
Ireland	15,527,280 40	
Chili	26,312 00	
New Zealand	241,288 00	4,240 00
Calcutta	9,212 04	
Total	45,860,068 87	1,789,103 60

The most significant fact in connection with the exports from San Francisco is that among the articles exported to China were 316,118 barrels of flour, of the value of $1,522,997.69.

I have given the value of the exports and imports from and to Portland and Astoria by the Columbia River for the year 1883. I have no means at hand of showing the countries from which the imports at the Columbia River ports were received or to what countries the exports from those ports were sent, but the figures given concerning the imports and exports at San Francisco will sufficiently indicate what the future commercial relations of the Pacific coast are to be. Some idea of the probable increase of the commerce on the Pacific coast in the future may be obtained from the following table, which shows the value of merchandise imported into and exported from the United States during each of the years 1873 and 1883 and the increase during that period:

Year.	Total exports.	Total imports.
1873	$522,479,922	$642,136,210
1883	823,839,402	723,180,914
Excess of	301,359,480	80,944,704

The growth of foreign commerce upon the Pacific coast for many years to come will be much larger proportionately than the growth of the whole commerce of the United States, and it is not improbable that within a single decade the foreign commerce of the Pacific coast will be equal to one-third of the present commerce of the United States, and that a quarter of a century hence the commerce of the Pacific coast will equal in amount and value the entire commerce of the United States in 1873.

The Pacific coast at present is at a disadvantage in marketing its wheat in Europe, as it is compelled to ship it around the Horn, but it is nearer by the breadth of a continent to the markets of the old East than are the Atlantic ports; and the time is not far distant when it will find a market for its wheat and flour in Asia and the islands of the Pacific. There is a large and constantly increasing shipment of flour from the Pacific coast to China, and well-informed persons assert that this trade will steadily increase until China alone will furnish a market for a large portion of the surplus wheat raised upon the coast.

Various causes have conspired to direct the commerce of the Pacific coast with China, Japan, and the Sandwich Islands to San Francisco. Chief among these causes have been the transcontinental railroad line terminating at that port, the steamship line between that place and the ports of China, and the monopoly of the sugar trade with the Sandwich Islands by her merchants. Since the completion of the Northern Pacific Railroad, opening a channel of commerce across the continent from ship navigation upon the Columbia River and Puget Sound with the great

commercial centers of the East, Portland, Astoria, and the Puget Sound ports will become competitors with San Francisco for this trade. The number of sailing vessels engaged in this trade will no doubt be largely increased, and the necessities of commerce will demand better facilities for the future. The Northern Pacific Railroad Company will be compelled by the necessities of its business to place or aid in placing a line of steamships in the Asiatic trade to connect with its road.

The trade of San Francisco will not decrease, but the trade of Puget Sound and the Columbia River will largely increase. The advantages are decidedly in favor of the latter ports in competing for this trade. The distance between Canton and Port Townsend, the port of entry for the Puget Sound collection district, and between Canton and the Columbia River, is several hundred miles less than the distance between Canton and San Francisco. And the route from Canton to the Columbia and to the Straits of Juan de Fuca is in the direction of the trade-winds. It has been averred that the Pacific coast is greatly interested in the proposed interoceanic canal; and it is true that any work which will shorten the distance and lessen the cost of transportation between the Pacific coast and the markets of Europe will be of great advantage to the coast; but the Pacific coast is far from being dependent upon such a canal for its commercial prosperity.

The commercial outlook of the Pacific is westward. Every year its commercial relations with Europe will grow comparatively less important and its commercial relations with its transpacific neighbors will become greater. The continent of Asia and the islands of the Pacific, with their millions of inhabitants, with their rich and valuable commerce, are separated from us only by the open sea, over which steamships come and go with regularity and safety. It seems probable that everything imported into the United States from those countries consumed west of the Rocky Mountains and everything which will bear railroad transportation across the continent will be imported through the ports of the Pacific coast.

The coasting trade of the Columbia River ports is already large and it is rapidly increasing. Steamers run regularly between Portland and Astoria and the ports of Puget Sound and Alaska and between Portland and San Francisco, and although during the last summer a steamer was dispatched regularly every three days from Portland and San Francisco, they were unable to carry the freight and passengers offering, and special steamers had to be brought into requisition. Smaller steamers run between Portland and the various ports upon the coast of Oregon and Washington. One rapidly increasing branch of this trade deserves especial mention.

Alaska, with its great extent of seacoast, its great rivers, and immense resources, will largely add to the commerce of the Columbia River. In the last annual address of the president of the Board of Trade of Portland he said of this trade:

> The development of Alaska during the past year has continued. Portland controls nearly the entire trade of the southern portion of that Territory, and during the year its value has grown 40 per cent.

This trade will rapidly increase when a civil government shall have been provided for the Territory so as to give security to personal and property rights there. During the debate in the Senate upon the bill to provide a civil government for Alaska the senior Senator from Kansas took occasion to say of Alaska in substance, that he regarded Alaska as the most worthless territorial acquisition with which any government was ever afflicted, and that he was yet without information as to what compensation the United States had received for the $7,500,000 paid for it, other than the gratification of the American idea of "manifest destiny," which indicated that our northern shore was to be washed by the Polar Sea and that our southern boundary would be the interoceanic canal connecting the Atlantic and Pacific; that it was separated from us by a dangerous and stormy sea, over which a voyage of many days must be taken to reach its nearest port, and that its gloomy and inhospitable shores were secluded by the conditions of its climate for many months from approach.

I intended before the discussion upon that bill was closed to have corrected what I considered to be misrepresentations concerning that Territory, but I was suddenly called away, and was unable to do so. I regret that the Senator is not alone in his estimate of Alaska. There is a widespread misapprehension concerning it, but it is no greater than that which existed in regard to the original Territory of Oregon and to the Louisiana purchase. As late as 1828 it was contended in Congress that even if the title of the United States to Oregon was undisputed the occupation of the Territory would be of doubtful utility from its barrenness, dangerous coasts, distance, and inaccessibility from the States by either land or sea.

A bill reported by a committee of the House to authorize the President to take possession of Oregon and to extend the laws of the United States over it was defeated by such arguments, and the question as to whether Oregon was worth saving was not finally decided by Congress until many years afterward. The criticisms upon the purchase of Alaska are nothing in comparison to those made upon the purchase of Louisiana. That purchase made by Thomas Jefferson "was assailed in every form of squib, epigram, doggerel, parable, and parody." The leading newspapers of the country denounced the purchase in unmeasured terms, and rivaled each other in ridiculing it in prose and verse.

It was said that the Louisiana tract was a "malarial swamp; its prairies were destitute of trees or vegetation; that we had been cheated by giving $15,000,000 for a territory so worthless and pestilential that it could never be inhabited or put to any possible use; the purchase would lead to complications and wars with foreign powers," &c. The following from the Commercial Advertiser of December, 1803, is a specimen of the epigrams afloat at the time:

> Herostratus of old, to eternize his name,
> Set the Temple of Diana all in a flame;
> But Jefferson, lately, of Bonaparte bought,
> To pickle his fame, a mountain of salt.

The last line is an allusion to a report upon the value of the purchase, which enumerated among other resources its saline springs. The reputation of Jefferson has not suffered on account of the Louisiana purchase; and notwithstanding the unfavorable criticism of the Senator from Kansas, I venture the prediction that the time will come when not even the great speeches of Mr. Seward upon the "impending crisis," or his eminent services to the Government during the civil war, will contribute more to his enduring fame than his successful negotiation of the purchase of Alaska.

The Territory of Alaska has a geographical area of 580,000 square miles. It is as large as twenty Eastern States. It is said to have a coast line greater than all the other coast line of the United States. The Yukon River in Alaska, which is seventy miles wide at its mouth and twenty miles wide at points 1,000 miles from its mouth and is navigable for 1,200 miles for steam vessels, is the largest river upon this continent. Alaska has a population, mostly Indians, of from 30,000 to 35,000; and while the Treasury of the United States is constantly drawn upon to feed and clothe the Indians upon reservations, the resources of Alaska are so great that these Indians have never been, and need never be, a public charge.

The fur trade is its present chief industry and is of great value. The United States derives a revenue from rent received for the privilege of taking the fur seal upon the Pribylov Group or Seal Islands alone of $317,500, which is a sum sufficient to pay interest upon the purchase price of Alaska at the rate of 4 per cent. per annum and over.

A far more important industry of Alaska, not so much on account of its present proportions as on account of its undoubted future development, is its fishing interests. Along its extended seacoast and in its numerous bays and rivers the time is not distant when a more extensive and profitable fishing business will be carried on than is to-day carried on along the north Atlantic coast. The value of such an industry not only to the Pacific coast but to the entire Union is apparent. When it is remembered that out of the lower Columbia River during last year were taken, packed, and exported over three millions of dollars in value of salmon some conception may be had of the great value of the fishing business which must develop upon the Alaskan coast, the number of vessels and men which will be given employment by it, and the great wealth which will be derived from it. This great industry will have its incidental advantages also. It will be a school in which American seamen will be trained; an industry from which American shipping will receive a new impetus.

The timber trade of Alaska must eventually, and as soon as title can be procured to timber land, become valuable. The Alaska cedar is a very valuable wood for many purposes and will command a high price in the market. It makes beautiful furniture and good finishing lumber. It has recently been substituted for box-wood for wood engraving. It is said to be proof against the teredo, and therefore very valuable for piling in salt water. It is reported on apparently good authority that for richness in the precious metals Alaska will yet rival the State of Nevada.

Last, but not least, Alaska is not the barren and inhospitable country it has been supposed to be. The climate is tempered by the warm ocean current already mentioned, which flows along the coast of China and Japan, bearing northeastward past the peninsula of Kamtschatka, in the direction of Behring Strait, so that the winters at Sitka, as to severity, do not differ very greatly from winters at New York city. I apprehend the want of adaptability of Southern Alaska for agricultural pursuits is not on account of the length or severity of its winters, but on account of its cool, wet summers.

Whether Alaska will ever become an agricultural country of importance at present admits of serious doubt. Although its agricultural resources are limited, its great resources and capacity for supporting a large prosperous population are undoubted. I find the following statement credited to Hon. Thomas Meehan, of Philadelphia, state botanist of Pennsylvania and editor of the Gardener's Monthly, and whose opinion is entitled to great weight. He says:

> Precisely the same conditions exist in Alaska as in England. I found a country far superior in many respects to Switzerland, and with a climate and elements of greatness at least equal to those which have given Great Britain all her industrial and commercial prosperity.

Steamships make regular trips the year round between Portland, in Oregon, and Sitka and Wrangel, in Alaska, carrying passengers and

freight; and commodious steamships are dispatched from San Francisco monthly, or oftener during the summer months, via Portland, Puget Sound, and Victoria, for the points of interest in Alaska, carrying large numbers of excursionists. Instead of navigating "stormy and dangerous seas" to reach the Alaskan coast, after leaving Victoria the route is mainly through a perpetual archipelago, an inland channel, where the sea is never rough, and where it is ordinarily as placid as the water of a river.

Not only does Alaska greatly extend and promise to indefinitely increase the coasting trade of the Pacific coast, but it also extends the base of commerce with China and Japan.

The Columbia River takes its rise in the Rocky Mountains, in latitude 50° and 20′ north, flows northwardly as high as 52° 10′, makes the détour of the great bend into British Columbia; thence sweeps southward, receiving the waters of many tributaries, and forces its way westward through the Cascade Mountains on its course to the sea. Unlike the Mississippi, it seeks the ocean upon a line parallel with trade channels; it carries much less sediment; its banks are stable, and it may be safely improved without increasing the danger from the overflowing of its banks. It drains a basin 395,000 square miles in extent. It is navigable seven hundred and fifty miles from its mouth, with the interruptions of the Cascades, the Dalles and Priest Rapids. Its navigable waters reach within four hundred and fifty miles of the navigable waters of the Missouri and within three hundred and fifty miles of the navigable waters of the Yellowstone. Its principal tributaries are the Snake and the Willamette, the former navigable for one hundred and fifty miles and the latter for one hundred and thirty miles. A great fleet of steamboats constantly plies upon it and its tributaries, transporting the products of the vast region for which they form a system of inland transportation.

A glance at the map will show how vitally this region is interested in the improvement of its navigable rivers. Much of it must always be dependent upon water transportation. The lower Willamette and Columbia from Portland to the sea is a national highway, and the flags of the principal nations engaged in ocean navigation may be seen there. From the mouth of the Willamette to the Lower Cascades of the Columbia, a distance of fifty-three miles, there is a depth of at least ten feet at the lowest stage of water. Navigation is interrupted at the Cascades for a distance of about six miles. From the Cascades to the Dalles, a distance of forty-five miles, there is a depth of eight feet. From the Dalles to Celilo, a distance of fifteen miles, navigation is again interrupted by rapids. From Celilo to Priest Rapids, a distance of one hundred and ninety-two miles, the river is navigable, but during extreme low water the channel is tortuous and difficult of ascent. It has been greatly improved within the last few years by the Government operations.

The improvements of the Columbia River now being carried on by the Government are:

The improvement of the upper Columbia in Oregon and Washington Territory.

The construction of a canal around the Cascades of the Columbia River in Oregon; and

The improvement of the Lower Columbia in Oregon and Washington Territory.

THE IMPROVEMENT OF THE UPPER COLUMBIA.

The plan of improvement of the upper Columbia and Snake River consists in rock removal at various rapids. The estimate of the cost of the work now being carried on was made in 1877, and was $132,000. The total appropriation since that date has been $76,000; estimated amount to complete the work now in progress according to present plans is $56,000, the appropriation of which amount is recommended by the Chief of Engineers for that purpose.

CASCADE LOCKS.

The great work now being carried on upon the Columbia River is the construction of a canal around the Cascades of the Columbia. The plan of construction is intended to give lockage around the main rapid and open river navigation through the minor rapids below for stages of twenty feet or less at the foot of the canal. There has already been appropriated and expended for this improvement $805,000. The estimated amount required for the completion of existing projects is $1,655,397.31. Amount of appropriation asked for for the fiscal year ending June 30, 1885, is $500,000.

The annual rise of the Columbia occurs in May and June, and compels a suspension of the work. The work has been prosecuted at a disadvantage on account of the inadequacy of the appropriations. True economy in carrying on the work and its great commercial importance demand that it should be prosecuted as rapidly and completed as soon as the work can be done.

Charles F. Powell, esq., captain of engineers, in charge of the improvement of rivers and harbors in Oregon and Washington Territory, in his report to the Chief of Engineers for the fiscal year ending June 30, 1883, upon the subject of inadequate appropriations for this work, says:

The uncertainty as well as inadequacy of funds is an element in the increase of cost. At the present time there are two constructions of the canal which might very advantageously be commenced if it were certain that they could be carried to a completion without interruption. To leave them partly finished during a season, either of the heavy rains or of a flood, would probably cause much damage, and so these works are postponed, to an unavoidable disadvantage of the canal.

The completion of the canal will make a good continuous navigation from the seaboard to the Dalles, forty-five miles farther. While the productive areas between the Cascades and the Dalles are limited, the Dalles is on the border of the extensive agricultural and grazing region of the upper Columbia. With the head of continuous navigation at the Dalles, a large traffic would center there. Railroad construction above is easy; below it is difficult and expensive of maintenance. The Cascade Canal and open-river improvement at the Dalles to Celilo Falls will leave only 7,000 feet of easy portage, on a good water route, between Idaho, Eastern Oregon, and Washington and the seaboard. A canal at this portage will add to the continuous route 339 miles of river navigated before any improvements were made, and 57 miles where navigation is known to be practicable. Open-river work at Priest Rapids, on the Columbia, will enable a boat to ascend 153 miles farther. North of this there are 430 miles of water to the head of navigation, broken only at two places, where permanent portages may be preferable to canals. The Columbia is second only to the Mississippi in commercial value, and possesses the advantages of stability of banks, rendering improvements at the rock-rapids good for all time.

The appropriation asked for, $500,000, is intended for guard-gate and part lock construction, wing-walls, completion of excavations and side walls of canal, and additional river improvement, if any be required. It is quite probable that the estimate can be expended to good advantage, and it is recommended that the full amount be appropriated on account of the commercial importance of the improvements and for advantageous work.

IMPROVEMENT COLUMBIA AND WILLAMETTE RIVERS FROM PORTLAND TO THE SEA.

Portland, the present commercial metropolis of the North Pacific, is situated upon the Willamette River, twelve miles from its mouth, and about one hundred and twenty-two miles from the sea. It is vitally interested in the improvement, not only of Columbia River bar, but in the improvement of the river channels from Portland to the sea, so that the largest class of ships can cross the bar at all seasons in safety and reach Portland without interruption. The obstructions to navigation above the mouth of the Columbia to Portland are set forth with particularity in the following extract from a report of a special committee of the Board of Trade of Portland, made to that board December 10, 1883:

Within the bar the river affords good and safe anchorage for the largest vessels, and no further obstruction is encountered until the Hog's Back shoal is reached. This bar is 8 miles above Astoria; it is 1,300 feet across, and the ruling depth of water is 18 feet. The next bar is at Walker's Island; it is 1,600 feet across, with 18 feet depth of water. The third obstruction is Martin's Island, 2,000 feet across, with 19 feet of water. The next is Saint Helen's bar, 32 miles below Portland. * * * Saint Helen's bar is from 1,200 to 1,600 feet across, and the depth of water prior to its improvement was 14 feet. The barrier at the mouth of the Willamette comes next. It is some 600 feet across, and before the commencement of the Government improvements, which have greatly ameliorated its condition, the depth of water was but 10 feet. There is now a depth of 18 feet on this bar, which will probably increase to 20 feet, as intended. The next is Post-Office bar, which is 3,600 feet across, with 18 feet of water, which it is expected to increase to 20 feet upon completion of present Government works. Before dredging was begun the ruling depth was 12 feet.

The last and most troublesome bar is at Swan Island, just north of the city limits of Portland. It is 4,000 feet across, with 18 feet of water. Before any dredging was done the depth of water was 10 feet. At the present time the ruling depth, if dredging was stopped, would be some 14 feet. * * * The annual freshets of the Columbia occur in May and June, during which months its flood is so greatly increased that its discharge at its mouth is estimated at 1,000,000 cubic feet of water per second. This vast volume of water carries with it the sand and gravel that form the bars, which are consequently renewed annually, and become impediments to commerce with the cessation of the freshets in July, and so continue during the shipping season. * * * The improvement of these bars by the erection of permanent structures, having in view the contraction of the channel and subsequent increase in the rapidity of the current, as suggested by the United States engineers, is undoubtedly the very best possible plan.

There is no doubt but that the improvements now being made by the Government will give a permanent channel from Portland to the sea sufficient to permit the largest vessels entering the Columbia to reach Portland without delay. In the mean time, until such permanent improvements are completed, an annual outlay is necessary for the temporary improvement of the bars by removing during the season of low water the sediment which annually accumulates upon them. The estimated amount required for the completion of the existing projects for these improvements, exclusive of temporary improvement and annual maintenance, is $183,635.

Amount of appropriation recommended for fiscal year ending June 30, 1885, for permanent and temporary improvement, $240,000.

CANAL AT THE DALLES.

In 1874 a survey was made under the direction of the Chief of Engineers of the Dalles of the Columbia, for the purpose of ascertaining the practicability and cost of constructing a canal and locks at that point. The work is entirely practicable, and is second in importance only to the canal at the Cascades. It should be commenced at an early day and pushed to a speedy completion. The completion of the two improvements are necessary to obtain the full benefit of either. The magnitude of the transportation interests involved is such that the Government can not and will not discontinue the work of the improvement of this great river until the products of the vast territory reached by the navigable waters of the Columbia can be transported upon steamboats from the extreme head of river navigation to the sea without interruption.

I have called attention to these several improvements of the Columbia River to show the importance in a commercial point of view of supplementing them with the improvement of the mouth of the river.

IMPROVEMENT OF THE MOUTH OF THE COLUMBIA.

The river and harbor act of August 2, 1882, contained an appropriation of $7,500 for the expenses of "a board of engineers to examine in detail the mouth of the Columbia River, Oregon, and report such plan, with estimates for its permanent improvement, as they approved; the said board being required to report before the next session of the present Congress." This board was duly constituted, and examined the mouth of the Columbia River and prepared plans with estimates for a permanent improvement. The plan approved is to build a jetty from the south shore near Fort Stevens. The board was unanimous as to the general character of improvement, but some difference of opinion existed as to the direction, height, and cost of the jetty. The reports are full and interesting, and may be found in Senate Executive Document No. 13, Forty-seventh Congress, second session.

It is not my purpose to enter upon a description of the plan adopted by the majority of the board; but I will content myself with quoting from the conclusions arrived at by them:

The board recommends the construction, at as early a day as possible, of a jetty, slightly convex to the north, extending from the shore near Fort Stevens in a northwesterly direction toward a point about three miles south of Cape Disappointment, this jetty to stop short of that point or be prolonged beyond it as experience may indicate to be necessary.

* * * * * * *

This jetty is expected to be mainly of stone, and the estimate is on that basis. In depths greater than about 15 feet at high water, where it is found practicable to lay mattresses, the structure should be as follows: There should first be laid a very strongly built mattress about 3 feet thick, and upon this a layer of rubble-stone 3 feet thick; then a mound of stone of large size, with a top width of not less than 5 feet, the slope on the outside to be 1 perpendicular on 3 base, and on the inside 1 perpendicular to 2 base. Where the shock of heavy seas is to be sustained this mound should be faced with beton blocks of from 5 to 20 cubic yards each. The apron which forms the foundation of the mound should project in moderately smooth water 10 or 15 feet beyond its base, and 25 feet where the seas are heavy. Where mattresses can not be placed, owing to the roughness of the water, the apron of rubble-stone should be 5 feet thick. In water less than 15 feet deep at high water the jetty should consist of a mattress 30 or 40 feet in width, covered by stone.

The jetty is intended to be brought up to the level of low water.

It is estimated that of this jetty 5,000 linear feet may be built in water of 6 feet depth or less at low water, 7,500 in water between 6 and 11 feet, 4,000 in water between 11 and 16 feet, 7,500 in water between 16 and 21 feet, and that the last 7,500 feet will need the facing of heavy beton blocks. The facing of this last 7,500 feet is expected to add 25 per cent. to what its cost would be if not so protected. The prices below are on a basis of $5 per cubic yard of the whole mass in place:

5,000 linear feet at $45	$225,000
7,500 linear feet at $80	600,000
4,000 linear feet at $140	560,000
7,500 linear feet at $310	2,325,000
Total	3,710,000

* * * * * * *

It seems worthy of special remark that while there are differences of opinion among the members of the board as to the height and length to be given to the jetty starting from Point Adams, there is entire unanimity as to the necessity for such a structure. Four members of the board think the height at first need not be greater than the level of low water, but the outer end should be at a point nearly south of Cape Disappointment. Lieutenant-Colonel Mendell is of the opinion that under existing circumstances it is not expedient to extend the work beyond the limits of Clatsop spit, but he would build it to the height of mid-tide, or perhaps higher.

In conclusion, the board thinks it important to state that in an undertaking of this character, where the exposure is so great, as large a portion as possible of the whole estimate should be available before the beginning of actual construction, and the work, when commenced, should be carried forward as rapidly as practicable, with a view of attaining at the earliest day the desired object, namely, a deep channel to the sea to accommodate the great and growing commerce of which the Columbia River must be the avenue and to the growth of which the present condition of the bar is a very formidable obstacle. When operations have once begun there should be no suspension of them, as in such a case, besides the loss of time, injuries to the unfinished work and unfavorable changes in shoals and channels may be expected to such an extent as very greatly to increase the cost.

I have no doubt of the entire practicability of the work. As I have said, the board was unanimous as to the necessity and practicability and general plan of the work; and the height, length, and even direction of the jetty may be governed by experience as the work proceeds. Captain Powell, in charge of the engineering work on rivers and harbors in Oregon and Washington Territory, reports to the Chief of Engineers that in expectation of the adoption of the plan recommended a survey was made in October and November, 1882, of the south cape, or Point Adams, to extreme low water, and also an examination of the region for a place of stone supply, a good one of which was found.

It appears also probable from the satisfactory results which have been obtained from jetties in process of construction at Yaquina Bay, Coos Bay, and the mouth of the Coquille River, that there may be a very great reduction in the estimated cost of the Columbia River jetty. It is believed by many well-informed people that by the substitution of mattresses and pile-work, where that is found practicable, the cost of the improvement may be greatly reduced, possibly to one-third or one-fourth of the estimate of the engineers.

The total appropriations heretofore made by Congress for surveying and other purposes at the mouth of the Columbia River is $17,500. Amount recommended by the Chief of Engineers for the fiscal year ending June 30, 1885, $500,000.

I have recently received a communication from Captain Powell submitting some interesting facts and reasons, other than those based upon the present and prospective commerce of the river, why the mouth of the Columbia should be improved. It is as follows:

UNITED STATES ENGINEER OFFICE,
Portland, Oreg., January 29, 1884.

DEAR SIR: I take the liberty of submitting, for such use as you may think proper, some reasons other than ones based on present or prospective commerce for improving the mouth of the Columbia River:

1. For causes common to the North Pacific coast there is almost always a heavy swell on the bar, even if breakers do not exist from shore to shore. The exceptions are during parts of summer, when the shipping is light, and for a very few days of winter, when a strong easterly wind may prevail. The entrance is subject to dense fogs and strong currents, and is partly blocked by submerged sand-spits. The safe available draught is therefore the channel depth at low tide; the rise of tide, averaging some 6 feet, is the margin for security against swell and minor deviations from the channel. This low-water depth is now, and has been for several years, about 20 feet, sometimes scant, and was from 21 to 23 feet for several years before that. On account of this small available depth the foreign commerce of the Columbia River is conducted considerably more in light-draught iron vessels than it would otherwise be. A permanent increase of depth would favor British bottoms less and American clipper ships more, and thus open a home port and a profitable carrying trade to our own craft. The British flag now predominates in numbers on the Columbia River. It does not on Puget Sound, and not in so great a measure in San Francisco Bay.

2. The season of storm and heavy seas is the one for shipment. To hold wheat until the good-weather season (summer) would entail upon the producer a storage expense for six months, and cause his product to arrive at market at about the same time as from other sources of supply, instead of at an intermediate time, as now.

3. On account of the changeableness of channel depths (they have ranged from 19 to 23 feet during past ten years) insurance and charter rates are based on the lowest depth; and if a greater draught is attempted delays for fair weather and a tide higher than the mean are calculated upon.

4. As the market for shipments is in Europe, the resulting longer voyage from Oregon, as compared with routes from New York, Baltimore, New Orleans, and other Atlantic ports, requires deeper-draught vessels than ones engaged on those routes for proportionately economical transportation. If the South Pass of the Mississippi River has a navigable depth of 26 feet, then to place the Columbia River on the same footing it should have an increase of more than 6 feet in its entrance channel. Besides the question of depth, the long voyage shuts out steam craft on account of fuel supply. In fact, steamships for charters on the Pacific coast are known as "tramps."

5. Considering the entrance as to its susceptibility for improvement, it can be noted that the surveys for 1792, 1839, 1841, 1850, and 1852 show channel depths of 27 feet, and the survey of 1868 25 feet; all of which depths are either known or believed to have been reduced to low water. It is reasonable to judge that the sand-spits can, by artificial works, be made permanent and the best natural depth recovered and maintained. The mouth of the Coquille River and the entrance to Yaquina Bay are coast entrances similar to the mouth of the Columbia, and all of whose bars are formed in the same way, although the entrance and bar pertaining to the Columbia are on a much larger scale. Jetties at the Coquille and Yaquina of the same general character and based on the same principle as the ones recommended by the board of engineers for the Columbia River have been commenced, and at their present early stage have materially improved the channels. There is an inside jetty, or, more strictly speaking, a training dike, at the entrance to Coos Bay, but the circumstances there are somewhat different, although promising results have been obtained. At the Coquille, where the work is proportionately more advanced, the increase of depth is 100 per cent.; at Yaquina, where the jetty has only reached the edge of the channel existing at time of commencement of the work, the increase of depth is 25 per cent. The same relative increase at the Columbia as at Yaquina would give 25 feet depth, and one-half the same as at the Coquille would give 30 feet—just about that which is needed.

6. When considering the probable cost of the Columbia jetty it should be noticed that the estimate of the majority of the board of engineers ($3,710,000) is based on a stone and *beton* block construction, although the use of wood is recommended in part if found to be more economical. Now, experience at the Oregon coast jetties does show that wood, in shape of piles and brush, can be advantageously and economically used, and the estimate for the Columbia jetty should be reduced considerably. The very liberal contingency named in the estimate of the board can be omitted in case of large and prompt appropriations; but not, on account of danger to destruction of an incomplete work at a place of great exposure, for small and irregular appropriations.

Very respectfully, yours,

CHAS. F. POWELL,
Captain of Engineers.

Hon. J. N. DOLPH,
United States Senate, Washington, D. C.

Perhaps I should add, to prevent my remarks from being misunderstood, that while the bar at the mouth of the Columbia is an obstacle to navigation, it is far from being as dangerous as has been represented. The large steamers plying between Portland and San Francisco come and go and cross it with great regularity. The few disasters which have occurred there have occurred through carelessness in attempts to cross in the night, or in a fog, or in attempting to sail in during unfavorable weather, and in nearly every instance without a local pilot. Ships, nearly every day in the year, except during unusual storms, sail or steam or are towed across the bar; and a comparison of the casualties which have occurred upon the Columbia River bar with those which have occurred upon the bars of the other great rivers of the United States would not prove unfavorable to the former.

Mr. President, I shall not enter into a discussion of the constitutional power of Congress to aid by appropriations of money works for the improvement of our great rivers and harbors. Whatever differences of opinion once existed upon that subject, it has become the settled policy of the Government to aid such works. No more important question than the question of internal transportation to-day demands the careful attention of Congress. So great are the interests involved that in my judgment true statesmanship and the highest consideration for the public welfare demand that every improvement to aid which is within the constitutional power and reasonably within the financial ability of the Federal Government, and which will improve and increase the facilities for and cheapen the cost of transportation of the products of our industries from the place of production to domestic and foreign markets, should

receive favorable consideration from Congress. While the question of the regulation and control of railroad transportation now being forced upon the attention of Congress involves important questions of power and of policy, no such questions embarrass the subject of the improvement of our rivers and harbors.

I am pleased to note that there is a disposition on the part of Congress to take some steps in the direction of removing what have been termed by the Senator from Maine the burdens and barnacles placed upon American commerce by our own laws. The important question of reviving our commerce demands the serious attention of Congress. During the present session we have heard the navigation laws of Great Britian eulogized, I think perhaps justly, and the ascendency of her foreign commerce ascribed to the wisdom and liberality of her laws. Her supremacy on the seas is due to the growth of her foreign trade. Her foreign commerce has stimulated and built up her home industries, and they in turn have fed her commerce until her experience, in a manner at least, justifies the saying of one of her people that "whoever commands the sea commands the trade of the world; whoever commands the trade of the world commands the riches of the world, and whoever commands the riches of the world commands the world itself."

I repeat, therefore, that it is a hopeful sign for the commercial and material future of this country that Congress is disposed to take a step in the direction of a revision of our navigation laws. But our foreign commerce is in my judgment of secondary importance to our internal and interstate commerce. Transportation is the most important part of commerce, and the internal transportation of the country is one of its most vital interests. Without it there can be no real development of its resources. Salubrious climate, productive soil, favorable position, and unbounded resources, all combined, are of but little avail to build up a country until industry is stimulated, trade induced, and the operations of commerce set in motion by means of internal transportation. Until then the useful metals remain undisturbed in the mines, the forests retain their primeval stillness and proportions, the soil is vexed only to supply the immediate wants of the occupants, the grain is not raised for export, manufactures are limited, trade does not expand beyond the proportions of neighborhood barter, cities do not grow, the country languishes.

There is much discussion upon the subject of protection for manufacturing industries, but a greater question demanding the attention of Congress is encouragement to our agricultural interests. Our national prosperity and the success of all other industries are dependent upon the success of our agricultural interests. Whatever appropriations are made by Congress for the improvement of the Columbia River and its tributaries will be primarily for the benefit of the farmers whose products are to be transported upon them, but directly or indirectly the beneficial results of such expenditures will be felt by all the diversified interests of the people of that region.

It has been well said that—

> The National Government has wisely lent its aid among others to construct three great lines of railroad to the Pacific coast. * * * They will be * * * overburdened with the traffic that will grow with their growth and extend with their connections. But the great and magnificent rivers of the West are never overburdened, they are the nation's arteries formed at the creation to relieve the ever-fructifying earth of her superfluous wealth of production, completed to aid civilized man in carrying forward the command of his Creator to subdue the earth. All they need from man is very little continuous care to free them from obstructions, and all expenditures made for this object repay more than fifty-fold.

The Pacific Northwest—original Oregon—appeals to the national Congress for that recognition which the sacrifices and the fidelity to this Government of the pioneers who settled, held, and saved to the United States that magnificent domain—her long isolation, her vast territory, great resources, the necessities of her great and already increasing commerce, and her undoubted and immediate future development deserve. She asks the aid necessary to prosecute the improvements of her rivers and harbors now in progress, and to commence the important work of improving the mouth of the great river which forms the natural outlet to the sea for her surplus productions.

I move that the bill be referred to the Committee on Commerce.

The motion was agreed to.

Mr. DOLPH. I ask that the same order be made in regard to the bill (S. 702) making an appropriation for continuing the improvement of the mouth of Yaquina Bay, in the State of Oregon; and the bill (S. 703) making appropriation for continuing the construction of the canal and locks at the Cascades of the Columbia River, in the State of Oregon.

The PRESIDING OFFICER. The bills will be referred to the Committee on Commerce.

ELIJAH W. PENNY.

The PRESIDING OFFICER. The first bill on the Calendar under Rule IX will now be reported.

A bill (S. 544) granting an increase of pension to Elijah W. Penny was announced as first in order.

Mr. JACKSON. There is an adverse report on that bill, and unless some Senator desires to have it considered now I shall object to its consideration.

Mr. GARLAND. A motion to reconsider was entered, and the vote postponing the bill indefinitely was reconsidered. I do not know what Senator made the motion.

The PRESIDING OFFICER. As the Senate is now proceeding under Rule IX, a bill when reached in order does not go over under objection.

Mr. JACKSON. I have no objection to its consideration except that there is an adverse report in the case.

The PRESIDING OFFICER. The Secretary informs the Chair that the Senator from Indiana [Mr. HARRISON] moved the reconsideration of the vote by which the bill was indefinitely postponed, and it was placed on the Calendar.

Mr. GARLAND. The Senator from Indiana who made the motion I know is called from the Chamber on special business, and I suggest that the bill be passed over informally.

The PRESIDING OFFICER. Is there objection to passing it over informally on the request of the Senator from Arkansas? The Chair hears no objection, and it is so ordered.

QUORUM OF SUPREME COURT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 309) to amend section 673 of the Revised Statutes of the United States, relating to the quorum of the Supreme Court of the United States.

Mr. GARLAND. When this bill was reached before, the Senator from Massachusetts [Mr. HOAR] was absent under an order of the Senate, and I did not care to have it considered in his absence, because of the views he had expressed when the question was before Congress at a former session.

The first part of the bill relates to the matter of the quorum of the Supreme Court. Section 673 of the Revised Statutes now provides:

> SEC. 673. The Supreme Court of the United States shall consist of a Chief-Justice of the United States and eight associate justices, any six of whom shall constitute a quorum.

It has been found that that has operated very disadvantageously at times; that the number required for a quorum is so large that at times there are not that number in attendance when the court opens; and, upon consideration, the committee thought it best to fix a quorum at simply a majority, so that, as there are nine justices, any five will be a quorum to do business. That, I believe, there is no objection to; none has been urged.

The other portion of the bill prohibits any one of the judges of the Supreme Court from sitting on the trial of a cause in that court which he had tried in the court below. It has always occurred to me that the present practice in that regard was to a certain extent a denial of a fair trial to a plaintiff in a writ of error, because his case comes to be tried anew by a court where there are nine judges, with one already prejudged against the party. It seems to me that does not give him a fair chance for his subject-matter of litigation. That is the sole point in this part of the bill. It was incorporated in what is known as the Davis bill, the court-of-appeals bill, when it was before the Senate several sessions ago, by a very large vote, the amendment then being offered by the Senator from Missouri [Mr. VEST]. I think it is a very necessary safeguard to put in, in order to have a fair and impartial trial on appeals and writs of error in the highest court of the country.

Mr. HOAR. Mr. President, I suppose the question whether a judge who has made a ruling at nisi prius should be permitted to take part in the determination of the exceptions to that ruling in a full court is one which gentlemen consider very much in a light colored by the public feeling in their own States and the experience there. Now, what may be the experience of other parts of the country I do not know, but this I do know, that in my own State the law has permitted the judges to sit in banc in the determination of questions upon which they have ruled below, and there not only has been no complaint, but I think the profession in our State would be nearly unanimous in the opinion that a great public advantage had come from it. The judge makes his ruling at nisi prius with a knowledge of the application of a particular legal formula with reference to the particular state of facts, a knowledge which the full court can not get often from the most particular and accurate report, and it seems to me very important, if he be a man of ordinary judicial quality, that he should be permitted to explain and defend his opinion below. The whole object of the proceeding is not that a man shall get a new trial; it is that the law shall be correctly and properly administered.

This provision would exclude very often the most capable members of the court from sitting on questions of great public consequence. Of course the case goes very much further than the determination of the individual controversy. The decision makes a prevailing rule for all time until overruled or changed by statute. From one part of the country come up questions of civil law; from another neighboring portion of the country come important questions of Spanish and Mexican land law, and French land law, and certain members of the bench who will be the ones most likely to sit below on that class of questions are those who are the only ones who are qualified by experience and study and legal learning to deal with these questions. Now, to deprive the court of the aid of such judges seems to me to be very bad

policy. The idea that Chief-Justice Marshall could not have sat in dealing with a constitutional question that had come up in the first circuit when he was on his circuit seems to me a very unwise one.

Without wishing to take up the time of the Senate by a full debate of this question, I wish simply to record my opinion that the present system is the best one, and that we should deprive the public of the advantage very often of a capable and able judge in guarding against an evil which is dingy and doubtful, and that would be apt to be felt in a very few cases.

I move to strike out the portion of the bill which contains that provision.

The PRESIDING OFFICER. Will the Senator indicate to the Secretary the part of the bill which he proposes to strike out?

Mr. GARLAND. The Senator can reach the same purpose by asking for a division of the question on the first clause, and then take the vote on agreeing to the second. However, I do not wish to interfere with the Senator.

Mr. HOAR. It is not the parliamentary method of dealing with a bill to take a separate vote on separate sections.

Mr. GARLAND. There is but one section.

Mr. HOAR. I have no right to do that; I have a right to move to strike out.

Mr. GARLAND. Yes; and you have a right to do the other; but I do not care which you exercise.

Mr. HOAR. I do not understand that we have the parliamentary right to call for a division of the question on one clause.

Mr. GARLAND. Rule XVIII is clear as to the right to call for a division of any question containing a separate matter, but still I do not care.

Mr. HOAR. You can not divide a bill.

Mr. GARLAND. The Senator can take his own course as to that; but I wish to make a few observations on the bill.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from Massachusetts.

The SECRETARY. It is proposed to strike out all after the word "thereof," in line 5 of the bill, in the following words:

> And no member of said court shall sit at the hearing or participate in the decision of any cause in the decision of which he acted in the court below.

Mr. GARLAND. The chief essence and value of all trials consists in their fairness. A trial that is not a fair trial is no trial at all in law. When we arraign a man for breaking into a hen-roost or the smallest kind of a larceny, we ask the jurors if they have heard anything of the case, if they have expressed an opinion about it. Here comes a case to the Supreme Court of the United States on appeal, and one of the judges before whom that appeal is to be tried has already determined the case; he has made up his mind about it, he has prejudged it, and on the commonest principle of trial he would be incompetent to sit in that case.

It is not worth while to cite the example of Chief-Justice Marshall or chief-justice anybody else; we are dealing now with human nature, and when you tell me that as a rule you can approach a judge who has heard a case argued upon the circuit and has made up his opinion and delivered that opinion and decided the case, as a fair judge on appeal, as one who is not predisposed or prepossessed one way or the other, you tell me something that the commonest understanding of human nature does not bear out.

Mr. HOAR. Would it disturb the Senator if I put a question to him?

Mr. GARLAND. If you simply put a question it will not disturb me in the least; but it will agitate me if you make a speech.

Mr. HOAR. I beg the Senator's pardon.

Mr. GARLAND. I will yield, but not for a speech.

Mr. HOAR. I had not made any proposition to make a speech.

Mr. GARLAND. But I was afraid you would, and I made the suggestion in advance. [A pause.] If you will tell me that you can go to a judge, I do not care who he is, and convince him to the contrary after he has heard the case argued upon the circuit and made his decision, I will get the man who can do it to go up and see if he can convince the bronze statue of Tom Paine and convert it to Christianity. I do not say this to reflect upon any man or any judge. But let us look at it for a moment.

There is my distinguished friend the Senator from Georgia [Mr. BROWN]. He has presided over courts. He calls the case of A against B. He hears it argued. He looks at the books, examines the authorities, and makes up his opinion. It will be a very long time, and it will take more than a common argument to convince that judge that he has made a mistake after hearing the case argued and examining the authorities, and have him say to the country, "That is all a mistake; I committed an error, I admit it." I will take any other Senator or any other judge. No person likes to write himself down as in error after he has heard a case argued and submitted an opinion upon it. That is the proposition that I make here.

So I say that when a man comes with his case before the Supreme Court with one judge against him he then has but eight uncommitted minds to appeal to. He has one out of nine against him to begin with, and so it is not a fair trial. Section 614 of the Revised Statutes provides that:

> A district judge sitting in a circuit court shall not give a vote in any case of appeal or error from his own decision, but may assign the reasons for such decision.

Why do you cut out the district judge when you appeal to the circuit court where he sits with the circuit judge? The reason, I think, is a good one, and it should run clear through to the Supreme Court judge. The peculiar knowledge that the judge of the Supreme Court gets while sitting upon the circuit cuts both ways. Sometimes he gets a little too much knowledge of the case; sometimes he gets a little too much information and pressure in reference to the parties.

I have always believed it would be the best for the court of last resort to try a case as by an algebraic formula and not to know anything about Mr. Smith, or Mr. Jones, or Mr. Brown, or any one else in the case, but simply try it by a formula, if you please, and know nothing about what occurred on the circuit.

As to this special knowledge, I should like to know what there is in land-grant cases in New Mexico, or cases in New Orleans or any portion of Louisiana as to the civil law, that you can not find in the libraries here at this day and time, authorities by which you may post yourself in reference to them. Here are text-books written in the original language and the laws and reports. I can not see that any disadvantage accrues to a party by having a judge sit on the case because of his peculiar knowledge of the land laws or of the land grants of New Mexico or the civil law of Louisiana, as the case may be.

It just resolves itself down plainly to this: We have already the example of district judges being prohibited from hearing in the circuit court a case they have tried in the district court; and, sift it as you please, whether it is one chief-justice or another, it does not amount to a fair trial when a party comes before the Supreme Court on appeal with a judge who has decided against him below sitting to hear the appeal and have a vote in deciding it.

Mr. HOAR. The logic of the Senator from Arkansas would require him to have a measure which would poll the Supreme Court in all cases and find out whether the judges had any legal opinions on the questions involved in issue.

Mr. GARLAND. I do not think that would be very bad.

Mr. HOAR. I do not yield for a speech.

Mr. GARLAND. No; I am not seeking to make a speech.

Mr. HOAR. I beg my friend to observe that.

Mr. GARLAND. I am not making a speech; I am making a suggestion.

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor.

Mr. GARLAND. I simply made a suggestion.

Mr. HOAR. The difference between my honorable friend and me is that he makes his interruptions without asking my leave, and I asked his leave before I proposed to make one.

Mr. GARLAND. I granted it, and you did not take it.

Mr. HOAR. I did not understand you to grant it, sir.

The judges are supposed to be men learned in the law, which implies having opinions on legal questions. We do not argue cases before them or submit cases to them on the theory that they are only like a jury, with their minds blank and without an inclination one way or the other. We suppose that the tribunal is so constituted that the final opinion of the judge on hearing and argument will be sound, and right, and just.

Take the case of a court equally divided; how shall the scale preponderate one way or the other? Shall the party who has obtained a ruling in his favor in the court below on full argument and hearing be deprived of the right to the opinion of that member of the court who has sat below? Why is it that he should not have the right to the judgment, the opinion of the full court, and not of a member less than the full court?

The Senator says that it is impossible, that you might as well undertake to convert a bronze statue as to change the mind of a judge who has once made up his mind in the court below. The Senator's experience in such matters differs very much from mine, if that be his opinion. Again and again I could name in my own practice, I could name from the bench of my own State, cases well known, cases of great public importance, where the judges have given opinions overruling the opinions they had themselves expressed at nisi prius. Of course everybody knows that a nisi prius opinion is an opinion given without the opportunity ordinarily for the full and thorough examination of the case and the authorities which is had in the hearing in banc; and the fact that the judge had ruled one way at nisi prius, with a man possessing the judicial quality either of integrity or fairness, or independence, or intelligence, would be ordinarily a matter of the very slightest weight.

I could, if it were worth while to take up the attention of the Senate, recount from memory instance after instance of important causes where the judges in my own State and part of the country have given opinions, as the organ of the full bench, reversing the opinions they had given at the trial below. I do not believe any member of this body who has ever sat on a bench would admit that it was any harder for him to deal

fairly with a case that he had heard at nisi prius than with a case that had been heard by one of his associates. The prevailing motive in the mind of the judge, other than the motive to do his duty, is to go into the history of jurisprudence and into the reports with opinions and judgments, which will be recognized and accepted by the profession and the public as sound. The judge speaks in giving his opinion, not merely to the parties to the suit, he speaks to the profession, to the generation, and to generations after, centuries perhaps after the time when the original opinion is given, and the question is very unimportant to him whether he turned out to be right in the first impression compared with being recognized and having his opinion recognized as a clear and shining beacon-light along the pathways of jurisprudence to those who come after him.

Mr. PIKE. Mr. President, I am in favor of the passage of this bill as it stands. My experience is entirely different from that of the Senator from Massachusetts in the matter of which he speaks. In our State it was found necessary to enact a law just like this, and at the time it was enacted I took occasion to examine the statutes of the States of the Union, and I venture to say it will be found now that three-fourths of the States of this Union have a provision like that which is contained in the bill before us. The idea can not be correct that when a judge has passed upon a question of law in the court below, has formed an opinion, has given a construction to any law, he is wholly impartial when he comes to consider the case in the court above. It may be the presumption that he is impartial, but it is a presumption contrary to the fact.

I believe there should be an impartial hearing on the question of law when it comes to the full bench, and I deem it absolutely necessary that the man who has given an opinion in the court below should not act in the decision of that question. He becomes a champion of his own opinion, it seems to me, and his mind is not as open as if he had not formed an opinion and expressed it in the court below.

I hope the bill will pass without amendment.

Mr. VEST. When what was known as the Davis bill reorganizing the judiciary into circuits was before the Senate this question was elaborately discussed, I think the discussion lasted for some two or three hours upon some three or four successive days, and the Senate by a very large majority, my recollection is at least three or four to one, decided in favor of the principle which is incorporated in the bill advocated by the Senator from Arkansas, that the nisi prius judges should not sit in the appellate tribunal. I think almost the universal testimony of Senators upon this floor who expressed themselves at that time (I recollect distinctly the argument made by the Senator from New York now before me [Mr. LAPHAM] and by other Senators) was against the practice of allowing nisi prius judges to sit in the appellate court.

In my own State of Missouri we tested this thing very fully and fairly. We organized there some years ago what was known as a district court in which five circuit court judges sat in banc upon the cases that they had tried on the circuits. My experience was, and I undertake to say that the decisions of that district court will show, that not one case was reversed out of twenty; and yet in the supreme court to which the cases afterwards went it is safe to say that one was reversed in about three or four.

An appeal from the decision of a judge is an attack upon his judgment. The Senator from Massachusetts may deliver, and I do not question their propriety, eulogies upon judicial character and judicial fairness; yet we all know that judges are simply men.

Mr. LAPHAM. The Senator means to state it as a fact that the judge regards an appeal as an attack upon his judgment?

Mr. VEST. Yes, as a matter of course. I mean to say that when you appeal from the judgment of a judge it is stating to him that you think he is wrong, that he has erred as to the law. It is an attack upon his private opinion, and as a matter of course he would be a little more or less than man unless he undertook to defend it.

I do not know that I have ever verified it by actual observation or actual examination, but I have heard it stated that the greatest lawyer who ever sat upon the Supreme Bench of the United States, Chief-Justice Marshall, was never known to reverse his opinion, especially as to constitutional law, when he had expressed it upon the circuit.

Moreover, as the Senator from New Hampshire [Mr. PIKE] has suggested, the judge at nisi prius from whom an appeal is taken becomes necessarily the advocate afterward of his own judgment and of his own opinion. Speaking with all due respect of the judiciary, the man who delivers the opinion below is found to advocate it afterward in the appellate court, where the lawyer upon the other side can not meet him face to face to answer his argument. On account of his association with the rest of the appellate bench he has their confidence and he has a peculiar position, which gives his arguments made in the appellate tribunal an undue influence, I submit of course not in any corrupt sense, but an undue influence in regard to the final decision of the cause.

A trial on an appeal should be a new trial; and when you try the same case before the same judge with the odds against you, with his pride of opinion, with his disposition to maintain his own judgment, it is not a new trial really and emphatically within the meaning of the law.

Mr. CALL. Mr. President, I think the provision of the bill proposed to be stricken out is a very important one. The bar, by a very large majority, so far as I am apprised of their opinion in my own section, desire a change in the law to this effect; and so far as I am advised of the opinion of the lawyers of the country generally it is to the same effect.

The argument of the distinguished Senator from Massachusetts seems to me to rest upon a radically erroneous basis. It assumes that judges never decide causes from any other than proper motives; that they are infallible; that they never have political ambition; that they never decide against their own judgment and knowledge of the law; and it excludes all that class of cases where judges may be actuated, as they often are, by improper motives.

Again, what is the principle on which an appeal to another tribunal is taken? It is for a new hearing, for a new trial, for a new consideration, not by the same person but by another and a different authority. If that be the principle, if we are to appeal from the judgment of one to the judgment of another, why violate it by keeping the same person as a part of the constituent tribunal? Why falsify the very proposition upon which we are proceeding when we take the judge who has sat and pronounced and affirmed a judgment, and make him a part of a tribunal which has been selected because it was another and a different tribunal?

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. GARLAND, the title was amended so as to read: "A bill to amend section 673 of the Revised Statutes of the United States, relating to the quorum of the Supreme Court of the United States, and for other purposes."

PROTECTION OF CIVIL RIGHTS.

The bill (S. 15) to provide for the further protection of citizens of the United States and others against the violation of certain rights secured to them by the Constitution of the United States, was announced as next in order upon the Calendar.

Mr. CALL. This is a very important bill and one likely to lead to discussion. I ask the Senator from Massachusetts [Mr. HOAR] if he desires to proceed with it to-day?

Mr. HOAR. The Senator from Vermont [Mr. EDMUNDS], who had a large share in the original preparation of the bill, is absent from his seat at this time and I understand is absent from the Capitol. I should not want the bill to lose its place, but I am quite willing, if any Senator has any business which he desires to have dealt with this afternoon, to let it be laid aside informally.

Mr. CALL. I suggest that it be allowed to go over, retaining its place on the Calendar.

Mr. BECK. Without prejudice.

Mr. CALL. Without prejudice.

Mr. GARLAND. When it was reached before, in the absence of the Senator from Massachusetts I made the suggestion that the bill hold its place on the Calendar. I suggest that we make the same order now.

Mr. HOAR. I believe the Senator from Vermont does not himself propose to discuss the bill at length. I have an impression that that is his feeling about it; but still as he, as the Senator from Arkansas is aware, had a good deal to do with framing it, I should rather he should be present when the discussion of the bill takes place.

Mr. GARLAND. Then let it go over informally.

The PRESIDING OFFICER. Is there objection to letting the bill go over informally, holding its place on the Calendar under Rule IX? The Chair hears none. It is so ordered.

MARITIME LIENS.

The bill (S. 415) regulating maritime liens and remedies and to secure uniformity in the enforcement of the rights of material-men in courts of admiralty was announced as next in order on the Calendar.

Mr. INGALLS. That is an adverse report. Let that go over.

The PRESIDING OFFICER. The Senate is proceeding under Rule IX, and an objection does not carry a bill over.

Mr. INGALLS. I ask unanimous consent, as the report is adverse, that the bill may go over.

The PRESIDING OFFICER. Is there objection to the bill being passed over, the report being adverse.

Mr. LAPHAM. I have no objection to that course if the bill does not lose its place.

The PRESIDING OFFICER. Is there objection to passing the bill over informally, it holding its place on the Calendar? ["Consent!"] The Chair hears no objection.

JOHN FRASER.

The bill (S. 830) for the relief of John Fraser was announced as next in order on the Calendar.

Mr. INGALLS. That bill has been passed.

The PRESIDING OFFICER. It stands upon a motion to reconsider.

Mr. HOAR. The bill provides for compensation to a gentleman who was acting as the architect of the Bureau of Engraving and Printing,

who was called to fill the place of Supervising Architect during the suspension of Mr. Hill. The Committee on Claims allowed to him compensation at the rate of the salary fixed for the higher service. After the bill passed the Senator from Nebraska [Mr. VAN WYCK] thought he could satisfy the Senate that in the peculiar circumstances of this case Mr. Fraser ought to be paid for both services, contrary to the general policy of the Senate; and there are some very strong reasons for that view. I see the Senator from Nebraska is not present. I think the bill had better stand.

The PRESIDING OFFICER. Does the Senator make the request that the bill be passed over?

Mr. HOAR. Yes, sir.

The PRESIDING OFFICER. The Senator from Massachusetts asks that the motion to reconsider may be passed over informally, the bill holding its place on the Calendar. Is there objection? The Chair hears none.

GEORGE H. CARLYLE.

The bill (S. 375) for the relief of George H. Carlyle was announced as next in order on the Calendar.

Mr. INGALLS. I make the same suggestion in that case, there being an adverse report.

The PRESIDING OFFICER. The Senator from Kansas asks that the bill be informally passed over, there being an adverse report. Is there objection?

Mr. HOAR. Unless some Senator wishes to oppose the adverse report, I suggest that the bill be disposed of.

Mr. INGALLS. The bill must have been placed upon the Calendar at the request of some Senator.

Mr. COCKRELL. I intended to request that the bill be passed over until the attorney, who is now absent from the city, can have an opportunity of preparing a petition for a rehearing and a reconsideration of the case, which he desires, as he has additional evidence and some points of law to present that were overlooked by the committee.

The PRESIDING OFFICER. Is there objection to passing over the bill informally, leaving it in its place on the Calendar? The Chair hears none.

HEIRS OF MAURICE GRIVOT.

The bill (S. 87) for the relief of the heirs of Maurice Grivot was considered as in Committee of the Whole. It proposes to pay Marie Emma Nicholas and Anne Elodie Jaques, heirs of Maurice Grivot, late of New Orleans, La., $962.85, in satisfaction of money and property taken by the Government and in full payment of their claim.

Mr. INGALLS. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. JACKSON January 23, 1884:

The Committee on Claims, to whom was referred the bill (S. 87) for the relief of the heirs of Maurice Grivot, have considered the same, and respectfully report:

That this committee had this case under consideration during the first session of the Forty-seventh Congress and made a favorable report thereon, which upon reconsideration they again adopt, as follows:

The Committee on Claims, to whom was referred the bill (S. 392) for the relief of the heirs of Maurice Grivot, having examined the same, make the following report:

That Marie Emma Nicholas and Anne Elodie Jaques are the heirs at law of Maurice Grivot, who was a citizen of the State of Louisiana; that said Grivot was a depositor in the branch of the Louisiana State Bank at New Orleans, and that on the 17th day of August, 1863, there stood to his credit in said bank the sum of $1,574.79, which was taken possesion of by the military authorities of the United States, then in the occupation of the city of New Orleans, under the following circumstances:

On the 17th of August, 1863, an order was issued, by command of Major-General Banks, then in command of the Department of the Gulf, requiring the several banks and banking associations of New Orleans to pay over, without delay, to the chief quartermaster of the Army, or to such officer of his department as he might designate, all money in their possession belonging to or standing upon their books to the credit of any person registered as an enemy of the United States, or engaged in any manner in the military, naval, or civil service of the so-called "Confederate States, or who should have been, or might hereafter be, convicted of rendering any aid or comfort to the enemies of the United States." The order declared that those funds would "be held and accounted for by the Quartermaster's Department, subject to the future adjudication of the Government of the United States."

Under and in obedience to this order the Branch of the Louisiana State Bank paid over to the acting quartermaster the balance standing on its books to the credit of Maurice Grivot, who seems to have been registered as an enemy of the United States. It appears from the receipts and accounts of the quartermaster to whom this balance of $1,574.79 belonging to Grivot was paid that the sum of $611.94 was received in confederate funds and the sum of $962.85 in par or current funds. Why a portion of the amount was paid and received in confederate funds is not explained. The United States authorities do not appear to have made any use of the confederate funds. The par funds ($962.85), with like funds received under said General Order No. 202 from other banks, amounting in the aggregate to $44,692.43, were taken up in August, 1863, and expended by the quartermaster for the ordinary purposes of the Quartermaster's Department. The order of the commanding general directed the fund "to be held and accounted for by the Quartermaster's Department, subject to the future adjudication of the Government of the United States." And the chief quartermaster, in his order designating Captain McClure, acting quartermaster, as the officer to receive said funds, directed him to "hold this money and account for it to the United States Treasury."

It further appears that subsequently, in proceedings under the act of July 17, 1862, entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," in the case of the "United States *vs.* The right, title, interest, and estate of M. Grivot in and to household effects," the sum of $220.34 was paid into the Treasury of the United States by the clerk of the United States district court of Louisiana. This sum of $220.34 was the proceeds realized by the sale of said Grivot's household effects under said libel suit. No judicial proceedings were ever had to confiscate or condemn the funds of Grivot received from the bank. The present bill proposes to return to the heirs of said Grivot the sum of $1,795.13 (being the amounts received by the Government from the bank and from the confiscated household effects), with interest at the rate of 6 per cent. per annum from August, 1863, until paid.

The proceedings to confiscate the household effects of Grivot are presumed to have been regularly conducted in pursuance of law, and operated to divest him and his heirs of all right, title, and interest in and to the property condemned and the proceeds realized from its sale. Your committee can see no ground or principle upon which the heirs can properly make any equitable claim to this part of the fund; nor can they recognize the liability of the United States to return to the claimants in par funds the amount ($611.94) the bank turned over to the quartermaster in confederate funds, which appear to have been worthless to the Government.

The only remaining question raised by the facts and circumstances above detailed is whether there is any duty or obligation, legal or equitable, on the part of the Government to return or pay over to the heirs of Grivot the amount of par funds belonging to him which were received from the bank.

At the close of the war Grivot sought redress against the bank in the State courts of Louisiana, but failed to recover, the court holding that the military order under which the money was paid over was a protection to the bank. He or his heirs, therefore, have only the Government to look to for reimbursement, and whether such reimbursement should be made by the United States properly involves a consideration of the validity of General Order No. 202, under which the fund was turned over. The object and purpose of the order was not to supply military wants and necessities, but simply to impound and confiscate the moneys of persons registered as enemies of the United States. Had the commanding general of the department in August, 1863, authority to issue such an order? This is not an open question. The Supreme Court of the United States in the case of Planters' Bank *vs.* Union Bank (16 Wallace, 494 to 497) had occasion to pass upon the validity of this very order, and it was there decided, in December, 1872, that General Banks had no authority to make said order, and that it was wholly invalid. The following extract from the opinion of the court will show the reasoning and principle on which the decision was rested. The court says:

"The validity of the order is, therefore, the first thing to be considered. It was made, as we have seen, on the 17th of August, 1863. Then the city of New Orleans was in quiet possession of the United States forces. It had been captured more than fifteen months before that time, and undisturbed possession was maintained ever after its capture. Hence the order was no attempt to seize property '*flagrante bello*,' nor was it a seizure for immediate use of the Army. It was simply an attempt to confiscate private property, which, though it may be subjected to confiscation by legislative authority, is, according to the modern law of nations, exempt from capture as booty of war. Still, as the war had not ceased, though it was not flagrant in the district, and as General Banks was in command of the district, it must be conceded that he had power to do all that the laws of war permitted, except so far as he was restrained by the pledged faith of the Government or by the effect of Congressional legislation. A pledge, however, had been given that rights of property should be respected. When the city was surrendered to the Army under General Butler a proclamation was issued, dated May 1, 1862, one clause of which was as follows: 'All the rights of property of whatever kind will be held inviolate, subject only to the laws of the United States.' This, as was remarked in the case of the Venice (2 Wallace, 258), 'only reiterated the rules established by the legislative and executive action of the National Government in respect to the portions of the States in insurrection occupied and controlled by the troops of the Union.' That action, it was said, indicated the policy of the Government to be, not to regard districts occupied and controlled by national troops as in actual insurrection, or their inhabitants as subject in most respects to treatment as enemies. Substantial, complete, and permanent military occupation and control was held to draw after it the full measure of protection to persons and property consistent with a necessary subjection to military government.

"We do not assert that anything in General Butler's proclamation exempted property within the occupied district from liability to confiscation as enemies' property, if in truth it was such. All that is now said is that after that proclamation private property in the district was not subject to military seizure as booty of war. But admitting as we do that private property remained subject to confiscation, and also that the proclamation applied exclusively to inhabitants of the district, it is undeniable that confiscation was possible only to the extent and in the manner provided by the acts of Congress. These acts were passed on the 6th August, 1861, and on the 17th July, 1862. No others authorized the confiscation of private property, and they prescribed the manner in which alone confiscation could be made. They designated Government agents for seizing enemies' property, and they directed the mode of procedure for its condemnation in the courts. The system devised was necessarily exclusive. No authority was given to a military commandant, as such, to effect any confiscation. * * * It is therefore of little importance to inquire what, under the general laws of war, are the rights of a conqueror, for during the recent civil war the Government of the United States asserted no general right in virtue of conquest to compel the payment of private debts to itself. On the contrary, it was impliedly disclaimed, except so far as the acts of 1861 and 1862 asserted it. These enactments, declaring that private property belonging to certain classes of persons might be confiscated, in the manner particularly described, are themselves expressive of an intent that the rights of conquest should not be exercised against private property except in the cases mentioned and in the manner pointed out. * * * It follows, then, that the order of General Banks was one which he had no authority to make, and that his direction to the bank to pay the quartermaster of the Army the debt due the Planters' Bank was wholly invalid."

The Supreme Court having thus decided that the attempt of the commanding general of the department to enforce by military order the confiscation acts of Congress against the property and effects of rebellious citizens of the United States was without authority and invalid, and it further appearing that there has never been any judicial procedure for the condemnation of the funds thus seized as directed and required by the confiscation acts of 1861 and 1862, so as to divest and defeat the private rights and interests of the owner, it follows that the United States acquired no valid title under that seizure to the money of Grivot, who before his death received full and complete amnesty from the Government, which removed the only ground on which confiscation or an actual divestiture of his interests could be predicated. The possession obtained by the Government under the unauthorized order of its commanding officer conferred upon it no higher or stronger right to this fund than that acquired by a seizure under the captured-and-abandoned-property acts. The Government simply got possession of the fund, with the right to have it condemned and confiscated in the exclusive mode and manner directed and prescribed by the confiscation acts of 1861 and 1862, but before exercising this right, which was necessary to a valid divestiture of the owner's title and to perfect its own, the Government confers upon the owner complete amnesty for all the past offenses which entitled it to confiscate the fund. This grant of amnesty was a voluntary surrender and abandonment by the United States of its right to complete and perfect that judicial condemnation of the fund which was necessary to defeat the owner's interest. Having been pardoned before any legal and valid divestiture of his rights was had, the acts of Congress and the decisions of the Supreme Court entitle the owners or his legal representatives to the full benefit of a restoration of his property as completely as though no seizure had ever been made or military confiscation attempted.

Under the authority of Armstrong *vs.* United States (13 Wallace, 154) and Pargoud *vs.* United States (16 Wallace, 156) the claimants in the present case, if they could sue the Government, would be entitled to recover this fund. Will Congress deny to them, simply because it has the power to withhold, what the courts of the United States would allow as a valid right? To do so would be the exercise of a punitive power, destructive of the rights which the clemency of the executive department have lawfully restored. It would present a singular anomaly for Congress to deny rights recognized by the judicial and executive departments of the Government.

Your committee therefore consider that the money belonging to Grivot to the extent of $962.85, received, as aforesaid, by the Government in par funds, should be restored to his heirs at law; and they accordingly recommend the passage of the bill.

Mr. CONGER. I think this is a test case. It is true it involves but a small amount of money, it is apparently of trivial importance, but if it be decided by the Senate on the principles involved in this report of the committee, it must necessarily open the way by precedent and by authority for paying out not only this little sum of $900, but millions upon millions of money to compensate for moneys and property taken by the United States during the war.

I can not see, on reading this report of the committee over and over again, upon what principle the committee could recommend to the Senate that this claim be paid. The argument is finely drawn; the logic is well spun out; no man can tell from the report exactly where and how the general rule, the general law, is affected by this bill. A decision of the Supreme Court is quoted here which, in my judgment, has no application to this case. The very report shows that in regard to household effects and other property taken during the war, where the matter was contested, the United States held the property, and the courts decided that it was lawfully held and taken at about the same time and in the same manner and under the same circumstances as this. Is it contended that the heirs, or the principal himself if living, could come into any court authorized by law and recover this money against the United States under the general principles of international law?

This money, as I believe, was a part of a fund seized and taken by the confederate government and ordered to be held in the Louisiana State Bank, which was the depository of the confederate money in New Orleans, for the purposes and uses of the confederate government, as much the property of and subject to the control and to be used for the use and benefit of the confederate authorities as any money in their treasury or under their control. It did not consist of United States funds alone. There were gathered together confederate money and other money in one sum. If this Government is liable to pay back this amount of money, it is just as much liable to pay back the similar sum in confederate money, or what was its value at the time it was taken, as it is this, and the committee should have so reported. If there is any reason for paying back to the heirs of this man any money whatever, it is to pay back the value of the property taken, and this committee should have ascertained what at the date of the capture of this property the confederate money was worth and should have so reported, and it would have so reported but for the fact that that would have been a monstrous proposition which would not meet with favor here; and yet these heirs have as much right to the value of the confederate money on deposit in this bank as to the value of the other money deposited. There is no reason for the distinction. Whether it was money or property, whether it was bullion or confederate notes, whatever was the value of the property taken by the United States, if the Government is liable to refund any of it, it is liable to refund it all in full.

I call the attention of Senators to this opening case; it is the first one of this particular class which has been presented to the Senate. On the reasoning of the committee, on the references of the committee, on this bird's-eye view, this far-off, little-end-of-the-telescope view of the decision of the United States courts, which does not in my judgment apply at all to a class of cases like this; on this report, which pretends to pay back the value of one kind of property seized, but does not pretend on the same principle and for the same reason to pay the value of another kind seized at the same time, coming within the same requirements, coming within the decisions, if either part does come within the decision of the Supreme Court—on this we are asked to pay back a portion of this deposit. There is a lame place in this report to which I call the attention of the eager and watchful chairman of the Committee on Claims, which has escaped his attention, and which I have had occasion to consider in this case and in other cases; and I also invoke the attention of the gentleman who made the report, of whose reports I have had the pleasure to say heretofore, and also from my association with him as a member of the Committee on Claims in the last Congress, that he is generally careful and prudent and watchful, and reports according to the facts and according to the law as he understands it; but I think he has overlooked in this case the essential elements that should govern it.

This $900 is of but little importance. The Government can vote that at any time as a gratuity, or as an equity, or as a bonus, or from sympathy with heirs, or in any way it pleases; but upon this report and upon its reasoning I venture to say that in the Treasury of the United States, subject to a like call and subject to a like report from that or any other committee having charge of such things, there are millions upon millions of dollars to be affected. The most dangerous bills that have ever been introduced into Congress, the most dangerous bills that ever have been passed in either branch of Congress, are those of small amount, connected with a kind of sympathy for heirs, for widows, for persons who have departed from the scene of active life, and have left to inherit legacies, not of having been engaged in the rebellion, but of possible claims against this Government.

Sir, if there was through the whole period of the war any city or any territory or any property taken under the rules of war subject to seizure, subject to appropriation, subject to the uses of the Government, it was the property within New Orleans of banks and capital placed there and used there without stint and without restriction subject to the order and the authority of the confederate government. This was a part of that fund, disguise it as you may. Maurice Grivot was in actual and open and daily and continuous rebellion against this Government. The report shows it; the facts prove it. Even his household effects were seized and sold; he could not hold the furniture and the books in his house at New Orleans because he was an open, avowed, rebellious enemy of the United States, and the courts decided that the seizure of that property was lawful. It was not a confiscation; it was the seizure of the property of an enemy taken *flagrante bello*. New Orleans was captured; New Orleans was a rebel territory and city; it was captured by the strong arm of war; it was subdued under our guns; it yielded only to an inevitable necessity. In all that city and in all that region there were no forces and no powers and no influences and no voices during all of that time raised in behalf of the Government of the United States. It was captured and subject by the laws of war to all the extremities to which a beleagured and captured city could be exposed. It does not answer to say that the commanders of our forces issued lenient orders; it does not answer to say that as little hardships and as few trials were imposed on this captured and belligerent people as possible.

Now come up those who suffered as enemies, and whose property was taken as enemies' property in a twofold sense—first, being, as is alleged in this report, the property of an open, avowed enemy; and second, as being taken in the custody of the depository of the confederate government, the Louisiana State Bank, which held and controlled the funds of the confederate government there. Why was not the question I propounded before when I spoke on this subject answered by some one? Was not the Louisiana State Bank the depository of the moneys of the confederate government? Was it not the financial agent of that government in New Orleans? Did it not hold its money and transact its business? Was not this very money a forced loan to that government while in the bank, and then, as far as there could be any legal control of it, under the legal control and disposition of the confederate government? No one answers this. All the answer there is to this is that some time after the city was captured, some time after the Federal troops had possession of the city and full control there, this Grivot came forward under a necessity and under a power he could not control and for his own purposes came in and took the oath of allegiance to receive the benefit of a political amnesty, not to settle the rights of the confederate government in property or the rights of the General Government to his property or the property of the bank. It all turns on that little point in this report which says that having received the benefit of the amnesty (which means nothing more than that for his own safety and for his own interest he came forward and declared his allegiance to the Government against which he had been contending), that covers, like the mantle of charity, a multitude of sins, and that hides from the vision of Senators not only the disloyalty of the past but hides all defenses which this Government could set up against a claim for the restoration of this money.

These are very serious questions. I tell you, Mr. President, that when it is once understood by the people of these United States that the precedent can be set in these little trivial bills by which this Government shall be made to pay back either to the individuals or their heirs all that vast amount of property destroyed, damaged, taken, used, put in the Treasury, put in the quartermasters' hands, and used for the Army—whenever the people of this nation see (and I hope they will examine this question and examine this report and see what it means), then they will call upon us to rebut such presumptions as this involves. Then when the pressure comes on the American people to raise taxes to repair all that infinite damage and loss to individuals and communities by the war, such bills as this will not pass with only my slight opposition, but every man here will be called upon by the people of the United States to reverse such a precedent and reverse such a decision. If the precedent be set, we shall be called upon to pass laws that will protect the Treasury of the United States from this kind of semi-judicial plunder and will protect the people of the United States from the immense and overwhelming taxation that must follow the continuing to settle these claims upon the precedent which this bill will establish.

Sir, I know that I am speaking in the face of a report of a committee which for its own sake and its own honor will be defended here. The principles upon which this report is made will be defended here. I do not expect to stop the passage of this bill. The most I expect to do is to call attention to the subject, to the principle upon which the bill is proposed to be passed, to the precedent which is about to be established, ay, which has been established heretofore and is referred to in many cases of like kind as the decision of Congress upon the subject of these old war claims. But, sir, having said these few words on this

subject, I hope to have a record of the views of Senators by a yea and nay vote upon this class of cases, so that if this is to be used as a precedent in the future and shall be shown to be dangerous it may be seen that it did not pass without contest and that it did not pass without protest.

Mr. JACKSON. Mr. President, I ask the indulgence of the Senate for only a few moments, while I notice some of the errors into which the Senator from Michigan has fallen.

This claim, Maurice Grivot having been amnestied and granted a pardon, stands precisely on the same footing as the claim of Franklin, administrator of Armfield, which was passed by the Senate a few days ago, and passed with the approval of the Senator from Michigan. The Senator from Michigan was a member of the Committee on Claims when this report was first made, was present when it was considered, and did not then himself point out the dangers that he thinks now are involved in this allowance.

Further, Mr. President, he labors under a very serious misapprehension in regard to the facts. There is nothing in the papers showing, there is nothing to warrant the supposition in which he indulges, that this fund was held on account of the confederacy in that bank. It stood to the credit of Grivot. He brought his bill, as originally presented to the Senate, for $1,795, made up of the confederate money that was to his credit as well as of the fund that had been confiscated, growing out of the confiscation proceedings in relation to his personal furniture. All that was disallowed by the committee. We awarded him simply that fund of $962 which the Government took possession of under the express order of the commanding officer, "subject to the future adjudication of the United States." There has been no adjudication; but before making any adjudication the United States granted him amnesty and restored him to his full rights; they pardoned him and removed the only ground on which they could proceed to subject his property to confiscation and divest him of the title.

That is the whole case, and it is precisely like the Armfield case passed by the Senate a few days ago. In this we follow the decision of the Supreme Court in various cases; we follow the decision of the Supreme Court and of the Court of Claims, construing the act of July 2, 1864, which extended the provisions of the captured-and-abandoned-property act to the seizures made under the acts of 1861 and 1862.

Mr. CONGER. Mr. President, if the points I have made are good, it is no answer that I was or was not present, or that I was or was not a member of the Committee on Claims, or that I did hear or did not hear this report read in committee. I do not know the object of saying that. I will venture to say that the Senator from Tennessee, when I have been present in the Committee on Claims and any of these claims came up, has never known me to assent to the recommendation of the passage of a claim to which I ascribed the views I have of this. I have no recollection now of this claim among the hundreds that came before the committee when I was a member. It was referred to a subcommittee of which I was not one. I will venture to say that the gentleman will not assert that I was one of the subcommittee to whom the claim was referred.

Mr. JACKSON. Oh, no; by no means.

Mr. CONGER. Or that I in any way approved the principle, for I submit to the gentleman that continually I have opposed the class of claims that I consider this to belong to; and the charge of any inconsistency, although it may be deserved, even if it be deserved, is my misfortune. I do not know that it, if true, would prevent me expressing what are now my views. This report is the report of an old committee, adopted because it has been examined once; adopted, I suppose, by the new committee; I do not know; I do not inquire into the mode of these proceedings. I take the principle of this bill; I ask for the reasons that are given for its passage. If they are good and sound, no matter who presents it, whether it is one whose opinion ought, I think, to have weight, or whether it is one who speaks against the wind—if the opinions are true, the Senator can not ignore them because of the gentleman who presents them. The personality of this question is immaterial to me. I err as other men do. Bills pass perhaps to which I should give attention that I do not give attention to; but if there be one thing for the long years I have served in Congress which I have tried to watch and guard against carefully in this body and in the other it has been to prevent the introduction and passage of these bills which are used as precedents, as wedges to open the subject, and I think this is one. I think the place where it is asserted in this report that taking an oath of allegiance, a compulsory oath, for one reason or another, not only restores a citizen to all rights but divests him of all that he may have done wrong in regard to property seized before that oath of allegiance was sworn is a misconstruction of the law. I think that in this case the decision of the Supreme Court which is quoted in the report does not apply at all. If that be the law, if claims of this kind are to come here, if the decision of the Supreme Court covers all that class of cases of war claims and war losses and war damages, I tell Senators the time is coming soon when Congress will have something to do to make a law which shall overrule that decision of the Supreme Court—I do not say shall overrule the decision by legislation, but shall take away its applicability to this class of cases; for I do not believe and can not believe that the representatives of the people of the United States will dare follow out to its legitimate results the principle of this bill. I may be mistaken in regard to it, but as I view it it opens the way for the payment of all kinds of claims for all kinds of property taken and used during the war from those who were in hostility to this Government. If that be it, then, decision of the Supreme Court or no decision, Congress will be called upon in a voice that they must understand to pass some law which shall stop the ruin, the wrong, the taxation, the burdens which will overwhelm the American people and make those who sacrificed so much of life and health and blood and treasure to save this Government regret that it was saved at all.

Mr. PLATT. Mr. President, I should like to inquire of the Senator who reported this bill why it is that Grivot could not have brought a suit in the Court of Claims during his lifetime to recover this amount, or whether he had not some tribunal in some of the commissions which have been established for adjudicating Southern claims to which he might have appealed?

Mr. JACKSON. My recollection is that he died in 1867 or 1868.

Mr. PLATT. Then his administrator or executor could have taken his place if he had a right of action.

Mr. JACKSON. He had a right of action until August, 1868, in the Court of Claims.

Mr PLATT. I confess, Mr. President, that I do not see from anything in the report why these heirs, if this is a valid and legal claim against the Government of the United States, have not had an opportunity to pursue their remedy in the Court of Claims; and if they have failed to do so, I think it becomes a question of policy whether we are now to remove in this case the bar of the statute of limitations. We refuse to remove it in many cases, but I should like that point to be made clear, if any Senator can make it clear.

Mr. INGALLS. Mr. President, Maurice Grivot was a registered enemy of the United States. Whether he was in the military or naval service of the confederacy does not appear, but that he was an open and avowed rebel is not denied. He confessed it by asking, after the war was closed and before the termination of his life, for amnesty, which it appears by the report was granted, although the date is not given. After the seizure of this money in the Louisiana State Bank at New Orleans proceedings were commenced against him to forfeit the right, title, interest, and estate which he had in and to household effects then and there being in the State of Louisiana. Those proceedings were prosecuted to a successful result. His effects were sold because he was a rebel, because he was an enemy of the United States, because he was engaged either in the military, naval, or civil service of the confederacy, and the sum of $220.34 was paid into the Treasury of the United States and there it remains to-day; and no heir of Maurice Grivot, no personal representative of Maurice Grivot, has ever had the hardihood to appear and claim that those proceedings were null and void or should be revoked. Their justice was recognized by the claimant and by his heirs. There never was any denial that he was an enemy of the United States Government and that when this money was seized he was in the employ in some capacity of the confederate government.

I should like to know some reason or hear some statement from the committee upon what ground it is, if this avowed enemy of the United States is entitled to have this money that was seized refunded to him, why he is not entitled to be made whole, why his estate should not be refunded the entire amount that was taken from him because he was a rebel.

There is a very attenuated, very fine-spun, and very nicely regulated argument here in this report to show that in consequence of the amnesty of the applicant in whose behalf the heirs now make this claim long after this seizure was made, long after his right to this property had been forfeited, admitted to be forfeited, recognized as forfeited by him and by all persons entitled to claim under him, there was some mysterious relation backward by which in consequence of the pardon granted to him just before his death his heirs, twenty years after the war closed, more than twenty years after this property was seized, after it has remained in the undisputed possession of the Government of the United States, are now entitled to come in and claim that it shall be refunded.

Mr. President, the note of alarm that has been sounded by the Senator from Michigan is well made. This is a test case; and if upon such a claim as that set forth in this report where there was amnesty made long after the act of forfeiture had occurred, after the man's property had been confiscated by a decree of a court of competent jurisdiction—proceedings that were admitted to be regular, whose authority never was denied—if Congress is to be asked to open the doors of the Treasury to claims like this, then we shall need, instead of reducing our revenues, to increase them to pay the claims that may come up under this precedent.

Mr. CAMERON, of Wisconsin. The Senator from Kansas I think misapprehends this case. At the time this money was seized there stood to the credit of Grivot on the books of the bank the sum of $1,574.79. Of this sum $611.94 was received in confederate notes. It does not appear that the confederate funds were of any value at that time in fact or that they were utilized by the Government of the United States. Consequently the committee disallowed that amount entirely.

Mr. INGALLS. That is so much.

Mr. CAMERON, of Wisconsin. Yes; that is so much. There is another amount, two hundred and some odd dollars, which was realized from the sale of Grivot's household furniture. Proceedings were commenced in one of the courts for the purpose of confiscating the furniture of Grivot. Those proceedings were prosecuted to final judgment, not against this money, but against his household furniture.

Mr. INGALLS. Because he was a rebel.

Mr. CAMERON, of Wisconsin. Very well; because he was a rebel. I say that the proceedings for confiscation of his household furniture were prosecuted to final judgment, and upon the decree rendered in that case his household furniture was sold and the proceeds covered into the Treasury of the United States. Now, the committee——

Mr. INGALLS. Will the Senator allow me a moment?

Mr. CAMERON, of Wisconsin. Certainly.

Mr. INGALLS. Those proceedings were after the seizure of this money in bank.

Mr. CAMERON, of Wisconsin. It is immaterial for the purposes of this case whether it was after or before.

Mr. INGALLS. It shows the situation at the time the money was seized.

Mr. CAMERON, of Wisconsin. It is admitted that at the time the money was seized he was an enemy of the United States. No one denies that. I say the committee assumed that the proceedings in the confiscation case against the household furniture of Grivot were regular, that judgment not having been appealed from or reversed, and consequently the committee disallow the claim for that. The other amount was the sum of $962.85 in par or current funds. That was seized at the same time that the confederate funds were seized and turned over to the officer who was authorized by the commanding general to receive it. No proceedings whatever for the confiscation of this sum of nine hundred and odd dollars were ever commenced against Grivot or against this money. The committee were of the opinion that the title to this money did not pass from Grivot to the United States at the moment when it was seized under the order of General Banks, which the Supreme Court subsequently held was a void order.

Mr. JACKSON. The Senator will allow me to suggest to him in that connection that it was ordered to be held subject to future adjudication.

Mr. CAMERON, of Wisconsin. I was just coming to that. As the Senator from Tennessee, who made this report and who is more familiar with the case than I am, states, it was seized to be held subject to the further adjudication of the United States. If the United States had chosen to go on and by judicial proceedings confiscate this money, the heirs of Grivot would have no claim to it now; but instead of doing that the United States pardoned Grivot. After he was pardoned the United States could not have proceeded to confiscate. It is very similar to the cotton that was seized under the captured-and-abandoned-property act, sold by virtue of a law of the United States, and the proceeds covered into the Treasury. The owners of that cotton, within the time limited by the act, no matter whether they were loyal or disloyal, no matter whether they ever had been pardoned or not, could have commenced actions in the courts of the United States and recovered the value of that cotton. So here, this money was seized under the void order of General Banks; it was seized by the terms of the order to be held subject to further proceedings upon the part of the United States. No such proceedings were ever had. Consequently the title to this money remained in Grivot and is now in his heirs.

Mr. HARRISON. Will the Senator from Wisconsin allow me to ask a question?

Mr. CAMERON, of Wisconsin. Certainly.

Mr. HARRISON. Does not the decision of the Supreme Court on which the committee have based their report recognize the right of the commanding general in New Orleans to have seized this property for the use of the Army?

Mr. CAMERON, of Wisconsin. I do not see that that question is involved in this case.

Mr. HARRISON. I think it is directly involved.

Mr. CAMERON, of Wisconsin. I think not.

Mr. HARRISON. Because if he had the right to seize it for that use, then I would question the Senator's construction of the terms in which it was seized and the purpose for which it was seized.

Mr. JACKSON. The Supreme Court decision expressly holds that this seizure was made to enforce the confiscation acts of 1861 and 1862, and that the order of General Banks, No. 202, making the seizure was invalid and void, and that he had no authority to execute the confiscation acts of 1861 and 1862.

Mr. HARRISON. But the Senator will see if he reads it that they did recognize his right as commanding officer there to seize that for the present use of the troops there, if he had pleased.

Mr. JACKSON. Yes, and to have it held subject to the adjudication of the United States in confiscation proceedings, if the Government wished to confiscate it.

Mr. HARRISON. I do not understand that that language means that it was held subject to proceedings for condemnation in court, but to subsequent adjudication or disposition, any that might be made by the Government, whether by judicial decree or by legislative act.

Mr. JACKSON. The Supreme Court expressly decided that the seizure made under that order No. 202 was not made for military purposes and to meet military necessities, but that it was an attempt to enforce the confiscation acts of 1861 and 1862, and therefore void.

Mr. MILLER, of California. In point of fact what became of the money?

Mr. CAMERON, of Wisconsin. It went into the Treasury of the United States; is there now. In substance it was used by the military authorities for the purpose of supplying the troops and was accounted for to the Government.

Mr. MILLER, of California. It was used to pay debts of the Army?

Mr. CAMERON, of Wisconsin. It was used for Army purposes.

Mr. MILLER, of California, To pay troops, supplies, &c.

Mr. CAMERON, of Wisconsin. I presume so.

Mr. MILLER, of California. Does it appear as a fact that that disposition was made of the money by General Banks?

Mr. CAMERON, of Wisconsin. It does appear that it was used by the Quartermaster's Department and accounted for to the United States as money seized in the way that has been stated.

Mr. MILLER, of California. The ground of the decision of the committee is that it was seized by an order of General Banks which was a void order.

Mr. CAMERON, of Wisconsin. So the Supreme Court has held.

Mr. MILLER, of California. The ground is that the seizure was illegal and the title never passed from Grivot to the Government.

Mr. CAMERON, of Wisconsin. Yes, sir; the committee so found, that the title never passed, and consequently the heirs have a right to recover the money. The distinction is made between this and the money that was realized from confiscation proceedings against the furniture of Grivot; and the confederate money, which was of no use to the United States, is entirely excluded from consideration.

Mr. PIKE. Mr. President, as a member of the Committee on Claims I wish to state the grounds on which I gave my vote in favor of this bill.

It seems that the personal property was condemned under the confiscation act, and of course that property does not come under the decision of the United States Supreme Court; but it does appear by the decision of the court that this fund which we propose to return, the $900 and over, did come into the national Treasury, and that the General Government had the benefit of the money. It is in the national Treasury as a trust fund; it belongs to Grivot; it is there in trust; and my idea was that we should not apply the statute of limitations as against the *cestuis que trust*.

Mr. MILLER, of California. Will the Senator allow me to ask whether in point of fact this money ever did go into the Treasury?

Mr. PIKE. I understand it so.

Mr. MILLER, of California. The chairman of the committee does not understand it so.

Mr. PIKE. Substantially it comes to that; it was used by the United States. I do not know that these exact dollars were paid into the United States Treasury, but they were used by the General Government and went to its benefit.

Mr. CAMERON, of Wisconsin. Used by the Quartermaster's Department in New Orleans, and accounted for by the quartermaster to the Treasury.

Mr. CONGER. Was it not used just as beef or pork or flour or any other thing that was taken for the use of the Army, for the food of the soldiers? Does not exactly the same rule apply?

Mr. PIKE. I do not understand that it makes any difference whether money is paid to buy beef of me or whether the money is paid to me and I buy the beef. I do not understand that there is any distinction. I understand that this money went to the benefit of the United States, which is equivalent to saying it went into its Treasury. It holds it in trust, and the question before the committee was whether we should keep it from the *cestuis que trust*.

Mr. DAWES. I should like to have the Senator from New Hampshire or some member of the committee answer this question: Has not the United States stretched a bar across these *cestui que trust* claims, and whether we shall remove that bar or not depends on the question whether the *cestui que trust* is free from fault—not legal fault, but actual fault? If there is any reason why the bar of the statute of limitations should be removed, such a reason as will form a safe precedent, I am willing to remove it; but I am not willing to remove it when he stands confessedly in actual fault, whatever the law may say about it. Then I ask, besides, whether there is any good reason why he did not assert himself before the statute took effect?

Mr. PIKE. I would say, so far as my knowledge of the case goes, that all the committee considered this question, and they considered all the facts in the case bearing on the question whether or not the statute of limitations should apply as against these heirs, and we were satisfied that under the circumstances it ought not; that there was good reason why they did not apply in time.

Mr. DAWES. The report is absolutely silent, so far as I have been able to discover, upon that question. The report does not suggest any reason why we should take notice of the existence of the statute of limitations. It proceeds upon the theory that the United States has pro-

vided this remedy for all time. We put a statute of limitations across all honest claims, claims that have no taint of fraud of any kind in their origin, and the claimants sometimes come here and show good reasons in equity why we should relieve them from the statutes of limitations. But here a claimant comes, standing confessedly in the wrong, and his claim grows out of the wrong, but the law is such that if he proceeds within two years in the Court of Claims to recover this money he can recover it.

Now, if there is in equity and fair dealing any good reason that can be put upon the record why this statute of limitations should be removed from him, I am willing to vote for the claim; but it ought to have gone into the report and it ought to have been made so prominent in the report that it would have been relieved from any precedent, any conception in the mind of people situated like these individuals that the United States has declared that as to all claims growing out of the war no statute of limitations stood between them and the Treasury of the United States.

Mr. PIKE. One word more. Since I have been a member of this committee, which is but a little while, I believe we have reported hardly one, if one, case where the statute of limitations would not have applied; and further than this, we have passed very many bills removing the bar of the statute of limitations and permitting the case to be heard in the Court of Claims, of course for reasons satisfactory to the committee. There were, as I have said, reasons satisfactory to the committee why we should not interpose this bar now, but give back this money, which we understood, under the decision of the United States Supreme Court, belongs to these *cestuis que trust*. I am sorry those reasons are not in the report, if the fact be that they are not there stated.

Mr. HOAR. Mr. President, I do not understand that there ever was a remedy in the Court of Claims or anywhere else for this claim, and the statement of any Senator on the floor of the Senate that there was has been inadvertent. Money has no earmark. This does not grow out of a contract, express or implied, with the United States, which is the only case where there is a remedy in the Court of Claims. This was a deposit in a bank, which was seized by an order of General Banks, which the Supreme Court of the United States, in a suit pending between two parties in the New Orleans circuit and coming up from the circuit court of the United States to the Supreme Court, held was totally void. By that order this money which this man had deposited, if I have the facts in my recollection, was put into the Treasury. There it is now, to be held either to the use of the United States if they have the rightful use of it or to the use of the parties equitably entitled if the proceeding was wrong. There never being a remedy at any time in the Court of Claims or anywhere else except by application to Congress, of course no statute of limitations ever barred a remedy. This is not a question of removing the bar of the statute of limitations.

My colleague raises another question for answer, which is whether the fault of the party whose property this was does not mingle itself with the transaction, so that we ought not after the lapse of so long a period of time, whether there is a statutory bar or not, to interfere for his redress. The facts in regard to that, which I think will fully satisfy my colleague and the Senate, are these: This person was, it is true, a disloyal citizen. It does not appear that he ever did any act of disloyalty, but he was not a Union man in the common sense of the term. He got his amnesty soon after this money was seized and died just after receiving the amnesty, leaving minor children. They grew up, and when they came of age, or very soon after, this application was made to Congress for their relief.

Now, although this man was in fault in being a rebel, his fault in being a rebel had no connection or relation to this transaction, because by the decision of the Supreme Court of the United States it was not within the lawful authority of the commanding general to take his property under these circumstances and transfer it to the Treasury of the United States because he was a rebel, but all his legal rights remained unchanged, rebel or no rebel. The question is then whether, this money being in the Treasury and not belonging fairly and in justice to the United States, we will restore it to the heirs of a man who died, leaving minors, within a very brief time after he received amnesty and within a very brief time after the transaction?

Mr. DAWES. Could not the gurdian have applied?

Mr. HOAR. It is true the guardian might have applied in the mean time, but on the other hand it is also true——

Mr. FRYE. He could not have sued the United States.

Mr. HOAR. He might have applied here for relief, I should have said. But it is also true that the decision of the Supreme Court of the United States has been only recently promulgated. The Senator from Tennessee can state the date.

Mr. JACKSON. December, 1872.

Mr. INGALLS. Eleven years ago.

Mr. HOAR. Eleven years ago, it is true, but it was not promulgated until that time.

Mr. PIKE. The claim has been prosecuted for years.

Mr. HOAR. I do not remember the date when it was first presented. It has been here for years. The Senator from Tennessee perhaps can also state when the application was first made to Congress.

Mr. JONAS. It has been made for four years to my knowledge. I introduced the bill.

Mr. HOAR. But the conclusive answer on that point is that the express statutes of limitations exclude the period of minority, the claim accruing to a minor originally, from the operation of the statutes. I do not know whether the point which my colleague suggests was answered in the court or not.

Mr. DAWES. What I have asked for is that it may be dealt with. I do not understand that my colleague, with all due respect to him, has quite answered it here. I understand the Supreme Court to say that the order of General Banks as a military order was illegal, but the Supreme Court have not decided that General Banks as a military officer could not seize an enemy's property when he was attempting to hold his ground against an enemy, seize it entirely and capture it so that it became part of the "captured and abandoned property" independent of the statute. As I understand it and as I understand this Committee on Claims, it does not thereby become the property of the United States until proceedings in court have condemned it, and therefore it still remains the property of the individual, and the individual could after peace, under our statutes and the decisions of the Supreme Court, have gone into the Court of Claims and recovered that property under the captured-and-abandoned-property act, which provided a remedy. So I understand.

Mr. CAMERON, of Wisconsin. No, not under that act.

Mr. HOAR. Not at all.

Mr. CAMERON, of Wisconsin. That act did not apply.

Mr. DAWES. At any rate, in order to prevent the overwhelming of the Treasury with these claims a statute of limitations of two years applicable to this class of claims was passed. So I understand. The Senator from Wisconsin knows more about it than I do, but he has kept it all to himself, he has not put it into this report and he could not tell and never since he has been on the floor has he done so. He may have thought I ought to know it. I am one of fifty millions of people, and there are only a few of them here, and I want this committee now to put upon the record the reason why if this claim, old as it is, is not barred by any statute of limitations, what claim growing out of the proceedings of the war is barred?

Mr. CAMERON, of Wisconsin. If the Senator wants to be instructed I am perfectly willing to instruct him about that. He wants to know if this claim is not barred what claim is barred. Cotton claims are barred, because the act provided that the action must be brought within a certain time.

Mr. DAWES. What kind of action?

Mr. CAMERON, of Wisconsin. For proceeds of cotton.

Mr. DAWES. And abandoned property.

Mr. CAMERON, of Wisconsin. But this was not abandoned property; it was not seized under that.

Mr. DAWES. It was not seized under that, but when seized it was held under that.

Mr. CAMERON, of Wisconsin. No, it was not held under that.

Mr. DAWES. It was not seized under it, but held under it.

Mr. CAMERON, of Wisconsin. It could not be held under it unless seized under it.

Mr. DAWES. That is the trouble; it was held by the commanding general under the laws of war.

Mr. CAMERON, of Wisconsin. No, it was not seized in that way.

Mr. COCKRELL. I should like to call the attention of the Senator from Massachusetts [Mr. DAWES] to a condition of things that has not been mentioned here, it seems to me, and that is, that after General Butler captured New Orleans he issued an order, on the 1st day of May, 1862. Now, I will read what the Supreme Court say about that order:

A pledge, however, had been given that rights of property should be respected.

That also answers the proposition which was made by the Senator from Indiana [Mr. HARRISON], that General Banks had a right to take this and appropriate it for the support of the Army.

Mr. HARRISON. But the Senator from Missouri certainly would not extend that proclamation so far as to deny all power to the investing military forces to seize property of rebels who had fled and left the city.

Mr. COCKRELL. There is no question about the power of the Union Army to subsist on the rebels. As a matter of course they have no right to compensation; there is no question about that raised here at all. Here is the point I am making; I am not giving my views, I am giving the views of the Supreme Court; the Supreme Court say:

A pledge, however, had been given that rights of property should be respected. When the city was surrendered to the Army under General Butler a proclamation was issued, dated May 1, 1862, one clause of which was as follows: "All the rights of property of whatever kind will be held inviolate, subject only to the laws of the United States." This, as was remarked in the case of the Venice (2 Wallace, 258) "only reiterated the rules established by the legislative and executive action of the National Government in respect to the portions of the States in insurrection occupied and controlled by the troops of the Union." That action, it was said, indicated the policy of the Government to be, not to regard districts occupied and controlled by national troops as in actual insurrection or their inhabitants as subject in most respects to treatment as enemies. Substantial, complete, and permanent military occupation and control was held to draw after it the full measure of protection to persons and property consistent with a necessary subjection to military government. We do not assert that anything in General Butler's proclamation exempted property within the occupied district from

liability to confiscation as enemies' property, if in truth it was such. All that is now said is, that after that proclamation private property in the district was not subject to military seizure as booty of war.

"Was not subject to military seizure" for appropriation to Army purposes.

Mr. DAWES. I understand——

Mr. COCKRELL. One minute; I want to go on one moment further. Then, under this decision of the Supreme Court, this property within the limits of the military lines there in New Orleans was not liable to seizure for Army purposes and for the support of the Army. That is settled. The Senator from Massachusetts asked the Senator from Wisconsin what classes of claims were barred. This claim certainly did not come within the jurisdiction of the Court of Claims; there is no question about that in my mind, because the Court of Claims only has jurisdiction on a contract. The only question was as to whether it came within the jurisdiction of the Southern Claims Commission, or "the Commissioners of Claims," as they were in law. I am not entirely satisfied on that point myself as to whether the Commissioners of Claims had jurisdiction or not, for I have not examined that for some time.

Mr. CAMERON, of Wisconsin. The Senator will remember that they only had jurisdiction of claims for quartermaster or commissary stores.

Mr. HOAR. Taken from loyal men.

Mr. COCKRELL. That is right; I remember it now. I had forgotten the language. The Commissioners of Claims had no jurisdiction. There then was no tribunal that had jurisdiction in this matter.

Now, what claims are barred? I will say that all claims for quartermaster and commissary stores within the insurrectionary States are barred, because the Commissioners of Claims had jurisdiction, and they have passed upon them all, and all the committees of the Senate and House have refused to take up and consider those claims. Then I say, in addition to that, that the claims for captured and abandoned property are all barred. In fact I do not know of a solitary class of claims that could originate within the insurrectionary States that is not barred. If there is any I have not seen it. The Senator from Michigan need not be harrowed up about this matter.

Mr. DAWES. Will the Senator allow me to interrupt him?

Mr. COCKRELL. Certainly.

Mr. DAWES. The Senator has gone along with me, or rather I have gone along with him, to this point exactly. I do not differ with him in any position he has taken up to this point. He says he does not know any claim that is not barred. I agree with him there. I go further, and say that I am ready to remove the bar when there is any fair and just ground for it, and if there is in this case, very well; I am not hesitating because of the peculiar origin of the case.

Mr. COCKRELL. When I said "barred," I meant a claim where a remedy existed. You can not say that the limitation applies to a claim when the claimant never had any remedy which he had a right to assert in court.

As I understand this case, and I only gather it from the report, these minor children never have had a remedy, either in the Court of Claims or before the Commissioners of Claims, and nothing is barred. They had no remedy. Here is the money, and the only question now is whether Congress will permit them to take it out or not.

Mr. CONGER. I wish to call the attention of the Senator from Missouri to a point.

The PRESIDING OFFICER. Will the Senator from Missouri yield?

Mr. COCKRELL. Certainly.

Mr. CONGER. The report shows that after the property had been taken Grivot and his heirs, as they naturally would and had a right to do, commenced suit against the bank which had received the deposit.

Mr. COCKRELL. Certainly.

Mr. CONGER. There is where their remedy lay, and they so asserted. The courts of Louisiana decided that the military order of General Banks seizing the property relieved the bank from all responsibility. That settled the question in favor of the bank. Now, after the decision which said the order was legal and relieved the bank of responsibility, they turn about, Janus-faced, and say that the order was illegal, and did not relieve anybody from responsibility and did not even protect the Government of the United States.

Mr. COCKRELL. I was simply attempting to allay the fears of my good friend from Michigan.

As I understand this case, these parties after the war brought their suit against the bank in the State courts, and the State courts held properly that the order of the commanding general to take the funds and turn them over to the United States authorities released the bank from liability to its depositors.

Mr. HOAR. An act of overwhelming force.

Mr. COCKRELL. Overwhelming power and force. There is no question about the correctness of the decision, but that had nothing on earth to do with the right of these parties to come to the United States and ask to have the money returned to them.

I want to say to the Senator that he need not harrow up his mind by dreams of hob-goblins in regard to rebel claims; the country will never be troubled over them. A man who went into the rebellion 21 years old and of sound mind will not be apt to come to the Government of the United States and ask compensation for his property that was taken, used, or destroyed by the Union Army. Take a case in Missouri. I will take my colleague [Mr. VEST]. He was in the confederate army. In 1861 when Price's army marched through the State they came by his premises and they protected his property, and not a dollar of it was taken because he was in sympathy with that side. After a while Price is driven out of the State and a Union general comes along, and that Union general's force takes all his perishable property and appropriates it for the support of the army. But he had a Union neighbor, a man who was as strong on the other side as my colleague was on the rebel side. When Price's army came that army took all that that Union neighbor had, every particle of his property. Now, here are two neighbors living side by side. The Union neighbor has lost all his property by the depredations of the rebel army, and the rebel neighbor has lost all his property by the depredations of the Union army. The war is over. What remedy has that Union man? The forces that took his property are out of existence. They were only "so called" at best. There is no remedy for him. Do you think that my colleague, situated in that way, would come before the Congress of the United States and ask them to compensate him for his loss, and ask that his Union neighbor be taxed to make the compensation for him?

I know there is too much honor and self-respect in those who went into the rebellion ever to permit themselves to be placed in that position, and there is no danger of it. I do not know but that before this session is over I may be calling upon the distinguished Senator from Michigan to aid me in preventing the payment of claims of quasi-loyal people, a great many of whom could have proved their loyalty just as well to the confederacy if it had succeeded as they are able to prove it now to the United States Government. No, Mr. President; there is no danger to the Treasury of this country from the hands of the rebels for the payment of alleged rebel claims.

Mr. CONGER. Mr. President, it is a consoling thought to believe that the statement of the Senator from Missouri is the general sentiment of those who have these innumerable claims. His illustration is not exactly a good one, for neither my friend from Missouri [Mr. VEST], who in the imagination of his colleague suffered so much, would bring such a claim here, as good a lawyer as he is, nor any other Senator that I know of. But notwithstanding the assertion of the Senator from Missouri [Mr. COCKRELL] that no man who was in the rebel service would dream of presenting such a claim to Congress, I call his attention to the fact that for the last fifteen years that exquisite sensitive conscience of those Southern men has been asleep in some way or they have been doing things that they did not dream of. They have been presenting claims that they did not know about or they have had attorneys engaged in presenting such claims to Congress.

Sir, there are cords of claims (I mean to speak of them by number) in both Houses of Congress of just the character the gentleman says these Southern men would not present, great cupboards full of them, numbered by thousands, numbered by tens of thousands, involving in the substance of the claims money by thousands, by hundreds of thousands, by millions, by hundred of millions, got in here against the will of these gentlemen, who never would dream of presenting a claim, forced in here in spite of the views and feeling represented by the Senator from Missouri, who says that no Southern man would bring here a claim for the damages and losses and injuries which he had sustained! I say the records of Congress show that there have been thousands of exactly such claims pending, the files and records show it, great broadsides of rooms filled with that class of claims and with the vouchers.

The picture drawn by the Senator from Missouri is a pleasant one, and yet that gentleman and his friends in the South have sounding in their ears an eternal trumpet for these claims. Like Count Robert of Paris from year to year they have an eternal trumpet sounding in their ears for the enforcement of these claims as fast and as far as Congress will open the way and permit an entering-wedge to them. It is this entering-wedge that I fear.

I have said all I desire. When the gentleman goes further than I do in resisting any improper claim here, then, as he is taller than I am, he may rise and look down upon me.

Mr. MAXEY. I move that the Senate adjourn.

Mr. JACKSON. I hope the Senator will withdraw the motion.

Mr. MAXEY. It is 5 o'clock now.

Mr. JACKSON. I hope he will withdraw it. ["Vote!" "Vote!"]

Mr. MAXEY. Very well.

Mr. INGALLS. Mr. President, I hope the members of the Committee on Claims will be able to adjust their differences of opinion among themselves. "When doctors disagree who shall decide?" One member of the committee said that Maurice Grivot had his remedy before his death and his heirs afterward. Another member of the committee denies it. One member assures us that the money of Maurice Grivot went into the Treasury of the United States. Another says no, it went into the Quartermaster's Department of the United States Army and was spent for the subsistence of the armies of the United States. If we had the facts in this case before us we should be able to act more in-

telligently, and it is a little singular that after two committees have reported upon this measure there should still be left so much doubt as to the substratum upon which it rests.

The Senator from Wisconsin, the chairman of the Committee on Claims, assures us that if this money had been confiscated, that if the Government had seen fit to enforce the proceedings in confiscation against it, there would have been no question about the want of right on the part of Grivot to recover. Does the Senator from Wisconsin not know that proceedings in confiscation are *in rem;* that they are against the thing that is taken or seized; and that when this money was put in the quartermaster's chest and paid out for the current expenses of the Army, confiscation proceedings could not be had? Why does he then assume here to urge as one reason why the bill should pass that confiscation proceedings were not had against this money? That is a subterfuge, speaking legally. No one ought to know better than the Senator that the confiscation proceedings could not be had, and no one knows better than he that when this money was taken possession of by General Banks under that military order, Maurice Grivot being a rebel, a registered enemy of the United States, in open hostility against it, his goods and chattels, real estate and money, by the law of nations and by the law of war, were forfeit to the Government to which he owed allegiance and which allegiance he had broken. Yet, sir, twenty years after the right of action had expired, and no effort had been made by anybody to reclaim this money, no one had had the hardihood to assert that there was any right to reclaim it—for I have examined the files, and prior to 1880 no one ever asserted the right to recover this property—we are gravely told by the Committee on Claims that because the Government did not see fit to enforce confiscation proceedings against money that had been taken by a general of the Army of the United States and put into the quartermaster's chest and spent for beef and pork and flour for subsistence, therefore the right of action exists and Congress ought to be called upon to pay this money.

Mr. President, I move to indefinitely postpone the bill.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from Kansas moves to indefinitely postpone the bill.

Mr. HOAR. The Senator from Kansas in his quite impassioned appeal erred in two very serious and essential particulars, one a matter of law and the other a matter of fact.

It is not true as a matter of law that the property of a rebel or other enemy is forfeited, goods, chattels, and money, to the government to which he has failed to render the allegiance which is his due as a citizen. On the contrary it is true that governments by the laws of war have the right to exact that extreme penalty; but the question whether in any particular war it is exacted depends upon the legislative power of the country, or that failing to act, upon the power in command of its armies. The Supreme Court of the United States have expressly and repeatedly held that both the acts of Congress and the policy declared by President Lincoln negatived the election of that supreme right, and that the private property of citizens in rebellion was not confiscated or forfeited except in certain particular cases expressly provided for by law, of which this is not one.

There is the first grave error of the Senator from Kansas. The next is in supposing that this money had been put into the Quartermaster's Department and spent, as he says, for beef or otherwise. The money was, as is found in the report of the committee, paid over to the quartermaster and held by him to be accounted for to the Treasury of the United States according to future direction, and at the end of the war it went into the Treasury.

Therefore, the case is just this: General Banks, in violation of the proclamation by which the Government of the United States had pledged its faith to the citizens of that insurgent district that as a condition of their future submission to the authority of the United States their private property should be respected, made a certain order which the Supreme Court of the United States declares is illegal, to wit, that a bank which was a private debtor to Grivot should pay over the amount of that debt to the quartermaster, to be held subject to the future order of the Government, which was received and held and paid over by him into the Treasury when his accounts were settled. That was a violation of the public faith of the United States and something entirely beyond the lawful authority of that commander, and the Supreme Court of the United States have held that the property of that citizen remained unchanged and undivested, and there is in the Treasury of the United States at this moment a sum of money which by the decision of the Supreme Court is his, or now his heirs' and legal representatives'. That is the case. Why should it not be paid to the children of the man who owned it and who now own it themselves?

One suggestion is that before this decision of the United States Supreme Court was made there was a decision of the State court to the effect that the overwhelming force of the order of the commanding general, which that bank obeyed, compelling it to pay over the money to the United States instead of to the depositor, excused it as a matter of law from any further obligation to him. But that does not go on a ground in conflict with the decision of the Supreme Court of the United States; and if it did, of course the decision of the Supreme Court of the United States would be the binding authority, binding upon us and binding upon all mankind.

The next matter is the failure of these parties to resort to their remedy. The answer to that is that the man died, and that down to three or four years ago, in 1880, the decision of the Supreme Court having been promulgated for the first time in 1872, they neglected to come to Congress. That is a fair suggestion. Of course there is no bar. There never was any remedy anywhere before any tribunal against which we are to remove a bar. We provided a remedy for loyal persons whose property was taken for army supplies. We provided certain other remedies. We provided a remedy in the Court of Claims where there was an express or implied contract. But there was no remedy here. Courts of equity to which the statute of limitations does not apply have a corresponding rule by which they exclude stale claims, and it is a fair question in this case for our consideration whether Congress would not apply the same rule. But the committee think unanimously, and have twice thought unanimously, that where so doubtful a question was decided by the Supreme Court for the first time in 1872, and where for a considerable period of this time these persons were minors, against whom ordinary statutes of limitation never run, it was not fair, the right being clear, to interpose to them the objection "You did not bring your case in season." It is not a case where the testimony of witnesses might change the result, where we are going as to values or amounts or facts into matters where we rest a claim upon the evidence of witnesses, where witnesses who might contradict them are lost to the Government; but it is a case where the right is clear and all stands proved and established on the public records of the Government itself. Therefore we are not removing a bar. It is not a case where we should create, by our refusal to hear the cry of these injured parties, a bar when there is no reason in justice or in equity which requires us to do it.

Mr. LAPHAM. I wish to call the attention of the Senator from Massachusetts to what is stated on the first page of the report. After describing the funds which were paid over, part confederate and part lawful money, the report states:

> The United States authorities do not appear to have made any use of the confederate funds. The par funds ($962.85), with like funds received under said General Order No. 202 from other banks, amounting in the aggregate to $44,692.43, were taken up in August, 1863, and expended by the quartermaster for the ordinary purposes of the Quartermaster's Department.

Mr. HOAR. Will the Senator read what follows?

Mr. LAPHAM. I read what shows the use made of the money.

Mr. HOAR. But that language is qualified by what follows. The bills or cash of course had no earmark any more than the money deposited in the bank in the first instance.

> And the chief quartermaster, in his order designating Captain McClure, acting quartermaster, as the officer to receive said funds, directed him to "hold this money and account for it to the United States Treasury."

When the quartermaster came to settle up his accounts at the end of the war he accounted for so much that he expended, so much paid over. You can not suppose that this particular sum of money was expended in any particular way, but the balance, as it ought to be, was stated.

Mr. LAPHAM. Let me ask the Senator, suppose instead of $900 in money it had been $900 worth of beef, and that had been used for the Quartermaster's Department, what is the difference in the two cases

Mr. HOAR. That had the earmark on it.

Mr. DAWES. The bank did not pay over the identical money.

Mr. HOAR. The bank did not pay over the identical money. This bank, as I understand, kept a class of accounts as deposits in gold or silver in specie, another class of deposits in confederate notes, and another class in United States notes, and they paid back to the depositor on his check or draft the kind of funds which he had deposited, but not, of course, the particular bill or coin. In the same way when the bank paid over this money to the United States quartermaster it paid over to him a sum of money which is a credit to the bank as having received so much. Then the quartermaster goes on and keeps his account of what he has received from any source, what he has a lawful right to expend, and what he has left he pays over to the United States Government; but this order of a superior fixes the character of his holding the money, and he could not lawfully and properly expend it for the supply of the Army. He was to hold this money and account for it to the United States Treasury.

Mr. DAWES. I should like to ask my colleague whether this was a special deposit by this man in the bank, which deposit General Banks compelled the bank to deliver over, or was the bank indebted to this man a certain sum of money because he had given them that money, and did not General Banks's order compel the bank to pay an equivalent sum of money?

Mr. HOAR. I stated that it paid the kind of currency it received.

Mr. DAWES. Exactly. Then when this man brought his suit against the bank for his debt the bank set up a defense which the courts of Louisiana decided to be legal, that is to say, the bank had a good defense to the debt which they owed him; and that judgment ought to be respected so far as the law is concerned everywhere, and have the same force and effect in any other State or jurisdiction that it had in that jurisdiction.

So then it turns out as a legal proposition that General Banks did

not take the property of this claimant from that bank, but compelled the bank to pay him a certain amount of money which was measured by what the bank owed this man. They did not take his property; they undertook to confiscate the credit, and that the courts of Louisiana declared was a good defense against this man, that it was a legal proceeding, and having gone into a court of competent jurisdiction as between him and the bank and failed in that court, he comes here and says he will not be bound by the judgment of that court, and will require the United States to pay him the debt which the bank owed him.

Mr. HOAR. Let me put that case to my colleague and see where he will land. Suppose that was the exact legal aspect of this case—and I am not sure that it is; I will not undertake to deny it for any purpose of this debate. Suppose General Banks had ordered that money to be paid over to my colleague, and he has got it in his pocket at this moment, instead of paying it to the United States. The trustee who held the money had been compelled by this overwhelming military power to pay him, and the court had held that so far as another claim against the trustee was concerned my remedy was gone, I being the person who deposited the money in trust, and the Supreme Court of the United States had held that I had no right to hold it for any other purpose, would he refuse to pay me back? This is a question not of technical remedy, it is a question of right, and if it would disgrace an honest man to keep the money in his own pockets under such circumstances, even if my colleague were right, does he think the Government ought to retain it?

Mr. DAWES. My colleague says that these parties never had any remedy anywhere. If this property was the property of this claimant and had been paid over to me and I was holding it without right, I should infer that I was holding it under an implied contract to pay it over to the *cestui que trust*. If I was the Government of the United States holding it under an implied contract he could walk into the Court of Claims any minute, and therefore he had his remedy in the Court of Claims from the day it was done till this day, and the statute of limitations, which has been the trouble with me from the beginning, comes right up to it.

The PRESIDING OFFICER. The question is, Shall the bill be indefinitely postponed?

Mr. WILSON. I move that the Senate adjourn.

Mr. HOAR. Let us have a vote. We have got through the debate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa that the Senate adjourn.

The motion was not agreed to.

The PRESIDING OFFICER. The question is, Shall the bill be indefinitely postponed?

The motion was not agreed to.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question before the Senate is, Shall the bill pass?

Mr. CONGER. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT.] I do not know how he would vote, and therefore I withhold my vote.

Mr. HARRIS (when his name was called). I do not see the Senator from Ohio [Mr. SHERMAN] in his seat. I arranged with him half an hour since to pair with me on Monday on political questions. I do not know how the Senator would vote, but if he does not make his appearance I shall withhold my vote. I should vote "yea" if the Senator from Ohio were present.

Mr. INGALLS (when his name was called). I am paired on this question with the Senator from Delaware [Mr. BAYARD]. If he were present, I should vote "nay."

Mr. RANSOM (when his name was called). The Senator from Illinois [Mr. LOGAN] is not here. I am paired generally with him. I do not consider this a political question. I shall refrain from voting, however.

The roll-call was concluded.

Mr. HARRIS. My pair with the Senator from Ohio [Mr. SHERMAN] is really intended to apply to Monday only, but I should reserve my vote if I regarded this as a political question. My pair with him was upon political questions only; and not regarding this as a political question, I will record my vote "yea."

Mr. RANSOM. Since the roll has been called, and especially after the remark made by my friend from Tennessee [Mr. HARRIS], as this is manifestly not a partisan question, I will vote. I vote "yea."

The result was announced—yeas 40, nays 9; as follows:

YEAS—40.

Beck,	Frye,	Jones of Florida,	Pugh,
Blair,	Garland,	Kenna,	Ransom,
Brown,	George,	Lamar,	Sabin,
Butler,	Gibson,	Mahone,	Sawyer,
Call,	Gorman,	Manderson,	Van Wyck,
Camden,	Groome,	Maxey,	Vest,
Cameron of Wis.,	Harris,	Miller of Cal.,	Voorhees,
Cockrell,	Hoar,	Morgan,	Walker,
Coke,	Jackson,	Pendleton,	Williams,
Farley,	Jonas,	Pike,	Wilson.

NAYS—9.

Conger,	Hawley,	McMillan,	Palmer,
Dawes,	Lapham,	Mitchell,	Platt.
Harrison,			

ABSENT—27.

Aldrich,	Cullom,	Ingalls,	Riddleberger,
Allison,	Dolph,	Jones of Nevada,	Saulsbury,
Anthony,	Edmunds,	Logan,	Sewell,
Bayard,	Fair,	McPherson,	Sherman,
Bowen,	Hale,	Miller of N. Y.,	Slater,
Cameron of Pa.,	Hampton,	Morrill,	Vance.
Colquitt,	Hill,	Plumb.	

So the bill was passed.

TEXAS PACIFIC RAILROAD LAND GRANT.

Mr. PLUMB. I ask unanimous consent to make a report from the Committee on Public Lands.

The PRESIDING OFFICER. Is there objection? The Chairs hears none, and the report will be received.

Mr. PLUMB. I am instructed by the Committee on Public Lands, to whom was referred the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes, to report it favorably with amendments. I will state that the minority of the committee desire the privilege, at a time which will suit their convenience, of submitting an adverse report. I will say also that the majority of the committee desire the privilege of filing written reasons for their report at a subsequent period before the bill is considered.

The PRESIDING OFFICER. The bill will be placed upon the Calendar, and leave will be given to make the reports as suggested, if there be no objection.

Mr. MAXEY. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 7, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

POSTAL CARDS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Postmaster-General in relation to the estimates for supplying postal cards during the next fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

Leave of absence, by unanimous consent, was granted in the following cases:

To Mr. THOMAS, until March 12, 1884, on account of important business.

To Mr. GRAVES, until March 17, 1884, on account of sickness in his family.

To Mr. HEMPHILL, from the 7th to the 24th of March, 1884, both days inclusive, on account of sickness in his family and important business.

To Mr. HATCH, of Michigan, until March 17, on account of important business.

LEAVE TO PRINT.

Mr. JONES, of Arkansas, by unanimous consent, was granted leave to print remarks on the bill to pension soldiers of the Mexican war. [See Appendix.]

PUBLIC BUILDING, KEY WEST, FLA.

On motion of Mr. DAVIDSON, by unanimous consent, the bill (S. 229) to authorize the Secretary of the Treasury to erect a building in the city of Key West, Fla., was taken from the Speaker's table, read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COLORADO SCHOOL LANDS.

Mr. BELFORD. Mr. Speaker, I ask unanimous consent that the bill (S. 74) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act to donate public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," be taken from the Speaker's table and put on its passage at this time. It has been unanimously recommended by the Committee on the Public Lands and has already passed the Senate twice.

Mr. BUDD. I object.

Mr. BELFORD. Then I demand the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports of a private nature, this being Friday.

Mr. COX, of New York. The gentleman yields to me to submit a resolution which is a mere formal matter.

Mr. BELFORD. Yes; I will withhold my demand for the regular order and yield the floor to the gentleman from New York.

The SPEAKER. The gentleman from Colorado must either withdraw or insist on his demand unconditionally. He can not take the floor and yield to one gentleman and refuse to yield to another.

Mr. BELFORD. I withdraw the demand unconditionally then.

CLERK OF CENSUS COMMITTEE.

Mr. COX, of New York, by unanimous consent, submitted the following resolution:

Resolved, That the clerk of the Select Committee to Ascertain the Results of the Tenth Census, authorized by resolution of February 8, 1884, be paid out of the contingent fund of the House at the same rate of compensation, namely, $6 per day, as that now paid to committee clerks of the present Congress.

Mr. RANDALL. Ought not that to go to the Committee on Accounts?

Mr. COX, of New York. No; the resolution has already passed, and this only supplies an omission by fixing the amount of pay.

Mr. RANDALL. Very well.

The resolution was adopted.

Mr. COX, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CALL OF COMMITTEES.

Mr. McMILLIN. I demand the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports.

SPECIAL EXAMINER OF DRUGS, ETC.

Mr. KELLEY, from the Committee on Ways and Means, reported back the bill (H. R. 1761) to amend section 2743 of the Revised Statutes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FIELDING HURST.

Mr. HAMMOND, from the Committee on the Judiciary, reported back adversely the bill (H. R. 2801) for the relief of Fielding Hurst; which was laid on the table, and the accompanying report ordered to be printed.

CAPT. WILLIAM H. GILL.

Mr. BAYNE, from the Committee on Military Affairs, reported back with an amendment the bill (H. R. 3557) for the relief of Capt. William H. Gill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEPHEN M. HONEYCUTT.

Mr. DIBRELL, from the Committee on Military Affairs, reported back favorably the bill (H. R. 4200) for the relief of Stephen M. Honeycutt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM C. SPENCER.

Mr. DIBRELL, from the Committee on Military Affairs, also reported back adversely the case of William C. Spencer; which was laid on the table, and the accompanying report ordered to be printed.

LEVI JONES.

Mr. DIBRELL, from the Committee on Military Affairs, also reported a bill (H. R. 5685) for the relief of Levi Jones, first lieutenant Company B, Second North Carolina Mounted Infantry; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY O'NEILL, JR.

On motion of Mr. CUTCHEON, from the Committee on Military Affairs, that committee was discharged from the further consideration of the bill (H. R. 4112) for the relief of Henry O'Neill, jr., of Jackson, Mich.; and the same was referred to the Committee on War Claims.

GREENLEAF CILLEY.

Mr. GEORGE D. WISE, from the Committee on Naval Affairs, reported back the bill (H. R. 2230) for the relief of Greenleaf Cilley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL KRAMER.

Mr. GEORGE D. WISE, from the Committee on Naval Affairs, also reported back the joint resolution (H. Res. 17) authorizing the appointment and retirement of Samuel Kramer, as chaplain in the Navy of the United States; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DEPREDATIONS BY UTE INDIANS.

Mr. GEORGE, from the Committee on Indian Affairs, reported back the bill (H. R. 3082) to provide for the payment of ten claims for depredations committed by the Ute Indians at the time of the massacre at the White River agency in 1879; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY C. FRAZIER.

Mr. OURY, from the Committee on Indian Affairs, reported back the bill (H. R. 1656) for the relief of Henry C. Frazier; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE STORRS.

Mr. NELSON, from the Committee on Indian Affairs, reported back the bill (H. R. 843) for the relief of George Storrs; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. 3173) for the relief of Augusta Yost; which was ordered to be laid on the table, and the accompanying report printed.

MARY L. AND ELLA WALKER.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 465) for the relief of Mary L. and Ella Walker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 2455) granting a pension to Ishmael Jones;
A bill (H. R. 3736) for the relief of Leffie E. Goodale;
A bill (H. R. 3724) granting a pension to Evan Evans;
A bill (H. R. 3729) granting a pension to Cornelia A. Barnes;
A bill (H. R. 1028) granting a pension to Catharine Henry;
A bill (H. R. 1044) for the relief of Noah D. Clark;
A bill (H. R. 3343) granting a pension to Jared Chaddack;
A bill (H. R. 3730) for the relief of Mary P. Abell; and
A bill (H. R. 4173) granting a pension to Henry Klein.

MRS. APPOLINE A. BLAIR.

Mr. FYAN, from the Committee on Invalid Pensions, reported a bill (H. R. 2984) granting arrears of pension to Appolline A. Blair, widow of Maj. Gen. Francis P. Blair; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN GALLOUP.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back the bill (H. R. 555) granting a pension to John Galloup; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DECATUR HAMLIN.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back the bill (H. R. 2070) granting a pension to Decatur Hamlin; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 2087) granting a pension to John F. Stukey; which was ordered to be laid on the table, and, with the accompanying report, printed.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. 1819) granting a pension to Austin L. Funk; which was ordered to be laid on the table, and, with the accompanying report, printed.

ZELICA T. DUNLAP.

Mr. HOLMES, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 4041) granting a pension to Zelica T. Dunlap; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH J. CHIPMAN.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 1992, a bill (H. R. 5686) granting a pension to Sarah J. Chipman; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 1997) for the relief of Richard W. Barnes; which was ordered to be laid on the table, and, with the accompanying reports, printed.

CHANGES OF REFERENCE.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back bills of the following titles, and moved that the committee be discharged from the further consideration of the same, and that they be referred to the Committee on Pensions; which motion was agreed to:

The bill (H. R. 4051) granting a pension to Phillip Brandstetter; and

The bill (H. R. 4759) granting a pension to Mary A. Guthrie.

COL. C. A. CILLEY.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM B. SMITH.

Mr. JOHN S. WISE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5004) for the relief of William B. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MISS MARY P. MACBLAIR.

Mr. HEWITT, of Alabama, from the Committee on Pensions, reported back with amendments the bill (H. R. 2677) granting a pension to Miss Mary P. MacBlair; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

CHANGES OF REFERENCE.

Mr. DOCKERY, from the Committe on Claims, reported back bills of the following titles, and moved that the committee be discharged from the further consideration of the same, and that they be referred to the Committee on War Claims; which motion was agreed to:

A bill (H. R. 1824) for the relief of the legal representatives of Solomon Cohen, of Savannah, Ga.; and

A bill (H. R. 4138) for the relief of John S. Logan, assignee.

E. J. PHILLIPS.

Mr. LORE, from the Commiteee on Claims, reported, as a substitute for H. R. 1157, granting relief to E. J. Phillips, postmaster of Oberlin, Ohio, a bill (H. R. 5687) with the same title; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LACON R. TILLMAN.

Mr. VAN ALSTYNE, from the Committee on Claims, reported a bill (H. R. 5688) for the relief of Lacon R. Tillman; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS REPORTED ALLOWED.

Mr. GEDDES, from the Committee on War Claims, reported back with amendments the bill (H. R. 5377) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

A. W. AND S. J. HILLS.

Mr. GEDDES, from the Committee on War Claims, also reported back with an adverse recommendation the bill (H. R. 753) for the relief of Agnes W. and Sarah J. Hills; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

Mr. JONES, of Wisconsin. I ask leave to present the views of the minority of the committee on this case, and that they be printed with the report of the majority.

There was no objection, and it was so ordered.

ESTATE OF DR. J. MILTON BEST.

Mr. GEDDES, from the Committee on War Claims, also reported back with an adverse recommendation the bill (H. R. 637) for the relief of the estate of Dr. J. Milton Best, deceased; which was laid on the table, and the accompanying report ordered to be printed.

SOPHIA B. MOORE.

Mr. STORM, from the Committee on War Claims, reported a bill (H. R. 5689) for the relief of Sophia B. Moore; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. SAULPAW.

Mr. STORM, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 2844) for the relief of George W. Saulpaw; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. STORM, from the Committee on War Claims, also reported back with an adverse recommendation the bill (H. R. 3607) for the relief of Mrs. Martha L. Burch; which was laid on the table, and the accompanying report ordered to be printed.

Mr. ROGERS, of New York, from the Committee on War Claims, reported back with an adverse recommendation the petition of the personal representatives of Irvine and Field; which was laid on the table, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of committees for reports.

Mr. BAYNE. I call for the regular order.

GENERAL ALFRED PLEASONTON.

The SPEAKER. The gentleman from Pennsylvania calls for the regular order, which is the unfinished business of Friday last, being the bill (H. R. 1101) authorizing the President to appoint and retire Alfred Pleasonton a major-general. The pending question was upon the passage of the bill, and upon that the gentleman from Pennsylvania [Mr. BAYNE] had demanded the previous question. Pending that the gentleman from Indiana [Mr. STEELE] moved to recommit the bill with certain instructions. Upon that motion a question of order was made. The Chair will hear the gentleman from Indiana on the point of order if he desires to be heard.

Mr. STEELE. On the point of order I desire to have a portion of the report of the committee read. I should like very much for the House to give attention to this very able argument.

The Clerk read as follows:

It will be remembered that some hours before, General Sickles, with two divisions of his corps, had been ordered to advance for the purpose of operating against the column of the enemy under Jackson. The giving way of the right left General Sickles in a very exposed and critical position; but upon being informed of the condition of affairs he at once took measures to withdraw his force, which was successfully done, and without much loss. The enemy, under Jackson, continued to advance after the panic-stricken troops until checked by General Pleasonton, who had collected and brought into position some artillery for that purpose. Although a cavalry officer, he handled the artillery with exceeding great judgment and effectiveness. His skill, energy, daring, and promptness upon this occasion contributed greatly to arrest the disaster which for a time threatened the whole army. His conduct upon this and many other occasions marks him as one of the ablest generals in our service, and as deserving of far higher consideration than, from some cause, he appears to have received.

Mr. STEELE. I have had that read to show what the report says, among other things, about the gallantry of this officer; and I wish to make the remark that that portion of the report is not founded upon facts, as I am informed by a distinguished gentleman on this floor, and who is and was quite as gallant as General Pleasonton himself. He states that he was present and knows that the artillery was placed in position by another officer, and not by General Pleasonton.

Mr. BAYNE. I call the gentleman to order.

The SPEAKER. The gentleman will state his point of order.

Mr. BAYNE. He is not speaking at all upon the point of order.

The SPEAKER. The gentleman will confine himself to the point of order, which is that the resolution of instructions proposed by him is not in order, as, if carried out, it would convert the pending bill from a private bill into a public bill.

Mr. STEELE. I do not propose to be captious about this matter at all. I only want to state that it seems to me eminently proper to put on the retired-list men who are now helpless, who are blind, or without arms, or without legs, if you can take a man from civil life suffering from no disability, a bachelor and able to take care of himself, and put him on the retired-list. If you can put a man in that condition on the retired-list, it seems to me eminently proper and right that the class of men named in my proposition should also be put on the retired-list.

The SPEAKER. The Chair thinks that the point of order is well taken. The effect of the motion of the gentleman from Indiana [Mr. STEELE] if adopted would be to do indirectly, under a motion to recommit with instructions, what could not be done directly on the floor of the House; that is to say, to convert into a public bill this private bill for the benefit of General Pleasonton. The Chair therefore rules the proposition out of order.

Mr. STEELE. Would it be in order to move to recommit this bill to the Committee on Military Affairs without instructions?

The SPEAKER. That motion would be in order.

Mr. STEELE. Then I make that motion.

The question was taken upon the motion to recommit; and upon a division there were—ayes 79, noes 60.

Before the result of the vote was announced,

Mr. BAYNE called for tellers.

The SPEAKER. Tellers are called for. No quorum having voted, tellers will be ordered.

Tellers were ordered; and Mr. BAYNE and Mr. STEELE were appointed.

The House again divided; and the tellers reported that there were—ayes 91, noes 86.

The SPEAKER. The tellers report ayes 91, noes 86. The ayes have it, and the motion to recommit is agreed to.

Mr. BAYNE. I want the yeas and nays on that motion.

Mr. VALENTINE. You are too late.

Mr. BAYNE. Hardly; you want to go on the record.

Mr. McMILLIN. The demand for the yeas and nays is too late. The Chair has announced the result of the vote.

The SPEAKER. The Chair will give the gentleman from Pennsylvania [Mr. BAYNE] the benefit of submitting to the House his demand for the yeas and nays.

The question was taken upon ordering the yeas and nays, and there were 41 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. MORGAN. I ask the Chair to restate the question. I think some members have voted under a misapprehension.

The SPEAKER. The question is upon the motion of the gentleman from Indiana [Mr. STEELE], to recommit the pending bill to the Committee on Military Affairs without instructions; and upon that question the yeas and nays have been ordered.

The question was taken; and there were—yeas 122, nays 114, not voting 84; as follows:

YEAS—122.

Aiken,	Dargan,	Lewis,	Skinner, T. G.
Alexander,	Davidson,	Libbey,	Slocum,
Arnot,	Davis, R. T.	Lowry,	Steele,
Barbour,	Dibble,	McCoid,	Storm,
Barksdale,	Dibrell,	McMillin,	Sumner, C. A.
Belmont,	Dingley,	Matson,	Taylor, J. M.
Bennett,	Dowd,	Maybury,	Thompson,
Bisbee,	Dunn,	Miller, S. H.	Throckmorton,
Blackburn,	Eldredge,	Money,	Tillman,
Blount,	Everhart,	Muller,	Tucker,
Boutelle,	Forney,	Murray,	Tully,
Bowen,	Geddes,	Mutchler,	Turner, H. G.
Boyle,	Gibson,	Neece,	Valentine,
Breckinridge,	Green,	Oates,	Van Alstyne,
Brewer, F. B.	Guenther,	Patton,	Vance,
Brewer, J. H.	Halsell,	Payne,	Van Eaton,
Browne, T. M.	Hammond,	Payson,	Wadsworth,
Brumm,	Hardeman,	Pierce,	Wait,
Buchanan,	Hewitt, G. W.	Peel, S. W.	Ward,
Buckner,	Hiscock,	Phelps,	Warner, A. J.
Campbell, Felix	Hoblitzell,	Pryor,	Warner, Richard
Campbell, J. M.	Holman,	Ray, Ossian	Wellborn,
Clay,	Houseman,	Reagan,	Wemple,
Clements,	Jones, B. W.	Reed,	White, J. D.
Cobb,	Jones, J. H.	Reese,	Williams,
Covington,	Jones, J. T.	Robertson,	Willis,
Cox, S. S.	Kean,	Robinson, J. S.	Winans, E. B.
Cox, W. R.	Kleiner,	Rogers, J. H.	Winans, John
Crisp,	Lamb,	Scales,	York.
Culberson, D. B.	Lanham,	Shelley,	
Cullen,	Lawrence,	Singleton,	

NAYS—114.

Adams, J. J.	Fiedler,	Lyman,	Robinson, W. E.
Anderson,	Findlay,	McComas,	Rogers, W. F.
Atkinson,	Finerty,	McCormick,	Rosecrans,
Bayne,	Follett,	McKinley,	Ryan,
Beach,	Fyan,	Mayo,	Seney,
Belford,	George,	Millard,	Seymour,
Bingham,	Glascock,	Miller, J. F.	Shaw,
Blanchard,	Greenleaf,	Mitchell,	Skinner, C. R.
Breitung,	Hanback,	Morey,	Smith,
Broadhead,	Hart,	Morgan,	Snyder,
Brown, W. W.	Henderson, D. B.	Morrill,	Spooner,
Budd,	Herbert,	Morse,	Stevens,
Burleigh,	Hill,	Muldrow,	Stewart, Charles
Caldwell,	Hitt,	Murphy,	Stone,
Cassidy,	Holmes,	Nelson,	Strait,
Clardy,	Holton,	Nicholls,	Struble,
Collins,	Hopkins,	Ochiltree,	Talbot,
Connolly,	Horr,	O'Neill, Charles	Taylor, E. B.
Cosgrove,	Howey,	O'Neill, J. J.	Wakefield,
Cutcheon,	Hunt,	Parker,	Weaver,
Davis, G. R.	Jeffords,	Perkins,	White, Milo
Dockery,	Johnson,	Peters,	Wilson, W. L.
Dunham,	Jordan,	Pettibone,	Wise, J. S.
Eaton,	Kasson,	Poland,	Wood,
Elliott,	Keifer,	Potter,	Woodward,
Ellis,	Lacey,	Pusey,	Worthington,
Evans, I. N.	Long,	Rankin,	Yaple.
Evins, J. H.	Lore,	Ranney,	
Ferrell,	Lovering,	Ray, G. W.	

NOT VOTING—84.

Adams, G. E.	Ellwood,	Jones, J. K.	Rockwell,
Bagley,	Ermentrout,	Kelley,	Rowell,
Ballentine,	Foran,	Kellogg,	Russell,
Barr,	Goff,	Ketcham,	Spriggs,
Bland,	Graves,	King,	Springer,
Brainerd,	Hancock,	Laird,	Stephenson,
Burnes,	Hardy,	Le Fevre,	Stewart, J. W.
Cabell,	Harmer,	McAdoo,	Stockslager,
Calkins,	Hatch, H. H.	Milliken,	Sumner, D. H.
Candler,	Hatch, W. H.	Mills,	Taylor, J. D.
Cannon,	Haynes,	Morrison,	Thomas,
Carleton,	Hemphill,	Moulton,	Townshend,
Chace,	Henderson, T. J.	Nutting,	Turner, Oscar
Converse,	Henley,	O'Hara,	Washburn,
Cook,	Hepburn,	Paige,	Weller,
Culbertson, W. W.	Hewett, A. S.	Peelle, S. J.	Whiting,
Curtin,	Hooper,	Post,	Wilkins,
Davis, L. H.	Houk,	Price,	Wilson, James
Deuster,	Hurd,	Randall,	Wise, G. D.
Dorsheimer,	Hutchins,	Rice,	Wolford,
Duncan,	James,	Riggs,	Young.

So the motion to recommit was agreed to.

Mr. WINANS, of Wisconsin (after the roll-call was concluded). I desire to have my vote recorded in the affirmative.

The SPEAKER. The Chair can not entertain the request.

The following pairs were announced:

Mr. CANNON and Mr. MILLS, for to-day.

Mr. SPRINGER and Mr. HENDERSON, of Illinois, for to-day.

Mr. RANDALL and Mr. O'NEILL, of Pennsylvania, until next Monday.

Mr. HANCOCK and Mr. CALKINS, until further notice.

Mr. HARDY and Mr. BREWER, of New Jersey, until further notice.

Mr. HEMPHILL and Mr. RUSSELL, until the 13th instant, inclusive.

Mr. COLLINS and Mr. WHITING, until the close of to-day's session.

Mr. McADOO and Mr. KELLOGG, until further notice.

Mr. PEELLE, of Indiana, and Mr. STOCKSLAGER, until further notice.

Mr. HAYNES and Mr. GRAVES, until further notice.

Mr. COOK and Mr. HOUK, until further notice.

Mr. ROWELL and Mr. RIGGS, on all questions until mutually agreed otherwise.

Mr. FORAN and Mr. PETTIBONE, until Saturday next.

Mr. TOWNSHEND and Mr. WASHBURN, until March 13, inclusive.

Mr. PAIGE and Mr. HATCH, of Michigan, on all questions until further notice.

Mr. MORGAN and Mr. MORRILL, until further notice.

Mr. KETCHAM and Mr. HUTCHINS, until Wednesday, the 12th instant.

Mr. BALLENTINE and Mr. HARMER, until Monday next.

Mr. PETTIBONE. My pair with Mr. FORAN is on political questions only. I do not understand that this question has any politics in it, and therefore I have voted.

The result of the vote was announced as above stated.

Mr. BROWNE, of Indiana. I ask unanimous consent for the present consideration of a bill proposing to put Alfred Pleasonton on the pension-roll at $100 a month.

Mr. ROSECRANS. I object.

Mr. BROWNE, of Indiana. I ask, then, that the bill may be referred to the appropriate committee.

Mr. McMILLIN. I hope that may be done.

There being no objection,

Mr. BROWNE, of Indiana, introduced a bill (H. R. 5690) granting a pension to Alfred Pleasonton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 343) to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion, and to repeal the Revised Statutes from section 4083 to section 4130, inclusive; and

A bill (S. 399) for the relief of Albert H. Emery.

ORDER OF BUSINESS.

Mr. McMILLIN. I move that the House resolve itself into Committee of the Whole House for the consideration of business on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House (Mr. COX, of New York, in the chair), and proceeded to the consideration of business on the Private Calendar.

JOHN B. MONTEITH, DECEASED.

The first business on the Private Calendar was the bill (H. R. 1319) to adjust the accounts of John B. Monteith, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, in the settlement of the Indian accounts of John B. Monteith, deceased, late Indian agent at the Lapwai Indian agency, in the Territory of Idaho, for the Nez Percé Indians, to allow him, or the administrator or executor of his estate, the sum of $875.75, which amount has been heretofore disallowed him in the settlement of his accounts in the Indian service; and which sum for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. HOLMAN. I wish to say that, in consequence of one of the present rules of the House providing that these reports be sent to the rooms of the members instead of being placed in the document-room, a printed report, when actually required here for use, can not in many cases be obtained. As I have not been able to get this report from the document-room, I must, for that reason only, call for the reading of the report.

The report was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1319) to adjust the accounts of John B. Monteith, deceased, have had the same under consideration and report thereon as follows:

This bill authorizes and directs the Secretary of the Treasury, in the adjustment of the accounts of John B. Monteith, deceased, late Indian agent at the Lapwai Indian agency in Idaho for the Nez Percé Indians, to allow the administrator of his estate the sum of $875.75, as follows, to wit:

To fees paid J. M. Howe, attorney for Government employés, as per itemized statement	$440 00
To rent paid W. G. Langford, in the names of the various employés, by Agent Monteith, as per itemized statement	152 00
To justice fees paid, as per itemized statement	33 75
To amounts disallowed in the final settlement of late Indian Agent John B. Monteith's account before the Treasury Department	250 00
Total	875 75

This claim has been repeatedly recommended for payment by the Indian Office and Interior Department, to wit, on December 14, 1876; on March 1, 1877; on January 11, 1882; on March 18, 1882, as set forth in official papers from the Indian Department.

This bill, introduced in the Forty-seventh Congress, was submitted to the Department of the Interior for examination and report, and was reported favorably upon in a communication of March 18, 1882. Six hundred and twenty-five dollars and seventy-five cents of this account was for money paid by John B. Monteith in defending the United States Indian agency in actions in ejectment brought in the United States Territorial courts; and $250 of the amount was allowance made by the Indian Department for additional clerical service at said agency. The sum total aggregates $875.75.

The following is a report and recommendation of the Interior Department:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 18, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of March 7, 1882, transmitting for report and office views thereon House bill No. 4741, Forty-seventh Congress, first session, "to adjust the accounts of Jno. B. Monteith, deceased," with accompanying papers.

The payment of the claim of Mr. Monteith has been repeatedly urged upon Congress, and was the subject of a favorable report (copy herewith) to the honorable Secretary of the Interior, under date of December 14, 1876, recommending that Congress be requested to appropriate the sum of $625.75 to reimburse Mr. Monteith for the money actually expended and paid out by him in the ejectment suit of W. G. Langford *vs.* Employés of the Nez Percé Indian Reservation at Lapwai, Idaho.

It was further urged in a communication to Senator Windom (copy herewith), dated March 1, 1877, requesting the insertion in the sundry civil appropriation bill, then pending, an amendment making an appropriation covering said claim.

The justness and the merit of the amount ($250) disallowed in the final settlement of Agent Monteith's accounts, by the accounting officer of the Treasury Department, for additional pay for services rendered on account of authorized increase of salary as agency clerk, has never been questioned; but, as there was no authority of law for its allowance or payment, relief can only be had through Congress.

Concurring in the views of my predecessors as to the justness of the whole claim of $875.75, I urgently recommend favorable and prompt action on the bill submitted, which is returned herewith, with accompanying inclosures, as requested.

Very respectfully,

E. L. STEVENS,
Acting Commissioner.

Hon. M. C. GEORGE,
House of Representatives.

The following is a copy of a letter from the former Commissioner of Indian Affairs:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 14, 1876.

SIR: I have the honor to invite your attention to the claim of John B. Monteith, United States Indian agent, for certain expenses of rent, costs, and fees unavoidably incurred by the employés in their defense at the trial of the ejectment suits of W. G. Langford *vs.* Employés of the Nez Percé Indian Reservation at Lapwai, Idaho Territory. These expenses were necessarily incurred, owing to the distance from the agency of the proper United States district agency, as well as the difficulty of prompt communication with him or the Department, and to the exigencies of the case, which have been duly and fully reported to this office.

From these facts and the circumstances of the parties who were mulcted with the costs, and who are hardly able to bear the same, and in view of the fact that by this course of action they were enabled to hold the agency buildings, and thereby avert their total destruction by the Indians, who would undoubtedly have burned them rather than allow them to pass into Mr. Langford's possession, I respectfully recommend that Congress be requested to appropriate the sum of $625.75 to fully reimburse Mr. Monteith for all moneys actually expended and paid out by him in said defense.

For your further information I submit herewith duplicate copies of an itemized statement of the expenses incurred, which were furnished by Mr. Monteith under office instructions of the 19th of July, 1875.

I also submit the draught of a bill for the purpose above indicated.

I have the honor to be, respectfully, your obedient servant,

J. Q. SMITH, *Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

From the papers on file in this case it appears that Mr. Langford made attempt by seven actions in ejectment in the justice, district, and supreme courts of Idaho to recover possession of the land upon which the Government agency buildings had been erected; that he was successful in the actions in the justice court and in the district court, but was finally defeated in the supreme court. These expenses were unavoidably incurred by Mr. Monteith to save the occupancy of the Government buildings after judgment rendered in the justice courts and until the Department could be heard from, and for the expenses of an appeal to the district court and to the supreme court, where the cases were finally decided in favor of the Government. It is quite evident from the proofs on file that had Mr. Monteith not expended these sums the Government would have been the loser of much valuable property, both through the result of the trials establishing the right of Mr. Langford and the frenzy of the Indians, who would have doubtless burned the buildings rather than to have seen them come into the possession of Mr. Langford.

It will be remembered that this agency was then situated in an isolated section, more so probably than any other portion of the United States at that time, and communication with the Department was exceedingly difficult. Mr. Monteith's action in thus saving the Government property and looking after its interest in a time of emergency entitles him to the gratitude of his country; and the least it can do is to reimburse him for the sum of money which he necessarily expended during the emergency in the Government's behalf. Time has proven that it was a wise action on his part, and that he was faithful to the interest of the Indians and of the Government. In regard to the sum of $250, expended by Mr. Monteith for additional clerical assistance, as shown by vouchers Nos. 7, 11, 12, 16, and 30, on file now in the Second Auditor's Office, the following was the authority under which the expenditure was made:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., May 27, 1875.

SIR: In reply to your communication of the 6th instant, in which you ask authority to increase the salary of your clerk from $1,000 to $1,200 per annum, you are informed that your request is granted, the amount involved to be paid from funds that are now or may hereafter be placed in your hands from the appropriation for "incidental expenses Indian service in Idaho."

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

J. B. MONTEITH, Esq.,
United States Indian Agent, Lapwai, Idaho.

In view of the foregoing your committee believe this claim to be just and proper, and recommend that it be allowed and paid as set forth in the bill.

Mr. GEORGE. Mr. Chairman, as this report contains a very full statement of the facts in this case I do not deem it necessary to occupy time with a further explanation, but move at once that the bill be laid aside to be reported favorably to the House.

There being no objection, it was ordered accordingly.

JOHN P. T. DAVIS.

The next business on the Private Calendar was the bill (H. R. 328) for the relief of John P. T. Davis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to grant to John P. T. Davis, late second lieutenant of Company H, Fifty-second Regiment of Indiana Volunteers, an honorable discharge from the military service as of the date of November 6, 1862.

The report was read, as follows:

The facts out of which this claim for relief arises will be found stated in House report of the Committee on War Claims, first session Forty-seventh Congress, a copy of which is hereto appended.

Your committee adopt the said report as their own, and report back the bill with the recommendation that it do pass.

[House Report No. 1494, Forty-seventh Congress, first session.]

Mr. GEDDES, from the Committee on War Claims, submitted the following report, to accompany bill H. R. 5417:

The Committee on War Claims, to whom was referred the bill (H. R. 5417) for the relief of John P. T. Davis, report as follows:

That the bill under consideration directs the Secretary of War to grant to John P. T. Davis, late second lieutenant Company H, Fifty-second Regiment of Indiana Volunteers, an honorable discharge from the military service as of the date of November 6, 1862.

The facts gathered from papers accompanying the bill show that John P. T. Davis was mustered in as second lieutenant with Company H, Fifty-second Indiana Volunteers, February 1, 1862, to serve three years. He was tried by general court-martial convened at Fort Pillow, Tennessee, pursuant to General Orders No. 2, of date October 29, 1862, from Headquarters District of Columbus; charge, absent without leave; found guilty, and sentenced to be dismissed from the service, to date from November 6, 1862. The disability to re-enter the service resulting therefrom was removed by letter from the Adjutant-General United States Army to the Governor of Indiana, dated January 15, 1866.

It appears from the proof submitted that on or about the 19th day of September, 1862, the said Lieutenant Davis was prostrated by a severe attack of fever, and became very feeble in body and in mind in consequence of said sickness, and while in this weak and debilitated state of mind and body that Major Strickland, then in command of the regiment, persuaded and induced the said Lieutenant Davis that he had better visit his home to regain his health; that he, the said Major Strickland, would see that it was all right, &c.; that under these inducements the said Lieutenant Davis left his post and went North, and returned voluntarily to his command as soon as his health was restored, in about three weeks afterward. Shortly after his return to his regiment he was summoned before a military court-martial, and on a charge of absence without leave was tried and dismissed the service. This was the whole offense for which this soldier was tried.

Your committee are of the opinion that the relief should be granted, and report back the bill with the recommendation that it do pass.

Mr. GEDDES moved that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

JOHN TAYLOR & SON.

The next business on the Private Calendar was the bill (H. R. 1198) for the relief of John Taylor & Son.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Taylor & Son, out of any money in the Treasury not otherwise appropriated, the sum of $149.50, as full compensation for lumber used by the United States Army, as appears from evidence on file in the Third Auditor's Office, United States Treasury Department, in claim No. 8252.

The report was read, as follows:

The facts out of which this claim for relief arises will be found stated in House report of the Committee on War Claims No. 527, first session Forty-seventh Congress, a copy of which is hereto appended.

Your committee adopt the said report as their own, and report back the bill to the House and recommend its passage.

[House Report No. 527, Forty-seventh Congress, first session.]

Mr. GEDDES, from the Committee on War Claims, submitted the following report, to accompany bill H. R. 493:

The Committee on War Claims, to whom was referred the bill (H. R. 493) for the relief of John Taylor & Son, of Newport, Ky., respectfully report as follows:

These claimants seek compensation for the value of a quantity of lumber alleged to have been sold and delivered, in September, 1862, to the United States military authorities at Newport, Ky., for the improvement of fortifications at said place. The amount claimed is $149.50.

There is no difficulty in ascertaining the facts in this case. The evidence is abundant and without conflict. The papers establish the following facts: That in the summer of 1862 Newport and Covington, in Kentucky, and Cincinnati, Ohio, were seriously threatened by the appearance of large confederate military forces that were then moving in the direction of Newport. This threatened invasion of Ohio, and danger to Covington and Newport, induced the State of Ohio to call out a large militia force for the public defense. This militia force was under the immediate command of Col. James V. Guthrie, who was appointed for that purpose by the governor of Ohio, and instructed to take command of all the military troops in Kentucky. Colonel Guthrie thereupon appointed John R. Ricke as quartermaster, and at the same time created a military board.

At the time the militia force from Ohio met at Newport General Lew. Wallace was in command of United States troops in and about Newport and in the fortifications then existing at Newport. The military board appointed by Colonel Guthrie for the city of Newport had the power given them to make all necessary purchases of lumber to construct platforms upon which to operate the artillery in Forts Beechwood, Shaler, and Licking. It is proved and conceded that lumber of the value of $149.50 was purchased of these claimants by the parties so authorized, and that the same was used for the purpose specified; that claimants were at the time, and continued to be, loyal citizens of the United States, and have never received any portion of the value of said lumber.

It appears from the evidence that General Lew. Wallace, then in command of the United States forces at Newport, directed the building of said forts and improvements for which said lumber was purchased.

William H. Lappe testifies "that he was appointed one of the board mentioned; that said lumber was purchased and used; that he believed the same to be necessary to the efficiency of said forts and for the protection of the United States forces then occupying said forts; that Genera' Lew Wallace was then in command of the district embracing Newport, Ky., and directed the building of said forts, and they were constructed under his direction."

Colonel Guthrie testifies to substantially the same facts.

This claim was filed May 6, 1868, in the Treasury Department for payment, where the same remained without any action until February, 1877, when the voucher was returned to the claimants with the information "that the military forces of which John R. Ricke (who purchased this lumber of claimants) was quartermaster were not mustered into the service of the United States, and, although the military operations of this force were for convenience directed by a general officer of the United States Army, it was not mustered into the United States service or paid by the United States."

Thereupon claimants filed a bill in the Forty-fifth Congress, and again in the Forty-sixth Congress, for relief. An adverse report was made by this committee during the second session of the Forty-sixth Congress, solely on the ground that it did not seem to be a claim against the Government of the United States.

Now, your committee have carefully reviewed the evidence in this case, and believe it to be a good claim against the Government of the United States, supported by every principle of law and equity. If, under the same circumstances, and prompted by the same emergency, General Wallace, in command of the United States forces, had in person made these purchases of lumber, it would be conceded a valid claim against the General Government. In law and good conscience he did make the purchase. He decided that the material was necessary for the "common defense" and to guard and protect the United States troops under his command. He directed the construction of works for which this lumber was needed, and superintended the use of this lumber. It does not appear to be a matter of much consequence who acted in making the purchase, nor whether they were officers or soldiers of the United States. They may have been private citizens from the farms, workshops, stores, and other places of private life, hastily volunteering their services for the defense of the country. Or the forces may have assumed more formality and been acting as militia of a State. But it is submitted by your committee that when said forces were under the direction and military control of a United States officer, and when thus acting made purchases for the benefit of the United States under the direction of said officer, it would work great injustice to the claimants to deny them relief.

Your committee therefore report the bill back to the House and recommend its passage.

Mr. BELFORD. Mr. Chairman, we have got a large number of bills on the Private Calendar, and we have but one day in each week assigned for their consideration. According to my recollection this is the first time we have devoted Friday to that purpose. Some gentleman, and I am not aware who he is, insists on reading all these reports. Nobody hears them; nobody cares about them; nobody is concerned in that question. It seems to me we might expedite the consideration of these bills by a statement that a committee composed of a majority of the other side of the House had carefully examined them and reported them to this body as creditable bills. Why take up the time of this House with reading these reports to which no one listens and in this end of the Hall no one can hear? Is this a kind of suppressed filibustering instituted and organized by gentlemen on the other side? Have you not confidence in the reports of the majorities of your own committees? And when it is announced by the Clerk from the desk that the majority of the committee has carefully, studiously considered the subject and recommend its favorable action of this House, why should we go through the farce of reading a long report to which nobody gives any attention, or if he desired to give attention could not hear? I will vote for the bill, but I wanted to make these observations in reference to the honesty, morality, decency, intelligence, and judgment of the way in which the majority of the Democratic party is proceeding with the consideration of these bills. [Laughter and applause.]

Mr. GEDDES. I move that bill be laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN D. LAKIN.

The next business on the Private Calendar was the bill (H. R. 3521) for the relief of Benjamin D. Lakin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Benjamin D. Lakin, of Point Pleasant, Clermont County, Ohio, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, for money paid for a substitute during the late war.

Mr. BROWNE, of Indiana. Let us have the report read.

The report was read, as follows:

The facts out of which this claim for relief arises will be found stated in House report of the Committee on War Claims No. 675, first session Forty-seventh Congress, a copy of which is hereto appended.

Your committee adopt the said report as their own, and report back a substitute for the bill and recommend its passage.

[House Report No. 675, Forty-seventh Congress, first session.]

Mr. GEDDES, from the Committee on War Claims, submitted the following report, to accompany bill H. R. 5007:

The Committee on War Claims, to whom was referred the bill (H. R. 1346) for the relief of Benjamin D. Lakin, having considered the same, respectfully report:

This claimant was, on the 28th day of September, 1864, duly drafted into the military service of the United States in the sixth district of Ohio, to serve for the period of one year; that in pursuance of said draft he reported himself forthwith to the marshal of said district, at Hillsborough, Ohio, and was immediately sent to Todd Barracks, at Columbus, Ohio. It further appears from the evidence that on the 10th day of October, 1864, and within the time allowed by law, he procured one John Smittle as a substitute for himself; that said substitute was duly and regularly accepted by the marshal of said district on the morning of the 10th of October, 1864, and was mustered into the service of the United States Army for the period of one year, and was thereupon duly assigned to Company C, Seventy-first Regiment Ohio Volunteer Infantry; that said substitute served faithfully and remained in the Army until he died, on the 30th of April, 1865.

It is also clearly established in the proof that on the 10th of October, 1864, an order was telegraphed by said marshal from Hillsborough to the commandant of Todd Barracks, at Columbus, Ohio, "that said substitute had been furnished and accepted." It further appears that said order was duly received, and this claimant thereupon earnestly and diligently sought to obtain his discharge but failed, and he was, against his protests, on the 11th day of October, 1864, sent to the front for military duty, being assigned to Company E, Fifteenth Regiment Ohio Volunteer Infantry, and was placed on detached duty, as a train guard, in General Sherman's army, and performed the duties of a soldier up to the month of February, 1865, when he was taken sick, and subsequently, on the 10th of June, 1865, he was mustered out of the service.

Claimant made repeated efforts to obtain his discharge from the Army, but owing to the detached duty in which he was employed was unable to secure it until said 10th of June, 1865.

Claimant, in order to obtain his said substitute, paid him the sum of $1,000, which appears from the evidence to have been reasonable.

The evidence clearly establishes the fact that this claimant was compelled to perform this service for the Government without any fault or negligence on his part, and solely through the mistake and fault of the agents of the Government.

This claim was referred to the Adjutant-General of the United States in 1866, but not allowed, on the ground that there was no law providing for the payment of such claims.

From the foregoing facts your committee find that this claim is just, and that claimant should have some compensation for the services performed and the loss sustained. He served eight months, two-thirds of the time for which he had provided a substitute and had paid $1,000.

Your committee therefore find and report that claimant should be paid the sum of $1,000 for the time served by him; and recommend the passage of the substitute for said bill, herewith filed.

Mr. MOREY. I move that the bill be laid aside to be reported to to the House with the recommendation that it do pass.

Mr. HOLMAN. I believe, sir, so far as my own experience is concerned, it is the only bill involving this question which has been before this House, for I do not remember that it has been before this House before.

Mr. GEDDES. Yes, it was before the House in the Forty-seventh Congress, and, under a suspension of the rules, was passed unanimously.

Mr. HOLMAN. I had forgotten that fact as to this bill. I remember it was before the Committee on Claims, but it is the first bill of the kind reported to Congress involving this question.

Mr. MOREY. There are precedents for this bill in prior Congresses.

Mr. HOLMAN. I was not aware of that fact, and I will be glad if my friend from Ohio will call my attention to those precedents.

Mr. MOREY. I will do so.

Mr. HOLMAN. I wish in the first place to make a single remark. A party in the late war was drafted and paid $1,000 for a substitute, and then he himself was afterwards drafted again, and served in the Army. The question involved here is whether the amount paid by him for a substitute should be returned.

Mr. McMILLIN. If the Government is to pay this class of claims at all, can the Government be required to pay more than was paid in the way of bounty to soldiers? It seems to me in this case, if you depart from that rule you will fix it so everybody who employed a substitute can call upon the Government for compensation, irrespective of the service rendered.

Mr. HOLMAN. Now, my friend from Tennessee puts the question I was seeking to present, and puts it very well. The Government at that time was paying, according to my present recollection, a bounty of $300. At the time that this transaction occurred I am under the impression that the $1,000 bounty was not being paid. I believe that $300 was the very highest sum the Government allowed for such service. The question presented, therefore, by this bill is not, perhaps, whether the relief should be granted, but what is the measure of the relief. If the facts are as stated and found by the committee it would seem to be a fit subject for relief. But the question is whether or not the contract made by the party should bind the Government to the extent of the full amount he paid, or whether the Government would be granting the full measure of relief warranted by the premises by refunding the amount it was then paying for bounty. In the Committee on War Claims in the last Congress I think the latter was regarded as the true principle.

The Government obtained in this case two soldiers. It was entitled to one, and was paying the bounty of $300. If the soldier was enlisted or drafted—and I presume he was drafted, under this report—of course he received the bounty himself if he served out his term, and the substitute would also, as my friend here on my right suggests. If I am correct, then the Government had paid two bounties if those parties served out their respective terms.

Mr. GEDDES. Do I understand the gentleman to claim that drafted men were paid bounties?

Mr. HOLMAN. Such is my impression.

Mr. GEDDES. I think not. I do not think drafted men were paid bounties.

Mr. HOLMAN. I am speaking from recollection. I think they were.

Mr. GEDDES. The amount of bounty, I will say to my friend from Indiana, paid by the party procuring a substitute would necessarily be in accordance with the value of the service of the man in the State where the draft occurred. The amount given by any person who procured a substitute would be governed by the law of supply and demand. Now, if the man who wants a substitute goes out into the market and obtains one at the lowest price possible in that State and community (and as I say the price of the substitute was fixed by the demand and varied with the locality), is it not fair to reimburse him to the extent paid by him?

Mr. HOLMAN. But, Mr. Chairman, in response to the gentleman from Ohio, it may be said that very high bounties were paid in certain cases where parties were excited or alarmed at the urgency of the draft. Suppose a party paid $2,000 for another man to go in his place—and I have heard of instances where such large sums were paid to obtain substitutes—should that be regarded as binding the Government? Shall the amount paid on the spur of the moment bind the Government, or should the Government pay back the sum it was actually paying for that service in other cases, $100, $200, or $300, as the case may be, depending upon the state of the law at the time?

I think the amount to be paid in the present case is the sum of $300, if that was the amount being paid by the Government at the time. I remember many years ago the same question came up involving two of my constituents; and the better opinion at that time of the Committee on Claims—this was before the Committee on War Claims was organized—was that each of them should be paid the sum of $300. But the subject was not pressed, and finally the bills were not reported back to the House. I thought then, and also when the same subject was before the last Congress, that the rule should be to fix the amount to be paid by the amount that the Government was paying at the time, and not the amount that a private citizen saw fit to pay for a substitute.

Mr. GEDDES. Mr. Chairman, as I had the honor of reporting this bill to the committee, and from the committee to the House in the last Congress, I desire to say to the gentleman from Indiana, who stated his action in that committee, that when I reported this bill back to the committee, in order to more carefully guard the Treasury of the United States as against this man who was compelled to serve when he was not bound by law, yet acting in the most rigid manner against him, I made a report that he should be allowed $666.66, being two-thirds of the $1,000 that he had paid for the substitute; and for this reason, that he had served himself only two-thirds of the year. His substitute served and died in the Army. He himself was compelled to serve until he could procure his discharge. He procured it as soon as he could be heard by the Government. He was put on detached duty from time to time, but sought through a brother and friend diligently and constantly to secure his own discharge, his substitute being in the service at the same time. He was utterly unable to do that for some time, but afterward, however, he got the ear of the officers of the Government, and was discharged from the service at the expiration of eight months. I thought that possibly he would be content with two-thirds of the amount he had paid, he having served two-thirds of the time for which he had provided a substitute. But with the single exception of the gentleman from Indiana and myself, in our care against any intrusions upon the Treasury, the committee unanimously conceded that not only should the man who had provided the substitute be paid the amount which we had recommended, but that the recommendation was an injustice to the soldier and citizen in not being large enough, and overruled us both, allowing him by their unanimous action the full thousand dollars originally claimed. Now, why? Because he proved that that was the lowest sum for which he could purchase the services of a substitute at that time. He proved that he paid that money; and yet in face of the fact that they took his substitute, and accepted his services, they impressed him into the service, taking him by military force, and put him into the Army. They took him up and down the land for a period of eight long months, away from his family, away from his business, and made him perform duty in the public service where he was not required to be.

My colleague from Ohio [Mr. MOREY] says there are precedents to be found for this act. If I believed it, I would not go to search for them. I would not go to the record to find five hundred precedents for an act of justice so plain, so simple, so manifest, that if it is denied it would shock every man's sense of justice. You may sustain it by precedents if you have them. I do not care to hear them.

Mr. MOREY. I do not consider it necessary to say anything in addition to what has been said by the gentleman from Ohio [Mr. GEDDES] in support of this bill. I desire, however, to correct a misapprehension into which gentlemen have fallen in their arguments pro and con.

At the time the claimant in this case procured a substitute to go into the Army, the law which permitted a man to pay $300 commutation money had been repealed. A man who was drafted was called upon to go into the service or to furnish some one to go for him. This claimant was one of four brothers, three of whom had already gone into the service. He was the youngest, and was drafted from his home also to go into the service. His brothers made up the sum of $1,000 in order that this younger brother might remain at home with his aged parents, as is conclusively shown by the evidence on file. The sum which he paid for his substitute was a reasonable sum. It was not a sum paid for the purpose of keeping some one out of the Army, but it was for the purpose of supplying a soldier for the ranks.

After he had paid this sum of money he was by force, through an inadvertence and misunderstanding upon the part of the mustering officers, compelled also to go and serve his time in the Army; and this man who had paid this money was compelled to remain in the Army for a long period.

I submit that the measure of compensation should not be the $300 under the previous law, but that it should be the sum of $1,000, which the committee have found and reported to this House to be a reasonable sum paid for the purpose of procuring a substitute. I again, Mr. Chairman, move that the bill be laid aside to be reported favorably to the House.

Mr. HOLMAN. I wish to put a question to my friend from Ohio [Mr. MOREY]. The Government was entitled to one soldier under this draft, and the substitute was the person whom the Government obtained. The party for whose relief this bill is sought to be passed was in the service a period of nine months or a little less. Now, is not this in effect paying him a bounty—for the Government was entitled to the other—paying him a bounty of $1,000 for that period of time? Is not that the exact effect of it?

Mr. MOREY. No, sir; it is not a bounty, because the claimant had parted with his money under the agreement with the Government that if he furnished a substitute he would be excused from the draft. He complied with that understanding and agreed with the Government. He and his friends parted with this money and yet he was compelled to go in and serve his time. It is not a bounty.

Mr. HOLMAN. The Government was entitled to one soldier, and that soldier went into the service and served seven or eight months and then died. The person who had employed the substitute goes into the service——

Mr. GEDDES. Is forced in.

Mr. HOLMAN. Forced in if you please—and he is paid like every other soldier his $15 a month. And now you propose to pay him in addition for these eight or nine months of service, after being paid in the regular way, the additional sum of $1,000. Mistakes of this kind were made all the time.

Mr. MOREY. In answer to the gentleman from Indiana, I will state the Government was entitled to one soldier under that draft and not to two. The Government got its one soldier by means of this claimant paying $1,000 to procure him, under the plain understanding he should himself be exempt from the draft. And I say the Government ought now to refund the money which it compelled him upon that understanding to pay.

Mr. HOLMAN. Will my friend excuse me for this interruption again? The way in which the three-hundred-dollar feature presented itself was not as I had thought. That was the commutation. The Government during a very considerable period drafted the citizen, and he either went into the service himself or paid the $300 into the Treasury and the Government used it to employ somebody else.

Mr. MOREY. That law had been repealed.

Mr. STORM. The difficulty was the commutation-money which the Government took in lieu of the personal services of the man who was drafted never bought a substitute. I know of my own knowledge, when the commutation law of $300 was in force, that $300 never paid for a substitute, because in the same neighborhood $600 and $1,000 had to be paid as bounty.

In this case it was an agreement between the man drafted and the Government. After he furnished his substitute the Government had no claim upon him. Yet he was compelled to do certain services which he was not bound to do under the law. The question here is how much did it cost him to relieve himself of the duty he was not bound to do? What it cost him to relieve himself is exactly the measure of his rights as between him and the Government. The commutation of $300 would not have relieved him. The question is what he had to pay when he went into the market and bought on the best terms he could the services of a man willing to be his substitute. I claim in equity and in law that what he had to pay because of the wrongful acts of the Government is just the measure of his equitable relief.

Mr. GEDDES. I renew the motion that the bill be laid aside to be reported favorably to the House.

Mr. WOLFORD. Believing, as I conscientiously do, that this report and the bill are all wrong, wrong in principle and wrong in theory, I wish before the vote is taken to be heard a moment.

The Government of the United States as well as the government of the confederacy exercised the right to claim and did claim the services of every one of its citizens. In the United States a man had the privilege when drafted either to go into the service himself, or if for any reason he was not willing himself to enter the service, to get a substitute. Now, under the law, and under a fair understanding of the matter, I presume nobody will say that his substitute could not also be called upon when occasion required to render service to the country. He who employed the substitute might expect, when every able-bodied man was demanded to defend his country, that the very moment the call for service was so extended it would embrace his substitute, and he himself would have to go into the service as well as the substitute.

There has been no wrong done to this man. He stood only as every other good citizen stood, liable to be called upon to render all the service in his power for the side he had espoused. If the Government of the United States had a right to release him from service when the substitute went into the Army, it also had a right to call upon him for service when the demand was so extended as to include the substitute.

Mr. GEDDES. Will my friend permit me to appeal to his sense of justice in this way: what did the Government mean when it said to this man, "You may furnish a substitute for yourself for this service?" Did the Government simply mean to trifle with him; to say to him,

"Yes, furnish your substitute; put him in; and when we have got him we will take you also?" Did the Government mean that?

Mr. WOLFORD. No, sir; it did not mean to trifle with him; neither did it mean that he should trifle with the Government. The Government meant to say to him, as it said to all good citizens, "For the present you can be excused if you furnish a substitute; but if the time comes when the services of all are demanded and required, then you shall go into the service yourself." No other course of reasoning would be right.

And now I appeal to the sense of justice of the gentleman from Ohio [Mr. GEDDES]. Was it a trick to defraud the Government of the services of all its citizens when they were needed? Could one-half of its citizens when drafted obtain inferior men as substitutes (and they generally got inferior men), and put them into the service and thereby excuse themselves?

I said that this whole thing was wrong. If you would do justice in the matter you would give the thousand dollars to the widow and children of the poor fellow who was killed, and not to the man who afterward escaped and got out of the service of the United States by appealing to the sympathy of the officers.

Mr. STORM. Does not the gentleman see that his whole argument is made simply against the original policy of the Government, and is not applicable to this particular case? I admit that the argument of the gentleman would be entitled to some force if it had been made in this House some years ago, when the question of what should be the policy of the Government in this matter was under consideration. But I am afraid the gentleman from Kentucky has not actually mastered the facts in this particular case, judging from the line of his argument.

Mr. GEDDES. Let me answer the argument of the gentleman.

Mr. WOLFORD. Wait a minute; I want to talk a little myself.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. WOLFORD] yield to the gentleman from Ohio [Mr. GEDDES]?

Mr. WOLFORD. No, sir; I do not yield any more. They have answered me twice, and that is enough. I say to these gentlemen that they have misunderstood the policy of the Government. I deny that there ever was any policy on the part of the Government of the United States to excuse a man from the service he owed when the time came that it was needed simply because he had furnished a substitute for a little while. I deny that any such suicidal policy ever was adopted by the country which I love.

Mr. STORM. It was the law.

Mr. WOLFORD. You will excuse me. I deny there was any such policy.

Mr. STORM. It was the law.

Mr. WOLFORD. Produce the law. I deny that that was ever the policy; I deny that it was ever the law, and I deny that it is justice. I deny that there is any truth or honesty in this claim. See how it would operate. Does the gentleman say that by the law a substitute for a time was received and afterward the Government could not require the services of all its citizens? Did our Government act so foolishly and so unwisely as to adopt a policy by which one half of its able bodied citizens could be received as substitutes and the other half allowed to go free; that no matter how hard our friends in the South might press the Government at any time, no matter how much danger there might be to our forces, the Government deliberately adopted a line of policy which would deprive itself of the services of a portion of its citizens?

Mr. GEDDES. Does not the gentleman know that the law——

Mr. WOLFORD. I do not know that that was the law, neither do you. I know that the whole policy of this bill is wrong and unjust. When you appeal to my sense of justice, allow me to appeal to your own sense of justice. Do you want to take from the Treasury of the United States, after paying this man his price as a soldier, paying him what all other soldiers received, do you want to take from the Treasury of the United States this large sum of money and give it to him? I ask in the name of all the other soldiers that voluntarily fought in the Army, as well as those who were drafted and fought for their country in their own proper persons, that you think a little about them.

Mr. GEDDES. We are for all of them.

Mr. WOLFORD. Although this man simply did his duty when forced to do it, you want to put your hand into the Treasury of the United States and give him $1,000 extra compensation. This seems to me unjust and unreasonable. This is all I want to say. Now the gentleman can answer me as much as he pleases.

Mr. MAYO. Mr. Chairman, I wish not to make a speech but simply to ascertain, and I trust to enable the House to ascertain, the exact status of this matter. If I should be wrong in any assumption that I may make I wish to be corrected.

As I understand this case, a person liable to be enlisted in the Army under the laws of the United States employed a man to take his place—a man not liable to that service. Am I right so far? Of course he could not put in his place any man who was liable to render service in the Army; he must have put in as a substitute some one whom the United States could not compel to serve as a soldier.

Mr. MOREY. The gentleman is correct.

Mr. MAYO. Now, if I put another man in my place for a particular service, and pay him for thus taking my place, is not the contract between the Government and myself mutual? Am I not forever absolved when the Government accepts the service of another man?

Mr. MOREY. Certainly.

Mr. MAYO. And if that other man happens to be killed, I am vicariously killed. After my substitute dies the Government has no right to come back on me; for I am in the eye of the law dead.

Mr. MILLER. And your widow ought to have a pension! [Laughter.]

Mr. MAYO. Now, I understand further that after the death of his substitute in the military service, this man was called on again to do service in the Army of the United States. Am I right?

Mr. MOREY. The gentleman will permit me to explain. The man who hired the substitute was sent to the front on the same day that the substitute was.

Mr. STORM. Both commenced their service at the same time.

Mr. MOREY. Yes, sir. The substitute served until his death, and the man who hired the substitute served until the end of the war—June, 1865.

Mr. MAYO. Then, Mr. Chairman, I think there is no power in the Government to make one man two men.

Mr. MOREY. Then give this man back his thousand dollars, and it is all right.

I move that the bill be laid aside to be reported favorably to the House.

Mr. BRUMM. As there seems to be some misunderstanding in regard to the facts of this case, and as I desire to vote intelligently, I wish to put a question, and I hope the gentleman in charge of this bill will answer it. The gentleman from Kentucky [Mr. WOLFORD] stated that the party who is to receive the money under this bill, and who was drafted, obtained a substitute; that the substitute went into the Army, and afterward the substitute was drafted. Is that the fact?

Mr. STORM. No, sir; it is not.

Mr. BRUMM. Well, the gentleman from Kentucky made that statement.

Mr. STORM. He was as wrong in his statement as he was in his law.

Mr. BRUMM. Then the substitute never was drafted afterward?

Mr. MOREY. I will explain. The claimant in this case, Mr. Lakin, having been drafted, availed himself of the privilege given him by law of going into the market and procuring a substitute. The substitute was mustered in, but through a misunderstanding on the part of the provost-marshal and the mustering officer Mr. Lakin, who had procured the substitute, was mustered in on the same day as the substitute and hastened to the front. He never succeeded in getting out of the service until the close of the war, June, 1865.

Mr. PERKINS. What became of the substitute?

Mr. MOREY. He served until April, 1865, when he died in the service.

Mr. PERKINS. How long did he serve?

Mr. MOREY. About six months.

Mr. HATCH, of Michigan. Was the drafted man discharged from the service because of having furnished a substitute?

Mr. MOREY. He was not discharged until June, 1865, the close of the war.

Mr. GOFF. The substitute never was drafted?

Mr. MOREY. The substitute never was drafted.

The question being taken on the motion of Mr. MOREY that the bill be laid aside to be reported favorably to the House, there were—ayes 95, noes 30.

Mr. COX, of North Carolina. No quorum.

The CHAIRMAN appointed Mr. COX, of North Carolina, and Mr. MOREY as tellers.

The committee divided; and the tellers reported—ayes 141, noes 37.

So the motion was agreed to; and the bill was laid aside to be reported to the House with the recommendation it do pass.

SIDNEY HENDERSON.

The next business on the Private Calendar was the bill (H. R. 3522) for the relief of Sidney Henderson, executrix.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the alleged taking by the United States authorities, for the use of the Army during the late war, of a certain lot of timber and fencing alleged to have been the property of John Henderson, deceased, of Bradley County, Tennessee; such investigation to extend to the title of the property taken and used, the status of the owner, whether loyal or not, and the value of the property destroyed and used; and when such investigation shall be completed the Quartermaster-General shall report the result thereof, with his recommendation thereon, to Congress, as in cases provided for in the second section of the act to restrict the jurisdiction of the Court of Claims, &c., approved July 4, 1864.

Mr. DIBRELL. I ask for the reading of the report.

The report was read, as follows:

The claimant is the widow and executrix of John Henderson, who resided in Cleveland, Bradley County, Tennessee, and who died January 16, 1863. The claim is for timber which was taken for military purposes by the Army of the United States in 1864 and 1865.

Mr. Henderson left a will, dated August 3, 1861, and a codicil, dated June 7, 1862. Mrs. Henderson, the petitioner, is the sole acting executrix of that will.

It is to be presumed that the testator left sufficient to pay all his legacies and bequests. No distribution of the estate is to be made until the death of the executrix. She is provided for specifically by the terms of that will, and this claim is disposed of in the residuary clause of the will, which reads as follows:

"The remainder of my estate not disposed of by legacies and bequests, if any remain at the death of my wife, Sidney, I give and bequeath as a charity to the poor of Bradley County, Tennessee, and the same shall be used, applied, and appropriated for the exclusive use of the poor at the poor-house of Bradley County, Tennessee, for their support and maintenance," &c.

The executrix on February 27, 1873, filed a claim before the Commission of Claims for adjudication. The commission investigated the alleged taking of the property and the loyalty of claimant, and the taking and use of the property was fully established, as was the loyalty of the claimant, but rejected the claim solely upon the ground that they could not tell who were the real beneficiaries of the claim.

The committee are satisfied that the claimant was loyal to the United States Government, but are not satisfied as to the amount of the property taken and used by the Army.

The committee therefore report herewith a bill conferring power upon the Secretary of War to have the case investigated through the Quartermaster's Department, and to report the result, with his recommendation thereon, to Congress for its action in the premises.

Mr. DIBRELL. Mr. Chairman, this case was presented to the Southern Claims Commission February 27, 1873. As shown by the report of the committee, that commission investigated the alleged taking of the property and the loyalty of the claimant, and the taking and use of the property was fully established, as was the loyalty of the claimant. It was rejected solely because the poor of Bradley County was not a party to the application. By Mr. Henderson's will his widow was left his sole executrix, and the remainder of his estate, after disposing of legacies and bequests, was left to the poor of Bradley County, Tennessee. And as I have said, the claim was rejected solely because the poor of that county did not join as a party to the application, although she was the sole executrix. The War Claims Committee provide that the case shall be investigated through the Quartermaster's Department and the result reported to Congress. This old lady lived in the district I have the honor to represent on this floor, but afterward removed to Knoxville. She is 85 or 90 years old, and is drawing a pension as the widow of a soldier of the war of 1812. The amount of the claim is $2,310.

I offer the following substitute:

The Clerk read as follows:

That the proper accounting officers of the United States be, and are hereby, directed to pay to Sidney Henderson, executrix of John Henderson, deceased, of Bradley County, Tennessee, amount of her claims filed and proved before the Southern Claims Commission February 27, 1873, amounting to the sum of $2,310, which shall be in full compensation for her claim.

Mr. GEDDES. On the question of this substitute I wish to say to the committee that the amount has not been investigated by the Committee on War Claims. This case having been referred to that committee, it was considered by them and they ordered the report to be made as has been indicated. Now, whether the amount named by the gentleman from Tennessee is correct, or whether that will be found to be the just amount due to this party on investigation, I am not prepared to say. Our committee has not reported, and that question has not been investigated; and it would certainly be dangerous for us, on the motion of a friend of a party, to substitute the amount of his claim for the bill which is reported when the very purpose of the latter is to ascertain the exact amount due. The committee not believing the proof sufficient to satisfy them of the amount due, they have declined to report any specific amount. They have gone as far as they could. They are as favorable as they can be in reporting in favor of a reinvestigation by the Quartermaster's Department with a view to ascertain the real amount due this party.

To show how exceedingly dangerous it would be to adopt this I need only say that we have numerous cases in which the parties claim, as near as I can recollect, $156,000 each, where there would be a report for perhaps of ten, fifteen, or twenty thousand dollars. It is a very common thing to find on examination of the papers that 1, 2, or 3 per cent. of the amount claimed is the utmost that should be allowed to the party. So that this amount that is found in the papers as the claim of the party can not be adopted here without overriding the action of the committee and without invading their province, as well as by walking on what I regard as exceedingly dangerous ground. I hope, therefore, that the report of the committee will be adopted by the House.

Mr. DIBRELL. Mr. Chairman, I only wish to say in response to the remarks of the gentleman from Ohio that the amount of the claim in this case I have ascertained from the papers on file in the room of the Committee on War Claims from its clerk.

Mr. GEDDES. Undoubtedly.

Mr. DIBRELL. And I think the amount is correct. I have stated that I know some of the facts in connection with the case. Now, this old lady is 85 or 90 years old, and by the time the matter can be investigated, as proposed by the terms of the committee's bill, she will most probably, in the course of nature, be dead. I think, therefore, we had better pay her now and be done with the question. Let her have the advantage of what she is entitled to while she is living.

Mr. GEDDES. And let me say to the gentleman from Tennessee that our clerk does not know the amount that is due to parties who present such claims, nor do we undertake to impose upon him the responsibility of deciding how much is due to them. He could ascertain, of course, from the records of the committee, how much different parties claim, but we have in the 2,000 bills now pending before that committee about $300,000,000 of claims involved. It will relieve the Treasury of the fullness of which our friend from Colorado complains if you pass such an amendment as this, and I wonder that he is not here advocating the proposition.

Mr. HOUK. Mr. Chairman, I am not prepared to say what amount the evidence discloses as having been absolutely proved in this case, because I have not examined it with that view. But I wish to say for the information of the committee that as to the fact of the Government having used a large amount of this specific kind of property, as stated in this report, that is to say, timber and other property of that character, there can be no question. There is no doubt of the fact that the property was used. Now, here is an old lady 85 or 90 years old who has been deprived of the benefit of the property, as well as of the money that is due her for it, because that learned commission, the Southern Claims Commission, that did such a vast amount of justice to Southern claimants, were unable to determine who should receive this money under the provisions of the will. I believe that this House is capable of judging wisely and correctly on that clause of the will quoted in the report of the Committee on War Claims. I believe that the Committee on War Claims have decided the question in recommending it to the Secretary of War to be investigated and reported upon. But now, if this is to go back to run the gauntlet of this reinvestigation through all the processes of the Quartermaster-General's Office and the War Department, that old lady will have gone to her final rest perhaps without ever having received a single cent of the money that is certainly, justly, honestly, and fairly due to her.

I know, Mr. Chairman, and there are several gentlemen, I apprehend, on that side of the House who will corroborate what I say, that this lady is of such a character that she stands before the community in which she resides in such an attitude that she would scorn to ask the Congress of the United States or any other body or any party to give her one single cent that she did not honestly and conscientiously believe was justly due to her. I apprehend, sir, that my friend and colleague [Mr. DIBRELL] has examined the question carefully, has fixed the amount in his proposed substitute accurately, that he comes before this House with a full knowledge of the facts and asks us to pass the bill understandingly, and for one I ask this committee, in order to do justice to this old lady before it is too late, to pass the bill in the shape of the amendment. What good can it possibly do her if we adopt the report of the committee to let this matter be reopened and reinvestigated and then when she is dead have the question presented to us as to the amount? If the amount is too large in the judgment of any gentleman upon the floor, let it be cut down. If you are going to give anything, give it now. Do not put her off until the resurrection.

Mr. GEDDES. Let me remind the gentleman from Tennessee, as he was on the committee and is quite familiar with the character of its business, of the fact that this claim originated some twenty years ago. Now, is it not quite common to hear the remark just made by him, that the parties are growing old, and that they are poor, and unless they get their money at once, at this session of Congress, they will have to go to the poor-house? I ask him if that has not been commonly said on this floor? I have heard that assertion in reference to not less than $200,000,000 of claims pending before our committee.

Mr. HOUK. I will answer the gentleman from Ohio by saying that I had some serious experiences on that committee. I have heard the same complaint often, but neither he nor myself have turned a deaf ear to it when we believed it was a just complaint and embodied the truth. Knowing these facts and knowing something of the circumstances of the taking and use of this property, I believe it to be a just claim, and in my judgment the amount is very nearly correct, if not absolutely so. I know the fact, too, that the old lady is exceedingly ill and liable to die at any time, and in the course of nature, from her advanced age, we all recognize it as a fact that she can not live very much longer. Therefore I repeat, if she is going to get anything of the amount that is justly due her, it should be given now; and this is a case where the rule to which the gentleman from Ohio has referred should apply; that is, we should open our ears to her just complaint. If it has lingered for twenty years it is all the more reason for prompt action on our part.

Mr. STORM. Let me say to the gentleman from Tennessee, for his comfort, that if the old lady dies, he may rest assured that the claim is immortal; that never dies. [Laughter.]

Mr. HOUK. Yes, that is true; but its immortality does not do her mortality any good. What I want to do is to do something for mortality while it lingers here in the mortal sphere.

Mr. TULLY. It will be a suspended legacy.

Mr. HOLMAN. If my friend from Tennessee [Mr. DIBRELL] has the report of the Southern Claims Commission on this case, it would be well to have it read.

Mr. DIBRELL. I have not got that report.

Mr. HOLMAN. I think in the absence of the report of the Southern Claims Commission, on which this proposition of the gentleman from Tennessee seems to be based, it would certainly be very unsafe to name a specific sum.

The CHAIRMAN. The pending question is on the substitute for the pending bill offered by the gentleman from Tennessee [Mr. DIBRELL].

The question being taken on agreeing to the substitute, there were—ayes 112, noes 42.

Mr. HOLMAN. I make the point that a quorum has not voted.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers; and appoints the gentleman from Tennessee, Mr. DIBRELL, and the gentleman from Indiana, Mr. HOLMAN.

The committee again divided; and the tellers reported—ayes 119, noes 43.

So the substitute was agreed to.

The CHAIRMAN. The question is on laying aside the bill as amended to be reported favorably to the House.

Mr. HOLMAN. I wish to say before the vote is taken on that question that I fear the Committee of the Whole by its action on this bill is placing the Committee on War Claims in a very perilous position. It is not pretended by my friend from Tennessee or any other gentleman who has spoken that he knows as to the amount which could justly be claimed from the Government. All my friend from Tennessee has said on that point is this: that he went to the War Claims Committee room and learned there that the claim was so much.

Mr. DIBRELL. Will the gentleman allow me to say that in the Forty-fifth and Forty-sixth Congresses I had this case up and went through the papers. Governor Eden, chairman of the Committee on War Claims in the Forty-fifth Congress, told me it was as plain a case as he had ever met with, and that if it had come up sufficiently early in that Congress he would have reported in favor of its payment.

Mr. HOLMAN. The gentleman states that Mr. Eden declared the claim was a just claim. But did he state the exact amount that was due by the Government?

In what position are you to put your Committee on War Claims if after they have examined the case and are not able to reach a conclusion as to the amount you shall here in Committee of the Whole fix the amount without any testimony before you as to the value of the property? I think to secure a fair consideration of the just claims against the Government a very different principle should prevail. This claim had its day of hearing before the Southern Claims Commission. If the report of that commission was before the committee we would have some data on which to act. As it is, we are acting absolutely without information as to the amount of this claim.

Mr. JONES, of Wisconsin. Mr. Chairman, I should not say a word at this stage of the proceedings if I were not confident that members do not understand the real situation. I can not account for the vote which has just been taken upon any other theory. I wish to give notice that I shall demand the yeas and nays at the proper time. This will give those who desire an opportunity to reconsider their votes. It will also give an opportunity to those who vote for the passage of the bill as it is sought to be amended to leave a record of their remarkable vote. I shall be surprised if the yea and nay vote does not show a decided change.

The Committee on War Claims have given this bill careful investigation. They are satisfied, and they so report, that there are not sufficient proofs to warrant the allowance of the claim. They report that the evidence is entirely unsatisfactory—so unsatisfactory that before the claim is allowed, if it is to be allowed at all, further evidence should be taken. They recommend that it be referred to the Quartermaster-General for that purpose.

The proposition now is to insert the amount suggested by the gentleman from Tennessee and to summarily pass the bill.

No gentleman on the floor claims to have read the evidence. I think I am safe in saying that no one here has examined it except the members of our committee.

The only reason I have heard assigned for the proposed action is that the claimant is an old lady, and that in the course of events she is going to die. Such suggestions as this are not new to the members of our committee, and in dealing with the Southern claims which come before us they are not regarded as highly as they would seem to be on this floor if the vote just taken has any significance. In our judgment these claims should be regarded with some scrutiny.

When our committee report unanimously that a claim should not pass without more testimony, and the House see fit to vote for it in the dark, the responsibility is with the House and not with the committee. If the people's money is to be voted away in that manner, and upon insufficient evidence, it is time that they should know it, and the committee will demand a recorded vote?

Mr. HEWITT, of Alabama. Is it a unanimous report by the Committee on War Claims.

Mr. JONES, of Wisconsin. It is.

Mr. HOUK. I desire to reiterate this fact which I have already stated. I have not examined as to the definite amount; but I can say from my own personal knowledge that I feel perfectly confident that if this claim was allowed to double or treble this amount this party would not be sufficiently paid what the Government justly owes her. The amount fixed in the bill of my colleague [Mr. DIBRELL] is a very small part of what is justly due that estate. I know something about the facts and the circumstances.

Mr. STORM. I wish to ask this question: Why should the House have a committee to ascertain the facts in any case if its report is to be set aside because a member stands up and states that he knows the facts?

Mr. HOUK. In reply to the gentleman I will say that first the Committee on War Claims has its say and then this Committee of the Whole has its say. While as a rule I go with a committee, yet when I feel that a committee has made a mistake I wish to ask this Committee of the Whole to correct the mistake made by that committee.

Mr. GEDDES. Has the gentleman from Tennessee [Mr. HOUK] any knowledge of the facts of this case so as to be able to establish the items of the claim or the value of those items?

Mr. HOUK. I am aware of the fact that a large amount of valuable timber was taken and used by the Federal Army from this identical estate and that other property was taken and used. I am aware of the high character of those parties, and I will say that I would not present a claim here that I was not satisfied was founded upon absolute justice and right.

Mr. GEDDES. Oh! that is said in behalf of all who come here with claims against the Government.

Mr. HOUK. I would not make a statement of this kind on this floor when I did not feel the facts were behind me to sustain it.

Mr. GEDDES. But your own belief is one thing and the result of the legal investigation to ascertain the amount and value of the property involved is another thing. The object in referring this case to the committee was that they might investigate and not take your belief merely. If the Committee of the Whole were to take your belief they could have taken it before sending the bill to the committee. But the House having appealed to the Committee on War Claims to investigate the case and having received the unanimous report of that committee, then to take merely the gentleman's naked belief as opposed to the committee's report in the absence of all proof would endanger all our action.

Mr. HOUK. My belief, unlike the opinion of the gentleman, is founded upon a series of indubitable and uncontradictable facts; that is, upon what I know about the situation of this matter.

Mr. DIBRELL. I desire to say, in reply to remarks made about this being founded upon a mere statement of mine, that if I did not believe this claim was eminently proper and just I would not offer the substitute. But I am thoroughly convinced of the justice of this claim.

Mr. HOPKINS. I voted for the substitute of the gentleman from Tennessee [Mr. DIBRELL], but it appears to me now that it may endanger the passage of the bill. I therefore move to reconsider the vote by which that substitute was adopted in order that there may be redress in the manner reported by the Committee on Claims.

Mr. DIBRELL. I hope that that will not be done.

Mr. HOPKINS. I move to reconsider.

Mr. DIBRELL. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DIBRELL. I desire to inquire if, according to the rules of the House, it is competent in Committee of the Whole to move to reconsider?

The CHAIRMAN. Does the gentleman make that point of order?

Mr. DIBRELL. I do.

The CHAIRMAN. The Chair sustains the point of order. The question upon laying aside the bill as amended to be reported favorably to the House will practically present the same question.

The question was taken upon the motion of the gentleman from Tennessee [Mr. DIBRELL] that the bill as amended be laid aside to be reported favorably to the House; and upon a division there were—ayes 97, noes 60.

Before the result of the vote was announced,

Mr. HOLMAN said: No quorum has voted.

Mr. DIBRELL. You can have the yeas and nays on the question in the House, if you want.

Tellers were ordered; and Mr. DIBRELL and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported that there were—ayes 93, noes 56.

Mr. HOLMAN (one of the tellers). I will not insist upon a quorum.

So (no further count being called for) the motion was agreed to.

Mr. GEDDES. I want to give notice, if that is necessary, that the yeas and nays will be called in the House.

The CHAIRMAN. The bill as amended will be laid aside to be reported favorably to the House.

SEPTIMIA R. MEIKLEHAM.

The next business upon the Private Calendar was the bill (H. R. 999) granting a pension to the sole surviving grandchild of the author of the Declaration of Independence; reported from the Committee on Pensions by Mr. ROBINSON, of New York.

Mr. HEWITT, of Alabama. I object to the consideration of that bill at this time. I make the objection because the gentleman who presented the views of the minority in this case is unavoidably absent, and he desires to be present when the bill is considered.

The CHAIRMAN. The gentleman can object to the consideration of the bill.

Mr. ROBINSON, of New York. I hope this bill will not go over. We have been waiting some time to get an opportunity to consider it. I am willing to pay as much respect to Mr. STOCKSLAGER as any gentleman on this floor, but I trust this bill will not be put off on that account.

Mr. POST, of Pennsylvania. I desire to inquire whether this bill was not laid over the last time it was reached at the suggestion of the gentleman from New York [Mr. ROBINSON], and is it not now fair that it should be laid over again at the request of the gentleman representing the minority of the committee?

The CHAIRMAN. The Clerk will read the rule as to the effect of an objection to considering a bill in Committee of the Whole.

The Clerk read as follows:

In Committees of the Whole House business on their calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to the consideration of any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present; whereupon the committee shall resume its sitting without further order of the House. (Rule XXIII, clause 4.)

Mr. ROBINSON, of New York. I want to say one word.

Several MEMBERS. Regular order!

The CHAIRMAN. Debate is not in order.

Mr. ROBINSON, of New York. I will make this proposition, rather than give trouble by having the committee do what the rule compels it to do: if it is understood that this bill will come up the first thing on Friday next, I will make no objection to its being passed over at this time.

The CHAIRMAN. The Chair would state that this bill would retain its present status on the Calendar. The gentleman from Alabama [Mr. HEWITT] having objected to the consideration of the bill the title of which has just been read, the committee, in pursuance of the rule, will now rise.

The committee accordingly rose; and Mr. REED having taken the chair as Speaker *pro tempore*, Mr. COX, of New York, reported that the Committee of the Whole House on the Private Calendar having had under consideration the Private Calendar and having reached the bill (H. R. 999) granting a pension to the sole surviving grandchild of the author of the Declaration of Independence, and objection to its consideration having been made, the committee rose in pursuance of the rule.

The SPEAKER *pro tempore*. The question is whether the House will sustain the objection made in Committee of the Whole to the consideration of the bill the title of which has been stated.

The question was taken; and upon a division there were—ayes 50, noes 61.

Mr. HOLMAN. No quorum has voted.

Mr. MCMILLIN. I suggest that the gentleman from New York [Mr. ROBINSON] has expressed a willingness that the bill under consideration in Committee of the Whole may go over provided it does not lose its place on the Calendar.

The SPEAKER *pro tempore*. The question is not debatable.

Mr. MCMILLIN. I so understood the gentleman.

The SPEAKER *pro tempore*. The point is made that no quorum has voted. The Chair will appoint Mr. HEWITT, of Alabama, and Mr. ROBINSON, of New York, to act as tellers.

Mr. BROWNE, of Indiana. Before the tellers take their places, as it is evident that all this session will be consumed in the consideration of this bill if it is proceeded with, I move that the House now adjourn.

Mr. HISCOCK. Pending that motion, I move that when the House adjourns to-day it be to meet on Monday next.

The question being taken upon the motion of Mr. HISCOCK, it was not agreed to, upon a division—ayes 47, noes 99.

The SPEAKER *pro tempore*. The question now recurs upon the motion of the gentleman from Indiana [Mr. BROWNE] that the House adjourn.

Mr. MATSON. Pending that motion, I move that the House now take a recess until half past 7 o'clock.

Mr. BAYNE. I hope not.

The SPEAKER *pro tempore*. The motion to adjourn takes precedence of the motion for a recess.

The motion to adjourn was not agreed to.

Mr. MATSON. I now move that the House take a recess until half past 7 o'clock, the session this evening to be, under the previous order of the House, for the consideration of pension bills.

The motion for a recess was not agreed to.

The SPEAKER *pro tempore*. The question recurs upon sustaining the objection made in Committee of the Whole to the consideration of the bill last reached upon the Private Calendar.

Mr. BAYNE. I ask unanimous consent that the bill referred to be passed over until next Friday, as suggested by the gentleman from New York [Mr. ROBINSON] having it in charge. That is a courtesy usually extended when asked, and I hope it will be granted now.

The SPEAKER *pro tempore*. Unanimous consent is asked that the bill now pending in the Committee of the Whole House be passed over until next Friday. Is there objection?

Mr. BROWN, of Pennsylvania. I object.

Mr. ROBINSON, of New York. I want to say a word.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. BROWN, of Pennsylvania. I withdraw the objection.

The SPEAKER *pro tempore*. Unanimous consent is asked that the bill now pending in Committee of the Whole be laid aside until next Friday. Is there objection?

The Chair hears none, and it is so ordered. The Committee of the Whole House on the Private Calendar will resume its session.

The House again resolved itself into Committee of the Whole House, (Mr. COX, of New York, in the chair), and resumed the consideration of business on the Private Calendar.

MYRON E. DUNLAP.

The next business on the Private Calendar was the bill (H. R. 1389) for the relief of Myron E. Dunlap.

The bill was read, as follows:

Whereas Myron E. Dunlap, late first lieutenant of Company E, Fourteenth Regiment New York Heavy Artillery, was cashiered from the service for tendering his resignation; and

Whereas said dismissel was based upon insufficient grounds: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said First Lieutenant Myron E. Dunlap, late of Company E, Fourteenth Regiment New York Heavy Artillery, be, and he is hereby, honorably discharged from the military service of the United States, with like effect and with the same rights and privileges in all respects as if he had been regularly mustered out with said Fourteenth Regiment New York Heavy Artillery on the 26th day of August, 1865; and the Secretary of War is hereby directed to enter upon the proper records of the War Department the corrections made by this act of the military record of said officer.

Mr. REAGAN. If there is a report accompanying this bill I ask that it be read.

The report was read, as follows:

The Committee on Military Affairs, to which was referred the bill H. R. 1389, for the relief of Myron E. Dunlap, respectfully reports:

That it has considered the bill (No. 1389) for the relief of Capt. Myron E. Dunlap, and with a view of excluding all claim for pay or compensation, which Captain Dunlap does not at all desire, only desiring the restoration of his good name on the records of the War Department, the committee reports the bill back to the House with an amendment, to wit:

Strike out all after the word "out," in the eighth line, down to and including the word "sixty-five," in the tenth line, and insert "of the military service of the United States on the 23d day of July, 1864." This is the date of Captain Dunlap's resignation.

The Committee on Military Affairs of the Forty-seventh Congress favorably reported a bill for the relief Captain Dunlap. It appears to your committee that the facts and reasons set forth in that report convincingly show that the relief sought for should be granted. Your committee therefore adopts that report, which is as follows:

The Committee on Military Affairs, to which was referred bill H. R. 1445, for the relief of Myron E. Dunlap, respectfully reports the accompanying bill as a substitute, and recommends its passage.

Myron E. Dunlap entered the military service of the United States as second lieutenant of Company I, Seventy-eighth Regiment New York Volunteers. His associates in that regiment bear testimony to his fidelity to duty as an officer during the time he served with it. He was honorably discharged from that regiment on the 6th day of December, 1862. The motives which led to his discharge were these: His health had become impaired and he felt unable to perform the duties devolving upon him. He subsequently entered the military service as first lieutenant in the Fourteenth New York Artillery, and served with that regiment until the 23d of January, 1864, when he was sentenced by a general court-martial to be cashiered and to be forever disqualified from holding any office of profit or trust under the United States Government.

During the time he served in the Fourteenth Regiment of Artillery he made an excellent military record. Lieut. Theo. P. Cook, of the Fourteenth New York Artillery, says:

"He (Dunlap) went to the field with the Fourteenth New York Artillery and was with the regiment doing active service from the crossing of the Rapidan until the time of his discharge, and was with the regiment in all the engagements during that time. At the battle of the Wilderness he was conspicuous in commanding the skirmish line in front of our brigade and in capturing a number of prisoners. Again, on the 17th of June, 1864, at Petersburg, he had charge of the skirmishers in our front, and was exposed to a galling fire most of the day. In the evening of the same day he was wounded in the shoulder from a piece of shell which glanced from a tree near where the line was being formed. Lieutenant Dunlap was a brave, honorable soldier, and I have always regarded his dismissal as a great outrage and a crime, and the Government ought to set it right by placing him back on the muster-rolls of his regiment and by treating him in all respects as though he had been mustered out with his regiment at the close of the war."

Lieut. C. A. Vedder, of the same regiment, testifies substantially in the same way and speaks in the highest terms of the soldierly qualities and bearing of Lieutenant Dunlap.

Col. John Fisk, of the Second Mounted Rifles, New York Volunteers; Capt. B. R. Keefler, of the Seventy-eighth New York Volunteers; General E. G. Marshall, who commanded the brigade in which the Fourteenth New York Artillery was placed, severally speak in the most complimentary manner of Lieutenant Dunlap's high character and efficiency as an officer.

It also appears that Lieutenant Dunlap was active in raising two companies for the service, the first of which was attached to the Seventy-eighth New York Regiment, and of which Dunlap was second lieutenant. The other company was attached to the Forty-eighth New York Artillery, and Dunlap was made first lieutenant of that company.

There is no doubt whatever that the conduct of Lieutenant Dunlap, from the time he first entered the service up until the time he had some difficulty with the officer in command of the Fourteenth New York Artillery, was unexceptionable and praiseworthy. The difficulty arose in this way: Dunlap was senior first lieutenant of Company A on the 1st day of June, 1864, when he was transferred to Company C, in which he was junior officer. He protested against this transfer, and addressed his protest to brigade headquarters, but no notice having been taken of it, Dunlap believes that Capt. L. J. Jones, the officer in command of the regiment, did not forward it. He inquired of Captain Jones why it was that he was transferred from Company A to Company C. Captain Jones replied that he was incompetent to command a company.

On the 24th day of July, 1864, Dunlap was transferred to Company E of his regiment. He felt that the last transfer indicated an intention not to return him to his own command, where he would have been in the line of promotion. Feeling aggrieved, Lieutenant Dunlap tendered his resignation, whereupon Captain Jones procured charges to be made against him. A court-martial was convened at the headquarters of the First Division of the Ninth Army Corps. The charge was, "conduct prejudicial to good order and military discipline." There were two specifications to the charge. The first set forth that Dunlap did tender his resignation while in front of the enemy and under their fire. The second, that he did offer as a reason why his resignation should be accepted that

he was incompetent. When the charges and specifications were read to him he asked that the hearing should be continued to the next day. This was refused. He informed the court that he would plead guilty to the specification that he had tendered his resignation, but to nothing else. The court thereupon considered the case, found him guilty of the charge and specifications, and sentenced him to be cashiered and forever disqualified from holding any office of profit or trust under the United States. When apprised of the civil disabilities imposed Dunlap made application to the President for their removal, which was granted upon the recommendation of Judge-Advocate-General Holt. The following is his opinion:

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE, *October* 5, 1864.

To the PRESIDENT:

In the case of Lieut. Myron E. Dunlap, Fourteenth New York Heavy Artillery, the following report is respectfully submitted:

He was tried by general court-martial at headquarters First Division Ninth Army Corps, July 28, 1864, for "conduct prejudicial to good order and military discipline." There were two specifications to the charge. The first set forth that he "did tender his resignation while in front of the enemy and under their fire." The second set forth that he "did offer as a reason why his resignation should be accepted that he was incompetent." He pleaded guilty to the specifications, and not guilty to the charge. He then requested an extension of time to produce a witness for the defense, which the court refused. He was found guilty of the charge and specification, and sentenced "to be cashiered, and forever disqualified from holding any office of profit or trust under the United States."

Lieutenant Dunlap, in making application for removal of the disability imposed by the sentence, says that the judge-advocate of the court had expressed the opinion that no severe punishment could be inflicted, and if the court thought the case merited so severe a punishment they should have given him the benefit of all the evidence he could produce. In a case of this description, in which the gravity of the offense depends so much upon the circumstances under which it was committed, every opportunity should have been given for the introduction of evidence.

No evidence was offered, and the accused did not avail himself of the privilege of making a statement. It appears, however, from the copy of a communication addressed by Lieutenant Dunlap to the assistant adjutant-general Ninth Army Corps, that his reason for offering his resignation was that he had been in command of Company A, and on June 1, 1864, was transferred to Company C, in which he was junior officer, the commanding officer of the regiment giving as a reason for the transfer that he was incompetent to command a company. He protested to the commanding officer of the brigade, but no notice was taken of his protest; he remained with Company C until July 24, when he was ordered to take command of Company E. Feeling that if he was incompetent to command Company A he was equally incompetent to command Company E, he offered his resignation on the ground of incompetency.

It is probable that his action was dictated by wounded pride, and not by a consciousness of incompetency; but though it was highly improper and deserving of punishment, it is conceived that the sentence of the court is heavier than the circumstances justified, especially as there is no express allegation in the specifications and no evidence upon the trial that his conduct was the result of cowardice or other improper motive.

Lieutenant Dunlap has filed the petition of twenty-six officers of his regiment, in which they certify to his character as a man and his efficiency as a soldier, and ask that the disability imposed by the sentence be removed.

In consideration of all the circumstances of the case, and the high standing of Lieutenant Dunlap as an officer, it is recommended that the request of the petitioners be granted.

J. HOLT, *Judge-Advocate-General.*

The adjudication of this case is singularly objectionable. The denial of Dunlap's request for the postponement of the hearing that he might produce witnesses was extraordinary even for a court-martial, for the Army Regulations expressly provide that the judge-advocate shall summon the necessary witnesses for the trial, and the Articles of War also provide for the taking of depositions of witnesses.

See article 74, edition 1861, and article 93 of the revised Articles of War, which says: "A court-martial shall, for reasonable cause, grant a continuance to either party for such time and as often as may appear to be just." Also, in the decisions of the Judge-Advocate-General, 880, page 299, paragraph 13, it is made the duty of the judge-advocate of the court to see that the accused has a fair trial and an opportunity to make full defense.

In addition to this the Army Regulations expressly authorized volunteer officers to resign. On page 12, Army Regulations 1861, paragraph 24, it is provided that "no officer will be considered out of the service on the tender of his resignation until it shall have been duly accepted by the proper authority." And paragraph 28, on same page, says: "In time of war, or with an army in the field, resignation shall take effect within thirty days from the date of the order of acceptance." Again, on page 497, Army Regulations 1861, paragraph 1647, we find authority for resignations in the following most emphatic language: "Officers of the volunteer service tendering their resignations will forward them through the intermediate commanders to the officer commanding the department or *corps d'armée* in which they may be serving, who is authorized to grant them honorable discharges;" not to court-martial them for it, but to grant them honorable discharges, as the law provides. (*Vide* act approved July 22, 1861, section 10; Army Regulations 1863, page 507.)

In the Digest of Opinions of the Judge-Advocate-General, page 430, he says: "While in time of peace an officer in the Army in good standing is in general entitled to tender and have accepted his resignation, yet in time of war, or when grave embarrassment to the service or prejudice to discipline may result from his leaving his duty, the acceptance of his resignation may be refused."

But nowhere does he say that an officer in time of war shall be court-martialed and dismissed for tendering his resignation, except in the case where it is tendered pending an engagement, and then the charge against him would be cowardice and not "conduct prejudicial to good order and military discipline," as charged in this case.

As to the proper form of relief in such cases, it is laid down in the decisions of the Judge-Advocate-General, *supra*, page 478:

"In the case of a volunteer officer unjustly dismissed by sentence or order during the war, and applying for restoration, there is the obstacle (not encountered in the case of a regular officer) that the volunteer contingent of the Army has been long since disbanded, so that a restoration to office in the same is impracticable. And as a dismissed officer can not of course be granted an honorable discharge from the Army without first being readmitted to the Army by a new appointment, and as a volunteer officer can not as such be so readmitted, advised (February, 1880), in a case of a volunteer officer applying for relief on account of an unjust dismissal, that the form of relief most apposite to his case would be a special enactment, giving him pay from the date of his dismissal—reciting that the same was based upon insufficient grounds—to the date of the final muster-out of his regiment, precisely as if he had continued in the service during the interval."

As several acts of Congress have been passed since the close of the late war for the purpose of correcting the military records of dismissed officers and privates, the relief sought for in this case is not without precedent.

The following are some of the acts of Congress passed at former sessions to correct the military records and grant honorable discharges: See Private Acts, first session Forty-fourth Congress, page 7, act April 13, 1876; Private Acts, first session Thirty-third Congress, page 366, No. 87; page 383, No. 147; page 437, No. 244; see, also, pages 343, 367, 394, 491 of same session. Acts were also passed at previous and subsequent sessions.

General Marshall, whose brilliant military record and high character entitle whatever he may say to the highest consideration, wrote a letter in relation to the petition of Lieutenant Dunlap, as follows:

LEHIGH GAP, *January* 31, 1881.

DEAR SIR: I have fully examined the case of the dismissal of First Lieut. M. E. Dunlap, Fourteenth New York Artillery, who was so dismissed for tendering his resignation. I was absent on account of wounds, and firmly believe if I had been present commanding my brigade, of which my regiment, Fourteenth New York Artillery, was then a part, that he would not have been brought before a court-martial. I feel certain that if the late General and Senator Burnside was alive he would as feelingly as myself coincide with me that an error, a great moral wrong, had been done this officer in his dismissal. I can only account for it that the Ninth Army Corps about that time went into the charge that succeeded the Petersburg mine explosion.

I shall be thankful if you will please examine his case in its legal sense; also, if you desire, my military record, and trust you will take an interest to correct the great wrong done him, his children, and family. I know him in no other light than as a gallant and faithful officer, and I can have but one feeling, of asking that justice may be done him.

I am, very respectfully, your obedient servant,

E. G. MARSHALL,
Col. and Bvt. Brig. Gen., U. S. A., and Bvt. Maj. Gen. Vols.

General THOMAS M. BAYNE, M. C.

Lieutenant Dunlap simply desires that the stain upon his record shall be removed. He does not ask for pay or allowances of any kind. The restoration of his good name is all that he seeks for. The question as to the power of Congress to set aside the judgment of the court-martial ought not to be raised in this case. Whatever may be the power of Congress in that regard, it will surely not be contended that a judgment founded upon a charge under an article of war which had no application and a specification which was not cognate to the charge can be otherwise than nugatory. It lacks such a judgment; lacks all the essentials of validity, and amounts to little more than a stain upon the military record of the party convicted.

Your committee contends, however, that Congress has power to set aside and make void the judgment of a court-martial, though it may be regular and strictly in accordance with military law. The power of Congress to legislate upon all subjects that fall within the purview of the Constitution is unlimited, unless the Constitution, expressly or by implication, forbids the exercise of the power. Congress has no power to pass a bill of attainder or an *ex post facto* law, nor any law which will impair the obligations of contracts. But when Congress enacts laws and articles of war which subject certain classes of the people to their control, to the performance of certain duties, or to the duties of the military or naval service, it can surely undo and extinguish that which has been done, regular or irregular, in pursuance of such laws, unless the undoing of it should violate some mandate of the Constitution.

The committee therefore holds that Congress has the power to remove the judgment in this case.

The following amendment, reported by the Committee on Military Affairs, was read:

In lines 8, 9, and 10 strike out "with said Fourteenth Regiment New York Heavy Artillery on the 26th day of August, 1865," and insert "of the military service of the United States on the 23d day of July, 1864."

The amendment was agreed to.

Mr. MCMILLIN. In order that we may finish up in the House the work which has been done by the Committee of the Whole, I move that the committee now rise.

Mr. BAYNE. I hope the gentleman will withhold that motion until this bill has been disposed of.

Mr. MCMILLIN. I would like very much to oblige the gentleman, but I do not think the bill can be disposed of without debate.

Mr. BAYNE. It was passed in the last House without a single word of objection. I think there will be no debate.

Mr. MCMILLIN. If there is to be no debate on the bill, I have no objection to having the vote taken.

Mr. BAYNE. I move that the bill be laid aside to be reported favorably to the House.

Mr. STEELE. Is it proposed to report this bill favorably without any debate? It seems to me the bill should be discussed.

Mr. MCMILLIN. Then I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry bills with the recommendation that they be passed with or without amendment respectively.

LOUISA BODDY.

The SPEAKER. The first bill in order is one reported from the Committee of the Whole House on last Friday. The title will be read.

The Clerk read as follows:

A bill (H. R. 1292) for the relief of Louisa Boddy.

The SPEAKER. This bill was reported from the Committee of the Whole House on the Private Calendar with a recommendation that it be passed with an amendment. The question is upon agreeing to the amendment.

Mr. GEORGE. I move the previous question upon agreeing to the amendment and ordering the bill to be engrossed and read the third time.

The previous question was ordered; and under the operation thereof the amendment was agreed to.

Mr. GEORGE. This bill is identical in its provisions with Senate bill 271, which has been passed by the Senate and is now on the Speaker's table. I therefore ask unanimous consent that this bill be laid aside and that the Senate bill be taken up for consideration in its place.

Mr. COBB. I object.

The bill as amended was ordered to be engrossed for a third reading, there being—ayes 82, noes 4.

The bill was read a third time, and passed.

Mr. GEORGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. NICHOLLS. I move that the House do now adjourn.

Mr. BAYNE. If we adjourn we dispense with the evening session for the consideration of pension bills.

Mr. JOSEPH D. TAYLOR. I move that the House take a recess until half past 7 o'clock this evening.

The SPEAKER. The motion to adjourn takes precedence.

Mr. NICHOLLS. I withdraw the motion to adjourn, and move that the House take a recess until half past 7 o'clock this evening.

The motion of Mr. NICHOLLS was not agreed to.

INCREASED PENSIONS FOR SOLDIERS OF 1812.

Mr. RANDALL. I hold in my hand a petition from surviving soldiers of the war of 1812. It is written by one of these soldiers who is now over 90 years of age. I ask unanimous consent to present this petition, which is for increase of pensions; and as with the names it will not probably occupy more than a dozen lines, I ask consent that it be printed in the RECORD.

There being no objection, the following petition was ordered to be printed in the RECORD and referred to the Committee on Pensions:

We, the undersigned, pensioners of the war of 1812, met at Independence Hall, in the city of Philadelphia, on the 22d day of February, 1884, beg leave to represent to both Houses of Congress that the number who actually served and are pensioned at $8 per month is very small, "all are very old, most are poor and helpless." We pray Congress to increase our pensions liberally to aid us in the trials of old age; and, as in duty bound, will ever pray, &c.

T. B. DANACH,
E. B. REGISTER,
ELI ELDRIDGE,
DAVID CLOUD,
HENRY GARRICK,
GEO. M. O'DONNELL,
JOHN STALLMAN,
ZALMON LUDINGTON,
ELHANON OMERSETTER,
JOSEPH BUCK, and others.

ORDER OF BUSINESS.

Mr. BLACKBURN. I move that the House adjourn.

Mr. WATSON. I move that the House take a recess, to meet this evening under the standing order.

The SPEAKER. The question is on the motion to adjourn, which takes precedence.

Mr. BEACH demanded the yeas and nays.

The yeas and nays were not ordered.

The question recurred on the motion to adjourn.

The House divided; and there were—ayes 47, noes 84.

So the House refused to adjourn.

GENERAL WARD B. BURNETT.

Mr. MCMILLIN. I call for the regular order.

The SPEAKER. The next business is the bill (H. R. 4682) granting a pension to Ward B. Burnett, reported Friday evening last.

Mr. MCMILLIN. What is the question?

The SPEAKER. On ordering the bill to be engrossed and read a third time.

Mr. HEWITT, of Alabama. Mr. Chairman, I wish to say to the House, so that they may vote knowing what this bill is, that General Ward B. Burnett is now drawing a pension of $72 a month, the highest pension under the general law paid to anybody. This bill increases his pension to $100. That is all, and I wish the House to understand it.

Mr. ROBINSON, of New York. I wish to say a word or two, and shall not detain the House but for a word or two. General Burnett is the oldest living graduate of West Point. He was presented by the votes of the surviving soldiers of the Mexican war with the box left by General Jackson to be given by the votes of the soldiers to the man who proved himself to be the bravest in the next war. The comrades of General Burnett voted him that box, which he still retains.

He was receiving a pension of $72 a month under the general law and $50 under a special law passed for his benefit, making $122 in all a month. Notwithstanding the Attorney-General again and again gave his opinion both those pensions were legal it was overruled, and the pension of $50 was taken away, or rather he resigned it under compulsion.

We considered this bill in Committee on Pensions. I was in favor of giving a pension of $125 a month to this brave soldier, or $3 more than he had received, but the committee determined to report a bill giving $100.

But I will not trespass on the patience of the House further than to say I trust this House will not go back on the gallant old general whom my friend from Indiana [Mr. STEELE], whom I saw a moment ago, proposed a few days since to put in the place of Fitz-John Porter and retire him as brigadier-general. I beg the House not to go back on the Committee on Pensions, which reported this bill for a pension of $100.

Mr. STEELE. That was on the principle: "Of two evils choose the least."

Mr. HEWITT, of Alabama. Under the general law he was receiving $30 a month seven or eight years ago, and Congress was asked to increase it to $50, and it was done. After that he became totally blind, and then under the general law he was entitled to $72, and that pension was granted to him, and in addition for a few years he drew $50 under a special act. But Congress in the mean while passed a general law which prohibited the drawing of two pensions, one under the general law and one under a special law, compelling the pensioner to select the one he would retain. The consequence was that General Burnett lost his special pension of $50 a month, he declining to take under the special and choosing to take under the general law.

Mr. JOSEPH D. TAYLOR. I could not hear the gentleman's statement. What is he drawing under the present law?

Mr. HEWITT, of Alabama. He is drawing under the general law $72 a month, the highest pension given to anybody.

Mr. JOSEPH D. TAYLOR. What reason is given for asking for this increase.

Mr. HEWITT, of Alabama. The gentleman will find it in the report prepared by my friend from New York [Mr. ROBINSON]. It is based on his long and faithful service to his country and on the fact he is totally blind.

Mr. ROBINSON, of New York. I will ask my friend, the chairman of the committee, if we did not unanimously agree in the committee on this increase.

Mr. HEWITT, of Alabama. I am inclined to think that that was the action of the committee; but, as far as I was concerned, as a kind of compromise. There is no minority report, it is true; but I will state I believe that $100 was voted on my own motion, and it is only proper that I should say it was because I was not willing to give $125. I saw that sum was likely to pass, and I therefore preferred $100 to $125. But I think, as I thought then, that $72 is enough.

Mr. ROBINSON, of New York. I hope the gentleman from Alabama will not go back upon his former position and vote against the bill in its present shape.

Mr. STRUBLE. Mr. Speaker, a question was asked by the gentleman from Ohio of the gentleman from Alabama with reference to the circumstances of this aged veteran, and I was very much in hopes that the gentleman from New York [Mr. ROBINSON] would have answered the question and stated to this House and to the country the exact facts of the case. I have not myself kept the facts clearly in mind, with a view to making a statement to the House, but if I remember correctly the statement of the gentleman from New York was in substance this: that this gallant old soldier is now totally blind, and living here at some place in Washington, dependent upon his little pension of $72 a month for his support. His circumstances and condition are such as appeal to the manly and humane consideration of every fair-minded man in this House; and I believe that justice will hardly be done him by the passage of this act. The amount ought to be larger.

Mr. Speaker, the record of this man as a soldier is the most magnificent, if I may be permitted to use the term, and I say it without disparagement to our other gallant soldiers, of any of the soldiers of the Mexican war. It is one of the most magnificent records that is presented by any soldier we have ever had. And now, after many years of service to his country, he is old, feeble, blind, helpless, and he asks this little pittance at the hands of this great, magnificent country that he served so gallantly and served so well. I say, let us give it to him. [Applause.]

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time.

The question recurred on the passage of the bill.

Mr. HEWITT, of Alabama, demanded a division.

The House divided; and there were—ayes 100, noes 30.

So the bill was passed.

Mr. ROBINSON, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS PASSED.

The next bill reported from the Committee of the Whole House on the Private Calendar with a favorable recommendation was the bill (H. R. 1319) to adjust the accounts of John D. Monteith, deceased.

Mr. GEORGE. I move the previous question on the engrossment and third reading of the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

Mr. GEORGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The following bills, reported from the Committee of the Whole House on the state of the Union with a favorable recommendation, were sever-

ally ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed, namely:

The bill (H. R. 328) for the relief of John P. T. Davis;

A bill (H. R. 1198) for the relief of John Taylor & Son; and

A bill (H. R. 3521) for the relief of Benjamin D. Lakin.

ORDER OF BUSINESS.

Mr. HOBLITZELL. I move that the House do now adjourn.

The SPEAKER. There is another bill reported from the Committee of the Whole to the House. Does the gentleman insist upon the motion?

Mr. HOBLITZELL. I withdraw the motion.

The SPEAKER. The Clerk will report the title of the next bill reported to the House with a favorable recommendation.

The Clerk read as follows:

A bill (H. R. 3522) for the relief of Sidney Henderson, executrix; reported from the Committee of the Whole with an amendment.

Mr. GEDDES. On that I demand the yeas and nays.

The SPEAKER. Does the gentleman demand the yeas and nays upon the adoption of the amendment.

Mr. GEDDES. Yes, sir.

Mr. HOBLITZELL. I now renew the motion that the House adjourn.

Mr. GEDDES. I demand the yeas and nays on the bill and amendment.

The SPEAKER. The question is on the motion of the gentleman from Maryland that the House do now adjourn.

The motion was not agreed to.

SIDNEY HENDERSON, EXECUTRIX.

The SPEAKER. The question is on the adoption of the amendment to the bill (H. R. 3522) for the relief of Sidney Henderson, executrix, reported favorably from the Committee of the Whole House on the Private Calendar.

Mr. GEDDES. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. GEDDES. I wish to say that this amendment was not proposed by the Committee on War Claims, but it is an amendment proposed to the report of the committee.

The SPEAKER. It was proposed by the Committee of the Whole House on the Private Calendar, and so reported to the House.

Mr. JOSEPH D. TAYLOR. I would like to hear the amendment again read.

The SPEAKER. The bill and amendment will be read.

The bill and amendment were again read.

The question was taken; and there were—yeas 103, nays 97, not voting 120; as follows:

YEAS—103.

Aiken,	Eldredge,	McCoid,	Stevens,
Alexander,	Ellwood,	McCormick,	Stewart, Charles
Atkinson,	Evans, I. N.	McKinley,	Stewart, J. W.
Boutelle,	Evins, J. H.	McMillin,	Stone,
Bowen,	Fyan,	Millard,	Strait,
Brainerd,	George,	Milliken,	Struble,
Brumm,	Glascock,	Mitchell,	Taylor, J. D.
Buchanan,	Goff,	Morey,	Taylor, J. M.
Burleigh,	Green,	Morrill,	Thompson,
Burnes,	Greenleaf,	Nicholls,	Throckmorton,
Cabell,	Hanback,	Nutting,	Tillman,
Caldwell,	Hart,	Payne,	Valentine,
Campbell, J. M.	Henderson, D. B.	Pierce,	Vance,
Cassidy,	Henley,	Peel, S. W.	Van Eaton,
Clay,	Hepburn,	Perkins,	Wait,
Clements,	Hitt,	Peters,	Wakefield,
Cox, S. S.	Hoblitzell,	Pettibone,	Warner, Richard,
Crisp,	Holmes,	Pryor,	Wellborn,
Culberson, D. B.	Horr,	Ray, G. W.	White, J. D.
Culbertson, W. W.	Houk,	Reed,	Willis,
Cullen,	Howey,	Robinson, J. S.	Wise, G. D.
Cutcheon,	Jones, J. T.	Rogers, J. H.	Wise, J. S.
Dibble,	Lacey,	Rosecrans,	Wolford,
Dibrell,	Libbey,	Seney,	Woodward,
Dunham,	Lowry,	Shelley,	York.
Dunn,	Lyman,	Skinner, C. R.	

NAYS—97.

Arnot,	Ferrell,	Lanham,	Spooner,
Bagley,	Fiedler,	Lovering,	Steele,
Beach,	Findlay,	McAdoo,	Storm,
Bennett,	Follett,	McComas,	Sumner, C. A.
Blackburn,	Forney,	Matson,	Sumner, D. H.
Blanchard,	Geddes,	Maybury,	Talbott,
Boyle,	Gibson,	Miller, J. F.	Tully,
Breckinridge,	Guenther,	Morrison,	Turner, H. G.
Brewer, F. B.	Halsell,	Murphy,	Van Alstyne,
Broadhead,	Hammond,	Mutchler,	Wadsworth,
Brown, W. W.	Hatch, W. H.	Neece,	Ward,
Budd,	Herbert,	Oates,	Warner, A. J.
Carleton,	Hewitt, G. W.	Patton,	Weaver,
Cobb,	Hill,	Post,	Wemple,
Connolly,	Holman,	Potter,	White, Milo
Cosgrove,	Holton,	Pusey,	Wilkins,
Covington,	Houseman,	Rankin,	Williams,
Cox, W. R.	Hunt,	Reagan,	Wilson, W. L.
Deuster,	James,	Rogers, W. F.	Winans, E. B.
Dingley,	Jeffords,	Scales,	Winans, John
Dockery,	Jones, B. W.	Seymour,	Wood,
Dorsheimer,	Jones, J. H.	Shaw,	Worthington.
Eaton,	Kasson,	Skinner, T. G.	
Elliott,	Kean,	Slocum,	
Everhart,	Kleiner,	Smith,	

NOT VOTING—120.

Adams, G. E.	Davis, D. R.	Ketcham,	Price,
Adams, J. J.	Davis, L. H.	King,	Randall,
Anderson,	Davis, R. T.	Laird,	Ranney,
Ballentine,	Dowd,	Lamb,	Ray, Ossian
Barbour,	Duncan,	Lawrence,	Reese,
Barksdale,	Ellis,	Le Fevre,	Rice,
Barr,	Ermentrout,	Lewis,	Riggs,
Bayne,	Finerty,	Long,	Robertson,
Belford,	Foran,	Lore,	Robinson, W. E.
Belmont,	Graves,	Mayo,	Rockwell,
Bingham,	Hancock,	Miller, S. H.	Rowell,
Bisbee,	Hardeman,	Mills,	Russell,
Bland,	Hardy,	Money,	Ryan,
Blount,	Harmer,	Morgan,	Singleton,
Breitung,	Hatch, H. H.	Morse,	Snyder,
Brewer, J. H.	Haynes,	Moulton,	Spriggs,
Browne, T. M.	Hemphill,	Muldrow,	Springer,
Buckner,	Henderson, T. J.	Muller,	Stephenson,
Calkins,	Hewitt, A. S.	Murray,	Stockslager,
Campbell, Felix	Hiscock,	Nelson,	Taylor, E. B.
Candler,	Hooper,	Ochiltree,	Thomas,
Cannon,	Hopkins,	O'Hara,	Townshend,
Chace,	Hurd,	O'Neill, Charles	Tucker,
Clardy,	Hutchins,	O'Neill, J. J.	Turner, Oscar
Collins,	Johnson,	Paige,	Washburn,
Converse,	Jones, J. K.	Parker,	Weller,
Cook,	Jordan,	Payson,	Whiting,
Curtin,	Keifer,	Peelle, S. J.	Wilson, James
Dargan,	Kelley,	Phelps,	Yaple,
Davidson,	Kellogg,	Poland,	Young.

So the amendment was agreed to.

The following additional pairs were announced:

Mr. BROWNE, of Indiana, with Mr. LAMB.

Mr. ELLIS with Mr. KELLOG.

Mr. JONES, of Arkansas, with Mr. HISCOCK.

Mr. MORGAN with Mr. BAYNE.

Mr. ERMENTROUT with Mr. MILLER, of Pennsylvania.

Mr. HART with Mr. MURRAY.

Mr. WOODWARD with Mr. DAVIS, of Illinois.

Mr. BUCKNER with Mr. RAY, of New Hampshire.

Mr. BISBEE with Mr. DAVIDSON.

Mr. REED with Mr. HAMMOND.

Mr. HART. I have been announced as paired. I am paired on political questions, but not regarding this as a political question, I have voted.

The result of the vote was then announced as above stated.

ORDER OF BUSINESS.

Mr. SHELLEY. I move that the House do now adjourn.

Mr. MATSON. I desire to state that if that motion is voted down I will move that the House take a recess.

The question being taken on the motion to adjourn, there were—ayes 40, noes 73.

So the motion was not agreed to.

Mr. DIBRELL. I demand the regular order.

Mr. MATSON. I move that the House take a recess until half past 7 o'clock; the business at the evening session being the consideration of pension bills, in pursuance of the order of the House made on the 18th ultimo.

The motion was agreed to.

The SPEAKER. Before announcing the result of the vote, the Chair desires to state that the gentleman from Tennessee [Mr. MCMILLIN] will occupy the chair during the evening session.

The result of the vote was then announced; and accordingly (at 4 o'clock and 50 minutes p. m.) the House took a recess until 7.30 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 7 o'clock and 30 minutes p. m., Mr. MCMILLIN in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order of the House under which the session of this evening is held.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 7.30 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. BENNETT. I rise to make an inquiry. It may be a question of privilege, and I will put it in that shape. I would like to know the reason for keeping the door to this wing of the Capitol looking directly west shut during night sessions. If it is in accordance with a rule to be observed here, I should conform to it. If, however, it is a matter within the control of this House, I desire to have the benefit of that entrance.

The SPEAKER *pro tempore*. The Chair knows of no rule on the subject, but it is customary to keep that door closed during evening sessions.

Mr. BENNETT. I ask the Chair by what means I can get a solution of that matter; whether there is any way in which I can bring the attention of the House to it more pointedly or more obtrusively. I want that door opened. If the Chair will indicate how I can get at it, I will have it done.

The SPEAKER *pro tempore*. It is a question under the control of the Speaker and the Architect of the Capitol, and under them of the police of the Capitol.

Mr. BENNETT. I would like to submit a motion, if in order.

The SPEAKER *pro tempore*. The Chair begs leave to inform the gentleman that nothing is in order at this session of the House under the order of the House except the consideration of pension claims.

Mr. BENNETT. Then I will bring it up at some time when I will be in order.

Mr. MATSON. I move that the House resolve itself into Committee of the Whole House for the purpose of considering pension bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House, Mr. HEWITT, of Alabama, in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the purpose of considering pension bills on the Private Calendar. The Clerk will report the first bill.

The first business on the Private Calendar was the bill (H. R. 3026) granting an increase of pension to Levi Anderson.

Mr. MATSON. I ask unanimous consent that that bill and the next pension bill on the Calendar, the bill (H. R. 1073) granting a pension to William J. Lee, the consideration of which at the last night session resulted in the demand for a quorum, shall be informally passed over.

There was no objection, and it was so ordered.

CHARLOTTE DAY.

The next business on the Private Calendar was the bill (H. R. 4706) for the relief of Charlotte Day.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charlotte Day, mother of Charles E. Day, formerly of Company F, First New Jersey Militia (Pennsylvania Emergency).

Mr. CRISP. I call for the reading of the report.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 3308, beg leave to report as a substitute therefor the bill H. R. 4706, and submit the following report:

The evidence in this case shows that Charles E. Day was a private in Company F, First Regiment New Jersey Militia (Pennsylvania Emergency), and the certificate of the adjutant-general of the State of New Jersey states that he was enrolled on the 28th day of June, 1863, and was mustered into the service of the United States for thirty days from that date, and honorably discharged August 1, 1863, but this fact is not shown on the rolls in the Adjutant-General's Office at Washington. He contracted disease while in the service that caused his death September 16, 1863, aged 21 years. He was the main support of his mother, she being a widow. Her claim was rejected on the ground that the soldier, being a State militiaman, and not mustered into the service of the United States, and the mother's claim not being prosecuted prior to July 4, 1874, she is not entitled to a pension under the law. The mother is advanced in age, verging on 65 years, and is in very destitute circumstances, relying principally upon the charity of neighbors for her support. As the prop of her declining years has been taken from her by the Government, to whose rescue this young man rushed in an emergency, it is proper that she should be recompensed for the loss, and the committee therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with a favorable recommendation.

LOUISA V. DE KILPATRICK.

The next business on the Private Calendar was the bill (H. R. 4707) granting a pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, and pay her the pension of the widow of a brigadier-general of the United States Army.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4707) for the relief of Louisa V. de Kilpatrick, beg leave to submit the following report:

The petitioner, Louisa V. de Kilpatrick, widow of Judson Kilpatrick, late captain of Company H, Fifth New York Volunteers, and brigadier-general United States Volunteers, and more recently minister to Chili, appeals to the Government of the United States for a pension for the death of her husband, which, it is alleged, was produced by wounds received in the service of the United States in the late war. That General Kilpatrick did receive severe wounds in said service is abundantly set forth and proven by Adjutant Q. Owen Moore, who was present at the battle of Big Bethel, Va., and saw General Kilpatrick at the time he was wounded in the right thigh, and present when the wound was dressed; and also by Capt. R. M. A. Hawk, of the Ninety-second Illinois Volunteers, and Surgeon Clinton Helm, who were present at the battle of Resaca, Ga., when General Kilpatrick received a gunshot wound through upper part of left thigh, and saw him carried from the field, pale and bleeding.

The papers in the Pension Office show that the soldier was mustered in as captain May 9, 1861, and appointed brigadier-general June 18, 1863, and was discharged January 1, 1866; and that he was pensioned for gunshot wounds of both thighs, received in 1861 and 1864. He died December 2, 1881, of Bright's disease of the kidneys. The widow filed her claim for pension August 8, 1882, alleging that the death of her husband was caused by the wounds for which he was pensioned. The claim was rejected on the ground that the fatal disease was not contracted in the service or in the line of duty. The marriage certificate and the certificates of baptism of the two children are duly proven by certified copies of the public records of Santiago, Chili, where General Kilpatrick died. To rebut the position taken by the Pension Office that General Kilpatrick did not die of the wounds received in the service and in the line of duty, we have the evidence of Saldiar, Herman Schneider, Felix Gerbout, and Puelmatupper, all physicians of Santiago, who certify substantially as follows:

"That the general was suffering from an inflammation of the kidneys, which disease was the result of the hardships experienced during the late war, and also of wounds received in the years of 1860 and 1861, finally resulting in his death."

The Pension Office officials, however, with that care which is deserving of commendation, say:

"That that portion of the certificates executed in Santiago which sets forth the hardships and exposure of the service of the deceased as contributing causes of the fatal disease can not be regarded as of much weight, and that this naked statement was made by physicians more than fifteen years after the close of the war."

This assumption by the Pension Office of the probability of an error by the affiant physicians in their conclusions as to the cause of death, while it may be a protection to the Government as against erroneous opinions on the part of attending physicians, does not affect the minds of your committee to that extent that it is willing to discard the evidence, but, on the contrary, to give it credence, that the doubt, if any, may be awarded to the claimant's benefit.

This widow has two children, not yet of age, dependent upon her for support. Her husband, endeared to her by many noble qualities, no doubt, and who occupies a large page in the history of his country, and whose eminent services and brave deeds have rendered his name illustrious, is dead from the wounds received in his country's cause. The children are fatherless. There should be some substantial recompense for the widow and children of this dead hero. Acting Commissioner C. B. Walker, of the Pension Bureau, in a letter dated January 24, 1884, addressed to Congress, pursuant to a joint resolution of Congress approved May 29, 1830, says:

"I submit the claim to your consideration with my opinion that relief should be granted by special act of Congress."

This from the bureau, after rejecting the claim because of its not coming within the purview of the law, satisfies your committee, with the other evidence printed, that it possesses great merit, and therefore recommend the passage of the accompanying House bill.

Mr. WARNER, of Ohio. I desire to inquire of the chairman of the Committee on Invalid Pensions what rate of pension is granted by this bill?

Mr. MATSON. This bill provides for granting a pension in this case under the general law, which provides for a pension of $30 per month.

There being no objection, the bill was laid aside to be reported favorably to the House.

MARTHA M. B. M'CULLACH.

The next business on the Private Calendar was the bill (H. R. 1411) granting a pension to Martha M. B. McCullach, of Freeport, Pa.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha M. B. McCullach, widow of Dr. William P. McCullach, or McCollough, who was assistant surgeon in the Seventy-eighth Regiment of the Pennsylvania Volunteers in the late war, from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1411) granting a pension to Martha M. B. McCullach, of Freeport, Pa., has had the same under consideration and beg leave to report as follows:

That Martha M. B. McCullach, the petitioner, is the widow of Dr. William P. McCullach, or McCollough, who was assistant surgeon in the Seventy-eighth Regiment of the Pennsylvania Volunteers in the late war.

We, the committee, find from numerous affidavits, of undoubted character, that Dr. William P. McCullach, while not enrolled as assistant surgeon of the Seventy-eighth Regiment of Pennsylvania Volunteers, acted as assistant surgeon, by request, from about August 1, 1861, and that he enlisted as a private; and from the report of the Adjutant-General's Office he was enrolled as assistant surgeon Seventy-eighth Regiment Pennsylvania Volunteers to date April 11, 1863, to serve three years or during the war, on the muster-roll, field and staff, of that regiment, and he was mustered out with field and staff November 4, 1864; and that he died September 17, 1867, from disease contracted in the Army while in the line of his duty, as shown by the affidavit of Dr. C. B. Gillespie, who attended him in his last sickness; and of Dr. O. P. Bollinger's sworn testimony, that when Dr. William P. McCullach returned from the Army, in the fall of 1864, he, the said Dr. William P. McCullach, had chronic diarrhea, which continued during the remainder of his life, and that he consulted this deponent at different times in relation to his disease, and that he has no hesitation in saying that Dr. William P. McCullach died from the diarrhea contracted while in the service of the United States and in the line of his duty.

Also have the affidavit of Dr. William S. Hosack, who was physician for the Seventy-eighth Regiment Pennsylvania Volunteers, and that he was with Dr. William P. McCullach until the regiment was discharged in the fall of 1864, and that when Dr. William P. McCullach first became connected with the regiment he was a stout, healthy man, free from all disease, and noted for his temperate habits in every respect; and that while in the line of his duty he had an attack of enteritis, after which he took an acute attack of diarrhea, which baffled all treatment and ran on into a chronic form, which he had every reason to believe was the primary cause of his death, and that his disease was contracted in the service of the United States.

The committee have also the affidavits of Col. William Sirwell, of the Seventy-eighth Regiment Pennsylvania Volunteers, and several privates of said Seventy-eighth Regiment Pennsylvania Volunteers. All unite in giving the said Dr. William P. McCullach a very good record in the service, and the cause of his death was from disease contracted while in the service of the United States. The committee also have the letter of Hon. J. Mosgrove and others, who are acquainted with applicant and the justice of the claim, and recommend it as being meritorious, as the widow, Martha M. B. McCullach, is poor and in need of the means of support in her declining years.

The committee think the case is deserving, and therefore recommend the passage of the bill, which is herewith reported to the House.

There being no objection, the bill was laid aside to be reported favorably to the House.

CORNELIA A. SCHULTZ.

The next business on the Private Calendar was the bill (H. R. 1428) granting a pension to Cornelia A. Schultz.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Cornelia A. Schultz, and pay the said Cornelia A. Schultz a pension at the rate of $20 per month.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1428) granting a pension to Cornelia A. Schultz, adopt the following report:

That the claimant is a single woman, aged 57 years, and has resided in Get-

tysburg, Pa., over forty years. She is in a helpless condition, owing to delicate health, the result of a severe surgical operation. Her ancestors have rendered valuable and heroic service to the Government in nearly all of its wars. Her brother, David A. Schultz, late major of the Seventy-third Pennsylvania Volunteers, died from wounds received in the battle of Chancellorsville. At the time of his death this sister depended mainly upon the said brother for her support. This claimant's home was almost destroyed in the battle of Gettysburg, situated in the very midst of that battle. Since her said brother's death, which occurred on the 23d day of May, 1873, she has lived upon money raised by mortgaging her home, which is now mortgaged to about its value. Neither she nor any one else has been indemnified in any way for the damage done to the house by the battle of Gettysburg. She is now driven by extreme poverty to apply for the continuance of her said brother's pension. The above facts are verified by many distinguished and well-known citizens of Pennsylvania.

In view of the extraordinary circumstances the committee have determ ned to report favorably, and recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported favorably to the House.

MARY E. MURRAY.

The next business on the Private Calender was the bill (H. R. 1433) granting a pension to Mary E. Murray.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary E. Murray, daughter of the late Col. William G. Murray, of the Eighty-fourth Regiment Pennsylvania Volunteers, and pay her a pension at the rate of $30 per month from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 1433, submit the following report:

This bill was before the Committee on Invalid Pensions of the Forty-seventh Congress, to whom the subject was referred, and favorably considered. The bill passed the House, but action was not had on it in the Senate. The report of the House Committee of the Forty-seventh Congress we now append and adopt as our own:

Mary E. Murray is the invalid daughter of Col. William G. Murray, of the Eighty-fourth Regiment of Pennsylvania Volunteers, who fell at the head of his command at the battle of Winchester, Va., March 23, 1862. Colonel Murray was also a gallant soldier of the Mexican war.

Before the committee are petitions signed by a great number of prominent citizens of Pennsylvania, who say that Miss Murray is a "bright, intelligent young lady, but, owing to physical infirmity, she can not fill a clerical position or serve in any capacity which will enable her to earn a livelihood. She, by the untimely death of her father, was left an orphan, and has ever since been dependent upon relatives and friends."

The petition further shows that Miss Murray was entirely dependent on her said father for support—a father who, if living, would be abundantly able to support her by his energy and industry.

We think this is a case which, if not within the letter of the law granting pensions to infant children under sixteen years of age, is within its spirit. The object of said law was to benefit the helpless offspring of deceased soldiers who lost their lives in the military service of the country. It appears that Miss Murray is helpless, and we report the accompanying bill favorably, with an amendment, namely, striking out the word "thirty," in line 7, and inserting instead the word "eighteen."

The Committee on Invalid Pensions recommend that the bill be amended by striking out "$30" and inserting in lieu thereof "$18."

The amendment was agreed to; and the bill as amended was laid aside to be reported favorably to the House.

MARY ELIZA DICKSON.

The next pension bill upon the Private Calendar was the bill (H. R. 1391) granting a pension to Mary Eliza Dickson, widow of Dr. Thomas Dickson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Eliza Dickson, widow of Dr. Thomas Dickson, as if the said Dr. Thomas Dickson had been mustered into the military service of the United States during the war of the rebellion as an assistant surgeon with the rank of captain, and pay her the pension of a widow of an assistant surgeon.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was submitted the bill (H. R. 1391) granting a pension to Mary Eliza Dickson, widow of Dr. Thomas Dickson, respectfully report:

That the evidence shows that Dr. Thomas Dickson was surgeon and physician of high standing of the city of Pittsburgh, Pa.; that early in July, 1862, in response to a call from the Government of the United States for volunteer surgeons, Dr. Dickson went to Harrison's Landing, Va., and that there and on the transports or hospital boats which carried the sick and wounded from Harrison's Landing to Washington he gave his best skill and attention to the sick and wounded, having been placed in charge of a large number in consequence of his well-known qualifications for the work. In the language of a letter written to his daughter from Washington, D. C., while in the discharge of his patriotic duty, Dr. Dickson said:

"I have just arrived here on board the steamer Commodore, on which I had a ward of wounded soldiers. We had over five hundred on board. I had two hundred and forty-seven in my ward. I had four assistants. I am nearly tired out, but think I must go back again. The medical director has just called to see if I will not return with him."

The testimony of Dr. John Dickson, a brother of the deceased, and Dr. James McCann, both of whom were in close and intimate relations with the deceased, shows that when he started from Pittsburgh to render the services mentioned he was robust and vigorous beyond most men. He remained on duty about two weeks, and finding that his health was suffering, he returned to his home at Pittsburgh the latter part of July quite ill. In the words of Dr. McCann, who was one of his attending physicians—

"He continued to grow worse from and after the date of his return; that he suffered from typho-malarial or camp fever; that he died from the effects of the said typho or malarial or camp fever on the 3d day of August, 1862, about twelve days after his return to the city of Pittsburgh, and fourteen days after leaving the sick and wounded in Virginia."

Dr. McCann declares that, in his opinion, the death of Dr. Dickson was caused by exposure while engaged in nursing and caring for the sick and wounded soldiers of the United States. James Allison, D. D., the editor and proprietor of the Presbyterian Banner, published at Pittsburgh, accompanied Dr. Dickson and other surgeons on the greater part of the trip, and he details at length the valuable and important services rendered by Dr. Dickson. Dr. Allison assisted, as best he could, and he closes his statement in these words:

"Believe me when I say that Dr. Dickson died as really in the service of his country as if he had fallen on the field of battle. * * * I may also say that I am fully persuaded that the lives of a large number of soldiers were saved by his skill and unremitting attention."

Dr. Dickson was cut off in the prime of life. He left a widow and two children without means, and the widow, now well advanced in life, needs the aid which her husband would have doubtless provided for her had he lived.

The committee, in view of all the facts, report the bill back with a recommendation that it do pass as amended, the amendment being indicated in the bill hereto attached.

The Committee on Invalid Pensions recommend that the bill be amended by striking all out after the words "Dr. Thomas Dickson," where they first occur, to the end of the bill, and inserting in lieu thereof the words "and pay her the pension of a widow of an assistant surgeon."

The amendment was agreed to; and the bill as amended was ordered to be laid aside to be reported favorably to the House.

MRS. SARAH BRYAN LEET.

The next business on the Private Calendar was the bill (H. R. 2608) granting a pension to Mrs. Sarah Bryan Leet.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Sarah Bryan Leet, widow of George K. Leet, late a major and assistant adjutant-general in the United States Army, with such rate of pension as her said husband would have been entitled to for disability incurred in the service of the United States.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2608) granting a pension to Mrs. Sarah Bryan Leet, have had the same under consideration, and beg leave to report as follows:

That Mrs. Sarah Bryan Leet is the widow of George K. Leet, late a major and assistant adjutant-general in the United States Army.

The report of the Adjutant-General shows continuous service of George K. Leet from August 29, 1862, to March 4, 1869, most of the time in the responsible position of assistant adjutant-general. On August 1, 1870, on his own request, he was honorably discharged.

The evidence shows that when George K. Leet enlisted he was in excellent physical condition, having been an active athlete in a Chicago gymnasium, as shown by affidavit of Gardner G. Willard and C. Higby. It also appears from the evidence that in 1862, while in camp near Vicksburg, G. K. Leet had contracted the disease of camp diarrhea and erysipelas, and continued to suffer therefrom, the disease having become chronic.

Also affidavits of G. G. Willard, Sidney C. Higby, Mrs. Sarah B. Leet, and Mrs. M. Leet.

It also appears from sworn testimony of Henry D. Burwell that G. K. Leet continued to suffer from chronic diarrhea during the years 1865, 1866, 1867, 1868, 1869, from the disease contracted while in the service in the field.

Dr. J. B. Griswold testifies that in 1881 G. K. Leet was suffering from, and was treated by witness for, anal fistula, with prolapsus of the rectum, resulting from the chronic diarrhea contracted in the United States Army; that G. K. Leet died from the effects of this disease on March 26, 1881.

The following evidence of Basil Norris, surgeon, United States Army, of date January 23, 1884, is in these words:

"I certify that to the best of my recollection and belief Maj. George K. Leet, assistant adjutant-general, United States Army, suffered from diarrhea recurring from time to time during his service in Washington on the staff of the General of the Army from the autumn of 1865 to the winter of 1868; that I occasionally prescribed for him for this disease."

It is also proven that George K. Leet left surviving him his widow, Sarah Bryan Leet, the claimant, and five minor children, dependent upon her for support, she having no means except her daily earnings.

The committee believe this to be a meritorious case, and recommend the passage of the bill (H. R. 2608) with an amendment as indicated in the bill hereto attached.

The Committee on Invalid Pensions recommend that the bill be amended so as to read:

Place on the pension-roll the name of Mrs. Sarah Bryan Leet, widow of George K. Leet, late a private in Cooley's Independent Battery.

The amendment was agreed to; and the bill as amended was ordered to be laid aside to be reported favorably to the House.

MERRITT LEWIS.

The next business on the Private Calendar was the bill (H. R. 819) granting an increase of pension to Merritt Lewis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase to the first grade, namely, $50 per month, the pension now granted to Merritt Lewis by certificate No. 33631.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 819), and accompanying papers, granting an increase of pension to Merritt Lewis, have considered the same, and report:

It appears that Merritt Lewis, a disabled soldier of the late war, enlisted at Grand Rapids, Mich., in January, 1863, in Company K, Seventh Michigan Cavalry, and on the 3d day of July following, at the battle of Gettysburg, received a gunshot wound, by reason of which his right leg was amputated above the knee, and subsequently a second amputation was performed. That in the spring of 1864, while in Camden-street Hospital, Baltimore, he lost his hearing, caused by scarlet fever, and from that time has been and is now totally deaf in both ears, as appears by the affidavits of George E. Ranney, late surgeon Second Michigan Cavalry, and Julius A. Post, late medical cadet, United States Army, and in consequence of said deafness, as further appears by said affidavits, he has partially lost the power of speech.

That by reason of said disabilities he was honorably discharged June 3, 1864, and by special act of Congress, June 16, 1882, was granted a pension of $37.50 per month, as shown by pension certificate No. 33361.

An application by said Merritt Lewis for an increase of pension has been denied on the ground that his pension, being fixed by "special act," can not be increased except by further legislation.

In consideration of the fact that the total loss of hearing and partial loss of speech, combined with loss of leg, is equal to if not greater disability than the loss of both feet, and, further, that the merit and justice of his case is vouched by the governor, the adjutant-general, and other State officers of Michigan, therefore your committee are of the opinion that the increase of pension should be granted as asked for, and recommend that the bill do pass.

Mr. WARNER, of Ohio. I desire to inquire in what class this case would fall under the general law? It seems to me the question of fact would indicate the class.

Mr. MATSON. The trouble about the case is that the rate of pension for this person was fixed by a special act of Congress. The law provides that where a person receives a pension the rate of which is fixed by special act it can not be increased under the general law.

Mr. WARNER, of Ohio. Not if the general law would give a higher pension?

Mr. MATSON. No; that is the law.

The bill was laid aside to be reported favorably to the House.

JOSEPH L. CALDWELL.

The next busines on the Private Calendar was the bill (H. R. 554) granting a pension to Joseph L. Caldwell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Joseph L. Caldwell, late of Company G, Sixty-ninth Regiment Enrolled Missouri Militia, subject to the provisions and limitations of the pension laws, and pay him a pension from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 554, respectfully submit the following report:

That they find that Joseph T. Caldwell was enrolled a member of Company G, Sixty-ninth Regiment of Missouri Enrolled Militia, and was honorably discharged November 15, 1864. His record as a soldier is good. On the 25th day of September, 1864, in an action with the rebels at or near Chambersburg, in Missouri, his horse was shot under him and fell upon him, and that the horse of a comrade also fell on him. That his left great toe was broken and lacerated; that his left ankle was dislocated or fractured; that his right leg was badly bruised, and that he was bruised in the region of his left kidney; that he has been ever since receiving the injury, and is now, incapacitated from performing manual labor. This case was rejected in the Pension Department under the provisons of the third paragraph of section 4693 Revised Statutes, the claim not having been filed until March 20, 1879. In view of the fact that the testimony is clear that his record as a soldier was good, that he received the injuries in line of duty and while actually engaged in battle, we recommend the passage of this act.

The Committee on Invalid Pensions recommend that the bill be amended so as to read "Joseph T. Caldwell" instead of Joseph L. "Caldwell;" also amend the title to correspond.

The amendment was agreed to; and the bill as amended was ordered to be laid aside to be reported favorably to the House.

H. E. VAN TREES.

The next business on the Private Calendar was the bill (H. R. 562) granting a pension to H. E. Van Trees.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of H. E. Van Trees, late a first lieutenant in the Kansas volunteer militia.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 562) granting a pension to H. E. Van Trees, submit the following report:

We find that H. E. Van Trees was enrolled in Kansas State militia by governor of Kansas on the 3d day of September, 1874, and on the 23d day of December, 1874, was mustered into service as first lieutenant, and ordered at once into active service to repel an Indian invasion in Western Kansas. On the 8th of January, 1875, while the command was in active service, Lieutenant Trees was ordered to proceed to Hutchinson for supplies. While on the way they were overtaken by a terrible snow-storm, and Van Trees was so severely frozen as to render necessary the amputation of both his feet at the instep, rendering him a cripple for life.

Van Trees had previously served during the war of the rebellion, and distinguished himself by his brave and gallant conduct.

There being no doubt as to the facts in the case, the committee would recommend the passage of the bill.

The bill was ordered to be laid aside to be reported favorably to the House.

W. H. BLAKE.

The next business on the Private Calendar was the bill (H. R. 591) granting a pension to W. H. Blake.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of W. H. Blake, late a private in the Sixty-sixth Regiment Illinois Volunteers; said pension to commence from the date when his name was dropped from the roll.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 591) granting a pension to W. H. Blake, submit the following report:

We find that the claimant enlisted October 5, 1861. That in an action at Mount Zion, December 28, 1861, he received a slight wound in his shoulder. December 29, 1863, he was remustered as a veteran at Pulaski, Tenn. The veterans of his company were furloughed January 28, 1864, with orders to report at Joliet February 28, 1864. That on his way returning to his regiment he was accidentally shot in his left foot by the discharge of his gun. The evidence shows that his company were armed with Henry rifles, purchased by themselves. The only question in this case is whether he was at the time in the line of his duty. Taking into consideration the fact that he had served his country faithfully for more than two years, had been once wounded in action, and had voluntarily re-enlisted as a veteran, we think the technical question should be waived, and we therefore report the bill with the recommendation that it be passed, with an amendment striking out all after "volunteers," in the seventh line.

The Committee on Invalid Pensions recommend that the bill be amended by striking out the words "said pension to commence from the date when his name was dropped from the roll."

The amendment was agreed to.

The question was upon ordering the bill as amended to be laid aside to be reported favorably to the House.

Mr. WARNER, of Ohio. I do not understand why the applicant in this case can not obtain his pension through the regular channel. I fail to discover in the report what there is in this case which requires a special act, or why the pension can not be granted in the Pension Office.

Mr. MORRILL. I desire to say that this case was rejected in the Pension Bureau on the ground that the wound was not received while the person was in the line of duty. The evidence was clear and conclusive that the company to which this man belonged was armed with Henry rifles, purchased by themselves. On their furlough they took these rifles home with them, and when this man was returning from his furlough he was wounded in the left foot by an accidental discharge of his rifle. The Pension Bureau rejected his application for a pension on the ground that he was not wounded while in the line of duty.

Mr. WARNER, of Ohio. I know myself a number of such cases as this. I know one case where a soldier on furlough, while on his way back to his regiment, lost a limb by an accident on the cars. There is quite a numerous class of cases of that kind. It seems to me that if it is proposed to change the rule and admit such cases as this to the pension-roll we ought to do it in such a way as will admit all cases of this class. I feel as though we were doing injustice to others every time that we single out a particular case from a class and grant a pension in that case while denying it to others of the same class.

Mr. MATSON. In reply to what the gentleman from Ohio [Mr. WARNER] has said upon this subject, I have to say that the only safe general rule in relation to granting pensions which the Government can adopt is to require that those only shall be pensioned who incur the injury or disease for which a pension is granted while in the line of duty. It would be unsafe for the Government to adopt any other general rule, because that would open the door to granting pensions for any injury which the soldier might receive at a time when he was not only out of the line of duty but perhaps engaged in some wrongful act.

Therefore I say that the Government must stand by some general rule, and insist that the injury for which the soldier is to receive a pension must have been incurred while in the line of duty. But to all general rules there must be particular exceptions. When we make those exceptions all the circumstances of the case should be taken into consideration, the length of service, the kind of soldier, the habits of the man, and all that goes to make up a meritorious and equitable claim in his behalf.

The facts in this case seem to be that this soldier served more than two years, was once wounded in battle, though perhaps not sufficiently to entitle him to a pension, and that he re-enlisted. While returning from his home to his regiment, being armed with a Henry rifle purchased by himself, as he had a right to be armed, this accident occurred. The committee thought the circumstances of the case were such as should make this an exception to the general rule. This man was a faithful soldier, had served well, and the accident happened while he was handling a rifle which he was taking back with him into the service. The committee therefore determined to report this bill favorably, regarding this as an exceptional case.

Mr. PARKER. I would like to inquire of the chairman of the Committee on Invalid Pensions [Mr. MATSON] whether this soldier at the time the injury was received was in the neighborhood of the enemy?

Mr. MATSON. I can not state the precise place. The gentleman from Kansas [Mr. MORRILL] can no doubt give that information. But the soldier was going in the direction of military operations. He was returning from his home to his regiment.

Mr. PARKER. It seems to me that if he was not in proximity to the enemy he is not entitled to a pension under the precedents. The chairman of the committee will no doubt remember a case which came before the committee in the last Congress, where an officer who had lost an arm in the service and had been promoted for gallant conduct was going from Philadelphia to New York to obtain his equipment for future service, and while passing from one car to another was thrown from the train and killed. Physicians and others gave it as their opinion that the loss of his arm rendered the man incapable of steadying himself, and thus contributed to his death. Yet we held in that case, the applicant for a pension being the widow or the sister—I do not now remember which—that the man was not in the line of his duty at the time of his death, and that the case could not be construed as pensionable, and a pension was not granted.

It seems to me that the present case is nearly enough parallel to the one I have just mentioned to come under the same rule. If this man can be shown to have been in the neighborhood of the enemy, he may fairly be construed to have been in service in the line of his duty. But if he was at his home and the injury appears to have had no connection with his service as a soldier, then I submit he ought not to be pensioned.

Mr. MORRILL. In reply to the gentleman from New York [Mr. PARKER] I desire to say that this man at the time of the injury had left his home and was on his return to his regiment. As the chairman of the Committee on Invalid Pensions has so well said, the cases acted upon by us here are special cases—cases that can not be determined fairly by any general rule. Every case that has received the favorable action of the Committee of the Whole this evening has some special features recommending it to our generosity; for a special pension is simply an act of generosity. It comes within no rule. Thus, this evening you have passed in Committee of the Whole a bill to pension an invalid daughter of a man who was in the military service—a woman 25 or 30 years of age, if I recollect aright. In another case the person to receive the pension is the sister of a soldier who was unmarried. These are cases coming within no general rule.

Now, here was a good soldier, who served his country bravely. When his first term of enlistment expired he re-enlisted. Under the general order granting a furlough to soldiers who re-enlisted he visited his home, taking his gun with him, because he had a perfect right to do so, having bought and paid for it with his own money. On his way back to his regiment he slipped upon the ice and received an accidental shot from his gun, disabling him for life. Now, it may appear right to some gentlemen to stand on the technical point that this man was not in the line of duty at the time of the injury; but, sir, as an old soldier I propose to vote to give a pension in every case of this kind. A man who has served his country bravely and faithfully and who has been disabled in this way by an accident is in my judgment clearly entitled to a pension.

Mr. NUTTING. Mr. Chairman, it seems to me that the point raised against this bill, that the man was not in the line of his duty at the time of the injury, is not well taken. In my judgment a soldier who has been at home on furlough and is on his way back is then in the military service as much as though actually with his regiment at the time. He is acting under orders. He is marching toward the enemy; his face is in the direction of the enemy. Perhaps if this accident had happened while the man was at home it might properly be held that he was not in the line of his duty because he was then at the place where he had asked to be, but when returning he is under the orders of his officer; and if an accident happens to him at such a time he is pensionable, it seems to me, in precisely the same degree as though the accident had happened upon the field of battle or in the camp.

Mr. PARKER. Would the gentleman make a distinction between the case where a man was going toward his home at the time of the accident and a case where he was returning from his home?

Mr. NUTTING. That would not be a legal point.

Mr. PARKER. I did not know but that the gentleman would make such a distinction.

Mr. WARNER, of Ohio. Mr. Chairman, I thought it important to call the attention of the Committee of the Whole to this case, because it seemed to me to be a departure from the rule which has heretofore prevailed and from the principle laid down in our pension laws. This is hardly a special case, but is one of a class now excluded from the benefit of the pension laws. The principle upon which pensions are granted for disability is that the disability should have been incurred in the service and in the line of duty.

There is a difference between disability thus incurred and disability incurred while the soldier is away at home on a furlough or returning from furlough. There he is his own master. He acts on his own motion. He is not under the orders of an officer. He is not compelled to do this or to do that. Hence the distinction made in the law.

I am not arguing that the law ought not to be modified so as to admit a class who have suffered disability on account of wounds. There may be a class of that kind who ought to come in. But I still think it is not good policy to single out one from one hundred, five hundred, or one thousand, and make that a special case here. But if this House, if this Congress decides to extend the provisions of the pension laws to that class of disability, then we ought to modify the law and let in the whole class, and not by piecemeal in this way pension a few while we leave many more just as deserving to go without their pension.

Mr. HOUK. It seems to me, Mr. Chairman, if this House narrows itself down to the restriction proposed by the gentleman from Ohio we might as well stop legislating on these claims of individuals. Why are we called to act on any case? Simply because of some technical reason excluding it from the direct letter of the general law. Then the power of the House in its legislative character is invoked to do justice in that particular case, not because it is legal, for if it were the Pension Office would allow it, but because it is right, equitable, and just.

It seems to me whenever a pension case is presented for our consideration, the question we should address to ourselves is how, under what circumstances, was the disability incurred, on what is it founded? Take this case: Is it not proved according to the report and the statements made that this man had absolutely dedicated his service to the Government of the United States? I do not care whether he was going to or coming from home; he was taking the necessary steps to put himself on the field of battle in defense of the flag. He was in the discharge of the active duties of a soldier. He was wounded while doing all in his power, not only in one enlistment, but in a second enlistment dedicating himself to the country, marching in this instance directly toward the front.

I wish to emphasize what I tried to say in reply to the gentleman from Ohio, that this House does not sit as a court bound by technical rules, confined to the letter of the general law, but to judge from the facts and to do substantial justice in each case to the soldier who was in the military service and in active discharge of his duty.

For that reason I shall vote for this bill.

Mr. WARNER, of Ohio. Do it to all, those not having friends here as well as those who have special friends on the floor.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

M. H. CLEMENTS.

The next business on the Private Calendar was the bill (H. R. 570) granting a pension to M. H. Clements.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of M. H. Clements, late a private in the Kansas volunteer militia.

The report was read, as follows:

We find that M. H. Clements was enrolled on the 3d day of September, 1874, by the governor of Kansas, and on the 23d day of December, 1874, was mustered into the Kansas State militia as private, and ordered at once into active service to repel an Indian invasion. On the 8th day of January, 1875, while the command was in active service, said Clements, with others, was ordered to Hutchinson, Kans., for supplies. On the way they were overtaken by a severe snow-storm, and Clements was so badly frozen as to render necessary the amputation of both legs above the ankle joint. These facts are established by ample and reliable evidence, and your committee would therefore respectfully recommend the passage of this bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

REUBEN MARSHALL.

The next business on the Private Calendar was the bill (H. R. 569) granting a pension to Reuben Marshall.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Reuben Marshall, late a private in the Kansas volunteer militia.

The report was read, as follows:

The committee find that Reuben Marshall was enrolled on the 3d day of September, 1874, by the governor of Kansas, and mustered into the Kansas State militia as a private on the 23d day of December, 1874, and on the same day was ordered into active service to repel an Indian invasion in Western Kansas. On the 8th of January, 1875, while the command was in active service, said Marshall was ordered to proceed to Hutchinson with others of the company for supplies for the command. On the way they were overtaken by a severe snow-storm, and he was so badly frozen as to render amputation of both legs above the ankle joints necessary. The index finger of the left hand was also amputated. The committee would therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MICHAEL TITLER.

The next business on the Private Calendar was the bill (H. R. 2372) granting a pension to Michael Titler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Michael Titler, late a private in Company B, Twenty-fourth Missouri Infantry Volunteers.

The report was read, as follows:

That said Titler enlisted in Company B, Twenty-fourth Missouri Volunteer Infantry, on the 20th day of August, 1861, being then 48 years of age; that during the battle of Pea Ridge, Ark., on the 7th day of March, 1862, a mule team that was frightened by the bursting of a shell ran over said Titler with a wagon, crippling him in thigh, back, and arm.

That he was under medical treatment for over a month after receiving the injuries; that he remained in service until 1864, but he was detailed to drive ambulance, being incapacitated to march or do duty; that after expiration of term of service he worked at his trade (plasterer) part of the time, and suffered more or less from the injuries aforesaid, one-third of the time being totally unable to work; that in 1879 he made application for pension, which was rejected; that he is now more than 70 years of age, totally unable to work, almost entirely helpless, and without a dollar in the world.

Your committee therefore recommend that he be placed on pension-roll, and receive pension under the laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MOSES FULLINGTON.

The next business on the Private Calendar was the bill (H. R. 4708) granting a pension to Moses Fullington.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Moses Fullington, a soldier of the war of 1812.

The report was read, as follows:

The Committee on Pensions, to whom was referred the proofs in support of the claim of Moses Fullington, having had the same under consideration, adopt as their report the report on the same subject of the Committee on Revolutionary Pensions of the second session of the Forty-sixth Congress, which is as follows:

It is in evidence that on the 2d of May, 1878, the claimant filed an application

for pension in the office of the Commissioner of Pensions, declaring that he served as a private in the company commanded by Capt. David Chadwick, Colonel Dixon's regiment, of the brigade commanded by Brig. Gen. Elias Fassett, Vermont militia, war 1812. That he entered the service at Cambridge, Vt., September 15, 1813, and remained therein for a period of seventeen days, at which time he was honorably discharged, by a verbal order, at Cumberland Head. That he entered the service as a substitute for his father, Ephraim Fullington, who was drafted.

On the 10th day of October, 1878, the Third Auditor returned the information to the Commissioner of Pensions that "no rolls of Capt. David Chadwick's company of Vermont militia on file in this office."

On the 19th of November, 1878, the said application of Moses Fullington was rejected by the Commissioner of Pensions, "on the ground that there is no record of the service of the company in which service is alleged."

To establish said service, outside of the record, the claimant produces the following testimony:

1. Affidavits of Dexter Whiting, aged 74 years, and Samuel B. Waters, aged 86 years, residents of the same town as claimant, declare an acquaintance with the claimant of forty-six years' standing, and that from common report they have always believed that he was a soldier of the war of 1812, in Capt. David Chadwick's company of Vermont militia.

2. Affidavit of Nancy Brush, dated the 4th day of June, 1878, deposing that the said Nancy Brush is 74 years of age; that she is the daughter of Ephraim Fullington, and sister of Moses Fullington, the claimant; that she distinctly recollects many of the circumstances connected with the entrance of her brother into the Army during the war of 1812; that her father was twice drafted, the second time during the year 1813; that she was at home continuously during the said war; that her father and Capt. David Chadwick were near neighbors, living on the same highway on adjoining farms; that Captain Chadwick offered to accept her brother Moses as a substitute for her father; that she distinctly remembers seeing the accouterments of her brother when about starting, of watching him as he passed to the roadway through the room, where she afterward gave way to her emotions; that her impression has always been that he continued in the service nearly three weeks, and that they heard from him several times by mail during his absence.

3. The affidavit of Mrs. Rosamond Carlton, dated June 1, 1878, deposes that she is 79 years of age, and is the daughter of Capt. David Chadwick; that she distinctly recollects that Moses Fullington, eldest son of Ephraim Fullington, was accepted by her father as a substitute for his father in the company commanded by her father, forming a part of the regiment commanded by Colonel Dixon, Vermont militia; that she distinctly recollects the fact of Moses Fullington coming into her father's house on the morning of the march, which was in the fall of 1813; that her father was absent from home with his company, she believes, nearly three weeks; that she is well acquainted with Nancy Brush, formerly Nancy Fullington, a sister of Moses Fullington.

From this, and other evidence, not sworn to, the committee are of the opinion that the said Moses Fullington has satisfactorily established his period of service to have been of sufficient length to entitle him to a pension under the act of March 9, 1878.

The committee return the accompanying bill to the House and recommend the passage of the same.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. CUMMINS.

The next business on the Private Calendar was the bill (H. R. 314) for the relief of John W. Cummins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and instructed to place the name of John W. Cummins, late a first lieutenant of Company C, Thirty-fifth Regiment Indiana Volunteer Infantry, on the pension-roll, at the rate of $20 per month, subject in other respects to the conditions and limitations of the pension laws of the United States, to commence on the —— day of April, 1865.

The report was read, as follows:

John W. Cummins was first lieutenant of Company C, Thirty-fifth Indiana Volunteers; that while on the march with General Buell's forces from Murfreesborough, Tenn., to Louisville, Ky., in 1863, and in the line of duty, he was attacked by epilepsy, from the effects of which he was compelled to resign on the 24th day of March, 1863. At this time he was given a certificate of disability by one of the surgeons of his regiment stating that he had incurred this disease, and that if he remained in the military service it would result in the loss of his mind. This disability is shown by neighbors and some of the physicians who have since prescribed for him to continue, and to be of such a character as at times to impair his mind and disqualify him from earning his living by manual labor.

The physician who treated him for a considerable portion of the time since his discharge has died, and during that period he can not produce medical testimony. The author of this bill, Hon. WILLIAM H. CALKINS, of Indiana, assures the committee that he presented these facts to the officers of the Pension Bureau, who stated that on account of this technicality a pension could not be obtained through the regular channels.

This case is urged by the adjutant-general of Indiana, by a large number of the former comrades of Lieutenant Cummins, as well as by a number of well-known prominent citizens of his portion of that State; and in view of these facts this committee has determined to recommend the passage of said bill, with the following amendments: Strike out all after the words "pension-roll," in line 6 of said bill, and insert instead these words: "subject to the provisions and limitations of the pension laws."

Mr. WARNER, of Ohio. Mr. Chairman, I would like to understand the technical difficulty why under the provisions of the existing law this pension could not have been granted by the Department.

Mr. MATSON. The fact was that the medical testimony necessary could not be produced on account of the death of the physician.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

IRENE BAKER.

The next business on the Private Calendar was the bill (H. R. 3606) granting a pension to Irene Baker. The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Irene Baker, an imbecile daughter of James Baker, late of Company H, Ninety-seventh Indiana Volunteers, and pay her a pension of $25 per month from and after the passage of this act.

The committee recommend the adoption of the following amendment:

In line 7, after the word "her," insert the words "legally constituted guardian," and strike out of the same line the words "twenty-five" and insert "eighteen."

Mr. WARNER, of Ohio. Let the report be read.

The report was read. It is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3606) granting a pension to Irene Baker, have had the same under consideration, and beg leave to report as follows:

James Baker was a private in Company H, Ninety-seventh Indiana Volunteers, and served his country faithfully as such for the period of three years. He died of disease contracted while in the military service, and his widow was then pensioned. She has since then married again, and all of the soldier's children are now ever sixteen years of age, and no pension is now paid on account of said soldier's death.

Irene Baker is one of the children of said James Baker, and is now about twenty-five years of age. She is a helpless imbecile, and there is no hope of any improvement in her mental condition, as she has been such from her infancy. She has no property and is now an object of charity. The testimony of Hon. William M. Franklin, now on the supreme bench of Indiana, and many other well-known gentlemen in Indiana, has been produced to prove the foregoing facts.

The committee therefore recommend the passage of the accompanying bill, with the following amendments: Strike out the words "twenty-five," in line 7 of said bill, and insert the word "eighteen;" and in the same line insert the words "legally constituted guardian" after the word "her."

Mr. WARNER, of Ohio. I dislike very much, sir, to rise for the purpose of opposing a pension bill of that kind; but it does seem to me that we must adhere to some principle with reference to this matter of granting pensions or else we will be all at sea. We must pension either for disability, service, or destitution.

Here is a case presented for our consideration where a pension is asked and recommended by the committee on the ground of need, of destitution. Is there anything else in the case? If so, it has not been shown by the report. If we establish a principle here that where an equitable case can be made up like this, if in such cases pensions shall be granted that are purely gratuities, pensions for destitution, for need, why then I am ready to act upon that principle, if it be the will of Congress to establish that as the principle on which pensions are to be granted. But since that is not the principle, I do think it is time that we come to some determination as to the ground upon which pensions are to be granted in the future in this country.

Mr. MATSON was recognized.

Mr. GOFF. Before the gentleman from Ohio takes his seat I would like to ask him a question.

The CHAIRMAN. The gentleman from Indiana has the floor.

Mr. MATSON. I will yield for the gentleman to ask a question.

Mr. GOFF. The question I wish to ask the gentleman from Ohio is this: if he does not think it ground sufficient for granting the pension in a case like this where the natural protector of the child is shown to have lost his life in the military service of his country? If he were living to-day he himself would protect and support this helpless child. But having given his life to the service of his country, I ask him if he does not think it incumbent upon the Government to stand in his place?

Mr. WARNER, of Ohio. In the case that the gentleman from West Virginia suggests there would be a pension under the law of but $8 a month, and the law is limited to minors in such cases.

Mr. GOFF. I did not understand the gentleman from Ohio as questioning the amount of this pension, but the principle.

Mr. WARNER, of Ohio. Generally the principle. I say that if we are to establish that system, it should be understood on what principle we are granting pensions. If we propose to grant pensions for service, destitution, or need, let us say so, and let it be distinctly understood. Now, the ground on which I stand is that there should be a uniformity in the practice of granting pensions, and if we are to grant a pension in this case or any similar cases we should grant it in all similar cases.

Mr. GOFF. I think we ought to do it in all such cases; but the gentleman seems to argue to the contrary.

Mr. WARNER, of Ohio. Because I think pensions should be limited strictly to disability.

Mr. GOFF. Disability?

Mr. WARNER, of Ohio. To disability alone. We have never departed from that principle but twice in this country, and they were two very bad precedents in my judgment. If we depart from that principle now and open up the doors to granting pensions for service or for destitution in all cases of need where there is any connection with the Army, then we may expect to see our pension-rolls not limited to one hundred millions of dollars annually, but extending to one hundred and fifty millions or over.

Mr. GOFF. Let me ask the gentleman, are there not now thousands of pensioners standing upon the pension-rolls exactly similar to this?

Mr. WARNER, of Ohio. I do not understand that there are. I understand that pensions have been granted strictly heretofore on account of disability incurred in the service and in the line of duty, first to the soldier, then to the widow and to the minor children or heirs. But further I understand that we have not gone beyond that principle excepting in an isolated case here and there where peculiar circumstances seemed to warrant it, and if we attempt to open the pension

laws and grant pensions for destitution or for service and without any regard to the length of time or kind of service, then I say we must expect to open up the doors of the Pension Office and increase our pension-rolls beyond what they now are, perhaps far beyond what any gentleman here imagines.

Mr. GOFF. Does not the report in the case show that the soldier lost his health by disease contracted in the service of his country?

Mr. WARNER, of Ohio. The report does show that.

Mr. GOFF. Then that brings it within the rule prevailing in almost all cases where pensions are granted for loss of health or life in the service, does it not?

Mr. WARNER, of Ohio. No; for in this case it is more properly a gratuity.

Mr. MATSON. The report shows that the father of this girl lost his life by reason of the service. That is admitted and verified by the Government in granting a pension to his widow after his death. Among a number of children that this soldier left was one helpless imbecile, who was such from her infancy. This pension is for her benefit. She is as much of a child now as she ever was, although she has passed the age of 16 years. The reason why $18 per month is recommended is because that sum is not more than sufficient to take care of such a helpless person. It is precisely the rate fixed in a case here to-night for the child of Colonel Murray, of the Pennsylvania volunteers—precisely the same rate as fixed by the committee in granting the pension to Mary E. Murray. She was not an imbecile, but is a helpless invalid.

Here is a case which certainly appeals to the sympathy and generosity of this Congress as strongly as any case could, where, as I have said, the child now is as much of a child as she ever was, and must remain so as long as she lives.

The proposition of this bill is to give her a pension of $18 a month; not more than enough to take care of her, during the rest of her life. Is it not right to do that thing, when the father by the admissions of the Government gave his life to his country and is no longer here to defend his helpless child?

Mr. WARNER, of Ohio. This case does appeal to our charities and our sympathies, as do all such cases. There is no question about that. But we know there are many just such cases. There is a very large number of them. But I want simply to bring the House to the position that if it is agreed that we shall grant pension in such cases, then we grant pensions on grounds of charity. There is no question about it, it is pure charity; and if we are to grant pensions on that theory, why then let us make it so general that we will admit all like cases.

Mr. MATSON. I desire to say once more for the benefit of the gentleman from Ohio that neither the Committee on Invalid Pensions nor this House in attempting to determine upon these special cases can lay down general rules by which to be governed. Each case must stand upon its own merits or fall for the want of merit. It is impossible, I repeat, as my friend from Tennessee suggested a while ago, to lay down any general rule. The very reason why Congress legislates upon these cases is because they are special and no general rules can be applied by which they may be adjudged and governed. While we might in one case refuse a pension, in another case where the facts were similar, perhaps, but not exactly the same, the committee would be inclined to grant one and so would the House. Each case must stand or fall upon the facts it represents; and certainly there are enough facts here to warrant the granting of this pension.

I want to say one word more in relation to this case. As I said, the widow of this soldier is remarried; and the Government has not paid a dollar to anybody on account of this soldier who died on account of his services to the Government. Now the committee ask $18 to be given to the helpless imbecile daughter.

The CHAIRMAN. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

THOMAS WARD.

The next business on the Private Calendar was the bill (H. R. 4036) to increase the pension of Thomas Ward, reported from the Committee on Invalid Pensions with amendments.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Thomas Ward, a soldier of the Union Army in the late war, to the sum of $50 per month, and such increase to the effect from and after the passage of this act.

The amendments reported by the committee were read, as follows:

Insert in line 5, after the word "Ward," the following: "Late of Company B, Eighty-ninth Regiment Illinois Volunteers."

Strike out of line 6 the word "fifty" and insert "forty."

At the end of line 6 strike out the word "the" and insert the word "take."

So that it will read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Thomas Ward, late of Company B, Eighty-ninth Regiment of Illinois Volunteers, a soldier of the Union Army in the late war, to the sum of $40 per month, and such increase to take effect from and after the passage of this act.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4036) to increase the pension of Thomas Ward, have had the same under consideration, and beg leave to report as follows:

This pensioner was wounded in front of Atlanta, Ga., and the left arm was amputated in consequence thereof. On this account he is now receiving a pension of $24 per month. He has proven that at the time he was discharged from the service, and ever since, he was suffered with chronic diarrhea, and that as a result of that disease he has suffered with enlargement of the liver, and paralysis of both legs has resulted, and he can move about now at all times with difficulty and sometimes not at all.

He is now allowed at the Pension Office all that can be given him unless he shows such a condition of total helplessness as to require the constant aid and attendance of another person. His condition is not such all the time, but the greater portion of the time it is.

In view of the foregoing facts, well established by the evidence of physicians who are attending him, as well as by other reputable testimony, this committee recommend the passage of said bill with the following amendments: Strike out the word "fifty," in line 6 of said bill, and insert instead thereof the word "forty;" and, after the word "Ward," in line 5 of said bill, insert the words "late of Company B, Eighty-ninth Regiment of Illinois Volunteers;" and, in line 6 of said bill, strike out the word "the" and insert instead thereof the word "take."

The amendments reported by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

MARY P. THOMPSON.

The next business on the Private Calendar was the bill (H. R. 1394) granting a pension to Mary P. Thompson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary P. Thompson, widow of James B. Thompson, late captain of Company F, One hundred and ninetieth Regiment of Pennsylvania Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. 1394) granting a pension to Mary P. Thompson, having considered the same, respectfully reports:

That a bill granting a pension to Mary P. Thompson was favorably reported to the Forty-sixth and Forty-seventh Congresses, and was passed in the House of Representatives of the Forty-seventh Congress. Your committee adopts the report made to the Forty-seventh Congress in this case as representing its views and recommendations, namely:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1519) granting a pension to Mary P. Thompson, having considered the same, respectfully report the following statement of facts and conclusions presented by the Committee on Invalid Pensions in the Forty-sixth Congress, in this case, as embodying the views of the committee, to wit:

That Mary P. Thompson, the petitioner, is the widow of James B. Thompson, late captain of Company F, One hundred and ninetieth Regiment of Pennsylvania Volunteers.

Captain Thompson entered the service May 15, 1861, as a member of Company G, First Regiment Rifles, Pennsylvania Volunteers, and then became captain of Company I, One hundred and ninetieth Regiment of Pennsylvania Volunteers, and was honorably discharged July 1, 1865, having continuously served from the beginning to the end of the war. He was brevetted major for gallant conduct in the spring of 1865, and was also a recipient of a medal granted by Congress.

He was captured during the war, and was a prisoner at Andersonville and other prisons for nearly seven months.

After his return from the Army, and at the time of his discharge, he was suffering from a severe pain in his breast, the result of a fall while he was in the act of capturing a flag at the battle of Gettysburg, Pa., and also from general debility, the result of exposure while a prisoner of war. He continued to suffer from the date of his discharge, in July, 1865, until the time of his death, August 31, 1875, part of the time having severe hemorrhages.

Captain Thompson failed to apply for a pension in his lifetime, and the applicant, his widow, says she has three children and is in necessitous circumstances.

The committee think that the case is deserving, and therefore recommend the passage of the bill which is herewith reported to the House.

Mr. WARNER, of Ohio. What pension does the bill grant?

Mr. BAYNE. No amount is stated.

Mr. WARNER, of Ohio. It is simply under the provisions of the pension laws?

Mr. BAYNE. Yes, sir.

The bill was laid aside to be reported to the House with a favorable recommendation.

MRS. MARY T. BARNES

The next business on the Private Calendar was the bill (H. R. 1406) granting a pension to Mrs. Mary F. Barnes; reported from the Committee on Invalid Pensions with amendments.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary F. Barnes, widow of Brig. Gen. Joseph K. Barnes, late Surgeon-General United States Army, and to pay her a pension at the rate of $50 a month.

The amendments of the committee were read, as follows:

In line 5 strike out "F" and insert "T."

Amend the title so as to read: "A bill granting a pension to Mrs. Mary T. Barnes."

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 1406, has had the same under consideration and beg leave to report as follows:

The applicant is the widow of the late Brig. and Bvt. Maj. Gen. Joseph K. Barnes, Surgeon-General United States Army, who died in Washington, D. C., April 5, 1883. General Barnes, at the time of his death, had served the Government with distinction from June 5, 1840, having participated in the Florida war against the Seminole Indians, in the war with Mexico, and in the war with the States in rebellion.

The committee beg leave to incorporate in the report the official order of Adjutant-General Drum, by order of General Sherman, and call attention to the

official order of the late Surgeon-General Crane. General Barnes died without leaving his family the means of support in their bereaved condition. The increase of pension to Mrs. Mary T. Barnes from $30 to $50 per month is a slight token of what the country owes to the widow of this gallant, distinguished, patriotic officer. The committee therefore report the bill referred to it, and recommend that it do pass.

[General Orders No. 22.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 5, 1883.

The following order has been received from the War Department and is published to the Army:

Bvt. Maj. Gen. Joseph K. Barnes, brigadier-general, United States Army (retired), late Surgeon-General of the Army, died at his residence in this city at 2 o'clock this morning. He entered the service as assistant-surgeon June 15, 1840; was promoted surgeon, with the rank of major, August 29, 1856; medical inspector, with the rank of lieutenant-colonel, February 9, 1863; medical inspector-general, with the rank of colonel, August 10, 1863; and Surgeon-General, with the rank of brigadier-general, August 22, 1864. He was retired from active service by operation of law June 30, 1882.

He served with distinction in the Florida war against the Seminole Indians, in the war with Mexico, and in the war with the States in rebellion. For faithful, meritorious, and distinguished services in this last war the brevets of brigadier-general and major-general, United States Army, were conferred upon him.

He was eminent, skillful, and successful in his profession as surgeon and physician, and distinguished for great administrative ability as the head of the Medical Department. Under the fostering care of Edwin M. Stanton, Secretary of War, he accomplished the successful establishment of the Medical History of the War and of the medical museum: and he brought the Medical Department to the highest state of efficiency.

During the troublous times of the late war he earned the unbounded confidence of the Secretary of War, Mr. Stanton, and held it unshaken to the last. At the time of the assassination of President Lincoln and the attempted assassination of Secretary Seward he attended the death-bed of the one and ministered with untiring energy and skill to the successful restoration of the other. So during the long illness of President Garfield he was one of the distinguished surgeons who for days and nights served with devoted duty in the sick chamber of the dying President. During these long protracted hours of anxiety and care his own health gave way, and from that moment to the time of his death he was an invalid.

His career was one of honor to himself and of great service to his country.

By command of General Sherman.

R. C. DRUM, *Adjutant-General.*

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 23, 1884.

Statement of the military service of Joseph K. Barnes, of the United States Army, compiled from the records of this office:

He was appointed assistant surgeon United States Army, June 15, 1840; assistant surgeon (captain) United States Army, February 11, 1847, and surgeon (major) United States Army, August 29, 1856; medical inspector United States Volunteers, with the rank of lieutenant-colonel, February 9, 1863; and medical inspector-general United States Volunteers, with the rank of colonel, August 10, 1863. The latter appointment was vacated August 31, 1864, he having been appointed Surgeon-General United States Army, with the rank of brigadier-general, to date from August 22, 1864.

For faithful and meritorious services during the war he received the brevet of major-general United States Army, to date from March 13, 1865.

He served at the United States Military Academy, West Point, N. Y., from July 10, 1840, to November 9, 1840, and in the field (Florida war) to July 15, 1843; on leave to October 15, 1843; on duty at Fort Jesup, La., to April 14, 1846; in the field (war with Mexico) to February 20, 1848; at Baton Rouge, La., to October 15, 1848; in the field and at Fort Croghan, Tex., to August 23, 1850; at Baltimore city and Fort McHenry, Md., to March 25, 1851; at Fort Scott, Mo., to October 10, 1852; at Fort Leavenworth, Kans., to May 7, 1853; and at Fort Riley, Kans., to October 20, 1853; awaiting orders at Philadelphia, Pa., and before medical examining board to December 20, 1853; on duty at the United States Military Academy, West Point, N. Y., from January 3, 1854, to June 1, 1857; at San Francisco, Cal., to some time in August, 1857; and at Fort Vancouver, Wash., to June 24, 1861; awaiting orders to August 22, 1861; on duty as medical director of General Hunter's command, in Missouri, to November 20, 1861; as medical director Department of Kansas, at Fort Leavenworth, to some time in March, 1862; on hospital duty at Saint Louis, Mo., to some time in May, 1862; at Washington, D. C., as attending surgeon and medical inspector to August 10, 1863; as medical inspector-general to September 3, 1863; as acting Surgeon-General to August 22, 1864; and as Surgeon-General United States Army to June 30, 1882; when, by operation of law, being over 64 years of age, he was retired from active service, under the provisions of section 1 of the act of Congress approved June 30, 1882. He died at Washington, D. C., April 5, 1883, of cirrhosis of the kidneys.

R. C. DRUM,
Adjutant-General.

Mr. WARNER, of Ohio. The Committee on Invalid Pensions propose in this bill to grant a pension of $50 a month to the widow of a general officer who received during a considerable part of his life some $400 a month for his services. We grant $8 a month to the widow of a private soldier who was killed during the war of the rebellion. On the one side of the street we may find living the widow of an officer who received $4,000 or $5,000 a year as compensation for his services receiving $50 a month, and on the other side the widow of a private soldier who lost his life on some battlefield, and she gets $8 a month. Now, that does not seem to me to be right. Whatever others may think about it, it does not seem to me to be right.

I acknowledge the meritorious services of Dr. Barnes. But many a soldier lies sleeping his last sleep on Southern battlefields who, if now living, might be as brilliant, might possess ability as great as that of Surgeon-General Barnes, and their widows receive pensions of only $8 a month. It is true we have passed one or two bills to-night granting pensions as high as $30 a month, the highest rate of pension given by general law. I do not think we should go above $30 a month in this case, any more than in the other cases which have come before us, of the widows of officers who were killed in service. Why should we single out the widow of an officer who received large pay during his whole life and grant her a high rate of pension, while we deny it to others? Whatever else we may do here, that is not just.

Mr. MCMILLIN. I do not know that anything that can be said on this bill will change the action of the Committee of the Whole upon such cases. But I agree with the gentleman from Ohio [Mr. WARNER] that while there are thousands, and tens of thousands, and scores of thousands of widows of private soldiers who are receiving pensions of only $8 per month, we should not be overhasty in increasing the pensions of those drawing larger pensions already than they do. On account of the larger salaries officers received they had a better opportunity to lay up money than did the private soldiers.

I have felt that it was right to say this much. Who is proposing to increase the pensions of the widows of private soldiers?

Mr. MATSON. This committee.

Mr. MCMILLIN. This committee? By general law?

Mr. MATSON. Yes; by a general bill which has been reported.

Mr. MCMILLIN. Then let this case wait and take its chance with the others. You propose to act with a hot haste in this case which does not characterize your action in the other cases. Let them all come up together.

You have a special order for to-night and for all Friday nights, for the consideration of pension bills only. I do not complain of that. I am willing to take up the work of this Congress at any time and at all times, let it come from what committee it may. But I do say that there is no excuse for acting with a haste for the increase of the pensions of the wives of officers which does not characterize your action in the case of the wives of private soldiers. This House can not justify itself in any such proceeding. Is it alleged that this lady is a pauper? Is she in indigent circumstances?

Mr. MATSON. Yes, she is.

Mr. MCMILLIN. Even if she is, are we justified in taking her case out of the general class of indigents and putting it in front of that general class? I do not think it is right. The Committee of the Whole can do as it pleases, and then the House succeeding the Committee of the Whole can exercise its pleasure. They all ought to be placed on the ground of merit, and then they can be justified. If it can stand that test I am content.

Mr. HENDERSON, of Illinois. Will the gentleman from Tennessee [Mr. MCMILLIN] permit me to ask him a question?

Mr. MCMILLIN. With pleasure.

Mr. HENDERSON, of Illinois. I ask the gentleman if he would make no distinction whatever between the widow of a soldier who enlisted and served perhaps a hundred days or twelve months, and the widow of a soldier, of an officer who gave his whole life to the service of his country?

Mr. MCMILLIN. I would answer that question in this way: that the pension of classes ought to be fixed by general law. If a greater pension is deserved on account of length of service, then let the amount be fixed by general law, and let that law apply to the widows of generals, of colonels, and of common soldiers who have served for a great length of time. I have no desire to detract from this soldier anything he has by hard service earned, but thought it proper to say this much.

Mr. HENDERSON, of Illinois. I do not like the distinction any better than does my friend from Tennessee [Mr. MCMILLIN] which is often made in these cases by this House. But it does seem to me that the gentleman ought to make a distinction, and this Committee of the Whole ought to make a distinction in cases where a man has given his whole life and died while in the service of his country.

Mr. MCMILLIN. Do it by a general law, and let the law apply to all cases of a similar kind.

Mr. HENDERSON, of Illinois. I do not know that you can do that very well.

Mr. WARNER, of Ohio. Will the gentleman from Illinois [Mr. HENDERSON] permit me to ask him a question?

Mr. HENDERSON. Yes, certainly.

Mr. WARNER, of Ohio. Does the gentleman think that the widow of an officer who has been in the regular service all his life and received regular Army pay all the time should receive a greater pension than the widow of an officer who was killed in battle?

Mr. HENDERSON, of Illinois. No; I do not.

Mr. WARNER, of Ohio. I question whether there ought to be any distinction at all on account of rank. I am not prepared to say that there ought to be any distinction; but certainly there ought not to be a distinction between widows of officers or soldiers in the regular and volunteer service. How is the widow in the one case entitled to more than the other?

Mr. HENDERSON, of Illinois. I would like to ask my friend from Ohio a question.

Mr. WARNER, of Ohio. Certainly.

Mr. HENDERSON, of Illinois. Why make any distinction between the pay of an officer and the pay of a soldier who serves in the ranks?

Mr. WARNER, of Ohio. There is a reason for that; there is greater responsibility in the one case than in the other. But I have very grave doubts whether there ought to be the difference in pensions which we are making here or any difference at all. In the case of the widow of a general officer who has received high pay during his whole life, who was not killed in battle, who did not die from any disease contracted in the service, so far as we know, but who died a natural death after

long service—to put the widow of such an officer on the pension-roll at a higher rate of pension than the widow of an officer killed in battle is an act of injustice that I can not see done here without at least entering my protest.

Brigadier-generals and major-generals and others in Government service must learn to save from the salaries they receive in the service if they would not leave their families in want.

Mr. ROSECRANS. What was the gentleman's own experience in saving?

Mr. WARNER, of Ohio. Well, the chances for saving were not very good when we were in the field and when we were paid in currency worth 40 or 50 cents on the dollar. But I do not know why an officer drawing four or five thousand dollars a year and serving at a permanent station for years can not save from his salary as well as men in civil life can save from their earnings. Let me tell my friend that the average earnings of the great mass of the people of this country are less, on the average, than $300 a year. Out of the 20,000,000 of our people who labor for their livelihood, 15,000,000 receive less than $300 each per annum; yet these are the people who in the end must pay these pensions.

Mr. VALENTINE. I would like to ask the gentleman a question. Is he a pensioner?

Mr. WARNER, of Ohio. I will answer that question by asking another: Does the gentleman from Nebraska [Mr. VALENTINE] draw pay for his services here?

Mr. VALENTINE. I do.

Mr. WARNER, of Ohio. Then why do you not vote to put everybody else on the pay-roll at the same rate of compensation?

Mr. VALENTINE. Now will the gentleman answer my question? I have answered his.

Mr. WARNER, of Ohio. Every man who lost a limb or was otherwise disabled in the military service is as much entitled to a pension as the gentleman is to his pay. The pension is compensation for loss of limb or other disability incurred in the service in the line of duty; and the pensioner is as much entitled to this compensation as the President of the United States is to his salary. It is compensation which was promised to the soldier by the laws when he entered the service. But if a man has suffered no disability, then under the law he is not entitled to this compensation.

Pension is not a gratuity nor a charity or ought not to be, but compensation for disability; and it ought to be suggestive of battle struggles, of wounds and scars, of disability incurred in the service of the country. It is, or ought to be, a roll of honor. It is not compensation to a man for mere patriotism, for having thought well of his country. It is everybody's duty to be patriotic, to serve his country in time of need. But only they who in that service become disabled are entitled to pensions. Ten thousand men, if you please, go into battle; nine thousand come out as well as when they went in; one thousand are killed or wounded. Now, they who in the exigencies of battle lose life or limb are entitled—they or their widows and children—to special compensation for this loss which they only have sustained. The whole idea of a pension is compensation to those who have suffered in this way in battle or campaigns. This principle is as old as war itself. Why, sir, it was the custom when war was waged for spoil alone to give to him who was wounded a double share of the booty. Pension as compensation for disability incurred in war is one thing; but to grant a large pension to the widow of a general officer who has drawn large pay all his life is quite a different thing.

Mr. VALENTINE. Now, will you please answer my question?

Mr. WARNER, of Ohio. What is your question?

Mr. VALENTINE. You have spoken about fifteen minutes, but have not answered my question.

Mr. WARNER, of Ohio. What is your question? I thought I had sufficiently answered it.

Mr. VALENTINE. I asked whether you draw a pension?

Mr. WARNER, of Ohio. The gentleman has no right to ask such a question as that here on this floor. It has nothing to do with the case before us.

Mr. VALENTINE. If you decline to answer, I do not press it.

Mr. WARNER, of Ohio. I answered the question, I thought, by asking whether you drew pay as a member of Congress, and if so, why you did not vote to put everybody else in the country on the pay-roll as a member of Congress. I am sure—and if my friend will not agree with me perhaps others will—that there are a great many quite as able as he to perform duty here.

Mr. VALENTINE. Now as the gentleman has declined to answer, I desire to ask him a question predicated on another question.

Mr. WARNER, of Ohio. I will answer the question directly. I was placed on the pension-roll immediately after the war.

Mr. VALENTINE. That is all right.

Mr. WARNER, of Ohio. No, I will not stop there now. I propose to go further. I have never referred on this floor to my own military record; but as this question has been raised a number of times, I will state that on resigning the commission I held from the President of the United States at the close of the war, with wounds still unhealed, I was placed on the pension-rolls from the record—without other evidence than the record shows; and I will say to the gentleman that if he can point to another soldier who suffered more than I suffered from wounds on the battlefield and from the knife of the surgeon and who is drawing less pension I will gladly give up mine, although I count it as much my due as the pay I now receive.

Mr. BAYNE. You deserved it.

Mr. VALENTINE. I raised no question as to that.

Mr. WARNER, of Ohio. But there have been reflections on this floor on this account.

Mr. VALENTINE. Not from me.

Mr. RANDALL. You meant it as such.

Mr. WARNER, of Ohio. I lay for more than six hours under the surgeon's knife, after it was made known to me that there was no possibility of recovery unless by such an operation as the records will show was performed and the ball which remained in my body was extracted; and for six long hours in this city I lay under the influence of chloroform undergoing the operations, during which time it became necessary to send to the office of the Surgeon-General whose case we are considering, and I may even be indebted to him, but that does not change my duty here. I think I have now answered the gentleman's questions.

Mr. RANDALL. I think the gentleman from Nebraska has left the field.

Mr. VALENTINE. For fear there may be some misunderstanding I wish to say——

Mr. SLOCUM. We are not considering the case of the gentleman from Ohio [Mr. WARNER]. I hope we shall come back to the pending bill.

Mr. WARNER, of Ohio. I regret that my case has been brought in here, and I did not allude to it till I was compelled to.

Mr. RANDALL. You are justified in all you have said.

Mr. WARNER, of Ohio. I think I am justified under the circumstances in what I have said. I do not ask gentlemen, however, to take what I have said, but ask you to go to the records of the War Department and the Surgeon-General's records.

Mr. VALENTINE. I am raising no question about the justice of your pension. I believe you were a brave officer and deserved all you received. But I wished to make the point in answer to what you said, that by reason of the fact you were an officer you had been granted a higher pension than you would if you had been a private soldier.

Mr. WARNER, of Ohio. My pension is not as large as that of private soldiers generally with the same disability. But I have said before that I have grave doubts whether there ought to be any distinction when you come to pension between an officer and a private soldier.

Several MEMBERS. Vote!

Mr. MATSON. Mr. Chairman, discussion as to the pension of others has nothing to do with this case. And I hope it will not be taken for or against pensioning the widow of General Barnes.

In reply to what was said by the gentleman from Tennessee [Mr. MCMILLIN] in relation to increasing the pensions of the widows of private soldiers, I wish to say that the Committee on Invalid Pensions suspended action on this very case of the widow of General Barnes until they had first disposed of the bill providing for increase of the pension of every widow of a private soldier from $8 to $12 a month. They refused to act on it, although the friends of Mrs. Barnes were pressing day by day to pass the bill for her relief. We declined until we had acted on the general bill for the benefit of the widows of the private soldiers. I say that much in justification of the action of the committee on this bill. [Applause.]

In relation to the criticism made as to placing the widow of General Barnes on the pension-roll and making her an exception, that is hardly true, because the widows of those who have served as long as General Barnes have in nearly every instance had their pensions increased from $30 to $50 a month. So that this is not an exceptional case. It is only following out in the line of well-established precedent in every case brought to the attention of Congress since I have been a member of this House.

I now yield to the gentleman from Virginia.

Mr. TUCKER. Mr. Chairman, I do not usually take part in the debates on pension bills, but I feel I would do injustice to myself if I did not say a word on this pending measure. I do not believe any man ever occupied a position in the line or staff of the Army of the United States who rendered more invaluable service to the country and gave it more distinction than the late Surgeon-General Barnes. I know the fact that, whatever gentlemen may say about the large pay he received on the staff or in the line of the Army, he had to reside in the city of Washington, where all a man's pay is absorbed in the expense of living. He left a family that needs this which the widow demands, and I appeal to you, I, a Southern man, I, an ex-rebel, I appeal to the House on both sides, North and South, whether they are not willing to give the widow of a man who for over forty years faithfully served his country, who did duty on the frontier, went to the city of Mexico with Scott's victorious legions, followed old Zach. Taylor almost to the battle of Buena Vista and would have gone there if he had not been ordered down on Scott's line, went through all the dangers of the Seminole war, and served in the Army during the civil war until he was advanced to the position of Surgeon-General; who stood by the bedside of the dying Lincoln and rendered invaluable service to the dying Garfield, and never

received any compensation for either—I ask if it is not a small matter when the widow comes here and asks the country he served so well to give her $50 a month? [Applause.]

Mr. WARNER, of Ohio. I shall ask for a quorum on this bill.

Mr. MATSON. If we are allowed to take the bill into the House I will see to it that it is not voted on unless a quorum is present.

Mr. WARNER, of Ohio. That is all I ask; that a quorum shall be present when it is disposed of.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. CRISP moved that the committee rise.

The committee divided; and there were—ayes 8, noes 47.

So the committee refused to rise.

MRS. ELLEN M. FLAGG.

The next business on the Private Calendar was the bill (H. R. 3238) granting a pension to Mrs. Ellen M. Flagg.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Ellen M. Flagg, widow of the late William H. Flagg, late a member of the Fifty-seventh Regiment Massachusetts Volunteers.

The report was read, as follows:

Ellen M. Flagg is the widow of William H. Flagg, Company G, Fifty-seventh Massachusetts Infantry. He enlisted February 27, 1864, and was honorably discharged May 31, 1865, for wounds received in service. He was granted an invalid pension (certificate No. 49183). His wounds were received at the battle of the Wilderness, a ball shattering both bones of left forearm, rendering it always after useless; and he also had two ribs fractured and the lung perforated, the ball passing around to his side, near the spine, where it was afterward found and extracted. In the same battle a ball passed through his cap and over the cranium, producing a concussion, from the effect of which he ever afterward suffered, causing him severe pains in the head and to become unconscious for hours. Recovering from these attacks, he would be prostrated and weak. He finally died in the infirmary at Cleveland, Ohio, January 1, 1880, whither he was taken from his room at a hotel where he was stopping in an unconsious condition, and remaining so until his death. His widow filed an application for pension June 26, 1880, which was rejected on the ground of lack of sufficient medical evidence that the soldier's death was the result of wounds contracted while in service.

The evidence in the case is as follows, namely:

Sarah Eliza Randall certifies that—

"Flagg was in good health before enlistment, &c.; complained of great pain in head at times after service, suffering extreme agony, ofttimes becoming unconscious; never had these attacks before the war."

James E. Robbins certifies:

"Lived in same house with Flagg two years; saw him every day; was in poor health; he would often fall from his chair, and while at work, suffering from the pains in his head, would be unconscious for hours, and after such attacks be prostrate for days."

Dr. Horatio W. Clapp testifies:

"No brain trouble before enlistment; always healthy," &c.

Martha P. Clapp corroborates the above.

Alexander Flagg certifies:

"Soldier was in good health at enlistment. After discharge had frequent attacks of acute brain disease and paroxysms of pain; never had brain trouble before enlistment."

B. W. Holliday, M. D., and Thomas Rome, steward at the Cleveland City Infirmary, certify that—

"Flagg was admitted to the institution December 30, 1879, in an insensible condition, and remained so until he died, two days later; that, as no *post mortem* examination was made, the real cause of death was unknown, as well as a history of the illness, to any one here."

There is no evidence showing treatment for this disease in civil life; but the indications are that, as the trouble was permanent and by him considered incurable, he endured it as best he could until death relieved him.

We think the evidence of neighbors and acquaintances as to the extent and frequency of his paroxysms of pain and insensibility, supported as it is by the manner of his death, as certified by Dr. Holliday and Steward Rome, show a condition which, had a *post mortem* been had, would have demonstrated that the cause of death was nearly connected with, and had its origin in, the injury to brain at the time the bullet passed through his cap, cutting into his hair, &c.

The committee therefore recommend the passage of the accompanying bill.

Mr. CRISP. I ask for a division on laying aside that bill.

The committee divided; and there were—ayes 52, noes 2.

Mr. CRISP. No quorum.

Mr. MATSON. I ask the gentleman from Georgia to state his objection to the bill now, so that we can go on with the Calendar.

Mr. CRISP. My objection to proceeding is that I think it is time to adjourn.

Mr. MATSON. I hope that will not be done until we have passed the bills in the House. It will not take fifteen minutes. I propose that we shall adjourn by 10 o'clock.

The CHAIRMAN. Does the gentleman from Georgia insist upon his point of order?

Mr. CRISP. I do, sir.

Mr. MATSON. It is evident that there is no quorum present, and if the gentleman insists upon the point it is not worth while to attempt to go on in the committee. Tellers will not develop a quorum, for it is plain that a quorum is not present.

Mr. BAYNE. We will get a quorum.

Mr. GOFF. Yes, if it takes all night.

Mr. MATSON. Let us pass these bills to-night. I move that the committee do now arise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. HEWITT, of Alabama, reported that the Committee of the Whole, having had under consideration the pension bills on the Private Calendar, had directed him to report sundry bills to the House, some with and some without amendments.

The SPEAKER *pro tempore*. The Clerk will report the bills without amendments first.

BILLS PASSED.

The following bills, reported from the Committee of the Whole House on the Private Calendar without amendments, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed, namely:

A bill (H. R. 4706) for the relief of Charlotte Day;

A bill (H. R. 4707) granting a pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick;

A bill (H. R. 1411) granting a pension to Martha M. B. McCullach, of Freeport, Pa.;

A bill (H. R. 1428) granting a pension to Cornelia A. Schultz;

A bill (H. R. 819) granting an increase of pension to Merritt Lewis;

A bill (H. R. 562) granting a pension to H. E. Van Trees;

A bill (H. R. 570) granting a pension to M. H. Clements;

A bill (H. R. 569) granting a pension to Reuben Marshall;

A bill (H. R. 2372) granting a pension to Michael Titler;

A bill (H. R. 4708) granting a pension to Moses Fullington; and

A bill (H. R. 1394) granting a pension to Mary P. Thompson.

The following bills, reported from the Committee of the Whole with amendments, were severally considered, the amendments agreed to, and the bills as amended ordered to be engrossed, read the third time, and passed, namely:

A bill (H. R. 1433) granting a pension to Mary E. Murray; and

A bill (H. R. 1391) granting a pension to Mary Eliza Dickson, widow of Dr. Thomas Dickson.

SARAH BRYAN LEET.

The next bill reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 2608) granting a pension to Sarah Bryan Leet, with an amendment.

Mr. STRUBLE. I would like to call the attention of the House to this case, for the reason that when the report was being read, if I understood it correctly, it stated that this soldier was a major, and had held some position upon the staff; and, further, that the recommendation of the committee, if I am not in error, was that his pension should be that of a private soldier. If I am correct in that I would like to know the reason why the pension is fixed at such a low rate.

Mr. MATSON. I think the gentleman is correct. Major Leet was on General Grant's staff. The bill provides that his widow shall be pensioned as the widow of a private of a battery, because the disease for which pension was granted was incurred while serving as a private soldier.

Mr. HOPKINS addressed the Chair.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment reported by the committee.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The following bills, reported from the Committee of the Whole House on the Private Calendar with amendments, were severally considered, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time and passed, namely:

A bill (H. R. 591) granting a pension to W. H. Blake;

A bill (H. R. 314) for the relief of John W. Cummins;

A bill (H. R. 3606) granting a pension to Irene Baker;

A bill (H. R. 4036) to increase the pension of Thomas Ward; and

A bill (H. R. 554) granting a pension to Joseph T. Caldwell.

MRS. MARY F. BARNES.

The next bill reported from the Committee of the Whole with a favorable recommendation was the bill (H. R. 1406) granting a pension to Mrs. Mary F. Barnes, with an amendment.

Mr. MATSON. I wish to say, Mr. Speaker, that I am informed by the gentleman from Virginia [Mr. TUCKER] that the gentleman from Ohio [General WARNER] has withdrawn all objection to this case and consents that a vote be taken upon it now. It will be remembered that it was understood it was to be passed over until a quorum was present.

Mr. TUCKER. I had an interview with the gentleman from Ohio, and he stated that he withdrew all objection to a vote upon the bill.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MATSON moved to reconsider the votes by which the several pension bills were passed, except the bill (H. R. 2608) granting a pension to Sarah Bryan Leet; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. SARAH BRYAN LEET.

Mr. HOPKINS. I tried to get recognition from the Speaker, but bills were being rushed through on their passage so rapidly that I was not heard in regard to the bill (H. R. 2608) granting a pension to Sarah Bryan Leet. I desire to move a reconsideration of the vote by which that bill was passed with the view of moving an amendment.

The SPEAKER *pro tempore*. If the Chair had understood that the gentleman's object in rising was to obtain recognition for that purpose it would have been accorded to him then. The gentleman from Pennsylvania now moves to reconsider the vote by which the bill indicated was passed.

The motion to reconsider was agreed to.

Mr. HOPKINS. I move to amend by striking out "$8 a month" and inserting "$25 a month," for the reasons suggested by the inquiry of the gentleman from Iowa [Mr. STRUBLE]. Mr. Leet contracted the disease of which he died as a private, and the committee for that reason allowed only the pension granted to a private soldier.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that the words "$8 per month" are not in the bill. The Clerk will report the bill as it passed the House.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Sarah Bryan Leet, widow of George K. Leet, late a private in Cooley's Independent Battery.

Mr. HOPKINS. Then I move to amend by adding the words "at the rate of $25 per month."

I was about to state that this officer contracted the disease while serving as a private, that he continued to serve during the war, and that he was adjutant-general on General Grant's staff, and that while he continued to serve in that capacity he aggravated the disease from which he died. I think it right the widow with five little children left helpless should have a pension in accordance with the rank her husband held most of the time of his service and which he held when he died.

Mr. MATSON. The amendment proposed by the gentleman from Pennsylvania [Mr. HOPKINS] fixing the rate at which this lady would be pensioned would confine her to that rate and would give no pension at all to the children. Under the bill as reported by the committee the widow would draw a pension of $8 per month, and each child, five in number, would draw $2 per month, making $18 in all. The proposition of the gentleman from Pennsylvania is to give $25 per month. That fixes the pension for the widow at $25, and it would stop there. If that amendment is made the case does not go on the pension-roll subject to the limitations and provisions of the pension laws, but the rate is fixed by law. When the bill fixes the rate of pension the general law ceases to operate. The special law itself controls the sum to be paid as a pension. So that the amendment would increase the pension to this family $7 a month.

Now, our committee considered the case very thoroughly, and while I have no disposition to make any captious opposition to the amendment, I will say we thought under the circumstances it was right to pension this widow at the rate at which her husband would have been pensioned if he had been the pensioner; because the proof was very clear that the disease was incurred while he was a private, not while he was a major, and our committee so decided, I think, without any objection on the part of any member of the committee.

We leave the matter, however, to the House. It is not a matter about which we are disposed to be captious at all. We wish the House to decide as in its judgment it sees fit, remembering, however, that there are a large class of persons who are now pensioned as private soldiers because of wounds or diseases contracted while they were private soldiers who afterward became officers, and that the rule has not heretofore been violated so far as we are informed.

Mr. HOPKINS. Inasmuch as the services in this case as a private soldier were rendered during a comparatively small portion of Major Leet's military service, the great bulk of them and the more distinguished services being rendered in higher rank, I appeal to the gentlemen to grant this additional pension. Although it is a small sum, it will be considerable to this family.

Mr. BROWN, of Pennsylvania. I desire to call the attention of the committee to the fact that the chairman of the Committee on Invalid Pensions has stated a very good principle that we are not adhering to precedents or to rules that have been heretofore established. We are passing upon each specific case upon its especial merits, and it appears to me that this case has the merits.

Mr. CULLEN. It occurs to me, Mr. Speaker, the question of precedents having been referred to, that to adopt this amendment would introduce a precedent that would be exceedingly dangerous. There are thousands of cases perhaps on the pension-rolls to-day of this class—men who received disabilities while private soldiers, afterward for meritorious conduct were promoted from one grade to another until many of them received a high rank. These are receiving from the Pension Office, under the law, only the pensions that private soldiers are entitled to, and the question with us is whether or not in making this an exception we would not be doing manifest injustice to this very large class of men who are receiving pensions in the regular order under the law, and whether it would not bring before this House and the Congress of the United States many cases, in the aggregate perhaps thousands of cases from year to year, in which an increase would be demanded on equally good grounds with those on which this is claimed.

I think, sir, that the committee in this case exercised a sound discretion. There is but little difference in the amounts that would be received by this family for the present at least; and for one I should feel a great deal of hesitancy in making this a marked exception.

Mr. GOFF. I do not desire to oppose what the gentleman from Pennsylvania [Mr. HOPKINS] seeks to accomplish by his motion. I only want to suggest to him whether or not by his amendment he may not do an injustice to the children of this dead soldier. As I understand the law at the present time, in case this widow should die to-morrow——

Mr. MATSON. Or remarry.

Mr. GOFF. Or remarry, the pension proposed by the Committee on Invalid Pensions would continue to the children. But should the amendment of the gentleman from Pennsylvania [Mr. HOPKINS] be adopted, in case of the death of the widow the pension would stop altogether, and the children would get nothing. I suggest to the gentleman whether his amendment is really in the interest of the children.

Mr. BAGLEY. I wish to say that this morning there came before the Committee on Invalid Pensions a gentleman suffering evidently from great disability. He incurred that disability while a private, but was afterwards promoted to a lieutenant. His pension was the pension of a private, and he came before us asking that a special act be passed increasing his pension; a case precisely like this. The committee refused absolutely to do anything of the kind. I think if we change the rule which has heretofore been operating and amend this bill as proposed by the gentleman from Pensylvania [Mr. HOPKINS] we will be overrun by cases of this character. I think the action of the committee was exactly right.

Mr. STRUBLE. Inasmuch as I propounded an inquiry in reference to this case, I desire to say that after the explanation which has been made by the chairman of the Committee on Invalid Pensions [Mr. MATSON] I doubt very much if it is wise to make the proposed change in the rule which has heretofore been operating in such cases and to establish a new precedent like this. For one, I do not think it is wise to do so.

Mr. HOPKINS. I am of course not familiar with what the precedents have been, but in view of the statements which have been made as to the effect upon the minor children I will withdraw my amendment.

The SPEAKER *pro tempore*. The amendment having been withdrawn, the question recurs upon the passage of the bill.

The question was taken; and the bill was passed.

Mr. MATSON moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MATSON. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BISBEE: Petition of citizens of Florida, praying for an appropriation of lands in the State of Florida for the permanent endowment of the Florida University—to the Committee on Education.

By Mr. CARLETON: Petition of E. W. Griffith, J. Spaulding, J. G. Parker, and many others, for further legislation on finance, &c.—to the Committee on Banking and Currency.

By Mr. COLLINS: Memorial of Edwin Reed, William Aspinwall, and others, shareholders in and creditors of the Pacific National Bank of Boston, Mass., for an investigation of the affairs of that bank and the conduct of Government officials in connection therewith—to the same committee.

By Mr. CONNOLLY: Petition of Thomas Sullivan and 111 others, citizens of Jermyn, Lackawanna County, Pennsylvania, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. CONVERSE: Petition of James B. Pond and 100 others; of James McCrills and 47 others, of Munson; of Charles Fletcher and 26 others, of Melvin; of Thomas Browning and 27 others, of Oakland County; of J. E. Cheney and 20 others, and of Andrew McGregor and 27 others, all citizens and wool-growers of Michigan, remonstrating against the passage of the Morrison tariff bill and praying for the restoration of the tariff of 1867 on imported wool—to the Committee on Ways and Means.

By Mr. COSGROVE: Petition of Jesse Herd, to extend the time to apply for bounty by soldiers of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. CUTCHEON: Petition of citizens of Otisco, Mich., asking for a soldiers' home in Michigan—to the Committee on Military Affairs.

By Mr. ELLIS: Memoral of citizens and business men, praying for repeal of tonnage tax—to the Committee on Commerce.

By Mr. FYAN: Papers relating to the claim of William A. Carr—to the Committee on War Claims.

By Mr. GRAVES: Papers relating to the claim of David Waldo & Co.—to the Committee on Claims.

By Mr. HALSELL: Papers relating to the claim of J. H. Dennis—to the same committee.

By Mr. HANBACK: Two petitions of citizens of Kansas, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. LACEY: Protest of S. A. Watt and 50 others, and of L. M. Hutchins and 20 others, citizens of Ionia, Mich., against the passage of section 3 of House bill 2301—severally to the Committee on Military Affairs.

By Mr. CHARLES O'NEIL: Resolutions of Vessel-Owners and Captains' Association, of Philadelphia, favoring the abolition of compulsory pilotage—to the Committee on Commerce.

By Mr. J. J. O'NEILL: Petition asking for equalization of watchmen at subtreasury building at Saint Louis—to the Committee on Labor.

By Mr. PETERS: Paper relating to the claim of John Banks—to the Committee on War Claims.

By Mr. WARD: Petition of Rich Mountain Post, Grand Army of the Republic, Department of Indiana, for legislation in behalf of soldiers of the war for the Union—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. J. D. WHITE: Papers relating to the claims of James Delong and others—to the Committee on War Claims.

By Mr. WILKINS: Papers relating to the pension claim of Rachel A. McGowan—to the Committee on Invalid Pensions.

By Mr. WILLIS: Petition of citizens of Lewis County, Tennessee, for passage of the Blair bill or some similar bill granting Federal aid for educational purposes—to the Committee on Education.

By Mr. YAPLE: Resolution of Soldiers' Reunion Association of Southwestern Michigan, relative to the establishment of a national soldiers' home in Michigan—to the Committee on Military Affairs.

By Mr. YOUNG: Papers relating to the claim of W. W. Jackson—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 8, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

FEES AND EARNINGS OF UNITED STATES MARSHALS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement from the records of his Department showing the past fees and earnings per annum of each United States marshal from 1873 to 1883, in compliance with a resolution passed by the House of Representatives January 16, 1884; which was referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. SLOCUM, for two days.

To Mr. CHACE, until Monday next.

To Mr. BEACH, until Thursday next, on account of a death in his family.

TELEGRAPH LINES OF SUBSIDIZED RAILROADS.

Mr. CASSIDY. Through an inadvertence a few days ago a communication from the Secretary of the Interior concerning telegraph lines belonging to the subsidized railroads, in response to a call for information by the Committee on the Post-Office and Post-Roads, was referred to the Committee on Pacific Railroads. I ask unanimous consent that the reference be changed.

There was no objection, and the communication was accordingly referred to the Committee on the Post-Office and Post-Roads.

COPYRIGHT OF NEWS.

Mr. DUNN. I ask unanimous consent to have printed in the RECORD a short memorial in relation to a proposed bill providing for a copyright of the news of the day, and that the memorial be referred to the Committee on the Judiciary.

There was no objection, and it was ordered accordingly.

The memorial is as follows:

To the Senate and House of Representatives
of the United States in Congress assembled:

Your memorialist respectfully represents that he is in receipt of the following communication, the contents of which he has every reason to believe to be true, namely:

SAINT LOUIS, *January* 26, 1884.

DEAR SIR: We understand from undoubted authority that a committee representing the metropolitan press is now in Washington engaged in lobbying to secure the passage of a law by Congress to copyright news matter for forty-eight hours after publication. The intention evidently is to legalize a gigantic monopoly of news, and to make it unlawful for the minor newspapers and country press to reproduce current news during the period when it has much value. You will readily see that the projected law would injure and almost destroy the weaker newspapers of the country, and put them at the mercy of the great overgrown newspapers of the large cities. This is a matter in which you and we and the general public have a deep interest. Under the circumstances we feel free to urge you to write immediately to your member of Congress and to any friends you may have either in the House or Senate, acquainting them with the scope of the proposed legislation, and urging them to oppose it.

Your prompt action in this matter may determine the fate of the bill.

Yours, fraternally,

A. N. KELLOGG NEWSPAPER COMPANY.

Your petitioner states that, so far as he is informed, this is perhaps the first effort that was ever made in this or any other civilized country to secure a monopoly of the current news of the day and to place an embargo upon its free transmission and dissemination through the columns of the newspaper press of the country. This foolish measure would, for instance, prevent an afternoon paper in Louisville from republishing anything from the Cincinnati or Indianapolis papers of the same morning. It would prevent the transmission by telegraph of any special matter which may appear in any paper. It would be absolutely fatal to the country newspapers; and the member of Congress who votes for it will drive a nail in his political coffin which will never pull out.

It is not likely the Associated Press could hire any respectable journalist to advocate so foolish and unpopular a measure.

Wherefore your petitioner prays that said measure be not passed.

FRANK M. DAULTON,
Editor and Publisher Green County Events, Arkansas.

REDUCTION OF THE TARIFF.

Mr. PHELPS. I ask unanimous consent to have printed in the RECORD some resolutions adopted by the senate of New Jersey, and which were passed by the votes of members of both political parties.

The SPEAKER. The resolutions will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Resolutions adopted by the Senate February 25, 1884.

Whereas a bill has been introduced in the House of Representatives by Hon. WILLIAM R. MORRISON, chairman of the Ways and Means Committee, the object of which is a general reduction of tariff duties as now levied; and

Whereas the passage of said bill would materially affect, if not absolutely destroy, the great industries of this State, particularly those of iron, silk, woolen, glass, and the potteries; and

Whereas it is a recognized fact that the duties now levied upon articles produced and manufactured in the State are not more than sufficient for the protection of those engaged in the work of producing and manufacturing the same: Therefore,

Resolved, That as any further reduction in the tariff will bring the duties below the point needed for protection and militate against labor by compelling our manufacturers and producers to compete in their own markets with the products of cheap labor of foreign countries, we earnestly request our Senators and Representatives in Congress to use their efforts and votes to defeat the Morrison bill or any other measure which may come before them having for its object the reduction of the duties upon articles manufactured or produced in this State; and

Resolved, That we affirm our belief in the principle of protection as applied to all American industries, including raw materials which are the products of American labor as well as manufactured articles; and that we look with fear and apprehension upon the doctrine of——

Mr. TOWNSHEND [interrupting the reading]. If that memorial is much longer I shall be compelled to object to its further reading.

Mr. PHELPS. There are but a few lines more.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. PHELPS]?

Mr. TOWNSHEND. I object.

Mr. PHELPS. I would like to remark that these resolutions were passed by Democratic votes——

Several MEMBERS. Regular order.

The SPEAKER. There is nothing before the House.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is the call of committees for reports.

CLERK FOR COMMITTEE ON EDUCATION.

Mr. SPOONER. I desire to present a privileged report. The Committee on Accounts, to whom was referred a resolution authorizing the employment of a clerk by the Committee on Education, have directed me to report back the same and to recommend the adoption of a substitute.

The SPEAKER. The report of the committee will be read.

The Clerk read as follows:

Mr. SPOONER, from the Committee on Accounts, submitted the following report:

The Committee on Accounts, to whom was referred the resolution of Mr. AIKEN, "That the Committee on Education be, and are hereby, authorized to employ a clerk," respectfully report:

That the amount and importance of the business assigned to the consideration of the Committee on Education, under the rules of the House, seem to justify the allowance of a clerk to said committee during the session of the present Congress.

They therefore recommend the passage of the following substitute, viz:

Resolved, That the Committee on Education be allowed a clerk during the sessions of the Forty-eighth Congress, who shall be paid out of the contingent fund of the House at the same rate now paid House committee clerks who are employed during the sessions only.

The SPEAKER. The question is on the adoption of the substitute reported by the Committee on Accounts.

The substitute was agreed to.

The SPEAKER. The question in now upon the adoption of the resolution as amended.

Mr. COSGROVE. I ask that the report of the committee be again read.

The Clerk again read the report.

Mr. RANDALL. I wish to ask whether the Committee on Education has not already a clerk in conjunction with some other committee?

Mr. SPOONER. One of the thirty-two clerks provided for in the resolution recommended by the Committee on Accounts was assigned to the Committee on the Library.

Mr. RANDALL. If this additional clerk is necessary, I am in favor of the proposition; but I wish information on the subject.

Mr. SPOONER. The clerk assigned to the Committee on the Library was also authorized to act for the Committee on Education. But the Committee on Accounts, to whom the resolution now under consideration was referred, have heard the statement of the gentleman from South Carolina [Mr. AIKEN], the chairman of the Committee on Education, and are satisfied——

Mr. GEORGE D. WISE. Will the gentleman tell us how many bills are before the Committee on Education?

Mr. SPOONER. In a few moments I shall be glad to give to the gentleman from South Carolina an opportunity to make that statement, which he can do much better and more fully than I should be able to do. The Committee on Accounts were quite satisfied that the importance of the Committee on Education and the amount of its business justify the employment of this clerk, and we have accordingly made this recommendation. I now give way to the gentleman from South Carolina, the chairman of the Committee on Education.

Mr. AIKEN. I was instructed by the Committee on Education to ask for additional clerical help. We have had assigned to our committee a clerk who is also clerk for another committee. As to how many bills have been referred to our committee, I am just now unable to state the number; but I will merely say to the gentleman from Virginia [Mr. GEORGE D. WISE] that if he will consult our docket he will find the record of the bills committed to us fills twenty-five or thirty pages.

This House has imposed upon us duties which no member of the committee will consent to perform, and which I, as chairman of the committee, declare I can not perform without additional clerical help. Why, sir, I would like to go through the history of this assignment of committee clerks, if I had an opportunity. [Cries of "Go on!"] I do not wish to monopolize the time of the House, but will simply say that if clerical help be not given to us, our work can not be performed. Our committee is not like the Committee on the Militia, that has not yet had a meeting, but has had its clerk sitting idle for three months. We have met sometimes twice a week, and have met once or twice without a clerk. I repeat that the House has assigned to us duties which no member of the committee will perform without additional clerical help. The Committee on the Library, the secondary services of whose clerk we have been using, have told us that they need the time of their clerk. I repeat that if the work of this House is to go on so far as our committee is concerned, we must have additional help.

Mr. WILLIS. I would like to make two brief statements. In the first place, the clerk of the Committee on the Library, who has been assigned also to the Committee on Education, has had additional duties thrown upon him because of the increased jurisdiction of the Committee on the Library, so that he has now no time to give to the Committee on Education.

In the second place, this House, by a resolution passed six or seven days ago, has imposed upon the Committee on Education the duty of investigating the condition of all the agricultural colleges of the country, and this duty alone would be more than sufficient to require the continual services of a clerk.

The question recurred on the adoption of the resolution as amended.

The House divided; and there were—ayes 124, noes 14.

So the resolution as amended was adopted.

Mr. SPOONER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move to dispense with the morning hour for the call of committees for reports.

The motion was disagreed to—two-thirds not having voted in favor thereof.

CALL OF COMMITTEES.

Mr. CLAY called for the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports.

NORTH CAROLINA CONTESTED-ELECTION—POOL VS. SKINNER.

Mr. TURNER, of Georgia, from the Committee on Elections, to which was referred resolution of the House adopted on the 19th day of December last, as follows:

Resolved, That Thomas G. Skinner be sworn in, and that it be referred to the Committee on Elections, when appointed, to report at the earliest practicable moment whether the said Thomas G. Skinner was elected from the first Congressional district of North Carolina as created before the last Congressional apportionment of Representatives in Congress, or from a district in North Carolina created in that State since the election of Walter R. Pool, deceased; and to further report whether in the judgment of said committee said Skinner was elected from the proper district—

Submitted a report, concluding with the following resolution:

Resolved, That Thomas G. Skinner retain his seat without prejudice to the ultimate right to the seat involved in the contested-election case of Charles C. Pool *vs.* Thomas G. Skinner—

Which was ordered to be printed, and laid over for the present.

Mr. TURNER, of Georgia. I wish to give notice, Mr. Speaker, that at an early day next week I will call up the resolution reported by the Committee on Elections for the decision of the House.

Mr. RANNEY. I ask by unanimous consent to be permitted to present the views of the minority hereafter, as they are not now quite ready, and that an order be entered that they be printed with the majority report.

There was no objection, and it was ordered accordingly.

TARIFF COMPILATION.

Mr. MILLS, from the Committee on Ways and Means, to which was referred the resolution of the House of March 5, 1884, instructing the Committee on Ways and Means to inquire and report as to the propriety of procuring for the use of Congress and printing Senate Document No. 46, first session Forty-sixth Congress, with additional data to be furnished by the compiler thereof, showing the imports and duties from 1867 to 1883 inclusive, and a compilation of exports, the growth, produce, and manufacture of the United States, from 1879 to 1883 inclusive, in which the quantity, value, and unit of quantity of each article is given by fiscal years and decades, also the value exported to each country and value from each State, prepared by Charles H. Evans, of the Treasury Department, reported joint resolution (H. Res. 193) to provide for printing certain documents relating to customs revenues and domestic exports for the use of Congress; which was read a first and second time, and referred to the Committee on Printing, and ordered to be printed.

ILLINOIS JUDICIAL DISTRICT.

Mr. MOULTON, from the Committee on the Judiciary, reported back with amendment the bill (H. R. 240) to divide the State of Illinois into three judicial districts and to provide for holding courts therein; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

APPEALS IN WRITS OF HABEAS CORPUS.

Mr. POLAND, from the Committee on the Judiciary, reported, as a substitute for H. R. 2841, the bill (H. R. 5691) to amend section 764 of the Revised Statutes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ESTABLISHMENT OF LIGHTS AND LIGHT-HOUSES.

Mr. REAGAN, from the Committee on Commerce, reported back bills of the following titles; which were referred to the Committee on Appropriations:

A bill (H. R. 2951) to establish a first-order light-house and fog-signal on Destruction Island, Washington Territory.

A bill (H. R. 2952) establishing a light-house at the entrance of Gray's Harbor, Washington Territory; and

House bills 3734 and 4542, to establish lights on the Hudson River.

COLLISIONS AT SEA.

Mr. DUNN, from the Committee on Commerce, reported, as a substitute for H. R. 1387, a bill (H. R. 5692) to adopt the revised international regulations for preventing collisions at sea; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MRS. CATHERINE HARRIS.

On motion of Mr. SLOCUM, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 2244) for the relief of Mrs. Catherine Harris; and the same was referred to the Committee on War Claims.

ADVERSE REPORTS.

Mr. SLOCUM, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1037) for the relief of Benjamin Alvord; and

A bill (H. R. 4187) granting permission to dig for treasure and minerals upon the Government lands at West Point, N. Y.

OUTBOUNDARIES OF INDIAN RESERVATIONS.

On motion of Mr. STEVENS, the Committee on Indian Affairs was discharged from the further consideration of the letter of the Secretary of the Treasury in reference to an appropriation for surveying outboundaries of Indian reservations and the arable lands therein; and the same was referred to the Committee on Appropriations.

PUBLIC BUILDING, DULUTH, MINN.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 848) to provide for the erection of a public building in the city of Duluth, State of Minnesota;

which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY THROUGH COLUMBUS BARRACKS.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, also reported back with an amendment the bill (H. R. 1216) granting right of way through the Columbus Barracks grounds for railroad purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, AKRON, OHIO.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, also reported, as a substitute for H. R. 4585, a bill (H. R. 5693) to provide for the erection of a public building at Akron, Ohio; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WILLIAM C. DODGE.

Mr. VANCE, from the Committee on Patents, reported back with an amendment the bill (H. R. 4670) for the relief of William C. Dodge; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT L. WILLEY.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back the bill (H. R. 709) granting a pension to Robert L. Willey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ORRIN WALKER.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 3656) granting a pension to Mrs. Orrin Walker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ELLEN CALL LONG AND MRS. MARY K. BREVARD.

Mr. OCHILTREE, from the Committee on Claims, reported back the bill (H. R. 4403) for the relief of Mrs. Ellen Call Long and Mrs. Mary K. Brevard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. ROGERS, of New York, from the Committee on War Claims, reported back with an adverse recommendation the petition of R. H. Hoffman for relief; which was ordered to be laid on the table and the accompanying report printed.

Mr. TULLY, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 5036) for the relief of Margaret T. Dugan; which was ordered to be laid on the table and the accompanying report printed.

Mr. EVERHART, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 2846) for the relief of the heirs of Martin Webb, deceased; which was ordered to be laid on the table and the accompanying report printed.

Mr. EVERHART, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 3787) for the relief of Mrs. E. G. C. Abbott; which was ordered to be laid on the table and the accompanying report printed.

OUTERBRIDGE HORSEY.

Mr. GUENTHER, from the Committee on the District of Columbia, reported back the bill (H. R. 4089) to empower the commissioners of the District of Columbia to examine the claim, and providing for the payment of Outerbridge Horsey, assignee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CONVICT LABOR.

Mr. OATES, from the Committee on Revision of the Laws, reported, as a substitute for House bill 5373, a bill (H. R. 5694) to prescribe the regular hours of labor imposed upon and required of persons heretofore convicted, or who may hereafter be convicted, in the courts of the United States and imprisoned under sentence of said courts at labor or with hard labor; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. OATES, from the Committee on Revision of the Laws, also reported back with an adverse recommendation the bill (H. R. 4481) to amend section 3013 of the Revised Statutes; which was ordered to be laid on the table and the accompanying report printed.

TENURE OF OFFICE.

Mr. MUTCHLER, from the Committee on Reform in the Civil Service, reported back the bill (H. R. 4460) to repeal sections of the Revised Statutes restricting the term of certain offices to four years, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. SEYMOUR, from the Committee on Reform in the Civil Service, reported back with an adverse recommendation the bill (H. R. 646) to reform the civil service; which was ordered to be laid on the table and the accompanying report printed.

PURCHASE OF FOREIGN-BUILT SHIPS.

Mr. SLOCUM. I wish, Mr. Speaker, to present at this time the views of the minority of the Select Committee on American Ship-building and Ship-owning Interests on the bill with reference to the purchase of foreign-built ships, with a substitute for said bill.

The SPEAKER. The Chair will state to the gentleman from New York that the minority cannot report a substitute for the bill. It may be offered as a substitute for the bill in the House when the bill is up for consideration.

Mr. COX, of New York. The minority of the committee had leave to report in this case.

The SPEAKER. The House gave leave to the minority to present its views, but not to report a bill as a bill; that is, one which will go upon the Calendar.

Mr. COX, of New York. I think there will be no objection in the present case.

The SPEAKER. The Chair will endeavor to ascertain the number of the bill upon which the minority desire to submit their views.

Mr. DINGLEY. I have the report of the committee upon that bill in my hands.

The SPEAKER. Then the report of the committee should be first presented; afterwards the views of the minority.

Mr. DINGLEY, from the Select Committee on American Ship-building and Ship-owning Interests, reported back with an adverse recommendation the bill (H. R. 3230) amendatory of title 48 of the Revised Statutes of the United States so as to authorize the purchase of foreign-built ships by citizens of the United States in the foreign carrying trade; which, on his motion, with the adverse recommendation, was placed on the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. SLOCUM, from the Select Committee on American Ship-building and Ship-owning Interests, submitted the views of the minority on said bill; which were ordered to be printed, and placed on the Calendar with the report of the committee.

PENSIONS, BOUNTY, AND BACK PAY.

Mr. WARNER, of Ohio, from the Select Committee on Payment of Pensions, Bounty, and Back Pay, submitted the report of certain testimony, documents, interviews, and other papers relating to the said subject; which were ordered to be printed and recommitted to the committee.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of standing and select committees for reports.

Several members called for the regular order.

Mr. MORRISON addressed the Chair.

Mr. COBB. I desire to offer a resolution of inquiry for present consideration, and ask the gentleman from Illinois [Mr. MORRISON] to yield to me for that purpose. The resolution relate to a matter of importance.

Mr. MORRISON. I yield to the gentleman from Indiana.

LANDS PURCHASED FROM SEMINOLE INDIANS.

Mr. COBB, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Interior be requested to immediately inform this House if any portion of the lands purchased from the Seminole Indians under treaty of March 21, 1866, have been surveyed and divided into townships, ranges, sections, and quarter-sections; and, if so, to state what portion of said lands have been surveyed, under what law, and for what purpose the survey was made.

Mr. COBB moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MORRISON. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering revenue bills.

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Post-Office appropriation bill.

The SPEAKER. The motion can not be made that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the post-office appropriation bill. It may be made that the House shall resolve itself into committee for the purpose of considering general appropriation bills.

Mr. TOWNSHEND. Very well. I make that motion.

The SPEAKER. The gentleman from Illinois [Mr. MORRISON] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue. Pending that the gentleman from Illinois [Mr. TOWNSHEND] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. RANDALL. I will ask the yeas and nays on the motion of the gentleman from Illinois [Mr. MORRISON], as debate not being in order I can not indulge in it.

The SPEAKER. The Chair thinks under the rule the vote must be first taken on the motion of the gentleman from Illinois [Mr. MORRISON].

Mr. HISCOCK. Did the gentleman from Illinois [Mr. MORRISON] announce the purpose for which he moves that the House resolve itself into Committee of the Whole House on the state of the Union?

Mr. MORRISON. I did; for the purpose of considering revenue bills.

A MEMBER. The bonded whisky bill.

Mr. COX, of New York. Would it be in order to move to proceed to the consideration of bills on the Speaker's table?

The SPEAKER. That motion can be pending, but the others must be put first.

Mr. COX, of New York. Which would take precedence?

The SPEAKER. The two motions which have already been made take precedence.

Mr. COX, of New York. I make the motion that the House proceed to the consideration of bills on the Speaker's table.

Mr. KEIFER. On which motion does the Chair state that the vote shall be taken first?

The SPEAKER. On the motion made by the gentleman from Illinois [Mr. MORRISON], who moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering revenue bills.

Mr. KEIFER. I make the point that it is not in order to state in the motion the purpose for which the House is asked to go into committee. It is simply in order to move that the House resolve itself into Committee of the Whole House on the state of the Union. Then the rule fixes what bills shall have preference.

Mr. RANDALL. It is the more intelligent mode to state the purpose of the motion.

The SPEAKER. And the Chair thinks it is expressly authorized by the rule.

Mr. RANDALL. It is certainly a more intelligent mode, and it enables members to vote intelligently when the bill is named.

The SPEAKER. The Chair directs the Clerk to read clause 9 of Rule XVI.

The Clerk read as follows:

At any time after the expiration of the morning hour it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue or general appropriation bills.

The SPEAKER. The rule states, for the purpose of considering, not any particular bill, but bills raising revenue or general appropriation bills.

Mr. DUNN. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUNN. There will be a question raised as to the order of precedence if the House should resolve itself into Committee of the Whole for the purpose of considering bills raising revenue. Now, where would that question of order arise; in the Committee of the Whole or in the House?

The SPEAKER. In Committee of the Whole.

Mr. REED. I should like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. REED. The vote in favor of the motion of the gentleman from Illinois [Mr. MORRISON] would require us to consider revenue bills when we got into Committee of the Whole, would it not?

The SPEAKER. It would require the Committee of the Whole to consider bills raising revenue if there are any such on the Calendar of the Committee of the Whole. The motion does not decide whether there are or not.

Mr. MORRISON. There is one.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] demands the yeas and nays.

Mr. COX, of New York. I should like the Chair to state the order of these three motions.

Mr. RANDALL. The House knows it very well and debate is not in order.

Mr. BLACKBURN. I make the point of order that this is not debatable.

Mr. COX, of New York. Other gentlemen have made their statements. It is due from the gentleman from Illinois [Mr. MORRISON] to state what is his object, and also the gentleman from Illinois [Mr. TOWNSHEND] to state what is his object.

The yeas and nays were ordered.

Mr. BRUMM. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRUMM. My inquiry is whether it would be in order at this time for the gentlemen to state the purposes of their motions to enable us to vote intelligently. I for one can not vote intelligently with the information I have.

The SPEAKER. The Chair thinks the gentlemen respectively have made the motions in the only form in which they are allowed by the rule to be made, and debate is not in order.

Mr. MORRISON. On which motion are we about to vote?

The SPEAKER. On the motion of the gentleman from Illinois [Mr. MORRISON] who has just addressed the Chair.

Mr. RANDALL. That the House shall go into committee to consider a revenue bill; that is it.

The question was taken; and there were—yeas 115, nays 127, not voting 78; as follows:

YEAS—115.

Adams, G. E.	Elliott,	Lovering,	Seney,
Aiken,	Ellis,	Lowry,	Shaw,
Arnot,	Ellwood,	McKinley,	Shelley,
Barbour,	Evins, J. H.	Maybury,	Skinner, T. G.
Barksdale,	Findlay,	Mayo,	Slocum,
Bayne,	Finerty,	Miller, J. F.	Snyder,
Bennett,	Follett,	Morey,	Spooner,
Bisbee,	Gibson,	Morgan,	Springer,
Blackburn,	Glascock,	Morrison,	Stevens,
Blanchard,	Greenleaf,	Moulton,	Stone,
Breitung,	Halsell,	Muldrow,	Sumner, C. A.
Broadhead,	Henderson, D. B.	Murphy,	Talbott,
Buckner,	Henderson, T. J.	Murray,	Thompson,
Budd,	Hill,	Mutchler,	Throckmorton,
Caldwell,	Hoblitzell,	Neece,	Tucker,
Carleton,	Holman,	Oates,	Tully,
Cassidy,	Houk,	Ochiltree,	Turner, Oscar
Clardy,	Houseman,	Patton,	Van Eaton,
Clay,	Hunt,	Phelps,	Ward,
Cobb,	Hurd,	Pusey,	Weller,
Collins,	Jeffords,	Rankin,	Willis,
Cook,	Jones, J. T.	Ranney,	Wilson, W. L.
Davidson,	Jordan,	Reese,	Winans, E. B.
Davis, G. R.	Kasson,	Rice,	Wolford,
Deuster,	Kean,	Riggs,	Wood,
Dibble,	King,	Robertson,	Worthington,
Dorsheimer,	Kleiner,	Robinson, J. S.	York,
Dunham,	Lewis,	Rosecrans,	Young.
Eldredge,	Libbey,	Rowell,	

NAYS—127.

Anderson,	Dowd,	McCoid,	Seymour,
Atkinson,	Dunn,	McComas,	Singleton,
Beach,	Ermentrout,	McCormick,	Skinner, C. R.
Blount,	Evans, I. N.	McMillin,	Smith,
Boutelle,	Everhart,	Millard,	Spriggs,
Bowen,	Forney,	Miller, S. H.	Steele,
Boyle,	Fyan,	Milliken,	Stewart, Charles
Brainerd,	Geddes,	Mills,	Stewart, J. W.
Breckinridge,	Goff,	Mitchell,	Storm,
Brewer, F. B.	Green,	Money,	Strait,
Brown, W. W.	Guenther,	Morrill,	Struble,
Brumm,	Hammond,	Nelson,	Taylor, E. B.
Buchanan,	Hanback,	Nutting,	Taylor, J. D.
Burleigh,	Hardeman,	Parker,	Taylor, J. M.
Cabell,	Hatch, W. H.	Payne,	Tillman,
Campbell, Felix	Hepburn,	Payson,	Turner, H. G.
Campbell, J. M.	Hewitt, G. W.	Pierce,	Valentine,
Clements,	Hiscock,	Peel, S. W.	Van Alstyne,
Connolly,	Holmes,	Perkins,	Wadsworth,
Converse,	Horr,	Peters,	Wait,
Cosgrove,	Howey,	Poland,	Wakefield,
Covington,	James,	Post,	Warner, A. J.
Cox, S. S.	Johnson,	Randall,	Warner, Richard
Cox, W. R.	Jones, B. W.	Ray, G. W.	Weaver,
Crisp,	Jones, J. H.	Ray, Ossian	Wellborn,
Culberson, D. B.	Keifer,	Reagan,	White, Milo
Cullen,	Kelley,	Reed,	Whiting,
Cutcheon,	Ketcham,	Robinson, W. E.	Williams,
Davis, R. T.	Lacey,	Rogers, J. H.	Winans, John
Dibrell,	Lanham,	Rogers, W. F.	Wise, G. D.
Dingley,	Long,	Ryan,	Yaple.
Dockery,	Lyman,	Scales,	

NOT VOTING—78.

Adams, J. J.	Duncan,	Hopkins,	Potter,
Alexander,	Eaton,	Hutchins,	Price,
Bagley,	Ferrell,	Jones, J. K.	Pryor,
Ballentine,	Fiedler,	Kellogg,	Rockwell,
Barr,	Foran,	Laird,	Russell,
Belford,	George,	Lamb,	Stephenson,
Belmont,	Graves,	Lawrence,	Stockslager,
Bingham,	Hancock,	Le Fevre,	Sumner, D. H.
Bland,	Hardy,	Lore,	Thomas,
Brewer, J. H.	Harmer,	McAdoo,	Townshend,
Browne, T. M.	Hart,	Matson,	Vance,
Burnes,	Hatch, H. H.	Morse,	Washburn,
Calkins,	Haynes,	Muller,	Wemple,
Candler,	Hemphill,	Nicholls,	White, J. D.
Cannon,	Henley,	O'Hara,	Wilkins,
Chase,	Herbert,	O'Neill, Charles	Wilson, James
Culbertson, W. W.	Hewitt, A. S.	O'Neill, J. J.	Wise, J. S.
Curtin,	Hitt,	Paige,	Woodward.
Dargan,	Holton,	Peele, S. J.	
Davis, L. H.	Hooper,	Pettibone,	

So the motion of Mr. MORRISON was not agreed to.

The following were announced as paired on all political questions:

Mr. ELLIS with Mr. KELLOGG.

Mr. PAIGE with Mr. HATCH, of Michigan.

Mr. LAMB with Mr. BROWNE, of Indiana.

Mr. EATON with Mr. BARR.

Mr. BALLENTINE with Mr. HARMER.
Mr. TOWNSHEND with Mr. WASHBURN.
Mr. MORGAN with Mr. MORRILL.
Mr. GRAVES with Mr. HAYNES.
Mr. STOCKSLAGER with Mr. PEELLE, of Indiana.
Mr. HEMPHILL with Mr. RUSSELL.
Mr. HARDY with Mr. BREWER, of New Jersey.
Mr. HANCOCK with Mr. CALKINS.
Mr. RANDALL with Mr. O'NEILL, of Pennsylvania.
Mr. ADAMS, of New York, with Mr. HANBACK.
Mr. CANNON with Mr. HEWITT, of New York.
Mr. MULLER with Mr. HITT.
Mr. LE FEVRE with Mr. HART.
Mr. WILSON, of Iowa, with Mr. CURTIN.

The following were announced as paired on all questions relating to the bonded extension whisky bill:

Mr. ALEXANDER with Mr. GRAVES.
Mr. ADAMS, of New York, with Mr. MATSON.
Mr. FORAN with Mr. PETTIBONE.
Mr. BURLEIGH with Mr. BEACH.
Mr. NICHOLLS with Mr. CHACE, on all questions.

Mr. RANDALL. I am paired with my colleague, Mr. O'NEILL, on all political questions and on most other questions. Not, however, on this bill. I have a dispatch from him in these words:

Pair me on whisky bill. I vote against it and its consideration.

He is on the same side with me. I have secured a pair for Mr. O'NEILL with Mr. JOHN S. WISE, of Virginia.

Mr. BROWNE, of Indiana. When I consented yesterday to pair with my colleague [Mr. LAMB] it was distinctly understood that it should be stated that on all questions concerning the bonded whisky bill I would vote "no" and he would vote "ay." I notice that in announcing the pairs that statement was omitted, and I think in justice to both him and myself it should go upon the record.

The result of the vote was then announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed and requested the concurrence of the House in bills of the following titles:

A bill (S. 87) for the relief of the heirs of Maurice Grivot;

A bill (S. 206) making an appropriation for the purchase of ground and the erection thereon in the city of Washington of a building to be used as a hall of records; and

A bill (S. 309) to amend section 673 of the Revised Statutes of the United States relating to the quorum of the Supreme Court of the United States, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER. The question now recurs on the motion made by the gentleman from Illinois [Mr. TOWNSHEND] that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

Mr. COX, of New York. I will withdraw my motion to proceed to the consideration of business on the Speaker's table.

The motion of Mr. TOWNSHEND was agreed to.

Mr. DIBRELL. I desire to give notice that when the Post-Office appropriation bill shall have been concluded I will call up the agricultural appropriation bill.

The House accordingly resolved itself into Committee of the Whole, Mr. BLOUNT in the chair.

POST-OFFICE APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering general appropriation bills. The first bill of that character is the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes.

The Clerk proceeded to read the bill.

Mr. TOWNSHEND. I ask that the first reading of the bill be dispensed with.

There being no objection, it was ordered accordingly.

Mr. TOWNSHEND. Before we enter upon the discussion of this bill I would like to ascertain how much time may be desired for general debate, so that we may know when we shall be able to enter upon the consideration of the bill by paragraphs under the five-minute rule.

Mr. HORR. I will say to my colleague on the committee [Mr. TOWNSHEND] that I think it utterly impossible to state now how much time will be required for the general debate. I think that after the debate has run on a while we can come to some understanding.

Mr. TOWNSHEND. Does my friend from Michigan think that more than two hours and a half will be required on each side?

Mr. HORR. Oh, yes; more than that, I think. I should say about four hours on each side.

Mr. TOWNSHEND. Well, I hope my friend will discover it will not be necessary to occupy four hours on each side in the general discussion of this bill.

Mr. HORR. I think we had better not undertake to fix any limitation now.

Mr. TOWNSHEND. I will not now attempt to fix a limitation.

Mr. HISCOCK. I suggest that we postpone anything of that kind until the bill comes up the next time.

Mr. TOWNSHEND. Mr. Chairman, I have been instructed by the Committee on Appropriations to present for the consideration of this House the general appropriation bill making provisions for the support of the postal service for the fiscal year ending June 30, 1885. While we have kept steadily in view the fact that the postal more than any other branch of the public service is constantly growing with our population, development, and business, and have conscientiously sought to make provision sufficiently liberal to promote its efficiency and avoid danger of crippling the public service, we have at the same time been mindful of our duty to the tax-payer, believing as we do that economy in expenditures is necessary in order to lead the way to the reduction of taxation. The gravest duty resting upon this Congress is the reduction of taxation. In order to accomplish that beneficent result we must see that wise economy is enforced.

It has been said of Mr. Fawcett, the distinguished postmaster-general of England, that he wishes to make the world a part of the post-office department. When we consider a comparison of the postal statistics of our own and foreign countries it would seem that we are more vulnerable to such a charge than England. The mother country, however, has been the leader in postal reforms, in the invention of facilities, and in cheapening postal charges. The laudation which the English system has received from a recent writer is not perhaps extravagant. In speaking of its organization he said:

Carlyle was never tired of exulting in the marvelous efficiency produced by military drill. The post-office exemplifies a skill of a higher kind than that of soldiers, and may boast an army moving with a precision as exact as that of any destructive force, and working always not for any merely negative result, but to further the better acquaintance of man with man, to facilitate the interchange of ideas and commodities, and consequently to increase good-will and mutual helpfulness.

Its uses are more varied in England than in this country. But the conveyance of correspondence is no longer here as it is there the sole duty which the post-office undertakes. We can pay our debts through the post and transmit merchandise. Our rates of postage are almost as cheap and our facilities for conveyance as efficient as in any country. A letter may be sent for 5 cents or a circular for 2 cents to the north of China from here, traveling across the continent and the Pacific Ocean, or, at the will of the sender, over the Atlantic, across Europe, through the dreary flats of Russia and the immense wastes of Siberia.

In England, however, the postal department carries on an enormous banking business, of which one person in every ten in England and Wales is a customer, and it holds deposits to the extent of £39,000,000 or $185,000,000. Not content with the speed of steam, England has employed electricity to convey its correspondence faster than the wind—as quick as thought—throughout the kingdom.

Our own system is, however, marvelous in its proportions and its efficiency. In many respects it has outstripped that of any country in the world. Official data show that we have the largest number of post-offices and the longest mileage, railway and otherwise. We receive the largest revenue, we carry more postal cards and newspapers, and with the exception of England we carry more letters than any other nation.

But, sir, it must be confessed that the cost of our service greatly exceeds that of any other country, and at times perhaps greater abuses have crept into it than in any other land. It has become the most extensive branch of the Federal administration. It engages a larger number of employés than any other branch of the public service, and more money is expended in its operations than in any other public service. This bill will carry an appropriation nearly double that of any of the great money bills except the pension. Our postal expenditures have grown wonderfully in the last few years, far more rapidly than those of any other nation. But this is doubtless due to the fact that the population, trade, and intelligence of our land have also outgrown that of any other, and because we have a more widely extended area of population to supply.

Mr. Chairman, the estimate submitted by the Postmaster-General of the probable revenue for the incoming year was made before any certain data was ascertained of the receipts during the first two quarters of the current year. It was based partly upon the supposition that there would be a considerable falling off of receipts by reason of the reduction of postage during the last Congress from 3 to 2 cents, and the statistics of the receipts for the last fiscal year were relied upon as a guide, and the sum was fixed at $47,104,078.31. But the receipts of the first two quarters of the current year have now been sufficiently ascertained to show that this estimate is too small.

It is now believed by many who are well informed upon the subject that our postal revenue will not fall much, if any, below $50,000,000, for the receipts have been surprisingly greater than was anticipated. The estimates of the Department call for an appropriation of $50,062,189.60. This bill provides for an appropriation of $45,261,900. The appropriations for the current year ending June 30, 1884, made at the last session, amounted to $44,487,520. The appropriations made by the

last Congress reduced the appropriations of the previous year $695,380, whereas this bill increases the appropriations above that of last session $774,380, and above the appropriation of the previous year $1,469,760. The bill of last year reduced six items below the appropriations of the year before.

The appropriations proposed in this bill reduce only three items below the appropriations made last year. One is a reduction of $20,000 for advertising, which was recommended by the Department. We omit all appropriation for special mail facilities on railroads, or rapid transit, because this was not estimated for by the Department, and in the judgment of the committee it was not thought proper to bring in an appropriation for this purpose; especially so because it was not recommended by the Postmaster-General.

Mr. ADAMS, of Illinois. How much was that item?

Mr. TOWNSHEND. One hundred and eighty-five thousand dollars was appropriated for this purpose last year. Perhaps it will all be expended; I do not know as to that; I think the contracts will perhaps cover it. As I have said, no renewal of this appropriation has been asked for by the Department and none is proposed by the Committee on Appropriations.

There is but one other reduction that we have made; that is $10,000 for miscellaneous expenditures in the office of the First Assistant Postmaster-General. Ninety thousand dollars was appropriated for this purpose in 1883, but only $70,992.79 were expended. We have given about $9,000 increase, which no doubt will be sufficient.

As I have already remarked, we have reduced but three items below the appropriations of last year, while on the other hand we have increased the appropriations on twenty-one items over and above those of last year. The committee has investigated as far as was in their power all the items contained in this bill, and reported what they believed to be necessary for the public service.

In the Third Assistant Postmaster-General's Department we left every estimate untouched in any particular whatever, because his estimates are moderate and no doubt justified by the increased business resulting from change in rate of postage. A very large number of the items provided for in this bill are fully up to the estimates. We also left untouched the foreign mail service, giving all that was asked.

But, Mr. Chairman, I do not intend to consume much time at this stage of the debate. It is not my intention to do more than to put before the House a bare statement of the principal features of the bill. I have given the figures showing the aggregate estimates and appropriations of last year, and the amount of the appropriations recommended by the Committee on Appropriations in the pending bill.

There are but three provisions in the bill for new legislation. One provides for the reduction of the rate for transportation on ordinary railroads 5 per cent. and on land-grant railroads 50 per cent. Another is in regard to the salaries of postmasters. The bill provides that the salary of no postmaster shall exceed $4,000 a year. The only other new legislation in the bill is one section abolishing the use of official stamps. It provides for the use hereafter of what is called the penalty envelope by all the Departments and bureaus. It is understood, perhaps, by the House there are some of the Departments which use a large number of official stamps in addition to the penalty envelopes. They send official stamps to correspondents so they may be employed in the payment of return postage.

The Committee on Appropriations believe not only uniformity but economy will be promoted by abolishing the further use of official stamps by any of the Departments and the use in their place of penalty envelopes.

The chairman will be kind enough to tell me how much of my time is remaining.

The CHAIRMAN. Forty minutes.

Mr. TOWNSHEND. Before I go further I wish to draw the attention of the House to the item making appropriation for the salaries of postmasters. The new legislation provided for in this bill limiting the salaries of postmasters to $4,000 a year will only apply to nine offices—San Francisco, Washington, Chicago, Baltimore, Boston, Saint Louis, New York, Cincinnati, and Philadelphia; but the rapid increase of postal revenue would soon raise other cities upon the same footing. The first item over which there will be any considerable contest or discussion in the consideration of this bill is probably the one providing for the salaries of postmasters in the United States. Congress appropriated $8,800,000 to pay the salaries of postmasters for the year 1883, but the expenditures for that year amounted to $10,315,394.46.

The appropriation for 1884 was $9,250,000, which was $1,065,394.46 below the actual expenses of the previous year. The reduction made by the last session below the estimates was $894,000. The estimate of the Department last year below the expenditure of the previous year was $181.383. It is very strange that the Department last year called for $181,000 less than the actual expenditures of the previous year. That is a startling fact in view also of the further fact that our postal system was then, as now, constantly increasing in the number of postmasters and business. Why did the Department call for $12,250,000 this year on this item and only call for $10,136,000 last year, or $2,114,000 less than this year?

Mr. LONG. What is the reason?

Mr. TOWNSHEND. The gentleman from Massachusetts asks me what is the reason for this. I am at a loss to fully understand why the Post-Office Department made an estimate last year of $181,000 below the expenditures of the previous year unless for a reason which I will give before I close debate on this bill and after I have had an opportunity to hear from the other side. A large deficiency has been accruing in the last two or three years in the payment of salaries of postmasters because of meager and insufficient appropriations.

The Committee on Appropriations in this Congress, desiring to provide every dollar that might be needed for the postal service, has increased the appropriation largely beyond what was given last year. We have appropriated for compensation to postmasters $1,250,000 in excess of the appropriation of the last session. A much larger sum was estimated for, but if you will examine the report of the First Assistant Postmaster-General you will find the only sum positively stated to be necessary as definitely ascertained for the purpose of paying postmasters' salaries will amount to $10,641,358. I do not concede the accuracy of this estimate, for I believe it is too much. We have in this bill given the Department $10,500,000. The remainder estimated by the Department to make up the enormous sum of $12,250,000 is based upon mere conjecture of percentages of increase. We have given about what it is definitely ascertained will be required to pay salaries. For when you take into consideration the fact that the salaries next year will be based upon two instead of three cent stamps, the sum here appropriated will be sufficient.

The large expenditure for the present year is due largely to the fact that for the six months ending October 1 last the fourth-class postmasters drew about one-third of a million more than was intended and than they will next year, because their salaries were based on income derived from 3-cent stamps instead of two cents.

I will say for the information of the House that the Post-Office Department has adopted as a means of ascertaining how much is required to pay salaries of postmasters 20 per cent. of the revenue. I believe some three years ago they fixed the basis at 22 per cent. Last year they fell to 20 per cent. of the revenue. If we had been guided by that basis alone it would be seen about $9,500,000 would be sufficient to pay the salaries of postmasters for the next year.

In order to provide amply for the payment of salaries of postmasters we have given a million and a quarter more than was appropriated at the last session of Congress, which I believe will be found sufficient, as the salaries of fourth-class postmasters will hereafter be based upon the receipts for 2-cent instead of 3-cent stamps. This, as I have already indicated, will show a difference between the amount expended for the current and the next year of about one-third of a million dollars.

Another item, Mr. Chairman, I shall refer to briefly, and then I will temporarily yield the floor. It is in regard to the railway mail transportation service.

Mr. RAY, of New York. Will the gentleman permit me to ask him a question before he leaves the point he has just referred to?

Mr. TOWNSHEND. I will yield to the gentleman with pleasure when I get through with this part of my remarks; but I prefer not to be interrupted at present.

We have practically, Mr. Chairman, made no reduction below the estimates of the Department to defray the expenses of the railway mail service, when the reduction of the rate of compensation which we make by this bill is considered. This service has grown surprisingly in the last few years. In 1874 the total cost of all the railway mail service did not reach $11,000,000. The estimates of the Department this year, ten years afterward, reach about the sum of $18,500,000.

A commission was appointed under authority of the last Congress to ascertain and report upon a plan for adjusting the compensation to railroads by which the interests of the Government might be guarded, while at the same time just compensation would be provided to the railway companies for carrying the mails. That commission spent considerable time in an examination of the subject, and have evolved a plan which in their judgment would effect a saving to the Government on account of this item of expenditure of $1,000,000 a year. But the plan is so complicated and difficult to understand that I have been unable to find any one not a member of the commission, no matter how much he may have studied the subject, who was able to determine whether it would result in an increase or a reduction of expenditures. The Committee on Appropriations, therefore, regarding it as entirely in the nature of new legislation, without evidence of retrenchment, considered it outside of the legitimate boundaries of their duties, and have omitted its consideration in the present bill, and left the question to the Committee on the Post-Office and Post-Roads, where it may have such consideration as its merits demand.

I come back, sir, to the original proposition with which I set out, that we have practically appropriated every dollar that was estimated for by the Department, although I feel confident that a considerable reduction might be safely made below the amount estimated for that service. These estimates, as all must understand, can not, as a matter of course, be reduced to a mathematical demonstration. They are necessarily to a large extent conjectural. They are based largely upon a supposed percentage of increase in railway mileage and increased business as well as some other considerations.

Now, if the deductions are made from the estimates of the 5 per cent. provided for in this bill on railroad transportation generally, and 50 per cent. on land-grant railroads, it will be found that we have in reality appropriated the full amount of the estimates.

I say that we might have safely reduced the appropriation for this service far below the estimates and yet the public service would not be crippled. But the Committee on Appropriations made no attempt to reduce the amount called for by the Department below that which will result from legislation which we will ask this Congress to pass; legislation that is in the line of retrenchment and economy and is of course germane to the bill. This bill, as stated, provides that the compensation to all railway companies for transporting the mail shall be reduced 5 per cent. below the rate fixed by the present law.

In 1876 Congress reduced the basis of rating of the compensation of railroads 10 per cent. In 1878 it was still further reduced 5 per cent. That was the last reduction made for this purpose. The railroads are at present carrying passengers, express, and freights far cheaper than they were carrying them at the period of the last reduction. The cost of material, of wages, and the ordinary expense of running railroads are cheaper than they were at that period. We feel, therefore, that Congress can, without being charged with injustice to the railways, reduce this rate of compensation to the extent provided here.

The immensely growing cost of this service stares us in the face at every session of Congress. The rates paid for carrying our mail on railroads are much greater than those charged the business community for carrying its freight or express matter. The rates for carrying the freights on twelve of the principal lines of this country—four of our great trunk lines and several of our great Northwestern lines—range from only two-thirds of 1 cent per ton per mile up to 2¼ cents per ton per mile.

Mr. RYAN. They do not carry the mails on freight trains.

Mr. TOWNSHEND. No——

Mr. REED. You do not fill the cars on your mail trains with the mail, do you?

Mr. TOWNSHEND. I do not yield now to my friend.

Mr. REED. While you are going on just explain that.

Mr. TOWNSHEND. I will explain presently. Some of the railroads receive fifty times as much for carrying the mails as they do for carrying freight. Now I will admit, sir, that they do provide better accommodation for carrying the mails than for carrying cattle and hogs or in carrying ordinary merchandise; but no greater expense is occasioned to the road than if the mail-cars contained freight only. They furnish no brakesmen or other trainmen in and about those cars; the railroad simply carries a quantity of mail in the car and the postal clerks employed upon it. Now we leave it for the House to determine whether the Government should pay fifty times as much for carrying the mails as is paid for carrying ordinary freights, which require a full corps of conductors, brakesmen, &c.

Now, Mr. Chairman, comparing the cost of the railway carrying service with what it was in 1878 and what it is to-day, we have felt that we were moderate in our reduction, and that common justice to the people's Treasury demanded that we at least should insist upon some reduction of the cost of railway mail transportation. Why, sir, in 1873 the maximum cost for carrying the mail for the Government was only $300 per mile, but this year it runs up over $1,200 per mile on some roads. If you look at the cost of the star service you will see that it amounts to only 6 cents a mile, while on the railroads the service costs us rates running from less than 7 cents to 35 cents per ton per mile. I believe those are the figures given in the debates in the last session of Congress.

We have further provided in this bill that for carrying the mails on what are known as land-grant roads there shall be a reduction of 50 per cent. I refer to the roads which received large subsidies of lands. I shall not at this time enter upon the details of that question. I simply desire to call attention generally to the fact that these railroads received large bounties from the Government, in return for which their charters provide that they shall carry the mails "at such price as Congress may by law direct." Equity and justice demand that a distinction should be made between the compensation paid to railroads receiving large bounties of public lands and those railroads to which no such grants have been made. Take, for instance, the Northern Pacific. The land grant to that road is estimated by many to be worth $150,000,000. It is believed their bounty from the Government is enough to build the road, to equip it, and to turn it over to the stockholders if it is honestly built without costing the stockholders one dime, for the value of the lands is stated to average at least $3 per acre. Some of the lands on that line are the finest on the earth. It is because these roads have received such princely endowments from the Government we insist they should be compelled to carry the mails at considerably less than other roads. Congress has full power to do so under the original charters granted to them; therefore I presume the only question here for debate is as to the policy of compelling them to do so. As I have said, the charters of these railroads provide that the United States mail shall be transported by them "at such price as Congress may by law direct." The language in the Northern Pacific charter is somewhat different, but is substantially the same. I am alluding now to those roads which did not receive subsidies by loans of bonds but which did receive grants of land. The charters of bonded roads are different in this respect.

The Government has surely paid enough for this privilege of fixing the mail rates on land-grant railroads. Look at the case of the Northern Pacific, for instance. Suppose when it received its charter it had been asked the question: Will you accept the 48,000,000 acres of lands that are tendered you upon the condition that you will haul one or more mail-cars over your road with your regular passenger trains, such trains as you will ordinarily run over your road; will you accept this 48,000,000 of acres, consisting of a broad belt of land twenty miles wide along the line of your road in the States and forty miles wide along the line of your road in the Territories, with all its great privileges and rights, upon the condition that Congress may retain the power to fix the rate of compensation for carrying the mail at such price as it may deem equitable and just? Is there one upon this floor so simple-minded as to believe that the railroad company would have declined the bounty and the charter thus tendered them if it knew Congress would exercise this power? And is there one so cunning here who will be able to induce this House to believe that the road would have repudiated such a condition if it had fully understood the character of the contract which it entered into? The fact that the charter was accepted with this plain provision in it answers the inquiries, and leaves no ground for dispute.

One other observation in regard to this provision. The bill provides that what is known as the Union Pacific system, embracing I think five roads which received subsidies of bonds and lands, shall be brought under the operation of the law reducing the rate of compensation on all the other railroads of the country.

Mr. RYAN. Oh, no; you do not do any such thing.

Mr. HORR. You are wrong.

Mr. TOWNSHEND. My friends are very sadly mistaken.

Mr. RYAN. I do not think we are.

Mr. HORR. Ask Judge HOLMAN about that.

Mr. TOWNSHEND. I want to correct both gentlemen. I repeat my proposition that we have subjected the Union Pacific system, consisting of the Union Pacific and the Central Pacific and the roads belonging to that system—we have brought them under the operation of the general reduction that we have provided for all the railroads of the country.

Mr. RYAN. The 5 per cent.

Mr. TOWNSHEND. Yes, sir.

Mr. RYAN. You have not done that specifically. You have made that provision apply to all roads generally, but have not attempted to amend the charter of the Union Pacific in that respect at all, which would be necessary before you can reduce the rates of compensation.

Mr. TOWNSHEND. Mr. Chairmen, how much time have I remaining?

The CHAIRMAN. Twenty-nine minutes.

Mr. TOWNSHEND. I repeat the statement again and propose to demonstrate its truth, and I think my friend from Kansas [Mr. RYAN] will admit it to be so. The terms of the provision of this bill, which I have not time just now to read and criticise, do amend and alter the charter of the Union Pacific road and all the other roads connected with what is known as the Union Pacific system, so as to subject them to this 5 per cent. reduction and the reductions of 1876 and 1878. An attempt was made in the last Congress to do this, and the House stood by the Committee on Appropriations and brought those railroads under the operation of these general reductions of the cost of railroad transportation of the mails. But in the Senate it seems that these companies had influence enough to have that provision of the bill of last year stricken out; and to-day the Union Pacific system is left in a position where it insists it is entitled to charge twice as much for carrying the mails as is paid to any other railroad in the country. It seems that, under the peculiar wording of a provision in the original charter of these roads, the Supreme Court has held that a general law reducing the rate of transportation on railroads generally will not apply to the roads of this system unless the act specifically manifests that intention. In other words, from the language used by the court the inference is that it is necessary in order to reduce the charges made by these roads for carrying the mails that Congress shall specifically manifest an intention to reach the original charters of the roads and to amend and modify them for the purpose I have indicated.

I feel sure the language employed in this bill is sufficiently specific to leave open no question as to the intention of Congress to place these roads which have received such princely bounties upon a footing with roads that received no bounty whatever. We seek by this bill to exercise no greater degree of power than it may be fairly inferred the Supreme Court intended to declare that Congress has the power to do. We do specifically amend and alter the charters of these roads in order to bring them under the operation of the general 5 per cent. reduction applied to all other railroads in the country. We do not reduce the rate of transportation upon that system of roads 50 per cent. as we have done upon the purely land-grant roads, for the reason that the language of the charters will not allow us to exercise the same power over this system of roads as over the purely land-grant roads. The charters of this system limit the power of Congress to establishing what is termed a "reasonable rate of compensation," to be ascertained perhaps when the Government and the roads can not agree by judicial tribunals. But in the charters of the Northern Pacific, the Atlantic Pacific, and the other ordinary land-grant roads, Congress has specific-

ally or substantially reserved the power to establish just such a rate of compensation for carrying the mails as it may in its judgment deem just and proper.

I do not wish to say anything further now, but will reserve the remainder of my time until I have heard from the other side.

The CHAIRMAN. The Chair will then recognize the gentleman from Michigan [Mr. HORR].

Mr. STEVENS. I would like to ask the gentleman from Illinois [Mr. TOWNSHEND] a question.

Mr. SKINNER, of New York. I would like to ask the gentleman a question.

Mr. TOWNSHEND. If it does not come out of my time, I am willing.

The CHAIRMAN. The Chair has recognized the gentleman from Michigan [Mr. HORR] as entitled to the floor.

Mr. TOWNSHEND. I will say to gentlemen that ample time will be allowed for debate under the five-minute rule.

Mr. SKINNER, of New York. I do not want any time for debate.

Mr. HORR. Mr. Chairman, I wish to say in the outset that I dislike very much to be compelled to criticise a bill coming from a committee upon which I serve, but I feel compelled to call in question some of the items in this bill. One would naturally think that in making an appropriation for such a purpose as carrying the mails and the delivery of letters there certainly would be a spirit of at least ordinary liberality exercised by our committee. At all events I would not expect that the Indiana doctrine of economy would be applied to it. [Laughter.]

But I do think that I can convince both sides of this House that this bill is drawn not in the interest of the public service but in many respects it will simply work the ruin of that service, and very much impair the efficiency now reached in the carrying and distribution of mail matter. In doing this I shall be compelled to refer more or less to statistics, to give you more or less facts and figures, because I claim that the provisions of this bill can be largely explained by a simple matter of addition and multiplication, whereas the only branch of mathematics known in the Indiana system is that of subtraction. [Laughter.]

To begin with, this bill provides for this branch of the public service, first, by reducing the regular estimates more than three and a half millions of dollars. Let us, however, take the provisions of the bill up in their order; I mean those items which seem to me objectionable. In 1879–'80 the deficiency in the item for the pay of postmasters was only $158,407. In 1880–'81 the deficiency in that item went up to $798,742; in 1881–'82 it went up to $1,164,676; and in 1882–'83 there was a deficiency of $1,515,394. We expended for this branch of the service in 1882–'83 $10,315,394. For the year ending June 30, 1884, we appropriated for this branch of the service the sum of $9,250,000.

Judging from the expenditures up to this time, there will be in this branch of the service for this year a deficiency of $2,000,000. Consequently the actual amount which the postmasters of the country will cost for the year ending June 30, 1884, will be $11,250,000.

Now, this bill appropriates for this branch of the service for the coming fiscal year 1884–'85 the sum of $10,500,000; that is, $750,000 less than this branch of the service will cost for the current fiscal year.

Now, I am aware that this failure to appropriate does not strike down the service of the Post-Office Department. It differs in that respect from some other provisions of the bill, as you will see further on. This simply insures a deficiency for this branch of the service. Understand me, it does not make any difference how much money we appropriate for this purpose, the law fixes the salaries and percentages which the postmasters shall receive, and they will get it whether we appropriate it in this bill or not. If we do not appropriate enough now, that will simply require a deficiency bill hereafter to make up the amount.

Mr. LONG. The postmasters will deduct from their receipts enough for their compensation.

Mr. HORR. Yes, they will deduct it from their receipts, and of course will get their pay as they go along; but Congress will have to appropriate enough to pay for it some time in the future. What I desire to say is that the great objection I make to this clause is that it goes counter to the doctrine which is so dear to the heart of my friend from Pennsylvania [Mr. RANDALL], who in season and out of season lectures this side of the House, and his own side also, against making deficiencies, against spending a dollar more than the appropriation bill provides for. But here you have a bill making necessarily a deficiency of two and a half millions of dollars. Now, that gentleman should either get over his furor against deficiencies or he should appropriate money enough to pay the bills and so avoid deficiencies. That is a fact, is it not? This bill does not do that, for the only provision to offset this large deficiency of two and a half million is the cutting down to $4,000 a year each of the salaries of nine postmasters, as my friend from Illinois has just said. There are nine postmasters who now receive salaries varying from $5,000 to $8,000 per year each, the postmaster at New York city getting $8,000 and the others getting $6,000, with the exception of the postmaster at Washington, who receives $5,000. Upon the salaries of these nine postmasters at these great cities the Committee on Appropriations, to offset this deficiency of $2,500,000 which will necessarily occur in this branch of the service, have made a reduction of $19,000. This is the only reduction that can possibly apply to make up this deficiency.

I am opposed to this reduction. I do not believe that the majority of this House, as business men, are in favor of reducing the postmaster at New York city to a salary of $4,000. Look at the millions and millions of revenue that he handles; look at the money-orders that he controls and must account for, amounting to many millions of dollars each year. I say that the postmasterships in these large cities ought to be worth all they now receive, and we ought not to cut down their salaries at all. I do not believe it is real economy to pay such men as are needed in these places so small a sum that first-class men will not accept these positions.

Do you know that the postal revenues of the nine cities mentioned aggregate $12,326,000 per annum? One-quarter of all the receipts of the Post-Office Department come from the nine cities represented by these postmasters. Over $8,000,000 is the amount of the net proceeds in eight of them, leaving out Washington, where the receipts are comparatively small, though we all know that the business of the Washington office is enormous; and it requires a first-class man to manage and run it well, and we should pay him something like an adequate price for his work.

But think of cutting down the salary of the postmaster at New York city, Chicago, Saint Louis, Baltimore, and the other large points, where they collect these enormous sums, to so small an amount as $4,000 a year—not as much as a man who is able to manage properly those great offices could command in any ordinary work of life.

A MEMBER. Not so much as Congressmen get.

Mr. HORR. Not so much as a Congressman gets; but I am not going to be led into a belittlement of the worth of our services. [Laughter.] I believe the bill in this respect is defective, and that upon sound business principles that provision as to these nine postmasters should be stricken out.

The next provision in this bill to which I object is the clause cutting down clerk-hire in the post-offices; that is, the money needed for the compensation of clerks in the various post-offices where they distribute and separate the mails. In 1883 we appropriated for this purpose $4,367,000; in 1884, $4,475,000, and all of this money will be expended before the end of the year.

In 1883 there were four hundred and seventy-eight new allowances made for clerk-hire, but so great is the pressure for an increase of this clerical help that 2,604 applications from offices in the United States have already been filed where they need more assistance to separate and distribute the mails, and they can not be furnished. Yet this bill has given not a single dollar more this year for this service than was given last year. No money is allowed for the increase in this service, when all must admit that an increase is demanded.

There are 1,732 separating offices alone in the United States. These separating offices are, many of them, at points where the postmasters get but little salary. They distribute the mails to the different routes; and unless this work is done by a paid clerk it can not be done at all. Yet the Committee on Appropriations, with an estimate before them of $4,900,000 made by the Department, and a statement that it can not get along with a cent less—and this amount is only an increase of $125,000 over last year—have cut out this increase entirely, so that this bill does not give a dollar for these new clerks scattered all over the country, who are needed to facilitate the mail service. Only think, with the increase of work being as certain as death, not a dollar given to meet the increase! Surely the members of this House who know the needs of the service all over our growing country will never consent to so small an appropriation for this purpose.

Mr. Chairman, I come now to a subject in reference to which this bill is particularly defective. Did I not know the genial nature of my friend from Illinois [Mr. TOWNSHEND] and his natural kindness of heart, I should have supposed that he framed this clause in express malice against the free-delivery system of the country. I wish the gentleman would give me his attention for a moment. I think that perhaps I know something about this carrier business which will interest him. I certainly can tell him some facts that should attract his attention.

In 1883 we appropriated $3,200,000 for this service, in 1884 $3,500,000. Now the gentleman from Illinois intimated in his remarks, I believe, that the committee had cut this service down only about $200,000. Of course if the gentleman did make this statement he made it inadvertently because he knows there was a mistake in the estimate. I hold in my hand a letter from the Postmaster-General——

Mr. TOWNSHEND. My friend will excuse me. I said nothing whatever about that item of the bill.

Mr. HORR. Very well; I do not blame the gentleman for not talking about it. Let me give the facts. The printed estimate was $200,000 less than it should have been. I received from the hands of the gentleman himself a letter from the Postmaster-General in which he states that in the Book of Estimates he had made a mistake by omitting $180,000 for new service and $20,000 for an item which was by mistake left out—that the estimate should have been $4,000,000 instead of $3,800,000.

The letter is as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 12, 1884.

SIR: I find, on referring to my annual report for 1883, page 59, that in stating the amount which will be required for the free-delivery service for the fiscal year beginning July 1, 1884, two important items were omitted, namely, $180,000 for additional letter-carriers in cities where the service is now in operation, and $20,000 for additional incidental expenses, making $200,000.

I therefore advise that the estimate for this service for the next fiscal year be increased from $3,800,000 to $4,000,000.

The considerations which lead me to ask for this large amount are as follows: This service has been extended within about a year to 47 additional cities, making the present number 159. These cities have an aggregate population, according to the census of 1880, of about 10,000,000, and employ 3,888 letter-carriers at the present time. They yielded last year one-half of the entire gross revenue of the Department, and from postages on local matter alone $1,021,594 in excess of the total cost of this branch of the service. The amount required is also largely increased by the act of August 2, 1882, increasing the pay of auxiliary carriers from $400 to $600 per annum, and requiring the promotion of carriers to the next higher grade after one year's service, involving an increased expense in each individual case of $200 in the first-class free-delivery cities and $250 in the second-class cities. The per cent. of increase in the cost of the service for the fiscal year 1882 was 4.93 against 20.95 for the fiscal year ending June 30, 1883, this large increase being due in great part to the act above cited.

I therefore recommend the appropriation of $4,000,000 as the probable cost of the service for the next fiscal year.

Very respectfully, &c.,

W. Q. GRESHAM, *Postmaster-General.*

Hon. SAML. J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives.

The real estimate for the carrier service, then, should have been and really is as far as this bill is concerned $4,000,000.

What are the facts? They cut that estimate down $400,000, giving only $3,600,000 for this service.

I wish to say to my friend from Illinois there are to-day 1,985 carriers who by law are entitled to $1,000 each, 891 who by law are entitled to $850 each, 367 who by law are entitled to $800 each, and 645 who are entitled to $600 each. That is, they are entitled under the law passed at a former session of Congress each to the amount I have indicated. They are graded now as you understand under the law and amount of salary fixed.

I wish the gentleman from Illinois would give me his attention.

Mr. TOWNSHEND. Certainly.

Mr. HORR. Their salary amounts to $3,422,950 this year, and the increase, which by law we are compelled to pay next year, is $200,000 more, so that we have to pay under the law $3,622,950 next year.

That is, Mr. Chairman, to pay the wages fixed by law for the carriers now in service will cost next year $42,950 more than this bill appropriates for the entire service of that year. Instead of providing for increase of carriers, this would compel the Department to turn out of the service orty men who are now in the work.

I wish the gentleman from New York [Mr. COX] were here, for he would remember very well how hard he worked to procure extra pay to these carriers and to fix their promotion by law. They earn the amount so fixed if any men in the United States service earn their money, as they travel on foot from fourteen to twenty miles a day. Their labors are incessant and excessive, and we have fixed by law how they should be promoted and what amount of money those in each grade should receive, and then the Committee on Appropriations now bring in a bill which does not appropriate money enough to pay under the law for the men who are now in the service, saying nothing about the increase natural to this service and incidental expenses.

What does this service actually need? In addition to the men now employed it needs two or three hundred more letter-carriers to make up for the growth of the cities in which free delivery has been already established. A few are needed in many of the smaller cities and a large number in large cities in order to make this carrier system perfect. Is there a gentleman here on either side of the House who has a city in his district where this service exists which does not need more carriers? The city in which I live needs three more at least. Two wards of that city to-day have no carrier service in them and never have had, because we had no way of getting the extra men.

I have been informed from the Post-Office Department that application has already been made for three hundred and twenty-two new carriers during the last year. They have allowed two hundred and eight; one hundred and twenty-four more have been asked for, but they have not been allowed. That was up to October, but since October there have been applied for sixty more, making in all one hundred and eighty-four asked for at this time and not supplied. And at the close of the year many more will be applied for. So that, Mr. Chairman, three hundred additional carriers are absolutely needed to carry on efficiently the work which ought to be done.

There is also an item of $130,000 to pay for incidental expenses. Those incidental expenses are for horses, where there are mounted carriers, and for horses and wagons where the amount of mail is so great they can not handle it on foot; also for letter-boxes, putting them up in the streets, keeping them painted, and for the bags and pouches the men carry their mail in. Last year there was expended for this item, including pay of inspectors, $116,834.88. The Department asks this year for only $130,000, which is a small increase. Again, it will cost at least $50,000 to put the system into operation in cities where it is already asked for. There are to-day applications on file for twenty-nine new offices where the law permits them to have the carrier or free-delivery system.

Mr. LONG. Give the name of some of them.

Mr. HORR. I have not the list here. It costs about $3,500 the first year to establish this system in a new city. All the large cities are growing. Any man living in New York, Chicago, San Francisco, or Boston knows each year brings with it a great addition of work for these letter-carriers; and this work, if it is sustained at all, has to be sustained by increasing the appropriation adequately to meet the increase of work. In these cities which now have the free-delivery service (and one hundred and forty-nine have it at this time) we collected last year in these one hundred and forty-nine cities nearly or quite one-half of the money collected under the postal service of the United States. We collected from the local mail alone on drop letters, &c., $1,021,000 more than the carrier system cost. That is, from the extra matter mailed in these cities and to be delivered without leaving them was collected that amount of surplus over the cost of this service.

Mr. TOWNSHEND. Will the gentleman permit me to interrupt him?

Mr. HORR. Certainly.

Mr. TOWNSHEND. The Postmaster-General says that of the one hundred and fifty-four free-delivery offices only fourteen in the country are self-sustaining.

Mr. HORR. I understand that. There are a large number of these offices in which the local matter is not enough to pay for this service, perhaps all of them with the exception of fourteen, as the gentleman states. But my statement is, that taken as a whole they do pay this large surplus. And my friend from Illinois must not forget that every one of these offices has an income of over $20,000 per year; for unless they had that amount they could not have received the service. I know population alone could be great enough to allow the service, but I do not think there is an instance where they have ever had the proper population to get the service that the receipts were not over $20,000.

About one-half of the revenues of the United States derived from postage are paid by the cities which have the free-delivery system. Why, then, Mr. Chairman, strike down this system? Why deal a blow at it to prevent it being carried out in good faith? Simply because the local mail matter does not pay is no reason why we should not have the service, Our postal service is not based on that theory. Do you know that in the United States to-day there are many States in which the service is not self-sustaining? How many States do you suppose there are that pay the entire expenses of their own mail service? Out of the States and Territories, including the District of Columbia, there are only seventeen that pay their own expenses. In thirty-one States and Territories we do not collect enough postage from their citizens to pay for their own service, and I say it without any unkindness there is not to-day a State south of Mason and Dixon's line that pays its postal expenses. There never was one. Why? It is no fault of theirs. Their population is necessarily not a letter-writing population, many of them having never learned to read and write on account of the peculiar relations they have sustained toward each other in the past. But does it follow that because a system does not pay in a State or States that those States are not entitled to have the service? Why, nobody will for a moment make such a claim as that.

There is a shortage in these thirty-two States and Territories of $4,707,000 for the year 1883. The people of those States fell short that amount of writing letters enough and taking newspapers enough to pay the expenses of the mail service during that year; whereas there is an excess in the other fourteen States of $7,122,000 over and above the cost of the service. New York State alone had an excess of $2,813,000. Little—and I speak it without any intention of belittling its Representatives on this floor—little Massachusetts had over $1,111,000 surplus. Not a New England State—and some of you sometimes attack them upon the ground of their being "old fogies;" you like to make sport of them; and yet the people in each one of them wrote letters enough in 1883 and took enough newspapers and paid the postage on them to pay all the expenses of their mail service and have a large surplus to help the people of other States who did not write letters enough to pay their way.

Mr. LONG. Some in Michigan.

Mr. HORR. No, my friend; Michigan paid her own way. Though a new State, her people read and write. To the gentleman from Illinois I will say that his own State is over $800,000 in excess. But our mail system should be extended without regard to whether any particular locality pays or not. The controlling question is, what does the business of a place demand; what are the needs of the people in each locality?

I say, Mr. Chairman, that in view of all of these facts this carrier system should be sustained and extended. The people in those cities where it has been introduced are asking nothing but justice and right in its continuance and support. I wish to say to the gentleman from Illinois who intimates that some of these smaller cities do not pay the cost of the service by their local mail matter, that under the law there are to-day forty-odd cities which are entitled to it. I say that these smaller but growing towns are as much entitled to this service as the

large cities that have this large surplus of revenue from their local matter. Do not, I beg of you, cut down this service in this manner. Do not begrudge this convenience to the people of our large towns. I would carry the mail into every nook and corner of the United States, no matter if some people in the cities are taxed a little more than their share, for they can afford to pay it, because with the mails go business, intelligence, civilization. This bill will cripple this important free-delivery service. The full four million asked for is needed and should be given.

The next item in this bill to which I desire to refer is the provision for rent, light, and fuel. In 1883 we appropriated $450,000 for this item. In 1884 this was cut down to $440,000.

The amount of $450,000 I have said is just the amount which was appropriated by the act of 1883. Why the last House decreased that item I do not know. The Department says that there will be certainly a deficiency, and that they will need every dollar of the $480,000 asked for to light the offices and purchase the fuel, &c. I think, of all things, that we should be careful and not shut the light out from anywhere. When the proper time comes I trust no one will oppose the raising of the amount so as to provide amply for these necessities. They need every dollar. We should not compel them to shut down and leave the employés in cold and darkness.

I now come to the railway mail service. The Second Assistant Postmaster-General estimated that it would take $13,735,216 for this service. The Postmaster-General cut that estimate down to $12,750,000; thus a reduction of the estimate was made by him to the large amount of $985,216.

This bill then again comes in and cuts it down to $11,700,000; being a reduction of $2,035,216 below the estimate of the Second Assistant Postmaster-General, who has special charge of this service.

Mr. TOWNSHEND. Will the gentleman allow me to call attention to the fact that we have taken the estimates of the Postmaster-General as the basis, and after deducting 5 per cent. for general railway transportation and 50 per cent. for the land-grant roads, it just leaves what the Postmaster-General estimated it would take?

Mr. HORR. I am aware that in cutting off 5 per cent. from these railways and then undertaking to cut off from the land-grant railroads 50 per cent. more it makes a reduction something like the amount stated by my friend. But I also make the prediction now that there will be even then a deficiency of over one and one-half million dollars on this item.

The gentleman perhaps had not had his attention called—I certainly had not had mine—to the fact that we are now compelled to pay $600,000 under the decision of the court to the Union Pacific Railroad for their leased roads, which heretofore has been simply put to their credit and has never been taken out of this fund appropriated for this item. Under the decision of the court, as I understand it, we are compelled now to use that $600,000 out of this fund.

Mr. TOWNSHEND. I think the gentleman will find the Department in making its estimates took that into consideration.

Mr. HORR. The Second Assistant Postmaster-General did take it into account. I think you will find you have left it out.

Mr. TOWNSHEND. I think the Postmaster-General himself took it into consideration in fixing his basis, and we took his figures, less the 5 per cent. and the 50 per cent reduction.

Mr. HORR. Now let us come for a moment to a discussion of that part of the bill. I do not complain particularly about the cutting down of 5 per cent. on the railroads, although I do not know whether it can be justified on good business principles or not. But I do invite the attention of this House to the further provision of this bill which steps in and cuts down 50 per cent. on every railroad in the United States that has received any land grant from the Government. First the bill reduces the pay of all the railroads 5 per cent., and then provides that the land-grant roads shall receive only one-half of the sum left. Why not every road as well as the land-grant roads? The bill leaves out the Union Pacific and the Central Pacific, because under their charters we can not reach them. On what principle is this clause inserted? Because in the law which chartered these roads there is this provision: "That the United States mail shall at all times be transported on the said road and branches under the direction of the Post-Office Department at such price as Congress may by law direct."

Now, what I claim is that under that provision you have not the right to fix a just amount for the compensation of all the railroads of the United States and then split that amount right into two parts and make these companies take half of it. It means, if it means anything, that you shall fix such a rate as in conscience and fair dealing they ought to receive and then pay them all of it. The rate fixed for other roads they are entitled to. If a man comes to me to hire out and I say, "What will you charge me for doing such a job?" and he says, "I will do the work and then you may fix the amount after I have done it," does that give me the right to cut him down to nothing for his work or to cut him down to even half price? Why, most certainly not. It gives me the right simply to fix a good, square, fair rate and pay him that amount, and if I refuse to do it he can go into the proper court and compel me to pay him what the work is worth. Am I not correct as to the law?

Now, what about these land-grant railroads? Why do you seek to cut them down 50 per cent.? Where are these roads that you strike by this bill and what are they? Why, sir, with the exception of the Union Pacific and Central Pacific, which are left out, there are fifty land-grant railroads in the United States. I have the list of them here. Among them I doubt if there are ten that are paying their expenses to-day and interest on their bonded debt. Was the land given to these roads to cheapen the price of their mail service? No such thought ever entered the head of any one. The idea that stimulated the passage of the act giving land grants to these roads was this: that it would enable the building of roads in sparsely populated Territories, through countries which would not pay, and would thereby enable us to develop the country and bring into market large tracts of worthless lands; I mean lands that without the road would not be settled upon. Only look at it. Here are roads scattered all over the United States. There are in all about 11,000 miles over and above the mileage of the Union Pacific, the Central Pacific, and the Northern Pacific. Of these roads twenty-three run through the Southern States; twenty-seven run through the Northern States; four or five, I think, are in Florida. They are scattered all over the Southern and Western country. If you examine them you will find that the parties who put their money into them are not to-day receiving and never have received one cent of income or dividend on the money put into the great bulk of them. In my own State I know that to be the fact. I do not believe a land-grant road in the Upper Peninsula has ever made a dividend. I doubt if a road in the State has on its original stock.

But what kind of an anomaly do you gentlemen present on the Democratic side of the House? I see my friend from Indiana [Mr. HOLMAN] is here. I want to call his attention to this fact. You have cut down in this bill the land-grant roads on what they earn for carrying the mails to 50 cents on the dollar. Your colleague from Indiana [Mr. COBB], whom I do not see in his seat, is in another room in this Capitol taking these same land grants away from those very roads. One Indiana Democrat is cutting down what they earn on account of having the lands; and another Indiana Democrat is taking away these very same lands.

Mr. ANDERSON. Which they did not earn.

Mr. HORR. Oh, but they are forfeiting lands already earned. Is it fair and just to cut down their wages on account of land grants and then take the lands away?

Mr. ANDERSON. The Public Lands Committee has not taken away any land that any land-grant railroad has earned. It is not the Democratic policy to take away lands they have earned. You can not blame them for that.

Mr. HORR. We can tell better about that when we come to examine their bills. I think you will then find that my statement is correct.

Of course the reports are not all on file yet, but I do not have to go into the secret transactions of the committee; I can take the files of the House and show that they are trying in one committee to take these land grants away, and in this bill we are trying to cut off their pay because they have had these same land grants. But I do not oppose this provision on that account. I oppose it because it is not just, is not equitable, and because I do not believe the law making these grants gives Congress the right to make this distinction against these roads.

What is the fair thing to do? I say that a little road which has been built through the woods and is struggling to maintain its existence is entitled to receive pay for what it does for the Government. The franchises of all the great roads in the country are worth ten dollars where these land grants are worth one, for the great roads run through a country which is populous and which furnishes a large amount of business. Take the New York Central; you do not touch that any more than you do a hundred other roads in the East and West, North and South. Yet those roads are making twenty dollars where these smaller land-grant roads are making one. Yet without any discrimination you cut the compensation of these land-grant roads down to 50 cents on the dollar, and in that way prevent them from getting pay for what they do. I say it is unjust, it is unfair. I say it is unbecoming the dignity of a great nation thus to deal with these roads. We should deal with them in the same spirit of fairness that one individual would deal with another; that is my idea about it.

Mr. BUDD. Will the gentleman permit me to ask him a question?

Mr. HORR. Certainly.

Mr. BUDD. The gentleman says that the New York Central and other Eastern roads have been making more money than the roads in the West. Is it not the fact that because the other great trunk lines of the East would not pool their earnings it (the New York Central) cut down its rates in order to force them into the pool, until the profits of all were merely nominal; in fact the New York Central, the Baltimore and Ohio, the Canadian, and the other roads lost money? But at the same time the Central Pacific Railroad, a land-grant road, made enough money to build the Southern Pacific through the Territory of Arizona, and to gobble up the Atlantic and the Pacific out of the profits of its land grant and high rates of its freights and fares.

Mr. HORR. To answer that question, Mr. Chairman, would take me about two days [laughter], because I would be required to go into the whole railroad question. I will say to my friend, however, that as I

understand it the New York Central has paid on its stock from 10 to 14 per cent a year. Is not that so? Besides, the Central Pacific that the gentleman mentions is not affected by this bill at all. It is protected by its charter. I have looked this list of land-grant roads through, and I say there is not a land-grant road in the Southern States that has ever paid a dollar of dividends to the men who have furnished the money to build it. They may receive some in time; I think they will; but those roads are built through a country which does not now pay. The lands were given them because the country was new and the roads could not at first pay.

I know it is easy to cry out against these railroads; but I say that if you will examine into them one by one you will find that this bill will work great injustice to the poorer roads of the country, to roads which have been built by Eastern capital, and from which not a single cent has been received for the capital invested. I say this House should be slow to ingraft such a provision upon any of its legislation. But I must hurry on.

The next thing is a small matter; I do not complain of it much. I refer to the clause making appropriation for the steamboat service. The estimates for the next fiscal year called for $625,000 for this service. This bill gives $600,000, cutting off $25,000 of the estimate. I think that is a mistake. The bill gives the same amount, as I remember it, which the bill of last year gave for this service.

Why is this extra $25,000 needed? Is there a gentleman from Florida here? I do not see one. Let me say that there has been an application to the Post-Office Department, and that Department has acted upon it favorably. I suppose it will be a good thing to give new and faster steamboat service on the Saint John's River in Florida. It is desired to have a fast mail from New York to Key West. There is a daily mail between Jacksonville and Palatka, and there is a slow daily mail on the Saint John's River between Palatka and Enterprise. This extra appropriation is for the purpose of putting a steamboat on that river to carry the mail, stopping at only two places, and thereby giving a fast mail on that river. There is another new route wanted on Lake Michigan, from Harbor Springs to Beaver Island.

This extra $25,000 is simply to secure a mail on those two routes, and also to enable the Government to increase this service in times of overflow. It was found during the overflow on the Mississippi last year that a large number of post-offices were cut off, so that mails could not get to them in the usual way. For a few days or a few weeks steamboat mail service was required in order to carry the mails to them. Now, this bill does not give a dollar for such service. The Postmaster-General recommended this increase of appropriation for emergencies of that kind. For instance, no longer ago than the other day New Richmond had to get steamboat service for her mails for the reason that the water there was so high as to prevent the cars from coming to that place. This matter of $25,000 then is to secure a faster mail on that route in Florida, a new one on Lake Michigan, and to meet these emergencies of overflow as I have indicated.

Mr. NICHOLLS. Will the gentleman allow me to make a suggestion?

Mr. HORR. Certainly.

Mr. NICHOLLS. The gentleman speaks of a fast mail service from Jacksonville to Palatka. Allow me to state that the Government has not paid one cent for the mail service from Charleston to Jacksonville for the last year; it is done by the railroad without compensation to accommodate that section of the country.

Mr. HORR. Do I understand the gentleman to say that we ought not to provide for payment on that route?

Mr. NICHOLLS. No. I say the railroads ought to be paid; but they have not been.

Mr. HORR. And we can not pay them, if we pass this bill as reported. That is the very thing I am complaining of—such work is needed, but this bill does not provide the proper pay for doing it.

Mr. TOWNSHEND. Has my friend stated the fact that the Postmaster-General did not make any estimate for this branch of the service; that he left out of the estimates entirely any appropriation for special mail facilities?

Mr. HORR. I beg the gentleman's pardon. The Second Assistant Postmaster-General did ask for this $25,000. This is not for special service at all; it is for steamboat service.

Mr. TOWNSHEND. I am speaking of Postmaster-General Gresham, the head of the Department, not of any subordinate. We look to the Postmaster-General for estimates.

Mr. HORR. Why, sir, the Postmaster-General did include in his estimate this $25,000 for this very purpose.

Mr. TOWNSHEND. For special mail facilities on railroads?

Mr. HORR. Not at all; I am speaking of the steamboat service.

Mr. TOWNSHEND. Then the gentleman will excuse me; I misunderstood him.

Mr. HORR. I left the railroad subject some time ago, when the gentleman was out of his seat. I am undertaking now to show that this estimated sum of $25,000 for the steamboat service ought to have been appropriated, that it was needed, and should not have been left out, and I think the members who have followed me are satisfied that I am right.

Now, Mr. Chairman, I come to the star-route service. In this service the committee have allowed indirectly the full amount asked for by the Postmaster-General. I am glad that my friend from Illinois is now in his seat. If I make any statement on this point which is not correct I wish that he would stop me. In order to cover up the exact amount appropriated by this bill, in order to make it seem smaller than it really is, and thus to deceive the people as to the amount that the bill actually carries, the committee propose to reappropriate $1,000,000 out of a fund that was saved from this service in 1883. If you will look at the bill you will find it carries an appropriation of $4,600,000, and $1,000,000 reappropriated.

Now look at the footing at the end of the bill, and you will find that this $1,000,000 reappropriated is left out. Why? What for, I mean? I would be very glad to have you tell me right here.

Mr. TOWNSHEND. I will do so. All the revenue of the Post-Office Department is set aside specially to defray the expenses of that Department, if it is sufficient to do so. If it is not sufficient, the Department calls for an appropriation for the deficiency, to be paid out of the general Treasury. We found that in 1883 the expenditures of that Department were more than $2,000,000 less than the amount appropriated for the Department. We have, therefore, lying idle to the credit of that Department $2,000,000. Now in this bill we have reappropriated $1,000,000 of this fund standing to the credit of the Department, in order to avoid the necessity, if there should be a deficiency, of having to make appropriation out of the general Treasury.

Mr. HORR. Under the law, that $2,000,000, on the 1st day of next July, has to go back into the general fund; does it not?

Mr. TOWNSHEND. No; if my friend will look at the statute he will find that the amount lies there to the credit of the Post-Office Department.

Mr. HORR. But at the end of two years it goes right back to the general fund.

Mr. TOWNSHEND. My friend is mistaken.

Mr. HORR. I am not mistaken. That money by operation of law goes back into the Treasury at the end of two years. Then why reappropriate it? Why did you not simply appropriate the whole amount required in the usual regular way?

Mr. TOWNSHEND. For the reason that we wanted to give and have given every dollar that the Department asked for the star-route service—$4,600,000; but we have also made available $1,000,000, which was left over after the exposure of the star-route thieves. It was found that in one year we could honestly reduce the expenditures of that Department $2,000,000. Now, after the thieves have been exposed, and after it has been found that the Government could save $2,000,000, that amount lies in the Treasury to the credit of the Department; and we have appropriated $1,000,000 of that amount.

Mr. HORR. Why did you not say, then, at the end of your bill, "$45,000,000 appropriated and $1,000,000 reappropriated," making $46,000,000 carried by this bill?

Mr. TOWNSHEND. You may put it in your speech or have it printed in the bill, if you please. That is not a part of the bill. The bill speaks for itself.

Mr. HORR. But the bill as it now is does not speak the truth.

Mr. TOWNSHEND. The bill as it is tells the exact truth. It says that we appropriate $4,600,000, and in addition reappropriate $1,000,000 which was saved from the thieves.

Mr. HORR. Mr. Chairman, let me ask my friend if ever in the history of this Government an appropriation of this kind was ever before made in a Post-Office appropriation bill? Never; and the gentleman well knows it; and the footings at the end of the bill are simply intended to mislead as to the amount actually appropriated.

Mr. TOWNSHEND. I will say to my friend that I can bring instances here showing that Republican Congresses, one after another, have reappropriated unexpended money lying in the Treasury.

Mr. HORR. Why, Mr. Chairman, if a Republican Congress ever reappropriated money of this kind and in this way they committed a blunder.

Mr. TOWNSHEND. Let me say to my friend that at the very last session a Republican Congress reappropriated $15,000,000 for the pension fund.

Mr. HORR. That may have been done in the pension bill for some special reason; I can not stop to talk about that now; but I do say that if any such case as this can be found, then the Republicans did wrong, blundered. Admit, if you please, that they made precisely this same mistake, which I much doubt, has the Democratic party got into such a condition that it can never get any better except by imitating our blunders? Does it improve you gentlemen to imitate our mistakes? [Laughter.] Let me suggest that if you will imitate our virtues you will improve a great deal faster.

Mr. TOWNSHEND. We can not find any virtues to imitate.

Mr. HORR. You can not find any? Why?

Mr. TOWNSHEND. No; we can not find any virtues in the Republican party deserving of imitation.

Mr. HORR. Why? Permit me to tell you why. There are some people who are color-blind and can not discover or do not know the difference between the beautiful colors of nature and the most somber-looking things in the world; but it does not follow that nature is not

all covered over with beauty simply because they do not see it. So because you can not see the virtues of the Republican party, my friend, it does not follow that none exist. Why, sir, they are plentiful, thickly strown all along our pathway for twenty-six years last past. [Applause on the Republican side.]

The trouble with you gentlemen is you seem to be happy only when you can spy out some mistake of ours, and then you imitate that and cry out, "Oh, we are virtuous now, because we are doing just as you Republicans did!" [Laughter.]

Mr. TOWNSHEND. Will the gentleman from Michigan yield to me for a question?

Mr. HORR. Certainly; for any kind of a question.

Mr. TOWNSHEND. Does the gentleman from Michigan consider the star-route service one of the virtues and beauties of his party?

Mr. HORR. One of its beauties, certainly. It is as important a service to-day as there is in the country, and one trouble is, we are getting it done too cheaply, as I will show in a moment. True, we have had some bad work in connection with it, and the Republican party, unlike yours, took after the thieves, smoked them out, and saved two millions of dollars in one year by doing it. You have no such record as that in your past history clear back to Jefferson, and that is as far as any of you go. [Laughter and applause.]

Mr. TOWNSHEND. We had no such star-route record as that of the Republican party, and we thank God for it.

Mr. HORR. A man whose memory is full of Tweed and his Democratic associates don't want to lecture our party because abuses crept into this service which were stopped the moment they were discovered. We expose and turn out our rascals. When have you done as much?

But that, Mr. Chairman, has nothing to do with the Post-Office appropriation bill. [Laughter.] I must hasten on.

I wish, Mr. Chairman, that these star routes could be let in a different way. I agree with my friend from Illinois [Mr. TOWNSHEND] that we are to-day not getting the best star-route service possible. The letting is so done that combinations are formed all over the United States, and these companies or combinations get the contracts originally, and then relet these routes at so low a rate as to materially injure the men who do the work. Let me be fully understood.

The CHAIRMAN. The gentleman's time has expired.

Mr. HORR. I did not suppose I had occupied so much time, and I ask permission of the committee to finish what I had prepared to say.

Mr. HOLMAN. I hope the gentleman's time will be extended, and I will make that motion—that be be permitted to proceed.

The CHAIRMAN. The Chair hears no objection, and the gentleman will proceed. How much time does the gentleman want?

Mr. HORR. I can not tell, but I will not unnecessarily consume the time of the committee.

The CHAIRMAN. The gentleman will proceed.

Mr. HORR. Mr. Chairman, what I was about to say is that the present system is in such shape that at the letting of these star-route contracts the routes are largely captured by a lot of combinations in different parts of the United States. They get these contracts and then sublet them at ruinous rates, and thus compel the service to be done for a great deal less than it is really worth. That necessarily gives us poor service, as is always the case where men work for poor pay.

I have studied this question with some care to see if it were not possible to remedy the difficulty in this bill. I found no remedy possible. I do not think there can be any remedy without increasing expenditures, and that we could not do on an appropriation bill, because it would require us to change existing law. There is a bill now before this House which I think in a measure will remedy this difficulty. What we should aim to do is to arrange it so that the men who do the carrying of the mail shall get the pay for the work done. You will be astonished to find that about two-thirds of the star routes in the United States are sublet, and these combinations get thousands of dollars, if not hundreds of thousands, and get it without doing one single chore of the work. To avoid this I think we will have to pay more money, but it ought to be done, in my judgment, even if it costs more money. At least there would be some recompense to me for the extra cost if the money could all go into the pockets of the men who perform the service.

Mr. WHITE, of Kentucky. Allow me, before the gentleman leaves this point, to ask him this question.

Mr. HORR. Certainly, sir.

Mr. WHITE, of Kentucky. Is the gentleman from Michigan aware of the fact that at the letting which took place on the 1st of the present month there were numbers of these star routes for which there was not a single local bidder?

Mr. HORR. I knew my friend from Kentucky would be on his feet just as soon as I came to this particular point of the star-route service.

Mr. WHITE, of Kentucky. I would like, with the gentleman's permission, to proceed a little further, and ask him another question.

Mr. HORR. The gentleman's district is largely represented by these combinations. In my examination I have looked them up and found such to be the case.

Mr. WHITE, of Kentucky. I hope that the gentleman from Michigan, since he has chosen to make that statement in this House, will allow me to make a further statement.

Mr. HORR. Certainly.

Mr. WHITE, of Kentucky. My district will not show a star-route thief, while the Post-Office Department will show quite a number of them. The combinations or contractors in my district, to which the gentleman from Michigan referred, have saved thousands of dollars to this Government.

Mr. HORR. Are you done?

Mr. WHITE, of Kentucky. The process which he proposes will not cheapen the service and he does not claim that it will. Nor will the shutting out of general bidders and giving a monopoly of the contract business to local bidders furnish an improved service for the people in my judgment. It will be in the interest, however, of a few liverymen, who will take the place of the general bidders and form local combinations which will increase the expenses of the service. Mail contractors are as important in my opinion to the efficiency of the mail service as drummers are to the commerce of the country.

Mr. HORR. Well, I am in danger of forgetting the first part of the question before you get to the last part [laughter], but I will endeavor to answer the gentleman's question as I go on. I did not intend to go into the details of this business. His constituents—and there are combinations elsewhere than in his district, I am frank to admit—so far as I know, have never done any stealing. I do not think they have ever stolen anything; but they have combined together, and under the present law a postmaster here in Washington, for instance, or in the State where these parties live, in the vicinity of where my friend lives in Kentucky, for instance, can certify to their bond. Now, they get together and look over all of the mail-routes in the United States which are advertised to be let. They figure out that they can perform the service at so much per mile. They make a statement, accompanied by their bid, that they know the conditions of that route and the service needed, which statement is pretty nearly stretching the truth—that is as near as I expect a man from my friend's district can come—and they file their bid. How do they do that? Mr. Chairman, they have learned human nature. They are shrewd men. They were reared in a practical school. If their figuring on a certain bid amounts, for instance, to $410, with the figures at $8 a mile, they put their bid in at $407 or $408, so as to get a little below the even fives or tens. In some way they have been able to discover that the men who live near the routes always put their bids in even fives and tens, so that in that manner, by bidding just a little below their agreed rate, they capture the route. Last year, by this very process of getting a few dollars below the even fives and tens, they succeeded in capturing two-thirds of all the mail-routes let in the United States in the star-route service.

Now understand——

Mr. BELFORD. Let me call your attention to a point just here.

Mr. HORR. I hope my friend from Colorado will not interrupt me now. I want to finish this point.

Mr. WHITE, of Kentucky. I hope the gentleman will not be interrupted. I want him to go on with reference to this subject.

Mr. HORR. I am going to do so.

Mr. WHITE, of Kentucky. I want to learn something about this matter.

Mr. HORR. You will if you listen. I was going on to say that the people living at home, in the vicinity of the route, bid the amount or just about the amount that they figured out ought to be given for the service; these combinations, as I have shown, learn to go a little below that. They do not intend to do the work, and they bid less than the man who intends to do the work feels as if it should be done for.

There is no collusion at the Department. I supposed myself at first there must have been, but upon examination, when I learned the methods adopted by the Department, I became satisfied that there is no possible chance there for these combinations to learn about the local bids; but these men have reduced their movements almost to a science in the manner that I have stated or in some such manner until they have succeeded in capturing two-thirds of all the star routes in the United States. Then the next thing is to give bonds. They do this and secure the contract. Then they send out their agents to these places, and often sublet to the very man who bid against them; and thus they make men who actually do the work, who carry the mails, take them at from 10 to 30 per cent. less than they themselves bid for them. These contracts, subletting, are on the files of the Department. The result is that the men who carry the mails carry them all over the country for less than the service is actually worth. And these combinations—I am not finding fault with them, it is their business and managed for their own benefit—I say these men manage to make perhaps hundreds of thousands of dollars that they do not really earn. That is my objection to the present system. The gentleman says they save money to the Government. Admit it. But it is better for the Government, I say, to pay, if necessary, more money if by doing so we can get a much better service than we can possibly get under the present system. Such would be the result, because we all know that a good service can be had only by paying what it is worth to the men who do the work.

Mr. WHITE, of Kentucky. Now, the gentleman from Michigan says that these combinations in my district, seven or eight hundred miles away from here, make no collusion with the officers in the Department. I wish now to ask the gentleman if he can answer this question, whether

the officers in the Department have in times past made no collusions with combinations in the city of Washington? And whether his argument is not in the interest of combinations in Washington instead of the interests of the Government?

Mr. HORR. Not a particle. I would break up these combinations here in Washington just as well as I would in Kentucky, and have the money of the Government go to the men who carry the mails, who do the work. I think that can be done under the provisions of the bill now on our Calendar, which compels them to get the approval of their bonds from postmasters living contiguous to the route. I think that will do it. I should hope it may, because it will give a purer and better service in my judgment and place the money in the pockets of the men who actually earn it.

Mr. WHITE, of Kentucky. Before the gentleman leaves this point——

Mr. BELFORD. Now, Mr. Chairman, I wish to say a word to the gentleman——

Mr. HORR. I must decline to yield.

The CHAIRMAN. The gentleman from Michigan declines to yield.

Mr. BELFORD. Mr. Chairman, as this committee has extended the time of the gentleman from Michigan, as I understand, and as I desired to call his attention to some facts which would confirm his assertion and strengthen the statement he is making, I had hoped to obtain his consent to do so. But he has yielded on two occasions to the gentleman from Kentucky but has declined to extend that courtesy to me. I hope, therefore, that he will be permitted to go on uninterruptedly.

Mr. HORR. I do not know any reply I can make to that. I had no idea of being discourteous to the gentleman from Colorado. He makes no allowance for the fact that so much of my time has been occupied by my friend from Kentucky and by other interruptions.

Mr. WHITE, of Kentucky. I ask the gentleman from Michigan, as his time is unlimited and he has made an attack on my district, to yield to me.

Mr. HORR. Not at all. I have made no attack on my friend's district. I am not blaming his constituents. I am simply trying to devise a better system than theirs. But I yield to the gentleman if he will be brief——

Mr. WHITE, of Kentucky. I want to state a few facts on the point which the gentleman from Michigan is presenting. I may be presumed to know a little more of my district than the gentleman from Michigan can know. I want to call his attention to this fact, that while there are combinations that bid for star-routes, they understand the business and succeed. I know of one such in my old district which has been in the business for over twenty years. And I want to say to the gentleman from Michigan that he may search the records of the Post-Office Department, and he will find that the gentleman to whom I allude, Hon. R. Boyd, of London, Ky., has never been declared a failing contractor for one dollar; nor has he or the combination to which he belongs ever had any service expedited in their interest; nor has any man in my district ever been in connection with any of the star-route frauds. That, sir, is a pretty clean record.

The success of such combinations as that has encouraged other men who do not understand the business to undertake to make money in a business of which they know nothing. Some men will do that in every avocation of life. Some undertake to be merchants who are fit for farming or some other business, but not for the mercantile business. Now I want to call the attention of the gentleman from Michigan——

Mr. HORR. I do not know that I can yield further; the gentleman is ruining my speech. [Laughter.]

Mr. WHITE, of Kentucky. Of course I am. I rose for that purpose. I hope the gentleman will not cut me off. Let him give me two minutes more.

Mr. HORR. The gentleman can go on. He seems to need relief for some reason.

Mr. WHITE, of Kentucky. I want to refer to an instance which occurred. A gentleman in my district—not in my district now but in loyal Whitley County, which the Democratic party took out of my district because of its loyalty to me—wrote to me asking me to go to the Department to learn why he was reported as a failing contractor; that he had sent a number of bids to the Department and wanted them considered, and that he had been informed by a friend that they were not being considered. I went to Mr. Lyman and asked him why that was so. He said the Sixth Auditor of the Post-Office Department had reported this gentleman as a failing contractor on a route in Alabama. I said: "Did he ask to be restored?" He said "No; if he had asked to be restored we would have restored him" upon the receipt of notice from the Sixth Auditor that his account had been satisfactorily settled.

I looked through the files and saw the gentleman from Whitley had offered to pay up every dollar—$19 I think was the amount—and had asked to be restored. The Second Assistant Postmaster-General had been requested by this gentleman to restore him, as his own files showed, for I saw the papers. This application was nearly a year ago and after he had paid off all his obligations and the Sixth Auditor had certified that his account was settled; and yet his bids had not been considered and never were considered. I showed this to Mr. Lyman, and asked him why it was so. He said he intended to freeze out those bidders in Whitley County, Kentucky. They were troublesome and too remote.

Mr. HORR. I can not yield to the gentleman further, because I am anxious to finish my remarks during my natural life.

Mr. WHITE, of Kentucky. I want to show up this case, for it rather indicates that the Department is working in the interest of Washington or other combinations, and is not attempting to do justice to the whole country.

Mr. HORR. I have no assurance that the gentleman's statement would not last a week and must decline to yield further.

The CHAIRMAN. The gentleman from Michigan has the floor.

Mr. HORR. Mr. Chairman, I know nothing of the case named by the gentleman, but I will venture the assertion that the Departments are not working in behalf of Washington combinations as against those in Kentucky or anywhere else. They may be desirous of keeping these star-routes out of the hands of them all; in efforts made in that direction they have my sympathy and support.

I was about coming to another item in the bill, and it is the most important part of the railway mail service, that of the railway clerks, what we used to call the route-agents. Now, we expended in 1883 on this branch of the service $3,888,032. In 1884 we appropriated $3,977,120. The estimate for this year is $4,295,289.60 to perform this work and pay the needed number of clerks.

I need not say to the House that this railway-clerk service is the key to our entire post-office system. The railway clerks distribute the mails from the cars. They do the most laborious work, with the exception of the carriers, of any men in the postal employment. They are hard-working and faithful men. Now, this bill only appropriates $4,000,000 for this service, thus cutting down the estimate $295,289.60. What are the facts in regard to it? For the current year the appropriation, as I have said, was $3,977,120. On the 29th of February last there were employed in this service 4,025 clerks. They cost—for their salary is fixed by law—$4,026,141 per year. This bill carries only $4,000,000. So that if we only give the amount provided in this bill there will be a shortage of $26,141 next year without providing for one particle of increase which necessarily arises in this service.

Does my friend from Illinois [Mr. TOWNSHEND] know that all men in the service can not be kept in next year on the appropriation provided in this bill? The service now needs, they tell us, 368 additional clerks, of whom 143 are needed on new lines. Understand me, new railroads that are built to-day need 143 new clerks, and we have not provided a dollar with which to pay them. Can it be possible that the American Congress proposes to make an appropriation for the benefit of the Post-Office Department and leave that service unprovided for, as I have shown?

These new lines must have the service. We all know the man who has the management of this railway service and know there is no more careful man in the employment of the Government. He never uses a dollar above the appropriation, if he lets the service suffer. He never estimates for a shilling that he does not need. We have given him heretofore just the amount he has asked for. He has never exceeded it, and if he has always used it all it is because the good of the service demanded it.

You all know that the mails are piling up on the roads in some parts of the United States because there is a lack of clerks to attend to them. And yet the Committee on Appropriations have here prepared a bill which will actually cripple this service for the next fiscal year. I do not for a moment believe that the House will permit this to be done. Far better give too much than too little for this branch of the service.

Now I come to the little matter of mail bags and catchers. The Committee on Appropriations have reduced the amount estimated by $25,000. What is the fact about that item? The appropriation for that branch of the service has been so low heretofore that the mail-bag supply is running out. Bags for this purpose are only made to order. You can not get a supply of them in a day, or in a week, or in a month. The Post-Office Department has been in the habit of keeping a supply on hand, and the Postmaster-General now tells us that the supply is wellnigh exhausted, and in order to meet the demand and accumulate such a number as prudence dictates $25,000 is needed in excess of the appropriation of last year. I submit to gentlemen here that we ought to grant it.

Again, the estimate for the mail-messenger business is cut down in the same way. You all understand what that is. The mail messenger is the man who carries the mails from the depot to the post-office and from the post-office to the depot, mainly in our large cities. The Department asked for $1,000,000 for the next fiscal year. This branch of the service for the year ending June 30, 1883, cost $800,000. For the year ending June 30, 1884, $850,000 was appropriated. The service will cost for this year $20,000 more than was appropriated for it; that is, the actual amount to be expended for the year 1884 will be $870,000.

Mr. TOWNSHEND. Does the gentleman mean this year or last year?

Mr. HORR. This year.

Mr. TOWNSHEND. We have not the estimates for this year.

Mr. HORR. I say that from what is now known there will be a deficiency this year of $20,000.

Mr. TOWNSHEND. That must be conjectured for one-half of the year; the fiscal year is only about half gone.

Mr. HORR. This is a service which must be performed. It is not done by the same kind of lettings as the other service is, although it is let in some instances. The postmasters hire this service, and it is performed as cheaply as it can possibly be done. You will find, if you will examine the matter, that the cost of this service cannot be reduced. Yet this bill gives only $900,000 for this service. For the next year there will be required an increased service of this kind of $30,000, if no new roads should be built. But new roads will probably be built, and at least $100,000 more will be required. This service must have a little money for leeway. When the floods came in Cincinnati they telegraphed the Department to give $20 a day extra for messengers, and then again for $25 per day, because they had to carry their mails into the country in order to reach the railroads away from the overflow. This bill reduces the estimate by $100,000, whereas we ought to appropriate every dollar asked in order not to cripple the service.

In conclusion, Mr. Chairman, let me state that I have tried to point out some of the reasons why I think this bill ought to be amended. When the proper time comes I shall attempt to have the House so amend it that it will not destroy the service it is intended to support.

I want to say just one word to my friends on the Democratic side of the House. I ask you in all kindness if you think you can gain any political credit or renown by curtailing the service of such a Department as the Post-Office Department of this Government? I permit no man to go before me in an attempt to save to the United States Treasury every dollar unnecessarily expended. But while I would do that, I would be overcareful to give a Department like the Post-Office Department ample money, so that its duties can be performed in a manner that will serve the people as they ought to be served.

Just think of it—trying to run a political party on the simple shibboleth of "economy! economy!" when your economy will hamper and cripple one of the greatest and most perfect systems of the country, that which carries the letters and newspapers of the land. The mail service is sacred in the eyes of the people. It conveys knowledge, information, messages of love from homes to homes all over the United States. Now what we should do is, like business men, to appropriate sufficient for this service, as nearly as we can, to provide for its needs; not gingerly, not reluctantly. The postage collected pays the bills. Let us do for the Post-Office Department what we as individuals would do for it if we owned it and were running it ourselves. Let us give them the necessary funds to make the service complete and efficient. They are not squandering the money. No country in the world has a purer service. And to do that you will be compelled to amend this bill in the many features which I have pointed out. I am satisfied that the majority of this House are not going to cripple the mail service of this country. When once its needs are understood you will surely treat this service with a liberality and fairness that is commensurate with its importance.

I am much obliged to the committee for the kind attention given me, though I have been compelled, owing to interruptions, to take much more time than I had intended.

Mr. SUMNER, of California. Mr. Chairman, I shall contend that every Representative when he stands before the Speaker's desk and takes the prescribed oath to support the Constitution of the United States gives solemn promise and pledge to aid, according to his opportunity and ability, toward securing an enlargement of the present postal system of the United States by the establishment of a Government postal telegraph. I know that to some—perhaps to many—this proposition may at first seem unfounded and absurd. I know that at least all the decent epithets that can be heaped upon a man to characterize him as lacking the faculties which go to make up the average human intellect, which are requisite for the possession of good common-sense, have been applied to those persons who have insisted that upon grounds of public policy the United States of America should have and should operate a Government postal telegraph. Much more might it be expected that such a claim for fundamental basis, obligation, and demand as I have ventured to present, if there be condescension to notice it at all, will be challenged or scouted as belonging alone in the domain of the ridiculous. Yet it is presented here and now as my title and my text.

The Constitution of the United States, in section 8 of article 1, provides that Congress may establish post-offices and post-roads—the precise language being that "The Congress shall have power to establish post-offices and post-roads." More than a century of uninterrupted and unchallenged legislation founded upon that provision of the organic act has so construed this delegation of authority as to make it an instruction and mandate to the members of the National Legislature. We have then only to ascertain the function of the Post-Office, which was established under the Articles of Confederation, and the nature of the added "power," to "establish post-roads," in order to see how far a performance of duty under oath is by this subdivision required of every one of us.

It is interesting to trace the history of the public post, and note its recorded existence as marking the advance and the climax of civilizations in the Old World. But while such a review would be pertinent and appropriate at the beginning of a train of rising argument on such an occasion, I have not the time here to enter upon it. We may have gratefully regarded the institution in its general, comprehensive, and beneficent provisions, as it was in the day of its adoption by us a nearly perfect legacy from our immediate forefathers—from those countries to which we shall have occasion to refer hereafter when we come to urge with specific detail that increase in the postal facilities of the people which belongs to our due obedience to the supreme statute of our Union. Under the privilege usually accorded, however, I shall wish to have read at this point in my published remarks an extract from the standard treatise on the Constitution, written by Joseph Story, respecting the advantages enjoyed, and to be constantly increased, by authority of the clause "to establish post-offices and post-roads." No less a man than Judge Story, when writing on this subject more than forty years ago (1839), saw fit to say:

This power is peculiarly appropriate to the National Government, and would be at once unwieldy, dilatory, and irregular in the hands of the States, from the utter impracticability of adopting any uniform system of regulations for the whole continent, and from the inequality of the burdens and benefits of any local system among the several States in proportion to their own expenditure. Under the auspices of the Government the Post-Office has already become one of the most beneficent and useful of our national establishments. It circulates intelligence of a commercial, political, literary, and private nature with incredible speed and regularity. It thus administers, in a very high degree, to the comfort, the interests, and the necessities of persons in every rank and station of life. It is not less effective as an instrument of the Government, enabling it in times of peace and war to send its orders, execute its measures, transmit its funds, and regulate its operations with a promptitude and certainty which are of incalculable importance in point of economy as well as of energy. The rapidity of its movements has been in a general view doubled within the last twenty years; and there were at the close of 1838 12,663 post-offices in the United States, with mails then traveling in various directions and on various routes more than 134,000 miles. The net amount of postage in 1838 amounted to a little short of three millions of dollars.

It seems wholly unnecessary to vindicate the grant of a power which has been thus demonstrated to be of the highest value to all the people of the Union.

I think it will be observed at once that there is a very great significance in some portions of this short chapter from Judge Story's famous hand-book of the Constitution, as bearing upon the topic announced.

Mr. Chairman, is there any gentleman here who will rise and seriously suggest, by way of amendment or otherwise, that we should refrain from making any postal appropriation at all during this session of Congress? Or declare that we should make provision for transferring, so soon as conveniently may be, the administration of postal affairs to private management? Imagine, if you can, a Representative on this floor insisting that our mail-bags should be taken from the railway vans and placed upon mail-coaches of the pattern of fifty or sixty years ago, to be drawn by animals from place to place? What one of us would tolerate, in a moment's sober thought, such a proposition as that? Who could put forward such a suggestion with the air of sustained sincerity without its being suspected by all reasonable and reasoning listeners that the man was a fit subject for an imbecile's asylum? And yet I confess that it has seemed to me that having regard exclusively to the letter-carrying for the people, it is almost as absurd to insist that the Government of the United States ought not, on the grounds of authority and propriety, either or both, to undertake the transmission of intelligence by the operations of the telegraph. In the "progress of events" the post-boy succeeded the military courier and the wandering merchant as a carrier of the people's letters; and the mail-coach and the railway car in due order succeeded them. In the "progress of events" the telegraph should have been brought, as elsewhere it has been, under national administration, and so utilized and regulated as a method of intercommunication between the inhabitants of our country. I seek to put the matter upon its true and firm basis, and in the simplicity of history and of right.

I noticed that the reporting member of the Appropriations Committee having this bill in charge, and to whose great courtesy I am indebted for the personal privilege of this hour, in his own apt and becoming summary of the "progress of events" in connection with the postal system of Europe, incidentally referred to the fact that in a great degree the electric current, brought in subjection to the will of man, bears the messages of the people of Great Britain from shore to shore. As he spoke I felt the waiting of expectation for a suggestion from his lips that would have embraced a recommendation for the reform or implied favor for the enlargement that I stand here to advocate. There was in what he said at least the inadvertent directing of attention to the deplorable contrast between the postal facilities enjoyed by the peoples of other enlightened countries and those vouchsafed to our own.

Mr. Chairman, in order to outline at once the entire advocacy that I would like to make before this Legislature—although I can now do no more than touch and go with respect to some points involved in the brief opportunity that is here afforded—I will suggest an amendment that, if the rules permitted, I should offer by way of addition to the bill reported. I would seek to have annexed, with an appropriate change of the numbering of the sections, House bill No. 98, introduced by me on the 10th day of December, 1883:

A bill to enlarge the postal facilities of the people of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to provide the people of the United States with such facilities for the transmission of letters, in addition to those now had by due course of mail, as are possessed and enjoyed by every other civilized nation, it is hereby determined and declared that the postal system of the United States shall include and embrace a postal telegraph; and the Postmaster-Gen-

eral is hereby authorized, empowered, and instructed to proceed at once to prescribe or cause to be prepared plans and specifications for the construction of the lines of said postal telegraph; and actual work in the building of such lines shall be begun at as early a date as practicable; and the work of construction and extension of such lines shall be prosecuted until all the post-offices of the country south of the northernmost boundary of Washington Territory, having a population of four hundred inhabitants or more, shall have been connected by such a number of postal-telegraph wires as will meet the requirements of the people for business and personal correspondence. Contracts shall be let, after due advertisement, for the work of construction and for the furnishing of materials, instruments, and office appointments, to the lowest responsible bidder or bidders, except as hereinafter provided.

SEC. 2. That the better to carry out the purposes of this act the office of Fourth Assistant Postmaster-General is hereby created; and such officer, who shall be a competent and skillful electrician, shall be appointed in the same manner in which the other Assistant Postmasters-General are appointed, and with the same salary. The duties of such officer shall be, under the direction and subject to the supervision of the Postmaster-General, to exercise a general power of management and control over the administration of the telegraph, and to make an annual report thereupon to the Postmaster-General, which report shall show the amount of the receipts and expenditures of his office, the number of Government and other dispatches transmitted during the year preceding the date of such report, the number of miles of new lines constructed, the number of new offices opened, together with such information as may be specially required from him by the Postmaster-General of the United States.

SEC. 3. That the construction of the telegraph lines contemplated under the provisions of this act shall be begun, as near as practicable, simultaneously at the following places, namely: Portland, in the State of Maine; Seattle, in Washington Territory; Boston, in the State of Massachusetts; Portland, in the State of Oregon; New York, in the State of New York; Philadelphia, in the State of Pennsylvania; Baltimore, in the State of Maryland; Washington, in the District of Columbia; Richmond, in the State of Virginia; New Berne, in the State of North Carolina; Charleston, in the State of South Carolina; Savannah, in the State of Georgia; Jacksonville, in the State of Florida; Mobile, in the State of Alabama; New Orleans, in the State of Louisiana; Galveston, in the State of Texas; Cincinnati and Cleveland, in the State of Ohio; Detroit, in the State of Michigan; Chicago, in the State of Illinois; Minneapolis, in the State of Minnesota; Omaha, in the State of Nebraska; Saint Louis and Kansas City, in the State of Missouri; Denver, in the State of Colorado; Salt Lake City, in Utah Territory; Yreka, Eureka, Sacramento, San Francisco, Los Angeles, and San Diego, in the State of California; and the work of construction shall continue with all reasonable dispatch along the routes selected by the Postmaster-General until every town in the United States of four hundred inhabitants or more, situated south of the northernmost boundary of Washington Territory, shall have been reached and connected by the telegraphic wires of the postal telegraph radiating from the principal points hereinbefore designated. But nothing in this section or act shall be construed so as to prohibit or restrain the Postmaster-General from establishing and maintaining postal-telegraph stations at any other post-offices than are herein embraced by the designation of a minimum population; the object and intent of this act being to establish and maintain a postal telegraph that shall ultimately, and as spedily as practicable, reach with its wires and its operating facilities every post-office in the United States; and the Postmaster-General is hereby authorized, empowered, and instructed to establish and open for business such postal-telegraph stations as he may, in his discretion, deem it wise or expedient to establish, and open for business, along the routes prescribed by him in sparsely settled portions of this nation, such stations as are, in his judgment, necessary or desirable for the proper maintenance of the through line or lines of the postal telegraph, or as are, in his judgment, required for the convenience of the people of the United States.

SEC. 4. That the wires, cables, insulators, poles, troughs, instruments, and batteries of the postal telegraph of the United States shall be of the very best material procurable, adapted in every respect, so far as reasonably may be, for the highest efficiency and the most rapid performance of the work that will be required to be done by their agency.

SEC. 5. That the local offices of the postal telegraph shall be established in the respective post-offices of the United States, in the cities and towns and villages on the routes designated, and the local management shall be under the supervision and direction of the postmaster in each city, town, or village so connected on the postal-telegraph routes as aforesaid. The compensation of the operators and messengers shall be paid from the receipts of the respective offices for postal-telegraph services: *Provided*, That during the first five years from and after the passage and approval of this act the Postmaster-General may meet and supply any deficiency in the receipts of any postal-telegraph office, as compared with the revenue derived from the dispatch of telegraphic messages or the sale of postal-telegraph stamps, by payments out of the fund arising from the sale of postal-telegraph bonds as hereinafter provided for; and the Secretary of the Treasury shall honor the drafts of the Postmaster-General in accordance with this section.

SEC. 6. That the rates for the transmission of messages shall be ten cents for each ten words or less, exclusive of the address and signature, and five cents for each additional ten words or less. The Postmaster-General shall arrange and provide for the transmission of messages from news associations and news agents to the newspapers of the country at a rate not exceeding twenty cents for one hundred words. The Postmaster-General shall provide and publish rules and regulations to secure entire impartiality in the transmission of the press dispatches. But nothing in this act shall be so construed as to prohibit or restrain the Postmaster-General from reducing at any time the rates for transmission of dispatches between any points on any of the routes or lines of the postal telegraph.

SEC. 7. That the Postmaster-General may, in his discretion, cause to be issued postal-telegraph stamps, of convenient denominations, which may be distributed for sale in the same way as are the existing postage-stamps. If such stamps shall be issued, no written telegraphic message or letter, except it pertain to the business of lines of the postal telegraph, shall be transmitted without such stamp or stamps affixed thereto, except as hereinafter provided; but such messages as would properly be inclosed and forwarded in a penalty envelope, by mail, may be sent free over the lines of the postal telegraph at all times, under such limitations as may be prescribed by the Postmaster-General. But nothing in this act shall be construed to prohibit or restrain the Postmaster-General from directing, in his discretion, that the postal stamps now existing shall be used and canceled upon such telegram blanks as may be provided by him, or as may be sent forth under his direction to the postal-telegraph offices of the people of the United States. And the Postmaster-General shall cause to be issued blanks for telegraph messages, having word-spaces ruled thereon, with appropriate headings, and with such information and instructions printed on the face or on the back of said blanks as the Postmaster-General may direct; and the Postmaster-General may, in his discretion, cause to be issued blanks bearing an engraved stamp of an appropriate character, and of such denominations as he may select and determine. Blanks upon which foreign messages shall be sent may be prescribed and issued by the order of the Postmaster-General, so soon as he shall have made arrangements for the transmission of telegrams from terminal offices of the postal-telegraph department of the postal system to points beyond the jurisdiction of the United States of America, as hereinafter provided.

SEC. 8. That the Postmaster-General shall cause to be issued postal-telegraph cards, of the denomination of 10 cents and 15 cents and 20 cents, on one side of which word-spaces shall be ruled for the writing of postal-telegraph messages. Such postal-telegraph cards may be deposited in any letter post-box at a post-office where there is a postal-telegraph connection, or in any letter post-box which is or may be fixed on a letter-carrier route. If the number of words written on a postal-telegraph card so deposited as above does not exceed the limit prescribed by this act, these words, composing a message, shall be dispatched by the postal telegraph; all messages so received being sent in the order in which they reach the hands of the postmaster or his assistants; and the Postmaster-General may prescribe and publish rules and regulations for the transmission of messages, of the kind and character herein set forth, in penalty envelopes, to and from post-offices in the United States where postal-telegraph connection has been established and maintained.

SEC. 9. That the money-order system existing and now in operation in the Post-Office Department shall, as soon as practicable, be adapted to the postal telegraph; and the charge for transmitting money-orders by the postal telegraph within the United States, wherever money-order offices are now or may be hereafter established, shall be the rates charged upon money-orders transmitted by mail, in addition to the regular charge for postal telegrams; but no postal-telegraph money-order shall exceed $50.

SEC. 10. That the Secretary of the Treasury is authorized and instructed to issue bonds of the United States, in amounts not exceeding $50 each, and not exceeding in the aggregate value $25,000,000, redeemable in lawful money of the United States within twenty years, and payable within thirty years from the day of issue, bearing interest at the rate of 3 per cent. per annum, payable in lawful money of the United States, at the subtreasury in the city of New York, or in the city of Chicago, or in the city of San Francisco, on the 1st day of January and on the 1st day of July of each year. Each bond shall be sold separately, and shall bear interest from the 1st day of January or the 1st day of July next ensuing after the day of sale. Each postmaster in the United States is hereby authorized to act as an agent for the sale of such bonds; and the Postmaster-General shall cause to be issued a circular setting forth this fact of authority, and containing such directions in the premises as to him may seem best calculated to promote the sale of said bonds to the people of the United States, for and in behalf of the construction and establishment of the postal telegraph, in enlargement of the postal system of the United States. The proceeds of said sale or sales shall be devoted to the construction and maintenance of the postal telegraph of the United States, including payment for wires, cables, poles, troughs, insulators, batteries, operating instruments, and all office appointments, and the right of way, and any operating expenses not met by the receipts for the sending of messages or the sale of postal-telegraph stamps and the sale of stamped postal-telegraph cards or stamped blanks, during the first five years from and after the date of the passage and approval of this act; and the Post-Office Department shall keep a separate account of all sales and receipts and of all expenditures connected with the construction, establishment, and maintenance of the postal telegraph of the people of the United States; and the Secretary of the Treasury shall honor all drafts of the Postmaster-General in accordance with the provisions of this section.

SEC. 11. That the right of way is hereby granted for the construction of the lines of the postal telegraph over all the public lands of the United States; and there is hereby dedicated and granted for the use of the Government employés in the Postal Department of the United States so much of the public lands as may be needed for station building or workshops along the lines of said postal telegraph; and along and adjacent to said lines, on the public lands, it shall be lawful for the persons actually engaged in building such lines to cut poles and timber necessary for the work of construction, including timber for the building of houses on the public lands that may be required for stations or workshops at points distant from the thickly inhabited sections of the country; and the Secretary of the Interior shall recognize and respect this authority and license within fifty miles of the routes for the postal telegraph, on either side of the routes or way selected on the public lands for the construction of the postal telegraph.

SEC. 12. That the Postmaster-General may, in his discretion, construct an underground line of insulated wires or cables where and when in his judgment such underground line will be preferable to a line constructed by wires or cables stretched upon poles.

SEC. 13. That the telegraph lines of the postal telegraph shall be constructed along or across or under any street, road, canal, railroad, or other public highway that the Postmaster-General may designate; and no one shall be allowed damages or rental for the right of way on said lines except the same shall not be upon a public highway.

SEC. 14. That the Postmaster-General is hereby authorized and empowered to open for business, at the rates hereinbefore designated, or at less rates for transmission, any section of fifty miles of telegraph wire or wires completed in pursuance of the provisions of this act; and the Postmaster-General is hereby authorized and empowered to accept, as a part of the postal telegraph of the people of the United States, any section of fifty miles or more along the line of the routes designated by him, constructed subsequent to the passage and approval of this act: *Provided*, That the material used in said construction, and the character of the work performed in the building and maintenance of such section, shall be in conformity to the terms prescribed in section 4 of this act: *And provided further*, That the amount asked and paid for a perfect and complete title to such section of telegraph construction shall not exceed the lowest price at which the Postmaster-General could procure materials and construction of a precisely similar or equally excellent section of telegraph line on this prescribed route of the postal telegraph.

SEC. 15. That the Postmaster-General shall, so soon as desirable and practicable, enter into negotiations and arrangements with the proprietors of telegraph lines or telegraph cables which extend from the United States into foreign countries, by which telegraphic messages may be forwarded between persons residing in the United States or sojourning therein and persons residing or sojourning in foreign countries, over the lines of the postal telegraph of this Government to and from the borders of the United States of America.

SEC. 16. That the Postmaster-General is hereby authorized, as soon as he may deem it expedient, to seek to ascertain the best route for a line of telegraph wires or cables between some point in Washington Territory and the town or port of Sitka, in Alaska; and for this purpose he shall, through the Department of State or otherwise, inquire as to the terms and conditions upon which a telegraph line of wires or cables can be constructed through British Columbia and over or under waters within the jurisdiction of Great Britain, from the border of this nation in Washington Territory to the border of this nation in Alaska; and the Postmaster-General shall report the results of this inquiry in his next annual report to the President of the United States.

SEC. 17. That all persons shall have the right to correspond by telegraph in the manner herein prescribed. Telegrams shall be privileged communications in law to the extent that private letters now are. They may be written in secret letters or cipher, and shall be transmitted in the order in which they are received at the several offices. All provisions of law relating to the secretion or destruction, or to the receipt, transmission, and delivery of mailed letters, and to the sale of stamps and stamped paper, and their improper use, shall, so far as pertinent, apply to telegrams and telegraphic stamps. Every postmaster shall be accountable for all stamps and stamped paper furnished to him. Any person connected with the post-office who shall willfully remove from any telegram any stamp affixed thereon, or who shall, contrary to his duty, disclose or in any way make known or intercept the contents of any telegram, or any part thereof, or who shall delay or hinder the transmission or delivery thereof, and any person who

shall willfully or maliciously obstruct or postpone the transmission or delivery or divulge the contents of any telegram, or any part thereof, or who shall injure or destroy any of the property of the postal telegraph department of the postal system of the United States, or interfere with the working, repairs, or use of any line of the postal telegraph, shall, upon conviction in the district court of the United States for the district where such offense shall have been committed, or where such person shall reside, be subject to a fine not exceeding $200, and to imprisonment for a term not exceeding two years. It shall be the duty of the Postmaster-General to cause to be prosecuted all persons offending against any provisions of this section.

There is no time for a very extended recital of statistics, and you would have no indulgence for a reading at this hour from tables which argumentatively and conclusively refer to the details of electric telegraph operation, to the comparisons of cost, and to the warranting of expenditures. And besides, what I can be allowed in reason and propriety to present of this nature, I must defer to the latter part of my remarks, assuming that I shall have the privilege of appending to my speech any series or sums referred to, when the reporter's manuscript goes from the official note-taker's hands.

There is a necessary or much-needed labor of speech-prefatory before we can enter into specifications as to the peculiar demands (for such I shall contend do exist in this country) in behalf of a postal telegraph; much more are these introductory or clearing passages required prior to any statement and consideration of items of cost and expenditure.

We are confronted at the very threshold by an assertion—I had almost said by a proclamation—intended, you may be sure, more especially for this side of the House, which, it now happens, is in a majority; an assertion that the postal telegraph, as an enlargement of the present postal system of the United States, would be in violation of the strict-construction doctrines of Thomas Jefferson (oh, most abused of noble names)! With some this whole subject has been peremptorily and instantly rejected or put out of mind, denied any consideration, with the shouted challenge, "It signifies paternal government!" Mr. Chairman, if this is "paternal government," the establishment of the postal system that resulted in strapping the mail-bags on the post-boy's pony, that afterward transferred them into the boot of the mail-coach, that finally tossed them into the van of the railway, is "paternal government." And the logical and moral outcome of any proper reasoning on such a theory or basis ought to be the presentation and persistent urging here of a plan for the speedy abandonment of all governmental administration devoted to or connected with the transmission of intelligence. Is the authority for the challenge at hand? If not, may I ask for it? Can it be brought from the writings of Thomas Jefferson? They are convenient for reference. There, close at hand, is the great Library. The topic was in his mouth for public and private communications. Occasional, general expressions can not be interpreted against explicit language of favor. Present one single extract from one State paper or one private epistle in which he questioned the policy of a postal system in the United States or regretted the establishment of that branch of public service. I respectfully defy any man to do that. On the contrary, had I the time I could read to you from his authenticated volumes, wherein he commended that portion of the Constitution which has just been repeated, congratulating his fellow-citizens upon its adoption, and urging a thankful consideration of its manifold merits. And so with our other political fathers. If you oppose this measure, deny that they were right in their views; do not affect to quote them.

But it is "paternal government," after and in spite of everything said by anybody; and the changes are rung upon this phrase without pause or qualification, as if indeed it were an absolute barrier to a single step in the direction that has been indicated. Movement in this direction "unconstitutional!" I declare the true adjuration is so reversed. Against the unwritten letter or in violation of the spirit of our traditional policy? It is in keeping with them both.

Call this by what name you will. Against the pitiful sneering and the contemptuous adjectives which are indulged in by the attorneys for the great telegraph monopoly—after they have filled their mouths full of the popularized phrase—I put the august letter of the organic law. It is written in the Constitution, Congress shall have the power. It is written in history, Congress has uninterruptedly exercised the power. And I make bold to add, and call to discussion thereon, with all due respect for the members of this National Council past and present, and conscious of assuming nothing extraordinary or conceited in the summons: that the Congress of the United States has neglected to perform its constitutionally bound duty when it failed from year to year, from 1844, to inaugurate and institute a system of Government postal telegraph, in enlargement of the existing postal facilities of the people of the United States. If it *is* "paternal government," you have neither Thomas Jefferson nor any other father of the Republic at your beck for attendance by testament of opinion in this tribunal, in support of the opposition made to the passage of such a bill as I have had the honor to submit to this Forty-eighth Congress of the Union. During the Presidential terms of Jefferson and Madison, surveys, appropriations, and work of construction for national post-roads are recorded.

Bring to your minds again the language of Mr. Justice Story:

> This power is peculiarly appropriate to the National Government. * * * It seems wholly unnecessary to vindicate the grant of a power which has been thus demonstrated to be of the highest value to all the people of the Union.

Even such a philosopher as Herbert Spencer, extreme in his views of confining the functions of government close to the border of police duty, is compelled to say:

> Respecting the carrying of letters it may here be repeated that it is not intrinsically at variance with state duty; for it does not in the abstract necessitate any infringement of man's right, either direct or by taxes raised for non-protective purposes.

And he can only oppose the postal system on the same ground from which he objects to coinage of the money of the realm.

But I deny utterly that a postal telegraph comes under the heading of "paternal government" in the objectionable or odious sense of these words. I do not maintain or believe in the doctrine of a paternal government within the lines mapped by our political ancestors of Democratic faith—no more, I dare be tested, than the most ultra strict constructionist upon this side of the Chamber. Those who oppose us with respect to this project sometimes make unjustifiable assumptions in debate or in the tussels of conversation. I do not believe in that "paternal government" which would enter aggressively into the domain of private enterprise—as it was claimed here, a few days ago, the government of the Italian nation once had done—to the destruction of private business and the financial ruin of the country. Certainly no one engaged in this advocacy believes in anything like standing up any class of citizens against lamp-posts or street-walls and stuffing them as you would stuff a turkey for Christmas. Yet it doth appear, at times, that even to this extreme and ludicrous disposition and doctrine would the desperate defenders of the greatest monopoly in this country seek to put every man who espouses our side of this great issue. In no light can this proposition for a postal telegraph be stamped as a matter of "paternal government," unless by that term you choose to characterize it as a plan of legislation in conformity to the express counsel and plan and example of the fathers of the Republic; which would be changing the entire significance of the adjoining words as they have been commonly accepted, and as they are intended to be understood and to be effective in the discussion of this subject. Some men get in a rut of name-calling, phrase-flinging, and precedent-quoting; instructed in a school of error and built up as with the adamant of unjust and unreasoning prejudice. And so it has come to pass that we find hope in the breast of the monopolies of this land, when the Democratic party triumphs—when it triumphs under and on account of loud and seemingly unmistakable assurances of anti-monopoly action and reform; although that party professes to be, and although we claim that in early and recent years of the Republic that political organization in fact has proved itself to be, the best political brotherhood; representing with clearest and closest fidelity the will of the people, and seeking at all times the greatest good to the whole. Unjust and chronic antipathies prevent due and candid reflections and action upon propositions that are in the interest of the Democracy; which we must favorably act upon or deny or transgress our party commandments. There should be emulation here to illustrate which political organization best deserves the name of the party of the people.

What is a postal telegraph? It is a more rapid method of carrying the letters of the people; in itself nothing more or less. What will you do with a telegraph line except you send upon it the letters or transmit the communications of the people from place to place? Its analogy is rather to the mail-bags than to the mail-car. Its devotion is exclusively to the service of letter conveyance. Wonderful indeed that it should not first have borne upon its threads for the uses of mankind the current of physical light; singular is the record in this order of invention. But light alone it bears, to the eye or to the mind. And here comes the distinction. Here is appropriate division, marking a boundary for our argument at once, between the carrying of communications, which the Constitution says shall be the function of the General Government, and the transmission of the burning force for the incandescent lamp. The one is public service under the Constitution, enjoined by the first article; the other is private enterprise for ministering to the purely physical wants or luxuries of man.

But one who comes in a reasoning and candid mood to the consideration of this subject may say: "There is a wide difference between the carrying of the mail-bags in a railway van and the transmission of intelligence by electricity; and it may be that while the mail-route service as it exists on the rail-track to-day is not strictly 'paternal,' the postal-telegraph system would be." Why? Is it with respect to method or is it with respect to celerity?

Our fathers constantly speak of the mail as a means of conveying or transmitting intelligence. Just as soon as a general postal system was established an aim in the administration was speed of intercommunication. So boasted the venerable and venerated Story. I think the hesitation of the inquirer in these premises is often due to the fact of the tremendous leap that was made from the express-train carriage to the instantaneous dispatch of the electric current. Let us see.

Now, it was doubtless unfortunate that wisdom did not dwell in our Cabinet council sufficient to hold the power and prerogative that was at first and in later years offered to or urged upon its members.

And here let me remark—that which can scarcely be called a digression—that the author and the first champion of a Government postal-telegraph system in this country has often been wrongfully and is to-

day perhaps popularly misnamed. What is the center of every city, town, and village in the land; the social and political center? Is it the church? No. For every village of five or six hundred inhabitants in this religious and God-fearing age and Republic will surely have two or more meeting-houses. Is it the school-house? No. For division is there, not only by districts but often by separately-graded academies. I speak of the one central hearthstone of the people. It is not even the town-house, where gatherings are occasional and usually formal—though this might with some propriety come under the definition; but the place of common resort, the point toward which all intelligent minds in the community have special reference and expectation day by day? It is the post-office. Into it and out of it go the issues of the brain and the heart of the people almost hour by hour. The tidings of business are sent and taken there. We make choicest ministrations through it; the light of literature and of love, the messages of consolation and of cheer, constantly radiate from it. It takes and transmits the diary of our lives, and will have and deliver the time and manner of our deaths. In its administration it has power from the people, whose place for the great direction and control is at the capital of the country. And here came the author, the originator of the postal telegraph, Professor S. F. B. Morse himself. Set aside for a moment that consideration for the progress of events which inevitably suggested to uncounted thousands the propriety of the establishment contended for, the very instant that the invention of practical telegraphy was made known—set aside that, and you have in the distinguished American I have named the man out of whose mouth the sufficient testimony is borne as to the propriety of enlarging the postal facilities of this country by the establishment of a postal telegraph.

It may be said that he merely came to Congress for an appropriation. But it is well known and is a matter of record that he came here with the full expectation and the natural belief that the Legislature of the Union would ultimately and speedily instruct the Postmaster-General to proceed in accordance with such provisions as are placed in bill No. 98, or sections of similar sentences. His distinguished biographer, Dr. Prime, writes that "it was a favorite idea with Professor Morse from the inception of his enterprise that the telegraph should belong to the General Government."

But it was a leap from the railroad to the telegraph line. It was jumping from forty or fifty miles an hour, at the uttermost, to the quickness of a pulse-throb, and the comparison, the contrast, is startling. And some seem to have a galvanic shock when they are reminded of it, so that they are literally thrown out of mental gear; and whereas they had said that it was a constitutional duty under our oath to appropriate money as this bill reported from the Appropriation Committee provides, yet it would be "paternal government," and therefore improper, to establish a postal telegraph.

May it not be possible to contribute to the removal of this delusion by imagining an advance in the speed of carrying letters which would serve to partly bridge this great space that exists between the achievements of Stephenson and of Morse?

And by the way—and here is a digression, sure enough—I hope I shall be pardoned for calling your attention to what has always seemed to me a providential circumstance: the discovery and invention culminating in practical telegraphy in three or four different nations nearly at the same point of time. Sixty-two men had touched the secret, and some of them had almost perfected a working model when our great professor proclaimed his success. Was it not divinely foreordained that the whole world should not be held in thraldom by a telegraph monopoly, and that we to-day should have examples everywhere else among the governments of enlightened peoples to which we can point at once for argument and for demonstration. Thank God for this record, and the consummations that are in it and attached to it.

Come we back to reasonable and persuasive imaginings. Suppose there had been invented and placed at least upon the great trunk routes, between some points superseding the track of the existing railway, an arm-pit rail-chair construction, along which with almost absolute safety the engine rushed from capital to capital at the rate of a hundred miles an hour. With such a highway established between Washington and New York and Chicago and Saint Louis and New Orleans, would there be any hesitation about placing in a baggage-car of the new and speedier line the mail-bags that had heretofore been sent over the rails that were laid on the level of the earth? What Representative, who among the distinguished lawyers in the service of the great telegraph monopoly, for instance, would have ventured in the interest of his client to protest that the transfer should not be made because—among other reasons—because, as a comprehensive and sufficient reason, the change would be an act subjecting its authors to indictment under an unwritten penal code long since orally headed "paternal government?" Come, now! Who would have objected for any reason known to the calendar? And if such objection had been made, would we not now say, supposing this construction to have been an accomplishment of the past, that the objector was well-deserving of a dismissal or an arrest on the accusation of lunacy?

"Well, but this is a little step—from forty or fifty or sixty miles an hour to one hundred miles an hour. And the carriage, too, is all of the same pattern; newspapers and letters go together the same as before, in bulk."

It is only an imagining, and yet it is in some respects within the wonder-line of the achievement that was made—less marvelous as a prophecy of fifty or sixty years ago than the electric telegraph—it is but a matter of imagination, and yet I respectfully insist it is justified and justifying, when I go on to suppose that the difficulties in the way of the problem of aerial navigation had been overcome: up mounts the flying chariot from the street in front of the Patent Office at Washington, and turns its prow to the west. Imagine if you can that in two hours it is hailed over Chicago, in another hour seen at Omaha, in a few hours more signaled at Salt Lake City, finding a resting-place before the set of sun in the city of San Francisco. Suppose the journey is repeated back and forth, over and over again, at the wonderful speed of three hundred miles an hour—repeated until there is no one left to doubt the final and perfect success of the invention. And then, as the inventor and his company of friends are about to depart on a transcontinental trip for the tenth or fifteenth time, about to rise before us in their car from the grounds in the rear of this Capitol, the suggestion is made that some of the mail-bags be taken from the railway van and tossed into this darting-bird of man's construction. And lo! there is heard a voice crying not in the wilderness but in a center of civilization and in a center of national legislation: "You must not do that at the expense of this Government, for it would be paternal government, and in violation of Jeffersonian Democratic principles!"

Then suppose that the inventive genius of a Yankee nation, as represented in some cute applicant at the door of the Patent Office, produced a pneumatic tube with an apparatus capable of forcing or shooting a hollow ball or cone along the air-exhausted circle at the rate of five hundred miles an hour, at a five-hundred-mile range. Suppose that this invention had an unquestioned practical success, development, and demonstration:—what then? In the arm-pit rail-car the living passenger may go. Perhaps in the close missile of the tube it would not be convenient or safe for a human being to travel. That would be the only distinction that could possibly, momentarily, be considered relevant in this inquiry. But it will not be contended that human attendance is necessary. I am supposing, of course, that the invention is perfected to the extent or capacity to carry at the rate of speed indicated between the points which I have once before mapped out. Would any one cry "paternal government" against putting the mail-bags into the shell thus shot through this pneumatic tube at the rate of five hundred miles an hour? Would not the Government have built a set of these tubes of its own? Would there be any invoking of the shades of Thomas Jefferson as against that proposition?

Then, and not until then, let us imagine that the electric telegraph is born. The leap would still be great, it must be granted; the distance spanned by the achievement immense. But the comparative advantages would be vastly diminished—with a mail hence to San Francisco in six hours, and no one questioning the propriety of the proclamation of mail-bag transfer. Would there be objection then, of any kind, to the Government use of the telegraph for an advantage, delivery considered, of perhaps not more than four or five hours? Having gone so far in dispatch of letters, would the Government have stopped at the pneumatic cannon's mouth?

Yet because of the leap, that is, from the present express train to the telegraph, there does actually exist the more real reason for the Government action now demanded.

The argument is sufficient when we have gone from the post-boy to the express train, so far as that character of argument is required. But if invention had followed upon invention in some such procession as outlined, would we have had to meet this door-sill objection, now so ready in the mouths of the monopoly lobbyists? Would we have had this call on our Government to halt—a call made at this time, it so happens, largely in the interest of a great and tyrannical monopoly? Would it have been tolerated or thought of for a moment?

"Ah, but," one says, "here is the difference: In the rail-car, in the flying chariot, in the pneumatic tube, you would put all our mail, letters and newspapers, in bulk. By the telegraph you can only transmit intelligence. The identical paper on which you write your letter can not go by telegraph. Our newspaper publications can not travel on that line." I grant you. I am glad you yourself have said it. I do not wish to miss or avoid or evade anything. I am not so sure but that invention already has nearly reached to that point where the whole face of the letter or the daily printed paper may not be photographed. It is within the promise. It is claimed as within the near future of development and demonstration. Morse's working model had to remain in the exhibition department for a time, awaiting the construction of new batteries by Daniell and Grove, before his triumph was complete. It is said that but little is lacking of the tremendous accomplishment which I have indicated. See Caselli's pantelegraph, devised and put into practical use nearly twenty years ago. By it manuscript and maps and charts and simple drawings of every sort are copied with unerring accuracy.

Suppose again, that instead of taking the substance of the letter and passing it through the brain of the manipulator at one end of the wire,

and the brain of the manipulator as he reads or listens at the other end of the wire, and thence by the fingers of the latter to new paper, the telegraphic wire was actually the hollow tube that many unsophisticated people imagined it was, in early days, through which with lightning rapidity the literal letter ran. That idea was less incredible to the uneducated than the method and achievement that really was. Who would cry "paternal government" then? The argument from this is, that the nicety of distinction is all upon the other side; and that practically it is too attenuated to be worthy of such entertaining as would give pause to the establishment for which we plead.

It should be constantly borne in mind that our fathers in outlining this Government dealt with the transmission of intelligence—talked about it, wrote about it in connection with the post-office and post-road establishment. To bind the people together by the rapid conveyance or transmission of intelligence—that was the phrase from old Ben Franklin down to Cave Johnson. The Continental Congress, May 25, 1775, resolved that "ways and means should be devised for the speedy and secure conveyance of intelligence from one end of the continent to the other," and that "Mr. Franklin consider the best means of establishing posts for conveying letters and intelligence through the continent." The delivery of thought from mind to mind—from merchant to merchant, from friend to friend—this it was that was to be provided for by the seventh paragraph of the eighth section of the first article of the Constitution of the United States. Not a mere parcel delivery, as some of the monopoly lawyers would have you believe; to which, by the way, the telegraph, if unappropriated or unutilized in a Government postal telegraph, will during the next century reduce our national mail system.

Alas! for the mistake that was made after Professor Morse had set down his instruments and his battery in the committee-room of the House Committee on Commerce and demonstrated their excellence. And after he had memorialized Congress in this language: "The electro-magnetic telegraph is an engine of power, for good or for evil, which all opinions seem to concur in desiring to have subject to the control of the Government, rather than have it in the hands of private individuals and associations." In what an incalculable degree have the people been deprived of the benefits which they should already have derived from the fruits of the inventive genius of the age and the country! Go through all departments of life and seek to take an approximate measure of our loss. We all must mourn it, if we will but read the undisputed and indisputable history of the last thirty-five or forty years, with reference to telegraphic communication in this country.

When the subject was considered in the House of Representatives, the title of the bill being "A bill to test the practicability of establishing a system [mark the word] of electro-magnetic telegraphs by the United States," there was "merriment." The bill appropriated $30,000. It is recorded in the Congressional Globe that—

Mr. Cave Johnson wished to have a word to say upon the bill. As the present had done much to encourage science he did not wish to see the science of mesmerism neglected and overlooked. He proposed that one-half of the appropriation be given to Mr. Fisk, to enable him to carry on experiments, as well as Mr. Morse.

Mr. Houston thought that Millerism should also be included in the benefits of the appropriation.

Personal jokes were exchanged between Mr. Stanly and Mr. Johnson on the subject. The amendment was reduced to writing, and read by the Clerk:

Provided, That one-half of the said sum shall be appropriated for trying mesmeric experiments, under the direction of the Secretary of the Treasury.

Mr. Mason raised the point of order that the amendment was not *bona fide*, and that "such amendments were calculated to injure the character of the House." The chairman of the Committee of the Whole ruled the amendment in order, saying that in his opinion it "would require a scientific analysis to determine how far the magnetism of mesmerism was analogous to that to be employed in the telegraph." The amendment received 22 ayes. There was then, be it noted, no dignified protest on the ground of "paternal government," although the title of the bill contemplated the possible establishment of a "system of Government telegraphs."

Cave Johnson led off in the derisive reception and treatment of the proposition, and maintained the frivolity to the end of the consideration. But Cave Johnson had and improved an opportunity to show his statesmanship and—if you please—his honorable and courageous spirit, when he became the Postmaster-General of the United States. I suppose that no one will undertake to say that there has been a Jeffersonian Democrat more loyal to party creed than Cave Johnson?

At first, after he had been installed in his high office, he doubted whether the revenue from the telegraph would pay expenses. But what said Cave Johnson in a report to the President of the United States two years after he took the portfolio of the Post-Office—in 1846?

Postmaster-General Johnson said:

I deem it my duty to bring to your notice the fact that the subject of telegraphic communications in their fullest extent, as made available by means of this extraordinary invention (Morse's telegraph), is forcing itself upon the public. The proprietors of the patent, securing the exclusive use of the telegraph, have, since the last Congress, taken the most active measures to establish lines of communication between the principal cities of the Union. Their success will introduce a means of communicating intelligence amply sufficient for a great variety of purposes, and greatly superior in dispatch to the public mails, and must secure to itself much of the business that has heretofore been transacted through them, and to that extent diminish the revenue of the Department. It becomes then a question of great importance how far the Government will allow individuals to divide with it the business of transmitting intelligence—an important duty confided to it by the Constitution, necessarily and properly exclusive.

* * * * * * *

In the hands of individuals or associations the telegraph may become the most potent instrument the world ever knew to effect sudden and large speculation—

What a mantle of prophecy was on this old Democratic Postmaster-General when he wrote this—

to rob the many of their just advantages and concentrate them upon the few. If permitted by the Government to be thus held, the public can have no security that it will not be wielded for their injury rather than their benefit.

* * * * * * *

Its importance to the public does not consist in any probable income that can ever be derived from it, but as an agent vastly superior to any other ever devised by the genius of man for the diffusion of intelligence, which may be accomplished with almost the rapidity of light to any part of the Republic. Its value in all commercial transactions to individuals having the control of it could not be overestimated. The use of an instrument so powerful for good or evil can not with safety be left in the hands of private individuals.

I confess that it does seem to me—perhaps because of my familiarity with the main objections to the system proposed—that the obstacles in the way of its unanimous approval are altogether shadowy and unsubstantial. And one must confess to compunctions lest he appear to be wrestling with what is really unworthy of serious consideration. Yet I have endeavored to frankly review and reply to what is very earnestly put forth as grave objection to this project. Need I say, or show again, that every objection is stated and recited with the utmost cunning and with great pertinacity, and through every available avenue, by the agents and officers of the company which now virtually controls the telegraphic business of the country.

I hasten to the question that brings all these things to a point; that comes down to date with practical force. Assuming as I will, if you please, that like myself many of you wonder at the predicament we are in to-day, without a Government postal telegraph. Much in the procession of events must be left unnoticed at this time. It is all interesting from the beginning. But let me not fail to say, that I have never heard an objection raised to a postal telegraph which was not only in my judgment easily answered and overthrown, but which did not in and of itself absolutely suggest an aggressive argument in behalf of the measure.

How does it happen that we have no Government postal telegraph to-day? First of all, we have again to deplore the lack of wisdom manifested in the failure to secure all the benefits of this invention on its first announcement and production by the Postal Department of the United States. It is even painful to observe how closely the leading men of the Senate came to such realizing sense of its importance as would have brought about its purchase. Thomas H. Benton said, February 28, 1845, that "he rejoiced at the invention of the telegraph, and looked forward to the time when it would be of great value to the business and commerce of the country. But was there a call for it? Was there any provision to make it self-sustaining? He had no doubt but that the time would come when the telegraph would be extensively used and would be called for by the commerce of the country, and would pay for itself. He looked to the telegraph as an important agent for keeping railroad companies in check, and *preventing them from charging the Government exorbitant prices for carrying mails.*"

But without going into a detailed review of the history of this matter, from the present standpoint of time and circumstance, we repeat the question: How does it happen that we have not a postal telegraph to-day? I will tell you.

Whenever the effort has been formally and earnestly made, in either House of Congress, to secure the passage of a postal telegraph bill, the proposition has been confronted by a corporation which has grown to be one of the greatest monopoly powers that ever existed on the face of the globe. Indeed, considering the amount of money actually invested in it, its strength is unparalleled. [See appendix.] I will not stop to illustrate that now; but here and there the fact will be seen as we hurry on to the close of my remarks.

Come down to 1869. On the 22d day of December of that year, Hon. C. C. Washburn, of Wisconsin, addressed the House of Representatives, in Committee of the Whole on the state of the Union, in behalf of his proposition for Government control and management of the telegraph. His able and luminous speech, with its large addenda, deserves a re-reading to-day. Note three points in it. He asserts that the report of the House committee to whom the subject had been referred—a report which was adverse—was written in a style very much like the one hundred and twenty pages of a pamphlet laid upon the desk of members by the Western Union Telegraph Company; which pamphlet, Mr. Washburn goes on to say, "is filled with exaggerations and errors of statements from beginning to end."

Observe that he proposes to fix a uniform tariff of 20 cents for twenty words. Fourteen years ago that honored Representative stood upon this floor and here announced that such a tariff, connected with our national postal system, was reasonable and ought to be established and proclaimed. Since then how has the march of improvement gone on? Doubling, quadrupling, multiplying many times in many ways the advantage with

respect to cost of construction and of operation which the great corporation then held as against the patronizing public. Why, when Mr. Washburn spoke the president of the Western Union Telegraph Company had scarcely ceased sneering at duplex telegraphy. And quadruplex and multiplex telegraphy and automatic transmissions were yet to come under the contemptuous reference of the officers of that organization, to be subsequently adopted in greater or less degree as they were forced upon their use by short and temporarily competing lines. But the great fact is that if C. C. Washburn could say on the 22d of December, 1869, that the uniform tariff of 20 cents for twenty words was a just and proper rate, as demonstrated or indicated by comparisons with government telegraphs elsewhere, it would seem that the author of bill No. 98 ought not to be subjected to derision because fourteen years later he proposes as a sufficient charge by the Government for postal-telegraph service 10 cents for ten words and 15 cents for twenty words between all the post-offices in the United States in towns of over four hundred inhabitants.

But there is one other paragraph in Mr. Washburn's speech to which especial notice ought by all means to be solicited at this time. He declared that he knew how difficult it was to reach the ear of the country with what he had to say adverse to the interest of the Western Union Telegraph Company. He asserted that if there was any one here to speak in behalf of that monopoly, every word would be instantly transmitted to the country on the "wings of lightning." He then proceeded to demand that it should be telegraphed to the country that he had claimed to have shown that the United States is the only enlightened nation on the globe that has not obtained charge of the telegraph system; and that in the United Kingdom of Great Britain and Ireland the dispatch of twenty words could be sent at a uniform rate of 1s., or 24 cents, to any part of the kingdom, a distance of over 700 miles; and that from one extreme of France to another the charge was 20 cents; that all over Belgium and Switzerland the charge is 10 cents; that in Prussia the charge was then 12½ to 37 cents; in Sweden and Norway, 30 cents; and that a message of twenty words could even then be sent from Marseilles, in the south of France, to the north of Scotland, a distance of 1,400 miles, traversing two kingdoms and crossing the Straits of Dover by submarine cable, for 55 cents. Was Mr. Washburn's request complied with? Probably every member who listens to me this day is able of his own knowledge and memory to give a negative answer.

Why have we no postal telegraph? Because this gigantic monopoly has, in the person of its officers, agents, and attorneys, come into the corridors and committee-rooms of the Capitol of the nation, and by every means within its power practically forbidden hitherto the legislation which is again and here solicited at your hands in behalf of the people of the country.

Fourteen years have elapsed since the unanswered and unanswerable speech of C. C. Washburn, of Wisconsin, was delivered upon the floor of this House; in itself a tract which, if it had been duly shed abroad at the time, would, it seems to me, have roused a sufficient degree of public attention to have resulted in a formidable effort to pass his bill at the succeeding session.

Mr. Washburn's speech was not telegraphed to the country. Even the brief paragraph which he asked to have laid upon the wires did not go by telegraph beyond the points that could be reached by the day's mail and delivery. But the report of the House Committee on the Post-Office and Post-Roads, in which there was a solemn declaration that telegraphing in this country was the cheapest and most reliable in the world, was carefully sent in every direction and often and conspicuously commented upon in metropolitan journals; over and over again, to the false credit of the monopoly emphasized by editorial reference and advertisement.

Why have we not a postal telegraph? Because the management of the Western Union Telegraph Company, by its own direct interference, and by means of its actual, though oft-denied, umbilical connection with the Associated Press, has succeeded in keeping the facts from the people of the country; has succeeded in substituting falsehood for the truth with respect to cost, expenditure, capacity of wires, and everything else connected with the conducting of this business. How long is this to continue? The same old game is being repeated that has been successfully played for the last fourteen years. And it is said that here and there an irrepressible advocate of such a measure as the one that lies before me may be safely left to cry out against the injustice that herein exists and in behalf of the reform that should be.

It is not merely a question of reform; not so slight a thing, comparatively speaking, as that word might here import. The passage of this House bill No. 98 would not be simply or merely the enactment of a reform measure; I do not hesitate to say that it would be a second proclamation of emancipation.

How successfully this organization has kept the facts from the people I can testify, for I have gone into as intelligent communities as there are in this country and discovered that with one or two exceptions the whole of my large audience were surprised, were amazed by the statements which I made; not one of my revelations going beyond the lines of authority from the very highest sources which I presented from my satchel and permitted every one to study who chose to look.

I would like to annex in an appendix to my speech the financial history of this great corporation, which for fourteen years at least has said to the Congress of the United States that it shall not pass a postal-telegraph bill, and which now against the renewed effort and rising popular demand for such a measure—which even the present Postmaster-General has to recognize at length—protests that the Congress of the United States shall not pass a postal-telegraph bill; except, indeed, it first provide for the purchase of its rattle-trap wires and its warehouses of antiquated instruments and its many millions of watered stock! Talk of that which is ridiculous about this advocacy! Verily our children shall rise up into years of maturity with expressions of surprise as they learn that to-day we are considering a Post-Office appropriation bill wherein there are no estimates for a postal telegraph. They will be surprised to learn, I hope, I believe, that the Congress of the United States has been successfully confronted by this mammoth corporation and forbidden to obey the command of the Constitution, which, it is again respectfully insisted, binds us upon our oaths to annex to this appropriation bill or otherwise to pass a law providing for the people that which Mr. Washburn said fourteen years ago every other enlightened nation possessed.

I have remarked that my time was too short and your reasonable indulgence too limited for an elaborate statistical argument here. But the figures abound. Against the excessive charges of the great corporation sufficient can be quoted in a few minutes. Again we have the same declaration that was made fourteen years ago about the relative cheapness of transmission; these broad and untruthful assertions being sent everywhere within the confines of the Republic and published in many forms in the leading journals of the country. With all this publicity there is a real avoiding of battle before the people. Too long has this matter or to too great an extent has this subject within the last fourteen years been kept within the chambers of committees. Only an occasional tangent debate in the Senate—once in every three or four years—and a few hours discussion in the House of Representatives in all that time. Committees are said not to have been able to report because many of the members entered upon the consideration of the subject without any professed or actual knowledge in the premises. Even enlightened Representatives, remarkable for their intelligence and information in every other respect, have been withheld from reporting conclusions by long-winded investigations upon investigations, adroitly devised and most cunningly spun out unto the end of the session.

Now, I say this subject is of paramount importance. I regret that it could not have been considered by the Committee on Appropriations on the basis of a bill or an act passed at the last session of Congress. I say it should yet be acted upon by the present Committee of Appropriations on the text of a bill passed at this session of Congress. I profess to stand here ready to meet the champions of the Western Union Telegraph Company—if there be any such in this membership—on all the questions that touch cost and expenditure, outlay and income, as well as on the general proposition of propriety and constitutional authority and constitutional command.

The charge for the ten-word dispatch from here to California has recently been reduced from $1.50 to $1. It is now ten times as much as it ought to be. You upon this side of the Rocky Mountains are not now afflicted by such extortionate charges as have burdened us on the Pacific coast; thanks to the measure of enlightenment on the subject which has been shed abroad, in spite of the monopoly, with perhaps a slight debt of gratitude to a sometime show of competition. And yet the lowest charge here, between the capital of the nation and the commercial metropolis of the country, is 30 per cent. more than it ought to be—three times what it soon would be under the operation of a proper postal-telegraph act.

As was the case in Mr. Washburn's day of advocacy so it is now, as you will observe by reference to the proceedings before the Senate Committee on Post-Offices and Post-Roads; the monopoly is not disposed to give its figures for all its transactions and connections. As it was in Mr. Washburn's day so it is now; there is assertion that the cost of building is at a figure much greater than that which experts in the business who are not under the thumb of the Western Union Telegraph Company are ready to testify about and to demonstrate. Is it not worth while to set apart a day when on the floor of this House time shall be evenly divided between those who ask your votes for a postal-telegraph bill and any gentlemen who for any reason or reasons may take issue with us? Give a certain proportion of time to the consideration of general principles, and a certain number of hours to be dedicated to the facts and figures which bear upon the proposed legislation. In all these fourteen years have not we had committee-work enough on this subject? The entire record of that arduous committee-work is readily accessible. Do not misapprehend. The iron rules are known and understood. But with such an agreement as I have had to obtain the floor to-day could not this case be fully heard here and before our people, without waiting for an overburdened committee's report?

Mr. Chairman, for $20,000,000 I claim that you can put a sufficient number of telegraph wires over this country, properly elevated upon poles or properly insulated underground, to meet the requirements of the people, as indicated in bill No. 98. When you have planted your poles and capped them with insulators and connected them with wires and set your instruments in every post-office in towns of four hundred

inhabitants or more, the cost of transmission and maintenance will be slight. The cost of the acids required is nominal. Competent telegraph operators who are not under the pressure of the monopoly can testify about this on short notice. Four hundred and eighty dollars' worth of acid works eighty-five thousand miles of wire in Great Britain.

At a charge for 10 cents for ten words, and 15 cents for twenty words, and 20 cents for thirty words, and 25 cents for forty words, and 50 cents for ninety words, the Government of the United States with an adequate extension of lines, such as are here proposed, within three years after the completion of the net-work contemplated would reap a profit from the investments. And for this establishment only a few thousand dollars need to be taken from the Treasury of the United States. The people will come forward and buy the bonds of the Government to the extent of $25,000,000; an amount which will be returned with interest within twenty or thirty succeeding years by the profits of the enlargement.

You say this is assertion. I choose to make the assertion. If it is extravagant and ridiculous, let there be an opportunity to show it. I have a right to make assertions. I am here as a Representative of a people that are almost a unit upon this proposition. I represent the great State of California, which I have traversed from one end nearly to the other in the late campaign with the pledge for this work from my lips. I was elected to this House on this mission. Assertions! Go out into that lobby, go to the committee-room at the other end of the Capitol, and hear assertions from the Western Union Telegraph Company. Not quite so defiant and insolent are its agents and officers as they were eight years ago, when I myself saw the president of the Western Union Telegraph Company sitting at the head of a committee table in the seat of the chairman, and, in concert with his vulgar attorney at his side, cross-examining and bullyragging witnesses at the start. I assert nothing which I can not prove.

I do not expect this House, or any member of it, to vote on my bare assertion. All are capable of adequately informing themselves from other sources. But I do not wish you to throw my assertion one side simply because it is met with denial and derisive expressions from any lobbyist of the Western Union Telegraph Company, or from any person who has the coin or the stamped telegram blanks of that monopoly in his pocket as pay for his speech or his influence.

Again, thank God for the examples that we have. "Oh," says one, "I do not want to go to a monarchial government for an example or for statistics of any kind." Well, Switzerland is not a monarchy; France is not a monarchy. But why consider such petulant and childish expressions of prejudice? Go to England. Let us see.

I have before me a paper entitled "A Decade in the History of English Telegraphy," written and read by the chief engineer of telegraphs of Great Britain and Ireland, accompanied by his autograph letter to me, dated General Post-Office, London, June 20, 1883. From this paper and this letter and accompanying documents I may have time to present a few figures of direct and perhaps sufficient force in the premises. Before the passage of the money bill, which closed the legislation establishing a government postal telegraph in Great Britain and Ireland in 1869, the tariff in England was as follows: One shilling for twenty words under one hundred miles; 1*s.* 6*d.* for twenty words between one hundred and two hundred miles; 2*s.* for twenty words a distance above two hundred miles. The tariff to Ireland was from three to five shillings, according to distance. It will be observed that the Government of Great Britain made a change, assumed control of the telegraph, at a time when the charges by the private companies were far less than the charges in this country at the time when Mr. Washburn made his speech on the floor of this House. There was but a few months' difference between the time when the English Government assumed control of the telegraph and the day when Mr. Washburn delivered the remarks to which I have referred.

And here let attention be called to the fact that in Great Britain all the changes referred to and all the great reforms there with respect to the postal system have been secured in face of great opposition. When they were first suggested there was the loud laugh betraying the vulgar or the venal mind, or the owl-wise stare and accompanying contemptuous rebuff of many so-called leading statesmen. It was so when John Palmer, of Bath, who is as deserving of a statue at the Exchange in London as is Rowland Hill himself—it was so when John Palmer suggested that the mail-bags be taken from the post-boy and put upon the mail-coach. And yet, shortly after he had been "hailed as a fool for his folly," the British Government engaged Mr. Palmer as controller-general of the post-offices, giving him a salary of $75,000 per annum, with 2½ per cent. upon any excess in the net revenue over £240,000. And while so much of this record is inserted it may be well to mention the fact that soon after his employment it was discovered that John Palmer's income far exceeded the expectations of the government; and that in 1792 he was pensioned with an allowance of $15,000 a year; and that subsequently, in 1813, he received a parliamentary grant of $250,000. It is precisely one hundred years since John Palmer was called to London by Mr. Pitt to take the position of controller-general of the post-offices and "to establish one of the greatest reforms ever effected in the department"—a good centennial year for the passage of House bill No. 98, on the files of the Forty-eighth Congress.

John Palmer was derided as a man devoid of common sense when he first made his proposition. If Guiteau had flourished before his day and been notorious at Newgate, John Palmer would doubtless have been called "crank." Ives Scudamore, as well as Sir Rowland Hill, had to confront at first something of popular opprobrium, excited of course by the lords of the admiralty or their associates. But the mail-coach did supersede the post-boy, and the penny-postage plan was adopted, and the Government of Great Britain, when there was nothing like the extortion of which we have had to complain, did establish the government postal-telegraph system. And this was due to the force of public sentiment. The discovery by Pitt in behalf of Palmer, and by Wallace in behalf of Rowland Hill, and the ultimate adoption of the plans of Mr. Ives Scudamore were due in first and foremost degree to the demand of the people. Please make a note of this point.

The great mass of the people of Great Britain and Ireland is confessedly not so intelligent as our people; by no manner of means so well educated as the vast majority of the people of this country. But there is a public opinion on all such subjects as this. Why have we no postal telegraph in the United States to-day? Because the Western Union Telegraph Company has succeeded, by means direct and by its virtual copartnership with the Associated Press, to keep from the majority of our fellow-citizens a knowledge of the facts that belong in this case and this cause.

In 1869 the total number of telegraph offices in Great Britain and Ireland was 2,488. March 31, 1883, the number was 5,742. In 1869 the total number of messages transmitted by the private companies was 6,000,000 to 6,500,000. During the year ending March 31, 1883, the number of messages was 32,193,294. The number of messages transmitted by the Western Union Telegraph Company during last year was 40,000,000; less than 8,000,000 in excess of the number of messages sent in Great Britain and Ireland.

Now, think of it. Consider the distance in our country and compare the figures. Judge, estimate for yourselves the probable increase of patronage with the low uniform rates fixed in my bill. Of course we all know that London is the largest city in the world and the commercial center of the globe; of course we know that Great Britain and Ireland are densely populated; but let all the facts in this relation go together. There are 36,000,000 of people against our 50,000,000. There are trains running from one end of the country to the other within twenty-four hours—running at a rate of speed varying from forty to fifty miles an hour and bearing the mails of the country. There are comparatively fewer persons desirous or capable of using the telegraph, and there is only a day's march distance of seven hundred miles as against our 3,000 miles. In that country there has been an equally rapid multiplication in the patronage of the telegraph—in fact, a greater increase when you consider the three years or more which are added in the comparisons made for the Western Union Telegraph Company. Surely this need not be dwelt upon, even if my time allowed it. Here is abundant evidence, which can be supplemented by the record from other European countries, that a low uniform tariff brings an enormous addition of patronage in a thickly, compactly settled country. It is a repetition of the experience of Belgium and Switzerland; but I quote it in preference, because it can be read of all men and then inquired into by any one among us disposed to study the subject. With that ratio of desire and disposition and will to patronize the telegraph in proportion as the distance increases, is there not here an argument unanswerable and overwhelming to show that a low uniform rate would pay the Government of the United States? The calculation is easy on the few figures submitted. Ten cents for 40,000,000 dispatches is what? Ten cents for 100,000,000 dispatches per annum within two years after the establishment of a Government postal telegraph is what? Will it pay? Why, we are among the simplicities of business arithmetic.

But you must not pass a postal-telegraph bill until you shall have paid the widows and orphans! That is to say, until you shall have paid Jay Gould and his associates sixty to sixty-five millions of dollars for a property that is not intrinsically worth fifteen millions of dollars to-day. Well I know how they have built up their bunch of figures. I wish that their tables had been called off in a speech delivered on this floor, so that the record could be put side by side in parallel columns.

This great monopoly has so suppressed the facts with respect to telegraphy that there are thousands of good people who believe that a certain bill, which they have not read or heard epitomized, to wit, House bill No. 98, if passed by this Congress, would involve this country in an enormous debt, and all to no practical benefit; whereas the fact is, tested by the experience of Great Britain alone, that the establishment of a Government postal telegraph under such measure as the one before me would bring to the hearthstones of the people such enlarged facilities for intercommunication as a postal telegraph presumes and provides, with a small outlay supplied by the people themselves and gladly and joyfully paid into the Treasury of the United States; a comparatively trifling construction expenditure, to be ultimately and quickly returned from the profits of a telegraph line worked at no higher rates than those named in House bill No. 98, under the supervision of the Postmaster-General of the United States.

During many years, as I have a scrap-book full of editorial items to show, from 1869 to 1882, it was announced in leading journals from one end of this country to the other that the British postal telegraph was "a

failure;" that it was run at a great loss on current expenses. And this was stated by journals that otherwise bore a good character for truth and veracity. Vainly did we appeal to the editors to give the facts. I will append a table at the end of my speech that will close out the availability of that falsehood.

These fibs with respect to the English Government telegraph have been circulated up to a very late day, and yet in the American Cyclopedia, a well-known standard authority, which is supposed to be in the library of every daily newspaper in the land, at so early a date as 1871 the following is to be found:

The return has been presented to the British house of commons respecting the financial results of the transfer of the telegraph to the government. It shows that the transfer of the telegraph to the government has been productive of most satisfactory results. Assuming the capital expenditure up to the present time to be £7,800,000, or $39,000,000, the government is earning the gross annual revenue of 10 per cent., that is £750,000, or $3,750,000. And the working expenses are not more than 53 per cent. of the revenue.

With this presumably staring them in the face there have been thirteen years of falsification on the subject.

And now comes Dr. Norvin Green into the committee-room of the Senate of the United States with a public statement, whereunto he affixes an article which appeared in the London Times and a speech by a member of Parliament who appears to have been brought under the seductive influence of the Western Union Telegraph Company. Now, it is no wonder that the Times mourns the day of the establishment of a postal telegraph. Before that time it had, comparatively speaking, a great advantage over its contemporaries, and especially over the journals published outside of the metropolis. It is impossible to go into details with respect to this matter, which are very interesting and which are argumentative in behalf of the postal-telegraph system. But it should be stated that before the establishment of the English postal telegraph the Times was a far greater power than it is to-day. It acquired in its zenith days the name of the Thunderer; but now, let it thunder never so loudly, it is Jove no longer! The facilities secured to the country press by the Government telegraph have changed all that. People are apt to read their editorial information and advice in the same paper where they are accustomed to look for their latest telegraphic news. I shall desire to append a letter written to me last summer by Mr. Graves, the chief engineer of English telegraphs, because of its bearing upon this among other points. The interior press of the country should take special notice of it. At the same time I deprecate being led off into minor matters, into little side questions, wherein the Western Union management delight, and whereby the monopoly has been in the habit of securing delay on the part of Congress. Let us have a postal telegraph in this country, and then talk about these matters afterwards.

But since I have alluded to it, I might say that Mr. Pender's statement in behalf of the Western Union Telegraph Company can only be excused on the supposition that while he was brought into an audience with our monopoly management, he never studied the record of the postal-telegraph system in his own country. For if Mr. Pender is correct, then Mr. Graves, the chief engineer of telegraphs, and Postmaster General Fawcett are all wrong.

The fact of it is, Dr. Norvin Green and company (how large a party of "widows and orphans" there were in the vessel I do not know) went abroad last year or the year before in the endeavor to float some of Jay Gould's Western Union Telegraph stock on the foreign market. But while our English cousins and our German ancestors have been badly bitten by railroad securities issued in this country, they were not quite so stupid as to make any large investments in the watered paper of this conscienceless and rotten corporation.

Here is a little pamphlet that has been circulated through the post-office boxes of Congress, at the expense, I doubt not, of the Western Union Telegraph Company, though the managers have not their names upon it, in which it is asserted that the chief authorities in the British Government wish to make a sale of the telegraphs to private companies. I have a letter from the chief engineer, dated a fortnight ago, in which he speaks of the intention to reduce the uniform rate to 6*d.* for twenty words within the next eighteen months.

Mr. Chairman, why is this desperate fight made, whenever the proposition is brought forward, to prevent the Congress of the United States from doing that which the Parliament of Great Britain saw fit to do under far less inducing circumstances fifteen years ago? I will tell you. The profits of the telegraphing business proper are enormous; but it is something more, something besides this that is to be considered.

Twelve or fifteen months ago there met in the city of Bridgeport, Conn., according to the slip which I have here from the Bridgeport Standard, a number of gentlemen who were associated in the directory of the Western Union Telegraph Company; and the Standard says:

It is estimated that the united wealth of the board amounts to $370,000,000, and that there is not a man on it worth less than $10,000,000.

Of course I do not know what other business connections these gentlemen have or may have had, nor could I undertake to define exclusively the sources of wealth possessed by any one of them. But here is a well authenticated statement, for the name of one of the directors who is a citizen of Bridgeport is published in the article in a way that suggests his responsibility for the calculation. I say it might be that the opulence of these gentlemen came exclusively from their association in the telegraph monopoly, and the probabilities are in that direction. You reply that the total capital stock is but $80,000,000, and allowing the actual investments of stockholders, including the original ownership of purchased lines, to be not over $15,000,000, and adding up the profits which have been published, there is not sufficient to account for the $370,000,000 in the possession of these few men. That is probably so. And yet, I assert, it would not be strange if all this wealth or an equal amount of wealth among these individuals could be traced to their alliance in and connection with the Western Union Telegraph Company.

Answer this question: If low uniform rates will pay profits, and if low uniform rates will pay larger profits than the present extortionate rates, why does not the directory adopt them? I will tell you; and the answer to this question answers the one that I have just repeated. It is in the interest of the Western Union Telegraph Company, or it has been in the interest of the Western Union Telegraph Company, to suppress invention. The fact of such suppression can be easily proved. It is still in the interest of the Western Union Telegraph Company's management to keep up prices at the highest possible figure, because the management do not desire to have the people, the general public, by individual effort, or by simple and many associations, enjoy the benefits of the latest possible dispatches giving the commercial quotations of the world. How the directory can obtain great profits to themselves by a monopoly of the commercial news a few hours in advance of others has been already sufficiently stated or indicated upon the floor of this House. "Ah, but they would not do it. These honorable gentlemen and their saintly predecessors would not dream of such a thing as taking advantage of their exclusive knowledge of the distant market quotations!" I have been astounded at the innocence, I will not say the gullibility, of intelligent men in extending an overplus of charity with respect to this matter. Are these gentlemen of the directory of the Western Union Telegraph Company of such apostolic scrupulosity in their business transactions that they would not day by day and hour by hour secretly but certainly use the advantage they possess? Are there any other such business men on earth? Given the advantage, do you mean to say that this business firm will not and does not "improve" it? "They would not do it?" That is precisely what they do; and there is where incalculable profits may be reaped.

A few years ago I was associated in the management of a daily journal in San Francisco which received telegraphic dispatches in cipher. There was a great fire at Hunter's Point, Brooklyn, in which was consumed the Hunter Coal-Oil Refining Works, which at that time largely supplied the California market. The conflagration was so extensive that it is said to have lighted up the East River front of New York from Harlem to Wall street. A recent similar conflagration may have given some of my fellow-members a personal knowledge of the extent and brilliancy of the illumination. The flames are said to have "lighted the city of New York." But not a syllable of tidings of this great fire came across in the dispatches of the Associated Press. Only those merchants in San Francisco who were wise enough to take the journal for which the dispatches that came in cipher were prepared were saved on the following morning from selling their coal-oil to the very early-calling customer, the alleged agent of the telegraph management, by reading the news which we alone supplied.

"Oh, but this is only one instance. If these orphans were in the habit of manipulating things in that way we should have many other such instances on the open record." Not so. They are to be credited with wisdom in their day and generation. Rather am I not justified in saying that was an exceptional discovery, not an isolated transaction?

Are you not all acquainted with the manner in which a Cincinnati broker named Davis was compelled to relinquish his business as a dealer in market news; an illustrative case often and forcibly stated by Mr. Gardiner G. Hubbard?

The merchants, the farmers, and all other producers in this country, as well as the manufacturers, are vitally interested in this movement for a postal telegraph. Not alone the railroad company in California but the telegraph monopoly as well takes its constant and its immense percentage from the profits of the toilers and the small capitalists without hazard of loss; the railroad by freight charges, based on "what the traffic will bear," and the telegraph management by the possession and the manipulation of the market quotations of the world. And I charge it upon the floor of this House that in these lines now indicated the Western Union Telegraph monopoly has more than fulfilled the prophecy written by Cave Johnson, Democratic Postmaster-General, in 1846. [Applause.]

I have urged attention to the suppression which has succeeded in preventing the formation of a just public sentiment touching this subject. And I believe that in it there is an effective appeal to the members upon both sides of this House. This is a matter for non-partisan legislation, and I have always presented it as such. But here comes the lobbyist of the Western Union Telegraph Company and whispers "paternal government." And that is supposed to be a talismanic, a cabalistic phrase that will charm this side of the House and operate so as to quench or defeat any effort to get a majority here in behalf of this measure. I have heard men lisping that within the last few days on the outside

of these curtains, before the hour for clearing the floor, who I have reason to believe can not spell either one of the words that they pronounce with such oracular slickness or pomposity.

Public opinion! In many respects it does not exist in this country. How is it with the personal reputation here? "Fame" has been so manufactured by the Western Union Telegraph Company and its associate as to afford startling illustrations of the power of these twins in controlling and shaping the general estimation of men in public life. Why even I—informed and forewarned as I was or ought to have been—even I went into yonder Senate gallery several years ago, seduced to the visit by the repeated proclamations that had gone abroad, as it afterward appeared, under the suggestions of the great monopoly. I visited the gallery for the purpose of listening to an announced speaker who I had been led to believe was a sort of compound of Webster, Calhoun, and Tristam Burges all in one, and all at one and the same time. I sat there in that crowded gallery, in the midst of aromatic types of American and African civilization, sustained for three long mortal hours by the grace of patience and a bottle of camphor, in order that I might listen to this oratorical wonder. And at last he rose and spoke. And thenceforth, as a reporter, I could testify that for grammatical inaccuracies, for disjointed statements, for illogical deductions, for stale, flat, and unprofitable conclusions, this "champion" of the telegraph monopoly—as before and since he has proved himself to be—did not, in the performance to which I listened, come up to the dignity of the stump declamation of an average backwoods politician on a canvass for the position of a cross-road justice of the peace. [Applause.]

A MEMBER. Name him.

Mr. SUMNER, of California. Oh, I must decline to do that. There are so many who might possibly come under the designation and distinction that it would be invidious for me to point out the man. [Laughter.] A short time afterward, in the same Chamber, I heard a most admirable speech from a man—an old member—whose name I had never seen in the telegraphic dispatches save in a commonplace statement or a personally disparaging sentence.

But now come these lobbyists of the telegraph monopoly—again and again returning to the charge—with an expectation of capturing a Democratic majority with those words of necromancy, "paternal government." Especially, if not exclusively, comes the suggestion to this side of the House: "Oh, there is no danger that Mr. SUMNER or any other pleader for a postal telegraph will obtain a listening audience upon his side of the Chamber, because we can close the ears of all Democrats against such an advocacy by injecting those six syllables beforehand—'paternal government.'" Of course I have had a different opinion of my colleagues from that which the quoted brag imports, and this circle of hearers confirms my judgment.

But let me ask, how comes it that these lobbyists linger with such affectionate appeals and intonations on this side of the Chamber? Have the orphans of the Western Union Telegraph Company any concern in the maintenance or promotion of Democratic principles? We have the testimony of Jay Gould himself that he was a Democrat or Republican as suited his temporary residence or immediate needs, being an Erie Railroad man always.

Now, I say that this is a strictly non-partisan measure. But look you, my Democratic brethren, since appeal is centered here: Do you know why Samuel J. Tilden was not inaugurated President of the United States? I will tell you. Do you remember those days of disquietude, of doubt, of anxious solicitude from November, 1876, to late in February, 1877? Recall them, while I tell you why Samuel J. Tilden was not installed in the Presidential chair. It was the general belief, which subsequent events or disclosures have shown to be well founded, that in the event of Mr. Tilden's inauguration Montgomery Blair would be Postmaster-General. And Montgomery Blair was uncompromisingly in favor of a postal telegraph. He was not a man to play into the hands of the monopoly by making general, discursive, or rice-water recommendations of reform or the establishment of a system and then say and do no more about it; thus giving a false hope, and preventing others in authority from acting aggressively and initiatorily in the cause. The monopoly did not fear weak showings and advice from other pens and under other auspices. But it would not be safe to permit Samuel J. Tilden, with such a Postmaster-General in mind, to take the executive seat to which he had been chosen. And what was the work put in train against that deprecated act of installation?

I have spoken about the shaping and suppressing of public sentiment by this great monopoly, to the injury of public and private enterprise and general welfare. Go back to those months of 1876 and 1877, when the Democracy of Indiana, in conjunction with no inconsiderable portion of the honest Republicans of that State, were organizing, as they had a right to do, for the purpose of seeing to it that the most comfortable doctrine of the Constitution, to wit, that a majority shall rule, was exemplified in the inauguration of Mr. Tilden. Then and thereupon there was poured into that State a flood of dispatches, dated in every other Commonwealth, declaring that all that the Democracy elsewhere desired at that particular juncture—desired above everything else—was peace! War was threatened! Grant and Sherman were gathering the regular Army and the artillery at Washington; and the Democrats of every other Commonwealth were down on their knees praying for peace; and it was deplorable that the Indiana Democracy should think of such a thing as organizing in the cause that had been announced. This was about the tone and substance of the telegraphic appeal. The imploring was reiterated in the ears of our Indiana brethren from every quarter, "Let us have peace! Hush! Do not hold public meetings demanding the inauguration of Mr. Tilden. Do not join leagues where there is an obligation to attend at the seat of Government on the 4th of next March duly equipped and provided as the law directs. For Heaven's sake, do not do anything of that kind." The Democracy all over the surrounding country was supposed to be in an attitude of supplication; at one time prostrate, with their faces toward the excited yeomen of the West, begging them to desist from their public demonstrations and to repair to their homes and to make no more noise of challenge or threat with respect to the inauguration of the next President of the United States. Is not that history?

And then it was the same when the people of California were organizing in the same direction. And I confess to you frankly, Mr. Chairman, that we were organizing as Democrats and as loyal citizens of this Republic with a view to join our comrades in a goodly representation, and see to it that Samuel J. Tilden was duly inaugurated in the office of the Chief Executive. And I declare to you it would have been cowardly and unpatriotic if we had not been so engaged. Then the wires that crossed the plains were burdened with beseechings to go no further in that business. All that the leading Democrats, all that the mass of the Democracy east of the Rocky Mountains desired was peace. And to us there came very soon tidings that the Democracy of Indiana had repented them of the evil of their public assemblings and their drill-room exercises, as loyal soldiers of the Government of our fathers. And soon it came to us—for to us, who were in a comparatively isolated position, it was safer to be more particular and undisguised in the messages—soon it came to us that it was very probable that "peace" meant the inauguration of—of—of—Mr. Chairman, what is the name of that man who drew Samuel J. Tilden's salary for four years? [Laughter.]

Mr. HOLMAN. Hayes.

Mr. SUMNER, of California. Oh, yes! Ha-a-a-y-es. [Renewed laughter.]

And when the people of South Carolina were warm in their lawful desire and determination to contribute to the placing in office of the man who had been elected President of the United States, was it not telegraphed all over the country that the citizens of South Carolina did not care whether Mr. Tilden was put in or kept out? In fact, was it not telegraphed that the Democracy of South Carolina did not like Mr. Tilden very much any way? That while it was true that they did not know much about—that is, referring, of course, to the intelligent portion of the citizens there, who had legitimate residence in the Commonwealth—did not know much about this man, this man——

A MEMBER (interrupting). Hayes.

Mr. SUMNER, of California. This man Hayes—without knowing much of him—they had no preference for the man elected. All they wanted was peace. And if peace meant Hayes in the Presidential chair, well and good; there was no sentiment there that amounted to a market-day excitement one way or the other. Is not this history within your own knowledge?

The "sensitive business interests of the country" required that a man who had not been elected President should be inaugurated! That was one of the choice iterations of the monopoly, while it was misrepresenting, suppressing, and demoralizing public sentiment on the main question. Do we not know—have we not since learned, if we ourselves were not wise enough to understand it all along—that the sensitiveness of the business of the country would have been with the right and justice of the issue, if the monopolists that controlled in great part the telegraphic news of the country had not deceived the masses in one section of the Union by false reports as to the popular opinion, wish, and will in every other section?

Have you forgotten the evidence of Republican partisanship given by the Western Union Telegraph Company in the careful preservation of cipher telegrams that passed between a person for whose actions in the premises Mr. Tilden was in no sense responsible and some of the venal men who claimed that they held on sale certain electoral votes of the South? Has the fact of the wholesale and complete destruction of the telegraphic correspondence of contemporaneous dates that passed between Republican managers in the South and North, slipped from your memories? The whole record with respect to this matter should come again before the minds of gentlemen on this side of the House, in view of the appeal to which I have referred; and as a sufficient answer to the present claim of non-partisanship in all "business arrangements" by the Western Union Telegraph Company (a claim only modified or qualified by a pretense, in certain instances, that if there is just now any instinctive or inevitable leaning toward any party, it may be seen with the aid of a political theodolite to be in the direction of the Democratic organization!).

Yesterday, or seven or eight years ago, it was the Democratic party that must be traduced. Are our Republican friends confident that this year and the next it will not be to the interest of the telegraph monopoly to defeat their candidate for President?

Talk of partisan control of the telegraph! There can be no such

thing under Government management. But it exists to-day without any salt of honor in it.

But now come the lobbyists of the Western Union Telegraph Company to the Democratic side of the Hall of the House of Representatives and prate about "paternal government." Oh, how they love the Democratic party! And now they will tell you—now that there is a Democratic majority in this Chamber, and a majority for a postal-telegraph bill in the Senate—now they will tell you that they have got a corps of officers who are everything short of being lineal descendants of Thomas Jefferson, James Madison, James Monroe, and Andrew Jackson.

I have even heard it intimated that if we will refrain from taking any action in a postal telegraph way at this session of Congress, and will nominate a President (or perchance a Vice-President—in a certain contingency) who is agreeable to their brotherhood, they will lend a sort of corporation support to the ticket. Is there any man on this side of the House to be caught by any such suggestion as that? I wot not.

What these monopolists look for in this respect, is to get a man after their own heart on both tickets and then choose the most subservient, or the one that for any discovered reasons can be controlled by them to the greatest extent.

One other suggestion I must not forget. It is said we are now having and we are going to have great and growing and permanent competition. Well, gentlemen, you have got the retrospect of the last fifteen or twenty years. You know what that signifies. Oh, yes; oh, yes! The Baltimore and Ohio Railroad Company will give us enduring competition. And Johnny Mackay, from the Virginia Bonanza and the Parisian Arch of Triumph, is going to give us competition. Why, Johnny will even carry letters for the Government, on certain trunk routes, for half a cent a word. So he will—if you give him all the business of the Government, with a license to charge his own rates on the feeding branches. So Johnny could really afford to do, with lines all over the country. That I admit. And that is in vindication of the terms set down in my bill; which provide for a profit during the first years, adequate to meet all possible incidental and extraordinary expenses connected with the establishmont of a new line; more than adequate—far more—if maintained to the end of a decade of years, than would be necessary in order to return the twenty-five millions called for in my bill. But are you to be deluded any longer with a promise of competition? Do you not know that competition to-day means consolidation day after to-morrow? Tide along and tide along, and still maintain rates at exorbitant figures, with secret pooling arrangements all the while. Is not this the old worn-out trick of these monpolies? At least, gentlemen, say if you will that you flatly refuse to establish a postal telegraph. But do not say, nor permit any man to say for you, that you base your declination upon a belief in reform rates by competition. [Applause.]

Mr. Chairman, I have spoken in the homely, unstudied phrase of our Western folks, not only as one claiming to represent the people on a general basis of understanding and conviction, but also as specially authorized and directed by the resolutions of chambers of commerce, boards of trade, labor societies, and honest anti-monopoly leagues. In all recent public political meetings in my State the people assembled have unanimously urged the passage of this measure which I present, and their petitions are here in different forms for your inspection.

Mr. Chairman, there is no other method for the obtaining and the maintaining of just and judicious management of telegraphs in this country save and except by a Government postal-telegraph enactment. The people of this country are entitled to telegraphic services at figures which come close to the actual expenditures in the business and a fair interest on the cost of the plant. In no other way will the people and the majority of the people, and practically all the people, have the benefits of this great and surpassingly marvelous invention. Our fathers "builded wiser than they knew;" for the Constitution which they framed doth command the passage of such a measure as is advocated.

There is a picture of the political and the social and the intellectual and the moral advantages which would spring inevitably—ever-enlarging in their beneficence—from the establishment that is now sought at your hands and under an appeal to the obligations imposed by your oaths. I have not time to dwell upon its features. What a web of amity would be woven by this lacing and interlacing of electric wire! And while some may say it is too early in this century or too late in this session for the passage of such a measure as House bill No. 98, I shall retain to the last hours for reasonable expectation the hope and the belief, that before this division of our official lifetime shall close, this country will have had their postal facilities enlarged by the legal grant of authority to the Postmaster-General to forthwith proceed to prepare and publish specifications for the building of postal-telegraph lines throughout the length and breadth of the United States of America. [Applause.]

APPENDIX A.

HOW THE WESTERN UNION STOCK HAS BEEN WATERED.

The Western Union Telegraph Company is one of the greatest, and it is the most exacting, the most extortionate, the most corrupt, monopoly in our land. I have given it all due credit. At least as early as 1855 its history as a swindle began.

Its original capital was $360,000. This was watered in 1855 and 1856 to twice the amount each time; and the capital in 1857 was $1,500,000. In 1858 this was again watered to $3,000,000. In 1863 it was again watered by again doubling the number of shares to $6,000,000. In 1864 its stock was further increased, on a purchase and extension of lines, $5,000,000, making $11,000,000 in all. In 1864 the whole stock was again doubled by issue to stockholders of an exact gift of $11,000,000 in stock dividends. This would make the stock amount to $22,000,000; but the figures of the Western Union Telegraph Company are $21,355,100. During 1865 the stock was increased by exchanges to $21,485,400. In 1866 the stock was again watered $472,300 by an issue of a stock dividend; and soon after, by consolidation with the United States Telegraph Company and by issue for the United States Pacific lines, further increased $7,179,100, making $29,156,800. In 1866, by stock in exchange for American Telegraph Company's stock, there was an increase of $4,000,000; and by a grand watering process—by an issue of stock bonus of $7,818,800—the stock was increased $11,818,800, making it $40,955,600.

The following is from an article by Gardiner G. Hubbard, which appeared in the North American Review of December, 1883:

"Consolidation invited further competition, for the Mutual Union was organized, and in 1883 the Western Union leased it lines for nine hundred and ninety-nine years for an annual rental of $500,000, thus adding another weight to the burden to be borne by the public. Nor did the Western Union then obtain a monopoly, for new competitors have started up, anxious to be consolidated. The effect of the various consolidations and stock dividends is forcibly shown by a tabular statement·

The capital of the company prior to its reorganization in 1866 was....	$10,000,000
At that time it was increased by the issue of new stock for shares in other companies.....	20,568,000
It has been subsequently increased by the issue of new stock for shares in other companies.....	20,330,000
For stock dividends in 1866	10,000,000
For stock dividends in 1879.....	5,960,608
For stock dividends in 1881	15,526,590
For stock dividends in 1881, on account of Atlantic and Pacific Telegraph shares owned by the Western Union and then divided.	4,320,000
	86,805,196
Less stock of the company purchased in 1874.....	6,805,196
	80,000,000
The stockholders have received—	
Cash dividends since 1866.....	34,000,000
Stock dividends since 1879.....	25,817,198
And the company had on hand, June 30, 1883, available assets toward future stock dividends.....	15,039,000
Total dividends and undivided assets since January 1, 1866.....	74,856,000

"Since 1867 the public, besides contributing these cash dividends and assets, has paid $110,000,000, the operating expenses of the company. The sum of $20,330,000, expended in the purchase of rival lines, represents a part of the cost to the public of its vain efforts, since 1867, to procure by competition a reduction of rates. These rival lines, when purchased, become a source of expense to the Western Union, as they are generally poorly constructed, and merely duplicate existing lines; still, as they block other competitors from using the routes, they are maintained."

APPENDIX B.

GENERAL POST-OFFICE, LONDON, E. C., *20th June*, 1883.

MY DEAR SIR: Herewith I hand you the paper you have read—*i. e.*, the paper I read before the Society of Telegraph Engineers in 1880—corrected up to date except as regards the figures of railway instruments, in which I take it you have little interest.

I think the paper pretty generally, though of course briefly, explains the position as it was before and after the transfer, and it is only necessary, therefore, to point out clearly the subsidiary circumstances that have affected the balance of profit and loss, and on the other hand to consider the exceptional gain that has been obtained by some portion of the public.

As regards the expenditure by telegraph companies as compared with the expenditure on the postal telegraphs, irrespective of the fact that wages have risen, there are special circumstances to be borne in mind before any comparison of figures is instituted.

Prior to 1870 (the date of the transfer) all the railways, with the exception of two or three which upheld their own telegraphs and were practically little telegraph companies as well as railway companies, were in the hands either of the Electric Telegraph Company or the Magnetic Telegraph Company.

These telegraph companies were paid for the service they rendered to the railway companies. In some cases the payment made this service directly profitable. In other cases the telegraph company, having free way-leave over the respective lines, were enabled to uphold their own plant more cheaply, because they upheld that of the railway company along with it. Beyond this, in nearly every case they had free carriage of stores and free conveyance for their servants, and generally the agreements were so worded that they might carry people over one railway to do duty on another. In these respects the position is now entirely reversed. By the act of Parliament of 1868 (telegraph act) it is enacted that every post-office wire upon a railway shall be maintained by that railway and shall be paid for by the post-office, the rate of payment (in some cases fixed by arbitration and in some cases by arrangement) is ordinarily 20*s.* per mile of wire per annum, and where there are, as is often the case, many postal wires on the same posts with railway wires, it follows that the railway companies profit by maintaining for themselves their own wires along with those of the post-office.

Then the post-office, while it has a large road system to maintain, and therefore must perpetually travel over the railways, pays fares and carriage for everything. This, of course, is a very heavy item on its debit side.

Further, the telegraph companies avoided localities that did not yield profit, and in the majority of instances had their offices at the railway stations rent free. The post-office carries wire to thousands of localities which do not yield direct remuneration, and they have offices invariably in the towns, involving a rental or a capital payment for building. These circumstances all tend to the national advantage, but of course to the disadvantage of any pecuniary comparison between the net earnings of the post-office and the telegraph companies.

The press are in an especially favorable situation. Under the old order of things a press department which represented a federation of the various telegraph companies prepared a comparatively small supply of news which was duly dispatched from London to such papers as subscribed for it. They paid varying sums according to the quantity that they were allowed to receive. Each paper received the same matter, and if it wished to be supplied with special reports by its individual representatives the messages containing the news were charged for at full rates. Now the post-office provides no news—a department of the government, it could not possibly do so—and the result has been that two separate associations, independent of the post-office entirely, and also independent of the newspapers, but depending upon the latter for custom, are in the field and are bidding against each other to purvey the fullest, most accurate, and the quickest supply of news. Each paper makes a contract with one or other

or both of these associations to receive so many columns of matter, either all through the year or at particular seasons.

The associations' messages to the papers are carried by the post-office at the rate of one hundred words for 1*s.* from 7 p. m. to 7 a. m., and seventy-five words for 1*s.* during the day. This is the charge for a single copy; but if one of those associations sends thirty or forty copies of the same reports to newspapers in different towns, then the charge is only 2*d.* per hundred words for each copy transmitted, and it is upon this 2*d.* charge that the press associations base their charges to the newspapers. If any paper wishes to have an individual report, separate and distinct from those of the associations', it has to pay for it at the rate of 1*s.* per hundred words, and of late years the result of these cheap rates has been that reports of meetings, political speeches, &c., in the provinces are telegraphed as freely and at the same cheap rates as from London. In fact, a provincial newspaper, published, say, in Glasgow, often appears in the morning with equally full reports of everything transpiring throughout the kingdom with those that appear in the London papers.

I am not clear that I can usefully give you any further information, but I shall be very happy to do so if you will point out any subject of interest at which I have not glanced.

Yours, faithfully,

E. GRAVES,
Engineer in Chief Post-Office Telegraphs.

C. A. SUMNER, Esq.,
24 *Bedford Place, London, W. C.*

APPENDIX C.

Gross and net revenue derived from the telegraph service of Great Britain and Ireland since the transfer of the telegraphs to the post-office (29th January, 1870).

Year ended March 31—	Gross revenue from messages and from wires rented by cable companies.	News produce and special wire rentals.	Private wire rentals.	Miscellaneous.	Extra receipts.	Total revenue collected.[1]	Payments out— To cable companies.[2]	Payments out— For porterage and message money refunded.[9]	Total telegraph revenue.	Working expenses charged to the telegraph vote.[3]	Net revenue.
1870 (2 months)						£107,479	£5,000	£1,719	£100,760	£62,273	£38,487
1871	£908,351	£31,975	£16,763	£14,128		971,217	255,952	17,331	697,934	394,447	303,457
1872	1,095,375	39,175	32,578	16,029		1,183,157	408,965	22,581	751,611	591,776	159,835
1873	1,306,055	43,300	37,817	2,050	£11,855	1,401,077	385,684	25,472	989,921	[4]874,946	114,975
1874	1,403,793	52,688	42,063	3,626	25,642	1,527,812	416,475	27,871	1,083,466	[5]967,790	115,676
1875	1,448,823	58,478	50,849	5,212	13,285	1,576,647	[6]410,770	28,798	1,137,079	[7]1,077,347	59,732
1876	1,479,477	58,165	52,884	6,896	26,416	1,623,838	320,868	26,308	1,276,662	[8]1,031,524	245,116
1877	1,474,814	65,041	58,942	8,253	14,549	1,621,599	306,592	[9]1,900	1,313,107	[10]1,123,790	189,317
1878	1,486,990	64,367	58,329	8,087	16,074	1,633,847	298,059	2,246	1,333,542	[10]1,164,114	169,428
1879	1,448,043	71,813	62,010	8,555	13,166	1,603,587	254,550	2,145	1,346,892	[10]1,089,392	257,500
1880	1,549,866	76,269	66,349	9,769	14,475	1,716,728	261,861	2,378	1,452,489	1,111,483	341,006
1881	1,663,251	85,031	67,747	13,737	17,960	1,847,726	234,103	2,716	1,610,907	1,242,092	368,815
1882	1,697,552	87,233	72,481	25,090	13,644	1,896,000	262,493	3,064	1,630,443	1,365,633	264,810
1883	1,781,617	97,989	84,429	29,517	15,515	2,009,067	265,860	3,144	[11]1,740,063	1,504,493	235,570

[1] The revenue shown in this table is the amount actually brought to account in each year.
[2] The payments to cable companies represent the sums actually paid in each year.
[3] The working expenses are those shown in the appropriation accounts of the telegraph vote, and do not include the telegraph expenditure incurred by the office of works in Ireland during the whole period, nor that incurred by the office of works in England since the 1st April, 1874.
[4] The expenses of the year ended 31st March, 1873, include arrears of pay for 1870 and 1871, amounting to £64,000.
[5] The expenses of the year ended 31st March, 1874, include for the first time the cost of extensions, amounting to £31,502.
[6] Arrears amounting to £30,006 were paid in this year.
[7] Pensions of redundant officers of telegraph companies, amounting to £41,695, were for the first time charged to the telegraph vote. Of this amount £24,999 was for arrears.
[8] From the 1st April, 1875, stationery has been provided for in the vote for the stationery office.
[9] Payments for the delivery of telegrams beyond one mile were treated as charges on the telegraph revenue until 31st January, 1876, but since that date they have been charged to the telegraph vote.
[10] The expenses of the years ended 31st March, 1877, and 31st March, 1878, and 31st March, 1879, include the sum of £69,946 paid toward the purchase of the site of the Manchester new post-office. The expenses of the years ended 31st March, 1877, and 31st March, 1878, also include large sums paid to railway companies in settlement of arrears in respect of message work performed for the department and the maintenance of the telegraph plant.

[11] Telegraph revenue as per finance accounts	£1,724,548
Add extra receipts	15,515
	1,740,063
Value of old stores, &c., sold by other departments	27,997
Total	1,768,060

Mr. TOWNSHEND. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker resumed the chair.

Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, had come to no resolution thereon.

NAVIGATION OF SOUTH PASS, ETC.

Mr. HUNT, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be, and he is hereby, requested to report to the House whether he has made or published any rules, orders, or regulations relating to the control of the navigation of the waters of the South Pass of the Mississippi River or any other public waters or territory of the State of Louisiana, and affecting any statute or authority thereof; and, if so, what orders, rules, and regulations he has made, and by what authority, and whether under such orders possession has been taken of any territory or public waters of said State.

Mr. HUNT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I desire to obtain an understanding with regard to the length of time to be hereafter devoted to general debate on the Post-Office appropriation bill.

Mr. STEELE. I move that the House adjourn.

LEAVE TO PRINT.

Mr. CALDWELL, by unanimous consent, obtained leave to have printed in the RECORD remarks on the bill to pension soldiers of the Mexican war. [See Appendix.]

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion to adjourn. [Cries of "Regular order!"]

Mr. TOWNSHEND. I hope we may have some understanding as to how much time shall be devoted——

The SPEAKER. The regular order is demanded, and the question is on the motion to adjourn.

Mr. TOWNSHEND. I trust the demand for the regular order will be withdrawn until this matter can be settled.

Mr. HISCOCK. Regular order.

The question being taken on the motion to adjourn, it was agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. COLLINS: Petition of citizens of Boston, Mass., to prevent the importation of foreign laborers under contracts—to the Committee on Labor.

By Mr. CONVERSE: The petition of D. L. Jackson and 75 others, of C. E. Stubbs and 13 others, and of W. Hoagland and 81 others, all of Colorado Springs, Colo.; of A. Willson and 24 others of Richfield, Minn.; of D. O. Frazer and 66 others of Greenville, and of J. W. Hyatt and 7 others, and A. A. Drake, of Warren, Ohio; of J. B. Wilkelm and 36 others, and of Lucius H. Clark and 14 others, of New York; of George J. Baker and 15 others of Wesley Station, Iowa; of James McNair and 10 others of Indiana; of H. Morton and 9 others of Churchill, of Charles Liebman and 59 others of Anthony, of William Edgerton and 28 others of Varck, of J. T. Maholland and 33 others of Minneapolis, of E. Copland and 5 others and of L. T. Yount and 14 others of Valencia, and of David Fox and 71 others of Wichita, all in Kansas; of G. J. Dinkle and 60

others, of George J. Dinkle and 40 others, of George J. Dinkle and 39 others, of George J. Dinkel and 18 others, of George J. Dinkle and 25 others, of George Dinkle and 20 others, of George J. Dinkle and 26 others, of George J. Dinkle and 48 others, of G. J. Dinkle and 27 others, of L. Goodwin and 48 others, all of Las Vegas, N. Mex.; of E. A. Warz and 41 others of Santa Fé, and of J. H. Kingman and 20 others of Wagon Mound, N. Mex.; of Welcom Manchester and 49 others of Fair Haven, of E. T. Holbrook and 32 others of Milton, of O. P. Moore and 19 others of Middleburg, of F. C. Gault and 17 others of East Hubbardton, of W. T. Barber and 23 others of Castleton, of C. E. Bresee and 9 others of Hortonville, of J. R. Crane and 6 others of Bridgeport, and of Leonard Fish and 16 others of Ira, all in Vermont; of B. P. Young and 123 others of Corvalis, of James A. Walker and 3 others of Sun River, of John A. Woodson and 12 others, and of Oliver J. Crane and 34 others of Miles City, of William Williams and 89 others of Deer Lodge, and of H. F. Clement and 1 other of Flatwillow, all in Montana; of Lyman Glass and 20 others, of G. F. Durkee and 14 others of Harvard, of N. S. Colby and 50 others of McHenry, of E. E. Gilbert and 87 others, of A. S. Newman and 21 others of Greenwood, of H. D. Hughes and 11 others of Millburn, and of D. L. Sayler and 6 others of McHenry, all in Illinois; of John Bell and 230 others of Coldwater, of C. S. Place and 33 others of Ionia County, of G. A. Fowler and 9 others of Horton, of Adebert Worden and 14 others of Fenwick, of T. M. Southworth of Hillsdale County, of William Penny and 7 others of Shiloh, of William Britton and 9 others of Balch, of P. T. Spencer and 23 others of Greenville, of E. O. Smith and 49 others of Orleans, of H. D. Smith and 5 others of Fowler, of P. W. Brown and 37 others of Somerset Centre, of O. V. Hammond and 43 others of Springport, of J. Chilson and 33 others of Hanover, and of F. E. Bradley and 4 others of Clinton, all in Michigan; of E. H. Canfield and 56 others, of Isaac Smith and 16 others of Moundville, of C. K. Parker and 37 others of Springfield, of William Warrington and 18 others of Honey Creek, of L. B. Beardsley and 34 others of East Troy, of George Forbes and 5 others of Cascade, of E. G. Gale of Kendall, of N. Renk of Sun Prairie, of Marvin W. Rice and 12 others of Bancroft, of J. H. Pitcher of Eagle, of Jacob Waterworth and 23 others of Indian Ford, of J. C. Putnam and 10 others of Neosho, of A. G. Hardell and 24 others of Dousman, of Nathan Mercer and 15 others of Neosho, of Henry Hutchinson and 34 others of Randolph, of G. H. Beaumont and 26 others of Hyde's Mills, of S. V. R. Howard and 98 others of New London, of C. A. Dingman and 40 others of Troy Centre, of L. S. Baldwin and 37 others of Kendall, of Ervin Allen and 6 others of North Prairie, of John L. Jones and 35 others of Helena, of A. Jones and 53 others of Leeds Centre, of George Richardson and 37 others of Wampum, of C. K. Phelps and 64 others of Springfield, of L. Stone and 148 others of Sun Prairie, of C. J. Shumway and 33 others of Bristol, of L. S. Baldwin and 92 others of Kendall, of J. H. Ketchum and 13 others of West Bend, of J. W. Briggs and 18 others of Boaz, of F. M. Ross and 15 others of Cambria, of S. R. Edgerton and 18 others of Spring Prairie, of O. L. Baker and 20 others of Edmund, of Joseph Hallam and 1 other of Dodgeville, of A. H. Darrow and 89 others of Brandon, of Joseph Lackey and 26 others of Troy Centre, of William Warrington and 44 others of Honey Creek, of Peter Tubbs of Seymour, of H. J. Smith of Waukesha, of D. H. Langdon and 44 others of Pardeeville, and of L. D. Walbridge and 22 others of Silas, all of Wisconsin, asking for the restoration of the tariff of 1867 on imported wool—severally to the Committee on Ways and Means.

By Mr. COOK: Petition of W. J. Wright and others, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petition of George Criley, in relation to the Des Moines River lands—to the Committee on the Public Lands.

By Mr. D. B. CULBERSON: Papers relating to the claim of John C. Thompson—to the Committee on Claims.

By Mr. CURTIN: Petition of citizens of Du Bois, Pa., against the importation of foreign laborers under the contract system—to the Committee on Labor.

By Mr. DUNHAM: Petition of citizens of Chicago, favoring increase of force to expedite the payment of rebate taxes on tobacco—to the Committee on Appropriations.

By Mr. EVERHART: Petition and protest of the proprietors and employés of Parkmount Mills, Delaware County, Pennsylvania, against any agitation of the question of reduction of the tariff—to the Committee on Ways and Means.

By Mr. GEORGE: Petition of Mary Jane Heuson, for relief as a settler within the limits of the land grant to the Northern Pacific Railroad—to the Committee on the Public Lands.

By Mr. GOFF: Petition of L. J. Flowers and 21 others, of Cherry Camp, and of J. A. Connell and 115 others, of Harrison County, West Virginia, relative to the Chinese restriction act—severally to the Committee on Foreign Affairs.

Also, petition of Norton & Wells and others, dealers in manufactured tobacco, praying for an allowance for revenue stamps destroyed by the recent flood in the Ohio River—to the Committee on Appropriations.

By Mr. HALSELL: Papers relating to the claim of W. H. Wheeler—to the Committee on War Claims.

By Mr. D. B. HENDERSON: Joint resolution of the General Assembly of Iowa, in respect to interstate commerce—to the Committee on Commerce.

Also, joint resolutions of the General Assembly of Iowa, as to liens of judgments in United States courts and as to recording in each county judgments in Federal courts—severally to the Committee on the Judiciary.

By Mr. HOUSEMAN: Petition of J. C. Fitzgerald, M. C. Burch, J. W. Ransom, and about 300 others, citizens of Grand Rapids, Mich., to increase the pay of circuit and district judges of the United States—to the Committee on the Judiciary.

By Mr. LACEY: Petition of George B. Tompkins and 47 others, members of Butterworth Post, Grand Army of the Republic, of Coldwater, Mich., for passage of an act giving each honorably discharged soldier, sailor, and marine one hundred and sixty acres of land—to the Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. McCOID: Resolutions of A. M. Taylor Post, No. 153, Department of Iowa, asking Congress to pass an act granting one hundred and sixty acres of land to all honorably discharged soldiers—to the Committee on the Public Lands.

By Mr. McKINLEY: Protest of 5,000 citizens of Youngstown, Ohio, against the proposed tariff reduction—to the Committee on Ways and Means.

By Mr. NEECE: Petition of the Ladies' Missionary Society Presbyterian church Monmouth, Ill., relative to a Territorial government for Alaska—to the Committee on Territories.

Also, petition of Robert Bennett and others for the enforcement of the eight-hour law—to the Committee on Labor.

By Mr. PAYNE: Petition of citizens of Moravia, N. Y., in reference to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. PERKINS: Paper relating to H. R. 5462 for ascertaining the depth of water and width of channel of the South Pass of the Mississippi River, &c.—to the Committee on Rivers and Harbors.

By Mr. PETERS: Papers relating to the claim of H. E. Van Trees, of M. H. Clements, and of Reuben Marshall—severally to the Committee on Invalid Pensions.

By Mr. PUSEY: Joint resolution of the General Assembly of Iowa, in respect to interstate commerce—to the Committee on Commerce.

Also, joint resolution of the General Assembly of Iowa, relative to liens of judgments in United States courts—to the Committee on the Judiciary.

By Mr. RYAN: Petition of Shawnee Indians, for balance due them under several treaties—to the Committee on Indian Affairs.

By Mr. E. B. TAYLOR: Petition of D. P. Holcomb and 121 others, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. J. D. TAYLOR: Petition of D. M. Jenkins and 63 others, asking Congress to pass an act granting a pension, &c., to all honorably discharged soldiers—to the Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. WAKEFIELD: Remonstrance of citizens of Martin County, Minn., against action of forfeiture of portion of lands granted Southern Union Railroad Company—to the Committee on the Public Lands.

By Mr. WARD: Petition of Albert G. Porter, Joseph E. McDonald, W. R. Meyers, and 40 others, asking that the name of Samantha Harriman may be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. WOOD: Petition of D. R. Harper and 26 others, relative to the equalization of bounties, granting pensions, &c.—to the Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. WOODWARD: Petition of L. Chase & Co. and others, of Crawford, Wis., for an increase of clerks to expedite payment of claims for rebate of tax on tobacco—to the Committee on Appropriations.

SENATE.

MONDAY, *March* 10, 1884.

Prayer by Rev. J. B. VAN METER, D. D., of the city of Baltimore.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, transmitting, in answer to a resolution of the 4th instant, a list of awards made by the commissioners appointed under the act of March 3, 1875, to aid in the improvement of the Fox and Wisconsin Rivers, &c.; which, with the accompanying papers, on motion of Mr. SAWYER, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting for consideration, in connection with papers submitted on the 7th instant relating to the matter of awards for damages occasioned by the section of dams on the Fox and Wisconsin Rivers, a copy of the record in certain cases relative thereto; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. ANTHONY. In the absence of the Senator who is charged with

the presentation of it I present the petition of Hugh Bodell, late private Company B, One hundred and ninety-eighth Regiment Pennsylvania Volunteers, praying to be restored to the pension-roll. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. ALLISON presented resolutions adopted by Fuller Post, No. 38, Grand Army of the Republic, Logan, Iowa, in favor of increasing all pensions now below $8 per month to that amount, and that all the surviving soldiers of the late war be pensioned at that rate; which was referred to the Committee on Pensions.

Mr. WILSON presented a petition of the officers of the Iowa Improved Stock Breeders' Association, praying for the passage of the bill for the suppression of pleuro-pneumonia and other contagious diseases of farm stock; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Sophia C. Gray, of Lenox, Iowa, praying for an amendment of the present law relative to bounties to Union soldiers; which was referred to the Committee on Military Affairs.

Mr. COKE presented a petition of members of the bar and other citizens of Texas, representing the inadequacy of the salaries of the judges of the circuit and district courts of the United States in that State, and praying for an increase thereof; which was referred to the Committee on the Judiciary.

Mr. GIBSON. I present a petition of the Louisiana Educational Society, praying that an appropriation be made for education in the State of Louisiana. As the petition relates to a very important matter, I ask that it be printed in the RECORD, if there be no objection. It is not long.

The petition was ordered to be printed in the RECORD, and referred to the Committee on Education and Labor, as follows:

OFFICE OF THE LOUISIANA EDUCATIONAL SOCIETY,
New Orleans March 4, 1884.

To the honorable the Senate and
House of Representatives in Congress assembled:

We beg leave to lay before you, on behalf of the State of Louisiana, the following statement of facts, and to submit this memorial:

The report of the superintendent of public education of the city of New Orleans for 1881 showed a total school population (6 to 18 years of age) of 61,436; a total enrollment in the public schools of the city of 24,401; and an average daily attendance in December and January (which were the months of largest attendance) of 17,135.

Although the number of educable children has largely increased since then, the superintendent reports for January, 1884, the enrollment to be only 14,482, with an average attendance of 11,070.

With an allowance of 10,000 in private and parochial schools (which is a large estimate), we still have 36,974 children in New Orleans receiving no educational instruction whatever.

The census of 1880 shows an average attendance of 15,190 (which included the months of most meager and the largest attendance). Thus you will see at a glance the large decrease in the number being educated, although the population is steadily increasing.

A corresponding retrogression exists throughout the State, and it may be safely affirmed that of the 273,845 school population of Louisiana (census of 1880) not more than 30 per cent. of them attend either public, private, or parochial schools.

In the fifteen Southern States, including the District of Columbia, the census of 1880 shows that there are 2,702,835 (white and black) of the 5,703,216 school population not enrolled in schools, and notwithstanding the efforts made by the people of these States, and the generous contributions from private sources in the North for educational purposes, the number of children unenrolled in the schools and the illiterates continue to increase.

The State and city have done much toward public education, but the illiterates are such a large proportion of the population, and poverty is so widespread, that the taxable property can not bear such a burden as must necessarily be imposed to provide for and sustain public schools.

We are aware that in so far as ignorance is the source of pauperism, crime, and a want of thrift, the State is chiefly interested and the Federal Government indirectly only, but there is a common ground on which Federal and State interests meet and blend. Good government is necessary for both, and it is equally the duty of both to see that the citizen is made capable of performing the duties of citizenship intelligently, fearlessly, honestly. Said one: "Honest enough, brave enough, and keen enough to resist corruption, defy violence, and defeat fraud."

Both are alike interested in making the masses of the people sufficiently intelligent to understand what constitutes the greatest good for the greatest number; and to comprehend also the converse of the proposition, that the good of the greatest number is the highest and best interest of the individual citizen.

We believe that the very life of the Republic and the preservation of the liberty it vouchsafes depend upon the intelligence of its people, the universal education of its citizen; that as their illiteracy increases so do the dangers to our country multiply.

In the words of Senator BLAIR: "Education, physical, intellectual, and moral, is the primal necessity." The fathers and founders of our Government so considered it. They thought that a republic could stand only in the intelligence and virtue of its citizens.

Our danger is imminent and increasing. France in 1870 realized that it was not the needle-gun, but educated Germany which so quickly brought her to defeat and submission. She was taught a bitter lesson, by which she is now profiting. Since then she has largely increased her taxation for public schools, made elementary schooling free, and attendance compulsory. Let her history teach us to educate our children, be they white or black.

But this can only be done with the liberal aid of the National Government, and unless it comes to our assistance the condition of our educational work must grow steadily worse.

We believe that a very large sum is necessary to meet the great need of the country. A bill before Congress proposes to give $15,000,000 for the first year, and to decrease the appropriation $1,000,000 each year during a period of ten years, dividing it according to the number of illiterates in each State.

We trust that some such measures may meet your approval. Some such measures are necessary to stay and roll back the tide of illiteracy in this and other States of the South, which now finds no barriers strong enough to resist it. We believe it to be the duty of Congress to make some such appropriation, and on behalf of our State we ask it to do so.

Washington, Adams, Jefferson, Madison, Monroe, declared the necessity for and the importance of public education. Said the latter in his inaugural address of 1817: "Let us by all wise and constitutional measures promote intelligence among the people, as the best means of preserving our liberties."

Presidents Grant, Hayes, Garfield, and Arthur have severally recommended it, and President Garfield said: "All the constitutional power of the nation and of the States should be summoned to meet the danger by the saving influence of universal education."

With our poverty upon us and dangers before us, we appeal to Congress to do all that can constitutionally be done to aid in the education of youth, so that we may reap the fruits of industry, integrity, and intelligence.

LOUIS BUSH, *President*
E. T. MERRICK, *Vice-President*,
I. L. LEUCHT, *Secretary*,
CARTWRIGHT EUSTIS, *Treasurer*,
R. H. BROWNE,
J. C. MORRIS,
JAMES McCONNELL,
R. M. WALMSLEY,
STANFORD E. CHAILLE,
Executive Committee Educational Society of Louisiana.

R. H. BROWNE, *Chairman*,
JAMES McCONNELL,
S. S. CARLISLE,
SYLVANUS LANDRUM,
B. T. WALSHE,
WARREN EASTON,
J. W. NICHOLSON,
Committee on Memorials.

Mr. CULLOM presented a petition of citizens of Illinois, praying for the equalization of bounties of soldiers of the late war; which was referred to the Committee on Military Affairs.

Mr. MANDERSON presented the petition of Lewis A. Groff and others, lawyers of Nebraska, praying for an increase of the salary of the United States district judge for that district; which was referred to the Committee on the Judiciary.

Mr. HILL presented the petition of Wolff & Brown, of Denver, Colo., praying compensation for property taken by Col. Thomas Moonlight, commander of the Colorado military district, in 1865; which was referred to the Committee on Military Affairs.

Mr. LOGAN presented a petition of numerous citizens of Chicago, Ill., in favor of the passage of a bill to suppress pleuro-pneumonia and other diseases among cattle; which was referred to the Committee on Agriculture and Forestry.

Mr. BLAIR. I present the petition of S. S. Farnham and others, citizens of Minneapolis, Minn., a co-operative association of persons of small means, praying for such legislation as will enable them to settle on a suitable body of the public lands, that they may safely enter upon co-operative work, so that village life may be substituted for the isolation of farm life on the frontier. I have had quite a number of communications from people of this class. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. BLAIR. I present a preamble and resolutions adopted by the Baltimore Annual Conference of the Methodist Episcopal Church, now in session in this city. The resolutions are very brief, and I will read them as the most convenient way of stating their contents:

Whereas there is a bill now pending in Congress known as the commissioners' license bill for the District of Columbia; and

Whereas the ninth and twelfth sections thereof are favorable to the liquor interests, and as such must be injurious to the homes of many, damaging to the morals of the people, and detrimental to the prosperity of the community: Therefore,

Be it resolved by the Baltimore Annual Conference of the Methodist Episcopal Church, assembled in this city March 7, 1884, That we earnestly and respectfully solicit Congress not to pass said sections of this bill.

Resolved, That we heartily approve of the District Temperance Alliance, and do hereby join with them in asking for the right to vote upon the question of the prohibition of the manufacture and sale of all intoxicating liquors as a beverage within said District of Columbia; and

Resolved, That a copy of these resolutions be sent to Congress forthwith.

I move that the preamble and resolutions, with the letter from the Conference transmitting the same, be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. COCKRELL presented a petition of citizens of Howell County, Missouri, praying that a pension be granted to John W. Grammar, a soldier in the war with Mexico; which was referred to the Committee on Pensions.

Mr. JONAS presented a petition of the Louisiana Educational Society, praying that an appropriation be made for educational purposes in that State; which was referred to the Committee on Education and Labor.

Mr. PLATT presented a resolution of the General Assembly of the State of Connecticut; which was read, as follows:

STATE OF CONNECTICUT, OFFICE OF SECRETARY OF STATE,
General Assembly, January Session, A. D. 1884.

Relating to the history of the military organization of the war of the Revolution.

Whereas the greater part of the original rolls and orderly books of the Connecticut officers and soldiers of the Continental army in the war of the Revolution are on file in the Pension Office, Department of the Interior, at Washington, D. C., where they are practically inaccessible to the citizens of this State, having been loaned to the General Government after the destruction of the War Department in 1800; and

Whereas the same is believed to be true of the Revolutionary rolls of all the thirteen original States; and

Whereas these rolls furnish the only official evidence in existence of the names, services, and military careers of the officers and soldiers of the Revolutionary war; and

Whereas it is a matter of great historic interest that these records should be preserved in a durable and accessible form, as well as a due measure of justice to the memory of the patriotic men who achieved our national independence: Therefore,

Resolved by this Assembly:

SECTION 1. That our Senators and Representatives in Congress be requested to use their best efforts to cause Congress to adopt the recommendation of the Commissioner of Pensions, and make provision for collecting materials for and for publishing a complete "history of the military organizations of the war of the Revolution."

SEC. 2. That the secretary of state be, and he is hereby, directed to forward a certified copy of this resolution to each of our Senators and Representatives in Congress.

HOUSE OF REPRESENTATIVES.

Passed February 20, 1884.

SENATE.

Passed February 27, 1884.

Mr. PLATT. The State of Connecticut and its people have felt that these records ought to be returned by the General Government to the State, and have from time to time made such efforts to obtain their return as seemed right and proper. Now that the Commissioner of Pensions has recommended that they be published, the Legislature of the State of Connecticut seems to fall in with that suggestion, and I take this opportunity to commend the matter to the Committee on Military Affairs, to whom I move that the resolution be referred.

The motion was agreed to.

Mr. VOORHEES presented resolutions adopted by McEwan Post, Grand Army of the Republic, Department of Indiana, of North Vernon, Ind., and resolutions adopted by Gust. Abbott Post, No. 113, Grand Army of the Republic, Department of Indiana, of Waymansville, Bartholomew County, Indiana, in favor of the passage of a bill for the equalization of bounties, and for other purposes; which were referred to the Committee on Military Affairs.

He also presented a petition of citizens of Madison County, Indiana, praying that Mrs. Samantha Harriman, widow of Isaac M. May, late major Nineteenth Indiana Volunteers, be restored to the pension-rolls; which was referred to the Committee on Pensions.

He also presented certain papers to accompany the bill (S. 1392) to compensate John W. Smith for losses sustained by him during the war of the rebellion; which were referred to the Committee on Claims.

Mr. GARLAND presented a petition of attorneys and other citizens of Fort Smith and Van Buren, Ark., praying for the increase of salaries of United States district judges; which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. WALKER. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 1574) to provide for the sale of the Cherokee reservation in the State of Arkansas, to report it with an amendment and with the recommendation that as amended the bill be passed. I also submit a written report. I ask for the present consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks unanimous consent that the bill just reported by him be now considered.

Mr. MORGAN. I object.

Mr. WALKER. I hope the Senator from Alabama will withdraw the objection.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

Mr. MORGAN. On last Friday the Committee on Public Lands reported back favorably the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes. I now ask leave to submit the views of the minority of the committee, and ask that they be printed.

The PRESIDENT *pro tempore*. If there be no objection the views of the minority will be received and printed.

Mr. MORGAN. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 1445) to provide for the settlement of the rights of the States and of the corporations and persons interested in any grant of lands in aid of railroads and canals which shall be declared forfeited by act of Congress, to report it with an amendment. I shall to-morrow present the views of the majority; there will probably be a minority report also.

Mr. BLAIR. From the Committee on Education and Labor I ask leave to present a supplementary report on the bill (S. 398) to aid in the establishment and temporary support of common schools. The original report was merely a formal report of a few lines, and in this report we present out views at more length.

The PRESIDENT *pro tempore*. The report will be received, if there be no objection, and printed.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the petition of certain citizens of Pueblo, Colo., praying relief from a judgment, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 1029) for the relief of Jesse Benton Frémont, asked to be discharged from its further consideration and that it be referred to the Committee on Private Land Claims; which was agreed to.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (H. R. 3931) to create an additional United States judicial district and to establish circuit and district courts therein, in the State of Alabama, reported it with an amendment.

Mr. JACKSON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1018) to amend sections 3929 and 4041 of the Revised Statutes, authorizing the Postmaster-General to prohibit the delivery of registered letters and the payment of money-orders and providing for the return of the same, reported it without amendment and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 931) granting a pension to Amanda Reeder; and

A bill (S. 928) granting a pension to Sarah Cadis.

He also, from the same committee, to whom was referred a petition of citizens of Middlesex, Vt., praying that an increase of pension be granted to William H. H. Buck, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

Mr. MCMILLAN. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 64) to authorize suits in the Court of Claims in certain cases therein mentioned, to report it adversely. I desire that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. MCMILLAN, from the Committee on the Judiciary, to whom was referred the bill (H. R. 1090) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district court in the northern district of New York, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 2824) to amend sections 4, 5, and 9 of an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places for holding courts in said districts," and to provide for holding terms of the court of the western judicial district of Texas at the city of El Paso, and for other purposes, reported it with amendments.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. 1577) to provide for the bringing of suits by citizens of the United States against the Government thereof in certain cases, reported it with amendments.

Mr. BAYARD. I am instructed by the Committee on Private Land Claims, to whom was referred the bill (S. 1743) for the relief of the legal representatives of Matthew Smith, to report it back. The bill having been inadvertently referred to that committee, and being properly under the cognizance of another committee, I ask that the Committee on Private Land Claims be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Claims.

The PRESIDENT *pro tempore*. That order will be entered, if there be no objection.

Mr. MILLER, of New York, from the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, reported it with an amendment.

BILLS INTRODUCED.

Mr. INGALLS introduced a bill (S. 1781) to provide for the sale of the Kickapoo diminished reservation, in Kansas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1782) to declare the true intent and meaning of the acts of June 19, 1878, chapter 30, and of June 27, 1879, chapter 41; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MORRILL (by request) introduced a bill (S. 1783) to define the routes of steam railroads entering the city of Washington, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MCMILLAN introduced a bill (S. 1784) to resume to the United States certain lands granted to the State of Iowa to aid in the construction of a railroad in said State; which was read twice by its title, and referred to the Committee on Public Lands.

He also (by request) introduced a bill (S. 1785) authorizing Joseph Guion, his heirs, executors, administrators, and assigns, to establish and maintain a ferry across the Mississippi River at Saint Paul, Ramsey County, Minnesota; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES introduced a bill (S. 1786) releasing to the State of Indiana the title of the United States to certain lands in said State; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. COCKRELL introduced a bill (S. 1787) for the relief of John Smith; which was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred, with the accompanying papers, to the Committee on Military Affairs.

Mr. COCKRELL. I do not know but that under the ruling made by the Chair the other morning, as the bill is in regard to bounty, it ought to go to the Committee on Pensions. I believe the Chair held the other day that questions relating to bounty should be referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. Most of the petitions in respect of particular bounties have been referred to the Committee on Pensions, and those in relation to the general equalization of all bounties to the Committee on Military Affairs.

Mr. COCKRELL. This is not general; it is a special, individual case.

The PRESIDENT *pro tempore*. It will go then to the Committee on Pensions.

Mr. BLAIR. Ought it not to go to the Committee on Military Affairs?

The PRESIDENT *pro tempore*. The course of the Senate has generally been at this session to refer matters of special bounty, in the nature of relief to a particular soldier, to the Committee on Pensions. Matters relating to the general equalization of bounty have been referred to the Committee on Military Affairs.

Mr. BLAIR. I have been on the Committee on Pensions for some Congresses, and I have no recollection that we have had occasion to consider such a question. We may have done so in some instances, but I do not remember it. I would say further that the Senator from Kansas at my left [Mr. INGALLS], who was a member of that committee for seven years, states to me that he has never known a petition of that kind to be sent to that committee.

The PRESIDENT *pro tempore*. The Chair will take the expression of the Senate on the subject, of course.

Mr. COCKRELL. I would suggest, as there have been several of these cases referred to the Committee on Pensions, that at their first meeting they determine the question themselves as to whether they think they have jurisdiction, and if not, let them report all such cases back to the Senate and ask that they be referred to the Military Committee.

Mr. ALLISON. Very good.

Mr. BLAIR. I will call the attention of the committee to the matter. The question certainly ought to be decided.

Mr. COCKRELL. I hope the committee will act upon it at their first meeting and determine the question.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Pensions.

Mr. GEORGE introduced a bill (S. 1788) to prevent contraction in the currency and to increase the circulation of silver and silver certificates; which was read twice by its title, and referred to the Committee on Finance.

Mr. SAWYER introduced a bill (S. 1789) for the relief of John O. Donald; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HARRISON introduced a bill (S. 1790) granting an increase of pension to Edgar L. Dutton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1791) granting a pension to David G. Porter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAYARD introduced a bill (S. 1792) to create and establish the pilot service of the United States and to regulate the pilotage of vessels in the ports and harbors along the seacoast of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ALDRICH introduced a bill (S. 1793) to amend section 4434 of the Revised Statutes, concerning commerce and navigation and the regulation of steam-vessels; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1794) for the relief of the heirs of Edmund Cole, of Rhode Island; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MAHONE introduced a bill (S. 1795) to authorize the establishment of export tobacco manufactories; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

Mr. GROOME introduced a bill (S. 1796) granting a pension to James P. Roe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GARLAND introduced a joint resolution (S. R. 72) proposing an amendment to the Constitution of the United States; which was read the first time by its title.

Mr. GARLAND. I should like to have the joint resolution read at length.

The joint resolution was read the second time at length, as follows:

A resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of both Houses concurring), That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the Constitution, namely:

ARTICLE XVI.

That portion of the public debt of the United States represented by notes issued under the authority of law with the quality of lawful money and as a legal tender for the payment of debts shall never exceed the sum of $350,000,000, unless the bill or bills providing for such increase of issue shall receive the concurrence of two-thirds of each House of Congress; and the votes on all such bills shall be recorded by yeas and nays on the Journal of each House.

Mr. GARLAND. I ask that the joint resolution lie on the table subject to my call.

The PRESIDENT *pro tempore*. If there be no objection, on motion of the Senator from Arkansas, the joint resolution will lie on the table.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRISON, it was

Ordered, That the papers in the case of John Fletcher be taken from the files and referred to the Committee on Claims.

JAMES W. TEBBS.

Mr. VOORHEES submitted the following resolution:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the contingent fund of the Senate the sum of $1,696 to James W. Tebbs as the residue of his salary as messenger from May 5, 1879, to November 30, 1883.

Mr. VOORHEES. I move that the resolution be printed, together with the accompanying account and statement, and that it be referred to the Committee on Contingent Expenses.

The motion was agreed to.

MEAT EXPORTATIONS.

On motion of Mr. MILLER, of California, it was

Ordered, That there be printed for the use of the Committee on Foreign Relations fifty copies of each of such papers and documents as have come or may come into the possession of said committee touching the subjects embraced in the resolution of the Senate adopted January 22, 1884, relating to the prohibitions against the importation of American meats adopted by certain foreign governments and discriminations by tariff laws, &c., against American exports, &c.

REPRINTING OF A BILL.

Mr. BLAIR. I move that the bill (S. 398) to aid in the establishment and temporary support of common schools be reprinted for the use of the Senate, the file having been exhausted, as I am informed.

The motion was agreed to.

GOVERNMENTAL POWERS—INVIOLABILITY OF CONTRACTS.

Mr. BAYARD submitted the following resolution, which was read:

Whereas by the ninth article in addition to and in amendment of the Constitution it is provided that the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people, and by the tenth article in amendment of the Constitution it is provided that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people: Therefore,

Resolved, That the Committee on the Judiciary be, and they are hereby, instructed to report as soon as practicable as to the expediency of amending the Constitution so as more fully to accomplish the object and purpose of the foregoing provisions, secure to the States respectively or to the people the powers reserved as aforesaid, and more effectually to preserve the Federal principle and nature of the Government by maintaining due limitations upon its powers, and to that end provide that Congress shall not have power to make anything but gold and silver coin a tender for the payment of debts, nor pass any law impairing the obligation of contracts.

Mr. BAYARD. I ask that the resolution may lie on the table, and at a future day I shall crave the indulgence of the Senate to make remarks upon it before moving its reference to the appropriate committee.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will be printed and laid on the table.

EDWARD H. LADD.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Secretary of State be, and he is hereby, directed to furnish to the Senate copies of all the correspondence in his possession relating to the claim of Edward H. Ladd against the United States of Colombia, so far as it may be compatible with public interest to furnish the same.

DIRECT-TAX ACCOUNTS.

Mr. VOORHEES. On the 19th of February the chairman of the Committee on Finance, the Senator from Vermont [Mr. MORRILL], from that committee, reported adversely the bill (S. 793) to adjust certain accounts between the United States and the several States and Territories and the District of Columbia, which was placed on the Calendar. Upon consultation with him I am authorized, at least so far as his consent is concerned, to move that bill be recommitted to the Committee on Finance.

The motion was agreed to.

ALEXANDER SWIFT & CO.

Mr. PENDLETON. I ask unanimous consent to reconsider the action of the Senate indefinitely postponing the bill (S. 567) for the relief of Alexander Swift & Co., partners, and Alexander Swift & Co. and the Niles Works. The bill was introduced and referred to the Committee on Claims, and the committee made an adverse report, and at the same time that report was made the bill was indefinitely postponed. I have

consulted with the Committee on Claims, and they assent to the action that I ask the Senate to take. If the indefinite postponement is reconsidered I shall then ask that the bill be recommitted to that committee, and I have also the assent of the committee to that action.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the vote of the Senate heretofore taken indefinitely postponing the bill indicated by him be reconsidered. Is there objection? The Chair hears no objection. The Senator from Ohio asks that the bill be recommitted to the Committee on Claims. That order will be entered if there be no objection.

COURT OF ALABAMA CLAIMS.

The PRESIDENT *pro tempore*. If there be no further resolutions, the Chair will lay before the Senate under Rule VIII Order of Business 139, being the bill (S. 573) amending an act re-establishing the Court of Commissioners of Alabama Claims and for the distribution of the unappropriated moneys of the Geneva award, approved June 5, 1882. This bill has been reported at length. It is before the Senate as in Committee of the Whole.

Mr. BLAIR. That and the following bill on the Calendar, the bill (S. 247) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes, were, when reached last Friday, laid aside informally. The bill (S. 140) to establish a bureau of statistics of labor was under discussion at 2 o'clock. I suppose if the Senator from Illinois [Mr. LOGAN] insists upon the consideration of Senate bill 573 and Senate bill 247 they have precedence, but if he does not, I should like to have the Senate resume the consideration of Senate bill No. 140.

The PRESIDENT *pro tempore*. The Chair understands that under the unanimous agreement of the Senate the bill which the Chair has laid before the Senate as in Committee of the Whole is the one that stands at the head of the Calendar under Rule VIII. It is the duty of the Chair, therefore, to lay it before the Senate.

Mr. FRYE. I suggest that Senate bills 573 and 247 be passed over without prejudice.

Mr. LOGAN. I ask that they be passed over without prejudice.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that the bill now before the Senate as well as Senate bill No. 247, on the same subject, be passed over without prejudice, to retain their places at the head of the Calendar under Rule VIII. Is there objection? The Chair hears no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 314) for the relief of John W. Cummins;
A bill (H. R. 328) for the relief of John P. T. Davis;
A bill (H. R. 554) granting a pension to Joseph T. Caldwell;
A bill (H. R. 562) granting a pension to H. E. Van Trees;
A bill (H. R. 569) granting a pension to Ruben Marshall;
A bill (H. R. 570) granting a pension to M. H. Clements;
A bill (H. R. 591) granting a pension to W. H. Blake;
A bill (H. R. 819) granting an increase of pension to Merritt Lewis;
A bill (H. R. 1198) for the relief of John Taylor & Son;
A bill (H. R. 1292) for the relief of Louisa Boddy;
A bill (H. R. 1319) to adjust the accounts of John D. Monteith, deceased;
A bill (H. R. 1391) granting a pension to Mary Eliza Dickson, widow of Dr. Thomas Dickson;
A bill (H. R. 1394) granting a pension to Mary P. Thompson;
A bill (H. R. 1406) granting a pension to Mrs. Mary T. Barnes;
A bill (H. R. 1411) granting a pension to Martha M. B. McCullach, of Freeport, Pa.;
A bill (H. R. 1428) granting a pension to Cornelia A. Schultz;
A bill (H. R. 1433) granting a pension to Mary E. Murray;
A bill (H. R. 2372) granting a pension to Michea Titler;
A bill (H. R. 2608) granting a pension to Mrs. Sarah Bryan Leet;
A bill (H. R. 3521) for the relief of Benjamin D. Lakin;
A bill (H. R. 3606) granting a pension to Irene Baker;
A bill (H. R. 4036) to increase the pension of Thomas Ward;
A bill (H. R. 4682) granting a pension to Ward B. Burnett;
A bill (H. R. 4706) for the relief of Charlotte Day;
A bill (H. R. 4707) granting a pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick; and
A bill (H. R. 4708) granting a pension to Moses Fullington.

BUREAU OF LABOR STATISTICS.

The PRESIDENT *pro tempore*. Order of Business No. 142, being the bill (S. 140) to establish a bureau of statistics of labor, is now before the Senate as in Committee of the Whole, and the question is on agreeing to the amendment proposed by the Senator from Rhode Island [Mr. ALDRICH]. The amendment will be again reported for information.

The CHIEF CLERK. In section 2, line 6, before the word "thousand," it is proposed to strike out "two" and insert "three;" so as to read:

The chief of the bureau of statistics and labor shall receive an annual salary of $3,500.

The PRESIDENT *pro tempore*. On this amendment the yeas and nays have been ordered, the Chair understands.

The Secretary proceeded to call the roll.

Mr. FRYE (when Mr. HALE'S name was called). I have not announced his pair at any time, but my colleague [Mr. HALE] has been absent for several days and will be for several days longer. He is paired on all political questions with the Senator from Kentucky [Mr. BECK].

The roll-call having been concluded, the result was announced—yeas 39, nays 13; as follows:

YEAS—39.

Allison,	Edmunds,	Ingalls,	Palmer,
Anthony,	Frye,	Jackson,	Pike,
Blair,	George,	Jonas,	Platt,
Brown,	Gibson,	Kenna,	Plumb,
Call,	Groome,	Logan,	Pugh,
Cameron of Wis.,	Hampton,	Mahone,	Sawyer,
Conger,	Harrison,	Manderson,	Sewell,
Cullom,	Hawley,	Miller of Cal.,	Voorhees,
Dawes,	Hill,	Mitchell,	Wilson.
Dolph,	Hoar,	Morrill,	

NAYS—13.

Bayard,	Farley,	Pendleton,	Williams.
Beck,	Garland,	Slater,	
Cockrell,	Jones of Florida,	Van Wyck,	
Coke,	Maxey,	Walker.	

ABSENT—24.

Aldrich,	Fair,	Lapham,	Riddleberger,
Bowen,	Gorman,	McMillan,	Sabin,
Butler,	Hale,	McPherson,	Saulsbury,
Camden,	Harris,	Miller of N Y.,	Sherman,
Cameron of Pa.,	Jones of Nevada,	Morgan,	Vance,
Colquitt,	Lamar,	Ransom,	Vest.

So the amendment was agreed to.

Mr. HOAR. Mr. President, the second section of this bill provides that the officers of the bureau shall be, among others, "a first clerk, who shall be appointed by the chief of the bureau." I suppose that it would be lawful to provide that any agent of the Government might provide himself with the necessary clerical force by his own selection, which would not make the clerk an officer within the constitutional sense; but as this bill declares this "first clerk" an officer by its terms, I would suggest to my friend from New Hampshire to vest the appointment in the head of the Interior Department, because, of course, if he be an officer, as he is declared to be, he can not be, under the Constitution, appointed by the chief of a bureau. My amendment is that he shall be appointed by the Secretary of the Interior.

Mr. COCKRELL. I suggest to the Senator from Massachusetts that he also provide that this clerk shall be of a certain class, in order that he may come under the civil-service rules and be appointed under them, and not taken out from the operation of that law.

Mr. HOAR. That is another point. This would not take him out from under the operation of that law.

Mr. COCKRELL. If he is not classified it would. Under the bill as it is now he would not come under the civil-service law at all.

Mr. HOAR. I think he would.

Mr. COCKRELL. The Senator proposes to bring him under the Interior Department, to be designated, I suggest, in some particular class.

Mr. HOAR. That would require a separate amendment. I have no objection to it, but in my judgment there is no necessity for it. If I recollect the civil-service law, I think the head of the Department must appoint all the clerks under the provisions of that law. However that may be, let this amendment be adopted, to which my friend does not object, and then the other can be provided for also.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR], in section 2, line 4, to strike out "chief of the bureau" and insert "Secretary of the Interior."

Mr. HOAR. Now, if the Senator from Missouri thinks it would be more certain to come within the civil-service provision to have him designated as of a certain class, very well.

Mr. ALLISON. I wish the Senator in charge of the bill would explain what he means by "first clerk." That is a new designation.

Mr. BLAIR. As I stated in the discussion last week, much of the phraseology of this bill is taken from the Massachusetts act establishing a like bureau in that State. It not only designates the clerk as a first clerk, but it also fixes his salary further along, and in a bureau of this description there would be great propriety in having the first clerk (who necessarily would often represent the chief and should be qualified to discharge any of the peculiar functions of the chief) appointed by the chief of the bureau. I have no serious objection, however, to the modification which has been suggested by the Senator from Massachusetts; and I do not think there can be any objection of a serious character to the phraseology now in the bill designating the first clerk as a first clerk. I have no objection to the word "first" being stricken out if any Senator thinks there is propriety in it. It is a matter of phraseology, not important.

Mr. PLUMB. I think, Mr. President, that it would be better if you were to strike out all in relation to clerk-hire. I do not see why we should designate for this particular bureau one clerk unless we go generally into the question of clerks. I will ask the Senator from New

Hampshire, with whom I desire to be in accord on this matter, as he has it at heart, if it would not answer as good a purpose to strike out all about the first clerk, and to add at the close of the section:

That the necessary clerk-hire for the performance of the duties of the office be furnished by the Secretary of the Interior.

Mr. BLAIR. I do not know but that it would be just as well, but I see no reason why it would be any better. I think myself that the bill in that regard is well enough as it is. I would be very glad to conciliate any opposition, if there is any, to unessential matters in the bill by consenting to any changes that I do not think of importance; and if the Senator imagines that the language he suggests is much better, and will propose the phraseology he would like to have incorporated, I shall make no objection.

Mr. PLUMB. I suggest that this language go out, unless we provide all the clerk-hire. We seem by implication to limit him to one clerk.

Mr. BLAIR. If the Senator will repeat his suggestion, I presume there will be no difficulty in regard to it.

The PRESIDENT *pro tempore*. The question now is on the amendment proposed by the Senator from Massachusetts [Mr. HOAR].

Mr. INGALLS. The Department of the Interior already has charge of the public lands of the United States, the control of Indian affairs, the administration of the pension system, of patents, of education, of railroads, of the geological survey of the country, and its census. The affairs of many a kingdom, ancient and modern, have been less important and less momentous than those belonging to this Department which is now administered by the Secretary of the Interior. I doubt exceedingly the wisdom of imposing any further duties upon the head of this Department; and while I am entirely in favor of the collection of these statistics and believe in their importance, my judgment is that this whole subject should be consolidated, and that the statistics of commerce, the statistics of labor, and the statistics now provided for in the Agricultural Department should be under some one head. It would result, in my opinion, in greater efficiency; the duties I am sure could be discharged with greater economy, and it is obvious that we have reached a point in national administration where the machinery which has hitherto prevailed is entirely inadequate to the functions that are to be performed. A measure is now pending for the creation of a Department of Agriculture, which is wise. We appropriated last year $80,000 for the purpose of collecting statistics under the Department of Agriculture. The bill that has been reported in the House provides this year for an appropriation of $100,000 more. And now we are asked to add to the already excessive duties that are devolved upon the Secretary of the Interior by incorporating this immense additional duty.

I trust, Mr. President, that before voting upon the amendment offered by the Senator from Massachusetts, which places the duty of the appointment of this clerk upon the Secretary of the Interior, we may have an expression upon the wisdom or advisability of consolidating these different bureaus under some other Department than that of the Secretary of the Interior; and if it were possible to amend at this stage of the bill, I should like to submit that question to the Senate. If the Chair can inform me whether an amendment in the second degree is now pending, I should then be advised whether an amendment could be offered to substitute the Department of Agriculture for the Secretary of the Interior.

The PRESIDING OFFICER (Mr. HOAR in the chair). There is but one amendment pending, which is the one proposed by the Senator from Massachusetts now occupying the chair. With the leave of the Senate the Chair will modify that and have the words "head of the Department" instead of "the Secretary of the Interior."

Mr. INGALLS. That will be entirely satisfactory, and will leave the question to be determined hereafter whether we shall create another bureau, whether we shall unite this with the already inordinate duties of the Secretary of the Interior, or whether all these different bureaus relating to statistics shall be classified and consolidated in one bureau that shall have charge of the whole subject.

Mr. GARLAND. On Friday, when we had this bill last up for discussion, I intimated that I should offer an amendment running in the line just suggested by the Senator from Kansas. On looking at the bill closely I find that the amendment I contemplated would necessarily be a substitute for the bill. I will now have it read, with the permission of the Senate, and after the pending amendment is through with I shall call it up and offer it as a substitute for the entire bill.

The PRESIDING OFFICER. The Chair will first ascertain whether there be objection to the amendment already proposed, which is acceptable to the gentleman having charge of the bill. It will be read again.

The CHIEF CLERK. In section 2, line 4, strike out "chief of the bureau" and insert in lieu thereof "head of the Department."

The PRESIDING OFFICER. If there be no objection, that amendment is agreed to.

Mr. INGALLS. Now let us hear the amendment of the Senator from Arkansas [Mr. GARLAND] read for information.

The Secretary read as follows:

A bill to amend chapter 10 of the Revised Statutes, relating to the Bureau of Statistics.

Add after section 342 as follows:

SEC. 343. The chief of the Bureau of Statistics shall, under such regulations as the Secretary of the Treasury may prescribe, annually collect and report to Congress the statistics relating to marriage and divorce in the several States and Territories and the District of Columbia, and pertinent information relating to all departments of labor and production in the United States, especially touching the pecuniary, industrial, social, educational, and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industry of the whole country; and the salary of the chief of such bureau shall be $3,500.

Mr. INGALLS. Is that in order now, Mr. President?

The PRESIDING OFFICER. The Chair supposes that it is in order now if it be now moved. The Senator from Arkansas, however, has merely had it read for information.

Mr. GARLAND. I asked simply to have it read for information, and intended to offer it when the Senator from New Hampshire succeeded in perfecting his bill.

Mr. INGALLS. It is not now pending, then.

Mr. SHERMAN. Mr. President, I agree with the Senator from Kansas that it is not wise to multiply the bureaus having charge of the collection of statistics. A certain portion of the statistics of the Government are now collected by the Secretary of State, in regard to our foreign commerce; another portion, and largely the greater portion, are now collected by the Treasury Department, and that Department is now well organized to collect all statistics in regard to commerce, navigation, manufactures, &c.

The title of the Revised Statutes just referred to by the Senator from Arkansas shows that the scope of the Bureau of Statistics is amply broad enough to embrace labor among the subjects on which statistics are to be collected. It seems to me, therefore, that it would be very easy to add to the duties of the Chief of the Bureau of Statistics the collection of statistics of labor without creating any new officers or involving any great expense. In my opinion the Treasury Department is the proper Department to supervise the collection of these statistics. With the exception of the census, which is only periodical, every ten years, the Department of the Interior has but little to do with the collection of statistics as to the people of the United States. It is true that Department has charge of the Patent Office, the public lands, and Indian affairs, most of which relate to matters on the outskirts of the United States. The duties of the Indian Affairs and the Public Lands Bureaus are in the regions of the new settlements, while the statistics of labor, of manufactures, of agriculture are to be obtained mainly in the great interior of the country, largely in the manufacturing States, the Middle States and the New England States. The duties imposed by this proposed law can easily be devolved upon the Bureau of Statistics in the Treasury Department, and a few additional clerks to the present organization could do all that would be needed in that way.

I am opposed to two or three provisions of this bill. Indeed, I would not grant these powers to any Department. Here is the fourth section of the bill. In the first place, there is no defined jurisdiction of this bureau of labor statistics, but it has a head and a first clerk, and the fourth section provides—

That the chief of the bureau shall have power to send for persons and papers, and to examine witnesses, under oath, orally and by deposition, before himself or any assistant or magistrate to be by him designated; and such witnesses, when they fail to produce such papers or to testify voluntarily, may be summoned in the same manner and paid the same fees as witnesses in the courts of the United States where they shall reside; but no witness shall be required to produce papers or to disclose the condition of his private business or affairs against his will, provided he make oath that in his belief the same would injure his person or estate.

Here is a power that I would not confer upon any executive officer of the United States, I do not care who he is. Here is the full power of the judiciary to compel the attendance of witnesses, to summon them from remote parts of the country, to issue process of attachment; the whole judiciary power is to be exercised by the head of a subordinate bureau in one of the Departments of the Government. Why, sir, one of the most dangerous powers exercised by the Senate and the House of Representatives is the power conferred on them to send for persons and papers; and even that power has been challenged by the Supreme Court of the United States, and the action of the House itself has been reversed, at great cost to the Government of the United States, in an important case.

Now, the idea of trusting a subordinate of one of the Departments of this Government with the power to send for persons and papers, to examine witnesses, and to decide what papers shall be produced, to what extent the surveillance of this officer can go over the books and papers of manufacturing establishments throughout the United States, and the rate of wages, and all this, it seems to me would be a departure from the established principles of the Government.

It is conferred upon the Senate and the House as one of the great powers necessary to legislation. It is necessarily conferred upon the courts, but only when litigants bring witnesses before the courts to be examined in the due course of the administration of justice. But to allow a subordinate officer of any Department of the Government to send his subpœnas all over the United States in this broad, wholesale way would be an exercise of power that can not be trusted to any executive officer, and should not be, without limit or restraint.

So, Mr. President, I think this section of the bill is entirely against good policy. The fifth section provides:

That the chief of said bureau may employ such assistants and incur such expense, not exceeding $15,000 in each year, as may be necessary to be incurred in the discharge of the official duties of said bureau.

Here is a bureau with a single clerk with an appropriation of $15,000, to be increased from time to time to an indefinite extent, without any limit as to its power. I am not prepared to vote for any such bill. There is no such provision made in regard to other Departments of the Government. Congress has of late years refused even to appropriate the sum of $50,000 for the contingent expenses of one of the great Departments of the Government, and I think wisely so, and yet we start a new bureau here——

The PRESIDING OFFICER. The Chair is compelled by the rules to inform the Senator from Ohio that the five minutes allotted to him have expired.

Mr. SHERMAN. I am about through. I am very willing to stop.

Mr. MILLER, of California. I hope the Senator will be allowed to proceed.

Mr. SHERMAN. I would rather stop than violate the rule. I have said about all I care to say. If I wish to speak further I can obviate all difficulty by offering an amendment.

Mr. BLAIR. I do not know that any of this discussion on this point is in order at this time, but since it has been presented I think I ought to say a word in reference to the provisions of the bill——

Mr. COCKRELL. Are we to have that rule enforced, Mr. President?

The PRESIDING OFFICER. The Chair has just enforced the rule, and it is in operation.

Mr. COCKRELL. How often can one Senator speak?

The PRESIDING OFFICER. Each Senator is entitled to speak once on any one question. The bill has just been amended, and the question now is on reporting the bill as amended to the Senate, on which no Senator has spoken except the Senator from Ohio.

Mr. INGALLS. I am quite sure unanimous consent will be given to consider this bill outside the rule. It is a bill whose discussion ought not to be limited, and I am sure consent will be given to the consumption of such time as may be thought best.

Mr. COCKRELL. I have no desire to stop the Senator from New Hampshire from speaking, but I think the Senator from Ohio ought to have had permission to go on and finish his remarks.

Mr. SHERMAN. I had said about all I desired to say. I am in favor of the five-minute rule, and therefore do not want to violate it myself, because I may want to enforce it against somebody else. I am through.

The PRESIDING OFFICER. The Chair will state to the Senator from Missouri that a request was made that the Senator from Ohio be allowed to proceed, and he expressed a desire not to proceed, and thereupon the request was withdrawn. The Senator from New Hampshire is in order under the rule, and will proceed.

Mr. BLAIR. In regard to the first point, that this bureau had better be tucked away under the Chief of the Bureau of Statistics of the Treasury Department because there is not room in the Interior Department, I have only to say that if the bill shall become a law and be of any consequence it will occasion more work to be done by somebody somewhere, and it is of very slight consequence what caption you place over this bureau or where you actually locate it, so far as the verbiage of the statute is concerned. The duties are very important. A man of experience and of capacity must give all his time, with some assistance, to them in order that we may make the bill operative and accomplish any good for the working people of this country or its industrial interests generally. So I care very little where you locate the bureau; it will not make much difference; but I think it had better be in the Department of the Interior, where already is located the Bureau of Education, which is one of the subject-matters referred to the Committee on Education and Labor of the Senate. If the Bureau of Education is in the Interior Department, there is no reason why a bureau of labor statistics should not be in the Interior Department also. The supervision of the head of the Department in any case must be merely nominal. That we all understand. I see no occasion to mar the features of the bill so far as that is concerned.

Now, in reference to the fourth section, which the Senator from Ohio complains of as vesting in this subordinate a new and alarming power, I will say that it simply gives precisely the same power which has been found to be attended with no danger whatever in the Commonwealth of Massachusetts, and a power which is, as far as I know, possessed by every bureau of statistics of every State government where such bureaus exist. In the fourteenth section of chapter 32 of the Public Statutes of Massachusetts, where a bureau or statistics of labor is established, I find the following:

> The bureau shall have power to send for persons and papers and to examine witnesses under oath, and such witnesses shall be summoned in the same manner and be paid the same fees as witnesses before the higher courts of the Commonwealth

I limited the power in drafting this bill, anticipating some such objection as this which has been made by the Senator from Ohio. There is a broad and general power given to examine witnesses in the ordinary way; there is no power to commit for contempt, because none is conferred. This is a statute officer, and unless the power to commit is given by statute no such power can be derived by implication. It can not exist at all unless it is given in express terms. This officer therefore has simply power to examine witnesses. If a witness refuses to answer the officer must find his appeal by reference to some higher power, and I do not know where he can find any higher power that can order a commitment. A committee of this body is sent out to examine witnesses, as the committee of which I am a member has been doing during the last vacation. We call in our witnesses, we pay them their fees, and they testify as they please. If they refuse to answer we simply report to the Senate, and the discretion of the Senate is exercised as to the matter of commitment. There is no arbitrary or dangerous power whatever vested either in the committee or in this officer provided for by this bill. The bill itself expressly provides:

> But no witness shall be required to produce papers or to disclose the condition of his private business or affairs against his will, provided he make oath that in his belief the same would injure his person or estate.

Now, unless there is some power to obtain data and statistics we might as well not pass the bill at all, and those who are interested in it will look upon it as the merest trifling for us to legislate on the subject.

Then as to the amount to be expended; the statute of Massachusetts appropriates to the chief of the bureau of statistics in that State $5,000 annually, to be expended in the same way that it is proposed in this bill that the chief of a like bureau having jurisdiction over the entire country shall be intrusted with the expenditure of $15,000. There is a contingent fund allowed to the Bureau of Education at the present time, there is to every head of a Department, and for aught I know to the chiefs of bureaus in the various Departments throughout the Government. At all events it is no new or unheard-of thing that a slight amount of money shall be intrusted to the discretion of an officer who must have the qualifications to earn (as we propose this man shall have a salary of) $3,500, which is $500 more than we pay to the chief of the Bureau of Education to-day.

I suppose my time is exhausted.

Mr. VAN WYCK. Before the Senator sits down I should like to ask him what in his judgment the word "production" covers in the fifth line of the third section. It reads "information relating to all departments of labor and production." To what extent is the word "production" used.

Mr. BLAIR. I suppose that extends to the productive results of labor. That is my idea.

Mr. VAN WYCK. Then it includes the production of all manufactured goods, the production of farms and mines.

Mr. BLAIR. Certainly.

Mr. VAN WYCK. Then I presume that information is contained in the census very largely, is it not?

Mr. BLAIR. I assure the Senator that very generally it is not.

Mr. VAN WYCK. I have been listening with some attention, to see if possibly we could find some practical good to result from a bill of this kind. I understood the Senator to say a few days ago when this bill was under consideration that the labor interest required something of this kind, and yet I fail to have seen anywhere within the records of the last few years any demands of this character. It is true labor is demanding something, demanding some relief of its burdens, as I understand, and not the imposition of any more. It is demanding that taxes shall be reduced, and not that taxes shall be imposed. But unfortunately when there seems to be some feeling prevailing requiring attention, the universal panacea is a commission or else a distinct bureau.

Mr. BLAIR. Does the Senator desire an answer to his suggestion?

Mr. VAN WYCK. Certainly.

Mr. BLAIR. I would just say to him that every extensive labor organization of the country appeared before the Committee on Education and Labor, and they universally by their leaders said that a bureau of statistics of labor was the thing which they wanted. The great popular ignorance or the ignorance of those who had their interests in charge as to the facts pertaining to the industrial condition of the people throughout the country they looked upon as the most serious hinderance to whatever appertains to their prosperity and elevation; and above all things, they said, whether there is any eight-hour legislation or whether there is anything with reference to the employment of minors in factories or anything touching the subject of education, industrial or scientific or what not, above all things give us a bureau of statistics of labor, so that the facts may be definitely ascertained and that we may appeal for legislation upon the data of certainty. I consider this bill as the one which more than all other propositions at this particular time the intelligent laboring people of the United States demand. I do not wish to see this bill seriously changed or emasculated in any degree. There is nothing here that gives opportunity for the exercise of dangerous power. There is no more power given than is absolutely necessary to ascertain the facts, and there is careful provision made, as is not the case in State statutes, that there shall be no abuse of private rights, no attack upon the sanctity of any business management of any individual, firm, or corporation by the chief of this bureau.

Mr. SHERMAN. In order to enable me to make a few observations I will submit an amendment to strike out section 4 of this bill.

The PRESIDING OFFICER. The Senator from Ohio moves to amend the bill by striking out the fourth section.

Mr. SHERMAN. I certainly have no desire to obstruct the passage of the bill of the Senator from New Hampshire.

The PRESIDING OFFICER. The amendment will first be reported to the Senate.

The Chief Clerk read the section proposed to be stricken out, as follows:

SEC. 4. That the chief of the bureau shall have power to send for persons and papers and to examine witnesses, under oath, orally and by deposition, before himself or any assistant or magistrate to be by him designated; and such witnesses, when they fail to produce such papers or to testify voluntarily, may be summoned in the same manner and paid the same fees as witnesses in the courts of the United States where they shall reside; but no witness shall be required to produce papers or to disclose the condition of his private business or affairs against his will, provided he make oath that in his belief the same would injure his person or estate.

Mr. SHERMAN. I certainly have no desire to defeat the object of the Senator from New Hampshire or do anything to prevent the production of the fullest statement of the statistics of labor; but it seems to me that we have already upon the statute-book ample machinery for that purpose, and it is scarcely worth while to organize a separate bureau in the Interior Department to gather together these statistics, and especially to give to this officer extraordinary powers that are not conferred upon any other Department or any other bureau of the Government. It is true the Senator quotes the statute of Massachusetts, which confers on the chief of the bureau of statistics of labor in that State the power to examine witnesses, but we have not yet got entirely to overlooking the difference between the National Government and the State governments. This is a Government of limited powers. The State governments can do a great many things that we can not do. The fact that we have lived nearly a hundred years in this Government without conferring upon our chiefs of bureaus and heads of Departments the power to examine witnesses and take testimony and have each of them convert himself into a little justice of the peace or a big justice of the peace, shows that there is no necessity for such a power; and therefore it ought not to be conferred.

Senators are not probably aware that we have a bureau now in full force, armed with ample machinery, having probably a hundred clerks all told, that has power to do exactly what is provided for by this bill except the power to take testimony. For instance, in regard to the Bureau of Statistics, a bureau of the Treasury Department, I find that that bureau is required to collect "the statistics of commerce and navigation," to state "the kinds, quantities, and value of the merthandise entered and cleared coastwise into and from the collection districts of the United States," * * * to "prepare and publish monthly reports of the exports and imports of the United States, including the quantities and values of goods warehoused or withdrawn from warehouse, and such other statistics relative to the trade and industry of the country as the Secretary of the Treasury may consider expedient."

Further:

The Chief of the Bureau of Statistics shall also prepare an annual statement of vessels registered, enrolled, and licensed under the laws of the United States, together with the class, name, tonnage, and place of registry of each vessel, and such other information as the Secretary of the Treasury may deem proper to embody therein.

The bureau is also required to prepare an annual statement of all merchandise passing backwards and forwards, internal and external. Then again—

The Chief of the Bureau of Statistics shall collect, digest, and arrange, for the use of Congress, the statistics of the manufactures of the United States, their localities, sources of raw material, markets, exchanges with the producing regions of the country, transportation of products, wages, and such other conditions as are found to affect their prosperity.

If the Senator from New Hampshire wants to broaden the scope of this last clause that I have read, let him include "labor," so that this officer who is now armed with ample power and ample machinery may inquire into the price of labor in this country compared with the price of labor in Europe, the food and the pay of the laborers, the facilities of labor, the condition of the laborers, &c. Indeed I think the labor question is becoming one of the great questions of the times, and that the laboring men of this country in all branches have a right to demand of Congress the most careful attention to their interests. They complain that they do not now receive their share of the products of labor in manufacturing and the like. That is a complaint which we ought to examine into with the greatest care. But why not include the statistics of labor as to manufactures, the wages of all the various classes of laborers, with the other statistics provided for by the existing law? All that the Senator can reasonably ask is a very short clause adding to the duties of the Bureau of Statistics the duty of investigating into the wages of labor paid in all branches of manufactures, agriculture, and commerce.

What additional safeguards can be given to laborers, what means can be brought about to benefit them, is a subject worthy of consideration. The great means, in my judgment, is by boards of arbitration. Can we not provide some mode by which a laboring man can complain to some tribunal, some court of justice, of oppression or of wrong? I think disputes between the employer and employé ought to be submitted to arbitration in some proper mode. For proper provisions of that kind I will vote with the greatest pleasure. Indeed I have been considering the subject whether I could not propose some measure that would tend to smooth down the natural contests springing up between capital and labor, and I will heartily support any measure proposed by the Senator from New Hampshire that will advance the condition, promote the interests, or aid in the prosperity of the laboring men of this country in all branches; but it seems to me that this bill will not do them any good; it will not even give them the information they want. They can get that better by a simple amendment to existing law, making a little broader the scope of the Bureau of Statistics as now organized in the Treasury Department.

Mr. GARLAND. Although the amendment I contemplated offering is not now before the Senate, yet the debate has gone pretty much on that line, and I will now in a few words explain what I mean by the amendment and the object I have in view.

The present Bureau of Statistics has almost jurisdiction of this identical subject. The duties of the present Bureau of Statistics I say are so extensive and so broad as almost now to include this very subject. I wish Senators would pay attention while I read for a moment from section 335 of the Revised Statutes:

The purpose of the Bureau of Statistics is the collection, arrangement, and classification of such statistical information as may be procured, showing, or tending to show, each year the condition of the [agriculture]—

The word "agriculture" is in brackets—

manufactures, domestic trade, currency, and banks of the several States and Territories.

Then the next section provides for an annual report of commerce and navigation with foreign countries, &c.

The act when it was originally passed, as will be found in the fifth Statutes at Large, included agriculture; but when it went into the revision of 1873, in making the revision it seems the word "agriculture" was stricken out or lopped off in some way. Now, if we put in our agriculture we shall have pretty much the entire subject covered by the amendment I have offered, but I made the amendment a little larger than this for the purpose of saving what I consider to be the salient point of the bill reported by the Senator from New Hampshire. I propose that we add it simply to section 343, taking in these matters, putting them under one head, and not having them scattered between two or three different Departments.

You want to find out some statistics as to labor. Under this bill you must go to the Secretary of the Interior. You want some statistics as to manufactures. You must go the Secretary of the Treasury. That is not the proper method of attending to such matters. Put it as the Senator from Kansas says all under one head, make it the work of one man, make it one complete system. I think the amendment I contemplate offering covers the entire ground, and it gets rid of the obnoxious power that the Senator from Ohio protests against, and it gets rid of this large appropriation of $15,000 a year for a much less sum than which this entire work can be done.

I wish to call the attention of the Senate to that. There is an appropriation of $15,000, when the whole work contemplated by the original bill and by the amendment I have now presented can be done and executed perfectly for one-third of the amount. The amendment that I contemplate offering raises the salary of the Chief of the Bureau of Statistics, as I think, proportionately with the increased duties. That is, instead of $2,500, it gives him $3,500, which addition of $1,000 is the only extra expense.

Sympathizing with the Senator from New Hampshire and with his committee throughout in their purpose of getting all this information in the most minute way, I think the proposition I make is the most practical, most sensible, and most methodical form of doing it; and I expect to offer the amendment at the proper time as a substitute for the bill.

Mr. BLAIR. Mr. President, I have not spoken on the amendment of the Senator from Ohio.

The PRESIDING OFFICER. The Senator from New Hampshire is entitled to the floor.

Mr. BLAIR. Mr. President, the Bureau of Statistics that we hear so much about, more than we have heard since I have been a member of Congress before, was organized under a law which was passed in the year 1844, it seems, and it has just occurred to Senators in their sharp reading of the statute that it might furnish under its powers the statistics relating to the subject of labor. There have been some additions to its powers since the original act was passed, but the latest statute I see conferring any powers upon that bureau is as long ago as 1866; and yet never has there been the first fact of importance such as would come under the proper jurisdiction of a bureau of labor statistics such as it is proposed to establish by this bill been collected or circulated to the country at large.

Mr. SHERMAN. If my friend will allow me a moment, the most valuable production that has ever been issued by this Government or by any government in regard to labor was Mr. Young's report on labor in Europe.

Mr. BLAIR. The Senator is quite right in regard to that, and I was not oblivious to the fact, for I have read the book. That was, however, collected under powers that were not the essential powers of a bureau of labor statistics as it is proposed to organize it in the bill before the Senate.

The Bureau of Statistics now existing has control of the matter of commerce, wages, if they see fit to investigate touching wages which are earned in manufactures; but the powers of that bureau are essen-

tially appertaining to what comes under the jurisdiction proper of the Treasury Department; and Senators do not, I think, conceive at all the real nature of the functions which would devolve on a bureau of labor statistics as that phrase is understood by those most interested in the subject. Whatever appertains to the actual personal condition of the laborer in our own country under the conditions of American life, whatever is necessary for the amelioration of his condition physically, socially, morally, intellectually, is the proper subject-matter of the investigations of a bureau of labor statistics, and in that direction we have absolutely nothing whatever up to the present time excepting what we may have gathered incidentally through our State Department, through our consuls abroad, and by the investigations abroad of Mr. Young, and some other work which has been done really collaterally to the great work which appertains to a bureau of labor statistics proper.

It seems to me a great incongruity to place a bureau the head of which by our previous action is to be paid $3,500 a year—and it is none too much—under a chief whose salary, which nobody has ever complained was not sufficient so far as I know, is only $2,500 by existing law.

I do not wish to weary the Senate by my own much speaking, but I do hope that this bill will pass pretty much as it came from the committee, who have thoroughly and carefully considered it and unanimously recommended it.

Mr. VAN WYCK. Mr. President, a few moments ago I obtained the information from the Senator from New Hampshire that the laboring interests of this country demanded this, and it occurred to me while he was making his remarks whether we had not information on which to base action upon this subject in the past. The gentleman remembers we had a commission on the tariff subject and then legislation on the tariff on the same pretense; we sugar-coated it that it was for the protection of American labor. We made the tariff exclusively on the basis that it was to protect American labor. Now my friend from New Hampshire says the laboring interest needs some statistics. I intimated to him a little while ago that the laboring interests did need something; that in my judgment they had not received what they needed; and I think my friend from New Hampshire knows and every Senator on this floor knows what is in the interest of labor as well as he will next year or the year after, when an expensive commission or a bureau has collected statistics and printed them which never will be read. My friend knows the labor interest of New Hampshire better than any bureau chief. Why, then, do you pay him $3,500 for getting them? He understands the interests of the manufacturers and the laborers in New Hampshire. When the manufacturers, by reason of the necessary operation of the law which is made for their protection, are necessarily circumscribed in the sale of their productions, and it becomes necessary for them to save a percentage on their investment, then the first thing is either to shut down their mills or put their laborers on starvation allowance, and the Senator from New Hampshire knows the fact the next morning after that is done, and so does every Senator here, and every citizen who reads the paper knows it the next morning. I fail to see how our information on such matters is to be added to, whether this bureau is organized as a separate institution or whether it be attached to some other Department of this Government.

The fact is that the workingmen can obtain by this means no more information for their protection than this body and the people know to-day. They want taxes removed; they want some legislation that will not impose the same amount on the man who labors for his daily bread and the support of his family and children as on the millionaire. They want some protection that will save them from paying into the Treasury of the United States the same amount of money that Gould or Vanderbilt pays. We understand that to-day; we can reason out that much. The laboring man who pays a half-cent duty on his sugar pays as much from his poverty into the Treasury of the United States as Gould or Vanderbilt does from his riches. Are these the kind of statistics the Senator from New Hampshire desires by this bill?

Mr. BLAIR. Precisely the kind, and a vast amount more. If the Senator wants things done which never have been done, why does he object to obtaining the necessary information, brought vividly home to Congress, well authenticated, so that sometimes we shall get the information?

Mr. VAN WYCK. That we have already, and have had it line upon line and precept upon precept; and what I desire is to go as far as the gentleman may go in protecting labor and removing from it the impositions which now rest upon it. That is what I desire to do.

Mr. BLAIR. Let us begin now with this.

Mr. VAN WYCK. Begin now, and let the laboring man not be required to pay any more money into the Treasury for the use of his sugar than does Gould or Vanderbilt; begin now, and let us see to it here that the laboring man pays no more on goods manufactured than he can buy them from abroad, because by some ingenious process in the tariff, which you make in the interest of protection to American labor, you put more duty on the coarser and cheaper articles which labor is required to purchase and consume than on the more costly fabrics which are obtained by your Goulds and Vanderbilts. I am in entire sympathy in doing what I think at heart the Senator desires to do.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SEWELL. Mr. President, is there an amendment now pending to this bill?

The PRESIDING OFFICER. The amendment pending is the proposition to strike out section 4.

Mr. SEWELL. I will wait till that is disposed of. I have an amendment to offer to section 3.

Mr. ALLISON. Mr. President, I think these statistics, if they are to be procured, can very well be procured under some organization that we now have. I am not quite clear that I agree with the Senator from Arkansas and the Senator from Ohio that these statistics can best be procured through the Bureau of Statistics in the Treasury Department. My view is that these statistics can best be secured under the machinery we now have in the Department of Agriculture, to which my friend from New Hampshire responds with a smile. If he will take the pains—and I have no doubt he has done so—to examine this question he will see that what we abound in now is statistics, statistical bureaus. We have them everywhere; they are in all the Departments in one way and another.

The Senator from New Hampshire says that under the law creating the Bureau of Statistics in the Treasury Department, which has been amended so often, we have never had any accurate information. He has failed to read the valuable book of Mr. Young, a great volume printed some years ago, in 1876, respecting the labor of ancient and modern Europe, Asia, Africa, and the United States. It runs clear back into ancient Egypt, and ancient Rome, Greece, &c.

Mr. BLAIR. Back to Adam's fall?

Mr. ALLISON. Very nearly. It is a complete résumé of the labor of the world for more than 2,000 years, and yet the Senator from New Hampshire has never heard of it.

Mr. BLAIR. Oh, I have just been discussing it. The truth is, the Senator was so anxiously reading it for the first time himself that he had not observed the debate. I spoke explicitly of my knowledge of it.

Mr. ALLISON. I know the Senator admitted, in response to the Senator from Ohio, that he had seen it, but it seems he supposed it had never been distributed. It has been distributed for seven or eight years past. We have the Bureau of Statistics in the Treasury Department, which furnished this valuable volume some years ago. We have in the Agricultural Department a bureau of statistics which furnishes us monthly with everything relating to the wages of labor, not only of the agricultural, but of all other laboring classes—perhaps not so full and complete as the Senator desires. The Statistical Bureau in the Treasury Department, outside of the cost of printing, costs us an annual appropriation of more than $50,000. The statistical bureau in the Department of Agriculture cost us last year $109,000, and the year before a like sum, and it is proposed this year to enlarge it so that the total cost shall be $134,000. And yet the Senator from New Hampshire brings in a bill here for the purpose of securing statistics at a cost of $15,000, including the examination of witnesses and the sending for persons and papers to every part of our country.

Why, Mr. President, this is but the entering-wedge of an enormous expenditure with reference to this very subject, which if committed to either of the existing bureaus could be procured at a very small cost. What I object to is the establishment of another bureau. I am willing to enlarge the inquiry to any extent desired by Senators, whether it be committed to the Bureau of Agriculture or to the Statistical Bureau of the Treasury Department. They both have ample machinery under which they can gather this information. Therefore what I object to is the establishment of a new bureau, with new salaries, new compilations.

Mr. MORRILL. Let me say to the Senator from Iowa that we now have through the consular reports of the State Department statements monthly of all that is to be ascertained in relation to labor abroad.

Mr. ALLISON. So the Senator from Ohio stated a few minutes ago when the Senator from Vermont was out of his seat; and so we all understand. We have these bureaus everywhere. Now, what will this new bureau do? It will gather up from statistician Dodge whatever he may gather through the Department of Agriculture.

The PRESIDING OFFICER. The Senator from Iowa has spoken five minutes.

Mr. ALLISON. I am glad of it, Mr. President. [Laughter.]

Mr. MORRILL. I hope the Senator will be allowed to proceed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio to strike out the fourth section.

Mr. COCKRELL. I hope the Senator from Iowa will be allowed to proceed. I will ask him a question, and that question will be to please conclude his speech, and I will give him my time to answer it in.

Mr. ALLISON. I have no speech to make.

Mr. COCKRELL. Conclude your line of argument.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent that the Senator from Iowa be allowed to proceed.

Mr. COCKRELL. No; I asked him a question, and he has my time to answer the question in.

The PRESIDING OFFICER. Is there objection to the Senator from Iowa proceeding? The Chair hears none.

Mr. ALLISON. I only have a word more to add. What I desire to call the attention of the Senate to is the fact that we are multiplying these bureaus. The Senator from Kansas [Mr. PLUMB] a day or two ago stated that the statistician in the Treasury Department borrowed statistics from the Department of Agriculture and published them.

There are duplications of these statistics coming from the State Department, the Treasury Department, and the Agricultural Department. Now, are we to have another compiler of statistics, who shall borrow from this, that, and the other Department? That is what I object to in this bill. I am perfectly willing that the Senator from New Hampshire or this Committee on Education and Labor shall present to us any new feature they desire to commit the inquiry of to some one or the other of the bureaus we now have in existence. That is all I desire to say, Mr. President.

The PRESIDING OFFICER. The question is on the amendment moved by the Senator from Ohio [Mr. SHERMAN].

Mr. SHERMAN. As the amendment of the Senator from Arkansas [Mr. GARLAND] accomplishes all I desire, I withdraw my amendment for the present.

The PRESIDING OFFICER. The Senator from Ohio withdraws his amendment.

Mr. GARLAND. If there is no other amendment pending, I offer mine.

The PRESIDING OFFICER. The amendment of the Senator from Arkansas will be reported if any Senator desires it.

Mr. GEORGE. I desire to offer an amendment to the text of the bill. I move, at the end of line 9, section 4, after the word "affairs," to insert "or the private affairs or business of another."

Mr. BLAIR. There is no objection to that amendment.

Mr. GEORGE. Then at the end of the section I move to insert "or the person or estate of another."

The PRESIDING OFFICER. The question is on the first amendment proposed by the Senator from Mississippi [Mr. GEORGE].

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the next amendment of the Senator from Mississippi [Mr. GEORGE].

The amendment was agreed to.

Mr. CALL. Mr. President, the hour of 2 o'clock has arrived now.

The PRESIDING OFFICER. It becomes the duty of the Chair, the hour of 2 o'clock having arrived, to lay before the Senate the pending business under Rule IX.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate numbered 2 and 7 to the bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes, and that it had disagreed to the amendments of the Senate to the said bill numbered 1, 3, 4, 5, 6, and 8.

CONTAGIOUS DISEASES OF DOMESTIC ANIMALS.

Mr. PLUMB. I wish to make a motion that the bill (S. 1127) to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals be made the special order for to-morrow at 2 o'clock.

I desire to say in support of the motion that a very dangerous contagious disease has broken out among the cattle of Kansas to an extent which has excited great alarm in all that interior portion of the country which is so much interested in this great industry, and that a similar disease, I am informed, has broken out in the State of New York, and also in the State of Maine. The Commissioner of Agriculture is being besieged by dispatches from various quarters to send veterinary surgeons and to use other means which it is supposed he has to aid in the suppression of this disease, and there is a general confession not only of interest but of the inability of States and particular localities to apply the necessary remedy. I will venture to send to the Chair a dispatch which the Commissioner of Agriculture has received, to be read.

The PRESIDING OFFICER. The Chair will inform the Senator from Kansas that there is already a special order for Tuesday, March 11, at 2 o'clock p. m.

Mr. PLUMB. What is that, if the Chair please?

The PRESIDING OFFICER. The bill (H. R. 3925) to regulate practice in patent suits.

Mr. PLUMB. Without desiring to displace that, although I have my opinion about the relative importance of the measures, I will modify my motion that this shall be made the special order to succeed the consideration of the special order already made for to-morrow.

Mr. SEWELL. I suggest to the Senator from Kansas that there is a special order for Wednesday.

Mr. PLUMB. I think on the whole the Senator from New Jersey will agree with me that a matter which relates to the interests of a single individual can hardly be able to stand in the way of one of as much importance as the bill I propose. I do not desire to do anything for the purpose of delaying the measure to which he alludes, I will say to the Senator; but I think there will be some way of adjusting it, and a controversy need not be anticipated until it arises.

Mr. SEWELL. There are two special orders for Wednesday.

The PRESIDING OFFICER. The Chair understands that the motion made by the Senator from Kansas is strictly in order as originally made.

Mr. PLUMB. I will insist on it as made.

The PRESIDING OFFICER. Then the effect of it will be that the bill will go after the special order first fixed for the same hour. It will give it the practical result the Senator has suggested.

Mr. PLUMB. I ask the Secretary to read the dispatch which I send to the desk.

The PRESIDING OFFICER. The Senator from Kansas moves that the bill which he has indicated be made the special order for to-morrow at 2 o'clock p. m. The Secretary will read the dispatch.

The Chief Clerk read as follows:

NEOSHO FALLS, KANS., *March* 9, 1884.

GEORGE B. LORING,
Commissioner of Agriculture, Washington:

Arrived to-day. Contagious foot-and-mouth disease beyond a doubt. Origin unknown. Three herds infected. New cases at the rate of 10 per cent. daily. Dr. A. A. Holcomb is here by request of Governor Glick. The citizens have appointed a committee, who quarantined the infected premises, but have no authority to maintain it or the funds to stamp out the disease. The State provides no law for such cases. A large meeting of the cattle-men has been called for Tuesday next. Will you, or the United States Treasury Cattle Commission, have the funds and the authority to provide for the prompt extinction of the infected herds? Reply at once.

M. R. TRUMBOWER, *V. S.*

Mr. PLUMB. I now ask that the other dispatches I send up be read in the same connection.

The Chief Clerk read as follows:

TOPEKA, KANS., *March* 4, 1884.

Hon. P. B. PLUMB:

A malignant and fatal disease has broken out among the cattle of Neosho County. I have asked Commissioner Loring to send veterinary surgeon to investigate it. Over one hundred head have been attacked. I have wired him the fact. Will you aid me in my request?

G. W. GLICK.

CHEYENNE, WYO., *March* 10, 1884.

Senators INGALLS and PLUMB,
United States Senate, Washington, D. C.:

The appearance of foot-and-mouth cattle disease in your State causes great alarm on the Western cattle ranges. Can you not have the House animal industry bill considered and passed at once? The Agricultural Department, co-operating with Kansas, can extirpate the disease by destroying the affected cattle.

WYOMING STOCK-GROWERS' ASSOCIATION.
JOSEPH M. CAREY, *President.*
THOMAS STURGIS, *Secretary.*

BURLINGTON, KANS., *March* 8, 1884.

Senators PLUMB and INGALLS, *Washington, D. C.:*

At a meeting of citizens of Coffey County a resolution was passed asking you to use your best efforts to have the pleuro-pneumonia bill so amended as that the Government will pay all the expense, and have it passed immediately, as an emergency exists which calls for prompt action; or, if not amended, have it passed as it is. Answer at once and tell us what the prospect is for its immediate passage.

J. A. KENNEDY, *Secretary.*
JOB THROCKMORTON, *Chairman.*

Attest:

HARRISON KELLEY.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas [Mr. PLUMB].

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CALL, it was

Ordered, That the papers relating to the claims of Herman Ruge and Cyprian T. Jenkins be taken from the files and referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 196) for the relief of the devisees of the late Daniel Carroll; and

A bill (S. 616) to establish a standard of time in the District of Columbia.

The message also announced that the House had passed a joint resolution (H. Res. 192) providing for the printing of certain documents relating to the unhealthfulness of swine products in the United State; in which it requested the concurrence of the Senate.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and fifty-three minutes spent in executive session the doors were opened, and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 10, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. TALBOTT, for this day.

To Mr. FIEDLER, for one day, on account of sickness.

To Mr. LAIRD, indefinitely.

To Mr. SKINNER, of North Carolina, for sixteen days, from and after March 10, on account of important business.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. KEIFER, from the Committee on Appropriations, reported back the amendments of the Senate to the bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes, with the recommendation that amendments numbered 2 and 7 be concurred in, and amendments numbered 1, 3, 4, 5, 6, and 8 be non-concurred in.

The amendments of the Senate were read.

Mr. KEIFER. I shall ask for the attention of the House for a few moments only while I explain the action of the Committee on Appropriations. And first in reference to the amendments in which concurrence is recommended.

The second amendment provides that hereafter any cadet dismissed for hazing shall not be eligible for reappointment. We have believed that to be a proper amendment and have recommended concurrence in it. As to the seventh amendment, the House provided for additional bath-tubs, and the Senate have added the words "and repairs to bath-tubs."

The committee recommend non-concurrence in the remaining amendments of the Senate.

The first amendment is for pay of treasurer, quartermaster, and commissary of cadets in addition to pay as captain of infantry, $700.

The third amendment is in reference to additional pay of professors. The Senate strike out the words "and to officers on increased rank." The committee is not certain that is material, but for the present recommend non-concurrence.

The fourth amendment provides for extra pay of enlisted man employed in the care and preservation of models, &c., in lieu of extra-duty pay, $120.

The fifth amendment increases the total from $960 to $1,080, which is merely the addition of the $120 extra pay.

The sixth amendment is for the completion of the new hospital for cadets, $5,000. It was not believed that was required, and therefore the committee recommended non-concurrence.

The eighth and last amendment is an increase in the paragraph for additional bath-tubs in cadet barracks from $2,000 to $3,000. In this non-concurrence is recommended.

No separate vote being called for, the recommendations of the Committee on Appropriations were agreed to, and Senate amendments Nos. 2 and 7 were concurred in, and Senate amendments Nos. 1, 3, 4, 5, 6, and 8 were non-concurred in.

Mr. KEIFER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPROVEMENT OF WARRIOR RIVER.

Mr. HEWITT, of Alabama, by unanimous consent, presented the following memorial; which was referred to the Committee on Rivers and Harbors, and ordered to be printed in the RECORD:

To the House of Representatives, Washington, D. C.:

The undersigned, mayor and aldermen of Tuscaloosa, Ala., acting in behalf of the citizens whom they represent, respectfully ask your honorable body to appropriate money for the purpose of opening to navigation the Warrior River, above Tuscaloosa, Ala., In presenting this petition the undersigned beg leave to submit the following facts as the grounds upon which they confidently hope for favorable action:

In 1828 Congress officially recognized the prospective value of the Warrior coal-field and the importance of preserving it free from monopoly by enacting that the "Black Warrior River in the State of Alabama shall be forever free from toll for all property belonging to the United States and for all persons in their service, and for all citizens of the United States except as to such tolls as may be allowed by act of Congress." (Section 5244 Revised Statutes.)

The work of improving the Warrior River below Tuscaloosa has been in progress for several years, and there is now, for at least seven months in the year, from Tuscaloosa to the Gulf, a river navigable for towboats and barges. But above Tuscaloosa, where the coal-measures begin, the river is not at present navigable, and the act of Congress above cited effectually prevents private enterprise acting under State charters from undertaking its improvement, and thus utilizing the work already done and to be done on the river below.

When the act of 1828 was passed the coal-beds of the Warrior were entirely undeveloped, and remained so until recent years, except that at irregular intervals trifling amounts of coal were boated down the river during the brief and hazardous periods of navigation afforded by floods. In 1873 railroads entered the Warrior Valley, and in 1883 over 1,000,000 tons of coal were mined. The coal business of the Warrior Valley is, then, no longer prospective; it exists, and has reached such proportions that the undersigned feel justified in urging Congress to open the natural outlet for this large and increasing business.

At present such of the Warrior coal as reaches the Gulf at Mobile is subject to a railroad haul of over two hundred and fifty miles and a transportation charge of $2.10 per ton. It is supplied to vessels at the price of $3.75 per ton as against $8 to $12 per ton as late as 1878, so that, even while burdened with the heavy cost of rail transportation, the saving to the Government in the cost of coal furnished to revenue-cutters and other Government steamers has, as stated by Collector Burke, of Mobile, amounted to $40,000 in the past three years.

The cost of coal transportation by river to Mobile is estimated at 50 cents per ton. (Report of Chief of Engineers for 1881, page 1203.) Hence the cost of coal delivered by river at the Gulf would not exceed $2.15, on the supposition that it would be reduced by the whole amount saved in transportation charges, a supposition reasonable enough, since on a river free from tolls competition would have full play. According to the prices-current quoted by the Coal Trade Journal of January 2, 1884, the lowest quotations for bituminous coal (similar to the Warrior coal) at the chief coal ports on the Atlantic coast were as follows: At New York, $3.75 per ton; at Philadelphia, $3.50 per ton; at Baltimore, $3 per ton.

From this it will be seen that by opening the Warrior to the coal trade a coal station will be established on the Gulf where supplies can be had at a cheaper rate than at any other point on the seaboard. The commercial results ensuing therefrom would be widespread and indirectly of national importance, especially in view of the large amount of coal that will be required at the Panama Canal.

But aside from all this, as stated in report of Chief of Engineers for 1875, volume 2, page 27, "in case of a war with a maritime power the value to the Government of a coaling station on the Gulf that can be readily and cheaply supplied at all times, without incurring the risk of sea transportation, can be readily understood;" and, it might be added, would amply justify the Government in encountering the expense of improving the Warrior.

Believing from the facts above set forth that the time has arrived for Congress to fulfill its pledge to improve the Warrior, virtually implied in the act of 1828, which in effect nationalized that stream, the undersigned respectfully urge the favorable consideration of Congress upon this their petition.

[SEAL.] W. C. JEMISON, *Mayor, Tuscaloosa.*
A. P. HOGAN, *Secretary.*

CONGRESSIONAL LIBRARY BUILDING.

Mr. SINGLETON. I ask by unanimous consent, Mr. Speaker, that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 1139) authorizing the construction of a building for the accommodation of the Congressional Library, and that it be recommitted to the Committee on the Library.

Mr. HOLMAN. I do not desire to object, but we had better have the regular order. I demand the regular order of business.

CALL OF STATES.

The SPEAKER. This being Monday, the Chair will proceed with the call of States and Territories for the introduction of bills and joint resolutions for printing and reference to their appropriate committees. Under this call memorials and resolutions of State and Territorial Legislatures are in order; also resolutions calling for executive information for reference to their appropriate committees.

C. E. WALLER.

Mr. SHELLEY introduced a bill (H. R. 5695) to refer the claim of C. E. Waller, administrator, to the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WASHINGTON INEBRIATE ASYLUM.

Mr. SHELLEY also introduced a bill (H. R. 5696) for the support of the Washington Inebriate Asylum of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

NATURALIZATION.

Mr. SHELLEY submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Whereas under a certain rule of naturalization made on the 14th of December, 1882, by a delegate of the Secretary of State of the United States and a delegate of the envoy extraordinary and minister plenipotentiary of the King of Spain in the United States, two citizens of the United States have been denationalized, and the judgments of the courts which admitted them to be citizens of the United States have been set aside and vacated; and

Whereas it appears that the so-called new rule of naturalization has been used as a precedent in the international tribunal now sitting in Washington under the name of United States and French Commission, and the United States have been condemned to pay indemnification to certain claimants who were born in France, but were naturalized in the United States, and have alleged that their naturalization was obtained by them "through misrepresentation of material facts," and have therefore been benefited, to the detriment of the United States, by their own acknowledged frauds: Therefore,

Be it resolved by the House of Representatives of the United States of America in Congress assembled, That the Secretary of State be, and he is hereby, requested to transmit to the House a copy of the letters of instructions of the Secretary of State, Mr. William M. Evarts, to the advocate of the United States, Mr. Thomas J. Durant, dated March 7, 1879; of the letters of instructions of the Secretary of State, Mr. James G. Blaine, to the same advocate of the United States, Mr. Thomas J. Durant, dated April 22 and November 30, 1881; of the so-called new rule of naturalization made by the two delegates above named on December 14, 1882; of the decisions of December 26, 1882, written by Mr. James Lowndes, of South Carolina, and concurred in by Marquis Potestad Forrari, in the cases of José Garcia de Angarica, No. 13, and of Ramon Fernandez Criado y Gomez, No. 29 on the docket of the late United States and Spanish Commission; and of the decisions rendered by the United States and French Commission in the two cases of David Kohnagel *vs.* The United States, marked, respectively, Nos. 438 and 533 on the docket of that commission.

HANNAH J. JONES, EXECUTRIX.

Mr. JONES, of Alabama, introduced a bill (H. R. 5697) for the relief of Hannah J. Jones, executrix; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CHARLES W. HAYS.

Mr. JONES, of Alabama, also introduced a bill (H. R. 5698) to remove the political disabilities of Charles W. Hays, of Alabama; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BIRMINGHAM AND TENNESSEE RIVER RAILROAD COMPANY.

Mr. HEWITT, of Alabama, introduced a bill (H. R. 5699) granting the right of way through the public lands in the State of Alabama to the Birmingham and Tennessee River Railroad Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

KANSAS CITY, FORT SCOTT AND GULF RAILWAY COMPANY.

Mr. ROGERS, of Arkansas, introduced a bill (H. R. 5700) to grant to the Kansas City, Fort Scott and Gulf Railway Company a right of way through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PRYOR N. LEA.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 5701) for the relief of Pryor N. Lea; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES HODGES.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 5702) to refer the claim of James Hodges to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STEPHEN A. DONALD.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 5703) to refer the claim of Stephen A. Donald to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

H. W. LONG.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 5704) to refer the claim of H. W. Long to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSIAH H. FOSTER.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 5705) to refer the claim of Josiah H. Foster to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FLORA ADAMS DARLING.

Mr. DUNN introduced a bill (H. R. 5706) to authorize the Court of Claims of the United States at Washington, D. C., to hear and determine the case of the claim of Flora Adams Darling for property taken and damages sustained while under a flag of truce.

The SPEAKER. This bill should be referred to the Committee on War Claims.

Mr. DUNN. I think it had better go the Committee on the Judiciary.

The SPEAKER. Under the rule the proper reference would be to the Committee on War Claims.

Mr. DUNN. There is involved in it a rather intricate question of law which I think the Committee on the Judiciary had better pass upon. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

The bill was accordingly read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAMUEL DIAL.

Mr. PEEL, of Arkansas (by request), introduced a bill (H. R. 5707) for the relief of Samuel Dial; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAIR & VANN CLAIM AGAINST THE OSAGE INDIANS.

Mr. PEEL, of Arkansas, submitted the following resolution of inquiry; which was read, and referred to the Committee on Indian Affairs:

Resolved, That the Attorney-General be, and he is hereby, directed to furnish, for the information of this House, copies of all papers and correspondence in his office relating to the so-called "Adair & Vann" claim against the Osage Nation of Indians.

Mr. PEEL, of Arkansas, also submitted the following resolution of inquiry; which was read, and referred to the Committeee on Indian Affairs:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish, for the information of this House, copies of all papers and correspondence in his office relating to the so-called "Adair & Vann" claim against the Osage Nation of Indians; and also what action, if any, has been taken by the Department toward the settlement of said claim.

MISSISSIPPI RIVER COMMISSION, ETC.

Mr. BRECKINRIDGE introduced a bill (H. R. 5708) defining the powers and jurisdiction of the Mississippi River Commission, authorizing the appropriation of land and material for the improvement of the Mississippi River and its navigable tributaries, the manner of assessing damages for property so appropriated, and providing penalties for acts in hinderance or injury of such improvements; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PAY OF SOUTHERN MAIL CONTRACTORS.

Mr. BRECKINRIDGE also introduced a joint resolution (H. Res. 194) to reappropriate and apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain Southern mail contractors; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ARTICLES OF WAR.

Mr. ROSECRANS introduced a bill (H. R. 5709) to amend article 72 of the Rules and Articles of War; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EFFICIENCY OF THE ARMY.

Mr. ROSECRANS also introduced a bill (H. R. 5710) to increase the efficiency of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DESIGNATION OF CERTAIN MEDICAL OFFICERS, U. S. A.

Mr. ROSECRANS also introduced a bill (H. R. 5711) to change the designations and titles of certain officers of the Medical Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RETIREMENT OF ARMY OFFICERS.

Mr. ROSECRANS also introduced a bill (H. R. 5712) to regulate the retiring of Army officers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CLAIMS OF OFFICERS AND ENLISTED MEN.

Mr. ROSECRANS also introduced a bill (H. R. 5713) to provide for the settlement of claims of officers and enlisted men of the Army for the loss of private property destroyed in the military service of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RUPERT G. HILL.

Mr. ROSECRANS also introduced a bill (H. R. 5714) for the relief of Rupert G. Hill; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

YELLOWSTONE PARK RAILROAD COMPANY.

Mr. ROSECRANS also introduced a bill (H. R. 5715) to incorporate the Yellowstone Park Railroad Company; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

J. Q. SHIRLEY AND F. DE LONG.

Mr. HENLEY (by request) introduced a bill (H. R. 5716) for the relief of James Q. Shirley and Francis De Long; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JERRY GORDON.

Mr. BUDD introduced a bill (H. R. 5717) to repeal an act entitled "An act granting a pension to Jerry Gordon," approved July 15, 1870; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT OAKLAND, CAL.

Mr. GLASCOCK, introduced a bill (H. R. 5718) for the erection of a public building at Oakland, Cal.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CONSIDERATION OF CLAIMS.

Mr. BELFORD introduced a bill (H. R. 5719) for the enforcement of public and private justice and the relief of Congress and Departments from the consideration of disputed claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UTE INDIANS IN COLORADO.

Mr. BELFORD also introduced a bill (H. R. 5720) to amend an act entitled "An act to accept and ratify the agreement submitted by the confederated bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes," approved June 15, 1880; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FRANCIS COSGROVE.

Mr. MITCHELL introduced a bill (H. R. 5721) to rerate the pension of Francis Cosgrove; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGES OVER NAVIGABLE RIVERS.

Mr. SEYMOUR introduced a bill (H. R. 5722) granting the consent of Congress to the erection of bridges over navigable rivers upon conditions therein stated; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ISABELLA BERTHA WEAVER.

Mr. DAVIDSON introduced a bill (H. R. 5723) granting a pension to Isabella Bertha Weaver, only surviving child of Ordnance Sergeant Jeremiah Weaver, late of the United States Army; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LIGHT-HOUSE ON DOG ISLAND, FLORIDA.

Mr. DAVIDSON also introduced a bill (H. R. 5724) making an appropriation for the erection of a light-house on Dog Island, Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE AT ANCLOTE KEY, FLORIDA.

Mr. DAVIDSON also introduced a bill (H. R. 5725) providing for the erection of a light-house at Anclote Key, in Florida; which was read a

first and second time, referred to the Committee on Commerce, and ordered to be printed.

PILOTS IN WAR OF THE REBELLION.

Mr. TOWNSHEND introduced a bill (H. R. 5726) for the relief of pilots who served in the war of the late rebellion; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

J. B. DOAN.

Mr. ELLWOOD introduced a bill (H. R. 5727) for the relief of J. B. Doan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANNA BECK.

Mr. ELLWOOD also introduced a bill (H. R. 5728) granting a pension to Anna Beck, widow of August Beck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH S. TURNBULL.

Mr. ELWOOD also introduced a bill (H. R. 5729) granting a pension to Joseph S. Turnbull; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS DAINESE.

Mr. HITT introduced a bill (H. R. 5730) for the relief of Francis Dainese, of Washington, D. C.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCIS MUNSON.

Mr. DUNHAM introduced a bill (H. R. 5731) for the relief of Francis Munson; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

AMAND L. HOGAN.

Mr. RIGGS introduced a bill (H. R. 5732) to pension Amand L. Hogan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELIZABETH LEEBRICK.

Mr. RIGGS also introduced a bill (H. R. 5733) for the relief of Mrs. Elizabeth Leebrick; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY TEPE.

Mr. KLEINER introduced a bill (H. R. 5734) for the relief of Henry Tepe, a soldier of the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILLE LAC CHIPPEWAS.

Mr. HOLMAN submitted the following resolution; which was read, and referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the House whether by any treaty or other act of the Government the limits of the reservation of the branch of Chippewas of the Mississippi, known as Mille Lac Indians, now and heretofore occupied by them, have been defined, and whether said Mille Lac Indians have, since the 20th of March, 1865, done any act violating the provisions in their behalf contained in the treaty ratified at said date between the United States and the Chippewas of the Mississippi and other bands of Chippewas, which provision is as follows:

"*Provided*, That owing to the heretofore good conduct of the Mille Lac Indians they shall not be compelled to remove so long as they shall not in any way interfere with or in any manner molest the persons or property of the whites."

And that he also inform the House whether any of the lands heretofore recognized as within the limits of the reservation of the said Mille Lac band of Indians have been sold or permitted to be entered, and if any part of the same has been sold or entered, that he inform the House in what manner, under what right, and to what extent the said reservation has been permitted to be entered, and whether such entries are legal and valid; and whether *bona fide* settlements have been made on the lands entered, or had been prior to or at the time of the treaty thereof.

MARGARET DAILY.

Mr. MATSON introduced a bill (H. R. 5735) granting a pension to Margaret Daily; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE P. HESS.

Mr. COBB introduced a bill (H. R. 5736) for the relief of George B. Hess; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM B. BAKER.

Mr. STEELE introduced a bill (H. R. 5737) granting a pension to William B. Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. GREEN.

Mr. PEELLE, of Indiana, introduced a bill (H. R. 5738) granting a pension to James H. Green; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUDGMENT LIENS IN FEDERAL COURTS.

Mr. KASSON presented a joint resolution of the General Assembly of Iowa, in relation to the liens of judgments in Federal courts; which was referred to the Committee on the Judiciary.

INTERSTATE COMMERCE.

Mr. KASSON also presented a joint resolution of the General Assembly of Iowa, asking Congress to pass a law for the regulation of transportation of freight and passengers over railroads engaged in interstate commerce; which was referred to the Committee on Commerce.

GEORGE W. MILLS.

Mr. HEPBURN introduced a bill (H. R. 5739) for the relief of George W. Mills, late a private in Company F, Thirty-fifth Missouri Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GRIGSBY FOSTER.

Mr. HEPBURN also introduced a bill (H. R. 5740) for the relief of Grigsby Foster, late a private in Company E, Seventh West Virginia Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. A. LEMASTER.

Mr. HEPBURN also introduced a bill (H. R. 5741) for the relief of W. A. Lemaster, of Iconium, Iowa; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SAINT LOUIS, BAXTER SPRINGS AND MEXICAN RAILWAY COMPANY.

Mr. PERKINS introduced a bill (H. R. 5742) granting the right of way to the Saint Louis, Baxter Springs and Mexican Railway Company through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

NICHOLAS W. BARNETT.

Mr. PERKINS also introduced a bill (H. R. 5743) for the relief of Nicholas W. Barnett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. SAMANTHA J. POLLARD.

Mr. PERKINS also introduced a bill (H. R. 5744) granting a pension to Mrs. Samantha J. Pollard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. DOTSON.

Mr. PERKINS also introduced a bill (H. R. 5745) for the relief of James W. Dotson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REISSUE OF LAND-WARRANT.

Mr. PERKINS also introduced a bill (H. R. 5746) authorizing the Commissioner of the General Land Office to issue a land-warrant for one hundred and twenty acres of land to the holder of warrant No. 51456, with certain provisions and upon certain conditions; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

FIRST NATIONAL BANK OF LARNED, KANS.

Mr. PETERS introduced a bill (H. R. 5747) to authorize the increase of the capital stock of the First National Bank of Larned, Kans., not to exceed $250,000; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

DANIEL M'ALPINE.

Mr. PETERS also introduced a bill (H. R. 5748) to correct the military record of Daniel McAlpine, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING AT ATCHISON, KANS.

Mr. MORRILL introduced a bill (H. R. 5749) for the erection of a public building at Atchison, Kans.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WEBSTER C. WEBB.

Mr. HALSELL introduced a bill (H. R. 5750) for the relief of Webster C. Webb; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROAD TO NATIONAL CEMETERY NEAR BATON ROUGE, LA.

Mr. LEWIS introduced a bill (H. R. 5751) making an appropriation to construct a road and approaches from the Mississippi River through the city of Baton Rouge, La., to the national military cemetery, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PRIVATE CLAIMS.

Mr. ELLIS introduced a bill (H. R. 5752) for the judicial ascertainment of the facts in private claims, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GENERAL H. G. WRIGHT.

Mr. ELLIS also introduced a joint resolution (H. Res. 195) to place

the name of General H. G. Wright, late Chief of Engineers, on the roll of major-generals on the retired-list, with the emoluments and pay of said grade; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM COLLINS.

Mr. MILLIKEN introduced a bill (H. R. 5753) for the relief of William Collins; which was read a first and second time.

Mr. MILLIKEN. I ask the reference of this bill to the Committee on Commerce.

The SPEAKER. It seems to be a claim.

Mr. MILLIKEN. The bill has once been before the Committee on Commerce.

The SPEAKER. It does not relate to commerce in any way; it is a claim.

Mr. MILLIKEN. It is a claim for fishing bounty.

The SPEAKER. But it is a claim, and must go to the Committee on Claims under the rule.

The bill was referred to the Committee on Claims, and ordered to be printed.

SURETIES OF GEORGE W. SANDS, DECEASED.

Mr. TALBOTT introduced a bill (H. R. 5754) for the relief of the sureties of George W. Sands, deceased; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING AT HAVRE DE GRACE, MD.

Mr. TALBOTT also introduced a bill (H. R. 5755) to provide for the erection of a public building in the town of Havre de Grace, in the State of Maryland; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ELMIRA M'INTIRE.

Mr. HOBLITZELL introduced a bill (H. R. 5756) granting a pension to Elmira McIntire; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

NELLIE J. WILKINS.

Mr. LONG (by request) introduced a bill (H. R. 5757) granting a pension to Nellie J. Wilkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN N. QUACKENBUSH.

Mr. COLLINS introduced a bill (H. R. 5758) to confirm the status of John N. Quackenbush as a commander in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN H. OATES.

Mr. COLLINS also introduced a bill (H. R. 5759) to correct the record of John H. Oates, late acting master's mate in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ASA C. DICKINSON.

Mr. MAYBURY introduced a bill (H. R. 5760) to confirm to Asa C. Dickinson the title to certain lands in the county of Saint Clair, in the State of Michigan; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

HEIRS OF JACOB HARSEN.

Mr. MAYBURY also introduced a bill (H. R. 5761) to confirm to the heirs of Jacob Harsen the title to certain lands in the county of Saint Clair, in the State of Michigan; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

ANN LUMPHERY.

Mr. MAYBURY also introduced a bill (H. R. 5762) for the relief of Ann Lumphery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUDICIAL DISTRICTS IN MICHIGAN.

Mr. HOUSEMAN introduced a bill (H. R. 5763) to detach the counties of Calhoun and Branch from the eastern and annex the same to the western judicial district of Michigan; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BIRNEY HOYT.

Mr. HOUSEMAN also introduced a bill (H. R. 5764) to increase the pension of Birney Hoyt, late sergeant of Company A, Sixth Michigan Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EUGENE RANDALL.

Mr. CARLETON introduced a bill (H. R. 5765) for the relief of Eugene Randall; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

MISSISSIPPI RIVER WATER-POWER AND BOOM COMPANY.

Mr. NELSON introduced a bill (H. R. 5766) to authorized the Mississippi River Water-power and Boom Company, of Brainard, Minn., to construct a dam across the Mississippi River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN S. ALLANSON.

Mr. WAKEFIELD introduced a bill (H. R. 5767) authorizing the President to appoint and retire John S. Allanson a first lieutenant; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COMMUNITY GRANT, ALBUQUERQUE, N. MEX.

Mr. JEFFORDS (by request) introduced a joint resolution (H. Res. 196) concerning the confirmation of a tract of land four Spanish leagues in area to the inhabitants of the town of Albuquerque, N. Mex., as a community grant; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

GEORGE M. OCHILTREE.

Mr. HATCH, of Missouri, introduced a bill (H. R. 5768) for the relief of George M. Ochiltree; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF RIVERS AND HARBORS BY CONTRACT.

Mr. BROADHEAD introduced a bill (H. R. 5769) to provide for carrying on the improvements and repairs of rivers and harbors by contract; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

VIRGINIA MILITARY LAND PATENTS.

Mr. BUCKNER introduced a bill (H. R. 5770) to validate patents in the Virginia military land district in Ohio; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. BURNES introduced a bill (H. R. 5771) granting to the Saint Joseph and Rio Grande Railroad Company right of way through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SHORT CREEK LAKE, PLATTE COUNTY, MISSOURI.

Mr. BURNES also introduced a bill (H. R. 5772) to donate Short Creek Lake, in Platte County, to the State of Missouri, and forever preserve the same for public resort and recreation; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JAMES STAPLETON.

Mr. BURNES also introduced a bill (H. R. 5773) to pay James Stapleton a claim adjudged to be due him by the Secretary of the Interior for depredations of the Cheyenne Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

NAPOLEON B. GIDDINGS.

Mr. BURNES also introduced a bill (H. R. 5774) for the relief of Napoleon B. Giddings; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES FOREMAN.

Mr. ALEXANDER introduced a bill (H. R. 5775) granting a pension to James Foreman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS D. PETTY.

Mr. FYAN introduced a bill (H. R. 5776) granting a pension to Louis D. Petty, late private in Eighth Missouri Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EPHRAIM PORTER.

Mr. DOCKERY introduced a bill (H. R. 5777) granting a pension to Ephraim Porter; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SALE OF WINNEBAGO RESERVATION, NEBRASKA.

Mr. VALENTINE introduced a bill (H. R. 5778) to provide for the sale of a part of the reservation of the Winnebago tribe of Indians in the State of Nebraska, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM H. WHITING.

Mr. VALENTINE also introduced a bill (H. R. 5779) for the relief of William H. Whiting; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HARRIET S. BRISBANE.

Mr. RAY, of New Hampshire, introduced a bill (H. R. 5780) granting a pension to Harriet S. Brisbane; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLON L. SIMONDS.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 5781) granting a pension to Solon L. Simonds; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD G. JACKMAN.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 5782) granting a pension to Edward G. Jackman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON'S HEADQUARTERS, MORRISTOWN, N. J.

Mr. PHELPS introduced a joint resolution (H. Res. 197) authorizing the Secretary of War to assist in canceling the debt and in enlarging and improving the grounds and collections of Washington's headquarters in Morristown, N. J., and in securing suitable ground in which to gather the remains of Revolutionary soldiers there buried and in erecting a monument over the same; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CHARLES MILLER.

Mr. MCADOO introduced a bill (H. R. 5783) for the relief of Charles Miller; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

TERESA KALISCH.

Mr. MCADOO also introduced a bill (H. R. 5784) for the relief of Teresa Kalisch; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CENSUS STATISTICS OF EDUCATION, ETC.

Mr. SKINNER, of New York, introduced a bill (H. R. 5785) to provide for a special edition of the census statistics relating to education, libraries, museums of art, science, illiteracy, &c.; which was read a first and second time, referred to the Select Committee to Ascertain the Results of the Tenth Census, and ordered to be printed.

LEGAL TENDER.

Mr. POTTER introduced a joint resolution (H. Res. 198) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. POTTER. I ask that the joint resolution be read in full.

The SPEAKER. It will be read.

The Clerk read as follows:

Resolved, That, pursuant to article 5 of the Constitution of the United States, the following amendment be, and hereby is, proposed to the Legislatures of the several States for their ratification, to be, when ratified by three-fourths of the Legislatures aforesaid, a part of the said Constitution, and to be known and denominated as article 16, to wit:

ARTICLE XVI.

The legislative powers granted to Congress by the Constitution shall not be construed to include the power to pass any law making anything but gold and silver coin a tender in payment of debts except after a declaration of war when the public safety may require it.

WILLIAM G. HALPIN.

Mr. ROBINSON, of New York, submitted the following resolution of inquiry; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State is hereby directed to communicate to this House all the papers and correspondence on the claim of William G. Halpin for damages against the Government of Great Britain, now on file in the State Department.

HORSE RAILWAY COMPANY.

Mr. ROBINSON, of New York, also introduced a bill (H. R. 5786) to incorporate the North Capitol and Glenwood Cemetery Horse Railway Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LINE LIGHTS, NIAGARA RIVER.

Mr. STEVENS introduced a bill (H. R. 5787) making an appropriation for the construction and erection of line lights on the Niagara River in the vicinity of a bridge across said river between Buffalo and Tonawanda, in the State of New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ELIZABETH DEUTSCHER.

Mr. ROGERS, of New York, introduced a bill (H. R. 5788) for the relief of Elizabeth Deutscher, widow of John Deutscher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGAL TENDER.

Mr. HEWITT, of New York, introduced a joint resolution (H. Res. 199) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HEWITT, of New York. I ask that the joint resolution be read for the information of the House.

The resolution is as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled (two-thirds of each House concurring), That the following amendment to the Constitution of the United States be, and the same is hereby, submitted to the several States for their ratification or rejection, and the same, when ratified by the Legislatures of three-fourths of the several States, shall be valid to all intents and purposes as part of the Constitution, namely:

Add to section 10, article 1, the following words: "The Congress shall not have power to make anything but gold and silver coin a legal tender in payment of debts."

MRS. KADY BROWNELL.

Mr. COX, of New York, introduced a bill (H. R. 5789) granting a pension to Mrs. Kady Brownell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH GALLAGHER.

Mr. COX, of New York, also introduced a bill (H. R. 5790) for the relief of Sarah Gallagher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH GALLAGHER.

Mr. COX, of New York, also introduced a bill (H. R. 5791) for the relief of Sarah Gallagher; which was read a first and second time, rereferred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. BRADY.

Mr. COX, of New York, also introduced a joint resolution (H. Res. 200) for the relief of James M. Brady, administrator of Cornelius Lawrence Brady; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CAPT. PIERRE AYOTT.

Mr. JOHNSON introduced a bill (H. R. 5792) for the relief of the legal representatives of Capt. Pierre Ayott; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STEPHEN W. WOOD.

Mr. GREENLEAF introduced a bill (H. R. 5793) for the relief of Stephen W. Wood; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

TARE ON HOPS, ETC.

Mr. RAY, of New York, introduced a bill (H. R. 5794) to regulate and fix the tare on hops, the weight of hop-baling, and the standard weight of bales of hops; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES A. FULLER.

Mr. RAY, of New York, also introduced a bill (H. R. 5795) to increase the pension of Charles A. Fuller, late a lieutenant of the Army of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAFAYETTE AXTELL.

Mr. RAY, of New York, also introduced a bill (H. R. 5796) to increase the pension of Lafayette Axtell; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FORM OF BILLS OF LADING, ETC.

Mr. JAMES introduced a bill (H. R. 5797) to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN E. DENHAM.

Mr. JAMES also introduced a bill (H. R. 5798) granting a pension to John E. Denham, late a sergeant of the United States Marine Corps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT HUDSON, N. Y.

Mr. KETCHAM introduced a bill (H. R. 5799) for the erection of a public building at Hudson, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SARAH B. JACKSON.

Mr. VAN ALSTYNE introduced a bill (H. R. 5800) for the relief of Sarah B. Jackson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DRAWBACKS.

Mr. CAMPBELL, of New York, introduced a bill (H. R. 5801) to extend the privilege of drawbacks and to remove restrictions thereon; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN BARNETT.

Mr. VANCE introduced a bill (H. R. 5802) for the relief of John Barnett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHAN CRISP.

Mr. VANCE also introduced a bill (H. R. 5803) for the relief of Na-

than Crisp; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH STUBBLEFIELD.

Mr. VANCE also introduced a bill (H. R. 5804) to remove the charge of desertion from Joseph Stubblefield; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIQUOR SALOONS IN THE DISTRICT.

Mr. VANCE (by request) also introduced a bill (H. R. 5805) limiting the number of licensed liquor saloons in the District of Columbia; which was read a first and second time, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

A. E. CONRAD.

Mr. SCALES introduced a bill (H. R. 5806) for the relief of A. E. Conrad, of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES W. DAVIS.

Mr. SCALES also introduced a bill (H. R. 5807) for the relief of James W. Davis, administrator, of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. W. LONG.

Mr. YORK introduced a bill (H. R. 5808) for the relief of S. W. Long, of North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY BASS.

Mr. YORK also introduced a bill (H. R. 5809) for the relief of Henry Bass, of Surry County, North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN A. MARTINDALE.

Mr. McCORMICK introduced a bill (H. R. 5810) granting a pension to John A. Martindale, a soldier in the late civil war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HAMILTON C. DAGUE.

Mr. HILL introduced a bill (H. R. 5811) for the relief of Hamilton C. Dague; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN A. VANCE.

Mr. ROBINSON, of Ohio, introduced a bill (H. R. 5812) granting a pension to Ellen A. Vance, invalid daughter of Col. Joseph W. Vance; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RACHEL SMITH.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 5813) granting a pension to Rachel Smith, mother of Andrew M. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM WELSH.

Mr. JOSEPH D. TAYLOR also introduced a bill (H. R. 5814) authorizing the President to appoint to the position he held when mustered out, and if he deems it advisable to place on the retired-list, William Welsh, late captain Twenty-fifth United States Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FOREIGN CHEAP LABOR.

Mr. GEDDES. I present a joint resolution of the Legislature of the State of Ohio, relative to foreign cheap labor. It is very brief, and I ask that it be read.

The resolution was read, as follows:

Joint resolution relative to foreign cheap labor.

Be it resolved by the General Assembly of the State of Ohio, That we earnestly appeal to our Senators and Representatives in Congress to labor diligently and vote for the passage of some such bill as that introduced by M. A. FORAN, to prohibit the importation and migration of foreigners, aliens, under contract or agreement to perform labor in the United States.

Resolved, That the governor be requested to forward copies of this resolution to our Senators and Representatives in Congress.

A. D. MARSH,
Speaker of the House of Representatives.
JOHN G. WARWICK,
President of the Senate.

Adopted February 28, 1884.

The resolution was referred to the Committee on Labor.

W. T. SCALES.

Mr. MOREY (by request) introduced a bill (H. R. 5815) for the relief of W. T. Scales; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN FREUND.

Mr. SENEY introduced a bill (H. R. 5816) for the relief of John Freund; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS KECK.

Mr. MURRAY introduced a bill (H. R. 5817) granting a pension to Thomas Keck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES BRUTSCHIE.

Mr. MURRAY also introduced a bill (H. R. 5818) granting a pension to Charles Brutschie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB MEIER.

Mr. MURRAY also introduced a bill (H. R. 5819) granting a rerate of pension to Jacob Meier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. COUSINS.

Mr. PATTON introduced a bill (H. R. 5820) to amend the military record of George W. Cousins; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. SUSANNAH BARR.

Mr. PATTON also introduced a bill (H. R. 5821) granting a pension to Mrs. Susannah Barr, mother of Jacob Barr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHANIEL F. GARRIS.

Mr. POST, of Pennsylvania, introduced a bill (H. R. 5822) granting a pension to Nathaniel F. Garris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM WILLIAMS.

Mr. POST, of Pennsylvania, also introduced a bill (H. R. 5823) granting a pension to William Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALLEN M'KEAN.

Mr. POST, of Pennsylvania, also introduced a bill (H. R. 5824) granting a pension to Allen McKean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM T. LOBB.

Mr. POST, of Pennsylvania, also introduced a bill (H. R. 5825) for the relief of William T. Lobb; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE L. SCHERMERHORN.

Mr. POST, of Pennsylvania, also introduced a bill (H. R. 5826) to remove the charge of desertion from George L. Schermerhorn; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONDEMNED CANNON.

Mr. POST, of Pennsylvania, also introduced a bill (H. R. 5827) granting condemned cannon to Gustin Post, No. 154, Grand Army of the Republic, of Troy, Pa.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAINT MARK'S PROTESTANT EPISCOPAL CHURCH.

Mr. ERMENTROUT (by request) introduced a bill (H. R. 5828) for the relief of Saint Mark's Protestant Episcopal church, in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BRIDGES ACROSS THE GREAT KANAWHA RIVER.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 5829) to authorize the construction of bridges across the Great Kanawha River, and to prescribe the dimensions of the same; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MICHAEL BARTHOLOMEW.

Mr. STORM introduced a bill (H. R. 5830) granting a pension to Michael Bartholomew, late private Company A, Sixty-seventh Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRANSMISSION OF CLAIMS TO COURT OF CLAIMS.

Mr. STORM also submitted the following proposed amendment to the rules; which was read, and referred to the Committee on the Rules:

That any committee of the House which shall cause any claim or matter pending before it to be transmitted to the Court of Claims under the provisions of the act of March 3, 1883, entitled "An act to afford assistance and relief to Congress and to the Executive Departments in the investigation of claims and demands against the Government," shall report the fact of such transmission to this House, and such report shall be entered upon the Journal.

PILOT SERVICE ON UNITED STATES SEACOAST.

Mr. HARMER introduced a bill (H. R. 5831) to create and establish

the pilot service of the United States and to regulate the pilotage of vessels in the ports and harbors along the seacoast of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOSEPH H. BLACKBURN.

Mr. McMILLIN (by request) introduced a bill (H. R. 5832) for the relief of Joseph H. Blackburn, of Dowelltown, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB BLOOMSTEIN.

Mr. CALDWELL introduced a bill (H. R. 5833) for the relief of Jacob Bloomstein; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH RYMARKIEWISCZ.

Mr. CALDWELL also introduced a bill (H. R. 5834) for the relief of Joseph Rymarkiewiscz; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. H. ADAMS.

Mr. HOUK introduced a bill (H. R. 5835) granting a pension to J. H. Adams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS T. SMITH.

Mr. HOUK also introduced a bill (H. R. 5836) granting a pension to Thomas T. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. HUTCHISON.

Mr. HOUK also introduced a bill (H. R. 5837) granting a pension to William H. Hutchison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY BALLINGER.

Mr. HOUK also introduced a bill (H. R. 5838) granting a pension to Henry Ballinger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT BRADLEY.

Mr. HOUK also introduced a bill (H. R. 5839) for the relief of Robert Bradley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN W. ROBINSON.

Mr. HOUK also introduced two bills (H. R. 5840 and 5841) for the relief of John W. Robinson; which were respectively read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JEREMIAH FRITTS.

Mr. HOUK also introduced a bill (H. R. 5842) for the relief of Jeremiah Fritts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

V. F. GORRISSEN.

Mr. LANHAM introducod a bill (H. R. 5843) for the relief of V. F. Gorrissen; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

R. H. SMITH.

Mr. LANHAM (by request) also introduced a bill (H. R. 5844) referring the claim of R. H. Smith to the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADDITIONAL PAY TO CENSUS SUPERVISORS.

Mr. THROCKMORTON (by request) introduced a bill (H. R. 5845) for additional pay to the supervisors of the Tenth Census; which was read a first and second time, referred to the Select Committee to Ascertain the Results of the Tenth Census, and ordered to be printed.

CURRENCY.

Mr. CULBERSON, of Texas, introduced a bill (H. R. 5846) to prevent contraction of the currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ALEXANDER N. SHIPLEY.

Mr. HANCOCK introduced a bill (H. R. 5847) for the relief of Alexander N. Shipley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. ANN ELIZABETH DAVIS.

Mr. HANCOCK also introduced a bill (H. R. 5848) granting a pension to Mrs. Ann Elizabeth Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS AGAINST THE UNITED STATES.

Mr. TUCKER introduced a bill (H. R. 5849) limiting the time for the prosecution and payment of claims against the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COPYRIGHT TO NEWSPAPERS.

Mr. TUCKER (by request) also introduced a bill (H. R. 5850) granting copyright to newspapers; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EXPORT-TOBACCO MANUFACTORIES.

Mr. GEORGE D. WISE introduced a bill (H. R. 5851) to authorize the establishment of export-tobacco manufactories; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ABOLITION OF INTERNAL-REVENUE TAXES.

Mr. CABELL introduced a bill (H. R. 5852) to abolish internal-revenue taxes upon tobacco, snuff, cigars, and cigarettes, and upon liquors distilled from fruits, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BENJAMIN F. ANDERSON.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 5853) for the relief of Benjamin F. Anderson, of Berkeley County, West Virginia; which was read a first and second time, referred the Committee on War Claims, and ordered to be printed.

MARTHA A. BEERBOWER.

Mr. GOFF introduced a bill (H. R. 5854) granting a pension to Martha A. Beerbower, of West Virginia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TOBACCO DESTROYED BY FLOODS.

Mr. GOFF also introduced a bill (H. R. 5855) authorizing the Secretary of the Treasury to ascertain the value of revenue-stamps affixed to manufactured tobacco destroyed by the recent floods in the Ohio River, and making an appropriation to pay the holders thereof; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

AMERICAN MINISTER TO GERMANY.

Mr. DEUSTER submitted the following resolution; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

Whereas the American minister at the seat of government of the German Empire is made the subject of attacks of semi-official newspapers at Berlin: Therefore,

Be it resolved, That the Secretary of State be, and he is hereby, requested, if in his judgment not incompatible with public interests, to furnish this House copies of any communications and official correspondence on the subject which he may have received.

THOMAS BROWN.

Mr. DEUSTER introduced a bill (H. R. 5856) to increase the pension of Thomas Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID S. HAWLEY.

Mr. GUENTHER introduced a bill (H. R. 5857) to grant a pension to David S. Hawley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HANNAH BUCK.

Mr. GUENTHER also introduced a bill (H. R. 5858) to grant a pension to Hannah Buck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERIKA WINTER.

Mr. GUENTHER also introduced a bill (H. R. 5859) granting a pension to Frederika Winter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONALD D SCOTT.

Mr. SUMNER, of Wisconsin, introduced a bill (H. R. 5860) to increase the pension of Donald D. Scott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RAILROAD BRIDGE ACROSS SAINT CROIX RIVER.

Mr. PRICE introduced a bill (H. R. 5861) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JURISDICTION OF UNITED STATES COURTS.

Mr. PRICE also introduced a bill (H. R. 5862) to enlarge the jurisdiction of the United States courts and to open the same to all claimants; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PATRICK SULLIVAN.

Mr. OURY (by request) introduced a bill (H. R. 5863) for the relief of Patrick Sullivan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE DUNN.

Mr. OURY (by request) also introduced a bill (H. R. 5864) for the relief of George Dunn; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MONTANA PENITENTIARY.

Mr. MAGINNIS introduced a bill (H. R. 5865) to provide for the completion of the United States penitentiary at Deer Lodge, Mont.; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

FELIX M'KETTERICK.

Mr. MANZANARES introduced a bill (H. R. 5866) for the relief of Felix McKetterick, of the Territory of New Mexico; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

R. B. HIGBEE.

Mr. MANZANARES also introduced a bill (H. R. 5867) for the relief of R. B. Higbee; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

The SPEAKER. The call of the States is concluded.

SMOKING.

Mr. LYMAN. Mr. Speaker, I rise to a point of order, and ask for the reading of clause 7, rule XIV.

The Clerk read as follows:

7. While the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

Mr. LYMAN. Mr. Speaker, great complaint has been made by many ladies of the bad state of the air in the galleries of this House; so bad they are obliged often to withdraw. They state further that this condition is owing largely to the amount of tobacco smoke which rises from the floor of the House.

Now, sir, I do not ask to have smoking stopped on the floor of the House on my own account, for I would never think of dictating to my fellow-members what they should do either in the matter of smoking or in respect to the singular and gymnastic position some gentlemen occasionally assume in this Hall.

Several MEMBERS. Name them.

Mr. LYMAN. I was about to state one lady said, on looking down on a gentleman below her, she thought it could not be healthy for him to lie on a sofa with his knees higher than his head, a lighted cigar in his mouth, and a newspaper held over his head. [Laughter.]

But I do not object to that, sir. I think, however, the visitors to this House have some rights that should be respected; and I ask, therefore, in their behalf that the Sergeant-at-Arms be instructed, on account of the people in the galleries, to strictly enforce the rule, to which I have called the attention of the House, upon this floor.

Mr. TALBOTT. I wish to offer a suggestion to the gentleman, which I think will carry out his wishes in this matter, and that is as to whether it would not in his judgment be better, inasmuch as they are dissatisfied with the present arrangement in the gallery, to throw open to them this lobby in the rear of the Speaker's chair, which is of little use to members of the House, and give them free access to that portion of the building, which would no doubt be more convenient for them and more convenient for members who have occasion to see them.

Mr. LYMAN. I confine my remarks strictly to the rule in question, and think on account of the ladies in the galleries and those persons who object to this practice generally it should be enforced.

The SPEAKER. The Chair has observed with regret that the rule to which the gentleman from Massachusetts now calls attention has been violated frequently by members upon the floor, and has more than once, as the House will remember, directed the Sergeant-at-Arms and Doorkeeper to see that it was enforced. The Chair will again direct the officers of the House to see that the rule is rigidly enforced. It is necessary not only for the comfort of visitors in the galleries but for the comfort of members on the floor that there should be no smoking in the Hall of the House, in the seats, or that part of the House known as the lobby. The Chair hopes that members will hereafter, without admonition on the part of the Chair or other officers of the House, respect this rule.

Mr. KEIFER. I wish to ask, so that it be definitely understood, whether or not the rule extends to that part of the Hall outside of the railing or screen?

The SPEAKER. It does.

Mr. KEIFER. Then that ought to be distinctly understood.

The SPEAKER. In fact, the rule according to its terms extends to the lobby in the rear of the Speaker's chair, because by law that is made a part of the Hall of the House. The Chair, however, has never undertaken to enforce the rule strictly in the lobby, for that is the most convenient place for members to meet, in order to avoid the disagreeable effect of smoking in the other parts of the Hall.

Mr. SCALES. I wish, Mr. Speaker, to ask at this time consent to offer a resolution——

The SPEAKER. The Chair was about to proceed to recognize members who were absent when their States were called.

Mr. WHITE, of Kentucky. Before that is done, on the subject under consideration I wish——

The SPEAKER. That has been disposed of. There is nothing before the House.

Mr. WHITE, of Kentucky. Then I desire to renew it.

The SPEAKER. In what form?

Mr. WHITE, of Kentucky. In the form of an inquiry. I wish to know whether the lobbies, the corridors extending to Statuary Hall, are not also under the control of the Speaker, and whether in the interest of decency and especially for the benefit of the ladies who come to the Capitol and have to pass through that hall on their way to the galleries that order should not be made to apply also to that portion of the Capitol, to prohibit smoking and spitting all over the floors out there?

The SPEAKER. The Chair does not think there is anything in the question made by the gentleman from Kentucky which would make it relevant to the question submitted by the gentleman from Massachusetts. It is for the House itself to determine whether it will extend the rule to the corridors outside of the Hall.

ORDER OF BUSINESS.

Mr. BLACKBURN. Not being present when my State was called, I ask the privilege of introducing some bills for reference.

The SPEAKER. If there be no objection the Chair will recognize those gentlemen who were not present when their States were called.

There was no objection.

L. R. HUFFMAN.

Mr. BLACKBURN introduced a bill (H. R. 5868) for the relief of L. R. Huffman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. HULETT.

Mr. BLACKBURN also introduced a bill (H. R. 5869) for the relief of George W. Hulett; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN JONES.

Mr. BLACKBURN also introduced a bill (H. R. 5870) for the relief of John Jones; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

I. R. H. CALDWELL.

Mr. BLACKBURN also introduced a bill (H. R. 5871) granting a pension to I. R. H. Caldwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS S DUVALL.

Mr. BLACKBURN also introduced a bill (H. R. 5872) granting a pension to Thomas S. Duvall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS D. TERRY.

Mr. BLACKBURN also introduced a bill (H. R. 5873) granting a pension to Lewis D. Terry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'GONNELL.

Mr. BLACKBURN also introduced a bill (H. R. 5874) granting a pension to James McGonnell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY COONS.

Mr. BLACKBURN also introduced a bill (H. R. 5875) granting a pension to Nancy Coons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. W. KING.

Mr. BLACKBURN also introduced a bill (H. R. 5876) granting a pension to C. W. King; which was read a first and second time, referred to the Committee on Invalid Pension, and ordered to be printed.

T. I. HARDIN.

Mr. BLACKBURN also introduced a bill (H. R. 5877) for the relief of T. I. Hardin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. ANNIE B. LEWIS.

Mr. BLACKBURN also introduced a bill (H. R. 5878) for the benefit of Mrs. Annie B. Lewis; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM N. ROBB.

Mr. BLACKBURN also introduced a bill (H. R. 5879) for the relief of William N. Robb; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAINT AUGUSTINE CHURCH, FLORIDA.

Mr. BLACKBURN also introduced a bill (H. R. 5880) for the benefit of Saint Augustine church, of Saint Augustine, Fla.; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SALARIES OF CAPITOL POLICE.

Mr. BLACKBURN also introduced a bill (H. R. 5881) fixing the salaries of the Capitol police; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

GEORGE W. FANNING.

Mr. SPRINGER introduced a bill (H. R. 5882) restoring George W. Fanning to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BURLINGTON AND MISSOURI RIVER RAILROAD COMPANY.

Mr. PAYSON submitted the following resolution of inquiry; which was referred to the Committee on the Public Lands:

Whereas it is alleged that there has been patented or allowed to the Burlington and Missouri River Railroad Company a large amount of public lands in excess of the amount it was entitled to receive under the acts of Congress making the grant:

Resolved, That the Secretary of the Interior is requested to inform this House what the basis of the adjustment of the grant of this company was; whether any error was made in such basis; what amount of land has been patented or certified or allowed to said company, and what the excess, if any, has been in the first adjustment of the grant over the amount the company was entitled to; what steps, if any, have been taken by the Department to correct the error, if any exists, and whether any of the lands certified or patented in excess of what the company was entitled to have been sold by the company.

DANIEL W. BOUTWELL.

Mr. RYAN introduced a bill (H. R. 5883) granting a pension to Daniel W. Boutwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PORTRAIT OF GENERAL G. H. THOMAS.

Mr. WILLIS introduced a joint resolution (H. Res. 201) in regard to the purchase of portrait of General George H. Thomas; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

LIENS AGAINST PROPERTY.

Mr. HOLMES introduced a bill (H. R. 5884) providing for the manner of establishing liens against property on judgments rendered in the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

E. C. CHIROUSE.

Mr. BRENTS introduced a bill (H. R. 5885) for the relief of E. C. Chirouse, late United States Indian agent; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ELIHU ROBINSON.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 5886) to remove the charge of desertion from Elihu Robinson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZABETH M'KAY.

Mr. FOLLETT introduced a bill (H. R. 5887) granting a pension to Elizabeth McKay; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPRINTING COMMITTEE REPORTS.

Mr. SPRINGER introduced a joint resolution (H. Res. 202) to authorize the reprinting of committee reports; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

ELLEN O'BRIAN.

Mr. NUTTING introduced a bill (H. R. 5888) granting a pension to Ellen O'Brian; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALONZO COOPER.

Mr. NUTTING also introduced a bill (H. R. 5889) granting a pension to Alonzo Cooper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT ON SWINE PRODUCTS.

Mr. BARBOUR. I call for the regular order.

Mr. SCALES. I desire to make a privileged report. I am instructed by the Committee on Printing to report back with a favorable recommendation and to ask for the present consideration of the joint resolution (H. Res. 192) providing for the printing of certain documents relating to the unhealthfulness of swine products in the United States. I ask that the report be read.

The report was read, as follows:

The Committee on Printing, to whom was referred the joint resolution (H. Res. 192) submit the following report:

The resolution in question provides for printing 60,000 copies of the report of the Secretary of State and accompanying report, made by a commission designated by the President, investigating the alleged unhealthfulness of the swine products of the United States. The investigation covers a question of vast moment to the public and should be widely disseminated. The report is elaborate, covering 136 pages, and will cost about $3,800 by the Printer's estimate.

The committee recommend the passage of the resolution.

The joint resolution was read, as follows:

Resolved, &c., That there be printed 60,000 copies of the report of the Secretary of State, and accompanying report made by the commission lately designated by the President to examine and report upon the asserted unhealthfulness of the swine products of this country, together with the message of the President transmitting the same to the House of Representatives; 45,000 copies thereof for the use of the members of the House of Representatives, 10,000 copies for the use of the Senate, and 5,000 copies thereof for the use of the Department of Agriculture.

The joint resolution was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. SCALES moved to reconsider to vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDEXING THE CONGRESSIONAL RECORD.

Mr. SCALES. I ask unanimous consent that Senate bill 1692, limiting the cost of indexing the CONGRESSIONAL RECORD, be taken from the Speaker's table and referred to the Committee on Printing.

There was no objection; and the bill was accordingly taken from the Speaker's table, read a first and second time, and referred to the Committee on Printing.

A. A. THOMAS.

Mr. HANBACK. I ask unanimous consent that Senate bill No. 643, for the relief of A. A. Thomas, be taken from the Speaker's table and referred to the Committee on the Public Lands.

The SPEAKER. This bill appears to be a claim for money; and under the rules of the House it should go to the Committee on Claims.

Mr. HANBACK. I understand that it was reported from the Senate Committee on Public Lands.

The SPEAKER. Under the rules of the House it should go to the Committee on Claims.

Mr. HANBACK. Very well.

The bill was accordingly taken from the Speaker's table, read a first and second time, and referred to the Committee on Claims.

ORDER OF BUSINESS.

Mr. ROGERS, of New York. I desire to submit a report from the Committee on Printing.

The SPEAKER. Does the gentleman from Virginia [Mr. BARBOUR] withdraw the demand for the regular order?

Mr. BARBOUR. I do not.

Mr. CURTIN. I desire to offer a resolution for reference.

The SPEAKER. If the demand for the regular order is not insisted upon the Chair must recognize the gentleman from New York [Mr. ROGERS] to make a report from the Committee on Printing.

Mr. BARBOUR. I must insist upon the regular order.

The SPEAKER. The Clerk will read the resolution under which the House will proceed during the remainder of this day.

The Clerk read as follows:

Resolved, That the second and fourth Mondays of each calendar month hereafter, during the continuance of the Forty-eighth Congress, after the call of States and Territories for bills and joint resolutions, be, and the same are hereby, set apart for the consideration of such business as may be presented by the Committee on the District of Columbia.

STAR-ROUTE PAPERS.

The SPEAKER. Before proceeding under the special order the Chair will state that the Post-Office Department desires leave to withdraw from the files of the House the reports of the special agents to investigate the star-route service, having sent the original papers to the House in response to a resolution of the House. The papers have now been printed, and constitute a public document in possession of the House. If there be no objection, leave will be granted to the Department to withdraw the original papers. [After a pause.] The Chair hears none, and leave is granted accordingly.

STANDARD OF TIME IN DISTRICT OF COLUMBIA.

Mr. BARBOUR. I call up for consideration at this time Senate bill No. 616, to establish a standard of time in the District of Columbia, now on the House Calendar, and reported favorably from the Committee on the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That the legal standard of time in the District of Columbia shall hereafter be the mean time of the seventy-fifth meridian of longitude west from Greenwich.

SEC. 2. That this act shall not be so construed as to affect existing contracts.

Mr. BARBOUR. I desire to say in explanation of this bill that it was referred to the Committee on the District of Columbia, and reported by that committee back to the House with a recommendation that it be passed.

As I understand it, this bill has been approved by the Attorney-General and by Professor Hilgard, Superintendent of the Coast Survey, so far as concerns the technical language and scientific terms of the bill, as well as the legal effect of the words employed in the bill. As matters

now stand, we have two standards of time in the District of Columbia, one for the people and the business element, and the other for the Government officers. It is desirable that but one standard of time shall exist in the District of Columbia.

I do not know that it is necessary for me to say anything further, except to remind the House that some time ago the Attorney-General gave it as his opinion that the standard of time in the Government offices could not be changed without an act of Congress. This bill has been framed to meet that view. If any gentleman desires to discuss the bill, I will yield for that purpose; if not, I call the previous question.

Mr. WHITE, of Kentucky. Before that is done I ask the gentleman to allow me to offer an amendment which in my opinion, and also in that of the chief the Naval Observatory, will not cripple the bill, but will strengthen it very materially. I ask him to hear the amendment read, so that he can decide whether he will permit it to be offered or not. In the last Congress the Committee on Commerce, after careful consideration, reported a bill to the House to provide for transmitting meridian time from the Naval Observatory at Washington to ports of entry and other cities, for placing time-balls on custom-houses for the protection of commerce, and other purposes.

The SPEAKER. Debate is not in order pending the demand for the previous question. If the gentleman from Kentucky [Mr. WHITE] desires to make a request of the gentleman from Virginia [Mr. BARBOUR] he can do so.

Mr. WHITE, of Kentucky. I ask that the proposed amendment be read.

The SPEAKER. Does the gentleman from Virginia consent to allow the proposed amendment to be read for information pending the demand for the previous question?

Mr. BARBOUR. I have no objection.

The Clerk read as follows:

That the sum of $25,000 be, and is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to provide for the expense of transmitting daily by telegraph the standard time from the Naval Observatory at Washington, D. C., to all the principal maritime ports of the United States having a custom-house, to United States navy-yards, and to State capitals, and cities having a population of not less than 15,000 inhabitants, when requested by the authorities thereof. The Secretary of the Treasury shall erect a suitable clock and time-ball on the custom-house at each of said maritime ports, and detail a person in each to attend to them, at an additional compensation of $5 per month at each custom-house for the extra work thus imposed. The Secretary of the Treasury is hereby authorized to pay for the same out of any money in the Treasury not otherwise appropriated: *Provided*, That no city other than a port of entry with a custom-house shall be furnished with a clock and time-ball, or keeper for the same, by the Secretary of the Treasury. The said appropriation of $25,000 to be expended under the direction of the Secretary of the Navy.

Mr. WHITE, of Kentucky. I ask the gentleman from Virginia to allow me to explain why I desire to have this amendment adopted.

Mr. BARBOUR. I can not consent to allow the amendment to be offered. [Cries of "Regular order!"]

Mr. WHITE, of Kentucky. I hope the regular order will not be insisted upon, and that the gentleman from Virginia will not shut out this amendment without knowing its object. It is a matter affecting the interests of the whole country.

The SPEAKER. The gentleman from Virginia declines to yield to permit the amendment to be offered. The remedy of the gentleman from Kentucky is to induce the House to vote down the demand for the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, and was accordingly read the third time.

The SPEAKER. Under the rules of the House thirty minutes are now allowed for debate; fifteen minutes in support of the bill, and fifteen minutes in opposition to it.

Mr. WHITE, of Kentucky. Mr. Speaker, the amendment which I have had read and to which the gentleman in charge of this bill objects is in substance a bill which after careful consideration by the Committee on Commerce at the last session was unanimously adopted and reported favorably to the House. It is a bill which I may say was prepared for the most part by the late Rear-Admiral John Rodgers, of the Navy, who was at that time Superintendent of the Naval Observatory. The object of the bill was to give to this country what the railroad companies now partially do by dividing up the country into zones. On account of the step which the railroad companies have taken since the last session of Congress I have modified the bill so as to read "standard time" instead of Naval Observatory or "Washington time."

To-day the standard time in this zone is the same as the standard time in Maine and in Chicago. Nature knows no such time. It is adopted only for the convenience of commerce. Now, the bill prepared last year proposed one time-zone for the whole United States, instead of several time-zones which the railroad companies have now arranged. Every civilized country on the globe except the United States has I believe a national standard of time. The railroad companies now arrange the time for this country. I do not object to that, because it is an improvement upon the condition of things which we had a year or two ago; but put this amendment upon the bill and very soon we shall have one uniform time for the whole United States. It matters not whether it be Greenwich time or Washington time, it will be uniform time, according to which all the railroad, maritime, and commercial business of the country will be transacted; and yet each locality can easily ascertain and duly respect its local time, for it is not to be supposed that by legislative enactment we shall retard or accelerate for one moment the movements of the earth or sun.

Of course I do not mean to say that we should attempt to change the movements of the sun or the earth; but I do mean to say that we should have one standard time for the movements of commerce throughout this nation. Each principal city, each important port of entry, each State capital throughout the nation, if this amendment be adopted, will have a time-ball on a suitable public building in those cities dropped at the same instant—say at noon every day—by the Naval Observatory here in Washington, at the nation's expense. The expense for erecting time-balls and the dropping apparatus would be less than $200 for each city entitled to it. How easy it will be for every such city to ascertain by astronomical calculation its local or national time, and by an additional hand on the clock have both standard time and national or local time without any inconvenience, while enjoying the blessing of standard time, signaled at noon daily to every important city.

To show the necessity of a uniform standard of time in the District of Columbia the gentleman from Virginia refers to the decision of the Attorney-General. Is it not more important to signal standard time all over the country, to give security to life and property, to promote foreign and interstate commerce, than to establish a standard time for the District of Columbia? It was for the purpose of sending out standard time and securing uniform time to every important city in the United States that Rear-Admiral John Rodgers prepared and asked the passage of the bill which was unanimously reported from the Committee on Commerce at the last session, and which the gentleman from Virginia, if he will carefully examine it, will see that he ought to accept. It contains nothing objectionable, but on the contrary it aims simply to secure a uniform system of time throughout the United States. It was not opposed at the last session of Congress except by two or three little observatories that were then selling their computations of time to certain railroad companies. Are you going to jeopardize the lives of people traveling on railroads and steamships and the commerce of the nation in order to put a few dollars into the pockets of those in charge of a few local observatories?

We have a national observatory here at Washington. Let us have this observatory send out to the capitals of States and to the important ports of entry in the United States Washington standard time—whether it be Washington natural time or Greenwich time. Then if other cities want the standard time they can have it by merely putting up their telegraph lines and their time-balls, &c., and the Naval Observatory of the Government will signal correct or standard Washington time by dropping the time-balls every day at noon for them. I ask the gentleman from Virginia to reconsider his objection to the amendment and to withdraw it. With the consent of the House I will publish with my remarks a statement carefully considered by the Committee on Commerce at the last session—a statement more thorough, more exhaustive, and more convincing than anything which I am prepared to submit at this time without special preparation.

MERIDIAN TIME AND TIME-BALLS ON CUSTOM-HOUSES.

March 9, 1882.—Mr. WHITE, from the Committee on Commerce, submitted the following report:

The Committee on Commerce, to whom was referred a bill to provide for placing time-balls on custom-houses at ports of entry, and for other purposes, having considered the same, make the following report:

The Naval Observatory, our only national observatory, is the proper and sole reliable source under the control of the Government from which exact time can be furnished for the promotion of foreign and interstate commerce.

Foreign nations have for years taken care to signal the correct time from their observatories, whereby the master of a ship, up to the last day of his stay in port, may ascertain the corrections to his chronometers. By these he is enabled, with the help of astronomical observations, to find the correct place of the ship on the chart. Having this, he sails with more security, with more confidence, in less time, with fewer chances consequently of bad weather, with diminished charges for passage, freight, and insurance. These are important helps to commerce, so important that foreign governments are careful to secure them. We, if true to our interests, will not neglect them. The railroads of the United States, embarrassed by the evils arising from their multiple schedules of service, about seventy in number, are now earnestly seeking a remedy for them. This remedy can be readily furnished by the Government through the Naval Observatory. The benefit will be appreciated by the public at large. It only needs that Congress make the necessary appropriation to do this work, which will give greater security to life and property, as well by sea as by land.

The local time and the Washington time can be furnished wherever desired by very simple and inexpensive means, while in truth but a single signal need be sent at Washington noon, or a local clock, regulated through the telegraph by the Washington clock, may be so arranged as to drop a ball automatically at any hour which the citizens or the corporations may prefer. This may be done for any number of local clocks. From the Zeitsignal Stationen it will be seen how earnestly the countries of Europe and of the colonies have taken up the subject of time-signals for securing this important and indeed indispensable aid to the commerce and convenience of nations.

It is the general and most suitable rule to use the national meridian for the prime meridian of the country; most suitable, since the national meridian must be nearer any local one than a foreign meridian can be.

The Naval Observatory already finds the time with the necessary accuracy and to send it out only needs funds to pay for the transmission of the telegraphic signals. Having the observatory, the Government consequently possesses exact time, the important and difficult part of the work being already paid for. The small appropriation asked will secure to a very large extent the benefits contemplated by the bill.

The time is to be furnished by officers of the Naval Observatory, under the direction of the Secretary of the Navy, and through instruments and apparatus

solely under the control of the Navy Department. It seems therefore proper that the appropriation should be expended under the sanction of that Department.

On this subject your committee have the honor to call your attention to communications from the honorable Secretary of the Navy and Rear-Admiral John Rodgers, of the Naval Observatory.

In view, therefore, of these benefits, your committee report the bill named above with the accompanying modifications, and recommend its passage.

NAVY DEPARTMENT, *Washington, January* 30, 1882.

GENTLEMEN: The bill with reference to placing "time-balls on custom-houses at ports of entry and at other cities, and for other purposes." was submitted by me to Rear-Admiral John Rodgers, Superintendent of the United States Naval Observatory.

The report of that learned and distinguished officer is forwarded to your committee and commended most strongly to their approval. It entirely coincides with the views entertained on the subject by the Department. The appropriation contemplated by the bill ought properly to be made by the Committee on Commerce. The measure proposed is especially for the benefit of the commercial interests of the nation. The information is to be furnished by the Naval Observatory, by officers, and through instruments and apparatus solely under control of this Department. It is therefore proper that the appropriation should be expended under the sanction of the Department.

It is to be hoped that a measure so generally useful will be promptly adopted by Congress.

I have the honor to be, very respectfully, your obedient servant,

WILLIAM H. HUNT,
Secretary of the Navy.

To the honorable JOHN D. WHITE, WILLIAM WARD, THOS. H. HERNDON,
Subcommittee on Commerce, House of Representatives.

UNITED STATES NAVAL OBSERVATORY,
Washington, February 4, 1882.

SIR: Every one has remarked that with the seasons the stars and the planets change their apparent places in the heavens; or, in other words, that time enters into their positions with respect to their places in the sky. At an observatory, consequently, accurate time must be kept. This can only be done by regulating-clocks, the highest human mechanism for measuring time, by means of the movements of the heavenly bodies, which, regulated by the Divine Artificer, move with perfect accuracy.

That the Naval Observatory keeps time as accurately as humanity allows may then be assumed without any statement to this effect. It has in practical use all the means of doing this—telescopes, chronographs, clocks, and trained observers.

It sends out the time every day to New York; and, besides dropping a ball at noon from the dome of the observatory, it gives daily signals to several places in the city.

The telegraph is used in the transmission of time, and as the signal travels at a rate sometimes reckoned as equal to ten times the circumference of the earth in one second of time, it may, for any practicable distance, be considered as instantaneous.

Carefully elaborated mechanism devised here is used to give automatically the time to the electric wires. These pass it on in a flash to the end of the route; and the telegraph company has it in its power to signal to as many places as it chooses the same flash at the same moment. This flash may be used, and is used, to drop a ball, which, it is needless to say, falls at once.

Ships find their longitude mainly by means of chronometers—time-pieces regulated to run accurately independent of the movements of the vessel. Other means are known to navigators; but practically these other methods are little used at sea. The chronometer is used to show the time, at the prime meridian, of Greenwich, Paris, Madrid, Pulkova, or other [places.] The local time of the ship is found by astronomical observation at sea. The difference between the time shown by the chronometer and the local time is an expression in time for the difference of longitude between the prime meridian and the ship at the rate of fifteen degrees for each hour.

Our ships navigate by Greenwich as the prime meridian. This is in obedience to a law of Congress. Originally, the United States published no chart and no nautical almanac, and our ships were forced to use the publications of England. When in process of time private publishers copied the charts of England, the prime meridian of the mother country continued to be used. When the Nautical Almanac was calculated and published in the United States it was then proposed to adopt for the United States Washington as its prime meridian. This so conflicted with private interests, since the adoption would necessitate throwing away all the large and valuable copper-plates of private publishers engraved to Greenwich as the prime meridian, that Congress passed a law that the Nautical Almanac should have certain parts for the use of shipping calculated and published for the meridian of Greenwich and certain parts for the meridian of Washington. (Revised Statutes, section 435.)

This law is now operative, and I am not prepared to say it is not a good one. The great chart-makers of the world are the English. Their surveying vessels explore every coast and every sea. Wherever our ships sail they find that the principal sources of maritime knowledge are English ones; and they use the longitude which our sailors use, namely, Greenwich.

In signaling time, however, it makes no difference what noon is shown. Since our noon is 5h. 8m. 12s. from Greenwich, the navigator has 5h. 8m. 12., Greenwich, signaled to him when our time at noon is shown; so for other prime meridians—Russian, German, French, or Spanish.

All the countries of Europe show time-signals in their seaports from their national observatories.

As navigation is based upon knowing the latitude and longitude of the ship, astronomy, as applied to navigation, can not be used without the time for which the nautical almanacs are computed.

Facilities to rate chronometers are then a necessary aid to the navigator. The navigator may rate his chronometer by his own observations, but not so well as by the help of an observatory; and it is not every ship which has an artificial horizon or has an observer accustomed to its use.

As was before said, the nautical tables predict the places of the heavenly bodies in the sky for the prime meridian of the almanac. As these places change every hour, the time of the prime meridian must be known with accuracy. This time is shown by the ship's chronometers; and their rate or daily performance must be known as well as the accumulated error. It has been found impossible to make watches which neither gain nor lose in time. The world, therefore, contents itself with ascertaining the daily change, which is called rate; and the accumulated daily rate, which is called error. A single comparison establishes the error; but the rate is found by continuous comparisons with a correct standard. For example: If the face of the chronometer on January 1 be one minute faster than, say, Washington time, one minute is the error; and if it gain one second every day, its rate is one second, gaining. The rate is supposed to remain constant; but the error changes every day by the addition of one second. On January 30 the error will be one minute thirty seconds; but the rate is still one second, gaining.

This error and this rate are necessary to the navigator; he can not else find his place on the charts, and the ship would lose her way. She would not know where she was, nor her position with regard to her port, nor to the shoals, rocks, and islands which may lie in her path. Time-signals from an observatory give the captain the means of finding the error and rate of his chronometer to the last day of his stay in port; a most important boon, one which enters as a prime factor in safety, and, consequently, in freights and insurance.

Most people who travel extensively by rail in the United States find the changes of time on railroads from one meridian to another a vexatious snare and delusion. His watch running on mean time can not inform the traveler of the constant alterations in the schedules of the railroads. He finds by his time-table that the next train starts five minutes after his arrival, or even before he arrives; when, in fact, he has half an hour for his meal. This arises from the connecting trains using different prime meridians.

The people away from observatories find that their clocks and watches differ extremely, and no one knows which are right; they may all be wrong. Jewelers are considered the repositories of correct local time. The intelligent ones know that they have no means of ascertaining this correctly. The citizen knows that they all differ. He is often content to take railroad time brought from a distance. Savages, to whom time is of little importance, are content to estimate it very roughly; but the civilized man, making exact appointments, specifies the time of his various engagements, and in proportion to his activity and usefulness, exact time is to him a matter of necessity. Some of the large towns of the United States have made arrangements with their State observatories whereby they have observatory time of their own selection sent to them by electric telegraph. These towns are entitled to their preferences. Congress, I presume, has no wish to interfere with them. I think it would be well to have Washington time given to shipping, for the benefit of commerce, by means of a time-ball on the custom-house, or other building, selected by the Secretary of the Treasury. All sailors who cross the ocean keep local time for the regulation of life and labor on shipboard, and that of some prime meridian, in order properly to use the astronomical predictions of the Nautical Almanac for finding the position of the ship.

This solution of the time problem seems the plain-sense practical one; the national prime meridian of Washington, for certain purposes, requiring continuous time and local time for the daily purposes of life.

If no objection be found in law, I should venture to propose as a boon to travelers, that under the power to regulate post-roads, given by the Constitution to Congress, all railroads which carry the mails be required to print continuous Washington time in their tables, leaving them at liberty to run on the time they may select, and to print whatever else they please. The traveler will be protected from vexation and annoyance and the railroads have the same freedom as now to select their standards and print their schedules regulating travel.

It appears, however, that the railroads, finding the inconveniences of the multiple standards of time, are seeking for a uniform one for their own use. (See a notice from Mr. W. F. Allen, secretary, printed on the forty-third page of the Travelers' Official Railroad Guide for January, 1881.)

The only proper standard of time is, if the practice of the world be taken as a guide, that of the national prime meridian, namely, Washington time for the United States.

Finally, it is recommended from all the foregoing premises that a time-ball be dropped from this observatory at all the principal ports of entry of the United States, at Washington noon, and that any city, town, or railroad desiring it may receive the same signal. It will only be necessary that at each point where the signal is received a suitable means be provided. This may be accomplished by having a clock connected with the telegraph wire over which the signal passes. The clock may be so arranged that the signal will *set* the clock every day to Washington noon. By having two hour and two minute hands upon the same dial, the clock could be made to show the local time of the place as well as Washington time.

It seems advisable that the appropriation for time-signals be inserted in the bill for the protection of commerce, rather than in the bill for the Navy proper, as the Navy would in the latter case be charged for an accommodation which belongs to commerce rather than to the Navy. To the Government it can make no great difference, as the cost will be the same in either case. An additional advantage will be that the cost stands out alone and not covered up in other appropriations. It may be that the first cost of telegraphing time-signals to all the cities having a population of not less than 15,000 inhabitants will involve an outlay greater than Congress is willing to sanction.

The system should be allowed to grow gradually, rather than be forced at once into full vigor. No town, apparently, should have time-signals unless they be asked for; and the town should be at the expense of providing a suitable clock and a suitable person to take care of it, the signal only to be sent free of cost. Few towns of 15,000 inhabitants are without a jeweler who would gladly undertake the work, either singly or by co-operation.

Very respectfully, your obedient servant,

JOHN RODGERS,
Rear-Admiral, Superintendent.

Hon. JOHN D. WHITE,
Chairman Subcommittee on Committee on Commerce,
House of Representatives, Washington, D. C.

UNITED STATES OBSERVATORY,
Washington, March 1, 1882.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 25th ultimo, with its inclosure.

It is difficult to ascertain the exact cost of erecting time-balls, since the plans for doing the work are many, each one having its separate features.

I would recommend a simple light cylinder of metal, about 4 feet in length, and of the same diameter, running on a gas-tube 3 inches in diameter, about 11 feet long, falling into a metal tub. The cylinder falling into the tub of nearly the same size will compress the air; thus cushioning and coming to rest.

The cylinder, the tub, and tube are simple, easily made, and of common materials. They can not be dear. The exact cost I can not know, as I have not made them; but for this and for dropping apparatus I estimate $175.

I have an offer from Mr. P. H. Dudley of suitable clocks for $285 each; and his electrical attachment to set the clock automatically by time-signal each day for $50; wire, battery, and connections, $100; miscellaneous—packing, freight, &c., $50. In all, $660 for each station, in order to equip it for dropping the time-ball, and for a clock which will serve for regulating chronometers when the time-signal shall fail from storms or other causes. The bill of Hon. J. FLOYD KING (H. R. 594) has been so amended as to confine the time-signals by Government to the principal maritime ports.

In looking over a list of ports I estimate the "principal maritime ports" as numbering about twenty-three; which number, multiplied by the cost of time equipment, will amount to $15,840 for the United States. If this sum be proportioned to the value of our foreign commerce, it will be seen that it is not great.

The letter of the honorable Secretary of the Treasury is herewith returned.

Very respectfully, your obedient servant,

JOHN RODGERS,
Rear-Admiral, Superintendent.

Hon. JOHN D. WHITE,
Chairman of the Subcommittee of Committee on Commerce,
United States House of Representatives.

Mr. STEVENS. I do not rise to make objection to the proposition of the gentleman from Kentucky [Mr. WHITE], but simply to say that

if the sending out or transmission of standard time by any officer of the Government shall hereafter be deemed necessary or proper, we can provide for that in an independent bill. In reference to this bill I desire to say that its propriety is sufficiently indicated by the fact that nearly every city in the United States has adopted this system of time, and over forty-seven millions of people in the United States have their affairs regulated by it to-day. And it seems to me that fact of itself is sufficient reason why Congress should vote to pass this bill and put it into effect in the District of Columbia.

Mr. WHITE, of Kentucky. How much time have I remaining?

The SPEAKER. Ten minutes.

Mr. SPRINGER. I am of course in favor of the passage of this bill, as in the first week of the present session of Congress I asked unanimous consent to introduce a resolution having the same object in view; but objection was then made. It is important the city of Washington should have a uniform time with that section of the country which has already adopted by universal consent the standard of the seventy-fifth meridian. This city has been running on the old time since the 18th of November last, much to the inconvenience of citizens here and much to the inconvenience of the traveling community especially. I am much obliged for one to the honorable gentleman from Virginia [Mr. BARBOUR], and to the Committee on the District of Columbia, of which he is chairman, for reporting this bill favorably to the House. It should have been adopted at an earlier date. But it is never too late for the Representatives of the people to catch up with the business interests of the country.

Mr. BARBOUR. I do not wish to take up any more time of the House, and now, Mr. Speaker, ask for a vote on the bill.

The SPEAKER. The question is on ordering the bill to be engrosed and read a third time.

Mr. WHITE, of Kentucky. I should like to make a further statement.

The SPEAKER. The gentleman has ten minutes of his time remaining.

Mr. WHITE, of Kentucky. Now, Mr. Speaker, I wish to call the attention of this House to the fact that the standard time now is not Washington time, but, on the contrary, I am informed, is Greenwich time. We call it in this country the seventy-fifth meridian time, but I think it is Greenwich time. The amendment I offer proposes at a merely nominal expense to put a time-ball and dropping apparatus on each of the custom-houses in the large ports of entry of the United States and on the custom-house or other public buildings in the capital of each State of this Union. This can be done at the small expense of $25,000 for the whole United States. It is estimated that will be the first cost of erecting time-balls, dropping apparatus, &c., on the United States custom-house or other public buildings. After that it will cost but a few dollars per month to pay for a messenger in each place to put up the time-ball every morning. At noon the Naval Observatory, by electrical connection, will drop the ball. Ships lying in the harbor of New York or Philadelphia, or the people in Harrisburg or Frankfort and every other capital of a State in the Union and at other cities to be provided for, can see the time-ball when it falls at noon and regulate their timepieces accordingly. They will learn at once and daily what is the standard time without going around to the various silversmiths to learn what each of them thinks it is. It will prevent enough of accidents in one month perchance to pay all the expense which may be incurred.

Twenty-five thousand dollars will be the original outlay, and the expense after that of keeping the system up will be merely nominal. If your city or my town want standard time, it could then have it by putting up a time-ball and by making telegraphic connection with the Naval Observatory in Washington. In this way we would have the same time in every city in the Union that we have here in Washington. Whether the railroads would be willing to run by that time or not it is for them to decide. I am sure they would find it to their advantage. Thus far they have merely been able to divide the United States into zones, so that there should be one time from Maine to Chicago, and another from Chicago to Denver, and still another from Denver to San Francisco, differing each from the other one hour as you go westward. That of itself has been of great advantage, and yet the system is open to serious objections.

To show what the present Superintendent of the Naval Observatory thinks of the matter I will read a few lines which he has addressed to me:

NAVAL OBSERVATORY, *January* 29, 1884.

DEAR SIR: Mr. Moore has told me of your intention to offer your time bill as an amendment to the District standard-time bill. Your proposition is entirely satisfactory to the observatory. I inclose a copy of your bill, in which I have made the change from Washington to standard time. I understand that you approve this change. Such a change would prevent the necessity of further legislation in case any other time were required.

Yours, truly,

W. T. SAMPSON.

Hon. JOHN D. WHITE.

Of course everybody can see to-day the seventy-fifth meridian is the standard time, because so ordered by the railroad kings. To-morrow the railroads may make it seventy-sixth or eightieth meridian. The amendment proposed authorizes the National Observatory, which is a Government institution, to send the standard time to the capitals of the various States and to the large seaport towns every day at noon. To put up these time-balls, as I have already said, will cost at first the small expense of $25,000; afterward the expense of keeping up the system will be very little.

Unless some other gentleman desires to address the House, I will ask for a vote on my amendment.

The SPEAKER. The gentleman from Virginia declined to yield to the gentleman to offer his amendment, and the previous question has been ordered.

Mr. WHITE, of Kentucky. I will move that the bill be recommitted with instructions to the Committee on the District of Columbia to report it back with my amendment added to it.

The SPEAKER. That can not be done at this time, but the motion will be in order when the bill is on its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. WHITE, of Kentucky. I move that the bill be recommitted with instructions to report it back with my amendments.

Mr. SPRINGER. I think that amendment is not in order as a part of this bill, as it relates to an entirely different subject.

The SPEAKER. The Chair heard it read, and if the point of order is made against it the Chair must sustain it.

Mr. SPRINGER. I make it.

The SPEAKER. The pending bill is simply a bill to establish a standard of time for the District of Columbia. The amendment proposed by the gentleman from Kentucky is to make it applicable to the whole country, and makes an appropriation of $25,000 for that purpose. This would have to go to the Committee of the Whole House on the state of the Union under the rules of the House if the point of order is made against it.

Mr. SPRINGER. I make the point of order against it.

Mr. WHITE, of Kentucky. I am aware of the fact that it is subject to the point of order on the ground stated, if the gentleman makes it.

The SPEAKER. He does make it.

Mr. WHITE, of Kentucky. I supposed the gentleman was national enough not to make it.

The SPEAKER. The question is upon the passage of the bill.

The bill was passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEVISEES OF THE LATE DANIEL CARROLL.

Mr. BARBOUR. I now move, sir, to take up House bill 1594, for the relief of the devisees of the late Daniel Carroll, and put it upon its passage.

The SPEAKER. That bill is in Committee of the Whole House on the Private Calendar. In order to reach it the House must first go into Committee of the Whole House on the Private Calendar.

Mr. WILSON, of West Virginia. Mr. Speaker, under instructions from the Committee on the District of Columbia, I move to take from the Speaker's table Senate bill No. 196, which is exactly the same as House bill No. 1594, and put it upon its passage.

The SPEAKER. The bill will be read.

The bill is as follows:

Be it enacted, &c., That the devisees under the will of the late Daniel Carroll, of Duddington, deceased, their heirs or assigns, may prosecute a suit in the Courts of Claims, according to the rules of practice and proceedings in said court, against the District of Columbia, to recover such damages, if any, as they have sustained by reason of the change of grade and the regrading of the streets around square numbered 736 in the city of Washington; and the said court, if it shall appear that said claim for damages has not heretofore been presented or prosecuted before any board of audit established by the provisions of the act of Congress approved June 20, 1874, is hereby authorized to hear and determine the said suit; and in ascertaining the damages sustained by the plaintiffs the court is directed to take into consideration the advantages, if any, to the said square, numbered 736, resulting from the change of grade and regrading aforesaid. It shall be the duty of the attorney for the District to defend the said suit; and each party shall have the right to appeal for a final decision in such case to the Supreme Court of the United States, according to the existing rules of practice in such court.

SEC. 2. That it shall be the duty of the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to the said plaintiffs such sum as the Court of Claims may adjudge to be due them, or any or either of them, one-half of which sum shall be chargeable to the revenue derived from taxation within the District of Columbia.

Mr. HISCOCK. I object to the consideration of that bill.

The SPEAKER. The question is, Will the House consider the bill? The gentleman from West Virginia, under instructions from the Committee on the District of Columbia, moves to take up the Senate bill instead of the House bill. The gentleman from New York objects to the consideration of the bill.

Mr. WILSON, of West Virginia. Can I state the substance of the bill?

The SPEAKER. It is not debatable at present. The question is, Will the House consider the bill?

The House divided; and there were—ayes 67, noes 23.

So (no further count being demanded) the House determined to consider the bill.

Mr. WILSON, of West Virginia. Mr. Speaker, this is exactly the

same bill which was referred to the Committee on the District of Columbia and reported by that committee to the House with a recommendation that it do pass. In substance this is the same bill that passed this House in the Forty-seventh Congress.

It went over to the Senate and was amended in form by substituting the words "devisees of Daniel Carroll, deceased," in place of the names of the parties themselves, and also by adding that in the suit which would be brought in the Court of Claims both parties to that suit, the representatives of the devisees of Daniel Carroll and of the District of Columbia, should have the right of appeal from the judgment of the Court of Claims to the Supreme Court of the United States.

In that form as amended the bill passed the Senate, but it did not come back to the House in time to be acted upon in the amended form by the Forty-seventh Congress. The facts of the case, as set forth in the report of the House committee, are that these damages were done to a certain square in this city west of the Capitol belonging to two old ladies, and that it was after the law had abolished the tribunal before which their claim for damages could be presented. The Forty-third Congress established a board of audit to consider and act upon claims arising out of damages done to property in the prosecution of works of improvements undertaken by this city. By an act of the Forty-fourth Congress that board was abolished before these parties had their day in court. The object of this bill is simply to give to the parties who claim to be seriously damaged by the progress of these improvements the right which was afforded to other parties in the District of Columbia; to give them an opportunity, inasmuch as the board of audit has been abolished, to present their claim and have it acted upon by the Court of Claims in lieu of the board of audit, and reserving the right of appeal both of the parties presenting the claim and those representing the District of Columbia from any judgment rendered by that court to the Supreme Court.

I think that statement is all that is necessary to make the necessity of passing this bill clear; but if any gentleman desires further information I will be glad to answer.

Mr. HISCOCK. What I have to say will be in the nature of a question, and I would like the gentleman's attention. As I listened to the reading of the bill I understood it to change the rule of law in reference to the allowance of damages for the change of the grade of the streets of this city. I understand it to be a well-settled principle that any municipality can change the grade of its streets and the adjoining owner of property has no remedy for damages. I understand that to be the rule of law in this city of Washington, as it is everywhere, that it is in the power—I repeat it—always in the power of a municipality to change the grade of its streets and that the adjoining owner has no remedy for damages. I understand that this bill gives these parties damages; that there is no cause of action; that under the old system, if the board of audit was in existence, the claimants in this case would have no claim against the District of Columbia; that this bill absolutely gives a claim to these people which does not now exist; and as there are very eminent lawyers on the Committee on the District of Columbia—I have in my eye now my colleague from the State of New York—I should be glad to hear him upon this precise question which I have stated.

Now, Mr. Speaker, if I am right in this and if it is the sense of this House that this bill ought to pass, it seems to me that you should pass a general law, in which you will give to every adjoining owner a cause of action against the District of Columbia for the damages he has sustained where the grade has been changed in front of his property. You settle the principle by this law. If the House is prepared to take that position, then I believe this bill should be passed. But if I am right in my understanding of the bill, it seems to me the House should hesitate and consider this question before it takes that action.

Mr. WILSON, of West Virginia. As I understand the gentleman from New York [Mr. HISCOCK] he is anticipating what may possibly be the decision of the court.

Mr. HISCOCK. No, sir; I understand that this bill—and if I am wrong in that I have no objection to its passage—that it makes it mandatory to give these damages to these claimants; that the court is obliged to give to the claimants whatever damages they have sustained, taking into account the benefits which they have received. Now I understand the rule of law to be that every municipality has the power to change the grade of its streets and the adjoining owner has no right of action therefor. And I am told by a gentleman who sits behind me that the claims in the District of Columbia depending upon the principle of this bill amount to $25,000,000.

Mr. RICE. I should like to ask a question, for I do not understand the law to be as my friend from New York states it.

The SPEAKER. The gentleman from West Virginia has the floor.

Mr. WILSON, of West Virginia. I can only say as to the statement just made by the gentleman from New York that his information is entirely erroneous. This matter has been considered to some extent before the Committee on the District of Columbia. Of course we are not familiar with what has been the history of these claims heretofore. But our understanding and our information is that the Forty-third Congress, after abolishing the board of public works, established what was called the board of audit in the District of Columbia, consisting, if I remember rightly, of the First and Second Comptrollers of the Treasury; and that before that board parties having claims against the District of Columbia similar to these were allowed to present their claims and have them passed on by that board.

Mr. BLOUNT. Will the gentleman yield to me for a question?

Mr. WILSON, of West Virginia. Yes, sir.

Mr. BLOUNT. Was there any limitation of the time in which the claims had to be presented?

Mr. WILSON, of West Virginia. I am not aware that there was. The only limitation of time arose from the abolition of the tribunal before which the claims could be presented. Now this claim is made an exceptional one, because the damage was done to this property after the tribunal was abolished before which these claimants could appear to assert their claims for damages.

I do not know what the law may be generally in this country on the point suggested by the gentleman from New York [Mr. HISCOCK]. But I do know that the rule of law suggested by him is not that which prevails in all the States of this country. I know that in some of them it is held while parties may not be entitled to damages for the original grading of the streets, if the municipal authorities proceed afterward to change that grading and regrade the streets and throw the houses up into the air which were on the ground or throw them far below the level of the street, thus destroying their value, that in all such cases the public is responsible to the owner for the damage done to his property. I know that is the rule of law which prevails in some of the States of this country.

Our information is that nearly all of these cases in which substantial damages could be claimed against the District of Columbia had their day in court. The parties had their opportunity to present their claims either before the tribunal which preceded the board of audit or before the board of audit itself. And the reason why this is made a particular case is, as I said before, because these old ladies, whose property here east of the Capitol, as we are informed, has been greatly damaged in the prosecution of these improvements, have never had an opportunity to present their claims before any tribunal and have the damages adjudicated.

Mr. COBB. I should like to ask the gentleman from West Virginia a question. How many other parties in the city of Washington occupy the same position?

Mr. WILSON, of West Virginia. I can not answer that question precisely.

Mr. COBB. I suppose, if the gentleman will pardon me, there are five or six hundred who occupy the same position.

I know a great many of my own knowledge whose property has been in this way all but ruined; and these poor people too. I know and you know how this city has been improved, how many streets have been regraded and grounds leveled down; and all these people have suffered from this being done.

Now, I undertake to say, if the gentleman from West Virginia will allow me for a moment to speak in his time—I undertake to say that this bill ought not to pass. It is simply giving to those persons whom the bill names a right which every other person in the District ought to have who has been injured in the same way. And these parties have been before committees of this House long ago asking for privileges of this kind. The persons who are to be benefited by this bill have got a valuable square there across the way. I have been there and have seen it and know that it is valuable. But at the same time I think they should not, on account of the value of their property, be given exclusive rights that others have not.

There has been an adjustment, to some extent, of this matter in the past. Why open it up now as to these individuals and leave hundreds and thousands that are similarly injured, perhaps not to the same extent, for the reason that their property is not so valuable—but why leave others out and give these parties a remedy when their property is so valuable, while nothing is done for poor persons who are the owners of small lots and have been injured in the same way? I can not understand the object or the equity of it.

It strikes me to be a bill which will establish a precedent that will let in all these parties. I should rather vote for a bill giving all parties this right than for a bill giving it to these parties alone, for in that way we would do equity and justice to all, while if this bill alone shall pass we will simply give the parties named in it a right to obtain what they conceive to be their dues and deprive of that right many poverty-stricken people of this District who I personally know have lost nearly all their property, in many cases all of it, by reason of these improvements. In many cases the damages sustained by them and the assessments made upon them for the change in the grade of the streets were such that they were unable to pay them, and they became bankrupt and their property was sold. All you have to do is to examine the records and you will find hundreds of such cases.

Now, why should we relieve the parties mentioned in this bill and not relieve the others? I submit that this bill ought not to pass. It is giving a right to these parties who have suffered no more than others, who are wealthy enough and have property enough to make them comfortable during the balance of their lives, which right you deny to the poverty-stricken men and women of the District who have lost property

because of these improvements and who will get nothing for it. Give it to all, do justice to all, and then you can ask support for your bill. But this is simply giving to these parties a right to which in my judgment they are no more entitled than many others in the District.

Mr. HISCOCK. I desire to make myself clearly understood, if the gentleman will give me time, in reference to the position I take in regard to the law.

Mr. WILSON, of West Virginia. Does this come out of my time?

Mr. HISCOCK. No, out of my own time. When the municipality originally acquired title to the streets it was the theory that all damages sustained by parties owning property adjoining the streets were to be paid, both the damages sustained at the time of the improvements and all future damages. But I assert that unless there is a special statute which authorizes the assessment of damages for a change of grade in the streets, they have never been tolerated in the courts of any of the States of the Union.

Mr. RICE. May I ask the gentleman a question?

Mr. HISCOCK. Yes, sir.

Mr. RICE. Do not the statutes in many of the States give the right to the adjoining owner to recover damages for a change in the grade in the streets, and is it not just that he should have that right?

Mr. HISCOCK. I say that it does not exist in my State.

Mr. RICE. It does in my State.

Mr. HISCOCK. And more than that, I say it does not exist in the District of Columbia. If gentlemen will bring in here a bill which provides that for a change of grade in the streets any party who is damnified thereby shall have cause of action, I will agree with the gentleman from Indiana [Mr. COBB] that it should be considered, and perhaps some such bill should be passed. But I object to giving to these particular claimants damages to which they are not entitled under the law.

Mr. MILLER, of Pennsylvania. I would like to ask the gentleman from West Virginia [Mr. WILSON] what is meant by these words in the bill:

That the devisees under the will of the late Daniel Carroll, of Duddington, deceased, their heirs or assigns, may prosecute a suit in the Court of Claims, &c.?

What is meant by "their heirs or assigns?" Does that mean that persons who have bought this property from these heirs can bring these suits?

Mr. WILSON, of West Virginia. I suppose it does.

Mr. MILLER, of Pennsylvania. That others than those who owned it at the time the damage was committed can now bring suit to recover damages done when they did not own the property?

Mr. WILSON, of West Virginia. I will state to the gentleman from Pennsylvania [Mr. MILLER] that so far as I am informed there has been no assignment of this claim. One of the very reasons why the claim is made special, without attempting to enact a general law, is that according to the information we have received this property belongs to two very old ladies, who are, so to speak, trembling to-day over the brink of the grave, and it is altogether probable, even if this bill should become a law, that before they can institute this suit one or the other of them may die. I suppose the bill was drawn in this form for the purpose of giving to their heirs, devisees, personal representatives, or assigns the right to conduct this suit in the Court of Claims should either or both of these parties die during the pendency of the suit or before it is prosecuted.

Mr. BRUMM. Why use the word "assigns?"

Mr. WILSON, of West Virginia. That is a legal phrase.

Mr. BRUMM. Why not use the word "devisees?"

Mr. WILSON, of West Virginia. It might be "devisees or assigns."

Mr. BRUMM. "Assigns" are those who obtain by purchase.

Mr. WILSON, of West Virginia. These parties of course have a right to sell their property, and along with it to sell any rights connected with the property.

Mr. BRUMM. They might sell the property to-day, and under this bill the purchaser could come in and prosecute for these damages.

Mr. WILSON, of West Virginia. I think if the gentleman from Indiana [Mr. COBB] and the gentleman from New York [Mr. HISCOCK] will inquire into all the facts of the case, they will find that their objections to this bill are not as substantial and formidable as they seem to them now. I do not know how many such outstanding claims there may be except as such claims have been presented before the Committee on the District of Columbia. If the amount of such claims be $25,000,000, and if there be five hundred parties in exactly the same condition as these parties, as suggested by the gentleman from Indiana [Mr. COBB], they have not made known to this House and through the House to the Committee on the District of Columbia that they desire any relief for the damages inflicted upon them.

The facts which make this a special case and distinguish it from the cases of the other parties to whom the gentleman from Indiana [Mr. COBB] has referred I have already stated; and they are that these parties occupy the exceptional position of having had the damage done to their property after the abolition of the tribunal which had jurisdiction of such claims. They have never had their day in court.

In regard to the propriety of a general law covering cases of this kind, I observe that the same point was made in the Senate when this bill came up for consideration there at the present session, and the facts were stated there substantially as I have stated them here to-day—that this property belongs to two very old ladies who can not in the course of nature live very much longer, and who, if they are to have any remedy in their lifetime, can not wait for the enactment of a general law. From the information before the Committee on the District of Columbia we are not aware that there is to-day any demand or necessity for the passage of a general law with reference to cases of this kind. So far as I now recollect there is not a single other bill pending before that committee asking relief for damages done to property here in the course of the extension of these public improvements. This case is therefore, as I have already said, an exceptional one, these parties never having had their day in court, and in justice they ought not be required to wait for the enactment of any general law.

Mr. BLOUNT. Has the Committee on the District of Columbia made any special inquiry of the District commissioners or resorted to any other sources to ascertain whether or not there are other cases of this kind? I understand, as does my friend from Indiana [Mr. COBB], that there are many cases of this sort.

Mr. WILSON, of West Virginia. We did not deem it necessary and did not consider it our duty to make any such inquiry. We do not wish to open the door any wider than the actual demands of justice may require. We do not wish to establish a general law when, so far as we are aware, there is but one case requiring the action of Congress. A general law might open the door to enable hundreds of other parties to come in and prefer their claims.

Mr. BLOUNT. If this claim is entitled to consideration I do not see why we ought not to open the door to other claims like it, if there be any such.

Mr. WILSON, of West Virginia. Certainly, if there be any such.

Mr. BLOUNT. I think we had better open the door by enacting a general law than make this an exceptional case. I believe the gentleman from Indiana [Mr. COBB] is right in supposing that there are many cases of this sort.

Mr. COBB. There is no doubt about that.

Mr. BLOUNT. I wish the gentleman from West Virginia [Mr. WILSON] would have read the act referred to in the report. I understand there is some typographical error, and I would like to understand the exact provision.

Mr. WILSON, of West Virginia. The act referred to is an act establishing a board of audit to consider claims against the District of Columbia. It was passed by the Forty-third Congress and repealed by the Forty-fourth, according to my present recollection.

Mr. LONG. Why was that board abolished?

Mr. WILSON, of West Virginia. It is a very hard question to answer why Congress does anything. I do not know any special reason. I suppose it was thought that all the claims of this character had been acted on. I can suggest no other reason. And, so far as we are informed, all had been acted on except this claim; and in this case the damage was done after the board was abolished.

Mr. MILLER. Mr. Speaker, this bill certainly should not pass in the form in which it comes before us. In the third and fourth lines I find these words: "The devisees under the will of the late Daniel Carroll, deceased, their heirs and assigns." Now, certainly this House does not propose that, if some one has come in and bought this property or any portion of it, and by reason of the street having been graded has purchased it at a lower price than might otherwise have been paid, such a party shall now be allowed to recover damages to which he never can be rightfully entitled. I have never before seen a law which enabled an assignee to obtain damages for injury done to the property of his assignor.

In answer to the remark of the gentleman from Indiana [Mr. COBB], I wish to say I am not one of those who believe that the people of this District have been injured by the public improvements which have been made. It may be that some property-holders were not able to pay the assessments made upon them by reason of the grading and improvement of the streets. Is that any reason why we should release them? If the city of New York or Philadelphia or any other city in this country proposes to make certain improvements, say to grade a street, if the party who owns the property is not able to pay the assessment the property must be sold. Does the city turn round and reimburse the party because he was not able to pay his taxes?

I notice, sir, there are many persons in this District who think they have been injured, and I notice there are many persons in this District who think they ought to have an appropriation therefor, and I believe it is about time for this Congress to say to them that by the improvement of their city, one-half of all of which has been paid for by the General Government, they have reaped more benefit than injury, and therefore we will not step in to reimburse them for what they have lost. Certainly a bill of that kind, which proposes not only to reimburse the original owner, but the present holder, ought not to pass.

The question was on ordering the bill to be read a third time.

The House divided; and there were—ayes 30, noes 53.

Mr. SHELLEY. I make the point there is no quorum, for the purpose of getting tellers.

The SPEAKER appointed Mr. MILLER, of Pennsylvania, and Mr. SHELLEY as tellers.

The House again divided; and the tellers reported—ayes 79, noes 75.

Mr. SHELLEY. I withdraw the point of order that a quorum is not present.

So the bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question is now on the passage of the bill.

Mr. BUCKNER. Is it in order to move to recommit with instructions at this stage?

The SPEAKER. It is.

Mr. BUCKNER. I make that motion.

The SPEAKER. The bill has not been before any committee, but came from the Speaker's table.

Mr. BUCKNER. Then let it go to the Committee on the District of Columbia.

Mr. BARBOUR. The bill has been considered by the Committee on the District of Columbia and its passage was recommended.

Mr. BUCKNER. I move that it be referred to the Committee on the District of Columbia with instructions to examine and report as to all the claims growing out of this particular class of cases. And I desire to say a word for the purpose of giving my recollection of what the troubles in this District grew out of. They grew out of the different laws and tribunals having jurisdiction over these matters more than anything else.

Mr. ROGERS, of Arkansas. It is impossible to hear what is going on.

Mr. WILSON, of West Virginia. I make the point of order that the gentleman from Missouri is out of order, as his motion is to recommit a special bill with instructions to bring in a general measure.

The SPEAKER. The Chair did not understand the instructions as stated by the gentleman from Missouri to be to bring in any other bill, but that this should be recommitted with instructions to inquire into all the cases. He has not yet submitted his motion in writing.

Mr. BUCKNER. I simply desire, Mr. Speaker, to bring to the attention of the House the circumstances under which this claim originated and to the fact that a large number of similar claims grew out of the condition of things existing under the District government up to the year 1874, when the present system of commissioners was established. Before that there was a board of audit.

HERR LASKER.

A message from the President was received by Mr. PRUDEN, one of his secretaries.

Mr. HISCOCK. In view of the fact it is understood this relates to the Herr Lasker matter, I ask by unanimous consent it be now laid before the House.

There was no objection; and the Speaker laid before the House the following message of the President:

To the House of Representatives:

I transmit herewith the following documents received from the Secretary of State relative to the resolution of the House of Representatives upon the death of Mr. Edward Lasker.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, March 10, 1884.

The message was ordered to be printed, and referred to the Committee on Foreign Affairs.

Mr. COX, of North Carolina. I ask that the documents accompanying the message be read.

Mr. TOWNSHEND. Let them be printed in the RECORD.

Mr. COX, of North Carolina. They had better be read.

Mr. TOWNSHEND. I suggest to my friend from North Carolina that as it appears these documents are very voluminous and would consume considerable time in the reading, I ask if his object would not be attained by allowing them to be printed?

The SPEAKER. They have been ordered to be printed.

Mr. COX, of North Carolina. Very well; I will not insist upon the reading.

Mr. HISCOCK. I now offer the resolution which I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas it has come to the knowledge of this House that a communication from it to the Parliament of the German Empire, entirely friendly in its intent, respectful in its character, and sent through the regular channels of international communication, has been arbitrarily intercepted and returned to the Department of State of the United States by the person now holding the position of chancellor of the German Empire: Therefore,

Resolved, That this House can not but express its surprise and regret that it should be even temporarily within the power of a single too-powerful subject to interfere with such a simple, natural, and spontaneous expression of kindly feeling between two great nations, and thus to detract from the position and prestige of the crown on one hand, and from the rights of the mandataries of the people on the other.

Resolved, That this House does hereby reiterate the expression of its sincere regret at the death of the late Edward Lasker and of its sympathy with the Parliament of the German Empire, of which for so many years he was a distinguished member.

The resolutions were referred to the Committee on Foreign Affairs.

DEVISEES OF DANIEL CARROLL, DECEASED.

Mr. BUCKNER. Mr. Speaker, there seems to be some misunderstanding on the part of members as to the status of claims of the character of that embodied in the pending bill, as well as in reference to the principle involved. While I had the honor to be on the District Committee, some ten years ago, we had occasion to look into this very question of damages growing out of the repairs of streets and other improvements in progress in the District of Columbia, and the amount presented was very large. Congress had abolished what was then known as the Legislative Assembly, under whose direction most of these improvements were made; but it provided in the seventh section of the act, to which I shall presently call attention, giving power to the board of audit to settle the claims; that this class of claims should be audited and paid. A large number were audited and paid, and they now constitute a portion of what is known as the 3.65 debt of the District.

After the organization of the board of commissioners, under their construction of the act of 1874, they proceeded to open and repair other streets and cut down grades, and it was then that the District proposed that all of these outstanding claims, and which have been pressing upon the District ever since, should be investigated, not upon the ground presented by my friend from New York [Mr. HISCOCK], according to the doctrines generally admitted in State courts that a municipal corporation is not responsible, but upon the opinion of the Supreme Court, as I understood it at the time, though I have not the decision at hand and can not now refer to it, that the absolute fee in all the streets of this District was in the General Government.

Whether that be so or not I do not know, but it is the ground upon which I understand this claim for damages to rest. Now, sir, it is not true that none of these claims have been paid. A good proportion of them have been paid. They have been knocking at the door of Congress for years and asking remuneration for the damages done to their property, and this is but one of a large class. There are many of them—some for damages not growing out of assessments of taxes, as my friend from Indiana stated, but growing out of improvements and repairs to streets as provided in this section of the act, expressly authorizing and requiring Congress to pay, as they did pay and are paying now, its proportion of this twenty-odd millions of dollars. I will read the section:

Sixth. All claims—

That is another class, but I will read it—

All claims for private property taken by the board of public works for the avenues, streets, and alleys of the cities of Washington and Georgetown; and, seventhly, all unadjusted claims for damages that may have been presented to the board of public works pursuant to the act of the Legislative Assembly of the District of Columbia entitled "An act to provide for the payment of damages sustained by reason of the public improvements or repairs," approved June 20, 1872, which last-named claims shall severally be examined and audited without regard to any examination heretofore made.

And when they were audited they were converted into fifty-year bonds, at 3.65 per cent. interest.

Now after these parties have been here before Congress and Congress has been asked to give these poor women some relief, the object of this bill is, I suppose, to enable them to bring the case before the Court of Claims and let that court decide this question. I recollect while I was a member of the District of Columbia Committee that we introduced a bill into this House forming a commission to settle and readjust all these claims; but it never became law, and there never has been anything done as to these claims so far as I know. It is just that these people should at least have an opportunity of being heard before the Court of Claims; and probably as a matter of equal justice the same privilege should be extended to all others having claims of similar character.

I withdraw my motion to recommit.

The SPEAKER. The question is, Shall the bill pass?

Mr. BLOUNT. I think we should have the yeas and nays on the passage of the bill.

The question being taken on ordering the yeas and nays, there were ayes 36.

The SPEAKER. The vote in favor of ordering the yeas and nays is more than one-fifth of the last vote.

Mr. SHELLEY. Count the other side.

The negative vote being counted, there were noes 37.

So (the affirmative being more than one-fifth of the entire vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 104, not voting 97; as follows:

YEAS—119.

Aiken,	Connolly,	Forney,	Kasson,
Arnot,	Covington,	Geddes,	Keifer,
Bagley,	Culbertson, W. W.	Gibson,	King,
Barbour,	Dargan,	Glascock,	Lanham,
Barr,	Dibble,	Goff,	Lewis,
Bayne,	Dibrell,	Greenleaf,	Long,
Belford,	Dorsheimer,	Guenther,	Lore,
Bisbee,	Dunn,	Hardeman,	Lovering,
Blackburn,	Eaton,	Hatch, W. H.	Lyman,
Blanchard,	Eldredge,	Henley,	McComas,
Bland,	Elliott,	Herbert,	McKinley,
Boutelle,	Ellwood,	Hoblitzell,	McMillin,
Boyle,	Evans, I. N.	Hooper,	Mayo,
Breitung,	Evins, J. H.	Houseman,	Mitchell,
Browne, T. M.	Ferrell,	Jeffords,	Money,
Buckner,	Fiedler,	Jones, B. W.	Morgan,
Caldwell,	Finerty,	Jones, J. H.	Morse,
Cassidy,	Follett,	Jones, J. T.	Muldrow,

Murphy,	Rankin,	Stephenson,	Weaver,
Nelson,	Ranney,	Stevens,	Wellborn,
Oates,	Reagan,	Stewart, J. W.	Wemple,
Ochiltree,	Rice,	Stone,	White, Milo
O'Neill, Charles	Robertson,	Taylor, J. M.	Williams,
Patton,	Robinson, W. E.	Throckmorton,	Willis,
Pierce,	Rogers, J. H.	Tillman,	Wilson, W. L.
Phelps,	Rogers, W. F.	Tully,	Wise, G. D.
Poland,	Seymour,	Van Alstyne,	Wise, J. S.
Post,	Shelley,	Vance,	Wolford,
Potter,	Spooner,	Wadsworth,	Woodward.
Pryor,	Spriggs,	Ward,	

NAYS—104.

Adams, G. E.	Deuster,	McCoid,	Scales,
Alexander,	Dingley,	McCormick,	Seney,
Atkinson,	Dockery,	Matson,	Shaw,
Barksdale,	Dowd,	Maybury,	Singleton,
Bingham,	Duncan,	Millard,	Skinner, C. R.
Blount,	Dunham,	Miller, J. F.	Smith,
Brainerd,	Ermentrout,	Milliken,	Steele,
Breckinridge,	Everhart,	Mills,	Storm,
Brewer, F. B.	Foran,	Morey,	Strait,
Brown, W. W.	Fyan,	Morrill,	Sumner, D. H.
Brumm,	Green,	Moulton,	Taylor, J. D.
Buchanan,	Halsell,	Neece,	Turner, H. G.
Cabell,	Hammond,	Nutting,	Turner, Oscar
Campbell, Felix	Hanback,	Parker,	Wait,
Campbell, J. M.	Hardy,	Payne,	Wakefield,
Carleton,	Hepburn,	Payson,	Warner, A. J.
Clay,	Hewitt, A. S.	Peel, S. W.	Warner, Richard
Clements,	Hewitt, G. W.	Perkins,	White, J. D.
Converse,	Hiscock,	Peters,	Whiting,
Cox, W. R.	Hitt,	Price,	Wilkins,
Crisp,	Holman,	Pusey,	Winans, E. B.
Culberson, D. B.	Howey,	Ray, G. W.	Winans, John
Cullen,	Kelley,	Reese,	Wood,
Cutcheon,	Kleiner,	Riggs,	Yaple,
Davis, G. R.	Lacey,	Robinson, J. S.	York,
Davis, R. T.	Lawrence,	Rowell,	Young.

NOT VOTING—97.

Adams, J. J.	Ellis,	Kean,	Russell,
Anderson,	Findlay,	Kellogg,	Ryan,
Ballentine,	George,	Ketcham,	Skinner, T. G.
Beach,	Graves,	Laird,	Slocum,
Belmont,	Hancock,	Lamb,	Snyder,
Bennett,	Harmer,	Le Fevre,	Springer,
Bowen,	Hart,	Libbey,	Stewart, Charles
Brewer, J. H.	Hatch, H. H.	Lowry,	Stockslager,
Broadhead,	Haynes,	McAdoo,	Struble,
Budd,	Hemphill,	Miller, S. H.	Sumner, C. A.
Burleigh,	Henderson, D. B.	Morrison,	Talbott,
Burnes,	Henderson, T. J.	Muller,	Taylor, E. B.
Calkins,	Hill,	Murray,	Thomas,
Candler,	Holmes,	Mutchler,	Thompson,
Cannon,	Holton,	Nicholls,	Townshend,
Chace,	Hopkins,	O'Hara,	Tucker,
Clardy,	Horr,	O'Neill, J. J.	Valentine,
Cobb,	Houk,	Paige,	Van Eaton,
Collins,	Hunt,	Peelle, S. J.	Washburn,
Cook,	Hurd,	Pettibone,	Weller,
Cosgrove,	Hutchins,	Randall,	Wilson, James
Cox, S. S.	James,	Ray, Ossian	Worthington.
Curtin,	Johnson,	Reed,	
Davidson,	Jones, J. K.	Rockwell,	
Davis, L. H.	Jordan,	Rosecrans,	

So the bill was passed.

After the second roll-call,

Mr. BENNETT said: I was attending a meeting of a subcommittee of the Committee on Elections at the time the roll was called. I ask leave to vote.

The SPEAKER. The rule does not allow the Chair to entertain a request for unanimous consent for a member to have his vote recorded after the second roll-call.

Mr. BENNETT. I was absent under permission given by the House to the Committee on Elections to sit during the sessions of the House.

The SPEAKER. The Chair will cause section 1 of Rule XV to be read.

The Clerk read as follows:

Upon every roll-call, the names of the members shall be called alphabetically by surname, except when two or more have the same surname, then the whole name shall be called, and after the roll has been once called the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair.

The SPEAKER. The House has sometimes given unanimous consent to a member to have his vote recorded when he said that he was in his seat during the roll-call and listening but failed to hear his name. But even that is done in violation of this rule.

Mr. BENNETT. One word of explanation. I was absent from the session of the House attending a session of the Committee on Elections, which is permitted by resolution of the House to sit during the sessions of the House. I am hungry to vote, Mr. Speaker. [Laughter.] I think if the rule does not permit a vote to be recorded in such a case as this it ought, as a matter of sound sense and proper reform, to be amended.

The SPEAKER. The Chair can not change the rule. The gentleman's statement will go into the RECORD, and will show why he did not vote.

Mr. WEAVER. I ask leave to vote.

The SPEAKER. Was the gentleman in his seat listening to hear his name called?

Mr. WEAVER. I was not in my seat, but was standing here in front of the Speaker listening for my name, but did not hear it.

The SPEAKER. The Chair will submit that question to the House, because it has been the practice, although not in accordance with the rule. The gentleman from Nebraska asks unanimous consent to have his vote recorded, saying he was listening for his name to be called and did not hear it. Is there objection? The Chair hears none.

Mr. WEAVER. I vote "ay."

Mr. BENNETT. May I now invoke the same privilege?

The SPEAKER. The Chair can not go beyond what has been the practice of the House heretofore. The practice just now indulged in in the case of the gentleman from Nebraska is itself in violation of the rule, but it is a practice which the Chair found in existence when he was called to decide as to the application of the rule.

Mr. BENNETT. Subject to the correction of the Chair, I desire to say I was absent by permission of the House.

The SPEAKER. The gentleman from North Carolina has already stated that.

The following pairs were announced:

Mr. LIBBEY with Mr. WILSON, of Iowa, on all political questions, for this day.

Mr. BLACKBURN with Mr. MCKINLEY, for to-day.

Mr. TALBOTT with Mr. MCCOMAS, for to-day.

Mr. LAMB with Mr. KANE, for to-day.

Mr. CLARDY with Mr. VALENTINE, for to-day.

Mr. HENDERSON, of Iowa, with Mr. HUNT, for to-day.

Mr. RAY, of New Hampshire, with Mr. HAMMOND, until 5.30 p. m. to-day.

Mr. CANDLER with Mr. HOUK, for to-day.

Mr. BAYNE with Mr. CLARDY, until further notice.

Mr. HANCOCK with Mr. CALKINS, until further notice.

Mr. MORGAN with Mr. MORRILL, until further notice.

Mr. PAIGE with Mr. HATCH, of Michigan, until further notice.

Mr. HAYNES with Mr. GRAVES, until further notice.

Mr. PEELLE, of Indiana, with Mr. STOCKSLAGER, until further notice.

Mr. CANNON with Mr. MUTCHLER, until further notice.

Mr. MULLER with Mr. BREWER, of New York, until further notice.

Mr. TOWNSHEND with Mr. WASHBURN, to the 13th instant, inclusive.

Mr. HEMPHILL with Mr. RUSSELL, to the 13th instant.

Mr. NICHOLLS with Mr. CHACE, until Wednesday next.

Mr. BURLEIGH with Mr. BEACH, until Thursday next.

Mr. ELLIS with Mr. KELLOGG, until the 13th instant.

Mr. SKINNER, of North Carolina, with Mr. SKINNER, of New York, until the 30th instant.

Mr. SLOCUM with Mr. JOHNSON, for to-day and to-morrow.

Mr. JORDAN with Mr. STRUBLE, for three days.

Mr. HENDERSON, of Illinois, with Mr. SPRINGER, until the 14th instant.

Mr. KETCHAM with Mr. HUTCHINS, until the 13th instant.

Mr. WELLER with Mr. BUDD, upon the pending bill.

Mr. HAMMOND. Though I am paired with the gentleman from New Hampshire [Mr. RAY] until half past 5 to-day, he stated that he did not object to my voting on this bill, and I have therefore voted.

The result of the vote was then announced as above stated.

Mr. WILSON, of West Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MUTUAL FIRE INSURANCE COMPANY, DISTRICT OF COLUMBIA.

Mr. BARBOUR. I call up for present consideration the bill (H. R. 4985) supplemental to and amendatory of an act to incorporate the Mutual Fire Insurance Company of the District of Columbia, now on the House Calendar.

The bill was read, as follows:

Be it enacted, &c., That whenever the holder or holders of a policy or policies of insurance hereafter issued in the Mutual Fire Insurance Company of the District of Columbia shall have failed for the full period of three years to pay the interest or any lawful assessment due upon his or their premium note or notes, such policy or policies of insurance shall be deemed to be lapsed, and the board of managers may proceed to settle and cancel the same, after a previous advertisement of their intention to do so, to be inserted in two newspapers printed and published in the city of Washington, once in each week, for the period of three consecutive months, and after serving, besides, whenever practicable, a personal notice in writing, for a like period of time, upon the holder or holders of such policy or policies, or in the event of his or their death upon the legal representatives of such holder or holders.

SEC. 2. That the cost of such advertisement and notice shall be deducted from the sum or sums of money which may be found to be due on the settlement of said policy or policies to the holder or holders thereof.

Mr. BARBOUR. I yield to the gentleman from Mississippi [Mr. MULDROW] who reported the bill.

Mr. MULDROW. The report is a short one, and I ask that it be read.

The report was read, as follows:

The Committee on the District of Columbia, to which was referred House bill No. 2242, make the following report:

By the incorporating act of the Mutual Fire Insurance Company provision is made for the settlement and cancellation of policies at the request of withdrawing members, but no authority is conferred for settling the accounts and cancel-

ing the policies of those who have forfeited their membership by reason of their failure to reinsure or pay the interest on their premium notes; yet under the provisions of the charter they must of necessity continue to be borne upon the books as holders of abandoned and unsettled policies.

This occurs in one of two ways: First, by the failure of such parties to come forward and request a settlement in the manner provided for by the charter; or, secondly, by the inability of the company to ascertain the places of residence of such parties.

Although the sums due upon individual policies so circumstanced are usually small, yet among a membership of several thousands the aggregate of such amounts becomes in the course of a few years very large, and, under the present law, is idle capital.

The committee believe that, as the policies heretofore issued gave certain rights to the holders in dividends declared, even though they failed to reinsure, or failed to pay the interest on their premium notes, no law should be passed which would attempt to violate the obligations of the company made with the holders of such policies heretofore issued. The committee believe, however, that as to policies hereafter issued by this company no good reason has been shown why the company should not have the right to deem them and declare them lapsed after a reasonable time, when the holders have failed to pay the interest or the legal assessments due upon their premium notes.

The committee have therefore amended the bill in such a manner as to meet this view of the case, and, as so amended, by way of a substitute, recommend its passage.

Mr. MULDROW. If I can get the attention of the House for a moment I will endeavor to briefly explain the purposes of this bill. By the terms of the act of incorporation of this company, organized upon the mutual plan of insurance, and by the terms of the contract in the issuance of policies between the policy-holders and the company, parties failing to come forward and pay the premium on their notes forfeit their right to claim any damages by reason of the destruction of their property by fire, but they are still entitled to a part of the dividends declared by this company. The result has been that a large sum of money has accumulated in the hands of the company, which is idle capital. The committee deemed it contrary to a correct policy that this capital should remain idle.

While the committee do not think that we can legislate so as to affect the rights of parties under existing contracts, yet they deem it wise that the rights of this company should be so enlarged that after publication they may declare the rights of policy-holders under future contracts to be forfeited, and the money remaining in the hands of the company, by reason of the failure of those parties to come forward and pay the premiums on their notes or continue their insurance, would then be divided among such policy-holders as shall comply with the requirements of the company and pay their annual premiums. Unless there is some objection to the bill to be suggested by some member or some question to be asked, I will demand the previous question.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. MULDROW moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONVEYANCES OF LAND IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR. I now call up for present consideration from the House Calendar the bill (H. R. 3235) relating to acknowledgments of conveyances of land in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That all deeds of conveyance or other instruments of writing relating to land in the District of Columbia, heretofore recorded in said District, which purport to have been acknowledged before any notary public, justice of the peace, or commissioner of deeds appointed under any act or acts of the late Legislative Assembly of the said District, or before any commissioner of any circuit court of the United States, or before any commissioner of the United States appointed for the District of Columbia, or before any master in chancery or clerk of any State or Territorial court in the United States, or before any mayor, alderman, or aldermen of any city in the United States, shall have the same force and effect, and the same are hereby declared to be as good and effectual, in law and in equity, in favor of all persons claiming bona fide under such deeds or instruments, as if the same purported to have been acknowldged before any officer or officers duly authorized by existing law to take and certify acknowledgments to deeds of lands in said District: *Provided*, That nothing in this act shall be construed to divest just rights, already acquired of record, in good faith, by purchasers or creditors of the grantors in such deeds or other instruments.

SEC. 2. That no acknowledgment of any deed or instrument of writing heretofore recorded as aforesaid shall be deemed invalid by reason of the absence on the record of a seal or seals of the acknowledging officer or officers, but the record of all such acknowledgments shall have the same force and effect and shall be as good and effectual as if such seal or seals appeared of record.

SEC. 3. That all acknowledgments of deeds or other instruments of writing relating to land in the District of Columbia hereafter made before any commissioner of a circuit court of the United States, or before any commissioner of the United States for the District of Columbia, or before any commissioner of deeds of any State or Territory in the United States, or before the clerk of the supreme court of the District of Columbia, or before the clerk of any United States court, or of any court of record of any State or Territory in the United States, shall be as good and effectual as if made before any other officer or officers authorized by law to take and certify such acknowledgments; subject, nevertheless, to the requirements of section 443 of the Revised Statutes of the United States relating to the District of Columbia.

SEC. 4. That on petition in writing, in person or by attorney, to the supreme court of the District of Columbia, or one of the justices thereof, by any party to any instrument of writing whose acknowledgment to such instrument is necessary to entitle the same to be admitted to record in said District, setting forth the fact that such party is located, sojourning, or residing remote from any officer or officers authorized by law to take or authenticate such acknowledgment, the court of justice may order a commission to issue, under the seal of the court, to some fit and proper person to be therein named, and located at or near the place of residence or sojourn of the party whose acknowledgment is required, authorizing the person so named in the commission to take and certify the acknowledgment required. The petition shall be verified by affidavit, and shall have annexed thereto a copy of the instrument to be acknowledged. The commission shall be annexed to the instrument to be acknowledged; and when duly executed, evidenced by the certificate of the commissioner under his hand in the form of acknowledgment prescribed by law, and recorded in the office of the recorder of deeds of the District of Columbia, such acknowledgment shall have the same force and effect in law and in equity as if made in the said District before any officer therein by law authorized to take the same. For filing, docketing, and indexing the petition and accompanying papers, and issuing the said commission, the clerk of the said court shall be entitled to demand and receive a fee of $5, to be paid by the petitioner; and for taking and certifying the acknowledgment the commissioner shall be entitled to a fee of 50 cents for each person acknowledging, to be paid by the party making the same.

SEC. 5. That where acknowledgments are made before an officer who has no official seal, the signature of such officer to the certificate of acknowledgment shall be deemed sufficient, without any scroll or private seal.

The Committee on the District of Columbia recommend the following amendments:

In section 1, line 12, after the words "United States," insert the following: "Or before the clerk of the supreme court of the District of Columbia, or before any commissioner of deeds of any State or Territory of the United States."

Amend section 2 by adding to it the words: "Subject to the proviso contained in the first section of this act."

Strike out section 4 of the bill.

The SPEAKER. The question is upon agreeing to the amendments reported from the Committee on the District of Columbia.

Mr. BARBOUR. I will give so much of my time as may be required for the purpose of explanation to the gentleman from Maryland [Mr. MCCOMAS], who reported this bill to the House.

Mr. MCCOMAS. Mr. Speaker, the Committee on the District of Columbia, after the consideration of this bill, recommends that the fourth section be striken out, because it provides an unusual and unnecessary mode of taking acknowledgments of conveyances. The Committee further recommend the addition of a proviso to the first and second sections, respectively. With these amendments we believe the bill should be passed, in order to meet a requirement with respect to conveyances of real property in this District.

The first section proposes to legalize conveyances of land in the District of Columbia which have been acknowledged before officers who usually take such acknowledgments in the several States. During fifty years, or nearly that length of time, the officers before whom conveyances of land in this District might be taken have been limited in number and very scant in variety. In this District for years, and until recently, any paper—even a car-ticket, I apprehend—could be recorded if presented for record to the officer charged with the duty of recording deeds. Now this first section provides that deeds of land in this District, acknowledged before officers accustomed to take such acknowledgments in the various States, shall, when admitted to record, be regarded as valid, subject, of course, to the rights of purchasers in good faith and the rights of creditors of the grantors.

The second section provides that the acknowledgment of such instruments, when not attested by the seal of the officer taking the acknowledgment, shall have the same force and effect as if the seal accompanied the paper acknowledged, reserving, as in the first section, the rights of creditors and purchasers in good faith.

The third section proposes to enact that for the future the same officers who in the various States are authorized to take acknowledgments of deeds shall have like authority with respect to conveyances of real estate in this District.

The fourth section—originally the fifth, but now the fourth by reason of striking out the fourth section of the bill as introduced—provides that where an officer has no seal of office he shall not be required to attach to his acknowledgment any scroll or private seal.

After this explanation of the bill, as amended by the committee, I shall, unless there be some inquiry or objection, ask for a vote upon the amendments and the bill.

The amendments reported from the Committee on the District of Columbia were severally agreed to.

The bill as amended was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. MCCOMAS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STATUE OF MARTIN LUTHER.

Mr. BARBOUR. The next bill which I propose to call up—House bill 4088—appears to have been referred by some mistake to the Committee of the Whole on the state of the Union, instead of the House Calendar. I ask that the Committee of the Whole be discharged from its further consideration, that it may be brought before the House for present action.

The SPEAKER. The Chair, after examining this bill, is satisfied that it was improperly referred to the Committee of the Whole on the state of the Union. If there be no objection, that committee will be discharged from its further consideration, and it will be brought before the House for present action.

There being no objection, the House proceeded to the consideration of the bill (H. R. 4088) to incorporate the Luther Statue Association,

to erect and maintain a monument or statue in memory of Martin Luther in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That John G. Morris and Gustavus A. Dobler, of the State of Maryland; Arnold J. D. Wedemyer, Charles A. Schieren, and Augustus Kountze, of the State of New York; John W. B. Dobler, of the State of New Jersey; Daniel M. Fox, of the State of Pennsylvania, and George Ryneal, jr., and John G. Butler, of the District of Columbia, be, and are hereby, created and made a body politic and corporate by the name, style, and title of the Luther Statue Association; and said persons, or their successors, shall constitute a board of trustees, nine in number, of said association, to be maintained in perpetual succession, and shall have all the powers of a body corporate necessary and proper to carry out the purposes of said association, namely, to erect and maintain in the District of Columbia a statue or monument in memory of Martin Luther.

SEC. 2. That said board of trustees shall have power to make all necessary and proper by-laws, and to alter or repeal the same at pleasure, and to fill, by election, all vacancies which shall occur in their body, so that the number of nine trustees shall always be preserved.

SEC. 3. That said board of trustees shall have power to acquire, by purchase or otherwise, and to hold in and by said corporate name of the Luther Statue Association, and for the purposes thereof, property, real, personal, and mixed, and to convey and transfer the same at pleasure: *Provided, however*, That the lands of said body corporate shall be located in the District of Columbia, and shall not exceed 5,000 square feet.

SEC. 4. That the lands acquired and held by said body corporate, and the statue erected thereon, and all the improvements and appurtenances thereto, shall be entirely exempt from taxation, and shall not be chargeable or assessed for any purpose whatever.

Mr. BARBOUR. I yield to my colleague on the committee, the gentleman from Maryland [Mr. MCCOMAS], that he may explain this bill.

Mr. MCCOMAS. Mr. Speaker, this bill, in regard to which the Committee on the District of Columbia had instructed me to move a suspension of the rules for its passage, has now been reached in regular order. It proposes simply to enable the Lutherans of this country to erect on the lot formed by the angle of Vermont avenue and Fourteenth street, in this city, and in front of their Memorial church, a statue of Martin Luther. It is proposed to convey this triangular lot to a body of men, nine in number, to be incorporated for the purpose, and the statue of Luther, now crossing the ocean, is to be placed on that lot.

In this District as well as in the different States the law requires that two or more of the corporators should be residents of the locality; and therefore the incorporation was made in this form, as the corporators are from different States, and it is necessary they should be so named in order to collect the requisite funds for the monument and to keep it in repair for all time to come. I do not suppose there will be any objection to this most laudable undertaking, and therefore demand the previous question on the passage of the bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCCOMAS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRIVATE CALENDAR.

Mr. BARBOUR. We are nearly through with the District business for to-day. It is necessary to go into Committee of the Whole House on the Private Calendar to consider some bills there, and I make the motion for that purpose.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, Mr. ELLIS in the chair.

MELISSA G. POLAR.

The first business on the Private Calendar was the bill (H. R. 2344) for the relief of Melissa G. Polar.

The bill was read, as follows:

Be it enacted, &c., That the auditor of the District of Columbia be, and is hereby, ordered to issue to Melissa G. Polar two duplicate certificates, respectively, issued by the board of audit of said district, and stolen from her, numbered 8884, for the sum of $75.34, and 13634, for the sum of $18.80, dated August 1, 1874.

SEC. 2. That before said auditor shall deliver to said Melissa G. Polar the duplicate certificates as provided for in section 1, the said Melissa G. Polar shall execute and deliver to said auditor her bond of indemnity, in double the amount of the said certificates, with two sufficient sureties, to be approved by said auditor, payable to the District of Columbia, which bond shall be filed by said auditor in the archives of his said office.

SEC. 3. That upon the presentation of said duplicate certificates to the Treasurer of the United States he shall redeem the same as authorized to redeem board of audit certificates by the act of Congress approved June 16, 1880, and the acts amendatory thereto.

The report was read, as follows.

The Committee on the District of Columbia, to whom was referred the bill (H. R. 2344) for the relief of Melissa G. Polar, authorizing the auditor of the District of Columbia to issue to said Melissa G. Polar two duplicate certificates, respectively, issued by the board of audit of said District, and stolen from her (No. 8884, for the sum of $75.35, and No. 13634, for the sum of $18.80, dated August 1, 1874), respectfully report that in the opinion of your committee the bill should be amended as follows, namely:

In line 3, section 2, after the word "Polar," insert the words following, namely: "Shall furnish satisfactory proof to said auditor of the loss of said certificates and that the same have not been paid."

As amended, your committee report the bill back to the House, and recommend its passage.

The CHAIRMAN. The question is on the amendment of the committee.

Mr. SPRIGGS. Of course it is unnecessary to detain the House at any length on a bill of this character. It provides for the issue of duplicate certificates to this party in lieu of those which have been lost, on condition, as the amendment of the committee provides, she shall furnish satisfactory proof to said auditor of the loss of said certificates and that they have not been paid. There is no use of making further speech on the question, and I move the bill be laid aside with a favorable recommendation.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DEVISEES OF THE LATE DANIEL CARROLL.

The next business on the Private Calendar was the bill (H. R. 1594) for the relief of the devisees of the late Daniel Carroll.

Mr. BARBOUR. As the same bill coming from the Senate has been passed in the House, I move this bill be laid aside to be reported to the House with the recommendation it be laid upon the table.

The motion was agreed to; and the bill was accordingly laid aside to be reported to the House with the recommendation it be laid on the table.

SARAH A. REDMOND.

The next business on the Private Calendar was the bill (H. R. 2346) for the relief of Sarah A. Redmond.

The bill was read, as follows:

Be it enacted, &c., That the auditor of the District of Columbia be, and is hereby, authorized to issue to Sarah A. Redmond a duplicate certificate for one lost or burned, numbered 18313, class 6, of the board of audit, for $30.94: *Provided*, That she executes to the commissioners of the District of Columbia a bond, with double the amount as security, for the issue of said certificate. And said certificate shall be redeemed, as all board of audit certificates are, by the Treasurer of the United States, as commissioner of the sinking fund of the District of Columbia.

The report was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 2346) for the relief of Sarah A. Redmond, by authorizing the auditor of the District of Columbia to issue to Sarah A. Redmond a duplicate certificate of one lost or burned, numbered 18313, class 6, of the board of audit, for the sum of $39.94, have had the same under consideration, and report that in the opinion of your committee the bill should be amended as follows, namely:

In line 7 of said bill, after the words "that she," insert the words following, to wit: "Furnish to the auditor satisfactory proof of the loss or destruction of the original certificate, and that the same has not been paid."

As amended the committee report the bill back to the House, and respectfully ask that the same be passed.

Mr. SPRIGGS. I move the amendment of the committee be agreed to.

Mr. HOLMAN. The amount involved is small, but they seem to be against the District of Columbia, while it is provided the money shall be paid out of the Treasury. They should all stand on the same footing.

Mr. MULDROW. It is merely to replace a lost certificate.

Mr. HOLMAN. Certainly, but are they not certificates which the United States are to pay?

Mr. SPRIGGS. It is to be paid out of the fund provided for the purpose.

Mr. HOLMAN. But these bills pay the whole out of the Treasury, when one-half should be paid by the District of Columbia.

Mr. STEVENS. If duplicate certificates are issued they are to be paid in the same way as the original ones.

Mr. HOLMAN. I did not understand precisely what was proposed. There is no appropriation of money.

Mr. STEVENS. None. It is simply to issue duplicates in place of the lost ones.

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation it do pass.

Mr. BARBOUR moved that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ELLIS reported that the Committee of the Whole House on the Private Calendar had had under consideration District of Columbia business, and had directed him to report the same back with sundry recommendations.

The bill (H. R. 1594) for the relief of the devisees of the late Daniel Carroll was laid upon the table, and the amendments to the following bills were agreed to, and then the bills as amended were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 2344) for the relief of Melissa G. Polar; and

A bill (H. R. 2346) for the relief of Sarah A. Redmond

Mr. BARBOUR moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BARBOUR. I move that the House do now adjourn.

Mr. BUCKNER. I ask the gentleman to yield to me to call up a bill.

Mr. BARBOUR. No, I think we have been long enough in session.

PRINTING DEFICIENCY, INTERIOR DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of War, asking an appropriation of $15,000 to supply deficiencies in the appropriation for printing and binding for the current fiscal year; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. VAN EATON, until March 12, on account of sickness in his family.

To Mr. FINERTY, for ten days, on account of important engagement.

To Mr. JORDAN, for this week, on account of important business.

ORDER OF BUSINESS.

Mr. BARBOUR. I withdraw the motion to adjourn.

Mr. BUCKNER. I ask unanimous consent to take from the Speaker's table Senate bill No. 1314, to change the name of the James Sweet National Bank of Nebraska City, Nebr.

I will state that the same bill, word for word, has been adopted and reported here by the House committee.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. MORGAN. I object.

SPOKANE FALLS AND CŒUR D'ALENE RAILWAY COMPANY.

Mr. CASSIDY, by unanimous consent, from the Committee on Pacific Railways, reported back with favorable recommendation the bill (H. R. 5428) to incorporate the Spokane Falls and Cœur d'Alene Railway Company; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ALCOHOLIC TRAFFIC, DISTRICT OF COLUMBIA.

Mr. McCOMAS. By request, I ask unanimous consent to introduce resolutions from the Baltimore Methodist Conference, now in session in this city, and ask that they be read and appropriately referred.

The SPEAKER. The resolutions will be read, after which the Chair will ask for objection to the reference.

The Clerk read as follows:

Whereas there is a bill now pending in Congress known as the commissioners' bill for the District of Columbia; and

Whereas the ninth and twelfth sections thereof are favorable to the liquor interests, and as such must be injurious to the homes of many, damaging to the morals of the people, and detrimental to the prosperity of the community: Therefore,

Be it resolved by the Baltimore Annual Conference of the Methodist Episcopal Church, assembled in this city, March 7, 1884, That we earnestly and respectfully solicit Congress not to pass said sections of this bill; and

Resolved, That we heartily approve of the District Temperance Alliance, and do hereby join with them in asking for the right to vote upon the question of the prohibition of the manufacture and sale of all intoxicating liquors as a beverage within said District of Columbia; and

Resolved, That a copy of these resolutions be sent to Congress forthwith.

The SPEAKER. Is there objection to the reference of the resolutions?

Mr. BUCKNER. I object.

ORDER OF BUSINESS.

Mr. KING. I ask unanimous consent to present for printing in the RECORD a memorial of the Louisiana Educational State Association in reference to public education.

Mr. HOLMAN. Is it brief?

Mr. COX, of North Carolina. I object to the printing of all of these resolutions in the RECORD.

The SPEAKER. Is there objection?

Mr. POST, of Pennsylvania. I object.

Mr. HOLMAN. Let it be printed as a document.

Mr. BRECKINRIDGE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 47 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of citizens of Staunton, Va., for an appropriation for a public building at that place—to the Committee on Public Buildings and Grounds.

By Mr. BINGHAM: Resolutions of the Commercial Exchange of Philadelphia, Pa., against the extension of the steam grain-shovel patent—to the Committee on Patents.

By Mr. BLACKBURN: Petition relating to the Revolutionary claim of S. M. Berry—to the Committee on Pensions.

By Mr. BRENTS: Papers and petition for a port of delivery at Tacoma, Wash.—to the Committee on Commerce.

Also, statement relating to the bill for the relief of Rev. E. C. Chirouse—to the Committee on Indian Affairs.

By Mr. CALDWELL: Petition for the relief of Jacob Bloomstein—to the Committee on War Claims.

By Mr. COLLINS: Petition of William Byrne and others, in favor of the restoration of the Piute Indians to the Malheur reservation—to the Committee on Indian Affairs.

By Mr. CONVERSE: Petition of Nicholas H. Pudillion and 29 others, of Thomas Campbell and 90 others, of J. Nichols and 88 others, of Fred. J. Russell and 45 others, of Evarts Smith and 90 others, of William Smith and 49 others, of Saint Clair County; of S. H. Converse and 95 others, of Medina, all citizens and wool-growers of Michigan, praying for the restoration of the tariff of 1867 on imported wool and remonstrating against the passage of the Morrison tariff bill—severally to the Committee on Ways and Means.

Also, petition of J. L. Crabtree and 16 others, of John A. Blosser and 20 others, of W. Williams and 10 others, of Charles Stubbs and 10 others, of John Cobb and 38 others, and A. A. Halady and 21 others, citizens and wool-growers of California, asking for the restoration of the tariff of 1867 on imported wool—severally to the same committee.

By Mr. S. S. COX: Papers relating to the claim of Augustus P. Green—to the Committee on War Claims.

Also, papers relating to the claim of Mary P. Horner, and the papers relating to the claim of Thomas Clark—severally to the Committee on Invalid Pensions.

Also, papers relating to the claims of John Collister and of Andrew Lutz—severally to the Committee on Claims.

Also, papers relating to the claim of Margaret Steele, widow of Surg. A. F. Steele—to the Committee on Military Affairs.

By Mr. CUTCHEON: Petition of citizens of Weberville, Mich., for a home for disabled volunteer soldiers in Michigan—to the same committee.

Also, memorial of lumber manufacturers of Manistee, Mich., against putting lumber on the free-list—to the Committee on Ways and Means.

By Mr. DOCKERY: Resolutions of the Louisville Board of Trade, urging a bill to increase the efficiency of the river observations of the Signal Service—to the Committee on Commerce.

By Mr. G. R. DAVIS: Memorial of vinegar manufacturers and dealers of Baltimore, Md., against repeal of law for vaporizing spirits—to the Committee on Ways and Means.

By Mr. DUNN: Petition for the relief of John H. Stewart—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of Mrs. Flora Adams Darling—to the Committee on the Judiciary.

By Mr. EATON: Petition of the Hartford and New York Transportation Company, for reimbursement for money expended for dredging, &c., in Connecticut River in 1882 and 1883—to the Committee on Appropriations.

By Mr. FOLLETT: Petition of laboring men of Cincinnati, Ohio, against the importation of foreign laborers under contracts made abroad—to the Committee on Labor.

By Mr. FORNEY: Memorial of Capt. Thomas W. Lay and others, officers of the Revenue-Marine Service, asking favorable consideration of H. R. 4483—to the Committee on Commerce.

By Mr. GLASCOCK: Resolution of the city council of Oakland, Cal., asking for the erection of a public building at Oakland—to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Oakland, Cal., asking for the erection of a public building at Oakland, Cal.—to the same committee.

By Mr. HALSELL: Papers relating to the claim of Webster C. Webb—to the Committee on Military Affairs.

By Mr. HANCOCK: Memorial of A. P. Blocker, asking inquiry into the official conduct of E. B. Turner, judge of the United States district court for the western district of Texas—to the Committee on the Judiciary.

Also, papers relating to the claim of Capt. Thomas Little—to the Committee on Military Affairs.

By Mr. HARMER: Resolution of the Philadelphia Commercial Exchange, protesting against the renewal of the expired grain-shovel patent—to the Committee on Patents.

By Mr. W. H. HATCH: Papers relating to the bill for the relief of George M. Ochiltree—to the Committee on Military Affairs.

By Mr. D. B. HENDERSON: Petition of members of the bar of Iowa; of Taylor County, Iowa, and of Appanoose County, Iowa, asking for increased compensation for United States district judges—severally to the Committee on the Judiciary.

By Mr. HEPBURN: Petition of 100 citizens of Lucas County, Iowa, praying that the name of Grigsby Foster be placed on the pension-roll—to the Committee on Invalid Pensions.

Also, petition of Marion F. Stookey and 150 others, citizens of Leon, Decatur County, Iowa, asking that the name of George W. Mills be placed on the pension-rolls—to the same committee.

Also, petition of W. H. Todd and 30 others, citizens of Van Wirt, Iowa, asking Congress to grant one hundred and sixty acres of land to the soldiers of the late war—to the Committee on the Public Lands.

Also, petition of W. H. Young and 55 others, citizens of Centreville, Iowa, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. HISCOCK: Petition in regard to Chinese immigration—to the same committee.

By Mr. HOBLITZELL: Petition of Elmira McIntire, of Baltimore, Md., for a pension—to the Committee on Pensions.

By Mr. HOUSEMAN: Petition of John Canfield, Meigs & Co., Hamilton & Perry, and others, asking that provisions be made to pay rebate on tobacco at an early day—to the Committee on Appropriations.

Also, petition of A. A. Garlock, F. N. Friend, E. Brailey, and many

others, of Kent County, Michigan, asking for the establishment of a branch of the National Soldiers' Home in Michigan—to the Committee on Military Affairs.

Mr. KASSON: Resolutions of the Iowa Medical Society, for medical museum—to the Committee on Public Buildings and Grounds.

Also, petition of numerous citizens of Polk County, Iowa, praying Congress for the relief of Lewis H. Palmer & Co.—to the Committee on the Public Lands.

By Mr. KELLEY: Papers relating to the claim of Jerome Lyon—to the Committee on War Claims.

By Mr. LACEY: Petition of Edson Treadwell and 37 others, citizens of Burlington, Mich., for a national home for disabled soldiers in the State of Michigan—to the Committee on Military Affairs.

By Mr. LANHAM: Papers relating to the claim of V. F. Gorrissen—to the Committee on Claims.

By Mr. LAWRENCE: Petition of 282 farmers and wool-growers of Washington County, Pennsylvania, proceedings of Wool-Growers' Association of Beaver County, Pennsylvania, and statement and petition of the officers of the State Association of Pennsylvania, asking the restoration of the tariff of 1867 on imported wool—to the Committee on Ways and Means.

Also, protest of Messrs. Raney & Berger, pig-iron firm of New Castle, Pa., and many others, against the Morrison tariff bill—to the same committee.

By Mr. LORE: Petition of James M. Steele and 63 others, citizens of Sussex County, Delaware, for an appropriation to construct a canal between Lewes, Del., and Chincoteague Bay—to the Committee on Rivers and Harbors.

By Mr. McADOO: Petition of citizens of New Jersey, against the importation under contract of alien laborers—to the Committee on Labor.

By Mr. MATSON: Petition of Governor A. G. Porter, of Indiana, and others, asking that the name of the widow of Isaac M. May may be entered on the pension-roll—to the Committee on Invalid Pensions.

Also, petition of Alexander Post, No. 265, Grand Army of the Republic, Department of Indiana, asking for the equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MAYBURY: Communication of Theodore Munger, relative to a remedy for the disease in grapevines and fruit trees known as the "black-rot"—to the Committee on Agriculture.

Also, petition of Bricklayers and Masons' Union, against the importation of foreign labor under contracts made abroad—to the Committee on Labor.

By Mr. MOREY: Papers relating to the claim of W. Scales—to the Committee on War Claims.

By Mr. MORRILL: Papers relating to the claim of William Fletcher—to the same committee.

Also, memorial of vinegar manufacturers and dealers, against repeal of law for vaporizing spirits—to the Committee on Ways and Means.

By Mr. NEECE: Petition of citizens of Rock Island, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. NELSON: Petition of A. W. Stiles, relative to timber-culture act—to the Committee on the Public Lands.

By Mr. CHARLES O'NEILL: Memorial of citizens of Pennsylvania, asking for the transfer of Acting Assistant Surgeon A. P. Frick, United States Army, to the regular Army as an assistant surgeon—to the Committee on Military Affairs.

By Mr. J. J. O'NEILL: Petition of Sarah O'Neil, complaining of sickness caused by impure atmosphere when employed in Government service—to the Committee on Labor.

By Mr. OURY: Papers relating to the claims of P. R. Tully and E. Ochoa—to the Committee on Indian Affairs.

By Mr. PIERCE: Petition of citizens of West Tennessee and West Kentucky, to build levee on east bank of the Mississippi River, for improvement of the navigation and prevention of overflow—to the Committee on Rivers and Harbors.

By Mr. PUSEY: Resolutions of the Bricklayers and Masons' International Union, relative to labor contracts—to the Committee on Labor.

By Mr. G. W. RAY: Two petitions of citizens of Madison and Otsego Counties, New York, for a law regulating the tare on bales of hops and establishing a uniform weight for bales of hops—to the Committee on Commerce.

By Mr. REED: Petition of Reuben Jones and others, colored citizens of Maine, in favor of legislation to assume the obligations of the Freedman's Bank to its depositors—to the Committee on Banking and Currency.

By Mr. J. S. ROBINSON: Memorial of citizens of Ohio, asking that a pension may be granted to Ellen A. Vance—to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of Rachel Smith—to the same committee.

By Mr. W. E. ROBINSON: Petition of Mrs. Lou. G. McFalls, for an increase of pension—to the same committee.

By Mr. J. H. ROGERS: Petition of citizens of Fort Smith, Ark., asking Congress to approve of the charter granted by Choctaw Council to improve the Poteau River—to the Committee on Commerce.

By Mr. STEELE: Papers relating to the claim of Jethro M. Boyd—to the Committee on War Claims.

By Mr. STORM: Paper relating to the claim of the La Grange Synodical College—to the same committee.

Also, petition of Freeman Sitler—to the same committee.

By Mr. STRAIT: Petition of 173 citizens of Renville County, Minnesota, asking for the forfeiture of the land grant to the Hastings and Dakota Railroad Company—to the Committee on the Public Lands.

By Mr. STRUBLE: Joint resoulution of the Legislature of the State of Iowa, asking for the passage of an act regulating liens of judgments rendered in United States courts—to the Committee on the Judiciary.

Also, joint resolutions of the Legislature of the State of Iowa, relative to the transportation of passengers and freight on all lines of railroad, &c.—to the Committee on Commerce.

By Mr. J. D. TAYLOR: Petition of G. W. Deeren and 11 others, of J. W. Garber and 61 others, of B. V. Witten and 39 others, asking the restoration of the duty on wool—to the Committee on Ways and Means.

Also, petition of Charles Adams and 64 others, from Pickering, Fairfield County, Ohio, asking that something be done for the soldier, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back-Pay.

By Mr. TOWNSHEND: Petition for a post-route in Hamilton County, Illinois—to the Committee on the Post-Office and Post-Roads.

By Mr. TUCKER: Memorial of Ernestine H. Stevens—to the Committee on Foreign Affairs.

By Mr. VAN EATON: Memorial relating to appropriations for improvement of Pearl River, Pascagoula River, Pass at Biloxi, Horn Island Pass, survey of Back Bay, Handsborough, Buffalo Creek, and Homochitto River, all in Mississippi—to the Committee on Rivers and Harbors.

By Mr. WADSWORTH: Petition of soldiers of various regiments in the late war, asking that all soldiers be granted a pension—to the Committee on Invalid Pensions.

By Mr. WAKEFIELD: Petition for the relief of John S. Allanson—to the Committee on Military Affairs.

By Mr. J. D. WHITE: Petition of citizens of Franklin and other counties lying upon the Kentucky River, for the speedy completion of the slackwater of the Kentucky River to Beattyville, Ky., &c.—to the Committee on Rivers and Harbors.

By Mr. E. B. WINANS: Petition of W. H. J. Martin, Wm. S. Brown and 26 others, members of Ransom Post, No. 89, Grand Army of the Republic, Department of Michigan; and of A. Beers, E. J. Strong, and 50 others, citizens of Dansville, Ingram County, Michigan, for the establishment of a Michigan branch of the National Home for Disabled Volunteer Soldiers—severally to the Committee on Military Affairs.

By Mr. G. D. WISE: Petition of the Western National Bank of Baltimore and others, for relief—to the Committee on Ways and Means.

By Mr. YAPLE: Petition of Nathan Thomas, L. S. Warren, and others, citizens of Hartford, Mich.; and of Edward McDonald, James M. Davis, and others, citizens of Kalamazoo, Mich., for the establishment of a Michigan branch of the National Soldiers' Home for Disabled Volunteer Soldiers—to the Committee on Military Affairs.

SENATE.

TUESDAY, *March* 11, 1884.

Prayer by the Rev. J. McK. REILEY, D. D., of the city of Baltimore.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 25th ultimo, a report of the Commissioner of Railroads (with other papers and documents) on the subject of the failure of the Central and Union Pacific Railroad Companies to comply with the requirements of the act of May 7, 1878; which, with the accompanying papers, was referred to the Committee on the Judiciary, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 314) for the relief of John W. Cummins;
A bill (H. R. 554) granting a pension to Joseph T. Caldwell;
A bill (H. R. 562) granting a pension to H. E. Van Trees;
A bill (H. R. 569) granting a pension to Ruben Marshall;
A bill (H. R. 570) granting a pension to M. H. Clements;
A bill (H. R. 591) granting a pension to W. H. Blake;
A bill (H. R. 819) granting an increase of pension to Merritt Lewis;
A bill (H. R. 1391) granting a pension to Mary Eliza Dickson, widow of Dr. Thomas Dickson;
A bill (H. R. 1394) granting a pension to Mary P. Thompson;
A bill (H. R. 1406) granting a pension to Mrs. Mary F. Barnes;

A bill (H. R. 1411) granting a pension to Martha M. B. McCullach, of Freeport, Pa.;
A bill (H. R. 1428) granting a pension to Cornelia A. Schultz;
A bill (H. R. 1433) granting a pension to Mary E. Murray;
A bill (H. R. 2372) granting a pension to Michea Titler;
A bill (H. R. 2608) granting a pension to Mrs. Sarah Bryan Leet;
A bill (H. R. 3606) granting a pension to Irene Baker;
A bill (H. R. 4036) to increase the pension of Thomas Ward;
A bill (H. R. 4682) granting a pension to Ward B. Burnett;
A bill (H. R. 4706) for the relief of Charlotte Day;
A bill (H. R. 4707) granting a pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick; and
A bill (H. R. 4708) granting a pension to Moses Fullington.

The bill (H. R. 328) for the relief of John P. T. Davis was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 1198) for the relief of John Taylor & Son was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 1319) to adjust the accounts of John D. Monteith, deceased, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 3521) for the relief of Benjamin D. Lakin was read twice by its title, and referred to the Committee on Military Affairs.

The joint resolution (H. Res. 192) providing for the printing of certain documents relating to the unhealthfulness of swine products in the United States was read twice by its title, and referred to the Committee on Printing.

LOUISA BODDY.

The bill (H. R. 1292) for the relief Louisa Boddy was read twice by its title.

Mr. DAWES. That bill is precisely like a bill which passed the Senate a few days ago, and I suggest that without reference the bill be passed now.

Mr. INGALLS. Let it lie on the table until after the morning business is over.

Mr. DAWES. It seems a pity to have the bill go to a committee again. The bill that passed the Senate was reported from the Committee on Indian Affairs at this Congress and passed and so it was at the last Congress. This bill is in the same words except that there is a blank as to the name of a county. That is the only difference in words.

Mr. ALLISON. Is there not occasion for the blank to be filled?

Mr. DAWES. There is no occasion for the blank to be filled.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts ask for the present consideration of the bill?

Mr. DAWES. I do, if there is no objection.

Mr. INGALLS. Regular order.

Mr. DAWES. Then let it lie on the table for the present.

The PRESIDENT *pro tempore*. If there is no objection the bill will be laid on the table.

MILITARY ACADEMY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives agreeing to some and disagreeing to other amendments of the Senate to the bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes.

On motion of Mr. LOGAN, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. LOGAN, Mr. RANSOM, and Mr. CALL the conferees on the part of the Senate.

PETITIONS AND MEMORIALS.

Mr. MILLER, of California, presented a petition of citizens of California, praying for an increase of the duty on raisins; which was referred to the Committee on Finance.

Mr. PLATT presented a petition of 82 ex-Union soldiers of Meriden, Conn., praying for the passage of a bill for the relief of Fitz-John Porter; which was referred to the Committee on Military Affairs.

Mr. ALLISON presented a joint resolution of the General Assembly of the State of Iowa; which was read, and referred to the Committee on Commerce, as follows:

Joint resolution.

Be it resolved by the General Assembly of the State of Iowa, That the interests of the people of Iowa and of the country require that the national Congress assume the power granted in the Federal Constitution of regulating commerce between the States by the prompt enactment of laws regulating and controlling the transportation of freight and passengers on all lines of railroads within the United States engaged in interstate commerce; that by such laws discrimination in charges for said transportation shall be prevented, and whereby such charges shall be limited to the payment of a fair rate of income on the actual cost in money, of the standard coin value, of the several lines of railway.

Be it further resolved, That our Senators and Representatives be, and are hereby, requested to assist by their votes and influence in securing the enactment of such just laws as will accomplish this end.

Resolved, That the secretary of state be instructed to send to each of Iowa's Senators and Representatives in Congress a copy of this resolution, signed by the president of the senate and speaker of the house.

O. H. MANNING,
President of the Senate.
WM. P. WOLF,
Speaker of the House.

Mr. ALLISON also presented a joint resolution of the General Assembly of the State of Iowa; which was read, and referred to the Committee on the Judiciary, as follows:

Joint resolution in relation to the liens of judgments in Federal courts.

Be it resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be, and they are hereby, requested to use all proper efforts to secure the enactment of a law by Congress providing that judgments in the Federal courts shall not be a lien upon the property in any other counties than those in which such judgments may be recovered, unless a transcript of such judgments shall be filed in the proper office in the county where such judgments are sought to be made a lien.

Resolved, That the secretary of state be, and he is hereby, instructed to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

STATE OF IOWA, OFFICE OF SECRETARY OF STATE,
Des Moines, Iowa, March 4, 1884.

I hereby certify the foregoing to be a true and correct copy of a joint resolution passed by the Twentieth General Assembly, now in session.

Witness my hand and official seal.

J. A. T. HULL, *Secretary of State.*

Mr. ALLISON presented resolutions adopted by the Fort Donelson Post, Grand Army of the Republic, of Fort Dodge, Iowa, in favor of the passage of an act for the equalization of bounties and for the repeal of the limitation clause of the arrears-of-pensions act; which were referred to the Committee on Pensions.

Mr. ALDRICH presented the petition of Royal C. Taft and other citizens of Rhode Island, praying for the repeal of the sections of the Revised Statutes fixing the term of office for certain officers at four years; which was referred to the Committee on Civil Service and Retrenchment.

He also presented the petition of William Goddard and other citizens of Rhode Island, praying for the repeal of all duties on the importation of foreign books; which was referred to the Committee on Finance.

Mr. PLUMB presented a petition of citizens of Kansas, praying for the enactment of such amendments to the Chinese restriction act as will be satisfactory to the Pacific coast delegations in Congress; which was referred to the Committee on Foreign Relations.

Mr. CALL. I present the petition of W. G. Lovell and other citizens of Orange County, Florida, praying that an appropriation be made for the improvement of the Wekiva River, a navigable estuary of the Saint John's River. The petition sets forth at length the very great importance of this river as a tributary of the Saint John's and its connection with the commerce of the country. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. LOGAN presented a petition of the Veterans' National Association of Maine, praying that one hundred and sixty acres of land be given each honorably discharged soldier; which was referred to the Committee on Public Lands.

He also presented resolutions adopted by Somerset Post, No. 71, Grand Army of the Republic, Department of Ohio, and resolutions adopted by the George B. Torrence Post, No. 60, Grand Army of the Republic, Department of Ohio, favoring the passage of the bill (S. 340) granting public land to the soldiers of the late war of the rebellion; which were referred to the Committee on Public Lands.

He also presented a petition of Roderic Rockwood Post, No. 39, Department of Missouri, Grand Army of the Republic; a petition of Captain York Post, No. 116, Department of Missouri, Grand Army of the Republic; a petition of Grand Army Post located at Jamestown, N. Y.; a petition of Kilpatrick Post, No. 66, Department of Missouri, Grand Army of the Republic; a petition of G. B. Boomer Post, No. 97, Department of Missouri, Grand Army of the Republic; a petition of Lookout Post, No. 85, Department of Missouri, Grand Army of the Republic; and a petition of Shiloh Post, No. 40, Department of Missouri, Grand Army of the Republic, praying general legislation favorable to Union soldiers; which were referred to the Committee on Pensions.

He also presented a petition of lieutenants of infantry and cavalry, United States Army, praying for the passage of the bill (H. R. 2437) promoting to captaincies lieutenants of fourteen years' service; which was referred to the Committee on Military Affairs.

He also presented a petition of citizens of Eastman, Wis., praying for an appropriation for industrial schools at Sitka, Alaska; which was referred to the Committee on Appropriations.

He also presented a petition of Elvira A. Maxey, widow of Joshua C. Maxey, of Xenia, Ill., late sergeant Company I, Forty-eighth Regiment, Illinois Volunteers, praying for the enactment of a law to give her arrears of pension; which was referred to the Committee on Pensions.

He also presented a petition of William P. Kindrick Post, No. 5, Department of Tennessee, Grand Army of the Republic, praying for the ratification of the pending treaty with the Sioux Indians; which was referred to the Committee on Indian Affairs.

He also presented resolutions adopted at a meeting of live-stock commission dealers and others, held in Chicago, Ill., February 16, 1884, protesting against false and exaggerated statements in reference to dis-

eases of cattle; which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions of the Wholesale Liquor Dealers' Association of Chicago, favoring the extension of the bonded period to two years; which were referred to the Committee on Finance.

He also presented statements showing the service and standing of Maj. Theodore J. Eckerson, quartermaster, United States Army, in connection with his petition for advancement in grade upon being retired from active service January 22, 1885; which were referred to the Committee on Military Affairs.

He also presented a petition of McPherson Post, No. 1, Grand Army of the Republic, Department of Arkansas, praying that the Sioux reservation be opened to settlement; which was referred to the Committee on Indian Affairs.

He also presented a petition of veterans of Sunman, Ind., praying that every honorably discharged soldier be given one hundred and sixty acres of land; which was referred to the Committee on Public Lands.

He also presented the petition of Maj. Theodore J. Eckerson, a major in the Quartermaster's Department, United States Army, praying to be placed on the retired-list of the Army with increased rank; which was referred to the Committee on Military Affairs.

He also presented a resolution of G. K. Warren Post, Grand Army of the Republic, No. 114, Department of Kansas, protesting against the passage of the bill to reinstate Fitz-John Porter; which was referred to the Committee on Military Affairs.

He also presented a petition of vinegar manufacturers and others, citizens of Chicago, Ill., praying that the present law concerning the manufacture of vinegar may be retained; which was referred to the Committee on Finance.

He also presented resolutions adopted by the T. F. Meagher Post, No. 3, Grand Army of the Republic, Department of Virginia, favoring the passage of the bill (S. 44) pensioning prisoners of war who were confined in confederate military prisons during the late war; which were referred to the Committee on Pensions.

Mr. FARLEY presented a petition of citizens of San Francisco, Cal., praying that an appropriation be made for the dry-dock at the navy-yard at Mare Island, Cal.; which was referred to the Committee on Appropriations.

Mr. MILLER, of New York, presented a petition of nearly 500 residents of Staten Island, praying for the passage of Senate bill 1447, authorizing the construction of certain bridges across Staten Island Sound; which was referred to the Committee on Commerce.

He also presented a petition of 18 citizens of Buffalo, N. Y., praying for the retention of certain laws permitting the use of vapors of alcoholic spirits in manufacturing vinegar; which was referred to the Committee on Finance.

He also presented the petition of John E. Wheelock, of Brooklyn, N. Y., praying for action in his behalf in the international case against Venezuela; which was referred to the Committee on Foreign Relations.

He also presented a petition of 107 citizens of Ohio and Indiana and a petition of 62 citizens of Indiana, praying for the repeal of certain laws permitting the use of vapors of alcoholic spirits in manufacturing vinegar; which were referred to the Committee on Finance.

He also presented a petition of 100 citizens of Ohio interested in the manufacture of pure cider vinegar, praying for the repeal of so much of section 5, chapter 125, laws of 1879, as permits the use of vapors of alcoholic spirits in manufacturing vinegar; which was referred to the Committee on Finance.

Mr. BLAIR. I present the petition of the Baltimore Yearly Meeting of Friends, which meets annually in that city, composed of representatives from its several subordinate meetings in Maryland and adjacent parts of Pennsylvania and Virginia, which, through its committee on temperance, in order to secure the better protection of the American people from the great evils attendant upon the traffic in intoxicating liquors and for the promotion of the general welfare, respectfully and earnestly ask that Congress by an appropriate joint resolution shall adopt and propose to the several States an amendment to the Constitution of the United States which, when ratified, will prohibit henceforth the manufacture, importation, and sale of all alcoholic beverages throughout our national domain. This petition is officially signed by Jonathan K. Taylor, chairman of the committee on temperance, and Caroline R. Hull, secretary, third month, fourth day, 1884.

I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. BLAIR. I present also from the same body, through its committee, a petition praying that for the purpose of promoting every right opening to relieve the people from the oppression of a legalized traffic in intoxicating drinks Congress shall enact legislation that will prevent the vending of intoxicating drinks by the authority of the United States in the District of Columbia. The petitioners state that the traffic now makes it exceedingly difficult to enforce prohibitory laws in the adjacent counties of Maryland, thereby doing great injustice and harm to the people of those counties. It is officially signed as in the other case. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. BLAIR. I also present from the Baltimore Yearly Meeting of Friends a petition addressed to the two Houses of Congress, officially signed as in the other cases, in which they respectfully but earnestly request the passage of a bill providing for the appointment of a commission of inquiry to investigate thoroughly and impartially the alcoholic liquor traffic in its relation to crime, pauperism, the public health, and general welfare, and also the results of license and prohibitory legislation in the several States and Territories of the Union. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4985) supplemental to and amendatory of an act to incorporate the Mutual Fire Insurance Company of the District of Columbia;

A bill (H. R. 3235) relating to acknowledgments of conveyance of land in the District of Columbia;

A bill (H. R. 4088) to incorporate the Luther Statue Association, to erect and maintain a monument or statue in memory of Martin Luther in the District of Columbia;

A bill (H. R. 2344) for the relief of Melissa G. Polar; and

A bill (H. R. 2346) for the relief of Sarah A. Redmond.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on Finance, to whom was referred the bill (S. 1242) to reimburse Elizabeth Comstock customs dues paid by her on articles donated for the relief of colored refugees, reported it with amendments, and submitted a report thereon.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 67) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made, reported it with an amendment, and submitted a report thereon.

Mr. BECK, from the Committee on Finance, to whom was referred the bill (S. 530) for the relief of Henry Ayres, of Evansville, Ind., reported it with amendments, and submitted a report thereon.

Mr. ALLISON, from the Committee on Finance, to whom was referred the bill (S. 823) for the relief of Thomas Lynch, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill, (S. 1008) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi reservations, in Idaho, May 14, 1880, for the sale of a portion of their lands in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same, reported it with an amendment.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1222) to place John Jones, late captain of the First Minnesota Battery, on the retired-list of the Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 360) granting a pension to Maria Louise Moss, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 546) granting a rerating of pension to Jacob Meier, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. BLAIR. I am also directed by the Committee on Pensions, to whom was referred the bill (S. 283) to increase the pension of George W. Bausman, to report it adversely, and move its indefinite postponement.

Mr. PLUMB. A similar bill was reported favorably from the committee at the last session after consideration, and I think there must be some mistake about it. I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore* The bill will be placed on the Calendar.

Mr. BLAIR. I am also directed by the Committee on Pensions, to whom was referred the bill (S. 313) granting a pension to Charlotte McCay, to report it adversely, on the ground that if such cases should be pensioned a general law should provide for them, and in justice it should. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. BLAIR. I am also directed by the same committee, to whom was referred the bill (S. 707) granting an increase of pension to Nicholas W. Barnett, to report it adversely, on the ground that under the general law passed at the last Congress the pension has already been increased.

I may observe with propriety, I think, that many bills for an increase of pension have come before the committee apparently from the ignorance of the claimants that under the general law enacted at the last

Congress they have been already provided with the increase of pension they desire. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 732) for the relief of Mary J. Vaughan, reported it with an amendment.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 1237) for the relief of Betts, Nichols & Co., to report it with amendments and submit a written report. I wish to say that the committee, having obtained the evidence and facts in relation to this case from the Treasury Department, thought it proper to report the bill; but if they had noticed the character of the bill or had their attention called to it in the first instance, they would have referred it to the Committee on Claims. It is clearly a bill that ought to have been referred to the Committee on Claims, but finding the facts so strongly in favor of the bill, the Committee on Finance finally concluded to report it favorably.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (S. 905) for the relief of Hugh Dougherty, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MORGAN, on behalf the majority of the Committee on Public Lands, submitted a report to accompany the bill (S. 1445) to provide for the settlement of the rights of the States and of the corporations and persons interested in any grant of lands in aid of said railroads and canals which shall be hereafter declared forfeited by act of Congress.

THE TARIFF COMPILATION, 1884.

Mr. ANTHONY. The Committee on Printing, to which was referred a resolution to print additional copies of Senate report No. 12, being the tariff compilation, have instructed me to report it with amendments, and to ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Ordered, That one hundred additional copies of Senate report No. 12, Forty-eighth Congress, first session, be printed and bound, interleaved, for the use of the Committee on Finance.

The first amendment reported by the Committee on Printing was, in line 1, to strike out "one" and insert "two;" so as to read, "two hundred additional copies."

Mr. COCKRELL. I should like to know why out of the two hundred copies each Senator should not have one copy at least? There are others who desire to use this document besides the members of the Committee on Finance.

Mr. ANTHONY. The suggestion of the Senator from Missouri has been carried out by the committee. The number has been increased to two hundred, of which one hundred are to be for the use of the committee and one hundred for the use of the Senate.

Mr. COCKRELL. I did not so understand the amendment.

The PRESIDENT *pro tempore*. Only the first amendment has yet been reported. The Secretary will read for information the succeeding amendment.

The CHIEF CLERK. In line 4, after the word "interleaved," it is proposed to insert the words "of which one hundred shall be;" so as to read:

Be printed and bound, interleaved, of which one hundred shall be for the use of the Committee on Finance.

The PRESIDENT *pro tempore*. The question is on agreeing to the first amendment recommended by the committee, increasing the number from one hundred to two hundred.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next question is on agreeing to the amendment inserting after the word "interleaved" the words "of which one hundred shall be."

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the order as amended.

Mr. COCKRELL. Let it be reported as amended.

The Chief Clerk read as follows:

Ordered, That two hundred additional copies of Senate report No. 12, Forty-eighth Congress, first session, be printed and bound, interleaved, of which one hundred shall be for the use of the Committee on Finance.

The order as amended was agreed to.

EULOGIES ON REPRESENTATIVE HASKELL.

Mr. ANTHONY. The Committee on Printing, to which was referred the joint resolution (H. Res. 191) for the printing of certain eulogies delivered in Congress upon the late Dudley C. Haskell, have instructed me to report it without amendment and to recommend its passage. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. COCKRELL. I should like to inquire of the distinguished Senator from Rhode Island [Mr. ANTHONY] what has been done with the resolution presented by me some time ago for the printing of the eulogies on the late Thomas Allen, of Missouri, which was introduced, I think, prior to the joint resolution just passed, and even prior to the delivery of those eulogies, and referred to the Committee on Printing?

Mr. ANTHONY. It has not been brought to my notice or I should have attended to it.

Mr. COCKRELL. It ought to have been attended to during the last session, the short session of Congress, but I found on examination of the records that it was not. As soon as I ascertained that fact I introduced a joint resolution, and I hope that speedy action will be taken upon it.

BILLS INTRODUCED.

Mr. SAWYER introduced a bill (S. 1797) to authorize the construction of a railroad bridge across the Saint Croix River, in the States of Wisconsin and Minnesota; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAWES introduced a bill (S. 1798) for the relief of Edward L. Keyes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MILLER, of New York, introduced a bill (S. 1799) to suspend coinage of the standard silver dollar and the issuing of one and two dollar Treasury notes; which was read twice by its title.

Mr. MILLER, of New York. This bill has been prepared by a committee of the Chamber of Commerce of the State of New York. It provides for the suspension of the coinage of the silver dollar for two years. It is accompanied by a memorial from the chamber of commerce. I move that the bill and memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. SABIN introduced a bill (S. 1800) for the relief of Edward Corning; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1801) granting a pension to Mrs. Elizabeth Ann Rice; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR. I introduce a bill to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia. This bill has been prepared at the request of leading citizens of this District, and without having examined its details, but approving its object, I introduce it.

The bill (S. 1802) to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HAWLEY introduced a bill (S. 1803) granting an increase of pension to George A. Washburn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 1804) granting a pension to Clarinda Hunt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 1805) granting an increase of pension to Miles Barber; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 1806) granting a pension to George H. Fluke; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 1807) requiring notice of deficiency in accounts of principals to be given to sureties upon bonds of United States officials, and fixing a limitation of time within which suits shall be brought against said sureties upon said bonds; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. INGALLS introduced a bill (S. 1808) to make the Lake Borgne outlet, to improve the low-water navigation of the Mississippi River from New Orleans, Louisiana, to Cairo, Illinois, and incidentally to reclaim and protect the valley lands of the Mississippi River and tributaries from overflow without levees; which was read twice by its title, and referred to the Committee on Levees and Improvements of the Mississippi River.

Mr. COCKRELL introduced a bill (S. 1809) granting a pension to W. R. D. Mabrey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FARLEY introduced a bill (S. 1810) for the erection of a public building at Sacramento, Cal.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HOAR introduced a bill (S. No. 1811) granting a pension to Mrs. Anne T. Dicks; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN introduced a bill (S. 1812) for the relief of Laura E. Jaynes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1813) for the relief of Frank Schwartz; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1814) to equalize the pay of hospital stewards; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1815) for the relief of Francis Munson; which was read twice by its title, and referred to the Committee on Patents.

He also (by request) introduced a bill (S. 1816) to amend section 4707

of the Revised Statutes of the United States, in relation to dependent relations of deceased soldiers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEORGE introduced a bill (S. 1817) to regulate appeals and writs of error in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. EDMUNDS introduced a bill (S. 1818) to regulate the retirement of Army officers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MILLER, of New York, introduced a joint resolution (S. R. 73) authorizing the Secretary of the Treasury to pay to Charles L. Jones the sum of $705.50 for services as messenger under the Sergeant-at-Arms of the Senate from the 5th day of July, 1879, to the 1st day of January, 1880, inclusive; which was read twice by its title, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

LOUISA BODDY.

Mr. DAWES. I now ask for the consideration of the bill (H. R. 1292) for the relief of Louisa Boddy.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Massachusetts? It requires unanimous consent, as the bill has come over to-day. The Senator from Massachusetts asks unanimous consent that the Senate now consider the bill.

Mr. ALLISON. Let it be read in full, so that we may see what it is.

The PRESIDENT *pro tempore*. The bill will be read at length for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Louisa Boddy, of —— County, State of Oregon, the sum of $5,400, in full settlement of her claim against the Government for depredations committed and property taken and destroyed by the Modoc Indians, on or about November 29, A. D. 1872.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COCKRELL. A bill similar to that was passed by the Senate some time ago and sent to the House. Is the amount in this bill the same as it was in the bill that passed the Senate?

Mr. DAWES. I understand this bill to be precisely the same as that except the blank county.

Mr. ALLISON. Why not refer the bill to a committee?

Mr. DAWES. It has been twice through the Senate, and it seemed to me that it was the shortest way to pass the bill at once.

Mr. COCKRELL. The Senator knows that the amount is the same?

Mr. DAWES. Yes, I asked the Senator from Oregon [Mr. SLATER].

The PRESIDENT *pro tempore*. Debate is not in order. The Chair is calling for objection.

Mr. DAWES. I understand it to be precisely the same bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none. It is now before the Senate as in Committee of the Whole and open to amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 4779) to change the name of the Waterville National Bank of Oakland, in the State of Maine, to that of the Messalonskee National Bank;

A bill (H. R. 5445) to amend section 4136 of the Revised Statutes of the United States, relating to the purchase and repair of foreign vessels; and

Joint resolution (H. Res. 124) authorizing the collector of the port of New York to deliver free of duty a silver cup won by Sergt. A. B. Van Heusen as a member of the American rifle team at Wimbledon in July, 1883.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (S. 196) for the relief of the devisees of the late Daniel Carroll;

A bill (S. 616) to establish a standard of time in the District of Columbia;

A bill (H. R. 1292) for the relief of Louisa Boddy; and

Joint resolution (H. Res. 191) for the printing of certain eulogies delivered in Congress upon the late Dudley C. Haskell.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 11, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

Mr. CALKINS. I move to dispense with the reading of so much of the Journal as relates to the formal introduction and reference of bills and joint resolutions.

There was no objection, and it was ordered accordingly.

The remainder of the Journal was read and approved.

REGISTER OF CERTAIN FOREIGN-BUILT VESSELS.

Mr. FINDLAY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 5445) to amend section 4136 of the Revised Statutes of the United States, relating to the purchase and repair of foreign vessels, and that the same be taken up for immediate consideration.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That section 4136 of the Revised Statutes be, and is hereby, amended so as to read:

"That the Secretary of the Treasury may issue a register or enrollment for any vessel built in a foreign country whenever such vessel shall be wrecked or damaged in navigable waters, foreign or domestic, and shall be purchased by a citizen of the United States and repaired in the United States, if it shall be proved to the satisfaction of the Secretary that the repairs put upon such vessel are equal to double the cost of the vessel when so purchased."

The SPEAKER. Is there objection to discharging the Committee of the Whole House on the state of the Union from the further consideration of this bill and considering the same in the House at this time?

There was no objection.

Mr. FINDLAY. There is a report accompanying the bill which tells the whole story. There is no occasion for making any speech or statement. Let the report be read, and that will explain the necessity for the passage of the bill.

The report was read, as follows:

The Select Committee on American Ship-building and Ship-owning Interests, to which was referred a bill (H. R. 3917) concerning the purchase and repair of foreign vessels, report herewith a substitute for said bill.

Section 4136 of the Revised Statutes authorizes the purchase and repair of foreign vessels wrecked within the navigable waters of the United States and the admission of such vessels to American registry, provided the repairs put upon them shall be equal in cost to three-fourths of their value when repaired. The object of the present bill is to permit the admission to American registry of any foreign vessel which has been either wrecked or damaged within the navigable waters of the United States, or outside of its jurisdiction on the high seas or elsewhere, provided the vessel shall have been purchased by a citizen of the United States and repaired therein at a cost equal to double the amount of the value of the vessel when purchased. The changes are obvious. A vessel may be damaged and yet not wrecked or the injury may occur at some point not within the navigable waters of the United States, but in such cases the purchase and repair of a foreign vessel with a view to her naturalization would not be permissible under existing laws.

Again, the requirement that three-fourths of her value shall be expended in repairs estimated upon the basis of the worth of the vessel when thus repaired is in the opinion of the committee an exaction too rigorous to permit any real benefit to be derived from the law. To require that the cost of the repairs shall be double the value of the vessel when purchased will be quite sufficient to protect our home interests, and at the same time may offer some inducement to venture upon enterprises of this character, which must in their very nature be exceptional and rare.

For these reasons the committee have unanimously recommended the passage of the bill.

Mr. FINDLAY. Mr. Speaker, I yield now such time as he may desire to my friend from Massachusetts [Mr. STONE].

Mr. STONE. Mr. Speaker, I think the reasons assigned for the passage of this bill are set forth clearly and forcibly in the report. The reason is stated with such clearness that nothing I may say can add to its force. I hope the bill may pass, since it is in the interest of American industry and only removes some of the restrictions found by experience to be too rigid. It is not necessary to make any additional remarks.

Mr. FINDLAY. I demand the previous question upon the engrossment and third reading of the bill.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FINDLAY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF NAME OF NATIONAL BANK.

Mr. DINGLEY. I ask unanimous consent to take from the House Calendar for immediate consideration the House bill No. 4779, reported by the Committee on Banking and Currency. The bill is simply to change the name of a national bank.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

A bill (H. R. 4779) to change the name of the West Waterville National Bank of Oakland, in the State of Maine, to that of the Messalonskee National Bank.

Be it enacted, &c., That the name of the West Waterville National Bank, located and transacting business at Oakland, in the county of Kennebec and State of Maine, shall be changed to that of the Messalonskee National Bank, whenever the board of directors of said bank shall accept the aforesaid new name by a resolution of the said board, adopted by a majority of the members of said board at a meeting duly called for the purpose of making said change of name, and shall cause a copy of said resolution, duly authenticated, to be filed with the Comptroller of the Currency: *Provided*, That such acceptance be made within six months after the passage of this act, and that all the expenses incident to such change, including engraving, shall be borne and paid by said bank.

SEC. 2. That the debts, dividends, liabilities, rights, privileges, and powers of the said West Waterville National Bank shall devolve upon and inure to the said Messalonskee National Bank whenever such change of name shall be effected.

SEC. 3. That nothing in this act contained shall be so construed as in any manner to release the said West Waterville Bank from any liability or affect any action or proceeding in law in which said bank may be or become a party or interested.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DINGLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

YELLOWSTONE PUBLIC PARK.

Mr. EVINS, of South Carolina. I ask unanimous consent to take from the Speaker's table for reference to the Committee on Territories the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

SERGT. A. B. VAN HEUSEN.

Mr. KASSON. I ask for the present consideration of a brief resolution of half a dozen lines to admit free of duty a prize cup won by an American rifleman at Wimbledon.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the House joint resolution No. 124, and that it be brought before the House for present consideration. The joint resolution will be read, after which the Chair will ask for objections.

The joint resolution was read, as follows:

Joint resolution (H. Res. 124) authorizing the collector of the port of New York to deliver, free of duty, a silver cup won by Sergt. A. B. Van Heusen, as a member of the American rifle team, at Wimbledon, in July, 1883.

Resolved, &c., That the collector of the port of New York be, and he is hereby, authorized and directed to deliver to Sergt. A. B. Van Heusen, of the Twelfth Regiment National Guard of the State of New York, free of duty, the silver cup won by said Sergt. A. B. Van Heusen, in the international rifle match, in July, 1883, as a member of the American rifle team.

There being no objection, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the joint resolution, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KASSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OATH OF OFFICE.

Mr. COX, of New York. I ask unanimous consent to take from the Speaker's table the bill (H. R. 3926) known as the ironclad-oath bill, with amendments by the Senate, for the purpose of moving that the House concur in the Senate amendments.

Mr. WHITE, of Kentucky. I object. I think that had better remain on the statutes for a while.

Mr. TOWNSHEND. Then let us have the regular order.

Mr. COX, of New York. Does the gentleman from Kentucky object to a conference? I am told by Senators we can not do anything better in the Senate.

Mr. WHITE, of Kentucky. I object.

ORDER OF BUSINESS.

The SPEAKER. Objection is made by the gentleman from Kentucky [Mr. WHITE], and the regular order is demanded by the gentleman from Illinois [Mr. TOWNSHEND]. The regular order is the call of committees for reports.

REFUND TO GEORGIA.

Mr. HAMMOND, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 4703) to require the payment in cash to the State of Georgia of $35,555.42, appropriated for said State by an act to refund to the State of Georgia certain money expended by said State for the common defense in 1777, approved March 3, 1883; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SUPREME COURT, DAKOTA.

Mr. MCCOID, from the Committee on the Judiciary, reported back with an amendment the bill (H. R. 1682) providing for two additional associate justices for the supreme court of the Territory of Dakota; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendment and accompanying report, ordered to be printed.

SECTION 914 REVISED STATUTES.

Mr. CULBERSON, of Texas, from the Committee on the Judiciary, reported back with an amendment the bill (H. R. 3800) to amend section 914 of the Revised Statutes of the United States; which was referred to the House Calendar, and, with the amendment and accompanying report, ordered to be printed.

LIGHT-HOUSE AT ERIE, PA.

Mr. O'NEILL, of Pennsylvania, from the Committee on Commerce, reported, as a substitute for the bill (H. R. 1417) providing for the reestablishment and maintenance of the land light-house at Erie, Pa., a bill (H. R. 5890) having the same title; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

FORT HAYS MILITARY RESERVATION.

Mr. MORGAN, from the Committee on Military Affairs, reported back with an amendment the bill (H. R. 578) to authorize the sale of a certain portion of the Fort Hays military reservation, Kansas, to the Ellis County Agricultural Society of Kansas; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHEYENNE AND BLACK HILLS RAILWAY.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 3486) to authorize the Cheyenne, Black Hills and Montana Railroad Company to build its road across the Fort Russell and Fort Laramie military reservations; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SETTLEMENT OF OFFICERS' ACCOUNTS.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported a bill (H. R. 5891) to provide for the settlement of accounts of officers who served during the war of the rebellion; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported back bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1187) for the relief of Moses B. Walker; and

A bill (H. R. 2175) for the relief of John Feland.

COL. G. W. GETTY.

Mr. DUNCAN, from the Committee on Military Affairs, reported back with an amendment the bill (H. R. 1783) to place Col. George W. Getty, retired, on the retired-list of the Army with the rank and pay of a major-general; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

ROAD TO NATIONAL CEMETERY AT MEMPHIS.

Mr. DUNCAN, from the Committee on Military Affairs, also reported adversely the bill (H. R. 1535) to provide for the construction of a macadamized road from the city of Memphis, in the State of Tennessee, to the national cemetery near said city; which was laid on the table, and the accompanying report ordered to be printed.

ARMY PAYMASTERS' CLERKS.

Mr. DUNCAN, from the Committee on Military Affairs, also reported adversely the bill (H. R. 1371) to amend section 1190 of the Revised Statutes of the United States relative to paymasters' clerks of United States Army; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM LEWIS.

Mr. COX, of New York, from the Committee on Naval Affairs, reported back the petition of William Lewis, owner of the North Star, for relief for losses incurred by him on account of rescuing the crew of the United States steamer Rodgers, lost in the Polar Sea, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Appropriations.

The motion was agreed to; and the petition was referred accordingly.

BENJAMIN TRAPNELL.

Mr. COX, of New York, from the Committee on Naval Affairs, reported adversely the bill (H. R. 4330) for the relief of Benjamin Trap-

nell; which was laid on the table, and the accompanying report ordered to be printed.

NAVY-YARD, ETC., WALLABOUT BAY, BROOKLYN.

Mr. MORSE, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 2476) providing for the sale of navy-yard and United States naval hospital land on or near Wallabout Bay, in the city of Brooklyn, N. Y.; which was placed on the House Calendar, and the accompanying report ordered to be printed.

ALFRED HOPKINS.

Mr. BUCHANAN, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 2552) for the relief of Alfred Hopkins; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

RETIREMENT OF MATES IN THE NAVY.

Mr. BALLENTINE, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. 3035) relative to the retirement of mates in the Navy; which was placed on the House Calendar, and the accompanying report ordered to be printed.

KICKAPOO DIMINISHED RESERVATION, KANSAS.

Mr. PERKINS, from the Committee on Indian Affairs, reported back with an amendment the bill (H. R. 3201) to provide for the sale of the Kickapoo diminished reservation in Kansas; which was placed on the House Calendar, and, with the accompanying report, ordered to be printed.

S. N. WOOD.

Mr. PERKINS, from the Committee on Indian Affairs, also reported back with an amendment the bill (H. R. 3440) for the relief of S. N. Wood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES M'MANUS.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 2908) granting a pension to James McManus; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AZZUR W. READER.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 3466) granting a pension to Azzur W. Reader; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORLANDO CULVER.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 5215) granting a pension to Orlando Culver; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MATTHEW O. REGAN.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 1631) to increase the pension of Matthew O. Regan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SYDNEY B. TULLOR.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 5213) to restore Sydney B. Tullor to the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHERINE TERRY.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 2447) for the relief of Catherine Terry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. WHITCOMB.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with an amendment the bill (H. R. 5364) granting a pension to William H. Whitcomb; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE HENRY.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 2425) granting a pension to Catharine Henry; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARGARET KEARNS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2480) granting a pension to Margaret Kearns; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. SARAH SINFIELD.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1042) for the relief of Mrs. Sarah Sinfield; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CAROLINE VAN NORTON.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4189) granting a pension to Caroline Van Norton; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JANE BRACKEN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4191) granting a pension to Jane Bracken; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MAGDELENA COOK.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 5088) for the relief of Magdelena Cook; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROSINA HEINEMAN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4825) for the relief of Rosina Heineman; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH MANZ.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 4974) for the relief of Sarah Manz; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. JANE YOUNG.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 2432) for the relief of Mrs. Jane Young; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3330) for the relief of William H. Starin;

A bill (H. R. 3316) granting a pension to Caleb Aber;

A bill (H. R. 2465) for the relief of George Davy, granting him arrears of pension; and

A bill (H. R. 3339) granting an increase of pension to Erastus C. Weaver.

LEONORA A. BOYDEN.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back the bill (H. R. 5008) granting a pension of $50 per month to Mrs. Leonora A. Boyden; when the Committee on Invalid Pensions were discharged from the further consideration of the bill, and it was referred to the Committee on Pensions.

DAVID WEBSTER.

Mr. RAY, of New York, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 981) for the relief of David Webster; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SELMA AND MERIDIAN RAILROAD COMPANY.

Mr. ELLWOOD, from the Committee on Claims, reported back adversely the bill (H. R. 3071) for the benefit of the Selma and Meridian Railroad Company; which was laid on the table, and the accompanying report ordered to be printed.

HEIRS OF HORATIO N. SPENCER.

Mr. ELLWOOD, from the Committee on Claims, also reported back the bill (H. R. 866) for the relief of the heirs of Horatio N. Spencer; when the Committee on Claims was discharged from the further consideration of the bill, and it was referred to the Committee on War Claims.

CLAIMS OF CITIZENS OF KANSAS.

Mr. BROWN, of Pennsylvania, from the Committee on Claims, reported back adversely the bill (H. R. 2037) authorizing the appointment of a commissioner and the settlement of the claims of certain citizens of Kansas named therein; which was laid on the table, and the accompanying report ordered to be printed.

JAMES W. HARVEY.

Mr. PRICE, from the Committee on Claims, reported a bill (H. R. 5892) for the relief of James W. Harvey, assignee of Joseph Parkins; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PILOTAGE.

Mr. DINGLEY, from the Select Committee on American Ship-building and Ship-owning Interests, reported, as a substitute for H. R. 3057, a bill (H. R. 5893) relating to pilotage; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. DINGLEY. I ask unanimous consent that the minority have leave to file their views hereafter, and that when filed they shall be printed with the report of the majority.

There was no objection, and it was ordered accordingly.

TARIFF.

Mr. MORRISON. Mr. Speaker, I rise for the purpose of making a privileged report. The Committee on Ways and Means, to which was referred sundry resolutions and bills on the subject of revenue, have directed me to report a bill (H. R. 5894) to reduce import duties and war-tariff taxes, accompanied with a written report, and to recommend it be passed.

The bill was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. McKINLEY. I ask leave, Mr. Speaker, to present the views of the minority of the Committee on Ways and Means in reference to the bill just reported and referred to the Committee of the Whole House on the state of the Union, and to ask that they be ordered to be printed with the report of the majority.

Mr. MORRISON. There is no objection to that.

The SPEAKER. The Chair hears no objection, and the views of the minority are ordered to be printed with the report of the majority.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, and especially with a view of resuming the consideration of the Post-Office appropriation bill; and pending that motion I move that all general debate shall be closed in four and one-half hours. I understand from my friend from Michigan [Mr. HORR] he is willing to consent to that limitation of the general debate to four and one-half hours.

Mr. HORR. Two hours and a half on this side.

Mr. TOWNSHEND. And two hours on this side. Of course this does not include whatever remains to myself out of my hour, and which I reserved. With that addition it will make five hours; and therefore I will modify my motion so that debate shall be closed in five hours.

Mr. HORR. As I understand it, the gentleman from Illinois had thirty minutes of his time remaining and which he reserved out of his hour.

The SPEAKER. That is a matter over which the House has no control. That is an understanding between gentlemen themselves, and is not a part of the motion of the gentleman from Illinois. The Chair means to state that any arrangement as to the division of the time after it has been limited is a matter to be determined by gentlemen themselves.

Mr. TOWNSHEND. I ask unanimous consent, then, that all general debate shall be closed in five hours after the consideration of the bill shall be resumed.

Mr. WILLIS. Why not say two hours?

Mr. TOWNSHEND. It has been agreed between the gentleman from Michigan and myself that all general debate shall be closed in five hours, and we wish to have an order of the House entered to that effect.

Mr. WILLIS. I move to strike out "five" and insert "three" hours.

Several MEMBERS. That is right.

Mr. WILLIS. We have already had a whole day on this subject.

The SPEAKER. The motion is not debatable.

Mr. TOWNSHEND. I ask for a division of the House on that amendment.

The House divided; and there were—ayes 83, noes 57.

So the amendment was agreed to.

Mr. TOWNSHEND. I withdraw the motion to close debate, and will let the House regulate it hereafter.

Mr. WILLIS. I object to that.

The SPEAKER. It is not in order to withdraw the motion after an amendment has been agreed to unless by unanimous consent.

Mr. WILLIS. And I object.

Mr. HOLMAN. Perhaps if the gentleman from Kentucky will consent to make it four hours there will be no objection.

Mr. WILLIS. No, sir; the committee having indicated its purpose as to what the time should be, the gentleman from Kentucky accepts the indication of the committee.

Mr. ROGERS, of Arkansas. I demand tellers.

The House divided; and there were ayes 15.

The SPEAKER. Not a sufficient number to order tellers.

Mr. TOWNSHEND. Then I make the point of order that a quorum has not voted, and that will give me tellers on this motion.

The SPEAKER. The point of order having been made, the Chair will appoint as tellers Mr. TOWNSHEND and Mr. WILLIS.

The question recurred on the motion to close debate as amended to three hours.

The House divided; and the tellers reported—ayes 97, noes 86.

So the motion was agreed to.

The SPEAKER. The question now recurs on the motion to go into committee.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The House resumes the consideration of the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, on which the gentleman from Pennsylvania [Mr. BINGHAM] is entitled to the floor. By order of the House all general debate on this subject shall be closed in three hours.

Mr. BINGHAM addressed the committee. [See Appendix.]

During the delivery of the foregoing remarks, at the expiration of one hour, the hammer fell.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BINGHAM. I would like to have a little further time, if possible.

Mr. WHITE, of Kentucky. I ask unanimous consent that the gentleman from Pennsylvania be given fifteen minutes' additional time.

The CHAIRMAN. The House has limited the general debate, and it would not be in order for the committee to extend it.

Mr. HOLMAN. I presume that the remaining time on that side of the House is at the disposal of the gentleman from Pennsylvania or his friends.

The CHAIRMAN. The gentleman from Indiana will be recognized next. The Chair desires now to state that the arrangement made by the gentlemen on the several sides of this bill as to the debate has been defeated by the action of the House.

Mr. HOLMAN. I suggest though that three hours were allowed for debate. Of course the gentleman of Pennsylvania represents one hour and a half of that time, and I suggest therefore that he consume such time of that hour and a half as he may think proper.

The CHAIRMAN. The Chair will not interrupt the gentleman unless some member of the committee sees fit to do so. It is not proper, however, to entertain a motion to extend the time.

Mr. SKINNER, of New York. If I can be recognized I will yield to the gentleman.

The CHAIRMAN. The gentleman from Pennsylvania can proceed unless objection is made by some member of the committee.

Mr. HOLMAN. I suppose the time can not be extended by the committee, but the gentleman can use the half hour remaining to that side of the House.

The CHAIRMAN. The Chair will understand that the time is being used by the assent of gentlemen on the other side unless objection is made.

Mr. HOLMAN. Of course the time can not be extended by the committee.

The CHAIRMAN. It can not. The Clerk informs the Chair that the additional time was granted with a view to allowing the gentleman from Illinois [Mr. TOWNSHEND] to close the debate. The gentleman is not present, the Chair perceives.

Mr. HOLMAN. This will not interfere with that arrangement.

Mr. HOLMAN addressed the committee. [See Appendix.]

Mr. SKINNER, of New York. Mr. Chairman, we are willing to give full credit wherever the bill under consideration does justice to the interests of the country. We make no charge of insincerity, bad faith, or wrong intent. We judge the bill solely by its known or anticipated effects. We give credit for a desire for economy on the part of the honorable gentleman from Illinois [Mr. TOWNSHEND] and his honorable colleague from Indiana [Mr. HOLMAN], for both of whom I have personal respect. We will follow them wherever they may lead in the real path of economy, but can not follow in the by-paths which lead to the pools of stagnation by aiding in the passage of any bill which will prove a detriment to the public service.

What is economy when considered in the discussion of national affairs? It is the cutting off of useless expenditure and extravagance.

It is the management of governmental affairs upon the same strict principles which govern business concerns. This implies getting the best possible service and the best results at the least expense. It does not imply the employment of fewer servants than are necessary to properly conduct public or private business. To employ one servant less than is required is as much against public interest as to employ one more than is actually necessary.

There is a power behind us which is a just judge of our work. That power is the people of the United States; the reading, writing, thinking, sensible people, who write the letters and read the newspapers. They ask for service, and always appreciate the best service that can be given. They will hold us strictly responsible. They will condemn us if we give unreasonable appropriations to be corruptly expended. They will as certainly condemn us if we give less than the public interest demands or seek to cripple the service by making meager appropriations. There is no intimation of corruption, misappropriation, or dishonesty in the administration of the Post-Office Department.

The honorable gentlemen who have spoken for the Committee on Appropriations have not intimated anything of the kind. Will not the people hold the administration responsible for all its acts? Do they not commend every advanced step and condemn crime? Have not criminals been driven from place and pursued by public condemnation?

This bill deals with the only Department of the Government which is self-supporting. In the nature of things, other Departments, like the State, War, Navy, Interior, and Treasury, can not be self-sustaining. It is not to be expected that they will be. The bill affects the interest of every person in the country who can read or write, and more than all other Department bills combined. And who pays for the service? Who pays the vast amount required to satisfactorily conduct this great Department? It is paid purely and simply by the voluntary act of the people, who are glad to use the privileges given and willing to pay for them. Shall they then be denied any advantage or convenience they ask and are willing to pay for? They are, with reason, jealous when these privileges are curtailed or interfered with.

The effects of this bill, by certain provisions, are:

1. It strikes at nine of our proudest American cities, which collect more than one-quarter of the entire postal revenues of the country, by decreasing the salaries of the postmasters. Does the committee appreciate the labor and responsibility resting upon the postmasters at these cities? Does it appreciate the work they do, the revenue they collect?

In this connection I desire to appropriate a table compiled by my colleague [Mr. RAY], showing the comparative postal receipts and expenditures of these nine great cities and the nine Democratic States of the Union giving the largest postal revenues:

	Receipts, 1882-'83.	Exp'ditures, 1882-'83.
CITIES		
New York	$4,413,822 00	$867,619 00
Boston	1,508,218 00	283,102 00
Philadelphia	1,579,235 00	263,283 00
Chicago	1,949,199 00	382,651 00
Saint Louis	843,730 00	150,884 00
Baltimore	540,504 00	94,845 00
San Francisco	558,134 00	100,472 00
Cincinnati	638,624 00	111,186 00
Washington	292,332 00	139,056 00
	12,323,798 00	2,393,098 00
Surplus receipts over expenditures in nine cities		9,930,700 00
		12,323,798 00
STATES.		
Alabama	351,461 19	528,663 84
Missouri	1,886,378 42	1,989,855 57
Texas	921,381 90	1,223,819 57
Kentucky	685,523 61	798,467 62
Tennessee	546,656 96	567,793 37
Georgia	559,140 09	758,109 07
Virginia	666,001 97	997,638 16
Maryland	784,264 18	813,995 38
Louisiana	447,038 08	526,525 67
	6,847,846 40	8,204,868 25
Deduct receipts of Saint Louis and Baltimore	1,384,234 00	
	5,463,612 40	
Deduct expenditures of Saint Louis and Baltimore		245,729 00
Expenditures over receipts in nine States	2,495,526 85	
		7,959,139 25
	7,959,139 25	
Receipts of nine cities	12,323,798 00	
Receipts of nine States	5,463,612 40	
Excess of cities over States	6,860,185 60	
Expenses of nine States		7,959,139 25
Expenses of nine cities		2,393,098 00
Excess of expenses in States over cities		5,566,041 25
Revenue from nine cities		9,930,700 00
Deficiency from nine States		2,495,526 85

These are instructive figures and worthy of attentive study.

It strikes at one hundred and fifty-nine of our most progressive cities and towns by crippling the free-delivery service at these points, which collect one-half the entire postal revenues. The revised estimate of the Post-Office Department on this point is $4,000,000; the amount appropriated in the bill is $3,600,000; showing a cutting down of $400,000 from estimates.

In this connection I submit a letter from the superintendent of the free-delivery system touching the appropriation for and positive needs of this service:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 1, 1884.

SIR: I submit herewith for your consideration a revised estimate of the cost of the free-delivery service for the fiscal year ending June 30, 1885.

It is proper to state, as bearing on this subject, that this service is now in operation in 159 of the largest cities in the country, employing 3,888 carriers, and aggregating a population of 10,000,000 under the census of 1880, who are directly interested in it, besides other millions who, having correspondence with these cities, are likewise interested in it.

That this branch of the service during the last fiscal year yielded $1,021,894 from local matter alone in excess of the cost of the service.

That the total revenues of the Department for the fiscal year ended June 30, 1883, amounted to $45,508,692, of which amount $22,317,499 was derived from the free-delivery offices—one-half.

That the large estimate is due in great part to the act of August 2, 1882, changing the pay of all auxiliary carriers from $400 to $600 per annum, and requiring the promotion of carriers to the next higher grade after one year's service, involving an expense in each individual case of $200 in the first-class free-delivery cities, and $250 in the second class.

That the percentage of increase of the service for the fiscal year ended June 30, 1882, was 4.93; whereas it was 20.96 for the fiscal year ended June 30, 1883, this large increase in the cost being attributable mainly to the act of August 2, 1882.

It will be observed that the expense of the service is shown in comparison with the postage derived from local matter alone, which is estimated at about 25 per cent. of the whole matter delivered by carriers—no credit being given to matter received by mail and delivered by carriers.

In view of the above considerations, the service can not, in my judgment, be kept up to a commendable state of efficiency and extended to additional cities, as the law authorizes, for a less sum than the estimate herewith submitted, $4,000,000.

Very respectfully,

R. W. GURLEY,
Superintendent Free-Delivery System.

Hon. FRANK HATTON,
First Assistant Postmaster-General

Pay of 1,985 carriers, at $1,000 each	$1,985,000
Pay of 891 carriers, at $850 each	757,350
Pay of 367 carriers, at $800 each	293,600
Pay of 645 carriers, at $600 each	387,000
3,888	3,422,950

These estimates were made January 15, 1884, at present rates, which are changing every day by promotions.

For promotion, 1,012 carriers	$220,000
For additional carriers, say $300 to $600 each, which is less than an average of two to each of 159 offices	180,000
For estimated service in additional cities (21 now on file)	50,000
For incidentals, including three inspectors ($9,000)	130,000
	4,002,950

I also append a list of cities applying for free delivery:

Cities.	Population, 1880.	Revenue, 1883.
Decatur, Ill	9,547	$30,027
Fargo, Dak	2,693	30,288
Fort Worth, Tex	6,663	26,045
Freeport, Ill	8,516	21,318
Jacksonville, Ill	10,927	21,878
Joliet, Ill	16,145	20,234
La Crosse, Wis	14,505	25,091
Moline, Ill	7,800	20,493
Raleigh, N. C	9,265	23,914
Rutland, Vt	12,149	20,242
Norwich, Conn	21,141	.....
Newburg, N. Y	18,050	.....
Nashua, N. H	13,397	20,158
Rome, N. Y	12,045	.....
Salt Lake City, Utah	20,768	40,878
San José, Cal	12,567	29,232
Sedalia, Mo	9,561	21,049
Sioux City, Iowa	7,366	27,300
Selma, Ala	7,529	.....
Saratoga Springs, N. Y	8,421	.....
Waterbury, Conn	20,269	31,544

It will be seen that this list affects cities and towns in fourteen different States, the greater number (five) in the State of Illinois, whence comes our friend Mr. TOWNSHEND. These thriving communities are all asking the establishment of the free-delivery system, but their requests can not be granted by reason of insufficient funds. Pass the bill in its present form, and there is an end of the extension of the system. To make both ends meet the number of carriers must be reduced at points now established. To make the point clear as to the actual needs of the Department in this direction I append two letters from the Postmaster-General to the chairman of the House Committee on Appropriations:

POST-OFFICE DEPARTMENT, *Washington, D. C., February* 12, 1884.

SIR: I find, on referring to my annual report for 1883, page 59, that in stating

the amount which will be required for the free-delivery service for the fiscal year beginning July 1, 1884, two important items were omitted, namely, $180,000 for additional letter-carriers in cities where the service is now in operation and $20,000 for additional incidental expenses, making $200,000.

I therefore advise that the estimate for this service for the next fiscal year be increased from $3,800,000 to $4,000,000.

The considerations which lead me to ask for this large amount are as follows: This service has been extended within about a year to forty-seven additional cities, making the present number one hundred and fifty-nine. These cities have an aggregate population according to the census of 1880 of about 10,000,000, and employ 3,888 carriers at the present time. They yielded last year one-half of the gross revenue of the Department, and from postage on local matter alone $1,021,594 in excess of the total cost of this branch of the service. The amount required is also largely increased by the act of August 2, 1882, increasing the pay of auxiliary carriers from $400 to $600 per annum, and requiring the promotion of carriers to the next higher grade after one year's service, involving an increased expense in each individual case of $200 in the first-class free-delivery cities and $250 in the second-class cities. The percentage of increase in the cost of the service for the fiscal year was 4.93, against 20.95 for the fiscal year ending June 30, 1883, this large increase being due in great part to the act above cited.

I therefore recommend the appropriation of $4,000,000 as the probable cost of the service for the next fiscal year.

Very respectfully,

W. Q. GRESHAM, *Postmaster-General.*

Hon. S. J. RANDALL,
Chairman Committee on Appropriations, House of Representatives.

POST-OFFICE DEPARTMENT, *Washington, D. C., February* 11, 1884.

SIR: I desire to submit for the consideration of the Committee on Appropriations that, according to the best estimates that can be made up to this time, the appropriation for the free-delivery service for the current fiscal year will be exceeded at the close of the year by a small sum.

To meet this anticipated deficiency, I request that the amount left over from the appropriation of the last fiscal year, namely, $26,663.49, be appropriated for use during the remainder of this fiscal year.

I beg leave to state in this connection that Congress at its last session appropriated for this service $100,000 less than the estimate submitted, and hence the danger of a deficiency.

Very respectfully,

W. Q. GRESHAM, *Postmaster-General.*

Hon. S. J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives.

To continue this bill in its spirit is like putting down a feather to stem a torrent—a vain attempt to check the steady and resistless increase in postal business by a cry of false economy.

It is a face-about to the rear in dealing with a progressive question. It is an attempt to stop progress, and we are told that where progress ends decay begins.

It is a crippling of the railway mail service of the country by giving to the Department $1,050,000 less than the estimates furnished for inland transportation by railroad routes, and $295,286.60 less than the estimates furnished for railway postal clerks for the next fiscal year. The growth of the service demands our attention, and we hear no good reason why the increase asked for should not be given. It is based on careful and honest estimates, and if denied the service will grow weak instead of strong. We can not expect the service to be weakened on the great trunk lines, which are the arteries of travel and of communication. These will be maintained to their full efficiency, but it will be the side lines upon which so many of us live that will suffer. We can not afford to cripple them.

The increase in mail handled during the past year was 15.96 per cent. on the preceding year, and the increase in number of miles of railroad was 9,264. The Department asks only an increase of 8 per cent. over the preceding appropriation, and gives excellent reasons why it should be given. Again the bill cripples thousands of post-offices throughout the country by reducing the amount required for clerk-hire. We all know how urgent the demand is; we all know that at third-class post-offices no allowances whatever can be made for rent, and clerk-hire can only be given at "separating offices." I trust this Congress will yet do justice to post-offices of the third class by passing a bill now on our Calendar giving the Postmaster-General authority to make allowances for rent to post-offices of the third class.

The bill reduces the appropriation for clerk-hire from $4,900,000 to $4,775,000, a decrease of $125,000. While the increase of gross revenues, as shown by returns from one hundred offices, is 24.32 per cent. for 1882–'83, it would seem as though an increase of 2.6 per cent. or $125,000 ought to be allowed without question.

The allowances made in 1882–'83 were 2,758; increase over preceding year, 478; increase per cent., 20.9: applications denied in 1882–'83, 2,604; separation offices allowed, 1,732. There is needed to-day in this branch of the Department to meet just demands $20,000, and yet one office has to be robbed of a portion of its allowance to give another what is absolutely nece sary for the good of the service.

The bill denies, or attempts to deny, to postmasters below the third class what the law of 1883 gives them, and which they are entitled to allow themselves in making their returns. This will only create a deficiency which a future Congress must pay. The money will be spent, and we might as well appropriate it. The bill appropriates $1,750,000 less than the closest estimate the Department can make under the construction of the law of March 1, 1883.

The bill makes no allowance for the growth of the service or its grand possibilities. In twenty years, 1863 to 1883, the transactions of the Post-Office Department have increased over $30,000,000, year by year. I append the following table, showing—

Comparative statement of receipts and expenditures of the Post-Office Department from July 1, 1836, *to June* 30, 1883.

Year.	Receipts.	Expenditures.
1837	$4,945,668 21	$3,288,319 03
1838	4,238,733 46	4,430,662 21
1839	4,484,656 70	4,636,536 31
1840	4,543,521 92	4,718,235 64
1841	4,890,383 27	4,499,527 61
1842	4,546,849 65	5,674,751 80
1843	4,296,225 43	4,374,753 71
1844	4,237,287 83	4,296,512 70
1845	4,289,841 80	4,320,731 99
1846	4,237,199 35	4,076,036 91
1847	3,892,809 23	3,979,542 10
1848	4,680,211 10	4,326,850 27
1849	4,705,176 28	4,479,049 13
1850	5,499,984 86	5,212,953 43
1851	6,410,604 33	6,278,401 68
1852	6,925,971 28	7,108,459 04
1853	7,495,724 70	7,982,756 59
1854	8,992,335 18	8,577,424 12
1855	9,756,678 39	9,968,342 29
1856	10,669,703 22	10,405,286 36
1857	11,881,956 43	11,508,057 93
1858	12,166,063 57	12,722,470 01
1859	11,884,430 56	11,458,083 63
1860	19,672,234 94	19,170,609 89
1861	12,989,102 93	13,606,759 11
1862	10,898,774 61	11,125,364 13
1863	12,171,638 31	11,314,206 84
1864	13,188,233 78	12,644,786 20
1865	14,560,127 16	13,694,728 28
1866	14,436,986 21	15,352,079 30
1867	19,288,693 54	19,235,483 46
1868	21,989,125 80	22,730,592 65
1869	24,051,626 02	23,698,131 50
1870	23,794,361 50	23,908,837 63
1871	24,163,245 42	24,390,104 08
1872	26,909,176 37	26,658,192 31
1873	28,987,216 57	29,084,945 67
1874	32,393,505 37	32,126,414 58
1875	33,496,007 55	33,611,309 45
1876	33,722,780 53	33,263,487 58
1877	34,544,885 26	33,486,322 44
1878	34,585,169 77	34,165,084 49
1879	33,339,948 11	33,449,899 45
1880	36,913,196 54	36,542,803 68
1881	40,083,319 43	39,592,566 22
1882	41,883,005 27	40,482,021 23
1883	45,530,109 46	43,282,944 43

It will be seen that the Post-Office Department for many years has been steadily self-sustaining.

As one instance illustrating the growth of the mail service it may be stated that forty years ago in the New York post-office in an entire week the weight of the mails amounted to but 19,000 pounds. Now that weight leaves New York every two hours, or more than one hundred and twenty tons daily by various routes. On January 16 last there was dispatched from New York over seventy-five tons of mail; the receipts also coming near that figure. Right here I desire to pay my respects to our amiable and liberal friend from Colorado who has so much to say about swinging wide open the doors of the national Treasury, and who loses no opportunity to charge New York with many of the sins which overtake the financial world. I am proud to say to him that a comparison of postal revenues shows that the "little" State of New York alone yields a sufficient revenue to run the postal business of seventeen "great" States like Colorado, and not work very hard either.

Statement showing postal receipts and expenditures of States and Territories for year ending June 30, 1883.

States and Territories.	Total receipts.	Total expenditures.	Excess of expenditures over receipts.	Excess of receipts over expenditures.
Maine	$630,515 84	$585,897 08	.....	$44,618 76
New Hampshire	371,084 85	308,019 65	.....	63,065 20
Vermont	339,798 05	327,467 99	.....	12,330 06
Massachusetts	2,999,683 16	1,888,222 04	.....	1,111,461 12
Rhode Island	332,643 15	183,024 64	.....	149,618 51
Connecticut	882,662 39	644,114 16	.....	238,548 23
New York	8,166,559 48	5,352,829 66	.....	2,813,729 82
New Jersey	960,186 13	710,582 51	.....	249,603 62
Pennsylvania	4,048,738 40	3,061,567 82	.....	987,170 58
Delaware	103,748 02	81,416 55	.....	22,301 47
Maryland	784,264 18	813,995 38	$29,731 20	.....
Virginia	666,001 97	997,638 16	331,636 19	.....
West Virginia	245,139 86	278,338 92	33,199 06	.....
North Carolina	337,009 74	492,490 97	155,481 23	.....
South Carolina	279,342 91	389,101 09	109,758 18	.....
Georgia	559,140 09	758,109 07	198,967 98	.....
Florida	181,611 11	284,968 61	103,358 50	.....

Statement showing postal receipts and expenditures, &c.—Continued.

States and Territories.	Total receipts.	Total expenditures.	Excess of expenditures over receipts.	Excess of receipts over expenditures.
Ohio	2,900,038 49	3,330,198 77	430,160 28	
Michigan	1,595,770 76	1,261,868 15		333,902 61
Indiana	1,192,992 03	1,323,366 64	130,374 61	
Illinois	3,834,396 22	2,982,077 07		852,319 15
Wisconsin	1,095,144 20	979,289 57		115,854 63
Iowa	1,477,336 72	1,375,868 60		101,468 12
Missouri	1,886,378 42	1,989,855 87	103,477 45	
Kentucky	685,523 61	798,467 62	112,944 01	
Tennessee	546,656 96	567,793 37	21,136 41	
Alabama	351,461 19	528,663 84	177,202 65	
Mississippi	283,797 11	385,274 89	101,477 78	
Arkansas	267,856 79	433,829 62	165,972 83	
Louisiana	447,038 08	526,525 67	79,487 59	
Texas	921,381 90	1,223,819 57	302,437 67	
California	1,241,602 40	1,518,619 31	277,016 91	
Oregon	202,048 58	277,963 72	75,915 14	
Minnesota	875,657 46	870,653 28		5,004 18
Kansas	826,652 01	1,109,736 57	283,084 56	
Nebraska	500,321 83	1,045,773 42	545,451 59	
Nevada	81,155 35	187,875 95	106,720 60	
Colorado	473,864 66	619,464 76	145,600 10	
Utah	125,805 90	280,446 09	154,640 19	
New Mexico	95,593 24	147,396 81	51,803 57	
Washington	99,114 80	193,048 23	93,933 43	
Dakota	313,169 35	291,993 99		21,175 36
Arizona	71,180 08	189,199 43	118,019 35	
Idaho	54,736 32	143,225 19	88,488 87	
Wyoming	48,629 35	78,456 74	29,827 39	
Montana	121,729 13	167,200 10	45,470 97	
Alaska	407 80	177 07		230 73
District of Columbia	294,563 93	363,922 05	69,358 12	
Indian Territory	27,339 89	62,483 33	35,143 44	
	44,827,473 89	42,412,349 59	4,707,277 85	7,122,402 15
Add miscellaneous items	238,150 93	305 13	305 13	238,150 93
	45,065,624 82	42,412,654 72	4,707,582 98	7,360,553 08

Mr. BELFORD. Will the gentleman yield?

Mr. SKINNER. No, I can not; my time has nearly expired. I am sorry, for I like to hear you talk.

Does politics enter into the preparation of this bill on the part of the committee? Is there fear of retaining men in Government employ or of increasing the number in view of approaching elections? Whatever may be charged in other directions the Postoffice Department is free from any charges which make it dangerous as a political power. Nothing can be shown to prove that a Republican administration has not dealt equitably by all parties and all people.

It is liberal in its treatment of all sections of the country. A demand from Democratic Mississippi is heard as quickly and treated as fairly as a demand from Republican Iowa. Has any privilege been denied on political grounds? None whatever. The seventeen States and Territories of the Union which yield the postal revenues of this Government are nearly a solid Republican phalanx. They do not seek to deny to the remaining States any privilege accorded to them.

The next President of the United States will not be a Democrat simply because the Committee on Appropriations of this House cuts down the postal estimates four or five millions of dollars, or because it systematically pares the estimates given by the Departments. In short, he will not be a Democrat anyway! But no man was ever elected President because he or his party attempted to starve the Army, ridicule the Navy, or cripple the Post-Office Department. What the people want is a liberal, not a narrow policy—a liberal policy, honestly administered, without favoritism or sinecurism; and they have always shown that they appreciate it.

For the past twenty-three years Republican administrations have dealt justly with all sections; they have kept up with the spirit of the times; they have not looked back. When the people have demanded an advance they have always been at the front to serve them. They have given the people every privilege and advantage demanded by the increase of population and intelligence. It will do the same for twenty-three years to come.

People read more newspapers, write more letters, ten to one, than they did twenty years ago, and they demand a Government which keeps even pace with their enlightenment.

We are legislating for the public, not for parties; we are dealing with a question of vital importance to the comfort and convenience of 50,000,000 of people, not making political platforms or electing Presidents.

Mr. RAY, of New York. Mr. Chairman, judging from the conduct of the political majority of this House, the Democratic party seems to have two peculiar cardinal virtues which control its action so far as it has to do with aiding in the administration of the affairs of this Government.

The first is extravagance as applied to Democratic employés, and which they call liberality, and the second is parsimony, as applied to the Republican Executive Departments, and which they call economy.

True economy is one of the greatest virtues of any government. It is commendable in every legislative body, and if not practiced by the executive branches of our Government would sap the life of the Republic.

But economy is a word the meaning of which the Democratic party does not seem to understand. Economy may, and does, consist as much in the wise, the necessary, the judicious expenditure of money for purposes necessary to the general growth, prosperity, and welfare of the country as in keeping it hid and confined in the Treasury vaults. With our Democratic friends the word economy seems to be the synonym of penuriousness, except when applied to Democratic officials, and then economy and extravagance seem to be synonymous in the Democratic vocabulary. The Democratic idea seems to be that the Congress can not give the Republican administration little enough nor a Democratic office-holder too much.

To be sure, our Democratic friends are compelled to operate in a small way at present, as applying economy of this kind to themselves, but they are attempting to operate on a large scale when dealing with the Republican Executive Departments of the Government. For the Democratic committees of this House they can not have too many clerks nor too much pay. They have clerks for committees that never meet or that meet but once or twice during a session of Congress, and never report anything to the House unless it be a bill of expenses. But when the Postmaster-General asks for the money required to pay and keep in the employment of the Government the clerks absolutely necessary to care for and distribute the mails of the country, with full knowledge of the facts and of the amount required, the Democratic majority of the Committee on Appropriations cuts down the amount recommended to a figure below what experience has proved absolutely necessary. I desire it distinctly understood that I believe the people of this country will resent, when opportunity presents, this attempt to cripple our railway mail service. The people of this country are ready and willing to pay most liberally for the rapid and safe carriage and delivery of the mails.

I think I may safely say there has been no charge of extravagance in this department of the service. The facilities afforded are good, but not sufficient. The employés are hard worked, poorly paid, and not sufficient in number. The population of the country is rapidly increasing. The lines of railroad are reaching out farther and farther every year; and where goes the steam-horse with the train of cars, there must go the railway mail service. Eager for knowledge, hungry for news, the men and women and the boys and girls watch the coming of the train, and are more impatient at a delayed mail train than at the non-arrival of friends or express matter.

The following table shows the gowth of the mail service from 1836 to 1883. In that time its annual receipts have grown from $5,000,000 to $45,000,000, and for many years it has been self-sustaining:

Comparative statement of receipts and expenditures of the Post-Office Department from July 1, 1836, to June 30, 1883.

Year.	Receipts.	Expenditures.
1837	$4,945,668 21	$3,288,319 03
1838	4,238,733 46	4,430,662 21
1839	4,484,656 70	4,636,536 31
1840	4,543,521 92	4,718,235 64
1841	4,890,383 27	4,499,527 61
1842	4,546,849 65	5,674,751 80
1843	4,296,225 43	4,374,753 71
1844	4,237,287 83	4,296,512 70
1845	4,289,841 80	4,320,731 99
1846	4,237,199 35	4,076,036 91
1847	3,892,809 23	3,979,542 10
1848	4,680,211 10	4,326,850 27
1849	4,705,176 28	4,479,049 13
1850	5,499,984 86	5,212,953 43
1851	6,410,604 33	6,278,401 68
1852	6,925,971 28	7,108,459 04
1853	7,495,724 70	7,982,756 59
1854	8,992,335 18	8,577,424 12
1855	9,756,678 39	9,968,342 29
1856	10,669,703 22	10,405,286 36
1857	11,881,956 43	11,508,057 93
1858	12,166,063 57	12,722,470 01
1859	11,884,430 56	11,458,083 63
1860	19,672,234 94	19,170,609 89
1861	12,989,102 93	13,606,759 11
1862	10,898,774 61	11,425,364 13
1863	12,171,638 31	11,314,206 84
1864	13,188,233 78	12,644,786 20
1865	14,560,127 16	13,694,728 28
1866	14,436,986 21	15,352,079 30
1867	19,288,693 54	19,235,483 46
1868	21,989,125 80	22,730,592 65
1869	24,051,626 02	23,698,131 50
1870	23,794,361 50	23,998,837 63
1871	24,163,245 42	24,390,104 08
1872	26,909,176 37	26,658,192 31
1873	28,987,216 57	29,084,945 67
1874	32,393,505 37	32,126,414 58
1875	33,496,007 55	33,611,309 45
1876	33,722,780 53	33,263,487 58
1877	34,544,885 26	33,486,322 44
1878	34,585,169 77	34,165,084 49
1879	33,339,948 11	33,449,899 45
1880	36,913,196 54	36,542,803 68
1881	40,083,319 43	39,592,566 22
1882	41,883,005 27	40,482,021 23
1883	45,530,109 46	43,282,944 43

Then why is it that a deliberate effort is made to cripple this branch of the service? Do our Democratic friends expect that they can compel the Department to "squeeze through" and get the mail matter delivered at a small expense, and thus gain a reputation for economy? Or is it that you hope to keep out of Government employ a large number of persons lest they should help swell the great army of Republican office-holders and perhaps vote the Republican ticket? Or is it that you may create a large deficiency for the next Congress, which you know will be Republican, to provide for, so that you can make a contrast for the next campaign, and thus by false pretenses try to get power in this House two years out of every four?

If you desire to retain your majority in this House you must throw aside your assumed virtues and cultivate real ones. You must study the wants and the wishes of the people, keep pace with the march of events, and administer to the intellectual wants of the people with no niggardly hand. There is another feature of this bill that demands attention. It is proposed to cut down the salaries of the postmasters of nine of the largest cities of this country to $4,000 per annum. The gentleman from Illinois confesses that the bill strikes at the city of New York, Philadelphia, Baltimore, Boston, Saint Louis, Chicago, San Francisco, Cincinnati, and Washington. These nine cities furnish more revenue to the Post-Office Department than any nine Democratic States in the Union. Of course I exclude the States of New York, Connecticut, and New Jersey (States that are classed as doubtful)—States that the gentleman from Missouri the other day called barnacles on the rotten hulk of the Democratic party. Thank God, he shall no more so term them. In November next they will each prove a thorn in the side of the Democratic party.

To properly administer the affairs of these offices requires the best skill, the highest intelligence, and the most onerous labors. These offices require the services of men who in any department of business can command the highest salaries; men who are able to earn, and who demand for the support of their families, much larger salaries. I desire to ask the gentlemen who reported this bill if they wish to drive from these places men of character, intelligence, skill, and business capacity, and fill them with a class of men of inferior abilities? Or is it your intention simply to put these men on such small pay that by no possibility can they contribute to the success of the Republican party in the approaching campaign.

I confess that I believe your object purely political and not economical. The people of this country so understand it, and they will duly resent it. It seems to me that you cannot afford to seek political gain at the expense of the public good; that you cannot afford to attempt to lift a political party into power by destroying the efficiency of the Postal Department in these great cities.

Sir, I shall expect a round scolding from the Democratic side for my temerity in presuming to offer advice to our Democratic brethren. I know I am presumptuous, and that a new member of this august body deserves censure for assuming to differ from the condensed wisdom of the gentlemen on the other side who, by "long service in this House," as the gentleman from Pennsylvania says, have become entitled forsooth to guide and direct the whole legislation of the country. I shall expect a severe rebuke, such as the distinguished gentleman from Pennsylvania [Mr. RANDALL] administered the other day to the distinguished gentleman from New York [Mr. DORSHEIMER] who assumed to advocate the armament of three vessels of war to protect the commerce of the United States.

Sir, I expected the gentleman from New York to assert his manliness and exhibit some of his old-time vigor, such as he was wont to display in the legislative halls of the State of New York, in which State he resides, and where, as lieutenant-governor, he presided over the senate of that great State. Sir, I was astonished when I found him obedient to the crack of the party whip and when I saw him bow down in meek submission to the dictation of party will, even at the expense of his ideas of what is due to the dignity of the Navy of this great country.

Sir, for full fifteen minutes were we entertained by that other distinguished gentleman from New York [Mr. COX], who so fervently advocated the full armament and equipment of the star actress Langtry (an English cruiser), and he met with no rebuke. On the contrary he was listened to with the most profound attention by our Democratic friends, who treated with contempt the dignified and manly address that pleaded for the American Navy. But the reason was plain. The gentleman who advocated an appropriation to arm and equip American war vessels was trenching on the Democratic idea of economy. He was advocating a doctrine that rendered it possible for a Republican administration to employ a few hundred men in our navy-yards; to add to the dignity of this nation; to command the respect of the civilized world.

But, sir, I am departing somewhat from the object that I had in rising to address the House. With considerable labor and care I have tabulated the figures bearing on the question to which I last referred, and I am prepared to say that in my judgment it would be a shameful act to pass this bill in its present form.

The following table shows the receipts and disbursements in the several States and Territories, and that but one Democratic State pays its postal expenses:

Statement showing postal receipts and expenditures of States and Territories for year ending June 30, 1883.

States and Territories.	Total receipts.	Total expenditures.	Excess of expenditures over receipts.	Excess of receipts over expenditures.
Maine	$630,515 84	$585,897 08		$44,618 76
New Hampshire	371,084 85	308,019 65		63,065 20
Vermont	339,798 05	327,467 99		12,330 06
Massachusetts	2,999,683 16	1,888,222 04		1,111,461 12
Rhode Island	332,643 15	183,024 64		149,618 51
Connecticut	882,662 39	644,114 16		238,548 23
New York	8,166,559 48	5,352,829 66		2,813,729 82
New Jersey	960,186 13	710,582 51		249,603 62
Pennsylvania	4,048,738 40	3,061,567 82		987,170 58
Delaware	103,748 02	81,446 55		22,301 47
Maryland	784,264 18	813,995 38	$29,731 20	
Virginia	666,001 97	997,638 16	331,636 19	
West Virginia	245,139 86	278,338 92	33,199 06	
North Carolina	337,009 74	492,490 97	155,481 23	
South Carolina	279,342 91	389,101 09	109,758 18	
Georgia	559,140 09	758,109 07	198,968 98	
Florida	181,611 11	284,968 61	103,357 50	
Ohio	2,900,038 49	3,330,198 77	430,160 28	
Michigan	1,595,770 76	1,261,868 15		333,902 61
Indiana	1,192,992 03	1,323,366 64	130,374 61	
Illinois	3,834,396 22	2,982,077 07		852,319 15
Wisconsin	1,095,144 20	979,289 57		115,854 63
Iowa	1,477,336 72	1,375,868 60		101,468 12
Missouri	1,886,378 42	1,989,855 87	103,477 45	
Kentucky	685,523 61	798,467 62	112,944 01	
Tennessee	546,656 96	567,793 37	21,136 41	
Alabama	351,461 19	528,663 84	177,202 65	
Mississippi	283,797 11	385,274 89	101,477 78	
Arkansas	267,856 79	433,829 62	165,972 83	
Louisiana	447,038 08	526,525 67	79,487 59	
Texas	921,381 90	1,223,819 57	302,437 67	
California	1,241,602 40	1,518,619 31	277,016 91	
Oregon	202,048 58	277,963 72	75,915 14	
Minnesota	875,657 46	870,653 28		5,004 18
Kansas	826,652 01	1,109,736 57	283,084 56	
Nebraska	500,321 83	1,045,773 42	545,451 59	
Nevada	81,155 35	187,875 95	106,720 60	
Colorado	473,864 66	619,464 76	145,600 10	
Utah	125,805 90	280,446 09	154,646 19	
New Mexico	95,593 24	147,396 81	51,803 57	
Washington	99,114 80	193,048 23	93,933 43	
Dakota	313,169 35	291,993 99		21,175 36
Arizona	71,180 08	189,199 43	118,019 35	
Idaho	54,736 32	143,225 19	88,488 87	
Wyoming	48,629 35	78,456 74	29,827 39	
Montana	121,729 13	167,200 10	45,470 97	
Alaska	407 80	177 07		230 73
District of Columbia	294,563 93	363,922 05	69,358 12	
Indian Territory	27,339 89	62,483 33	35,143 44	
	44,827,473 89	42,412,349 59	4,707,277 85	7,122,402 15
Add miscellaneous items	238,150 93	305 13	305 13	238,150 93
	45,065,624 82	42,412,654 72	4,707,582 98	7,360,553 08

The nine Democratic States yielding the largest revenue give a postal revenue of $5,463,612.40, and their expenses are $7,959,139.25, showing an annual deficiency of $2,495,526.85, excluding of course the cities of Baltimore and Saint Louis from these figures. These nine cities, at which this bill strikes, give an annual revenue of $12,323,798, and the total expenses of these offices are $2,393,098, giving us a surplus revenue in these nine cities of $9,930,700.

	Receipts.	Expenses.
STATES.		
Alabama	$351,461 19	$528,663 84
Georgia	559,140 09	758,109 07
Kentucky	685,523 61	798,467 62
Louisiana	447,038 08	526,525 67
Maryland	784,264 18	813,995 38
Missouri	1,886,378 42	1,989,853 57
Texas	921,381 90	1,223,819 57
Tennessee	546,656 96	567,793 37
Virginia	666,001 97	997,638 16
	6,847,846 40	8,204,868 25
Deduct receipts and expenses of Baltimore and Saint Louis	$1,384,234 00	$245,729 00
	5,463,612 40	7,959,139 25
Deduct receipts from expenses		5,463,612 40
Deficiency in the nine Democratic States		2,495,526 85
Deficiency, including receipts and expenditures in these cities		1,357,021 85
CITIES.		
New York	4,413,822 00	867,619 00
Chicago	1,949,199 00	382,651 00
Philadelphia	1,579,235 00	263,283 00
Boston	1,508,218 00	283,102 00
Saint Louis	843,730 00	150,884 00
San Francisco	558,134 00	100,472 00
Cincinnati	638,624 00	111,186 00

Receipts and expenses in nine States and cities, &c.—Continued.

	Receipts.	Expenses.
CITIES—continued.		
Baltimore	540,504 00	94,845 00
Washington	292,332 00	139,056 00
	12,323,798 00	2,393,098 00
Deduct the expenses	2,393,098 00	
Surplus revenue in these cities	9,930,700 00	

The salaries paid the postmasters in these nine great cities of the nation, and which yield to this Government this immense surplus revenue, are as follows:

New York	$8,000
Chicago	6,000
Philadelphia	6,000
Boston	6,000
Saint Louis	6,000
San Francisco	5,000
Cincinnati	6,000
Baltimore	5,000
Washington	5,000
Salaries paid	53,000
Salaries proposed	36,000
Assumed saving	17,000

Now, my experience is that if we would have work well done we must have it well paid. We must have the compensation commensurate in some degree at least with the labor, the risk, and the responsibility. These postmasters give bail in an immense sum, and they are responsible not only for their own acts, but for the acts of their subordinates. Then should they be cut down to a mere pittance, or shall their salaries be graded according to the receipts, the responsibilities, the labors? Is it economy to take from them every pecuniary incentive to make their respective offices produce the largest possible revenue? Is it becoming to the dignity of this Government to cut down the salaries of these officials to a figure that will simply command the services of ordinary men, and barely suffice for the support of themselves and families in the most economical manner and deprive them of the hope of saving a single penny?

No, sir; we owe to every citizen a duty, and we can ill afford to degrade the character of any official. And I assert that this Government can well afford to pay these nine men their present salaries for safely administering the postal affairs and collecting the moneys at these nine great commercial centers, which produce more than one-fourth of the entire postal revenues of this country and make the service more than self-supporting.

To pass this bill in its present form will publish our parsimony and indicate no economy. But, sir, I desire to present another table of figures showing the receipts and expenditures of the postal service in the States in which are situated the six large cities named in the above table, and excluding, of course, the receipts and disbursements of those six cities, namely: New York, Chicago, Philadelphia, Boston, San Francisco, and Cincinnati.

States.	Receipts.	Expenses.
New York	$3,752,737 48	$4,485,210 66
Illinois	1,885,197 22	2,599,426 07
Pennsylvania	2,469,503 40	2,798,284 82
Massachusetts	1,491,465 16	1,605,120 04
California	683,468 40	1,418,147 31
Ohio	2,261,414 49	3,219,012 77
	12,543,786 15	16,125,201 67
		12,543,786 15
Deficiency in six States, not including those cities		3,581,415 52

Expenses above receipts in such States, as follows:

New York	$732,473 18
Illinois	714,228 85
Pennsylvania	328,781 42
Massachusetts	113,654 88
California	734,678 91
Ohio	957,598 28
Total	3,581,415 52

Now, taking these six States in which are situated six of these large cities, we find them giving a large surplus.

Surplus of postal receipts over expenses in six States.

States.	Receipts.	Expenses.
New York	$8,166,559 48	$5,352,829 66
Illinois	2,834,396 22	2,982,077 07
Pennsylvania	4,048,738 40	3,061,567 82
Massachusetts	2,999,683 16	1,888,222 04
California	1,241,602 40	1,518,619 31
Ohio	2,900,038 49	3,330,198 77
	23,191,018 15	18,133,514 67
	18,133,514 67	
Surplus in six States	5,057,503 48	

Thus we find that the States in which are situated six of the large cities at which it is proposed to strike giving us a grand surplus revenue of $5,057,503.48, while nine of the very best Democratic States in the Union giving the largest postal revenue, and including the States in which are situated two of the cities struck at, Baltimore and Saint Louis, show a deficiency of $2,495,526.85, not including those cities, and a deficiency of $1,357,021.85, including them, while the nine cities struck at by this bill give us the magnificent surplus revenue of $9,930,700 with which to support a postal service in the poorer States. And yet you propose to cripple the service, impair the efficiency of the employés in these six States and in these nine cities, to the detriment of the people, and the business, educational, and religious interests of this great country, under the plea of Democratic economy.

Gentlemen, you have the power to do it, but remember the people have the power to remedy the evil and rebuke this assault upon the best postal system and the most efficient service of the world.

There are other, many other, provisions of this bill which are most objectionable, but want of time prevents their consideration. It is only necessary for me to say that civilization has marched on, and will continue to march on despite the Democratic party. Some one has said that progress has its halts as well as its marches.

You may command and in part force a halt in the progress of the grand postal system of this country if you will, but the intelligent people will rise in their power and revoke the orders and demand the restoration of every facility that tends to build up commerce, aids agricultural and manufacturing enterprises, and gives intelligence to the people.

Mr. TOWNSHEND. Mr. Chairman, every gentleman on the other side of the House who has spoken on this bill has exercised not only the privilege of criticising in severe and unfair terms the action of the committee, but has made politics a prominent feature of his remarks. The House will bear me witness that in my opening speech I refrained from any political allusion whatever. It was introduced into this debate by the gentleman from Michigan [Mr. HORR], and his course has been followed by all those on the opposite side who have subsequently spoken. Before I discuss the political questions introduced here I wish to correct some of the errors into which gentlemen have fallen.

The Committee on Appropriations of this Democratic House have had the highest appreciation of the fact that the postal service is a rapidly growing one, and that there is absolute necessity for increase of appropriation in that service every year. But I charge that the Republican Congress last year failed to appreciate that fact, for instead of providing an increase of appropriation to meet the growing demand on the service, that Republican Congress reduced the appropriation for 1884 $154,000 below the appropriation of the previous year, 1883, allowing not one dime for increase of service during the year, but on the contrary curtailing and cutting down necessary appropriations for the service. Now look at the real facts. Did we reduce the appropriations below those of last year? No; on the contrary we have increased the appropriations above those of last year nearly $2,000,000. Why, what did the last Congress do on this item providing pay for postmasters, which has been so much criticised? Notwithstanding the large increase in the number of postmasters, the Republican House only increased the appropriation $450,000 above that of the previous year, and they made the appropriations $1,065,000 less than was paid postmasters the previous year.

What further? It appears that for the Post-Office Department, under the control of Republican officials, the appropriation for the pay of postmasters was $181,000 less than the books of the Post-Office Department showed had been paid to postmasters the preceding year. How does such action compare with our committee, which has increased the appropriation for postmasters' salaries one million and a quarter of dollars, and yet you come and declare the Democratic party has not appreciated and provided for the increase of the service.

In regard to postal clerks, about which so much has been said, I wish to call attention to the language of the Postmaster-General. Before proceeding further I desire to say nothing shall fall from my lips against the present able Postmaster-General Gresham. I am speaking of the maladministration and the corruption which ran riot in the Post-Office Department before his entrance into that office. He was a gallant soldier during the late war, and an able, conscientious, and upright judge in Indiana, and I believe him to be an able and upright Postmaster-General. I am sorry I can not say as much for some of those who preceded him, and for some other officers who have held positions in that Department within the past few years. The committee has respected the recommendations of Mr. Gresham and have given careful consideration to all his estimates, although at times differing with him. What does he say in regard to clerks in post-offices?

> Many clerks designated, not, however, by statute, as assistant postmasters, superintendents of division, cashiers, auditors, &c., were paid salaries ranging from $3,000 to $3,500, and many more were paid salaries ranging from $2,000 to $3,000. Postmasters, backed as many of them are by influential friends, have in some cases been unreasonable in their demands for allowances, and it is not surprising that some of them have received more than their share of the appropriation while others have received less.

This is the language of the Postmaster-General.

There, my Republican friends, is your Postmaster-General telling you plainly that out of the meager appropriations made by last year's

bill some officers, "backed by influential friends," obtained a large and disproportionate number of clerks to the detriment of others. If it had not been for the presence of "influential friends;" no doubt the clerks would have been distributed in such a manner as to have afforded a sufficient number to all.

Mr. BINGHAM. Will the gentleman permit me to interrupt him just here?

Mr. TOWNSHEND. I can not. I have but very limited time, and beg not to be interrupted. Now, we have increased the item for post-office clerks, and if I had time I believe I could convince any fair mind from the reports of the Post-Office Department and other data that if the number this fund will employ is wisely distributed and outside "influential friends" do not interfere we have appropriated all that is necessary for this service.

Mr. BINGHAM. The gentleman will pardon me, but I do not understand this as an increase.

Mr. TOWNSHEND. Now I wish to devote some attention to a few of the features of this debate.

Mr. WHITE, of Kentucky. Before the gentleman does that will he not allow a question upon the merits of the bill?

Mr. TOWNSHEND. I have not the time now to yield to the gentleman. He will have ample opportunity when the paragraphs of the bill are being discussed to ask, and I can then answer all his inquiries upon the details of the bill.

Mr. Chairman, as I have already remarked when I was first on the floor, and had called attention to the fact that last year the Republican Congress, disregarding the enormously increased demand for the payment of the salaries of postmasters, appropriated only $450,000 more than the previous year, and that it had failed to appropriate $1,065,394 as much as was required for actual expenditures of the previous year, and that the Post-Office officials had failed to estimate by $181,394 as much as the expenditures of the previous year required, and the gentleman from Michigan [Mr. HORR] when on his feet admitted that the appropriations of last year were so meager and less than the needed amount as to occasion a deficiency of $2,000,000 on the appropriations for this year——

Mr. HORR. Not on this item.

Mr. TOWNSHEND. Was it on the aggregate of the bill?

Mr. HORR. Yes, on the entire bill.

Mr. TOWNSHEND. A deficiency of $2,000,000; while on the other hand by this bill we have increased the appropriations of last year, and have given as much as the positively ascertained estimates show are necessary. At that point in my remarks the very strange conduct of the Republican Congress and the Post-Office Department caused my friend from Massachusetts [Mr. LYMAN]—I am sorry to find he is not in his seat—who is unsophisticated in the "ways that are dark and the tricks that are vain," practiced by his political associates in Congress, innocently to inquire of me what was the reason for this strange action of the Post-Office Department and of the Republican Congress. Sir, well may such conduct excite the curiosity of any fair-minded and candid man and cause him to make the inquiry, no matter to what political party he may belong.

I will now give the answer. His party friends can not plead ignorance as a justification for the refusal of the Department to make a sufficiently large estimate, because the books were there showing them how much it was their duty to estimate for. They well knew that more would be required than was asked. Nor can his party friends in the last Congress justify themselves upon the plea of ignorance, because they were frequently reminded by Democratic members in the debate that occurred on the bill last year of the inadequacy of the appropriation for postmasters' salaries and that there would be a deficiency in this item. Why, then, were they guilty of such an omission of duty? Sir, I charge that they did so with the deliberate intention to deceive the country into the belief that they were in favor of economy, and to create a deficiency that this, a Democratic House, would be required to fill in order that their stump orators might howl and rail against Democratic extravagance and in favor of Republican economy. Why, sir, we all know the postal service absolutely requires, as I have heretofore stated, increased appropriations every year; and yet last year they actually failed to appropriate by several hundred thousand dollars as much as was appropriated the preceding year.

There are other items in this bill where the same false pretense was practiced by the political associates of my friend from Massachusetts, who I am glad to see is now in his seat, but I have not time to refer to them in the few minutes now at my command.

Sir, their conduct in this debate is but a part of the programme adopted last year. After making inadequate appropriations for this service and creating large deficiencies, they come in now at this session of Congress with an assumption of virtue they have not and rail at us for not making enormous and extravagantly increased appropriations. When we offer 13 per cent. increase in the appropriation for the salaries of postmasters over that of the last Congress, when they made the appropriation themselves, they still demand that we shall give millions more. How rapidly do the salaries of postmasters annually increase, if 13 per cent. is not sufficient? Can you claim that postmasters' salaries are annually increasing at a greater rate than that?

When the gentleman from Michigan reached the item for star routes, although we gave every cent estimated as necessary by the Department for that service (and we have not taken a dollar off the estimates), notwithstanding that fact the gentleman rises in his place and denounces the Democrats on the committee as having made meager appropriations for the star routes. And when I reminded him that his own party had made inadequate appropriations, he replied, we must not imitate the blunders but the virtues and the beauties of his party.

Sir, his party has shown no virtues in the past fifteen years worthy of imitation. No political organization ever existed in any civilized country that has a record reeking with more corruption than the record the Republican party has made in the last fifteen years. No party has ever existed in a free land so utterly destitute of political virtues, so unfaithful to public trusts, so prolific in false pretense and hypocrisy as the Republican party during the last fifteen years of its history.

Mr. BELFORD rose.

Mr. TOWNSHEND. Do not interrupt me. I ask the gentleman from Colorado to contain himself.

Mr. BINGHAM. Why do you not include the time of the war?

Mr. TOWNSHEND. Look at the record it has made during the past fifteen years. No American citizen can read it without crimsoning with shame and humiliation for his country. I am willing to concede that many of the founders of that party were men of exalted virtues, of lofty aims, and noble purposes. But what became of those virtuous, noble, and pure-minded men who helped to create the Republican party?

Mr. WELLER. They went into the National party. [Laughter.]

Mr. TOWNSHEND. Where did Chase go? Where did Sumner go? Where did Seward go? Where did Andrew Johnson go? [Laughter on the Republican side.] Where did Lyman Trumbull, ANDREW G. CURTIN, and John W. Palmer—where did the best and most patriotic Republican leaders of 1856 and 1860 go when they discovered that their party had fallen under the baleful influence of the bad men who had prostituted it to base purposes?

Mr. HENDERSON, of Iowa, made a remark from his seat.

Mr. TOWNSHEND. Oh, we heard from Iowa last fall, and will hear still better news from that State next fall, I trust.

Sir, when that party was converted into a spoils-hunting band the bravest and most upright of the leaders who had led it to victory abandoned that party and affiliated with the Democratic party, the only political organization of the country that had patriotic aims and sought to administer the Government in the interest of the people. And many of those leaders are there to-day, doing valuable service for that party and the country.

Sir, the star-route item in this bill is a dangerous one upon which to proclaim the virtues and beauties of the Republican party. It brings up reminiscences that the gentleman from Michigan, as a Republican, should be glad to see buried in oblivion. For in the record of the many scandals with which the administration of that party has afflicted this country that page stands, not as the darkest, but as one of its most shameful acts of maladministration. But, sir, there are many other dark chapters in its history which can not be forgotten, when he would have us believe it has virtues and beauty. We can not forget that his party opened the vaults of the Treasury to the wickedest rings and thieves that ever cursed a free land, plunderers who have fattened upon spoils forced by iniquitous laws of taxation from a suffering people.

It was just such arguments as that made by the gentleman from Michigan—with different motives, I have no doubt—that the extravagant and unnecessary appropriations were obtained which were plundered from the Treasury by the thieving star-route contractors, creating one of the saddest episodes in the history of any administration of this Government. Such arguments for extravagant appropriations opened the door of the Treasury to the Credit Mobilier band, the post-trader plunderers, and the whisky ring, as well as many other raids on the Treasury. But I will pause; I will not recount the crimes of that party against the sacred rights of suffrage—its debauching of the ballot-box, its never-to-be-forgotten or pardoned crime of depriving a rightfully elected President of his office by fraud, perjury, and forgery; and yet with such a damning record before him the gentleman prates of the virtues of his party.

Let me warn the gentleman that if he is preparing campaign material for the next election he can not aid his cause by bringing up this record of his party. Sir, the people will remember these deeds of your party in the next election. It will be tried upon the indictment which I have but outlined, and if there be virtue and intelligence enough among our people, and I think there is, your party will be convicted and condemned to everlasting obloquy and oblivion. [Loud applause.]

Mr. REED. Can not the gentleman's time be extended?

Mr. TOWNSHEND. I ask that the bill be now read by paragraphs for amendment.

Mr. REED. The bill will appear rather tame after the gentleman's speech.

The CHAIRMAN. The gentleman from Illinois has six minutes remaining of the time allowed by the House for general debate.

Mr. TOWNSHEND. I do not claim it.

The CHAIRMAN. General debate, then, is now closed by consent,

and the bill will be read by paragraphs, and will be open for amendment and debate under the five-minute rule.

The Clerk read as follows:

That the following sums be, and the same are hereby, appropriated for the service of the Post-Office Department for the year ending June 30, 1885, out of any money in the Treasury arising from the revenues of said Department, in conformity to the act of July 2, 1836, as follows.

Mr. KASSON. I ask the gentleman in charge of the bill if this clause which has just been read authorizing the appropriations to be made only out of the revenues of the Department will accomplish its purpose in case of those revenues, by reason of the reduction of postage or otherwise, falling short of the necessary amount.

Mr. TOWNSHEND. I will explain. If this bill is sustained by the House according to the estimates made by the Postmaster-General of the incoming revenues, there will be a considerable surplus left out of the income of the postal service; because we have reduced the appropriations considerably below the estimates. I will say further that those estimates of the incoming revenue were made by the Postmaster-General some time before it was ascertained what would be the effect of the reduction in the rates of letter postage. It was supposed there might be a decrease of something like one-third in the receipts from letter-postage stamps. But the returns have since shown the revenues are to be very much larger than the Postmaster-General and other officers of the Department supposed, and it is believed by many good judges that the revenues will reach nearly $50,000,000; so that there is no probability of a deficiency.

Mr. KASSON. Is there in the bill any clause that provides, in case there is a deficiency, that it shall be supplied from any money in the Treasury not otherwise appropriated?

Mr. TOWNSHEND. There is not, because we kept below the estimates of revenue, and therefore no need exists for such a clause.

Mr. KASSON. I am aware that the receipts in the cities from the sales of stamps have been larger than was estimated; but I do not know that that holds good of the country at large, while it does hold good of the large city offices. I only wished to call the attention of the gentleman in charge of the bill and the committee to the necessity at some point of making provision to prevent any embarrassment of the service; that if the revenues should fall short the deficiency should be supplied out of any money in the Treasury not otherwise appropriated; in other words, that the usual clause to that effect should be inserted in the bill.

Mr. HORR. I will say to the gentleman from Iowa that I do not think that has ever been done in a bill where the estimates of revenue have been greater than the bill foots up. That provision has only been inserted where it was estimated the receipts would fall short of the expenditures.

Mr. HAMMOND. I rise to make a parliamentary inquiry. What question is before the committee?

The CHAIRMAN. There is no question pending.

Mr. KASSON. I will make a motion, so as to bring myself within the rule. The gentleman from Georgia [Mr. HAMMOND] will see that as a practical question he will gain nothing by forcing me to encumber the record with a motion. I move to strike out the last word.

I was about to say to my friend from Michigan [Mr. HORR] that before the Department became self-sustaining there was always an additional appropriation besides the revenues of the Department. I understand that the official estimates are not given upon the supposed result of the postage law. If the gentleman says that the Postmaster-General has estimated the receipts under the new law and since it went into effect, then of course there is some reason for assuming that as a basis for our action.

Mr. TOWNSHEND. I will answer the gentleman from the bill itself, in which it is stated that the estimated revenues for 1885 are $47,104,078.31.

Mr. KASSON. Will the gentleman state the date of that estimate?

Mr. TOWNSHEND. It was contained in the annual report of the Postmaster-General made to this Congress. The bill appropriates $45,261,900, nearly $2,000,000 less than the estimated revenues.

Mr. HORR. And in addition to that let me say that the Department, judging from the receipts since that estimate was made, is satisfied that the revenues will be in excess even of $47,000,000.

Mr. TOWNSHEND. And I will further suggest that the question can not properly arise for consideration until we have gone through the bill.

Mr. KASSON. I withdraw the *pro forma* amendment.

Mr. BELFORD. I desire to renew the amendment. We have witnessed strange spectacles in this House within the last few days. Think of it; the Democratic party, posing as the grand economic party of the country, reduced the amount of appropriations in the naval appropriation bill $8,000,000 below the estimates, though we were confronted at that time with the combined hostility of Europe. It was done under the advice of Democrats from Pennsylvania and from New York. To-day we see a Western member from Illinois playing the part of a decoy-duck around which the other Democrats are flocking, as in the play of Dundreary.

What does this bill do? It reduces the appropriations below the estimates over $4,000,000, with a constantly increasing population. Is there a gentleman on the floor of this House who will deny that the population of this country is daily increasing; that the demand for mail facilities, especially in the West, are daily increasing? Yet in view of these facts the Democratic party declares that they will not only destroy our Navy, not only cut down the appropriations for the postal service, but I expect that in the case of every appropriation bill presented to this House they will declare that there shall be a reduction; and that, too, in view of the fact that we have $150,000,000 of surplus revenue in the Treasury. [Laughter.] Oh, I am going to keep pounding at that. And in view of the further fact that the other day you had not courage to vote on the bonded-whisky bill, when the only result of defeating that bill was to place $70,000,000 more in the Treasury of the United States.

Mr. HARDEMAN. Will the gentleman allow me to ask——

Mr. BELFORD. Oh, no; I have only five minutes. I would be delighted to accommodate you, but I can never get into the debate here except under the five-minute rule.

When the gentleman from Illinois [Mr. TOWNSHEND] stands up here in his place and reads a lecture to the Republican party, I point him, first, to the fact that you over there had not the courage to consider the tariff so far as it relates to the wool trade; second, you had not the courage to consider the question of the bonded-whisky interests, which involve the national banks of this country; and you have not the courage to appropriate money enough to supply the people of the West with substantial and adequate mail service.

Mr. HARDEMAN. Will the gentleman yield——

Mr. BELFORD. No; unless you extend my time, and then I will. I appealed to you Democrats to-day to allow me ten minutes on this bill and I could not succeed in getting it. I am forced, as we all are on this side of the House, to speak under the five-minute rule. The time for debate upon this bill was carefully farmed out by the gentleman in charge of it.

I want to commend the engineers and managers of the Committee on Appropriations on the fact that they seduced a Western man to bring in a bill here which puts the knife into the very bosom of the mail service of the West. They were wise and smart; but we in the West will have courage, and sense, and discretion enough to hold the Democratic party responsible for that act.

Mr. HARDEMAN. I do not wish to make a speech on this bill, but simply to relieve the Democratic party of the charge made by the gentleman from Colorado [Mr. BELFORD]. The gentleman made the charge that the Democratic party dodged the question of the bonded-whisky bill. I simply wish to refer the House to the vote on that bill, and if gentlemen can find that the gentleman from Colorado [Mr. BELFORD] voted for it, then the record is certainly wrong.

Mr. BELFORD. I did not know the bill was coming up that day. I told Mr. WILLIS, of Kentucky, that I would vote for the bill.

Mr. HARDEMAN. But the gentleman did not appear, and when the question came up he deliberately dodged it and did not vote.

Mr. BELFORD. It was Saturday, and I was attending to Department business, and did not know the bill was coming up. But I previously assured Mr. WILLIS that I would vote for it.

Mr. HARDEMAN. But you did not do it.

Mr. WILLIS. I only desire, in justice to the gentleman from Colorado [Mr. BELFORD], to make one statement. It is true, as he has stated on this floor, that he has never concealed his purpose to vote in favor of the bonded bill; that his absence on the day when the vote referred to was taken was due more to my fault than his, as I failed to notify him. He has not attempted at any time, so far as I know, to conceal his purpose to vote for the bill.

I think this statement is due to him. I came in while this matter was under debate. I thought the House was discussing the Post-Office bill. I was out in the Committee on Rivers and Harbors discussing water, and when I returned I found gentlemen here discussing whisky.

Mr. BELFORD. I withdraw the *pro forma* amendment.

The Clerk read as follows:

Office of the First Assistant Postmaster-General:
For compensation to postmasters, $10,500,000. And no salary of any postmaster under the act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883, shall exceed the sum of $4,000 per annum.

Mr. HORR. I move to amend the paragraph just read so as to make the appropriation for compensation of postmasters $12,250,000 instead of $10,500,000.

In explanation of this amendment I need only refer to the statement which I made here on Saturday last. The amount which my amendment proposes to appropriate for this purpose is the amount fixed in the estimate of the Postmaster-General. From a careful examination I am satisfied that even if this amount be appropriated there will be a deficiency. I am well aware that an insufficient appropriation for this item does not hamper the service, because we shall be compelled to make up the deficiency hereafter. The amount which may be appropriated for this item does not determine in any manner the sum which shall be spent. My friend from Indiana [Mr. HOLMAN] is certainly mistaken in intimating that this is a matter which can be controlled by political action or political whim. It is a matter of mathematics.

The compensation which these postmasters receive is regulated ac-

cording to a percentage on their receipts or is in the form of fixed salaries; and whether we appropriate more or less, they can take out of their receipts the exact amount which the law allows them; and whatever may be the aggregate amount in excess of the appropriation we are compelled to make it up by a deficiency. On the other hand, if we appropriate a million dollars too much every dollar of the excess remains in the Treasury; the excessive appropriation does not entail any additional expenditure. Consequently we should make as nearly as we can an appropriation which will cover the amount to be expended for this purpose.

Mr. TOWNSHEND. On this point I need but repeat what I have already said last Saturday and to-day. The amount estimated by the committee and appropriated in this item is in my judgment sufficient to pay all salaries of postmasters so far as they can be at present positively and definitely ascertained. The First Assistant Postmaster-General, in endeavoring to form an estimate of the amount that will be required for postmasters' salaries, says himself that the basis is a very uncertain one, and he has great difficulty in fixing upon an estimate. He first bases his estimate of the probable cost of the service upon its cost in the last quarter of last year, before the rates of postage were reduced; then he goes on and conjectures as to the effect of the changes in the law and the increase of the service may have upon the aggregate of these salaries. I simply repeat what I have said heretofore, that we give in this bill all that can upon ascertained data be found necessary. We have not given the amount that the First Assistant Postmaster-General surmises may be needed to cover the increase of the service, &c., because of the reasons I have mentioned. It is insisted by some that the legislation of the last Congress regarding salaries will absolutely reduce the aggregate amount of postmasters' salaries.

Mr. HORR. But does not the Postmaster-General state that in his opinion the salaries for this year will amount to nearly $200,000 more than you propose to appropriate for next year?

Mr. TOWNSHEND. The Postmaster-General does not, so far I recollect, make that difference.

Mr. HORR. Certainly he does.

Mr. TOWNSHEND. His opinion was that it would require $10,600,000. We give $10,500,000. That is what the Postmaster-General estimates. It is but an opinion—is not based upon actual ascertained facts.

Mr. BINGHAM. The gentleman does not quote fully what the Postmaster-General states. Let him read the whole paragraph.

Mr. TOWNSHEND. Last year, when this very question was up, my colleague from Illinois [Mr. CANNON], now my colleague on the committee; Mr. Caswell of Wisconsin, Mr. Robeson of New Jersey, I think the gentleman from Kansas [Mr. RYAN]—in fact, the whole Appropriations Committee insisted that only $9,250,000 was needed for postmasters' salaries. We have increased that appropriation a million and a quarter. Further than that, Mr. Caswell asserted here, and I find a similar statement in the report of the Postmaster-General, that the basis which the Department has adopted for estimating the amount required for postmasters' salaries is 20 per cent. on the income of the Post-Office Department. Now, 20 per cent. on $47,000,000 will make not much over $9,000,000. So that if we accept the percentage basis adopted by the Department in estimating the amount required for postmasters' salaries, we have appropriated a million and a quarter more than is needed for that purpose.

Mr. HORR. In 1883 this branch of the service cost something over $10,300,000.

Mr. TOWNSHEND. But how does my friend get over the fact that according to the estimate of the Department itself 20 per cent. of the income of the Department should be sufficient to pay the compensation of postmasters? If the gentleman will make the computation he will find that 20 per cent. will not amount to much over $9,000,000, whereas we have given $10,500,000—a million and a half more than that percentage shows to be necessary. I believe that when these salaries for the next fiscal year are paid there will remain a surplus of this appropriation of $10,500,000.

Mr. HORR. Why, sir, the gentleman, it seems to me, can not be candid in that statement. He has mathematics against him. He vouches for the ability and integrity of Mr. Gresham, the Postmaster-General; and this officer tells us in his report that the expenditure for this branch of the service can not be less than the amount proposed in the amendment, and it may be a good deal more. Even if the appropriation should be too large, an excessive appropriation will not cost the Government one cent additional.

[Here the hammer fell.]

Mr. BINGHAM. I move to amend the amendment by striking out the last word. I wish to reply briefly to the statement of the gentleman having charge of this bill [Mr. TOWNSHEND] in reference to compensation of postmasters. The fact is known to the House that it makes no difference what amount be appropriated, the compensation fixed by statute goes to the postmasters. They receive on behalf of the Government the forty-seven or fifty millions of income which this Department collects, and from this amount they pay themselves their fixed salaries.

The gentleman refers to a statement contained, as he says, in the report of the Postmaster-General; but, in fact, the statement is that of the First Assistant Postmaster-General. The Postmaster-General asks for an appropriation of $12,250,000; and to ascertain this sum he goes to the estimate of the First Assistant Postmaster-General. But in this estimate there is nothing about 20 per cent. The First Assistant Postmaster-General first states that the appropriation for the present fiscal year is $9,250,000. He next states that the payments for postmasters' salaries during the last fiscal year amounted to about $10,300,000. I am not dealing now with the question what the Committee on Appropriations did or anything of that kind. I wish this Committee of the Whole to reach such a conclusion as will enable it to put into this bill the exact amount which, upon proper information, should go into it.

Now we know that for the fiscal year ending June 30, 1883, it took something over $10,300,000 to pay the compensation of postmasters. The First Assistant Postmaster-General submits that, according to the nearest estimate that can be reached, it will take for the present fiscal year $2,000,000 more than the $9,250,000 that was appropriated. We know that for 1883 $10,300,000 was required. We are assured that for this year the cost of this branch of the service will be $9,250,000 plus $2,000,000. But the gentleman says, "We have given $10,500,000, and the Department only asked for $10,600,000."

The Postmaster-General says:

> After a consideration of all the circumstances of the case, I am of the opinion that the amount paid for the quarter ended March 31, 1883 ($2,660,339.53), is the best present basis for an estimate, which, multiplied by four, would give $10,641,358.12 for the fiscal year 1884-'85—

There the gentleman stopped, but the Postmaster-General does not stop there. He continues as follows:

> exclusive of the annual increase in this item. Placing this natural increase at $750,000 for the present fiscal year and at $835,000 for the next year (which periods will include two readjustments of salaries at first, second, and third class offices), I judge that the total amount required for compensation to postmasters for the fiscal year ending June 30, 1885, would be about $12,216,358.12. Of this amount it is estimated that at least $4,000,000 will be required to pay postmasters at Presidential offices. The number of these offices on the 1st of October last was 2,195, and it is thought that for several coming quarters the increase will average about 45 offices per quarter, or 180 annually.

On the knowledge of what it was two years ago and on a fair estimate of the known increase of the service for the present and the next fiscal year, the Department asks for $12,250,000.

Coming to the question of percentage, the gentleman does not quote correctly the language of the Postmaster-General. The latter says:

> On no preceding occasion has it been so difficult to make anything like an accurate estimate for compensation to postmasters as at this time. For several years past, or since the passage of the law of June 17, 1878, it has been ascertained that an estimate based upon from 20 to 25 per cent. of the estimated receipts of the Department for the fiscal year under consideration would approximate as near to the amount required as by any other method. This is no longer practicable, however, in consequence of the changes, by the act of March last, in the rates of commissions paid postmasters, which law has been interpreted, so far as the compensation of fourth-class postmasters is concerned, to take effect from the date of its approval by the President, March 3, 1883.

The CHAIRMAN. The gentleman's time has expired.

Mr. TOWNSHEND. I will take the floor and yield a few minutes of my time to him in order to that he may finish his remarks.

Mr. BINGHAM. I thank the gentleman for his courtesy.

Now, under that law we gave the 46,000 postmasters 10 per cent. additional compensation. And in that connection I want to state why the Committee on Appropriations did not appropriate fully for the pay of the postmasters at the last Congress. The reason was this: The Post-Office appropriation bill came into the House in regular order all right, with appropriations made up according to the then estimates of the Department. The 2-cent postage did not go into effect until the action of the conference committee on the disagreeing votes of the two Houses, and that was just before the close of the last session. It was on the 3d of March, the last day, when the law was passed for the readjustment of the pay of postmasters. Therefore the Committee on Appropriations could not possibly have been able to have passed in the Post-Office appropriation bill on that change of the law and provided the necessary additional appropriation of 10 per cent. increase for 46,000 postmasters. And there is one of the difficulties to-day. It is because the Postmaster-General took into consideration all these facts that he asks for the next fiscal year $12,250,000.

Mr. TOWNSHEND. Mr. Chairman, I endeavored a moment ago to indicate the basis on which the committee made this appropriation. The Department makes its estimate of the amount required for the payment of the increased salaries on the basis of the last quarter of last year. Now this is not a fair test, for the reason that the law which went into operation on the 1st of October reduced the rate of postage to 2 cents, on which these salaries are mainly based. But the Department's estimate is based on the income from 3-cent stamps, or at one-third higher rate than that of the next year.

The Postmaster-General has based his estimate for the year on what was required for the last quarter of last year. Now, there is another circumstance that perhaps causes the Department to estimate the cost of the present year larger than it will be found at the end of the year. It is this: by reason of the law increasing postmasters' salaries of the fourth class being made to take effect in March last, the cost of those salaries for the first quarter of this year is some $600,000 more than will be required for the salaries of those postmasters for the remaining three-quarters of the fiscal year. As stated, those salaries for the first

quarter of this year were based on the 3-cent stamp and the others will be based on the 2-cent stamp. Taking all the facts into consideration I am satisfied, sir, that we have given more than will be required for the next fiscal year. I believe we have been very liberal in this item. We have increased the appropriation in the aggregate to an amount I conscientiously believe will supply sufficient to meet the requirements of the whole service.

Mr. HORR. You have frankly and honestly said what the receipts are to be. Now, tell me how these receipts are going to increase without the postmasters' salaries increasing also?

Mr. TOWNSHEND. They will go up, of course. If we take the basis of the Department of 20 per cent. of the revenue it will only require $9,400,000. The Postmaster-General conjectures there will be a large percentage of increase, and he adds surmises which make out a sum that I think is largely in excess of what will be necessary. Taking the percentage fixed by the Department somewhat as a basis, and taking all the other circumstances I have mentioned into consideration, you will find the amount we recommend will prove sufficient. And let me say further that no matter how much we appropriate, be it large or small, the postmasters will not suffer for a single dime. All of their salaries, no matter how much, will be retained by them out of the receipts of their offices.

Mr. BINGHAM. That is all very true.

Mr. TOWNSHEND. Then what is the objection that you make here?

Mr. BINGHAM. Only that we want the bill to be consistent.

Mr. WHITE, of Kentucky. If the amendment has been withdrawn I will renew it.

The CHAIRMAN. The Chair will assume that it has been withdrawn.

Mr. WHITE, of Kentucky. Then I renew it. I desire to call the attention of the committee to a fact which seems to be overlooked by those gentlemen who are afraid that a few postmasters at large cities will not get sufficient salary. If I understand the appropriation, and if I am wrong I would like the gentleman in charge of the bill to correct me, the clause on lines 20 to 25 includes the allowance to all post-offices. I rise to a point of order before making my remarks, because if the amendment does not properly come in here I want to find out where it does come in.

Mr. HORR. There will be a motion made to strike out the next clause. We have not yet reached that paragraph.

Mr. WHITE, of Kentucky. What I desire to know is whether this $10,500,000 appropriated by this clause is exclusively for salaries of postmasters or whether any portion of it is an allowance for clerk-hire?

Mr. HORR. Not a dollar of it.

Mr. TOWNSHEND. It is all for salaries of postmasters.

Mr. WHITE, of Kentucky. Then I will send to the Clerk's desk and have read in my five minutes a letter to which I wish to call the attention of the committee. A great deal of inequality exists, and this letter will show it, between the salaries received by third and fourth class postmasters as compared with first and second class postmasters as well as in regard to the number of clerks that is allowed in first and second class offices, while but a small number or none at all is allowed in third and fourth class offices. I ask the Clerk to read the letter.

The Clerk read as follows:

POST-OFFICE DEPARTMENT, *Washington, D. C., March* 1, 1884.

SIR: I have the honor to respond in writing to the request of your committee, heretofore verbally acknowledged, for the following information:

First. "Number of fourth-class post-offices in the United States."

Second. "What is the average salary from commissions at fourth-class offices where no allowance for clerk-hire is made?"

Third. "What number of fourth-class offices do receive allowance for clerk-hire?"

Fourth. "What number of fourth-class offices at county seats do not receive any allowance for clerk-hire?"

Fifth. "What is the average salary of postmasters at county seats where allowances for clerk-hire are made?"

Sixth. "What number of fourth-class post-offices which are not located at county seats, but are distributing offices, and yet do not receive allowance for clerk-hire?"

These questions, being of an unusual nature, have involved considerable research, as the records of this office do not show in a concise form the information desired. The delay in responding by letter has been occasioned by the desire of the Department to furnish the most reliable and correct information possible.

In answer to query No. 1, you are informed that the number of fourth-class post-offices, January 1, 1884, reached 46,113.

Second. "What is the average salary from commissions at fourth-class offices where no allowance for clerk-hire is made?" In reply to this question you are informed that in the absence of the Official Register, which is not yet printed for the fiscal year ended June 30, 1883, this office is unable to give more than a close estimate of the average compensation of fourth-class postmasters. The gross amount paid as compensation to fourth-class postmasters for the quarter ended June 30, 1883, amounted to $2,006,568.31. This sum was allowed at an aggregate of 45,717 post-offices, or an average amount of $175.56 for each postmaster. The gross amount paid to fourth-class postmasters for the quarter ended September 30, 1883, amounted to $1,948,886.45. This sum was paid out at 45,956 post-offices, or an average of $169.64 per office.

Third. "*What number of fourth-class offices do receive allowance for clerk-hire?*" *To date* (*March* 1, 1884,) 927.

Fourth. "What number of fourth-class offices at county seats do not receive any allowance for clerk-hire?" February 1, 1884, 1,028.

Fifth. "What is the average salary of postmasters at county seats where allowances for clerk-hire are made?" In reply to this query you are informed that only a limited number of such offices are not receiving an allowance for clerical assistance in separating the mails. It is the practice of this office, where the appropriation for clerks in post-offices will warrant it, to pay for clerical assistance in separating mails, where there are two or more star routes, or where there is a sufficient railroad service to warrant an allowance. At the present time (March 1, 1884) the aggregate amount allowed on account of clerk-hire for separating offices—offices of the third and fourth classes (see section 121, Postal Laws and Regulations, 1879) *amounts to* $515,030, *distributed among* 2,108 *offices, making an average of* $244.32 *per office*. This average is low and should be increased; and this office will cheerfully endeavor to increase the amount, provided the appropriation for clerk-hire will warrant it. Pertinent to this subject, your attention is invited to remarks on clerks in post-offices on pages 96 and 97, report of Postmaster-General for fiscal year ended June 30, 1883.

Very respectfully,

FRANK HATTON,
First Assistant Postmaster-General.

Hon. H. D. MONEY, *Chairman, &c.*

Mr. TOWNSHEND. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union having had under consideration the Post-Office appropriation bill had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment House bill and joint resolution of the following titles:

A bill (H. R. 1292) for the relief of Louisa Boddy; and

Joint resolution (H. Res. 191) for the printing of certain eulogies delivered in Congress upon the late Dudley C. Haskell.

The message further announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. LOGAN, Mr. RANSOM, and Mr. CALL.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution and a bill of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 191) for the printing of certain eulogies delivered in Congress upon the late Dudley C. Haskell; and

A bill (H. R. 1292) for the relief of Louisa Boddy.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled Senate bills of the following titles; when the Speaker signed the same:

A bill (S. 196) for the relief of the devisees of the late Daniel Carroll; and

A bill (S. 616) to establish a standard of time in the District of Columbia.

ALLEGED UNDERVALUATION OF BOOKS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, in response to a House resolution, transmitting reports of Special Agent N. L. Williams and the appraiser at New York respecting the alleged undervaluation of certain books imported at that port; which was referred to the Committee on Ways and Means, and ordered to be printed.

PRINTING OF CERTAIN TABLES.

By unanimous consent, leave was granted to Mr. HOLMAN to append certain tables and other statistics to his remarks made on the Post-Office appropriation bill.

WITHDRAWAL OF PAPERS.

On motion of Mr. BAGLEY, by unanimous consent, leave was granted to withdraw papers from the files of the House in the case of Erastus C. Weaver, with a petition for a pension.

MARY MARGARET HUSBAND.

Mr. PEELLE, of Indiana, by unanimous consent, introduced a bill (H. R. 5895) granting a pension to Mary Margaret Husband; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WARREN O. HOOVER.

Mr. PEELLE, of Indiana, by unanimous consent, also introduced a bill (H. R. 5896) granting a pension to Warren O. Hoover; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. B. COOK.

Mr. CURTIN, by unanimous consent, introduced the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Clerk of the House be, and he is hereby, directed to pay to L. B. Cook, out of the contingent fund of the House, a sum equal to the difference between the compensation received by him as fireman and assistant engineer in charge of the House elevator, at $1,200 per annum, from the 22d of February, 1883.

CLERK TO THE COMMITTEE ON FOREIGN AFFAIRS.

Mr. CURTIN, by unanimous consent, from the Committee on Foreign Affairs, reported the following resolution; which was read, and referred to the Committee on Appropriations:

Resolved, That from and after the end of the current fiscal year the clerkship of the Committee on Foreign Affairs be an annual clerkship, with a compensation fixed at $2,000 per year.

PUBLIC BUILDING, NEWPORT NEWS, VA.

Mr. LIBBEY, by unanimous consent, introduced a bill (H. R. 5897) for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Yorktown, Va., and making appropriation therefor; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FLOODS OF ARKANSAS RIVER.

Mr. BRECKINRIDGE, by unanimous consent, presented a memorial from citizens of Arkansas, indorsed by the governor of Arkansas, praying for relief in connection with the destructive floods of the Arkansas River; which was referred to the Committee on Rivers and Harbors.

BURLINGTON AND MISSOURI RIVER RAILROAD.

Mr. PAYSON. I desire to make a privileged report. I am instructed by the Committee on Public Lands to report back with the recommendation that it be adopted the resolution referred to them on the 10th instant, and which I send to the desk.

The Clerk read as follows:

Whereas it is alleged that there has been patented or allowed to the Burlington and Missouri River Railroad Company a large amount of public lands in excess of the amount it was entitled to receive under the acts of Congress making the grant:

Resolved, That the Secretary of the Interior is requested to inform this House what the basis of the adjustment of the grant of this company was; whether any error was made in such basis; what amount of land has been patented or certified or allowed to said company, and what the excess, if any, has been in the first adjustment of the grant over the amount the company was entitled to; what steps, if any, have been taken by the Department to correct the error, if any exists, and whether any of the lands certified or patented in excess of what the company was entitled to have been sold by the company.

The resolution was adopted.

Mr. PAYSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COBB. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAGLEY: Papers relating to the claim of Thomas Burns—to the Committee on Military Affairs.

Also, papers relating to the pension claim of Betsey Crandall—to the Committee on Invalid Pensions.

By Mr. BARBOUR: Papers relating to the claim of Joel Mann—to the Committee on War Claims.

Also, papers relating to the claim of Anthony R. Traser—to the same committee.

Also, petition for relief of William A. Courtney, agent of the Clyde line of steamers—to the Committee on the Judiciary.

Also, petition of Melvina Miller and others, asking to sue in the Court of Claims, &c.—to the same committee.

By Mr. BARKSDALE: Papers relating to the claim of George F. Swann, administrator of George T. Swann, deceased—to the Committee on War Claims.

By Mr. BOYLE: Petition of John A. Garner, Mathias Brant, and 1,709 others, wool-growers of Greene County, Pennsylvania, asking for the restoration of the tariff of 1867 on imported wool—to the Committee on Ways and Means.

By Mr. BRENTS: Petition of citizens of Washington Territory, for an appropriation to aid in the construction of the Seattle and Walla Walla wagon-road—to the Committee on Appropriations.

Also, resolutions of the Chamber of Commerce of Seattle against the forfeiture of the Northern Pacific land grant—to the Committee on the Public Lands.

Also, resolutions of the Marine Engineers' Association, No. 38, of Seattle, Wash., in regard to alien engineers, &c.—to the Committee on Commerce.

By Mr. CONVERSE: Petition of John Fleming and 78 others and of D. W. Miller and 39 others, citizens of Perry County, Ohio, asking for the restoration of the wool tariff of 1867—to the Committee on Ways and Means.

By Mr. CUTCHEON: Memorial of the Woman's Christian Temperance Union, of Big Rapids, Mich., in favor of a constitutional amendment granting the right of suffrage to women—to the Committee on the Judiciary.

By Mr. DUNHAM: Petition and protest of citizens and vessel-owners of Chicago, Ill., against H. R. 5128—to the Committee on Commerce.

Also, petition of the Union Veteran Club, Englewood, Ill., favoring the granting of lands to soldiers and sailors—to the Committee on the Public Lands.

By Mr. GOFF: Petition of J. W. Gaffney and 23 others, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. HALSELL: Papers relating to the claim of W. H. Wheeler—to the Committee on War Claims.

By Mr. HARMER: Memorial of vinegar manufacturers and dealers, against repeal of law for vaporizing spirits—to the Committee on Ways and Means.

By Mr. LACEY: Petition of M. H. Raymond and 144 others, citizens of Grass Lake, Mich., in favor of a soldiers' home in the State of Michigan—to the Committee on Military Affairs.

By Mr. LAMB: Petition from citizens of Crawfordsville, Ind., in regard to the national debt—to the Committee on Banking and Currency.

By Mr. LONG: Petition of Frank Galt, relative to the position of assistant journal clerk, House of Representatives—to the Committee on the Rules.

By Mr. MAYBURY: Petition of coopers of Detroit, in favor of retaining tariff on cooperage material—to the Committee on Ways and Means.

Also, petition of Robert Hill and L. S. Trowbridge and others, in favor of a soldiers' home in Michigan—to the Committee on Military Affairs.

By Mr. NICHOLLS: Memorial of the officers of the Second United States Infantry, in favor of the reorganization of the infantry regiments of the United States Army—to the same committee.

Also, papers relating to the claim of Thomas A. McLaughlin—to the Committee on Claims.

By Mr. CHARLES O'NEILL: Remonstrance of citizens of Philadelphia interested in trade in the Kanawha Valley, West Virginia, against the passage of S. 1441, relative to bridges across the Great Kanawha River—to the Committee on Commerce.

By Mr. PATTON: Petition of citizens of the State of Pennsylvania, relative to the importation of foreign laborers under the contract system—to the Committee on Labor.

By Mr. PERKINS: Petition of George D. Gregg, T. B. Semans, and 250 others, of Kansas, asking that a pension be granted to George M. Dowell—to the Committee on Invalid Pensions.

Also, the petition of certain Delaware Indians residing in the Indian Territory, for the distribution among them severally of their per capita share of the several funds of money now belonging to said tribe in common and for other relief—to the Committee on Indian Affairs.

By Mr. PETERS: Affidavit relating to the claim of W. L. Rose—to the Committee on War Claims.

By Mr. PRICE: Memorial of Knapp, Stout & Co., in relation to rebate on tobacco—to the Committee on Appropriations.

By Mr. PRYOR: Petition of citizens of Franklin County, of Morgan County, of Lawrence County, of Lauderdale County, of Colbert County, and of Limestone County, Alabama, asking for the erection of Government buildings at Decatur, Ala.—severally to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Huntsville and of Madison County, Alabama, asking for the erection of a Government building at Huntsville, Ala.—to the same committee.

By Mr. ROWELL: Petition for the repeal of the tenure-of-office acts—to the Select Committee on Reform in the Civil Service.

By Mr. SHELLEY: Papers relating to the claim of Jeremiah Johnson—to the Committee on War Claims.

By Mr. VALENTINE: Petition and resolution of the Bricklayers and Masons' International Union of America, relative to the importation of foreign labor under contract—to the Committee on Labor.

Also, petition of B. McGinn and 100 others, of Omaha, Nebr., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petition of C. C. Mumford and others, citizens of Nebraska, asking for the equalization of bounties—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. A. J. WARNER: Petition of A. Russell and others, citizens of Fillmore, Ohio, praying that a pension be granted to Sarah Joyce, widow of Edward Joyce, and to their minor children—to the Committee on Invalid Pensions.

By Mr. WEMPLE: Petition of citizens of Johnstown and Gloversville, N. Y., against the passage of the Morrison tariff bill—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *March* 12, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting, in answer to a resolution of the 26th ultimo, reports of Rear-Admiral G. H. Cooper and Lieut. R. P. Rodgers, United States Navy, respecting the progress of the work in the construction of a ship-canal across the Isthmus of Panama, with request for additional copies thereof if printed; which, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 29th of January, 1884, information concerning the number of persons convicted of crime and sentenced to imprisonment in the District of Columbia since January 1, 1873, and the cost of their transportation, maintenance, and support; which, with the accompanying paper, was referred to the Committee on the District of Columbia, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills received yesterday from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 4985) supplemental to and amendatory of an act to incorporate the Mutual Fire Insurance Company of the District of Columbia;

A bill (H. R. 3235) relating to acknowledgments of conveyances of land in the District of Columbia;

A bill (H. R. 4088) to incorporate the Luther Statue Association, to erect and maintain a monument or statue in memory of Martin Luther in the District of Columbia;

A bill (H. R. 2344) for the relief of Melissa G. Polar; and

A bill (H. R. 2346) for the relief of Sarah A. Redmond.

The bill (H. R. 4779) to change the name of the West Waterville National Bank of Oakland, in the State of Maine, to that of the Messalonskee National Bank was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 5445) to amend section 4136 of the Revised Statutes of the United States, relating to the purchase and repair of foreign vessels, was read twice by its title.

Mr. HOAR. I ask that the bill may lie upon the table until after the ordinary morning business is over, when I shall desire the consent of the Senate to pass it.

The PRESIDENT *pro tempore*. If there be no objection, that order will be entered.

Mr. HOAR. I suppose it will be more agreeable to the Senate and the Chair to have the motion deferred until after the routine morning business.

The joint resolution (H. Res. 124) authorizing the collector of the port of New York to deliver free of duty a silver cup won by Sergt. A. B. Van Heusen as a member of the American rifle team at Wimbledon in July, 1883, was read twice by its title, and referred to the Committee on Finance.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled bills and joint resolution, which had previously received the signature of the Speaker of the House of Representatives:

A bill (S. 196) for the relief of the devisees of the late Daniel Carroll;

A bill (S. 616) to establish a standard of time in the District of Columbia;

A bill (H. R. 1292) for the relief of Louisa Boddy; and

Joint resolution (H. Res. 191) for the printing of certain eulogies delivered in Congress upon the late Dudley C. Haskell.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of J. A. Paddock and 42 other members of the Grand Army of the Republic, of Saint Johnsbury, Vt., favoring the passage of Senate bill No. 1, authorizing the payment of arrears of pensions in cases filed subsequent to July 1, 1880; which was referred to the Committee on Pensions.

Mr. HARRISON presented resolutions adopted at a meeting of Garfield Post, No. 224, Grand Army of the Republic, of Uniontown, Jackson County, Indiana, in favor of the passage of various measures now pending before Congress for the relief of soldiers and sailors of the late war; which were referred to the Committee on Pensions.

Mr. SHERMAN. I present a memorial that is directed to me but is manifestly intended for the Senate, signed largely by inventors, manufacturers, and dealers in patented articles, and citizens of Tiffin, Astoria, and vicinity, in the State of Ohio, who, believing the United States patent laws as they now stand to be approximately faultless and effective, "do most respectfully remonstrate against any legislative interference with said laws as detrimental to their interests and what they consider the public weal." They set forth at some length their views upon the patent laws, and I beg leave to say that the signers of the memorial are persons largely engaged in manufacturing, and laboring men also, very respectable in character. I ask that the memorial be received and referred to the Committee on Patents.

The PRESIDENT *pro tempore*. The memorial will be received, if there be no objection, and referred to the Committee on Patents.

Mr. SHERMAN presented a petition of citizens of Cambridge, Guernsey County, Ohio, praying for the passage of a law to increase the pension of David Frazier, late private Company B, Fifteenth Regiment Ohio Infantry; which was referred to the Committee on Pensions.

Mr. GARLAND. I present a petition of about 300 citizens of the town of Hot Springs, Ark., calling attention to the blasting upon East Mountain, in that town, in consequence of which three of the principal springs have disappeared. They call attention to this subject by petition to Congress, and ask that an act be passed prohibiting any further operations of that sort. I move that the petition be referred to the Committee on Public Lands, as matters relating to the Hot Springs reservation have generally gone to that committee.

The motion was agreed to.

Mr. GARLAND presented a petition of the governor of Arkansas and citizens of Little Rock, in that State, praying that an appropriation be made for the improvement of the streets and sidewalks in and around the United States arsenal at Little Rock; which was referred to the Committee on Appropriations.

Mr. GIBSON presented the petition of Ernestine H. Stevens, of Washington, D. C., administratrix of the estate of Waller H. Stevens, praying that her claim for 6,000 tons of coal seized by the military authorities of Mexico may be referred to the Court of Claims for adjudication; which was referred to the Committee on Claims.

Mr. HAWLEY. I present the petition of J. A. Price and 1,200 other inventors, manufacturers, and citizens of the United States, praying for the amelioration of the United States patent system and that better facilities may be afforded inventors. The petition deserves serious consideration in these days when there are so many attacks made upon the patent laws, which I consider of immense value to the whole country. I move that the petition be referred to the Committee on Patents.

The motion was agreed to.

Mr. MITCHELL presented the petition of Thomas U. Walter, of Philadelphia, Pa., late architect of the extension of the United States Capitol, praying compensation for designing and executing certain public work in different Departments of the Government; which was referred to the Committee on Claims.

He also presented a memorial of citizens of Philadelphia, Pa., interested in trade in the Kanawha Valley, West Virginia, remonstrating against the passage of the bill (S. 1441) to authorize the construction of bridges across the Great Kanawha River and to prescribe the dimensions of the same; which was referred to the Committee on Commerce.

Mr. HOAR presented resolutions of the Legislature of Massachusetts; which were read, and referred to the Committee on Finance, as follows:

COMMONWEALTH OF MASSACHUSETTS,
In the year one thousand eight hundred and eighty-four

Resolution relating to the repeal of so much of the internal-revenue law of the United States as authorizes the manufacture of vinegar from alcohol which has paid no revenue tax.

Whereas the business of the citizens of the State of Massachusetts engaged in agricultural pursuits has been injured by the operation of the United States revenue laws permitting the manufacture of vinegar from alcohol which has paid no internal-revenue tax; and

Whereas the operation of said internal-revenue law gives opportunity to evade the tax on alcohol made and sold as such: Therefore,

Resolved by the senate and house of representatives of the Commonwealth of Massachusetts, That our Senators and Representatives be, and hereby are, requested to use all honorable means in their power to procure the repeal of so much of the amendment to the United States revenue laws contained in section 5, chapter 125 of general laws, passed by the Forty-fifth Congress, at the third session, in the year 1879, as authorizes the manufacture of vinegar from alcohol that has paid no internal-revenue tax.

Resolved, That the governor of the Commonwealth be requested to forward copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

SENATE, *February* 26, 1884.

Adopted. Sent down for concurrence.

S. N. GIFFORD, *Clerk*.

HOUSE OF REPRESENTATIVES, *February* 29, 1884.

Adopted in concurrence.

EDWARD A. McLAUGHLIN, *Clerk*.

EXECUTIVE DEPARTMENT, *March* 10, 1884.

A true copy.

GEO. D. ROBINSON, *Governor*.

REPORTS OF COMMITTEES.

Mr. JONES, of Florida. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1405) for the erection of a public building at Jacksonville, Fla., to report it favorably. I take the liberty of stating that, while I approve of the provisions of the bill, that portion of it in reference to the cession of jurisdiction, about which I have said something already in the Senate, does not meet my concurrence.

Mr. HOAR, from the Committee on Claims, to whom were referred the bill (S. 250) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801, and sundry petitions upon the same subject, submitted a report thereon, accompanied by a bill (S. 1820) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801; which was read twice by its title.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 582) for the relief of W. H. Powell, reported it with amendments, and submitted a report thereon.

Mr. KENNA, from the Committee on Claims, to whom was referred the bill (S. 1099) for the relief of Thomas M. Harbin, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 46) relative to a certain accepted

draft in the Department of State, reported it with amendments, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Claims, to whom was referred the bill (S. 1003) to reimburse and compensate O. W. Streeter for moneys expended and services performed in taking the census of Dakota in 1860, submitted a report thereon, accompanied by a bill (S. 1821) to authorize the Secretary of the Interior to examine and adjust claim of O. W. Streeter for moneys expended and services performed in taking the census of Dakota in 1860; which was read twice by its title.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 294) for the relief of Frank Della Terre and Susan F. Della Terre, heirs of Peter Della Terre, deceased, reported it with an amendment, and submitted a report thereon.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the bill (S. 1229) for the relief of Jacob H. Stark, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1027) for the relief of James H. Woodard, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 853) to fix the rank of certain retired officers of the Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1212) to authorize the extension of the Chesapeake and Ohio Railway to a point on the military lands at Fortress Monroe, Va, reported it with an amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 789) providing for certain time allowances in computing the longevity pay of officers of the Medical Department of the Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of F. L. Hagadorn, praying that the Secretary of War be authorized to purchase his patent for the manufacture of improved ammunition-chests, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

Mr. PUGH, from the Committee on Education and Labor, to whom was referred the bill (S. 1235) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of colleges for the advancement of scientific and industrial education, reported it without amendment.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 1153) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War, reported it with an amendment.

Mr. BAYARD. I am instructed by the Committee on Finance, to whom was referred the bill (S. 329) for the relief of the sureties of the late J. O. Rawlins, to report it adversely. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, with the adverse report of the committee.

EULOGIES ON REPRESENTATIVE ALLEN.

Mr. ANTHONY. The Committee on Printing, to which was referred the joint resolution (S. R. 69) to print certain eulogies delivered in Congress on the late Thomas Allen, have instructed me to report it back without amendment and to recommend its passage. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. INGALLS. I move to amend by changing the frame of this resolution to a bill—the Chief Clerk will make the necessary alterations—in accordance with previous suggestions that have been made.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to amend the enacting clause of the joint resolution so as to turn it into a bill.

Mr. ANTHONY. I quite agree with the Senator from Kansas that the practice of passing joint resolutions should be abolished and that they should take the form of bills; but if we are to change the form of this measure perhaps it would be better to make it conform to the usual practice of the Senate in ordering printing, which is by concurrent resolution, although as I have repeatedly stated here, it seems to me that a concurrent resolution which requires the assent of both Houses of Congress should go to the President for his signature, but I have been borne down by the lawyers, the Senator in the chair among them.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Rhode Island that this particular resolution contains an appropriation of money from the Treasury.

Mr. ANTHONY. Yes; I am corrected. It does make an appropriation. It should be a bill then.

The PRESIDENT *pro tempore*. Is there objection to amending the enacting clause of the joint resolution so as to make it a bill? The Chair hears no objection.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The PRESIDENT *pro tempore*. The bill is now before the Senate and still open to amendment. If no other amendment be proposed the question is, Shall it be ordered to be engrossed for a third reading and read the third time?

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill (S. 1819) to print certain eulogies delivered in Congress upon the late Thomas Allen."

BILLS INTRODUCED.

Mr. BLAIR introduced a bill (S. 1822) granting a pension to Mrs. Anna Johnson Foster; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1823) granting a pension to Ebenezer K. Marden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EDMUNDS (Mr. GARLAND in the chair) introduced a bill (S. 1824) to establish a forest reservation on the headwaters of the Missouri River and the headwaters and Clark's Fork of the Columbia River; which was read twice by its title.

Mr. EDMUNDS. I ask that the bill be referred to the Committee on Agriculture and Forestry. I wish to call the attention of the chairman and members of that committee to what I think is the great importance of making a provision of this kind for the preservation of the mountain forests at the headwaters of these two great rivers, whose continued flow and exuberance of water is essential to the welfare and the happiness of such a vast tract of territory through which they flow. There are certain papers and explanations accompanying the bill which I move be referred with the bill to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. JACKSON (by request) introduced a bill (S. 1825) for the relief of Martha Turner; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1826) to repeal the act entitled "An act to incorporate the Connecticut Avenue and Park Railway Company in the District of Columbia;" which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CULLOM introduced a bill (S. 1827) for the relief of L. S. Ensel; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL introduced a bill (S. 1828) donating certain lots to the city of Saint Augustine, Fla., for public schools, parks, and a public library; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HILL introduced a bill (S. 1829) for the erection of a public building at Boulder, Colo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. JACKSON introduced a joint resolution (S. R. 74) proposing an amendment to the Constitution of the United States changing the terms of office of President and Vice-President of the United States; which was read the first time by its title and the second time at length, and referred to the Committee on the Judiciary, as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled (two-thirds of both Houses concurring), That the following article be proposed to the Legislatures of the several States as an amendment to section 1, Article II, of the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the Constitution, namely:

ARTICLE II.

SECTION 1. The executive power shall be vested in a President of the United States of America. He and the Vice-President shall hold their offices for the term of six years; but the President shall not be re-eligible. The President and Vice-President shall be elected as follows.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MILLER, of New York, it was

Ordered, That the papers in the case of Senate bill No. 608 be taken from the files of the Senate and referred to the Committee on Claims.

STEAMER KEOR JEOR.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be directed to communicate to the Senate, if not incompatible with the public service, any correspondence between our Government and that of China relating to the Ward claims and the claim of Charles E. Hill for the charter of the steamer Keor Jeor.

THE PANAMA CANAL.

Mr. MILLER, of California, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed 1,000 extra copies, for the use of the Navy Department, of the reports of naval officers upon the progress of the work in the construction of the Panama Canal, transmitted to the Senate with letter of the Navy Department dated March 10, 1884.

THAYER BROTHERS.

Mr. MILLER, of New York. I ask unanimous consent that the vote

by which the bill (S. 1000) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, may be reconsidered, and that the bill be recommitted to the Committee on Finance. The bill was reported adversely and indefinitely postponed. The parties in interest did not suppose that it would be acted upon so soon, and had not asked for a hearing. They were not heard, and they now desire to be heard.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the vote of the Senate heretofore taken indefinitely postponing the bill indicated by him be reconsidered and that the bill be recommitted to the Committee on Finance. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further resolutions that order is closed and the Calendar under Rule VIII is in order.

Mr. MILLER, of New York. I move to take up House bill 3967, which is known as the pleuro-pneumonia bill. I should not move to take it up at this time out of its order were it not for the fact that disease has broken out among cattle in the State of Kansas of a very serious and dangerous character, and the people of Kansas, the governor, and other officials are asking for immediate action upon this measure. The Committee on Agriculture have instructed me to make this motion at this time. The bill that I call up is the House bill, to which the committee of the Senate propose some amendments.

Mr. HOAR. I gave notice when the House bills were laid before the Senate for reference this morning that I should like to ask the Senate to dispose of one of them, which will take but a moment. If I find it leads to any debate, I shall withdraw the request.

The PRESIDENT *pro tempore*. Does the Senator from New York withdraw his motion?

Mr. MILLER, of New York. Let the pleuro-pneumonia bill be taken up, if the Senate agree to it, and then it can be laid aside temporarily to take up the other bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New York.

Mr. SEWELL. I ask if the bill is taken up whether it will be discussed under the five-minute rule?

The PRESIDENT *pro tempore*. The motion is made under the eighth rule of the Senate, which authorizes, after resolutions are closed, a Senator to move to proceed to the consideration of any bill on the Calendar until 2 o'clock.

Mr. SEWELL. And it is to be taken up and discussed under what rule?

The PRESIDENT *pro tempore*. Under Rule VIII, but not under the five minutes' limitation of debate.

Mr. SEWELL. Then I move to amend the motion by substituting the special order for to-day, the bill for the relief of Fitz-John Porter.

The PRESIDENT *pro tempore*. The Chair is of the opinion that a motion to amend a motion to proceed to the consideration of a bill is not in order.

Mr. SEWELL. Then I hope the motion of the Senator from New York will be voted down, and that the special order will be proceeded with.

The PRESIDENT *pro tempore*. The special order will come up at 2 o'clock.

Mr. SEWELL. Notwithstanding this bill?

The PRESIDENT *pro tempore*. Notwithstanding this bill at 2 o'clock the special order will be laid before the Senate.

Mr. SEWELL. Then I withdraw my objection to this motion.

Mr. BLAIR. I should like to make a parliamentary inquiry. If this motion shall prevail, what effect has it upon the pending unfinished business of the morning hour, which is the bill to establish a bureau of labor statistics? Is that bill simply laid aside informally?

The PRESIDENT *pro tempore*. There is no unfinished business of the morning hour. The business that was under consideration when 2 o'clock was reached yesterday resumed its place on the Calendar, and when the Calendar is proceeded with it will again be taken up.

Mr. PLUMB. In support of the motion which has been made by the Senator from New York I desire to have the Chief Clerk read a dispatch which I have received from the governor of Kansas and the secretary of the State board of agriculture of that State.

The PRESIDENT *pro tempore*. The Senator from Kansas asks that a certain telegraphic dispatch which he states bears on the question of the present consideration of the bill be now read. If there be no objection it will be read.

The Chief Clerk read as follows:

EMPORIA, KANS., *March* 11, 1884.

HON. P. B. PLUMB:

The foot-and-mouth disease is assuming alarming proportions. When cattle go on the range the disease can not be stamped out, and will involve all the Western cattle interests. The people ask that you hurry up the legislation now pending before Congress. If the States are asked to pay half the expense it will be useless to Kansas at present.

G. W. GLICK,
Governor of Kansas.
WM. SIMS,
Secretary of State Board of Agriculture.

Mr. COKE. I desire to know, if the bill is taken up, whether the debate on it will proceed under the five-minute rule?

The PRESIDENT *pro tempore*. It will not, in the opinion of the Chair.

Mr. HOAR. I desire to make a parliamentary inquiry for the information of several Senators as well as my own. There are various orders of the Senate in force making different bills a special order for a certain hour on different days. Suppose a bill the subject of such an order is not reached on the day designated in the order, what is the effect, what is the position of it?

The PRESIDENT *pro tempore*. The tenth rule of the Senate provides:

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the presiding officer shall lay it before the Senate, unless there be unfinished business of the preceding day; and if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

The Chair is of the opinion therefore that special orders now on the Calendar not yet reached should be laid before the Senate in the order of time at which they were made special orders and not in respect of the order of the days for which they were made special orders. The question is on agreeing to the motion of the Senator from New York.

The motion was agreed to.

WRECKED FOREIGN VESSELS.

Mr. HOAR. Before the bill is proceeded with I ask the Senate to lay it aside for a moment and have the bill which came from the House in regard to the purchase of vessels considered.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the Senate now consider the bill (H. R. 5445) to amend section 4136 of the Revised Statutes of the United States, relating to the purchase and repair of foreign vessels. Is there objection to the present consideration of the bill?

Mr. VEST. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HOAR. Will the Senator hear——

Mr. VEST. I know the bill very well.

Mr. HOAR. Then let the bill, if the Senator from Missouri does not object, be referred to the Committee on Commerce.

Mr. VEST. Certainly.

The PRESIDENT *pro tempore*. If there be no objection the bill will be referred to the Committee on Commerce.

CONTAGIOUS DISEASES OF ANIMALS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3967) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals.

Mr. MILLER, of New York. Mr. President, I shall not detain the Senate with any——

The PRESIDENT *pro tempore*. The Chair will state to the Senator from New York that the first thing in order is the reading of the bill, unless unanimous consent be otherwise given.

Mr. ALLISON. The bill is familiar to the Senate. I ask unanimous consent that its first reading may be dispensed with.

Mr. HOAR. It must be read at length once.

Mr. INGALLS. It must be read once in full, and it may as well be read now as at any time.

Mr. MILLER, of New York. It can be read by sections for the purpose of amendment.

The PRESIDENT *pro tempore*. The Secretary will proceed with the reading of the bill.

The Chief Clerk read the bill, which was reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and to insert:

That the Commissioner of Agriculture shall organize in his department a bureau of animal industry, and shall appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be, under the direction of the said Commissioner, to investigate and report upon the condition of domestic animals of the United States, their protection and use; and also inquire into and report the causes of contagious and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country; and the Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose. The salary of the chief of this bureau shall be the same as that paid to other chiefs of division in said department; and the Commissioner shall furnish to the chief of said bureau the necessary clerical force for the transaction of the business of the bureau.

SEC. 2. That the Commissioner of Agriculture is authorized to appoint two competent agents, who shall be practical stock-raisers or experienced business men familiar with questions pertaining to commercial transactions in live-stock, whose duty it shall be, under the instructions of the Commissioner of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia, and to provide against the spread of other contagious, infectious, and communicable diseases. The compensation of said agents shall be at the rate of $10 per diem, with all necessary expenses, while engaged in the actual performance of their duties under this act.

SEC. 3. That in order to promote the exportation of live-stock from the United States the Commissioner of Agriculture shall make special investigation as to the existence of contagious pleuro-pneumonia or lung-plague, or any contagious

or communicable disease, along the dividing line between the United States and foreign countries, and along the lines of transportation from all parts of the United States to and including ports from which live-stock are exported, and make report of the results of such investigation to the Secretary of the Treasury, who shall establish such regulations concerning the exportation and transportation of live-stock as the results of such investigation may require.

SEC. 4. That to prevent the exportation from any port of the United States to any port in a foreign country of live-stock affected with any infectious or contagious disease, and especially pleuro-pneumonia, the Secretary of the Treasury, on the reports provided for in section 3, be, and he is hereby, authorized to take such steps and adopt such measures, not inconsistent with the provisions of this act, as he may deem necessary.

SEC. 5. That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of contagious pleuro-pneumonia, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of the provisions of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted in any State or Territory in which contagious pleuro-pneumonia is declared to exist, and whenever the Governor of a State, or other properly constituted authorities signify their readiness to co-operate for the extinction thereof, the Commissioner of Agriculture is hereby authorized to expend so much of this appropriation as may be necessary in the investigation of the facts as to the disease, in paying for the animals which it is deemed necessary to slaughter, and in such disinfection and other means as may be necessary to stamp out the disease; and whenever a State or Territory in any section of which a contagious or infectious disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation fails to make provisions for its extinction, or to co-operate with the plans of the Commissioner of Agriculture for the extinction of the disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare the said State or Territory, or such part of said State or Territory as is dangerous to the animal interests of the country, in quarantine, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

SEC. 6. That the Commissioners of the District of Columbia, whenever notified by the Commissioner of Agriculture that an infectious or contagious disease affecting domestic animals, and especially the disease known as pleuro-pneumonia, has been brought into or has appeared in the District of Columbia, shall take measures to suppress the same promptly and to prevent the same from spreading; and for this purpose the said commissioners are hereby empowered to order and require that any premises, farm, or farms where such disease exists or has existed be put in quarantine; to order all or any animals coming into the District to be detained at any place or places for the purpose of inspection and examination; to prescribe regulations for and to require the destruction of animals affected with contagious pleuro-pneumonia, and for the proper disposition of their hides and carcasses; to prescribe regulations for disinfection, and such other regulations as they may deem necessary to prevent infection or contagion being communicated, and shall report to the Commissioner of Agriculture whatever they may do in pursuance of the provisions of this section; and the said commissioners shall certify any expenses attending the aforesaid measures to the Commissioner of Agriculture, who is hereby empowered to pay the same in the manner prescribed by law.

SEC. 7. That no railroad company within the United States whose road forms any part of a line of road from one State or Territory to another, or from a State into the District of Columbia, or the owners or masters of any steam or sailing or other vessel or boat, shall receive for transportation or transport from one State or Territory to another, or from any State into the District of Columbia, any live cattle affected with any contagious or infectious disease, and especially the disease known as contagious pleuro-pneumonia or lung-plague; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any live cattle, knowing them to be affected with any contagious or infectious disease; nor shall any person, company, or corporation drive on foot or transport in private conveyance from one State or Territory to another, or from any State into the District of Columbia, any live cattle knowing them to be affected with any contagious or infectious disease, and especially the disease known as contagious pleuro-pneumonia or lung-plague.

SEC. 8. That it shall be the duty of the Commissioner of Agriculture to notify the proper officials or agents of any railroad, steamboat, or other transportation company doing business in or through any infected locality of the existence of said contagion; and any person or persons operating any such railroad, or master or owner of any boat or vessel, or owner or custodian of or person having control over such cattle or other live-stock within such infected districts, who shall knowingly violate the provisions of section 7 of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one thousand nor more than five thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment; and if any such railroad, steamboat, or other transportation company shall, after having received such notice, violate the provisions of this act as hereinbefore set forth, such action shall be *prima facie* evidence of willful disregard of the provisions of this act.

SEC. 9. That it shall be the duty of the several United States district attorneys to prosecute all violations of this act which shall be brought to their notice or knowledge by any person making the complaint; and the same shall be heard before any district or circuit court of the United States holden within the district in which the violation of this act has been committed, or the person or corporation resides or carries on or has his or its place of business.

SEC. 10. That the sum of $500,000, to be immediately available, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to carry into effect the provisions of this act.

SEC. 11. That the Commissioner of Agriculture shall report annually to Congress an itemized statement of all expenditures under this act, and full particulars of the means adopted and carried into effect for the suppression of contagious diseases among domestic animals.

SEC. 12. That this act shall take effect and be in force from and after its passage.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment recommended by the committee.

Mr. MILLER, of New York. Mr. President, I shall not detain the Senate with any lengthy explanation of the provisions of the bill, or any discussion of pleuro-pneumonia or other contagious diseases of domestic animals. The attention the subject has had in another branch of Congress and in the public press makes it entirely unnecessary that that should be done. But I desire to make an explanation in behalf of the committee.

The committee originally reported a bill which had been introduced and referred to it by myself, and it was placed on the Calendar. Subsequent to that a bill on the same subject passed the House and was referred to the committee. The committee reported that bill back with an amendment in the form of a substitute, substituting the original Senate bill for the House bill. At a meeting of the committee this morning, on account of the paramount necessity and urgency of this legislation, the committee authorized me to have the House bill taken up, and, instead of our substitute, to move certain amendments to it by sections as it may be read.

There are only two important differences between the bill as it passed the House and the bill as reported by the Committee on Agriculture of the Senate. The House bill makes no provision for putting a State or any portion of a State in quarantine in case the State fails to take concurrent action with the Federal authorities. The original Senate bill as reported by the committee and the substitute for the House bill as reported provide as follows:

> And whenever a State or Territory, in any section of which a contagious or infectious disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation, fails to make provisions for its extinction, or to co-operate with the plans of the Commissioner of Agriculture for the extinction of the disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare the said State or Territory, or such part of said State or Territory as is dangerous to the animal interests of the country, in quarantine, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

The proposition is thought to be very important by the committee, and I am authorized to move it as an amendment to the House bill at the proper time. It will be seen, I think, upon a careful examination of the bill, that without this provision the efficiency of the measure might be entirely destroyed. It is well known that in many of our Western States the Legislatures hold only biennial sessions, and very few of them have ever taken any action upon this question. Very few of them have passed any laws in regard to it or appropriated any money for the suppression of these diseases. If the bill should pass without this provision in it, in nearly all the States of the West there would be no co-operation upon the part of the State governments for one or two years to come, and meanwhile great danger might be incurred to the entire cattle interests of our country.

This provision is in no way a punishment upon a State for not passing laws and appropriating money, but it simply provides that in case a State government shall have failed to do this the Federal Government may do the work necessary. This is in the direction of a provision which was contained in the act passed some years ago in regard to the National Board of Health, when we were attempting to prevent yellow fever from being brought into our borders. It was there provided that in case State or city authorities failed to co-operate with the national authorities in matters of quarantine within their borders, then the Federal power was authorized to establish quarantine and to enforce it. Unless this can be done, unless there is power lodged somewhere (and here it is lodged in the President of the United States), it will be impossible in my judgment that the bill can be made effective. That is one important point and one important amendment which the committee will offer to the House bill.

The other important point is this: The bill as it passed the House provides that each State shall pay one-half of the expenses attending the extirpation of pleuro-pneumonia or any other contagious disease within its limits; in fact, one-half of all the expense that may be incurred within the borders of the State for this purpose. The Senate bill as it was reported provided that all this expenditure should be borne by the Federal Government, and the committee authorize me to move, as an amendment to the House bill, that instead of each State being called upon to pay one-half the expense, the whole expense, whatever it may be, shall be paid out of the Federal Treasury.

It is believed by the committee that this also is important, for if the Federal authorities can not act promptly in the matter of extirpating disease by the killing of cattle and by disinfecting their quarters, if they are compelled to wait until a session of the Legislature of any particular State may be called and until money shall have been appropriated by the State authorities, all the dangers which the bill was intended to avoid may occur. It is believed that the whole country is interested in extirpating the disease in any particular State in which the disease may be found. For instance, to-day in the State of Kansas the mouth-and-foot disease exists; all the surrounding country and all the surrounding States are threatened alike. It is the judgment of the committee that the expense of extirpating that disease, for instance in the State of Kansas, should not be borne one-half of it by the State of Kansas, but that it should all be borne by the Federal Treasury.

Then it is believed that it will not be possible for any bill to operate thoroughly and effectually in which the money power is divided between the State and the Federal authorities. There must be power lodged somewhere to suppress the disease by all means that are necessary, and that power must be the power of paying. If it be divided, there will be conflict between the State and the Federal authorities. I am authorized by the committee at the proper time to move this amendment.

There is another amendment, in regard to the amount of money which should be appropriated for this purpose, but substantially the two propositions which I have stated are the only ones that the committee now propose to move to the House bill. One is giving the President power to put a State or portion of a State or Territory into quarantine if the disease shall be found there and the State has made no regulation for

it, and the other is that the Federal authorities shall pay out of the Federal Treasury all the moneys that may be necessary for the suppression of these diseases.

I have no further remarks to submit on the general provisions of the bill, and now ask that the House bill be taken up by sections.

Mr. MORGAN. I should like to inquire of the Senator from New York where the amendment he proposes is to come in?

Mr. MILLER, of New York. The amendment I propose will come in in the House bill, at line 23 of section 3, first striking out the provision that the States shall pay one-half of the expense, and at that point inserting what will be found on page 10, commencing at the end of the eighteenth line, where will be found the provision which I read in regard to quarantine. This amendment will accomplish the two propositions which I stated.

Mr. MORGAN. Is that amendment in print?

Mr. MILLER, of New York. Yes, sir; in the printed bill you will find it on page 10.

Mr. MORGAN. It is part of the amendment reported by the committee.

Mr. MILLER, of New York. Yes, it is part of the amendment reported by the committee as a substitute for the House bill; but the committee to-day decided to abandon that and take up the House bill, and propose only these two important amendments to the House bill; so that if the bill pass it shall be substantially the House bill with these amendments, provided the Senate decide to incorporate these amendments into the House bill. From the end of line 18 to the end of line 30, on page 10, is the proposition we propose to insert at the point I have indicated.

Mr. MORGAN. All the substitute proposed by the Senate committee then is withdrawn, and these few amendments are proposed to be inserted in the text of the House bill?

Mr. MILLER, of New York. In the text of the House bill. I ask that the House bill be read by sections.

The PRESIDENT *pro tempore*. The Senator from New York will please state the amendment he proposes to the text.

Mr. MILLER, of New York. The original report of the committee and its present action of course are inconsistent, and lead to this difficulty; the committee first reported back the House bill with an amendment which was in the form of a substitute for the entire House bill, but at its meeting to-day the committee decided to take up the House bill and simply move these two general amendments which I have mentioned.

The PRESIDENT *pro tempore*. It is in order to move now to perfect the text of the House bill.

Mr. MILLER, of New York. Then I propose to amend the House bill, commencing at the word "provided," in line 23 of section 3, by striking out all the remainder of that section after the word "provided" to the end of it, and inserting what is found on page 10 commencing in line 18 at the words "and whenever a State or Territory" to the end of the section.

The PRESIDENT *pro tempore*. The Senator from New York moves to amend the text of the House bill as will be read.

The CHIEF CLERK. On line 23, section 3, it is moved to strike out the following proviso:

Provided, That the authorities of said State or Territory shall assume and pay one-half of the expense of the valuation of the animals it is deemed necessary to slaughter and one-half the cost of disinfection and necessary police regulations in the quarantine and care of infected herds of cattle.

And to insert in lieu thereof:

And whenever a State or Territory in any section of which a contagious or infectious disease exists which the Commissioner of Agriculture has declared to be dangerous to the animal industries of the nation fails to make provisions for its extinction, or to co-operate with the plans of the Commissioner of Agriculture for the extinction of the disease, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare the said State or Territory, or such port of said State or Territory as is dangerous to the animal interests of the country, in quarantine, and to regulate or prohibit the transportation of cattle out of said State, Territory, or district.

The PRESIDENT *pro tempore*. The question is on this amendment.

Mr. BECK. Mr. President, I do not rise to debate the bill, but to make an inquiry of the Senator from New York. This is a very important bill, and I have read it now or heard it read for the first time. I ask the Senator whether he expects to pass the bill before 2 o'clock, when the Senator from Illinois [Mr. LOGAN] has the floor, or whether he proposes to print the bill as reported with the amendment now proposed? I understand he has abandoned the amendment which has been read to us as a substitute. Let us look at the amendment now moved in print. It is not a very easy bill to make up our minds about, though. I am somewhat familiar with the general proposition, and if we are not to pass it to-day, I think we shall save time by having the bill printed in the form the committee propose it with the amendments now suggested.

Mr. MILLER, of New York. The committee hope to pass the bill before 2 o'clock to-day. The committee will do their part to accomplish that end by avoiding any unnecessary talk on the matter.

Mr. MORGAN. I wish to say to the Senator from New York that there is scarcely any conceivable necessity for forcing the Senate into the consideration of this bill in the brief time between this and 2 o'clock to-day. We can not easily overcome our objections to the consideration and determination of a matter of this gravity. There are great constitutional questions involved here and great questions of policy. It is entirely a new departure in the legislation of the country. We have not time to study every question that may be presented in this bill, and under the great pressure of important public business, just as it may come into the Senate, and I think it would be very dangerous in this particular, on a mere request made on the floor of the Senate because there is a good deal of public demand and public clamor about this matter, to press this question to immediate consideration. I do not like to be compelled to consider a question under the sort of pressure that has been intimated here to-day; that is to say, that a disease threatening large portions of the country has seized hold of the cattle of Kansas, and that if we do not act immediately there is going to be very great suffering. I dislike to vote under such compulsion as that. I would prefer to hold an all-night session to have an opportunity to consider this question as it ought to be, rather than to dispose of it within two hours under such circumstances or twenty minutes, as the case may be.

Mr. MILLER, of New York. There is no desire on my part or on the part of the committee to force immediate action if that course does not meet with the approval of the Senate; but this question has been before the country for a long time, agitating the public mind, and it affects one of the most important interests of our people. The bill was made a special order for yesterday at 2 o'clock, but other business came in in advance and held the attention of the Senate until 5 o'clock, as we all know. So the bill went over. It is now the intention of the Committee on Agriculture to press this bill on the attention of the Senate continuously, if possible, until it shall have been passed, whether it be to-day or to-morrow or any other day or within two weeks.

The committee think there is no more important question before the Senate than this, and if it be not disposed of at 2 o'clock to-day I shall ask the Senate to go on with it after 2 o'clock, for we are inclined to think that it is of more importance to the country, vastly more important, than the special order which is set down for 2 o'clock to-day. We shall continue to press this question on the Senate until it shall be disposed of, but there is no intention to deprive any Senator of the right of debate or consideration. If gentlemen desire to debate this bill, to discuss the constitutional questions said to be involved in it, we shall be prepared to stay here any length of time required to do it, or to take it up from day to day until it shall be disposed of. Of course it is entirely within the power of the Senate to consider this bill now or at any other time, or to take it up or lay it down at any time; but the Senate by a vote has made it the special order and we are now proceeding under it, and we have no desire to show any undue haste or deprive any Senator of his rights of debate, if any one desires to debate the question. The motion I made was to take up the House bill by sections and consider the amendments section by section.

Mr. BECK. I did not rise for the purpose of throwing any obstacle in the way, but the Senator from New York suggests that this question has been before the country for a long time and carefully considered. That being so, I think a decent respect for the Senate would have required the committee to have laid before us in proper form what they now propose us to act upon, and not bring before us something which they propose to abandon, and then for the first time tell us now what they do propose to act upon, and expect us to catch it in this way.

Mr. PLUMB. I want to say that the committee is not amenable to the criticism uttered by the Senator from Kentucky. We proposed a substitute for the House bill. That substitute is printed in full.

Mr. BECK. And abandoned.

Mr. PLUMB. Well, suppose it is abandoned.

Mr. BECK. Then we want time to see what next is proposed by the committee that is not to be abandoned.

Mr. PLUMB. It is not true that it is all abandoned, but it is simply true that we abandon a portion of it. We take up the text of the House bill and propose now to take more of the House bill than the committee originally proposed; but every single line and every single letter of what the committee propose now to insert is a part of what it proposed before to insert, but only a part. The Senator therefore who is competent to grasp the proposition of the Committee on Agriculture in its entirety is certainly entirely competent to grasp any portion of it. It is not an innovation in any respect on that which has been before the Senate heretofore in a general way, and consequently there is nothing in the nature of surprise or anything that is lacking in due respect for the Senator from Kentucky or for the entire Senate.

Mr. COKE. Mr. President, I concur fully in the remarks made a moment ago by the Senator from Alabama [Mr. MORGAN]. There is no more important bill before this body than this. If the Senator from New York [Mr. MILLER] has any expectation of passing it by 2 o'clock or any expectation of passing it even in two or three days, in my judgment he will be very greatly disappointed. It ought not to pass at all, and I hope will not, for in every section it grossly violates the Constitution and all my ideas of a proper policy.

It is very true, as the Senator from New York says, that this bill in substance has been a long time before the country. It has been twice defeated in the Senate. It is very true, as alleged by the Senator from New York, that the Agricultural Department has persistently kept it

before the country, and he says that the department intends to keep it before the country. I assure the Senator from New York that the great interests sought in this bill to be delivered over to the keeping of the Commissioner of Agriculture, of whom I will say I entertain a high opinion, are too vast and concern too vitally the people of this country to be intrusted to the discretion and handling of any one man, however great his anxiety may be to grasp them. Indeed, Mr. President, this desire on the part of that official and the persistence with which he has urged this bill do not gain for it any favor with me.

The people of the State which I have the honor in part to represent, as is shown in the report I hold in my hand, pay State taxes on between six and seven million head of cattle; they pay taxes on upward of seven million of sheep; they pay taxes on a million and a half head of horses and mules; and every hoof of stock, every head of it, is to be dealt with under this bill by the Commissioner of Agriculture and the President of the United States and the Secretary of the Treasury, without appeal, without judge or jury, and without being consulted. I can show from the report of the Commissioner of Agriculture that this bill will hand over to the custody of the Commissioner of Agriculture and the Secretary of the Treasury all the cattle from Virginia between the coast and the foot of the mountains in North and South Carolina and Mississippi and Alabama and Louisiana and Florida and Texas. I can show from this report that this bill places the cattle of that entire region, constituting at least one-third of the live-stock of this country, in the custody directly of the Commissioner of Agriculture and the subordinates of his appointment, to be dealt with at his pleasure.

Sir, there are untold millions of dollars' worth of stock that by this bill, if it is passed, the jurisdiction of the Commissioner of Agriculture will be absolute over. If we are to go into a discussion of this bill now, I would turn to the report to which I referred but a minute ago. Do I understand the Senator from New York as insisting on proceeding with the bill?

Mr. MILLER, of New York. We are proceeding now under the order of the Senate.

Mr. COKE. Very well. Now, Mr. President, I want gentlemen to take the report of the Commissioner of Agriculture for 1883 and turn to page 19 and read from there on the "report on the Texas cattle fever," and they will find from that official report that "the Texas cattle fever" is a misnomer for the disease referred to; that it ought to be called the Southern or swamp fever; that it prevails in Virginia and has prevailed there for a hundred years; that it has prevailed from time immemorial in North Carolina, in Georgia, in Tennessee, in Mississippi, in Alabama, in Louisiana, in Florida, as well as in Texas.

The cattle in those regions at home in their pastures are healthy; the beef is good; the milk and butter are wholesome; the people live on them and find them healthy and nutritious food. The animals look healthy and fat; their hair is sleek and shows every indication of health, and they are in good health. Now, take one of these animals from the coast in Virginia, or North Carolina, or South Carolina, or any of these States going south, and drive it up to the foot of the mountains and let it come in contact with mountain stock, and this report says that the mountain stock contracts some sort of disease which kills a considerable percentage of them. Drive the mountain stock down into the coast country and they will sicken and die. Drive the coast cattle into the mountains, and while the mountain stock may contract disease from them the low country stock thrive and improve. Take Northern stock down to Texas, and unless they are young, under twelve months old, a large percentage of them is lost by this fever; but take Texas stock up North and they thrive and grow large and fatten. These are the leading facts stated in this report of the Agricultural Department, and it is worthy of special attention that the cattle from Texas and the South, said to communicate disease, are well, in good health apparently, and are the cattle which furnish beef, milk, and butter for the inhabitants where they are raised. Yet these cattle, all of them embraced in the vast section I have named, are within the embargo of this bill.

I read from the report as to Virginia and North Carolina:

In answer to inquiries, Maj. R. L. Ragland, of Halifax County, sent me the following valuable information, which I give in his own words:

"I have never seen anywhere a more correct description of the cattle disease which prevails more or less every year in this and many of the adjoining counties in Virginia and North Carolina than is given on pages 253-255 of department report on 'Diseases of Swine and other Domestic Animals, 1879.' I have no means of tracing its history ('distemper' as it has been called for more than half a century), but all authentic accounts agree that the disease was brought from Eastern North Carolina to Virginia—from the pine and swamp region of North Carolina, as stated by Mr. Lenoir, where it existed long prior to its appearance in this State. The disease was prevailing here when I was born, over fifty years ago, and prevails more or less every year. The cause of the disease is not known. It came from Eastern North Carolina sixty or seventy years ago, and progressed westward very much as stated by Mr. Lenoir."

Here are reports of the disease in Patrick County, in Henry County, in Pittsylvania County, in Franklin County, in Halifax County, in Campbell County, in Charlotte County, in Prince Edward and Lunenburg Counties, in Buckingham County, in Fluvanna and Goochland Counties, and in Henrico and Hanover Counties. Here is a map showing how the disease is traveling. It travels from the seacoast to the mountains, and is constantly going. Here is the conclusion of the report:

To sum up, then, I believe it has been demonstrated beyond any possibility of successful contradiction: 1. That the district permanently infected with Texas fever is being continually enlarged by the advance of the infection toward the north. 2. That this infection has already reached in a part of Virginia to about 38° of north latitude. 3. That districts have been permanently infected for years not only at the line of frost and snow, but where the temperature frequently descends to the neighborhood of zero Fahrenheit. 4. That frost, snow, or even intense freezing can not be depended upon to destroy the germs of this disease. 5. That while large rivers and mountain chains have checked the advance for a considerable time in the past, rivers at least have always been crossed in time, and there is, consequently, no apparent natural obstacle to the continued extension of the infected district toward the north.

The report is an exceedingly interesting one. It gives the large experience of the reporter in Alabama and in fact in all the States I have named. The disease, Mr. President, is one that grows out of the climate. You go down into the coast part of Virginia or North Carolina or South Carolina or any part of the States south on the Atlantic seaboard, and you will find that it has existed from time immemorial; you will find that the people understand it. You will find that the mountain man will not drive his stock down into the low country except during periods of frost and ice, and will not permit swamp or low country stock driven among his stock at any other period. The people understand this thing. Why should the Government take hold of the question in view of the fact that the people for one hundred and fifty years have had to deal with it, and that they in the localities know and understand it much better and more practically than any Commissioner of Agriculture can?

Our Government is based on the theory that the people are intelligent and judicious enough to care for their private interests properly, and surely it is not a violent presumption, when they have managed this matter for one hundred years without aid, that with increased experience and intelligence they can continue to do so without the intervention of the Government. Too much government is a greater curse than too little.

I oppose this bill, Mr. President, for various reasons, both of constitutionality and expediency, and especially because it puts under the ban the cattle of a vast section of our country stretching from Northern Virginia to the mouth of the Rio Grande, which are in a perfectly natural and normal condition of health. It does not need that disease shall break out among them; it is only necessary that they shall be in a certain section of the country to put in full play the arbitrary and dictatorial power conferred on the Commissioner of Agriculture, from which no appeal lies. In all that great section of country I have named this bill withdraws all the safeguards provided by the Constitution for property, not on contingencies which may or may not happen, but on a certainty already declared by the Commissioner that contagious disease exists there, or, in other words, that it is permanently infected.

This bill, sir, will strike a blow at a great interest of my State in a vital point. It will obstruct commerce in cattle and other stock, and subject owners of stock to the danger of black-mail and robbery by subordinates who may be detailed to execute the law. I have as much confidence in the high officials named in this bill as any other can have, but would intrust the power conferred in this bill to no men on earth; still less would I to any set of men who would be compelled to delegate power to subordinates in order to execute the law. Under this bill the Commissioner of Agriculture would declare the existence of an infectious disease, the locality of the infection, and upon his recommendation the President would act. The report of the commissioner has already declared that the Texas fever exists from Northern Virginia to the Rio Grande, and if the bill passes all left to be done as to that great extent of country and the millions of stock in it will be to put it under quarantine, shut out the cattle from market, and thus wound a great interest.

So far as the pleuro-pneumonia is concerned that is a disease which is imported. I am perfectly willing to support a constitutional bill that shall specify pleuro-pneumonia. It may go further and specify the foot-and-mouth disease, or any other that is known to affect cattle which the people do not understand and can not manage. But there are clauses in this bill that speak of "pleuro-pneumonia and any other contagious, infectious, or communicable disease." By those terms you embrace all cattle throughout the South; you will embrace seven millions of cattle in Texas; you will embrace two-thirds of the cattle in Virginia, in North and South Carolina, in Tennessee, in Mississippi, in Alabama, in Louisiana, in Florida, in Arkansas, and in the Indian Territory, Notwithstanding the fact that they are in the condition in which they were reared and grown, a condition perfectly normal and natural, and as we believe healthy, yet they are embraced in the penalties of this bill because it is said they can communicate disease to cattle raised in more northern latitudes.

Can we pass a bill of that sort, Mr. President? Can we submit if we can possibly avoid it to have so many millions of dollars' worth of property placed beyond the pale of the protection of the law and subject to the irresponsible dictation of three officials acting through subordinates, as they will be under this bill?

I desire that the Senate shall understand this bill. It is a monstrous one. Twice has a bill just like it been defeated in this body, and it was defeated in very short order each time. This bill should not pass. I have simply adverted to the facts that show the immense interests involved. In the State of Texas alone the cattle at $20 a head, subjected to the caprice of three men under this bill, will bring $140,000,000 in the market to-day; the sheep (for it embraces all sorts of stock), nearly 8,000,000 head, would bring $40,000,000 more, besides horses and mules,

in this one single State of Texas. Now add that to the amount involved in the other States, and see what an immense aggregate is placed subject to the dictation of two or three men under this bill, without appeal, without judge or jury.

This is the bill exactly that was defeated twice before in the Senate, consigned to the waste-basket. The Senate would not consider it then and ought not now. I am willing to give the power to have an investigation and report, so as to teach the people how to deal with the diseases of cattle, but I am not willing in order to provide against pleuro-pneumonia or any other disease to turn the vast stock interest of this country over to the manipulation of any two or three men.

Mr. MCPHERSON. May I ask the Senator from Texas a question?

Mr. COKE. Certainly.

Mr. MCPHERSON. In giving information not only as to his own State but as to other States he shows this to be a very large industry, and therefore an industry that should be preserved. This bill, as I understand, if it has any purpose whatever, is for the preservation of that great industrial interest. Now, the honorable Senator says he is perfectly willing to vote for a bill that will designate the diseases.

Mr. COKE. I will put in this qualification. I am willing to vote for a bill which shall authorize the Commissioner of Agriculture to explore thoroughly the causes and the means of prevention and of cure, and let him report the facts for dissemination among the people. That is the sort of bill I am for.

Mr. MCPHERSON. The Senator says he is perfectly willing that the Commissioner of Agriculture shall obtain information and report; but in the absence of any remedy, although we have the information, the evil may be done. He says he is in favor of putting in the bill "pleuro-pneumonia or lung-plague." I take it from his argument——

Mr. COKE. Put in foot-and-mouth disease, and specify any other disease you choose.

Mr. MCPHERSON. I rather understood from the Senator's remarks that he objected to these terms, "or any contagious or communicable disease." Now, I suppose that any disease which is contagious or communicable will after a time become epidemic, because the very nature of a disease that is contagious or communicable will of itself in course of time make it an epidemic.

Mr. COKE. The fever of which I spoke has been existing one hundred and fifty or two hundred years, and I have never heard of its becoming epidemic yet. I would be willing to try a little longer, rather than subvert the Constitution in destroying all the safeguards for property of this character.

Mr. MCPHERSON. What fever?

Mr. COKE. The so-called Texas fever. The Senator rose to ask me a question. He is not through with his question yet. If he will conclude it in a short time I will try to answer.

Mr. MCPHERSON. Does the Senator object to the words "contagious or communicable diseases?" I was of the opinion, and I can hardly dislodge that idea from my mind, that any disease contagious or communicable will in course of time result in disaster to this great cattle industry.

Mr. COKE. I have spoken about the so-called Texas fever. Cattle are said to communicate the disease. It is the cattle in another and higher locality that take the disease under certain conditions from these other apparently healthy cattle. Now, I say when our cattle in Texas are healthy, when they afford us good beef, when they afford us healthy milk and butter, when they look well, when their hair glistens and they present every appearance of health, these cattle ought not to be embargoed by the Government. If you take them North they do not suffer from it and they do well at home. They are healthy everywhere, both at home and in more northern latitudes. Their condition is a natural one, a normal one, is inherent in and incidental to the climate in which they are reared. Their condition is inseparable from the surroundings in which they are reared. To say that they shall be embargoed is tantamount to saying that cattle should not be raised in that country, and if it is constitutional and expedient to pass this bill into law it would be equally so to pass a law forbidding the raising of cattle in the country where the so-called Texas fever prevails; indeed, that would be the only logical course to pursue.

But it is said that these apparently healthy animals communicate disease to the stock in other localities, and I presume they do; but I have this to say in reference to that, that the facts connected with the Texas fever are thoroughly known to the people wherever any danger exists from it. The people need no assistance from the Government. They know how to provide against it. They have learned this from the experience of more than a century.

Mr. MAXEY. If my colleague will permit I will say that our people do not object to the use of the term pleuro-pneumonia in the bill, for that is the designation of a well-defined disease; but they do seriously protest against the exercise by the Commissioner of Agriculture of an uncontrolled discretion to determine what is a contagious and communicable disease. Under this unlimited power to determine what is contagious, what is communicable, without appeal from his decision, however ill-advised, arbitrary, or unjust, the great cattle interest of Texas, aggregating $120,000,000 in value, and constantly increasing, is placed at the mercy of the Commissioner. It is to this vast, uncontrolled power over an undefined disease that we protest.

Mr. COKE. Certainly. I object to the sweeping language of the bill referred to by my colleague for reasons I have endeavored to give. This bill will destroy the market value of the cattle throughout the South—will exclude them from export to foreign countries. No foreign country will take them when denounced as infected with disease which is classed with pleuro-pneumonia, lung-plague, and other deadly diseases. It is unjust to truth and the facts that they should be so classed, because in their own native ranges they are healthy and their removal to other ranges does not injure them. It is not these, but the Northern cattle, who are said to take this so-called Texas fever.

I am willing to see a constitutional bill passed specifying the diseases for which cattle shall be excluded from commerce, but enter my protest against the provisions of this bill, which under its general terms already quoted will brand as diseased and impure, unfit for market or commerce, five-sixths of the cattle from Northern Virginia southward to the Rio Grande, embracing one-third of the cattle in the United States, withdrawing the guarantees of the law from the protection of that species of property and subjecting it to the arbitrary will and caprice of whoever may happen to be the Commissioner of Agriculture.

This bill embraces all sorts of live-stock—cattle, sheep, hogs, goats, horses, mules, everything in the stock line. The whole subject is turned over to the Commissioner of Agriculture. He is to determine when any disease exists, and his jurisdiction is to commence when it does exist. He is to be judge, jury, and executioner. The President and the Secretary of the Treasury perform some unimportant functions; he is the ruling, guiding spirit in substance and effect. I will discuss the details of this bill more fully and illustrate its enormities more minutely further on in this debate, but desire now, if I have the time left, to point out specifically the constitutional objections to it, but as the time for the regular order has arrived will defer it until the bill is taken up again.

The PRESIDENT *pro tempore*. The Senator from Texas will suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the special order for this time, being the bill (H. R. 1015) for the relief of Fitz-John Porter.

Mr. MILLER, of New York. I move that that bill be laid aside and that the bill which has been under consideration be continued.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate proceed to the consideration of House bill 3967, the bill last under consideration. That motion under Rule IX is not open to debate.

Mr. SEWELL. I simply rise to ask for information what vote is necessary to set aside the special order. It having taken a two-thirds vote to make it a special order, can a less vote set it aside?

The PRESIDENT *pro tempore*. A majority vote under the ninth rule can take up another bill.

Mr. SEWELL. I hope the motion will not prevail.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New York.

Mr. HOAR. Mr. President, what is the motion?

The PRESIDENT *pro tempore*. The motion of the Senator from New York is under the ninth rule, the Fitz-John Porter bill being now under consideration, to proceed to the consideration of another bill on the Calendar, being House bill 3967.

Mr. HOAR. How does this motion come in under the ninth rule, which expires at 2 o'clock?

The PRESIDENT *pro tempore*. The Chair does not hear the Senator from Massachusetts.

Mr. HOAR. I inquired of the Chair how this motion came in under the ninth rule, which expires at 2 o'clock.

The PRESIDENT *pro tempore*. It is now 2 o'clock and after.

Mr. HOAR. Does not the ninth rule expire at 2 o'clock?

The PRESIDENT *pro tempore*. No; the ninth rule begins at 2 o'clock. The question is on agreeing to the motion of the Senator from New York.

Mr. COKE called for the yeas and nays.

The yeas and nays were ordered; and the Secretary called the roll.

The PRESIDENT *pro tempore* (after having voted in the affirmative). The Senator from Vermont in the chair [Mr. EDMUNDS] asks leave to withdraw his vote, as he has been requested to pair with the Senator from Arkansas [Mr. GARLAND].

Mr. LOGAN. I am paired on the preliminary questions connected with the Porter bill, and for that reason do not vote.

The result was announced—yeas 24, nays 34; as follows:

YEAS—24.

Aldrich,	Dawes,	Manderson,	Sawyer,
Allison,	Dolph,	Miller of N. Y.,	Sherman,
Bowen,	Frye,	Mitchell,	Van Wyck,
Cameron of Wis.,	Hawley,	Morrill,	Walker,
Conger,	Ingalls,	Palmer,	Williams,
Cullom,	McMillan,	Plumb,	Wilson.

NAYS—34.

Bayard,	George,	Jones of Florida,	Pugh,
Beck,	Gibson,	Kenna,	Riddleberger,
Blair,	Gorman,	Lamar,	Saulsbury,
Brown,	Groome,	McPherson,	Sewell,
Call,	Hampton,	Maxey,	Vance,
Camden,	Harris,	Morgan,	Vest,
Coke,	Hoar,	Pendleton,	Voorhees.
Fair,	Jackson,	Pike,	
Farley,	Jonas,	Platt,	

ABSENT—18.

Anthony,	Edmunds,	Jones of Nevada,	Ransom,
Butler,	Garland,	Lapham,	Sabin,
Cameron of Pa.,	Hale,	Logan,	Slater.
Cockrell,	Harrison,	Mahone,	
Colquitt,	Hill,	Miller of Cal.,	

So the motion was not agreed to.

The PRESIDENT *pro tempore*. House bill No. 1015 is now before the Senate as in Committee of the Whole and will be read.

Mr. SHERMAN. Before that is done I ask consent to submit an amendment to the bill which has just passed from the consideration of the Senate, the pleuro-pneumonia bill, with a view to have it printed.

The PRESIDENT *pro tempore*. The proposed amendment will be received and printed.

Mr. MILLER, of New York. I move that House bill No. 3967 be made the special order immediately succeeding the conclusion of the consideration of the bill now before the Senate, known as the Fitz-John Porter bill.

The PRESIDENT *pro tempore*. The Chair thinks that motion can only be made by unanimous consent, the other bill being now before the Senate.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. The Chair will state the question, and then recognize the Senator from New Hampshire. The Senator from New York asks unanimous consent that he may now move that the bill last under consideration, the cattle bill, be made the special order immediately after the conclusion of the Fitz-John Porter bill. Is there objection to the Senator making that motion?

Mr. COKE. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. BLAIR. That there may be no misunderstanding on this matter, I think it proper to state that the order making the bill to aid in the establishment and temporary support of common schools a special order to-day at 2 o'clock was made, as will appear by the RECORD, to be subject to the disposition of the Fitz-John Porter case, and that, by an order of the Senate already existing, will be taken up immediately on the termination of the proceedings in the Fitz-John Porter bill.

Mr. PLATT. I do not so understand the rule. The bill (H. R. 3925) to regulate practice in patent suits was the special order for yesterday, but was not reached by reason of other business preceding it. I understand the rule to be that the bill (H. R. 1015) for the relief of Fitz-John Porter, having been reached to-day, takes precedence, and to that of course I can make no objection; but I think that when the Fitz-John Porter bill shall be concluded the special orders then stand, or ought to stand, in the order in which they are assigned, and the first bill, as I suppose, following the Fitz-John Porter bill is the bill to regulate practice in patent suits. My vote against proceeding with the bill for the suppression and extirpation of pleuro-pneumonia was because I did not want that bill to displace what I supposed to be the next order, or what I think at any rate ought to be the next order. I think the act to regulate practice in patent suits, having the right of way prior to this day, ought to continue to have the right of way after the Fitz-John Porter bill shall be disposed of.

Mr. BLAIR. Mr. President, it should be observed that the bill to which I have referred, which is the special order at 2 o'clock, if the Fitz-John Porter case is not proceeded with, and which is a continuing special order, subject to its disposition, that bill being now before the Senate, was given this position several days before the bill to which the Senator from Connecticut now makes allusion was made a special order at all, and the RECORD will show, if it shall be read, that what I have stated in regard to this being a continuous order, subject to the disposition of the Fitz-John Porter case, is correct.

The PRESIDENT *pro tempore*. The bill before the Senate will be read.

Mr. MILLER, of New York. I think it will be in order to move that the House bill No. 3967 be make a special order for 2 o'clock on Friday next.

The PRESIDENT *pro tempore*. The Chair thinks it is not in order to make the motion without unanimous consent of the Senate, the Fitz-John Porter bill being now before the Senate. The Senate having passed over the bill referred to by the Senator from New York, the Senator from Texas objected to the Senator from New York making the motion at this time.

Mr. MILLER, of New York. As it seems to be the decision of the Senate that the private bill of Fitz-John Porter shall displace all public measures here, I cannot, of course, do otherwise than submit to the parliamentary rules and the decision of the Senate. I ask that the amendments proposed to the pleuro-pneumonia bill be printed, and that the bill and the amendments proposed by me be printed separately, in order that the objection made by the Senator from Kentucky [Mr. BECK] may be obviated, that the Senate has not before it precisely what it is proposed to act on.

Mr. SHERMAN. I ask that the amendment I proposed be printed in the same manner.

The PRESIDENT *pro tempore*. The order to print the bill as proposed to be amended from the Committee on Agriculture will be entered, if there be no objection.

Mr. SHERMAN. I hope the amendment I offered will be printed in the same document.

The PRESIDENT *pro tempore*. If there be no objection the amendment intended to be proposed by the Senator from Ohio will be printed on the same paper. The Chair hears no objection

FITZ-JOHN PORTER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1015) for the relief of Fitz-John Porter.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter, late a major-general of the United States Volunteers and a brevet brigadier-general and colonel of the Army, to the position of colonel in the Army of the United States, of the same grade and rank held by him at the time of his dismissal from the Army by sentence of court-martial promulgated January 27, 1863, and, in his discretion, to place him on the retired-list of the Army as of that grade, the retired-list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That said Fitz-John Porter, shall receive no pay, compensation, or allowance whatsoever prior to his appointment under this act.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Military Affairs.

Mr. SEWELL. Mr. President, as the amendment is the unanimous report of the Committee on Military Affairs there can be no objection to it. I ask to have it adopted.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. LOGAN. I would suggest to the Senator from New Jersey that perhaps that vote ought not to be put until the question comes in reference to the amendment and then agreeing to the bill.

Mr. SEWELL. I prefer to speak to the bill as amended. There certainly can be no objection to the amendment. When the bill is amended as proposed it will be the same bill that the Senate passed during the last Congress.

Mr. LOGAN. I understand that the amendment is much preferable to the bill as passed by the House, and I merely made the suggestion as to the convenience of business. I have no objection to the amendment being acted on.

Mr. SEWELL. Under the instructions of the committee I should prefer to have the amendment adopted now.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Military Affairs.

The amendment was agreed to.

Mr. SEWELL. Mr. President, there are voluminous reports both from the majority and minority of the committee. I have no desire at the present time to have them read, but there are some extracts that I may ask for the reading of during the progress of the remarks that I shall submit to the Senate.

The bill to restore Fitz-John Porter to the Army, now before the Senate, is, substantially, in words, and for the same limiting effect, the bill passed by the Senate at the last session of Congress. Of its merits I have heretofore spoken, and I purpose now to make but few remarks, and those only to brush away a few doubts on the justice of the bill, which may exist with those who have not had full opportunities to study the case. The bill is based on the recommendation of an advisory board of officers, appointed by the President to examine fully into the merits of the case, and to report, "with the reasons for their conclusions, what action, if any, in their opinion, justice requires should be taken by the President."

The members of the board were selected for their rare judicial ability, intelligence, military experience, and integrity. They were known to entertain unfriendly opinions to General Porter's cause. General Sherman, who selected them, said, "they were officers than whom their better do not exist in the Army," and expressed in advance of their decision the belief that he would accept as conclusive the judgment of this court of honor, "composed, as it was, of such officers as Generals Schofield, Terry, and Getty." The President so far indorsed their recommendations as (in the absence of power to execute it) to submit their proceedings and recommendations to Congress for such action as in their wisdom should seem expedient and just.

The report of the board is before the Senate. It states that the sentence of the court-martial inflicted on General Porter in 1863 was founded in error and in ignorance of the real facts, and that so far from his conduct deserving condemnation it merited praise.

These convictions are supplemented by the judgment of the ablest general of our Army, late its head, and President of the United States, who, after months of study, confirmed emphatically the conclusions of that advisory board.

I ask the Secretary to read an article from the North American Review, headed "An undeserved stigma," as part of my remarks.

The Chief Clerk read as follows:

[From the North American Review.,

AN UNDESERVED STIGMA.

On the 27th of November, 1862, a court-martial was convened in the city of

Washington for the trial of Major-General Fitz-John Porter, of the volunteer force. The court consisted of nine members and a judge-advocate—the Judge-Advocate-General of the Army.

The charges against General Porter were:

First. Disobedience of orders under the ninth article of war.

Second. Misbehavior before the enemy under the fifty-second article of war.

Under the first charge there were three specifications of which the court found Porter guilty. These were, substantially:

First. Disobedience to the order of August 27, requiring him to march from Warrenton Junction at 1 o'clock on the morning of the 28th and be at Bristoe Station by daylight.

Second. Disobedience on August 29, while in front of the enemy, to the joint order to McDowell and Porter, directing them to march toward Gainesville and establish communication with the other corps.

Third. Disobedience on August 29, while in front of the enemy, to what is known as the "4.30 p. m. order," requiring Porter to attack the enemy's flank and rear.

Under the second charge the specifications upon which Porter was tried and convicted were, in substance:

First. Shameful disobedience to the 4.30 p. m. order on August 29, while in sight of the field and in full hearing of its artillery; and retreat from advancing forces of the enemy, without attempting to engage them or to aid the troops who were fighting greatly superior numbers, and who would have secured a decisive victory and captured the enemy's army but for Porter's neglect to attack and his shameful disobedience.

Second. Failure of Porter all that day to bring his forces on the field when within sound of the guns and in presence of the enemy, and knowing that a severe action of great consequence was being fought and that the aid of his corps was greatly needed; and his shameful falling back and retreat from the advance of unknown forces of the enemy without attempting to give them battle.

Third. Shameful failure of Porter on the same day, while a severe action was being fought, to go to the aid of General Pope's troops when he believed that they were being defeated and were retiring from the field, and his shameful retreat away and falling back under these circumstances, leaving the army to the disasters of a presumed defeat; and failure, by any attempt to attack the enemy, to aid in averting a disaster which would have endangered the safety of the capital.

These are the accusations that were made against General Porter for his part and failure in the battles generally known as those of the second Bull Run campaign. The court found him guilty of the charges and specifications. If he was so guilty the punishment awarded was not commensurate with the offense committed. I believe lawyers have taken exception to the formation of the court and to some of its technical rulings; but neither at the time nor since has General Porter attempted to evade the consequences of his acts by any special pleading, or by taking advantage of any technical error in the composition of the court or the method of its being ordered, but has relied entirely upon his innocence of all the charges and specifications, and would not be satisfied with an acquittal on any other ground than that of his entire innocence.

It will be seen from the foregoing that General Porter's alleged misconduct was embraced in three separate cases of disobedience of orders: one on the 27th of August and two on the 29th of August, and in having retreated unnecessarily from the enemy, by that act endandering other portions of the army with which he was co-operating.

It will be seen that, though these offenses were alleged to have been committed in August of 1862, he was continued in the command of an army corps until some time in November following, taking an active part in battles of the day following the date of the last charge and in command of the defenses of Washington on the west bank of the Potomac, and also at the battle of Antietam, some weeks later. It would look at first very singular that an officer so wantonly derelict in the performance of his duty as General Porter was alleged to have been on the 27th and 29th of August should have been continued in so important a place as the command of an army corps, when so much was at stake as there was on the 30th of August, and in the defenses of Washington, and in the later battles in Maryland, when the invasion of the North was threatened. These facts would indicate to an unprejudiced mind that the charges against Porter were an after-thought, to shift the responsibilities of failure from other shoulders and to place them upon him.

In regard to his disobedience of the order of the 27th of August, he is alleged to have without justification deferred his march from Warrenton Junction to Bristoe Station from 1 o'clock until 3 of the morning of the 28th. It was about 10 o'clock on the night of the 27th when Porter received the following order:

HEADQUARTERS ARMY OF VIRGINIA,
Bristoe Station, August 27, 1862—6.30 p.m.

GENERAL: The major-general commanding directs that you start at 1 o'clock and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you send word to him to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary, on all accounts, that you should be here by daylight. I send an officer with this dispatch who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks also that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.

By command of Major-General Pope.

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Maj. Gen. F. J. PORTER,
Warrenton Junction.

P. S.—If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately. If Banks is not at the Junction, instruct Colonel Clary to run the trains back to this side of Cedar Run, and post a regiment and section of artillery with it.

By command of Major-General Pope.

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

His troops had been marching all day, were very much fatigued, and some of them only having just arrived in camp and had their supper when the order to march at 1 o'clock was received. The night, as shown in the testimony before the court which tried Porter, and as confirmed by the evidence given in what was known as the Schofield board, was extremely dark; the road very narrow, with numerous cuts and streams passing through it; bounded by woods on both sides in many places, with no place where the open country could be taken for the march of troops; and blocked up with about two thousand army wagons, many of them mired in the narrow road, so that the officer who conveyed this order to General Porter was over three hours on horseback in making the distance of ten miles. Porter was expected, with fatigued troops, worn with long marches, on scanty rations, to make a march on a very dark night through a blockaded road more rapidly than a single aid-de-camp, unencumbered, had been able to get through on horseback.

When he received the order he showed it to his leading generals, and, apparently with one accord, they decided that the movement at that hour was impossible; further, that no time could possibly be gained by so early a start, and that if they should start at that hour and get through to Bristoe Station at the time designated the troops would not be fit for either fighting or marching on their arrival at that point. Porter replied, however, "Here is the order, and it must be obeyed;" but after further consultation he decided, as did his generals, that a postponement of two hours in starting the march would enable them to get through as quick as if the men were kept on foot and under arms while the road was being cleared and that the men would be in much better condition for service on their arrival at their destination. He was entirely justified in exercising his own judgment in this matter, because the order shows that he was not to take part in any battle when he arrived there, but was wanted to pursue a fleeing enemy. He did not leave the commanding general in ignorance of his proposed delay nor of the reasons for it, but at once sent a request that the general commanding should send back cavalry (he had none himself) and clear the road near him of incumbrances, so that the march might be unobstructed.

It is shown that a literal obedience to the order of the 27th of August was a physical impossibility. It is further shown that General Porter was desirous of obeying it literally, so far as was practicable, but was prevailed upon by his leading generals—against whom a suspicion of disloyalty to their commander or to the cause has never been entertained—to do what his own judgment approved as the best thing to do, to make a later start, with a view of arriving at his destination as early as it was possible for him to arrive there, and to give to his jaded and worn troops two hours more of needed rest. If the night had been clear and the road an open one there would not have been as much justification for the exercise of his discretion in the matter; but there is no doubt but that he would have arrived at Bristoe Station just as early, and with his troops in much better condition, if he had started at early dawn instead of the hour he did, and the intervening time had been used in clearing the road for his troops when they did march. Where there were open spaces along the line of the road they were either marshy, filled with stumps of trees, and impossible to march over, or were crowded with army wagons, so that the track of his army was limited to the encumbered narrow road between the two points designated in the order, which could be cleared only by the wagons being moved ahead, as requested of Pope.

Much of the testimony before the court and before the Army board might be quoted to confirm what is here stated; but as this is all accessible to the reader I will not lengthen this statement by quoting it.

I question very much whether there was an engagement during the war or a series of engagements continuing over as much time as was consumed in the battles about Bull Run in August, 1862, when not only one but a number of generals did not exercise their discretion as Porter did on this occasion, and with far less justification. The commanding general who gave the order desired to have the troops at a certain point by daylight, and he gave his orders so as to accomplish that result. Under the circumstances his order required of the troops an impossibility. That was as evident to Porter and those with him before the attempt was made as it was after.

It is a little singular that any one high in rank connected with the Army of Virginia should be in ignorance of the arrival of at least a portion of Lee's army, by the very route designated by Pope, many hours before the 4.30 order was published. Porter was not in ignorance of that arrival. Between 12 and 1 o'clock, on arriving at his advanced position, Porter was shown by McDowell a dispatch from General Buford, sent at 9.30 on the morning of the 29th, stating that from seventeen to eighteen regiments of the enemy had passed through Gainesville three-quarters of an hour before, or at a quarter before 9 o'clock, on their way to re-enforce Jackson, so that the head of the column must have been not only in supporting distance of Jackson, but at the place of deployment by 10 o'clock in the morning; and now it is known by others, as it was known by Porter at the time, that Longstreet, with some twenty-five thousand men, was in position confronting Porter by 12 o'clock on the 29th of August, four hours and a half before the 4.30 order was written.

While at the head of their united forces between 12 and 1 o'clock, and while Porter was preparing to attack the enemy in his immediate front, McDowell, then in command, showed Porter the "joint order" and also Buford's dispatch. It was evident from this dispatch, corroborated by the enemy's movements in their immediate front, that the main forces of the enemy, which the "joint order" said were far distant, had not only arrived, but had formed a junction with Jackson and deployed in their front. Porter knew of this from another fact. He had prisoners from that force—Longstreet's troops. The object of moving toward Gainesville had been thus defeated, and any further advance, if practicable, would only the more widely separate them from Pope's forces, then checked at Groveton, at least two miles distant, and with which they were ordered to "establish communication." McDowell, as he had the right, at once withdrew his troops, leaving Porter with ten thousand men to confront Longstreet's twenty-five thousand, while he went by a circuitous route to a point between Porter and Pope to establish the communication enjoined.

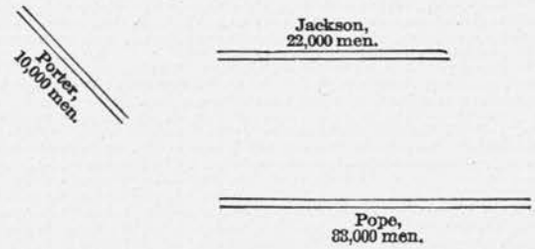
Thus left alone, facing superior numbers advantageously posted, and ignorant of the needs of Pope, if indeed he had any, Porter had necessarily to bide McDowell's arrival on his right. In the mean time his duty was manifestly to engage Longstreet's attention and prevent him from moving against Pope, especially while McDowell was out of support of both Pope and Porter. Porter all that day did not hear of McDowell, or of what was taking place in front of Pope, though he kept the former well informed of affairs with him, and presumed that his dispatches were sent to the latter. He, however, engaged Longstreet's attention by demonstrations nearly harmless to himself and so successfully as to cause Longstreet to take Wilcox's division from in front of Pope in order to strengthen the line confronting Porter, who at the time was aware of this movement of forces coming from the right to his front and notified McDowell of it. Thus Porter, without sacrifice of men and without endangering any interests, did more for Pope's relief than if he had gone directly to that general's assistance. To have done so would probably have sacrified his corps, without any benefit, and jeoparded the safety of Pope's army.

So far as I have investigated the case—and I have studied it, I think, pretty thoroughly—I see no fact to base the charge of retreat upon. I do not see that any argument to prove this is necessary, because any reader of history may be defied now to find where and when General Porter retreated during the time specified.

In my judgment this disposes of the charges, and consequently of all specifications under them, except the alleged disobedience of the 4.30 p. m. order.

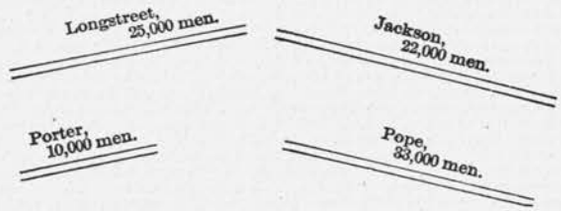
In regard to the charge of disobedience of the 4.30 order, which is the principal one and the one that has most deeply impressed the mind of the general public, there are evidences which look to me important and conclusive, showing that the court-martial which tried General Porter found him guilty under a mistaken idea of the actual facts, now accessible to any one in search of the truth, and which Porter knew to be the facts at the time. As maintained by the prose-

cution, to the apparent satisfaction of the court, the situation of the belligerent forces were in numbers and position about as here given:



The 4.30 p. m. order of the 29th of August required Porter to attack the enemy's right flank and to get into his rear if possible. This enemy, in the mind of the commanding general, and no doubt of the court, was Jackson's force of twenty-two thousand men. Porter was supposed to occupy, with ten thousand troops, position assigned to him in the diagram given. The court also seems to have been satisfied that the order to make this attack was received by Porter from 5 to half past 5 o'clock in the afternoon, leaving him abundance of time to obey the order.

That the commanding general believed the positions as given in the foregoing diagram to be the positions of the different commands is shown from the fact that in his joint order of that morning he stated that "the indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day"—that is, the evening of the 30th or the morning of the 31st of August—and from the fact that in the 4.30 order he stated that "the enemy is massed in the woods in front of us," thus ignoring the presence of Longstreet. This is confirmed in his map No. 5 furnished to the Government. If these had been the facts of the case there would have been no justification whatever for Porter's failure to make the attack as ordered; but instead of the facts being as supposed by the commanding general and the court which tried General Porter, they were as shown by the following diagram. This Porter knew on indisputable evidence:



As shown by this diagram, Porter was not in a position to attack the right flank of Jackson, because he was at least three miles away, and not across his flank, as shown in the first diagram. With Longstreet's presence, to have obeyed that order he would have been obliged, with ten thousand men, to have defeated twenty-five thousand men in a chosen position before he could have moved upon the flank of the enemy, as the order directed. But, even if the position of Lee's army had been thirty-six to forty-eight hours distant, as asserted in the joint order to McDowell and Porter, it would have been impossible for Porter to have obeyed the 4.30 order, because it did not contemplate a night attack, and was not received by Porter until about dark. To have obeyed it would have required some little preparation, movement of troops, and distribution of orders, so that it would have been some time after dark before he could have moved from the position he was then occupying, and at least as late as 9 o'clock at night before he could have reached Jackson's flank to engage it. His efforts to execute the order, notwithstanding its apparent inappropriateness, demonstrate this assertion.

I consider that these facts, with many more that were brought to the knowledge of the Schofield board, fully exonerate General Porter of the charge of disobedience of what is known as the 4.30 order, and also of the imputation of lukewarmness in the support of the commanding general.

A great deal might be said of the movements, the marching and countermarching of troops, between the date of the order of the 27th of August and the receipt of the order of the 29th which would throw light upon this question; but I abstain from giving it, because I believe that what is stated here covers all the points wherein General Porter has been charged with being delinquent.

General Porter has now for twenty years been laboring under the disabilities and penalties inflicted upon him by the court-martial of 1862, all that time contending for a restoration to his position in the Army and in society, and always, as stated in the beginning of this article, on the ground of his entire innocence. The investigation of the Schofield board has in my judgment established his innocence of all the offenses for which he was tried and convicted. The sufferings of twenty years under such findings, for himself and family and friends, is something it is now impossible to set right. Twenty years of the best part of his life have been consumed in trying to have his name and his reputation restored before his countrymen. In his application now before Congress he is asking only that he may be restored to the rolls of the Army, with the rank that he would have if the court-martial had never been held. This in my judgment is a very small part of what it is possible to do in this case, and of what ought to be done. General Porter should, in the way of partial restitution, be declared by Congress to have been convicted on mistaken testimony, and therefore to have never been out of the Army. This would make him a major-general of volunteers until the date might be fixed for his muster-out as of that rank, after which he should be continued as a colonel of infantry, and brevet brigadier-general of the United States Army from the date of the act when he could be placed upon the retired-list with that rank.

In writing what I have here written I mean no criticism upon the court which tried General Porter nor upon the officers under whom or with whom he served. It is easy to understand, in the condition of the public mind as it was in 1862, when the nation was in great peril and when the Union troops had met with some severe reverses, how the public were ready to condemn—to death if need be—any officer against whom even a suspicion might be raised. For many years, and till within a year, I believed that the position and number of the troops on both sides were as stated in the first diagram given here, and that the order to attack was received at an hour in the day sufficiently early to have made the attack feasible; and, under that impression, it seemed to me that the enemy, unless through very bad generalship on the Union side, could not have been able to escape while a superior force confronted him and ten thousand men flanked him. But a study of the case not only has convinced me, but has clearly and conclusively established that the position and numbers of the armies were as given in the second diagram.

If a solemn and sincere expression of my thorough understanding of and belief in the entire innocence of General Porter will tend to draw the public mind to the same conviction, I shall feel abundantly rewarded for my efforts. It will always be a pleasure to me, as well as a duty, to be the instrument, even in the smallest degree, of setting right any man who has been grossly wronged, especially if he has risked life and reputation in defense of his country. I feel, as stated on a previous occasion, a double interest in this particular case, because, directly after the war, as General of the Army, when I might have been instrumental in having justice done to General Porter, and later as President of the United States, when I certainly could have done so, I labored under the firm conviction that he was guilty; that the facts of the receipt of the 4.30 order were as found by the court, and that the position of the troops and numbers were as given in the first of these diagrams. Having become better informed, I at once voluntarily gave, as I have continued to give, my earnest efforts to impress the minds of my countrymen with the justice of this case, and to secure from our Government, as far as it could grant it, the restitution due to General Fitz-John Porter.

U. S. GRANT.

Mr. SEWELL. I now ask the Secretary to read the letters of General Grant, General Terry, and General Walker, which are marked in the copy of the report which I send to the desk.

The Chief Clerk read as follows:

NEW YORK, *November* 3, 1883.

DEAR GENERAL: As there is some discussion as to the probable reasons for my change of mind in regard to your case, now pending before the people of the United States, I deem it proper that I should give them myself.

In the first place I never believed you to be a traitor, as many affected to believe. I thought I knew you too well to believe for one moment that you would accept the pay, rank, and command you held for the purpose of betraying the cause you were professing to serve. Then, too, your services had been too conspicuous as a staff officer at the beginning of the war and as commander of troops later to support such a theory for a moment.

But I did believe that General Pope was so odious to some of the officers in the East that a cordial support was not given him by them. I was disposed, too, to accept the verdict of a court-martial composed as the one which tried you was. Some of the members of that court I knew personally, and had great confidence in their judgment and justice. I supposed you had shared in this feeling towards Pope, and while not more guilty than others you, were unfortunate in being placed in a position where specifications could be made showing this hostility.

After the close of the war, when I was requested to read your new defense, I read it with the feeling above described. At the same time I read the other side as prepared—or furnished—by General Pope. This gave maps showing the positions of the two armies substantially as shown by the first of the diagrams presented by Mr. Lord, of San Francisco, from whom I copied in the article in your case, and did not indicate the presence of any other force than Jackson's. Then, too, it appeared that you had actually received an order at about 5 or 5.30 in the afternoon of August 29 to attack the enemy's flank, and that, too, at a time when a fierce battle was raging in the front.

I was first shaken in my views, however, when such a man as General Terry—who unites the lawyer with the soldier—a man of high character and ability, and who had believed as I had, and possibly worse, after many weeks of investigation should entirely vindicate you and be sustained, too, by men of the known ability of his colleagues on the board. Until in 1881, when I re-examined for myself, my belief was that on the 29th of August, 1862, a great battle was fought between General Pope, commanding the Union forces, and General Jackson, commanding the confederate forces; that you, with a corps of twelve or more thousand men, stood in a position across the right flank of Jackson and where you could easily get into his rear; that you received an order to do so about 5 or 5.30 o'clock, which you refused to obey because of clouds of dust in your front, which you contended indicated an enemy in superior force to you; that you allowed Pope to get beaten while you stood idly looking on, without raising an arm to help him. With this understanding, and without a doubt as to the correctness of it, I condemned you.

Now, on a full investigation of the facts, I find that the battle was fought on the 30th of August; that your corps, commanded directly by you in person, lost a greater percentage than any other corps engaged; that the 4.30 order of the day before did not reach you until nightfall; that your immediate superior had cautioned you early in the day that you were too far out to the front then; that General Pope had cautioned you against bringing on an engagement except under such circumstances as he described, and that in any event you must be prepared to fall back behind Bull Run that night, where it would be necessary for you to be to receive supplies; that from 11 o'clock of the 29th you were confronted by a force of twice your own number, of whose presence you had positive proof, while General Pope did not know of it.

This last fact is shown by the wording of the 4.30 order. It directed you to attack the enemy's right and get into his rear. General Pope's circular of the morning of the 29th said that General Lee was advancing by way of Thoroughfare Gap. At the rate at which he was moving he would be up the night of the 30th or the morning of the 31st.

In his testimony before the court-martial which tried you he said, under oath, that he did not know of the arrival of Lee's command until 6 o'clock of the 29th, an hour and a half after he had dictated the order for your attack.

His circular and testimony prove conclusively that Jackson, and Jackson alone, was the enemy he intended you to attack. Your knowledge of this fact, as well as of the fact that you had another force, quite double yours, in addition, in your front, would have been sufficient justification for your not attacking, even if the order had been received in time. Of course this would not apply if a battle had been raging between Jackson and Pope. At the hour you received the order all was quiet.

This very short, hastily written, and incomplete summary shows why and when my mind underwent a change. I have no doubt now but the change would have taken place in 1867 if I had then made an investigation. I regret now that I did not understand your case then as I do now. Your whole life since your trial, as well as your services before, disprove the great burden of the charges then sustained by a court-martial. As long as I have a voice it shall be raised in your support, without any reference to the effect upon me or others. Your restoration to the Army, simply, I would regard as a very inadequate and unjust reparation. While men—one at least—have been restored to the Army because of their gallantry and wounds, after conviction and sentence, and when there is no doubt of their guilt, are given all their pay for the years they were out of the service, I can see no reason for your having less.

I hope for you a thorough vindication, not only by Congress, but in the minds of your countrymen.

Faithfully, yours,

U. S. GRANT.

General F. J. PORTER, *Morristown*.

SAINT PAUL, MINN., *August* 26, 1879.

DEAR GENERAL: Soon after the publication of the report of the Schofield board you wrote to me thanking me as one of the board for our action in your case. * * * I write now to say it is not thanks but pardon I should ask from you. For years I did you wrong in thought, and sometimes in speech. It is true

that this was through ignorance, but I had not the right to be so ignorant; I might have learned something at least of the truth had I diligently sought it.

If you find anything in my action as a member of the board which you can accept as an atonement for the wrong which I did you, I shall be more than gratified.

With great respect and admiration, I am, yours, most sincerely,

ALFRED H. TERRY.

Maj. Gen. FITZ-JOHN PORTER, *New York.*

FORT SNELLING, MINN., *November* 19, 1882.

DEAR GENERAL: Will you permit me to express to you the very great gratification with which I have read your article in the North American Review? Dealing, as it does, with only the great essential points of Porter's case, and brushing aside as unworthy of serious notice all the pretty sophistries with which his opponents have sought to confuse the public mind, it seems to me that it must carry conviction to every fair, unprejudiced man.

The questions involved in Porter's case are, of course, partly legal and partly military. Long ago the best legal authority of the country—such men as B. R. Curtis, Charles O'Conor, and Daniel Lord—declared that the rules of law were violated by the conviction of Porter, even as the case stood before the court-martial; and now that the highest military authority of the nation has pronounced in his favor upon the military questions, what is there left for the Government and the people to do except to hasten to make such reparation as may yet be possible for the wrong which has been done?

As perhaps you may know, I once, like yourself, believed Porter to be guilty. I believed that he had committed a crime so great that mere human law could provide no adequate punishment for it. But when it became my duty to examine into the case carefully I found that I had grossly erred. I found that instead of being a criminal he was a martyr.

So believing, it is a source of very great satisfaction to me that I have borne some small part in his vindication.

Looking back over the years that have elapsed since I entered the military service, I find nothing that gives me so much pleasure as the fact that I have had some part in that vindication, and I can think of nothing in the future which would be so grateful to me as to be able to do something more in behalf of one who has suffered so grievously and so unjustly. While I feel thus, you may imagine the gratification with which I find that the opinion which I now entertain, that what I believe to be the cause of truth, of right, and of justice, is so strongly supported by yourself; and you will pardon me, I am sure, for expressing to you my feelings.

Very sincerely and respectfully,

ALFRED H. TERRY.

General U. S. GRANT, *New York.*

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
Boston, November 27, 1882.

GENERAL: I have the honor, on behalf of some of your former soldiers, to inclose a note expressive of their sentiments respecting your recent article in the North American Review.

No circulation has been given to this note with a view to securing signatures. It is written and sent only as a spontaneous utterance of hearty thanks for your justice and courage in defending an unfortunate but honorable and gallant soldier.

Very respectfully, yours,

FRANCIS A. WALKER.

General U. S. GRANT, *New York.*

Mr. SEWELL. General Grant concisely and clearly states the essential points in this letter. On one point—the night march of August 27–28, 1862, I shall make a few remarks before I close. General Grant does not refer to the charge based on that event, probably, as others have done, regarding it of no moment, and only used as a makeweight to other apparently more serious charges.

The bill is to authorize an act of justice to be done to an injured man. That man was an officer of high standing, of untarnished reputation, through many years of faithful and valuable service in the cause of our country. He was suddenly stricken down and degraded, and made to suffer for many years, in a manner unexampled in our country, by the act of our Government, committed, as is now established, through erroneous impressions of the facts. That act has been proved wrongful, and is so declared in the report of the advisory board. It has been virtually acknowledged by our Government. The President has professed himself without power, in the absence of legislation, to right the wrong, and remits the whole case "for such action as, in the wisdom of Congress, shall seem expedient and just." Another President, having doubts of the justice of the sentence of the court-martial, has remitted so much of it as forbids the holding of office under the Government of the United States. He has declared his powers exhausted in that act of amelioration. Congress is asked, in the bill now before us, to give the necessary authoritative legislation. We are to act, not as a court of appeals, but as a legislative body, on the voice of a court of appeals pronouncing the wrong done and the legal remedy.

It is true, as has been asserted, that the decision of the advisory board had not in a legal sense the power and rights of a court of appeals, nor has the opinion of General Grant. But military law recognizes no court of appeals, unless it be such an advisory board. Take the board's judgment in this case. Is there any court of appeals whose finding on the facts would receive stronger evidence in the integrity of its proceedings and the justice of its decision than should the decision and recommendation of this board of officers, who, for the sake of their honor alone—as dear to them as life itself—would never have dared to recommend action not based on truth and justice?

I do not consider Congress necessarily a court of appeals. If it were so, there are many of us who, without military experience and knowledge of military law, would reluctantly act as judges on matters so technical, and often involving "the purest treasure mortal times afford, spotless reputation." We have the report of a competent board of honored and trusted officers, whose investigation of the facts was made at a time of freedom from all excitement and prejudice and restraint, and which had before it every person who felt interested and desired to testify, save one, who had promised to testify if subpœnaed, but who when so called refused to appear.

Is not that board an ample court of appeals to base our action upon? Believing it such, I shall be pardoned for reiterating here a few expressions from that report; but preliminary to doing so I quote a few lines from a letter of Hon. Benjamin R. Curtis on the point of governmental action due in such a case of injustice. Judge Curtis, for many years a judge of the United States Supreme Court, and who was in this city at the time, closely watched the proceedings of Porter's court-martial, and in 1866 he appealed to President Johnson in Porter's behalf in the following words:

I beg leave to address you concerning the case of Fitz-John Porter, lately a major-general in the military service of the United States and cashiered by sentence of a court-martial.

I presume you are aware that many persons who felt no particular interest in General Porter, and who founded their opinion only from a perusal of the proceedings which took place on his trial, believed that the result of that trial did entire injustice to a brave officer who had done important service to his country. I was one of those persons. I had never seen General Porter nor had relations with him in any way, but the result of that court-martial I felt to be an injury to the military justice of the country.

This opinion has been, in my own judgment, made as near a certainty as any such subject admits of by the reports of Longstreet, Hood, and Jones, exhibited in the History of the Army of the Potomac, by Mr. Swinton. I believe you will agree with me when I say that there are few things more important in government than the preservation of public confidence in the justice of judicial sentences, whether civil or military, and that when in conspicuous instances not only grave doubts existed at the time whether the sentence was correct, but decisive evidence of its injustice has since been discovered, the Government owes it not only to the accused but to the fame of justice which itself entertains, and to the preservation of that confidence in its love of justice among the people, which is essential to their willing respect and obedience, to interfere and do whatever can fitly be done in such a case.

After presenting the charges on which General Porter was tried the advisory board reports:

The charges and specifications certainly bear no discernible resemblance to the facts of the case as now established. Yet it has been our duty to carefully compare with these facts the views entertained by the court-martial as shown in the findings and in the review of the case which was prepared for the information of the President by the Judge-Advocate-General, who had conducted the prosecution, and thus to clearly perceive every error into which the court-martial was led. We trust it is not necessary for us to submit in detail the results of this comparison, and that it will be sufficient for us to point out the fundamental errors, and to say that all the essential facts in every instance stand out in clear and absolute contrast to those supposed facts upon which General Porter was adjudged guilty.

The fundamental errors upon which the conviction of General Porter depended may be summed up in few words. It was maintained, and apparently established to the satisfaction of the court-martial that only about one-half of the confederate army was on the field of Manassas on the 29th of August, while General Lee, with the other half, was still beyond the Bull Run Mountains; that General Pope's army, exclusive of Porter's corps, was engaged in a severe and nearly equal contest with the enemy, and only needed the aid of a flank attack, which Porter was expected to make, to insure the defeat and destruction or capture of the confederate force in their front under General Jackson; that McDowell and Porter, with their joint forces, Porter's leading, had advanced toward Gainesville until the head of their column had reached a point near the Warrenton turnpike, where they found a division of confederate troops, "seventeen regiments," which Buford had counted as they passed through Gainesville, marching along the road across Porter's front and going toward the field of battle at Groveton; that McDowell ordered Porter to at once attack that column thus moving to join Jackson, or the flank and rear of the line if they had formed in line, while he would take his own troops by the Sudley Springs road and throw them upon the enemy's center near Groveton; that Porter, McDowell having then separated from him, disobeyed that order to attack, allowed that division of the enemy's troops to pass him unmolested, and then fell back and retreated toward Manassas Junction; that Porter then remained in the rear all the afternoon, listening to the sounds of battle and coolly contemplating a presumed defeat of his comrades on the center and right of the field; that this division of the enemy having passed Porter's column and formed on the right of Jackson's line near Groveton, an order was sent to Porter to attack the right flank or rear of the enemy's line, upon which his own line of march must bring him, but that he had willfully disobeyed and made no attempt to execute that order; that in this way was lost the opportunity to destroy Jackson's detached force before the other wing of General Lee's army could join it, and that, this junction having been effected during the night of the 29th, the defeat of General Pope's army on the 30th thus resulted from General Porter's neglect and disobedience.

Now, in contrast to these fundamental errors, the following all-important facts are fully established:

As Porter was advancing toward Gainesville, and while yet nearly four miles from that place and more than two miles from the nearest point of the Warrenton turnpike, he met the right wing of the confederate army, twenty-five thousand strong, which had arrived on the field that morning and was already in line of battle. Not being at that moment quite fully informed of the enemy's movements, and being then under orders from Pope to push rapidly toward Gainesville, Porter was pressing forward to attack the enemy in his front, when McDowell arrived on the field with later information of the enemy, and later and very different orders from Pope, assumed the command, and arrested Porter's advance. This latter information left no room for doubt that the main body of Lee's army was already on the field and far in advance of Pope's army in preparation for battle. General McDowell promptly decided not to attempt to go farther to the front, but to deploy his column so as to form line in connection with General Pope's right wing, which was then engaged with Jackson. To do this General McDowell separated his corps entirely from General Porter's, and thus relinquished the command and all right to the command of Porter's corps. McDowell did not give Porter any order to attack, nor did he give him any order whatever to govern his action after their separation.

It does not appear from the testimony that he conveyed to General Porter in any way the erroneous view of the military situation which was afterward maintained before the court-martial, nor that he suggested to General Porter any expectation that he would make an attack. On the contrary, the testimony of all the witnesses as to what was actually said and done; the information which McDowell and Porter then had respecting the enemy, and the movement which McDowell decided to make, and did make, with his own troops, prove conclusively that there was left no room for doubt in Porter's mind that his duty was to stand on the defensive and hold his position until McDowell's movement could be completed. It would have indicated a great error of military judg-

ment to have done or ordered the contrary, in the situation as then fully known to both McDowell and Porter.

General Pope appears from his orders and from his testimony to have been at that time wholly ignorant of the true situation. He had disapproved of the sending of Ricketts to Thoroughfare Gap to meet Longstreet on the 28th, believing that the main body of Lee's army could not reach the field of Manassas before the night of the 30th. Hence, he sent the order to Porter, dated 4.30 p. m., to attack Jackson's right flank or rear. Fortunately that order did not reach Porter until about sunset—too late for any attack to be made. Any attack which Porter could have made at any time that afternoon must necessarily have been fruitless of any good result. Porter's faithful, subordinate, and intelligent conduct that afternoon saved the Union Army from the defeat which would otherwise have resulted that day from the enemy's more speedy concentration. The only seriously critical period of that campaign, namely, between 11 a. m. and sunset of August 29, was thus safely passed. Porter had understood and appreciated the military situation, and, so far as he had acted upon his own judgment, his action had been wise and judicious. For the disaster of the succeeding day he was in no degree responsible. Whoever else may have been responsible, it did not flow from any action or inaction of his.

The judgment of the court-martial upon General Porter's conduct was evidently based upon greatly erroneous impressions, not only respecting what that conduct really was and the orders under which he was acting, but also respecting all the circumstances under which he acted. Especially was this true in respect to the character of the battle of the 29th of August. That battle consisted of a number of sharp and gallant combats between small portions of the opposing forces. Those combats were of short duration, and were separated by long intervals of simple skirmishing and artillery duels. Until after 6 o'clock only a small part of the troops on either side were engaged at any time during the afternoon. Then, about sunset, one additional division on each side was engaged near Groveton. The musketry of that last contest and the yells of the confederate troops about dark were distinctly heard by the officers of Porter's corps; but at no other time during all that afternoon was the volume of musketry such that it could be heard at the position of Porter's troops. No sound but that of artillery was heard by them during all those hours when Porter was understood by the court-martial to have been listening to the sounds of a furious battle raging immediately to his right. And those sounds of artillery were by no means such as to indicate a general battle.

The reports of the 29th and those of the 30th of August have somehow been strangely confounded with each other. Even the confederate reports have, since the termination of the war, been similarly misconstrued. Those of the 30th have been misquoted as referring to the 29th, thus to prove that a furious battle was going on while Porter was comparatively inactive on the 29th. The fierce and gallant struggle of his own troops on the 30th has thus been used to sustain the original error under which he was condemned. General Porter was, in effect, condemned for not having taken any part in his own battle. Such was the error upon which General Porter was pronounced guilty of the most shameful crime known among soldiers. We believe not one among all the gallant soldiers on that bloody field was less deserving of such condemnation than he.)

Of the delay in marching from 1 to 3 o'clock a. m., August 28, the board says:

Nothing was gained or could have been gained by the attempt to move before the dawn of day. It would have been wiser to have delayed the attempt to move until 4 o'clock. A vigorous and persistent effort to make that march, commencing at 1 o'clock, could only have resulted in greatly fatiguing the troops, and throwing them into disorder, from which they could not have been extricated until long after daylight, without making any material progress, and would thus have caused the corps to arrive at Bristoe at a later hour and in a miserable condition.

Of the events of August 29, so aptly summarized by General Grant, as far as General Porter is concerned, the board reports:

Porter's faithful, subordinate, and intelligent conduct that afternoon saved the Union army from the defeat which would otherwise have resulted that day from the enemy's more speedy concentration. The only seriously critical period of that campaign, namely, between 11 a. m. and sunset of August 29, was thus safely passed. Porter had understood and appreciated the military situation, and so far as he had acted upon his own judgment his action had been wise and judicious. For the disaster of the succeeding day he was in no degree responsible. Whoever else may have been responsible, it did not flow from any action or inaction of his.

The judgment of the court-martial upon General Porter's conduct was evidently based upon greatly erroneous impressions, not only respecting what that conduct really was and the orders under which he was acting, but also respecting all the circumstances under which he acted. Especially was this true in respect to the character of the battle of the 29th of August. Such was the error upon which General Porter was pronounced guilty of the most shameful crime known among soldiers. We believe not one among all the gallant soldiers on that bloody field was less deserving of such condemnation than he.

The delay of two hours in marching in the night of August 27 has always been acknowledged by Porter. The letter of the order required Porter and all his command to make in about three hours a night march of ten miles over a road known by him and his generals to be then impassable by troops in any order and to be efficient for active duty after arrival. The order stated he was wanted to pursue and drive a retreating enemy; not as Porter's accusers subsequently alleged, to aid troops without ammunition and to repel a supposed attack. There was no truth in this allegation. The reason subsequently assigned by the prosecution for the march was a fabrication *in toto*.

The spirit of the order required Porter to reach his destination with his troops in condition for further and immediate service. The letter of the order was impracticable. Its spirit was executed in ample time for any emergency. There was no need of haste; none had existed. Furthermore, if offense had been committed, General Pope had condoned it by accepting the explanation without objection, and that should have debarred all subsequent allegation, and it would had not the charge been needed as a makeweight to other charges.

But Porter on receipt of the order dispatched General Pope as to his intended delay and assigned his reasons. General Pope had ample time before 3 o'clock to repeat his order. He failed to do so, thus silently approving of Porter's judgment and action.

The rule of action for officers situated as was Porter at that time is laid down in Napoleon's Maxims as follows:

The rule, as it appears to me, which applies to such cases, is well stated in certain extracts taken from a French work recently published in Paris.

It is entitled The Method of War, and the extracts which are translated will be found on pages 753, 754, and 755.

The reputations of Napoleon, the Duke of Wellington, and Archduke Charles are such as entitle them to consideration.

This is from Napoleon I:

"A military order even requires passive obedience only when it is given by a superior who, being present at the moment when he gives it, has knowledge of the state of things, can listen to objections, and can give explanations to the one who is to execute the order."

This is from the Duke of Wellington; a general order from the camp of Jansen, November 11, 1803:

"In making known to the army the decision given by the court-martial in the affair of Captain —— Major-General Wellesley thinks proper to explain to the troops that it is necessary to well distinguish the cases in which it is allowable or not for an officer to act at his own will.

"It may frequently happen that an officer receives an order which through circumstances unknown at the moment of giving it by him who gave it is impossible to execute, or the execution of which would be so difficult or so dangerous that there would be a moral impossibility to conform to it. In a case of this nature Major-General Wellesley would be very far from wishing to prevent detached officers from acting freely.

"But Captain —— was not in that situation; he had and has had no private information which the officer who had given him his orders did not also have; and then it was his duty to obey."

ARTHUR WELLESLEY,
(DEPUIS DUC DE WELLINGTON).

Jourdan's army having forced the passage of the Lahn (July 7, 1796,) the first intention of Wartensleben, who commanded the Austrian corps left before it [the Lahn] by the Archduke Charles, had been to fall back behind the Widda, because the French, having forced the garrison of Hamburg to fall back upon Usingen, were already threatening his line of retreat. But the 9th of July, having received a dispatch in which the Archduke wrote to him to withdraw from the environs of Friedburg, only after having tried the fortune of arms, he changed his design, and resolved to attack Jourdan that same day.

However, Wartensleben, in his position at the time, should not have attempted an attack. He could in fact direct it only against the center of the French army, since in moving his left he left Jourdan at Hamburg on his rear, and in advancing by his right he abandoned his line of retreat upon Frankfort.

In spite of these dangers he had the temerity to attack, and in what a situation! With forces inferior in number, in a position in which his wings, deprived of support and threatened with being constantly outflanked, had no reserve.

In vain will it be said that the order which the Archduke Charles had sent him was the ground of his resolution. Wartensleben had the right not to execute it; the Archduke Charles, then near Pforzheim, did not know his situation when he gave him the order.

A general-in-chief who indicates to subordinates, detached afar, their lines of operations and the strategic points of their defensive positions, has performed his duties. One can not expect from him precise and detailed orders when their execution depends not only on the circumstances of the moment but also on the actual position of the troops.

L' ARCHIDUC CHARLES.

The board declare as their judgment: "It would have been wiser for Porter to have delayed the attempt to move until 4 o'clock."

As for the alleged disobedience of orders of subsequent date, there was no disobedience, not even a deviation of them, by Porter. There was, on the contrary, prompt execution of every order.

The other orders which General Porter has been charged with disobeying are what is known as the joint order, governing the action of General McDowell and General Porter, and the 4.30 order, which was received by Porter at 6.30 p. m. I read the joint order:

HEADQUARTERS ARMY OF VIRGINIA, *Centreville, August* 29, 1862.

GENERALS MCDOWELL AND PORTER: You will please move forward with your joint commands toward Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own the whole command shall halt. It may be necessary to fall back behind Bull Run, at Centreville, to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts, and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall upon the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts, and instruct him to rejoin the other divisions of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order it will not be strictly carried out. One thing must be had in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here by to-morrow night or next day. My own headquarters will be for the present with Heintzelman's corps or at this place.

JOHN POPE,
Major-General, Commanding.

The joint order placed Porter under the command of General McDowell until such time as the latter should relinquish the same. Porter had marched in the direction that he was ordered, to Gainesville; but, arriving at Dawkin's Branch, the head of his column struck the enemy. McDowell, arriving on the field at this time, said to Porter, "You are too far out here to fight a battle; put your men in here," or words to that effect. It was the general expectation in the army that when a battle was to be fought, after the concentration of the different corps, it would be fought behind Bull Run. The joint order distinctly contemplated this, as it used the language: "It may be necessary to fall back upon Bull Run at Centreville to-night; I presume it will be so on account of our supplies;" and further on is more positive: "One thing must be held in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning; the indication is that the whole force of the enemy is moving in this direction at a pace which will bring them here to-morrow night or the next day."

Now, the facts are, as proven conclusively before the board, and as Porter knew then from information received through his scouts and through a dispatch from General Buford, that Longstreet's whole corps were then in front of his position. McDowell, on saying that "you are too far out; put your men in here," having a knowledge of the situation of affairs

as reported by Buford in the front, took his command and marched to the right and rear to make a connection with the right wing of the army, leaving Porter with his corps of ten thousand men to act on his own responsibility. Porter made all the necessary dispositions to hold that part of the field and to retain whatever forces were in front of him. What is known as the 4.30 order was received by Porter at 6.30 p. m. or after. I read the order:

HEADQUARTERS IN THE FIELD, *August* 29—4.30 p. m.

MAJOR-GENERAL PORTER: Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and, if possible, on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,
Major-General Commanding.

Now, no one will read the history of this case without becoming imbued with the idea that General Pope's whole campaign up to this time was being made against Jackson, on the supposition that he was not receiving any re-enforcements and that the powerful corps of General Longstreet would not reach him until, as the joint order stated, the night of the 30th, when in reality Longstreet was then deployed in line in front of Porter at 11 a. m. on the 29th. The 4.30 order, just read, is positive in its character, and impossible to be executed, as it is an instruction to attack the enemy's flank, meaning thereby the flank of Jackson, which was three miles away, with Longstreet's twenty-five thousand men between; but notwithstanding this fact was apparent to General Porter, the order was of such a character that, while he saw the mistake being made by the commander-in-chief, he did not hesitate to give the necessary instructions to have it carried out. Before this was accomplished darkness intervened and the order was suspended, as attacking at that time of night would have done no good, and Porter would in all probability have sacrificed his corps, and with it the army; for, as the advisory board has said, Porter by his action on that day saved the army. The accusers of General Porter lay great stress on the charge that, the army being engaged in a terrific fight with Jackson on that day, he should have marched to the sound of the enemy's guns.

Now, sir, there were few men in the Army at that day that had marched to the sound of the enemy's guns more bravely or more successfully than Fitz-John Porter. No one had ever charged him with being a laggard in that direction, for a more gallant soldier never commanded troops; for he was a soldier not alone in name, but in reality; he was a man that had the good of the Army at heart; a man who looked beyond the mere flash of temporary notoriety; a student of military science; a man that devoted all his time to perfecting himself in his profession; a man to whom the science of war was above and beyond everything, excepting only his duty to his country and his God. Any tyro in war finding himself temporarily in command of men might obtain a little cheap éclat by making attacks which could not succeed and by carrying out instructions issued on an erroneous basis, which were sure to end in destruction; but it required a full-grown man to assume the responsibility, which he had a right to do, before carrying out orders issued under the circumstances that I have stated, of reporting back the actual condition of affairs to his commanding officer. This Porter did in each instance. It has been charged that the 4.30 order was received by Porter at an earlier period than the time named, 6.30 p. m. It has been proved conclusively to the mind of any fair man that such was not the case, and one evidence of this was a dispatch received by McDowell from Porter dated at the latter's headquarters at 6 p. m., which gives no evidence of the 4.30 order having been received. Pope, on the right, was fighting Jackson; Porter, on the left, was holding Longstreet, which was the greatest possible relief that he could have given to Pope. The latter's report that the army was engaged in a terrific battle on that day has not been borne out by the facts in the case. Pope, supposing that he had Jackson with twenty thousand men isolated from supports, had fully made up his mind that he was going to capture the whole of Jackson's corps, while the latter, securely posted in an impregnable position, received the desultory attacks of Pope without apparent inconvenience or any intention of retiring. These attacks were made by isolated brigades, particularly of Hooker's and Kearny's divisions, and while they were gallant actions, made by troops without any superiors in the Army, they never amounted to the dignity of a battle, as we of the Army of the Potomac were accustomed to behold. On the night of the 29th General Porter received the following order, which he promptly obeyed, reporting to the major-general commanding on the right of the line:

HEADQUARTERS ARMY OF VIRGINIA,
IN THE FIELD NEAR BULL RUN,
August 29, 1862—8.50 p. m.

GENERAL: Immediately upon receipt of this order, the precise hour of receiving which you will acknowledge, you will march your command to the field of battle of to-day and report to me in person for orders. You are to understand that you are expected to comply strictly with this order, and to be present on the field within three hours after its reception, or after daybreak to-morrow morning.

JOHN POPE,
Major-General Commanding.

Maj. Gen. F. J. PORTER.
[Received August 30—3.30 a. m.]

At first sight it would appear that in this prompt and unhesitating movement, under this order, General Porter committed a grave fault. He was already on the field of battle confronting the enemy in force, and holding a position of vital importance to the security of Pope's army; while the latter appeared, from the order, to be wholly in the dark respecting these all-important facts. It is true the order was most positive, imperative, and also distrustful in its terms. But those very terms served to show only the more forcibly that the order was based upon a total misapprehension of the essential facts, without which misapprehension it would not seem possible that such an order could have been issued. The well-established military rule is that such an order must never be obeyed until the commander who gave it has been informed of his error and given an opportunity to correct it; but upon close examination, the opposite view of Porter's conduct under this order appears to be the just one.

Porter had repeatedly reported to McDowell the presence of the enemy in large force in his front. Presumably these reports had gone to Pope, as one of them had in fact. Porter had also sent an aid-de-camp with a written message to Pope about 4 p. m., and had sent a written reply to the 4.30 p. m. order after 6.30 p. m. These last two dispatches have not been preserved by General Pope, and hence their contents are not known to us; but we are bound to presume that they reported the situation as Porter then knew it and as he had frequently reported it to McDowell, and the last of these dispatches, in reply to the 4.30 p. m. order, was later than the latest of those in which Porter had spoken of any intention to fall back. Hence, Porter had already given to his superior all the information which it was possible for him to give, and nothing remained for him but to obey the order. This movement of Porter's corps on the morning of the 30th was the beginning of the unfortunate operation of that day. This corps, which had been protecting the left flank of Pope's army, was withdrawn from its important position, leaving the left wing and flank exposed to attack by greatly superior force of the enemy, brought to the center of the field, and then ordered "in pursuit of the enemy."

The following order was issued by General Pope on the morning of August 30:

HEADQUARTERS NEAR GROVETON, *August* 30, 1862—12 m.

The following forces will be immediately thrown forward in pursuit of the enemy and press him vigorously during the whole day. Major-General McDowell is assigned to the command of the pursuit; Major-General Porter's corps will push forward on the Warrenton turnpike, followed by the divisions of Brigadier-Generals King and Reynolds. The division of Brigadier-General Ricketts will pursue the Hay Market road, followed by the corps of Major-General Heintzelman. The necessary cavalry will be assigned to these columns by Major-General McDowell, to whom regular and frequent reports will be made. The general headquarters will be somewhere on the Warrenton turnpike.

By command of Major-General Pope:

GEO. D. RUGGLES,
Colonel and Chief of Staff.

HEADQUARTERS THIRD CORPS, ARMY OF VIRGINIA,
August 30, 1862.

Major-General McDowell, being charged with the advanced forces ordered to pursue the enemy, directs me to inform you that your corps will be followed immediately by King's division, supported by Reynolds. Heintzelman, with his corps, preceded by Ricketts's division, will move on your right, on the road from Sudley Springs to Hay Market. He is instructed to throw out skirmishers to the left, which is desirable you should join with your right. General McDowell's headquarters will be at the head of Reynolds's division, on the Warrentown road. Organize a strong advance to precede your command, and push on rapidly in pursuit of the enemy until you come in contact with him. Report frequently. Bayard's brigade will be ordered to report to you; push it well to the left as you advance.

Very respectfully, your obedient servant,

ED. SCHRIVER,
Colonel and Chief of Staff.

Major-General PORTER,
Commanding, &c.

This order shows that General Pope still believes there is nothing in his front but Jackson and that Jackson is retreating, and he is about to consummate his favorite process of bagging the crowd, as he stated in his order to General Kearny on the morning of the 27th. General Porter, as the order contemplates, took part in this pursuit, but he did not have to march very far before he met the enemy in full force; in fact, the united confederate army was there then, as it had been for nearly twenty-four hours. Porter attacked with his accustomed gallantry, and his losses on that field bore testimony to the discipline of his corps and the devotion of its officers and men. Standing in full view of this attack (my own command being in reserve at that time, having been actively engaged the day before) I unhesitatingly say that the fight of Porter was one of the most imposing sights of the war. His corps was made up of some of our best troops, and they had implicit confidence in their commander. The result was defeat. It was not unexpected. General Pope had joined the Army of Virginia after some slight successes in the West, but he did not have the confidence of his command, and while possessing an abundance of troops, he failed in the first requisite of a commanding officer, the ability to concentrate his forces in the presence of the enemy. The persistent manner in which he, notwithstanding information to the contrary; notwithstanding the fact that Ricketts's division was driven away from Thoroughfare Gap by Longstreet, held on to the idea that he was fighting an isolated corps of the confederate army; and that alone showed the want of capacity of the man to take in the whole situation.

Porter continued in command of his corps and was assigned to the defenses of Washington, but afterward marched with his corps and took part in the victorious battle of Antietam. Nothing was said to him about disobedience of orders. Pope did not express any dissatisfaction to him in their personal conversation, and Porter was perfectly ignorant of his having done anything or omitting to do anything under which he could be tried by court-martial. He had acted under the rules of war, had exercised his judgment as a detached commander, and what he had done he considered was for the best and for the protection of the Army. The board of distinguished officers who examined into his case not alone approved of his action, but said to the President and to the country: "Porter's faithful, subordinate, and intelligent

conduct that afternoon saved the Union army from the defeat which would otherwise have resulted that day from the enemy's more speedy concentration." McClellan was reinstated in his command, which relieved General Pope. A great blunder had been committed; the Union armies had been defeated almost within sight of the capital, although there were men enough to have withstood the shock of twice the confederate force if properly handled. Fears for the safety of Washington at that time were uppermost in the minds of the officials that controlled the action of the armies, and much was lost to the country by the fact that no one man had the authority, as was afterwards given to General Grant, to concentrate troops at a given point.

When McClellan made his peninsular campaign his plans were made on the basis of having McDowell's command; but he was deprived of that to protect the front of Washington, which rendered his campaign a failure. This, though, did not prevent the confederate General Jackson, who had gone up the valley of Virginia, from coming back and attacking McClellan's right in front of Richmond, under Fitz-John Porter, at Gaines's Mill, without any assistance being received by the Army of the Potomac from the troops in front of Washington, which General Jackson had been operating against, and which allowed him to pass, unmolested and unknown, to the aid of General Lee in front of Richmond. The country was tired, grew restive under repeated disasters, which the average man knew to have been brought about, not by the individual or the collective superiority of the Southern army, but by mismanagement at our own capital. Porter marched to Antietam in the proud consciousness of having done his duty, and continued to do it on that field. Mr. Lincoln, personally, said to him that the dispatches he had sent to General Burnside in relation to the Pope campaign were the first true insight that he had into the affairs of that army, and thanked him for them. Much has been said about these dispatches. It has been argued on the floor of this Senate that the animus of these dispatches proved conclusively Porter's guilt. Now, the facts are that Porter's relations with Burnside were of the closest personal nature; and on leaving Burnside, a few days previous, on his way to join Pope, Porter promised to send him such dispatches as would give him the actual condition of affairs in that army. This he did. They do not display any great respect for the ability of the commanding officer of the army, and had I received them I would have treated them as confidential messages, which they were intended to be.

As I have remarked, there was great discontent in the North at the condition of affairs in the Army. The duplication of Bull Run was more than the people could bear; the press thundered forth its anathemas on the management that would result in such disaster. General Pope was called freely to account by the Northern papers, as was also General McDowell, whom the press said ought to have selected, from his previous experience, another field to fight on. A victim was necessary to propitiate the public sentiment of the North, and, whether by concert of action or otherwise, that victim was designated by General Pope, and some of the authorities were not slow to take advantage of the charges preferred.

Why should these charges have been preferred at this time? Why should General Pope take advantage of the services of this officer on the 30th of August and make his main fight with his corps if he was satisfied that he had willfully disobeyed his orders? Why not do as other commanding generals have done in the late war—relieve an officer immediately? Why was Porter allowed to take command of the defenses of Washington and to march with his corps to the battle of Antietam? Simply, Mr. President, because these charges of disobedience, of willful disobedience, were not thought of at all. The people of the North, through the press, called on the Government and the commanding officer of the Army of Northern Virginia to account for the defeat of Manassas. Porter was sacrificed; not for any guilt of his, not that he had disobeyed orders, not that he was not a gallant soldier and one of the most successful; but he was selected by his commanding general to propitiate, as I say, the public sentiment of the North by punishing somebody for mismanagement and relieving himself from the charge.

Officers have been punished and degraded for the willful or stupid disobedience of orders given by a superior fully informed of all the circumstances of the case, but it has been reserved for our country to punish a general officer on the accusation of failing to obey an order given in total misconception of the strength and position of the enemy, and which, had it been received in season and executed, must have resulted in disaster. There is no precedent covering such a case, because among nations accustomed to war on a large scale it is held as an axiom that when a subordinate receives an order issued under a total misconception of the real condition of affairs, and when he discovers that, for reasons unknown to his commander, the execution of the order would result in needless disaster or really overthrow instead of furthering the plans of the general-in-chief, it is his duty to assume the responsibility of at least delaying its execution until he can inform his superiors of the real state of affairs.

The subordinate in such a case is responsible for the correctness of his facts and judgment. Cases must and do occur when the general-in-chief, with a full knowledge of the facts, finds it necessary to sacrifice a part of the army to insure the safety of the remainder, or to gain some great advantage commensurate with the cost, and in such a case the subordinate has only to obey; but this is not to be confounded with the instances in which the superior has given his orders on information so erroneous as to change the whole state of the case and justify the subordinate in feeling certain that the orders would not have been given were the real facts known.

The rules of common sense apply in war quite as well as in business life. In the old days when supercargoes were employed, if one of them upon arriving at a distant port found that the state of the market differed entirely from the anticipations of his employer, when his instructions were framed, he would not have been forgiven if by a strict adherence to his orders he ruined his principal.

He who contests that under the circumstances cited the commander of a detached body has no right to exercise his judgment, nay, more, that it is not his duty to do so, subject to a verification of his data, is ignorant of history and of war, and wholly deficient in sound judgment.

None of the great commanders of the world have ever held such a theory; none of them would have forgiven a subordinate for failing to accommodate himself to the unexpected.

One of the greatest glories of the modern Prussian army is the fact that in the Bohemian campaign of 1866 the isolated corps commanders at once accommodated themselves to circumstances and knew how to depart from the letter in order to conform to the spirit of their instructions.

But General Porter does not come under the cases supposed; the 4.30 order was not received until nearly dark; preparations were instantly made to execute it, but darkness interfered and put an end to the possibility of attack.

In regard to the night march, it is sufficient to say that the evidence proves that literal obedience would have resulted in completely wearing out the almost fatigued men without reaching their destination any sooner than they actually did in a comparatively good condition, and that no need for their services existed when they did arrive. No campaign ever occurred without numerous instances of this kind, and no sensible general would be at all likely to find fault with a subordinate who used his judgment in such a matter with results similar to those in this case, *i. e.*, bringing his command to the required post in condition for action and in the shortest practicable time. Great generals are not prone to make scapegoats for their own faults, and do not often hastily punish subordinates whose occasional faults are outbalanced by high qualities. Instances may be recalled during the Spanish campaign of Wellington when his generals violated orders with no other excuse than their own rashness, and when he knew the state of affairs better than they, and when they were not punished, not even removed from their commands.

Crawford, commanding the light division at the affair of the Coa, July 24, 1810, engaged the enemy against orders and was badly beaten; Picta was ordered to support him and would not. Again, in the affair of the Cirag, September 25, 1810, Crawford was on the point of repeating his conduct on the Coa when Wellington came up and withdrew his division. Not long after he was surprised at Alberque, yet he continued in command of his division through Buraco and all the battles that occurred, until he was killed at the assault of Ciudad Rodrigo, January 19, 1812. At Toulouse the duke, well knowing Picta's disposition, gave him both verbal and written orders, which he violated by attacking, was completely repulsed, lost four hundred men, and jeopardized the battle; yet he remained in command until killed at the head of his division at Waterloo. In the battle of Woerth one of the Prussian corps, the fourth, I think, was ordered to retire from the battle, but finding his neighbors heavily engaged, its commander disobeyed his orders and continued the attack. Grouchy's case after Ligny is certainly in point as showing the folly of a literal adhesion to orders when circumstances have changed.

But we need not go beyond this campaign in Northern Virginia to show the necessity of the exercise of judgment and of the discretion existing in a corps commander when separated from his commanding general, even to the extent of obeying or disobeying orders which he knows have been issued under a mistake as to the situation existing at the time of the receipt of orders. The principle is illustrated in every way, within a few days of each other, in August, 1862, by and under the commander of this army, General Pope.

General Banks claims that he received at Cedar Mountain a verbal order to attack, which was supplemented by a taunt from General Pope's inspector-general in substance that "there was to be no backing out this time." He did attack, in literal obedience, and suffered a disaster, in sight of the main force of the army, at a halt, watching the contest, whereas if he had bided an attack victory would have crowned his efforts.

Again, General Pope, in literal obedience to General Halleck's orders, held on to the Rappahannock two days longer than he should have done, knowing as he did, as is shown by his dispatch of 10 a. m., August 27, and by other evidences, that the main body of the enemy had been moving to his right, and was not in his front. He then disregarded General Halleck's orders, and, properly exercising his own judgment, moved to his rear, though, unfortunately, too late to prevent disaster. General Halleck, over thirty miles distant, in Washington, has been censured for giving the orders; General Pope has been blamed for lit-

terally "sticking to the Rappahannock, with the purpose of fighting like the devil," but no one has found fault with him for finally exercising his judgment and moving to his rear.

And again, General McDowell, in the exercise of his discretion, being several miles from General Pope, on August 28 dispatched General Ricketts to Thoroughfare Gap to hold in check Longstreet's forces, then known to General McDowell, but not to Pope, to be coming through that gap, this in deviation of General Pope's orders to march his forces on Manassas. General McDowell has the approval for his shining act of every one of experience save General Pope, who condemns him.

Again, in the afternoon of August 26 General McDowell received General Pope's orders in quick succession to march to Gum Springs and to Centreville, and complied literally, against his judgment, with the rash orders, and hastily pressed to "Manassas to confer with General Pope," who he saw "was making mistakes as to distances and places, but who wanted his (McDowell's) views." This strict compliance with orders and this going to Manassas separated for a night McDowell from his command, which in the mean time moved from between Jackson and Longstreet, and permitted the latter, unopposed, to join the former at an early hour on the next morning.

On the afternoon of the 29th of August General Hooker was ordered to attack, and with General Grover's brigade did attack, and attacked with an energy and success that no command on that day attacked. Kearny was ordered to attack at the same time in support of Hooker, but for reasons satisfactory to him did not do so.

Once more: on the 30th of August General Pope ordered General Porter "to pursue the enemy in his retreat and push him vigorously all the day." General Porter knew that the enemy was not retreating, but well posted in his front, with forces increased since the 29th. He remonstrated against the order and stated the facts, but the order was at once renewed on the ground. It was obeyed, and defeat and disaster ensued.

These are instances under the rules of war in which strict obedience to the letter of orders issued at a distance led to disaster. Action under the spirit of an order by McDowell to prevent Longstreet passing through Thoroughfare Gap and attacking our forces in the rear, which was praiseworthy, met with disapproval from his commander.

Delay in execution of orders given by the commander present on the field caused no rebuke. Prompt obedience, after protest, led to disaster and to loss of over two thousand men in a very short time, and was charged in this case to have been slow, neither vigorous nor persistent, and when the commander was arraigned under this charge he was not permitted to refute it.

I think no further examples need be given to show that discretion in the execution of certain orders has been exercised and approved in our own wars, while it has become a maxim in other wars.

In the case of the 4.30 order there was no disobedience. It was not received till near dark; every effort was made to execute it, but night put an end to all movements. The following dispatch shows it could not have been received before 6 o'clock:

No. 38*b*.

GENERAL MCDOWELL: Failed in getting Morell over to you. After wandering about the woods for a time I withdrew him, and while doing so artillery opened upon us. My scouts could not get through. Each one found the enemy between us, and I believe some have been captured. Infantry are also in front. I am trying to get a battery, but have not succeeded as yet. From the masses of dust on our left, and from reports of scouts, I think the enemy are moving largely in that way. Please communicate the way this messenger came. I have no cavalry or messengers now. Please let me know your designs, whether you retire or not. I can not get water and am out of provisions. Have lost a few men from infantry firing.

F. J. PORTER,
Major-General Volunteers.

AUGUST 29—6 p. m.

And the following shows that Porter could not have had it before dark as at that time the last of Ricketts's division passed Porter. (See Tower's testimony.) It shows that at that time he did not know that Pope was not at Centreville.

No. 38*c*.

GENERAL MORELL: Send down some energetic men to General Pope at Centreville. Get hold of Colonel Beckwith and get some rations. Bring beef up to kill, we have nothing else, and get enough to last two or three days. Ricketts has gone up; also King.

F. J. PORTER, *Major-General.*

The board closes this report with the following recommendation, now before us, to aid in executing this act of justice:

Having thus given the reasons for our conclusions, we have the honor to report, in accordance with the President's order, that, in our opinion, justice requires at his hands such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Major-General Fitz-John Porter, and to restore him to the positions of which that sentence deprived him; such restoration to take effect from the date of his dismissal from the service.

Mr. President, we have before us the judgment and recommendation of a board of officers whose members we respect. Officers distinguished in the service of their country, who had held high commands in the field, were selected for this special duty because of their great ability, and of whom the general-in-chief of the Army stated that he should accept the report of this high court of honor as final in the case.

General Porter, a son of New England, was a graduate of high standing from the West Point Military Academy. Within three years we find him brevetted a captain and major for gallant and distinguished services in the war with Mexico. Called to West Point as an instructor, we see him through a period of six years holding several positions, each successive one an advancement, by selection, and leaving upon the grounds and in the buildings of that institution existing evidences of intelligent and useful labor. As General Persifor F. Smith's assistant adjutant-general in the Kansas troubles and chief of staff to General Albert S. Johnston during the memorable troubles in Utah, he won by intelligent and efficient services the commendation of General Scott; and while on duty at the Headquarters of the Army he so won the confidence and esteem of the Administration and general-in-chief as to be intrusted with the inspection of Charleston Harbor in 1860, and the adoption of his recommendations for its security; also the bringing from Texas troops for the security of the forts in the Gulf of Mexico. He was selected to protect the railroads and secure through Baltimore open communication between Washington and the Northern States.

His conduct at Harrisburg, where, by the assumption of the authority of the Secretary of War, as General Frank Blair has said, "he saved Missouri to the Union," together with his services as chief of staff to General Patterson, secured the lasting confidence of Secretary Cameron and the unsolicited reward of colonel in the regular Army and brigadier-general of volunteers and the command of a division of the Army in the defenses of Washington. Commanding a division, and subsequently the Fifth Army Corps, organized for him in recognition of services, he was appointed director of the siege of Yorktown, and fought the battles of New Bridge, Hanover Court House, Mechanicsville or Beaver Dam, Gaines's Mill, Turkey Bridge, and Malvern. For recognition of these services he received the warm commendation of his commanding general and the promotion, unsolicited, of major-general of volunteers and the honor of brigadier-general of the Army.

Upon the abandonment of the James River by the Army of the Potomac General Porter was ordered to halt at Williamsburg for the army to pass through his forces, when they would become the rear guard and the last to leave the Peninsula. Becoming possessed of reliable evidence that General Lee, leaving the Army of the Potomac unmolested in its retreat, was pushing his forces north to crush General Pope before he could, by any possibility, be re-enforced by the Army of the Potomac, General Porter telegraphed the facts to General Halleck at Washington and to General McClellan on the James River, adding to the latter that the next morning (August 17) he should, unless forbidden, push to Fort Monroe and embark as rapidly as possible to join General Pope. He thus was the first to leave Fort Monroe, and part of his corps—the Pennsylvania Reserves—hastened off by his help only, was the first to give General Pope assistance. By this prompt decision and action he expedited the embarkation of the whole army, and joined General Pope at least four days earlier than if he had conformed to orders.

From Aquia Creek, before joining at Falmouth the parts of his command which had preceded him, he hastened, by brigades and division, his forces to protect the flank of General Pope's army and give him assistance. On the 26th of August, without instructions—in fact, in deviation of them, his orders not conforming to existing circumstances—he reported by letter to General Pope, and on the 27th in person with his whole command.

Passing Bealeton at 9 a. m. on the 27th, General Porter received orders to change the direction of his march from toward Warrenton to Warrenton Junction, the enemy, as General Pope said, having cut his line of communication with Washington, and making it necessary to move his forces to the rear. At 10 o'clock Porter dispatched from Warrenton Junction to General Burnside the condition of affairs as narrated by General Pope, having since 9 o'clock done the same from Bealeton and traveled ten miles and reported to Pope. His whole command joined General Pope that day between 1.30 and 7 p. m., after marching sixteen to twenty miles on a hot summer day, almost without food and water, and being much fatigued.

It has been alleged that General Porter had such an unkind feeling toward General Pope and entertained such a poor opinion of his management of the campaign as to prevent him from properly performing his duty. For evidence his accusers and prosecutors, regardless of the main facts, point to a few expressions of amusing badinage in his dispatches to General Burnside.

The feeling with which General Porter entered upon that campaign is made plain in the incidents just narrated, and utterly destroys the belief that an officer with so meritorious a record should risk sacrificing his reputation and all his hopes for the future by committing such crimes as he was charged with for the paltry purpose of injuring General Pope

The purity of Porter's motives are here made manifest in his earnest efforts to help Pope and to save that Army of Northern Virginia from unnecessary disaster. Additional evidence of those earnest efforts is found in the reputed obnoxious dispatches and in other dispatches written on the field of action, which were in possession of the Government but were not produced or exhibited before the court-martial. Much of it is after-discovered evidence, which aided to secure the commendatory judgment of his peers—the advisory board.

A careful study of Porter's acts after joining Pope will show that he was governed by proper motives, the good of the service, the safety and success of our Army; or, as the advisory board has expressed it, "his con-

duct was obedient, subordinate, faithful, and judicious; it was not subject to criticism, much less deserving of censure or condemnation."

Mr. President, I am interested in this case of Fitz-John Porter, because I served in the Army of the Potomac during the entire period he was connected with it from its formation, and because I know the man and his reputation as a soldier. I am interested for the honor and integrity and disipline of our Army. I am interested for the honor of our Government and the sense of justice of our people, to see that no stain shall rest upon them by the failure of their representatives to right a wrong recognized by our Government and demanded by our countrymen through an almost united public press.

The Army is of our creation, and exists by the will of Congress. It becomes our duty to watch its government and to remedy its errors.

Mr. President, General Porter's case is mine; it is yours; it is that of Congress; it is that of every just and honorable man in the nation. I now submit it for the action of the Senate, confident that our countrymen will be grateful to every one who helps to set his case aright.

Mr. WILSON. Mr. President, it is not my purpose to engage in a discussion of the controverted questions of fact which cluster around this case. I do not regard them as in any proper sense material to its right solution. Doubtless they may be interesting data upon which to found speculations relative to what might or might not have happened had Fitz-John Porter obeyed the orders given to him by General Pope. Curious theories might be evolved from such speculations; but they could not rightly be held of slightest importance in the solution of the real question upon which we are to express our judgment, or of sustaining a legitimate relation to the true issue which we are to determine.

The gravity of the case we have before us can not be dissipated by guessing. We have a real presence to deal with; and it is one which can be seen, and felt, and demonstrated. Such a case can not be resolved by guessing, and indulgence therein is forceless and futile. Hence when it is said that obedience of orders by Fitz-John Porter would have induced greater disaster than resuted from his disobedience, we are treated to a guess which signifies nothing, so far as the real question presented by this case is concerned. As he did not attempt to obey, the guess is void of substantial support. No man can tell what would have been the result of obedience. Had Porter obeyed his orders that fact alone might have changed the entire mass of data upon which the guess of a more disastrous result rests. It is not susceptible of proof that this might or might not have been so; for, as he did not obey, the facts which alone could supply the requisite proof do not exist. Hence it results that the statement which assumes that Porter's disobedience of orders prevented the happening of a greater disaster than did occur is simply a repetition of the guess, notwithstanding its change of form. Put it in either form, and the facts necessary to its support are absent, and for the very good reason that they do not exist. Argument can not supply the office of the absent facts, for argument in such a case is impotent. It can not induce a reliable result, because it has not the requisite data on which to act.

We do know that there was disobedience and disaster. Whether or not the latter is attributable to the former we may not be able to demonstrate, for we can not repeat the conditions and apply to them the factor of obedience. We can guess, but we can not prove. On the other hand, it may not be susceptible of proof that a greater disaster was not averted by the disobedience of Porter. Hence results, in greater or less degree, the sharp conflict of opinion which has run through the lines of this case from its beginning, relative to what might or might not have happened if obedience had excluded disobedience from consideration. This very conflict of opinion, and the uncertainty which surrounds it, patent as it is to every mind, not confined to this body but pervading the entire country, is demonstration absolute that this case must be resolved on other and more substantial grounds than guesses as to what result would have transpired had Fitz-John Porter obeyed the orders given to him by General Pope.

Mr. President, it too often happens that matters of great public concern fail of that conservative treatment which always should be accorded them because of the intruding presence of more active personal interests and private aims. The present case is a striking illustration of the truth of this statement. It involves a question of great public interest, and one of most serious import to the effectiveness of our military establishment. Rarely, if ever before, in the entire line of our history has a graver question of military law come before Congress for its consideration. It has been a prominent presence in Congressional discussion for several years. At no time has its real nature been other than that of a public question. It is of that character to-day in spite of the involvement of personal interests which has been forced upon it, and not even the passage of the present bill can strip it of that character. For by our action we will either maintain or overthrow the most necessary and forceful principle of military law, and promote or embarrass the public welfare in so far as it may, in the years of the future, be affected by the effectiveness or inefficiency of the discipline of our Army. The principle with which we are now dealing is not made a line or shade different because of the personal interests of Fitz-John Porter in the result of our action than it would be if our efforts were exclusively directed to the enactment of an article of war declaring it a duty of all inferior officers to obey the lawful commands of their superiors.

No argument that we can make, no theory which we may advance, no humanitarian declarafion it may be our pleasure to proclaim, no complaints to which we may give ear, can change or disguise the fact that in this case, and here in this Senate Chamber, the duty of a military officer to obey the lawful commands of his superior and the alleged right to exercise a discretion in that regard stand confronting each other. An affirmance of the duty to obey will defeat this bill. A declaration of the right to exercise a discretion in that regard will pass the bill. The former means effective military law and discipline, and a forceful army. The latter means weakness, demoralization, and disaster. We must make our choice between these two results; and this most serious duty imposes a higher obligation than can spring from any kindly personal impulse we may feel moving upon us to relieve from an unpleasant predicament the individual involved therein.

Had Fitz-John Porter obeyed the lawful commands issued to him by General Pope this case could not have found its way to us, even though dire disaster had come from that obedience. He did not obey, and hence the court-martial, the conviction, and the report and bill which we have now under consideration. It is not claimed that he did obey the lawful commands of his superior; but the doctrine of discretion is advanced as an excuse, if not as a justification, for the failure to obey. And thus we come back to the point when the duty to obey and the discretion to disobey confront each other. Turn which way we may we come into the same presence. And this is why I said at the beginning of my remarks, that it is not my purpose to engage in a discussion of the controverted questions of fact which cluster around this case. Orders were issued. They were not obeyed. These are not controverted facts. No one can dispute them. They are sufficient for my purpose in what I may yet have to say.

Mr. President, war is not a merciful employment. The lines of military law are not written in mercy. A contest of arms means death. In times of war armies are organized to kill and be killed. Many of our articles of war include death as a penalty for military offenses, and these grim articles stand whether war or peace be present. The ninth article of war reads as follows, namely:

> Any officer or soldier who shall strike his superior officer, or draw or lift up a weapon, or offer any violence against him, being in the execution of his office, on any pretense whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offense, be inflicted upon him by the sentence of a court-martial.

In the lines of this article of war we find the factor of discretion as an element of mercy. It did its office in the case of Fitz-John Porter. It relieved him from the infliction of the penalty of death which might have been applied to him and dismissed him from a service the obligation of whose law he refrained from obeying. But nowhere else in his case does this factor appear. He mistakes its nature and its office when he presents it here as a justification of his disobedience of the lawful commands of his superior officer and of his violation of the ninth article of war.

That article of war was in force on the 27th day of August, 1862. On that day Maj. Gen. John Pope was commanding the Army of Virginia. Maj. Gen. Fitz-John Porter was commanding a corps in that army. Pope was the superior officer; Porter was one of his subordinate officers. Whatever lawful order the latter received from the former it was his duty to obey, and to do it in manner and spirit prescribed by the Army Regulations then in force, and which declared that:

> All inferiors are required to obey strictly and to execute with alacrity and good faith the lawful orders of the superiors appointed over them.

On the day mentioned General Pope issued and caused to be delivered to General Porter the following order, namely:

> HEADQUARTERS ARMY OF VIRGINIA,
> *Bristoe Station, August* 27, 1862—6.30 p. m.
>
> GENERAL: The major-general commanding directs that you start at 1 o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas, and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send word to him to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary, on all accounts, that you should be here by daylight. I send an officer with this dispatch, who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run. If he is not with you, write him to that effect.
>
> GEORGE D. RUGGLES,
> *Colonel and Chief of Staff.*
>
> Maj. Gen. F. J. PORTER,
> *Warrenton Junction.*
>
> P. S.—If Banks is not at Warrenton Junction, leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately. If Banks is not at the Junction, instruct Colonel Cleary to run the trains back to Cedar Run, and post a regiment and section of artillery with it.
>
> By command of Major-General Pope.
>
> GEORGE D. RUGGLES,
> *Colonel and Chief of Staff.*

This order was delivered to General Porter by Capt. Drake De Kay,

aid-de-camp to General Pope, about half past 9 o'clock p. m. of the day on which it was issued. What duty did the delivery of this order to General Porter devolve on him? Why, in the language of the Army regulation which I have quoted, "to execute it with alacrity and good faith." Did he do this? There is no pretense that he did. He does not claim that he did, and no one presents such claim for him. He did not even attempt to obey it. What did he do? He assumed to exercise his discretion as to whether or not he would obey it; not whether or not he would obey it with "alacrity and good faith," but whether or not he would obey it at all, or even attempt to obey it at all. He was ordered to start at 1 o'clock. He did not move until 4. He was ordered to have his corps at Bristoe Station by daylight of the morning after he received the order. He did not put his command in motion until the hour had arrived when he should have had it at Bristoe Station. It was his duty to execute the order with "alacrity and good faith." He did not obey the command of his superior. This was a crime under the ninth article of war. He knew it was a crime, not merely by that implication which imposes knowledge of the law upon all men subject to its jurisdiction, but also by that affirmative and definite knowledge which came to him by his education as a soldier.

The obligation to obey "with alacrity and good faith" was inexorable, and he knew it. He knew that that obligation excluded discretion, and bound him to use all means within the possible range of his power to respond to it with "alacrity and good faith." He knew that, even though it should become apparent to him that the execution of the order was an impossibility in the time and manner prescribed, it was still his imperative duty to do all he could in the direction of obedience, and while engaged in this to promptly advise his superior of the real conditions surrounding him; and this in order that his superior might, with exact knowledge of the facts, so modify his plans and change his orders as not to endanger the success of his general movement. No one knew this better than did Fitz-John Porter. No one questions his ability as a soldier, nor doubts his knowledge of military law, nor questions his perfect familiarity with the rules of army movements. He knew them all as perfectly as any officer in the Army, and he knew that they each and all excluded discretion from the case in which he was then a present and most forceful factor. He elected to disregard his definite knowledge of law, of rule, of duty, and to assume a discretion which belonged to no one but his superior officer. He knew that to allow such an assumption to obstruct the obligation to obey would put an end to effective military operations. Therefore he practiced willful disobedience, and hence involved elements of greater aggravation than the said article of war required to constitute a crime which might be punished with death. Discretion has no place in military law when an officer or soldier has received a lawful command from his superior. If it were otherwise, there could be no effective military law, no forceful discipline, no harmonious unity working to a single purpose or end because of one supreme authority. This doctrine is as old as military law and as necessary as armies in conflicts of arms. It has now and then been challenged, but never with success in any civil or military tribunal called on to give lawful utterance concerning it.

Long ago the Supreme Court of the United States, in the case of Martin *vs.* Mott (12 Wheaton, 19), gave so forceful expression to the doctrine that a man must be stupid not to understand it. In that case the court said:

> We are all of opinion that the authority to decide whether the exigency has arisen belongs exclusively to the President, and that his decision is conclusive upon all other persons. We think that construction necessarily results from the nature of the power itself and from the manifest object contemplated by the act of Congress. The power itself is to be exercised upon sudden emergencies, upon great occasions of state, and under circumstances which may be vital to the existence of the Union. A prompt and unhesitating obedience is indispensable to the complete attainment of the object. The service is a military service and the command is of a military nature; and in such cases every delay and every obstacle to an efficient and immediate compliance necessarily tend to jeopard the public interests. While subordinate officers or soldiers are pausing to consider whether they ought to obey or are scrupulously weighing the evidence of the facts upon which the commander-in-chief exercises the right to demand their services the hostile enterprise may be accomplished without the means of resistance. If "the power regulating the militia and of commanding its services in times of insurrection and invasion are (as it has been emphatically said they are) natural incidents to the duties of superintending the common defense and of watching over the internal peace of the confederacy," these powers must be so construed as to the modes of their exercise as not to defeat the great end in view. If a superior officer has a right to contest the orders of the President upon his own doubts as to the exigency having arisen, it must be the right of every inferior officer and soldier; and any act done by any person in furtherance of such orders would subject him to responsibility in a civil suit, in which his defense must finally rest upon his ability to establish the facts by competent proofs. Such a course would be subversive of all discipline and expose the best-disposed officers to the chances of ruinous litigation. Besides, in many instances the evidence upon which the President might decide that there is imminent danger of invasion might be of a nature not constituting strict technical proof, or the disclosure of the evidence might reveal important secrets of state which the public interests, and even safety, might imperiously demand to be kept in concealment.

And in the opinion from which I have quoted the court refers approvingly to the case of Vanderheyden *vs.* Young (11 Johns. N. Y. Reports, 150), which involved a construction of the same act of Congress—the act of February 28, 1795—drawn in question in the case of Martin *vs.* Mott. The issue presented the element of discretion in the matter of obeying the command or order of a superior, and the court very emphatically announced that the subordinate must obey and not debate, question, or hesitate; and said:

> To countenance such a construction of the act would be monstrous. Every trial would either subject all the archives of a State to an examination before the court and jury, or the defendant would inevitably be found guilty. No man would dare obey the orders either of the President or his superior officer, lest, peradventure, the President had either abused his authority or misjudged in relation to the occurrence of the fact which authorized him to call forth the militia.
>
> It is a general and sound principle that whenever the law vests any person with a power to do an act, and constitutes him a judge of the evidence on which the act may be done, and at the same time contemplates that the act is to be carried into effect through the instrumentality of agents, the person thus clothed with power is invested with discretion, and is *quoad hoc* a judge. His mandates to his legal agents on his declaring the event to have happened will be a protection to those agents, and it is not their duty or business to investigate the facts thus referred to their superior, and to rejudge his determination. In a military point of view the contrary doctrine would be subversive of all discipline; and as it regards the safety and security of the United States and its citizens, the consequences would be deplorable and fatal.

Apply the doctrine of these cases to the one we are now considering, and what must be the result? Why, a demonstration that the court-martial which found Fitz-John Porter guilty of "disobedience of orders under the ninth article of war," and of the specifications based on said charge, could have done no less than it did except by an atrocious violation of duty and an inexcusable disregard of the law applicable to the case.

It does not matter that the cases from which I have quoted related to the duties and actions of the President. In all military affairs the general in command of an army is as supreme over his subordinate officers in regard to his orders and movements and their duties and obligations as would be the President in case he should assume the direction of the operations of the forces in person. The law is the same in either case; and the duty arising thereunder is the same in either case. It is not necessary to argue this proposition, nor does it require skill in military movements and affairs to understand it. It is in effect the breath of life to the body of conquering military operations. It is not difficult of comprehension to either soldier or civilian.

It does not require a study of maps, nor an investigation of plans of battle, nor yet of intricate calculations concerning the chances of success or failure based on such data as the positions and numbers of opposing forces. These may be, and doubtless are, subjects of curious inquiry to the military expert and tactician, but they are of no practical consequence in resolving the principle of law which threads this case through and through. Therefore let us keep to the record in this case, keeping our minds free from all of the extrinsic facts and intruding sentiments with which it has been surrounded. It is important that we should do this, for the effect of our action herein will not spend its force on Fitz-John Porter. We are about to do a thing which will reach beyond him and determine whether the necessarily hard lines of military law shall enforce effectiveness in our Army in the future or give way to the dangerous and demoralizing theories advanced in this case, and which affirm the right of an inferior officer to exercise his own discretion touching the execution of the lawful commands of his superiors. We are to determine by our resolution of this case whether or not that forceful rule of the Army Regulations shall continue to give life and power to our military establishment which says:

> All inferiors are required to obey strictly, and to execute with alacrity and good faith the lawful orders of the superiors appointed over them.

This is a public question and not one which only concerns Fitz-John Porter. Whatsoever answer we shall give to his appeal in this case, that we will give to every officer and soldier in our present and future armies. We can not escape the legitimate and necessary effect of our action by planting ourselves on grounds of personal regard for him or by declaring our love for manifestations of the merciful uses of power. The former has no rightful place in the field of public affairs if it tends, as in this case it does, to jeopard the general welfare. The latter we are estopped from proclaiming by the attitude of Porter himself. He does not in any sense acknowledge that his conduct was wrong or that he even made a mistake. He does not ask for favor or mercy. He affirms that he had the right to exercise a discretion in the matter of obeying or disobeying the lawful command of his superior; and on this ground, and not that of favor or mercy, he asks for the passage of this bill and his restoration to the rank in the Army from which he was dismissed by the judgment of a court of competent jurisdiction.

We can not too carefully consider this aspect of the case; for it is far-reaching in its tendencies. If the duty to obey is to give way to the discretion of subordinates, we should be consistent in our action, and repeal the ninth and forty-sixth articles of war and the Army regulation which enjoins obedience. If the commander of a corps may exercise discretion and refuse or neglect to execute the lawful commands of his superiors, the right can not stop with him, but go trooping down through all grades of his inferior officers, and on to the private soldiers under them. If it belongs to him it belongs to them. It can not be confined to the headquarters of a major-general, but may as rightfully go with the picket on an exposed line and the sentinel on a dangerous post. And when it abides with them all, as it must if it rests with any, then will we have reached the end of effective military law and of forceful military discipline. Both are hard and harsh; but this must be so, or mili-

tary officers may prove to be worthless and expensive luxuries and armies disorganized mobs.

Mr. President, before we reach this juncture in our affairs by the passage of this bill it will be well to measure our steps and know whither they are tending. Let us not forget that when on the night of the 27th of August, 1862, sentinels were placed at their posts around and about the corps of Fitz-John Porter, the forty-sixth article of war said to every one of them:

Any sentinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death or such other punishment as shall be inflicted by the sentence of a court-martial.

There is no discretion for the soldier recorded in the hard lines of this article of war. The weary sentinel, whose overtaxed energies might have cried never so loud on that fateful night for rest, was required to keep awake or die. Does any one believe that Fitz-John Porter would for a moment have listened to a plea of the right to use discretion if an offending sentinel had set it up? If not, why not? Is the forty-sixth article of war more unbending to the private soldier than is the ninth to the officer placed over him? Not so; but to the weary private soldier posted as a sentinel to care for the safety of the Army on that memorable night the alleged right belonged in same degree that it did to General Porter. The forty-sixth article of war said to the private soldier posted as a sentinel, "Keep awake or die," and at the same time the ninth article of war said to General Porter:

Any officer * * * who shall disobey the lawful commands of his superior officer shall suffer death, or such other punishment as shall, according to the nature of his offense, be inflicted on him by the sentence of a court-martial.

Both articles are hard and go about hand in hand with possible death. But they have one admirable quality in common—they place commissioned officer and private soldier on a just equality so far as the obligation of obedience is concerned. They put them both where our highest civil court says they must stand—out of and away from the field of discretion, and held in place by the common duty of unquestioning obedience. And not a few private soldiers have felt the heavy hand of the forty-sixth article of war upon them. It has sent some of them to death, others to disgrace and imprisonment. Had the latter presented as a defense a right to exercise the discretion which is advanced as the chief support of the case we are now considering, death would have been their sentence instead of the milder one of imprisonment. Such a plea would have been regarded as an aggravation of the offense in the case of a common soldier, and no bill would have made its appearance in Congress for his relief. Such bills seem to be reserved for cases of offenders in high position, whose assumed discretion and palpable disobedience could occasion a thousand-fold greater disaster than would be likely to spring from any act a private soldier might perform. This is a feature inseparable from this case as it will go to the country for its judgment. And it will not tend to hold that judgment back from declaring that Fitz-John Porter in asking this exceptional action whereby Congress is expected to justify his assumption of discretion and disobedience of orders therein and thereby demonstrates his unfitness for restoration to the official rank in the Army from which he was dismissed. And will not this judgment of the country be in exact accord with the predicament in which he has presented himself to Congress? Let us still keep to the record of this case and see what answer we shall find to this question.

The first charge against him, and being one on which he was tried and convicted, was as follows:

CHARGE 1ST. Violation of the ninth article of war.

There were several specifications under this charge. The first was as follows:

Specification 1. In this, that the said Maj. Gen. Fitz-John Porter, of the volunteers of the United States, having received a lawful order, on or about the 27th August, 1862, while at or near Warrenton Junction, in Virginia, from Maj. Gen. John Pope, his superior and commanding officer, in the following figures and letters, to wit—

Here follows the order, which I have already quoted—

did then and there disobey the said order, being at the time in the face of the enemy. This at or near Warrenton, in the State of Virginia, on or about the 28th of August, 1862.

That order was delivered to General Porter about half past 9 o'clock p. m. of August 27, 1862. What did it command him to do? To "start at 1 o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here [Bristoe Station] by daylight to-morrow morning."

Surely this was definite enough for any person to understand it. General Pope was General Porter's superior. The former issued the order. The latter received it, and when he received it the Army regulation said to him:

All inferiors are required to obey strictly, and to execute with *alacrity* and *good faith*, the lawful orders of the superiors appointed over them.

The Supreme Court of the United States said to him in the opinion from which I have already quoted:

If a superior officer has a right to contest the orders of the President upon his own doubts as to the exigency having arisen, it must be the right of every inferior officer and soldier. * * * A prompt and unhesitating obedience is indispensable to the complete attainment of the object. The service is a military service, and the command is of a military nature, and in such cases every delay and every obstacle to an "efficient and immediate compliance necessarily tend to jeopard the public interests."

And the ninth article of war said to him:

Any officer or soldier who * * * shall disobey any lawful command of his superior officer shall suffer death, or such other punishment as shall, according to the nature of his offense, be inflicted upon him by the sentence of a court-martial.

Here we have the law: a lawful command, duty, and admonition. But no element appears in the case thus presented with which Fitz-John Porter was not perfectly familiar. At the public expense he had been educated into a complete knowledge of all of the lines of the situation in which he found himself on that crucial night of the 27th of August, 1862. In none of them did he find that with him rested the slightest degree of discretion whether or not he would obey with "alacrity and good faith" the lawful command of his superior officer.

As an educated soldier he knew that the right to exercise discretion in regard to the subject-matter of that order rested exclusively with General Pope, who, as commander of the Army of Virginia, issued it, and who alone was responsible for its consequences. It would have been a strange example of military literature had it been issued in form corresponding with the interpretation which Fitz-John Porter assumed to give it; and had General Pope issued it in that form he would have been ridiculed and laughed at the world over by every man having knowledge of military affairs and the rigid rules of law governing them. Let me formulate it in harmony with the assumption of Fitz-John Porter, and as an illustration of the audacious travesty of military law which he asks the legislative department of this Government to approve. Here it is as he would have us to read it, namely:

HEADQUARTERS ARMY OF VIRGINIA,
Bristoe Station, August 27, 1862—6.30 p. m.

GENERAL: The major-general commanding directs that you start at 1 o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning [*but use your discretion as to when you will start and when you will get here*]. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send word to him to push forward immediately [*but you will use your discretion in this regard*]; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction [*but, of course, you are expected by me to use your discretion in this respect*]. It is necessary on all accounts that you should be here by daylight [*but you will determine in your discretion whether you will be here at that time, or later, or at all*]. I send an officer with this dispatch who will conduct you to this place [*but use your discretion about coming*]. Be sure to send word to Banks, who is on the road to Fayetteville, probably in the direction of Bealeton [*but do not regard this as a limitation on your discretion*]. Say to Banks, also, that he had best run back the railroad trains to this side of Cedar Run [*but, of course, this is left to your discretion*]. If he is not with you write him to that effect [*but let your discretion determine whether or not you will do so*].

By command of Major-General Pope.

GEORGE D. RUGGLES,
Colonel and Chief of Staff.

Maj. Gen. J. F. PORTER,
Warrenton Junction.

This is the order as Fitz-John Porter says he had the right to read it. At all events it is in harmony with his action under the order which he did receive. If General Pope had issued it in the form here given would it not be conclusive proof that lunacy had come upon him? Who could doubt it? Still, why set him down as a lunatic? If discretion runs by implication through the lines of a military order, why not write it therein? If it be a power which an inferior officer may rightfully exercise, what are its limitations? If it exists at all, there can be no limitations which would make such an order as I have formulated an absurdity or an evidence of lunacy. But if such discretion be a part of our code of military law, how can a superior officer issue a mandatory order to his subordinates? And how long could military discipline be maintained with such a foundation as this for its support? How could a general in command of an army ever dare to risk an engagement with every officer under him possessed of a discretionary power to obey or not the orders which constituted the organizing and effective force of the movement? But it is to just this absurd predicament and to this disorganizing doctrine we must come in order to approve the case which Fitz-John Porter has placed before us.

When we shall have done this, then let us go a step further in order to enforce consistency. Let us be true to the line on which we move, and amend the ninth article of war so that it shall read:

Any officer or soldier who shall [*except in the exercise of his discretion*] disobey the lawful command of his superior officer shall suffer death or such other punishment as shall be inflicted on him by the sentence of a court-martial.

And then let us prove our thorough devotion to consistency by directing that the Army regulation relative to disobedience shall hereafter read as follows, namely:

All inferiors are required to obey strictly and to execute with alacrity and good faith the lawful orders of the superiors appointed over them [*except in such cases as, in the exercise of their discretion, they may fail, neglect, or refuse to obey*].

These are the proper lines of reform for us to follow when we shall have approved the appeal which Fitz-John Porter has brought here from the judgment of the court-martial which tried and convicted him. These lines of reform will lead us to those pleasant and peaceful times in which Congress will be relieved from the perplexities of trying appeals from courts-martial, for there will then be no convictions from which appeals may be taken.

But we must not stop in our march toward that perfect reform which will allow all officers in our Army to do as they please under the

refreshing shelter of this beautiful doctrine of the right to exercise discretion. We must be just and fair toward the young men we are now educating and may hereafter educate at the West Point Military Academy, and direct the professors and instructors there engaged in preparing the cadets for an efficient discharge of their duties when they come to be officers in our Army to instill into their minds the beauties, the duties, and safety of this new doctrine of discretion. Let them be enlightened concerning the great mistake made by the Supreme Court of the United States when it announced that subordinate officers and agents must obey the orders and commands of their superiors, and have no discretion in the premises. Let them be taught that when they shall have become officers of the Army each one of them will be possessed of a discretionary power superior to any lawful command that may be issued by those placed in authority over them; that this doctrine was settled in the great appeal of Fitz-John Porter from the judgment of the court-martial which convicted him to the Congress of the United States.

It will not require very vigorous instruction to enable them to understand that a discretion which will justify disobedience is superior to the authority that issues an order that may be disobeyed. In this way they will come to understand that a new rule in military law has come into force which allows the discretion of an inferior officer to supplant the command of his superior; that a lieutenant has become a "bigger man" than a major-general, and that a soldier in the ranks is a still "bigger man" than a lieutenant. It is to this that this doctrine of discretion comes at last, and this is the end of efficient armies. When this juncture shall have been reached, then let us do one other thing of practical good in view of the predicament in which we will find ourselves placed—abolish our military establishment as a thing wholly expensive and utterly worthless.

Mr. President, the deadly virus of this doctrine of discretion has already got into the blood of our military system. Its eruptive effect has appeared in the actions and expressions of too many of our military characters, both in and out of the Army, who are held together by the tender threads which are spun at West Point, and I greatly doubt if these phenomena of affinity and considerate regard would have appeared in this case had Fitz-John Porter been a volunteer officer. But the very fact that they have appeared within the circle of this case should intensify our purpose to prevent the virus from spreading more widely than it has already gone. The conservative hand of persuasive caution may handle those tender threads with effective safety now; but if we withhold its gentle manipulations they may develop into cables of such enduring strength as to hold the most forceful factor of military power and discipline in helpless bondage. We must not shut our eyes to the fact that we are dealing with a grave public question, and one with which personal considerations, the likes and dislikes of individuals, should have no more to do in determining our course of action than should the danger of human life have force in the mind of the commander of an army when about to put it in motion for the purposes of offensive operations. Hence I have tried to avoid all personal discussion in what I have said touching this case. I found the true question of this controversy in the order of the 27th of August, 1862, and in Fitz-John Porter's conduct relative thereto. I have used this data in order to present intelligently the principle of military law to which I have endeavored definitely to direct the attention of the Senate. I might have drawn other and forceful illustrations of the principle from the order of August 29, 1862; but they would have been but duplications, in every practical sense, of the others. This would have consumed time without resulting benefit to the case and its discussion as viewed from my standpoint. Judged from this standpoint the case is exceptional in our history; and too great care can not be taken that it shall not establish a precedent in which the Congress of the United States invites insubordination to organize the forces and elements of disaster in the Army of this nation.

Mr. President, so supreme has this feature of this case been in my mind that I have not cared to analyze the motives of the man who affirms the rightfulness of the conduct which constituted the grave crime of which he was convicted by a court of competent jurisdiction, and presents it as a reason why we should restore him to the rank from which he was degraded. Such analysis has been made by others, and I leave it as they have presented it, pouring its flood of light upon the strange and criminal conduct of this man; it intensifies my appreciation of his offense, but it does not magnify its proportions, and it seems to me that the obtuseness evidenced by him concerning the true character of his disobedience of the lawful command of his superior by presenting it and his speculations relative to its effects as reasons in favor of his restoration to a position which may enable him to repeat the offense does not warrant us in expecting better things of him in the future. On the contrary, it is a plain indication that, regardless of the motive which may have incited him, he is an unsafe, not to say an unfit, man to be restored to the position of colonel in the Army of the United States.

It will not do, in view of the great public interest involved, for us to justify his flagrant act of disobedience by giving the sanction of an act of Congress to the specious speculations by means of which he attempts to show that good results followed from the crime of which he was convicted. There are counter speculations by many men quite as able and far less interested than he. While he may claim that the Army of Virginia was saved from utter disaster by his disobedience of orders, the others assert that his criminal conduct robbed that army of a pronounced victory. Their speculations can never determine the conflict of opinion which they represent, and we are thrown back upon the hard fact that he disobeyed the lawful commands of his superior officer. About this there is no dispute, and the fact that he interposes the element of discretion proves that this is true, for why should he plead discretion if he had not disobeyed?

Mr. President, the bill under consideration for the relief of Fitz-John Porter looks not only to his restoration to the position of colonel in the Army of the United States, but it also provides that he may be placed on the retired-list, and specially increases it that this may be done. If it is desired to make the retired-list of the Army unpopular with the people, this is a sure road by which to reach that result, and the effect will extend to the retired-list of the Navy also in the minds of the people. Both lists combined, as last published, embrace seven hundred and nine officers. The aggregate annual pay is $1,674,171.28, the Army list being $1,059,066.28, and the Navy list $615,105. The average annual pay of the officers on the former is $2,434.64, and of the latter $2,261.42. This combined establishment is not an inconsiderable one either in number of officers or aggregate cost. The liberality of the average pay per officer is quite apparent to every mind. It is not my purpose to enter upon the consideration and discussion of the many suggestions which readily flow from these interesting facts. I have only now to say that this system of providing for both fortunate and unfortunate officers of the Army and Navy was not intended at the time of its institution as a haven of rest for men who disregard the orders of their superiors and plead the discretion of inferiors in justification thereof. Nor will the country tolerate any such abuse of the system. Beyond this suggestion I do not care to extend my observations now concerning the retired-lists of the Army and Navy.

Mr. President, most sincerely do I hope that we may never again have need to use our Army in actual war. We are now blessed with profound peace. I trust it may never be broken, either by domestic strife or foreign complications. But our past admonishes us that we are not exempt from the chances which turn national quietude into conditions of war. In this regard we are like all other nations. Hence we maintain our military and naval establishments. We love peace, but we realize that we may have war, and so we ought to observe and practice the philosophy of the trite and oft-repeated saying, "In time of peace prepare for war," and we do recognize and attempt to practice this philosophy. This is shown by the fact that we support military and naval academies for the education of young men who shall officer and command an army and a navy, erect fortifications, build ships of war, and do such other things as may enable us to promptly meet the exigencies and possibilities of war. But what are all of these things worth if they lack the element of effectiveness? And what so tends to enforce the presence of this element as that unbending rule of the military law of all countries which exacts unquestioning obedience? We hope for peace, but we know that war may come. We maintain an army. Let it be efficient. It can not be this except as obedience rules its every member. The bill now commanding our attention proposes to eliminate obedience and substitute discretion. Can we afford to pass it? Can we allow sentiment, sympathy, regard for the pleading of an individual to capture and control our judgment in such a case? We are about to use a public power in a public case. The fact that only one man appears in this bill does not and can not change the nature of the question relative to which we are to exercise this power. It is not Fitz-John Porter who is before us, but the public welfare and the efficiency of the Army of the United States. He will soon pass away and be forgotten. But the effect of such a precedent as the passage of this bill will establish will run with the long line of this nation's future and weaken every army we may put into the field of war.

Mr. President, suppose we were at this time engaged in actual war, would this bill commend itself to the better judgment of the members of this body? Suppose the events of August, 1862, were now present with us, would the better judgment of the Congress of the United States pronounce in favor of restoring an officer who had been dismissed from the Army by judgment of a court-martial for disobedience of orders to his rank and command? Would we for one moment entertain a proposition to restore such an officer and send him back to the command of a corps in the Army, carrying with him our declaration that he could exercise a discretion whether or not he would obey the lawful orders of his superior? Put the individual out of this case, and let our judgment stand before the real question with which we are dealing, and we will have little difficulty in pronouncing the defeat of this bill. Let us surround ourselves with the conditions of August, 1862, and in the presence of their threatening possibilities calmly consider the question of clothing a subordinate officer with discretion instead of duty to obey, and we will unhesitatingly declare that it can not be done.

The lively realization which at that time we had of the supreme duty of an officer to obey the orders of the commander of the army of which he was a member should be just as active now as it was then. We are dealing with principle, not with a man. We are confronted by the gen-

eral welfare and the requirements of the common defense. These are too immense in their proportions to be hidden from our view by the person of Fitz-John Porter. What they demand, and not what he desires, should hold us to that line of public duty which it seems to me surrounds this case. It is possible that the years which move us away from the war in which he was adjudged to have failed in the highest duty of a soldier may be carrying toward another. We all hope it may not be so. But who can tell what store the future has for us in this regard? No one can tell; and so that trite saying which I have quoted repeats to us the admonition, "In time of peace prepare for war." How better can we do this than by maintaining that universal principle of military law which enjoins obedience upon all subordinate officers and forbids to them the exercise of discretion in that regard. This is the principle which organizes efficiency and maintains discipline. It gives force to armies and wins victories. It is public law, and must not be sacrificed to individual desires. We would not abolish it in time of war, and we must not do it in time of peace, for if we do the result may be the establishment of a sure city of refuge for spite, jealousy, incompetency, cowardice, and treachery.

Mr. President, thus far I have treated this case as though it were within the compass of the constitutional powers of Congress; as though it involves no more than an exercise of legislative discretion to do or not to do the thing recommended to us by the Committee on Military Affairs. I preferred to treat it from this standpoint in the first instance because of the wide range over which the discussion has been conducted both in and out of Congress. It seemed to me the better course of argument to endeavor to demonstrate that, conceding the power to act, it would be an unwise exercise of legislative discretion for Congress to pass the bill now under consideration. The concession was made solely for the purposes of that line of argument, and that the wisdom of the public policy ordained by our Constitution relative to such questions as this case presents may the more clearly appear.

Fitz-John Porter was convicted, by a court of competent jurisdiction, of a very grave military crime. In pursuance of such conviction the court pronounced sentence against him, and this was approved by the President of the United States. This was a judicial proceeding, and when it reached the stage stated it was final and conclusive. Porter asks Congress to review that judicial proceeding, reverse the action of the court and the President, and to restore him to the rank and rights of which he was deprived by the execution of the sentence pronounced against him. He plants himself on the definite declaration that he was "unjustly declared guilty." This raises the very question which was presented to the court for ascertainment. The court acted, and pronounced his guilt. In this it acted judicially. We are asked to review and reverse that judicial action. If we undertake to do this, what kind of power must we exercise in the premises? Why, judicial, of course. But Congress does not possess judicial power. Therefore Porter asks Congress to exercise a power which it does not possess, in order to justify him in the use of a power which did not belong to him. This is an exact characterization of the case which he presents to Congress. The first clause of the first paragraph of his memorial is:

> Your memorialist would respectfully represent that, in January, 1863, he was most unjustly declared guilty of certain charges preferred against him before a court-martial, &c.

The concluding paragraph of his memorial is:

> In view of all the foregoing facts, your memorialist would pray that such action may be taken by Congress as will restore him to the positions of which the sentence of said court-martial unjustly deprived him.

But that court-martial was a judicial tribunal; it possessed judicial powers; its verdict was a judicial finding; its sentence was a judicial act, which, when approved by the President, became conclusive. This is the law as expressed by the Supreme Court of the United States. That court in the case of *ex parte* Reed (100 United States Reports, 13), in speaking of the character and effect of the proceedings of a court-martial, said:

> It is the organism provided by law and clothed with the duty of administering justice in this class of cases. * * * Its judgments, when approved, as required, rest on the same basis and are surrounded by the same considerations which give conclusiveness to the judgments of other legal tribunals, including as well the lowest as the highest, under the circumstances.

There is no conflict in the authorities concerning the conclusiveness of the final approved judgment of a court-martial. And this applies to every phase and element involved in the cases tried by court-martial as fully as it does to those tried in the civil courts. A former trial and conviction or acquittal by a court-martial is as perfect a plea in bar against a subsequent prosecution for the same offense as though it had transpired in the highest civil court in the land. It is not necessary to cite authorities to sustain the assertion that in every respect the approved judgment of a properly constituted court-martial is as comprehensively and as absolutely conclusive as that rendered by any other court. No one will dispute it; and if it should be attempted, the person essaying the effort would be confronted by an unbroken line of authorities.

Mr. President, if the Congress of the United States occupied the place in our Constitution that the Parliament does in that of Great Britain, we could surmount the obstacle presented by the doctrine of conclusiveness to which I have turned in this case. The Parliament possesses all power. It may make and unmake the constitution of which it is a part. It may exercise legislative and judicial functions. It may regard or disregard the decisions of courts at its own will. It may review, reverse, or affirm judicial decisions. Nothing is conclusive against the power of Parliament. That body is a kind of political omnipotence. Its will as expressed in its acts is the supreme law of the realm. Wholly different is it with us. The Constitution is our supreme law. It clothes the Congress of the United States with legislative, and expressly withholds from it judicial, power. This latter power it confers on another department of the Government. In all instances except that of the original jurisdiction of the Supreme Court, Congress may create, confer, and regulate the jurisdiction of the courts. But it can not exercise judicial power. It may create courts, but it can not review their proceedings and decisions.

Whence, then, comes our authority to pass this bill? We are asked to do it because Fitz-John Porter alleges that he was "most unjustly declared guilty." How can we determine this presented issue except by examining into the record, the law and the facts which make up the case of which he complains? This is what he asks us to do. It is what the Committee on Military Affairs had to do before it could arrive at the conclusion which it presents in its report to the Senate. Are we to approve that conclusion and reverse the decision of a court of competent jurisdiction? What would such action by the Senate be but an exercise of the highest character of judicial power? Before we enter upon this enterprise is it not well for us to recall that the Constitution, which authorizes our presence in this Chamber, says:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

And that—

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives?

The Congress can enact and repeal laws, but it can not fetter the judicial power nor bind it to the legislative will even by enacting interpretations of its own acts. The judicial power may declare a manifestation of the legislative will unconstitutional and void, but the legislative power can not return the compliment by reversing an expression of the judicial will. All will concede the proposition that whenever judicial power is to be exercised the most that Congress can do is to confer jurisdiction on some tribunal already provided or to create some new one for the purpose. Even in the government of the Army and Navy it creates or provides for tribunals to exercise the judicial functions which may be necessary thereto. Hence the court-martial, whose proceedings are judicial, and therefore beyond the power of Congress to review. In these provisions of the Constitution and those relative to the executive power we find the lines of political harmony which resolve the three departments into one forceful governmental unity.

We can not pass the bill now under consideration without disturbing this harmony and molesting this unity. And from this consideration again springs forth to confront us the supreme character of the public question which runs through the provisions of this bill. We can not make a movement toward granting the request of Fitz-John Porter's memorial until we shall have first forced this public question out of the way and resolved to assume judicial power, because he definitely tells us that his complaint is that he "was most unjustly declared guilty of certain charges preferred against him before a court-martial convened in the city of Washington." As I have already said, the proceedings of that court-martial, its judgment and sentence, were judicial, and at no time and in no event could they be interfered with except by the exercise of judicial power, save only that before execution the executive clemency might interpose. This does not belong to Congress. And so the public question involved forbids our further proceeding except in disregard of it. At least this is the case as it appears to me.

Mr. President, if we are to proceed to review and reverse the judgment of the court-martial which tried and condemned Fitz-John Porter, are we to stop with his case, or, having opened the door, allow others to make their complaints, and proceed with all who may come alleging that they have been "most unjustly declared guilty?" There are cases in which this charge can be made with far greater truth than in the one now before us. If we issue the invitation by the passage of this bill I do not doubt we will get plenty of responses. And why should we stop with courts-martial cases? The judgments of the Supreme Court are not more conclusive than those of courts-martial when executed. Why shall we say to the citizen who may affirm that the Supreme Court has most unjustly decided against him that we can not entertain his complaint or give ear to his prayer for justice? What reason can we give to the complaining citizen? If we assume judicial power in the present case, why not hold it and extend it to others? We can give no reason in any other case which does not apply to this one of Fitz-John Porter.

We are treading on dangerous ground, and the future, in my judgment, will demonstrate this assertion as a truth if we pass this bill. It is not a wise thing for us to do to proclaim that Congress has resolved itself into a court of appeals to which parties feeling themselves wronged by the judgments of courts may come for relief. And it seems to me that a right appreciation of the public questions, which can not be pushed

out of the way by the personal considerations which ramify this case, must work a defeat of this bill. I shall place my vote against it on the ground of the public questions which to me seem supreme. It may be that they do not impress others as they do me, but I can not rid my mind of the conviction that great peril lurks in this measure, and that it can not constitutionally be enacted into a law. Wrong precedents in public action turn into plague-spots in a nation's progress; hence the great degree of caution which should characterize our movements in such cases as the one with which we are now dealing. Whatever of personal inclination may operate as a motive to action should be held in check by a sense of duty ever watchful of the public weal. Unimportant as this bill may seem when considered in conjunction with our national concerns, it still involves elements of mischief which a discreet regard for the public safety ought to cause us to refuse to enact it into a law. It is entitled a "bill for the relief of Fitz-John Porter." This seems a harmless thing; but it is far from being what it seems. Give it the force of Congressional sanction, and it will assault every principle of law and of public policy which I have discussed. It is more than a private bill. It is full of public dangers, crammed with mischievous possibilities, and void of a single element which the future can plead in justification of its appearance among the laws of the United States.

Mr. MANDERSON obtained the floor.

Mr. LOGAN. It is now after 5 o'clock, and I presume rather late for the Senator from Nebraska to proceed.

Mr. MANDERSON. I shall be very willing to give way.

Mr. LOGAN. If agreeable to the Senator, I will move an executive session after making a suggestion. I think we can get through with the bill to-morrow by commencing early; at least I hope so. If no other gentlemen desire to speak than those I know of now I think we can complete the bill to-morrow. Therefore I will move, if agreeable to the Senator from Nebraska, that we go into executive session, for the purpose of giving him the floor to-morrow morning.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator from Nebraska [Mr. MANDERSON] will be entitled to the floor when the Senate resumes the consideration of the bill. The question is on the motion of the Senator from Illinois [Mr. LOGAN] that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 12, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I call for the regular order.

The SPEAKER. The Chair, if there be no objection, will lay before the House an executive communication and sundry personal requests of members.

There was no objection.

THE NORTHERN PACIFIC RAILROAD.

The SPEAKER laid before the House a letter from the Secretary of the Interior, in response to a resolution of the House calling for information in regard to the definite location of various parts of the line of the Northern Pacific Railroad; which was referred to the Committee on Pacific Railroads, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PETERS, for to-day, on account of sickness in his family.

To Mr. CHACE, until to-morrow.

To Mr. SNYDER, for ten days, on account of important business.

To Mr. STEWART, of Texas, indefinitely, on account of sickness.

To Mr. GEORGE D. WISE, for eight days from the 11th day of March, on account of important business.

To Mr. CARLETON, from the 13th to the 24th instant.

To Mr. MAYBURY, for ten days from this day.

THE LATE HON. THOMAS H. HERNDON.

Mr. JONES, of Alabama. I ask unanimous consent that Saturday, the 12th day of April, be fixed as the time for the delivering of tributes to the memory of the late Thomas H. Herndon, late a Representative-elect from the State of Alabama.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded, which is the call of committees for reports.

Mr. TOWNSHEND. I move that the morning hour for the call of committees for reports be dispensed with.

The motion was agreed to—two-thirds voting in favor thereof.

Mr. HAMMOND. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 4411) to amend section 101 of the Revised Statutes of the United States so as to allow the chairman of a subcommittee of a committee of either House of Congress to administer oaths. It is of some importance to have an early passage of this bill. I think it will give rise to no discussion.

Mr. TOWNSHEND. As the passage of that bill is a matter of necessity for the expedition of business before committees I withdraw the call for the regular order for a moment, but will renew it if the bill gives rise to any debate.

Mr. WELLER. I call for the regular order.

The SPEAKER. The gentleman from Georgia asks unanimous consent to take from the House Calendar for present consideration the bill he has indicated.

Mr. LORE and Mr. FIEDLER objected.

Mr. WELLER. I withdraw my objection on being informed of the character of the bill.

The SPEAKER. Objection is made on the right. The bill is not before the House.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. HOLMAN. I suggest to the gentleman from Illinois whether it would not be better to limit debate on the pending paragraph to fifteen minutes.

Mr. TOWNSHEND. I will say to my friend from Indiana I have conferred with the gentleman from Michigan [Mr. HORR], and he is of opinion but a small amount of debate will be required for the paragraph. I concluded, therefore, it was not necessary to limit debate at this time. If we find it is likely to be extensive, I can then move that the committee rise for the purpose of limiting debate.

Mr. HOLMAN. Very well.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BUCKNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union and resumes consideration of the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes.

The pending paragraph is as follows:

Office of the First Assistant Postmaster-General:

For compensation to postmasters, $10,500,000. And no salary of any postmaster under the act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883, shall exceed the sum of $4,000 per annum.

The CHAIRMAN. The gentleman from Michigan [Mr. HORR] has moved to amend the paragraph by striking out "$10,500,000" and inserting in lieu thereof "$12,250,000." The gentleman from Michigan is recognized.

Mr. HORR. I hope the Committee of the Whole will now come to a vote on the first amendment offered, the other amendment having been withdrawn. For the purpose of making a further statement I will move to strike out the last word, and when I get through, unless some one desires to reply, I will withdraw that motion.

This item of appropriation is for compensation of postmasters, and the gentleman from Illinois [Mr. TOWNSHEND] claims that the amount now in the bill is sufficient for this purpose. I am sure if he will use his pencil and his knowledge of multiplication and addition, instead of using his imagination, he will ascertain the fact that after the sum shall have been increased to the amount proposed by my amendment, even then there will probably be a deficiency.

I desire to submit to the Committee of the Whole just a few facts in connection with this item. Under the old law postmasters receive as compensation 60 per cent. on the first $100 of receipts of their offices, 50 per cent. on the next $200, and 40 per cent. on the balance. Under the new law the postmasters receive as compensation 100 per cent. on the first $50 per quarter of receipts of their offices, 60 per cent. on the next $100, 50 per cent. on the next $200, and 40 per cent. on all in excess of $350.

Under this new law every postmaster the receipts of whose office amounts to $250 per quarter will receive as compensation $160 per quarter; under the old law he would receive only $130 per quarter. There is at once a difference of $30 in favor of the postmasters under the new law. Again, under the new law every postmaster whose receipts are less than $50 per quarter gets the whole of it as compensation. There are in the United States over 30,000 offices where the receipts are less than $200. Suppose they averaged only $100; there is a difference at once of $1,200,000 which these little postmasters will get whose receipts are less than $50 per quarter more than they would receive under the old law. Now, when you take that into account you will see that it is utterly impossible by any application of mathematics or estimates that are anywhere near accurate to bring this item down to $12,250,000. It will be more instead of less.

Now, all I have to say is to repeat what I said at the beginning: we ought to make this appropriation as nearly as we can ascertain exactly the amount that will be required. If we make it too little, the postmasters will get their money anyway and keep it, and we will simply make

a deficiency necessary. If we make the appropriation too much, the money will remain in the fund, and it will not cost the Government one single cent more. I say, therefore, that as business men we should make this appropriation as nearly as we can the sum that will be required.

Mr. HOLMAN. I had hoped that after the lengthy general debate on this subject the debate under the five-minute rule could be made somewhat brief. But my friend from Michigan [Mr. HORR] reiterates what has been said over and over again as to the character of this appropriation and as to the character of the legislation of the last session.

I wish to say to the Committee of the Whole that the appropriation for the compensation of postmasters for the present year was $9,250,000, and the appropriation proposed in this bill is $10,500,000; an increase of $1,250,000 for the next year over and above the appropriation for the present year.

The law was amended during the last session in regard to the compensation of postmasters, and it is possible that it will be found that the expense resulting from that legislation may be beyond what we are able to anticipate at this time. But this appropriation of $10,500,000 is believed to be sufficient by the Committee on Appropriations.

Mr. REED. On what grounds?

Mr. HOLMAN. If it is not sufficient——

Mr. REED. On what grounds is it believed to be sufficient?

Mr. HOLMAN. If my friend will allow me; if it is not sufficient there will be no trouble at all in providing for the deficiency long before the money will be required. On the other hand, if the appropriation is made too large it only encourages extravagance in a Department of our Government. The one method is absolutely safe, doing no possible harm to the Post-Office Department, not crippling it to the tithe of a hair; while the other method will tend only to unnecessary extravagance in one of the Departments of the Government.

I wish to say that the expenditures in the last year for this purpose were but $10,315,394. I do not apprehend that in the absence of any motive for increasing salaries Congress has passed a law upon the suggestion of the gentleman from Pennsylvania [Mr. BINGHAM] that will produce the extraordinary increase of salaries claimed by the gentleman from Michigan. I do not believe that the House or Senate have deliberately gone to work to increase salaries when no public reason existed for their increase.

I think that when this law is carried out practically no such evil results will be found to follow at all. I trust not. Up to this time we could not tell, else undoubtedly there would have been incorporated into this bill a proposition to repeal so much of the act of my friend from Pennsylvania as increases largely the compensation of officers who are already respectably paid.

Mr. REED. I have not the slightest desire to meddle with this discussion, for the gentleman from Michigan has explained very clearly the mathematical principles upon which his amendment rests. I only take this opportunity to comment upon the characteristic speech of the gentleman from Indiana [Mr. HOLMAN]. He announces to us that the Committee on Appropriations has made in this bill a certain appropriation; and he says that this is believed to be sufficient. I ask him upon what ground he believes it to be sufficient; and he gives me and gives this House no reply. In addition to that he announces to the House that if we appropriate more than will be actually needed for this purpose we shall "encourage extravagance." Now how can that be possible? The law prescribes what these officers shall receive; and if a thousand million dollars were appropriated not a single cent more than the law allows for their compensation could be spent by any human possibility. Yet the gentleman tells us that an extra appropriation will "encourage extravagance." How? Not one cent of any appropriation we may make for this purpose can be used for any other purpose. Yet the gentleman tells us that if we appropriate too much it will cause extravagance. How, and why?

Now I comment on this as an example of the manner in which appropriation bills are treated on that side of the House and by gentlemen belonging to the Appropriation Committee. In the first place they propose in the bill an appropriation which the Post-Office officials, being moved thereunto by no improper motive, declare will not be sufficient; and then gentlemen of the committee decline to give us any reason why a sufficient appropriation should not be made. They proclaim vaguely that to do the right thing will cause extravagance; and there they leave the matter. And gentlemen on the other side follow such leading!

Mr. HISCOCK. Mr. Chairman, I do not care to say much on this subject, but I do ask the attention of the gentleman from Indiana [Mr. HOLMAN] to what I am about to say. Does the gentleman claim that it is in the power of the Post-Office Department to regulate the amount which shall be expended for this particular service? I would like to have him answer that question here and now.

Mr. HOLMAN. Yes, sir; there is one mode in which the amount of expenditure can by affected by the action of the Post-Office Department, as the gentleman is very well aware.

Mr. HISCOCK. Does the gentleman say——

Mr. HOLMAN. I hope the gentleman will hear my full answer.

Mr. HISCOCK. Does the gentleman say, as a Representative from the State of Indiana and upon his responsibility as a member of this House, that the Post-Office Department can regulate the amount which shall be expended for salaries of postmasters?

Mr. HOLMAN. The Post-Office Department can not regulate the rate of compensation.

Mr. HISCOCK. Has the Department any control over the amount to be expended in this direction?

Mr. HOLMAN. I hope the gentleman will allow me to answer his question. As the gentleman is well aware, there is but one mode by which the amount expended for this branch of the service can be affected by the Post-Office Department within the limits of the law; and that is by an increase of post-offices beyond the necessities of the people. I had occasion to say last evening—and I hope the gentleman will allow me to answer his question fully—that while it is desirable this appropriation should be ample to authorize the increase of post-offices up to the full requirements of the wants of the country, yet it is not desirable to encourage the establishment of post-offices without any public reason or excuse; and it is in this way that an undue expenditure may occur.

Mr. HISCOCK. As I understand, and I ask the attention of the gentleman again, there is no way in which this expenditure can be curtailed by the Department except by refusing to locate new offices.

Mr. HOLMAN. I did not say that.

Mr. HISCOCK. Is there any other way? I would like the gentleman to give an explicit answer.

Mr. HOLMAN. The gentleman has my answer in my own words. If he wishes me to repeat it, I will do so.

Mr. HISCOCK. Then the gentleman proposes simply to say to the Post-Office Department, "If you keep within the limits of this appropriation you must refuse new post-offices when they are required."

Mr. HOLMAN. We propose to say to the Post-Office Department that we desire the establishment of every post-office that the public interests may require; every one. But we do not wish to see post-offices established beyond the wants of the people. Now will the gentleman allow me to ask him a question?

Mr. HISCOCK. Yes, sir.

Mr. HOLMAN. The appropriation made for this purpose last year was $9,250,000.

Mr. HISCOCK. Yes, sir.

Mr. HOLMAN. Did the gentleman as a Representative of the State of New York and chairman of the Committee on Appropriations deem that appropriotion at the time sufficient?

Mr. HISCOCK. I did. And as I have heard a great deal said on the other side in reference to our attempt last year to cut down appropriations, I undertake to say it will be found upon examination that the aggregate of the appropriations which we gave last year will be sufficient for the expenditures of the current year.

[Here the hammer fell.]

Mr. REED obtained the floor and said: I yield my time to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. It is true that in some particular instances, like this perhaps, we did not give enough, for the reason that during the last days of the session the House passed legislation regulating the salaries of postmasters and reducing the rate of postage; and on account of those two enactments it was utterly impossible for the Department to calculate the amount which would be required for the postal service for the current year.

I do not want to be misunderstood about it. There was no intention on our part to cut down the amount.

Mr. HOLMAN. Will the gentleman from New York allow me to interrupt him?

Mr. HISCOCK. Certainly.

Mr. HOLMAN. The gentleman thought the bill brought before the House by the gentleman from Pennsylvania [Mr. BINGHAM] would reduce the salaries of postmasters instead of increasing them.

Mr. HISCOCK. I do not know what I thought about it at that time. I do not remember exactly, but I do know this, I do know that when you cut down this system of appropriation—gentlemen on the other side of the House from the Southern and Western States I call your attention to it, for it is there they want the new post-offices located—you on that side of the House are interested in this question while we of New York are not interested in it, New England is not interested in it, Ohio is not interested in it; you gentlemen of the new States, West and South, are interested in it—I repeat, Mr. Chairman, that when you gentlemen on the other side cut down this system of appropriation you deny to your own people the establishment of new post-offices which are constantly being required in a growing country.

Mr. SKINNER, of New York. Let me ask the gentleman whether it was not the understanding or the intention of the committee last year that the new salaries of postmasters should take effect on the 1st of October, whereas it was decided that under the law they took effect from and after the date of the passage of the act?

Mr. HISCOCK. Yes; that is true, and that made of itself a very great difference.

Mr. BINGHAM. Allow me to present here a few figures which I know the gentleman from New York desires to have stated.

Mr. HISCOCK. Certainly; I am happy to have my position fortified.

Mr. BINGHAM. The estimate of appropriation last year was $46,741,000, while the amount appropriated was $45,477,000. The committee only cut down the entire estimates of the Department $1,264,000. That was all, and that, too, was almost wholly on the point of postmasters' salaries. This shows the Committee on Appropriations of the last Congress in no way crippled the postal service.

Mr. HISCOCK. I wish to call the attention of the gentlemen on the other side of the House to the fact that when the Republican party came into power in this House we found staring us in the face a deficiency in the Post-Office Department of a million and a half dollars, which we had to provide for. Then, as now, that deficiency was largely in this item for salaries of postmasters. We were compelled to provide for it.

I appeal to you gentlemen on the other side of the House whether this policy of attempting to shear the appropriation bill with a view to making a little party capital on the ground of its being lower than some preceding appropriation bill of the same character, whether this fictitious political capital——

Mr. HORR. Watered stock. [Laughter.]

Mr. HISCOCK. As my friend from Michigan says, whether this watered stock, this fictitious political capital, is worthy of you as the representatives of a great national party.

When we get a little further on in this bill I shall call to the notice of the House another fact, and I now ask the gentleman having charge of the bill——

The CHAIRMAN. The gentleman's time has expired and the Chair recognizes the gentleman from Mississippi [Mr. MONEY].

Mr. HISCOCK. I have been interrupted to that extent by questions propounded to me I hope there will be no objection to my finishing what I rose to say.

The CHAIRMAN. The gentleman from Mississippi is recognized as entitled to the floor under the rules.

Mr. HISCOCK. I ask the gentleman to yield to me a minute or two and he can get the floor again.

Mr. MONEY. I am willing to yield my place, but can not yield any of my five minutes.

Mr. HISCOCK. I will not ask for any of the gentleman's time, but will take the floor in my own right if there be no objection.

Mr. HOLMAN. How much does the gentleman wish to have his time extended?

The CHAIRMAN. The Chair recognized the gentleman from Mississippi and he has yielded the floor to the gentleman from New York.

Mr. MONEY. I do not yield my time to the gentleman, but merely my place, expecting to get the floor after he has resumed his seat.

Mr. HOLMAN. I trust the gentleman from New York will indicate how much time he desires.

Mr. HISCOCK. Only about five minutes.

Mr. HOLMAN. Very well, go on.

Mr. HISCOCK. Mr. Chairman, there is another thing in this bill to which I wish to call the attention of the gentleman having charge of it as characterizing the proposed legislation. I admit it is not the item now under discussion, but further on in the bill we find an unexpended balance of a million dollars appropriated in the first session of the Forty-seventh Congress is reappropriated for the service of the next fiscal year; in getting up the bill that million dollars is taken out of the aggregate. Here it is worth while to point gentlemen on the other side to this fact that you may fully understand what is the policy of the Committee on Appropriations, for that policy denies you new post-offices in sparsely settled and growing districts. The bill on its face carries evidence that it is not intended to give what is required for the service, but simply to reduce the appropriation. You are compelled to make it something more than it was last year, because the service is growing.

Now, Mr. Chairman, if this appropriation would not cripple the service I would not say a word about it. I would not advocate its being increased. It has been intimated on the floor the effect will not be to cripple the service. The effect is undoubtedly to limit the service and prevent its growth. That is to be the effect of it, and I challenge the gentleman from Indiana and I challenge the gentleman in charge of this bill to refute the statements I have made.

Mr. MONEY. Mr. Chairman, as far as this particular amendment is concerned perhaps it is not materially important; but it is important that this committee in framing a bill of this character should act advisedly and with full knowledge of the facts.

Now, it is true in my judgment that this particular item will create a deficiency for the next fiscal year. But it does not lie in the mouth of gentlemen upon the other side to charge such a purpose as that upon the Committee on Appropriations in presenting this bill. The gentleman who has just addressed the House was himself for two years the chairman of that committee; and for the fiscal year which ended on the 30th of June, 1882, that gentleman reported a bill, and upon this single item of compensation to postmasters there was a deficiency exceeding $1,515,000. The Postmaster-General has explained why that deficiency occurred, and the reason assigned for the deficiency in that instance is sufficient to explain why a deficiency will also occur under the operation of the present bill.

It makes no sort of difference to the service whether this House shall appropriate $100,000,000 or $1,000,000 for the compensation of postmasters, because their compensation is fixed by law, is paid out of the revenues of their offices, and not by the appropriation bill.

Mr. HISCOCK. Will the gentleman permit me just here to ask him a question, and that is if the effect of the limiting of this appropriation is not to be a denial of the creation of new post-offices?

Mr. MORSE. No.

Mr. HISCOCK. I ask him, as chairman of the Committee on Post-Offices and Post-Roads, if that is not to be the effect, that you prevent the creation of new post-offices by limiting the appropriation?

Mr. MONEY. I do not believe that will be the effect of it.

Mr. HISCOCK. Is it not to be the effect if you give an insufficient sum for the present postmasters' salaries or if you give a sum which is required only for the payment of the salaries of the present postmasters?

Mr. MONEY. I think not.

Mr. HISCOCK. And, further, let me ask the gentleman to answer plainly, if you only give such sum as is sufficient for their salaries—the number at present commissioned—if the Department is not necessarily then limited by the appropriation bill to the present number of offices and can not establish new ones?

Mr. MONEY. It is not so in any sense of the word. On the contrary, it makes no sort of difference, as I have said, what amount of money is appropriated for the salaries of postmasters, because their compensation is fixed by statute, and you can not limit by an appropriation the compensation they are entitled to, since their salaries are paid by themselves out of the receipts of their offices.

In explaining the deficiency of the year before last, which amounted on a bill which the gentleman from New York himself reported to a million and half of dollars, the Postmaster-General makes the following statement:

> The expenditure was $1,115,394 in excess of the appropriation. The deficiency was unavoidable, since the law fixes the compensation of postmasters and authorizes them to retain it on account from the proceeds of their offices.

Now, Mr. Chairman, with that law before them, the Committee on Appropriations during the last session of Congress appropriated $9,250,000 for the salaries of postmasters, and there is to be of necessity a deficiency, which at the close of this year will amount to a deficiency of over a million and a quarter dollars, on the same account.

Mr. HORR. Will the gentleman from Mississippi, who is more familiar with these matters than I am, permit me to ask him a question in this connection?

Mr. MONEY. Certainly.

Mr. HORR. Is it not a fact that the Postmaster-General establishes new offices under a special law, which does not have any bearing upon the amount appropriated in the regular Post-Office appropriation bill?

Mr. MONEY. The appropriation bill has no effect upon the establishing of new offices at all.

Mr. HORR. That is what I thought.

Mr. MONEY. These new offices are established upon the request of the citizens themselves residing at the place, and the members here press them upon the consideration of the Department. The Post-Office Department then, if the grounds seem sufficient, establish the post-offices at such places, and establish them without any regard to the amount of money appropriated in the bill. The establishment of new offices is not governed by the amount in the appropriation bill; and in the preparation of the bill the amount of money appropriated is not limited with a view of curtailing the Department in the establishment of such offices. The Department will extend the number as they are needed; and, as I have read from the Postmaster-General's report, the postmasters pay themselves out of the proceeds of their offices.

Now, I stated that there would be a deficiency under this bill. There will be a deficiency for this fiscal year. There will be, because during this fiscal year up to the present date there have been established 4,000 new offices, and for the further reason that the increase of business——

[Here the hammer fell.]

Mr. ROGERS, of Arkansas, obtained the floor and yielded his time to Mr. MONEY.

Mr. MONEY. I am very much obliged to my friend. As I was proceeding to state, Mr. Chairman, there were over 4,000 new offices established in this fiscal year. The officers in charge of these pay themselves out of the proceeds of their offices. Consequently, there will be no limit to their number. In addition to that, the regular increase of business is about 11 per cent. per annum. As business increases, so, necessarily, increases the compensation of the postmasters. The figures show that their compensation keeps up with the total revenues of the postal branch of the Government *pari passu;* that is to say, that they average one-fourth of the total revenues of the Post-Office Department. It makes no difference, therefore, what we appropriate, it goes just in that way, and you can not limit that expenditure. But if that is a fault, it is a fault which has been shared by both sides of this House. The gentlemen on the other side of the House reported for the last two fiscal years the appropriation bills, and there were deficiencies just as serious as any that come in under the operation of the present bill. While I am not disposed to criticise this bill in an unfriendly spirit, I should willingly vote for an increase of the appropriation in the amount to be

expended for the compensation of postmasters, for, necessarily, there will be an increase in the present fiscal year which will keep pace with the growth of the business of the country; and this will be found also in the next fiscal year. Still, it is a matter of no serious import. Nobody loses by it. I think the discussion of no importance, but I was anxious to place these facts before the committee.

Mr. HORR. I wish to ask the gentleman from Mississippi if he is not satisfied that it will take every dollar my amendment names to pay these salaries?

Mr. MONEY. I think it will.

Mr. REED. Will the gentleman from Mississippi permit me to ask him a question?

Mr. MONEY. Yes, sir.

Mr. REED. Will an overappropriation on this item by any possibility lead to extravagance?

Mr. MONEY. I do not think it can, because it is not a matter in the discretion of the Postmaster-General except in the establishment of new post-offices; and these post-offices are established, my experience shows, without any regard to the amount of money appropriated. Their establishment is simply based on the necessities of the communities which require postal facilities.

Mr. HISCOCK. I desire that there shall be no mistake as to this——

Mr. TOWNSHEND. Mr. Chairman, who is recognized as having the floor?

The CHAIRMAN. The gentleman from Colorado [Mr. BELFORD] is recognized.

Mr. BELFORD. On yesterday the gentleman from New York [Mr. SKINNER] alluded to the amount of revenues contributed by the West to the support of this Government. I desire to state that since its organization New York and New England have received 90 per cent. of the money paid into the national Treasury by the South and the West. It is time that the South and the West cease to follow the banners of Eastern leaders, whether they belong to one party or the other.

I represent what is called an infantile State. Let me call your attention, if I can, in the five minutes to which I am entitled to the floor, to a few facts which I have before me. Colorado last year contributed $473,864 to support the postal service. What was contributed by Louisiana, that was admitted to the Union under the administration of Thomas Jefferson? What did she contribute to the postal service?—$447,000; not as much as the young, vigorous, prosperous, and magnificent State of Colorado. Let us take Vermont. She contributed $339,000. West Virginia, $245,000.

And yet, in view of these contributions made by the West to the support of the Post-Office Department, we witness here a gentleman from the West standing up in the interest of Eastern Democrats to impair and contract the mail service of that country. Oh, you are doing it. You have reduced the estimates in this bill $4,000,000. You reduced the estimates on the naval bill $8,000,000. With a majority of seventy in this House you are afraid to vote on the bonded bill, which would keep out of the Treasury $70,000,000. That has been your history in every Congress in which you have had the majority; the history of a herd of political eunuchs, without manhood or virility. [Laughter and applause.]

Mr. TOWNSHEND. I can tolerate the jeers and amusement afforded the House by the gentleman from Colorado, for I have heard it often enough and seen enough of its influence on this floor to know it will not affect the vote on this amendment in any particular whatever. But I wish to take notice of the remarks made by one or two other gentlemen who have spoken.

In the first place, I assert that the bill presented by the Committee on Appropriations is the most liberal bill that was ever brought into this House for the postal service. It carries a larger amount of appropriations than any other postal bill ever brought into this House.

It was more fully appreciated and made a more liberal appropriation for the increase of the service than was done in the last Congress, at either session, or in any other Congress. And I further maintain that an intelligent investigation of the facts and of the data that can be ascertained demonstrates that this Committee on Appropriations has provided every dollar needed for the efficiency of the public service in the Post-Office Department.

Now, I want to call attention to something I said on yesterday. One or two of the gentlemen who have spoken here this morning have commented on what by their course last session they forced us to do when they brought in a bill which they knew, because they were told of it on this floor time and again, lacked a million or more of the salaries required to pay the postmasters. And yet the gentlemen then on the Committee on Appropriations on that side of the House took the floor, as I could show you here in this RECORD, and argued and insisted upon it, and the distinguished gentleman from New York [Mr. HISCOCK] stood by and aided them in inducing this House to believe that only nine millions and a quarter were needed for the salaries of the postmasters.

Mr. HORR. They were wrong, were they not?

Mr. TOWNSHEND. They were wrong and they knew it.

Mr. HORR. And you know you are wrong in this, and yet imitate them.

Mr. TOWNSHEND. Why did they do it? That they might come in here and play the rôle they play to-day; and that is to deceive the country and this House into the belief that there is a necessity for an enormous increase in this appropriation; that they might turn a lot of demagogues loose in the next campaign and point to the economy of the Republican House, and at the same time draw attention to the extravagance of a Democratic House.

Now, Mr. Chairman, we have given upon this item of this bill an increase of one million and a quarter above what was given last year, and yet these gentlemen come in and ask us to increase the appropriation three millions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REAGAN was recognized, and yielded his time to Mr. TOWNSHEND.

Mr. TOWNSHEND. This gentleman comes in to-day and asks us if it is worthy of us to appropriate what he believes to be a less amount than may be needed for the payment of salaries of postmasters. I ask him if it was not contemptible on the part of his own party and his committee in the last Congress to bring in a bill which they knew was insufficient to meet the demands of the public service and then at this session of Congress to come in here and arraign a committee which gives a million and a quarter more than they gave? I ask is that conduct worthy of the gentleman?

Mr. HISCOCK. Does not the gentleman know that he is trying to carry on the service for the next fiscal year upon the excess of appropriations which were made by us in the last Congress?

Mr. TOWNSHEND. I am satisfied——

Mr. HISCOCK. Does not the gentleman know that?

Mr. TOWNSHEND. I know it was the policy of the gentleman and his committee in the last Congress to create a deficiency in order that this House might be put into the position of making large and excessive appropriations.

Mr. HISCOCK. When the pension bill comes in there will be a reappropriation of unexpended balances made by the last Congress.

Mr. TOWNSHEND. The gentleman gets up here and pretends to be horrified at the idea that we are going to reappropriate a million of unexpended balances of appropriations for the several Departments, and would have us imagine that that is a crime.

Mr. HISCOCK. Oh, no.

Mr. TOWNSHEND. Do not interrupt me until I get through. And he does that in the face of the fact that he himself came into this House at the last session and asked for a reappropriation of $15,000,000 that lay unexpended.

Mr. HISCOCK. Now——

Mr. TOWNSHEND. I refuse to be interrupted.

Mr. HISCOCK. But, Mr. Chairman——

Mr. TOWNSHEND. I refuse to be interrupted.

The CHAIRMAN (Mr. BLOUNT). The Chair trusts the gentleman from Illinois [Mr. TOWNSHEND] will be allowed to proceed without interruption.

Mr. HISCOCK. May I ask a question?

Mr. TOWNSHEND. Not now. I am not surprised that the gentleman is restive under the exposition of his conduct in the last House and also in this. I have only called attention to facts that can not be explained or disputed.

I am asked here by the gentleman from Maine [Mr. REED] and others this question: Suppose the appropriation for this purpose is too large, suppose you appropriate too much money, what would be the effect of it? They seem to think that it is perfectly harmless to appropriate large and unnecessary sums of money. Such was the argument used when the star-route lobby was around this Hall laboring to secure large and extravagant appropriations. Extravagance leads to corruption, as has been demonstrated by the history of the past, and as will be demonstrated by the history of the future, if the members of this House are not true to the interests of the people and do not guard against extravagant appropriations.

Mr. HORR. Permit me a moment. You do not claim that there is any similarity in that respect between the appropriations for the compensation of postmasters and appropriations for post-routes?

Mr. TOWNSHEND. I am only illustrating.

Mr. HORR. But your illustration is not fair.

Mr. TOWNSHEND. I repeat that extravagant and unnecessary appropriations lead to corruption. I do not say that it would occur in connection with this particular item.

Mr. HORR. The gentleman knows that no fair comparison can be made between the two items.

Mr. TOWNSHEND. I am opposed to extravagant and unnecessary appropriations. I am in favor of giving every dollar that is needed for the efficient discharge of the public service. But I am opposed on general principles to leaving temptations in the way of those who might be guilty of maladministration, somewhat upon the theory of the character described by a novelist of an individual who, when he found anything lying around loose, always appropriated it to himself, upon the plea that if he did not do so somebody else would.

The CHAIRMAN. The time for debate upon the pending amendment has been exhausted.

Mr. BINGHAM. I move to strike out the last word. I desire, without going outside of the question at issue, to invite the attention of the

gentleman in charge of this bill to a few official figures that I have received from the Department to-day, and which I requested yesterday, in view of some of his statements. And first let me refer to the statistics in connection with the compensation of postmasters.

With reference to the strictures of the gentleman upon the Committee on Appropriations of the last Congress let me tell him this: The Post-Office Department asked for $46,741,000, and the Committee on Appropriations gave $45,477,000, a difference between the amount estimated for and the amount appropriated of $1,264,000.

Mr. MILLER, of Pennsylvania. And that was the Forty-seventh Congress.

Mr. BINGHAM. That was for the present fiscal year.

Mr. HORR. That is right; go on.

Mr. BINGHAM. This bill, according to the gentleman's own showing in his summary of the bill, makes a difference of nearly $5,000,000 between the amount estimated for and the amount appropriated. Yet he is calling the last Committee on Appropriations to account for laches and neglect, when, as I have stated, that committee appropriated within $1,264,000 of the amount requested by the Department.

Now, another point with reference to the appropriation for the compensation of postmasters. I agree with the gentleman from Mississippi [Mr. MONEY] that postmasters are paid under a fixed statute. The law says that they shall be allowed to deduct their compensation from the receipts of their offices, turning into the Treasury only the net revenue. That is the law, and they are paid anyway.

Now let me show you one thing: For the fiscal year ending June 30, 1882, the Post-Office Department asked for $7,800,000 for compensation of postmasters, and the Committee on Appropriations gave what was requested. For the year ending June 30, 1883, the Department asked for $8,800,000, and the committee gave what was asked. For the year ending June 30, 1884, the Department asked for $10,134,000, and the Committee on Appropriations gave $9,250,000, a difference of $884,000. Condemn it if you choose.

Mr. HORR. It was wrong.

Mr. BINGHAM. Never mind that. I want to stop it right here so far as my vote is concerned. In this very bill, while you condemn the Committee on Appropriations of last year for giving $884,000 less than the estimate, you yourselves give $1,750,000 less than the estimate.

It does not make any difference whether you appropriate the amount indicated or not; but I am showing the tendency of this neglect on the part of Congress to appropriate the amount required for the service of the Department. The deficiency of the appropriation last year, as compared with what the Department asked, was $884,000; this year the Committee on Appropriations proposes to give $1,750,000 less than the Department estimates to be necessary. Let this matter stop right here and now. That is the only question we have to consider; not whether we are appropriating enough, because it does not make any difference whether the appropriation for this item be $100 or $12,000,000.

Mr. HORR. I hope we shall now have a vote on this amendment. There are fifty other amendments to be offered.

Mr. JOSEPH D. TAYLOR. I move to amend by striking out the last word.

Mr. TOWNSHEND. I take the floor for the purpose of moving that the committee rise to close debate. But if a vote can be taken at once I will not make that motion.

Mr. HORR. I take it that gentlemen on this side will not insist on further debate upon this amendment. Discussion can be had on other amendments.

Mr. TOWNSHEND. If there is to be a vote I withdraw my motion. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. HORR to strike out "$10,500,000" and insert "$12,250,000," the amendment was not agreed to; there being—ayes 74, noes 89.

Mr. DAVIS, of Illinois. I move to amend the pending paragraph by striking out all after the word "dollars," in line 22; the words proposed to be stricken out being the following:

> And no salary of any postmaster under the act entitled "An act to adjust the salaries of postmasters," approved March 3, 1883, shall exceed the sum of $4,000 per annum.

Mr. Chairman, in the closing hours of the last Congress we were congratulating ourselves upon the passage of a law which regulated the compensation of postmasters; and so far as it affected the first-class offices we were delighted with the change, as it was a simple recognition of fidelity and responsibility. That law provided, among other things, that where the income of any post-office was from $450,000 to $500,000 the salary of the postmaster should be $4,000 per annum; that where the receipts were from $500,000 to $600,000 the salary should be $5,000 per annum; and where the income was $600,000 and upward the salary should be $6,000. The only exceptions made in that law were with reference to the New York office and the office in Washington, D. C.

That enactment, Mr. Chairman, was a recognition of the business of these great offices and the responsibility that the postmasters at such offices are obliged to assume. It is believed that if in Government affairs we can transact our business in the same manner and with the same economy as our best business establishments, it will be a desirable result to accomplish. Now, in the city of Chicago we find that men requiring no greater ability or responsibility than the postmasters of our large cities are receiving in private establishments much larger salaries than this bill proposes to allow to these postmasters. You can walk across the street from the post-office in Chicago and go into the first business establishment and you will find men performing duties which require no greater talent or responsibility than the position of postmaster of a great city, and who receive $8,000 to $10,000 per annum. You can go into the banking establishments, into establishments such as Marshall Field & Co.'s, or the Farwells', or Henderson's, or Armour & Co.'s, or Carson, Pirie, Scott & Co.'s, and you will find men there—not the proprietors, understand, but men in charge of departments, such as the silk department, the hosiery department, or men having charge of the credits of the establishment and those looking after the economy of the concern—who are receiving $6,000, $8,000, $10,000, and all the way up to $15,000. The salary of the secretary of the board of trade is $8,000 per annum.

There is another reason why the postmaster in one of these large cities should receive some compensation for the responsibility which he assumes. You will find that the first act which one of these officers does after he is appointed is to go before a court and furnish bond in the sum of $600,000 to $1,000,000. The sureties upon this bond are required to qualify in that amount. You may say that this is not a hard matter to accomplish; but I call your attention to the fact that few men desire to go upon a postmaster's bond, for they guarantee not only the fidelity and integrity of the officer, but his ability to see that the amounts passing through the hands of his various employés, not appointed by himself, are not made away with, but that every dollar is accounted for.

Now, Mr. Chairman, it seems singular that when a bill of this kind is before the House the men who attack it——

[Here the hammer fell.]

Mr. ADAMS, of Illinois, obtained the floor and said: I yield my time to my colleague.

Mr. DAVIS, of Illinois. I thank my colleague for his courtesy. I say it is a singular fact that the men who oppose these appropriations come from localities that do not pay for this service in their own districts. We in Chicago are the parties who contribute this money for the salary of our postmaster; and we claim that you should permit us to give encouragement and remuneration satisfactory to men of great fidelity and integrity, and somewhere near proportionate to the responsibility assumed, so that the best talent and ability may be called into this service and the service thereby made most efficient.

I submit herewith a statement showing the States and Territories which pay a net revenue to the Government:

The following seventeen States and Territories pay $7,360,553 net revenue, and the service there is more than self-sustaining:

All the New England States and New York, New Jersey, Pennsylvania, Delaware, Michigan, Illinois, Wisconsin, Iowa, Minnesota, Dakota, and the District of Columbia.

The remaining thirty-two States and Territories have a deficit of $4,707,582, and the service is not self-sustaining.

This bill by this provision is a direct blow struck at nine of the postmasters of the country, a blow at nine of the great cities, eight of which are the great commercial centers of the country. The total revenue last year from these nine cities was $12,326,066, one-fourth of the entire revenue. And the net revenue received in these offices is $8,113,019, or one-sixth of the total revenue of the country.

I submit here a statement showing gross and net revenue and the amount of proposed reduction of salaries.

The gross revenue of these nine cities and proposed reduction of postmasters' salaries is as follows:

Cities.	Gross revenue.	Reduced salary.
New York	$4,413,821	$4,000
Chicago	1,949,180	2,000
Philadelphia	1,581,791	2,000
Boston	1,507,529	2,000
Saint Louis	843,730	2,000
Cincinnati	638,624	2,000
San Francisco	558,133	1,000
Baltimore	540,503	1,000
Washington	292,755	1,000
Total	12,326,066	17,000

One-quarter or more of the total revenue from the entire country.

The net revenue of these cities is as follows:

New York	$3,004,261
Chicago	1,332,549
Boston	998,528
Philadelphia	965,231
Saint Louis	554,678
Cincinnati	434,723
San Francisco	392,136
Baltimore	350,878
Washington	80,025
Total	8,113,019

One-sixth of the total revenue of the country.

That is not the only point in the matter. These men become responsible for large sums. They receive the funds of the money-order system, and the postmaster of the city of New York was responsible last year for money receipts, postal receipts, and money-order funds to the extent of $32,526,000. These nine offices last year received, in postal funds and money-orders, $75,449,543.

I submit herewith a statement of the total amount of postal moneys (same being postal receipts and deposits of money-order funds) received at these nine offices for the year ending June 30, 1883:

New York	$32,526,359 52
Chicago	12,297,035 23
Philadelphia	5,211,770 47
Boston	4,177,812 29
Saint Louis	8,790,910 31
Baltimore	2,465,782 15
Cincinnati	2,963,608 11
San Francisco	4,793,259 86
Washington	2,223,010 42
Total	75,449,548 36

There is no call, Mr. Chairman, for this act; there is no petition here, there is no request here, there is no man, woman, or child who contributes one cent, directly or indirectly, in these great cities for the support of this service who asks this act to be done. They look upon the advancement of the salaries of these postmasters from $5,000 to $6,000 as something desirable for the service in giving these men encouragement by granting to them salaries something like those paid in private life.

I was surprised, therefore, Mr. Chairman, that a gentleman from my own State of Illinois should permit a law of this kind to be presented to this House. We strike at the postmaster of the chief city of his own State, whose salary it is proposed to strike down by this bill. Does he not know that the income of that office pays for the service in that gentleman's own district? If we were to make this postal service a self-sustaining one in each district there is not a man, woman, or child who resides in his district who would ever see a letter from one end of the year to the other.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOLMAN. I will move to amend the text by adding the following words:

Except the salary of the postmaster of the city of New York, which shall be $6,000.

Now, Mr. Chairman, the effect of this amendment is to re-enact the law just as it stood up to the last session of Congress. Up to that time the salaries of postmasters were limited to $4,000, with the exception of the State of New York, and there it was fixed at $6,000——

Mr. BINGHAM. Will the gentleman from Indiana permit me to interrupt him as to a question of fact?

Mr. HOLMAN. Certainly.

Mr. BINGHAM. The salary of the postmaster of the city of New York was increased from $4,000 to $6,000 in 1864, and then from $6,000 to $8,000 in 1875. We merely re-enacted in the act of 1883 what it was from 1875.

Mr. HOLMAN. My amendment should be modified so as to make it $8,000 instead of $6,000, and then it will be what the law was up to the last session of Congress. At the last session of Congress, by a wholly unconsidered bill—and no man living to-day can tell what the salary of the postmaster of New York is under the present limitation—all these salaries were increased. I am willing the salary of the postmaster of the city of New York should remain what it was and what it remained for years—what it remained during the whole period of the war, during the whole time of inflation, and as it stood at the last session of Congress when the law I have indicated was passed. There I beg you to leave it with the limitation of the other salaries which was the law up to the last session. I earnestly hope there will be no change in that law as it stood for so many years.

This side of the House is not responsible for that enactment. If I remember correctly they did not favor it. No man can tell the effect of the law, and if the Committee on Appropriations does not legislate—let me say that up to this time it has been impossible to tell exactly what the working of the law is.

Gentlemen say these salaries are not enough at $4,000. You pay most of the governors of the States no more than $4,000, while a large part of the supreme judges in the States do not receive salaries over $4,000. I am told here by gentlemen present that a majority of the governors of their States do not receive larger salaries.

But it is said there is great responsibility imposed upon these postmasters. I wish to call the attention of the committee to the question of responsibility. Large bonds we are told are required. Under the present state of the law there is indeed no responsibility, and I speak advisedly when I use that expression. Under the law of the last session of Congress there is no liability if the postmaster has the simple quality of integrity; no matter what defalcations may occur among his subordinates he is not responsible for them. Your Post-Office Department is authorized without appeal to Congress to relieve him entirely.

Mr. BINGHAM. Only up to $2,000.

Mr. HOLMAN. The Department has the power to relieve him entirely.

Mr. BINGHAM. Only up to $2,000.

Mr. HOLMAN. Up to $2,000, and then he may come to Congress. So I tell this committee there is no liability on the part of the postmaster and has not been if he has the quality of integrity. I admit it is the most valuable one in the public service. He is without responsibility if he has the simple quality of integrity and nothing more.

The CHAIRMAN. The gentleman's time has expired.

The Chair desires to ascertain of the gentleman from Indiana whether it is his intention to offer his amendment as an amendment to the amendment proposed by the gentleman from Illinois or does he offer it as an independent amendment to perfect the text?

Mr. HOLMAN. My amendment is an addition to the text of the bill.

Mr. HEWITT, of New York. Does the gentleman from Indiana modify his amendment as to New York?

Mr. HOLMAN. Certainly. I wish to restore that to just what it was last year.

Mr. MONEY. Mr. Chairman, I had been instructed by the Committee on Post-Offices and Post-Roads to make the motion made by the gentleman from Illinois. It has been stated by the gentleman from Indiana, as a reason to guide us in fixing the salaries of postmasters at certain first-class offices, that the salaries of judges—supreme court judges of the various States—are fixed ordinarily at a much lower sum. I will respond to the gentleman by saying that those matters do not concern us at all. I know some of the great States of this Union do pay their governors only $1,000 a year, while some of the justices of the supreme courts in our States receive but from $3,000 to $3,500 a year. But that does not concern us. We are considering now a matter with which we have to deal and over which we have exclusive control.

I want to show that there is something more of responsibility attaching to these various offices than the gentleman from Indiana is disposed to admit. To-day there is a judgment, if it has not been revoked in the last few months, against the postmaster at New York and the late Postmaster-General, Mr. James, for about $70,000 because of the use in that office of a rubber stamp invented by a man named Campbell; and I venture to say that the gentleman from Indiana would not be willing to come in here and vote one dollar of the amount necessary to relieve his bondsmen in that case.

In that city, Mr. Chairman, the postmaster is required to give a bond of $1,000,000.

Mr. HOLMAN. Let me interrupt the gentleman to ask if that action was brought upon the bond of the postmaster or for a violation of the patent laws in the unauthorized use of a patented article?

Mr. MONEY. It was for the reason I have stated.

Mr. MORSE. Whatever it was, it was brought in the line of his duty.

Mr. HOLMAN. It was for the unauthorized use of a patent; and I venture to assert that no gentleman present will say that the postmaster of that city is ever expected to pay that judgment out of his own pocket.

Mr. MORSE. Then why do you not vote to strike out the bonds of the postmasters? It will make your own amendment more consistent.

Mr. MONEY. Whatever may be the ground of the judgment, it exists as I have said.

I will say, Mr. Chairman, that the Government does not require its officials to give bonds of $1,000,000 unless it means something. It makes no difference, as my friend says, whether a man gives a bond or not if he is honest. If he is honest the bond is a mere nominal thing. If a man has the character and capacity in the community in which he resides to enable him to raise a bond of $1,000,000 his services are certainly worth more than $4,000 a year.

Then there are seventeen postmasters affected by this clause. The revenue derived from these seventeen offices aggregates $14,500,000 annually. These seventeen postmasters are responsible for the collection and remittal to the Treasury of the United States of fourteen and one-half millions of dollars. The postmaster of the city of New York has under his control 1,500 clerks. It is the largest post-office in the world. It is a larger office than the Saint Martin's le Grand, in London. They handle 214 tons of mail matter on an average in New York every day; yet the compensation of the man in charge of all of this vast machinery is to be fixed by this bill at $4,000. The service is worth vastly more than you propose to pay for it. No man will question that fact.

Then, Mr. Chairman, we have a number of other postmasters throughout the country not doing quite so large a business as in New York but worthy of far greater salaries than you propose to fix here. Take the city of Philadelphia for instance; the business of that city amounted last year to $1,581,000.

[Here the hammer fell.]

Mr. WHITE, of Kentucky. If I can obtain the floor I will yield to the gentleman from Mississippi.

The CHAIRMAN. The Chair desires to state that the time allowed for debate has been exhausted upon this amendment.

Mr. DAVIS, of Illinois. I wish to ask a parliamentary question; if the amendment of the gentleman from Indiana is in order?

The CHAIRMAN. The Chair understands it to be in order as an amendment to the text of the bill. A vote would be first taken upon that proposition.

Mr. MONEY. I move to strike out the last word.

The CHAIRMAN. There are two amendments pending——

Mr. HOLMAN. I think the gentleman has a right to amend the amendment.

Mr. BINGHAM. The amendment of the gentleman from Indiana is not an amendment to the pending amendment, but to the text, as I understand it.

Mr. MONEY. I move to strike out the last word.

Mr. TOWNSHEND. Mr. Chairman, I must insist upon a strict construction of the rule.

Mr. MONEY. Have I the floor?

Mr. TOWNSHEND. I do not wish to make the point of order on the gentleman from Mississippi, but I give notice that I will hereafter.

Mr. MONEY. Does the gentleman make the point of order?

Mr. TOWNSHEND. Not at present.

Mr. MONEY. It is the present that I am dealing with; I do not care for the hereafter. [Laughter.]

Mr. TOWNSHEND. If the gentleman wishes it I shall make the point of order now.

Mr. MONEY. I am wholly indifferent to what the gentleman may do in the matter.

Mr. TOWNSHEND. Then I make the point of order that the amendment is not in order, as there are two pending.

Mr. HOLMAN. The gentleman from Mississippi has a right to move to amend my amendment to the text.

Mr. TOWNSHEND. The gentleman from Illinois has an amendment pending; then the gentleman from Indiana has made an amendment to the amendment. It is not in order now to entertain another.

Mr. BINGHAM. No; the gentleman from Indiana moves an amendment to the text, as I understand it.

Mr. TOWNSHEND. But that is the pending amendment.

The CHAIRMAN. The Chair thinks the gentleman from Mississippi is in order. The proposition of the gentleman from Indiana is to amend the text. The gentleman from Mississippi moves to strike out the last word of that amendment. The amendment proposed by the gentleman from Illinois, to strike out a part of the text, is in the nature of a substitute.

Mr. MONEY. I have not the slightest interest in any increase of salaries of postmasters, because there is scarcely a single office of the second class in my State. I live in an agricultural State. But I know the best way to get the best service is to pay a reasonable price for it.

Here is a list of officers in this city who are merely head clerks, who do merely routine business, and twenty-three of these gentlemen are paid as much as it is proposed to pay to the postmaster at Philadelphia, who handles in a year $1,580,000. There are gentlemen in this city receiving salaries of $8,000, of $6,000, of $5,000—half a dozen of them; others $4,500. Here is an opportunity for the exercise of economy. I do not say they are getting too much. But if the gentleman is to deal in comparisons he need not go out of the limits of this jurisdiction to hunt up the salaries of State officers. He can find them in this capital; officers who have to give no bonds, who have no responsibilities in the sense that these gentlemen have, who are the superiors of a number of subordinates and bureaus.

There is nothing in this amendment which is obnoxious to a sense of sound economy. We will be entirely in the line of the precedents which a Democratic House has established of safe and sound economy if we give these postmasters the salary they are entitled to by reason of the character of their services, the amount of the bonds they have to give, the volume of business they transact, and the degree of competency required for the right administration of their offices.

These gentlemen stand on their bonds and responsibility, and in my opinion it is an unwise reduction in their pay when we put it down to a figure at which no competent man can serve. You know the seductions of great corporations have withdrawn the best brains of this country from the public service. You have seen judges of United States circuit courts going down from the bench to become attorneys of railroads. You find those corporations are gradually withdrawing from the public service the men most fit to grapple with the great questions which come before us for elucidation. Why is it? Because you do not provide sufficient compensation to encourage the highest talent, ability, and reputation of the country to remain in the public service. I say we will be unfaithful to our trust if we trim down in this way the salaries at the nine important offices reduced by this bill.

Mr. BINGHAM. Nine only.

Mr. MONEY. I think seventeen; but I will say nine. I do not care about the number. The only desire I have is simply to present the facts to this committee, that it may act intelligently. I have no interest in this amendment. I care not whether you adopt it or not. But I say from my experience with this Department of the Government, from my information, which has become somewhat intimate in regard to it, that this is not a reduction which commends itself to the good sense of this House.

Mr. HOLMAN rose.

Mr. TOWNSHEND. I move that the committee rise for the purpose of limiting debate.

Mr. HOLMAN. I wish only a moment.

Mr. TOWNSHEND. Very well. I withdraw the motion for the present.

Mr. HOLMAN. I have listened now, I believe, to the first argument I have heard from this side of the House in favor of either of two things, extravagant salaries or that your Government shall compete with the railroad corporations in their corrupting tendencies. I have listened for the first time to an argument in favor of either of those propositions coming from this side of the House. If it is true that the Democratic element of this country is proposing to rival and imitate the other side in their extravagant views touching the administration of our affairs, then the days of this Republic are numbered. If there is any one quality necessary to preserve the very foundations on which our free institutions rest it is honesty in your Government; and you will not have integrity unless you have economy. The terms "honesty in government" and "economy in government" are in our Republic convertible terms. They mean exactly the same thing.

Why, sir, during the whole period of the war even the other side of the House, with your inflated currency, were willing to let these salaries stand at $4,000, with as high a responsibility attached to the offices for all practical purposes as now. And now in a Democratic House it is proposed that salaries increased beyond reasonable limits in the last Congress shall be ratified and confirmed.

We are told that this is following safe Democratic precedents. When has such a proposition, argued in the spirit in which this has been argued by my friend from Mississippi, been brought forward by any portion of the Democratic party either here or in the great States of this Union? I do say, sir, with that model of government furnished to you by your great States, which in the interest not only of public economy but of public integrity provide that their salaries shall be moderate and reasonable, and fix the salaries of governors of great States and of supreme judges of great States at from $3,500 to $4,000, Congress in going beyond this strikes a deadly blow at the purity and integrity of our public service. And all attempts at reform in that service will be found to be a delusion and a snare unless you strike at the real extravagance of the salaries paid by the Government in comparison with the salaries in private life.

Mr. BINGHAM. I desire to move an amendment.

Mr. TOWNSHEND. I move that the committee rise.

The motion was agreed to; there being—ayes 75, noes 63.

The committee accordingly rose; and Mr. REAGAN having taken the chair as Speaker *pro tempore*, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

Mr. TOWNSHEND. I move that the House now resolve itself into Committee of the Whole House on the state of the Union, and pending that I move that all debate on the pending paragraph and amendments thereto be limited to twenty minutes.

Mr. HORR. I am willing to compromise with the gentleman on forty minutes. This is a matter which affects nine large cities. I think my proposition is a fair one.

Mr. BINGHAM. There are only some six controverted points in this entire bill, and I think more time should be allowed for debate on this one, which is of some importance.

Mr. TOWNSHEND. Very well. In order to save the consumption of time in the discussion of the matter I am willing to concede thirty minutes, and will move that all debate upon the pending paragraph and all amendments thereto be limited to thirty minutes.

The motion to limit debate was agreed to.

The motion to go into Committee of the Whole was then agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the Post-Office appropriation bill. By order of the House all debate upon the pending paragraph and amendments thereto has been limited to thirty minutes.

Mr. POTTER. I agree generally with all that has been said or that can be said by the gentleman from Indiana [Mr. HOLMAN] in favor of honesty and economy in the public service. But the cutting down of salaries so as not to be able to secure the kind of talent and ability which is necessary in the office to which the salary relates is not economy, it is waste.

I have had some occasion to know what is the value of such services as are required in the post-office of the city of New York and what amount of compensation would be adequate to secure the talent and ability necessary in the administration of that great office. The salary list in that office alone exceeds $800,000 a year. The postmaster is supposed to administer the force of that office, to regulate the compensation and manner of employment of his subordinates, and to systematize the business of that entire office so as to economize and produce the best results in that branch of the public service. And I aver that that talent can not be secured for $4,000 a year, nor for $6,000 a year; and I do not believe that $8,000 a year is an adequate compensation for the services required in the management of that office.

Mr. HOLMAN. Will the gentleman permit me to ask him a question?

Mr. POTTER. Very well.

Mr. HOLMAN. Does the gentleman expect by an increase of the salary beyond $8,000 a year to secure a more competent man as postmaster of New York city than has heretofore occupied that office?

Mr. HORR. This bill cuts his salary down to $4,000.

Mr. COX, of New York. I understand the gentleman from Indiana [Mr. HOLMAN] proposes $8,000 for the salary of the postmaster of the city of New York.

Mr. HOLMAN. Just what was allowed at the last session.

Mr. POTTER. I do not understand whether the salary now proposed is $8,000 or $6,000.

Mr. HORR. The bill makes it $4,000. The amendment of the gentleman from Indiana [Mr. HOLMAN] restores it to the present sum, $8,000.

Mr. POTTER. I say that $8,000 a year is not an adequate salary for the responsibility and labor required in that great office; it ought to be more than $8,000. In reply to the gentleman's question whether we can secure an adequate degree of talent for $8,000 I reply no, and I speak with some knowledge on the subject.

Mr. HOLMAN. Will my friend allow me? Has not the business of these various offices, including that of New York city, been well administered heretofore, and will he get those offices better administered by an increase of the salaries?

Mr. POTTER. I know that some of the best men, those who have given the best service to the Government in the post-office at New York, have left the service and gone into private employment. And I wish to say——

Mr. HOLMAN. Now——

Mr. POTTER. I do not wish to be interrupted further until I get through. I wish to say that the business of this great nation is in large measure at stake upon the promptness and certainty and correctness with which the mails in that great center of commerce are handled. The kind of talent which can administer that office most effectually for the good of the country would command in one moment in any other honorable private employment in the city $10,000 a year and upward.

[Here the hammer fell.]

Mr. MORSE. I have had some experience regarding the postmasters in some of the large cities, particularly in Boston. I know that the commission of the postmaster in Boston recently expired, and on account of the small salary received and the large amount of bonds required there were not five applicants for that office. When my friend from Indiana [Mr. HOLMAN] says that the bonds are of no consequence, I simply wish to state to him—although it may not be exactly fair to my postmaster—that I have been asked to sign his bonds and have refused to do so from the experience I have had here of the responsibility of so doing.

Mr. DUNN. And yet you would give the same man a bigger salary?

Mr. MORSE. I would.

Mr. DUNN. You think that the higher the salary the more honest the man?

Mr. MORSE. I know that my experience has been that the best lawyer and the best doctor are those who command the best prices.

Mr. DUNN. Would you sign a bond for the same man if he had a bigger salary?

Mr. MORSE. I would most decidedly. A man who handles the property of the Government and turns into its Treasury $1,000,000 a year, and who signs bonds of $200,000 and gets a salary of only $6,000 a year, to cut down his salary to $4,000 a year is simply a farce. No man in private business would expect to obtain a man for that amount of labor and responsibility for any such sum of money as that.

Mr. HOLMAN. The remarks of the gentleman from Massachusetts [Mr. MORSE] while somewhat personal to myself are quite natural to a gentleman who hangs a little loosely on our side of the House.

Mr. MORSE. I do on that question, certainly.

Mr. HOLMAN. And generally he is quite mild upon any Democratic line of policy. When the question was put to him in the case he brought forward for illustration, whether or not he would have signed the bond if the salary had been greater than it was, his answer was fair and prompt. But that the character and conduct and integrity of a public officer shall be in any degree influenced by the question of the amount of his salary is marvelous, unaccountable.

Why, sir, my friend from New York can not say that the present incumbent of the office of postmaster in the city of New York will perform the duties of the office any better than his predecessors, who received a smaller salary. He will not say that the great post-offices of this country will be any better administered in consequence of giving larger salaries. When you pay $4,000 you have reached a large salary. Do gentlemen remember that the only effect of the increase of salaries is to impose heavier burdens upon that great body of our people whose individual incomes are but a few hundred dollars yearly?

Mr. ADAMS, of Illinois. Where does this money come from?

Mr. HOLMAN. It comes from the labor of our people.

Mr. ADAMS, of Illinois. Does it not come from those who pay the revenues of the Post-Office Department? Does it not come from these large cities?

Mr. HOLMAN. I answer the gentleman by saying that the taxation of our people, out of which you pay the salaries of your Government officials, comes from the labor of the people. It is dug from the mines; it is pounded into shape in your shops; it comes from labor. Yet gentlemen of this House, in order to pay handsome salaries, extravagant salaries, far beyond the compensation paid in private employments for corresponding service requiring corresponding integrity, are willing to tax the great body of the people whose earnings are but a few hundred dollars a year.

One word further. Just as you have increased salaries—for, mark you, during the whole war period you did not make this increase—just as you have increased salaries the want of integrity in the administration of your Government has begun to appear.

Mr. HORR (to Mr. HOLMAN). Why do you not move to cut down your salary?

Mr. HOLMAN. I am willing to do it—perfectly willing.

Mr. HORR. Well, why do you not do it?

Mr. HOLMAN. I have tried to do it more than once.

Mr. REAGAN. Mr. Chairman, as I understand the bill in the form recommended by the Committee on Appropriations is simply intended to restore the law to what it was before the act of the last Congress and to allow to postmasters generally in our large cities—making an exception perhaps in the case of New York and possibly one other city—a salary of $4,000. The objection is made that competent and responsible gentlemen can not perform the duties of postmasters in these cities for $4,000 a year. Mr. Chairman, the salaries of the governors of more than half the States of this Union do not exceed $4,000. Few of our State officials, whether governors, judges of supreme courts, or other officers, receive more than $4,000 a year.

Mr. HORR. Will the gentleman let me ask——

Mr. REAGAN. No, sir. When I have but five minutes I must decline to be interrupted. The gentleman makes it a rule to interrupt every one who speaks on this side of the House. I am trying in my five minutes to show why I propose to support the action of the Committee on Appropriations on this subject.

One of the evils of our time is imperialism. Everything tends in that direction. That which distinguishes the English Government in theory from ours is its policy of imperial salaries—the enriching of the office-holding class, who receive extravagant salaries, while those whose labor pays are depressed in poverty.

Here are members of this House called upon constantly to act on great questions affecting vital interests amounting to millions and hundreds of millions of dollars—men who in order to discharge their duties properly should devote to them a life of labor and preparation—and our salaries are limited to $5,000. Go to the Departments and you find that almost every head of a bureau must have at least $5,000. Every official under the Federal Government must have an extravagant salary. The tendency of this system is demoralizing, and it would seem that in proportion as salaries are high those who receive them are able to live without labor and employ others to do their work; for I believe under this Government there is generally one head man who has a clerk who gives directions to a man under him, who does the work. Thus it takes three officers generally to do the work of one, and the one who does nothing must have an extraordinary salary for doing nothing.

[Here the hammer fell.]

Mr. BINGHAM. With reference to the remarks of the gentleman from Indiana [Mr. HOLMAN] on the subject of the obligation of a postmaster upon his bond, I wish to say that it was my honor to be for six years postmaster at the city of Philadelphia. I gave bond in $300,000, and during that time three defalcations occurred in the office.

Mr. HORR. By subordinates?

Mr. BINGHAM. Yes; by my subordinates. I was able from the bondsman of one to obtain the amount of the defalcation, but for the other two defalcations I had to go to my own pocket to pay them into the Treasury of the United States. That same obligation exists to-day, and that is the reason why for the large amount of moneys handled the Government requires a large bond from the postmaster.

Another point. The gentleman from Indiana [Mr. HOLMAN] has lectured the House upon our duty as to economy. He comes in with this bill and proposes to save on postmasters' salaries in nine cities $17,000, but knowing the intelligence, independence, and knowledge of business performed in New York city on the part of its Representatives, and the one before me especially, knowing he could not carry his side of the House if he proposed to cut down the compensation of the postmaster of that city annually to $4,000, instead of saving $17,000 on this bill, he gives to the New York postmaster the old salary of $8,000 and then comes in with a new proposition to strike down the salaries of the other eight postmasters of the great cities of the country, reducing their compensation to the extent of $13,000. Let me say you have just voted $10,500,000 for the payment of the salaries of the postmasters of the country. The nine post-offices do 27.3 per cent. of your entire business, and the salaries paid these men under the present law is $53,000. They do 27 per cent. of your entire business, and yet their compensation is only $53,000, while for the other 73 per cent. of the business your postmasters' salaries amount to something over $10,450,000. And what do these officers do? They handle $12,300,000 of your $47,009,000.

In the money-order business alone they handle $41,000,000 of the $125,000,000.

As the chairman of the Committee on the Post-Office and Post-Roads at the last session of Congress I reported the bill which was then passed increasing the compensation of the postmasters of the country, and although the gentleman from Indiana [Mr. HOLMAN] strenuously opposed the bill, it nevertheless had the support of many gentlemen on the other side of the House. It had the support generally in the House of intelligent members and those disposed to do what was right toward these faithful officers of the Government. Only eleven members voted against it.

I wish to say that in 1864 we increased the compensation of the postmaster of the city of New York from $4,000 to $6,000 a year, at which rate of salary that office remained until 1875, when, in consideration of the growth of the postal business in that city and the largely increased responsibility imposed upon the postmaster, Congress then increased the salary from $6,000 to $8,000 a year. The postal business in almost every one of the eight great cities has increased until it is in fact equal to what it was in New York in 1864 when the salary of the postmaster of that city was increased from $4,000 to $6,000. If it were right in 1864 to increase the compensation of the postmaster of New York to $6,000 and in 1875 to $8,000 because of the increase of the postal business in that city, then by parity of reasoning it is only just and right on the part of this House, in view of the work done, in view of the bonded obligation imposed upon the postmasters, in view of the responsibility, and in view of the fact that one-fourth of the revenue of the Post-Office Department comes from those cities, to pay their postmasters compensation to the amount of $53,000.

[Here the hammer fell.]

Mr. TOWNSHEND. Mr. Chairman, I wish the House to understand the real question now pending before I make any general remarks. The gentleman from Illinois [Mr. DAVIS] moves to strike out the paragraph so far as it places a limitation upon the salaries of postmasters, while the gentleman from Indiana [Mr. HOLMAN] moves an amendment to the text excepting from the operation of the paragraph the city of New York, and fixing the salary of the postmaster at New York city at $8,000 a year. If the committee shall sustain that amendment to the paragraph in the bill it will leave the law where it was before the act of the last session of Congress was passed. If, on the contrary, the paragraph in the bill is thrown out, it will open the door to the payment of large and exorbitant salaries to these postmasters.

Mr. BINGHAM. Only $53,000.

Mr. TOWNSHEND. Now, I do not believe, Mr. Chairman, we can get any better talent or any better service from the average member of Congress to-day than we got fifty years ago, when Clay and Webster were members here. I do not believe you get any better intelligence or any better service to-day in any of the Executive Departments of the Government than we had occupying those offices some years ago. And for one I am opposed to the payment of exorbitant salaries to the office-holders under this Government. When we pay salaries to Government office-holders so much larger than are paid elsewhere for the same character of service it inevitably leads to the establishment in our midst of an aristocratic class, and against the establishment in this republican form of government of any such class those who framed our Constitution made every provision within their power. Benjamin Franklin, the great philosopher and statesman, saw the danger which would arise from the payment of high salaries, and I will read a word or two from what he said in the debates in the Federal convention of 1787:

> Besides these evils, sir, though we may set out in the beginning with moderate salaries, we shall find that such will not be of long continuance. Reasons will never be wanting for proposed augmentations. * * * Hence, as all history informs us, there has been in every state and kingdom a constant kind of warfare between the governing and governed, the one striving to obtain more for its support and the other to pay less. * * * Generally, indeed, the ruling power carries its point, the revenues of princes constantly increasing; and we see that they are never satisfied, but always in want of more. The more the people are discontented with the oppression of taxes the greater need the prince has of money to distribute among his partisans and the troops that are to suppress all resistance and enable him to plunder at pleasure. There is scarce a king in a hundred who would not if he could follow the example of Pharaoh, get first all the people's money, then all their lands, and then make them and their children servants forever. It will be said that we do not propose to establish kings. I know it; but there is a natural inclination in mankind to kingly government. It sometimes relieves them from aristocratic domination. They had rather have one tyrant than five hundred. It gives more of the equality among citizens, and that they like. I am apprehensive therefore, perhaps too apprehensive, that the government of these States may in future times end in a monarchy. But this catastrophe I think may be long delayed, if in our proposed system we do not sow the seeds of contention, faction, and tumult by making our posts of honor places of profit. If we do, I fear that, though we do employ at first a number, and not a single person, the number will in time be set aside; it will only nourish the fœtus of a king, as the honorable gentleman from Virginia very aptly expressed it, and a king will the sooner be set over us.

Benjamin Franklin, sir, foresaw just what is transpiring here to-day. Excuses are constantly being brought up for an increase of the salaries of governmental officers. Until the last Congress no postmaster in the Union received a higher salary than $4,000, except in the city of New York, where special reasons existed for a larger sum.

Why gentlemen want to measure the salary by the amount of money disbursed or the responsibilities belonging to the business. Do they think that the duties of the postmasters at Chicago, or at Boston or Philadelphia, or New York are equal to the responsibilities resting upon the Postmaster-General? His salary is limited to $8,000. Take the subtreasury agents in the different cities, in Saint Louis, Chicago, Philadelphia, or Boston. They have under their control, in many instances, at least ten times the amount of public money that is disbursed by the postmasters. I do not know the amount of the bond that they give, but doubtless it is much larger than any of the postmasters in the Union. You can not measure, therefore, the salary by the amount of money that is disbursed.

[Here the hammer fell.]

Mr. HORR. Mr. Chairman, before the committee is called to vote upon the pending amendments I wish to say but a single word, so that the matter may stand squarely before us.

The gentleman from Illinois moves to strike out the clause, which will leave the salaries of postmasters as they are now; that is to say, New York at $8,000, the other seven large cities at $6,000, and Washington at $5,000. The gentleman from Indiana [Mr. HOLMAN] moves to amend the amendment of the gentleman from Illinois and leave New York city at its old figure, $8,000, but he leaves the other eight large cities as they are in the bill; that is to say, at $4,000 each. Now, why the gentleman from Indiana should be partial to the city of New York is a mystery to me, except upon one ground. Why is he doing this for New York?

Mr. HOLMAN. Am I doing so in restoring the old law of the last session?

Mr. HORR. I can see but one reason for this outburst of generosity toward New York, and that is that New York city is the home of the New York Sun, which has just published his picture for the country. [Laughter.] Otherwise, I do not see why he would come before the House with an amendment undertaking to legislate in favor of New York and against the other great cities of this country.

Now, what is his proposition? If the gentleman from Indiana will say that that is his object, he has my hearty sympathy from this time on. But I wish the members of this committee to understand that here is an attempt to cut down the salaries of the postmasters at nine of the great cities, where we collect one-quarter of the postal revenues of the United States. It is not claimed that these men do not earn their salaries. I say they are worthy of what the old law gives to them. I differ with my friend from Illinois [Mr. TOWNSHEND]. I believe the salaries of Congressmen are none too high at the present time. I try to earn my money. I can readily see, however, how a man who has a feeling of depreciation about what he is doing might feel as he does. [Laughter.] But if a man is conscious of doing his duty he ought to be conscious that he is earning the amount of the salary he receives.

The CHAIRMAN. The time allowed for debate has expired. The question will now be taken upon the amendment proposed to the text of the bill by the gentleman from Indiana [Mr. HOLMAN].

Mr. BINGHAM. That was not an amendment proposed by the gentleman from Indiana. He simply suggested it to perfect the bill. The only amendment to the bill is that of the gentleman from Illinois.

The CHAIRMAN. The gentleman from Indiana attempts to perfect the bill by an amendment.

Mr. HORR. I submit that the vote should be first taken upon the resolution of the gentleman from Illinois.

The CHAIRMAN. The Chair thinks otherwise.

Mr. TOWNSHEND. I submit that it is the right of the gentleman from Indiana to amend the text first, and that his amendment is first in order.

Mr. HORR. I insist that the motion of the gentleman from Indiana is not to perfect the bill. If it was I would yield to him at once.

The CHAIRMAN. The Chair thinks otherwise.

The Clerk will report the amendment proposed by the gentleman from Indiana.

The Clerk read as follows:

> At the end of line 25 add the following:
> "Except the salary of the postmaster of the city of New York, which shall be $8,000 per annum."

Mr. BINGHAM. I rise to a question of order. Can a gentleman without the authority of the committee perfect this bill?

The CHAIRMAN. This is no question about an attempt on the part of any gentleman to perfect the bill. It is a question to be submitted to the committee.

The committee divided; and there were—ayes 53, noes 94.

Mr. HOLMAN. I believe there is no quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. HOLMAN and Mr. HORR were appointed tellers.

The committee again divided; and the tellers reported—ayes 50, noes 112.

So the amendment of Mr. HOLMAN was not agreed to.

Mr. HEWITT, of Alabama. I move a further amendment by inserting $6,000 instead of $8,000; the same amendment proposed by the gentleman from Indiana with the exception of the amount.

The CHAIRMAN. That motion is in order. The Clerk will report the proposed amendment.

The Clerk read as follows:

Except the salary of the postmaster at the city of New York, which shall be $6,000 per annum.

The committee divided; and there were—ayes 38, noes 101.

So the amendment was not agreed to.

The CHAIRMAN. The question is now on the amendment of the gentleman from Illinois [Mr. DAVIS], which the Clerk will report.

The Clerk read as follows:

Strike out all of the paragraph after the word "dollars," in line 22, namely, these words: "And no salary of any postmaster under the act entitled 'An act to adjust the salaries of postmasters,' approved March 3, 1883, shall exceed the sum of $4,000 per annum."

The question being taken on agreeing to the amendment, there were—ayes 106, noes 32.

Mr. HOLMAN. No quorum.

Mr. HORR. I hope the gentleman will not insist upon the point as to a quorum. It only takes time to have a vote by tellers.

Mr. HOLMAN. I must insist upon a quorum. This amendment takes an important feature out of this bill.

Mr. DAVIS, of Illinois. It takes no feature out of the bill that ought to be preserved. It only leaves the law as it is.

The CHAIRMAN. The point being made that a quorum has not voted, the Chair will order tellers, and appoint the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Michigan [Mr. HORR].

The committee again divided; and the tellers reported—ayes 117, noes 45.

So the amendment was agreed to.

Mr. TOWNSHEND. I give notice that in the House I will demand the yeas and nays on that amendment.

Mr. DAVIS, of Illinois. I trust you will.

The Clerk read the following paragraph:

For compensation to clerks in post-offices, $4,775,000.

Mr. HORR. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 27 strike out "$4,775,000" and insert "$4,900,000;" so that it will read: "For compensation to clerks in post-offices, $4,900,000."

Mr. HORR. In offering this amendment I wish to say to the committee that this item varies from the last one in this respect, that if you fail to appropriate the money required we fail to get the service. The Post-Office Department get clerks where they are needed only in case that money is furnished to pay them with.

My friend from Illinois [Mr. TOWNSHEND] who has charge of this bill has been very careful to state to this House that his bill appropriates more than the committee of the last Congress appropriated. Now, right here I wish to say to this committee that I do not believe that is a basis on which we can figure at all. Whether some committee of some other Congress did right or wrong is no reason why we in this Congress should not do right. But in this instance, notwithstanding the immense increase in the demand for this branch of the public service, my friend from Illinois will notice that he has not given one shilling in excess of last year's appropriation. And yet the Postmaster-General will tell you, if you will inquire, that there will not be a dollar of last year's appropriation left at the end of the year. I showed on Saturday that there were already on file in the Departments 2,604 applications for increase of this service.

What is this service? It is to give clerks to men who live at the distributing points on the various railroads and at points where the mail diverges and is separated, so that the postmasters who receive small salaries at those points can do that distributing. Many of them are at places where the offices bring in no revenue.

Now, there were over 9,000 miles of new road built last year. Many clerks are needed for new places on these lines. Is there a member in this committee who has not somewhere in his district an office that needs an extra clerk? I doubt if there is a man west of the Alleghanies or south of the Ohio River who has not a demand for extra service of this kind in his district. This bill does not appropriate one shilling for next year's increase and growth; and if you refuse to give it you take it out of the service. It can not be thrown into a deficiency bill, as the former item could be. You cripple the service if you do not make the appropriation.

[Here the hammer fell.]

Mr. HORR. I do not desire to occupy more time, and I think the committee should give this extra $125,000 without debate.

Mr. WHITE, of Kentucky. I heartily concur in what the gentleman from Michigan [Mr. HORR] has just said. In place of having this item $4,775,000 it should be at least $6,000,000. The poorest paid men in the service of the United States are the fourth-class postmasters, to whom so small an allowance is made for clerk-hire. I have made some inquiry concerning this, and the facts are simply startling. There are in the United States 45,956 fourth-class post-offices, and the average pay is $169.64. There are in the United States out of that entire number of fourth-class postmasters but 927 that receive any allowance for clerk-hire. To those that do receive an allowance the average is $244.32 per office. Now, sir, it strikes me that that is the place for us to make some improvement in the service. Is it any wonder that the fourth-class postmasters have no furniture sufficient to protect the mails? Is it any wonder when you step into the fourth-class post-offices to see such a laxity in the discharge of the duties imposed upon the postmasters by the Government? Do you not know that nearly all these postmasters may be called upon by the Pension Office to give important information to the Pension Bureau in regard to the credibility of witnesses? Do you not know that these men handle registered packages? It strikes me, sir, that this state of affairs should not be allowed to continue while we have so much money in our Treasury. I am not one of those like the gentleman from Colorado who want to throw it out any way so that you get it out. I am not one of those who can say with him that because the Democratic party refused to consider the whisky bill the other day therefore you put seventy millions more in the Treasury and therefore ought to be condemned for it. I am aware of the fact that we have fifteen hundred millions of debt.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CUTCHEON was recognized.

Mr. WHITE, of Kentucky. May I ask the gentleman to yield to me?

Mr. CUTCHEON. I yield to the gentleman.

Mr. WHITE, of Kentucky. I am not one of those that are afraid of having too much money in the Treasury. Notwithstanding the character given to the gentleman from Colorado by my colleague from Kentucky [Mr. WILLIS] with regard to his willingness to vote for the whisky proposition, I say all honor was due to those of the Democratic party who refused to consider that whisky bill. But, sir, when it is a fact we have $150,000,000 in the Treasury, when it is a fact we have money coming in more rapidly than our bonds are falling due, it does seem to me that we ought to pay men for their services when it is established that they performed the service.

We ought to make in this bill a sufficient appropriation to enable the Post-Office Department to give an allowance for clerk-hire to every distributing office. There are 1,028 post-offices located at county seats where there is no allowance whatever for clerk-hire to aid in distributing the mails. There are hundreds of post-offices on railroads where the canceled stamps amount to practically very little, and yet the work imposed upon the postmasters is more than that performed by any page on this floor or any messenger in our corridors, and more, perhaps, than that performed by half the clerks in the Departments, whose salaries do not exceed $1,000 a year. It seems to me that is a shame, a crying evil, and something ought to be done to do justice and equity to these hard-worked and inadequately paid fourth-classed postmasters. I thank the gentleman from Michigan [Mr. CUTCHEON] for his courtesy for yielding to me.

Mr. CUTCHEON. Mr. Chairman——

Mr. TOWNSHEND. I move that the committee now rise for the purpose of limiting debate.

Mr. HORR. Oh, no; do not do that. Let us have a little debate on this paragraph.

The question was taken on the motion of Mr. TOWNSHEND; and upon a division there were—ayes 52, noes 58.

Mr. TOWNSHEND. No quorum has voted.

The CHAIRMAN. It does not require a quorum to determine the motion that the committee rise.

Mr. TOWNSHEND. Then I call for tellers.

Tellers were ordered; and Mr. TOWNSHEND and Mr. HORR were appointed.

The committee again divided; and the tellers reported that there were—ayes 95, noes 68.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

Mr. TOWNSHEND. I move that the House again resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering the Post-Office appropriation bill. Pending that motion, I move that all debate upon the pending paragraph and amendments thereto be limited to ten minutes.

Mr. HORR. I hope the gentleman will not do that. The pending paragraph is one of the most important in the bill, and goes to the efficiency of the entire service. There has been but a few minutes of time consumed in debating it.

Mr. HISCOCK. Make it thirty minutes.

Mr. TOWNSHEND. The gentleman from New York [Mr. HISCOCK] suggests thirty minutes. I will agree to that.

Mr. HORR. I move to make it forty-five minutes.

Mr. TOWNSHEND. Then I insist upon my original motion.

Mr. HORR. I hope there will be no feeling about this matter.

Mr. TOWNSHEND. I will agree to the suggestion of the gentleman from New York [Mr. HISCOCK], and move to limit debate to thirty minutes.

Mr. BINGHAM. Make it thirty minutes on either side.

Mr. HORR. I move to amend so as to give forty minutes for debate.

Mr. BISBEE. I move to amend so as to make it one hour.

The SPEAKER. One amendment at a time. The gentleman from Illinois [Mr. TOWNSHEND] moves to limit debate to thirty minutes and the gentleman from Michigan [Mr. HORR] moves to amend so as to make it forty minutes.

The question was taken upon the amendment; and it was not agreed to.

The SPEAKER. The question recurs upon the motion to limit debate to thirty minutes.

Mr. HORR. I move to make it one hour.

Mr. BISBEE. That is right.

The House divided; and there were—ayes 66, noes 78.

Before the result of the vote was announced,

Mr. HORR called for tellers.

The SPEAKER. No quorum having voted, the Chair will order tellers, and appoint Mr. HORR, of Michigan, and Mr. TOWNSHEND, of Illinois, to act as tellers.

The House again divided; and the tellers reported that there were—ayes 43, noes 121.

So the amendment was not agreed to.

The SPEAKER. The question recurs upon the motion of the gentleman from Illinois [Mr. TOWNSHEND] to limit debate to thirty minutes.

Mr. HORR. I move to amend so as to make it fifty minutes.

The question was taken; and upon a division there were—ayes 63, noes 76.

Before the result of the vote was announced,

Mr. HORR said: Of course we are entitled to tellers, no quorum having voted. But I submit to the gentleman from Illinois that inasmuch as there has not been twenty minutes of time expended in debate on this paragraph my request for forty minutes is modest.

Mr. TOWNSHEND. In reply to the gentleman I will say that his side of the House has occupied fifteen minutes and this side has not occupied one minute. I am perfectly willing to give thirty minutes, at the suggestion of the gentleman from New York [Mr. HISCOCK], and that it be equally divided between the two sides of the House. That will give the other side one-half hour of the debate and this side only fifteen minutes.

Mr. HISCOCK. I suggest to the gentleman to make it forty minutes.

Mr. TOWNSHEND. I insist upon my motion.

The SPEAKER. No quorum having voted on the amendment of the gentleman from Michigan [Mr. HORR] the Chair will order tellers, and appoint Mr. HORR, of Michigan, and Mr. TOWNSHEND, of Illinois.

The tellers took their places and began the count, during which,

Mr. O'NEILL, of Missouri, said: I move that there be a call of the House.

The SPEAKER. The House is now dividing and the tellers have not reported.

The tellers resumed and concluded the count; and reported that there were—ayes 15, noes 133.

Mr. VALENTINE. No quorum has voted.

Mr. TURNER, of Kentucky. I move that there be a call of the House.

Mr. VALENTINE. That is right.

Mr. TURNER, of Kentucky. It is now but 3 o'clock, and gentlemen ought to be here and attend to public business.

The question was taken; and a call of the House was ordered.

The Clerk called the roll, and the following members failed to answer to their names:

Anderson,	Dowd,	Jones, J. T.	Skinner, T. G.
Bayne,	Dunham,	Jordan,	Smith,
Beach,	Ellis,	Kean,	Springer,
Belford,	Fiedler,	Kelley,	Stephenson,
Blackburn,	Finerty,	Kellogg,	Stewart, Charles
Bland,	Graves,	Laird,	Stockslager,
Brainerd,	Green,	Muldrow,	Struble,
Candler,	Hanback,	Mutchler,	Taylor, E. B.
Cannon,	Hatch, H. H.	Paige,	Tucker,
Cassidy,	Haynes,	Peelle, S. J.	Washburn,
Chace,	Hemphill,	Peters,	Wilkins,
Covington,	Holton,	Pettibone,	Wise, G. D.
Cox, S. S.	Houk,	Phelps,	Worthington,
Culbertson, W. W.	Hurd,	Randall,	
Davis, L. H.	Hutchins,	Russell,	

The SPEAKER. The doors will now be closed.

Mr. MORRILL. I ask that my colleague, Mr. PETERS, be excused. He is detained at his boarding-house by the serious illness of his son, who is sick with diphtheria.

Mr. TOWNSHEND. I demand the regular order.

The SPEAKER. This is the regular order. It is in order now to offer excuses for members who are absent. The gentleman from Kansas [Mr. MORRILL] asks that his colleague, Mr. PETERS, be excused from attendance at the session to-day on account of sickness in his family.

Mr. VALENTINE. The gentleman from Kansas [Mr. PETERS] was excused by order of the House this morning.

The SPEAKER. The Chair thinks the gentleman from Kansas was granted leave of absence this morning.

Mr. VALENTINE. Yes, sir; for the reason just stated by his colleague.

Mr. TALBOTT. I ask that my colleague, Mr. COVINGTON, be excused on account of sickness in his family.

There being no objection, Mr. COVINGTON was excused.

Mr. EVINS, of South Carolina. I desire to state that my colleague, Mr. HEMPHILL, is absent by leave of the House.

The SPEAKER. The records of the House will show that.

Mr. TOWNSHEND. I move that further proceedings under the call be dispensed with.

The motion was agreed to; there being on a division—ayes 93, noes 59.

Mr. TOWNSHEND. I wish to make a parliamentary inquiry. I desire to know, Mr. Speaker, what is the question now before the House.

The SPEAKER. The question is now upon the amendment of the gentleman from Michigan [Mr. HORR] to limit debate in Committee of the Whole on the pending paragraph of the Post-Office appropriation bill and all amendments thereto to fifty minutes.

Mr. TOWNSHEND. On that question I call for the yeas and nays.

Mr. HORR. I ask unanimous consent to make a statement, which will occupy but a moment. [Cries of "Objection!" and "Regular order."]

The SPEAKER. The regular order is demanded. The question is upon ordering the yeas and nays on the amendment of the gentleman from Michigan.

The yeas and nays were ordered.

Mr. REED. I suggest to gentlemen on the other side that by granting forty-five minutes [cries of "Regular order!"] they might save a great deal of time.

The SPEAKER. The clerk will call the roll.

The question was taken; and there were—yeas 41, nays 154, not voting 125; as follows:

YEAS—41.

Browne, T. M.	Hiscock,	Long,	Skinner, C. R.
Brown, W. W.	Hitt,	Lyman,	Steele,
Burleigh,	Horr,	McComas,	Strait,
Cullen,	Howey,	McCormick,	Tillman,
Cutcheon,	James,	Millard,	Wadsworth,
Dargan,	Jeffords,	Nutting,	Wakefield,
Dingley,	Johnson,	Payson,	Weaver,
Everhart,	Kasson,	Pettibone,	Wilson, James.
Guenther,	Kean,	Phelps,	
Harmer,	Lacey,	Potter,	
Hatch, H. H.	Lawrence,	Ryan,	

NAYS—154.

Adams, J. J.	Dorsheimer,	Lanham,	Rosecrans,
Aiken,	Duncan,	Le Fevre,	Scales,
Alexander,	Dunn,	Lewis,	Seney,
Arnot,	Eaton,	Lore,	Seymour,
Bagley,	Eldredge,	Lovering,	Shaw,
Ballentine,	Elliott,	Lowry	Shelley,
Barbour,	Ermentrout,	McAdoo,	Singleton,
Barksdale,	Evins, J. H.	McMillin,	Slocum,
Belmont,	Ferrell,	Matson,	Spriggs,
Bennett,	Findlay,	Maybury,	Stevens,
Blanchard,	Follett,	Mayo,	Storm,
Blount,	Foran,	Miller, J. F.	Sumner, C. A.
Boyle,	Forney,	Mills,	Sumner, D. H.
Breckinridge,	Fyan,	Mitchell,	Talbott,
Broadhead,	Geddes,	Money,	Taylor, J. M.
Buchanan,	Gibson,	Morgan,	Thompson,
Buckner,	Glascock,	Morrison,	Throckmorton,
Budd,	Graves,	Moulton,	Tully,
Burnes,	Green,	Muldrow,	Turner, H. G.
Cabell,	Greenleaf,	Muller,	Turner, Oscar
Caldwell,	Halsell,	Murphy,	Vance,
Campbell, Felix	Hammond,	Murray,	Van Eaton,
Carleton,	Hardeman,	Mutchler,	Warner, A. J.
Clay,	Hardy,	Neece,	Warner, Richard
Clements,	Hatch, W. H.	Oates,	Wellborn,
Cobb,	Hewitt, A. S.	O'Neill, J. J.	Weller,
Collins,	Hewitt, G. W.	Patton,	Wemple,
Connolly,	Hill,	Pierce,	Williams,
Converse,	Hoblitzell,	Peel, S. W.	Willis,
Cook,	Holman,	Post,	Wilson, W. L.
Cosgrove,	Hopkins,	Pryor,	Winans, E. B.
Cox, W. R.	Houseman,	Pusey,	Winans, John
Crisp,	Hunt,	Reagan,	Wolford,
Culberson, D. B.	Jones, B. W.	Reese,	Wood,
Curtin,	Jones, J. H.	Riggs,	Woodward,
Davidson,	Jones, J. K.	Robertson,	Yaple,
Dibble,	King,	Robinson, W. E.	York.
Dibrell,	Kleiner,	Rogers, J. H.	
Dockery,	Lamb,	Rogers, W. F.	

NOT VOTING—125.

Adams, G. E.	Calkins,	Evans, I. N.	Houk,
Anderson,	Campbell, J. M.	Fiedler,	Hurd,
Atkinson,	Candler,	Finerty,	Hutchins,
Barr,	Cannon,	George,	Jones, J. T.
Bayne,	Cassidy,	Goff,	Jordan,
Beach,	Chace,	Hanback,	Keifer,
Belford,	Clardy,	Hancock,	Kelley,
Bingham,	Covington,	Hart,	Kellogg,
Bisbee,	Cox, S. S.	Haynes,	Ketcham,
Blackburn,	Culbertson, W. W.	Hemphill,	Laird,
Bland,	Davis, G. R.	Henderson, D. B.	Libbey,
Boutelle,	Davis, L. H.	Henderson, T. J.	McCoid,
Bowen,	Davis, R. T.	Henley,	McKinley,
Brainerd,	Deuster,	Hepburn,	Miller, S. H.
Breitung,	Dowd,	Herbert,	Milliken,
Brewer, F. B.	Dunham,	Holmes,	Morey,
Brewer, J. H.	Ellis,	Holton,	Morrill,
Brumm,	Ellwood,	Hooper,	Morse,

Nelson,	Rankin,	Springer,	Wait,
Nicholls,	Ranney,	Stephenson,	Ward,
Ochiltree,	Ray, G. W.	Stewart, Charles	Washburn,
O'Hara,	Ray, Ossian	Stewart, J. W.	White, J. D.
O'Neill, Charles	Reed,	Stockslager,	White, Milo
Paige,	Rice,	Stone,	Whiting.
Parker,	Robinson, J. S.	Struble,	Wilkins,
Payne,	Rockwell,	Taylor, E. B.	Wise, G. D.
Peelle, S. J.	Rowell,	Taylor, J. D.	Wise, J. S.
Perkins,	Russell,	Thomas,	Worthington,
Peters,	Skinner, T. G.	Townshend,	Young.
Poland,	Smith,	Tucker,	
Price,	Snyder,	Valentine,	
Randall,	Spooner,	Van Alstyne,	

So Mr. HORR'S amendment was rejected.

During the roll-call,

Mr. YORK moved to dispense with the reading of the names.

Mr. WELLER objected.

The following pairs were announced from the Clerk's desk:

Mr. WILKINS with Mr. EZRA B. TAYLOR, for to-day.

Mr. HOUK with Mr. ROBERTSON, of Kentucky, on all political questions, for to-day.

Mr. ANDERSON with Mr. COVINGTON, on all political questions, for to-day.

Mr. NICHOLLS with Mr. CHACE, until further notice.

Mr. GOFF with Mr. SNYDER, on all political questions, until further notice.

Mr. BAYNE with Mr. CLARDY, until further notice.

Mr. MORGAN with Mr. MORRILL, until further notice.

Mr. PAIGE with Mr. HATCH, of Michigan, until further notice.

Mr. HAYNES with Mr. GRAVES, until further notice.

Mr. PEELLE, of Indiana, with Mr. STOCKSLAGER, until further notice.

Mr. CANNON with Mr. MUTCHLER, until further notice.

Mr. TOWNSHEND with Mr. WASHBURN.

Mr. HEMPHILL with Mr. RUSSELL, until the 13th instant.

Mr. KETCHAM with Mr. HUTCHINS, until the 13th instant.

Mr. JORDAN with Mr. STRUBLE, for three days from the 10th instant.

Mr. ELLIS with Mr. KELLOGG, for ten days from March 3.

Mr. SKINNER, of New York, with Mr. SKINNER, of North Carolina, until March 30.

Mr. HENDERSON, of Illinois, with Mr. SPRINGER, on all political questions, until Friday, March 14.

Mr. BURLEIGH with Mr. BEACH, until Thursday next.

Mr. TOWNSHEND. I am paired with the gentleman from Minnesota [Mr. WASHBURN], not to break a quorum. I believe there is a quorum voting, and I withdraw my vote.

The vote was then announced as above recorded.

Mr. HORR. I should like to make a statement, if gentlemen will permit.

Mr. TOWNSHEND. I hope that will be done.

The SPEAKER. The Chair hears no objection.

Mr. HORR. I do not wish to be put in a false position before this House. I do not think gentlemen on the other side of the House understand the negotiations which had taken place between the gentleman from Illinois [Mr. TOWNSHEND] and myself or they would not have any feeling in this matter. I have not any at the present time. I think the gentleman from Illinois will bear witness, and I know the House will, that I have made no attempt at any time to prolong this debate unreasonably.

There had been a twenty-minute debate on this important amendment when the gentleman from Illinois [Mr. TOWNSHEND] said to me, "I am going to move that the committee rise." I know the gentleman will correct me if I am at fault in my memory. He asked, "How much time do you want?" I told him there were eight or nine men on our side who wished to speak, and I wanted at least forty minutes, which would make it an hour and a quarter. He replied, "I can not give it." Then I said, "Make it an hour and I will try to shut some of our men out." The gentleman was then called away, and we had no chance to negotiate further. He rose upon the floor and moved the debate be limited to ten minutes. I suggested to him to make it forty minutes, whereupon my friend from New York, not in a voice for the reporters to hear, but in *sotto voce*, said to the gentleman from Illinois, "Make it thirty minutes." The gentleman from New York knew nothing of the circumstances under which I was situated, and while I was asking for this small matter of ten minutes the gentleman from Illinois at once took advantage of the statement of my friend from New York and insisted on thirty minutes. I merely asked for forty minutes, one-half of what our people thought they ought to have.

I say to the majority of this House I had no idea of getting up any feeling of the kind. If the gentleman from Illinois and myself had been allowed to arrange this matter there would not have been one moment of delay.

Mr. TOWNSHEND. Now, Mr. Speaker, if the gentleman from Michigan is through, I desire to state that twenty minutes' debate had been consumed upon this amendment by the opposite side of the House before I made the motion that the committee rise.

Mr. VALENTINE. I think the gentleman is in error about that.

Mr. TOWNSHEND. I think not. Certainly fifteen minutes had been consumed.

Mr. VALENTINE. Only twelve.

Mr. TOWNSHEND. Fifteen minutes, I am sure. I will ask the Chair if I am not correct?

The SPEAKER. The present occupant of the chair was not in the House at that time.

Mr. VALENTINE. The Chair had recognized the gentleman from Michigan for five minutes.

Mr. TOWNSHEND. We will not contend about that, however. The time is not material, whether fifteen or twenty minutes. All the time had been occupied by that side.

Mr. COSGROVE. I think we had better have the regular order.

Mr. TOWNSHEND. I do not think it would be entirely fair to demand the regular order until this matter is clearly understood.

Mr. COSGROVE. We have already spent a great deal of time on this question. Let us dispose of it now. However, I will withdraw the demand for the present.

Mr. TOWNSHEND. After the entire time had been occupied by the opposite side of the House I went to the gentleman from Michigan and told him that it was my desire to move that the committee rise for the purpose of limiting debate, as it seemed there were still a number of gentlemen on that side who desired to be heard. We endeavored then to arrange the time. The gentleman has correctly stated the transaction between us. We were unable to agree upon the time. I consulted with some of my friends on this side and they were of the same opinion as myself, that the debate should be closed in ten minutes; that there had been enough of debate on this item. My proposition, therefore, was to close the debate in ten minutes, one-half to be given to gentlemen upon the other side, which would have allowed them five minutes more, notwithstanding the fact that they had occupied all of the time previously in the discussion. Just as I was making the suggestion to the gentleman from Michigan the gentleman from New York [Mr. HISCOCK], who was the chairman of the Committee on Appropriations in the last Congress, a gentleman who I apprehend is as familiar with this bill as almost any member on that side of the House, suggested to me that we allow thirty minutes. I at once accepted his suggestion, being unable to agree with my friend from Michigan. I believe debate enough has already occurred on the amendment. Every gentleman who spoke upon both sides of the House discussed this very item of the bill; and it strikes me that having consumed already some fifteen or twenty minutes, the fifteen minutes additional I now propose is all that can be reasonably requested.

Mr. HOLMAN. The gentleman overlooks the fact, too, that it has been debated for two or three days in general discussion.

Mr. TOWNSHEND. I now demand the previous question.

Mr. HORR. If the gentleman from Illinois will give us twenty minutes he may have as much time as he wants on that side. You may take another hour on that side if you want to. I am willing to concede anything. I do not want to wrangle over the time allowed for debate on this bill.

Mr. GIBSON. You have already filibustered over an hour on it. [Cries of "Regular order!"]

The SPEAKER. The gentleman from Illinois demands the previous question upon his motion to limit debate upon this paragraph and pending amendments to thirty minutes.

The question was taken. The House divided; and there were—ayes 101, noes 22.

Mr. HORR. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. HORR and Mr. TOWNSHEND were appointed tellers.

The House again divided; and the tellers reported—ayes 150, noes 26.

So the previous question was ordered; and under the operation thereof the motion to limit debate to thirty minutes was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. By order of the House all debate upon this paragraph and pending amendments is limited to thirty minutes. The Clerk will report the pending amendment of the gentleman from Michigan [Mr. HORR].

The Clerk read as follows:

In line 27 strike out the words "seven hundred and seventy-five" and insert instead the words "nine hundred;" so that it will read, "For compensation to clerks in post-offices, $4,900,000."

Mr. HOLMAN. I wish to say a word or two in regard to this proposition. The committee will observe that the expenditures under this head for the last year amounted to some $4,367,079. That was the expenditure for the last year, and the proposition is to fix the amount by this bill at $4,775,000, an increase of over $400,000 upon the last year's bill. The amendment proposes a still further increase, making it $4,900,000.

I wish to state one of the motives, at least, which I think influenced

some gentlemen in fixing this amount at $4,775,000. That is, that the present efficient Postmaster-General issued an order during the past summer, which most of you gentlemen saw, in which he called upon postmasters who were allowed clerks to devote their own time to their respective offices. It can not be assumed that that order was issued without a motive. That motive was manifestly to break up a custom now so prevalent, and which has existed for years in those offices which are entitled to clerks or to which clerks are assigned, throwing the whole duty of the office on the clerks, the postmaster himself being seemingly a gentleman of elegant leisure.

Now, when you add to the force employed under the expenditures of the present year $4,775,000—when you add to that the whole body of the postmasters themselves, who, upon the fair inference to be drawn from the order of the Postmaster-General, have not performed efficiently their duties, why you have a force for the next year greatly beyond what you have for the present year.

There is another fact to which I wish to call the attention of the committee, and especially of my friend from Michigan. This is an appropriation in bulk, in a single item. The assignment to the post-offices is the act of the Post-Office Department. That Department not only determines how many clerks shall be assigned to each office, but also fixes their compensation. Now I admonish gentlemen of this fact, that two things are to be apprehended in making this kind of appropriation: first, the improper increase of the number of clerks; and, secondly, the improper increase of their salaries. And there is no reason to apprehend but what any increase to the extent of $200,000 will be exhausted, not in the increased amount of clerical force, but in the increase of salaries. The bane and evil of your public service is this everlasting increase of salaries. You are creating in your public departments a mere mercenary sentiment in regard to public duty, instead of your officers being actuated by the higher motive of performing faithfully a duty beneficial to the Government and to the whole people. I think the appropriation proposed of $4,775,000, with the additional service of the postmasters themselves, is a very ample appropriation.

Mr. CUTCHEON. I would be glad in the five minutes allowed me to have the attention of the committee while I attempt to discuss what is purely a business proposition from a business standpoint. It seems to me if the Government were to act as a private individual or corporation would do under like circumstances, when we have an agent in charge of any department of our business who makes estimates from the data in his possession, on those estimates we ought to act. In this case the Postmaster-General is the agent of the United States. He has better opportunities and better facilities for knowing what the demands of this Department will be than any of us have or can have.

I speak from some experience in this particular line. Just prior to coming here I had charge of one of the leading post-offices in our State for a period of six years, and I state here what every man within the sound of my voice knows, that there is not a second or third class post-office in any of our districts that does not demand greater clerk-hire now. Right here of all places in the world we touch the people. It does not make much difference that you voted down the amendment to the preceding paragraph. It will not affect any postmaster in the United States. His salary is fixed by law and is drawn out of the public revenues that pass through his hands. By your action on that item you can not touch his salary; you only enlarge the deficiency bill of next year. But when you touch the clerk-hire you touch the service itself and cripple it.

It is the clerk in the office who touches the people; it is the clerk who opens the packages of mail; it is the clerk who stands at the delivery-window and who separates and delivers the mails to the different star routes, and when you touch the clerk-hire you touch the very vitals of the system itself. When you reduce the appropriation below what is sufficient for clerk-hire you cripple the post-office system through its entire length and breadth. If you refuse an appropriation for the postmaster's salary you do not prevent him from doing his duties and drawing his pay. But when you refuse an appropriation for clerk-hire your action does cripple the post-office system.

Let us look at this from a business standpoint. You offer us in this bill precisely the same amount we had last year. Is that reasonable when we look at the progress being made by this country, with its population increasing at the rate of one million four hundred thousand a year according to the estimate of the Government statistician? And yet you make no appropriation in this bill for that increase of almost a million and a half of population. Is that reasonable?

There are on file in the Post-Office Department 2,604 applications for additional clerk-hire. And it is needed in every first and second class post-office in the country. Why, Mr. Chairman, there is not a single first or second class post-office in my district that has not since I have been a member of this House applied for additional postal-clerk hire.

Right here, as I have said, is the very vital part of our postal system. The people come to the post-office and are waited upon by the clerks. If you do not grant a sufficient appropriation for this purpose we are cut off from having additional clerks, and the people will have to wait for their mails. No fourth-class post-office and no third-class post-office under the present system is allowed any clerk-hire at all, except simply for the separation of the mails. No other clerk-hire at all is allowed. And I undertake to say that to-day one-half of the clerk-hire in second-class post-offices is paid out of the salary and out of the pocket of the postmaster himself. During my six years' experience in that capacity, in spite of every effort I could make, I had to pay one-half of the clerk-hire out of my own salary. And I know that to be the experience of every second-class post-office in my district.

I appeal to gentlemen, in view of the vast annual increase of our population, in view of the extension of the post-office system, in view of the fact that there are 2,604 applications for additional clerk-hire, to grant the additional appropriation proposed by the amendment.

[Here the hammer fell.]

Mr. TOWNSHEND. The gentleman from Michigan [Mr. CUTCHEON] has asked that this question be settled upon a business basis, and I am willing to discuss it with that spirit and in that light. For 1883 there was appropriated for this service $4,385,000; the expenditures amounted to only $4,367,900, and there was left in the Treasury $17,920 unexpended balance of the appropriation. Now in this bill we have appropriated $407,921 more than the expenditures of last year amounted to for this branch of the service.

Mr. HORR. Do not mislead the House; you do not mean that. You mean more than the expenditures in 1883, not in 1884.

Mr. TOWNSHEND. That is what I said; the expenditures of last year.

Mr. HORR. Oh! Then I misunderstood the gentleman.

Mr. TOWNSHEND. We give in this bill nearly a half a million of dollars more for clerks in post-offices than was expended last year.

Now I want to ask the gentleman from Michigan [Mr. CUTCHEON], as he seems to have based his argument for an increase of the clerical force of the Post-Office Department upon the fact that new offices are continually being opened and new postmasters required, if he forgets the fact that these new offices are only fourth-class offices and can not have any clerks? The increase in the number of post-offices does not in any degree whatever increase the number of postal clerks required.

Mr. HORR. What I claimed was that there were new distributing offices continually established, not that there were new post-offices.

Mr. TOWNSHEND. I was speaking of the gentleman's colleague [Mr. CUTCHEON]. I want now to call the attention of the Committee of the Whole to the real reason why there are applications coming up from some post-offices for more clerks. The reason is given by the Postmaster-General himself, and I will read you from his own report. The reason is that in some localities influential politicians, or influential persons at any rate, flock around the Department and by their influence secure a larger allowance for clerk-hire for some favored offices, to the detriment perhaps of other offices that do not have a sufficient allowance for clerk-hire. If they would disregard the influences brought to bear to secure a disproportionate number of clerks at certain offices, and the clerks were distributed in the proper manner, in my judgment we would not need to increase the appropriation for this purpose even as largely as we have done.

Now listen to what is said by the Postmaster-General, who I have heretofore said is a fair and upright man and whose suggestions in my judgment are entitled to consideration. What does Postmaster-General Gresham say?

> Postmasters, backed as many of them are by influential friends, have in some cases been unreasonable in their demands for allowances, and it is not surprising that some of them have received more than their share of the appropriation, while others have received less.

There is the secret of it, gentlemen. In some cities and places powerful influences are brought to bear in order to secure an increase of the clerical force in the post-offices of those cities, while no doubt some other offices are left with a scant supply. That is the reason that there is this great demand for an increase in the clerical force.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BINGHAM. I desire, as it was the last part of the speech of the gentleman from Illinois [Mr. TOWNSHEND], who, recognizing, as did the gentleman from Indiana [Mr. HOLMAN] in connection with this bill, the just tribute which should be paid to the Postmaster-General, to say to the gentleman from Illinois that he should have read two paragraphs more of the report of the Postmaster-General, immediately following that which he did read. I will read them.

> The estimate for clerk-hire for the next fiscal year, it will be observed, is relatively smaller than the appropriations for previous years.
>
> I have directed a general revision to be made of the allowances for clerk-hire, and hope to be able to make some reductions without impairing the efficiency of the service.

The subject to which the gentleman refers does not relate to the question of appropriations, but simply to the question of administration on the part of the Postmaster-General.

Mr. TOWNSHEND. Will my friend allow me to interrupt him right here?

Mr. BINGHAM. Let me give my sequence.

Mr. TOWNSHEND. Only to call attention to the fact——

Mr. BINGHAM. Very well.

Mr. TOWNSHEND. To call attention to the fact that the last paragraph which the gentleman has read shows that the Postmaster-Gen-

eral by a revision of the service will be able to get along with even a less number of clerks than is now provided for.

Mr. BINGHAM. Not so; he asks for $125,000 more than he had last year, and then tells you what he does with what he has received. For the next fiscal year he wants $125,000 more than was given him for the present year, and he states that he is going to make a revision of that which is properly a question of administration.

Another point made by the gentleman from Indiana [Mr. HOLMAN] was this: He stated that the Postmaster-General had given directions that the postmasters should themselves perform the services of their offices, and states that in that way there will be a great reduction in the expenditures for that branch of the service. That instruction had no reference whatever to the ordinary services of postmasters; it referred only to the compensation of postmasters for transacting the money-order business. The Postmaster-General declares that the postmasters who did not do the money-order business themselves could not employ a clerk to do it and then the postmasters themselves draw the compensation. That matter we have now corrected by legislation.

One point more. This appropriation for clerk-hire goes only to first and second class post-offices, numbering five hundred and eighty-seven, and to such third and fourth class post-offices as are separating offices. Now, for the sake of illustration, how much of this appropriation of $4,775,000 do you think the post-office in New York city will receive? Over $800,000.

The natural growth of the postal service each year is estimated at 10 per cent., but on account of increased business resulting from the reduction of postage it is believed the increase for the coming year will be from 17 to 20 per cent. Yet under this bill no office can raise the salary of a single subordinate, nor do you allow for the estimated increase of 20 per cent. during the next year a single dollar.

It is here that I make my point against the Committee on Appropriations—that they have conceded everything for material, that they propose to give the public every opportunity to buy postage stamps, but in the offices in the great cities, in the five hundred and eighty-seven first and second class offices, you do not make provision for the employment of a single additional man. The Postmaster-General tells you that he thinks by a revision he can secure greater economy in the service; but, having in view the increase of business, he asks on this item $125,000 additional, which you refuse. You laud him to a certain extent, but you do not stand by him upon practical questions. Your laudation is not consistent with your acts.

Mr. HORR. Mr. Chairman, it does seem to me that when this amendment is understood no man here can for a moment believe that it is not in the interest of efficient service. My friend from Illinois [Mr. TOWNSHEND] states that the Postmaster-General has an idea that he can save some money by a certain cutting down. The Postmaster-General does so state; but he adds that after all this cutting down, after doing the best he can do, he will still need $125,000 additional for this service next year.

Now, mark you, there has been for several years an increased expenditure of about $350,000 a year. But this Postmaster-General, whom gentlemen on the other side praise so much, comes in and says: "I think I can prevent this large increase next year, and can make the service efficient if you will give me $125,000 over and above what you gave me last year." He says he will undertake to rearrange the service so that you need not increase the appropriation more than $125,000. But my friend from Illinois while praising the Postmaster-General, proposes to deny him this $125,000 which he asks. While the Postmaster-General is willing to undertake to do the same amount of work for less money you seek to prevent him from increasing the service in any manner, you propose to prevent him from making any provision for the new distributing post-offices which are springing up all over the West and the South.

New railroads are being built; star routes are being started from new places. A postmaster who is receiving but $200 a year may need one of these clerks to distribute the mail and send it out in the different bags. In such cases the Post-Office Department has been in the habit of allowing these clerks. You can not ask the postmaster in such cases to employ a clerk at his own expense; his salary is too small. This increase which the Postmaster-General now says he needs is to provide for this service in the South and West—in the rural districts—not in the large cities. I admit that with the growth of our large cities an increase of business is to be expected. But deny the appropriation now asked by the Department and you cripple this service all over the great West and South.

I say that in a spirit of fairness we should not treat the Post-Office Department in this way. Gentlemen admit that from the postage paid by the people there is to be a surplus of over $2,000,000—it may amount to $5,000,000 in the fiscal year we are providing for in this bill; I mean that much more than this bill now aggregates; yet with this increased revenue coming in, applicable to this very purpose, they propose to cut down this necessary service. Thus the Department is to be crippled, as gentlemen must know—what for? I do not know. Why do you do it? I can not tell. If I should tell what I think, I would have to impugn the motives of gentlemen here; and you who know me know how slow I am to do anything of that kind. [Laughter.] No, no; I do not believe you gentlemen are going to vote to cripple this service. I say that this bill has not been drawn in a spirit of friendliness toward the postal service, the service that lies nearer to the hearts of the American people to-day than any other service of the Government. Strike down this service, and you strike down the great interests not only of the large cities but of the rural population. These clerks are needed all over the United States. The Postmaster-General, in his frugality, has tried to reduce the expenses of this branch of the service so as to require but $125,000 additional; and I do not believe this House is going to refuse him the very reasonable amount which he asks. No man can for a moment defend such legislation. This service is too sacred to be attacked in this way.

[Here the hammer fell.]

Mr. TOWNSHEND. Mr. Chairman, to show how unfair some of our friends are on the other side in their treatment of the Committee on Appropriations, I again desire to call attention to the figures made by the Post-Office Department and to the figures made by the last Congress.

As I have already shown, the unexpended balance left in the Department on the 30th of June last was over $17,000, and they received an appropriation of $4,385.

Mr. HORR. You do not claim that that $17,000 goes to this fund?

Mr. TOWNSHEND. Just wait for one moment. Over and above the expenditures of 1883 we gave an increase of nearly half a million.

Still a further fact stares you in the face. This same service was clamorous in its demands upon the last Congress, just as it is now. What did the Committee on Appropriations do when these clamors were made for increase of the clerical force? The Department sent in an estimate last year insisting they needed and must have $4,850,000, or only $50,000 less than the demand for this year. But what did the Committee on Appropriations then do? Did you then have the same respect for the estimates of your Department which Republican members have professed for them to-day? Oh, no; the Committee on Appropriations of the last Congress disregarded the estimates of the Department. By its action it said to the Department: Your estimates are extravagant, are unnecessary, for your committee recommended and your Congress appropriated only $4,775,000, whereas the Department said they could not get along without $4,850,000. I say they are compelled, in the face of their own record, to repudiate the estimates of their own Department. Is it fair for them to come in here and charge us with being penurious and with being unfriendly to the postal service? It is unfair on their part to use such arguments.

I insist, sir, this bill which I hold in my hand is the most liberal bill making appropriations for the postal service ever reported by any Committee on Appropriations in the House of Representatives. Last year you reduced the expenditures of the postal service below the expenditures of the year previous. This year we have increased the expenditures for the postal service $2,000,000 more than for the preceding year. I repeat, you cut down the appropriations last year below those of the previous year, while we have raised them $2,000,000, and yet you come in here and clamor for a still greater increase.

I understand you. In this you are only carrying out the programme of the last session of Congress. I do not complain of your action, but I do complain of Democratic members, who went before the people proclaiming themselves to be in favor of economy, coming in here and voting on this floor against their pledges to their constituents, and aiding gentlemen on the other side of the House in saddling upon us extravagant appropriations.

The CHAIRMAN. The time fixed for debate is exhausted.

The question recurred on Mr. HORR'S amendment.

The House divided; and there were—ayes 79, noes 111.

So the amendment was disagreed to.

The Clerk read as follows:

For payment to letter-carriers and the incidental expenses of the free-delivery system, $3,600,000; $45,000 of which may be used, in the discretion of the Postmaster-General, for the establishment, under existing law, of the free-delivery system in cities where it is not now established.

Mr. SKINNER, of New York. I move, in lines 29 and 30, to strike out "$3,600,000" and in lieu thereof to insert "$4,000,000."

Mr. TOWNSHEND. I move the committee rise.

Mr. SKINNER, of New York. I will yield for that purpose.

Mr. MILLS. You will have the floor in the morning.

Mr. TOWNSHEND. If it is the wish to go on now I am content.

Mr. HISCOCK. No; let us rise.

Mr. SKINNER, of New York. I am aware this amendment will excite debate and it can not be finished to-night, and I therefore move the committee rise.

Mr. WILLIS. We can sit an hour or so longer.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union having had under consideration the Post-Office appropriation bill had come to no resolution thereon.

And then, on motion of Mr. WELLER (at 5 o'clock and 5 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Memorial of the Louisiana Educational Society, for national aid to the cause of education—to the Committee on Education.

By Mr. J. H. BREWER: Petition for a harbor of refuge at Atlantic City, N. J.—to the Committee on Rivers and Harbors.

By Mr. CALDWELL: Petition of workmen of Nashville, Tenn., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. CALKINS: Resolutions of Nelson Post, No. 69, Grand Army of the Republic, Department of Indiana, asking for equalization of bounties, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of citizens of Winchester, relative to education in Alaska—to the Committee on Education.

By Mr. S. S. COX: Petition of 110 depositors in the Freedman's Bank—to the same committee.

By W. W. CULBERTSON: Petition of citizens of Concord, Lewis County, Kentucky, asking for an appropriation to build breakwaters at Ripraps—to the Committee on Rivers and Harbors.

By Mr. EVERHART: Petition and protest of proprietors and employés of J. M. Sharpless & Co., Chester, Pa., against any reduction or agitation of the question of reduction of tariff duties—to the Committee on Ways and Means.

By Mr. HANCOCK: Memorial of John A. Green and others, requesting an increase of salary of the United States district judges of Texas—to the Committee on the Judiciary.

By Mr. HART: Resolutions of Moons Scroufe Post, Grand Army of the Republic, Mount Orab, Ohio, for increase of pension—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. D. B. HENDERSON: Petitions from members of the bar of Scott County, Iowa, asking an increase of pay of United States district judges—to the Committee on the Judiciary.

By Mr. HOBLITZELL: Papers relating to the claim of W. P. Wood—to the Committee on Appropriations.

By Mr. KING: Petition of the bar of Monroe, La., for increase of salaries of Federal circuit and district judges—to the Committee on the Judiciary.

Also, bill making an appropriation of $20,000 for the improvement of the Tensas River, in the State of Louisiana—to the Committee on Rivers and Harbors.

Also, bill making an appropriation of $20,000 for the improvement of the Boeuf River, in the State of Louisiana—to the same committee.

Also, bill appropriating $26,000 for the improvement of the Bayou Bartholomew, in the State of Louisiana—to the same committee.

Also, bill making an appropriation of $100,000 for the improvement of the Ouachita River, in the States of Louisiana and Arkansas—to the same committee.

Also, bill making an appropriation of $200,000 for the improvement of the mouth of Red River, Louisiana—to the same committee.

By Mr. LACEY: Memorial of Henry Willis, of Battle Creek, Mich., in favor of legislation obliging railroad companies to use uniform and safe car-couplers—to the Committee on Railways and Canals.

Also, memorial of Henry Willis, of Battle Creek, Mich., in favor of H. R. 4991, providing for survey of ship-canal from Lake Michigan to the Detroit River—to the same committee.

By Mr. McADOO: Petition of Matthew W. Berriman—to the Committee on Military Affairs.

By Mr. McKINLEY: Resolution of the Knights of Labor of Canton, Ohio, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. PARKER: Petition of members of the Grand Army of the Republic posts of Franklin County, New York, in favor of more liberal pension laws—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. PETERS: The petition of Farragut Post, No. 37, Grand Army of the Republic, Burrton, Kans., for the passage of bill pensioning ex-prisoners—to the Committee on Invalid Pensions.

By Mr. J. H. ROGERS: Papers relating to the claim of Pryor N. Lea—to the Committee on Claims.

By Mr. W. F. ROGERS: Petition of workingmen of the city of Buffalo, N. Y., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. STORM: Papers relating to the claim of Amos Stroh—to the Committee on Invalid Pensions.

By Mr. J. D. TAYLOR: Petition from citizens of Ohio, asking for the restoration of the duty on wool—to the Committee on Ways and Means.

By Mr. WAIT: Petition of H. H. Osgood and others, to promote the efficiency of the Revenue-Marine Service—to the Committee on Commerce.

By Mr. WORTHINGTON: Petition of citizens of Peoria, Ill., relative to the Chinese restriction act—to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *March* 13, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 25th ultimo, information in regard to the failure of the Central and Union Pacific Railroad Companies to comply with the requirements of the act of May 7, 1878, and the steps taken by him relative thereto; which, with the accompanying papers, was referred to the Committee on the Judiciary, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Chamber of Commerce of the city of Tacoma, on Puget Sound, in Washington Territory, praying that the proposition before Congress to declare a forfeiture of the Cascade land grant to the Northern Pacific Railroad Company in aid of the construction of the Cascade division of its main line be non-concurred in; which was referred to the Committee on Public Lands.

Mr. CONGER presented the petition of William Greenough and 86 other citizens of Sault Ste. Marie, Mich., in favor of granting to the Catholic church of that place the strip of land lying between their latitude, 97°, and the Saint Mary's River in case of the sale of the Fort Brady military reservation; which was referred to the Committee on Military Affairs.

He also presented the petition of George Johnson, of Detroit, Mich., praying compensation for wrongs, injuries, and losses suffered by him in consequence of the illegal and wrongful action of the military authorities during the war of the rebellion; which was referred to the Committee on Military Affairs.

Mr. COCKRELL presented an affidavit to accompany the bill (S. 948) granting a pension to Emma A. Porch; which was referred to the Committee on Pensions.

Mr. DOLPH. I present a memorial of the Chamber of Commerce of the city of Tacoma, Wash., remonstrating against the forfeiture of the Cascade land grant to the Northern Pacific Railroad Company. I ask that it be read.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Oregon that a memorial from the same chamber of commerce was sent to the Chair, which the Chair laid before the Senate and had referred to the Committee on Public Lands.

Mr. DOLPH. I was not in when the Chair presented it. If the memorial presented by the Chair was not read I ask that this be read, so that it may go into the RECORD.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the memorial presented by him be read. Is there objection? The Chair hears no objection.

The memorial was read, and referred to the Committee on Public Lands, as follows:

Memorial to Congress against the forfeiture of the Cascade land grant.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the Chamber of Commerce of the city of Tacoma, on Puget Sound, in Washington Territory, begs leave respectfully to represent to your honorable bodies:

1. That the Northern Pacific Railroad Company was chartered to build a line of railroad from Lake Superior to Puget Sound; that it has built said line from Duluth to Wallula, in the eastern part of Washington Territory, from which place westward to Portland, in Oregon, its passengers and freight for all portions of Washington Territory west of the Cascade Mountains are transported over the railroad and river lines of another company; that in continuation of its main line direct to Puget Sound across the Cascade Mountains it has built twenty-five miles of road westward from Ainsworth, near said Wallula, which road has been accepted by the President of the United States, and still carries on such building westward; that it has built one hundred and fifty miles of road from Portland to Tacoma, its western terminus; that from Tacoma eastward it has built thirty miles of its direct line across the Cascade Mountains, making in all fifty-five miles of its Cascade division already built; that about two hundred miles of said Cascade division yet remain to be built, and that until the same be built the Northern Pacific Railroad will not have been completed from Lake Superior to Puget Sound.

2. That the distance from Ainsworth, where said Cascade division connects with the main line, to the Puget Sound terminus of the road by the present route down the Columbia River is over one hundred miles longer than the distance between the same points by the uncompleted Cascade division.

3. That the country through which the uncompleted portion of the Cascade division has been located is rich in timber, coal, iron, copper, and other minerals, and in agricultural capabilities, which can not be developed until that division is completed.

4. That the fuel and lumber which abound west of the Cascade Mountains are needed in the settlement and development of the fertile prairie country on the eastern side of that range, while the products of the latter need a direct and cheap outlet to the Pacific Ocean such as that division, when completed, will afford.

5. That a railroad across the Cascade Mountains is demanded not only by the interests of farmers, miners, lumbermen, and traders, but also by political considerations of the highest importance, since a real union of the eastern and western portions of Washington Territory is impracticable without such a road, and the existing relations between these mountain-severed portions call for a speedy construction of the road.

6. That Washington Territory now has a population of not less than 125,000,

which is increasing with great rapidity, and the varied interests of all classes of this population will be greatly promoted by the completion of said Cascade division.

7. That your memorialist is advised that there is before your honorable bodies a proposition to declare forfeited the grant of land across the Cascade Mountains made by the Government to the Northern Pacific Railroad Company to aid in the construction of the Cascade division of that company's main line by reason of the non-completion of the road within the time allowed the company to build it.

8. That your memorialist earnestly prays your honorable bodies, on behalf of the business interests of the city of Tacoma, and, as it believes, in the interest of the whole people of this Territory, to forbear declaring said forfeiture, and to continue said land grant to the Northern Pacific Railroad Company for such further period as shall be deemed reasonably necessary to enable the company to complete the Cascade division.

9. That the declaration by Congress of the forfeiture of the Cascade land grant would delay the completion of that road, and thus work enormous injury to the people of this Territory.

10. That such a declaration would work injustice and ruin to the many thousands of people who came hither and embarked their lives and fortunes on the early development of this Territory by means of the completion of the Northern Pacific Railroad; and that on behalf of these people your memorialist earnestly and respectfully protests against any declaration of the forfeiture of the Cascade land grant.

11. That the present values of land and other property in this Territory are largely based upon the confident belief that Congress would not delay or prevent the completion of the Northern Pacific Railroad; and that such is also the basis of a great number of time contracts throughout the Territory; for which reason the recall of the Cascade land grant from the Northern Pacific Company would effect widespread disturbance of the most important business interests.

12. That the cost of constructing the remaining two hundred miles of the Cascade division must necessarily be very great; that in view of the present condition of the money market and the violent fluctuations of railroad securities your memorialist has strong reason to fear that, unless Congress shall grant to the Northern Pacific Railroad Company a reasonable extension of time within which to complete the road, that company will be unable to effect such completion within the next three years, and that meanwhile the loss caused by such inability to the people of this Territory will be great and irreparable.

Wherefore your memorialist, on behalf of the business interests of Washington Territory, prays that the proposition to declare a forfeiture of the Cascade land grant may fail to secure the concurrence of your honorable bodies.

By order of the chamber.

J. W. SPRAGUE, *President*,

Attest:

STUART RICE, *Secretary*.

Mr. DAWES. The citizens of that part of the city known as Northeast Washington held a large meeting last evening to memorialize Congress in reference to the presence of steam railroads in that part of this city and to protest against the continuance of them there. They pray Congress for their removal, and also favor the bill lately introduced by the Senator from Vermont [Mr. MORRILL] on that subject. I present their petition, and move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. SAWYER. I present a memorial of members of the International Institute for Preserving and Perfecting Weights and Measures and from other citizens of the United States in opposition to the French metric system and praying that it shall not be made legal in any Government transaction. I am at a loss to know to what committee the memorial should be referred, but I suggest the Committee on Commerce.

Mr. MORRILL. It should be referred to the Committee on Finance.

Mr. SAWYER. I do not care particularly to which committee it is referred.

Mr. CONGER. The memorial itself refers to the use of the metric system in our river and harbor surveys by name, and refers to a great many matters connected with navigation and the improvements of rivers as well as to a great many other subjects. In the other House a similar paper was referred to the Committee on Coinage, Weights, and Measures. I think the memorial should go to the Committee on Commerce.

Mr. MORRILL. I will merely say that the question has always heretofore been considered by the Committee on Finance. I have no sort of objection to its going to any other committee, but matters in relation to the metric system as to coinage have always been referred to the Committee on Finance. I hardly think it would be wise to divide the jurisdiction of this question.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Wisconsin to withdraw his suggestion to refer the memorial to the Committee on Commerce.

Mr. SAWYER. I said at first that I did not care particularly, but I am inclined to think the Committee on Commerce is the proper committee to take charge of the memorial.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Wisconsin that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 907) to authorize the construction of a bridge over the Missouri River at or near Sibley, in the State of Missouri, reported it with amendments.

Mr. MORRILL, from the Committee on Finance, submitted a report to accompany the bill (S. 1153) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War, heretofore reported from that committee.

Mr. HARRISON, from the Committee on Territories, to whom was referred the bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government and for the admission of the State into the Union on an equal footing with the original States, and for other purposes, reported it with amendments, and submitted a report thereon.

TREASURY CATTLE COMMISSION REPORT.

Mr. HAWLEY. By direction of the Committee on Printing I ask for the present consideration of the following order:

Ordered, That 1,500 copies of the report of the Treasury Cattle Commission, transmitted to the House of Representatives by the Secretary of the Treasury December 21, 1883 (Executive Document No. 44, Forty-eighth Congress, first session, House of Representatives), be reprinted, the supply having been exhausted.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HAWLEY. This comes within the rule. It is a small pamphlet and pertinent to the discussion now going on in regard to pleuro-pneumonia. The supply is exhausted.

Mr. COCKRELL. How many copies does this authorize?

Mr. HAWLEY. One thousand five hundred copies.

Mr. COCKRELL. What is the cost?

Mr. HAWLEY. The cost is probably four or five cents apiece.

Mr. COCKRELL. Ought we not to have more than that?

Mr. MILLER, of California. I think 1,500 copies will be enough. It is a very important document in relation to the foot-and-mouth disease and pleuro-pneumonia, treating of the measures necessary to be taken to stamp it out. It was printed, and the supply has been exhausted. I think 1,500 copies will be enough.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. HARRIS introduced a bill (S. 1830) for the relief of Charles W. Biese; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 1831) to provide for preliminary surveys and location of the Potomac and Chesapeake free ship-canal; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORGAN introduced a bill (S. 1832) for the relief of W. C. Dodge; which was read twice by its title.

Mr. MORGAN. I present with the bill a statement of the facts upon which the case is predicated. I move the reference of the bill, with the accompanying paper, to the Committee on Patents.

The motion was agreed to.

Mr. VOORHEES introduced a bill (S. 1833) for the relief of Julius A. Kaiser; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SAULSBURY introduced a bill (S. 1834) granting a pension to Eliza C. Woodall; which was read twice by its title.

Mr. SAULSBURY. The bill is accompanied by the petition of Mrs. Woodall, who is the widow of Daniel Woodall, late colonel of the First Delaware Regiment. I move that the bill and petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. WALKER introduced a bill (S. 1835) for the relief of L. A. Morris; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PLUMB introduced a bill (S. 1836) granting a pension to Sarah Hague; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PIKE introduced a bill (S. 1837) for the relief of George P. Howe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENDLETON (by request) introduced a bill (S. 1838) for the erection of a public building at Akron, Ohio; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. PLUMB introduced a joint resolution (S. R. 75) making an appropriation to eradicate the foot-and-mouth disease; which was read the first time at length, as follows:

Be it resolved, &c., That the sum of $25,000, or so much thereof as is necessary, be, and hereby is, appropriated, to be used under the direction of the Commissioner of Agriculture and in co-operation with the proper authorities of the State of Kansas, in eradicating a contagious disease popularly known as the foot-and-mouth disease, now prevailing to an alarming extent among the cattle of that State; the expenditure of the above sum, or any part thereof, to be limited to the emergency now existing, and full report of such expenditure and the result thereof to be made to Congress by the Commissioner of Agriculture at the earliest practicable date.

The joint resolution was read the second time by its title, and referred to the Committee on Agriculture and Forestry.

FORT WALLACE RESERVATION.

Mr. VAN WYCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior inform the Senate whether any and what railroad corporation is attempting to obtain a portion of the Fort

Wallace reservation, and that he furnish copies of correspondence alleging reasons for the same.

CHEROKEE INDIAN ROLL.

Mr. PLUMB submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate the roll of the Cherokee Indians east of the Mississippi River, made in accordance with the act approved August 7, A. D. 1882.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 4411) to amend section 101 of the Revised Statutes of the United States so as to allow the chairman of a subcommittee of a committee of either House of Congress to administer oaths; in which it requested the concurrence of the Senate.

COURT OF ALABAMA CLAIMS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under the eighth rule, the first case being Order of Business 139, which is the bill (S. 573) amending an act re-establishing the Court of Commissioners of Alabama Claims and for the distribution of the unappropriated moneys of the Geneva award, approved June 5, 1882.

Mr. HARRIS. That seems to be an adverse report. Let it go over.

The PRESIDENT *pro tempore*. Objection being made, it goes over.

CATTLE DISEASE.

Mr. PLUMB. I ask unanimous consent to make a report from a committee.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the report will be received.

Mr. PLUMB. The Committee on Agriculture and Forestry, to whom was referred the joint resolution (S. R. 75) making an appropriation to eradicate the foot-and-mouth disease, instruct me to report it back without amendment and with the recommendation that it do pass. I am also instructed by the committee to ask for its present consideration.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the joint resolution be now considered.

Mr. SHERMAN. I should like to have it read.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information.

The joint resolution was read.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. SHERMAN. As I believe that the object of the joint resolution will be best accomplished by the passage of the House bill under consideration yesterday, I object for the present, and hope that the pleuro-pneumonia bill may be taken up and passed as quickly as possible, of which I am in favor.

The PRESIDENT *pro tempore*. The joint resolution is objected to and will be placed on the Calendar.

Mr. PLUMB. I give notice that I shall to-morrow move to take it up and consider it. After the notice that was filed yesterday by the Senator from Texas [Mr. COKE] and the manifest disposition to debate the pleuro-pneumonia bill I feel quite sure that the emergency which is now upon the people of Kansas and the whole Western country with reference to this most important interest will not be met by waiting for the passage of the House bill.

The PRESIDENT *pro tempore*. The Chair is obliged to state to the Senator from Kansas that debate is not in order.

Mr. PLUMB. Is it in order to move to take up the joint resolution?

The PRESIDENT *pro tempore*. It is not in order. It was reported this day, and objection is made to its consideration.

FITZ-JOHN PORTER.

Mr. SEWELL. I move to lay aside the Calendar for the purpose of taking up the bill (H. R. 1015) for the relief of Fitz-John Porter.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New Jersey [Mr. SEWELL].

Mr. MILLER, of New York. Yesterday the public business was laid aside for the consideration of this bill, and now it seems to be the disposition of those pressing it to lay aside what we call the Private Calendar, or the unobjected cases. I feel bound to do what I can to prevent the bill from displacing all other business in the Senate. Therefore I move to lay the motion of the Senator from New Jersey on the table, and upon that motion I call for the yeas and nays.

Mr. BAYARD. I should like to ask the Senator from New York whether the bill that he desires to press upon the consideration of the Senate has been printed? I endeavored to comprehend yesterday the condition of the measure he had in charge, but owing to the complex character of the amendments that had been proposed by him it was quite impossible to understand what the effect of the bill would be. Therefore an order was made by the Senate yesterday, upon the application I think of the Senator from Ohio [Mr. SHERMAN], to have the amendments printed, in order that we should understand the precise tenor and effect of the measure. I will ask the Senator from New York whether that has been done? I have failed to find the reprinted bill on my table.

Mr. MILLER, of New York. In answer to the question of the Senator from Delaware I will state that I understand the bill, with the proposed amendments, has been printed, and while it is not yet upon our tables, it is probably in the Capitol building at this time, or at all events it is on the way here from the office of the Public Printer. But my motion did not indicate that I proposed to call up that bill. I moved to lay upon the table the motion of the Senator from New Jersey to proceed to the consideration of the Fitz-John Porter bill, but in deference to the views of a number of Senators who desire to speak upon that question, and knowing that it must be met sooner or later, I am disposed to give way to their wishes, and with the consent of the Senate I will withdraw my motion to lay the motion on the table, and let the vote be taken directly on the motion of the Senator from New Jersey to take up the Fitz-John Porter bill.

The PRESIDENT *pro tempore*. The Chair did not hear the Senator from New York when he made the motion to lay on the table, and therefore did not state it. The Chair is of opinion, in view of the previous practice of the Senate and the present rule so far as the Chair understands it, that a motion to proceed to the consideration of a particular bill is not subject to a motion to lay that motion on the table. That has always been the practice of the Senate and the decisions of its previous presiding officers during many years.

Mr. MILLER, of New York. The decision of the Chair leaves the matter where my withdrawal would have left it, to proceed to vote on the motion of the Senator from New Jersey.

Mr. CONGER. As I have said before, I shall be willing to postpone this bill for the consideration of the public business, but I understand the Senator from Illinois [Mr. LOGAN] is prepared to go on with his remarks this morning, and I hope that the bill may be taken up and disposed of. I shall vote for the motion of the Senator from New Jersey.

Mr. SEWELL. I hope the motion will be agreed to, because certain Senators have arranged to speak to-day, and it is as much for their convenience as anything else that I made the motion at this time. I think the Senate ought to give unanimous consent to proceed with the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New Jersey [Mr. SEWELL].

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1015) for the relief of Fitz-John Porter.

Mr. MANDERSON. Mr. President, it is not with the expectation that I may be able to add anything of value to the already vast accumulation of argument brought to bear upon the bill for the relief of Fitz-John Porter that I crave the indulgence and attention of the Senate. Gentlemen of distinguished ability occupying places at both ends of the Capitol, lawyers of great erudition whose reputation is national, soldiers of distinction whose names are "as familiar in our mouths as household words," have spoken and written upon the theme until it seems almost worn threadbare. He who would glean in a field wherein such expert harvesters have worked their sickles of research and reason must needs be content with slender poil.

It is not at all surprising that the interest of those who are to vote for or against this bill should remain unabated, nor is it astonishing that the general public should continue to be interested in the subject-matter. Since midsummer of 1862 this contest has continued. From the high noon of civil strife down through the eventful time to this peaceful eventide of national repose, through war and through peace, this claimant has urged that he has been most unjustly dealt with, and prayed for vindication. If an individual, however humble, was to be seen in midchannel battling bravely with combating waves in a veritable "struggle for life," with what deeply felt interest would the bystanders watch his efforts, their feeling intensified perhaps by the fact that they were powerless to help. Here, in the face of the world, for nearly a quarter of a century has progressed a contest where the stake was dearer than life—a struggle to vindicate impeached honor, to clear smirched loyalty, to brighten tarnished reputation. What wonder is it, then, that the interest continues and that even the fledgelings of the Senate should desire to record the reasons that prompt their votes for or against this bill?

Let the conclusion of the observer of this contest be what it may, he can not but be struck with the persistency of this claimant for relief. His motto seems to have been, "Hope against hope, and ask till ye receive." I for one would gladly reward such earnest endeavor. Nothing would delight me more than to say to this man pleading for restoration of good name and fame, "You have been unjustly dealt with. The tribunal that pronounced you guilty of disobedience of the orders of your superior, of disloyalty to your chief, was mistaken in its findings of fact. Blinded by the passions of the hour, prejudiced by the desire for some victim upon whom to rest the stinging blame of defeat to our arms, you were sacrificed. The 'sober second thought' has shown how greatly you have been maltreated. Take what of reparation a sorrowful and now grateful country can afford to you. Be restored to all rights of which you have been deprived."

Senators, if I could say this to this claimant after full investigation and with determination to do my full duty, without bias or prejudice, I would not stop here. I would not be content with the half-way and

inadequate reparation provided in this bill. No, no! I would go further in the name of justice and the right and say, "There shall be given to you, General Fitz-John Porter, full and abundant righting of all your grievous wrongs. Be restored to the position in the Army of the United States yours in the natural order of events if this gross injustice had not been inflicted upon you. We can not restore to you the years that are past, but with a nation's apology to you we order that the only recompense within earthly power to bestow—emolument, wealth—shall be yours." I do not understand that the advocates of this bill base the argument for its passage upon the proposition that it is in the nature of clemency or pardon, but rather on the ground that it is a new finding of fact upon new trial had, in which the claimant's entire innocence of the offenses heretofore charged has been fully established. If this be so, why stop with the inadequate and paltry reparation for wrong inflicted provided for by this bill?

Mr. President, I came to the consideration of this case in a somewhat unusual manner. When elected to my seat in this honorable body I confess to an almost inexcusable ignorance of the history and merits of the Fitz-John Porter case. During those gloomy days in the country's history when the court-martial assembled, in the fall and winter of 1862, and, with General Hunter as president, and Generals Hitchcock, King, Prentiss, Ricketts, Casey, Garfield, and other distinguished military leaders composing the court, proceeded, under oath and with the sanction of the Constitution and laws, to try General Porter for disobedience of the orders of his superior and for shameful neglect to bring the troops under his command into battle, when other divisions of the Army to which he was attached were engaged, within distance where he could do great good, it was not my fortune to be where the news of the day was within reach. I was of the Army of the West, far removed from Washington, and where, by reason of our distance and the fact that we had usually sufficient on hand to keep us very busy, we knew but little of what was going on in the armies of the East.

The war over, being engrossed with the duties and cares of civil life, the facts pertaining to the Porter case continued unknown to me. At last I entered upon its investigation from the standpoint of the accused. The first article presented to me and carefully read was the paper of General Grant, "An undeserved stigma," published in the North American Review; this was followed by the letters of Generals Grant, Terry, and others; then the defensive pamphlet of Mr. Lord, and the report of the majority of the Committee on Military Affairs of the Senate. This material, followed by numerous conversations with many gentlemen of the Army of the United States who are warm champions of the claimant, aroused in me much of sympathy for him and a strong bias in his favor. It was as though I had listened to the testimony of the defendant and heard the impassioned appeals of his counsel only.

Evidently it was my duty not to stop here. The case of the State had surely been fully made out, else the conviction at the hands of the competent tribunal of 1862 would not have followed. I went, therefore, to its record, and have tried calmly, dispassionately, as a juror to sift all the evidence, or as a judge reviewing the testimony under the law, to reach my duty in the vote to be given upon this bill. I confess to a feeling of some disappointment when I say that my vote will be in the negative. I would gladly join the ranks of those who, from a desire to do justice as they see the course of justice, or from motives of mercy as they see it right to be merciful, will take the stain of over twenty years' duration from this appealing old man; but, under the law and facts as I see them, whether this proceeding be one of judicial review or the exercise of clemency, this bill should not pass.

Not at length, Mr. President, but in such brief words as I may, I desire to give the reasons prompting me to this conclusion.

The report of the majority of the committee asks for "a *revision* of the action of the court-martial." Adopting the language of the advisory board, it asks that the Congress shall "*annul* and *set aside* the findings and sentence of the court-martial in the case of Maj. Gen. Fitz-John Porter and restore him to the position of which that sentence deprived him." In other words, Congress is asked to act judicially and review the action of the highest tribunal having jurisdiction of the person and offense charged. A most dangerous precedent, truly, and one that, if followed, will surely bring greater evils in its train than even failure to give such vindication as the placing of Porter upon the retired-list of the Army, with the rank and pay of colonel, were he entirely innocent.

What was the tribunal by which this accused was tried and found guilty? It has become "good form," "in these piping times of peace," to sneer somewhat at and belittle the court-martial. Will gentlemen inclined to do so recall the fact that, while no jury is called to pass upon the guilt of the party accused, it is the court where trial by one's actual peers is more nearly approached than in any other tribunal? The judges of the law and fact are taken from the profession, the calling, and, as near as may be, are of the same station—rank—as the party accused. Under the safeguards thrown about it by the law and military custom the action of the court must needs be calmly deliberative.

The accused may be heard in his own behalf and a latitude is given in the production and examination of his witnesses almost unknown in the civil courts. The prosecuting attorney of the civil law, keen for conviction, alert for the State, merciless to the prisoner, aiming frequently by unfair means and tricks of the profession "to make the worse appear the better cause," gives place to the judge-advocate, bound under his oath to be the counsel of the accused person, protecting his rights and required to see to it that no injustice or unfairness is practiced upon him. In the taking of the testimony nothing is left to the uncertain memories of those who are to pass upon it. All is written, that it may endure and pass to the reviewing authority. In cases such as this no less a person than the President of United States forms the court of last resort, the tribunal finally to decide, and in this particular case the experienced lawyer, the sound jurist, the great patriot, the compassionate man—Abraham Lincoln—reviewed the action of the court.

The Congress of the United States created this judicial system under the Constitution. Says Benét in his Treatise on Military Law:

> The Constitution of the United States empowers Congress "to raise and support armies; to provide and maintain a navy," and "to make rules for the government and regulation of the land and naval forces." As an essential part of these powers it belongs exclusively to Congress to obtain or provide for courts-martial and define their jurisdiction; to make their sentences final and conclusive or subject to a reviewing authority; to designate by whom they shall be convened and then confirmed or disapproved, and generally to make such statutory provisions concerning them as in their wisdom may be deemed proper and necessary.
>
> A court-martial is the proper and sole tribunal for the trial of military officers. It is a lawful tribunal, existing by the same authority that any other court exists, and the law military is a branch of law as valid as any other, and it differs from the general law of the land in authority only in this—that it applies to officers and soldiers of the army, but not to other members of the body-politic, and that it is limited to breaches of military duty.

Says the Supreme Court of the United States in case of *Ex parte* Reed (100 United States Reports, 13):

> The constitutionality of the acts of Congress touching Army and Navy courts-martial in this country, if there could ever have been a doubt about it, is no longer an open question in this court. It is the organism provided by law and clothed with the duty of administering justice in this class of cases. Its judgments when approved as required rest on the same base and are surrounded by the same considerations which give conclusiveness to the judgments of other legal tribunals, including as well the lowest as the highest under the circumstances.

Said Attorney-General Cushing in 1854, speaking of the reviewing power:

> The decisions of the President of the United States in cases of this sort are that of the ultimate judge provided by the Constitution and the laws. Like that of any other court in the last resort of the law it is final as to the subject-matter.

This then the character of the court that tried Fitz-John Porter, and these the circumstances under which he was tried. A legally constituted tribunal, composed of his peers, "good men and true," having jurisdiction of his person and the offense charged, upon full trial, under all the safeguards of law, finds him guilty as charged. The highest reviewing power in the land examines the record and approves the finding. It is now proposed practically to usurp judicial powers by the legislative branch of the Government and "*revise and annul*" the action of this court. It is a proposition that may well startle the student of our form and frame of government. The dangers to flow from encroachment by one of the co-ordinate branches of the Government upon the rights and privileges of another have been depicted by all our great writers upon the Constitution. The Supreme Court in numerous adjudications has often sounded the alarm. From a case that happens to be at hand I quote familiar law, but not the less important because it is familiar. Says the Supreme Court in 13 Wallace, page 147, in the case of United States *vs.* Klein:

> It is of vital importance that these powers (the legislative and the judicial) should be kept distinct. The Constitution provides that the judicial power shall be vested in one Supreme Court and such inferior courts as the Congress shall from time to time establish. The same instrument in the last clause of the same article provides that in all cases, other than those of original jurisdiction," the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make. It has already provided that the Supreme Court shall have jurisdiction of the judgments of the Court of Claims on appeal. Can it prescribe a rule in conformity with which the court must deny to itself the jurisdiction thus conferred, because and only because its decision, in accordance with settled law, must be adverse to the Government and favorable to the suitor? This question seems to us to answer itself. The rule prescribed is also liable to just exception as impairing the effect of a pardon and thus infringing the constitutional power of the Executive. It is the intention of the Constitution that each of the great co-ordinate departments of the Government—the legislative, the executive, and the judicial—shall be in its sphere independent of the others. To the Executive alone is intrusted the power of pardon, and it is granted without limit. Pardon includes amnesty. It blots out the offense pardoned and removes all its penal consequences. It may be granted on condition. * * * Now, it is clear that the Legislature can not change the effect of a pardon any more than the Executive can change a law. Yet this is attempted by the provision under consideration. The court is required to receive special pardons as evidence of guilt and treat them as null and void. It is required to disregard pardons granted by proclamation on condition, although the condition has been fulfilled, and deny them their legal effect. This certainly impairs the executive authority and directs the court to be instrumental to that end.

I can not refrain from quoting upon this interesting subject from a distinguished military writer:

> This distribution of powers affords another strong and almost impassable barrier against danger from a standing army. If Congress controlled entirely, the military system would turn to despotism. If the Executive alone controlled, it would lead to oligarchy. The arrangement adopted harmonizes well with the theory of our institutions. It has ever been held of vital importance to separate as distinctly as possible the legislative from the executive power.

Mr. President, if it should come to this Senate as an original propo-

sition that, after conviction had by a general court-martial and approval of its finding by the President of the United States, the Congress should, upon the record as made, or upon additional testimony, re-try the cause, or that, upon conviction of heinous crime by one of the circuit courts of the United States, Congress should take to itself the rights of an appellate court to review the record, afford a new trial, and increase the sentence or let the convicted prisoner go, the advocates of this bill would stand aghast. It may be that Congress has the right to do indirectly that which it can not do directly. It may be that under its undeniable power to increase or decrease the Army of the United States it may require the Executive to issue commissions to whomsoever it pleases, but for one I do not believe it. This bill trenches upon such dangerous ground that if I believed Fitz-John Porter all that the advisory board pronounce him, "a gallant soldier, unworthy of condemnation," I would not support it. It is not only a usurpation of judicial power, but of the pardoning and appointive power of the Executive.

Mr. President, during the last twenty years I have been engaged in the practice of law As I look back along the path of my professional life I see many wrecks. Frequently where I have been of counsel for the defendant, owing to the ignorance of courts, the imbecility of jurors, the perjury of witnesses, and I fear sometimes the incapacity of defendant's attorney, conviction has resulted. The cases have gone to the courts of last resort under the law. The unfortunate victims of the ignorance, the imbecility, the perjury, or the incapacity are confined within prison walls undergoing a "continuing sentence." If this precedent is to be established, how gladly would I bring their cases to this new tribunal. Here are none of the uncomfortable barriers that hedge in a court. Loud and persistent asseveration will do here instead of testimony. *Ex parte* affidavits will do better than living witnesses. Declamation may take the place of legal argument. The party lash may be able to accomplish more than the charge of a court. A member of this Congressional bench may play the rôles of witness, counsel, advocate, juror, judge, all at one time. Yes, if I am to correct the blunders and repair the misfortunes of my professional career, let me come with the causes of my unfortunate clients to this new tribunal, that has the power under this proposed precedent not only to construe but to make the law, that is bound by no rules of evidence, no code of procedure, but may simply "exercise its own sweet will."

If this legislative body is to revise the action of the Porter court-martial and its sentence, what if it should find him guilty as charged, and the degree of his guilt greater than found by the court? Shall its revision extend to the enlarging of the sentence as well? Under the provisions of the Articles of War, flowing from violation of the ninth or the fifty-second article, there may come the penalty of death. If we are to have new trial and new judgment, why not new sentence? The reviewing Executive evidently thought the punishment not commensurate with the offense. How strong the testimony against this accused must have been when he with the kindest heart that ever throbbed in human breast could say, as Abraham Lincoln said, "I have read every word in that record, and I tell you Fitz-John Porter is guilty and ought to be shot." Such was his language at the time as evidenced by that reliable gentleman, known to many here, the former law partner of Lincoln, Mr. Leonard Swett, of Chicago. He writes to the Chicago Tribune of date February 9, 1884, as follows:

CHICAGO, *February* 9.

As the question of Fitz-John Porter is now occupying public attention, a conversation I once had with Mr. Lincoln upon the question seems pertinent. I was standing in his room in the White House, near the foot of the long table behind which he sat, he standing with me, and we talking upon some subject foreign to the one he introduced when he called my attention to a large record [pile of manuscript] lying near us on the table. "That," said he, "is the record in the Fitz-John Porter case." The trial had then just closed, and the record of the evidence taken in it was, as I understood, before him for action. "You know," said he, "if I know anything, it is what evidence tends to prove and when a thing is proven. I have read every word in that record, and *I tell you Fitz-John Porter is guilty and ought to be shot.*" He then added something the words of which I can not remember, but the substance was: "He was willing the poor soldiers should die, while he from sheer jealousy stood within hearing of their guns waiting for Pope to be whipped." I know nothing of Fitz-John Porter's case, but have deemed it my duty, as I happened to hear this conversation, to make it public.

Yours, truly,

LEONARD SWETT.

Were corroboration of the statement of Mr. Swett needed it could be found in the sworn testimony of Hon. Robert T. Lincoln before the advisory board. He is testifying as to the statement of his father in regard to the Porter case, made shortly before his death; and I read a short extract:

I recollect the distinct remark that he made, but at what period in the conversation I do not now recollect. He said that the case would have justified in his opinion a sentence of death.

Mark it! I do not say that Fitz-John Porter deserved death. I do not believe that he was either a traitor to his country or a coward. Of what offense I believe him guilty, under the proof and all the proof, whether taken before the court-martial or the advisory board, I will seek to show before I get through; but what I insist upon is this: if we are to revise this trial, if the matter is to be heard by this Congress exercising judicial powers, if the case is to be tried *de novo*, we should have the right not only to reward, but to punish; not only to reinstate, but to destroy; not only to confer rank and honor, but to take liberty and life itself, if such be even-handed justice after full trial.

It would be most interesting matter for investigation to determine upon what rules we are now to determine the guilt or innocence of this convicted one. Is it to be because of error of law by the court-martial? If so, where is the assignment of error? Is it because the weight of testimony was in favor of the accused and not of the Government? We are taught by the books that a verdict or finding of facts should not be disturbed if there is any evidence upon which to found it; that the trial body that has had the benefit of seeing the witnesses who testified is better qualified to weigh the testimony and pass upon the truth or falsity of statements made under oath. Is it because of newly discovered evidence? None has been brought before this Congress. If it appears anywhere is it not merely cumulative in its character, and do not the authorities agree that a new trial should not be awarded because of newly discovered evidence that is merely cumulative? Will it be claimed that we should overturn the finding of the court-martial and the approval of the reviewing President because three distinguished gentlemen, sitting without legal authority, proceeding without reference to law or the rules of evidence, investigating sixteen years after the event, have given it as their opinion that Porter should not have been convicted? Appellate courts, reviewing boards do not usually act upon the unauthorized opinions of mere outsiders. And so we might go on in wearisome speculation as to what manner of thing this is that is presented here for judicial action by a legislative body. Thanks to the wisdom of the past, there is no precedent for the strange action asked of this Congress. I fear greatly the effect of the one likely to be here created. These considerations would prevent me from voting for this bill even did I believe Fitz-John Porter innocent of all that has been charged against him.

But is he so? In answering this question I do not propose to enter into any lengthy review of the testimony. He was charged with disobedience of orders under the ninth article of war, and misbehavior before the enemy under the fifty-second article of war. Let us glance very hurriedly at the proof in the record sustaining these charges, and take them in the order they are given.

On the 27th day of August, 1862, General Porter being the commander of the Fifth Corps of the Army of Virginia, commanded by General John Pope, received about 9.30 o'clock in the evening an order commanding him to start with his corps at 1 o'clock that night on the march from Warrenton Junction, where he was then encamped, to Bristoe Station, a distance of nine miles. It is admitted that he failed to obey the order, and claimed as matter of defense that in the discretion that rested in him he was not only excusable but justifiable in his disobedience. In the effort on the part of interested friends to exculpate this man from the charges made against him a new and most dangerous doctrine is attempted to be introduced in military law, namely, that the inferior may deliberate upon an order received from his superior and disobey, if in his opinion such disobedience is the part of better wisdom or superior judgment. A monstrous doctrine, subversive of discipline, and one which, if carried into practice, will be fraught with dread disaster if this country should again engage in war. I submit that such is not the law as written by the best military writers; it has never been the practice where there was competent, efficient chieftainship.

Obedience, strict, prompt, unquestioning, active, whole-souled, painstaking, willing, cheerful obedience is the highest duty of the soldier. Let us get away from the glamour thrown around this case by prominent advocates anxious for the restoration of Fitz-John Porter, and see what the best writers say upon this subject. Says Hough, in his Precedents in Military Law:

Disobedience of positive orders is highly criminal, and may arise either out of the refusal of the officer or soldier to act as ordered, or refusing to march whither ordered, or disobeying orders given on service relative to an attack upon the enemy. Whether the orders of the superior enjoin an active or a passive conduct, the officer or soldier subject to them is equally obliged to obey; otherwise every military operation or enterprise would be made to depend not on the prudence or wisdom of the commander, but on the will or caprice of the soldiery either for the success or defeat of its object. Prompt, ready, unhesitating obedience in officers and soldiers to their superiors is so necessary to the safety of the military state and to the success of every military operation or arrangement, that it would be highly injurious to the interests of the army were disobedience in any case to be left unpunished.

And again, on page 103 of his much-valued work, he says:

Obedience to command is the chief military virtue, in relation to which all others are secondary and subordinate, and disobedience is reckoned among the principal military crimes, and is justly liable to the most exemplary punishment. The object of assembling any force might be defeated if orders were not strictly obeyed even to the very letter. The operation of an army in the field, in which combination and concentration of its forces are so often required, might be frustrated if there should be any disobedience on the part of any officer commanding a force destined to join and act with such army.

Let me depart from the quotation for a moment to call attention to the statement of the Senator from New Jersey [Mr. SEWELL], made yesterday, that his indictment against General John Pope was that he showed his utter lack of ability to concentrate his army in the presence of the enemy. He did lack that ability, but why? This record answers. His orders to his subalterns that would lead, if obeyed, to concentration, were, so far as Fitz-John Porter was concerned, persistently disobeyed.

Here there must be no discretion allowed; one supreme head directs the whole of the motions of the force and of its component parts. So general is the rule that the orders of the superior shall be imperative on the military inferior, that it will not admit of exception unless when the orders or the things commanded to be done are directly contrary to law.

Now let us turn to De Hart's Military Law, and on page 165 we read:

Hesitancy in the execution of a military order is clearly under most circumstances a serious offense and would subject one to severe penalties; but actual disobedience is a crime which the law has stigmatized as of the highest degree and against which denounced the extreme punishment of death, and accordingly an offense of this nature, from the great danger which might result from it, would be very nicely scrutinized by courts-martial ere a justification would be admitted upon the ground that there was no lawful authority for the command given. In every case in which an order is not clearly in derogation of some right or obligation created by law, the commands of a superior must meet with unhesitating and instant obedience.

So then, under the authorities I have read, there was no discretion resting in the commander of the Fifth Army Corps. The command to march was a lawful one, issuing from an unquestioned superior—the chief of the army to which he was attached. It gave the reason for the haste desired. It said:

Start at 1 o'clock and come forward with your whole corps so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas. Send word to Morell to push forward immediately. Send word to Banks to hurry forward. It is necessary on all accounts that you should be here by daylight.

Here was an order most explicit, filled with reasons for prompt obedience, and, as I think, must strike every one as filled with something else. This reiteration and urging to prompt obedience is convincing that the chief was fearful that it would not be promptly obeyed. The same urging to obey is found in every order issued by Pope to Porter during those dark days. It looks as though the chief felt some distrust of the fealty of his follower, and I submit that the truth of history shows that distrust to have had abundant foundation. Porter did not march at 1 o'clock. He did not arrive at Bristoe at daylight. He arrived about 10 o'clock. But it is claimed that he could not. The statement is not borne out by the proof. It is said the night was dark. There are those upon this floor who have marched infantry troops when the nights were as "dark as a pocket."

During the Atlanta campaign men moved for miles through the dense Georgia woods, without roads, when the course of the column could only be tracked by the phosphorus of unburned matches rubbed upon the palm of the uplifted hand. It is shown that many commands, confederate and Federal, did march that night. There is the positive testimony of many witnesses that it was starlight, not raining, not cloudy, and troops marched without difficulty. The men were tired, it is said. The head of his column went into camp at Warrenton at 10 o'clock in the morning and his command was all up before dark. It is absurd to say that his head of column could not have started at 1 o'clock. It is claimed that the road was bad. Numerous witnesses say on oath that it was hard and dry. But it is suggested that it was blocked with wagons. The quartermaster in charge of the transportation swears that at 1 o'clock and from that time until daylight there were no wagons upon the road; that he parked them by the side of the road in the forepart of the night and moved them out again about daylight. At any rate, if Porter had desired to obey the order and reach Bristoe by daylight he could have taken his choice of roads, for the testimony is that there were two distinct roads, one on each side of the railroad, and on either one of the three roads troops could readily march.

But it is claimed by the Senator from New Jersey that Porter was not needed, and such is the suggestion found in the report of the advisory board; that there was no necessity for his being there by daylight. I do not propose to reply to that argument, except to make this suggestion, that it would remind me somewhat of a defense that might be interposed by a burglar who, when brought to trial for a burglary, should say: "True, I broke into your house in the night season, but there was nothing there for me to steal."

No! He did not care to obey. He was indifferent to the wishes of his superior. He had no respect for his chief; and neglect of his desires, the frustration of his plans, was in accord with the real wishes of Fitz-John Porter's heart. The criticising, captious, disgruntled letters to Burnside written on those days show it. Even the complimentary and easily satisfied advisory board are compelled to recognize it when they say in their report: "It is our duty to say that the indiscreet and unkind terms in which General Porter expressed his distrust of the capacity of his superior commander can not be defended."

Porter must have been familiar with the sixth article of war: "Any officer who shall behave with disrespect toward his commanding officer shall be punished." I take it he had read the language of that celebrated writer, O'Brien in his work on American military law: "There is no doubt that contempt or disrespect to any superior officer is punishable. Many cases in point might be cited. It is as a general rule not deemed a justification that the disrespectful expressions are truly merited." He must have been familiar with the law; yet, feeling distrust of the capacity of his chief, holding him in contempt, expressing his feelings to General Burnside, and undoubtedly to others, he was guilty of that violation of his duty that even the advisory board is compelled to say "can not be defended." It was so notorious that even General McClellan had to beg of him to be loyal to his commander.

Yes, here is the key-note of all this unfortunate business. It explains the constant delay, the ever-recurring disobedience, the failure to fight upon the 29th. He held Pope in contempt. He was jealous of his leadership. He dreaded a victory that would advance him further. He did not desire defeat to our arms, but he was not anxious to see Pope win victory. Ah! the curse of this jealousy among the leaders of the armies of the East. McClellan, Hooker, Burnside, Meade, Pope—all fell as its victims. I thank God that the generals of the armies of the West knew not the base feeling. Generous rivalry there was between the divisions and corps composing the Armies of the Tennessee and the Cumberland, but among its great leaders, McPherson, Logan, Sheridan, Thomas, Grant, Sherman, there were no heart-burnings from jealousy, hatred, and ill-will. [Applause in the galleries.]

It is not my purpose to go into the testimony bearing upon the transaction of the 29th of August. Suffice it to say that on that day a battle was fought that raged from about 9 o'clock in the morning until 9 at night. In that battle at different times and with varying intervals every part of the army commanded by General John Pope was engaged, except the Fifth Corps commanded by General Porter. He was within hearing distance of the booming of the artillery and the rattle of musketry. He knew "the fight was on." He did not participate, and his whole action during that day evidenced a determination not to join in the battle with the troops under his command. Had he joined the fighting line and given to the men of his gallant corps the opportunity to help their fellows the great disaster of the next day—the ill-fated 30th of August, when he did fight and with the rest of the Army of Virginia was worsted—might have been averted.

I believe from careful examination of the testimony that, actuated by that distrust of and contempt for his commanding officer of which I have heretofore spoken, he deliberately and willfully disobeyed the order of the morning of August 29 urging him to march toward Gainesville. I believe it to be established that the order of 4.30 p. m. ordering him "to push forward into action at once on the enemy's flank, and if possible on his rear," although much delayed in its delivery, yet reached Porter in time to have enabled him by vigorous effort to strike a blow with telling effect. But instead of giving willing, prompt, and unhesitating obedience he ordered two regiments to feel of the enemy, and before they had opportunity so to do caused their return to the resting, passive, unaiding line of his corps. And so it was during all those closing days of August, 1862. Neither entreaty nor order, the sight of battle in which his comrades were being worsted, nor the sound of guns, could prompt him to help with the strong arms of his ten thousand gallant men the commander whom he hated. He would help to weave no laurels for Pope's inferior brow. No. Pope's star must go down in disgrace and defeat. Read the significant dispatch to Burnside sent on the 28th, in which this envious subaltern says: "My lucky star is always up about my birthday, the 31st, and I hope Mc.'s is up also." "Mc.," whose star is to be in the ascendant, is General McClellan. This great soldier is shocked at Porter's want of loyalty to his chief.

Look at this significant letter, written on September 1:

I ask you for my sake, that of the country, and of the old Army of the Potomac that you and all friends will lend the fullest and most cordial co-operation to General Pope in all the operations now going on. The distresses of our country, the honor of our arms are at stake, and all depends now upon the cheerful co-operation of all in the field. This week is the crisis of our fate. Say the same thing to all my friends in the Army of the Potomac, and that the last request I have to make of them is that for their country's sake they will extend to General Pope the same support they ever have to me.

* * * * * * *

GEORGE B. McCLELLAN,
Major-General.

To Major-General PORTER.

Imagine any one writing a letter to Sherman or Sheridan or Thomas or McPherson to be true to Grant.

But a few months before the day when Porter rested idly in the shade while the loud-mouthed cannon gave to him unheeded invitation, a far different scene was enacted in the West, and I would like to hold it up in contrast. The capture of Fort Donelson had opened clear pathway by water and by land to our forces, and Grant, with his army, was near Pittsburg Landing. The glorious victory of Thomas at Mill Springs, the fall of Bowling Green, and the surrender of Nashville had cleared Middle Tennessee for the marching columns of Buell. Along the beaten roads during the pleasant spring days they moved. On April 6, with the impetuous Nelson and the gallant Crittenden in the lead, the head of Buell's army approached Savannah, on the Tennessee River. The day was nearing its close and the tired men were longing for camp and rest. Suddenly the faint sound of a distant gun. Another and another in quick succession. The straggling lines of troops instinctively gathered in more compact form. Without command to that effect the marching step quickened. The sullen boom of the artillery was more distinctly heard as the distance lessened. The fact was apparent. Our brothers of the Army of the Tennessee were engaged. The battle was on, but miles away and across the deep and rapid river. A long and wearisome march had been made that day by these divisions. Tired and hungry and likely so to remain, for there were no cooked rations in the haversacks and the wagons miles to the rear and not likely to come up. The leaders of these commands need no orders to hasten on and let the rest be taken after the battle is lost or won. The "sound of the guns" is all the order needed. The "old sea-dog" Nelson, taking to water naturally, I suppose, leaves the main road and leads his division over a shorter

one through a swamp. Crittenden hurries on to Savannah. The waiting transports are loaded to the guards. The river is crossed, and Grant's gallant troops, disheartened by the long day's fight at fearful odds, welcome with glad shouts and tears of joy the leaders and men to whom the din of arms is an invitation and "the sound of the guns" an order. The rich reward is that on the next day the battle of Shiloh is continued and won, victory is wrested from the jaws of defeat, and the rebel retreat to the South goes on.

The honorable Senator from New Jersey who addressed the Senate on yesterday gave us several instances where subaltern officers had disobeyed orders and had not been punished upon trial had. Did it strike him as he read the account that all the instances of violation of orders mentioned by him were those where the alleged military offense was fighting without orders? Unfortunately Fitz-John Porter was not so charged. Were it so, he would have no need to be a suppliant asking Congress to "revise and annul" the sentence of a court-martial.

Mr. President, I oppose this bill because of the law and the facts; because of the dangerous precedent and the bad example; because it is destructive of discipline and injurious to the well-doing of our Army; because I believe it to be eternally right so to do. [Applause in the galleries.]

Mr. LOGAN. Mr. President, in 1865, when war had ceased, when our citizens were no longer aroused by the distant rumbling of artillery, when blood had ceased to flow, and the good women of our country, as ministering angels, had ceased to smooth the brow of the weary and wounded soldier, when all breathed freely once more, we then had reason to suppose that all things necessarily connected with the prosecution of the war against rebellion would remain undisturbed, and that all proceedings on the part of those in charge of national affairs which had been conducted in accordance with the laws and the Constitution were settled forever upon principles of equity and justice.

In the prosecution of the war against treason they believed they were preserving to future generations a great Government, and that all nations of the earth might receive beneficial lessons from the course pursued by those who had maintained the national unity and supremacy. We did not believe that the history as it was then honestly made would be reversed, that the judgment of courts fairly, legally, and honestly entered would in after years find a Congress that would set them aside and rewrite the history of the trial; not only rewrite it, but write it down against those who preserved the Government and in favor of those who failed at a perilous moment, that, too, at a time when all the power and the patriotism should have been combined for the purpose of producing one grand result for the benefit of mankind.

TRIED BY A LEGALLY CONSTITUTED COURT.

Turning back the wheel of time to 1863 we find the trial of Fitz-John Porter by a legally constituted court for the disobedience of orders lawfully issued to him by his superior and commanding officer. In that trial forty-five days were consumed and many witnesses were heard. The court determined the case against him and dismissed him from the service of the United States. That court was composed of nine officers, a part of whom were learned in the law, and a majority of them learned in military science. That sentence was approved by the then President of the United States.

But, sir, what is the scene presented to the American people to-day? It is not the trial of an officer for failing to perform his duty during a battle or for failing to observe an order issued by a superior officer. No, sir; but it is the trial before the Congress of the United States in 1884 of the court that condemned this man; it is the trial of the President who signed the verdict, it is a trial of the living and the dead who performed their duties on that occasion.

PORTER APPEARS AS A PROSECUTOR AGAINST THE COURT.

Talk about this being a trial of Fitz-John Porter. Sir, he has been tried and convicted and twenty years have passed, but to-day he appears as a prosecutor before the Congress of the United States, against a court legally authorized, and against the martyred President of that time. It is the trial of those who are living; it is the trial of the graves of those who are dead with a charge that they dealt unjustly by him; that they dealt with prejudice against him; that they violated the laws in their verdict; that they misconstrued the evidence; that they rendered an unjust and an unjustifiable decision against him. These are the questions that we are called upon to-day to determine.

In deciding a question like this it would seem at least that it should be examined fairly, impartially, and be understood according to the facts and the evidence on that trial, without either prejudice against those who tried or prejudice in favor of the man who was tried.

We find, however, on one side of the Chamber a solid vote in favor of this bill. Without desiring to criticise the vote of any one, I hope I may be, pardoned, however for making one remark. It is perfectly natural that when those who engaged in rebellion against a great Government like this failed of success and had themselves been pardoned by the Government should, without any examination of the evidence in the case whatever, feel a sympathy for those who had been during the war dismissed the service of the United States. Why? Because they would naturally sympathise with them and say, "I have been forgiven, therefore I forgive everybody else for any dereliction during the war, no matter whether they were criminally guilty or not, especially when they were convicted for not marching or fighting against us."

I can understand the sympathy that exists on that side of the Chamber for this man, but let me say that sympathy ought not to go to the violation of a great principle that underlies the very structure of our Government, and the regulating of the armies of the United States, their discipline and organization.

APPLY THE EVIDENCE.

I desire, however, to discuss this question first from a legal standpoint, applying the evidence thereto, and then ask the question whether any Senator in this Chamber, taking the whole case as it stands to-day, can lay his hand upon his heart and conscientiously say, "I am acting according to the law and according to the facts of the case" in voting to restore Porter?

First, what is the law in reference to the obedience of orders? A portion of it was read by my friend from Nebraska [Mr. MANDERSON], but I will read the law as it has been laid down in works that are received as authority both in England and America, in fact all over the civilized world, for the same principles apply everywhere so far as this question is concerned. You will find in the authority quoted by the Senator from Nebraska known as De Hart the same language that he read, which I quote. De Hart says this as a rule laid down in military law:

> Hesitancy in the execution of a military order is clearly, under most circumstances, a serious offense, and would subject one to severe penalties; but actual disobedience is a crime which the law has stigmatized as of the highest degree, and against which is denounced the extreme punishment of death. (De Hart, page 165.)

The same author says further:

> "In every case, then, in which an order is not clearly in derogation of some right or obligation created by law, the command of a superior must meet with unhesitating and instant obedience." So vital to the military system is this subordination of will and action deemed, that it is secured by the most solemn of human sanctions. Each officer and soldier, before entering the service, swears that he "will observe and obey the orders of the officers appointed over him."

Pendergrast lays down the law relating to officers of the army in his revised edition in the following language:

> The duty of military obedience to the commands of superior officers is most fully recognized by courts of law; and it has been held that disobedience never admits of justification; that nothing but the physical impossibility of obeying an order can excuse the non-performance of it; and that when such impossibility is proved, the charge of disobedience falls to the ground. The learning on this subject is to be found in the great case of Sutton *vs.* Johnstone (1 Term Reports, 548), which was an action by Captain Sutton, of his majesty's ship Isis, against Commodore Johnstone, for arresting and imprisoning him on charges of misconduct and disobedience to orders in the action with the French squadron under M. Suffrein, in Ponto Praya Bay, in the year 1782; and there the two chief-justices (Lord Mansfield and Lord Loughborough) laid down the law in the following terms:
>
> "A subordinate officer must not judge of the danger, propriety, expediency, or consequence of the order he receives; he must obey; nothing can excuse him but a physical impossibility. A forlorn hope is devoted; many gallant officers have been devoted; fleets have been saved and victories obtained by ordering particular ships upon desperate services, with almost a certainty of death or capture."

Mr. Pendergrast, in his citation, makes the reservation, always understood, that the order given is not manifestly and clearly illegal.

The General of the American Army (Sherman), in referring to this principle of obedience to orders in action (24th February, 1870), reenunciated the rule laid down by the two eminent lord chief-justices. He says:

> The stronger the force of the enemy present at the time the officer received the orders, the greater the necessity for him and his troops to pitch in, even if roughly handled, to relieve, *pro tanto*, the other forces engaged.

That being the law, I defy any one to show that this has not been the rule since armies have been organized and since battles have been fought. It being the law that an order must be obeyed unless there is a physical impossibility to obey, the question before the court-martial was, what is the statute law of the United States in reference to punishment for disobedience of orders? You find that article 9 of the Articles of War as read yesterday afternoon by my friend from Iowa [Mr. WILSON] is in the following language:

> Any officer or soldier who shall strike his superior officer, or draw or lift up a weapon, or offer any violence against him, being in the execution of his office, on any pretense whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offense, be inflicted upon him by the sentence of a court-martial.

The court-martial in examining the case find, first, what is the general law regulating armies; in other words, what is the common law governing the case? In the second place, what is the statute law of the United States in reference to the obedience of orders? It is that a lawful order from a superior officer must be obeyed. Its disobedience carries with it the penalty of death.

THE QUESTION BEFORE THE COURT-MARTIAL.

What had the court-martial that tried Fitz-John Porter to examine? What question was before them at the time they were organized for his trial? It was this: Did Fitz-John Porter receive a lawful order? No one has ever questioned that proposition. If he received a lawful order was it a physical impossibility for him to obey that order? If it was demonstrated that it was an impossibility for it to be obeyed, then, as

a matter of course, they had no right to convict him. It was his duty to show that impossibility. Did he do it? Does the evidence disclose any such state of facts? If so, I ask any Senator on this floor to point out to me wherein it was impossible for this order to have been obeyed.

A question has been suggested in the argument here that he did not know the necessity for obeying the order strictly. I suppose that no Senator who has read the testimony will state that as a fact. Did not General Pope send him two orders prior to the 6.30 order of the 27th of August notifying him that the enemy was in a certain position and that he must be there as speedily as possible? He had received two orders prior to that giving him notice of the position of the enemy and requiring him to move as rapidly as possible.

WHY GENERAL POPE ISSUED THE ORDER.

The first proposition is to examine this case fairly, so that no one shall be deceived in reference to it, and to understand that General Pope issued not only a proper order, but one based upon good reasons at the time. It has been said that Pope managed the campaign badly; that the order was issued without good reasons; that there was no necessity for this man Porter being there the next morning; that the necessity disappeared when he arrived. For the purpose of understanding properly this question as we go along let us examine the reasons that prompted General Pope to issue the order. You will find on page 13 of the sworn testimony before the court-martial this statement by Pope:

General Hooker's division had had a severe fight along the railroad, commencing some four miles west of Bristoe Station, and had succeeded in driving the division of General Ewell back along the road, but without putting it to rout; so that at dark Ewell's forces still confronted Hooker's division along the banks of a small stream at Bristoe Station. Just at dark Hooker sent me word, and General Heintzelman also reported to me, that he, Hooker, was almost entirely out of ammunition, having but five rounds to a man left, and that if any action took place in the morning, he would, in consequence, be without the means of making any considerable defense.

Without taking up the time of the Senate to read the evidence which has been given to the Senate time and again, I will briefly restate the situation as shown by the testimony. Jackson was at Centreville with his corps; Hooker's division was at Bristoe Station engaged in a battle with Ewell's division; Fitz-John Porter was ten miles away that night with his corps; Hooker's division was out of ammunition, there being but five cartridges to the man. Why was this order issued? Is there a man on either side of the Chamber who understands anything about military operations who does not know that it is a part of the science of war for every good general to take advantage of such a position and try to strike the enemy in detail? It was perfectly natural for Pope to expect that his division would be attacked at daylight next morning by Jackson, who was only a few miles away at Centreville, before the support would come from the rear.

POPE DID INFORM PORTER OF THE NECESSITY OF A NIGHT MARCH.

But it is said that he (Porter) was not sufficiently advised by Pope, and did not see the necessity of a night march. This is not true; he was notified both on the 26th of August and on the 27th, prior to the 6.30 order, so that he was to be ready to move and act quickly. To show this I will merely give the two orders mentioned, which are as follows. They tell their own story:

HEADQUARTERS ARMY OF VIRGINIA,
Warrenton Junction, August 26, 1862—7 o'clock p. m.

GENERAL: Please move forward with Sykes's division to-morrow morning through Fayetteville to a point two and a half miles of the town of Warrenton, and take position where you can easily move to the front, with your right resting on the railroad. Call up Morell to join you as speedily as possible, leaving only small cavalry forces to watch the fords. If there are any troops below, coming up, they should come up rapidly, leaving only small rear guard at Rappahannock Station. You will find General Banks at Fayetteville. I append below the position of our forces, as also those of the enemy. I do not see how a general engagement can be postponed more than a day or two.

McDowell, with his own corps, Sigel's, and three brigades of Reynolds's men, being about thirty-four thousand, are at and immediately in front of Warrenton; Reno joins him on his right and rear with eight thousand men at an early hour to-morrow; Cox, with seven thousand men, will move forward to join him in the afternoon of to-morrow; Banks, with six thousand men, is at Fayetteville; Sturgis, about eight thousand strong, will move forward by day after to-morrow; Franklin, I hope, with his corps, will by day after to-morrow night occupy the point where the Manassas Gap Railroad intersects the turnpike from Warrenton to Washington city; Heintzelman's corps will be held in reserve here at Warrenton Junction until it is ascertained that the enemy has begun to cross Hedgman's River. You will understand how necessary it is for our troops to be in position as soon as possible. The enemy's line extends from a point a little east of Warrenton Sulphur Springs around to a point a few miles north of the turnpike from Sperryville to Warrenton, with his front presented to the east, and his trains thrown around well behind him in the direction of Little Washington and Sperryville. Make your men cook three days' rations and keep at least two days' cooked rations constantly on hand. Hurry up Morell as rapidly as possible, as also the troops coming up in his rear. The enemy has a strong column still farther to his left, toward Manassas Gap Railroad, in the direction of Salem.

JOHN POPE,
Major-General, Commanding.

Maj. Gen. FITZ-JOHN PORTER,
Commanding Fifth Army Corps.

This order of Pope on the 26th shows that Porter was thus early notified of what was expected.

Also the following:

HEADQUARTERS ARMY OF VIRGINIA,
Warrenton Junction, August 27, 1862—4 o'clock a. m.

GENERAL: Your note of 11 p. m. yesterday is received. Major-General Pope directs me to say that under the circumstances stated by you in relation to your command he desires you to march direct to this place as rapidly as possible. The troops behind you at Barnett's Ford will be directed by you to march at once direct to this place or Weaverville, without going to Rappahannock Station. Forage is hard to get, and you must graze your animals as far as you can do so. The enemy's cavalry has intercepted our railway communication near Manassas, and he seems to be advancing with a heavy force along the Manassas Gap Railroad. We will probably move to attack him to-morrow in the neighborhood of Gainesville, which may bring our line farther back toward Washington. Of this I will endeavor to notify you in time. You should get here as early in the day to-morrow as possible, in order to render assistance should it be needed.

I am, general, very respectfully, your obedient servant,

GEO. D. RUGGLES,
Colonel and Chief of Staff.

Maj. Gen. F. J. PORTER,
Commanding Fifth Army Corps.

Any discreet officer would have expected exactly what Pope did. So he says to Porter, "You must come and be here by daylight." He issued this order and demand that Porter should come by daylight. Here is the order:

HEADQUARTERS ARMY OF VIRGINIA,
Bristoe Station, August 27, 1862—6.30 p. m.

GENERAL: The major-general commanding directs that you start at 1 o'clock to-night and come forward with your whole corps, or such part of it as is with you, so as to be here by daylight to-morrow morning. Hooker has had a very severe action with the enemy, with a loss of about three hundred killed and wounded. The enemy has been driven back, but is retiring along the railroad. We must drive him from Manassas and clear the country between that place and Gainesville, where McDowell is. If Morell has not joined you, send word to him to push forward immediately; also send word to Banks to hurry forward with all speed to take your place at Warrenton Junction. It is necessary, on all accounts, that you should be here by daylight. I send an officer with this dispatch, who will conduct you to this place. Be sure to send word to Banks, who is on the road from Fayetteville, probably in the direction of Bealeton. Say to Banks also that he had best run back the railroad train to this side of Cedar Run. If he is not with you, write him to that effect.

By command of Major-General Pope.

GEO. D. RUGGLES,
Colonel and Chief of Staff.

Maj. Gen. F. J. PORTER, *Warrenton Junction.*

P. S.—If Banks is not at Warrenton Junction leave a regiment of infantry and two pieces of artillery as a guard till he comes up, with instructions to follow you immediately. If Banks is not at the junction instruct Colonel Clary to run the trains back to this side of Cedar Run, and post a regiment and section of artillery with it.

By command of Major-General Pope.

GEO. D. RUGGLES,
Colonel and Chief of Staff.

So it will be seen that two orders prior to that time had been issued notifying him of the fact that the enemy was in his front and that he must hurry without any delay, and yet it is said that Porter did not know this. He did know it, but if he did not it is not for the subordinate officer to know, it is for the officer who issues the order to have reason for issuing such an order, and if it is a lawful order it is the duty of the subordinate to obey. Oh, but, says the Senator from New Jersey, Porter's officers told him that there was no necessity for obeying this order; that they could get there in the morning early enough. As we go along I propose to show that Fitz-John Porter did not intend to obey the order. He did not notify his generals commanding his divisions of the necessity of this order being obeyed. General Sykes, who was the officer that commanded the regulars under Fitz-John Porter, in his evidence before the court-martial testifies as follows:

Q. Do you remember whether you were made acquainted with the urgent language of the order—

Speaking of the 6.30 order of the 27th of August, 1862—

stating that by all means General Porter must be at Bristoe Station by daylight the next morning?

Now mark what General Sykes says:

A. No, sir, I think not; for I am satisfied that if that urgency had been made known to us we would have moved at the hour prescribed.

Showing that this man did not even let the officers commanding his divisions know the urgency of his being there the next morning. General Sykes had agreed with him that night to postpone his march in obedience to that order, but when he comes to testify he says that if he had known the urgency of that order he would have been in favor of obeying it and moving at the time.

THE SURROUNDING CIRCUMSTANCES.

Now let us examine for a moment another proposition. When a man is tried for an offense there is always something in connection with the circumstances surrounding the case that gives an idea to a jury or to a court of his intention. In order, then, to ascertain the intention of this man Porter, to show that he did not intend to obey the orders, I call the attention of Senators to the letters referred to by the Senator from Nebraska [Mr. MANDERSON] that he wrote to General Burnside before receiving these orders and afterward too, showing that at the time he had contempt for Pope, and if he obeyed Pope it would be because he was compelled to do so. No man can infer anything from these letters other than that he did not intend to support Pope.

DETERMINATION THAT POPE SHOULD NOT SUCCEED.

Then, Mr. President, there is a long history in connection with the conduct of Porter, but I will not take the time of the Senate to read it, though I have order after order issued by General Halleck to General McClellan, just across the Potomac, to send Franklin and his command to the support of Pope. When he was ordered to send them, when there was a necessity for it, he sent back for the reasons but was compelled to send the troops, but when sent they did not arrive, showing that there

was a combination and determination that this man Pope should not succeed.

Take the conduct of Fitz-John Porter in front of Winchester at the beginning of the war, when General Patterson was ordered to move and attack General Joe Johnston—just before the first battle of Bull Run was fought and when he had nineteen thousand troops and General Joe Johnston of the confederate side had but nine thousand. He was within ten miles, and when he was ordered to attack Joe Johnston to prevent him from joining the rebels at Manassas Junction, Fitz-John Porter persuaded Patterson, as the records, sworn to, show, to move twenty miles to the right, under pretense that it was the best move to make. So by this move Johnston was let loose and made his move on to Manassas and turned the battle against McDowell. So I charge here, and I defy contradiction, that Fitz-John Porter was the cause of the loss of the first battle of Bull Run and refused to fight in the second. [Applause in the galleries.]

The PRESIDING OFFICER (Mr. FRYE in the chair). No applause can be allowed in the galleries, and the Sergeant-at-Arms will be instructed to arrest any person in the galleries who hereafter indulges in it.

WAS IT IMPOSSIBLE TO OBEY THE ORDER?

Mr. LOGAN. Now, Mr. President, let me call the attention of the Senate for one moment to the evidence and see whether or not it was an impossibility for this order, known as the 6.30 order, to be obeyed. The order was issued at 6.30 in the afternoon of August 27, 1862, when Porter was nine miles away. The order was delivered by Capt. Drake De Kay, one of the staff officers of General Pope, at 9.30 p. m. That order directed him to start at 1 o'clock precisely and be at Bristoe Station at daylight, which was about 4 o'clock.

I ask what is the necessity for Senators here to say that darkness, trees, bridges, or anything else was in the way of Fitz-John Porter? Fitz-John Porter did not examine the roads, and there is no evidence to show that he did. Fitz-John Porter did not try to clear the roads, and there is no evidence to show that he did. He sent two officers to Pope and asked Pope to clear the road for him. Sir, it will not do to say that a man is excusable for disobeying an order when he does not try to obey it. He gave no orders to his commanding officers to move at 1 o'clock, he gave no orders for them to be ready to move at 1 o'clock, he gave no orders to them to be ready to move prior to 3 o'clock in the morning. The evidence of Drake De Kay shows that there were four miles of that road from Porter's camp to where the teams were being parked, with no obstruction in the way. He did not attempt to move that four miles. The evidence of Frederick Myers, the quartermaster in charge, shows that the wagons were all parked out of the way by 2 o'clock and the road was clear, and Porter still did not move; in fact he did not move until after sunrise the next morning. The head of his column touched the road at 4 o'clock right at his camp, and the evidence of one of the officers who was near Porter at that time shows that Porter was in his tent, and the sun was up before he mounted his horse; and yet Senators say that because he could not obey the order was the reason he did not do it.

Why do not Senators say that he tried to obey the order, as an excuse? But they can not say this. He did not, and the evidence shows that he did not. If he did not try to obey the order, he certainly disobeyed it. No obedience is disobedience. If there was disobedience of the order, I ask any Senator here to-day, no matter on which side he may have plumed himself, to tell me what a court-martial could do on a trial of a man for disobedience of orders if the evidence disclosed the fact that he did not try to obey the order? What kind of a verdict would they find? I ask what kind of a verdict could a jury or a court-martial find? They must find, according to their oaths, that he did not obey the order. If he did not obey the order, then, as a justification for not obeying it, was there an impossibility? The evidence does not show that fact. That being true, then I ask any man how he can vote to condemn that court-martial, the President who approved its judgment, and the whole country who approved it at that time, merely out of sympathy for this man because it is said he has been punished sufficiently?

THE EVIDENCE AS TO THE CONDITION OF THE ROAD PREPARED FOR PORTER.

Why, sir, I will give the evidence of twenty-one witnesses swearing to different points showing this state of facts to be true: That the road was open at 2 o'clock in the morning; that four miles of the road was open from his camp that night when he received the order; that he did not move until five hours after the order directed him to move; that he moved at a time when the wagons were coming out of park, which was off the road, into the road; that the road became obstructed not while he could have moved, but after the time had expired when he was to have been at Bristoe Station.

General Pope swore the road was in good condition, &c.

Drake De Kay delivered the order at 9.30.

OTHER WITNESSES.

Chauncey McKeever, known as General McKeever, a man well known here by nearly everybody, testifies that there was nothing to prevent the troops being put in motion on that night of the 27th of August.

Col. Robert E. Clary, who was sent by Porter to move the trains forward beyond Cedar Run, testifies that a proper force had been sent forward to clear the road; that there was nothing to prevent the troops from moving that night if a force had been sent to clear the road; that when he passed over it there was only a small portion of the road obstructed.

Solomon Thomas testifies that he moved out on the road in the morning; that they lay there until 9 o'clock on the morning of the 28th before they were moved forward; that the roads were in good condition, and when they moved out there was no obstruction. He was part of this command.

General Butterfield testifies that General Porter sent two aids to Pope that night to ask Pope to clear the road for him (Porter); that he did not know the urgency of the order, nor did he know whether any attempt had been made to clear the road.

Captain Duryea testifies that he marched from Warrenton that night up to 12 o'clock, and experienced no difficulty whatever in marching.

Capt. William W. Macy testifies that he marched that night until 10 o'clock, and experienced no difficulty, and had marched many times on darker nights.

Lieutenant Brooks testifies that he traveled that night from beyond Warrenton to Warrenton Junction, from Warrenton Junction to Bristoe Station, and from Bristoe Station along to Greenwich; that he had no difficulty in finding the road, and that the roads were good.

General Thomas McCoy testifies that he marched all the night of the 27th and until 1 o'clock in the morning with his command, and they experienced no difficulty in marching.

Colonel Buchanan testifies that he was at Porter's headquarters at 3 o'clock in the morning; that there was no stirring in the camp; that he waited until after sunup before he could see General Porter; that after that time Porter asked him to send a detachment of his cavalry forward to clear the road, so that he could march his troops, which was done.

William E. Murray testifies that he marched with his command that night until 10 o'clock; that the roads were dry and in good condition.

William M. Campbell testifies that he marched that night, finding no difficulty in the roads or darkness of the night.

Maj. William Birney testifies that he marched with his command in the direction of Bristoe Station on the night of the 27th; also marched again before daylight; that he experienced no difficulty on account of the character of the night or the roads, and that his entire brigade accompanied him.

J. H. Stine testifies that he marched with the whole brigade to which he belonged until after 9 o'clock at night, and found no difficulty either in the roads or in the darkness of the night.

Capt. John P. Taylor testifies that he is well acquainted with that country; that he was over the road from Warrenton Junction to Bristoe Station frequently; that wagons could go on either side of the road; that it was an open country, so that troops could move either on or at the side of the roads without difficulty.

The truth is, the evidence does show that there were but two little strips of wood from Warrenton Junction to Bristoe Station. It was all open field, and the fences had been burned. There was no trouble whatever in troops marching either on the road or outside of the road.

Samuel G. Hill, of Gibbon's brigade, testifies that his brigade marched that night until 10 o'clock; that he was up until 3 o'clock in the morning, and that the night was clear.

Major Duvall testifies that he rode from Warrenton to Catlett Station, from Catlett Station to Bristoe Station; thence to Manassas Junction; that there were wagons in the road, but no particular obstruction; that he traveled from eighteen to twenty miles that night.

James Haddow testifies that he marched with his command after sundown from Catlett Station to Bristoe Station; that the next morning (the 28th) he went from Bristoe Station back to Catlett Station; thence to Warrenton with three ambulances, and that they had no material difficulty in passing; that they met Porter's troops on the way.

Lieutenant Tiffany and N. P. Beach accompanied Haddow and testified to the same.

General Jubal Early testifies that he marched on the night of the 27th without experiencing any difficulty on account of the night.

Henry Kid Douglass, adjutant-general of Jackson, of the confederate army, testifies that Jackson's whole command moved away from Centreville up to near Groveton with all their brigade trains during the night of the 27th.

General Myers, quartermaster who had charge of the trains, testifies that the road was good from Warrenton Junction to Bristoe Station; that he parked the trains and kept them going into park, reducing the number all the time in the road; that there was a road on either side of the railroad; that there was nothing to prevent troops from moving that night; that he brought the head of the wagon trains into the road at daylight on the morning of the 28th.

I follow this with the more extended testimony of these witnesses on these points.

The evidence shows not only that ample provision had been made for the movement of Porter's troops, but it also shows that the road was a good one, that troops passed over it that day, wagon trains passed over it that day; that the railroad had been repaired; that trains were run out all the way. The evidence shows that there was a road on either

side of the railroad. The evidence shows that these roads were open. The evidence shows that it was an open country all the way, except one or two little strips of woods that came down beyond his camp and one near Kettle Run, so that the troops could march outside of the road, and did so during that day.

EXCUSES GIVEN.

Mr. President, what is the excuse given by his friends? It is that it was a dark night. I will not take up time in discussing the question as to the darkness of the night, except to say that the evidence contradicts that statement. Suppose it was a dark night; does that make it impossible for men to march? I appeal to every Senator on this side of the Chamber who was in the Union Army, I appeal to every Senator on that side of the Chamber who was in the confederate army, if they would make such a statement; I would appeal to my friend from Kentucky [Mr. WILLIAMS]. No matter how he may vote out of sympathy, he knows that the cry that a man can not move on account of a dark night when there was a road to go on is utterly false.

SOME NIGHT MOVEMENTS THAT WERE MADE.

I have never desired to give my experience or say what I have done, but I will say now to the Senator from New Jersey, when he defends Fitz-John Porter for not moving nine miles at night so that he might fight a battle the next morning, that the records of our war show that I moved ten thousand men one night in a rain where we had to feel our way, ay, crossed the Mississippi River at daylight and marched fourteen miles, and came onto the battlefield in the midst of a heavy engagement, went into action at once with my men tired—but no matter, the soldiers went in with a will and turned the tide and the day was won.

Tell me that you can not move at night! Why, sir, moving around Vicksburg we marched night and day. After the battle of Jonesborough—I think my friend who spoke last [Mr. MANDERSON] was there—we moved to Lovejoy Station. In moving back, when the rain was pouring in torrents, I covered the rear of the Union Army when I could see neither road nor path.

Take the marches at the winding up of the rebellion; take the marches in Virginia at the time Richmond was evacuated; take the marches of Sheridan and of Crook; take the marches of the Fifth Corps—this same Fifth Corps that Fitz-John Porter commanded and did not command to fight at the second battle of Bull Run, after he was relieved from its command, however—it marched night after night. The history of the rebellion shows that the Fifth Corps marched for five days and nights, almost incessantly, helping to fight battles, under a different commander. And yet Senators make an excuse for this man that he could not attempt even to march that corps, he would not even try to obey an order to march, because it was dark!

LITTLE SCRAPS OF HISTORY.

Sir, it might not be amiss right here to call the attention of Senators to some little scraps of history. We may go far back in the history of wars, we may travel back as long as battles have been fought of which history gives an account, and we find night marches. Take, for instance, the battle of Arbela, fought by Alexander the Great against Darius. The night but one before that battle Alexander made the march in the dark to get on the battlefield by daylight. So you may take many others. Take the battle fought by Demosthenes at Syracuse. His assault was made in the dead of night by climbing around the crags on a pathway to the enemy. So, too, you may take the marches of Caius Claudius Nero when he escaped from the front of Hannibal and marched by night and day without ceasing to Metaurus, and there the battle was fought. His troops were hidden in the camp of Livius until the battle commenced; they won the battle after night and day marches, and the first that was known by Hannibal that Nero had escaped him was when he threw Hasdrubal's head into his—Hannibal's—camp.

Sir, the battle of Waterloo is recognized as a great battle, one of the fifteen great battles of the world. The battle of Waterloo was commenced in early day, and fought far into the night. The charge that was made by Napoleon with his reserve guard on the Iron Duke was made after 8 o'clock, and at 9 o'clock Wellington moved with his whole line and dispersed and drove the French army from his front. Do you tell me that you can not move troops by night? History is full of it. Battles in history show that great victories have been won in the night and that great marches have been made in the darkness and gloom of the night.

For the purpose of calling my friend's attention to the difference between an officer in 1862 and one in 1572 I should like to have read for his benefit a little scrap of history found in the second volume of Motley's Dutch Republic, on page 414:

The Secretary read as follows:

The Scheldt, flowing past the city of Antwerp and separating the provinces of Flanders and Brabant, opens wide its two arms in nearly opposite directions before it joins the sea. Between these two arms lie the isles of Zealand, half floating upon, half submerged by, the waves. The town of Tergoes was the chief city of South Beveland, the most important part of this archipelago, but South Beveland had not always been an island. Fifty years before, a tempest, one of the most violent recorded in the stormy annals of that exposed country, had overthrown all barriers, the waters of the German Ocean, lashed by a succession of north winds, having been driven upon the low coast of Zealand more rapidly than they could be carried off through the narrow straits of Dover. The dikes of the island had burst, the ocean had swept over the land, hundreds of villages had been overwhelmed, and a tract of country torn from the province and buried forever beneath the sea. This "Drowned Land," as it is called, now separated the island from the main. At low tide it was, however, possible for experienced pilots to ford the estuary, which had usurped the place of the land. The average depth was between four and five feet at low water, while the tide rose and fell at least ten feet; the bottom was muddy and treacherous, and it was moreover traversed by three living streams or channels, always much too deep to be fordable.

Captain Plomaert, a Fleming of great experience and bravery, warmly attached to the king's cause, conceived the plan of sending re-enforcements across this drowned district to the city of Tergoes. Accompanied by two peasants of the country, well acquainted with the track, he twice accomplished the dangerous and difficult passage, which, from dry land to dry land, was nearly ten English miles in length. Having thus satisfied himself as to the possibility of the enterprise, he laid his plan before the Spanish colonel, Mondragon.

That courageous veteran eagerly embraced the proposal, examined the ground, and after consultation with Sancho d'Avila, resolved in person to lead an expedition along the path suggested by Plomaert. Three thousand picked men, a thousand from each nation—Spaniards, Walloons, and Germans—were speedily and secretly assembled at Bergen-op-Zoom, from the neighborhood of which city, at a place called Aggier, it was necessary that the expedition should set forth. A quantity of sacks were provided, in which a supply of biscuit and of powder was placed, one to be carried by each soldier upon his head. Although it was already late in the autumn the weather was propitious; the troops, not yet informed as to the secret enterprise for which they had been selected, were already assembled at the edge of the water, and Mondragon, who, notwithstanding his age, had resolved upon heading the hazardous expedition, now briefly, on the evening of the 20th October, explained to them the nature of the service. His statement of the dangers which they were about to encounter rather inflamed than diminished their ardor. Their enthusiasm became unbounded as he described the importance of the city which they were about to save and alluded to the glory which would be won by those who thus courageously came forward to its rescue. The time of about half-ebb tide having arrived, the veteran, preceded only by the guides and Plomaert, plunged gaily into the waves, followed by his army, almost in single file. The water was never lower than the breast, often higher than the shoulder. The distance to the island, three and a half leagues at least, was to be accomplished within at most six hours or the rising tide would overwhelm them forever. And thus, across the quaking and uncertain slime, which often refused them a footing, that adventurous band five hours long pursued their midnight march, sometimes swimming for their lives, and always struggling with the waves, which every instant threatened to engulph them.

Before the tide had risen to more than half-flood, before the day had dawned, the army set foot on dry land again at the village at Irseken. Of the whole three thousand only nine unlucky individuals had been drowned; so much had courage and discipline availed in that dark and perilous passage through the very bottom of the sea. The Duke of Alva might well pronounce it one of the most brilliant and original achievements in the annals of war. The beacon fires were immediately lighted upon the shore, as agreed upon, to inform Sancho d'Avila, who was anxiously awaiting the result at Bergen-op-Zoom, of the safe arrival of the troops. A brief repose was then allowed. At the approach of daylight they set forth from Irseken, which lay about four leagues from Tergoes. The news that a Spanish army had thus arisen from the depths of the sea flew before them as they marched. The besieging force commanded the water with their fleet, the land with their army; yet had these indomitable Spaniards found a path which was neither land nor water, and had thus stolen upon them in the silence of night. A panic preceded them as they fell upon a foe much superior in number to their own force. It was impossible for 't Zeraerts to induce his soldiers to offer resistance. The patriot army fled precipitately and ignominiously to their ships, hotly pursued by the Spaniards, who overtook and destroyed the whole of their rear-guard before they could embark. This done, the gallant little garrison which had so successfully held the city was re-enforced with the courageous veterans who had come to their relief. His audacious project thus brilliantly accomplished, the "good old Mondragon," as his soldiers called him, returned to the province of Brabant.

Mr. LOGAN. Here is an instance in 1572 where three thousand soldiers marched three leagues and a half, a distance of over nine miles, through an arm of the sea that came up to their chins, during the time when the tide was coming in, and they had to make the march by a certain time in order to reach the land. They did it, carrying their ammunition on their heads and saved the garrison. Yet you tell me that Fitz-John Porter with a corps refused to march nine miles at night when there was no sea there to overflow him, but because of the darkness of the night, upon a steady, firm road, and that it was a physical impossibility for him to march. Will an American soldier say that he can not do that which a Spanish, Walloon, or German soldier could do? Will an American soldier say he can not march where a foreigner might march? Will an American soldier say he can not march on dry land nine miles when a foreigner marched three thousand men not on dry land but on a slippery bottom where the ocean's waves came up to the chins of the soldiers, and he made that march in the dead of night when darkness was upon his army and saved the troops that he went to succor? In the name of all that is under and above the earth will Americans claim that they can not perform that which other men can do?

Suppose Fitz-John Porter had been ordered to march through water four feet deep nine miles that night, he would have said it was a physical impossibility, and you gentlemen who are voting to relieve him would have agreed with him; but here is a man who tells you that it was not a physical impossibility, for he did it, says this history. If an American Senator can excuse an American officer from marching nine miles in the night on a good road where there are two roads after having read this history, it ought to bring a blush to the cheek of every American.

No, sir, it is not because he was convicted in violation of law, it is not because he was unjustly condemned. That is not it. The court has all passed away except three, I believe. Lincoln was assassinated; Garfield was assassinated. It is easy to denounce the action of the dead, for they can speak not; but it is not always well in a country like this to denounce the conduct of good and true men in the performance of their duty for the benefit of men who failed to perform their duty.

SOME RECENT HISTORY.

I have a little history here to which I wish to call the attention of the

Senate. Some who were major-generals of the Army have a history themselves. I discover some gentlemen very anxious to insist in word, speech, and vote that this man Porter was improperly condemned who should look well to their own record. I have the proceedings of fifty-one dismissals of officers from the Army copied from records of the War Department. I will read some of them. They were poor volunteer officers, that is true:

Lieut. Henry C. Smith, "for insubordination, disrespect to his commanding officer, and disobedience of orders." He was dismissed.

Lieut. James Walton, "absent without leave and disobedience of orders."

Capt. Henry D. Wishart, of Pennsylvania, dismissed for deserting his company during action. "The general commanding regrets that he has not the authority to inflict the sentence of death."

Senators are putting this on the ground of excuses for people. Here is a poor fellow who could not stand the racket and he dodged a little; he was dismissed, and the general says he regrets he has not the power to inflict the sentence of death.

Seth L. Woodworth, of Illinois, was dismissed for skulking.

Captain Paulus was dismissed for absence without leave.

Reuben Platt, lieutenant, was dismissed for "misdemeanor when the regiment was marching against the enemy."

I will not read them all at this time, but will ask to give them with my remarks. There are fifty-one cases, all dismissed; and I wish to call the attention of both sides of the Chamber to the fact that these fifty-one officers were dismissed by a commanding general without even giving one of them a trial. Not one ever had a trial by court-martial, but were dismissed peremptorily by order of the general commanding, some for skulking, some for absence, some for disobedience of orders, and one for disrespect to his commanding officer. That general is a tender-hearted man, I presume. Would the Senator from New Jersey like to know who the general is that dismissed those fifty-one officers without giving them even the right to a court-martial. His name is signed to this order, and I will read it: "By order of Major-General ROSECRANS."

General Orders No. 30.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Murfreesborough, Tenn., February 24, 1863.

By virtue of the authority delegated to the major-general commanding by the Secretary of War, the following-named officers are dismissed the service of the United States from the dates set opposite their respective names:

Maj. H. C. Rogers, Fourth Ohio Cavalry, from December 25, 1862, for absence without leave.

Lieut. James Ritt, Fourth Ohio Cavalry, from April 1, 1862, for absence without leave.

Lieut. Wellington B. Straight, Fourth Ohio Cavalry, from September 12, 1862, for absence without leave.

Lieut. John Shade, Fourth Ohio Cavalry, from December 26, 1862, for absence without leave.

Lieut. Adam Kunk, Fourth Ohio Cavalry, from September 6, 1862, for absence without leave.

Lieut. Thomas D. Burdsal, Fourth Ohio Cavalry, from September 6, 1862, for absence without leave.

Capt. J. W. Marvin, Third Ohio Cavalry, from January 21, 1863, for absence without leave, breaking his arrest, and drunkenness.

Capt. John Fenfrock, Sixty-fourth Ohio Volunteers, from November 5, 1862, for deserting his command while on the march.

Second Lieut. James H. Baty, Fifth Kentucky Volunteers, from January 22, 1863, for absence without leave.

Second Lieut. L. H. Albert, Thirty-ninth Indiana Volunteers, from January 22, 1863, for desertion.

First Lieut. John W. Scott, Company G, Forty-second Illinois Volunteers, from January 11, 1863, for absenting himself without leave and for disabling himself by contracting a disease which unfits him for military duty.

Lieut. Henry C. Smith, Eightieth Illinois Volunteers, from January 22, 1863, for insubordination, disrespect to his commanding officer, and disobedience of orders.

Second Lieut. James Walton, Ninety-fourth Ohio Volunteers, from January 22, 1863, for absence without leave and disobedience of orders.

Lieut. A. C. Brown, Tenth Wisconsin Volunteers, from January 23, 1863, for repeated misbehavior and absenting himself without leave when his regiment was marching to meet the enemy.

First Lieut. G. W. Riley, Fifteenth Indiana Volunteers, from January 29, 1863, for having disabled himself by contracting a disease which disqualifies him for military service.

Second Lieut. E. Bierce, Thirtieth Indiana Volunteers, from January 29, 1863, for straggling and permitting himself to be captured.

Capt. B. W. Canfield, One hundred and fifth Ohio Volunteers, from January 29, 1863, for disobedience of orders and gross neglect of duty in allowing his train, consisting of thirty-four wagons and one hundred and eighty-four animals, under charge of one hundred and sixty-four men, to be surprised and captured by scarcely superior force of the enemy, without any resistance on his part. The commanding general regrets his inability to inflict the extreme penalty of the law upon one so deserving an ignominious death.

Surg. H. M. Crouse, Fifty-seventh Indiana Volunteers, from November 9, 1862, for absence without leave.

Lieut. Col. Jacob Ruckstuhl, Fourth Kentucky Cavalry, from January 5, 1863, for absence without leave.

Capt. Henry Shaffer, Fourth Kentucky Cavalry, from January 5, 1863, for repeated absence without leave.

Capt. Patrick McGowan, Fourth Kentucky Cavalry, from January 5, 1863, for repeated absence without leave.

Maj. W. J. Clift, First Middle Tennessee Cavalry, from January 10, 1863, for absence without leave while his regiment was engaged with the enemy at the battle of Stone River.

First Lieut. R. H. Shively, First Middle Tennessee Cavalry, from January 10, 1863, for absence without leave while his regiment was engaged with the enemy at the battle of Stone River.

Second Lieut. H. N. S. Shipp, First Middle Tennessee Cavalry, from January 10, 1863, for absence without leave while his regiment was engaged with the enemy at the battle of Stone River.

First Lieut. S. L. Gregg, Nineteenth Indiana Battery, from October 27, 1862, for absence without leave.

Col. O. S. Hamilton, Eighty-sixth Indiana Volunteers, from January 13, 1863, for incompetency.

Capt. John Burton, Fourth Indiana Volunteers, from January 13, 1863, for intemperance.

First Lieut. Henry Weck, Seventy-ninth Illinois Volunteers, from January 13, 1863, for cowardice in the face of the enemy at the battle of Stone River.

Second Lieut. William C. Willard, Seventy-ninth Illinois Volunteers, from January 13, 1863, for cowardice in the face of the enemy at the battle of Stone River.

Capt. David Jamison, Twenty-ninth Indiana Volunteers, from January 13, 1863, for cowardice and deserting his command in the midst of the battle of Stone River.

Capt. W. W. Schuyler, Twenty-ninth Indiana Volunteers, from January 13, 1863, for cowardice and deserting his command in the midst of the battle of Stone River.

Capt. S. H. Williams, One hundred and fifth Ohio Volunteers, from J. nuary 13, 1863, for drunkenness while on duty.

Lieut. John Mangold, Ninth Ohio Volunteers, from January 15, 1863, for absence without leave.

First Lieut. Joseph J. Armatage, Eighty-sixth Indiana Volunteers, from January 15, 1863, for abandoning his company in the presence of the enemy at the battle of Stone River.

Captain Klein, Seventy-ninth Pennsylvania Volunteers, from January 15, 1863, for absence without leave.

First Lieut. E. H. Benedict, Seventy-ninth Indiana Volunteers, from January 15, 1863, for cowardice and misbehavior on the battlefield.

Capt. Duncan C. Reed, Twenty-fourth Wisconsin Volunteers, from January 27, 1863, for deserting his command while engaged with the enemy on the pretext of sickness.

Second Lieut. Albert B. Forbes, Eighty-eighth Indiana Volunteers, from January 17, 1863, for drunkenness on the field of battle.

Second Lieut. Jesse Ball, Eighty-eighth Indiana Volunteers, from January 17, 1863, for tendering his resignation, assigning as a reason that he was tired of the service and opposed to the President's proclamation.

Col. W. B. Casselly, Sixty-ninth Ohio Volunteers, from December 31, 1862, for drunkenness on the morning of the 31st December, at the most critical moment of the battle of Stone River, rendering him incapable of receiving or giving commands, thereby imperiling the safety of his entire regiment.

Capt. John Watts, Seventy-second Indiana Volunteers, from January 19, 1863, for disobedience of orders, gross carelessness, and neglect of duty while on picket.

Capt. M. Noble, One hundred and first Ohio Volunteers, from January 21, 1863, for absence without leave.

Second Lieut. O. L. Peck, One hundred and first Ohio Volunteers, from January 21, 1863, for absence without leave.

Lieut. S. G. Wright, acting assistant quartermaster Thirty-sixth Brigade, from November 21, 1862, for signing a false voucher.

Surg. W. H. Myers, Thirtieth Indiana Volunteers, from November 26, 1862, for stealing horses, abandoning his post when regiment was marching in the face of the enemy, he being the only medical officer on duty, and absence without leave.

Lieut. G. P. Stiles, Thirty-first Ohio Volunteers, from February 2, 1863, for absence without leave for more than sixty days.

Lieut. S. B. Conn, Sixty-fourth Ohio Volunteers, from February 2, 1863, for absence without leave for more than sixty days.

Second Lieut. Arthur Bennett, Seventy-seventh Pennsylvania Volunteers, from February 2, 1863, for absence without leave.

Capt. Henry D. Wishart, Seventy-seventh Pennsylvania Volunteers, from February 2, 1863, for cowardly conduct in the face of the enemy and deserting his company during the action of December 31, 1862, at Stone River, under the disgraceful pretext of sickness. The general commanding regrets that he has not the authority to inflict the sentence of death.

Lieut. Seth L. Woodworth, Company B, Seventy-ninth Illinois Volunteers, from February 2, 1863, for skulking in the rear at the beginning of the battle, disobedience of orders, and pretending lameness.

Capt. M. L. Paulus, Ninety-third Ohio Volunteers, from February 5, 1863, for being absent without leave and without sufficient cause from December 31, 1862, to January 3, 1863.

Lieut. Reuben Platt, Ninth Indiana Volunteers, from February 9, 1863, for repeated insubordination, absence without leave, and misdemeanor when the regiment was marching against the enemy.

By command of Major-General Rosecrans.

C. GODDARD,
Assistant Adjutant-General and Chief of Staff.

Without speaking of any member of the House of Representatives, I can speak of the General. When he appeals to this country to reinstate Fitz-John Porter, who was tried by a court-martial, who was convicted by a court-martial lawfully organized, and the sentence approved by the President of the United States, I ask him who appeals for the restoration of those fifty-one poor volunteer officers who were dismissed by a stroke of his pen without anything on the records as to what they were accused of except his own statement? I should like to see the tender heart turned toward the poor unfortunate volunteer as well as toward the man who happened to have been educated at the expense of the Government. Who pleads for those men? Who introduces bills to restore those men? No Senator, no Member of Congress, nobody pleads for them. Nobody asks that the tender heart shall turn toward them, dismissed without a court, without a trial, by merely the will of the commanding officer. Yet we are told that this is all right. They were mere volunteer officers.

HOW TO-DAY'S RECORD STANDS.

But, sir, that is about the way matters are moving in this country now. There is a class that must feed on the bounty of the Government; kicked out of the Army or not, it makes no difference, they must be put back and they must be supported by the Government. They are asking reinstatement by Congress every day. Why? Because at some time they performed service. They have been dismissed very true (dishonorably), but no difference.

Sir, there were two millions of men who performed service in this country, volunteer soldiers, privates and officers, and no bill has ever passed the Senate to put one of them on the retired-list; and not a volunteer officer has ever been placed there, no matter how badly wounded or shattered or torn, it makes no difference. A man has to go through the portals of the regular Army to receive the bounty of this Govern-

ment on the retired-list. Whether he be armless, without legs or eyes, it makes no difference. If he was a poor volunteer, kick him out of the service by an order, not by a trial, and it is all right; but if a man who happened once to belong to the regular Army fails in his duty, disobeys orders, shows his disobedience and his contempt for his superior officer, all that side of the Chamber come up in solid phalanx for him, and they generally obtain a few allies from our side for the purpose of helping them along to reverse history. Men who attempted to destroy the Government, when forgiven (and I say this with all due respect—they will not complain, for they did try to destroy the Government), come to you, and undertake to reverse history on your side of the case, and you rush forward to assist them in doing it, and expect to gain the plaudits of the people of this country for so reversing history against the Union people of this Government; it is done on the ground of charity. Charity for what? Charity for your country? Charity for truthful history? Charity for a person. Therefore reverse the history of the case, turn the wheel backward, cast a stigma upon two dead Presidents, upon an honorable court-martial, for the benefit of a man who failed in the hour of trial to perform his duty toward his country. If that is the course that is going to be pursued it will not be long until all the history of the war will in a certain sense be reversed.

I for one, no matter what men may say, will follow my convictions of right. I am charged with following this man unnecessarily. I follow no man. I have my honest convictions and by my convictions I will stand. If I were the only man in this country who would stand in the Senate Chamber and defend the name and fame of Lincoln, Garfield, and the men who condemned this man, I would say, solitary and alone, "I will stand here in defense of right against a man who tries to tear down the reputation of those men in order to build up one for himself which he does not deserve."

THE SECOND BRANCH OF THE CASE.

Mr. President, I now desire to call the attention of the Senate to the second branch of this case, which is in reference to the 29th of August, 1862, and the orders on that day. I will not go over the testimony in full, for I propose by leave of the Senate to file the evidence in the case with my argument to sustain every proposition that I make. I have it compiled from the records as sworn to.

What is the case of the 29th of August? The Senator from New Jersey [Mr. SEWELL] commenced his speech by having a letter read from General U. S. Grant. If there is any one in this country who has a higher admiration for the military genius of General Grant than I have, I do not know him. I served under General Grant for three years. I went into the Army almost at the same time he did. I have known him for a great many years. I would not say one word that would deprive him of the great reputation that he has justly won before the American people. I will take his letter as read by the Senator on yesterday, and I propose to examine the paragraph for myself upon which he laid so much stress and see what I can make of it.

THE BATTLE ON THE 29TH OF AUGUST.

The controversy in this case on the 29th is about three orders. The first order was issued about 6 o'clock in the morning; the second was the joint order; and the third was the 4.30 order, which it is said he did not obey, nor, strictly, any of them. On that point the Senator from New Jersey makes the same mistake that all persons have made who defend Fitz-John Porter for the disobedience of that order. They insist that there was no battle on the 29th. If there had been a battle on the 29th, then Fitz-John Porter was guilty; but inasmuch as there was no battle on the 29th, he could not be guilty of violating an order to fight when there was no fighting to be done. That is the reasoning

The proposition is this: If there was a battle on the 29th, and Fitz-John Porter failed to fight when he was ordered to fight, then he is guilty; if there was no battle, he is not guilty, as there was no fighting to do. Is not that it?

Now, let us see if General Grant does not fall into the very same error. What does he say?

Until in 1881—

Mark the language, and I call the Senator's attention especially to it:

Until in 1881, when I re-examined for myself, my belief was that on the 29th of August, 1862, a great battle was fought between General Pope, commanding the Union forces, and General Jackson, commanding the confederate forces; that you, with a corps of twelve or more thousand men, stood in a position across the right flank of Jackson and where you could easily get into his rear; that you received an order to do so about 5 or 5.30 o'clock, which you refused to obey because of clouds of dust in your front, which you contended indicated an enemy in superior force to you; that you allowed Pope to get beaten while you stood idly looking on, without raising an arm to help him. With this understanding—

Now mark the language—

and without a doubt as to the correctness of it, I condemned you.

What does he mean by this statement? He means that if there was a battle on the 29th and Porter stood there with twelve thousand men and did not fight and did not attempt to fight, he was guilty and Grant condemned him; but since he ascertained that there was no battle on the 29th he has changed his opinion. That is the whole case as General Grant puts it. I will agree with Grant on that proposition. I agree right here that if the evidence does not show that there was a battle fought on the 29th that I may be wrong so far as the order to attack is concerned, and if I cannot show by confederate and Union testimony that there was a battle fought on the 29th, and not only that, but by the report of the Senator himself, who says in his report that he had to change one battalion of his regiment to the position of the other on account of exhausting his ammunition—that is substantially the language of the Senator's own report—on the 29th, the battle was raging so furiously; in this I am not mistaken.

CONFEDERATE TESTIMONY.

Now let us see whether I am correct. These gentlemen do not like the evidence that was taken before the court-martial. It does not seem to agree with their case. They want confederate testimony. Inasmuch as they want confederate testimony let me give them a little of it. I bring General Lee now to prove my side of the case as I state it. General Lee says—I read from his official report:

Generals Jones and Wilcox bivouacked that night east of the mountain—

That is the night of the 28th; I do not want to consume time in reading the whole report—

and on the morning of the 29th the whole command resumed the march, the sound of cannon at Manassas announcing that Jackson was already engaged.

That was at 9 o'clock in the morning.

Longstreet entered the turnpike near Gainesville, and moving down toward Groveton, the head of his column came upon the field in rear of the enemy's left—

That is in the rear of Pope's left—

which had already opened with artillery upon Jackson's right, as previously described. He immediately placed some of his batteries in position, but before he could complete his dispositions to attack the enemy withdrew, not, however, without loss from our artillery. Longstreet took possession [position?] on the right of Jackson, Hood's two brigades, supported by Evans, being deployed across the turnpike and at right angles to it.

Now he goes on and gives the description, and winds up with saying:

While this demonstration was being made on our right a large force advanced to assail the left of General Jackson's position, occupied by the division of General A. P. Hill. The attack was received by his troops with their accustomed steadiness, and the battle raged with great fury.

THE TESTIMONY OF UNION OFFICERS.

That is the language of Lee. The battle raged with great fury on the 29th. Now, I can prove it by every report made by Union officers, and I have the names of the different ones making the reports and I will give them——

Mr. EDMUNDS. How far was Porter from that battle at that time?

Mr. LOGAN. About two miles to the left.

Mr. EDMUNDS. Then he could have heard the cannon.

Mr. LOGAN. The evidence all shows that his troops heard the artillery all day.

Now let me show you the number of reports of Union officers, and I especially call the attention of the Senate to them. They are as follows: General Pope, General McDowell, General Reynolds, General Schenck, General Robinson, General Grover, General Kearny, General Sigel, General Milroy, General Stahel, Lieutenant Haskins, General Carl Schurz, Lieutenant-Colonel Muhleck, Colonel Kryzanowski, and divers other Union officers' reports, and each and every one of them not only show a battle but heavy loss on the 29th, and not only that, but I assert the fact and will put it in evidence that the battle was desperate and bloody. The fight was so severe that the confederate reports show that all the field officers of one whole command were lost save two.

And yet with all these facts before the country and before this body Senators will say there was no battle on the 29th.

I will now give the names of the confederate officers who made reports of that battle. Here is the report of the Senator from New Jersey. He was in the battle—I have quoted it—he says he was out of ammunition and changed one-half his command around in order to let the others have a chance, his ammunition being exhausted. The Senator knows this to be his report. That was on the 29th.

Mr. SEWELL. Will the Senator allow me to interrupt him?

Mr. LOGAN. Certainly.

Mr. SEWELL. There is no question of the fact that there was severe fighting on that day. It was by isolated brigades, though; it was not a general battle.

Mr. LOGAN. "Isolated brigades." Yes, I should say there was one isolated command that did not fight at all. [Great laughter.] But you may call it what you please. Sir, you know if you are a military man—and I do not doubt the proposition; you served honorably during the war—there never was a battle fought yet when all the troops on both sides were engaged at the same time, unless it was a mere small detachment. There is no man certainly who was in the Army but knows that battles were all fought by brigades and divisions, one fighting now and another again, and so on as different movements were made. There is my friend who has an honorable record as an army officer [Mr. MILLER, of California]; he knows that what I say is true. Every man who has served in the Federal or confederate army knows the same thing. On the 29th every man you had under Pope except Porter was engaged in battle that day, and yet you say it was not a battle, and on that ground General Grant says because there was no battle on the 29th Porter ought to be excused, but if there was any battle on the 29th he "condemned him."

WHAT GENERAL GRANT'S LETTER PROVES.

Now, what does Grant's letter prove? It proves exactly what you do not want proven. It proves that if there was a battle on the 29th Porter was properly condemned. You agree there was. Therefore he was properly condemned. There is the kind of argument that you have used in this case from the time it was first before Congress, denying that there was a battle on the 29th, when Lee, Longstreet, Hood, Jones, Ewell, and Jackson, and the whole confederate forces recognize the fact and report that there was a severe battle, a severe struggle on that day, which is corroborated by your own officers, and the excuse made is that there was no fight on the 29th, therefore Porter is not culpable because he did not fight, for there was no battle going on.

If there was a battle on the 29th, Porter was guilty. I said I would stake the whole case on that proposition and take General Grant's letter to support my statement; and the very evidence that the Senator from New Jersey introduces to support his side of the case when the facts are brought to light condemn his friend.

ORDERS TO POPE.

On the morning of the 29th General Porter was lying near Manassas Junction; he received a verbal order. Without referring to the date I will try to give it correctly, for I do not want to detain the Senate by reading it, but I will put these orders in my remarks. I can state them. As I said, on the morning of the 29th General Pope sent a verbal order to General Porter, ordering him to push as rapidly as possible towards Gainesville; that if he did not move expeditiously we would lose much. General Porter refused to obey that order because it was not in writing. I have a letter from the man that carried that order to General Porter. Porter admits in his own statement that he received that order, but he wanted it in writing. Then General Pope had to give him an order in writing. This is the order:

HEADQUARTERS ARMY OF VIRGINIA,
Centreville, August 29, 1862.

Push forward with your corps and King's division, which you will take with you, upon Gainesville. I am following the enemy down the Warrenton turnpike. Be expeditious, or we will lose much.

JOHN POPE,
Major-General, Commanding.

The object of this order was to enable General Porter with a large force to intervene near Gainesville, on the Warrenton pike, between Jackson and Longstreet, and thus regain the advantages lost by the retreat of King and Ricketts early that morning. After that order was given in writing Pope issued what is called the joint order—the McDowell and Porter order. That order directed McDowell and Porter to march in the direction of Gainesville until they moved far enough to throw the right down onto the left of the army of Pope and to be in position that night, so that if they had to fall back to fall behind Bull Run.

HEADQUARTERS ARMY OF VIRGINIA, *Centreville, August* 29, 1862.

GENERALS MCDOWELL AND PORTER: You will please move forward with your joint commands towards Gainesville. I sent General Porter written orders to that effect an hour and a half ago. Heintzelman, Sigel, and Reno are moving on the Warrenton turnpike, and must now be not far from Gainesville. I desire that as soon as communication is established between this force and your own the whole command shall halt. It may be necessary to fall back behind Bull Run, at Centreville, to-night. I presume it will be so on account of our supplies. I have sent no orders of any description to Ricketts and none to interfere in any way with the movements of McDowell's troops, except what I sent by his aid-de-camp last night, which were to hold his position on the Warrenton pike until the troops from here should fall on the enemy's flank and rear. I do not even know Ricketts's position, as I have not been able to find out where General McDowell was until a late hour this morning. General McDowell will take immediate steps to communicate with General Ricketts and instruct him to join the other division of his corps as soon as practicable. If any considerable advantages are to be gained by departing from this order, it will not be carried out. One thing must be held in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning. The indications are that the whole force of the enemy is moving in this direction at a pace that will bring them here to-morrow night or the next day. My own headquarters will, for the present, be with Heintzelman's corps or at this place.

JOHN POPE,
Major-General, Commanding.

AN EXPLANATION OF THE JOINT ORDER.

There ought to be an explanation of this order. It is not very entertaining to the Senate to deal with maps, but I used to have a good deal to do with them when I had charge of a corps and also of an army, and therefore I naturally take to them. Why was the order given in that way? It is very simple when understood, as it may be if any one will look at the military situation, and I will explain it in a moment.

Jackson had moved around from Centreville by Sudley Springs behind what is called the Independent Railroad, which was a cut, and formed his line in rear of the railroad cut, letting his right run up in the direction of the road that ran from Gainesville to Centreville. Bull Run Creek runs down in this direction [indicating]. They were to move from Dawkin's Branch up to Gainesville, striking this turnpike road. The intention was to strike the turnpike, and the fact that Porter was told to be in a condition to fall back behind Bull Run shows that to be true, because on the road that he was then marching he could not fall behind Bull Run without traveling clear around to Centreville, but by passing through and letting his right swing over to this road he would be on the turnpike road which passed down across Bull Run to Centreville on this turnpike. That was the situation, and that is what Pope intended. After Porter had gone as far as Dawkin's Branch, five miles away from Gainesville, he says that, seeing dust, &c., he concluded to stop there. I do not give his language, but that is the substance. He did stop there; he staid there the whole day; that is, the head of his column did.

Mr. SEWELL. Will the Senator allow me a word?

Mr. LOGAN. Certainly.

Mr. SEWELL. The evidence of General Butterfield goes to show that he threw a brigade across Dawkin's Branch, his line deployed, and he rode in advance of his brigade to look at the ground, when suddenly his brigade was withdrawn, and he found McDowell and Porter together. It was on McDowell's order that it was withdrawn, and he says, "Put your troops in here to the right; you are too far out."

Mr. LOGAN. If the Senator had just waited a moment he would have gotten all the facts and more than he has given. I was stating that at Dawkin's Branch he stopped. That is true, is it not? McDowell came up with him at Dawkin's Branch. They had some conversation. He says that McDowell told him to put his troops in here. McDowell, he states, said this is no place to fight a battle. McDowell declares he did not say so; but that is immaterial. Porter said, "If I put my troops in I will get into a fight." McDowell replied, "That is what we came here for."

General Butterfield, of whom you speak, did not take his brigade, but he took part of it, went across the branch into open ground, and he says that he expected that an attack would be made, that he looked around and his whole regiment was gone, and he was left there by himself. He says he does not know how his regiment got away. He does not know who ordered it away, and does not know anything about it except that he was left there with one staff officer.

Mr. SEWELL. Give the rest of it.

Mr. LOGAN. I will give the whole of it as I go along. General Porter went back to Bethel chapel, two miles and a half, or three, to the rear of Dawkin's Branch, at the junction of the roads. There he staid the whole day; his corps was lying along that road with their arms stacked, and he never moved them one inch. Morell's brigade was up to the front and he put skirmishers out, and the only order that Porter gave to Morell during that day was to deploy a regiment, which he did. The next order he gave was to hide them in the woods, which he did, all except one battery, that Morell says he could not get in—Hazlett's battery; he could not get it into the woods under cover. That was the only order he got until late in the afternoon, after 6 o'clock in the evening, and Porter says that from the dust in the road he imagined or thought that a great force was marching down upon him, and therefore he hid his men in the woods.

I want to take the argument the Senator made yesterday. He said the judicious and soldierly conduct of Porter saved that army from destruction; that holding his troops in front of Longstreet kept Longstreet from moving off against Pope and destroying Pope; holding them there so long as he could have them in view. He did not have them in view, because he hid his men in the woods so that Longstreet could not see them. He says so and the Senator knows it. Instead of holding them in view to deter Longstreet from moving on Pope, he hid them in the woods so that they could not be seen, and so let Longstreet move on Pope. Not only that, sir, but before I get through, instead of your twenty-five thousand troops in front of Fitz-John Porter, I can demonstrate from the evidence that Longstreet had but six thousand that he could have used against Porter. He (Longstreet) never had twenty-five thousand troops under him present on that day, and I will prove that by Longstreet's own statement.

Mr. Porter, he says, obeyed the joint order. He was to go to Gainesville. Porter says, or the Senator says for him, that Porter could not fall over to the right; he could not move to the right so as to join Pope on the left. Why does he say that? Capt. James Stevenson, who is well known to many Senators here—he is connected with the Geological Survey—was a captain in a New York regiment. He was sent to Porter's corps for the mail, and he crossed from Pope's left through these very woods on horseback with the mail. During that very time that Porter says Longstreet had twenty-five thousand troops right in his front this man Stevenson rode by himself on horseback and carried the mail over to Porter's corps. One man on horseback could pass through these woods unmolested, and Porter was afraid to go in there for fear he would be destroyed with his twelve thousand men.

THE NUMBER OF TROOPS ENGAGED.

Let us see for a moment how many troops were there. This map shows that Longstreet first formed his men on Pageland lane. Here [indicating] was Jackson's right. Longstreet formed, throwing his left around on Jackson's right. Here was Pope throwing his left up this road, the turnpike road [indicating]. Porter, then, by moving here, would have struck Longstreet on the right flank; and according to all the testimony and the maps that your own friends have made for you, if he had moved forward on that road he would have struck Longstreet on the right flank. There is Longstreet's right flank, and there is the road passing up to the right of Longstreet. He could not have moved without striking him on the right flank. If Longstreet had met him he must have thrown his left around here [indicating] to face Porter instead of already facing him, as he is said to have been. This statement about its being impossible for Porter to pass on to the right of the enemy is sheer nonsense.

Now, let us see if we can find about how many troops were in Porter's front. I take General Longstreet's report, General Lee's report, General Wilcox's, General Hood's, General Anderson's, and see what they state. Longstreet on the 29th had (General Wilcox's brigade, Featherstone's brigade, General Pryor's brigade) six thousand three hundred men; General Hood (Texas brigade, Law's brigade, Evans's brigade) six thousand three hundred men—they average up very nicely according to their statements, I do not know how they got them so evenly; General Kemper (Kemper's brigade, Pickett's brigade, and Jenkins's brigade) six thousand one hundred men; and General Jones (Drayton's brigade and Toombs's brigade) six thousand three hundred men; making in all twenty-five thousand men. That is the number that General Longstreet gives.

Now, let us examine the testimony for a moment. General Lee says in his report that General Anderson's division came up in the evening of the 30th. General Anderson's division was seven thousand men, according to the testimony. They came up in the evening of the 30th, and not on the 29th. Now, subtract that from your twenty-five thousand and how many have you? Take a pencil and make your figures. The Senator says there were twenty-five thousand in front of Porter; we have got them down to eighteen thousand.

Now let us see what General Lee says and what General Longstreet says. They say that Wilcox's division, Kemper's brigade, Jenkins's brigade, and Evans's brigade, Hunton's and Hood's divisions went into action at Groveton at 4 o'clock, in all making over twelve thousand men taken from the eighteen thousand men, that went into action at Groveton at 4 o'clock. Lee had sent Wilcox's division, he says in his report, over to support Jones. Jones's brigade was over on the railroad, near the Cole house, watching Porter, when he saw some movement made, and that was the same time Porter hid his men in the brush. Wilcox's division was sent to support Jones; but Lee says, and so does Longstreet, that the column disappeared immediately; they do not say where, but Porter explains that they disappeared in the woods. Then he says he withdrew Wilcox's Division and threw it down to Groveton. There are twelve thousand men withdrawn from that eighteen thousand and sent to Groveton in action against Pope's left; and Longstreet and Lee both say that they remained there until 11 o'clock at night before they withdrew from Groveton. Now how many have you left in front of Porter? Six thousand men, and that was Jones's command and his support—but six thousand men. The evidence shows that Longstreet did not have another man there anywhere near Porter, and they were not in his front, they were over by the railroad; and that is the only command that Longstreet had anywhere near Porter at 4 o'clock and during the whole time from 4 o'clock until 11 o'clock at night, and at 11 o'clock at night he says they withdrew to their line, which was at Pageland lane, and not in front of Porter, so that Mr. Porter, when he received the order, instead of having twenty-five thousand men in his front, had but six thousand men; not in his front either, but in a position where they could have probably been employed against an assault.

The truth is, Stuart's report shows, and so does Porter's report, that the dust was thick; and Stuart says the dust was made by drawing brush along the road. I have repeated this before, and I do not wish to refer to it again; but that is the evidence in this case, and the evidence is what we must be guided by.

WHAT PORTER SAID BEFORE THE COURT-MARTIAL AS TO THE FORCES IN HIS FRONT.

In order to sustain what I say about that, suppose we take what Mr. Porter says. I want to call the attention of the Senate to this fact: Mr. Porter and his friends insist that there were twenty-five thousand men in his front and that he knew it, and Pope did not. I believe that is the statement. Fitz-John Porter stated to the contrary before the court-martial, that there must have been from ten thousand to fifteen thousand men in his front. Now he says there were twenty-five thousand; the Senator says so, and he knew it then, he says; but yet in his statement before the court-martial Porter said there must have been from ten to fifteen thousand men. How is it that he did not know then that there were twenty-five thousand, when he now claims that he did know it? If ten thousand, he (Porter) had more men than they had, for his morning report showed that he had thirteen thousand men for duty on the 29th. Twelve thousand five hundred is the estimate that is given by the witnesses. When he believed there were not more than ten or fifteen thousand he would not attack. Now, the Senators who try to excuse him say there were twenty-five thousand. When did they make this grand discovery? When you come to examine the reports of the confederates showing the number of men that they had in battle that day at Groveton, it turns out that Longstreet had but six thousand men anywhere near where Porter could have got at them at all. All the reports agree in this. Wilcox, who was here on duty in the Senate, makes the same statement as to the number moved to Groveton at 4 o'clock. In all the letters that they have written they do not pretend—that is dodged artfully—to state where their troops were that day.

Six thousand men! He did not even know that. How could he know anything about it? He was back at Bethel chapel the whole day, five miles away from the enemy.

Mr. SEWELL. Does the Senator want me to answer that question?

Mr. LOGAN. Certainly.

Mr. SEWELL. You have a recollection of the Buford dispatch?

Mr. LOGAN. I have.

Mr. SEWELL. That covers the ground.

Mr. LOGAN. Covers what ground?

Mr. SEWELL. That the troops were there.

Mr. LOGAN. Where?

Mr. SEWELL. That they passed through Gainesville.

Mr. LOGAN. Does that prove that they were in Porter's front?

Mr. SEWELL. Certainly. It was the only way they could get there.

Mr. LOGAN. The Senator is an artful man and I like these dodges. Now let me show the Senator the map.

Mr. SEWELL. I know it.

Mr. LOGAN. Yes, you know it; but I will explain it to others who do not know it. There is the road [indicating]. Buford says they were marching on down there. Here was Porter over here [indicating]. Seventeen regiments of infantry marched through Gainesville at 9 o'clock, says Buford's dispatch, but he never said they were marching in the direction of Dawkin's Branch. He said they were marching on the pike, and that is the pike down to Groveton; and General Lee in his report says that they marched down the pike to Groveton and went into battle against Pope's left; but the Senator will insist on saying they were in front of Porter, while he can not find a scintilla of testimony that supports him in such a statement.

Mr. SEWELL. You will find it in General Longstreet's report and his evidence.

Mr. LOGAN. You do not find General Longstreet saying any such thing. General Longstreet says his corps amounted to twenty-five thousand men, and I do not doubt that; but in his report he tells us that all his corps were in the fight at Groveton except one division. I know what Longstreet says. He says that he had twenty-five thousand men in his command, and if this man had attacked him any time after 12 o'clock he would have been terribly abused, but does not say his men were on the ground. I have his evidence, and here is his report made as soon after as possible, which says that D. H. Anderson came up on the 30th late in the day.

I ask the Senator whether he takes the report of a man made immediately after a battle? Mr. Longstreet and several other gentlemen who belonged to the confederate army have tried to make this matter as easy as possible for Fitz-John Porter; nobody doubts that. But I am taking their reports as they made them, the report of Lee, of Longstreet, of Jackson, and the whole of them, and they all agree that these troops were in the battle at Groveton on the 29th and not in front of Porter. And will any Senator tell me that the reports of Jackson, of Longstreet, of Lee, of Wilcox, of Hood, of Evans, and of all these men who were under Longstreet and engaged in battle that day, made within the next few days, are not true, and that Longstreet, after loss of memory in twenty years, shall contradict the whole thing; which, however, he does not do? No, sir; I defy any man to take the reports of the confederates themselves and disprove the statement I have made; they prove it, sustain it in every particular. And nowhere in the evidence of any of them do they contradict the fact that the troops I mention were engaged at Groveton on the 29th.

THE 4.30 ORDER.

Now let us examine the 4.30 order, which was as follows:

HEADQUARTERS IN THE FIELD, *August* 29—4.30 p. m.

MAJOR-GENERAL PORTER: Your line of march brings you in on the enemy's right flank. I desire you to push forward into action at once on the enemy's flank, and if possible on his rear, keeping your right in communication with General Reynolds. The enemy is massed in the woods in front of us, but can be shelled out as soon as you engage their flank. Keep heavy reserves and use your batteries, keeping well closed to your right all the time. In case you are obliged to fall back, do so to your right and rear, so as to keep you in close communication with the right wing.

JOHN POPE,
Major-General, Commanding.

General Pope was near the right of his line. General Ricketts was with him, and kept note of the movement of troops on that day. General McDowell withdrew from Porter at about 12 o'clock with his division, and he went from Bethel chapel up the Sudley Springs road until he struck the pike running to Groveton; he took that, and arrived there and put his division in battle on the left center. At the time he was going into battle, when he reported to Pope, he (Pope) had concluded to make a movement along the whole line and to assault the enemy at every point. So he sent an order to Porter then to assault and strike the enemy on his right flank or in the rear, that he must do it at once, and the men under McDowell moved forward; his whole army moved forward. It was about 6 o'clock, when it moved forward, and he expected Porter to do the same thing. Instead of that, he (Pope) had Longstreet's whole corps, except Jones's division, in his front at Groveton, and Porter, lying with his arms stacked for three miles along the road, never moved nor did he fire a shot. Was there any excuse for that? They say he did not receive the order in time. When did he receive the order? He says at 6.30. The Senator said yesterday at 6.30. The evidence, however, does not bear him out in that statement.

I know the fact that when a Senator makes a statement it is sometimes taken against the sworn testimony of the witnesses if it serves the purpose, but it does not serve mine so well. The evidence of Pope's aid who delivered that order, the evidence of the orderly who went with him, is that it could not have been later than half after 5 o'clock when that order was delivered. The sun on the 29th day of August, 1862, set at 6.36, and he received the order at half past 5. But suppose he did not receive it until 6.30. Take that for granted for the sake of the argument. He had then nearly two hours of daylight in which to have made his assault; and will any man tell me that Longstreet was right in his front? If Longstreet was immediately in front Porter did not have far to go to strike the enemy, and why did he not do it? Why did not that soldier—whom Senators speak of as being a grand soldier—strike the enemy? It may be very well for Senators to say that he was a man of great experience; he was a man of great genius; he knew more than Pope. That is the argument. Pope was an ignoramus and this man was a wise man; and therefore, being a wise man, he knew better than to fight when he was ordered to fight, because the man that ordered him did not know as much as he did!

Fitz-John Porter is a man of great imagination, and a man who thinks he can overturn the history of the country, and that he does find help to do it I agree. He finds help on this side that he ought not to find; he finds men helping him who ought not to assist, but still they are found.

WHAT PREVENTED THE ASSAULT?

Now let us see for a moment whether he could have assaulted or not. I repeated a moment ago from history the fact that at the great battle of Waterloo the last assault made by Napoleon's guards on the guards of the Iron Duke (Wellington), was made after 8 o'clock on the 18th day of June, 1815, and there the order was given by Wellington that has gone down into history, "Up, guards, and at them!" And at 9 o'clock Wellington formed his line and moved forward and broke the French army into pieces; and yet Fitz-John Porter could not move at 6.30, when the Senator says that he had his troops up at Dawkin's Branch deployed ready to attack! Why did he not do it?

Mr. SEWELL. Will the Senator allow me to interrupt him?

Mr. LOGAN. Certainly.

Mr. SEWELL. The head of his column was deployed ready for an attack, but his whole troops were not in line; the joint order did not contemplate the fighting of a battle at that place, but it contemplated going to Bull Run. He was in a position to hold himself to protect his own column on the road and to hold Longstreet there.

Another item I would call the Senator's attention to: the twilight at Brussels is entirely different from the twilight at Bull Run; it lasts about two hours later.

Mr. LOGAN. If the gentleman would take two hours off we should have it exactly, and in doing that Wellington's attack would, according to the Senator, be an hour after dark. So that does not help the Senator's case.

I wish to answer the Senator in the same way he tries to answer me. He says the reason was that the joint order did not contemplate an attack. That was the order issued in the morning. I am talking about the order of 4.30, which directed him to attack at once; but the Senator says because the previous order did not contemplate an attack, therefore he had no right to obey the 4.30 order. In other words, to illustrate: if the rebellion is going on and I am ordered to move on Jackson, Miss., from Vicksburg and to be there at a certain time, because the troops at Jackson were going to attack, and I meet some troops on the road, I say, "Well, I will not fight these fellows, because I am ordered to go to Jackson before I fight." [Laughter.] That is the reasoning of the Senator.

Mr. SEWELL. The Senator drew a comparison between Wellington at Waterloo and Porter on Dawkin's Branch. He is perfectly right about the time at Waterloo, but there had been a fight going on there all day in open sight, open view.

Mr. LOGAN. So there had been at Bull Run since 9 o'clock.

Mr. SEWELL. There I differ with the Senator in opinion, and I say there the Guard were in line and they could not help it.

Mr. LOGAN. The difference is this: Napoleon's Guard had not been in the battle at all at Waterloo, and they never engaged until 8 o'clock, when they were ordered to assault the guards of Wellington. That is just the position this man Fitz-John Porter was in. They were the reserve of Napoleon's army and had not been engaged in battle, but they assaulted at 8 o'clock and Wellington assaulted at 9. The battle had been going on the major part of the day, and so had the battle of Bull Run from 9 o'clock in the morning until 9 o'clock at night, and yet your friend did not assault! No time in the day was proper for him to assault and no part of his column was in action.

Mr. EDMUNDS. You mean that the cannon were still firing at half past 8?

Mr. LOGAN. I mean the battle was still going on at 9 o'clock and did not cease until that time. I mean that McDowell's corps commenced its battle at 6 o'clock and continued to 9 o'clock, as the reports on both sides show. Assault after assault was made, and yet Porter's Army Corps could not assault, but the confederates could. Longstreet's corps could assault at Groveton at 8 o'clock at night, moving down at 4 o'clock to do it, but we could not do it. Oh, sir, it is a bandbox soldier that must only fight by sunlight. When did Sheridan ever ask for daylight, if necessary to save a battle?

A FEW COMPARISONS.

I should like to give a little experience here just for the benefit of the Senator. I do not know whether any of my friends on the other side were there or not. If they were, they left early; they will remember that. At the battle of Resaca General Thomas R. Woods, the brother of Judge Woods, of the Supreme Bench, commanded a division, and Judge Woods commanded one of his brigades. They were in my command. At 9 o'clock at night at Resaca, under my orders, General Woods assaulted the line of works of the rebels, a curtain running from the fort down to the river, and took it when it was so dark that you could not see where the line of works was. I sat on my horse and could only tell the position of either side by the flash of the guns.

Talk about being destroyed! I will give you an instance of one brigade at the battle of Baker's Creek, where thirty thousand of the enemy were opposed to two divisions of our troops. One brigade, a small brigade at that, under my orders marched two miles down a ravine and moved into the rear of those thirty thousand men and opened on them, scattered and dispersed them, and we captured much of their artillery and nearly as many men as the brigade itself had. Of course it took its chances; but it did it. If Fitz-John Porter had performed his duty as well as that little brigade did the Army of Virginia would not have been depleted as it was on that day.

THE POSITION PORTER OCCUPIED THAT DAY.

Having disposed, as I believe at least, of the question of the number of troops in front of Fitz-John Porter at that time, let us come back to the proposition for a moment and see the position he occupied during that day, to show whether he intended to engage in the contest. As I said, his troops were lying on the road from three to four miles, with arms stacked, during the day. He had but two regiments deployed at any time during the whole day, and then he withdrew them and put them in the brush. Further than that, when he received that order, will the Senator insist that he ever told one of his officers, staff officers or anybody else, that he had received an order to attack? The evidence shows that when that order was delivered to him he was lying down under a tree resting. The order was handed to him; he read it, folded it up, and put it in his vest pocket. General Sykes, who was sitting by his side, testifies that Porter never told him what the order was; that he never knew that Porter had received an order to attack. Morell says the same. Every commander that he had who has given testimony at all testifies that he did not give them any information that he was directed to attack at any time or any place. So when he sent word to Morell to put his command in line, Morell says that he was deploying his regiment, and while he was deploying it he got an order to withdraw it and go into camp for the night.

Fitz-John Porter was charged with having allowed some of his officers to retreat during the day. That has been persistently denied. The evidence does show that when General Sturgis reported to him with his brigade and informed him that there was a battery being established in his front and called his attention especially to it, he said no, and gave Sturgis an order not to move forward and assault the enemy. But what was the order? To move back to Manassas and go into a defensive position. That was the order that Sturgis received, and the only one received that day from Fitz-John Porter. Sturgis went into the battle, but he did not go in by the order of Porter. He himself moved his troops to the front and engaged with the enemy on the next morning.

When Porter was ordered to bring his whole command on the battlefield, Griffith's brigade, a part of Porter's command, retired to Centreville, and remained at Centreville during the whole battle. It came there on the night of the 29th and remained there, and never fired a gun. Piatt commanded a brigade, and he makes the statement and publishes it to the world that he received no orders at all. He reported that day, and the only way he got into the battle was by going on his own motion and engaging in the battle on the 30th. He received no orders whatever from Porter. In all the evidence an order can not be found that Porter ever gave to a solitary regiment, brigade, or division to engage in the battle, or even in a skirmish, with the enemy at any time during that day.

Porter received the order I will say at 5.30 o'clock. The Senator says at 6.30 o'clock. What was the order? To move at once, and attack the enemy on the right flank and in rear, if possible, keeping his right well refused, so as to strike back on the left of Pope's line, using his artillery freely. That was the order given to Porter. Will you tell me why he did not attempt to obey that order? There has not been an order given to Porter up to the present time that he obeyed, except to move forward, which he did to Dawkin's Branch, and there stopped. Then, instead of starting at 6 o'clock in the morning when he was ordered, he did not start until 9 o'clock. In all this case I defy any friend of Fitz-John Porter to put his finger on one order requiring immediate action which he obeyed. He utterly refused to obey any order given to him either to move or to fight.

ONE OF PORTER'S EXCUSES FOR REFUSING TO FIGHT.

Suppose we take it for granted that Longstreet had twenty-five thou-

sand men drawn up in line right in Porter's front, what of it? Does a man always expect to fight inferior forces? Many times during the late war the confederates fought us with one-half the number we had. We fought them sometimes with one-half the number they had. The only rule of warfare that I know is to strike the enemy where you find him, if your army is engaged. To say that a man shall not fight because he expects to be whipped is something new in military science. It is something that I have never been taught before. Since I came to the Senate I have learned that this is the idea of some gentlemen, but never during my little experience in the Army did I so understand it.

Speaking of small armies assaulting great ones, the world's history is full of such cases. At the battle of Marathon the Athenians, a handful almost, in the afternoon assaulted the Persian hordes and drove them from the land, slaying six thousand of the Persians, when only about two hundred of the Athenians were slaughtered, owing to the impetuosity of the assault.

Now let me contrast this man's conduct on the 29th of August with the conduct of an officer at the battle of Marengo. There, when the battle was lost, when the troops were leaving the field, when Dessaix said the sun was receding and the enemy advancing, that great soldier, who fell in that conflict, with six thousand men moved forward without orders, assaulted the enemy, and turned defeat into victory. So, too, this man could have done if he had obeyed his orders; but he failed to do it, failed in every instance.

I could name quite a number of victories won by an army inferior in numbers in our war. When Vicksburg was first surrounded with thirty thousand men inside its walls we had only twenty-seven thousand men to impale them there, and miles of our line were only held by a skirmish line. The enemy did not know it, however. It was a mere picket line, that they could have gone through any day or night. They supposed of course that there was a column of troops behind, but it was not true. In many instances throughout the late war cases of the kind occurred. Yet, forsooth, to-day a man with twelve thousand five hundred troops fails to assault an enemy for fear that he will be whipped. A man is a good commander who can possibly command more than that number of troops in a battle. He may command a corps with his division commanders having their orders to manage their divisions; he may command an army with his corps commanders having their orders, but the immediate control of twelve thousand troops in a battle will be satisfactory to the genius of almost any man in military affairs.

THE REAL QUESTION IN THE CASE.

There is but one more point in this case that I desire to discuss. The Senator from New Jersey has said that Fitz-John Porter was a good soldier prior to this time. I do not dispute it. He says he did well the next day. I do not dispute that. It was absolutely necessary for him to do something on the next day. After our army was broken to pieces perhaps he had to help. Nobody questions that. The question before the Senate is not whether a man has been a good soldier or a poor soldier. The question before the court-martial was: Did he disobey his orders; were they lawful; could they have been obeyed?

THE LAST ORDER ISSUED BY POPE TO PORTER ON THE 29TH.

General Pope, finding that it was impossible to have Porter obey any of his orders, finally issued the following order, directing him to march on the battlefield and report to him, with his command, in person, also to note the time of the receipt of the order, for the reason that Porter had avoided noting the time of the sending or receiving of any orders or dispatches during that day:

HEADQUARTERS ARMY OF VIRGINIA,
In the Field, near Bull Run, August 29, 1862—8.50 p. m.

GENERAL: Immediately upon receipt of this order, the precise hour of receiving which you will acknowledge, you will march your command to the field of battle of to-day, and report to me in person for orders. You are to understand that you are expected to comply strictly with this order, and to be present on the field within three hours after its reception, or after daybreak to-morrow morning.

JOHN POPE,
Major-General, Commanding.

Maj. Gen. F. J. PORTER.

The very issuing of the above is proof that Pope could not get Porter to obey any of his orders, and in fact this order was not literally obeyed, as Porter did not bring his whole command on the field of battle on the 30th.

With all these facts before us who can say that he was unjustly found guilty?

The maxim of Napoleon, "to always march to the sound of the enemy's guns," was totally unheeded by Porter.

To sum up his conduct on the 29th in brief: The battle began at Groveton at 9 o'clock the 29th; he was at Dawkin's Branch at 12 o'clock, on a plain road to Gainesville, within two miles of Pope's left, where the battle was raging; he had his troops stack arms along the road from Bethel chapel to Dawkin's Branch, a distance of three miles; his troops did not move from their position of resting during the whole day. The sound of battle was heard by his command during the entire day until 9 o'clock at night; he was ordered to move to Gainesville in the morning—to push forward. He was ordered to join his right on Pope's left; he was ordered to attack the enemy. He did not obey these orders; he did not try to obey any or either of them. He heard the shock of battle, the shouts of triumph and despair, but he moved not while the red-throated cannon belched forth missiles of death; while musketry rattled as the long-roll on a thousand drums; while infantry assaulted and cavalry charged; while men fell in death's embrace and the wounded cried for help; while the blood of his comrades flowed like water. While his commanding officer and his fellow-soldiers anxiously listened for the sound of his guns, he lay beneath the shade of a tree, putting his orders in his pocket, without informing his officers what they directed him to do. Sir, does history record such action in any soldier prior to this time? Where is the man other than Porter that ever lay with twelve thousand men who were panting to move to the aid of comrades within two miles of a battle for nine weary hours without firing a gun or even trying to ascertain if he could be of any assistance?

Sir, no such case can be found; and we are asked to condemn the court-martial that convicted him for his disobedience of orders. Was ever such request made by such a man? The only information sent by him during the day to his superiors was that he was going to retire or retreat to Manassas, and this was received just as the battle was hottest. Dust, sir, dust, was his only excuse. Men in buckram haunted him all the day. Let the many widows and orphans made that day and the many graves of brave men who fell on that field bear testimony against him in all time to come.

This thing of sympathy for a man because he has been punished for disobedience of orders is one thing, but the law and the just verdict of a court is another. You are not asked to sympathize with this man. You are asked to overturn the verdict of a court. You are asked to declare the law contrary to what the law was as expounded by that court. You are asked to reverse the verdict of a lawfully constituted tribunal. You are asked to reverse the record made by the President of the United States. I ask you whether you can do it as a legal proposition? You may do it in violation of the law, you may do it in violation of right and justice in reference to military conduct, but when you do that, do not place it upon the ground that you sympathize with this man and are justified in your action.

Our sympathy goes out to all humanity. The poor down-trodden man in Europe has our sympathy. The poor man in this country has our sympathy. The man who has to labor night and day should have our sympathy; the sick, the sore, and distressed should have our sympathy; and our sympathy should lead us to do what? To extend to them food or raiment, to give them employment or aid them in all proper ways, but not to do that which overrides law. It is not that which will override justice; it is not that which will override the principles which underlie this Government, and destroy the *morale* of our grand little Army, that can be justified on the ground of sympathy.

THIS BILL ESTABLISHES A DANGEROUS AND BAD PRECEDENT.

Mr. President, when every day poor, unfortunate, crippled officers are having their bills to put them on the retired-list referred to the Military Committee reported against, and why? Because they were dismissed from the service or because they resigned from the service, and therefore are not in law entitled to be put back. That has been the rule in the Congress of the United States, and the exception to the rule is made in favor of a man who was dismissed from the service for wanton disobedience of orders in the time of a great battle. And this is to be made the exception. Why? Will some Senator tell me? Why are these appeals made? I ask when the soldier who sleeps in the far-off grave is forgotten, when only his name is known by the monument that is above him, saying that he fought for his country, and that is all; when he is remembered by a poor little pension to his heirs, a man who stood with his musket in time of battle with courage against the enemy, this pittance is allowed to his heirs; for what? For his loyalty, for being true to his Government, for obeying orders even to the loss of life. But here comes a man who failed his superior officers, who was dismissed from service, and asks to be reinstated; reinstated for what? For disobedience of orders; for failing when failure was disaster. He asks you to put him back in the Army, to be supported with a $3,000 salary as long as he may live. For what? Sir, if this man is to be restored, where is the Union officer that was wounded in battle, where is the crippled officer to-day, whether he belonged to the regular Army or to the volunteers, who would not be entitled to the same consideration? Yet the Senate would not vote for it. I tell you, Mr. President, make not these distinctions; make not this record. It is not one of honor, nor do I believe the country will so regard it.

EQUALITY AND JUSTICE TO THE PEOPLE.

I have tried to hurry through and not detain the Senate too long. I say, in conclusion, that the war for the Union was fought to preserve a great Government, to preserve the rights of citizens, to give them protection under the law, and to secure equality of rights and justice before the law. If this act of wrong, as I deem it, shall be perpetrated by the Congress of the United States, it will be declaring that those who failed in the hour of trial are those who shall be honored in the hour of triumph; it will be declaring to the world that the record of those in the Army who failed at the important time is as good as that of those who sustained the Government; that the honor and glory of the whole Army of the United States shall not be maintained alone by the honors it won, but shall be maintained by the honors lost by its unworthy mem-

bers. When we returned to our homes and our peaceful pursuits, when the armies of a million of men melted away into the paths of peace, we then expected, and ought to expect now, that nothing would be done by Congress at least that would mar that thought that should be in every man's mind, that equality and justice should be done to all according to the laws and Constitution of our land, that justice should be done the living and that justice also should be meted out to the reputation of the dead.

So then for the honor of this nation let not its representatives mar the record that loyalty made in behalf of this great Government and for the benefit of this people.

I have deemed it to be my duty as a member of this body to oppose at all times a proposition of this character, because I believe it to be wrong in theory and certainly wrong in practice. I believe it will demoralize the Army and have a demoralizing effect upon the country.

DANGER OF THE FIRST STEP.

I say in all kindness to the other side of this Chamber (it will perhaps have no effect), your course, assisted by a few of our side in this case, will prevent the people of this country as long as you shall proceed in this way from having confidence that you intend to administer the affairs of the Government fairly. The opening of the doors for Fitz-John Porter does not mean Fitz-John Porter. It means breaking down the barrier, the wall between the good and the bad and those who failed in time of trial and those who did their duty. It means opening the door on the retired-list to Porter and to other men who failed us in our trials who shall follow in his wake. It means more. I do not care what a few gentlemen who were in the Union Army may say, I do not care what a few gentlemen who were not in the Union Army may say; but the great body of the American people do not believe in breaking down the barriers between the men who failed in time of need and the men who stood at their posts.

When I say that, I am speaking of our loyal people. I mean that the people do not believe in your coming here to regulate courts-martial for us, that we settled during the war. They do not believe it is just; they do not believe it is right. I am speaking the truth to you, and the people will emphasize it hereafter. Let your confederacy regulate its own courts-martial while it existed in opposition to this Union, but do not come here from under that flag with numbers sufficient to put disgraced men back in the Army, to cast slurs upon our men who did their duty, to trample in the dust the authority that suppressed your confederacy. Let not your feelings go that far. If they do, I tell you that more years than you think will pass over your heads before you will have the confidence of the American people.

There are some friends on this side of the Chamber who join with the other side. They are entitled to their views. I say to them, you will open the doors to danger in this country when you do this act. It is not an act of kindness to this man; it is an act of injustice to the Army; it is an act of injustice to the loyal people of this country; it is an act of injustice to the memory of Lincoln and those who were associated with him at the time; it is trampling under foot the law and the facts. You who were the friends in the hour of trial, you who stood by then, should not falter now. You are to-day doing that which you would not have done ten years ago. But to-day the consciences of some people are getting so easy that we must do everything that is asked for men who failed us in the hour of our greatest danger, for men who are entitled to nothing except what they received. We are asked in charity which is no charity to violate the law, to violate the proper rules of civil conduct, to violate the judgment of a court, to violate the order of a President made according to law and in justice, as shown at that time and now. I hope at least that men who have stood by the country in the hour of trial will not weaken in the hour of triumph in the interest of those whose triumph would have proved disastrous to the country.

The conscientious feeling that I have performed my duty according to my honest convictions to my country, to the honor of our now faithful little Army, to my comrades in arms during the war, to the living and the dead that took part in the judgment of the court, to the loyal people that loved this country and helped to save it, shall be in my own breast through life my reward for my action in this case.

APPENDIX.

EVIDENCE, REPORTS, AND ORDERS IN THE FITZ-JOHN PORTER CASE.

Badeau on the subject of marches, says:

It was late in the evening before Grant reached Burkeville, where he found that Ord had moved to Rice's Station and intrenched in front of Lee. The general-in-chief at once reported the situation to the Government.

And here is his dispatch:

The troops are pushing now, though it is after night, and they have had no rest for more than one week.

That was the way General Grant moved armies.

Now let me show what General Grant understands by an imperative order, by an order that means to be obeyed. Here is his language on page 586 of the third volume of the Military History of U. S. Grant by Badeau:

I am moving the cavalry column on Appomattox depot. There are eight trains of cars at that point to supply Lee's army. Everything is being run out of Lynchburg toward Danville. Our troops are reported at Liberty. This must be Stoneman.

When Crook received his orders to rejoin Sheridan he was very unwilling to obey, and went in person to Grant to complain.

Crook did not disobey Sheridan's order, but he went to Grant. He was ordered by Grant to report to Sheridan, but was unwilling to obey, and he went to Grant; for what? To be excused from obeying the order. What did he say?

His troops—

Crook said—

were tired and worn; they had marched all day, forded the river, and fought a battle, in which they had been repelled. Not a thousand men were fit to move.

What did Grant say?

But Grant was peremptory; the emergency was immediate; Sheridan had asked, and Crook was obliged to conform. Accordingly, the cavalry crossed the stream again in the night and set out to rejoin Sheridan.

Now let me read again about marches day and night. On page 596 of the same volume you will find this:

Ord marched his men from daylight on the 8th until daylight on the 9th of April, halting only three hours on the road—a terrible march; but the men understood that they were conquering their enemy as effectually by marching as by fighting, and did not murmur. Griffin did as well as Ord. His troops marched twenty-nine miles and bivouacked at 2 a. m. on the 9th; then moved again at 4, and reached Sheridan's position at 6, just as Lee was approaching in heavy force to batter his way through the cavalry.

Again—

Crook was soon hotly engaged. He ran his guns to the front and held his ground in spite of a heavy onset of the enemy, for the rebels must make their way through now or all was lost. Lee's force was infantry and greatly outnumbered Sheridan, and the cavalry leader soon sent back, urging Ord to hasten forward; at the same time he directed Crook to fall back slowly and sacrifice no more men in trying to check this heavy force. Gibbon, Griffin, and a division of colored troops were ensconced in the woods waiting for orders to advance. It looked as if Sheridan was deserting the field and meant to allow the rebel army to pass. Lee's men gave once more the battle-yell and quickened their pace and doubled their fire, when suddenly, the cavalry having all retired, the infantry line emerged from the woods, and the rebellion was over.

Now, let us go further, to show some of these marches:

All night the Army of the Potomac marched, though it had been allowed no rest for five full days and nearly as many nights; marched without food; as its commander said, "As ready to die from fatigue and starvation as from the bullets of the enemy."

On page 622 of Badeau's Military History of U. S. Grant I find:

The marvelous marching, not only of Sheridan but of the men of the Fifth and Twenty-fourth Corps, was doing as much as a battle to bring the rebellion to a close. Twenty-eight, thirty-two, thirty-five miles a day in succession these infantry soldiers marched—all day and all night. From daylight till daylight again, after more than a week of labor and fatigues almost unexampled, they pushed on to intercept their ancient adversary, while the remainder of the Army of the Potomac was at his heels.

GRANT'S OPINION OF THE PORTER CASE IN 1874.

WASHINGTON, *April* 18, 1874.

MR. PRESIDENT: It is no doubt known to you that General Fitz-John Porter claims to have procured evidence since his trial, not attainable at the time, which would either acquit him of the crime of which he stands convicted or greatly modify the findings and sentence of the court-martial before which he was tried, and that he has embodied in a printed pamphlet the kind and character of this evidence and what he expects to establish by it, together with an appeal for a rehearing of his case.

It is widely asserted by those who sympathize with him, and probably believed by many who have no personal interest in his case, that influences hostile to him have restrained you from examining this statement of his case, and have thus worked great injustice, by preventing the Executive from considering statements or evidence which might vindicate his character.

It is needless to say to you that I have never used any influence with you, personal or other, to prevent the investigation of his statements, nor even intimated to you in any manner that I objected to any action you might think proper to take in the matter.

Nevertheless, as I do not wish even to seem to consent to any additional misconceptions concerning me or my action in this case, I beg (if you have not already done so) that you will yourself, Mr. President, examine as fully into the question as you think justice or mercy demands; or that you will order a board of competent officers of high rank, unconnected with the armies or transactions involved, to investigate fully the statements of this new evidence made by General Porter, and report to you what, if any, bearing it would have upon the findings and sentence of his court-martial, even if it could be fully established.

I am, sir, very respectfully, your obedient servant,

JOHN POPE.
Brigadier-General, U. S. A.

General U. S. GRANT,
President of the United States.

EXECUTIVE MANSION, *Washington, D. C., May* 9, 1874.

MY DEAR GENERAL: Your letter of the 18th of April, in regard to your position in the matter of a rehearing of the Fitz-John Porter court-martial, was duly received. You are under the apprehension that I had not fully examined the case, or rather that the public so thought, and that you had used means to prevent me from giving the subject fair consideration.

In reply, I will make two emphatic statements: First, to the best of my recollection I have never had but one letter from you on this subject prior to the one I am now answering, and that simply contained the request that, if I contemplated reopening the case, I examine both sides. I read during the trial the evidence and the final findings of the court, looking upon the whole trial as one of great importance, and particularly so to the Army and Navy. When General Porter's subsequent defense was published I received a copy of it, and read it with care and attention, determined if he had been wronged and I could right him I would do so. My conclusion was, that no new facts were developed that could be fairly considered, and that it was of doubtful legality whether by the mere authority of the Executive a rehearing could be given.

Yours, truly,

U. S. GRANT.

General JOHN POPE, U. S. A.
True copies.

C. S. ILSLEY,
Captain and Aid-de-Camp.

PORTER'S ANIMUS TOWARD POPE.

Porter received his order from Pope at about 9.30 at night. Prior to that time he wrote a letter to General Ambrose E. Burnside of this character:

WARRENTON, 27—p. m.

To General BURNSIDE:

Morell left his medicine, ammunition, and baggage at Kelly's Ford. Can you have it hauled to Fredericksburg and stored? His wagons were all sent to you for grain and ammunition. I have sent back to you every man of the First and Sixth New York Cavalry except what has been sent to Gainesville. I will get them to you after a while. Everything here is at sixes and sevens, and I find I am to take care of myself in every respect. Our line of communication has taken care of itself, in compliance with orders. The army has not three days' provisions. The enemy captured all Pope's and other clothing; and from McDowell the same, including liquors. No guards accompanying the trains, and small ones guard bridges. The wagons are rolling on, and I shall be here to-morrow. Good night!

F. J. PORTER, *Major-General.*

Porter was not satisfied with his first letter. At about 4 o'clock, August 27, 1863, the same day, he wrote another letter, as follows:

WARRENTON JUNCTION, *August* 27, 1862—4 p. m.

General BURNSIDE, *Falmouth:*

I send you the last order from General Pope, which indicates the future as well as the present. Wagons are rolling along rapidly to the rear as if a mighty power was propelling them. I see no cause for alarm, though I think this order may cause it. McDowell moves on Gainesville, where Sigel now is. The latter got to Buckland Bridge in time to put out the fire and kick the enemy, who is pursuing his route unmolested to the Shenandoah or Loudoun County. The forces are Longstreet's, A. P. Hill's, Jackson's, Whiting's, Ewell's, and Anderson's (late Huger's) divisions. Longstreet is said by a deserter to be very strong. They have much artillery and long wagon trains.

The raid on the railroad was near Cedar Run, and made by a regiment of infantry, two squadrons of cavalry, and a section of artillery. The place was guarded by nearly three regiments of infantry and some cavalry. They routed the guard, captured a train and many men, destroyed the bridge, and retired leisurely down the road toward Manassas. It can be easily repaired. No troops are coming up, except new troops, that I can hear of. Sturgis is here with two regiments. Four were cut off by the raid. The positions of the troops are given in the order. No enemy in our original front. A letter of General Lee, seized when Stuart's assistant adjutant-general was taken, directs Stuart to leave a squadron only to watch in front of Hanover Junction, &c. Everything has moved up north. I find a vast difference between these troops and ours. But I suppose they were new, as they to-day burnt their clothes, &c., when there was not the least cause.

I hear that they are much disorganized, and needed some good troops to give them heart, and I think head. We are working now to get behind Bull Run, and, I presume, will be there in a few days, if strategy don't use us up. The strategy is magnificent, and tactics in the inverse proportion. I would like some of my ambulances. I would like, also, to be ordered to return to Fredericksburg and to push toward Hanover, or with a large force to strike at Orange Court House. I wish Sumner was at Washington, and up near the Monocacy with good batteries. I do not doubt the enemy have large amounts of supplies provided for them, and I believe they have a contempt for this Army of Virginia. I wish myself away from it, with all our old Army of the Potomac, and so do our companions.

I was informed to-day by the best authority that, in opposition to General Pope's views, this army was pushed out to save the Army of the Potomac, an army that could take the best care of itself. Pope says he long since wanted to go behind the Occoquan. I am in great need of ambulances, and the officers need medicines, which, for want of transportation, were left behind. I hear many of the sick of my corps are in houses on the road very sick. I think there is no fear of the enemy crossing the Rappahannock. The cavalry are all in the advance of the rebel army. At Kelly's and Barnett's fords much property was left, in consequence of the wagons going down for grain, &c. If you can push up the grain to-night please do so, direct to this place. There is no grain here to-day or anywhere, and this army is wretchedly supplied in that line. Pope says he never could get enough. Most of this is private.

F. J. PORTER.

But if you can get me away, please do so. Make what use of this you choose, so it does good.

F. J. P.

GENERAL POPE'S TESTIMONY RELATING TO MOVEMENTS AUGUST 27, 28, AND 29.

General Pope, the commander of that army, testified as follows:

Maj. Gen. John Pope was called by the Government, sworn and examined, as follows:

By the JUDGE-ADVOCATE:

Q. Will you state to the court what position you occupy in the military service of the United States?

A. I hold a commission as brigadier-general in the regular Army and as major-general of volunteers.

Q. What was your position and command and what the field of your operations on the 27th of August last?

A. Do you mean my military position as commander?

Q. Yes, sir.

A. I commanded the Army of Virginia, which, as originally constituted, consisted of the army corps of McDowell, Banks, and Frémont. These, by the 27th of August, had been re-enforced by a portion of General Burnside's command, by General Heintzelman's corps, and on the morning of the 27th by a part of General Porter's corps. A portion of my command also consisted of the troops under General Sturgis, which had begun to come up to Warrenton Junction. I was myself on the morning of the 27th at Warrenton Junction. The field of operations of the army at that time covered the region of country between the Warrenton turnpike and the Orange and Alexandria Railroad.

Q. At what time on the 27th did you leave Warrenton Junction and in what direction did you march?

A. I left Warrenton Junction before midday, I think, though the precise hour I do not remember, and moved east along the railroad, following the movements of Hooker's division, toward Manassas Junction.

Q. At what time did General Porter arrive with his command, or the portion of his command of which you speak, at Warrenton Junction?

A. I think between the hours of 7 and 10 o'clock in the morning of the 27th of August.

Q. How many troops had he then with him?

A. He reported to me that he had brought up Sykes's division of regulars, numbering forty-five hundred men.

Q. Did you see his troops; and, if so, what was their condition?

A. I only saw them at a distance as they passed along; not sufficiently near to ascertain anything about that.

Q. Did you, or not, after you left Warrenton Junction and proceeded along the road east, issue to Major-General Porter an order in reference to the movements of his troops; and, if so, what was the character of that order?

A. I issued an order to General Porter late in the afternoon of the 27th, directing him to move with his command at 1 o'clock that night to the position I then occupied at Kettle Run; that if General Morell, with his other division, was not up to Warrenton Junction when he received that order, to send back and hurry him up, and to come forward himself with the troops which he had. That is my remembrance of the order. I gave him some further directions concerning General Banks's movement, the substance of which I remember very well, but not the precise words.

Q. Will you look at this order, which is dated "Headquarters Army of Virginia, August 27, 1862, 6.30 p. m., Bristoe Station. To Major-General F. J. Porter, Warrenton Junction," and state whether or not that is the order to which you refer in your answer?

A. That is the order I issued.

(The accused admitted that the order shown to witness is the order, a copy of which is set forth in the first specification of the first charge.)

Q. Will you explain to the court the reasons for the urgency of the order, as indicated by the following words of the order: "It is necessary on all accounts that you should be here by daylight. I send an officer with this dispatch, who will conduct you to this place?"

A. General Hooker's division had had a severe fight along the railroad, commencing some four miles west of Bristoe Station, and had succeeded in driving the division of General Ewell back along the road, but without putting it to rout; so that at dark Ewell's forces still confronted Hooker's division along the banks of a small stream at Bristoe Station. Just at dark Hooker sent me word, and General Heintzelman also reported to me, that he, Hooker was almost entirely out of ammunition, having but five rounds to a man left, and that if any action took place in the morning, he would, in consequence, be without the means of making any considerable defense. As it was known that Jackson, with his own and the division of A. P. Hill, was at or in the vicinity of Manassas Junction, and near enough to advance to the support of Ewell, it was altogether probable that if he should learn the weakness of our forces there he would unite and make an attack in the morning. It was for that purpose that I was so anxious that General Porter's corps should be present by daylight, the earliest moment at which it was likely the attack would be made.

Q. What distance would General Porter have had to march to have obeyed your orders?

A. About nine miles.

Q. And within what time; from 1 o'clock until when?

A. He would have had until daylight. I do not remember exactly what time daylight was; perhaps 4 o'clock, perhaps a little earlier. I directed him to move at 1 o'clock, in order to give his command as much time to remain in their beds at night as possible; supposing that it would occupy him perhaps three hours to get upon the ground. I had expected him there certainly by 4 o'clock.

Q. You had just passed over the road along which he was required by this order to march; will you state its condition?

A. The road was in good condition everywhere. At most places along the road it was a double road on each side of the railroad track. I am not sure it was a double road all the way; a part of the way I know it was.

Q. Did General Porter obey that order?

A. He did not.

Q. At what time on the 28th did he arrive at Bristoe Station, the point indicated in your order?

A. As the head of his column came to Bristoe Station I took out my watch; it was twenty minutes past 10 o'clock in the morning.

Q. Did he at that time, or at any time before his arrival, explain to you the reason why he did not obey the order?

A. He wrote me a note, which I received, I think, in the morning of the 28th; very early in the morning, perhaps a little before daylight. I am not quite sure about the time. The note I have mislaid. I can give the substance of it. I remember the reasons given by General Porter. If it is necessary to state them I can do so.

The accused asked if the witness had looked for the note.

The WITNESS. I looked for it, but have not been able to find it.

The JUDGE-ADVOCATE. I will not press the question.

The ACCUSED. I do not object to it. The witness says he has looked for the note and can not find it. I only want to know when and where he has searched for it.

By the JUDGE-ADVOCATE:

Q. What was the character of the night; was it starlight?

A. Yes, sir; as I remember, it was a clear night; that is my recollection.

Q. If there were any obstacles in the way of such a march as your order contemplated, either growing out of the night or the character of the road, will you please state them?

A. There was no difficulty in marching, so far as the night was concerned. I have several times made marches with a larger force than General Porter had during the night. There was some obstruction on the road in a wagon train that was stretched along the road, marching toward the Manassas Junction, in rear of Hooker's division; not sufficient, in my judgment, to have delayed for a considerable length of time the passage of artillery. But even had the roads been entirely blocked up, the railroad track was clear, and along that track had passed the larger portion of General Hooker's infantry. There was no obstruction to the advance of infantry.

Q. Whatever obstacle, in point of fact, may have existed to the execution of this order, I ask you, as a military man, was it, or not, the duty of General Porter, receiving this command from you as his superior officer, to have made efforts, and earnest efforts, to obey?

A. Undoubtedly it was his duty.

* * * * * * *

Q. You mentioned that in going from Warrenton Junction toward Bristoe Station, on the morning of the 27th of August, you saw many stragglers of Hooker's command on the railroad; were they, or not, in sufficient numbers to have impeded the march of infantry along the track?

A. Shortly after I started east from Warrenton Junction we came upon the railroad again just east of Cedar Run, and from that time until we reached Bristoe Station the road was lined with stragglers from Hooker's division. Those stragglers commenced singly, then two or three together, then half a dozen, until we had got three or four or five miles from Warrenton Junction toward the east, when they began to be in bodies of forty or fifty or one hundred together, marching along the railroad going eastward, between Warrenton Junction and Bristoe Station. I think the most of them had gotten up to their command at Bristoe Station during the night, though I continued to see small bodies of them coming along the railroad track on the morning of the 28th of August. They occupied the whole track during the day of the 27th as we were going eastward, but all of them, or the larger portion of them, got to Bristoe Station during the night of the 27th of August.

Q. Were there, to your knowledge, any openings in the track, such as to have made it dangerous for infantry to march along said track at night?

A. Along the road between Warrenton Junction to Kettle Run, which is perhaps three miles west from Bristoe Station, the track had been torn up in places; but during the day of the 27th of August I directed Captain Morrell, of the engineers, with a considerable force, to repair the track up to the bridge over Ket-

tle Run, which had been burned. He reported to me, on the night of the 27th, that he had done so; so that from Warrenton Junction to the bridge over Kettle Run there was no obstruction on the railroad of any description. The bridge at Kettle Run had been burned; but a hundred yards above the bridge the road crossed the creek by a ford, and from there toward Bristoe the most of the country—in fact, nearly the whole of it—was open country.

TESTIMONY OF CAPT. DRAKE DE KAY—OPERATIONS ON AUGUST 27-29.

I now give the testimony of Captain De Kay, on page 43 of the general court-martial record:

Capt. Drake De Kay was then called by the Government, sworn and examined, as follows:

By the JUDGE-ADVOCATE:

Q. Will you state what position you hold in the military service?
A. First lieutenant, of the Fourteenth Infantry.
Q. What position did you hold during the campaign of the Army of Virginia under the command of General Pope?
A. Aid-de-camp to General Pope.
Q. Did you, or not, on the 27th of August last, bear a written order from Major-General Pope to Major-General Porter, who was then, I believe, at Warrenton Junction?
A. I did.
Q. Do you remember distinctly the character of that order, and would you be able to recognize it again upon having it read to you?
A. I did not read it.
Q. Did you, or not, after its delivery to General Porter, learn from him its character?
A. I was aware of its character by word of mouth, either from General Pope or from his chief of staff.
Q. Will you state its character as you understood it?
A. That he was to proceed at 1 o'clock that night to move up to Bristoe Station with his command.
Q. Do you mean at 1 o'clock on the morning of the 28th of August?
A. Yes, sir.
Q. At what hour of the 27th of August did you deliver this order to General Porter?
A. Between 9 o'clock and half past 9 p. m.; I think about half past 9; I could not say within half an hour.
Q. Had you any conversation with General Porter at the time in relation to the order or the execution of the order by him?
A. Yes, sir; some conversation.
Q. Will you please state it, as far as you can recall it?
A. I arrived, as I have said, about half past 9 o'clock, at his tent, and found General Porter and two or three generals there—General Sykes and General Morell, and, I think, General Butterfield, though I am not sure whether he came in afterward or not. I handed General Porter the order, which he read and then handed to one of the generals, saying as he did so, "Gentlemen, there is something for you to sleep upon." I then said that the last thing that General Pope said to me on leaving Bristoe Station was that I should remain with General Porter and guide the column to Bristoe Station, leaving at 1 o'clock, and that General Pope expected him certainly to be there by daylight, or relied upon his being there by daylight; something of that nature; those may not be the exact words; I only give to the best of my recollection, of course. General Porter then asked me how the road was. I told him that the road was good, though I had had difficulty in getting down on horseback, owing to the number of wagons in the road; but I told him I had passed the last wagon a little beyond Catlett Station from this direction. I told him that as they were moving slowly he would probably be up with them by daylight. I also stated to him that his infantry could take the railroad track, as many small squads of men had gone up that way. These small squads, I would state here, though I did not state that to General Porter, were stragglers from Hooker's corps; I should think some six or eight hundred of them, which we passed in going down to Bristoe Station; they all took the railroad track as the shortest and easiest road.
Q. What remark, if any, did General Porter make, either to you or to the generals with him, in reply to your statement in reference to the road and the expectation of General Pope?
A. He stated—I do not think to me; he spoke generally to all who were in the tent—that his troops had just got into camp; that they had been marched hard that day; that they would be good for nothing if they were started at that time of night; that if their rest was broken they would be good for nothing in the morning on coming up with the enemy.
Q. Did you, or not, make known to him that you were there for the purpose of conducting him under the order of General Pope?
A. I did.
Q. Did he, or not, at the moment, announce any purpose either to obey the order or not to do so?
A. I do not recollect precisely.
Q. From the remarks made by General Porter in your hearing, in reply to these statements of yours, was or was not the impression made upon your mind that it was not his purpose to march in obedience to his order?
(Question objected to by the accused.
The judge-advocate stated that he merely wished to arrive at the fact whether there was any determination made known to the witness in regard to this order in any way; he was not particular as to the form of the question to be asked.
The accused withdrew his objection.)
A. There was no order issued to my knowledge, of course, one way or the other. That would have been done through General Porter's assistant adjutant-general. I can only say that I was aware of the determination not to start until daylight, inasmuch as I laid down and went to sleep.
Q. Do I or do I not understand you, then, to say that there was an evident determination on the part of General Porter not to march until daylight?
A. There was.
Q. Have you any knowledge as to the time at which his troops had arrived at Warrenton Junction?
A. Only the fact that the regulars—Sykes's division—were in camp at Warrenton Junction at about 10 o'clock in the morning of that day, which fact I am aware of from having visited several officers of my regiment in their camp.
Q. These regulars were a portion of General Porter's command, were they not?
A. Yes, sir.
Q. Have you any knowledge how far the troops under General Porter had marched on that day?
A. I have not.
Q. What was the character of the night of the 27th of August?
A. To the best of my recollection it was a cloudy night, but not rainy.
Q. What was about the distance between Warrenton Junction and Bristoe Station?
A. I supposed it to be ten miles; they say nine miles.
Q. What was the distance from Bristoe Station to Catlett Station, where you passed the last of the wagons?
A. I can not tell you exactly; six miles, I should think.
Q. At what hour did you pass the last of those wagons?
A. Half past 8 p. m., I should think.
Q. Did you remain overnight and wait until the march of General Porter's command the next day?
A. I did.
Q. At what hour, in point of fact, did he move from Warrenton Junction?
A. I should think the head of the column left about 4 o'clock in the morning; I am not positive about the hour.
Q. At what rate did the command march after it left Warrenton Junction?
A. I could not say at what rate. We started at or about 4 o'clock in the morning, and marched along quietly, without any apparent haste, meeting with no obstruction or detention, except that arising from the wagons we found in the road. The head of the column arrived at Bristoe Station about 10 o'clock, I should judge.
Q. At what point did you overtake the wagons, and how many of them do you suppose there were?
A. I do not recollect. There was a large park of wagons near Warrenton Junction—about half way between Catlett Station and Warrenton Junction—which left for Bristoe Station at daylight. We overtook those wagons. They were in park when I passed down to Warrenton Junction the previous evening; therefore I can not tell when we overtook the end of the train which I had passed near Catlett Station the evening before.
Q. What is the meaning of the term "in park?"
A. In camp.
Q. Had General Porter's command marched at 1 o'clock in the morning would he or would he not have passed those wagons in camp?
A. He would have passed them in camp, probably.
Q. Was or was not the march throughout at the usual rate at which troops move, or was it slower?
A. It was at the rate at which troops would move if there was no necessity for rapid movement.

TESTIMONY OF COL. FREDERIC MYERS, AUGUST 27.

Col. Frederic Myers, of the Quartermaster's Department, who is now dead, testifies (general court-martial record, page 106):

Lieut. Col. Frederic Myers was then called by the Government, and sworn and examined, as follows:

By the JUDGE-ADVOCATE:

Q. Will you state to the court in what capacity you served in the Army of Virginia, under Major-General Pope, during his late campaign, in July and August last?
A. I was chief quartermaster to General McDowell.
Q. Where were you on the night of the 27th of August last?
A. I was with the trains of the army, about a mile and a half from where General Hooker had his battle on the 27th.

He was with the trains about a mile and a half from where General Hooker had the battle of the 27th. General Hooker's battle on the 27th was at Bristoe Station, where these troops were to be marched that night.

Q. Did you, or not, receive any instruction from General Pope on that day relating to your train along the road from Warrenton Junction to Bristoe Station? If so, state what they were.
A. I was ordered to move the trains in rear of General Hooker. Just before dark General Pope with his staff rode up, and I reported to him that General Hooker was in action ahead of me, and asked him if I should go into park with my trains. He replied that I could do so or go on, as I thought best.
Q. What did you do; did you go into park or did you continue on?
A. I went into park, and gave directions to all the quartermasters to go into park.
Q. At what hour on the following morning were those trains upon that road put in motion?
A. The head of the train commenced moving just at daylight.
Q. What was the condition of the road between Warrenton Junction and Bristoe Station at that time, so far as regards the passage of wagons, artillery, &c.?
A. It was in excellent condition at that time.
Q. Do you remember the character of that night—the night of the 27th of August? If so, will you please state it?
A. I was up nearly all that night. It was quite dark; there was no moon.
Q. Did the night change in its character toward the morning or was it the same throughout?
A. It was a dark night. I could not state about it toward morning particularly.
Q. In view of the condition of the road as you have described it, and also the character of the night, was or was not the movement of troops along that road practicable that night?
A. I do not know of anything to hinder troops moving along the railroad there. There was a road running each side of the railroad. I should think it would have been easy for troops to move along there, although I may be mistaken in that.

FRANCIS S. EARL'S TESTIMONY AS ASSISTANT ADJUTANT-GENERAL, AUGUST 27-28.

Francis S. Earl, the assistant adjutant-general of General Morell, swears as follows (board record, pages 408–413):

Q. When did you, as acting assistant adjutant-general for Major-General Morell, on the 27th of August, first receive intimation that you were to move the next morning?
A. That was the day we moved to Warrenton Junction; I knew nothing of it until the next morning.
Q. About daybreak?
A. The order came to General Morell that we were to move in the morning; that was all I knew—that we were to move in the morning.
Q. When did you receive the first intimation that you were to move on the morning of the 28th?
A. I could not say whether it was the night before or whether it was during the night. I think it must have been before, because I knew we were to move at 3 o'clock in the morning.
Q. Were you up at 3 o'clock?
A. Yes; I was up at that time, and before, probably.
Q. You are quite positive you were?
A. Yes, sir.
Q. Have a distinct recollection of it?
Q. Yes; I recollect being up at that time.
Q. At what time did you arrive at Bristoe Station?
A. I should judge somewhere about 10 o'clock, between 9 and 10.
Q. Do you know of any orders having been given the night before or any effort made to clear that road from Warrenton Junction to Bristoe Station?
A. No, sir.
Q. From your position, would you have been likely to have known?
A. If I had really been acting as assistant adjutant-general of division, or feeling that I was in that position, I probably may have known of it.
Q. You considered you were acting in that capacity?
A. I considered myself more acting as an aid to General Morell, because I had not been announced as assistant adjutant-general.
Q. Who was acting as assistant adjutant-general?
A. Nobody but myself; he so considered me, though I had not been announced.

EVIDENCE OF GENERAL CHAUNCEY M'KEEVER, AUGUST 27-28.

General Chauncey McKeever, chief of staff of General Heintzelman, on page 151 of the board record, as it is called.

General McKeever says:

Q. If a peremptory order had been received at Warrenton Junction to move from that place to Bristoe at 1 a. m. on the night of the 27th and 28th of August, is it your opinion, as a military man, that the troops at Warrenton could have been put in motion on the road to Bristoe in order to comply with such a command?

A. They could have been put in motion, I presume. I know nothing to prevent their being put in motion.

Q. Do you recollect about what time it was daylight on the 28th of August?

A. I should think about 4 o'clock; maybe a little later—not much.

COL. ROBERT E. CLARY TESTIFIES, AUGUST 27.

Col. Robert E. Clary, called by accused, swears that he received a note from Porter about 10 o'clock to run the railroad trains east beyond Cedar Run; and in answer to question says, page 119, G. C. M. (court-martial record, page 118):

Q. You speak of pushing forward the trains. Do you mean the trains upon the railroad or ordinary wagon trains?

A. I mean railroad trains, loaded with our own stores, and I think some sick and wounded.

Q. In your opinion, could or could not General Porter, after the receipt of his order to move, which receipt was at 9.30 p. m. of the 27th of August, have cleared the road entirely of wagons by 1 or 2 o'clock that night, so that his march would not have been much impeded?

A. I think the troops could have passed over during the night had a sufficient force been sent in advance to have cleared the road of its obstructions, which, at the time I passed over it, extended only three miles, I think. When I passed over the road it was between 2 and 3 o'clock in the morning; what the obstructions had been previously to that time I am unable to say.

The examination by the judge-advocate here closed.

Examination by the COURT:

Q. Will you state whether at 1 o'clock the character of the night and the state of the road were such as, in your judgment, to render practicable the march of General Porter's troops to Bristoe Station to arrive at or about daylight?

A. Not without the preliminary steps which I have previously stated ought to have been taken.

Q. Were or were not the first three or four miles of the road from Warrenton unobstructed?

A. They were, as I passed over it.

TESTIMONY OF SOLOMON THOMAS, AUGUST 27-28.

Solomon Thomas, of the Eighteenth Massachusetts Regiment, Martindale's brigade, being a part of Morell's division, swears, on page 841 of the board record, as follows:

Q. On the 27th of August where were you?

A. We were moving on the Warrenton road toward Bristoe Station. I should think that we were encamped on that night some six to eight miles from Bristoe Station. We went in before sundown; probably the sun was an hour or an hour and a half high when we halted there.

Q. When did you move from there?

A. I was corporal of the guard that night, and was ordered to wake the men at 1 o'clock, which I did; and we were formed and moved out from our camp immediately after 1 o'clock.

Q. At what time did you start on your march?

A. We then started immediately from that, and marched a mile probably, when we were halted.

Q. How long did you remain there before you proceeded on your journey?

A. I know at 9 o'clock we were still there. We had halted in the first place expecting to stop for a moment, and halted in position. Then we were ordered to rest at will, and did so, and then were ordered to lie down, and then we lay down.

Q. That was the morning of the 28th?

A. Yes, sir; and lay in that position, as we felt disposed, until, I should think—according to the best of my judgment it was 10 o'clock before we were called to company. Then we started and marched for Bristoe Station.

Q. Do you recollect what the character of that night was, the 27th, and morning of the 28th of August?

A. I do. I recollect the roads were in good condition and that as we moved out there was no obstruction whatever in our way.

Q. You were wounded on the 30th?

A. On the 31st.

TESTIMONY OF GENERAL BUTTERFIELD, AUGUST 27.

Extract from General Butterfield's testimony (court-martial record, page 179):

General Porter called two aids, and sent them off to investigate the condition of the road and to ask General Pope to have the road cleared so that we could come up.

PORTER ASKS POPE TO HAVE THE ROAD CLEARED.

Q. Did you see the order of the 27th from General Pope or know anything about the urgency of its terms?

A. I did not read it.

Q. Did you learn of Capt. Drake De Kay that General Pope had taken measures to have the road cleared?

A. I did not.

Q. Can you state that, in point of fact, the road had not been cleared by General Pope's orders, or that at 1 o'clock at night and until later in the morning the road was all cleared; and can you state that the wagons that obstructed the road when you passed had not moved onto the road after daylight?

A. I can not; I have no knowledge upon that subject.

STATEMENT OF CAPT. W. B. C. DURYEA, AUGUST 27.

Capt. W. B. C. Duryea, called by the Government, and sworn and examined, as follows (court-martial record, page 113):

By the JUDGE-ADVOCATE:

Q. What is your position in the military service?

A. I am assistant adjutant-general to General Duryea.

Q. Where were you and in what position on the 27th August last?

A. We were on the march from Warrenton, and on the night of the 27th of August we halted, I should think, some three or four miles this side of Warrenton.

Q. At what hour of the night did you halt?

A. About midnight.

Q. In your march up to that hour did you experience any unusual difficulties growing out of the character of the night?

A. No, sir.

EVIDENCE OF WILLIAM W. MACY, AUGUST 27.

In the board record, page 583, will be found the evidence of William W. Macy:

William W. Macy, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Q. Where do you reside?

A. Winchester, Ind.

Q. Were you in the military service of the United States in August, 1862; if so, in what capacity?

A. I was in the military service at that time; a sergeant, I believe.

Q. What regiment?

A. Nineteenth Indiana Volunteers, Gibbon's brigade, King's division.

Q. When you finally left the service, what rank did you hold?

A. I held the rank of captain, A Company, Twentieth Indiana, our regiment having become consolidated.

Q. Where were you on the 27th of August, 1862?

A. With Gibbon's brigade, on the march most of the day from Sulphur Springs toward the old Bull Run battle-ground.

Q. How long did your brigade continue its march that day?

A. About 10 o'clock, I think, or half past 10 that night.

Q. You then arrived at what place, as near as you can recollect?

A. I think it was called New Baltimore. We laid near a little town.

Q. What was the character of that night—the night of the 27th and 28th of August?

A. Rather a dark night; starlight dark night.

Q. Do you know what the character of that night was toward morning?

A. I am a little indistinct as to just the time. I was up at some time in the afterpart of the night.

Q. Once, or more than once?

A. Once that I recollect very distinctly, and I think only once.

Q. What was the character of the night then, so far as distinguishing objects?

A. I could see how to get a little way from the camp. I could see where the men laid as I went past the line where the soldiers were lying without running over them.

Q. How far could you see?

A. I do not know that I could state how far I could see to distinguish things. I could see when I passed the wagon trains enough to stay away from the horses' heels. I could see that the wagon teams were hitched up.

Q. In marching that night up to 10 o'clock, what difficulty, if any, did you experience on account of the character of the darkness of the night?

A. Most too dark to march pleasantly. We marched many nights as dark, though; some nights that were a good deal darker than it was that night we were on the march; but of course it is unpleasant marching after night.

Q. Your regiment, in the march, how was it as to keeping its formation?

A. Could keep the ranks, as far as that was concerned.

Q. What was the character of the roads, as to whether muddy or the reverse, on the night of the 27th of August?

A. They were not muddy unless we ran into a branch.

LIEUT. EDWARD BROOKS TESTIFIES, AUGUST 27.

Lieut. Edward Brooks called by the Government, and sworn and examined, as follows (general court-martial record, page 112):

By the JUDGE-ADVOCATE:

Q. What is your position in the military service?

A. I am a first lieutenant of volunteers in the Sixth Wisconsin Regiment.

Q. State to the court, if you please, whether or not you were serving with the Army of Virginia on or about the 27th of August last.

A. I was.

Q. In what place occupied by that army were you on the night of the 27th of August?

A. I was at Bristoe Station and at Greenwich.

Q. Do you remember the character of the night; if so, will you state whether it was of usual or unusual darkness?

A. It was not very dark; not so dark but what I could find my way through the woods.

Q. Was or was not the night of such a character as to offer any unusual difficulties to the march of troops?

A. It was not.

Q. What was the general condition of the road from Warrenton Junction in the direction of Manassas Junction?

A. It was very good.

Q. Did you have full opportunities of ascertaining the condition of that road on the night of the 27th of August?

A. Yes, sir.

Q. What opportunities did you have?

A. I traveled from beyond Warrenton to Warrenton Junction, from Warrenton Junction to Bristoe Station; and after arriving at Bristoe Station I went across the country to Greenwich.

Q. Have you, or not, frequently passed over the road?

A. Very often.

TESTIMONY OF COL. THOMAS F. M'COY, AUGUST 27.

Board record, page 640:

Col. Thomas F. McCoy, called by the recorder, being duly sworn, was examined, and testified as follows:

* * * * * * *

Q. Whose brigade and whose division?

A. Duryea's brigade, Ricketts's division, McDowell's corps.

Q. What rank did you leave the service with?

A. Colonel.

Q. Were you brevet brigadier-general?

A. Yes, sir.

Q. Where were you on the afternoon of August 25, 1862?

A. A little southwest of Warrenton.

Q. How late did you march that day and evening?

A. The 25th?

Q. Yes.

A. I don't think we marched on the 25th. We marched on the 23d.

Q. Until how late?

A. About 10 or 11 o'clock.

Q. On the 27th of August were you on the march late in the day?

A. Yes.

Q. Until how late did you then march?

A. All night, until 1 o'clock.

Q. What difficulty, if any, was experienced in marching that night?

A. We didn't have any difficulty in marching that night. There was a good deal of straggling among the soldiers.

STATEMENT OF COLONEL BUCHANAN, AUGUST 27.

Colonel Buchanan, of the Third Indiana Cavalry, on page 603 of the

board record, in reference to Porter's movement from Warrenton Junction to Bristoe, testifies as follows:

Q. What conversation had you with General Porter before he started off to Bristoe Station?

A. On the evening before he started somebody gave me an order to be in readiness to move at 3 o'clock in the morning. I was in front of General Porter's headquarters at 3 o'clock in the morning, but I saw no one until after the break of day. Then some one came to me and told me to let the men get their breakfasts and let their horses be fed. That was done, and I immediately went back to the place I occupied. Some time afterward, after sunrise, I saw General Porter. I wanted to go back to Fredericksburg to my regiment. I only had about ninety men with me, and I expected to go back the day before. I rode out with him in the woods, where he was in camp, until we got into an open field. He asked me to send a detachment of the command I had forward to clear the road toward Bristoe Station two or three miles. This was done. I waited some little time, and the infantry began to move. About that time he handed me a letter, and directed me to give it to General Burnside, and told me I could go. I started toward Fredericksburg; he sent an aid after me and brought me back, and told me he was apprehensive that I might be captured. He told me to say to General Burnside—I can not get his language—but the idea was that there was no disaster that was very threatening as yet, and he hoped for the best.

EVIDENCE OF WILLIAM E. MURRAY, AUGUST 27-28.

Board record, page 586:

William E. Murray, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Q. Where do you reside?

A. Winchester, Ind.

Q. Were you in the military service of the United States in the month of August, 1862; if so, in what capacity?

A. Yes; I was a member of Company C, Nineteenth Indiana Volunteers.

Q. In whose brigade and division?

A. Gibbon's brigade, King's division.

Q. Where were you on the night of August 27, 1862?

A. The night of the 27th our regiment was encamped near New Baltimore; a little to the north, I think, of New Baltimore; that is, we stopped there about 10 o'clock, perhaps.

Q. How long had you been marching before you made that halt on that day of the 27th?

A. We had been marching, I think, most of the day; not continuously, but back and forth.

Q. From sunset, how much of that time had you been marching up to 10 o'clock?

A. I am unable to state the distance.

Q. Were you marching during that time?

A. We were moving most of the time.

Q. Did you keep to the road, or in the fields, or both?

A. Generally to the road, except where we would meet obstructions in the way of cavalry or artillery; kept mainly in the roads.

Q. How was it after dark?

A. Much the same.

Q. Do you recollect the character of the roads at that time, as to whether they were dry or muddy?

A. I don't remember any mud; I think they were generally dry.

Q. Do you recall what the character of the night of the 27th of August was?

A. There was no moon, according to my recollection, but it was clear; we could see objects plain enough.

Q. At a great distance?

A. A rod or so.

Q. How much of that night were you up after coming to a halt at 10 o'clock?

A. I should think that I did not lie down till near midnight.

Q. Up to that time do you recollect what the character of the night was, as far as distinguishing objects was concerned?

A. My recollection is that it was the usual starlight night.

Q. Up to that time, during that night, what difficulty, if any, did you experience in marching?

A. No particular difficulty.

Q. How was the regiment, so far as its formation was concerned, on that march after sunset.

A. I think they kept their formation about as well as usual.

WILLIAM M. CAMPBELL TESTIFIES, AUGUST 27.

Board record, page 591:

William M. Campbell, called by the recorder, was sworn and examined, as follows:

Direct examination:

Q. State your residence.

A. I reside in Randolph County, Indiana.

Q. During the month of August, 1862, were you in the military service? If so, in what capacity?

A. I was in the military service, and in the Nineteenth Regiment of Indiana Volunteers, Gibbon's brigade, King's division.

Q. Where were you on the evening of August 27, 1862?

A. We were marching from the direction of Warrenton to Centreville, on a road that led in that direction, as far as I knew.

Q. On what is called the Warrenton, Gainesville and Centreville pike?

A. I think that was it; that is my recollection of it.

Q. How late did you march?

A. We marched until after night. I could not state how late it was, because I did not have any timepiece. It was after night when we stopped.

* * * * * * *

Q. What was the character of the night?

A. It was an ordinary night, without moonlight; that is my recollection about it; nothing extraordinary in any way; only an ordinary night, such as we had a good many of in Virginia about those times.

Q. How far could you distinguish objects?

A. We marched our regiments in companies, and got along without any difficulty that I recollect of. How far we could see I could not say.

J. H. STINE EXAMINED, AUGUST 27.

Board record, page 597:

J. H. Stine, called by the recorder, being duly sworn, testifies as follows:

Direct examination:

Q. Where do you reside?

A. I reside at Winchester, Randolph County, Indiana.

Q. During the month of August, 1862, were you in the military service of the United States? If so, in what regiment?

A. I was in Company C, Nineteenth Indiana Volunteers.

Q. Where were you on the afternoon, evening, and night of the 27th of August, 1862?

A. We started from Sulphur Springs near noon and marched north through Warrenton, going through there about 3 or 4 o'clock and on north toward the Bull Run battle-ground.

Q. At what time did your regiment halt?

A. We marched quite a time after 9.

Q. Where was the rest of the brigade?

A. The whole brigade was together.

Q. Where was the rest of the division?

A. I took a great interest in the history of the movement of troops, and that day we were understood to be going into battle; I don't positively recollect whether the whole of the division went into camp or not; I know the next day we were not together all the time.

Q. In marching during that evening, what difficulty, if any, did you experience in getting along?

A. None, particularly.

Q. Did you keep to the road?

A. Mainly we did, though sometimes we didn't.

Q. Do you recollect what the character of the night was on the 27th of August, 1862.

A. My recollection is that from, say, 8 to 10 o'clock, it was maybe toward from 8 to 11, it was not so light as afterward.

TESTIMONY OF WILLIAM BIRNEY, AUGUST 27.

Board record, page 683:

William Birney, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Q. Where do you reside?

A. Washington city.

Q. In the month of August, 1862, what rank did you hold in the service of the United States?

A. I was major of the Fourth New Jersey Regiment; I commanded the Fifty-seventh Pennsylvania.

Q. You finally left the service with what rank?

A. Brevet major-general.

Q. Early that month I believe you were taken prisoner?

A. No, sir; I was taken prisoner at Gaines's Mill.

Q. When did you assume command of the Fifty-seventh Pennsylvania?

A. Immediately after my exchange. If my memory serves me, I was exchanged on the 13th of August and took command about the 15th.

Q. In whose division were you then?

A. Commanding the Fifty-seventh; I was in Kearny's, Heintzelman's corps.

Q. Where were you on the night of August 27, 1862, and the morning of the 28th?

A. I was in camp, a little north of the Alexandria railroad.

Q. Did you march any that night; if so, when, and for what length of time?

A. We marched that night, but the exact hour of starting I can not recollect. We marched some time before daybreak and in the direction of Bristoe Station.

Q. How many hours is it your recollection, about, that you marched?

A. I can not now say. I recollect marching some distance.

Q. What difficulty, if any, did you experience in marching that night, from the character of the night or the character of the roads?

A. I recollect no particular difficulty about the road.

Q. Were you then in command of the Fifty-seventh Pennsylvania?

A. I was.

Q. Did the entire brigade march with you?

A. Yes, sir.

Q. Do you recollect about what time you came to a halt?

A. I can not remember whether we halted before we got to Bristoe Station or not. We got to Bristoe Station at a very early hour.

EVIDENCE OF JOHN P. TAYLOR, AUGUST 27.

Board record, page 861:

John P. Taylor, called by the recorder, having affirmed, testified as follows:

Direct examination:

Q. Where do you live?

A. Reedsville, Pa.

Q. Were you in the military service of the United States in the month of August, 1862; if so, in what capacity?

A. I was captain of the First Pennsylvania Cavalry at that time.

* * * * * * * *

Q. Have you ever been over the road from Warrenton Junction to Bristoe Station?

A. Yes; quite frequently.

Q. What was the character of that road from Warrenton Junction to Catlett in 1862?

A. It is on the left side of the road from Warrenton Junction to Catlett. There is a stream that passes between Warrenton Junction and Catlett, I think at a distance not to exceed a mile.

Mr. BULLITT. Had the witness been over this road frequently before that?

A. Yes; I encamped at Catlett in the spring of 1862 for some three weeks immediately after the enemy vacated Manassas. We were there three weeks before the advance moved to Fredericksburg.

Q. Go on and describe the character of the road as it then was from Warrenton Junction to Catlett Station.

A. There is a stream passes down between Warrenton Junction and Catlett and a railroad bridge crosses there, and some trestle-work, but above the bridge it is almost level country for some miles west. At that time there was a strip of woods that came down near Catlett—a narrow strip of woods. We had moved all over that ground for a mile west of the railroad.

Q. Then coming from Catlett to Bristoe, what was the character of the road?

A. That is nearly a vast plain most of the way. There are two streams, I think—small ravines—but the country is a vast plain. General Gregg moved his division of cavalry a mile to the north of the railroad, in the night, from Bealeton to Auburn, about two or three miles north of Catlett.

Q. Across the country?

A. Yes; across the country about a mile, where there was no road.

Q. At that time could wagons go on each side of the road?

A. There were roads some distance there on each side of the railroad, and wagons and troops moved frequently in column.

Q. More than one road?

A. Oh, yes; the troops had made roads. Sometimes one road would get bad, and they would go off and make another road. The country was such they could have one almost any place.

By Mr. BULLITT:

Q. Were there any woods along the line of that road from Warrenton Junction to Bristoe Station?

A. There is a strip of woods that comes down at Catlett or near Catlett.

Q. Is that the only one?

A. There may have been others.

Q. I ask you, from your recollection, whether you know there were no others, or that there were others?

A. I don't recollect any woods, that is to any distance; I know there was on the right.
Q. Do you recollect whether there were any roads at that time that had been made by the army cutting through the woods and leaving stumps in the road?
A. No, sir.
Q. Do you recollect anything of that sort?
A. There were roads there in the spring of 1862 that the enemy had used during the winter of 1861-'62; fencing and everything was gone; it was an open country from Manassas to Warrenton Junction.
Q. Then it was an open country all the way from Manassas to Bristoe, was it?
A. Very nearly.

STATEMENT OF SAMUEL G. HILL, AUGUST 27-28.

Board record, page 589:

Samuel G. Hill, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Q. Where do you reside?
A. Arbor, Ind.
Q. Were you in the military service of the United States during the month of August, 1862?
A. Yes; I was a private in the Nineteenth Indiana, Company C.
Q. Gibbon's brigade, King's division?
A. Yes, sir.
Q. Where were you on the afternoon of August 27, 1862?
A. On the road from Warrenton to Gainesville.
Q. How late were you marching?
A. We were marching until 10 o'clock at night.
Q. Do you recollect what the character of the night was?
A. It was a clear night.
Q. How much of that night did you have an opportunity of noticing?
A. Until probably 3 o'clock of the morning of the 28th.

SOLOMON THOMAS TESTIFIES, AUGUST 27-28.

Board record, page 803:

Solomon Thomas, of Morell's division, Porter's corps, called by the recorder, being duly sworn, testified as follows:

* * * * * * *

Q. On the 27th of August where were you?
A. We were moving along the Warrenton road toward Bristoe Station. I should think that we were encamped on that night some six to eight miles from Bristoe Station. We went in before sundown; probably the sun was an hour or an hour and a half high when we halted there.
Q. When did you move from there?
A. I was corporal of the guard that night, and was ordered to wake the men at 1 o'clock, which I did, and we were formed and moved out from our camp immediately after 1 o'clock.
Q. At what time did you start on your march?
A. We then started immediately from that and marched a mile, probably, when we were halted.
Q. How long did you remain there before you proceeded on your journey?
A. I know at 9 o'clock we were still there. We had halted in the first place expecting to stop for a moment, and halted in position. Then we were ordered to rest at will, and did so, and then were ordered to lie down, and then we lay down.
Q. That was the morning of the 28th?
A. Yes, sir; and lay in that position, as we felt disposed, until, I should think—according to the best of my judgment it was 10 o'clock before we were called to company. Then we started and marched for Bristoe Station.
Q. Do you recollect what the character of that night was, the 27th, and morning of the 28th of August?
A. I do. I recollect the roads were in good condition, and that as we moved out there was no obstruction whatever in our way.
Q. You were wounded on the 30th?
A. On the 31st.

TESTIMONY OF E. D. ROATH, AUGUST 27.

E. D. Roath, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Q. Where do you reside?
A. Marietta, Lancaster County, Pennsylvania.
Q. Were you in the military service of the United States in August, 1862? If so, in what capacity?
A. I was in the military service of the United States in 1862, as captain of Company E, One hundred and seventh Regiment Pennsylvania Volunteers, Duryea's brigade, Ricketts's division.
Q. You finally left the service with what rank?
A. Captain, and was brevetted.
Q. On the night of August 27, 1862, where were you?
A. We were somewhere, I think, between Warrenton and a place called Waterloo; somewhere in the neighborhood of Warrenton.
Q. Did you make a night march that night?
A. We marched some; we were going from toward the Rappahannock across there.
Q. How late did you march?
A. I can not tell exactly what time we bivouacked. I know that we were all tired.
Q. Have you any recollection with reference to midnight as to what time you came into camp?
A. I could not tell, but I think it was somewhere near midnight; might have been 11 o'clock.
Q. Do you recollect whether you experienced any difficulty in marching?
A. No, sir; we did not.
Q. What was the character of the night as to darkness?
A. There was no moon; it was starlight; a little hazy toward morning, I think.

GENERAL JUBAL EARLY TESTIFIES, AUGUST 27.

General Jubal Early, confederate, testifies (board record, page 812) that he marched on the night of the 27th, between 10 and 12 o'clock, in the direction of Manassas, by way of Blackburn's Ford, and he experienced no difficulty whatever in marching.

Board record, pages 702, 705, 707, 708.

STATEMENT OF HENRY KYD DOUGLASS, AUGUST 27.

Henry Kyd Douglass, staff officer to General Jackson, testifies (on page 685, board record) that General Jackson's whole command moved away from Centreville on the night of the 27th, with all their trappings, up to the position, or near it, that they occupied on the day of the battle of the 29th.

I. H. DUVAL TESTIFIES, AUGUST 27.

Board record, page 820:

I. H. Duval, called by the recorder, being duly sworn, testified as follows:
Q. Where do you reside?
A. Wellsborough, W. Va.
Q. Were you in the military service of the United States in the month of August, 1862; if so, in what capacity?
A. I was major of volunteers, First West Virginia Regiment.
Q. Whose brigade and division?
A. I was in the fourth brigade, Ricketts's division.
Q. Where were you on the evening of August 27, 1862, and what did you do?
A. On the evening of August 27 I was with my brigade. We were about four miles, I think, northwest of Warrenton at that time—north or northwest—and I was directed by my colonel to carry a letter that he handed me from General Ricketts to General Pope.
Q. To what point?
A. It was supposed to be somewhere near Centreville. That was my order
Q. What did you then do?
A. I started and made the trip and delivered the letter.
Q. You left the camp about what time?
A. Nearly dark; it was after sundown.
Q. What road did you take?
A. I came back to Warrenton, and I followed then the road running from Warrenton in the direction of Catlett Station. I was directed to go that way and keep out of the way of the enemy.
Q. Did you pass through Warrenton Junction?
A. No, sir; I struck the road at Catlett.
Q. What direction did you then take?
A. I took the road leading from Catlett Station to Manassas Junction, by the way of Bristoe.
Q. Where did you find General Pope?
A. I found General Pope near Manassas Junction.
Q. What was the character of that night?
A. I don't know that I recollect distinctly in regard to that. I rode all night, though, until about 3 o'clock in the morning, when I took a little rest. I had no particular difficulty in finding the way.
Q. From Catlett Station to Bristoe did you meet with any obstruction to your movements?
A. There were a great many wagons along the line; there were some troops; but I went along without any particular obstruction. There were no obstacles that kept me from going.
Q. Did you have any escort with you?
A. No, sir.

TESTIMONY OF MAJOR DUVALL, AUGUST 27.

Major Duvall also testifies that he traveled eighteen or twenty miles that night.

Board record, page 832, paragraph 875:

JAMES HADDOW TESTIFIES, AUGUST 27.

James Haddow, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Q. Where do you reside?
A. Barlow, Ohio.
Q. Were you in the military service of the United States on the 27th of August, 1862; if so, in what capacity?
A. I was in the military service as orderly sergeant of Company F, Thirty-sixth Ohio Infantry.
Q. When you finally left the service what rank did you hold?
A. Captain. I was transferred to Company E.
Q. Where were you at sunset on the 27th of August, 186-; about that time?
A. We were on the road between Catlett Station and Bristoe.
Q. Did you after that go toward Catlett Station; if so, at what time and under what circumstances?
A. We marched that night to Bristoe, arriving at Bristoe Station after dark some time; we remained there that night; on the following morning the regiment went on in the direction of Manassas; the company of which I was a member was detached and put in charge of a major of the medical department to go back in the direction of Warrenton with ambulances and obtain medical supplies; we returned to somewhere near Warrenton, passing Catlett Station at some distance on the morning of the 28th; we returned to Bristoe on the evening of the 28th.
Q. At what time did you set out from Bristoe Station to go in the direction of Catlett Station?
A. I could not give the hour, but pretty early in the morning—as soon as we got up and got breakfast.
Q. Did you during that day see General Porter's corps?
A. We met troops (it was a frequent habit to ask soldiers what troops they were), and they said they were General Porter's troops. Porter's troops lay at Warrenton Junction on the afternoon of the 27th, when we left there.
Q. What difficulty, if any, did you experience on the morning of the 28th in taking this ambulance train from Bristoe Station to Catlett Station?
A. I don't think we had any material difficulty in getting through; we must have had at least three ambulances; we passed through trains and passed troops; we must undoubtedly have made a march that day of sixteen miles; we could not have met with serious obstructions.
Q. Do you know what troops you met?
A. They said they were General Porter's; we inquired frequently; of course I was not acquainted with General Porter's corps; we had just reached the East from the West, and all troops were strange to me.
Q. On the morning of the 29th where were you?
A. After taking supper on the evening of the 28th, at Bristoe Station, some time after dark, we commenced marching again and marched to Manassas Junction, reaching there some time during the night; I don't know what hour; so early in the night that we lay down and slept, however, and on the morning of the 29th we were at Manassas Junction.

Board record, page 834, paragraph 878:

STATEMENT OF LIEUT. A. F. TIFFANY.

Lieut. A. F. Tiffany, called by the recorder, being duly sworn, testified as follows:

* * * * * * *

Q. What difficulty, if any, did you experience in getting along in your march from Bristoe toward Warrenton?
A. Nothing more than that which is common where there is a good many trains passing; sometimes the road would be full; sometimes we would pass around, then we would be on the road again; nothing so very unusual in the way of traveling.

EVIDENCE IN REFERENCE TO THE ORDERS OF THE AUGUST 29, 1862—REPORTS OF UNION OFFICERS.

In giving the following reports of Union officers I have been compelled

in many cases to use extracts, for the reason that in cutting from the reports I could not take the pages, it being printed on both sides. The same is also the case with the confederate reports. But all material points are included, and these extracts apply solely to the 29th of August, 1862:

Report of Brig. Gen. John F. Reynold's division, attached to McDowell's corps.

HEADQUARTERS REYNOLDS'S DIVISION,
Camp near Munson's Hill, Virginia, September 5, 1862.

* * * * * * *

General McDowell joined the command at daylight, and directed my co-operation with General Sigel.

The right of the enemy's position could be discerned upon the heights above Groveton, on the right of the pike. The division advanced over the ground to the heights above Groveton, crossed the pike, and Cooper's battery came gallantly into action on the same ridge on which the enemy's right was, supported by Meade's brigade. While pressing forward our extreme left across the pike, re-enforcements were sent for by General Sigel for the right of his line under General Milroy, now hardly pressed by the enemy, and a brigade was taken from Schenck's command on my right. The whole fire of the enemy was now concentrated on the extreme right of my division, and, unsupported there, the battery was obliged to retire with considerable loss in both men and horses, and the division fell back to connect with Schenck.

Later in the day General Pope, arriving on the right from Centreville, renewed the attack on the enemy and drove him some distance. My division was directed to threaten the enemy's right and rear, which it proceeded to do under a heavy fire of artillery from the ridge to the left of the pike. Generals Seymour and Jackson led their brigades in advance; but, notwithstanding all the steadiness and courage shown by the men, they were compelled to fall back before the heavy fire of artillery and musketry which met them both on the front and left flank, and the division resumed its original position. King's division engaged the enemy along the pike on our right, and the action was continued with it until dark by Meade's brigade.

Report of Brig. Gen. John C. Robinson, of Kearny's division, Heintzelman's corps.

HEADQUARTERS ROBINSON'S BRIGADE,
Centreville, Va., August 31, 1862.

* * * * * * *

On Friday morning I was ordered to "support Colonel Poe's brigade and to develop his line of battle to the right." After crossing Bull Run I moved forward in two lines, the first composed of the Sixty-third Pennsylvania and five companies of the Thirtieth Ohio, which were temporarily attached to my command. Arriving on the ground assigned me, I remained for a considerable time exposed to a heavy artillery fire, after which I took up my position on high ground farther to the right. I was soon after directed by Major-General Kearny, commanding division, to move to the support of Poe's left, when I formed the Sixty-third and One hundred and fifth Pennsylvania in line of battle on the Leesburg road, holding the Twentieth Indiana and Ohio Battalion in reserve. At this time there was a heavy musketry fire to our left and front, and I was directed to move forward through the woods to turn the enemy and cut off his retreat through the railroad cut.

On arriving on the ground with the Sixty-third and One hundred and fifth Pennsylvania, Twentieth Indiana, and Third Michigan, I found the railroad already occupied by our own troops and the corn field in front filled with the enemy. I then deployed the Sixty-third and One hundred and fifth Pennsylvania along the railroad to the right of the troops in position, directing the Third Michigan to protect my right flank, placing the Twentieth Indiana in reserve, and throwing skirmishers to the front. Soon after taking this position the regiments on my left gave way and passed rapidly to the rear out of the woods, leaving my left flank entirely exposed.

As rapidly as possible I moved my command to the left to occupy the deserted ground, but before my troops could get fairly into position I was fiercely attacked by a superior force that had succeeded in crossing the road. I then threw forward my right wing, forming my line of battle at right angles to the original position, and checked the progress of the enemy. At this time General Birney brought up and turned over to me his Fourth Maine. He afterward sent me his First, Fortieth, and One hundred and first New York Regiments. These troops were deployed to the right and left of the railroad, and pushed forward to the support of my regiments in front, which were suffering severely from a terrific fire of musketry and the enemy's artillery posted on a hill to our right and rear. Our men now gained steadily on the enemy, and were driving him before them until he brought up fresh masses of troops (supposed to be two brigades), when, with ammunition nearly expended, we withdrew to our second position.

Report of Brig. Gen. C. Grover, of Heintzelman's corps.

HEADQUARTERS FIRST BRIGADE, HOOKER'S DIVISION,
September 26, 1862.

* * * * * * *

On the following day we continued our march for the plains of Manassas by the way of Centreville, and arrived upon the battlefield about 9 a. m. The battle had already commenced, and as my column moved to the front the shells fell with remarkable precision along the line of the road, but fortunately did no damage.

My brigade was temporarily placed under the orders of Major-General Sigel, whose troops were then engaging the enemy in the center. Under instructions received from him, I threw forward the First Massachusetts Volunteers to support his line, while my remaining four regiments were drawn up in two lines, sheltered from the enemy's fire by a roll of the field in front. This position was occupied until about 2.30 p. m.

In the mean time I rode over the field in front as far as the position of the enemy would admit. After rising the hill under which my command lay an open field was entered, and from one edge of it gradually fell off in a slope to a valley, through which ran a railroad embankment. Beyond this embankment the forest continued, and the corresponding heights beyond were held by the enemy in force, supported by artillery.

At 3 p. m. I received an order to advance in line of battle over this ground, pass the embankment, enter the edge of the woods beyond, and hold it. Dispositions for carrying out such orders were immediately made; pieces were loaded, bayonets fixed, and instructions given for the line to move slowly upon the enemy until it felt its fire, then close upon him rapidly, fire one well-directed volley, and rely upon the bayonet to secure the position on the other side.

We rapidly and firmly pressed upon the embankment, and here occurred a short, sharp, and obstinate hand-to-hand conflict with bayonets and clubbed muskets.

Report of General P. Kearny (by General Birney), of Heintzelman's corps.

CENTREVILLE, VA., *August* 31, 1862.

* * * * * * *

On the 29th, on my arrival, I was assigned to the holding of the right wing, my left on Leesburg road. I posted Colonel Poe, with Berry's brigade, in first line; General Robinson, First Brigade, on his right, partly in line and partly in support; and kept Birney's most disciplined regiments reserved and ready for emergencies.

Toward noon I was obliged to occupy a quarter of a mile additional on left of said road, from Schurz's troops being taken elsewhere.

During the first hours of combat General Birney, on tired regiments in the center falling back, of his own accord rapidly pushed across to give them a hand to raise themselves to a renewed fight.

In early afternoon General Pope's order to General Roberts was to send a pretty strong force diagonally to the front to relieve the center in woods from pressure. Accordingly I detached on that purpose General Robinson, with his brigade, the Sixty-third Pennsylvania Volunteers, Colonel Hays, the One hundred and fifth Pennsylvania Volunteers, Captain Craig, the Twentieth Indiana, Colonel Brown, and, additionally, the Third Michigan Marksmen, under Colonel Champlin. General Robinson drove forward for several hundred yards, but the center of the main battle being shortly after driven back and out of the woods, my detachment thus exposed so considerably in front of all others, both flanks in air.

* * * * * * *

That I might drive the enemy, by an unexpected attack, through the woods, I brought up additionally the most of Birney's regiments, the Fourth Maine, Colonel Walker and Lieutenant-Colonel Carver, the Fortieth New York; Colonel Egan, First New York, Major Burt, and One hundred and first New York, Lieutenant-Colonel Gesner, and changed front to the left, to sweep with a rush the first line of the enemy. This was most successful. The enemy rolled up on his own right. It presaged a victory for us all; still our force was too light. The enemy brought up rapidly heavy reserves, so that our farther progress was impeded. General Stevens came up gallantly in action to support us, but did not have the numbers.

Report of Maj. Gen. Franz Sigel.

NEAR FORT DE KALB, VIRGINIA, *September* 16, 1862.

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II.—*Battle of Groveton, near Bull Run, on Friday, August* 29, 1862.

On Thursday night, August 28, when the First Corps was encamped on the heights south of Young's Branch, near Bull Run, I received orders from General Pope to "attack the enemy vigorously" the next morning. I accordingly made the necessary preparations at night and formed in order of battle at daybreak, having ascertained that the enemy was in considerable force beyond Young's Branch, in sight of the hills we occupied. His left wing rested on Catharpin Creek, front toward Centreville; with his center he occupied a long stretch of woods parallel with the Sudley Springs (New Market) road, and his right was posted on the hills on both sides of the Centreville-Gainesville road. I therefore directed General Schurz to deploy his division on the right of the Gainesville road, and, by a change of direction to the left, to come into position parallel with the Sudley Springs road. General Milroy, with his brigade and one battery, was directed to form the center, and to take possession of an elevation in front of the so-called "stone house," at the junction of the Gainesville and Sudley Springs roads. General Schenck, with his division, forming our left, was ordered to advance quickly to an adjoining range of hills, and to plant his batteries on these hills at an excellent range from the enemy's position.

In this order our whole line advanced from point to point, taking advantage of the ground before us, until our whole line was involved in a most vehement artillery and infantry contest. In the course of about four hours, from half past 6 to half past 10 o'clock in the morning, our whole infantry force and nearly all our batteries were engaged with the enemy, Generals Milroy and Schurz advancing one mile and General Schenck two miles from their original positions. At this time (10.30 o'clock) the enemy threw forward large masses of infantry against our right, but was resisted firmly and driven back three times by the troops of Generals Milroy and Schurz. To assist those troops, so hard pressed by overpowering numbers, exhausted by fatigue, and weakened by losses, I ordered one battery of reserve to take position on their left, and posted two pieces of artillery, under Lieutenant Blum, of Schirmer's battery, supported by the Forty-first New York Volunteer Infantry, beyond their line and opposite the right flank of the enemy, who was advancing in the woods.

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At 2 o'clock in the afternoon General Hooker's troops arrived on the field of battle and were immediately ordered forward by their noble commander to participate in the battle. One brigade, under Colonel Carr, received orders, by my request, to relieve the regiments of General Schurz's division, which had maintained their ground against repeated attacks, but were now worn out and nearly without ammunition. Other regiments were sent forward to relieve Brigadier-General Milroy, whose brigade had valiantly disputed the ground against greatly superior numbers for eight hours.

To check the enemy if he should attempt to advance, or for the purpose of preparing and supporting an attack from our side, I placed four batteries, of different commands, on a range of hills on our center and behind the woods, which had been the most hotly contested part of the battlefield during the day. I had previously received a letter from Major-General Pope, saying that Fitz-John Porter's corps and Brigadier-General King's division, numbering twenty thousand men, would come in on our left. I did, therefore, not think it prudent to give the enemy time to make new arrangements, and ordered all the batteries to continue their fire, and to direct it principally against the enemy's position in the woods before our front. Some of our troops placed in front were retiring from the woods, but as the enemy, held in check by the artillery in the center, did not venture to follow, and as at this moment new regiments of General Hooker's command arrived and were ordered forward, we maintained our position, which Generals Milroy and Schurz had occupied in the morning.

During two hours, from 4 to 6 o'clock p. m., strong cannonading and musketry continued on our center and right, where General Kearny made a successful effort against the extreme left of the enemy's lines.

Report of Brig. Gen. R. H. Milroy.

HEADQUARTERS INDEPENDENT BRIGADE,
NEAR FORT ETHAN ALLEN, VIRGINIA,
September 12, 1862.

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On the following morning (the 29th) at daylight I was ordered to proceed in search of the rebels, and had not proceeded more than five hundred yards when we were greeted by a few straggling shots from the woods in front. We were now at the creek, and I had just sent forward my skirmishers, when I received orders to halt and let my men have breakfast. While they were cooking, myself, accompanied by General Schenck, rode up to the top of an eminence some five hundred yards to the front to reconnoiter. We had no sooner reached the top than we were greeted by a shower of musket-balls from the woods on our right. I immediately ordered up my battery and gave the bushwhackers a few shot and shell, which soon cleared the woods. Soon after I discovered the enemy in great force about three-quarters of a mile in front of us, upon our right of the pike leading from Gainesville to Alexandria. I brought up my two batteries and opened upon them, causing them to fall back. I then moved forward my brigade, with skirmishers deployed, and continued to advance my regiments, the enemy falling back.

General Schenck's division was off to my left and that of General Schurz to my right. After passing a piece of woods I turned to the right, where the rebels had a battery that gave us a good deal of trouble. I brought forward one of my

batteries to reply to it, and soon after heard a tremendous fire of small-arms, and knew that General Schurz was hotly engaged to my right in an extensive forest. I sent two of my regiments, the Eighty-second Ohio, Colonel Cantwell, and the Fifth Virginia, Colonel Ziegler, to General Schurz's assistance. They were to attack the enemy's right flank, and I held my other two regiments in reserve for a time. The two regiments sent to Schurz were soon hotly engaged, the enemy being behind a railroad embankment, which afforded them an excellent breastwork.

Report of Brigadier-General Stahel.

CENTREVILLE, *September* 1, 1862.

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With break of day on the 29th I followed the second brigade, first division, marching to Dogan's farm, and took position behind the farm. I remained here but a short time. * * * Here I found a number of dead and wounded. Having remained here a half an hour, a heavy skirmish occurred at this point.

Report of Lieut. George B. Haskins, First Ohio Artillery, McLean's brigade, Schenck's division, Sigel's corps.

HEADQUARTERS BATTERY K,
Buffalo Fort, Virginia, September 17, 1862.

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Fighting resumed next morning, August 29, and engaged the enemy until about 11 a. m., when we ran out of ammunition, and, not being able to get more, were ordered to the rear, where we remained that and the following day, August 30, until about 5 p. m.

Report of Colonel Krzyzanowski, commanding second brigade, Schurz's division, Sigel's corps.

NEAR ARLINGTON HEIGHTS, *September* 3, 1862.

At about half past 5 o'clock a. m. on the 29th of August I received orders from General Schurz to advance with my brigade. It was done in the following order: Two regiments in company column, left in front, and one regiment, the Fifty-fourth New York Volunteers, as reserve. On the right of me was Colonel Schimelpfennig with his brigade, and on the left General Milroy's brigade. A line of skirmishers having been established, we advanced toward the woods through which the Manassas Gap Railroad runs. As soon as we entered the woods I dispatched my adjutant to ascertain whether the line of skirmishers was kept up on both wings, and finding such was not the case and that I had advanced a little faster than General Milroy's and Colonel Schimelpfennig's column, I halted my skirmishers to wait until the line was re-established. However, being informed that General Milroy was advancing, I sent the Fifty-fourth Regiment to take position on my right wing and try to find the lines of Colonel Schimelpfennig's skirmishers, and then I advanced together with the former.

Scarcely had the skirmishers passed over two hundred yards when they became engaged with the enemy. For some time the firing was kept up; but our skirmishers had to yield at last to the enemy's advancing column. At this time I ordered my regiments up, and a general engagement ensued. However, I soon noticed that the Fifty-fourth and Fifty-eighth Regiments had to fall back, owing to the furious fire of the enemy, who had evidently thrown his forces exclusively upon those two regiments. The Seventy-fifth Regiment Pennsylvania Volunteers, which up to this time had not taken part in this engagement, was (at the time the Fifty-eighth and Fifty-fourth retired) now nobly led on by Lieutenant-Colonel Mahler upon the right flank of the enemy, and kept him busy until I had brought the Fifty-eighth at a double-quick up to its previous position, when those two regiments successfully drove the enemy before them, thereby gaining the position of the Manassas Gap Railroad.

The Fifty-fourth had meanwhile been ordered by General Schurz to take position with the Twenty-ninth Regiment New York State Volunteers in the interval of my brigade and that of Colonel Schimelpfennig.

At this time I observed on my right the brigade of General Roberts, to whom I explained my position, after which we advanced together a short distance; but he soon withdrew his forces, ascertaining that he got his brigade in between the columns of our division. We had occupied the above-named position only a short time when the enemy again tried to force us back, but the noble conduct of my troops did not allow him to carry out his design, and he did not gain one inch of ground. We were thus enabled to secure our wounded and some of our dead, and also some of the enemy's wounded, belonging to the Tenth South Carolina Regiment. We held this position until 2 p. m., when we were relieved by a brigade of General Kearny's division, and retired about one-fourth of a mile toward our rear, where we also encamped for the night.

Report of Col. Joseph B. Carr, commanding brigade of Brig. Gen. Joseph Hooker's division, Heintzelman's corps.

HEADQUARTERS THIRD BRIGADE, HOOKER'S DIVISION,
CAMP NEAR FORT LYON, VIRGINIA, *September* 6, 1862.

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At 2 o'clock Friday morning, August 29, I received orders to march at 3 a. m. and support General Kearny, who was in pursuit of the enemy. A march of ten miles brought us to the Bull Run battlefield. About 11 a. m. was ordered in position to support a battery in front of the woods, where the enemy with General Sigel's troops was engaged. Remaining about one hour in that position, was ordered to send into the woods and relieve two regiments of General Sigel's corps. I sent in the Sixth and Seventh New Jersey Volunteers. Afterward received orders to take the balance of the brigade in the woods, which I did at about 2 p. m. Here I at once engaged the enemy and fought him for a space of two hours, holding my position until our ammunition was all expended. About 4 o'clock we were relieved by General Reno and Colonel Taylor, but did not reach the skirt of the woods before a retreat was made and the woods occupied by the enemy. When I arrived out of the woods I was ordered to march about half a mile to the rear and bivouac for the night.

Report of Col. J. W. Revere, Seventh New Jersey Volunteers, Carr's brigade, Hooker's division, Heintzelman's corps.

IN THE FIELD, NEAR CENTREVILLE, VA., *August* 30, 1862.

SIR: I have the honor to report that this regiment, being ordered into the woods with the Sixth New Jersey Volunteers, proceeding [proceeded] to occupy them, relieving a New York regiment of General Steinwehr's division on the 29th instant at 11 a. m. on the extreme right of the position of our part of the army.

Advancing about fifty yards, we encountered the enemy's pickets, and a spirited engagement ensued, with varying success; and having been relieved by the timely advance of the Sixth Regiment New Jersey Volunteers, we drove the enemy from his position, but having been strongly re-enforced, he regained it about 1 p. m.

Report of Maj. F. Blessing, commanding Seventy-fourth Pennsylvania Volunteers, of first brigade, Schurz's division, Sigel's corps.

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At 5 o'clock a. m., August 29, we left this place, meeting our brigade, commanded by Col. A. Schimelpfennig, at 6 o'clock. After a rest of about fifteen minutes the regiment was ordered to take its position on the extreme right of the army corps then advancing. Under cover of skirmishers in the front and right flank we advanced in quick-time over an open field until we arrived at the center of the woods, where in an opening we halted. The skirmishers met the skirmish line of the enemy, opened fire, and drove them into the woods. Forced by the heavy artillery fire of the enemy, we changed several times our positions. From the right flank came the report that a strong column was advancing, but that it was impossible to recognize whether friend or foe. It was afterward ascertained to be General Kearny's corps for our relief. The regiment was then ordered to the left, where it took its position in the general battle-line, after advancing about four hundred yards under the heavy fire of the enemy, driving the latter back and out of his positions, but by the withdrawing of a regiment stationed on the left of the Seventy-fourth the enemy took advantage, and, outflanking us, we were forced back about one hundred yards.

Forming again in column for attack, the regiment advanced in quick-time toward the enemy, who gave way until he arrived at the other side of the railroad dam. Here, again flanked by the enemy and under a galling fire of grape-shot and canister, the regiment had to leave its position, which it did by making a flank movement to the left, forcing the enemy to withdraw from the woods. We advanced over our former position, capturing an ambulance with two wounded officers, to the seam of the woods. At this point a heavy shower of grape-shot and canister pouring into us, we withdrew to the railroad dam. After resting here for about thirty minutes, we were ordered by General Schurz to support a battery on the extreme right, keeping in that position till the battery left. We then again joined our brigade. Wearied and exhausted, we camped for the night on the same ground the enemy held the night previous.

Report of Maj. Steven Kovacs, Fifty-fourth New York Volunteers, Second Brigade, Schurz's division, Sigel's corps.

CAMP NEAR ARLINGTON HEIGHTS, *September* 12, 1862.

SIR: I have the honor to report that on the 29th of August, 1862, the Fifty-fourth Regiment New York State Volunteers was drawn up in line of battle at 6 o'clock a. m. at Manassas, and ordered for reserve by General Schurz; at 8 o'clock, by his orders, was sent to the woods to drive out the enemy, and found them in large force. The regiment instantly became engaged, and it held the woods in spite of the superior numbers until 1 o'clock, when it was relieved by another regiment. In this engagement the officers and men behaved themselves bravely, especially the second color-bearer, William Rauschmüller, who, seeing his comrade (the first color-bearer) fall, instantly seized the flag, and at the same time he cared for his wounded comrade, took him to the rear, and immediately returned again to his proper place. After this the regiment was ordered to fall back to another wood about half a mile distant, with the order to be in column by division, to be ready for any emergency, and the regiment remained under arms all night.

Report of Capt. F. Braum, commanding Fifty-eighth New York Volunteers, Second Brigade, Schurz's division, Sigel's corps.

CAMP NEAR ARLINGTON HEIGHTS, *September* 12, 1862.

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The 29th instant the regiment was ordered into action, and marching over a plain ground soon was engaged with the enemy, which had taken position in the woods. The regiment held the enemy in check from 8 o'clock in the morning till 12 o'clock p. m., when the regiment was relieved. The loss of the regiment was twenty-nine killed, wounded, and missing.

Report of Col. William Blaisdell, Eleventh Massachusetts Volunteers, Grover's brigade, Hooker's division, Heintzelman's corps.

CAMP NEAR ALEXANDRIA, VA., *September* 14, 1862.

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After supporting several batteries the regiment was ordered to move forward and engage the enemy. At about 3 p. m., advancing about one mile to the edge of a heavy wood, then deploying and moving forward in line of battle until within range of the enemy's pickets, the line was halted, bayonets fixed. Again moving forward, driving the enemy's pickets before it, the regiment came upon and engaged a heavy line of the enemy's infantry, which was driven back and over a line of railroad, where the road-bed was ten feet high, behind which was posted another heavy line of infantry, which opened a terrific fire upon the regiment as it emerged from the woods. The Eleventh Regiment, being the battalion of direction, was the first to reach the railroad, and of course received the heaviest of the fire. This staggered the men a little, but recovering in an instant, they gave a wild hurrah and over they went, mounting the embankment, driving everything before them at the point of the bayonet.

Here, for two or more minutes, the struggle was very severe, the combatants exchanging shots their muskets almost muzzle to muzzle, and engaging hand to hand in deadly encounter. Private John Sawler, of Company D, stove in the skull of one rebel with the butt of his musket and killed another with his bayonet. The enemy broke in confusion and ran, numbers throwing down their muskets, some fully cocked, and the owners too much frightened to fire them, the regiment pursuing them some eighty yards into the woods, where it was met by an overwhelming force in front, at the same time receiving an artillery fire, which enfiladed our left and forced it to retire, leaving the dead and many of the wounded where they fell.

It was near the railroad embankment that the brave Tileston, Stone, and Porter, and other gallant men received their mortal wounds. Being thus overpowered by numerical odds after breaking through and scattering two lines of the enemy, and compelled to evacuate the woods and enter into the open fields beyond, the enemy pursuing us hotly to the edge of the woods, I was greatly amazed to find that the regiment had been sent to engage a force of more than five times its numbers, strongly posted in thick woods and behind heavy embankments, and not a soldier to support it in case of disaster. After collecting the regiment together and moving back to our original position we encamped for the night. The officers and men of the regiment fought with the most desperate bravery; not a man flinched, and the losses were proportionately severe. Out of two hundred and eighty-three officers and men who participated in the fight three officers and seven enlisted men were killed, three officers and seventy-four enlisted men were wounded, and twenty-five missing, making an aggregate of ten killed, seventy-seven wounded, and twenty-five missing, all in the space of fifteen or twenty minutes. The regiment bivouacked on the field.

General R. C. Schenck's report, by Colonel Cheesborough.

WASHINGTON, D. C., *September* 17, 1862.

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On Thursday, 29th ultimo, we left Buckland Mills, passing through Gainesville, and proceeded on the Manassas Junction pike to within some four miles of that place, and then turned eastwardly, marching toward Bull Run. The scouts in advance reported a force of the enemy, consisting of infantry and cavalry, in front. We were hurried forward and formed line of battle with our right toward Centreville. Some few shells were thrown into a clump of woods in front where the enemy were last seen, but without eliciting any response. Some two hours

elapsed when heavy firing was heard on our left, which we concluded was from McDowell's corps and the enemy who had worked around from our front in that direction. We were immediately put in motion, and marched on the Warrenton road and took position for the night on a hill east of the stone house, our right resting on the pike.

On Friday morning early the engagement was commenced by General Milroy on our right, in which we soon after took part, and a rapid artillery fire ensued from both sides. For some time heavy columns of the enemy could be seen filing out of a wood in front and gradually falling back. They were within range of our guns, which were turned on them and must have done some execution. An hour after we received the order to move one brigade by the flank to the left and advance, which was done. We here obtained a good position for artillery, and stationed De Beck's First Ohio Battery, which did excellent service, dismounting one of the enemy's guns, blowing up a caisson, and silencing the battery. Unfortunately, however, they were poorly supplied with ammunition, and soon compelled to withdraw.

Our two brigades were now put in motion. General Stahel, commanding first brigade, marching around the right of the hill to a hollow in front, was ordered to draw up in line of battle and halt. Colonel McLean advanced around the left of the hill under cover of the woods, pressing gradually forward until he struck the turnpike at a white house about one-half mile in advance of the stone house. General Milroy's brigade arrived about the same time. We were halted, and sent back for General Stahel, who took the pike and soon joined us. We then formed our line of battle in the woods to the left of the pike, our right resting on the road, and then pushed on slowly. Milroy, in the mean while, had deployed to the right of the road, and soon became engaged with the enemy. Our division was advanced until we reached the edge of the woods and halted.

In front of us was an open space (which also extended to the right of the road and to our right), beyond which was another wood. We remained here nearly an hour, the firing in the mean while becoming heavy on the right. The enemy had a battery very advantageously placed on a high ridge behind the woods in front of Milroy, on the right of the road. It was admirably served and entirely concealed. Our position becoming known, their fire was directed toward us. The general determined, therefore, to advance, and so pushed on across the open space in front and took position in the woods beyond. We here discovered that we were on the battle-ground of the night before, and found the hospital of Gibbon's brigade, who had engaged the enemy. The battery of the enemy still continued. We had no artillery. De Beck's and Schirmer's ammunition having given out, and Buell's battery, which had reported, after a hot contest with the enemy (who had every advantage in position and range), was compelled to retire. It was now determined to flank the battery and capture it, and for this purpose General Schenck ordered one of his aids to reconnoiter the position. Before he returned, however, we were requested by General Milroy to assist him, as he was very heavily pressed. General Stahel was immediately ordered to proceed with his brigade to Milroy's support.

It was about this time, 1 or 2 o'clock, that a line of skirmishers were observed approaching us from the rear; they proved to be General Reynolds's. We communicated with General Reynolds at once, who took his position on our left, and at General Schenck's suggestion he sent a battery to our right in the woods for the purpose of flanking the enemy. They secured a position and were engaged with him about an hour, but with what result we were not informed. General Reynolds now sent us word that he had discovered the enemy bearing down upon his left in heavy columns, and that he intended to fall back to the first woods behind the cleared space, and had already put his troops in motion. We therefore accommodated ourselves to his movement. It was about this time that your order came to press toward the right. We returned answer that the enemy were in force in front of us, and that we could not do so without leaving the left much exposed. General Schenck again asked for some artillery.

General Stahel's brigade, that had been sent to General Milroy's assistance, having accomplished its object under a severe fire had returned, and soon after General Stevens reported with two regiments of infantry and a battery of four 20-pound Parrott guns. With these re-enforcements we determined to advance again and reoccupy the woods in front of the cleared space, and communicated this intention to General Reynolds. He, however, had fallen back on our left some distance to the rear; he was therefore requested to make his connection with our left. The Parrotts in the mean while were placed in position, and under the admirable management of Lieutenant Benjamin did splendidly. Two mountain howitzers also reported, and were placed on our right in the edge of the woods near the road, and commenced shelling the woods in front of the open spaces, which were now occupied by the enemy, our skirmishers having previously fallen back.

The artillery fire now became very severe, and General Schenck was convinced that it was very essential that he should have another battery, and so sent me to you to get one. I arrived to find one, Captain Romer's, just starting. You also directed me to order General Schenck to fall gradually back, as he was too far forward; General Stahel on the left of the pike and Colonel McLean to the left of Stahel. I here state in my report that General Schenck, on receiving these re-enforcements, determined to advance again, and communicated his intention to General Reynolds. I carried this message myself, and, after some difficulty, found General Reynolds, and requested him to halt and form on the left of McLean. He had fallen back, however, some distance to the rear of McLean's line of battle, so much so that the enemy's skirmishers had actually flanked us, and in returning to the division I had a narrow escape from being captured.

I also asked General Reynolds to ride forward to meet General Schenck, who had directed me to say that he would be at the extreme left of our line for that purpose. General Reynolds neither gave me any positive answer as to whether he would meet General Schenck or any information as to what he intended to do. I do not know if he complied with the request to make his connection on our left, as, on my return to General Schenck, I was immediately sent to General Sigel to represent our position; and when returning again with the order to General Schenck to retire slowly, I met the command executing the movement.

My report was intended merely as a sketch of our movements for General Sigel's information, and I endeavored throughout to be as concise as possible and confine myself solely to the operations and movements of our division. I now submit the above statement, trusting that the explanations will be satisfactory to General Reynolds.

Report of Maj. Gen. S. P. Heintzelman.

ARLINGTON, VIRGINIA, *October* 21, 1862.

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At 10 a. m. I reached the field of battle, a mile from stone bridge, on the Warrenton turnpike. General Kearny's division had proceeded to the right and front. I learned that General Sigel was in command of the troops then engaged.

At 11 a. m. the head of Hooker's division arrived; General Reno an hour later. At the request of General Sigel I ordered General Hooker to place one of his brigades at General Sigel's disposal, to re-enforce a portion of his line then hard pressed. General Grover reported, and before long became engaged, and was afterward supported by the whole division. General Pope arrived between 1 and 2 p. m. The enemy were driven back a short distance toward Sudley church, where they made another stand and again pressed a portion of our line back. All this time General Kearny's division held its position on our extreme right. Several orders were sent to him to advance, but he did not move till after the troops on his left had been forced back, which was near 6 p. m. He now advanced and reported that he was driving the enemy. This was not, however, until after the renewed heavy musketry fire on our center had driven General Hooker's troops and those he was sent to support back. They were greatly outnumbered and behaved with exceeding gallantry.

It was on this occasion that General Grover's brigade made the most gallant and determined bayonet charge of the war. He broke two of the enemy's lines, but was finally repulsed by the overwhelming numbers in the rebel third line. It was a hand-to-hand conflict, using the bayonet and the butt of the musket. In this fierce encounter of not over twenty minutes' duration the Second New Hampshire, Colonel Marston, suffered the most. The First, Eleventh, and Sixteenth Massachusetts and Twenty-sixth Pennsylvania were engaged. The loss of this brigade, numbering less than 2,000, was a total of 484, nearly all killed and wounded. I refer you to General Grover's accompanying report.

Had General Kearny pushed the enemy earlier it might have enabled us to have held our center and have saved some of this heavy loss. Kearny on the right, with General Stevens and our artillery, drove the enemy out of the woods they had temporarily occupied. The firing continued some time after dark, and when it ceased we remained in possession of the battlefield.

THIS DAY MUST NOT BE CONFUSED.

These all speak of the 29th, not confused with the 30th, for the 30th is in a separate part of the reports.

Lieutenant-Colonel Sewell, commander Fifth New Jersey, reports that on the 29th of August—

I was soon obliged to relieve my right wing with my left, the former having emptied their cartridge-boxes.

His command had emptied their cartridge-boxes and one wing had to be relieved by the other for that reason.

Captain Weidrick, commanding Battery I, New York Artillery, reports in action from 10 o'clock 29th until 3 o'clock, when they had to retire on account of loss of ammunition.

Captain Dilger, commanding battery, reports his battery engaged until his ammunition was expended and his battery relieved by another.

Colonel Thompson, One hundred and fifteenth Pennsylvania, reports continuous fighting until his command was relieved by fresh troops, sustaining heavy loss.

Col. G. C. Burling, Sixth New Jersey, was engaged until relieved by fresh troops. His loss was severe.

NEW EVIDENCE FURNISHED BY CONFEDERATE OFFICERS.

Fitz-John Porter says he found new evidence. What new evidence? The new evidence is produced by statements from officers of the confederate army for the purpose of showing that on that day he was not required to fight because there was no battle.

REPORTS OF CONFEDERATE OFFICERS.

General T. J. Jackson, who commanded the rebel forces on that day, in making his report April 27, 1863, or rather made, from the records he left, by his adjutant-general, says:

My troops on this day (29th) were distributed along and in the vicinity of the cut of an unfinished railroad (intended as a part of the track to connect the Manassas road directly with Alexandria) stretching from the Warrenton turnpike in the direction of Sudley Mill. It was mainly along the excavation of this unfinished road that my line of battle was formed on the 29th [August].

Assault after assault was made on the left, exhibiting on the part of the enemy great pertinacity and determination, but every advance was most successfully and gallantly driven back. General Hill reports that six separate and distinct assaults were thus met and repulsed by his division, assisted by Hays's brigade, Colonel Forno commanding. By this time the brigade of General Gregg, which, from its position on the extreme left, was most exposed to the enemy's attack, had nearly expended its ammunition. It had suffered severely in its men, and all its field officers except two were killed or wounded.

About 4 o'clock it had been assisted by Hays's brigade (Colonel Forno). It was now retired to the rea to take some repose after seven hours of severe service.

After seven hours of severe contest it was relieved because the men were exhausted.

And General Early's brigade, of Ewell's division, with the Eighth Louisiana Regiment, took its place.

On reaching his position, General Early found that the enemy had obtained possession of the railroad and a piece of wood in front, there being at this point a deep cut, which furnished a strong defense. Moving through a field he advanced upon the enemy, drove them from the wood and railroad cut with great slaughter, and followed in pursuit some two hundred yards.

They were driven back with great slaughter.

Early kept his position there until the following morning.

Now, to show that this was on the 29th let us see what he says in the conclusion of this report:

At a later period Major Patrick, of the cavalry, who was by General Stuart intrusted with guarding the train, was attacked, and, although it was promptly and effectually repulsed, it was not without the loss of that intrepid officer, who fell in the attack while setting an example of gallantry to his men well worthy of imitation. During the day the commanding general arrived, and also General Longstreet with his command.

REPORT OF GENERAL A. P. HILL.

Let me call attention to the report of General A. P. Hill, who was in that battle on the day of the 29th:

The evident intention of the enemy this day was to turn our left and overwhelm Jackson's corps before Longstreet came up.

The evident intention of the enemy, speaking of Pope's forces, was to turn Jackson's left and overwhelm him before Longstreet could arrive.

And to accomplish this the most persistent and furious onsets were made by column after column of infantry, accompanied by numerous batteries of artillery.

The enemy prepared for a last and determined attempt. Their serried masses, overwhelming superiority of numbers, and bold bearing made the chance of victory to tremble in the balance; my own division exhausted—

A. P. Hill's division exhausted—

by seven hours' unremitted fighting, hardly one round per man remaining, and weakened in all things save its unconquerable spirit. Casting about for help,

fortunately it was here reported to me that the brigades of Generals Lawton and Early were near by, and sending for them, they promptly moved to my front at the most opportune moment, and this last charge met the same disastrous fate that had befallen those preceding. Having received an order from General Jackson to endeavor to avoid a general engagement, my commanders of brigades contented themselves with repulsing the enemy and following them up but a few hundred yards.

MOST FURIOUS ONSLAUGHTS ON HIS COMMAND.

General Early reports the same thing in his report on the 29th of August, the time that he took his position, the time he was engaged, and reports it as a severe battle. So Taliaferro and so General Hood. Hood's force was a part of Longstreet's command. Now, what does Hood say? Speaking of the battle of the 29th, he says:

About 4 o'clock in the afternoon the enemy made a fierce attack upon General Jackson, his noble troops holding their ground with their usual gallantry.

At sunset an order came to me from the commanding general to move forward and attack the enemy. Before, however, this division could come to attention they were attacked, and I instantly ordered the two brigades to move forward and charge the enemy, which they did most gallantly, driving them in confusion in front of them. Colonel Law's brigade, being engaged with a very heavy force of the enemy, captured one piece of artillery, three stand of colors, and one hundred prisoners, and the Texas brigade three stand of colors. It soon became so very dark that it was impossible to pursue the enemy any farther. At 12 o'clock at night orders came to retake our position on the right of General Jackson.

There was one of the divisions that General Longstreet had General Wilcox to support in the attack at Groveton. And yet he says at 12 o'clock at night he was ordered to retake his former position. He staid there by Groveton.

WHAT GENERAL WILCOX SAID.

General C. M. Wilcox, of General Longstreet's command, said:

Pursuing our line of march, together with the division, we passed by Gainesville, and advancing some three miles beyond, my three brigades were formed in line of battle on the left and at right angles to the turnpike. Having advanced near three-quarters of a mile, we were then halted. The enemy was in our front and not far distant. Several of our batteries were placed in position on a commanding eminence to the left of the turnpike. A cannonading ensued and continued for an hour or two, to which the enemy's artillery replied.

At half past 4 or 5 p. m. the three brigades were moved across to the right of the turnpike, a mile or more, to the Manassas Gap Railroad. While here musketry was heard to our left on the turnpike. This firing continued, with more or less vivacity until sundown. Now the command was ordered back to the turnpike and forward on this to the support of General Hood, who had become engaged with the enemy, and had driven him back some distance, inflicting severe loss upon him, being checked in his successes by the darkness of the night.

After reaching General Hood's position but little musketry was heard. All soon became quiet. Our pickets were thrown out to the front. The enemy's camp-fires soon became visible, extending far off to our left, front, and right. Remaining in this position until 12 o'clock at night, the troops were withdrawn three-quarters of a mile to the rear and bivouacked, pickets being left to guard our front.

So that by 4 o'clock all the troops that were on the right of Longstreet were turned back onto Groveton and engaged there at Groveton, and staid there until 11 or 12 o'clock at night, leaving nothing but Jones's brigade in the direction of Porter.

REPORTS OF LONGSTREET'S OFFICERS AND OTHERS.

Report of Col. Edward L. Thomas, commanding second brigade, A. P. Hill's division, Jackson's command.

HEADQUARTERS THIRD BRIGADE, LIGHT DIVISION,
October 26, 1862.

* * * * * * *

On Thursday, August 28, near Sudley Ford, this brigade was held in reserve by order of General Hill; was under fire, but took no active part, and after the enemy gave way moved forward and bivouacked for the night on the field. Early on Friday, August 29, the march was resumed, with directions to be prepared for an attack near the railroad. General Gregg's brigade meeting the enemy there, this brigade advanced to his right, the regiments being thrown in successively until all became engaged. The enemy were in strong position on the railroad.

We at once advanced and drove them from it. This position we were ordered to hold, and, if possible, avoid bringing on a general engagement, and held it against several attacks of the enemy in strong force during the day. In the afternoon an overwhelming force attacked us, now almost without ammunition, in front and on the left flanks, and forced us back a short distance, when General Pender's brigade advanced promptly and in fine order to the assistance of the third, most of which joined General Pender, and together they drove back the enemy some distance beyond our previous position, which was held until night, the brigade bivouacking on the field.

Report of Brig. Gen. S. McGowan.

HEADQUARTERS SECOND BRIGADE,
A. P. HILL'S LIGHT DIVISION, SECOND ARMY CORPS,
Camp Gregg, Virginia, February 9, 1863.

* * * * * * *

Friday, the 29th, was the glorious but bloody day for the brigade. It may be allowed for us to claim that by holding the left steady on Friday we contributed to the success of the great battle on Saturday. The distinguished brigadier-general who commanded, and was present everywhere during the day and exerting himself to the utmost, was himself spared only to fall upon another victorious field (Fredericksburg), but many of our noblest and best officers and men fell there. The aggregate of the killed and wounded of the brigade in this battle was six hundred and thirteen (613).

Report of Brig. Gen. N. G. Evans, Longstreet's command.

HEADQUARTERS EVANS'S BRIGADE,
Near Winchester, Va., October 13, 1862.

* * * * * * *

On the evening of the 29th of August the brigade engaged the skirmishers of the enemy in considerable force on the south side of the road near Groveton, and rendered efficient co-operation to the commands of General Wilcox on the left and General Hood on the right in driving the enemy from his position. The enemy falling back, and the darkness of the night concealing his movements, I formed my brigade in the camp of the enemy, until ordered to fall back by the major-general commanding. Leaving a strong picket in my front, I withdrew about a mile to the rear.

Report of Lieut. Col. R. L. Walker.

HEADQUARTERS ARTILLERY BATTALION, *March* 1, 1863.

* * * * * * *

On Friday, the 29th of August, the batteries were placed in position on the ridge in rear and to the left of General A. P. Hill's division. Captain Braxton's battery was engaged early in the forenoon on the extreme left, with the loss of some of his horses. Upon the cessation of the enemy's fire ours ceased also. In the afternoon a section of Captain Pegram's battery hotly engaged the enemy on the right. His position was in rear of General Field's and Gregg's brigades. The loss of this section was very heavy, and, the fire continuing with unremitted severity, it was withdrawn. Captain Braxton was then ordered to the position, and, with five guns, held it, with loss, under a terrible fire, until night closed in upon the field. Captain Crenshaw's battery was also engaged during the day from a point in rear of General Pender's brigade.

Report of Col. J. B. Walton, of Longstreet's command, of second battle of Manassas.

HEADQUARTERS BATTALION WASHINGTON ARTILLERY,
November 30, 1862.

* * * * * * *

On the 29th August, 1862, the four batteries composing the battalion were assigned and served as follows: The fourth company, consisting of two six-pounder bronze guns and two twelve-pounder howitzers, under Capt. D. F. Eshleman, Lieutenants Norcom, Battles, and Apps, with Pickett's brigade; the second company, with two six-pounder bronze guns and two twelve-pounder howitzers, under Captain Richardson, Lieutenants Hawes, De Russey, and Britton, with Toombs's brigade; the first company, with three 3-inch rifle guns, under Capt. C. W. Squiers, Lieutenants E. Owens, Galbraith, and Brown; and the third company, with four light twelve-pounder guns (Napoleon), under Capt. M. B. Miller, Lieutenants McElroy and Hero, in reserve.

About noon on the 29th, the two batteries in reserve having halted near the village of Gainesville, on the Warrenton and Centreville turnpike, were ordered forward by General Longstreet to engage the enemy then in our front and near the village of Groveton. Captains Miller and Squiers at once proceeded to the position indicated by the general and opened fire upon the enemy's batteries. Immediately in Captain Miller's front he discovered a battery of the enemy, distant about 1,200 yards. Beyond this battery, and on a more elevated position, were posted the enemy's rifle batteries. He opened upon the battery nearest him, and, after a spirited engagement of three-quarters of an hour, completely silenced it and compelled it to leave the field. He then turned his attention to the enemy's rifle batteries and engaged them, until, having exhausted his ammunition, he retired from the field.

Captain Squiers, on reaching his position on the left of Captain Miller's battery, at once opened, with his usual accuracy, upon the enemy's batteries. Unfortunately, after the first fire, one of his guns, having become disabled by the blowing out of the bushing of the vent, was sent from the field. Captain Squiers then placed the remaining section of his battery under command of Lieutenant Owen, and rode to the left to place additional guns (that had been sent forward to his assistance) in position. At this time the enemy's infantry were engaged with the forces on the left of the position occupied by our batteries, and while the enemy retreated in confusion before the charge of our veterans the section under Lieutenant Owen poured a destructive fire into their affrighted ranks. Scores were seen to fall.

Report of Maj. B. W. Frobell, chief of artillery of Hood's division, Longstreet's command, of second battle of Manassas.

CAMP NEAR FREDERICK, MD., *September* 9, 1862.

* * * * * * *

At 11 a. m. on Friday I was ordered by General Hood to proceed to the right of the turnpike road and report to General Stuart. This I did, with Captain Bachman's battery, Reilly being already in position on the left, and Garden having no long-range pieces. General Stuart had selected a position near the Orange and Alexandria Railroad. The battery was brought up and immediately opened with marked effect on a column of the enemy moving to the right, which at once changed direction, moving rapidly to the left. Fifteen rounds were fired, when, the distance being greatly increased, I ordered Captain Bachman to cease firing. At 1 o'clock p. m. Captain Reilly was ordered to the left of the turnpike and to take position with other batteries on a hill commanding the hills near Groveton House.

Report of Col. E. M. Law, of Hood's division, Longstreet's command, of second battle of Manassas.

HEADQUARTERS THIRD BRIGADE, *September* 10, 1862.

* * * * * * *

Leaving Thoroughfare Gap at sunrise on the 29th the brigade marched in the direction of Manassas Junction. At Gainesville, on the Warrenton turnpike, the line of march changed abruptly to the left along the turnpike in the direction of Centreville. On arriving about midway between Gainesville and the stone house, which is situated at the junction of the turnpike and the Sudley Ford road, I was ordered by Brigadier-General Hood, commanding the division, to form the brigade in line of battle to the left of the turnpike and almost at right angles with it, the right resting on the road and the left connecting with General Jackson's line.

* * * * * * *

The opposing force of the enemy, as I learned from captured officers, consisted of General King's division of four brigades and a battery of howitzers. One piece was captured and about a hundred prisoners. Among the prisoners were Captain Judson, assistant adjutant-general to General Hatch, and Captain Garish, of the battery.

During the night of the 29th, under orders from General Hood, I resumed the position to the rear of Groveton which I had occupied in the morning.

Report of Brig. Gen. J. B. Hood of operations of his division, Longstreet's command, from Freeman's Ford.

DIVISION HEAQUARTERS, *September* 27, 1862.

* * * * * * *

On arriving at Thoroughfare Gap, the enemy were drawn up in line to dispute our passage. After a spirited little engagement with them by Gen. D. R. Jones's troops, on the evening of the 28th instant, our forces were able to bivouac for the night beyond the gap. The next morning, at daylight, the march was again resumed, with this division in the advance, Lieutenant-Colonel Upton, of the Fifth Texas, in command of a party of select Texas riflemen, constituting the advance guard.

Coming up with the rear-guard of the enemy before sunrise, this gallant and distinguished officer drove them before him so rapidly that halts would have to be made for the troops in rear to rest. Early in the day we came up with the main body of the enemy on the plains of Manassas, engaging General Jackson's forces. Disposition of the troops being made, the Texas brigade advanced in line of battle down and on the immediate right of the pike leading to the stone bridge, and Colonel Law's brigade on the left. Arriving on a line with the line of battle established by General Jackson, the division was halted by order of the general commanding.

About 4 o'clock in the afternoon the enemy made a fierce attack upon General Jackson, his noble troops holding their ground with their usual gallantry.

At sunset an order came to me from the commanding general to move forward and attack the enemy. Before, however, this division could come to attention they were attacked, and I instantly ordered the two brigades to move forward and charge the enemy, which they did most gallantly, driving them in confusion in front of them. Colonel Law's brigade, being engaged with a very heavy force of the enemy, captured one piece of artillery, three stand of colors, and one hundred prisoners, and the Texas brigade three stand of colors. It soon became so very dark that it was impossible to pursue the enemy any farther. At 12 o'clock at night orders came to retake our position on the right of General Jackson.

Report of Major-General Stuart of operations immediately preceding and including the battle of Groveton.

HEADQUARTERS STUART'S CAVALRY DIVISION,
ARMY OF NORTHERN VIRGINIA,
February 28, 1863.

* * * * * * *

The next morning, 29th, in pursuance of General Jackson's wishes, I set out again to endeavor to establish communication with Longstreet, from whom he had received a favorable report the night before. Just after leaving the Sudley road my party was fired on from the wood bordering the road, which was in rear of Jackson's lines, and which the enemy had penetrated with a small force, it was afterwards ascertained, and captured some stragglers. They were between General Jackson and his baggage at Sudley.

I immediately sent to Major Patrick, whose six companies of cavalry were near Sudley, to interpose in defense of the baggage, and use all the means at hand for its protection, and order the baggage at once to start for Aldie. General Jackson, also being notified of this movement in his rear, sent back infantry to close the woods. Captain Pelham, always at the right place at the right time, unlimbered his battery, and soon dispersed that portion in the woods. Major Patrick was attacked later, but he repulsed the enemy with considerable loss, though not without loss to us, for the gallant major himself, setting the example to his men, was mortally wounded. He lived long enough to witness the triumph of our arms, and expired thus in the arms of victory. The sacrifice was noble, but the loss to us irreparable.

I met with the head of General Longstreet's column between Hay Market and Gainesville, and there communicated to the commanding general General Jackson's position and the enemy's. I then passed the cavalry through the column, so as to place it on Longstreet's right flank, and advanced directly toward Manassas, while the column kept directly down the pike to join General Jackson's right. I selected a fine position for a battery on the right, and one having been sent to me, I fired a few shots at the enemy's supposed position, which induced him to shift his position. General Robertson, who with his command was sent to reconnoiter farther down the road toward Manassas, reported the enemy in his front. Upon repairing to that front, I found that Rosser's regiment was engaged with the enemy to the left of the road, and Robertson's vedettes had found the enemy approaching from the direction of Bristoe Station toward Sudley.

The prolongation of his line of march would have passed through my position, which was a very fine one for artillery as well as observation, and struck Longstreet in flank. I waited his approach long enough to ascertain that there was at least an army corps, at the same time keeping detachments of cavalry dragging brush down the road from the direction of Gainesville, so as to deceive the enemy (a ruse which Porter's report shows was successful), and notified the commanding general, then opposite me on the turnpike, that Longstreet's flank and rear were seriously threatened and of the importance to us of the ridge I then held. Immediately upon the receipt of that intelligence Jenkins's, Kemper's, and D. R. Jones's brigades and several pieces of artillery were ordered to me by General Longstreet, and, being placed in position fronting Bristoe, awaited the enemy's advance.

After exchanging a few shots with rifle pieces this corps withdrew toward Manassas, leaving artillery and supports to hold the position till night. Brigadier-General Fitz Lee returned to the vicinity of Sudley, after a successful expedition, of which his official report has not been received, and was instructed to co-operate with Jackson's left. Late in the afternoon the artillery on this commanding ridge was, to an important degree, auxiliary to the attack upon the enemy, and Jenkins's brigade repulsed the enemy in handsome style at one volley as they advanced across the corn field. Thus the day ended, our lines having considerably advanced.

General Longstreet, in his report, says:

HEADQUARTERS NEAR WINCHESTER, VA., *October* 10, 1862.

* * * * * * * *

Early on the 29th (August) the columns were united, and the advance to join General Jackson was resumed. The noise of battle was heard before we reached Gainesville. The march was quickened to the extent of our capacity. The excitement of battle seemed to give new life and strength to our jaded men, and the head of my column soon reached a position in rear of the enemy's left flank and within easy cannon-shot.

On approaching the field some of Brigadier-General Hood's batteries were ordered into position, and his division was deployed on the right and left of the turnpike, at right angles with it, and supported by Brigadier-General Evans's brigade. Before these batteries could open the enemy discovered our movements and withdrew his left. Another battery (Captain Stribling's) was placed upon a commanding position to my right, which played upon the rear of the enemy's left and drove him entirely from that part of the field. He changed his front rapidly, so as to meet the advance of Hood and Evans.

Three brigades, under General Wilcox, were thrown forward to the support of the left, and three others, under General Kemper, to the support of the right of these commands. General D. R. Jones's division was placed upon the Manassas Gap Railroad—

ONLY CAVALRY, BRUSH, AND DUST.

Not on this road [indicating] that Porter was on—

upon the Manassas Gap Railroad, to the right and in echelon with regard to the three last brigades. Colonel Walton placed his batteries in a commanding position between my line and that of General Jackson, and engaged the enemy for several hours in a severe and successful artillery duel. At a late hour in the day Major-General Stuart reported the approach of the enemy in heavy columns against my extreme right. I withdrew General Wilcox with his three brigades from the left, and placed his command in position to support Jones in case of an attack against my right. After some few shots the enemy withdrew his forces, moving them around toward his front, and about 4 o'clock in the afternoon began to press forward against General Jackson's position. Wilcox's brigades were moved back to their former position, and Hood's two brigades, supported by Evans, were quickly pressed forward to the attack. At the same time Wilcox's three brigades made a like advance, as also Hunton's brigade, of Kemper's command.

These movements were executed with commendable zeal and ability. Hood, supported by Evans, made a gallant attack, driving the enemy back till 9 o'clock at night. One piece of artillery, several regimental standards, and a number of prisoners were taken. The enemy's entire force was found to be massed directly in my front, and in so strong a position that it was not deemed advisable to move on against his immediate front; so the troops were quietly withdrawn at 1 o'clock the following morning. The wheels of the captured piece were cut down, and it was left on the ground. The enemy seized that opportunity to claim a victory, and the Federal commander was so impudent as to dispatch his Government by telegraph tidings to that effect. After withdrawing from the attack my troops were placed in the line first occupied and in the original order.

I now desire to call attention to the report of General Robert E. Lee of the first day, second Bull Run, August 29, 1862. It is as follows:

The next morning, the 29th, the enemy had taken a position to interpose his army between General Jackson and Alexandria, and about 10 a. m. opened with artillery upon the right of Jackson's line. The troops of the latter were disposed in rear of Groveton, along the line of the unfinished branch of the Manassas Gap Railroad, and extended from a point a short distance west of the turnpike toward Sudley Mill, Jackson's division, under Brigadier-General Starke, being on the right; Ewell's, under General Lawton, in the center, and A. P. Hill on the left. The Federal Army was evidently concentrating upon Jackson, with the design of overwhelming him before the arrival of Longstreet. The latter officer left his position, opposite Warrenton Springs, on the 26th, being relieved by General R. H. Anderson's division, and marched to join Jackson. He crossed at Kinson's (Hinson's) Mill in the afternoon and encamped near Orlean that night. The next day he reached the White Plains, his march being retarded by the want of cavalry to ascertain the meaning of certain movements of the enemy from the direction of Warrenton, who seemed to menace the right of his column.

On the 28th, arriving at Thoroughfare Gap, he found the enemy prepared to dispute his progress. General D. R. Jones's division, being ordered to force the passage of the mountain, quickly dislodged the enemy's sharpshooters from the trees and rocks and advanced into the gorge. The enemy held the eastern extremity of the pass in large force, and directed a heavy fire of artillery upon the road leading through it and upon the sides of the mountain. The ground occupied by Jones afforded no opportunity for the employment of artillery. Hood, with two brigades, and Wilcox, with three, were ordered to turn the enemy's right—the former moving over the mountain by a narrow path to the left of the pass, and the latter farther to the north, by Hopewell Pass.

Before these troops reached their destination the enemy advanced and attacked Jones's left, under Brig. Gen. G. T. Anderson. Being vigorously repulsed he withdrew to his position at the eastern end of the gap, from which he kept up an active fire of artillery until dark and then retreated. Generals Jones and Wilcox bivouacked that night east of the mountain, and on the morning of the 29th the whole command resumed the march, the sound of cannon at Manassas announcing that Jackson was already engaged. Longstreet entered the turnpike near Gainesville, and moving down toward Groveton the head of his column came upon the field in rear of the enemy's left, which had already opened with artillery upon Jackson's right, as previously described. He immediately placed some of his batteries in position, but before he could complete his dispositions to attack the enemy withdrew, not, however, without loss from our artillery.

Longstreet took possession [position?] on the right of Jackson, Hood's two brigades, supported by Evans, being deployed across the turnpike and at right angles to it. These troops were supported on the left by three brigades under General Wilcox and by a like force on the right under General Kemper. D. R. Jones's division formed the extreme right of the line, resting on the Manassas Gap Railroad. The cavalry guarded our right and left flanks, that on the right being under General Stuart in person. After the arrival of Longstreet the enemy changed his position, and began to concentrate opposite Jackson's left, opening a brisk artillery fire, which was responded to with effect by some of General A. P. Hill's batteries.

Colonel Walton placed a part of his artillery upon a commanding position between Generals Jackson and Longstreet, by order of the latter, and engaged the enemy vigorously for several hours. Soon afterward General Stuart reported the approach of a large force from the direction of Bristoe Station, threatening Longstreet's right. The brigades under General Wilcox were sent to reenforce General Jones, but no serious attack was made, and after firing a few shots the enemy withdrew. While this demonstration was being made on our right a large force advanced to assail the left of General Jackson's position, occupied by the division of General A. P. Hill. The attack was received by his troops with their accustomed steadiness, and the battle raged with great fury.

The enemy was repeatedly repulsed, but again pressed on the attack with fresh troops. Once he succeeded in penetrating an interval between General Gregg's brigade, on the extreme left, and that of General Thomas, but was quickly driven back with great slaughter by the Fourteenth South Carolina Regiment, then in reserve, and the Forty-ninth Georgia, of Thomas's brigade. The contest was close and obstinate; the combatants sometimes delivered their fire at ten paces. General Gregg, who was most exposed, was re-enforced by Hays's brigade, under General Forno, and successfully and gallantly resisted the attack of the enemy until, the ammunition of his brigade being exhausted and all its field officers but two killed or wounded, it was relieved, after several hours of severe fighting, by Early's brigade and the Eighth Louisiana Regiment.

General Early drove the enemy back with heavy loss and pursued about two hundred yards beyond the line of battle, when he was recalled to the position on the railroad, where Thomas, Bender, and Archer had firmly held their ground against every attack. While the battle was raging on Jackson's left General Longstreet ordered Hood and Evans to advance, but before the order could be obeyed Hood was himself attacked, and his command became at once warmly engaged. General Wilcox was recalled from the right and ordered to advance on Hood's left, and one of Kemper's brigades, under Colonel Hunton, moved forward on his right. The enemy was repulsed by Hood after a severe contest, and fell back, closely followed by our troops. The battle continued until 9 p. m., the enemy retreating until he had reached a strong position, which he held with a large force. The darkness of the night put a stop to the engagement, and our troops remained in their advanced position until early next morning, when they were withdrawn to their first line. One piece of artillery, several stand of colors, and a number of prisoners were captured. Our loss was severe in this engagement. Brigadier-Generals Field and Trimble and Colonel Forno, commanding Hays's brigade, were severely wounded, and several other valuable officers killed or disabled, whose names are mentioned in the accompanying reports.

FITZ-JOHN PORTER'S TESTIMONY.

Fitz-John Porter himself gave testimony before the court of inquiry on General McDowell in Washington city. He appeared before that board and gave testimony as follows (page 1010, board record):

By General MCDOWELL:

Q. Under what relations as to command did you and General McDowell move from Manassas and continue prior to the receipt of General Pope's joint order?

A. I did not know that General McDowell was going from Manassas, and I have no recollection of any relations whatever nor of any understanding.

Q. Was there nothing said about General McDowell being the senior, and of his commanding the whole by virtue of his rank?

A. Nothing that I know of.

Q. What time did you take up your line of march from Manassas Junction for Gainesville?

A. The hour the head of the column left, I presume, was about 10 o'clock; it

may have been earlier. Ammunition had been distributed to the men or was directed to be distributed, and the command to be put in motion immediately.

Q. When you received the joint order, where were you personally and where was your command?

A. I was at the head of my column, and a portion of the command or the head of the column was then forming line in front. One regiment as skirmishers was in advance, and also a small party of cavalry which I had as escort. The remainder of the corps was on the road. The head of my column was on the Manassas road to Gainesville at the first stream, as previously described by me.

Q. Please state the order of your divisions, &c., in the column at that time.

A. First, Morell's; next, Sykes's; the other brigade, Sturgis's or Piatt's, I know nothing of, having left it, in compliance with orders from General Pope, at Warrenton Junction, with orders to rejoin as soon as possible.

Q. Where was King's division?

A. I left King's division getting provisions and ammunition near Manassas Junction. I gave, personally, direction to General Hatch, in command, to move up as quickly as possible. I did not see General King at all.

Q. The witness says he received an order from General McDowell, or what he considered an order, when General McDowell first joined him, which order he did not obey; will witness state why he disobeyed what he considered an order?

A. The order I have said I considered an order in connection with his conversation and his taking King's division from me. I therefore did obey it.

Q. What did you understand to be the effect of General McDowell's conversation? Was it that you were to go no farther in the direction of Gainesville than you then were?

A. The conversation was in connection with moving over to the right, which necessarily would prevent an advance.

Q. You state you did not think General McDowell's order (if it was one) a proper one, and that for that reason you continued your movement as if you had not seen the joint order. Is the witness to be understood that this was in obedience of what he has stated to be General McDowell's order?

A. I did not consider that an order at that time, and have tried to convey that impression, but it was an expression or opinion which I might have construed as an order; but when General McDowell left me he gave no reply to my question; and seeing the enemy in my front, I considered myself free to act according to my own judgment until I received notice of the withdrawal of King.

GENERAL POPE'S TESTIMONY REGARDING THE ORDER.

General Pope testifies in reference to this order on page 14:

Q. Will you state what orders, if any, you gave to General Porter, on the 29th of August, in reference to the movements of himself and his men and the grounds upon which those orders were based?

A. In answer to that question it will perhaps be necessary for me to state, at least partially, the condition of things on the afternoon of the 28th and during the night of the 28th and 29th of August, for the reason that the information from the front, upon which the dispositions of the army were made, varied at different periods of the day and night. And it was not until toward daylight in the morning of the 29th that I became thoroughly satisfied of the position of the enemy, and of the necessary movements of the troops to be made in consequence. The orders that I gave to General Porter on the 29th of August, as I remember them, were four. One of them was dated in the night I think; I do not remember the time.

That order I think required him, in consequence of information we had received of the enemy's forces beyond Centreville, to move upon Centreville. But about daylight in the morning I sent General Porter an order to take his own army corps, which was then at Manassas Junction, and which by my order had been re-enforced by the brigade of General Piatt, which had come up there in the command of General Sturgis, and King's division of McDowell's corps, which had withdrawn to Manassas Junction or to that vicinity during the night of the 28th, and move forward in the direction of Gainesville.

An hour and a half later I received a note from General McDowell, whom I had not been able to find until that hour in the morning, requesting that King's division of his corps be not turned over to General Porter, but that he be allowed to conduct it himself. I then sent a joint order to Generals Porter and McDowell, directed to them at Manassas Junction, specifying in detail the movement that I wished to be made by the troops under their command—the withdrawal of King's division of McDowell's corps, which during the greater part of the night I had understood to be on the Warrenton turnpike and west of the troops under Jackson. Their withdrawal to Manassas Junction, I feared, had left open Jackson's retreat in the direction of Thoroughfare Gap, to which point the main portion of the army of Lee was then tending to re-enforce him. I did not desire to pursue Jackson beyond the town of Gainesville, as we could not have done so on account of the want of supplies—rations for the men and forage for the horses.

My order to Generals Porter and McDowell is, therefore, worded that they shall pursue the route to Gainesville until they effect a junction with the forces that are marching upon Gainesville to Centreville—the forces under Heintzelman, Sigel, and Reno; and that when that junction was formed (as I expected it would have been very near to Gainesville) the whole command should halt, it being, as I stated before, not feasible with my command in the condition it was in, on account of supplies, to pursue Jackson's forces farther. During the whole morning the forces under Sigel and Heintzelman had kept up a skirmishing with the rear of Jackson's forces, they retiring in the direction of Gainesville. They were brought to a stand at the little town of Groveton, about eight miles, I think, from Centreville, and perhaps five or six miles from Gainesville. When I rode onto the field of battle, which was about noon (having been delayed at Centreville), I found that the troops had been sharply engaged, and were still confronting each other.

General Sigel reported to me that he needed re-enforcements in the front; that his line was weak, and that his troops required to be withdrawn from the action. I told him (as I did General Heintzelman, who was present on the ground) that I only wished them to maintain their positions, as the corps of McDowell and Porter were then on the march from Manassas Junction toward the enemy's right flank and ought in a very short time to be in such position as to fall upon that portion of his line. I desired them, therefore, only to maintain the positions they occupied. We waited for the arrival of Generals McDowell and Porter. At 4 o'clock, or some little after that time (perhaps at half past 4 in the afternoon), finding that neither McDowell nor Porter had made their appearance on the field, I sent an order to General Porter informing him generally of the condition of things on the field, and stating to him that I desired him to push forward and attack the enemy in flank, and, if possible, in rear, without any delay. This order was sent to General Porter about half past 4 in the afternoon.

Finding that General Porter did not comply with this order, and receiving a dispatch which he sent to Generals McDowell and King, stating to them that he was about to fall back or was falling back to Manassas Junction, and that he did so because he saw clouds of dust, showing that, in his judgment, the enemy was advancing on the road he was occupying, and stating that it appeared to him from the fire of the battle that he had been listening to that our forces were retreating and the enemy advancing, and he had determined to fall back to Manassas Junction, and recommended Generals McDowell and King to send back their trains also—receiving this note, purporting to be from General Porter to Generals McDowell and King, I sent an order to General Porter directing him, immediately upon the receipt of the order, to march his whole command to the field of battle, and to report to me in person for orders, stating to him that I expected him to comply strictly with that order.

I put it in such form (perhaps not entirely courteous) because I had understood General Porter upon two several occasions to have disobeyed the orders that I had sent him. These are all the orders that I issued on that day and night to General Porter. I will state, in addition to what I have already said, that the first of these orders to which I have referred, being subsequently superseded, is not perhaps referred to here. I will also state that the corps of Sigel, Heintzelman, and Reno were formed in line of battle across the Warrenton turnpike, facing to the west, and near the little town of Groveton, or at it, almost at the point where the road from Manassas Junction to Sudley Springs—the Sudley Springs road I think it is called—crosses Warrenton turnpike a little in advance of that road.

(The judge-advocate stated that the first order, referred to by the witness in his answer to the last interrogatory is not referred to in the specifications, being superseded by a subsequent order.)

Q. Excluding from view the first order given on the morning of the 29th of August, and which directed General Porter to fall back upon Centreville, and which, you say, was superseded by a subsequent order, are or are not the other three orders which you have enumerated in your last answer, given to General Porter on that day, the same which are set forth in the second, third, and fourth specifications of the first charge preferred against him? [Handing witness the charges and specifications.]

A. (After examining them.) They are the same orders.

Q. Do you mean to say that the order set forth in the second specification, addressed to Generals McDowell and Porter, is the one that superseded that first order?

A. No, sir. There was one sent to General Porter previous to that time, giving nearly the same directions, and which is referred to in that joint order as having been given an hour and a half before. I repeated that order in detail, because I was not sure that General Porter had received the order referred to there as having been sent to him an hour and a half before.

Q. At what hour in the morning was this order issued, addressed to Generals McDowell and Porter, and set forth in the second specification of the first charge?

A. I do not remember distinctly. I think it was somewhere between 8 and 9 o'clock in the morning.

Q. Was there any engagement then pending?

A. Fighting was then going on along the turnpike that led from Centreville to Warrenton—fighting was going on quite sharply.

Q. Did the march of General Porter's command, as indicated in that order, lead him toward that battle?

A. Yes, sir; it led him toward the flank of the enemy.

Q. What forces had he under his command that morning when that order was issued?

A. He had, or should have had, at Manassas Junction the whole of his own corps, which, from his report to me at Warrenton Junction, I understood to be between 8,500 and 9,000 men. I had added to his command the troops forming the brigade commanded by General Piatt; they were to belong to the division of General Sturgis, and I think they numbered about 3,500 men. Their exact strength I do not know. That was the impression I got from General Sturgis.

Q. What was his entire command?

A. That was his entire command. I understood him to have had from 12,000 to 12,500 men at Manassas Junction.

Q. What was the distance between Manassas Junction and the scene of this engagement of which you speak?

A. Between five and six miles, I think, though I had not been myself over the road.

Q. Do you know the character of the road? Had you passed over it?

A. I had not passed over it.

Q. Did General Porter obey the order addressed to him and General McDowell?

A. I do not know whether he obeyed it; he did not obey it fully; how far he obeyed it I am not able to say; he certainly did not obey the order fully.

Q. If he had obeyed it, would it not have brought him up with the enemy before half past 4 in the evening?

A. Yes, sir.

Q. On your arriving on the battlefield, where was he reported to you to be?

A. I arrived on the battlefield at 12 o'clock, about noon. At 4.30 p. m. nobody on the field knew where General Porter was at all.

Q. Did or did not General Porter obey the second order to which you refer, issued at four and a half o'clock on the 29th of August, directing him to engage the enemy in flank, and, if possible, in rear?

A. He did not, so far as my knowledge of the fact goes.

Q. You have no knowledge of his having made any attack then?

A. I should have known it if he had attacked.

Q. Will you state to the court and describe the condition of the battlefield at that hour and the importance of his obedience of that order to the success of your troops?

A. Late in the afternoon of the 29th, perhaps toward half past 5 or 6 o'clock—about the time that I hoped that General Porter would be in his position and be assaulting the enemy on the flank, and when General McDowell had himself arrived with his corps on the field of battle—I directed an attack to be made on the left of the enemy's line, which was handsomely done by Heintzelman's corps and Reno's corps. The enemy was driven back in all directions and left a large part of the ground with his dead and wounded upon it in our possession. Had General Porter fallen upon the flank of the enemy, as it was hoped, at any time up to 8 o'clock that night, it is my firm conviction that we should have destroyed the army of Jackson.

Q. You have stated that General McDowell obeyed that order so far as to appear upon the battlefield with his command?

A. Yes, sir. He arrived on the battlefield, I think, about 5 o'clock, and immediately pushed forward his corps to the front; the division of General King having a very sharp engagement with the enemy along the Warrenton turnpike, in advance of the position that we had occupied during the day.

Q. To reach the battlefield, had or had not General McDowell as great a distance to march as General Porter?

A. Yes, sir; I should think fully as great.

Q. I believe you have stated the distance from Manassas Junction to the battlefield as about four or five miles?

A. Five or six miles; I am not quite sure; that is my impression.

Q. Is or is not that about the distance which the command of General Porter would have had to have marched to have obeyed your order?

A. It would have had to march less than that. You refer, I suppose, to the order I issued about half past 4 in the afternoon.

Q. Yes, sir.

A. General Porter was reported to me by the aid-de-camp who delivered him that order to be two miles or more from Manassas Junction, in the direction of the field of battle.

Q. In point of fact, did or did not General McDowell, in obeying that order, pass General Porter and his command on the way?

A. I so understood. General McDowell can tell that better than I can myself.

Q. I will ask you now in regard to the last order, that which purports to be dated on the 29th of August, at 8.50 p. m., and is set forth in the fourth specification of the first charge. I will ask you if General Porter obeyed that order or not?

A. General Porter appeared himself on the field the next morning with a portion of his command. Two brigades, however, were not present with him, but were reported by aid-de-camp to me as being at Centreville.

Q. Do you or not know at what point those brigades were separated from his command?

A. I do not.

Q. What brigades were they?

A. One was General Griffin's brigade; the other was General Piatt's brigade. I would say, however, of the latter brigade, that when they reached Centreville and found there was a battle going on in the advance they marched forward to the field and made their appearance on the ground and took part in the action late in the afternoon of the 30th of August. That is, the brigade of General Piatt. They did so without orders to that effect from anybody.

Q. Do you know what became of General Griffin's brigade or where it was during the battle of the 30th of August?

A. Of my own knowledge I do not know, except what was reported to me by aid-de-camp from Centreville, that the brigade was there.

Q. It took no part in the action?

A. No, sir.

Q. Will you state what effect, if any, was produced, or was liable to be produced, on the fortunes of that battle by the absence of that force?

A. A very great effect. I do not know the strength of General Griffin's brigade; but a brigade of four regiments and a battery of artillery, as I understand it. That was utterly withdrawn from the field; took no part in the action. General Piatt's command got up very late; too late to do anything, except, indeed, to contribute to enable us to maintain our ground until the darkness closed the fight. The presence of the other brigade would undoubtedly have been of immense benefit.

Q. Did or did you not regard the withdrawal of these brigades from General Porter's command, under the circumstances, a clear violation of the order issued to him to report with his command on the battlefield?

(Question objected to by a member of the court.)

The room was cleared, and the court proceeded to deliberate with closed doors. After some time the doors were reopened. Whereupon—

The judge-advocate stated the decision of the court to be that the question should be propounded to the witness.

Q. (Repeated.) Did or did you not regard the withdrawal of those brigades from General Porter's command, under the circumstances, a clear violation of the order issued to him to report with his command on the battlefield?

A. Undoubtedly.

Q. Will you state to the court whether or not you had made known to General Porter the position of the enemy's forces, and your plans and intentions so far and so fully that he knew the critical condition of your army and the importance of rapid movements and prompt and energetic action to secure your supplies and to guarantee success?

A. It has been my habit to talk very freely with all officers having large commands in the army which I commanded. How far I informed General Porter I am not now able to say. But I should presume, from my habitual practice and from conversations that I had with him, that he understood pretty fully the condition of the army and the position of the various corps of the army. What I regarded as a necessity it is altogether possible he might have had a different opinion about. Therefore I can not say that he understood the necessity which I understood.

Major-General PORTER:

GENERAL: Immediately upon receipt of this order, the precise hour of which you will acknowledge, you will march your command to the field of battle of today, and report to me in person for orders. You are to understand that you are expected to comply strictly with this order, and to be present on the field within three hours after its reception, or after daybreak to-morrow morning.

GENERAL M'DOWELL TESTIFIES.

General McDowell, in speaking of the order, says (court-martial record, pages 82, 83, and 84):

That was the only order I received from General Pope that day.

Q. How did you regard that order; as placing General Porter in subordination to you, or as indicating that you were both to act independently of each other and each of you in subordination to General Pope?

A. I can not say that at that time the order occupied my mind in connection with the question of subordination or otherwise. In starting out on this road, as I mentioned before, General Porter had started out ahead of me under the order he had himself received from General Pope to move with his corps and one of my divisions on a certain road, and I think for a certain purpose, though I am not certain as to that. At that time I conceived General Porter to be under me. When the joint order reached us we were doing what that joint order directed us to do. That joint order found the troops in the position in which it directed them to be. That joint order gave a discretion to the effect that if any considerable advantages were to be gained by departing from that order it was not to be strictly construed.

I decided that considerable advantages were to be gained by departing from that order, and I did not construe it or strictly carry it out. That order contemplated a line being formed which was to be joined on to a line that was to come up from the east to the west, and have troops on the Gainesville road to attack the flank and rear of the enemy, as I understood it, in moving along on the Gainesville road. This long line of troops—those who were ahead of me, General Porter's corps—coming to a halt, I moved along and rode by his corps to the head of the column. On the way up to the head of the column I received a note from General Buford, addressed to General Ricketts, and to be forwarded to me. This note was addressed primarily to General Ricketts, and then to myself, for I do not think General Buford knew of General Porter's being there at the time he wrote it. I will read the note:

HEADQUARTERS CAVALRY BRIGADE—9.30 a. m.

GENERAL RICKETTS: Seventeen regiments, one battery, five hundred cavalry passed through Gainesville three-quarters of an hour ago on the Centreville road. I think this division should join our forces now engaged at once.

Please forward this.

JOHN BUFORD, *Brigadier-General.*

This was addressed to General Ricketts, who commanded a division. I do not know whether it went to General Ricketts direct or came to me direct or came to me from General Ricketts. I infer it had reference to that division. General Buford belonged to General Banks's corps, but had been temporarily under my orders the day before, and had gone up to Thoroughfare Gap with Ricketts's division at the time I expected a force of the enemy to come through that gap; and he had fallen back with Ricketts, and at that time, as I understood, occupied a position to our left and front.

Q. Did you or not communicate to General Porter the contents of the note from General Buford, which you have read?

A. Yes, sir; I did communicate it to him.

Q. Where was General Porter's command at that time?

A. On this road leading from Manassas Junction by way of Bethlehem chapel or church toward Gainesville. The rear of his column had passed by Bethlehem chapel, which is at the junction of the Sudley Springs road with the road from Manassas Junction to Gainesville.

Q. Bethlehem church enables you to identify that position?

A. Yes, sir. It is at the junction, or the crossing rather, a little beyond the crossing of the Sudley Springs, or Gum Spring, or old Carolina road, with the road from Manassas Junction to Gainesville. The rear of General Porter's command was beyond that road, the head of it stretching out here in this direction [indicating on the map].

Q. Can you speak with any confidence as to the hour of the day at which you communicated to General Porter the contents of this note from General Buford?

A. It was somewhere before noon, I think. It is impossible for me to keep the hours of the day in my mind on such occasions. I have tried it several times, but have never succeeded except some important things, such as daylight and darkness. It was communicated a short time after it was received.

Q. Did you or not, upon communicating this note, confer with General Porter in reference to his movements and your own?

A. I did.

Q. Will you state fully what occurred in that conference?

A. On passing the head of General Porter's column, which was on the road I have before mentioned, General Porter was in advance of the head of his column, I think, on a slight eminence or knoll or rise of ground, with some of his staff near him.

I rode up to him [Porter]; I saw that he had the same order as myself in the joint order.

Soon after my attention was directed to some skirmishing, I think some dropping shots in front of us. The country in front of the position where General Porter was when I joined him was open for several hundred yards, and near, as I suppose, by seeing the dust coming up above the trees, the Warrenton turnpike, which was covered from view by the woods. How deep those woods were I do not know. It did not seem at that time to be a great distance to that road—the Warrenton turnpike. I had an impression at the time that those skirmishers where engaged with some of the enemy near that road. I rode with General Porter from the position he occupied, eastward, to the right—that is, the column being somewhat west of north, and I going east, made an angle with the line of troops on the road.

The joint order of General Pope was discussed between us—the point to be held in view, of not going so far that we should not be able to get beyond Bull Run that night; that was one point, the road being blocked with General Porter's troops, from where the head of his column was back to Bethlehem church; the sound of battle, which seemed to be at its height on our right toward Groveton; the note of General Buford, indicating the force that had passed through Gainesville, and, as he said, was moving toward Groveton, where the battle was going on, the dust ascending above the trees, seeming to indicate that force to be not a great distance from the head of General Porter's column.

I am speaking now of that force of the enemy referred to by General Buford as passing down the Warrenton turnpike toward Groveton. I understand this note of General Buford to refer to a force of the enemy. The question with me was how soonest within the limit fixed by General Pope this force of ours could be applied against the enemy. General Porter made a remark to me which showed me that he had no question but that the enemy was in his immediate front. I said to him: "You put your force in here, and I will take mine up the Sudley Springs road on the left of the troops engaged at that point with the enemy," or words to that effect. I left General Porter with the belief and understanding that he would put his force in at that point.

I moved back by the shortest road I could find to the head of my own troops, who were near Bethlehem church, and immediately turned them up north on the Sudley Springs road to join General Reynolds's division, which belonged to my command, and which I had directed to co-operate with General Sigel in the movements he (General Sigel) was making at the time I left him in the morning. After seeing the larger part of my troops on the Sudley Springs road I rode forward to the head of the column. I met a messenger from General Pope. I stopped him, and saw that he had an order addressed to General Porter alone. I do not recollect more than the general purport or tenor of that order. It was to the effect that he should throw his corps upon the right flank or rear of the enemy from the position he then occupied. When I say right flank, I do so merely because of my knowledge of the position of the forces, not from any recollection of what that order contained on that point.

Q. Was or was not the messenger to whom you refer who bore that order a staff officer, Capt. Douglass Pope?

A. I do not recollect; I do not think it was.

Q. You did not meet on the way, or take from the hands of any other staff officer on that day, an order from General Pope to General Porter except this one, did you?

A. No, sir; and I did not take this from his hands in one sense. I examined it, gave it back to him, and he went on his way.

Q. Is Captain Pope personally known to you?

A. Yes, sir; he is. My impression is that it was not Captain Pope, but I will not be confident. I do not remember who it was.

Q. I will read you an order which is set forth in specification 1 of charge 2. (The order was read accordingly.) Do you or not recognize that as the order which you saw and read?

A. I can only say that the order that I saw in passing was of that same import. Whether that was the order or not I can not say.

Q. You have said that the accused made an observation to you which showed that he was satisfied that the enemy was in his immediate front; will you state what that observation was?

A. I do not know that I can repeat it exactly, and I do not know that the accused meant exactly what the remark might seem to imply. The observation was to the effect—putting his hand in the direction of the dust rising above the tops of the trees—"We can not go in there anywhere without getting into a fight."

Q. What reply did you make to that remark?

A. I think to this effect: "That is what we came here for."

Q. Were there any obstacles in the way of the advance on the part of General Porter's command upon the flank of the enemy?

A. That depends upon what you would call obstacles. A wood is an obstacle.

Q. I mean insuperable obstacles, in a military sense.

A. I do not think we so regarded it at that time. I did not.

Q. Was or not the battle raging at that time?

A. The battle was raging on our right; that is, if you regard the line of the road from Bethlehem church to Gainesville to be substantially northwest, the battle was raging to the right and east of that line at Groveton.

Q. At what hour did you arrive upon the battlefield with your command and take part in the engagement?

A. I can not say as to hours.

Q. As nearly as you can?

A. It was in the afternoon. I do not know at what time the sun set. I should not be able to fix the hour. It may have been 4 o'clock or 5 o'clock. One of my divisions, which had been the day before up to Thoroughfare, and the day before that on a long march extending to late in the night, and which had started that day, Friday, and had marched since 1 o'clock in the morning, had its rear-guard some distance behind, and that rear-guard did not get up to Manassas until the next morning, though it got within a couple of miles of that place. That was the rear-guard of the corps, in that instance a brigade.

Q. Did you or not afterward see General Porter during that engagement of the 29th.

A. No, sir; I did not.

Q. Did he or not, with his command, take any part in that battle?

A. I do not know of my own knowledge.

Q. What would probably have been the effect upon the fortunes of that battle if, between 5 and 6 o'clock in the afternoon, General Porter with his whole force had thrown himself upon the right wing of the enemy, as directed in this order of 4.30 p. m. of the 29th of August, which has been read to you?

A. It is a mere opinion that you ask?

Q. Yes, sir.

A. I think it would have been decisive in our favor.

Q. Did any considerable portion of the confederate forces attack General Pope's left on Saturday, passing over the ground that General Porter would have passed over had he attacked the enemy's right on Friday?

A. I can not say. They may have done so. I do not know.

Q. All the localities of which you have spoken in your testimony are in the State of Virginia, are they not?

A. Yes, sir.

Examination by the judge-advocate here closed.

Examination by the ACCUSED:

Q. Will you say whether you found General Porter's corps in the position where you expected to find it when you joined him the first time you saw him on the 29th of August?

A. I did not think anything about it; it was not a question with me.

Q. State if, when you found him at the place where the joint order required him to be, you stated to him, or thought, that you found in his front a different state of affairs than you had expected to find.

A. I do not recollect of such a statement.

Q. Try to recollect if, upon that occasion, you did not say to him, in substance, that he was too far in the front, and that the position in which he was was not a position in which to fight a battle, or anything to that effect?

A. I do not recollect.

Q. Are you sure you did not?

A. I have no recollection of any question about that place not being the one to fight a battle. Something may have been said about not going farther toward Gainesville, with reference to falling behind Bull Run that night.

Q. If anything was said in relation to the facility of getting back to Bull Run that night, do you remember whether it was that the accused was too far in the front, or would be too far in the front if he moved farther on?

A. It was hardly a question of going farther on. It was more a question of turning to the right and going against the enemy than passing down the Warrenton turnpike.

Q. You say that something might have been said by the accused about getting back to Bull Run; are you to be understood as saying from recollection that he was told to keep in view his ability to get back to Bull Run?

A. That was the expression in the joint order.

Q. Was it used by you?

A. We referred to that point.

Q. When did you first see the order of which you have spoken in your testimony in chief, that of 4.30 p. m. of the 29th of August, which directed the accused to turn the right flank and attack the enemy in the rear? You have been understood as saying that that was the effect of the joint order. That is not your meaning, is it?

A. It was the effect of the joint order as modified by me, when I left General Porter, so far as I had the power to modify that order, and so far as the understanding with which I left him at the time.

Q. Are you to be understood as saying that before you saw the order to General Porter of 4.30 p. m. of the 29th of August, you, under the discretion you supposed was reposed in you by the joint order to yourself and General Porter, had directed him to attack the enemy's right flank and rear?

A. To that effect, yes, sir; I knew I had that discretion; I did not suppose it. This is the clause under which I supposed, if you prefer that term, I had that discretion: "If any considerable advantages are to be gained by departing from this order, it will not be strictly carried out." That joint order contemplated General Porter's corps and my own to be employed differently from the way I had arranged when I left General Porter, which arrangement was to separate them, leaving him alone on the Gainesville road, while I went up the Sudley Springs road.

Q. Did you under that joint order suppose that you were authorized to take any part of General Porter's command and place it in such a position that it would not have been in the power of his command to reach Bull Run that night or the following morning?

A. That question, if I understand it, did not come up in my mind. The order itself stated that one thing was to be held in view. I will read that part of the order. "One thing must be held in view, that the troops must occupy a position from which they can reach Bull Run to-night or by morning."

Q. Was it your understanding of that joint order of the 29th of August that you could, under that order, direct General Porter to take his command into a position from which that "one thing" could not be accomplished?

A. Certainly not. The order does not say that I should disobey the order, and that is what the question amounts to.

Q. Have you any recollection that after you left the accused on the 29th, and took with you King's division, the accused sent a message to you requesting that that division should be permitted to stay with his command?

A. I received no such message.

Q. Will you say whether, in consequence of a message or otherwise, you sent a message to the accused with your compliments, telling him that you were going to the right and should take King with you, and that he, the accused, should remain where he was for the present, and if he had to fall back to do so on your left?

A. I do not recollect.

Q. Are you able to say that you are certain that you did not send such a message?

Q. That is my impression, that I did not.

Q. What distance did you march with that portion of your command which you took to the battlefield from the point where you left the accused to the point upon the battlefield that you reached with that portion of your command?

A. Somewhere about four miles.

Q. What road did you travel, or did you travel any route known as a road?

A. The troops went by the Sudley Springs road from Bethlehem church.

Q. When you left the accused where you found him on the 29th of August, were you at that time advised that Longstreet's corps or any other corps of the confederate army was marching on to unite with the right of Jackson?

A. I did not know anything about Longstreet's corps or Jackson's corps. I have mentioned before that I received a note from General Buford that seventeen regiments, a battery, and five hundred cavalry were marching from Gainesville upon Groveton. To whom they belonged or to whom they were going was not a matter of which I was informed.

Q. Do you know now whether the information given by General Buford in the note to which you have just referred was correct?

A. I know nothing more now than I knew then; I believed it then to be correct.

Q. Will you state, if the force to which General Buford referred in his note actually passed through Gainesville at thirty minutes past 9 o'clock on the 29th of August, how long you suppose it would have taken to have joined the force in front, which, as we have supposed, was commanded by Jackson?

A. It would depend upon how fast they marched.

Q. I know that.

A. I do not know how fast they marched, so I can not tell.

Q. How long would it have taken them if they had marched as fast as you think they could have marched?

A. I have formed no estimate as to how fast those troops can march.

Q. If those troops, in fact, marched as fast as you have marched your own troops upon any occasion, how long would it have taken them?

A. To go from Gainesville?

Q. Yes, sir.

A. Without stops, without obstacles, formations, or checks of any kind, simply marching along the road?

Q. The question has reference to the country as it is, a distance of, as you say, about four miles.

A. It was somewhere between four and six miles. Troops march readily from two miles to two miles and a half an hour, if there is nothing to prevent them, if they are not disturbed by stopping up the roads with wagons, getting breakfast, or something of that kind.

Q. From your knowledge of the actual condition of the country over which that force was supposed to be passing, can you tell whether there were any obstacles to their march, and, if there were any, what were they?

A. Not having gone over the road, I do not know anything about the obstacles one way or the other.

Q. Do you know what was the average number of the regiments of the confederates—each regiment, I mean?

A. Do you mean the strength of each regiment?

Q. Yes, sir.

A. They consisted of all the way from two hundred, or even as low as one hundred and fifty, up to one thousand or even twelve hundred. I have taken a great deal of pains at different times in examining deserters, scouts, spies, negroes, and prisoners to ascertain that matter, and I find that nothing varies so much as the strength of the regiments on the other side. I have the impression that they were not very strong; that their average was certainly not greater than our own, if it was as great; but that it varies at different times. Before they had their conscription it was very low; after the conscription their regiments were quite full. I have no personal knowledge of the matter at all. I give the sources from which I obtained this estimate.

Q. Have you a knowledge now of what was the actual force of the enemy under the command of Jackson, or did you know that Jackson was in command of the enemy?

A. I did not know that Jackson was there; I have been told that he was there. I do not know what his force was.

Q. And do you know or not what was the amount of the confederate force that was coming up?

A. Coming up when and where?

Q. As stated in the note from General Buford?

A. Nothing more than he told me in that note.

Q. How long had you left the accused on the 29th of August when you saw the order dated at 4.30 p.m. of that day, which was handed you by some officer?

A. I can not tell; I do not recollect. I rode from the head of his column back to the head of my own column, and as rapidly as I could get my troops into position on the other road, and waited until the larger part of them had entered upon that road. Then, on riding by them to go to the head of my column on the Sudley Springs road, I met this messenger. I can not tell how long all this took. I can not fix the time when I left General Porter, and, of course, can not fix the time when I saw this messenger.

Q. How often during this campaign of General Pope in Virginia, of whom you have spoken, had you seen the accused before you saw him on the 28th of August?

A. I had not seen him during that campaign before I saw him on the 29th of August.

Q. How long were you together during that interview of the 29th of August?

A. I can not fix the exact time. We rode together some distance; perhaps a mile; perhaps it may have been more; I do not recollect now.

Q. Was it five, ten, fifteen, or twenty minutes?

A. Yes, sir.

Q. Which?

A. You may put it at fifteen minutes or at twenty minutes.

Q. During that conversation, that interview, did the accused say anything or do anything from which you inferred disloyalty upon his part, or unwillingness to perform his duty under the command of General Pope?

A. No, sir; what he said was the reverse He professed to have but one feeling, which was [illegible] for the success of his country. This was said, I think, in reference to the embarrassment which I have before alluded to, about General King's division going under him, General Porter. It was not a question with me about loyalty or disloyalty; I never think of such things; what I mean is this: I assume everybody to be loyal; my suspicions do not run that way. The suspicion that persons who hold commissions as general officers in the Army are disloyal does not occur to me.

Q. It is not recollected what you said in relation to the embarrassment you speak of growing out of King's division being under General Porter's command. Will you state what it was that you understood him to refer to?

A. The embarrassment was rather on my side than on his; the embarrassment I refer to was this: I came down to take King's division and bring it up along with my other division, that is, with Reynolds's division, then engaged at Groveton. I found it with an order to go under General Porter in another direction; that was what produced the embarrassment. General Porter had nothing to do with that embarrassment; I may say that we were both embarrassed, I at finding one of my divisions under his command and he at finding himself under my command. I do not know that "embarrassment" is the proper word to use; what I meant was that I found things different from what I expected to find.

When I spoke of one of my divisions going under him, he suggested that I was the senior officer as between himself and myself, and that I could take the command of the whole force—his corps and my own force—and we went forward at first in that way before the joint order reached us. I did not go to that place expecting to find General Porter; I went there to find my own division, and I found General Porter there with an order to take one of my divisions under his command. That was not foreseen by the general-in-chief of that army, who was absent, and the matter was solved in the way I have stated, I commanding General Porter's corps and my own division. We then received the joint order, which directed the very things which we had ourselves done. The order was sent by General Pope upon the receipt of a note from me in reference to this matter of my division.

Q. Do you know from what point King's division had marched on that day, or the day before, in order to get to the point where you found it on the 29th of August?

A. It had marched from some point or some place on the Warrenton turnpike between Gainesville and Groveton, where it had an engagement with the enemy, back to Manassas Junction, having left, as I was informed by General Reynolds, about 1 o'clock on the morning of Friday, the 29th of August. It had been ordered the day before to march from Buckland Mills, which is beyond Gainesville, to Manassas Junction. Before it had reached Bethlehem church it was ordered to move on to Centreville, in compliance with orders from General Pope, and had been sent from the road—or I do not know that it was on any road, but from the position where the order reached it—north to the Warrenton turnpike, and thence to move along that pike to Centreville. It had become engaged with the enemy in the evening, and then, as I have before stated, fell back the next morning, starting at 1 o'clock, as I understood from

General Reynolds. These facts I learned on the morning of Friday, the 29th, from General Reynolds, who had been personally with King's division; had ridden over to it the night before.

Q. Do you recollect whether you informed the accused at that interview that General Ricketts had been driven from Thoroughfare Gap and that General King had been driven from Gainesville by the enemy?

A. I do not recollect having used such expressions. I recollect having informed him of the fact that General King's division, as I had learned from General Reynolds, had fallen back that morning, and also that General Ricketts's division had fallen back from Thoroughfare Gap. At the time I saw General Porter I had not got up with either of these divisions. I found them after my interview with him.

Q. Did you then know that Generals Ricketts and King had met with the enemy, the one at Thoroughfare Gap and the other at or near Gainesville, and that they were then falling back in consequence of the enemy?

A. I knew they had met the enemy the night before, but at the time I met General Porter I knew nothing of the details of the engagements which they had had with the enemy, nor do I recollect having said to General Porter, or having known, anything about the motives for General King's falling back to Manassas from this position on the road between Gainesville and Groveton; I have an idea that there was a question of supplies connected with the falling back from that point. General Reynolds had told me that he had told General King that he would be alongside of him in the morning. At the time I saw General Porter the whole subject of the engagements of the evening before, except the mere fact there had been engagements, was unknown to me; I mean the details in regard to those engagements.

Q. You have stated, or have been understood to have stated, that when you were with the accused, on the 29th of August, the battle was going on, and you could hear it. Will you state if you heard any other firing than that of artillery?

A. I do not recollect about that now. The noise was very decided and distant from where we were, I should suppose about four miles.

Q. Do you know when the infantry firing on that day commenced; was it, or not, about 4 o'clock?

A. I think it was much earlier than that; I have only one thing to guide me, and that is General Reynold's report; I can refer to that and find out more particularly if it is desired.

The examination by the accused was here closed.

Thereupon the court adjourned to 11 a. m. to-morrow.

The examination of Maj. Gen. Irvin McDowell was then resumed, as follows:

Examination by the COURT:

Q. Did or did not General Porter put his troops in action at the point indicated by you, at the time he said he could not go in anywhere there without getting into a fight?

A. Of my own knowledge I know nothing of what General Porter did after I left him.

Q. In departing from a strict obedience to the joint order of the 29th of August, did you or not extend that departure beyond your own immediate command; that is, did you change the order with respect to General Porter's corps?

A. General Porter and I started out from Manassas with the understanding that under the articles of war applicable to such cases I had the command of the whole force—his own and my own. We each of us received a joint order from General Pope, our then commander-in-chief, which order, while it did not at the time change the relations between General Porter and myself, seemed to imply that those relations were not to be constant, were not to continue.

I decided, under the latitude allowed in that order, that General Porter should post his troops in to the right of where the head of his column then lay, and that I would take mine away from the road on which our two commands then lay up the Sudley Springs road into the battle, in this way dissolving the joint operations of our two corps, and from the moment I left General Porter I considered he was no longer under my immediate control, or under my immediate command, or my direct orders, but that he came under those of our common commander-in-chief, we not then being on the same immediate ground. The article to which I refer is the sixty-second article of war, which directs that when troops happen to meet, the senior officer commands the whole. I considered that article of war to apply up to the time that I left General Porter and broke my command away from his, after which I conceived that his relations were direct to the commander-in-chief; therefore, in answer to the question, to that extent I did interfere with his corps, by separating mine from it, and also by indicating where I thought his corps ought to be applied against the enemy.

Q. Did you report to General Pope any change you had made in the operations of that joint order?

A. No further than by bringing my troops up, reporting to him that they were there, and receiving his orders. His order to General Porter direct met me on my way to join the main army. I did not know at that time that General Pope was at that particular place.

Q. When you saw the order from General Pope to General Porter, the one subsequent to the joint order, did you give or had you given any order to General Porter which would interfere with his obedience to it?

A. None.

Q. The orders you had given to General Porter were not in opposition, or at least not of a different character from the one that came to him from General Pope?

A. They concurred. The arrangements that I supposed to exist when I left General Porter concurred with the order which I afterward saw from General Pope to General Porter. They were to the same effect, except as to details, which General Pope may have given. I gave no details.

Q. Would or would not the presence of General Pope, an officer superior in command to both yourself and General Porter, render inoperative or inapplicable the article of war to which you have referred?

A. It would depend upon his presence, whether it was immediate or not.

Q. We speak of such presence as existed then.

A. We did not so consider it. General Pope, according to the note we received, was at Centreville, which I suppose was some six miles off, and we were going away from him. I will mention further that the day before nearly a similar case happened, when General Sigel and myself were together at Buckland Mills, and I commanded General Sigel. That was done by a direct order from General Pope, before given. Still, it would have been the same if he had not given that order.

Q. Could the accused have engaged in the battle according to your order and according to the subsequent order of General Pope and still have fallen back to Bull Run within the time named in the joint order to yourself and the accused?

A. Yes, sir.

Q. From your knowledge of the nature of the country between General Porter's column and the forces engaged on the 29th of August, was there anything to have prevented the accused from making an attack upon the enemy's right or rear, as directed by General Pope? If so, state what it was.

A. My knowledge of the country is derived principally, first, from having gone over the railroad from Manassas to Gainesville in a car or in a locomotive, which gave me but little idea of it, as I was engaged while going over with matters which prevented my paying attention to the country; next, in marching from Buckland Mills to Gainesville, and from Gainesville east along the Warrenton turnpike for a mile or two—I do not remember the exact distance—then turning off to the right and south, and going across the country to Bethlehem church, and thence to Manassas; then from the fact that General Reynolds's division, which had the lead on the occasion that I refer to, going from Gainesville toward Groveton, had gone farther on that road than I went myself, had turned to the right and gone toward Bethlehem church; and from the fact that General King's division, which had gone on that same road toward Groveton from Gainesville and had turned down south of that road, had again gone north on to that road, had engaged the enemy at a certain place, had fallen back to Manassas from that place, which place I learned was nearly reached, if not quite, on Friday, the day of the battle, by the troops moving from Groveton west, and from the fact that the enemy's force had moved to the south on Saturday and turned our left on that day. These movements by two divisions of my corps, my own movements, and the movements of the enemy gave me the belief that troops could move through the country comprised between the Warrenton turnpike and the Sudley Springs road and the road from Bethlehem church to Gainesville. I will mention further that that country is a mixture of woods, clear ground, and hills, and that it is easy for troops to march without being seen or seeing the enemy.

Q. Does the country which you have just described include that over which General Porter was required to march in obeying the order of 4.30 p. m. from General Pope to attack the enemy?

A. Yes, sir. I would say that I do not know that order by that hour.

Q. Please state the ground on which you formed the opinion that if the accused had attacked the right wing of the rebels, as he was ordered, the battle would have been decisive in our favor.

A. Because on the evening of that day I thought the result was decidedly in our favor, as it was. But, admitting that it was merely equally balanced, I think, and thought, that if the corps of General Porter, reputed one of the best, if not the best, in the service, consisting of between twenty and thirty regiments and some eight batteries, had been added to the efforts made by the others, the result would have been in our favor very decidedly.

Q. Was there anything besides mere advantage in numbers from which that result would have followed?

A. And position.

Q. What particular advantage in position was there?

A. The position in which that force would have been applied, while the main body was so hotly engaged in front, would have been an additional powerful reason for so supposing.

Q. When the accused said to you that he could not go anywhere there without getting into a fight, did he or not appear to be averse to engaging the enemy?

A. I can not say that it made that impression on me, though in giving my answer I took the view that he did so imply and made the remark; but I did not think he was averse to engaging the enemy. I mean by that that that was not seriously a question with me, for when I left him I thought he was going to engage and would engage the enemy.

Q. Had General Porter taken part in the action of August 29 would you not have been likely to have known it?

A. I heard that he did fire some artillery and I did not hear his fire; so that he might have gone into action without my knowing it at that time, because where I was there was a great deal of noise; and the noise that his engagement might have made might have been in a direction which would have confounded it with other noise.

Q. Up to what hour did the battle continue on that day and how long was your command engaged in it.

A. It continued until after dark, or continued to such an hour in the evening when you could see the flash rather than the smoke. Of my command part of King's division was actively engaged to the front for, I should think, something like an hour, it may have been more, before the battle terminated. I speak of the active collision.

GENERAL B. S. ROBERTS'S TESTIMONY.

This is the testimony of General B. S. Roberts (court-martial record, page 50):

Q. What do you know, if anything, in regard to the order issued by General Pope to General Porter, set forth in the third specification of the first charge, bearing date 4.30 p. m. of the 29th August?

A. About 4.30 p. m. of the 29th of August it was supposed by General Pope that General Porter was near the field of battle. The direction in which the first order required him to move would have brought him, as was supposed, near the field of battle before that hour; and I had noticed, in the direction where I knew General Porter was expected, the flash and the smoke from some pieces of artillery, and I inferred it to be artillery from General Porter, who was expected to attack there about that time. But it very soon ceased, and General Pope then wrote another order to General Porter, which, according to my recollection, stated that the direction of his movements would bring him on the enemy's right flank or rear, and that he wished him to press forward and attack immediately.

Q. Is or is not the order to which you now refer the one set forth in the third specification of the first charge?

A. That is the order to which I refer.

Q. Will you state what you know, if anything, in regard to General Porter's having either obeyed or disobeyed those orders?

A. I know that General Porter did not attack as he was directed to attack in that order. I was on that part of the field several times, and was expecting every moment that the attack would be made, and was watching for it with a great deal of anxiety, but it was not made.

Q. Did you continue upon the field until the engagement closed?

A. I was on the field all day and remained on the field all that night.

Q. What were the results of the battle when the night closed in?

A. General Pope's troops when night closed in occupied quite a portion of the field from which the enemy had been driven, and in my opinion, although the battle was not a decisive one, the advantages of the day were in favor of General Pope's army.

Q. In view of what the army had accomplished during the battle of the day in the absence of General Porter's command, what do you suppose would have been the result upon the fortunes of the battle if General Porter had attacked, as ordered by the order of 4.30 p. m., either on the right flank of or the rear of the enemy?

(The accused objected to the question.

The court was thereupon cleared.

Some time after the court was reopened the judge-advocate announced that the court determined that the question shall be answered.

The question was again propounded to the witness, as follows:)

Q. In view of what the army had accomplished during the battle of the day in the absence of General Porter's command, what do you suppose would have been the results upon the fortunes of the battle if General Porter had attacked, as ordered by the order of 4.30 p. m., either on the right flank or the rear of the enemy?

A. I do not doubt at all that it would have resulted in the defeat, if not in the capture, of the main army of the confederates that were on the field at that time.

GENERAL DANIEL BUTTERFIELD'S TESTIMONY.

General Daniel Butterfield, one of his own commanders, testifies as follows:

Q. State whether the point at which you were directed was on the same side

of the Manassas Railroad or on the other side from the one upon which you were at the time.

A. The point at which I was directed was across the railroad.

Q. Which direction from the point from which you were moving?

A. To the right, between Groveton and Gainesville; I understood it to strike between Groveton and Gainesville, keeping the movement toward Gainesville, covering this road that led up to Gainesville—a dirt road; and the leaning, if anything, was to be to the right rather than to the left (road marked on the map). And in pursuance of that order I put my brigade in motion, saw that it started out, and then proceeded in advance myself with my staff to make a personal reconnaissance, to look up a position and see whatever difficulties might be in the way. I understood myself not at liberty to bring on this engagement until the division could be deployed behind, unless I could gain a position, finding affairs that I could handle in front of me.

I went out personally with my staff after seeing the head of my column in motion, leaving it in charge of the senior colonel, Lansing, of the Seventeenth New York. I proceeded until I came up in close proximity to the enemy's skirmishers, when one of my staff officers asked me if I proposed to tackle the enemy alone. I said no, I had troops behind; I turned around, and, to my astonishment, saw that my brigade that I had put in motion, and seen well out over toward this dry branch, were not there—had returned and were out of sight. I returned with great rapidity and considerable temper. I did not understand why my command had left me; I came back and found that my brigade had moved off to the right in these woods; which were very thick. There was a little road running along here, and they were out in front of this and had come to a halt. That is, they were back of Dawkin's Branch, back on the high land, on this side of the railroad—south side of the railroad—in the woods. I asked my senior officer what it meant, his returning without any order from me; he said he had received orders directly to return and not to make the advance.

I was in no very pleasant humor about that method of proceeding. He offered as his excuse that the orders had come direct from a staff officer of General Porter or from General Porter himself. I asked where General Porter was. He said he had gone in this direction, in the woods, with General McDowell. I met one of General Porter's staff officers and entered a complaint against his order withdrawing my troops without the order coming from me when I was in front. I received answer that it was a sudden movement in consequence of something that had occurred between General Porter and General McDowell.

Q. You were informed by the staff officer that that was the reason it was given?

A. That that was the reason the order was given. We then were moved a little farther to the right, then returned to the left; then we went up and took position again under same order over on the same ground, and were withdrawn again. These different movements occupied until dark. Then we went into camp rather with the expectation, as I judged from what came to me from General Morell, of an attack from the enemy upon us.

COL. B. F. SMITH'S TESTIMONY.

Col. B. F. Smith testifies:

By the JUDGE-ADVOCATE:

Q. Will you state your position in the military service of the United States?

A. I am a captain of the Sixth Regular Infantry and colonel of the One hundred and twenty-sixth Regiment of Ohio Volunteers.

Q. Will you state to the court whether you were serving with any part of the Army of Virginia, commanded by Major-General Pope, on the days of the 27th, 28th, 29th, and 30th of August last; and, if so, in what brigade and division?

A. I was serving in Colonel Chapman's brigade, of General Sykes's division.

Q. In what direction did that brigade march on Friday, the 29th of August last?

A. We had marched from Fredericksburg by way of Warrenton Junction, and arrived at Manassas Junction, I think, on the 29th of August, the day before the battle of Bull Run. We arrived exactly at the place where the railroad had been destroyed; the wreck of the train was there, and there we halted. Late in the day, in the morning, we retraced our steps to the branch railroad running, I think, toward Gainesville or Manassas Gap, and followed the direction of that road some few miles. We then halted on some rising ground, where we could see the country beyond, over the woods, the tops of the trees. It was a wooded country. While we were halted there a battery of the rebels opened upon us, but fired some three or four shells only, I think; there may have been a half a dozen. Our brigade then marched into a field and the regiments were placed in order of battle. I recollect that General Morell's division was in our advance, on the lower ground.

Some of our pieces replied to this rebel battery. I received permission from the commanding officer of my regiment to go to a more elevated piece of ground, a few rods distant, and while there I saw our batteries reply. A short time afterward, probably a half an hour, we received orders to retrace our steps and march back in the direction we had come. We then marched back to near Manassas Junction, and camped in the woods alongside this branch railroad I have mentioned. That night I was placed on duty as the field officer of the pickets of Sykes's division. About daybreak the pickets were called in, and we marched toward the battlefield of Bull Run, and were engaged in that battle.

Q. What was the effect of the reply of your guns to this attack of the rebel battery?

A. It seemed to silence that battery, and it withdrew. At least that was the impression I had at the time.

Q. What amount of infantry force, if any, did there seem to be supporting this rebel battery?

A. I did not see them.

Q. Before you received orders to fall back and retrace your steps along this road, had or had not this rebel battery been completely silenced?

A. I think it had been.

Q. Were there not at that time clouds of dust in view showing an advance of the enemy?

A. Clouds of dust were distinctly visible farther over beyond the trees. Whether there were troops advancing or whether they were moving in another direction I could not tell. I could see distinctly the clouds of dust, as if there was a large body of troops moving.

Q. Did you or not see the accused (General Porter) at the head of the column on that day?

A. No, sir; I do not recollect of seeing General Porter at all that day.

TESTIMONY OF SOLOMON THOMAS.

Solomon Thomas, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Q. Where were you on August 29, 1862?

A. With General Fitz-John Porter's corps, Eighteenth Massachusetts, Martindale's brigade, Morell's division.

Q. Do you recollect being at Manassas Junction on that day?

A. I do.

Q. Did you move off on the Gainesville road?

A. We moved up on the line of the railroad. We moved more in a direct line infront, though we were intending to move to the right.

Q. How far upon that road did your regiment go?

A. We went upon that road nearly to a small creek, or what had been originally a small creek; it was dry, or nearly so, at that time.

Q. What did you do there?

A. We then halted, and the Thirteenth New York, or a part of it, which was thrown out as skirmishers—a battery was planted in our front a little to our right—in the fields, and as the skirmishers of the Thirteenth advanced we were deployed to the right into the woods; our right rested in the woods. We halted and lay down. This was probably 10 o'clock in the morning I should say; might have been a little later.

Q. How long did you remain there?

A. We remained in that position—I should say it was half past 4 when we were called to attention and right-about-face, and moved out from that position, left in front, upon the same road that we moved down on in the morning. I don't know the distance, but we had been marching some time.

Q. Back toward Manassas Junction?

A. Yes, toward Manassas Junction; when an officer came riding from the Manassas Junction way, having a dispatch, and rode up to General Porter and handed him the dispatch. Then we were commanded to halt; we did. General Porter dismounted, and sat down by the side of the road and leaned his back against a tree—quite a large tree—and read the dispatch, and went up and remounted and called us to attention and right-about-face. We marched back upon the same road we had come on, moving then right in front, until we came near the position of the road where we had moved into the woods on the right in the morning. We then moved out to the left into an open field. The artillery was brought into the field and parked in our front. We were formed in line, and ordered to stack arms; we did so. Orders were received that there should be no fires made to make any coffee; that we were to remain perfectly quiet. The adjutant received orders that if there were any orders received during the night he should deliver those orders to the commander of each regiment in person, so there should be no loud words spoken; and we were to remain. Me and some of my comrades spread our blankets and were preparing to lie down for the night. As we sat down, before we got ready to lie down, we heard upon our right a shout, which we knew was a charge from the shout; then we heard musketry discharges.

Q. *What did you understand at that time?*

A. I felt at that time that we were *expected to charge on the rear and flank in conjunction with what was going on in front.*

Q. About what time of the day, in reference to sunset, was it that you were halted on your way back to Manassas Junction and that an officer came up with a dispatch?

A. I should judge from the position of the sun it must have been somewhere from 5 to half past 5 o'clock.

Q. During *the day did you hear any indications of a battle* going on; if so, what were they and where were they?

A. In our immediate front *we heard an occasional discharge of musketry*, and, in fact, there were pieces of railroad iron fired from a rebel battery right over our right and two pieces lodged in the rear of where I lay, probably forty feet in *our rear.* Some of *the boys went and dug them up*, and one of them was *eighteen inches in length, the other was about fifteen.* We thought of bringing *them home, but they were rather heavy*, so we left them on the field. Then, while we were laying there, beside that we heard, upon our right, distant firing all day, but not continuous; there were intervals that we could hear artillery distinctly.

Q. On the 27th of August where were you?

A. We were moving on the Warrenton road toward Bristoe Station. I should think that we were encamped on that night some six to eight miles from Bristoe Station. We went in before sundown; probably the sun was an hour or an hour and a half high when we halted there.

Q. When did you move from there?

A. I was corporal of the guard that night, and was ordered to wake the men at 1 o'clock, which I did, and we were formed and moved out from our camp immediately after 1 o'clock.

TESTIMONY OF LEWIS B. CARRICO.

Lewis B. Carrico, who resides on the battle-ground, called by Government, testified as follows (board's record, page 982):

Q. Where do you reside?

A. Prince William County, Virginia.

Q. Where did you reside on the 29th of August, 1862?

A. Where I now reside, very near the Manassas Gap Railroad.

Q. Were you there on that day?

A. I was.

Q. Up to what hour in the day did you remain there?

A. I was there until very late Friday evening.

Q. During that day did you see any confederate forces? If so, where?

A. I saw some cavalry scouts during that day, and in the evening there was a battery firing some seventy-five or eighty yards back of my house, just west of my house, and an officer came there and told me I was in danger, and to take my family and go back of the line.

Q. Where did you go then?

A. I went up the road about a mile to a farm owned now by Major Nutt.

Q. Towards Gainesville?

A. Between there and Gainesville.

Q. Did you meet any confederate force on that trip? If so, about where?

A. I saw them a little beyond Hampton Cole's, a very small number. They were sitting down on the side of the railroad, and their battery, that was planted at the back of my house; that opened upon the Federal troops directly after I passed it; and when I got up there against them they got up and took shelter on the embankment of the railroad.

Q. Did you at that time see any troops to the south of the railroad?

A. None at all, except a little picket force that was a little to the south of the railroad, just above there; a small picket force.

Q. Did any confederate force pass to the east of your house during the day? If so, in what direction did they go?

A. I saw none pass to the eastward. I saw some shelling from the back of what is called the Britt farm, and a disabled Federal wagon at the mouth of a lane called Compton's lane.

Q. About what time in the day was that?

A. I could hardly say; 12 or 1 o'clock.

* * * * * * *

Q. What do you mean by the expression "evening?"

A. I mean something like 3 or 4 o'clock; somewhere thereabouts.

Q. How do you fix the time?

A. I fix the time by having to leave home and having to go the small distance I did go.

* * * * * * *

Q. What room did you stay in?

A. I was all over the house; very often upstairs, looking out of the window.

Q. Which way?

A. Toward Dawkin's Branch.

Q. What time was the cannon posted there?

A. Possibly 4 o'clock.

Q. You are positive about that?

A. I am not positive; but according to the best of my judgment it was probably as late as 4.

Q. Was it earlier or later than 4?
A. It was not earlier, I do not think; not earlier than 3, *I am very sure.*
* * * * * * *
Q. Were there any soldiers of any description about your house except the battery?
A. On Friday there was a Federal force in Mr. Lewis's field, to the east of my house.
Q. Where was Lewis's field?
A. Within three hundred or four hundred yards to the east of my house.
Q. Were there any about your house?
A. Yes; there were some of the Federal forces; two men that I had had some acquaintance with, who were in my house when this wagon was disabled at the end of Compton's lane.
* * * * * * *
Q. About where is the place where you carried your family?
A. Immediately at the Manassas Railroad, one mile past Hampton Cole's.
Q. You say you did not meet any considerable body of the confederate force on your way there?
A. Yes, I do say it; and I saw no considerable body there, as I stated to you and General Porter, if he was with you, until I got home next morning, about sunup. They came there to my house and destroyed a great deal.

B. S. WHITE'S TESTIMONY.

B. S. White, on August 27, 1862, held the position of major in the assistant inspector-general's department of the confederate Maj. Gen. J. E. B. Stuart's staff (board's record, page 983):

Q. That morning, after Major Patrick had those orders to charge, what did you do?
A. The enemy were driven away.
Q. Then what was the next event that transpired?
A. We moved off across the country to find out what had become of Longstreet's corps. We moved off in this way toward Thoroughfare Gap.
Q. Did you find General Longstreet's column or corps advancing?
A. We did, between Hay Market and Gainesville.
Q. What did General Stuart then do?
A. General Stuart then threw his command on Longstreet's right and moved down with his right flank in the direction of Bristoe to Manassas Junction.
Q. What did you then observe?
A. We took the road leading directly down the Manassas Gap Railroad; there is a road running parallel with it.
Q. How far down did you go?
A. General Stuart threw his command on the right of Longstreet, and passed down the Manassas Gap Railroad to about that point [west of Hampton Cole's; point marked "W"].
Q. Then what did you do?
A. We discovered a column in our front—discovered a force in our front coming from the direction of Manassas Junction to Bristoe.
Q. What sort of a point was that where you discovered this column coming, so far as observation is concerned?
A. It was a good point for observation; a high position, elevated ground. We could see Thoroughfare Gap and Gainesville and all the sorrounding country.
* * * * * * *
Q. When you got back to General Stuart, where was he?
A. Where I left him, on that hill.
Q. At that time where was General Longstreet's command?
A. They had come down and were forming *here.* [Witness indicates a point back westerly of Pageland lane.]
Q. About what time of day was it that this affair occured at Sudley Springs; before you and General Stuart started to cross the country toward Thoroughfare Gap?
A. Early in the morning.
Q. At what would you fix the time?
A. I suppose 8 or 9 o'clock in the morning.
Q. Did you remain at this point with General Stuart after you got back on this hill?
A. I did.
Q. What became of this column of troops that you saw advancing?
A. I don't know what became of them; they disappeared from our front.
Q. Do you know of any other position being taken up by General Longstreet's command during the day in advance of the position that you have indicated? If so, when and where? You indicated a position back of Pageland lane.
A. I do not.
Q. How long were you down in the neighborhood of this hill which you have marked with a cross during that day; up to what time?
A. We were down there the greater part of the day; we were on the extreme right all the time afterward. The cavalry remained on the extreme right until the morning of the 30th.
Q. What time do you think you met General Longstreet between Hay Market and Gainesville?
A. It was about 11 o'clock.
Q. Was General Longstreet at the head of his column?
A. He was near the head of the column.
Q. Were there many troops in front of his command?
A. Not many.
Q. Were they advancing?
A. They were.
Q. Rapidly?
A. They were marching at an ordinary pace.
Q. State the style of march; how many front?
A. They were marching in column.
Q. How many front?
A. Marching in column of regiments, perhaps four abreast.
Q. Were they in close order?
A. Yes, sir.
Q. Would you swear it was 11 o'clock?
A. It was about 11 o'clock.
Q. You are confident that none of Longstreet's forces had passed through Gainesville before 11 o'clock?
A. I don't think they had.
Q. How did they appear to you; to be on top of a hill, or in a depression, or in woods, or by woods, or in an open field?
A. The position we occupied was a commanding one, of course. They were in a depressed situation from the position we occupied. We were on this hill and there were *here.* [Witness indicates.]
Q. In column, marching along the Manassas Gap Railroad?
A. Yes, sir.
Q. Did you see the Manassas Gap Railroad right in their vicinity?
A. The road they were marching on was parallel to the Manassas Gap Railroad.
Q. When you came back to that position did you see any Federal troops anywhere?
A. Yes. There were Federal troops off here [Indicating the lines of the regiments.]
Q. When you came back did you see Longstreet's command?
A. I saw Longstreet's command on my way back from General Stuart; they came and formed in here. [Pageland lane.]
Q. Did you remain in that position all day?
A. We were there most all day. Do you mean me individually?
Q. Yes.
A. No. I was backward and forward several times during the day. I went with messages from Stuart to Lee and Longstreet and to Jackson.
Q. Then during that whole day you were in the vicinity of Longstreet's troops and knew of their position?
A. Yes; we were on his right.
Q. What time do you put it that you came back from General Jackson after being sent over by General Stuart?
A. Half past 2 or 3 o'clock.
Q. Do you know of any action that occurred along the Warrenton pike—infantry?
A. I heard firing.
Q. What time was that?
A. In the evening.
Q. About what time?
A. General Jackson's command was engaged all the time.
Q. Was Hood's command engaged at all?
A. That evening they were.
Q. What time that evening?
A. I suppose about 3 o'clock in the evening they were engaged; 2.30 to 3 o'clock.
Q. Were they engaged vigorously?
A. Quite a severe fight.
Q. Describe the action so far as you observed it?
A. I was not present. I didn't see it. I heard the firing; it lasted, I suppose, half to three-quarters of an hour.
Q. Was it very vigorous?
A. It was a very sharp fight.
Q. Was that the only occasion in which Hood's command was engaged that day to your knowledge?
A. To my knowledge that is the only one until next morning.
Q. You say it was 3 o'clock?
A. Between 2 and 3 o'clock. It may have been after 3. It was after he had got in position.
Q. How long after he got in position?
A. He got in position, I suppose, about 12 or 1 o'clock. This engagement took place about 2.30, or maybe 3 or 3.30.
Q. Was it as late as 5?
A. I can't recollect. I don't think it was.
Q. What is your recollection about the time that that engagement took place upon the Warrenton turnpike by Hood's troops?
A. I was away on the right. Of course there was fighting on the line. I don't know what troops were engaged, but I know that Hood's troops had a fight there that evening. I don't know whether it was 3 or 3.30; it may have been 5 o'clock. I know they had a sharp fight there, and I heard it.
* * * * * * *
Q. Assuming Hood's division to be in the place you have indicated by W^2, and suppose there had been a battery placed on this rise of ground marked C, would that have fulfilled what you understood was the position of a battery firing off in the direction of "W^3?"
A. Yes. Just beyond a small branch there was a hill, a very fine position for artillery, and it was firing off in the direction of "W^3." The highest ground of that hill is where that battery was placed, or rather a park of artillery; nineteen or twenty of our guns were in that position.
Q. Suppose that the column of troops that you saw on that morning, or on the noon of Friday, August 29, had been coming up the dirt road from Manassas Junction to Gainesville and was in the neighborhood of Dawkin's Run, would that have been the position of the column that you saw according to the map?
(Objected to as leading.)
A. The troops we saw approaching came more from the direction of Bristoe than from Manassas.
Q. Therefore what road indicated on this map best fulfills the direction from which you saw those troops coming?
(Objected to as leading.)
A. They were approaching more in the direction from Bristoe than from Manassas.
Q. Therefore what road best of the roads you see on this map shows the direction from which you saw those troops coming? [Map explained to the witness.] Now, where were the Federal troops?
A. I remarked a while ago that the column that was advancing advanced more from the direction of Bristoe than Manassas.
Q. *Here* is Bristoe and *there* is Manassas. Now, where do you put it, what direction? Make a line indicating the direction.
A. They must have come in *here* or in *here.*
Q. Then you are not positive that you saw them on the Manassas Gap Railroad?
A. I never said I saw the Manassas Gap Railroad. I said I saw them on the road running parallel with the Manassas Gap Railroad. They were not marching on the railroad. They were marching on a road that I supposed, from the position I occupied, was a line parallel with the Manassas Gap Railroad; they may have been on this road [from Gainesville to Stuart's Hill] and took position there [at 4.] From that position we saw the columns coming up, but they were not on the railroad.
* * * * * * *
Q. Did you see the railroad in conjunction with seeing them, or at the same time in connection with seeing them?
A. I could not say. I was not looking for railroads. I was looking for troops. I don't recollect now whether I saw the railroad or not, because my attention was directed to more important matters.
Q. Would you swear that those troops, Bristoe being *here* and Manassas *there*—that those troops were not on this road to Milford?
A. No; they were not in that direction at all. They were off here [witness indicates in the direction of the Manassas and Gainesville dirt road].
Q. Had you been to Bristoe that day?
A. No, sir; we had been there the day before.
Q. How do you know where Bristoe was?
A. Because I have been there a thousand times since.
Q. Could you see it from that position?
A. I don't know that you could see the station, but I knew the general direction and had been all over that country time and again.
Q. Did you see any of the shot fired fall near that column?
A. Yes, sir.
Q. What did the column do?
A. The column seemed to retire.
Q. Did you see them retire?
A. Yes; I saw them give back.
Q. How did they retire?
A. You know how troops retire. They gave back into a piece of woods; and just at that time I went off with a message, as I stated before—went off with a message to General Jackson from General Stuart.

By Mr. MALTBY:

Q. You say that the artillery were stationed on the right of Jackson at the highest point on the ridge. Now, did Longstreet's line bend back from the line of Jackson, or did they make an angle more nearly approaching right angles?

A. I had nothing to do with Longstreet's position.

Q. But you saw it?

A. I passed in his rear several times.

Q. Take a pencil and mark Longstreet's line.

A. There was an angle formed between Jackson and Longstreet's line; Jackson's line ran along here. [Witness indicates.]

Q. Draw it in pencil. There is the Independent line of the Manassas Gap Railroad. [Indicated to the witness.]

A. Jackson's artillery was posted on this stony ridge.

Q. Draw a line where the nineteen or twenty guns were posted.

A. I had no connection with Longstreet's command or Jackson's. I passed in the rear of both lines several times with messages. I did not inspect their lines. I just speak from general recollection of their lines.

Q. Then you do not recollect precisely where any one line was?

A. I do; yes. I have indicated there is Jackson's line; his artillery was posted on this range of hills; General Longstreet formed here. [Witness indicates the different positions.] Their lines did not join; there was an angle there, an opening, and there is where the battery of artillery was.

Q. Draw Jackson's line and the cannon of Longstreet.

A. I have indicated it. [Witness indicates the line of the Independent line of the Manassas Gap Railroad.] His line did not go down that far [indicating Sudley church]; it went to about there.

Q. Where do you run Jackson's line?

A. Jackson's line ran about in this direction. [Marked with a pencil.] That is about the direction of Jackson's line.

(The line indicated by the witness by means of a pencil is followed in ink by the recorder.)

Q. Where were these eighteen or twenty guns of Jackson's?

A. That did not have reference to Jackson's command; Jackson's artillery was posted on this range of hills back of his line of battle. This park of artillery is where W^5 is and W^6.

Q. You still say that Hood occupied that position, and that his right was where + and + + are?

A. There is where Hood was; right there.

REV. JOHN LANDSTREET'S EVIDENCE.

The evidence of Rev. John Landstreet (board's record, 996). He was a minister, called in both armies a chaplain; he was a chaplain in the confederate service belonging to this cavalry command. His residence is in Baltimore County, Maryland:

Q. What did you do or see there which has impressed itself upon your attention?

A. There was considerable dust in this direction [witness indicates] indicating a body of troops; there was considerable down in this direction somewhere. At any rate, General Stuart ordered some of the Fifth Cavalry to go out and cut brush and drag it along the road.

Q. (By Mr. MALTBY.) Did you hear the order?

A. Yes; to drag the brush along the Gainesville road, so as to serve as a feint and to convey the impression that there was a force coming down the Gainesville road. It was given, I distinctly recollect, to a member of the Fifth Virginia Cavalry.

Q. Who was the colonel of that regiment?

A. T. L. Rosser. We frequently after that conversed about it.

Q. What was done after that while you were in the neighborhood of Hampton Cole's?

A. There was some firing from this position [+²] in the direction of this approaching force; and from my recollection of it the force was a considerable distance down. If three inches indicate a mile here, and if it was a life and death case, I would say that it was inside of a mile that they were off.

Q. You should say it was a distance of about a mile?

A. I should say it was inside of a mile. It was not beyond a mile, certainly. [Witness indicates from Hampton Cole's.] There were several shots fired from this point in the direction down there.

Q. In what direction?

A. That depends entirely upon where the man was standing at the time and what he was looking at. I did not charge my mind much with this Manassas Gap Railroad, though I knew it very well. But I would not say whether it was here or there [whether right or left]. It was pretty much in line with this railroad [Manassas Gap Railroad].

Q. What became of this column of troops upon those shots being fired?

A. I did not see them.

Q. They disappeared from your sight?

A. Yes, sir.

Q. Did they remain in the position they were in when they were fired upon?

A. No, sir. When my attention was directed to them they were where I could see the column, or a considerable portion of it; and they were marching in good order, close column.

Q. Do you recollect how many shots were fired at them?

A. I do not; but I am positive I didn't hear half a dozen; I know I did not.

Q. How long did you remain in that position in the neighborhood of Hampton Cole's that day?

A. I was sent off after that to hunt up the First Virginia Cavalry, not very far from there at that time; and I paid very little attention, indeed, from that time. When Longstreet came and formed there, General Jackson being in position, I came out from the command, and I was not in any of the fight at all except in the cavalry movements—skirmishing.

Q. Where did General Longstreet form his command?

A. It seems to me I struck a portion of Hood's command on General Longstreet's left before I got anywhere in the direction of Longstreet's right. They seemed to come in a good ways in the direction of General Longstreet's left, if they were not immediately on his flank.

Q. About where would you put them, north of the pike, across the pike, or south of the pike?

A. Which?

Q. Hood's division of that command?

A. From my recollection there was a portion of Longstreet's command that crossed the Manassas Gap Railroad [the witness marks a point with a pen]; crossed it, am sure, some distance, but how far I don't know. I do not think it was far. It extended, I think, up in this way. Hood's was in front of it; part of it in the body of the woods. My impression is that Hood came in a little in advance of Longstreet's left. I am certain that I came to Hood before I came to Longstreet's force in position. [Marked "Longstreet" and "Hood."]

Q. What time of day was that that they were all in position? * * *

A. It is my recollection that it was somewhere between 2 and 3 o'clock.

Q. Do you know whether or not either Hood or the remainder of Longstreet's command were in advance to the east of Pageland lane at any time that day?

A. I do not.

Q. Was your position such that you could see the location of Hood and Longstreet during the afternoon?

A. Oh, yes; I could go where I pleased.

Q. How long did this action of that day continue?

A. The firing, to my recollection, continued up to about dark. It was near dusk. At times it was heavier than at others, and at times severer than I ever heard it in any engagement.

Q. What were your opportunities during that day of knowing the fact, provided General Hood had advanced east of Pageland lane? [Points of compass upon the map explained to the witness.]

A. My answer is, that if I had a desire to know it, I could have known it very easily; but I didn't think about it at all. It was not in my mind. I was well acquainted with Hood and his command, and that made the impression upon me in coming to this point. I came from the direction where Jackson's command was, and passed this heavy battery at the time, though I think there were a few more guns there than I have heard stated to-day.

Q. In which direction, as you stood at Hampton Cole's facing the enemy, was Longstreet's command from you, with reference to your own person—to the left, right, front, or rear?

A. Looking down in the direction from which the enemy were coming, a portion of it was in my rear and a portion of it was not.

Q. At the time you arrived there at Hampton Cole's?

A. No, sir. They did not get in this position at the time I arrived at Hampton Cole's. I arrived at Hampton Cole's about 10 or 11 in the morning.

Q. Where were the guns stationed in reference to Hampton Cole's?

A. The guns were pointed down a little to the left of the railroad.

Q. How near were you to the guns?

A. Right up by them.

Q. How much of that column did you see?

A. I could not say how many regiments there were. The column indicated that it was the head of a considerable body of men.

Q. What was that indication?

A. They were marching in close column.

Q. Would not a regiment march in close column?

A. Might not in as close column as that, and in good order. My judgment in the matter was that it was the advance of a large army.

Q. Did you see a quarter of a mile of that column?

A. No, sir.

Q. An eighth of a mile?

A. That is somewhere near it.

Q. Was it marching upon a plain?

A. I can not tell you that. It did not appear to me as if they were coming up a hill nor as if they were coming down a hill.

Q. As if they were marching upon a plain?

A. It looked pretty much as if they were on a level.

Q. Can you state whether any bushes were to their right or left or trees?

A. No; I could not. My impression is that the country was pretty well open left and right of where I first saw them.

Q. Did you see them in flank at all?

A. No, sir.

Q. I don't know whether it is a military expression or not.

A. Do you mean did I see the rear of the enemy?

Q. No, sir; I mean the side of the column as it advanced.

A. No, sir; it was the shortest space of time before the firing commenced here at Hampton Cole's before I saw them no more.

Q. Was this column to your right or left?

A. From the position I was in, it was almost directly in my front. I think if I had advanced in a straight line I would have come up face to face with them. I was a little to the right of Hampton Cole's and looking right straight down.

Q. Did you see troops in the neighborhood of the Leachman house?

A. I knew there were troops there, but how I knew it I am not now prepared to say.

Q. How did they appear? Did they march out of sight in the rear or did they retire in the bushes?

A. If you will let me use an illustration: It was a very common thing for a column of cavalry to advance, and one shot into a column of cavalry would make them disappear in the woods and that was the end of it. I never saw a column that got out of sight quicker than this column did.

Q. How long did you remain at Hampton Cole's?

A. I suppose I staid there until—well, it was just after the brush expedition; shortly after that; and I went in the direction of Gainesville from there. I don't know but what I went right across to Gainesville; I think I did.

Q. How did you go?

A. I struck out on this Gainesville road that I had traveled hundreds of times towards Gainesville; pretty much along the line of the railroad.

Q. How long did you say that it was that you were at Hampton Cole's?

A. I said I was there until after 12 o'clock.

Q. Were you there about an hour in all?

A. I was there more than an hour; I was there fully an hour and a half.

Q. You passed along the Manassas Gap Railroad?

A. I passed along the Gainesville turnpike.

Q. What did you see on your route in the shape of troops?

A. I met some of, I think, Longstreet's forces on the Warrenton pike.

Q. Did you see any of Longstreet's troops?

A. I have no recollection of seeing them.

Q. Were there any troops marching on that turnpike?

A. There may have been. I did not pay any attention to it.

Q. How long did you stay away in the direction of Gainesville?

A. I staid away until about 3 or half past 3 o'clock, I think.

Q. Then what did you do?

A. Then I returned to the First Regiment of Virginia Cavalry.

Q. Where was that?

A. If my recollection serves, it was between Hampton Cole's and Sudley.

Q. Was that the detachment that had been sent off to drag brush there that day?

A. No, sir. That was the Fifth Virginia Cavalry, commanded by Colonel Rosser.

Q. When did you first see the place where Longstreet's line was formed after you went off towards Gainesville?

A. I saw it for the first time a little after 3 o'clock.

Q. Was it then formed?

A. Yes; it was then formed in good order.

Q. All along the whole line?

A. Well, I did not ride along the whole line.

Q. Where were you?

A. I could not tell you how it was along the whole line. I rode in along *here* and I passed on out *here*. I passed around on Longstreet's left, and I found Hood's division in front of Longstreet, and rather extending beyond his left. [Witness indicates near Pageland lane.]

Q. Then what did you strike?

A. I didn't know what the name of the road was. I made for Sudley neighborhood, and there I met a portion of the First Virginia.

Q. On Hood's left or Longstreet's left did you find artillery?

A. Yes, sir.

Q. Did Hood's line extend quite up to the artillery?

A. No, sir; it did not. *There was a gap.*

Q. How much of a gap?

A. I don't recollect how much it was, but it was a considerable gap.

Q. Half a mile?
A. I don't know whether it was that much, but it was a considerable gap, a considerable elevation.
Q. Do you know where that artillery was in reference to the Browner or Douglas house?
A. No, sir; I know nothing about houses there.
Q. Were the batteries in advance of Hood's line?
A. Well, rather.
Q. Much?
A. No, sir; they were rather a little in advance of his left.
Q. Was the distance between Hood's left and the right of the artillery as great as the gap?
A. According to my recollection, the battery was pretty nearly in the center of the gap.
Q. Did the line of the battery run in the same direction that Hood's line ran or did Hood's line form an angle with the battery?
A. It was at an angle.
Q. Was the right of the battery much in advance of Hood's left?
A. No, sir; it was not much in advance, but still it was in advance.
Q. Was it a half mile in advance?
A. Oh, no.
Q. Was it a quarter of a mile?
A. No, sir; I don't think it was that.
Q. Or an eighth?
A. I don't think it was that. It was a very short distance in advance. I would not say positively that it was in advance at all.

* * * * * * *

Q. About what time of day did you first see Longstreet's troops in position after that?
A. I saw them in position, I think, somewhere about 3 o'clock, or a little after 3, or a little before 3.

GENERAL ROBERT C. SCHENCK'S TESTIMONY.

Robert C. Schenck, called by the recorder, and examined in the city of Baltimore, October 22, 1878 (present, the recorder, and Mr. Maltby, of counsel for the petitioner), being duly sworn, testified as follows:

Q. Where do you reside?
A. Dayton, Ohio; temporarily residing in Washington, D. C.
Q. What rank and command did you hold in the military service of the United States on the 29th August, 1862?
A. Brigadier-general of volunteers, commanding the First Division, Sigel's corps.
Q. Finally you left the service with what rank?
A. Major-general. I was promoted, to take effect August 30, 1862.
Q. In moving up to this position, did you have, in the morning of the 29th August, any enemy in front of you?
A. None that we felt. Throwing forward skirmishers and supposing the enemy was present somewhere, pretty early in the day a force of the enemy was developed upon this ridge where there were a number of batteries placed to our right; that would be to the north of the turnpike road.
Q. Do you recollect passing that lane, Lewis lane No. 1?
A. I have a very indistinct impression of it. I have a remembrance floating in my mind having crossed some road which was not the turnpike, but I don't recall it distinctly.
Q. At what time of the day did you reach your farthest point in advance?
A. I think it must have been somewhere about the middle of the day; perhaps a little earlier than the middle of the day.
Q. Did you see General Reynolds's divisions during that day?
A. No; but I understood he was off on my left.
Q. Did you see General Reynolds himself during the morning or afternoon?
A. No; I think not. I don't recollect.
Q. How far did you get beyond the Gibbon wood, in which the wounded of the night before were?
A. I don't know that we got beyond the Gibbon wood. My remembrance is that the farthest point we reached was somewhere about the west edge of the Gibbon wood—that is, the wood in which Gibbon's troops were engaged the night before. We found there his wounded and the evidence of the battle that had taken place.
Q. Was anything done with these wounded that you found there?
A. I ordered all the men in that and the piece of woods this side of that, where there were, I think, a few scattered, to be sent to the rear and taken care of. I don't know that that is the Gibbon wood; I mean the wood farthest in advance that I reached was the wood in which the engagement took place. My impression is we did not at any period go farther in that direction than to perhaps the west edge of that wood.
Q. Look at the map. Which piece of timber is it that you consider to be the Gibbon wood?
A. *This* I suppose to be the wood. [In which the word "Warrenton" ends: marked "S" on the Landstreet map.] That, I suppose, is intended for the wood in which Gibbon's engagement took place.
Q. How long did your division remain in that wood?
A. We must have been in that wood, altogether, two or three hours.
Q. Did you see any battery of the enemy while you were in that position? If so, where was it?
A. There was a battery off to our right somewhere which I recollect all the more distinctly because it seemed to me to be detached from the general line of the enemy, and conceived the purpose of attempting to capture it, and sent one of my staff ove to reconnoiter with a view to see how it might be approached. But about that time Milroy, who was engaged with the enemy off to my right, communicated with me, or General Sigel for him—I think the message came from Milroy himself—begging assistance, and I detached Stahel's brigade to support Milroy northeast of the pike, and then gave up the idea of attempting to capture that battery.
Q. That battery was in the neighborhood of where?
A. It was on a hill on my right; to the right of the wood where Gibbon's fight had taken place. It was upon elevated ground, and seemed to be the spur of a hill. I thought we might by a sudden and decisive movement upon it capture it.
Q. While you were up in this position McLean's brigade, I understand, was on the left. What was the position of Reynolds's division of Pennsylvania Reserves as reported to you at that time in reference to your own position?
A. I did not see them, but they were reported to me as being upon our left, and I may add that it was reported to me that they had stationed a battery somewhere in advance of Gibbon's wood, I think Cooper's battery.
Q. In which direction was that battery operating?
A. I did not see the battery.
Q. At what time did you quit with your division this Gibbon wood?
A. I should think, to the best of my recollection, somewhere between 1 and 3 o'clock. I don't think I can be more positive than that. My recollection is that it was some time after noon.
Q. To what point did you go then with your division?
A. In consequence of reports made to me in reference to the movements of General Reynolds I thought it best for me to fall back, and I came into a strip of woods which I supposed to be these [south of the syllable "ville" in "Gainesville"]. I formed in line of battle near the west edge of that woods. There we lay most of the afternoon.
Q. Up to what time?
A. I can scarcely tell you. I should think at least until the middle of the afternoon, perhaps later. I recollect withdrawing from that point from wood to wood as we had advanced. We found it quite late in the afternoon, or quite sunset, by the time I reached my original position. The whole distance, I should think, was about two miles from the point where we started in the morning to the farthest point to which we advanced.
Q. While you were in the Gibbon wood, what enemy, if any, did you see in your immediate front?
A. I can not say that I saw any enemy in our immediate front. There were skirmishers in that direction, and as my skirmishers were thrown forward we would have an occasional shot, but there seemed to me at that time to be no enemy in my front, in my immediate front. The first intimation that I had that the enemy in considerable force were upon our left was through Colonel McLean, the commander of my second brigade, who told me that a messenger, or staff officer, or orderly, or some one from Reynolds, apparently with authority, had come to him, as he was in command of a brigade, and communicated the fact that the enemy were upon our left, and I think was coupled with the information that Reynolds intended to fall back. I tried to communicate with Reynolds again, but did not succeed, but I thought there was no occasion for immediately falling back; but not finding any response from General Reynolds, I concluded to withdraw slowly to at least a short distance and then come across an open space into the next wood (into a little strip marked S^2), where I rested the troops in line.
Q. While you were holding position in that little strip of woods do you know whether or not the enemy obtained the possession of the Gibbon wood?
A. I am satisfied that they were not there in any force; they had their skirmishers thrown forward as I had men toward the Gibbon wood, and there were occasional shots fired with or without good cause for them, but there was no movement in force, nor was there indicated to me any presence of an enemy in force.
Q. Can you fix with any degree of relative certainty the time in the afternoon when you quit the little fringe of woods marked "S^2"; whether it was 2, or 3, or 4, or 5, or 6 o'clock?
A. The days in August are pretty long. I should say it was at least the middle of the afternoon or probably later. I reached my conclusion from measuring it by the movement forward and the gradual withdrawal of the troops. I should think it was after the middle of the afternoon.

TESTIMONY OF GENERAL S. D. STURGIS.

General S. D. Sturgis testifies that he moved on the Gainesville road August 29, 1862, with his command. (Board record, page 711.)

Q. You say you went a mile and a half beyond Bethlehem church toward Gainesville?
A. That is my recollection.
Q. What did you then do?
A. I reported to General Porter. I rode in advance of my brigade. I found troops occupying the road, and I got up as near as I could get and then halted my command, and then rode forward to tell General Porter that they were there. He said, "For the present let them lie there."
Q. What did you do then individually?
A. Well, I simply looked about to see what I could see. I was a stranger to the lay of the land, and the troops, and all that; so without getting off my horse I rode about from place to place watching the skirmishers, and among other things I took a glass and looked in the direction of the woods; about a mile beyond which seemed to be the object of attention—beyond the skirmishers; there I saw a glint of light on a gun; and I remarked to General Porter that I thought they were probably putting a battery in position at that place, for I thought I had seen a gun.
Q. State what the conversation was.
A. I reported this fact of what I had seen to the general; he thought I was mistaken about it, but I was not mistaken, because it opened in a moment—at least a few shots were fired from that place—four, as I recollect.
Q. What force of the enemy did you see in that direction at that time?
A. I didn't see any of the enemy at all.
Q. Then what did you do?
A. Then when they had fired, as near as I can recollect, about four shots from this piece, General Porter beckoned to me; I rode up to him, and he directed me to take my command to Manassas Junction and take up a defensive position, inasmuch as the firing seemed to be receding on our right.
Q. What firing do you mean?
A. I mean the cannonading that had been going on for some time on our right, probably in the direction of Groveton.
Q. How long had you heard that cannonading?
A. I don't recollect exactly when I heard it first. My impression has been that I heard it all along the march from Manasses to General Porter's position. I do not recollect distinctly that I did hear it, but I know I heard it all the time after I arrived there until I left.
Q. What time of day was this that you received the order to move back with your command to Manassas Junction?
A. I have no way of fixing the time of day. I have carried in my mind the impression that it was more about the middle of the day—about 1 o'clock.
Q. What did you do when you received that order?
A. I sent word to General Piatt to move back to Manassas Junction, and that I would join him there.
Q. Do you know whether your order was obeyed?
A. Yes; it was obeyed.

EVIDENCE OF MARK J. BUNNELL.

Mark J. Bunnell, on page 678 of the board record, says:

I called to an orderly and stated to him what I wanted. He called Colonel Marshall, and they came down within a few paces of where I was, and Colonel Marshall then received his orders to deploy his regiment as skirmishers in front.
Q. Did you hear the order?
A. I stood right there so I could hear.
Q. What were the orders that General Porter gave Colonel Marshall.
A. I could not hear all the conversation, but to deploy his regiment as skirmishers, as we were about ready to move out; not to bring on a general engagement, but the idea was that we had to do duty only as skirmishers.

CAPT. A. P. MARTIN'S TESTIMONY.

Capt. A. P. Martin, commanding the artillery of Morell's division on the 29th of August, swears as follows:

Examination by the COURT:

Q. Do you know of any order having been given by General Porter to make an attack upon the enemy during that day?
A. I did not. I received orders from him to put the batteries in position.
Q. How long did the artillery firing continue?
A. The firing of the first section of the enemy's battery that opened from the woods in front continued perhaps twenty minutes; they fired very slowly. An

hour later, perhaps, there was a battery opened farther to our right, and they were engaged by Hazlett's battery of Morell's division.

Q. At what distance from each other were these batteries that were engaged?

A. I should think not over a thousand yards; it might have been a thousand or one thousand two hundred yards.

Q. Do you know whether any effect was produced on either side by this artillery fire?

A. They were in the woods, and we could not see, except that the first battery that was opened was silenced, I should think, in about twenty minutes or half an hour.

Q. Was there any loss on our side?

A. Yes, sir; one man was killed by the first shot that the enemy fired. I saw him fall.

Q. On which side of the Manassas Gap Railroad, north or south, were the enemy's batteries that you were then engaging?

A. They were on the side toward us—the south side, I suppose.

The examination of this witness was here closed.

J. J. COPPINGER SWORN.

J. J. Coppinger, called by the recorder, being duly sworn, testifies as follows:

Direct examination:

Q. State your rank and station.

A. Captain, Twenty-third Infantry, and brevet colonel.

Q. What rank did you hold in the month of August, 1862?

A. Captain, Fourteenth Infantry.

Q. In whose brigade, division, and corps were you during that month?

A. The first regular brigade, Sykes's division, Porter's corps.

Q. Do you recollect being at Fredericksburg in that month?

A. Yes; at or near Fredericksburg.

Q. Where did you move to from there?

A. We moved in a general direction toward Bealeton, on the line of the railroad, from Rappahannock Junction to Alexandria.

Q. What sort of a march did you make in going up there to that point?

A. The first afternoon we made a long march; we made good time. I could not give the distance in miles. The next morning we marched early a few miles, and to the best of my recollection countermarched, and were placed in line of battle at a short distance from the camp which we had left. After that our marches seemed rather spasmodic until we got to the railroad.

Q. Near what point or at what point?

A. Until we got near Bealeton, on the railroad. I do not recollect whether we actually struck the track at Bealeton or Warrenton Junction, but we were near the railroad at Bealeton, and on it to Warrenton Junction.

Q. Were you in Warreton Junction on the 27th of August, 1862?

A. On or about, but I can not swear to the date.

Q. Then you left there to go to what point?

A. March along the line of the railroad toward Manassas Junction.

Q. Do you recollect at what time of day you left Warrenton Junction to go in the direction of Manassas Junction?

A. I cannot. My watch, I think, was broken, and I was very badly wounded a few hours after; so I do not recollect. I cannot give you the hours.

Q. You came to a halt for the night at what place?

A. Near Bristoe Station.

Q. At what time of day did you arrive at Bristoe Station?

A. Early in the day; I cannot give the hour. The reason I say early in the day is that I recollect passing a good part of the evening with Smead, of the artillery, who was killed a few hours after.

Q. The next morning you marched for what place?

A. Manassas Junction.

Q. From there what direction did you take?

A. Toward Gainesville.

Q. Do you recollect a place named Bethlehem church?

A. I have an indistinct recollection of a small church on the left of the road.

Q. You went out on that road. Do you recall any incident connected with that march out on the road toward Gainesville?

A. Do you mean the passage of other troops?

Q. You went out on that road. When did you receive a command to halt?

A. When, I think, about two shots close to the edge of a wood—two shots, I think, were fired; just about that moment our command halted.

Q. From what direction?

A. Front and right.

Q. Then what did your regiment and brigade do?

A. Halted, and were ordered to face about.

Q. Then what?

A. We were marched to the rear in column of fours.

Q. To what point?

A. I can not give you the point; but the next point I recollect is being on a side road which leads off toward the battlefield of Bull Run. Perhaps it would be better if I were to say that my memory of that battlefield—I was left on the field between the lines senseless until the next day, and my memory of both those days is somewhat spasmodic. Some things I see as clearly as anybody I see in this room; and there are intervals of which I have a very poor recollection. Now, between the time of our being marched *here* and our being halted I don't recollect. [Witness indicates points on the map.]

Q. As to this point of fact—these shots being fired, and you countermarched to the rear—how soon after the shots were fired was the order for you to move to the rear?

A. I think almost immediately.

Q. Do you recall with any certainty how long or how far you marched to the rear?

A. We marched quite a distance to the rear; I think from one to two miles, if not more; but I am almost certain that the command was "Halt, about-face;" and within three minutes I think, and perhaps a shorter time, we were in motion to the rear.

Q. During that day did you move to the front again; if so, when?

A. We were moved on a cross-road, which led us the next day to the battlefield. [Witness indicates in the direction of the Sudley Springs road.]

Q. When did you say you made that move at the cross-road?

A. I can not give the time.

Q. Some time that day?

A. In the afternoon.

Q. Did you encamp there or did you go back again?

A. We passed the night there; stacked arms, and I think lay down by our arms.

Cross-examination by Mr. BULLITT:

Q. You were then a captain?

A. Yes.

Q. Of what company?

A. Company A, second battalion, Fourteenth Infantry.

Q. Who was the commander of your regiment?

A. General Stone was the colonel. Our battalion was that day commanded by Captain McKibbon, who was wounded the next day. The senior officer on the ground was Captain O'Connor, who was also wounded the next day.

Q. What brigade?

A. The first regular brigade, temporarily commanded by Colonel Buchanan.

The examination of this witness was here closed.

TESTIMONY OF CAPTAIN GECKE.

Captain Gecke testified as follows (board's record, page 668):

Right before me was a piece of wood and an open corn field between me and the woods. I remained and deployed my skirmish line outside of the ditch there. At the same time when I came there I saw skirmishers, dismounted cavalry, marching before me in that corn field. My men fired at them and they fired over to us. Then they went back into the woods and I gave the command to cease firing. Then the adjutant of the regiment came up between 4 and 5 o'clock with an order to the commanding officer of the skirmish line. I stepped up, and he said I should find out immediately what was going on in the corner of the woods; so I took a sergeant and a file of men and went up there; and the sergeant went ahead and looked in that direction, and then we came down and reported to the adjutant that the enemy has been marching out of the woods, and that they were moving cannon and ammunition-wagons to form their proper companies, and turning to the left. A little while after this I heard a few shots fired over in that direction.

* * * * * * *

Q. When you went out with the skirmishers and deployed your men, what orders did you have?

A, I had no special order except to see what was going on. I saw no line formed on the left; no line formed on the right.

Q. When did you first observe the enemy coming down on your front?

A. That was about 4 o'clock.

Q. Up to that time what indications were there of an enemy in your front?

A. I should say I saw a few of a skirmish line moving through the corn field into the other side of the wood.

Q. During that day did you see any artillery firing?

A. I heard artillery firing.

Q. In what direction did you hear it?

A. The fire of artillery that forenoon I heard on the front of us; in the afternoon on our right.

Q. What was the character of that artillery firing that you heard?

A. It commenced at 5 o'clock in the morning; then it was in the far distance. Then about 11 or 12 o'clock we heard it better; we heard heavier firing. Then between 1 and 2 o'clock there was no firing whatever. Then from about 3 o'clock and afterward there was heavy artillery firing and musket firing up to most 9 o'clock at night and yelling by the enemy and cheering by the Union men. We heard that off on our right.

Q. Did you at any time during that afternoon undertake to feel the enemy and find out what their strength was?

A. No; I only carried out the order I had.

Q. About what time in the day would you say you moved across Dawkin's Branch to go forward with your skirmishers?

A. About 3 o'clock.

Q. Did you know the position of the enemy after you got up on the skirmish line?

A. No; I didn't see no other part of the troops except this dismounted cavalry.

* * * * * * *

Q. This yelling and cheering that you heard by the enemy and the Union troops, was that before or after you moved your skirmish line across Dawkin's Branch?

A. Afterward.

Q. How long after?

A. That commenced about 5 o'clock or half past 5, and kept on until darkness.

Q. The yelling and cheering that you heard was between 5 o'clock and sundown?

The confederate General R. E. Lee's official report of that action says that the battle continued until 9 o'clock at night (board's record, page 520).

A. Up to 9 o'clock at night.

Q. Did you make any report of that to anybody?

A. No.

Q. Do you mean to say that you did not send any message to Colonel Marshall at all that day?

A. No; except this one, because I was not so far off from them. They could hear all these things going on themselves.

Q. Then you could hear and he could hear?

A. He could hear the firing. It took me about ten minutes, more or less, to get there from my position back.

SERGT. FERDINAND MOHLE'S TESTIMONY.

Sergt. Ferdinand Mohle, Thirteenth New York Volunteers (board's record, page 676), a Government witness, has stated as follows as to his position to the front:

A. I think we staid as skirmishers up toward night, and then we were withdrawn onto a hill. It is kind of rolling country here. I think it was hollow along that way and then it raised again.

Q. What did you see while you were on the skirmish line so far as the enemy was concerned?

A. Saw a couple of rebel pickets in front of us.

Q. Infantry or cavalry?

A. I could not say exactly; I guess it was dismounted cavalry.

Q. What other indications of an enemy did you see during the day; what enemy did you see in front of you?

A. I saw no enemy where I stood. I have just said it was a kind of hollow place where we went through, and we could not see many of the enemy except a line of pickets; they were not very active. We exchanged a couple of shots, and I recollect a couple of cannon shots flew right over our line and came, I guess, from our rear—our own men—two or three shots.

Q. Was there any cannonading going on then?

A. There was.

Q. Where was that?

A. That was to our right.

Q. What was the character of it?

A. It was heavier toward evening than the time we went up there. We heard the noise more in the evening—the noise of artillery and cheering—than when we first came up there. But still firing was going on.

Q. When did the enemy come down in force on your front that day where you were?

A. What do you mean by the enemy; the line of pickets?

Q. Yes, or heavy force. Did you see any heavier force in front of you?

A. I could not see any heavy force; I could hear more. I could hear moving. I did not know whether it was artillery or cavalry, but I heard some words, some commands.

Q. How late in the day was that?

A. It was in the evening; toward night, I guess.

Q. When you went out there on that line did you hear those commands and movements?
A. I can not remember. I did not hear any command at that time; but there was a couple of shots exchanged between the pickets; and finally, I think, the rebel pickets went back a little, and word was brought to cease firing.
Q. Could you hear any musketry firing in the afternoon where you were and infantry firing?
A. Yes, I could hear that.
Q. How long in the afternoon did you hear infantry firing.
A. I can not tell exactly when it commenced, but I could hear cannon firing when we were marching up there.
Q. After you got up there was there any cannon firing?
A. There was cannon firing at intervals; it ceased sometimes, and toward night it went on pretty heavy.
Q. Any musketry firing in the afternoon to your front or right?
A. I think there was musketry firing, but we could not hear it so plain as in the evening.
Q. About what time did you hear this cheering which you speak of?
A. About sunset.

CAPT. JOHN S. HATCH'S TESTIMONY.

Capt. John S. Hatch, First Michigan Volunteers, Martindale's brigade, Morell's division, a witness for the Government, testifies as follows (board record, page 600) as to what transpired at the front, near Dawkin's Branch, on the 29th August:

Q. Tell what you saw when you got there at that point.
A. When we turned off into the woods we were preparing to go into action, as I supposed. I think the pieces were loaded. Caps were let off the guns, and cartridges examined and cartridge-boxes, and some such things as that. We remained in the woods a little time, and then we moved off to an eminence where we could look off into the depression or ravine; and then the Thirteenth New York was thrown out as skirmishers.
Q. How long had this been after you had arrived at that point before the Thirteenth was thrown in?
A. It is my impression that we were loading pieces and preparing, as we supposed, to go into action. I recollect we were talking of it together; that it was about noon. I do not recollect looking at a watch. It was about 12 o'clock, I should say; not far from that any way.
Q. That the Thirteenth were thrown out?
A. Yes, sir.
Q. You remained there during the day?
A. Remained there all that day.
Q. After the Thirteenth were thrown out what did you see?
A. We came out of these woods, I guess, almost entirely, so that we could see the Thirteenth New York maneuver, and see the ravine and woods on beyond. I think our arms were stacked—our brigade. We lay there and saw the Thirteenth New York moving; they kept moving on until they met with some little check on the other side; there were some shots fired; then, some time after that, a solid shot came over. General Porter was there with his staff. I do not know whether there were any other generals there or not. There was a little scattering there and a little commotion all around, until pretty soon another one came over, and there was a piece run out of the woods where the Thirteenth New York had met with some opposition from the infantry; there was another shot fired soon after that, and we supposed the work was commencing. There were three shots, I think, or four shots fired. We supposed that they were firing at General Porter and his staff, because they were mounted and conspicuous.
Q. Then what was done?
A. There was nothing done by us during that afternoon. We were lying there at ease until early in the evening, when our brigade, a portion of it—my regiment at least—was thrown out, you might say, as skirmishers. We were thrown out to guard against a surprise that night—thrown out to the right of where the New York Thirteenth went down.
Q. How long did you remain there?
A. Two hours; about that.
Q. What indications, if any, did you observe of the presence of the enemy during the day?
A. We saw fighting going on on our right and front.
Q. What kind of a contest was it?
A. There was heavy artillery firing.
Q. How long did that continue?
A. From the time we came out onto that eminence, out of the woods; there was firing all the afternoon, but not continuous; there was at times heavy firing, rapid firing.
Q. From the character of the firing what were the indications?
A. It was heavy artillery fire.
Q. I understand you to say that you could see the action going on?
A. I could not see the troops that I recollect. I do not think I could, but the smoke and the bursting of the shells could be seen, and we could hear the sound of the artillery and see the lines of smoke; towards evening we heard musketry firing.
Q. How long was it after the Thirteenth New York went out before you saw that gun run out that you speak of?
A. They had time to get down three-quarters of a mile or more—perhaps half an hour.
Q. During the day what enemy did you see in your front besides what you have mentioned at that time?
A. Saw a line of dust on the left making toward Jackson, who we understood was opposing our forces.
Q. At the time?
A. At the time.
Q. Did you see any enemy directly in your front?
A. These woods were there; nothing more than artillery. There were infantry opposed to the Thirteenth New York.
Q. How long did they remain there, artillery and infantry?
A. I do not know that; they did not remain all the afternoon.
Q. Had no more artillery firing from them?
A. The artillery; three or four shots was all that bothered us.

Cross-examination by Mr. BULLITT:

Q. What time was it, in the afternoon or toward evening, that you heard that musketry firing?
A. The day was well advanced.
Q. Five or 6 o'clock in the evening?
A. I should judge so; before sundown some time.
Q. What you had heard, prior to that time, was all artillery firing?
A. I do not recollect any musketry firing until toward sundown; perhaps the sun was an hour or two high.
Q. What time was it that you were sent on that picket-line?
A. The Thirteenth New York was sent out, and I was in the same brigade with them. As I say, we were preparing for action in the woods about 12 o'clock, I should think.

MAJ. GEN. ROBERT C. BUCHANAN'S TESTIMONY.

The late Bvt. Maj. Gen. Robert C. Buchanan, United States Army, retired, called by petitioner (board record, page 215), testifies as to the movements of the brigade he commanded in Brigadier-General Sykes's division after they left Manasses Junction, on the 29th, as follows:

Q. Which way did you move then?
A. We had been moving by the right flank; we then moved by the left flank; we moved down by the road which takes us near a church, which I have since heard called Bethlehem church, in the direction of Gainesville.
Q. Where did you halt then?
A. Near that church and in advance of it.
Q. In what position were your troops then?
A. At that time directly on the road.
Q. How were you formed when you halted there?
A. We were formed in line of battle immediately after we halted.
Q. How long did you remain in that position?
A. I can not tell you.
Q. During the balance of the day, I mean.
A. We did not leave that ground that day except under various instructions that we got to countermarch; from time to time we countermarched, of course on the same ground.
Q. You did not leave that ground?
A. No; except toward night we changed our direction, I think onto a little road that led us off to the turnpike.
Q. Practically, you remained in that position during that day?
A. During that day.
Q. Do you recollect any stacking of arms?
A. Yes; they stacked arms from time to time.
Q. When you did that what position was your line in; still in line of battle?
A. Always; always ready.

EDMUND SCHRIVER'S TESTIMONY.

Edmund Schriver, called by the recorder, being duly sworn, testified as follows:

Direct examination:

Q. State your rank in the Army.
A. Inspector-general and brevet major-general.
Q. What position did you hold on the 29th of August, 1862?
A. I was then on General McDowell's staff, when he commanded the Third Corps of the Army of Virginia.
Q. Do you recollect being with him, on the 29th of August, at the head of General Porter's column, in the neighborhood of Dawkin's Branch?
A. I do.
Q. Where did you go then?
A. Went out to the right with the generals, whose object was, I believe, to make some observations, and then returned to the place whence we started.
Q. Where did General McDowell leave you, or did he not leave you?
A. He left somewhere to the east or to his right looking out toward the railroad, my recollection is.
Q. Which direction did he take when he left?
A. I think he went in a southerly direction, off to where his divisions were.
Q. Did you go with him?
A. No.
Q. Which direction did you take?
A. I came a little to the left and went by General Porter's headquarters, and then came down, if I recollect rightly, the road General McDowell went, through the woods; I did not go with him.
Q. You went down the Gainesville road then?
A. Yes, sir.
Q. Did you go back with General Porter or did you follow him?
A. I really can not recollect that: I know we met again.
Q. What transpired at that time when you met him there?
A. I had a little conversation; I can not exactly recollect what it was, except the general said or expressed the belief that he might become engaged with the enemy and that he had no cavalrymen; he either then proposed or I proposed, or at any rate the arrangement was made, that he should have half of General McDowell's escort that was with me; it was turned over, and I left. He wanted them to send messages.
Q. At that time where were the enemy?
A. I am sure I do not know.

COL. JOHN S. MOSBY'S TESTIMONY.

John S. Mosby, formerly colonel of Maj. Gen. J. E. B. Stuart's staff, testified as follows (board record, page 887):

Q. When did that battle begin on the 29th; what time of day?
A. Pretty early on the morning of the 29th there was heavy fighting.
Q. How long did that continue?
A. My recollection is that there was heavy fighting during most of the day. Early in the morning I suppose I was about the rear of the center of Jackson's line, and I suppose about 8, or 9, or 10 o'clock there came a report that our left flank had been turned, over in the direction of Sudley; I went over there with the First Virginia Cavalry, according to my recollection, for the purpose of checking that, and we were there the whole of the day.
Q. What of the action could you see and hear? Describe all that you recall of that action.
A. We could not see the fighting. I was with this cavalry, and I suppose we were half a mile, or part of the time within a mile of it. In the morning this regiment that I got with I suppose was not half a mile in the rear of Jackson's line; but when the report came that the Federal cavalry was over on Jackson's left, and there was danger of their capturing his wagons and ambulances that were in the rear of Sudley church, this cavalry was sent over there to protect Jackson's left, and I went with it.
* * * * * * *
Q. Do you know what the losses of Jackson were in that action?
A. No, sir.
Q. From 12 o'clock noon up to 3 o'clock in the afternoon, do you recollect the character of the fighting as far as you could judge from the sound?
A. My general recollection of it is that most of the day there was heavy fighting. I cannot particularize.
Q. Musketry and artillery?
A. Musketry and artillery.

LIEUT. COL. THOMAS C. H. SMITH'S TESTIMONY.

Attention is also called to evidence of Lieut. Col. T. C. H. Smith, afterward brigadier-general, as follows:

By the JUDGE-ADVOCATE:

Q. Will you state in what capacity you were serving in the Army of Virginia in its late campaign under General Pope in August last?
A. I was aid-de-camp on the staff of General Pope.
Q. Did you, or not, on the 28th or 29th of August, carry any orders from Major-General Pope to Major-General Porter which concerned his movements on those days?

A. I did not.

Q. Did you, or not, see General Porter during either of the days of the 27th, 28th, and 29th of August?

A. I saw General Porter on the afternoon of the 28th.

Q. At what place and under what circumstances did you see him?

A. I had been sent back to the ammunition on the train at Bristoe and charged with its distribution. General Porter wished over four hundred thousand rounds; General Hooker something over ninety thousand rounds. About 2 or 3 o'clock I had sent forward to General Porter some three hundred and twenty thousand rounds and had seized wagons to forward the balance, and left Captain Piatt in charge. The business being then sufficiently forward, I went on to find General Pope. On getting to the point where I had left General Pope in the morning I found he had moved on, and, to inquire the road he had taken, I went to General Porter's headquarters, near the Manassas water station. I found General Porter in his tent, and asked him which road General Pope had taken, and he informed me. I had some ten minutes' conversation with him. One of his staff was present; I forget his name.

Q. Will you state that conversation?

A. After asking him about the road, I told General Porter the amount of ammunition that I had sent forward to him, and also that the balance would come immediately forward. I asked him if he had received it, or made some remark; I can not remember the exact expression. General Porter said that he had not; that was the substance of his reply—either that he had received hardly any of it, or none of it, if I remember aright. I expressed some surprise, and said that it had been sent forward to the front as ordered; and, either in reply to some question of mine or to some remark or of himself, he said that he had no officers to take charge of it and distribute it or to look it up, or something of that kind. I remarked that he could hardly expect us at headquarters to be able to send officers to distribute it in his corps; that it had been sent forward on the road in the direction where his corps was. He replied that it was gone where it belonged; that it was on the road to Alexandria, where we were all going. I do not know as it is evidence to give the spirit in which this was said—the way it impressed me. Those remarks were made in a sneering manner, and appeared to me to express a great indifference. There was then a pause for a moment. General Porter then spoke in regard to the removal of the sick and wounded from the field of Kettle Run. He said it would hurt Pope, leaving the wounded behind. I told him that they were not to be left behind; that I knew that a positive order—an imperative order—had been given to General Banks to bring all the wounded with him, and for that purpose to throw property out of the wagons if necessary. To this General Porter made no reply in words; but his manner to me expressed the same feeling that I had noticed before. This conversation, from General Porter's manner and look, made a strong impression on my mind. I left him, as I have said, after an interview of about ten minutes, and rode on, arriving at our headquarters on Bull Run just as we entered them and pitched our tents for the night. After my tent was pitched, and I had had something to eat, I went over to General Pope and reported to him briefly what I had done in regard to the ammunition. I then said to him, "General, I saw General Porter on my way here." Said he, "Well, sir?" I said, "General, he will fail you." "Fail me?" said he; "what do you mean? What did he say?" Said I, "It is not so much what he said, though he said enough; he is going to fail you." These expressions I repeat. I think I remember them with exactness, for I was excited at the time from the impression that had been made upon me. Said General Pope, "How can he fail me? He will fight where I put him; he will fight where I put him;" or, "He must fight where I put him; he must fight where I put him"—one of those expressions. This General Pope said with a great deal of feeling and impetuously, and perhaps overbearingly, and in an excited manner. I replied in the same way, saying that I was certain that Fitz-John Porter was a traitor; that I would shoot him that night, so far as any crime before God was concerned, if the law would allow me to do it. I speak of this to show the conviction that I received from General Porter's manner and expressions in that interview. I have only to add that my prepossessions of him were favorable, as it was at headquarters up to that time. I never had entertained any impressions against him until that conversation. I knew nothing with regard to his orders to move up to Kettle Run. I knew nothing of any failure on his part to comply with any orders.

Q. State more distinctly the point where you saw General Porter on the 28th of August?

A. He was encamped at the Manassas water station, between Bristoe and the junction. The water station was a short distance from his headquarters. [The witness indicated upon the map before the court where he thought the place to be.] I do not think the water station is more than one-third the distance from Bristoe to Manassas Junction. That is my impression; I can not speak positively about it.

Q. In the conversation to which you refer, did or did not General Porter manifest any anxiety to get possession of, and have distributed in his corps, the ammunition of which you speak?

A. No, sir; I thought he showed an utter indifference upon the subject; showed it very plainly.

Q. At what hour of the day did this conversation between you and General Porter take place?

A. I think it must have been about 4 o'clock in the afternoon; half past 3 or 4 o'clock.

Q. In anything that was said in that conversation, or in the manner of General Porter, was there evidenced any desire or any willingness on his part to support General Pope in the military operations in which he was then engaged?

A. Quite the contrary to that.

Q. Can you state whether the disinclination to support General Pope, which you thought he manifested, was the result of disgust with the immediate service in which he was then engaged or of hostility to the commanding general, or upon what did it seem to rest?

A. It seemed to me to rest on hostility. But I do not know that I could analyze the impression that was made upon me. I conveyed it to General Pope in the words that I have stated. I had one of those clear convictions that a man has a few times perhaps in his life as to the character and purposes of a person whom he sees for the first time. No man can express altogether how such an impression is gained from looks and manner, but it is clear.

Q. Had you passed over the road between Bristoe Station and Warrenton Junction on that day or on the previous day?

A. On the previous day, the 27th, I came over it after General Pope.

Q. At what hour of the day did you pass over it?

A. I should say that I left our headquarters, about a mile from Warrenton Junction, about half past 4 or 5 o'clock in the afternoon. I should say it was past the middle of the afternoon.

Q. What was the condition of the roads then?

A. For the first mile and a half, until you got to Cedar Run, the road was bordered on either side by open fields or open woods, over which troops could march easily, in great part without going on the road. Indeed, I doubt whether there is any regular road a good part of the way up. The troops marched through the fields to Bristoe Station.

Q. Were you or not present at the battle of the 29th of August?

A. Yes, sir; I was present.

Q. Throughout the engagement?

A. I left with General Pope when he rode onto the field, but on the way out he sent me with an order off the road, so that I did not get on the field for two or three hours after that.

Q. At what time did you regard the battle as commencing?

A. The smoke was rising over a considerable portion of ground, I should say a mile, plainly in view, when we were at Centreville; and there was some heavy cannonading. I should say it was about 10 or 11 o'clock when I first came to Centreville, and it was about 11 or 12 o'clock when I saw the appearance of which I speak—the sign of a heavy action, from the smoke rising. It was very plainly in view from Centreville; you looked right down upon it, and you could hear the sound of the guns. I did not ride up to the town at first, but finding that General Pope had not ridden on, as I had supposed, I rode back to Centreville, and then it was I saw the appearance I speak of, about 11 or 12 o'clock. I should mention, too, in order that it may be clearly understood in regard to the action, that at the time I was sent off from the road, while General Pope was riding on the field, there was a cessation of cannon-firing for a considerable time, I should say for certainly a half an hour.

Q. Was or was not the battle raging at 5 p. m. on that day?

A. Yes, sir; severely.

WILLIAM L. FAXON TESTIFIES.

William L. Faxon testifies as follows (board record, page 844):

Q. State your occupation?

A. Superintendent National Sailors' Home, Quincy, Mass.

Q. Were you in the military service of the United States on the 29th of August, 1862; if so, in what capacity?

A. I was assistant surgeon of the Thirty-second Massachusetts from the 2d of June, 1862, until along in August, 1863.

* * * * * * *

Q. Where were you on the night of the 27th?

A. In camp at Warrenton Junction.

Q. In whose brigade and division?

A. I was in the second brigade, first division, Fifth Corps, Morell commanding division, and General Griffin commanding the brigade.

Q. At what time did you leave Warrenton Junction, and what direction did your regiment take?

A. The bugle sounded for an early start, and it was quite dark. We got out just before daylight, and my brigade lay outside of the wood in which we camped until the sun was pretty high.

Q. What direction did you take from there?

A. We marched off a little to the left of the wood and crossed a little run, and went up to Catlett's, and from there to Bristoe; followed the general direction of the Orange and Alexandria Railroad.

Q. At what time did you arrive at Bristoe Station with your regiment?

A. I judge about the middle of the afternoon.

Q. During that time did you see General Porter?

A. I saw General Porter only as I crossed the run at Bristoe.

Q. Where was he at that time?

A. He was at a little house on the left hand of where I crossed; that is, on the side toward Washington. He and his staff were at a little house; I think it was a kind of peach orchard; I think most of them were sitting down.

Q. Describe what you saw and heard, so far as General Porter was concerned.

A. As I crossed the run I heard General Porter make this remark: "Go tell Morell to halt his division;" and he added, "I don't care a damn if we don't get there." I am very particular about those words, because I recollect them and I have spoken of them.

Q. On the next morning where were you?

A. I marched with the regiment, and I think we went up about as far as Manassas Junction, where we halted a short time; then the regiment turned off to the left, I believe, and crossed the road and came off on a road not exactly parallel, but curving off and following the general direction of the Manassas Gap Railroad, I think.

Q. Do you know the place where you halted?

A. We halted on a small knoll; part of it overlooked quite a large valley; quite a large part of it was cleared, and on the right I saw the line of the Manassas Gap Railroad.

Q. This point that I have indicated on the map as Dawkin's Branch?

A. I should take the branch to be a little farther away. I should take the branch to be about a mile away from the place where we halted; there might have been a dry run at the foot of this knoll, but I think not.

Q. What did you do after you came to a halt there?

A. I went down on the railroad. I went around generally in the woods and looked at the situation generally; saw firing was going on along the right of us, over toward Thoroughfare Gap.

Q. Did you see any indications of an enemy immediately in your front?

A. I did not see any for a mile or more; I looked along through the field close. General Porter came up and borrowed a glass of me; he asked me what I had seen. I told him I thought there was a battery coming in about a mile from us on the Washington side of the road. Not very far from it I think there was a small house, and I saw something that led me to suppose that there were men going in there.

Q. Do you recollect what reply he made?

A. I do not know that he made any reply to me.

Q. Did that battery open upon you?

A. It opened shortly afterward; of course I can not tell you how many minutes, because I did not keep any note of the time. I had no intention of making any memorandum. It opened and fired before the troops were withdrawn; I think not exceeding three, might have been four, possibly but two, shots.

Q. Where did those shots strike?

A. One of the shots struck a man in the front rank of the First Michigan Infantry and passed through his abdomen, and struck the first man in the rear rank in the thigh.

Q. You were there at the time?

A. I was at the place and saw the men. They were sitting or lying just a little lower down on the slope of the hill in front of me.

Q. Then what was done?

A. Shortly after that we withdrew.

Q. What indications, if any, did you see of an enemy in your front or to your right and front or to your right?

A. To the right and front.

Mr. CHOATE. I do not know that an assistant surgeon is a military expert.

The RECORDER. I asked him what he saw.

Mr. CHOATE. I have no objection to what he saw.

A. [Continued.] Beyond this general clearing to quite a large extent there was a smaller clearing, only a part of which could be seen; there was a small opening in the woods; across that opening there came a small body of men; they halted in the opening, where there was evidently a depression, but their heads and shoulders could be plainly seen.

Q. About how many men?

A. I should judge not over twenty.

Q. What else did you see of an enemy in your front, or to your right and front, or to your right?

A. Nothing.

Q. Could you see anything that would indicate the march of troops; if so, what?

A. I could see a large cloud of dust on the Warrenton turnpike moving towards Centreville.

Q. After that where did you go?

A. I went into camp with troops at night, after they withdrew.
Q. Did they remain in this advanced position during the day?
A. They were withdrawn in the afternoon; the sun was declining in the heavens.
Q. How far were they withdrawn?
A. I should judge inside of a mile.
Q. More than half a mile or less?
A. That I could not tell you; I could go to the spot, to the place where they came, because we withdrew on the same road, and then came back and went into camp again after dusk.

CAPT. DOUGLASS POPE SWORN.

Capt. Douglass Pope was then called by the Government, and sworn and examined, as follows:

By the JUDGE-ADVOCATE:

Q. Will you state what is your rank in the military service?
A. I am captain and additional aid-de-camp.
Q. Were you with the Army of Virginia in its late campaign under Major-General Pope?
A. I was.
Q. In what capacity?
A. As additional aid-de-camp to General Pope.
Q. Were you or not on the field of the battle of Manassas on Friday, the 29th of August?
A. *I was.*
Q. Did you or not on that day bear any order from General Pope to General Porter; and, if so, what was its character, and at what hour did you bear and deliver it?
A. I received an order from General Pope, to be delivered to General Porter, at half past 4 o'clock. The purport of the order I did not know at the time. I went directly to General Porter with that order, and it reached him by 5 o'clock.
Q. Was or was not that the only order which on that day you had to General Porter from General Pope?
A. It was.
Q. Where did you find General Porter with his command?
A. I found him at the forks of the road leading from Manassas to Gainesville and Groveton, on the railroad.
Q. What distance was that from Manassas Junction?
A. I do not know, of my own knowledge; but I have heard that it was between two and three miles.
Q. What distance from the battlefield where the engagement was then pending?
A. When I received the order I was to the right of the battlefield, and I suppose it was a distance of about three miles from General Porter.

Porter was not with the head of his column, but back within two miles of Manassas Junction.

Q. Did you or not, on delivering the order, learn its character?
A. I did not.
Q. What statements, if any, did General Porter make to you in regard to the movements which the order contemplated he should make?
A. In a conversation which I had with General Porter, after his reading the order, he explained to me on the map where the enemy had come down in force to attack him and had established a battery. I understood him to say that the enemy had opened upon him; but what he had done I do not now remember.
Q. How long did you remain with General Porter?
A. About fifteen minutes, I suppose.
Q. While you were there, or at any time before you left, did you observe any orders given or any indication of preparation for a movement in the direction of the batttlefield?
A. I did not.
Q. In what condition were the troops there at that time?
A. I saw only a portion of them; the portion that I saw I believed belonged to General Sykes's division. They were on the road between the forks of the road and Manassas—what small portion of the troops I saw that belonged to General Porter's corps. It was my impression they were halted there; I saw the arms of some of them stacked.
Q. They had their arms stacked?
A. Yes, sir.
Q. Was not the sound of the artillery of the battle then pending distinctly audible at that point?
A. It was.
Q. And was the sound of the small-arms distinctly audible at that point?
A. In regard to the small-arms I do not remember; but I could hear the artillery very plainly, very distinctly.
Q. Was it continuous, indicating a continued action?
A. It was.
Q. Did or did not General Porter make any inquiry of you at all as to the condition of the forces then engaged in battle?
A. There were inquiries made of me by an officer—one of General Porter's aids-de-camp, I think. I do not think that General Porter said anything to me about it.

Page 58, G. C. M.:

Q. As you have passed over the road and know the distance, will you state within what time General Porter and his command could have reached the battlefield after the delivery of that order?
A. To have reached where I had received the order would have taken him two or three hours, I suppose—that is, to the extreme right of our army.
Q. Within what time would it have required him to reach the right flank of the enemy?
A. I could not state, because I do not know where the right flank of the enemy then was. My impression, though, from what General Porter said, was that the enemy were nearly in his front. I supposed them about a mile from him. That was merely my impression from the conversation I had with General Porter.
Q. Did you or not have another interview with General Porter after that time?
A. I did not. After receiving a written reply to the order I had delivered to General Porter I started on my way back, and I suppose I had got a mile or a mile and a half from where General Porter was when I was overtaken by an orderly, who said General Porter wished to see me. I got part way back when I met an officer, I supposed an aid-de-camp of General Porter, who said that General Porter wished to see me. I went back, and this aid-de-camp told me I better wait a few minutes. I did not see General Porter then.
Q. Had you, or not, seen this officer whom you supposed to be an aid-de-camp during your first interview with General Porter?
A. I had, and had had a conversation with him.
Q. In the presence of General Porter?
A. While General Porter was writing the reply to the order I had delivered to him.
Q. What seemed to be his rank?
A. He was a first lieutenant, I think.
Q. Did he, or not, perform any act or make any remark in the presence of General Porter which induced you to believe that he was an aid-de-camp? If so, state what that remark and what that act was.
A. I do not remember his making any remark to General Porter or General Porter saying anything to him. My impression is that he told me that he was an aid-de-camp. I firmly believed at the time that he was General Porter's aid-de-camp. I did not see any act indicating that, excepting that he was associated with General Porter; he was very close to General Porter at the time I had the conversation with him; within hearing of General Porter if he had listened to it.
Q. Do you, or not, suppose that his statement to you, that he was an aid-de-camp of General Porter, could have been heard by General Porter if he had been listening to your conversation?
A. It could.
Q. Do I not understand you, then, to say that that conversation occurred in fact in the presence of General Porter?
A. In the presence of General Porter; yes, sir.
Q. Were you not charged by that officer with a message to General Pope that a scout had come in reporting that the enemy were retreating through Thoroughfare Gap?
A. I was.
Q. Did you regard that message as given to you seriously or jestingly?
A. Seriously.
Q. How long a time had elapsed from the time of your interview with General Porter until your return to General Porter's encampment?
A. About three-quarters of an hour, I suppose; between that and an hour.
Q. On your return to his encampment, did you or not observe any preparation on the part of his officers or of the troops for an advance upon the enemy?
A. I did not.

* * * * * * * *

Q. What was the dress of this officer whom you supposed to be an aid-de-camp?
A. I do not remember. I do not know whether he had a staff officer's shoulder-straps on or a line officer's. I do not remember now which it was. He was in uniform.

The examination by the judge-advocate here closed.

Examination by the ACCUSED:

Q. How does the witness fix the hour of the day when he left General Pope to bear the order?
A. From the date of the order, which was dated at 4.30 p. m.
Q. Was the road which you took to bear the order from General Pope to General Porter direct or circuitous?
A. My impression is that it was a direct road.
Q. Did you pass through Manassas Junction?
A. I did not; that is, in conveying the order to General Porter, I did not.
Q. Did you go up the railroad toward General Porter?
A. I did not; I met him right on the railroad.
Q. You have stated how you fix the time when you received the order; how do you fix the time of its delivery?
A. By the distance and the rate at which I carried the order.
Q. And so fixing it, you determine the order to have been delivered at 5 o'clock?
A. Not precisely at 5 o'clock; by 5 o'clock.
Q. You mean as early as 5 o'clock?
A. As early as 5 o'clock. It may have been three or four minutes after 5 o'clock.
Q. We understand you to say that you make this judgment as to the time from the distance which you had to pass over and the rate you went?
A. Yes, sir.
Q. When you first started to go back from General Porter to General Pope, did you take the same road back by which you had come to General Porter?
A. I did.

TESTIMONY OF GENERAL GEORGE SYKES.

On the original trial Brig. Gen. George Sykes swore, after saying that he was with the petitioner when an officer brought him the order from General Pope, as follows (G. C. M. record, pages 177, 178):

By JUDGE-ADVOCATE:

Q. Did General Porter make known to you the character of that order?
A. He did not.
Q. Did he read it in your presence?
A. Not that I know of.

* * * * * * * *

Q. How long did you remain with General Porter on that occasion, after the receipt of this order?
A. I continued with him from that time all night.

* * * * * * * *

Q. You had then, as I understand you to say, no knowledge that a positive order had been given by General Pope on that afternoon for General Porter to attack the enemy on their right flank?
A. I had no such knowledge.

The evidence of General Sykes leads directly to the conclusion that the petitioner had no intention or desire to attack or he would have told his division commander then and there.

Look at it in any light, there was no effort then, or at any time afterward on that day, to put Sykes's division into position to support or participate in an assault.

CAPT. GEORGE M. RANDALL'S TESTIMONY.

Capt. George M. Randall, Twenty-third United States Infantry, a Government witness (board record, page 725), testified as follows:

Direct examination:

Q. On the 29th of August, 1862, where were you, and what rank did you hold in the service?
A. Second lieutenant, Fourth Infantry, attached to Sykes's division.
Q. Where were you on that morning?
A. We were at Bristoe Station.
Q. Moved up from there to Manassas Junction?
A. Yes, sir; from Manassas Junction we took position on the Gainesville road beyond Bethlehem church.
Q. When you were at Manassas Junction were there any indications of an action? If so, what were they?
A. Yes, I think so. I heard very distinctly heavy firing; as near as I can recollect, it was about half past 9 or 9 o'clock in the morning.
Q. How long did you continue to hear that?
A. I do not recollect; I heard artillery firing during the day several times, and I think along about 3 or quarter to 4 o'clock in the afternoon I heard it again; quite a brisk firing at that time.
Q. How far did you get upon the Manassas and Gainesville road?
A. I think we moved about three miles, probably four miles, beyond the church.

Q. Did you go up to the front?
A. Very near it; sufficiently far that I could see the opening between our lines and where the rebels were supposed to be; at that time we were in a belt of timber; the head of the column, as near as I can recollect, halted at the edge of it.
Q. What indications were there of an enemy in front of you?
A. I heard several shots exchanged, and also some few shots from the skirmish line.
Q. Anything more?
A. That is all.
Q. Did you see any enemy?
A. I did not.
Q. What did your brigade then do?
A. I think some time in the afternoon we countermarched, probably about two and a half miles, and then halted and bivouacked for the night.

Cross-examination by Mr. BULLITT:

Q. About what time did your company get up into the front?
A. I think about 11 o'clock.
Q. How near to the front were you?
A. I suppose we were three-quarters of a mile from the front; sufficiently near so that we could see the open space.

* * * * * * *

Q. Did you change your position that day at all to the right or left?
A. I think not. I think we moved to the rear.
Q. You have no recollection of being moved back into the woods?
A. I think we halted in the woods.
Q. The only move you made was to march back about two miles?
A. Yes; that is all I recollect.

* * * * * * *

Q. How far back in the woods were you?
A. We went back about two and a half miles or two miles, but the exact point it is impossible for me to mark; we may have moved up here [in the woods] and taken a zigzag.

* * * * * * *

Q. Then you took your position in the woods, and then you subsequently countermarched toward Bethlehem church. Now, I want to know whether you made any other movement after you had passed Bethlehem church and got up toward Dawkin's Branch except first to march to the point where you first halted; then you got into the woods, and afterward countermarched about two miles back to Bethlehem church. Did you make any other movement during that day?
A. No, sir.

* * * * * * *

Q. Will you explain what you mean by countermarching in that particular instance?
A. We marched to the front, and then faced the column about and went to the rear.
Q. Did you countermarch by brigade?
A. By regiments and brigades, as near as I can recollect.
Q. By which; regiments or brigades?
A. By brigades, I think.
Q. You were in the leading brigade as you went forward?
A. I was in the leading brigade, Sykes's division.
Q. When you countermarched and marched to the rear where were the other two brigades of the division?
A. I think they were going to the rear.
Q. You did not pass them?
A. No, sir; I think not.
Q. Did you march in the road going back?
A. Yes, as near as I can recollect.

CHARLES DUFFEE SWORN.

Charles Duffee (page 609, board record), called on behalf of the Government, being duly sworn, testified as follows:

Direct examination by the RECORDER:

Q. Where do you reside?
A. Washington Court House, Ohio.
Q. On the original trial in 1863 of the petitioner here you were called as a witness for the Government, were you not?
A. Yes, sir.
Q. And testified as to the direction you took in delivering a certain order, commonly known as the "4.30 p. m. order?"
A. Yes, sir.
Q. Where were General Pope's headquarters on Friday afternoon, August 29, 1862, about 4 o'clock?
A. He was at the right-hand side of the stone house on the hill.
Q. Do you know what that hill is called?
A. I don't recollect now. I recollect the place very well.
Q. Where were you at the time that Captain Pope received the 4.30 order?
A. I was at General Pope's headquarters, not over three or four rods from his headquarters, in the edge of the woods.
Q. What were you doing there?
A. Awaiting orders.
Q. What then transpired?
A. Captain Pope called for his horse and mine and I fetched them up; Mr. Ruggles, I believe, gave him the order. He was giving him the directions of Porter's headquarters when I came up. I spoke up and told him I knew the road; I had been through there before.
Q. How soon after that did you start?
A. We immediately started. I think I was mounted when he was speaking about the road, if I recollect right.
Q. Have you since been over the route that you took at that time?
A. Yes, sir.
Q. Recently?
A. Last Tuesday.
Q. Under my instructions?
A. Yes, sir.
Q. In this conversation with Mr. Collins, when you pointed out the route on that map, did you not state that the route which you took was an old road, not used by wagons, but wagons could have traveled it?
A. Yes; part of the road was.
Q. I asked you what you said to him.
A. I don't know whether I told him the whole road was so or not.
Q. I only asked you what you told Collins. Did you tell him that it was an old road not used by wagons, but wagons could have traveled over it.
A. Do you mean to say the whole distance?
Q. I ask you what you said to him.
A. I didn't tell him the whole road; a part of the road.
Q. You told him a part of the road?
A. Yes, sir.
Q. Did you tell him that neither Captain Pope nor any other officer went with you, but that five or seven men went with you?
A. I did. I didn't want him to know that Captain Pope was with me. I didn't care much about answering his questions. I was not under oath.
Q. You were not under oath, and therefore you did not feel bound to tell him the truth?
A. That is it exactly. I found out when he got to that point what he wanted, and I evaded the question.
Q. You did tell him Captain Pope was not with you?
A. I did, as soon as I mistrusted what his object was.
Q. Did you tell him that you were ordered to leave three of the men with you at General Porter's if there were five, or four if there were seven, with you?
A. I don't recollect about the number.
Q. Do you recollect telling him that you were ordered to leave any men with General Porter?
A. I told him that was the direction; I don't know whether I told him I was so directed.
Q. Do you recollect saying to him that you traveled slowly, for both you and your horse were worn out, and, besides, that you did not know but you might run into the enemy at any time?
A. Not going; coming back.
Q. I ask you what you said to him. Did you tell him that you traveled slowly, for both you and your horse were worn out?
A. I told him we traveled slowly coming back.
Q. Did you use the words, "We traveled slowly, for both I and my horse were worn out?"
A. Coming back.
Q. Did you say coming back?
A. Yes; I did.
Q. And did you say to him, "and, besides, I did not know but what we might run into the enemy at any time?"
A. Yes; coming back.
Q. You said coming back?
A. Yes; that was the only time I suggested running into the enemy, coming back?
Q. Did you say, "I walked my horse a good deal of the way; after I got on the main road at 'E,' I soon found it full of General Porter's troops, and they prevented my getting along very fast?"
A. I supposed it was Porter's troops. [Witness looks at the map.] This is too far down. I did not see any "E" on the map when I was talking to him.
Q. You did not say to him, "After getting on the main road at 'E' I soon found it full of General Porter's troops?"
A. Not at "E." I supposed them to be Porter's troops; but it was farther up this way; not as far down as that was.
Q. It was nearer to the railroad than the letter E on the Collins map?
A. Yes, sir.
Q. Did you tell him it was about 6 p. m. when you delivered to General Porter the order?
A. No, sir. He wanted me to say so, but I wouldn't do it. Then he wanted me to say it was half past 6, and I wouldn't do it.
Q. You did not want to deceive him, then?
A. I had an object in not letting him know about Captain Pope. I didn't want to be summoned.
Q. Your object in not telling him that Pope was with you was in order not to be summoned here?
A. No; I didn't want to be summoned.
Q. That was the reason you deceived him in reference to Captain Pope being with you?
A. That was one reason.
Q. You did not say that it was not earlier than that, but may have been a little later?
A. How is that? Earlier than what?
Q. "I think it was about 6 p. m. when I delivered the order to General Porter. It was not earlier than that, and may have been a little later."
A. No, sir; I did not say that, because I knew it was not so. I knew it did not take me any hour and a half to ride four and a half or five miles.

* * * * * * *

By the RECORDER:

Q. Who commanded the battalion of your regiment at the headquarters of General Pope?
A. I don't know as I can tell. I was not with the company much; I was at headquarters all the time; but I think Captain Jones, who was a lieutenant at that time.
Q. Who was the lieutenant-colonel of your regiment?
A. T. C. H. Smith, who was then at Pope's headquarters, and I believe Menken had command of a squadron, but I don't recollect whether it was so or not.
Q. Where did you first see this map called the "Collins map?"
A. I do not know. I saw one map at Columbus. Whether that is the same one or not I do not know. I have no marks by which I can tell.
Q. Who had it there?
A. Francis Collins.
Q. Have you seen him since that time?
A. I saw him here in the court-room; met him at the door on Friday.
Q. Did you make these marks on that map? [Red marks.]
A. No, sir.
Q. Are you familiar with maps of that kind?
A. No, sir.
Q. What is your occupation?
A. I am now in the grocery business; my regular business is boots and shoes.
Q. Were you acquainted with Mr. Collins before this interview that you had with him in Columbus?
A. I saw him once before that, but I was never acquainted with him.
Q. Was that the first interview that you ever had with him in reference to this case?
A. I had another interview with him, but he did not tell me at that first interview what his object was, only that he wanted to see me.
Q. How long ago is that?
A. I do not know as I can recollect just what year it was in. It was about eighteen months or maybe two years after the first trial.
Q. What was the occasion of your going to Columbus from your home at Washington Court House?
A. Do you mean the second time?
Q. Yes.
A. I received a letter from Mr. Collins requesting me to come to Columbus; that he wanted a private interview with me. He stated it would be at his expense if I came. I did not know what he wanted. I supposed it was the Porter case, and I dropped him a few lines and told him if he would send me $10 I would go, and gave him reference in Columbus that I would perform my part of the contract. In a few days the $10 came, and I went.
Q. What did Mr. Collins say he wanted with you?
A. He told me when I first went into his office that it was in regard to the Porter trial. We talked a few minutes, and he then invited me over to his house.
Q. What did he ask you?
A. It was in regard to the time when we left General Pope's headquarters with that 4.30 order, the road that we traveled, and the time that we got there.

Q. Go on and describe, as near as you can, what questions he asked you.
A. He asked me the road, asked me the point where General Porter's headquarter's were, and what time I thought it took me to travel the distance, what time I started, and the time I got there. Says he, "Can you recollect whether it was as late as half past 6?" I told him no. Then he wanted to know if it was as late as 6. I told him it was not.

WILLIAM B. LORD TESTIFIES.

William B. Lord testifies as follows (board record, marginal page 969):

Q. Will you state substantially what that interview was and what General Porter said?
A. I had been directed by the judge-advocate of the court to proceed to the rooms of General Porter, and to look for some telegrams that had been introduced in evidence that day and that had been mislaid in some way. While there looking over some papers General Porter made the remark, "I was not loyal to Pope; there is no denying that."
Q. Do you recall anything else that he said in that connection?
A. I can not say that I do, and I doubt if I should recall that now but for the peculiarity of the circumstance, and the fact that I made a record of it myself a few days afterward; otherwise I think likely I should have forgotten it.
Q. That was during the progress of his trial before a general court-martial?
A. It was.
The PRESIDENT OF THE BOARD. The decision is that the letter is admissible for the purpose stated by counsel, namely, not to prove the fact, but to test the credibility of the witness.

By the RECORDER:

Q. You have stated in your cross-examination that the feelings which had actuated you you expressed at the time you wrote that letter to your wife. It was not called for by the counsel for the petitioner; I will call for it. Please let me know what you stated on the subject, if you have that letter here.
A. [Witness produces a book.] Shall I read?
Q. Just that part and no more.
The witness read as follows:
"I have been a little bothered about General Fitz-John Porter. I had to go to his room on Monday to get some papers that belonged to the court that he had had to copy. One of the reporters of the New York Times was along with me. While in the room, after some conversation, General Porter made the remark, 'Well, I wasn't loyal to Pope; there is no denying that.' Now, that is really the charge against him before the court-martial—that he did not do his duty as an officer before the enemy, and that he did not act rightly toward General Pope, his commanding officer. General Porter said what he did in the privacy of his own room, without thinking of the effect of his words. After thinking it over I have concluded it better not to say anything about it now, though I would not promise as much for that newspaper correspondent."
Q. That is your letter-press copy of your letter to your wife?
A. It is.
Q. Do you retain usually letter-press copies of your letters to your wife?
A. All of my correspondence.
Q. Do you know whether or not some one may not have heard the same language at some other time or an affidavit made on the subject and communicated to Senator Chandler?
A. I know nothing about that.

WATERMAN L. ORMSBY CALLED.

Waterman L. Ormsby (board record, page 638), called by the recorder, being duly sworn, was examined, and testified as follows:

Direct examination:

Q. Where do you reside?
A. Two hundred and forty-seven Putnam avenue, Brooklyn.
Q. Do you know the petitioner?
A. By reputation.
Q. I mean do you know him when you see him?
A. I should not have known him to-day if he had not been pointed out to me.
Q. Do you recollect having seen him at any time during the month of December, 1862?
A. I do.
Q. Where was it?
A. In his room in the city of Washington, at his residence.
Q. About what time in the month was it?
A. I can't recollect.
Q. In reference to the beginning or end of the month?
A. I have no recollection.
Q. At the time you saw him there were you accompanied by anybody? If so, by whom?
A. By Mr. Lord, the official stenographer of the court-martial.
Q. What is his first name?
A. I think William Blair Lord is his name.
Q. Do you recall the purpose for which you went to General Porter's room?
A. Yes.
Q. Please state it.
A. I went in company with Mr. Lord for the purpose of procuring some documents which had been offered in evidence that day and which Mr. Lord desired for the official record, and which I desired to be used in my report for the New York Times, which I then represented.
Q. At that time do I understand that General Porter's trial was in progress?
A. It was then in progress.
Q. Do you recollect the conversation?
A. Only a small part of it.
Q. Do you recollect any remarks made by General Porter?
A. I do. One made a strong impression upon me at the time.
Q. What had it relation to?
A. It had relation to his feeling toward General Pope and General McClellan.
Q. What was the remark which he made?
A. "I wasn't loyal to Pope; I was loyal to McClellan."
Q. What did you at the time understand that the remark had reference to?
Mr. CHOATE. That I object to. His understanding of the matter is unimportant.
The RECORDER. On the contrary, if he knows what the conversation is about.
Mr. CHOATE. He should certainly be permitted to give all the conversation that he recollects, but anything outside of that certainly cannot be drawn from the witness.
The PRESIDENT OF THE BOARD. Perhaps the recorder can change the form of the question so as to elicit the facts without its being subject to objection.
The RECORDER. I will take the ruling of the board upon the question.
Mr. CHOATE. We suppose that it is the board's understanding of anything that General Porter may have been proved to have said and not the witness's understanding.
The PRESIDENT OF THE BOARD. I suggest to the recorder that it might be better to ascertain what transpired to produce an understanding on the part of the witness.
The RECORDER. Then the question is overruled?
The PRESIDENT OF THE BOARD. For the present.
Q. When that remark was made what was the conversation?
A. It would be impossible for me to state another word of that conversation positively. My recollection is that it referred to the testimony which had been given that day and concerning which General Porter seemed to be considerably excited.

EVIDENCE OF GENERAL GRIFFIN.

Then take the evidence of General Griffin. General Griffin commanded one of the brigades of Morell's division. Griffin retired with his brigade to Centreville. He said:

In the evening, a little after dark, there were some very heavy volleys of musketry, the enemy evidently driving our troops right before them. That musketry was to our right and front, I should say two miles; maybe not so far, maybe farther. I should have stated, when I stated that I heard no other firing but artillery, that in marching we had some skirmish firing.
Q. You spoke of having returned from the movement you made to the right in consequence of obstacles that you encountered. What was the character of those obstacles and what efforts did you make to overcome them?
A. I led off my column. We ran up into some little thick pine bushes. We halted there. The next order I got was to move back again. Some one reported that we could not get through. I made no reconnaissance whatever myself.
Q. You say that you had failed to get through to the right during the day of the 29th of August. Will you state what efforts were made by you or by General Porter to get through on the right during that day?
A. I merely obeyed orders.

He does not say that he made any effort, but "I merely obeyed orders."

My position was at the head of my brigade. What efforts General Porter made I am not aware of.

GENERAL MORELL'S TESTIMONY.

General Morell, division commander of Porter, says:

Colonel Marshall reports that two batteries have come down in the woods on our right toward the railroad and two regiments of infantry on the road. If this be so, it will be *hot* here in the morning.
Q. Was that returned with this indorsement of General Porter: "Move the infantry and everything behind the crest and conceal the guns. We must hold that place and make it too hot for them. Come the same game over them that they do over us, and get your men out of sight?"
A. Yes, that was the next one.
Q. When that was received by you, directing you to move your infantry and everything behind the crest and conceal the guns, where were your infantry and the other troops?
A. At that time they were deployed in line, mostly two brigades, along the crest that leads to the descent towards Dawkin's Branch.
Q. It was from there that you were directed to move?
A. From there I was directed to put the men under cover. On this left-hand side of the road as we advanced it was all open ground; on the right-hand side bushes. One of my batteries, supported by a brigade, was on the right-hand side of the road, just on the crest of the ridge; the other battery on this side. When General Porter sent me that order I put them back into the pine bushes; and the other two batteries on this side of the road were on a slight depression; I supposed the ridge in front would conceal them from the enemy. I had three batteries, and one was in position all the time.

General Morell continues, on page 423, board record:

Q. Why is it that on No. 30, the communication from General Porter to yourself, and on those that follow, there is no memorandum of the hour and minute of the receipt?
A. It was always my practice to note the hour of the receipt. Two days previous to that, on the march from Kelly's Ford to the junction, I injured my watch, and then I had to guess at the time.
Q. And you did not put on the guess?
A. I did not put on the guess.
Q. Will you state whether the indorsement of General Porter on No. 31 was received by you as appears upon it?
A. Yes, sir.
Q. Your communication to him is this:
"GENERAL PORTER: I can move everything out of sight except Hazlett's battery. Griffin is supporting it, and is on its right, principally in the pine bushes. The other batteries are retired out of sight. Is this what you mean by everything?
"GEO. W. MORELL, *Major-General.*"
A. Yes, sir.
The indorsement was read, as follows:
"I think you can move Hazlett's, or the most of it, and post him in the bushes with the others, so as to deceive. I would get everything, if possible, in ambuscade. All goes well with the other troops."
The WITNESS. Yes, everything was out of sight except Hazlett's battery. That was exposed all day long.
Q. Then, on the receipt of No. 31 from General Porter, you did not succeed in getting Hazlett's battery under cover?
A. No, I didn't attempt to. I wanted to keep one battery in position. That was in front of the bushes, with a brigade immediately behind it. The other two brigades were massed in the rear of that.
"GENERAL MORELL: Tell me what is passing quickly. If the enemy is coming, hold to him, and I will come up. Post your men to repulse him.
"F. J. PORTER, *Major-General.*"
Q. What next?
A. Then, I think, 35; which is a note from me to General Porter:
"GENERAL PORTER: Colonel Marshall reports a movement in front of his left. I think we had better retire. No infantry in sight, and I am continuing the movement. Stay where you are, to aid me if necessary.
"MORELL."
"Colonel Marshall reports a movement in front of his left. I think we had better retire."

What does Porter say?

"GENERAL MORELL: I have all within reach of you. I wish you to give the enemy a good shelling without wasting ammunition, and push at the same time a party over to see what is going on. We can not retire while McDowell holds his own.
"F. J. P."

I desire in this connection to call the attention of the Senate to the following facts. General Morell, in his testimony, says:

Q. Did the putting of those that were foremost under cover cause any movement of those behind them?

A. I think not. I think those immediately behind Hazlett's battery remained where they were, and the others went to the rear.

* * * * * * *

Q. Will you look at the communication from General Porter to Generals McDowell and King, on that day, which is printed on page 243 of the original record?

"GENERALS MCDOWELL AND KING: I found it impossible to communicate by crossing the woods to Groveton. The enemy are in great force on this road, and as they appear to have driven our forces back, the force of the enemy having advanced and ours retired, I have determined to withdraw to Manassas. I have attempted to communicate with McDowell and Sigel, but my messengers have run into the enemy."

Q. What I want to ask is, whether you had any knowledge of that communication being made that day?

A. I don't remember it.

Q. Did you receive or know of any order indicating a withdrawal to Manassas?

A. No, sir; nothing of the kind.

Q. Or any movement in that direction?

A. Nothing of the kind.

Q. Will you look at a copy of a communication from General Warren to General Sykes, dated 5.45 p. m., August 29, 1862, which has been put in evidence? [Paper shown witness.] In this General Warren uses these words. I will read the whole of it:

"GENERAL SYKES: I received an order from Mr. Cutting to advance to the support of Morell; I faced about and did so. I soon met Griffin's brigade withdrawing, by order of General Morell, who was not pushed out, but retiring. I faced about and marched back two hundred yards or so; I met then an orderly from General Porter to General Morell, saying he must push on and press the enemy; that all was going well for us and he was retiring. Griffin then faced about, and I am following him to support General Morell, as ordered. None of the batteries are closed up to me.

"Respectfully, "G. K. WARREN."

Q. Do you know anything of that allusion to yourself in it?

A. No, sir; I never gave General Griffin any order of that kind.

Q. What kind?

A. That he should retire or retreat. There was no order to leave the front, except to get under cover of those bushes.

Q. State whether during the whole of the 29th you had your whole division in command ready to meet any attack that might be made by the enemy.

A. Yes; I did.

Q. Although they were under cover, as you have described?

A. Within reach, at any rate, of the batteries just at the other side of the road; within a few minutes' call.

Q. Were your advanced regiments and skirmishers in such position in the neighborhood of Dawkin's Branch that if any movement toward attacking you had been made by the enemy you would have known it in time to receive it with the whole of your division?

A. I think so.

Q. Will you state what action you took in obedience to No. 37, which directed you to push up two regiments supported by two others preceded by skirmishers, the regiments at intervals of two hundred yards, and attack the section of artillery opposed to you—what you did with the four regiments indicated, and what you did with the rest of your division in connection with what you did or what you ordered?

* * * * * * *

A. When I received that order—the latter part says "the battle works well on our right"—

* * * * * * * *

"the battle works well on our right; the enemy said to be retiring up the pike"—I said immediately to the person who brought it that the order was given under a misapprehension. We knew the enemy were not retiring; and I believe I sent that message to General Porter. I immediately gave orders to move the whole of my division to the front to be in readiness to support the four regiments. While that was going on I received a verbal order from Colonel Locke to make an attack. When I received this order it was quite late in the afternoon, just before sunset; the sun was almost touching the tops of the trees. And soon after that an order in writing, which is No. 38, "to put the men in position and remain during the night."

General Morell's attention was here called to Colonel Locke's statement on court-martial trial, and then this follows:

"He (that is, the messenger from General Pope) handed the general a note, which I afterward ascertained was an order for him to attack the enemy at once. He very soon afterward ordered me to ride up to General Morell and direct him to move forward and attack the enemy immediately, and to say that he would be up himself right after me."

Then on page 223:

"Toward the close of the day, when I was sent by General Porter to General Morell with the order for him to move forward his division and attack the enemy, on my way up to General Morell I passed Colonel (now General) Warren."

Is that, as you now understand it, the verbal order which General Locke finally brought to you to attack after you had received and were proceeding to execute No. 37?

A. I think now that it is, from conversations that I had had with Major Earle. At the time I knew nothing about this 4.30 order.

Q. You merely received this written and verbal order directing an attack in succession?

A. Yes; and when Colonel Locke came to me with that order I was engaged in getting my men up to the front, and I supposed it was rather supplementary to the written order, and perhaps to expedite the movement. After this investigation was begun I tried very hard to recollect who brought me that written order to attack with four regiments, and until I conversed with Major Earle and saw the letter of his I could not fix it. But upon talking with him I am very well satisfied now that he did bring the order, and that Colonel Locke's order referred to the 4.30 p. m. order.

Q. Colonel Locke's order that he describes as being for you to attack with your division?

A. As Colonel Locke states in his testimony, on page 223. I can not speak positively, but, from conversation with Major Earle and my recollection, I have no doubt that it is so.

There is the evidence of his own staff officer showing that he saw him receive the order, and that he immediately sent an order to Morell to attack, and so soon as he gave the order for Morell to attack then he dispatched a written order to Morell directing him not to attack, but to remain in *statu quo* all night.

Dispatches that passed between Porter and General Morell on the 29th of August, 1862, while Morell occupied the position mentioned by him in his testimony, and while Porter was two and one-half miles back at Bethlehem chapel:

DISPATCHES BETWEEN PORTER AND MORELL.

AUGUST 29, 1862.

GENERAL MORELL: Push over to the aid of Sigel and strike in his rear. If you reach a road up which King is moving and he has got ahead of you, let him pass, but see if you can not give help to Sigel. If you find him retiring, move back toward Manassas, and should necessity require it, and you do not hear from me, push to Centreville. If you find the direct road filled, take the one via Union Mills, which is to the right as you return.

F. J. PORTER, *Major-General.*

Look to the points of the compass for Manassas.

GENERAL MORELL: Hold on, if you can, to your present place. What is passing?

F. J. PORTER.

GENERAL: Colonel Marshall reports that two batteries have come down in the woods on our right toward the railroad and two regiments of infantry on the road. If this be so, it will be *hot* here in the morning.

GEO. W. MORELL, *Major-General.*

Indorsed as follows:

Move the infantry and everything behind the crest and conceal the guns. We must hold that place and make it too hot for them. Come the same game over them they do over us, and get your men out of sight.

F. J. PORTER.

GENERAL PORTER: I can move everything out of sight except Hazlett's battery. Griffin is supporting it, and is on its right, principally in the pine bushes. The other batteries and brigades are retired out of sight. Is this what you mean by everything?

GEO. W. MORELL, *Major-General.*

Indorsed as follows:

GENERAL MORELL: I think you can move Hazlett's, or the most of it, and post him in the bushes with the others, so as to deceive. I would get everything if possible in ambuscade. All goes well with the other troops.

F. J. P.

GENERAL MORELL: Tell me what is passing quickly. If the enemy is coming, hold to him, and I will come up. Post your men to repulse him.

F. J. PORTER, *Major-General.*

GENERAL PORTER: Colonel Marshall reports a movement in front of his left. I think we had better retire. No infantry in sight, and I am continuing the movement. Stay where you are, to aid me if necessary.

MORELL.

GENERAL MORELL: I have all within reach of you. I wish you to give the enemy a good shelling without wasting ammunition, and push at the same time a party over to see what is going on. We can not retire while McDowell holds his own.

F. J. P.

AUGUST 29.

GENERAL MORELL: I wish you to push up two regiments supported by two others, preceded by skirmishers, the regiments at intervals of two hundred yards, and attack the section of artillery opposed to you. The battle works well on our right, and the enemy are said to be retiring up the pike. Give the enemy a good shelling as our troops advance.

F. J. PORTER,
Major-General Commanding.

GENERAL MORELL: Put your men in position to remain during the night and have out your pickets. Put them so that they will be in a position to resist anything. I am about a mile from you. McDowell says all goes well, and we are getting the best of the fight. I wish you would send me a dozen men from the cavalry. Keep me informed. Troops are passing up to Gainesville, pushing the enemy. Ricketts has gone; also King.

F. J. PORTER, *Major-General.*

WARREN'S NOTE TO GENERAL SYKES.

5 h. 45 m. P. M., *Aug.* 29, '62.

GENERAL SYKES: I received an order from Mr. Cutting to advance and support Morell. I faced about and did so. I soon met Griffin's brigade, withdrawing, by order of General Morell, who was not pushed out, but returning. I faced about and marched back two hundred yards or so. I met then an orderly from General Porter to General Morell, saying he must push on and press the enemy; that all was going well for us, and he was returning. Griffin then faced about; and I am following him to support General Morell, as ordered. None of the batteries are closed up to me.

Respectfully, G. K. WARREN.

It was denied that General Sturgis was under Porter's orders; here is the evidence:

GENERAL STURGIS: Please put your command in motion to follow Sykes as soon as he starts. If you know of any other troops who are to join me, I wish you to send them notice to follow you.

We march as soon as we can see.

F. J. PORTER, *Major-General.*

PORTER'S DISPATCHES TO M'DOWELL AND KING.

General MCDOWELL or KING:

I have been wandering over the woods, and failed to get a communication to you. Tell how matters go with you. The enemy is in strong force in front of me, and I wish to know your design for to-night. If left to me, I shall have to retire for food and water, which I can not get here. How goes the battle? It seems to go to our rear. The enemy are getting to our left.

F. J. PORTER,
Major-General Volunteers.

GENERAL MCDOWELL: Failed in getting Morell over to you. After wandering about the woods for a time I withdrew him, and while doing so artillery opened upon us. The fire of the enemy having advanced and ours retired, I have determined to withdraw to Manassas. I have attempted to communicate with McDowell and Sigel, but my messengers have run into the enemy. They have gathered artillery and cavalry and infantry, and the advancing masses of dust show the enemy coming in force. I am now going to the head of the column to see what is passing and how affairs are going, and I will communicate with you. Had you not better send your train back?

F. J. PORTER, *Major-General.*

AUGUST 29, 1862.

GENERALS MCDOWELL AND KING: I found it impossible to communicate by crossing the woods to Groveton. The enemy are in strong force on this road, and as they appear to have driven our forces back, the firing of the enemy having advanced and ours retired, I have determined to withdraw to Manassas. I have attempted to communicate with McDowell and Sigel, but my messengers have run into the enemy. They have gathered artillery and cavalry and infantry, and the advancing masses of dust show the enemy coming in force.

I am now going to the head of the column to see what is passing and how affairs are going. Had you not better send your train back? I will communicate with you.

F. J. PORTER, *Major-General.*

I desire to call attention to the fact that none of the communications to Morell, McDowell, and King, or any other officer, by Porter, has the time of sending or receiving the same marked on that day—a very unusual and unmilitary proceeding.

DISPATCH OF GENERAL BUFORD TO GENERAL RICKETTS

HEADQUARTERS CAVALRY BRIGADE—9.30 a. m.

GENERAL RICKETTS: Seventeen regiments, one battery, and five hundred cavalry passed through Gainesville three-quarters of an hour ago on the Centreville road. I think this division should join our forces now engaged at once. Please forward this.

JOHN BUFORD, *Brigadier-General.*

The bill was reported to the Senate as amended, and the amendment made as in Committee of the Whole was concurred in.

Mr. MILLER, of California. Before voting on this bill I should like to have it read.

The PRESIDING OFFICER. The bill as amended will be read.

The Chief Clerk read as follows:

That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Fitz-John Porter, late a major-general of the United States volunteers and a brevet brigadier-general and colonel of the Army, to the position of colonel in the Army of the United States, of the same grade and rank held by him at the time of his dismissal from the Army by sentence of court-martial promulgated January 27, 1863, and, in his discretion, to place him on the retired-list of the Army as of that grade, the retired-list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That said Fitz-John Porter shall receive no pay, compensation, or allowance whatsoever prior to his appointment under this act.

Mr. MILLER, of California. Mr. President, I move to amend by striking out the words "in his discretion," in the twelfth line.

Mr. EDMUNDS. That is not in order now. That is to amend an amendment which has been agreed to.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Clerk informs the Chair that these words are in the original bill and are not in the amendment as agreed to by the Senate.

Mr. MILLER, of California. Are they not in the bill as it stands?

The PRESIDING OFFICER. They are not in the bill as it stands now, the Chair is informed.

Mr. CONGER. Mr. President——

The PRESIDING OFFICER. The Clerk now informs the Chair that the words mentioned by the Senator from California are in the amendment adopted by the Senate, but as the amendment has been agreed to it is not now open to amendment.

Mr. SEWELL. Let the Secretary read the bill again. The bill as reported by the committee is the exact bill of last year *verbatim.*

The PRESIDING OFFICER. Does the Senator desire to have the bill read again?

Mr. SEWELL. Not unless there is doubt about it.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment, the question is on ordering the amendment to be engrossed and the bill to be read the third time.

Mr. CONGER. Mr. President, I move, in the twelfth and thirteenth lines, to strike out the words "on the" and insert "a," and in the thirteenth line to strike out the word "the" and insert "an additional."

Mr. EDMUNDS. The amendment adopted as a substitute has been agreed to, and therefore it can not now be amended except by addition.

The PRESIDING OFFICER. Is a point of order made against the amendment?

Mr. CONGER. It now reads "and place him on the retired-list of the Army as of that grade." My proposition is "an additional retired-list being hereby provided for that purpose."

Mr. SEWELL. I make the point of order that the amendment can not be amended now, it having been adopted by the Senate.

The PRESIDING OFFICER. The Chair holds that the amendment reported by the Committee of the Whole to the Senate as a substitute having been adopted by the Senate is not now the subject of amendment.

Mr. EDMUNDS. Except by addition.

The PRESIDING OFFICER. Except by addition.

Mr. CONGER. The object of my amendment was that we might not bring disgrace upon the honorable retired-list of the Army, but make a separate one for this class of cases.

Mr. RIDDLEBERGER. Mr. President, if I knew nothing more about this matter than what I have heard on this floor, I should possibly feel with the Senator from Michigan [Mr. CONGER].

I do not deem it necessary to make any apology for the vote I shall cast. I was one of those who participated in what is known in one section of this country as the second battle of Manassas. I went through it all. I do know that on what is called in the history of the war and best known as "the railroad fight," the troops of Fitz-John Porter were on one side of that railroad and the troops of him whom we yet call Stonewall Jackson were on the other. I do know that in that fight there were times when less than ten paces marked the distance between the banners of one army and the banners of the other. I do know, sir, that men who were shot on one side of that railroad rolled down its banks on that side, and men who were shot on the other side rolled down its banks on that. I do know, sir, as I say, that Fitz-John Porter's troops fought on one side and Stonewall Jackson's on the other. That battle was after this so-called disobedience of orders; and whatever may have been the disobedience, if you choose so to call it, of Fitz-John Porter on the 29th, it seems to me that every man who feels that he ought to do justice to him will estimate his patriotism and fidelity by what he did on the 30th. It was Butterfield's division that confronted ours in that contest, and Butterfield's division was in Fitz-John Porter's corps. There could have been no treason in the heart of a man who commanded at that time the Federal troops against the then confederate troops.

I say, therefore, that in my judgment Fitz-John Porter ought to be restored. If he disobeyed an order and simply disobeyed it in the exercise of what he thought was a proper discretion, God knows he has suffered enough. I can recall an instance almost similar to it when General Jackson told Garnett that he must go to the rear of his command and suffer under arrest at Harrisonburg for withdrawing the Second Infantry from the stone fence at Kernstown, but yet within a year Garnett was restored, and he attested his fidelity to what he believed to be right by the sacrifice of his life at the battle of Antietam.

I hope, sir, that when we restore Fitz-John Porter we shall restore him wholly, and that we shall do to him that justice which in my judgment belongs to him and ought to have been done for him some years ago.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question now is on the passage of the bill.

Mr. EDMUNDS. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I am paired on this matter with the Senator from Maine [Mr HALE], who is necessarily absent. If he were present, I would vote "yea" and he would vote "nay."

Mr. BOWEN (when his name was called). I am paired with the Senator from Florida [Mr. JONES]. I should vote "nay" if he were here and he would vote "yea."

Mr. BUTLER (when his name was called). I am paired generally with the Senator from Pennsylvania [Mr. CAMERON]. I understand he is in favor of this bill, and I shall therefore vote, and will announce while I am up that I understand the Senator from Pennsylvania is paired with the Senator from Rhode Island [Mr. ANTHONY] on this question.

Mr. CAMERON, of Wisconsin (when his name was called). Upon this question and on all questions connected with this bill I am paired with the Senator from Mississippi [Mr. GEORGE]. If I were not paired with him, I should vote "nay."

Mr. MILLER, of New York (when his name was called). On this question I am paired with the Senator from West Virginia [Mr. CAMDEN]. If he were here, he would vote "yea" and I should vote "nay."

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Missouri [Mr. VEST]. If he were present, I should vote "nay."

Mr. SAWYER (when his name was called). I am paired on this question with the Senator from West Virginia [Mr. KENNA]. If he were here, I should vote "nay" and he would vote "yea."

The roll-call was concluded.

Mr. BOWEN. The Senator from Florida [Mr. JONES] having returned, I vote "nay."

The result was announced—yeas 36, nays 25; as follows:

YEAS—36.

Bayard,	Garland,	Jones of Florida,	Riddleberger,
Brown,	Gibson,	Jones of Nevada,	Sabin,
Butler,	Gorman,	Lamar,	Saulsbury,
Call,	Groome,	McPherson,	Sewell,
Cockrell,	Hampton,	Maxey,	Slater,
Coke,	Harris,	Morgan,	Vance,
Colquitt,	Hoar,	Pendleton,	Voorhees,
Fair,	Jackson,	Pike,	Walker,
Farley,	Jonas,	Pugh,	Williams.

NAYS—25.

Aldrich,	Dolph,	Logan,	Platt,
Allison,	Edmunds,	McMillan,	Sherman,
Blair,	Frye,	Manderson,	Van Wyck,
Bowen,	Harrison,	Miller of Cal.,	Wilson.
Conger,	Hawley,	Mitchell,	
Cullom,	Hill,	Morrill,	
Dawes,	Ingalls,	Palmer,	

ABSENT—15.

Anthony,	Cameron of Wis.,	Lapham,	Ransom,
Beck,	George,	Mahone,	Sawyer,
Camden,	Hale,	Miller of N. Y.,	Vest.
Cameron of Pa.,	Kenna,	Plumb,	

So the bill was passed.

Mr. HAWLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

The PRESIDING OFFICER. The doors will be closed and the galleries cleared.

BILLS INTRODUCED.

Mr. JACKSON. While the doors are being closed I desire leave to introduce a bill.

The PRESIDING OFFICER. If there be no objection the Chair will receive the bill.

Mr. JACKSON introduced a bill (S. 1839) for the erection of a public building at Chattanooga, Tenn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL introduced a bill (S. 1840) granting a pension to S. A. Riggs; which was read twice by its title, and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

Mr. HOAR. While the doors are being closed I ask leave to present a petition.

The PRESIDING OFFICER. The Chair will receive it, unless objection be made.

Mr. HOAR presented the petition of John Fletcher, stepfather of Michael Fletcher, late private Company I, Twenty-second Regiment Massachusetts Volunteers, praying to be granted a pension; which was referred to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

On motion of Mr. HAMPTON, it was

Ordered, That the pension papers relating to Tenedore Ten Eyck be withdrawn from the files of the Senate to be returned to the Pension Bureau.

On motion of Mr. HARRIS, it was

Ordered, That the attorney for Perez Dickerson be permitted to withdraw the papers in his case from the files of the Senate.

FITZ-JOHN PORTER.

The PRESIDING OFFICER. The Chair, while having the Fitz-John Porter bill in hand, knew nothing about the preamble, and no question was put about the preamble. The bill contains a preamble on which the question has not yet been put.

Mr. CONGER. Then of course the bill is not disposed of. Let it come up in regular session where it belongs. Neither the preamble nor the title has been acted on.

Mr. SEWELL. I move that the doors be opened for the purpose of acting on the preamble.

Mr. CONGER. I should like to have that come before the Senate another day. I think the notoriety given will be useful to the country.

The PRESIDING OFFICER. The Senator from New Jersey moves that the doors be now opened.

Mr. MILLER, of New York. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from New York moves that the Senate do now adjourn.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 37; as follows:

YEAS—19.

Allison,	Cullom,	Ingalls,	Morrill,
Blair,	Dawes.	McMillan,	Platt,
Bowen,	Edmunds,	Miller of Cal.,	Plumb,
Cameron of Wis.,	Frye,	Miller of N. Y.,	Van Wyck.
Conger,	Hill,	Mitchell,	

NAYS—37.

Bayard,	Garland,	Jonas,	Sabin,
Beck,	Gibson,	Lamar,	Saulsbury,
Brown,	Gorman,	McPherson,	Sewell,
Butler,	Groome,	Manderson,	Sherman.
Call,	Hampton,	Maxey,	Vance,
Cockrell,	Harris,	Morgan,	Voorhees,
Coke,	Harrison,	Pendleton,	Williams.
Colquitt,	Hawley,	Pike,	
Fair,	Hoar,	Pugh,	
Farley,	Jackson,	Riddleberger,	

ABSENT—20.

Aldrich,	George,	Lapham,	Sawyer,
Anthony,	Hale,	Logan,	Slater,
Camden,	Jones of Florida,	Mahone,	Vest,
Cameron of Pa.,	Jones of Nevada,	Palmer,	Walker,
Dolph,	Kenna,	Ransom,	Wilson.

So the Senate refused to adjourn.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. SEWELL] moves that the preamble be agreed to.

Mr. EDMUNDS. What has become of the order of the Senate to proceed to the consideration of executive business?

The PRESIDING OFFICER. It has not yet been reported to the Chair that the doors were closed.

Mr. INGALLS. The Senate ordered the doors to be closed.

Mr. EDMUNDS. The Senate agreed that it would proceed to the consideration of executive business. Every door is closed. That was the order. True some routine business was received before the order was executed; but before a motion to open the doors can be made the order must be executed.

The PRESIDING OFFICER. The motion to open the doors has not been considered and is not being entertained by the Chair. The motion to adjourn of course the Chair was compelled to entertain. The doorkeeper has not yet notified the Chair that the doors are closed.

Mr. EDMUNDS. The Chair can entertain no motion and lay no business before the Senate until the order to close the doors is executed.

Mr. SEWELL. I move that the doors be declared open.

Mr. EDMUNDS. You can not make such a motion now until the order is executed.

The PRESIDING OFFICER. It has been usual to receive business while the doors are being closed. The Chair now directs the full execution of the order.

The Senate proceeded to the consideration of executive business, and after two minutes spent therein the doors were reopened.

The PRESIDING OFFICER. The doors are now open.

Mr. CONGER. I do not see the doors open.

The PRESIDING OEFICER. The Chair is informed that they are open.

Mr. EDMUNDS. Let the preamble of the pending bill be read.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. SEWELL] moves that the preamble be agreed to and the Senator from Vermont [Mr. EDMUNDS] asks that the preamble be read.

Mr. CONGER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Michigan will state his point of order.

Mr. CONGER. At the point where we are now with this bill again brought to the consideration of the Senate what is our condition? The galleries were crowded with people when it was under consideration before, the reporters were here, the public were present before the Senate; but just at the time when you were approaching the most objectionable part of it, and as to the disposition of which the public desired to be informed, and which some Senators desired to speak upon in the presence of that public, there was a motion to go into executive session, and the American people were put ignominiously out of this Chamber lest they should hear what should be said on this subject.

The reporters are here now. The reporters will take down and make statement of this fact that the doors were closed and the public driven from this Hall before the consideration of the preamble was entered upon.

The PRESIDING OFFICER. Will the Senator from Michigan state his point of order? [Laughter.]

Mr. CONGER. My point of order is that the doors leading into these galleries are not yet opened and were not opened when I commenced my remarks, not one of them.

The PRESIDING OFFICER. The doors are all open.

Mr. HARRIS. The galleries are filling up.

Mr. CONGER. I have at least detained the Senate long enough to have the doors opened.

The PRESIDING OFFICER. The preamble will be read.

The Chief Clerk read as follows:

Whereas the board of Army officers convened by the President of the United States by special orders numbered 78, headquarters of the Army, April 12, 1878, to examine into and report upon the case of Fitz-John Porter, late a major-general of the United States volunteers and a brevet brigadier-general and colonel of the Army, having by their report of March 19, 1879, stated that, in their opinion, "justice required at his (the President's) hands such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Maj. Gen. Fitz-John Porter, and to restore him to the positions of which the sentence deprived him, such restoration to take effect from the date of dismissal from the service;" and

Whereas the President, on the 4th day of May, 1882, remitted so much of the sentence of said court-martial remaining unexecuted as "forever disqualified the said Fitz-John Porter from holding any office of trust or profit under the Government of the United States:" Therefore, that justice may be done the said Fitz-John Porter, and to carry into effect the recommendation of said board—,

The PRESIDING OFFICER. The question is on agreeing to the preamble.

Mr. SEWELL. This preamble is the preamble passed by the Senate last year.

Mr. CONGER called for the yeas and nays, and they were ordered.

Mr. HAWLEY. I suppose there is no use in making any appeal, but I should be very glad if the majority would excuse us from the preamble, confine the bill to reappointing General Porter, and not compel us to vote to annul the judgment of a court-martial, as lawful a court as the Supreme Court of the United States. That is all my speech.

Mr. CONGER. I desire to say that this preamble was prepared for another bill and makes recitations which are not at all applicable to the bill which has been passed as amended. Now, sir, it is disgrace enough to have been a member of the body which passed the bill, if that be any disgrace, or honor enough if that be any honor; but to be compelled to see adopted a preamble of this kind should not be imposed on gentlemen who desire to be excused from the responsibility of passing the bill or adopting the preamble.

The PRESIDING OFFICER. The yeas and nays have been ordered on the adoption of the preamble.

The Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I am paired with the Senator from Maine [Mr. HALE].

Mr. CAMERON, of Wisconsin (when his name was called). I was paired with the Senator from West Virginia [Mr. KENNA], but I have transferred that pair to the Senator from Illinois [Mr. LOGAN], who is absent from the Chamber for the time, and I vote "nay."

Mr. FARLEY. The Senator from Illinois is paired.

Mr. VANCE. The Senator from Illinois is paired with my colleague [Mr. RANSOM].

Mr. CAMERON, of Wisconsin. I transfer my pair anyhow.

Mr. LAMAR (when Mr. GEORGE'S name was called). On this question the Senator from Wisconsin [Mr. CAMERON] is paired with my colleague [Mr. GEORGE].

Mr. HILL (when his name was called). I am paired on this question with the Senator from Arkansas [Mr. WALKER].

Mr. MILLER, of New York, (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. I should like to transfer my pair to some other Republican that is absent, as I desire very much to vote against the preamble.

Mr. VANCE (when Mr. RANSOM'S name was called). I desire to say, in justice to my colleague [Mr. RANSOM], that I understand he had a general pair with the Senator from Illinois [Mr. LOGAN], and that impression was confirmed by the Senator from Illinois himself; but whether there was any exception of this case I am not able to say.

The roll-call was concluded.

Mr. MILLER, of New York. Has the Senator from Rhode Island [Mr. ALDRICH] voted or has a pair been announced for him?

The PRESIDING OFFICER. The Chair is informed that he did not vote and no pair has been announced for him.

Mr. MILLER, of New York. I take the liberty, then, of transferring my pair with the Senator from West Virginia [Mr. CAMDEN] to the Senator from Rhode Island [Mr. ALDRICH], and I vote "nay."

Mr. CAMERON, of Wisconsin. My colleague [Mr. SAWYER] and I have got into some confusion about our pairs. He is paired with the Senator from West Virginia [Mr. KENNA]. I was originally paired with the Senator from Mississippi [Mr. GEORGE]. I have transferred that pair to the Senator from Illinois [Mr. LOGAN], so that the Senator from Illinois and the Senator from Mississippi are paired on this vote.

Mr. DOLPH (after having voted in the negative). My colleague [Mr. SLATER] was absent when I voted. I am paired with him on all political questions. As the other side of the House are voting as an entirety for the preamble, I withdraw my vote.

The result was announced—yeas 33, nays 22; as follows:

YEAS—33.

Bayard,	Garland,	Jones of Florida,	Sabin,
Brown,	Gibson,	Lamar,	Saulsbury,
Butler,	Gorman,	McPherson,	Sewell,
Call,	Groome,	Maxey,	Vance,
Cockrell,	Hampton,	Morgan,	Voorhees,
Coke,	Harris,	Pendleton,	Williams.
Colquitt,	Hoar,	Pike,	
Fair,	Jackson,	Pugh,	
Farley,	Jonas,	Riddleberger,	

NAYS—22.

Allison,	Dawes,	Ingalls,	Palmer,
Blair,	Dolph,	McMillan,	Platt,
Bowen,	Edmunds,	Manderson,	Van Wyck,
Cameron of Wis.,	Frye,	Miller of Cal.,	Wilson.
Conger,	Harrison,	Miller of N. Y.,	
Cullom,	Hawley,	Morrill,	

ABSENT—21.

Aldrich,	Hale,	Mahone,	Slater,
Anthony,	Hill,	Mitchell,	Vest,
Beck,	Jones of Nevada,	Plumb,	Walker.
Camden,	Kenna,	Ransom,	
Cameron of Pa.,	Lapham,	Sawyer,	
George,	Logan,	Sherman,	

So the preamble was agreed to.

The PRESIDING OFFICER. The title will stand as reported, unless objection be made.

Mr. SEWELL. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 13, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

PRIVATE LAND CLAIM—FREDERICK WILLIAMS.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting the report of the Acting Commissioner of the General Land Office upon the private land claim of the representatives of Frederick Williams, of Natchitoches, La., with the accompanying papers; which was referred to the Committee on Private Land Claims.

CONTINGENT EXPENSES GENERAL LAND OFFICE.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, asking an immediate appropriation of $20,000 to supply deficiencies in the appropriations for the contingent expenses of the Land Office for the fiscal year 1884; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. PEELLE, of Indiana, for one week, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers was granted in the following cases:

To Mr. ROGERS, of Arkansas, papers relating to the claim of Watt. Grayson, a Creek Indian, for depredations upon his property in the Indian country, there being no adverse report; and

To Mr. RAYMOND, to withdraw from the files of the House papers accompanying House bill 1690.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. KLEINER to print some remarks and statistics on the bill to pension soldiers of the Mexican war. [See Appendix.]

CORRECTION OF A REFERENCE.

The SPEAKER. The Chair wishes to correct a reference of a memorial made on the 11th instant, for relief in connection with the floods in the Arkansas River, presented by the gentleman from Arkansas [Mr. BRECKINRIDGE]. This was improperly referred to the Committee on Appropriations. It should have been referred to the Committee on Rivers and Harbors.

If there be no objection, the change of reference will be made.

There was no objection, and it was ordered accordingly.

AUTHORITY OF SUBCOMMITTEES TO ADMINISTER OATHS.

Mr. HAMMOND. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the further consideration of the bill (H. R. 4411) to amend section 101 of the Revised Statutes of the United States so as to allow the chairman of a subcommittee of a committee of either House of Congress to administer oaths and put the same upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read. It is as follows:

Be it enacted, &c., That section 101 of the Revised Statutes of the United States be amended by adding, after the word "Congress," the words "or of any subcommittee of any committee of either House of Congress;" so that the section will read:

SEC. 101. The President of the Senate, the Speaker of the House of Representatives, or a chairman of a Committee of the Whole, or any committee of either House of Congress, or of any subcommittee of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

Mr. HAMMOND. This is the unanimous report of the Committee on the Judiciary.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAMMOND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MANUFACTURE AND SALE OF OLEOMARGARINE, ETC.

Mr. PARKER. Mr. Speaker, I ask unanimous consent to take from the House Calendar resolutions authorizing the Committee on Agriculture to make an investigation as to the manufacture and sale of oleomargarine and other imitation, artificial, or adulterated butters. I do not wish to debate the subject, but merely to ask that the authority be given to the Committee on Agriculture to make the investigation.

The SPEAKER. Is there objection?

Mr. FIEDLER (from his seat). I object.

Mr. PARKER. I make the point of order that no member has risen to object.

The SPEAKER. The point of order is well taken. The Clerk will report the resolution, after which the Chair will ask for objection to the request of the gentleman from New York.

The Clerk read as follows:

Whereas it is alleged that the interests of the American agriculturists and dairymen are greatly and unjustly injured by the manufacture, sale, and use of oleomargarine, butterine, suine, and imitation, artificial, and adulterated butters of different kinds, and of adulterated and imitation compounds and mixtures sold and consumed as dairy products; and

Whereas it is alleged that fat and oils of hogs and cattle and of other animals, and also that vegetable oils are used in the making and compounding of suine, oleomargarine butter, butterine, and adulterated and imitation dairy products, and also that such fats and oils are used and are imported and are exported to be used for the making and compounding of such artificial, adulterated, and imitation dairy products, and that such adulterated imitation compounds are surreptitiously sold in this country and elsewhere in competition with genuine dairy products, greatly to the injury of the agriculturists and dairymen of the United States; and

Whereas it is alleged that the manufacture, sale, and exportation and disposition of said compounds, materials, and commodities is so conducted as to avoid general publicity and to prevent the obtaining of accurate or desirable statistics in relation thereto, and to mislead and deceive the consumer as to the actual character, composition, and ingredients, thereof: Therefore,

Resolved, That the Committee on Agriculture be, and hereby is, instructed to inquire into and investigate the said allegations and ascertain the facts relating thereto, and the facts and statistics of the adulterated and imitation compounds and mixtures of dairy products, and of the materials composing the same.

The amendment recommended by the committee was to add to the resolution the following:

And to this end the said committee is hereby empowered to send for persons and papers.

The SPEAKER. Is there objection?

Mr. FIEDLER. I object.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I demand the regular order.

Mr. COBB. I hope the gentleman from Illinois will not insist upon the regular order, but allow me to present a report from the Committee on Public Lands with reference to the investigation of a very important subject committed to that committee.

Mr. STEELE. I demand the regular order.

Mr. KEIFER rose.

Mr. COBB. This is a privileged report.

CONFERENCE ON MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER. The gentleman from Ohio has risen (as the Chairman is informed) to submit a report from the Committee on Appropriations.

Mr. KEIFER. I move to take from the Speaker's table the bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes; that the House insist upon its non-concurrence in the admendments of the Senate thereto and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER. The Chair will name the conferees during the course of the day.

LANDS GRANTED TO MICHIGAN.

Mr. COBB. I rise to present a privileged report from the Committee on Public Lands. I am instructed to report back with an amendment the resolution which I send to the desk.

The resolution was read, as follows:

Whereas by act approved March 3, 1865, Congress granted 200,000 acres of land to the State of Michigan to aid in the construction of a breakwater, harbor, and ship-canal to connect Lake Superior and Portage Lake, on Keweenaw Point, in said State of Michigan, and afterward, by act approved July 3, 1866, made an additional grant of 200,000 acres more to said State for the same purpose; and

Whereas said State of Michigan conferred said lands on the Portage Lake and Lake Superior Ship-Canal Company for the purpose of constructing said breakwater, harbor, and ship-canal; and

Whereas said acts required the lands granted thereby to be selected from the alternate and odd-numbered sections (except 50,000 acres, which were to be selected from the even-numbered sections) of the public lands nearest to said harbor and canal; and

Whereas it is charged and alleged that said lands were not selected as required by said acts, but that large quantities of very valuable lands were selected all over the Upper Peninsula of said State, in violation of said acts, and said canal company now claims to own said lands so selected, though large quantities of them were not liable to be used to satisfy said grants; and

Whereas it appears from reports of Government engineers that said canal company never completed said breakwater, harbor, and ship-canal as contemplated and required by said granting act; and

Whereas said canal company failed to complete said breakwater, harbor, and ship-canal within the time limited by the acts of Congress extending the time for the completion of the same; and

Whereas it was provided in said granting acts that in case of the failure of the said canal company to complete said harbor and canal within the time so limited the lands so granted should revert to the United States: Therefore,

Be it resolved, That the Committee on Public Lands be, and is hereby, instructed to investigate all of said charges and allegations, together with all matters pertaining to said grants, and whether said grants, or any portion thereof, are now liable to forfeiture, with power to send for persons and papers, to administer oaths, and report to this House by bill or otherwise.

The amendment reported by the committee was read, as follows:

Add, after the last words in the resolution, these words:

"And said committee is hereby authorized to employ a stenographer, if it deems the service of one necessary."

Mr. BELFORD. Mr. Speaker, I do not intend to interpose any objection——

The SPEAKER. The Chair has not decided yet that this is a privileged report.

Mr. COBB. It is a resolution, as I understand, which the rule requires to be reported back within six days after reference.

The SPEAKER. The resolutions which are required by the rule to be reported back within six days are resolutions of inquiry addressed to heads of Departments. Under the resolution offered by the gentleman from Indiana [Mr. HOLMAN] some time ago and adopted by the House, bills may be reported at any time by the Committee on Public Lands in relation to the forfeiture of certain land grants. Such reports are privileged. But this is not a resolution addressed to the head of a Department and is not a bill relating to a forfeiture of land grants.

Mr. COBB. It is a resolution giving the Committee on the Public Lands power to inquire into the facts as to the land granted to a certain corporation. If it is not privileged, I ask unanimous consent that it be considered at this time. It is important that the committee should be empowered to investigate this matter. There are 400,000 acres of land involved, and it is averred before the committee with great earnestness that not an acre of this land has been earned.

The SPEAKER. The Chair thinks this is not a privileged report. The gentleman from Indiana [Mr. COBB] asks unanimous consent to have the resolution considered at this time. Is there objection?

Mr. BELFORD. I do not object, but I should like to make a remark or two on this subject.

The SPEAKER. The Chair hears no objection.

Mr. BELFORD. I ask the gentleman from Indiana to yield to me five minutes.

Mr. WHITE, of Kentucky. I rise to a question of order. Some moments ago the gentleman from Indiana [Mr. STEELE] demanded the regular order. I insist we shall have the regular order.

The SPEAKER. The gentleman from Indiana [Mr. STEELE] demanded the regular order, after which the gentleman from Indiana [Mr. COBB] said he rose to make a privileged report, which would be of course the regular order. The Chair, however, decided the report submitted was not a privileged one, and thereupon the gentleman from Indiana [Mr. COBB] asked unanimous consent to make the report for present consideration, and no objection was made.

Mr. WHITE, of Kentucky. But I make the point of order that, the gentleman from Indiana [Mr. STEELE] having demanded the regular order, the gentleman from Indiana [Mr. COBB] can not ask unanimous consent.

Mr. COBB. I hope the gentleman from Indiana [Mr. STEELE] will not insist upon the regular order.

The SPEAKER. The Chair understood the demand for the regular was not insisted upon, because the Chair asked for objections and no objection was made.

Mr. WHITE, of Kentucky. The point of order I make is that the gentleman from Indiana [Mr. STEELE] demanded the regular order and has not withdrawn the demand.

The SPEAKER. But the Chair expressly asked whether or not there was objection to the consideration of this report, and no objection was made; so that the report came properly before the House.

Mr. WHITE, of Kentucky. The point is this, that when a member rises and demands the regular order, then the regular order should be had unless the demand be withdrawn.

The SPEAKER. The Chair thinks so, too. But the gentleman from Indiana [Mr. COBB] secured the floor upon the statement, which he of course supposed was correct, that he was making a privileged report.

Mr. WHITE, of Kentucky. And it is to correct such wrongful securing of the floor that I rise to make the point of order. If nobody else demands the regular order, I demand it.

The SPEAKER. The regular order is the consideration of the report presented by the gentleman from Indiana, although it came before the House somewhat irregularly.

Mr. REED. I should like to make a suggestion to the Chair. It seems to me that when the regular order is demanded the demand ought to be considered by the Chair as subsisting, unless it is withdrawn. It appears to me we are gradually drifting into a practice which renders it necessary that a man who demands the regular order should continue insisting upon it. It seems to me that such a thing ought not to occur. I make that suggestion to the Chair.

The SPEAKER. The Chair thinks the suggestion a very good one, and the Chair endeavors to follow the course suggested. But in this instance the gentleman from Indiana [Mr. COBB] secured the floor on the statement that he desired to make a privileged report. After the resolution was read and the Chair decided it was not privileged under the rule, the gentleman from Indiana asked unanimous consent to have it considered; and the Chair asked for objections and none were made, which the Chair considered to be a withdrawal or waiver of the demand for the regular order.

Mr. REED. But the gentleman from Indiana had not the floor for the purpose of asking unanimous consent.

Mr. COX, of New York. I do not like to hear the Speaker lectured in this way.

The SPEAKER. The Chair does not understand that he has been lectured.

Mr. BELFORD. I want to know whether in this council of the nation that represents thirty-eight States one man or three hundred and twenty-five men control it?

The SPEAKER. The Chair will state to the gentleman from Colorado that any member on the floor has a right to demand the regular order and any member has the right to object to a request for unanimous consent. That is a right which belongs to any one man on the floor, and the Chair has no control over it. The question is on the adoption of the amendment reported by the Committee on the Public Lands.

Mr. BELFORD. The Chair is not to blame, but your rules are to blame.

The amendment was adopted.

The resolution as amended was adopted.

Mr. COBB moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order has been called for, which is the call of committees for reports.

Mr. TOWNSHEND. I move that the morning hour for the call of committees for reports be dispensed with.

The SPEAKER. That will require a two-thirds vote.

The question was taken; and upon a division there were—ayes 102, noes 9.

So (no further count being called for) the morning hour was dispensed with—two-thirds voting in favor thereof.

Mr. TOWNSHEND. I now move that the House resolve itself into Committee of the Whole for the purpose of further considering the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BLOUNT in the chair.

POST-OFFICE APPROPRIATION BILL.

The CHAIRMAN. The House is now in Committee of the Whole, and resumes the consideration of the bill (H. R. 5459) making appro-

priations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes.

The pending paragraph was the one appropriating $3,600,000 for payment to letter-carriers, &c.

The pending amendment was the one by Mr. SKINNER, of New York, to strike out "$3,600,000" and insert in lieu thereof "$4,000,000."

The CHAIRMAN. The gentleman from New York [Mr. SKINNER] is entitled to the floor.

Mr. SKINNER, of New York. I will yield to the gentleman representing on this bill the Committee on Appropriations on this side of the House, the gentleman from Michigan.

Mr. HORR. The amendment which I proposed, or which was proposed by the gentleman from New York [Mr. SKINNER], but which was my amendment and read by mistake by the Clerk, is a proposition to increase the amount appropriated to letter-carriers to $4,000,000. In the outset I wish to read for the information of the House a short extract from a letter on this item of appropriation addressed by the Postmaster-General, dated February 12, 1884, to the chairman of the Committee on Appropriations of this House. In that letter he says:

I find on referring to my annual report for 1883, page 59, that in stating the amount which will be required for the free-delivery service for the fiscal year beginning July 1, 1884, two important items were omitted, namely: $180,000 for additional letter-carriers in cities where the service is now in operation, and $20,000 for additional incidental expenses, making $200,000. I therefore advise that the estimate for this service for the next fiscal year be increased from $3,800,000 to $4,000,000.

Mr. FINDLAY. Will the gentleman yield to me for a moment? I would like to have read in this connection a letter from the postmaster at Baltimore, showing the necessity for this increase of the appropriation.

Mr. HORR. I would like to have the letter read if it is pertinent.

Mr. FINDLAY. It is pertinent, and shows the necessity of this increased appropriation.

Mr. HORR. If it will not be taken out of my time I will yield.

The CHAIRMAN. The gentleman from Michigan [Mr. HORR] will understand that it must come out of his time.

Mr. HORR. I am anxious that the letter should be read and will yield what time is necessary.

Mr. FINDLAY. I will endeavor to make a fair exchange with the gentleman when the opportunity presents itself.

The Clerk read as follows:

BALTIMORE POST-OFFICE, *Baltimore, March* 11, 1884.

DEAR SIR: I am informed that a strong effort will be made to reduce the Post-Office appropriation for the coming year very far below the figure reported by the Postmaster-General as necessary for the proper maintenance of the service and that it will be urged on the score of economy.

In consideration of the great public interests involved in this question, and of the fact that the postal service is more intimately connected than any other with the community at large, I earnestly request you to use every legitimate effort, by vote and influence, to defeat a measure which experience has shown me can not possibly be really economical in any sense. On the contrary, if this proposed reduction is determined on, it will most surely result in seriously crippling the free-delivery service of this city, and render futile my continual efforts for its increased usefulness.

In this connection it may not be out of place to say that in September last, with a view of obtaining an increase of our carrier force, I collected certain information to prove its necessity, and wrote the Postmaster-General on the subject.

By weighing mail matter collected and delivered by our carriers for three days of that month it was found to amount to a total of 15,379 pounds, or over 7½ tons monthly.

I had at that time 105 carriers, and calculation proved that the number of linear miles traveled daily by these men was 1,680, making an average of 16 miles daily for each carrier. This service, it was pointed out, benefited directly a population, including the Belt (which is within its limits), of fully 475,000.

In addition to these facts it was shown that the increase of buildings erected in the city during 1883 was considerably more than the average of the erections for the two preceding years.

I regret to say that the smallness of the appropriation was the only bar to my obtaining the additional force requested.

Continuing, however, I may remark then when in addition to all this we consider that our city is progressive; that its area must inevitably grow larger, and that its population is steadily and rapidly increasing, is it reasonable to suppose that an efficient service can be maintained without a corresponding increase of expenditure? Any idea that a sum barely sufficient for the present year could be largely and safely curtailed for the service of the coming year will not, I think, bear investigation.

If it is argued that the reduction is intended to operate only in the cutting of salaries, I have to say that as far as this office is concerned the force is now working at as low rates as could well be expected, and I know that if from unavoidable cause any part of it is obliged to suspend work for a few days, necessitating the employment of substitutes, the loss of pay entailed thereby is a frequent source of embarrassment.

In conclusion, I trust this question may be divested of all approach to partisanship, and that it may be viewed as a measure that closely concerns the best interests of all. The community is even now clamorous for extended mail facilities, and the passage of any bill which would in effect reduce those they already enjoy would not meet with any degree of favor.

Very truly,

HARRISON ADREON, *Postmaster.*

Hon. JOHN V. L. FINDLAY,
House of Representatives, Washington, D. C.

During the reading of the letter the hammer fell, and Mr. FINDLAY obtained the floor. At the conclusion of the reading of the letter,

Mr. FINDLAY said: I will yield my time to the gentleman from Michigan.

Mr. HORR. The House will understand that in the year 1882 we passed a law which graded the pay of letter-carriers. That law was presented, I think—at all events its passage was advocated very strenuously—by the gentleman from New York [Mr. COX]. That was in the earlier days, I will not say the better days, of his service. It was at a time when his mind was not agitated and exhausted by the mental efforts he now makes in his contest with my friend from Colorado [Mr. BELFORD] for mental superiority. [Laughter.]

At that time the gentleman devoted a great deal of effort to securing the passage of that law. It was a just law and under it we fixed the compensation of letter-carriers. Not only that, but we provided for their promotion, so that after having served a certain length of time they obtained a higher grade, by process of law, and consequently got higher pay.

I hold in my hand a letter from the Assistant Postmaster-General, who states that there are to-day, under that law, 1,985 carriers who receive $1,000 each per year, 891 who receive $850 each, 367 who receive $800 each, and $645 who receive $600 each per year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FINDLAY. I will take the floor and yield my time to the gentleman.

Mr. HORR (to Mr. FINDLAY). Move to strike out the last word.

Mr. TOWNSHEND. I would like to inquire how many times the gentleman from Maryland [Mr. FINDLAY] can take the floor.

Mr. HORR. I yielded my time to the gentleman.

Mr. TOWNSHEND. For the benefit of your side.

Mr. FINDLAY. I do not recognize any sides on this question.

The CHAIRMAN. The Chair will recognize the gentleman from Michigan [Mr. HORR] to proceed. It is not strictly enforcing the rule, but the Chair is following the practice of the Committee of the Whole and will continue to do so unless the committee objects.

Mr. HORR. To pay these 3,888 letter-carriers requires $3,422,950. Under the operation of the law to which I have referred there will be promotions of carriers on account of length of service during the next year sufficient to require in addition the sum of $220,000; making necessary for this branch of the service for the next fiscal year, according to the laws of the land, $3,642,950.

This bill therefore in this particular lacks $42,950 of carrying enough money to pay the carriers now in the service what compensation the law fixes for them.

Mr. DAVIS, of Illinois. And of the amount appropriated by the bill $45,000 is for the establishment of the free-delivery system in cities where it does not now exist.

Mr. HORR. I understand that; so that there will be on this one item a shortage of $85,000 in spite of all you can do. The Department tells us that there will be needed three hundred additional carriers and $20,000 more than the first estimate for incidental expenses, which includes pouches, boxes, and various other items, for which there was expended last year a little over $116,000.

So that, in order to extend this service at all, you must increase the appropriation in this bill. New York city needs to-day forty more carriers simply to do her excess of business. There is not a large city in the United States that is not needing additional provision in this respect. Smaller cities are in the same condition. The town in which I reside needs three additional carriers. The service is not extended to two of the wards of our town because the carriers can not possibly do the work, and in that town they walk from fourteen to twenty-two miles every day that they are on duty.

This is a question that affects the efficiency of this service. Unless you appropriate this money the service is at once crippled. I do not believe there is in any district represented on this floor a town large enough to be entitled to this service at all that does not need an increase of carriers. We are unfortunate in the fact that my friend from Illinois, who has charge of this bill, lives in a district where there is no such service; but I hope he will not on that account undertake to cut down the appropriation for this service to $42,000 less than enough to pay the men now engaged in this work.

This is an important service. The cities where it exists need to have it made still more efficient. And what is the fact? The one hundred and fifty-nine cities now blessed with this free-delivery system furnish one-half of all the revenues obtained by this Government from the postal service. These cities pay one-half of all the postal bills of the United States. I say then we do not ask too much in insisting that this service shall be treated generously or at least fairly. This bill does not do that. My amendment will not give one dollar in excess of what the service needs.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, I trust that the Committee of the Whole will listen to a very brief statement of the condition of the appropriations for this service; and gentlemen who have had occasion to examine the history of this service in former years will, I believe, sustain my statement.

It is admitted that the service is a valuable one in the greater cities of the country. It ought not only to be perpetuated, it ought to be steadily enlarged in all growing cities. But it is very clear that in this branch of the public service, as everywhere else, the tendency is to unwarranted expenditure. For the last fiscal year the expenditures for this branch of the service were $3,173,306. The appropriation recommended in this bill for the next fiscal year is $426,306 more than

the expenditures of last year—nearly half a million dollars more—and $100,000 more than the appropriation for the present fiscal year. Thus it will be seen that on the basis of the expenditures of last year and the appropriations for the present year there is for this particular branch of the service a very liberal enlargement of the appropriation—sufficient to maintain in complete vigor this service in all the great cities and to provide for its reasonable enlargement.

At the present time, as stated I believe by the gentleman from Michigan, there are 1,985 letter-carriers receiving a salary of $1,000 each——

Mr. HORR. As fixed by law.

Mr. HOLMAN. As regulated by the Post-Office Department.

Mr. HORR. I beg the gentleman's pardon—fixed by law.

Mr. HOLMAN. And in conformity with law. There are 891 carriers receiving $850 each, 367 receiving $800 each, and 645 receiving $600 each. The total amount of the salaries provided for under existing law and on the present basis is $3,422,950. So that even on this basis there is a liberal provision for the enlargement of the service. Now, what I insist on is this——

Mr. HORR. Will not the promotions next year take more than that amount right out? That is all I ask.

Mr. HOLMAN. I have occasion to answer that.

Mr. HORR. But you have not done so.

Mr. HOLMAN. I have occasion to answer that. I say that the additional sum here appropriated provides sufficiently for the enlargement of the system.

Now, I object especially to a valuable branch of the public service—one that ought to be encouraged and maintained—being seized upon for the purpose of laying the foundation of lavish expenditure, not only there but everywhere else. For gentlemen will observe that under our system of appropriations, if you seize upon some desirable and valuable branch of the public service for an increase, the same principle prevails all the way through, and if you are to have moderate economy in the administration of this Government—and I have never felt authorized in late years to plead for anything else—you must display it in every branch of your Government. While I am in favor of encouraging this branch of the postal service, I do ask that its advancement shall be moderate and reasonable, not such as to encourage general extravagance in expenditures.

[Here the hammer fell.]

Mr. CALKINS. Mr. Chairman, I move to amend the amendment by striking out the last word. As I understand, the number and pay of letter-carriers are fixed by law, and the amount of their aggregate compensation is a mere matter of mathematical calculation. There should therefore be no deficiency in the amount appropriated. If the sum proposed in this item falls below the amount required to meet the expenditure as fixed by law, this Committee of the Whole ought at once to make the necessary increase.

It has been alleged by the gentleman from Michigan [Mr. HORR], upon the authority of a letter of the Second Assistant Postmaster-General, that the appropriation named in this bill falls $42,000 below the amount required by law. If this statement be correct, it seems to me the necessary increase should in fairness be at once inserted. Wherever the amount of any expenditure is fixed by law, it can be easily ascertained when attention is called to it; and the appropriation should be made accordingly.

I desire to say a single word upon another point. There is no other class of men in the public service whose work is so hard as that of these letter-carriers. Their course is up and down stairs to the fourth and fifth stories of buildings. They are always on the go, the average number of miles they travel being from fourteen to twenty-two. There is no class of employés in the Government service who is worked so hard as these letter-carriers and no class who are paid so small wages.

I yield now the balance of my time to the gentleman from Michigan [Mr. HORR].

Mr. HORR. And I will yield it to the gentleman from Maine [Mr. REED].

Mr. REED. Mr. Chairman, I confess to feeling a good deal of interest in the result of the debate on this item. In my own city I know we have not carriers enough to perform the public duties which are actually needed. I know that in order to make the system what it ought to be in my city it is absolutely necessary to have three more carriers. I know in addition to that of my own personal knowledge that there is no employé in the service of the Government who works half as hard as the letter-carriers of the city where I live. It is such physical exertion resulting from a walk which aggregates twenty-five miles every day, it is no wonder the supply of officials is hardly equal to the demand. It is very difficult indeed for the postmaster to obtain men who are willing to take the place and who at the same time are physically fitted for it.

I submit to the House that the argument of the gentleman from Indiana [Mr. HOLMAN] shows, on the facts which he has stated, it is the plain duty of this House to give the necessary increase of this item. There is such a recognition of their service on the part of merchants and men interested there are oftentimes contributions gotten up in order to keep them in the service.

Mr. TOWNSHEND. The claim for the extension of the free-delivery system and the argument made in favor of more liberal appropriation for letter-carriers at the free-delivery offices are based, so far as I have heard in this debate, upon the ground that it is a service which brings profit to the Treasury. There is but one other ground upon which it could be based, and that is public convenience. These are the only two grounds upon which it can be based. As I have said, the only ground heretofore urged in this debate is that this is a profitable service, and we are told time and again that several of this system of free-delivery offices defray the expenses of the general postal service in the country, in my own district as well as in other rural districts.

I will first address myself to the first ground upon which they base this claim, that is, that it brings profit to the Treasury. The Postmaster-General in his report informs us there are but fourteen cities in this Union in which the local postage defrays the expense of the free-delivery system. In no other cities in the Union, of the one hundred and fifty-four free-delivery offices, is there one that is self-sustaining.

Mr. BINGHAM and Mr. DAVIS, of Illinois, rose.

Mr. TOWNSHEND. Do not interrupt me.

Mr. BINGHAM. I will get my own time.

Mr. TOWNSHEND. You did address the House fully on the subject, and I do not wish to be interrupted in my five minutes of reply to the speeches made on the other side. They have had fifty-five minutes on that side, while on this side we have only had five minutes.

Mr. HOLMAN. I hope the gentleman from Illinois will repeat what he has already stated, as the House did not hear it before on account of interruption.

Mr. TOWNSHEND. I wish, Mr. Chairman, I could get the ear of the House, for this is another step in the direction of extravagance, and in my judgment it ought to be stopped right here and now. I repeat—and I hold in my hand the report of the Postmaster-General, which sustains every word I say by the facts which he spreads upon the public record—I repeat, sir, that out of the one hundred and fifty-four letter-carrier offices in this country but fourteen of them are self-sustaining. There are but ten States in this Union which maintain a self-sustaining free-delivery office. Many do not have a single self-sustaining free-delivery office—not one, sir. Vermont has not one; neither has Rhode Island; nor, indeed, as I have already stated, have many other cities. But I have not time to particularize. Iowa has not a self-sustaining office, neither has Nebraska. Indiana has not a self-sustaining free-delivery office. There are but ten States in the Union that have self-sustaining free-delivery offices. Let me read the language of the Postmaster-General, and I love to quote from him, because he is an honest and a fair man. I differ from him at times in regard to political questions, but I am willing to grant he desires as an honest man to discharge his public duties fairly and completely. What does he say on this question?

> The free-delivery system was established on the 1st of July, 1863, leaving the drop-letter rate uniform at 1 cent at all offices. This rate was maintained until the act of June 8, 1872, increased it at carrier offices to 2 cents, in order to defray the cost of the carrier service. That cost had theretofore largely exceeded the receipts from local postage, though the system was confined to fifty-two of the principal cities. For the year ended June 30, 1872, the amount of postage collected on local matter was $907,351.93, and the expenditure of carrier service $1,385,965.76. If the charge for drop-letters is made uniform at all offices, without regard to this service at a portion of them only, the cities and towns not accommodated by carriers will not long remain quiet under the discrimination. It is true that, at the offices where the carrier service is in operation, the total postage on local matter exceeds the total cost of the service; but to claim the entire receipts from local matter as due to the carrier system is manifestly unfair. At the close of the last fiscal year that system was in operation at one hundred and fifty-four post-offices. The postage collected on local matter at these offices during the year amounted to $4,195,230.52, and the total cost of the service was $3,173,336.51, an excess of postage of $1,021,894.01.
>
> At fourteen offices only did the local postage exceed the cost of the service, as shown in the following table:

Name of office.	Amount of postage on local matter.	Cost of free-delivery service, including incidental expenses.	Excess of local postage over cost of service.
Atlanta, Ga	$10,103 92	$9,847 87	$256 05
Boston, Mass	337,029 44	225,674 40	111,355 04
Brooklyn, N. Y	236,189 06	122,042 34	114,146 72
Chicago, Ill	336,690 47	225,328 81	111,361 66
Cleveland, Ohio	68,153 39	42,871 95	25,281 44
Denver, Colo	13,475 76	12,042 92	1,432 84
Grand Rapids, Mich	10,581 26	9,280 09	1,301 17
Meriden, Conn	3,624 99	3,400 00	224 99
New Haven, Conn	19,419 31	16,494 20	2,925 11
New York, N. Y	1,475,533 38	522,889 80	952,643 58
Philadelphia, Pa	608,653 05	353,158 63	255,494 42
Pittsburgh, Pa	59,574 25	40,354 84	19,219 41
San Francisco, Cal	71,550 54	65,514 54	6,036 00
Topeka, Kans	7,463 97	5,333 14	2,130 83
Total	3,258,042 79	1,654,233 53	1,603,809 26

[Here the hammer fell.]

Mr. HOLMAN. I will take the floor and yield my five minutes to the gentleman from Illinois.

Mr. TOWNSHEND. I thank the gentleman. I hold in my hand here, Mr. Chairman, a statement which I prepared this morning, hav-

ing the reports of the Postmaster-General and the Assistant Postmaster-General before me, showing how these free-delivery offices are conducted in different portions of the country.

I will call attention to these figures to show what this service costs in some of these cities as compared with the receipts. The city represented by my friend from Maine [Mr. REED] leads upon this list from that State. Portland costs the Government $8,995.22 a year, and the receipts from that service amount to only $6,030.53. Is that self-sustaining? Now, what is the situation? The gentleman from Maine at his breakfast table in Portland is receiving his letters through the letter-carrier system at the expense of my constituents and the constituents of every other member on this floor, all of whom are taxed to make up the delinquency created there in his city by the operation of this service.

Let us look further, though, at Maine.

Mr. HORR. How about Illinois?

Mr. TOWNSHEND. I will come to Illinois. I have some figures also from Michigan to which I will presently call the gentleman's attention.

Augusta, Me., the home of Blaine——

Mr. HORR. What did he do to you? [Laughter.]

Mr. TOWNSHEND. Augusta costs $3,419.80, and the receipts are only $949.25. Mr. Blaine gets his letters at his breakfast table by the hand of a carrier at a cost to the people of this country of $2,740 more than the service produces.

Mr. RYAN. Would you strike down the service for that reason?

Mr. TOWNSHEND. Don't interrupt me now.

Lewiston, Me., costs for this service $2,887.63, and they only pay $350.10 toward it; and yet gentlemen upon the other side claim that the service is self-sustaining!

Mr. CALKINS. Let us have some figures from Illinois, now.

Mr. TOWNSHEND. I will come to Illinois presently, but will address myself first to my friend from Indiana. His State, Mr. Chairman, has not a self-sustaining free-delivery post-office within its borders. And now let us look at the city which is, I believe, the home of my friend who makes such an appeal for an increase of this service. He can get his letters delivered at his house, without wetting his feet on a rainy day, at a cost to the Government of $2,375.18, while the Government receives from the service but $647.25.

Mr. CALKINS. The gentleman is a little off, there.

Mr. TOWNSHEND. Now, Mr. Chairman, I call your attention to Massachusetts, the center of intelligence; the State that it is said contains the "hub of the universe" within its borders.

Mr. LONG. Give Boston first.

Mr. TOWNSHEND. Gloucester, Mass.—the cost of the service is $346.08 per annum, and the receipts are—how much do you imagine? They are $79.97. What further in Massachusetts? But as my time is limited I will give but a hurried glance at it, and print this table with my remarks.

Mr. LONG. Don't forget to give us the figures from Boston.

Mr. TOWNSHEND. Well, that is the only city in Massachusetts where the free-delivery service is self-sustaining. It is the only city in the New England States, except, I believe, Hartford, Conn., that is self-sustaining.

Mr. LYMAN. Give us the figures from Boston.

Mr. CHACE. And from Rhode Island.

Mr. TOWNSHEND. There is not a single self-sustaining free-delivery post-office in Rhode Island.

Mr. CHACE. Oh, yes; Providence.

Mr. TOWNSHEND. No; not one.

Mr. CHACE. I think you are mistaken. Let us have the figures from Providence.

Mr. TOWNSHEND. There is not one, sir, according to the report of the Postmaster-General.

But now, Mr. Chairman, I am coming to Michigan. Where is your home in Michigan?

Mr. HORR. East Saginaw. [Laughter.]

Mr. TOWNSHEND. That is on my list; let me see what it says. East Saginaw: The cost of the free-delivery system, by which the gentleman can get his letters every morning at his breakfast table without wetting his feet on a rainy day, is $3,008.49, and you only pay $1,669.05; and yet he stands here day after day prating about self-sustaining free-delivery post-offices.

Mr. HORR. How about Shawneetown? [Laughter.]

Mr. TOWNSHEND. Next I come to New York. What town does my friend from New York represent; Binghamton, isn't it?

Mr. SKINNER, of New York. Watertown.

Mr. TOWNSHEND. I will give the figures.

Mr. REED. Let us hear from Shawneetown first.

Mr. TOWNSHEND. I will say to the gentleman from Maine that Shawneetown does not tax this country one single mill for the free-delivery service. My people go to the post-office to get the mails themselves.

Mr. HORR. And it don't begin to pay its own mail service at that. [Laughter.]

The CHAIRMAN. The time of the gentleman from Illinois has expired

Mr. TOWNSHEND. I hope, as the greater part of my time has been taken up with interruptions, that some gentleman will yield the floor to me.

Mr. DORSHEIMER obtained the floor and yielded to Mr. TOWNSHEND.

Mr. TOWNSHEND. I am very much obliged to the gentleman from New York.

Listen now to these figures. Here is the evidence of it, Mr. Chairman, that I hold in my hand. What does Watertown do? My friend gets his letters delivered at his own house in Watertown at a cost of $1,080.29, and what does he pay? Mark the figures—$286.52!

Is there another city in the State that you desire to hear from? They all run in the same direction.

Mr. DAVIS, of Illinois. Let us hear from Illinois.

Mr. TOWNSHEND. The city of Chicago, a Democratic city——

Mr. DAVIS, of Illinois. Not much. It has not a single Democratic Representative on this floor.

Mr. TOWNSHEND. Chicago is the only city in Illinois that has a free-delivery system which is self-sustaining.

Several members addressed the Chair.

Mr. DUNN. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DUNN. I am very sorry that nobody on that side has any manners except those who do not say anything. It is impossible to hear this debate. [Laughter.]

The CHAIRMAN. Gentlemen will be seated and not interrupt the gentleman who is entitled to the floor.

Mr. BINGHAM. The gentleman should not extend a service to which he makes so much opposition.

Mr. TOWNSHEND. I am not talking about Pennsylvania now. I am talking of my own State. I repeat that outside of Chicago there is no other city in the State which has a self-sustaining free-delivery office. Noble and grand as she is, as grand as any State in this Union, paying as she does more internal revenue into the Treasury than any other State in the Union, she has but one free-delivery office which is self-sustaining.

But let me call your attention again to New York. The truth is that New York, a Democratic city, is sustaining free-delivery offices in the Republican States of Michigan, of Minnesota, of Iowa, of New Hampshire, of Nebraska, of Vermont, of Maine, and of Rhode Island.

Look at the figures from Democratic New York. New York, sir, cost the Government for its free-delivery service $522,889.80, and its local free-delivery system paid into the Treasury $1,475,533.38; nearly three times as much as the cost of the service is to the Government.

Now, then, a word or two in conclusion upon this question. Mr. Chairman, the reason why the free-delivery service is not self-sustaining is doubtless because from political pressure, from a desire to have drill-sergeants for the party in power in towns where there is no necessity for free delivery service, you have extended that service; you have placed it in towns where the whole business of the town is concentrated upon one main street, where no man has to go over half a mile or three-quarters of a mile to get his mail except those occupying a few scattering residences on the suburbs of the town. I want to quote again from the report of the Postmaster-General. I can not at this moment put my finger upon the passage in the report, but the Postmaster-General states the purpose for which the rate of postage on drop letters was placed at 2 cents was to make the free-delivery offices self-sustaining. That was the object. It was not self-sustaining anywhere in the country at its original establishment.

[Here the hammer fell.]

Mr. DAVIS, of Illinois. Without occupying any time in remarking upon the statement of the gentleman from Illinois [Mr. TOWNSHEND] when he spoke of Chicago being a Democratic city, the fact being that Chicago has no Democratic Representative upon this floor elected as such, I want to show how unfair, as I understand it, is the argument presented by that gentleman. He claims that because the 2 cents postage that is paid on local matter in a city does not pay for the service, therefore it is not self-sustaining. When we first introduced the carriers into Chicago we showed a deficit, a great deficit, from the 2-cent postage.

Mr. TOWNSHEND. Will the gentleman allow me to ask him a question?

Mr. DAVIS, of Illinois. Yes, sir.

Mr. TOWNSHEND. Do I understand the gentleman to say that Illinois has but one Democratic Representative?

Mr. DAVIS, of Illinois. No, sir; I said that Chicago has no Democratic Representative upon this floor elected as such. The service, as I was stating, was not at first self-sustaining. But the two hundred carriers in Chicago last year earned, in addition to their salaries, $135,000.

The free-delivery system of this country is self-sustaining, and no one pays for it except those parties that receive their letters. And I do not distinguish the difference whether we shall have a carrier in Chicago go to the North Side, four or five miles, or whether we shall have a railway train running from Shawneetown to Chicago to deliver the letters. These carriers perform the same service as railroads.

We desire more deliveries; we pay for those deliveries; and I know

of no reason why this Congress should limit the Postmaster-General in hiring the carriers except by the amount which they themselves earn.

I desire to state a fact to the credit of the Chicago letter-carriers, that during the past year in Chicago they delivered 100,000 more pieces per carrier per mile than those of any other city, and at an expense of only 1 mill and six-tenths of a mill per piece; and they not only delivered the local letters but every letter that came from Shawneetown and that came from all over the country, and which should bear part of the expense. I shall append to my remarks statements as to the work of the letter-carriers.

I wish now to call attention, Mr. Chairman, to this one point: This bill provides for the reduction of the carrier service of this country by more than 100. The deficit is $87,950. If you confine it to 1,000 carriers it requires the Postmaster-General to discharge on the 1st of July, 1884, 87 carriers. If you take the $850 men it will require the discharge of 100 carriers. Unless this appropriation is increased the Post-Office Department, instead of being able to extend this service in a manner commensurate with the increase of this country, will have to cut down the carriers by 100.

I yield the remainder of my time to the gentleman from Michigan [Mr. HORR].

The following are the statements referred to by Mr. DAVIS, of Illinois, in his remarks:

[From Postmaster-General's report, December, 1883.]

Number of letters, postal cards, and newspapers received and delivered at the following-named post-offices, the number per carrier, and the cost per piece, in mills, during the year.

Post-offices.	Pieces handled.	Per carrier.	Cost per piece.
	Number.	*Number.*	*Mills.*
New York	258,890,064	442,258	2.0
Chicago	136,886,386	547,545	1.6
Philadelphia	160,043,909	431,116	2.2
Boston	93,587,018	383,553	2.4
Saint Louis	46,765,499	338,880	2.9
Baltimore	39,212,496	373,452	2.4
Cincinnati	29,756,300	297,563	3.1
San Francisco	24,724,771	343,441	2.6
Washington	15,231,674	220,749	4.0
	805,098,117	375,431	2.58

With Washington, not a commercial city, omitted, the average per carrier for the eight cities would be 394,766, and the cost of handling 2.4 mills per piece.

The total number of pieces of mail matter handled in the 154 free-delivery offices was 1,324,637,701; the average per carrier was 359,955; and the average cost per piece was 2.4 mills.

Number of carriers now employed, and amounts required by existing law to pay their salaries.

1,985 carriers, at $1,000	$1,985,000
891 carriers, at $850	757,350
367 carriers, at $800	293,600
645 carriers, at $600	387,000
For additional compensation to those who will be entitled to promotion by virtue of existing law during the year	220,000
Making a total of	3,642,950

to continue the present force, or $87,950 more than is provided for in this bill.

It gives no increase demanded by increase of business, but actually reduces the present force nearly one hundred.

Mr. HORR. I am astounded that my friend from Illinois [Mr. TOWNSHEND] should have claimed before this House, the members of which are supposed to know the multiplication table, that because the drop-letters in a city do not pay the expense of the free-delivery system, therefore that city does not provide money to pay it with.

Mr. CHACE. That is the point.

Mr. HORR. There is not a free-delivery city in the United States that does not pay a surplus of $20,000, and that goes to help carry the mails in the district where the gentleman from Illinois lives. I do not complain that his people are not up to the standard so that they do not write letters enough to pay for carrying their mail. I do not complain of that.

Mr. TOWNSHEND. I will say to the gentleman that my district pays more than his district does.

Mr. HORR. It is because your district is older and has more roads than mine. That part of the State of Illinois to-day does not begin to pay for the delivery of its mails, and the gentleman knows it. I doubt whether you pay the expense within $100,000. A sparsely populated district can not do it.

[Here the hammer fell.]

Mr. TOWNSHEND. I move that the committee rise.

Mr. HORR. If the gentleman will wait a minute perhaps we can agree as to limiting debate.

Mr. BINGHAM. I want five minutes.

Mr. CALKINS. We can have an agreement, I think, without rising.

Mr. HORR. We are willing to consent that debate on this paragraph shall close with three speeches on each side.

Mr. TOWNSHEND. I say twenty minutes.

Mr. HORR. I do not want to be captious, but I think the gentleman should agree to thirty minutes.

Mr. TOWNSHEND. I will agree to three speeches on a side. Let the understanding be clear that at the close of thirty minutes we are to have a vote on the paragraph and all amendments without further debate.

Mr. HORR. We are content with that.

Mr. MONEY. The statement which the gentleman from Illinois [Mr. TOWNSHEND] has made about his calculations while in bed this morning I have no doubt is correct, although generally I am not disposed to give much credit to calculations made in bed. However, we will take it for granted that the statement is true.

If that is a correct argument, then we will wipe out the entire post-office service in twenty-three of the States of this Union. My State does not pay one-half of the expenses of its postal service. There are only fifteen States in the Union that do pay their postal expenses.

It is a mistaken idea that the cities which are now enjoying the free-delivery system are the sole beneficiaries of that service. The people of the country correspond with the people of the city, and it is just as important that the letters from the people of the country should be promptly delivered by letter-carriers to those in the city to whom they are addressed as it is that the letters written by those in the city to others in the city should be promptly delivered to their correspondents in the city. It is therefore a system which in its benefits ramifies throughout the whole country.

It is not worth while for any man to argue to the general intelligence of this House that the benefit of this free-delivery system is confined to the cities enjoying that service. There is not in my State a solitary free-delivery office, and there will not be so long as the service is crippled by deficient appropriations. The amount recommended for this service by the Committee on Appropriations is barely sufficient to continue it as it now is; perhaps it is reasonable to believe that there will be a deficit. The pay of letter-carriers is fixed by law. They receive so much per annum, according to their grade and length of service. If a sufficient amount is not appropriated for that purpose, of course there must be a deficit. And in addition to that let me say that under the operation of law as it now stands we are constantly increasing the number of free-delivery cities. We have already increased them this year by five, having now one hundred and fifty-nine free-delivery cities.

Our whole postal system is a healthy outgrowth of a progressive movement in the service. We have borrowed this free-delivery system, as we have every other important feature, from the foreign service. We have taken nearly all our great improvements from the British postal system, and this free-delivery service is one of the latest and the best. It was not with us a matter of experiment. We have had the advantage of the experience of the system as it has prevailed in other countries.

I understand it is the purpose of the Department to extend the free-delivery system gradually. There is now a law upon the statute-books which permits the Postmaster-General to introduce the letter-carrier system into every city of 20,000 inhabitants or cities that have a gross revenue of $20,000 per annum. He has not extended the service to the limit allowed by law.

Since this House has been in session, time and again I have had gentlemen come to me and urge me to prepare and recommend to this House some measure that would still further extend the operation of this system, in despite of the fact that the Postmaster-General is not to-day going to the limits permitted by the law, by reason of insufficient appropriations for the service.

Does the House want to maintain the free-delivery system at its present standpoint, or is it willing that it shall be extended gradually, cautiously, and wisely? In other words, is the House prepared to go backward, for that would be the effect of the policy which seems to have been pursued in preparing this bill? The question is whether you will support this system by sufficient appropriations, or whether you will give it a backset by refusing the requisite amount of money?

I can not be accused of having any sort of personal or local interest in this matter, for as I have said there is not a free-delivery post-office in the State of Mississippi. But looking at the fact that when we legislate for the post-office we legislate for a system embracing not only the millions in this country but all who live in every country embraced in the postal union, I hold that we can not consider the matter item by item and be governed solely by the fact whether it pays here or there; but we should govern our action by the fact whether the general results of the system are such that the receipts are in excess of the expenditures.

[Here the hammer fell.]

Mr. JOHN S. WISE. I had proposed to offer an amendment to the amendment of the gentleman from New York [Mr. SKINNER] so as to increase this item of appropriation to $4,300,000. I shall, however, content myself with abiding by his amendment.

I wish to say to the gentleman from Illinois [Mr. TOWNSHEND] that from a political standpoint I could not for my part ask him to do anything more agreeable than to curtail and cut down this free-delivery system, because, although it has been in operation but a comparatively short time, there is nothing in the whole administration of this Government more cherished by the people of this country as a great convenience than the free-delivery system. And no party can survive a blow at it, no matter under what pretext it is made.

I wish moreover to express my surprise that the gentleman from Illinois has been lying in his bed making his calculations about what were the paying offices and what were not paying offices. If he had been a little wider awake he would have discovered that if we confine this free-delivery system to the paying offices his Democratic friends in the South would not have a "pea in the dish."

I stand here to-day in behalf of this letter-carrier system, asking that it be spared, that it be sustained, that enough money be appropriated out of the public Treasury to make it a decent, well-administered, fairly paid, thoroughly organized, and fully sustained department of the public service.

There is no more meritorious class of public servants in the Union than these letter-carriers. There has been introduced in this House a bill proposing very properly to give these employés of the Government a reasonable furlough every year. To pass this bill curtailing the appropriation is to defeat that in advance. They are to-day worked almost to death. Within my own knowledge I have seen men of this class worked down like street-car horses, because they are so badly paid and so excessively worked.

I want to see this system administered so that a letter-carrier under the United States Government will be treated at least like a human being, and have time enough, by way of furlough, to recuperate from the very severe labor that active service exacts. He should at least have as much consideration as a policeman, for he does ten times as much work, does not wear half so good-looking a uniform, and is not so well paid.

All over the world, wherever men are employed in active daily labor of this sort, some period of relaxation and recuperation is allowed them every year. But such is not the case with letter-carriers, nor can it be if the appropriation is reduced as proposed.

This system by every estimate requires to maintain and extend it properly an appropriation of $4,000,000. It is as a whole self-sustaining.

The records show that the local postage in the cities where this system exists is more than $1,000,000 in excess of the cost of administering the system. It is idle to sit here swapping two shirt-buttons for a coat-button in the calculation as to which office pays and which does not pay. The general system is self-sustaining; and the report might be made that if Augusta, Me., is not self-sustaining Augusta, Ga., is also not self-sustaining. I want to know why you should draw a comparison of the cost in any two cities. Why does the gentleman on the other side take Boston and New York, one Democratic city and one Republican?

Mr. TOWNSHEND. Both Democratic.

Mr. JOHN S. WISE. What has such a comparison to do with the general proposition that the system is self-sustaining and the people demand it?

I do not care what party it may be, Republican or Democratic, that strikes a blow at this system of free letter delivery, that party will be held responsible for it. I do not believe that the charge of hostility to the system can be laid at the door of the Democratic party as a party, because in the course of this debate I have time and again heard Democrats who were wide awake and fully aware of the consequences of pursuing this parsimonious policy say that they will sustain an increase of this appropriation.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, the discussion of the proposition that the free-delivery system should be confined to cities where the system is self-sustaining does not appear to be a very profitable one. The whole postal system is maintained upon the principle that the general intelligence of a State is supposed to be a matter of public concern. In other words, the diffusion of intelligence is a matter of common interest to the whole people, and should therefore be contributed to by all. But there is a consideration that can not be overlooked, and to which the attention of the Committee of the Whole has been called by the gentleman from Illinois. In but fourteen of these cities is the system self-sustaining; in all the others the burden of its maintenance must fall not only upon the whole people but upon people who in the main do not receive their mail as frequently as once a day, who in general do not receive mail matter more than three times a week.

Now, take the city of New York; for it is admitted that in such a city the system is of great value and must inevitably be maintained in its utmost efficiency for manifest public reasons. In that city the number of daily deliveries is nine, ten, or eleven—I am not at this moment prepared to say exactly how many. In all of these free-delivery cities there are deliveries several times daily. Now, think for a moment of the palpable injustice of delivering mail matter by carriers in comparatively small cities three or four times daily while millions and millions of our people have to be content with receiving their mails three times a week and are exceedingly gratified when their letters and newspapers come to them once each day of the week.

I concede that where a city is of sufficient magnitude and business to sustain the free-delivery system it is eminently proper to maintain the system there. But I call upon gentlemen to inquire of their consciences whether it is right that in cities where the system has to be sustained by the general industry of the country the citizens should enjoy extraordinary advantages, beyond what their business and population demand, at the expense of the rest of their fellow-citizens.

I do not believe this is just; and while I am in favor of enlarging the system with moderation and keeping it in its full vigor, I do insist that considerations of local interest and local benefit should not override the larger consideration of the common interest of our people. My friend from Mississippi [Mr. MONEY] rises to an altitude which I am not able to reach. I can not forget my own people, of whom the more favored class obtain their mails only once a day; one-half of whom do not receive their mails three times a week. The greater number of the people even in a populous region such as I have the honor to represent receive their mails only once a week; and such a system is not deemed very oppressive. Yet my friend from Mississippi, without a single free-delivery office in his district, is perfectly willing that his State, to the extent of this burden, shall assist in maintaining three or four daily mail deliveries in cities where the population and business do not make it very inconvenient for the citizens to go to the post-office for their mails. While I am in favor of maintaining the system in its efficiency and moderately enlarging it, I object to the whole country being oppressed for the benefit of certain favored localities.

[Here the hammer fell.]

Mr. BINGHAM. In answer to the gentleman from Indiana [Mr. HOLMAN] who has just taken his seat, and the gentleman from Illinois who has charge of this bill, and in reply to their proposition that this service should not be extended because as to a large number of the free-delivery offices the system does not pay its own expenses, I call attention to the fact that this bill comes into the House with no legislation attached to it curtailing this service, but, on the contrary, providing that $45,000 of the $100,000 increase appropriated to this service shall be devoted to the establishment of new offices. In every part of the country where the letter-carrier service will pay it is already established; and although the argument of gentlemen on the other side would require them to curtail the service because it does not pay in many parts of the country, I repeat that this bill appropriates $45,000 for the extension of this service. So much for that.

One thing more. The appropriation for clerk-hire reaches almost the condition of meanness. You gave for the next fiscal year what the committee has given for this year, but what do you do in this case? Under the law you are compelled to pay the salaries of the men who are now in the service. What do you do? You give $100,000 increase in the present appropriation, yet the law itself gives these men $220,000 more; so that you do not keep faith with the law.

Again, if there is any division or branch of the postal service where, speaking from another standpoint—if you ignore the convenience and the business wants of the people—if from no other standpoint, you look at it merely from the standpoint of a commercial proposition, from that standpoint what do we witness? What was the appropriation last year? The appropriation last year was $3,200,000. What was the result? One million and forty-nine thousand dollars clear profit. What was it this year? The appropriation was $3,500,000. The best estimates of the Department tell you that will bring forth a profit of $1,300,000. Give us this appropriation for the healthy use of this service for the next year, and as a commercial proposition an appropriation of $4,000,000 will bring in as clear profit $2,000,000.

I yield the remainder of my time to the gentleman from New York [Mr. COX].

Mr. COX, of New York. I do not know how much time the gentleman has remaining.

The CHAIRMAN. Two and a half minutes.

Mr. COX, of New York. I believe it can be shown clearly to the American people that the free-delivery system is a success; not merely because there is a surplus of $800,000 in your city of Philadelphia, not because there is a surplus of $1,400,000 in New York city, but it is a success because it brings intelligence home to the people in many senses. It will pay in the aggregate. It does pay. That is not disputed.

Now, I am in favor when a law has been made of making appropriations conform to that law. We had enough trouble to bring up the salaries of the letter-carriers in this House. I see gentlemen around me who had considerable fighting on one side or the other. At last we got the law. And now all we demand is that the committee shall conform to the law. If the law says so many letter-carriers shall be paid so much, let the appropriation conform thereto, otherwise not. I am told the gentlemen around me have indicated this appropriation bill does not conform to the present law. Why should it not? They make points of order on us when we make motions here in amendment because we do not conform to the law. And now let the Appropriation Committee conform to the law and we will give them our trust and confidence.

I know something of this letter-carrier system. I know how they work. They have no respite. In the winter snow, in the spring mud, under the hot summer sun, upstairs and downstairs, busy as bees when the buckwheat blows, they are coming and going with these missives between our people——

[Here the hammer fell.]

Mr. TOWNSHEND. Mr. Chairman, the figures which I have pre-

sented from the statistics of the Post-Office Department seem to have driven the gentlemen on the other side of the House from their first and only position, as I understand them, which was that this system was self-sustaining. Lest, however, there might be a lingering doubt in the minds of some gentlemen on that side as to whether it is self-sustaining or not, I will give a few more offices of the country to show just exactly what is the condition there in this regard. I wish to call the attention of my friend from New York [Mr. COX] who has just spoken to the fact that while it is true the Democratic city of New York is more than self-sustaining—three times more than self-sustaining—yet there are other cities in his State which fall far short of being self-sustaining. Take the city of Oswego. There the expenditure for this service is $9,075.02, while the income is only $4,017.11.

Mr. LONG. From what does that income come?

Mr. TOWNSHEND. From what the Postmaster-General says was originally intended to supply the expenses of the free-delivery system.

Mr. LONG. Is it not from drop or local letters?

Mr. TOWNSHEND. Certainly; that is what it ought to come from.

Mr. LONG. Well, the expense covered not merely the drop or local letters but the general mail.

Mr. TOWNSHEND. I have given you what you asked for. You have been comparing large receipts from some fourteen cities in the Union, and claiming from the aggregate of receipts from free-delivery offices the system is self-sustaining.

Mr. CHACE. Let me ask the gentleman a question.

Mr. TOWNSHEND. I can not yield for an interruption now. I have but a very short time remaining.

The city of Troy, N. Y.—look at that city, Mr. Chairman. It costs the Government $118,999.18 to carry on this free-delivery system, and yet the income from that office is but $12,270.95. It costs, therefore, nearly $107,000 more than it produces. My friend here from New York on my left thinks this must be a mistake and that the figures must be at fault. But, Mr. Chairman, I read from the report of the Postmaster-General, which gives the figures, and I am satisfied on examination that they are correct. I will publish the whole table with my remarks, and refer only briefly now to a few of these cities. I know that in this case it is startling that there should be such a difference and that it should cost nearly ten times as much as it produces, but it is nevertheless true; and yet the gentleman from New York [Mr. SKINNER] in his speech the other day was claiming that this free-delivery service is self-sustaining.

Mr. SKINNER, of New York. For the purpose for which it was established——

Mr. BINGHAM. Why, then, do you extend the service by your bill?

Mr. TOWNSHEND. Take Utica next, the home of Conkling. That costs the Government $10,597.48——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLMAN took the floor, and yielded his time to Mr. TOWNSHEND.

Mr. HORR. Will the gentleman from Illinois now permit me to interrupt him, as I yielded to him for a question?

Mr. TOWNSHEND. Yes, but don't make it long.

Mr. HORR. All that I want to ask is, do you claim that the free-delivery service does not do any other work but deliver the drop-letters?

Mr. TOWNSHEND. I claim that the object, that the purpose, as the Postmaster-General himself declares, in establishing these free-delivery offices was to make them self-sustaining from the delivery of drop-letters.

Mr. HORR. Yes, but do they not also deliver all of the other mail as well?

Mr. TOWNSHEND. Of course they do.

Mr. HORR. Very well then; should not that enter in as a part of the cost of the service? Does the gentleman state the argument fairly when he does not include it?

Mr. TOWNSHEND. I am simply now meeting the other argument which has been made on this floor as to these offices being self-sustaining.

Mr. HORR. Then you should meet it fairly.

Mr. TOWNSHEND. I am doing so.

Now take Utica, to which I was about referring; this costs the Government in round numbers $10,500 and the receipts amount to $4,908. Why is it, sir? I have no doubt that the influence of prominent gentlemen has had much to do with the establishment of the service in some of these places. Perhaps Mr. Conkling had something to do with its establishment in Utica. Mr. Blaine, of Maine, had something to do with making Augusta a free-delivery office. The Postmaster-General charges bluntly that these things are done by means of pressure and influence. He says in his report:

> Postmasters, backed as many of them are by influential friends, have in some cases been unreasonable in their demands for allowances, and it is not surprising that some of them have received more than their share of the appropriation, while others have received less.

Mr. BINGHAM. That is with reference to clerk-hire.

Mr. HORR. That has no reference whatever to the free-delivery system.

Mr. TOWNSHEND. But the same argument I say applies with reference to the establishment of free-delivery offices.

Mr. HORR. But the gentleman must see that the language was not used with reference to the establishment of this service.

Mr. TOWNSHEND. I do not yield to the gentleman from Michigan.

Mr. HORR. Then I repeat the gentleman should state the argument with fairness.

Mr. TOWNSHEND. I am perfectly fair in my statement. I repeat the language of the Postmaster-General and apply it to the free-delivery offices, and I say that they are established upon the same principle as clerks are allotted to post-offices.

Mr. BINGHAM. By no means. It is an entirely different condition.

Mr. TOWNSHEND. Now, Mr. Chairman, there is Mr. CAMERON, of Pensylvania. That gentleman of powerful influence in his own party gets his letters much cheaper than the man who has to walk for his daily mail. And see what it costs the Government to deliver them. Take Harrisburg, Pa., the capital of the State. In Harrisburg the cost to the Government is over $6,000, while the receipts from the office are a little over $3,000—less than half of the cost.

Another very powerful and leading Republican politician of this country, a recent convert to that party, has illustrated his influence in the establishment of these free-delivery offices. I allude to that powerful and influential gentleman, lionized by the Republican party, who sprang up lately among them, General MAHONE, of Virginia. How does he provide for his own State? Here is Petersburg on this list; I believe it is his home. The free-delivery system in that city costs the Government over $5,000 a year, while the receipts derived from it amount to $1,482.08.

But I will append the remainder of this table to my remarks. It is as follows:

Cities.	Cost.	Receipts.
Albany	$29,208 92	$13,106 97
Allentown, Pa	3,000 02	749 01
Altoona, Pa	2,404 32	702 40
Atchison	4,659 69	620 74
Augusta, Me	3,419 80	949 25
Gloucester, Mass	346 08	79 99
Harrisburg	6,307 31	3,355 69
Jackson, Mich	5,310 44	1,565 26
Jersey City	25,523 04	8,483 44
Kalamazoo, Mich	3,000 28	722 21
Knoxville	480 15	78 76
Lancaster, Pa	5,713 85	1,694 92
Lansing, Mich	2,087 47	1,154 55
Leadville, Colo	4,252 40	1,165 08
Leavenworth, Kans	4,298 98	1,160 72
Lewiston, Me	2,287 63	350 10
Lynchburg, Va	1,411 20	324 24
Madison, Wis	936 45	241 39
Manchester, N. H	6,890 16	1,837 45
New Orleans, La	51,083 67	21,348 71
Norfolk, Va	6,107 21	4,385 91
Petersburg	5,085 10	1,482 08
Oshkosh, Wis	2,998 48	917 95
Oswego, N. Y	9,075 02	4,017 11
Peoria, Ill	8,680 04	2,472 43
Portland	8,995 22	6,030 53
Racine, Wis	3,632 98	761 01
Reading, Pa	9,948 54	3,490 06
Sacramento	5,617 65	1,846 65
Salem, Mass	6,718 06	2,423 41
San Antonio	3,940 88	703 34
South Bend, Ind	2,375 18	647 25
Springfield, Ill	6,719 85	1,837 50
Troy, N. Y	118,999 18	12,270 95
Watertown, N. Y	1,080 27	286 52
York, Pa	2,017 12	611 85
Utica, N. Y	10,597 48	4,908 22
Bay City, Mich	2,348 76	1,287 65
Binghamton	1,233 03	786 00
Camden, N. J	6,603 89	2,722 38
Concord, N. H	4,022 53	1,449 50
Davenport	7,410 35	2,436 00
Detroit	36,256 00	28,532 36
Dubuque	6,373 61	1,800 41
East Saginaw	3,008 49	1,669 05
Evansville	7,497 95	1,905 00
Fall River, Mass	6,845 97	3,008 20
Galesburg, Ill	910 85	221 16

The CHAIRMAN. The time allowed for debate upon this proposition has expired. The question will be taken upon the amendment of the gentleman from New York [Mr. SKINNER], which the Clerk will report.

The Clerk read as follows:

In lines 29 and 30 strike out "$3,600,000" and insert "$4,000,000."

The question being taken, there were—ayes 91, noes 55.

Mr. TOWNSHEND. I call for tellers.

Mr. HOLMAN. A quorum did not vote.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from Michigan [Mr. HORR].

The committee again divided; and the tellers reported—ayes 122, noes 55.

So the amendment was agreed to.

Mr. TOWNSHEND. I give notice that I will call for the yeas and nays in the House on this amendment.

Mr. HEWITT, of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add at the close of the pending paragraph the following:
"*Provided*, That periodical publications other than daily newspapers when delivered within the city where they are published shall be charged with the same postage as is now imposed by law upon such publications when delivered elsewhere than in the city of publication."

Mr. HORR. I make the point of order that that amendment changes existing law. But I should like to hear an explanation by the gentleman from New York, reserving the point of order.

Mr. HOLMAN. I ask that the amendment be again reported. It was not distinctly heard.

The proposed amendment was again read.

Mr. HEWITT, of New York. Mr. Chairman——

The CHAIRMAN. Debate is not in order except on the point of order.

Mr. HORR. I should like to hear a statement from the gentleman, reserving the point of order.

Mr. HEWITT, of New York. I am very sorry that I can not make a statement in a tone of voice that will enable me to be heard.

The CHAIRMAN. The Chair desires to state that the committee have concluded debate on the paragraph and amendments thereto. The Chair, however, is willing to hear the gentleman on the point of order.

Mr. HEWITT, of New York. So I understand, and I understand that the point of order is reserved that I may by unanimous consent make a very brief statement.

There is an anomaly in the law which requires that the postage upon monthly periodicals shall be paid on the piece, so to speak, in cities where they are published; but if they are sent into cities from outside, then the postage is charged by weight. The fact of this provision is that parties desiring to evade the law make the place of publication at some neighboring point; for example, in New York they go to Brooklyn or to Jersey City; in Boston they go to Cambridge or Brookline. And in this way the Government is compelled to transport all this mail matter an additional distance; whereas if the rule were that the postage should be the same, as it ought to be, whether the delivery is in the city of publication or outside the city of publication, the Government would save money and the individual would have his convenience promoted.

Mr. HORR. As I understand this does not apply to daily newspapers?

Mr. HEWITT, of New York. Daily newspapers are expressly excepted in the amendment. Weeklies are already provided for by law. The amendment applies only to monthly periodicals.

Mr. HORR. I withdraw the point of order, for I think the proposition is right.

Mr. MONEY. I would like to have the amendment read again.

The amendment was again read.

Mr. DINGLEY. That is right. The amendment ought to be adopted.

The CHAIRMAN. Debate is not in order. The point of order having been withdrawn, the Chair will submit the question on the amendment.

Mr. KASSON. I desire to move an amendment to the amendment, to which I think there will be no objection. The language is, "as is now imposed by law." I think it ought to be, "as is now or may be imposed by law."

Mr. HEWITT, of New York. I accept the suggestion, and will modify my amendment accordingly.

Mr. CALKINS. Is not this the same provision in substance as was passed by the last House?

Mr. BINGHAM. It is.

The CHAIRMAN. The question is on the amendment of the gentleman from New York as modified by the addition of the words suggested by the gentleman from Iowa.

The amendment as modified was agreed to.

The Clerk read the following paragraph:

For rent, light, and fuel, $450,000.

Mr. HORR. I move to amend by striking out "$450,000" and inserting "$480,000," so as to make the amount correspond to what the Department asks. I do not desire to talk on the amendment.

The CHAIRMAN proceeded to put the question on the amendment.

Mr. HISCOCK. I desire to ask the gentleman——

Mr. TOWNSHEND. I make the point of order that the committee is dividing and that debate is not in order.

The CHAIRMAN. The Chair sustains the point of order if insisted on.

The question being taken on agreeing to the amendment, there were—ayes 60, noes 79.

So (further count not being called for) the amendment was not agreed to.

Mr. SKINNER, of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add after line 42 the following paragraph:
"For allowances to post-offices of the third class for rent, $430,000."

Mr. TOWNSHEND. I make the point of order on that amendment.

Mr. HOLMAN. It is not authorized by any law.

The CHAIRMAN. The gentleman from Illinois will state what is his point of order.

Mr. TOWNSHEND. I make the point of order that the amendment changes existing law and increases expenditure.

Mr. SKINNER, of New York. Is the gentleman from Illinois willing to waive the point of order for a moment?

Mr. TOWNSHEND. I think not.

Mr. SKINNER, of New York. I confess the amendment changes existing law and increases the appropriation, and if gentlemen insist on their point of order it can not be entertained. I think nevertheless it is right.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read the following paragraph:

For office furniture, $30,000.

Mr. MOREY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out "$30,000" and insert "$40,000."

Mr. MOREY. The Department has recommended an appropriation of $40,000. It is for a purpose which concerns not only the convenience of the public, but the safety of the public funds. Under a law passed during the last Congress the Post-Office Department has adjusted claims resulting from burglary and other causes amounting to about $40,000. The First Assistant Postmaster-General in his report of this year calls attention to the fact that postmasters have already paid for safes which were ordered by the Department $5,722, and without this appropriation the Department will be unable to make payment for these safes.

In my own city of Hamilton, where the gross revenue from the postal service is $17,445, the total expense of conducting the post-office there only $6,087, and the net revenue of the office $11,358, the Government of the United States does not own a fire-proof safe for the purpose of preserving its funds, and our postmaster is compelled out of his own means to provide a place for the safe-keeping of the large revenues which pass through his hands.

I submit that the estimate of the Postmaster-General for this item is reasonable. The Government ought in all such offices as this to provide the means for the safe-keeping of the public funds. I hope the Committee of the Whole will restore the amount estimated for by the Postmaster-General. He tells you in his report that the Department has purchased safes and placed them in post-offices for which the Department has no money to pay, the appropriation having been found inadequate, and the postmasters, relying upon the faith of the Government and expecting that they would be reimbursed, have advanced the amounts necessary to pay for these safes, as did the postmaster in my city, in all amounting to $5,722. I ask, therefore, that the Committee of the Whole will restore the amount recommended by the Postmaster-General and adopt the amendment which I have offered.

Mr. TOWNSHEND. Some of the gentlemen on the other side, and I think some on this side, of the House seem to have the impression that Congress has nothing to do with fixing the amounts of appropriations, but that we ought to concede the estimates of the Departments. If that is true, then it is useless for Congress to attempt to exercise any power over appropriations. That, however, was not the opinion of the last Congress. The Republican Congress, I notice, questioned these estimates as readily as the Committee on Appropriations of this House has done. It is our duty to look over these items and see if the estimates are fair and reasonable.

The Committee on Appropriations of this House has investigated this matter, and there is a difference of opinion between the Post-Office Department and ourselves in regard to this as well as other items. I may say that the same difference of opinion existed at the last session of Congress. When the Postmaster-General said last year that he wanted $30,000 for this purpose, the Republican Committee on Appropriations and the Republican Congress did not hesitate a moment in saying that the estimate was too high, and they cut it down to $25,000. That was all that the Republican Congress said was needed for this purpose.

The Committee on Appropriations of this House has shown more liberality than was shown by the last Congress, and it has raised the appropriation for this purpose $5,000 above that made last year, making it $30,000. We have given all that was thought necessary for last year by the Republican Congress, and yet gentlemen ask for more. I am aware that the Department has this year estimated for $40,000 for this purpose. And next year it may estimate for $50,000, and the year after for $100,000. I submit that having given $5,000 more than was given last year for this purpose, and no reason having been shown in any of the reports for even that much increase, this House ought not to sit here and allow extravagant appropriations to be made without stronger reasons urged for them than has been urged by the gentleman from Ohio [Mr. MOREY].

It may be that in some little country post-office, such as he speaks of, there may be a scarcity of furniture. But what has become of the furniture which has been purchased from year to year? Twenty-five thousand dollars was given last year for that purpose and $25,000 was given the previous year. Now, it is proposed by the Committee on

Appropriations to give $30,000 more. I insist that this item of the bill should not be disturbed. We have given $5,000 more than was given last year and $10,000 more than was spent last year for this purpose. We give for this item $10,000 more than it is shown was expended for this purpose for the year ending June 30, 1883. Yet gentlemen rise here and ask us to give $20,000 more than the Department expended up to last June.

The amendment of Mr. MOREY was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

For miscellaneous and incidental expenses of post-offices, including repairs, gas-fixtures, and telegrams, $80,000.

Mr. MONEY. I ask the gentleman in charge of this bill to accept the amendment which I have here.

Mr. TOWNSHEND. Let it be read.

The Clerk read as follows:

Insert after the paragraph just read the following:

"And the Postmaster-General is authorized to designate postmasters at money-order post-offices as disbursing officers for the payment of salaries of officers and employés of the postal service and for such other payments as the postmasters are now authorized to make from postal revenues."

Mr. HORR. I hope that amendment will be adopted.

Mr. MONEY. Does the gentleman accept that amendment?

Mr. TOWNSHEND. I do not know that I have any objection to it. I will say that when the gentleman showed it to me a while ago it struck me that it should be a little more guarded.

Mr. MONEY. That is a matter of regulation by the Department.

Mr. TOWNSHEND. So far as I am individually concerned I have no objection to it.

The amendment was agreed to.

The Clerk read as follows:

The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1884, for transportation of mails on railroad routes, by reducing the compensation to all railroad companies for the transportation of mails 5 per cent. per annum from the rates for the transportation of mails, on the basis of the average weight fixed and allowed by the first section of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and for other purposes," approved June 17, 1878. The foregoing provision, and all of the general provisions of law touching the rate of compensation of railroad companies for the transportation of the mails, shall apply to all railroad companies whose railroads were constructed in whole or in part by subsidies in bonds and public lands granted by the United States under the provisions of an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and all acts and parts of acts amendatory thereof; and the said act, and the sixth section thereof, and all acts amendatory of said act, are hereby altered, amended, and modified in conformity with and to conform to the foregoing provision for the readjustment of the compensation to be paid to railroad companies for the transportation of the mails. But nothing in this provision shall be construed in any wise to affect or impair the right of Congress at any time hereafter further to alter or amend the said act approved July 1, 1862, and the act and acts amendatory thereof before referred to; and the foregoing provision shall be subject to alteration or amendment as in the opinion of Congress justice or the public welfare may require; and nothing herein shall impair any right now existing in favor of the United States; and the foregoing provision touching the rates of compensation to railroads constructed under the provisions of said act of July 1, 1862, and amendment thereof, for the transportation of the mails, shall be held as in alteration and amendment of said act and of the act amendatory thereof and of both of said acts: *Provided, however*, That all railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on the condition that the mails should be transported over their roads, respectively, at such price as Congress should by law direct, or on the condition that such railroad should be subject to such regulations as Congress might impose restricting the charges of Government transportation, shall receive only 50 per cent. of the compensation authorized by this act to the other railroad companies for corresponding service.

Mr. HORR. I move to amend by striking out in the paragraph just read the proviso beginning in line 119 and extending to the end of the paragraph.

The Clerk read the language proposed to be struck out, as follows:

Provided, however, That all railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on the condition that the mails should be transported over their roads, respectively, at such price as Congress should by law direct, or on the condition that such railroad should be subject to such regulations as Congress might impose restricting the charges of Government transportation, shall receive only 50 per cent. of the compensation authorized by this act to the other railroad companies for corresponding service.

Mr. HORR. Mr. Chairman, I make this motion because I consider that this proviso as it now stands is unjust toward the railroad companies which received land grants. Some of the lawyers of this House who are more skilled in legal questions than I am can debate whether the provisions of existing law will permit Congress to adopt so high-handed a measure against these railroad companies. A large number of these roads—I have a list here, about fifty in number, covering about 12,000 miles—were built by means of donations of lands which were given by the United States Government to the different States to aid in the construction of railroads. Those States made such contracts as they saw fit with the companies, carrying out at the same time the trust of the General Government.

I claim that when the Government retained the right to fix the amount that should be paid for carrying the mails on these roads it simply reserved the right to fix a just and equitable compensation for the work; and when this compensation has been fixed for other railroads of the country you have no right, legal or moral, to say that these land-grant railroad companies shall receive only 50 per cent. of what you have fixed as a fair rate for doing the work.

Understand me, these lands were not given to these railroad companies for the purpose of getting our mails carried cheaply. There is no such provision in the charters, there is no such reservation in the grants. Such an idea never crept into the debates. These lands were given to enable railroad companies to build roads in sparsely populated and undeveloped portions of the country where otherwise no money would have been invested and no road built.

If you take this list and go through it, you will find that this bill as now drawn, without my amendment, takes off 50 per cent. of the compensation for carrying the mails from more than fifty roads, not over ten of which are to-day paying one cent of the money which was put into them when they were built. This bill does not touch the Union Pacific Railroad, the Central Pacific Railroad, or any of its branches. Now, I ask any gentleman to tell me what right we have to single out two little railroad companies in Florida—the Florida Transit Railroad Company and the Jacksonville, Pensacola and Mobile Railroad Company—and say that we will first fix a rate of compensation for all the railroads in the country, and will then require these two roads to accept only half of what we give to the others.

The land grant that those two roads received was made up of swamp lands in that State, and was designed to enable those companies to build roads which never could have been built without such aid. And since those roads have been built, as an examination will show, they have never earned one shilling of profit for the men who built them. You take the New York Central road, which makes its millions of dollars every year, and you fix the price for which it shall carry the mails, fixing it fairly with reference to what the service is worth; and then you turn to these little Florida roads and say, "We have fixed the compensation for other railroads according to what the service is worth, and you shall take one-half of that rate." Why? Because these companies, in order to induce them to develop a country where the land was not worth anything, received some swamp lands. You do not propose to apply any such rule to the New York Central Railroad, whose franchise is worth $20, yes, $200 per mile where the franchise of either of these two roads is worth $1. I say it is not just toward these roads to adopt such a proposition here in the American Congress.

[Here the hammer fell.]

Mr. SHAW. In answer to the gentleman from Michigan [Mr. HORR] I wish to say that he is quite mistaken in supposing that Congress did not intend to retain any right of supervision over the railroad companies which were endowed with Government grants. The gentleman assumes that we have no right to fix their compensation for mail service at one-half what we pay roads which have not received public donations. Regarding all railroads as public carriers, we have a right to have United States mails and troops conveyed over them at a reasonable price. This right belongs to the Government with respect to all roads which are public carriers. But in regard to railroad companies which we have subsidized, to which we have given a great domain, an empire of land, we wisely reserved the right to require them to carry the mails at such reasonable price as we may fix, and we have the right to say to such railroad companies, "You shall not receive more than one-half what we pay as a reasonable price to roads that received no grants."

The gentleman says that these roads were built through a country having no value. I undertake to say that a man with only 50 cents in his pocket could have taken those grants and built the roads without any additional capital. When these companies ask the Congress of the United States to grant them lands, those lands are represented as being sterile, unproductive, and of no value. But when the road is built then you find the country flooded with pictorial cards and with other railroad documents describing it as a Garden of Eden, the center of civilization, and the perfection of fertility. [Laughter.]

I regard this measure as proper and just and what I hold the people have a right to demand, and that is that these great lines of transportation should carry the United States mail at a reasonable price, to be fixed below that paid to those roads which have not been subsidized either with land or money.

Mr. REED. Mr. Chairman, I entirely agree with what the gentleman from Illinois [Mr. SHAW] has said about the right of Congress to fix a reasonable rate for the transportation of mail by railroads whether subsidized or otherwise. I believe that the railroads are bound to carry our freight for a reasonable rate, but it does seem to me that our power is confined to a reasonable rate whether we have the right to make a lower one or not.

Leaving that question for a moment out of consideration, if we are going to settle the question of what our railroads are to receive we are bound to adopt a reasonable rate of recompense even if we have the right to adopt any we please. It then becomes on our part the exercise of what may be called a quasi-judicial discretion. It ought to be founded on reason and sense, and not upon prejudice. Because we have the strength of a giant we have no right to use it like a giant. We have then fixed on a certain sum as a reasonable compensation for the New York Central, and yet under this bill we purpose to say to every road that had a land grant, no matter whether it was a profitable land grant or not, that they shall take 50 per cent. of what we have declared to be

reasonable in regard to the New York Central. My friend from Illinois can not disagree with me in my statement that that position can not possibly be right.

Mr. SHAW. Then why should Congress provide they should have any control over the price at all?

Mr. REED. Simply because Congress re-enacted what was its natural right, as a legislature very often does in a bill. Very often some member of the legislature gets up and says, "Under this bill unless we put this in we shall not have power," and the men who know you would have power without it have no objection to the reiteration of that power, and there can be no objection to it. But I say to the gentleman, even if he is right we are bound as honest men to fix reasonable compensation. Even if he is right in his proposition that we may take into account the fact we have given them a land grant, even then we are bound to take each road and consider the value of its land grant. We ought not to make a rule which covers a road in Florida, which got nothing out of it——

Mr. SHAW. Allow me to say, if we consider the value of the land grants we would not give them a dollar.

Mr. REED. That may be, but that can not be the case in regard to the Florida road, because nobody in debate has thus far questioned the fact those land grants were not valuable except as these men built these roads. I think the history of many land-grant roads would be that it was years and years before their projectors reaped any advantage from them.

We are bound then, Mr. Chairman, to be just in whatever we do, whether the legal position as to the right of Congress taken by the gentleman from Michigan be correct or not. Even on the basis of my venerable friend from Illinois [Mr. SHAW], who was here long years ago when this matter was originally brought up—I think even if you take his ground the amendment which is proposed can not be just in its operations. We ought not to go on about this business without giving the reasons in each particular case why such a thing is just.

If we are going to take the land grant into account, my friend from Illinois thinks the land grants were so great that a man with 50 cents in his pockets might have built some of these roads. Yet the actual history is of one of them that a man with many million dollars in his pocket actually went on to bankruptcy before he reached one-quarter of the way across the continent, and another man supposed to be worth ten or a dozen million dollars bit the dust at the time the last spike was driven.

[Here the hammer fell.]

Mr. DUNN. Will the gentleman from Maine allow me a question?

Mr. REED. With pleasure.

Mr. DUNN. I wish to know——

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. HOLMAN rose.

Mr. DUNN. Then I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana is entitled to the floor.

Mr. HOLMAN. I will yield temporarily to the gentleman from Arkansas.

Mr. DUNN. If I am recognized I will yield a part of the time to the gentleman from Maine for an answer to a question with reference to one of the provisions of this bill. I wish to get his opinion as a lawyer upon this point. Is it your opinion that by the operation of this bill the bond-subsidy roads, the Pacific railroads, will have their compensation reduced for the transportation of the mails 50 per cent. of what other roads are allowed that are not subsidized? That is to say, does the 5 per cent. reduction and the 50 per cent. provision of this bill apply at all to the bond-subsidized roads?

Mr. BINGHAM. It does, clearly.

Mr. REED. I have not particularly examined the matter or made a personal study of that subject. I can only take the terms of the bill as they appear.

Mr. RYAN. Let me interrupt the gentleman to say that the 50 per cent. provision does not apply to the Union Pacific Railway system at all. The general reduction of 5 per cent. applies to it.

Mr. DUNN. Then I understand that it was not the intention of the committee to apply the 50 per cent. provision to the Pacific Railroads.

Mr. RYAN. Your understanding is correct.

Mr. DUNN. That it was not intended to so apply?

Mr. RYAN. It was not so intended.

Mr. DUNN. Then I would like to ask why that exception was made, and I will be glad if some member of the Committee on Appropriations would explain it. I suppose they had an object in view and understood what they were doing.

Mr. HOLMAN. Mr. Chairman, I was very anxious the other day to explain the action of the Committee on Appropriations with reference to this very proposition, and I took occasion then to state that up to this time the Union Pacific Railroads claimed the right to charge for the transportation of the mails whatever they might think proper and that they were claiming nearly twice the amount paid by the Government to other railroad corporations. Further, that it was not deemed advisable to extend to the Union Pacific corporations any other than the 5 per cent. clause and to bring them under the general provisions of the law touching the transportation of the mails by railways. It was not deemed advisable to do so for this reason (and if the reason is not a sufficient one I shall not object to any gentleman making proper recommendations by way of amendment to this bill); but the reason was that that property is our own, and it must be protected by the United States in order to protect ourselves from heavy losses in the future. It is believed that this can be done through the instrumentality of the sinking-fund act, properly amended, better than by attempting to derive revenue to the Post-Office Department from the operations of the roads; and for that reason the Union Pacific system was left out of this provision.

Mr. DUNN. Will the gentleman yield to me now to reply to that?

Mr. HOLMAN. No; I will yield to the gentleman for a question.

Do not misunderstand me. Any gentleman who believes that through other instrumentality than through the operation of the sinking-fund act we can better save the Government from heavy losses in the future will have my cordial co-operation in support of any measure that will accomplish that result. But, as I have said, it was thought better to bring the operation of the Union Pacific system under the provisions of the general law touching the transportation of the mails and subject them to the 5 per cent. reduction provided for in the law, being a 20 per cent. reduction in all since the passage of the act of March 3, 1873, than to seek to accomplish that result in any other way.

That was the impression entertained by members of the Committee on Appropriations, hoping that the Committee on Pacific Railroads, having a day set already for the consideration of their business, would present a bill on this subject, which would be the first from their committee to be considered in the House; and that through the operation of the sinking-fund act the Government might be able to find some mode of averting the losses impending. And I apprehend for myself that the only effect of our attempting to embrace them in the 50 per cent. clause would be to embarrass the operation of that act. It was thought better, therefore, by the committee to adopt this method in dealing with these roads——

Mr. DUNN. Will the gentleman permit me to ask him to state the compensation which is allowed to the bond-subsidized roads for carrying the mails under existing law?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. TOWNSHEND was recognized and yielded the floor to Mr. HOLMAN.

Mr. HOLMAN. I am very unfortunate, it seems, Mr. Chairman, in making myself clearly understood on this matter. There is no law, I will say in answer to the gentleman from Arkansas, except the sixth section of the act of 1862——

Mr. DUNN. Is not their compensation reduced to 70 or 80 per cent. under the existing law?

Mr. HOLMAN. No; their charges are twice as much, as I have just stated, as the charges of other roads for the same service.

Mr. DUNN. I am referring to land-subsidized roads.

Mr. HOLMAN. You said the bond-subsidized roads.

Mr. DUNN. I meant the land-grant roads.

Mr. HOLMAN. Then you have confused me by your question. I understood you to refer to bond-subsidized roads.

Mr. DUNN. What I wish to inquire is, what is the compensation allowed to the land-grant roads for carrying the mails?

Mr. HOLMAN. They stand on exactly the same footing up to this time with the other roads for transporting the mails, except that they suffer a reduction of 20 per cent. from the rates paid to the other roads.

The proposition now is to increase the reduction 30 per cent. further, making a total reduction from their compensation, in view of the land grants which they hold and by which their roads were built, of 50 per cent.

Mr. RYAN. I think the gentleman was mistaken in saying that the only difference is the 20 per cent. reduction for carrying the mails, because in addition——

Mr. HOLMAN. I am talking now of the transportation of the mails alone. I am not talking of the provision for transporting supplies and troops of the Government or anything else.

Mr. BELFORD. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BELFORD. It is utterly impossible to hear what is going on in the Hall.

The CHAIRMAN. The point of order is well taken.

The gentleman from Indiana will proceed.

Mr. HOLMAN. Now, I hope my friend will observe the fact that every one of the land-grant roads, except the Northern Pacific Railroad, received its grant subject to the conditions that the said road should be and remain a public highway for the use of the Government of the United States in the transportation of troops and supplies free of tolls or other charges.

Under that we are now paying, strangely enough, under judicial decisions of the Supreme Court, 50 per cent. of the amount paid to the other roads. The other clause is as follows:

> That the United States mail shall at all times be transported on said roads, under the direction of the Post-Office Department, at such prices as Congress may by law direct.

Now, every grant that is made that is affected by this provision, except the Northern Pacific grant, is subject to these two conditions: first

that the railroads shall transport our troops and supplies; that they shall be a public highway for the transportation of our troops and supplies free of toll or other charge. But under that we pay 50 per cent. of the price paid to other roads. It is now proposed to put the cost of transportation of mails on exactly the same basis and pay the roads 50 per cent., which is a much larger amount than gentlemen who have not examined the subject would suppose.

There are some 14,000 miles of these roads built by your bounty.

Mr. BELFORD. Can you state the number of acres?

Mr. HOLMAN. The number of acres likely to be patented runs up to 100,000,000, a body of land far more than necessary to construct the system—far beyond it on any reasonable basis of value of the lands. You have built these roads. You pay them 50 per cent., after having built them, for the transportation of your troops, under this ambiguous law, by decision of the Supreme Court. And now all you ask is that they shall transport your mails, in view of the grants made to them, at fair and reasonable rates; that is to say, 50 per cent. of the amount paid to other corporations.

[Here the hammer fell.]

Mr. CANNON. I shall be glad to have the attention of the committee for the few minutes that I occupy in talking upon this amendment. I shall confine myself to the discussion of the amendment.

Without turning to the acts making the grant of lands to these roads, I will say in general terms that the right to fix the pay for carrying the mails was reserved; also the other right that these roads should be public highways for the use of the Government for the transportation of troops and supplies, as the gentleman from Illinois [Mr. SHAW] stated a few moments ago. I want to say further that while this power exists to fix the mail pay of these land-grant railways, I heartily concur in what the gentleman from Maine said, that it was contemplated then and should be the policy now that whatever rate is fixed should be a reasonable rate.

Mr. SHAW. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly; but my time is limited.

Mr. SHAW. Has the Government a right to make a discrimination between those roads that have been subsidized and those that have not?

Mr. CANNON. Oh! The Government has this power touching the land-grant railroads proper, and of course has the power to make a discrimination. Now, I undertake to say it is not equitable to fix the pay of these land-grant railroads at one-half of what the other railroads receive. There are 12,000 miles of these land-grant railroads, in round numbers. The pay they now get on the average per mile per annum is $97; that is, for each mile of railroad that these mails are carried the pay per year is $97 only.

Now, mind you, these roads have the trips to make; they have their track to keep up; they have their rolling-stock to keep in repair; they have to deliver the mails in the eighty-rod limit. In the main they travel through a new country where they have not the passenger and freight traffic or the mail traffic either that the roads in the older country have. But while they receive the $97 per annum for carrying the mail, go to the New York Central for example and see what it receives. From $1,000 to $1,600 per mile per annum—sixteen times as much as these new roads in the new country receive. Take the Pensylvania Central. It receives from $1,200 to $1,800 per mile per annum.

Mr. SHAW. Will the gentleman permit me to ask him——

Mr. CANNON. I have but five minutes and can not yield. Now, then, I beg gentlemen to reflect that there is great difference in the business of roads in a new country and a well-settled country. With the land-grant railroads in the new country space is not the important thing in running a train. It is the trip, the train-men, the cars, the locomotive, the track—everything has to be furnished; not one-fourth part of the space in the cars is utilized.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I should like to have a few minutes longer.

Mr. HENDERSON, of Illinois, was recognized, and yielded his time to Mr. CANNON.

Mr. CANNON. In the older settled countries everything is run full—freight trains loaded down, passenger trains filled with passengers, there is no dead space comparatively speaking. The rate for transportation for passengers, if you please, in the old settled parts of the country is much lower than it is in the new settled parts. Why? Because all their space is utilized.

Now, gentlemen, I want to talk to the members of this committee as business men for a moment. I ask you to keep in mind what are the factors in this proposition. Who is it that supports the land-grant railroad down in Florida, for instance? Who is it that pays for it? So you may say as to every other land-grant railroad and every other railroad in the country. The men who ship the freight on the railroad, the men who travel on the road as passsengers, the people who live along the railroad, if you please, support these roads. Now, then, if you cut down the pay, I say to my friend from Illinois [Mr. SHAW], rich in years and experience, if you take away one-half of the little morsel of pay they receive it only imposes an additional burden upon their customers.

It is charged over upon the other business the railroad does. The poor men who are struggling for the necessities of life in a new country pay it in addition to the other burdens they bear, for they furnish the business that supports these roads. And yet statesmen like my friend from Indiana [Mr. HOLMAN] and my friend from Illinois [Mr. SHAW] get up here and pose as the guardians of the common people, when what they are doing is to take from him that hath not and give to him that hath.

This is but a mere hint at what I could say upon this bill, for I have not time to amplify. Under the five-minute rule I can do nothing more than to call the attention of the committee to the matter and to ask the Committee of the Whole to see to it that when the cry is raised here against land-grant railroads and monopolies, the rights of the poor men of the country who support these roads are not in the main sacrificed by those who profess to serve them.

A long time ago, in the French revolution, when that magnificent woman fell a martyr who will be recollected through all the ages, just before the ax of the guillotine dropped she exclaimed—"Oh, Liberty, what crimes are committed in thy name!" I might well say here, Oh, people, what injustice is done ostensibly for your benefit, but in fact to rivet an additional chain about your necks by your self-constituted champions!

Mr. HOLMAN. Will my friend permit me to ask him a question?

Mr. CANNON. Certainly; with pleasure.

Mr. HOLMAN. Do these land-grant railroads, including the great Illinois Central, built by the Government, and now owned by capitalists on the other side of the water——

Mr. CANNON. I hope the gentleman will hasten.

Mr. HOLMAN. Do they make their charges any lower on account of their land grants for transporting the poor men of your country?

[Here the hammer fell.]

Mr. CANNON. If I can be allowed time I will answer the question of the gentleman.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CANNON] has expired.

Mr. MILLS. I will take the floor, and yield time enough to the gentleman to answer the question.

Mr. CANNON. I will say to the gentleman from Indiana [Mr. HOLMAN] that the business of railroading in this country is just like any other business. If the managers of railroads transact their business for nothing, the companies must soon break. If they do business for half price for six months of the year, they will charge double price for the other six months.

The law governing demand and supply operates between railroads and their customers just as it does between individuals and their customers in cases where railroads are not involved; and when you cut down the compensation of railroads for one kind of service, as the years roll around they must add the amount so cut down to the other business which they do; and any man with sense enough to set a hen can not fail to comprehend that proposition.

Mr. HOLMAN. Will not the gentleman answer my question? He has time enough.

Mr. CANNON. What is it?

Mr. HOLMAN. Has the Illinois Railroad reduced its rates of transportation of passengers to the basis of other railroads in view of the fact of the land grant made to it?

Mr. CANNON. Did it reduce its rates?

Mr. HOLMAN. To the rates of other railroads?

Mr. CANNON. Oh, the Illinois Railroad was the pioneer railroad in Illinois.

Mr. HOLMAN. Will not the gentleman answer my question?

Mr. CANNON. Certainly, if the gentleman will allow me to do so in my own way. The Illinois Railroad was built under that system, magnificent as it was when it was inaugurated, under the lead of the Little Giant of Illinois, Stephen A. Douglas.

Mr. HOLMAN. The gentleman is consuming the time of the gentleman from Texas [Mr. MILLS].

Mr. CANNON. Do not stop me midway in my answer.

Mr. HOLMAN. If the gentleman will not answer my question, I will yield the floor to the gentleman from Texas.

Mr. CANNON. I will answer it to the gentleman's heart's content.

Mr. HOLMAN. Why not answer it directly?

Mr. CANNON. Let me answer it in my own way, and I will satisfy even you before I get through.

The Illinois Central Railroad was built through a then wilderness, where no accommodations were furnished to the people in the way of freight and transportation. It was the pioneer road, and the building of that road has led to the building up of kindred roads and the establishment of other enterprises in that State, until to-day the State of Illinois stands the first in agriculture, the fourth in manufactures, and higher than any other State in tax-paying power under the internal-revenue law.

Mr. HOLMAN. Can not the gentleman answer a very pertinent question? He has time enough to answer it.

Mr. CANNON. I did not agree to furnish the gentleman from Indiana [Mr. HOLMAN] the necessary power of comprehending a legitimate answer to his question. It is not a question of what any railroad has charged heretofore, but the question is is the rate proposed to be fixed an equitable one?

Mr. HOLMAN. Well, will not the gentleman answer the question?

The CHAIRMAN. The gentleman from Texas [Mr. MILLS] has two minutes.

Mr. MILLS. I move to amend by striking out, in line 70, the word "five" and inserting "ten," so as to provide that the reduction of the compensation of railroad companies for transporting the mails shall be 10 per cent. instead of 5 per cent.

When the present rates of compensation for carrying the mails were established the freights which those companies were charging to private individuals were 100 per cent. above what they are now. The compensation allowed for carrying the Government freight was certainly fixed with some sort of reference to the charges of the railroad companies to private individuals for similar service. I am perfectly willing to pay these companies a reasonable compensation for doing the work of the Government, but the law as it now exists pays them a compensation which I can not characterize by any other epithet than enormous.

If members of the House will take Poor's Railroad Manual and turn to the reports of the railroad companies themselves of their charges for carrying the freight of private persons, they will see that the charges now paid average about one cent per ton per mile, taking the whole country.

[Here the hammer fell.]

Mr. MILLS. I hope I shall be allowed a little more time. I gave all my time to other gentlemen.

Mr. HOLMAN. The gentleman, I think, was entitled to five minutes.

The CHAIRMAN. He was; but the time was consumed largely by other gentlemen.

Mr. HOLMAN. But it was understood I think that the time was not to be taken from the gentleman from Texas. I hope he will be allowed his five minutes.

Mr. CANNON. I hope the gentleman from Texas will have his time extended.

Mr. HOLMAN. The gentleman from Illinois [Mr. CANNON] took all his time.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois as taking the floor and yielding to the gentleman from Texas.

Mr. MILLS. If we examine the statement made by the Post-Office Department when a bill of this same character was before the House some two years ago we shall see what the Government is paying these railroad companies per ton per mile for carrying the mails. It pays the Baltimore and Ohio Railroad Company 12 cents per ton per mile, while that company carries freight along its lines for the people of Maryland, Virginia, and Ohio for 1 cent per ton per mile. The Government pays the New York Central and Hudson River Railroad Company 8 cents per ton per mile for transportation of the mails, while that company carries the freight of private individuals for less than 1 cent per ton per mile. Now when we come to those favored corporations the Union Pacific Railroad Company and its branches we find that the Government pays for this service on the Union Pacific $1.71 per ton per mile; on another branch $2.03 per ton per mile; on others 79 cents, 48 cents, and 37 cents; and the compensation runs down in some cases to 3 cents per ton per mile. The New Orleans, Saint Louis and Chicago Railroad Company receives 3.37 cents per ton per mile. Now, if it is reasonable and right to pay the Union Pacific Railroad Company $2 per ton per mile, it can not be right to pay the New Orleans, Saint Louis and Chicago Company a little more than 3 cents per ton per mile.

What makes this great difference in the rates of compensation? I ask the House, and especially gentlemen who have charge of this measure, to examine this question. It seems to me that the compensation we are paying these roads is vastly in excess of what we ought to pay. This bill proposes a reduction of 5 per cent. on the present compensation; my amendment will make a reduction of 10 per cent. I think the reduction might reasonably be 50 per cent. When I presented this question two years ago it received but little consideration from the House. My friend from Illinois [Mr. CANNON] pooh-poohed my proposition, and said that I was mistaken when I presented a table furnished to me by the Post-Office Department showing what was being paid. We are paying these companies for carrying our mails 1,000 per cent. more in some instances than private individuals are paying for transportation service. The little road to which I have referred, the New Orleans, Saint Louis and Chicago Railroad, receives from the Government 200 per cent. more than it charges to private individuals for transportation of freight; yet its compensation from the Government is only 3 cents per ton per mile, while the compensation in some other instances is as high as $2 per ton per mile.

This bill proposes still to pay exorbitant prices for this service. I am told that some of these railroad companies, from the compensation which they receive for carrying the mails of the Government, pay their entire running expenses. I have heard that statement made—whether it is true or not I do not know. I do know that the Government is paying to these companies for mail-service rates vastly in excess of what it should pay.

[Here the hammer fell.]

Mr. BELFORD. Mr. Chairman, I listened to the impassioned speech made by my distinguished friend from Illinois [Mr. CANNON]. Probably if he knew as much about Western railroad interests as I do he would be less enthusiastic on the subject. We built the Union Pacific road; we built the Central Pacific road.

Mr. CANNON. This bill does not apply to them.

Mr. BELFORD. They are land-grant roads.

Mr. CANNON. It does not apply to them at all.

Mr. BELFORD. Did we not make a land grant to the Union Pacific Railroad Company?

Mr. CANNON. But this bill does not affect that road at all.

Mr. HORR. It does not touch the Pacific railroad companies.

Mr. BELFORD. Well, aside from all that, I say that it is the duty of this House, whether this bill applies or not to the Union Pacific and the Central Pacific Railroads, which we did practically construct by indorsing their bonds if we did not give them land grants—I always understood that we did give them land grants, and consequently I spoke of them as land-grant roads——

Mr. HORR. This bill purposely excepts those two roads, the Union Pacific and the Central Pacific.

Mr. BELFORD. It does not except them in this provision.

Mr. HORR. It does, because it applies to roads which have certain conditions in their charters, and these roads have a different charter entirely.

Mr. BELFORD. I would like the gentleman to show me the language where the exception is made.

Mr. HORR. I will do so:

Provided, however, That all railroad companies——

Mr. BELFORD. I will read it:

Provided, however, That all railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress—

Mr. HORR. Now, observe the language that follows—

on the condition that the mails should be transported over their roads, respectively, at such price as Congress should by law direct, or on the condition that such railroad should be subject to such regulations as Congress might impose restricting the charges of Government transportation—

Now, neither of those restrictions is in the charter of the Union Pacific or the Central Pacific.

Mr. BELFORD. Mr. Chairman——

Mr. HORR. Wait a moment—

shall receive only 50 per cent. of the compensation authorized by this act to the other railroad companies for corresponding service.

These two railroad companies have been omitted purposely.

Mr. BELFORD. They used to have a school of philosophers in Greece who were called esoteric and another who were called exoteric. The latter were public and general, while the former were specialists. They had knowledge peculiar and special. Now, these gentlemen belong to that esoteric school of philosophers, and they possess a knowledge that is special to them and which the rest of us do not have. I say that no man can read that provision and come to the conclusion announced by the gentleman.

Mr. HORR. The gentleman does not know what he is talking about.

Mr. BELFORD. You will see whether I do—I mean the gentleman from Michigan. What is the fact? I introduced a bill in this House the other day reducing the rates of freight 50 per cent. because we built the roads. Jay Gould never put a dollar into their construction, and yet he has received $900,000 income a year from them. And he was ready to dominate and direct the fortunes of political parties with them. I say that this Government built them, and the time is coming when members of both political parties should assert the power of this nation to control these transcontinental lines; and any party that has not the courage or manliness or vigor to assert and execute that power will find itself in the vocative with the voting people of this Republic within two years.

Whether I am right or wrong about some exception in that provision which the gentleman says is mantled and covered up and blanketed over, I do not know but it does contain one great substantive assertion, and that is the power of this Congress to regulate these corporations.

[Here the hammer fell.]

Mr. DUNN. Mr. Chairman, I desire to call attention to the reason given by the gentleman from Indiana [Mr. HOLMAN] why the Pacific roads were not included in this provision by which the compensation of the land-grant roads is to be reduced to 50 per cent. of that allowed to other roads. He says the reason is that they are indebted to the Government; that the Thurman act is to be so amended as to increase their sinking fund; and in order to increase their ability to repay to the Government what they owe they are not to be placed on the same footing of compensation as other land-grant roads, but are to receive double the pay for carrying the mails that other land-grant roads receive.

Mr. HOLMAN. Not quite that.

Mr. DUNN. That is the substance of it.

Mr. HOLMAN. Not quite the substance of it.

Mr. DUNN. That is taking money out of one pocket of the Government to put it into another.

Several MEMBERS. That is it.

Mr. HOLMAN. Will my friend allow me——

Mr. DUNN. It is absolutely a gift to these roads to enable them to

pay what they owe. It is an additional subsidy in money never to be repaid.

Mr. HOLMAN. Will my friend allow me?

Mr. DUNN. I regret that I have not time, and I know my time will not be extended.

The fact is, Mr. Chairman, that the Pacific roads are land-grant roads, not subject to the same conditions expressed in the statute making the grants that other land-grant roads are, but they are subject to the same powers of the Government, "to regulate the postal service," derived from the Constitution. They have received a greater consideration in lands as well as in bonds, and they are correspondingly under greater obligations to the Government. If they owe the Government a sum of borrowed money, they should be required to pay that out of their own legitimate and honest earnings and not out of the pocket of the Government.

But I have never yet heard a reason given on this floor which has satisfied my mind why those roads should not be placed on the same footing as other land-grant roads. I moved the amendments to the appropriation bills in the last Congress to fix their compensation for transporting mails, troops, and Government property at the same rates other land-grant roads were compelled to accept. These amendments passed the House, but failed in the Senate, and were lost in conference.

They owe the Government a debt, and the Government has taken its own method to collect that debt. On that score they are under no obligations to carry property cheaper for the Government than other roads. And when it comes to taxing the land-grant roads, the weak land-grant roads, by a forfeiture of one-half of their compensation for carrying the mail and taking nothing from these powerful corporations, and those, too, shown by the table read by the gentleman from Texas [Mr. MILLS] to be receiving larger compensation per ton per mile than any other land-grant roads in the country, I say there is no reason for that discrimination. The only amendment which ought to be made to the bill is to place all the land-grant roads on an equal footing, allowing them the same compensation for like services, and compelling the Pacific roads to pay their honest debts out of their own honest earnings, and not out of a roundabout additional subsidy granted to them by the Government under the false pretenses of this act. I regret that the gentleman from Indiana [Mr. HOLMAN] and I regret that the Committee on Appropriations have taken that method. It has always been my rule to sustain the Committee on Appropriations when they are legislating in the line of economy; but in an act of manifest injustice of this character, for which no just reason can be given, I can not support them, and I regret it.

I will vote for any amendment to the existing law which places these land-subsidy roads upon an equal footing. They have shared the Government's bounty—not equally indeed, but certainly very liberally and in common. What I complain of is that those that got the lion's share of land are under this bill to receive the lion's share of compensation for services also. The rich are to be made richer and the poor poorer. There is neither law nor equity in the proposition. Our common sense of justice revolts against it.

[Here the hammer fell.]

Mr. CANNON was recognized, and yielded to Mr. DUNN.

Mr. DUNN. Now, Mr. Chairman, the Pacific roads are exempted from the operation of the statute which requires the other land-grant railroads to carry the troops and property of the Government at 50 per cent. of what other roads of the country are allowed to charge for similar service. The Pacific roads, these petted children of fortune, who have received from the Government a domain from its public lands large enough for an empire, are exempted on this plea of poverty and a large debt to pay.

If these roads came into court with clean hands, if they had been just in their dealings with the Government, or had made an honest effort to deal fairly with the Government, there would be an argument in their behalf based upon the merit of honest purpose and effort. But they have resisted every requirement of duty imposed upon them by the law of their creation which emanated from Congress; they have evaded every condition on which they received and accepted the land grants and the bonds; they have avoided the payment of their just debts to the Government, resisting it through the courts, exhausting all the law's delays, and the Commissioner of Railroads in his last report shows that these roads after getting a decision of the First Comptroller adopted by the Secretary of the Treasury to the effect that their leased lines of roads should not be subjected to the operation of the Thurman sinking-fund act, are making the leased roads do all the business and make all the earnings, and they are robbing the trunk roads, that are subject to the conditions of that act, of all profits, so as to reduce the sinking fund to a minimum.

That part of their characteristic knavery is best told in the Commissioner's own language, which is as follows; I read from his last report (page 14):

> The purposes of Congress in granting the liberal aid extended to these companies, so forcibly expressed by Justice Davis, were held to be important elements in arriving at the true construction of their charters, and are not now to be overlooked in considering their present relations to the Government. All these purposes have been much more than realized, and it has been frequently and officially stated that the actual saving, year by year, to the Government greatly exceeds the whole annual interest paid.
>
> I am the more convinced that immediate action should be taken by Congress in this matter for the reason that each year demonstrates more clearly the fact that the present sinking-fund method is a practical failure, and I invite particular attention to the detailed report on the Central Pacific Railroad Company, from which it will be seen that the earnings on the subsidized portion of the road diminished in greater proportion during the year 1882 than on the non-aided and leased lines. The average decrease on the entire system was $462 per mile; but on the aided portion it was at the rate of $553 per mile, as against $227 on the non-aided portion.
>
> But whether this falling off of earnings on the subsidized portion of the road is due to the natural changes in traffic incident to the opening of new and competing lines, or has been purposely diverted from one line to another, it works equally to the same result in reducing the gross earnings of the roads out of which the 25 per cent. of the net earnings required to be paid under the act of May 7, 1878, is to be derived. But from whatever causes the fact arises, it is not perceived how the Government can interpose to change the direction of transportation of either passengers or freights. Such inquiry would be environed with almost insurmountable difficulties of both law and fact.
>
> The gross receipts of the Union Pacific also decreased, but the diminution of operating expenses left the 25 per cent. of net earnings slightly increased.
>
> Under the decision of the First Comptroller, affirmed and adopted by the Secretary of the Treasury in his circular of June 27, 1883, the Government is liable to pay in cash for all services rendered by the bonded Pacific Railroads over any portions of their road, owned, leased, or operated, which have not been subsidized in bonds. The total service for the Government rendered by the Union Pacific for the year 1882, over all its lines, was $1,139,709.38, of which $932,975.41 was upon the subsidized portion, leaving the sum of $206,733.97 as due the company in cash. The Central Pacific rendered service during the same period amounting to $1,051,862.46, of which $403,754.26 was upon the subsidized line, leaving $648,108.20 as due the company in cash. The services of the Sioux City and Pacific amounted to $30,888.22, of which $10,231.05 was upon the subsidized portion, leaving $20,657.17 as due the company in cash. The Central Branch Union Pacific performed services amounting to $35,287.42, of which $12,533.58 was on the subsidized portion, leaving $22,748.84 as due the company in cash.
>
> It is clear that under this decision, which is in accord with the decision of the Court of Claims in Union Pacific Railway Company *vs.* United States (16 Ct. Cls., 353), the companies have a manifest interest in diverting traffic from the subsidized portions of the road. But if they accept the provisions of a bill which funds the indebtedness in long payments and directs that all moneys for services over the aided lines, or upon any lines owned, leased, or operated by them, be credited upon the books of the Treasury until the bond of redemption next to mature shall have been fully paid, the entire transportation of the Government over all these roads would be pledged and applied to the liquidation of the debt as it matures and insure its absolute payment within the limited time.
>
> Should the decrease in the earnings of the aided lines continue to even an approximate proportion to the decrease of the last year, it will be readily perceived that the 25 per cent. of net earnings to which the Government is entitled would be so reduced as to render this increasingly inadequate as related to the vast magnitude of the debt.
>
> At the rate provided for in the Thurman act it would require a century or more to accumulate a fund sufficient to discharge this debt, and with strong probability that by this method it can not be done.

They are robbing, actually robbing, those portions of their systems that the Government has a hold upon, and smuggling their earnings over to the leased roads that the Comptroller strangely concludes are exempt from the operations of the law. The Comptroller reaches the remarkable conclusion that it is not the corporations, the companies, that owe these debts, but that it is only certain parts of their road-beds, tracks, and rolling-stock that owe it. They have always steadily resisted all the just demands of the Government, and if we are at last forced to sequester both the roads and their earnings, we will be taking a hive that has been already robbed of its honey and whose value has already been destroyed.

That, Mr. Chairman, is their manifest policy and intention. The facts are as I have stated. They are open to the observation of any who will examine them. Shall we then exempt them from conditions and burdens that we put upon weaker roads which are less able to endure them, roads which have received from us no such considerations, and roads that have faithfully performed the obligations imposed upon them as a consideration for their land grants, whatever else may be said of them, while these swollen and haughty corporations, which have received more than $60,000,000 in money and a veritable empire in lands, have never willingly performed a single duty or obligation that they owe as a consideration for the bounty of the Government.

Their minions and hirelings have infested these lobbies until they have grown gray in this wicked work. Members of Congress retire from the public service to the service of these potentates on larger salaries than the Government can give them, and they usually leave here laden with spoils for their masters, already fabulously rich.

We have heard here, and shall doubtless hear again, much said about private property and vested rights and shall be told that Congress has no power. Mr. Justice Davis, in delivering the opinion of the court in United States *vs.* Union Pacific Railroad (91 United States Reports, 79), said:

> The project of building the road was not conceived for private ends, and the prevalent opinion was that it could not be worked out by private capital alone. It was a national work, originating in national necessities, and requiring national assistance.
>
> The primary object of the Government was to advance its own interests, and it endeavored to engage individual co-operation as a means to an end—the securing a road which could be used for its own purposes.

The Constitution confers power on Congress to regulate commerce and the postal service. The Thurman act was an amendment of the charter of these roads, and its validity and constitutionality have been fully sustained by the Supreme Court.

I have never doubted our power to control the charges that they are to be allowed to make, but because we have the power I would not be

unjust either to them or to others, and under no circumstances would I discriminate in their favor and against the weaker roads.

[Here the hammer fell.]

Mr. TOWNSHEND. I really do not think there is any issue between the gentleman from Arkansas and myself. The reason why the 50 per cent. reduction was not applied to the Union Pacific system was because of a difference of opinion existing between the members of the committee as to whether we had the power to do that. I believe the majority of the committee were willing to subject the roads of that system to the same rate of reduction; but owing to the peculiar language of the charters of these roads and the decisions that have heretofore been made many of us doubted the power of Congress to subject them to the 50 per cent. reduction. If the gentleman from Arkansas, at the proper time, will offer an amendment bringing those roads down to the same basis as purely land-grant roads, I will support it if he will show that the law warrants it.

I want to address myself now solely to the proposition presented by the only pending amendment as I understand it, the amendment of the gentleman from Michigan. The amendment he makes is to strike out that provision of the bill which reduces the compensation of the land-grant roads purely and simply. Now, upon that proposition, what is the situation? The land-grant railroads have received from the Government in consideration of a clause in their charters conferring upon Congress the power to fix the rates of mail transportation at such a sum as Congress shall deem fitting—in consideration of conferring upon Congress the full, ample, and absolute power to fix their mail compensation at just such a sum as Congress may deem proper—in consideration of that clause in their charters the land-grant railroads have received from Congress 133,324,730 acres of the homesteads of the American people. That is the consideration we pay for it.

Take the Northern Pacific for instance. The grant to that road embraces 48,000,000 acres of land, some of the lands being the finest the sun of heaven ever shone upon.

Mr. MAGINNIS. And is not this Congress taking those lands away?

Mr. TOWNSHEND. Do not interrupt me. Some of those lands, I understand, run up as high in value as $20 an acre. That road has received a donation of the homes of the people of 48,000,000 acres. When they were about to receive the donation Congress required of that company that they should contract and agree that they would convey upon their lines, that they would simply haul upon their regular passenger trains, one or more mail cars sufficient to carry the mail. No exclusively mail trains; not an additional dollar of cost was demanded of them to carry the mail. The simple privilege only was demanded that for carrying a mail-car, one or more, on their regular passenger trips they should give Congress the power to fix their rates of mail transportation at such terms as Congress may deem proper. They accepted the grant on that condition.

Now the American Congress is called upon to exercise their judgment as to how much that road shall receive for carrying the mail. They got a donation from this Government which, if not forfeited, is estimated to be worth $150,000,000. Now, what does the committee say? That in consideration of the great and immense donations to these roads, the princely fortunes with which these roads are endowed, we simply demand that you shall carry the mails at one-half what we are paying roads that never received a dollar of help from the Government, that never received a dollar of bounty from the Government. Is that not fair if we give away the homes of the people to those roads?

A further fact stares us in the face, that the donation made by Congress if the grant is not forfeited on that line will pay for the building of the road and make it a free gift to the railroad company.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. REAGAN obtained the floor and yielded his time to Mr. TOWNSHEND.

Mr. TOWNSHEND. Now, I know exactly what is in the mind of some of the advocates of these land-grant roads. They say to us, "You propose to forfeit their grants." If we do, this provision applies only to that portion of the road which has already received its grant.

One gentleman said this Northern Pacific road had wrecked the fortunes of Villard and Jay Cooke. Why did it wreck their fortunes? Simply because they watered the stock and the bonds of that road. It was by means of trickery and robbery of the investing public that they wrecked their own fortunes as well as the fortunes of others.

My colleague from Illinois speaks of the French revolution. He did not tell us the cause of the French revolution. He dared not tell us. The cause of the French revolution was of the same nature as that which to-day impels the American people to rise up and demand that Congress shall not throw away their homesteads, shall not give away their public lands. It was legislation like that which endowed these Pacific railroads with these immense land-grants that caused the French revolution. It was robbery of the people. It was the favoritism of the crown. It was special legislation and the use of the powers of the executive to enrich the few at the expense of the many that aroused the masses and resulted in the bloodshed of the French revolution; and if you go on pauperizing the people, robbing them of their homes, driving them into poverty by unjust and iniquitous taxation, the time may come when the grand mass of the American people will rise up and overthrow their rulers just as the French did in their revolution.

My friend speaks of the Illinois Central Railroad and gives praise to the "Little Giant of Illinois." What did he do? When Congress gave that princely endowment to the Illinois Central Railroad did Mr. Douglas leave it on the same basis that we left the Northern Pacific and other land-grant roads on? No, sir; Mr. Douglas wrote a provision in that charter which required the Illinois Central to pay 7 per cent. of its gross earnings into the treasury of the State of Illinois. The grant was made to the State of Illinois, and it was exacted of that road and it was compelled to pay and does pay to-day into the treasury of the State of Illinois 7 per cent. of its gross earnings. That was the kind of land grant that was made by a Democratic Congress.

Mr. DUNN. Will the gentleman allow me to ask him a question?

Mr. TOWNSHEND. I have not time. The Illinois Central has sold enough of its land grants to realize three and one-quarter millions of dollars. I submit, in God's name, that, having received three and one-quarter millions of dollars from the Government, we certainly ought to compel the road to convey our mails at the rate of 50 per cent. of what we pay roads that never received a dollar of bounty from the Government, and even then the road will receive enormous compensation. It will be found upon examination that these railroads charge the people in some instances fifty times as much for carrying the mails as they charge for carrying ordinary freight. And when the Illinois Central shall receive from 20 to 25 per cent. for carrying the mails, even after this reduction, more than it receives for ordinary freight, it seems to me it will not be unjust to reduce the compensation paid that road for this service.

Mr. RYAN. We have been told, and correctly, that the Union Pacific Railroad was constructed almost exclusively by means of aid from the Government. We have been told that to that system of railroads we made a grant of 37,000,000 acres of the public domain. We have been told that to those roads we loaned the credit of the Government, by its bonds, to the amount of over $60,000,000. We have also been told that the original holders of the stock in that system of railroads never paid one dollar for it. Yet the Committee on Appropriations of this House proposes to pay this class of roads the original charter rates, that is, "a reasonable compensation, not exceeding the highest price paid individuals for like services." That committee undertakes here to make the 5 per cent. reduction apply to that road. If we have, under the law, the right to make the 5 per cent. reduction apply, if we have the right to amend the charter of these roads to that extent, pray tell why we have not the right to make the 50 per cent. reduction apply to them? The same power which enables them to do the one will enable them to do the other.

To what roads do they make the 50 per cent. reduction apply? To that class of roads which have been aided by comparatively small land grants; roads which, with the exception of one, have not received a land grant exceeding two and a half million of acres in any instance.

There were originally upward of seventy roads of this class, but they have been somewhat reduced in number by consolidations. With the exception of one road, the Northern Pacific, not one of them has received a land grant exceeding two and a half millions of acres. Fifty-two of these roads received each a grant of less than a million of acres; thirty of them grants each of less than a half a million acres; twenty-two of them grants each of less than 300,000 acres; seventeen of them grants each of less than 200,000 acres, and nine of them grants each of less than 100,000 acres.

It is proposed to make these roads which are carrying the mails for 20 per cent. less than the roads constructed exclusively by Government aid, which are transporting all your troops and your Government property for 50 per cent. of the usual rates, suffer a further reduction of 30 per cent., while you allow the other roads, constructed wholly by Government aid, to receive full rates. Why? Is it because you have not the power under their charters to reduce their compensation?

Mr. TOWNSHEND. Have you that power?

Mr. RYAN. That has been answered by the proposition to enact legislation here to amend their charters so as to reduce their rates 5 per cent.

Mr. TOWNSHEND. Will you vote to reduce the compensation of those roads 50 per cent.?

Mr. RYAN. The proposition to reduce the compensation of those roads 50 per cent. came from the Committee on Appropriations at the last session of the last Congress, and was advocated here, I think, by every member of that committee except Mr. Caswell, and I was one of its members. When it came in here for discussion, it was finally determined by the House to be reasonable, to reduce the compensation of these roads 20 per cent. and put them on the same terms as the other land-grant roads, and that reduction passed the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNSHEND. I move that the committee rise for the purpose of limiting debate on this paragraph.

Mr. KEIFER. Do not do that now.

Mr. ANDERSON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON. It is whether, when the amendment offered by the gentleman from Michigan has been voted upon, that will preclude the offering of an amendment at a prior point in the paragraph?

The CHAIRMAN. It will not.

Mr. ANDERSON. I desire to offer a substantial amendment.

Mr. TOWNSHEND. I move that the committee now rise for the purpose of limiting debate.

Mr. KEIFER. Do not do that now; some of us want further time for debate.

The question was taken on the motion that the committee rise; and upon a division there were—ayes 80, noes 48.

So (no further count being called for) the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Post-Office appropriation bill; and pending that motion I move that all debate upon the pending paragraph and amendments thereto be closed in one hour.

Mr. HORR. I trust the gentleman will not insist upon that. I will say to him that this one item occupied at the last session by permission of the House two whole days. It is a matter that affects every part of the United States. I am willing to consent to anything reasonable; but I submit that he should not try to cut off debate in this way. I should be willing to agree to an hour and a half on each side. I think that is not excessive.

Mr. KEIFER. If the gentleman from Illinois will allow me, I suggest that he make his motion to limit debate upon the pending amendment, not on the whole paragraph.

Mr. TOWNSHEND. On the whole paragraph.

Mr. KEIFER. Not on the whole paragraph; for I know gentlemen on both sides who have very important amendments to offer to other portions of the paragraph.

Mr. HORR. I hope the gentleman from Illinois is not seeking to prevent amendments to the balance of the paragraph. Several amendments are yet to be offered.

Mr. HOLMAN. I suggest that the time be extended till 5 o'clock. That will be ample.

Mr. TOWNSHEND. At the suggestion of my colleague on the committee [Mr. HOLMAN], I modify my motion so as to provide that debate terminate at 5 o'clock.

Mr. KEIFER. Do you mean on the pending amendment?

Mr. TOWNSHEND. On the paragraph and all amendments.

Mr. HORR. I am willing to consent to that limitation of time if the gentleman will apply it to the pending amendment only. He ought not to seek to cut off other amendments.

Mr. TOWNSHEND. I certainly think we have been very fair. We have allowed the debate to run an hour and a half already, and I am willing that it shall continue for an hour and a half more, making three hours upon a single paragraph of the bill. I certainly think that gentlemen on the other side of the House ought not to demand further time. I insist on my motion and move the previous question upon it.

Mr. KEIFER. I think the gentleman will save time by assenting to the arrangement suggested on this side.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] demands the previous question upon his motion.

Mr. HORR. I move to amend—and my proposition is not unreasonable——

The SPEAKER. No amendment is in order. The gentleman from Illinois has demanded the previous question.

On ordering the previous question there were, upon a division—ayes 72, noes 60.

Mr. HORR. I demand the yeas and nays. I want to know whether we are to be cut off in this way.

Mr. TOWNSHEND. The gentleman is wasting his own time.

The yeas and nays were ordered, there being 37 in favor thereof—more than one-fifth of the last vote.

The SPEAKER. The question is on ordering the previous question upon the motion of the gentleman from Illinois that all debate in Committee of the Whole on the pending paragraph of the Post-Office appropriation bill and all amendments hereto be closed at 5 o'clock to-day.

Mr. TOWNSHEND. Upon the paragraph and all amendments thereto.

The SPEAKER. The Chair has so stated the motion.

Mr. CANNON. I rise to a parliamentary inquiry. I want to see whether I understand this matter. The motion of the gentleman from Illinois, as I understand, is to close debate at 5 o'clock to-day on the whole paragraph.

The SPEAKER. On the pending amendment and on the paragraph under consideration.

The question was taken; and it was decided in the affirmative—yeas 141, nays 25, not voting 154; as follows:

YEAS—141.

Adams, J. J.	Eaton,	Lowry,	Shaw,
Alexander,	Eldredge,	McAdoo,	Slocum,
Bagley,	Ermentrout,	McMillin,	Spriggs,
Ballentine,	Ferrell,	Matson,	Stevens,
Barbour,	Fiedler,	Miller, J. F.	Stewart, Charles
Belmont,	Findlay,	Mills,	Sumner, D. H.
Bennett,	Follett,	Mitchell,	Talbott,
Blackburn,	Forney,	Money,	Taylor, J. M.
Blanchard,	Fyan,	Morgan,	Thompson,
Blount,	Geddes,	Morrison,	Throckmorton,
Boyle,	Gibson,	Morse,	Townshend,
Breckinridge,	Green,	Moulton,	Tucker,
Broadhead,	Greenleaf,	Muldrow,	Turner, H. G.
Buchanan,	Halsell,	Muller,	Van Alstyne,
Buckner,	Hammond,	Murray,	Vance,
Budd,	Hancock,	Neece,	Wait,
Burnes,	Hardeman,	Nicholls,	Ward,
Cabell,	Hatch, W. H.	Oates,	Warner, A. J.
Caldwell,	Hewitt, A. S.	O'Neill, J. J.	Warner, Richard
Campbell, Felix	Hewitt, G. W.	Patton,	Wellborn,
Cassidy,	Hill,	Pierce,	Weller,
Clements,	Hoblitzell,	Peel, S. W.	Williams,
Cobb,	Holman,	Potter,	Willis,
Cook,	Hopkins,	Pryor,	Wilson, W. L.
Cosgrove,	Houseman,	Pusey,	Winans, E. B.
Covington,	Hunt,	Rankin,	Winans, John,
Cox, S. S.	Jones, B. W.	Reagan,	Wise, J. S.
Cox, W. R.	Jones, J. H.	Reese,	Wolford,
Crisp,	Jones, J. K.	Riggs,	Wood,
Culberson, D. B.	King,	Robinson, W. E.	Woodward,
Davidson,	Kleiner,	Rogers, J. H.	Worthington,
Dibble,	Lamb,	Rogers, W. F.	Yaple,
Dibrell,	Lanham,	Rosecrans,	York.
Dockery,	Le Fevre,	Scales,	
Dorsheimer,	Lewis,	Seney,	
Duncan,	Lore,	Seymour,	

NAYS—25.

Aiken,	Everhart,	McCormick,	Smith,
Atkinson,	Glascock,	Nutting,	Tillman,
Belford,	Henderson, D. B.	Parker,	Weaver,
Burleigh,	Howey,	Payson,	Wilson, James.
Campbell, J. M.	Johnson,	Price,	
Dargan,	Lyman,	Ray, G. W.	
Dunn,	McComas,	Skinner, C. R.	

NOT VOTING—154.

Adams, G. E.	Dunham,	Keiley,	Robinson, J. S.
Anderson,	Elliott,	Kellogg,	Rockwell,
Arnot,	Ellis,	Ketcham,	Rowell,
Barksdale,	Ellwood,	Lacey,	Russell,
Barr,	Evans, I. N.	Laird,	Ryan,
Bayne,	Evins, J. H.	Lawrence,	Shelley,
Beach,	Finerty,	Libbey,	Singleton,
Bingham,	Foran,	Long,	Skinner, T. G.
Bisbee,	George,	Lovering,	Snyder,
Bland,	Goff,	McCoid,	Spooner,
Boutelle,	Graves,	McKinley,	Springer,
Bowen,	Guenther,	Maybury,	Steele,
Brainerd,	Hanback,	Mayo,	Stephenson,
Breitung,	Hardy,	Millard,	Stewart, J. W.
Brewer, F. B.	Harmer,	Miller, S. H.	Stockslager,
Brewer, J. H.	Hart,	Milliken,	Stone,
Browne, T. M.	Hatch, H. H.	Morey,	Storm,
Brown, W. W.	Haynes,	Morrill,	Strait,
Brumm,	Hemphill,	Murphy,	Struble,
Calkins,	Henderson, T. J.	Mutchler,	Sumner, C. A.
Candler,	Henley,	Nelson,	Taylor, E. B.
Cannon,	Hepburn,	Ochiltree,	Taylor, J. D.
Carleton,	Herbert,	O'Hara,	Thomas,
Chace,	Hiscock,	O'Neill, Charles	Tully,
Clardy,	Hitt,	Paige,	Turner, Oscar
Clay,	Holmes,	Payne,	Valentine,
Collins,	Holton,	Peelle, S. J.	Van Eaton,
Connolly,	Hooper,	Perkins,	Wadsworth,
Converse,	Horr,	Peters,	Wakefield,
Culbertson, W. W.	Houk,	Pettibone,	Washburn,
Cullen,	Hurd,	Phelps,	Wemple,
Curtin,	Hutchins,	Poland,	White, J. D.
Cutcheon,	James,	Post,	White, Milo
Davis, G. R.	Jeffords,	Randall,	Whiting,
Davis, L. H.	Jones, J. T.	Ranney,	Wilkins,
Davis, R. T.	Jordan,	Ray, Ossian	Wise, G. D.
Deuster,	Kasson,	Reed,	Young.
Dingley,	Kean,	Rice,	
Dowd,	Keifer,	Robertson,	

So the previous question was ordered.

Mr. CURTIN. I ask leave to have my vote recorded. I was in the House, but did not hear my name called.

Mr. KEIFER. Was the gentleman listening?

Mr. CURTIN. I was giving attention.

Mr. KEIFER. The gentleman is entitled to vote.

Mr. CURTIN. I did not hear my name called, and I ask leave to vote.

Several members objected.

Mr. O'NEILL, of Missouri. If the gentleman from Ohio objected, the record nowhere shows his presence on this vote. It shows he is skulking.

The SPEAKER. This debate is all out of order.

The following pairs were announced from the Clerk's desk:

Mr. BROWNE, of Indiana, with Mr. ROBERTSON, for to-day.

Mr. BURNES with Mr. CALKINS, for to-day.

Mr. COLLINS with Mr. EZRA B. TAYLOR, for to-day.

Mr. ELLIOTT with Mr. BREWER, for to-day.

Mr. CONNOLLY with Mr. WHITING, for to-day.
Mr. MILLARD with Mr. POST, of Pennsylvania, for to-day.
Mr. BARKSDALE with Mr. JEFFORDS, for to-day.
Mr. DUNHAM with Mr. CONVERSE, for to-day.
Mr. BRUMM with Mr. MUTCHLER, for to-day.
Mr. COVINGTON with Mr. HOLTON, for to-day.
Mr. COVINGTON. Not to break a quorum.
The SPEAKER. So it is with all of them.
Mr. MAYBURY with Mr. STEPHENSON, for to-day.
Mr. CARLETON with Mr. LAWRENCE, till March 23.
Mr. SNYDER with Mr. GOFF, till March 23.
Mr. CLARDY with Mr. BAYNE, till March 23.
Mr. MORGAN with Mr. MORRILL, till March 23.
Mr. PAIGE with Mr. HATCH, of Michigan, till March 23.
Mr. GRAVES with Mr. HAYNES, till March 23.
Mr. STOCKSLAGER with Mr. PEELLE, of Indiana, till March 23.
Mr. TOWNSHEND with Mr. WASHBURN, till March 14.
Mr. HEMPHILL with Mr. RUSSELL, till March 14.
Mr. HUTCHINS with Mr. KETCHAM, till March 14.
Mr. BEACH with Mr. BURLEIGH, till March 14.
Mr. JORDAN with Mr. STRUBLE, till March 14.
Mr. ELLIS with Mr. KELLOGG, till March 14.
Mr. SKINNER, of New York, with Mr. SKINNER, of North Carolina, till March 30.
Mr. SPRINGER with Mr. HENDERSON, of Illinois, till March 14.
Mr. HERBERT with Mr. MCKINLEY, till further notice.
The vote was then announced as above recorded.

Mr. TOWNSHEND. I desire to withdraw my vote. I am paired with the gentleman from Minnesota [Mr. WASHBURN], upon condition, however, that my vote should not be given except it was necessary to make a quorum.

Mr. WAIT. I move to reconsider the vote just taken; and I also move to lay that motion on the table.

Mr. HORR. I move that the House do now adjourn.

Mr. TOWNSHEND. I notify gentlemen that they are wasting the time that was proposed to be allowed for debate.

The SPEAKER. The gentleman from Michigan moves that the House do now adjourn.

Mr. HORR. And upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 61, nays 156, not voting 103; as follows:

YEAS—61.

Adams, G. E.	Hanback,	Laird,	Ray, Ossian
Atkinson,	Harmer,	Lawrence,	Reed,
Barr,	Hart,	Libbey,	Rice,
Bingham,	Haynes,	Lyman,	Robinson, J. S.
Bisbee,	Hepburn,	McCoid,	Rowell,
Bowen,	Hiscock,	McComas,	Skinner, C. R.
Brainerd,	Hitt,	McCormick,	Spooner,
Breitung,	Holmes,	Morrill,	Steele,
Brewer, F. B.	Hooper,	Nutting,	Taylor, J. D.
Brown, W. W.	Houk,	O'Hara,	Wait,
Cannon,	Howey,	Parker,	Weaver,
Culbertson, W. W.	James,	Peters,	White, Milo
Cutcheon,	Johnson,	Pettibone,	Wise, J. S.
Dingley,	Kean,	Poland,	
Everhart,	Keifer,	Ranney,	
Guenther,	Lacey,	Ray, G. W.	

NAYS—156.

Adams, J. J.	Duncan,	Lovering,	Seymour,
Aiken,	Dunn,	McAdoo,	Shaw,
Alexander,	Eaton,	McMillin,	Slocum,
Anderson,	Eldredge,	Matson,	Smith,
Arnot,	Ermentrout,	Mayo,	Spriggs,
Bagley,	Evins, J. H.	Miller, J. F.	Stevens,
Ballentine,	Ferrell,	Miller, S. H.	Stewart, Charles
Barbour,	Follett,	Mills,	Stewart, J. W.
Belmont,	Forney,	Mitchell,	Strait,
Bennett,	Fyan,	Money,	Sumner, C. A.
Blackburn,	Geddes,	Morey,	Sumner, D. H.
Bland,	Gibson,	Morgan,	Talbott,
Blount,	Glascock,	Moulton,	Taylor, J. M.
Boyle,	Green,	Muldrow,	Thomas,
Broadhead,	Greenleaf,	Muller,	Throckmorton,
Buchanan,	Halsell,	Murray,	Tillman,
Buckner,	Hammond,	Neece,	Townshend,
Budd,	Hancock,	Nelson,	Tully,
Cabell,	Hardeman,	Nicholls,	Turner, H. G.
Caldwell,	Hatch, W. H.	Oates,	Turner, Oscar
Campbell, Felix	Hewitt, A. S.	O'Neill, Charles	Vance,
Campbell, J. M.	Hewitt, G. W.	O'Neill, J. J.	Van Eaton,
Cassidy,	Hill,	Patton,	Wakefield,
Clements,	Hoblitzell,	Payson,	Warner, A. J.
Cobb,	Holman,	Pierce,	Warner, Richard
Cook,	Hopkins,	Peel, S. W.	Wellborn,
Cosgrove,	Hunt,	Pryor,	Weller,
Covington,	Jones, B. W.	Pusey,	Wemple,
Cox, W. R.	Jones, J. H.	Reagan,	Williams,
Crisp,	Jones, J. K.	Reese,	Willis,
Culberson, D. B.	Kasson,	Riggs,	Wilson, W. L.
Cullen,	King,	Robinson, W. E.	Winans, E. B.
Curtin,	Kleiner,	Rockwell,	Winans, John
Dargan,	Lamb,	Rogers, J. H.	Wolford,
Davidson,	Lanham,	Rogers, W. F.	Wood,
Dibble,	Le Fevre,	Rosecrans,	Woodward,
Dibrell,	Lewis,	Ryan,	Worthington,
Dockery,	Long,	Scales,	Yaple,
Dorsheimer,	Lore,	Seney,	York.

NOT VOTING—103.

Barksdale,	Dowd,	Jones, J. T.	Russell,
Bayne,	Dunham,	Jordan,	Shelley,
Beach,	Elliott,	Kelley,	Singleton,
Belford,	Ellis,	Kellogg,	Skinner, T. G.
Blanchard,	Ellwood,	Ketcham,	Snyder,
Boutelle,	Evans, I. N.	Lowry,	Springer,
Breckinridge,	Fiedler,	McKinley,	Stephenson,
Brewer, J. H.	Findlay,	Maybury,	Stockslager,
Browne, T. M.	Finerty,	Millard,	Stone,
Brumm,	Foran,	Milliken,	Storm,
Burleigh,	George,	Morrison,	Struble,
Burnes,	Goff,	Morse,	Taylor, E. B.
Calkins,	Graves,	Murphy,	Thompson,
Candler,	Hardy,	Mutchler,	Tucker,
Carleton,	Hatch, H. H.	Ochiltree,	Valentine,
Chace,	Hemphill,	Paige,	Van Alstyne,
Clardy,	Henderson, D. B.	Payne,	Wadsworth,
Clay,	Henderson, T. J.	Peelle, S. J.	Ward,
Collins,	Henley,	Perkins,	Washburn,
Connolly,	Herbert,	Phelps,	White, J. D.
Converse,	Holton,	Post,	Whiting,
Cox, S. S.	Horr,	Potter,	Wilkins,
Davis, G. R.	Houseman,	Price,	Wilson, James
Davis, L. H.	Hurd,	Randall,	Wise, G. D.
Davis, R. T.	Hutchins,	Rankin,	Young.
Deuster,	Jeffords,	Robertson,	

So the House refused to adjourn.

On motion of Mr. HAMMOND, by unanimous consent, the reading of the names was dispensed with.

The following additional pair was announced: Mr. HARDY with Mr. HOLTON, for this day.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the motion of the gentleman from Connecticut to lay the motion to reconsider on the table.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. What side did the gentleman from Connecticut vote upon?

The SPEAKER. The gentleman voted in the affirmative—with the majority.

Mr. WAIT. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. TOWNSHEND. Let the question be fairly stated.

Mr. ELDREDGE. Is the motion of the gentleman from Connecticut to reconsider the motion by which the House refused to adjourn?

The SPEAKER. No; that motion would not be in order under the rules of the House. There is no such motion.

Mr. TOWNSHEND. Let the question be stated.

The SPEAKER. The question is on the motion of the gentleman from Connecticut to lay the motion to reconsider on the table. The House by a vote ordered the previous question upon the motion of the gentleman from Illinois. The gentleman from Connecticut moves to reconsider that vote, and to lay that motion on the table. On the latter motion the yeas and nays have been ordered.

Mr. WILLIS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. I wish to know if a vote in the affirmative on this motion does not mean that we will get through this matter to-night?

The SPEAKER. The Chair does not think that is a parliamentary inquiry.

The Clerk will call the roll.

The question was taken; and there were—yeas 145, nays 13, not voting 162; as follows:

YEAS—145.

Adams, G. E.	Duncan,	Lovering,	Singleton,
Adams, J. J.	Dunn,	Lowry,	Smith,
Aiken,	Eaton,	McAdoo,	Spriggs,
Alexander,	Eldredge,	McMillin,	Stevens,
Arnot,	Ermentrout,	Matson,	Stewart, Charles
Bagley,	Evins, J. H.	Miller, J. F.	Sumner, C. A.
Ballentine,	Ferrell,	Mills,	Sumner, D. H.
Barbour,	Follett,	Mitchell,	Talbott,
Belmont,	Forney,	Money,	Taylor, J. M.
Bennett,	Fyan,	Morgan,	Thompson,
Blackburn,	Geddes,	Morse,	Throckmorton,
Bland,	Gibson,	Muldrow,	Tillman,
Blount,	Glascock,	Muller,	Townshend,
Breckinridge,	Green,	Murray,	Tully,
Broadhead,	Greenleaf,	Neece,	Turner, H. G.
Buchanan,	Halsell,	Nicholls,	Turner, Oscar
Buckner,	Hammond,	Nutting,	Van Alstyne,
Budd,	Hancock,	O'Neill, J. J.	Vance,
Cabell,	Hardeman,	Patton,	Van Eaton,
Caldwell,	Hatch, W. H.	Pierce,	Warner, A. J.
Campbell, Felix	Henley,	Peel, S. W.	Warner, Richard
Cassidy,	Hewitt, A. S.	Pryor,	Wellborn,
Clardy,	Hewitt, G. W.	Pusey,	Weller,
Clements,	Hill,	Rankin,	Wemple,
Cobb,	Hoblitzell,	Reagan,	Williams,
Cook,	Holman,	Reese,	Willis,
Cosgrove,	Hopkins,	Riggs,	Wilson, W. L.
Cox, W. R.	Hunt,	Robinson, J. S.	Winans, E. B.
Crisp,	Jones, B. W.	Robinson, W. E.	Winans, John
Culberson, D. B.	Jones, J. H.	Rogers, J. H.	Wood,
Dargan,	Jones, J. K.	Rogers, W. F.	Woodward,
Davidson,	King,	Rosecrans,	Worthington,
Deuster,	Kleiner,	Scales,	Yaple,
Dibble,	Lamb,	Seney,	York.
Dibrell,	Lanham,	Seymour,	
Dockery,	Le Fevre,	Shaw,	
Dorsheimer,	Lore,	Shelley,	

NAYS—13.

Everhart,	Payson,	Strait,	Wilson, James
Johnson,	Price,	Wadsworth,	
Lyman,	Skinner, C. R.	Wakefield,	
McCormick,	Stone,	Weaver,	

NOT VOTING—162.

Anderson,	Dingley,	Kasson,	Potter,
Atkinson,	Dowd,	Kean,	Randall,
Barksdale,	Dunham,	Keifer,	Ranney,
Barr,	Elliott,	Kelley,	Ray, G. W.
Bayne,	Ellis,	Kellogg,	Ray, Ossian
Beach,	Ellwood,	Ketcham,	Reed,
Belford,	Evans, I. N.	Lacey,	Rice,
Bingham,	Fiedler,	Laird,	Robertson,
Bisbee,	Findlay,	Lawrence,	Rockwell,
Blanchard,	Finerty,	Lewis,	Rowell,
Boutelle,	Foran,	Libbey,	Russell,
Bowen,	George,	Long,	Ryan,
Boyle,	Goff,	McCoid,	Skinner, T. G.
Brainerd,	Graves,	McComas,	Slocum,
Breitung,	Guenther,	McKinley,	Snyder,
Brewer, F. B.	Hanback,	Maybury,	Spooner,
Brewer, J. H.	Hardy,	Mayo,	Springer,
Browne, T. M.	Harmer,	Millard,	Steele,
Brown, W. W.	Hart,	Miller, S. H.	Stephenson,
Brumm,	Hatch, H. H.	Milliken,	Stewart, J. W.
Burleigh,	Haynes,	Morey,	Stockslager,
Burnes,	Hemphill,	Morrill,	Storm,
Calkins,	Henderson, D. B.	Morrison,	Struble,
Campbell, J. M.	Henderson, T. J.	Moulton,	Taylor, E. B.
Candler,	Hepburn,	Murphy,	Taylor, J. D.
Cannon,	Herbert,	Mutchler,	Thomas,
Carleton,	Hiscock,	Nelson,	Tucker,
Chace,	Hitt,	Oates,	Valentine,
Clay,	Holmes,	Ochiltree,	Wait,
Collins,	Holton,	O'Hara,	Ward,
Connolly,	Hooper,	O'Neill, Charles	Washburn,
Converse,	Horr,	Paige,	White, J. D.
Covington,	Houk,	Parker,	White, Milo
Cox, S. S.	Houseman,	Payne,	Whiting,
Culbertson, W. W.	Howey,	Peelle, S. J.	Wilkins,
Cullen,	Hurd,	Perkins,	Wise, G. D.
Curtin,	Hutchins,	Peters,	Wise, J. S.
Cutcheon,	James,	Pettibone,	Wolford,
Davis, G. R.	Jeffords,	Phelps,	Young.
Davis, L. H.	Jones, J. T.	Poland,	
Davis, R. T.	Jordan,	Post,	

After the second call of the roll,

Mr. LORE asked unanimous consent that the reading of the names of members voting be dispensed with.

Mr. REED and Mr. EVANS, of Pennsylvania, objected.

Mr. BLANCHARD. I should like to vote.

The SPEAKER. Was the gentleman in his seat listening for his name to be called?

Mr. BLANCHARD. I was in my committee-room at work, under leave of the House.

The SPEAKER. The Chair can not upon that ground submit the gentleman's request.

The following additional pair was announced:

Mr. CLAY with Mr. MILLER, of Pennsylvania, for this day.

The SPEAKER. Upon the question of laying on the table the motion to reconsider the vote by which the previous question was ordered the yeas are 145 and the noes are 13. The Chair is bound to take notice of the fact that no quorum has voted, as shown by the record.

Mr. TOWNSHEND. As the time I had offered for debate in my motion has expired it is useless to continue the proceedings any further to-day. I move that the House do now adjourn.

Mr. DUNN. I ask the gentleman to yield to me, that my proposed amendment may be printed in the RECORD.

Several members called for the regular order.

The question being taken on Mr. TOWNSHEND'S motion, it was agreed to.

And accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ALEXANDER: Petition of citizens of Moberly, Mo., for restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. BELMONT: Petition of the Metropolitan Museum of Art of New York city, for the removal of duty on works of art—to the Committee on Ways and Means.

Also, petition of the Art Students' League of New York, asking passage of House bill to remove duty on works of art—to the same committee.

By Mr. BOYLE: Petition of Asbury Struble, president of the Wool-Growers' Association of Fayette County, Pennsylvania, for restoration of the wool tariff of 1867 and for increase of duty on carpet wools—to the same committee.

By Mr. BRENTS: Resolutions of a mass-meeting held to discuss the rights of the people relative to railroads and the question of forfeiture of the Northern Pacific land grants—to the Committee on the Public Lands.

Also, memorial of the Chamber of Commerce of the city of Tacoma, Wash., against forfeiture of the Cascade land grant—to the same committee.

Also, memorial of the Board of Trade of Port Townsend, Wash., for public building—to the Committee on Public Buildings and Grounds.

By Mr. J. H. BREWER: Resolutions adopted by the senate of New Jersey February 25, 1884, against passage of Morrison tariff bill—to the Committee on Ways and Means.

By Mr. CARLETON: Petition of F. Crawford, F. M. Case, and many others, citizens of Huron County, Michigan, for improvement of Pigeon River, at Caseville, Mich.—to the Committee on Rivers and Harbors.

By Mr. W. W. CULBERTSON: Petition of citizens of Rowan County, Kentucky, praying that Ann McKenzie may be given a pension of $8 per month—to the Committee on Invalid Pensions.

Also, petition of Croxton Post, Grand Army of the Republic, No. 9, of Kentucky, against passage of any law to change present mode of paying pensions—to the same committee.

By Mr. CUTCHEON: Petition of E. L. Little and others, citizens of Alpena, Mich., in favor of education in Alaska—to the Committee on Education.

Also, petition of citizens of Muskegon, Mich., asking for the establishment of a soldiers' home in Michigan—to the Committee on Military Affairs.

Also, memorial of citizens of Holton, Mich., asking for the establishment of a soldiers' home in Michigan—to the same committee.

By Mr. DEUSTER: Petition of merchants and bottlers, for the adoption of a duty of 30 per cent. ad valorem on imported glass bottles—to the Committee on Ways and Means.

By Mr. FERRELL: Petition of citizens of Guelph, State of Kansas, asking for amendments to Chinese restriction act—to the Committee on Foreign Affairs.

Also, petition of citizens of New York city, asking for amendments to Chinese restriction act—to the same committee.

By Mr. GEORGE: Petition of citizens of Oregon, asking for a modification of pilot and engineer license law so that all citizens of the United States can procure licenses—to the Committee on Commerce.

Also, memorial from the Chamber of Commerce of Tacoma, Wash., against the forfeiture of the Cascade land grant—to the Committee on the Public Lands.

By Mr. GREEN: Resolutions adopted at a joint meeting of the Wilmington (N. C.) Chamber of Commerce, Produce Exchange, and Board of Trade, held March 7, 1884—to the Committee on Coinage, Weights, and Measures.

Also, resolutions of the same meeting, asking for public buildings in the city of Wilmington, N. C.—to the Committee on Public Buildings and Grounds.

Also, resolutions of the same meeting, favoring the passage of H. R. 4483, entitled "A bill to promote the efficiency of the Revenue-Marine Service"—to the Committee on Naval Affairs.

By Mr. MORRILL: Memorial of the Kansas Cane-Grower's Association, asking additional appropriations to enable Department of Agriculture to continue its experiments in producing sugar from the sorghum cane—to the Committee on Appropriations.

By Mr. MORSE: Resolutions of the Commonwealth of Massachusetts, relating to the repeal of so much of the internal-revenue law of the United States as authorizes the manufacture of vinegar from alcohol which has paid no revenue tax—to the Committee on Ways and Means.

By Mr. O'HARA: Petition of the citizens of Craven County and adjoining counties of North Carolina, for an appropriation for improvement of Trent River, North Carolina—to the Committee on Rivers and Harbors.

By Mr. PETERS: Resolutions of State board of agriculture of Kansas—to the Committee on Appropriations.

By Mr. POLAND: Petition of James C. Jones and 71 others, honorably discharged soldiers, praying for passage of S. 1, striking out limit as to arrears of pensions—to the Committee on Invalid Pensions.

By Mr. REED: Petition of George F. Holmes and others, citizens of Portland, Me, praying for a repeal of the act of May 15, 1820—to the Committee on Reform in the Civil Service.

By Mr. RICHARDSON: Petition of John D. Kennedy, for payment of salary, mileage, and expenses in Thirty-ninth Congress—to the Committee on Elections.

By Mr. TALBOTT: Joint resolution and memorial of the Maryland Legislature, petitioning Congress to repay to the State $72,000, with interest, it being the amount advanced to the Government by the State of Maryland in the year 1790—to the Committee on the Judiciary.

By Mr. VAN ALSTYNE: Petition of Sarah B. Jackson, widow of William B. Jackson, Company H, Ninety-first Regiment New York Volunteers, asking for a pension—to the Committee on Invalid Pensions.

By Mr. J. D. WHITE: Petition for the relief of Elihu Robinson, late of Company C, Fortieth Regiment Kentucky Mounted Infantry—to the Committee on Military Affairs.

Also, petition for post-route in Kentucky—to the Committee on the Post-Office and Post-Roads.

By Mr. W. L. WILSON: Papers relating to the claim of B. F. Anderson—to the Committee on War Claims.

By Mr. WOOD: Resolutions of McHolland Post, Grand Army of the Republic, Kentland, Ind., praying for bounties, pensions, and land-war-

rants—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of mariners and sailors, for harbor of refuge at Wolf Lake, on Lake Michigan—to the Committee on Rivers and Harbors.

Also, petition of Thomas Green and others, citizens of Buffalo, N. Y., for a harbor of refuge at Wolf Lake, Indiana—to the same committee.

Also, petition of Dennis Murphy and others, citizens of Oswego County, New York, for harbor of refuge at Wolf Lake, on Lake Michigan—to the same committee.

Also, petition of John Baker, for harbor of refuge at Wolf Lake, Indiana—to the same committee.

By Mr. YOUNG: Petition of Margaret Rawlings, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

SENATE.

FRIDAY, *March* 14, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 25th ultimo, a report of the Commissioner of the General Land Office regarding indemnity lands certified, patented, or donated to or claimed by railroad corporations in the State of Iowa; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 25th ultimo, a report of the Commissioner of the General Land Office on the subject of the Arredondo grant, in Columbia County, Florida, and the lands claimed thereunder; which, on motion of Mr. CALL, was, with the accompanying papers, referred to the Committee on Private Land Claims, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 4411) to amend section 101 of the Revised Statutes of the United States so as to allow the chairman of a subcommittee of a committee of either House of Congress to administer oaths was read twice by its title, and referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Mr. SEWELL presented resolutions adopted at a meeting of citizens of Elizabeth, N. J., in opposition to the bill authorizing the construction of a bridge over the Kill von Kull; which were referred to the Committee on Commerce.

Mr. JACKSON. I present a petition of the national banks of Nashville, Tenn., praying that the tax on national-bank circulation be taken off. The petition is addressed to me personally, but is evidently intended for the Senate. I ask that it be received and referred to the Committee on Finance.

The PRESIDENT *pro tempore*. If there be no objection, the paper will be received and referred to the Committee on Finance.

Mr. CALL. I present the petition of I. G. Harville and numerous other citizens of Hernando County, Florida, praying for the forfeiture of the land grant in the State of Florida for the construction of the Florida Railroad from Amelia Island to Tampa Bay. The petition states that these lands have been forfeited by reason of non-compliance with the requirements of the charter of the road, and prays that the same may be declared forfeited and subject to sale and entry. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. BLAIR. I present a petition of old soldiers residing in the Soldiers' Home, in this District, two hundred and twenty-six of them, in which, "as citizens of the United States, feeling and deeply deploring the curse of the liquor traffic in the United States," they "respectfully petition your honorable bodies to enact a law prohibiting the manufacture and sale of all alcoholic beverages in the District of Columbia." The petition is accompanied by a note from the Woman's Christian Temperance Union of this city requesting me to present the petition at my earliest convenience, in which they state that over half the inmates of the Soldiers' Home have signed it. They state the number of signers at one hundred and fifty, but I see that the number of signatures on the petition is two hundred and twenty-six, from which I infer that the letter was written some time before the signatures were completed.

I ask the attention of the committee on the affairs of the District of Columbia to this petition. It is well known, I may add, that the soldiers at the Soldiers' Home are especially sufferers from the traffic in intoxicating liquors in this District. I move the reference of the petition to the Committee on the District of Columbia.

The motion was agreed to.

Mr. VEST presented a resolution of Mills Creek Grange, No. 1966, of Ralls County, Missouri, in favor of the passage of an act making the Bureau of Agriculture a department of the Government; which was referred to the Committee on Agriculture and Forestry.

Mr. PUGH. I present a memorial of the Board of Trade of the city of Mobile, concurred in also by the Mobile Cotton Exchange, setting forth facts in connection with the supply of cheap coal from the Warrior coal basin, in Alabama, to the Gulf of Mexico. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. COCKRELL. I present certain additional evidence to accompany the bill (S. 947) granting a pension to Powhattan B. Short, consisting of sundry affidavits and some records from the War Department. I move that the papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. McMILLAN presented the petition of a large number of officers of steam vessels, in favor of the passage of H. R. 4691, appropriating all moneys now remaining in the Treasury of the United States to the credit of the inspection service for the purchase of suitable lands for two snug-harbors, under the direction of the Secretary of the Treasury; which was referred to the Committee on Commerce.

Mr. HOAR. I present the petition of Henry Lee, of Boston, and sundry other well-known and eminent citizens of that city, praying for the passage of a bill repealing the act of May 15, 1820, which is now embodied in certain sections of the Revised Statutes of the United States which fix the term of certain administrative officers to four years. I move that the petition be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. HOAR presented the petition of George Brown, a citizen of the District of Columbia, formerly of Fauquier County, Virginia, praying compensation for certain property taken and used by United States troops under Generals Burnside and McClellan in 1862; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 39) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel, United States Army, reported it without amendment, and submitted a report thereon.

Mr. MAXEY, from the Committee on Post Offices and Post-Roads, to whom was referred the joint resolution (S. R. 13) to reappropriate and apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain Southern mail contractors, reported it with amendments.

Mr. SLATER. The Committee on Public Lands, to whom was referred the bill (S. 428) to forfeit certain public lands granted to the Oregon Central Railroad Company, in the State of Oregon and the Territory of Washington, direct me to report it with an amendment. I reserve the right to file a written report hereafter.

PRINTING OF DOCUMENTS.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred a resolution for the printing of extra copies of the bill reported by the select committee of the Senate appointed to inquire into the condition of the Indians in Montana and Dakota, to report it without amendment. I ask for its present consideration.

By unanimous consent, the resolution was considered, and agreed to, as follows:

Resolved, That there be printed for the use of the Senate 1,000 copies of the bill reported by the select committee of the Senate appointed to inquire into the condition of the Indians in Montana and Dakota, together with the report of the committee and accompanying documents.

BILLS INTRODUCED.

Mr. MILLER, of New York, introduced a bill (S. 1841) providing additional pay for officers honorably mustered out under the act of July 15, 1870; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1842) for the erection of a public building at Hudson, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BOWEN introduced a bill (S. 1843) to reduce postage on mailable matter of the second class; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PENDLETON (by request) introduced a bill (S. 1844) to require the Secretary of the Interior to place the name of Rolen T. May on the pension-list; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MILLER, of California, introduced a bill (S. 1845) authorizing the Secretary of War to set apart certain lands of Fort Bidwell military reservation for cemetery purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 1846) granting a pension to Hattie L. Goss; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1847) to authorize the issuing of a register to John S. McQuin and J. Warren Wonson for the schooner Druid; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SAWYER introduced a bill (S. 1848) for the relief of James W. Harvey, as assignee of Joseph Parkins; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALDRICH introduced a bill (S. 1849) establishing life-saving stations on the sea and lake coasts of the United States; which was read twice by its title, and referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, and 8, to the bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. W. KEIFER of Ohio, Mr. W. H. FORNEY of Alabama, and Mr. E. J. ELLIS of Louisiana managers at the conference on its part.

CATTLE DISEASE.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions," the Calendar, under the eighth rule, is in order.

Mr. PLUMB. I move that the Senate proceed to the consideration of the joint resolution (S. R. 75) making an appropriation to eradicate the foot-and-mouth disease, which I introduced yesterday, and which was reported back from the Committee on Agriculture and Forestry.

Mr. SHERMAN. Has the joint resolution been printed?

The PRESIDENT *pro tempore*. It is in print. The question is on agreeing to the motion to proceed to its consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 75) making an appropriation to eradicate the foot-and-mouth disease.

Mr. PLUMB. I have a dispatch, which I ask may be read, which conveys the latest information on the subject. I will state, however, that the papers from the West, including those of Chicago and Saint Louis, are full of accounts about the spread of this disease. There is no doubt about its alarming character. A dispatch this morning informs us that the governor of Illinois is contemplating a quarantine against the cattle of that section of country to prevent the introduction of the disease into that State. It is a time of the year when the cattle are being sent to market, and if they are to go at all, and go with safety to the sections of country through which they move, there must be some immediate and very stringent measures adopted to wipe out and eradicate this disease.

It is not a question affecting the State of Kansas except from the accidental fact that it has broken out there, because it is a disease which can be carried with great rapidity, and is certain to be carried, into all sections in which cattle in the natural course of business go. I will ask that the dispatch be read.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Kansas asks that a telegram from the governor of the State of Kansas be read. If there be no objection it will be read.

The Chief Clerk read as follows:

TOPEKA, KANS., *March* 13, 1884.

Hon. P. B. PLUMB,
United States Senate, Washington, D. C.:

The disease is spreading, and in short time will be beyond control. Reports not exaggerated; two best surgeons on the ground, both in United States service. It will cost $50,000 and prompt action to stamp out the disease. When cattle go on grass its eradication will be impossible, and means the destruction of the cattle of Kansas, Colorado, and Texas. This is the judgment of the veterinary surgeon and others.

G. W. GLICK,
Governor of Kansas.
WM. SIMS,
Secretary State Board Agriculture.

Mr. SHERMAN. I move to strike out, in lines 6 and 7, the words "and in co-operation with the proper authorities of the State of Kansas." My object will be apparent when the Secretary will report the amendment striking out the words.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from Ohio.

The CHIEF CLERK. In lines 6 and 7 it is proposed to strike out the words "and in co-operation with the proper authorities of the State of Kansas;" so as to read:

That the sum of $25,000, or so much thereof as is necessary, be, and hereby is, appropriated, to be used under the direction of the Commissioner of Agriculture in eradicating a contagious disease popularly known as the foot-and-mouth disease.

Mr. SHERMAN. As a matter of course, without these words the Commissioner of Agriculture will co-operate with the proper authorities of any State; but if the disease exists in the United States at all it is liable to break out in any State, and consequently as this is a remedy which will extend during the whole of the present session of Congress and probably the next, it ought to be applied to all the States.

The truth is that this disease is scarcely known now by any medical authority. It has different names. The disease prevails as well among sheep and swine as among beef cattle. There has been a good deal written about it, I know, and a good deal of information ought to be communicated to the Senate by the debate on the subject.

I desire, if this provision is to pass, that it shall be so broad that it may be applied in any State where this disease may occur. It exists in Canada, it exists in nearly every nation in Europe now, and is in danger of crossing at any time to Ohio, to Illinois, and across the whole country. The people of Illinois are becoming very much alarmed about it. All I desire is that this appropriation shall not be localized in Kansas, but shall be made available wherever the disease may appear to exist at the time.

Mr. CULLOM. As the Senator from Ohio has referred to my State, I desire to say that I have no information in reference to the condition of affairs there except from the press, but I am satisfied that there ought to be something done. My judgment is that not only should the amendment of the Senator from Ohio be adopted, so that this matter can be looked to in all the States, but that the amount should be increased.

Mr. PLUMB. I propose to increase it.

Mr. CULLOM. The joint resolution appropriates $25,000. I think the sum ought to be made at least $50,000, and I hope that such an amendment will be made. The Senator from Kansas says he proposes to amend it in that direction, and I hope he will make it at least that sum, and that it will be passed at once.

Mr. WILLIAMS. Will the Senator from Kansas allow me to simply make a suggestion to him? We have before us a general bill that covers not only the foot-and-mouth disease but other diseases. It was under discussion day before yesterday, and the Senate considered it a while. I suggest to the Senator from Kansas, might it not possibly be best to take up that bill and dispose of it instead of this joint resolution? For the bill which has been before the Senate as it passed the House covers not only this disease but all other contagious diseases of a violent and destructive character. I think we can pass the general bill as soon as we can pass this resolution, and the bill will certainly receive more support, for it covers everybody's interest, than this measure, which is purely local. I make the suggestion; I am not moving an amendment.

Mr. PLUMB. The argument in favor of the general bill is undoubtedly re-enforced very largely by the condition of things now established to exist in the State of Kansas and elsewhere, but this is an emergency which will not permit of waiting upon the uncertain progress of a bill through this body and the other House as well. Notice was served the other day by two Senators on the opposite sides of the Chamber that the bill would not go through without exhaustive and protracted debate. I presume that will be the case, and not only that, but I have no desire that it should be otherwise. Whatever is done should be done with consideration, and for the purpose of preventing any attempt or suggestion of an attempt to put through the general bill in response to the existence of a particular emergency. I thought it was better, because of the lack of time and for other reasons, that this joint resolution should go through providing for this emergency, leaving Congress to deliberate then upon the other measure at its comparative leisure.

When I spoke of this question a day or two since I referred to the fact that this disease existed in the State of Maine now, and that local efforts had been made there to eradicate it and that it also existed in the State of New York. I am advised through the public prints and by dispatches which I have received that it is supposed to have been conveyed into Kansas through a herd of polled Angus cattle taken to that part of the country during the last season. That class of cattle has been largely introduced all over the West—in Illinois, Missouri, Kansas, and Colorado. The investigation which the resolution provides for will throw a great deal of light upon the general subject, which we shall discuss when we come to the general bill.

I am not opposed to the motion of the Senator from Ohio, which will enlarge the purpose and scope of the resolution. When I drew it it was suggested that I should draw it covering a wider scope, but I preferred to leave that, in order that others who are interested in the matter might make the suggestion themselves which has now been made. So far as I am concerned I have no objection to striking out the language the Senator from Ohio proposes to strike out.

Mr. CULLOM. Will the Senator also offer an amendment increasing the appropriation?

Mr. PLUMB. I shall do so at the proper time.

Mr. COKE. Mr. President, the adoption of the amendment of the Senator from Ohio would empower the Commissioner of Agriculture to go into any State and adopt such means as may to him seem proper for the suppression of the disease named in the joint resolution without reference to and in defiance of the exclusive rights of the States to exercise the police powers for the preservation of the health of their own cattle.

Without saying how I shall vote on the joint resolution, I propose an amendment which will put it in a less objectionable shape, at least to me, if it should be passed. I call the attention of the Senator from Ohio

to it. If in order I propose to amend his amendment by striking out the words "the State of Kansas," in lines 6 and 7, and insert "the States in which it is used;" and also to insert the words "by the consent of" after "agriculture," in line 5; so as to read:

That the sum of $25.000. or so much thereof as is necessary, be. and hereby is, appropriated, to be used under the direction of the Commissioner of Agriculture by the consent of and in co-operation with the proper authorities of the State in which it is used.

This amendment will leave to the State in which the Commissioner of Agriculture operates with this fund the discretion to accept or not to accept it as the State may see fit. The authorities of the States in which it is proposed to be used may have views of their own. They may be pursuing their own methods. They may prefer to exercise the police powers reserved to them by the Constitution rather than to have the aid of the National Government. If they do prefer it, I hold that they clearly have the right to exercise their jurisdiction to the exclusion of that of the General Government. The amendment which I propose to the amendment of the Senator from Ohio will simply call upon the States to say whether or not they desire the proffered aid.

The PRESIDING OFFICER. The Chief Clerk will report the amendment proposed by the Senator from Texas.

Mr. COKE. I will put it in writing.

Mr. HAWLEY. Mr. President, I should be very sorry to seem to be captious about a matter of this description. It is not the sum of money involved that concerns me. We have here got into the habit of looking upon $25,000 and trifles of that sort as not worth a moment's consideration, and they are small in comparison with the resources of the country and with the interests at stake, I suppose. But I am troubled by some old-fashioned notions on this subject, and I say now that I regret the disposition all over the country to appeal in case of almost any trouble directly to an exhaustless Treasury and an omnipotent nation.

This is not the theory upon which the Government was founded, and the theory in my opinion was a just one, a wise one, the safest for the permanent conduct of this Government. The States did withhold to themselves with extraordinary jealousy, not only by the terms of the Constitution but by all contemporaneous expressions and subsequent legislation, the full control over a vast range of what are commonly called minor matters, but matters that come right into the daily life and substance of the people.

I should resist and protest against Federal boards coming into the State of Connecticut to condemn cattle, and butcher cattle, and pay for cattle. We for many years have had our State board of agriculture. We have large herds of exceedingly valuable cattle; comparatively large; I do not speak in comparison with the Texas herds; but I speak of wealthy men, farmers and others, who have devoted themselves for scientific reasons, for curiosity, and for profit to the raising of some of the most valuable breeds of cattle in the world. We have our State board to look out for these very matters, and the moment it is announced by the press or by the telegraph that any dangerous disease prevails, even to the extent of a single instance, the diligent chairman or other official of that board goes to the spot, and the State has its own machinery for examination, for condemnation, and for whatever of compensation there may need to be in the case. I think that a proposition to run to Washington if we heard that a disease prevailed would be received with a smile, I will not say with contempt, in the State of Connecticut.

I think that is the better way to manage these things. I do not say what sort of appeal might be made to our pity and generosity in the case of an extraordinary calamity that should in its magnitude approach the recent great floods; but I am sure that in any ordinary case a State ought not to come here. I doubt our power to do anything whatever in the matter. I very greatly doubt it. I agree to and I assert the right of the Federal Government to regulate all intercourse between the States upon this and other matters, and I assert the duty of the Federal Government to protect us against importations from foreign countries and to regulate our intercourse with foreign countries in all this question; but in a matter purely within our own boundaries, that belongs to the States, that was jealously claimed and retained by them, I regret, I say again, to see the tendency to come here to save a few dollars, or as if there were not sufficient wisdom within the States to meet the occasion.

So I am inclined to vote against these propositions in general and to vote against anything in the general bill that is before us which takes us within a State to regulate a matter entirely within its own limits and perfectly within its own jurisdiction, I may say chiefly for the purpose of getting the Federal Government to pay the dollars that the process may require.

I need not eulogize the public spirit or enterprise or magnify the wealth of the State of Kansas. I simply say that so far as I know, so far as there is any information before us this morning, she is abundantly able and more than able to take care of all these things for herself. If she is in danger from the irruption of disease from other States, and some regulation of interstate commerce shall be thought necessary, I will meet the gentleman very cordially; but I am inclined to vote at once against all these purely local matters, unless I am driven by impulses of generosity and benevolence to disregard States and figures, as in the case of large floods and overwhelming general calamities.

Mr. COKE. I send to the desk the amendment that I proposed, which I have prepared.

The PRESIDING OFFICER. The amendment proposed by the Senator from Texas to the amendment of the Senator from Ohio will be read.

The CHIEF CLERK. It is proposed to strike out, in lines 6 and 7, the words "State of Kansas" and insert "in the States in which it may be used;" and also to insert, after the word "agriculture," in line 5, the words "with the consent of."

Mr. COKE. Now let it be read as amended.

The CHIEF CLERK. As proposed to be amended it will read:

That the sum of $25,000, or so much thereof as is necessary, be, and hereby is, appropriated, to be used under the direction of the Commissioner of Agriculture, with the consent of and in co-operation with the proper authorities of the States in which it may be used, in eradicating a contagious disease popularly known as the foot-and-mouth disease, now prevailing to an alarming extent, &c.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Texas to the reference to the cattle disease existing "to an alarming extent among the cattle of that State." As his amendment applies to all States, the words "that State" should be stricken out.

Mr. PLUMB. I shall not quarrel with the terms of any amendment which accomplishes the purpose I have in view that the Senate may think a better disposition of the subject-matter. It is one of those emergencies in which there is no time, as I think, to quibble about words or about the question of authority.

The Senator from Connecticut [Mr. HAWLEY] was generous enough to insinuate that the State of Kansas wanted this because it was too niggardly to pay for this service out of its own purse. I thank him for the compliment, and will return it when the time comes, as I have no doubt I shall have abundant opportunity to do, before many years shall elapse at all events. I will say, Mr. President, that the State of Kansas is not only able, but willing, to bear up any burden that may be imposed upon it by any contingency which refers alone to its interest and the interest of its people. This is not, unhappily, one of that kind. The cattle of Kansas are marketed in almost all the principal markets of the world. They are going there every day in the progress of a business useful and beneficent. I read this morning of an account of the sale of a large amount of cattle in Chicago, and of the inquiries which arose from the fact that they were from Kansas, and the suggestion that grew out of that fact as to the danger that was liable to be incurred by the cattle of Illinois and the cattle of all the other States of the Union in that great market. In the first place, nothing that the State of Kansas will do, whatever it may do in regard to the eradication of the disease, will be effective in settling the question in the public mind as to the non-existence of the disease among the cattle of that State.

In the next place, this is a disease which peculiarly, almost more than any other disease, is communicable by ordinary methods, inevitable methods. The running of wild animals across the range where these cattle are grazing or in the fields where they are fed, the transport of the cattle themselves, the transit of individuals from place to place, from places where this disease exists to other places where its does not exist, is sufficient to carry it. I have a dispatch on my desk from the agent of the Agricultural Bureau in Chicago, saying that in his opinion it was carried into Kansas by polled Angus cattle that went in there, and that is in accordance with the general diagnosis laying down the general character of the disease and the means of its communication recognized everywhere.

It is therefore not a local question in any sense in which that term can be applied. It is not the sum of $25,000 that the State of Kansas wants. It wants the prompt, the energetic, the thorough, the competent exercise of the authority of the General Government not only to reach it there but to reach it wherever it may be carried from there, and in such a way that when once it shall have been exterminated, if it shall be, that fact shall be known everywhere, so as to give security to all the persons who deal not only in the cattle of that State but in the cattle of the great ranges west and south and southwest who on their way of necessity pass through that State in their transit to market.

Mr. BUTLER. Mr. President, I find in this morning's papers the following dispatch which I commend to the Senator from Kansas in reference to his own State:

THE FOOT-AND-MOUTH DISEASE.

CHICAGO, *March* 13.

Rumors have been published of the appearance of the foot-and-mouth disease in Effingham County, Illinois, but one or two isolated herds, which were supposed to be affected, when visited failed to show symptoms of the real contagion, and no alarm is yet felt. Governor Hamilton, of this State, has been urged by the Wyoming Stock-Growers' Association to quarantine the cattle in this State against the infected cattle in Kansas, and he declares that he will issue a proclamation to that effect within one or two days.

I should like to ask the Senator why it is that the governor of Kansas can not do the same thing.

Mr. PLUMB. So he can; but who is to determine that question in that way? Perhaps the governor of Kansas can quarantine against the cattle of Texas and the cattle of Colorado and the cattle of New Mexico

and the cattle of Missouri and of the other States and Territories in that neighborhood. I do not say as to that; but what kind of a spectacle would it be, the governor of a State assuming to interfere with interstate commerce, with the commerce of all this country, and settling for himself and for his own locality questions which affect not only that locality but which affect the interests of all the people of the United States.

Mr. BUTLER. I state to the Senator that the governor of a State has a perfect right to defend his State from the introduction of disease from another State by quarantine.

Mr. PLUMB. I do not say he has not the power, but I was speaking of the wisdom of the exercise of that power by the authorities of a State when the United States authorities can exercise it in such a way as to hold the balance evenly and prevent the unnecessary interruption of trade.

Besides that, it is not a question of quarantine now against the cattle from outside the State, and therefore the governor of Kansas has no need to quarantine. It is a question about quarantining cattle from Kansas, and of course that means not only the cattle that belong in that State but the cattle which in the course of trade are brought through that State, and I think at least one-half of all the cattle shipped to market from Texas are shipped through that State; and a quarantine of that kind as a matter of course must operate against them. We are to have this whole question determined then on the basis of the local feeling in Kansas, the local belief there, without any means of determining from a larger standpoint and by means more widely at hand than can locally be used what the interest not only of that State but of all the States may be in this great question.

I have a dispatch in regard to the same subject-matter which the Senator has called attention to in his reading from the dispatches in the morning papers which I will read:

CHICAGO, ILL., *March* 13, 1884.

Hon. GEORGE B. LORING,
Commissioner of Agriculture, Washington, D. C.:

Our papers report foot-and-mouth disease at Effingham, Ill. We urge that you send Dr. Detmars to at once proceed investigate and report. Dr. Detmars is here and ready to go, if ordered. Answer.

JESSE SPALDING,
Collector Customs.

There will grow out of that undoubtedly a great deal of apprehension that is unnecessary. I have no doubt that in some places the foot-and-mouth disease will be supposed to be in existence when it is not. Other diseases will be imputed to that, and it will contribute to a panic, to a feeling of insecurity, and to great loss unless we proceed systematically and thoroughly and by means of the national authority to settle definitely and finally all this question, and it will not be settled by referring it simply to the local authorities, the authorities of a county or of a State, but the great buying public of New York, Chicago, Cincinnati, Saint Louis, and elsewhere wherever these cattle are marketed, have themselves some assurance on the subject which will enable them to deal in them with satisfaction, just as when we come to establish means of inspection, if we ever do, in regard to meats to go abroad, it will not need the seal merely of the State of New York; it will not need the action of any State authority, or at least that action will not be sufficient for the purpose, but it will need the action of the General Government, the seal of some officer of that Government in order to carry that guarantee of soundness which is necessary to give our meats currency abroad. And so at home we want not isolated local action; we want general action; we want something that is competent in its jurisdiction to meet the case in all its magnitude and wherever it may be, not only in Kansas but in Illinois and in all the other States wherever it may appear, and for the purpose of investigating in the process of eradication in such a way that the existence or the non-existence of this disease may be definitely determined elsewhere as well.

Mr. BUTLER. I should be very glad to co-operate with the Senator from Kansas in any reasonable way to prevent the spread of this disease, but the Senator can not have forgotten that a very few years ago a disease broke out among the horses known as the epizootic, by which the omnibuses and street-car lines and all the modes of transportation in all the cities were almost entirely suspended, not only in one section of the country but all over it. A few years ago another disease broke out among horses known as pink-eye, which was transmitted from one part of the country to another. It would be just as reasonable, and I think more reasonable, that some particular locality should come to Congress and ask twenty-five, fifty, or one hundred, or two hundred thousand dollars to stamp out that disease as is the measure demanded by the exigency in Kansas. That disease may prevail there I have no doubt, but my own opinion is that the alarm and injury to the cattle interest has been intensified immensely, and has cost this country millions and millions of dollars by this agitation of the question and these constant appeals to Congress to make appropriations to stamp out the disease. The hog-cholera and numbers of other diseases among animals are prevailing constantly in almost all the States, but I have never known until now an application to be made to Congress for an appropriation to get rid of a disease in a State when it has not appeared that it could not be got rid of by proper remedies there.

Mr. PLUMB. Will the Senator advise me where in the United States this disease could break out if it did not break out in some State?

Mr. BUTLER. Of course it would break out in a State; and I think it very doubtful whether the United States Government has a right at any time in a case of that kind to appropriate money for the purpose of preventing a contagious disease among animals when the States themselves have the ability, if they have the will, to do it. That is my objection to all such measures as this.

Mr. CULLOM. Mr. President, I only desire to say a word. My own State has been referred to several times by Senators on the floor, the references being based upon a dispatch from Chicago in relation to the disease that seems to have broken out in Effingham County. I have no information in reference to it except what has been read to the Senate. But in regard to my own State, I am not here now asking anything of the General Government for the State. Our State has a law on this subject which was passed three years ago, and while I happened to have the honor of occupying the position of governor of that State it was enforced, and enforced at very considerable expense to our people. I am not here now asking the adoption of this resolution on account of anything pertaining to the condition of affairs in Illinois; but I am satisfied that this disease, which is now prevailing to some extent in this District and in Pennsylvania and Maryland and New York and other portions of this country and which is likely to spread all over, ought to be attended to and stamped out, if it can possibly be done, and that at as early a period as possible.

The Senator from South Carolina refers to the horse disease that we had prevailing in this country a few years ago. I believe that if the Congress of the United States, when that disease first appeared in the East, had at once made an appropriation and taken steps to stop its career west by perhaps an appropriation of fifty or one hundred thousand dollars, millions of dollars might have been saved to the people of this country which they sustained the loss of by the death of horses all over the land.

I am not asking for an appropriation for Kansas or Illinois, but in my judgment this great interest of the people of this country must be looked after. We have to-day forty million head of cattle in the United States, an interest that is superior to almost any other, and in my judgment the Congress of the United States ought not to hesitate a moment in making such an appropriation as will give our people information in reference to what ought to be done in protecting the cattle of this country from this disease which is liable to spread over every State in the Union.

This question is not simply a question of an appropriation to apply to Kansas or Illinois or Ohio, but the purpose is to get information which will enable us to at least pass such laws as will protect the interests of the people by protecting the cattle of this country. It involves largely the question of interstate commerce, because everybody knows that the cattle of the country are being shipped from one portion of the nation to another, that great car-loads of them start from Texas or from the Territories and pass through Kansas, pass through Illinois, pass through Ohio, and so on to the seaboard in the East, and that sort of transportation can justly and properly be regulated only under the provisions of a law pertinent to interstate commerce.

Mr. BUTLER. Will the Senator allow me a word?

Mr. CULLOM. Certainly.

Mr. BUTLER. I would call the Senator's attention to the provisions of this joint resolution. It provides that the sum of $25,000, or so much thereof as is necessary, shall be appropriated for the purpose of "eradicating a contagious disease," not for the purpose of procuring information. I go as far as any Senator on this floor in appropriating the necessary amount to procure all the information on the subject we can get; but this assumes that a certain disease exists in advance of the information to which the Senator from Illinois refers as so desirable to be procured by Congress. I will join in an appropriation to procure the information; but this goes further.

Mr. CULLOM. I understand that the resolution provides that money shall be expended in part perhaps for the purpose of eradicating the disease, but we must find out the facts in relation to the disease before we can do very much in the direction of eradicating it. In my judgment the great benefit to ensue from the passage of this resolution is to enable the Commissioner of Agriculture to ascertain what the condition of affairs is in this country, so that finally when the bill comes before Congress which has been reported by the chairman of the Committee on Agriculture we shall know best what to do with it.

Mr. SHERMAN. Mr. President, I would greatly prefer, if the Senator from Kansas saw his way clear, to let this subject stand until the bill reported from the Committee on Agriculture is brought before the Senate, so that we may deal with this very grave and important question with the patience and gravity that it demands.

Senators who look upon this as a mere local matter affecting a flock of cattle in Kansas underrate it enormously. About eighteen years ago pleuro-pneumonia, as it is called, a disease among cattle, first appeared in the United States. It had spread havoc and destruction in France, in Germany, and in Great Britain, and caused a loss of many millions of dollars, and it appeared probable that it would come into this country. Congress passed a law prohibiting the importation into this country of

any cattle, and made such importation subject to Treasury regulations. I think it was about 1866. Under that law the United States has been able to prevent the spread of this disease across the Alleghany chain and confined it to the border States on the coast. So, fortunately for this country, pleuro-pneumonia has never appeared west of the Alleghany Mountains. That was the result of the act of Congress of 1866 and the acts amendatory thereof. I have no doubt that if pleuro-pneumonia had crossed the mountains and appeared on the plains of Kansas or Illinois or in the West the amount of property that would have been destroyed would have extended to hundreds of millions of dollars. The wisdom of that policy has been demonstrated. Now a disease infinitely more contagious, more general, because it extends to all kinds of animals, is threatening our country by importation from Europe—the foot-and-mouth disease. I believe the technical name of it is aphthous fever, and it is now prevailing in several of the European states, and it has appeared several times in our country by importation. I will read a letter from a very distinguished gentleman in Ohio which I think will give you in a few words the danger of this disease and the nature of it. This gentleman is connected with our agricultural department in Ohio, and is a very good lawyer as well as a very good farmer and stock-raiser. He says:

> In view of the alarming outbreak of aphthous fever, or foot-and-mouth disease, in Kansas, it is my opinion that all importation of live-stock should be stopped for the present. Sheep and swine are subject to this disease as well as cattle. It is more dangerous than the pleuro, because more infectious, infecting premises, ships, railway cars, litter, fodder, &c., while the pleuro, as the English veterinary department of privy council holds, can only be communicated by actual contact with the living diseased animal. The disease has several times appeared in Canada, once imported in a lot of sheep. The traders have denied its existence and opposed all restrictive measures. A short time ago, as you may have learned, a lot of Hereford cattle infected with foot-and-mouth passed through Portland to Canada. Stock of all sorts is passing that way to all parts of the West, often all the way in Dominion cars. This should be stopped until the alarming danger indicated by this outbreak in Kansas is past. It will be no hardship or injustice, as we are not allowed to send cattle to Canada.

It seems to me the same measures should be adopted to prevent the importation of this disease into the West that were adopted in regard to pleuro-pneumonia. If this disease has broken out in Kansas, it is the most unfortunate event that has happened to the people of the United States in ten years, and will be the most destructive. I doubt somewhat whether the disease known as the foot-and-mouth disease, the aphthous fever, has broken out in Kansas, whether it has broken out in Illinois; but if that be the fact, and this is the fatal disease that has exterminated so many cattle and hogs and sheep in Europe, it is a fatal fact that ought to be dealt with with severity, promptness, and decision. No State-right barriers ought to intervene in a question of that kind. The power of the United States ought at once to be exercised to stamp out that disease, cost what it will, because, let me tell my friend from Texas, if either the pleuro-pneumonia or this new disease, entirely different in character from pleuro-pneumonia, should break out in Texas, Texas would call aloud for help from the United States, and we would heed their cry. This ought to be dealt with as a national question, and not a State question. It is a national question.

The Senator from Connecticut endeavored to make a constitutional argument about dealing with a local disease. If this was a mere local disease, confined to Kansas, or Connecticut, or even Ohio, I would not seek the aid of the General Government; but this is the importation of a foreign disease and must be dealt with as a national question. This disease, if it is here, has been introduced from foreign countries in some way, either by contact with animals or by clothing. It was said in one case it was introduced by the clothing of a Scotch herdsman. It is said that it has been introduced by clothes, forage, rags, blankets, and also by contact with infected cattle. At all events it is a foreign importation, and must be dealt with as the result of commercial intercourse with foreign nations.

All I have to say in regard to this measure of the Senator from Kansas, who is very desirous to pass it, is that if it is to be passed I want it made general, extending to all parts of the United States. I wish to follow the amendment I offered with another amendment which will strike out another clause limiting the effect of this appropriation to Kansas and make it general. But my own advice would be and I would ask the Senator from Kansas to adopt it, and I think he would expedite matters if he would allow this resolution to pass over and take up the pleuro-pneumonia bill, the general bill reported from the Committee on Agriculture, and ingraft on that some other provisions which ought to be added to it, so as to deal with this question as a great and important question ought to be dealt with.

I am afraid now that if this resolution is passed by the Senate and goes to the House, with the crowd of business that is pressing there on the House, the appropriation bills being pending, it will not be taken up and will not be promptly acted on, and thus the Senate will have dealt with the question in an imperfect way at one time in one bill and the House have dealt with it on another bill in another way after a long debate. It is better for us to take up the principal question, the House bill, and deal with it there, where not only this subject but other kindred subjects can be embraced.

Mr. MILLER, of California. The practical question raised here, it seems to me, is as to the Department which should have charge of this matter. This resolution provides that it shall be the Agricultural Department. The Treasury Department is dealing with this subject particularly in respect to pleuro-pneumonia.

Mr. SHERMAN. I think myself it ought to go to the Treasury Department.

Mr. MILLER, of California. The foot-and-mouth disease has appeared at Portland, Me., and it was imported from England, the cattle having been brought there by an English ship. The disease has spread somewhat, and the Treasury Department has taken measures to extirpate it there by quarantining those animals and doing all it can to stamp it out. Now the question arises whether there will not be two Departments of this Government operating against this disease at the same time, and whether there will not be a conflict and extra expense. The question is which ought to have charge of it. I submit these suggestions to the Senators who have the care of this measure, that we may be informed on the subject.

Mr. MILLER, of New York. Mr. President, I think the Senator from California, when he considers this matter with full knowledge of the present condition of it, will see that what is proposed to be done by this resolution should not be committed to the keeping of the Treasury Department. Under a law now on the statute-book the Secretary of the Treasury quarantines all cattle imported to our country from foreign lands. That is done at the port of importation, and he has his officers in connection with the custom-houses for doing that. The quarantining of cattle at our ports is entirely under the control of the Secretary of the Treasury through the customs collectors; but when we come to deal with a native disease, a disease which is certainly so far from our ports as to be found in Kansas, and perhaps in Illinois, the Treasury Department has no machinery whatever at present organized for dealing with it.

It may be said that the Agricultural Department has not sufficient complete machinery; but we propose to give it that by the bill which is pending before the Senate. The Agricultural Department, however, has correspondence with agents in nearly every county in every State in the United States, parties with whom the department is in constant correspondence. I have here a copy of a letter which came to the Agricultural Department the other day from Portland, Me., from the correspondent of the department there, showing the condition of the foot-and-mouth disease in the State of Maine and how it was spreading there. It has correspondents all over this country. I think I am correct in saying that the Agricultural Department has a correspondent in every county in every State, and it receives from these correspondents or agents early information in regard to any disease that may break out, and it is able at once to operate with its correspondents. The Commissioner of Agriculture, on the application of the governor of the State of Kansas, has already sent his veterinary surgeon belonging to the department, a very skilled officer, to Kansas to investigate this disease. The Treasury Department has no such officer; it has no power to employ any such officer; and is not at all able to reach this question.

Mr. MILLER, of California. Will the Senator yield to me for a moment?

Mr. MILLER, of New York. Certainly.

Mr. MILLER, of California. I was informed yesterday by one of the chief officers of the Treasury Department that that Department had sent a surgeon out to Kansas to investigate this foot-and-mouth disease.

Mr. MILLER, of New York. If so it is entirely without authority of law. There is no law authorizing the Secretary of the Treasury to do anything of the kind. Under the law authorizing the Cattle Commission which exists in the Treasury he is authorized to quarantine, and is compelled to quarantine, cattle coming into this country; but I submit that there is no law for any operation on this question by the Secretary of the Treasury as the statutes now stand.

Mr. MILLER, of California. One or the other Department ought to have charge of it.

Mr. MILLER, of New York. We propose to put it fully under the control of the Agricultural Department if the Senate shall concur in passing the bill which has already passed the House.

Mr. MILLER, of California. Except in regard to importation.

Mr. MILLER, of New York. Except in regard to foreign animals imported. That question is to be left with the Secretary of the Treasury, where it now is; and as all the machinery in regard to the exports and imports of this country is in the hands of the Secretary of the Treasury it is undoubtedly much more economical that the matter of quarantining animals brought in from foreign ports should be left in the hands of the Secretary of the Treasury, where it can be attended to by the collectors of customs and their subordinates without any great additional expense. But when we come to the question of interstate commerce in cattle and the question of diseases in the Western States, I submit that it is in no way proper that it should be turned over to the Secretary of the Treasury. In fact I think that Department is already overburdened, as some other Departments are, and rather than increase their duties there ought to be new departments organized and some of these important duties transferred to them.

As to the question raised by the Senator from Ohio [Mr. SHERMAN], I submit that if the foot-and-mouth disease of which he speaks is so dangerous and alarming in its character as he says it is—and I think he is correct about that—there is all the more need of the passage of

this preliminary joint resolution, as I will call it, for he will see that if we were to take up the pleuro-pneumonia bill this afternoon, as I hope we shall at 2 o'clock, and succeed in passing it through the Senate to-day and sending it back to the House with some amendments; or if we were to pass it simply as it came from the House, so that it would require no concurrence by the House in our amendments, it would be impossible to meet the exigency of the occasion under that bill alone, for, in the first place, the bill provides that the Commissioner of Agriculture shall prepare rules and regulations in regard to the suppression of these dangerous diseases, and these rules and regulations are then to be submitted to the various State authorities, and they are to be called upon through their legislative bodies to pass legislation which shall enable the States to co-operate with the Federal authorities in the suppression of these diseases. It would be impossible in the ordinary course of legislation that any such co-operative action from the various States could be had within several months. In nearly all the Western States the Legislatures are not in session this winter. They have biennial sessions, and they would be compelled before the bill went into operation fully to call extra sessions of the Legislatures and pass acts and appoint commissioners to act in co-operation with the Federal authorities. Here comes an emergency. The disease has undoubtedly broken out in Kansas. We do not yet fully know how it was carried there, but the time is rapidly approaching when the cattle of Kansas and of all the Western States will go upon the ranges and go out to graze, and when that is done there will be no possibility of the Federal Government and of the State governments co-operating to prevent its spread, and its most dangerous spread, over the entire West.

At the present time these cattle, of course, are herded together, and are in herds where they can be controlled. It needs prompt and immediate action. While I know that under the rules I can not speak of what the other branch of Congress may do or may have done, yet I state unofficially that I understand one of the committees of that body has agreed upon and will report to-day a measure, similar to this, for an immediate appropriation of money for this purpose, notwithstanding they have already passed the pleuro-pneumonia bill. I state this upon authority which I believe to be correct.

Mr. VEST. I should like to ask the Senator a question, if he will grant permission.

Mr. MILLER, of New York. Certainly.

Mr. VEST. Does the Senator say that he believes the House of Representatives will pass a resolution like this to enable the Commissioner of Agriculture to go into a State and extirpate a disease supposed to exist among cattle, after the vote already taken there, following an elaborate debate in the House on that question?

Mr. MILLER, of New York. It is not necessary that I should express an opinion as to what can be done or can not be done in the other House. My private opinion is that such a resolution should be passed and will be passed, for the vote upon the question referred to by the Senator shows that the majority against it was very small.

But that is neither here nor there. Under this resolution, if it shall pass, there is no probability that the power given to the Commissioner of Agriculture under its general provisions would enable him to go into a State and to do acts which the State officers or private citizens might protest against. I think his action will necessarily be very much like the action of the Senate frequently, that is, by unanimous consent. If a State should resist, I have no doubt the courts, under the resolution as it stands, might be called upon to enjoin him if he were doing anything it did not approve of. I have no idea that any such action as is apprehended will take place; I have no fear that there is any danger in that direction.

Mr. VEST. I should like to vote for this resolution if it would accomplish the extirpation of this disease, because my State is very intimately associated with Kansas; but I understand the resolution to give the power to the Commissioner of Agriculture to go into any State, into the State of Kansas specifically, and extirpate, by any means he may think proper to adopt, this disease. The amendment of the Senator from Texas makes it necessary that the State should consent and co-operate. If I am in error in regard to that, I want to be informed upon it.

Mr. MILLER, of New York. The Senator will permit me to read the joint resolution:

That the sum of $25,000, or so much thereof as is necessary, be, and hereby is, appropriated, to be used under the direction of the Commissioner of Agriculture and in co-operation with the proper authorities of the State of Kansas.

Mr. VEST. Suppose the authorities of Kansas do not co-operate?

Mr. MILLER, of New York. Then undoubtedly the entire operations of the Commissioner in that State will fail, and you will have to wait until the pleuro-pneumonia bill is passed. The governor of Kansas has already called upon the Commissioner of Agriculture to send a veterinary surgeon and other officers to make the examination, and there is no doubt whatever of the co-operation of the State authorities of Kansas. But under this resolution I submit there is no such danger as the Senator suggests; and if there were any I should not favor it at this time, because that question is an important question, and it should not be disposed of in so summary a manner as the joint resolution proposes. But I submit that the resolution is so well guarded that there is no danger that the Commissioner of Agriculture will do anything whatever under it except by consent of the authorities of the State wherever he may operate.

Mr. VEST. There can be no objection, then, to the amendment of the Senator from Texas. All I desire is that I shall not be committed to the fifth section of the pleuro-pneumonia bill, to which I can never give my consent in any shape or form. If this resolution is passed to be operative only with the consent of the authorities of the State of Kansas, then it is not so objectionable; but I do not choose to be committed in advance to the fifth section of the pleuro-pneumonia bill now before the Senate.

Mr. MILLER, of New York. There is no intention on my part or on the part of the Senator from Kansas to commit any one to the provisions of the pleuro-pneumonia bill; nor do I wish to have any one committed against it. Let that be settled when the bill comes up.

I submit that any candid examination of this resolution will show that it is not subject to the objection which has been raised. The Commissioner of Agriculture has no absolute power under it. He can expend this money only in co-operation with the State authorities of the State in which he may operate; and if the State shall decline to co-operate, or shall fail even to ask the Commissioner of Agriculture for his assistance, under this joint resolution nothing can be done. It simply meets this one emergency. The governor of Kansas has called for help, and it seems that the emergency is so great that we ought to pass this joint resolution at once and send it to the House; for, as I have already stated, if we wait for the pleuro-pneumonia bill to pass, and wait to have it fully put into operation by the co-operation of the various State Legislatures, it will be one, two, three, and perhaps in some cases more than six months before any co-operation can be had by the various State Legislatures, and then the damage will have been done.

Mr. BUTLER. Why not adopt the suggestion of the Senator from Ohio that this joint resolution go over until after the consideration of the pleuro-pneumonia bill now before the Senate? The very identical question is there involved.

Mr. BLAIR. I should like to remind the Senator from South Carolina that at 2 o'clock the bill to aid in the establishment and temporary support of common schools in the country is the special order.

Mr. BUTLER. I was not aware of that fact, but I understood that the friends of the pleuro-pneumonia bill would press its consideration to-day, and therefore I supposed it would be taken up. But it will be impossible to accomplish what has been stated as so desirable by the Senator from New York by this mere local resolution. The practical effect of this resolution will be to give the State of Kansas $25,000. That is all. If the State of Kansas wants $25,000, I am quite willing perhaps to vote it; but it will fail to accomplish what is thought to be so desirable in reference to this disease among the cattle. I therefore suggest that this resolution go over until after we have had time to consider deliberately and fully discuss what is known as the pleuro-pneumonia bill, involving the very same questions and the very same principles.

Mr. MILLER, of New York. I think the Senator from South Carolina could not have listened to what I said in reply to the Senator from Ohio on that same proposition, in which I attempted to make it plain to the Senate that the provisions of the pleuro-pneumonia bill would require the co-operation of the State Legislatures, the making of new laws in nearly all the States of the Union, perhaps, in fact, in all of them. It may be necessary that there should be legislation in every State of the Union before that bill can go fully into operation.

Now, the case as I understand it is simply this: There has broken out in one county in Kansas, perhaps in only one, two, or three herds—I do not know the exact number—a very dangerous and contagious disease known as the foot-and-mouth disease. The cattle are now corralled or are in herds. The State of Kansas has no legislation whatever upon the subject, and the Legislature is not in session. The governor of the State has appealed to Congress, through the Senators from that State, and to the Commissioner of Agriculture for help. It is believed by those competent to judge that if the Federal Government shall appropriate instantly from $25,000 to $50,000, and shall authorize the Commissioner of Agriculture to use that money in co-operative action with the governor of the State of Kansas, this most dangerous disease may be stamped out at once, it costing only twenty-five or fifty thousand dollars to do it. If it gets out upon the ranges in the spring the loss, as stated by the Senator from Ohio, will amount to millions upon millions of dollars. I submit that if we are to wait until the pleuro-pneumonia bill passes, all the dangers which we desire to avoid and seek to avoid by this resolution may come upon us in their full force.

There is nothing in this resolution which commits the Senate or the two Houses of Congress or any Senator to any proposition which can be at all objectionable, in my judgment. It avoids the constitutional objection of the Federal Government coming in without the authority of the States. That is avoided by the language of the resolution. It is simply a question whether we shall put our money under the control of the Commissioner of Agriculture for this purpose at this time, and doubtless avoid great loss and danger to the entire Western portion of our country.

Mr. GARLAND. I was out of the Chamber when thisresolution was called up——

Mr. HAWLEY. Will the Senator from Arkansas kindly yield to me for a moment for what I may call an explanation?

Mr. GARLAND. Certainly.

Mr. HAWLEY. I dislike very much to be misapprehended, and I am sure the Senator from Kansas did, to a certain extent, misapprehend me. I used no such expression in regard to Kansas as "niggardly," nor did I imply that Kansas is not sufficiently enterprising, generous, and public-spirited to do her whole duty; indeed I think I intimated something to that effect; but I did reflect somewhat upon a tendency throughout the United States, which I think everybody understands, to come too frequently to the Federal Government and to be willing to overlook the proper constitutional restrictions if there only be some money connected with the legislation sought. That I applied to all parts, to my own State as well as to the rest. I think it is a mistaken national tendency.

A word more. Nor am I liable to the criticism made by the Senator from Ohio. I am willing to do all that the Federal Government should do in this matter with power and with generosity, provided we act with some respect to constitutional powers. If we act under the clause with regard to commerce with foreign nations and between the States, I will agree to every imaginable reasonable restriction as to the transportation of cattle between the States and as to the importation of cattle. In short—the Senate knows what I mean—I will exercise every power under that constitutional qualification; but I have an inclination to object, as the Senator from Missouri I see has, to this tendency to go within a State and assume to the Federal Government what the people ought to do themselves. I will co-operate, under constitutional regulations, with as much generosity as anybody.

Mr. GARLAND. Mr. President, as I stated a moment ago, I was out of the Chamber when this resolution was called up, and I am not aware precisely how it was reached. I suppose, though, it is up now for consideration, and I think probably the Senate might as well consider it as anything else, for it opens up a very great question, greater than the resolution itself apparently imports; and then it has drawn to itself to a considerable degree the discussion of the bill called the pleuropneumonia bill. If it is the purpose of the Senate to consider it and get through with it, I wish now to say upon it what I have been thinking of for some time in reference to this and kindred subjects.

Mr. PLUMB. Before the Senator proceeds, will he state whether he is advised of the amendment which the Senator from Texas has proposed and which is not objected to.

Mr. GARLAND. Yes, sir. I am in favor of the resolution without the amendment of the Senator from Texas, and it is on that general subject raised by that amendment that I desire to be heard now, having lost the opportunity some time ago when the Senator from North Carolina [Mr. RANSOM] withdrew his resolution for an appropriation for the afflicted people in North Carolina, South Carolina, Alabama, and Georgia, suffering from the recent cyclone. I intended then to make the remarks which I will make, now that this resolution is before the Senate.

In view, Mr. President, of the constantly recurring demand, as indicated by the Senator from Connecticut [Mr. HAWLEY], to the Congress of the United States for legislation of the kind here proposed, it is quite important that we should have some general understanding about it; it is quite necessary that something should be done indicating the views of Congress upon this question on its merits, and not leave it to mere caprice or to mere sympathy or to mere condolence, as the case may be, upon each application that is made.

Now, what is the case before us? As I understand it, the Senator from Kansas [Mr. PLUMB], acting on the responsibility devolved upon him as a Senator from that State, has introduced a resolution, founded upon information communicated to him that there is a great emergency affecting one of the material if not the most material of the industries of that State, threatening in its aspect also to overtake and afflict like industries of other States. In view of that presentation of the facts, the matter not being local at all, not being merely domestic to the State of Kansas, but, as indicated by the Senator from Ohio [Mr. SHERMAN] in his clear manner of putting everything, if not stopped now it is likely to produce one of the greatest afflictions this country has seen for ten years, this information being communicated to the Senator from Kansas and he communicating it to the Senate, a committee of this body has reported back the resolution of the Senator from Kansas and it is now before the Senate.

Whenever an affliction overtakes the people of this country that defies and overreaches, so to speak, the power of the local authorities and goes beyond their means of relief, their capacity for remedy, my judgment is that Congress has the power, and having the power is the judge of the time to exercise that power, to relieve that particular calamity or affliction. This is one of those cases, if I understand the Senator from Kansas and the communications he has made. This being so, I shall now undertake to show that upon a fair interpretation of the Constitution it is within the power of Congress, and upon a fair and reasonable interpretation of the precedents of Congress it is beyond any question within the capacity of Congress, to grant the relief. I think it can be shown, too, that it is not within the power of the States in the aspect in which it is presented here to interfere with this matter.

It may not be very interesting, but it may be somewhat important for us to get down to the principle at the bottom of this proceeding. I may be a little tedious to the Senate in laying before it what I consider to be the basis on which this proposition rests, but I think it should be presented.

In the first volume of Story on the Constitution, sectional page 978, commenting on the clause of the Constitution which provides for levying taxes, imposts, &c., to pay the debts and provide for the general welfare, we find that eminent judge quoting with approbation the report of Mr. Hamilton on manufactures in 1791. He says:

> The terms "general welfare" were doubtless intended to signify more than was expressed or imported in those which preceded—

That is, to levy taxes for the purpose of paying the debts &c.—

> otherwise numerous exigencies incident to the affairs of the nation would have been left without a provision. The phrase is as comprehensive as any that could have been used; because it was not fit that the constitutional authority of the Union to appropriate its revenues should have been restricted within narrower limits than the general welfare, and because this necessarily embraces a vast variety of particulars which are susceptible neither of specification nor of definition. It is therefore of necessity left to the discretion of the National Legislature to pronounce upon the objects which concern the general welfare, and for which, under that description, an appropriation of money is requisite and proper.

Then, in section 979, Judge Story says:

> But the most thorough and elaborate view which perhaps has ever been taken of the subject will be found in the exposition of President Monroe which accompanied his message respecting the bill for the repairs of the Cumberland road (4th of May, 1822). The following passage contains what is most direct to the present purposes:

President Monroe, as quoted in sections 984 and 985, said:

> SEC. 984. I have dwelt thus long on this part of the subject from an earnest desire to fix, in a clear and satisfactory manner, the import of the second part of this grant, well knowing, from the generality of the terms used, their tendency to lead into error. I indulge a strong hope that the view herein presented will not be without effect, but will tend to satisfy the unprejudiced and impartial that nothing more was granted by that part than a power to appropriate the public money raised under the other part. To what extent that power may be carried will be the next object of inquiry.
>
> SEC. 985. It is contended on the one side that, as the National Government is a government of limited powers, it has no right to expend money except in the performance of acts authorized by the other specific grants according to a strict construction of their powers; that this grant in neither of its branches gives to Congress a discretionary power of any kind, but is a mere instrument in its hands to carry into effect the powers contained in the other grants. To this construction I was inclined in the more early stage of our Government; but on further reflection and observation my mind has undergone a change, for reasons which I will frankly unfold.

Again in section 987 Monroe says:

> Had it been intended that Congress should be restricted in the appropriation of the public money to such expenditures as were authorized by a rigid construction of the other specific grants, how easy would it have been to have provided for it by a declaration to that effect; the omission of such declaration is, therefore, an additional proof that it was not intended that the grant should be so construed.

Story quotes Monroe with approbation. Then Monroe proceeds at length to give his views why he had changed his opinion. It is not necessary to read that. Now, in a note to this Judge Story says:

> There is no doubt that President Washington fully concurred in this opinion, as his repeated recommendations to Congress of objects of this sort, especially of the encouragement of manufactures, of learning, of a university, of new inventions, of agriculture, of commerce and navigation, of a military academy, abundantly prove.

The Senate knows that upon the strict construction theory the Naval Academy at Annapolis and the Military Academy at West Point were combated for years and years, until finally they were carried through by overwhelming majorities. In the building of these two academies, in the establishment of them, this construction was brought to bear and they rest upon no other basis. But now let me proceed with Story:

> SEC. 991. In regard to the practice of the Government, it has been entirely in conformity to the principles here laid down. Appropriations have never been limited by Congress to cases falling within the specific powers enumerated in the Constitution, whether those powers be construed in their broad or their narrow sense. And in an especial manner appropriations have been made to aid internal improvements of various sorts, in our roads, our navigation, our streams, and other objects of a national character and importance. In some cases, not silently, but upon discussion, Congress have gone the length of making appropriations to aid destitute foreigners and cities laboring under severe calamities, as in the relief of the Saint Domingo refugees in 1794, and the citizens of Venezuela, who suffered from an earthquake in 1812. An illustration equally forcible, of a domestic character, is in the bounty given in the cod-fisheries, which was strenuously resisted on constitutional grounds in 1792, but which still maintains its place in the statute-book of the United States.

In a later edition he gives a note to this, in which he says:

> It would be impracticable to enumerate all these various objects of appropriation in detail. Many of them will be found enumerated in President Monroe's Exposition, of 4th of May 1822, pages 41 to 45. The annual appropriation acts speak a very strong language on this subject. Every President of the United States except President Madison seems to have acted upon the same doctrine. President Jefferson can hardly be deemed an exception. In his early opinion, already quoted (4 Jefferson's Corresp., 524), he manifestly maintained it. In his message to Congress, 2d December, 1806, (Wait's State Papers, 457, 458), he seems to have denied it. In signing the bill for the Cumberland road, on the 29th March, 1806 (act of 1806, chapter 19), he certainly gave it a partial sanction, as well as upon other occasions. See Mr. Monroe's Exposition on 4th May, 1822, page 41. But see 4 Jefferson's Corresp., 457, where Mr. Jefferson adopts an opposite reasoning. President Jackson has adopted it with manifest reluctance; but he considers it as firmly established by the practice of the Government. See his veto message on the Maysville road bill (27th May, 1830, 4 Elliot's Deb., 333 to 335).

Mr. President, as we proceed with the history of the subject it will be instructive to note somewhat the events of the times running in parallel lines with these expositions. When some of us went down to Montgomery to erect the Southern confederacy, as it was called, having a dread of this "general-welfare" power in the Constitution of the United States, which appears in the preamble to the United States Constitution as well as in the part granting powers to Congress, that clause was omitted from the constitution of the confederate government, and the language used read thus:

The congress shall have power to lay and collect taxes, duties, imposts, and excises for revenue necessary to pay the debts and provide for the common defense—

Here is where the "general welfare" comes in in the Constitution of the United States, but instead of it was inserted at Montgomery—

and to carry on the government of the Confederate States.

That was ingrafting on the constitution what a certain school considered to be the meaning of the "general-welfare" clause in the Constitution of the United States; but the "general-welfare" clause still stays in the Constitution of the United States; and how has it been interpreted and acted upon by every President save and except, according to Story, Madison himself? Directly we shall see dozens of instances almost, by the side of which, so far as the principle is concerned, the present application to Congress dwindles into utter insignificance. We have seen, according to Story, the construction which Mr. Monroe in his more mature years conceded and acquiesced in; we have seen that the Military and Naval Academies have been built and grown up on this power and on none other in the Constitution.

I cite this provision from the constitution of the Confederate States for the purpose of showing that very essentially and materially different language is used to carry out the idea that is contended for by implication and construction, and grows out of the present language of the Constitution of the United States. Story says in quoting from these authorities that you could not in your Constitution specify minutely, in detail, the grounds that shall bring about a requisition upon Congress. That is left for the occasion calling for the exercise of "the general-welfare" power, Congress being the judge of that occasion.

On the present occasion the Senator from Kansas presents the fact that, overleaping the local and domestic authorities of the State of Kansas, a disease there exists which threatens to become general in its character over the whole country whose interests are bound up in this great industry. If the cod-fishery bounty was constitutional, as Story said, for the purpose of encouraging the formation of a hardy class of men who should be ready for the Navy, why is not this? Those bounties were granted, says Story, not silently, but after long debate on the constitutional theory involved, and passed as early as 1792.

Mr. MORGAN. Allow me to inquire of the Senator from Arkansas whether he takes the position that it is the nature of the disease that is to overleap the boundaries of State authority?

Mr. GARLAND. It is the nature, and character, and extent of this disease in threatening the destruction of this industry that is the point; and I will show directly, when I come to quote the legislative history, that no one who sanctioned the acts to which I shall refer can stop for a moment and hesitate to swallow this dose.

Mr. MORGAN. There may have been a bad precedent.

Mr. GARLAND. It is not a bad precedent. I have the language of the commentator upon it, and even as great a man as Monroe said he had changed his views upon it, and he gave his reasons, which I could detail at length if it were necessary.

It is not a bad precedent. It is a good precedent when it is based upon anything of a general character, and it is not within the purview of Congress to go to the States and ask them how the Congress of the United States shall execute the powers delegated to it or which it performs in carrying out the delegated powers. That is a mistaken idea. The truth is, legitimately, properly, and constitutionally speaking, Congress can not delegate its authority in any instance to a State official or a State agent to perform.

Story states three or four instances, to which I have referred and on which I have commented somewhat. I have made an abstract of most of the subsequent acts for the information of the country.

In 2 Statutes at Large, page 730, is "An act for the relief of the citizens of Venezuela," approved May 8, 1812, which appropriated $50,000 for the purchase of provisions for the relief of citizens of Venezuela who suffered in the late earthquake. Under what power of Congress, if you are acting on a strict and rigid interpretation of the powers granted, did we get the authority to relieve the suffering people of Venezuela? That measure was supported by some of the first men who ever stood in this country, whose names are not only historical but whose lives are classic. Even as early as the second volume of the Statutes at Large we have that precedent set, in the year 1812.

Then in 3 Statutes at Large, page 211, we have "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquake." That was approved February 17, 1815, an act by which the United States gave the sufferers in the county of New Madrid who had bought scrip a like amount of land to that which was injured by that earthquake, they surrendering and by operation of law their right to the injured lands reverting to the United States. That was not an entire grant, but was supplemented by other acts, out of which has grown some of the greatest litigation in this country that has come to the Federal court of last resort.

How by a strict construction of the powers of Congress could it have that authority? Here is a whole State that is about to be prostrated, a whole State that is about to be struck down by a calamity that can not, according to the experience of the ex-Secretary of the Treasury on this floor, be measured in its length and breadth, and which threatens to be not only general but national. We granted relief to the inhabitants of one county that suffered from an earthquake, and yet we are told we can not rescue this great industry from a calamity that threatens to overthrow it and prostrate it forever!

In 9 Statutes at Large, page 207, is a joint resolution authorizing the employment of the ships Macedonian and Jamestown in transporting provisions for the famishing poor of Ireland and Scotland, approved March 3, 1847.

In 14 Statutes at Large, page 369, is a joint resolution for the temporary relief of the sufferers by the late fire in Portland, in the State of Maine, approved July 27, 1866. One town in the State of Maine that suffered by fire was relieved in 1866, one town not quite as big as the State of Kansas, nor quite as broad as the line between Missouri and Kansas; and yet we are told we can not relieve this calamity!

Mr. MORGAN. Does the Senator from Arkansas say that was a constitutional appropriation of money?

Mr. GARLAND. The act passed was constitutional.

Mr. MORGAN. One hundred and fifty men were killed in a mine in Virginia yesterday. Can we appropriate money to support their families?

Mr. GARLAND. We can if it is shown here that the local and domestic authorities can not meet the emergency. I hope I have answered the Senator from Alabama.

Mr. MORGAN. To your satisfaction, not mine.

Mr. GARLAND. I have answered the question directly. I did not hope to satisfy the Senator from Alabama, but I have answered directly and squarely. You present me a calamity that is general in its character, that the local and domestic authorities, so to speak, can not meet, and I vote to afford relief with as clear conscience as I ever voted for any measure. If I did not believe we had the constitutional power, there is no sympathy in my bosom—and I believe I am as sympathetic as most men, if not women—that would induce me to violate the oath I took at yonder desk to support the Constitution. I act according to my interpretation of that instrument which I have sworn to support. I was very sorry that the Senator from North Carolina withdrew his resolution the other day in reference to the cyclone in certain States.

In 14 Statutes at Large, page 567, will be found a joint resolution authorizing the employment of a public vessel for the transportation of provisions to the people of the Southern States suffering from the failure of crops, approved February 22, 1867, approved on the anniversary of the day General Washington was born. That was to relieve suffering from the failure of crops. Here is an industry now that is threatened with prostration which will be worse than the failure of crops to the people who suffer from it, and it is not worth while to say, "Wait till the blow is struck and the calamity done; then relieve it." The sound of the fire-bell is always unpleasant, especially when you have to get up at night to go out to suppress the fire and endeavor to save life and property. We had better take precautions in advance, and not wait until these people come crippled here and say, "Our industry is gone." Let us take time by the forelock with this threatening aspect before us. But let us proceed.

On the 10th of February, 1871, was approved a joint resolution authorizing the use of a naval vessel to transport breadstuffs to Europe. (14 Statutes at Large, page 596.)

Then February 5, 1872 (17 Statutes at Large, page 51), was approved an act for the relief of sufferers by fire at Chicago. That is very significant. There was another fire in a bigger town, with more people than Portland; it was a calamity of a character not local or domestic, so that the State authorities could reach it, and the exigency called for the exercise of the power of Congress.

In 18 Statutes at Large, part 3, page 34, is an act to provide for the relief of persons suffering from the overflow of the Lower Mississippi River, approved April 23, 1874, which authorized the temporary issue of army rations and clothing. Then on May 13, 1874 (same volume, page 45), was an act to enable the Secretary of War to carry out the act of April 23, 1874, which appropriated $70,000 for the purchase of supplies of food for sufferers by the overflow of lower Mississippi, described in the act of April 23, 1874. And still further, in the same volume, page 287, was a joint resolution authorizing the issue of army provisions and clothing to the destitute people in the valleys of the Tombigbee, Warrior, and Alabama Rivers, rendered destitute by the recent inundation of their homes in those valleys.

Again, in the same volume, page 230, the sundry civil appropriation act, approved June 23, 1874, appropriated $400,000 to carry out the act of April 23, 1874, and the joint resolution of May 28, 1874, and also allowed part of the money to be used for the relief of destitute people on the Tennessee River suffering from the recent overflow of that river.

These are some of the precedents of Congressional legislation that I

have taken the pains to note. I undertake to say that there is no case upon this list that is more important and urgent than the appeal now made to Congress. There is not one based on higher or more general considerations than this that we now have in hand. But these are not all. Where did we get the power to do these things? Where do we get the power to appropriate for educating the children, as we have done and probably will soon be called upon to do again?

Mr. President, under your gallant lead [Mr. HARRIS in the chair] Congress a few years since established a national board of health to guard against yellow fever and cholora and small-pox and all those ravaging diseases which afflict the human family. After long debate—every inch of ground was contested and fought a battle over—the Senate passed that bill. And what I advocate now is but the doctrine I stood upon then in urging the passage of that bill; and the same doctrine I advanced and argued for when we had the hard struggle over the appropriation for the improvement of the Mississippi River in this body some two years and more since.

Mr. BUTLER. If I do not interrupt the Senator from Arkansas I should like to ask him a question in connection with the precedents he has presented to the Senate.

Mr. GARLAND. Certainly; I yield.

Mr. BUTLER. My question is whether, in the Senator's judgment, in the making of those appropriations by Congress there was any interference with the reserved powers of the States under the Constitution?

Mr. GARLAND. No; I do not think there was, and I do not think there is in this proposition. That is just what I am talking about. I do not think there is any interference with the reserved powers of the States here. But let us proceed. We shall have a little more directly.

It is only a short time since, comparatively, when I was called upon and voted very freely and not grudgingly to supply the people who had been afflicted by the locusts in the Western country with money to buy seeds to replant. It is only a short time since, comparatively, when I voted money for the relief of sufferers from the overflow of the Mississippi Valley, in which I am directly interested. Where do you get the authority to do all this unless you get it from the power that I have attempted to discuss? It will not do to say that it is sympathy. There is not anything said in the Constitution about sympathy. I do not believe that the word is in there, from A to Z.

Where do you get the power to keep the flower-garden near your Capitol? What power in the Constitution is that necessary to execute? Or take the Library building that most of us voted for some time since; why is that? It is done for the general welfare of the people of the country. Where do you get the power to erect the statues of great men, men whose reputation in life has been won in killing their human brethren? You get it under this power, and nowhere else. It is not necessary to any war power or any naval power to erect these monuments or these statues. Where does the Senator from Missouri get the authority to vote for sending books and pamphlets from the Agricultural Department or any other Department to his constituents in Missouri? It is because it is for the gneral welfare, to educate the human mind.

Mr. MAXEY. Will the Senator from Arkansas permit me to ask him a question?

Mr. GARLAND. I will.

Mr. MAXEY. The Senator from Arkansas relies, as I understand his argument, very greatly upon the authority of Mr. Justice Story in his Commentaries on the Constitution for his construction of the expression "general welfare." I will ask him if Judge Story does not lay it down in his work, after summing up as he has done all that had been said on both sides of the question, that the general-welfare clause is not an independent grant of power, but that it refers to the grants of power set forth on the face of the Constitution, and not to a distinct and independent power; and I ask if the same position was not taken by Mr. Madison and others on the subject?

Mr. GARLAND. I have read from their works and given the page. Judge Story indorses or approves what Monroe said in his more mature days and sums it up with a note, and says every President of the country has signed bills and indorsed and approved them resting on this principle, except in the one case of Mr. Madison. It is from him that I get this language, that you can not specify and minutely detail the different objects for which an appropriation can be made, but they are according to the occasion, and Congress is the judge of the occasion.

Mr. MAXEY. I should like to understand that point, because it is important. There is a difference between the Senator and myself. Does the Senator state that Judge Story lays it down that the clause of the Constitution relative to the promotion of the general welfare is a distinct and independent grant of power, not referring to the express grants of power set forth on the face of the instrument?

Mr. GARLAND. Judge Story lays it down that it is an independent power for Congress to judge of the occasion.

AID TO COMMON SCHOOLS.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the special order, being the bill (S. 398) to aid in the establishment and temporary support of common schools.

Mr. BLAIR. I have no desire to interfere with the remarks of the Senator from Arkansas. In fact it would, of course, appear to be a discourtesy to him, and after a conference with the friends of the pending joint resolution I have consented that the special order be laid aside informally, to be taken up when the pending measure is disposed of.

The PRESIDENT *pro tempore*. Is there objection to laying aside the special order informally for the further consideration of the resolution which has been before the Senate? The Chair hears no objection.

CATTLE DISEASE.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 75) making an appropriation to eradicate the foot-and-mouth disease, the pending question being on the amendment of Mr. COKE.

Mr. GARLAND. Responding a little further to the question propounded by the Senator from Texas [Mr. MAXEY], I say that not as I read Judge Story does he claim that the "general-welfare" power under the Constitution rests upon any other power or is connected with it; it is an independent power. I read from the constitution of the Confederate States where that was omitted for the express reason, as gentlemen of that school believed, that that power ought to rest upon other powers and be a dependent power upon others, and they incorporated in that constitution what they considered was a fair and just interpretation of the Constitution of the United States upon this question.

I state now, as I stated once before and probably oftener, that Judge Story, in assuming and adopting the language of Monroe and the other Presidents who had signed these papers and had approved these calls and appeals and demands, adopts the language first beginning with Mr. Hamilton in his report on manufactures in 1791, and even that of Mr. Jefferson himself, who was the father of what we understand as the State-rights school, who worshiped State rights as devotedly as ever the Persian bowed before the eternal fires of the sky. How did Jefferson himself buy Louisiana? How did he get possession of Louisiana except from the fact that he said it was essential to the general welfare of the country that we should have that territory, and that river, and the mouth of that river?

Mr. HARRIS. Will the Senator from Arkansas allow me to interrupt him?

Mr. GARLAND. Certainly.

Mr. HARRIS. I should like to ask the Senator from Arkansas if under his construction of the general-welfare clause of the Constitution it would not be competent for a majority of the two Houses of Congress to levy and collect taxes and appropriate the money to any object which in the opinion of that majority would promote the general welfare, except of course such things as are expressly forbidden by the Constitution?

Mr. GARLAND. I can not be any more definite on that than I have been. So said Story, so said Monroe, so said Jefferson, so said Washington, so have said all of them, I believe, except Mr. Madison.

Mr. HARRIS. Will the Senator allow me to add an additional question?

Mr. GARLAND. Yes, sir.

Mr. HARRIS. If that construction be the proper one, is there any limit to the power of Congress to levy and collect taxes and appropriate the money at will to any object which will, in the opinion of Congress, promote the general welfare?

Mr. GARLAND. Plenty, but it is not necessary for me to enumerate them. I could enumerate fifteen or twenty positive inhibitions, but it is not necessary for the purpose of this argument. I answer the question directly that there are plenty of inhibitions.

Mr. HARRIS. Of course I mean except in those cases where it is expressly prohibited.

Mr. GARLAND. Diverting, then, for the purpose of answering the Senator from Tennessee [Mr. HARRIS] a little more fully, which is not entirely necessary to this argument, but still I will do so, it has been repeatedly decided in the courts of the States and the courts of the United States that no moneys could be raised or expended for any purpose except a public purpose. I have contended all along that this must be a public purpose; that it must be a general purpose; and the testimonials offered here by the Senator from Kansas [Mr. PLUMB] make it public or it is nothing; it is a myth, it is a ghost, or it is general and public in its character. So the question is answered so far as my views of it are concerned.

Now, following up the line of precedents, I will call them to mind simply from memory. Where did we get the authority to go and exhibit ourselves at the Centennial Exposition? That was debated here at length before I came into the Senate. It was debated for days, and the Senate, I believe by a unanimous vote, said that we should appropriate money for it.

Mr. SAULSBURY. There was one vote against it.

Mr. GARLAND. There was one vote against it, I am informed.

Mr. SAULSBURY. I do not say that there were no more votes than one against it, but there was one at least against it.

Mr. GARLAND. I was only speaking from memory. Suppose there were any quantity of votes against it, yet the measure was carried, and I believe the nation and, I think by legislative action in one way and

another, all the States approved it. There is no express grant of power in the Constitution under which you could say you got that authority. You got it because you believed it to be for the general welfare, for improvement in the arts and sciences and the development of the human intellect and a generous high-toned emulation with the world that we should expend money in that way, and we did it.

But a short time since we went down to Yorktown and made speeches and enjoyed ourselves very much. Where did that authority come from? That was not the war power, although we went there to celebrate a victory. Where did we get the authority to send off the expedition that we voted a short time since to hunt Greely and his lost crew? Going further back, where did we get the power to donate the swamp lands to the States, as we did by the act of September 28, 1850? This was a donation pure and simple. So of the grant of lands to aid agricultural colleges, and the grant for the benefit of insane asylums.

Before leaving this topic one thing more occurs to me. We are purchasing the papers of great men. We bought Jefferson's works in times gone by; we bought Mr. Adams's works, and Mr. Madison's; and since I have been in the Senate we have passed a resolution through both Houses to buy the papers of a distinguished French gentleman. The Senator from Indiana [Mr. VOORHEES] who sits to my left introduced but a short time since a resolution to purchase the papers of somebody else. Where did we get all this authority and this power?

Now, it is time, if we can not do this, to call a halt. But imbedded and concreted as this action is in the very theory of our Constitution as interpreted by some of its best lights and expounders, interpreted and applied by President after President, piled almost as high as Pelion upon Ossa, it is too late in the day for us to say we can not do it. We must turn back the history of this country almost a century, and reverse its whole order. When I cite the precedents here and the interpretation, I cite that which is legitimate, because, as Sir James Mackintosh said, "No government has ever been made, but governments grow."

We have construed the Constitution, we have interpreted it, we have applied it time after time, day after day, month after month, and year after year. It is too late now to say that we can not apply it in this instance, when our country is threatened with cattle disease, as we have it from gentlemen who are familiar with the subject and whose duty it is to speak of it. It is too late, I say, to question the authority. It is there; it is written in the text, for what is understood in the text is a part of the text. It is written in the precedents which have become a part of the law of the country.

Repeating what I started out with, I favor the resolution as it is introduced and reported, without any amendment. When you come to this other matter that has been brought in about the quarantining of sections infected with diseases of cattle, it is very questionable indeed how far the authority of the States to act in that matter extends.

I wish to call the attention of the Senate very briefly to the decision of the Supreme Court upon a question of this character, in the ninety-fifth volume of United States Reports, the Railroad Company *vs.* Husen. Missouri attempted to pass a law something like what has been intimated here as the measure that should be passed. Some one, I do not know who it was, intimated that the governor of Illinois was going to do a certain thing. In that case the Supreme Court decided it could not be done affecting the commerce in cattle between the States. They held the ordinance of the Legislature of Missouri to be invalid under the Constitution because it was interfering with the commercial power of Congress. That case was upon the very question of cattle disease and cattle complaint. The court said it was no part of the police power of the States. There is where the fault of this matter comes in. It is no part of the police power, says the Supreme Court, that you can use the inhibitions to prevent the importation of cattle and the commerce from State to State. That is the language of the Supreme Court in that case, which I will not detain the Senate to read, but there it is on page 465, ninety-fifth volume of United States Reports.

Mr. COKE. If the Senator from Arkansas will permit me, I will ask him if the Supreme Court did not decide in that case that the State authorities could quarantine against diseased cattle?

Mr. GARLAND. They do not decide that, as I understand. They decide that the States can not do anything in reference to the transportation of cattle as between States; that it is wholly a commercial power, with which the States can not interfere, and which they can not exercise at all. That was the broad decision, and upon that decision the argument was mainly based for the establishment of the National Board of Health, and the doctrine now advocated generally by me is but substantially what I said in the debate on the national quarantine and board of health bill four years ago. Following that decision almost within a few pages is the case of Hall *vs.* De Cuir, in the same volume. A statute of Louisiana having been passed to regulate licenses, &c., the Supreme Court declared that to be an infringement of the commercial power as between the States, and held the statute of Louisiana to be invalid and unconstitutional.

When we deal with this subject it branches into questions affecting commerce between the States. If we could by some kind of means, by some magic power, say that the cattle of Kansas alone should be affected by this measure and of no other State we might get a resting-place for the argument; but that can not be done, because it is a contagious disease, as mentioned in the resolution, and as spoken of by the Senator from Ohio, with his experience and his observation and investigation of the matter.

I am not speaking now in reference to any particular section of the pleuro-pneumonia bill and the power of Congress to go into the States to do thus and so, for I have not examined that bill; I am speaking of the general authority and the general power and the general jurisdiction of Congress over this matter. That has been drawn into this discussion in advance at least of the final consideration of the bill on the subject of pleuro-pneumonia.

Mr. President, I have cited some authorities, and they could be duplicated, they could be trebled and quadrupled from the same court. In the ninety-sixth volume of United States Reports, in the Pensacola telegraph case, the Supreme Court went the full length of the whole argument into this commercial power. Many good lawyers believe that decision is not law, but I am speaking of what has been decided and how this constitutional power has been interpreted and applied.

I favor the resolution as reported from the committee as it stands, without the amendment of the Senator from Texas. I think it is wise and just if the facts are as they are presented here, and they must be, because they would not be presented by the Senator from Kansas if they were not, and we have other corrobation of them which he has not presented but which has been stated, and which seems to me to put the question entirely beyond any doubt. I for one shall support the resolution. When we come to consider the pleuro-pneumonia bill with the general propositions applying to that measure, I shall investigate it and see whether or not any of its sections are objectionable in my mind.

As I said before, I have taken this occasion to give my views on this proposition somewhat more at length than I am in the habit of detaining the Senate in doing; but it is a proposition that recurs and comes back upon us, and sometimes we see a Senator hasten from his desk and run somewhere hunting up the authority to do some such act as this, and yet not find it. I have attempted to show that we have the authority under a fair, legitimate construction of the Constitution, and that by the precedents it is put beyond any cavil or dispute.

Mr. VEST. Mr. President, so far as the resolution of the Senator from Kansas [Mr. PLUMB] is concerned the argument of the Senator from Arkansas [Mr. GARLAND] answers itself, because I understand that Senator to state that the Congress of the United States even under his latitudinarian construction of the Constitution could only interfere where the authorities of the State gave the General Government or Congress to understand that the calamity was so great and general as to be beyond the power of redress or assistance on the part of the State.

The facts in this case show that the governor of Kansas has made no such official statement to Congress or to the Government of the United States. He has sent telegrams here, but so far from there being an official enunciation of the facts necessary to support the legal arguments of the Senator from Arkansas, they do not exist.

But over and above the question of the appropriation of $25,000, I beg leave most earnestly to protest against the doctrine asserted here by a gentleman belonging to the same political party with myself. If the position of the Senator from Arkansas be correct, there is no difference between the old Federal school and the Democratic school to which he and I profess to belong. If his position be correct here, then the General Government can do what it pleases, without regarding any limitation in the Constitution, under the general power to provide for the common defense and the general welfare of the people of the United States.

The Senator has quoted high authority, that of Monroe and Story upon the Constitution. I deny that either Mr. Monroe or Mr. Story ever asserted any such doctrine or anything that approximated to it. The Senator from Arkansas challenges proof upon that question, and I will proceed to give it. He quoted a portion of the message of Mr. Monroe, but he did not quote the concluding part of it, which is absolutely and entirely in conflict with the position of the Senator from Arkansas. Let us first take the statement of Mr. Story in his Commentaries on the Constitution, the text-book which is put into the hands of every student of the law, which is taught in the universities, but to which I have never myself given the greatest weight and authority. As the Senator has appealed to it, I will proceed now to read what Mr. Story says upon this question, and I appeal to fair-minded gentlemen upon both sides of the Chamber to say whether in this treatise upon the Constitution there is one scintilla of authority for the statement made here by the Senator from Arkansas. In chapter 14 of Story upon the Constitution, in reference to the powers of Congress, he proceeds to discuss this question as follows:

SEC. 907. Before proceeding to consider the nature and extent of the power conferred by this clause and the reasons on which it is founded it seems necessary to settle the grammatical construction of the clause and to ascertain its true reading. Do the words "to lay and collect taxes, duties, imposts, and excises" constitute a distinct, substantial power, and the words "to pay the debts and provide for the common defense and general welfare of the United States" constitute another distinct and substantial power?

That is the question between the two schools of politicians of the United States, and which the Senator from Arkansas has not met. That is the great question, whether the clause in regard to the general welfare is a substantive and distinct clause of granted power in the

Constitution. Mr. Story proceeds to discuss the great question as follows:

Or are the latter words connected with the former, so as to constitute a qualification upon them? This has been a topic of political controversy, and has furnished abundant materials for popular declamation and alarm. If the former be the true interpretation, then it is obvious that under color of the generality of the words to "provide for the common defense and general welfare" the Government of the United States is, in reality, a government of general and unlimited powers, notwithstanding the subsequent enumeration of specific powers; if the latter be the true construction—

That is, that it is connected with the taxing power and not a substantive, distinct, and independent power—

then the power of taxation only is given by the clause, and it is limited to objects of a national character, "to pay the debts and provide for the common defense and the general welfare."

SEC. 908. The former opinion has been maintained by some minds of great ingenuity and liberality of views. The latter has been the generally received sense of the nation, and seems supported by reasonimg at once solid and impregnable.

That is to say, it is not a distinct and substantive power, but is connected with the taxing power and with the limitation the Constitution puts upon it.

The reading, therefore, which will be maintained in these commentaries is that which makes the latter words a qualification of the former; and this will be best illustrated by supplying the words, which are necessarily to be understood in this interpretation. They will then stand thus: "The Congress shall have power to lay and collect taxes, duties, imposts, and excise, *in order*"—

Says Mr. Story, interpolating the words—

in order to "pay the debts and to provide for the common defense and general welfare of the United States;" that is, for the purpose of paying the public debts and providing for the common defense and general welfare of the United States. In this sense Congress has not an unlimited power of taxation; but it is limited to specific objects—the payment of the public debts and providing for the common defense and general welfare. A tax, therefore, laid by Congress for neither of these objects would be unconstitutional, as an excess of the legislative authority. In what manner this is to be ascertained or decided will be considered hereafter. At present the interpretation of the words only is before us; and the reasoning by which that already suggested has been vindicated will now be reviewed.

I ask the attention of the Senator from Arkansas to the subsequent section. Says Mr. Story:

SEC. 909. The Constitution was, from its very origin, contemplated to be the frame of a national government, of special and enumerated powers, and not of general and unlimited powers. This is apparent, as will be presently seen from the history of the proceedings of the convention which framed it, and it has formed the admitted basis of all legislative and judicial reasoning upon it ever since it was put into operation by all who have been its open friends and advocates, as well as by all who have been its enemies and opponents. If the clause "to pay the debts and provide for the common defense and general welfare of the United States" is construed to be an independent and substantive grant of power, it not only renders wholly unimportant and unnecessary the subsequent enumeration of specific powers, but it plainly extends far beyond them, and creates a general authority in Congress to pass all laws which they may deem for the common defense or general welfare. Under such circumstances the Constitution would practically create an unlimited national government. The enumerated powers would tend to embarrassment and confusion, since they would only give rise to doubts as to the true extent of the general power, or of the enumerated powers.

SEC. 910. One of the most common maxims of interpretation is (as has already been stated) that, as an exception strengthens the force of a law in cases not excepted, so enumeration weakens it in cases not enumerated. But how could it be applied with success to the interpretation of the Constitution of the United States if the enumerated powers were neither exceptions from nor additions to the general power to provide for the common defense and general welfare? To give the enumeration of the specific powers any sensible place or operation in the Constitution it is indispensable to construe them as not wholly and necessarily embraced in the general power. The common principles of interpretation would seem to instruct us that the different parts of the same instrument ought to be so expounded as to give meaning to every part which will bear it. Shall one part of the same sentence be excluded altogether from a share in the meaning, and shall the more doubtful and indefinite terms be retained in their full extent, and the clear and precise expressions be denied any signification? To what purpose could the enumeration of particular powers be inserted if these and all others were meant to be included in the preceding general power? Nothing is more natural or common than first to use a general phrase and then to qualify it by a recital of particulars. But the idea of an enumeration of particulars which neither explain nor qualify the general meaning and can have no other effect than to confound and mislead is an absurdity which no one ought to charge on the enlightened authors of the Constitution. It would be to charge them either with premeditated folly or premeditated fraud.

In other words, if the English language has any signification or meaning, this Government is one of limited and enumerated powers, and the clause in the Constitution to provide for the general welfare must be taken in connection with the power to levy taxes, and is not a substantive and independent and separate power of itself.

But the Senator has referred to the message of President Monroe. He read the first portion of it, but he left out the concluding part in which Mr. Monroe summarizes his opinion upon this subject. After giving his reasons for modifying his opinion as originally entertained in regard to the general-welfare clause of the Constitution, Mr. Monroe says:

"If, then, the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants, according to a strict construction of their powers respectively, is there no limitation to it?"

Can you go on and give money to burned houses; can you give it to sufferers from an overflow; can you appropriate money to any local object that the sympathy or humanity or mercy of Congress may be induced to operate upon? That is the question. Mr. Monroe proceeds:

Have Congress a right to raise and appropriate the public money to any and to every purpose, according to their will and pleasure? They certainly have not. The Government of the United States is a limited government, instituted for great national purposes, and for those only. Other interests are committed to the States, whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted, and confine itself to those purposes. A State government will rarely, if ever, apply money to national purposes without making it a charge to the nation. The people of the State would not permit it. Nor will Congress be apt to apply money in aid of the State administrations, for purposes strictly local, in which the nation at large has no interest, although the State should desire it. The people of the other States would condemn it. They would declare that Congress had no right to tax them for such a purpose, and dismiss at the next election such of their representatives as had voted for the measure, especially if it should be severely felt. I do not think that in offices of this kind there is much danger of the two governments mistaking their interests or their duties. I rather suspect that they would soon have a clear and distinct understanding of them, and move on in great harmony.

I do not understand that Mr. Monroe assumed the position taken here by the Senator from Arkansas. Upon the other hand he held to the Democratic doctrine that the Constitution of the United States is one of enumerated and limited powers and that strict construction is to be given to those clauses of the Constitution which create and confer those powers.

Mr. President, I do not propose to discuss the bill in regard to pleuro-pneumonia in discussing this resolution and the position of the Senator from Arkansas. I will say, however, that the decision of The Railroad Company *vs.* Husen, in 5 Otto, to which the Senator has alluded, does not touch the question now before the Senate and could not possibly do so. I was originally of counsel in the cases in which that decision was rendered in the Supreme Court of the United States. The State of Missouri had passed what was known as the Texas cattle law, and that statute in so many words excluded Mexican, Spanish, Indian, and Texas cattle from the State of Missouri during eight months of the year, whether they were diseased or not.

The Supreme Court of the United States affirmed our position in the court below to the effect that no State had the right to exclude cattle that came from another State unless it did so under the police power and because those cattle were diseased and endangered the health of cattle within the domain of the State that passed the legislation. That is the whole of it. In other words, the court held that the States had no right to exercise any powers or functions under that clause of the Constitution of the United States which gave the right to regulate commerce with foreign nations and among the States to Congress alone. That was the whole extent of the decision. But does that touch the question in this resolution and in the bill in regard to pleuro-pneumonia? Here we have it not in direct terms in the resolution, we have unquestionably in the bill a specific grant of power from the General Government to go into a State with the right to segregate a single county, to put it under quarantine, to kill its cattle, to usurp the functions of the State authorities, and this is defended under the power given, says the Senator from Arkansas, to the Congress of the United States to provide for the general welfare.

But I do not propose now to discuss that question. I only rose to protest against the doctrine that under the clause relative to providing for the general welfare these grants of money are constitutional. It is true that the Senator has given a number of precedents in regard to towns that have been burned and in regard to sufferers from overflow. The only case in which I voted that I recollect for any grant of money was when the governor of the State of Missouri and I believe the governor of Arkansas applied for money. As I said before, in this specific case the governor of Kansas has made no such application. The basis of action is made up of statements, made it is true from the highest sources, by the Senator from Kansas, and we are expected now to exercise this doubtful power under a construction of the Constitution which I hold to be utterly variant to the construction put upon it by the party to which I belong.

Mr. MAXEY. Mr. President, during the very able remarks of the Senator from Arkansas [Mr. GARLAND] I took occasion to ask him if I should understand him to state to the Senate that the construction placed by Judge Story upon the clause in section 8, article 1, to pay the debts and provide for the common defense and general welfare of the United States was a distinct, substantive, and independent power. He said, as I understood him, that he so understood Judge Story. I remarked that I did not so understand that learned commentator. I had not read Judge Story for some time upon that subject, but to my mind his teaching upon that point was as clear as the noonday sun. My recollection was entirely clear that he had taught that the clause in the eighth section of the first article, "to lay and collect taxes, duties, imposts, and excises, to pay the debt and provide for the common defense and general welfare," was properly construable to read, "to lay and collect taxes, duties, imposts, and excises in order to pay the debt and provide for the common defense and general welfare." I sent to the Library and got his commentaries to see if I was so fearfully mistaken in my reading of Judge Story, and I find that the Senator from Arkansas has gone far beyond the ablest Federalist judge who had ever construed the Constitution of the United States according to his views. I find in section 906 of Story's Commentaries the following:

SEC. 906. The Constitution was, from its very origin, contemplated to be the frame of a national government of special and enumerated powers, and not of general and unlimited powers. This is apparent, as will be presently seen, from the history of the proceedings of the convention which framed it, and it has formed the admitted basis of all legislative and judicial reasoning upon it, ever since it was put into operation, by all who have been its open friends and advocates as well as by all who have been its enemies and opponents. If the clause "to pay the debts and provide for the common defense and general welfare of

the United States" is construed to be an independent and substantive grant of power, it not only renders wholly unimportant and unnecessary the subsequent enumeration of specific powers, but it plainly extends far beyond them, and creates a general authority in Congress to pass all laws which they may deem for the common defense or general welfare. Under such circumstances, the Constitution would practically create an unlimited national government. The enumerated powers would tend to embarrassment and confusion, since they would only give rise to doubts as to the true extent of the general power or of the enumerated powers.

So Judge Story goes on with the most able and exhaustive reasoning, and he comes down to section 923, which I beg to read, stating first that Judge Story furnishes to the reader the ablest arguments presented by the advocates of the doctrine that the clause referred to is a substantive, distinct grant of power, as well as the arguments of those who believe, as I maintain, that the clause is not a grant of power at all, but a statement of the objects to which the grant of power to lay and collect taxes, duties, imposts, and excises must be directed. In short, the power is to lay and collect taxes, &c.; the purpose is to pay the debts, &c. One is power, the other purpose.

Section 923 reads:

SEC. 923. The argument in favor of the construction which treats the clause as a qualification of the power to lay taxes has, perhaps, never been presented in a more concise or forcible shape than in an official opinion deliberately given by one of our most distinguished statesmen. "To lay taxes to provide for the general welfare of the United States is," says he, "to lay taxes for the purpose of providing for the general welfare. For the laying of taxes is the power, and the general welfare the purpose for which the power is to be exercised. Congress are not to lay taxes *ad libitum* for any purpose they please; but only to pay the debts or provide for the welfare of the Union. In like manner they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose. To consider the latter phrase, not as describing the purpose of the first, but as giving a distinct and independent power to do any act they please which might be for the good of the Union, would render all the preceding and subsequent enumerations of power completely useless. It would reduce the whole instrument to a single phrase, that of instituting a congress with power to do whatever would be for the good of the United States, and as they would be the sole judges of the good or evil, it would also be a power to do whatever evil they pleased. It is an established rule of construction, where a phrase will bear either of two meanings, to give that which will allow some meaning to the other parts of the instrument, and not that which will render all the others useless. Certainly, no such universal power was meant to be given them.

The above citation is from the master-mind of Mr. Jefferson, and I call the attention of the Senate to the closing of Mr. Jefferson's able and conclusive remarks on that point:

It was intended to lace them up strictly within the enumerated powers, and those, without which, as means, those powers could not be carried into effect.

Upon that what does Judge Story say? He says:

SEC. 924. The same opinion has been maintained at different and distant times by many eminent statesmen. It was avowed, and apparently acquiesced in, the State conventions called to ratify the Constitution; and it has been, on various occasions, adopted by Congress, and—

And what?

and may fairly be deemed that which the deliberate sense of a majority of the nation has at all times supported. This, too, seems to be the construction maintained by the Supreme Court of the United States.

How far was I wrong, then, when I had the temerity to ask the question if Judge Story had laid down the proposition that the clause to provide for the common defense and general welfare was a distinct and substantive power? It is not. He distinctly, clearly shows that it is not. It has never been taught by the great party to which I belong. On the contrary, the whole teaching has been, as Mr. Jefferson stated, that the power of Congress should be laced up strictly within the enumerated powers.

Then I say, in respect to the measure which is pending, the granting of $25,000 for the purpose of investigating the character and nature of diseases of cattle is one thing, but the power to appropriate the money of this Government to destroy cattle and pay out of the people's Treasury for the cattle thus destroyed is a power which I boldly assert in my judgment Congress has not and never was designed or intended to have. It can not be found in any one of the enumerated powers. It can not be drawn from any one of the enumerated powers. It is not linked to or coupled with any enumerated power, and therefore it does not exist.

Neither can you go inside a State and assert the right of eminent domain over the property of the people of that State without their consent and deprive them of their property by strange and heretofore unused methods, because you can not deprive a man of "life, liberty, or property without due process of law." What due process of law is has been long since judicially settled. I ask if the arbitrary, autocratic, and dictatorial power which is proposed to be conferred upon the Commissioner of Agriculture to go without a trial, without evidence taken in any mode known to the law, without a judicial investigation, and destroy a man's property is due process of law? Nor, if it be assumed that the property is taken for the public use, can it be done without just compensation. There is no judicial condemnation, no judicial ascertainment of its value, no provision for ascertaining the value, and no appeal from the condemnation, nor from the value fixed, however inadequate.

Sir, this is simply the advance guard, the skirmish line, of the pleuro-pneumonia bill. We are starting out upon the most dangerous route in my judgment that this country ever traveled. Twenty-five thousand dollars is a mere bagatelle in this matter compared with a startling precedent. You give that. You make it the duty of this Government to pay for the property which is destroyed by disease in this country out of the common Treasury, and your surplus revenue will soon vanish, and the country will be taxed untold millions of dollars.

I do not fancy the manner in which this measure has come in, right upon the heels of the great stock-destroying bill now pending, the most dangerous bill upon our Calendar. The resolution is supported by a certain class of dispatches, and the true inwardness of those dispatches may be seen by reading but one of them:

BURLINGTON, KANS., *March* 8, 1884.

Senators PLUMB and INGALLS, *Washington, D. C.:*

At a meeting of citizens of Coffey County a resolution was passed asking you to use your best efforts to have the pleuro-pneumonia bill so amended as that the Government will pay all the expense, and have it passed immediately, as an emergency exists which calls for prompt action; or, if not amended, have it passed as it is. Answer at once and tell us what the prospect is for its immediate passage.

J. A. KENNEDY, *Secretary.*
JOB THROCKMORTON, *Chairman.*

Attest:

HARRISON KELLEY.

Here is an attempt to run deep the arm into the public Treasury and take out the money of the people for diseased cattle destroyed by legislative decree. When hog-cholera has been through this country certainly since I was a boy, when pleuro-pneumonia, as shown by the very papers brought forward in support of this measure, has been in existence in this country for forty years, and when the Spanish or Texas fever, as it is called (though that is a misnomer), has been in the country, as shown by their own papers, for one hundred years, suddenly there is sprung upon us this attempt to go out upon a line of legislation which will wind up and end up in the cost to this Government of untold millions of dollars. Why this haste?

Believing as I do that the expression "to provide for the general welfare" is not a distinct, independent, substantive power, and that the whole case rests upon that, and that the authorities, both Federal and Democratic, are directly the reverse, I can see no reason why the resolution pending should pass this body. I see no power in the Constitution to warrant its passage.

Mr. JONES, of Florida. Mr. President, I think discussions of this kind are somewhat wholesome, but I do not propose to detain the Senate very long in respect to this question. It is one that has embarrassed, I am free to confess, some of the best minds in the country in days gone by, but I believe that the accepted view of the question at the present time is that stated by the Senator from Missouri [Mr. VEST].

I do not know any safer way to reason than by analogy. When we come to reflect upon the powers contained in the Articles of Confederation when the present Constitution was adopted, it will be found that the general-welfare clause was incorporated into the Articles of Confederation just as it was in the present Constitution with reference to taxation. Every lawyer who has investigated this subject must admit that Congress, in the exercise of its power under those regulations, had nothing but what was expressly given. Article 2 of the Articles of Confederation reads as follows:

Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congess assembled.

The trouble with the old Articles of Confederation was that they restricted the powers of the Government so much that it was without authority to do many things necessary for the general welfare according to a more extended delegation of powers. Under this very system, when it comes to taxation, almost the identical language is employed with reference to taxation that we find in the present Constitution. Says article 8 of the Articles of Confederation:

All charges of war, and all other expenses that shall be incurred for the common defense or general welfare and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury.

Nobody ever pretended that the general-welfare clause in the Articles of Confederation could have been construed to go beyond the express delegations of power given in that instrument. When our present Constitution was before the people for ratification, when it was assailed fiercely by its enemies and advocated with equal ability by its friends, it was distinctly avowed by the celebrated writers in the Federalist that this power did not mean what the Senator from Arkansas says it means.

It is very well known that with respect to all the great powers of government there was no difference of opinion between Alexander Hamilton and Mr. Madison at that day. Both felt it to be incumbent upon them to defend the proposed constitution in advance of its ratification, and I presume that they intended to deal honestly with the American people when they repelled the accusations brought against it by that large class of liberty-loving men who imagined that it was fraught with dangers to the liberties of this people. The very subject to which the Senator from Arkansas referred a while ago agitated the public mind, and Mr. Madison did not conceive it worthy of a moment's thought. He said the fears with respect to the indefinite power proposed to be given under the general-welfare clause had no foundation in reason. I will read what he said in the Federalist on that subject. This was before the Constitution was adopted, and it is known to have received the

sanction of Mr. Madison, because I think their papers were all prepared on consultation. Mr. Madison said:

A power to destroy the freedom of the press, the trial by jury, or even to regulate the course of descents, or the forms of conveyances, must be very singularly expressed by the terms "to raise money for the general welfare."

But what color can the objection have, when a specification of the objects alluded to by these general terms immediately follows, and is not even separated by a longer pause than a semicolon? If the different parts of the same instrument ought to be so expounded as to give meaning to every part which will bear it, shall one part of the same sentence be excluded altogether from a share in the meaning, and shall the more doubtful and indefinite terms be retained in their full extent, and the clear and precise expressions be denied any signification whatsoever? For what purpose could the enumeration of particular powers be inserted if these and all others were meant to be included in the preceding general power? Nothing is more natural or common than first to use a general phrase and then to explain and qualify it by a recital of particulars. But the idea of an enumeration of particulars which neither explain nor qualify the general meaning and can have no other effect than to confound and mislead is an absurdity which, as we are reduced to the dilemma of charging either on the authors of the objection or on the authors of the Constitution, we must take the liberty of supposing had not its origin with the latter.—*The Federalist*, No. XLI, pages 224, 225.

Mr. President, that is all I propose to say.

Mr. COKE. Mr. President, I do not propose to detain the Senate with a speech. I desire simply, in the strongest possible manner and with the greatest emphasis I can command, to express my dissent from the argument and the conclusions respecting constitutional construction and the powers of this Government announced in the elaborate and apparently well-considered speech of the honorable Senator from Arkansas [Mr. GARLAND]. The clearness and force with which that justly distinguished Senator always presents his views strongly characterized his remarks to-day. There can be no misconception or misconstruction of his meaning. I therefore feel the less hesitancy in declaring my convictions of the fallacy of his argument, as well as the unsoundness of its results. I have heard no argument, no course or line of reasoning pronounced in this body during the seven years I have been a member of the Senate further off, more alien to what I have been taught was the true theory of this Government, than that embraced in the remarks of the honorable Senator. To say that I was surprised and astonished is but a feeble expression of the emotions with which I listened to his powerful and plausible presentation.

Coming, as this expression does, from a distinguished and honored member of the party to which I belong, and subversive as I believe it to be of the oldest, most deeply rooted, time-honored principles of that party, I would not be true to myself or my constituents did I fail here and now to challenge and take issue with it. I have been taught to believe that this Government is one of enumerated and delegated powers; that the Constitution is a limitation upon the powers of the Government; that only granted powers, and those necessary or convenient for carrying into effect the granted powers, can be exercised; that the "general-welfare" clause, in section 8 of article 1 of the Constitution, is a dependent of the clauses following, which limit and control its meaning, and not an independent *per se* grant of power. I had learned from article 9 of the amendments to the Constitution that "the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." And from article 10, that "the powers not delegated by the Constitution nor prohibited by it to the States are reserved respectively to the States or to the people."

These things I had learned from the Federalist, from the Constitution itself, from the decisions of the Supreme Court from the time of Marshall down, from the debates of the convention which framed the Constitution, from the great commentators on the Constitution like Kent and Story, from the writings and utterances of great party leaders and the platforms of political parties, and from what I have believed to be the uniform and unbroken and unquestioned creed of the great Democratic party. Indeed, Mr. President, I believe I can, strictly within the bounds of truth and accuracy, say that all the great political parties which have ever existed in this country have subscribed substantially to these propositions, and that divisions between them have never called these doctrines into question.

If, Mr. President, the honorable Senator from Arkansas is right in the views he has announced to-day, I have always been wrong, and have the teachings of a lifetime to unlearn. Instead of the power of Congress being limited to that which is expressly or by implication granted in the Constitution, the honorable Senator from Arkansas takes the broad ground that under the "general-welfare" clause Congress may do anything not prohibited by the Constitution. Why enumerate, as the Constitution does, the powers which Congress may exercise, if under that clause all powers not prohibited may be exercised? The honorable Senator, in order to establish his position, has collected and enumerated in his remarks a list of precedents in which Congress appropriated money at various times for various sentimental and charitable purposes, for which he says no authority can be found in the Constitution save in the "general-welfare" clause. These in my judgment utterly fail to give aid or comfort to his argument.

The debates when these appropriations were made uniformly show that the constitutional power to make them was gravely doubted and these doubts were frankly admitted by many who voted for them. They were made usually under the most patriotic and praiseworthy impulses, and voted for by many who felt as a distinguished member of the House did, who is reported to have said, when he voted for the appropriation for the Ohio flood sufferers a few weeks ago, that it was a violation of the Constitution to do it, but such a one as God Almighty would forgive. All these cases referred to by the honorable Senator are exceptional, and a thousand more of them would not fortify his argument. Infractions of the Constitution many of them doubtless were, but one notable fact exists with reference to all of them, and that is, that if unconstitutional not one of them invaded the reserved rights of the States. Not one of them violated any one of the rights of any of the States. If wrongful, the wrong consisted simply in an improper appropriation of money out of the public Treasury.

The argument of the honorable Senator proves too much. If Congress may do anything required by the "general welfare" and is the sole judge, as he says, of what the general welfare does require, if, as he says, the prohibitions of the Constitution are the only limitations upon the power of Congress, then we have practically a government in which the will of Congress is supreme. The Constitution contains very few prohibitions; it is made up almost entirely of grants of power, its authors seeming never to have dreamed that this new construction could be placed upon it. If Congress may, in violation of the police power of a State, send the Commissioner of Agriculture with his deputies there to "stamp" out cattle disease because the "general welfare" requires it, why may not Congress establish a system of common schools in all the States, and place them in charge of Federal officials; why may not marriage and divorce, the descent and distribution of property, and other domestic affairs of the State also be regulated by Congress? The Constitution of the United States and the laws made in pursuance thereof are supreme over this country, and if Congress may do everything not prohibited by the Constitution which in the judgment of Congress the "general welfare" requires, the States may be stripped of the power to manage their domestic affairs, and this Government become a grand consolidation of all the political power in this country.

Mr. President, I am a devout believer in the Constitution of the United States, and in the right of local government in the States as well. They with me are of equal sanctity. They have their separate spheres of action. Each is necessary to the other. Either without the other would be shorn of the major part of its excellence. Whoever strikes either injures both. Neither can be impaired in efficiency without injuring the other. I will stand by both, for together they constitute one unrivaled plan of government. I will claim for the National Government all the power a just, liberally just, construction of the Constitution will give, and for the States the powers reserved to them in the Constitution.

I offered an amendment to the resolution of the honorable Senator from Kansas simply providing that the Commissioner of Agriculture should not go into a State and exercise authority with reference to diseased cattle without having the consent and co-operation of the authorities of the State. The honorable Senator from Arkansas says that he will vote for the proposition of the Senator from Kansas without such an amendment.

Now, Mr. President, I hold that the States have some powers, that they have some rights. I have here a decision of the Supreme Court of the United States that ought at least to be somewhat persuasive. I have also Cooley's Constitutional Limitations. Judge Cooley is a great constitutional lawyer. He says, quoting an eminent judge:

"This police power of the State," says another eminent judge, "extends to the protection of the lives, limbs, health, comfort, and quiet of all persons, and the protection of all property within the State." * * * And again: [By this] "general police power of the State persons and property are subjected to all kinds of restraints and burdens in order to secure the general comfort, health, and prosperity of the State, of the perfect right in the Legislature to do which no question ever was, or upon acknowledged general principles ever can be, made so far as natural persons are concerned."

Again, says Judge Cooley:

In the American constitutional system the power to establish the ordinary regulations of police has been left with the individual States, and can not be assumed by the National Government. Neither can the National Government, through any of its Departments or officers, assume any supervision of the police regulations of the States so long as they do not invade the sphere of national sovereignty and obstruct or impede the exercise of any authority which the Constitution has confided to the nation.

He refers to a decision of the Supreme Court, which I have here, in a note:

So decided in United States *vs.* De Witt (9 Wallace, 41), in which a section of the internal-revenue act of 1867—which undertook to make it a misdemeanor to mix for sale naphtha and illuminating oils, or to sell oil of petroleum inflammable at a less temperature than 110° Fahrenheit—was held to be a mere police regulation, and as such void within the States.

Can anything be clearer than this? Can anything be clearer than that the State of Kansas has all the police power necessary to enable her to deal with all questions arising within her borders, and that the United States Government has no power over the subject? The governor of Kansas, we are informed, has issued his proclamation convening the Legislature on the 18th of this month to provide the necessary ways and means for suppressing the disease which has broken out among the cattle of that State. The State of Kansas has taken the initiative for the exercise of her jurisdiction, which the Supreme Court says is exclusive over the subject. My amendment only proposes that the money appropriated by this joint resolution shall not be expended in any State with-

out the consent of that State, for the obvious reason that without such consent the Commissioner of Agriculture would be a trespasser.

Mr. CALL. Mr. President, I shall vote for the amendment of the Senator from Texas, and I shall also support the resolution introduced by the Senator from Kansas, and I shall endeavor in a very few words to state the reasons why I shall support the resolution, inasmuch as there has been a criticism in regard to the constitutional power of the Senate to adopt such a resolution.

I agree with the Senators on this side of the Chamber in the theory of the strictest construction of the Constitution and with the authorities which have been read; but the question is not the one they have presented. The power of appropriation has at every period of the history of this Government been regarded as not confined within the special grants of power in the Constitution; and these Senators can not find in the strictest of the school of construction one of the statesmen of this country who has maintained that the power of appropriation was restricted within the special grants contained in the Constitution. That is the explanation of the whole difference, and whether they agree with the Senator from Arkansas in the very clear speech that he has made or do not agree with him upon this much controverted question does not concern the conclusion upon which this resolution stands. Let us see. They have all quoted from Story and from Mr. Monroe. The authority on this subject is entirely plain, so plain that there can not be even any controversy in regard to it. I read section 987 of Story on the Constitution and extracts from Mr. Monroe's Exposition:

If we look to the second branch of this power, that which authorizes the appropriation of the money thus raised, we find that it is not less general and unqualified than the power to raise it. More comprehensive terms than to "pay the debts and provide for the common defense and general welfare" could not have been used. So intimately connected with and dependent on each other are these two branches of power, that, had either been limited, the limitation would have had a like effect on the other. Had the power to raise money been conditional, or restricted to special purposes, the appropriation must have corresponded with it; for none but the money raised could be appropriated, nor could it be appropriated to other purposes than those which were permitted. On the other hand, if the right of appropriation had been restricted to certain purposes, it would be useless and improper to raise more than would be adequate to those purposes. It may fairly be inferred that these restraints or checks have been carefully and intentionally avoided. The power in each branch is alike broad and unqualified, and each is drawn with peculiar fitness to the other; the latter requiring terms of great extent and force to accommodate the former, which have been adopted, and both placed in the same clause and sentence. Can it be presumed that all these circumstances were so nicely adjusted by mere accident? Is it not more just to conclude that they were the result of due deliberation and design? Had it been intended that Congress should be restricted in the appropriation of the public money to such expenditures as were authorized by a rigid construction of the other specific grants, how easy would it have been to have provided for it by a declaration to that effect. The omission of such declaration is, therefore, an additional proof that it was not intended that the grant should be so construed.

Had it been declared by a clause in the Constitution—

Says Mr. Monroe—

that the expenditures under this grant—

That is, the power of appropriation—

should be restricted to the construction which might be given of the other grants, such restraint, though the most innocent, could not have failed to have had an injurious effect on the vital principles of the Government, and often on its most important measures.

Here is the specific question whether the power of appropriation was to be confined by the construction placed upon the other grant of power in the Constitution, and the express affirmation that to have so regarded it would have been to have deprived the Government of a vital principle. Again:

Many considerations of great weight operate in favor of this construction, while I do not perceive any serious objection to it. If it be established, it follows that the words "to provide for the common defense and general welfare" have a definite, safe, and useful meaning. The idea of their forming an original grant with unlimited power, superseding every other grant, is abandoned. They will be considered simply as conveying a right of appropriation, a right indispensable to that of raising a revenue and necessary to expenditures under every grant. By it, as already observed, no new power will be taken from the States, the money to be appropriated being raised under a power already granted to Congress. By it, too, the motive for giving a forced or strained construction to any of the other specific grants will in most instances be diminished and in many utterly destroyed.

Again says Mr. Monroe:

Have Congress a right to raise and appropriate the public money to any and to every purpose according to their will and pleasure? They certainly have not. The Government of the United States is a limited government, instituted for great national purposes, and for those only.

I now read from the views of Mr. Monroe on internal improvements, transmitted in his message to the House of Representatives of May 4, 1822:

It is believed that there is not a corporation in the Union which does not exercise great discretion in the application of the money raised by it to the purposes of its institution. It would be strange if the Government of the United States, which was instituted for such important purposes and endowed with such extensive powers, should not be allowed at least equal discretion and authority. The evil to be particularly avoided is the violation of State rights; shunning that, it seems to be reasonable and proper that the powers of Congress should be so construed as that the General Government in its intercourse with other nations and in our internal concerns should be able to adopt all such measures lying within the fair scope and intended to facilitate the direct objects of its powers as the public welfare may require and a sound and provident policy dictate.

The measures of Congress have been in strict accord with the view taken of the right of appropriation, both as to its extent and limitation, as will be shown by a reference to the laws, commencing at a very early period.—*Annals of Congress*, Seventeenth Congress, first session (1882), volume 2, page 1843.

He declares the entire consistency of the proposition which gentlemen have maintained with the proposition that the power of appropriation of the public money is not restrained by the other and express grants of power, for the reason that the power of appropriation is one which must be left to the discretion of the sovereign Legislature, restrained alone by their judgment of the necessities within the constitutional power of the Government. This has been illustrated by the history of the Government and is established by Mr. Monroe in the elaborate exposition which he made of the acts of appropriation.

Reference has been made to the appropriation for the Venezuela sufferers, to that to aid destitute foreigners, to that for the relief of San Domingo, to the bounty to the cod-fisheries, to the appropriations in aid of the public health, and for the relief of the sufferers upon the Mississippi River by the flood—none of these things affecting the vital autonomy of the States nor their powers under the Constitution.

I shall vote for this resolution upon the authority of the entire past history of the Government affirming the consistency of appropriation for what? Not to enter into the State of Kansas with the strong hand asserting the power of the Government to condemn cattle, but to protect the cattle throughout the whole country in its interstate commerce; and if in the exercise of that authority for the regulation and protection of the general commerce of the people in their interstate relations it is necessary or useful for the Government of the United States to appropriate public money to be expended in the State of Kansas in purchasing and killing the diseased cattle which are to be or may be carried out into other States, thus affecting a great commercial interest throughout the country, the State of Kansas consenting, I can see objection. That is what the resolution proposes to do.

If it is necessary to purchase and kill diseased cattle, the State authorities of Kansas not objecting but asking for the exercise of this power in the interest of the general commercial relations and interstate commerce of the country, there can be no invasion of the State sovereignty in the State of Kansas consenting to this exercise of power in her territory and none in Congress appropriating money for the regulation and protection of the interstate commerce of the United States. The interest is certainly one of the greatest magnitude and national in its character. The commerce in cattle between the States can not exist if there is no power to stop in transit infected cattle.

If it be lawful to stop them in transit in aid of commerce, why not before they have started (the State consenting)? If they are detained or killed in the interest of the commerce of all the States, why should one of the States be compelled to pay for them, when the sacrifice is made for the benefit of all the States? Mr. Monroe, in vetoing the Cumberland road bill, on a theory of construction so strict that it denied the power of Congress to make internal improvements and construct and maintain post-roads in the States without their consent (a strictness now altogether disregarded by the Senators who oppose this resolution), maintained the power of Congress to make an appropriation for this purpose, and insisted that the absence of power to enter the State and exercise power therein for the purpose of making internal improvements was no restriction on the power to appropriate money for this purpose.

The argument of Mr. Monroe was, the appropriation of money must be for the "common defense and general welfare," but "shunning," to use his expression, any interference with the rights of the States, Congress could determine what was required for the common defense and general welfare. In the resolution of the Senator from Kansas any interference with the rights of the States is "shunned" by requiring the "co-operation" of the authorities of Kansas. There is therefore no conflict between the propositions of Senators who oppose this resolution on this side of the Chamber and those who support it; and the question is only one of expediency, of the magnitude of the danger and injury.

The PRESIDING OFFICER (Mr. HOAR in the chair). The question is on the amendment of the Senator from Texas [Mr. COKE], which will be read.

The SECRETARY. In line 5, after the word "agriculture," it is proposed to insert "with the consent of," and in line 6, after the word "authorities," to strike out "of the State of Kansas" and insert "in the State in which it may be used."

The question being put, a division was called for; and the ayes were 19.

Mr. MILLER, of New York. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. INGALLS. Mr. President, I am apprehensive that eventually we shall be called upon to make a very large appropriation to extirpate foot-and-mouth disease from the Democratic party, for it begins to be apparent that they very seldom open their mouth without putting their foot in it. [Laughter.] I want to say to the Senator from Texas that the State of Kansas will waive its privileges under the Constitution and make no point about the invasion of its rights by an appropriation of the kind that is mentioned in this bill.

The doctrine of State rights and State sovereignty dies hard, but I think it is moribund and in the course of time will eventually be buried. If any Senator upon the opposite side of the Chamber can tell me what power a majority of Congress can not exercise under the Constitution according to the recent decision of the Supreme Court in the legal-tender case I shall be very much instructed.

The Senators appear to be ignorant of the march of events during the last twenty-five years when they insist that whenever a majority of the people or a majority of their representatives in Congress believe that any appropriation is necessary for the general welfare, or for the exercise of any of those rights which are named in the Constitution, no matter what it may be, they can not accomplish it. The political history of this country from the foundation of the Government has moved in an orbit whose course has been defined by the identical struggle that is presented upon the floor of the Senate to-day, and that is the question as to whether the nation, a majority of the people of all the States, is supreme, or whether one State has a right to negative and veto the expressed wishes of a majority of all the people. And, Mr. President, those who preach to-day the doctrine of State rights and State sovereignty, and insist that in any great question involving the interests of a majority of all the people a single State can interpose its objection successfully to the accomplishment of the national will, have read history and the events of the last twenty-five years to very little advantage.

But, Mr. President, I do not propose to be drawn from the consideration of the main topic under discussion by debate upon an exploded, abandoned, and defunct interpretation of the Constitution. The question that is before the Senate is whether or not this appropriation in the light of the knowledge before the Senate is one that is fit to be made in view of the great exigency that threatens the general welfare.

The live-stock of this country according to the last census, including cattle, horses, sheep, and hogs, was something in excess I believe in value of $1,500,000,000, a trifle more than the entire amount of the national debt I think. It therefore becomes an important and interesting question to ascertain in view of this fact what is the relation of the General Government to this vast interest. I admit that so far as the amount appropriated in this bill or resolution is concerned the $25,000 that is mentioned, if this is a great national exigency, is entirely inadequate. If $25,000 is sufficient to deal with this question, then those people interested in this stock or the people of the community where the difficulty exists ought to appropriate it. It would be idle to say that an interest represented by the vast sum of money that I have named, $1,500,000,000, could not appropriate the petty and paltry sum of $25,000 to avoid the danger of the total destruction of that enormous value.

The United States Government does not stand as the guarantor, as the insurer of the live-stock of this country, any more than it does of the shipping of this country, of the buildings of this country; and it would be as idle to say, because there is difficulty threatening isolated herds, because there is danger threatening a locality in Kansas, that the Government should pay that from that fact alone, as it would to say that in case of a conflagration or the loss of a ship at sea the Government should be called in to make good the loss of the person who had been damnified. No, sir; this bill, if it rests upon any solid foundation, rests upon broader ground than that. It must rest either upon the right of Congress to deal with this question as one of interstate commerce, or under the clause providing for the general welfare, and it must be apparent that if there is a disease, if there is a danger that threatens an interest involving such stupendous sums of money, and that might be of such serious and momentous result to the commerce of this country, to the food of this country, and to all its interests, we can be called upon not only to make this appropriation of $25,000, but whatever may be necessary to extirpate the disease and save the country from the difficulty that threatens it.

I am inclined to think, Mr. President, that the actual danger that menaces the country at this time from the irruption of this disease has been exaggerated. I believe that to a very great extent by the action of the people of Kansas and by the action of those who are interested in this property and who own the stock the danger that threatened the country is very largely under control. The people there have held public meetings; the men interested in this stock have assembled; they have instituted the most rigid quarantine. The country in which these infected herds exist has been isolated; guards are placed along the entire frontier; and the governor of the State, acting in response to a general demand, has issued a proclamation calling upon the Legislature to assemble in special session on Tuesday next, the 18th instant, for the purpose of considering what is necessary to be done to further guard against the difficulty that threatens this vast interest.

So I say, sir, that there is no necessity of acting in any trepidation in this matter. The people of Kansas have taken precautions; the men who are interested in this property have associated themselves together for the purpose of guarding against the spread of this disease. But that does not relieve the Congress of the United States from the necessity of considering whether or not it is appropriate for the nation to unite with the State in taking such measures as may be necessary to prevent the further spread of this disease.

I should doubt, as a distinct and independent proposition, very much whether it was within the legitimate exercise of the powers of Congress to appropriate money for the purchase of these infected herds and their destruction. I am told that in dealing with this question in Massachusetts, when the valuable herds of that State were threatened with pleuro-pneumonia or lung-plague, a commission was created by the Legislature and a report made by that commission, and a sum of money, perhaps nearly $100,000, expended by the Commonwealth for the purchase and destruction of those herds that were infected or that had been exposed to contagion. But, sir, if we are to be called upon to inaugurate that principle as a matter of legislation by Congress, it involves vastly more than that. If the money that we propose to appropriate by this bill could be spent for the purchase and slaughter of one infected animal, then by an irresistible process of reasoning, if all the animals in this country are infected, or if they have been exposed to contagion, the Government may be compelled to purchase or pay for the entire live-stock in this country, amounting, as I said a while ago, to a sum in excess of the entire aggregate of the national debt I am not prepared to commit myself to that proposition.

The Senator from Massachusetts [Mr. DAWES] asks me where I will stop. I will not begin, Mr. President, and that is where I will stop.

Mr. DAWES. If you are under obligation to do anything, you are under obligation to go the whole length.

Mr. INGALLS. I will not commit myself to that proposition, and there is where I will stop. I say that the Government of the United States, so far as the value of this property is concerned and its ownership, is no more bound to guarantee and insure the live-stock men of this country against loss than it is the owners of houses or ships against loss. The only thing that the Government can legitimately do in my judgment is to co-operate with the owners of the property and with the local authorities and with the State governments in such measures as will prevent the spread of the disease and to that extent eradicate it.

Mr. DAWES. Suppose it is necessary to destroy somebody's herds?

Mr. INGALLS. The Senator from Massachusetts asks me, "Suppose it is necessary to destroy somebody's herds?" When a great conflagration is raging in a city and it becomes necessary to blow up a building in order to arrest the progress of the conflagration, upon whom does the loss fall?

Mr. DAWES. The owner of the building.

Mr. INGALLS. It does not fall upon the State. There is no more reason for saying that because this danger threatens this industry the Government shall stand as guarantor between the men who own the property and loss than there is in saying that it shall stand between any other citizen engaged in any other enterprise whom disaster overtakes against loss by his calamity.

Mr. DAWES. I do not want to interrupt the Senator; I do not want to throw any obstacle in the way of his argument; but he tells us that it does not fall on the State. If he has a conviction about it, will he be kind enough to tell us on whom it does fall?

Mr. INGALLS. I am not called upon to discuss side issues or incidental questions. I should be glad to illuminate the entire horizon of the Senator from Massachusetts, as I have no doubt I should upon occasion be able to do were it necessary; but that is not a question involved in this controversy.

But for the purpose of showing that the danger does exist and that there is a special reason why the action that is now invoked of Congress should be taken, I wish to invite the attention of the Senate to one other consideration, and that is this: A very large proportion of the cattle that are in Kansas are what may be properly designated as transitory herds. They are not owned there; they do not belong there. Those who are familiar with the movements of these herds know that during the early part of the season they start from Texas; by easy stages they are driven northward through the Indian Territory; they pass into Kansas in the western half of the State; through that State they pass slowly during the summer season still farther northward through Nebraska, grazing as they go, until at last they reach the great plains and grazing regions of Wyoming and Montana, where they are finally fattened and shipped to the markets of the East. When it appears that a very large proportion of the stock that is in Kansas at any one given time is not owned there, does not belong there, when the ownership is in citizens of other States, it would be obviously unjust to compel the citizens of that State to bear the entire expense even of these remedial measures.

The Senator from Ohio [Mr. SHERMAN] in the course of his remarks expressed some doubt whether or not the disease that has appeared upon the soil of Kansas in the eastern portion of the State was really of the kind and type that has been designated and described. For the purpose of setting that matter at rest I will ask the Secretary to read extracts from reports that have already been made upon this subject by Dr. Holcomb, the Army veterinary surgeon at Fort Leavenworth, who on the 4th of March was summoned to General Augur's headquarters on a telegram from the governor of Kansas requesting that a surgeon be sent to Neosho Falls for the purpose of examining diseases that had broken out there among cattle, and also from the report of Dr. Trumbower, who was sent out as veterinary expert by Commissioner Loring, of the Agricultural Department. They will be found between the marked lines of the paper which I send to the desk.

The Chief Clerk read as follows:

Dr. Holcomb, Army veterinary surgeon at Fort Leavenworth, said that on the 4th of March he was summoned to General Augur's headquarters and there shown a telegram from the governor of Kansas requesting that a veterinary surgeon be sent to Neosho Falls, Woodson County, to examine a disease that had broken out among the cattle. In company with the governor and Major Sims he arrived here, and though thoroughly convinced in his own mind before

arriving here that the cattle could not be afflicted with the foot-and-mouth disease he had on the closest examination become convinced, and could not declare the disease anything else but the dread contagion, the foot-and-mouth disease. The doctor then went on to say he visited Mr. Keith's herd, five miles north of Neosho Falls, and found the disease there in all its stages. A typical case was that of a two-year-old steer three or four days affected. He was lame in the left hind foot. The doctor examined it, and after cleaning out the cleft of hoof there found a vesicle which when ruptured left a well-defined oblong ulcer, true and typical of the disease. The animal's temperature was from 100° to 102°. Another case was of two weeks' duration. The temperature was 103°, and when the animal defecated the excrement had a small ulcer on it, as well as blood. This case was of a yearling, and he was lame in the right hind foot.

The last case was that of one with only a stump at the fetlock with a deep scab under it, and a swelling on both hind legs up to the hock joint. The doctor said some animals had lost one toe, others two, again others a foot to the top of the hoof, and others were on stumps half way to the hock joint. He had seen all four feet gone, which was a new feature of the disease and showed its virulent character. In the Goodrich or Hindman herd mouth lesions or ulcers were plainly shown, and covered the mouth from the lips to the larynx. These cattle had been well protected, sheltered, and were away above the average condition of stock cattle. Beard's herd had been infected by a cow introduced from Keith's herd, which showed the contagious character of the disease.

* * * * * * *

Dr. Trumbower, sent out as a veterinary expert by United States Commissioner Loring, of the Agricultural Bureau, next made a report. He agreed in all particulars with Dr. Holcomb and gave his experienee with cases similar to those related by Dr. Holcomb. The incubation of the disease took from twenty-four hours to four days, and at that stage the vesicles about the mouth appeared. Sometimes only the mouth symptoms and not the foot symptoms appeared, and vice versa. When the mouth symptoms alone appeared the recovery of the animal, if he recovered at all, was more speedy than when the foot is affected. The fatality of the disease is not so great as might be surmised, and in the severest cases on record of the ravages the losses have never exceeded 30 per cent., and have been as low as 3 per cent. of the cattle directly affected, not those exposed as well, but many survived as cripples and so poor in flesh that they cost as much again to recuperate them. The disease is undoubtedly mouth-and-foot disease.

Mr. INGALLS. In corroboration I will ask the Secretary to read the dispatches which appear in the telegraphic news of this morning from Chicago, dated yesterday, from Neosho Falls and from Topeka, of the same date, showing the condition of affairs yesterday.

The Chief Clerk read as follows:

FOOT-AND-MOUTH DISEASE—THE TROUBLE EXTENDING—SEVERAL CASES REPORTED IN ILLINOIS.

CHICAGO, *March* 18.

The Tribune's dispatches to-night regarding the cattle disease show the situation to be in the highest degree alarming and indicate that the live-stock men at the Union Stock-Yards whose views were given yesterday have either ignorantly or intentionally belittled the case. The disease prevalent in Kansas has made its appearance in the southern and central part of Illinois. Reports from Effingham and Cumberland Counties tell of symptoms so closely corresponding with those in Kansas as to leave no doubt that the disease is the same, though milder in form. In one herd in Effingham County twenty cattle were found in the several stages of the plague. Out of forty-six yearlings in another herd nearly half were found to be diseased. Similar reports from other points in the same section show that the plague has gained a firm foothold in Illinois.

NEOSHO FALLS, KANS., *March* 13.

Several new cases of the foot-and-mouth disease were reported to-day, only one new herd being affected, however. It appears to be spreading rapidly in the herd on Owl Creek, and as the owner has sold several head since the disease appeared, it is feared that other herds may be affected. The herd reported yesterday to be diseased was examined by Dr. Holcomb to-day, who reported that it was a false alarm, which may be the case with the report of to-day. So far the quarantine regulations established by the committee are being acceded to by all classes of citizens. The Commissioner of Agriculture has dispatched a veterinary surgeon from Washington, who will arrive here Saturday. Dr. Holcomb has gone to Lyon County to examine infected herds near Hartford. The alarm has somewhat subsided, as it is generally believed that the quarantine commissioners can control matters until the governor can convene the Legislature.

TOPEKA, KANS., *March* 13.

In obedience to the almost universal demand from every part of the State, and in view of the enormous interest at stake, Governor Glick has issued a proclamation convening the Legislature in special session on March 18 to consider the cattle-plague and to adopt measures whereby it may be absolutely stamped out.

Mr. INGALLS. It will be apparent from the reading of the last dispatch that it is a matter of indifference to the representatives of Kansas whether or not the amendment of the Senator from Texas prevails, because it will be entirely within the power of the Legislature of that State to give its consent within the next week; there will be ample time in which to co-operate with the national authorities; but if that amendment is adopted, except in those States where a law now exists or in which the Legislature is now assembled to take the necessary measures for co-operation, the resolution offered by my colleague, if adopted, will be entirely inoperative.

Mr. WILLIAMS. Mr. President——

Mr. COKE. Let me suggest to the Senator from Kansas that I am willing to modify my amendment so that the governor of the State may act.

Mr. INGALLS. But what right has the governor to act for a State without legislative sanction? If the Senator from Texas can give me any information on that point I shall be gratified.

Mr. COKE. Well, Mr. President——

The PRESIDING OFFICER. The Senator from Kentucky [Mr. WILLIAMS] is entitled to the floor.

Mr. WILLIAMS. I do not rise to respond to the argument of the Senator from Kansas [Mr. INGALLS] nor to criticise anything he has said, but I rise to congratulate him and to congratulate the farmers of the West and the stock-raisers of the West that within three years he has totally changed his opinion on this subject. I recollect three long years ago, when I was urging on Congress the passage of some restrictive measure so as to prevent animal diseases, the Senator was the most formidable opponent of my efforts.

Mr. INGALLS. Will the Senator permit me to make an observation?

Mr. WILLIAMS. Let me get through.

Mr. INGALLS. Very well.

Mr. WILLIAMS. I remember with what violence he fought the measure, how he denounced it as impolitic and wrong and unconstitutional. He came down on me like a thousand of brick. With lance well poised, he came dashing down like the commander of a company of Kansas jayhawkers upon a band of border ruffians and he unhorsed and floored me, and my bill was sent back to the committee that had reported it. I congratulate him upon the change that has come o'er the spirit of his dream. I do not want to twit him for his change of front, but I congratulate myself on the support he now gives, not only to the principles of this resolution but on his approval of the bill that is on our Calendar, and I congratulate him again and the people of his State, for I recollect I said on that occasion that he might see the time when his whole State and the whole of the great Northwest and all these boundless plains over which there then roamed in perfect health millions of cattle would be infected with this plague. I said that perhaps his own State might be the very first of all to be infected. I do not want to claim to be prophetic; but as the event has come I can not but confess that I am a little gratified that of all the Western States Kansas has been first struck. I hope the blow may be averted. I know it is a great calamity; but the very prophesy that I made three years ago has been fulfilled.

I am glad to welcome the Senator as an ally in support of a measure which I think is second to none in importance of any which has been before Congress since I have had the honor of a seat on the floor of the Senate. It involves greater interests, it affects more people than any other measure that has been before Congress since I have been a member of it.

What I have to say in regard to this whole subject I shall say hereafter when the main question on the passage of the bill to protect our domestic animals against infection comes forward. Upon this resolution I shall say nothing but vote for it. I think it is a step in the right direction, and I shall vote also for the bill. It strikes me, however, that we might have settled the whole question on the bill as well as we can settle it on this resolution now; but its friends seem to differ, and I am for the resolution, and I shall be for the main measure when it comes up, and what I have to say on the general principles and on the constitutionality and propriety of the whole measure I will reserve until the main question comes before the Senate.

Mr. INGALLS. Mr. President, it has been observed by some wise philosopher that there are but two classes of men who never change their opinions, and those are the dead men and the fools, and to neither class do I profess to belong.

The Senator from Kentucky is in the condition of the gentleman who jumped before he got to the stile. If he had reserved his observations until his pleuro-pneumonia bill came before the Senate he would find that I have abated no jot or tittle of my objections to it, and I think if I came down upon him as he says, with somewhat chaste classicality of language, like a thousand of brick, he will find when that bill comes up that I will come down upon him like a five-story edifice. [Laughter.]

Mr. WILLIAMS. I am sorry that I congratulated my friend from Kansas too soon. I shall regret and the whole country will regret if he adheres to his former position.

Mr. VEST. Is it proposed to take a vote on this resolution this afternoon?

Several SENATORS. Yes.

Mr. VEST. Do I understand the Senator from Kansas to object to the amendment?

Mr. PLUMB. No, sir; I stated more than an hour ago that the amendment was entirely satisfactory to me, that I had in framing the resolution designed entirely to avoid any of the discussion that has arisen by putting in that provision which required everything that was done by the Commissioner of Agriculture to be done in co-operation with the State authorities, and I did not see how anything could be done in co-operation with them that was not done with their consent. However, there has been a debate about that, and I am willing to admit that the amendment of the Senator from Texas, being a little more satisfactory to those who are sticklers about that question, as I am not, covers the case more fully, and so far as I can give any consent to it I shall consent that it go in. I myself do not believe that consent is necessary, but this is an emergency in which as I believe we ought not to debate about questions which are not material, and this is not material because in the emergency now before the country that consent which is provided for in the amendment will be had, and the purpose which I had in the introduction of the resolution will be fully accomplished. I do not see how any one who has any regard for the great interest at stake can feel that now guarded as it will be by the adoption of the amendment of the Senator from Texas there can be any objection to the resolution if there is any emergency whatever calling for Congressional action.

Mr. VEST. The Senator from Kansas [Mr. PLUMB] can not overstate in my opinion the importance of the exigency if there is any danger of pleuro-pneumonia. His colleague [Mr. INGALLS] has made a statement in regard to the amount of cattle. The report of the Commissioner of Agriculture shows the amount of cattle in the United States in 1883 to have been in value $1,008,106,514; in 1884, $1,106,715,703. The value of the cattle in Texas was $91,356,301; in Iowa, $85,301,255; in Illinois, $71,977,766; in Kansas, $55,541,873; and in the State of Missouri, $49,087,375.

Mr. WILLIAMS. Will the Senator from Missouri allow me a moment? Those figures show the value of the cattle and the number of cattle as reported by our officers. Our reports are made by subordinates in the States, and they do not include the town or city cows at all. The number is much greater than is estimated in the census and the value nearly twice as great. These things I know myself. The census reports as to the number and value of our live-stock are not at all reliable. For instance, in some of the States the cattle are put down at $9 a head. There never was a calf in my State that was not worth more than that. The cattle of my own State are put down at $23 a head, and they are worth a great deal more. The farmers in giving in their stock are not particular, so that statistics obtained for taxation purposes are not very accurate. These reports are not reliable at all.

Mr. VEST. I am not reading from any census report; I am reading from the report of the Commissioner of Agriculture.

Mr. WILLIAMS. The figures ought to be doubled.

Mr. VEST. By the report of the Commissioner I notice that the value of the cattle in New York is $77,975,913, while the value of those in the State of Iowa amounted to $85,301,255, in Kansas to $55,541,873, in Nebraska to $44,116,092, in Missouri to $49,087,375, and in Illinois to $71,977,766.

I refer to these figures to show that the statements usually made on this question of the values are incorrect. If the amendment of the Senator from Texas is adopted and incorporated in the resolution there is but one difficulty in my mind in the way of voting for it, and that is that there is nothing before the Senate either in the statements of the Senator from Kansas or in the documents that have been read here to show that the authorities of Kansas asked for this money at all. If it is voted now by Congress it is voted out of hand on our own volition. I understand the Senator from Kansas [Mr. INGALLS] thinks to-day that the amount and magnitude of the disease have been exaggerated.

Mr. PLUMB. I can appreciate the position of the governor to some extent in not preferring himself directly a request, because a request of the governor would practically be a request from an individual unless he were authorized by the statute of the State to prefer it. The request of the dispatches I read this morning was in answer to one I sent to him, stating that I had introduced a resolution for this purpose and stating its terms generally, and inquiring of him whether there was a necessity for action and whether the reports had been exaggerated or not; and his reply is expressly that there is necessity for action, that the reports have not been exaggerated, that the disease is spreading, that the emergency is very great, and that unless something is done immediately for the purpose of stamping it out the disease will extend to all herds west of the Missouri River. I can not conceive how he could with propriety have gone further than he did. He was not authorized in any way to address Congress on the subject, but he expresses his opinion in the most emphatic manner in regard to the subject-matter now before the Senate.

Mr. VEST. I was pleased with the remarks of the Senator from Connecticut [Mr. HAWLEY]. I was gratified to hear such opinions expressed from that side of the Chamber. I am glad to know that there are members of the Republican party who believe in the old-fashioned construction of the Constitution; and I honestly believe, as I believe in my own existence, that the downfall of this country will date from the day when local self-government and the rights of the States are trampled upon. Whenever the General Government becomes a great paternal and national government, as the Senator from Kansas [Mr. INGALLS] by his speech indicated, it is the downfall of republican government on this continent; it is the end of it.

The Senator from Kansas [Mr. INGALLS] said that the question was whether one State shall nullify the action of all the States. That is not the question. The question is whether, under the Constitution of the United States, there is any power given to the National Government to go inside of the States and interfere with their domestic affairs. When the act of 1879, establishing a National Board of Health, was argued here, in most emphatic terms I expressed my opinion on this question that nowhere in the Constitution of the United States was the power given to the Federal Government to go inside of the States to interfere for health or any other purpose with the domestic affairs of the States. That is the position; and until a State comes here and tells the General Government that it can not protect itself, either from domestic insurrection or disease, the General Government can not interfere. There is too much of this interference to-day in local and domestic affairs, and the people, instead of looking, as the fathers of the Constitution did, to their domestic governments in the States, are too apt to turn their eyes to the great national luminary. They are beginning to look here for everything. I deprecate it.

When the governor of my State a year ago appealed to Congress, sent a telegram to my colleague and myself asking the General Government for aid to the people of South Missouri, Missouri was perfectly competent to take care of her own people in that contingency just as the Senator from Ohio [Mr. PENDLETON] said in regard to the Ohio River overflow that Ohio was perfectly competent to take care of her own people. And yet we are to-day indoctrinating the people with the idea that they must look away from the States, that they must look to Congress. They should look first to their own States and trust to the power of the people. It springs up from individuals to the family, from the family to the State, from the State to the Union. But to-day the people are being taught to look first to the National Government and afterward to the States. It may be that when the Democratic party opens its mouth it always puts its foot in it. The difference between us and the Republican party is that when it opens the Treasury it always puts its hand in. I am willing to stand on the difference.

Mr. BUTLER. Mr. President, it seems that there were some other Senators on the floor a few years ago who entertained very much the same opinion with my friend from Missouri [Mr. VEST]; and inasmuch as the Senator from Kentucky [Mr. WILLIAMS] did not read from the eloquent speech of the Senator from Kansas [Mr. INGALLS], I will do so. I find in the CONGRESSIONAL RECORD containing the proceedings of February 19, 1881, the following:

Mr. INGALLS. Mr. President, it is unnecessary for me to say that I sympathize very cordially with the ostensible purpose of this bill. I have read the measure with a great deal of care, and I desire to speak with deliberation and with caution; but I feel impelled to say that it is without any exception the worst bill that I ever read upon any subject. It is bad in principle; it is bad in theory; it is bad in policy, and worse in detail. Pleuro-pneumonia is unquestionably a great evil; but this remedy is worse than the disease. The bill is a confused, conflicting, incoherent, and incongruous medley and jumble of provisions, every one of which, in my judgment, is directly at variance with the Constitution and is at war with the reserved rights of the States and of the people.

Mr. INGALLS. So I say still, and when that bill comes up I will say that again.

Mr. BUTLER. He used the words "reserved rights of the States and the people."

Mr. INGALLS. When that bill comes up I will say it again.

Mr. BUTLER. Well, Mr. President, when the Senator does so, I should like to contrast that language with what he has uttered to-day for the purpose of calling attention to what struck me as being a wonderfully marvelous variance from his language on that occasion. However, he said further——

Mr. INGALLS. If the Senator will allow me——

The PRESIDENT *pro tempore*. The Senator from South Carolina is entitled to the floor and can not be interrupted without his consent.

Mr. BUTLER. I always yield to the Senator. That is the reason why I am able now to show how far the Senator is from where he was on February 19, 1881. He said of the bill then pending:

It creates a monstrous and anomalous machine, unknown to the Constitution and the laws, composed of the Commissioner of Agriculture—

Just as this resolution does—

the National Board of Health, commissioners, inspectors, municipal and State and local police authorities, the Navy of the United States, and the Secretary of the Treasury, responsible to no one and committing the Government to an indefinite and enormous expenditure for all coming time. It would be difficult for human ingenuity to devise within so narrow a compass a contrivance that embraced more principles that appear pernicious and doubtful and doctrines that commit this Government to measures that are fraught and pregnant with immeasurable mischief for the future.

Further on the Senator said:

Pleuro-pneumonia—

Or I suppose he would have said "foot-and-mouth disease" if that had been before the Senate at that time:

Pleuro-pneumonia, as I said, is undoubtedly a great evil; but it is after all a question of private loss to individuals and to communities, and as such it is to be dealt with like other private calamities; and I am curious to know upon what theory of the Constitution or of the functions of Government this select committee have proposed this bill when they attempt to establish the principle that the Government shall purchase every sick and unhealthy animal in this country and pay for it two-thirds the value of a well one, when everybody knows that a sick animal has no market value at all.

Those were the sentiments of the Senator from Kansas on February 19, 1881, and yet, unless I misunderstood him, he has stated to-day that there was no restraint upon the majority of the people of this country as represented upon the floors of the two Houses of Congress, the Senate and House of Representatives; none whatever except their will. I confess I was very much surprised at that statement of the Senator's opinion in view of what he had uttered when the pleuro-pneumonia bill was under consideration a few years ago.

This resolution, in my humble judgment, is just as objectionable substantially, with the exception of the details of that bill, as the bill itself. It says that there shall be $25,000 appropriated—for what purpose?

To be used under the direction of the Commissioner of Agriculture, in cooperation with the proper authorities of the State of Kansas—

In doing what?—

in eradicating a contagious disease popularly known as the foot-and-mouth disease.

Which the Senator said, in speaking of pleuro-pneumonia, was purely and simply a local matter, and like all local calamities should be dealt

with by the local authorities; and as the Senator from Missouri has stated, I have heard nothing from any official source in the State of Kansas saying that this appropriation of $25,000 is necessary. I have heard nothing from any official source stating that the local authorities of Kansas may not deal with the question and effectually stamp out the disease in the locality where it exists.

There have been some telegrams read from the newspapers; I believe one from the governor of Kansas. I do not understand the governor to say that it is not entirely within the power of the State of Kansas to control this matter. It seems to me, therefore, that this resolution in principle is as objectionable as the bill to which the Senator from Kansas referred in the remarks which I have read; and I say to you, sir, frankly, that on that occasion I not only sympathized with him but agreed in every respect with him that Congress was going entirely outside of its constitutional power in passing the bill which was then before the Senate, and I think it is equally beyond its constitutional power to pass this joint resolution.

The precedents cited by the Senator from Arkansas [Mr. GARLAND] this morning do not go to the extent of this joint resolution. There is nothing in the appropriation which Congress makes to buy seeds, to establish an agricultural bureau, to build a military academy, to build a naval academy and support them, to send expeditions to the North Pole for the relief of Greely, or for the relief of sufferers from a flood or a fire or an earthquake or any other great national calamity—there is nothing in those appropriations which trenches upon the reserve powers and rights of the States. Still, Mr. President, I think they are of very questionable constitutional authority.

The Department of Agriculture was originated on an appropriation bill about the year 1842 or 1843, beginning with an appropriation of $3,000; and from that it has grown to an annual appropriation of half a million. I believe the Military Academy at West Point was originated in the same way upon an appropriation bill. But, Mr. President, all of those questions relate to the whole country at large. Here is a proposition to go into a State to interfere with something purely local, which the State has the authority and the power and the ability to control under its powers to regulate its police and quarantine; and yet we are asked to appropriate $25,000 to send into Kansas to deal with a disease among cattle. I submit, notwithstanding the scoffings of the Senator from Kansas in relation to the Constitution, that this Congress has no right whatever to do it; but, as has been said by the Senator from Missouri, when we reach that point in the history of this country when this Congress and this central power assume to control the local internal affairs of the States and the people, the alarm-bell will have sounded which will ultimately destroy the liberties of this people and republican institutions upon this continent.

I will go as far as any Senator upon this floor and as far as my vote can go to relieve the people of this country when a great national calamity overtakes them which extends beyond the power and the ability, or, if you please, the will of the local authorities to control; but further than that I am not willing to go; and although the amendment of the Senator from Texas relieves this joint resolution of some of its objections, I can not vote for it even with that amendment adopted, because I believe it is wrong in principle and is adding another to the long line of dangerous precedents which the Senator from Arkansas read this morning. Hence even if, as I said, the amendment of the Senator from Texas should be adopted I shall be constrained to cast my vote against this resolution until there is more evidence before the Senate that the exigency demands that Congress shall make an appropriation.

Mr. HOAR. I shall vote against this resolution if it comes to a vote to-day, because I do not think there is yet sufficient evidence that this disorder has assumed national proportions. As has been already said, we took care of a case apparently quite as bad in my own State without appealing to Congress for help, and I understand the Kansas Legislature is to be in session next Tuesday, and that Legislature will determine whether it finds the difficulty beyond its control or whether it is something which comes from interstate causes relating to interstate commerce, which it can not be expected to expend the resources of that State in dealing with. I therefore move that the further consideration of this resolution be postponed for one week.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the further consideration of the joint resolution be postponed until Friday next. The question is on that motion.

Mr. HARRIS. I believe a motion to postpone indefinitely takes precedence, does it not?

The PRESIDENT *pro tempore*. It does.

Mr. HARRIS. I make that motion.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the resolution be postponed indefinitely.

Mr. CONGER. Is that debatable?

The PRESIDENT *pro tempore*. It is.

Mr. CONGER. I think, Mr. President, that I am called upon to vote in favor of this resolution, this preliminary effort to ascertain whether in fact there is in this country so threatening a disease, and if there is, to have reports upon it as early as possible.

Now, sir, without one word of discussion, or with but little discussion, we have seen resolutions passed here by almost unanimous consent appropriating thousands and hundreds of thousands of dollars, and succeeded the next day by other appropriations appropriating other hundreds of thousands of dollars on exactly the same principle and for exactly the same reason that this little appropriation is asked, to inquire into and attempt to stop the spread of a disease which it is alleged will destroy thousands and millions of dollars' worth of the property of the good people of these United States. And, sir, every man here that opposes this measure rushes with untold speed to hide himself under the common old shadow of the Constitution. How they gather behind it! How men shelter themselves there after having voted for the appropriation of hundreds of thousands of dollars to meet and avert some great public calamity! When this question comes up for the appropriation of a paltry $25,000 to meet a calamity which, if it does portend as much wrong and injury to the people of the United States as is claimed, would be equally disastrous, equally injurious, equally destructive of property and of comfort and of health and of prosperity as the measures against which the appropriations were aimed for which these gentlemen voted without a word, they shelter themselves under the shadow of the Constitution!

I took occasion the other day to say that it seems to me from my observation in the Senate that any bill whatever that looked to some protection of some agricultural interest in this country was met either with sneers or with frowns or with votes opposed to it, no matter in what shape it came. This is a measure affecting the vast agricultural interest; it is to guard against a danger threatening the interests of a large majority of the people of these United States directly and of all the people of the United States as a whole indirectly. There is no pretense but that as much of $25,000 as may be necessary to inquire into and eradicate, if possible, a great oncoming and threatening evil may be appropriated; and that is all this simple resolution does; it appropriates a small sum in itself, and only so much as is necessary of that, to answer the call of the governor of a great State, to bring to the assistance of that people and of the whole people whatever knowledge in regard to such a disease is in possession of the Government, so as to stop this great threatening evil.

Sir, I do not wonder sometimes that when we are appropriating for ornament, when we are appropriating thousands of dollars to gratify taste, when we are appropriating thousands of dollars to gratify sentiment, when we are appropriating thousands of dollars from sympathy, and when this little pittance is asked in the name of the farmers of the United States, of the cattle-raisers of the United States, it is met as these propositions uniformly and continuously are in this body—I say I do not wonder that there is a growing feeling of distrust among the common people of the United States of their representatives here. I do not wonder that granges are formed all over; that men following the quiet and peaceful avocations of life, finding their plans thwarted, their petitions cast carelessly aside, their demands upon their representatives treated with silent contempt or with open scorn—I do not wonder that, as the best means which occurs to them, the people try to combine together in granges, or even in political associations, to find out whether there are enough of them among the great mass of the people of the United States to demand and have a reasonable hearing before the representatives of the nation.

That feeling exists; it is spread all over this country. It crops out in petitions to this Congress, in communications to the press, in the State Legislatures, in the reports of committees, in the discussions before agricultural and other societies, in the granges which have been formed and are forming all over the country, and the agricultural community will inquire whether any proposition affecting their interests, whether any answer to their inquiries, whether any petition which they present here can receive a fair hearing. The man that says anything for it is charged with appealing to the prejudices and to the passions of a class. The man that speaks of the treatment of the agricultural community when they present their petitions and ask for the passage of laws here is usually called by these high-toned gentlemen that I see around me, or by many of them, a demagogue, appealing to passion, appealing to prejudice. It has got so that from the sacred precincts of the scholar's library no sympathy comes to that vast class of the people who control the prosperity of our country. It has got so that from the politician no word of approval for any of these propositions comes until the political prosperity of the party or the person is endangered.

Now, sir, there has been no proposition which seemed to me demanded such immediate and direct action of this body, almost without delay and almost without discussion, as this little, simple proposition, a forerunner to the propositions and to other means which could be more carefully devised to ascertain whether an alarm that is spreading all through the country, given new impetus, given aggravation by recent events, is well founded or not.

I am not responsible for the action of others in this House. I am not responsible for the action of those who cast ruthlessly aside and will not even permit a vote to be taken upon this question direct, but first move to cast it aside for a moment, and next to cast it aside forever. We all have the right to judge for ourselves of the propriety of our conduct, but I desire to vote directly upon this question, and there are no lions in the way.

There are no grim shades and monsters of State rights to prevent my

voting in favor of the passage of a resolution which in its tendency is to protect the whole American people, directly or indirectly, from the threatening invasion of a plague and a scourge that seems to be more disastrous to the property and the prosperity of our people than any other that has been threatened for years, a scourge which compels the nations of Europe to shut down the gates to their boundaries and prevent the passage back and forth of the ordinary transportation of animals of all kinds—a scourge like other scourges and diseases among cattle which have brought to the people of the United States a loss already in the fancy or views of foreign governments of millions of dollars by preventing the transportation of our product, our meats, to the Old World. The people of Europe charge that the beef and the pork and the meat raised in the United States are diseased, are injurious to health, so much so that foreign governments shut out our meats from their markets; they compel us to keep at home these products which we used to send abroad, and for which we received so much in return in former years.

With the papers full of the progress of disease, with the published appeals of the governors of States, with the gathering together here within the last few weeks of hundreds of representatives of the agricultural classes of the Northwest imploring Congress to act upon this question—with all these things in view, we say to the authorities of the Old World, who by a resolution or by an ordinance destroy our prosperity, "Be assured there is a disease here destroying our cattle, threatening our prosperity; be assured there is a disease spreading contagion, not only infecting the meats we offer, but alarming our whole people by their contagion; still what is that to you and what is that to us, if you do withhold the purchase of millions of our property? You are sovereigns, and while we would like to protect the property of our people, while we would like to pass laws restraining the spread of infectious and contagious diseases that you fear, while we would like to help the great body of the American people, the farming population, in their efforts to protect their property, as we give protection to all other subjects, yet we happen to live in a land upon which the shadow of our Constitution falls, and that prevents us from aiding our own people or removing the cause of your alarm." That is the attitude we hold to-day; that is the position that this discussion assumes, a rivalry in zeal between Senators here to show what the Constitution does mean to a "t" and to a dot, and to show what it does not mean.

The contagion spreads; the telegrams are read over and over again showing that destruction is on the wing, and the tempest and the storm sink into insignificance before the spread of the pestilence and the plague. But having given to it that due and calm deliberation which becomes the highest assembled legislative body in the world, having ransacked the past and the present for examples and for precedents and for opinions, having brought up clothed with the cerements of the grave the former philosophers and statesmen of the land with their books, and read the musty records of the past with confused notions and confused ideas of what this resolution means and whether it comes within State power or the power of the General Government; having exhausted ourselves and bewildered our minds, and uncertain what we believe ourselves, the only remedy for our trouble is to postpone till we have time to rally and collect our thoughts and see what the Constitution really means, and then perhaps those who think they never can arrive at a satisfactory conclusion of it wish to postpone this subject indefinitely.

Sir, I hope it will not be postponed. I hope we may come upon this little resolution, fraught with so much meaning, to a direct vote, and if the Senate by a vote refuses to pass the resolution and make this paltry appropriation, let the people of the country understand what they may expect now and in the future when calamities come upon them. Let them see that where the tornado strikes, tearing down houses, destroying property, men are willing to rush forward with appropriations; where the rains have descended and the floods have risen and driven people from their homes to higher land and to safer places, the Senate is willing to appropriate $300,000 one day and follow it by two or three hundred thousand dollars another day to send them food and blankets and clothing and comforts—bills for which I voted most cheerfully; but when the agriculturist, the farmer, the stock-grower sends up his cry for help, for something to find out what kind of a disease is sweeping like a pestilence among his cattle and his property, that is a thing to be postponed, to be scorned, and, as this has been, to be ridiculed out of the Senate Chamber of the United States.

Mr. VOORHEES. Mr. President, may I ask that the resolution be read?

The PRESIDENT *pro tempore*. The resolution will be again read if there be no objection.

The Chief Clerk read the joint resolution.

Mr. BAYARD. Mr. President, I do not believe it competent for Congress to pass this resolution, and I desire to offer an amendment which will, as far as I conceive it competent for Congress to act, assist in obtaining information as to the means of cure and the arrestation of this disease. I have no doubt that it is fully competent for the Commissioner of Agriculture to collect information on this subject and for Congress to disseminate it. I do not believe it is in its power to enter the States and eradicate the disease, which means by taking the lives of the diseased cattle and paying certain prices either as we shall fix by agreement with the owners or as they shall be awarded under some system of appraisement not disclosed by this bill. I can perfectly well imagine the operation of such a measure as this in some of the Eastern States, Connecticut, Massachusetts, New Jersey, Maryland, Delaware, Pennsylvania, where very choice herds of expensive cattle exist and which are no more to be protected from this dire disease than the cattle that roam the great prairies of the West, and I can imagine a very large expenditure being incurred under the authority of the United States for the purpose of preventing the spread of diseases of this character.

But that, sir, is not to be stated in a moment nor to be computed in a long time. I desire to offer an amendment and to discuss it and the powers of Congress in dealing with this important subject; and to that end, as it is near the proper period of the adjournment of the Senate, I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. No amendment is at present in order, as the motion pending is to postpone the bill indefinitely.

Mr. HARRIS. I will withdraw the motion to indefinitely postpone if the Senator from Delaware desires.

The PRESIDENT *pro tempore*. The pending question now is on the motion of the Senator from Delaware that the Senate adjourn.

Mr. MANDERSON. If the Senator from Delaware will allow me I should like to make a report from a committee.

Mr. BAYARD. Certainly.

The PRESIDENT *pro tempore*. Does the Senator from Delaware withdraw his motion?

Mr. BAYARD. Certainly, for the purpose of allowing the Senator from Nebraska to present some formal business.

The PRESIDENT *pro tempore*. By unanimous consent the report may be received at this time. Is there objection? The Chair hears none.

REPORT OF A COMMITTEE.

Mr. MANDERSON, from the Committee on Claims, to whom was referred the bill (S. 902) for the relief of Peter Targarona, reported it with an amendment, and submitted a report thereon.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the act (S. 616) to establish a standard of time in the District of Columbia.

BILL INTRODUCED.

Mr. MANDERSON introduced a bill (S. 1850) to change the name of the Marsh National Bank of Lincoln, Nebr., to that of the Capital National Bank of Lincoln; which was read twice by its title, and referred to the Committee on Finance.

PEREZ DICKINSON.

Mr. HARRIS. With the permission of the Senator from Delaware I will state that yesterday morning I took an order that Perez Dickinson should have leave to withdraw the papers on file in respect of a claim of his, upon the conditions imposed by the rule. I was requested to-day instead of having the papers withdrawn to ask that they be referred to the Committee on Claims, on the conditions imposed by the rule. I do not remember whether there has been a report in the case at this session or not.

The PRESIDENT *pro tempore*. If there be no objection, the order of withdrawal will be made.

Mr. HOAR. Has there not been a report at this session of Congress?

Mr. HARRIS. I just stated that I did not remember whether there had been a report. Oh, yes; there have been reports in favor of the claim.

Mr. HOAR. I think a report was made at the present session.

Mr. CAMERON, of Wisconsin. Not at the present session. There was an adverse report made at the last session.

The PRESIDENT *pro tempore*. The Chair is informed at the desk that the matter now spoken of has been reported upon at the present session, and the bill was indefinitely postponed.

Mr. COCKRELL. That is correct, I take it, for I read the report.

Mr. HARRIS. At this session?

The PRESIDENT *pro tempore*. The report was made on the 23d day of January.

Mr. HARRIS. My request was "subject to the rule." Of course the papers can not be transferred under the rule, but I was not aware of the fact that the report had been made at this session or that any report had been made.

NAMING OF A PRESIDING OFFICER.

Mr. BAYARD. I renew my motion that the Senate adjourn.

The PRESIDENT *pro tempore*. Before putting the motion, the Chair asks unanimous consent to say that it is quite probable the Chair will be obliged to be absent for two or three days of next week, and although the rule permits the Chair to name day by day in writing a Senator to perform the duties, the Chair prefers to ask unanimous consent that the Senator from Ohio [Mr. SHERMAN] may, if the Chair is obliged to be absent, occupy the chair for three days, Monday, Tuesday, and Wednesday of next week. Is there objection? The Chair hears no objection, and it is so ordered. The question is on the motion of the Senator from Delaware that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 51 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 14, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

GOOSE RAPIDS, RED RIVER.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report on Goose Rapids (Red River of the North) improvement; which was referred to the Committee on Rivers and Harbors.

GEORGE S. COMSTOCK.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting additional papers in relation to the claim of George S. Comstock on account of depredations committed by the Cheyenne and Sioux Indians in Nebraska in 1864; which was referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. JONES, of Alabama, till Tuesday next.

To Mr. WHITING, till March 24, on account of important business.

To Mr. HART, for ten days, on account of important business.

To Mr. COVINGTON, until Wednesday of next week.

To Mr. TUCKER, until Saturday next.

WITHDRAWAL OF PAPERS.

On motion of Mr. HUNT, by unanimous consent, leave was given to withdraw from the files of the House the papers in the claim of Fanny Maury, there being no adverse report thereon.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I call for the regular order.

Mr. DIBBLE. I am instructed by the Committee on Public Buildings and Grounds to offer the resolution which I send to the desk and to request its immediate consideration.

Mr. TOWNSHEND. I must insist on the regular order. I would be glad to accommodate all the gentlemen that desire to ask unanimous consent.

Mr. DIBBLE. This is reported by the unanimous instruction of the committee.

Mr. TOWNSHEND. But there are at least forty members who desire the same thing; and if I commence yielding a great deal of time will be lost.

MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER. The Chair names as the conferees on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 4971) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1885, and for other purposes, Mr. KEIFER of Ohio, Mr. FORNEY of Alabama, and Mr. ELLIS of Louisiana.

ORDER OF BUSINESS.

Mr. HANCOCK. I am instructed——

The SPEAKER. The regular order is demanded, which is the call of committees for reports.

Mr. TOWNSHEND. I move to dispense with the morning hour.

The question being taken on Mr. TOWNSHEND's motion, there were—ayes 75, noes 29.

Mr. STEELE. I call for tellers.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Indiana, Mr. STEELE, and the gentleman from Illinois, Mr. TOWNSHEND.

The House again divided; and the tellers reported—ayes 107, noes 18.

Mr. STEELE. I withdraw the point as to a quorum.

So (further count not being called for) the motion was agreed to—two-thirds voting in favor thereof.

Mr. TOWNSHEND. I am instructed by the Committee on Appropriations to move to dispense with the consideration of private business, the object being that we may proceed with the consideration of the Post-Office appropriation bill.

Mr. ROBINSON, of New York. I hope that will not be done.

Mr. MCMILLIN. We have but one day in the week for private business and only five hours on that day. I hope that the consideration of private business will not be dispensed with.

The SPEAKER. The question is not debatable.

Mr. TOWNSHEND. I think it is important that the consideration of the appropriation bill should be proceeded with.

The SPEAKER. The gentleman from Illinois moves that private business be dispensed with for to-day, which requires a vote of two-thirds.

The question being taken, there were—ayes 65, noes 55.

The SPEAKER. Two-thirds have not voted in the affirmative.

Mr. TOWNSHEND. I call for tellers.

Several MEMBERS. Oh, no.

Mr. TOWNSHEND. In order to save time, I ask for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 33—more than one-fifth of the last vote.

Mr. REED and Mr. STEELE. Count the other side.

The negative vote being counted, there were noes 95.

The SPEAKER. The affirmative being more than one-fifth of the entire vote, the yeas and nays are ordered.

Mr. TOWNSHEND. I desire to state that the motion does not include the evening session.

The SPEAKER. The Chair so understands.

Mr. TOWNSHEND. I am imformed by a number of members that they do not understand the question before the House.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] moves to dispense with the consideration of private business for to-day——

Mr. TOWNSHEND. In order to take up the Post-Office appropriation bill.

The SPEAKER. The Chair can not state what the gentleman's purpose is. That is no part of the motion. The Clerk will proceed to call the roll.

The question was taken; and there were—yeas 128, nays 117, not voting 75; as follows:

YEAS—128.

Adams, J. J.	Dowd,	Jones, J. H.	Scales,
Aiken,	Dunn,	Jones, J. K.	Seymour.
Alexander,	Eaton,	Kean,	Shaw,
Arnot,	Eldredge,	Keifer,	Shelley,
Ballentine,	Elliott,	King,	Singleton,
Beach,	Ellis,	Kleiner,	Slocum,
Belmont,	Ermentrout,	Lamb,	Spriggs,
Blanchard,	Evins, J. H.	Lewis,	Sumner, C. A.
Blount,	Ferrell,	Libbey,	Sumner, D. H.
Breckinridge,	Fiedler,	Lovering,	Taylor, E. B.
Broadhead,	Follett,	McComas,	Taylor, J. M.
Buchanan,	Foran,	Matson,	Thompson,
Buckner,	Forney,	Miller, J. F.	Throckmorton,
Budd,	Gibson,	Mitchell,	Tillman,
Burleigh,	Glascock,	Money,	Townshend,
Burnes,	Green,	Morrison,	Tully,
Calkins,	Greenleaf,	Morse,	Turner, H. G.
Campbell, Felix	Guenther,	Moulton,	Turner, Oscar
Cannon,	Hammond,	Muller,	Vance,
Clardy,	Hardeman,	Neece,	Van Eaton,
Clay,	Harmer,	Nicholls,	Wadsworth,
Clements,	Hatch, W. H.	Patton,	Ward,
Cobb,	Hepburn,	Pryor,	Warner, A. J.
Converse,	Hewitt, A. S.	Pusey,	Warner, Richard
Cook,	Hewitt, G. W.	Rankin,	Wellborn,
Cosgrove,	Hill,	Reagan,	Williams,
Cox, W. R.	Hoblitzell,	Reese,	Willis,
Crisp,	Holman,	Riggs,	Wilson, James
Deuster,	Hooper,	Robertson,	Winans, E. B.
Dingley,	Hopkins,	Rogers, J. H.	Winans, John
Dockery,	Horr,	Rogers, W. F.	Worthington,
Dorsheimer,	Hunt,	Ryan,	Yaple.

NAYS—117.

Adams, G. E.	Everhart,	Mills,	Skinner, C. R.
Bagley,	Findlay,	Morey,	Smith,
Barksdale,	Fyan,	Morrill,	Spooner,
Barr,	Geddes,	Muldrow,	Steele,
Bayne,	Halsell,	Murray,	Stephenson,
Belford,	Hanback,	Nelson,	Stevens,
Bisbee,	Hancock,	Nutting,	Stewart, Charles
Boutelle,	Henderson, T. J.	Oates,	Stewart, J. W.
Bowen,	Henley,	Ochiltree,	Stone,
Brainerd,	Hiscock,	O'Hara,	Strait,
Breitung,	Hitt,	O'Neill, Charles	Talbott,
Brewer, F. B.	Holton,	O'Neill, J. J.	Taylor, J. D.
Browne, T. M.	Houk,	Parker,	Thomas,
Brown, W. W.	Houseman,	Payson,	Valentine,
Cabell,	Howey,	Perkins,	Van Alstyne,
Cassidy,	James,	Peters,	Wait,
Chace,	Johnson,	Pettibone,	Wakefield,
Connolly,	Jones, B. W.	Poland,	Weaver,
Cox, S. S.	Kasson,	Post,	Weller,
Culberson, D. B.	Laird,	Price,	Wemple,
Culbertson, W. W.	Lanham,	Ranney,	White, Milo
Cullen,	Le Fevre,	Ray, G. W.	Wilkins,
Cutcheon,	Long,	Ray, Ossian	Wilson, W. L.
Dargan,	Lore,	Reed,	Wise, J. S.
Davidson,	Lyman,	Rice,	Wolford,
Davis, G. R.	McCoid,	Robinson, J. S.	Wood,
Davis, R. T.	McCormick,	Robinson, W. E.	York.
Dibble,	McMillin,	Rockwell,	
Dibrell,	Millard,	Rosecrans,	
Evans, I. N.	Milliken,	Rowell,	

NOT VOTING—75.

Anderson,	Dunham,	Kelley,	Phelps,
Atkinson,	Elwood,	Kellogg,	Potter,
Barbour,	Finnerty,	Ketcham,	Randall,
Bennett,	George,	Lacey,	Russell,
Bingham,	Goff,	Lawrence,	Seney,
Blackburn,	Graves,	Lowry,	Skinner, T. G.
Bland,	Hardy,	McAdoo,	Snyder,
Boyle,	Hart,	McKinley,	Springer,
Brewer, J. H.	Hatch, H. H.	Maybury,	Stockslager,
Brumm,	Haynes,	Mayo,	Storm,
Caldwell,	Hemphill,	Miller, S. H.	Struble,
Campbell, J. M.	Henderson, D. B.	Morgan,	Tucker,
Candler,	Herbert,	Murphy,	Washburn,
Carleton,	Holmes,	Mutchler,	White, J. D.
Collins,	Hurd,	Paige,	Whiting,
Covington,	Hutchins,	Payne,	Wise, G. D.
Curtin,	Jeffords,	Pierce,	Woodward,
Davis, L. H.	Jones, J. T.	Peel, S. W.	Young.
Duncan,	Jordan,	Peelle, S. J.	

So (two-thirds not voting in favor thereof) the motion of Mr. TOWNSHEND was not agreed to.

The following pairs were announced:
Mr. HERBERT with Mr. MCKINLEY, until further notice.
Mr. SNYDER with Mr. GOFF, until further notice.
Mr. CLARDY with Mr. BAYNE, until further notice.
Mr. MORGAN with Mr. MORRILL, until further notice.
Mr. PAIGE with Mr. HATCH, of Michigan, until further notice.
Mr. GRAVES with Mr. HAYNES, until further notice.
Mr. STOCKSLAGER with Mr. PEELLE, of Indiana, until further notice.
Mr. ELLIS with Mr. KELLOGG, until further notice.
Mr. CARLETON with Mr. LAWRENCE, until March 23.
Mr. BEACH with Mr. BURLEIGH, until March 15.
Mr. SKINNER, of North Carolina, with Mr. SKINNER, of New York, until March 30.
Mr. COVINGTON with Mr. BREWER, of New Jersey, until March 19.
Mr. JORDAN with Mr. WHITING, until further notice.
Mr. MAYBURY with Mr. HART, until March 24.
Mr. TOWNSHEND. I am paired on all political questions with Mr. WASHBURN, of Minnesota; but as this is not a political question, I have voted.

The result of the vote was then announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed with an amendment, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. 1015) for the relief of Fitz-John Porter.

The message also announced that the Senate had passed, and requested the concurrence of the House in, a bill of the following title:

A bill (S. 1819) to print certain eulogies delivered in Congress upon the late Thomas Allen.

ORDER OF BUSINESS.

Mr. MCMILLIN. I now move that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar.

Mr. DIBRELL. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DIBRELL. Does not the unfinished business of Friday last come up now for consideration?

The SPEAKER. The Chair thinks that inasmuch as the previous question was not ordered on the bill to which the gentleman refers, it will not come up until after the House shall have come out of the Committee of the Whole to-day. It will then come up as an unfinished report from the Committee of the Whole, and will be the first bill to be considered.

The motion of Mr. MCMILLIN was then agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering business on the Private Calendar. The Clerk will report the title of the first bill.

The first bill on the Private Calendar was the bill (H. R. 999) granting a pension to the sole surviving grandchild of the author of the Declaration of Independence.

Mr. BAYNE. A bill was called up in Committee of the Whole last Friday and partially considered, and is the unfinished business in the committee. It is the second bill on the Calendar and can be disposed of in a moment.

MYRON E. DUNLAP.

The CHAIRMAN. The gentleman is correct. The unfinished business will now be taken up.

The unfinished business was the bill (H. R. 1389) for the relief of Myron E. Dunlap, reported from the Committee on Military Affairs with an amendment.

Mr. BAYNE. The bill and the report were read last Friday and the amendment was agreed to.

Mr. HOLMAN. I ask for the reading of the bill and the amendment.

The bill was read, as follows:

Whereas Myron E. Dunlap, late first lieutenant of Company E, Fourteenth Regiment New York Heavy Artillery, was cashiered from the service for tendering his resignation; and

Whereas said dismissal was based upon insufficient grounds: Therefore,

Be it enacted, &c., That the said First Lieut. Myron E. Dunlap, late of Company E, Fourteenth Regiment New York Heavy Artillery, be, and he is hereby, honorably discharged from the military service of the United States, with like effect and with the same rights and privileges in all respects as if he had been regularly mustered out with said Fourteenth Regiment New York Heavy Artillery on the 26th day of August, 1865; and the Secretary of War is hereby directed to enter upon the proper records of the War Department the corrections made by this act of the military record of said officer.

The amendment was to strike out the words "with said Fourteenth Regiment New York Heavy Artillery on the 26th day of August, 1865," and to insert in lieu thereof the words "of the military service of the United States on the 23d day of July, 1864."

The CHAIRMAN. That amendment has already been adopted by the Committee of the Whole.

Mr. STEELE. I move to further amend by adding the proviso which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That by the passage of this act the said Myron E. Dunlap shall have no right or claim to any pay or allowance of any kind under it.

Mr. BAYNE. I have no objection to that amendment.

The amendment was agreed to.

There being no further amendment, the bill as amended was laid aside to be reported favorably to the House.

SEPTIMIA R. MEIKLEHAM.

The next business on the Private Calendar was a bill reported by Mr. ROBINSON, of New York, from the Committee on Pensions, entitled a bill (H. R. 999) granting a pension to the sole surviving grandchild of the author of the Declaration of Independence.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place the name of Septimia Randolph Meikleham, widow of David S. Meikleham, deceased, and the only surviving grandchild of Thomas Jefferson, author of the Declaration of Independence, on the pension-roll, and pay her a pension, during her natural life, at the rate of $5,000 a year, from and after the passage of this act.

The amendment reported by the Committee on Pensions was read, as follows:

Strike out before the word "dollars" the words "five thousand" and insert "two thousand five hundred," and at the end of the bill add "and that it be made payable quarterly in advance."

Mr. HOLMAN. I call for the reading of the report of the majority of the committee, and also the views of the minority.

The report was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 999) granting a pension to the sole surviving grandchild of the author of the Declaration of Independence, respectfully report as follows:

Thomas Jefferson had six children, only two of whom arrived at the age of maturity. Mary Jefferson, his fourth child, married John Wayles Eppes, who was a Representative and Senator in Congress from Virginia, and had one son, who is long since dead. Martha, his oldest child, married Thomas Mann Randolph, jr., afterwards governor of Virginia, and had twelve children, all of whom are dead but the eleventh child and seventh daughter, Septimia Randolph Meikleham. Her brother, Thomas Jefferson Randolph, died in 1875, and her sister, Virginia Jefferson Randolph Trist, died in Washington in 1882, leaving Septimia the only living grandchild of Jefferson. She was born under her illustrious grandfather's roof, at Monticello, on the 3d day of January, 1814, and is therefore now in her seventy-first year. She married Dr. David Scott Meikleham, who is long since dead. She had two daughters, both of whom live with her and are unmarried.

Mrs. Meikleham's mother, Martha, was Jefferson's favorite daughter and housekeeper. All her children but three were born at Monticello, and one at the White House while her father was President and her mother the mistress of the Executive Mansion. Her children received the particular care and love of their grandfather, and received much of their education from him. Mrs. Meikleham was 12 years old when he died, and was present when his eyes closed in death. She had imbibed and still retains much of his spirit and inherited much of his genius, and retained his striking features, refined by a graceful womanhood. Though in comparative want, she has made no appeal to her grandfather's country, through its representatives, for aid. It was only recently that a member of the committee heard of her existence, and, without consultation with her or request from her, introduced the bill for her relief. The committee are gratified that this movement in her behalf was commenced without her knowledge, for they feel that the country would regret if an educated, high-minded representative of the Randolphs and Jeffersons, the only living descendant (born in his house) of the author of the Declaration of Independence, herself a widow in straitened circumstances and delicate health, venerable in years and beloved by all who have known her in her solitude, with her two amiable daughters, should be allowed to make an appeal for aid to the Congress of a nation which he so largely contributed to create.

During the first session of the last Congress the widows of Presidents Tyler, Polk, Lincoln, and Garfield were each granted a pension of $5,000 a year, and one of them had given to her a gratuity of nearly $50,000. The daughters of other eminent men have been liberally pensioned. It will not be denied that Jefferson rendered as important service to his country as any of these distinguished Presidents, and none of their descendants stood so much in need as the only living representative of his household. During the same session Congress voted $10.000 to erect a monument to Jefferson's memory in the solitude and ruins of Monticello, now owned by strangers.

While we take pride in monumental honors to the illustrious dead, it is believed that an equally appropriate monument to his memory would be to make the humble cottage of Georgetown radiant in the light with which this pension would adorn it. All the cold marble that a thoughtless world could chisel amid the secluded shades of Monticello would not outlive the record of a nation's generosity and gratitude to his suffering grandchild.

The only objection that can be made to granting a pension to Mrs. Meikleham is that it might form a precedent for others' claims. This objection does lie to the pensioning of the wife of any President, but in this case no argument can be founded for similar grants, unless we have another author of our Declaration of Independence or another of his grandchildren should rise from the grave.

Nor do your committee recommend this pension on the ground that she is merely a descendant of the author of the Declaration of Independence. It is for the only living descendant that now or ever can claim that she was a member of his own immediate family, born in his own house, receiving and returning his caresses, fondled on his knee, and blessed with his dying breath; nay, more, for whom he made the most touching prayer ever breathed by patriot from the brink of the grave to a country in the creation of which he signally aided by contributing with unstinted liberality, time, unexcelled ability, and patriotism.

Five months before his death, this lady, then a thoughtful and beautiful child of 12 years of age, with a wealth of his own sunny hair, was comforting his sad heart when he penned the following appeal, which your committee present to this House as if addressed to every member individually. He saw the ruin of his fortune. He saw the loss of his chosen mountain home; his only living child and her children, whom he loved as his own, left in destitute circumstances. He saw the increasing glory of a country whose Declaration of Independence his pen had written. He saw the swelling number of States carved out of the great Territory of Louisiana, which he had purchased for a mere trifle. He knew that he was the only signer of the Declaration then lingering on earth save John Adams and Charles Carroll, the former so soon to accompany him to another world, and the latter to linger for some years in venerated and sainted age, and he penned that sad epistle in which he thus appeals to us in behalf of this his only living grandchild:

"For myself I should not regard a prostration of fortune, but I am over-

whelmed at the prospect of the situation in which I may leave my family. My dear and beloved daughter, the cherished companion of my early life and nurse of my age, and her children [of whom Mrs. Meikleham is the only one alive when this appeal shall be laid before Congress], rendered as dear to me as if my own, from having lived with me, left in a comfortless situation, hold up to me nothing but gloom."

If Thomas Jefferson should rise from the tomb at Monticello and present himself to this House to beg for this favor to his grandchild he could not speak in more direct terms than by that voice from the gloom of his opening grave. Can any member of this Congress read that petition from him who contributed so much to the independence and wealth of the country, and see the gloomy foreboding of his sinking heart verified in the situation of his darling grandchild, the only living member of the family for whom he pleaded, now living in her lonely and cheerless little cottage in Georgetown, hired at $20 a month, the rent of which is paid by the toil of a devoted daughter, and refuse to grant this favor to her, alone surviving of all for whom he pleaded?

It will probably take but little from the Treasury. One of those to whom we voted a pension last Congress of $5,000—though younger than Mrs. Meikleham—has already passed away; but no matter how brief a time she may enjoy the benefit we extend to her, it will be a credit to us to have tendered it. It is believed that the brightest page in the history of this Congress will be that on which this good deed shall be recorded. There are three grounds on which we can grant this pension: First, through gratitude to the author of our Declaration of Independence, who has appealed to us from the brink of the grave that we should not let this grandchild suffer from want in the closing of her honored life; second, as a donation to the only living representative of an illustrious President, at whose death it would have been in accordance with recent custom to grant substantially a year's salary to his surviving representative; and, third, in commemoration of and gratitude for the purchase of Louisiana.

During the last session of the last Congress a bill granting a pension of $5,000 a year to Mrs. Meikleham was introduced into the House and referred to the Committee on Pensions. On the 12th day of February, 1883, the committee reported back the bill with an amendment reducing the amount, but unanimously recommending that, as amended, it do pass. This report was made so near the close of the session that the bill was not reached and no action was taken upon it.

Your committee believe that when we have granted liberal pensions to the living representatives of several of our recent Presidents, who were not in need and for whom these dying Presidents asked no relief, she, the only living representative of one of our most illustrious Presidents (and shall we not say the most illustrious signer as well as the author of the Declaration of Independence), for whose relief he begged with almost his last breath, should not be forgotten, but that she should be permitted to feel a throb of sympathy from the great and generous heart of the American people, whose representatives in Congress assembled will not allow her rapidly declining days to end in gloom. Your committee believe that the American people would not be gratified by any exhibition on our part of parsimony or niggardliness, and that the claim of her friends to put her name among the most favored of America's daughters will meet approbation of a prosperous, generous, and grateful people.

Your committee therefore report back the bill, with an amendment striking out the words "five thousand" and inserting "twenty-five hundred," and adding the words "and that it be made payable quarterly in advance," with the recommendation of the committee that it do pass as amended.

The "views of the minority" of the Committee on Pensions were read, as follows:

The undersigned, a minority of your Committee on Pensions, to whom was referred the bill (H. R. 999) granting a pension to Septimia R. Meikleham, the only surviving grandchild of Thomas Jefferson, being unable to agree with the majority, who report in favor of the passage of the bill with sundry amendments, submit the following as their views and their objections to the passage of the bill:

The grounds upon which the committee report in favor of the passage of the bill are the illustrious services of Thomas Jefferson to the Government and the people, and the age, infirmity, and need of Mrs. Meikleham.

However illustrious were the services rendered by Thomas Jefferson to the Government and the people—and we certainly have no disposition to disparage his services or his greatness—they were purely of a civil character, as contradistinguished from military or naval.

It is not contended that any legal or equitable grounds exist for granting the pension asked for. That the only surviving grandchild of this illustrious American, who rendered such valuable services to this Government and to humanity, is in our midst, aged, feeble, and in want, would naturally appeal strongly to our patriotism and our sympathies. The undersigned are as deeply moved by our sympathies as the majority could possibly be; but what authority have we to vote money out of the public Treasury—the people's money—to objects of charity which may appeal to our sympathies? Certainly no warrant can be found for such action, and we can not consent that it shall be done without entering this our solemn protest.

That under the shadow of this Capitol, with all its wealth and dazzling splendor, this good old lady should be permitted to be in want, is a disgrace to our people and should not exist for a day. But this furnishes no reason, in our opinion, why the Government should grant her a pension. It is not the business of Government to pension all who happen to be in need. It is not the amount of money which would probably be drawn from the Treasury by this bill so much as it is the principle involved and the precedent which it would establish. It is simply and purely a civil pension, without disguise.

We fully recognize the right and duty of the Government to grant military and naval pensions under proper restrictions and in proper cases. This has been done by the Government since its foundation, but we are unalterably opposed to granting civil pensions upon any pretext whatever. We regard it wrong in principle, utterly at variance with all our ideas of republican government, and dangerous and subversive in its tendencies. If persisted in, it will fasten upon us, as pensioners for life, first one class, and then another a little less meritorious, and continue on and on, adding class after class, always quoting precedent, until finally we may witness the legislative department of the Government voting pensions to its own members. From that point to the making of the masses little better than "hewers of wood and drawers of water" for the favored classes who repose in regal splendor, a sign of universal corruption and debauchery and the final overthrow of the Republic, would be, in the light of the history of the other republics of the world, but a few steps indeed.

Let us imagine, if we can, Jefferson, with all his love for pure republican simplicity, and his hatred of all class legislation, favoritism, and monarchical tendencies, a member of this House—ay, of this committee—and a similar question before it; does any one doubt what his course would be? His seal of condemnation would be placed upon the principle involved in such forcible and unmistakable language as we sincerely regret we have not the ability to employ in the condemnation of this measure.

We regret to say that the majority of your committee have been able to cite a few precedents in this country which tend to sustain the principle involved in this bill. Had they gone to England and other monarchical governments, which are overloaded with their rapidly growing civil pension lists, they could have found numerous precedents. Happily for us, only two important precedents appear: one the pensioning of the Federal judiciary, passed in 1869, and the other the act to pension widows of deceased Presidents, passed at the last Congress.

We desire to again emphasize our opposition to the whole vicious system, and to earnestly urge that it be not extended, as this bill seeks to extend it, to the grandchildren of deceased Presidents. The readiness and earnestness with which these precedents are pressed upon us in the report of the majority of your committee should admonish us that, if we but pass this bill, and establish, as it will do, this precedent, it will be seized upon in the near future and made a pretext for extending the same privileges to all the children and grandchildren of deceased Presidents. Then, indeed, will we be aping our foreign prototypes and have a "royal family" provided for to the latest generations at the public expense. Believing thus, we would recommend that the bill and the amendments do lie on the table.

S. M. STOCKSLAGER.
G. W. HEWITT.
G. D. TILLMAN.
TYRE YORK.

Mr. ROBINSON, of New York. Mr. Chairman, on the 5th day of June, 1882, I introduced "a bill granting a pension of $5,000 a year to the sole surviving grandchild of the author of the Declaration of Independence," and on that bill I made a speech, which was published in the CONGRESSIONAL RECORD of July 15, 1882, from which I shall take the liberty of making few a extracts upon the present occasion, as they state the case as clearly as I could hope to state it now:

In a humble cottage, rented at $20 a month, in a secluded part of Georgetown, in this District, lives Septimia Randolph Meikleham, widow of Dr. Meikleham, daughter of Martha Jefferson and only surviving grandchild of Thomas Jefferson, with her three children, depending mostly upon the exertions of a delicate and dutiful daughter for their support. She was born at Monticello, beneath her illustrious grandfather's roof, on the 3d day of January, 1814. She was the seventh daughter, and hence called Septimia, and, I believe, the youngest child but one of Governor Thomas Mann Randolph and Martha Jefferson. They had twelve children, five sons and seven daughters, all born in Jefferson's home at Monticello except Mary Jefferson and Benjamin Franklin, who were born at Edge Hill, and James Madison, who was born at the White House, in the city of Washington, when her mother was the mistress of that establishment.

Thomas Jefferson was the prophet and founder of American republicanism, the father of the University of Virginia, the author of the statute of Virginia for religious freedom, and of the Declaration of American Independence. A few minutes past noon on the 4th of July, 1826, just half a century after the adoption of his immortal Declaration, he and his great compeer, John Adams, one the second and the other the third President of the United States, of whose independence they had been among the stoutest champions, winged their flight to another world on the same day, in the term of the sixth President, the son of the second, John Quincy Adams, each supposing that the other survived him, leaving the country whose liberties they so largely contributed to establish trebled in population, with all the signers of her independence dead but one, the first gentleman of the world, Charles Carroll of Carrollton, who for six years longer lived to enjoy the homage of the entire country, and then to pass away and follow them to the starry home of the good and great.

Jefferson had five children. His wife was five years younger than he. They were married on the 1st day of January, 1772; he at 29, she at 24 years of age. Ten years after they married, and four months after the birth of their fifth child, she died. No dying wife ever received such attention or was followed to the grave with such anguish from her husband. Their children were:

Martha Jefferson, born September 27, 1772, at 1 o'clock a. m.; married Thomas Mann Randolph, jr., February 23, 1790; died October 10, 1836.

Jane Randolph Jefferson, born April 3, 1774, at 11 o'clock a. m.; died in September, 1775.

A son (nameless), born May 28, 1777, at 10 o'clock a. m.; died June 14, the same year, at 10 o'clock p. m.

Mary Jefferson, born August 1, 1788, at half past 1 o'clock a. m.; married John Wayles Eppes, October 13, 1797; died April 17, 1804, between 8 and 9 o'clock a. m.

A daughter (nameless), born in Richmond, November 3, 1780, at a quarter before 11 o'clock p. m.; died April 15, 1781, at 10 o'clock a. m.

Lucy Elizabeth, born May 8, 1782, at 1 o'clock a. m.; died 1784.

Martha's husband, who was afterward member of Congress and governor of the State, died in 1828; Mary's husband in 1825 (Lanman says 1823). Mr. Eppes was a distinguished Representative and Senator in Congress. Their son Francis was their only child living at Jefferson's death, but is long since dead. His descendants now reside in Florida.

Martha had twelve children, whom I shall here name in the order, I believe, of their birth: Ann Cary Randolph married Charles Bankhead, of Virginia, and died the same year with her grandfather; Thomas Jefferson Randolph died in 1875; Eleonora Wayles Randolph died in 1795; Eleonora Wayles Randolph (second) married Joseph Coolidge, of Boston, and died in 1876; Cornelia Jefferson Randolph died in 1871; Mary Jefferson Randolph died in 1876; Virginia Jefferson Randolph married Nicholas P. Trist, and died in Washington during the year 1882; James Madison Randolph died in 1834; Benjamin Franklin Randolph died in 1871; Merriwether Lewis Randolph died in 1839; Septimia Randolph married Dr. David Scott Meikleham, of Glasgow, Scotland, now deceased; and George Wythe Randolph died in 1867.

Jefferson's daughter Martha, Mrs. Meikleham's mother, and her children received the particular care and love of her father. When she was only 11 years of age, a year younger than Mrs. Meikleham was at Jefferson's death, and one year after the death of her mother, he left her at school in Philadelphia with Mrs. Hopkinson while he journeyed to Annapolis. November 28, 1783, he wrote her a letter, informing her that he had arrived at Annapolis safely "after four days' journey." He tells her to improve her opportunity for education, as that would console him for having to part with her and would prevent the diminution of his love; it could not be increased. He asks her to consider her teacher as her mother, with whose loss Heaven had been pleased to afflict her; that should she do anything to incur her teacher's disapprobation she should think no concession too much to regain her good-will. He suggested the distribution of her time:

"From 8 to 10, practice music.
"From 10 to 1, dance one day and draw another.
"From 1 to 2, draw on the day you dance and write a letter next day.
"From 3 to 4, read French.
"From 4 to 5, exercise yourself in music.
"From 5 till bed-time, read English, write," &c.

He wanted her to write to him by every post, and to tell him what books she read, what tunes she learned, and to inclose to him her best copy of every lesson in drawing; to take care and never spell a word wrong. It is great praise for a lady to spell well. He had placed his happiness on seeing her good and accomplished; and no distress which this world could now bring would equal her disappointment of his hopes. A fortnight after, he wrote her a letter warning her to disregard rumors then prevalent about the end of the world. The Almighty never had told anybody when He would end it. The best way to be prepared for the end of the world or for death, which was a more certain event, was never to do or say a bad thing. Ten days later he wrote her on the subject of dress. He wanted her to have fine but not gay dresses. She should see that her clothes were clean, whole, and properly put on. She should, from the mo-

ment she rose till she went to bed, appear as cleanly and as properly dressed as at dinner or tea, so that she could at any time be seen by any gentleman without a pin being amiss.

On the 5th of July, 1784, Mr. Jefferson sailed on a diplomatic mission to Europe from Boston for Cowes, in England, taking with him his beloved Martha, leaving his two younger daughters, Mary and Lucy, 6 and 2 years of age, behind him, never more to see the latter, as she died during the year. They made the voyage in three weeks. Martha was then 12 years of age, and was placed at a convent school in Paris, L'Abbaye Royale de Panthémont, the most fashionable and select seminary in France. To this school many letters from him were directed to her. In one of them he says:

"The more you learn the more I love you; and I rest the happiness of my life on seeing you beloved by all the world, which you will be sure to be if to a good heart you join those accomplishments so peculiarly pleasing in your sex. Adieu, my dear child. Lose no moment of improving your head nor any opportunity of exercising your heart in benevolence."

In another letter, when she was 15, he lectures her on the evils of idleness. In another he tells her that her sister "Polly" (Mary), then 9 years old, was coming, and that she must act the mother to her younger sister, then his only other surviving child.

"Teach her above all things to be good, because without that we can neither be valued by others nor set any value on ourselves; teach her to be always true; no vice is so mean as the want of truth and at the same time so valueless; teach her never to be angry; anger only serves to torment ourselves, to divert others and alienate their esteem; and teach her industry and application to useful pursuits."

It was no wonder that Martha (his Patsy) grew up to be, as one of her eulogists described her—

"The most dutiful of daughters, the most attentive of learners, possessing a solid understanding, a judgment ripe beyond her years, a most gentle and genial temper, and an unassuming modesty of demeanor which neither the distinction of her position nor the flatteries that afterward surrounded her ever wore off in the least degree; she was the idol of her father and family, and the delight of all who knew her."

These beautiful accomplishments of womanhood I may here say without fear of contradiction she transmitted in their full value to her now only surviving child, Mrs. Meikleham. Martha had now grown up to be a lady of 17; she had imbibed a strong love for the school in which she was secluded and for the holy sisterhood of Panthémont. She wrote to her father in April, 1789, for his permission to remain in the convent and to dedicate herself to the duties of a religious life. To this letter she received no answer, but in a day or two afterward his carriage came to the door. He met his daughter with the kindest smile and warmest love. He had a private interview with the abbess, and a few minutes afterward the carriage with Mr. Jefferson and his two daughters drove away from the quiet seclusion of a home in which she had grown to young womanhood adorned with every virtue and accomplishment.

Neither Martha nor her father, then or ever afterward, referred to the subject, but in after years, when he was gone, she spoke of it to her children with approbation of her father's course. It should be observed that for several months before this request of his daughter he contemplated taking them from the convent to return to the United States. Indeed, in a letter to Mr. Francis Eppes, sr., he had fixed the date of his intended departure for the United States about the very day on which he took his children from the convent. He left Paris on the 26th of Setember, 1789, and on the 23d of October left England with his two daughters, and in due time arrived with them at Monticello, where they had a princely reception from his numerous servants, who took the horses from the carriage and drew their master and his daughters to their welcome mountain home.

While they were yet at sea Washington had written to Jefferson tendering him the appointment of Secretary of State.

On the 23d of February, 1790, three or four months after her return to the United States, Martha was married to Thomas Mann Randolph, jr., eldest son of Col. Thomas Mann Randolph, of Tuckahoe, Virginia. It is worth noting that both Jefferson's daughters married their cousins, and that the husbands of both, while young men at college, and before contemplating such pleasant relationship, had written to Mr. Jefferson, at Paris, for advice as to their course of life. Young Randolph was a student at the University of Edinburgh, and visited Paris in 1780. I have already given a description of the mother of Mrs. Meikleham; a portrait of her father by the same hand will not be out of order:

"He was tall, lean, with dark, expressive features, and a flashing eye, commanding in carriage, elastic as steel, and had that sudden sinewy strength which it would not be difficult to fancy he inherited from the forest monarchs of Virginia. (He was descended by several different strains of blood from Pocahontas). He was brilliant, versatile, eloquent in conversation when he chose to be, impetuous and imperious in temper, chivalric in generosity, a knight-errant in courage, in calm moments a just and at all times a high-toned man. His education was a finished one; his reading was extensive and varied; his fortune was ample in prospect, and would have been immense but for the change effected in the Virginia statutes of descent by the efforts of his father-in-law."

In a week after the marriage Mr. Jefferson set out for New York to take his place in President Washington's Cabinet, and rented a house at No. 57 Maiden Lane.

On the 9th of February, 1791, he writes to her and says: "Your last two letters are those which have given me the greatest pleasure of any I ever received from you. The one announced that you had become a notable housewife; the other, a mother. This last is undoubtedly the keystone of the arch of matrimonial happiness. Accept my sincere congratulations for yourself and Mr. Randolph." Henceforth his letters contained frequent mention of his grandchild and requests that his daughter "kiss the little Anne for me." In one of his later letters (January 15, 1792) he expresses his desire to be at home with them, "and dear little Anne, with whom even Socrates might ride on a stick without being ridiculous." At a still later date, May 17, 1798, he anticipated much pleasure in carrying home to her children from Philadelphia to Monticello "the game of the goose."

One extract more from his letters to this beloved daughter is all I shall notice. It is dated at Monticello, March 27, 1797. He had reached home from the Vice-President's chair and found both his daughters absent on an estate of Colonel Randolph:

"I value the enjoyments of this life only in proportion as you participate them with me. All other attachments are weakening, and I approach the state of mind when nothing will hold me here but my love for yourself and sister and the tender connections you have added to me (his grandchildren). I hope you will write to me, as nothing is so pleasing during your absence as these proofs of your love. Be assured, my dear daughter, that you possess mine in its utmost limits. Kiss the dear little ones for me; I wish we had one of them here."

And thus through many letters during his Vice-Presidency he expressed his longing to get away from the turmoil of politics to his quiet home, to enjoy the society of his two daughters, their husbands, and children. Mary he loved. She was like his departed wife, whose death so much affected him; but Martha was a Jefferson, and was like her father, as his only living grandchild is. Few women could have secured such a compliment as John Randolph paid her. When, notwithstanding his quarrel with her husband and father, her health was proposed at a table of gentlemen among whom he was a guest, he rose with glass in hand and said, "I drink, gentlemen, to her—to the sweetest woman in Virginia." During her brief presidency of the White House in her father's Presidency of the nation she had one child added to the seven then born, all but one at Monticello.

Two days before her father's death he handed her a little casket, in which, on opening it after his death, she found some papers written by him, in one of which he says: "The last pang of life is in parting with you;" but he would bear her love to her mother and sister, "two seraphs long shrouded in death." On another paper were written the following lines from Thomas Moore:

"It is not the tear at this moment shed,
When the cold turf has just been laid o'er him,
That can tell how beloved was the friend that's fled,
Or how deep in our hearts we deplore him.
'Tis the tear through many a long day wept,
'Tis life's whole path o'ershaded;
'Tis the one remembrance, fondly kept,
When all lighter griefs have faded.

"Thus his memory, like some holy light,
Kept alive in our hearts will improve them,
For worth shall look fairer, and truth more bright,
When we think how he lived but to love them.
And as fresher flowers the sod perfume,
Where buried saints are lying,
So our hearts shall borrow a sweetening bloom
From the image he left there in dying."

Jefferson was fond of Moore's poetry, notwithstanding the ridicule which the poet had heaped upon him in writing from Washington during Jefferson's Presidency. It is said that Mrs. Meikleham's mother shared with the President deep resentment at Moore's attack upon him, but upon the publication of his Irish Melodies, about the time of Mrs. Meikleham's birth, she showed him a copy. "Why," said Jefferson, "this is the little man that satirized me;" and on reading some of the melodies he exclaimed: "Why, he is a poet, after all!" From that till his death Moore's works were favorites at Monticello. Moore, in visiting this country, came across the ocean with a pompous British minister and his more pompous wife, Mr. and Mrs. Merry. The Federal party and the Republican party had been and were then in bitter hostility. The British minister sympathized with the Federalists. Moore fell in with the same set and lampooned the Republican party,

Which courts the rabble's smile, the rabble's nod,
And makes, like Egypt, every beast its god.

Jefferson had very decided republican ways with him, and he failed to make much demonstration on the reception of Mr. Merry and Mr. Moore, and the latter, in a letter to his mother, dated June 13, 1804, says:

"I stopped at Washington with Mr. and Mrs. Merry for near a week. They have been treated with the most pointed incivility by the present democratic President, Mr. Jefferson, and it is only the precarious situation of Great Britain which could possibly induce it to overlook such indecent, though at the same time petty, hostility."

It seems that Mr. and Mrs. Merry were invited to dine at the White House, and when dinner was announced the President gave his arm to Mrs. Madison, the elegant wife of his Secretary of State, when Mrs. Merry thought it should have been offered to her, and they were going to have war over the insult.

I have dwelt upon the love of Thomas Jefferson for his eldest daughter and her children to emphasize the confidence with which I appeal to this Congress for relief to the only living member of his family, now in our midst. She has made no appeal for assistance. An educated, high-minded representative of the Jeffersons and Randolphs of Virginia ought not to be allowed to wait till she appeals. Neither by her nor by any friend of hers, either directly or indirectly, was any suggestion made to me to introduce this bill. I happened to learn, through the great-granddaughters of President Monroe, who live in the same street where I reside in this city, that the granddaughter of the author of the Declaration was living in Georgetown, and without her knowledge, of my own sense of justice, propriety, and patriotism, I introduced this bill.

I have a pride in this Congress, and believe that on no page of its record will so proud a monument be perpetuated to its credit as that on which will be registered the passage of this bill. I have known personally every President of the United States since Monroe save only Jackson, and highly as I esteem the privilege of having known as friends all our Presidents since then, including John Quincy Adams, who has frequently walked these streets leaning on my arm, I would count it higher honor to contribute to the comfort and independence by my single vote here, which is all that I can give, to save the only living descendant of Jefferson, who was born in his house and was the loved object of his affection, from poverty and want. I summon from his grave to plead for her the author of the Declaration, and the man who secured to us the undisputed possession of the Mississippi Valley and its exit to the sea.

Jefferson looked up from the depths of the gloom that was settling around him. He had justly hoped that his country would come to his rescue and clear away the cloud that was settling on his home and all that he loved dear. Or if too late to come to his rescue and save Monticello, they would not let his grandchildren beg bread or toil in old age through a country whose independence was the child of his own brain. Five months before his death he wrote to Mrs. Meikleham's brother this mournful message:

"For myself I should not regard a prostration of fortune, but I am overwhelmed at the prospect of the situation in which I may leave my family. My dear and beloved daughter [Mrs. Meikleham's mother], the cherished companion of my early life and nurse of my age, and her children, rendered as dear to me as if my own from having lived with me, left in a comfortless situation, hold up to me nothing but gloom."

Of all that family none remains but one, and the voice which I summon from the grave pleads now for her in tones which I think this Congress can not refuse to hear. When he wrote that gloomy message now addressed to you, my fellow-members, Mrs. Meikleham was beside him trying to lessen his grief by words of womanly sympathy from girlish lips that pressed their warm kisses on lips that first pronounced our independence, then growing cold in the gloom of approaching death.

She was then 12 years of age. She was the pet and solace of his later years. She was as like him as a beautiful girl could be to one of the rougher sex. His head of gold had turned to silver and her wealth of sunny hair recalled the glory of his own in his earlier manhood, and the hand that penned the noblest instrument ever written by man loved to play among its tresses. She sat upon his knee; she climbed upon his chair to play with his whitening locks, and brought many a smile to chase away the gloom and many a solace to succor his sinking heart. Is there any Representative here who can read the message which I have just quoted from the brink of his grave and see his foreboding of the distress of the only living member of the family for whom he pleaded verified in yonder lonely cottage, whose humble roof is kept above her only by the toil of a devoted daughter? Who will hesitate to vote for this relief, too long delayed, but still in time to save our honor if we act promptly and generously? It will take but little from the Treasury, for her life in the common course of things can not be long.

You have within the last month or two given, by a nearly unanimous vote by both Houses, $10,000 to raise a monument to Jefferson's memory in the deserted ruins of Monticello. Think you that this pension which I ask of you for his grandchild who is living in our midst, and who deserves to have each member

of Congress and the Cabinet and the President call upon her at least once a year while she lives—think you that this pension will not prove a more acceptable monument to his memory than shafts of marble or decorations over his grave? Think you if Thomas Jefferson's spirit can bend from the celestial abode of departed patriots and note what is occurring in this Capitol of his country that he would not a thousand times prefer to see that humble Georgetown cottage where dwells the only relative now living whom he ever saw on earth gilded by your munificence than all the marble you could pile upon his ashes at Monticello? You have during the present session given the same amount I ask for her to Mrs. Tyler, Mrs. Polk, Mrs. Lincoln, and Mrs. Garfield; none of them so well deserving as she deserves. Nor is there any danger of setting a precedent for other similar grants. We shall never have another living member to care for of that family circle which gathered around the dying couch of the author of the Declaration of Independence.

This sole surviving grandchild of our illustrious statesman and patriot, born in his house, fondled on his knee, carried in his arms, kissed by his lips, is now living in this District in straitened circumstances, a widow, with her delicate family, in a humble dwelling within sight of the White House, where her mother once shone as the first of American women; within the shadow of this Capitol which but for him would probably never have reared its majestic Dome above its assembled statesmen; within sight of that majestic column slowly mounting heavenward to perpetuate the fame of him who vindicated by his sword what his great compatriot had created by his pen. And shall she be permitted to feel no throb of patriotic pride pulsing around her humble home from the great heart of the American people represented in these Halls of Congress? Senators and Representatives, I call upon you to see that this grandchild shall not suffer for anything you can give her for the brief time that she may live to keep alive the memory of the heroic age of this Republic.

Representatives of the great West, living in the almost boundless empire drained by the Mississippi and its tributaries, secured by him for the mere trifle with which he made by the purchase of Louisiana free exit of this empire's commerce to the sea, will you see this only living heir of your benefactor who ever looked into the wealth of love which slept within his tearful eyes as he wrote that paragraph about her for whom I plead to-day—will you see her suffer for want of the pittance for which I pray?

I have called him from his grave to plead for his favorite granddaughter, the solace of his age. I summon from the speaking canvas of Trumbull, from whose lips I have heard the history of every majestic figure in his immortal painting; I summon the four patriots, Sherman, Franklin, Adams, and Livingston, the committee that stand around him as he reads the immortal document; I summon Hancock from his chair and Charles Thompson from his desk; I invoke the representatives of a nation, listening to his words while he "proclaims the story of its birth;" I summon the members sitting around him in their grand simplicity to come from the silent sitting of the Continental Congress in the Rotunda into this Hall, to our Congress, their successors, to urge the cause of the only living grandchild of the majestic figure in their midst. I summon a jury of thirteen from the embryo States, one from each Colony represented in Independence Hall—Thornton of New Hampshire, Hancock of Massachusetts, Ellery of Rhode Island, Sherman of Connecticut, Livingston of New York, Witherspoon of New Jersey, Franklin of Pennsylvania, McKean of Delaware, Carroll of Maryland, Lee of Virginia, Penn of North Carolina, Rutledge of South Carolina, and Walton of Georgia—to find a verdict for this grandchild of the Republic. I call upon old Virginia, the mother of Presidents and his mother; on young Ohio, Virginia's child and his daughter. I call upon every State and Territory whose mountain passes and hillsides and plains contribute their varying rills and rivers to the volume of the Mississippi which bears their commerce to the sea through territory secured by him to this Republic for a mere nominal sum; I summon every Representative here from every district in the Union, from the Saint Lawrence to the Rio Grande and from the Atlantic to the Pacific, to ratify their verdict by a unanimous vote in favor of this bill.

Soon after the publication of that speech I received numerous letters from eminent citizens of our Republic thanking me for bringing the attention of the people to their long-neglected duty; many of them from distinguished ladies and gentlemen, proposing public subscription if the nation should longer neglect its duty; some of them worthy of publication in this connection. I can make room for only one. It is from my distinguished colleague, Mr. POTTER, of New York, whose generous heart is even larger than his immense fortune, and written immediately after reading a recent letter of mine favoring this pension.

NEW YORK, *January* 4, 1884.

HON. WILLIAM E. ROBINSON: I thank you, as thousands more will, for your appeal in behalf of the granddaughter of Thomas Jefferson. It is impossible to believe that in sight of the national Capitol the sole surviving grandchild of the author of the Declaration of Independence shall be left to languish in want by the Government whose powers he, more than any other man, compacted and endowed with immortal strength, to make sure forever to his countrymen self-government and commend it through them to mankind.

I send you my check of $250, which please use toward the end you seek. If the country shall refuse your request, call upon me for whatever you may need to this end, and while I have means a grandchild of Thomas Jefferson shall not want.

Most obediently and truly, yours,

O. B. POTTER.

That check I had the pleasure to present to her as she was celebrating her seventy-first birthday, and it has relieved her from want till the people's representatives can come to her more abundant relief.

I am sorry, sir, that we have a minority report on this bill, as I think its authors will yet be that they ever offered it. I wish I could get my friends who have presented it even now to withdraw it; but as it is here I must reluctantly pay my respects to it. It is signed by four of the eleven members of the Committee on Pensions, the gentleman from Indiana [Mr. STOCKSLAGER], the gentleman from Alabama [Mr. HEWITT], the gentleman from South Carolina [Mr. TILLMAN], and the gentleman from North Carolina [Mr. YORK].

Their first objection to this bill is that the services of Thomas Jefferson, however illustrious, "were purely of a civil character, as contradistinguished from military or naval." The lesson here taught us is that the Republic must not recognize the pen and brain, but that the sword and bayonet must be allowed to monopolize its honors. I dissent from this doctrine. I do not believe that republics should degrade the pen and glorify the sword. They are twin agencies in a country's independence. However brilliant Washington's sword was on all our battlefields, the pen of Jefferson designated the cause for its flaming splendor, and both instruments are equally honored by all who are worthy of the liberties which they jointly achieved. The crowning glory of the nineteenth century should be in its statesmanship as well as in its heroism.

But as a second objection the minority informs us that while they are moved to the bottom of their generous hearts at the illustrious services of Thomas Jefferson and at the moving appeal of his beloved child, they challenge us to show by what authority we could vote money out of the public Treasury, the people's money, for the uses contemplated in this bill, and they gravely inform us that they can not consent that it shall be done without entering their solemn protest against it. They fully recognize the right and duty of our Government to grant military and naval pensions, but they proclaim themselves as "unalterably opposed to granting civil pensions upon any pretense whatever."

Now, without consenting to this second attempt to glorify the sword, let us turn to the record of the last Congress and see how consistently and potently they protested against and opposed the granting of civil pensions. Here is a volume containing the public and private statutes of the first session of the Forty-seventh Congress, of which all the gentlemen joining in this minority report were members, excepting alone the gentleman from North Carolina. I find the first public statute enacted by that Congress reads as follows:

Be it enacted, &c., That all mail matter carried by post to Lucretia R. Garfield, widow of the late James A. Garfield, or sent by her, under her written autograph signature, be conveyed free of postage during her natural life.

It will be seen that by this bill Mrs. Garfield is entitled to receive and send under her frank all mail matter for her natural life. Now, mail matter includes letters, newspapers, books, cards, engravings, models, ores, metals, minerals, paintings, merchandise, and almost everything in the world, if not dangerous to other mail matter or above a certain weight; and under that bill she might tax the country with thousands of dollars yearly. Neither the President nor any member of Congress has the right which she enjoys, and this was a purely civil gift or pension, not naval nor military, and these minority gentlemen were present when it was introduced into this House on the 19th of December, 1881, by the gentleman from Ohio [Mr. MCKINLEY], for it was bill day, and they are all reported as introducing bills; and yet not one word of protest nor a single objection, which would have been sufficient to prevent its passage. It was passed by unanimous consent.

Mr. HEWITT, of Alabama. The gentleman will allow me to say——

Mr. ROBINSON, of New York. The gentleman will pardon me. I want to get through in order to give a chance to others who are to follow me. With all due respect, I say firmly that I will not yield to anybody. I would gladly hear and answer the gentleman from Alabama at any other time, but now I want to get through.

Now, I consider this bill giving such a sweeping franking privilege to Mrs. Garfield much more objectionable than this bill to pension Jefferson's granddaughter. But the minority may reply, in defense of their apparent inconsistency, that this was not a pension, but only the franking privilege. Well, if you show me in the Constitution where we have the right to grant the one, I will easily show you the right to grant the other. But I next call attention to a purely civil pension. I turn to the first page of the private statutes in this volume of the laws of the Forty-seventh Congress, and the first act reads as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to pay to Mary Lincoln, whose name is now on the roll as the widow of Abraham Lincoln, deceased, late President of the United States, the sum of $15,000 forthwith, as pension money, in addition to any sum that may have accrued on her existing pension under the act of July 14, 1870; and from and after the passage of this act the Secretary of the Interior is directed to pay to the said Mary Lincoln, in lieu of the pension she is now receiving under the act aforesaid, a pension at the rate of $5,000 per annum during the remainder of her natural life.

Mrs. Lincoln had been receiving a pension—a purely civil pension—of $3,000 a year from July 14, 1870, and this bill increased it to five thousand a year and gives her a gratuity of $15,000.

It had passed the Senate unanimously and came before this House on the 26th of January, 1882. It was called up by the distinguished gentleman from Illinois [Mr. SPRINGER], who asked unanimous consent for its immediate consideration. All these minority gentlemen were present, as I find that they are all recorded as taking part in the proceedings of that day. Now here was a bill much more liable to all the objections made by the minority to the present bill; one single objection would have prevented its passage. All were called for their objections and not a single dissenting voice! And when the gentleman from Illinois challenged the House that if any further explanation was wanted he was ready to give it, the RECORD informs us that there were cries of "Oh! no, it is not necessary;" and so this purely civil pension of $2,000 a year, received by this lady for twelve years previously, was increased to five thousand a year with a gratuity of $15,000, and all these gentlemen who are making such a noise now were present and not a whisper nor a whimper of objection. How can they strain at this gnat when they swallowed that camel?

Well, sir, I turn again to the statutes of the first session of the Forty-seventh Congress, and at page 6 of the private statutes I find the following act:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the names of Lucretia R. Garfield, widow of James A. Garfield, deceased; Sarah Childress Polk, widow of James K. Polk, deceased, and Julia

Gardner Tyler, widow of John Tyler, deceased, on the pension-roll, and pay to each of them a pension during their respective natural lives at the rate of $5,000 a year from and after the 19th day of September, 1881.

SEC. 2. That the pension of $5,000 granted by this act to Julia Gardner Tyler shall be in lieu of the pension heretofore granted her by Congress.

This bill was introduced into the House on the 16th day of February, 1882, by a gentleman who, if he were not immediately in front of me, I would call the most illustrious member of this House. I mean my distinguished colleague now in the chair [Mr. COX, of New York]. [Applause on both sides.] It proposed to give a pension of $5,000 a year to Mrs. Garfield alone from and after the passage of the act. This was purely a civil pension and open to all the objections made by the minority to the present bill. The Speaker asked if there were any objections, but none were made, and the bill passed unanimously. There sat these three gentlemen who sign this minority report and not a whisper of objection. Where was their "solemn protest" then?

The bill then went to the Senate, where it was immediately passed by a unanimous vote, adding, however, as an amendment, the names of Mrs. Polk and Mrs. Tyler. Mrs. Tyler had been for some time receiving a pension of six hundred a year, and by this amendment it was increased to five thousand, and Mrs. Polk, who had not asked and did not need it, had a purely civil pension of $5,000 a year given to her. The Senate also amended the bill so that these large pensions should date back over six months, giving each of these ladies a gratuity of $2,500.

Thus this objectionable purely civil pension bill, rendered still more objectionable by the Senate additions, came back to the House, and Mr. House, of Tennessee, on the 29th day of March, 1882, moved to take it up out of its order and pass it. This required unanimous consent. Here was a chance for indignant protest, and here sat these three gentlemen who now protest when the name of Jefferson is mentioned, and not a syllable of protest or a symptom of objection, and it passed unanimously. It was ten times more objectionable than the present bill, doubly liable to all the objections urged in this minority report. It was twice before the House, the last time much more liable to objection than at first, and these protesting gentlemen were present, and it met unanimous approval, every member, Democrat and Republican, voting unanimously for it, and not a snarl nor a growl nor a bark from any watch-dog of the Treasury. It seems as if all were allowed to help themselves till the needy and worthy representative of Thomas Jefferson appeared.

But, sir, I turn again to this instructive volume of the statutes of the Forty-seventh Congress, and at page 77 of the private statutes I find an act which reads as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, to Mrs. Lucretia R. Garfield, widow of James A. Garfield, late President of the United States, or, in event of her death before payment, then to the legal representatives of the said James A. Garfield, the sum of $50,000, less any sum paid to said James A. Garfield or to his widow or representatives on account of his salary as President of the United States.

This bill was introduced by Mr. TAYLOR, of Ohio, on the 14th day of July, 1882, immediately after a long discussion on the payment of the medical attendance on the dead President. It had to be introduced and go through its first, second, and third readings, its engrossment and passage by unanimous consent, and not a single objection was raised. It then went to the Senate, where, on the 22d day of July, 1882, it passed unanimously, without amendment, on motion of Mr. ALLISON.

Now, Mr. Chairman, am I not at liberty to ask these three signers of this minority report for some explanation of their action? There were five applicants at the doors of your Treasury during the last Congress for whom aid in the way of pensions and gratuity was asked. First of all in every sense, the beloved and widowed child of Thomas Jefferson, the sole surviving member of the household of the author of the Declaration of Independence, suffering uncomplainingly at your door, in straitened circumstances, whose pensioning can not possibly create any precedent unless we have another Declaration of Independence and another granddaughter of its author one hundred and eight years after its declaration. Second, the widow of John Tyler, the tenth President, who had been for some time receiving a pension and was not in want, but a brilliant light at receptions in Washington society. Third, the widow of James K. Polk, eleventh President, comparatively wealthy and in comfortable circumstances, not asking or even thinking of a pension. Fourth, the widow of Abraham Lincoln, sixteenth President, suffering from sickness but not in need, and who for twelve years then past had been drawing a princely civil pension of $250 a month, and whose son was then and is now Secretary of War. And fifth and last, the widow of James A. Garfield, twentieth President, who was wealthy, almost a millionaire, and in no need of a pension.

Now you say in this minority report that you can not stand by and see the people's money voted for civil pensions without entering your solemn protest. You were all three members of the Forty-seventh Congress. You were present and saw the door of the Treasury opened while Mrs. Garfield helped herself to a gratuity of $50,000, less what her husband had already drawn, while she was helped to the franking privilege of thousands of dollars of taxes on the American people, and finally to a princely civil pension of $5,000 a year for her natural life of likely forty years, or upward of $200,000, with an additional gratuity of $2,500, and your solemn protest was silent acquiescence! You stood at the door of your open Treasury and saw Mrs. Lincoln helped to $5,000 a year of a civil pension after she had received $15,000 dollars as a gratuity and an additional gratuity of $2,500, added to the $36,000 of a purely civil pension which she had already received, and your solemn protest was unheard. You stood at the "gates ajar" of the United States Treasury while Mrs. Polk was helped to $5,000 a year for her life, with a gratuity of $2,500, and you stood as mute as lambs in place of watch-dogs of the Treasury. "And Tyler, too," you saw his widow, moving in fashionable circles at brilliant receptions in this gay city, helped out of the "people's money" to $5,000 a year for her life, with a gratuity of $2,500, without a word of objection or solemn protest. And all these sums voted to widows of Presidents knowing that we should have other Presidents leaving widows, and therefore making unmistakable precedents for a long succession of similar purely civil pensions.

But when the name of Jefferson, not as President, but as the author of our Declaration of Independence, is called, and his venerable, widowed, and beloved child appears to ask but a comparatively trifling sum compared with what these other worthy ladies have received, you rudely slam the door in her face. Pay and pensions and presents by the tens and hundreds of thousands of dollars to all the living representatives of our dead Presidents, but to the venerable representative of the illustrious author of our national charter alone you deny the homage of grateful hearts and a generous people, and yet all three of you claim to be Democrats. Oh, sir, with what bitter irony I could here retort on the minority talking of "royal families." All the royal families were allowed freely to help themselves. It is only when the poor and needy but still noble and worthy representative of the democratic republican author of our independence appears that conscience is quickened into solemn protest and the command promulgated that the doors of the overflowing Treasury are to be closed. Why do you strain at this gnat when you have swallowed so many camels? Shade of Jefferson, what have you done, to what democratic republican idea have you been unfaithful, that you should be considered less worthy of a nation's grateful remembrance than Garfield and Lincoln, Polk and Tyler?

I might refer to other pensions granted. Mrs. Admiral Farragut has, I think, a pension of two thousand a year; the widow of Lieutenant Black, twelve hundred; Mrs. Fletcher Webster, twelve hundred, Mrs. General James Shields, twelve hundred; President Taylor's daughter, six hundred; Mrs. Meacham, six hundred; Mrs. General Anderson, fifteen thousand cash and a pension of six hundred a year; Mrs. Rawlins, ten or fifteen thousand cash and a pension of six hundred; the Supreme Court judges and other Federal judges, from five to ten thousand a year, and hundreds of military and naval officers retired on pensions of five to ten thousand a year. It was but last Friday that you passed in this House unanimously, I believe, a pension to the widow of General Judson Kilpatrick of $360 a year. Some of these were purely civil pensions and none of them granted or grantable under our pension laws, liberal as they are.

I stand here to plead for equal honor to the most illustrious claimant at the door of the Treasury. I demand that it shall remain open till she receives her share or till the others return what they have received. I demand room for Jefferson in the vestibule of American sympathy, in the bounding impulse of national gratitude. I demand in the name of the American people equal, if not superior, consideration for the only living widow of his Monticello household. She alone remains hitherto unrecognized before your Treasury, not seeking for herself in her uncomplaining poverty; but I, as a humble member of this House and of the majority of its committee, demand for her equal recognition with other favored daughters of the Republic. She is the grandest link that connects the infancy of our Republic with its maturity. She is, above all others, the first living lady of America, the most distinguished of earth's living daughters. I stand here to plead her cause and defend her claim against all comers. Around her venerable form I draw the sympathetic circle of American womanhood! Put but a hostile foot or cast but an unkindly glance within that sacred circle, and on your heads I launch the awful curse of an indignant people!

Mr. Chairman, if I could have my way this nation should do itself the honor of acting much more liberally with this lady than we are likely to do. A paltry pension of twenty-five hundred or five thousand a year would be but a small portion of the gift I would give her. Never before and never again on earth can such coincidences exist. That a nation of 60,000,000 of freemen, grown so great that it far excels any nation in the history of all time, should be so blessed by the Almighty maker of heaven and earth as to be allowed to contribute to the living heir and representative of the family circle of him whose pen created its nationality was never before and never will again be known. I should have this nation buy back Monticello at any cost. I would repair its ruins, restore its library, decorate its walls, and supply it with every necessity and comfort of life, with her grandfather's horses and carriages, with help to wait upon her and anticipate her every want and wish. I would make it obligatory on the President and his Cabinet, with every Senator and Representative, to call upon her on the Fourth of July every year to lay the congratulations of the nation at her feet, and I would give her a blank check upon the Treasury to draw all the money necessary to sustain the dignity of the nation's daughter.

Mr. Chairman, I represent upon the floor of this House a peculiarly

patriotic population. I think death on the battlefields of the recent war made more widows in my district than in any district of the country. The patriotic people of Brooklyn poured their wealth from the purses of her merchants, and their blood from the hearts of her workingmen who left their daily toil in their workshops to die upon the bloodiest battlefields of history. It has been and is now my daily duty to plead for pensions to the widows and orphans of hundreds of heroes who died for the salvation of their country. Many of them are poor and needy and hungry and homeless, weary, waiting for the pittance which their country owes them for the premature death of their hero husbands and fathers. And yet I do not believe there is one widow or orphan for whom I am daily seeking relief who would not gladly give precedence to the widowed grandchild of Thomas Jefferson. Can I not pledge for all the members of this House and their generous constituents similar deference to this distinguished lady; for the hearts of the American people and of their chosen representatives are above all other peoples noble and generous and grateful.

Provoking as it is to be compelled to answer the objections of this minority report, there is a gleam of truth in it—one sentence worthy to be quoted with approbation. It is the opening sentence of the fourth paragraph and in these words:

That under the shadow of this Capitol, with all its wealth and dazzling splendor, this good old lady should be permitted to be in want is a disgrace to our people and should not exist for a day.

Bravely spoken! That is the sentiment of the American people, "a disgrace to our people." Will you suffer it to exist for a day longer? "A disgrace to our people." Who shall make atonement for a people but the people's representatives? You can not blot it out by looking to private redress. "A disgrace to our people" is the concern of a nation. I thank the minority for that sentence. It is the condensed summing up in favor of this bill. It is the people's cry to save them from further disgrace by prompt and liberal action. On that one sentence alone I would risk and rest this whole question. The people feel that it is a national disgrace which they want to see instantly wiped out, and they will hold those who delay or oppose its atonement for a day or for an hour as guilty of fastening disgrace upon them.

But the minority appeals to Jefferson himself in these words:

Let us imagine, if we can, Jefferson, with all his love for pure republican simplicity and his hatred of all class legislation, favoritism, and monarchical tendencies, a member of this House—ay, of this committee, and a similar question before it.

Well, I suppose this minority wants to know what would be his advice, and I think I can tell.

Mr. Chairman, order the page in the room behind you to connect the House telephone with Monticello and call Thomas Jefferson. I shall hear and repeat his words. The aged patriot comes forth leaning on his staff and his gray hair flutters in the beam. The sun appears in the west after the steps of his brightness have moved behind a storm. He speaks to the minority:

"You have called me from my grave to ask me if I were a member of this House what I would do with this application for relief to my darling and long-suffering child. My soul is full of other times. I stand in the cloud of years; few are its openings toward the past, and when the vision comes it is but dim and dark. Fifty-eight years ago the eighth day of February this darling child sat upon my knee in my Monticello home, which I had fondly hoped to leave unencumbered to my family, but which I saw was passing away from me in my financial difficulties. She noticed the dark cloud of sorrow that settled on my forehead from which her soft and loving hand was chasing its shadow and fondling with the gray hairs that carelessly fell upon its gloom. I had tried to sell my property by lottery to save something out of the wreck of my fortune for her and my other grandchildren, but even that hope was disappointed and its shadow sat sullenly upon my face. She inquired the cause of my sadness. I asked her to bring me pen and ink and I would state the cause of my grief to her brother. She did so, and then and there I penned the saddest letter I had ever read or written. I shall repeat from its sorrowful pages only a few words:

"'MONTICELLO, *February* 8, 1826.

"'MY DEAR JEFFERSON: I duly received your affectionate letter of the 3d, and perceive there are greater doubts than I had apprehended whether the Legislature will indulge my request to them. It is a part of my mortification to perceive that I had so far overrated myself as to have counted on it with too much confidence. I see in the failure of this hope a deadly blast of all my peace of mind during my remaining days. You kindly encourage me to keep up my spirits; but oppressed with disease, debility, age, and embarrassed affairs, this is difficult. For myself I should not regard a prostration of fortune, but I am overwhelmed at the prospect of the situation in which I may leave my family. My dear and beloved daughter, the cherished companion of my early life and nurse of my age, and her children (one of whom, your sister Septimia, is now with me gazing with tearful eyes into my saddened soul), rendered as dear to me as if my own, for having lived with me from their cradle, left in a comfortless situation, hold up to me nothing but future gloom, and I should not care were life to end with the line I am writing, were it not that in the unhappy state of mind which your father's misfortunes have brought upon him I may yet be of some avail to the family. Their affectionate devotion to me makes a willingness to endure life a duty as long as it can be of any use to them. My difficulties have been produced by my devoting my time to the service of my country. Perhaps I have no right to complain, as misfortunes have been held back for my last days when few remain to me. I have gone through a long life with fewer circumstances of affliction than are the lot of most men—uninterrupted health, a competence for every reasonable want, usefulness to my fellow-citizens, a good portion of their esteem, no complaint against the world, which has sufficiently honored me, and above all a family which has blessed me by their affections, and never by their conduct given me a moment's pain; and should this, my last request, be granted I may yet close with a cloudless sun a long and serene day of life.'

"This and more the minority may find in the third volume of my biography by Henry S. Randall, at page 531, but no writer can depict the pain with which I gazed into the tearful eyes of my dear Septimia trying to cheer her despairing grandfather. My heart was filled with anxiety about her. Might she not be the last of my dear Martha's children left alive to suffer want, and when her friends might appeal to Congress for such recognition as was given to others, might not some minority party wait till all others were helped and then shut the door in her innocent face?

"Nine days afterward I wrote a letter to my friend ex-President Madison, from Monticello, in which I said:

"'I must sell everything here, perhaps considerable in Bedford, move thither with my family, where I have not even a log hut to put my head into, and whether ground for burial will depend on the depredations which, under the form of sales, shall have been committed on my property. * * * If ever the earth has beheld a system of administration conducted with a single and steadfast eye to the general interest and happiness of those committed to it, one which protected by truth can never know reproach, it is that to which our lives have been devoted.'

"Death was rapidly approaching, but my friends did not forsake me. Individuals and newspapers protested against allowing my property to be taken from myself and my family to pay my debts, the amount of which they averred my countrymen owed me a hundred-fold. Generous offers of relief came from various parts of the Union. Philip Hone, then mayor of New York, sent eight thousand dollars, Philadelphia sent five thousand, and Baltimore three. I then believed that my debts would be paid and my hearthstone would descend to my children. 'I had spent three times as much money as would have relieved my estate from embarassment and had given my whole life to my countrymen, and they will save an old servant from being turned, like a dog, out of doors.' In that pleasing belief I died; but, alas! all my property was sacrificed.

"Just before my death an invitation came to me from General Weightman to attend the celebration of the fiftieth anniversary of the Declaration of Independence in the national capital. There were living then only three of its signers—myself, and Adams, and Carroll. In answer to that invitation I wrote my last letter on earth, dated June 24, 1826, and at fifty-five minutes past meridian of the day on which I wished to die I closed my eyes, and this my now only living grandchild was among the last objects of my affection that faded from my view, and you summon me back to ask me what I shall say of her. I have not forgotten her features, for they reflect my own and mirror the memory of her mother on my heart; nor is her voice strange to me, for its loving tones were the last notes of music which I heard on earth and her loving eyes the last glimpse of light that flashed upon me from a receding world.

"At the moment I passed away thousands of patriotic orations pronounced my name. Bells were ringing, cannons booming. Aged men were talking of the sword and pen of America, and mentioning my name with Washington's. Young men and maidens and children were singing songs of freedom together in which I was not forgotten, while they did not know that I had seen my last day on earth.

"And now, at the end of fifty-eight years, I find the angel of my life whose cradle I rocked, who sat upon my knee and lightened my heart in its latest beatings, living in the capital of my country and suffering from want. I know her angel form again, though faded in its bloom and bending over its grave. I see the wealth of golden hair turned to gray. I recall her from Monticello with her silver voice and holy smile and girlhood innocence, born beneath my roof-tree to the light and glory of my mountain home.

"And you have called me to say what I would do with this application for her relief. I am informed that in your last Congress there were five applicants for national relief placed before your committee, one my own beloved grandchild, the other four widows of four of my successors in the Presidency. You ask me what I would do with them; I answer I would treat them all alike. You ask me if I would refuse to her in her sufferings and sorrow the boon which was granted to all the others; I answer I would not. I can not speak of my own services to the Republic, nor weigh the merits of my labors when put in comparison with those of Garfield, and Lincoln, and Polk, and Tyler. I stood over your cradle; I wrote your charter of independence; I served in your places of power; I was your servant and your President; I saw your coming glory; I secured for a trifling sum your great empire of the Mississippi; I died in poverty and I appealed to you with my last breath that this

my child, should not be allowed to die in want. I find her now in the comfortless condition which I dreaded. If my ghostly hand could hold out assistance to her she should not continue an hour longer in that gloom nor beg at the door of your Treasury. But alas, I am penniless and powerless! I have read your minority report in such light as the shades of Monticello afforded me, and I am amazed that its authors should have heaped wealth upon all the living widows of Presidents and should protest only when they come to my darling widowed child. You seem to dread disasters from civil pensions, but not from military or naval pensions. This is a false idea. A free pen and honors paid to civil benefactors never endangered republican institutions. Those who trampled down their country's freedom were the Cæsars, who gloried in the sword. Are my services as the author of your Declaration of Independence less valuable than those of the brave soldiers who fought to sustain it at Trenton and Princeton, at Monmouth and Yorktown? Why paralyze the pen to sanctify the sword?

"Whether you now listen to my prayer for her relief will not be of much moment for any length of time. A few months or weeks or days may bring her to my side at Monticello, where I am waiting for her in my old home, now owned by strangers. You have in your last Congress voted $10,000 to erect a monument over my grave. If you can not give my child any relief from the Treasury, pull down your monument and sell the material for her relief, of which she is in more need than I am of monuments. Take it away, for while she is left to suffer this monument is a mockery and an offense. It is resting heavy on my heart and is crushing my bones. I asked for bread and you gave me a stone."

Rest, perturbed spirit, rest! Your services are not forgotten and your darling child shall not be allowed to die in want. A nation's heart is throbbing in sympathy and a nation's purse is open to relieve her.

The closing paragraph of the minority report seeks to evade the question by stating that this bill seeks to extend pensions to President's grandchildren. It has no reference to any President or his descendants. If they will read the title of the bill as it is printed in the Calendar before them they will see that it is "A bill granting a pension to the sole surviving grandchild of the author of the Declaration of Independence." Is there any Representative here from Massachusetts, whose illustrious son accompanied Thomas Jefferson to heaven on that memorable fiftieth anniversary of our immortal declaration, who will refuse to pay this small sum, this just debt, to his memory? Is there a son of Virginia here, whose fame he created, whose liberties of person and of conscience he secured, whose university he founded, who will hesitate to vote this tribute to his memory? Is there any member of this Congress from generous New England, or the impulsive South, or the thriving Atlantic States, or the wealthy communities throbbing with unrivaled life on the shores of the Pacific, or the boundless empire of the intermediate mountains, plains, and valleys, secured to them by his purchase of Louisiana, who will not rejoice at the opportunity of linking his name by this act to the fame of the Sage of Monticello?

This Congress can make their individual names immortal by passing this bill. Whatever may be said against our acts here, and we all deserve more or less censure, this deed will plead for us on the Day of Judgment. However dark the record which the Angel of Time may carry up to heaven's chancery against us, the light which will play upon the page where this deed is registered will brighten up and glorify the entire volume with luminous splendor. Your vote to-day will see

> Liberty write, with a pencil of light
> That illumined her pages, her Jefferson's name.

I would rather that my children and their children's children should read my name in the affirmative on the yeas and nays on this question than on any measure passed by Congress since the Declaration of this good lady's grandfather was adopted. Blot out everything else I have done or shall do in Congress, but preserve for me and for my children, my pride and their glory, that their father voted this contribution to the spirit of '76, connecting the heroic past with the glorious present. I paraphrase the language of Dr. Samuel Johnson, in his visit to the Hebrides, wandering amid ruins far less interesting than those of Monticello: "Whatever makes the past, the distant, or the future predominate over the present advances us in the dignity of thinking beings. Far from me and from my friends be such frigid philosophy as may conduct us indifferent and unmoved over any ground which has been dignified by wisdom, bravery, or virtue. That man is little to be envied whose patriotism would not gain force upon the plain of Marathon, nor grow warmer amid the ruins of Monticello."

In asking this House to pay tribute to this granddaughter of Jefferson I call attention to a similar act in one of our original States.

Johnston Blakely was brought by his parents from Ireland when 2 years old, and with them settled at Wilmington, in North Carolina. At seventeen he was appointed a midshipman in the United States Navy, and went with Commodore Preble to the Mediterranean. In 1814, during the second war with England, he sailed from Portsmouth, in New Hampshire, in the United States ship of war the Wasp, and on the 28th of June of that year, at the entrance of English ports, challenged his majesty's sloop of war the Reindeer to combat, and in nineteen minutes silenced her guns and lowered her flag above the gory deck on which her captain and first lieutenant lay dead and blew her up to save her from recapture. Again, in August of that year, he met and conquered his majesty's ship the Avon, and in two weeks of that month met and captured fifteen English ships, at the rate of one a day. But he never returned to his adopted country. Whether in disaster at night or in storm at sea he went down with his gallant ship and all her daring crew to a limitless grave was never known. Six months before he fought the Reindeer he was married to Jane, daughter of William Hooper, one of North Carolina's signers of the Declaration of Independence. A daughter, whom he never saw, was born to him and was named Udney. Before she was two years old the Legislature of North Carolina unanimously resolved to make her the ward of the State. She was educated and brought up by the State till she was married. Such is the example set by one of the old thirteen to the modern United States, now trebled in numbers, and few are the pages that are brighter in the history of the State than that which records this tribute of a State to the child of its benefactor.

Let there be no niggardliness, no parsimony. Remember that the sum you give is to a certain extent the index of the value you set upon your independence, and, in another sense, the value you put upon the Louisiana territory, that bountiful and boundless territory of fruitful valleys and lofty mountains, north and west, between the Mississippi and the Pacific and up to the British territory, expanding into limitless production of Louisiana, Arkansas, Missouri, Iowa, Minnesota, Nebraska, Kansas, and other States. The wildest generosity and liberality of your grateful hearts can not make the sum too great which you will give in part payment to the grandchild of him who gave you such extensive territory and boundless freedom. The eyes of the whole American people are upon you, and they will mark with their disapprobation any hesitancy or parsimony in this business. One of your daily papers of this city has well said that—

> This theme is rich in glorious reminiscences and patriotic suggestions. The country is immeasurably the debtor of Thomas Jefferson. There is no party or faction that does not honor his memory. Congress has voted money too tardily to erect a monument over the grave of Jefferson. But what a solemn mockery it will be to put up a marble column in illustration of the nation's love, while this great, rich, and prosperous nation permits Jefferson's only living grandchild to spend the little remainder of her days in poverty. The people of this country are not niggardly. They are far more generous in their impulses than many of their representatives suppose them to be. They would vote, were it in their power, a pension sufficient to make the closing years of this lady's life happy, dispelling every suggestion of poverty. Congress has granted many pensions on grounds far less tenable than those on which it is proposed to pension this sole surviving grandchild of the Sage of Monticello.

I beseech the kindly consideration of this House, I invoke its generosity, I pray for its unanimity, in paying this debt of justice and gratitude. The worth and beauty of Washington are looking upon you from your galleries; and far above them, in the boundless blue that overarches this magnificent Dome, I see the sacred forms of Washington and Jefferson bending over us and blending the light of their pen and sword to illumine the page on which shall be written the record of this glorious deed.

Mr. HEWITT, of Alabama. Mr. Chairman, we have listened to a very extraordinary speech, especially when we remember that it has fallen from the lips of a Democrat. The speech which has just been delivered by the gentleman from New York [Mr. ROBINSON] is a condemnation of Thomas Jefferson and Thomas Jefferson's political career, around which his glory clusters. It is a condemnation of every word that Jefferson ever wrote upon political subjects. It is a censure of Jefferson's whole political life and of all his writings upon the subject of government. And, sir, he who votes for this bill to-day, instead of honoring the memory of Thomas Jefferson, votes a condemnation of Thomas Jefferson's views upon the powers of the Federal Government.

I know that there is a large party in this country that does not believe in the doctrines which were taught by Thomas Jefferson. The members of that party can vote consistently for this bill. Men who hold that this Government is a government of absolute power, without limitation save the will of Congress, can very well vote for this bill. But men who believe in the doctrines which were taught by Thomas Jefferson, and which are held by the great Democratic party of this country to-day—that is, that this Government is a government of limited and delegated powers, that it can not exercise any power not granted or delegated to it, and which is not necessary to carry out the granted powers—men holding these views of our Constitution and Government can not support this measure without doing violence to their consciences and trampling under foot their professions of faith.

The gentleman from New York appeals to precedents in support of his bill; and he has said that when the bills to pension Mrs. Garfield, the widow of President Garfield, and to pension Mrs. Lincoln and Mrs. Polk and Mrs. Tyler were passed, I and others who have signed this minority report did not raise our voices in opposition to these measures. Sir, those bills, it will be remembered, passed the House by unanimous consent. My recollection is that they were reported—at least two of them—by the gentleman from New York [Mr. COX], who in making the report consulted more his heart than the Constitution. Under unanimous consent the bills were passed without discussion and without deliberation. So far as I am concerned, I am a very humble and by the way a very modest member of this House. I do not raise objection

when a large majority here are in favor of a measure, because I am one of those who believe that a majority ought to do the legislation of Congress. But when those bills were passed by the House I voted against every one of them. I am as much opposed to them to-day as I was then; and I have no doubt that a large number of members of the House to-day are of the same opinion.

Mr. ROBINSON, of New York. I do not wish to interrupt my friend, but will he allow me a moment?

Mr. HEWITT, of Alabama. Yes, sir. The gentleman refused to allow me to interrupt him, but I shall return good for evil.

Mr. ROBINSON, of New York. If the gentleman will allow me, I will say that I have looked over the RECORD, and there was no opposition to any of those bills—for Mrs. Tyler, Mrs. Polk, or any of the others.

Mr. HEWITT, of Alabama. But the gentleman remembers very well that there was no yea-and-nay vote.

Mr. ROBINSON, of New York. Well, there should have been, if any members considered the bills wrong.

Mr. HEWITT, of Alabama. Mr. Chairman, the gentleman himself who has quoted these precedents condemns them in his speech; he does not favor them; he has not told you that they were right; but his argument is that because we did wrong then we should continue to do wrong.

But, Mr. Chairman, the precedents which the gentleman has quoted, bad as they are, are not precedents for this bill. Each and every one of the cases to which the gentleman from New York has referred was to pension the widow of a President. This bill passes over the widow of Thomas Jefferson, passing over the daughters of Thomas Jefferson to come down to the grandchildren and establishes an extraordinary precedent—a civil pension for life to the granddaughter of a President.

If you are ready to establish this extraordinary precedent let us stop for a moment to see what it means. What does it mean? There are other men believed by some people to have done great service for this country, civil as well as other service. I am a believer in Thomas Jefferson. I believe in Thomas Jefferson's political sentiments; I believe he was one of the greatest as well as one of the best men this country has ever known. But, as I have said, there are others who believe the services of Abraham Lincoln were as great if not greater than those of Thomas Jefferson or any other. If you pass this bill, then are we to put all the children of Abraham Lincoln and all his grandchildren upon the pension-roll? Yet by passing this bill we would establish a precedent which would command such a pension for all the descendants of Mr. Lincoln and other Presidents.

Mr. ROBINSON, of New York. No, I wish only to make this provision for the granddaughter of the author of the Declaration of Independence.

Mr. HEWITT, of Alabama. There are many great and illustrious men who adorn American history and who have rendered invaluable service to their country, and whose children and grandchildren may now be in penury and want. Pass this bill, and you would establish a precedent by which all these could be pensioned.

When Congress passed a bill pensioning Mrs. Polk and Mrs. Tyler and Mrs. Garfield they only intended to pension those widows, but they are cited as a precedent by the gentleman from New York to justify his support of this bill. They are seized upon as a precedent for the passage of a bill to pension the granddaughter of Thomas Jefferson. You have claimed them as a precedent all the way through. They are set out as such in the report of the majority of the committee, and the gentleman from New York has referred to them to-day in his speech as precedents for this bill.

Now, where will you stop? If we are to pension a granddaughter of Thomas Jefferson, why not a great-granddaughter? Why not put on the pension-roll all the descendants of all the men who have performed great civil service for the country? Why should you select the grandchild of Thomas Jefferson and leave all the others unprovided for?

Pass this bill, Mr. Chairman, and this House will establish a precedent by which, if you follow it hereafter, you will put not only the children but the grandchildren and the great-grandchildren of all the Presidents we have ever had upon the pension-roll.

You talk about precedents. You need not say, "Oh, no," for you seized upon the other cases as precedents for this case. This necessarily follows from those, and I appeal to every thinking man here to-day to pause and ponder this matter. I ask them not to allow their sympathies to run away with their judgment. Sympathy has been the fruitful source of much vicious legislation. Sympathy is not within the powers conferred upon Congress by the Federal Constitution.

Now, Mr. Chairman, let us look for a moment whether we have any power under the Constitution to vote this bill. Let us lay aside these bad precedents which the gentleman has appealed to and which he admits himself to have been wrong, and let us inquire whether there is any power under which we can do the thing which is here proposed. Now, what are the powers conferred by the Constitution upon Congress? Congress has the power to lay and collect taxes, duties, imposts, and excises. This power is expressly conferred by the first clause of the eighth section of the first article of the Constitution. Now, for what purpose has Congress this power of taxation? Thomas Jefferson taught us that this power to lay and collect taxes was limited and confined to the objects specified in the other enumerated powers. This was the view also held by Mr. Madison. When we examine the other enumerated powers we fail to find any power to pension a person who has rendered no public service, military or civil, to the country. But if we take the view of this eighth section held by Monroe and Jackson and the great body of Democrats of to-day we will fail to find any power to pass this bill. The first clause of the eighth section of the first article of the Constitution was construed by Mr. Monroe as giving Congress full power to lay and collect taxes, to pay debts and provide for the common defense and general welfare; that the power thus to collect taxes is limited to these specific purposes. The common-defense-and-general-welfare clause is not a power to lay and collect taxes, but is a limiting and restraining clause on the taxing power. It is also the power, and the only power, granted for the appropriation of money. Mr. Story says:

> The power to lay taxes for the common defense and general welfare of the United States is not in the common sense a general power. It is limited to those objects. It can not constitutionally transcend them. If the defense proposed by the tax be not the common defense of the United States; if the welfare be not general but special or local, as contradistinguished from national, it is not within the scope of the Constitution.

It will not be contended that Congress can constitutionally appropriate money from the national Treasury to an object for which a tax could not be constitutionally laid and collected. There are but three purposes for which Congress may lay and collect taxes. It may collect taxes to pay the debts of the United States. There is no claim that the Government owes this granddaughter of Jefferson one cent. Taxes may be collected for the common defense of the United States. It will hardly be contended by any one that this pension is to be granted for any such purpose. We may also collect taxes for the general welfare. No one has been so bold as to contend that this bill would in any way, should it pass, promote the general welfare of the people. Then where will be found any authority under the Constitution by which Congress can grant the pension proposed by this bill? If there is no power granted to the Federal Government for taking money out of the Treasury and giving it as a gratuity to a citizen who has in no way rendered any public service to the country, then there is no authority for this bill and it should not be passed.

The gentleman from New York has around the venerable form of Jefferson's grandchild drawn the holy circle of American womanhood, and launches the curse of an indignant people at him who sets a hostile foot or casts an unkind glance within that sacred circle. Sir, no man has a higher regard for Jefferson's granddaughter than I have or who reveres the great name of Jefferson more than I do. He was one of the most illustrious men of this or any other country; but as much as I love and respect his memory, I love the Constitution of my country more; and I draw around that grand instrument the sacred circle of freedom's safeguard and bulwark, and launch the curse of the American people at him who dares to invade it with hostile intent.

I now yield twenty minutes to the gentleman from Pennsylvania [Mr. POST].

Mr. POST. Mr. Chairman, if I were to be governed by the promptings of sympathy or deterred by the natural dislike of being subjected to the possible charge of a lack of gallantry, I should certainly not rise to oppose this bill. But, impelled by a sense of duty, I am led to ask the indulgence of the committee, that I may briefly present the reasons which induce me to refuse my support of the measure so ably, eloquently, and pathetically advocated by my distinguished and venerable friend from New York. That flesh is weak is proverbial, and the truth of this is forcibly brought home to me when I see a man of ripe experience, and who has grown gray in the advocacy of Jeffersonian democracy, blinded in his judgment and setting at naught the tenets of his political faith under the influence of a generous impulse. To my mind, Mr. Chairman, the growing tendency toward sentimental legislation is a serious evil and one which should arrest our attention.

If I read the early history of my country aright and understand the principles which actuated the founders of the Republic, it was never the intention to make the Government an eleemosynary institution, nor was the Federal Treasury expected to be on tap for the relief of indigent people, however deserving.

The report of the Committee on Pensions recommending the granting of an annuity to Mrs. Septimia R. Meikleham is most creditable to the hearts of the gentlemen of that committee, and the eloquent language in which the tender relations existing between Mrs. Meikleham and the author of the Declaration of Independence are portrayed is indeed touching, but as the representatives of the people, charged with the protection of the interests of a great nation, with our functions specifically defined by the Constitution, I assert that we have no right to gratify our personal philanthropic impulses at the public expense.

Sir, I yield to no man in my admiration of the pure statesmanship and magnificent public services of Thomas Jefferson, and I believe that if the public servants of the present day would follow more closely in the footsteps of that illustrious statesman in the discharge of official duty we would have better legislation, fewer sinecures, and an entire absence of profligacy in the expenditure of public funds. Certain it is that no such measure as is now pending would have met his approval.

The only apology offered in defense of this bill is that it is intended to

put on record in substantial form a mark of our regard for the exalted character and public services of the author of the Declaration of Independence.

Do we, as members of the American Congress, desire to show our appreciation of and respect for the services of Thomas Jefferson? Then let us strive earnestly to emulate his lofty example and in our official conduct demonstrate our veneration for his memory. Let us reduce the number of useless offices, compel employés of the Government to render a full equivalent in labor for the compensation drawn, cut off every needless expenditure, trample under foot any and every attempt to erect an official aristocracy, and wage an unceasing warfare against all kinds of corruption and maladministration in Government affairs. This was the Jeffersonian standard, and the adherence to these principles it was which rendered him a model public servant whom coming generations will admire.

Knowing as we do from a study of his life his abhorrence of anything that savored of favoritism or misappropriation of the people's money, I ask in all sincerity, is it consistent, is it right, is it desirable to seek to honor his memory by the passage of an act he would have denounced as unwarranted and dangerous? We are told, Mr. Chairman, that our nation is rich, prosperous, and generous, and that it would be niggardly to refuse to grant the annuity provided for in this bill. Why, sir, this is the cry set up upon any and all occasions by enterprising patriots who meditate an assault upon the surplus revenue.

When a measure is brought forward calling for a liberal appropriation and for which there does not appear any warrant of law, it is considered by many to be a sufficient answer that the Treasury is full, the country is rich, therefore the money must be spent. Under the cry that the Government is rich all manner of raids are made upon the Treasury, and from all quarters come pouring in upon Congress plausible and cunningly devised schemes to relieve the public purse of its plethoric condition.

We must not forget, however, that this money is not our personal property, and that when we go outside of the path of constitutional duty to appropriate money for purely benevolent purposes, and in response to no other appeal than that of absurd sentimentality, we are guilty of an absolute breach of fidelity to the trust reposed in us.

Because we are in official position we have no right to compel the people to foot the bills for our spasms of generosity; but if we find a worthy case where pecuniary assistance is proper and desirable, let us in a manly way make our contributions from our own resources, rather than shoulder the burden upon the Government whose purse-strings we happen temporarily to hold. To illustrate this point: I presume that nearly all of the members of this House when they came here left varied interests in the hands of subordinates to be conducted in their absence.

Now, these agents or representatives are empowered by you in your absence to perform certain acts necessary for the proper conduct of your business affairs, and when you return home you will demand a full and detailed statement of all transactions carried on, and particularly will you scan the items of disbursements. What would you think if among the disbursements you should find an item showing the payment of $500 to Mrs. Jones, and upon demanding an explanation you were blandly informed by your representative that Mr. Johnson, one of the men who assisted in erecting, in fact who planned, the building wherein your place of business is located had died several years ago in rather straitened pecuniary circumstances leaving a grandchild of whom he was very fond, who was present when he passed away, and who in addition was possessed of a wealth of sunny hair; that the grandchild had been found by your representative to be in feeble health and poor, and he, in view of the services rendered by Mr. Johnson in erecting an edifice wherein you carried on business, had been so moved and touched by the sad plight of Mr. Johnson's granddaughter that he had given her $500 of your funds to relieve her embarrassment, and further that he proposed to continue paying a like sum yearly. Well, now, I imagine there would be somewhat of an exhibition of temper at such a monstrous perversion of your funds.

I will venture to say that in good set terms you would insist, and rightly, too, that if your representative was such a tender-hearted fellow and so generous he should not use your money to accomplish his benevolent purposes, but that whenever his feelings were so wrought upon that nothing save a donation of cash could satisfy his large heart he should put his hands into his own pocket and disburse for charitable purposes money earned by and belonging to himself, and not that left in his charge for altogether different uses.

Mr. Chairman, it strikes me that the bill under consideration presents an analogous proposition. "Giving away what isn't yours looks generous, but it is not expensive;" and this is a pastime that is indulged in too frequently of late among legislators for the purpose of posing as big-hearted humanitarians, whose generosity is only limited by the amount of wealth in the national coffers.

I am opposed, Mr. Chairman, to all civil pensions. Unfortunately precedents have been established, but it is high time to retrace our steps in this matter, get into the habit once more of expending the people's money for the legitimate expenses of Government, leaving all purely charitable enterprises to be sustained by the liberality of private individuals. And the history of our country has proven conclusively that no movement having in view the establishment of a deserving charity has ever failed to meet a ready and generous response.

Bad as the precedents heretofore established may have been, there was yet something more substantial upon which to base them than is now presented. The proposition to pension Mrs. Meikleham simply because she is the sole surviving grandchild of Thomas Jefferson is utterly indefensible, and is a step, if taken, which, as a logical result, must open the door for the admission of innumerable claims of a similar flimsy nature, and tend to build up in our midst a favored class (based upon the accident of birth), which is repugnant to the spirit of our institutions.

Where will this end? Where shall the line be drawn? The United States have been prolific of grand, illustrious men who have filled with credit and benefit to the country the highest official stations within the gift of the people. Their services, however, were purely civil, and their elevation to office the result of contests with other distinguished and worthy citizens, and the responsibilities incident thereupon were willingly assumed in order to attain the coveted distinction. No dangers to life or limb were faced, no privations endured, no sacrifices made; but raised to the pinnacle of political eminence by the partiality of enthusiastic and devoted partisans, they tasted the sweets of preferment, ran their race, passed from the stage of action, and have gone the way of all living. In this they differed not one whit from Jefferson, and their grandchildren are equally deserving with his.

It may be that Jefferson was the wisest of our statesmen and the purest, but wisdom comes from God, and its possessor is thrice blessed and thereby qualified for increased usefulness by the Creator, while purity of life and character surely bring sufficient reward of themselves, without the necessity of affixing hereditary pensions as a recompense therefor. I can conceive of no reason based upon sound common sense whereby, under our form of government, the granting of pensions for civil service can be justified, and particularly where it is sought to grant such pension to one solely because of the service of her grandfather, and for which he in his lifetime received the highest possible homage, and who was honored to the full power of his countrymen.

I desire to indulge in a comparison of the condition of Mrs. Meikleham with that of a soldier's widow whose life-companion was slain while in the defense of his country.

On the one hand we see a lady surrounded by a host of friends and admirers, with such a halo of ancestral glory enveloping her that she need have no fear of coming to want, as is demonstrated by the statement of the gentleman from New York citing the generous donation of Hon. O. B. POTTER. I am informed that she has two children employed in the Government offices.

Mr. ROBINSON, of New York. Will the gentleman allow me a moment? I do not like to interrupt him, but I am satisfied he will not object to being interrupted when I tell him that that statement is absolutely without foundation. It is not true. This lady has a sickly daughter who has a little place that she is scarcely able to attend to, and totters to it from day to day to keep her old venerable mother from dying of starvation. That is all.

Mr. POST. I am glad, Mr. Chairman, to have had the opportunity of showing this courtesy to the gentleman from New York who refused so emphatically to be interrupted while he held the floor. I am satisfied, with all due respect to the gentleman, that his fertile imagination and florid rhetoric have painted the condition of the estimable Mrs. Meikleham much worse than the actual facts will warrant. I grant you that she is not living in opulence, but I am confident that she is absolutely in the possession of every actual requirement for personal comfort, at least as much so as thousands of other widows of limited means, and differs from them only in the fact that her grandfather was the author of the Declaration of Independence. She has suffered or sacrificed nothing for the public weal.

On the other hand we see the noble, heroic woman who gave to her country her companion, supporter, and the father of her children. Oh! the anguish of soul she has suffered as she has waited for the return of her husband who came not, but who yielded up his life, so dear to him and his family, for the good of the land he loved so well; how she has struggled all these years to rear her family. Often has she been in want and her little ones deprived of the necessaries of life. Thrown upon her own resources, frail and desolate in her loneliness, she has toiled and endured untold hardships, from which she would have been spared had she not bade her husband go to the rescue of the Union. Freely and cheerfully she had made this great sacrifice that her children might enjoy the blessings of liberty and that the Union might not be disintegrated.

Which of these women say you is the more deserving of the consideration of this Government? Yet here is a proposition to give to the one the annual sum of $2,500, equal to the income of men charged with the conduct of important business interests, while according to the laws of the land the paltry sum of $8 per month is considered sufficient compensation for the other. Out upon such an injustice! I spurn such an insult to the soldiers' widows of this country.

Scattered all over this broad land are brave men who responded to the call of duty when the safety of our institutions was imperiled, who were wounded, who languished in prison-pens, who are broken in health

and incapacitated from gaining a livelihood for themselves and families, but who, by reason of the strict requirements of law and the construction placed thereon by the pension authorities, are unable to obtain a favorable consideration of their claims for recognition, and are to-day denied that to which they are in equity entitled; and I consider that it is unbecoming in the Congress of the United States and those charged with the execution of the laws to haggle over fine technicalities when dealing with the application of a needy veteran for a pension and at the same time undertake to pour money in the lap of a person who has no claim for recognition whatever except absurd abnormal sentimentality.

Let us be just to the men who fought our battles and their dependents before we are generous to the descendants of any statesman, however great. So long, Mr. Chairman, as widows of the nation's dead receive but $8 per month, so long as one maimed, poverty-stricken, and suffering soldier who stood the shock of battle and amid the leaden hail of the rebel musketry upheld the honor of his country's flag is without proper recognition and refused a place upon the pension-roll by reason of hair-splitting technicalities and requirements impossible to comply with, I shall not favor the seeking out of grandchildren of civilians, no matter how brilliant their achievements, upon whom to shower the bounty of this nation.

Mr. HEWITT, of Alabama. Will the Chair be kind enough to state how much time I have remaining?

The CHAIRMAN. The gentleman from Alabama has twenty-eight minutes left.

Mr. HEWITT, of Alabama. I yield five minutes to my friend from Georgia [Mr. HAMMOND].

Mr. HAMMOND. The five minutes allowed me by the courtesy of the gentleman from Alabama will be altogether sufficient for the expression of my position with referrence to this bill. It stands before us upon no other grounds than the alleged poverty of the applicant and the fact that she is the granddaughter of Thomas Jefferson. Her alleged poverty is put as strongly as it could be by the report of the committee in these words: "She is comparatively in want." So are all when compared with many others. We take it that had she been in real want they would have left out the qualifying adverb "comparatively."

But if she were in want it would make no difference on principle. The only other argument that is urged in support of the bill is that she is the granddaughter of a great man. There are a thousand such in this land—ten thousand—perhaps not the grandchildren of as great men, but certainly of as deserving men; for Jefferson did only what they did. Each did all he could for the honor and glory of the country. Some allusion having been made to the widow of President Tyler, my memory was called to the action of my own State many years ago as to the wife of his predecessor, General Harrison. The Legislature of the State of Georgia in 1841 was peculiarly Democratic. Robert M. Echols was the president of the senate, William B. Wofford was the speaker of the house of representatives, and Charles B. McDonald was the governor of the State. Every one of them swore by Jefferson as his political god. Yet because the extra session of Congress had passed a bill giving to Mrs. Harrison, widow of President Harrison, $25,000, they regarded that action of Congress as important enough to be denounced by a solemn joint resolution in these words:

Resolved, That in our opinion the act passed by the present Congress, at the late extra session, making a donation from the public Treasury of $25,000 to Mrs. Harrison, is unconstitutional, unequal, and oppressive, and calculated to lead to the establishment of a civil-pension list, which will eventually saddle the people of this country with an unjust and enormous debt.

Perhaps some may think the danger was not so great as they apprehended. But the objection that that was unconstitutional, unequal, and oppressive, when urged by the authority of such an assembly as that, all Democrats, must be certainly taken as a strong argument against the passage of this bill.

Mr. HEWITT, of Alabama. I now yield eight minutes to the gentleman from New York [Mr. MILLARD.]

Mr. MILLARD Mr. Chairman, I thank the distinguished gentleman from Alabama [Mr. HEWITT] for granting me a portion of his time in which to be heard upon the question under consideration.

It seems to me, Mr. Chairman, that this bill ought not to pass. If I understand the provisions of the bill correctly it proposes to place the name of the grandchild of Thomas Jefferson upon the pension-rolls of the Government for the sole reason that she happens to be his only surviving descendant. I have examined the majority report of the committee with great care, and if any other reason is given or stated I have been unable to find it.

Now, sir, I have no doubt but that the person named in the bill and to whom it is proposed to pension for life at the rate of $2,500 a year is a very intelligent and worthy person. The fact that her cause is championed upon the floor of this House by my venerable friend and colleague from New York [Mr. ROBINSON] is sufficient evidence of the fact, and while I fully appreciate the value and importance of the services which the author of the Declaration of Independence rendered his country, and while I agree with him in all he has said or can say in praise of the great virtues and distinguished talents of Thomas Jefferson, I still think the bill under consideration wrong in principle, and if allowed to pass would establish a precedent that would give this House much trouble in the future.

Sir, this measure is not only without a precedent, but is in violation of the Constitution and opposed to the lifelong teachings of Thomas Jefferson himself. Pass this bill, and your Private Calendar will be crowded with thousands of just such measures as this; pass this bill, and the dream of the distinguished member from Colorado [Mr. BELFORD] would be realized, and you will have paved a way for unlocking the vaults of the national Treasury. No; the bill is wrong in principle and without a precedent in the history of the legislation of this country.

My distinguished friend from New York [Mr. ROBINSON] says that the last Congress voted the widows of Lincoln and Garfield each the sum of $5,000. The gentleman is correct in his statement, but I assert that in this action of the last Congress he can find no precedent for the passage of this bill. Lincoln and Garfield died in office. They fell at their post of duty. Had the American Congress neglected or refused to acknowledge in some such way the debt of gratitude it owed Abraham Lincoln and James A. Garfield it would have justly merited the condemnation of every civilized nation upon the face of the earth. Sir, while this bill may arouse our sympathies it has not even the merit of private or public service, but rests, as I have stated, entirely in the fact that the claimant is the last of a noble race and the sole surviving descendant of one of the founders of the Republic.

Now, Mr. Speaker, I am in favor of giving pensions, and liberal pensions, but not civil service. A civil pension is a gift to be bestowed at pleasure, but a military and naval pension is a debt. Pensions should be given as a reward and compensation for naval and military service rendered. A pension is a nation's acknowledgment and recognition of the highest possible loyalty. It says to him who receives it: "While it is true that as a citizen you owed your services and your life to your country, that you received a stipulated sum as pay for your labor and exposure, yet as an acknowledgment of my gratitude and an inducement to your fellow-countrymen to emulate your patriotism and loyal devotion I bestow this bounty."

Yes, sir; I am in favor of pensions, and this Government, with its vast wealth and almost unlimited resources, with its hundred and thirty millions surplus, can not afford to be niggardly or ungenerous. I would vote to-day to give every disabled Federal soldier of the late war a pension, whether his disability was incurred in or since the war. These men have a claim upon the gratitude of this nation that can not be estimated in dollars and cents. It was no common struggle. The very life and existence of the nation was threatened. The actual individual enlistments during the war were 2,063,391; of this number more than one-half have applied or been pensioned by the Government. Nearly 300,000 have died leaving no pensionable relatives. Why not provide for the remainder of these veterans? It is now nearly twenty years since the close of the war, and what better use could be made of the surplus in the Treasury? It would be only a partial payment for services and sufferings that saved the nation from absolute destruction.

It seems to me that if my friend and colleague is sincere in his desire to reward those who really deserve the gratitude of their countrymen he is putting himself to unnecessary trouble in his search for a pensionable person. I want to say to him that it is no disrespect to the person named in the bill or to the gentleman himself who has so earnestly and eloquently urged its passage to say that there are thousands of men who fought in the war of the rebellion and hundreds and thousands of widows and children of men who fell in that struggle, who as yet receive no pensions, whose claims upon the gratitude of this Government are superior to those of this claimant.

The gentleman from New York says that Jefferson was the author of the Declaration of Independence, the father of equal rights. Grant it; but what equality or justice would there be in giving this claimant $2,500 a year while you give the widows of the Union soldiers the paltry sum of $8 per month? This was not the equality or justice that Thomas Jefferson taught, or I have failed to read his life and teachings correctly.

Mr. Chairman, I was one of the members upon this side of the House who voted last week against the passage of what was styled as the Mexican-war pension bill, a bill, Mr. Chairman, in my judgment not only wrong in principle, but more objectionable than the measure under consideration. It was not a bill to place upon the pension-rolls of the Government the names of the soldiers and sailors who were disabled in the war with Mexico, as that had already been done, nor was it a bill to place on the pension-rolls of the Government the names of the widows of the men who had fallen in that war. They had all been pensioned. Such was not the object of the bill. Had such been its purpose or had it been a measure to reward those who had actually seen military service and only those, it would have met with no opposition from me; on the contrary, I should have voted for it, for I would not say that the men who fought under Taylor and Scott may not have been as brave and patriotic as those who fought the battles of the Union under Grant and Sherman. I voted against the passage of the bill for the reason it placed upon the pension-rolls of the Government the names of thousands of men who had seen no military service whatever, not even thirty days, while it made no provision for the surviving veterans of the late war, and who had seen not days but years of the severest military

hardships. It proposed to pension men for life who had never shed a drop of blood or trod a foot of Mexican soil. I voted against the passage of the bill for the reason it was legislation exclusively in the interest of the able-bodied, while it excluded the surviving Federal soldiers of the war of the rebellion.

Now, sir, if we are to be magnanimous let us be just. The bill was not only wrong in principle, unjust in its discrimination, but can not be defended upon the ground of precedent. The pensions granted by the acts of 1818 and 1820 were in the nature of payments for long years of heroic service upon the field and in the face of the enemy, and limited to those in reduced circumstances. The act of 1832 had a similar object in view, and was in the nature of the performance or fulfillment of a contract for services. The recipients of the pensions granted by that act had trod the bloody fields of the Revolution from Lexington to Yorktown.

Mr. Chairman, there was another reason which compelled me to oppose the passage of the bill, and in referring to it I trust I may not be charged with a desire to arouse sectional feeling or awaken party prejudice, for I care not from what section of the country the soldier comes if he has fought the battles of his country. Patriotism is the same the world over, but the Mexican pension bill not only placed upon the pension-rolls men in comfortable circumstances and who rendered but little if any military service whatever, but it pensioned for life men who were disloyal during the late war, and who, after having been educated by the Government and at the Government's expense, joined in a rebellion that for years carried sorrow, suffering, and death to nearly every household throughout the length and breadth of this fair land. What nation has ever pensioned the men who betrayed and for years sought its destruction? It may forgive and restore the once disloyal to citizenship. This, sir, it has done, and I rejoice at the mutual good feeling that every day puts further away the recollections of the war, but for this House to say that the men who fought against their country are as much entitled to its gratitude or to be placed upon the pension-rolls as those who exposed their lives to preserve the integrity of the Union and the honor of the flag, is the enunciation of a proposition as unjust as it is monstrous.

Now, Mr. Chairman, a word further and I am done. From the report of the United States Commissioner of Pensions, Mr. Dudley, I find that on the 30th day of June last there were pending in his department upward of 180,000 applications for pensions, and these applications were not from soldiers in good health and comfortable circumstances, but from men who had lost their health and limbs in the late civil war. Sir, what I desire to say is this, that so long as these claims are pending undetermined or unadjusted I do not think I would be justified in voting to place the name of any able-bodied person upon the pension-rolls of this Government, even though that person be the sole surviving descendant of Thomas Jefferson. [Applause.]

Mr. HEWITT, of Alabama. How much time have I remaining?

The CHAIRMAN. Fifteen minutes.

Mr. HEWITT, of Alabama. I yield ten minutes to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. As I shall vote against the bill under consideration I desire to say a word in reference to it. We are asked to pass this bill because the proposed beneficiary of it is said to be poor and is the granddaughter of Thomas Jefferson, the author of the Declaration of Independence.

If we are to pension people because they are poor our bounty should be impartially distributed to all those in like condition, and our list would be a very large one. I doubt not there are a million of women in the United States as poor as the one whose bill is before the House, whose sufferings are as great, probably greater, and whose necessities appeal in each individual case to the sympathies and to the charity of every one present. But because that is the case, because we sympathize with the poor, because we would relieve their misfortunes, that is not a sufficient reason for proposing to vote money out of the public Treasury for such a purpose. As suggested by the distinguished gentleman from Pennsylvania [Mr. POST], this Government is not an eleemosynary establishment; it is not a charitable institution. Public charities throughout the country are provided for very amply in most of the States of the Union. Laws for taking care of the poor who are unable to take care of themselves have been enacted in the various States of the Union; but if we attempt to provide for the needs of the poor here we shall not long be complaining of an overfull Treasury.

As to the argument that we should pass this bill because it is for the benefit of the granddaughter of Thomas Jefferson, I desire to say in the first place I do not suppose there is a living person who has a more profound veneration for the great ability, for the great patriotism, for the originality of genius, and the powerful grasp of intellect possessed by Mr. Jefferson than I have.

He is the political teacher whom I would follow as closely as I could and whom I have tried during my life to follow in most things as closely as I could. And if the doctrines taught by him, if the principles enunciated by him in his political career could this day be applied to the Government of this country, instead of seeing one vast seething pool of corruption, we should see the Government purely administered according to the Constitution and in the interest of the people.

Mr. Chairman, it is not testifying our respect for the memory of Mr. Jefferson to do what we know he would not have done. Who is there here who does not feel in his heart that if Mr. Jefferson were alive and here on this floor to-day he would vote against this bill? Who believes that if he were President now as he was in the past and such a bill should be passed by Congress and sent to him he would not veto it? If we wish to show respect for his memory we should follow the sublime doctrines that he taught and inculcated.

Among the great principles which he laid down was this, that we should have no privileged classes, no aristocracy, but that all men should be equal in their political privileges and their rights under the Constitution. Yet we are now asked to build up a civil-list in this country which will sap the foundations of the Government and create a class having no claim upon the bounty of the Government more than have thousands of others to be supported by the toil of another class poorer perhaps than themselves. That is one of the things which Mr. Jefferson sought to avert. It was his object to strike down all classes, titles, and special privileges, and to place all men on an equality as to their political rights under the Government.

But there is another principle which we should bear in mind when we are asked to transfer the property of one person to another, for that is what this proposition amounts to. We collect taxes from the people and pay them out for public purposes. We are asked to take the property of the tax-payers and devote it to a purpose other than was intended. There is no power in this Government to use the money of the public Treasury for private purposes disconnected with public necessity and requirements. We have no power to take the property of one citizen and give it to another because we may think that other is in needy circumstances.

Private property can never be taken except for public uses and upon just compensation. I do not know how far this principle may be strictly applicable to this case, but it is an illustration of the argument that we must apply our power as legislators to the collection of taxes for the support of the Government and the payment of its debt, and not to be devoted to private charity.

It may be urged that we grant pensions to soldiers, and why not grant a pension in this case. There is a broad distinction between the two. The soldier who is maimed in battle or disabled by disease contracted while in the service of his country so as to be disqualified from earning a living, or the widow of a soldier who has fallen in the service of the country, and is deprived thereby of the means of support for herself and family, has a right to look to the Government for some measure of protection and assistance because of the loss thus incurred in defense of the country and the support of the Government.

But this is not a case of that kind. It is a case not distinguishable from that of any of the millions of poor people in this country who may desire to have property taken from others and bestowed upon themselves. I regret to have to do anything which any one might think was not a compliment to the memory of Mr. Jefferson, and I shall not do it. I do not believe it to be a compliment to the memory of Mr. Jefferson to pass this bill. I believe it would be a reproach upon his memory to violate the Constitution to the preservation of which he attached so much importance.

[Here the hammer fell.]

Mr. HEWITT, of Alabama. I will inquire, Mr. Chairman, how much time I have remaining?

The CHAIRMAN. The gentleman has five minutes of his hour left.

Mr. HEWITT, of Alabama. I will yield that time to the gentleman from Indiana [Mr. MATSON], the chairman of the Committee on Invalid Pensions.

Mr. MATSON. I do not care to discuss the question of the constitutional power of Congress to pass the pending bill. I will waive that, because it has already been thoroughly discussed by others. I propose to look at the subject merely from the standpoint of expediency.

This bill is a very clear proposition to deliberately begin the establishment of a civil-pension list. It has been said that we already have precedents, that the bills which were passed so unanimously by the Forty-seventh Congress giving pensions to widows of ex-Presidents are precedents, and that the passage of this bill will not be the establishment of any new precedent.

Sir, the circumstances under which those bills were passed were not such as to make them the deliberate precedents of this House. They were passed in the early part of the year 1882, before the country had recovered from the shock of the tragic death of one of its Presidents. The person for whose benefit the act was passed at that time was a person toward whom the sympathies of the whole world had been moved. The passage of that bill, granting a pension to the widow of President Garfield and pensions to the widows of two or three other Presidents, was not the deliberate action of this House, but was simply a sort of gush on our part. As was stated by the gentleman from New York [Mr. ROBINSON], the bills passed without any objection; without the yeas and nays being called upon them at all.

But here to-day we are confronted with a serious question, pressed upon us, after debate and after viewing the matter, to begin the establishment of what no one can deny is a civil-pension list. It remains for this House to say whether it will enter upon so vast a scheme as

that. As suggested by my friend from Texas [Mr. REAGAN], where is it to end? How much of a step will it be from the passage of this bill to pensioning some one who has served the Government in a civil capacity for a long term of years? It is not a very great step from that which you are now asked to take to the other. Whenever a single civil officer is pensioned because of his civil service to the Government, then thousands and tens of thousands of others must follow.

I have not time to discuss fully the question of the creation of favored classes under this Government; I wish I had time to go into that. I think that this bill can be clearly shown to be in the direction of establishing a favored class.

Something has been said concerning the gentlemen who presented the views of the minority of the committee against this bill. Some of those gentlemen are here to defend themselves, but my colleague, Mr. STOCKSLAGER, is not here. I wish to say for him that so far as the passage of bills pensioning the widows of ex-Presidents is concerned, they were passed at a time when his party were in the minority in this House, and he had no responsibility for such measures.

I wish to say for another gentleman who signed the minority report, the gentleman from North Carolina [Mr. YORK], that he was not a member of Congress at the time when those bills were passed; so that the criticism upon that gentleman is certainly unjust.

Mr. STEELE. The criticism applies to all who were members. The whole House was to blame, if anybody was.

Mr. MATSON. I accept to a certain extent what the gentleman from New York [Mr. ROBINSON] has said. I think we ought to be scolded for having passed those bills pensioning the widows of Presidents. I believe it ought not to have been done. We deserve a scolding for our action in that respect. But I think it may be said for some gentlemen who were members that they were not responsible, because they were in the minority. They certainly were not so much responsible as those who were in the majority and who had the control of legislation here.

Mr. MCMILLIN. For the purpose of making a motion in the House to limit debate I move that the committee rise. [Cries of "Oh, no!"]

The question being taken, there were on a division—ayes 74, noes 41.

Mr. BROWNE, of Indiana. I do not desire to delay proceedings by making the point that no quorum has voted; but I do think that after some gentlemen have had the opportunity of speaking as long as they pleased——

Mr. MCMILLIN. This vote does not require a quorum.

The CHAIRMAN. On a motion that the committee rise it is not necessary a quorum should vote. The Committee of the Whole may rise because there is no quorum.

Mr. BROWNE, of Indiana. I call for tellers.

Mr. STEELE. It is too late.

The CHAIRMAN. The Chair will entertain the call for tellers, and appoints the gentleman from Tennessee, Mr. MCMILLIN, and the gentleman from Indiana, Mr. BROWNE.

The committee proceeded to divide; but before the count by tellers was concluded,

Mr. BROWNE, of Indiana, said: I withdraw the call for tellers.

The CHAIRMAN. The call for tellers being withdrawn, the motion that the committee rise is agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House having had under consideration the Private Calendar had come to no resolution thereon.

Mr. MCMILLIN. I move that the House again resolve itself into Committee of the Whole for the consideration of the Private Calendar; and pending that motion I move that general debate in Committee of the Whole on the pending measure terminate at 4 o'clock.

Mr. WARNER, of Ohio. The gentleman ought to allow at least an hour.

Mr. HEWITT, of Alabama. I move to amend the motion of the gentleman from Tennessee [Mr. MCMILLIN] so as to close debate at the expiration of two hours.

Mr. MCMILLIN. If that be agreed to this bill cannot be disposed of before the recess, which will be at 5 o'clock.

Mr. HOLMAN. This is a very interesting subject.

Mr. ROBINSON, of New York. I rise to a parliamentary inquiry. If the motion of the gentleman from Tennessee [Mr. MCMILLIN] should be agreed to, would not the gentleman having the management of the bill be entitled at 4 o'clock to one hour? I do not wish to occupy myself more than two or three minutes; but I presume I should be entitled to close the debate.

The SPEAKER. That is a question for the decision of the chairman of the Committee of the Whole House, not a question for determination by the presiding officer of the House.

Mr. WOLFORD. There are a great many of us who wish to speak on this important question. Gentlemen on both sides want time. I move to amend the amendment of the gentlemen from Alabama [Mr. HEWITT] so as to provide that the debate be continued for three hours.

The question being taken on the amendment of Mr. WOLFORD, there were, on a division—ayes 31, noes 67.

Mr. COSGROVE, I make the point that no quorum has voted.

Tellers were ordered; and Mr. WOLFORD and Mr. MCMILLIN were appointed.

The committee again divided; and the tellers reported—ayes 23, noes 88.

Mr. HOLMAN. No quorum, I believe, has voted. I suggest that two hours be allowed for further debate. A number of gentlemen wish to be heard. Two hours I presume will be satisfactory.

Mr. MCMILLIN. A fact which members of the House probably do not bear in mind is that this is a pension claim, and under the rule devoting Friday-night sessions to business of this character it would, if not disposed of before the recess to-day, come up to-night as unfinished business. Am I not right in that respect?

The SPEAKER. The Chair thinks so.

Mr. MCMILLIN. If gentlemen wish to occupy the evening session with this bill I have no objection. I desire that we shall come to some conclusion on the matter if possible, but if it is desired that the bill go over till the night session for debate upon it, I have no objection whatever.

The SPEAKER. Is the point insisted upon that no quorum has voted?

Mr. HOLMAN. I will not insist upon it.

The SPEAKER. The amendment is not agreed to. Does the Chair understand the gentleman from Tennessee to accept the suggestion that there shall be but two hours of debate?

Mr. MCMILLIN. I desire to know whether it is agreed the bill shall come up to-night? If the gentleman is willing to consent to that, then I have no objection. I do not wish to have it go over to some other Friday and consume the time that should be devoted to other bills on the Private Calendar.

Mr. STEELE. I move to close all debate in thirty minutes.

Mr. YORK. Mr. Chairman, the members who signed the minority report desire to be heard on this question before the vote is taken on the bill. I wish to be heard, and shall be content with five or ten minutes to reply to the gentleman from New York [Mr. ROBINSON], who has chosen to attack me. So I can get five or ten minutes, I do not care.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President, by Mr. PRUDEN, one of his secretaries, announcing that the President had approved and signed bills and a joint resolution of the following titles:

An act (H. R. 5462) making appropriation to supply deficiency in amount required for expenditure to June 30, 1884, for examination and surveys required by acts of March 3, 1875, and June 19, 1878, to ascertain depth of water and width of channel of South Pass of Mississippi River, also for gauging the water of the Mississippi River and its tributaries.

An act (S. 616) to establish a standard of time in the District of Columbia.

Joint resolution (H. Res. 191) for the printing of certain eulogies delivered in Congress upon the late Dudley C. Haskell.

SEPTIMIA R. MEIKLEHAM.

Mr. BROWNE, of Indiana. I propose to the other side that this debate be allowed to continue until 5 o'clock.

Mr. MCMILLIN. Make it half past 4, so we can get action on the bill after we come back into the House. I am willing to agree to anything if we can get action to-day; but I do not wish to use up the day with this debate and not come to some conclusion.

Mr. STEELE. If we can close debate at half past 4 I will withdraw my amendment.

Mr. BROWNE, of Indiana. If it be desirable the vote shall be taken before the recess, I am for one willing that this debate shall be closed at fifteen minutes to 5 o'clock. That would allow time for the roll-call, and I believe it would be satisfactory to both sides.

Mr. MCMILLIN. I think it should be, as it will enable us to get action this evening.

Mr. WARNER, of Ohio. That is, general debate?

The SPEAKER. Is that satisfactory?

Mr. HOLMAN. State the proposition.

The SPEAKER. That debate be closed at fifteen minutes to 5 o'clock.

Mr. WARNER, of Ohio. All debate?

The SPEAKER. All general debate.

Mr. HEWITT, of Alabama. And that time to be equally divided between both sides?

The SPEAKER. That can be done by unanimous consent.

Mr. BROWNE, of Indiana. That is what I propose.

The SPEAKER. Under the rules of the House it is not in order to limit the five-minute debate before that debate has begun.

Mr. BROWNE, of Indiana. I am aware of that, and I have proposed that all debate, all general debate, shall be closed at fifteen minutes to 5 o'clock.

Mr. STEELE. All debate; not all general debate.

Mr. MCMILLIN. That will give a chance for action to-day.

The SPEAKER. Is there objection to that arrangement? The Chair hears none, and it is so ordered by the House.

Mr. McMILLIN. I move that the House resolve itself into the Committee of the Whole House on the Private Calendar.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the Private Calendar (Mr. COX, of New York, in the chair).

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 999) granting a pension to the sole surviving grandchild of the author of the Declaration of Independence. By order of the House all debate will close on this bill at a quarter to 5 o'clock.

Mr. HEWITT, of Alabama. And it is the understanding that time is be equally divided between those in favor and those opposed to the bill.

Mr. LYMAN. That is understood.

The CHAIRMAN. The Chair will divide the time between the two sides.

Mr. TILLMAN. Who will control the time?

The CHAIRMAN. The Chair will endeavor to control it.

Mr. TILLMAN. And be under the five-minute rule?

The CHAIRMAN. No; but general debate.

Mr. LYMAN. It is hard to say why my friend from New York has asked me to speak on this question; for if he can not carry a measure with the strength he must derive from his Samsonian locks, what is to be expected from the feeble efforts of one whose head has been polled by that cruelest of all Delilahs, Time? Perhaps he thinks it wise to draw a soldier from the camp of the enemy; for he knows full well that I am of Federalist tradition and a Whig by birth, and that there must therefore be great merit in his bill to persuade me to favor a descendant of Thomas Jefferson. Nevertheless, I honor the memory of Jefferson, albeit his political philosophy appears to me to have been wrong. My friend from New York has recounted the services of Jefferson as a statesman, as President of the United States, and as framer of the Declaration of Independence; but he performed one service greater than all these: he founded an opposition party, and founded it on principles which, whether right or wrong, were philosophical principles. They were the rights of individuals and of localities as against the rights of a central government, or, as afterward formulated, State rights against Federalism.

These two opposing theories of government hung like a positive and a negative thunder-cloud over this country. The slavery question brought them in contact, and there followed the storm which we call the war of the rebellion. That storm has cleared the air and we now know what powers properly belong to local governments and what to the central Government. Thomas Jefferson rendered a great service by bringing into being a party which, in its early days at any rate, did battle for beliefs which are natural to mankind. It is fit that the Congress should remember him in the person of his last surviving grandchild; such acts of recognition should not be frequent and can not be frequent; but it is wise public policy occasionally to do honor to names that are great in the nation. This policy is illustrated in the statues we erect, the centennials we celebrate, and the special pensions we occasionally grant. It is a policy pursued by every civilized nation, and this is a case which certainly comes under it.

Mr. JOHN S. WISE rose.

Mr. LYMAN. I will yield the remainder of the time allotted to those in favor of this bill to the gentleman from Virginia [Mr. JOHN S. WISE].

Mr. BROWNE, of Indiana. Mr. Chairman, I rise to oppose the bill.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. BROWNE, of Indiana. I understood that the time was to be equally divided between the friends and opponents of the bill.

The CHAIRMAN. The Chair will state that of the time allowed for debate thirty-seven and one-half minutes will be allotted to those in favor of, and the same time to those who are opposed to, the bill. The gentleman from Virginia is now entitled to the floor.

Mr. JOHN S. WISE. Mr. Chairman, I had not intended to speak upon this subject until I was requested to do so by the gentleman who has presented the bill. But I accept, sir, the responsibility which that request imposes upon me. The task is a most grateful one and the compliment gratifying.

We are here to-day asked to recognize in this act the memory of the illustrious Thomas Jefferson. Of all the historic figures of the Revolution, I undertake to say that Thomas Jefferson stands pre-eminent as the type and the embodiment of republican democracy. About George Washington, the greatest of all, there ever lingered an element of lace and powder, suggestive of an aristocracy, which has no place in our system or in the sympathies of our people. About Hamilton, great and proud as he was, in all his thoughts and in all his deeds there was an eternal inclination toward centralization, which always repelled the idea of a pure democracy in that early day of the Republic. But Thomas Jefferson, from his red head to his homespun socks and red waistcoat was a democratic republican, pure and simple *intus et in cute*. And what has America ever done to perpetuate his memory? An inexpensive shaft in the wilderness of Monticello; now and then a counterfeit presentment of his noble lineaments, that reflect honor on those who put them up rather than to his memory; and occasionally a fulsome eulogy of Thomas Jefferson, who needed no eulogy to make him memorable in the hearts of the American people.

These constitute about the sum and substance of our recognition.

These, Mr. Chairman, constitute the whole acknowledgment of his illustrious service by the people of the United States. And here again to-day we have the idea presented that in granting this recognition on the part of this Government to his sole surviving grandchild we are granting a civil pension. I can not conceive how it is a civil pension when granted in right of the Commander-in-Chief of all the armies and navies of the Union. We are told that this grant is outside of our power, that this little one-horse Government, as it is described, and as they would have us understand it to be, has not power in all the broad grant of jurisdiction contained in the chart to give to this sole surviving grandchild of Thomas Jefferson, for eight years Commander-in-Chief of all the armies and navies of the Union, some acknowledgment of his pre-eminent services and abilities. We are told that the precedent is dangerous. Mr. Chairman, this people have waked up at last, after sixty years' sleep, to find they never did have but one Thomas Jefferson and will probably never have another. Until they do they need not be alarmed about the precedent.

Why, sir, looking around for a moment at the pensions that have been already granted by this Government, what will this country say of a Congress that declines to help this poor old lady? What was Thomas Jefferson? Who was he?

Sir, there is not a feature in all the history of the Government but what to-day bears the stamp and impress of his greatness. The child of the wilderness, in his mind's eye, in his visions of the future, he peopled this land with the teeming millions and boundless industries which now make it the greatest and the most powerful of earth. He adapted every law that his great mind drew to the condition of greatness to which the country has grown. Though he has been dead for sixty-odd years, to-day there is not a feature of government but what Thomas Jefferson foresaw. Wherever we turn and see the church-steeples pointing to heaven and hear the voices of the people assembled together without let or hinderance to praise God in their own way, with no one to oppress or make them afraid, let them not forget that the wizard mind of Thomas Jefferson foresaw that upon religious liberty was to be based the foundations of the fabric which he reared—the foundations of the future greatness of this country. Let them bear in mind that no other hand than Thomas Jefferson's wrote the statute of religious freedom. Wherever merry children are gathered together to receive instructions and be made civilized Christians instead of starving, naked heathen, let them bear in mind that none but the mind of Thomas Jefferson first conceived the idea of a system of general education in America.

Let it not be forgotten that although a slave-holder himself and in the midst of slave-owners, he, with godlike prescience, foresaw the dangers and curse of slavery, and that before even Wilberforce or Macaulay, before Adams or Phillips, Thomas Jefferson advocated emancipation.

Let it be remembered, Mr. Chairman, that Thomas Jefferson in the wilderness sat down and penned the greatest chart of human liberty. He penned a story of human wrongs and human aspirations that gave to the coming ages a government the greatness of which he never lived to witness, but the like of which has never existed from the dawn of civilization until the present time in the history of the world. These are but brief episodes snatched from the life of Jefferson. And yet when these things are remembered gentlemen on the other side talk about the dangers of establishing a precedent by the passage of this bill. When they can show that there is a danger of having another Thomas Jefferson there may be something in their suggestion.

I have heard to-day expressed by gentlemen upon the other side a strange misgiving about these principles. For my part I have no fear about stretching our constitutional powers too far. If we stretch our powers a little too far we can justify it by the precedents of Thomas Jefferson, who stretched his arm out and brought to this land the splendid territory of Louisiana, which is able to pay the bill we now propose.

Sir, if you will look about you to-day and see the pigmies who have come up and put their hands into the Treasury, I say it seems like puerile waste of time to raise this question about the power of this great Government to succor this poor, lone, feeble old lady, the last surviving representative of the greatest—the only Thomas Jefferson that ever lived.

How does she come here to-day? The gentleman from Pennsylvania [Mr. POST] said this was not an eleemosynary institution; that we do not keep a Government poor-house. I accept the statement. Thank God, this gentle, pure, and noble old woman does not come here like a genteel mendicant. It was not of her motion the bill was offered. It was the spontaneous offering of other people. Sir, she has had too much experience of the gratitude of republics to come here asking for alms.

It is not the best-beloved daughter of Thomas Jefferson who comes here. For fifty years that true and beloved child of his old age has lain forgotten in her grave, and the Government never gave her one penny. It is not the quaint, little, old-fashioned grandchild who stood by Thomas Jefferson's dying-bed, and perhaps when his grand soul burst its earthly bonds saw for the first time the great mystery of life and death. No, this nation did not go to his illustrious bedside and lead that little weeping girl away and claim her as the nation's ward. Sixty years have gone by since that day, and the little child has grown up to be a

woman, wife, mother, widow. Springs, summers, falls, and winters have come and gone; half a century of years has passed on; and to-day, schooled in the neglect of the Republic, she doubtless would be surprised at this act of charity, as she sits feeble, old, dying, with never one penny of succor to him or his heirs from this Government for services that stand up as proud and pre-eminent as the Dome of this Capitol stands amid the other structures by which it is surrounded.

So far as I am concerned I do not claim that I would have originated this bill. I do not claim that if it had been left to me alone I would have conceived the idea of passing such a bill.

But I do ask this House to-day in no sectional spirit and from no partisan standpoint, I ask all men here present, regardless of party, to make this Presidential year remembered by putting upon the highway of our travels this splendid milestone of gratitude on the part of the American Republic to the greatest politician, the greatest statesman, that this country ever produced, and whose memory never has been properly acknowledged in all the years that have gone by since he died. [Applause.]

Mr. ROBINSON, of New York. We now want to hear from the gentleman from Kentucky, Colonel WOLFORD. And I want to ask the Chair to reserve for me till the end of the debate four minutes. I yield the rest of the time allotted in support of the bill to Colonel WOLFORD.

The CHAIRMAN. The Chair will state to the gentleman from New York that the time allotted to the supporters of the bill will expire at 7½ minutes after 4 o'clock.

Mr. WOLFORD. Mr. Chairman, the proposition to pension the granddaughter of Thomas Jefferson is not unconstitutional in my humble judgment, as has been intimated by some able gentlemen upon this floor. If it were, it would have been unconstitutional to donate $500,000 to feed the sufferers by the floods. One is as much unconstitutional as the other. And in fact, sir, every pension that was ever voted by the United States is unconstitutional, if this is unconstitutional. In the brief time allotted to me to speak upon this subject I do not propose to waste any of the time I have upon the question of the constitutionality of this measure.

It has been said that republics are ungrateful. Are we to have that proposition demonstrated here to-day? When we have here before us this claim on behalf of the granddaughter, poor, penniless, of one who has done as much for his country as any man who ever lived in the United States of America, when we know all the friends of civil liberty throughout the world admire the principles and views of Thomas Jefferson, when the friends of liberty everywhere in the United States and throughout the world are listening to hear what the Government of the United States will say upon the question of giving a small pension to the only remaining granddaughter of Thomas Jefferson, are we to stop and argue about the unconstitutionality of a thing which has been settled by all the acts which have been passed by this Congress granting pensions?

The gentleman from Alabama [Mr. HEWITT], the chairman of the committee which reported this bill, voted to pension the Mexican soldiers on the ground of service. I do not object to pensioning the widows of Presidents. I believe, sir, that every man that does great service, that brings his mind and soul and heart to the service of his country, ought to be remembered. I am as much in favor of pensions for civil service as I am in favor of pensions for military service, provided that service is as great, provided it is as good, provided it is rendered for a common country and the common interest.

When the world recognizes the great intellect of this our illustrious statesman, when mankind everywhere recognizes it, are we to say that because we are in a republic we will not recognize these great services? When the widow of Abraham Lincoln was pensioned Congress did right. Congress did right also to pension the widows of other ex-Presidents because of their great services. In that Congress set an example well worthy of imitation.

But I do not care about precedents. Were I a judge I would want a law and a precedent. But when I come here to legislate for my constituents, to legislate for 50,000,000 of freemen, I want no precedents. What I want to know is the right or the wrong of any proposition presented to me. I apprehend that this Congress has sense enough to take care of itself on every question that may come before it. And I apprehend also that those who will come after us will have equal sense to decide whether they will follow precedents or act according to their own judgment of right and wrong. This is simply a question of right and wrong.

At the crowning point in our history, when it was thought that we as a nation could not survive; at a time when the independence of the Colonies had never been thought of except by a few great, far-seeing, wise patriots like Thomas Jefferson; at the crowning time when the world thought that our fathers would be overwhelmed in their efforts to establish on this continent a nation founded upon freedom and justice, Thomas Jefferson stepped forward and indited that great document which has challenged the admiration of friends of freedom everywhere, that great charter of our freedom, of equal rights and equal privileges, the Declaration of Independence. His whole life, as has been said by the eloquent men who have preceded me in this discussion, was devoted to the good of his country and to the happiness of his fellow-citizens.

Who can read the history of Thomas Jefferson in connection with the history of our country, I care not whether he be a Republican or a Democrat—who can read his history in which is recorded the fact that he rose above all little prejudices and little obstacles, and with a great mind and a great heart grasped the right and the wrong of every question as he did when he obtained for us that empire, Louisiana, and like a statesman rose above all partisan feelings—who can read that history and be willing to tell the world by his vote to-day that he will not with heartfelt gratitude remember the distinguished services of Thomas Jefferson?

I have not time to discuss this question as I would like to discuss it. But if you say that you will not pass this bill, that you will not perform this act of simple justice, that you will let the granddaughter of Thomas Jefferson remain in poverty, the world will understand what you have done. Ay, more; the world will see that this Republic is so afraid of giving a little money, is so afraid of—I was going to say of doing right, but I will use the language of the distinguished gentleman from Texas [Mr. REAGAN] and say is so afraid of doing wrong—that it will not vote a pittance to the granddaughter of Thomas Jefferson.

Take the history of our country and examine it, and you will find there the records of great men, who upon important occasions have arisen equal to the emergency; you will find numbers of them. But gentlemen say, this will open a door. I hope the door will be opened. I hope that we will have a door opened when men perform great services to be remembered through all ages and for all time. My distinguished friend who stands before me says that he remembers with heartfelt gratitude the distinguished services of Thomas Jefferson. And I am told by him and others that if Thomas Jefferson was here he would not vote for this bill.

Sir, I do not believe it. I believe he would vote for a bill like this, and I know of nothing in the Constitution of the United States that would prevent his voting for it. I never saw anything in any of his writings that would lead me to believe he would not vote for such a bill as this.

If it had so been that General Washington had a grandchild and Thomas Jefferson was sitting here in the Congress of the United States when a bill granting her a pension was presented for the action of Congress, do you believe that Thomas Jefferson would say, "Well, George Washington, your name was illustrious; you were first in war, first in peace, and first in the hearts of your countrymen. Oh, how I admire you. Oh, how I love you; yet there is something, I can not tell what, it is not in the Constitution of my country, it is not in the history of the past (and, thank God for that), it is not in the history of any party in this country; but there is something, I can not tell you what, which prevents my voting for this bill. I want to save the public money. I want to go before the world as a man who holds fast by the public Treasury; as a man who stickles for constitutional rights, and therefore I can not vote a pension to your granddaughter?"

Do you believe he would say that? Do you believe he would say, "The world may look with amaze and wonder at the vote that I shall give; but I, Thomas Jefferson, the great philosopher, the great advocate of equal rights and equal privileges, the great friend of free government, the lover of America, the friend of education, will sit here and, although my heart swells almost to bursting (like some distinguished gentlemen who on this occasion have argued on the other side), although I love the memory of Washington, although I love the granddaughter of the illustrious Washington, yet I can not vote for this bill and his granddaughter must starve?" I do not believe Thomas Jefferson would ever have said any such thing.

If we reject this bill and refuse to the granddaughter of Thomas Jefferson a pension, the world may know that the American Congress has not risen to the high point of saying that the distinguished services of Jefferson for his country will never be forgotten.

The constitutional right to pass the bill is clear; the precedents are clear, and, as I have said, I hope those precedents will be followed. I trust that in every case where our country has received such services as those of Thomas Jefferson, if the patriot rendering those services should have a granddaughter in want, the Government will come forward and say to that grandchild, "You are the daughter of this nation; the people of the United States love you; the Congress of the United States, the representatives of the people, testify their affection, and with fraternal care take you by the hand and say, you shall not suffer want." We thus refute the slander that republics are ungrateful; we forever put that cry to silence. We do remember such great and lasting services as those of Thomas Jefferson.

But gentlemen say, "We have so many great men." I admit, sir, that in the constellations of our political and military sky there are a great many bright and shining stars. I thank God for it. I would that they were like the sands of the sea, that they could not be numbered. I would remember every one who has done his duty faithfully. But in the galaxy that shines forth in our national firmament there is only one name greater and higher than that of Thomas Jefferson. The immortal Lincoln must be placed below him, though in an emergency he made himself great by doing what he believed to be his duty and violating the Constitution, as he said he did, for the good of the nation. Others have done well; but I say there is only one name in our roll of Presidents that can be placed above that of Thomas Jefferson. I mean, of course, George

Washington, the Father of his Country—" first in war, first in peace, first in the hearts " of the American people; Washington, whose reputation was as pure as it was brilliant, whose career was as great and grand as it was good. Next to him, I say, stands Thomas Jefferson.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from New York [Mr. ROBINSON] has four minutes remaining.

Mr. ROBINSON, of New York. I wish to reserve my time until the close of the debate.

Mr. HOLMAN obtained the floor, and said: I yield to the gentleman from North Carolina [Mr. YORK].

Mr. YORK. Mr. Chairman, as a member of the Committee on Pensions I was one of those who signed the minority report on this bill, but I had not intended to take part in this discussion, and I would not do so if I had not been attacked in the course of the debate. My friend from New York [Mr. ROBINSON] has seen fit to step aside to assail me. He has said that gentlemen who signed the minority report were here in former Congresses when bills were passed pensioning widows of Presidents, &c. As his remarks would appear to include me among that number I want to say to the gentleman that this is my first session in Congress, and I had nothing in the world to do with the passage of the bills referred to.

The gentleman from New York has said further that while the other gentlemen of the minority occupy a certain political standpoint, yet as to myself he does not know where to find me. I want to say to him that he will always find me on the side opposed to civil pensions. So far as my political record is concerned I propose to be on the side of the laboring people of this country, and I am opposed to taking their money and voting it in this way.

We all acknowledge the great services of the patriot Thomas Jefferson. In the "hour that tried men's souls" he was faithful to his country. I would be willing to do almost anything in honor of the memory of Thomas Jefferson; but I can not so far step aside from the duty which I owe to my country and my people as to vote for a civil pension, even though the recipient be a grandchild of Jefferson.

Let the Forty-eighth Congress pass this bill, and it will be the entering wedge for hundreds and thousands of propositions of the same character which will follow in its track. I know that this case appeals to the sympathy of every man on this floor; I know we all feel impelled to do what may be in our power for this poor helpless woman. But still the obligation which we owe to our constituents forbids us to initiate a policy of granting civil pensions.

In this country, Mr. Chairman, we have but few precedents for this step. There have been bills granting relief to the widows of some of our deceased Presidents. But in Europe the civil list is weighing down the people, crushing them to the earth; and I feel that if the American Congress should pass this bill to-day its tendency will be inevitably in the direction of the creation of an oppressive civil-pension list in this country.

Gentlemen talk about the services of Thomas Jefferson. But, sir, we have the same right to talk about the services of those gallant soldiers, those patriots who stood by the flag of the country in the Revolution, who gave us the liberties which we to-day enjoy. If those services had proper recognition, would not the children of those men be receiving pensions to-day? They have gone to their graves in sorrow, pinched by hunger and in want. They were granted no pension during their lives. Here to-day, notwithstanding such has been the case in the past, it is attempted to establish a precedent by which we would give in the future a civil pension to the grandsons and granddaughters of everybody who had served the public. I say that I am opposed to the establishment of any such system in this country.

I have risen only to state the grounds of my opposition. If I had not been attacked by the gentleman from New York [Mr. ROBINSON] I would not have opened my mouth. As other gentlemen desire to be heard I will yield the time I have remaining to the gentleman from South Carolina [Mr. TILLMAN].

Mr. TILLMAN. Mr. Chairman, this bill appeals to our sympathies. All of our sensibilities are aroused in behalf of this claim; but, sir, sentiment is a poor guide in legislation. The great nation from whom we descend, from whom we have derived our precedents, our literature, our language, ay, from whom we have inherited our liberties, is governed by judgment, by enlightened self-interest, and not by sentiment. The misfortune of the gentleman who introduced this bill is that he and his nation (Ireland) are too much governed by sentiment.

Sir, there is no authority in the Constitution to grant this pension. Jefferson himself, in the Declaration of Independence, says all men are born equal. Would it be equality to pension his granddaughter and not pension other men's granddaughters?

The Constitution also says private property shall not be taken for public use without just compensation. Now, the taxes we collect from the people are private property appropriated for public use, and what compensation would the people get for the taxes they would yield to be turned over to this good lady, if the bill shall pass, except the indulgence of a sentiment?

The Constitution also says that Congress shall have power to lay and collect taxes to pay the debts of the United States and to provide for the common defense and the general welfare. It provides for the common defense by granting military and naval pensions, but how it can provide for the common defense by pensioning Jefferson's or any other man's granddaughter I fail to see.

Mr. Chairman, we ought to grant liberal naval and military pensions. I shall so long as I hold a seat on this floor be ever ready to vote pensions to the soldiers and sailors of the United States, even those in the late civil war who conquered the South. But, sir, while in favor of just and liberal military and naval pensions, I can not and never will vote for civil pensions to anybody.

Soldiers and sailors risk their lives. They risk their health. They may be disabled by disease or wounds. They may become disabled from supporting themselves, much less their wives and children. If they lose their lives in the service of their country, that country should do something to supply the place of the parent toward the sustenance and establishment in life of their children as well as toward supporting the widows.

When men enter the military and naval service of their country they enter it voluntarily it is true, but they are slaves of the Government, bound to obey its orders as long as the contract they made shall continue. They have no choice but to obey and risk their health and their lives, and they should be pensioned when disabled, and when killed their widows and children should be pensioned. But where is the man in the civil service of the country who did not enter and remain in it voluntarily, and who, therefore, has no right to claim a pension, no matter what he does for his country?

Why, sir, the gentleman from Virginia [Mr. JOHN S. WISE] said Jefferson had no reward. Was it no reward to be made President of the United States? What is it moves the men who are here and the boys who will take our places in a few years? Honor. It is the pursuit of honor that makes statesmen. It is gratified ambition that rewards a life of daily and nightly toil, and careful regard for one's private character and public conduct that makes statesmen in this or any other free country. And when the highest honor the people of the United States could bestow was given to Jefferson, was that nothing?

And, Mr. Chairman, the gentleman also said that Jefferson had received no pension, that his family had received none. Sir, he only confesses his ignorance of the legislation of his country when he said it. I assert that Jefferson and his family have received over $40,000 in pensions from the United States. Why, sir, in 1814–'15 a debate came up in both Houses of Congress about the purchase of his library. This was after the Capitol and Congressional Library had been burned by the British. Congress appropriated $23,950 for his library as an act of charity, for it was notorious he had no skill in finance and that he was very poor. There was great opposition to it in the debate. It was carried only by a vote of 81 to 71 after a prolonged discussion. It was asserted and admitted that his library was worth very little for public purposes, because it was mostly of works in the French and other foreign languages and in the abstruse sciences, for he was a very scientific man. Therefore it was held that they were comparatively worthless as a library for Congress; and another objection was that his library was full of works of imagination and atheistical and infidel books. But, sir, owing to the veneration that they had, and the admiration and the gratitude they felt, for him they voted that sum of money to support him in his declining years, as he did not die until 1826. It was also conceded in the nature of a pension, although given in a lump sum to Mrs. Randolph, who was the daughter of Jefferson and the mother of this lady.

Again, in 1848 Congress appropriated $20,000 to purchase the manuscripts of Mr. Jefferson. That was carried, after a protracted discussion, by a vote of 58 to 60, being a majority of only two in favor of it. Why? Because the representatives of the people said that every public paper of Jefferson that was of any value had been already published. Still a majority, out of the gratitude and admiration which prevailed for him, as I have said in regard to his library, concluded that they would vote the $20,000 more for this very lady who is asking this pension here, and her brother, Thomas Jefferson Randolph, who was named for his grandfather. Six thousand dollars more was appropriated to publish the manuscripts, and the heirs have had the benefit of it. So that Jefferson, you may say, was pensioned, his daughter was pensioned, and his granddaughter, and her brother, his namesake, were pensioned to the amount of $50,000 when money was worth twice as much as it is now. Hence so far they have all been pensioned. Now, in the name of justice and democratic equality, is there to be no end to the applications here asking us to unlock the Treasury doors to pension Jefferson's descendants?

Sir, I wish my time was not limited. There are a great many general principles involved in this question and a good many facts which I could present, but I have not the time. I will simply say that I can very well account for the position taken by a good many gentleman on my right (Republicans) who are supporting this measure. It is because, like the sentimental gentleman who introduced this bill and the too-tender hearted but brave Kentuckian [Mr. WOLFORD] who advocates it, they believe the powers of Congress are limited only by the discretion of Congress. There would never have been any use to have had a written constitution if our forefathers had been willing to concede that doctrine; and every patriot of common sense I think must admit that

no man who knows human nature in all of its aspects would be willing to intrust his rights to the discretion even of an angel from heaven, much less to poor, fallen, sinful man. But the discretion of Congress in the pursuit of the general welfare is too often the guide, I fear, of my friends on my right; and I do hope that none on this side will approve such a principle. I believe that a great many, even over on the other side, will not follow a bad precedent in support of a measure merely because it excites our profoundest sympathies.

Mr. BROWNE, of Indiana. Will the gentleman be good enough to tell me to what party the committee belongs that reported this bill?

Mr. TILLMAN. I believe to three parties. [Laughter.] One of Independent proclivities, like the gentleman on my right from North Carolina [Mr. YORK].

Mr. BROWNE, of Indiana. But to what side——

Mr. TILLMAN. Please do not take up my time.

Mr. BROWNE, of Indiana. But my colleague [Mr. MATSON] asserted a while ago that the majority was responsible for the legislation of Congress.

Mr. TILLMAN. I think the majority of the last House set a very bad example by pensioning the widows of the Presidents, although that was not as bad as pensioning the superannuated Federal judges in 1869, because there was some justification in pensioning the widows of Lincoln and Garfield in particular, as these latter were each Commander-in-Chief of the Army and Navy when they were assassinated, and assassinated because they were Commander-in-Chief. Hence those pensions were in one sense military.

If we ever open the door as proposed by this bill to grant a pension to a President's granddaughter, then there will at no distant day be innumerable applications from all quarters to grant pensions to other Presidents' granddaughters and great-granddaughters, just like the members of Washington's family made application to be interred in the burial vault erected for the Father of his Country. The guide-books tell us that nearly every member of the Washington family, even to the remotest degree, thought he or she was worthy of being buried alongside of the illustrious man who was "First in war, first in peace, and first in the hearts of his countrymen;" and they were buried there until the nuisance became so great that the key to the vault had to be thrown into the Potomac to stop the sacrilege forever.

Thirty Washingtons in name and kindred blood were laid away in that vault for the reason that example is contagious, and a demand for equality is planted deeply in the human breast. What is only an act in this generation becomes a practice in the next, a custom in the next, and then it gets to be *law*.

Tennyson has truly said

> Freedom broadens slowly down
> From precedent to precedent.

He might have said as much of tyranny, luxury, or corruption, since every virtue or vice broadens and lengthens, deepens and strengthens with repetition.

I repeat, grant this civil pension, and you will but follow the precedents of the pensions you granted to the Federal judges in 1869 and the other pensions you granted to the Presidential widows in the last House. You confine this bill to the granddaughter of Jefferson, it is true, now; but it will go on, and on, and on, generation after generation, in respect to Jefferson's posterity, and soon other great civilians' families will be successively pensioned, until our Treasury shall groan under the burden of its civil-pension list as is the case with every effete government in Europe. The United States has a larger military and naval pension-roll than all the governments in the world put together; but, thank God, as yet the pettiest kingdom abroad has a larger civil-pension list than we have. Do not, I implore you, add civil pensions to our present and still rapidly growing enormous Army and Navy pensions.

Mr. Chairman, as we all claim to be democrats, all republicans, all patriots—I say as the door leading to the Treasury by which civil pensioners can enter has been opened only to admit Federal judges and Presidential widows, I hope we will agree on both sides of the House to lock the civil-pension door of the Treasury for the future and throw the key into the Potomac. [Applause.]

[Here the hammer fell.]

Mr. HOLMAN. I now yield five minutes to the gentleman from Ohio [Mr. WARNER.]

Mr. WARNER, of Ohio. Mr. Chairman, somebody has said that it is in the name of the Lord that all evil begins. The old Latin maxim, freely translated, is that all bad precedents have their rise in good beginnings. That has always been the case. That this bill would establish a precedent new in its character in the history of this country nobody I think will deny; and it is proposed to establish this precedent by the force of the great name of Thomas Jefferson.

I trust I am not lacking in appreciation of the great services of Thomas Jefferson, the man who beat down the doctrines of entail and primogeniture, who established religious freedom, and penned that great paper which I hold to be the most important state paper in the possession of man—the Declaration of Independence. The services of such a man Democrats, at any rate, I trust appreciate. But that is one thing, and the proposition to make use of a great name to establish a bad precedent is quite another thing.

Upon what ground is this claim for a pension based? Why upon the ground of need or want, coupled with the great services of a grandfather. Now, Mr. Chairman, that is precisely the ground upon which the entire civil and hereditary pension-lists of England now rest; that is, want and services to the state, or, if a hereditary pension, then the services of an ancestry of greater or less distinction. It was on that ground that the doctrine was based that a king had a right to alienate the revenues of the crown and to select persons whose ancestors had been distinguished, or who themselves, perhaps, had rendered distinguished services, and place them upon a civil-pension list.

Undoubtedly there were excellent precedents for the beginning of the present permanent pension-lists in European countries, which now amount to millions of dollars. There were precedents for pensioning the descendants of the Duke of Marlborough, or the Duke of Cornwall, or the Duke of Grafton. Precedents were doubtless followed in establishing the long pension-roll I find here in the book that I hold in my hand.

Now, Mr. Chairman, I believe that every gentleman upon this floor, certainly every Democrat here, will agree that all the teachings of Thomas Jefferson are opposed to the principle of a civil-pension list on any plea whatever. I want to read, Mr. Chairman, a few words taken from Randall's Life of Thomas Jefferson, and quote a few lines from his own writings on this question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WARNER, of Ohio. I think I have not had the five minutes assigned me, if the time be allowed which was occupied by the Chair in bringing the committee to order.

The CHAIRMAN. The Chair allowed half a minute for that.

Mr. HOLMAN. How much time have I remaining?

The CHAIRMAN. Eleven minutes. By order of the House debate will be closed at a quarter before 5.

Mr. HOLMAN. I yield to my friend from Ohio [Mr. WARNER] three minutes more of my time.

Mr. WARNER, of Ohio. It is well known that Thomas Jefferson's estate became seriously involved on account of his obligations in connection with the failure of Governor Nicholas. Mr. Randall, his biographer, says in the Life of Thomas Jefferson:

> Those who knew how determinedly he has refused to accept, under any circumstances or in any form, a donation from the State had felt some interest to know how he would receive the proposal to have his debts paid by a popular subscription. Instead of wounding, it gratified his feelings. It struck him in the light of a purely filial offering. "I have spent three times as much money and given my whole life to my countrymen," he declared, "and now they nobly come forward in the only way they can to repay me and save an old servant from being turned like a dog out of doors. No cent of this," he exclaimed, "is wrung from the tax-payer; it is the pure and unsolicited offering of love." These feelings "closed with a cloudless sun a long and serene day of life."

I suggest that it would be much more appropriate if the gentleman from New York [Mr. ROBINSON] would circulate the hat here and take up a contribution; that such a proceeding would be much more in accordance with the precepts and principles of Thomas Jefferson than to levy a tax or to use the power of the Government to appropriate money to his descendants.

If the door be opened by the passage of this bill where will we stop? With the granddaughter? Why not go on to the great-granddaughter? That is the principle of hereditary pensions. Why not include the descendants of Washington, Adams, and Franklin? Is there any real reason why on a like plea a like pension should not be given to any descendant of a distinguished ancestor? Show that there is need on the one hand and great services on the other, and with this precedent a claim to a pension is established. Then where will we stop? I say to you gentlemen this is the beginning of a civil-pension list, the end of which no one can predict. In my opinion they honor Thomas Jefferson most who carry out the principles which he established, and who say "no" to this proposition. To do that will be establishing a precedent of the greatest possible value, for if a pension be denied to a granddaughter of Jefferson it will be granted to no one in the civil service or for the distinguished services of any ancestor. No doubt this case appeals to our sympathies, but it is not safe to legislate from such motives. There is nothing so unsafe as emotional legislation.

Mr. HOLMAN. We have passed through the first century of our history as a Government. We have fairly entered upon our second century. The great principle of the civil compact announced by Thomas Jefferson, fully recognizing the inalienable right of the individual man and the natural equality of men as the only just foundation of government, has through all this period guided the fortunes and controlled the advancement and directed the forces of this Republic. And it is at least a cause for profound gratitude that it was not until the opening years of the second century of the Government that such a measure as this, in absolute defiance and reversal of the doctrines he taught, has come before the American Congress. The presence of this measure in this House is a remarkable event, but it is still more remarkable that it is here in this House controlled by the representatives of the great party founded upon the great principles of the apostle and champion of human rights.

What a commentary on human affairs! The great name of Jefferson—great because he broke into fragments the old idea of government resting on privileged and favored classes with rights transmitted through the blood of successive generations, and founded free institutions, a living government, on the natural equality and equal rights of men—is

appealed to in behalf of his own posterity for going back on the great thought that has made his name immortal! The name of Jefferson invoked in behalf of a civil-pension list in consideration of rights founded in and resulting from descent and transmission of blood! What sacrilege! Every student of history has found right there the germ and origin of the aristocracies of the Old World. If that is not the basis on which the privileged and aristocratic classes of the Old World rest, then history teaches no lesson to mankind.

The name of Thomas Jefferson is invoked in a House of Representatives controlled by his avowed disciples, by men professing to be controlled by his grand yet simple maxims of government, in behalf of a civil-pension list not even resting on personal merit or public service, but on hereditary claim—a civil-pension list an outgrowth and support of monarchy, a privileged class living on the labor of others; a feature of the Old World's institutions the most abhorred by our fathers, yet now being gravely discussed by the American Congress, and the name of Jefferson invoked in its support. It is sacrilege to appeal to his name to support this measure. Among his first utterances when he came to be President of the United States was this:

> Still one thing more, fellow-citizens: A wise and frugal government, which will restrain men from injuring one another, which will leave them otherwise free to regulate their own pursuits of industry and improvement, and which shall not take from the mouth of labor the bread it has earned—this is the sum of good government, and this is necessary to close the circle of our felicities.

And yet it is the illustrious statesman who could utter sentiments like those whose name is invoked in a Democratic Congress to plant here the germ from which the aristocracies of the world have sprung. An early historian has said that when it was proposed in the convention which framed the Federal Constitution to embrace in it an article to prohibit the establishment of a civil-pension list one of the great statesmen of that convention rose to his feet and said: "No; put no such provision as that in your Constitution, for whenever the people of the government we are forming are prepared to establish a civil-pension list and permit a favored class to live on the fruits of their labor, then the very foundations upon which a republic rests will have already perished."

Yet at the beginning of our second century it is proposed to begin this movement for a civil-pension list, by which in the progress of time, following the example we are now asked to establish, growing with the years, broadening and deepening and widening as time shall advance and opportunity shall occur, you will fasten upon the labor of this country a privileged class, the existence of which in the Old World filled the land with poverty and wretchedness and peopled our shores with multitudes seeking shelter from oppression.

I protest against the begging of a civil-pension list in the name of Thomas Jefferson. I protest against it on the authority of every immortal truth he uttered. I protest that the history of that great and illustrious champion of human rights shall not be appealed to to justify a most dangerous and subtle precedent, which, growing with years, sanctioned by time, borne up by great names, sanctified by noble deeds and memories which our people will delight to cherish, may and will inflict fearful wrong upon our free institutions. Already your civil-pension list, the outgrowth of the last fifteen years, ought to excite the attention and alarm of our people; but here for the first time, and in behalf of an estimable lady, and in the name of one of the most illustrious champions of human rights and the foremost and grandest builder the world has produced, the right and claim are based solely on inheritance and descent. Here and on such an appeal all personal considerations should disappear and the effort to establish a dangerous and subtle precedent should be firmly resisted.

[Here the hammer fell.]

The CHAIRMAN. The Chair now recognizes the gentleman from New York [Mr. ROBINSON] for four minutes.

Mr. ROBINSON, of New York. I have but a few minutes to say what I desire to say upon this occasion. The gentleman from Indiana [Mr. CALKINS] desired to speak on this question, but I do not see him here, otherwise I would yield to him.

I am sorry that I am limited to four minutes to answer such eloquence as we have had poured out here against this benevolent act. The pension of Thomas Jefferson, which was referred to by my venerable friend from South Carolina [Mr. TILLMAN], was simply the purchase of his books. Does that gentleman propose that those books shall be brought out and burned if Thomas Jefferson's friends do not pay back what they cost? Does he intend to take away the property which Jefferson had in those books and of which his family received very little? If so, then let us know it.

I say that Mrs. Meikleham never received a penny of pension, and that anything which has been obtained by the Government from the descendants of Jefferson was of more value than the amount paid for it and is now of ten times the value.

The fathers of this Republic have been quoted here. If I had time I could show that Mr. Monroe, while minister to France, was applied to about a pension for a descendant of Benjamin Franklin, and he was in favor of it, and so stated in a book which a member of his family showed me the other day and which I have now in my possession. He would have been in favor of granting a pension to the descendant of Benjamin Franklin if it had been shown that she was in need.

Gentlemen on the other side say that we must draw the line somewhere. Do so, but for God's sake do not draw your infernal line across the face of Thomas Jefferson. You gave to the widows of Lincoln and Garfield, and all those men who did so are here.

Mr. TILLMAN. Yes; but it was because they were killed while in office, and because they were the Commanders-in-Chief of the Army and Navy, doing their duty toward the Government.

Mr. ROBINSON, of New York. I have no time to be interrupted. I say that all those gentlemen were here in Congress and voted for pensioning the widows of those Presidents. I say draw the line, but draw it this side of Jefferson, so that this poor old lady will be inside of it. As was suggested by my friend from Virginia, Jefferson was Commander-in-Chief of the Army and Navy, and served in that position longer than these other men did.

Mr. TILLMAN. But he was not killed while in office.

Mr. ROBINSON, of New York. There were other things to which I have not time to refer. Some question has been made about my having sympathies. I rejoice that I have some sympathies, that I have some Irish sympathies.

Mr. TILLMAN. I have, too, for I am part Irish myself.

Mr. ROBINSON, of New York. When Montgomery fell at Quebec, when Stark rescued your honor on the battlefield, when Morgan went down South and rescued you honor at the Cowpens, which was so much in need of rescuing; whenever you wanted a friend and appealed to Irish sympathy, Irishmen poured out their blood and treasures in order that the American Republic might be able to-day to give a small pension to the most illustrious lady living in the United States.

The CHAIRMAN. The time for general debate has expired. The bill will now be read for amendment and discussion under the five-minute rule.

The amendments reported by the Committee on Pensions were read, as follows:

> Strike out, before the word "dollars," the words "five thousand" and insert in lieu thereof "twenty-five hundred."
> Add to the bill the following:
> "And that it be made payable quarterly in advance."

Mr. WHITE, of Kentucky. I desire to ask whether it is in order now to offer a substitute for the bill?

The CHAIRMAN. When these amendments are disposed of a substitute will be in order.

The amendments were agreed to.

Mr. HEWITT, of Alabama. I move to strike out the enacting clause of the bill.

Mr. WHITE, of Kentucky. Mr. Chairman——

The CHAIRMAN. Debate is not in order.

Mr. WHITE, of Kentucky. I rise to a parliamentary inquiry; whether it is in order at this time to offer a substitute?

The CHAIRMAN. Not while the motion to strike out the enacting clause is pending. That takes precedence.

The question being taken on the motion of Mr. HEWITT, of Alabama, there were—ayes 129, noes 60.

Mr. ROBINSON, of New York. I call for tellers.

Tellers were not ordered; there being only 11 voting therefor.

So the motion of Mr. HEWITT, of Alabama, was agreed to.

Mr. MCMILLIN. I move that the committee rise to report to the House the bills on which we have acted.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the Private Calendar had directed him to report the bill (H. R. 1389) for the relief of Myron E. Dunlap with a recommendation that it be passed with amendments; and the bill (H. R. 999) granting a pension to the sole surviving grandchild of the author of the Declaration of Independence with a recommendation that the enacting clause be stricken out.

SIDNEY HENDERSON.

The SPEAKER. The first bill in order is the unfinished business coming over from last Friday, the bill (H. R. 3522) for the relief of Sidney Henderson, executrix.

Mr. GEDDES. I desire to offer a resolution with reference to recommitting this bill.

The SPEAKER. The question is upon ordering the bill as amended to be engrossed and read a third time.

Mr. DIBRELL. The resolution of the gentleman from Ohio [Mr. GEDDES] is to be offered by agreement and its adoption will save some time.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

> *Resolved*, That House bill 3522, for the relief of Sidney Henderson, executrix of John Henderson, deceased, with the substitute therefor adopted by the House, be recommitted to the War Claims Committee, with instruction to report the same back to the House within ten days from this date, with the amount that they think should be paid on said claim; and that when said report is made this claim shall not lose its place upon the Private Calendar, but shall be placed where it now stands for action by the House.

Mr. DIBRELL. Mr. Speaker, upon examination of the papers and evidence in this case I find that every statement I made to the House

in regard to it is corroborated; but in order to prevent any delay it has been agreed that this resolution be adopted.

The resolution was adopted.

MYRON E. DUNLAP.

The next bill reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 1389) for the relief of Myron E. Dunlap.

The amendments reported from the Committee of the Whole House were agreed to.

The bill as amended was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. BAYNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SEPTIMIA RANDOLPH MEIKLEHAM.

The next bill reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 999) granting a pension to the sole surviving grandchild of the author of the Declaration of Independence.

The SPEAKER. This bill has been reported from the Committee of the Whole House with the recommendation that the enacting clause be struck out.

Mr. ROBINSON, of New York. On that question I demand the yeas and nays.

The yeas and nays were not ordered, there being only 10 voting in favor thereof.

The question being taken upon agreeing to the recommendation of the Committee of the Whole House on the Private Calendar that the enacting clause of the bill be struck out, it was agreed to.

The SPEAKER. This recommendation of the Committee of the Whole House having been concurred in, the bill is rejected.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDINGS AT SAN FRANCISCO.

Mr. MCMILLIN. I move that the House now take a recess till half past 7 o'clock this evening.

The SPEAKER. The Chair, before putting that question, if there be no objection, will lay before the House a message from the President of the United States, and also several requests of members for leave of absence.

There was no objection.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of War, of the 12th instant, and accompanying papers, requesting an appropriation of $230,869.44 for the erection at the Presidio of San Francisco of additional buildings at heaquarters, military division of the Pacific, rendered necessary in consequence of the proposed increase of the garrison by removal of troops from points in San Francisco Harbor.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 14, 1884.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WARNER, of Tennessee, indefinitely, on account of the destruction of his dwelling-house by fire;

To Mr. POTTER, until Thursday next;

To Mr. HOUSEMAN, for ten days from to-morrow;

To Mr. COX, of New York, until Wednesday next;

To Mr. CONVERSE, until Monday next, on account of sickness;

To Mr. KELLEY, until Tuesday next; and

To Mr. BENNETT, for to-day, on account of sickness.

ORDER OF BUSINESS.

Mr. DUNN. I ask unanimous consent to have printed in the RECORD an amendment which I desire to offer to the Post-Office appropriation bill.

Mr. HOLMAN. I call for the regular order.

The SPEAKER. The hour designated by order of the House for the recess has arrived. The gentleman from Tennessee, Mr. MCMILLIN, will preside at the evening session. The House is now in recess until half past 7 o'clock p. m.

EVENING SESSION.

At 7 o'clock and 30 minutes p. m. the House resumed its session, Mr. MCMILLIN in the chair as Speaker *pro tempore*.

Mr. MATSON moved that the House resolve itself into the Committee of the Whole House on the Private Calendar.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. Under the order of the House the committee resumes the consideration of pension cases on the Private Calendar.

MRS. ELLEN M. FLAGG.

The first business on the Private Calendar was the bill (H. R. 3238) granting a pension to Mrs. Ellen M. Flagg.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Ellen M. Flagg, widow of the late William H. Flagg, late a member of the Fifty-seventh Regiment Massachusetts Volunteers.

The report was read, as follows:

Ellen M. Flagg is the widow of William H. Flagg, Company G, Fifty-seventh Massachusetts Infantry. He enlisted February 27, 1864, and was honorably discharged May 31, 1865, for wounds received in service. He was granted an invalid pension (certificate No. 49183). His wounds were received at the battle of the Wilderness, a ball shattering both bones of left forearm, rendering it always after useless; and he also had two ribs fractured and the lung perforated, the ball passing around to his side, near the spine, where it was afterward found and extracted. In the same battle a ball passed through his cap and over the cranium, producing a concussion, from the effect of which he ever afterward suffered, causing him severe pains in the head and to become unconscious for hours. Recovering from these attacks he would be prostrated and weak. He finally died in the infirmary at Cleveland, Ohio, January 1, 1880, whither he was taken, from his room at a hotel where he was stopping, in an unconscious condition, and remaining so until his death. His widow filed an application for pension June 26, 1880, which was rejected on the ground of lack of sufficient medical evidence that the soldier's death was the result of wounds contracted while in service.

The evidence in the case is as follows, namely:

Sarah Eliza Randall certifies that—

"Flagg was in good health before enlistment, &c.; complained of great pain in head at times after service; suffering extreme agony, ofttimes becoming unconscious; never had these attacks before the war."

James E. Robbins certifies:

"Lived in same house with Flagg two years; saw him every day; was in poor health; he would often fall from his chair, and while at work, suffering from the pains in his head, would be unconscious for hours, and after such attacks be prostrate for days."

Dr. Horatio W. Clapp testifies:

"No brain trouble before enlistment; always healthy," &c.

Martha P. Clapp corroborates the above.

Alexander Flagg certifies:

"Soldier was in good health at enlistment. After discharge had frequent attacks of acute brain disease and paroxysms of pain; never had brain trouble before enlistment."

B. W. Holliday, M. D., and Thomas Rome, steward at the Cleveland city infirmary, certify that—

"Flagg was admitted to the institution December 30, 1879, in an insensible condition, and remained so until he died, two days later; that, as no *post-mortem* examination was made, the real cause of death was unknown, as well as a history of the illness, to any one here."

There is no evidence showing treatment for this disease in civil life; but the indications are that, as the trouble was permanent and by him considered incurable, he endured it as best he could until death relieved him.

We think the evidence of neighbors and acquaintances as to the extent and frequency of his paroxysms of pain and insensibility, supported as it is by the manner of his death, as certified by Dr. Holliday and Steward Rome, show a condition which, had a *post-mortem* been had, would have demonstrated that the cause of death was nearly connected with and had its origin in the injury to brain at the time the bullet passed through his cap, cutting into his hair, &c.

The committee therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHRISTOPHER P. DAVIDSON.

The next business on the Private Calendar was the bill (H. R. 2252) for the relief of Christopher P. Davidson.

The bill was read, as follows:

Be it enacted, &c., That Christopher P. Davidson, who served as a surgeon's steward in the United States Navy, be allowed and paid out of the naval pension fund the amount of pension that would have been due him if he had been an enlisted person instead of an appointed one, as provided in section 4756 of the Revised Statutes, namely, one-half the pay of his rating at the time of his discharge.

The report was read, as follows:

Christopher P. Davidson, of Boston, Mass., served in the Marine Corps of the United States from October 3, 1836, until April 2, 1853, at which time he was honorably discharged. He was immediately appointed a surgeon's steward, United States Navy, serving in that capacity from April 2, 1853, until April 30, 1860. He was again appointed surgeon's steward December 15, 1862, and served until May 20, 1864, his total years of service being twenty-four. In August, 1879, he made an application for servitude pension under section 4756 Revised Statutes, which allows pension for twenty years' service in the Navy of the United States and honorable discharge therefrom. His claim was rejected for the reason that he did not come within the meaning of "enlisted man" as referred to in said section. So by technical construction he lost all benefits which should and would have accrued to him by reason of his faithful and meritorious service for eight years.

The Navy Department, recognizing the injustice by this discrimination between hospital stewards and the other petty officers of same grade, have since issued circulars (6 and 10) which in effect abolish this distinction and place all petty officers on the same footing. But Davidson, not being in the service at the time said circulars were issued, is precluded from enjoying the benefits arising thereunder. Your committee are of opinion that he has a claim in equity, and that he should be entitled to the same benefits he would have been had the last eight years of his service been under an enlistment instead of an appointment. They therefore recommend the passage of the accompanying bill with the following amendment: "This act shall take effect upon its passage."

The amendment was agreed to; and as amended the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE OVERMIRE.

The next business on the Private Calendar was the bill (H. R. 1756) granting a pension to George Overmire.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George Overmire, formerly captain Company F, Thirtieth Regiment Illinois Volunteers, and pay him a pension as of the rank of captain from the date of his discharge from the military service of the United States, in lieu of the pension allowed him, under the general pension law, of the rank of sergeant of said company and regiment.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1756) granting a pension to George Overmire, having had the same under consideration, hereby report and recommend that said bill be amended by striking out the words "from the date of his discharge from the military service of the United States" from the eighth and ninth lines, and also striking out the words "under the general pension law, of the rank of sergeant of said company and regiment" from the tenth and eleventh lines, and also by adding thereto at the end of said bill the words "from the date of the passage of this act;" and that said bill so amended is hereby reported favorably, its passage recommended, and the discharge of the committee from its further consideration requested.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THEODORE C. HAWKINS.

The next business on the Private Calendar was the bill (H. R. 3838) granting a pension to Theodore C. Hawkins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theodore C. Hawkins, late a private in Company C, Fourth Wisconsin Volunteers, and late an employé in the United States Quartermaster's Department.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SIMPSON HARRIS.

The next business on the Private Calendar was the bill (H. R. 433) to increase the pension of Simpson Harris.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Simpson Harris, a soldier of the war of 1812, and who now holds pension certificate numbered 3706, to the sum of $50 per month.

The report was read, as follows:

That Simpson Harris served in the war of 1812 as a private in Capt. James Graham's Company, North Carolina Militia, from November 28, 1814, to February 22, 1815; that he was honorably discharged, and was placed upon the pension-rolls as a pensioner at the rate of $8 per month under act of February 14, 1871.

Your committee further report that the petitioner is probably the oldest pensioner on the pension-rolls, being now over 104 years old. It also appears from the affidavit of Dr. Samuel A. Hinton, the claimant's family physician, that for more than five years he has been sorely afflicted; that he has suffered from paralysis since 1866; that he has steadily grown worse, other diseases intervening, until, since 1880, he has been entirely helpless. He has not been able to perform manual labor since 1868, and is poor and needy, and a charge upon the charity of his family and friends. He requires the services of an attendant at all times. In view of these facts your committee are of opinion that said claimant should receive the same pension which he would be entitled to if rated by the Pension Department for his disability, and report the bill back with a recommendation that it pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RUDOLPH JOHN MARTI.

The next business on the Private Calendar was the bill (H. R. 4697) for the relief of Rudolph John Marti.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Rudolph John Marti, late of Company A, Sixty-third Regiment Pennsylvania Volunteers, at $20 per month, in lieu of $8 a month now received as pensioner of the late war.

The report was read, as follows:

Rudolph J. Marti's immediate trouble, by reason of which he was placed upon the pension-roll, was inguinal hernia. By the testimony of four thoroughly competent physicians the character of the hernia is such that a very strong truss has to be employed to confine it. Marti is a laboring man, with a dependent family, and toiling, confined by the truss, it has produced varicose veins in his legs by retarding circulation, until he is utterly incapacitated for work. He has exhibited his person to the committee, and his condition is truly pitiable. We recommend the passage of the bill at $24 per month instead of $20 as in the bill.

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN S. WEAVER.

The next business on the Private Calendar was the bill (H. R. 4717) for the relief of John Swearer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John Swearer, late a private in Company C, First United States Artillery, subject to the provisions and limitations of the general pension law.

The report was read, as follows:

The applicant alleges a shell wound of the left leg, at Fort Sumter, South Carolina, April 13, 1861. The only cause for rejecting his claim was that the records of the War Department do not show him to have been in the military service of the United States when wounded. He was a laborer, employed in the engineer department; was located at Fort Sumter, and it is shown by the records of the Surgeon-General United States Army that he was badly wounded by the explosion of a shell from the enemy's battery, and was admitted to hospital April 19, 1861. He has been examined by a proper board of examining surgeons, who find him one-half disabled by reason of shell wound of left leg. The Commissioner of Pensions recommends his claim.

We recommend allowance of his claim and passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE SHEWARD.

The next business on the Private Calender was the bill (H. R. 4718) for the relief of Caroline Sheward.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Caroline Sheward, widow of N. D. Sheward, late a teamster in the United States Army, who died in the prison of the enemy, subject to the provisions and limitations of the general pension laws.

The report was read, as follows:

N. D. Sheward, as appears by the records of the Quartermaster-General's Office, was a teamster in the United States service; was captured February 12, 1864, and died October 24, 1864, while a prisoner of war.

Under the law his widow, Caroline Sheward, can not obtain a pension without special relief. Her claim is certified as meritorious by the Commisioner of Pensions, who recommends that her name be placed on the pension-rolls, subject to the provisions and limitations of the general pension laws.

The committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM W. DAY.

The next business on the Private Calendar was the bill (H. R. 4188) granting a pension to William W. Day.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William W. Day, father of Cornelius V. Day, late a private in Company D, One hundred and fifty-sixth Regiment New York Volunteers, and that there be paid to him, at the rate of $8 per month, commencing December 12, 1863, the amount allowed Abbie A. Day, mother of the said soldier, under pension certificate numbered 198859.

The report was read, as follows:

William W. Day, father of Cornelius V. Day, and husband of Abbie A. Day, deceased, asks to be paid the pension granted to his wife, but of which she received no part, owing to her death occurring a short time prior to the completion of the case by the Pension Office. The son, Cornelius V. Day, died of disease while in the service of the Government, in the late war, at Baton Rouge, La. The evidence in his case was deemed conclusive as to his disabilty, and the pension was granted to the mother. The evidence shows that both father and mother were largely dependent upon the son for support, and that he sent them money while in the Army.

The father, the petitioner, is now about 75 years of age and is quite infirm, and entirely unable to gain a living and wholly dependent upon others. Had the mother lived to have received the pension granted her it would have inured to the benefit of the father also, although her death had occurred a day after its reception.

As the father was equally dependent with the mother, it seems that he should not be cut off from the benefits awarded by the law to the mother, death intervening to prevent her enjoyment of it. Your committee think the father should receive the pension, and therefore recommend the passage of the bill H. R. 4188.

Mr. McMILLIN. Does this not provide for an arrearage, and, if so, should that not be struck out in accordance with the action at the last Congress?

Mr. BAGLEY. This is an exception to ordinary arrears of pension. The pension certificate in this case was granted to the mother, but before it was received by her she died. The father is 75 years old. Had she lived and received the certificate he would have had the benefit of it. When the son died these old people were supported by the daughter, who taught school. She is now blind and her father is blind. It is only just this pension should date back to the original issue. Had the mother lived to have received the pension granted her it would have inured to the benefit of the father also, although her death had occurred a day after its reception. This is not the case of an ordinary arrear of pension.

Mr. McMILLIN. Before she died was the pension certificate issued to her.

Mr. BAGLEY. It was issued, as stated by the report, a short time prior to the death of the pensioner.

Mr. McMILLIN. The certificate then did issue?

Mr. BAGLEY. I understand it did issue.

Mr. WARNER, of Ohio. This is to allow what had been previously granted by the office.

Mr. BAGLEY. Yes, sir.

Mr. BEACH. Mr. Chairman, I can answer the question of the gentleman from Tennessee, as I happen to know something of the circumstances of this case.

A little over two years ago, when I first entered upon my duties here, a very respectable neighbor of this aged couple called my attention to their destitute condition and requested me to expedite a claim which the mother was prosecuting in the Pension Office.

I was satisfied then that it was a very meritorious case, and gave particular attention to it, and did all that I could to hasten its adjudication; but, owing to the delays with which the members here are all familiar, it was perhaps a year before I succeeded in getting it out of the Pension Office. The office decided in favor of granting the pension and the certificate was issued in favor of the mother. This certificate was forwarded to the claimant, who was a resident of Sullivan County, New

York, one of the counties I have the honor to represent. It reached there, however, too late. She had died a few days before, perhaps some ten days prior to the arrival of the pension certificate.

This bill simply gives the father the right to draw the money which the mother would have drawn under the original certificate issued by the Pension Office if she had lived; and here let me say that the father was entitled equally with the mother to the benefits of this pension. The very fact that the certificate issued to the mother was evidence that the father could not support her, and that both were dependent upon the son who had been killed.

For a long period after the death of the son this aged couple was supported in a scant and meager manner by the exertions of their daughter, who taught school in a small country village. The father is now deprived of that source of support, because the daughter has gone absolutely blind. So we have the father and sister of a gallant soldier who gave up his life on the battlefield in the service of his country, the one approaching his fourscore years, the other hopelessly blind, both of them in a state of abject poverty, helpless themselves and unable to help each other, with no living relative to assist them, asking us to give them the money which had been declared to belong to the mother, but which she could not make available because the hand required to indorse the papers was laid still in death when they arrived.

Mr. McMILLIN. I see from the statement of the gentleman from New York that this does not embrace the arrearage feature which I thought it did, but which has not been granted by Congress in these special acts.

Mr. BAGLEY. It does not.

Mr. McMILLIN. I thought it proper that this explanation should be made.

The CHAIRMAN. Without objection the bill will be laid aside and reported to the House with a favorable recommendation.

There was no objection, and it was ordered accordingly.

SAMUEL C. WRIGHT.

The next business on the Private Calendar was the bill (H. R. 2267) granting an increase of pension to Samuel C. Wright, with an amendment.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel C. Wright, late a sergeant of Company E, Twenty-ninth Regiment Massachusetts Volunteers, at the rate of $50 per month, instead of $24 per month, which he has heretofore been receiving; said increase to date from the passage of this act.

The report is as follows:

Samuel C. Wright enlisted at Plymouth, Mass., May 6, 1861, into an unattached company, which afterward was attached to the Twenty-ninth Massachusetts Infantry and lettered E. He was discharged February 3, 1865, serving some three years and nine months. The history of this soldier discloses a list of wounds and casualties the effects of which, increasing with years, render him at the present time unfit for and unable to perform any manual labor.

His record shows that he was wounded in the head at White Oak Swamp January 30, 1862, by a fragment of shell. He was next wounded at Antietam September 17, 1862, in the left leg, at knee, while volunteering with some sixty others to pull down the fence previous to the charge into the "Corn field," so called; and, though told by his officers to go to the hospital, refused so to do, and kept with his regiment, receiving treatment from the surgeon of the regiment.

In June, 1863, he became worn down by hard marching and fell by the roadside unconscious, from which condition he did not recover until some two weeks after, when he found himself in Overton hospital, Tennessee, sick with typhoid fever, from the effects of which he has never fully recovered.

In October, 1863, while returning to his regiment from Overton hospital, and while in line of duty, he was run over by a six-mule team and army wagon near Camps Nelson and Dick Robinson, which broke the bones and cords of the left foot, injuring him also internally, and from the effects of which he is lame to-day, besides being compelled to wear a truss for support of his bowels. He was next wounded at Cold Harbor in the left arm by a rifle-ball, and was treated at his regiment by the surgeon.

At the (crater) "battle of the mine" he was wounded again by a rifle-ball, which destroyed his right eye, the ball passing through to the back of his head, was left for dead on the field, and so reported. (See Adjutant-General's report, Massachusetts three years' volunteers.) He was taken from the mine on a stretcher to his home, and was in bed under the doctor's care for eighteen months of the next two years, spending in that time $2,000 for physicians, surgeons, and opticians in the endeavor to save his other eye.

He is borne on the pension-roll at $24 per month (certificate No. 39469), which he felt was not commensurate with his increasing disability. He applied for an increase, which was rejected for the reason that he was receiving the full amount he was entitled to under the law.

In February, 1882, he had a partial stroke of paralysis (certificate of doctor filed) on the left side, rendering his leg almost useless, and since which time he has been compelled to accept a minor position from that in which he had been employed, and at a loss of $540 per year to him, and that the duty he now performs is one requiring but one hour in writing per day, and which he only succeeds in accomplishing by the greatest effort on his part, sometimes being compelled, as testified to by those in the office with him, to lie down several times while doing the hour's work required in making his return, such is his pain and suffering from his wound in head.

The evidence in this case is, namely:

Dr. Underwood reports:

"Claimant unable to do any labor."

Dr. Jackson certifies:

"Ball entered right temple, passing through the brain to back of cranium, whence it was extracted through original wound. Loss of right eye. Wound occasionally opens to discharge small pieces of bone. The least effort is attended with severe pain in head; and a continuance of effort increases the severity of pain until partial loss of use of limbs results, with confusion of intellect. The least deviation from a strictly quiet life is followed by suffering."

The board of examining surgeons at Boston, Mass., certifies:

"He has practically loss of right eye, and deficient vision of left eye. It is impossible to rate separately the eye and wound of the head, as they were both caused by same ball."

It seems that he is estopped under the law from receiving more than $24 per month for the reason that, while practically disabled for performance of manual labor, he does do light work requiring but one hour per day, but accomplished with great pain and suffering, and which he is required to do by force of circumstances to obtain subsistence for his wife and family.

Appended is a copy of a letter of Brig. Gen. Joseph H. Barnes, former commander of Sergeant Wright's regiment.

Your committee are satisfied that this is a most deserving case, and one which it is impossible to do justice to under existing laws. They therefore recommend the passage of the bill with an amendment to substitute "$40" instead of "$50" per month, as printed in the bill.

Certificate of Dr. J. H. Barnes.

This is to certify that Samuel C. Wright served in the Twenty-ninth Massachusetts Volunteer Infantry during the war of the rebellion.

His record in the Army was peculiarly eventful and honorable. He entered the service in the month of May, 1861, and was discharged in March, 1865, serving continuously in one regiment nearly four years. He participated in many of the most important campaigns of the war; was present at the four famous sieges of Richmond, Vicksburg, Knoxville, and Petersburg, and was engaged in twenty-one pitched battles. He was four times wounded in action, namely, at the battle of White Oak Swamp, in the head by a shell; at Antietam, in leg by a shell; at Cold Harbor, in arm by a rifle-shot; and at the battle of the mine, very badly in the head by a rifle-shot. Here he was left on the field for dead, and was so officially reported. His wounds, which are plainly visible, still cause him much suffering.

He was twice promoted for gallantry in action, and he certainly was in every respect one of the very best soldiers in the Army—brave, faithful, and reliable under all circumstances, and always prompt and cheerful in the performance of any duty, however hazardous or arduous.

During the greater portion of Mr. Wright's term of service, and in each of the battles in which he was wounded, I commanded the regiment in which he served, and have therefore an intimate personal knowledge of his entire record in the Army, and I do not hesitate to say that whatever credit is to be awarded to the best soldiers of the Republic, or whatever consideration they are to receive, belongs in the fullest sense to him.

J. H. BARNES.

Mr. BROWN, of Pennsylvania, rose.

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee.

Mr. BROWN, of Pennsylvania. I want to say, sir, that I am opposed to the amendment. It seems to me that if there could possibly be a case where a private soldier is entitled to a pension of $50 a month this is the case. I repeat it, sir, if it is possible for a case to be made up by evidence so strong as to entitle a private soldier to a pension of $50 a month this case is that one. For that reason I am opposed to the amendment.

It seems that this man has been wounded again and again, six or seven times, until his constitution is entirely destroyed; that when he undertakes to perform the slightest duty, of an hour's work per day, that duty is performed with pain so excruciating that he has to postpone his labors for long periods of time, so as to enable him to get in even a single hour's work during the day. Now, it seems to me that a man who has performed such service for his country, who has been wounded in almost every part of his person, should be rewarded with a pension from his Government large enough so that he shall not be compelled to labor at all, since it has to be done in great pain, in order to support his family. What I would like to see in this case is the granting of a pension of $50 per month, so that the excruciating pain through which this man has to pass every day of his life in order to obtain a livelihood for himself and family may be avoided, and that he may be spared the necessity of attempting it.

Mr. MATSON. The amendment proposed by the committee is to increase this pension from $24 to $40 per month, instead of $50 as originally proposed by the bill. That is the judgment of the Committee on Invalid Pensions. If this soldier was so wounded as to require the regular aid and attendance of another person, or was so disabled in any way as to be in that condition, he would be entitled to a pension of $50 per month and need not come to Congress for any relief. The committee deem that an increase of the pension from $24 to $40 per month is all that is warranted by the facts in the case.

There is no rate of pension between $24 and $50 per month—a striking defect in our pension laws; so that unless he has reached that degree of helplessness as to require the aid of another person, he has to come to Congress to get the relief that he asks. If he had been in such a condition as other soldiers who get $50, as I have said he need not have come to Congress for a special act, because the pension could have been granted under the operation of the general law directly through the office. But it was decided by the office, as is manifest by this report, that he was not in such condition as to warrant the granting of the pension. Instead of being in a condition to require the attendance of another person he is able to work, it is true with some effort, perhaps with considerable pain, but he is able to work an hour every day; his suffering is no doubt very great, having been shot through the head, but $40 a month is all that the committee deem it right to allow him in view of the pensions that are granted to other soldiers under similar circumstances.

Mr. BROWN, of Pennsylvania. I would like to ask the gentleman from Indiana a question. I did not listen attentively to all the evidence that was read, but I gathered it would be necessary, even with the $40 a month—the amount proposed—that this man, in order to get his living, should perform the service, which the evidence shows to be painful in the extreme? Mr. Chairman, it seems to me a cruelty that a man

so wounded, who can not exercise his brain or any part of his body without producing agony, should be compelled to labor. I therefore ask the question I have stated, whether he could support himself and his family on $40 dollars a month without labor.

Mr. MATSON. I do not know if that question is touched upon in the report. The question in this case is purely one of disability and of the rate fixed for such disability. There are men on the pension-roll who are drawing much less than $40 per month who were wounded and by reason of their wounds can not perform labor without pain. So far as that is concerned scarcely any man who has been severely wounded can exert himself much in labor without suffering considerable pain.

I do not think this sum can be increased without doing an injustice to other classes of pensioners.

Mr. STRUBLE. I desire to express my sympathy with what has been said by the gentleman from Pennsylvania [Mr. BROWN]. I dislike very much to take any position here that is at all in antagonism to that of the Committee on Invalid Pensions. I take pleasure in making this observation, that I believe the Committee on Invalid Pensions are giving very earnest and conscientious work to the matter of examination into these cases and reporting upon them. I have been especially pleased with the work that committee has done, and I have been greatly pleased by the ability, the fairness, and the honor which have actuated the chairman of that committee in conducting this business assigned to him and his committee by the House.

But it seems to me, as has been said by the gentleman from Pennsylvania, that this is a case in which to reject the proposed amendment and allow the bill to pass fixing the rate at $50 per month will not be regarded by the Committee on Invalid Pensions as indicating any disposition whatever to criticise their action. I believe they have acted in this case honorably, fairly, and conscientiously. But it does seem to me that this poor cripple ought to be entitled to more than $40 a month, and that he ought not to be compelled to labor in the condition in which it is stated he does labor, suffering thereby the most excrutiating pain. It has been suggested that contrasting this with the rate of other soldiers it may seem to be somewhat unfair toward them. But let us decide this case as it is presented to us upon the facts, and when other cases are presented of like strong claims let us meet them in a spirit of fairness, as I believe all the gentlemen in this committee and all the gentlemen who constitute the Committee on Invalid Pensions are disposed and are endeavoring to do with reference to all the cases they have considered.

I am opposed to the amendment and am in favor of sustaining the original bill.

Mr. HENDERSON, of Illinois. I sympathize also with the soldier in the condition in which this one is alleged to be. But at the same time we should not lose sight of what the chairman of the Committee on Invalid Pensions says as to preserving the equity in this case. Take the case of a soldier who is not only entirely disabled from performing any manual labor whatever but absolutely requires the assistance of some person constantly to assist him, and you only give him $50 per month. If you give a soldier who does not require the assistance of any person $50 a month, are you going to increase all the pensions of that class of cases where the personal attendance of somebody else is required? It seems to me that you must necessarily arrive at the conclusion that if you give $50 a month in cases of disability where no personal attendance is required you ought to give more where it is.

Mr. BROWN, of Pennsylvania. I have said nothing in this case, Mr. Chairman, with the view of criticising the Committee on Invalid Pensions. Far be it from me, sir, to do so. I see what commends itself to my mind in the action of that committee all the way through, and especially in the action of its chairman.

I have nothing to say against the report in general. I want to say, however, upon this question of equity that I think in this pension business we have got a million of miles away from equity, and I want to act in all cases as they come up before me as the merits of each case demand. We can not undertake to score a line of equity that is to make this case entirely coincide and be equal in all respects in the range of equity with preceding cases with what has been done in the Pension Office or in this Congress. Why, sir, only a few days ago this House voted to put men on the pension-roll of this Republic who had been borne on the muster-rolls only for sixty days. Now that is so far away from equity, when we take into consideration the suffering that comes upon men who have received wounds in the defense of their country and have lost their health—it is so far away from equity in that comparison that they are not to be named together. We can not get general rules of equity in this matter. Here is a case that demands of us that we should give enough to this soldier to support him. And I say to argue anything else is to ask this Congress to do that which is cruel.

Mr. MCMILLIN. Will the gentleman yield to me for a question?

Mr. BROWN, of Pennsylvania. Yes, sir.

Mr. MCMILLIN. Will my friend from Pennsylvania be pleased to inform me what evidence there is that this amount of $40 a month will not support this soldier?

Mr. BROWN, of Pennsylvania. I think it is almost impossible for a man in these times to support himself on less than $50 a month.

Mr. MCMILLIN. A great many do it.

Mr. MORRILL. The average wages of laboring people in the United States is not $40 a month.

Mr. MCMILLIN. The gentleman from Pennsylvania [Mr. BROWN] is making his argument on the hypothesis that the amount here proposed by the committee will not support this man.

Mr. BROWN, of Pennsylvania. Yes, sir.

Mr. MCMILLIN. I want to know what evidence the gentleman has of that?

Mr. BROWN, of Pennsylvania. I make my argument on that hypothesis, for I do not believe that a man can support himself reasonably well, without having want staring him in the face half the time, on less than $50 a month. I know that a great many of us have worked for less than that amount in our time, but not in the present time.

Mr. WARNER, of Ohio. Just on that point a word. I have always thought that the proper standard by which to measure the relief to be given in cases of total disability is the average earning power of a laboring man in the United States, and that in cases where the services of another are required then the measure of relief should be double that amount.

Now, what is the average earning power of a healthy laboring man in the United States? The census report of 1880 shows us that on the average the laboring classes of this country, those who produce the wealth of the country, earn less than $300 a year each. That includes, of course, all the laborers in our mills and factories, including the women and children. It shows, however, that the average earning power of a healthy man, one who toils all day, is less than $400 a year; that is the average.

Now, it seems to me that ought to be the measure of relief for total disability. At any rate it would seem that as much would be required, if not somewhat more, to support a man who labors all day as to support a man who does not labor, for the one who labors would at least require somewhat more in the way of food and clothing. At any rate, if we take as our measure of relief for total disability the amount which a laboring man on the average can earn, we come as near a correct standard as it is possible for us to do. The $40 a month proposed in this case by way of amendment to the bill comes very near that standard; a little above rather than below it.

Mr. COLLINS. I did not intend, Mr. Chairman, to take any part at all in this discussion. I introduced this bill for the benefit of one of my constituents, and it has been reported from the Committee on Invalid Pensions by my colleague, Mr. LOVERING. This constituent of mine does not agree with me politically, but I recognize a brave man whenever I see him and a deserving case whenever it presents itself.

The original bill provided for a pension of $50 a month for this man. As reported from the committee it provides for $40 a month. I do not intend to set up my own judgment of what ought to be done against the judgment of the Committee on Invalid Pensions.

I desire, however, to answer my friend from Tennessee [Mr. MCMILLIN] by giving a reason why $40 a month will not support this man and his family. He lives within a half mile of me, and I find very great difficulty in supporting myself a cannon's shot distance in finance on $40 a month.

But it may be, as my friend from Ohio [Mr. WARNER] says, that the standard of relief in these cases is what a laboring man in the United States may be able to support himself upon. And it may also be, if we leave out entirely an element which I think ought to be considered, that a laboring man will require more than a non-workingman. This man is a sick man, and his doctor's and surgeon's bills may amount some months to more than $40.

Mr. WARNER, of Ohio. That is no ground for increasing the pension.

Mr. COLLINS. That, it strikes me, is a sufficient ground. This man was shot all through and through; he is a mere physical wreck and almost blind. If this great nation to which he gave all can not afford to give him $50 a month, then he is thrown partly at least upon charity.

I do not stand here to antagonize the report of the Committee on Invalid Pensions. But I do say that I think the original bill provided little enough. I trust this House will not allow this man to go away, as it were with the brand of $40 a month on him, when his surgeon's and physician's bills may some months amount to more than that. As I have said, he is a neighbor of mine; I know he has a wife and family. I know too that $40 a month will not support him and his family; I am sure that $50 a month will not. But $50 a month is probably as far as we can go, and I beg the Committee of the Whole to be a little generous in this case.

Mr. BROWN, of Pennsylvania. As I understand the gentleman, this man has a wife and family.

Mr. COLLINS. Yes; a wife and three children.

Mr. BROWN, of Pennsylvania. Are you advised of that?

Mr. COLLINS. I am very well acquainted with the man, and I am advised that he has such a family. I do not know the precise ages of his children or whether they are able to earn anything or not.

Mr. MATSON. After all that has been said upon the subject, as to whether $40 per month will support this man or not and what ought to be the real basis of our action, the fact is that men who are blind in

both eyes, men who are totally helpless so that they can not move in bed and require the constant aid and attendance of other persons, get but $50 per month.

Mr. DAVIS, of Illinois. Seventy-two dollars a month.

Mr. MATSON. Fifty dollars a month.

Mr. DAVIS, of Illinois. The rate of pension for a person who has lost both eyes or both hands or feet is $72 a month.

Mr. MATSON. But that applies only to those who were on the roll at the time of the enactment of the law. Those whose pensions have been granted since get only $30.

Gentlemen here attempt to erect a standard for fixing the rate of pensions by determining how much it is going to take to support a man and his family in a given case. Why, sir, no more uncertain standard than that could be adopted. The expense of supporting a person is dependent very largely upon the manner in which he lives, where and how he lives. The only admissible basis for fixing the rate of pensions for disability must be the disability itself.

Now, after all that has been said, here is a man who is able to go out without an attendant. When the pensioner requires the constant aid and attendance of another person he gets only $50 a month. Ought the present applicant to receive as much?

Mr. BROWN, of Pennsylvania. Is not $50 a month altogether too small a pension for a man who requires a servant to go about with him?

Mr. MATSON. I am not discussing that question. We are not here to amend the general pension law, and in these special cases we ought certainly to be governed by the rates fixed in our general laws; because in a great majority of cases persons receiving pensions are obliged to accept such rates as the general law fixes. When a person comes to Congress asking the favor of a special act ought he to receive more than one who goes to the Pension Office, proves his case, and gets his pension through the regular channel?

Mr. DAVIS, of Illinois. I wish to ask the gentleman whether the law which provided that those who had lost the sight of both eyes or lost both hands or feet, and required an attendant to assist them, should receive $72 a month—I wish to know whether that law has been repealed.

Mr. MATSON. It has not been; but that law applies only to those who were on the rolls at the time of its passage.

Mr. DAVIS, of Illinois. The later law, as I remember, provided that persons under such disability who were on the rolls at $50 a month should receive $72. But I think it will be found that to-day a person who obtains a pension for the loss of the sight of both eyes receives $72.

Mr. MATSON. I am quite sure the gentleman is mistaken on that proposition. When he comes to examine the law he will find that the pension of $72 applied only to those who were on the rolls at the time of the enactment of the law, not to those who have obtained pensions since. A person under this degree of disability, applying now for a pension, gets only $50.

The question being taken on the amendment reported by the Committee on Invalid Pensions to strike out "$50" and insert "$40," it was agreed to, there being—ayes 42, noes 19.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

Subsequently, Mr. DAVIS, of Illinois, said: I ask unanimous consent to occupy but a moment in reading the law to which I referred a moment ago, in order that I may put myself right before the House.

Mr. MCMILLIN. I suppose the House will give the gentleman due credit for legal information.

The CHAIRMAN. The Chair hears no objection to allowing the gentleman from Illinois to make a brief statement.

Mr. DAVIS, of Illinois. I wish merely to read the law of June 17, 1878.

Be it enacted, &c., That on and after the passage of this act, all soldiers and sailors who have lost either both their hands or both their feet, or the sight of both eyes, in the service of the United States, shall receive, in lieu of all pensions now paid them by the Government of the United States, and there shall be paid to them, in the same manner as pensions are now paid to such persons, the sum of $72 per month.

Mr. MATSON. That has been construed to apply only to those persons on the rolls at the time the act was passed.

Mr. DAVIS, of Illinois. Who gave the law that construction?

Mr. MATSON. The Secretary of the Interior.

Mr. ROBINSON, of Ohio. I will state, in support of the position taken by the gentleman from Illinois [Mr. DAVIS], that I know instances where soldiers have within the last two years been placed on the pension-rolls at $72 per month.

PATRICK DRONEY.

The next business on the Private Calendar was the bill (H. R. 759) granting a pension to Patrick Droney, reported from the Committee on Invalid Pensions by Mr. LOVERING.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Patrick Droney, son of Matthew Droney, late a private marine in the United States Navy, and pay him a pension at the rate of $8 per month.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 759) granting a pension to Patrick Droney, having had the same under consideration, report as follows:

It appears from the evidence before this committee that the petitioner, Patrick Droney, is the son of Matthew Droney, late a private marine in the United States Navy, on the Miami, and who died on the 3d day of August from a gunshot wound received in action while in the line of duty.

On the 7th of March, 1865, Margaret Droney, widow of said Matthew Droney, was allowed a pension at the rate of $8 per month, which sum she received up to May, 1879, at which time she died.

Said petitioner is over the age of 16, but is a helpless cripple in both feet, utterly unable to perform labor of any kind, and can barely walk with the aid of crutches. He was supported during the lifetime of his mother by her labor and with the aid of the small pension she received from the Government. Her death left him wholly without the means of support, nor has he any relatives who are able in any degree to contribute to his maintenance. He is now an object of public charity in Marlborough, Mass.

The general pension laws give pensions to the children of soldiers who died by reason of disabilities incurred in the military service of the United States and while in the line of duty, provided said children are under the age of 16 years, proceeding upon the assumption that children under that age are incapable of maintaining themselves by their own effort.

While it is true in this case that the petitioner is over the prescribed age, it is nevertheless a fact that he is more helpless than a child under that age. If his father were living he (the petitioner) would be wholly dependent upon him for his maintenance.

Taking all the facts into consideration, your committee are of opinion that, as the father lost his life in the service of his country, thus depriving this unfortunate cripple of the means of support, it is nothing more than justice that some provision should be made by Congress to keep him out of the almshouse. They therefore report the bill favorably, with an amendment, namely, that the act take effect on its passage.

The amendment reported from the Committee on Invalid Pensions was read, as follows:

Add to the bill these words: "To take effect from and after the passage of this act."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JOHN T. MARSHALL.

The next business on the Private Calendar was the bill (H. R. 3663) granting a pension to John T. Marshall, reported from the Committee on Invalid Pensions by Mr. LOVERING.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John T. Marshall, late a seaman in the United States Navy.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (H. R. 3663) granting a pension to John T. Marshall, respectfully submit the following report:

The petitioner asks to be placed on the pension-roll on account of disease contracted in the service, while in the Navy of the United States, in the war of the rebellion. The committee find that John T. Marshall enlisted in the Navy April 30, 1861, at which time he was rugged and sound; in July of the same year he was taken sick from exposure and lay sick with fever in the hospitals until the latter part of September, when he was discharged, as a result of his exposure and sickness, and from which he has never recovered. Chronic diarrhea ensued, which has attended him ever since, in attacks of from a few days to several months' duration, and which have seriously impaired his health and undermined his constitution, forcing him to abandon his calling—that of following the sea—and take up a trade (shoemaking) adapted to his enfeebled condition, in the prosecution of which, from frequent attacks of his disease, he incurs much lost time. He applied for pension in September, 1880, but his claim was rejected on legal grounds, "No record of alleged disability in the service, and inability to show origin of same in service and line of duty." Since his discharge he has not employed physicians regularly, but has treated himself with simple remedies, which were checking in their nature.

The fact that he has been affected with chronic diarrhea since his discharge, taken into consideration with the fact that he was rugged and healthy when he entered the service, presumes that the said chronic disease since discharge was owing to his exposure and consequent fever incurred while in service and line of duty. Your committee therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with a favorable recommendation.

ISABELLA I. RAMSDELL.

The next business on the Private Calendar was the bill (H. R. 4981) granting a pension to Isabella I. Ramsdell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $8 per month, to date from September 24, 1877, the name of Isabella I. Ramsdell, on account of the death of her husband, David D. Ramsdell, a sailor and marine of the United States service for over thirty years, who died of disease superinduced by said service.

The report was read, as follows:

The committee find, from the petition and papers filed in the original pension claim, that the petitioner is the widow of David D. Ramsdell, who was a member of the United States Marine Corps for thirty-one years eleven months and eleven days, who, having been discharged the service, was admitted to a pension, and subsequently he was admitted to the naval asylum at Philadelphia as a beneficiary. His history will appear more fully from the following letter granting him admission to the institution above named:

BUREAU OF YARDS AND DOCKS, NAVY DEPARTMENT,
Washington, D. C., October 14, 1876.

SIR: Referring to your application of the 12th instant, and the Fourth Auditor having verified your services as seaman and marine thirty-one years eleven months and eleven days in the Navy, a permit is herewith granted for your admission to the naval asylum at Philadelphia, which please find inclosed. The

governor of the asylum has been notified accordingly, and upon presenting yourself with this permit and the delivery of your pension certificate will receive you as a beneficiary of the institution. Inclosed also is your pension certificate.

Respectfully,

J. C. HOWELL, *Chief of Bureau.*

DAVID D. RAMSDELL, *United States Marine.*

It further appears in evidence that this pensioner, David D. Ramsdell, died in the Naval Asylum hospital at Philadelphia on the 24th day of September, 1877, of disease contracted in the service.

The petitioner has minor children and is destitute.

In view of the fact that the pensioner, David D. Ramsdell, died of disease caused by the service, and of his long service as a marine, your committee believe that his widow, Isabella J. Ramsdell, is a proper person to be placed on the pension-rolls.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MERLIN C. HARRIS.

The next business on the Private Calendar was the bill (H. R. 2136) granting an increase of pension to Merlin C. Harris.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Merlin C. Harris, late captain of Company C, Ninety-sixth Regiment New York Volunteer Infantry, from the amount now paid him as sergeant to the amount paid a first lieutenant, as the disability for which he was pensioned was incurred while serving as first lieutenant; said increase to be computed from date of discharge.

The report was read, as follows:

We find that claimant enlisted October 12, 1861, in Company K, Ninety-sixth Regiment of New York Volunteers; that he was taken prisoner July 1, 1862, near Long Bridge, Virginia, was confined in Libby Prison till July 14, when he was removed to Belle Isle; that on the 13th of September, 1862, he was paroled; that during his imprisonment he suffered terribly from want of proper food, and became sick with diarrhea and scurvy; that after returning to his regiment he recovered his health and served faithfully till December 31, 1863, when he re-enlisted as a veteran; July 13, 1864, he was promoted to first lieutenant; at the battle of Fort Harrison, Virginia, September 29, he received a gunshot wound in his right leg.

On the 27th of October, 1864, while in command of his company, he was again taken prisoner while engaged in assaulting the outer line of works around Richmond. He was confined in Libby prison until November 5, when he was removed to Danville, Va., where he was held in an old tobacco warehouse without windows and without bed or bed-clothing, except a scanty blanket, which he shared with a comrade. The torture of the long cold nights of starvation and pain words are inadequate to describe. On the 5th of February, 1865, after suffering weeks of torture, he escaped by crawling into an oven, where, after remaining nine hours in a cramped and exceedingly painful position, he got out and started for the Union lines, which he finally reached after several nights' travel.

The testimony shows that he was a brave and gallant soldier; his colonel says, "the bravest man in my command." June, 1865, he was made captain. He is now allowed a pension of $4 per month, being one-half rating as a private soldier. The disease with which he suffered was greatly aggravated, if not entirely caused, by his last confinement in the rebel prison without proper food and clothing. In view of his long and faithful service, his brave and gallant conduct, and his terrible suffering during his confinement as a prisoner of war, your committee believe he is justly entitled to the pension allowed a lieutenant, and would therefore recommend the passage of the bill, amended by striking out all after the word "lieutenant," in the seventh line.

The amendment was read, as follows:

Strike out these words: "As the disability for which he was pensioned was incurred while serving as first lieutenant; said increase to be computed from date of discharge."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN A. CROZIER.

The next business on the Private Calendar was the bill (H. R. 1965) granting a pension to John A. Crozier.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John A. Crozier, of Madison, Ind., late second-lieutenant of Captain Fowler's company of artillery, attached to Ninth Regiment of the Indiana Legion, who lost aa arm in the military service while serving as such lieutenant during the late war, and grant hm a pension as such second lieutenant from and after the approval of this act.

The report was read, as follows:

The militia force of the State of Indiana was organized during the war of the rebellion to repel the invasion of that State, and this provisional force was subject to the orders of the governor of the State to do military duty within the borders of that State and in aid of the Government in putting down said rebellion.

Among other organizations, a company of artillery was organized at the city of Madison, in said State, which was attached to what was known as the Ninth Regiment of the Indiana Legion.

After the fall of Vicksburg the governor of said State issued an order requiring all the military companies then in said State to fire a salute in celebration of said event.

John A. Crozier was second lieutenant of the artillery company organized at the city of Madison as aforesaid, and in pursuance to the order of the governor as aforesaid, and the orders regularly made by his superior officers, was on the 8th day of July, 1863, engaged in firing said salute.

Because of some defect in the piece of artillery, and not because of any fault or negligence on his part, the gun was prematurely discharged, and Crozier's right arm was blown off and the sight of his right eye was destroyed. These facts are established by the testimony of the colonel of said Ninth Regiment of the Indiana Legion and that of the captain and first lieutenant of said artillery company. He was not mustered into the service of the United States, but was an officer in an auxiliary force to the Army of the United States. He has never received any pension or other compensation for the injuries above stated, and in view of the foregoing facts this committee recommend the passage of said bill, with the following amendment: Strike out all after the word "Legion," in line 8 of said bill.

The amendment was read, as follows:

Strike out these words: "who lost an arm in the military service while serving as such lieutenant during the late war, and grant him a pension as such second lieutenant from and after the approval of this act."

Mr. VAN ALSTYNE. I should like to inquire what there is in the testimony in this case to show wherein the militia force of Indiana in its relation to the General Government differed from the militia force of any other State.

Mr. MATSON. I can only say in answer to the gentleman that Indiana at that time was on the border and near military operations. About that time it will be remembered there was a raid into Indiana and Ohio by John Morgan. This company was organized with a view of repelling that invasion. It was used as a force auxiliary to that of the United States. It was differently situated, therefore, from the militia of States not exposed and not in danger.

The fact is stated that the company was regularly organized in the city of Madison, on the Ohio River, and on the border. It was engaged to operate at the time as circumstances required, and this accident occurred while firing a salute over the victory of Vicksburg. The order made by Governor Morton was exhibited to the committee as well as the order issued by the captain, showing that this man was acting only in obedience to the orders of his superior officers.

Mr. VALENTINE. Has not the United States recognized this service by reimbursing the State of Indiana?

Mr. MATSON. Of course Indiana has made some war claims, but whether this is included among them I am not prepared to say. There is no question about the fact stated in the report that this force was operating in connection with the Federal force.

Mr. MCMILLIN. I would like to ask the gentleman from Indiana if it is not the fact that this man was not in the service, the military service, of the United States at all?

Mr. VAN ALSTYNE. The report shows that to be the fact.

Mr. MCMILLIN. And that this service in which he was engaged when he received this injury was not in the line of the military operations of the Government at all?

Now, I remember during the last Congress a case even worse than this was presented and championed by the gentleman from Illinois [Mr. TOWNSHEND], where a salute was ordered to be fired by such an organization as this, if I remember correctly, and where the applicant had both arms shot off, and yet in that case Congress refused to grant the pension. I know of no instance where we have gone to the extent demanded here. If there are any such cases I should like to be informed of them. But I do not believe it to be proper to grant pensions on such grounds.

Mr. VAN ALSTYNE. Mr. Chairman, for my part I can see no reason why this applicant is entitled to receive a pension for an accident any more than many others who were injured under similar circumstances.

There was not a State north of the disputed territory that did not have these militia organizations during the war. Very many of these organizations from time to time aided in repelling invasions of their own States or by going into the neighboring States for that specific purpose. If the accident in the present instance had occurred while the soldier was engaged, being a member of a militia force in any one of the States, in repelling an invasion, I think he would be in a position to come before the Congress and ask the favor which he now seeks. But, sir, that was not the fact. He was simply engaged, and it is not pretended otherwise, in firing a salute, rejoicing over the victory that had been obtained at Vicksburg.

Many occurrences of like character could be cited from the State of New York. We had our militia force there, and they did not remain at home during the entire war. They went nigh unto the front. They went where danger threatened. They went into the State of Pennsylvania to assist in repelling the invasion of the confederates into that State. But it never occurred to a member of the militia of the State of New York who received an accident in firing a salute, rejoicing over a victory that had been obtained by the Federal arms, to come and seek at the hands of the Government a pension, as we find in this case. I think myself, sir, that it is opening a very wide door when we extend pensions to such cases.

Mr. HOUK. Mr. Chairman, this is again drifting outside of the latitude where our duties as Representatives lie. Here is a man who happened not to be mustered into the service of the United States, but he is in an actual military organization acting in concert with the soldiers of the United States, and while thus situated he is, in the discharge of a duty imperatively imposed upon him by the orders of his superior officer, injured in the manner that renders him a cripple for life and entitles him to a pension.

Mr. BUCHANAN. Was he shooting for fun? Was that his duty when he met with the accident?

Mr. HOUK. He was obeying his orders when he was wounded; orders that he was bound to obey and for the disobedience of which orders he could have been punished. His superior officer had directed him to perform this duty.

Mr. VAN ALSTYNE. His superior officer was not in any sense connected with the Army of the United States.

Mr. HOUK. The man was discharging a military duty, for the dis-

obedience of which, as I have said, he could have been court-martialed, and I adhere to the position that I have laid down all the time upon this subject, that Congress in trying pension cases is not bound by strict legal principles. We are not bound by legal rules in dealing with such cases. The reason that the Department does not allow pensions in such cases is that they are governed by rules and must adhere to the legal technicalities. These intervene, so that pensions are refused and the applicants must come to Congress, where the power of this tribunal is able to do equal and exact justice, without regard to technicalities. In this case I propose to vote, as I would in any other case where a soldier has been injured in the discharge of his duty, for granting the pension.

Mr. WARNER, of Ohio. I would like to ask the gentleman from Indiana a question. Was the company or regiment to which this soldier belonged at the time that this accident occurred afterward mustered into the service of the United States?

Mr. MATSON. I do not think it was; but I am not sure.

Mr. WARNER, of Ohio. It was in the State's service at the time?

Mr. MATSON. Yes, sir.

Mr. WARNER, of Ohio. Was this company called out by the governor of Indiana to defend the State against an invasion?

Mr. MATSON. They were called out to repel an invasion of the confederate forces under Morgan.

Mr. WARNER, of Ohio. That is what I mean. Was, then, the company at the time the accident occurred in the service to that extent, being under the call of the governor to protect the State against a raid?

Mr. MATSON. The gentleman will remember that this occurred just at the time of the Morgan raid.

Mr. WARNER, of Ohio. I understand that. I was simply saying that while I believe we have not extended the provisions of our pension laws heretofore to the case of accidents that have occurred in the firing of salutes—and I think that is going a little too far—nevertheless we have in this as in all former wars extended the provisions of the pension laws to all soldiers, whether in the regular service or the volunteer service of the General Government of the United States or whether they were in the militia service, if, belonging to the militia, they were called into service in the war in any way so that they were employed at the time in any way in connection with the troops of the United States. Now, I did not understand if this was a case going quite so far as that or if it was a case simply where the soldier was disabled by an accident while firing a salute.

Mr. WOLFORD. Mr. Chairman, at the time the Indiana and Ohio militia were called into the service of the United States—and to my personal knowledge they were so called—General Burnside, at the request of the President of the United States, Mr. Lincoln, who was the Commander-in-Chief of the Army and Navy of the United States, when General Morgan started to invade Indiana and Ohio—and I know about that, for I followed him and helped to capture him in the State of Ohio—General Burnside, I say, called upon the authorities of Indiana and Ohio to place their militia in the service of the United States. It was a war of the United States against the Confederate States in which every State in this nation was involved. And the militia of those States did come into the service of the United States all along that line as we followed General Morgan every day along the line.

I can say to the distinguished gentleman from Ohio [Mr. WARNER] the militia of Indiana, as long as General Morgan was in the State of Indiana, met him and fought him and delayed him while we were hanging upon his rear and fighting him all the time until he was captured. They followed him out of the State of Indiana into Ohio. And they were then soldiers of the United States. They were in the service of the United States. They were performing service for the United States. They followed Morgan out of the State of Indiana into Ohio and all along the line in Ohio. And the Ohio militia also came to the front and joined with us in the fight, and fought sometimes before we got there so as to delay and hinder him in his march, until he was captured. They did great service to the United States.

Mr. WARNER, of Ohio. And when in that service this man was disabled?

Mr. WOLFORD. Yes; while called into that service. That is the very proposition I want to make. They were called into the service of the United States according to the Constitution of the United States by the President of the United States. The militia can be called into the service of the United States and then they are under the command of United States officers. That is in accordance with the Constitution. That is exactly what was done. While they were thus engaged in fighting for their country, fighting in the common cause in which we were all engaged and in which everything was at stake, they met together and fired a salute. Now the question, Mr. Chairman, is, would a soldier mustered into the service of the United States—and the position would be exactly the same there as in this case—would a soldier mustered into the service of the United States, while a soldier of the United States, if he was ordered to fire a salute, be in the line of his duty? It is not necessary to argue such a question as that.

Mr. VAN ALSTYNE. What was the date of the fall of Vicksburg?

Mr. KLEINER. The 3d of July, 1863.

Mr. VAN ALSTYNE. And when was this raid made by Morgan into Ohio?

Mr. WOLFORD. He left for Ohio on the 3d of July, 1863, and we followed him right there, and we found those men belonging to the militia who were called out under the President's orders to fight and who did fight.

Mr. WARNER, of Ohio. I quite agree if these troops were employed in attacking the common enemy, although not under the orders of United States officers, there would be reason for sustaining the report of the committee; for it has been the practice to extend the privilege of the pension laws to men employed in the service of the United States in that way.

Mr. MCMILLIN. The reason I made the statement I did was that it seemed from the report that these men were not in the actual service of the United States. If they were, the case would be different of course.

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House.

LEROY C. RANKIN.

The next business on the Private Calendar was the bill (H. R. 4431) granting a pension to Leroy C. Rankin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Leroy C. Rankin, who was wounded while engaged in battle fighting for the Union in the ranks of the Eighteenth Kentucky Volunteers, but not regularly mustered in the service.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4431) granting a pension to Leroy C. Rankin, have had the same under consideration, and beg leave to make the following report:

That Leroy C. Rankin was a private soldier in the Harrison County Home Guards, in the State of Kentucky; that his company was temporarily attached to the Eighteenth Kentucky Volunteer Infantry, commanded by Lieutenant-Colonel Landram; that while in the service and in the line of duty, under the immediate command of the said Landram, and that while engaged in repelling an attack made by the rebel forces commanded by General John H. Morgan, on the city of Cynthiana, in the State of Kentucky, on the 17th day of July, 1862, received a gunshot wound in the left shoulder. These facts have been proven by the officers and the surgeon of the Eighteenth Kentucky Regiment to the entire satisfaction of the Pension Office, and the claim rejected wholly and upon the only ground that he had not at the time of receiving said wound been mustered into the service of the United States. The committee therefore recommend the pasage of the accompanying bill.

The bill was laid aside to be reported to the House with a favorable recommendation.

BRIDGET SHERLOCK.

The next business on the Private Calendar was the bill (H. R. 439) granting a pension to Bridget Sherlock.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Bridget Sherlock, mother of Stephen Sherlock, late of Company F, Fifteenth Indiana Volunteers, upon the pension-roll.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 439) granting a pension to Bridget Sherlock, have had the same under consideration, and beg leave to report as follows:

Stephen Sherlock enlisted as a private soldier in Company F, Fifteenth Indiana Volunteers, on the 14th day of June, 1861, and served as such until the 23d day of November, 1862, when he was honorably discharged by the order of General Rosecrans upon a certificate of disability given to him as the result of a severe injury received during the siege of Corinth, "resulting in scrotal hernia and numbness and difficulty in using the lower extremities. His case is one of very bad scrotal hernia, caused by a fall over a log, May 10, 1862, in front of Corinth, while carrying a heavy load of rails upon his shoulder for the purpose of building a road over which to pass the artillery and wagons during that memorable siege." The above is the language of the certificate. He was the son of Patrick and Bridget Sherlock, who were at the time of his enlistment quite old and feeble, and depended largely upon said Stephen for a support. After his discharge he returned to the home of his parents, at Bedford, Ind., and within a few months took employment on the Louisville, New Albany and Chicago Railroad, as the conductor of a freight train. It is clearly shown by the testimony of the family physician that his disability continued until his death, and that it approached a condition of paralysis that would probably have rendered him totally helpless.

While in the employ of the railroad company, as aforesaid, in leaving the train, and because of his disability contracted in the Army, he fell under the wheels of the train, and was so injured that his left foot was amputated. By reason of the weak and enfeebled condition of his blood erysipelas resulted, and he died of that disease.

Because he did not die of the injury which he received in the Army his mother's claim for pension was rejected. His father is dead, and his mother is now nearly 80 years of age and has no property. The evidence of her dependence at the time of his death is clear and convincing.

This committee think that, under all the circumstances, she should be pensioned. If the son had not met his death he would have been pensioned long ago upon the record made by the Government as to his injury in the service. He did not get any pension; his mother should; and the committee therefore recommend the passage of the accompanying bill.

The CHAIRMAN. If there be no objection the bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. CRISP. I object to that until I hear some other explanation. I desire to ask the gentleman who reports this bill why this pension should be allowed?

Mr. MATSON. The bill proposes to pension the mother of this soldier.

Mr. CRISP. Does not the report state that he did not die of any injuries or wounds received in the service?

Mr. MATSON. That is the fact. But the report shows that the injuries he received in the service contributed to his death. The fact is he received severe injuries while in the service, producing partial paralysis, caused by falling over a log while at work upon a road at the siege of Corinth.

Mr. CRISP. I am not inclined to be illiberal, but it does seem to me the committee is going a great length in this case.

Here is a man who it appears fell over a log and injured himself. I do not know what he was doing, whether he was there by order of his commanding officer or whether he was out on some nocturnal expedition; it does not appear. But he fell over a log and hurt himself, and years afterwards he fell under the cars and was killed, and the committee say that the original fall might have contributed to the injury of which he died.

Mr. MATSON. The gentleman misconceives the case.

Mr. CRISP. If I do, I should be glad to be corrected.

Mr. MATSON. The gentleman, of course, does not know anything about the facts. But here is a gentleman who sits by me now who does know. The certificate of disability upon which this man was discharged was given by order of General Rosecrans.

Mr. CRISP. I suppose he gave thousands of such certificates.

Mr. MATSON. And the certificate itself upon which he was discharged states that he received this injury while in the line of his duty; that he was carrying a heavy load of some kind, some piece of timber of which breastworks were being built, at the memorable siege of Corinth. The certificate given by General Rosecrans attests the fact that the injury was incurred in that way, and that this paralysis of one foot resulted from that fall. Very shortly afterward, while partially helpless from that injury, this accident on the cars occurred. Now it is not an unreasonable or far-fetched conclusion at all, but a reasonable one, to infer from the circumstances attending this case that the injury received while in the line of his duty contributed very largely, to say the least of it, if not directly, to the death of the soldier.

The other facts are very clearly proven, of the dependence of this mother on her son for support; she was entirely dependent upon him.

Mr. CRISP. What evidence is there that the ultimate death of this soldier was at all attributable to the injury he received while in service?

Mr. MATSON. That is supported by facts testified to by his neighbors and friends; that he was so disabled by that injury as to be almost helpless as regards one foot, and that at the time he fell under the cars it was from no other cause than that he was disabled in that foot. A person who saw him fall says that it was because of that injury that he fell under the train. I think the testimony is satisfactory on that point.

Mr. ROSECRANS. It is proper for me to say that when I assumed the command of the troops to which this person belonged I found their sanitary condition not at all good. I established what we called a convalescent hospital, to which all sick and disabled persons were transferred. I directed the surgeons in charge to carefully watch the cases, and when they were satisfied that there was no chance of recovery in any particular case to inform me of the exact facts, so that such incurables might be properly discharged. This man appears evidently to have been one of those cases. The facts were carefully ascertained in the convalescent hospital and brought to my notice by the physicians. I state this to show the precautions which were taken by me so that there might be no mistakes made.

Mr. BROWN, of Pennsylvania. I would like to ask the gentleman from Indiana a question.

Mr. MATSON. Certainly.

Mr. BROWN, of Pennsylvania. Is it not true that this soldier was receiving a pension at the time of his death?

Mr. MATSON. He was not.

Mr. BROWN, of Pennsylvania. I thought the report stated the fact that he was entitled to a pension.

Mr. MATSON. There is no doubt that if he had lived he would have received a pension long ago, for the record evidence establishes the fact that he was entitled to a pension; but he was killed before the pension was granted to him.

There being no objection, the bill was laid aside to be reported favorably to the House.

WILLIAM M'KEAN.

The next business on the Private Calendar was the bill (H. R. 5257) repealing an act entitled "An act for the relief of William McKean;" reported by Mr. BAGLEY from the Committee on Invalid Pensions.

The bill was read, as follows;

Be it enacted, &c., That chapter 97 of the laws of the Fortieth Congress, second session, approved June 25, 1868, entitled "An act for the relief of William McKean," be, and is hereby, repealed.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill 5257, submit the following report:

By an act of Congress approved June 25, 1848, entitled "An act for the relief of William McKean," the Secretary of the Interior was authorized and directed to place the name of said McKean upon the pension-roll and pay him the pension allowed to persons having lost the sight of both eyes in the military service of the United States.

The Pension Bureau refused to grant a pension on the ground that the disability was not received in the service. McKean claimed that it occurred while he was engaged in recruiting for Company I, Ninety-second Regiment New York Volunteers, by a cinder getting in one of his eyes, and being much inflamed, involved the other, so that total blindness ensued. Application was made for a special act, which was passed and approved, as above stated. On the 5th of November, 1878, payment of pension was suspended, because of evidence discovered that the disability was occasioned by venereal disease, of which fact several affidavits of physicians are on file, taken at a special examination in October, 1878. The pensioner, however, declares on oath, emphatically, that he never had venereal disease. The proof seems to be against him. He never performed any services except recruiting for a short time. The committee think the act granting the pension should be repealed, and therefore recommend the passage of the accompanying bill, on the ground of fraud in obtaining the bill granting the pension.

There being no objection, the bill was laid aside to be reported favorably to the House.

ELLEN HORGAN.

The next business on the Private Calendar was the bill (H. R. 4164) for the relief of Ellen Horgan, reported from the Committee on Invalid Pensions with amendments by Mr. BAGLEY.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place on the pension-roll the name of Ellen Horgan, to be paid a pension beginning on the 30th day of April, 1874, and to continue during the remainder of her life.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4164) granting a pension to Ellen Horgan, having had the same under consideration, beg leave to submit the following report:

The petitioner, Ellen Horgan, mother of William Horgan, deceased, asks to be placed upon the pension-roll for reasons given in her memorial to Congress, and which are corroborated by the affidavits of good and reputable persons who have been acquainted with her for many years, and have known her circumstances during that time. She says substantially as follows: That she is the widow of Jeremiah Horgan and the mother of William Horgan, deceased; that her son William was enlisted and mustered in as major in the Eighty-eighth Regiment of New York Infantry Volunteers during the late war some time during the year 1862, to serve for three years; that at that time she was wholly dependent on her son for support, being a widow and deprived of all other means of obtaining even the necessaries of life.

On the 13th of December, 1862, her son was engaged in the battle of Fredericksburg, Va., where he received a gunshot wound through the head, which caused instant death. He left a widow and two children. The widow drew a pension for about ten months, when she died, and the children continued to draw the pension until they arrived at the age of 16 years, which occurred in 1875. The mother represents that since the death of her son she has been without the means of obtaining the necessary comforts of life; that she is in extreme old age; is dependent, and has no relatives who can afford to supply her with the relief her helpless condition demands. She is debarred from prosecuting her claim before the Pension Office by section 4707 of the Revised Statutes, now in force regarding such claims.

William Horgan's widow and children received a pension of $25 per month, commencing September 14, 1864, and ending December 22, 1875. The evidence in the case granting the pension to the widow and children was conclusive as to the services and manner of death of the soldier. The committee are of the opinion that as the mother was entirely dependent upon her son for support and that she is now entirely destitute, and of such extreme age that she is unable to maintain herself, she should receive some help from the Government, and therefore recommend the passage of H. R. 4164 with the following amendments, namely: Strike out all after the word "Horgan," in the fourth line, and insert, after the words "pension-roll," in the fourth line, the words "subject to the limitations and provisions of the pension laws;" and after the word "Horgan," in same line, the words "mother of William Horgan, major Eighty-eighth Regiment New York Volunteers."

The amendments reported from the Committee on Invalid Pensions were to strike out and insert so as to make the bill read as follows:

That the Secretary of the Interior is hereby directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ellen Horgan, mother of William Horgan, late major of the Eighty-eighth Regiment New York Volunteers.

The amendments were agreed to; and the bill as amended was laid aside to be reported favorably to the House.

ANN M'LAUGHLIN.

The next business on the Private Calendar was the bill (H. R. 3737) granting a pension to Ann McLaughlin, reported by Mr. BAGLEY from the Committee on Invalid Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann McLaughlin, mother of Byron McLaughlin, late of the gunboat Southfield.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2737) granting a pension to Ann McLaughlin, having had the same under consideration, beg leave to submit the following report:

Bryan McLaughlin, son of the petitioner, enlisted January 4, 1862, in the United States naval service, and was engaged on the steamer Southfield as a first-class fireman. The Fourth Auditor reports as above, and also that he was borne on the roll March 31, 1864, the last roll of the Southfield, and that his account was paid to August 16, 1864.

Adjutant-General United States Army reports him as a seaman or fireman on steamer Southfield, and that he was admitted to prison hospital at Andersonville, Ga., August 26, 1864, where he died the next day of scorbutis.

The Southfield was sunk by the rebels April 20, 1864, at Plymouth, N. C., according to the report of the Secretary of the Navy for 1864.

Prior to his enlistment in the service Bryan contributed to the support of the family by his labor and earnings in a small express business, in which he was engaged with his father. The father being afflicted with rheumatism, and unable to perform heavy work, attended to the lighter part, such as looking up

business and collecting the pay, while Bryan did the heavy work of driving the horse and handling the goods. The earnings from this source were used for the support of the family, the son receiving no specific wages. Hence, the results of his labor went into the common fund for the benefit of all.

After Bryan went into the service, the father, being unable to continue the business, earned a very precarious living with a hand-cart, frequently earning but 75 cents a day, and it is shown by medical evidence that the father has been much of the time an invalid, and is suffering from rheumatism and general debility. After enlisting in the Navy, letters from the son show that he contributed the most of his earnings to the support of his parents. One of March 27, 1862, indicates that he sent $20 to his father, directing him to give it "to mother, and tell her to buy some clothing for herself and brother Patrick." March 30, 1862, he sends $20 by express. July 17, 1862, he writes, "on the 1st of October, I will send you $50, if I am alive; I can get it no sooner." October 24, he sends $25 and says, "I tried to get fifty, but they would not give it to me." And on the 17th April, 1863, he says, "I have sent you the half-pay, and you will get it at the navy agent's the 1st of May. You will get $12 per month on the 1st of every month."

Fourth Auditor reports allotment-roll signed for $12 per month, on which $108 was paid to James McLaughlin, New York. This clearly indicates that Bryan McLaughlin contributed largely to the support of the family.

The petitioner filed her application for mother's pension December 14, 1874, which was rejected January 21, 1876, on the ground, "rejected, as the father was not unable to support his family at date of his death."

This position is sustained by two affidavits of persons who claim to know McLaughlin, but a number of affidavits, the family physician being one, show that he was disabled and unable to perform hard work.

The committee are satisfied that the son contributed largely to his mother's support, and that she is now destitute, and therefore recommend the passage of bill H. R. 3737.

There being no objection, the bill was laid aside to be reported favorably to the House.

WILLIAM J. BARKER.

The next business on the Private Calendar was the bill (H. R. 825) granting a pension to William J. Barker, reported from the Committee on Invalid Pensions by Mr. WINANS, of Michigan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William J. Barker, late of Company A, Eleventh Regiment Michigan Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 825) granting a pension to William J. Barker, have considered the same, and report:

That William J. Barker was private in Company A, Eleventh Michigan Volunteers. He claims a pension; disability, the effect of sunstroke incurred while in line of duty. The affidavit of Lieutenant Marsh states that claimant, about July 1, 1863, while on skirmish line near Elk River, Tennessee, was injured by sunstroke and carried to the rear by his order. Affidavit of Dr. Spalsburg shows physical soundness at enlistment, and Dr. Cashman shows treatment since 1866. Evidence of neighbors who have known said soldier the past sixteen years testify to his suffering from the effects of sunstroke. He was treated in hospital, but there is no record of the occurrence of sunstroke.

It would seem that Mr. Barker is entitled to relief, as he has furnished evidence of soundness before enlistment, of origin of disability in service and line of duty, of treatment from 1866, and testimony of neighbors for a longer period. The absence of the record of his misfortune is not his fault, but due to the negligence of his superior officers. Your committee therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported favorably to the House.

THOMAS CHESHIRE.

The next business on the Private Calendar was the bill (H. R. 5258) granting a pension to Thomas Cheshire, reported from the Committee on Invalid Pensions by Mr. WINANS, of Michigan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Thomas Cheshire, late a scout under General Burnside during the late war, subject to the provisions and limitations of the pension laws, as though he had been regularly mustered into the United States Army.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the communication of the Commissioner of Pensions in relation to the claim of Thomas Cheshire, late a scout under General Burnside in the late war, submit the same to the House, as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 30, 1884.

SIR: Under the provisions of the joint resolution of Congress approved May 29, 1830, I have the honor to transmit herewith the papers in the case of Thomas Cheshire, late scout under General Burnside during the late war (application 283049), to consider the propriety of placing his name upon the pension-roll by special act, inasmuch as it appears that his claim is a meritorious and deserving one, which can not be admitted under the general law.

The claimant alleges that he was enrolled July 2, 1863, as an independent scout, at Cincinnati, Ohio, by General Burnside, and that while in the line of duty at Tellico Plains, North Carolina, about September 21, 1863, he was taken prisoner, and was not released until October 16, 1864; and that while confined in prison at Danville, Va., he was afflicted with scurvy.

The claim has been rejected because the records of the War Department do not show that claimant was in the military service of the United States when captured.

The report of the Adjutant-General of the United States Army shows that Thomas Cheshire was paid as a scout on secret service from August 1, 1863, to December 10, 1864, by John Potts, esq., chief clerk War Department, on a letter of Maj. Gen. A. E. Burnside, a copy of which is embodied in the report, and which is to the effect that Thomas Cheshire was engaged by him at Cincinnati, Ohio, in the spring of 1863, to act as scout in Kentucky and Tennessee for the Army of Ohio, and was paid at the rate of $60 per month, and was taken prisoner about September 18, 1863, while in the performance of his duties, and was held fourteen months as a prisoner of war, when he escaped, &c. The testimony of Dr. Israel Wilson shows that claimant was suffering from scurvy and rheumatism when he returned from the Southern prisons; that he was sound and healthy prior to enlistment, and that since his return he has been about one-half disabled.

I therefore submit the claim to your consideration, with my opinion that the same should be allowed by special act of Congress, subject to the provisions and limitations of the general pension laws.

Very respectfully,

W. W. DUDLEY, *Commissioner.*

Hon. C. C. MATSON,
Chairman of Committee on Invalid Pensions,
House of Representatives.

Your committee have carefully considered the recommendation of the Commissioner, and likewise believing the claim to be meritorious, although not admissible under the general law, for the reasons set forth in his letter, recommend the passage of the accompanying bill.

The question was upon ordering the bill to be laid aside to be reported favorably to the House.

Mr. LYMAN. I should like to ask the chairman of the Committee on Invalid Pensions [Mr. MATSON] in regard to this bill what has been the custom of Congress in reference to such cases as this. If we grant a pension to this person, who was a scout, there will be a great many other cases which may come up for similar relief; for example, military telegraph operators who, as the members of the House know, were enlisted, just as quartermasters' men were enlisted, not in the military service proper, but as civil employés. Scouts were hired in a similar manner. Like the telegraph operators, they received higher pay than the common soldiers. It is true that both classes were exposed to great peril. Many telegraph operators were wounded during the war. But it is only lately that persons of this class have applied to the Committee on Military Affairs to be recognized as regularly belonging to the military service. They have now no military status.

I desire to ask, first, what has been the custom of Congress in cases of this kind; and, secondly, if we grant this man a pension do we not open the door for a great number of similar cases?

Mr. MATSON. In reply to the inquiry of the gentleman from Massachusetts [Mr. LYMAN], I will say that this question was thoroughly discussed in this House two weeks ago to-night, when the case of Lee was under consideration. It was then shown, I believe, that a large number of cases like this are already upon the rolls. I think it was shown in that discussion that these cases had been placed upon the roll because of the extreme peril to which these men exposed themselves in the service. In this respect they differed from other employés of the Government who were not regularly mustered in. I think it may safely be said that the duties performed by this class of men were the most hazardous in the military service.

Mr. MCMILLIN. Was not Lee's case passed over informally?

Mr. MATSON. It was.

Mr. MCMILLIN. Then I suggest it would be proper that this case take the same course.

Mr. MATSON. Before that action is taken, I wish to say that this case differs from that of Lee. This bill has been reported by the committee upon the recommendation of the Commissioner of Pensions. The bill to pension Lee was introduced here without any action on the part of the Commissioner. This case was brought to the attention of the committee because the man had applied to the Pension Office and his application had been rejected on the ground that he was not mustered into the military service.

Mr. MCMILLIN. In former Congresses and in this it has been, I believe, the custom that cases of this kind involving the question of admitting a new class of pensioners to the rolls should be laid aside to receive the action of a full House. I ask that this bill take that course.

Mr. HOUK. The gentleman is mistaken in saying that this bill creates a new class of pensioners. There are already numbers of this same class.

The CHAIRMAN. The gentleman from Tennessee [Mr. MCMILLIN] moves that this bill be passed over informally.

The motion was agreed to.

The CHAIRMAN. The question is now, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

Mr. MCMILLIN. My suggestion a few moments ago was made, as I stated, because it has been the custom that propositions to pension persons who were never enlisted in the military service should at these evening sessions be passed over informally, that such questions should not be determined by a mere handful of members.

The CHAIRMAN. The bill can not be passed over except by a majority vote or by unanimous consent.

Mr. MCMILLIN. We will save time by it.

Mr. HOUK. If the gentleman means that he intends to insist on a quorum, we must of course agree to pass the bill over.

The question being put on laying the bill aside to be reported to the House with a favorable recommendation, there were—ayes 47, noes 17.

Mr. MCMILLIN. I have no disposition whatever to obstruct legislation here at any time, and I will not now raise the question of a quorum on this case. I want it understood, however, that hereafter, when there are no more than two or three dozen members present, we are not to be expected to dispose of cases of persons who were never in the military service.

Mr. GOFF. When are we going to pass upon such cases?

Mr. MCMILLIN. I draw a distinction——

The CHAIRMAN. Debate is not in order. The bill has been laid aside to be reported to the House with a favorable recommendation.

Mr. McMILLIN. The gentleman from West Virginia [Mr. GOFF] has asked me a question, and I hope I shall have unanimous consent to answer it. During my service here, as I now remember, I have never raised the question of a quorum against a bill pensioning any man who had been in the military service. But against bills proposing to pension those who had not enlisted I have made the point; and I give notice that I shall do so again.

Mr. HOUK. Can a man be engaged in any more perilous military service than when acting as a scout in the Army?

Mr. McMILLIN. As the discussion has gone thus far, I will say that probably no service in the Army is more perilous than that of a spy or a scout; but there is this distinction to be drawn: the person who acts in this capacity never places himself in such a position as to be continually subject to the command of superior officers; the duty he performs is one which he can avoid or take up at his option. If he wishes to place himself in such a position as to be entitled to a pension he can enlist. When he sees fit not to do this, he does so at his own peril.

Mr. HOUK. How can a person doing this duty avoid placing himself under command of his officers?

Mr. BROWN, of Pennsylvania. I rise to a question of order.

The CHAIRMAN. There is nothing before the committee. The bill has been disposed of.

WILLIAM L. SLOAN.

The next business on the Private Calendar was the bill (H. R. 3681) granting a pension to William L. Sloan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William L. Sloan, late a corporal of Company B, Third Regiment Minnesota Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 3681, granting a pension to William L. Sloan, having had said bill under consideration, hereby report in favor of the same, recommend its passage, and ask that said committee be discharged from further consideration thereof.

Mr. BUCHANAN. No facts are given in the report showing why the pension should be granted, and I should like to have some explanation of it.

Mr. SUMNER, of Wisconsin. I will make a brief statement. The claim for pension was disallowed on the ground that the disease existed at the time of the enlistment. Such was the claim of the Pension Office. The report of the committee is unanimous upon the testimony presented to them in favor of granting this pension. After the case was presented to the Pension Office an examiner was appointed and sent to examine witnesses as to this man's disability, and on his report the claim was rejected. It was rejected upon the sole ground that the disability was not incurred in the service, but that the disease existed before.

Now, the testimony shows this soldier enlisted, and after his term expired re-enlisted, and that both times he was examined by Army surgeons, and that no disease was discovered which would prevent him from being mustered. But it was alleged by the Pension Office examiner that this man had sore eyes for three years when he was 17 years of age, that his sister had scrofula, and that his mother had sore eyes at the time of his birth. And that is the testimony upon which the claim was rejected. This man, having been twice examined and twice mustered into the service, and having served the country for four years, and nothing having been discovered during that time to prove he suffered from disease, and it further appearing that he is now blind, resulting from exposure, the opinion of the committee is that he should be granted the pension provided for in this bill.

Mr. RAY, of New York. Is there anything in the testimony to show the cause of this disability?

Mr. SUMNER, of Wisconsin. Yes; it appears in January, 1865, after a long march, he took a severe cold, which resulted in intermittent fever, and that he was sent to the hospital and treated therefor until the following April. I move the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

Mr. MATSON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. McMILLIN having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House had, according to the special order of the House, had under consideration the pension bills on the Private Calendar, and had directed him to report back sundry bills with various recommendations.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House on the Private Calendar without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 3238) granting a pension to Mrs. Ellen M. Flagg;
A bill (H. R. 3838) granting a pension to Theodore C. Hawkins;
A bill (H. R. 4717) for the relief of John Swearer;
A bill (H. R. 4188) granting a pension to William W. Day;
A bill (H. R. 433) to increase the pension of Simpson Harris;
A bill (H. R. 4718) for the relief of Caroline Sheward;
A bill (H. R. 3663) granting a pension to John T. Marshall;
A bill (H. R. 4981) granting a pension to Isabella I. Ramsdell;
A bill (H. R. 4431) granting a pension to Leroy C. Rankin;
A bill (H. R. 439) granting a pension to Bridget Sherlock;
A bill (H. R. 5257) repealing an act entitled "An act for the relief of William McKean;"
A bill (H. R. 3737) granting a pension to Ann McLaughlin;
A bill (H. R. 825) granting a pension to William J. Barker;
A bill (H. R. 5258) granting a pension to Thomas Cheshire; and
A bill (H. R. 3681) granting a pension to William L. Sloan.

Amendments reported to the following bills were severally agreed to, and the bills as amended were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 2252) for the relief of Christopher P. Davidson;
A bill (H. R. 1756) granting a pension to George Overmire;
A bill (H. R. 4697) for the relief of Rudolph John Marti;
A bill (H. R. 2267) granting an increase of pension to Samuel C. Wright;
A bill (H. R. 759) granting a pension to Patrick Droney; and
A bill (H. R. 2136) granting an increase of pension to Merlin C. Harris.

JOHN A. CROZIER.

The SPEAKER *pro tempore*. A bill (H. R. 1965) granting a pension to John A. Crozier has been reported back with an amendment.

Mr. WARNER, of Ohio. I move that bill and amendment be recommitted to the Committee on Invalid Pensions. The case is not what I thought it was, and I think it should be recommitted.

Mr. MATSON. I am perfectly willing to let it go over to be voted on when a quorum is present.

Mr. WARNER, of Ohio. This is the case where a man lost his arm in firing a salute. It is stretching our pension laws beyond all precedent.

Mr. BROWN, of Pennsylvania. I hope that will be done, especially in view of the fact that there was some misunderstanding as to what the vote was being taken upon when the question was submitted to the committee. The question was actually put twice, and it mixed matters somewhat. I hope, therefore, it will be laid over, as suggested by the chairman of the committee.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Ohio to recommit the bill to the Committee on Invalid Pensions.

Mr. MATSON. Upon that proposition I wish to say that the committee have considered this bill carefully and passed its judgment upon it. There can be nothing made by a recommittal of the bill. I have no objection to its going over.

The SPEAKER *pro tempore*. Does the Chair understand the gentleman from Indiana to suggest that it be laid over informally?

Mr. BROWN, of Pennsylvania. I make that motion, if necessary.

Mr. MATSON. We are perfectly willing for that.

Mr. WARNER, of Ohio. I am quite willing that the bill be passed over informally, if that meets the concurrence of the gentleman from Indiana.

The SPEAKER *pro tempore*. Without objection that course will be taken.

There was no objection, and it was ordered accordingly.

ELLEN HORGAN.

The next bill reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. 4164) for the relief of Ellen Horgan, with amendments.

The bill was considered, the amendments severally agreed to, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MATSON moved to reconsider the votes by which the several pension bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MATSON (at 9 o'clock and 55 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Petition of S. G. Shaw and others, citizens of Pittsburgh, asking that all Indians not now under the Indian government of the Indian Territory be granted lands in severalty—to the Committee on Indian Affairs.

Also, petition of S. P. Wolf, representing 450 members of the Union Methodist Episcopal church of Allegheny, Pa., for the education of the Indians—to the same committee.

Also, petition of the Women's Christian Association of Pittsburgh and Allegheny, Pa., representing 220 members, for the education of the Indians—to the same committee.

By Mr. BELMONT: Petition of property-owners and residents on Staten Island, for the passage of a bill for the construction of certain bridges over Staten Island Sound—to the Committee on Commerce.

By Mr. BOUTELLE: Remonstrance of Albert H. Frost Post, Grand Army of the Republic, of Maine, against transfer of pension agencies to Washington, D. C.—to the Committee on Invalid Pensions.

By Mr. CAINE: Petition of Zion's Co-Operative Mercantile Institution, William Jennings & Sons, and others, merchants of Salt Lake City, Utah, asking that provision be made to pay rebate on tobacco at an early date—to the Committee on Appropriations.

Also, petition of Margaret Kimble, asking for bounty—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. CONVERSE: Petition of Bartley Estelo and 53 others, Henry Wiseman and 52 others, Thomas L. Lewis and 34 others, David Edwards and 56 others, and James Saunders and 92 others, all of Perry County, Ohio, for amendments to the Chinese restriction act so as to prevent Chinese immigration—to the Committee on Foreign Affairs.

By Mr. CUTCHEON: Petitions of citizens of Hersey, Mich., asking for the establishment of a soldiers' home in the State of Michigan—to the Committee on Military Affairs.

By Mr. G. R. DAVIS: Petition of J. M. Foley and 15 others, for amendments to Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. DOCKERY: Memorial of Maysville Post, Grand Army of the Republic, asking for bounty and back pay in certain cases—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of Maysville Post, Grand Army of the Republic, for equalization of pensions and back pay—to the same committee.

By Mr. ELDREDGE: Petition of S. P. Harmer and 25 others, of Tecumseh, Mich., for a branch soldiers' home to be located in Michigan—to the Committee on Military Affairs.

By Mr. ELLIS: Petition of William J. Purman, for payment of expenses incurred in contesting a seat in the Forty-fifth Congress—to the Committee on Elections.

By Mr. EVERHART: Petition and protest of the proprietor and employés of the Riverview Hosiery Mills, Linwood, Delaware County, Pennsylvania, against reduction of customs duties on imports or agitation of any change of existing tariff rates—to the Committee on Ways and Means.

Also, petition and protest of proprietors and employés of James Irving & Son, Irvington, Delaware County, Pennsylvania, against reduction of customs duties on imports or agitation of any change of existing tariff rates—to the same committee.

Also, petition and protest of proprietors and employés of H. Blakeley & Sons, Chester, Pa., against reduction of customs duties on imports or agitation of any change of existing tariff rates—to the same committee.

By Mr. FORAN: Petition of District Assembly No. 47, of Cleveland, Ohio, and of Phœnix Assembly, No. 790, of Cleveland, Ohio, for the passage of H. R. 5128, providing for the regulation of marine and lake shipping—to the Committee on Commerce.

Also, petition of Assembly No. 1910, Knights of Labor, and 500 citizens of Canton, Ohio, for the passage of H. R. 2549 and 2550, providing for the creation of a department of industry and to prohibit the importation of foreigners under contract—to the Committee on Labor.

By Mr. GREEN: Bill amending section 4414 of the Revised Statutes of the United States—to the Committee on Commerce.

Also, bill to continue the improvement of Cape Fear River from Wilmington to Fayetteville, N. C.—to the Committee on Rivers and Harbors.

Also, bill to continue the improvements of Cape Fear River from the ocean to Wilmington, N. C.—to the same committee.

By Mr. HANBACK: Petition of 100 citizens of Kansas, asking for further legislative restriction of the Chinese—to the Committee on Foreign Affairs.

By Mr. HEPBURN: Petition of Sophia C. Gray, of Sioux, Taylor County, Iowa, asking for a pension—to the Committee on Invalid Pensions.

By Mr. KASSON: Petition of citizens of Iowa, for further restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. KLEINER: Petition of Robert Num Post, Grand Army of the Republic of Indiana, asking for equalization of pay, bounty, &c.—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. McCORMICK: Petition of W. S. Massy, for repayment of commutation-money—to the Committee on War Claims.

Also, petition of citizens of Vinton County, Ohio, and papers in the case of Moses J. Robinson, for repayment of commutation-money—to the same committee.

By Mr. McKINLEY: Petition of citizens of Mahoning County, Ohio, against any reduction of the tariff—to the Committee on Ways and Means.

By Mr. MILLIKEN: Petitions of William E. Hadlock and others and of E. L. Harmer and others, for change in the law regulating the home port of vessels—severally to the Committee on Commerce.

By Mr. MITCHELL: Petition of William H. Smith, late private Company B, Sixteenth Regiment Connecticut Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. NEECE: Petition of citizens of Monmouth, Ill., for the enactment of amendments to the Chinese restriction act—to the Committee on Labor.

By Mr. NELSON: Resolutions of the Chamber of Commerce of Saint Paul, relating to the Congo River, in Africa—to the Committee on Commerce.

By Mr. O'HARA: Memorial of the citizens of Jones County, North Carolina, asking for an appropriation for the improvement of the Trent River, North Carolina—to the Committee on Rivers and Harbors.

By Mr. CHARLES O'NEILL: Resolutions of the Vessel-Owners and Captains' Association of Philadelphia, Pa., for the passage of the Dingley pilotage bill—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, resolutions of the Vessel-Owners and Captains' Association of Philadelphia, Pa., for the bill giving vessel-owners the right to sue the Government in cases of collision with United States vessels—to the Committee on the Judiciary.

By Mr. PRYOR: Petition of citizens of Franklin County, Alabama, praying for the erection of public buildings at Decatur, Ala.—to the Committee on Public Buildings and Grounds.

Also, petition of citizens of Marion County, Alabama, praying for the erection of certain public buildings at Decatur, Ala.—to the same committee.

Also, petition of citizens of Winston County, Alabama, praying for the erection of certain public buildings at Decatur, Ala.—to the same committee.

Also, petition of citizens of Madison County, Alabama, praying for the erection of certain public buildings at Huntsville, Ala.—to the same committee.

Also, petition of citizens of Lauderdale County, Alabama, praying for the erection of certain public buildings at Decatur, Ala.—to the same committee.

By Mr. REED: Petition of Thomas S. Smith and others, officers of the Revenue Marine, for the passage of H. R. 4483—to the Committee on Commerce.

By Mr. CHARLES STEWART: Petition from citizens of Kaufman County, Texas, for an appropriation for continuing the work of harbor improvements at Sabine, Tex.—to the Committee on Rivers and Harbors.

Also, petition of citizens of San Augustine County, Texas, on the same subject—to the same committee.

By Mr. STRAIT: Petition of H. A. Park and 12 others, citizens of Red Wing, Minn., praying that their claims for rebate of the tobacco tax may be speedily adjusted and that Congress may make an appropriation for the employment of sufficient assistance to complete the work without further delay—to the Committee on Appropriations.

By Mr. A. J. WARNER: Petition of L. T. Montgomery and 36 others, citizens of Monroe County, Ohio, asking for restoration of the tariff of 1867 on wool—to the Committee on Ways and Means.

Also, petition of Samuel Berry and 35 others, citizens of Ohio, asking for the restoration of the tariff of 1867 on wool—to the same committee.

By Mr. RICHARD WARNER: Petition of citizens of Marshall County, Tennessee, praying for an appropriation of $50,000,000, to be distributed among the several States and Territories, to support a school system—to the Committee on Education.

By Mr. YOUNG: Papers relating to the claim of James G. Moore—to the Committee on War Claims.

Also, papers relating to the claim of John McDowell—to the same committee.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 15, 1884.

The Clerk of the House, Hon. JOHN B. CLARK, jr., at 12 o'clock m. called the House to order and directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, March 15, 1884.

J. B. CLARK, jr.,
Clerk House of Representatives:

I hereby appoint Hon. J. C. S. BLACKBURN to perform the duties of the chair during this legislative day.

J. G. CARLISLE,
Speaker House of Representatives.

Mr. BLACKBURN accordingly took the chair as Speaker *pro tempore*.

Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D.D.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

Mr. BELFORD. I move to dispense with the reading of so much of the Journal as applies to the pension bills passed yesterday and last night.

The SPEAKER *pro tempore*. The Chair will state that the motion to suspend the reading of the Journal is not in order. The Chair is also informed that there is but a small portion of the Journal remaining unread.

Mr. BELFORD. It has been customary to submit this motion.

The SPEAKER *pro tempore*. It can only be done by unanimous consent. There is no such motion recognized.

The remainder of the Journal was read and approved.

REPRINT OF A BILL.

Mr. LYMAN. Mr. Speaker, I ask unanimous consent to withdraw from the House Calendar the bill (H. R. 5670) to authorize a retired-list of privates and non-commissioned officers of the United States Army who have served for a period of thirty years and upward with a view to having it reprinted, there being a clerical error in the bill as it now stands.

The SPEAKER *pro tempore*. The Chair will state that this bill is in Committee of the Whole on the state of the Union and there is a clerical error in the printed text as it now appears. The gentleman from Massachusetts asks that an order be made for a reprint of the bill in a corrected form.

There was no objection, and it was ordered accordingly.

HORSE FOR ADDITIONAL RIDING-PAGE.

Mr. HANCOCK. Mr. Speaker, I wish to submit a privileged resolution from the Committee on Appropriations.

The SPEAKER *pro tempore*. The resolution will be read.

The resolution was read, as follows:

Resolved, That the Clerk of the House be authorized to pay, out of the contingent fund of the House, to the Doorkeeper of the House the sum of $114, for the hire of one horse for the use of the additional riding-page for the remainder of the current fiscal year.

Mr. HANCOCK. I ask the adoption of the resolution.

The resolution was agreed to.

Mr. HANCOCK moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I demand the regular order.

Mr. MILLS. I ask the gentleman to permit me to have referred a resolution to the Committee on Rules.

Mr. TOWNSHEND. I regret that I am unable to accommodate gentlemen who are making such requests around me, but I must insist upon the demand for the regular order.

Mr. BELFORD. Will the gentleman from Illinois not consent to give us at least thirty minutes for the transaction of such business as can be done by unanimous consent?

Mr. TOWNSHEND. I would like to gratify the wishes of gentlemen by yielding further to these requests for unanimous consent, but the importance of the bill that is pending demands of me that I shall return an answer in the negative to all of them. If I yield to one member there will be thirty or forty demanding the same thing. I must therefore insist.

Mr. BROWNE, of Indiana. Is this debatable?

The SPEAKER *pro tempore*. It is not.

Mr. TOWNSHEND. Then I insist upon the regular order. I move that the morning hour be dispensed with.

Mr. BELFORD. I want to appeal to the gentleman from Illinois to give us thirty minutes to call up important bills for consideration before that order is insisted upon.

Mr. TOWNSHEND. I am unable to yield to the gentleman.

Mr. BELFORD. I give notice then that no business shall be transacted by unanimous consent.

The SPEAKER *pro tempore*. The motion is not subject to debate. The question is on the motion of the gentleman from Illinois to dispense with the morning hour.

The question was taken. The House divided; and there were—ayes 90, noes 33.

So (two-thirds having voted in the affirmative) the morning hour was dispensed with.

Mr. TOWNSHEND. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The SPEAKER *pro tempore*. The gentleman from Georgia [Mr. BLOUNT] will please take the chair.

Mr. TOWNSHEND. Before that I desire to say that I have reached an agreement with the gentleman from Michigan with reference to the debate on the pending paragraph of this bill—that we allow ten minutes debate on the pending amendment and on each substantive amendment to be offered thereafter, the whole debate on the paragraph not to exceed one hour. With that understanding I hope the announcement will be made.

The SPEAKER *pro tempore*. It is not within the power of the Chair after the order of the House to make such an announcement.

Mr. TOWNSHEND. Then I desire to ask unanimous consent that this arrangement be ratified.

Mr. BISBEE. I object.

Mr. TOWNSHEND. Then I move to reconsider the vote by which the House agreed to go into Committee of the Whole, in order to have the question fully and satisfactorily settled.

The motion to reconsider was agreed to.

Mr. TOWNSHEND. Now I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills, pending which I move that all debate upon the pending paragraph and all amendments thereto be closed in one hour.

Mr. KEIFER. Will the gentleman allow a suggestion? If the gentleman will allow forty minutes for general debate and then ten minutes on each substantive amendment I think there will be no objection.

Mr. TOWNSHEND. We have reached an agreement which I believe to be satisfactory and any alteration of it will create confusion.

Mr. CANNON. If the gentleman from Michigan is satisfied with the agreement, I will make no objection so far as I am concerned.

Mr. HORR. The agreement is precisely this: that we go into Committee of the Whole on this bill; that we should take one hour for debate on this paragraph; that ten minutes on a side would be allowed on the pending amendment, and ten minutes thereafter on each substantive amendment to be offered to the bill; that there should be no *pro forma* amendments offered.

Mr. TOWNSHEND. And that the debate should not extend beyond an hour.

Mr. HORR. Yes, sir.

Mr. MILLS. All amendments to this paragraph?

Mr. HORR. Yes, sir.

Mr. KEIFER. This is a long paragraph.

Mr. TOWNSHEND. That is the agreement.

The SPEAKER *pro tempore*. The Chair will submit the motion to limit debate in accordance with the agreement stated by the gentleman from Illinois and the gentleman from Michigan.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

POST-OFFICE APPROPRIATION BILL.

The CHAIRMAN. The House, in Committee of the Whole House on the state of the Union, resumes the consideration of the unfinished business, being the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes.

The pending paragraph was that relating to the readjustment of compensation to be paid for transportation of mails on railroad routes.

The pending motion was that of Mr. HORR, to strike out the concluding proviso of the paragraph, which is as follows:

Provided, however, That all railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on the condition that the mails should be transported over their roads, respectively, at such price as Congress should by law direct, or on the condition that such railroad should be subject to such regulations as Congress might impose restricting the charges of Government transportation, shall receive only 50 per cent. of the compensation authorized by this act to the other railroad companies for corresponding service.

An amendment was also pending, offered by Mr. MILLS, to strike out, in line 70, the word "five" and insert "ten;" so as to provide that the reduction of compensation of railroad companies for transporting the mails shall be 10 per cent. instead of 5 per cent.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] is recognized.

Mr. DUNN. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DUNN. I desire to know what amendments are pending to the paragraph under consideration and what is their order. I understand there is a motion to strike out the proviso and that there is an amendment offered by the gentleman from Texas [Mr. MILLS].

Mr. HORR. That is all.

Mr. DUNN. I wish to know if there is any other.

Mr. HORR. One also has been indicated by the gentleman from Arkansas [Mr. DUNN] and one by the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. DUNN. I have not been able to get the floor to offer my amendment or even to have it printed in the RECORD.

Mr. HORR. The first thing, as I understand, is to debate the pending amendment to strike out and to dispose of it, receiving no other amendments till we are through with that.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] rises to offer an amendment. That is in order.

Mr. DUNN. Regardless of the agreement entered into by the House before we went into Committee of the Whole?

The CHAIRMAN. The Chair does not understand there was any agreement which interferes with that at all.

Mr. DUNN. I presume the clerks have the agreement, and I leave the question to be settled by their record of it.

Mr. HOLMAN. There was no agreement that there should be no amendments made to this paragraph.

The CHAIRMAN. The Chair understood the agreement applied only to the time for debate, not to the number of amendments that might be offered. The gentleman from Indiana is in order and will proceed.

Mr. HORR. The distinct agreement was that we should proceed with and finish the first amendment, ten minutes a side being allowed for debate, and that thereafter on other amendments that should be offered there should be debate of ten minutes on a side.

The CHAIRMAN. The Chair presumes the House did not intend by any such agreement to prevent amendments designed to perfect the bill being offered.

Mr. DUNN. Is the amendment of the gentleman from Indiana intended to perfect the bill or to change an amendment offered by somebody else?

The CHAIRMAN. The Chair understands it to be in the nature of a substitute.

Mr. DUNN. The amendment I desire to offer is to perfect the bill.

Mr. HORR. If the amendment proposed by the gentleman from Indiana is in the nature of a substitute I submit that that is in violation of our agreement?

Mr. HOLMAN. If a substitute, is it not still an amendment? Is not a substitute an amendment?

The CHAIRMAN. The proposition of the gentleman from Michigan [Mr. HORR] is to strike out the whole of the proviso.

Mr. HOLMAN. Yes, sir; and now I move to amend by perfecting the portion proposed to be stricken out.

The CHAIRMAN. The gentleman from Indiana moves to amend by striking out all after the word "transportation," in line 116, and inserting other language, which is in the nature of an effort to perfect the bill, and is in order.

Mr. BELFORD. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. BELFORD. The confusion in the House is such that it is utterly impossible for us at this end of the Hall to hear what the chairman says or what is said by the gentleman from Indiana or any other member of the House. I ask the Chair to bring the committee to order.

The CHAIRMAN. The point of order is well taken. The committee will be in order.

Mr. HORR. Does the Chair determine the amendment of the gentleman from Indiana has a right to come in at this time?

The CHAIRMAN. The Chair has so decided.

Mr. HORR. I do not think the gentleman from Indiana intends it, but it seems to me the result or effect of this is to cut us out from debate on the pending amendments and those yet to be offered. I do not think the gentleman would introduce this for that purpose.

Mr. HOLMAN. No, sir. The gentleman from Michigan has made a motion to strike out. I move to amend that. That is all.

Mr. HORR. If you do not take any time to debate it it may be all right.

The CHAIRMAN. The gentleman from Indiana is recognized and will proceed.

Mr. HOLMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out from the word "transportation," in line 116 to the end of the paragraph, these words, "shall receive only 50 per cent. of the compensation authorized by this act to the other railroad companies for corresponding service," and insert as follows:

"Or whose railroads were constructed in whole or in part by subsidies, in bonds and lands granted and issued by the United States, under the provisions of the act entitled 'An act to aid in the construction of the railroad and telegraph line from the Mississippi River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862, and all acts amendatory thereof, shall receive only 50 per cent. of the compensation authorized by this act to be paid to the other railroad companies for corresponding postal service. And the above-entitled act, approved July 1, 1862, and the sixth section thereof, and the act amendatory of said act, approved July 2, 1864, are hereby amended to conform to the foregoing provisions fixing the rate of compensation to be paid to railroad companies whose railroads were so constructed in whole or in part by subsidies, in bonds and lands, under the provisions of said act for the transportation of the mails; and said acts and each of them shall be held to be altered and amended accordingly; and the foregoing provisions, and each of them, shall be subject to amendment as in the opinion of Congress shall be just and required by the public welfare. But no right now existing in favor of the United States in relation to said railroads or either of them, or in relation to said grants or either of them, shall be deemed impaired or waived."

The CHAIRMAN. The Chair recognizes the gentleman from Indiana [Mr. HOLMAN] for five minutes.

Mr. HORR. I wish to reserve all points of order on that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HORR. I desire to reserve it for the present until I can hear the gentleman.

The CHAIRMAN. The point of order must be made at this time.

Mr. HORR. My point of order is that the amendment proposes to change existing law, and I am clear that it will not save any money to the Government.

Mr. HOLMAN. In answer to the point of order I would state that it reduces the cost of transporting the mails upon a certain class of railroads 50 per cent., and that heretofore has been held to be in order, I believe.

Mr. DUNN. A word on the point of order. I am satisfied that the gentleman from Indiana [Mr. HOLMAN] is perfectly correct; I have no doubt that this amendment will reduce expenditures, and I desire to congratulate the gentleman from Indiana upon his graceful surrender, and the Committee on Appropriations upon their graceful surrender, at my suggestion made day before yesterday, and which I had formulated into an amendment that I had intended to offer at the request of very many gentlemen on the floor, and I shall, if permitted, offer a substitute yet.

Mr. HOLMAN. I am glad my friend from Arkansas [Mr. DUNN] congratulates the Committee on Appropriations for perceiving the propriety of this proposition. I will say to him that it is offered in some degree on my own responsibility, although in concurrence with the views of the majority of the members of the Committee on Appropriations, for the reason that it did not seem to be the will of this Committee of the Whole that the original idea should be adhered to, that this subject can be better controlled by the funding process under the Thurman act than by the instrumentalities proposed by my amendment.

I wish to say further that there can be no doubt whatever about the power of Congress to enact this provision, the Supreme Court in the funding cases having settled that beyond question. I took occasion the other day to call the attention of the Committee of the Whole to the fact that the Supreme Court has passed directly upon that point and decided that Congress had retained the unqualified power, both in the original act of 1862 as well as in the amendatory act of 1864, to alter, amend, or repeal those acts. It seems impossible that the Supreme Court could have decided otherwise than that under that power the sixth section of the act of 1862 or any other provision of that act might be altered, qualified, or amended.

The CHAIRMAN (interrupting). Is the gentleman from Indiana speaking to the point of order only?

Mr. HORR. I withdraw the point of order.

Mr. HOLMAN. I shall occupy but a moment further. I beg the pardon of the Chair for having, upon the point of order, indulged in some remarks touching the substance of the amendment I have offered. I was thoughtlessly led into doing so by the remarks of the gentleman from Arkansas [Mr. DUNN].

It is very clear, laying aside the question of reaching the Union Pacific roads through the funding act, that this proposed amendment is very proper. I think no gentleman can question that as to the Union Pacific railroads, all of them, including the eastern branch of the Union Pacific as well as the Sioux City and Pacific——

Mr. DUNN. And the Kansas Pacific.

Mr. HOLMAN. That of course is embraced in the Union Pacific Railroads, six of them in all. There is no question that inasmuch as those roads were built by the Government (and more than built, for there was invested in those great roads by the Government more than they cost for construction) there is reserved to Congress, under the power to amend the sixth section of the act of 1862, a power to amend any provision of either the act of 1862 or the act of 1864; and it is eminently proper that Congress should either require the transportation of the mails and the property of the United States without charge or should pay therefor no more than is paid to other roads of the same class.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HORR. I yield three minutes of my time to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, the amendment of the gentleman from Indiana [Mr. HOLMAN] proposes to pay the land-grant and bond-subsidy roads—known as the Pacific Railroads—one-half of the amount for carrying the mails that we pay other railroads. It makes no practical difference to the United States whether this amendment passes or not, under the facts and existing legislation the road will be thrown upon the hands of the Government at the maturity of the bonds in either event.

But I want to call the attention of the gentleman from Indiana [Mr. HOLMAN], the gentleman from Arkansas [Mr. DUNN], and the gentlemen on the other side of the House to the fact that under the Thurman act, sustained as it is by the decision of the Supreme Court, the sinking fund will not yield a sufficient amount to indemnify the Government at the maturity of the bonds.

Mr. DUNN. And that is explained in the report of the Railroad Commissioner—it is because of knavery on the part of the roads.

Mr. CANNON. I can not yield time out of my three minutes. When these bonds shall mature, when the Government shall be entitled to be indemnified, the sinking fund proper will not be sufficient for the purpose. I wish to say that if you gentlemen on that side of the House, with your seventy majority, want to do a just thing and an effective thing, then, instead of amending the Thurman act and taking nothing by it, you will come into this House with an amendment increasing the sinking fund under wise provisions, so that when the bonds shall mature there will be a sufficient amount in that fund to indemnify the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I would like to have a moment longer.

Mr. HORR. I will yield the gentleman another minute.

Mr. CANNON. I undertake to say that notwithstanding this cheap

parade before the country as against the Pacific Railroads, a measure which, after you have adopted it, gives no substantial harvest, you will not be held blameless by the people for failing to suggest proper substantial legislation under which a sinking fund might be realized sufficient to indemnify the Government. You reduce the sinking fund in this way without keeping it up in any other way.

Mr. DUNN. Does the gentleman think the sinking fund ought to be supplied from the Treasury of the United States?

Mr. CANNON. Oh, no; but you have the power to come in here by legislation, and instead of taking 5 per cent. of the gross earnings of the roads, to take 10 per cent. and put it into the sinking fund. Instead of doing that, you clip the sinking fund to a paltry extent by cutting off half the compensation of these road for carrying the mails; and you fail to provide by apt and proper legislation for an increase of this sinking fund from the gross earnings of the companies. Therefore I say that in effect this legislation is a sham and a fraud—an attempt to deceive the country. You fail to do what is in your power by apt legislation, following the precedent set by the Thurman act, sustained by the Supreme Court.

You propose to decrease their mail pay, which amounts to but little, while you fail by substantial legislation to take 10 or 15 per cent., or whatever amount is necessary, of their gross earnings and hold it in a sinking fund to indemnify the Government at the maturity of the bonds. In other words, you set the machinery in motion but do not grind the grist.

[Here the hammer fell.]

Mr. BELFORD. Mr. Chairman, one fact which must be kept in mind in our legislation on this subject is that the Government of the United States built the Union Pacific and Central Pacific Railroads. I declared the other day that land grants were made to aid in the construction of these roads, and the gentleman from Michigan [Mr. HORR] disputed that statement. I now assert again that the Government not only made land grants to aid these railroad companies, but indorsed their bonds to the amount of millions.

Mr. HORR. I call the gentleman to order. He has no right, in my time, to speak in favor of the proposition he is advocating.

Mr. BELFORD. I am not speaking in the gentleman's time; I am speaking in my own time as a Representative on this floor. I would like to know whether the Representative of a State here has a right in his own time to speak upon a great public question, or whether one man from Michigan can dictate the law to this council of the nation.

What I said the other day was that the Union Pacific and Central Pacific Railroads had received large land grants. I repeat that statement, and say further that the Government not only gave those companies large land grants, but indorsed their bonds.

Mr. TOWNSHEND. I rise to a question of order. I desire to know in what time the gentleman from Colorado [Mr. BELFORD] is speaking?

The CHAIRMAN. The Chair understood that ten minutes on each side were to be allowed on any amendment.

Mr. TOWNSHEND. I rose, Mr. Chairman, to debate this question as representing the committee.

The CHAIRMAN. The Chair did not understand that the gentleman from Illinois desired to speak, and recognized the gentleman from Colorado, not understanding that the time was under the control of any one. But the Chair has no objection to its being controlled.

Mr. TOWNSHEND. If this course be pursued the committee may not have a hearing.

Mr. BELFORD. I hope my friend from Illinois will allow me to make a few observations on this question.

The CHAIRMAN. The Chair did not consider it his duty to ask whether any gentleman representing the committee desired to speak, but as the gentleman from Colorado claimed the floor he was recognized.

Mr. BELFORD. I want to say that these great transcontinental lines charge the people 10 cents a mile for transportation. How is it with the New York Central and Hudson River Railroads which have been referred to in this debate? The Legislature of the State of New York has taken control of this subject and reduced the rates charged by those corporations to at least 3 cents a mile. Yet while vast corporations are grinding and oppressing our people almost to death gentlemen stand up here to defend them on the ground that corporations which are charging 10 cents a mile for transportation can not take care of themselves!

I say that that amendment offered by the gentleman from Indiana, and which I offered a week ago as an original bill and which is before the Pacific Railroads Committee, ought to be passed. Is there a man connected with this great transcontinental railway system that has not become suddenly enriched? Enriched in what manner? Out of the profits of that great enterprise.

If you will permit me one more sentence I will say that the two political parties of this country are barren of issues, except the tariff. But there is one shining over the horizon that is to trouble the people in this country. It is the constantly growing and swelling power of these gigantic monopolies that this nation has called into existence and yet has not the courage to control.

Mr. HORR. I wish to say, Mr. Chairman, in the five minutes remaining on this side that the amendment of the gentleman from Indiana [Mr. HOLMAN], as I understand it, seeks simply to put the Union Pacific Railroads and the Northern Pacific road on the same basis with all of the other roads, and then to cut the whole series down 50 per cent. Am I right?

Mr. HOLMAN. That is the effect of it.

Mr. HEWITT, of New York. The steal is now made large enough to be an object.

Mr. HORR. I do not desire now, Mr. Chairman, to discuss the question as to the extent of our legal power over these roads or whether we have the authority to do what the gentleman proposes. I must admit, of course, that that amendment on its face is a fairer proposition than the way the bill first came into the House. But I do say to you that if you adopt that amendment and deprive the roads of that proportion of their earning to apply it to the sinking fund, you thereby destroy all the power of the Government to get its pay in that manner.

Now the gentleman from Arkansas [Mr. DUNN] proposes an amendment much fairer in my judgment than this one, and I do hope that, whether the committee adopts the amendment of the gentleman from Indiana or not, you will then vote for my amendment to strike out this 50 per cent. business and leave the bill in such shape that you can insert an amendment of the character of that suggested by the gentleman from Arkansas, which I deem very just and very fair.

I do not consider this vital; but I wish to reply a word to the gentleman from Colorado, who seems to have, as usual, spoken and then run. No, I see he is behind me. [Laughter.] He seems yet to be in the dark with reference to this bill. He seems yet to think that the original bill included the Union Pacific and Northern Pacific roads.

Mr. BELFORD. I understand that it includes all the branches of the Pacific roads.

Mr. HORR. Very well. What was the figure of speech that the gentleman used in reference to this matter the other day? Was it "esoteric" or "exoteric?" What did you mean?

Mr. BELFORD. The gentleman from Michigan, who is so elegant on this subject, can probably comprehend what I meant.

Mr. HORR. Even to a mind which can be convinced by exoteric proof the bill does not include those roads; because in the very act and title of the act there is an omission as to the charters of the Union Pacific and Central Pacific and Northern Pacific roads. There was a clear distinction, and they were omitted.

Judge HOLMAN, with his shrewdness, draws this bill to cover the whole case. Now, if the gentleman is right, there is no reason for making his amendment.

Mr. BELFORD. That is a piece of jugglery.

Mr. HORR. It is not jugglery if a man's mind is clear and serene. [Laughter.]

The first bill was drawn on purpose to omit these roads; and I take it that the House will stop and consider well before, by this species of legislation, it will destroy the good effects of the Thurman bill to secure the nation with reference to its rights in these roads. And as I said, if you are to keep the 50 per cent. clause in, then I prefer that the proposed amendment of the gentleman from Indiana should go in, but on the principle only that it will make the whole bill so vicious that nobody will support it.

[Here the hammer fell.]

The CHAIRMAN. The Clerk will report the pending amendment proposed by the gentleman from Indiana.

Mr. HOLMAN. I ask permission to modify the amendment by inserting three or four words additional to the end of it which were omitted in making up the copy.

Mr. HORR. What are the words?

The Clerk read as follows:

This act or any provision thereof.

The CHAIRMAN. Is there objection to the modification of the amendment?

There was no objection.

Mr. HORR. Let the amendment be again read.

The amendment was again read.

The question was taken; the committee divided; and there were—ayes 85, noes 56.

So the amendment as modified was agreed to.

Mr. BINGHAM. I now send to the desk an amendment to strike out, after the word "roads," in line 68, down to and including——

Mr. KEIFER. Is it not in order now to amend this in another place before moving to strike out?

Mr. HORR. My motion to strike out the entire proviso is the pending proposition. I make that point of order.

The CHAIRMAN. The Chair understood the action of the committee to be to substitute the proposition of the gentleman from Indiana.

Mr. REED. It could not be a substitute.

The CHAIRMAN. An amendment in the nature of a substitute.

Mr. REED. It could not be a substitute for a motion to strike out.

The CHAIRMAN. The Chair on examining finds that the gentleman from Maine is correct. The Chair will submit the motion of the gentleman from Michigan.

Mr. TOWNSHEND. The motion then of the gentleman from Michigan is open for discussion.

The CHAIRMAN. The motion of the gentleman from Michigan as amended by the amendment of the gentleman from Indiana is now pending and open for discussion.

Mr. TOWNSHEND. Let us have the debate on it.

Mr. HORR took the floor and yielded to Mr. CUTCHEON.

Mr. CUTCHEON. I would not ask for a moment of the time of this committee were it not for the fact that this proviso strikes a blow at one of the largest interests of the district which I represent, there being but one interest there that could be more seriously affected than this. Its importance to my district arises from this fact, that almost the entire railroad system of the district consists of two land-grant railroads: the Grand Rapids and Indiana Railroad, which runs through the entire length of my district, north and south, two hundred miles; and the Flint and Pere Marquette Railroad, which crosses it from east to west, one hundred miles.

When these land grants were made to these roads that entire part of the State of Michigan was an unbroken wilderness. These railroads by means of those grants were pushed forward into this wilderness, and they have left behind them civilization, they have left behind them large manufacturing towns, they have left behind them blooming farms and flourishing towns; and that which twenty years ago was an unbroken wilderness to-day constitutes two populous Congressional districts in the northern part of the Lower Peninsula of Michigan.

For this reason I stand here to protest against this proviso which strikes down those railroads, and for the reason given by my friend from Illinois [Mr. CANNON] that when you strike at the earnings of these roads by taking away from them the pay, the just, legitimate, and equitable pay, for the transportation of the mails they must and will lay the difference of rate over on the transportation of the freights of all the poor farmers, mechanics, and other people who live along the line of those roads. The estimates for railroad transportation made by the Second Assistant Postmaster-General have in this bill been cut down $2,035,000.

Mr. DUNN. May I ask the gentleman from Michigan a question?

Mr. CUTCHEON. Yes, sir.

Mr. DUNN. Have freights diminished or been increased since 1876?

Mr. CUTCHEON. They have diminished upon the whole, I think; but as the result of competition and the great increase of business.

Mr. DUNN. In 1876 the compensation of these roads for transporting the mails was reduced 20 per cent.

Mr. CUTCHEON. I hope the gentleman will not occupy the short time allowed me.

This cutting down of the estimates has been accomplished, first, by a general reduction of 5 per cent. and another reduction on the top of that of 50 per cent., leaving to these land-grant roads but 47½ per cent. of the compensation they have heretofore received. This is based upon the ground that these roads were constructed in whole or in part by means of land grants made by Congress. And it makes no difference whether constructed in whole or in part; if they were constructed in however small a part by means of land grants, this bill strikes them with the 50 per cent. reduction clause. If only one-tenth part was built by land grants, under the provisions of this bill they are struck by the 50 per cent. clause.

This is done, furthermore, without regard to the service performed, without regard to the earnings of the road, without regard to the equities of the case. I say, Mr. Chairman, with all due deference to the committee, that is highwayman's law. It is the road agent's demand, "Stand and deliver," simply because we have the power. It is putting the blunderbuss of the law at the head of these corporations and demanding they shall surrender their private property for public use without compensation. In other words, it is confiscation, pure and simple, of the property of these two roads. One of them—the Grand Rapids and Indiana—has I believe never yet paid one dollar to its original stockholders; and, according to the last official annual report published by the railroad commissioner of Michigan, it fell short $29,000 of paying their current expenses and the interest of their bonds on a capital of over $15,000,000 invested. The other railroad—the Flint and Pere Marquette—four years ago went through the hands of a receiver and was sold at the receiver's sale at about one-half its original cost, never having paid a dollar to its original stockholders. And to-day it only pays 6 per cent. on its preferred stock of six and one-half millions, which represents the original first-mortgage bonds, while its common stock pays nothing.

I say, then, if you have the right to strike these roads down to 50 per cent. you can reduce them 75 per cent.; and if you can reduce their compensation 75 per cent. you can reduce it 99 per cent. I say that is robber's law. It is highwayman's law, which says to these railroads, simply because we have the power under the letter of the statute, without regard to its spirit, without regard to equity, without regard to what is reasonable compensation, "We will rob you, we will take from you your just compensation." I say that is not law; I say it is not equity; and the courts never can sustain such legislation as that. The courts will infer that what the United States will pay for these services under the condition of the grants is to be a reasonable compensation. The very statement of the proposition that if you can reduce them 50 per cent. you can reduce them 99 per cent. is the only answer it seems to me is required to be given to it.

[Here the hammer fell.]

Mr. HOLMAN. This railroad in Michigan to which my friend from Michigan [Mr. CUTCHEON] refers was built through one of the most fertile portions of the Northwest, except that portion of it which passes through the pine barrens, and that passes through one of the most valuable bodies of timber land on this continent. I think the gentleman will hardly deny that the land granted by the Government at a comparatively late day, it being one of the last grants made, was enough to build that road two or three times over. It has made fortunes for a few men. The Government reserved the right to fix the rate of transportation of its mails and property—upon what basis and for what purpose? It reserved the right to fix the rate of transporting the mails in consideration of the grant of land. Now, notwithstanding the Government made this magnificent land grant to these railroad corporations and reserved this right to fix the rate of transporting the mails, it is held by gentlemen to be robbery to insist that a road built by the bounty of the Government shall transport the property of the Government at a lower rate than is paid to other roads built by private enterprise and private capital. Now, the strongest argument which you can make on this subject is the mere statement of the facts; that is the most unanswerable argument that you can present. You have built these roads by your bounty; you have made a few men wealthy; you have given them overgrown fortunes; and you did that upon condition that they should transport your property on such terms as you might fix. And now it is said that the wealth thus granted, the favors thus extended, shall not be taken into account in determining what, under the circumstances, is a reasonable compensation for the services to be rendered.

Gentlemen get up here and indulge in brilliant generalities; speak of the wrongs which will be done to these corporations by this provision. The first time I ever passed over that road in Michigan to which the gentleman refers I stopped at a little way station in the woods early one morning. I found there a citizen complaining in bitter terms that land which he thought he was entering, long in advance of the location of the railroad, had fallen within the limits of the land grant, and he was threatened by the railroad corporation to be deprived of his property. It is not simply the wealth you have granted to these corporations; that is not the most important item to be considered. It is the wrongs which you have done to your people by this system. If you should require every one of these roads which have been built by your bounty to transport your property, troops, and mails free of charge you would not then begin to recompense the people of this country for the wrong done, for the injury inflicted upon them by depriving them ultimately of cheerful and prosperous homes.

Mr. BUDD. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. BUDD. You have given this matter a great deal of study?

Mr. HOLMAN. Some little.

Mr. BUDD. Would a reduction of 50 per cent. upon the rates now paid by the Government leave the compensation less than the cost of transportation?

Mr. HOLMAN. Not less than the cost of transportation.

Mr. HORR. A great deal less.

Mr. HOLMAN. Not less than the cost of transportation. The controversy in connection with the right of the Government to fix the cost of transporting the property and troops of the United States went to the Court of Claims, from that court to the Supreme Court, and from the Supreme Court back to the Court of Claims, and it was there settled that 50 per cent. upon the amount which had been paid would be a reasonable compensation. This part of the bill is based on the same idea; I do not myself think it goes far enough.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. HOLMAN] has expired.

Mr. BUDD. I did not get an answer to my question.

Mr. HORR. I now yield two minutes to the gentleman from Missouri [Mr. CLARDY].

Mr. CLARDY. I have listened to the arguments for and against the amendment offered by the gentleman from Michigan [Mr. HORR] and those on the pending amendment of the gentleman from Indiana [Mr. HOLMAN] with a view of arriving at a conclusion just alike to the people and to the railroad companies to be affected by the proposed legislation. It appears to me that by the passage of this bill with that part which the gentleman from Michigan seeks to strike out in it, or if amended as is proposed by the gentleman from Indiana and then passed, we shall subject ourselves to the very just criticism of having not only countenanced the principle of unjust discrimination in rates for transportation by common carriers but of having put into practical operation that principle in its most odious form.

We are told that the power of Congress to compel certain railroad companies to accept one-half the amount paid to the other railroad companies of the country for the transmission of the mails of the United States grows out of a right reserved by Congress in the acts donating portions of the public domain to aid in the construction of railroads. I submit that it was foreign to the purpose of Congress in making dona-

tions of public lands to aid in the construction of railroads to require the owners of such roads to render to the Government an equivalent in services or to exact any service without paying a reasonable compensation therefor.

The object of the provision which is regarded as the source of our power to reduce the amount to be paid to the land-grant roads, as they are called, below that paid to other roads for the transportation of the mails was, in my opinion, first, to emphasize a right which would have existed in the absence of such provision—the right to compel railroad companies, as common carriers, to transport the property of the Government for a reasonable compensation; and, secondly, to put it in the power of Congress, in order to prevent unjust exactions on the part of the beneficiaries of the grant, even temporarily, to fix reasonable rates. It was certainly not the purpose of Congress to require the railroad companies to recompense the Government for what purported to be a donation. Now, the amount to be paid the railroad companies that have received no bounty from the Government has been determined by act of Congress upon the theory, I suppose, that the service to be performed by them is reasonably worth the amount to be paid. The service to be rendered by the land-grant roads is equally valuable, and there should be no discrimination against them.

[Here the hammer fell.]

Mr. HORR. I now yield two minutes to the gentleman from Florida [Mr. BISBEE], reserving one minute for myself.

Mr. BISBEE. I do not desire to be considered in any sense the champion of railroad companies. But there are about three hundred and seventy-five miles of railroad in the State of Florida which will come within the operation of this proviso, and I think it will operate very unjustly upon them.

Those roads were built before the war, and built by the aid of a land grant. The roads were mortgaged, the lands were mortgaged, and the roads have been twice sold since then under foreclosure of mortgage, and the lands have also been sold, which were under a separate mortgage. The lands have been of no benefit to the roads except as a basis of credit to the companies to enable them to raise money for the construction of their roads.

The region of country through which the roads run embraces land that was not worth paying taxes on when the roads were built. Those lands are of more value now, but they are not owned by the people who own the roads at this time; they are owned by people scattered all over the United States, who have invested money in those lands within the last ten years.

It is in the interest of the people of my State that these railroad companies should not be discriminated against. What the roads will lose under this provision, if it shall become a law, in the way of compensation for carrying the mails, they will be obliged to make up in additional freight charges and charges for the transportation of passengers. And I presume what I say in regard to these roads is equally true in reference to several other roads in the Southern States. It is wrong, it is nothing else than an outrage, to say to those companies arbitrarily that because a company twenty years ago received a grant of land which was practically worthless, it should now receive just half the compensation which other railroad companies receive for carrying the mails.

[Here the hammer fell.]

Mr. HORR. The point which I desire particularly to bring to the attention of the House in my brief time is that this proposed reduction of 50 per cent. on the rates for carrying the mails reduces the pay for this service 15 per cent. below its actual cost, according to the testimony of all experts. You propose to compel these companies to do this work at less than it actually costs.

Again, by this proposition you commit the Government of the United States to the policy of doing a dishonest thing. After you have fixed the rate of compensation for all other roads upon a fair and just basis, it is not honest to compel these poorer companies which received these lands, not with the view of reducing their compensation for carrying the mails but to enable them to build roads where otherwise none could have been built—it is not right or honest after fixing a fair rate for other roads to step in and compel these land-grant roads to submit to a horizontal reduction of 50 per cent. Sir, the Union Pacific Railroads are carried on under a contract. We can not violate that contract. To undertake to enforce this policy is simply dishonest toward those roads.

[Here the hammer fell.]

Mr. HOLMAN. We do not intend to violate any contract.

Mr. TOWNSHEND. Mr. Chairman, I have but five minutes, and I hope I shall not be interrupted during the course of my remarks. We are now about to vote upon a proposition which will test the question whether railroad companies which have received from the Government subsidies of bonds or lands can exercise a stronger power and influence in this House than the interests and rights of the people.

The gentleman from Michigan [Mr. HORR] says that this proposition is not honest. Sir, we have precedent for it—precedent established by his own party when it was in power in the last Congress. They incorporated in the Post-Office appropriation act a provision for the exercise of this power reserved to Congress to fix just such rates of compensation on these roads as Congress might deem proper. In the last Congress the roads which had been subsidized by bonds were brought upon a level with the land-grant roads, and the right of Congress was asserted to fix just such compensation for those roads as Congress might deem proper.

The gentleman from Michigan [Mr. HORR] says that this measure will reduce the compensation for this service below the actual cost of transportation. I deny it. The railroad companies to-day are receiving in some instances for carrying the mails fifty times as much as they charge to private parties for ordinary transportation of freight. I assert that after this reduction of 50 per cent. shall take effect these railroad companies will receive for mail trainsportation more than they are receiving for carrying express matter. They incur no extra expense whatever in this mail transportation; they put no additional brakeman or conductor upon a mail-car. They simply supply steam to the engine to haul the mail-car, and there is no expense beyond that of handling the regular passenger trains.

Mr. HORR. If that is true——

The CHAIRMAN. The gentleman from Illinois has stated that he is unwilling to submit to any interruption.

Mr. TOWNSHEND. I have but a minute or two, and there is very much that I desire to say.

One gentleman talks about "robbery," and the term "highwayman" has been used. Yes, sir; there has been robbery committed—legislative robbery. By means of a subsidized lobby, by means of a political power which has ever oeen the willing tool of monopoly, laws have been passed here robbing the people of over one hundred millions of acres of the public domain. Land to the value of hundreds of millions has been voted by Republican Congresses to these land-grant roads. You have voted enough to the Union Pacific and the Central Pacific Railroads to build these roads and make them a free gift to the stockholders, leaving $26,000,000 of profit in their pockets in addition to a gift of the stocks of the roads. The lands given to all these railroads have been on the average sufficient to pay for the roads and make them a free gift to the stockholders.

In return for this grand bounty, for this empire which has been voted to these roads, we have simply reserved the right to fix the rate of compensation they shall receive for carrying the mails. This is all we get in return. But after the people have been plundered of their homesteads, and when we undertake to exact this poor return for the bounty of the Government, gentlemen come in here with specious arguments and plausible pretexts to prevent us from exercising this power which has been reserved to Congress. Gentlemen insist that we should allow the same rate of compensation to these roads that is paid to roads which never received one dollar from the Government. Sir, what might be a reasonable rate for a road which has never been subsidized would be an unreasonable rate for a road which has been built from the bounty of the Government.

I insist, sir, that we in fixing a reasonable rate should take into consideration—it is the solemn duty of the Representatives of the people—to take into consideration the bounties and vast sums that this Government has already given to these roads.

I will not stop, sir, to argue the question of our power. The power of Congress is admitted on every hand clearly and distinctly.

Mr. OATES (from his seat). It was a part of the contract.

Mr. TOWNSHEND. As my friend from Alabama reminds me it was a part of the contract, a part of the conditions imposed by the Government for granting its aid in the construction of these roads, that it should have the right to exercise that power.

[Here the hammer fell.]

The CHAIRMAN. The question now is on the amendment of the gentleman from Michigan as amended by the gentleman from Indiana, which is to strike out all of the proviso as amended.

Mr. HOLMAN. Mr. Chairman, the language to be stricken out was embraced in the original proposition, beginning with the words, "provided, however." That was what the gentleman from Michigan moved to strike out. My amendment was to substitute for the words stricken out the text of the amendment which has been already adopted.

Mr. HORR. I beg the gentleman's pardon. His proposition was an amendment to my original motion.

The CHAIRMAN. The Chair has already so held.

Mr. HOLMAN. The gentleman's motion embraced the text of the bill from the words "provided, however."

Mr. HORR. The motion was to strike out the whole of that part, with the amendment of the gentleman from Indiana.

The CHAIRMAN. The Chair thinks there is no difficulty about the matter. It is not debatable. The Clerk will report the words proposed to be stricken out by the amendment of the gentleman from Michigan.

The amendment of Mr. HORR was again read.

The committee divided; and there were—ayes 62, noes 92.

Mr. HORR. I call for tellers.

Tellers were ordered; and Mr. HORR and Mr. TOWNSHEND were appointed.

The committee again divided; and the tellers reported—ayes 79, noes 98.

So the amendment was not agreed to.

Mr. HOLMAN. I now move, for the purpose of perfecting this section——

Mr. BINGHAM. Mr. Chairman, I claim that I had a standing before the committee, my amendment having been set aside temporarily by the point of order of the gentleman from Michigan.

Mr. HOLMAN. I shall occupy but a minute, simply with a view of perfecting this section. After the word "eight," in line 77——

Mr. HORR. I insist that the gentleman from Pennsylvania should be recognized under our arrangement.

The CHAIRMAN. The Chair states that the agreement contemplated the offering of other amendments. The gentleman from Indiana is clearly in order.

Mr. HOLMAN. My motion is to strike out, after the word "eight," in line 77, down to and including the word "acts," in line 108.

It is hardly necessary to explain that it is necessary to strike out this in order to make the amendment already adopted consistent.

The motion was agreed to.

Mr. BINGHAM. I now offer the amendment which I send to the desk.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Pennsylvania.

The Clerk read as follows:

Strike out, after the words "railroad routes," in line 68, down to and including the word "miles," in line 71, the following words: "By reducing the compensation to all railroad companies for the transportation of mails 5 per centum per annum from the rates for the transportation of mails."

Mr. BINGHAM. Mr. Chairman, the entire debate covering this paragraph of the section has had reference to the land-grant or subsidized railroads and the compensation that is considered just and fair to them for carrying the mails. By the provision just passed you have reduced their compensation, according to the statement of the gentleman from Indiana, $1,100,000 per annum. By the first section of this bill you made a horizontal reduction of 5 per cent. upon every other railroad of the country in carrying the mail under the provisions as applied to the subsidized or land-grant roads. It is to the injustice and unfairness of that proposition that I desire to address my remarks.

It will affect the railroads carrying the mails $600,000 per annum in the reduction of their compensation. No gentleman in this debate, except the gentleman from Illinois who presented the bill, in his first speech, refers to the justice of this reduction, and he placed it upon this basis:

The railroads are at present carrying passengers, express, and freights far cheaper than they were carrying them at the period of the last reduction. The cost of material, of wages, and the ordinary expense of running railroads are cheaper than they were at that period. We feel, therefore, that Congress can, without being charged with injustice to the railways, reduce this rate of compensation to the extent provided here.

That is the only reason given in this debate why the railroad companies are to be reduced 5 per cent. I say to the gentleman and to the committee that there is a marked injustice in the proposition for this horizontal reduction of the compensation allowed to railroads. The mails are not to-day what they were in 1873, when you passed the law carrying the mails under absolute weight. The railroads to-day are carrying the mails with due frequency and speed, but under the statute of the last Congress, re-enacted in this appropriation bill, we find that they are to carry them on the fastest trains running out of their respective depots. Not only that, but they are running mail trains now from thirty-two to thirty-eight miles an hour. Then they were run at from twenty-two to twenty-five, and every facility that the Government has demanded has been generously increased and broadened.

Your entire postal-car service in that time has almost doubled, and the transportation that these great trunk lines give your railroad clerks, if placed upon the basis of a commutation of one and a half cent per mile of carriage, would amount to almost $3,000,000.

But the point I desire to make most distinctly before the committee is that the roads which give you the largest facilities you strike at most seriously. The remarks of the gentleman from Texas made two days ago were pertinent to this proposition. The roads that carry less than a ton per mile receive thirty-three, thirty-four, and thirty-seven cents per ton per mile. The great roads that carry your postal-car service, like the New York Central and the great Pennsylvania road, only receive a fraction over eight cents per ton per mile. Therefore, when you come to your horizontal reduction you strike roads like the Pennsylvania $25,000 to $30,000 per annum, and roads like the New York Central the same amount, the roads which give you the broadest and largest facilities; while the roads carrying less than a ton per mile you scarcely make any impression upon, for the reason that they receive four and a half times greater compensation than the great trunk lines. Now in 1873 you passed this law adjusting the compensation for inland mail transportation on your railroad routes. In 1876 you reduced it 10 per cent. In 1878——

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Illinois [Mr. TOWNSHEND] is recognized.

Mr. BINGHAM. If no other gentleman on this side desires to argue this proposition I should like a few minutes more.

The CHAIRMAN. If it appears that other gentlemen on that side do not desire to be recognized the Chair will recognize the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. KASSON. If I can be recognized now I will yield my time to the gentleman from Pennsylvania.

Mr. HOLMAN. Do gentlemen on the other side propose to take their whole ten minutes at once?

Mr. KASSON. I yield to the gentleman from Pennsylvania so much of the time accorded to me as he requires.

Mr. BINGHAM. As I was saying, the roads that give the largest convenience and facilities, that transport your mails on the fastest trains, on the fast trains running from forty to fifty miles an hour, are by this horizontal reduction the railroads most severely and unjustly treated, while the smaller roads, giving you but limited facilities and conveniences, are scarcely or not perceptibly injured by your reduction.

You propose by this to strike these roads $600,000 in their annual compensation. What was the result in 1876 when you made the reduction of 10 per cent.? The New York Central Railway and the Pennsylvania Railway gave notice to the Post-Office Department that they would not transport the mails upon their fast trains. What was the result? Indignant petitions and remonstrances came up from all sections of the country, until at the next session of Congress you were forced to legislate for that which had before been unknown in your legislation with reference to mail transportation; and that was to increase the compensation of railroads for what was known as special mail facilities.

That went up from the first year, when it was $150,000, until two years ago it reached the appropriation of $600,000. To-day it is $175,000. Nothing is given in this bill as a provision for special mail facilities. But the committee submit this proposition without reason, without argument other than that given by the gentleman from Illinois [Mr. TOWNSHEND], who states that because passenger and freight rates are reduced, therefore the cost of mail transportation should be reduced. I say to the gentleman that he has not given to this House any reason why 5 per cent. should be the standard of the reduction. Why could it not have been 10 per cent.? Why could it not have been the same in the provisions of this bill in reference to the general transportation roads as you have applied to the subsidized or bounty roads? Simply because you have felt that the great railroads without indignation or rebellion would accept this 5 per cent. reduction, whereas they would have rebelled and would have positively refused to carry your mails if the reduction had been larger.

I desire to say to the gentleman that already, in view of the presentation of this bill to this House, the great trunk lines have filed their protest with the Post-Office Department with reference to the treatment deservedly condemned and opposed by them that this House is asked to inflict upon them by carrying through this legislation.

The gentleman had before his committee a well-digested and carefully prepared plan, the result of a thorough and complete investigation of this entire subject. More than a million of dollars could have been saved under the legislation thus proposed. Your Post-Office Committee has submitted that legislation with a favorable report to this House, and when they come before this House and ask its approval it will be a request based upon information in every detail in contrast to the simple general declaration of the gentleman from Illinois [Mr. TOWNSHEND] that because freight and passenger rates have been reduced, therefore the mail-transportation rates should be reduced.

[Here the hammer fell.]

Mr. TOWNSHEND. We have got back now to the only point remaining in this provision, and that is to the question whether there shall be any reduction of the cost of general railway mail transportation. The cost of railway mail transportation has grown marvelously and astoundingly. Within the last ten years it has nearly doubled in cost. The cost of the railway mail transportation is nearly $19,000,000, and I warn this Congress now if another great scandal shall afflict the postal service of this country it will grow out of the very question that is now under consideration.

My friend from Pennsylvania [Mr. BINGHAM] seems to have grave apprehensions that these trunk lines will throw up the service of the Government; that they will refuse to carry the mails.

Mr. BINGHAM. They have given notice.

Mr. TOWNSHEND. I tell you that the Government or the mail can get along better without the railroads than the railroads can get along without the mail.

Their throwing the Government mail off their roads will affect the prosperity of those roads far more than it will affect the interest of the Government. No such idle threat as that ought to be allowed to influence the action of a single sensible member upon this floor. Is there any danger that these railroads will give up the most profitable traffic which they have to-day? Look at the facts. They are charging for ordinary freights from five-eighths of 1 cent to about 2½ cents per ton per mile. What are they getting for carrying the mails? The Postmaster-General tells you that they are receiving for transporting the mails, on the average, 10.45 cents per ton per mile, the compensation ranging from about 6 cents per ton up to as high as $2 per ton per mile. Yet the gentleman tells us that these railroads will protest and refuse to accept the most profitable portion of their traffic. It is idle to use such arguments here.

Does this House forget the fact that ten years ago the maximum cost for carrying the mails by rail was only about $300 per mile per year? What is it to-day? It runs up as high, in some instances, as $1,600 per mile. On the average the mail traffic is more profitable to the railroads than its freight, its express, and in many instances than its passenger

traffic; yet the gentleman says that there is danger if we cut down the compensation for carrying the mails 5 per cent. that these railroads will throw off the mails. There are roads in this country that really are mainly sustained by the compensation paid them for carrying the Government mails.

Mr. CANNON. Will the gentleman permit me to ask him a question?

Mr. TOWNSHEND. I have not the time.

Mr. CANNON. Only a question.

Mr. TOWNSHEND. Very well.

Mr. CANNON. It is right in point. If the railroads receive so much more pay for carrying the mails than they do for carrying anything else, why is it that the gentleman contents himself with cutting down the mail compensation only 5 per cent.? Why not cut it down lower?

Mr. BINGHAM. That is it.

Mr. TOWNSHEND. I will answer the question. In 1876 the compensation for carrying the mails was cut down 10 per cent.; in 1878 it was cut down 5 per cent. At the present time, taking into consideration the higher cost of the service, the greater cost of materials for building the roads, and the greater compensation paid to employés, which at the time the former reductions were made were in the neighborhood of from 5 to 10 per cent. greater than at the present time—in other words, taking into consideration the fact that the cost of the railway service has been reduced over 10 per cent. since the last cut was made, I would have been willing to have cut them down now 10 per cent.; yea, I would have been ready to do so if I could have hoped that I would carry this House with me on the proposition. But we were moderate in our demand, feeling justified in asking that there be at least 5 per cent. reduction. We might have cut deeper without doing injustice.

We were willing to content ourselves with the reduction of 5 per cent. this session. Perhaps at the next session we may cut deeper, as we may see that we can justify ourselves in doing so. And in the next Democratic Congress, which I certainly believe will be sent here by the people at the next election, we will cut down to a point where the compensation for carrying the mails will be more reasonable than it is now.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. TOWNSHEND] has expired.

Mr. HOLMAN. I now yield to the gentleman from Arkansas [Mr. DUNN].

The CHAIRMAN. How much time does the gentleman yield?

Mr. HOLMAN. I believe there is but five minutes of time remaining for debate, and I will yield that to the gentleman from Arkansas.

Mr. DUNN. Mr. Chairman, I thank my friend from Indiana [Mr. HOLMAN] for his courtesy. The gentleman from Pennsylvania [Mr. BINGHAM] arraigns the committee for the proposed 5 per cent. reduction of the compensation to be allowed all railroads for transporting the mails. He has been well answered by the gentleman from Illinois [Mr. TOWNSHEND] who has the bill in charge. In addition to what he said, however, I will call attention to the significant fact that there has never been any reduction in the charges for transporting the mails voluntarily made by the railroad companies. Every reduction of those charges that has ever been secured has been arbitrarily made by Congress. This circumstance is all the more significant when considered in connection with the steady and continuing reductions of freight and passenger rates that have been and are being voluntarily made by all the railroads throughout the country. These latter reductions in rates are made by reason of competition and steadily reducing cost of operating the roads. But they deny to the Government all the benefits of these considerations. There is no competition as to the business of the Government. They all unite and make common cause against the Government, which in this case is required to "stand and deliver." There is nothing left for the Government to do except to assert its power and enforce reductions in the compensation allowed for transporting the mails, troops, and public property.

Mr. Chairman, I am gratified to have this opportunity to explain my position as to the pending paragraph as amended, for I perceive that it is misunderstood by some. The objection that I took to the bill of the committee on day before yesterday was that the Pacific railroads were not included in and subjected to the provisions of the bill fixing the rates of compensation to be allowed to the other land-grant roads for transporting the mails. I made no other objection to the bill. I am very much gratified to observe that the gentleman from Indiana [Mr. HOLMAN], on the part of the majority of the committee, has this morning brought in an amendment, which has been adopted by the committee, to bring the Pacific roads under the operation of these provisions and subject them to the same conditions imposed upon the other land-grant roads. So understanding this amendment, I am satisfied with the paragraph and shall support the committee and their bill very cordially.

Knowing as I did that the Pacific railroad systems had received more of the Government's bounty than any other roads in the country, I naturally felt shocked to see that the committee had deliberately framed a bill for the revision and reduction of the compensation to be allowed for transporting the mails on the railroads, and should have exempted the land-grant and bond-subsidy Pacific roads from the provisions reducing that compensation. I could not understand why the Union and Central Pacific roads and their branches, which had received $64,000,000 in the bonds of the Government, now increased to over $100,000,000 by unpaid interest, and over 40,000,000 acres of its public lands, should be exempted from the conditions imposed upon roads that had received less. This provision of the bill as now amended is entirely consistent with the long-established policy of the Government and well founded in constitutional authority.

Section 4001 of the Revised Statutes provides that—

> All railway companies to which the United States have furnished aid by grant of lands, right of way, or otherwise, shall carry the mails at such prices as Congress may provide; and until such price is fixed by law the Postmaster-General may fix the rate of compensation.

Section 4002 fixes a scale of maximum rates, graded according to the average weight of the mails carried, according to which the Postmaster-General is authorized and directed to readjust the compensation thereafter to be paid for the transportation of the mails on said railroad routes.

This power was first exercised in 1850 (9 Statutes, 466) granting the right of way and public lands to the State of Illinois in aid of the construction of the Central Railroad, which is said to be the first land grant to aid in the construction of a railroad.

Prior to 1862 there seems to have existed a statute in the following words:

> The Postmaster-General is authorized to fix the rate of compensation to land-grant roads in the absence of a price fixed by law.

This was re-enacted in 1872 in "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," approved June 5, 1872 (17 Statutes, 309). From that act it was transferred into the Revised Statutes, as above quoted.

I first address myself to the subject of the power of the Government to regulate and fix absolutely the compensation to be allowed for transporting the mails upon the railroads.

Article I, section 8, of the Constitution confers upon Congress the "power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes; * * * to establish post-offices and post-roads," &c.

In the case of Munn *vs.* Illinois (94 United States, 130) Chief-Justice Waite, delivering the opinion of the court, said:

> Common carriers exercise a sort of public office, and have duties to perform in which the public is interested. Their business * * * is therefore affected with a public interest, within the meaning of the doctrine which Lord Hale has so forcibly stated. * * * Enough has already been said to show that when private property is devoted to a public use it is subject to public regulation.

In the case of the Pensacola Telegraph Company *vs.* Western Union Telegraph Company (96 United States, 9) the Chief-Justice, delivering the opinion, said:

> Since the case of Gibbons *vs.* Ogden (9 Wheaton, 1) it has never been doubted that commercial intercourse is an element of commerce which comes within the regulating power of Congress. Post-offices and post-roads are established to facilitate the transmission of intelligence. Both commerce and the postal service are placed within the power of Congress, because, being national in their operation, they should be under the protecting care of the National Government.

It is therefore manifest that there is ample authority for the exercise of this power to regulate and control this important branch of the public service. The power to absolutely fix the price which should be paid for transporting the mails upon railroads other than land-grant roads was not exercised prior to 1850, possibly not before 1872, but "the non-user of a power does not disprove its existence." (Kohl *et al. vs.* United States, 91 United States, 373.)

It is insisted that the railroad companies are entitled to reasonable compensation for this service, and that the companies or the courts must determine what is a reasonable compensation.

This assumption also is erroneous. In Munn *vs.* Illinois (94 United States, 133):

> It is insisted, however, that the owner of property is entitled to a reasonable compensation for its use even though it be clothed with a public interest, and that what is reasonable is a judicial and not a legislative question. As has already been shown, the practice has been otherwise. In countries where the common law prevails it has been customary from time immemorial for the legislature to declare what shall be a reasonable compensation under such circumstances, or perhaps, more properly speaking, to fix a maximum beyond which any charge made would be unreasonable. * * * If there are no statutory regulations upon the subject, the courts must determine what is reasonable. The controlling fact is the power to regulate at all. If that exists, the right to establish the maximum of charge as one of the means of regulation is implied. * * * Rights of property which have been created by the common law can not be taken away without due process, but the law itself as a rule of conduct may be changed at the will, or even at the whim, of the legislature unless prevented by constitutional limitations. Indeed, the great office of statutes is to remedy defects in the common law as they are developed, and to adapt it to the changes of time and circumstances. To limit the rate of charges for services rendered in a public employment or for the use of property in which the public has an interest is only changing a regulation which existed before. It establishes no new principle in the law, but only gives a new effect to an old one. We know that this is a power which may be abused. But that is no argument against its existence. For protection against abuses by legislatures the people must resort to the polls and not to the courts.

Again, in Peik *vs.* Chicago, &c., Railway Company (94 United States, 178), the court say:

> As to the claim that the courts must decide what [rates of compensation] are reasonable and not the Legislature, this is not new to this case. It has been

fully considered in Munn *vs.* Illinois. Where property has been clothed with a public interest the Legislature may fix a limit to that which shall in law be reasonable for its use. This limit binds the courts as well as the people. If it has been improperly fixed, the Legislature and not the courts must be appealed to for the change.

In the Sinking Fund cases (99 United States 719), speaking of the Union Pacific Railroad, the court says:

This corporation is a creature of the United States. It is a private corporation created for public purposes, and its property is to a large extent devoted to public uses. It is, therefore, subject to legislative control so far as its business affects the public interests.

Undoubtedly that may also be said of all railroads, and perhaps no more accurate description of the extent of the power of regulation and control can be given. I therefore think it may be confidently assumed that we have control over this question as to all railroads independently of the specific reservations contained in the acts making grants of lands to the land-grant railroads, and independently also of the reserved right to "alter, amend, or abolish," the acts granting charters, public lands, and bonds of the United States to the Pacific roads.

In the exercise of this power Congress has steadily fixed maximum rates of compensation for the transportation of the mails upon all roads. When the general postal code was enacted fixing certain general principles and regulating the rates for railroads which had received no land grants or subsidy bonds Congress declared what they thought was at that time a reasonable compensation for this service, and they designated 80 per cent. of that as a just, reasonable, and proper compensation for the land-grant roads, making by that enactment no discrimination between the roads that had received grants of land only and those that had received grants of both land and bonds, and placing no additional burdens upon the latter on account of such additional subsidy.

The land grants were all made upon the condition that roads should always transport the troops and property of the United States free of toll or other charge, and the mails at such price as should be fixed by Congress.

The grants to the Pacific railroads were upon the condition that the companies should pay their bonds and interest at maturity, and build and keep their roads in repair, and transport mails, troops, munitions of war, and Government property whenever required to do so by any Department of the Government, giving at all times the preference to the Government in the use of the same, at fair and reasonable prices, not to exceed those charged to other persons for like services. These were the contracts, so to speak. The Post-Office Department, in the performance of its lawful duties, construed and put into effect the general postal code which I have before referred to, fixing and limiting the rates of compensation allowed to these different classes of roads for transporting the mails and undertook to enforce it.

All the railroads in the country accepted the terms and rates fixed by Congress except these Pacific roads which had received both lands and bonds. They appealed to the Supreme Court against the construction of the Department, and by the decision of the court they were relieved from the construction put upon the law by the Post-Office Department upon the naked ground that Congress had not in the act fixing the rates expressed the legislative intention to alter and amend their charters, which had emanated from Congress and constituted a contract between the Government and the companies which must stand as there expressed until "altered or amended" by the express intendment of Congress. The court held that they were land-grant roads, but *sui generis*, having received not only their land-grants but also their charters from Congress.

In the act granting these charters Congress reserved the right to "alter, amend, or repeal this act," so that the legislative authority over them rests not alone in mere assertion of constitutional power to regulate, but the Government expressly reserved to itself this right.

Now, sir, having declared by law, under the sanction of the authority that I have shown, what were reasonable rates for general railroads and what were reasonable rates for land-grant railroads and having enforced them without serious resistance, we now come to declare what are reasonable rates, in the light of the vast subsidies they have received in both lands and bonds for these Pacific roads, and it is this time put in the form of an express amendment of their charters, carrying with it the expression of the legislative intent to amend them in order to avoid the point of discrimination that was made and sustained by the Supreme Court.

We are now again met by two or three objections. We are told that we have no power to do it; that when Congress granted this charter to these railroad companies and gave to them the benefit of the munificent grants of land and bonds that I have mentioned, and expressly reserved to itself, for the public good, the right to "alter, amend, or repeal" that charter, there are vested rights in the companies which will prevail to prevent Congress from doing what it reserved the right to do. It would seem to be a sufficient answer to say that "there can be no vested right in a rule of the law," or in a constitutional power given alone to the Legislature.

There is no "vested right" in this case in the sense in which the term "vested right" is used by lawyers and in the courts.

The only "vested right" is that which is vested in Congress to regulate and control, and to "alter, amend, or repeal" at will.

This power is both inherent and reserved, and was reserved in the very charter granted to the companies. In the Sinking-fund cases (99 United States, 724) the court says:

The United States occupy toward this corporation a twofold relation—that of sovereign and that of creditor. Their rights as sovereign are not crippled because they are creditors, and their privileges as creditors are not enlarged by the charter because of their sovereignty.

In the same case the court says:

It is unnecessary to decide what power Congress would have had over the charter if the right of amendment had not been reserved; for, as we think, that reservation has been made.

In the act of 1862, section 18, it was accompanied by an explanatory statement, showing that this had been done "the better to accomplish the objects of this act, namely, to promote the public interest and welfare by the construction of said railroad and telegraph line and keeping the same in working order, and to secure to the Government at all times (but especially in times of war) the use and benefits of the same for postal, military, and other purposes," and by an injunction that it should be used with due regard for the rights of said companies.

In the act of 1864, however, there is nothing except the simple words (section 22) "that Congress may at any time alter, amend, and repeal this act."

Taking both acts together, and giving the explanatory statement in the act of 1862 all the effect it can be entitled to, we are of the opinion that Congress not only retains but has given special notice of its intention to retain full and complete power to make such alterations and amendments of the charter as come within the just scope of its legislative power.

Justice Field was even more explicit. In Tomlinson *vs.* Jessup he said:

The reservation affects the entire relation between the State and the corporation, and places under legislative control all rights, privileges, and immunities derived by its charter directly from the State. * * * Giving full effect to the principles which have thus been authoritatively stated, we think it safe to say that whatever rules Congress might have prescribed in the original charter for the government of the corporation in the administration of its affairs it retained the power to establish by amendment.

There can therefore be no doubt as to the power. Ought we to do it? If it is just and right to reduce the compensation of the railroads which have received only grants of land, it is certainly just and right to similarly reduce the compensation of these roads which have received both lands and bonds, and, too, more than twice as much land as any other railroads have received, except the Northern Pacific and Atlantic and Pacific roads. The same rule of justice by which the land-grant roads were required to take less than the non-land-grant roads for transporting the mails would justify the reduction of the compensation of these Pacific roads still below that allowed to the land-grant roads, making the measure of subsidy received by each the guide.

But when in addition to this consideration the further fact is considered that these favored roads now charge and receive twice as much compensation for carrying the mails as the roads that never received any land grants or subsidies receive, there would appear to be no longer a doubt as to our duty. It is said to be actually true and ascertainable by the figures that these lavishly subsidized Pacific roads that have received over one hundred and fifty million dollars' worth of lands, seventy-five million dollars' worth of which have already been sold, and $64,000,000 in bonds of the Government, now grown to a debt of over $100,000,000 and still increasing, do now actually receive twice as much for carrying the mails as the roads that have never received any land grant or other subsidy. They receive annually near $1,000,000 for carrying them, and yet their constant cry is for more.

I fully agree with the gentleman from Texas [Mr. MILLS] that their compensation, as now allowed, is unreasonably high, and every consideration of public duty and justice demands its immediate reduction as provided in this bill.

Another plea is that this reduction will take so much out of the sinking fund which the Thurman act provides for. I have already shown in my remarks on this paragraph day before yesterday that to allow them greater compensation than other land-grant roads is to give them additional and continuing subsidies in money never to be recovered. Nay, more; it will amount to a persistent and perpetual robbery of the Government, for the Commissioner of Railroads has shown in his report that these companies have entered upon a systematic method of robbing the so-called sinking fund, so that it has already ceased to be a sinking fund, and has become a mockery and a delusion. When we reduce their compensation one-half we will then have only brought them actually to what other roads receive if it is true, as said, that their pay is now double that of others.

The CHAIRMAN. The time for debate on the pending paragraph and amendments thereto has expired. The first question is on the amendment of the gentleman from Pennsylvania [Mr. BINGHAM], which will be read.

The Clerk read as follows:

Strike out after "railroad routes," in line 68, the words down to and including "mails," in line 71.

The amendment was not agreed to.

Mr. WARNER, of Ohio. I offer the amendment which I send to the desk, to come in after the word "receive."

The CHAIRMAN. That has been stricken out. This amendment may come in after the amendment of the gentleman from Indiana.

Mr. WARNER, of Ohio. Very well; let it be read.

The Clerk read as follows:

Shall receive such per cent. of the compensation authorized by this act to other railroad companies for corresponding service as to the Postmaster-Gen-

eral shall seem just and equitable in view of the Government aid to said roads, but in no case shall the pay to such land-grant roads be less than 50 per cent. of the compensation allowed for corresponding service on other roads.

The amendment was not agreed to.

The Clerk read as follows:

For inland transportation by steamboat routes, $600,000.

Mr. HORR. I move to amend so as to increase the appropriation in this paragraph to $625,000. In my general remarks on this bill I explained the reason for this proposition. The steamboat service at present exhausts every dollar of the appropriation of $600,000. It is desired on the part of the people in Florida to have a fast-steamboat line on the Saint John's River from Palatka to Enterprise. They need it. Steamboat transportation is also needed upon a little route from Beaver Island, in Lake Michigan.

In addition to that the Postmaster-General tells us that he needs a small sum to draw upon in case of overflow. During the great overflow of the Mississippi he used several thousand dollars to enable people who were cut off from railroad transportation to get their mails by water. He was obliged to do the same at certain places on the Ohio River during the last overflow. The Postmaster-General says that without this little margin of $25,000 he will not have anything to go and come upon for purposes of this kind. I am not going to talk further on this amendment. I give the House the facts. I think the amendment ought to be adopted.

Mr. TOWNSHEND. Mr. Chairman, it is undoubtedly well known to the House that the steamboat service is steadily diminishing every year. As railroads are constructed they supersede steamboat service. I reside in a town on the Ohio River, and there is scarcely a month in the year in which I do not take notice of this diminution in the amount of steamboat service. The expenditures for the last few years demonstrate this reduction. In 1880 there was expended on this service $887,000; in 1881 the expenditure ran down to $753,000; in 1882 the expenditure was only $574,000. We propose to give in this bill $600,000—more than $25,000 in excess of the expenditure of 1882. Last year, by reason of some exceptional causes, the expenditure ran up to $607,000. But I am confident that the $600,000 proposed by the committee will be found ample for this service. I therefore oppose the amendment.

Mr. BISBEE. Mr. Chairman, the argument of the gentleman from Illinois [Mr. TOWNSHEND] has in my judgment no application to this matter. The question is not how much has been spent in the past, but what is really necessary for the coming fiscal year. Now, the fact is that a railroad has been completed within a few weeks from Jacksonville, Fla., to Palatka, the time being about two hours. From Palatka to Sanford the distance is one hundred and thirty-five miles by water. From Sanford to Tampa the distance is about one hundred and twenty-four miles by a railroad recently completed, and it is about fourteen hours by steamer from Tampa to Key West.

Now, this service which the Department desires to put on from Palatka to Sanford, one hundred and thirty-five miles, is of more than merely local importance. It enables the Department, with the fast trains now running from New York to Florida, availing itself of these new railroads and a fast steamer on this river for a distance of one hundred and thirty-five miles, to put the mails into Key West from New York two days earlier than it is done now. Therefore it is a matter of more than merely local importance to the people living on the Saint John's River. It is important to the Government, it is important to the Navy Department, and is of special value to the underwriters of New York and other Eastern cities. I hope the committee will then so far forget its passion for economy as to allow this small appropriation for the continuation of this service.

[Here the hammer fell.]

The CHAIRMAN. The question is on the adoption of the amendment just read.

The committee divided; and there were—ayes 33, noes 51.

So the amendment was not agreed to.

The Clerk read as follows:

For inland transportation by star routes, $4,600,000, together with the further sum of $1,000,000, which is hereby reappropriated, out of any unexpended balance of the appropriation for inland transportation by star routes for the fiscal year ending June 30, 1883.

Mr. HORR. I move to strike out the word "four," in line 123, and insert the word "five;" and then strike out all the paragraph after the word "dollars," in line 124; so that it will read, if adopted:

For inland transportation by star routes, $5,600,000.

Mr. HORR. Mr. Chairman, I ask the attention of the committee for a few moments while I proceed to show that the present provision of this bill is of no value as a practical measure, and in fact is utterly impossible. It can have no effect and is of no value. It means nothing.

I am very sorry that the gentleman from Illinois is not in his seat, but I perceive that the gentleman from Indiana [Mr. HOLMAN] is present, and I wish to direct his attention to this matter. Now, this attempts to appropriate precisely the amount of money needed for the star-route service. But in order to do that it appropriates $4,600,000, and then reappropriates $1,000,000 from the surplus that is claimed to exist in the year 1883.

Now, what are the facts? The appropriation for the Post-Office Department differs from the appropriations made for any other branch of the Government. We appropriate only the money that comes from the postal service so long as that money lasts. In 1883 we appropriated $2,000,000 more for this service than was used; that is, for the star-route service. But this bill is built upon the theory that the $2,000,000 stands to the credit of that fund and is actually in the Treasury. This is not true. Let me show you why. In the Post-Office Department your bills read as this one does, that you shall exhaust the money coming from the postal fund. When they open their books they open an account with each one of these different appropriations. They open an account with this star-route service. But they put to the credit of that service the amount that Congress gives to them. They also open a general account with the Post-Office fund. When the year ends you may have a certain item like this where there seems to be $2,000,000 standing to its credit, when in point of fact there is not a dollar of this money in the Treasury available for that purpose; not a dollar. That was the case in 1883. While this fund had a surplus of $2,000,000 the postmasters had a deficit of $1,515,000. Now, that deficiency was kept out by the postmasters themselves, and consequently when you went to the general fund it was all exhausted, although there seemed to be some money belonging to this item. In point of fact there was not a dollar of it in the Treasury. Let me illustrate it, for I do not think that even my distinguished friend from Indiana wants to have this House placed in a ridiculous position in making an appropriation of a fund which has not a cent in it.

Mr. Chairman, let me simplify it by supposing a case which is not involved with a large number of items. Suppose a man undertakes to establish a stage line between two points. He determines——

[Here the hammer fell.]

Mr. HISCOCK took the floor and yielded to Mr. HORR.

Mr. HORR. He determines that the receipts for that service from the stage line shall pay all of the expenses. He has bought all of the teams, all of the plant and equipments, and asks no interest on it, but he will run it for the benefit of the country. That is the way our post-offices are run. He proceeds to make his bargains, he hires his teamsters on the following terms: on each trip which the teamster shall make where the receipts are $1 or under, he is to have the whole of that; where the receipts are up to $2, he is to have the first dollar and 40 per cent. of the balance; where they are over $2, he is to have $1.40 on each trip and 20 per cent. of the balance. That is precisely the manner in which our postmasters are paid.

Now, then, he sits down and he says, "I will arrange to know how this business runs; I will allow for my teamster $375 for the year; I think he will get that much; I will allow for my teams, the feed of them, $500; I will allow for incidentals $50; I will allow for an agent to do the business $200." At the end of the year he comes in to settle up. He has opened an account with each of these items to see how it will stand. He finds he has received $1,120 in all during the year. But the postmaster—in this case it would be his teamster—under the agreement gets $420; he has retained that out of the moneys in his hands just as the postmasters do. He finds in looking at his feed account that there is $50 surplus there; on incidentals he has got $5 more.

Now, how does it stand? You find if you add them up there are only $5 left in that account. But this item of feed seems to have $50 in it. It has not got a dollar, because the original amount earned and the money which came in are not there. Now, what would you think if that man in making preparations for the next year should fix, as you have done in this bill, the amount needed for feed, $450, the amount used the year before, saying, "I will take $50 out of what was saved last year?" The man would say, "You can not do that; there is not any $50 saved; there was in the whole business only $5 margin."

Now, I will say to my friend from Indiana, you can not possibly get this money in the way you are proposing to do it. The only way you can do is to provide in your bill that you shall go to the Treasury of the United States, take a million dollars and place it back to the fund of star-routes for 1883, and then appropriate against it. It is a mere matter of book-keeping, but as it is now you utterly defeat what you try to do. They have not a dollar of this money at the credit of that fund. And when the time comes, when two years have elapsed, what takes place? Under the statute this money goes back into the Treasury.

But let me say to the gentleman from Indiana that in the post-office business not a dollar goes back. They simply credit up the fund and balance it, and there is not a shilling of money passes one way or another. You have simply by this bill attempted to draw against something where there is not a dollar in the Treasury to meet it.

With that explanation I do not believe there is a man here who will vote to retain that provision in the bill. I can see no earthly reason why we should do it anyway. Why not appropriate the amount we intend? Why attempt to do a thing simply to make your bill small? I know the gentleman from Indiana will not claim there is any sense or reason in that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HORR. Now I would like to hear the gentleman from Indiana reply to that if he can.

Mr. HOLMAN. I think the gentleman from Michigan has had

enough of experience in public affairs to know that in ten minutes the fact of this balance not being available, if such were the fact, could have been shown to the House by the official authorities. In half the time indeed that he has occupied on the floor he could have ascertained from the Postmaster-General whether two and one-half millions of the appriations made for the last year are in fact available for this purpose. He could have ascertained that fact in ten minutes of time, and it has been some three weeks ago since this bill was reported to the House.

It appears from the reports made by the Postmaster-General that there were two and one-half millions of the appropriations of the last year unexpended and available to be reappropriated and applied hereafter, and the Committee on Appropriations simply appropriate a million of that. The committee will understand there is no difference as to the amount to be expended for the next fiscal year.

Mr. HORR. Not a bit.

Mr. HOLMAN. We all agree on $5,600,000. Finding a surplus remaining over from last year of two and one-half millions or a little more than that, we appropriated $4,600,000, and did what has been done a thousand times within my experience.

Mr. HORR. Never in an appropriation bill for the Post-Office Department.

Mr. HOLMAN. In my own experience it has been done over and over again. We simply reappropriated a part of that two and one-half million dollars to make it applicable to the expenses of the next fiscal year. If it shall appear in fact that there is no such fund available, it will be the easiest thing in the world to make the amendment. Why did not the gentleman come fortified by authority?

Mr. HORR. I took my statement right from the books of the chief of the Department. I knew there never had been such an appropriation in the Post-Office bill.

Mr. HOLMAN. Is the gentleman informed by the Sixth Auditor or any other officer of the Department that there is no such fund available?

Mr. HORR. I have been to the very man who makes all the entries, and I am informed there is not a dollar in that fund; that it has all been exhausted by the excesses of the postmasters, and there is not a shilling to draw against; and that the only way to get at it was the way I said.

Mr. HOLMAN. Who made that statement?

Mr. HORR. Mr. Smith, the officer in charge, who keeps the books.

Mr. HOLMAN. Did the Sixth Auditor make that statement?

Mr. HORR. Not the Sixth Auditor.

Mr. HOLMAN. He is the one who has charge of that department. We have the right to assume from the reports made to this House, and which have gone to the Committee on Appropriations, that there is a surplus from the appropriations made last year of $2,599,000.

We have done what has been very commonly done, what was done especially at the last session, and repeatedly done at former sessions; we have reappropriated what appeared to be unexpended balances of appropriations according to reports made to Congress. I will say this, that we do not differ about the amount.

Mr. BINGHAM. Why not give the benefit of safe legislation and change it?

Mr. HOLMAN. We do not differ about the amount. If it occurs that the Sixth Auditor shall report that there is not available that million of dollars, then the correction can easily be made. But I insist that the House shall for the present assume that the reports made to us are correct and that that balance is available.

Mr. HISCOCK. I suppose from the remark made by the gentleman from Indiana [Mr. HOLMAN] that this reappropriation in this bill of an unexpended balance is founded upon a precedent set by the last Congress; at least I understood him to say so.

Now, the fact is that when the pension appropriation bill came in here in the last Congress it provided for an appropriation of $100,000,000. I was dissatisfied with that amount; I thought it was too much. When the bill came up for consideration I think I made a motion to reduce the amount to eighty or eighty-four millions of dollars. I was called to account by gentlemen on the other side and charged with proposing a deficiency, with proposing to reduce the appropriations below the amount required for the service. I remember very distinctly what took place.

To meet that suggestion, knowing that there was for the current year an unexpended balance of appropriations for pensions, knowing also that there was no need for it, I put in the bill a provision that the unexpended balance might be used if necessary. It never has been used; and in giving $80,000,000 we gave more than will be used for this year. Our appropriation originally was excessive, but out of abundant caution, and to answer the criticism of gentlemen on the other side, I put in a provision that the unexpended balance should be reappropriated.

Now I desire to call the attention of the gentleman from Indiana [Mr. HOLMAN], and I wish the gentleman from Illinois [Mr. TOWNSHEND] were in his seat, so that I could also call his attention to the appropriation bill of last year and to the facts of the case as I understand them. The Post-Office appropriation bill of last year appropriated certain sums of money from the postal revenues of the United States. The appropriation from which it is now proposed to reappropriate the unexpended balance was made from the postal revenues for the year. I ask the gentleman from Indiana [Mr. HOLMAN] if he does not know that there will be a deficiency in the postal revenues for this year? I hope the gentleman is listening to me.

Mr. HOLMAN. Certainly I am.

Mr. HISCOCK. Will the gentleman answer that question to the House? Does he not know that there is a deficiency in the postal revenues?

Mr. HOLMAN. The report of the Postmaster-General shows that for last year, taking into account all the postal revenues and all the expenditures, the estimated surplus of revenue over the estimated total cost of the service for the year is $1,001,281.83. That is to say, there is remaining in the Treasury to the credit of the fund $1,001,281.83 surplus revenue for last year.

Mr. HISCOCK. I wish the gentleman would state those figures again. If he ciphers out a surplus——

Mr. HOLMAN. Estimated surplus of revenue.

Mr. HISCOCK. Oh, "estimated" surplus. Give the facts.

Mr. HOLMAN. Estimated surplus of revenue over estimated total cost of the service for the year, $1,001,281.83.

Mr. HISCOCK. From what report is the gentleman reading?

Mr. HOLMAN. From the report of the Postmaster-General.

Mr. HISCOCK. For what year?

Mr. HOLMAN. For the year 1883.

Mr. HISCOCK. When was it transmitted to Congress?

Mr. HOLMAN. It is dated November 19, 1883, and was transmitted to Congress at the commencement of this session.

Mr. HISCOCK. That is not the estimate for the year covered by the appropriations from which you are reappropriating what you claim to be unexpended balances.

Mr. HOLMAN. It is for the year 1883.

Mr. HISCOCK. The gentleman knows that that estimate is incorrect for this year. He knows that there is a deficiency.

Mr. HOLMAN. What is not correct?

Mr. HISCOCK. You know perfectly well that there was a deficiency in the postal revenues; that the postal revenues were insufficient to discharge the appropriations made last year.

Mr. HOLMAN. Let me read this again: "Estimated surplus of revenues over estimated total cost of the service for the year, $1,001,-281.83."

Mr. HISCOCK. Now let me settle that question. In the appropriation bill for last year we placed a provision that if the revenues of the Post-Office Department should be insufficient, then the sum of $1,201,-077.90, or so much thereof as may be necessary, should be appropriated from any money not otherwise appropriated in the Treasury.

Now, I understand the fact to be that this contingent fund is entirely exhausted.

[Here the hammer fell.]

Mr. RYAN obtained the floor and said: I yield my time to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. And, mark you, Mr. Chairman and gentlemen of the committee, the last appropriation to which I have called attention was to be expended only if it should be found necessary. Not a dollar of it can be used unless there be a necessity for such use; and it being unnecessary to use the whole appropriation for the star-route service, it was unnecessary to draw upon this contingent fund.

Now, Mr. Chairman, there is only one purpose here, and I desire to call to it the attention of gentlemen on the other side. The object is in some way to reduce the amount of the appropriation, so that you may go to the country and say that your appropriation bill is so much less than the estimates. Upon your own theory, if you are correct, this money can be used; and you propose to cheat the people of the United States by making them believe that you have given $1,000,000 less for the support of the star-route service than you really have appropriated. Gentlemen certainly rise to the plane of statesmanship when they do this. Having made perfectly clear your intention in this matter, we shall invite you all to go between the tellers and emphasize it. Every one of you will be called on to indorse this cheat if you are willing to do so; for I have no doubt that there will be a sufficient number on this side to secure tellers on this question. And if you dare by your votes to keep the bill in this form, it shall go over to the Senate; and it shall be advertised that there is concealed in this bill this little cheat, this little trick. It shall be advertised that the gentleman from Illinois, who has brought in and championed this bill, a gentleman who has the interests of the people of the United States so near his heart, a gentleman who stands pre-eminent in advertising himself as so honest and moving upon so high a plane, has concealed within these lines this little trick. I am anxious, Mr. Chairman, to have him and the gentleman from Indiana [Mr. HOLMAN] defend it upon this floor. The case is one which, the more you emphasize it by defending it, the more patent you make it. I invite gentlemen on the other side to insist that this provision shall go through in this form.

[Here the hammer fell.]

Mr. HOLMAN. I think that if the gentleman from New York [Mr. HISCOCK] had simply an honorable purpose to correct a mistake he would not have worked himself into such a fury; he would not have become so intensely excited. Why, sir, when my friend from New York

was blandly and quietly reappropriating million upon million last year and the year before there was no excitement about it. He was "child-like and bland," not only in the expression of his face but in the tones of his utterances. Yet here, upon what is alleged to have been a mere mistake in an appropriation bill, the gentleman lashes himself into a fury.

Now, let us see what are the facts about this matter. If the gentleman will turn to page 608 of the report of the Postmaster-General for the last year he will find that $7,250,000 was the amount appropriated, $4,661,526.75 was the expenditure, and $2,588,473.25 was the surplus on the last fiscal year. This, it seems to me, speaks more loudly than the gentleman from New York can speak.

Now, how does the case stand when we come to the general application of the fund? Conceding just what has been said about the appropriations being applied to the current expenses of each branch of the Department, I desire to read from the report of the Postmaster-General:

Balance available for outstanding liabilities	$2,691,992 05
Deduct estimated amount of outstanding liabilities for the year	775,000 00
Estimated balance after discharge of outstanding liabilities	1,916,992 05
Deduct amount credited to the Pacific railroad companies for mail transportation for the year	915,710 22

Estimated surplus—

This is the estimated surplus of revenue on all accounts, a part of that surplus being upon appropriations for the star-route service—

Estimated surplus of revenue over total cost of the service for the year	$1,001,281 83

If there can be any possible question about this matter, I would simply suggest a single amendment to this paragraph by striking out the words "appropriated for the star-route service" and inserting "for the postal service for the last fiscal year;" for there is this balance, if the report of the Postmaster-General is correct.

Mr. HORR. It is not there.

Mr. HOLMAN. Well, the Postmaster-General says it is.

Mr. HORR. My friend from Indiana [Mr. HOLMAN] is still mistaken, and I will show him why. This is a mere matter of book-keeping. In the last part of 1883 there was the amount left which he states, but the Post-Office Department keeps an account of its own receipts, and never goes to the general Treasury for a dollar so long as there is any Post-Office money in the Treasury.

At the close of 1883 that sum was left in the general fund for the next year and spent during the year, having been drawn against for the purpose to which I have already alluded within the terms of the law; and to-day every dollar of it is exhausted. You can not go to the general Treasury for any money to make up the Post-Office fund until the general fund of the postal receipts is exhausted. That fund is now exhausted, and, as I have stated, on an examination it will be found that there is not a dollar of that fund to-day to be reappropriated, although you undertake to reappropriate it. And you can not get any money for this item except by making an appropriation from the general Treasury and carrying it back to 1883.

I wish to say to my friend from Illinois [Mr. TOWNSHEND] that I do not want to go into the question of politics. You will all bear me out in the statement that during this debate I have left political matters entirely out of the question. I have not touched on politics except when driven to it by an interruption. I know my friend from Illinois in the general debate talked for half an hour or so about the corruption of the Republican party, making the same speech which some of us have heard so many times before. It has been delivered several times on this floor. I know there is a large number of new members here who never heard it; and I was glad to have him deliver it again for their benefit, although I could name several bills on which he has delivered this same speech before. Though so excellent at first, it is getting a little tame to some of us. Now I could say just about as many hard things about the Democratic party as he says about the Republicans, for I have been treating that party for years [laughter], but I will not do so on an appropriation bill; and I suggest to my friend from Illinois that he should not get into such political agony over a mere matter of book-keeping, an appropriation simply for the mail service. Besides, let me suggest that your speech lacks a little something. It is not quite the highest point of art. It would improve it to tone it up a little with accuracy and down a little in frenzy. [Laughter.] As you are in the habit of delivering it, it is difficult for an outsider, even though he be a skillful observer, to determine whether you are suffering from convictions or convulsions. [Great laughter and applause on the Republican side.]

Now, on an appropriation bill you should not attempt to get into such ecstasies. You should not get up such political spasms. It has no connection with the subject. This, as I have said, is a mere matter of book-keeping. You are simply trying to draw a million of dollars out of a fund that has no money from which to draw. I am not going in to expose you as to your object, for that would be entering the field of politics again, and I do not want to do that. But as to this little matter of arithmetic, the gentleman will find that all that is necessary to set him right in the matter is to take into consideration the ordinary rules of addition, subtraction, and multiplication. The rule of three will help you, my friend, out of your trouble. [Laughter.] You undertake to appropriate money out of a fund that has no funds.

How are you going to get it? At the end of the year 1883 the Postmaster-General said there was some money belonging to the Post-Office fund; so there was, but that has been drawn against from that time on, and the whole amount of it is now exhausted. The expenditures have exceeded the receipts so far this year. The payment of the postmasters' salaries has taken a large portion of this money, because you permit them to do so by law. This last year we have drawn the balance, so that to-day the general Post-Office fund is without any money, and it must come to the general Treasury to be replenished. You do not take this into consideration, though you may undertake to reappropriate a fund which is gone. And what do they do under your law? When you draw this money out of the Treasury that does not go into the appropriation for 1883, but they put it into the general fund; and there is not one cent to-day in the Treasury that belongs to that fund to meet this appropriation.

Now, Mr. Chairman, that is not a political question.

[Here the hammer fell.]

Mr. TOWNSHEND. Mr. Chairman, when I go to the circus there is one individual with whom I never attempt to break a lance, and that is the clown. I give him unlimited sway in his folly. Now, the gentleman from Michigan indulged in a great deal of jest during the debate on this bill. But it seems to me that he has never risen to his true level until to-day. In the first place, the purest jest that he has made was a denial that he had indulged in any political discussion upon the subject or made any political reflections upon this side of the House. Why, sir, he was the first one who indulged in any political debate on this bill, and I appeal to the RECORD in support of what I have said. I had been discussing the question without the slightest allusion to politics whatever. I was rating the bill purely upon business principles, and had nothing to say of politics. But as soon as the gentleman from Michigan took the floor he set out almost in the beginning of his remarks with a denunciation of the Democratic party and of its policy, and to parade the virtues and beauties of the Republican party even while discussing one of the worst scandals that has ever afflicted this country, brought about by the maladministration of his own party.

Mr. HORR. You forced me to do that in reply to you. I was driven to it.

Mr. TOWNSHEND. The gentleman says that I do not understand the rules of addition, division, and subtraction, and that is one of the difficulties with which I have to deal in order to understand his view of this question. Sir, there is another rule of which we have heard a great deal lately, and with which his party friends are better acquainted than any one on this side of the House, and that is the rule of addition, division, and silence; and that is the rule that has been practiced pretty heavy upon this country in the items for the star-route service. This rule with reference specially to this service has been more prevalent on that side of the House in the administration of governmental affairs than with any other party that has ever been in existence in this country.

Then there is the gentleman from New York [Mr. HISCOCK.] I venture the assertion that that gentleman can better put on an air of assumed virtue without having any of it [laughter] than any other member on this floor. He is constantly coming in here and in a pathetic tone of voice, with an air of assumed virtue, excuses and pleads for the Republican party. Why, gentlemen, if there ever was a party on God's earth that needs pathetic appeals for forgiveness it is the party he represents.

Mr. EZRA B. TAYLOR. Will the gentleman allow me a question?

Mr. TOWNSHEND. Do not disturb me. I am not saying anything about the gentleman from Ohio.

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. TOWNSHEND. I want now to come to the facts and show the House how plain a tale can put these gentlemen down.

What are the facts? Facts relating to its administration always hurt that side of the House when mentioned When we came to consider this bill we found that the unexpended balance remaining over from 1883 to the credit of the star-route service was $2.588,473. Now, if you deduct from that amount the amount that is estimated as required to pay for contracts which had not been settled at the end of that fiscal year, you will find just what ought to be in the Treasury, unless the star-route thieves have gone again into the Treasury and stolen this money. When the Postmaster-General made this report in December last the money was there, as he has certified over his name. And I tell you now again the Postmaster-General is not that kind of a man——

The CHAIRMAN. The time of the gentleman has expired.

Mr. REAGAN obtained the floor, and yielded his time to Mr. TOWNSHEND.

Mr. TOWNSHEND. I conceive that General Gresham would not certify falsely. What does he certify to? Let the Clerk read what I send to the desk. There is the statement of the Postmaster-General showing what was the revenue, what was the expenditure, and what was the surplus left over——

Mr. EZRA B. TAYLOR. Will the gentleman now yield to me?

Mr. TOWNSHEND. I will not answer any question whatever, for my time is rapidly slipping away.

The Clerk read as follows:

FINANCIAL STATEMENT.

The revenues of the Department for the fiscal year ended June 30, 1883, amounted to $45,508,692.61, as follows:

Ordinary postal revenue		$45,097,073 24
Net revenue from money-order business		411,619 37
		45,508,692 61
The expenditures on account of the service of the year, not including amount credited to Pacific railroad companies		42,816,700 56
Balance available for outstanding liabilities		2,691,992 05
Deduct estimated amount of outstanding liabilities for the year		775,000 00
Estimated balance after discharge of outstanding liabilities		1,916,992 05
Deduct amount credited to the Pacific railroad companies for mail transportation for the year		915,710 22
Estimated surplus of revenue over estimated total cost of the service for the year		1,001,281 83

Mr. TOWNSHEND. Mark that last statement:

Estimated surplus of revenue over estimated total cost of the service for the year, $1,001,281.83.

I ask whether the Postmaster-General or the gentleman from Michigan knows most about the facts.

Mr. BINGHAM. But that goes back into the Treasury.

Mr. TOWNSHEND. That is the statement by the Postmaster-General; and finding that surplus, we have reappropriated it.

Mr. HORR. I hope the gentleman will yield to me for a single moment.

Mr. TOWNSHEND. If you occupy my time I will require to have more.

Mr. HORR. I know the gentleman will permit me——

Mr. TOWNSHEND. If it does not come out of my time.

Mr. HORR. I will give you all my time, if necessary.

Mr. TOWNSHEND. The gentleman from Michigan has made his speech, and now I want to make my point.

Mr. HORR. I answered the gentleman's questions every time he addressed them to me.

Mr. TOWNSHEND. Do not make a speech, but ask your question.

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. TOWNSHEND. I yield for a question.

Mr. HORR. Do you not know that that amount stated by the Postmaster-General is carried, every dollar of it, right to the general fund for the next year and drawn against, and so is used up? Do you know that or do you not? I do.

Mr. TOWNSHEND. I will answer the gentleman from Michigan. This report of the Postmaster-General shows there was a surplus left over after the payment of the star-route service of over $2,000,000. Why was it left over? Because a reform had been inaugurated in that Department. Why was that reform inaugurated? Because a Democratic House had investigated the rascality of the star-route thieves. We forced an investigation, and after that investigation was completed the departmental officers saw they could save over $2,000,000 of the appropriations made for 1883. Those $2,000,000 remained there. When we came to prepare this bill we found those $2,000,000, and out of them we reappropriated this amount of $1,000,000.

The gentleman from New York would have us believe that it is a trick to reappropriate an unexpended balance. The same gentleman, as the record will show, came into this House in the last Congress with a bill reappropriating an indefinite amount of money to pay pensions. He said it would amount only to $15,000,000. But when the year's books were settled up it was found that in one or two lines of his bill he had reappropriated $39,000,000. Was that a trick, when you made an appropriation of $39,000,000 more than the face of your bill shows? The gentleman says it is a shameful trick for us to reappropriate this million of dollars. If so, was not his reappropriation a much more shameful trick?

Mr. HISCOCK. I shall spend no time in again explaining the appropriation or the reappropriation of an unexpended balance of the pension bill; I have been over that once.

Now I desire to call the attention of the gentleman from Illinois [Mr. TOWNSHEND], the gentleman from Indiana [Mr. HOLMAN], and of the committee—I desire to call their attention to the provision in the Revised Statutes. I read section 4054:

The money required for the postal service in each year shall be appropriated by law out of the revenues of the service.

Not out of the revenues of that year, and it has never been the custom to limit it to the revenues of that year.

Now look at the Post-Office appropriation bill for the fiscal year ending June 30, 1883, and what do you find? It begins in this way:

That the following sums be, and the same are hereby, appropriated for the service of the Post-Office Department for the year ending June 30, 1883, out of any money in the Treasury arising from the revenues of said Department in conformity to the act of July 2, 1836, as follows:

It does not say "from the revenue of that year." As the gentleman from Michigan [Mr. HORR] well says, there is no division made between the revenues of one year and the revenues of another when you come to draw on the revenues of the Post-Office Department to pay the expenditures of that Department. That is the answer I make. If I was wrong in my statement that the revenues for that year were insufficient to meet the expenditures, that is a matter of no consequence. The gentleman from Illinois [Mr. TOWNSHEND] in charge of this bill will not claim but what all of the revenues of the Post-Office Department up to date have been drawn upon and expended, as the Post-Office Department had the right to draw upon them.

Now I have one word to say in reference to this star-route matter. I saw a Democratic House day after day investigating the star-route frauds; I saw its Committee on Appropriations investigating them; I saw that committee bring in a bill here which would have remedied that evil and cut out that ulcerous sore; and I saw a Democratic House refuse to stand by that committee.

I was about to say, but I will not do so, however, that I was almost inclined to appeal to the RECORD in order to find out how the gentleman from Illinois [Mr. TOWNSHEND] voted in that Democratic House upon the report which was brought in by its Committee on Appropriations. I hope his record was right.

Mr. TOWNSHEND. My record is always right on this question.

Mr. HISCOCK. The Democratic House was unable to cope with those men and they abandoned the effort. Democrats here upon this floor stood forth as their champions, and the Democratic organization was insufficient to master and conquer this evil.

Mr. TOWNSHEND. What did the Republicans of that Congress do?

Mr. HISCOCK. And it was left to a Republican administration, unaided by Congress, by the force of its own power and by its own honest efforts, to correct that evil. No credit is reflected upon a Democratic House, none upon a Republican House, except that it supported, indorsed, and sustained the administration. The measures for correcting this evil were conceived by a Republican administration, were executed by a Republican administration, and reflect glory and honor upon that administration.

Mr. TOWNSHEND. After the Democrats had exposed the fraud.

Mr. HISCOCK. Oh, "Democrats exposed the fraud!" Do not talk to me about Democratic exposures.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I want to say that from what little examination I have been able to give to the matter of difference between the gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from Michigan [Mr. HORR] I am inclined to agree with the latter, and therefore shall favor his amendment.

I want to say a word touching one other matter which I should have held my peace about had it not been that this is not the first nor the second but I believe the third time the gentleman from Illinois [Mr. TOWNSHEND] has taken special credit to himself and his side of the House for the exposure of the star-route frauds. In 1880, before the last Presidential election, a Democratic House and a Democratic Senate received an estimate for a deficiency appropriation of $2,000,000.

Mr. TOWNSHEND. Made by whom? Made by your Postmaster-General.

Mr. CANNON. Certainly; made by the Postmaster-General on the recommendation of the then Second Assistant Postmaster-General, Brady.

Mr. TOWNSHEND. Both Republican officials.

Mr. CANNON. Do not interrupt me now; you will have your time. That estimate came to a Democratic House and went to a Democratic Committee on Appropriations. I had the honor to be a member of that committee and so had the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Yes; we know all about it.

Mr. CANNON. That committee investigated the matter, and the members of that committee, Democrats and Republicans, stood as a unit in recommending that the service be cut down on one hundred star routes which had been let at $900,000 per annum in 1879 and 1880 and had been expedited to cost $3,000,000.

Mr. TOWNSHEND. By Republican officials.

Mr. CANNON. That was a unanimous report. I had the honor to stand here with the gentleman from Kentucky [Mr. BLACKBURN], with the present occupant of the chair [Mr. BLOUNT], with General HAWLEY, of Connecticut, and others who were then members of this House, and denounced that estimate of the Second Assistant Postmaster-General and his action on these star routes.

A Democratic House and a Democratic Senate absolutely refused to follow the unanimous report and recommendation of a Committee on Appropriations. The service on those one hundred routes, let originally at $900,000 per annum and expedited to $3,000,000 per annum, was left as it was by the votes of a Democratic House and the votes of a Democratic Senate, be it said to the discredit of that House and that Senate which held their session in 1880.

Mr. TOWNSHEND. What were you Republicans doing in the House and the Senate at that time? You were supporting those routes.

Mr. CANNON. With many other Republicans I stood fighting it.

Mr. TOWNSHEND. You did; but your party did not.

Mr. CANNON. Now, then, the gentleman comes in and pleads the baby act. But you were responsible for legislation; you had control of the House and the Senate; you can not say that the minority was

responsible. You had the earnest help of an undivided minority of the Committee on Appropriations to cut that ulcer out by the roots. You refused to do it. You gave the matter your indorsement, and the then Second Assistant Postmastmaster-General quoted the indorsement of a Democratic House and Senate to the discomfiture of Republicans who agreed with the Committee on Appropriations.

This ulcer remained with the practical indorsement of a Democratic House and Senate until General Garfield was inaugurated as President, when by his action and that of his successor the increase on these one hundred routes from $900,000 per annum to $3,000,000 per annum was cut off, thereby accomplishing by executive action what a Democratic Congress refused to do by legislative action in the spring of 1880.

Yet the gentleman, although he was here and knows these facts, gets up and in season and out of season airs himself, claiming that his party is *par excellence* the party of reform.

I should not have undertaken to post these books at this time—for it would require more than five minutes to post them completely—were it not that the gentleman has come here day after day and sought to appropriate to his party that which does not belong to it. [Applause on the Republican side.]

Mr. TOWNSHEND. Mr. Chairman, I did not until now suppose there was any man sitting on the opposite side of the House who had the boldness—I will not say the audacity—to stand up here and even discuss this loathsome ulcer which is the outgrowth of the maladministration of the gentleman's own political party, and at a time, too, when an investigating committee of this Congress is calling before it those who were the highest officers under a Republican administration, and who in their own language publish the infamy of that party in regard to these star-route frauds.

It is said, sir, that this infamous crime—perhaps one of the foulest stains upon the escutcheon of our country—has been more far-reaching than simply plundering the Treasury of millions. A gentleman who has held one of the highest places under a Republican administration—I believe it was Mr. James, who was Postmaster-General under President Garfield, or Mr. McVeigh, who was Attorney-General—went before that committee and swore that outrages perpetrated by this maladministration had gone further, had resulted in the murder of a President.

Mr. MILLIKEN. Will the gentleman allow——

Mr. TOWNSHEND. Do not interrupt me. I can not sit patiently here when I see the Treasury robbed, and the advocates of a party which is guilty stand upon this floor and defend this star-route business. Why, Mr. Chairman, the gentleman alludes——

Mr. MILLIKEN. Does the gentleman remember another President who was murdered? Does he remember who killed him? [Cries of "Order!"]

The CHAIRMAN (rapping loudly and drowning the voice of Mr. MILLIKEN). The gentleman from Illinois declines to be interrupted.

Mr. TOWNSHEND. Now, Mr. Chairman, the gentleman asks me, do I know who killed the President? Yes, sir; he was a "Stalwart" Republican; and he said he was forced to do it by the "Stalwart" element of his party.

Mr. BINGHAM. He said, "by the hand of God."

Mr. TOWNSHEND. Go to the sworn testimony of your own Cabinet officials; I assert here that which is supported by sworn evidence.

But, Mr. Chairman, coming down to the remarks of my colleague [Mr. CANNON], he has stated that in the Congress prior to the election of 1880 a Democratic House and Senate failed to sustain the Committee on Appropriations in exposing this star-route thievery and refusing to allow the deficiency appropriation which was asked for. How did the political parties stand in this House at that time? There was a Democratic majority of only five. Where were all the Republican votes? If you look at the RECORD it will be found that you can almost count upon your fingers all the Republicans who voted against that deficiency appropriation. It was recommended by your Postmaster-General, who based his recommendation upon that of the Second Assistant Postmaster-General; and it would not have passed Congress if your party had not stood up almost solidly in support of it, defeating, with the aid perhaps of a few Democrats, the action of the Democratic Committee on Appropriations. The Republican side of the House, which was nearly solid in support of the appropriation, had the assistance perhaps of a few members on this side who had been deluded and misled. By the votes of almost the entire mass of the Republicans on this floor the action of the Committee on Appropriations failed of support.

[Here the hammer fell.]

Mr. HOLMAN. I think that there has been enough discussion on this proposition, and for the purpose of closing debate I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union having had under consideration the Post-Office appropriation bill had come to no conclusion thereon.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole House on the state of the Union; and pending that motion I move that all debate upon this proposition and any amendments to the same be concluded in two minutes.

Mr. HORR. Oh, no; put it ten minutes on each side.

Mr. HOLMAN. Very well; I will accept the modification, and make the motion to close the debate in twenty minutes.

The motion was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. By order of the House all debate upon the pending paragraph and amendments thereto is limited to twenty minutes.

Mr. MONEY. Mr. Chairman, as to this item of the appropriation bill under discussion, I think it will be agreed on all sides that it has been exhaustively discussed. The amount, however, is not affected by the amendment, and it is only a question as to how it should be appropriated.

I do not agree with gentlemen on the other side that it is not within the authority of the Postmaster-General. It is within his right, and can be made available. But that is not here nor there. I think that there is no trouble about reaching the fund and making it available.

But this discussion has taken a very wide range. It has been the pleasure of some gentlemen to bring up the star-route investigation and the matter of the recommendation of the Second Assistant Postmaster-General with reference to the extravagant increase in the star-route service. I do not think the gentleman from Illinois [Mr. CANNON] can take any very great credit to his party out of that matter, whatever may be the fact as to his own action and his connection with the subject. I wish now to call the attention of this committee very hurriedly to a few facts connected with the matter. In the Forty-fifth Congress a subcommittee of the Committee on Post-Offices and Post-Roads, of which I was the chairman, was ordered to investigate the question of these star-route expenditures. After pursuing the investigation for a while it was found to have such a wide range as to require the whole committee, and the Committee on the Post-Office and Post-Roads, of which Mr. Waddell, of North Carolina, was then chairman, undertook the investigation. We published a report embracing a great volume of testimony, and I may be permitted to say that I made right here on the floor of this House the first speech that was made assailing the Second Assistant Postmaster-General on that contract basis and the increase of that service. And I recollect the fact that time and again I was called to order by the gentleman from Illinois because I was not, as he alleged, speaking to the bill in hand, but was assailing the system as administered by the Assistant Postmaster-General. It was only by the indulgence of my friends on this side of the House, who under the rules took the floor and yielded to me their time, that I could get time enough to discuss as I desired to do the question that was then presented. At that time this matter came to the attention of the House for the first time.

The subject was continued during the Forty-sixth Congress, and an investigation was started by the subcommittee of the Committee on Appropriations, and that committee went over the same track that had been gone over by the committee to which I have before referred. They had some new matter, which had transpired since the former investigation. But, gentlemen, when that appropriation came here, as stated by the gentleman from Illinois, the recommendation of the Committee on Appropriations was disregarded; and for what reason? Not for the reason stated by the gentleman from Illinois [Mr. TOWNSHEND], but the fact that there was an order from Postmaster-General Key, an official order, telling the members of the House that the whole star-route service would be cut off by the 3d of March unless the amount was appropriated.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MONEY. I hope I will be permitted to occupy some additional time.

Mr. MILLS. I hope the Chair will recognize me and I will yield to the gentleman.

Mr. CANNON. I would like to say what I have to say on this subject after the gentleman from Mississippi has concluded.

The CHAIRMAN. The gentleman from Mississippi has exhausted five minutes——

Mr. TOWNSHEND. The gentleman can get in at the conclusion, after he has heard from the other side.

Mr. CANNON. I have only a single word to say now, Mr. Chairman. The gentleman from Mississippi [Mr. MONEY] in his remarks refers to an investigation made before General Brady was Second Assistant Postmaster-General, at least I am certain before the contracts were let on the one hundred routes spoken of at $900,000 in the aggregate and expedited to $3,000,000 per annum, and seeks to confuse an investigation made in 1878 with the one made by the Committee on Appropriations in 1880. The two investigations were about wholly different matters, made at different times.

I do recollect in 1880 that the gentleman then chairman of the Committee on the Post-Office and Post-Roads voted against the legislation proposed by the Committee on Appropriations cutting off the expedition on these one hundred routes, amounting in round numbers to $2,000,000 per annum. I do not propose to read him a lecture on that account. He acted on his responsibility and is responsible to his con-

stituents. I act on mine. I had not referred to him, and should not have done so if he had not sought to confuse these two investigations.

I yield the balance of my time to the gentleman from Maine [Mr. REED].

Mr. REED. Mr. Chairman, I think there are some of us here who have some desire to go on with the public business in some suitable way. The fact of the case is that a Republican Assistant Postmaster-General stands charged before the world and in the opinion of most of the world was guilty of crimes against the Government. It is also a fact that two Republican administrations have pursued that man with all the resources which the law of the land allows them to use against a criminal. Every time that we find a scoundrel within our ranks we punish him. [Derisive laughter on the Democratic side.] There is no question about that as a fact. You all of you know it.

Now the gentleman from Illinois [Mr. TOWNSHEND] arises in his place and makes attacks upon us. And for what purpose? He does it for the purpose of stirring up your partisan feeling. And why does he do that? It is to conceal his ignorance of the subject which is under debate. This is a question of book-keeping. It is a question whether this appropriation of a million dollars is really an appropriation at all. The facts and figures show that there is no million dollars to be appropriated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REED. Then I will now take the floor in my own right.

Mr. HORR. I will take the floor and yield to the gentleman from Maine.

Mr. TOWNSHEND. I raise the question of order. The debate was limited to ten minutes on each side. My colleague from Illinois [Mr. CANNON] occupied five minutes.

Mr. CANNON. Oh, no; I only occupied half of my time and gave the other half of it to the gentleman from Maine.

Mr. TOWNSHEND. I withdraw the question of order.

Mr. REED. Now, when the gentleman from Illinois [Mr. TOWNSHEND] undertakes to charge the Republican party with the improper conduct of any member of it, it is retorted upon him that a Democratic Congress stood by that man. Now, how did it happen? Was it because a Democratic Congressman or a Republican Congressman here believed in that rascality at that time? Not so. You all of you know that this Congress was surrounded by men who undertook to mislead us, and the vote shows they succeeded in doing it—the Democratic Congress, as well as some Republicans that were in it.

Everybody knows these facts. Every man whom I address knows that no party would sustain rascality of that kind if they knew it or believed in it; and the moment it was shown to the people of the United States, without distinction, with no distinction except that of common honesty and common dishonesty, the people rose determined to punish those men. Why, then, is this talk on the one side or the other about the responsibility for that? We all of us know we are ready to strike down that sort of thing wherever we find it. And I inquire again why is it that the gentleman from Illinois keeps repeating that speech of his about corruption. I say it is because he wants to distract your attention from the facts connected with this bill. He wants to disguise the unfairness, to disguise the unstatesmanlike character of it. He wants you to back him up in diminutions of the public service under pretense of saving the public money.

Now, I say to you you are just as much bound to rise up against that kind of dishonesty as you are to rise up against any other kind. You are bound to look after the public service and see you are not misled by any partisan talk to prevent you from doing justice to a deserving public service that comes home to the business and bosoms of the people of this country as no other service does. You ought not to allow yourselves to be led aside by this kind of discussion, which he perpetually and continually foments.

Think of a man in charge of a bill containing forty-six millions of the people's money, spent upon the subjects dearest to them of anything they have, entertaining this House day after day as he has done with these discussions. Nor can he plead the poor excuse that somebody else does it. That somebody else is not in charge of the business of this House. He ought to attend to that business above all other men, and yet he is, above all other men, engaged in fomenting this kind of discussion.

I ask you to stand by your duties as Representatives, and let us go on with the public business with reference not to charges of political feeling but with reference to our sense of public duty. [Applause on the Republican side.]

Mr. MONEY. Mr. Chairman, the disclaimer of the gentleman from Illinois [Mr. CANNON] that he did not intend to impugn my motives was entirely unnecessary. I never suspected he was doing anything of the sort. But when he goes back as he did to charge a Democratic House and Senate with having passed a deficiency against the recommendation of the Committee on Appropriations for star-route frauds, the gentleman should be answered by one who knows something about it. I state on my responsibility as a member of this House that the vote which was passed here on the recommendation of the Committee on Appropriations was because of the fact that the Postmaster-General declared the whole star-route service would be cut off on the 3d day of March.

There was no consideration other than a desire on the part of Representatives to preserve the mail service of the country upon the star-routes. There was a universal condemnation of the rascality in that Department, which, as I said, was first brought to light in an investigation begun by myself, and I will state that the gentleman is at fault in his recollection. The committee to which he and I both belonged had under consideration the very contracts let by General Brady and no others; that was the subject-matter brought to our attention by the order of the House.

Mr. CANNON. Does the gentleman mean the contracts from the one hundred routes which were expedited and which gave rise to all this scandal?

Mr. MONEY. The gentleman made the statement that we investigated no matters with which General Brady had anything to do. I challenge that statement, and on the contrary assert that the very acts to which his name was appended were brought to our notice by the Post-Office Department and the House.

Mr. CANNON. Let us have no confusion about the matter.

Mr. MONEY. Allow me to proceed.

Mr. CANNON. The gentleman will not purposely misrepresent me.

Mr. MONEY. Not at all.

Mr. CANNON. I said that these one hundred star routes which had been expedited, and which were the routes I was speaking of, were investigated by the Committee on Appropriations in 1880, and they had not been let at the time the investigation was made to which the gentleman refers.

Mr. MONEY. My charge is that the whole system of the contract service, vicious and rotten from core to cuticle, had been investigated by two committees of this House, and that the officer whose recommendations you said ought to have been disregarded was the very man investigated by the committee of which the gentleman from Kentucky [Mr. BLACKBURN] was chairman, and by the committee on the Post-Office of which the gentleman from Illinois [Mr. CANNON] and myself were members.

I simply wish to vindicate the members of this House in that Congress and the members of both Houses, who felt in duty bound to their constituents to preserve that service. They did it notwithstanding the recommendation of the Committee on Appropriations, and they insisted at the same time that the investigation should be pushed to its ultimate conclusion, and if anybody was guilty of wrong or corruption he should be punished.

The two questions are as far apart as the poles. The one was the question of prosecuting an executive officer for malfeasance and corruption in office, and the other was the question of appropriating money to preserve the star-route service in the country. And I say to-day that the men who voted to preserve that service are not to blame. All they did was to discharge their duty to their constituents as they conceived it to be. I have nothing to explain or to apologize for. I do not suppose the gentleman from Illinois [Mr. CANNON] or any other man will impugn my personal motives in any of my official acts here. But I have made this statement in justice to the members of the House and of the Senate, who voted as they did on that matter to preserve the star-route service in the country, and not to hinder or to prevent an investigation of the frauds in the Department.

I now yield the remainder of my time to the gentleman from Kentucky [Mr. BLACKBURN].

Mr. BLACKBURN. How much time is there remaining?

The CHAIRMAN. Two minutes.

Mr. BLACKBURN. It is impossible in two minutes to answer the statements that have been made here. I had hoped that in the course of this debate I might have been allowed to make a statement, from which I am sure neither the gentleman from Illinois [Mr. CANNON] nor the gentleman from New York [Mr. HISCOCK] would dissent.

Mr. REED. I ask unanimous consent that the gentleman have time to proceed.

Many MEMBERS. All right.

The CHAIRMAN. If there be no objection the Chair will not interrupt the gentleman in his statement.

Mr. BLACKBURN. I thank the gentleman from Maine [Mr. REED] for his courtesy. What I desire to say is this: Whether it be germane to the question under consideration or not, this investigation of the star-route service as far back as 1878 has been lugged into this discussion; I will not pause to ask by whom or for what purpose.

I happened to be identified with that investigation. I chanced at that time to be the chairman of the subcommittee on appropriations charged with the preparation of the Post-Office appropriation bill. It happened that I was the man in this House who refused to recommend an appropriation for the postal service until the deficiency in the star-route service had been explained. We had appropriated for that service $5,900,000; every dollar of the estimate of the Department had been granted; there was no cutting down of the estimate which had been made for that service; yet before six months of the fiscal year had expired we were confronted by a communication from the Post-Office Department informing us that there would be a deficiency for that service for that fiscal year of over a million of dollars.

Mr. CANNON. Of two and a quarter millions.

Mr. BLACKBURN. I accept the correction of my friend from Illi-

nois [Mr. CANNON], of two and a quarter millions of dollars. A committee of investigation was raised; it consisted of members of the Committee on Appropriations, and I chanced to be the chairman of that committee on investigation. On that committee was the honored gentleman from New York [Mr. HISCOCK] and his distinguished colleague, the gentleman from Illinois [Mr. CANNON].

We entered upon that investigation and it stretched over weeks and over months. We brought a report into this House, and in the advocacy of that report, to the honor of that committee be it said, not a single, solitary member, Republican or Democrat, failed by his vote and by his voice upon this floor to give it support. An honored Senator in the other wing of this Capitol, then a member of the Committee on Appropriations and of the subcommittee and of the committee on investigation, spoke the sentiments of every member of the committee when he declared upon this floor, and it has passed into ineffaceable print, that that officer of the Government had either been guilty of deliberate, willful, wasteful extravagance in the handling of public money, or, what was worse, he was himself a plunderer of the public Treasury.

It was the conviction reached by that committee; and I am borne out in this statement by the utterances and votes of every Republican member of the committee at that time, and I see several of them sitting before me now. That the funds of this Government were not economically, carefully, or honestly administered by that official was an open secret known to all men who belonged to that committee.

It is late in the day for the gentleman from New York [Mr. HISCOCK] or the gentleman from Illinois [Mr. CANNON] to make any point on party lines now. When the Senate amendment came back to this House proposing to eliminate the remedial legislation which we had offered sixty-five Republicans voted for concurrence and only twenty-six Democrats. I find by the RECORD that sixty-six Democrats voted against giving the shield and protection of the law to this public malefactor and only seventeen Republicans were found in their places to aid us in that honest effort. The members of the Committee on Appropriations stood together. Not only by their votes but by their voices they declared that this public official had been guilty of criminal waste in the disbursement of the public money, profound ignorance in the discharge of his duties that amounted to crime, or what was still more flagrant, an absolute assault upon the revenues of this Government in the interest of thievery. That that man should have been in the penitentiary instead of in the place of the Second Assistant Postmaster-General of this country not a member of the Committee on Appropriations, without regard to politics, entertained a reasonable doubt.

The CHAIRMAN. The time allowed for debate on the pending paragraph and amendments thereto has expired. The question is first on the amendment of the gentleman from Michigan [Mr. HORR], which will be read.

The Clerk read as follows:

In line 123, strike out "4" and insert "5," and strike out all following the word "dollars," in line 124; so that the paragraph will read:
"For inland transportation by star routes, $5,600,000."

Mr. HOLMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out, in line 127, the words "inland transportation by star routes" and insert "the postal service;" so that the paragraph will read:
"For inland transportation by star routes, $4,600,000, together with the further sum of $1,000,000, which is hereby appropriated, out of any unexpended balance of the appropriation for the postal service for the fiscal year ending June 30, 1883."

Mr. HISCOCK. Will not the whole difficulty be remedied by the adoption of the amendment of the gentleman from Michigan [Mr. HORR]?

Mr. HOLMAN. I think not.

Mr. BINGHAM. Suppose there is no unexpended balance?

Mr. HORR. There is none; not a dollar.

Mr. TOWNSHEND. In this provision we give every dollar estimated by the Department.

Mr. HORR. But there is no unexpended money to draw upon; not a dollar.

The question being taken on the amendment of Mr. HOLMAN, it was agreed to; there being—ayes 101, noes 67.

The question recurring on the amendment of Mr. HORR, it was not agreed to; there being—ayes 75, noes 106.

The Clerk read as follows:

For railway post-office clerks, $4,000,000.

Mr. MONEY. I move to amend the paragraph just read by making the appropriation $4,295,000, thus bringing it up to the estimate of the Department. I wish to state some reasons for this motion. I hope there will be nothing political injected into this little discussion. This is a matter of pure business, affecting the whole mail transportation of the country, a vast percentage of which goes upon railroads. As the House will understand, a great deal of money is saved annually by this expenditure, without which more than this amount would be consumed every year in separating offices. But the whole system of the separation and delivery of the mails has been changed by the traveling post-offices of the country. The appropriation made last year for this service was $3,970,000. The appropriation bill at present under consideration increased that amount only $30,000.

Mr. BINGHAM. Twenty-three thousand dollars.

Mr. MONEY. Twenty-three thousand dollars. It is evident, Mr. Chairman, and must be to anybody, that that is not sufficient to meet the increased service of the country, both the increase of the business and the increased railroad mileage. There is scarcely any necessity for a discussion of the matter. It is self-evident. I hold in my hand a letter from the superintendent of this service, and he tells me:

Referring to our conversation, permit me to say that at the close of business February 29, 1884, there were 4,025 railway postal clerks, the annual cost of the same being $4,026,141.

The mails are much lighter in summer than in winter; consequently when the appropriation becomes available (July 1) it is the practice to withhold as much of the appropriation as possible to increase the force during the winter months when the mails are very heavy, which will account for the present aggregate expenditure being greater than the appropriation ($3,977,120) for the present fiscal year.

He tells you it will be seen that the annual cost of the railway postal clerks is $4,026,141. That is the present annual cost, leaving out any provision for increase. It is a sum greater than that which the Committee on Appropriations recommend for the service by this bill. That leaves every consideration of increase of the service out of view.

The superintendent goes on to say:

The good of the service at the present time requires three hundred and sixty-eight additional clerks, of which number one hundred and forty-three should be appointed to new lines on which there are no postal clerks. I could have given the lines in detail, but I did not think you would care to be burdened with it.

Now, we are told in the report of the Postmaster-General for the last year:

The estimate was based on an increase of 7.20 per cent., which experience has demonstrated was hardly sufficient to meet the rapid extensions and growth of the service. This year I have estimated the increase at 8 per cent., which increases the appropriation $318,169.60. The increase in the mails handled is 15.96 per cent., and the increased number of miles of railroad service is 9,264. While this may seem large, I am clearly of the opinion that it is none too much so, and that the amount will be absolutely necessary to properly maintain, extend, and continue the wants of a rapidly growing service.

Here it is seen that at the date of this report there were 9,264 miles added to the railway mail service, and yet the committee does not report as much as the service actually costs now, notwithstanding that increase. Further than that, 2,000 miles have been added since this report was prepared, making about 11,000 miles of new service which must be supplied. In addition to that, you must also take into consideration the increased growth of the service. Will this House deliberately attempt to cripple this service? Will they use such means here as will defeat the ends for which it was created? These men, by their employment and in the distribution of the mails while in transit, actually save, as can be readily shown, a great deal of money to this Government. It is important to give for the service all that it requires, and it is impossible to continue it unless the appropriation is brought up to the requirements of it. Now, I have been seeking for some time to have the service put on two roads in my State of Mississippi which have recently been completed, but have been always met with the answer that the appropriation is gone.

Mr. KASSON. Will the gentleman from Mississippi allow me to state that there is a road in my own district which is in that same condition? We can not get the service for the reason that he states.

Mr. MONEY. Certainly; and here, in this same book, the report of the Postmaster-General, you will find appended a table giving the number of miles of increase and the roads where this service has been put on during the last year, and it shows an enormous increase. It has been distributed all over the country, from Maine to California, in sections that have not before enjoyed it. My own State built last year over four hundred miles of railway, and the people are asking that the service shall be placed upon it. They are justified in demanding it. It is not true economy to refuse it. I think the Committee on Appropriations have made a mistake in appropriating only the amount that they specify here. It does not, as I have said, come up to the actual present expenditures, and makes no provision whatever for increase. You allow nothing for the new roads or the increase of service on the old roads; and you succeed only, in my judgment, in crippling the business if you fail to appropriate the amount necessary.

I know of my own personal knowledge, after traveling thousands of miles upon these postal cars, that the force even now for distributing the mails upon them is insufficient. I have seen the mails carried by towns for the reason that the force allowed on the train was not sufficient to distribute the mail in time to deliver it.

In view of all these facts, Mr. Chairman, which I have thus hurriedly stated, and which can not be contradicted, facts which appear from the reports of the Post-Office Department, this House will not be justified in giving for this service less than the amount estimated. It is money well expended, and I hope the committee will support the amendment.

Mr. HOLMAN rose.

The CHAIRMAN. The Chair has recognized the gentleman from Kansas [Mr. RYAN]. [Cries of "Vote!" "Vote!"]

Mr. RYAN. If a vote is wanted I will yield for that purpose heartily. But if there is to be further discussion I want to make some remarks

Mr. TOWNSHEND. The gentleman from Mississippi [Mr. MONEY]

has spoken in behalf of the amendment, and the gentleman from Indiana [Mr. HOLMAN] ought to be permitted to speak in defense of the committee.

The CHAIRMAN. If no gentleman desires to be recognized——

Mr. HOLMAN. I want to be recognized on behalf of the committee.

Mr. RYAN. I only yield the floor if the committee is disposed to vote.

Mr. DUNN. I want to hear the explanation of the gentleman from Indiana [Mr. HOLMAN] before I vote.

The CHAIRMAN. The gentleman from Kansas [Mr. RYAN] will proceed.

Mr. RYAN. If the Chair will recognize me subsequently, I will give way to the gentleman from Indiana, that the House may hear his side of the case.

Mr. HOLMAN. Let the gentleman from Kansas proceed.

Mr. TOWNSHEND. The committee is opposed to this amendment, and I think in justice they ought to be heard in reply to the gentleman who offered it.

The CHAIRMAN. The Chair has no purpose to do injustice to anybody, and an opportunity will be afforded to present the other side of the question.

Mr. WILLIS. Will an opportunity be afforded at any time to vote finally on this bill? [Laughter.]

The CHAIRMAN. The gentleman from Kansas [Mr. RYAN] will proceed.

Mr. RYAN. I heartily concur in the remarks made by the gentleman from Mississippi. I am in favor of economy in the public expenditures, and, whether in the committee-room or on this floor, I shall always advocate what I believe to be a just and rational economy in all the appropriations that are made by this House. But an economy which is arbitrary, an economy which is irrational, which ignores the needs of the public service and disregards the public welfare, is, to say the least, unpatriotic.

The fact is, that this item as reported in this appropriation bill is less than what is absolutely required to maintain the service as it is, ignoring all increase whatever. This arises from the fact that about four hundred of those now employed in this service are in their probationary period of $400 per annum; very soon their probationary period will expire and they will go on at a salary of from $900 to $1,000. In making an increase above the expenditures of the present year of but $26,000, our committee have failed to meet the demands on the present footing of the service with the force at present employed.

In addition to that there are many new lines of railway now upon which service ought to be placed, and could be placed with economy and advantage to the public service, reducing the star-route service to that extent. I believe one hundred and forty-three men are required for that immediately; and yet there is no available money, no provision in this bill for even that increase without taking into consideration the increase otherwise that must follow in the service for the next year, which I believe is estimated to be above 8 per cent.

Mr. HOLMAN. I wish simply to say this: You appropriate for compensation of clerks in post-offices, in all the post-offices of the country, less than $5,000,000. For the post-office clerks on the postal cars by this bill you appropriate $4,000,000, being an increase of $322,000 over last year, and $23,000 over the appropriation for the present year. The Committee on Appropriations have examined this subject quite carefully and are thoroughly convinced that the amount recommended will maintain that department in all of its efficiency even beyond its present condition.

Mr. TOWNSHEND. I move that the committee rise for the purpose of limiting debate.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Post-Office appropriation bill; and pending that motion, I move that all debate upon the pending paragraph and amendments thereto be closed in one minute.

Mr. SKINNER, of New York. Make it ten minutes.

Mr. TOWNSHEND. The gentlemen on the other side have already had ten minutes of debate.

Mr. WELLER. I move that the House do now adjourn. It is now late on Saturday afternoon, and I think we will resume the consideration of this bill in a better spirit after having passed through the salutary influences of the Lord's day.

The motion to adjourn was not agreed to.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Illinois that when the House in Committee of the Whole House resumes the consideration of the Post-Office appropriation bill all debate on the pending paragraph and amendments thereto be limited to one minute.

Mr. SKINNER, of New York. I move to amend by making the time ten minutes.

The amendment was not agreed to.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The Committee of the Whole House on the state of the Union resumes consideration of the Post-Office appropriation bill. By order of the House all debate on the pending paragraph and amendments thereto is limited to one minute.

Mr. TOWNSHEND. In that one minute I desire to say that the other side have had ten minutes and we have had only two or three of these minutes.

Mr. J. D. TAYLOR. I object to the gentleman's division of the time. The gentleman has had several hours while many gentlemen on this side have not had any time.

The CHAIRMAN. That is not a question of order.

Mr. TOWNSHEND. I wish merely to say that the committee have allowed $23,000 more than was appropriated last year; and in the judgment of the committee every dollar has been appropriated that is needed for this service. The expenses for 1883 were but $3,688,032; we have given $4,000,000, being nearly $400,000 more than was expended for the year ending June 30 last. Now I ask for a vote.

The CHAIRMAN. The Clerk will again report the pending amendment.

The Clerk read as follows:

In line 124 strike out "$4,000,000" and insert "$4,295,000;" so that it will read: "For railway postal clerks, $4,295,000."

The question being taken, there were—ayes 95, noes 76.

Mr. HORR. I call for tellers.

Tellers were ordered; and Mr. TOWNSHEND and Mr. HORR were appointed.

The committee again divided; and the tellers reported that there were—ayes 95, noes 108.

So the amendment was not agreed to.

The Clerk read the following:

For mail messengers, $900,000.

Mr. SKINNER, of New York. I move to amend the paragraph just read by striking out "$900,000" and inserting "$1,000,000." [Cries of "Vote!" "Vote!"] I am as anxious for a vote on this bill as any other gentleman here. But when the liberal time of fifteen or twenty minutes has been apportioned out for the consideration of an item involving $4,000,000 and affecting the mail service in every part of the country, I think we can afford to stop a few minutes at this point.

My principal purpose in rising at this time is to take notice of a remark made by the gentleman from Illinois [Mr. TOWNSHEND] on Thursday last, which I think deserves some attention, at least from a representative of the State of New York. He said that we had on our side abandoned the proposition that the free-delivery service is self-sustaining. He planted himself upon the ground that it was not self-sustaining.

Let me point to the record. We have not receded from our position. We say that the free-delivery service is self-sustaining, because last year it yielded a surplus revenue of over a million of dollars. We say that the Post-Office Department is self-sustaining, because last year it yielded a surplus revenue of over $2,000,000.

We would say that the business of a private individual was self-sustaining, even if he lost $50,000 on calico but made $100,000 on silks. So it is a very weak argument to point the finger of scorn at Representatives on this floor living in free-delivery cities and say that their local postage amounts to so much, while the expense of the free-delivery service in their cities is three or four times as much. I tell you that we have a right to consider the grand total in regard to the free-delivery service, as much so as the grand total in regard to the receipts and expenses of the Post-Office Department.

I care very little for the ridicule which the gentleman endeavored to throw upon some of the cities in my State. I know that the free-delivery service in my own city is not of itself self-sustaining, but I do know that the total service in that city yields a revenue to the Government of $24,000 a year. Every single city which he named yields a revenue from ten to twenty times as much as the cost of the free-delivery service. When he struck at the city of Troy, N. Y., he said that the free-delivery service there cost $118,000, while the income was only $12,000. Let me quote from his remarks just what he said:

My friend here from New York on my left thinks this must be a mistake and that the figures must be at fault. But, Mr. Chairman, I read from the report of the Postmaster-General, which gives the figures, and I am satisfied on examination that they are correct.

Now, on pages 116 and 117 of the report of the Postmaster-General he will find the table giving the figures which he undertook twice to reproduce in his remarks. But if he will look at page 746 of the report of the Postmaster-General he will find a detailed statement of the costs and receipts of the free-delivery system which will reduce the expenditures of that office $100,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNSHEND. One word only in reply.

Mr. SKINNER, of New York. I desire simply to finish my statement.

Mr. TOWNSHEND. I will yield to the gentleman for that purpose.

Mr. SKINNER, of New York. All right. By that statement on page 746 it will be found that the expenses of the free-delivery service in Troy, N. Y., is $18,000; an error of only $100,000 in the calculation of the gentleman. When the gentleman says that he prepared that statement in bed before he got up, I submit that with his books and estimates which he took to bed with him he ought to have had an "eye-opener" at the same time. [Laughter.]

Mr. TOWNSHEND. I simply say that we have in this item given $50,000 increase over the appropriation for last year, and the appropriation last year was $50,000 more than the appropriation for the year before; we have kept up the same ratio of increase. We have given nearly $140,000 over the expenditures of the previous year.

Now, I desire to say that when we shall have passed two or three more items we will get down to the part of the bill making appropriations for the office of the Third Assistant Postmaster-General. In that portion of the bill we have given the full amount estimated for by the Department, and there will be no contest over that whatever. If gentlemen will remain here only a short time after the usual hour of adjournment we can finish this bill and have a final vote upon it to-night. I ask the House to remain until that is done.

Mr. BINGHAM. I want to say a few words.

Mr. TOWNSHEND. I have made no speech on this item.

Mr. BINGHAM. But I want to speak on it.

Mr. TOWNSHEND. I move that the committee rise for the purpose of closing debate.

Mr. HORR. If the gentleman thinks that by cutting off ten or fifteen minutes of debate he will gain time——

Mr. TOWNSHEND. We have occupied but two minutes on this matter; but I am willing to give the gentleman five minutes.

Mr. HORR. I submit to the gentleman——

Mr. TOWNSHEND. Go ahead.

The CHAIRMAN. Debate upon the pending amendment has been exhausted.

Mr. BINGHAM. I move to strike out the last word. I think it is necessary to an intelligent consideration of this paragraph of the bill that the House should know what services the mail messengers perform. By your own act, not by a general appropriation, but by a horizontal reduction of the 5 per cent. on inland mail transportation, you have given to the Post-Office Department exactly what they asked for railroad transportation. You give exactly what has been asked for steamboat transportation. You recognized the growth of the service in those two respects for the next fiscal year. In order that those appropriations may be fully and completely applied, you must make a corresponding appropriation in the mail-messenger service. Let me tell you what these mail messengers do. I read from the regulations of the Department:

In connection with railroad and steamboat routes, mail messengers are designated to carry the mails to and from post-offices not at the termini of routes, when such post-offices are more than eighty rods (one-quarter of a mile) from the steamboat landing or railroad station.

In the appropriation for railroad service you have recognized the growth of postal business; but in this appropriation for carrying the mails from the point of delivery by steamboat or railroad to the post-offices you have failed to make a corresponding increase. The appropriation for the present fiscal year was $900,000. The Postmaster-General asks for the next year $1,100,000. Gentlemen on the other side have lauded his estimates. Now will they listen to what he says in his report?

The rapid growth of the railway service has added largely to the expenses of this service—

The mail-messenger service—

so that the average cost of new service during the last four months has been at the rate of $100,000 per annum. This rate of expenditure will make necessary a deficiency appropriation of $75,000 for the current year.

The Postmaster-General tells you that there is now a deficiency of $75,000, and he asks for the next fiscal year an appropriation of $1,100,000. You have made appropriation to carry your mails on railroads and steamboat routes; now you must appropriate the necessary amount to carry the mails from terminal points on such routes to the post-offices. The appropriation proposed in this bill will not suffice. Unless you make the appropriation asked for by the Postmaster-General for carrying the mails from the points where they are deposited by the railroad companies and steamboats to the post-offices the mails must be left just where the steamboats and railroads dump them.

Mr. TOWNSHEND. We will not consume time by discussion on our side. We want to vote.

Mr. HORR. I will occupy but a moment. I desire to emphasize what my friend from Pennsylvania [Mr. BINGHAM] has said. This messenger service is subject to variations. It is not done, as is the star-route business, by contract. The bulk of it has to be hired by the postmasters. They are getting it done now at very low rates. The Postmaster-General tells you that the service will be crippled unless an appropriation of $1,100,000 be made; but we propose in the pending amendment to allow only $1,000,000, instead of $900,000, as proposed in the bill. Any man who will inform himself as to the work done by these messengers must come to the conclusion that $1,000,000 will be too little rather than too much.

There is no use, however, for me to talk to you gentlemen about it. You seem inclined to vote simply for the crippling of this service, and what I say seems to be of no use. I will repeat, however, that any reasonable man who will sit down and examine these reports, as I have done, can not fail after such examination to recognize the necessity of making this appropriation at least $1,000,000. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. SKINNER, of New York, to strike out "$900,000" and insert "$1,000,000," it was not agreed to; there being, on a division—ayes 77, noes 100.

Mr. BISBEE. I move to amend by inserting after line 130 the following:

For special facilities on trunk lines, $600,000.

Mr. TOWNSHEND. I rise to a point of order. This amendment increases expenditures, and there is no law authorizing it. No estimate is made for this service at all.

Mr. BISBEE. There is now on the statute-book an appropriation for this very purpose. For this service Congress appropriated for the fiscal year ending June 30, 1883, $600,000. At the last session $185,000 was appropriated for the same service for the present year. If I remember correctly, when the proposition to appropriate money for this service was made one year ago the point of order was made upon it and overruled on the ground that there was a law authorizing the expenditure.

Mr. HISCOCK. The gentleman will allow me to correct him. It was in the Forty-sixth Congress that the point of order was overruled by a Democratic chairman of the Committee of the Whole.

Mr. BISBEE. Then I am correct as to the fact, but not as to the time.

Why, Mr. Chairman, this is an appropriation for the postal service of this country; and it is no more subject to a point of order than any other appropriation embraced in this bill. It is for the mail service and a very important branch of the mail service. Under the appropriation made by the last Congress a large portion of the country is now enjoying a service which I do not believe this House, if it understands the matter, will refuse to continue and extend from Maine to Texas.

I understand from the gentleman from New York that when the point of order was made it was in the Forty-sixth Congress, but was overruled by a Democratic chairman. I think, therefore, that it will hardly be sustained now.

Mr. CALKINS. I desire to say a word on the point of order. I do not think it is subject to the point of order, for the reason that it is the law now. The appropriation bill passed several years ago made provision for special mail facilities, and it has been recognized in every one since. In the last Congress there was a fight made, as perhaps the chairman of the committee will remember, by the gentleman from Massachusetts [Mr. ROBINSON], which finally prevailed, but I do not recollect exactly the points that he made against it or the precise appropriation. I do, however, recollect that in the Forty-sixth Congress the same point was made against the mail facilities and overruled; and I do not now recall an instance since I have been a member of this body where the point of order was made and sustained.

Mr. TOWNSHEND. For this service there has been no estimate whatever submitted by the Department. There is no law authorizing it. I can not imagine how gentlemen can expect to bring it in order in the face of the rule, which expressly and emphatically declares that no amendment shall be in order unless authorized by law or that retrenches expenditures.

Now the gentleman said further that this point had been overruled, I think, in the last House——

Mr. CALKINS. No; in the Forty-sixth Congress.

Mr. TOWNSHEND. In the Forty-sixth Congress, and that there was an estimate.

Mr. CALKINS. That makes no difference.

Mr. TOWNSHEND. Now I do not care whether a former member of this committee decided it to be in order or not. I put the question simply to the Chair, who is familiar with the rulings and practice of this House upon the subject, whether this is authorized by any law in existence; and since it does not retrench expenditures, whether it can be held to be in order?

Mr. CANNON. I wish to say simply a word, to call the attention of the committee to clause 3 of Rule XXI. It provides:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Now, there was an appropriation made last year and for several years prior for these special mail facilities, and this point of order has been raised before. The ruling of the Chair has been uniformly, according to my recollection, that an amendment such as this now proposed is in

order, because it is only a continuation of the objects for which the prior appropriation was made, and of which the Chair will take official notice.

Mr. REED. It seems to me that the point of order can not be sustained against such an amendment, and that it can be put upon broader grounds, because it is a part of the very work or business of appropriating money to carry on the mails in which we are now engaged. In making such appropriations we have the right to appropriate the money for any purpose deemed necessary to carry the mails, unless of course such appropriations shall be in contravention of some existing law. Nothing of that sort can be said by any possibility in opposition to the proposition made here.

Mr. HOLMAN. The point of order can be decided in a moment by reference to a single fact. It can not be denied that an increase of the appropriations for the postal service by railroads would be in order, for that is in continuance of an established public service or public work, so to speak, under the rule.

But here is an independent proposition, appropriating a sum of money with a view, not to the general transportation of the mails in the ordinary way, but by other and different facilities. I concede that if there had been original legislation upon the subject, and independent, such an appropriation might be made if in the pursuance of existing law. But I submit this is not properly in continuance of a public work already authorized, but of a new and independent public service in connection with the Post-Office Department. In that sense it is not authorized by law.

Mr. CALKINS. It is in pursuance of a recognized rule which has been established for years by law. You may say that you can not increase the appropriations for carrying the mails in mail-cars, as well as to say that you can not increase the appropriations for special mail facilities. You might as well say that you can not increase the appropriations for the star-route or railroad service on the same ground. The carrying of the mail is the very purpose of this bill, and it is for you to determine the method.

Mr. HISCOCK. I suppose, Mr. Chairman, that this item, the proposed amendment, would come within the rule which has been adopted with reference to a great many appropriations; for instance, we will take other appropriations specified in this bill, or, as you will readily recollect, appropriations which are frequently made in connection with the Indian service. There is no treaty obligation to make it necessary to appropriate the money. There is no statute which renders it obligatory upon you to appropriate it, but it is an appropriation in continuance of a policy already adopted. It is a part of the great sum which is to be appropriated for the running and carrying on the affairs of the Government. Take, for instance, this bill. There are other items in it to which I have referred, where the statutes do not require you to make the appropriation. You have here an appropriation for mail locks and keys of $25,000. I am not aware of any general law providing for the purchase of mail locks and keys. But in pursuance of the purpose which you have in view in making appropriations for carrying the mails, it must be appropriated for the care and safety of the mails while in transit.

Take, again, this item:

For mail-bags and mail-bag catchers, $230,000.

Now, I do not understand there is any general statute that provides a certain number of mail-bags and mail-bag catchers shall be appropriated for every year. I do not understand there is any law upon the subject, but each annual appropriation bill carries a sum of money that may be devoted to that purpose. And thus it is with reference to this item. It is a part of the postal service of the country. It has been adopted as such. When it was first adopted there might have been some question raised; this point of order might have have been urged then with far more propriety than now. The point of order was first raised in the Forty-sixth Congress, and it was then very fully discussed. I do not know who presided, but it was doubtless a gentleman of recognized ability. And then the work commenced. And this is now but a continuation of what is well recognized as a branch of the postal service. It seems to me it is not subject to the point of order.

The CHAIRMAN. The Chair is inclined to sustain the point of order, and has very little difficulty in coming to this conclusion. The legislation of Congress provides for the transportation of mails. It prescribes that the railway companies shall be paid so much by weight for their transportation. Provision has already been made in another part of the bill for that purpose. The proposition now is to give in addition to that a sum of money for special facilities. There is no law providing for special facilities. It is urged by gentlemen that it should be allowed under the idea that it is a continuation of some public work or object. The Chair does not understand that part of the rule to apply to this case. In the case of a public building, in the case of barracks, in the case of fortifications, where the work was commenced the Chair would understand it would be competent to appropriate to complete the work.

The gentleman from New York [Mr. HISCOCK] says that there is no law in the case of mail locks and keys, yet we continually appropriate for this. That is true; but in the case of the transportation of the mails the law expressly provides how much shall be paid to the companies for that purpose, and that excludes the idea of their being paid in any different manner.

The gentleman from New York alleges that during the Forty-sixth Congress this question was ruled on otherwise. The Chair does not so remember. The recollection of the Chair is that the question came up in a different form and was disposed of on a mere technicality. But the Chair remembers that in prior Congresses it had been ruled otherwise; and even if it had not, the proposition is so clear to the mind of the Chair that he would be forced to the conclusion to sustain the point of order.

The Clerk read the following paragraph:

For mail locks and keys, $25,000.

Mr. WHITE, of Kentucky. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 131 insert as follows:

"For suitable furniture and for safes for separating offices of the third and fourth classes, $263,500."

Mr. TOWNSHEND. I make the point of order on this amendment. There is no law authorizing furniture for third-class offices; and if there was, the amendment is offered at the wrong part of the bill. We have passed from that portion of the bill relating to this subject. And the same amendment was offered by the gentleman from Ohio [Mr. MOREY] and was ruled out.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WHITE, of Kentucky. I move to strike out the last word of the paragraph.

There are in the United States 2,193 first, second, and third class post-offices. For the compensation of postmasters by this bill as reported by the committee we appropriate $10,000,000. For that purpose during the last fiscal year there was appropriated $10,315,394.46, an average of $4,710.16⅔ to each one of those first, second, and third class post-offices. In the United States there are 45,956 fourth-class post-offices. To those post-offices there is no allowance made except to 927 of them for even clerk-hire. There is no appropriation for safes in which to lock up the registered packages. There is no appropriation made for furniture, even of the simplest kind. There are in the United States of the third and fourth class post-offices but 2,108 that receive allowance for clerk-hire.

Now, sir, I think the committee ought to do something for this class of men. They ought to do something for the public service that is intrusted to them. They have to guard these registered packages, and yet they have no safes provided. They are compelled to distribute the mails, and yet there is no allowance for tables—no allowance for any furniture that is necessary.

We make an appropriation, Mr. Chairman, every year for the first and second class post-offices of this country. We fail every year to hear the appeals of these 46,000 fourth-class postmasters. They can not come here, and if the members on this floor who represent them in a general way present their case the committee will not give attention to them.

[Here the hammer fell.]

Mr. TOWNSHEND. I call for a vote.

Mr. WHITE, of Kentucky. I withdraw the amendment.

The Clerk read the following paragraph:

For mail-bags and mail-bag catchers, $230,000.

Mr. WHITE, of Kentucky. I move to strike out the last word.

I want to call the attention of the gentleman from Illinois [Mr. TOWNSHEND] to the fact that we have made appropriations for special steamboat service. If he would go before the Committee on the Post-Office and Post-Roads he would find that in times past—I do not speak for the present—it has not been unknown to the Department that an officer in the Sixth Auditor's Office would contract with a man who owns steamboat lines to give mail service not in the ordinary way but in consequence of his lobbying in that Department. These fourth-class postmasters have no chance to get any part of the appropriation. I will not say the item is put in this bill for the benefit of the men who own steamboat lines. But I do assert that in times past there have been found willing tools in the Sixth Auditor's Office to get the service for the owners of those steamboat lines.

We have put in this bill all that has been asked for that service. We have given to the men who do service on the railroad trains, not only to the men who own the trains but to the clerks on those trains and to the mail messengers, the largest amount of compensation asked for them. But for the 46,000 fourth-class postmasters we give only the small pittance which they will receive by the allowance for the amount of stamps canceled.

Now we owe it to ourselves, we owe it to the Post-Office Department, we owe it to our constituents, we owe it to these men to make an appropriation which will give to each one of these fourth-class postmasters whose offices are designated as distributing offices a safe in which to keep valuable packages and funds. We should give to every one of them a small amount for the necessary furniture to enable them to perform their duties properly. A man receiving $100 a year for doing a thousand dollars' worth of work does not want to spend $50 for the furniture necessary to enable him to properly perform his duties. [Here the hammer fell.] I withdraw the *pro forma* amendment.

Mr. HORR. I move to amend the paragraph just read by striking out "$230,000" and inserting "$250,000."

Mr. CANNON. I ask the gentleman from Michigan [Mr. HORR] to yield for a motion that the committee rise. We can not finish this bill to-night.

Mr. TOWNSHEND. I hope not. We can finish this bill in a few minutes. There is but one more item over which there will be any controversy; every other item is according to the estimates.

Mr. CANNON. I move that the committee now rise.

Mr. TOWNSHEND. I hope the committee will not rise.

Mr. MILLER, of Pennsylvania. There are a dozen men here who want to speak on this bill.

The motion that the committee rise was not agreed to, upon a division—ayes 62, noes 91.

The question recurred upon the amendment of Mr. HORR to increase the amount "for mail-bags and mail-bag catchers" to $250,000.

The CHAIRMAN. Does the gentleman from Michigan [Mr. HORR] desire to be heard on his amendment?

Mr. HORR. I do; not for the purpose of delay, but because I think it is an amendment which should be adopted. I hold in my hand a letter from the Post-Office Department, sent to the Committee on Appropriations since the preparation of this bill and since it was reported to the House. In this letter he tells us that the Department needs the entire amount of $280,000 in order to have bags sufficient to provide for the necessities of the service.

I have not from the start moved an amendment to this bill which I did not think was justified on good, sound business principles. The Department informs us that the supply of mail-bags on hand is now almost exhausted. It is a habit of the Department to keep a supply on hand. It is impossible to have these articles made up in a month or in two months, because they are made from a peculiar material, and the contract has to be given out in advance, so that the material may be manufactured.

The Postmaster-General informs us and the House that the supply of mail-bags on hand has been constantly decreasing for the last few years, until now it is well-nigh exhausted, and he is liable at any time to receive a requisition for this important article in the service which he will not be able to fill. He sends to us here an itemized account showing just every dollar that he needs and what he needs it for, the kind of bags needed in the service, the whole amount for this item being estimated at a little over $249,000. He insists that the good of the service and the safety of the mail matter demand that we should give him the full amount that he has asked for.

I do not want to take up time unnecessarily, but I state these facts, which the gentleman from Illinois [Mr. TOWNSHEND], who I know has received the same communication, will admit to be a correct statement from the Department. I think the House ought to heed this statement and that we ought as business men to give the amount asked for.

Mr. TOWNSHEND. I want to say only one word. [Cries of "Vote!" "Vote!"] Well, I will let the vote be taken.

The question was taken upon the amendment moved by Mr. HORR; and it was not agreed to.

The Clerk resumed the reading of the bill, and read the following:

For the manufacturing of postal cards, $268,000.

Mr. HORR. Mr. Chairman, I wish——

Mr. TOWNSHEND. I rise for the purpose——

Mr. HORR. I do not know but what the gentleman from Illinois wants to move the same amendment that I do. The Postmaster-General recommends a decrease in this item, and I suppose the gentleman is going to move that decrease, though I must say I fear it will be a dangerous step for him to take. [Laughter.]

Mr. TOWNSHEND. The Postmaster-General recommends a decrease in this item of $36,000; that is, to reduce the amount named in the bill to $232,000. I wish to say while I am on my feet that every estimate for the Third Assistant Postmaster-General's Office has been given by the Committee on Appropriations without reducing it one cent. In this instance the Department itself asks for a reduction.

Mr. HORR. I want to say a word on this item. [Cries of "Vote!" "Vote!"] Oh, gentlemen, be quiet. I am in perfect good nature, but I am not to be choked down. [Cries of "Go on!"]

I want to say to my friend from Illinois [Mr. TOWNSHEND] that this is the first item in this bill where, since the bill has been framed and reported to the House, the Postmaster-General comes in and tells us that he can get along with less money than his first estimate.

Mr. HOLMAN. That is very remarkable.

Mr. HORR. He does so in this instance, and you now seem to have perfect confidence in him; you are willing to take his word. Yet in the item just before this he told you that the safety of the mails and the good of the service demanded an increase of a few thousand dollars, and you ignored his recommendation.

What I wish to say is that I fear you are about to tread on dangerous ground. It does seem to me that you should stand by the bill as originally reported from the Committee on Appropriations, for I have as yet seen no evidence of any desire on your part to reform or improve this bill. [Cries of "Vote!" "Vote!"]

Well, when I get through you will vote, and not before; I am talking now. It is so difficult to vote when a man is speaking, you know. I wish to say that I am in favor of the amendment which the gentleman from Illinois [Mr. TOWNSHEND] proposes, because I believe the Postmaster-General honestly recommends it and that the service will bear the proposed reduction of this item. But I claim that you ought to have exercised just as good judgment on previous items, and followed the recommendations of the Department just as cordially.

Mr. TOWNSHEND. I merely wish to say, Mr. Chairman——[Cries of "Vote!" "Vote!"] I will not sit down until I have made myself heard.

The CHAIRMAN. The Chair desires to remind members that business will proceed much faster if order is preserved.

Mr. TOWNSHEND. I wish to say that I have sent an amendment to the Clerk's desk—— [Cries of "Vote!"] I will wait until members on the others side learn better manners. [Laughter.]

Mr. WHITE, of Kentucky. As it appears that the other side of the House does not propose to hear debate, I move that the committee rise.

The CHAIRMAN. The gentleman is not in order.

Mr. TOWNSHEND. I have sent to the Clerk's desk an amendment proposing an alteration of the bill in strict accordance with the recommendation of the Postmaster-General, and I ask that the amendment be read.

Mr. WHITE, of Kentucky. I insist on my motion that the committee rise.

Mr. TOWNSHEND. I have not relinquished the floor, and until my amendment is read the gentleman can not make that motion.

The Clerk read as follows:

In line 149 strike out "sixty-eight" and insert "thirty-two;" so as to make the appropriation for the manufacture of postal cards $232,000.

Mr. WHITE, of Kentucky. I now move that the committee rise.

The motion was not agreed to.

The amendment was agreed to.

The Clerk read as follows:

For engraving, printing, and binding drafts and warrants, $2,500.

Mr. WHITE, of Kentucky. Mr. Chairman, I move to amend by striking out the last word. I desire to resume the statement in which I was interrupted when last on the floor. During the fiscal year ending June 30, 1883, there were 2,139 postmasters of the first, second, and third classes, receiving compensation amounting to $10,315,394.96—an average of $4,710.16. And to this aggregate compensation there should be added about $7,000,000 for expenses. Postmasters of the fourth class numbered 45,717, receiving compensation aggregating $2,006,568.31—an average of $175.56. The postmasters of the second and third classes collected revenue amounting to $33,535,253.95, while those of the fourth class collected $11,614,746.05.

Mr. Chairman, I hope that I have shown to the committee—— [Cries of "Vote!" "vote!"] Mr. Chairman, I call for order. I have been trying to show to the Democratic side of the House that they are in no state of mind to hear argument. What they need is stimulation. [Laughter.] What they require is something to strengthen their nerves. [Cries of "Vote!" "Vote!"] Mr. Chairman, I do not propose to proceed without order.

The CHAIRMAN. The Chair appeals to gentlemen to preserve order.

Mr. WHITE, of Kentucky. I want to call attention to another matter. I find by section 739 of the postal laws and regulations for 1879——

Mr. VALENTINE. I hope we may have order so that the remarks of the gentleman from Kentucky may be heard.

The CHAIRMAN. The Chair trusts that order will be preserved so that the business of the Committee of the Whole may proceed.

Mr. WHITE, of Kentucky. I hope this confusion will not come out of my time. [Laughter.]

Mr. HORR. It is utterly impossible for gentlemen on the other side of the House to hear the gentleman from Kentucky.

Mr. WHITE, of Kentucky. Mr. Chairman, I am satisfied that if those gentlemen on the other side had had their dinners they could listen with patience.

Under the section to which I have referred the railroad companies are required to take the mails from and deliver them to terminal post-offices and all intermediate post-offices located not over eighty rods from the line of the road. But do we not know that these railroad companies do not do this? They have deliberately gone to work in scores of cases, and it is a part of their business, to have their surveyors locate every one of those post-offices——

[Here the hammer fell.]

Mr. VALENTINE obtained the floor and said: I yield my time to the gentleman from Kentucky [Mr. WHITE].

Mr. TOWNSHEND. I wish to know whether the gentleman from Nebraska can yield his time to the gentleman from Kentucky as he proposes? They are both on the same side.

Mr. WHITE, of Kentucky. I hope the gentleman from Illinois will learn some manners. [Laughter.]

The CHAIRMAN. The gentleman from Nebraska can take the floor and yield his time, provided he is recognized as entitled to the floor. Under the rule, unless the amendment of the gentleman from Kentucky is withdrawn, the Chair must recognize some gentleman in opposition.

Mr. VALENTINE. I desire to yield my time to the gentleman from Kentucky, and I want to know if it is the ruling of the Chair at this late hour that I can not take the floor and yield to him.

The CHAIRMAN. It is perfectly competent for the gentleman to reach his purpose by making a *pro forma* amendment. The rule is that an amendment must be debated five minutes on either side. The Chair does not think it would be proper, however, to entertain a *pro forma* amendment while there is one pending.

Mr. WHITE, of Kentucky. Then I withdraw the *pro forma* amendment.

Mr. VALENTINE. I move to strike out the last two words, and yield my time to the gentleman from Kentucky.

The CHAIRMAN. That is perfectly competent.

Mr. WHITE, of Kentucky. I thank the gentleman from Nebraska. I was about to call the attention of the committee to a clause in the postal laws; and I want to say furthermore that the committee has already made a specific appropriation to pay for the mail-messenger service which is in the future to be put on these routes between the terminal points or between the roads and the post-offices adjacent to them. In other words, we make an appropriation to relieve the railroad companies of that which they are required to do by the regulations.

Mr. BINGHAM. Does not the gentleman from Kentucky know that there is no law on the statute-books that requires the railroad corporations to deliver the mails in the manner he suggests? [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from Kentucky is entitled to the floor, and the Chair hopes he will not be further interrupted.

Mr. WHITE, of Kentucky. I hope that this will not come out of my time. I shall answer the gentleman. But there are some gentlemen over on the other side who do not desire this discussion to proceed and could not hear his question. I am aware that the whisky bill wants to come up directly. You had just as well have adjourned an hour ago; you are not going to get that up. [Laughter.] Now, in answering the gentleman from Pennsylvania I will say to him that I am perfectly well aware of the fact that there is no such law on the statute-books; but I ask him this question: Will he deny that there is a regulation to that effect?

Mr. BINGHAM. That is a different question.

Mr. WHITE, of Kentucky. Does not that regulation of the Department have the effect of law?

Mr. BINGHAM. It does not.

Mr. WHITE, of Kentucky. That is the opinion of the gentleman.

Mr. BINGHAM. It has the effect of law upon the Post-Office officials and not upon the people who carry the mails under a general statute.

Mr. WHITE, of Kentucky. The gentleman is helping me out. He contends that you have done for the railroad companies what they had a right to before.

Now let me read the law:

> Railroad companies are required to take the mails from and deliver them into the terminal post-offices and to all intermediate post-offices located not over eighty rods from the line of road, and the distances from the terminal depots to the post-offices where the railroad companies deliver the mails are paid for by the Department as a part of the length of the road.

Will the gentleman from Pennsylvania get up and say that there is no "law" in view of that regulation? Here is the postal regulations, which have all the force and effect of law; and what I want to show is that this bill relieves the railroad companies and not the employés.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. COBB. I move to strike out the three last words, and will yield my time to the gentleman from Kentucky. [Laughter.]

Mr. WHITE, of Kentucky. I thank the gentleman from Indiana. I knew, sir, that he would be with me on this proposition against the railroads. [Laughter.] If there is anything in the world that the railroads want that the gentleman from Indiana is not opposed to I do not know what it is. [Laughter.] I go this far, however, against the railroads, that when they take a mail contract it is their duty to perform the service just as honestly as it is that of the man who proposes to carry the mails on a horse or stage-coach or on a steamboat. But under this bill, as I have said, you propose to relieve the railroads. I now, Mr. Chairman, ask a vote on the amendments.

The CHAIRMAN. There are two *pro forma* amendments pending which would be first voted upon unless they are withdrawn.

Mr. COBB. I withdraw mine.

Mr. VALENTINE. I withdraw the *pro forma* amendment.

The Clerk resumed the reading of the bill and read the second section, as follows:

> SEC. 2. That section 4002 of the Revised Statutes of the United States be, and the same is hereby, amended as follows: In line 21 of said section strike out the word "less" and in lieu thereof insert the word "more."

Mr. TOWNSHEND. I now move that the committee rise. I think there is nothing now left in the bill that will give rise to debate.

Mr. CANNON. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. If a motion is not now made to strike out section 2 will it be in order when the committee resumes the consideration of the bill to make such a motion? If necessary I will enter that motion now, and will then yield to the gentleman from Illinois [Mr. TOWNSHEND] for the motion that the committee rise.

Mr. HISCOCK. I have not examined closely the provisions of this section, and desire to reserve points of order.

Mr. TOWNSHEND. Then the gentleman from Illinois [Mr. CANNON] can not enter his motion.

Mr. HISCOCK. But the point of order can be reserved.

Mr. TOWNSHEND. If there is any point of order to be made I hope it will be made now and decided.

The CHAIRMAN. If there is any point of order to be made the gentleman from Illinois [Mr. TOWNSHEND] insists that it shall be made at this time. The gentleman has the right to do so.

Mr. HISCOCK. Let it go over until Monday.

The CHAIRMAN. The Chair desires to know whether or not consent is given that points of order on this section are reserved until the committee resumes its sitting.

Mr. TOWNSHEND. I am willing to agree to that.

Mr. BINGHAM. And the right, of course, to offer amendments.

The CHAIRMAN. Of course.

The motion that the committee rise was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 5459) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1885, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. WELLER. I move that the House do now adjourn.

Mr. HENLEY. I desire to submit a privileged report. [Cries of "Regular order!"]

Mr. WELLER. I withdraw the motion to adjourn for the present.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from California [Mr. HENLEY] to submit a privileged report, the motion to adjourn having been withdrawn.

FORFEITURE OF RAILROAD LAND GRANTS.

Mr. HENLEY, from the Committee on the Public Lands, reported a bill (H. R. 5897) to declare forfeited certain land grants to aid in the construction of a railroad from the Central Pacific Railroad in California to Portland, in Oregon; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. OATES. I desire to submit the views of the minority, including an amendment to the bill, and desire to have them printed with the report of the majority.

There was no objection, and it was so ordered.

SEMINOLE INDIAN LANDS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Interior, in answer to a resolution of the House of Representatives of March 8, 1884, transmitting report of Acting Commissioner of the General Land Office in regard to survey of lands purchased of the Seminole Indians; which was referred to the Committee on the Public Lands.

TIMBER DEPREDATIONS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, transmitting a copy of a letter from the Acting Commissioner of the General Land Office asking appropriation to supply deficiencies in the appropriations for depredations on public timber and for salaries and commissions of registers and receivers for 1884 of $8,500 and $2,700 respectively; which was referred to the Committee on Appropriations, and ordered to be printed.

MISSISSIPPI RIVER FLOODS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, in response to a resolution of the House of Representatives adopted March 5, 1884, requesting him to furnish the House from time to time with information of the progress of the floods in the valley of the Mississippi, and to report if at any time in his judgment there exists such suffering in consequence of such floods as to justify measures of relief by Congress; which was referred to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ADAMS, of New York, for one day;

To Mr. EVINS, of South Carolina, for ten days, on account of sickness in his family; and

To Mr. HOBLITZELL, for the remainder of this day, on account of sickness.

ORDER OF BUSINESS.

Mr. BROWN, of Pennsylvania. I move that the House do now adjourn.

The question being taken,

The SPEAKER *pro tempore* stated that the "ayes" appeared to have it.

Mr. HATCH, of Missouri. I demand a division. I have here a com-

munication from the Secretary of the Treasury which I desire to have printed.

The House divided; and there were—ayes 41, noes 36.

So the motion was agreed to; and accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAGLEY: Petition of Betsey Crandall, for increase of pension—to the Committee on Pensions.

By Mr. W. W. CULBERTSON: Petition of B. T. Hayden and others, praying for pay for an independent company's service in Bath County, Kentucky—to the Committee on War Claims.

By Mr. CULLEN: Petition of members of the Grand Army of the Republic, of Ottawa, Ill., against any change in the law establishing pension agencies, and for the continuance of such agencies as they now exist—to the Committee on Invalid Pensions.

By Mr. EVERHART: Petition and protest of proprietors and employés of Yeadon Mills, Chester, Pa.—to the Committee on Ways and Means.

Also, petition and protest of proprietors and employés of the Irving and Lieper Manufacturing Company, of Chester, Pa.—to the same committee.

Also, petition and protest of the proprietors and employés of the Griswold Worsted and Silk Company (limited) of Darby, Delaware County, Pennsylvania—to the same committee.

By Mr. FERRELL: Petition of citizens of Bridgeton, N. J., asking legislation on the restriction of Chinese immigration—to the Committee on Foreign Affairs.

By Mr. HALSELL: Papers relating to the claim of Salmons, Wooten & Co., for compensation for property taken and used by the United States Army during the late rebellion—to the Committee on War Claims.

By Mr. HANBACK: Petition of members of the bar of Kansas, asking for increase of salary to judges of district and circuit courts—to the Committee on the Judiciary.

Also, papers relating to H. R. 3191—to the Committee on War Claims.

By Mr. D. B. HENDERSON: Joint resolution of the Legislature of Iowa, asking legislation for the suppression of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. HEPBURN: Memorial and joint resolution of the General Assembly of the State of Iowa, relating to the prevention and suppression of pleuro-pneumonia in neat cattle—to the same committee.

By Mr. KASSON: Petition of Post No. 17, Grand Army of the Republic, Department of Iowa, for passage of an act granting one hundred and sixty acres of land to all honorably discharged soldiers of the United States—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. KLEINER: Petition of C. C. Mason Post, No. 235, Grand Army of the Republic, of Grand View, Ind., asking for bounty, back pay, and land-warrants—to the same committee.

Also, paper relating to the bill to grant a pension to John Coombes—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of C. V. R. Pond and 45 others, citizens of Quincy, Mich., in favor of the establishment of a branch of the National Home for Disabled Volunteer Soldiers in the State of Michigan—to the Committee on Military Affairs.

By Mr. MORSE: Petition protesting against the present coinage of the silver dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. MURPHY: Petition of Michael Murphy and others, citizens of Muscatine, Iowa, asking an appropriation for the employment of sufficient clerical assistance to enable the early payment of claims for rebate of tobacco tax—to the Committee on Appropriations.

Also, petitions of citizens of Delmar Junction and of Maquoketa, in the State of Iowa, for the amendment of the Chinese restriction act—severally to the Committee on Foreign Affairs.

Also, memorial and joint resolution of the General Assembly of Iowa, asking for legislation to prevent and suppress pleuro-pneumonia in neat cattle—to the Committee on Agriculture.

Also, joint resolution of the General Assembly of Iowa, requesting the enactment of a law providing that judgments in the Federal courts shall not be a lien upon the property in any other counties than those in which such judgments may be recovered unless a transcript shall be filed in the county where it is sought to make such judgments liens—to the Committee on the Judiciary.

Also, joint resolution of the Iowa General Assembly, requesting legislation to regulate and control the transportation of freight and passengers on all lines of railroads in the United States engaged in interstate commerce—to the Committee on Commerce.

By Mr. PETERS: Petition of members of the bar of Sumner County, Kansas, asking for increase of salaries for United States judges—to the Committee on the Judiciary.

Also, petition, of similar import, of members of the bar and others of Pawnee County, Kansas—to the same committee.

Also, petition, of similar import, of members of the bar and others of Wyandotte County, Kansas—to the same committee.

By Mr. OSSIAN RAY: Papers relating to the claim of Lieut. Col. James C. Duane—to the Committee on Claims.

By Mr. REED, petition of 200 firms, ship-owners, ship-masters, and pilots, and others interested, praying for the restoration of Portland Head light—to the Committee on Appropriations.

Also, petition, of similar import, of 28 fishermen and ship-owners of Peak's Island, Maine—to the same committee.

Also, petition, of similar import, of 25 ship-owners of Saco, Me.—to the same committee.

Also, petition, of similar import, of 55 ship owners and masters of Millbridge, Me.—to the same committee.

Also, petition, of similar import, of 22 ship owners and masters of Castine, Me.—to the same committee.

Also, petition, of similar import, of 39 ship-masters and ship-owners of Eastport and Lubec, Me.—to the same committee.

Also, petition, of similar import, of 56 ship-owners, &c., of Kennebunkport, Me.—to the same committee.

Also, petition, of similar import, of 111 ship-owners, &c., of Bath, Me.—to the same committee.

Also, petition, of similar import, of 40 ship-owners, &c., of Bangor, Me.—to the same committee.

Also, petition, of similar import, of ship-owners, &c., of Rockland, Me.—to the same committee.

Also, petition, of similar import, of 55 ship-owners, &c., of Booth Bay, Me.—to the same committee.

By Mr. STONE: Petition of mayor of Salem, Mass., for improvement of harbor—to the Committee on Rivers and Harbors.

By Mr. TILLMAN: Memorial of sundry citizens of South Carolina, praying for an additional appropriation to complete the improvement of the Big Salkehatchie River—to the same committee.

By Mr. WASHBURN: Petition of 437 citizens of Minnesota, for a constitutional amendment prohibiting disfranchisement of United States citizens on account of sex—to the Committee on the Judiciary.

By Mr. MILO WHITE: Petition of Mrs. L. Mary Wheeler and others, citizens of Minnesota, 95 women and 94 men, for a sixteenth amendment—to the same committee.

Also, petition of Mrs. Mary E. Campbell and others, citizens of Minnesota, 144 women and 129 men, for a sixteenth amendment—to the same committee.

By Mr. WILLIS: Resolutions of George H. Thomas Post, No. 6, Grand Army of the Republic, of Louisville, Ky., protesting against changing the present method of paying pensions—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *March* 17, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States; which was read, and, with the accompanying report, referred to the Committee on Appropriations, and ordered to be printed, as follows:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of War, of the 12th instant, and accompanying papers, requesting an appropriation of $230,869.44 for the erection at the Presidio of San Francisco of additional buildings at headquarters military division of the Pacific, rendered necessary in consequence of the proposed increase of the garrison by removal of troops from points in San Francisco Harbor.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 14, 1884.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with the provisions of section 194 of the Revised Statutes of the United States, a list embracing the names of the clerks and other persons employed in the several bureaus in that Department during the calendar year ended December 31, 1883, and showing the time each was actually employed, and the sums paid to each.

The PRESIDENT *pro tempore*. The letter will be printed if there be no objection, and with the accompanying list—the Chair does not feel authorized to direct the printing of the names of these persons—be referred to the Committee on Finance. If the committee think it desirable to print the list, they can report accordingly.

He also laid before the Senate a communication from the Secretary of War, transmitting report of the Chief of Engineers, submitting a report from Maj. W. R. King of the results of surveys made to ascertain the cost of placing locks and dams on the Cumberland River from Nashville, Tenn., to the Cincinnati Southern Railroad in Kentucky, made in compliance with the requirements of the river and harbor act of August 2, 1882; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a report from the Chief of Engineers, submitting a report from Maj. A. N. Damrell of the results of a survey of the harbor at Cedar Keys, Fla., and of the shoal between Dauphin Island and Cedar Point, Ala., made with a view to the improvement of navigation between the waters of Mobile Bay and other places on the Gulf of Mexico, to comply with the requirements of the river and harbor act of August 2, 1882; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 14th ultimo, a letter of the Acting Commissioner of the General Land Office, with copies of the principal reports and correspondence on file in his office upon the subject of the unauthorized fencing of the public lands; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SAWYER presented resolutions of the Chamber of Commerce of Milwaukee, Wis., in favor of repealing the law authorizing the coinage of silver dollars; which were referred to the Committee on Finance.

Mr. ALLISON presented a joint resolution of the General Assembly of Iowa; which was read, and referred to the Committee on Agriculture and Forestry, as follows:

[Joint resolution No. 7.]

Memorial and joint resolution of the General Assembly of the State of Iowa, relating to the prevention and suppression of pleuro-pneumonia in neat cattle.

Whereas the disease in neat cattle known as pleuro-pneumonia or lung-plague has been shown by the experience of foreign nations to be a virulent poison of the most contagious character; and

Whereas it has destroyed the business of cattle production and desolated the cattle interests in Australia, the Cape of Good Hope, and other British possessions, as well as in many European nations from which it has not been excluded by the most stringent police regulations; and

Whereas this disease is known to have gained a foothold in several of the States east of the Alleghany Mountains, and to-day threatens, through the commerce in cattle between the Eastern and Western States, not only the cattle ranges of the Western Territories, but the millions of capital involved in the stock business of the West: Therefore,

Resolved, That our Senators in Congress be instructed and our Representatives in Congress be requested to do their utmost to secure legislation to prevent and supress pleuro-pneumonia in neat cattle in the United States, and especially to prevent its spreading from districts now infected to the cattle-producing fields and ranges of the West.

Resolved, That the secretary of state be requested to furnish a copy of this memorial to each of the Senators and Representatives of the State of Iowa.

Approved March 6, 1884.

I hereby certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State by me affixed.

[SEAL.] JAS. HULL, *Secretary of State.*

Mr. CAMERON, of Wisconsin, presented resolutions adopted by the Chamber of Commerce of the city of Milwaukee, Wis., in favor of the passage of the pending bill to promote the efficiency of the Revenue-Marine Service; which were referred to the Committee on Commerce.

Mr. MILLER, of California. I present a petition of the Citizens' Association of Sacramento, praying Congress to instruct the Secretary of War to expend the $250,000 already appropriated for the improvement of the Sacramento and Feather Rivers, California. I desire to ask the attention of the chairman of the Committee on Commerce to this petition, and I would suggest, as it is a matter of considerable importance, that it would be well perhaps for the committee to confer with the Secretary of War and to know his reasons for not expending the sum which has already been appropriated. I merely make that suggestion. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. DAWES presented the petition of B. G. Boardman, George D. Dodd, Henry J. Lazor, and others, merchants and representatives of varied commercial interests in the city of Boston, Mass., representing the alarming condition and extent of the coinage of silver at the present time, and praying for the repeal of the law in relation thereto; which was referred to the Committee on Finance.

Mr. McMILLAN presented a petition of Warin A. Sutherland, M. E. Collins, Mrs. E. D. Chapman, Mrs. E. R. Brace, A. B. Gordon, and others, 42 citizens of Minnesota, praying for the passage of a sixteenth amendment to the Constitution of the United States prohibiting the States from disfranchising citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. MILLER, of New York, presented a petition of nearly 200 citizens of Albany, N. Y., praying for the suspension of the coinage of the standard silver dollar; which was referred to the Committee on Finance.

Mr. PALMER presented the petition of Mrs. R. M. Young, Phœbe Cole, Mrs. Sarah Richardson, William Richardson, B. C. Sargent, Mrs. R. M. Kelly, and 366 others, citizens of the State of Michigan, praying for the passage of a sixteenth amendment to the Constitution of the United States prohibiting the States from disfranchising citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. GARLAND presented a petition of 700 citizens of Eureka Springs, Ark., and a petition of members of the Grand Army of the Republic, at Eureka Springs, Ark., praying for the establishment of a soldiers' home at that place; which were referred to the Committee on Military Affairs.

Mr. VEST presented resolutions of the Merchants' Exchange of Saint Louis, Mo., and of a meeting of bankers, capitalists, and others, citizens of that place, in favor of legislation extending the bonded period on whisky; which were referred to the Committee on Finance.

He also presented a petition of public officers and citizens of Jackson County, Missouri, praying that a pension be granted by act of Congress to Robert Baxter, an ex-Union soldier; which was referred to the Committee on Pensions.

He also presented a petition of Samuel A. Ballard, of Gentry County, Missouri, praying for legislation extending the time for filing claims for arrears of pensions; which was referred to the Committee on Pensions.

Mr. VOORHEES presented a petition of William H. Corbaley and 64 other ex-Union soldiers of Indiana, praying for the equalization of their bounties and other measures of relief; which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by the Charles W. Heath Post, No. 109, Grand Army of the Republic, of East Enterprise, Switzerland County, Indiana, and resolutions adopted by the George W. Rader Post, No. 119, Grand Army of the Republic, of Middletown, Ind., in favor of the equalization of the bounties of the soldiers of the late war and other measures for their relief; which were referred to the Committee on Military Affairs.

Mr. MANDERSON presented the petition of Mary A. Kendall, Mattie J. Campbell, Laura H. Lewis, F. F. Campbell, and others, 78 citizens of Arlington, Nebr., praying for the adoption of a sixteenth amendment to the Constitution of the United States prohibiting the States from disfranchising citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. BLAIR presented the petition of George Tilden and other citizens of Keene, N. H., praying an appropriation for education in Alaska; which was referred to the Committee on Education and Labor.

Mr. CONGER. I present the petition of Mary A. Darling, of Vicksburg, Mich., praying for the adoption of a sixteenth amendment to the Constitution of the United States prohibiting the States from disfranchising citizens on account of sex. This petition is from a lady of Michigan who represents the views of a considerable number of my constituents on this subject. I move that it be referred to the Select Committee on Woman Suffrage, and ask that it may have early consideration.

The motion was agreed to.

Mr. COCKRELL presented the petition of Virginia L. Minor, Fannie M. Bagby, E. S. Fish, Rev. Joseph H. Foy, Dr. H. Tyler Wilcox, Dr. M. Adelaide Greennan, Dr. E. U. Scott, J. B. Merwin, Margaret A. Merwin, Mrs. E. P. Johnson, and 310 other citizens of Saint Louis, Mo., praying for the adoption of a sixteenth amendment to the Constitution of the United States prohibiting the States from disfranchising citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. BROWN. I present resolutions unanimously adopted by the Georgia State Agricultural Society. At its late session at Savannah the society resolved unanimously:

That this convention of delegates, representing the agricultural associations of the State of Georgia, with an earnest desire to elevate the pursuit of agriculture on a full and recognized equality in civil and political character with any and all honorable callings and professions of high order, do hereby most respectfully and earnestly petition Congress, now in session, to take such action as may be necessary to place the Department of Agriculture on an equal footing with each and all of the Executive Departments of the Government.

I move that the resolution be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HOAR. I am directed by the Committee on Claims, to whom was referred the bill (S. 214) for the relief of Maria E. Warfield, to report adversely thereon, and I ask that the bill be indefinitely postponed.

Mr. BECK. I should like to have that bill placed on the Calendar.

The PRESIDENT *pro tempore*. It will be placed on the Calendar, objection being made to its indefinite postponement.

Mr. VEST. Let the bill go on the Calendar.

Mr. BECK. I made a mistake. I thought I introduced the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 663) to pay to Julia A. Nutt, widow and executrix of Haller Nutt, deceased, the amount of money reported by the Quartermaster-General to be due her, submitted a report thereon, accompanied by a bill (S. 1851) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased; which was read twice by its title.

Mr. HOAR. I am directed by the Committee on the Judiciary, to which were committed sundry bills raising and readjusting the salaries of the judges of the United States district courts and sundry petitions and communications in regard to the same subject, to report an original bill.

The bill (S. 1852) fixing salaries of the several judges of the United States district courts at $5,000 per annum was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. HOAR. I desire to say before the bill is disposed of that from a large majority of the judicial districts of the United States there have been petitions and letters and other communications, addressed either to the Senate or to individual Senators, in regard to the matter of the judges' salaries. In the last Congress the Judiciary Committee caused letters to be addressed to the various judges in the United States, with a view of learning the amount of business, the number of cases, and the number of days occupied by the judges in their several courts; and when that information came back the committee reported a bill which was based on the theory of raising to $5,000 the salaries of those judges who seemed to be occupied in the labors of their office substantially the whole year and leaving untouched nearly or quite all the others. In one or two instances there was an increase of salary proposed from $3,500 to $4,000. The present salaries are all at the rate of $3,500 or $4,000 a year, with the exception of the district judge in California, who receives $5,000 a year. The judge of the southern district of New York, where there is a vast admiralty jurisdiction, where if there should be a war the prize jurisdiction would be chiefly exercised, and the judge in Boston and in Philadelphia and in New Orleans each receives only the sum of $4,000 a year.

The committee, having reported a bill on the principle which I have stated, receive from a good many districts from which no information had come additional information, and it turns out that in certainly thirty-four of the fifty judicial districts of the United States the judges employ substantially the whole year and in a great many of them the assistance of judges of other districts is imperatively required. There are two or three districts in regard to which the committee have not information which would justify them in declaring that the judges are occupying their whole year; still from those districts there comes a pressure for an increase. So there are only about thirteen or fourteen districts which do not seem to require on the principle stated the increase of salary to $5,000. Now, in regard to those districts it is urged with great force on the part of the judge that he is liable at any time to have cases of great magnitude, interest, and intricacy, requiring the same judicial capacity and independence, weight, confidence in the community toward the judge which is required in those districts where the judges employ the whole year, and these judges are also under the law liable to be called upon to go to other districts to aid judges who are fully employed all the year round and who are not able to dispose of their business themselves.

Then in addition to that the district judge is always expected to engage in no other business. Of course he can not practice law; and it would be considered a great impropriety for him to engage in any manufacturing, commercial, or other business; so that his life is set aside and sequestered for this particular duty.

It has seemed therefore to the committee, there being so small a number of judges now unemployed any part of the year, that it was proper to raise the salaries of all the district judges to $5,000 per annum. That is the bill which has been reported, and I understand that in another legislative body for whose determination we have great respect the Judiciary Committee have come to the same conclusion.

I thought it proper, as there was so general an interest in the subject, to make this explanatory statement at this time.

Mr. MCMILLAN. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 504) for the relief of John Silsby and others, purchasers of the "Weaver tract" lot of land in the city of Selma, State of Alabama, to report it adversely and move its indefinite postponement.

Mr. MORGAN. I ask that the bill go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 1303) to grant the right of way over the public lands of the United States to the Lost Lake and Mount Hood Improvement Company, reported it without amendment.

Mr. HILL, from the Committee on Public Lands, to whom was referred the bill (S. 1695) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians, reported it with amendments.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1543) for the relief of Wilbur F. Steele, reported it with an amendment.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 1331) making appropriation for the relief of the First National Bank of Newton, Mass., reported it with amendments, and submitted a report thereon.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. 1472) to permit the owners of certain vessels and cargoes to sue the United States in the Court of Claims, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 1076) granting to the district judge of the eastern district of Virginia specific compensation for specific services rendered by him, reported adversely thereon; and the bill was postponed indefinitely.

Mr. GARLAND. I am also directed by the Committee on the Judiciary, to whom was referred the bill (S. 1320) for the relief of Mrs. Emily Miller, to report it back adversely. I ask, in the absence of the Senator who introduced the bill [Mr. LAMAR], that it may go on the Calendar. This report is made in accordance with reports on the same matter heretofore made, but if the Senator can show any reason why the case should come out of the rule, we are willing to hear it. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. It will be placed on the Calendar with the adverse report of the committee.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. 1312) providing for two additional associate justices of the supreme court of the Territory of Dakota, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1096) for the relief of Daniel H. B. Davis, reported adversely thereon; and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 542) for the relief of John Fletcher;

A bill (S. 831) for the relief of Dr. Robert Carter; and

A bill (S. 758) for the relief of William L. Nance.

Mr. CAMERON, of Wisconsin. I am also directed by the Committee on Claims, to whom was referred the bill (S. 381) for the relief of William R. Testerman, to report it adversely.

Mr. COCKRELL. Let that be placed on the Calendar until I can examine the report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. 1397) for the relief of George Maxwell, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

He also, from the Committee on Claims, to whom was referred the bill (S. 401) for the relief of the Protestant orphan asylum of Natchez, in the State of Mississippi, reported it with an amendment, and submitted a report thereon.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 896) for the relief of Pearson C. Montgomery, of Memphis, Tenn., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 492) for the relief of Sallie Jarratt, executrix of Gregory Jarrett, deceased, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 754) in regard to the convevance and devise of real estate in the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1625) for the relief of William Bowen, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1485) to amend the laws relating to land titles in the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. INGALLS, from the Committee on the Judiciary, to whom was referred the bill (S. 1326) to compel the prosecution of proceedings in bankruptcy to a final decree, reported it with an amendment.

Mr. VAN WYCK, from the Committee on Public Lands, to whom was referred the bill (S. 1047) for the relief of Wesley Montgomery, reported it with an amendment, and submitted a report thereon.

AMENDMENTS TO THE RULES.

Mr. HARRIS. I am directed by the Committee on Rules, to whom was referred Miscellaneous Document No. 61, being a resolution to amend the rules, to report it with a recommendation that it be adopted, and I ask for its present consideration.

The Chief Clerk read the resolution, as follows:

Resolved, That the seventh rule of the Senate be amended by adding thereto the following words:

"The presiding officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate."

The PRESIDENT *pro tempore*. The Senator from Tennessee asks for the present consideration of this resolution. Is there objection? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. HARRIS. I am directed by the same committee to report back with a recommendation for its adoption the following resolution:

Resolved, That the eighth rule of the Senate be amended by adding thereto the following words:

"All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate."

I ask for the present consideration of the resolution.

The PRESIDENT *pro tempore*. Is there objection?

Mr. HOAR. I think that is an amendment to the rules. I hope it will lie over one day.

The PRESIDENT *pro tempore*. It will be placed on the Calendar.

Mr. HOAR. It is a very important matter.

Mr. HARRIS. I am directed by the same committee to report the following resolution:

Resolved, That the tenth rule of the Senate be amended by adding thereto the following words:

"And all motions to change such order shall be decided without debate."

I ask the consent of the Senate to consider at this time this resolution, if there be no objection.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. ALLISON. Why not have that go over?

Mr. HARRIS. Let the Chief Clerk read the last clause of Rule X and then read the amendment made by the resolution.

The PRESIDENT *pro tempore*. Is there objection?

Mr. COCKRELL. Let it be reported first.

The PRESIDENT *pro tempore*. It will be read for information.

The CHIEF CLERK. If amended as proposed the last clause of Rule X would read:

2. When two or more special orders have been made for the same time they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate; and all motions to change such order shall be decided without debate.

Mr. HOAR. I understand that one of the proposed changes in the rules was agreed to without debate.

The PRESIDENT *pro tempore*. The one in reference to laying papers from the President or the other House before the Senate at any particular time was agreed to.

Mr. HOAR. I should like to have them all go over one day. I have no doubt they are all right, but there may be some addition suggested.

The PRESIDENT *pro tempore*. This resolution will go over. Does the Senator from Massachusetts move to reconsider the vote agreeing to the first resolution?

Mr. HOAR. No; I can make the motion to-morrow if it is necessary.

BILLS INTRODUCED.

Mr. BECK introduced a bill (S. 1853) to consolidate the present collection districts in the United States, and for other purposes; which was read twice by its title.

Mr. BECK. I desire to say a word in relation to this bill, to carry out what was recommended by the Secretary of the Treasury in his last annual report. After a careful examination of that report, and after consultation with the chairman of the Committee on Commerce, the Senator from Minnesota [Mr. MCMILLAN], and also the chairman of the Committee on Appropriations, the Senator from Iowa [Mr. ALLISON], the Department was sent to for information as to the best mode of accomplishing the object. A proper officer was sent by the Secretary, and after a good deal of examination by the Senator from Iowa and myself we determined to ask the Department to draw such a bill as was thought competent to accomplish the purpose. The Senator from Minnesota, the chairman of the Committee on Commerce, believed that all such bills went to his committee. We thought so too. All I desire to say now is, and I am requested to say that by the chairman of the Committee on Appropriations, that we hope prompt action will be had by the Committee on Commerce in regard to the bill, because until some law is passed, if it is thought best to pass any, nothing can be done by the Committee on Appropriations to provide for the changes here made until the districts are fixed by the Committee on Commerce.

I move the reference of the bill to the Committee on Commerce. It has been prepared at the Treasury Department, as I have stated.

The motion was agreed to.

Mr. PLUMB introduced a bill (S. 1854) granting a pension to William D. Esley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1855) granting a pension to John F. Hickey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 1856) for the relief of Francis J. Wheeler, assignee of William Schafnagle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. INGALLS introduced a bill (S. 1857) appropriating one mounted brass field gun to the city of Wyandotte, Kans., in lieu of one taken by the United States Government in the year 1861; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BLAIR introduced a bill (S. 1858) to increase the pension of Henrietta A. Lewis, widow of Capt. Robert F. R. Lewis, United States Navy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 1859) granting a pension to Clarinda S. Hillman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 1860) for the relief of Richard Phœnix; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. ALLISON introduced a bill (S. 1861) for the relief of the Atlantic Alcohol Company, of Atlantic, State of Iowa; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 1862) for the relief of the heirs of John W. West; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CAMERON, of Wisconsin, introduced a bill (S. 1863) for the relief of Robert C. Murphy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the bill (H. R. 7314) making appropriations for the naval service for the fiscal year ending June 30, 1884, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

CREDENTIALS.

Mr. WILLIAMS presented the credentials of JOSEPH C. S. BLACKBURN, chosen by the Legislature of Kentucky a Senator from that State for the term beginning March 4, 1885; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 433) to increase the pension of Simpson Harris;

A bill (H. R. 439) granting a pension to Bridget Sherlock;

A bill (H. R. 759) granting a pension to Patrick Droney;

A bill (H. R. 3663) granting a pension to John T. Marshall;

A bill (H. R. 3681) granting a pension to William L. Sloan;

A bill (H. R. 3737) granting a pension to Ann McLaughlin;

A bill (H. R. 3838) granting a pension to Theodore C. Hawkins;

A bill (H. R. 4164) for the relief of Ellen Morgan;

A bill (H. R. 4188) granting a pension to William W. Day;

A bill (H. R. 4431) granting a pension to Leroy C. Rankin;

A bill (H. R. 825) granting a pension to William J. Barker;

A bill (H. R. 1389) for the relief of Myron E. Dunlap;

A bill (H. R. 1756) granting a pension to George Overmire;

A bill (H. R. 2136) granting an increase of pension to Merlin C. Harris;

A bill (H. R. 2252) for the relief of Christopher P. Davidson;

A bill (H. R. 2267) granting an increase of pension to Samuel C. Wright;

A bill (H. R. 3238) granting a pension to Mrs. Ellen M Flagg;

A bill (H. R. 4697) for the relief of Rudolph John Martí;

A bill (H. R. 4717) for the relief of John Swearer;

A bill (H. R. 4718) for the relief of Caroline Sheward;

A bill (H. R. 4981) granting a pension to Isabella I. Ramsdell;

A bill (H. R. 5257) repealing an act entitled "An act for the relief of William McKean;" and

A bill (H. R. 5258) granting a pension to Thomas Cheshire.

UNDISPOSED OF PENSION CLAIMS.

Mr. HOAR. I ask for the present consideration of the following resolution:

Resolved, That the Secretary of the Interior be directed to report to the Senate the names of all pending applications for pensions in which the original applications have been pending for more than two years, with the condition of the same, and reasons why the same have not been finally disposed of.

Mr. INGALLS. I think that had better lie over until to-morrow.

The PRESIDENT *pro tempore*. The resolution will lie over.

Mr. HAWLEY. Will the Senator who offered that resolution have it referred to the Committee on Pensions? I should like to hear their opinion on the subject.

The PRESIDENT *pro tempore*. The resolution will come up to-morrow, objection being made to its consideration to-day.

Mr. HAWLEY. I will make the suggestion to-morrow.

Mr. INGALLS. I withdraw the objection if it is desired to refer the resolution.

Mr. HOAR. It seems to me the resolution might as well be dealt with at one time as another. I suppose there is no member of the Senate, and probably but few members of the House, whose mail is not filled—I have sometimes half a dozen or a dozen a day—with applications for information in regard to the condition of old pension claims. We have relieved that somewhat; but still the applications come. A man says, "I filed my application ten years ago and I have not heard of it for three years," or "I did what I was directed by the office to do two years ago, and since then I have heard nothing;" and so on.

I know this will be a matter of some cost to the Department, but not a great deal. It seems to me that there should be made this list of pending applications, all those which are more than two years old. The statement simply "awaiting further evidence," or whatever brief statement the Commissioner will find necessary to convey to us why the matter is not disposed of, will give great relief to the Senate, great relief to the Department, and great relief to the pension applicants. If the

Senator from Connecticut will see that his committee deals with it at once——

Mr. HAWLEY. I am not upon the Committee on Pensions.

Mr. HOAR. Or if any member of the Pension Committee will attend to it, I have no objection to the reference.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. HARRIS. I should like to ask the Senator from Massachusetts if in his opinion it would not be well to refer the resolution to the Committee on Pensions in order that that committee may inquire and ascertain at least an approximate estimate of the amount of clerical labor that would be involved in answering his resolution, in order that we may determine whether or not we can better afford the inconvenience of the inquiries he suggests than to require that report to be made by the Pension Office.

Mr. HOAR. I have no objection to that fact being ascertained and inquired into if any Senator thinks best. In my judgment it is not at all necessary to do that, because every Senator must know there is some limit to the expense. But it makes no difference what the expense is; it would be cheap at $50,000, and it certainly can not cost $5,000 to have this thing done. Then all the applicants for pensions whose applications are more than two years pending will know the condition of their particular claim by sending to us and getting a copy of this document, and a Senator can at once answer by looking at the document. If it were to cost $25,000 the salutary effect and relief to the Senate and relief to the pension claimants would be very great.

There are few things in this world more tragical than the history of these pension cases. There is not any tragedy which can be put upon the stage which ought to move the feelings of a right-minded man, and especially of an American legislator, like the stories which come to us day after day and week after week and month after month and year after year, of the hope deferred, of the poverty, the sorrow, the agony of those men and the widows and orphans of the men who have given their life and health and strength and the best part of their manhood to the safety of this country.

We have done something to relieve this pressure in the Pension Office, but it still continues, and it is a reproach and disgrace to American legislation and American administration that it does continue. I impute no fault to the Commissioner of Pensions or to the Secretary of the Interior; but whether this cost $50, or $50,000, or a million dollars, it ought to be done, in my judgment. If any Senator thinks he will be prepared to vote more intelligently by knowing whether it will cost $5,000 or $7,500, I make no objection to the reference.

Mr. HARRIS. For one I would prefer the resolution going to the Committee on Pensions and being investigated by that committee, but I shall make no motion if the Senator who moves the resolution prefers that it should not be referred.

Mr. SHERMAN. I think it had better be referred.

Mr. BLAIR. What the Senator from Massachusetts says is very true that this is a subject of national disgrace and it is in fact and emphatically a system of prolonged murder inflicted by the nation by a process of slow starvation upon these people. That is very true; but the resolution which he has introduced here calling on the Pension Office for an account of the status of all the claims filed more than two years ago will I think delay the adjudication and adjustment of the pending cases. The resolution must cover at least two-thirds, probably three-fourths, of the pending cases—225,000 or 250,000 cases at least. It would I was about to say prevent the adjudication of existing cases by a delay of several months, in my belief.

I think if the Senator has observed the replies which the Pension Bureau makes to the letters of inquiry which are so touching and to which he alludes, he will have seen that very considerable time is necessarily expended in reviewing the condition of each case and writing with that precision which is necessary if any good is to be done its exact condition. It is no use for us to send out in a big book that can be published probably in the course of a year a general statement of the condition of these cases, because nothing is of any service to anybody unless it gives to each specific applicant concerned that sort of information which will enable him to remedy the deficiencies of testimony which delay his case; that is, so far as the applicant is concerned. But then there is the amount of labor that would be imposed on the office. I think it would employ their entire clerical force for three months to prepare this information if it was to amount to anything, and it could not be circulated throughout the country in less than six months or a year beyond that.

But, Mr. President, the real trouble is in our legislation and in the provision which we have made for the adjudication of pension claims. Some years ago an effort was made in the Senate to radically change the method of investigation, which becomes more and more indispensable if we are ever to perform this duty as time wears on, in the kind of evidence which we rely upon and in the methods of its collection and consideration. In the adjudication upon questions of fact as they arise there is so much that is radically wrong, so contrary to the spirit of the common law and to those great principles which are applicable everywhere to the just investigation of questions of fact, that for my own part I have no patience whatever with the system.

Those who are charged with the administration of this system are able men. The *personnel* of the office is of a very superior quality. It is, as I think, indefatigable in its labors. There is no more competent gentleman in the country than the one who is now at the head of this bureau. He and his assistants do the uttermost that can be done with the system which they administer and with the difficulties which they encounter and with the amount of help which is provided. In order to relieve the Senator and other Senators from these piteous appeals, in order to do half justice to those who have legal claims under the pension laws against this Government, it would be necessary with the existing system to at least treble the force, and then thousands of these people would die from the effects of pain, starvation, and disease before their cases would be adjudicated. The resolution that is before the Senate, however, would make everything worse, if we adopt it and call upon the existing Pension Office force to comply with the request or demand of the Senate.

I do not believe there is any advantage in sending it to the Pension Committee for consideration, because the difficulties are patent to one who knows anything whatever about the system. But as it is suggested, I have no objection to the reference. As a member of the committee I think we might as well act on it at the present time.

Mr. DAWES. I have no doubt we have all experienced the trouble alluded to by my colleague and are all disposed like him to do what we can to meet the demand upon us by impatient and wearied applicants for pensions; but I think the great difficulty in which these applicants find themselves arises from the existence of claim agents about the city of Washington, who have gathered the applications by the thousands into their control, thousands and thousands. There are offices in this city that employ dozens of clerks and occupy large suites of rooms. They have sent out circulars all over the country to applicants for pensions or to those who thought possibly they might have a claim for pension, and have gathered them in and got control of more than they can manage, more than they can look after, and they have disappointed the applicants by the necessity which is upon them to put them off with general statements until at last they send out printed circulars to them telling them to call upon their member of Congress and ask him to go personally to the office or make personal application in some way, and intimate to them that the member of Congress can not decline their application. Thus they roll the work which they have assumed and for which they have received the legal fee upon the member of Congress, and the member of Congress is very glad to do it, and would be very much more willing to do it if he had been permitted to do it from the beginning. But the applicant has been led along by these generalities and professions of interest in his case into complex and conflicting and embarrassing statements of his claim, until the agent here, overwhelmed with his work, finds himself arraigned in the district court or before the Secretary of the Interior for malfeasance or negligence, and his work comes upon the member of Congress.

I do not know how practicable this measure of my colleague is, but I wish we could condense if not obliterate this system of claim agencies here in the city, and let the applicants for pensions, as those who have just and proper claims to press, understand and realize that they have a right to claim that their member of Congress can attend to such matters better for them than any claim agent who advertises for their patronage.

Mr. SAULSBURY. Mr. President, I do not see that the resolution of the Senator from Massachusettes [Mr. HOAR] will accomplish any good. Suppose the status of these claims is made public on the 1st day of April. Within three months the status of a great many of these claims will have been changed. The information we get will be simply the present condition of the claims, whereas in the course of two or three months there will be an entire change in a great many of the claims.

I have not found any difficulty when I have been written to in reference to these claims. I simply refer the letter of inquiry to me to the Commissioner of Pensions, and then I receive from him invariably a full statement in reference to the condition of the claim, which is inclosed to the petitioner, and it has never been a great deal of trouble to me. I do not have to run to the Pension Office to do that. I simply refer the letter I receive. I then get a response to that, which I mail to the party, giving him full information in reference to his claim.

But if we pass this resolution and expend this $25,000 or more or less, as it may require, it will accomplish no good except for the present moment, because the clerical work of that office will change the status and condition of many of these claims within thirty days thereafter, and then you will not have to know exactly what is the condition of the claim at that subsequent date. So I do not think anything good is to be accomplished by this.

I concur with what was said by the Senator from Massachusetts who last addressed the Senate [Mr. DAWES], that much of the difficulty has originated from the claim agents and pension agents, who want to use the members of Congress to facilitate the business in their hands. I agree that if we could dispense entirely with these claim agents in reference to pensions there would be less difficulty. I want to say, however, that so far as I have had any business with the Pension Bureau under its present management or under its late management I have

always found the officers courteous and obliging, and when I have made an inquiry they have as promptly as they could replied to it and given me all the information necessary, which information I have transmitted to the party interested, and he is then put in possession of the status of his case fully.

Mr. CULLOM. Mr. President, I do not know that I have any serious objection to the resolution, but I think the more important thing for Congress to give its attention to in connection with the pension business is to make an appropriation that will enable the Commissioner of Pensions to more rapidly dispose of the cases that are now appealing to him for decision. I believe it is true that he has already called upon the Congress of the United States to make an appropriation sufficient to give him one hundred and fifty additional special examiners in the field. In my opinion we can do nothing better than to make a sufficient appropriation to give the Commissioner all the force that he needs, that he can work to any advantage, so that these cases may be disposed of, not only the cases which are in the hands of the claim agents scattered about the country, but there are hundreds and thousands of persons who are appealing to members of Congress directly from their homes in the different States and are not depending upon their employed agents, because in their opinion they have done as much for them as can be done.

The important thing is that we shall make a sufficient appropriation to enable the Commissioner of Pensions to send out into the field hundreds of men capable of disposing of these cases, to take the proof and make the examination, so that they can be disposed of, and whoever is entitled to a pension may get it without further delay. It is true that there are hundreds and thousands of these people who have been appealing for years for what they believe to be their due from the Government; and yet the Department here is so overwhelmed with the work that it is necessary for it to do that the Commissioner is not able to immediately send out an agent to make the examination, so as to determine whether the claimant is entitled to a pension or not.

It seems to me that the resolution offered by the Senator from Massachusetts would involve the office in a vast amount of work, and as the Senator from Delaware has said, it would amount to very little except for a very brief period of time. These things would come back again. The claimants would again appeal, after they had seen what the condition of their cases might be, after the report was made, and substantially it would be no benefit to the members of Congress in getting rid of the work that is imposed upon them by the claimants for pension.

I insist, as a member of the Committee on Pensions, that it is the duty of Congress, without delay, to make such an appropriation as will give all the people who are entitled thereto a hearing and an examination, so that they can have their pensions allowed if they ought to be.

Mr. INGALLS. I move to refer the resolution to the Committee on Pensions.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The Senator from Kansas moves that the resolution be referred to the Committee on Pensions.

Mr. INGALLS. I do this, Mr. President, in absolute friendliness to the object that the Senator from Massachusetts avows, and, as it is not necessary for me to say, to the pensioners whose claims are pending.

In the first place, this information, if it could be obtained, would constitute a volume so bulky and inconvenient as to be practically inaccessible. A vast amount of time would be consumed in its preparation, great expense would be required to have the volumes printed and distributed, and when they were ready for distribution they would be worthless, because the condition of these cases is changing day by day. It is probable that in some of them additional information, evidence, affidavits, reports from agents in the field, are added to the files, so that to have any value as an authentic record of the condition of the cases it must be changed from day to day, like the Calendar of business before the Senate.

In this connection I wish, as one member of this body, in behalf of Congress and in defense of the Commissioner of Pensions, to absolutely disavow and repel the allegation that in consequence of the neglect or omission or carelessness or indifference of Congress or the Commissioner large numbers of those who deserve to receive pensions are starving and going to their death without a pension. No nation on earth has ever been so extravagantly generous in every particular connected with the pension-list as the Government of the United States. No nation ever had a pension-list on which was such a number of pensioners. No government ever had a pension-list that required such a vast annual distribution. To my knowledge the Commissioner of Pensions has never made a demand upon Congress for an appropriation no matter how large, for additional help in his office no matter to what extent it might go, that Congress has not immediately and actively responded with generosity and with alacrity. If the Commissioner of Pensions in his report recommends additional help, I have not the slightest doubt that if the Committee on Appropriations would submit to-day an appropriation for that purpose it would be promptly acted upon by Congress.

It is unjust, sir, it is without foundation, to allege that in consequence of the neglect of Congress thousands of men who are entitled to pensions are starving to death because we do not make the necessary appropriation. It creates a wrong impression in the mind of the country. It creates a wrong impression in the mind of applicants. It is within the recollection of many upon this floor that within the last two years we made an annual appropriation for the payment of pensions that was forty or fifty million dollars more than could be expended under the increased force of the Commissioner of Pensions. So far as that officer is concerned I believe I am justified in saying that the current work of the office where the evidence has been furnished is practically not delayed; that there is not a case pending where the demands of the office for evidence have been complied with that can not be disposed of and either rejected or allowed within a space of one week thereafter.

The truth is that the great bulk of the original pension claims that are undetermined remain in that condition from the failure of the applicants to furnish the necessary evidence to support their claim and in consequence of the character of the evidence that is furnished through the various agencies which are soliciting pension claims for allowance here in this city and elsewhere. Such has been the extent to which this action has gone that the Commissioner of Pensions has been compelled, in sifting out and examining the evidence that has been furnished in order to ascertain whether it is entitled to confidence or not, to send out from the office a large number of men into the field to the locality or neighborhood where the pension applicant resides and where the witnesses are examined, to ascertain whether or not the facts justify and warrant the application that is on file. But in all the cases where the evidence has been furnished, where the affidavits and testimony that are required in support of the claim have been sent forward and placed on the files, there is no delay, and I trust that these allegations as to the ingratitude of this Government, as to the insufficiency of appropriations and the inefficiency of the Commissioner, will not be repeated, because they are without foundation and unjust.

Mr. BLAIR. Mr. President, the Senator's experience, obtained by way of correspondence and his observation, is very different from mine if he is not aware that thousands and thousands of applications, just applications, too, for pensions have failed to be allowed during the lifetime of the applicant. His knowledge upon this matter is different from mine if he does not understand that thousands of cases are pending now before the Pension Bureau five, ten, and even fifteen years old. It is a matter of every-day occurrence that applications for a pension, either for an invalid pension or a widow's or dependent mother's pension, simply fail to secure an allowance by reason of the death of the applicant pending the effort to furnish the evidence or to comply with the rules of the office.

I do not think that the Senator means to be understood that the evil and the suffering among the pension applicants (I mean those who have a just right to pension, to the bounty of the Government) does not exist. I sympathize fully with him in all that he says in vindication of the efficiency, the faithfulness, and zeal of the force which is employed; but I do say that upon the country (whether upon either branch of Congress particularly) does rest the onus of the principal difficulty in the case. When by law we provide these people with a legal right to the bounty, if you choose so to call it, of the Government, though I think it is but a just compensation for services rendered to the Government, we are bound to give them a practical system by the administration of which they can secure that right. We have not done that.

In the first place, alluding to the matter of the claim agents, their congregation in this city and in other large places, and their gathering to themselves to a great extent, massing in their own hands the control of these applications largely, that is primarily the fault of the Government, because we have denied to every one of these applicants the right of counsel; and how have we done that? We have said to the applicant, "You shall pay compensation," and to the counsel, "You shall receive compensation," only to a certain and a limited amount, such as will not give to any *bona fide* and competent assistant of these people in the locality where they live 25 or 50 cents *per diem* for the labor necessary to be expended as an agent of the applicant in the preparation of the case. Very many of these pension cases come to be as intricate and difficult of prosecution as ordinary lawsuits, and yet we say to them practically, "You shall have no counsel." Large numbers of them are an ignorant class of people, utterly incapable of complying with the requirements of the office which are necessary, as they deal only with written testimony, and oftentimes of a technical character, in order to secure, as far as they can, reliability in the testimony. They are utterly incapable to prepare their cases, and we say to them practically, "Unless you can get assistance in the way of charity from local attorneys you shall have none whatever." In that way we lay the foundation of the primary difficulty. I see that my time has about expired, and therefore I shall not go on to other points.

Mr. HOAR. There is not any limit of time.

The PRESIDING OFFICER. The Chair will remind the Senator from New Hampshire that he is not limited in time by rule.

Mr. BLAIR. I supposed that the five-minute rule was applicable.

In depriving these people of their constitutional right to counsel, which I say we do practically when we say that they shall not compensate their counsel properly, we lay the foundation for the first great serious difficulty, and we pave the way for the putting of these claims in the

hands of irresponsible agents, as they are practically in the great cities. There is the real evil. They publish these circulars. These people get no help at home because they can not pay competent attorneys, and they become at once the victims of the firms who perpetrate their frauds at large upon this immense and poor clientage.

But to leave that point, and it is capable of very full elaboration and elucidation and it is one of the primary difficulties I think of the whole case, the system itself is very faulty. By reason of the lapse of time, and for many other reasons that might be enumerated, it is exceedingly difficult for the applicant to comply with the requirements of the office in obtaining proof for the establishment of his claim.

Then, again, the tribunal which has to pass upon the questions of fact is located in this city. Almost every one of these cases is of double the importance of the average litigation of the country. For the litigation of the country we have thought it essential to provide some home tribunal, some tribunal before which the parties themselves can appear, and the witnesses can appear and can be subjected to the test of cross-examination and the ordinary methods of ascertaining the truth of allegations of fact. We have made no such provision as that in this case, and the result is that occasionally a fraud is perpetrated upon the Government. When that fraud is perpetrated, by reason of the minute machinery that is employed it is almost absolutely sure of detection and it is published, heralded all over the country as a most extraordinary thing that in the prosecution of a pension case there should have been some fraud and some wrong, and the imputation is cast upon the whole body. Thus there grows up a strong popular suspicion of this class of applicants for justice from the Government. It is an entirely unwarranted suspicion, in my belief. The Commissioner of Pensions, I think, told me that at least four-fifths, two-thirds certainly, of the applications after the most accurate and thorough examination are allowed. It is not a fact that plaintiffs recover two-thirds of their cases in our ordinary courts, and there is more reason to charge upon the common litigants of the country fraud in the setting up of their claims than there is to make a similar charge upon the applicants for pensions.

There is an absolute and almost impassable inherent difficulty in ascertaining the truth when the tribunal relies simply upon written evidence coming from all parts of the country, unable to see the applicant, unable to judge as between conflicting testimony or affidavits. Hence it comes to pass that the office itself considers the evidence filed before it with a sharpness and circumspection which often leads to the perpetration of injustice on the part of the Government. I solemnly believe that the Government to-day perpetrates upon applicants for pensions vastly more wrong by the rejection of claims which are in themselves just than do the applicants for pensions inflict upon the country in the establishment of claims which are unjust, and that out of no fault on the part of the tribunal. Oftentimes the worst case is the best prepared; the most formal affidavit is often the most false; and the ignorant applicant, unable to obtain counsel at home, sends in the best case supported by the most informal, and therefore the most likely to be rejected, evidence. Oftentimes the evidence comes in the form of a letter which the applicant supposes is sufficient. The office rejects it. In the press of business it is impossible for the applicant to find out sometimes, I had almost said for years, what the difficulty is with the case, and when the applicant gets a letter it simply specifies, and the office does all that it can, a series of almost insurmountable propositions, insurmountable to him, because he is more helpless in view of the necessary work and preparation of his case than is a common client in a court of law.

We shall never reach justice in these matters unless we provide a local tribunal to pass upon the questions of fact, some tribunal like an auditor, like a judge of probate, possibly a jury; certainly some tribunal should be established such as I first indicated, that can go from town to town and from place to place, and can learn from personal contact with witnesses, with the applicants, with the substantial citizens who know the reputation that has surrounded the applicants themselves from the time they rendered service down to the present time, and in those ways that a man of common sense takes to find out the truth when he goes into a community for any purpose whatever. We shall never do justice until we provide some such method of investigation as that. It is entirely practicable and feasible to do so. The main questions of fact are to be settled where the applicant himself lives. There are certain examinations of record which are made here at Washington, and an applicant should be dealt with, in my belief, in this way: The matters of record are in the possession of the Commissioner, and he should examine the case and should specify the propositions of fact which must be established by ordinary evidence. Those should be sent to the local tribunal, to the agent of the Department, if it be an agent (we have a few of those, and they are doing excellent work, and they are carrying out this idea to a certain extent), or it should be sent to the local court or whatever local tribunal is provided, and they should investigate and report upon those questions of fact, and their finding should in ordinary cases be final; at all events, the appeal should be made to some tribunal which will review with that effort and with that capacity to attain justice which appertain to ordinary boards or courts of review provided in other cases. Whenever the facts thus found are brought to the home office the Commissioner has his whole case. He has the matters of record already in his possession, with the finding of the local tribunal upon the propositions of fact necessary to be established; he has the whole case, and he would be likely to decide it right.

We have as yet done nothing of this kind. As to the machinery that we have provided the Senator from Kansas is entirely in fault when he says we have provided a sufficiency of it. If we have done so, what is the reason these cases have not already been decided? The truth is that if these cases are to be decided within a reasonable time there should be a threefold increase of the existing force. Even then the system would be faulty, and the wrong and the suffering would continue. I am not inclined to acquiesce, however pleasant it might be, in the assertion that there is no fault on the part of the Government in this matter.

Mr. HOAR. Mr. President, I did not introduce this resolution for the sake of relieving Senators or relieving myself from any labor. I feel as every other member of the body no doubt does feel, that we can never be more usefully or more pleasantly employed than in accomplishing something for the benefit of a soldier or his widow or orphan. It is not to relieve the members of this body from any labor, and certainly I do not impute to the Government or any branch of it any indifference to the just claims of the pensioners. It is true that the American people have been generous in dealing with their soldiers beyond any other historic example. It was said by a great Frenchman that when France had done with her soldier she left him to perish like a weed by the wall, and that no improvement had been made in the method of dealing with the soldier in the French service for more than a hundred years. That was said about five years ago.

What the nation has done the States have supplemented. My own State has expended a sum nearly equal to $19,000,000 in supplementing by State aid the pension system of the United States. Her whole present State debt and more is represented by what she has paid out in aid to her own soldiers in the war.

But still the fact remains that, twenty-one years and more on an average having elapsed since these pensions were due under the promise of the Government, when I ask that the Senate may be informed as to the reason for not disposing of the pension cases now two years old, the answer is made to me by the most experienced member of the Pension Committee that it will take the entire force of that office more than three months and cost nearly a quarter of a million dollars to do it. The Senator from Kansas may talk as he pleases about this matter; it is not a question of elegant phraseology; it is not a question of sentiment; it is a question of hard fact which these pension claimants and their widows and orphans feel, that when we ask to have the information furnished twenty-one years after the promises were made, twenty-one years on an average after the military service has been performed and the military disability encountered, and when we ask why it is that claims more than two years old are not disposed of, we are answered that there are more than 200,000 of them, and that it will take the Pension Office more than three months to make up a list of them and give the reason why they are not disposed of.

I know that the present Commissioner of Pensions is a humane and most intelligent man, and I have no doubt a most efficient and admirable officer. I have heard nothing to the contrary. The fault is not with him, but the fault is somewhere unless the statement made by the Senator from New Hampshire be totally wild and untrue; and it is a statement which is supported by my own experience.

The Senator from Delaware, with a State not equal in population to a single Congressional district elsewhere, may find that there is no considerable difficulty with his State, near as it is to the seat of Government, but it is not true of Massachusetts and it is not true of other States. There are cases, a vast number of them, where the petitioner has done all that he can on the best information that he can get to comply with the requisitions of the Pension Office, and where his application has been pending for years without his hearing from it. I get frequent letters, and I presume I should not exaggerate if I asserted that the Senator from Illinois, with his relation to the soldiery of this country, must get them sometimes by the dozen in one mail.

Mr. LOGAN. By the hundred, you mean.

Mr. HOAR. The Senator corrects me and says by the hundred I mean. There is a fault somewhere, and if the ascertaining what the fact is and the reason for the fact is not the first step in the legislation of this country in correcting the fault, I wish somebody would tell me what is the first step. I think that such a list would be of large service to the applicants for pensions and would be of great service to the Pension Office itself in turning the attention of Congress to the evil and the remedy, and would lead to the proper appropriation. If the multiplying the force in the Pension Office by three or by ten is the proper remedy, let us apply that. Let us at least know what the fact is and what the reason for it is.

Now, I consent, as far as my consent will go, that the matter be referred to the Committee on Pensions.

Mr. MITCHELL. Mr. President, I have no purpose of detaining the Senate, but I desire to present a few figures which the Senate will find in the last annual report of the Commissioner on Pensions that are to my mind satisfactory on this question. The reason given by the Commissioner and set forth upon pages 9 and 10, in connection with a table

given in the latter part of his report, satisfies me that there is no blame to be cast upon the Commissioner of Pensions.

Mr. HOAR. Nobody casts it.

Mr. MITCHELL. I did not state that any one had cast any blame upon the Commissioner, but I was about to follow that by showing that the blame properly rests upon the claimants themselves, according to the statistics in this report. The Commissioner went over this matter very carefully by an actual examination of all the claims on file in his office, and it must be borne in mind that the number is very large. Since 1861, 886,137 claims for pensions have been filed, and 510,938 had been allowed at the time this report was presented. Therefore there were pending at the time this report was prepared, according to the statement which is made upon page 10 of the report, 244,505 cases undisposed of. If Senators will examine it they will find that of this number, according to the report and a careful examination under the direction of the Commissioner, the blame rests upon the claimants in 204,299 cases; the delay results from the want of proper reply in the Adjutant-General's office in 9,935 cases; from delay in the Surgeon-General's office in 2,902 cases; from the delay of affiants to answer office letters in 3,846 cases; and delay to be attributed to the office itself in 23,523 cases. Then the Commissioner goes on to explain why the delay in these 23,523 cases has occurred, and it appears that 14,391 of those cases have been referred to special examiners, who have gone into the neighborhood where the claimants reside, under the act of Congress, to make examination. It also appears that other cases are delayed for want of answer to letters sent to postmasters and others in order to get information from the localities where the claimants reside. This is thought to be necessary in order to a proper determination of the cases; and the Commissioner says at the conclusion of the subject in this report:

This showing demonstrates that the Pension Office is practically up with current work, and that further delay in the settlement of pension claims will be properly chargeable to the laches of the claimants in producing the necessary evidence called for, but not yet filed, or to the inability to produce said evidence, and not to the Pension Office.

Mr. President, I think it would be very unwise in us to pass this resolution for other reasons than appear in this report of the Commissioner. When Congress authorized the publication of the list of pensioners a year or so ago and the list was published, the pension attorneys, as they are sometimes called, took it upon themselves to write to the claimants for pensions all over the country and to soldiers very generally, saying to them that they were entitled to pensions, or, if they were drawing pensions, that they were entitled to an increase of pension, and if they would forward a dollar or two they would secure an allowance for them in this behalf. The Commissioner informs me that immediately after that list was published these letters were sent out by the thousands and hundreds of thousands. I talked to a printer in this city and he stated to me that he printed, I think, over 100,000 of these circulars for one firm in this city. The Commissioner said that the applications for increase multiplied so rapidly that they came in for several months at the rate of 5,000 a month after the publication of that list.

I have no doubt that these pension sharks, as they ought to be called, instead of pension attorneys, for they are causing the great difficulty to this Government and the claimants for pensions, are responsible for this condition of affairs more largely than anybody else by imposing upon the Department in this and in other respects. If we pass this resolution and delay the work of the Pension Office in order to make out this report they will have another good opportunity to present such false claims, to the misleading of honest claimants for pensions.

I trust the resolution will not be passed, and that if the Senate is disposed to consider it further it will be referred to a committee, who shall inquire of the Commissioner of Pensions on the subject and get his views. I know that all Senators desire expedition in this work, as I certainly do, and I believe that the operation of this resolution would be to retard the work very greatly, and that the result of it would be to ascertain what the Commissioner of Pensions has set forth sufficiently to satisfy me fully that the delay now is chargeable not to the Pension Office, not to the law for the settlement of pension cases, but to the claimants themselves in being slow in presenting the evidence required in their cases.

The PRESIDING OFFICER. The question is on the motion to refer the resolution to the Committee on Pensions.

The motion was agreed to.

POSSESSION OF PUBLIC LANDS BY FOREIGNERS.

Mr. VAN WYCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be directed to inquire in what manner large quantities of public lands become transferred to, or possessed by, foreign corporations or syndicates, and what, if any, legislation is advisable to prevent such transfers or possession.

PRINTING FOR COMMITTEE ON APPROPRIATIOMS.

Mr. ALLISON. I ask that the following order be made:

Ordered, that the Committee on Appropriations have authority to print for the use of said committee such papers and documents relating to the several appropriation bills as may be necessary for the proper consideration of said bills.

It is important that it should be done now in connection with the naval appropriation bill, which we are now considering.

The order was agreed to.

COURT OF ALABAMA CLAIMS.

The PRESIDING OFFICER. If there be no further resolutions the Calendar, under the eighth rule, is now in order. The first bill in order will be stated.

The bill (S. 573) amending an act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award, approved June 5, 1882, was announced as first in order.

Mr. INGALLS. There is an adverse report in that case. I suggest that the bill go over.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 247) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes.

Mr. GARLAND. Although the Senator who reported the bill [Mr. LOGAN] is not in his seat I think we can dispose of it in a short time.

The PRESIDING OFFICER. The amendments reported from the Committee on the Judiciary will be read.

The first amendment reported by the Committee on the Judiciary was, in section 1, line 10, to strike out "eighty-five" and insert "eighty-four;" so as to read:

That the existence of the Court of Commissioners of Alabama Claims, re-established by the act entitled "An act re-establishing the Court of Commissioners of Alabama Claims, and for the distribution of the unappropriated moneys of the Geneva award," approved June 5, 1882, be, and the same is hereby, continued and extended to the 31st day of December, in the year 1884, with the same effect, and no other, as if said last-named day had been named in the said act for the termination of the powers of said court; and said act is hereby continued in force during the period of extension hereby authorized.

The amendment was agreed to.

The next amendment was, after the word "authorized," in line 14 of section 1, to strike out the following words:

And should it be found impracticable to complete the work of said court before the day last named, the President, in his discretion, may extend, by proclamation, the time of the duration thereof to any period not exceeding one year beyond the extension hereinbefore authorized; and in such case all the provisions of the acts of Congress applicable to said court shall be taken and held of like force and effect as though the continuance of said court had been originally fixed by this act at the limit to which it may be then extended.

The amendment was agreed to.

The next amendment was, in section 3, after the word "award," in line 10, to strike out "and interest;" so as to read:

And as soon as the said court shall be satisfied that the aggregate of all the judgments of the first class, with interest added at 4 per cent. from the time the loss occurred to the 31st of March, 1877, will not exceed the unappropriated amount of the Geneva award remaining in the Treasury after the deduction of all lawful expenses, the said court shall report a list of the several judgments of the first class then rendered, to the Secretary of State, who shall thereupon transmit the same, or a copy thereof, to the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in section 3, line 16, after the word "shall," to insert "out of the unexpended balance of said award;" so as to read:

And the Secretary of the Treasury shall, out of the unexpended balance of said award, without unnecessary delay, proceed to pay the said judgments of the first class so reported and transmitted, with interest as aforesaid, upon such notice and in such manner as he shall prescribe.

The amendment was agreed to.

The next amendment was, in section 3, line 29, after the word "Treasury," to insert "received from said award;" so as to read:

And so much money as may be necessary to pay said judgments of the first class, with interest thereon as aforesaid, is hereby appropriated out of any moneys in the Treasury received from said award not otherwise appropriated.

The amendment was agreed to.

Mr. COCKRELL. I should like to hear a little statement of the object of the bill.

Mr. GARLAND. Under the last bill that was passed in reference to the Court of Commissioners of Alabama Claims that court will soon expire by limitation, and a great many cases have not been acted upon at all. Further time is deemed by the judges necessary to accomplish the business, and this bill simply extends it until next December—December, 1884. We amend the law by extending it now to the end of the current year. Congress will be in session then and will be the best judge of whether it is necessary to extend it further. It is absolutely necessary to pass something of this sort so as to finish the pending business that is unsettled.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 140) to establish a bureau of statistics of labor was announced as next in order.

Mr. INGALLS. Before we proceed with that I would suggest whether Order of Business 139 might not be disposed of by indefinite postponement.

Mr. GARLAND. I suppose so.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from New York [Mr. LAPHAM] to Order of Business 139, being Senate bill 573.

Mr. COCKRELL. The Senator from Arkansas [Mr. GARLAND] introduced the bill.

The PRESIDING OFFICER. The Senator from New York was understood to have expressed a desire that no action should be taken on it until his attention was called to it. If no motion is made it will retain its place on the Calendar.

Mr. INGALLS. Unless some Senator desires it to be retained, I would move its indefinite postponement, so as to clear the Calendar.

Mr. LAPHAM. I hope not.

Mr. INGALLS. Very well.

Mr. LAPHAM. It is a bill that can not be discussed under the five-minute rule.

The PRESIDING OFFICER. The Chair would call the attention of the Senator to the fact that Order of Business 140, being Senate bill 247, has just been passed by the Senate. Does the Senator desire to have the preceding bill remain on the Calendar?

Mr. LAPHAM. Yes, sir.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it closes this order of business, and the Chair, under the new rule, submits to the Senate bills from the House of Representatives.

HOUSE BILLS REFERRED.

The bill (H. R. 1389) for the relief of Myron E. Dunlap was read twice by its title, and referred to the Committee on Military Affairs.

The following bills were severely read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 3238) granting a pension to Mrs. Ellen M. Flagg;

A bill (H. R. 3838) granting a pension to Theodore C. Hawkins;

A bill (H. R. 4717) for the relief of John Swearer;

A bill (H. R. 4188) granting a pension to William W. Day;

A bill (H. R. 433) to increase the pension of Simpson Harris;

A bill (H. R. 4718) for the relief of Caroline Skeward;

A bill (H. R. 3663) granting a pension to John T. Marshall;

A bill (H. R. 4981) granting a pension to Isabella I. Ramsdell;

A bill (H. R. 4431) granting a pension to Leroy C. Rankin;

A bill (H. R. 439) granting a pension to Bridget Sherlock;

A bill (H. R. 5257) repealing an act entitled "An act for the relief of William McKean;"

A bill (H. R. 3737) granting a pension to Ann McLaughlin;

A bill (H. R. 825) granting a pension to William J. Barker;

A bill (H. R. 5258) granting a pension to Thomas Cheshire;

A bill (H. R. 3681) granting a pension to William L. Sloan;

A bill (H. R. 2252) for the relief of Christopher P. Davidson;

A bill (H. R. 1756) granting a pension to George Overmire;

A bill (H. R. 4697) for the relief of Rudolph John Marti;

A bill (H. R. 2267) granting an increase of pension to Samuel C. Wright;

A bill (H. R. 759) granting a pension to Patrick Droney;

A bill (H. R. 2136) granting an increase of pension to Merlin C. Harris; and

A bill (H. R. 4164) for the relief of Ellen Horgan.

CATTLE DISEASE.

The PRESIDING OFFICER. The Chair will now lay before the Senate the unfinished business, being the joint resolution (S. R. 75) making an appropriation to eradicate the foot-and-mouth disease.

Mr. BLAIR. The President will perhaps remember that the bill (S. 398) to aid in the establishment and temporary support of common schools, the first of the special orders, was placed before the Senate on Friday, and laid aside informally in order that this resolution No. 75 might be considered. I ask unanimous consent that the special order be now laid before the Senate and then laid aside informally as before, in order that the Senator from Kansas may proceed with his resolution.

Mr. PLUMB. I do not think there is any necessity of going through any process of that kind. This resolution is entitled to come up as the unfinished business, and it is a matter of immediate importance. I do not mean to depreciate the value of the measure proposed by the Senator from New Hampshire.

Mr. BLAIR. The Senator does not understand me.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Kansas? The Chair assumed that he did so.

Mr. BLAIR. I wish to correct the misapprehension that the Senator is evidently laboring under. I merely wish that the special order retain its position, and that it be laid aside informally as before, in order that the discussion may go on upon the Senator's resolution, as I understand he desires. I merely wish to save my rights, that the bill may be in order as soon as the resolution is disposed of. That is all.

Mr. PLUMB. The understanding was, if I remember, that the bill which the Senator from New Hampshire has an interest in should be laid aside to come up when this resolution was disposed of. I do not understand that any further order is necessary; but I do not care what is done about it so that the present order is not displaced either now or at any other time until it shall have been completed.

Mr. BLAIR. I have not the slightest idea of that.

The PRESIDING OFFICER. The Chair understands that when the unfinished business is disposed of, the first special order will be laid before the Senate, being the bill to which the Senator from New Hampshire has referred.

Mr. BLAIR. Does the Chair understand it is in precisely the same situation as though laid before the Senate at this time and then informally laid aside in order that this resolution may be disposed of?

The PRESIDING OFFICER. In precisely the same situation. The President *pro tempore* informed the Chair that that was the order of business, and he is now acting on that information. Senate joint resolution No. 75 is now before the Senate as in Committee of the Whole.

Mr. BAYARD. I ask whether there is an amendment pending to that resolution?

The PRESIDING OFFICER. There is a motion pending to indefinitely postpone it and another motion to postpone it for a week.

Mr. BAYARD. I thought the motion for indefinite postponement had been withdrawn.

The PRESIDING OFFICER. The Chair did not so understand.

Mr. BAYARD. The Senator from Tennessee [Mr. HARRIS] was about withdrawing it, I am sure.

The PRESIDING OFFICER. The Senator from Tennessee intimated that he would withdraw it, but he did not actually withdraw it, as the Chair understands.

Mr. INGALLS. The RECORD of Saturday, at the foot of page 2023, shows the condition of that motion:

> The PRESIDENT *pro tempore*. No amendment is at present in order, as the motion pending is to postpone the bill indefinitely.
>
> Mr. HARRIS. I will withdraw the motion to indefinitely postpone if the Senator from Delaware desires.

The PRESIDING OFFICER. The clerks inform the Chair that the motion was not withdrawn according to the Journal as it stands. There was merely a proposition to withdraw. The Journal shows that the motion to postpone indefinitely is still pending. The question is on that motion.

Mr. BAYARD. Is a motion to indefinitely postpone debatable?

The PRESIDING OFFICER. It is.

Mr. BAYARD. Mr. President, there is a more extended measure than this resolution immediately to follow, I think what is called the pleuro-pneumonia bill, and as I hold that the resolution now before the Senate is open to very much the same character of objection that the general bill placing the cure or the eradication of these formidable diseases in charge of the Commissioner of Agriculture, it is a matter of indifference to me whether my objections are expressed upon one measure or the other. I would not care to repeat them upon both; but I suppose that, the motion to indefinitely postpone being debatable, I may as well say what I have to say on the subject on that motion.

The magnitude of the interest involved in this question must grow upon the mind of any one who duly considers it. The sketch given by the Senator from Texas [Mr. COKE] the other day as to the spread of this disease, its communication by cattle not apparently themselves infected by it, that by a kind of physical paradox they are the agents to communicate a disorder which they do not themselves possess, and yet the fact remains, I believe, true that animals not subject to pleuro-pneumonia or Texas fever can communicate it to those who are sound, and create great disaster without being victims to the disease themselves.

Mr. President, I believe this is the first time in the history of the legislative precedents of this country that the assumption of such powers over the internal condition of a State has been proposed to be committed to the agencies of the General Government. Any definition of the police powers of a State will be found to include the care of the health of its inhabitants, the prevention of the spread of disease, as any other, or more than any other, one head of jurisdiction known in the constitution of what are known and recognized as the police power of the States. There is not a decision of any court known to me, either State or Federal, that does not commit the quarantine power, whether it be over animals or over persons, to the discretion and control of the State that supposes itself to be in danger. There is no power imaginable calling for more diligent, careful, and summary execution than the power controlling health regulations, and the definition and limitation of those powers is as difficult as any imaginable. How you shall deal with disease, what you shall do to arrest or eradicate it, is a question that experience day by day must dictate; and one thing is certain, it must be dealt with in a most unquestionable, summary, and oftentimes arbitrary manner in order to be efficient.

It will be seen, therefore, that in considering this power we are approaching one of great difficulty, and what strikes me on the face of this resolution is the utter inadequacy of the appropriation proposed to the object in view.

I have read with a great deal of interest and apprehension the accounts from the cattle-raising districts in the West and of the alarm they have excited, and justly, among all persons owning such property there and all persons owning property of a similar character everywhere in the country, for the contagion may spread and be equally fatal in one district or in all. But to talk of the sum of $25,000 in connection with

the eradication of an epidemic disease or a disease of the dangerous character and the contagious nature, affecting the thousands and tens of thousands of heads of these animals, the millions and the tens of millions of dollars invested in their ownership—the mere suggestion of the vastness of the interests involved and to be considered and the petty nature of the appropriation proposed will show that even if Congress is authorized in making it such an appropriation is not worthy of being made at all! It is a mere drop in the bucket in proportion to the necessary expenses and the still more enormous responsibilities.

But the truth is, sir, that so far from having $25,000 appropriated Congress may as well now recognize that upon the most reasonable calculation the $25,000 that may be spent in the "eradication," as it is called, will be followed by an appropriation of $2,500,000 to pay for the results of the eradication. Why, sir, a more dangerous opening for governmental liability was never, in my mind, made before Congress. This resolution, relating to a subject so vast and important as this, proposes nothing but the discretion of a single officer, a most respectable gentleman, the Commissioner of Agriculture, and a very competent man I doubt not to deal with the subject—gives to him alone the authority to cause to be killed (for that is the meaning of it), to be "eradicated" by slaughter, such cattle as are affected by these diseases or as he may suspect or think liable to be affected by these diseases, as may be necessary to prevent the spread of the disease. Such a range of jurisdiction, such a scope of responsibility is scarcely calculable, and I think the Senate will pause long before they enter upon such a field of pecuniary responsibility, not to say of the dangerous assumption of the powers of local self-government heretofore vested solely in the States and never vested in the Government of the United States which this measure involves.

Why, sir, to meet this case official machinery ought to be provided, as any man will see, whether it is to be State or Federal machinery. First, medical and scientific experts must be chosen competent and fit to ascertain the cause of disease and instructed in its pathology. Then you must have a corps of traveling and informing agents who shall by inquiry and observation tell you where and in what quarter disease is to be found, and thus information having been brought to the knowledge of the medical experts, they shall after due examination order the destruction of the infected cattle. One thing must precede this authorized slaughter of the animals. There must be a board of appraisal, a board of assessment, who shall take *in invitum* the private property of the citizen and condemn it for public use; and how must that be done under our law? Only upon rendering just compensation to the private owner for the value of the property of which he is thus deprived for public use.

So that you here have now proposed a crude and entirely new scheme, a new field of governmental operation requiring a vast and unascertained expenditure, the assumption of most indefinite and peculiar powers of government, and dealing summarily with a matter that is after all a mere experiment as to its success. Upon that ground alone I should say this money was thrown away to start with $25,000 in this way without having something like proportion of means to the end. This resolution provides nothing of that sort. I have prepared an amendment which I will send to the desk showing how far I would be willing to go, how far I think wisely and practically the Senate can go in this direction, and I shall presently show how far I think Congress has the constitutional power to go in the direction of assuming care over the flocks and herds of the people of the different States of this Union.

I propose to strike out, on lines 6 and 7, the words:

And in co-operation with the proper authorities of the State of Kansas in eradicating.

And to insert:

To obtain and disseminate information in relation to the treatment, cure, and prevention of.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The amendment is not now in order, but can be read for information.

Mr. BAYARD. I will therefore simply say that I shall propose this when it is in order.

The PRESIDING OFFICER. The proposed amendment will be read for information.

Mr. BUTLER. May I inquire of the Senator from Delaware whether his amendment confines the inquiry to the State of Kansas alone?

Mr. BAYARD. No; I strike out the name of the State of Kansas. The words I strike out are: "And in co-operation with the proper authorities of the State of Kansas in eradicating," so that my amendment if adopted will let the resolution read thus:

That the sum of $25,000, or so much thereof as is necessary, be, and hereby is, appropriated, to be used under the direction of the Commissioner of Agriculture, to obtain and disseminate information in relation to the treatment, cure, and prevention of a contagious disease popularly known as the foot-and-mouth disease.

There will be also a slight verbal amendment there to make my amendment applicable to cattle anywhere in the United States, because we are not legislating for the benefit of the State of Kansas alone, but to assist in the procurement and dissemination of information that shall enable the people of the United States everywhere to prevent the spread of these various diseases, whatever they may be, which are dangerous not only to animals but so largely to the health of the inhabitants who use them as food.

Now, Mr. President, I have said all I care to say in regard to the incompleteness of this measure to reach the end designed. It will be a waste of money as I think, to spend so much as $25,000, but if you mean to make it efficient and have the power to make it efficient, it must take a far wider range and be presented in a much more specific and determinate manner. But there is something much beyond that. This assumption of power by the Government of the United States of what may be called the quarantine laws, the laws of the protection of the health of the various communities embraced within the Union is now being claimed for the first time. I have here a decision of the Supreme Court made some four or five years ago reiterating something like a definition of the police powers and to what they refer. That these powers were always held subject to State control is a historic and constitutional fact. There is no exception to that. That has been the line of decision and the accepted opinion of all legislatures and courts:

Whatever differences of opinion may exist as to the extent and boundaries of the police power, and however difficult it may be to render a satisfactory definition of it, there seems to be no doubt that it does extend to the protection of the lives, health, and property of the citizens, and to the preservation of good order and the public morals. The Legislature can not, by any contract, divest itself of the power to provide for these objects. They belong emphatically to that class of objects which demand the application of the maxim *salus populi suprema lex*, and they are to be attained and provided for by such appropriate means as the legislative discretion may devise. That discretion can no more be bargained away than the power itself. (Boyd *vs.* Alabama, United States—7 Otto, 33.)

And that legislative power and legislative discretion is the legislative discretion and power of the several States of this Union. It is essential for them, or else local self-government must wither and die, and without local self-government I take it there can be no such government in this country as is worthy the name of a free and constitutional government. I know the Senator from Kansas [Mr. INGALLS] said on Friday that——

The doctrine of State rights and State sovereignty dies hard, but I think it is moribund and in the course of time will eventually be buried. If any Senator upon the opposite side of the Chamber can tell me what power a majority of Congress can not exercise under the Constitution according to the recent decision of the Supreme Court in the legal-tender case, I shall be very much instructed.

I do not hold that it is the part of Senators on this side of the Chamber or the other to answer political conundrums, but rather to meet with constitutional reasons and objections assumptions of power which they believe to be dangerous and fatal to the principles of our Government. If the doctrine announced by the Supreme Court goes to the extent that the Senator from Kansas has indicated, the promulgation of their opinion to that effect can not be limited to the mere decision of a single case, but it would be in effect a proclamation of revolution that completely overturns and ends the Government of the United States as it was originally designed by the written charter of its powers, as it has up to this time been judicially and legislatively defined, and as it has been interpreted and construed by every one known to me who has undertaken to write or speak or vote in relation to its nature, constitution, and powers.

Sir, I am not prepared to accept so fatal and disastrous a definition of a decision of so respected a tribunal. It is perfectly plain that according to every theory of the construction of plain words, read in the light of their historical use, either on the theory of liberal construction or of strict construction, under the definition of either or of those holding either view there was always the fundamental acceptation that the residuum of powers not delegated by the Constitution was reserved to and belonged not to the Government of the United States but to the States respectively or to the people of the States; and that in seeking authority to enact Federal legislation it was incumbent to show affirmatively that the power either was granted expressly or was included by necessary implication from an express grant, and that if it was not so to be discovered it was forbidden to be exercised and it was usurpation to attempt to exercise it.

And, sir, when that fundamental rule shall be departed from, when that rule shall be abandoned, then the true and only government of this country has been forsaken, has been abandoned by those who owe it at all times their allegiance, their obedience, and their steady support. If this nation is to be, as I pray God it may be, an indestructible union of indestructible States, then the plain and manifest principle must be applied and the test put to every law proposed to Congress. All just power is delegated and granted expressly or by necessary implication; for if it be not, it is reserved to the States respectively or to the people, and Congress can not lawfully assume it. This was the difference between the Government founded by our ancestors, and under which it has been our good fortune to be born and live, and other governments. Most of them claim to exercise all powers not withheld or reserved from them, but the United States Government, on the contrary, is founded upon a different principle. It can exercise no power not conferred by the Constitution expressly or by necessary implication.

Mr. President, it seems a strange thing, and it certainly is a sad thing, that at this day, at this point of our history, the assertion or the

reassertion of such manifest truths and such essential and admitted principles should be made necessary in the American Congress; and while I make them, it is from a sense of simple and ever-abiding duty, but not without a feeling almost akin to despair.

Other interpretations have been heard in this debate of a most latitudinarian description guided by an illusory benevolence to be exercised in behalf of "the general welfare," as it is termed. I never knew that there was even a school of constitutional constructionists who claimed that in the mere preamble of the Constitution and a recital accompanying one of the grants of enumerated powers delegated to the Congress of the words "the general welfare" there was contained a grant of substantive or distinct power. According to the reasoning we have heard lately, the fact that these two words are found in the preamble to the Constitution and afterward found accompanying the grant of the power to lay taxes and collect them, the mere presence of those words in the text being established, the rest of the Constitution with all its provisions and inhibitions was mere mocking superfluity, having no power to restrain the unlimited grant that is supposed to be contained within the phrase "provide for the common defense and general welfare."

But, sir, I aver that it is and has been almost the only opinion of men who have dealt with the construction of the powers of this Government that these words as found not only in the preamble of the Constitution but in the eighth section of the first article were and are a mere statement of the object for which Congress shall have power to lay and collect taxes, duties, imposts, and excises.

It was a mere statement of the object for which taxes were to be laid. To pay the debts, to provide for the common defense and general welfare of the United States; it was for that purpose that these powers were given and the object is stated, but it is not the grant of a distinct and substantive power, and to admit that it was would at once loosen and remove every limitation upon power of which the Constitution is so full, and which were intended to preserve in this country the great and essential school of liberty and of American citizenship, local self-government by the people and the control of their home affairs.

Why, Mr. President, the quarantine power affecting the health of the citizen, no matter from what cause and in what way health may be endangered, whether it was from the immigration of human beings contaminated by disease or of cattle or of clothing or of any article calculated to spread pestilence, the power to quarantine was always left to the State. And when it was provided that no State should lay any imposts or duties upon imports or exports it was also expressly provided that its inspection laws should be executed, and that that power should remain to the States. What is the definition of "inspection" as commonly applied to articles of merchandise? Applicable, reasonably so, to the importation of cattle or merchandise, alive or dead. So that when it is sought to empower the Federal Government to deal with this class of internal powers of the States, you can discover in the Constitution no power express or implied that they should exercise it, but you do find by this exception in the inhibition to the States of the power to lay duties on imports and exports express power to pass inspection laws; therefore by express grant of power to the State governments, as well as by the reservation to the States, you find at once a want of authority in the Federal Government to enter on the subject of power indicated by this resolution, and also manifest indication that it belongs to the States respectively.

Mr. President, I think I have said enough to indicate the general views I held which would restrain me from voting for this measure, beneficent as is its design. I am heartily anxious to assist so far as in my power not only the people of Kansas but the people of any other State in that kind of aid and protection to their interests which it is within the power of the Federal Government to bestow; but I am certain that not only does this resolution fail to provide practical machinery for the purpose, even conceding the right to pay its cost from the Federal Treasury and to assume control of it, that there is nothing in this resolution at all in proportion with the importance of the trouble we are considering, and as I said before not $25,000 but a fund probably amounting to two and half million would be a moderate and reasonable estimate to begin upon.

But suppose the Federal Government had the power and coupled with the power the duty to arrest this disease where it could, either by skillful prophylactics or by absolute destruction and eradication by killing all the animals supposed to be infected or in danger of being infected, I would still prefer greatly that the local machinery, that the State governments should have the power to put the remedy in force. I have never yet known a question of the execution of the public power that was not more efficiently and more economically performed by the State than by the Government of the United States. I do not care to what question the test may be applied, whether it be public education or public benefit in any form that may be devised. There are some things of course in which not only is the power of the General Government paramount, but it is exclusive, and must be so, simply because there is no function and no machinery in our system for a local government to extend its operations over the entire Union; but I mean to say that practically, wherever you can commit the execution of a power involving judgment and economy to the machinery of State law and State control, you secure its performance more efficiently and at a much less rate of expense to the people than you do where you confide it to Federal power.

There is not a branch of public expenditure in which I can not demonstrate that fact to be true, whether it be the judiciary of the country, the Legislature of the country, the performance of any of the public duties consigned either to State or Federal power. A comparison of the figures and of the outlay of the taxation required to support it—the whole taxation of all the States—would be found to amount to about one-eighth of the taxation by the Government of the United States and that without considering the more important question of incidental taxation which arises under the form in which taxes are now collected by the laws of the United States.

Why, Mr. President, consider for a moment the practical operations of this law. If the Government of the United States shall authorize the eradication of this disease by the slaughter of herds, any animal either suffering from the disease, or which the Commissioner or his agents may think likely to suffer from the disease, is under this law subject to his control. All through the Eastern States—for the law would be applicable to them as well as to the Western States—countless herds of what are known as fancy cattle exist, Jerseys, Alderneys, Herefords, and shorthorns all held at the most fabulous and in my judgment imaginary prices by their owners. Look at the report of auction sales; thousands of dollars paid for a single cow, I believe one as high as $47,000 in the State of New York.

Mr. MAXEY. Eight thousand dollars paid by Alexander for one.

Mr. BAYARD. The prices are fabulous, and the fact is that there is a cattle mania, just as much so as the tulip mania in Holland about a hundred years ago. Yet this disease is no respecter of costly and highbred cattle. It is just as apt to fall among them as those of a lower grade, and these prices are fabulous, and it may be that a great many gentlemen in possession of these herds would be only too happy to have the disease break out among them, that they might find a ready market, to be paid for out of the United States Treasury. I think you would find it very hard to obtain such a discretion from any State Legislature. Bring this matter home to the people of the State, who when they are asked to pay their tax-bills can inquire for what those taxes were laid, and not pay them, as they now do, in the increased cost upon all that they consume, and therefore with a kind of unconsciousness. But looking at this question, at the vast field of power it would open, at the unlimited expense to which the Treasury may be subjected by it, I would say that we have no proper ascertainment of the extent to which this power can be exercised or of the cost to the public at which it may be exercised.

I hesitate, therefore, until I know more. But independent of that, for the reasons I have stated, I hold that there is no power under the Constitution in Congress to pass such a measure as this. Hereafter, and perhaps very soon, there may be in this Chamber, and must be among the people of this country, a realization of the necessity and a reassertion of the rights of local self-government. There must be an examination of the foundations upon which our Government stands, and when that comes I shall endeavor, with a preparation worthy of the subject, to speak upon those limitations of power under which I am well satisfied civil liberty alone can find refuge and protection.

I can not vote for this measure, not only as incomplete and inefficient for the end for which it seems to have been designed, but I believe it to be unwarranted under the Constitution which we are all solemnly bound to support.

Mr. PENDLETON. Mr. President, I should like to be advised by the Chair what has become of the amendment offered by the Senator from Texas [Mr. COKE] to the amendment offered by my colleague now in the chair.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The Chair will state the order of the questions as they will be presented. First on the motion of the Senator from Tennessee [Mr. HARRIS] to indefinitely postpone the joint resolution; next upon the motion of the Senator from Massachusetts [Mr. HOAR] to postpone it for a week; third upon the amendment to the amendment proposed by the Senator from Texas [Mr. COKE], and fourth upon the amendment proposed by the occupant of the chair.

Mr. PENDLETON. I ask that the amendment offered by the Senator from Texas may be reported.

The PRESIDING OFFICER. The amendment of the Senator from Texas will be read.

The CHIEF CLERK. At the end of line 5, after the word "Agriculture," it is proposed to insert "with the consent of," and in lines 6 and 7 to strike out "State of Kansas" and insert in lieu thereof the words "in the State in which it may be used;" so as to read if amended:

That the sum of $25,000, or so much thereof as is necessary, be, and hereby is, appropriated, to be used under the direction of the Commissioner of Agriculture, with the consent of and in co-operation with the proper authorities of the State in which it may be used, in eradicating a contagious disease popularly known as the foot-and-mouth disease.

Mr. PENDLETON. Mr. President, I dislike very much to vote against the amendment offered by the Senator from Texas, and yet I have not been able to bring my judgment clearly to the conclusion that it is wise to insert it in this resolution. I do not object to the language

of the amendment; I do not object to its substance in one view of its effect and meaning. I think it might be very well to have the assent of the State in which this money is to be used to operate by way of estoppel of any complaint that may hereafter be made by the State, in case of a disappointing result of the effort about to be made to mitigate the evils which seem to be upon us. If that were the only view that could be taken of the amendment I should give it my cordial approbation.

But I think I have discovered during this debate a suggestion stated with more or less distinctness by several gentlemen, that the assent of the State to the expenditure of this money in the way proposed by the resolution will eke out an insufficient power given by the Constitution to the Government of the United States. I think I see a suggestion that there is an absence of ample power to do fairly and fully the thing contemplated by the resolution, and that if the assent of the State or of many States in which the Commissioner is to act can be gotten there will be a supply of the deficiency of that power as it exists under the Constitution.

Now, sir, to any suggestion of that kind I enter my entire dissent. I protest against it. It is because it seems to me that this amendment taken in connection with the views expressed by several gentlemen on the floor may become a precedent in the direction I have just indicated that I find my difficulty in voting for it. Either the Congress of the United States has authority to pass this resolution and enter upon this course of action or it has not. If it have the power, the assent of the States to the exercise of it within their boundaries is entirely unnecessary; and being superfluous, it seems to me a subject of very great doubt whether it is wise to suggest or ask the assent of the States. It seems to me there is no doubt that we ought not to let our action depend in any degree upon whether that assent is given or not. If, on the other hand, the Government has not the power to do what this resolution contemplates, then no assent of a State, no assent of any number of States given in this way, can supply the deficiency. It is absolutely inefficient in that direction.

There are but two cases under the Constitution where Congress is required to ask the assent of the States to the exercise of any of its powers. They are, first, the case in which Congress shall seek to exercise exclusive legislation over places within the limits of a State purchased for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. There the assent of the State to the purchase is essential to the acquisition of the power of exercising exclusive legislation.

And, second, the case where new States may be admitted into the Union by Congress. If they are to be carved out of any other State or are to be formed by the junction of two or more States then the assent of the States interested is essential. But these are the only two cases in which the assent of a State is required for the exercise within its own boundaries of the powers conferred by the Constitution upon Congress. I should be glad to have the assent of the States to every act that is passed by Congress even within the sphere of its undoubted powers, yet I am opposed to asking that assent, I am opposed to suggesting that it be given, I am opposed to doing anything which recognizes in any degree the assent of a State as essential to the exercise by Congress of any of the powers clearly given to it by the Constitution.

It would be a very good thing to have in all cases the co-operation of the States with the action of the Government of the United States; but when that co-operation is effected, it must be by the States and the Federal Government acting as independent bodies, exercising undoubted powers each within its own sphere of power and action; they must each exert a complete and independent function, having no dependence on each other, except only so far as co-operation to a common end would give greater efficiency to their separate means.

I am too good a State-rights man, too strict a constructionist to admit that in any case the action of a State other than in the prescribed form of ratifying amendments to the Constitution and in the two cases expressly provided in the Constitution can enlarge the powers of the Federal Government. If there be authority in the Federal Government to pass this legislation and to enter upon this course of action, then the assent of the State is unnecessary. If there be no such authority, then the assent of the States is entirely valueless. I would not willingly do anything which could be tortured into a precedent or even into an argument for its efficiency, and therefore I have had much doubt whether it would be wise to insert the provision indicated by the Senator from Texas, although I am in entire sympathy with the motive which I know prompted its presentation.

In this discussion we have heard a good deal said, and it has seemed to me in a spirit of rather querulous complaint, of the interposition by States to prevent the consummation of the wishes of the majority of the people. The honorable Senator from Kansas [Mr. INGALLS] stated the other day that the question is whether the nation, whether a majority of the people of all the States is supreme, or whether one State can negative and veto the expressed wish of the majority of the people. He stated that the question is whether in measures involving the great interests of a large number of people, or perhaps a majority of the people, a single State could interpose successfully against the accomplishment of the national will.

I submit this is not the question. I submit that this statement is a great misuse of terms, if it is not a confusion of ideas. I submit that it is an illustration of the art of putting things of which the Senator is an accomplished master; and that by a subtle and not entirely fair use of that art he has sought to draw an argument in favor of the views that he entertains rather from the passion than from the reason of his hearers. I submit that this is not a question whether the States shall interpose their authority, whether the States shall interpose an obstacle to the action of the Federal Government. Under the provisions of the Constitution and within the limits from which revolution is excluded there is no such power in a State, and there can never arise an opportunity or a necessity for the exercise of such power by a State.

A State may lie perfectly quiet; it may be perfectly inactive; it may do nothing; it may not interpose the least possible obstacle; and yet the accomplishment of the national will and the wishes of the majority of the people, as the Senator expresses it, can not be accomplished.

The United States have no power except that which is granted to them by the States and expressed in the Constitution. They have no original power, no inherent power, no power arising from necessity, however stringent that necessity may be. The argument *ab inconvenienti ab necessitate*, even though the alternative be its life or death, has no place in the just consideration of the powers of the Federal Government.

"This Constitution, and the laws of the United States which may be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." These are the supreme law. There is no other supreme law. There is no other valid law. There is no law except that which is made in pursuance of the grants to the Federal Government contained in the Constitution.

This was the Constitution submitted by the convention to the States for their ratification. It had passed the conventions of Delaware, New Jersey, Pennsylvania, Georgia, and Connecticut. It came to Massachusetts. Massachusetts had always been fearful of the power of the throne. She had always been jealous of her colonial rights; she had always been sensitive to the least danger, even afar off, to the liberties of her people. She remembered the causes out of which sprung Concord and Lexington. She had been trained in the school of the stamp act and the non-importation act and the incident of the tea in Boston harbor. Feeling as much as any State all the necessity for the establishment of a federal government, she ratified the Constitution in the full faith that the amendments she suggested would be adopted, lest, to use her own language, "undue administration" should enlarge the powers given by the Constitution to the Federal Government and pervert the purpose for which those powers were given. It was on her suggestion, under her lead, that the ninth and tenth amendments to the Constitution were passed, which from the mere abundance of caution defined more accurately and strictly the nature and scope of the powers of the Federal Government. The tenth amendment declared "the powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The Constitution contains grants to the Federal Government and limitations upon the powers of the State governments. It contains nothing else, except possibly those amendments which were in the nature of a bill of rights, and they were limitations upon the powers of the State governments. In form, in substance, in spirit, by affirmation, by negation, by contemporaneous construction, the Constitution contains the grants of powers to the Federal Government, to the United States. It is not in any sense, by any interpretation, in any word, in any clause, either in its spirit or in its letter, a limitation upon the powers of the Government of the United States acquired or possessed otherwise than by virtue of the Constitution itself.

We call this a government of limited powers, and we call it so with entire accuracy, but its powers are limited only because other and larger powers were not given to it. The Constitution is an instrument of grant and not of limitation. Every limitation contained in the ninth section of the first article of the Constitution is an exception carved out of antecedent grants of larger powers made by the Constitution itself. Every limitation contained in that ninth section refers to other and larger powers already granted to the Federal Government by the Constitution.

If the Federal Government seeks to establish a policy, or to pass a law, or to do an act, search must be made amid the grants of the Constitution, and if no grant can be found, if none exist, either express or by implication, then there is no power; then the Government fails; the policy can not be carried out; the law can not be passed, or if passed can not be executed; and the act can not be performed.

The States do not move; they take no action; they interpose no objection; they throw in the way no obstacle; they negative nothing; they veto nothing; they are perfectly quiet—acquiescent if you please; but the United States can not move, not because an obstacle is interposed, but because of an inherent defect of power to move in that direction. If a man has no eyes he can not see; not because there is an obstruction placed in his line of vision; not because some one extin-

guishes a light or immures him in a dungeon; but because of inherent defect of power to exercise the faculty of sight. If a man has no legs he can not walk, not because some one prevents him from walking, but because the power of locomotion does not exist in himself. An engine without steam does not move, not because some one obstructs its way, but because the motive power does not exist. So it is with the Federal Government; it does not fail in its operation by reason of an obstacle interposed by the States, but because under the Constitution it has not the power even if no obstacle exists.

If gentlemen wish the Federal Government to do something and can not find the authority in the Constitution to do it, let them cease to impute the inability on the part of the Federal Government to obstructions laid in its way by the States; let them turn their anathemas upon the fathers who did not give to the Government the larger powers which their descendants, wiser in their own conceits, think it ought to have. If gentlemen wish a particular line of policy to be pursued and can not find authority for it in the Constitution, let them cease their maledictions of States' rights; let them cease to invoke the spirit of States' rights which always affrights their timid souls, and boldly declare that, with authority or without authority, they will obey not the supreme law of the Constitution, but the will of the nation. If the Federal Government has the power it performs its functions throughout the limits of the States. If it has not the power it is not prevented by the States, but by an original and inherent defect of constitutional authority.

Mr. President, I am a strict constructionist in the straightest sense. I believe that it is wise and expedient and safe to limit the powers of the Federal Government within the narrowest lines consistent with the purposes of its formation. I know that there are precedents in another direction. They were read to us by the Senator from Arkansas [Mr. GARLAND] the other day. He might, as he well knows, have cited many others. In the main the precedents which he cited and others of a cognate character answered appeals to the generosity of Congress and the people. They responded to prayers, that out of the superfluity which a beneficent Providence and a bounteous nature had given to us something might be spared to relieve the suffering poor whom that same Providence had afflicted. They satisfied appeals to help those who were suffering from earthquake in Venezuela, those who were suffering from famine in Ireland, those who were overwhelmed by fire and flood in our own country. They were acts of that charity which makes all mankind akin. These do not come within the strictest line of constitutional power as I read the Constitution. They stand as great exceptions; I prefer that they shall stand as exceptions rather than that by a loose and a forced construction of the Constitution we shall make them the rule; I prefer they should stand as the exceptional, and, if you please, the unconstitutional results, which we can not in strictness justify, of appeals to aid our fellow-men in the phenomenal emergencies of their extreme suffering, over which, as we could not prevent them, at least "One human tear shall drop and be forgiven."

I am, as I said, in favor of a strict construction of the Constitution. I believe in State rights, and State powers, and home rule. I believe in this framework of government as I think our fathers made it, leaving with the States separately the administration of all the matters which concern their domestic interest, and uniting them only in so far as is necessary to their existence among the nations of the earth. I am in favor of confining the Federal Government to the fewest possible subjects necessary to preserve peace at home and respect abroad, and to the least possible powers consistent with the accomplishment of those purposes.

In this system alone there is safety; in this system alone there is hope for a continuance of our Government and the maintenance, ay, and the indefinite expansion of our territory. In this system alone there is the hope for that prosperity of material interests and that fraternal peacefulness of relations which constitute us one people. Whenever for the few and simple powers to be sparingly administered, vested by the Constitution in the simple and severe government of a confederation of republics, there shall be substituted the powers, the duties, the excessive revenues, the lavish expenditures, the splendors, the corruptions of a consolidated imperial republic, there will have struck the hour which announces its incipient disintegration—to be consummated through the successive agonies of despotism, oppression, war, separation; there will have struck the hour of our doom as a peaceful people and as a free government.

Mr. CULLOM. Mr. President, I shall detain the Senate but a few moments. What I shall say will be applicable perhaps as much to the bill which has been before the Senate as to the pending resolution.

As I view it, if we have the power under the Constitution to pass the joint resolution now before the Senate, we have the power to pass the bill reported by the chairman of the Committee on Agriculture.

The resolution provides for an appropriation of money, to be used under the direction of the Commissioner of Agriculture, in co-operation with the authorities of the State of Kansas, in eradicating the foot-and-mouth disease in that State. It should be amended, as I think, so as to extend to all portions of the United States, and to include not only the disease specified in the resolution, but any other of the contagious diseases among the stock of the country.

The chief opposition to the resolution, as also the bill, is on the ground that it interferes with the domestic affairs of a State government, and that it is unconstitutional. While I do not desire to be understood as favoring every measure that comes up that would seem to take charge of, or in any way to interfere with, the affairs of a State government, yet I think there are instances where it is the duty of the Congress of the United States to take some responsibility, if the Constitution will permit it.

While I do not feel absolutely certain that my view of the power of Congress under the Constitution is correct, yet, after the remarks of the gentleman from Arkansas last Friday, and after the references by him to the views held by Hamilton, Monroe, Story, and other great men in the earlier history of this country, I feel much more free to support this measure than before.

It seems to me that under the provision of the Constitution providing for the general welfare and other provisions giving Congress authority to regulate commerce among the several States, we are justified in going as far as the exigencies of the times demand in our efforts to extirpate, if possible, the contagious diseases that afflict the cattle and hogs of the country.

These contagious and communicable diseases, as I look at it, can not be extirpated by any action that is likely to be taken by local governments.

It seems to me to be utter folly to suppose that this country now, according to reports, suffering from pleuro-pneumonia or lung-plague in several of the States of the East and in the District of Columbia, and with foot-and-mouth disease developing among cattle in two or three of the Western States, with constant trade going on, moving stock from one section of the country to another—to suppose that contagious diseases will ever be extirpated by the action of State or Territorial governments. Hence, in my judgment, it is the unquestionable duty of Congress to provide means for its immediate extinction.

Agriculture is the foundation of all the material interests of this country. The farmer feeds the people, and hence all other interests are dependent upon that. No nation has so large a relative portion of its wealth in domestic animals as the United States. We have in this country, according to the report of the Commissioner of Agriculture for 1884, 42,547,302 head of cattle, valued at $1,106,715,703; of horses and mules, we have 13,083,809, valued at $994,949,396; of hogs and sheep, 94,827,519, valued at $366,203,845, making a total of value of horses, mules, cattle, sheep, and hogs, $2,467,868,924. These four classes of animals aggregate in value an amount of wealth which is almost fabulous to compute.

All these animals, according to authorities of this and other countries, are subject to contagious diseases, and it seems to me that they represent such vast interests in the aggregate that the Government of the United States would be negligent of its duty if it did not do whatever it has power to do, under the Constitution, to protect these interests from being destroyed by diseases which can not be controlled by local authority.

We have to-day about 120,000 miles of railroad, affording facilities for transportation and commercial intercourse from one section of the country to another daily. The people of this country are not in the condition that they were twenty-five or fifty years ago, before the days of railroads and before the days in which importations of stock had begun in this country. These contagious diseases among stock could have been easily dealt with by the local authorities of the nation thirty or forty years ago. It has not been long since cattle, horses, and sheep were brought into this country from other nations to any considerable extent; it has not been long since the transfer from one section of the country to another of large herds of cattle and sheep was engaged in; so that in those early times the stock of the country was in the main kept where it was raised until sent to the markets of the country for sale.

An entirely different state of affairs exists now. Men and companies are engaged in bringing stock into this country from abroad. They are engaged in bringing it into one portion of the country and shipping to another constantly, so that this disease has gained a foothold in this country to such an extent that it seems to me impossible to control it or get rid of it except by the power of the National Government. With our thirty-eight States and eight or ten Territories acting independently of each other, and each without reference to the action of the other and largely necessarily so, how can the desired result be reached?

The Senator from Ohio [Mr. PENDLETON] says that he would not ask the State; and then he says that the Constitution of the United States gives us no power. I should like to know of him (for if he stated his views on that point I did not catch them) how he proposes that this evil which is destroying so much property in this country is going to be gotten rid of. Here are thirty-eight States and eight or nine Territories, each with its separate government, each acting for itself; one acting to-day, another to-morrow, and another next month or next year. While these irregularities of action are going on, this disease, which is beginning in one State and going from State to State and from Territory to Territory, will have spread all over this country and our property by the hundreds of millions will be destroyed; and we sit here and say that we have no power under the Constitution to help it.

It seems to me that we have the power under the Constitution of the

United States to do whatever is necessary to protect the people and the property of this country from this dire disease. It is like a common enemy, as I believe some of these reports state. I say it is like a common enemy going into the different States and destroying our property, and we are sitting here as Senators of the United States and say we have no power under this Constitution of ours to do anything to prevent it. If we have not the power, it seems to me it is high time that the Constitution should be amended so that Congress shall have the power.

This is not an ordinary disease that breaks out in one community and there stops. It is a contagious or communicable disease that will sweep over the land if it is not checked at the outset. Look at my own State. Illinois is not here asking anything of the Government to-day. Chicago is the great grain and product market of the world, I may say. Cattle, hogs, horses, and grain of all kinds, all the food products of the country, center in Chicago. Car-loads of cattle, calves, and animals of all sorts and ages and sizes are coming there by the tens of thousands almost every day, not only to be marketed for beef or pork but to be distributed throughout the length and breadth of the Western States especially.

It is no small affair to undertake to institute a system of inspection and quarantine in the State of Illinois that will protect the people of this country. As I said the other day, when I had the honor of occupying the position of governor of the State there was a law passed giving us some power over that question, and I instituted a sort of quarantine, a sort of inspection, but it was the merest trifle with all that we could do. Cattle would come through. We could not interfere with the commerce of the country sufficient to protect the interests of our farmers.

I submit to the gentlemen who are especially opposed to these measures because of their constitutional scruples whether one State has the right to set itself up and say that in the case of those train loads of stock that are moving from one portion of the country through the State of Illinois, for instance, whether that State has the constitutional power under the Constitution of the United States to stop those trains and inspect the cattle and hogs and horses that may be in them? I do not believe we have it. It is true we have a sort of quarantine power, I believe it has been so decided, but one State has no right to interfere with the traffic going on, the commercial intercourse, between the several States of the Union. I submit whether we are not standing here splitting hairs upon this question while the property of our people is in great peril from these contagious diseases referred to.

The Senator from Ohio says that we occupy the position of a man without legs, who can not walk, not because nobody is willing to help him, but because he has not got the legs to walk. If we have not got legs enough to walk on in this country, so that we can protect the property of the country, we had better find some as soon as we can.

The Senator from Ohio says that it is true we have voted measures under an inspiration of generosity and sympathy for different people in this and other lands. I say that it was all right that the Congress of the United States should manifest a little generosity once in a while toward people who are suffering, but while we are doing it may it not soon occur that the people of this land, suffering as the result of the loss of their property from these contagious diseases, will be calling upon him then to vote appropriations to keep them from this destructive evil that is liable to spread over the country?

So far as I am concerned I want the Government of the United States to extirpate, if possible, these diseases at once and protect the people of this land from having their property destroyed. The longer we higgle about it the more expensive it will be, and my word for it the time will come when the Congress of the United States will be compelled to do it if they are unwilling to do it to-day. It is but a drop in the bucket to-day. This pleuro-pneumonia or lung-plague, as it is called, is breaking out in a few places in the country. It has not reached the West yet. The disease referred to in the resolution of the Senator from Kansas, the foot-and-mouth disease, has broken out in two or three places in the West, we are told. If we will take prompt measures to-day and make such appropriations as are necessary, we can get rid of all these contagious diseases. In my judgment it is the duty of the Congress of the United States to pass such laws as will prevent the recurrence of it by the importation into this country of cattle and animals of all sorts without the most thorough inspection before they are landed upon our shores. If you let it go on from day to day, or month to month, and year after year, it will be but a little while before every State in this Union that has cattle in it will be complaining and appealing to the Congress of the United States for relief.

If every State in the Union and every Territory could by some sort of joint action agree that they would do whatever is necessary to promptly stamp out these diseases I would say that Congress had better leave it alone, because I am not in favor of interfering or taking hold of measures where it is not our bounden duty to do so. But they are not going to do that. Illinois, as I said, might be willing to do it; Kansas might be willing to do it. Massachusetts might or might not be willing to do it. Massachusetts has been doing something in that direction, I believe, already. Whether they have got rid of pleuro-pneumonia entirely I do not know, but it is absurd, in my opinion, to suppose that all the States and Territories are going to act conjointly and promptly together for the purpose of stamping out these contagious diseases. Let this thing go on until springtime comes, until grass upon the plains begins to grow and the herds begin to spread over them, and then allow these contagious diseases to get among the cattle upon those plains, and instead of requiring $500,000 as an appropriation to get rid of it, it may cost us hundreds of millions of dollars.

There is another view still, Mr. President, which I will merely allude to before I take my seat. We have to consider during this Congress the action of foreign governments with reference to certain exportations from this country. We are complaining of England, France, and Germany on account of the action of those governments with reference to the hog products of this land, and, as I think, complaining with great cause on account of the interdiction by those governments of American pork. I do not believe myself that those nations have any substantial ground for the course that they have pursued with reference to our products, based upon the allegation that it is unsafe to the health of their people to permit the use of pork in those countries.

I think it has been shown beyond all doubt that the pork and beef exported to foreign nations have been in as healthy and pure condition as that of any country in the world. But it is a fact that the existence of these contagious diseases among cattle and hogs gives an excuse to those governments to exclude these animals, and the trade of our people in those products with the people of foreign nations is much reduced on account of the condition here. I see by reference to a pamphlet placed in my hands that the exports in 1880 and 1881 were 368,463 animals; those of 1882 and 1883 were 212,254; a reduction in the number of the last year below the former of 156,109 animals and in value $11,506,000, in two years. The exports of fresh beef for two years were less by 40,076,167 pounds and in value by $2,191,190.

The value of pork decreased in the same time $3,563,993. This reduction of the amount of exportation of beef and pork is largely due to the action of Germany and France and the belief on the part of the people of those and other countries that our meats are in an unsound condition and not fit to be used.

So, Mr. President, in any point of view in which this subject can be considered, it seems to be of great importance to the people of this country that something be done immediately that will get rid of these contagious diseases and that will result in such action as will prevent the reappearance of such diseases and as will satisfy other governments of the fact that our pork and beef and live-stock are as sound and as safe to be used as are those from any other portion of the world.

Mr. President, I shall not detain the Senate further than to say that while I desire to keep within the purview of the Constitution as closely as any Senator on this floor, I am not willing to throw myself behind technical constitutional provisions and say that we can not do anything for the relief of the people of this country in this emergency. I think we have the power to do what is proposed, and I am in favor of doing it without delay.

Mr. GARLAND. Mr. President, I shall detain the Senate but a very few minutes. I wish to state some things that I deem necessary to go in the RECORD with the remarks made a while ago by the Senator from Delaware [Mr. BAYARD] and the Senator from Ohio [Mr. PENDLETON]. I have said, so far as I am concerned, upon all the points involved in this measure all that I desire. I stated on Friday that when the bill properly called the pleuro-pneumonia bill shall again come before the Senate I may have something further to say, and I will cite some instances in the action of Congress of a more recent date, that I did not take the time the other day to detain the Senate with—instances that were not purely matters of sympathy any more than were the centennial exhibition and the Yorktown celebration. The Senator from Ohio seemed to plant himself upon the matter of appeals to sympathy, if not as a vindication at least as a plausible excuse for the precedents that have been cited. Those are two that did not appeal to any particular sympathy that I know of. Nobody was suffering for an exhibition of either sort. But I have some precedents of recent date which will be more practical and more applicable and that it will be refreshing to the Senate to hear, and when the bill relating to pleuro-pneumonia comes up I will detain the Senate by calling attention to them.

I am a State-rights man myself, but I understand State rights in a very different way from the Senator from Delaware and the Senator from Ohio as applied to this particular question. There is where the difference is. They complain of the latitudinarian or loose construction that I have put upon the Constitution. My judgment is that the construction that they put upon it as applied to this particular subject and kindred subjects is entirely too constipated, and it would bind Congress up so that it never could do anything for the good of the people if that doctrine was carried out.

But the purpose that I rose specially for was to call attention to what the Senator from Delaware cited as a decision of the Supreme Court. The Senator from Delaware would have made a complete citation if he had read a little further and cited the whole opinion of the court. The question was about stopping the sale of liquor in a State. The Supreme Court held very properly that that was a police regulation, and it was something that the party who suffered under could not appeal to the Supreme Court of the United States to reverse as being against the

Constitution of the United States, for the Constitution of the United States had nothing to do with it. But, now, what do the court say? After stating what the Senator from Delaware very properly cited, the court proceed:

Of course—

Said the court in the case of Beer Company *vs.* Massachusetts, (97 United States Reports)—

Of course we do not mean to lay down any rule at variance with what this court has decided with regard to the paramount authority of the Constitution and laws of the United States relating to the regulation of commerce with foreign nations and among the several States or otherwise.

They cite Brown *vs.* Maryland, (12 Wheaton, 419, the old case); the License cases, (5 Howard, 504); the Passenger cases, 7 Howard; Henderson *vs.* Mayor of New York, (92 United States Reports, 259); the Chinese case from California, Chy Lung *vs.* Freeman, (92 United States Reports, 275); and what is the next case they cite?—the Railroad Company *vs.* Husen (95 United States Reports, 465), which I read to the Senate the other day, in which they said that while they did not undertake to interfere with any police regulations, yet the matter of commerce between the States (and it was cattle in that case) it would interfere with, and so they repeat that and cite it as the last case in the opinion that the Senator from Delaware read to the Senate. That leaves the proposition exactly where I left it last Friday.

I do not desire to detain the Senate any longer. The Senator quotes from Wharton's new work on American law. He commends the course there based entirely on this decision and the others, running back to the case of Gibbons *vs.* Ogden, in 9 Wheaton, in which the question is exactly as I left it. Police regulation is one thing; commerce is another. It is the whole discussion that we had upon the yellow-fever quarantine here, when we not only interfered with the States, but sponged out, obliterated, and destroyed State authority; and that act was passed by a very large majority after a long discussion through the month of May and a part of June.

Mr. BAYARD. Mr. President, so far as I can understand the position of the Senator from Arkansas, he does not differ from me or from that portion of the case I cited decided by the Supreme Court as to the police powers of the States; but he does now undertake to place the power in Congress to pass the resolution under consideration upon the power to regulate commerce between the States. I take it that the power to regulate commerce between the States given to Congress is the same precisely, in the same frame of words and in the same association, as the power to regulate commerce with foreign nations. The clause reads:

The Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

I take it that the grant of power in the same words, in the same association, is equally broad to regulate commerce between the States. But what is the power of Congress to regulate commerce? Like all other powers, it is to be considered with others that are granted or withheld. There is no such thing as the grant of absolute power from the beginning to the end of this delegation of powers. They are all limited, all relative, and they are all to be construed as a general whole to produce a consonant result. While Congress is given the power to regulate commerce with foreign nations and among the several States, it is not an absolute power, but it is coupled with this provision:

But all duties, imposts, and excises shall be uniform throughout the United States.

And further, that—

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another.

What is the effect and what is the natural result of the power now claimed? That there is to be a discrimination between the States; that there is to be a local imposition of check and obstacle upon the exports and traffic of some States that is not imposed upon others.

When the Congress of the United States passes a law regulating commerce it must apply to every State alike and it must be uniform. If it were not so, sectional aggression, sectional preponderance would necessarily occur. The weight of population, the weight of property would soon render this what it never was intended to be, a Union of unequal States, with favoritism as to locality; and how long would that endure? How long among American freemen ought it to endure? No, sir; this resolution and this proposition is not founded and it can not be proposed to be founded under the regulation of commerce between the States, simply because it is not, in the first place, a regulation of commerce. The States necessarily have, the communities necessarily have, that first power, essentially the power of self-preservation, and it is for that reason that the quarantine power was given originally, or rather reserved, and has been always exercised in the history of this country by the localities to be affected by it.

Who shall judge of the condition of disease and of health but the community to be affected by it? Who can judge of the danger? The very nature of things requires, the very distances of this great territory over which our National Government extends require, local self-government for the purpose of local self-protection. There can not be wise legislation without knowledge; and mere space in this country alone, the vastness of space, prevents the acquisition of that knowledge necessary for the purpose of meeting the case with justice and with efficiency.

Therefore, I submit with due respect to the Senator from Arkansas that the power to regulate commerce between the States would be defeated by a proposition that would create unequal regulations in regard to this, that, or the other State. It would act on the State of Texas, which is the great fountain-head from which so much of the food supply of this country emanates; it would act on that State and not on those to whom by the natural course of demand and supply this great body of animals moves. Therefore we should have an utterly impracticable condition of things, the apparent necessity of the case demanding regulations not uniform in character and the Constitution of the United States forbidding that they should be imposed.

So, therefore, I submit that there is nothing in the authority or nothing in the decision just read or the part that I omitted to read. It has nothing to do with the point for which I cited the case. I cited it merely to show that by a late expression of the Supreme Court of the United States, reviewing the period of decision of nearly one hundred years, defining as well as they could define the meaning of the words "police" and "police power," they had adjudged, as all their predecessors without exception had adjudged, that the police power of the State, essential to the State and capable only of being exercised by the State and unreservedly deposited with the State, included among other things and chiefly the health of the people. If anything can be more directly connected with the health of the people of the State than the food which the people are to consume, I am at a loss to imagine it.

There can be no illustration affecting the health of a people more strongly than infected, unwholesome, unmerchantable meats. It is punished in every State I know of; it was punishable by the common law of England; it is punishable in every State of this Union to sell food that is deleterious to human health or what is termed unmerchantable. What power there exists which has always been exercised must exist, and can in the nature of things only exist and be reposed in the local power of self-government of the people, and can not be exercised under the name or by the pretense of regulating commerce between the States, or by assuming a power for which the Federal Government has no warrant in the Constitution and which it never can competently, economically, or justly exercise.

Mr. HAWLEY. Mr. President, I do not propose to rehearse the well-known doctrine in relation to the State and Federal Governments any further than to state my view in two or three sentences.

The United States Government has all the powers that are granted to it. All the other powers are reserved in the hands of the people or the States. A State may exercise all powers, rights, and duties that are not forbidden to it by the Constitution of the United States, and its Legislature, as representing the people of the State, may do this unless it be further restrained by the State constitution, and under that, as the Senator from Delaware has said, work of the description we are talking about begins primarily with the States.

One distinguished Senator has asked us what we can do if we can not pass bills like those that have been under consideration in this and previous Congresses. If he will kindly give me his attention I think I can show very briefly what we can do.

A statute of the State of Connecticut providing for a State board of agriculture is contained in ten sections. I will read sections 6 and 7:

SEC. 6. For the purpose of preventing the spread of contagious diseases among domestic animals, said board may, when in its judgment public safety demands, prohibit the introduction of any such animal into this State.

That the State has a right to do.

When any contagious disease exists in the State the board may quarantine all infected animals or such as they suppose have been exposed to contagion; prohibit any animal from passing on or over any of the highways near the place of quarantine, enter upon any premises where there are animals supposed to be infected with any disease, and make all investigations and regulations necessary for the prevention, treatment, cure, and extirpation of such disease.

SEC. 7. The board may appoint suitable persons to inquire into and report to it all violations of law and of any regulation made by it, and may also appoint three commissioners on diseases of domestic animals, who shall have all the powers of the board in regard thereto.

That act was supplemented a few years afterward by this one, directly applicable to the case in question:

SECTION 1. The State board of agriculture, or in case said board have or shall appoint commissioners on diseases of domestic animals under the provisions of section 7 of the act to which this is an addition, then said commissioners may, when in their judgment the public good shall require it, cause to be killed, and to be disposed of afterward as in their judgment may be expedient, any animal or animals which in their judgment are infected with or have been exposed to and are liable to communicate to other animals any contagious disease.

SEC. 2. The said board of commissioners, after notice to the owners of such animals, or, if the owner does not reside in the town where such animals are, to either the owner or keeper of such animals, shall cause all animals, before being killed under the provisions of the preceding section, to be appraised at their assessed value in their respective towns by the assessors, or a majority of them, of the town where such animals are kept; and it shall be the duty of the assessors of the several towns to make such appraisal upon the request of said board of commissioners, and two-thirds of such appraised value of such animals, if killed, shall be paid to the owner thereof by the State, upon the approval of the governor.

Mr. President, that covers, within the limits of Connecticut, the whole case. It prevents the bringing in a diseased animal; it takes care of the diseased animal after it is brought in; if need be it kills it and pays

the owner two-thirds of the appraised value, it being proper enough that he should lose something of it for various reasons, that he may be cautious for himself, that he may have not a motive to impose upon the State, &c.

This having been done, what else remains for the protection of the State? Certain work that is clearly and indisputably, by the assent of both sides and every Senator, within the Federal jurisdiction; and that is to watch over all diseased animals upon the navigable waters and upon vessels coming from abroad and guard their transportation between the States.

There is not a lawyer here who will disagree upon the provisions of a bill embracing only these points that I have referred to, because they are clearly provided for in the section of the Constitution concerning commerce with foreign powers and between the States. Therefore my answer to the Senator who asked what we shall do if we can not pass these bills is simply this: Let each State do what I am happy to say my own State has done, and then we shall agree upon the pending bill concerning these diseases with one section out of it, and the whole subject will be completely and satisfactorily covered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee [Mr. HARRIS] to indefinitely postpone this joint resolution.

Mr. PLUMB. I shall discharge my duty on this measure in a very brief way. When I drew the resolution, as I did somewhat hastily at my desk, I thought it was a very incomplete paper; I thought it contained a very innocent proposition, one that I did not conceive would be the subject of any extended debate in the Senate as involving any question of the exercise of doubtful power. It has led to a discussion which has been very instructive and learned, but which, it seems to me, has been apart from the true issue in this case.

I am not competent to enter upon that branch of the discussion with anything like authority, but to negative the idea contained in this resolution is to say that the Federal Government must remain absolutely powerless, although all the cattle and sheep and hogs of this country should be actually decimated. No matter how inadequate the local authorities might be, the Federal Government, according to the theory advanced by the Senator from Delaware and the Senator from Connecticut, is absolutely estopped from doing anything whatever. So long as the disease exists in any State there can be no power in the Federal Government anywhere to do any single thing which shall even tend to the protection of the public interests by way of eradicating the disease or preventing its spread.

When, a few years since, there was a suggestion of yellow fever at New Orleans or Memphis, the Senate, under the leadership of the Senator who made the motion to indefinitely postpone this resolution, passed a measure designed to and giving to the President of the United States and to a national board of health created by national law arbitrary power, with or without the consent of the States in which that disease might be found, to take effective measures to stamp it out. It was no more a national question if it existed in two States than if it existed in one. There can be no umbilical cord connecting two localities and sections. There can be no connection between the disease existing in one State and another State which gives it an interstate character which it does not possess if it exists in one State alone. The character of the disease, the liability to its spread, the general consequences of destruction, the great fears to be suggested by its spread, are the consequences of the emergency which make it a national question, or it never can be made so.

The State of Connecticut has stamped out certain diseases, as we have been informed, in that State, and paid the damages out of its own treasury. It has done all this by a machinery which it has itself provided, and we are invited to follow that example. Mr. President, this is not a question that now affects the State of Kansas any more nearly than it does the State of Missouri, the State of Illinois, the State of Iowa, or the State of Texas. The circumstances existing west of the Mississippi River, and in fact west of the Alleghany Mountains, in all the great States where cattle-raising is a business, and where it is the means of livelihood of a large proportion of the people, and where it is one of the greatest interest not only there but by reason of its great importance to the entire country, are entirely different from what they are in Connecticut.

There the cattle are few in number. The man who owns fifty head of cattle is a man of note. The cattle are usually kept in confined quarters, in stalls, in small pastures, in stables. They are domestic cattle, kept for milking purposes. They do not come in contact with other cattle; they are not driven hither and yon; they do not find their way to distant markets; they are kept at home, and they lack giving a full supply of meat to the people of that State; but the cattle of Kansas are to-day on the prairies of Kansas and to-morrow they are in Missouri, and the next day in Illinois, and the day after that perhaps they are in New York, and so with all the cattle of all that country.

At the time when the grass springs up and cattle are turned out upon the ranges they range five and ten and fifteen and twenty and fifty miles, coming in contact with other cattle belonging to different persons, and those in turn go ten, fifteen, or fifty miles farther beyond, frequently driven across half a continent; and the existence of disease among herds of cattle thus bound to be widely dispersed is an entirely different thing, and constitutes an emergency far different from what the outbreak of any disease could be in States in which the circumstances are such as they are to-day in the State of Connecticut.

After the first alarm it is to the interest of the people in the locality where the disease occurs to belittle it. It is to their interest to belittle it until they can get rid of their cattle, until they can send them away. So the very moment the disease is well defined in any locality the men ship the cattle off. The men in Kansas send their cattle into Missouri, getting them away not only for the purpose of sale but, even if they design to continue their ownership, to get them out of the reach of infection. In so doing they may save the cattle or they may not. Instead of saving their cattle they carry the infection in among other herds, and this very dispersion, the very cessation of the disease in the locality where it springs up, is a suggestion of added danger everywhere else where the cattle may go.

The situation, as I regard it, is not the only serious cause of the outbreak of this disease, but on account of the time of year. Within the next thirty days these cattle will be on the ranges. They will go into the Indian Territory, they will go into Texas, they will go into Nebraska and Missouri and Colorado, and in all that great space west of the Mississippi River wherever this contamination extends and gets among the cattle on the ranges there will be an absolute physical inability to eradicate it.

That this subject has received consideration at the hands of the officials of the Government is evidenced by the report of the United States Treasury Cattle Commisson made to the Secretary of the Treasury on the 21st of July last, in which, after stating the susceptibility of cattle to the disease and the great interests at stake, the commission go on to say:

> In this connection it may be well to state that the invasion of the foot-and-mouth disease that swept from Canada over Northern New York and New England in 1871 created something closely approaching a panic. The agricultural papers were full of the subject, State boards of agriculture convened and discussed the question, a convention of delegates from different States met at Albany, N. Y., and it was the engrossing theme for every local farmers' club along the line of infection. This invasion, imported into Montreal with two English cows, fortunately occurred in autumn, and the long seclusion of the herds during the ensuing winter virtually stamped it out, the infection not having extended beyond herds in inclosed pasturages or buildings. Most of our farmers are as ignorant of the disease to-day as they were in 1871, and any new invasion could not fail to produce a similar excitement and consternation.
>
> It should be added that our connection with the States, as well as the United States, brings us constant complaints of diseases supposed to be contagious, but we have not found any evidence of the actual existence of the foot-and-mouth disease at any point among our home herds.

That occurred in the fall and winter. This occurs at the very season of the year when the damage is liable to be the greatest, when the opportunity for its spread is the most considerable, and consequently when the opportunity for stamping it out is at the minimum.

Now suppose that in a given case the State can stamp it out. The National Government can do it easier and better and more effectually. It is not simply that it shall be stamped out, but it is the absolute knowledge so far as that can be imparted by any human agency that it has disappeared. The moment the State of Kansas, for instance, spends a little money and goes through some performance designed to stamp this disease out and notifies the world that it is done, at once there would be a cry of incredulity; men would say at once "that is the suggestion of self-interest; they do not want to be embargoed."

The other day when the governor of Illinois caused it to be announced that he would probably quarantine cattle from the State of Kansas, at once dispatch was sent to him that the disease was not as bad as it was supposed to have been. There at once interest comes in, the interest of the individual, the interest of the locality, and the interest of the State, to so prevent interruption of trade in cattle, to so prevent quarantine against cattle from that locality as to enable the men owning infected herds to get rid of them.

The little finger of the General Government in a matter of that kind is thicker than the loin of the State. It needs a power that can not only go to the locality itself, but can follow the infected herd across the line of the State. Every herd that has left the State is infected. They can seize upon it if it is infected everywhere that it may manifest itself, and while one State is acting the disease is communicating itself to the cattle of another, and so on all the way round, until State action will be futile, because as fast as it may be stamped out in one State or thought to be stamped out the contagion existing in other regions will be communicated again, and there is no possibility of joint action which will be absolutely effective.

It has been suggested by the Senator from Delaware that we are laying the foundation for expending two and a half million dollars or perhaps more. As the Senator from Kentucky [Mr. WILLIAMS] suggests, suppose we do; if the emergency is equal to the expenditure, the expenditure ought to be made. But that was coupled with the ungenerous suggestion which I understood to have been drawn out of the statement of the Senator from Texas [Mr. MAXEY] that behind all this was some covert idea or expectation on the part of cattle-men undertaking to sell their cattle to the Government. That was unworthy of the Senator who made it, if I understood him aright, and especially unworthy as I think of the Senator from Texas, representing as he does the cattle-men of that State, who have looked to him so long as their

able representative on this floor. He knows they do not need any Government purchase of their cattle, that they are as good as gold in the market of the world as long as they are healthy, and nobody would prefer the Government as a purchaser of his cattle. There is no basis or foundation for an insinuation of that kind.

But, Mr. President, there is no necessity even for the Government to be committed to a large expenditure. If this thing is taken now in its infancy, in its first stages, a few thousand dollars will do what some hundreds of thousands would probably not do in the next month or two. The agent of the Commissioner of Agriculture, or the Commissioner himself, can go to the place where the disease exists; he can direct the segregation of infected cattle in various ways, putting them into stables, in herds and pens, enforcing simply by his suggestion, by his command, perhaps, but a command which he will not need the authority of troops or any other physical force to enforce, whereby there can be absolute non-intercourse with the infected districts. Any suggestion that he will make will be heeded and carried out; he will not need to purchase the cattle, perhaps not a single head of them. The men will themselves submit to have the cattle which he, in his judgment, will say are necessary to be destroyed, and will submit to losses of that kind gladly rather than stand there and wait until they have to submit by the spread of the disease to greater losses. It is not committing to him a dangerous power. As we do not give the machinery, so we do not put it in his power to exercise that power which some would imply.

So far as concerns the question of the creation of claims against the Government hereafter, I propose hereafter, if we shall ever come to that point, to move an amendment expressly excluding anything of that kind, amounting to a direction, to a notice that the General Government is not to be responsible beyond the amount appropriated in the resolution. The amount is small, I know. That is made the subject of complaint. It can be enlarged. I think it ought to be greater, because since this debate began there is notice here of the outbreak of this disease in Illinois, notice of the outbreak of the disease in Iowa, and if I am not mistaken a Senator on this floor has a dispatch from the governor of Missouri calling the attention of that Senator to what he supposes to be an outbreak of the disease in that great State. I know dispatches were published in the newspapers of yesterday stating that the disease had broken out in one of these States, and if this debate shall continue for a few days longer I think the necessity for it will become more and more apparent; and as the necessity grows so also does the responsibility for delay.

What is the interest which is represented by the hundreds of millions of dollars involved? It is of immense consequence not only to a few States but to the nation in the aggregate. It is a question which involves the dependence, the independence of the people of the United States. While I would not for that reason have Congress enter on doubtful or dangerous ground, certainly in view of the precedents we have, those we have ourselves made, it can not be that the investment of a comparatively small sum of money to be used in co-operation with the authorities of such States as may feel the need of that co-operation in any way violates the Constitution of the United States. If it is lawful by the Federal authority to destroy and stamp out the yellow-fever in the city of Memphis and the city of New Orleans, it is as lawful for the General Government to enter into its sacred precincts and in company with the State itself stamp out any disease which by its spread threatens the vital interests of the people of the United States.

Mr. VEST. Will the Senator accept an amendment to strike out "the State of Kansas" and insert "the States in which the same may be used?"

Mr. PLUMB. Certainly, so far as I can accept it. I said the other day, I said from the beginning, that I was entirely willing to have its scope extended. I did not want in drawing it to make the suggestion, or be responsible for it, that the disease existed elsewhere. I left that to be made by the parties interested. I am not only willing but anxious that it shall extend everywhere. As I said, it is not to-day a question that concerns the State of Kansas any more than it concerns the State of Missouri, and it no more concerns the State of Missouri than it does the State of Connecticut, because of this interest which builds up the great commercial interests of the country and feeds the people. While we may all be too suspicious, and this may not prove as serious as has been anticipated, it may prove a great deal more serious; and the mere suggestion, however faint it may be, that the herds of this country are threatened with this disease, or with any other contagious disease, and that there is not one single line of authority on the statute-book of the United States authorizing anything to be done and not one single dollar of money that can be applied, ought to be enough of itself to cause Congress to hasten, not delay, to the adoption of every measure that may be necessary, and which is consistent with a fair judgment as to what the power is, to put in motion the machinery to stamp it out and arrest the evil.

But, Mr. President, I believe the danger is greater than any anticipation that has yet been formulated about it. I have a letter in my pocket from one of the most intelligent cattle-men of my State. He says it is impossible to get a quarantine while every man wants to get his stock away, disregarding the public safety and everything but his own interest. It seems to him that the danger is greater than can be estimated or imagined, and he fears that no machinery that will be applied from the single standpoint of the immediate locality in which the danger exists will ever meet the case. As I said the other day, we want a national government that can equalize this, that can say whether Illinois shall quarantine against Kansas and New York against Illinois, and when it shall be said authentically that the disease has disappeared, that it has been stamped out, it should convey that news in an authentic manner to every place where it is material to know the fact.

Mr. President, one of the reasons why Great Britain is legislating against our meats has been the fact that it has been understood there, or at least it has been assumed to be understood, that the foot-and-mouth disease existed in the United States. The report of this same cattle commission contains the orders of the privy council of Great Britain on this subject, orders based upon the alleged existence of foot-and-mouth disease in this country. It is a question that affects our foreign commerce.

It affects the ability of the people of the United States to export their cattle to the markets of Great Britain. We are liable at any time on account of this to have an entire embargo upon all this great interest; not merely an embargo on the part of one State against the cattle of another State, but an embargo against our export of cattle by the entire civilized world. And in view of these great interests possibly to be affected, probably to be affected, nay, affected now directly, as we ourselves know, it seems to me that we ought to hasten at once to the remedy that we can provide, in order, first, that the truth may be known; in order, second, that the cure may be applied, and in the next place that the world may be advised of what we have done and its effect upon this great interest, in order that our commerce may once more go along, as it has heretofore, unquestioned.

Mr. HARRIS. Mr. President, I certainly should not have troubled the Senate with a single word in respect to this measure if it had not been for the allusion made by the Senator from Kansas [Mr. PLUMB] a moment since to the fact that the motion to indefinitely postpone was made by myself, and to the fact that a few years since a bill that I had the honor to introduce and which was passed into a law, known as the act of the 2d of June, 1879, he seems to regard as a precedent for the legislation sought by his joint resolution. I only rise now for the purpose of calling the attention of that Senator to the fact that they are by no means similar or kindred propositions. The bill to which he refers had but one single object and purpose, and that was to so regulate commerce as to prevent the introduction of contagious or infectious diseases from foreign countries into this country or from one State into another—simply and wholly a regulation of commerce with foreign nations and among the several States. Not a single feature of the bill to which the Senator referred as introduced and advocated by myself proposed to authorize the National Board of Health to go into a State and deal with a disease confined to the limits of that State, except so far as the dealing with it might become an absolute necessity to prevent its introduction into other States from the particular State infected.

Mr. PLUMB. That is precisely what this measure intends to do, eradicating it so that it can not be imported elsewhere. It is not for the relief of the persons who are particularly interested in the sense of having cattle infected. There is nothing plainer than that, I think.

Mr. HARRIS. The difference, as I think, between the bill to which the Senator refers and the pending measure is this: One, as I have already explained, simply proposed to regulate commerce so as to prevent the introduction of contagion from foreign countries into this or from one State into another, while if I understand the resolution of the Senator from Kansas it is a distinct proposition to take from the Treasury a sum of money for the purpose of dealing with a disease that is described as existing in a single State, and not to the matter of its transmission from one of the States to another State. In other words, the bill to which he refers as advocated by myself was purely intended to be no more nor less than a regulation of commerce. I can hardly think the Senator from Kansas will treat his resolution as a commercial regulation.

But I do not propose to go into the discussion of the merits of the question. Believing, as I believe, that we have no power to take money from the Treasury of the United States and appropriate it to dealing with this disease in a single State, I shall vote to postpone indefinitely the Senator's resolution, and if that motion shall not prevail, when it comes upon the question of its passage I shall vote against it.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Tennessee [Mr. HARRIS] to postpone the further consideration of the joint resolution indefinitely.

Mr. CONGER. On that motion I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BOWEN (when his name was called). I am paired with the Senator from Florida [Mr. JONES]. If he were present, he would vote "yea" and I should vote "nay" on this motion.

Mr. HAMPTON (when his name was called). I am paired generally with the senior Senator from Rhode Island [Mr. ANTHONY]. I do not see his colleague here and I do not know how he would vote on this proposition. I therefore refrain from voting. If at liberty I should vote "yea."

Mr. VAN WYCK (when Mr. MANDERSON'S name was called). My colleague [Mr. MANDERSON] would vote "nay," but he is paired with the Senator from South Carolina [Mr. BUTLER].

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM]. If he were here, I should vote "yea."

Mr. SLATER (when his name was called). On this question I am paired with my colleague [Mr. DOLPH]. If he were here, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 15, nays 32, as follows:

YEAS—15.

Bayard,	Colquitt,	Jackson,	Ransom,
Brown,	Farley,	Maxey,	Saulsbury,
Camden,	Gorman,	Pendleton,	Vance.
Coke,	Harris,	Pugh,	

NAYS—32.

Allison,	Edmunds,	Logan,	Plumb,
Blair,	Frye,	Miller of Cal.,	Sawyer,
Call,	Garland,	Miller of N. Y.,	Sherman,
Cameron of Wis.,	George,	Mitchell,	Van Wyck,
Cockrell,	Hawley,	Morrill,	Vest,
Conger,	Hill,	Palmer,	Voorhees.
Cullom,	Hoar,	Pike,	Williams,
Dawes,	Ingalls,	Platt,	Wilson.

ABSENT—29.

Aldrich,	Gibson,	Kenna,	Riddleberger,
Anthony,	Groome,	Lamar,	Sabin,
Beck,	Hale,	Lapham,	Sewell,
Bowen,	Hampton,	McMillan,	Slater,
Butler,	Harrison,	McPherson,	Walker.
Cameron of Pa.,	Jonas,	Mahone,	
Dolph,	Jones of Florida,	Manderson,	
Fair,	Jones of Nevada,	Morgan,	

So the Senate refused to indefinitely postpone the joint resolution.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Massachusetts [Mr. HOAR] to postpone the further consideration of the joint resolution until Friday next.

Mr. HOAR. I made this motion last week, in the absence of any authentic information, in order to gain some brief postponement. That has already happened. That is, three days of the seven contemplated in the original motion have already expired; and while I am not myself informed as to the necessity of this matter sufficiently, yet the Senators representing the States affected claim to be, and I withdraw the motion.

The PRESIDENT *pro tempore*. The motion to postpone is withdrawn. The question recurs on the amendment of the Senator from Texas [Mr. COKE] to amend the paragraph proposed to be stricken out by the motion of the Senator from Ohio [Mr. SHERMAN].

Mr. SHERMAN. I desire to renew the motion of the Senator from Massachusetts, merely to state briefly why I should vote for such a proposition if it was pending. I do not wish to consume time.

I am not troubled at all by the constitutional scruples which have been stated on the other side of the House. I do not care to discuss them, although I could no doubt repeat old arguments and answer old arguments again that have been discussed time out of mind. My objection to this resolution and the reason why I should like to have it postponed is that it is totally inadequate and impracticable; that we ought to deal with this question, not by piecemeal, not in small sums like this, not with undefined powers, but by some practical measure of legislation which will enable effective action to be had to stamp out infectious diseases among domestic animals. I am yet in hopes that the Senator from Kansas, seeing that this debate on his little resolution of $25,000 has drawn out all the fire of the adversary, will allow the real question, the real bill, to come up, and if he chooses to ingraft this proposition on that bill, I would vote for it with the greatest pleasure.

But for us now to have wasted one or two legislative days in considering a measure so imperfect as this, when we have before us a proposition so important as the pleuro-pneumonia bill, it seems to me is a wasteful loss of time and making a needless controversy with the House. They have sent us a bill which, imperfect as it is, is an important one, and can be made vastly more important by suitable amendments that I hope the House will agree to; but now if we, having their bill on our table reported to us, send them a joint resolution involving only a single disease, much less important than pleuro-pneumonia, and appropriating only a small sum, without defining the powers of the Commissioner of Agriculture, it seems to me we are trifling with a great and important subject.

Mr. President, my hope is that, the Senator from Kansas having made his demonstration, and it appearing that there is really no pressure now in Kansas, in Missouri, or in Illinois that can not be dealt with by the local authorities, he will allow this resolution to stand over a while and take up the more important question of the general bill.

Let me state one or two practical objections to this measure. This authorizes the Commissioner of Agriculture to spend $25,000. What is he to do with that money? If it is merely wanted to inquire into the fact whether or not the foot-and-mouth disease exists in Kansas he has already $25,000, appropriated last year, now in the Treasury, for that very purpose, and the same provision is made in the bill this year. Last year there was $25,000 appropriated to enable him to investigate into the causes and all about these diseases, and that money is still unexpended, available at this moment for investigation. What more can he do under this resolution now pending than is authorized to be done under the existing annual appropriation that is made for this purpose? Nothing, unless he has the power to go in and kill diseased cattle. It is confined now; it ought to extend to sheep and hogs, because they are subject to this foot-and-mouth disease as much as cattle. Is there power under this provision as it stands for the Government of the United States to seize the private property of individuals? How can he act in the absence of all law defining the mode of seizing on this property, the mode of paying for it, the mode of ascertaining its value, and all the various particulars that are essential to a practical measure? It is impracticable. All he can do if this resolution passes is to inquire into the existence of the alleged disease in Kansas and when it is extended to the other States, but he dare not seize and kill a man's cattle, because he has no legal authority to do it unless some provision is made for payment for the cattle, because the Constitution in its plain provisions does come in and declare that private property shall not be taken for public use, to prevent the extension of the disease into other herds, unless it is paid for. Unless some provision is made for its payment it would be a usurpation on the part of the National Government to seize a man's private property. It can not do anything with it at all until some provision is made to pay for it. How shall it be ascertained? How far would $25,000 go to stamp out an infectious disease in a herd of cattle? How many cattle would that kill? One thousand, perhaps, at $25 a head.

This shows that the measure is totally inadequate for the purpose; that it has not the necessary provisions to carry it into effect. There is a still graver feature in regard to these infectious diseases. Cattle may be imported from all the countries of the world now under the provisions of the existing law, subject only to be put in quarantine, but I very much doubt whether the quarantine, although it was established on my order, is authorized by the existing law. I doubted it at the time. There is very grave doubts of it when you come to examine the power conferred by Congress, until the last two or three years, to establish quarantine. Now, there is no power in this Government to kill or destroy any animal imported into this country although it has the mouth-and-foot disease. The Secretary of the Treasury and the proper officers of the Government have communicated to Congress over and over again that he is in that dilemma; that if a herd of infected cattle are brought into this country there is no power given to that Department or to any Department of this Government to destroy those cattle, although they are plainly covered with disease. There is no law authorizing it. He may put them in quarantine, but where an imported herd is brought here and put into quarantine it does disseminate the disease. There is no power to destroy the herd or a single head of the herd.

With this imperfect state of the law on the subject of quarantine on the subject of contagious and infectious diseases, why is it not better to take up the bill sent to us by the House and ingraft on it such additional provisions as will enable the measure to be effective, and in the two days we have wasted on this debate we might probably have passed a law that would stop the terrors that now threaten the whole Western country.

Under its quarantine the Treasury Department prevented the extension of pleuro-pneumonia across the Alleghany range. It has existed for many years; it has been imported into this country, and ever since 1866 it is admitted that pleuro-pneumonia has existed in the District of Columbia, in Maryland, Pennsylvania, and all along the coast. Massachusetts is the only State that seized upon it and stamped it out, as they say. Connecticut no doubt has passed very wise laws on the subject. But the pleuro-pneumonia has existed now for sixteen years in all these States, but it has never crossed the Alleghany Mountains. Suppose it should cross that mountain range, suppose a single herd, yes, a single ox or a bull or one of these valuable cows that are brought over from Europe should be affected with pleuro-pneumonia which prevails in almost every country of Europe, and convey by contact that disease to our herds in Ohio and Kentucky, which, although not so numerous as the Western herds, are immensely more valuable per capita, because they are more highly bred and much more valuable in many respects. Suppose you get pleuro-pneumonia into that region, nothing in the world would prevent its extension westward. Why? Because the regular course of merchandise is for the Western dealers to go to Ohio and Kentucky and all these high-breeding States and take out cattle to improve their stock; and if we should once get this disease into Ohio it would be carried into Indiana, Illinois, and so on to the Western plains; and once get a single herd in the plains diseased, and there is no power under heaven except the destruction of vast herds that could stop that terrible evil.

Mr. President, I say therefore that we are wasting time in considering this resolution, because it does not reach the magnitude of the evils that threaten our country, although it is just as natural as can be for the Senator from Kansas to seize upon a single diseased herd in probably a single county in the State of Kansas and rush here to ask us for $25,000 to help stamp out this foot-and-mouth disease which, although probably worse in some respects than the pleuro-pneumonia, is not so dangerous, is not so destructive. According to the English

authorities it has never carried away 10 per cent. of any herd, and usually not more than 2 or 3 per cent. It is a disease that expires in six days. It is like comparing the chicken-pox with the small-pox, when you compare the foot-and-mouth disease with pleuro-pneumonia, which destroys immense herds and has actually made it impossible to raise cattle in certain parts of Australia.

It seems to me that we ought to deal with the greater question, and then we can by simple provisions of law prevent the importation of diseased cattle and provide for their destruction. There can be no question of authority upon that subject, because that is plainly a regulation of foreign commerce, and we can prevent the dissemination of the disease through our own ports. There can be no question about it. Although I do not see any reason why I should not vote for this resolution if it shall be pressed to a vote and sent to the House because I am in favor of a stronger measure, at the same time I am in hopes the Senator from Kansas will allow us to take up the other bill and proceed with that and finish it. I hope in that way we shall get a practical measure in a safe form to send to the House, and we shall probably have a law passed much sooner than it will be if passed in the form of the present resolution.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. SHERMAN] moves that the further consideration of the resolution be postponed until Friday next.

Mr. SHERMAN. I will say for one week.

Mr. PLUMB. Let me ask the Senator from Ohio, if we can not get all we want, must we not have anything? I do not claim that this is adequate to a great emergency or perhaps equal to the emergency that is on us now; but we have had notice filed upon us here that the bill of which he speaks and which he thinks ought to be passed, as I do, will be debated at great length. There is no probability that the bill will become a law inside of three weeks. It may not become a law inside of a month or six weeks, and perhaps even not at all, as is suggested from the other side.

This resolution is at least a step in the right direction. If it does not do all that is required, it must be remembered that it commences at the incipiency of the disease. If it does not meet the emergency in the State of Kansas where the disease has broken out in the most virulent shape, it may eradicate it in States like Missouri and Illinois where it is just getting a foothold. It can not do any hurt.

If the Senator from Ohio thinks the amount appropriated is not large enough, I am sure the Senate will listen to him while he moves to make it larger. If we do not give the Commissioner of Agriculture the power which he says he ought to have, we at least give what many gentlemen on the other side of the Chamber hold to be an unconstitutional power, and we put him in the field to do what he can do and what now he can not do. We shall at least have added something, and that too immediately, to what now exists, or rather we shall have put in the place of nothing something which can not but give the Commissioner the authority to do something at least to alleviate the danger and to prevent its further spread.

In addition to that, Mr. President, the bill which the Senator mentions provides elaborately for the drawing up of rules and that they shall be submitted to the State authorities, and nothing can be done under that bill until all this machinery has been provided, and that will take months longer. Certainly we shall not under ordinary circumstances get into operation under that bill before next fall.

The PRESIDENT *pro tempore*. Will the Senator from Ohio state whether his motion was to postpone until Friday or for a week?

Mr. SHERMAN. For one week.

The PRESIDENT *pro tempore*. The Chair understood the Senator to renew the motion of the Senator from Massachusetts. The Senator from Ohio moves that the resolution be postponed for one week.

Mr. HAWLEY. I intend to vote for that motion, but before doing so I wish to explain that it is because I am quite willing to vote to take up instantly the general bill and proceed with all haste to perfect it and adopt it. I will do anything within reason to prevent this evil from spreading.

Mr. SHERMAN. In order to test the sense of the Senate, I will move, without desiring at all to take charge of the bill, to take up the House bill at this time. That is perfectly in order.

Mr. INGALLS. I raise the point of order that that motion can not be made at this stage of parliamentary proceedings.

Mr. SHERMAN. To postpone this resolution and take up the House bill?

Mr. INGALLS. That was not the motion.

Mr. SHERMAN. But that was the motion I designed to submit. I do not desire to antagonize this measure; but this is an imperfect measure, and I think it would be wise for the Senate to do what I propose. I therefore submit the motion.

The PRESIDENT *pro tempore*. The Chair is under the impression that this bill, not being a special order, a motion to take it up comes under the provisions of motions under Rule IX. He intimated a different opinion the other day; but he is satisfied on further examination that on the suggestion of the Senator from Massachusetts [Mr. HOAR] the Chair was in error strictly on that point.

As this measure is not a special order, and as it is now after 2 o'clock and the bill is on the Calendar, the Chair thinks Rule IX does apply to it; and if it does, then the second provision of the rule that "a motion to proceed to the consideration of any other bill on the Calendar may be made" applies, and such a motion has all the privilege of a question of order, so that the motion is to be decided without amendment and without debate. The Chair will entertain the motion of the Senator from Ohio.

Mr. BLAIR. It does not seem to me that the pleuro-pneumonia bill can at this time, as a matter even of good faith, be brought before the Senate for discussion, certainly not without the opposition of every friend of the pending measure.

The bill relating to common schools was before the Senate for discussion as a special order and laid before the Senate. It had the right of way. The Senator from Kansas [Mr. PLUMB] had introduced this resolution and it was being discussed in the morning hour, at least prior to 2 o'clock. By an explicit arrangement and understanding between ourselves I assented to the informal laying aside of that bill in order that his resolution might be disposed of, he saying that if that was done the pleuro-pneumonia bill proper might be postponed without any opposition from the friends of this resolution, and in fact they would aid in securing the immediate consideration of the school bill. Now that being the fact, the matter went on under this order of the Senate made by unanimous consent:

The PRESIDENT *pro tempore*—

At 2 o'clock on Friday—

The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the special order, being the bill (S. 398) to aid in the establishment and temporary support of common schools.

The Senator from Arkansas [Mr. GARLAND] was then speaking. I rose and said:

I have no desire to interfere with the remarks of the Senator from Arkansas. In fact it would, of course, appear to be a discourtesy to him, and after a conference with the friends of the pending joint resolution I have consented that the special order be laid aside informally, to be taken up when the pending measure is disposed of—

It might be during that day, or it might be during to-day, but whenever the pending measure was disposed of the school bill was to be taken up—

The PRESIDENT *pro tempore*. Is there objection to laying aside the special order informally for the further consideration of the resolution which has been before the Senate? The Chair hears no objection.

Contrary to the expectation of the friends of the resolution, or I think any one else, it consumed the entire day in debate, but with the understanding on my part, and I think it must have been on the part of everybody, that the school bill was simply laid aside informally, the matter went over until to-day. To-day at 2 o'clock, while the honorable Senator who has made this motion was in the chair, I called up the matter again and stated the circumstances; he placed the school bill before the Senate and it was put in that way, that by declaration of the Senate, unanimous consent of the Senate, it stood the same as though again informally laid aside, and it has now the right of way, and by a single objection I suppose the further consideration of this resolution could be prevented and the school bill become at once in order.

I hope under these circumstances the Senator from Ohio will not press his motion. I do not think it would be an act of good faith under all the circumstances.

Mr. SHERMAN. In consideration of the fact that the Senator from New York [Mr. MILLER] who has charge of the pleuro-pneumonia bill states that his purpose is to bring it up as soon as possible before the Senate I withdraw the motion to postpone, and shall make no further opposition to what I regard as an insufficient measure.

The PRESIDENT *pro tempore*. Does the Senator from Ohio withdraw his motion to postpone for a week?

Mr. SHERMAN. Yes, sir; I withdraw the motion.

Mr. HOAR. I hope the Chair's intimation will not stand as a ruling of the Chair, because I would desire to call the Chair's attention to some considerations connected with it if it were to be a question of order. Of course I shall not take time to do so now.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Texas [Mr. COKE] to amend the paragraph proposed to be stricken out by the motion of the Senator from Ohio [Mr. SHERMAN].

Mr. MORGAN. Let the amendment be read.

The PRESIDENT *pro tempore*. It will be read.

The CHIEF CLERK. After the word "agriculture," at the end of the fifth line, it is proposed to insert "with the consent of;" and, in lines 6 and 7, to strike out "of the State of Kansas" and insert "of the State in which it may be used."

Mr. DAWES. Is that all one amendment?

The PRESIDENT *pro tempore*. It is strictly two amendments in two different places.

Mr. DAWES. I ask for a division of the question. There seem to be two independent propositions. I should be very glad to vote for the latter one but not for the former.

The PRESIDENT *pro tempore*. The Chair thinks the Senator has a right to have the question divided, as there are strictly two separate amendments.

Mr. DAWES. I ask for a division of the question. I do not want any such State-rights doctrine as is implied in the first part of the amendment.

The PRESIDENT *pro tempore*. The Chair will then put the question on the first amendment proposed by the Senator from Texas, which is to insert after the word "agriculture," in the fifth line, the words "with the consent of."

Mr. MORGAN. Mr. President, I regret very much that the Senator from Massachusetts should be compelled to express himself on any occasion in favor of the rights of the States against the Federal Government, for I have no doubt that the Senator from Massachusetts, representing an ancient Commonwealth, has brought himself to the conclusion that there is nothing that the United States may desire to do in respect to the matters which rest properly in charge of the States that it may not do.

Mr. DAWES. I do not consent to concede to any other Senator any more solicitation for the just rights of the States than myself. No Senator here will go further than I will go to defend the States in all the rights they have, but I do not propose by any action of mine to set a State up above the United States.

Mr. MORGAN. The State of Massachusetts will not be set above the United States, nor will the State of Kansas, by my consent, except in respect to those powers that belong peculiarly and exclusively under the Constitution to the States; and within those powers I have no doubt that I have the sympathy and the concurrence of all the real, well-instructed publicists in this body when I say that the States are just as supreme within the line and limit of their own sovereignty as the United States is within the limits of its sovereignty.

But the alarm which the Senator from Massachusetts seemed to take at the language which the Senator from Texas desires to strike out of the resolution and incorporate in lieu thereof was based on the idea that it contained some suggestion of State rights. This measure, Mr. President, has undergone a considerable investigation upon questions of constitutional law that are supposed to be involved in it. I do not propose to review the grounds that have been taken, or to undertake to vindicate either of the opinions of Judge Story in his commentaries as expressed on both sides of this question, as he has I believe on both sides of almost every question that he ever indulged in a commentary upon. So far as his authority goes it is certainly very high, very eminent. It leaves every man who is to follow him in discussion and in making up his opinion to his own right of private judgment upon every constitutional question. Perhaps that is the best disposition he could have made of it after all, for I do not think any set of jurists have ever existed in this country who could arrogate to themselves the absolute right of defining in advance and for all coming generations what should be the construction of the Constitution and its application in every particular to the emergencies as they might arise in the course of national administration or State administration in the United States.

I am very glad that our Constitution has an opportunity of growth, something similar to that which has taken place in the constitution of England, predicated upon the solemn judgment of the people as they progress from stage to stage and from year to year in civilization and in the remarkable development of science, of energy, and of prosperity. The words of the Constitution were left purposely to a large extent indefinite, so that we might find in their subsequent application, as I think, that there was not too much friction in any portion of it, but that we were left to a just and fair interpretation of its powers according to the general intent and purpose as expressed in the instrument at large, all its parts being taken together.

While, therefore, I am a strict constructionist of the Constitution in those parts particularly which define the jurisdiction of the two governments which we have to deal with here, the State governments and the National Government, I still am not disposed to deny to the Government of the United States those inherent and necessary powers which belong to it as a government. I find that inherent and necessary power to exist for the purpose of defeating an invasion of an enemy, and for the purpose also under some conditions of providing for the general welfare and common defense, and many other matters which might be defined if I chose to take time to do so.

We have, however, two governments here, one a State government, with its peculiar jurisdiction, another a National Government, with its peculiar and separate jurisdiction; and the difficulty that seems to be presented in this case is whether we are bringing these two governments into collision as to their respective powers by the language of the resolution that we propose to adopt. To my apprehension we are doing this; we are undertaking to usurp and to execute through an act of Congress powers that belong exclusively to the States. I would not go to the extent of saying that the Government of the United States can not appropriate money for the purpose of arresting or, as it is said, of stamping out some great existing or threatening danger to the food supply of this great country; but I would say that the execution of the power of stamping out, repressing, or preventing this disease and its spread is undoubtedly in my opinion confided to the States as a police or, if you please to say so, as a quarantine regulation.

Being thus confided to the States, it is the duty and is the right of the State to take charge of the subject, as has been done in the State of Connecticut so clearly, so forcibly, in its statutes, and in Massachusetts, and also in other States of the Union. Let the States provide the means by which this disease is to be arrested, provide for the condemnation and destruction of whatever property it may be necessary to destroy in order to reach the evil, and then let the United States come in, as it has a perfect right in my opinion to do, and vote a subvention to the States to enable them to pay the part of the expense of this operation which ought justly to be defrayed by the people at large in consideration of the benefits they receive.

I would not object to that; and although my State owes $10,000,000 and is severely crippled by the results of a terrible civil war, and although we have an enormous population to educate in Alabama who have no property and scarcely the means of earning anything of that sort, and although we feel the burdens of local government upon us perhaps very much more severely than the splendid young State of Kansas, which owes but a million of dollars, and has had very large and splendid contributions from the Government of the United States of public lands, &c., I still would vote to tax my people to raise a subvention for the benefit of the State of Kansas if it can be made to appear here that the State of Kansas needs the Government aid of the United States to the extent of raising $25,000. If that does appear here, I will vote it; if it does not appear here, I can not justify myself in giving that vote, for all I can do in my judgment of my constitutional powers and rights is to vote the money of the United States to aid a State which is incapable of aiding herself to the extent required by the calamity that is presented.

Mr. COKE. Will the Senator from Alabama yield for a motion to adjourn?

Mr. MORGAN. I did not expect to speak longer than a moment. I do not care about detaining the Senate further. I have stated as far as I have a right to go. I hold no commission here to legislate for Kansas, and I have no right to go into that State and have cattle killed, and therefore I do not want to do it. I want the Legislature of Kansas, that I understand is about to be in session, to take entire charge of this matter. It is said here that the resolution requires that that shall be done, because what we do here is to be done in co-operation with the State of Kansas. Why, sir, we have no more right to co-operate with the State of Kansas than we have to legislate for her in a matter that belongs to her jurisdiction.

When we send out our Commissioner of Agriculture into Kansas to co-operate with that State we send him out perhaps as a servant, a subordinate, of the State of Kansas to do what? If he does co-operate with the State, only to pay over the money. That is all he can do. He can not co-operate in passing a law to buy cattle at the great prices suggested by the Senator from Kentucky [Mr. WILLIAMS] as being paid for Kentucky cattle. That would soon exhaust the appropriation. There is only enough to pay for three Kentucky bulls in this bill. When he gets there with his $25,000, what will he do? He will first, in order to co-operate with Kansas, find out what Kansas has done. Well, Kansas has not done anything as yet on this subject, because it seems she has no law like Connecticut has, and therefore we must wait until Kansas legislates. If you were to send your Commissioner of Agriculture to Connecticut to co-operate with the State authorities there with $25,000 he would understand precisely what he had to do. The sovereign Commonwealth of Connecticut having enacted her laws on this question, and having a full corps of officials for the purpose of executing them in a lawful and proper way, the co-operation of the Commissioner of Agriculture in that State would be simply to hand over $25,000 to the Connecticut authorities to be expended according to the Connecticut laws.

Now, it is precisely the same case or will be the same case in Kansas, because if Kansas does nothing we can not co-operate except in doing nothing. If she does something by the enactment of a law we co-operate and enable her to carry that law into effect.

Mr. HAWLEY. Allow me to remind the Senator that the Legislature of Kansas will meet to-morrow.

Mr. MORGAN. That is the very proposition I had in view. She has no system as yet. To-morrow she will meet to make a system. After we learn what her system is and what her necessities are, then if it is necessary and proper we can vote a subvention to Kansas to help her to do this thing; or we might pledge her in advance now that we will assume such a portion of this expense as may be properly put to the national account, if there is any portion of it that should go properly to that account. That is the whole case as I understand it.

Now, Mr. President, I am opposed to this calamity legislation. I have been worried to death almost listening here every time a tornado passed over one portion of the country or a rain-storm over another, a hurricane somewhere at sea, or a cattle disease, hog-cholera, trichinosis, or the like, and finding Senators rising in their places and proclaiming to the world that their country was laboring under a great calamity, and that it was necessary for us to hurry up and vote money very quickly in order to stop the invasion of some disease or some great evil about the country.

Mr. MAXEY. Suppose that when the Legislature of Kansas meet to-morrow they should assume that the repression of this cattle disease fell within the police power or police regulation of the State of Kansas, and were to proceed to make laws regulating that, would this Govern-

ment have any control over those laws or could we interfere with that right of the State?

Mr. MORGAN. Not a particle in the world; and if she were to make such regulations it would only establish, so far as Kansas understands it and as we all must understand it, that she has a right to pass those regulations; and if she have the right to pass these police regulations I do not see where we get the power to do it. We can aid her with money, but we can not aid her with legislation. We can furnish her any supply of money that is in the Treasury of the United States that may be necessary, but we can not furnish her with any law to manage the thing within her own borders. That is the point I make.

About three or four weeks ago there was sent to the Committee on Foreign Relations a very just series of resolutions relating to the fact that our meats had been excluded from foreign countries because they were alleged to be diseased with trichinosis. That committee have had that subject under consideration, and I hope will be very soon able to report upon it. The Senate debated that subject for a day or two—a very important question. The legislation that was proposed here was upon the hypothesis that we had not been fairly dealt with in foreign countries in respect of the estimate those countries put upon meats we shipped abroad; that there was a false clamor over there about this business. I should like to know, after the debate that has been carried on in the Senate for two days upon this new calamity, how much injury have we inflicted upon the actual value of the cattle that are to be exported to foreign countries. Why, sir, it will rate by millions of dollars necessarily; and yet while we are doing this one of the Senators from Kansas informs us that he believes the whole subject is much overstated; he believes that there is not any great ground for apprehension as to the exigency or the extent or the importance of this invasion of disease among the cattle in Kansas. I hope that that Senator is correct about it, and I am very strongly inclined to believe that he is.

Twenty-five thousand dollars is sought to be appropriated by this resolution to stamp out this enormous national calamity. Why, sir, the nations abroad will laugh at us if they believe that we are in earnest in assuming that there is such a calamity visiting the cattle of this country when we stop the appropriation at $25,000. They, I hope, will come to the conclusion that a good deal of this clamor has originated in an earnest desire on the part of Senators to express themselves favorably to the interest of a very powerful voting population in the United States—the farmers. I hope they will come to that conclusion, for if they should not I think our steamships—not ours, but some other body's steamships—that have been loaded with cattle across the Atlantic for years past will not have cargoes to foreign countries after a while.

If we had let this matter alone and allowed the State of Kansas or Missouri or wherever else this disease may exist to deal with it as the people of Alabama deal with the cotton-worm and as the other visitations upon the crops of the country are dealt with by the States, we should have served our country very much better than to bring in a resolution for $25,000 to stamp out a disease which is said to be national in its importance. If this disease ought to be stamped out by Congress, this bill ought not to stop at $25,000. That is paltering with the subject. It ought to be a million dollars perhaps; it ought to be a sum large enough so that the whole resources of this Government as far as may be needed can be concentrated on the purpose of stamping out this disease and so that the nations of the earth will understand that that is exactly what we are doing.

The people of Alabama have no particular interest in whether the mouth-and-foot disease is in Kansas or not so far as the consumption of beef is concerned, for we get little or perhaps no supply of beef from that quarter; and so there are very few people outside of the large Northern and Northeastern cities that have any concern in this matter. The real concern about the existence of this disease after all, so far as it affects the particular market, is beyond the water.

Now, sir, if we allow these questions to go to the departments where they properly belong, the governments of the different States, and allow them to deal with these questions without continually hauling them up in Congress for the purpose of making the world understand how many calamitous visitations there are upon our cattle, we shall serve our country to a very much better purpose than we can possibly do by passing resolutions of this kind or assuming doubtful jurisdiction over questions of this kind.

I will not, Mr. President, stop now to debate the constitutional questions which have been involved in this controversy any further than I have; merely stated my personal opinion.

The PRESIDENT *pro tempore*. The question is on the first amendment proposed by the Senator from Texas [Mr. COKE], on which the yeas and nays have been ordered.

Mr. MCMILLAN. Let the amendment be reported.

The CHIEF CLERK. It is proposed to insert the words "with the consent of" after the word "agriculture," in line 5.

The Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I am paired on all matters connected with this question with the Senator from Maine [Mr. HALE], who is necessarily absent.

Mr. DAWES (when his name was called). On this vote I am paired with the Senator from Delaware [Mr. SAULSBURY]. If present, he would vote "yea" and I should vote "nay."

Mr. HAMPTON (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY].

Mr. MANDERSON (when his name was called). On this resolution I was paired with the Senator from South Carolina [Mr. BUTLER]. If present, I understand that he would vote "yea" on this amendment. I transfer my pair, however, to the Senator from Rhode Island [Mr. ALDRICH], and vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from New York [Mr. LAPHAM].

Mr. VAN WYCK (when his name was called). I am paired for the day with the Senator from Mississippi [Mr. LAMAR]. He is opposed to the resolution and I am in favor of it.

The roll-call was concluded.

Mr. CAMERON, of Wisconsin (after having voted in the affirmative). I agreed to pair with the Senator from Tennessee [Mr. JACKSON]. I withdraw my vote.

Mr. MORGAN. My pair with the Senator from New York [Mr. LAPHAM] is transferred to the Senator from Louisiana [Mr. JONAS], who is absent. I vote "yea."

Mr. CAMDEN. I desire to announce that my colleague [Mr. KENNA], who is absent, is paired on all political questions with the Senator from Pennsylvania [Mr. MITCHELL].

The result was announced—yeas 18, nays 24; as follows:

YEAS—18.

Brown,	Colquitt,	Hawley,	Ransom,
Call,	Farley,	Ingalls,	Vest,
Camden,	George,	Maxey,	Williams.
Cockrell,	Gorman,	Morgan,	
Coke,	Harris,	Plumb,	

NAYS—24.

Allison,	Garland,	Miller of N. Y.,	Platt,
Bayard,	Hill,	Miller of Cal.,	Pugh,
Blair,	Hoar,	Mitchell,	Sawyer,
Conger,	Logan,	Morrill,	Sherman,
Cullom,	McMillan,	Pendleton,	Voorhees,
Edmunds,	Manderson,	Pike,	Wilson.

ABSENT—34.

Aldrich,	Fair,	Jones of Florida,	Sabin,
Anthony,	Frye,	Jones of Nevada,	Saulsbury,
Beck,	Gibson,	Kenna,	Sewell,
Bowen,	Groome,	Lamar,	Slater,
Butler,	Hale,	Lapham,	Vance,
Cameron of Pa.,	Hampton,	McPherson,	Van Wyck,
Cameron of Wis.,	Harrison,	Mahone,	Walker.
Dawes,	Jackson,	Palmer,	
Dolph,	Jonas,	Riddleberger,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the second amendment proposed by the Senator from Texas [Mr. COKE], on which the yeas and nays have been ordered. The amendment will be read.

The CHIEF CLERK. In lines 6 and 7, after the word "authorities," it is proposed to strike out "of the State of Kansas" and insert in lieu thereof the words "of the States in which it may be used."

Mr. ALLISON. I do not understand that the yeas and nays have been ordered on this amendment.

The PRESIDENT *pro tempore*. The yeas and nays, as the Chair understands, were ordered on the whole amendment, which was treated as one at that time, of the Senator from Texas; but the matter being divided, the Chair supposes the order for the yeas and nays applied to both parts.

Mr. ALLISON. Then I ask unanimous consent that the order directing the yeas and nays to be taken on this amendment be rescinded.

The PRESIDENT *pro tempore*. Is there objection to the suggestion? The Chair hears none, and the order for the yeas and nays is rescinded. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on the motion of the Senator from Ohio [Mr. SHERMAN] to strike out the words which will be read.

The CHIEF CLERK. The words proposed to be stricken out are:

And in co-operation with the proper authorities of the States in which it may be used in eradicating a contagious disease popularly known as the foot-and-mouth disease, now prevailing to an alarming extent among the cattle of that State; the expenditure of the above sum, or any part thereof, to be limited to the emergency now existing.

Mr. PLUMB. I think the object of the Senator from Ohio is accomplished by the adoption of the latter portion of the amendment of the Senator from Texas.

Mr. SHERMAN. And striking out in lines 8 and 9 the words:

Now prevailing to an alarming extent among the cattle of that State.

The PRESIDENT *pro tempore*. The Secretary will report the part proposed to be stricken out on the motion of the Senator from Ohio.

The CHIEF CLERK. In lines 6 and 7 it is proposed to strike out "and in co-operation with the proper authorities of the State of Kansas."

The amendment was rejected.

Mr. VEST. Mr. President——

Mr. SHERMAN. The words following ought to be stricken out by common consent:

Now prevailing to an alarming extent among the cattle of that State.

The PRESIDENT *pro tempore*. The Senator from Missouri has the floor. Does the Senator from Missouri yield to the suggestion of the Senator from Ohio?

Mr. VEST. Yes, sir.

The PRESIDENT *pro tempore*. Then the question is on the amendment of the Senator from Ohio to strike out the words—

Now prevailing to an alarming extent among the cattle of that State.

The amendment was agreed to.

Mr. VEST. Now I move to insert, after the word "disease," in the eighth line, the words:

So as to prevent the spreading of said disease to other States or Territories.

Mr. PLUMB. I have no objection to that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri [Mr. VEST].

Mr. MORRILL. If the Senator from Missouri will withdraw the words "to other States or Territories" I think he will accomplish all his purpose.

Mr. VEST. I have no particular choice about the language. I do not believe Congress has the right to legislate as to a disease inside of a State except to prevent its spreading to other States or Territories. That is the whole of it. If that is the purpose of the resolution, as the mover says it is, I can see no objection to putting in this language, so as to put that construction beyond a doubt.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri [Mr. VEST].

The amendment was agreed to.

Mr. INGALLS. Now, Mr. President, as we have got through with the various amendments, it would be interesting to know precisely how the resolution reads at this time. I ask that it may be reported in full as it has been amended.

The PRESIDENT *pro tempore*. The resolution will be read as amended if there be no objection.

The Chief Clerk read as follows:

Resolved, &c., That the sum of $25,000, or so much thereof as is necessary, be, and hereby is, appropriated, to be used under the direction of the Commissioner of Agriculture and in co-operation with the proper authorities in the States in which it may be used, in eradicating a contagious disease popularly known as the foot-and-mouth disease, so as to prevent the spreading of said disease to other States or Territories; the expenditure of the above sum, or any part thereof, to be limited to the emergency now existing; and a full report of such expenditure and the result thereof to be made to Congress by the Commissioner of Agriculture at the earliest practicable date.

Mr PLUMB. I move to strike out "twenty-five" and insert "fifty;" so as to make the appropriation $50,000.

Mr. CULLOM. I hope that will be done.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

Mr. BAYARD. I sent to the desk an amendment some time since that I should like to have now considered.

The PRESIDENT *pro tempore*. The Senator from Delaware proposes an amendment which will be read.

The CHIEF CLERK. In lines 6 and 7 it is proposed to strike out:

In co-operation with the proper authorities of the States in which it may be used, in eradicating.

And insert in lieu thereof:

To obtain and disseminate information in relation to the treatment, cure, and prevention of.

Mr. PLUMB. That would destroy the measure.

Mr. BAYARD. I will state that I am perfectly willing that this amount shall be given for the purpose of gaining all the information that may be necessary (probably a great deal of which may be difficult to obtain by State means) to instruct the people of this country in the proper manner of arresting the disease and preventing its inoculation; but I am not willing, under this process of eradication, to commit the Treasury of the United States, as it will be committed by this resolution, not to the $50,000 appropriated; that will be but a drop in the bucket; it will be a mere flea-bite compared with the damages that must be paid out of the Treasury, should this amount of $50,000 or $25,000 or any other sum be appropriated as the entering-wedge to the responsibility of the Treasury of the United States for the destruction of cattle under the system of eradication which is proposed by this measure.

That is all I propose to say by way of explanation. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MANDERSON (when Mr. ALDRICH'S name was called). I announce the pair of the Senator from Rhode Island [Mr. ALDRICH] with the Senator from South Carolina [Mr. BUTLER]. I understand the Senator from Rhode Island would vote "nay."

Mr. BECK (when his name was called). I am paired with the Senator from Maine [Mr. HALE].

Mr. MITCHELL (when his name was called). I am paired with the Senator from West Virginia [Mr. KENNA].

Mr. MORGAN (when his name was called). I announce the pair between the Senator from New York [Mr. LAPHAM] and the Senator from Louisiana [Mr. JONAS]. I vote "yea."

The roll-call was concluded.

Mr. MITCHELL. My pair with the Senator from West Virginia [Mr. KENNA] has been transferred to the Senator from Indiana [Mr. HARRISON]. I vote "nay."

The result was announced—yeas 14, nays 28; as follows:

YEAS—14.

Bayard,	Colquitt,	Jackson,	Pugh,
Brown,	Farley,	Maxey,	Vest.
Camden,	Gorman,	Morgan,	
Coke.	Harris,	Pendleton,	

NAYS—28.

Allison,	Edmunds,	McMillan,	Platt,
Blair,	Garland,	Manderson,	Plumb,
Call,	George,	Miller of Cal.,	Sabin,
Cameron of Wis.,	Hawley,	Miller of N. Y.,	Sawyer,
Cockrell,	Hill,	Mitchell,	Voorhees,
Conger,	Ingalls,	Morrill,	Williams,
Cullom,	Logan,	Pike,	Wilson.

ABSENT—34.

Aldrich,	Frye,	Jones of Nevada,	Saulsbury,
Anthony,	Gibson,	Kenna,	Sewell,
Beck,	Groome,	Lamar,	Sherman,
Bowen,	Hale,	Lapham,	Slater,
Butler,	Hampton,	McPherson,	Vance,
Cameron of Pa.,	Harrison,	Mahone,	Van Wyck,
Dawes,	Hoar,	Palmer,	Walker.
Dolph,	Jonas,	Ransom,	
Fair,	Jones of Florida,	Riddleberger,	

So the amendment was rejected.

Mr. PLUMB. I offer the following amendment, to come in at the close of the resolution:

Provided, That no action of the Commissioner of Agriculture hereunder shall commit the Government beyond the amount herein appropriated.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The joint resolution was ordered to be engrossed for a third reading, and read the third time.

Mr. BAYARD. I ask for the yeas and nays on the passage of the resolution.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HAMPTON (when his name was called). I am paired with the Senator from Rhode Island [Mr. ANTHONY]. I should vote "nay" were he present.

Mr. CAMERON, of Wisconsin (when Mr. HARRISON'S name was called). The Senator from Indiana [Mr. HARRISON] has been called home by pressing professional business. During his absence he is paired with the Senator from West Virginia [Mr. KENNA]. He requested me to announce the pair.

Mr. MANDERSON (when his name was called). I was paired with the Senator from South Carolina [Mr. BUTLER], but the pair has been transferred to the Senator from Rhode Island [Mr. ALDRICH]. I vote "yea."

Mr. MORGAN (when his name was called). I announce the pair between the the Senator from New York [Mr. LAPHAM] and the Senator from Louisiana [Mr. JONAS]. I vote "nay."

The roll-call was concluded.

Mr. CAMDEN. I wish to state that my colleague [Mr. KENNA] is paired with the Senator from Indiana [Mr. HARRISON].

The result was announced—yeas 29, nays 14; as follows:

YEAS—29.

Allison,	Garland,	Manderson,	Sawyer,
Blair,	George,	Miller of Cal.,	Vest.
Call,	Hawley,	Miller of N. Y.,	Voorhees,
Cameron of Wis.,	Hill,	Mitchell,	Williams,
Cockrell,	Hoar,	Morrill,	Wilson.
Conger,	Ingalls,	Pike,	
Cullom,	Logan,	Plumb,	
Edmunds,	McMillan,	Sabin,	

NAYS—14.

Bayard,	Colquitt,	Jackson,	Pugh,
Brown,	Farley,	Maxey,	Ransom.
Camden,	Gorman,	Morgan,	
Coke,	Harris,	Pendleton,	

ABSENT—33.

Aldrich,	Frye,	Kenna,	Sewell,
Anthony,	Gibson,	Lamar,	Sherman,
Beck,	Groome,	Lapham,	Slater,
Bowen,	Hale,	McPherson,	Vance,
Butler,	Hampton,	Mahone,	Van Wyck,
Cameron of Pa.,	Harrison,	Palmer,	Walker.
Dawes,	Jonas,	Platt,	
Dolph,	Jones of Florida,	Riddleberger,	
Fair,	Jones of Nevada,	Saulsbury,	

So the joint resolution was passed.

AID TO COMMON SCHOOLS.

Mr. BLAIR. I ask that the regular order be laid before the Senate.

The PRESIDENT *pro tempore*. The Senator from New Hampshire calls for the regular order, which is the first special order, being the bill

(S. 398) to aid in the establishment and temporary support of common schools.

Mr. CONGER. I move that the Senate adjourn.

NAMING OF A PRESIDING OFFICER.

The PRESIDENT *pro tempore*. Before putting the question the Chair again asks unanimous consent of the Senate, if the Chair shall be obliged to leave town to-morrow, that the Senator from Ohio [Mr. SHERMAN] may preside for the next three days. Is there objection? The Chair hears no objection, and it is so ordered. It is moved that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 51 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 17, 1884.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

ANNA ROSELLA BRUMIDI.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting a dispatch from the consul-general of the United States at Rome in relation to the rights of Anna Rossella Brumidi, widow of Constantine Brumidi, fresco painter of the Capitol building, with inclosure accompanying the same; which was referred to the Committee on Claims.

CALIFORNIA AND OREGON RAILROAD.

Mr. BELFORD. I ask consent to submit my individual views as one of the minority of the Committee on Public Lands upon the bill reported last Saturday from that committee to declare forfeited certain land grants to aid in the construction of a railroad from the Central Pacific Railroad in California to Portland, in Oregon, and that it be printed with the report of the majority.

There was no objection; and the views were received and ordered to be printed with the report of the majority.

JEANNETTE ARCTIC EXPEDITION.

Mr. BUCHANAN. By instruction of the Committee on Naval Affairs I ask consent to submit for present consideration the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be directed to pay out of the appropriation for contingent expenses of the House all the expenses incurred by the Committee on Naval Affairs under the resolution to investigate the conduct of the Jeannette Arctic expedition upon vouchers approved by the chairman of said committee: *Provided*, That all such expenditures under this resolution shall not exceed the sum of $5,000.

Mr. HOLMAN. I hope there will be some explanation as to whether it is believed any further investigation is required.

The SPEAKER. The Chair will permit the explanation to be made subject to the right to object to consider the resolution at the present time.

Mr. BUCHANAN. On the motion of the gentleman from Minnesota [Mr. WASHBURN] the House adopted a resolution directing the Committee on Naval Affairs to investigate the conduct and management of the Jeannette Arctic expedition, and that resolution was sent to the Committee on Naval Affairs. Nothing can be done in that investigation until an appropriation has been made to pay the expenses; not one single solitary step can be taken until this resolution or some other is adopted providing for paying the expenses of the investigation. That is the object of the resolution, and it limits the expenditures to $5,000.

Mr. CHACE. Is there any possibility that the expenditures can approach the sum of $5,000?

Mr. BUCHANAN. I do not know what the investigation will cost. The witnesses are scattered, and the expense of bringing them here will be great.

Mr. CHACE. There can not be many witnesses in the case.

Mr. BUCHANAN. We have notice already of fourteen or fifteen.

Mr. BROWNE, of Indiana. What is the necessity for making this investigation?

Mr. BUCHANAN. It is not for me to say anything as to the propriety of making the investigation; the House has already ordered it.

Mr. WASHBURN. I desire to say that I introduced the resolution referred to, and it was based upon a memorial of a very reliable and intelligent citizen of my own district. In that memorial he makes very grave charges, and states that the investigation which was undertaken by the Navy Department a year and a half or two years ago was a sham.

I think it but justice to the living and to the dead that this investigation should be made, and made thoroughly, and made at once. We are now about sending out another expedition to the Arctic regions, and I think it is well for the country to know how such expeditions have been managed in the past. I hope the resolution will be adopted and the necessary funds supplied to meet the expenses of the investigation.

Mr. HOLMAN. I would like to inquire of the gentleman from Minnesota [Mr. WASHBURN] whether he himself has investigated the subject sufficiently to be satisfied that the investigation made by the commission appointed by the Navy Department was not thorough and able?

Mr. WASHBURN. I have.

Mr. HOLMAN. You think it was not.

Mr. WASHBURN. I think it was not; I think it was a whitewashing affair.

The SPEAKER. Is there objection to the present consideration of the resolution which has been read?

Mr. MILLER, of Pennsylvania. I object.

The SPEAKER. Objection is made, and the resolution is not before the House.

Some time subsequently,

Mr. BUCHANAN said: I ask that the resolution which I submitted in reference to expenses of the investigation of the Jeannette Arctic expedition may be referred to the Committee on Accounts.

The SPEAKER. Is there objection?

Mr. MILLER, of Pennsylvania. At the request of the gentleman from Minnesota [Mr. WASHBURN] I withdraw my objection to the resolution.

The SPEAKER. Is there further objection to the present consideration of the resolution? [After a pause.] The Chair hears none, and the resolution is before the House.

The resolution was adopted.

Mr. BUCHANAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALASKA COMMERCIAL COMPANY.

Mr. HENLEY, by unanimous consent, submitted the following; which was referred to the Committee on Ways and Means:

Whereas on the 3d day of August, A. D. 1870, the Acting Secretary of the Treasury of the United States, under an act of Congress approved July 1, 1870, made and entered into a contract or lease with the Alaska Commercial Company, acting through its president and agent, General John F. Miller, whereby for a term of twenty years from the date thereof the Government of the United States leased to said company, for an annual rental of $50,000, the exclusive right to engage in the business of taking fur seals from the islands adjacent to the Territory of Alaska and pertaining thereto, limiting in said lease the number of skins to be taken to 100,000 annually, for which said company was to pay to the Government of the United States the sum of $2 per skin; and

Whereas from the contents of Executive Document No. 83, first session of the Forty-fourth Congress, and from a petition presented to the House of Representatives on the — day of March, A. D. 1884, and from the market reports of the prices of sealskins in London, the following facts seem to exist:

First. That said lease and contract in its operations constitutes a monopoly of the most odious character, and is therefore inconsistent with the spirit of American institutions and inimical to the interests of the United States Government.

Second. That the said Acting Secretary of the Treasury, in making said lease with said company, was guilty of favoritism and misconduct in that only twelve days' notice was given to those desiring to bid for said lease, the same being palpably insufficient to afford parties time and opportunity to make preparation to put in the bids required. That the terms upon which said bids were received were embraced in the memorandum of which the following is a copy:

"OFFICE OF THE SECRETARY, *July* 20, 1870.

"Memorandum in reference to bids for the exclusive right to take fur seals upon the islands Saint Paul and Saint George, read before the persons present at the opening of the bids at 12 o'clock noon, July 20, 1870:

"1. The successful bidder will be required to deposit security, within three days, to the amount of $50,000 in legal money or bonds of the United States, for the due execution of contracts agreeably to an act to prevent the extermination of fur-bearing animals in Alaska, approved July 1, 1870.

"2. It being apparent from the language employed in the act aforesaid that it was the intention of Congress to give a preference to the Alaska Commercial Company in the award of their contracts, I think it proper to state before the bids are opened that the contract will be awarded to said company if their proposals shall be not more than 10 per cent. below that of the highest bidder.

"3. No bid will be accepted unless made by a responsible party acquainted with the business or skilled in kindred pursuits to such an extent as to render it probable that the contract will be so executed as to secure the results contemplated by the lease."

Third. That said company made a bid for said lease of $65,000 per annum, which was the lowest bid out of fourteen which were made. That notwithstanding the fact that all of the fourteen bids were higher than that of the Alaska Fur Company, said company was awarded the said lease.

Fourth. That the cost of laying down sealskins in London, including the Government royalty, price of killing, salting, shipping, freight to Europe, &c., amounts to about $5 per skin. That the average value of raw, undressed sealskins is, at public auction, in London, about $24 per skin, leaving a net profit of about $20 per skin. These figures represent the profit of this company, providing the company in London put their skins up and sell them at public auction; but if they choose to pay for the dressing, dyeing, and general preparation of the skins and putting them in condition to be immediately fashioned into garments, the net profit per skin must necessarily be not less than $30. From the foregoing figures it will be seen that if the company has hitherto limited itself to the taking of the hundred thousand sealskins provided for in the lease, or has, in other words, dealt honestly by the Government, its net profits have annually been from $1,000,750 per year to $3,500,000 per year.

Fifth. That under the law regulating the supervision of this lease and the manner in which it is executed by said company there are only three agents of the Government in the Territory of Alaska; one on the island of Saint Paul; one on the island of Saint George, and one presumably visiting both islands periodically, whose duties are to count the skins which are taken and shipped by said company, each one of these agents being paid by the Government a small compensation; so that it will be seen that between any disposition on the part of this company to exceed the number of skins permitted to be taken under the lease and the rights of the Government there stands practically but one man, whose integrity is thus assailed by the temptation of millions of dollars.

Sixth. That from the allegations of the petition hereinbefore referred to and from current newspaper rumor it is alleged that said company does take as many skins as it chooses in excess of the number limited in said lease.

Seventh. That if it be consistent with American institutions to continue this

character of monopoly, it is plain that the Government should be realizing at least $1,000,000 each year instead of, as at present, $250,000: Now, therefore,

Be it resolved, That the Speaker of the House of Representatives be, and he is hereby, authorized and instructed to appoint a committee of five members of the House, whose duty it shall be to inquire into the truth of the statements hereinbefore recited, and whether or not said lease is monopolistic in its character and was procured through corruption or favoritism, and whether such lease is conducive to the best interests of the Government of the United States, and whether it would be just and expedient for the Government to terminate the same and to take charge of said islands, and to take upon itself the care and custody of the seal life on said islands and of the waters of Alaska Territory; and that said committee shall, when so constituted, be authorized to employ a stenographer, with full power to send for persons and papers, and to sit during an interim between the first and second sessions of the Forty-eighth Congress.

EMPLOYÉS IN DOORKEEPER'S DEPARTMENT.

Mr. SHELLEY submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Committee on Accounts is hereby authorized to take into consideration the advisability of adjusting the salaries of the officers and employés in the Doorkeeper's department, House of Representatives, with the view of paying to them the same compensation now paid to the officers and employés in the Senate of the United States performing similar duties and responsibilities, and thereby place them upon an equality with the same, and to report to the House by bill or otherwise.

CONSTRUCTION OF PUBLIC BUILDINGS.

Mr. CONNOLLY submitted the following resolution; which was referred to the Committee on Public Buildings and Grounds:

Resolved, That the Committee on Public Buildings and Grounds be, and they are hereby, authorized and directed to inquire into all matters pertaining to the preparation and furnishing of all material for the construction of public buildings, and the manner of constructing the buildings of the United States under the different systems adopted by the Government of the United States, and to report to this House by bill or otherwise what legislation is necessary to secure good material and good and suitable work; and said committee are further instructed to inquire into all expenses pertaining to the erection of the public buildings of the United States, and to make all such further inquiries as they may deem proper. And said committee are further authorized to send for persons and papers and to administer oaths; and said committee are further authorized to employ a stenographer, and to secure the services of one or more experts, and such clerical aid as may be requisite; and said committee are further authorized to appoint a subcommittee of its own members for the purpose of pursuing these investigations, said subcommittee when appointed to have all the powers conferred by this resolution; and said committee or its subcommittee may make its investigations either in the city of Washington, or at any other city or other place where public buildings are being erected, or where any material has been or is being prepared, if they may deem proper; and said committee or its subcommittee may sit during the sessions or recesses of Congress; and the expenses attending the carrying out of these investigations shall be paid out of the contingent fund of the House of Representatives, not to exceed $5,000, and the Clerk of the House of Representatives is hereby authorized and directed to pay the same.

CALL OF STATES.

The SPEAKER. This being Monday, the Chair will proceed with the call of States and Territories for the introduction of bills and joint resolutions for printing and reference to their appropriate committees. Under this call memorials and resolutions of State and Territorial Legislatures are in order; also resolutions calling for executive information for reference to their appropriate committees.

JEREMIAH JOHNSON.

Mr. SHELLEY introduced a bill (H. R. 5898) for the relief of Jeremiah Johnson, of Dallas County, Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MOUNT SAVAGE IRON COMPANY.

Mr. SHELLEY also introduced a bill (H. R. 5899) for the relief of the Mount Savage Iron Company; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. A. MILEHAM.

Mr. ROGERS, of Arkansas, introduced a bill (H. R. 5900) to refer the claim of J. A. Mileham to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS DAVENPORT.

Mr. ROGERS, of Arkansas, also introduced a bill (H. R. 5901) to refer the claim of Thomas Davenport to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALBERTINE COCKRUM.

Mr. PEEL, of Arkansas, introduced a bill (H. R. 5902) for the relief of Albertine Cockrum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. M. THOMPSON.

Mr. PEEL, of Arkansas, also introduced a bill (H. R. 5903) for the relief of L. M. Thompson, of the State of Arkansas, for property furnished the Army of the United States during the late civil war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TOBACCO.

Mr. PEEL, of Arkansas, also introduced a bill (H. R. 5904) to allow producers of tobacco to sell the same in the leaf, hand, or twist without internal-revenue restriction or tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

THREE MONTHS' PAY OF VOLUNTEER OFFICERS.

Mr. ROSECRANS introduced a bill (H. R. 5905) to extend the benefits of section 4 of an act of March 3, 1865, making appropriations for the support of the Army for the year ending June 30, 1866; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

QUARTERLY RETURNS BY RAILROAD COMPANIES.

Mr. BELFORD introduced a bill (H. R. 5906) to provide for the making of quarterly statements of earnings and indebtedness to the Secretary of the Treasury by certain railroad companies herein designated; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

REGULATION OF VESSELS.

Mr. MITCHELL introduced bill (H. R. 5907) to amend an act entitled "An act relating to vessels not propelled by sail or internal motive-power of their own, and for other purposes," approved June 30, 1879; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM H. SMITH.

Mr. MITCHELL also introduced a bill (H. R. 5908) granting a pension to William H. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILITARY ORGANIZATIONS OF THE REVOLUTION.

Mr. SEYMOUR presented the following resolution of the Legislature of the State of Connecticut, relating to the history of the military organizations of the war of the Revolution; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD:

GENERAL ASSEMBLY, *January Session, A. D.* 1884.

Relating to the history of the military organizations of the war of the Revolution.

Whereas the greater part of the original rolls and orderly books of the Connecticut officers and soldiers of the Continental army in the war of the Revolution are on file in the Pension Office, Department of the Interior, at Washington, D. C., where they are practically inaccessible to the citizens of this State, having been loaned to the General Government after the destruction of the War Department in 1800; and

Whereas the same is believed to be true of the Revolutionary rolls of all the thirteen original States; and

Whereas these rolls furnish the only official evidence in existence of the names, services, and military careers of the officers and soldiers of the Revolutionary war; and

Whereas it is a matter of great historic interest that these records should be preserved in a durable and accessible form, as well as a due measure of justice to the memory of the patriotic men who achieved our national independence: Therefore,

Resolved by this Assembly:

SEC. 1. That our Senators and Representatives in Congress be requested to use their best efforts to cause Congress to adopt the recommendation of the Commissioner of Pensions and make provision for collecting materials for and for publishing a complete history of the military organizations of the war of the Revolution.

SEC. 2. That the secretary of state be, and he is hereby, directed to forward a certified copy of this resolution to each of our Senators and Representatives in Congress.

House of Representatives, passed February 20, 1884.

Senate, passed February 27, 1884.

STATE OF CONNECTICUT, *ss:*

OFFICE OF SECRETARY OF STATE.

I hereby certify that the foregoing is a true copy on file in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State at Hartford this 7th day of March, A. D. 1884.

[SEAL.] D. WARD NORTHROP,
Secretary of State.

Mr. WAIT presented a resolution of the Legislature of the State of Connecticut, relating to the rolls and record books of the State now in possession of the United States, that show the officers of the Revolution from Connecticut; which was referred to the Committee on Military Affairs.

TIMOTHY D. LYNES.

Mr. HAMMOND (by request) introduced a bill (H. R. 5909) to appropriate money to pay the claim of Timothy D. Lynes, of Georgia, for tobacco seized during the war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CONSULAR BUILDINGS IN SHANGHAI, CHINA.

Mr. HARDEMAN submitted the following resolution; which was referred to the Committee on Expenditures in the State Department:

Resolved, That the Secretary of State be instructed to furnish the House of Representatives with copies of all papers and correspondence on file in the Department of State between the said Department of State and Mr. Young, United States minister at Pekin, O. N. Denny, esq., late United States consul-general at Shanghai, and George F. Seward, esq., while consul-general of the United States to China, having reference to the present premises owned or leased by him, together with all circular notices and instructions issued by the said State Department within the last eighteen months regarding the use and occupation of consular premises, including the dwellings of consular officers in China and the responses thereto by the consular officers in China; also a copy of the letter of resignation of said O. N. Denny, late United States consul-general, resigning his said office, and letter accompanying the same, and of the answer of the Department accepting such resignation, as well as with a detailed statement of all moneys paid by the said Department of State for the rent of the present consular premises at Shanghai, China, for the past nine years.

W. H. REYNOLDS.

Mr. DAVIS, of Illinois (by request), introduced a bill (H. R. 5910)

for the relief of W. H. Reynolds; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CYRENUS BEERS AND OTHERS.

Mr. DAVIS, of Illinois (by request), also introduced a bill (H. R. 5911) for the relief of Cyrenus Beers or his personal representatives, and also the personal representatives of Vail and Robinson; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOSEPH SEXTON.

Mr. THOMAS introduced a bill (H. R. 5912) for the relief of Joseph Sexton by removing the charge of desertion from his record; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANKLIN N. CRIDER.

Mr. THOMAS also introduced a bill (H. R. 5913) granting a pension to Franklin N. Crider; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA G. M'KINSTRY.

Mr. CANNON introduced a bill (H. R. 5914) for the relief of Eliza G. McKinstry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCES M. PEABODY.

Mr. WORTHINGTON introduced a bill (H. R. 5915) granting a pension to Frances M. Peabody; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET N. PEABODY.

Mr. WORTHINGTON also introduced a bill (H. R. 5916) granting a pension to Harriet N. Peabody; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. C. DODGE.

Mr. RIGGS (by request) introduced a bill (H. R. 5917) for the relief of W. C. Dodge; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

HERMAN REIFENRATH.

Mr. ELLWOOD introduced a bill (H. R. 5918) granting a pension to Herman Reifenrath, brother of Charles Reifenrath; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOMESTEADS TO SOLDIERS.

Mr. WOOD introduced a bill (H. R. 5919) granting homesteads from the public lands to the soldiers of the late war; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM VAN BLARICORN.

Mr. WOOD also introduced a bill (H. R. 5920) granting a pension to William Van Blaricorn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAJ. JOHN C. HANNUM.

Mr. WOOD also introduced a bill (H. R. 5921) granting a pension to Maj. John C. Hannum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE D. GUTHREY.

Mr. COBB introduced a bill (H. R. 5922) for the relief of George D. Guthrey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUTH STRATTAN.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 5923) granting a pension to Ruth Strattan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM N. CLIFT.

Mr. WARD introduced a bill (H. R. 5924) for the relief of William N. Clift; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET A. BERRY.

Mr. MATSON introduced a bill (H. R. 5925) granting a pension to Margaret A. Berry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN MALONEY.

Mr. MATSON also introduced a bill (H. R. 5926) granting a pension to John Maloney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT UNITED STATES FISH COMMISSION.

Mr. STEELE introduced a joint resolution (H. Res. 203) providing for the publication of 5,000 copies of Special Bulletin No. 176, United States Fish Commission; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

BOUNTY LANDS FOR SOLDIERS.

Mr. CALKINS. I hold in my hand a petition signed by several thousand ex-Union soldiers of the State of Indiana——

The SPEAKER. That is not in order at this time under this call.

Mr. CALKINS. I desire to make this statement before submitting the bill at the request of the signers of this petition. As I was saying, this is a petition signed by several thousand ex-Union soldiers, asking for the passage of a bill granting lands from the public domain to honorably discharged soldiers and sailors, and I ask that one of the petitions, the heading only accompanying it, be printed.

The SPEAKER. It is not in order at this time to make that request.

Mr. CALKINS introduced a bill (H. R. 5927) granting one hundred and sixty acres of land to all honorably discharged soldiers and sailors who served in the recent war of the rebellion; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

C. M. NITTIG.

Mr. MURPHY introduced a bill (H. R. 5928) for the relief of C. M. Nittig; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABIGAIL HONEY.

Mr. MURPHY introduced a bill (H. R. 5929) for the relief of Abigail Honey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISEASES OF CATTLE.

Mr. WILSON, of Iowa, submitted a joint resolution of the Legislature of the State of Iowa, relative to diseases of cattle; which was referred to the Committee on Agriculture.

ANNIE M. BRODERICK.

Mr. RYAN intoduced a bill (H. R. 5930) granting a pension to Annie M. Broderick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILES BARBER.

Mr. PETERS introduced a bill (H. R. 5931) granting an increase of pension to Miles Barber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. WHITE.

Mr. MORRILL introduced a bill (H. R. 5932) granting a pension to George W. White; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ISAAC DILLEY.

Mr. MORRILL also introduced a bill (H. R. 5933) to increase the pension of Isaac Dilley, late of Company K, One hundred and thirtieth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. V. B. WINKLER.

Mr. PERKINS introduced a bill (H. R. 5934) granting a pension to M. V. B. Winkler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. LANDAN.

Mr. HALSELL introduced a bill (H. R. 5935) for the relief of John A. Landan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BENJAMIN H. COURSY.

Mr. HALSELL also introduced a bill (H. R. 5936) for the benefit of Benjamin H. Coursy; which was read a first and second time, referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

NANCY COONS.

Mr. BLACKBURN introduced a bill (H. R. 5937) for the relief of Nancy Coons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIA A. MARCUM.

Mr. WOLFORD introduced a bill (H. R. 5938) to pension Julia A. Marcum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRIETTA FISHER.

Mr. ROBERTSON introduced a bill (H. R. 5939) granting a pension to Henrietta Fisher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. M. FLOURNOY AND W. F. NORTON.

Mr. WILLIS introduced a bill (H. R. 5940) for the relief of L. M. Flournoy and W. F. Norton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTHA LAWSON.

Mr. CULBERTSON, of Kentucky, introduced a bill (H. R. 5941) for

the relief of Martha Lawson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC ULLERY.

Mr. CULBERTSON, of Kentucky, also introduced a bill (H. R. 5942) for the relief of Isaac Ullery; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN NORMAN.

Mr. DINGLEY introduced a bill (H. R. 5943) granting an increase of pension to Benjamin Norman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM K. CHOATE.

Mr. MILLIKEN introduced a bill (H. R. 5944) granting a pension to Hiram K. Choate; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS I. WHEELER.

Mr. TALBOTT introduced a bill (H. R. 5945) for the relief of Francis I. Wheeler; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADAM SHOWER.

Mr. TALBOTT also introduced a bill (H. R. 5946) for the relief of Adam Shower, of Carroll County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SCHOONER ADDIE B. BACON.

Mr. FINDLAY introduced a bill (H. R. 5947) to refer the claim of the owners of the schooner Addie B. Bacon to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MANUFACTURE OF VINEGAR FROM ALCOHOL.

Mr. ROCKWELL presented resolutions of the Legislature of Massachusetts, relating to the repeal of so much of the internal-revenue law of the United States as authorizes the manufacture of vinegar from alcohol which has paid no revenue tax; which were referred to the Committee on Ways and Means.

REBECCA WALCOTT.

Mr. MORSE introduced a bill (H. R. 5948) granting a pension to Rebecca Walcott, mother of James A. Walcott, late of Company E, Second Vermont Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FACTORY SYSTEM OF LABOR.

Mr. LONG introduced a joint resolution (H. Res. 204) for printing 1,000 copies of the census report on the factory system, for the use of the author; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

WILLIAM P. SNOW.

Mr. WINANS, of Michigan, introduced a bill (H. R. 5949) for the relief of William P. Snow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID STRUNK.

Mr. WINANS, of Michigan, also introduced a bill (H. R. 5950) granting a pension to David Strunk; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABEL J. LEWIS.

Mr. YAPLE introduced a bill (H. R. 5951) granting a pension to Abel J. Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRICT REFORM SCHOOL.

Mr. ELDREDGE introduced a bill (H. R. 5952) to prevent certain persons being received into the Reform School for the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ZENAS HAMILTON.

Mr. LACEY introduced a bill (H. R. 5953) granting a pension to Zenas Hamilton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES HEALY.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 5954) for the relief of James Healy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARTHA E. HELM AND WILLIAM B. HELM.

Mr. SINGLETON introduced a bill (H. R. 5955) to refer the claim of Martha E. Helm and William B. Helm to the Committee on Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE C. HARPER.

Mr. SINGLETON also introduced a bill (H. R. 5956) for the relief of George C. Harper; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES T. HYDE.

Mr. MONEY (by request) introduced a bill (H. R. 5957) for the relief of Charles T. Hyde; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SPECULATION IN CORN, WHEAT, COTTON, ETC.

Mr. HATCH, of Missouri. I submit by request the resolution which I send to the Clerk's desk, and ask that it be referred to the Committee on Agriculture.

The SPEAKER. Is it a resolution of inquiry?

Mr. HATCH, of Missouri. It is a resolution calling upon the Commissioner of Agriculture for certain information.

The SPEAKER. The Chair will admit the resolution, although the Commissioner of Agriculture is not the head of a department. The Chair supposes the information would come to the House through the Secretary of the Interior, to whom the Commissioner would report.

The preamble and resolution, as follows, was received, and referred to the Committee on Agriculture:

Whereas it is publicly charged and almost universally known that the weekly speculative or option sales of wheat are largely in excess of the annual surplus amount of that cereal produced in this country; and

Whereas it is also charged that the effect of such sales of wheat, corn, cotton, and other products of industry have reached such an extent as to control their price in home and foreign markets, to compel farmers to compete with scores of crops each year, when but one is actually produced; to force consumers to pay unreasonable prices for such property after it has passed out of the hands of those who toil to produce it, to encourage a spirit of gambling, hazardous to business men, dangerous to youth, destructive to society, and otherwise demoralizing in its influence: Therefore,

Resolved, That the Commissioner of Agriculture be, and he hereby is, authorized and directed to examine into and report to this House at his earliest convenience all facts relating to the questions above referred to; also whether any combinations of home or foreign capital has been or is now being used to detain any of such property at certain points, through discriminating charges against its shipment or otherwise, calculated to convey a wrong impression regarding the amount on hand or its actual value before another crop is produced.

Second. Said Commissioner is further authorized to send for persons and papers and to do all things necessary to obtain information for this House and the country on the effect of such sales and combinations on the market value of such property and their influence on producers, consumers, and society.

DAMAGES FOR STREET IMPROVEMENTS IN DISTRICT OF COLUMBIA.

Mr. BUCKNER (by request) introduced a bill (H. R. 5958) for the relief of Sarah Wimsatt, J. H. Johnson, T. O'Brien, C. Harrison, J. W. Yates, J. Winfield, J. P. Hall, A. W. Hall, M. Eckloff's heirs, and E. Binnix, all of Washington, D. C., for damages to their several properties by reason of public improvements in said District; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

NATIONAL BANKS IN INDIAN TERRITORY.

Mr. BUCKNER also introduced a bill (H. R. 5959) to amend section 4146 of the Revised Statutes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

GEORGE ZIEFLE.

Mr. ALEXANDER introduced a bill (H. R. 5960) granting a pension to George Ziefle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW J. DALLEY.

Mr. FYAN introduced a bill (H. R. 5961) granting a pension to Andrew J. Dalley, Company C, Fifteenth Kansas Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELIZA HICKS.

Mr. FYAN also introduced a bill (H. R. 5962) granting a pension to Mrs. Eliza Hicks, mother of Rufus A. Hicks, Company G, Twelfth Illinois Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS M. BROWN.

Mr. FYAN also introduced a bill (H. R. 5963) to rerate the pension of Francis M. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC TAYLOR.

Mr. BURNES introduced a bill (H. R. 5964) granting a pension to Isaac Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ZELORA CRUMPACKER.

Mr. FYAN also introduced a bill (H. R. 5965) rerating the pension of Zelora Crumpacker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL BANK OF LINCOLN, NEBR.

Mr. WEAVER introduced a bill (H. R. 5966) to change the name of the Marsh National Bank of Lincoln, Nebr., to that of the Capital National Bank of Lincoln; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PUBLIC BUILDING AT NEBRASKA CITY, NEBR.

Mr. WEAVER also introduced a bill (H. R. 5967) for the erection of a public building at Nebraska City, Nebr.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

UNITED STATES COURT IN NEBRASKA.

Mr. WEAVER also introduced a bill (H. R. 5968) to provide for the holding of a term of the district and circuit courts of the United States at Nebraska City, Nebr.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FREDERIC S. RICH.

Mr. RAY, of New Hampshire, introduced a bill (H. R. 5969) increasing the pension of Frederic S. Rich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCES M. SMITH.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 5970) granting a pension to Frances M. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY G. COLBY.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 5971) granting a pension to Mary G. Colby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASENTH TURNER.

Mr. BREWER, of New Jersey, introduced a bill (H. R. 5972) increasing the pension of Asenth Turner, surviving widow of a Revolutionary soldier; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GEORGE T. DUDLEY.

Mr. BREWER, of New Jersey, also introduced a bill (H. R. 5973) for the relief of George T. Dudley; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HERMON KRAUSS.

Mr. FIEDLER introduced a bill (H. R. 5974) for the relief of Hermon Krauss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD P. HARMON.

Mr. FIEDLER also introduced a bill (H. R. 5975) for the relief of Richard P. Harmon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE WEISS.

Mr. FIEDLER also introduced a bill (H. R. 5976) for the relief of Catherine Weiss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM H. DE GROFFT.

Mr. FERRELL introduced a bill (H. R. 5977) for the relief of Hiram H. De Grofft; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILVER DOLLAR.

Mr. HEWITT, of New York, introduced a bill (H. R. 5978) to suspend the coinage of the silver dollar for two years and to prohibit the printing and issuing of the one and two dollar Treasury notes; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

Mr. HEWITT, of New York. As this is a bill proposed by the Chamber of Commerce of New York, I ask that it may be read at length.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the passage of this act the coinage of the standard silver dollar shall be suspended for the period of two years.

SEC. 2. That it shall be unlawful for the Secretary of the Treasury to print and issue Treasury notes of the denomination of one and two dollars.

SEC. 3. That all acts and parts of acts inconsistent with this act are hereby repealed.

REVENUE-MARINE SERVICE.

Mr. COX, of New York (by Mr. HEWITT, of New York), introduced a bill (H. R. 5979) to promote the efficiency of the Revenue-Marine Service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MILITIA.

Mr. SLOCUM introduced a bill (H. R. 5980) to promote the efficiency of the militia of the United States; which was read a first and second time, referred to the Committee on the Militia, and ordered to be printed.

APPOINTMENTS IN NEW YORK CUSTOM-HOUSE.

Mr. SLOCUM also submitted the following resolution; which was referred to the Committee on Commerce:

Resolved, That the Secretary of the Treasury be, and he hereby is, requested to furnish the House with the correspondence, if any, now pending with subordinate officers of customs at New York as to the interpretation and construction of section 1754 of the Revised Statutes and the civil-service law with reference to the preference given by the aforesaid section and law to honorably discharged soldiers and sailors.

SEPTIMIA RANDOLPH MEIKLEHAM.

Mr. ROBINSON, of New York, introduced a bill (H. R. 5981) for the relief of Septimia Randolph Meikleham, sole surviving grandchild of Thomas Jefferson, author of the Declaration of Independence; which was read a first and second time.

Mr. ROBINSON, of New York. This bill proposes to give this lady a donation. I am not sure to what committee it should be referred.

The bill was referred to the Committee on Appropriations, and ordered to be printed.

MRS. EMERANCY A. REED.

Mr. BREWER, of New York, introduced a bill (H. R. 5982) for the relief of Mrs. Emerancy A. Reed, widow of John Reed, Company K, Ninety-seventh New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADDITIONAL PAY FOR ARMY OFFICERS MUSTERED OUT.

Mr. ROGERS, of New York, introduced a bill (H. R. 5983) providing additional pay for officers honorably mustered out under the act of July 15, 1870; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY A. SAMUELS.

Mr. ROGERS, of New York, also introduced a bill (H. R. 5984) granting a pension to Mary A. Samuels, widow of Lewis Samuels; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER KRAFT.

Mr. ROGERS, of New York (by request), also introduced a bill (H. R. 5985) for the relief of Peter Kraft; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANKLIN CARRIS.

Mr. ROGERS, of New York (by request), also introduced a bill (H. R. 5986) for the relief of Franklin Carris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES MEAL.

Mr. ROGERS, of New York (by request), also introduced a bill (H. R. 5987) for the relief of Charles Meal; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HAMILTON BOUGHTON.

Mr. BAGLEY introduced a bill (H. R. 5988) for the relief of Hamilton Boughton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH A. SPRINGSTEED.

Mr. VAN ALSTYNE introduced a bill (H. R. 5989) for the relief of Elizabeth A. Springsteed, widow of David A. Springsteed, late a private in Company B, Seventh Heavy Artillery, New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DELAWARE INDIANS.

Mr. STEVENS introduced a bill (H. R. 5990) to pay the Delaware Indians the value of certain lands in Kansas in compliance with treaty stipulations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. STEVENS also introduced a bill (H. R. 5991) to pay the Delaware Indians the amount ascertained to be due them for stock under the provisions of the fourteenth article of the treaty of July 4, 1866; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

STAR-ROUTE MAIL SERVICE.

Mr. GREEN introduced a bill (H. R. 5992) to secure greater efficiency in the star-route mail service by requiring contractors to be residents of the State in which the route is located; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

E. COHEN.

Mr. O'HARA introduced a bill (H. R. 5993) to refer the claim of E. Cohen to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHEROKEE INDIANS, NORTH CAROLINA.

Mr. YORK (by request) introduced a bill (H. R. 5994) to authorize the Secretary of the Interior to reimburse certain funds and to sell certain lands belonging to the North Carolina Cherokees, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOSEPH CRAIG.

Mr. McKINLEY introduced a bill (H. R. 5995) for the relief of Joseph

Craig, of Canton, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILSON KING.

Mr. McKINLEY also introduced a bill (H. R. 5996) for the relief of Wilson King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS M. COX.

Mr. McKINLEY also introduced a bill (H. R. 5997) for the relief of Francis M. Cox; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIEUTENANTS GILES B. HARBER AND WILLIAM SCHUETZE.

Mr. McKINLEY also introduced a joint resolution (H. Res. 205) to credit Lieutenants Giles B. Harber and William Schuetze with sea-duty and sea-pay while engaged in the search for Lieutenant Chipp and party, and also for the time employed in bringing home the remains of Lieutenant-Commander De Long and party; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JONATHAN C. HARRISON.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison, late private of Company B, Fifty-second Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE H. FLUKE.

Mr. WILKINS introduced a bill (H. R. 5999) granting additional pension to George H. Fluke, late private Company K, Nineteenth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COL. WILLIAM MUNGEN.

Mr. SENEY introduced a bill (H. R. 6000) for the relief of Col. William Mungen, Fifty-seventh Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FREDOLINE RENTZ.

Mr. SENEY also introduced a bill (H. R. 6001) to remove the charge of desertion against Fredoline Rentz, One hundred and seventh Ohio Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONDEMNED CANNON, TIFFIN, OHIO.

Mr. SENEY also introduced a joint resolution (H. Res. 206) granting condemned cannon to Leander Stem Post (Tiffin, Ohio), G. A. R.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CINCINNATI INDUSTRIAL EXPOSITION.

Mr. FOLLETT introduced a bill (H. R. 6002) to admit free of duty articles intended for exhibition at the Cincinnati Industrial Exposition; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

THOMAS TRIPLETT.

Mr. FOLLETT also introduced a bill (H. R. 6003) for the relief of Thomas Triplett, late of Company K, United States Colored Troops, now a resident of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. MOREY introduced a bill (H. R. 6004) donating two condemned cast-iron cannon and two cannon-balls to Jacob Banker Post, Grand Army of the Republic, Middletown, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY C. STEWART.

Mr. MOREY also introduced a bill (H. R. 6005) granting a pension to Henry C. Stewart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONRAD JOSEPH KELLER.

Mr. MOREY also introduced a bill (H. R. 6006) restoring the name of Conrad Joseph Keller to the pension-roll and increasing his pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM R. PATTERSON.

Mr. MOREY also introduced a bill (H. R. 6007) increasing the pension of William R. Patterson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA NATION.

Mr. MOREY also introduced a bill (H. R. 6008) granting a pension to Anna Nation; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC S. MINSHALL.

Mr. MOREY also introduced a bill (H. R. 6009) granting a pension to Isaac S. Minshall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE M. BOND.

Mr. HILL introduced a bill (H. R. 6010) granting a pension to Jesse M. Bond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT CAREY.

Mr. HILL also introduced a bill (H. R. 6011) granting a pension to Robert Carey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONATHAN DORSEY.

Mr. GEDDES introduced a bill (H. R. 6012) granting a pension to Jonathan Dorsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ALEXANDER.

Mr. GEORGE introduced a bill (H. R. 6013) for the relief of John Alexander; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

P. E. RAIGER.

Mr. ERMENTROUT (by request) introduced a bill (H. R. 6014) granting a pension to P. E. Raiger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS ROTHERMEL.

Mr. CURTIN introduced a bill (H. R. 6015) for the relief of Lewis Rothermel; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WIDOW OF FRANCIS U. FARQUHAR.

Mr. CURTIN also introduced a bill (H. R. 6016) to increase the pension of the widow of the late Maj. Francis U. Farquhar, of the United States Army; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOSEPH W. FISHER.

Mr. CURTIN also introduced a bill (H. R. 6017) for the relief of Joseph W. Fisher; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE TAPP.

Mr. CURTIN also introduced a bill (H. R. 6018) to increase the pension of George Tapp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY ROBB.

Mr. CURTIN also introduced a bill (H. R. 6019) granting a pension to Henry Robb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CATHARINE OTTO.

Mr. CURTIN also introduced a bill (H. R. 6020) authorizing the Secretary of the Interior to issue to Mrs. Catharine Otto a duplicate check in payment of her pension claim in lieu of one lost; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL BANK OF MIDDLETOWN, PA.

Mr. BARR introduced a bill (H. R. 6021) to authorize the National Bank of Middletown, Pa., to change its location; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JACOB JOHNSON.

Mr. DUNCAN introduced a bill (H. R. 6022) for the relief of Jacob Johnson, of York, Pa.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OLIVER M. BLAIR.

Mr. DUNCAN introduced a bill (H. R. 6023) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EAST WASHINGTON PASSENGER RAILWAY COMPANY.

Mr. BOYLE (by request) introduced a bill (H. R. 6024) to incorporate the East Washington Passenger Railway Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JAMES B. GROOMES.

Mr. BOYLE also introduced a bill (H. R. 6025) to restore James B. Groomes to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. BOYLE also introduced a bill (H. R. 6026) to provide for the payment to James B. Groomes all the pay and allowance of an assist-

ant surgeon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. K. ROOK.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 6027), granting a pension to J. K. Rook, late a private of Company G, One hundred and ninety-first Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. LYDIA HAMELSINE.

Mr. ATKINSON introduced a bill (H. R. 6028) granting a pension to Mrs. Lydia Hamilsine, mother of David Hamelsine, late private Company D, Eleventh Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEREMIAH M'CARTY.

Mr. SPOONER introduced a bill (H. R. 6029) for the relief of Jeremiah McCarty; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN R. READ.

Mr. DIBBLE introduced a bill (H. R. 6030) for the relief of John R. Read; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. BRUNING.

Mr. DIBBLE also introduced a bill (H. R. 6031) for the relief of John H. Bruning; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY RENFRO.

Mr. DIBRELL introduced a bill (H. R. 6032) granting a pension to Mary Renfro; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. T. MANSON.

Mr. HOUK introduced a bill (H. R. 6033) for the relief of W. T. Manson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MOSSY CREEK COLLEGE, TENNESSEE.

Mr. HOUK also introduced a bill (H. R. 6034) for the relief of the trustees of Mossy Creek College, of Mossy Creek, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. H. HAGGARD.

Mr. HOUK also introduced a bill (H. R. 6035) granting a pension to H. H. Haggard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. R. THORP.

Mr. THROCKMORTON introduced a bill (H. R. 6036) to refer the claim of J. R. Thorp to the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT TEXARKANA.

Mr. CULBERSON, of Texas, introduced a joint resolution (H. Res. 207) providing for the erection of a public building at the city of Texarkana, situate on both sides of the boundary line between the States of Arkansas and Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AMENDMENT OF RULES.

Mr. MILLS submitted the following proposed amendment of the rules; which was read, and referred to the Committee on the Rules:

After the 1st day of February every year each House shall proceed to the consideration of such bills and joint and concurrent resolutions and amendments thereto as shall have passed the other House; and precedence shall be given to appropriation and revenue bills in the order named; and after that all other business shall be taken up and disposed of in its regular order. After disposing of all business which originated in the other House as above prescribed, it shall proceed to dispose of business on its own Calendar.

Mr. MILLS also submitted the following proposed amendment to the rules; which was read, and referred to the Committee on Rules:

On every Tuesday, Wednesday, and Thursday during the remainder of this session, after the reading of the Journal, the House shall devote one hour to the consideration of such bills as shall be called up by a Member or Delegate, in the following order: the roll shall be called alphabetically, and any member, when his name is called, may call up any bill on any of the calendars of the House that has been reported favorably by a committee, or any bill that has passed the Senate, and have the same acted upon by the House; and there shall only be five minutes' debate for and five minutes' against the same, when it shall be disposed of by the House. The roll shall be proceeded with each day till every Member and Delegate has called up one bill and had the same disposed of by the House.

CUSTOMS DISTRICT OF WEST POINT, VA.

Mr. MAYO introduced a bill (H. R. 6037) to amend and re-enact section 2, chapter 106, acts of 1880, and to establish the customs district of West Point, Va.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LICENSE TAX ON NON-RESIDENT DEALERS.

Mr. GEORGE D. WISE introduced a bill (H. R. 6038) to prohibit the imposition of a license tax on non-resident dealers and their agents in the District of Columbia; which was read a first and second time.

Mr. GEORGE D. WISE. Mr. Speaker, a bill similar to this was referred to the Committee on Manufactures.

The SPEAKER. The bill belongs, under the rules, to the Committee on the District of Columbia; but if the gentleman desires to make a motion for another reference, the Chair will entertain it.

Mr. GEORGE D. WISE. No, sir; I have no preference in the matter.

The bill was referred to the Committee on the District of Columbia, and ordered to be printed.

BILLIARD PLAYING, ETC., BY MINORS.

Mr. GEORGE D. WISE (by request) also introduced a bill (H. R. 6039) to prohibit the playing of billiards, pool, and games of like character in the District of Columbia by persons under 18 years of age; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ARMORY PROPERTY IN DISTRICT OF COLUMBIA.

Mr. BARBOUR (by request) introduced a bill (H. R. 6040) to exempt from taxation the armory property of the Washington Light Infantry and the National Rifles, military organizations of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WILLIAM T. HARRISON.

Mr. LIBBEY (by Mr. BOWEN) introduced a bill (H. R. 6041) to refer the claim of William T. Harrison to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM DILLON.

Mr. GOFF introduced a bill (H. R. 6042) for the relief of William Dillon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN F. BATTEN.

Mr. GOFF also introduced a bill (H. R. 6043) for the relief of Benjamin F. Batten; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH PIGEON.

Mr. WOODWARD introduced a bill (H. R. 6044) granting a pension to Joseph Pigeon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE OVER CHIPPEWA RIVER.

Mr. PRICE introduced a bill (H. R. 6045) to authorize the construction of a bridge over the Chippewa River, in the county of Pepin, in the State of Wisconsin: which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM THATCHER.

Mr. PRICE also introduced a bill (H. R. 6046) granting a pension to William Thatcher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REFUND OF DIRECT TAX OF 1861.

Mr. PRICE also introduced a bill (H. R. 6047) to credit and pay the several States and Territories all moneys collected under the direct tax levied by act of Congress approved August 5, 1861; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALBERT HURD.

Mr. STEPHENSON introduced a bill (H. R. 6048) for the relief of Albert Hurd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES HOFFMAN.

Mr. GUENTHER (by request) introduced a bill (H. R. 6049) for the relief of Charles Hoffman, late of Company A, District of Columbia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING IN NEW MEXICO.

Mr. MANZANARES introduced a bill (H. R. 6050) for the completion of a public building at Santa Fé, N. Mex.; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

Mr. MANZANARES also introduced a bill (H. R. 6051) for the construction of an Army and Navy hospital at Las Vegas Hot Springs, in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. MANZANARES also introduced a bill (H. R. 6052) for the erection of a public building at Albuquerque, N. Mex.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LAND GRANTS IN NEW MEXICO.

Mr. MANZANARES also introduced a bill (H. R. 6053) to confirm certain land grants in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

ROBERT CORNELL WHITE.

Mr. MANZANARES (by request) also introduced a bill (H. R. 6054) for the relief of Robert Cornell White; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM RUTHERFORD.

Mr. MANZANARES (by request) also introduced a bill (H. R. 6055) for the relief of William Rutherford; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

POSTAL TELEGRAPH.

Mr. POST, of Wyoming, submitted a joint resolution and memorial of the Eighth Legislative Assembly of the Territory of Wyoming, relative to the establishment of an independent postal telegraphic system of intercommunication, to be owned, operated, and controlled by the Federal Government; which was referred to the Committee on the Post-Office and Post-Roads.

LEGISLATIVE ASSEMBLY, WYOMING.

Mr. POST, of Wyoming, also submitted a memorial and joint resolution of the Eighth Legislative Assembly of the Territory of Wyoming, praying for an increase of compensation; which was referred to the Committee on the Territories.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories. If there be no objection the Chair will recognize, for the purpose of introducing bills and joint resolutions those gentlemen who were not in their seats when their States were called.

There was no objection.

JOHN CHILDERS.

Mr. SPRINGER introduced a bill (H. R. 6056) for the relief of John Childers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRAUDS IN THE STAR-ROUTE SERVICE.

Mr. SPRINGER also submitted the following resolution of inquiry; which was read, and referred to the Committee on Expenditures in the Department of Justice:

Resolved, That the Postmaster-General, in further compliance with the resolution passed by the House on the 17th day of February, 1884, be requested to furnish the House of Representatives with copies of the correspondence between the Department of Justice and the Post-Office Department in reference to frauds in the star-route mail service.

JOSEPH MONTGOMERY.

Mr. TULLY introduced a bill (H. R. 6057) for the relief of Joseph Montgomery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THE TRADE-DOLLAR.

Mr. ERMENTROUT submitted the following resolution of inquiry; which was read, and referred to the Committee on Banking and Currency:

Resolved, That the Secretary of the Treasury be requested to communicate to this House, if not incompatible with the public interests, any information in the possession of the Department of the Treasury relative to the purchase by foreign brokers of silver trade-dollars of the United States.

CLARINDA HUNT.

Mr. EATON introduced a bill (H. R. 6058) granting a pension to Clarinda Hunt; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GEORGE A. WASHBURN.

Mr. EATON also introduced a bill (H. R. 6059) granting an increase of pension to George A. Washburn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES W. BRINK.

Mr. EATON (by request) also introduced a bill (H. R. 6060) for the relief of Charles W. Brink; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EXECUTIONS, UNITED STATES COURTS.

Mr. COSGROVE introduced a bill (H. R. 6061) to repeal section 916 of the Revised Statutes and amend section 986 of the same, in relation to the issue of executions from United States circuit and district courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES HONE.

Mr. ROBERTSON introduced a bill (H. R. 6062) granting a pension to James Hone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRISON T. MARTIN.

Mr. BUCHANAN (by request) introduced a bill (H. R. 6063) for the relief of Harrison T. Martin, executor of Robert Martin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPORTATION OF OPIUM.

Mr. BUDD introduced a bill (H. R. 6064) to prohibit and punish the importation of opium; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM HUNTINGTON.

Mr. BRENTS introduced a bill (H. R. 6065) for the relief of William Huntington, of Washington Territory; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LOUIS A. THORNBURG.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 6066) granting a pension to Louis A. Thornburg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALLIE A. PALMER.

Mr. LE FEVRE introduced a bill (H. R. 6067) granting a pension to Sallie A. Palmer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH ROMISER.

Mr. McCOMAS introduced a bill (H. R. 6068) to grant a pension to Joseph Romiser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS A. WESTON.

Mr. AIKEN (by request) introduced a bill (H. R. 6069) for the relief of Thomas A. Weston; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JAMES RYAN AND CORNELIUS O'CONNOR.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 6070) to amend the records of the War Department; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CATHERINE MEHAN.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 6071) for the relief of Catherine Mehan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAND OFFICE MAP OF THE UNITED STATES.

Mr. O'NEILL, of Missouri, also introduced a joint resolution (H. Res. 208) providing for printing additional copies of the Land Office map of the United States for distribution by Senators and Representatives; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

CATHERINE SULLIVAN.

Mr. RANNEY introduced a bill (H. R. 6072) to grant a pension to Catherine Sullivan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WELLER. I call for the regular order.

Mr. HATCH, of Missouri. I ask unanimous consent to have an order to print in the RECORD, and as a document, for the information of the House, a letter from the Secretary of the Interior, transmitting a dispatch from Mr. Lowell, American minister at London, concerning measures which have been introduced into the British Parliament for the prevention of foot-and-mouth disease in the United Kingdom.

The SPEAKER. The Chair can not entertain the request of the gentleman from Missouri unless the demand for the regular order is withdrawn. Is the demand withdrawn?

Mr. WELLER. I insist on the regular order.

The SPEAKER. This being the third Monday of the month, the regular order is the call of committees for motions to suspend the rules. The call rests with the Committee on Claims.

No motion to suspend the rules was made by the Committee on Claims.

PRIVATE LAND CLAIMS.

Mr. MULDROW. I am instructed by the Committee on Private Land Claims to move that the rules be suspended and that the resolution which I send to the desk be adopted.

Mr. WELLER. Understanding now the nature of the request of the gentleman from Missouri [Mr. HATCH], I withdraw the demand for the regular order.

The SPEAKER. It is too late for the gentleman to do so. The regular order is now proceeding and there is a matter before the House. The Clerk will report the resolution sent up by the gentleman from Mississippi [Mr. MULDROW].

The Clerk read as follows:

Resolved, That Senate bill No. 19, to provide for ascertaining and settling private land claims in certain States and Territories, be made a special order for Tuesday,

April 15, after the morning hour, to continue from day to day until disposed of, not to interfere with regular appropriation or revenue bills, or the consideration of reports from the Committee on Public Lands, or prior orders.

The SPEAKER. Is a second demanded?

Mr. HOLMAN. I believe this order is confined to one bill?

Mr. MULDROW. It is.

The SPEAKER. No second having been demanded, the question is on suspending the rules and adopting the resolution.

The rules were suspended (two-thirds voting in favor thereof) and the resolution was adopted.

STANDING ASIDE JURORS.

Mr. OATES. I am instructed by the Committee on the Revision of the Laws to move that the rules be suspended and that the bill (H. R. 3346) to amend section 819 of the Revised Statutes of the United States and regulate the standing of jurors to the foot of the panel be taken from the House Calendar and passed.

The bill was read, as follows:

Be it enacted, &c., That section 819, of title 13, chapter 15, of the Revised Statutes of the United States be amended so as to read as follows, namely:

"When the offense charged is treason or a capital offense the defendant shall be entitled to twenty and the United States to five peremptory challenges; and the United States in such cases, and in no other cases whatever, shall also, in conformity with the practice in any State, have the right in that State to stand jurors aside and not show the cause of disqualification or challenge until the venire be gone through. On the trial of any other felony the defendant shall be entitled to ten and the United States to three peremptory challenges; and in all other cases, civil and criminal, each party shall be entitled to three peremptory challenges; and in all cases where there are several defendants or several plaintiffs the parties on each side shall be deemed a single party for the purposes of all challenges under this section. All challenges, whether to the array or panel or to individual jurors, for cause or favor, shall be tried by the court, without the aid of triers."

Mr. HOLMAN. I call for a second.

Mr. SPRINGER. I ask unanimous consent that the second be considered as ordered, so as to avoid the necessity of a vote by tellers.

The SPEAKER. Is there unanimous consent that a second be considered as ordered?

Mr. JOHN S. WISE. I object.

The SPEAKER. The Chair appoints as tellers the gentleman from Alabama, Mr. OATES, and the gentleman from Indiana, Mr. HOLMAN.

The House divided; and there were—ayes 117, noes 57.

So the motion to suspend the rules was seconded.

The SPEAKER. Under the rules thirty minutes will be allowed for debate, fifteen in support of the motion to suspend the rules and fifteen in opposition to it. The gentleman from Alabama, Mr. OATES, has control of the time in support of the motion and the gentleman from Indiana, Mr. HOLMAN, if he is opposed to the bill, will control the time in opposition.

Mr. HOLMAN. I will not say I ought to control the time. My purpose in calling for a second was simply to obtain an explanation why so large a discrimination is made between the Government and the defendant in this matter.

The SPEAKER. The Chair then will give the control of the time in opposition to some gentleman who desires to oppose the bill.

Mr. CALKINS. I desire to oppose it.

The SPEAKER. The gentleman from Indiana, Mr. CALKINS, will control the time in opposition to the bill.

Mr. OATES. I ask for the reading of the report, which, if gentlemen will give attention to it, will fully explain to them the object and purpose of the bill.

The SPEAKER. The reading of the report comes out of the time allowed for debate.

The Clerk read the report, as follows:

Mr. OATES, from the Committee on the Revision of the Laws, submitted the following report (to accompany bill H. R. 3346):

The Committee on the Revision of the Laws, to whom was referred bill H. R. 3346, submit the following report:

The amendment of section 819 of the Revised Statutes proposed by the bill is in these words:

"And the United States in such cases, and in no other cases whatever, shall, also, in conformity with the practice in any State, have the right in that State to stand jurors aside and not show the cause of disqualification or challenge until the venire be gone through."

This standing of jurors aside is a sort of temporary objection to them, which does not preclude the prosecution from afterward accepting those once stood at the foot of the panel. The practice of standing aside jurors originated in Great Britain after the enactment of thirty-third of Edward the Third, which took away from the crown altogether the right of peremptory challenge of jurors, and it still prevails in some of the States of the American Union as common law. This rule, however, is applicable only in capital cases. The spirit and intent of the judiciary act were to require the courts of the United States to adopt, as far as practicable, the rules of judicial procedure in the States where such courts are held. The practice of standing aside jurors now prevails but in a small number of the States, and in these the rule is never applied except in the trial of capital felonies. In these States, however, the committee are unanimously of the opinion that the practice, if resorted to at all, should, with uniformity, be applied in the courts of the United States; but when thus applied or invoked it should be limited to the trial of cases of treason or felonies punishable capitally. To extend such a practice to the trial of misdemeanors and felonies not punished capitally in the courts of the United States, from whose judgments of conviction there is no appeal, would be in some cases tantamount to denying the defendant a fair and impartial trial by a jury of his peers.

The practice of standing jurors aside is one of limited and questionable utility at best, and the purpose of the bill is to so amend section 819 of the Revised Statutes as not to permit the district attorney to apply that rule in the trial of offenses of less magnitude than felonies punished capitally.

This is in the interest of the liberty of the citizen. Its tendency is to secure a fair trial. The powers and jurisdiction of the judiciary are for the protection and maintenance of the integrity of the Government.

The committee therefore recommend that the bill pass.

Mr. OATES. The practice which obtains in some of the States, the older States of the Union, of standing jurors aside—that is, for the prosecuting attorney, when jurors are called and are otherwise competent, to interpose a mere temporary objection and stand them aside for the time being—never did obtain except in the trial of capital offenses. Now, this practice has been adopted in the courts of the United States in some of these States and made to apply to misdemeanors. When a party is on trial for a misdemeanor they have gone through the venire and challenged jurors temporarily and stood them at the foot of the panel. It is a practice which is unwarranted, and this bill is merely for the purpose of regulating it and making the practice in the United States courts conform to the common-law practice, so that it shall only prevail in the trial of capital offenses.

Mr. REED. What kind of misdemeanors does the gentleman refer to?

Mr. OATES. That does not make any difference. If it is made to apply to misdemeanors at all it is not in accordance with the common-law practice.

Mr. REED. What harm has it done hitherto?

Mr. OATES. Its tendency in such cases is to give an unfair advantage to the prosecuting attorney.

Mr. REED. Will the gentleman be kind enough to specify in what class of cases that has occurred?

Mr. OATES. They have applied it to any class of cases.

Mr. REED. What particular class of cases has there been any complaint about?

Mr. OATES. I do not know that I can particularize the class of cases. I understand the practice is of general application in the courts where it prevails.

Mr. REED. This does not arise out of any particular kind of cases?

Mr. OATES. Not that I am aware of. I think the practice of the United States courts in this regard ought to be made to conform to the practice in the State courts, and that the rule, which I think is not a very good one, ought to apply only in the cases of capital felonies; and this is the sole object and purpose of the bill as I understand it. How much time have I left?

The SPEAKER *pro tempore* (Mr. SPRINGER). Ten minutes. Does the gentleman desire to reserve his time?

Mr. OATES. I reserve that time until I hear from the other side.

The SPEAKER *pro tempore*. The Chair will now recognize the gentleman from Indiana [Mr. CALKINS] to control the time in opposition.

Mr. CALKINS. I yield five minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. I think that the principle involved in this bill is an incorrect one, whether applied to the courts of the United States or to State courts. In the State of Pennsylvania our supreme court has decided that in all criminal cases the Commonwealth may stand aside one juror after another until a jury shall have been impaneled in each case which shall do justice not only to the prisoner but also to the Commonwealth. I think the principle as applied in Pennsylvania is a correct principle to be applied in any State court or in the United States courts.

I think it has a special application and force when you come to try cases of a political nature and involving political questions and political ideas. I say this, not as a partisan, not as representing any party, but in justice to both parties. We do not know what party will triumph in this country or what party may be represented by the prosecuting officer. The justice of the principle applies equally, whether the one party or the other be in power.

For instance, in some of the States South where political crimes, or rather crimes that involve political prejudices and opinions, are tried, if the Democratic party should be in power, if the prosecuting officer of the Government should be a Democrat, how would that prosecuting officer like to have a jury composed of persons wholly adverse to the Government in that prosecution, a jury adverse to the Government?

The interest of the prosecuting attorney is not that of a biased prosecutor, but according to the old traditions of the common law, and according to all the experience of courts of adjudicature throughout the world, the prosecuting counsel stands in a quasi-judicial capacity; and when he presents facts to juries he is presumed to present nothing but the simple truth, and to desire that nothing may influence the verdict of that jury but the simple truth.

Now, I contend and I believe that if this bill shall become a law justice can not be secured in the trial of many cases in many of the States of this Union, when it would be secured under the present law I suppose that this bill originated very largely from the fact that in the State of Georgia a number of men were tried and were convicted for violating the United States election laws, and in the trial of those cases a number of jurors were stood aside by the prosecuting officers of the Government.

Mr. BUCHANAN. Does the gentleman say that was done in Georgia?

Mr. BAYNE. In Georgia.

Mr. BUCHANAN. The gentleman is mistaken.

Mr. BAYNE. Probably it was in South Carolina. I refer to the cases that were tried by Hon. Emory Speer.

Mr. CALKINS. It was done both in Georgia and South Carolina, and that is what the bill strikes at.

Mr. BAYNE. Done both in Georgia and South Carolina.

Mr. DIBBLE. The gentleman is mistaken in reference to South Carolina.

Mr. BAYNE. To the credit of that community in South Carolina and to the credit of that community in Georgia which furnished these jurors men were convicted of offenses involving political prejudices. I have not seen or heard anything in the history of the country for many years past that did greater credit to the people of the communities interested than these convictions, for it is of interest to every citizen of those States as well as of the States north that men who violate the laws of the country shall be convicted and punished.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BUCHANAN. I desire to say that the gentleman from Pennsylvania [Mr. BAYNE] is mistaken as to jurors having been set aside in Georgia.

Mr. BAYNE. Not "set" aside, but "stood" aside until the panel was secured.

Mr. BUCHANAN. Neither in South Carolina nor in Georgia.

Mr. BAYNE. It is possible I may be mistaken as to the particular State, but I know there were such trials in South Carolina, and I thought the same rule was applied in Georgia, where jurors were set aside until the panel was obtained.

Mr. CALKINS. I do not want to occupy much time this morning, for I am not in a condition to be able to speak at any length. I want to ask my friend from Alabama [Mr. OATES] whether this bill is framed in reference to correcting a practice brought to the attention of the country by the late trials in South Carolina?

Mr. OATES. The bill was introduced by a gentleman from North Carolina [Mr. BENNETT], where the practice also prevails.

Mr. CALKINS. My question is whether this bill is not intended to rectify and correct that practice?

Mr. OATES. It is simply to do away with the practice which prevails of standing jurors aside under the common law, which in the United States courts in some of the States is applicable to capital felonies; I do not know that it is in all the States. The bill is to prevent the extending of the practice to misdemeanors.

Mr. CALKINS. But in the State courts they go right along under that practice and you would deny it to the Federal courts.

Mr. OATES. The State courts can go no further under this bill than the United States courts. If in the State courts jurors can be set aside in capital felonies, then under this bill it can be done in the United States courts.

Mr. REED. Will the gentleman be kind enough to state to the House why it is that this practice which he regards as just and proper in capital cases becomes unjust and improper in cases of misdemeanors?

Mr. OATES. Only because the administration of criminal law ought to be uniform.

Mr. REED. Yet you propose to permit this practice in capital cases.

Mr. OATES. Where the rule prevails in such cases in the State courts there is no objection to its prevailing in similar cases in the United States courts.

Mr. REED. Then there is no evil resulting from the application of the rule? All that the gentleman desires is to promote uniformity. Is that it?

Mr. OATES. There is an evil resulting from it.

Mr. REED. Will the gentleman state what it is? What called his attention to the matter?

Mr. OATES. The bill called my attention to it, and the committee has reported in favor of the bill.

Mr. REED. Is not this bill presented on account of late cases——

Mr. OATES. In the State courts this practice does not extend to cases of misdemeanor; and we think the United States courts ought not to extend the rule to such cases.

Mr. REED. What harm has been done? What is the evil?

Mr. OATES. In cases where the defendant has a very limited number of challenges it enables the prosecuting attorney to select just such jurors as he wants.

Mr. REED. And you allow that in capital cases?

Mr. OATES. There the defendant has such a number of challenges as will protect him.

Mr. REED. But the same thing is allowed in the State courts.

Mr. OATES. Where the practice in the United States courts conforms to that of the State courts it is satisfactory.

Mr. CALKINS. I yield five minutes to the gentleman from Florida [Mr. BISBEE].

Mr. BISBEE. Stripped of all disguises, the object of this bill is further to emasculate the power of Federal courts in the Southern States to try and convict men for stuffing ballot-boxes. That is the object, if this side of the House wants to understand it. That is the sole object. In the Forty-sixth Congress the Democratic party passed a bill stuffing the jury-boxes with politics, providing that a commissioner should be appointed of opposite politics to the clerk, and that these two officers should alternately select the persons from whom jurors are drawn. The result is that each of these persons—the clerk and the commissioner—believes that he represents a party, and selects pronounced partisans to serve as jurors.

The further result is that even in the most flagrant cases you can not to-day get a jury in the Southern States that will convict a man for stuffing ballot-boxes, though the evidence be such that the jury ought to convict without leaving the box.

Now it seems to me the Democratic party ought to be satisfied with the law as it is. But it appears that a case recently arose in the Southern States where the Federal Government availed itself of a local law to get a little better jury—one that would do justice between the Federal Government and the accused in the execution of the laws of the United States. There is no such thing known throughout the Southern States as a State court trying and convicting any one for the stuffing of ballot-boxes. Democratic frauds may run riot at each election. Half a dozen of the States in the South are honey-combed with fraud from one end to the other; and it is approved of, not condemned; and no man engaged in it has yet visited the penitentiary for it.

As I have remarked, the law enacted by the Forty-sixth Congress has emasculated the power of the Federal courts in the Southern States, and now, forsooth, because a method has been discovered by which the Government, availing itself of local statutes in some of the States, may perchance be able to try ballot-box stuffers with some prospect of conviction, this bill seeks to tear up that remedy by the roots.

[Here the hammer fell.]

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman from Indiana [Mr. CALKINS] has two minutes remaining.

Mr. CALKINS. I reserve that portion of my time.

Mr. OATES. I yield five minutes to the gentleman from North Carolina [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, it is important that we should understand the present state of the law in order to obtain an intelligent comprehension of the matter now under consideration.

Section 819 of the Revised Statutes reads as follows:

When the offense charged is treason or a capital offense, the defendant shall be entitled to twenty and the United States to five peremptory challenges. On the trial of any other felony, the defendant shall be entitled to ten and the United States to three peremptory challenges; and in all other cases, civil and criminal, each party shall be entitled to three peremptory challenges; and in all cases where there are several defendants or several plaintiffs, the parties on each side shall be deemed a single party for the purposes of all challenges under this section. All challenges, whether to the array or panel, or to individual jurors for cause or favor, shall be tried by the court without the aid of triers.

This act was passed June 8, 1872. The measure now under consideration does not change in any particular the law regulating challenges, peremptory or for cause. Gentlemen here will please understand that if the pending bill reported by the gentleman from Alabama [Mr. OATES] should command the approval of this House, the law of challenges, peremptory or for cause, which obtains in the United States courts will remain identically the same as now.

The only change proposed by the pending bill is in these words:

And the United States in such cases—

That is, cases of treason or other capital offenses—

and in no other cases whatever, shall also, in conformity with the practice in any State, have the right in that State to stand jurors aside and not show the cause of disqualification or challenge until the venire be gone through.

That is the only change. I have nothing to conceal. The bill is my handiwork. The practice of standing jurors to the foot of the panel grew up in England after the passage of the statute of 33 Edward I. That statute took away entirely from the crown the right of peremptory challenge, and, therefore, when the crown was confronted with a subject charged with an offense against the law, the crown stood at this disadvantage, that it did not have the right of peremptory challenge, while the subject, standing for his life or his liberty, as the case may be, enjoyed that privilege. The judges who held their office during the pleasure of the crown and their own good behavior always inclined to give their official support to the power that appointed and fed them. To their eternal disgrace be it said that on great occasions, when the liberty of the subject trembled in the balance, those who should have held the scales of justice with unfevered hand, succumbed to the blandishments of power, and yielded to the sway of those who possessed the power of life and death over them.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. BENNETT. I should like to have a few moments additional time.

Mr. OATES. I yield two minutes more to the gentleman from North Carolina.

Mr. BENNETT. The origin, therefore, of this practice to which I have just alluded does not commend it to the philosophic student or the impartial lawyer.

The moving cause for the present bill is just this and nothing more: Unfortunately in the Southern States frequent prosecutions have been instituted for violation of the election laws of the General Government, and judges holding the court before which a party thus charged and confronted is on trial, if not native and to the manner born, have not hesitated to permit the attorneys who prosecute for the Government to

stand jurors to the foot of the panel until they could assort the lot; and thus it is in some instances that innocent men have been convicted, and are to-day, or have been, undergoing punishment for offenses of which they were never guilty.

The practice in my own State confines the standing of jurors to the foot of the panel to capital offenses. The recent act, passed by Congress I believe in 1875, which regulates the practice in the courts of the General Government, requires that that practice shall conform to that which obtains in the State courts.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. OATES. How much time have I remaining?

The SPEAKER. The gentleman has three minutes.

Mr. OATES. I regret that I can not yield any more time to the gentleman from North Carolina as I have promised the remainder to the gentleman from South Carolina.

Mr. BENNETT. Then I shall ask consent to place in the RECORD that portion of my remarks which I had desired to make in this connection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. OATES. I now yield the remainder of my time to the gentleman from South Carolina [Mr. DIBBLE].

Mr. DIBBLE. I rise, Mr. Speaker, in the brief time remaining for this discussion, to correct some misapprehensions which would naturally arise from the remarks made by the gentleman from Pennsylvania [Mr. BAYNE] regarding the political cases recently tried in my own State. He is in error when he asserts that in South Carolina there were convictions for violation of the election laws. The truth of the case is merely this: That the panel was so constituted in those trials that members of the election committees of the party in accord with the administration were sworn as jurors upon the panel. In addition to that, the district attorney, exercising this right of standing aside jurors, postponed every one except those that were in alliance with his own political party to the foot of the panel. Further, the defendants' right of challenge was exhausted, and the juries were composed entirely of those who were in political sympathy with the prosecution. But so frivolous were the cases presented that in one instance, under instructions from the judge, the jury brought in a verdict of not guilty, and in the other cases, with juries packed by the prosecution in the manner I have stated, there was absolute failure to convict. There was not a single person belonging to the political party of the defendants upon either one of the juries. They were made up in the manner I have stated, from their political opponents.

I wish now further to correct a misapprehension under which the gentleman from Florida [Mr. BISBEE] seems to labor. Not a single one of these cases, Mr. Speaker, was for the offense of stuffing the ballot-box. No such charges were presented. There were no grounds for such charges; and the frivolous charges made were for other causes.

Now, the law of the State of South Carolina does not permit in cases of misdemeanor the standing aside of jurors. It is only in cases of capital offenses—felonies—and in such cases the protection of the defendant is that he has twenty peremptory challenges; and therefore the officers of the State control the presentation of the jury, the standing aside being equivalent to the twenty challenges on the part of the defendant. But in cases of misdemeanors, as under this act, the defendant has but three challenges; and to give to the prosecuting officer, in addition to three challenges, also the right to postpone jurors to the foot of the panel is equivalent to so many more challenges allowed to the Government.

I contend, Mr. Speaker, that such a preponderance of power in the prosecution in organizing juries is radically wrong, irrespective of any question of party or of politics. It is wrong in principle.

[Here the hammer fell.]

Mr. REED. Mr. Speaker, the gentleman who spoke last but one treated us to some ancient history, but this question relates to modern history. There is a plain purpose in this bill, and it is in connection with other bills and actions which have developed themselves heretofore.

The jury has been politically divided, as has been stated by the gentleman from Florida [Mr. BISBEE]. Not content with that neutralization of juries in cases of this kind, an attempt was made in another committee of this House to divide in politics the deputy marshals who were to enforce these election laws. To-day the gentleman from Alabama [Mr. OATES], representing the Committee on the Revision of the Laws, has presented another insidious attack against the enforcement of the penalties for stuffing ballot-boxes at elections. And the gentleman was well chosen. He is so good a man himself that he never suspected what this was intended to effect. And nothing has influence in this House like a good man making a good statement in a good way.

Mr. OATES. Mr. Speaker——

Mr. REED. I have only two minutes.

Mr. OATES. What the gentleman states is wholly incorrect, and this is a unanimous report from the committee.

Mr. REED. I understand not. I say that this is a following out of the unjust attempts which are being made to destroy the very little power which the United States has to punish violations of election laws. Election laws are violated there continuously, and an attempt is being made now to take away the very little remedy we have. That is the secret of this matter. Of course the gentleman from Alabama did not know it. He did not understand the class of cases to which this referred. If he had he would not have been selected to present it. But the gentleman who spoke the one before the last did understand it, and unfortunately has let it out to the House.

The SPEAKER. The time allowed for debate has expired. The question is on the motion of the gentleman from Alabama to suspend the rules and pass the bill.

The question being taken, there were—ayes 110, noes 66; two-thirds not voting in the affirmative.

Mr. OATES. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 92, not voting 75; as follows:

YEAS—153.

Aiken,	Dibrell,	Lanham,	Seney,
Alexander,	Dockery,	Le Fevre,	Seymour,
Arnot,	Dorsheimer,	Lewis,	Shaw,
Ballentine,	Dowd,	Lore,	Shelley,
Barbour,	Duncan,	Lovering,	Singleton,
Barksdale,	Eaton,	Lowry,	Slocum,
Beach,	Eldredge,	McMillin,	Springer,
Belmont,	Ermentrout,	Matson,	Stewart, Charles
Bennett,	Fiedler,	Miller, J. F.	Sumner, C. A.
Blackburn,	Findlay,	Mills,	Sumner, D. H.
Blanchard,	Follett,	Mitchell,	Talbott,
Bland,	Foran,	Money,	Thompson,
Blount,	Forney,	Morrison,	Throckmorton,
Boyle,	Fyan,	Morse,	Tillman,
Breckinridge,	Geddes,	Moulton,	Townshend,
Buchanan,	Glascock,	Muldrow,	Tucker,
Buckner,	Graves,	Muller,	Tully,
Burnes,	Green,	Murphy,	Turner, H. G.
Cabell,	Greenleaf,	Murray,	Turner, Oscar
Caldwell,	Halsell,	Mutchler,	Van Alstyne,
Candler,	Hammond,	Neece,	Vance,
Cassidy,	Hancock,	Oates,	Van Eaton,
Clardy,	Hardeman,	O'Neill, J. J.	Ward,
Clay,	Hatch, W. H.	Paige,	Wellborn,
Clements,	Henley,	Pierce,	Wemple,
Cobb,	Herbert,	Peel, S. W.	Wilkins,
Collins,	Hewitt, A. S.	Post,	Williams,
Converse,	Hewitt, G. W.	Pryor,	Willis,
Cook,	Hill,	Pusey,	Wilson, W. L.
Cosgrove,	Hoblitzell,	Randall,	Winans, E. B.
Cox, W. R.	Holman,	Rankin,	Wise, G. D.
Crisp,	Hunt,	Reagan,	Wolford,
Culberson, D. B.	Hutchins,	Reese,	Wood,
Curtin,	Jones, J. H.	Riggs,	Woodward,
Dargan,	Jones, J. K.	Robertson,	Worthington,
Davidson,	Jones, J. T.	Robinson, W. E.	Yaple.
Davis, L. H.	Jordan,	Rogers, W. F.	
Deuster,	Kleiner,	Rosecrans,	
Dibble,	Lamb,	Scales,	

NAYS—92.

Adams, G. E.	Everhart,	Lyman,	Ray, Ossian
Anderson,	Guenther,	McCoid,	Reed,
Atkinson,	Hanback,	McCormick,	Rice,
Barr,	Harmer,	McKinley,	Robinson, J. S.
Bisbee,	Hatch, H. H.	Mayo,	Rockwell,
Boutelle,	Henderson, D. B.	Millard,	Rowell,
Bowen,	Henderson, T. J.	Miller, S. H.	Russell,
Breitung,	Hepburn,	Morey,	Smith,
Browne, T. M.	Hiscock,	Morrill,	Spooner,
Brown, W. W.	Hitt,	Nelson,	Steele,
Calkins,	Holmes,	Nutting,	Stephenson,
Campbell, J. M.	Holton,	O'Hara,	Stone,
Cannon,	Horr,	O'Neill, Charles	Taylor, E. B.
Chace,	Houk,	Parker,	Taylor, J. D.
Culbertson, W. W.	James,	Payson,	Wadsworth,
Cullen,	Jeffords,	Perkins,	Wait,
Cutcheon,	Johnson,	Peters,	Wakefield,
Davis, G. R.	Jones, B. W.	Pettibone,	Washburn,
Dingley,	Keifer,	Phelps,	Weaver,
Dunham,	Ketcham,	Poland,	White, J. D.
Elliott,	Lacey,	Price,	White, Milo
Ellwood,	Laird,	Ranney,	Wise, J. S.
Evans, L. N.	Long,	Ray, G. W.	York.

NOT VOTING—75.

Adams, J. J.	Ellis,	Kellogg,	Snyder,
Bagley,	Evins, J. H.	King,	Spriggs,
Bayne,	Ferrell,	Lawrence,	Stevens,
Belford.	Finerty,	Libbey,	Stewart, J. W.
Bingham,	George,	McAdoo,	Stockslager,
Brainerd,	Gibson,	McComas,	Storm,
Brewer, F. B.	Goff,	Maybury,	Strait,
Brewer, J. H.	Hardy,	Milliken,	Struble,
Broadhead,	Hart,	Morgan,	Taylor, J. M.
Brumm,	Haynes,	Nicholls,	Thomas,
Budd,	Hemphill,	Ochiltree,	Valentine,
Burleigh,	Hooper,	Patton,	Warner, A. J.
Campbell, Felix	Hopkins,	Payne,	Warner, Richard
Carleton,	Houseman,	Peelle, S. J.	Weller,
Connolly,	Howey,	Potter,	Whiting,
Covington,	Hurd,	Rogers, J. H.	Wilson, James
Cox, S. S.	Kasson,	Ryan,	Winans, John
Davis, R. T.	Kean,	Skinner, C. R.	Young.
Dunn,	Kelley,	Skinner, T. G.	

So the rules were not suspended—two-thirds not voting in favor thereof.

After the second roll-call,

Mr. HEWITT, of New York, said: When my name was called I heard

it on both roll-calls, but I thought I was paired with Mr. KASSON, of Iowa. It turns out he is paired with another gentleman. I desire to vote.

The SPEAKER. The gentleman from New York states he refrained from voting because he thought he was paired with the gentleman from Iowa [Mr. KASSON], but has since learned that Mr. KASSON is paired with another gentleman. He asks unanimous consent to vote. Is there objection?

There was no objection.

Mr. HEWITT, of New York. I vote "ay."

On motion of Mr. LAMB, by unanimous consent, the reading of the names of members voting was dispensed with.

The following pairs were announced:

Mr. ELLIS with Mr. KELLOGG.

Mr. STOCKSLAGER with Mr. PEELLE, of Indiana.

Mr. WARNER, of Tennessee, with Mr. HAYNES.

Mr. MORGAN with Mr. MORRILL.

Mr. SNYDER with Mr. GOFF.

Mr. HOUSEMAN with Mr. WHITING.

Mr. SKINNER, of North Carolina, with Mr. SKINNER, of New York.

Mr. CARLETON with Mr. LAWRENCE.

Mr. COVINGTON with Mr. BREWER, of New Jersey.

Mr. MAYBURY with Mr. HART.

Mr. DUNN with Mr. RYAN.

Mr. KING with Mr. GEORGE.

Mr. ROGERS, of Arkansas, with Mr. WILSON, of Iowa.

Mr. NICHOLLS with Mr. KASSON.

Mr. EVINS, of South Carolina, with Mr. VALENTINE.

Mr. TAYLOR, of Tennessee, with Mr. HOWEY.

Mr. ADAMS, of New York, with Mr. LIBBEY.

Mr. GIBSON with Mr. BRUMM.

Mr. COX, of New York, with Mr. BAYNE.

Mr. KEAN with Mr. MCADOO.

The SPEAKER. On this vote the yeas are 153 and the nays are 92. Two-thirds not having voted in the affirmative, the motion to suspend the rules is not agreed to.

DEFICIENCY APPROPRIATION BILL.

Mr. RANDALL. The Committee on Appropriations have unanimously agreed upon a deficiency appropriation bill. I expected that upon the call of committees the Committee on Appropriations would have been reached to-day, when I would have reported the bill. It will give rise to very little debate. The necessities of the Government are immediate, and I ask consent to report it now.

The SPEAKER. The Chair understands the gentleman to ask consent to report at this time from the Committee on Appropriations a deficiency appropriation bill without waiting for the regular call of the committee; and the gentleman gives notice that he will move to pass the bill under a suspension of the rules.

Mr. RANDALL. That is the request. I have been instructed unanimously by the committee to report the bill, and I shall move that it be passed under a suspension of the rules.

Mr. KEIFER. That is right, and I hope there will be no objection on this side of the House. It is an important bill and should be passed at once.

Mr. WHITE, of Kentucky. I will ask the gentleman from Pennsylvania [Mr. RANDALL] if it includes the deficiency for examining surgeons?

Mr. RANDALL. It does.

Mr. BUCKNER. Does it include the appropriation asked for by the Secretary of the Treasury for printing one and two dollar notes?

Mr. RANDALL. I does not.

Mr. BUCKNER. All right, then.

There being no objection,

Mr. RANDALL, from the Committee on Appropriations, reported a bill (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes; which was read a first and second time.

The bill was read at length, as follows:

Be it enacted, &c., That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, for the service of the fiscal year ending June 30, 1884, and prior years, namely:

PUBLIC PRINTING AND BINDING.

That from the appropriations for public printing and binding for the fiscal year ending June 30, 1884, the Public Printer is hereby authorized to transfer to the allotment of the Treasury Department an amount not exceeding $50,000, to the allotment of the Navy Department an amount not exceeding $20,000, to the allotment of the War Department $15,000, and to the allotment of the Post-Office Department an amount not exceeding $30,000; but the aggregate amount appropriated for the public printing and binding for the fiscal year ending June 30, 1884, shall not be exceeded because of the transfers hereby authorized.

TREASURY DEPARTMENT.

For the transportation of subsidiary silver coin as authorized by law, $5,000.

For fuel, lights, water, and miscellaneous items required by the janitors and firemen in the proper care of the buildings, furniture, and heating apparatus, exclusive of personal services, for all public buildings under the control of the Treasury Department, inclusive of new buildings, $105,000.

For furniture and repairs of furniture and carpets for all public buildings under the control of the Treasury Department, $100,000.

For pay of assistant custodians and janitors, including all personal services in connection with all public buildings under control of the Treasury Department outside of the District of Columbia, $56,000.

PUBLIC BUILDINGS.

For post-office and court-house at Philadelphia, Pa.: For completion of the building, $61,000.

For custom-house at Saint Louis, Mo.: For completion and furnishing of the building, $25,700.

For custom-house and post-office at Albany, N. Y.: For completion of the building, $55,000.

For custom-house and post-office at Cincinnati, Ohio: For construction of the building, $100,000.

For marine-hospital buildings at Memphis, Tenn.: For completion of approaches, fencing, terracing lot, heating and laundry apparatus, $30,000.

For heating, hoisting, and ventilating apparatus for public building, $16,000.

INTERIOR DEPARTMENT.

Expenses of the tenth census:

For current expenses, $20,000.

For outstanding liabilities, $5,000.

Contingent expenses of land offices:

For incidental expenses of the several land offices, $10,000.

For expenses of depositing public moneys, $5,000.

PENSIONS.

For fees and expenses of examining surgeons, $500,000.

For fees and expenses of examining surgeons, $253,538.11, being a deficiency on account of the fiscal year 1883.

For per diem when absent from home on duty for special examiners or other persons employed in the Pension Office detailed for the purpose of making special investigations of matters pertaining to the Pension Bureau, in lieu of expenses for subsistence, not exceeding $3 per day, and for actual and necessary expenses for transportation and assistance, $40,000.

That the Secretary of the Interior is authorized to transfer from appropriations for the Freedmen's Hospital and Asylum for the fiscal year 1884 any unexpended balances and apply the same to purposes for which the appropriations for said institution for the current fiscal year are exhausted; but the aggregate amount appropriated for the expenses of the Freedmen's Hospital and Asylum for the fiscal year 1884 shall not be exceeded because of the transfer herein authorized.

INDIAN OFFICE.

To enable the Secretary of the Interior to pay the employés temporarily employed and rendering service in the Indian Office up to and including July 15, $2,100.

And hereafter no Department or officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law.

NAVY DEPARTMENT.

Bureau of Equipment and Recruiting:

For expenses of recruiting, and for the transportation of enlisted men and boys at home and abroad, $15,000.

Bureau of Construction and Repair:

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; labor in navy-yards and on foreign stations; preservation of materials; purchase of tools; wear, tear, and repair of vessels afloat, and for general care, increase, and protection of the Navy in the line of construction and repair, and incidental expenses, namely, advertising and foreign postage, $234,000.

DISTRICT OF COLUMBIA.

That $1,200 of the sum appropriated by the act of March 3, 1883, be, and the same are hereby, transferred from the second to the third school division, without increasing the aggregate expenditure therein provided.

For janitors and care of the several school buildings, $3,900; for current repairs to school buildings, $2,500; one-half of said amounts to be paid from the revenues of the District of Columbia for the current fiscal year.

HOUSE OF REPRESENTATIVES.

To pay Mary E. Herndon, widow of the late Hon. T. H. Herndon, the amount of salary and allowance for stationery for the unexpired term of his service as a member of the Forty-eighth Congress, $8,875.

To pay the mother of the late Hon. W. F. Pool the amount of salary and allowance for stationery for the unexpired term of his service as a member of the Forty-eighth Congress, $7,737.66.

To pay the widow of the late Hon. E. W. M. Mackey the amount of salary and allowance for stationery for the unexpired term of his service as a member of the Forty-eighth Congress, $5,586.67.

To pay the widow of the late Hon. D. C. Haskell the amount of salary and allowance for mileage and stationery for the unexpired term of his service as a member of the Forty-eighth Congress, $6,715.97.

To pay the widow of the late Hon. M. E. Cutts the amount of salary and allowance for stationery for the unexpired term of his service as a member of the Forty-eighth Congress, $7,652.38.

To enable the Clerk of the House to pay Alexander B. Thomas and Wilson Grice for services rendered, under resolution of the House, from March 4 to December 3, 1883, at $60 per month each, $1,080.

Mr. RANDALL. I now move to suspend the rules and pass the bill. I ask for a second on that motion, so that any one who may desire to make inquiries about the bill may have an opportunity to do so.

The SPEAKER. If there is no objection the second will be considered as ordered.

Mr. BROWNE, of Indiana. I rose for the purpose of demanding a second myself, but I am willing to have it considered as ordered.

There being no objection, the second of the motion to suspend the rules and pass the bill as read was ordered.

The SPEAKER. The question is now upon the motion to suspend the rules and pass the bill which has been read.

Mr. BROWNE, of Indiana. In the last Congress I gave notice that in the future I should object, however ungracious that duty might appear, to the allowance to families or representatives of deceased members of any sum beyond the amount due at the time of their death. At that time there were several propositions of that character pending before the House, and I believe that on a vote of the House all such appropriations were stricken from the bill. I will inquire of the gentleman from Pennsylvania [Mr. RANDALL] if that is correct.

Mr. RANDALL. I think not, but I will examine and see. I find by reference to the bill of last session that appropriations were made to pay certain allowances to the widows of Mr. Orth, of Mr. Lowe, and some others. I think the gentleman alludes to those cases. In the bill there were propositions to give $6,000 to the representatives of members-elect who had died.

Mr. BROWNE, of Indiana. And who had not entered upon the duties of their office.

Mr. RANDALL. I find in the appropriation bill of last year that there were appropriations for unexpired terms of service in the case of Mrs. Orth, Mrs. Lowe, Mrs. James Q. Smith, and Mrs. Shackleford.

Mr. BROWNE, of Indiana. And they received an amount beyond the sum due them at the death of the members.

Mr. RANDALL. I will read one of the clauses:

To pay Mary A. Orth, the widow of the late honorable Godlove S. Orth, the amount of salary and allowances for stationery for the unexpired term of his service as a member of the Forty-seventh Congress.

That is the exact language employed in this bill, except that we say "Forty-eighth Congress" instead of "Forty-seventh Congress."

Mr. BROWNE, of Indiana. Upon that point I have a word or two to say.

Mr. KEIFER. If the gentleman will yield to me a moment I will state that a few years ago in the cases of Mr. Schleicher, of Texas, of Mr. Fernando Wood, of New York, of Mr. Rush Clark, of Iowa—I think there were no others—the precedent was established of paying to the representatives of deceased members the salary for the term for which such members had been elected, but upon which they had not entered before the time of their death. In those cases Congress made appropriations of the salary for the whole term, although it had not been entered upon. That I think is what the gentleman from Indiana [Mr. BROWNE] has in his mind.

Mr. MILLS. And the policy began with the case of Mr. Schleicher, of Texas.

Mr. KEIFER. That policy was afterwards reversed and the rule established which is recognized in this bill, to pay the salary for the remainder of a term after it had once been entered upon, whether the member had been sworn in or not; in other words, if the member lived until the time for the commencement of the term had come, it was treated as though he had entered upon the term and the whole salary for that term was paid to his representatives. In the other cases which I have named we went one step beyond that. There is no such case in this bill now.

Mr. RANDALL. There was the case of Mr. Herron, of Louisiana, a member-elect to the Forty-eighth Congress, but who died before the beginning of his term. We do not include that case in this bill.

Mr. KEIFER. I am not sure whether we ought not to have appropriated something for that case, but we have left it out.

Mr. BROWNE, of Indiana. I desire simply to call the attention of the House to the character of appropriations of this kind as they now stand in this bill.

It has not been very long since the practice of paying the unearned salaries of deceased members began. What we now propose to do is to pay an unearned salary—to pay for services that have never been rendered and for a term that never began—I mean so far as the right to payment is concerned.

I do not doubt, and indeed as a legal proposition there can be no controversy about it, the right of the member or his family to receive salary up to the time of his death. But why is it on principle that a member having served a day or a week or a month or a year, if you please, in the Congress of the United States should receive the salary for the entire two years? Certainly if the employment were a private employment the heirs of the employed would not receive compensation from the employer for services which had never been rendered.

It has always seemed to me—I presume the notion is an "old fogy" one, antiquated now, and not entitled to the confidence or respect of anybody here—that the Congress of the United States ought to run the Government on business principles; that we are servants of the people entitled to so much compensation as we earn—no more than that. We have gone beyond that, however. I do not complain of the practice which has grown up of paying from the Treasury of the United States the funeral expenses of a member dying during his term, and paying those expenses without regard to the pecuniary condition of the family of the deceased and without regard to the expense incurred, if the expenditure be proper and the sum reasonable. These expenses are paid by Congress, I presume, as a testimonial of respect to the deceased member. It certainly is a precedent which has no reason behind it. Such legislation is only justifiable because it is in pursuance of a precedent.

Now I know it is ungracious, as I said in a former Congress, to raise these questions. I do not expect to raise the question again after it has been submitted formally to the consideration of the House and it has resolved upon this practice. But I assume as a representative of my people that the Congress of the United States ought not to pay an unearned salary, no more to a Representative in Congress than to any other Government contractor contributing his services under the employment of the nation, no more than to a clerk in one of the Departments, no more than to a messenger or a doorkeeper of the House. There is no more principle behind the one case than the other. These practices, pernicious in my opinion, have grown up and have passed into our legislation without challenge.

Now, if these allowances were confined to the families of members who were in such a pecuniary condition as to need the money, I should not object. But we have established the precedent of appropriating these sums to all, regardless of the circumstances of the persons to whom the money may go. I desire in this way, kindly and respectfully, to enter my protest against the continuance of this precedent. Ungracious as it may seem, I am willing to go before a generous constituency—a constituency that would contribute in charity as much as the constituency of any gentleman in this House—and stand upon the position I have taken.

Having said this much, Mr. Chairman, I repeat that it is the last time I shall bring the question to the attention of the House if it shall now establish the precedent that in all these cases we are to appropriate for the entire term, regardless of everything else, regardless of pecuniary condition, regardless of time served and all that. I think Congress acts generously when it appropriates to pay the funeral expenses of deceased Representatives, and it should stop there.

Mr. RANDALL. Mr. Speaker, in my judgment it is desirable that Congress should adopt some general law touching this subject; but the Committee on Appropriations, as I have stated, has in this matter conformed to the practice which has been established; hence the instruction under which I act to-day in reference to this matter.

Mr. BLANCHARD. I desire to ask the gentleman from Pennsylvania [Mr. RANDALL] whether or not this bill includes any allowance or salary for the family of the late Andrew G. Herron, who was elected a member of this Congress from the State of Louisiana?

Mr. RANDALL. The bill does not contain any such allowance, and I will state to the gentleman the reason. Mr. Herron never entered upon his term at all. As has been stated, allowances in like cases were stricken out last year.

Mr. BLANCHARD. I wish to ask the gentleman further whether Mr. Haskell or Mr. Herndon, both deceased members of the House, ever entered upon the discharge of their duties?

Mr. RANDALL. They did not die until after their term of office had begun; they were both kept from their seats by illness.

Mr. BLANCHARD. Is it not a fact that they never entered upon the discharge of their duties as members of the House?

Mr. RANDALL. They drew their pay upon the Clerk's certificate.

Mr. BROWNE, of Indiana. The gentleman from Pennsylvania will allow me to say that upon the logic of this bill the case of the deceased Representative from Louisiana ought to be included, because the logic of the measure is that the shorter the time the member has served the greater the compensation given.

Mr. RANDALL. Mr. Herron never entered upon his term as a member of Congress and he never was sworn in.

Mr. BROWNE, of Indiana. I am aware of that; but the logic of this case is that if a man serves a week we should appropriate to his family $10,000, the salary for the whole term, but if he serves a year and eleven months the appropriation is only for a few weeks.

Mr. RANDALL. The gentleman has no right to draw any such deduction.

Mr. BROWNE, of Indiana. The more time a man serves the less money his family receives.

A MEMBER. Because he draws his own salary while he lives.

Mr. BLANCHARD. If it be in order I desire to offer an amendment.

The SPEAKER. No amendment can be offered. The motion is to suspend the rules and pass the bill.

Mr. RANDALL. I yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I wish to say only a word in reply to the gentleman from Indiana [Mr. BROWNE]. As the chairman of the Committee on Appropriations [Mr. RANDALL] has well said, there is an absence of law touching these appropriations, except so far as we follow the precedents in like cases. For several years the uniform practice has been, where a member has had the misfortune to die during his term, to pay to his widow or legal representatives the salary for the balance of the term.

I do not apprehend that the House at this time is going to reverse those precedents. I do not think that it ought to reverse them. In my judgment they were right—right then and right now.

The gentleman says that it may work hardship in some cases to the Government. The gentleman must remember that there is no law or general practice that does not work hardship in some cases. Take the case of Mr. Haskell, or his widow, for instance; and I speak of that because I happen to be familiar with it. Here was a man who had served his constituency long and faithfully on this floor. He died leaving his family in straitened circumstances, with scarcely anything left to live upon, as I am informed; a man who absolutely worked himself to death in the public service, and doing valuable service to his constituency and to the country. He died within a year and a month after his election. He died nine months after his term commenced. In that

case and in similar cases I believe that justly, honestly, and equitably his family ought to have the salary for the balance of the term. I believe that I have not a single constituent, and I do not believe that any other gentleman on this floor has one, who would not be willing to say that this is an equitable provision; that the salary was justly and fairly due and ought to be paid.

Mr. WELLER. Will the gentleman let me ask him a question?

Mr. CANNON. No complaint has ever been made because of this practice on the part of Congress. We followed the precedent of the last Congress and preceding Congresses, and I hope the appropriation will be made.

Mr. JOSEPH D. TAYLOR. Will the gentleman let me ask him a question before he takes his seat?

Mr. CANNON. Certainly.

Mr. JOSEPH D. TAYLOR. What I wish to ask is this: What equitable reason is there for paying a man his full salary who lived four days after the 4th day of March, which does not apply to the case of a man who died three or four days prior to the 4th day of March, both of whom had been duly elected, one dying shortly before his term begins and the other shortly afterwards?

Now I want to understand the "equity" to which the gentleman refers, and I would be glad to have an explanation.

Mr. CANNON. The gentleman puts a case that does not exist.

Mr. JOSEPH D. TAYLOR. It does exist.

Mr. RYAN. A hypothetical question.

Mr. CANNON. It is time enough to answer a question of that character when it comes up. It is not presented here.

Mr. JOSEPH D. TAYLOR. It is presented in this very case.

Mr. CANNON. It is a question with reference to a fact that does not exist. But further in reply to the gentleman from Ohio and to his question I will say that the Congress before the last did establish a precedent in Mr. Schleicher's, and one or two other cases—Mr. Fernando Wood and others who died before the Congress commenced to which they had been elected. The last Congress reversed that precedent after full and free consideration, and the Committee on Appropriations in recommending this appropriation adhere to the precedent set by the last Congress.

Mr. WELLER. Will the gentleman answer me a question?

The SPEAKER. The gentleman from Pennsylvania is entitled to the floor.

Mr. JOSEPH D. TAYLOR. I want to correct the gentleman from Illinois.

Mr. WELLER. Will the gentleman from Illinois answer my question?

Mr. CANNON. Yes, sir; certainly. What is it?

Mr. WELLER. My question is this: If the rule has been wrong in the past and the precedent under the rule has been reversed, why not as well reverse the rule now as before?

Mr. CANNON. In the first place, I say it is not wrong. This appropriation is in the line of precedent, and the rule is right, not wrong, and I am going to vote for the appropriation.

Mr. WELLER. Is it any more fair to pay the representatives of a member of Congress who dies an unearned salary than it is to pay any other employé of the Government?

The SPEAKER. The gentleman from Pennsylvania is entitled to the floor.

Mr. BLANCHARD. Will the gentleman yield to me for a moment?

Mr. RANDALL. I will yield to the gentleman. How much time is there remaining?

The SPEAKER. Five minutes.

Mr. RANDALL. Five minutes of the entire half-hour?

The SPEAKER. Five minutes of the time belonging to the gentleman from Pennsylvania.

Mr. ROBINSON, of New York. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBINSON, of New York. Is not this as unconstitutional as a gift to Mrs. Meikleham?

The SPEAKER. That is not a parliamentary inquiry.

Mr. BLANCHARD. Mr. Speaker, it appears from this bill that provision is made to pay the heirs of Mr. Mackey, deceased, the heirs of Mr. Cutts, deceased, and the heirs of Mr. Haskell, deceased, the full amount of the salaries to which they would have been, respectively, entitled had they lived their full terms as members of the Forty-eighth Congress, and the same provision has been made for Mr. Herndon, of Alabama. But for two other members of the Forty-eighth Congress, who went through all the expense and annoyance of a campaign, to wit, Mr. Updegraff, of Ohio, and Mr. Herron, of Louisiana, the Committee on Appropriations have made no provision and have left them entirely out of the bill. What I wish to say is that I can not regard this as fair. I say it is not fair to pay to these gentlemen, who were members of the Forty-eighth Congress, and who drew a part of their salary as such, the total amount that would have been due to them had they lived, and yet not provide a cent to pay those who were elected to the Forty-eighth Congress but had the misfortune to die before the term of service began.

That is the condition of things that is presented by this bill, and I would like to have any sufficient reason given by any member of the Committee on Appropriations or by any gentleman on this floor for this distinction and discrimination. I wish to know why it is that a man who died before his service commenced, after his election, is placed upon a different plane from the man who died afterward. All that they did in the world, I am reminded, was to draw their salaries—those gentlemen whose names were incorporated in this bill. Those gentlemen who died and whose names are not incorporated in the bill did not have the pleasure of drawing any portion of their salaries, but the Committee on Appropriations without rhyme or reason make this distinction between these classes of members, those who died after and those who died before the term of service began.

Mr. RYAN. Will the gentleman yield to me for one moment?

Mr. BLANCHARD. Yes, sir.

Mr. RYAN. Judging from my own experience a member has nearly as much work to do when Congress is not in session as when Congress is in session. I personally know that my late colleague, Mr. Haskell, labored assiduously in the discharge of his public duties from the time of the commencement of his term of office until he was finally prostrated.

Mr. BLANCHARD. I do not yield further. In view of the fact that this distinction and discrimination has been made, and made in my judgment unjustly and without sufficient reason, I will ask the unanimous consent of the House to incorporate a provision in the bill which will pay to the legal representatives of the late Andrew G. Herron, of Louisiana, and the late Mr. Updegraff, of Ohio, $5,000 in each case.

Mr. RANDALL. I have no instructions from the committee to consent to any amendment.

Mr. KEIFER. I am ready to vote for that proposition but can not do it on this bill.

Mr. RANDALL. The gentleman from Louisiana has the power himself to initiate a measure for that purpose at any time.

The SPEAKER. The question is upon the motion of the gentleman from Pennsylvania [Mr. RANDALL] to suspend the rules and pass the bill.

Mr. BROWNE, of Indiana. Upon that question let us have the yeas and nays.

Mr. TURNER, of Kentucky. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TURNER, of Kentucky. Do not the rules of this House require that without special order of the House the yeas and nays shall be called on this bill?

The SPEAKER. The rule requires that the yeas and nays shall be taken upon the passage of all general appropriation bills. This is a special deficiency appropriation bill.

Mr. TURNER, of Kentucky. A deficiency appropriation bill has been held to be one of the general appropriation bills.

The SPEAKER. And, besides, this is a motion to suspend the rules and pass the bill.

Mr. TURNER, of Kentucky. The rules have not yet been suspended. It is only a motion to suspend the rules and pass the bill, and the question is how the vote ought to be taken.

The SPEAKER. The Chair does not think this is a general appropriation bill within the meaning of the rule; nor has it been so held, so far as the Chair has been advised.

Mr. TURNER, of Kentucky. I think the Chair has always held since the adoption of the new rules that such a bill as this comes within the rule. If the Chair will look at the rule he will find it applies as much to this appropriation bill as to any other. I had the honor to offer the amendment to the rules requiring the yeas and nays to be taken on the passage of all bills making appropriations. That was restricted on the report of the Committee on Rules to general appropriation bills. But the Chair has uniformly held that a deficiency bill was a general appropriation bill.

The SPEAKER. A special deficiency bill is not a general appropriation bill, because it is a bill which may or may not be presented to the House, according to the necessities of the Government. The general appropriation bills are bills which require to be passed each year for the support of the Government.

Mr. TURNER, of Kentucky. Mr. Speaker, I can not agree that your ruling is correct. I think, with due deference, that the Chair is clearly in error, as I propose to show. I offered the amendment to the rules requiring the yeas and nays on appropriation bills on the 19th day of February, 1880, and made the only argument in favor of the amendment that was made. (See CONGRESSIONAL RECORD, second session Forty-sixth Congress, volume 41, page 1022.) Immediately after the argument, the House, being in Committee of the Whole, adopted the amendment which I offered by a vote of 103 yeas to 19 nays. Now, sir, what was the evil sought to be remedied by the amendment which I offered to the rules as reported by the Committee on Rules and what were the arguments used to induce the adoption of the amendment? Let the argument which I then made speak for itself. It was in these words:

Mr. OSCAR TURNER. I offer the amendment which I send to the desk.

The Clerk read as follows:

"Amend Rule XXI by adding as a sixth clause the following: Upon all bills or resolutions appropriating money or creating a charge or debt upon the peo-

ple the yeas and nays shall be taken on the final passage of such bills in the House and entered on the Journal."

Mr. OSCAR TURNER. Mr. Chairman, as I argued this question at the time I gave notice that I would offer this amendment, I do not feel again inclined to trespass upon the time of the committee; but as there may be some members present who were not then, I shall briefly refer to the points that strike my mind, showing conclusively that this amendment, or one embodying the same principle to some extent at least, ought to be adopted. Bills making appropriation of public money have for many years been passed by this House without the call of the yeas and nays. Indeed the journals show that they are rarely called unless there is some political rider upon the bills or extraneous legislation in them. The result of this is that frequently, in the hurry of legislation and the noise and confusion, although the attention of members is invited by the Speaker to these bills, very few vote upon their passage. It is a fact well known to every member of this House that many bills appropriating millions of the public money pass here by the votes of perhaps four or five members, it may be the votes only of those constituting the committee from which the bills come.

These are facts that no gentleman will deny. Now, sir, this is all wrong. No appropriation of money ought to pass unless the attention of members is drawn directly to the passage of the bill, and no such bill ought to pass without it is voted for by a majority of all the members elected. Now, how are you to effect this result? I know of no way except to require the yeas and nays upon all bills appropriating public money. It is no new idea. Look, Mr. Chairman, at the array of States in this Union that have adopted this provision in their constitutions. I referred in my remarks before to seven States; since then I find that the provision is incorporated in the constitutions of the following States, twenty-two in number: New York, Pennsylvania, Virginia, Maryland, Minnesota, Wisconsin, Alabama, Arkansas, California, Colorado, Florida, Illinois, Indiana, Kansas, Missouri, Nebraska, Nevada, New Jersey, North Carolina, Ohio, Oregon, Tennessee.

Kentucky requires yeas and nays on all bills appropriating over $100. Many of the old States had tried for over half a century to do without this safeguard of the people's money, but it would not do; they were forced to amend their constitutions and incorporate this provision in them. I will refer to the great States of New York and Pennsylvania, which adopted this provision in 1873, and Kentucky and Virginia in 1850 and 1851. Now, sir, if it is right in the State constitution why is it not right here? Are the taxes less burdensome on the people when imposed by Congress than by the States? Sir, there is greater reason for it here, for where the Legislatures of the States vote away hundreds of dollars we vote away millions, all coming out of the pockets of the toiling masses of the country.

I have heard but one member urge a reason against this amendment, and that was that it would take too much time. Are the people to be told by us that we have not time to call the yeas and nays upon bills appropriating their money? We are paid by the year; let us take the time. Why, sir, the yeas and nays are called hundreds of times every session upon unimportant questions, frequently even upon the question of daily adjournment. Yet we are told upon these important bills we have not the time. Mr. Chairman, this may be good logic here, but I apprehend men will find it bad logic on the stump before their constituents. But, sir, the truth is it would not take an unreasonable amount of time. There is too much special legislation here. It is bad enough in the State Legislatures, but it is worse here. Let us pass general laws providing remedies for claimants, and let them resort to the Departments and bureaus and courts, and bring their cases within those laws. If they can not, then let their claims fall, as they ought to, and not come here to get their claims through where we have not the time to investigate the proof and where they frequently pass as a sort of favoritism.

Mr. Chairman, this is all wrong, in my judgment. Why, sir, there are now over two thousand private bills for pensions before the Congress already; and God knows how many more will be offered, for they come in by hundreds every bill-day; yet we have a pension bureau and laws designating who are entitled to pensions and under what circumstances. If the general laws granting pensions are insufficient, let us change them and the grounds for pensions, but not sit here as a great pension bureau instead of attending to general legislation for the public good. If these views were carried out we would not have so many bills appropriating money.

I have made these remarks in no partisan spirit, and, sir, I appeal to gentlemen to support the amendment or offer a better one. Let the people know who it is that votes away the money. No man will shrink from it when it is a just appropriation, and if it is not the people have a right to know who voted for it. Mr. Chairman, if this amendment is adopted it will save millions of dollars. It has done it in the States and it will do it here. I hope the amendment will prevail. I am not afraid to put myself on the record on such bills. Special legislation and private bills are a curse in the State Legislatures and they are a curse here.

Now, Mr. Speaker, does it not clearly appear according to the rules of interpretation laid down by every law writer that the whole object was to guard the public money and fix the responsibility upon those who voted it out of the Treasury by recording their votes so as to show to the people who was responsible for malappropriations of their money, just as it has been done in the constitutions of twenty-two States, as I then showed, and, perhaps, in others since. This was my intention, clearly indicated, I think, in offering the amendment, and the intention of the House in adopting it. Afterward the Committee on Rules limited the amendment to general appropriation bills; and in doing this I think committed a grave error, almost destroying the intention of the amendment and of the Committee of the Whole as expressed when my amendment was adopted. Sir, why ought not this safeguard to be applied to this bill and the opportunity given to myself and others to put our names on record against it, containing, as it does, some bad precedents and items?

How does the fact of calling it "a deficiency bill" or "a special deficiency bill" change its character and take it out of the rule? If the items of this bill are right, ought they not to have been in the appropriation bills of last year? Clearly so. If they had been, then, under the ruling of the Chair, the yeas and nays would have been necessary to have taken this money out of the Treasury, amounting to millions of dollars; but because these items were left out and are now put in a bill called "a deficiency bill," we are told no yeas and nays are necessary to pass the bill; and all members voting for it are to escape responsibility, and those desiring to put themselves on record against it are denied that privilege.

Sir, the rule, limited as it is, is a good one, and in a case of doubt it ought to be extended instead of restricted in its operation. The bill appropriates a large amount of public money which of right ought to have been included in the last year's general appropriation bills. The fact of leaving it out ought not to exempt it now from the operation of the rule requiring the yeas and nays. Mr. Speaker, the amendment as offered by myself and adopted by the Committee of the Whole on the 19th of February, 1880, was in the line of retrenchment and reform and in the interest of the tax-payers of the country, and I hope may yet be adopted as it was first offered. It ought at least to be applied to all bills appropriating over $10,000.

Mr. BROWNE, of Indiana. I think there is a misapprehension on the part of members as to the condition of the question.

The SPEAKER. The question is on ordering the yeas and nays on the motion to suspend the rules.

Mr. BROWNE, of Indiana. The point I wish to make is this: There are some gentlemen who think that if the vote be taken on the suspension of the rules, that does not pass the bill, and that to pass the bill requires another vote.

The SPEAKER. If two-thirds vote in the affirmative the rules are suspended and the bill is passed by a single vote. The question is on ordering the yeas and nays.

Mr. BROWNE, of Indiana. Let us see how many are afraid to vote.

The yeas and nays were not ordered, only nineteen members having voted therefor—not one-fifth of the last vote.

The question being taken on the motion to suspend the rules, the Speaker stated that in the opinion of the Chair the ayes had it.

Mr. BROWNE, of Indiana. I ask for a division.

The House divided; and there were—ayes 157, noes 15.

So (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

DEPARTMENT OF JUSTICE.

The Committee on Expenditures in the Department of Justice was called.

Mr. SPRINGER. I am instructed by the Committee on Expenditures in the Department of Justice to move to suspend the rules and pass the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Attorney-General be requested to cause to be made such investigations by the examiners as may be desired by the Committee on Expenditures in the Department of Justice, provided such examination shall not interfere with the current business of the Department; and that such examiners while engaged in making the same shall be paid their usual per diem expenses out of the contingent fund of the House on vouchers to be approved by the committee.

Mr. HOLMAN. I demand a second.

Mr. CALKINS. I demand a second simply because I want an explanation.

The SPEAKER. A second has been demanded by the gentleman from Indiana on the right [Mr. HOLMAN].

Mr. SPRINGER. I ask unanimous consent that the second be considered as ordered.

There was no objection, and it was so ordered.

The SPEAKER. Under the rule thirty minutes are allowed for debate, fifteen in support of the resolution and fifteen in opposition to it. The gentleman from Indiana [Mr. SPRINGER] will control the time in support of the resolution.

Mr. SPRINGER. The resolution amounts to this, that the Committee on Expenditures in the Department of Justice having had some requests made to them from different localities for special investigations to be made in regard to court expenses have called on the Attorney-General to use the force in that Department for the purpose of making those investigations, and the proposition is that during the time they are so employed at the instance of the committee their expenses, the same as they get in the Department, shall be allowed them, to be paid out of the contingent fund of the House on vouchers to be approved by the committee.

Mr. REED. Is that agreed to by all the committee?

Mr. SPRINGER. It is the unanimous report of the committee.

Mr. CALKINS. Out of what fund are these officers to be paid?

Mr. SPRINGER. Out of the contingent fund of the House; the reason being that during the time they are thus employed they are attending to matters on behalf of a committee of the House.

Mr. CANNON. Do they not get their regular salary?

Mr. SPRINGER. They will not while being employed at the instance of a regular committee of the House.

Mr. CALKINS. Will the gentleman permit me further to inquire whether these men are being paid by the Department of Justice at this time?

Mr. SPRINGER. For the time that they will be engaged in performing service for the committee they will not get anything as employés of the Department of Justice.

Mr. CALKINS. Why should not the Department give us the information without our having to pay their employés out of our contingent fund?

Mr. SPRINGER. This resolution contemplates calling upon the Attorney-General for information and have him assign some one in his Department to make the investigations which the committee may desire

to have made, and during that time these persons will be the employés of the committee and not of the Department.

Mr. CHACE. Do I understand that it is proposed that the committee shall employ the persons to be assigned to this duty?

Mr. SPRINGER. The committee will direct the character of the investigation to be made or request the Attorney-General to make certain investigations, and during the time his Department is making those investigations at the instance of the committee the expenses of the employés of the Department engaged in the investigations are to be paid out of the fund for the committee.

Mr. CALKINS. Why should not this resolution give the committee power to employ a sufficient force to make the investigation and let the persons making the investigation be the employés of the House?

Mr. SPRINGER. The House has appropriated a certain sum of money for this purpose. It would not be right to ask the Attorney-General to use the funds of his Department for this particular purpose at the instance of a committee of the House of Representatives.

Mr. CALKINS. That would be true in regard to every other Department.

Mr. SPRINGER. This question has been carefully considered by the committee, and I believe this resolution has received the concurrence of all the members of the committee after very mature consideration.

Mr. CALKINS. I think the resolution should be amended so as to direct the Department to give us this information through its own employés.

Mr. SPRINGER. I will yield to the gentleman from Maine [Mr. MILLIKEN] to make a statement.

Mr. MILLIKEN. I desire to say to the House that the Department of Justice has offered to place its examiners where the committee shall designate them to go, and while they are employed upon such service as the committee shall designate they are to be paid out of the fund which has been provided for the committee. The resolution covers simply that point.

The first proposition of the committee was that the Department of Justice should place these examiners under the charge of the committee; that the committee should have entire control of them. The Department of Justice did not seem willing to do that, but it was willing that the committee should designate them, and while so employed their services should be paid for out of this fund.

Mr. HEPBURN. Will the gentleman permit me to ask him a question?

Mr. MILLIKEN. Yes, sir.

Mr. HEPBURN. I understand that authority was given to the committee to expend $5,000 in pursuing the investigation they were charged with.

Mr. MILLIKEN. I so understand it.

Mr. HEPBURN. Now is it proposed to add to that $5,000?

Mr. MILLIKEN. No; it is proposed to pay these examiners out of the $5,000.

Mr. HEPBURN. Have you not authority to do that now under the resolution heretofore passed by the House?

Mr. CHACE. I understand that the proposition is to pay these men out of the contingent fund of the House, not out of the $5,000.

Mr. MILLIKEN. I do not so understand it.

Mr. CHACE. Will the gentleman from Illinois [Mr. SPRINGER] please state whether that is so or not?

Mr. MILLIKEN. I understand that the $5,000 itself comes out of the contingent fund, and the payment of these examiners is to be made out of that.

Mr. CHACE. Then this is in addition to the $5,000?

Mr. MILLIKEN. I do not so understand it; not necessarily so.

Mr. CHACE. I ask the gentleman from Illinois [Mr. SPRINGER] that question.

Mr. SPRINGER. What is the question?

Mr. CHACE. The gentleman from Maine [Mr. MILLIKEN] claims that the expense of these examiners is not to be in addition to the $5,000 which the committee is already authorized to expend.

Mr. SPRINGER. I will state to the gentleman that very little of the $5,000 already voted has been used; less, I think, than $500. When we shall have exhausted the $5,000 heretofore appropriated, if we have not then concluded our investigation we will come to the House and ask for more; and if the House does not want us to proceed it can refuse to grant any more.

Mr. CHACE. Why not go on and exhaust the $5,000 before you ask for more? You have $5,000 now, and yet you are putting your hand into the Treasury up to the elbow for more, when you have not yet spent $500 of the $5,000.

Mr. SPRINGER. I hope the gentleman will be patient. We are not going to put our hands into the Treasury in connection with this matter.

Mr. CHACE. You are asking us to do it.

Mr. SPRINGER. Whatever is done in the way of expenses in this matter will be for the purpose of purifying the service and not for the purpose of plundering the public Treasury.

Mr. REED. I do not think the gentleman from Illinois [Mr. SPRINGER] understands the question of the gentleman from Rhode Island [Mr. CHACE].

Mr. SPRINGER. I understand it perfectly.

Mr. REED. Will the gentleman permit me to repeat the question?

Mr. SPRINGER. This expense will be a part of the $5,000.

Mr. REED. That is not the effect of the resolution.

Mr. SPRINGER. I think it is.

Mr. REED. You should modify the resolution.

Mr. SPRINGER. I will state that when the $5,000 shall have been expended, if we desire more we shall come to the House and ask for more.

Mr. REED. Do you intend to take this expenditure out of the $5,000?

Mr. SPRINGER. We do.

Mr. MILLIKEN. I ask that the resolution be again read.

Mr. SPRINGER. I have no objection, if gentlemen desire it, that it shall be stated in the resolution that the expenditure to be authorized by this resolution shall be paid out of the $5,000 heretofore appropriated for this investigation.

The resolution was again read.

Mr. CHACE. Now, Mr. Speaker, it is clear that this resolution in its present terms will take an additional sum out of the contingent fund. I suggest to the gentleman from Illinois that he modify it.

Mr. SPRINGER. If there be no objection I will modify the resolution by adding the words, "which money shall be paid out of the sum heretofore appropriated for the use of the Committee on Expenditures in the Department of Justice."

The SPEAKER. Is there objection to the proposed modification of the resolution? The Chair hears none. The question is now on the motion of the gentleman from Illinois to suspend the rules and adopt the resolution.

Mr. GEORGE D. WISE. I ask that the resolution be again read.

The SPEAKER. It has just been read. It will be read again if there be no objection.

Mr. DUNN. I object.

Mr. CHACE. I ask whether this committee has not now the right to spend for the purposes of this investigation the $5,000 already appropriated from the contingent fund and to employ whomever they please in making the investigation. If the committee has this right, is it not mere surplusage to reaffirm it by the adoption of this resolution?

Mr. MILLIKEN. If the committee has the right now to spend the money in the manner indicated by this resolution its adoption can do no harm. I understand, however, that the Department of Justice hesitates to employ its examiners at the designation of the committee without the power proposed to be given to the committee by this resolution. Any surplusage that there may be will not cost, if the resolution be adopted, so much time as to debate it if we attempt to contend about the matter. According to the statement of the gentleman from Rhode Island [Mr. CHACE] himself the resolution can do no harm.

The question being taken on the motion of Mr. SPRINGER to suspend the rules and adopt the resolution, it was agreed to—ayes 127, noes 6; more than two-thirds voting in the affirmative.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed a bill of the following title, in which the concurrence of the House was requested:

A bill (S. 247) to extend the duration of the Court of Commissioners of Alabama Claims, and for other purposes.

ORDER OF BUSINESS.

Mr. MILLS. I move that the House do now adjourn.

The question being taken on the motion, there were—ayes 67, noes 93.

Mr. WHITE, of Kentucky. I call for tellers.

Tellers were ordered; and Mr. MILLS and Mr. WILKINS were appointed.

The House divided; and the tellers reported—ayes 86, noes 96.

So the motion to adjourn was not agreed to.

CONGRESSIONAL LIBRARY BUILDING.

Mr. SINGLETON. By instruction of the Committee on the Library, I move to suspend the rules and adopt the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee of the Whole House on the state of the Union be discharged from the further consideration of Senate bill No. 1139, an act authorizing the construction of a building for the accommodation of the Congressional Library, and that the same be made the special order in the House after the morning hour for Thursday, April 3, and from day to day thereafter until disposed of, but not to interfere with revenue and appropriation bills and reports and consideration of bills from the Committee on Public Lands and prior orders of the House.

Mr. HOLMAN. I call for a second on the motion to suspend the rules.

Mr. HOLMAN and Mr. SINGLETON were appointed tellers.

The House divided; and the tellers reported—ayes 149, noes 33.

So the motion to suspend the rules was seconded.

The SPEAKER. Under the rule thirty minutes are now allowed for debate—fifteen minutes in support of the resolution and fifteen minutes in opposition.

Mr. SINGLETON. Mr. Speaker, I had not supposed it would be

necessary to say one word on this subject. I believe this House is ready to fix a day for the consideration of this bill. The resolution now presented does nothing more than allow the bill to come before the House for consideration on the day named therein.

It cannot be necessary for me at this late hour of the day to go into any discussion of the particular provisions of the bill. The simple question for the consideration of the House is whether we shall give reasonable accommodations for the Congressional Library, or whether we shall make a bonfire or otherwise dispose of the books which have accumulated and are still accumulating and for which at present there is no sufficient provision. The most potent argument which can be brought to bear upon the minds of intelligent men who desire to do justice to this subject is a visit to the Library itself. There is not a junk-shop in this city which is to-day in the same confused condition as we find the Congressional Library. Yet gentlemen here, from some false notions of economy, seem determined to destroy or at least to interfere with the usefulness of that Library by making no proper provisions for the books, periodicals, &c., which are so valuable and ought to be provided for.

We have now in the Congressional Library and in different rooms about this Capitol 513,000 volumes of valuable books, 170,000 pamphlets, 400,000 musical publications, 9,000 maps, and about 300,000 engravings. These are now lying about in almost every nook and corner of the Capitol. In the Library itself and attic over it there are now stored away a number of newspaper files, which are constantly endangering the safety of this building. A fire in the Library would entail the destruction not only of these books, pamphlets, periodicals, &c., many of which could never be replaced, but also the Capitol itself, at least the central portion of it. About 8,000 volumes of law books are annually added to the Library, and in all 30,000 come in each year. The stock of books yearly added must constantly increase in ratio. Where are you going to put them? Go into the crypt under the Rotunda and you will find nine rooms there stored with these books. Do you intend they shall remain there? Or shall we, like other great nations of the world, have a suitable Library building for their proper arrangement and accommodation, a Library which is to be a part of the glory of this country?

Why, Mr. Speaker, I need not consume more time upon this subject. If you have visited the Library, if you have examined its condition, you will agree with me that it is useless to waste time in the discussion of a question which represents a case of such urgent and absolute necessity as confronts us.

I will not undertake to discuss the location and general plan of the Library. That will come up properly when the House determines to proceed to the consideration of the bill. I will reserve the remainder of my time until I hear from the other side.

The SPEAKER. The gentleman has twelve minutes remaining.

Mr. NUTTING. Mr. Speaker, the resolution before the House is an important one. It is a request to the House that the bill for the erection of a library building be taken from its present place on the Calendar, where it now has little chance of being reached, and that a day certain be fixed for its discussion and consideration. Any measure which looks to the preservation and protection of literary works, any measure which has for its object the building of a great national library, is worthy of the attention of all who desire the advancement, education, and refinement of the people.

This proposition would be true in any government; but, Mr. Speaker, it is eminently true in the case under discussion. In governments managed by the few for the many books and literary productions are useful perhaps. But allow me to say that in a nation like ours, governed by the whole people, education begotten of the familiarity with books and papers and literature generally is absolutely necessary. It is necessary that a free people should be educated in order that free institutions be perpetuated. Ignorance is the father of crime. Ignorance of the masses is dangerous to the safety of our form of government. We must gather, protect, and distribute books. America, with all its great success, with all its grand achievements, must look to the intelligence of the people to maintain and perpetuate it and send it forward as it ought to go in the future. If a nation of 55,000,000 of people, if a nation that is noted the world over for its culture and intelligence, and which is rich beyond measure in the developments of the future, if such a nation is to be preserved and perpetuated it must give consideration to its libraries, to its educational facilities. The people are asking why we do not erect a building to protect the great Library which we now have. The people are demanding that the Congress give its attention to this subject. Heretofore they have asked in vain.

Mr. Speaker, our Library has already grown to large proportions; it has outgrown its present quarters; and it is a shame and disgrace to Congress that this subject has so long been neglected. This House ought to be willing, and I believe it is willing, to give this bill a day or days, that this subject so near the hearts of the people and so important to their welfare may have discussion and consideration. It will be an injustice to refuse this request, and the people will hold all who lend their votes or give their influence to an effort to bury this bill to a strict account for their action.

Who is so economical as not to blush when he visits the present Library quarters, when he sees valuable books piled on the floor, piled in corners, stacked in the cellar, and tucked away up in the attic? This question has not received the attention that it deserved.

I am not here to say this House ought to adopt the plan of the building or the site chosen by the committee, but I am here to ask that you give us a chance to be heard upon this important subject. If we continue to collect books and literary productions in the future as we have in the past it will be but a short time before we will be obliged to store books outside in other and separate places. Every man on this floor, every man in the city, and, in fact, every man, woman, and child in the land, and the coming generations are interested in this bill.

Is it true that the House of Representatives, with its three hundred and twenty-five members, representing 55,000,000 people, will refuse at this time to give us a chance to discuss this question, to discuss the question whether we shall have a building worthy of a great people, worthy of the subject, worthy of and satisfactory to an intelligent country? It can not be!

Under the provisions of the law of copyright you must provide room for the volumes obtained from authors and publishers. You are trustees of these volumes. You will be unfaithful to your trust if you do not provide a proper and worthy place for them. These books are treasures, and they are now mere heaps of rubbish. Give them a place. Give the people a chance to read them. Let the people know you are interested in this worthy project.

Mr. TOWNSHEND. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. I wish to know whether the gentleman is speaking in the time allowed for the opposition to this resolution.

The SPEAKER. That is not a question of order. The gentleman, as the Chair understands, is advocating the adoption of the resolution.

Mr. TOWNSHEND. I understand that the time is being consumed in opposition.

The SPEAKER. The Chair announced to the gentleman from Mississippi [Mr. SINGLETON] that twelve minutes of the time remained in favor of the resolution. Thereupon the gentleman from New York took the floor in advocacy of the resolution. Of course that comes out of the twelve minutes.

Mr. TOWNSHEND. It does not come out of the time in opposition?

The SPEAKER. Of course not.

Mr. TOWNSHEND. I raised the question because there seemed to be some misapprehension about the time.

The SPEAKER. The gentleman from New York will proceed.

Mr. NUTTING. Mr. Speaker, I hope that this House will stop for a few moments and consider the importance of this resolution. The committee has examined the bill passed by the Senate in all its details and has reported it to this House without amendment. It is now the duty of the House to allow it to be considered. You owe it as a duty to the great mass of books now decaying. You owe it to yourselves, and, above all, you owe it to the people.

You may reject the plan and the place and perhaps you will reject the bill, but do not reject this resolution and refuse to meet the question fairly. Give us such a building in such a place as your wisdom dictates, but give us a building. We should have a great national library. We must have such a library; and yet we can not have it unless we have a place to put it. There is no such place now, and you know it. Many pamphlets, papers, maps, pictures, and even books, which are invaluable and could not be replaced are fast going into decay. What are you going to do about it? Will you sit still and let this disgrace fasten itself on Congress? I hope not.

I have said sufficient on this subject until this bill shall come up for discussion and I hope final passage. We now ask simply a fair opportunity to present to the House what we believe to be an important measure. It is a subject on which I feel earnestly and sincerely, and am willing here and now, and in fact for all time to come, to place myself on record in favor of the erection of a building which will be a protection to our Library, a pride to our people, and worthy of a place among the national library buildings of the world.

Mr. SINGLETON. How much time is left.

The SPEAKER. The gentleman has six minutes remaining.

Mr. SINGLETON. I will reserve that until I hear from the other side.

Mr. HOLMAN. Of course every gentleman understands the ingenious method by which this scheme has been worked up during the last two years, in which the very efficient and competent Librarian has played a very important part, and every gentleman understands very well how their library and their books have been employed to work a given result. Every gentleman understands what is known to the whole country touching the lands to be condemned for the purpose of a site for the proposed library building. You have five or six hundred acres of lands of reservations within the limits of this city. And every one understands that a measure which that side of the House was not willing to pass during the last Congress is pressed now on this side of the House.

Now, what are the facts? You are called upon to abandon your Congressional Library, which was intended to be right under the eye of Congress, within the reach of every member of the House and every member of the Senate; a library of Congress, intended for the use of

Congress and to aid Congress in the discharge of the great duties which devolve upon the respective Houses.

Has anybody opposed the building of a library wherever the city of Washington may desire to have it built and the placing in that library of such works as you could properly spare from your great collection, reserving those only which are appropriate for your own use? I have heard of no one opposing that proposition. The question is whether instead of having your library in this building convenient of access you are to pay for a site for it away from this building half a million of dollars out of the Treasury when you have five or six hundred acres of ground from which a site could be selected if one were necessary. You are called upon to indorse a scheme involving the expenditure of half a million of dollars on real estate and eight millions more for the construction of the building.

And every gentleman understands further that the vote now to be taken is the test vote. If by a two-thirds vote a day can be fixed for the consideration of this measure when it can pass by a majority the scheme may be successful, and a measure which the other side of the House was not willing to assume the responsibility for in the last Congress will be passed through this Congress.

I indulge the hope that this measure will not pass. Notwithstanding the vast accumulation of money in your Treasury vaults, the people still demand the same rigid economy in the administration of your Government as they required when your Treasury was comparatively empty, instead of overflowing as now; and that means that integrity in managing the public Treasury will be demanded just as sternly of this House as it would have been if you were dealing with an empty instead of a full Treasury.

I trust, sir, that this motion will not prevail. I trust that a scheme will ultimately be devised by which, leaving the Library of Congress where it is, you will erect such a building for the city of Washington for such portion of the library as you do not require to keep here, and sustain and support that library liberally out of the public Treasury. I have no objection to your building up that library, at the same time leaving your Congressional Library as it has been for generations past, within the reach of every member of this House and every member of the Senate. Put it in a building on those grounds which are proposed to be condemned or anywhere else and it ceases to be a Congressional library within the reach of members of Congress.

Mr. OATES. Has the gentleman inquired what authority we have for establishing a public library for this city?

Mr. HOLMAN. I do not wish to discuss the constitutional question at this time. I am discussing only the question of expediency. And I trust, in view of what has already transpired, the House will refuse to suspend the rules and fix a day for the consideration of the measure.

I yield five minutes to the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. I am as heartily in favor of a proper building in which to place the books now belonging to the Congressional Library and those which may hereafter accumulate as any member can be, but I wish to see that done with some reference to propriety and economy.

My difficulty about supporting this measure grows out of the fact that it seems no measure to accommodate the necessities of a Congressional library can be got up here that does not have a job in it. What is the need, sir, of selecting ground east of this Capitol away from the central part of the city and condemning important property of great value in order to build a Congressional library? It is true, sir, it may give some people two or three times the full value of their property, and to them the scheme commends itself as a valuable speculation. But we need not do that unless we wish to facilitate and set forward private speculation.

We have here, sir, several hundred acres of public grounds extending from this Capitol to the Potomac River. We have in the vicinity of the Smithsonian Institute, the National Museum, and the Agricultural Department building as appropriate grounds as could be selected in the city or its vicinity—beautiful ground, ample room, and at a more convenient distance to the great body of the population of the city than the place would be east of the Capitol—and nothing to pay for it.

Mr. BROWNE, of Indiana. Will the gentleman allow me to ask him a question?

Mr. REAGAN. Yes, sir.

Mr. BROWNE, of Indiana. If we consider the question at the time proposed to be assigned for the consideration of the bill may we not then amend the Senate bill and provide for the erection of a library building on one of the public reservations?

Mr. REAGAN. It may be that we can; but I want now, while it is on its boom, to strike the first blow at the scheme.

Mr. BROWNE, of Indiana. I will say to the gentleman from Texas, I shall vote against the location east of the Capitol as well as himself.

Mr. REAGAN. I am glad to hear the gentleman say so. As I have said, we have beautiful grounds with ample surroundings and better located in every way than those near the Capitol. The building which we are to construct away from the Capitol will simply be for a national library. The books for Congressional use will undoubtedly be retained in the Capitol. The building here proposed is for a national library, for that is what it is going to be.

Mr. CRISP. And that is what it is termed on the design here, "National Library."

Mr. REAGAN. I believe that is so. When we have reserved for the use of Congress such books as may be needed, the building to contain the balance of them ought to be located as conveniently as may be for the use of the citizens of the capital and those who may visit the capital with a view of examining the books in the Library. We have ample grounds, handsome grounds, for that purpose, already paid for, and the object will be better served by erecting a building on such grounds than it will be by this proposed bill.

It seems to be difficult to do anything in connection with appropriations for this city that shall not have some private speculation in it. We should remember that we are here not merely representing the city of Washington and the interests of private property-owners here, but we are representing our constituents at home, who are at least interested in having our expenditures made with due reference to economy and common honesty.

I should not have said a word on this bill but for the fact that I agree with the gentleman from Indiana [Mr. HOLMAN], that the demonstration already made here is such that the adoption now of this resolution by an overwhelming majority will be deemed as substantially determining this question. I desired to avail myself of these few minutes to protest against the scheme which is presented to the House by this bill.

Mr. HOLMAN. I will yield the remainder of my time to my friend from Illinois [Mr. TOWNSHEND]. Before doing so I ask him to allow me to say that the National Association of Libraries of this country in three successive national conventions have condemned this entire scheme.

Mr. TOWNSHEND. I would inquire how much time there is left to me?

The SPEAKER. The gentleman has five minutes.

Mr. TOWNSHEND. I am in favor of erecting a national library building, one that will be an honor and a credit to the national capital as well as to the Republic. I will not pass any criticism upon the character of the building which it is proposed by this bill to erect, because I am not a sufficient judge of architecture to be able to form a correct opinion on that subject. And I have no doubt Mr. Smithmyer has designed a suitable building for that important purpose.

But I am opposed to this bill upon the same grounds that I have heretofore opposed such bills in past Congresses. It is because of the persistency on the part of the Senate in requiring the purchase, at extravagant price, of a site for the location of this building which in my judgment, in the first place, will not be a proper one; and, in the second place, because it is entirely unnecessary for the Government to purchase any ground for the building.

I can point out locations in this city where the Government owns acres of land much more suitable than the site selected by this bill, and where the Library building ought to be erected. I am willing to vote for erecting a building on some such ground which will be ample for the purpose and a credit to the country. But I am utterly opposed to, and shall ever oppose, the project of purchasing these blocks of buildings east of the Capitol at an unnecessary expense to the Government.

Mr. RICE. Will the gentleman permit me to ask him a question?

Mr. TOWNSHEND. Not now; I have but a minute or two; the gentleman will have his own time.

There is the location known as Armory Square, lying just east of the Smithsonian grounds. I do not know how many acres there are in the Armory Square; probably twenty acres. It is an eligible location, one well situated for this purpose, and it will not cost the Government one cent to have the building located there. Now, if you purchase the blocks of buildings east of the Capitol, or only one-half of what was originally comtemplated, it will cost the Government over a half million of dollars, and when you have bought it the Library will be in an inconvenient situation.

To what use do you propose to dedicate this building? To the use of members of Congress? Not at all. It is to be a library for the use of the public; therefore it should be located in the center as near as practicable—the center of population in this city. If you locate it on Capitol Hill it will be inconvenient for the mass of the people of this city.

If you simply want a Congressional library, every book that is needed for the use of Congress can be stored in that portion of the Capitol where the present Library is located. We need only a parliamentary and political library for the use of Congress. We have no use for Byron, or Pope, or Ovid, or for light literature and works of that character in this Capitol.

In the moment or two left me I desire to say that when gentlemen will bring in a bill here proposing to locate this Library building at some convenient point in the city, on ground already owned by the Government, I will join hands with them and endeavor to secure the passage of such a bill. And I am in favor of appropriating a sufficient amount to make such a building ample for the purpose and one which will reflect credit and honor both upon this city and upon the nation.

I want it distinctly understood that I base my opposition to the adoption of this motion upon the belief that when this bill is brought before us we shall not have as fair an opportunity to defeat the proposed location of this library as we have now. The first bill brought in here designated Judiciary Square as the site. There was then in that square some forty acres of vacant land, in the very center of the population of the city. That site had been examined by engineers of the Army and

declared to be suitable for the purpose. By it seems that persons owning this property east of the Capitol were determined that the Library should not be located upon a Government reservation. It is said that their property is not profitable and that they want to unload it on the Government.

[Here the hammer fell.]

Mr. WHITE, of Kentucky. Mr. Speaker, I desire to know what is the question before the House.

The SPEAKER. The question is on the motion of the gentleman from Mississippi [Mr. SINGLETON] to suspend the rules and adopt the resolution.

Mr. WHITE, of Kentucky. I understood that the gentleman from Illinois [Mr. TOWNSHEND] was discussing the merits of the bill. Was that in order?

The SPEAKER. The gentleman from Illinois has taken his seat, and if the point of order were well taken, it is too late. What the gentleman from Illinois has said can not now be corrected upon a point of order. [Laughter.]

Mr. SINGLETON. Mr. Speaker, the remarks of gentlemen who have opposed this resolution would seem to imply that if the rules be suspended and a day fixed for the consideration of the bill, that settles the question as to the location of the Library and the style and character of the building that is to be erected. Now, gentlemen know better than that; and the whole object of introducing that kind of argument at this time is to defeat entirely the consideration of the bill. This, in my judgment, is not a fair method of opposing the measure. The gentleman from Illinois [Mr. TOWNSHEND] who has just spoken knows perfectly well that when this bill comes to be considered the House will have an opportunity to decide upon the location and adopt such other amendments to the bill as it may think proper, or if the House should so desire the bill may be rejected entirely.

There is no reason why this interesting public question should not be considered by this House. It has been an unsettled question for many years past. It is time we should let the country know whether we intend to take care of these books, establish a creditable national library, or allow these books to be destroyed and the country left without a grand repository for them.

Mr. NICHOLLS. As the gentleman from Illinois [Mr. TOWNSHEND] has a green badge on his breast, in honor of St. Patrick's day, this may be with him an Irish bull. [Laughter.]

Mr. SINGLETON. I think that very likely, as from some cause the gentleman has switched off the track entirely.

Mr. TOWNSHEND. I did not hear the remark of the gentleman from Georgia [Mr. NICHOLLS].

Mr. SINGLETON. I yield the residue of my time to the gentleman from Wisconsin [Mr. WOODWARD], my colleague on the committee.

Mr. WOODWARD. Mr. Speaker, I beg members of the House, and especially those on this side, to consider that a vote against this proposition is practically a vote against the maintenance and continuation of this Library. The remarks made by my colleagues on the committee, the gentleman from Mississippi [Mr. SINGLETON] and the gentleman from New York [Mr. NUTTING], sufficiently indicate that the Library of Congress in its present condition is a shame and a scandal; and, sir, it concerns the dignity and convenience of this House and in no small degree the dignity and honor of the American people that we shall speedily do something to take away this reproach.

Mr. Speaker, one gentleman says that he is in favor of a national library. Another gentleman, the gentleman from Indiana [Mr. HOLMAN], says that he is opposed to a national library and will have none of it. I say to gentlemen that the opposition, which is specially based upon the character of this bill, is an opposition to all libraries. It appears to be the design of the gentleman from Indiana, distinguished as he is, to connect the Democratic party in some way with hostility to libraries.

Now, Mr. Speaker, it is true, as stated by my colleague on the committee, that the vote upon adopting this resolution does not in any manner determine the result of this bill. If the House should decide that this bill shall not be taken up for consideration, when shall we have proper provision for our Library? When will opportunity be given for members of this House to determine what shall be done with these books? If no provision is to be made for the Library, we might as well lock up the books or put them down in the coal-hole.

As to the pending bill, I have only to say that during the last eight or ten years every committee of this House and every committee of the Senate that has had the subject under consideration has practically approved of this measure. As to the location of the Library, that is a matter which will properly be considered when the bill comes up. At that time we will show the House, by descriptions and surveys of every Government reservation in this city, that there is no eligible location for the new Library building upon any Government reservation. But if this House should think differently, let the bill be amended. Let the House reject the bill if it will and send the subject back to the committee. Let the House indicate what kind of a bill it is disposed to pass. In the present condition of the Library it is not so much a question what we shall do as an imperative necessity that something be done to take away the present scandal and reproach.

The SPEAKER. The time for debate having expired, the question is now on the motion of the gentleman from Mississippi to suspend the rules and adopt the resolution.

Mr. HOLMAN and Mr. RANDALL called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 181, nays 61, not voting 78; as follows:

YEAS—181.

Adams, G. E.	Everhart,	McComas,	Seney,
Aiken,	Ferrell,	McCormick,	Seymour,
Alexander,	Follett,	McKinley,	Shelley,
Anderson,	Foran,	Matson,	Singleton,
Arnot,	Fyan,	Millard,	Skinner, C. R.
Bagley,	Geddes,	Miller, J. F.	Smith,
Ballentine,	Glascock,	Milliken,	Spooner,
Barksdale,	Goff,	Mills,	Spriggs,
Barr,	Graves,	Mitchell,	Springer,
Beach,	Green,	Money,	Steele,
Belmont,	Greenleaf,	Morey,	Stephenson,
Boutelle,	Guenther,	Morgan,	Stevens,
Bowen,	Hanback,	Morrill,	Stewart, Charles
Brainerd,	Hatch, H. H.	Moulton,	Stewart, J. W.
Breitung,	Hatch, W. H.	Muldrow,	Stone,
Brewer, F. B.	Henderson, D. B.	Muller,	Struble,
Brewer, J. H.	Henderson, T. J.	Murphy,	Sumner, C. A.
Browne, T. M.	Henley,	Mutchler,	Sumner, D. H.
Brown, W. W.	Hewitt, A. S.	Nutting,	Talbott,
Buckner,	Hewitt, G. W.	Ochiltree,	Taylor, E. B.
Budd,	Hill,	O'Hara,	Taylor, J. D.
Burleigh,	Hiscock,	O'Neill, Charles	Thomas,
Burnes,	Hitt,	O'Neill, J. J.	Tillman,
Calkins,	Holton,	Paige,	Tucker,
Candler,	Hopkins,	Parker,	Tully,
Cannon,	Horr,	Perkins,	Van Alstyne,
Cassidy,	Houk,	Peters,	Vance,
Chace,	Hunt,	Pettibone,	Wait,
Clay,	James,	Phelps,	Wakefield,
Collins,	Jeffords,	Poland,	Warner, A. J.
Cox, W. R.	Jones, B. W.	Post,	Washburn,
Cullen,	Jones, J. H.	Price,	Weaver,
Cutcheon,	Jones, J. T.	Pryor,	Wellborn,
Dargan,	Kean,	Rankin,	Wemple,
Davidson,	Keifer,	Ranney,	White, J. D.
Davis, G. R.	Ketcham,	Ray, G. W.	White, Milo
Davis, L. H.	Lacey,	Ray, Ossian	Wilkins,
Dibble,	Laird,	Reed,	Wilson, W. L.
Dingley,	Lamb,	Rice,	Winans, E. B.
Dockery,	Lanham,	Robertson,	Wise, G. D.
Dowd,	Lawrence,	Robinson, J. S.	Wise, J. S.
Dunham,	Lewis,	Robinson, W. E.	Woodward,
Dunn,	Long,	Rogers, W. F.	Yaple.
Ellwood,	Lovering,	Rowell,	
Ermentrout,	Lyman,	Russell,	
Evans, I. N.	McCoid,	Ryan,	

NAYS—61.

Barbour,	Curtin,	Lowry,	Slocum,
Bennett,	Deuster,	McMillin,	Strait,
Blanchard,	Dibrell,	Miller, S. H.	Throckmorton,
Bland,	Duncan,	Murray,	Townshend,
Blount,	Eaton,	Neece,	Turner, H. G.
Buchanan,	Elliott,	Oates,	Turner, Oscar
Cabell,	Forney,	Patton,	Weller,
Caldwell,	Halsell,	Payson,	Williams,
Clements,	Hammond,	Pierce,	Willis,
Cobb,	Hardeman,	Peel, S. W.	Winans, John
Connolly,	Hoblitzell,	Randall,	Wolford,
Converse,	Holman,	Reagan,	Wood,
Cook,	Jones, J. K.	Reese,	Worthington.
Cosgrove,	Jordan,	Riggs,	
Crisp,	Le Fevre,	Scales,	
Culberson, D. B.	Lore,	Shaw,	

NOT VOTING—78.

Adams, J. J.	Eldredge,	Hurd,	Rockwell,
Atkinson,	Ellis,	Hutchins,	Rogers, J. H.
Bayne,	Evins, J. H.	Johnson,	Rosecrans,
Belford,	Fiedler,	Kasson,	Skinner, T. G.
Bingham,	Findlay,	Kelley,	Snyder,
Bisbee,	Finerty,	Kellogg,	Stockslager,
Blackburn,	George,	King,	Storm,
Boyle,	Gibson,	Kleiner,	Taylor, J. M.
Breckinridge,	Hancock,	Libbey,	Thompson,
Broadhead,	Hardy,	McAdoo,	Valentine,
Brumm,	Harmer,	Maybury,	Van Eaton,
Campbell, Felix	Hart,	Mayo,	Wadsworth,
Campbell, J. M.	Haynes,	Morrison,	Ward,
Carleton,	Hemphill,	Morse,	Warner, Richard
Clardy,	Hepburn,	Nelson,	Whiting.
Covington,	Herbert,	Nicholls,	Wilson, James
Cox, S. S.	Holmes,	Payne,	York,
Culbertson, W. W.	Hooper,	Peelle, S. J.	Young.
Davis, R. T.	Houseman,	Potter,	
Dorsheimer,	Howey,	Pusey,	

So (two-thirds voting in favor thereof) the rules were suspended and the resolution agreed to.

On motion of Mr. SKINNER, of New York, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. BISBEE with Mr. MORSE, for to-day.

Mr. DORSHEIMER with Mr. BROWNE, of Indiana, for to-day.

Mr. KEAN. I am paired with my colleague from New Jersey on political questions; but, not regarding this as a political question, I have voted.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. BLOUNT. I move that the House do now adjourn.

The SPEAKER. Before that the Chair desires to lay before the House some executive communications and personal requests of members.

COMMISSIONED AND WARRANT OFFICERS OF THE NAVY.

The SPEAKER laid before the House a communication from the Secretary of the Navy, in response to a resolution of the House of Representatives of March 1, 1884, requesting certain information concerning the employment of the commissioned and warrant officers of the Navy at the date of the compilation of the last Naval Registers; which was ordered to be printed, and referred to the Committee on Naval Affairs.

FOOT-AND-MOUTH DISEASE.

The SPEAKER. The gentleman from Missouri [Mr. HATCH] asks leave to have printed as a document the following communication, the title of which the Clerk will read.

The Clerk read as follows:

Letter from the Secretary of State, inclosing a letter from Mr. Lowell, American minister at London, concerning measures which have been introduced into the British Parliament for the prevention of the foot-and-mouth disease in the United Kingdom.

The SPEAKER. This communication will be printed and referred to the Committee on Agriculture.

Mr. WARNER, of Ohio. The gentleman from Missouri asked also that it be printed in the RECORD.

Mr. HATCH, of Missouri. Yes, printed in the RECORD for the information of the House. That was the request I made.

The SPEAKER. Without objection it will be so ordered.

There was no objection.

The communication is as follows:

DEPARTMENT OF STATE, *Washington, March* 12, 1884.

SIR: I have the honor to inclose herewith, for the information and consideration of your committee, a copy of a dispatch to this Department from Mr. Lowell, the American minister at London, concerning measures which have been introduced into the British Parliament for the prevention of foot-and-mouth disease in the United Kingdom.

I have the honor to be, sir, your obedient servant,

FRED'K T. FRELINGHUYSEN.

Hon. WILLIAM H. HATCH,
Chairman of the Committee on Agriculture,
House of Representatives.

No. 720.] LEGATION OF THE UNITED STATES,
London, February 26, 1884.

SIR: The recent prevalence of foot-and-mouth disease in the United Kingdom has not only caused great losses and greater apprehensions among the farming population, but has been adroitly used by the friends of protection and the enemies of the party in power for the purpose of bringing to the surface and rendering active a certain amount of political discontent. It is assumed that though this malady may be originated in other less favored quarters of the globe, yet that the soil and climate of England have been endowed by the Creator with some divine immunity in this respect; and it has not been difficult to persuade the agricultural classes that their losses have been due to the unwise and even culpable laxity of the government in the admission of foreign cattle. Looking round in their irritation for some object on which to vent it, the farmers have naturally selected the ministry as the most obvious and attainable. As many of the liberal members of Parliament are largely interested in the question as landholders and represent rural constituencies, the question has assumed so much political importance as to give some anxiety to the government.

The matter was not alluded to in the speech from the throne, but was thought so urgent that a bill was introduced in the house of lords by Lord Carlingford, president of the council, to define more precisely and in some respects to enlarge powers already possessed by the privy council with respect to the importation of cattle. The bill, amended on motion of the Duke of Richmond, with the intention of making it obligatory on the privy council to prohibit such importation from any country in which they were not satisfied that the disease did not exist, will now go to the house of commons.

What will be its fate there it is of course impossible to foretell; but from all I hear I should think it hardly likely that it will leave the commons with any abatement of its more rigorous provisions. The wish and hope of the farming interest is absolute exclusion, but this will be difficult of attainment, because the graziers both here and in Scotland are fully sensible of the advantage they would gain by the free admission of cattle on the hoof.

Hitherto the privy council have performed a very difficult and complicated duty with great fairness, and with a leaning, if there was any, toward the most liberal interpretation of the law.

But the clamor is so loud and so persistent that they may find themselves forced to measures which, in principle, they would disapprove. The question has grown to such dimensions that one of the persons most competent to give an opinion assured me that he thought it to be politically the most important which would confront the ministry in any election that might occur in an agricultural constituency.

Should the protectionists and farmers' friends succeed in bringing about anything like the exclusion of foreign cattle, there would soon be an even more powerful reaction brought about by the higher prices of meat that would inevitably follow, and which it is the thinly veiled object of the agricultural interest to produce.

Though it might be almost impossible in a territory so vast as ours to prevent the occurrence of sporadic cases of foot-and-mouth disease, it occurs to me that it might be feasible thoroughly to disinfect and keep disinfected certain routes and ports of shipment by a rigorous inspection and an unswerving resolution in stamping out every spark of existing contagion.

Were such a course persevered in it would produce conviction here as nothing else, especially no amount of argument, ever could or will.

I have the honor to be, with great respect, your obedient servant,

J. R. LOWELL.

Hon. F. T. FRELINGHUYSEN,
Secretary of State.

REPRINT OF A REPORT.

Mr. WILLIS. I ask unanimous consent that an order be made for the reprinting of report No. 495.

Mr. WHITE, of Kentucky. What is that?

Mr. WILLIS. It is upon the educational question. The report has been exhausted, and there is a great demand for it from all quarters.

The SPEAKER. If there be no objection the order to reprint the report specified will be made.

There was no objection, and it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. O'HARA, for six days, on account of important business.

To Mr. ATKINSON, for three days from to-morrow, on account of important business.

To Mr. TAYLOR, of Tennessee, for two days, on account of ill-health.

The motion of Mr. BLOUNT was then agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of Philip Wellford, asking that the Government refund to him the value of certain cotton cloth taken from him by the Government authorities in Virginia—to the Committee on War Claims.

Also, papers relating to the claim of Horace L. Kent—to the same committee.

Also, petition of ship owners, masters, &c., for breakwater on the Potomac River from Norfolk, Va.—to the Committee on Rivers and Harbors.

Also, petition, of similar import, from captains and pilots—to the same committee.

By Mr. BOYLE: Protest of Charles L. Cruzan and others, citizens of Westmoreland County, Pennsylvania, against the passage of any law to copyright news—to the Committee on Patents.

By Mr. BRENTS: Papers relating to the bill for the relief of William Huntington, of Washington Territory—to the Committee on the Judiciary.

By Mr. BROADHEAD: Petition of Francis Minor, John A. Smithers, Fred. H. Ingalls, Mary Russell, Mary Tracy, and 209 others, citizens of Missouri, asking for the passage of a sixteenth amendment prohibiting the States from disfranchising citizens on account of sex—to the same committee.

By Mr. T. M. BROWNE: Resolutions of the George W. Rader Post, Grand Army of the Republic, at Middletown, Ind., on the subject of pensions, and protesting against the appointment of a commission to revise the pensions laws—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition of 40 women of Indiana, for an amendment to the Constitution conferring the right of suffrage on women—to the Committee on the Judiciary.

By Mr. BUCKNER: Petition of Sarah Wimsatt, J. H. Johnson, and others, of Washington, D. C., for compensation for damages sustained by reason of public improvements—to the Committee on the District of Columbia.

By Mr. CONVERSE: Petition of James W. Burbey and 38 others, citizens and wool-growers of Eureka, Mich., praying for a restoration of the wool tariff of 1867 and remonstrating against the passage of the Morrison tariff bill—to the Committee on Ways and Means.

Also, petition of similar import of M. Van Gieson and 8 others, citizens of Michigan—to the same committee.

Also, petition of similar import of I. N. Hathaway and 79 others, citizens and wool-growers of Michigan—to the same committee.

Also, petition of similar import of L. E. Fellows and 37 others, citizens of Ionia County, Michigan—to the same committee.

Also, petition of similar import of S. C. Lombard and 25 others, citizens and wool-growers of Addison, Mich.—to the same committee.

Also, petition of similar import of E. H. Rogers and 5 others, citizens and wool-growers of Michigan—to the same committee.

Also, petition of similar import of Samuel Stewart and 100 others, citizens and wool-growers of Michigan—to the same committee.

By Mr. CURTIN: Paper relating to the claim of Lewis Rothermel—to the Committee on War Claims.

By Mr. CUTCHEON: Petition of officers of the Eighteenth Infantry, in regard to organization of infantry regiments—to the Committee on Military Affairs.

By Mr. DIBRELL: Petition of certain Army officers, for a reorganization of the United States Army—to the same committee.

By Mr. DOCKERY: The petition of Samuel A. Ballard, asking for an extension of the time allowing claims to be filed under the arrears-of-pension act—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. DORSHEIMER: Petition of W. Carr, Edson W. Bolster, Chas. Howland, Agnes M. Carr, Mrs. M. A. Saxton, Alice J. Hamblin, and 17 others, citizens of Barre, Orleans County, New York, asking for the passage of a sixteenth amendment prohibiting the States from disfranchizing citizens on account of sex—to the Committee on the Judiciary.

By Mr. ELDREDGE: The petition of A. O. James and 39 others,

citizens of Hillsdale, Mich., praying for the establishment of a branch soldiers' home in Michigan—to the Committee on Military Affairs.

By Mr. EVERHART: Petition of P. E. Raiger, praying for a pension—to the Committee on Invalid Pensions.

Also, petition and protest of proprietors and employés of William Arrott & Co., of Darby, Pa., against any legislation tending to the reduction of customs duties on imports—to the Committee on Ways and Means.

Also, petition and protest, of similar import, of proprietors and employés of Cardington Mills, Upper Darby, Delaware County, Pennsylvania—to the same committee.

Also, petition and protest, of similar import, of Patterson Mills, Chester, Pa.—to the same committee.

By Mr. FOLLETT: Petition of laboring men of Cincinnati, Ohio, for legislation to prohibit the importation of laborers under contracts made abroad—to the Committee on Labor.

By Mr. FYAN: Petition of Francis M. Brown, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. GEDDES: Petition of Mrs. H. L. Canfield and 138 others, residents of Jefferson Township, Richland County, Ohio, for the passage of a sixteenth amendment prohibiting any State from disfranchising any citizen on account of sex—to the Committee on the Judiciary.

By Mr. HALSELL: Papers relating to the claim of John A. Landon, for relief—to the Committee on Military Affairs.

By Mr. HARMER: Petition of officers of the United States Army, in favor of the passage of H. R. 2613—to the same committee.

By Mr. HENLEY: Petition of certain citizens of the State of California, for the abrogation of the lease from the Government of the United States to the Alaska Commercial Company, dated August 3, 1870—to the Committee on Ways and Means.

Also, petition of citizens of the State of California, praying for increase of the tariff on raisins and dried fruit—to the same committee.

Also, petition of certain citizens of the State of California, praying for the raising of the tariff on raisins—to the same committee.

By Mr. A. S. HEWITT: Petition of citizens of Madison County, New York, urging the passage of the Senate bill to repeal the act of June 14, 1879, relating to vinegar factories established and operated prior to March 1, 1879—to the same committee.

By Mr. HILL: Paper relating to the claim of John C. Landreau—to the Committee on Foreign Affairs.

By Mr. HOLMAN: Petition of Charles W. Heath Post, No. 109, Grand Army of the Republic, State of Indiana, for the equalization of bounties and for other measures beneficial to the Union soldiers of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, the petition of Matthew E. Jackson, of Decatur County, Indiana, for an honorable discharge from the military service of the United States and affidavits in support thereof—to the Committee on Military Affairs.

By Mr. HOLTON: Papers relating to the claim of Joseph Forrest, of Saint Mary's County, Maryland—to the Committee on War Claims.

Also, petition from the Yearly Meeting of Friends in Maryland, asking for the passage of a bill providing for the appointment of a commission to investigate the alcoholic liquor traffic in its relation to crime, &c.—to the Select Committee on the Alcoholic Liquor Traffic.

Also, petition from the Yearly Meeting of Friends in Maryland, asking for a constitutional amendment prohibiting the manufacture, importation, and sale of all alcoholic beverages throughout our national domain—to the same committee.

Also, petition from the Yearly Meeting of Friends of Maryland, asking Congress to pass a prohibitory liquor law for the District of Columbia—to the same committee.

By Mr. HOUK: Papers relating to the claim of James and William White, of Hawkins County, Tennessee—to the Committee on War Claims.

By Mr. HUNT: Papers relating to the claim of Caroline L. Maury—to the same committee.

By Mr. J. T. JONES: Memorial of Mobile Board of Trade, for improvement of Warrior River above Tuscaloosa—to the Committee on Rivers and Harbors.

By Mr. JORDAN: Petition of Frank Becker and others, citizens of Cincinnati, Ohio, praying for legislation to prevent the importation of foreign laborers under contracts made abroad—to the Committee on Labor.

By Mr. KEAN: Resolutions adopted at a meeting of citizens of Elizabeth, N. J., in opposition to the bill authorizing the construction of a bridge across Staten Island Sound—to the Committee on Commerce.

By Mr. LACEY: Petition of C. W. Armstrong and 65 others, members of Withey Post, Grand Army of the Republic, of Barry County, Michigan, in favor of granting to each Union soldier, sailor, and marine one hundred and sixty acres of land—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. LAIRD: Petition of Minnie McConnell and others, of Nebraska, asking for a sixteenth amendment securing the political rights of women—to the Committee on the Judiciary.

Also, petition of ex-soldiers of Nebraska, praying for passage of act granting pensions to prisoners of war—to the Committee on Invalid Pensions.

Also, memorial of James Shields Post, No. 33, Grand Army of the Republic, for equalization of bounties, and for other purposes—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. LONG: Resolution of the Commonwealth of Massachusetts, relating to the repeal of so much of the internal-revenue law as authorizes the manufacture of vinegar from alcohol which has paid no tax—to the Committee on Ways and Means.

By Mr. McCOMAS: Petition of Martha Wroe, for relief—to the Committee on War Claims.

Also, petition of Hamilton Downs, of Washington County, Maryland, for payment for property taken and used by the United States Army—to the same committee.

By Mr. McKINLEY: Petition and papers relating to the claim of Robert Woodbridge, of Youngstown, Ohio, for expenses incurred in defending suit brought against him as Indian agent—to the Committee on Appropriations.

Also, petition of Henry Tod and 100 citizens of Youngstown, Ohio, praying for a public building at Youngstown, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. MONEY: Papers relating to the claim of Charles T. Hyde, for relief—to the Committee on War Claims.

By Mr. NICHOLLS: Memorial of officers of the United States infantry, praying for the passage of a bill to reorganize the infantry of the United States service—to the Committee on Military Affairs.

By Mr. CHARLES O'NEILL: Papers relating to the claim of John A. Wagner, for relief—to the same committee.

By Mr. J. J. O'NEILL: Petition of board of directors of the Merchants' Exchange of Saint Louis, requesting passage of Willis bill extending bonded period on distilled spirits—to the Committee on Ways and Means.

Also, resolutions of Saint Louis school board, asking for distribution of public moneys for educational purposes—to the Committee on Education.

By Mr. PERKINS: Resolutions adopted by the stock-raisers of Riley County, Kansas, requesting an appropriation for preventing the spread of the foot-and-mouth disease—to the Committee on Agriculture.

By Mr. PETERS: Paper relating to the claim of John R. Gillam, for arrears of pension—to the Committee on Invalid Pensions.

Also, petition for increase of pension for Mary Lemmon and affidavit relating thereto—to the Committee on Pensions.

By Mr. PETTIBONE: Petition of Robert P. Moore, for removal of charge of desertion and for pay and bounty—to the Committee on War Claims.

Also, papers relating to the claim of John Scudington's heirs—to the Committee on Military Affairs.

Also, petition of Andrew Floyd, for a discharge from Company F, Second New Hampshire Regiment Volunteers—to the Committee on War Claims.

By Mr. POLAND: The proceedings of a board of officers convened by Special Orders No. 228, Headquarters Department of Washington, September 13, 1864, upon the claim of Catharine Carberry for loss and damage to property sustained by her during the rebel raid of July, 1864; and of the same board upon similar claim of Richard Lay—severally to the same committee.

By Mr. PRICE: Memorial of the supervisors of Saint Croix County, Wisconsin, for the passage of an act to regulate railroad charges—to the Committee on Commerce.

By Mr. PUSEY: Memorial and joint resolution of the General Assembly of the State of Iowa, relating to the prevention of pleuro-pneumonia in neat cattle—to the Committee on Agriculture.

By Mr. RANKIN: Remonstrance against passage of H. R. 5128—to the Committee on Commerce.

By Mr. J. S. ROBINSON: Memorial of 900 citizens of Marion County, Ohio, in favor of an appropriation of $40,000 for removing obstructions, sand-bars, and dams in the Scioto River, in the State of Ohio—to the Committee on Rivers and Harbors.

Also, bill to appropriate $40,000 to improve the channel of the Scioto River, in the State of Ohio—to the same committee.

By Mr. RYAN: Petition of citizens of Kansas, relative to the Chinese restriction act—to the Committee on Foreign Affairs.

Also, petition of soldiers of Barbour County, Kansas, for pay equal to gold while in service and for equalization of bounties—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. SLOCUM: Petition of officers of the Army, for passage of bill to reorganize the infantry of the Army—to the Committee on Military Affairs.

By Mr. STEELE: Petition of Major May Post, Grand Army of the Republic, of Anderson, Ind., praying that Mrs. May be placed upon the pension-roll—to the Committee on Invalid Pensions.

Also, petition of Lieut. Col. John J. Coppinger and 40 others, officers of the United States Army, praying for reorganization of the Army—to the Committee on Military Affairs.

Also, petition of N. A. Meeker, adjutant Grand Army of the Republic, Portland, Ind., asking that arrears-of-pension law be extended—to the Committee on Pensions.

Also, petition of Hon. J. B. Kenner and 100 others, favoring the

passage of a sixteenth amendment allowing women to vote—to the Committee on the Judiciary.

By Mr. STEPHENSON: Resolutions of the Chamber of Commerce of Milwaukee, Wis., recommending the passage of the bill H. R. 4483, entitled "A bill to promote the efficiency of the revenue-marine service"—to the Committee on Commerce.

Also, resolutions of the same body, relative to the coinage of silver dollars—to the Committee on Coinage, Weights, and Measures.

By Mr. CHARLES STEWART: Petition of R. Moore, proposing to cut the Galveston Bay ship-channel for a certain sum of money—to the Committee on Rivers and Harbors.

By Mr. STRAIT: Resolutions of the Chamber of Commerce of the city of Saint Paul, Minn., in relation to the free navigation of the Congo River—to the Committee on Foreign Affairs.

By Mr. TALBOTT: Paper relating to the claim of Francis I. Wheeler—to the Committee on Claims.

By Mr. E. B. TAYLOR: Petition of H. E. Williams and others, praying for the restoration of the wool tariff of 1867—to the Committee on Ways and Means.

By Mr. J. D. TAYLOR: Petition of John McCulley and 160 others, asking for the restoration of the duty on wool—to the same committee.

Also, petition of N. R. Morgan and 25 others, asking for the restoration of the duty on wool—to the same committee.

By Mr. THOMAS: Paper relating to the petition of Mrs. Helen A. De Russy, widow of General De Russy, United States Army—to the Committee on Invalid Pensions.

Also, petition of city of Cairo, Ill., for certain appropriations for the improvement of the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. VAN ALSTYNE: Papers relating to the claim for pension of Elizabeth Springsteed—to the Committee on Invalid Pensions.

Also, petition of N. D. Wendell and 150 others, citizens of Albany, N. Y., praying for the repeal of the act authorizing the coinage of the silver dollar or to suspend the coinage thereof—to the Committee on Coinage, Weights, and Measures.

By Mr. J. D. WHITE: Petition for post-route from Manchester to Delaney, Ky.—to the Committee on the Post-Office and Post-Roads.

By Mr. WILKINS: Petition of C. A. Hamenstafer, Charles Timmans, C. S. Brady, and 100 others, citizens of Newark, Licking County, Ohio, relating to the Chinese restriction act—to the Committee on Foreign Affairs.

By Mr. WOOD: Publication containing the resolutions of Burnham Post, No. 276, Grand Army of the Republic, Department of Indiana, requesting the passage of bills for the equalization of bounties and granting land-warrants—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, petition for the passage of an act granting a pension to William Van Blaricorn—to the Committee on Invalid Pensions.

By Mr. WORTHINGTON: Petition of the Misses Harriet and Frances Peabody, praying for a pension—to the same committee.

By Mr. YAPLE: Petition of George H. Smith, Herrick Hodger, and others, citizens of South Haven, Mich., for the passage of a certain bill for the establishment of a Michigan branch of the National Home for Disabled Volunteer Soldiers—to the Committee on Military Affairs.

Also, petition of similar import of J. G. Peck, C. B. Reese, and others, citizens of Berrien Centre, Mich.—to the same committee.

Also, petition of similar import of J. H. McLaughlin, Charles H. Woolsey, and others, citizens of Kalamazoo County, Michigan—to the same committee.

SENATE.

TUESDAY, *March* 18, 1884.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. HILL. I present the memorial of the Denver Chamber of Commerce on the subject of the retirement of small Treasury notes, and as it is a brief document and an able argument, I ask that it may be read.

The PRESIDENT *pro tempore*. The Senator from Colorado presents a memorial of the Denver Chamber of Commerce on the subject of the retirement of small Treasury notes, and asks that the memorial be read. Is there objection?

Mr. SHERMAN. I have no objection to the reading except the time that is consumed. I have no objection to an order to print it. I should like very much to hear it, but I do not think it is the custom or the proper thing in the Senate to have memorials read unless they come from the Legislature of a State, when by courtesy they are read. This paper is evidently several folios long.

Mr. HILL. I notice that within the past few days exceptions have been made and that such papers have been read in the Senate. If this document can be printed in the RECORD I have no objection to letting it take that course.

The PRESIDENT *pro tempore*. The Senator from Colorado asks that this memorial be printed in the RECORD. Is there objection?

Mr. INGALLS. What advantage is gained, I will ask the Senator from Colorado, by having it printed in the RECORD, cumbering up our proceedings and making a vast bulk that is already so unwieldy as to be almost unmanageable? If the Senator thinks that any advantage will be gained, or that the evil will be remedied any sooner by putting this publication in the RECORD, I have no objection; but it seems to me the same object would be attained by having it printed as a document, if he desires it laid on our tables, where it will be accessible.

Mr. HILL. It will not occupy more than about one column of the RECORD. It will encumber it to a slight extent, and I think it is very important that such an able and clear presentation of a subject of paramount importance should be made a part of the permanent record of Congress. I ask to have it printed in the RECORD.

The PRESIDENT *pro tempore*. Is there objection to the printing of this memorial in the RECORD? The Chair hears no objection, and it is so ordered.

The memorial, which was referred to the Committee on Finance, is as follows:

MEMORIAL.

The Denver (Colo.) Chamber of Commerce to the Congress of the United States.

Whereas the Secretary of the Treasury has notified your honorable body of the immediate necessity of an appropriation of $150,000 to defray the expense of a new issue of one and two dollar Treasury notes; and

Whereas there is now in the Treasury of the United States $147,000,000 of silver coin: Therefore,

We, the people of Colorado, through the Denver Chamber of Commerce, would earnestly petition your honorable body to enact a law or laws authorizing the Treasurer of the United States to call in and redeem in silver all Treasury notes of the denominations of ones and twos now outstanding, and to authorize the Secretary of the Treasury to discontinue any further issue of Treasury notes of a like denomination, and that in the future no paper money of less denomination than $5 be allowed to be issued or paid out by the Government or any national bank.

And we would further call the attention of Congress to the following reasons (among others) for urging at this time the granting of this our petition:

First. Gold and silver is the constitutional currency of the country.

Second. The United States produces a large quantity of these metals, and for all purposes of business and change (under $5) gold and silver is as convenient for the people, more satisfactory to them, and much less expensive to maintain than the paper money known as "small bills."

Third. That it is the paramount duty of the Government to do everything in its power to make the money of the nation—gold, silver, and paper—equal, uniform, and invariable.

Fourth. That silver has not been fairly dealt with by the capitalists of the East nor the General Government, and that no sincere effort has been made by the Government to give silver coin (of which there is $240,000,000 in the United States) its proper place, value, and usefulness with the other money of the country.

Fifth. That in evidence of this fact in 1879 Congress passed an act preventing the national banks from issuing any more one and two dollar bills. At that date there was nearly eight millions outstanding of these small national-bank bills, besides forty millions of the same denomination in Treasury notes; but Congress did not stop the issue of ones and twos by the Government. And what has been the result? The national-bank notes were taken up until there now remain less than one million outstanding, while the Government has issued an additional seventeen millions since 1879, thus really increasing the outstanding ones and twos from about forty-eight millions to fifty-eight millions, the amount then outstanding. Had the Treasury notes, as well as the national-bank notes, been withdrawn at that time and not reissued and silver substituted therefor, it would not only have brought the fifty-eight millions of silver into circulation, but gone far toward placing silver in the same useful, convenient, and valuable position it had occupied during the first eighty years of our Government.

Sixth. That all paper money of a less denomination than $5 should be withdrawn as speedily as possible and forever and silver substituted therefor. England, the greatest enemy of silver, has no paper money of less amount than $25; Germany has no bills of less denomination than $7.50. The bank of France has only about $1,000,000 of paper of less denomination than $10 outstanding. All these countries use silver for change. France is the country most like our own in her government and in her position as to silver money and in the amount of reserve held. She now has in her treasury $395,000,000 coin and bullion, $203,000,000, or 51 per cent., being in silver, and this besides the large amount in circulation, and its prosperity is only second to our own in all the countries of the world.

Seventh. That there is now in the United States Treasury $375,000,000 of gold and silver (coin and bullion), 41 per cent. of which (or $147,000,000) is in silver, and that there is to-day a little less than $100,000,000 of silver in circulation in the United States, or about $2 to each inhabitant—a people that do five times the business on the same capital of any people in the world.

Eighth. That there is no sort of justification in the course pursued against silver by the Eastern States of the Union, and they have been and are strongly supported in their war upon it by the present administration.

Ninth. That however unwise (which we do not admit) the large coinage of silver may be it now exists, and the Government is the actual owner of three-fifths of the silver in the United States; that the product of gold is now, and has been, gradually decreasing for the past ten years; that the product of silver is not increasing. It behooves the Government and people to adopt such a course as will restore and maintain the value of silver throughout the world.

Tenth. That the reserves required by law at this time of the national banks of the United States is in round numbers $235,000,000, and in addition the Government requires the banks to deposit a redemption fund of $15,000,000, which makes $250,000,000 of reserve (and this amount will not vary much in the future), and must be held at all times and under all circumstances by the national banks and the Treasurer of the United States for them. Now, if Congress will so amend the national-bank act as to require these national banks to hold 10 per cent. of their legal reserve in silver coin for their redemption fund, this would permanently dispose of, say, $40,000,000 of the floating silver of the country, and the banks could, without much difficulty, manage their part of it. This amount,

added to the silver coin necessary to take up the one and two dollar bills, would dispose of, say, $100,000,000 of silver in a manner that would give stability to this metal, and would relieve the Government, strengthen the banks, and give general satisfaction to the masses throughout the Union.

And your memorialists would ever pray.

The foregoing memorial was reported by the committee on finance, and unanimously adopted by the Denver Chamber of Commerce, Denver, Colo., at a meeting held February 28, 1884, and ordered to be sent to Hon. N. P. HILL, United States Senator from Colorado, for presentation to Congress.

JOHN L. DAILEY, *Secretary.*

Mr. CULLOM presented the memorial and joint resolution of the Eighth Legislative Assembly of the Territory of Wyoming, in favor of additional compensation for the members thereof; which was referred to the Committee on Territories.

Mr. CALL. I present the petition of John L. Wilson, president of the Library Association, A. Anderson, secretary, of Saint Augustine, Fla., and various other members of that association, praying for a grant of a lot of land belonging to the United States, known as Governor's Garden, situated within the limits of the city of Saint Augustine, Fla., for the erection of a free public library and reading-room. I move that the petition be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. CALL. I also present the petition of M. R. Cooper, J. W. Henderson, and a large number of other citizens of Saint Augustine, Fla., visitors and others, praying Congress to grant the petition of the president and officers of the Library Association of the city of Saint Augustine for the donation of a lot of land known as Governor's Garden. I desire to state, Mr. President, that for two hundred years these lots have been open to the use of the city and people of Saint Augustine under the Government of Spain, and that they are not needed by the Government of the United States for any purpose. I move that the petition be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. McPHERSON. I present a petition of citizens of New Jersey, praying for the passage of a bill providing for the construction of certain bridges across Staten Island Sound. As it appears to be a bridge for railroad purposes, I move that the petition be referred to the Committee on Railroads.

The motion was agreed to.

Mr. MITCHELL. I present a memorial of the Vessel-Owners and Captains' Association of Philadelphia, Pa., in favor of the right to sue the Government for damages resulting from collisions at sea with United States ships, and move that it be referred to the Committee on Commerce.

The PRESIDENT *pro tempore.* The Chair will suggest to the Senator from Pennsylvania that the Committee on the Judiciary reported yesterday a bill upon that subject.

Mr. MITCHELL. Perhaps the memorial had better lie on the table.

The PRESIDENT *pro tempore.* The memorial will be laid upon the table.

Mr. MITCHELL. I present a memorial of the Commercial Exchange of Philadelphia, Pa., remonstrating against the extension of the grain-shovel patents. As that question is before the Senate, I move that the memorial lie upon the table.

The motion was agreed to.

Mr. MITCHELL presented a memorial of the Vessel-Owners and Captains' Association of Philadelphia, Pa., in favor of what is known as the Dingley pilotage bill; which was referred to the Committee on Commerce.

He also presented a petition of H. A. Ross Post, Grand Army of the Republic, of Lebanon, Pa., officially signed, and a petition of Daniel H. Bee and 49 other members of John Pollock Post, Grand Army of the Republic, of Pennsylvania, praying for the equalization of bounty and other relief to ex-Union soldiers; which were referred to the Committee on Military Affairs.

He also presented a petition of citizens of Lawrence County, Pennsylvania, praying for the repeal of certain laws permitting the use of vapors of alcoholic spirits in manufacturing vinegar; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. 280) granting a pension to Wesley Morford, reported it without amendment, and submitted a report thereon.

Mr. SABIN. I am instructed by the Committee on Pensions, to whom was referred the petition of Dr. P. W. Bradbury, praying for a pension, to report adversely thereon.

The PRESIDENT *pro tempore.* If there be no objection the report will be agreed to and the committee discharged from the further consideration of the subject.

Mr. COCKRELL. Has the Senator made a written report?

Mr. SABIN. Yes, sir; a report is filed.

Mr. COCKRELL. All right. There is no bill with that case.

The PRESIDENT *pro tempore.* There is no bill reported. There is an adverse report on the petition.

Mr. COCKRELL. Then it can not go on the Calendar under the rule.

Mr. SABIN, from the Committee on Pensions, to whom was referred the bill (S. 605) granting a pension to Capt. Sanderson H. Rogers, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 531) granting a pension to Caroline M. McDougal, reported it without amendment, and submitted a report thereon.

Mr. CAMDEN from the Committee on Military Affairs, to whom was referred the bill (S. 512) for the relief of citizens of Oregon, Washington, Idaho, and Montana who served in connection with the United States troops in the war with the Nez Percé Indians and for the relief of the heirs of such as were killed in such service, and for other purposes, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 345) for the relief of certain officers in the Medical Department of the United States Army, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 4779) to change the name of the West Waterville National Bank of Oakland, in the State of Maine, to that of the Messalonskee National Bank, reported it without amendment.

Mr. FRYE. That is a bill to which there can be possibly no opposition, and the bank directors are very anxious that it shall receive early consideration. I shall ask after the morning call is through that it be taken up.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 1058) explanatory of an act directing the Second Auditor to settle the pay and bounty account of John Ammahaie (or Ammahe), passed June 30, 1876, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. GEORGE. I am directed by the Committee on Claims, to whom was referred the bill (S. 536) for the relief of Nicholas J. Bigley, to submit an adverse report thereon. I call the attention of the Senator from Indiana to this report.

Mr. VOORHEES. I ask that the bill be placed on the Calendar with the adverse report.

The PRESIDENT *pro tempore.* The bill will be placed on the Calendar with the adverse report.

Mr. LOGAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 1420) to increase the efficiency of the Army of the United States, to report it with amendments. I ask that a letter from the Secretary of War in reference to the bill be accepted as the report of the committee, and that it be printed with the bill.

The PRESIDENT *pro tempore.* The Senator from Illinois, from the Committee on Military Affairs, asks that a letter from the Secretary of War to the committee on the subject of this bill be printed for the use of the Senate. Is there objection? The Chair hears none.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. 1745) for the relief of former occupants of the present military reservation at Point San José, in the city and county of San Francisco, in the State of California, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

PENSION LEGISLATION.

Mr. MITCHELL. I am instructed by the Committee on Pensions to ask the Senate to adopt an order for the printing of the hearing of a committee of the Grand Army of the Republic who lately appeared before the Committee on Pensions and presented their views on the subject of pensions. It is not long and it is a matter of public interest. I therefore present the following order for printing the report of the remarks made on that occasion:

Ordered, That the remarks of the committee of the Grand Army of the Republic before the Committee on Pensions of the Senate on the 8th instant, in relation to proposed legislation on the subject of pensions, be printed for the use of the Senate.

The order was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. PALMER introduced a bill (S. 1864) to allow John Winchell arrears of pension; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SABIN introduced a bill (S. 1865) granting a pension to Mrs. Minna Haeberle; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1866) granting a pension to John T. Rudy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 1867) restoring to the pension-roll the name of Samantha Harriman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 1868) for the relief of Francis Masich, of Louisiana; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MILLER, of California, introduced a bill (S. 1869) granting a pension to Kate C. McDougal, widow of the late Commander Charles

J. McDougal; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 1870) to amend article 103 of the Rules and Articles of War; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HAWLEY. I introduce a bill and I beg that it may be read in full, as it is short.

The bill (S. 1871) authorizing the Secretary of the Navy to offer a reward of $25,000 for rescuing or ascertaining the fate of the Greely expedition was read the first time at length, as follows:

Be it enacted, &c., That the Secretary of the Navy be, and he is hereby, authorized and directed to make proclamation immediately, and cause said proclamation to be published and distributed as thoroughly as may be in such foreign ports as are interested in navigation and traffic in the Arctic seas, that the Government of the United States will pay a reward of $25,000, to be equitably paid or distributed to such ship or ships, person or persons, not in the military or naval service of the United States, as shall discover and rescue or satisfactorily ascertain the fate of the Greely expedition.

The bill was read the second time by its title.

Mr. HAWLEY. This matter has been discussed a great deal among seafaring men and others, and it is known that from many European ports, English, Norwegian, Swedish, and others, there are vessels, strong vessels, manned by hardy and skillful officers and crews, that are prowling through the Arctic seas constantly. I am sure that even a reward of $25,000 would cause them many times to turn aside a little from their cruise and make a brief exploration of the shore where they might hear news or see signs. It is quite possible that this might result favorably. If it should, nobody would care for the $25,000. If it should not, there would be no $25,000 lost. I commend this urgently to the immediate consideration of the Committee on Naval Affairs, to which I move its reference.

The motion was agreed to.

Mr. INGALLS (by request) introduced a bill (S. 1872) granting lands in aid of the erection of a monument commemorative of the homestead law; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENT TO A BILL.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the bill (S. 467) to provide for a settlement with the Indians who were parties to the treaty concluded at Buffalo Creek, in the State of New York, on the 15th day of January, 1838, for the unexecuted stipulation of that treaty; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRIS, it was

Ordered, That the petition and papers of Newton C. Perkins, administrator of the estate of J. J. Todd, deceased, be taken from the files of the Senate and referred to the Committee on Claims.

AMENDMENTS TO THE RULES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the original resolution reported yesterday by the Senator from Tennessee [Mr. HARRIS] from the Committee on Rules, which was objected to and went over.

Mr. HARRIS. As the Senator from Massachusetts [Mr. HOAR] at whose suggestion the resolution went over yesterday morning is absent from the Chamber this morning, I will allow all these resolutions, with the permission of the Senate, to lie over until to-morrow, when that Senator may be present.

The PRESIDENT *pro tempore*. The resolutions, if there be no objection, will be placed on the Calendar. They can be moved during the morning hour.

CHANGE OF NAME OF A BANK.

Mr. FRYE. I now ask unanimous consent to proceed to the consideration of the bill reported by the Finance Committee this morning changing the name of a bank, as it is a matter to which there can possibly be no objection.

By unanimous consent, the bill (H. R. 4779) to change the name of the West Waterville National Bank of Oakland, in the State of Maine, to that of the Messalonskee National Bank, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

On motion of Mr. ALLISON, the bill (H. R. 6073) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1884, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

BUREAU OF LABOR STATISTICS.

The PRESIDENT *pro tempore*. The order of resolutions is now closed. The Chair lays before the Senate the Calendar, beginning at Order of Business No. 142, under Rule VIII, being Senate bill 140.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 140) to establish a bureau of statistics of labor.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Arkansas [Mr. GARLAND], which will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and insert the following:

Add, after section 342, as follows:

"SEC. 343. The Chief of the Bureau of Statistics shall, under such regulations as the Secretary of the Treasury may prescribe, annually collect and report to Congress the statistics relating to marriage and divorce in the several States and Territories and the District of Columbia, and pertinent information relating to all departments of labor and production in the United States, especially touching the pecuniary, industrial, social, educational, and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industry of the whole country; and the salary of the chief of such bureau shall be $3,500."

Mr. BLAIR. I was about to say that, this being the bill which was reported by direction of the Committee on Education and Labor, and there being in order at 2 o'clock, as the unfinished business, a bill to aid in the establishment and temporary support of common schools, which is also reported by direction of the same committee, if it would suit the convenience of the Senate I would deem it a personal favor if this order could be laid aside informally, not losing its place on the Calendar, and that I be permitted to proceed with the special order. I have considerable matter that I should like to lay before the Senate and desire to commence earlier in the afternoon than 2 o'clock.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent that the bill now under consideration be passed over, retaining its place at the head of the Calendar under Rule VIII. Is there objection?

Mr. MILLER, of New York. I shall be compelled to object to the order of procedure proposed, for I gave notice several days ago that as soon as the resolution passed yesterday was disposed of I should then move to take up the pleuro-pneumonia bill proper. I shall be compelled to make that motion when the proper time arrives. I do not desire to make it at this time, for I have no desire to antagonize the regular order of business of the Senate, and therefore prefer that the Calendar should go on. I suggest that we proceed with the regular order, the consideration of the bill which has been laid before the Senate, and which the Senator from New Hampshire reported, until 2 o'clock, and then the Senate can decide for itself whether it will take up the other bill which he mentions or the pleuro-pneumonia bill, which I shall move to take up.

The PRESIDENT *pro tempore*. Objection is made to the request of the Senator from New Hampshire.

Mr. BLAIR. I do not understand that the Senator objects, or if he does I will ask that he give me his attention and withdraw his objection so far as proceeding to consider the unfinished business is concerned at present until 2 o'clock, in order that I may proceed with my remarks upon the bill.

Mr. MILLER, of New York. I do not know that I quite understand the question of the Senator. Does he propose to proceed with the consideration of the present bill?

Mr. BLAIR. No; the school bill, until 2 o'clock.

Mr. MILLER, of New York. I do not desire to interpose any objection to prevent the Senator from having the floor to speak upon that bill.

Mr. BLAIR. I desire to proceed until 2 o'clock, if there is no objection, and then the motion which the Senator proposes to make can be interposed.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from New Hampshire desires to be heard upon the bill now under consideration.

Mr. BLAIR. No; on the school bill, until 2 o'clock.

The PRESIDENT *pro tempore*. The Senator from New Hampshire, pending the question on the amendment of the Senator from Arkansas [Mr. GARLAND], asks unanimous consent that the Senate proceed to the consideration of the unfinished business, being the bill (S. 398) to aid in the establishment and temporary support of common schools. Is there objection?

Mr. VEST. I should like to understand what is to be the result of this request of the Senator from New Hampshire. I have no disposition in the world to object to hearing the Senator from New Hampshire; but suppose he discusses the education bill until 2 o'clock and then the Senator from New York wants to take up the pleuro-pneumonia bill?

Mr. MILLER, of New York. The Senator from New Hampshire desires to occupy the time of the Senate on the educational bill, and at 2 o'clock the Senate will decide whether we shall go on with that bill or take up the pleuro-pneumonia bill, which I propose to move to take up at 2 o'clock.

Mr. VEST. The Senator from New Hampshire proposes to occupy the floor until 2 o'clock, and after that we are to take up the pleuro-pneumonia bill and proceed with that; and then does the educational bill come up again?

The PRESIDENT *pro tempore*. The Chair is unable to hear the Senator from Missouri.

Mr. VEST. As a matter of course, if the Senator from New Hampshire shall not have concluded his remarks when the hour of 2 o'clock

arrives, according to the usage of the Senate, to which I do not at all object and which I think very proper, he will be allowed to go on and complete his remarks. Then do we take up the pleuro-pneumonia bill, and, if so, when we finish the pleuro-pneumonia bill do we resume the consideration of the educational bill?

The PRESIDENT *pro tempore*. That depends upon the will of the Senate as expressed by its vote or by unanimous consent. It is in order for the Senator from New Hampshire to move at any time to proceed to the consideration of the educational bill, which is the unfinished business, and if unanimous consent be given him now to speak upon it without its being formally laid before the Senate, that can be done; but when 2 o'clock comes the educational bill will be before the Senate as the unfinished business and can only be displaced by unanimous consent or by a vote of the Senate.

Mr. COCKRELL. I move, then, that the Senator from New Hampshire have unanimous consent to proceed with his remarks upon that bill in the same manner as if it was regularly taken up by the Senate. That will obviate any trouble.

The PRESIDENT *pro tempore*. Is there objection to the Senator from New Hampshire proceeding with his remarks on the educational bill, it not being yet before the Senate? The Chair hears no objection.

AID TO COMMON SCHOOLS.

Mr. BLAIR. Mr. President, I suppose the reading of the bill will be first in order.

The PRESIDENT *pro tempore*. The bill will be read for information. The Chair did not lay the bill before the Senate on account of unanimous consent being given to the Senator to proceed. The bill will be read for information.

The Chief Clerk proceeded to read the bill (S. 398) to aid in the establishment and temporary support of common schools.

Mr. BLAIR. I see that the Chief Clerk is reading the original bill.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asked that the bill be read.

Mr. BLAIR. It is the fault of the Senator from New Hampshire. I desire that the bill as reported by the committee be read.

The PRESIDENT *pro tempore*. The amendment recommended by the committee?

Mr. BLAIR. There is a substitute reported by the committee for the entire bill.

The PRESIDENT *pro tempore*. The amendment recommended by the committee will then be reported.

The Chief Clerk read the amendment, which was to strike out all after the enacting clause of the bill and to insert the following:

That for ten years after the passage of this act there shall be annually appropriated from the money in the Treasury the following sums, to wit: The first year the sum of $15,000,000, the second year the sum of $14,000,000, the third year the sum of $13,000,000, and thereafter a sum diminished $1,000,000 yearly from the sum last appropriated until ten annual appropriations shall have been made, when all appropriations under this act shall cease; which several sums shall be expended to secure the benefits of common-school education to all the children of the school age mentioned hereafter living in the United States.

SEC. 2. That such money shall annually be divided among and paid out in the several States and Territories in that proportion which the whole number of persons in each who, being of the age of ten years and over, can not read and write bears to the whole number of such persons in the United States; and until otherwise provided such computation shall be made according to the official returns of the census of 1880.

SEC. 3. That the Secretary of the Interior, at the close of each fiscal year, shall ascertain the total amount of the school fund to which the States and Territories and the District of Columbia are entitled under the provisions of this act, and shall certify the same to the Secretary of the Treasury. That upon the receipt of such certificate the Secretary of the Treasury shall, on or before the 31st day of July of each year, apportion the said total sum so certified among the several States and Territories and the District of Columbia upon the basis of population and illiteracy specified in the second section of this act.

SEC. 4. That the amount so apportioned to each State and Territory and to the District of Columbia shall be paid, upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Interior, out of the Treasury of the United States, to the treasurer of the State, Territory, or District, or to such officer as shall be designated by the laws of such State, Territory, or District to receive, account for, and pay over the same to the several school districts entitled thereto under said apportionment. The term "school district" as used in this section shall include cities, towns, parishes, or such other corporations as by law are clothed with the power of maintaining common schools: *Provided*, That such distribution or payment, after the receipt of said fund by the State, Territory, or District, may be made to any officer designated by the laws of the State, Territory, or District for the disbursement of the school funds to the teachers employed in such schools.

SEC. 5. That the instruction in the common schools wherein these moneys shall be expended shall include the art of reading, writing, and speaking the English language, arithmetic, geography, history of the United States, and such other branches of useful knowledge as may be taught under local laws, and shall include, whenever practicable, instruction in the arts of industry, and the instruction of females in such branches of technical or industrial education as are suited to their sex, which instruction shall be free to all, without distinction of race, color, nativity, or condition in life: *Provided*, That nothing herein shall deprive children of different races, living in the same community but attending separate schools, from receiving the benefits of this act the same as though the attendance therein were without distinction of race.

SEC. 6. The money appropriated and apportioned under the provisions of this act to the use of any Territory shall be applied to the use of common and industrial schools therein by the Secretary of the Interior.

SEC. 7. That the District of Columbia shall be entitled to the privileges of a Territory under the provisions of this act, but its existing laws and school authorities shall not be affected by the operation of this act. The Commissioner of Education shall be charged with the duty of superintending the distribution of its allotment, and shall make full report of his doings to the Secretary of the Interior.

SEC. 8. That the design of this act not being to establish an independent system of schools, but rather to aid for the time being in the development and maintenance of the school system established by local government, and which must eventually be wholly maintained by the States and Territories wherein they exist, it is hereby provided that no part of the money appropriated under this act shall be paid out in any State or Territory which shall not, during the first five years of the operation of this act, annually expend for the maintenance of common schools at least one-third of the sum which shall be allotted to it under the provisions hereof, and during the second five years of its operation a sum at least equal to the whole amount it shall be entitled to receive under this act.

SEC. 9. That a part of the money apportioned to each State or Territory, not exceeding one-tenth thereof, may yearly be applied to the education of teachers for the common schools therein, which sum may be expended in maintaining institutes or temporary training schools, or in extending opportunities for normal or other instruction to competent and suitable persons, of any color, who are without necessary means to qualify themselves for teaching, and who shall agree in writing to devote themselves exclusively, for at least one year after leaving such training schools, to teach in the common schools, for such compensation as may be paid other teachers therein.

SEC. 10. That no part of the educational fund allotted to any State or Territory or the District of Columbia shall be used for the erection of school-houses or school buildings of any description, nor for rent of the same.

SEC. 11. That the moneys distributed under the provisions of this act shall be used in the school districts of the several States and Territories in such way as to provide, as near as may be, for the equalization of school privileges to all the children of the school age prescribed by the law of the State or Territory wherein the expenditure shall be made, thereby giving to each child an opportunity for common-school and, so far as may be, of industrial education; and to this end existing public schools, not sectarian in character, may be aided, and new ones may be established, as may be deemed best, in the several localities.

SEC. 12. That any State in which the number of persons 10 years of age and upward who can not read and write is not over 5 per cent. of the whole population thereof shall have the right to receive its allotment and to apply the same for the promotion of common-school and industrial education, or the education of teachers therein, in such way as the Legislature of such State shall provide.

SEC. 13. That the Secretary of the Interior shall receive from the governor of each State and Territory a report, to be made by or through such governor on or before the 30th day of June of each year, giving a detailed account of the payments or disbursements made of the school fund apportioned to his State or Territory and received by the State or Territorial treasurer or officer under section 4 of this act, and of the balance in the hands of such treasurer or officer withheld, unclaimed, or for any cause unpaid or unexpended, and also the amount expended in such State or Territory as required by section 8 of this act, and also of the number of public, common, and industrial schools, the number of teachers employed, the total number of children taught during the year and in what branches instructed, the average daily attendance, and the relative number of white and colored children, and the number of months in each year schools have been maintained in each school district, and such other information in relation to the use of the school fund and the condition of common-school education as the Secretary of the Interior may require. And if any State or Territory shall misapply or allow to be misapplied, or in any manner appropriated or used other than for the purposes herein required, the funds, or any part thereof, received under the provisions of this act, or shall fail to comply with the conditions herein prescribed, or to report as herein provided, through its proper officers, the disposition thereof, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory and applied as herein required, and until such report shall have been made: *Provided*, That if the public schools in any State admit pupils not within the ages herein specified it shall not be deemed a failure to comply with the conditions herein.

SEC. 14. That on or before the 1st day of September of each year the Secretary of the Interior shall report to the President of the United States whether any State or Territory or the District of Columbia has forfeited its right to receive its apportionment under this act, and how forfeited, and whether he has withheld such allotment on account of such forfeiture; and each State and Territory and the District of Columbia from which such apportionment shall be withheld shall have the right to appeal from such decision of the Secretary of the Interior to Congress; and if the next Congress shall not direct such share to be paid, it shall be added to the general educational fund for distribution among the other States and the Territories and District of Columbia which shall be entitled to the benefit of the provisions of this act.

SEC. 15. That the Secretary of the Interior shall be charged with the practical administration of this act in the Territories and the District of Columbia, through the Commissioner of Education, who shall report annually to Congress its practical operation, and briefly the condition of common and industrial education as affected thereby throughout the country, which report shall be transmitted to Congress by the Secretary of the Interior, accompanying the report of his Department.

Mr. BLAIR. Mr. President, this is, in my judgment, among the most important public measures which have been considered by the Senate since the close of the war. It is, in fact, the logical consequence and true conclusion of the war. Had common schools been universal throughout the country there would have been no civil war; for intelligence among the masses of the people would have abolished the causes which led to it, and the chains of the bondmen would have dissolved like the mists of the morning in their warmth and light, instead of awaiting to be broken by the terrible hammer of Thor. Knowledge and virtue are the indispensable conditions of free government, and virtue without intelligence is of no avail, for while virtue is the natural if not universal fruit of knowledge, yet good intentions without knowledge are by a profound philosophy pronounced to be the very pavement of hell. So the restoration of the Union and the reconstruction of States with governments republican in form will be found to be but a bitter delusion unless the people throughout the whole country shall be made and kept sufficiently intelligent to know and to maintain their rights generation after generation.

As the National Government is republican in form, so its own existence depends upon the same conditions as the existence of the States; consequently in self-defense and in self-perpetuation it must secure directly by its own act or indirectly through other agencies the intelligence of its citizens, who are themselves the Government.

Beyond this, one of the most important constitutional functions of the General Government is its obligation to guarantee a republican form to the States.

If the General Government commits suicide by neglecting the education of the people, how can it fulfill its constitutional guarantee? And how can that guarantee of government republican in form be

made and kept good to the people of a State who are too ignorant to be capable of self-government.

Self-existence and the discharge of its constitutional obligations compel the National Government to educate the people, who are the common citizens of both the nation and the State, whenever the local community fails to discharge this primary duty of a free people.

Mindful of the time of the Senate, and having in the last Congress discussed this subject at some length, and having embodied somewhat of that discussion in the report of the committee on this bill, I shall confine myself on this occasion, unless the course of the debate shall hereafter render it necessary to do otherwise, to a statement of the facts in the existing situation of the country, which, in my opinion, require the appropriation of large sums of money by the nation to the temporary aid of common schools throughout the country, and to the explanation of the provisions of this bill, which undertakes to provide a suitable remedy for the alarming and increasing ignorance existing among the people at the present time.

First, then, of the evil.

The bill proposes to give temporary aid to common schools in all the States and Territories.

Common schools are the means everywhere adopted to educate the masses of the people, and the instruction and discipline obtained in them constitute all the preparatory school training which twenty-four twenty-fifths of the American people receive for the practical duties of public and private life. I say public life with no reference to the incumbency of political office. By the public life of an American citizen I refer to his life as a sovereign; to his constant participation in the active government of his country; to the continual study and decision of political issues which devolve upon him whatever may be his occupation; and to his responsibility for the conduct of national and State affairs as the primary law-making, law-construing, and law-executing power, no matter whether or not he is personally engaged in the public service as policeman or President, as any State official whatever, member of Congress, Chief-Justice of the United States, or a humble justice of the peace. In republics official stations are servitudes. The citizen is king.

But, since knowledge is power, it is obvious that the degree of education which the citizen must acquire is commensurate with the character and dignity of the station which he occupies by the theory of the government of which he is a part. By so much and so far as he is deficient he will fail, and either become a nonentity or a source of danger and misrule. The indispensable standard of education for the people of a republic, then, is far above the mere capacity to read and to write the language in common use in a limited or perfunctory way. The education obtained in the common school and imparted, if necessary, with compulsion by the State should be such as to enable the citizen sovereign to obtain and interchange ideas and knowledge of affairs as well as to transact intelligently and safely all matters of business in the avocations of life. Measured by this not too exacting standard, the degree of disqualification for the duties and opportunities of citizenship actually existing is far greater than is indicated by the common standard, which is considered to be the nominal capacity to read and write. This test is the one resorted to in taking the census as a test to measure the intelligence of the people; and its use for this purpose by the Government and its adoption as the condition of the exercise of the suffrage by some States have served to fix in the public mind a very low standard of education compared with that which should be set up in the common school. I am heartily in favor of universal suffrage, for a partially ignorant people, with a free ballot actually secured to them, will govern themselves better than they will be governed by kings and aristocracies.

But I desire to remind the American people that the more they know the greater will be their personal power and the better will they govern themselves.

If the American people suffer from innumerable and bitter ills which they can never remove until they know how it may be done, their first great step is so far to educate themselves as to obtain the knowledge from which will result the power to remove the evils of their civil, social, and industrial condition. It is therefore at once apparent that tabulated statements, such as we obtain from the census and like statistical processes, fall far short of completeness as indications of the actual educational condition of the people. It is certain that the school facilities which have hitherto existed have been wofully insufficient, since more than one-ninth of the adult citizens of the country are unable even to read and write. What unknown margin of ignorance lies above this indication and yet below the true standard of competency and educational qualification for the duties of citizenship we are left without definite means of judging, but we know that it is very great. This dark belt of indefinite width which, like an unsurveyed desert, lies beyond the well-defined boundaries of ignorance and incompetency should be constantly borne in mind as we proceed with the consideration of the subject.

During the decade from 1870 to 1880 the population of the United States increased from thirty-eight to fifty millions. A like percentage of increase since 1880, a period of four years, would give a present population of about 56,000,000 of people.

By the census of 1880 there were in the United States 36,761,607 persons 10 years of age and upward.

In round numbers now there are 41,000,000. In 1880 there were, over 10 years of age, who could not read, 4,923,451 persons, or 13.4 persons in a hundred, and now there are 5,500,000. In 1880 there were 6,239,958 persons over 10 years of age who could not write, or 17 persons in a hundred. Now there are 7,000,000 who can not write.

In 1880 there were 32,160,400 white persons in the United States, of whom 3,019,080, or 9.4 per cent., could not write. Now there are 3,500,000 white persons in this country who can not write.

In 1880 there were, of colored persons in the United States, 4,601,207 10 years old and upward, of whom 3,220,878, or 70 persons of every hundred, could not write. Now there are 3,600,000 colored persons in the United States over 10 years of age who can not write.

In 1880 there were white persons, over 21 years of age, 21,984,202; persons of whom 2,056,463, or 9.4 of every hundred, could not write. Now there are 2,313,521 white persons in the United States who can not write.

In 1880 there were 11,343,005 white males over 21, of whom 886,659, or 7.8 per cent., could not write. Now there are 1,000,000 white adults who can not write.

In 1880 there were 2,937,235 colored persons in the United States over 21 years of age, of whom 2,147,900 could not write, or 73.1 per cent. of every one hundred. There are now probably 3,500,000, as the colored population increases by births 7 per cent. faster than does the white from births and immigration.

In 1880 there were colored males over 20 years of age, 1,487,344, of whom 1,022,151 could not write, or 68.7 per cent. Now there 1,150,000 or more, all voters.

In 1880 there were white and colored male persons over 21 years of age, 12,830,349; of whom could not write 1,908,810. Now there are males over 21, 14,500,000, of whom 2,150,000 can not write. These include the voting population. Unnaturalized persons over 21 should be deducted. The average of immigration is now, however, as intelligent as our own population. That is a thought not familiar to our national contemplation. One voter in seven can not write. The percentage of illiteracy is something less among males than among the other sex, or there would be one voter in five unable to write. Of those who can write a large number can only, with great painstaking, contrive even to write their names. It is greatly to be doubted whether more than three-fourths of the voting population is capable of reading or writing with such facility as to make those arts a source of intelligent suffrage.

Nearly three-fourths of the illiterate voters of the country are in the sixteen Southern States. The same States contain about one-third the entire population. Iowa has 18,886 voters who can not write in a population of 1,624,615. Georgia has 169,505 voters who can not write, and a total population of 1,542,180—nearly ninefold illiterate suffrage in about the same population. In proportion to population, notwithstanding the great cities within her borders, New York has only one voter who can not write to five in South Carolina.

I take the following from the very able report made in the last Congress by the House Committee on Education and Labor:

The last census shows that there are 6,239,958 people of this country above the age of 10 years who can not write—12.44 per cent., or about one-eighth of our entire population. The census further shows that 4,713,395, or 75.56 per cent. of them, are in the recent slave States, which contain but 36.8 per cent. of the population of the country. In six of those States one-third or more of the population above the age of 10 years are illiterate, while in the Territory of New Mexico nearly one-half can not write. Of the white population of the country only 6.96 per cent. can not write, while 47.7 per cent. of the colored population are in that condition. More than one-fourth of the entire population of those States is illiterate.*

The committee call attention to the illiteracy of the voters in the late slaveholding States. The following table has been furnished the committee by the Superintendent of the Census. It shows the total number of persons of 21 years of age and upward, and also the number of that age and upward who are illiterate:

States.	Total number of males of 21 years of age and upward.	Number of males of 21 years of age and upward who can not write.		
		White.	Colored.	Total.
Alabama	259,884	24,450	96,408	120,858
Arkansas	182,977	21,349	34,300	55,649
Delaware	38,298	2,955	3,787	6,742
Florida	61,699	4,706	19,110	23,816
Georgia	321,438	28,571	116,516	145,087
Kentucky	376,221	54,956	43,177	98,133
Louisiana	216,787	16,377	86,555	102,932
Maryland	232,106	15,152	30,873	46,025
Mississippi	238,532	12,473	99,068	111,541
Missouri	541,207	40,655	19,028	59,683
North Carolina	294,740	44,420	80,282	124,702
South Carolina	205,789	13,924	93,010	106,934
Tennessee	330,305	46,948	58,601	105,549
Texas	380,476	33,085	59,669	92,754
Virginia	334,505	31,474	100,210	131,684
West Virginia	139,161	19,055	3,830	22,885
Total	4,154,125	410,550	944,424	1,354,974

*The ability to *write* is considered by statisticians the true test of illiteracy, as many persons through shame will not admit they can not read, but are not so likely to claim that they can write. Besides, a person who can read and not write is essentially an illiterate.

The following statement, showing the ratio of illiterate males of 21 years of age and upward to the whole number of males of the same ages in the States named, is derived by the committee from the preceding table. There being but few foreigners in those States, nearly all of those persons are citizens of the United States and voters:

Ratio of illiterate males 21 years of age and upward.

Alabama	46.7
Arkansas	30.4
Delaware	17.6
Florida	38.6
Georgia	45.1
Kentucky	26.0
Louisiana	47.4
Maryland	19.4
Mississippi	46.7
North Carolina	42.3
South Carolina	51.9
Tennessee	31.9
Virginia	39.3
West Virginia	16.4
Missouri	11.0
Texas	24.3

The average ratio of illiterate males of the ages named in the above States is 32.3.

Of the above illiterates 69.7 per cent. are colored, and 30.3 per cent. are whites.

In ten of the above-named States more than 30 per cent. of the voters are illiterate.

In six of them the illiterates are about 50 per cent.

In South Carolina 52 per cent. are illiterate.

The State of Alabama has 120,858 illiterate voters. Its popular vote in 1880 was 151,507.

The State of Georgia has 145,087 illiterate voters. Its popular vote in 1880 was 155,651.

The State of Mississippi has 111,541 illiterate voters. Its popular vote in 1880 was 117,078.

The State of Louisiana has 102,932 illiterate voters. Its popular vote in 1880 was 97,201.

While it is true that in many of the States not one-half of those entitled to vote actually did so, yet the wonderful nearness of the number of illiterates to the number of those who exercised the right of suffrage is startling.

The truism that no government which rests upon universal suffrage can long continue unless the suffragists are intelligent, in the light of the above facts presses itself upon our attention with renewed force. The words of James Madison, uttered in 1826, are a present warning: "A popular government without popular information or the means of acquiring it is but a prologue to a farce or tragedy, or both." Nearly half a million of the white and almost a million of the colored voters in the South can not read the ballots which they cast. But thirteen years have elapsed since the latter class was given the ballot. At that time all of them were grossly ignorant not only of letters, but also absolutely devoid of all knowledge of the rights and obligations of citizenship. During the last ten years the number of illiterates in the country has increased about 400,000, though the percentage of illiteracy to the whole population has decreased nearly 2 per cent. It would, however, take forty years to dispel this illiteracy at this rate of diminution.

There are 145,000 illiterate voters in North Carolina, and 117,000 in South Carolina. I clip the following from the National Republican of last winter:

The percentage of illiteracy to the voting population of the Garfield States in 1880 was less than 6; in the Hancock States it was 29.

About five times greater.

It is true that about 69 per cent. of the illiterate voters in the old slave States are Republicans, but it is also true that nearly that per centum of the illiterate vote was suppressed.

Suppressed, it is true; but it could not have been if intelligent.

Alabama has 120,858 illiterate voters; the popular vote of that State in 1880 was 151,507. Georgia has 145,087 illiterate voters; the popular vote there that year was 155,651. Mississippi has 111,541 illiterate voters; her popular vote in 1880 was 117,078. Louisiana has 102,938 illiterate voters, and cast 97,201 votes.

Mr. MORGAN. I suppose the Senator from New Hampshire knows that the great body of the illiterate men in Alabama voted for Garfield, and not for Hancock.

Mr. BLAIR. I stated that. The Senator will find as I go on that my remarks are not prepared with any idea or feeling of self-glorification for the section of country that I belong to. I have endeavored to simply state the facts.

By the Census (table 40) Compendium, page 560, it appears that the total number of white males over 21 years of age in the country in 1880 was 11,343,005; native-born, 8,270,518; foreign-born, 3,072,487; colored, including Japanese, Chinese, and Indians, 1,487,344; making a total of 12,830,349.

The question of the suppression of the Republican vote in the South is one that I did not propose to introduce into the debate, and it is one on which there is something perhaps to be said on both sides, if it were before us.

In 1880 there were 105,465 Chinese, 148 Japanese, and 66,407 civilized Indians. I am aware of no means by which the actual number of voters in the United States can be ascertained, but if we add to the total of male population over 21 years of age one-eighth of the total of 1880 we have 1,603,793, and in all at this time 14,434,142. Assuming one-half the foreign-born males of voting age to be naturalized, we have a voting element as follows, making allowance for increase of one-eighth in each element since the census was taken: Native-born white voters, 9,203,332; foreign-born white voters, 1,728,274; colored (excluding Chinese, Japanese, and Indians), 1,479,739; total voting population of the United States in 1884, 12,411,345; or in round numbers there will be 12,500,000 men whose ballots will or may decide the next Presidential election.

The percentage of illiterate white males over 21 years of age by the census of 1880 is 7.8, and of colored the rate is 68.7. There is no perceptible change in this percentage for the better, judging from the fact that the illiterate population increased, according to a statement of the Commissioner of Education, between the years 1870 and 1880, 581,814 persons. There is some confusion in the data, but I think there was an increase during that period substantially as estimated by the Commissioner. We have then at the present time an illiterate white voting population of 852,665; illiterate colored voters, 1,016,580; total illiterate voters, 1,869,245.

Generally the number is placed at more than 2,000,000. Such estimates can never be more than approximately correct, but they are in my belief practically greatly understated, because the technical qualification of being able to write one's name, however crudely, is very slight evidence of capacity to comprehend political issues or to discriminate intelligently between candidates for public positions.

This observation derives special significance when it is still further considered that the enumeration must of necessity rely generally as to the possession of even this qualification upon the verbal statement of the party concerned, who is not likely to make an unpleasant admission of incapacity against himself.

I do not believe that more than two-thirds, or at the most three-fourths, of the voting population of this country is to-day in possession of a degree of proficiency in the arts of reading and writing that qualifies them, through the use of those arts, to exercise the right of suffrage more intelligently than do total illiterates. The school education of great multitudes is nominal, not real.

I purposely omit further data as to the distribution of the illiterate vote. If it were uniformly dispersed it would be less dangerous. But concentrated as it is in masses at points along the line, while intelligence can never be too strong anywhere, and considering that a majority of one in Florida or in Oregon may decide the most important of national elections and determine the future history of the whole country, I for one find it impossible to sleep in peace over this volcano.

As will be seen by reference to tables in the report of the committee and to the census the school age varies greatly in different States. In some it is from 5 to 15, in others from 4 to 21, and with great diversity between those extremes. In a speech in support of a measure, substantially the same as this, made in the Senate June 15, 1882, after careful consideration, I stated the number of our population who should be in schools as, in my opinion, 18,000,000. I believe it to be now 20,000,000. By the census of 1880 the number within the school ages was 15,303,535. Of this number were then enrolled, that is, their names were on some list of pupils, 9,780,773, leaving 5,522,762 not attending school anywhere. But there were 567,160 enrolled in private schools, making a total of 10,347,933 enrolled in all schools of the country, both public and private, and leaving 4,955,602, or nearly one-third, of the legal school population not attending either public or private places of instruction.

If, now, the total enrolled in public and private schools be increased one-eighth, as in previous calculations, we have a present school population in process of mental training of 11,641,424. If I am substantially correct in assuming a present population of 20,000,000 who should be either in public or private schools, from our total of at least 56,000,000 now living in this country, there will remain 8,358,576 who do not attend schools of any kind whatever, unless it may be of liberal or professional training. Making all allowances which can be reasonably claimed, there must be 8,000,000 of less than 21 years of age who are not enjoying school privileges of any description whatever. But look still further, in order that we may judge of the efficiency of our system in dealing with those actually enrolled. By the census, out of the 9,780,773 on the public school registers, there was an average daily attendance of 5,804,993; so that the real fact is that the net educational result is the same as though the latter number had attended the whole school period yearly, which is perhaps five months of the twelve in the whole country, and 9,499,542 had not received a single hour of school instruction for the year.

If the present average daily attendance in public and private schools be ascertained by adding one-eighth to the aggregate of 1880, to wit, 5,804,993, plus two-thirds the enrollment in private schools (which we may fairly assume to be the average daily attendance, or, to be liberal, 400,000 pupils), we have 6,204,993 increased by 775,623, or a total of 6,980,616, or say 7,000,000 in round numbers. Deducting this number from 20,000,000, and we have the same general result upon the educational status of our school population as though 13,000,000 of the 20,000,000 did not attend school at all.

Of course this calculation is of little value save as it affords a means of comparing our real condition with what it would be if the whole school population should attend constantly five months yearly between the ages of 4 and 21 years. Making every possible allowance for professional and other forms of special training, I do not believe that there is an average daily attendance of 10,000,000, or one-half our population, between the above-named ages twenty weeks of the year. I do not think there are sittings or accommodations of any kind, no matter how primitive and inexpensive, for one-half our school population. We have now less than 300,000 teachers and an average of more than 66 pupils for each. We require at least 200,000 more, and both the professional standard and the pecuniary compensation of the body as a whole should be very much raised.

In table 136, page 1640, part 2 of Compendium, the whole number

of teachers employed at one time is set down at 236,019; the total number who attended school during the year 1880 at 9,946,160, and the average daily attendance 6,276,398. The whole number of public schools, elementary and high, is placed at 225,880; the number of school buildings 164,832, and the whole number of sittings provided 8,968,731. The data I have relied upon in making these calculations have been derived in part from the census and in part from the returns of the Bureau of Education, which are collected with great care.

I propose now to state a few well-authenticated facts in regard to the actual condition of common-school education in different portions of the country.

The Louisiana Educational Society has just memorialized Congress upon the subject of national aid to common schools, praying for an appropriation. Their petition, presented by Senator GIBSON, is printed at length in the RECORD of March 11, 1884. It is such an admirable though distressing statement of the situation that I will ask the Secretary to read it to the Senate.

The Secretary read as follows:

OFFICE OF THE LOUISIANA EDUCATIONAL SOCIETY,
New Orleans, March 4, 1884.

To the honorable the Senate
and House of Representatives in Congress assembled:

We beg leave to lay before you, on behalf of the State of Louisiana, the following statement of facts, and to submit this memorial:

The report of the superintendent of public education of the city of New Orleans for 1881 showed a total school population (6 to 18 years of age) of 61,456; a total enrollment in the public schools of the city of 24,401; and an average daily attendance in December and January (which were the months of largest attendance) of 17,135.

Although the number of educable children has largely increased since then, the superintendent reports for January, 1884, the enrollment to be only 14,482, with an average attendance of 11,070.

With an allowance of 10,000 in private and parochial schools (which is a large estimate), we still have 36,974 children in New Orleans receiving no educational instruction whatever.

The census of 1880 shows an average attendance of 15,190 (which included the months of most meager and the largest attendance). Thus you will see at a glance the large decrease in the number being educated, although the population is steadily increasing.

A corresponding retrogression exists throughout the State, and it may be safely affirmed that of the 273,845 school population of Louisiana (census of 1880) not more than 30 per cent. of them attend either public, private, or parochial schools.

In the fifteen Southern States, including the District of Columbia, the census of 1880 shows that there are 2,702,835 (white and black) of the 5,703,216 school population not enrolled in schools, and notwithstanding the efforts made by the people of these States and the generous contributions from private sources in the North for educational purposes the number of children unenrolled in the schools and the illiterates continue to increase.

The State and city have done much toward public education, but the illiterates are such a large proportion of the population, and poverty is so widespread, that the taxable property can not bear such a burden as must necessarily be imposed to provide for and sustain public schools.

We are aware that, in so far as ignorance is the source of pauperism, crime, and a want of thrift, the State is chiefly interested and the Federal Government indirectly only, but there is a common ground on which Federal and State interests meet and blend. Good government is necessary for both, and it is equally the duty of both to see that the citizen is made capable of performing the duties of citizenship intelligently, fearlessly, honestly. Said one: "Honest enough, brave enough, and keen enough to resist corruption, defy violence, and defeat fraud."

Both are alike interested in making the masses of the people sufficiently intelligent to understand what constitutes the greatest good for the greatest number; and to comprehend also the converse of the proposition, that the good of the greatest number is the highest and best interest of the individual citizen.

We believe that the very life of the Republic and the preservation of the liberty it vouchsafes depend upon the intelligence of its people, the universal education of its citizens; that as their illiteracy increases so do the dangers to our country multiply.

In the words of Senator BLAIR: "Education, physical, intellectual, and moral, is the primal necessity." The fathers and founders of our Government so considered it. They thought that a republic could stand only on the intelligence and virtue of its citizens.

Our danger is imminent and increasing. France in 1870 realized that it was not the needle-gun but educated Germany which so quickly brought her to defeat and submission. She was taught a bitter lesson, by which she is now profiting, Since then she has largely increased her taxation for public schools, made elementary schooling free and attendance compulsory. Let her history teach us to educate our children, be they white or black.

But this can only be done with the liberal aid of the National Government, and unless it comes to our assistance the condition of our educational work must grow steadily worse.

We believe that a very large sum is necessary to meet the great need of the country. A bill before Congress proposes to give $15,000,000 for the first year and to decrease the appropriation $1,000,000 each year during a period of ten years, dividing it according to the number of illiterates in each State.

We trust that some such measures may meet your approval. Some such measures are necessary to stay and roll back the tide of illiteracy in this and other States of the South, which now finds no barriers strong enough to resist it. We believe it to be the duty of Congress to make some such appropriation, and on behalf of our State we ask it to do so.

Washington, Adams, Jefferson, Madison, Monroe, declared the necessity for and the importance of public education. Said the latter in his inaugural address of 1817: "Let us by all wise and constitutional measures promote intelligence among the people, as the best means of preserving our liberties."

Presidents Grant, Hayes, Garfield, and Arthur have severally recommended it, and President Garfield said: "All the constitutional power of the nation and of the States should be summoned to meet the danger by the saving influence of universal education."

With our poverty upon us and dangers before us we appeal to Congress to do all that can constitutionally be done to aid in the education of youth, so that we may reap the fruits of industry, integrity, and intelligence.

LOUIS BUSH, *President*,
E. T. MERRICK, *Vice-President*,
I. L. LEUCHT, *Secretary*,
CARTWRIGHT EUSTIS, *Treasurer*,
R. H. BROWNE,
J. C. MORRIS,
JAMES McCONNELL,
R. M. WALMSLEY,
STANFORD E. CHAILLE,
Executive Committee Educational Society of Louisiana.

R. H. BROWNE, *Chairman*,
JAMES McCONNELL,
S. S. CARLISLE,
SYLVANUS LANDRUM,
B. T. WALSHE,
WARREN EASTON,
J. W. NICHOLSON,
Committee on Memorials.

Mr. BLAIR. On Friday, March 24, 1882, a committee of the National Educational Association appeared before the Committe on Education and Labor of the Senate and House of Representatives, to urge national aid to public school education. This association comprises the superintendents of public instruction of the States and Territories and a large number of the principal educators of the country.

The committee of the association consisted of Hon. G. J. Orr, of Georgia; Hon. M. A. Newell, of Maryland; Hon. J. H. Smart, of Indiana; Hon. Hugh Thompson, of South Carolina; Dr. J. W. Dickinson, and Hon. B. G. Northrop, of Connecticut.

This committee presented at the hearing another memorial already prepared by representatives of the great religious denominations of the land, of the trustees of the Peabody fund, and of missionary and educational institutions, which memorial they indorsed and urged upon the consideration of Congress and the country.

I ask the Secretary to read the memorial.

The Secretary read as follows:

A MEMORIAL TO CONGRESS.

The undersigned earnestly call the attention of Senators and Representatives to the following facts and suggestions with reference to governmental aid to common schools on the basis of illiteracy.

The following table is based upon the estimates of the Bureau of Education. In the sums raised by the States interest on the invested funds is not included, except in a few States. The table is not exhaustive, but only illustrative:

States.	Total population, 1880.	Total illiterates 10 years and over who can not write, 1879.	Colored illiterates 10 years and over who can not write, 1879.	Total of State and local taxes for common schools, 1879.	What this gives for an average school of 30 pupils per annum.	Total sum that a fund of $3 per capita for illiterates would give the State.	How much of this because of colored illiteracy.	How much of it to white illiteracy.
Alabama	1,262,505	433,447	321,680	$250,000	$17 00	$1,300,341	$965,040	$335,301
Iowa	1,621,615	46,609	.....	4,227,300	.....	139,827	.....	139,827
North Carolina	1,399,750	463,975	271,943	314,719	20 00	1,391,925	815,829	576,096
Wisconsin	1,315,097	55,558	.....	2,223,581	.....	166,674	.....	166,674
Kentucky	1,648,090	348,392	133,895	947,392	76 00	1,045,176	401,685	643,491
Michigan	1,636,937	63,723	.....	2,453,831	.....	191,169	.....	191,169
Arkansas	802,525	202,015	103,473	189,080	28 00	606,045	310,419	295,626
Connecticut	622,700	28,424	.....	1,276,667	.....	85,272	.....	85,272
Louisiana	919,946	318,380	259,429	450,000	42 00	955,140	778,287	176,853
Kansas	966,096	39,476	.....	1,276,786	.....	118,428	.....	148,428
Georgia	1,542,180	520,416	391,482	471,089	27 00	1,561,248	1,174,446	381,862
Massachusetts	1,788,085	92,980	.....	4,372,286	.....	278,940	.....	278,940
South Carolina	995,577	369,848	300,071	440,110	36 00	1,109,544	930,213	179,331
Minnesota	780,773	34,546	.....	1,361,526	.....	103,638	.....	103,638
Maryland	934,943	134,488	90,172	1,210,977	275 00	403,464	270,519	132,948
Maine	648,906	22,170	.....	820,860	.....	66,510	.....	66,510
West Virginia	618,457	85,373	10,139	703,185	247 00	256,128	30,417	225,711
Nebraska	452,402	11,528	.....	786,963	.....	34,584	.....	34,584
Tennessee	1,742,359	410,722	194,495	698,776	51 00	1,032,166	583,435	648,781
New York	5,082,871	219,600	.....	9,675,992	.....	658,800	.....	658,800
Virginia	1,512,565	430,452	315,660	1,261,975	87 00	1,291,056	941,780	344,076
Ohio	3,198,062	131,847	.....	6,714,086	.....	395,541	.....	395,541
Mississippi	1,131,597	373,201	319,573	334,769	26 00	1,119,603	959,529	160,344
New Jersey	1,131,116	53,249	.....	1,742,198	.....	159,747	.....	159,747
Florida	269,493	80,183	60,420	104,530	39 00	240,549	181,260	59,289
New Hampshire	346,991	14,302	.....	544,716	.....	42,906	.....	42,906
Missouri	2,168,380	208,754	56,244	2,163,330	310 00	626,262	168,732	457,530
Illinois	3,077,871	145,397	.....	6,735,478	.....	436,191	.....	436,191

We respectfully suggest:

1. The help should be so given that it will stimulate rather than supersede the necessity of State effort.

2. It should be help for the common schools; temporary aid in the training of teachers perhaps, but chiefly in giving them opportunity to teach. "The safety of the Republic is the supreme law of the land." This is the maxim which not only justifies but demands action on the part of the General Government, and it should also suggest the limitations under which the action should be taken.

3. The help should be immediate and not remote. The fortunes of war and the necessities of legislative action have made citizens of a large mass of ignorant men, whose votes are to shape, for weal or woe, the character of our laws. Education alone can convert this mass of ignorance and element of danger into one of enlightened strength and safety.

Largely more than one-half of a fund for the education of the illiterate would go to the South for negro illiteracy; less than one-fourth because of white illiteracy. If Congress should create a fund which would give $3 per annum per capita for the education of this class alone, it will require an aggregate annual sum of $18,719,958. Of this, Mississippi, *e. g.*, would receive $1,119,603; but of this $959,529 would be for colored illiterates and $160,344 for white illiterates.

Representing an educational work in the South chiefly for the negro race, in which have been expended about $10,000,000, and speaking with a wide knowledge of facts, we emphatically assert the impossibility of accomplishing this great work unless the General Government shall come to the assistance of those States in which this illiteracy is chiefly found.

Every dollar we have expended expresses the conscientious and earnest desire of the donor that this work shall be done, and is an emphatic vote for the action for which we ask.

In the name of the millions of Christian citizens whom we represent we earnestly urge Congress to help qualify the ignorant voters who are intrusted largely by Congressional action with the ballot for the duties with which they are charged, believing the power to do this is co-ordinate with the power that enfranchised them.

REV. M. E. STRIEBY, D. D.,
American Missionary Association; Congregational.
REV. J. C. HARTZEL, D. D.,
Secretary Freedmen's Aid Society; Methodist.
REV. H. L. MOREHOUSE, D. D.,
Home Missionary Society; Baptist.
REV. SHELDON JACKSON, D. D.,
Home Missionary Society; Presbyterian.
REV. J. L. M. CURRY, D. D.,
Agent of the Peabody Fund.
PROFESSOR C. C. PAINTER,
Fisk University, Nashville, Tenn.
S. C. ARMSTRONG,
Hampton Institute, Virginia.

WASHINGTON, D. C., *March*, 1882.

Mr. BLAIR. I call attention to these signatures, not only on account of the great personal worth of the men themselves, of the superior position which they occupy as individuals in the country, but on account of the representative capacity in which they have signed the memorial. These denominations are also organized into a national educational assembly, which has had two annual meetings, of which Bishop Simpson is the president. It is proper that I should observe here that there is a substantial combination of all the great religious bodies of the country, at least in the Northern States, who have one specific purpose, and that is to urge upon Congress the appropriation of national money in the direction of general education.

The hearing which followed is to be found reported in full in Miscellaneous Document 55 of this session, to which I refer the Senate, but from which I wish now to quote a few of the more important statements made on that occasion. Superintendent Orr, of Georgia, addressed the committees as follows:

Mr. Chairman and gentlemen of the committee, the duty assigned me on this occasion is a very simple one. I have been laboring in this work in my State for the last ten years.

I desire to say that Superintendent Orr can speak with larger and more reliable authority probably from the standpoint of an educated, energetic, and patriotic Southern man upon this subject than any other man whatever in the whole country. I consider his statements as of very special significance, and entitled not alone to the attention of the Senate but of the entire country; in fact all that I shall read, much to the weariness, I trust not to the disgust, of any members of the Senate, will be from representative men, who are much better authority on this subject than anything I might state. Mr. Orr said:

I have been the representative of the Department of Education since 1872. I do not propose to detain the committee by any lengthened remarks. I propose to give you, gentlemen, some plain facts showing our condition, showing our necessities, showing the temper and spirit of our people, and I feel that when I do this, when I put before you the condition of the State of Georgia, I shall have given you a type of what prevails throughout the entire South.

In the year 1860, when one of the honored Senators from my State now present was our chief executive, the tax returns, according to the documents in the office of the comptroller-general, summed up 672,000,000. After I entered the office which I now have the honor of filling I went to the files of that office for the purpose of trying to ascertain the aggregate value of property at the first return made after the war. I found it to be $170,000,000. The property of the State was thus reduced $500,000,000 in value. This made a great change in the condition of the State, as you may well know; but this does not represent fully the change. It lacks a great deal of it.

I will put before you, gentlemen, a few other considerations which will show more fully the great change which was wrought. Everything that we had accumulated during the four years of the unhappy struggle in which we engaged was invested in confederate securities, and was held in the shape either of bonds or of confederate currency. Thus what remained of the labor of four years, after the devastation of your army and the support rendered ours, was blotted out in one hour. Hundreds, thousands, and tens of thousands of the best men in the State of Georgia were thus left in a condition in which, under the old postal laws of the United States, when postage was paid at the place of delivery, they could not have taken a letter from the post-office. You will very readily understand, then, how we were situated as to our capacity to commence life again.

Not only this, but the whole labor system of the country was thrown into disorganization. The agriculturists had no means of going to work again, and we are an agricultural people, as you well know. They had no capital to begin with. They had to borrow. They had to give a lien upon the products of the soil in order to enable them to pay the debts, and those who held the capital exacted exorbitant interest. Our farmers and agriculturists have been paying from 50 to 100 per cent. for advances. Having their noses thus put to the grindstone, they have been kept there up to the present time, for every intelligent man knows very well that farming can not be conducted successfully when the capital used in it costs such a percentage. The lack of resources and the utterly disorganized condition of the labor of the country put us in a very helpless condition.

Let me glance for a few moments at certain other facts. We had in the State of Georgia two kinds of citizens—those who had always been citizens, and a number of persons, very nearly equal, who had been made citizens as a result of the war. The last school enumeration, which was taken four years ago, showed that we had 198,000 colored school children in the State. The entire school population is 433,444. The difference will show you how many are colored; nearly half, you will see.

Let me say a few words about the colored people. They were made free without resources. They had no capital; they had no habits that would lead men when thrown upon their own resources to accumulate capital. They have been gathering capital gradually, until I am very glad to report that the last return of the property of the State showed that there were in the hands of the colored people of that State some $6,000,000 worth of property. I think the colored people of my State have done nobly; I say it here to their credit. But the point I am now making is the immense burden which was put upon us. I do not give you an idea of that burden by telling you the number of persons who were suddenly made free without resources. That does not give you an idea at all.

There is no means of getting at the number exactly, but I think at least one-half of the white population was in the same condition, utterly wrecked, ruined financially by the results of the unfortunate struggle in which we had engaged. For one, I want to see the last remains of that struggle forever buried so deep that the hand of resurrection will never bring them up again. I think it becomes us of this generation to begin to think about living for the future, to forget the past. We have a great country, and here we must dwell; our people want to dwell with you in unity and harmony. I know what I say; I have visited in the course of the administration of my office almost every county in the State of Georgia. I have made two hundred addresses to the people. I have stated to you the difficulties now. I know the condition; I know the spirit of the people, their present sentiment. I know it from mingling with them in their cottages and in their cabins, for I have visited the colored man as well as the white man. I have mingled with all; I know their feelings.

I want to say to you, gentlemen, that in the State of Georgia, under my administration of ten years, the entire loss of school fund will not foot up more than about $6,000. In an administration covering ten years there has not been a single dollar misapplied with that exception that I know of. We try to make it do the greatest possible amount of good. We try to manage it with the greatest economy. We admit to our schools all who want to enter them. We commenced in 1871 with a school attendance of 48,000. We have gone gradually upward. My brethren here will excuse me for using the same illustration which I did before the association when in session. One of the fathers, a man contributed to us by New England, one of our most honored men in the early history of that State—I allude to Abraham Baldwin—in speaking once of central power, illustrated it by that wonderful power known as the screw. He stated that at every revolution it gained a little and it held all it gained. I quote his illustration, not making the same application of it; I make a very different one.

We have gained at every revolution a little in Georgia, and we retain all that we gain. We are moving steadily forward. We commenced with an attendance of 48,000 the first year. The second year we had 83,000, the next year 136,000, the next 156,000. I shall not follow the statistics along. Year before last (my year's work has not been footed up, as the returns are not all in) we went up to a school attendance of 236,000. We have never failed to gain as much as 9,000 in any year. We have gone over that in attendance every year, and the colored people have proceeded *pari passu* with the whites in their attendance. They commenced with 6,000 and went up, according to the last return, to 86,000 colored children in our schools. There is no discrimination made; no man can afford to do it in an office in my State. So strong is the school sentiment in favor of the administration of exact and equal justice that no man can afford to do it. We are struggling to do the very best we can with our limited means.

I have read a good deal on the subject of the school history of this country and of the different States. In addition to that, I have been giving my attention to this great subject of the education of the races for eleven or twelve years. I have been reading whatever fell into my hands, and you will excuse me when I say that considering the circumstances in which we were placed, the great disadvantages under which we labored, the immense difficulties which we had to contend with—considering all these things and considering the work achieved, I do not believe the equal of it has been done in any State of this Union in any time during the past. If it has, it is not within my knowledge. We have wrought a marvelous work, but we are unable to do what ought to be done. We come to you and ask the interposition of the strong arm of the Government, the Government of your fathers and of our fathers, for we are one of the old thirteen. We stood shoulder to shoulder with you in that contest, and I want to say here today that if another contest shall arise our people will stand by the people of New England and the people of the Middle States in supporting the power and the authority of the Government of the United States.

Gentlemen, I do not know that I could state anything further that would be of service to you. I wish to add that I was greatly gratified when my brethren here from New England, and from the great Northwest, and from the Middle States, and from the Southern States, met in council, and when we sat down as brethren, and when we agreed almost unanimously upon every point to be submitted to this committee for consideration. We are practically a unit, and on all of these recommendations the men from all portions of the country agree.

Now, gentlemen, begging pardon for taking up so much of your valuable time, and thinking that it is proper for me to yield to others who may have something to say on this occasion, I shall conclude by asking, as I know I shall have, the candid consideration of this great question of the education of the masses, greater than questions of commerce, than questions of currency, than questions of tariff, than questions of constitutional law—greater than any questions that statesmanship will have to contend with and settle, because we make the people, and without the people we can have nothing else. We make the men and women of the country. I shall say nothing further.

Representative Updegraff, now dead, asked this question, to which Mr. Orr responded:

I should like to ask the honorable gentleman whether the average time of continuance at school has increased?

Mr. ORR. Our last Legislature succeeded in adding about $100,000 to the fund. We shall have this year very nearly $600,000 to operate with. We shall be able to run our schools in many of the counties absolutely free for four months of the present year—that is my estimate—and in all of them paying the entire expense for three months. We are adding just as rapidly as we can.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business, which the Chair believes is the bill to which, by the unanimous consent of the Senate, the Senator from New Hampshire is now addressing himself. It is now before the Senate in its own right

for consideration. The Senator from New Hampshire is entitled to the floor.

Mr. BLAIR. Hon. Hugh Thompson, of South Carolina, was before the committee and made the following statement from his standpoint as a prominent citizen of that State, and as superintendent of public instruction, I think, at that time:

Mr. Chairman and gentlemen of the committee, in presenting the view of South Carolina I shall ask to call the attention of the committee to three points:

First. That the State of South Carolina is now doing all in her power for public education.

Secondly. That it is impossible in her impoverished condition for her to furnish the means of education to the masses of the children; and

Thirdly. That the aid we ask for, if granted at all, should be granted immediately.

I have brought here some figures from the school returns of South Carolina which I wish to read, and as I have no set speech to make to the committee, I shall be glad to answer any question that any member of the committee may wish to ask. An interruption will not interfere at all with the line that I shall take.

I call the attention of the committee, first, to the fact that in 1877, when I took charge of the department of education in South Carolina, the first thing I did was to call for a statement from the different counties of the amount of past indebtedness, known as the school indebtedness. I was aware that it was large, but I was surprised to find when the returns came in that we had upon us a debt of $210,000 due against the school fund. This debt at that time of $210,000 was supposed to be the full limit, but upon subsequent investigation it turned out to be much larger. During the period from 1877 until the present time we have been attempting to pay off this debt. In some of the counties the debt has been entirely liquidated, and there are not more than one or two counties now remaining in which there is any considerable debt to be paid. But that debt has hampered us in every move we have made to strengthen and develop our public-school system. In addition to that we have a debt of $191,800, known as agricultural land scrip. There was not one cent of that money to be found in the treasury; the last dollar of it had been misappropriated. That fund, too, has been restored.

The committee will observe, therefore, that we have paid a debt of over $400,000, money that ought to have been used for elementary and higher education, and that we have thus been hampered in our attempts to make the school system as strong as it might otherwise have been.

The assessed value of the property of South Carolina to-day is nearly $138,000,000. We have three sources of revenue from which our school-tax is derived. First, it comes from a constitutional tax of 2 mills on the dollar upon all the taxable property of the State. The amendment to the constitution making this a part of the organic law of the State was adopted in January, 1877. Observe, gentlemen, that this is part of the organic law; it is not subject to changes by different Legislatures. We are glad to state that each year the income from this source grows larger and larger as the assessed value of property is raised.

The second source from which we derive an income is from the poll-tax. There are in the State of South Carolina, on the books, 140,000 polls, and the poll-tax there is $1 a head. We have never succeeded in collecting more than $114,000 from this source, owing to the fact that a large number of the voters of the State are entirely without property, and we can not enforce the collection of even the $1 per head.

The third source from which we derive our revenue is local taxation. This mode of raising taxes is becoming more and more in vogue each year. At each session of the Legislature we find different towns coming forward and asking permission to levy additional taxation.

The misuse of the public money during the first years of the school system, from 1868 to 1877, and especially the abuse of power under the local-tax laws, is one of the great obstacles that the school men of South Carolina have had to contend with, because we are constantly met with the charge that the thousands of dollars that were wrung from the people within the period named were misapplied, were stolen and misappropriated, and that this public-school system is only an engine of taxation, the money for which will not be carried into the channels for which it was intended. I believe, though, that this spirit is rapidly passing away. As I said the other night before the association of superintendents, I am convinced that if to-day the question of maintaining the public-school system of South Carolina were submitted to a vote of white citizens alone, by a very large majority they would be in favor of maintaining it and strengthening it and of developing it so far as may be in their power.

I should like to call the attention of the committee, in order to show what the State is doing in this respect, to a brief comparison of the taxes collected for the different purposes in South Carolina. The whole of the State tax, in round numbers, is $629,000. The proceeds of the county taxes are about $800,000, making a total of nearly $1,500,000. The proceeds of the school and poll taxes, according to the last return of the comptroller-general, were $465,000. In other words, the school tax of South Carolina is about one-third of all the other taxes that are collected in the State. The assessed school tax was $465,000. Of course the actual amount collected was a little less than that, being about $425,000, because there were a good many delinquent taxes.

In addition to this the State now makes an appropriation of $24,000 for the University of South Carolina. That university has two branches, the old South Carolina College at Columbia, for the whites, and the Claflin College at Orangeburg, for the colored. The Claflin College is partly supported from benefactions by benevolent persons at the North; but these two institutions for the higher education of white and colored are maintained by the State at an annual cost of about $24,000. In both these institutions instruction is free; no charge whatever is made for tuition. In the Claflin school at Orangeburg we have a normal department for teachers, which is each year turning out successive bodies of skilled and trained teachers, who are doing estimable work for the colored. In addition to this the State has recently made provision for the re-establishment of its military academy, appropriating $15,000 this year for that purpose. In this military academy there will be supported now, as before the war, two cadets from each county, who pay nothing whatever. They are supported in full by the State, and they are required to teach two years in the public schools of the State after their graduation. There will be another class of young men in the institution known as pay cadets, who will pay moderate tuition for themselves, and will not be required to render any service. They will pay their way through the institution. Besides that we have the normal institute, supported by the State, this year an appropriation of $1,500 having been made for that purpose.

You will observe, therefore, gentlemen, that we are appropriating now about $465,000 for elementary education in South Carolina and a little over $40,000 for higher education, making a total of more than half a million dollars which South Carolina is devoting to this purpose, with an assessed valuation of property of but $138,000,000.

I should like to call the attention of the committee to another comparison. The whole expense of the State government of South Carolina for the last year, inclusive of interest on the public debt, was $238,575. The expenses for the maintenance of the charitable institutions, there being but two, an asylum for the insane and one for the deaf and dumb, were $116,164. Therefore the expense of public schools and of charitable institutions was $581,164. For these purposes South Carolina appropriates two and a half times as much as she does for the whole expenses of her State government. For public schools alone she appropriates twice as much as she does for all the expenses of the State government. I mention these facts in support of the position which I take that the State is doing all that she can do for the maintenance of her public schools.

I now desire to call the attention of the committee to the second point I make, which is that the State of South Carolina is unable because of her impoverished condition to give proper instruction to all classes of her people. The scholastic population of the State—children between 10 and 16 years of age—as made by the returns of the county school commissioners in 1875 (I have been unable to get the returns of the census, which are more accurate, and I doubt not will show even larger figures than these) was, whites 85,678, colored 152,293, making a total of 237,971 children. The school attendance in South Carolina for the year 1880-'81 was, whites 61,339, colored 12,119, making a total of 73,458 at the public schools. The expenditure per capita of school population is $1.95, the expenditure per capita of school attendance $3.50. I call the attention of the committee to the fact that while these schools are free and open to all and no distinction is made on account of race or color, according to these returns (which are inaccurate, because I believe they are below the truth), we have 100,000 children in the State of South Carolina whom we are unable to educate for the want of larger means. The number of public schools in the State last year was 3,057, the number of white teachers 2,026, the number of colored teachers 1,223, making the total number of teachers 3,249.

Taking the illiteracy of South Carolina shown by the return of the last census, which I had an opportunity of observing last night, the ratio of white illiterates to the whole population is 7.77 per cent.; the ratio of colored illiteracy to the whole population is 33.09. I maintain that as far as controlling the white illiteracy in the State is concerned, South Carolina is able, ready, and willing to control it; and that she is equally ready and willing to control the colored illiteracy, but that it is beyond her power to do so. It is from this class of our citizens, a class to whom I claim that the State government of South Carolina in all its departments has done full and ample justice, that the trouble comes. I believe I speak the sentiment of the majority of the people of the State when I say that we in South Carolina feel that the safety and prosperity of the State depend upon the education of that class of our citizens. I need not speak to you, gentlemen of the committee, of the limited opportunities that the colored people have had heretofore for education, but you know that the absolute need for it now is such, that if the United States Government does not hold out a helping hand to us at this time we shall continue to send forth each year illiterate voters by thousands.

Bear in mind, gentlemen, that one generation of these people has grown up without the opportunities of education. This generation has got now the fathers and mothers of another generation coming along. It is a well-established fact, a principle recognized by all, that to appreciate education is a consequence of education itself. It is necessary, therefore, for the State and for the General Government to come to the front at this time, and to make South Carolina and other Southern States what I believe the people of those States desire that they shall be, thoroughly educated.

I will call the attention of the committee to the fact that there are now in the Southern States about 5,000,000 children ready and needing the opportunities of education. The expenditures of the Southern States under this head are about $7,000,000; but little more than a dollar a head. It would take at the lowest calculation $30,000,000 to furnish the opportunities of education to our children in the South. Gentlemen, I say, as one knowing the spirit of the people and knowing their limited resources, that we have not the means to furnish this education.

I do not propose to detain the committee with any argument as to the right of the General Government to furnish the means for which we ask. I desire to say for my State, and I am sure that I speak the sentiment of other States, that we do not come here as mendicants in this matter. We do not come here asking for charity. We have put our own shoulders to the wheel; we are using all the efforts in our power, and we simply ask of this great Government that it will come to our aid now in the time of our great necessity, because if this aid is withheld now, if it is not granted now, as I have shown, there are thousands of children whom we are unable to educate, and who need this assistance at this very moment, who will not be educated.

I was told this morning, since I entered this room, by a gentleman to whom I was introduced, that South Carolina always liked to be in the front. As of old, South Carolina wants to be in the front in the matter of public education. It is for that reason we have come here, because we have not the means, as I have stated, to furnish this education ourselves. I believe it is but a few moments ago when some gentlemen from this side were called before a committee of the House of Representatives of Congress with regard to the deepening of the harbor at Charleston and the improvement of that harbor. That great work is now going on under the charge of a distinguished engineer, a distinguished soldier, whose duty it was during the war to leave more imperishable marks upon the city of Charleston. He is there now in the quiet pursuits of peace, deepening that harbor, and giving to South Carolina an outlet for her trade and her commerce which she has so long needed; but, gentlemen, there is a need that South Carolina has not second even to the deepening of the harbor of her great metropolis. Great as are her resources, wonderful as her power is when fully developed, the true source of her strength and of her power is in the brains of her people. It is for that purpose we are here to ask the Government to give her the means of developing the brains of her people, and we do ask that we may have an opportunity of coming to the front and staying there, as one of the States of the Union, contributing our share to the civilization and the progress of this great country, and making South Carolina as one of the States of the Union, contribute her quota to make the people of this whole country once more free, prosperous, happy, and united.

I call the attention of the Senate to these particulars because they demonstrate that on the part of the State of South Carolina there is really being a very earnest and energetic effort made to educate the children of the State so far as can be done with the available revenues. I call special attention to the following statement made by Hon. J. H. Smart, then and for many years superintendent of public instruction of the State of Indiana, as that of one of the most distinguished educators of the country, and a Northern man whose associations have been such as to make him a conservative and reliable observer. I am proud to claim him as a son of New Hampshire.

ADDRESS OF J. H. SMART.

Dr. DICKINSON. I now present a gentleman eminent as an educator, a friend of education, who is here to represent the North. I refer to Hon J. H. Smart, of Indiana, and I will say before he commences that Mr. Smart presided two years ago at the meeting of the National Teachers' Association which met at Atlanta, and he knows well the spirit of the people of that country.

Mr. SMART. Mr. Chairman and gentleman of the committee, I shall detain you just long enough to state a fact and to express an opinion, a fact in reference to the need of the South, and an opinion in reference to their willingnees to do what they can.

It has been my fortune to be able to make several visits to a number of the Southern States, and on one of these, taken last summer, I was driven from one of the popular summer resorts in the State of Georgia to the railway station, a distance of about 18 miles—a road frequently traveled, because this summer resort was largely visited by Southern people—by a negro who owned his own team, letting it to the hotel proprietors and his own services during the summer months. He in-

formed me that he owned a little house and a small amount of land; that he rented fifty acres, and I found that he knew a good deal about the condition of things in his locality. I have talked with several hundred negroes in the South as occasion offered, and I want to tell you some of the answers this driver gave to some of my questions on this ride.

This man was thirty-two years of age, and he told me that he had tried to learn; that there was a school within a reasonable distance, and that he had attended that school; but he confessed that he had not been able to learn very much. He was a man of more than ordinary intelligence for one in his condition. I asked him if he knew the name of the President of the United States, and he said that he did not. I asked him if he knew the name of the governor of his State; he said that he did not. I asked him if he had voted for the President of the United States at the recent election; he said that he did vote. "Can you tell me for whom you voted?" "No, sir; I cannot; I don't recollect." "Do you know anything about England?" "Yes, sir; I have heard something about England." "Is it in the United States?" "I do not know." "Is France in the United States?" "I can't tell you; I think it is." "Did you ever hear of Governor Colquitt?" "Oh, yes; I think I voted for him. Is he the man you spoke of a moment ago?" "No, he is not the President of the United States." "Did you ever hear of Garfield?" "Oh, yes; he was hurt, wasn't he; he was shot, wasn't he?" "Is not that the man you voted for?" "Yes," he thought it was.

Now, this man, unable to read his ballot, is not a subject whose duty it is to obey, the sum of whose political duties is found in the word obedience, but he is a sovereign, and the ballot is put into his hands. It has been put there by the national Congress That man makes the law that governs me. Forty per cent., as I am informed by Dr. Orr, of the voting population of this State are illiterates; there being 80,000 of them.

I related this incident to a number of Southern superintendents a while ago, and I was told that it was a typical case, much to my astonishment, and that what I found here with this negro was to be found in thousands of cases in the other States. I believe that the State of Georgia is in danger, and not only the State of Georgia, but the State of Indiana, from this state of affairs—in more danger than if one hundred thousand men were to land on the coast of Georgia to day fully armed and equipped for war, and that the State of Indiana will suffer from this condition of affairs.

Now, I want to express the opinion that the Southern people are willing to do all they can to cure this great evil and remove this great wrong, and, so far as I have observed, the work that has been done, under existing circumstances, has been a marvelous work. The Southern people have made a heroic effort, certainly in three or four States that I have visited, to do the best that could be done for these colored people. I want to say that throughout the length and breadth of the Southern States, without one exception, the colored people are given the same advantages that the white people are given. No distinction whatever is made; and, so far as I was able to find out, there is an almost unanimous, certainly an overwhelming, sentiment in favor of educating the colored children equally with the white children. And I believe, from what I saw, that we are able to trust the existing State organizations represented by these gentlemen; we are able to trust them with whatever means we can appropriate, and I speak after some investigation and after deliberation.

There is a pressing need, and these gentlemen have told you about it; there is no necessity for me to talk about it, but I want to express the feeling that I think exists in my own section of the country; that this appropriation ought to be made—not only for the protection of the people of the South, but for the protection of the people of the North; that while we do not need it for our own illiterates, for we ought to be able to take care of them ourselves, we need it because we suffer from an ignorant ballot, and we see danger in it, so that we join our brethren from the South in asking Congress to make an adequate and speedy appropriation in order that this great evil may be rooted out.

Mr. M. A. Newell, then superintendent of public instruction for the State of Maryland, a very able gentleman, spoke as follows:

Mr. Chairman and gentlemen, I am not here to-day to make any special plea in behalf of Maryland. We think that in a small way and in the course of time we shall be able to take care of our own people in the way of education. I am here to show that, so far as Maryland is concerned, we are in absolute accord with the gentlemen who have already addressed you. We look upon ignorance not as a local but as a national question, and we consider it as much or nearly as much of an evil to have ignorance in Florida or Georgia as it would be to have it in Maryland or in Pennsylvania. Yet I think, Mr. Chairman, though you and the gentlemen of the committee have studied this question long and deeply, you are hardly aware even now of the immense mass of ignorance that is pressing upon us not only in the South but in the Middle States and in the North. I can hardly bring this more pointedly to your notice than by stating a few simple facts with regard to my own State.

I have been at the head of the educational department of Maryland for fourteen years successively, and therefore I know all that I am going to say of my personal knowledge. We spend every year a million and a half dollars for common school education. We keep our schools open in most of our counties ten months in the year, in none of them less than seven months and a half, and an average of nine months of every year. Our teachers are reasonably well paid; they are properly selected, and are doing their work as well as can be expected under the circumstances. All our surroundings are in favor of education. The people believe in it for themselves, and they believe in it for their neighbors. And yet, Mr. Chairman, after sixteen years of a uniform State system, well supported, tolerably well endowed, the last census reports 134,000 illiterates in the little State of Maryland.

Now, sir, the argument is, *a fortiori*, if, after sixteen years of hard and honest work, we have not been able to wash out this black stain of ignorance, what chance have our friends in South Carolina and in Georgia and in Florida to deal with theirs?

Mr. Chairman, I am old-fashioned enough to think still that the State ought to do nothing that the private individual can do as well, and I am willing to carry it further, and to say that the National Government should do nothing that the State Government can do as well; but all history and all experience prove to us that the individual is not able to educate his children; he has never done it in the history of the world; the State must come in and aid him in the work; and I think we have proved abundantly that in our Southern States, at all events, the State is not able to do the work of education. Therefore, I say it is the duty and the privilege of the National Government to come in and help the States to do that which they are willing but are not able to do.

The above statement from the efficient superintendent of Maryland demonstrates not only the necessities of his own and other States, but the further fact that even with the prolonged school year an immense outlay is required to increase the accommodations that the surplus school population now not reached at all may be brought in.

Hon. D. F. De Wolf, superintendent for Ohio, spoke thus for Ohio and the central Western States:

Mr. DE WOLF. Gentlemen, there is one point that I should like to speak of for the State of Ohio, and I think for the central and Western States. I have mingled with these people for forty years; was with them during the great struggle that resulted in the reconstruction, so called, of the Southern States. Those States were a party to the doctrines that were embodied in that reconstruction when they united in imposing on the Southern States a large body of voters. They took the responsibility of imposing upon that section of the country and upon the United States a large body of voters. I do not know but that they did wisely and I do not know but that they think they did wisely, but they think they assumed very great responsibilities, and I think they are ready now to consider those responsibilities, and to take what action may be necessary to meet those responsibilities.

Rev. Dr. A. D. Mayo, of Massachusetts, who is as well informed upon this subject as any man living, next addressed the committee. Dr. Mayo is well known throughout the country. His views have been expressed on many occasions, and they are those probably of the largest and perhaps the most accurate observer in the Northern States upon this matter of the school condition of the people of the South.

Rev. Dr. MAYO. Gentlemen of the committee: I suppose my brethren have asked me to say a word to you because for the last two years I have spent my whole time during the school year in visiting the schools of twelve of the Southern States, from Virginia to Texas, inclusive. During this time I have had the most ample opportunities afforded me by the State authorities, by teachers, by citizens, by pupils, by people of every class, to ascertain the condition of educational affairs in that portion of the country, and I feel that I am in a condition to form intelligent opinions in regard to the several matters that will come before you in this consultation. Of course time will not permit me to give the data or the reasons for conclusions which I may express to you, but ever since I began this work—and I would say that previous to that I had no personal knowledge of affairs in the South, and never went through the South until two years ago—several conclusions have forced themselves constantly upon my attention.

In the first place, I am fully prepared to indorse that emphatic declaration of Dr. Curry, who perhaps better than any Southern man understands the educational condition of the South, when he says that the illiteracy of the Southern States is absolutely appalling. By this I do not wish to say that the leading classes of the Southern States are an ignorant people. I find them there a very cultivated people; I find a people equal to any people in the world; I find as a class the white people of the South are fully up to the people of any State in the Union in natural capacity and force; but the condition of illiteracy which exists seems to me absolutely appalling. And one little point I wish to call your attention to here: Not only is this illiteracy confined to the colored people and the poor white people, but there is great danger, unless something can be done soon, that great numbers of the children of the better classes of white people in the South will be plunged into illiteracy.

No class in the South suffered so much from the effects of the war as the respectable leading class of white people in the South, and to-day there are hundreds of thousands of boys and girls growing up through all the Southern States, the sons and daughters of the leading people of those States, who, unless something can be done very soon, will be doomed to grow up in ignorance. Perhaps the most pitiful thing that can happen to any State is that it should lose what it has gained. While the blacks and the poorer whites are really better off in educational affairs than ever before, the children of the better classes of people are absolutely worse off than they ever were before.

Now, to meet this condition of illiteracy, it seems to me utterly idle to speak of anything but a system of thorough elementary education afforded by the State. No church system of schools, no private system of schools can meet the exigency. There must be a system of elementary education, which includes the training of teachers, proper school-houses, and everything of this kind, in order to meet this great want.

Another matter has forced itself very constantly on my attention, which has been alluded to before, which is this: I am pretty well acquainted with the condition of education in our country and in other countries, and I have no hesitation in announcing to you, gentlemen, my conviction that never within ten years in the history of the world has an effort so great, so persistent, and so absolutely heroic been made by any people for the education of the children as by the leading class of the people in our Southern States.

Practically, within ten years every one of these Southern States has put on its statute-book a system of public schools; practically, within this time every district of country in the South has received something that can be called a school. This school public, as we may call it, consisting of State officials, of school officers, of superior teachers, of thoughtful people all over the South, is to my mind the most forcible, the most persistent, the most devoted school public now in any part of the world. There is no body of superior teachers doing so much work for so little pay and under such great disadvantages as in the South to-day. There is no minority of people working so hard to overcome this terrible calamity of illiteracy anywhere in the world to-day as in the South. I give this as the deliberate result of two years of observation in twelve States.

Once more, gentlemen, it seems to me that in building up this system of elementary education our Southern people have come almost to a halt. For the last ten years the school public has been working in every conceivable way to bring the attention of the people to this matter, and I believe to-day that the practicable limit of taxation is about reached. We may say ideally and abstractly that the Southern people can give more than they do for education; but practically, looking at them as we look at every people in the world, I believe that the limit is reached. And what is the condition in which we find things there to-day? Perhaps $10,000,000 is expended through these States of the South for elementary education, and there seems to be just about money enough to put on the ground a system of schools which, while it is an improvement to the negro and to the poor white man, is profoundly unsatisfactory and insufficient for the leading class of the white population of the South; in other words, the introduction of the public-school system has broken down the old-fashioned system of education by which the white people obtained their help, and has introduced an inefficient system, so that a multitude of these people really have no good place to educate their children.

Let me illustrate the state of things: Here is a town or a district that has a thousand dollars, all told, for school purposes; with that thousand dollars that district can establish an insufficient school for three or four months in the year, with an inexperienced teacher, in an insufficient school-house; a school which is not satisfactory to the best people, which cannot do the work that should be done. That is the course of things all over the Southern States, in cities, in country towns, and in the country districts, and the crying want through all that country is that what these people now have shall be supplemented by enough to put a good school system at once on the ground.

We must remember, gentlemen, that nine men out of ten in the South never saw what we call a good public elementary school. The thing that is necessary is to put for one year, for two years, for three years, in every district through that country a school that will be a fair representative of a public school, that the people can see it; and once having seen it and enjoyed its benefits they never will give it up again. Now, it is utterly impossible for the average school authority to get the money to put such a school on the ground. Give to that man another $500, another $1,000, and at once, without wearing himself out with importunity, he can put on the ground the school that the people need; a school that, instead of being a school that satisfies nobody, is a school that satisfies everybody; and once having seen that school for one year, for two years, for five years, for ten years, that people will be stimulated to great exertions and will never give it up.

Let me illustrate this by one spectacle which I saw which will put you in full possession of this point. The little city of Goldsborough, N. C., has about four thousand people. Up to a year ago that city had no school in it which was satisfactory to any portion of the white inhabitants of the city; it had a poor public colored

school under the county authorities. Six months ago a few of the enterprising citizens of that city were able to put into operation a thorough white graded school. By the aid of the Peabody fund they were able to secure an expert for a teacher, so that school took all the children in the town. Four hundred children were put into a good school-house, graded and organized; over them was put an expert teacher, and at once it was shown to everybody in that town what could be done with a good graded school. I visited that town one day, and it was like going to a town that was under the effect of a religious revival; everybody was in a state of delightful excitement; everybody was asking me to see the school; people were coming from all parts of the country to see it, and just because the agent of the Peabody fund could come in with his thousand dollars and give to that school the expert which made it what it was. The battle was won, the thing was done, everybody was satisfied, and the whole region around about was being instructed and brought up to that work.

Such schools in county towns mean good schools in the country districts. What we ask you, gentlemen, is to give to these school authorities everywhere through the South money enough to supplement what they are now doing; so instead of an insufficient school, as they have now, they can put on the ground at once a good school, which will satisfy the people, which will confirm them in their desire to sustain education, and which will give them a fair understanding of the benefits of the institution.

Now, gentlemen, just one word more and I am done. I fully concur from my observation in all that has been said on several points. First, the South needs this money at once. It is an urgent case. Are you aware, gentlemen, that the average school life, reckoned by months, of the average boy east of the Alleghanies is four years; the average school life of the Western boy, reckoned by months, is three years; the average school life of the white and colored school boy in the South is less than two years; the average school life of the average Southern boy is not one year?

This is a turnpike gate through which these children are streaming, and while you are debating and consulting on the feasibility of different methods, generation after generation, you may say, are streaming through.

What is to be done should be done at once to meet the great demand of the present.

In the next place, money enough ought to be given to do the work at once. If the roof of your house is on fire and you are obliged to put it out by carrying water in buckets it does no sort of good to have a ladder that reaches to the second-story window. You are just as badly off as if you had no ladder. What you want is a ladder that reaches to the roof, that will take you up where the danger is. The school system of the South to-day does not reach the full magnitude of the difficulty. Give enough at once to enable the school authorities to put a good school on the ground everywhere, and the difficulty is met.

One thing more, gentlemen. I am acquainted with the State superintendent of instruction, I believe, in every Southern State. I am acquainted with the State school board, I think, of every Southern State but two or three. I have studied with great care in the records of all those offices their methods of distribution of money. I believe there is no set of men in this country who are handling a moderate amount of money with greater economy, with greater fidelity than these gentlemen. It seems to me it would be a great mistake in distributing such funds as you give to put into each of these States a dual administration. If that should be done, I believe that at once $100,000 or $200,000 of money would be thrown away, virtually, for supervision. I believe if there is any set of men in this country that can be trusted to administer a fund of $10,000,000 or $15,000,000 in thirteen or fourteen States with fidelity it is the school authorities of those States, and therefore it seems to me that this money should go directly to the children through the accustomed channels, of course being guarded by all proper safeguards in the central power.

Among the cities of the South, no city has done so much as the city of Charleston. I know all those cities. No city has done so much with so little help as the city of Charleston. We have to-day two representative men with us. We have the mayor of Charleston, who represents what has been done in that city. We have, in another citizen of Charleston, a young gentleman who is a fine representative of the kind of young school men that we must rely on to do this work through the country. If your time and patience will permit, it will give me great pleasure to introduce to you the mayor of Charleston, Mr. William A. Courtenay.

Mayor Courtenay spoke as follows:

Mr. COURTENAY. Mr. Chairman and gentlemen, having in view the great pressure upon your time, I can best show my appreciation of the honor you have done my city by limiting what I have to say to a very brief statement of facts.

I will say that about twenty-five years ago we commenced in Charleston the system of public schools which was then being spread over the country. There were in 1860 four large, substantial brick school buildings of modern construction, calculated to seat comfortably eight hundred pupils each, which in the then condition of our affairs was ample for the children that were then being educated. One of these buildings was destroyed by the fire of 1861, so that when we resumed our school work in 1865 or 1866 we had three school buildings with an average capacity of eight hundred seats, and we took the Shaw Memorial School into our public school system, which had been erected in 1865, making the same number of school houses and about the same number of comfortable sittings. We have made an equal division of those school-houses—two are for white children and two are for colored children—and there are in the Morris street school (which is the largest colored school we have) eighteen hundred children packed into accommodations intended for eight hundred.

That is our school situation to-day. We have been for five years levying a small tax, and a new school building will be completed this year which will somewhat relieve the pressure, but we need really two or three more commodious buildings for school purposes, which we shall build in time when we can raise the money.

Now, gentlemen, in addition to the tax which is common all over the State of South Carolina, a constitutional tax of two mills, Charleston has paid during these last fifteen years an additional tax of from one to one and a half mills for the purpose of giving accommodations such as we have to give in these very crowded school-houses to a portion of the children of the city. I need not tell you that what was intended to accommodate 3,000 children will not accommodate 6,000, and that although there are over 4,000 children crowded into the schools, there are children who can not get a place inside the school-house to stand or sit, and are, therefore, not being educated. We have a very large city debt, and we have a large amount of charities to distribute every year, orphan houses and hospitals; the expenses of the city government are very nearly as much as those of the State; we have reached the limit of taxation; and we look naturally to the United States Government to come to the assistance of the city, the State, the South, and the country generally in illiteracy, and make some provision by which this great trouble can be cured.

I made a rough calculation hastily this morning without the data to make it accurate; but I assert here that the city of Charleston has paid for education over and above the State taxation since the close of the war somewhere between four and five hundred thousand dollars, and we will continue to do the best we can under any circumstances. But in view of the great burdens which are pressing upon us in many ways, because of the want of improvements in our city, and our great charities, which take from fifty to seventy thousand dollars a year—nearly 10 per cent. of the whole income—we feel that we can with some confidence come here and express our opinion in common with all other sections of the country for material and important aid.

If the gentlemen of the committee will be kind enough, I should like my friend Mr. Bryan to occupy the remainder of my time.

Mr. Bryan is a young, cultivated, and highly intellectual man, and seemed to be the embodiment of the better time which is to be. His remarks profoundly impressed the committee. He was an eloquent, vigorous young man, I suppose a truly representative man of the rising life of the Southern portion of our country. No man ever made a stronger, more vigorous, and more pathetic appeal for aid or for assistance of any description than did this young gentleman of great ability from Charleston, S. C. Any Senator who will read that and vote against this bill is less of a Senator than I think.

Mr. ORR. Mr. J. P. Kennedy Bryan is the young gentleman who has been referred to, the son of the United States district judge for South Carolina.

The CHAIRMAN. We shall be happy to hear Mr. Bryan.

Mr. BRYAN. Mr. Chairman, I would hardly deem it in this presence, with so much gathered wisdom and experience, proper for me to be heard here, were it not that the subject-matter which the committee is now considering is one that appeals and has appealed to me for years, young as I am, and one that is, I think, the first in the mind and the heart of the youth of the South. The burden of this question, the shoulders upon whom it is to fall, are those of the youth of that Southern country, who now wish to control its destinies, and who now, for weal or for woe, await the decision here at this Capitol.

After what has been said by my friend Dr. Mayo, after what has been said by gentlemen from Massachusetts and from Indiana, after what has been said with regard to the State at large by my friend Colonel Thompson, I need hardly speak; and I would not speak but that I think by giving you a pictorial image of the city of Charleston in facts and figures, that concrete thing, I can show you that even municipal aid added to State aid, with all the agencies of private education, in an old community and aid coming from the city that doubles the State aid, still we stand appalled before a tide that we cannot meet nor control. It is only because the city of Charleston is a representative community of the South and expresses the conditions of all those States, and in a more favorable way than the country districts, that I will give you the facts and the figures relating to that community, because those facts and figures will bring home the question in its reality and show really what is our necessity and our danger.

That city is more favored because it has in it the seeds of a cultured society; it has in it men of mighty powers from the past, and those men are there, and they think, and they feel, and they see what is upon us. It has in it not only that, but men who have a sense of duty and men who have conscientiously risen to all the burdens of this occasion.

Why, gentlemen, in 1860 the city of Charleston had an educational plan greater than any Southern city. It had a system of public schools in which there were four thousand white children, besides large private schools, which fully met all the demands of that city. To-day it has that same educational plan, and in those schools are four thousand children, two thousand white and two thousand colored. There is an equal division of the school facilities. To do that, the city of Charleston has to add to what the State revenue is for schools just as much again. It pays this year $72,000 in a city of fifty thousand, in which there are twenty-three thousand whites and twenty-seven thousand colored, the colored paying 3 per cent. of the tax. After we have raised the local tax, double what the State gives, we find that we only have four thousand children in the schools; that is, we only have in schools what we had in 1860 of whites. More cannot enter the schools; they are packed.

Gentlemen, the tax of a citizen of the city of Charleston to-day is 3.5 per cent. on every dollar of real and personal property. The city debt of the city of Charleston requires the levy of ten mills. Repudiation we cannot go to. There is 1 per cent. levied in that city for the debt of the municipality. Then there is the State debt. With these heavy burdens, by the census and by the report of the superintendent of schools of the city of Boston, we pay on a ratio one-third more than the city of Boston pays for its whole system of education, primary and classical. We pay to-day one-third more than the city of Boston does in the face of a debt of five millions upon the city of Charleston.

Gentlemen, when his honor the mayor came to the control of that city, in the same spirit of zeal and in the same interest that he overlooked all the departments, we got at the facts and the figures, and he said it is the duty of the city, simply as a representative city of the South, and on behalf of all, to reveal to the country this terrible and appalling condition to say to them, here is a national calamity; it is common in its origin to the people of this country; it is equally common in its evils and in its effects. We thought, and the city of Charleston and all the men there think to-day, that the National Government alone can help us—not to do for us, but simply help us in that which we cannot do. If the tax goes above 3.5 per cent. it is a dismemberment of society. We simply ask you to hold up our hands; we simply ask you to roll back that tide. Where it will sweep we know not, and I, in all deference, do not think that all the wisdom here can tell us where it will sweep. We ask you do not let it overwhelm us and you. We thought and were led to believe that that Government, which, under the power of the Constitution, has the right to provide for the public defense referring to the time of war, and for the general welfare referring to the time of peace (for surely that was in the mind of the framers of the instrument), would come to our assistance in this time of calamity.

We were led to believe that that Government which, when the cries came from the Mississippi Valley under the most awful deluge of the last five decades, sent immediately and within a day aid to those people asking for bread. We were led to believe that that same Government, acting on the same principle, would send to a more hungry people, who if unfed the worse will be the disaster, that bread of national life which they ask. We were led to believe that that Government which, when pestilence struck this country, in one day raised the means and sent broadcast over the land succor where small-pox or yellow fever struck, would send some relief to a more awful pestilence that is working in the body-politic. We were led to believe that that Government which, in its beneficence, looking to the general welfare of the agricultural interests of this land, sends from this national center good seeds in order that the labor of the husbandman may prosper and that he may gather fruit and an abundant harvest—that that same Government, on that same principle of general welfare, would give us not only good seed but some good seed to plant in this waste.

Gentlemen, it is only because the city of Charleston furnishes you such an example, it is only because I think we feel it as an old community, and we know what this thing means and what is threatened all the time; it is only because it is a representative city in that regard of all our Southern communities that I have spoken.

I think, I feel, in fact I know, that it is in the mind and the heart of the assembled representatives here from this land to help. I am sure we have not come and told our simple story in vain. We look for aid, and we expect it, and we trust that from that seed of national aid shall come great and abundant harvests that will overflow here in good government, in peace and prosperty years and years to come.

Hon. B. G. Northrop, secretary of the Board of Education for Connecticut, so well known for his life-long and very important services in the cause of education in placing certain valuable statements before the committee, urged an immediate appropriation. I read his remarks because he is a New England man, and a representative man, as truly a representative of the opinions and feelings of educators in that portion of the country as any man can be.

Dr. DICKINSON. Mr. Chairman, I now present Hon. B. G. Northrop, secretary of the Board of Education of the State of Connecticut.

Mr. NORTHROP. I desire to lay on your table, Mr. Chairman and gentlemen of the committee, a paper containing extracts from the speech made at Atlanta by ex-Governor Brown on the eve of his election to the Senate, an extract from the speech of Robert C. Winthrop at the Yorktown celebration, and in full a speech of Rev. Dr. Curry, bearing all entirely on this subject. And while I am up may I say that this is not a new measure, but when friends of the measure have pressed it before members of Congress in former years, the objection has been "you cannot force schools on any community; schools must answer to local public sentiment, and that public sentiment does not exist." That was the former argument. Now I say in addition to the proofs presented by gentlemen from the South as to the interest you have in that paper, I think a most remarkable demonstration of the interest taken, by the fact that ex-Governor Brown should make such a speech on the eve of his election, and it is a more remarkable fact that on the basis of that speech advocating this measure, advocating free public schools for all classes, he should be elected to the Senate of the United States by so large a majority. It demonstrates the new era in the South. I think that if the plan of giving $15,000,000 for this object is carried out now it will be worth more than $20,000,000 will be twenty years hence. The case is urgent; the need is immediate.

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I must say that this measure, I am confident, will suit the North as well as the South. I have in this paper I have handed you printed the sentiment expressed by the Connecticut State Board of Education most heartily, and also other expressions of Northern sentiment; and may I mention in the briefest form one other fact showing the great change that has occurred within the past year? This subject was advocated ably before our association at its meeting in New York, one year ago, by ex-Senator Patterson, now the superintendent of education in New Hampshire. He advocated then that the money should be distributed by a large number of Federal officers in all the States That met but one dissent at that meeting a year ago; that is to say, a majority of this association seemed to favor his plan, but one objecting. At this meeting every member of the association has expressed his views in favor of the plan of distributing the money through existing local officers. We are a unit on that point.

The resolution of the Connecticut State Board of Education referred to is as follows:

Resolved, That in view of the necessity of education to the perpetuity of free institutions, and of the great and disproportionate burden which adequate provision for universal education would impose on some of the Southern States, this association expresses its conviction that it is the imperative duty of the National Government to extend to those States in which the burden and the danger of illiteracy are greatest such pecuniary aid as shall enable them to provide that all the children and youth within their borders shall receive at least an elementary education.

The State Board of Education has formally expressed "its hearty approval of the sentiments of the above resolution, and its earnest hope that the influence of Connecticut in the national Congress and elsewhere may be exerted in favor of the adoption of some equitable and efficient means for the accomplishment of the end proposed."

The following letter is in reply to one addressed to Colonel Rogers, superintendent of public schools of New Orleans, by myself, in which, mentioning the fact that Dr. Bicknell, one of the most able, active, and earnest advocates of national aid to public schools, had understood him to say that he should not know what to do with a large sum if he had it, and that it might be lost or stolen, I requested him to present his views in full for publication. I ask the Secretary to read his answer. He has given his life to this work in Louisiana.

The Secretary read as follows:

NEW ORLEANS, *March* 6, 1884.

DEAR SIR: Your favor of 3d instant is just to hand, and I hasten to reply.

My friend Colonel Bicknell has evidently mistaken my views in regard to national aid for education. Our conversation upon the subject was fragmentary and of a personal character. So far as I can recall the words used by me they had no reference to the main issue, but were incidental to a feature of the subject, designed to show the necessity of a cautious, well-regulated, systematic, expenditure of a large sum of money in a large city where school attendance was voluntary, and where the object was to bring in the large class of children who are now beyond school influences. I certainly never intended to intimate, directly or indirectly, that if any part of this national aid was to be expended in Louisiana by our State and city authorities it would, by reason of such form of disbursement or indeed for any cause, "be wasted or stolen."

Officially I can only speak for New Orleans. In twenty-five years past connected with educational work in this city I cannot be entirely ignorant of the condition of affairs in other parts of the State.

For several years I have had a growing conviction that if we are to give public education to all classes of our educable population we must have outside aid from some source. I believe that this is the opinion of the great majority of persons who are familiar with the situation. With those who are engaged in educational work I know of no difference of conclusion as to the necessity of aid. You are furnished with the statistics of illiteracy. It is not necessary to repeat them here. They are not mythical. Those who are engaged in the work of education know that illiteracy is a present factor, and that statistics simply reveal how much is done or not done, and how insufficient are the means at our command.

Our school population in New Orleans between six and eighteen years of age was 61,456 by census of 1880. For the year closing December 31, 1881, the whole number of pupils enrolled in our public schools was 24,401; average daily attendance, 14,566; average roll, 17,027. Our school population has increased, while school attendance has diminished. For the current year our total enrollment will not exceed 17,000, and our average attendance will fall short of 13,000 pupils. Estimating the number of children in private and parochial schools in this city at 10,000, and the number over twelve years of age who are engaged in some industrial pursuit at 10,000—a large estimate—and there are about 36,000 children and young persons of educable years who are not in any school, of whom about 26,000 cannot be accounted for as either attending school or industriously employed. We are confronted with the fact that instead of overtaking ignorance, as it exists among the young persons in our midst, we are losing ground, and that to an alarming extent, since not only do we not keep pace with the increase in our population, but our school attendance has steadily declined.

The chief cause of this decreased attendance arises from the insufficiency of our school revenues. For the proper care and instruction of an average roll of 17,000 children, including cost of supervision, instruction, buildings, supplies, &c., we need an annual expenditure of $270,000. This implies a session of nine or ten months, necessary in a city system, yearly salaries of employés, &c. Our entire revenue, from all sources, falls short of $220,000. A constant pressure of financial restriction and curtailment naturally tends to contract the usefulness of the schools. Last year, 1883, our session was reduced from ten to seven months, all teachers having been discharged from service and the schools closed during three important school months. For several years past, the teachers have not been paid for two or three months of the year, and have held our school system together by their unrequited labors during that period.

Mr. BLAIR. Mr. President, I challenge the history of the world to produce a fact more honorable to humanity than the noble self-devotion of this body of instructors of youth or more disgraceful to a great people than the neglect of both State and nation which rendered their self-sacrifice necessary.

The Secretary read as follows:

Notwithstanding the fact that the city of New Orleans has entered upon a prosperous era, those who control its finances maintain that they are giving as much to education as can be spared from the general revenues. I do not propose to question the correctness of their statement or the wisdom of their policy. I only know that we do not get enough, and that those who make the appropriations say they cannot give us more. I know also that it follows from this want of money that our schools are not doing all the work which they might otherwise do, and that more and more children are growing up in ignorance and idleness, with stronger inducements to immorality and vice.

We have between three thousand and four thousand colored children in our public schools They share equally with the white children in the privileges of education. They are instructed by competent teachers, have good buildings, and their condition is as favorable to their progress as any other class of pupils. The city government has not been able, since the war, to increase the amount appropriated in former years to one race only, and as the colored people pay but a small part of the cost of education, it follows that the colored pupils in the schools are mainly instructed at the expense of the whites, and that the children of the whites have been put on short allowance to make provision for the other class.

I know of no feeling antagonistic to the education of the negro. On the contrary, there is a growing opinion, so far as I can judge, in favor of extending to that class of our people the fullest and fairest opportunities. The kindly spirit which characterizes the relation of the two races in this city and State extends to their respective schools. There are no contentions or animosities. Teachers of equal grade are sent sometimes to the schools for colored pupils, or, again, to the whites, and I know of no hardship to which the colored pupils are exposed, by means of insufficient funds, in which the whites do not equally share.

We certainly do need aid for public education in the city of New Orleans, and if we had the money we could make good use of it. I believe if its distribution was intrusted to our State and city authorities it would be wisely expended for the equal benefit of all classes and conditions of our school population

The present system could be strengthened and enlarged. Additional schools could be opened in portions of the city where they are much needed. The city school board has had before it for some time past applications from remote sections of the city asking for school privileges where none exist for either white or black children. Nothing but the want of funds has prevented the board from complying with these requests. Even under our purely voluntary school attendance, I believe that several thousand pupils could be at once, within three months, added to our school attendance if means could be provided for their efficient support, and I think it would follow therefrom that the usefulness and influence of the schools would steadily increase, so that we would be able to reduce the bulk of illiteracy by permanent progress in the intelligence and virtue of all classes of society.

So far as the condition of public education in Louisiana, outside of New Orleans, is concerned, it seems to me of even greater importance that we should have outside assistance if we propose to make any advance in overtaking illiteracy. The total school population of the State is 273,845. From the last published report of State Superintendent E. H. Fay, the attendance in all the public schools of the State, including the parish and city of Orleans, in 1880, was: whites, 31,642; colored, 22,670; total, 54,312, or less than 20 per cent. of the school population. Outside of New Orleans, in 57 parishes, there were 819 schools, with 16,326 white children and 17,075 colored children. The average salary of teachers was $25.62 per month. Six parishes reported, "No schools for want of funds." Nineteen parish boards report a session of 3 months or less. The aggregate of all months reported from all the parishes was 144!

For 1881 there was an increase in the whites and a decrease in the number of colored pupils. The last Legislature, 1882 (we have biennial sessions), appropriated one mill on the dollar for public education. Upon an assessed valuation of the property of the State of $200,000,000, this would give, if all collected, $200,000. Under the State constitution and legislative enactments this school fund is charged with certain specific appropriations, aggregating about $90,000, all of which must be paid before any sum can be given to free public schools. After these deductions, and allowing for the non-collection of taxes, we estimate the amount allowed for free public education at about 31 cents per capita on school population. The amount is too small, and we are looking to the next session of the legislature, May next, for a more liberal policy.

Nevertheless, we are not confident of any very great increase in our school appropriations. A constitutional amendment, to be voted by the people, may be necessary before there can be an efficient school system for the State. The power to impose a local tax for education must be conferred upon parish authorities. At best the relief must be partial. The relations of the capital and population of the two races are such that a system of public instruction which is intended to meet the wants of the entire educable population, and which shall be sustained by a revenue derived from the property of the State, is beyond all present possibilities. Such a tax could never be imposed with the consent of the people. It could not be collected, if authorized, without breaking down every industry, and virtually confiscating the property of every planter and merchant in the State. To give six months' instruction to 200,000 young persons in the primary branches of a common-school education would require 5,000 teachers and an expenditure of a million dollars.

The friends of education do not contemplate a scheme so impracticable. We know that time and patient effort are needed to build up any great enterprise. We think that it is possible to strengthen and enlarge our present system of public instruction, so that it may be put in the way of ultimately accomplishing the great objects which it contemplates.

What would national aid do for Louisiana?

It would enable parish school boards to open schools where there are none now for want of funds. It would prolong the sessions of schools which are now kept open for one, two, or three months only. It would draw large numbers of children from idleness and ignorance to the school buildings, and it would enable school boards and other authorities to employ trained, competent teachers, who should be paid reasonable salaries with a regularity and promptness which secures cheerful and skillful service.

In rural parishes the services of young persons over 12 years of age are useful to the planter during several months of the year. From four to six months may be devoted to systematic school work, and if this should be continued only four or five years the seeds of a better life would be planted, and important results would follow to the individual, to society, and to the country. In a well-conducted school there may be acquired, by the average child, white or colored, during the period named, ability to read and write; to understand and perform the ordinary examples of arithmetic as needed in common business transactions; to know something of the geography and history of the country; to acquire habits of order and industry; to distinguish between right and wrong in the duties of life, with such moral lessons as grow out of every well-regulated school-room.

When opportunities for securing these results are within the reach of all classes—the poorest and lowest, as well as of the children of the more favored classes—we may reasonably expect a useful, honorable, and an intelligent citizenship.

Without education, we have unskilled labor, a discontented class of society,

thriftless, heedless, with brutal passions and degrading vices, ready, when roused by fanaticism or demagogism, to hurl against the peace of society or the best institutions of the country a compact and powerful voting minority which already holds the balance of power between the two great political parties of the country.

At no period in the history of Louisiana has there been manifested a greater interest in the subject of education than at the present time. This, I believe, is generally conceded by the leading public men of the State. The subject enters largely into the present political canvass. An educational society has been formed in New Orleans, which already has a large membership of leading merchants and representatives of all trades and professions. Branch organizations have been established throughout the State. The fundamental principle of the society is free public education to all classes of children without distinction of race. We hope, by means of aroused public sentiment, to secure for public schools their full share of the resources of the State, but I imagine that the most sanguine friend of public education cannot hope to materially change the figures of illiteracy, now resting upon the good name and well-being of the State, without the use of more abundant means than can be now drawn from the Government, or the people of Louisiana in the present condition of public and private affairs.

Asking to be excused for the length of this commnication, I remain, dear sir,

Yours, respectfully,

WILLIAM O. ROGERS,
Superintendent Public Schools New Orleans.

Hon. H. W. BLAIR, *United States Senate.*

Mr. BLAIR. On Saturday, February, 16, 1884, a joint session of the Senate and House committees having in charge the subject of national aid to schools was held in the room of the Senate Committee on Education and Labor.

Dr. Orr and a committee of the superintendents of public instruction of the States, Dr. Thomas W. Bicknell, president of the National Educational Association, Professor Painter, and others, composing a committee of the department of superintendence of the National Educational Association, were present and addressed the committee for four hours.

The proceedings are published in Senate Miscellaneous Document No. 55, Forty-eighth Congress.

I respectfully refer the Senate to these addresses voicing the universal sentiment of all parts of the country, and coming from some of our ablest, best-informed, unselfish, and patriotic men, whose express business it is to know whereof they speak, deploring this all-pervading national evil of popular ignorance, demonstrating the necessity of national aid, and beseeching, not to say demanding, as our first duty, its bestowal as the only adequate source of relief. It is impossible to attempt even a synopsis here of what they said.

Permit me here to add the memorial of the American Social Science Association, than which the opinion of no body of men whatever is more entitled to respect by the American Congress or the American people.

AMERICAN SOCIAL SCIENCE ASSOCIATION,
Boston, December 28, 1882.

To the Senate and House of Representatives in Congress assembled:

The American Social Science Association, impressed with the danger involved in the existence of a large number of illiterate voters in the population of this country, as revealed in the last census, for the proper enlightenment of which class of voters many of the States are unable to make adequate provision, and believing that a Government resting on the suffrage of the majority of the people cannot preserve itself from corrupt influence nor secure a high degree of civil freedom unless education is generally diffused among all classes of voters; and further believing it to be within the constitutional power of Congress to provide in this manner for the safety of the Republic, and that the enfranchisement of the freedmen imposes an especial obligation upon the Government to qualify them for a safe discharge of the new duties devolved upon them, would earnestly pray that your honorable body will take prompt and efficient measures to avert these dangers; that money raised from such sources as your honorable body may in its wisdom deem best shall be distributed, for a limited period, to the common schools of the States and Territories, on the basis of illiteracy, and in such manner as shall not supersede nor interfere with local efforts, but rather stimulate the same and render them more efficient; said moneys to be distributed under such guarantees as shall secure their application to the object herein named, with equal justice to all classes of citizens.

Prepared by order of the American Social Science Association by the council of the association.

FRANCIS WAYLAND, *President.*

Attest:

F. B. SANBORN, *Secretary.*

These petitions are not gotten up in the way that petitions are gotten up for a new highway. They are signed by men whose signatures are meant to indicate responsibility.

Rev. Dr. Curry, the general agent of the trustees of the Peabody fund, whose services to the country in the discharge of a great trust have already fixed his rank high among its benefactors, has addressed a memorial to the Congress, which I take this means of placing more conspicuously before the Senate and the public. I am at a loss to comprehend the motives which can refuse the necessary assistance to educate the classes for whom Dr. Curry, in his representative and personal capacity, makes this argument and appeal. I ask the Secretary to read it.

The Secretary read as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your petitioner, the general agent of the Peabody education fund, would respectfully represent:

That in March, 1880, the trustees of the Peabody education fund submitted a memorial to Congress on "the vital necessity of national aid for the education of the colored population of the Southern States, and especially of the great masses of colored children, who are growing up to be voters under the Constitution of the United States." They accompanied their memorial by a report which had been prepared by a committee of their body, consisting of Hon. Alexander H. H. Stuart, of Virginia, Chief-Justice Morrison R. Waite, of Ohio, and Hon. William M. Evarts, of New York. The attention of Congress is invited anew to that very able and conclusive paper. Since the presentation of that memorial the subject of national aid has assumed larger proportions in the public mind and in the public conscience.

The census of 1880 exposes a fearful amount of illiteracy in the United States. As might have been expected, for an obvious reason, that illiteracy exists largely, disproportionately, in the lately slaveholding States. In *ante bellum* days the negroes were not educated. Since the abolition of slavery—a fact which no sane man would undo—the South, although making patriotic and self-sacrificing efforts in that direction, has failed, as all familiar with her pecuniary condition could have foreseen, to provide universal education for her people. The history of our country, prolific in instances of exalted patriotism and ready adaptation to local and national exigencies, furnishes no exhibition of these virtues superior to the attempt of the Southern States to meet the unfamiliar and difficult, but cheerfully assumed, obligation of giving rudimentary instruction to all classes, irrespective "of race, color, or previous condition of servitude." The history of public schools in those States is a chapter of peculiar interest in the general history of our institutions and civilization. The credit due to an impoverished people, bravely struggling to do their part in the new and strange environments, is shared by religious bodies and individual citizens of the North, who, comprehending the needs of the young, have generously and munificently contributed money to supply them with the means of education. Hard experience has demonstrated the inability of the Southern States, unaided, to sustain the heavy burden of universal education. If illiteracy is to be removed, or prevented in the future, the States must receive liberal and prompt aid from the General Government.

This aid should be rendered in co-operation with the school systems of the States. Those systems, varying in details, but generally copied from the systems which exist in the Northern States, are the outgrowth of the convictions of the people. Year by year they are being adapted to the wants and peculiarities of communities and States. Constitutions command free schools; statutes establish and provide for them; State and local officers administer; State revenues are increasingly supplemented by local taxation. No organized opposition to public schools can be found; political parties are zealous to declare their purpose to sustain and perfect; press associations approve and newspapers give their valuable support; legislatures invite educators and advocates of free schools to address them; the people are willing and eager to be informed and to adopt improved methods of instruction and school management. With probably the most extensive acquaintance with school officers in the South possessed by any man in the Union, acquired by personal intercourse with them, I make bold to affirm that no departments of government have better qualified, more patriotic, more trustworthy, more enlightened administrators. What is needed for success in making education universal is not severe Federal supervision, subordination of State schools to central authority, but a well-guarded and adequate appropriation of public money.

Of the extent of the illiteracy your honorable bodies, having ready access to the latest census returns and to careful compilations of school statistics, need not to be informed. On the dangers of this illiteracy it would be superfluous to enlarge. The basis of our free governments is intelligence and integrity. Free government presupposes intelligent self-government. The mere possession of power by the people is no assurance or guarantee of good government. Civil government can dispense with arbitrary restraints and with physical power; can allow the possession and enjoyment of personal liberty just in so far as the citizens impose, voluntarily and intelligently, restraints upon themselves. Free governments, governments of the people and by the people, allowing and securing the largest measure of individual freedom, are compatible only with popular education. It is idle to hope for free government or republican institutions apart from free schools.

From the act of the Continental Congress on the 20th of May, 1785, for the disposition of the lands ceded by Virginia and the other States to the present time, the United States is committed to the principle that "popular education is the only safe and stable basis for popular liberty" and to the policy of using Government property in aid of public schools. What was a privilege and duty in the past has now become an imperative obligation. The general argument for Congressional intervention to remove or prevent illiteracy becomes stronger when applied to the negroes. As is stated in the report to which attention has been called, the production of the pen of an honored and venerable statesman of Virginia, they are an "exceptional class of our population," and as such have peculiar claims on the justice and bounty of the Federal Government.

Their ancestors did not come voluntarily to this country seeking to better their condition, as come the immigrants who by thousands are now flocking to our shores. They were brought forcibly as slaves and were held as such prior to the Revolution by the connivance and direct action of the mother country and under the authority of the laws of all the States. When the war for independence closed slavery existed in all the Colonies. The Federal Constitution sanctioned the institution. In the exercise of its discretion the Federal Government emancipated the slaves, elevated them to the dignity of American citizens, and invested them with the right of suffrage. "Slavery is but half abolished, emancipation is but half completed, while millions of freemen with votes in their hands are left without education." The new citizens need to be made to comprehend the duties of citizenship, to be taught the nature and benefits of the political rights they enjoy. From manumission and enfranchisement there is on the part of the Government a resulting obligation to secure to those suddenly exalted to citizenship and suffrage that amount of education which is necessary to enable them to discharge intelligently the new duties devolved.

Inter arma leges silent is recognized in times of extreme peril as a legal maxim. When the national life is endangered the Constitution yields to a liberal interpretation. The latitude is not because of war, but because of the crisis which war sometimes creates. If the necessity be as great, the peril as imminent in time of peace as in time of war, then with equal reason may be invoked the principle, *salus reipublicæ est suprema lex.* That masses of ignorant voters constitute a national peril, justifying a resort to the "extreme medicine of the Constitution," it would be an insult to your honorable bodies to argue.

The evils of ignorant voting cannot be exaggerated. Four Presidents in succession, with increasing emphasis, have invited the attention of Congress to legislation on the subject. State Legislatures, educational conventions, religious assemblages, public press, and private citizens swell the demand for immediate and effective measures of relief.

It seems that each generation must pass through its own trials, as each person must be disciplined for his own improvement and growth. We reap the fruits of the sacrifices and achievements of our ancestors, but for ourselves we must endure trials and meet responsibilities. Our Republic is a holy trust. Much as our fathers did, none the less are we required to do. Free institutions are still an experiment. They are on trial before the world. No peril is greater, more insidious, more pervasive, arouses more the apprehension of the patriot, than the illiteracy of citizens. Fortunately the evil is remediable, and the remedy is in your hands.

Your petitioner earnestly invokes your intelligent and continuous attention to the dangers which come from so much illiteracy, and trusts that action, prompt and adequate to meet the emergency, will be had before your adjournment.

J. L. M. CURRY.

RICHMOND, VA., *May* 17, 1882.

Mr. BLAIR. I may add as a recent expression from Dr. Curry, the agent of the Peabody fund, what he says in a letter:

A letter before me from one of the best scholars and most active school men in the South says: "The argument is unanswerable. Here we stand face to face with the necessity. All over this State the taxes of the white people cannot be made to suffice for the education of both white and colored; with the utmost goodwill, the resources are deficient. Nothing but national aid can solve the problem, and without it there is great danger that the effort may be abandoned in despair."

That last sentence is unspeakably important. If this Congress adjourns with-

out the aid, I shall almost surrender hope in reference to the future of our country. May God save our land.

The Union League Club of New York City comprises over sixteen hundred of the leading citizens of the United States, residing in all parts of the country. Probably no body of men, unless it were the several loyal, sovereign States, did so much as the Union League Club of New York to preserve the Union in time of war, or since the war has done so much to make it worth again preserving by their wise and patriotic endeavors to reconstruct the Government upon principles which are indispensable to its prosperity. I therefore introduce the following from their memorial to Congress, presented to us by Senator MILLER:

THE UNION LEAGUE CLUB,
New York, February 10, 1882.

DEAR SIR: The following report was accepted and the appended resolution unanimously adopted at a regular meeting of the Union League Club, held on the 9th of February, 1882.

We request you to present them to Congress, as being the respectful petition of this club.

Very few subjects equal in importance that of elevating the illiterate voters in the United States to the condition required for the proper enjoyment and protection of universal suffrage.

It appears from the census of 1880 that of the total colored population, over 47 per cent. are unable to write. Of the total white population, nearly 7 per cent. are unable to write. These percentages are much higher in the South. Those unable to write in Alabama are, whites, nearly 17 per cent.; colored, over 53. In Georgia, whites, nearly 16 per cent.; colored, over 54. In North Carolina, whites, over 22 per cent.; colored, over 51. In New Mexico, whites, 49.5 per cent.; colored, 69.5. In many of the States the means for instruction are confessedly insufficient to cope with this great evil.

The want of education and of consequent ability to use the suffrage so as to protect the voter from fraud, violence, and misdirection, and our free institutions from peril, have caused the introduction into the Senate of the United States of a bill entitled "A bill to aid in the establishment and temporary support of common schools.

The Secretary of the Interior, through the Bureau of Education, is charged with the administration of the act, aided by a commissioner in each State, to be appointed by the President by and with the advice and consent of the Senate. The commissioner thus appointed is to act in co-operation with the State authorities in which he is located. In Territories this commissioner is charged with the general supervision and control of public education.

All payments under the act are to be made by Treasury warrants directly to the person in each State or Territory who renders service, on vouchers to be approved by the local authorities, the commissioner, and the Secretary of the Interior.

It will be seen, therefore, that the amount payable in any State or Territory can neither be diverted nor squandered, but that careful provision is made for the application of it directly to the purposes of education. The bill is comprehensive as well as guarded, and is to continue only for the length of time supposed to be required for stimulating the most sluggish of the States into the requisite activity.

The condition of the Treasury, with a large annual surplus, tempting to useless schemes of extravagance, would seem to be a favorable time for the adoption of a measure to secure the enlightenment of the uneducated and the safety of our republican form of government.

The Constitution, in express terms, provides, section 4, article 4, that "The United States shall guarantee to each State in this Union a republican form of government." The powers necessary to carry out this guarantee are implied and are therefore complete. By the act of the National Government a large body of illiterate men have been suddenly raised from the condition of chattels into that of freemen and voters, without any preparation for the high duty which admission to the suffrage involves. The extraordinary measures resorted to in States where the danger from this source is most conspicuous, often leading to bloodshed and anarchy, would seem to impose on the General Government the immediate duty of seeing that the republican form thus threatened by the two evils of illiteracy and violence *shall be preserved*. The necessary and proper means for this consists in such a wide diffusion of the benefits and blessings of education as will secure the requisite intelligence and patriotism.

The committee of political reform recommend the adoption of the following resolution.

GEO. B. BUTLER, *Chairman*.
S. M. BLATCHFORD, *Secretary*.

Resolved, That the Union League Club heartily approves of the scope and object of the bill introduced into the Senate of the United States by the Hon. HENRY W. BLAIR, of the State of New Hampshire, entitled "A bill to aid in the establishment and temporary support of common schools," and that the president and secretary of the club be directed to affix their names to this report and resolution as being the respectful petition of the club to the Congress of the United States in favor of the passage of the bill.

We have the honor to be, very respectfully,
WM. M. EVARTS, *President*.
DAVID MILLIKEN, JR., *Secretary*.

To the Hon. WARNER MILLER.

I wish to say, as bearing upon the expression of popular feeling and opinion on this subject, that I have here a large number of data of memorials which themselves are so large that, if all printed, I suppose the world would not contain the books they would make, as was said on another occasion. It seems almost trifling with the time of the Senate to accumulate this mass of evidence of popular feeling to be inserted in the RECORD. It is here, and it is ready to be produced if anybody should ever conceive the thought that there is no expression of the general popular, and that the best popular, sentiment on this subject.

The following is an imperfect list of the petitions and memorials praying for aid for the common schools on the basis of illiteracy:

Citizens of Romney, West Virginia.
One hundred citizens of Circleville, West Virginia.
Citizens of Jackson County, West Virginia.
Citizens of Nicholas County, West Virginia.
Citizens of Webster County, West Virginia.
Resolution of the Legislature of Rhode Island.
Citizens of Ottawa, Kansas.
Citizens of Spring Hill, Kansas.
Citizens of Mound Valley, Kansas.
Citizens of Jefferson County, West Virginia.
Citizens of Lewis County, West Virginia.
Citizens of Wayne County, West Virginia.
Citizens of Monongalia County, West Virginia.
Citizens of Jackson County, West Virginia.
Citizens of Upshur County, West Virginia.
Citizens of Mason County, West Virginia.
Citizens of Morgan County, West Virginia.
Telegram from the Saratoga Educational Convention.
Citizens of Blount County, Alabama.
Citizens of Tuscaloosa County, Alabama.
Citizens of Baldwin County, Alabama.
Citizens of Colbert County, Alabama.
Citizens of Fayette County, Alabama.
Citizens of Fayette County, Alabama.
Citizens of Fayette County, Alabama.
Citizens of Fayette County, Alabama.
Citizens of Fayette County, Alabama.
President of the Board of Education and many prominent citizens of Nashua, N. H.
Memorial of the National Educational Association.
Memorial of the State officers and nearly every prominent citizen in the State of South Carolina.
Petitions of citizens of Louisiana.
Petition of citizens of Wilkinson County, Mississippi.
State board of visitors of the State Agricultural College, New Jersey.
State board of visitors of Rutgers College, New Jersey.
Citizens of Edgecombe County, North Carolina.
Citizens of Drew County, Arkansas.
Citizens of Wythe County, Virginia.
Citizens of Gilmer County, Georgia.
Citizens of Franklin County, Ohio.
Citizens of Keyser, W. Va.
Faculty of Hiram College, Ohio.
Citizens of Medina County, Ohio.
Governor and all the State officials of Ohio.
Mayor and city officials of Portsmouth, N. H.
Citizens of Grafton County, New Hampshire.
Citizens of New London, N. H.
Prominent citizens of Rockingham County, New Hampshire, three petitions.
Petition of President of Johns Hopkins University *et al.*
Memorial of the American Social Science Association.
Citizens of Merrimack County, New Hampshire.
Petition of the faculty of Straight University, of Louisiana.
Petition of the citizens of Iowa.
Resolutions of the Louisiana Legislature.
Memorial of the Union League Club, New York.
Petition of citizens of Susquehanna County, Pennsylvania.
Petition of citizens of Saint Louis, Mo.
Petition of citizens of Monroe City, Ill.
Resolutions of Teachers' Institute of South Carolina.

I have collected citations from high authorities, and historical illustrations, bearing upon the necessity of education, especially in a republic. They are from authors of other nations as well as our own. Many of them are of high literary merit. They are good reading. I will read a few of them. Before proceeding to do so, I wish to make one statement as bearing on the interest of education in our Southern States by reason of the liberation of the colored people. The historical example nearest our shores, that of the liberation of the blacks in the British West India colonies, might well be adduced, and should be instructive to us. There the British Government, more considerate, perhaps, than our own, gave pecuniary compensation to the extent of about $100,000,000, if I remember correctly, to the owners of the emancipated slaves. No provision, however, was made for the education and the elevation of the colored people. They have had freedom so far as it could exist under the British constitution, and they have had degeneracy and demoralization accompanying it. Without wasting time to depict the causes of the social condition and industrial condition of those people, I will state one fact which is significant of almost everything else that could be said, that such is the social degradation of that people that most social ties are disregarded, poverty is universal, and over 60 per cent. of the annual increase of the population is illegitimate. Let me quote from the American Cyclopædia, volume 15, page 17:

> The government measure was brought forward April 23, 1833. It proposed an apprenticeship of twelve years for the slaves, and to pay out of their earnings to the masters the sum of £15,000,000. The friends of emancipation remonstrated against these features of the plan, and it was finally modified by a reduction of the term of apprenticeship to six years, and a provision to pay the masters £20,000,000 out of the national treasury. The bill passed the house of commons August 7, the house of lords August 20, and received the royal assent August 28, 1833. The day fixed for emancipation was August 1, 1834, and it was left optional with the local legislatures respectively to adopt or reject the system of apprenticeship. Antigua and Bermuda rejected, while the other islands adopted, the system. The apprenticeship system did not work well.

It ought to be known and is known that like causes produce like effects. It is well known to those who have taken pains to be informed by evidence coming to them, though they may never have been in the Southern States themselves, and I have some personal observation that has instructed me, so that I am convinced of the fact that the general condition of the colored population in very much the larger geographic proportion of the South is growing worse rather than better. The colored population when disciplined by their former legal status were much more industriously inclined than the youthful colored population that is now growing up. The colored youths now are not so quiet and good-natured and easily managed and tractable a race of men as the Northern people are inclined to think. I believe that they are rapidly becoming demoralized, an idle, thriftless population, with a tendency to violence, and likely to become a source of as much danger to the United States as a population like this described in Jamaica can be. They increase much more rapidly from natural causes than does the white population. By the last census it is shown that they increase 7 per cent. more rapidly than does the white population of the whole country from

immigration and births combined. While increasing in numbers, in my belief they are not improving in condition. In twenty-five years from now this Southern colored population, unless something is done to restrain, improve, and elevate them, are quite likely to be a source of violence and of turmoil in this country. Those who think otherwise, I imagine, will find themselves profoundly mistaken, and it is well enough to be instructed by historical examples when they exist.

I cannot take the time of the Senate a great length in reading the citations from eminent men which I have made; but I will read a few in regard to national education. Macaulay in his speech on education uses this language:

NATIONAL EDUCATION.

This, then, is my argument. It is the duty of government to protect our persons and property from danger. The gross ignorance of the common people is a principal cause of danger to our persons and property. Therefore it is the duty of the government to take care that the common people shall not be grossly ignorant.—*Macaulay's Speech on Education.*

The education of the people is not only a means, but the best means, of obtaining that which all allow to be a chief end of government.—*Ibid.*

Another great authority says:

When we see government measures, which are excellent in themselves, fail from the opposition of an ignorant people, we at first feel irritated against the senseless multitude; but when we come to reflect, when we observe that this opposition might have been easily foreseen, and that the government, in proud exercise of authority, has taken no steps to prepare the minds of the people, to dissipate their prejudices, to conciliate their confidence—our indignation is transferred from the ignorant and deceived people to its disdainful leaders.—*Jeremy Bentham's Works*, volume I, page 568.

Let me give further citations:

Ignorance causes poverty.

By diminishing productive capacity, and therefore wealth.

Intelligence is a most powerful factor in industrial efficiency. The intelligent is more useful than the unintelligent laborer: (*a*) Because he requires a far shorter apprenticeship * * *. (*b*) Because he can do his work with little or no superintendence * * *. (*c*) Because he is less wasteful of materials * * *. (*d*) Because he readily learns to use machinery, however delicate or intricate.—*Walker's Political Economy*, pages 52, 53.

By hindering improvement.

In some parts of the country the ignorance of the people of almost everything beyond their huts and potatoes and pigs, their entire lack of practical sense and judgment, and of that energetic and progressive spirit which advancement in education is apt to bring, has hitherto been one of the greatest hinderances to the progress of the country. With this ignorance there has often been coupled superstition, and a tendency to indolence, increasing poverty, distress and discontent.—*The Irish Question, by King*, pages 283, 284.

II. Ignorance causes poverty.

Illustration from Scotland and Ireland in 1800-'10:

I am persuaded that the extreme profligacy, improvidence, and misery which are so prevalent among the laboring classes in many countries are chiefly to be ascribed to the want of education. In proof of this we need only cast our eyes on the condition of the Irish, compared with that of the peasantry in Scotland. Among the former you behold nothing but beggary, wretchedness, and sloth; in Scotland, on the contrary, under the disadvantages of a worse climate and more unproductive soil, a degree of decency and comfort, the fruit of sobriety and industry, are conspicuous among the lower classes. And to what is this disparity in their situation to be ascribed, except to the influence of education? In Ireland the education of the poor is miserably neglected; very few of them can read, and they grow up in a total ignorance of what it most befits a rational creature to understand; while in Scotland the establishment of free schools in every parish, an essential branch of the ecclesiastical constitution of the country, brings the means of instruction within the reach of the poorest, who are there inured to decency, industry, and order.—*Robert Hall's Works*, I, 201, 202. (1810.)

II. Ignorance causes demoralization.

Illustration from Rome:

But we must look beyond the political institutions of Rome, and seek in her social condition the primary causes of the fall of the republic. * * * There was no union of the different classes of society in common interests and sympathies, nor any adequate gradation of classes to balance their relative forces. Without a middle class, industrious, orderly, progressive, and contented, society was broadly into the rich and the poor. And in the later days of the republic both were corrupted. The rich became more covetous and grasping. * * *

The poorer classes were no less demoralized as citizens and depositaries of political power. Pauperized by bounties of grain; corrupted by bribery; debased by barbarous and brutal entertainments; tainted with the vices of slavery; without regulated industry; disunited by the confusion of many nationalities; and unsettled by incessant wars and revolutions, they were wanting in all the elements of a sound democracy.—*May's Democracy in Europe*, I, pages 225, 226, 227.

Illustration from France:

The peasants, suffering from want and resenting the oppression of the feudal lords, rose in great numbers in different parts of France (in 1353); they burned many castles, murdered the owners, and committed the most frightful outrages upon women and children, * * * and in later times the like passions were to be revealed in excess no less monstrous and unnatural.—*May's Democracy in Europe*, II, pages 91, 92. See, also, *Taine's Ancient Régime*, pages 374-380.

II. 4. Poverty causes demoralization.

Illustration from Rome.

The mind itself can scarcely comprehend the wide range of the mischief—how constant poverty and insult long endured, as the natural portion of a degraded caste, bear with them to the sufferers something yet worse than pain, whether of the body or the feelings; how they dull the understanding and poison the morals; how ignorance and ill-treatment combined are the parents of universal suspicion; how from oppression is produced habitual cowardice, breaking out when occasion offers into merciless cruelty; how slaves become naturally liars; how they, whose condition denies them all noble enjoyments, and to whom looking forward is only despair, plunge themselves, with a brute's recklessness, into the lowest sensual pleasures; how the domestic circle itself, the last sanctuary of human virtue, becomes at length corrupted, and in the place of natural affection and parental care, there is to be seen only selfishness and unkindness, and no other anxiety on the part of parents for their children than that they may, by fraud or by violence, prey in their turn upon that society which they have found their bitterest enemy. Evils like these long working in the heart of a nation render their own cure impossible; a revolution may execute judgment on one generation, and that perhaps the very one which was beginning to see and to repent of its inherited sins; but it cannot restore life to the morally dead; and its ill success, as if in this line of evils no curse should be wanting, is pleaded by other oppressors as a defense of their own iniquity and a reason for perpetuating it forever.—*Arnold's Rome*, volume II, page 19.

Illustration from the No-Popery Riots of 1780:

I do not know that I could find in all history a stronger proof [than the No-Popery Riots of 1780] of the proposition that the ignorance of the common people makes the property, the limbs, the lives of all classes insecure. Without the shadow of a grievance, at the summons of a madman, a hundred thousand people rise in insurrection. During a whole week there is anarchy in the greatest and wealthiest of European cities, &c.

The cause was the ignorance of a population which had been suffered, in the neighborhood of palaces, theatres, temples, to grow up as rude and stupid as any tribe of tattooed cannibals in New Zealand—I might say as any drove of beasts in Smithfield market.—*Macaulay's Speech on Education.*

II c. A discouraged person is useless and may become desperate.

His industrial power is small.

A fifth reason for the higher efficiency of the laborers of one class or nation than of another is found in greater cheerfulness and hopefulness, growing out of higher self-respect and social ambition and a more direct and certain interest in the product of industry —*Walker's Political Economy*, page 54.

Fear is far less potent than hope in evoking the energies of mind or body, while efforts made under the influence of the former passion are far more exhausting than those made under the influence of the latter.—*Ibid.*

Discouragement may result in desperation [French revolution].

The feeling of hatred [in the French peasant at the time of the revolution, 1791] was become too strong to be appeased, because here too it was mixed with intense suspicion, the result inevitably of suffering and ignorance, and nothing but the overthrow of those against whom it was directed could have satisfied it.—*Arnold's Lectures on Modern History*, page 390.

III. Ignorance causes immorality.

Because its opposite, knowledge, elevates.

But to return to the moral good which results from the acquisition of knowledge; it is chiefly this, that by multiplying the mental resources it has a tendency to exalt the character, and in some measure to correct and subdue the taste for gross sensuality.—*Hall's Works*, I, 200.

Results of ignorance.

Where education has been entirely neglected, or improperly managed, we see the worst passions ruling with uncontrolled and incessant sway. Good sense degenerates into craft, and anger rankles into malignity. Restraint, which is thought most salutary, comes too late, and the most judicious admonitions are urged in vain.—*Dr. S. Parr.*

III. Ignorance causes immorality.

Ignorance *vs.* Education in Switzerland.

Neither in Switzerland nor in other countries do we find ignorance and poverty united with high moral qualities. In some of the cantons, however, where education is diffused, and industry and commerce have become sources of wealth, the people are contented and happy.—*Dean's History of Civilization*, VI, 108, 109.

Injuries from ignorance.

The laboring class, for instance, will have no mobility [if uneducated], will be in the power of the employer, will have no hope of bettering its condition of life by change of place, will be given to low pleasures. Crime and ignorance go together, and the prospect for the children of such a class is dark indeed. For the industry, morals, loyalty, and quiet of this class, for the safety of all classes, some kind of education is necessary.—*Woolsey's Political Science*, I, page 227.

III. 2. Immorality causes degeneration. National degeneration comes from loss of character.

But this political ruin [of the Roman Empire] was an effect of a moral ruin, not a first cause; and a nation that has lost its character must decay politically until some new condition of the world quickens it again into life.—*Woolsey's Political Science*, II, page 601.

Fruits of long-continued moral advance.

There are certain moral fruits so conspicuous in the history of civilization that no pessimist can dispute them. That the long, slow movements in society which have been tending with steady purpose and sure result to establish order and the reign of equal laws; to extinguish slavery; to break oppression of every form; to mitigate the barbarities of war, and to put restraints upon it; to diminish human suffering; to help the unfortunate, and to lift the debased; to cultivate the cosmopolitan sentiment and the spirit of co-operation among men—that the movements which bear this ripening fruitage are moral movements, it is impossible to deny.—*J. N. Larned in Popular Science Monthly*, XI, 549.)

I.V Ignorance causes error in judgment and conduct.

By opening the people to evil influences.

Nothing in reality renders legitimate governments so insecure as extreme ignorance in the people. It is this which yields them an easy prey to seduction, makes them the victims of prejudices and false alarms, and so ferocious withal that their interference in a time of public commotion is more to be dreaded than the eruption of a volcano.—*Robert Hall's Works*, volume I, page 203.

By deceiving him as to his interest in his neighbor.

The less instructed a man is the more he is led to separate his interests from those of his fellows. The more enlightened he is the more distinctly will he perceive the union of his personal with the general interest.—*Jeremy Bentham's Works of*, volume I, page 537.

ILLUSTRATIONS OF BENEFITS FROM EDUCATION.

Athenian intelligence.

Mitford was right enough when he assumed that an English county meeting reached the very height of political ignorance, only he should not have thence leaped to a similar conclusion as to the assembled people of Athens. * * * * We suspect that the average Athenian citizen was, in political intelligence, above the average English member of Parliament. It was this concentration of all power in an aggregate of which every citizen formed a part which is the distinguishing characteristic of true Greek democracy.—*Freeman's Athenian Democracy*, pages 146, 147.

The education of a lower class in Turkey.

In the vigorous age of the Ottoman Government the Turks were themselves excluded from all civil and military honors, and a servile class, an artificial people,

was raised by the discipline of education to obey, to conquer, and to command.—*Gibbon's Rome*, chapter LXV.

Scotland *vs.* Ireland.

We have two nations closely connected, inhabiting the same island, sprung from the same blood, speaking the same language, governed by the same sovereign and the same legislature, holding essentially the same religious faith, having the same allies, and the same enemies. Of these two nations one was, a hundred and fifty years ago, as respects opulence and civilization, in the highest rank among European communities; the other in the lowest rank. The opulent and highly civilized nation leaves the education of the people to free competition. In the poor and half barbarous nation the education of the people is undertaken by the State. The result is that the first are last and the last first. The common people of Scotland—it is vain to disguise the truth—have passed the common people of England. Free competition, tried with every advantage, has produced effects of which, as the Congregational Union tells us, we ought to be ashamed, and which must lower us in the opinion of every intelligent foreigner. State education, tried under every disadvantage, has produced an improvement to which it would be difficult to find a parallel in any age or country.—*Macaulay's Speech on Education.*

WASHINGTON'S VIEWS.

Some views of education entertained by Washington are indicated by provisions inserted in his last will; *e. g.*, he provided that the slaves who had not attained their majority at the time when they were to receive their freedom in accordance with his direction should be taught to read and write and be brought up to some useful occupation. He bequeathed $4,000 for the education of orphans and the children of the poor in the academy at Alexandria. He gave property for the endowment of a university which should draw to it the youth of all sections, thus preventing their being sent abroad to their injury, and reconciling local prejudices and antagonisms through friendly association.

What I have read from Robert Hall was written at the beginning of the present century in reference to a status then existing in Ireland; but it is proper to say that of late years the educational privliges of Ireland have been very greatly improved, as in fact they have been in every European country, until to-day the truth is that many of them are passing our own country in the vigilance and intensity of the effort which they are making to educate their own people. Indeed there is great danger that they will pass us, and pass us before a great while, in the matter of industrial skill, because of the greater attention they are giving to the matter, perhaps growing out of the fact that they have recently discovered the great need of the education which they want, and are making correspondingly vigorous efforts to overcome the prevailing ignorance. They also find that American production paying higher wages is nevertheless competing with them in their own markets, and likely to do so more extensively hereafter in all the markets of the world, and unless their people become educated they will soon be without employment or that form of employment giving productions for exportation to the other and increasing markets of the world. In other words, the skilled labor of Enrope, based upon general education, is coming more and more in competition with the skilled labor of America, and our superior intelligence will not much longer tell to our advantage in this direction.

I close my citations from the writings of eminent men and illustrations drawn from the history of the race by quotations from two remarkable addresses delivered before the National Education Assembly, held at Ocean Grove last August, from the 9th to the 12th, four days, inclusive.

Over sixty addresses were delivered on that occasion by American educators and some others interested in the subject. Thousands of people were in attendance, and all religious denominations nearly were represented.

Rev. J. C. Hartzell, D. D., who was the active organizer of the great work, has published the proceedings in a volume, which I hesitate not to say is of greater practical value than any other work upon the subject of education, and its cognate problems as they exist and require to be dealt with to-day than any, and I had almost said all, other sources of information accessible of which I have knowledge. The book is an encyclopedia in one volume, carefully indexed, and treats exhaustively of the following topics: Education and man's improvement; Illiteracy in the United States; National aid to common schools; The negro in America; Illiteracy, wealth, pauperism, and crimes; the American Indian problem; the American Mormon problem; Education in the South since the war; Christ in American education; Tables: Illiterate and educational status United States 1880.

On that occasion, among the sixty, the Hon. John Eaton, Commissioner of Education, delivered an address, which was full of meat, and of good meat, too. I wish to read a little from it, not his comments and philosophy, but statements of fact. I read from page 49:

But we must not pause here; we must look at the reverse side. New England to-day has but one college student, male and female, to every one hundred and sixty-seven families; whereas at the end of the first twenty-three years of New England history, or when there were 20,000 souls in the settlements, there was one university graduate to every forty families. May we not say that hence came such wisdom in laying the foundation of those States? When will the educated classes anywhere attain the same relation to the whole body of the people?

But against this attendance upon the public schools there is the non-attendance of 5,754,759. Allowing that these odd hundred thousands are in private schools that are not reported, there remain 5,000,000 of children of school age untaught. To furnish these sittings in buildings, at the usual average of $20 per sitting, would cost a hundred millions in money; to furnish them teachers would require an increase of 30,000 to the teaching corps, and a single year's preparation of these teachers at the average rate in New York would cost $10,000,000.

The pay of these 30,000 additional teachers for one year of ten months, at the rate of $32 a month, which is about the average throughout the country, would amount to $9,600,000. Add to this the items for preparation and school-house sittings necessary for these non-attending school children, and you have the grand total required for the first year of $12,000,000.

There has been an attempt to raise a laugh at the proposition of the Hon. Senator Logan to appropriate $60,000,000 in aid of education, but I give you here figures which cannot be invalidated, showing that his proposition falls $60,000,000 short of the sum which would be required to furnish for a single year all our school children now without school sittings and teachers.

Referring to myself he says:

Mr. Senator BLAIR, in his examination of this point in his recent speech, considering that Texas has a school period of only six years, states that, if the school life were properly lengthened in that and other States, the number reported without school accommodations and without teachers would be increased by three millions.

In our cities we are accustomed to expect the best teachers, best school-houses, best methods, and best supervision; but laws making attendance obligatory are wanting in more than half of the States, and, on an average, two-fifths of the children are not enrolled in the schools. Here are forced upon us the terrible problems encountered in older civilizations and more dense populations.

* * * * * * *

The fifteen States and the District of Columbia, where slavery prevailed, having a legal white school population of 3,899,961, had 2,215,674 enrolled in schools, and with a colored school population of 1,803,257, had 784,709 enrolled, and expended $12,475,044. This money, it should be remembered, is divided pro rata, without distinction of color, in all States excepting Kentucky and Delaware. In the former State the colored people have had for educational purposes the benefit only of the income of the tax upon their own property and polls and specified fines and forfeitures. By an act of the last legislature, however, provision was made for submitting to the people the question of adding a two-mills tax upon property for educational purposes, uniting this and the amount from the previous provisions for education, and distributing the whole pro rata per capita. In Delaware, $2,500 are now appropriated for the colored schools. What has thus been accomplished in these States for education may be taken as a pledge of what they will do.

* * * * * * *

To which great agency can you assign the additional burden of educating these illiterates? To the family? How many families of the most cultured and best conditioned are unable to educate their children as in former times or as they desire; and among those colored people the least supplied with schools, how widely is the family a minus quantity as a factor in promoting the improvement of the young? Shall we then look to the Church for the light to overcome this darkness? How inadequate are the resources of the Church in the South to supply sittings and preachers for the special function of declaring the gospel? How generally are they in debt? What appeals are they compelled to make to their friends in other quarters? Shall we turn, then, thirdly, to the States, already impoverished and loaded with taxes and embarrassed by questions of repudiation? In reply, let me invite attention to the fact that the taxable real and personal property reported for assessment in those States is given in round numbers as $3,379,000,000, while the real and personal property in New York and New Jersey alone is worth nearly an equal amount, or $3,292,000,000.

What would the people of these two States say to an additional assessment on their property sufficient to erect all the additional school-houses and supply all the teachers for the instruction of the millions of illiterates in the South? All are familiar with the sensitiveness in the several Northern States to the assessment of any additional tax for education or any other purpose, and there the total wealth as assessed is reported as $13,095,000,000, or nearly ten billions more than in the South.

It should be remembered, in addition to the short period in which schools are already taught in the South, that there are 2,702,835 children of age not enrolled for instruction. Take another comparison: Charleston, S. C, now levies a tax of three mills on a dollar; but to furnish the children of that State a fair approach to the instruction given those in Massachusetts would require a tax on the property of the State of nearly three cents on the dollar. This the friends of education in Massachusetts or any other State would hesitate to propose in their own case.

* * * * * * *

I must not pause to elaborate these points, but supposing (1) that the labor of an illiterate is increased in value 25 per cent. by teaching him to read and write, 50 per cent. by fairly educating him, and 75 per cent. by giving him a thorough training; and (2) that the average value of the labor of literates is the same as the average wages paid employés in manufactories, then the following computations give sound conclusions.

By the census of 1880, the number of persons of 21 years and upward in the Southern States who were unable to write was 2,984,387. If 75 per cent. of them should be taught to read and write, it would increase the value of the labor of 2,238,290 persons 25 per cent. The present value of their labor is, approximately, $248 a year each. The increase of value would be $62 a year per capita, a total of $138,773,980. If 15 per cent. of the illiterates should be fairly educated, it would increase the value of the labor of 447,658 persons 50 per cent. or from $248 to $372 a year each. The total of this annual increase would be $55,509,592. If the remaining 10 per cent. of illiterates should have the value of their labor increased 75 per cent. by being thoroughly trained, the industrial value of 298,439 persons would be raised from $248 to $434 a year each, a total of $55,509,654. By adding the three totals just given, it is seen that the increase which would come to the industrial value of illiterates in the Southern States would be, were they educated as indicated, $241,727,220 a year.

A regular computation may be made for the entire country. The average annual wages paid by manufacturers is $345. The number of persons 21 and over unable to write is 4,204,263. By teaching 75 per cent. of these to read and write, the labor of 3,153,272 individuals is increased in value from $345 to $431 a year, a total gain of $271,181,392 each year. The gain which would come from educating 15 per cent. (830,654) of the illiterates so that their labor would be increased 50 per cent. in value, would be $108,787,815. The same amount would be gained by so training the remaining 10 per cent. of illiterates that their labor would be of 75 per cent. more value; and the total annual profit to the country by the conversion of illiterate into educated labor would be, according to the premises assumed as a basis of computation, $488,757,022 a year.

Need I go further to indicate that education is a most profitable investment for both labor and capital? * * *

Omitting any reference to the influence of illiteracy during minority, or any bearing of the illiteracy of the female adults, the late census shows us that there is a great army of 1,870,216 adult males or voters who cannot write, an army nearly double that ever in the field during the late deplorable civil war. You will certainly excuse me from any delineation of the horrors of the devastation that might follow their united and concentrated efforts against the peace and order of society.

I simply call your attention to what may be the injurious effect of their silent action at the polls. The members of our respective political parties believe in the rightness of their principles and seek to make their appeal to the reason and consciences of the people; but the figures disclose the alarming fact that in eleven States these illiterate voters outnumbered the votes cast in the last Presidential election by either of the political parties. Thus, should they unite under any strong,

impassioned, successful leader, they would have absolute control of legislation and offices in those States and of the election of twenty-two members of the United States Senate.

I turn now to the address of Col. Dexter A. Hawkins, of New York city, who is a prominent lawyer and publicist, as undoubtedly members of the Senate are aware. His address was upon the relations of education to wealth and morality, pauperism and crime. I read only the most pertinent extracts, and would refer any one interested to the entire address.

In 1870 the Commissioner of Education at Washington sent out a series of carefully drawn, comprehensive, and searching questions to the great centers of labor in all parts of the United States. These centers were so selected as to represent every kind of labor, from the rudest and simplest up to the most skilled. The object of the questions was to determine the relative productiveness of literate and illiterate labor. I have tabulated, reduced, and generalized the answers so as to get at what seems to me to be the average result over the whole country. This investigation—one of the most interesting ever made—brought clearly to light the following facts:

1. That an average free common-school education, such as is provided in all the States where the free common school has become a permanent institution, adds 50 per cent. to the productive power of the laborer considered as a mere productive machine.

2. That the average academical education adds 100 per cent.

3. That the average collegiate or university education adds from 200 to 300 per cent. to his average annual productive capacity, to say nothing of the vast increase to his manliness—to his godlikeness.

By the census of 1880 we had in the United States 4,204,362 illiterate adults—white and colored.

I read his computation in order to show that independent and most intelligent observers and thinkers arrive at substantially the same conclusion:

Now, putting their labor at the minimum annual value of $100 each (which is far below the average even for farm labor, while the wages of manufacturing operatives, including 15 per cent. of women and children, as shown by the census of 1880, average in the whole country $345 each per year), and the annual loss to these persons from the lack of at least a common-school education would be $50 each. This, for the whole number of 4,240,362, is $210,000,000 per year—a sum twice as large as the entire annual expenditure for public education in the whole country. This sum—$210,000,000—is a clear annual loss, not only to these illiterates, but to the community, by reason of their illiteracy.

* * * * * * *

The late slave States complain of their inability to pay the expenses of free common schools, and they raised for public education in 1880 only $10,883,104. The amount of the annual loss in these same States, from their labor being illiterate, is at least $150,000,000. The extra productiveness of their laborers over what it is now would—had they been educated, as in Maine and New Hampshire—establish and support free common schools nine months in the year for every child of the school age within their borders, and leave a surplus sufficient to support a free academy in every county and a free college in every State.

A supposition of that kind is very well, but it must be remembered that an existing state of things, where it is the status of human beings, cannot be changed but by long and expensive processes, and that to change the actual condition in these Southern States to the degree of literacy which exists in the ones referred to must necessarily be the work of ten or fifteen or twenty years.

A careful examination of the census of England, Scotland, Ireland, and of the several countries on the continent of Europe indicates that, other things being equal, pauperism is in the inverse ratio of the education of the mass of the people; that is, as education increases pauperism decreases, and as education decreases pauperism increases.

In the Grand Duchy of Baden they put into operation in 1854 a rigorous system of universal compulsory education in the elementary branches. The effect in seven years upon pauperism was to reduce it 25 per cent. It has been calculated by statisticians and students of social science that 96 per cent. of pauperism could be exterminated by universal compulsory education in the elementary branches of knowledge and industry.

* * * * * * *

In Pennsylvania, Ohio, and Illinois, three great central States, where self-support is not difficult, one in ten of the illiterates is a pauper, while of the rest of the population only one in three hundred is a pauper. In other words, in those three great central States a given number of children suffered to grow up in ignorance produce thirty times as many paupers as when given an average common-school education.

In 1870 a special investigation was made, in fifteen States, of the inmates, to the number of 7,398, of almshouses and infirmaries. Of these, 4,327, or nearly 59 per cent. could not read and write; while in those fifteen States the average percentage of illiterates was only 6 per cent. of the whole population. From this 6 per cent. came that 59 per cent. of the paupers; or, to express it in another form, a given number of children in those fifteen States, suffered to grow up in ignorance, produced twenty-two times as many paupers as the same number of children would if given a fair common-school education.

Similar results may be obtained from the census of almost every country in Europe or America.

We may safely say, then, that it is a general law of modern civilization that an illiterate person is from twenty to thirty times as liable to become a pauper and a charge upon the public as is one with an average common-school education; and that the annual loss to the community, in the United States, in the productive power of the illiterates, and in the support of paupers made such by illiteracy, is nearly, if not quite, equal to the amount that would be required to establish and maintain a free common school the year round in every State in the Union, amply sufficient for the whole fifteen millions of the children of the school age in the United States.

The annual expense of maintaining paupers—96 per cent. of whom have become such through lack of proper training while young—is at least ten times as great as would have been the expense to the public of securing an education while young to each of these paupers sufficient to have enabled 96 per cent. of them to support themselves instead of being a charge upon the public.

Education leads naturally to industry, sobriety, and economy; hence it makes one conscious of the benefits resulting from these habits.

Statistics proclaim in no uncertain voice that *education is the surest preventive of pauperism;* and that the expense of providing and applying in season this preventive would not be one-tenth that now brought upon society by pauperism.

The first incentive to action is self-support—gaining a livelihood. This is the very basis of personal independence of individual character, respectability, and influence. The key to self-support is education. Money and labor, invested in education, are capital invested in such a manner that the principal is absolutely safe, and the income large, sure, and promptly paid. The States should see to it that a reasonable investment of this kind is made in and for every child as it grows up.

* * * * * * *

In France, in 1868, one-half of the inhabitants could not read nor write. From this half came 95 per cent. of the persons arrested for crime. From the other, the educated half, came only 5 per cent. In other words, a given number of children, suffered to grow up illiterate, produced nineteen times as many persons arrested for crime as the same number would if educated, at least to the extent of the elementary branches.

In the Grand Duchy of Baden, from 1854 to 1861—seven years—the government, by a rigorous system of universal compulsory elementary education, reduced the number of prisoners actually arrested 51 per cent., and the number of crimes committed 54 per cent.

In the six New England States, in 1870, 7 per cent. only of the inhabitants above ten years of age were unable to read and write; and yet this 7 per cent. produced 80 per cent. of the criminals. Or, in other words, a given number of children in New England at that time suffered to grow up illiterate produced fifty-three times as many criminals as the same number would if educated to the extent of the curriculum of the public schools. This fact is a complete vindication of the moral effect of the New England system of public education, Cardinal Antonelli to the contrary notwithstanding.

In the State of New York, in 1880, the illiterates produced eight times their pro rata proportion of the criminals in that State; that is, a given number of children brought up illiterate, on the average produced eight times as many criminals as the same children would have produced if educated to the extent of the curriculum of the public schools.

In the city of New York, in 1870, among the illiterates, one crime was committed for every three persons; while among the literates there was only one crime to twenty-seven persons. Or, in other words, the ignorant class in that city furnishes nine times the criminals they would if educated in the public schools.

In the Commonwealth of Pennsylvania, in 1870, the illiterates, according to their numbers, committed seven times as many crimes as the literate class.

In Pennsylvania, Ohio, and Illinois, taken together, the illiterates committed ten times as many crimes, according to their numbers, as the literate class.

Take the whole of the United States together, according to the census of 1870, the illiterates committed ten times their pro rata proportion of crimes.

In Pennsylvania, in the years 1879 and 1880, one-thirtieth of the population above ten years of age could neither read nor write, and this one-thirtieth committed one-sixth part of the crimes, or nearly six times its proper proportion. But if we class with the illiterates the criminals who could barely read and write, but who had no education beyond bare reading and writing, it will then appear that the one-thirtieth of the population of Pennsylvania that is illiterate commits one-third of the crime, or more than fourteen times its legitimate proportion.

A careful examination of the statistics of twenty States shows the following average results:

First. That one-sixth of all the crime in the country is committed by persons wholly illiterate.

Second. That one-third of the crime in the country is committed by persons wholly or substantially illiterate.

Third. That the proportion of criminals among the illiterate class is, on the average, ten times as great as it is among those who have been instructed in the elements of a common-school education or beyond.

Fourth. That the expense imposed upon society to protect itself against a few thousand criminals, most of whom were made such through the neglect of society to take care of their education when young, is one of the heaviest of the public burdens. *In the city of New York it is 50 per cent. more than the whole cost of the public schools.*

In that city the annual appropriation for police, criminal courts, reformatories, jails, and penitentiaries is over five millions of dollars; while that for the training of the 385,000 school children in the city is only $3,500,000.

The average attendance at the schools in 1888 was 138,329. The "compulsory school age"—that is, the age within which *all* children are *required* by law in the State of New York to attend school—is eight to fourteen years. The number of children of this age in the city of New York in June, 1880, was 144,474; while the average attendance on the public schools of children of all ages from five to twenty-one in that year in the city was only 133,096. As a logical consequence of this neglect of education the city jails and almshouses are crammed and taxes are high.

The city, in its meager provision for education and its enormous taxation for criminals (to use an old but expressive adage), "saves at the spigot but loses at the bung."

What is true of the metropolis of the country is equally true of every city, town, village, and neighborhood.

These facts could be multiplied almost without limit.

The examination of the statistics of criminality and illiteracy in the census of any civilized state or country will give results substantially in harmony with the above.

Carlyle says that—

"If the devil were passing through my country, and he applied to me for instruction on any truth or fact of this universe, I should wish to give it to him. He is less a devil knowing that three and three are six than if he didn't know it; a light spark, though of the faintest, is in this fact; if he knew facts enough, continuous light would dawn on him; he would (to his amazement) understand what this universe is, on what principles it conducts itself, and would cease to be a devil."

I desire here to introduce a series of tables compiled from various sources, but chiefly from the census of 1880 and from returns gathered by the Bureau of Education. There are sometimes slight variations in the results obtained by different agencies, but their general accord is an indication of their reliability.

Several of the most important are taken from the report of the committee of the House of Representatives on the bill for aid of the Government for educational purposes. I refer to Mr. WILLIS'S report, very lately published; a report without which no examination of the subject will have been exhaustive, and with which no one can consider his sources of information incomplete.

These tables contain the substance of all the statistical matter in possession of the Government necessary for the study of the subject. Upon several of them I have expended considerable labor personally, but to the wise, philosophical, and indefatigable efforts of the Bureaus of Education and of the Census the credit of this mathematical and statistical grouping chiefly belongs.

There is necessarily some repetition of matter in showing different combinations of elements as they relate to different topics and propositions, but it is believed that there are important features peculiar to each table, and that the present and future will find this statistical statement one of convenient reference and perhaps of profound study.

These tables are twenty-four in number, and in order to facilitate reference to them I give a résumé of the contents of each.

Table 1. Historical and statistical data of the United States.

Table 2. Showing the area of the several States and Territories containing public lands, and the quantity devoted for educational purposes up to June 30, 1867.

Table 3. Public-school statistics of the United States in 1880, with number of teachers and pupils in private schools, prepared by Commissioner of Education. Items too numerous to mention.

Table 4. Showing the total population, school population, enrollment, average attendance, total number of teachers, length of school year in days, number of pupils or children not attending school, per cent. of school population enrolled in schools, per cent. of school population not enrolled in school in eighty-six cities, census of 1880.

Table 5. Illiteracy in the United States.

Table 6. Illiterate population ten years of age and over.

Table 7. White and colored adult males and adult male illiterates of the two races.

Table 8. Colored schools and enrollment in Southern States five years, from 1877 to 1881.

Table 9. Giving the popular majorities received at the last three Presidential elections, and the number of illiterate voters as shown by census of 1880.

Table 10. Comparative statistics of education at the South.

Table 11. The population and assessed valuation of personal property and real estate in States and Territories, from census reports of 1860, 1870, and 1880.

Table 12. Amount raised by taxation for support of public schools in each State and Territory during the year 1880.

Table 13. Rate of taxation for school purposes in various cities.

Table 14. Showing the population, total assessed valuation of property, total taxation, per capita of valuation, per capita of taxation, rate of taxation, total indebtedness, per capita of indebtedness, by States and Territories.

Table 15. Assessed valuation of real and personal property, total population by States, &c., and property per capita, the States and Territories arranged in groups.

Table 16. Increase and decrease in assessed valuation in the several Southern States, as shown by comparison of census of 1870 and 1880.

Table 17. School district indebtedness in the United States.

Table 18. Valuation and taxation.

Table 19. Selected cities, valuation and taxation.

Table 20. Drawn from the returns of school statistics for the year 1881 to the Bureau of Education, showing the number of youth not enrolled in school, and the expense of supplying them with the necessary school-houses, teachers, and text-books, including wages of teachers, for a school three months the first year.

Table 21. Drawn from the returns of school statistics from the Southern States and District of Columbia for the year 1881, showing the number of youth not enrolled in school, and the expense of supplying them with the necessary school houses and teachers, and the books and wages of teachers for a school of three months' length for the first year.

Table 22. Based on returns to the Bureau of Education for 1881, showing legal school population, total school expenditure, per capita of school expenditure, proportion of $15,000,000 to each State based on number of persons by census of 1880 ten years old and upward who cannot read, proportion of $15,000,000 to per capita of school population of 1881, total of school expenditure including $15,000,000, and total per capita expenditure including $15,000,000.

Table 23. Showing the sum of money which each State and Territory would receive in the division of $15,000,000 among them all in proportion to their relative population ten years of age and upward who cannot write (census of 1880, 6,239,958).

Table 24. Showing the sum of money which each State and Territory would receive in the division of $15,000,000 among them all in proportion to their relative population ten years of age and upward who cannot read. (Census 1880.)

TABLE I.—*Historical and statistical data of the United States.*

[Compiled from Report of the Commissioner of the Land Office for 1867.]

States and Territories.	Act organizing Territory.			Act admitting State.			Area in square miles.	Population in 1860. *a*
	U.S. Statutes.	Vol.	Page.	U.S. Statutes.	Vol.	Page.		
ORIGINAL STATES								
New Hampshire							9,280	326,073
Massachusetts							7,800	1,231,066
Rhode Island							1,306	174,620
Connecticut							4,750	460,147
New York							47,000	3,880,735
New Jersey							8,320	672,035
Pennsylvania							46,000	2,906,115
Delaware							2,120	112,216
Maryland							11,124	687,049
Virginia, East and West							61,352	1,596,318
North Carolina							50,704	992,622
South Carolina							34,000	703,708
Georgia							58,000	1,057,286
STATES ADMITTED.								
Kentucky				Feb. 4,1791	1	189	37,680	1,155,684
Vermont				Feb. 18,1791	1	191	*b* 10,212	315,098
Tennessee				June 1,1796	1	491	45,600	1,109,801
Ohio	Ord. of 1787			Apr. 30,1802	2	173	39,964	2,339,502
Louisiana	Mar. 3,1805	2	331	Apr. 8,1812	2	701	*b* 41,346	708,002
Indiana	May 7,1800	2	58	Dec. 11,1814	3	399	33,809	1,350,428
Mississippi	Apr. 7,1798	1	549	Dec. 10,1817	3	672	47,156	791,305
Illinois	Feb. 3,1809	2	514	Dec. 3,1818	3	536	*b* 55,410	1,711,951
Alabama	Mar. 3,1817	3	371	Dec. 14,1819	3	608	50,722	964,201
Maine				Mar. 3,1820	3	544	*b* 35,000	628,279
Missouri	June 4,1812	2	743	Mar. 2,1821	3	645	*b* 65,350	1,182,012
Arkansas	Mar. 2,1819	3	493	June 15,1836	5	50	52,198	435,450
Michigan	Jan. 11,1805	2	309	Jan. 26,1837	5	144	*b* 56,451	749,113
Florida	Mar. 30,1822	3	654	Mar. 3,1845	5	742	59,268	140,425
Iowa	June 12,1838	5	235	Mar. 3,1845	5	742	50,045	674,948
Texas				Dec. 29,1845	9	108	*b* 274,356	604,215
Wisconsin	Apr. 20,1836	5	10	Mar. 3,1847	9	178	53,924	775,881
California				Sept. 9,1850	9	452	*b* 188,981	305,439
Minnesota	Mar. 3,1849	9	403	Feb. 26,1857	11	166	83,531	173,855
Oregon	Aug. 14,1848	9	323	Feb. 14,1859	11	383	95,274	52,465
Kansas	May 30,1854	10	277	Jan. 29,1861	12	126	81,318	107,206
West Virginia				Dec. 31,1862	12	633	23,000	
Nevada	Mar. 2,1861	12	209	Mar. 21,1864	13	30	112,090	*c* 6,857
Colorado	Feb. 28,1861	12	172		13	32	*b* 104,500	*c* 34,277
Nebraska	May 30,1854	10	277	Mar. 1,1867	13	47	75,995	28,841
TERRITORIES.								
New Mexico	Sept. 9,1850	9	446				121,201	
Utah	Sept. 9,1850	9	453				88,056	
Washington	Mar. 2,1853	10	172				69,994	
Dakota	Mar. 2,1861	12	239				240,597	
Arizona	Feb. 24,1863	12	664				113,916	*c* 360,000
Idaho	Mar. 3,1863	12	808				90,932	
Montana	May 26,1864	13	85				143,776	
Indian Territory							68,991	
District of Columbia	July 16,1790	1	130				*d* 10 m. sq.	*f* 126,990
	Mar. 3,1791	1	214					
Russian purchase							557,390	70,000

a Total population in 1860 was 31,500,000; estimated in 1867 to be 38,500,000. *b* Area taken from geographical authorities and not from public surveys. *c* To the white population in Nevada should be added 10,507 Indians; and in Colorado, 2,261 Indians. *d* As estimated January 1, 1865. *e* That portion of District of Columbia south of the Potomac River was retroceded to Virginia July 9, 1846 (Statutes, volume 6, page 35). *f* By census of 1867.

TABLE 2.—*Showing the area of the several States and Territories containing public lands, and the quantity devoted for educational purposes by Congress up to June 30, 1867.*

[Compiled from Report of the Commissioner of the Land Office for 1867.]

States and Territories containing public lands.	Areas of States and Territories containing public lands.		Donations and grants for schools and universities.		Granted for agricultural colleges July 2, 1862. a		Granted for deaf and dumb asylums.	Remaining unsold and unappropriated June 30, 1867.
			Schools.	Universities.	Selected in place.	Located with scrip.		
	Square miles.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Ohio	39,964	25,576,960	704,488	69,120				500.00
Indiana	33,809	21,637,760	650,317	46,080				2,000.00
Illinois	55,410	35,462,400	985,066	46,080				2,000.00
Missouri	65,350	41,824,000	1,199,039	46,080	244,384.51	147,797.25		1,835,892.71
Alabama	50,722	32,462,080	902,774	46,080			21,949.46	6,915,081.32
Mississippi	47,156	30,179,840	837,584	46,080				4,930,893.56
Louisiana	41,346	26,461,440	786,044	46,080				6,582,841.54
Michigan	56,451	36,128,640	1,067,397	46,080	225,253.88	960,807.59		5,180,640.63
Arkansas	52,198	33,406,720	886,460	46,080			2,097.43	11,757,662.54
Florida	59,268	37,931,520	908,503	92,160			20,924.22	17,540,374.00
Iowa	55,045	35,228,800	905,144	46,080	240,000.96	1,760.00		3,113,464.18
Wisconsin	53,924	34,511,360	958,649	92,160	240,007.73	702,425.07		10,016,700.87
California	188,981	120,947,840	6,719,324	46,080				106,062,392.13
Minnesota	83,531	53,459,840	2,969,990	46,080	119,852.17	488,803.03		36,776,170.89
Oregon	95,274	60,975,360	3,329,706	46,080		1,920.00		52,742,078.96
Kansas	81,318	52,043,520	2,891,306	46,080	90,000.40	411,959.70		43,148,876.44
Nevada	112,090	71,737,741	3,985,430	46,080				67,090,382.62
Nebraska	75,995	48,636,800	2,702,044	46,080		475,989.58		42,523,927.38
Washington Territory	69,994	44,796,160	2,488,675	46,080		1,120.00		41,627,464.39
New Mexico	121,201	77,568,640	4,309,368	46,080				73,005,192.00
Utah	88,056	56,355,635	3,130,869	46,080				51,139,646.00
Dakota	240,597	153,982,080	8,554,560					145,295,284.97
Colorado	104,500	66,880,000	3,715,555					62,870,665.83
Montana	143,776	92,016,640	5,112,035					86,904,605.00
Arizona	113,916	72,906,304	4,050,350					68,855,954.00
Idaho	90,932	58,196,489	3,233,137					54,463,343.00
Indian	68,991	44,154,240						44,154,240.00
American purchase from Russia	577,390	369,529,600						369,529,600.00
Total	2,867,185	1,834,998,400	67,983,914	1,082,880	1,159,499.65	3,192,582.22	44,971.11	1,414,567,574.96

a The whole quantity liable to be issued under the act of July 2, 1862, is 9,600,000 acres.

TABLE 3.—*Public school statistics of the United States in* 1880, *with number of teachers and pupils in private schools, prepared by Commissioner of Education.*

States.	School age.	School population.	Enrolled in public schools.	Average daily attendance.	Average duration of school in days.	Expenditure in the year—per capita of pupils enrolled in public schools.	Number of public schools.	Teachers in public schools.	Teachers in private schools.*	Pupils in private schools.*	Available school funds (permanent).	Permanent school fund, including portions not now available.	Interest on permanent fund, including rents of school lands.
Alabama	7-21	388,003	179,490	117,978	80.0	$2 08	4,594	4,615			$2,528,950		$138,013
Arkansas	6-21	247,547	70,972				3,100	1,827			*b*144,875	*b*$190,186	*b*14,269
California	5-17	215,978	158,765	100,966	146.6	*b*17 17	2,803	3,595		14,953	2,006,800	2,104,465	180,909
Colorado	6-21	35,566	22,119	12,618	*b*89.0	17 80		678			36,000		*cc*7,041
Connecticut	4-16	140,235	119,694	*k*78,421	179.2	11 01	1,630	*p*3,100	512	13,900	2,021,346	2,021,346	112,188
Delaware	6-21	35,459	27,823		*l*158.0	8 12	561	594			448,999		26,607
Florida	4-21	88,677	39,315	27,046			1,131	1,095			246,900		*dd*17,962
Georgia	6-18	*b*433,444	236,533	145,190		1 99	*b*5,916	6,000	1,680	48,452			
Illinois	6-21	1,010,851	704,041	431,638	150.0	9 61	11,964	22,255	1,497	60,440	9,049,302	9,049,302	593,119
Indiana	6-21	703,558	511,283	321,659	136.0	7 96	9,383	13,578	*t*592	*t*12,112		9,065,255	*b*631,914
Iowa	5-21	586,556	426,057	259,836	148.0	11 25	11,084	21,598	474	12,724	3,484,411		282,908
Kansas	5-21	340,647	231,434	137,667	107.0	7 85	5,233	7,780	979	*b*6,205	2,297,590	11,815,519	454,608
Kentucky	*a*6-20	545,161	265,581	*f*193,874	102.0	3 85		6,764				1,755,682	114,172
Louisiana	6-18	273,845	68,440	45,626	118.0	*b*6 74	1,494	2,025	*u*247	*u*4,404		1,130,867	30,320
Maine	4-21	214,656	149,827	103,113	120.0	6 53		6,934			438,287		27,995
Maryland	5-20	*d*276,120	162,431	85,778	*m*210.0	8 64	2,300	3,125			906,229		52,116
Massachusetts	5-15	307,321	306,777	233,127	177.0	*f*14 93	5,570	8,595		26,289	2,686,886		138,016
Michigan	5-20	506,221	362,556	*f*213,898	141.0	*b*8 11	6,695	13,949	703	18,854	2,880,942	3,340,949	226,955
Minnesota	5-21	*e*271,428	180,248	*f*117,161	94.0	*b*8 42	*p*4,064	5,215			4,449,728	15,000,000	250,485
Mississippi	5-21	426,689	236,704	156,761	77.5	2 70	*b*5,367	5,560			*b*815,229		126,233
Missouri	6-20	723,484	476,376	*f*219,132	*b*100.0		8,641	10,447			8,950,806		*ee*936,245
Nebraska	5-21	142,348	92,549	*f*60,156	109.0	12 29	2,922	4,100			3,323,217	*j*20,754,810	134,025
Nevada	*b*6-18	*b*10,295	*b*7,590	*b*5,108				*b*184			*b*380,000		
New Hampshire	*b*5-21	*b*72,102	*b*65,048	*b*48,910	*b*101.5		2,528	*b*3,582		*b*3,066			*b*24,809
New Jersey	5-18	330,685	204,961	115,194	192.0	9 48		3,477	572	43,530	1,454,007	2,515,785	100,000
New York	5-21	1,641,173	1,031,593	573,089	179.0	10 09	*p*20,500	30,730		*w*139,476	*y*7,265,807		*ff*170,000
North Carolina	6-21	459,324	225,606	147,802	54.0	1 12	5,503	4,130			*z*200,000	*aa*531,555	8,000
Ohio	6-21	*b*1,043,320	747,138	476,279	150.0	8 59	12,043	23,684	292	28,650			245,745
Oregon	4-20	59,615	37,533	27,435	89.6	8 37	*b*865	1,314	212	3,744	*b*562,830		36,910
Pennsylvania	6-21	*g*1,200,000	937,310	601,627	147.0		*b*18,386	21,375	*v*947	*v*24,066			*gg*1,090,000
Rhode Island	5-15	52,273	44,780	29,065	*n*184.0	11 63	924	1,295	208	6,676	240,376	266,950	12,448
South Carolina	6-16	*h*228,128	134,072		77.0	2 42	2,973	3,171					
Tennessee	6-21	544,862	290,141	191,461	68.0		5,522	5,954	1,665	41,068	*h*2,512,500	*h*2,512,500	
Texas	8-14	230,527	186,786		*o*73.0		6,127	4,361				*e*3,385,571	44,623
Vermont	5-20	*e*92,831	75,238	48,606	125.0		2,616	4,326			*b*669,087		*b*53,690
Virginia	5-21	555,807	220,736	128,404	113.0	3 82	4,854	4,873	1,609	25,692		1,468,765	
West Virginia	6-21	210,113	142,850	91,704	99.0	4 43	*b*3,725	4,134			423,989	423,989	15,320
Wisconsin	4-20	483,229	299,258	197,510	162.5	7 51	5,984	10,115	804	25,938	2,747,844	2,995,112	184,409
Total for States		15,128,078	9,679,675	5,743,839			187,005	280,143	12,993	560,239			6,392,048

TABLE 3.—*Public school statistics of the United States in* 1880, *with number of teachers and pupils in private schools, &c.*—Continued.

Territories.	School age.	School population.	Enrolled in public schools.	Average daily attendance.	Average duration of school in days.	Expenditure in the year—per capita of pupils enrolled in public schools.	Number of public schools.	Teachers in public schools.	Teachers in private schools.[a]	Pupils in private schools.[a]	Available school funds (permanent).	Permanent school fund, including portions not now available.	Interest on permanent fund, including rents of school lands.
Arizona	6–21	7,148	4,212 *	2,847	109.0	.....	.....	101	.....	.....	.....	.....	.....
Dakota	5–21	12,030	8,042	3,170	88.0	.....	.....	286	.....	.....	.....	.....	.....
District of Columbia	6–17	43,558	26,439	20,637	193.0	$14 87	*p*325	433	.....	.....	$60,385	$60,365	$2,225
Idaho	5–21	.....	6,758	.....	.....	.....	155	*r*160	.....	*x*5,000	.....	.....	.....
Indian	.....	*i*11,444	*j*6,098	*j*3,944	.....	.....	212	*h*196	.....	.....	*bb*3,634,425	.....	186,359
Montana	4–21	7,070	3,970	2,506	96.0	.....	153	161	.....	.....	.....	.....	.....
New Mexico	*c*7–18	*d*29,312	*c*5,151	.....	*c*132.0	.....	*c*138	*c*147	*c*81	*c*1,259	.....	.....	.....
Utah	6–18	40,672	*24*,326	17,178	128.0	.....	*b*373	517	.....	.....	.....	.....	.....
Washington	*b*5–21	*b*24,223	*b*14,032	*b*9,585	*b*87.5	*b*8 15	340	*b*560	*b*31	*b*451	.....	.....	.....
Wyoming	*b*7–21	.....	*b*2,090	*b*1,287	.....	.....	.....	*b*49	.....	.....	.....	.....	.....
Total for Territories	.....	175,457	101,118	61,154	.....	.....	1,696	2,610	112	6,921	.....	.....	188,584
Grand total	.....	15,803,535	9,780,773	5,804,993	.....	.....	188,701	282,753	13,105	567,160	.....	.....	6,580,632

a For whites; for colored 6-16.
b In 1879.
c In 1875.
d Census of 1870.
e In 1878.
f Estimated.
g In 1873.
h In 1877.
i In the Cherokee, Choctaw, and Creek Nations,
j In the five civilized tribes.
k For the winter.
l In white schools only.
m In cities; 176 in counties.
n In evening schools, 61.
o In the counties; 158 in cities and towns.
p Approximately.
r Number necessary to supply the schools.
t Private schools in public buildings.
u In 1879; exclusive of New Orleans private schools.
v In 1879; exclusive of Philadelphia.
w In academies and private schools.
x Estimated average number of pupils.
y Includes the United States deposit fund, as reported in 1878, amounting to $4,014,521.
z In State and United States 4 percents, ordered to be sold by the last Legislature.
aa Exclusive of 1,000,000 acres of swamp land made subject to entry sale by last Legislature.
bb Funds in the five civilized tribes, whole or part interest of which is used for school purposes.
cc From rents in 1879.
dd State apportionment.
ee Includes revenue from other funds.
ff Apparently does not include interest on the United States deposit funds.
gg State appropriation in lieu of interest on permanent fund.
*As far as reported by State superintendents; accompanying is a more specific report on this point, which approximately exhibits (if we exclude the preparatory work done by private normal schools) the number of private institutions, with teachers and pupils in them, giving secondary or superior instruction in each State and Territory.

TABLE 4.—*Table prepared at the request of Hon. H. W. Blair, by the Bureau of Education, showing the total population, school population, enrollment, average attendance, total number of teachers, length of school year in days, number of pupils or children of school age not attending school, per cent. of school population enrolled in schools, per cent. of school population not enrolled in school in eighty-six cities (census of* 1880).

Cities.	Population.	School population.	Enrollment.	Average attendance.	Total number of teachers.	Length of school year in days.	Number of pupils not attending.	Per cent. of school population enrolled in school.	Per cent. of school population not enrolled in school.
Mobile, Ala	29,132	.....	4,659	4,014	125	172	.....	.....	.....
Selma, Ala	7,529	1,757	882	717	14	.....	875	50	50
Little Rock, Ark	13,138	6,169	2,503	1,655	33	180	3,666	41	59
Oakland, Cal	34,555	8,108	5,996	5,067	129	206	2,112	74	26
Sacramento, Cal	21,420	4,943	3,895	.....	75	200	1,048	79	21
San Francisco, Cal	233,959	53,892	38,320	28,150	686	211	15,572	71	29
Denver, Colo	35,629	5,700	3,210	1,953	65	190	2,490	56	44
Bridgeport, Conn	29,148	6,641	5,229	3,529	91	210	1,412	79	21
Hartford, Conn	42,015	9,652	7,612	4,886	140	201	2,040	79	21
New Haven, Conn	62,882	13,897	11,897	7,931	230	200	2,000	86	14
Wilmington, Del	42,478	.....	7,043	4,472	115	207	.....	.....	.....
Georgetown and Washington, D. C	159,871	27,142	15,728	12,508	259	203	11,414	58	42
Jacksonville, Fla	7,650	1,011	804	.....	17	176	207	79	21
Key West, Fla	9,890	3,415	1,168	828	17	240	2,247	34	66
Atlanta, Ga	37,409	10,500	4,100	2,609	68	200	6,400	39	61
Augusta, Ga	21,891	9,366	4,127	.....	32	183	5,339	43	57
Chicago, Ill	502,185	137,035	59,562	42,375	896	200	77,473	43	57
Peoria, Ill	29,259	9,670	4,761	3,386	76	200	4,409	49	51
Indianapolis, Ind	75,056	26,789	13,936	8,925	219	200	11,853	52	48
Terre Haute, Ind	26,042	8,096	4,138	2,975	78	200	3,958	57	43
Des Moines, Iowa	22,408	3,576	2,322	1,562	41	190	1,254	65	35
Dubuque, Iowa	22,254	9,476	3,686	2,555	71	200	5,790	39	61
Leavenworth, Kans	16,546	6,257	3,060	2,154	34	180	3,197	49	51
Topeka, Kans	15,452	2,816	1,935	1,607	30	180	881	68	32
Covington, Ky	29,720	10,094	3,286	2,485	60	198	6,809	32	68
Louisville, Ky	123,758	46,587	19,990	13,498	325	215	26,597	43	57
New Orleans, La	216,090	56,947	17,886	15,190	407	208	39,061	31	69
Bangor, Me	16,856	5,479	3,120	2,458	71	204	2,359	55	45
Lewiston, Me	19,083	5,974	3,558	2,061	76	187½	2,416	60	40
Portland, Me	33,810	10,660	6,797	4,347	128	200	3,863	64	36
Baltimore, Md	332,313	86,961	48,066	29,961	822	186	38,895	55	45
Boston, Mass	362,839	57,703	59,768	46,130	1,201	206	2,065	*a*103	.....
Lawrence, Mass	39,151	6,865	4,800	4,232	118	200	2,065	70	30
Lowell, Mass	59,475	9,121	12,211	6,045	160	.....	3,090	*a*134	.....
Worcester, Mass	58,291	10,988	11,452	7,913	218	200	464	*a*104	.....
Detroit, Mich	116,340	39,467	15,719	10,818	250	200	23,748	40	60
Grand Rapids, Mich	32,016	9,784	5,727	3,590	106	200	4,057	58	42
Minneapolis, Minn	46,887	12,806	6,142	4,248	120	200	6,664	48	52
Saint Paul, Minn	41,473	.....	4,338	3,030	96	200	.....	.....	.....
Vicksburg, Miss	11,814	3,000	1,196	.....	21	.....	1,804	39	61
Kansas City, Mo	55,785	11,325	5,259	3,140	62	200	6,066	46	54

TABLE 4.—*Table prepared at the request of Hon. H. W. Blair, by the Bureau of Education, &c.*—Continued.

Cities.	Population.	School population.	Enrollment.	Average attendance.	Total number of teachers.	Length of school year in days.	Number of pupils not attending.	Per cent. of school population enrolled in school.	Per cent. of school population not enrolled in school.
Saint Joseph, Mo	32,431	8,908	3,820	2,579	58	200	5,088	43	57
Saint Louis, Mo	350,518	106,372	55,780	36,449	1,044	200	50,592	52	48
Omaha, Nebr	30,518	7,381	3,716	.....	57	200	3,665	50	50
Dover, N. H	11,687	2,350	1,880	1,436	46	180	470	80	20
Manchester, N. H	32,630	4,774	4,350	2,818	86	190	424	91	9
Nashua, N. H	13,397	2,072	2,526	1,630	52	180	454	a121	.....
Portsmouth N. H	9,690	2,251	1,891	.....	35	200	300	62	38
Jersey City, N. J	120,722	41,226	22,776	12,905	328	204	18,450	55	45
Newark, N. J	136,508	41,935	19,778	11,100	270	210	22,457	46	54
Paterson, N. J	51,031	13,672	7,901	4,750	142	200	5,571	58	42
Albany, N. Y	90,758	35,411	14,049	9,175	229	210	21,362	40	60
Brooklyn, N. Y	566,663	181,083	96,663	52,677	1,315	205	84,720	53	47
Buffalo, N. Y	155,134	56,000	18,606	14,555	439	201	37,394	33	67
New York, N. Y	1,206,209	385,000	270,176	132,720	3,357	204	114,824	70	30
Rochester, N. Y	89,366	37,000	13,869	8,250	230	200	23,131	37	63
Wilmington, N. C	17,350	4,921	866	.....	.....	.....	4,055	18	82
Cincinnati, Ohio	255,139	87,618	36,121	27,279	671	225	51,497	41	59
Cleveland, Ohio	160,146	49,256	24,262	16,807	596	196	24,994	49	51
Columbus, Ohio	51,647	14,662	7,902	5,953	149	200	6,760	54	46
Dayton, Ohio	38,678	11,660	6,114	4,527	125	.....	5,546	52	48
Toledo, Ohio	50,137	14,898	7,615	4,739	125	209	7,283	51	49
Portland, Oreg	17,577	4,669	2,650	1,956	46	200	2,019	57	43
Allegheny, Pa	78,682	.....	11,610	8,287	202	193	.....	.....	.....
Philadelphia, Pa	877,170	.....	105,541	94,145	2,295	207	.....	.....	.....
Pittsburgh, Pa	156,389	.....	26,937	17,387	526	.....	.....	.....	.....
Scranton, Pa	45,850	19,800	10,174	6,861	169	220	9,626	51	49
Newport, R. I	15,693	3,419	2,580	1,808	53	198	839	75	25
Providence, R. I	104,857	19,108	13,993	9,630	289	.....	5,115	73	27
Charleston, S. C	49,984	12,727	7,284	.....	91	197	5,433	57	43
Columbia, S. C	10,036	.....	.....	.....	.....	.....	.....	.....	.....
Chattanooga, Tenn	12,892	3,061	2,185	1,382	30	180	876	71	29
Knoxville, Tenn	9,693	2,100	1,509	930	26	200	591	72	28
Memphis, Tenn	33,592	9,011	4,105	2,389	63	151	4,906	45	55
Nashville, Tenn	43,350	12,460	6,098	4,299	96	190	6,362	49	51
Houston, Tex	16,513	2,746	1,756	1,172	23	160	990	64	36
San Antonio, Tex	20,550	3,022	1,584	934	22	205	1,438	52	48
Burlington, Vt	11,365	.....	1,566	.....	32	.....	.....	.....	.....
Rutland, Vt	12,149	.....	2,395	.....	64	.....	.....	.....	.....
Norfolk, Va	21,966	6,695	1,613	1,117	26	210	5,082	24	76
Petersburg, Va	21,656	7,417	1,985	1,494	28	174	5,432	27	73
Richmond, Va	63,600	21,536	5,821	4,778	129	198	15,715	27	73
Madison, Wis	10,324	3,517	1,939	1,745	34	185	1,578	55	45
Milwaukee, Wis	115,587	37,742	17,085	11,149	239	.....	20,657	45	55
Oshkosh, Wis	11,748	5,874	2,217	2,017	53	.....	3,657	38	62
	8,300,081	2,052,923	1,302,776	858,533	21,672	.....	750,147	.....	.....

a More than the school population. This is due to the fact that they are allowed to attend school after the school age established by law.
Average attendance about two-thirds of enrollment or one-third of population of school age.
Thirty-four cities 50 per cent. and upward not enrolled at all.

TABLE 5—*Illiteracy in the United States, census of* 1880.

States and Territories.	Total population.	Total population who can not read, ten years of age and over.	Per cent. of total population who can not read.	Total population who can not write, ten years of age and over.	Per cent. of total population who can not write.	Total white population.	Total white population who can not write, ten years of age and over.	Per cent. of total white population who can not write.	Total colored population.	Total colored population who can not write, ten years of age and over.	Per cent. of total colored population who can not write.
Alabama	1,262,405	370,279	29.33	433,447	34.33	662,185	111,767	16.88	600,320	321,680	53.58
Arizona	40,440	5,496	13.59	5,842	14.45	35,160	4,824	13.72	5,280	1,018	19.28
Arkansas	802,525	153,229	19.09	202,015	25.17	591,531	98,542	16.66	210,994	103,473	49.04
California	864,694	48,583	5.62	53,430	6.18	767,181	26,090	3.40	97,513	27,340	28.04
Colorado	194,327	9,321	4.80	10,474	5.39	191,126	9,906	5.18	3,201	568	17.74
Connecticut	622,700	20,986	3.37	28,424	4.56	610,769	26,763	4.38	11,931	1,661	13.92
Dakota	135,177	3,094	2.29	4,821	3.57	133,147	4,157	3.13	2,030	664	32.71
Delaware	146,608	16,912	11.54	19,414	13.24	120,160	8,346	6.95	26,448	11,068	41.85
District of Columbia	177,624	21,541	12.13	25,778	14.51	118,006	3,988	3.38	59,618	21,790	36.55
Florida	269,493	70,219	26.06	80,183	29.75	142,605	19,763	13.86	126,888	60,420	47.62
Georgia	1,542,180	446,683	28.96	520,416	33.75	816,906	128,934	15.78	725,274	391,482	53.98
Idaho	32,610	1,384	4.24	1,778	5.45	29,013	784	2.70	3,597	994	27.63
Illinois	3,077,871	96,809	3.15	145,397	4.72	3,031,151	132,426	4.37	46,720	12,971	27.76
Indiana	1,978,301	70,008	3.54	110,761	5.60	1,938,798	100,398	5.18	39,503	10,363	26.23
Iowa	1,624,615	28,117	1.73	46,609	2.87	1,614,600	44,337	2.75	10,015	2,272	22.69
Kansas	996,096	25,503	2.56	39,476	3.96	952,155	24,888	2.61	43,941	14,588	33.20
Kentucky	1,648,690	258,186	15.66	348,392	21.13	1,377,179	214,497	15.58	271,511	133,895	49.31
Louisiana	939,946	297,312	31.63	318,380	33.87	454,954	58,951	12.96	484,992	259,429	53.49
Maine	648,936	18,181	2.80	22,170	3.42	646,852	21,758	3.36	2,084	412	19.77
Maryland	934,943	111,387	11.91	134,488	14.38	724,693	44,316	6.12	210,250	90,172	42.89
Massachusetts	1,783,085	75,635	4.24	92,980	5.21	1,763,782	90,658	5.14	19,303	2,322	12.03
Michigan	1,636,937	47,112	2.88	63,723	3.89	1,614,560	58,932	3.65	22,377	4,791	21.41
Minnesota	780,773	20,551	2.63	34,546	4.42	776,884	33,506	4.31	3,889	1,040	26.74
Mississippi	1,131,597	315,612	27.89	373,201	32.98	479,398	53,448	11.15	652,199	319,753	49.03
Missouri	2,168,380	138,818	6.40	208,754	9.63	2,022,826	152,510	7.54	145,554	56,244	38.64
Montana	39,159	1,530	3.91	1,707	4.36	35,385	631	1.78	3,774	1,076	28.51
Nebraska	452,402	7,830	1.73	11,528	2.55	449,764	10,926	2.43	2,638	602	22.82
Nevada	62,266	3,703	5.95	4,069	6.53	53,556	1,915	3.58	8,710	2,154	24.73
New Hampshire	346,991	11,982	3.45	14,302	4.12	346,229	14,208	4.10	762	94	12.34
New Jersey	1,131,116	39,136	3.46	53,249	4.71	1,092,017	44,049	4.03	39,099	9,200	23.53
New Mexico	119,565	52,994	44.32	57,156	47.80	108,721	49,597	45.62	10,844	7,559	69.71
New York	5,082,871	166,625	3.28	219,600	4.32	5,016,022	208,175	4.15	66,849	11,425	17.09